

04.9.2024

**Author**

STUMPF, Gerrit Hellmuth

**Title**

Quo vadis Rechtswissenschaft? : eine kritische Würdigung der Stellungnahme des Wissenschaftsrates zu den Perspektiven der Rechtswissenschaft in Deutschland / Gerrit Hellmuth Stumpf

**Publication year**

2013

**Source/Footnote**

In: Wissenschaftsrecht. - 46 (2013) 3, S. 212 - 240

**Inventory number**

35838

**Keywords**

Wissenschaft : Rechtswissenschaft ; Prüfungsordnungen : Jura ; Wissenschaft : Interdisziplinarität ; Wissenschaftsrat : allgemein

**Abstract**

In its report on the "Perspectives of Jurisprudence in Germany", the science council ("Wissenschaftsrat") concerns itself for the first time fundamentally with law as an academic discipline. In this process, it does not just restrict itself to a diagnosis of the (alleged) symptoms on which jurisprudence ails, but goes further and suggests a multitude of therapeutic measures ? in the form of recommendations ?, which should give new impulses and so end the full-blown pathological condition. Supposing jurisprudence was actually suffering, in that it can no longer give appropriate answers to the globalisation of the law and to the change of the scientific system into its present structure and direction, and so can no longer react in an appropriate manner to the altered parameters, then one would immediately have to ask, exactly what type of therapy is concealed behind the harmless sounding recommendations, such as the suggestion to allow more "interdisciplinarity" and more "diversity of perspectives" in jurisprudence. Amongst others, this aims or contribution pursuing

04.9.2024

this question and at the same time investigates, whether concrete "therapeutic measures", such as a stronger opening of the law for European and international dimensions (Chapter II), the strengthening and dovetailing of the foundation subjects with their neighbouring disciplines (Chapter III), the creation of a diversity of perspectives by fostering females in academia (Chapter IV), as well as the implementation of an evaluation process for legal treatises (Chapter V) are at all suited to achieving their goal, and are furthermore free of "side effects", which in turn could place the usefulness of the "therapeutic measures" in question. Both points seem questionable in view of the insights gained here. And so the measures presented in Chapter II and Chapter III could jeopardize the "independence" of jurisprudence and encourage the abolition of the "standard lawyer" ("Einheitsjurist"), whilst the recommendations discussed in Chapter IV clearly show the potential to remove the achievement-based gender-indifferent equality of opportunity from scientific activity. Finally, the measures examined in Chapter V prove themselves to be no less problematic, for with their implementation the spirit of research, diversity of research and ingenuity in jurisprudence threaten to recede. Against this background ? in order to use the same metaphor ? we cannot discount, that the patient "jurisprudence" on conclusion of the implementation of the science councils' measures mentioned here, will have mutated to an "invalid", and so become completely unfit for use. (HRK / Abstract übernommen)