

# SEE YOU IN COURT! GERMAN COURT DECISIONS ABOUT DOCTORAL DEGREES REVOKED FOR PLAGIARISM

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### Abstract

Since 2011, the VroniPlag Wiki academic group has informed universities, mostly in Germany, about over 200 cases of plagiarism in academic dissertations. In at least 85 cases, the academic degree has been revoked by the university, however, the result of many cases is still unknown.

Universities in the German tertiary system are for the most part considered to be a governmental institution. Thus, all decisions by a university are administrative in nature and can be examined in administrative court. In 22 of the VroniPlag Wiki cases that are known to have come before an administrative court, the university has won the case and the doctorate remained revoked. In one of these cases, the university first lost their case, but re-traced the administrative steps in a correct manner and won in the second round. In three cases the universities have lost, for a variety of reasons. There are also quite a number of cases not documented by VroniPlag Wiki in which doctorates were revoked for plagiarism and the university was sued.

Since court decisions can be published, usually in an anonymized form, it is possible using these decisions to discover the grounds the petitioner gave for the revocation to be repudiated, the process that the university followed and any of their rejoinders, and finally, the decision and reasoning of the court. The reasoning of the court will often cite previous cases, enabling the

discovery of additional court decisions about plagiarism.

In this presentation, a number of interesting cases will be presented, focusing on the excuses given for the text similarity and the reactions of the courts, who generally do not look kindly on such excuses. Among the cases to be discussed are:

**Ama:** The doctoral dissertation in law by a candidate from Kosovo (who has since been appointed professor there) was found by the University of Bremen to be plagiarized. The plaintiff stated, among other arguments, that different academic standards were valid in his home country. The court found in 2019 that doctoral students are required to clearly identify all material taken verbatim or as a paraphrase from other sources or literature.

**Gc:** The doctoral dissertation in political science of a German member of the European Parliament was revoked by the University of Bonn in 2011. The plaintiff stated that he wanted his thesis to be readable and thus only put footnotes at the end of each paragraph, calling this "Oxford", then "Harvard" style citation. He also felt that that statute of limitations had passed for the thesis, which was published in 2000. The court made it clear that a verbatim use of text can only be differentiated from a paraphrased text if they are identified in a different manner, and that there is no statute of limitations on published theses.

**Mm:** This doctoral dissertation in political science was published in 1987. In 1989 there was a national scandal about alleged plagiarism in the dissertation, but the University of Bonn decided not to revoke the degree at that time. In 2011 VroniPlag Wiki documented much more plagiarism in the thesis. This time, the doctorate was revoked. The legal proceedings wound their way through the German courts, with a decision handed down by the highest administrative court in 2017. This often-quoted decision found that a dissertation cannot be considered an independent achievement and the basis for a qualification if it is quantitatively or qualitatively characterized by plagiarized passages.

**Sse:** The Free University Berlin revoked this doctorate in law in 2014 on the basis of five pages copied from another doctoral thesis. Sse sued the university, asserting all sorts of errors from improper make-up of the investigating committee to the women's equality officer not being involved in the case. Sse won both the administrative court and the administrative appeals court cases on a technicality: The university had put four professors on the investigating committee, there should have only been three. Since three and four are not the same, the revocation was rescinded. VroniPlag Wiki researchers found this published court decision and were quickly able to find the doctorate in question. It soon became clear that there was much more plagiarism on at least 107 of 165 pages of the dissertation. The university was informed, and they put together another investigative committee, this time with three professors, and revoked the doctorate again. They were again taken to court, again formal errors were alleged. But this time the revocation

was confirmed by the administrative court. Sse, in the meantime, completed a second doctorate in theater studies in Switzerland.

Double plagiarism case **Csc/Chg:** In Germany it is traditional for university professors to defend two dissertations, a *promotion* and a *habilitation*. VroniPlag Wiki first documented plagiarism in the second dissertation, the *habilitation* in law of the vice president of a German university. The University of Frankfurt/Main was informed in 2016 and withdrew the *habilitation*. But just before the university withdrew it, Chg relinquished it, and thus insisted that the university could not withdraw what had already been relinquished. The administrative court saw things differently and affirmed the withdrawal. An appeal from 2019 has still not seen a date set.

The question arose as to whether or not the doctorate was also plagiarized. VroniPlag Wiki documented extensive plagiarism in this case, named Csc, as well. The university revoked the doctorate and there was a good bit of press about this case of a double plagiarism. Chg stepped down as vice president, resigned from a tenured professorship, and returned to private life. Chg sued journalists who published her name and lost, and also sued the university, stating that the dissertation was no longer relevant. The court found in favor of the university, stating quite clearly that "a change in economic, political, or social circumstances that may have caused the plaintiff's dissertation to cease to be relevant to today's day-to-day scholarly discourse cannot result in the maintenance of a wrongfully awarded doctoral degree." (Pressestelle VG Frankfurt a. M. , 2021, 22 June, translation by the author).

## References

Pressestelle VG Frankfurt a. M. (2021, 22 June). Klage gegen die Aberkennung des von der Johann Wolfgang Goethe–Universität verliehenen Doktorgrades erfolglos. [Press release Nr. 19 2021].

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