

Statement

Berlin, 08 April 2025

Protecting academic freedom: strategies against anti-democratic forces

Authors: Andrea Binder, Radin Dardashti, Hani Harb, Racha Kirakosian, Kornelia Kończal, Hanna Pfeifer, Doris Segets

Academic freedom is a democratic achievement. In Germany, it is embedded as a fundamental right in German Basic Law (GG, Art. 5 (3)). Academic freedom protects all those engaged in research and teaching at universities and other research institutions as well as the institutions themselves from “coercion, control, and surveillance”.¹ Researchers are free in their methods, positions, and findings; this excludes both censorship and “the banning of certain research, teaching content, speeches, and publications”.²

Internationally, academic freedom is increasingly under threat.³ This trend is also apparent in Germany. Authoritarian agendas are gaining momentum in the political sphere. Furthermore, for years now individual researchers have been subject to hostility (due to the subject of their research and/or belonging to a marginalised group or minority),⁴ funding cuts have been threatened based on criteria that have no connection to research itself,⁵ interventions in university autonomy have been planned⁶, and there have been demands to either abolish or prevent new posts being awarded in fields considered unpopular.⁷

In light of these developments, it is high time to not only show solidarity with affected colleagues, but also to structurally strengthen the democratic resilience of research institutions. One challenge results from the tension created by German federalism: while academic freedom is embedded in Basic Law, responsibility for education and science policy lies with the individual federal states. Consequently, authoritarian and far-right developments at

¹ Özmen, Elif. 2021. “Einleitung. Wissenschaftsfreiheit im Konflikt”. In *Wissenschaftsfreiheit im Konflikt. Grundlagen, Herausforderungen, Grenzen*. Stuttgart: J. B. Metzler, p. IX.

² Ibid.

³ Kinzelbach, Katrin, Staffan I. Lindberg, and Lars Lott. 2024. *Academic Freedom Index 2024 Update*. Erlangen: FAU Erlangen-Nürnberg and V-Dem Institute.

⁴ Blümel, Clemens. 2024. *Anfeindungen gegen Forschende. Eine repräsentative Studie des Projektes KAPAZ. Kurzdossier für die Berichterstattung*. Hannover: German Centre for Higher Education Research and Science Studies (DZHW).

⁵ See, for example, the funding scandal concerning the Federal Ministry of Education and Research (BMBF) under the leadership of Bettina Stark-Watzinger, and the critical statement by the German Rectors' Conference (HRK) on the German Federal Parliament Resolution “Resolutely countering anti-Semitism and hostility towards Israel at schools and universities and securing free space for discourse”, approved by the German Federal Parliament in January 2025:

<https://table.media/research/analyse/die-akteure-der-foerdermittellaere-wer-treibt-wer-bremst-wer-macht-mit/> and <https://www.hrk.de/positionen/beschluss/detail/zur-aktuellen-antisemitismusdebatte-im-bundestag/>.

⁶ See the ban on gender-inclusive language, which also concerns universities, in Bavaria and Hessen, as well as the clear resistance from universities in Hessen to the threat of restrictions on scientific freedom. See <https://www.verkuendung-bayern.de/gvbl/2024-56/> and <https://fragdenstaat.de/anfrage/dienstanweisung-gender-verbot/890619/anhang/geschftsanweisunggeschlechtergerechteschreibweise.pdf>. Legal action against the controversial Bavarian Military Law (*Bundeswehrgesetz*) is also pending at the Bavarian Constitutional Court. The law envisions, among other things, obligatory cooperation between universities of applied science and the German armed forces. Those launching the legal action claim that the law represents inadmissible interventions in universities' autonomy, in freedom of science and research, and in the basic rights of researchers in Bavaria. See the call from the German Education Union (GEW) regarding the popular legal action: <https://www.gew-bayern.de/themen/nein-zum-bundeswehrgesetz>. Finally, the set of sanctions for higher education institutions, as envisioned by the Act to Strengthen Higher Education (*Hochschulstärkungsgesetz*) of the North-Rhine Westphalian federal state government, is also noteworthy: https://www.mkw.nrw/system/files/media/document/file/refe_hochschulstaerkungsgesetz.pdf.

⁷ See, for example, the repeated calls by the AfD to abolish gender studies, including in its manifesto from 2023: https://www.afd.de/wp-content/uploads/2023/05/Programm_AfD_Online_.pdf.

the federal state level merit particular attention. Even now we are seeing use of a blocking minority (for example, blocking the appointment of judges)⁸ and the misuse of parliamentary rules of procedure at the federal state level.⁹ It is therefore essential that universities and research institutions take proactive measures to protect academic freedom as long as the democratic majorities required to do so are in place.¹⁰

Opposing threats to academic freedom is not a question of party politics. It is not about a conflict *within* the constitution, but rather a conflict *about* the constitution and the basic democratic principles it upholds.

Areas of action

We have identified necessary measures to protect academic freedom in three areas.

1. Prevention

Strengthening institutional mechanisms to safeguard against threats to academic freedom is essential.

Academic self-governance bodies and the leadership of universities and research institutions must respond proactively to threats in order to prevent anti-democratic and anti-constitutional instrumentalisation of established self-governance practices.

Preventive measures include assessing the democratic resilience of, for example:

- election and procedural regulations
- agreements on objectives and performance
- appointment procedures
- admission procedures for degree programmes
- study regulations for teacher-training programmes

Another preventive measure involves assessing the role of sensitive processes that may involve politicisation and identity-based negative evaluations. One such example would be teaching evaluations as part of appointment procedures.

Academic self-governance bodies and the leadership of universities and research institutions must independently develop and approve the preventive measures so that the process itself does not become a gateway for restrictions on academic freedom.

2. Intervention

The safety and wellbeing of academics is key to free and independent research.

The leadership of universities and research institutions must systematically assume the responsibility for protecting those working under their authority, particularly researchers who face hostility due to the content of their research or personal characteristics such as cultural background, gender, sexual orientation, or religious beliefs.

⁸ For example, the AfD has exploited institutional and constitutional weaknesses, as predicted in the Thuringia Project. See, for example, the blockade during the election of federal state parliament representatives to the selection committee for judges and prosecutors, by means of which the AfD also prevents appointments of judges and prosecutors https://www.thueringer-landtag.de/uploads/tx_tltcalendar/protocols/Druckfassung7.pdf.

⁹ See the Thuringian Constitutional Court's preliminary injunction regarding the inaugural session of the Thuringian state parliament.

¹⁰ The "Verfassungsblog" experts who created the Thuringia Project posed this very question when envisioning their scenarios: What possibilities do anti-democratic forces have within the current constitution when they use minority blocking or even obtain a majority to undermine the constitution and thus democracy itself? See: <https://verfassungsblog.de/thuringen-projekt/>.

One central intervention entails the **developing comprehensive protection measures** with clearly defined responsibilities within institutions. These may include, for example:

- structurally embedding protective processes and the necessary funding for them
- ad-hoc measures to protect researchers facing acute threats
- legal support in the case of hostility due to research activities or public outreach in the digital sphere, at work, and, if applicable, in the private sphere
- competence-building to help researchers, teachers and students deal with hostility

Scicomm Support guidelines provide orientation for the development and implementation of protective measures.¹¹

3. Scenario planning

Political decisions have direct, though often not clearly visible effects on academic freedom.

It is hard to predict the extent of the influence of authoritarian and far-right forces in Germany. The leadership of universities and research institutions, academic self-governance bodies, but also third-party funding sources, academies, and other expert organisations must identify and develop relevant paths of action.

Scenario planning is a suitable tool for addressing the following issues:

- the impact of blocking minorities held by authoritarian and far-right parties on democratic institutions and processes at federal and federal state levels
- the participation of authoritarian and far-right parties in coalitions at federal and federal state levels
- the growing influence of authoritarian and far-right forces within faculties, student bodies, and administration
- the particular vulnerability of training for teachers and other educational stakeholders whose activities shape the ability of future generations to participate in democracy.

The Thuringia Project¹² and exchange with university representatives in the Netherlands, Austria, Poland, and Hungary can provide orientation.

Jointly protecting academic freedom

Academic freedom is a precious asset. Universities and research institutions serve as vital spaces for public dialogue. To maintain this role, all academic stakeholders must work together to reinforce their democratic resilience.

¹¹ Can be found here: <https://scicomm-support.de/hilfe-unterstuetzung/leitfaden/>.

¹² Further Information: <https://verfassungsblog.de/thuringen-projekt/>.

Die Junge Akademie

at the Berlin-Brandenburg Academy of Sciences and Humanities and the German National Academy of Sciences Leopoldina

Die Junge Akademie was founded in 2000 as the world's first academy for outstanding young academics. Its members come from all scientific disciplines as well as from the arts; they explore the potential and limits of interdisciplinary work in new projects, want to bring science and society into dialogue with each other and bring new impetus to the science policy debate.

Die Junge Akademie is jointly organised by the Berlin-Brandenburg Academy of Sciences and Humanities (BBAW) and the German National Academy of Sciences Leopoldina. The office is based in Berlin.