



## **JOSHA's Critical Review of "Von der Guten Wissenschaft zum wissenschaftlichen Fehlverhalten" by Prof. Dr. Ulrich Rommelfanger**

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Ulrich Rommelfanger's paper addresses the complex issue of academic misconduct. With respect to claiming financial damage due to plagiarism, he overlooks the fact that, as a rule, the author of the original text had to assign his copyright to the academic publisher before publication. The reader wonders what is the point of all the fuss and the appeal to professors to take action against plagiarism if no copyright holder is demanding damages. From JOSHA's point of view, the fight against data fabrication, deliberate falsification and misinterpretation is much more important. This actually causes immense damage to patients, subsequent research, sponsors and society as a whole. Here, Rommelfanger remains brief and resigned to the lack of effective control by peer reviews. The third key area of scientific misconduct, the obstruction of publications by partisan representatives of academic and business interests (Semmelweis effect), is unfortunately completely left out of Rommelfanger's considerations. This paper was published in *Ordnung der Wissenschaft (OdW)* Issue 4 in 2023.

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## Abstract

Ulrich Rommelfanger's paper addresses the complex issue of academic misconduct. With respect to claiming financial damage due to plagiarism, he overlooks the fact that, as a rule, the author of the original text had to assign his copyright to the academic publisher before publication. The reader wonders what is the point of all the fuss and the appeal to professors to take action against plagiarism if no copyright holder is demanding damages. From JOSHA's point of view, the fight against data fabrication, deliberate falsification and misinterpretation is much more important. This actually causes immense damage to patients, subsequent research, sponsors and society as a whole. Here, Rommelfanger remains brief and resigned to the lack of effective control by peer reviews. The third key area of scientific misconduct, the obstruction of publications by partisan representatives of academic and business interests (Simmelweis effect), is unfortunately completely left out of Rommelfanger's considerations. This paper was published in *Ordnung der Wissenschaft (OdW)* Issue 4 in 2023.



This paper addresses the complex issue of academic misconduct, prompted by recent cases of plagiarism. It examines the historical context of academic freedom and its protection under the Basic Law. It discusses the evolution of scientific standards, particularly in the face of increased competition and publication requirements. The author examines various forms of misconduct that are particularly prevalent in the life and natural sciences, despite the existence of peer review processes. The paper critically assesses the mechanisms in place to control research outputs and suggests remedies, ranging from preventive measures at the educational level to the adoption of ethical guidelines. The author highlights the need to motivate professors to actively combat plagiarism. However, concern remains about the effectiveness of existing measures in curbing scientific misconduct. The paper concludes with possible outlooks, including the consideration of a legal response and the importance of self-regulation within the scientific community.

Starting with plagiarism and faked authorship, Ulrich Rommelfanger (Specialist lawyer for administrative and medical law in his law firm in Wiesbaden) summarizes literature and jurisdiction and concludes that to speak of scientific fraud may correspond to common parlance, but it misses the point of financial damage inherent in any criminally relevant fraud. Who could claim financial damage? Rommelfanger overlooks the fact that, as a rule, the author of the original text had to assign his copyright to the academic publisher before publication. Thus, he does not address the critical question of why the copyright owners have never taken legal action (as far as known). Do the publishers want to avoid causing a stir in the explosive issue of the appropriation of copyright from defenceless scientists? In Rommelfanger's assessment, universities, research funding organizations, and key opinion leaders of the public argue and strike primarily emotionally to defend the scientific culture and honesty, responsibility, and honour as lately demonstrated by the downfall of Claudine Gay, the ex-president of Harvard, grounded on plagiarism followed by partisan empathy in response to Hamas's recent onslaught on Israel.

Go on with faked data and fabrication of results, JOSHA feels that this type of scientific misconduct is far more relevant to follow-up research, patients, funders, and society as a whole. It goes without saying that fabricated results may be very harmful to patients who are treated based on faked data, and to scientists and investors who conduct and sponsor research deduced from fraudulent publications. It should not be a problem to provide the legally required proof of damage cited by Rommelfanger. Unfortunately, Rommelfanger pays little attention to this important



and legally interesting field. He notes with resignation that the anonymized, international peer review process of research results carried out prior to publication could not prevent the publication of numerous falsified or misinterpreted experimental studies.

Finally a look at the effect of the obstruction of publications by stakeholders, a scientific misconduct that has always been in the special focus of JOSHA. JOSHA has reported several times about this variant of bad scientific practice also called the “Simmelweis effect”. To illustrate the damage here another example out of the physics of quantum mechanics: David Bohm, a student and collaborator of Robert Oppenheimer, developed an ingenious way to tackle the measurement problem with unknown variables, much to the displeasure of his teacher. He recommended that it be agreed by the community of physicists that Bohm should be ignored. John Bell, a leader in the study of the nonlocality of quantum entanglement, thoughtfully concealed his work in this area from his colleagues at CERN. Hans Dieter Zeh, who had developed the concept of decoherence as a young researcher in the 1970s, was warned by his doctoral supervisor that working on this topic would cost him his academic career. He had great difficulty in publishing his work. A reviewer lectured him, his first important article was completely pointless. The culmination of the obstruction: Samuel Goudsmit, editor of the Physical Review, forbade his editors from even considering publishing the fundamentals of quantum mechanics if they were not based on the results of experiments. Under these circumstances, an important thought experiment by Albert Einstein, Boris Podolsky and Nathan Rosen, as well as Niels Bohr's response to them, should not have been published. Fortunately, some physicists and philosophers have defied the obstacles and helped to better understand the nature of quantum reality (*quoted from Sean Carroll: Something deeply hidden. Quantum Worlds and the Emergence of Spacetime. Dutton, New York, 2019*). It is a pity that Rommelfanger does not address this influential area of scientific misconduct at all.

**JOSHA's Critical Reviews focus on recent research and discoveries in natural science and medicine that may impact further research and patient care. Our editors aim to stimulate thoughts and reflections on new developments and interventions. While our opinions are subjective, we hope this service is helpful. We welcome comments from our readers!**

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