

Freedom of opinion at the University of Tübingen

Universities are places for debate, for the exchange of ideas and opinions, and for intellectual discussion. Freedom of speech and opinion are constitutive for such places. The University of Tübingen therefore advocates a free and open exchange of ideas and opinions. It guarantees all members of the University community the greatest possible freedom both in academic discourse as well as in social and political discourse.

Freedom of speech and opinion are anchored in Germany's constitution. This secures what is a fundamental right of every human being, and which at the same time is the basis of a civil and democratic society. At the University, moreover, freedom of speech and opinion are essential prerequisites for academic discourse – as well as being the engine of academic progress. Academically, however, opinions are only productive if they are defended with reasons. At a university it is not only the freedom to hold one's own opinion which is important. Absolutely key is the freedom to defend one's own opinion with knowledge-based reasons. This is in accordance with the fundamental duty of academics to justify opinions according to the standards of their discipline and thereby to turn them into academic positions.

The University is a discourse community extending across faculties and disciplines, across theoretical approaches and methods, and its members are obliged to take a basic interest in each other's opinions, to demand justifications for those opinions, and to challenge them – particularly when opinions are held in this discourse community that require critical debate or even contradiction. At the University, free and open discourses are therefore not dependent on freedom of speech and opinion alone. They also require mutual attention and criticism. To this end, suitable spaces for discourse and appropriate incentive structures must be continually created, and they need to be guaranteed.

In academic discourse, opinions are judged on their justifications. The participants mutually secure each other's freedom of speech and opinion. Moreover, they do not take each other's opinions as mere opinions, but examine them on the basis of the reasons put forward, and test them according to the respective academic standards. Academic discourse can only be successful if all participants face each other's reasons and critically examine them for validity and plausibility, for coherence and consistency, and for the validity of the procedures on which they are based.

Opposing views, ideas and opinions are part of everyday life at a university. This makes universities an excellent place to learn about social plurality and the tolerance of ambiguity and diversity that underpins that plurality. Participants in academic discourse defend their own positions with strong claims to validity, but at the same time, they concede to opposing positions that they, too, are represented by sufficiently good reasons and are therefore important and worth being made. Accordingly, the debates conducted at universities are not aimed at victory or defeat, but at an informed and considered coexistence of different positions – and only then at the confirmation of the participants' own positions. Debates are valued as a driving force for academic findings. At a university, therefore, differences of opinion are resolved with discourse and debate and not via prohibitions or taboos. Controversial and dissenting opinions, too, are exposed to criticism – and thus confirmed, questioned or rejected. In this context, academic discourse is unsparing; it demands from all participants not only a

high degree of tolerance toward dissenters, but at the same time an equally high level of critical faculties – and the willingness to be criticized by dissenters.

Every member of the University is entitled to criticize and dispute views expressed on campus. However, members of the University may not interfere with the expression of views they disagree with, nor interfere with them to such an extent that dissenting views can no longer be expressed or supported on scholarly grounds. Where appropriate, all members of the University have a shared responsibility to protect freedom of speech and opinion at the University and, in so doing, to facilitate debate.

In addition to the freedom of ideas and opinions, academic discourses require all participants to show a degree of respect towards all the others. Only under these conditions are academic discourses sufficiently open to all; and only under these conditions can they develop their discursive rationality. Any form of disrespect, especially any form of group-based hostility, invalidates this constitutive condition for academic discourse. All members of the University have a duty to actively promote a climate of mutual respect. Furthermore, University members are required to reject disrespect and to demand the necessary respect from those who fail to show it – even if they themselves are not affected. Requiring basic respect and discrediting disrespect is the responsibility of all University members, in mutual solidarity.

Freedom of speech and opinion are not the prerogative of teachers at a university; it applies equally to students, also in classes and examinations. In their studies, students should be encouraged to endure the University's diversity of opinion and to increase it with their own opinions. They need to learn to present opinions with reasons and to judge the opinions of others from their reasons. For this reason, too, students should express their own, albeit dissenting, opinions in class and in examinations and defend these opinions with reasons. They must be able to contradict the positions taken by their teachers without the latter being allowed to reject this as an attack on the teachers' freedom of speech and opinion or on their academic freedom. University teachers encourage students to express their opinions and give reasons; the students are given sufficient freedom and support to do this. It is not permissible, however, for students to prevent their lecturers from teaching all the required material or from urging students to engage with certain positions or justifications. Likewise, teachers are not allowed to exploit the asymmetries between them and the students due to the teachers' position and expertise to discourage students from expressing their own opinions.

Of course, all members of the University have the right to express their own opinions outside the University within the full scope of constitutional freedom. However, they are not protected from the fact that these opinions will be heard and met with criticism within the University. On the contrary, members of a university must be prepared to be held accountable for opinions expressed outside the university and to be judged according to academic standards. There is no sanctuary at the University of Tübingen for opinions expressed outside the University.

The tolerance typical of a university and the culture of free and open discussion are vulnerable to exploitation and abuse. All University members are urged to keep this in mind and to take appropriate precautions, for example, when planning events on campus. For example, only guests who can be expected to be interested in discourse as outlined in this paper should be invited to the University. Controversial topics should only be addressed in event formats that allow for scholarly controversy. However, even with the greatest caution, it is always possible for the multifaceted and controversy-

related culture of academia to be abused and, as a result, for the University to become the focus of public criticism. The University community will, in solidarity, live with such criticism on the basis of the principles elaborated in this paper.

The University management and its regulating bodies have a special responsibility to ensure the freedom of speech and opinion at the University and the resulting culture of debate. To this end, University management must ensure both the necessary tolerance as well as the opportunities and constellations for critical debate, and must work to promote a corresponding culture in classes and examinations. On the other hand, it is not the responsibility of the University to protect its members from confrontation with certain ideas and opinions, even if some University members or even the majority consider them undesirable or inappropriate. Likewise, it is not the task of the University or its regulatory bodies to judge controversial positions or to protect opinions against criticism. The University will resist attempts from outside to restrict the diversity of opinion or to influence the debates conducted here – and in doing so, the University and its regulatory bodies can be sure of the loyal support of the University community.

Within the University, too, freedom of speech and opinion reach their limits where the freedom of speech and opinion of others are restricted, other fundamental rights are affected, or laws are broken. This may include, among other things, the freedom of research and teaching guaranteed by the German constitution. In order to comply with these limits, the University and its regulatory bodies may manage the time and place of events held to thereby ensure that the events do not disrupt normal teaching or research activities. The University may create special venues for necessary debates, thereby relieving the pressure on necessary teaching and research activities. However, decisions to this effect may never be made in such a way that the culture of free and open discussion is impaired or even called into doubt.

*Document drafted by the Senate working group
President's Office
11 November 2020*