TOWARD A POST-MODERN CONSTITUTION

Reason and Representation in the 21st Century
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A Crisis of Expertise? Legitimacy and the Challenge of Policymaking
Melbourne School of Government, February 15, 2018
• crisis

• NOUN (plural crises)

• 1 A time of intense difficulty or danger.
  • ‘the current economic crisis’
  • 1.1 A time when a difficult or important decision must be made.
  • 1.2 The turning point of a disease when an important change takes place, indicating either recovery or death.
What is the difficulty?
What is in danger?
What would “death” mean?
What are the indicators of recovery?
Is there a cure?
Truth
I think therefore I am

Post-truth
I believe therefore I'm right!

First hundred days...
We rewrite them all.

Ryan
You're fired!

Obama was never president

Executive Order

This modern world

Post-truth world

Facebook truth
According to this meme, Hillary is a lizard person who lives on a diet of human babies.

Alt-right truth
When Americans voted for an orange president--they voted for white supremacy.

G.O.P. truth
Okay, sure--Trump's a corrupt narcissist who was elected with help from Vladimir Putin--but as long as we get to cut Medicare, I can live with that.

Rank-and-file truth
Who better to "drain the swamp"--then a team of billionaires and bankers?

Kremlin truth
Ha! Ha! There is no "truth"! You must disable yourselves of such childish notions!

The awful truth
We are completely and utterly screwed, but happy holidays! Hey! You have to say "Merry Christmas" now! Say it!!
The Age of Post-Truth Politics

By WILLIAM DAVIES  AUG. 24, 2016

People demonstrated in London against Brexit in July. Andrew Testa for The New York Times
Newspapers might provide resistance to the excesses of populist demagogy, but not to the broader crisis of facts.

The problem is the oversupply of facts in the 21st century: There are too many sources, too many methods, with varying levels of credibility, depending on who funded a given study and how the eye-catching number was selected.
Crisis of Modernity
“No, I’m not able to name an accurate forecast, and I think they are always wrong and wrong for good reasons. My longstanding views on the flaws in the epistemology of the social sciences and consequences for econometrics are long set out.”
Baker beamed with pride as he dropped the words epistemology and econometrics into the same sentence, only for the idiot savant to prove himself to be the idiot idiot by showing he hadn’t understood what he was saying. All economic forecasts were useless, he declared. That was why his department was continuing to spend so much time and effort on getting an economic forecast that said Brexit was going to be a success.
What is to be done?
Back to Basics: What Was Enlightenment?

- “Enlightenment is man’s emergence from his self-imposed immaturity. Immaturity is the inability to use one’s understanding without guidance from another.”
  
  Immanuel Kant 1784
Kantian Immaturity

Michel Foucault on Kant:
“Kant gives three examples: we are in a state of ‘immaturity’

• when a book takes the place of our understanding,
• when a spiritual director takes the place of our conscience,
• when a doctor decides for us what our diet is to be.”
Immaturity in the Diet of Modernity

- Recommended dietary allowance
- Reference daily intake
- Cholesterol
- GM foods
- GM animals
- Obesity epidemic
Resituating Today’s Problem

• Science and expert knowledge have always been *inside* society
  • Patronage
  • Problem definitions
  • Policy relevance

• What has changed?
  • Science’s aims and ambitions have grown larger
  • Science’s publics have broadened (global publics)
  • Expectations of accountability have increased (from governments, stakeholders, media, general public)
Between Bias and Technique
Vaccines and Autism

In 1998, The Lancet, a British medical journal, published a study by Dr. Andrew Wakefield that suggested that autism in children was caused by the combined vaccine for measles, mumps and rubella. In 2010, The Lancet retracted the study following a review of Dr. Wakefield's scientific methods and financial conflicts.

Despite challenges to the study, Dr. Wakefield's research had a strong effect on many parents. Vaccination rates tumbled in Britain, and measles cases grew. American antivaccine groups also seized on the research. The United States had
Retracted Scientific Studies: A Growing List

By MICHAEL ROSTON  MAY 28, 2015

The retraction by Science of a study of changing attitudes on gay marriage is the latest in a growing number of prominent withdrawals of the results of studies from scientific literature.

Robert De Niro Pulls Anti-Vaccine Documentary From Tribeca Film Festival

By STEPHANIE GOODMAN  MARCH 26, 2016
If you don’t think there is a government agenda to silence the growing anti-vaccination movement then you might want to take a look at the damning paper trail that is starting to pile up.
Deficit Model of the Public
(based on PUS, risk perception, biases/heuristics, imaging)

• Assumptions:
  • Public risk perceptions are influenced by systematic cognitive biases
  • Producing erroneous assessments of probabilities
  • Leading to incorrect weighting of relative risks and benefits
  • Needing correction through appropriate expert advice
  • Or nudging
Imaging Irrationality

(J. Greene, Harvard)
Conscience: Do we rule ours?

• Marc Hauser (Harvard, 2006): People are born with a universal “moral grammar.”
• Trolley problems: most people will not throw one person off a bridge to save 5 lives.
• Brain scanners are the new spiritual directors – offering guidance on how to evaluate people’s moral competence.
A Nudge for (Good) Citizenship
Problem: If citizens are fools, then democracy is a fool’s errand. Can we do better for democracy?
Disenchantment

- The fate of our times is characterized by rationalization and intellectualization and, above all, by the ‘disenchantment of the world.’ Precisely the ultimate and most sublime values have retreated from public life either into the transcendental realm of mystic life or into the brotherliness of direct and personal human relations. It is not accidental that our greatest art is intimate and not monumental, nor is it accidental that today only within the smallest and intimate circles, in personal human situations, in pianissimo, that something is pulsating that corresponds to the prophetic pneuma, which in former times swept through the great communities like a firebrand, welding them together.
Resources to Think With

- Conventional wisdom (individualist/agency)
  - “Deficit model”: lay ignorance
  - Media irresponsibility: amplification of discord
  - Corporate/political influence: cover ups
  - Distraction of the crowd; the digital age
- STS insights (structure and agency)
  - “It’s the endpoint, not the beginning!”
    - Fact, artifact, institution, norm, settlement, order emerge from politics
  - Competing rationalities
    - Co-production (is and ought)
  - “Reason is achieved, not attained.”
    - Uptake matters, not just production
    - Role of political culture
What if?

• Lay persons are capable of understanding and critically evaluating complex information?
• Lay persons are continually learning, and must learn to assert rights of citizenship in modern knowledge societies?
• Lay persons have perspectives, knowledge, and insights that are essential for good decisionmaking?
• And also for social creativity and innovation?
Why did we trust science?

- Truth to nature
- Skepticism
- Humility
- Experimentalism
- Civic engagement
Example: US-EU Debate on GMOs

- Europe was less risk averse on chemicals and cancer in 1970s, but has been more risk averse on GMOs. Why?

- Standard explanations:
  - Europeans are “behind US”; never had the debates of the 1970s.
  - It was “mad cow” disease.
  - It’s European protectionism.
  - It’s public ignorance of science.
  - It’s the media; scientists should learn to communicate.

- How do we explain different frames of governance?
A Different Narrative

• Process matters

• Specifically, it matters how knowledge is generated and put to use in public decisions

• Nations differ significantly in strategies for
  • Producing public knowledge (claims)
  • Establishing the reliability of expert judgment
  • Resolving policy-relevant knowledge disputes
  • Involving lay publics in public reasoning
## Bodies of Expertise – National Constructions of Expert Legitimacy

<table>
<thead>
<tr>
<th>Bodies of knowledge</th>
<th>United States</th>
<th>United Kingdom</th>
<th>Germany</th>
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</thead>
<tbody>
<tr>
<td>Formal (“sound”) science</td>
<td>Empirical common knowledge</td>
<td>Collectively reasoned knowledge</td>
<td></td>
</tr>
<tr>
<td>Embodied experts</td>
<td>Technically most qualified experts</td>
<td>Experienced “safe hands”</td>
<td>Authorized institutional representatives</td>
</tr>
<tr>
<td>Advisory bodies</td>
<td>Pluralistic, interested, but fairly balanced (stakeholder)</td>
<td>Members capable of discerning the public good (civil service)</td>
<td>Representative and inclusive of all relevant views (public sphere)</td>
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The Constitutional Role of Science

• What authority does science have in relation to other institutions of power?
• According to what rules of conduct and accountability?
• What happens when constitutional concord between science and society breaks down?
• How should we extrapolate from localized occurrences of consensus or breakdown to global concerns?
Global Epistemic Subsidiarity: Three Modes

• Coexistence
  – Interstate contradictions need not be resolved
  – Challenge is border management

• Cosmopolitanism
  – A degree of mutual recognition must be assured
  – Challenge is harmonization

• Constitutionalism
  – Norms to guide duties and obligations
  – Challenge is producing binding norms
Bridging Margins and Centers

• What’s interesting?
  • Marginal and central questions – movement, circulation
• What can we ask, and answer?
  • Analysis: from, about, for the margins
• How do we do it?
  • Standpoints “within” (center) and “without” (margins)
  • Role of non-humans
• What is it worth?
  • Can the marginal (e.g., mere laypeople) become central (power, governance, common sense), and how?
New questions for expertise and democracy

- How to reconcile the public good with a constructivist view of knowledge?
- How to make collectives when contingency is pervasive?
- How to resolve doubt?
- How to think critically about power and hegemony in a sociotechnical world?
- How to remake the relations between science and citizenship?
Second Enlightenment

• Rethink the purposes of critique.
• Acknowledge the constructedness, not just the power, of the iron cage.
• Restore opportunities to:
  • Integrate across modernity’s made-up binaries (faith/science, thought/action, private/public, lay/expert)
  • Cross disciplines
  • Imagine alternative futures
  • Demand, and design, alternative pathways
Thank you!