

The Public Nature of Science under Assault

Helga Nowotny
Dominique Pestre
Eberhard Schmidt-Aßmann
Helmuth Schulze-Fielitz
Hans-Heinrich Trute

The Public Nature of Science under Assault

Politics, Markets, Science and the Law

 Springer

Professor Dr., Ph.D. Helga Nowotny
Wissenschaftszentrum Wien
Stroziggasse 10/16
1080 Wien
Austria
helga.nowotny@wzw.at

Professor Dr. Helmuth Schulze-Fielitz
Julius-Maximilians-Universität Würzburg
Juristische Fakultät
Domerschulstraße 16
97070 Würzburg
Germany
schulze-fielitz@t-online.de

Professor Dominique Pestre
Centre Alexandre Koyré
Pavillion Chevreul
Museum National d'Historie Naturelle
57 rue Cuvier
75005 Paris
France
pestre@ehess.fr; pestre@wanadoo.fr

Professor Dr. Hans-Heinrich Trute
Universität Hamburg
FB Rechtswissenschaft
Edmund-Siemens-Allee 1
20146 Hamburg
Germany
hans-heinrich.trute@jura.uni-hamburg.de

Professor Dr. Dr. h.c.
Eberhard Schmidt-Aßmann
Ruprecht-Karls-Universität Heidelberg
Institut für deutsches und europäisches
Verwaltungsrecht
Friedrich-Ebert-Anlage 6-10
69117 Heidelberg
Germany
schmidt-assmann@uni-hd.de

ISBN-10 3-540-25791-8 Springer Berlin Heidelberg New York
ISBN-13 978-3-540-25791-2 Springer Berlin Heidelberg New York

Cataloging-in-Publication Data
Library of Congress Control Number: 2005929388

This work is subject to copyright. All rights are reserved, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilm or in any other way, and storage in data banks. Duplication of this publication or parts thereof is permitted only under the provisions of the German Copyright Law of September 9, 1965, in its current version, and permission for use must always be obtained from Springer-Verlag. Violations are liable for prosecution under the German Copyright Law.

Springer is a part of Springer Science+Business Media
springeronline.com

© Springer Berlin · Heidelberg 2005
Printed in Germany

The use of general descriptive names, registered names, trademarks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

Hardcover-Design: Erich Kirchner, Heidelberg

SPIN 11422761 64/3153-5 4 3 2 1 0 - Printed on acid-free paper

Preface

Dieter Grimm

In the period of enthusiasm about technology, the relationship between science and the public was marked by trust. It was taken for granted that scientific progress meant human progress. This is no longer true. Today, it is rather mistrust that dominates. The hope for progress through more knowledge has given way to fear of the risks involved in new technologies in the world of globalized competition. Supervision has replaced the granting of autonomy. The increased importance of knowledge in industrial societies and the great importance placed on science and research have been followed by high demands for accountability and transparency, and have given way to political fights for more money and about the purpose of research. Yet, science insists on autonomy, even if it acknowledges that the public has the right to be informed. *PUSH* (Public Understanding of Sciences and Humanities) is an example of the wide range of efforts to improve communication and to bring science closer to the public. As shown by the sale of popular scientific literature, this effort meets great public demand, though it does not recognizably reduce the conflicts. The question, therefore, is why trust was lost and whether and how it can be re-established.

In the Academic Year 2003/04 an interdisciplinary focus group at the Wissenschaftskolleg was concerned with these problems. The group's intention was to make use of the rich experience in substantive and procedural conflict solution accumulated in the legal science. The turn to law seems to be all the more necessary since trust will no longer be the naive original trust but, given the changes within science mentioned above, a trust of the second order, which results from transparency and the existence of effective safeguards, which rules and law can provide. The law has developed a number of principle-guided procedures for making decisions in situations of uncertainty about their consequences and, in particular, how they can be made when the state is not permitted to decide the question of truth. Also, techniques have been developed that facilitate a revision of previous decisions when better knowledge is at hand.

Some results of the Focus group's considerations are published in this volume. I hope that it will help to establish a trading zone between previously disconnected areas where various concepts must be negotiated, not only within the scientific community, but also with society at large.

Table of Contents

Preface	V
<i>Helga Nowotny</i> The Changing Nature of Public Science	1
<i>Dominique Pestre</i> The Technosciences between Markets, Social Worries and the Political: How to Imagine a Better Future?	29
<i>Hans-Heinrich Trute</i> Comment from a Legal Perspective	53
<i>Helmuth Schulze-Fielitz</i> Responses of the Legal Order to the Loss of Trust in Science	63
<i>Hans-Heinrich Trute</i> Democratizing Science: Expertise and Participation in Administrative Decision-Making	87
<i>Eberhard Schmidt-Aßmann</i> Free Access to Research Findings and Its Limitations	109
<i>Helga Nowotny</i> The Response of the Legal Order: Final Commentary from a Social Studies of Science Perspective	131
Index	141
About the Authors	147