



Europäische Akademie

zur Erforschung von Folgen wissenschaftlich-technischer Entwicklungen
Bad Neuenahr-Ahrweiler GmbH

Direktor:
Professor Dr. Carl Friedrich Gethmann

Newsletter

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Editorial

Though there are some specialist journals particularly dedicated to the consequences of scientific advance, these journals are all firmly anchored in their own disciplines. Other organs of publication, though not bound to individual disciplines, are not conceived as specialist journals but serve to provide communication within TA networks and present activities of institutions involved.

*The Europäische Akademie thus decided to help in filling the lack of a specialist journal dedicated to the topics of technology assessment and the ethics of science with a trans-disciplinary scope. The first issue of this new international journal called *POIESIS & PRAXIS* is now to appear. In co-operation with the Springer-Verlag, it will be published quarterly, containing regular papers, a 'Forum' for discussion, notes and occasional papers, as well as reviews on new books. Topics will concern research on the consequences of scientific, technological and bio-medical advance and their assessment from the point of view of ethics, law, economics, sociology, philosophy of science and so on, the discussion of the methods, ideas and processes of technology assessment and ethics of science and the relationship between these disciplines on the one hand and politics and society on the other. *POIESIS & PRAXIS* will be peer-reviewed by an international and multidisciplinary editorial board.*

The responsibility lies with the director of the Europäische Akademie, Professor Dr. Carl Friedrich Gethmann, as editor-in-chief, assisted by the managing editor Dr. Georg Kamp.

Focus

Scientific Policy Consulting and Participation

Gerd Hanekamp

Scientific Policy Consulting (SPC) was able to work in the 'back-office' of the political system when it was first institutionalized. Scientific knowledge was made available to the decision makers, who could consider it as one input into the decision making process. Today with the decision making process constantly at stake in terms of legitimization, SPC is involved in the process itself. In order to handle this change the call for participatory methods is commonplace. The scope of these is discussed with regard to three types of participation, namely democratic, administrative and scientific participation. It is argued that SPC today needs a vigilant methodological pluralism.

A modern relationship between politics and science, according to Yaron Ezrahi (The Descent of Ikarus), is based on a sharp distinction between myth and reality or fiction and truth. Politics here is characterized by instrumental actions whose expedience is assured by scientific advice and can be judged publicly ('attestive visual culture').

Within the last decades the above distinctions have become suspect and have thereby lost their structural power. The attestive visual culture is substituted by a reflexive orientational one. As a result, science can no longer provide the justification for instrumental action which politics was able to rely on before.

The straightforward means-ends-rationality prevailing in the political as well as in the scientific system thus appears to have lost its hegemonial status. Apart from the problems resulting for politics and science itself, the interplay of politics and science in terms of an attestive visual culture is obstructed.

This is a reconstruction of the general set-up in which scientific political consulting (SPC) has to operate. In order to

specify the task SPC is supposed to fulfill the distinction between opinion and knowledge – notwithstanding its suspicious status – is helpful. Knowledge is a qualified opinion, i.e. an opinion which fulfills specific criteria, e.g. reproducibility of the underlying actions. The plausibility of an opinion thereby becomes the certainty of knowledge. SPC is supposed to provide the necessary knowledge for political decisions without having to rely on mere opinions. The knowledge-orientation of political action, however, is not *sufficient* any more since certainty has ceased in our day and age to be the reliable associate of science.

The practical version, i.e. the distinction between acceptance and acceptability does not have to be abandoned either on the basis of the above account. It might as well be interpreted pragmatically as the distinction between factual acceptance and acceptance on the basis of a justification in terms of acceptability criteria which nonetheless have to be accepted themselves. This is a weak interpretation not making any use of ontological or transcendental argu-

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ments whatsoever. It avoids having to dismiss this distinction altogether.

In this interpretation the mode of consultancy is discursive not just presentational – thus reconverging with Ezrahi's account. Scientific knowledge is not *provided* solely by working experts. The experts are part of the game. This in fact is the reason why the context of SPC is best described as governance, i.e. the context of deliberation and decision-making in (post-)modern societies which includes formal and informal processes and institutions. The term governance stresses the wider scope of decision-making processes relative to 'traditional' policy-making. At this point participation becomes a concept which is important to be considered.

Participation as a procedural category should not be solely positioned relative to the distinction of acceptance and acceptability by e.g. equating participation with mere acceptance and juxtaposing it with acceptability. In order to be able to discuss questions of participation the starting point should rather be situated in the context of governance, i.e. within the principles of public decision-making at work. To be part in this processes can be called *democratic participation* and is the principle of the western democratic polity. Policy making is positioned relative to this framework. Policy makers decide in reference to a certain body of knowledge deemed relevant. They lead fictional discourses in order to arrive at a decision since it is impossible in a modern liberal democracy to actually involve everybody concerned in each and every decision making process. Nevertheless, participatory elements might come into play at this point, e.g. because the 'risk of fictional discourses' becomes greater since decisions are made under varying degrees of uncertainty. This type of participation can be called *administrative participation*. Provided that the institutionalization of decision making in large democracies of the western type is adequate, this type of participation has to be judged in relation to the arguments which support the former. If e.g. the relevant group, i.e. the group affected by a decision, is relatively small and the persons involved are affected in the same way, this type of procedure might be sensible. On a larger scale though, the questions of the relevant public come into play. It is far from clear, e.g. who the 'citizens' becoming engaged are, who are referred to in many appraisals of participatory methods. With the 'constructivist' challenge, i.e., basically, the awareness of the influence of the researchers' actions - participation becomes an important issue within the social sciences (*research participation*). For empirical research in

the social sciences participation simply is a necessity. Without the cooperation of the individuals under scrutiny the results are problematic. Additionally, depending on the contexts under scrutiny, other types of participation are oftentimes deemed necessary. Furthermore, the border between the social and the social sciences blurs due to the social-constructivist view facilitating a takeover of the social and thereby the political by the social sciences thus obtaining a hegemonial status.

Three types of participation have been distinguished: democratic, administrative, and research participation. The aspects relevant for SPC which need further consideration will be specified in order to arrive at a research agenda for this field.

Research Participation: Oftentimes participation is meant to add the 'lay-expertship' to the particular research project. This can be interpreted as the knowledge somebody has when they are involved in a certain context. The questions which have to be answered in order to be able to evaluate this approach are: Is the lay-expert dichotomy useful any more, should it be abandoned? What is the epistemological status of lay-knowledge? How can terminological gaps be mastered? What is the influence of lay-knowledge-experts on the outcome? Are other forms of participation better suited to involve 'lay-knowledge'? For SPC the main question is whether this type of participation is sensible and how it can be incorporated given that the answer is positive.

Administrative Participation: This sort of participation has been widely discussed under the heading of the insufficiency of 'public law' and the administrative apparatus connected to it. It is widely accepted that the participation of the persons concerned with a particular project leads to acceptance in the sense of the absence of law suits or protests. The questions of legitimation connected with this diffusion of powers have also been discussed extensively. Here the following questions should be discussed: Which types of legitimatory regimes are involved? How are these connected with questions of competency? How do well established corporate regimes fit into the picture? What role can 'research participation' play in the field of administrative participation? In which way will democratic participation have to be considered? For the ends of SPC it is very important to consider this type of participation since this is the field in which the implementation is supposed to take place.

Democratic Participation: This, in fact, is the type of participatory regime with

which it is absolutely mandatory to be in accordance. It is the basis of a democratic polity. This is the reason why the reproach against not meeting these standards is rhetorically very powerful. Questions to be answered are: What relationship exists to the other types of participation? Is there a hierarchy of whatever sort to be recognized? Are the various types of SPC in accordance with democratic participation?

With the 'modern condition' still prevailing questions of acceptance and acceptability were presumed to be settled by the instrumentalist view of politics and science. Democratic participation was achieved via representational methods. Today this edifice is heavily eroded by the claims for legitimization constantly being at stake, not only when elections take place. Scientific advice now is part of the 'legitimatory discourse'. The role of science, however, is not sufficiently described by this analysis since not every single consultation is publicly available - and this in fact is a question of feasibility. Therefore, It is sensible to differentiate two types of SPC: public and non-public whereas the latter follows the track of an instrumental approach. If e.g. environmental standards are supposed to be set, the decision maker will want to know what happens to somebody who is exposed to a certain dose of a particular chemical. She will want to know which effects a certain environmental standard will have on enterprises that rely on the use of the chemical et cetera. The sociologist is supposed to tell her what people presumably think about the issue at stake and the philosopher will tell her which implications certain argumentatory pathways do have. All this follows the line of a modern relationship between politics and science and is necessary for the decision maker to become clear about the problem that the decision is supposed to take care of. It is debatable whether this type of SPC and at the same time delegational (advocatory) contexts in administration should disappear altogether. The second type of SPC should therefore not be hastily abandoned with the first one becoming the hegemonial approach. Here a prudent pluralism on the methodical level should be established.

Dr. Gerd Hanekamp is a member of the scientific staff of the EUROPEAN ACADEMY and is managing the European Academy's project 'Sustainable Development and Innovation in the Energy Sector'.

The above text is the short version of a discussion note to be published in POIESIS & PRACTIS.



Working groups

Climate Prediction and Precautions

Recently, an expertise on climate protection in The Netherlands was made available to the members of the group by Professor Dr. Chris Backes (Utrecht University) for comparative reasons. The study will be published as volume of the academy's „Graue Reihe“.

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Electronic Signatures

Continuing the editing of the draft memorandum the project members want to thank the experts of the Midterm-Meeting for their reviews. The following invited experts participated: Frau Dr. Baum-Waidner (Entrust Technologies Zürich), Professor Dr. Bierhoff (Ruhr Universität Bochum), Herr Bieser (Beauftragter der Bundesregierung für Angelegenheiten Kultur und Medien Bonn), Professor Dr. Böhret (Hochschule für Verwaltungswissenschaften; Speyer), Professor Dr. Büllesbach (Konzernbeauftragter Datenschutz; DaimlerChrysler AG), Dipl.-Inf. Gehring (TU Berlin), Dr. Heuser (BSI Bonn), Professor Dr. Müller (Institut für Informatik und Gesellschaft Telematik; Albert-Ludwigs-Universität Freiburg), Professor Dr. Pernul (Universität Essen), Dr. Rannenbergh (Microsoft Research Cambridge), Professor Dr. Reimer (TeleTrust Erfurt), Professor Dr. Roßnagel (Universität Kassel), Herr Van der Veer (EC Brüssel).

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Embryo Experimentation

The first meeting of the pre-project „Embryo Experimentation in Europe“ took place in the Europäische Akademie, Bad Neuenahr-Ahrweiler on 23 January 2001. The following experts participated:

Professor Dr. D. Beylveeld (University of Sheffield), Professor Dr. hab. J. Holowka (University of Warsaw), Professor Dr. R. Lovell-Badge (Lab. of Development Genetics NIMR, London), Professor Dr. H. Lilie (Juristische Fakultät Halle) and Dr. Felix Thiele (Europäische Akademie).

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Functional Foods

The first meeting of the project „Functional Foods Standards in Europe“ took place in Bad Neuenahr-Ahrweiler on 19/20 January 2001. The aim of the meeting was to identify topics for the forthcoming project.

Present at the meeting were:

Professor A. von Wright (Kuopio University, FIN), Dr. J. Vulfson (Institute of Food Research, UK) Dr. A. Braun (VDI Technology Centre, D), Dr. G. Koenen (Ministry of Health, Welfare and Sports, NL), Professor B. Traill (University of Reading, UK), Professor C. Midden (Eindhoven University of Technology, NL), Dr. D. Schroeder, Lancaster University, UK)

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Sustainable Development and Innovation in the Energy Sector

The project group's second meeting took place December 20 and 21 in Bad Neuenahr-Ahrweiler. The group members' subprojects were presented to an audience of external experts who were invited to participate in the group's kick-off-workshop held on January 19 in Bad Neuenahr-Ahrweiler. The following scientists were invited: Professor Dr. Dr. B. Falkenburg (Universität Dortmund), Professor Dr. W. Althammer (Handelshochschule Leipzig), Professor Dr. N. Ashford (MIT, Cambridge), Dr. G. Eisenbeiß (DLR, Köln), PD Dr. V. Radke (Fernuniversität Hagen), Dr. K. Rennings (ZEW, Mannheim), Dr. H. Unnerstall (Universität Leipzig), Professor Dr. A. Voß (Universität Stuttgart), Professor Dr. C.-J. Winter (Energon AG, Überlingen). A documentation of the workshop will be available in the European Academy's „Graue Reihe“.

The following professors are members of the project group:

Dr. W. Achterberg (Amsterdam and Wageningen)
Dr. K. Blok (Utrecht)
Dr. W. Frenz (Aachen)
Dr. D. Imboden (Zürich)
Dr. R. Kurz (Pforzheim)
Dr. H. G. Nutzinger (Kassel)
Dr. U. Steger (Lausanne) (Chair)
Dr. T. Ziesemer (Maastricht)
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News in Brief

Public Presentation:

Human Genetic Diagnostics

The results of a study on the scientific foundations and social consequences of human genetic diagnostics published recently by the European Academy were presented to the public and the media on 26th October 2000 in Berlin. The event began with opening addresses given by Wolf-Michael Catenhusen, Parliamentary State Secretary in the Federal Ministry of Science and Education and Professor Jürgen Zöllner, Minister of Science of Rhineland-Palatinate. Following this, the results of the study were presented by Professor Claus Bartram (Heidelberg), Professor Jochen Taupitz (Mannheim), and Professor Friedrich Breyer (Konstanz). The report is available as Bartram et al. (2000): *Humangenetische Diagnostik. Wissenschaftliche Grundlagen und gesellschaftliche Konsequenzen* in the Academy's book series *Wissenschaftsethik und Technikfolgenbeurteilung* (volume 7).

Public Presentation:

Xenotransplantation

The results of a study on *Xenotransplantation of cells, tissues, and organs. Scientific developments and ethical and legal implications* published recently by the European Academy were presented to the public and the media on 18th January 2001 in Berlin. The event was opened by Dr. Uwe Thomas, State Secretary in the Federal Ministry of Science and Education and Professor Walter Kröll, CEO of the German Aerospace Center. Following this, the results of the study were presented by Professor Jan Beckmann (Hagen), Professor Friedrich-Wilhelm Eigler (Essen), and Hans-Ludwig Schreiber (Göttingen). The report is available as Beckmann et al. (2000): *Xenotransplantation von Zellen, Geweben und Organen* in the Academy's book series *Wissenschaftsethik und Technikfolgenbeurteilung* (volume 8).

Conference: Integrative Modelling

On 25th January a symposium on „Integrative Modellierung zum Globalen Wandel“ was held in Bad Honnef. The symposium was organized by the Institut für Technikfolgenabschätzung und Systemanalyse (Karlsruhe) in cooperation with the Akademie für Technikfolgenabschätzung (Stuttgart) and the Europäische Akademie. Professor Dr. Carl Friedrich Gehmann chaired the first session on methodological problems of integrative modelling. Two other main topics were on the integration of data and the results of research

in natural and social sciences and on the contributions of integrative modelling of global change for environmental and research politics.

The proceedings of the conference will be published in the book series „*Wissenschaftsethik und Technikfolgenbeurteilung*“ of the Europäische Akademie by Springer.

Farewell and Welcome

Dagmar Uhl, hitherto responsible for public relations, left the European Academy at the end of December 2000. Completing the project "Xenotransplantation" Dr. Eva M. Neumann-Held departed from the European Academy in January 2001. Professor Gethmann and all colleagues would like to thank both of them and wish all the best for the future.

Dr. Miltos Liakopoulos has been a new member of the scientific staff of the European Academy since January 2001. He will manage the Project "Functional Foods".

Organs

Partners Assembly

The partners assembly (Gesellschafterversammlung) and the Managing Committee (Geschäftsführender Ausschuss) of the Europäische Akademie GmbH held its 10th meeting on 11 December 2001.

The budget for the year 2001 was approved.

Scientific Advisory Board

In its 10th meeting on December 15, 2000 the Scientific Advisory Board adopted the project group *Low Dose Effects* and the pre-projects *Embryo Research in Europe* and *Functional Food Standards in Europe*. Moreover the Scientific Advisory board concerned itself in detail with the final report of the project group *Electronic Signature*.

The partner's assembly appointed Priv.-Doz. Dr. rer. nat. Ursula-Friederike Habenicht (Berlin) as new member of the Scientific Advisory Board.

Conferences

"On the uniqueness of humankind – Über die Sonderstellung des Menschen"

March 28-30, 2001, Bad Neuenahr-Ahrweiler, organised by the Europäische Akademie jointly with the Medical Society Giessen.

The conference plans to approach the theoretical and practical concept of the *Sonderstellung* against the background of present-day knowledge in biosciences.

Further information, and the provisional programme can be found at: www.europaeische-akademie-aw.de

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Lectures

Carl Friedrich Gethmann:

10.01.01 „Ort des Erkennens. Unzeitgemäße Betrachtungen zur deutschen Universität“: Institut für Philosophie der Universität Greifswald

05.02.01 „Ethische Probleme einer rationalen Risikobeurteilung“: Philosophisches Seminar und Forum Philosophie & Wissenschaft der Universität Mainz

Stephan Lingner:

23.01.01 „Klimawandel: Schicksal oder Herausforderung?“ Lecture organised in co-operation with the Kurverwaltung Bad Neuenahr-Ahrweiler

Felix Thiele:

8.11.2000 „Ethische Probleme der Anwendung genetischer Tests im Versicherungswesen“. Tagung Humangenetik und Versicherungen. Evangelische Akademie Tutzing und TTN.

13.11.2000 „Ethikberatung im Krankenhaus - Bedarf und Gestaltung“. Arbeitskreis Medizinethik der Europäischen Akademie.

21.12.2000 „Eugenik und Pränatale Diagnostik“. Workshop: Pränatale Diagnostik, Schering AG, Berlin.

Personalities



Professor Erich Schweighofer, Dr. iur. Dr. rer. soc. oec., graduated in law, economics and business informatics at the Vienna University and the Vienna University for Business Administration.

Since his Habilitation in 1996, he has held an associate professorship at the Vienna University Faculty of Law, Institute for Public International Law, teaching legal informatics, information technology law, international law and European law. Prof. Schweighofer is head of the Vienna Research Center for Computers and Law, founded by him in 1995. In former affiliations, Prof. Schweighofer was Assistant Legal Adviser in the Austrian Ministry for Foreign Affairs, (1989-1990) and also head of European training at the Austrian Academy for Public Administration (1998-2000).

His extremely broad field of research interests covers international economic law, European institutional law, international concessions, legal knowledge representation and automatic text analysis (KONTERM projects), legal assessment of information technology, especially the Internet and artificial persons.

Professor Erich Schweighofer is a member of the project group „Robotics“ of the Europäische Akademie.

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