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Dissertationsdruckzwang : eine Untersuchung der Rechtmäßigkeit von Publikationspflicht und Pflichtexemplarregelung im Lichte der Grundrechte / Gerrit Hellmuth Stumpf

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Abstract

The German term "Dissertationsdruckzwang" encompasses two obligations: (1) the obligation to publish one's dissertation and (2) the obligation to provide deposit copies. Nowadays, both obligations are neither critically discussed in jurisdiction nor in the literature; instead, these obligations are accepted as inherent parts of doctoral studies. This study shows that such an uncritical acceptance is not justified for the following reasons: First, in 15 German federal states, a parliamentary authorization to force PhD students to transfer their ownership of the deposit copies free of charge is missing. Second, the "Dissertationsdruckzwang" affects PhD students unproportionally, because an online publication would serve the same purpose, with even lower financial expenses. Third, the "Dissertationsdruckzwang" infringes the general principle of equal treatment, because PhD students are obliged to publish their dissertation and to provide deposit copies whereas these obligations do not apply to "Habilitanden" (similar to Assistant Professors). Furthermore, one might argue that the

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obligation to publish one's CV and the loss of all rights (e.g., the right to use the academic title) if the "Dissertationsdruckzwang" is not observed (on time) are unconstitutional. (HRK / Abstract übernommen)