The Purpose and Usefulness of Jurisprudence

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1 What is Jurisprudence?

A discussion of the purpose and usefulness of works of jurisprudence should start out from a reasonably well-articulated assumption about the nature of jurisprudence. The task then immediately becomes complicated. Jurisprudence is a multifaceted phenomenon and it becomes obvious upon scrutinizing its components that the works presented under the label jurisprudence are very much a mixed bag.

Apart from traditional studies on substantive legal issues – i.e. studies of legal dogmatics – there exist a large number of sub-domains. Noticeable is also that more or less established theoretical schools are producing results of many different kinds.

Among these contributions a number of theories concerning Natural Law and several religious rules systems prevail. There also exist several so-called realistic schools of thought such as *American Legal Realism*, *Rule sceptics*, *Scandinavian Legal Realism* and the *Uppsala School of Legal Thinking*. Still other, positivist theories have been elaborated under the labels *Classical Positivism, Ideological Positivism, Sociological Positivism, Modified Positivism*, *Logical Positivism* and *Legal Conceptualism*. In addition, theories concerning legal principles and the concept of rights, *Postmodernism, Hermeneutics, Topik, Law and Sociology, Law and Anthropology, Critical Legal Studies, Analytical Jurisprudence, Marxist Legal Theory, Post-Marxism, Utilitarianism, Pure Theory of Law, Mechanical Jurisprudence, Experimental Jurisprudence, Law and Logic, Law and Economics, Law and Informatics, Agent Theories, Deontic Logic, and Therapeutical Jurisprudence* are abundant.[1] Although some of these activities are admittedly of a historical kind, many of them nevertheless appear vital and are to various degrees used as points of reference in the current debate on the nature and objective of jurisprudence.

A historical outlook also illustrates that it is relevant to make a distinction between, among other things, the *Historical School* in Germany, the *Freirechtschule, Canonic law*, and *Pandektenwissenschaft*.[2] An overview of jurisprudence also reminds us that many legal systems, as well as theories of law reflect important national and jurisdictional differences.

The picture is further complicated by the fact that much of jurisprudence appears to be founded on the interpretation of works of individual contributors. Thus, a proficient scholar of jurisprudence should be familiar with the

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1 *See* for overviews and additional references Bjarup, Jes & Dalberg-Larsen, Jørgen, *Retsbegreb, retsanvendelse og retsvidenskab*, Bogformidlingens forlag, Århus 1994, Harris, J. W., *Legal Philosophies*, 2 ed., Butterworths, London, … 1997, Hellner, Jan, *Metodproblem i rättsvetenskapen*, Jure, Stockholm 2001, Klami, Hannu Tapani, *Sanningen om rätten*, Iustus förlag, Uppsala 1990, McCoubrey, Hilaire, White, Nigel D., *Textbook on Jurisprudence*, Blackstone Press Limited, London 1993, Simmonds, Nigel E., *Juridiska principfrågor*, Norsteds juridik, Stockholm 1994, Strömholm, Stig, *Rätt, rättskällor och rättstillämpning*, 5 ed., Norstedts juridik, Stockholm 1996 (Institutet för rättsvetenskaplig forskning CIX), and Peczenik, Aleksander, *Vad är rätt?* Norstedts juridik, Stockholm 1995 (Institutet för rättsvetenskaplig forskning CLVI).

2 *See* e.g. Anners, Erik, *Den europeiska rättens historia*, Norstedts, Stockholm 1983.

contributions of, among others, *Dworkin, Hart, Hägerström, Kelsen, Rawls* and v*on Savigny*.

An enumeration of jurisprudential theories can without doubt be made much longer. The intention here is not however to present a complete encyclopaedia of jurisprudence, merely to illustrate the fact that jurisprudence is a phenomenon difficult to summarise, to say the least. The difficulties are accentuated by the fact that several of the aforementioned theories appear to be incompatible in their details. An additional problematic factor is that several advocates of various deviations argue against each other. Noticeable is also that some of them suggest that they provide the only true explanation to certain jurisprudential fundaments. To an outside observer it is likewise obvious that the terminology is confused.

One would imagine that the task of finding an uncontroversial starting point for a discussion about the purpose and usefulness of jurisprudence would be facilitated if the investigation were restricted to legal dogmatics and studies on substantive law. This is however not the case, because the assumptions concerning fundamental presuppositions vary, descriptions of law differ also, e.g. depending on whether the analysis is based on legal positivist or realist theories. In a similar way the results will shift depending on whether the methods used originate from Jurimetrics, Law and Sociology, Law and Logic, or if the studies are being conducted by means of a "traditional legal dogmatic method".[3] It is also obvious that different legal sub-disciplines, e.g. civil law, public law, tax law, etc., have developed various methods of investigation, partly due to the fact that the material, the legal sources, for historical reasons differs between the domains, but also as a natural consequence of the fact that the problems in the different fields to various degrees are affected by political considerations and international developments.

An important observation is moreover that rule systems reflect different stages of development, among other things as a consequence of the fact that development in different areas occurs with varying speed. In this respect it is apparent that the structure of a certain legal domain can be difficult to take stock of due to the fact that a large number of detailed changes have been instituted at various times. Variations in this sense in turn affect the way in which jurisprudential contributions are requested and developed.

The picture of jurisprudence outlined here can be interpreted in various ways. Viewed at the surface the situation may appear almost chaotic. It is likewise possible to conclude that jurisprudence is going through an identity crisis, perhaps as a prevailing consequence of developments some one hundred years ago, such as *Logical Positivism*, the *Uppsala School of Legal Thinking* and the

3 *See* e.g. Persson Österman, Roger, *Kontinuitetsprincipen i den svenska inkomstbeskattningen*, Juristförlaget, Stockholm 1997, p. 18. "In order to describe the law I use what commonly is referred to as the traditional legal dogmatic method. In order to gain knowledge about the content of the legal rules I use in principle the same sources as the court, i.e. laws, case law and legal doctrine". (Original in Swedish.)

emergence of modern ideals of science as such. Jurisprudence is from this point of view still struggling to find its basis and justify its existence.[4]

From this perspective it is also possible to claim that jurisprudence reflects a negative development in the sense that the splitting up of its activities does not appear to have generated any indisputably positive results. In this respect it may even be argued that the particularisation of its activities has increased the risk of this field being weakened. Such a critical account is supported by the argument that the practical impact of jurisprudence, apart from dogmatic activities describing substantive law, has been rather limited. Instead, it may be suggested that the development of legal method that is possible to detect appears to be a consequence of efficiency strivings, administrative measures and political concerns, whose origin is anything but jurisprudential. As compared to the development of other sciences, it may be argued that the results of jurisprudential research are meagre.

The conclusion that jurisprudence is a paper tiger is concededly subject to challenge. Indeed, the complex nature of jurisprudence may also be apprehended as a rich and vivid quest for new insights. Jurisprudence is from this point of view a paragon of pluralistic activity, in close touch with reality and with a great openness for new methods and theories, and readily assimilating new insights from other areas of society Arguments in favour of such a positive interpretation are also the insight that a well functioning legal system must be adjusted to shifting requirements and that law is continually being affected by external factors. The many-sided nature of jurisprudence is in other words nothing but a reflection of the current development and requirements of the surrounding society.

Important to underline in such an argumentation is of course also that law affects all aspects of society and that it shall fulfil functions for different parties in nearly countless situations. Uniformity or the development of any kind of pure theory of law is therefore not desirable. Nor is it likely that the multifaceted problems the legal sector has to deal with would be possible to address by applying some homogeneous theory. On the contrary, jurisprudence must be allowed to develop in various directions just like any other branch of science, and it must also be open for a continual development of theory and methods.

Jurisprudence is from this point of view, by means of its broad and manifold nature, well equipped for new challenges and it is also obvious that it constitutes a very exciting field of research with vast potentialities. At the same time its rather limited practical influence may be explained by the fact that the resources of jurisprudence have so far been too limited, and that its very potent methods and the valuable knowledge it generates are still unable to penetrate the administrative structures of the legal sector, which are quite conservative.

4 *See* e.g. Strömholm supra note 1, p. 119, "It is not surprising that this situation has initiated numerous resolute attempts, more or less successful to 'save' jurisprudence." (Original in Swedish.)

2 Is there a Purpose?

A fair description of jurisprudential activities must doubtlessly be made much more detailed. An in-depth analysis of jurisprudential manifestations as well as extensive interpretations of the practical impact of jurisprudential activities cannot be carried out in this context however. The sketchy picture of a highly disparate phenomenon is nevertheless sufficiently clear in order to make it possible to initiate a discussion about the purpose of jurisprudence.

A first observation in this regard is that the many expressions of jurisprudence indicate that the question about its purpose can be answered in many different ways. It is also obvious that the choice of perspective will affect the conclusions that can be drawn. A discussion about the purpose of jurisprudence may therefore start out from an inventory of some possible approaches.

a) A first strategy to solve the task can be to try to determine a purpose for each recognisable jurisprudential activity. In accordance with such a plan the analysis can focus on various activities, and eventually also include a taxonomy over how different theories relate to each other. One advantage of such an approach is that it makes it possible to investigate characteristics of different schools of thought, but also to include various historical and practical presuppositions in the analysis. This in turn can facilitate understanding of the assumptions behind various theories as they appear from the point of view of their advocates. One weakness of such an approach is on the other hand that the task becomes unwieldy – to investigate the various purposes that can be related to all the jurisprudential activities that deserve attention is not possible without access to considerable resources. An obvious risk is also that the results will become difficult to gain an overview of; an additional difficulty is that the work presupposes considerable interpretation of the materials.[5]

b) A different strategy to address the question about the purpose of jurisprudence is to try to identify one overarching purpose, which all activities more or less consciously can be assumed to fulfil. Such an approach can among other things lead to the assumption that the primary task of jurisprudence is to produce robust studies in legal dogmatics, i.e. to provide convincing interpretations and descriptions of substantive law, and all activities can then be assumed to aim for this goal.[6] The advantage of such an approach is that the description will be relatively uniform. It is also important that the method provides a clear criterion for the evaluation of various activities, i.e. contributions will be useful if they describe valid law in a clear-cut and easily understandable way and vice versa. The disadvantage of such an approach is, of course, that the explanation will be oversimplified.

Shortcomings of the latter kind may on the other hand to some extent be avoided by means of breaking down the overall guiding purpose (e.g. to

5 Harris supra note 1, p. 5 who under the heading "what is jurisprudence about" suggests that it "would be impossible [to break up the subject according to a systematic plan] without prejudging crucial questions…"

6 *See* e.g. Peczenik in foreword, "Interpretation of valid law is the main task of jurisprudence". (Original in Swedish.)

determine valid law) into sub-goals (e.g. interpretation of laws, the rule of law, analysing the nature of legal sources, ethics, etc.[7]) which may be investigated in more restricted undertakings.

c) A third, more controversial way of approaching the task of defining the purpose of jurisprudence is to accept that works of jurisprudence reflect different purposes but, at the same time arrange these purposes according to their practical utility, immediate visible results or other, more tangible aspects and, thereafter, concentrate the efforts on purposes one for some reason wants to give priority to. Such a view becomes natural if one starts out from the various actors that have an immediate use of jurisprudential works. From the vantage point of identifiable needs it thus becomes possible to analyse a number of purposes jurisprudence reasonably should try to satisfy.

In such a function-oriented investigation it becomes rather clear that jurisprudence traditionally reflects the perspective of the judge and that much effort has been devoted to the task of elaborating knowledge about the law as it is.[8] The perspective of the judge is not however the only possible starting point and if one analyses jurisprudential works a bit more carefully other types of needs become visible too.

Lawyers and many practitioners are for instance, in addition to seeking guidance concerning the right interpretation of substantive law, likely to find it desirable if jurisprudence can provide knowledge, which makes it easier to find arguments and develop the ability to convince.[9]

The primary objective of the politician is presumably to acquire steering tools reflecting maximal efficiency, and jurisprudence can in relation to such a need be expected to fulfil its purpose if it can present a variety of methods that can facilitate the achievement of political goals.[10]

The investigator who has to produce a new legal proposal, on the other hand, can be expected to address jurisprudence with a request for historical explanations, suggestions for solutions and analyses of consequences.[11]

The need of the individual citizen, in turn, can in this context be expected to focus on access to dispute resolution mechanisms, predictability, rule of law

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7 *See* e.g. Peczenik passim.

8 Hellner supra note 1, p. 22 ”According to this view the jurisprudential researcher uses basically the same method as the courts, although he writes abstractly and generally while the courts decide concrete conflicts.” (Original in Swedish.)

9 Most obvious in this respect is the very old interest in rhetoric (”the art of convincing”). *See* e.g.. Mellqvist, Mikael and Persson, Mikael (eds.), *Retorik & Rätt*, Justus förlag AB, Uppsala 1994, but *see also*, as an example of a client- oriented perspective, Lindskog, Stefan, *Förhandlingsspelet*, Norstedts, Stockholm 1989.

10 ”The laws should not be looked upon with obedient respect. The laws are instruments for reaching political goals… We have no alternatives to fast and short-lived laws.” Protokoll fört vid Svenska Pappersindustriarbetareförbundets 14:e ordinarie kongress, *Tal av statsrådet Carl Lidbom*, Stockholm 1974 p. 190-191. (Original in Swedish.)

11 Thus it is not rare that academically qualified jurists participate in or are assigned to lead legislative investigations, although such cooperation perhaps is becoming less common. A more active role of jurisprudence in this respect is also reflected in the participation in hearings or various kinds of working groups during legislative investigations. *See* e.g.. Hellner supra note 1, p. 28.

aspects, etc.,[12] and from a general jurisprudential point of view it is simultaneously possible to argue that jurisprudence should contribute means that may facilitate the balancing of different interests, support stability, co-determination and similar aspects.[13] The purpose of jurisprudence can from the latter point of view be to provide explanations and authority for fundamental principles of law, democracy, etc. and the particularisation of various needs can of course be made more detailed, and so can the analysis of different purposes.

The advantage of an investigation proceeding from different needs is that the description can be made general and easy to understand. Admittedly, however, an analysis of this kind can also be biased as more obscure, controversial, or poorly heralded requirements will not be recognised at all. Another drawback is that an overview starting out from some more or less conscious prioritising of certain purposes can easily become too simple and shallow.

At a more general level it nevertheless appears that the various needs that are possible to attach to different groups can be a very useful basis for a more comprehensive investigation, and nothing appears to hinder that a more ambitious work on the purpose of jurisprudence utilises identifiable needs as a basis for systematisation.

d) An additional way of studying jurisprudential purposes is to try to relate jurisprudential manifestations to general trends or political movements in order to, indirectly, through analysis of social phenomena, detect underlying purposes. In such a "law and history & law and sociology perspective" it is clear that jurisprudence rather often and in various ways has been used for both political and economical purposes. In the long-term perspective it is also beyond doubt that jurisprudence has often been used to legitimate movements of a more dubious kind. At the same time it is clear that *Utilitarianism* and the development of democratic notions has been an important catalyst for many works of jurisprudence, and clashes between different points of views have obviously contributed to considerable efforts to explain the true nature of law. During long periods of time the ability to establish structures of power has been very central, and it is not surprising that jurisprudence has played an important role in this process.[14]

One advantage of an investigation proceeding from social movements is that such an analysis presumably can explain a lot, but it must also be noted that jurisprudential works are of many different kinds. A discussion originating from non-legal notions can therefore be controversial, as various opinions about the objective of jurisprudence make themselves heard. An analysis of this kind therefore runs the risk of being rather superficial when it comes to legal methods

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12 *Cf.* e.g. Strahl, Ivar, *Makt och rätt*, Bonniers, Stockholm 8 ed., 1979, p. 123 "To satisfy the sense of justice is to satisfy a human need". (Original in Swedish.)

13 *Cf.* e.g. Strahl supra note 12, p. 125 [about the task of the law and the legal order] "to divide between people in their conflicts and thus keep peace." and "to organise a cooperation between the members of a society in order to achieve results." (Original in Swedish.)

14 In relation to this it is of course reasonable to question whether the use of the word scientific sometimes is used in order to try to legitimate rather dubious activities, and, following this avenue of thought, whether it is reasonable to assume that jurisprudential activities only occasionally deserve to be labelled as scientific. *See* for a discussion and for further references, Hellner supra note 1, p. 31-55.

and discussions on substantive law. It should also be stressed that works of this kind to a large extent will relate to philosophy, the history of ideas, and political science, which means that also other kinds of background knowledge as well as other methods for their application may have to be taken into consideration, as compared to traditional jurisprudential ones.

e) A somewhat different starting point for a discussion about the purpose of jurisprudence is to investigate whether it is possible to discern different purposes in a short-term perspective as compared to a long-term perspective.[15] A potential advantage of such an approach could be that many of the contradictions and inconsistencies that complicate the picture of contemporary jurisprudence can be eliminated. The hypothesis being that many schools of thought, which on the surface appear to be incompatible in a long-term perspective, may share the same objective, and that the crucial issue is to detect that aim.

If, for example, in the short-term perspective it is accepted that jurisprudential activities can be roughly divided into studies of legal dogmatics, methodological developments, and philosophical undertakings in order to rightly understand the true nature of law, it is probably rather uncontroversial to suggest that

- the purpose of studies in legal dogmatics is to investigate and systematise the law as it is. Or, in other words, that the primary objective is to describe valid law, solve unclear problems concerning how law should be applied, and, eventually, provide suggestions about how law should be developed *de lege ferenda*.

- the primary purpose of methodological studies is to elaborate legal method, e.g. through investigations of legal logic, analysis of legal communications processes and analyses of legislative techniques contribute to the work of judges, lawyers or the legislature becoming more efficient and/or of better quality.

- the primary purpose of philosophical undertakings is to deepen the understanding of the nature of law, e.g. through analytical studies on the ontology of law try to find legitimacy and grounds for the lawyer who wants to justify a certain decision or a certain argument.

Following this line of thought it is possible to look upon these activities in a somewhat longer-term perspective. It is thus possible to argue that these goals can in several ways be said to coincide, e.g. in the sense that they all contribute to efficiency by means of developing systematics and provide methods that can be helpful in the delimiting of problems, regardless whether these problems are substantial, methodological or relate to the ontology of law. Likewise, all these activities can be assumed to support the work to find authoritative or usable solutions by making it possible to relate upcoming problems to previously recognised points of debate, and this regardless whether the issues concern substantial law, legal methods or legitimacy. It is also clear that all the jurisprudential expressions mentioned here contribute to a lively debate and to

15 *Cf.* Hellner supra note 1, p. 88-98 on primary and ultimate goals.

pluralism by articulating and documenting arguments that can be used for and against various solutions.

f) From a still different point of view the issue concerning the purpose of jurisprudence can be addressed by assuming that jurisprudence has a value of its own. A starting point for such an analysis can be the presumption that its activities satisfy certain fundamental needs, or that jurisprudence is developing knowledge of a kind that is essential to have access to, in all societies and at all times. A well-founded argument reflecting such an assumption is e.g. that jurisprudence always aims to sustain and develop quality aspects.

Other examples of more common purposes would be that jurisprudence is always essential because it provides explanations concerning the content and nature of law, and consequently that it facilitates legal decision-making.[16] Important explanatory perspectives can thus be of a systematic, historical, and sociological origin.[17]

An additional assumption concerning a more independent purpose of jurisprudence is that it provides indispensable means for balancing interests, that jurisprudential activities vindicate traditional values, develop fundamental principles, ensure constitutional rights, provide material for education, pursue research and support a critical and insightful debate in society.

In a more extended time perspective it is also reasonable to assume that the question about the purpose of jurisprudence coincides with other general scientific purposes, to seek and to produce knowledge, and to make it easier for people to make rational decisions. These objectives can in the field of law be transformed into endeavours to increase the knowledge of individuals, to contribute to increased freedom of choice, to facilitate the development of trade, education and creativity, etc. At a general level it is also relevant to include ambitious goals such as the development of mechanisms for peaceful cooperation and coexistence between people and ideologies.[18]

This overview of jurisprudential purposes need not be extended. The conclusion from the survey is clear. Jurisprudence is not a monolith. Indeed, jurisprudential activities reflect many purposes, they vary over time, they sometimes appear to contradict each other, they are not always possible to describe in detail, and they are occasionally completely implicit.

3 When is Jurisprudence Useful?

From the scientist's point of view works of jurisprudence are useful if they achieve the intended objective. The discussion above concerning various possible ways of identifying purposes thus illustrates that the question of usefulness can be answered in many ways, i.e. if the purpose is to investigate and systematisise jurisprudential schools of thought, the result is useful if it

16 Hellner supra note 1, p. 35.

17 Hellner supra note 1, p. 38-55.

18 *See*, for an overview and for further references, Reidhav, David, *Klassisk utilitarism*. In Negelius, Joakim (ed.) Rättsfilosofi, Studentlitteratur, Lund 2001, s. 74-87. *Cf*. Hellner supra note 1, p. 95-99 on ultimate goals.

facilitates the development of such a classification, which in turn may be used in order to identify underlying purposes or connections (*Cf.* 2 a above). On the other hand, if the task is to analyse the legal order in the light of social movements, jurisprudence is useful if it contributes to the understanding of the processes that affect the development of law (*Cf.* 2 d above). In addition, if the result of the analysis is that jurisprudential activities in the short-term perspective appear to have three different purposes (*Cf.* 2 e above), such decomposition can be used to conclude that

- activities in legal dogmatics are useful if they provide robust investigations explaining valid law, solve problems concerning the application of law, and, eventually, provide suggestions concerning the development *de lege lata*.

- studies in legal methods are useful if they can contribute to higher efficiency and/or qualitative improvements of the works of judges, lawyers or the legislature.

- undertaknings with ontological ambitions are useful to the extent that they contribute to a deeper understanding of the legitimacy, functions and foundations of law, e.g. by means of introducing new perspectives or new concepts.

Moreover, if one wants to suggest that jurisprudence has an independent purpose, e.g. that its activities are meant to uphold and develop certain criteria of quality (*Cf.* 2 f above), this indicates that works of jurisprudence, in order to be useful, should be impeccable when it comes to scope, breadth and technical appearance. And similar demands can be placed on studies on legal methods, explanations concerning the nature of law, etc.

The question of whether jurisprudence is useful should however not only be analysed with regard to the extent to which the contributors are able to fulfil identifiable purposes. Although purpose and usefulness are interrelated concepts, the discussion above illustrates that many purposes stand out as more or less incompatible. It is also noticeable that there may exist many different opinions about what aspects should be given priority. An additional complication is that usefulness will be affected when the preconditions change. That is simply to say that if the issues jurisprudence focuses on no longer are interesting for the intended receivers it is not likely that the activities will be looked upon as useful.

In other words, if one wants to discuss the usefulness of jurisprudence a bit more carefully, it is desirable to try to find complementary views. To investigate whether one or several purposes are being fulfilled is obviously too simple a method.

The starting point for a more comprehensive analysis - it may be suggested - would be that works of jurisprudence, both of a traditional kind and of a more speculative nature can always be related to an underlying assumption about some kind of need. This in turn leads up to the assumption that that fulfilment of needs could be a measure that can in many situations help to determine the usefulness of works of jurisprudence.

It should however be stressed that not even the fulfilment of needs, no more than any prioritising of purposes, reflects any ultimate means for determining the usefulness of works of jurisprudence. As mentioned above (*Cf.* 2c) it is easy to identify needs for jurisprudential work which to various degrees can be said to contradict each other. It is also clear that the needs can be of many different kinds.

Nevertheless, despite obvious limitations, it appears indisputable that an analysis of the fulfilment of needs makes it possible to include additional perspectives in the analysis, as compared to the ones the jurisprudential researcher may have in mind. Works of jurisprudence are thus possible to relate to somewhat more general aspects of usefulness.

Finally, however, it should be underlined that the needs jurisprudence can be expected to fulfil cannot be made too specific. Nor can the determination of identifiable needs be looked upon as a high priority task. On the contrary, at a general level it may be argued that jurisprudence should be allowed to be as multifaceted and flexible as possible, and this even if the activities do not appear to meet any short-term requirements at all.

The need for flexibility is explained by the fact that the demands are constantly being reformulated. An examination of the pace of change in society, the development of technology, etc., makes this obvious, and it is equally clear that these processes must also be reflected both in jurisprudence and in the ways in which legal work is carried out. From this also follows that in the long-term perspective it is impossible to try to predict what kind of jurisprudential activities will turn out to be more useful than others. The work should therefore be carried out on the broadest possible front, not only because many different undertakings may cross-fertilise each other, but also because failures may provide important experiences so that additional mistakes can be avoided.

An argument in favour of a very expansive approach is also that it is not possible to predict where and when scientific breakthroughs are going to be made. Creativity and curiosity must always be important guiding stars – jurisprudence is only useful if it can vindicate its independence and extend its adaptability.

The conclusion is thus that jurisprudential work and its extensions into various branches must be allowed to vary over time – the needs will always differ and the jurisprudence of the future cannot be restricted by any naïve presumptions about purpose and usefulness. The existence of contradicting interests and different kinds of needs make it necessary to argue that the activities of jurisprudence must be free from external involvements in order to preserve its credibility. In addition, it is apparent that jurisprudence, just like other sciences, must be allowed to be its own judge, and as it is not possible to predict the kind of measurements that ought to be used in order to evaluate its activities, the development of criteria and the adjustment of the rules for evaluating jurisprudential activities is part of the research task. And this is of course also the only possible conclusion from a discussion of this kind. Jurisprudence is only useful if it is able to maintain its integrity.