

09.2.2026

Author

GIESEKE, Ludwig

Title

Nachruf auf das Hochschulrahmengesetz

Publication year

2012

Source/Footnote

In: Wissenschaftsrecht. - 45 (2012) 1, S. 3 - 12

Inventory number

32301

Keywords

Hochschule und Staat : allgemein ; Hochschule und Staat : Grundgesetz ; Hochschule : Verwaltung allgemein ; Hochschullehrer : Juniorprofessoren

Abstract

The paper picks up the current renaissance of a debate on the ethical limits of science. Already decades ago, several boards of German state universities have adopted a so-called "Zivilklausel" (civil clause), which prohibits research that is directly oriented towards, or could be exploited for, military use. Yet, the continuous and rising importance of third-party funds for universities creates more potential conflicts concerning the application of such a rule. Moreover, further German universities recently adopted civil clauses, and others are insistently requested to do so by some of their students, researchers and labour unions. Given the importance of the issues at stake, it might not be Due to the abolition of legislative authority in the course of the reform of the Federal system, the General Act on Higher Education (HRG = Hochschulrahmengesetz) continues to be seen to be at an end even if formal abolition has still to take place. Although it belongs to part of the programme of the Federal Government that was voted into office in 2009, a bill has as yet, not been passed. This "quiet disappearance" of the HRG is all the more remarkable because it was only after several years of fierce

09.2.2026

disputes between the Federal Government and the States that the bill was passed in 1976. It was then however, for more than 30 years, a stabilizing factor of considerable importance in the political development of the universities in Germany. When the HRG bill was passed it had to deal with the challenge of the radical changes taking place in the higher education system of the 1970's and in this respect, regulated the prototype of the status group-decision governed universities and later the prototype of the comprehensive universities. Important regulations came into being on the subject of university staff which, because of the reorganization of staff structures, were pressurized into becoming homogenous types. After an increase of admission restrictions in some subjects and States the standard regulations on admission to higher education approached the quantitative development of the number of applicants. In 1985 the model of the comprehensive university was abandoned and in university politics a target was set for the development of a differential and competitive higher education system. The importance and position of the universities for applied studies was also decisively improved and their development promoted. Since the 1990's the deregulation of the university system has advanced and under the guidelines of the HRG it has been possible to offer courses based on the Bachelor/Master system. This has since happened in the course of the Bologna process. The development in the field of junior professorships also took place within the framework of the HRG. After the competence to regulate the principles of the higher education system and the joint scheme on university building ceased to exist in 2006, the Federal Government is now merely responsible for regulating higher education admission and qualifications. Furthermore, a new addition is the joint scheme on the promotion of research. Therefore, since 2007, the HRG contains far less regulations than it did in 1976 and 1985. Henceforth, primarily the Higher Education Acts of the Länder are relevant for the day-to-day business of the universities. (HRK / Abstract übernommen)