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# **Can democracy save children's lives? Addressing the constitutional problem of expertise**

**Brice Laurent**

## **Abstract**

This comment critically examines Collins, Evans, and Reyes-Galindo's (CE&RG) concept of "virtual diversity," proposed as a norm to safeguard scientific expertise in policy-making. CE&RG argue that scientists should acquire "interactional expertise" in relevant "non-scientific domains", enabling informed policy advice while preserving scientific integrity. This comment describes CE&RG's dualist approach that separates epistemic and political concerns, and discusses its implications. It shows that for virtual diversity to contribute to the quality of and trust in expertise, this approach needs to be radically re-worked to include legitimacy-building processes. Using examples such as South Africa's AIDS policy and the COVID-19 pandemic, the paper argues that defending expertise requires ensuring the robustness of both scientific and political representations, of, in other terms, addressing expertise as a constitutional problem. Without a broader critical constitutional analysis, CE&RG's proposal risks reinforcing the crisis of expertise it seeks to remedy.

## **Keywords**

expertise, democracy, constitution, third wave

## **Defending science for policy**

Collins, Evans, and Reyes-Galindo (CE&RG) want to defend the quality of scientific advice in the policy world (Collins et al., 2025). They have good reasons to do so, at times when expertise is contested, environmental crises spur counter-reactions against regulatory constraints, and far-right parties have made science a topic of culture wars. CE&RG's answer to this situation is a direct continuation of Collins and Evans's (2002) 'Third wave of science studies' paper, in which they identified a 'problem of extension' relative to the selection of those able to participate in knowledge production. Twenty years later, CE&RG write against the same enemies: those who would not see extension as a problem and would open the gates of knowledge production without ever closing them. These enemies now comprise a new category of people, namely the proponents of identity politics, who would consider that only identity ensure true representation. This addition to the targets of CE&RG in their defense of 'the institution of science' leads them to propose a 'new norm' for science: 'virtual diversity'. In opposition to the direct inclusion of all interested parties, virtual diversity describes scientists' ability to 'take responsibility for acquiring interactional expertise in the non-scientific expertise-based domains which they consider provide knowledge valuable to the science'.

## **An imagined dualist world**

CE&RG see the interest of virtual diversity beyond the natural sciences, in the social sciences and in art, where the question of who is authorized to speak for whom is pressing. As Polanyi (1962) dreamt that a 'republic of science' based on the free market of ideas could inspire democracy at large, so CE&RG refer to virtual diversity to dream of a society of mutual understanding. This should be possible, they claim, because interactional expertise can be acquired:

[W]omen can understand men and men can understand women if both sides want it to be the case and put in enough effort and resources, and Blacks can understand Whites and Whites can understand Blacks if both sides want it to be the case and put in enough effort and resources.

This dream of mutual understanding ignores the wider issues of racial or gender politics. It turns gender and racial inequalities into problems of developing enough interactional expertise to reach what CE&RG call 'cultural truth', and mustering enough good will to do so. This approach will probably sound crude to specialists on these issues, as they will, I suspect, to people suffering from deeply engrained discrimination and possibly skeptical of the value of good will for fighting against them. Yet CE&RG are consistent. Rather than considering that complex social issues mixing political and scientific representations require analytical and normative propositions that associate the two, they prefer isolating problems of knowledge-making, even if it means turning pressing social questions (such as structural racism or sexism) into epistemic ones. This is not surprising, because the conceptual world in which they operate neatly separates the domain of knowledge production from the political domain, the former being the one in which they are interested. In this imagined dualist world, scientific and political issues can be neatly disentangled, and they should be before making any meaningful policy proposition.

There are good reasons to be cautious at this point, because years of work in STS and other disciplines have shown that what is scientific for some might well be political for others (Callon, 1980), and that boundaries between science and policy are the outcomes of complex processes, variously stabilized across public institutions (Jasanoff, 1987). These works have shown that the direct or indirect representation of lay people in knowledge production is not just an epistemic matter, but also a political one. For instance, the intervention of patient groups in research about the rare diseases from which they suffer is both a matter of producing knowledge on issues that had not been addressed before *and* constituting social identities that were not heard because they did not exist as such (Callon, 1999). This points to the more general interest of the concept of co-production in STS, which proposes a way of considering that scientific representation and political representation are not separated processes: Making knowledge is also ordering society, ordering society is also about producing knowledge (Jasanoff, 2004).

In their 2002 paper, Collins and Evans described these approaches as 'Wave 2' of science studies, and saw them as more or less explicit calls to include as many lay contributors in expertise as possible. This rather partial account of STS comes from their position as 'sociologists of expertise and experience' firmly committed to learn about expertise understood through knowledge production activity (and only that), and who can then formulate normative prescriptions that are about knowledge production (and only that). Accordingly, the proponents of the 'third wave' have answered many of their STS critics by re-affirming the dualist world in which they operate (Collins et al., 2010). They do not dispute that there are political problems to deal with and value-based judgments to make when dealing with complex issues. Yet for them, this makes it even more necessary to start any analysis of expertise by defining the perimeter of epistemic questions once political ones have been settled, and then identifying who has relevant claims to participate in addressing them: CE&RG's imagined dualist world separates 'political phases' from 'scientific' ones. This separation includes their own expertise. Their study of expertise and experience produces knowledge about expertise (e.g. defining interactional expertise and identifying who has it), which then allows them to formulate normative prescriptions (e.g. proposing 'virtual diversity' as a new norm that should be followed). Whether and how to follow these normative prescriptions are then separate matters. Speaking about the choice to restrict the perimeter of those able to decide appropriate medical treatments for children, CE&RG tell us, 'There

is no Pareto solution if a simple model of democracy and liberal rights are valued on a par with the life and health of children; it is a choice the state has to make.’ The reader might wonder what ‘the state’ is, how to make this ‘choice’ and ensure that it is consequential. Another important question is certainly whether it is possible to avoid the dreadful alternative between ‘democracy’ and ‘children’s lives’ that seems to be the unavoidable consequence of CE&RG’s imagined dualist world.

### **Practical difficulties and theoretical weaknesses**

This leads us to an issue that is more practical than theoretical. Even if one accepts CE&RG’s dualism, one can wonder about the difference their approach makes to the functioning of public expertise and contemporary crises of public trust in expert advice. My argument for the remainder of this commentary will be that virtual diversity is bound to make little difference, and may even be counter-productive, if CE&RG’s imagined dualist world is not profoundly transformed so that it accounts for the dual scientific and political dimension of expertise, and eventually refuses the dreadful alternative between ‘democracy’ and ‘children’s lives’.

CE&RG propose a series of vignettes meant to illustrate the value of virtual diversity as a guide to make sure the right people are involved in producing knowledge. CE&RG’s stories have the air of self-evidence. Of course the role of women in science should be recognized, but giving the Nobel Prize to Rosalind Franklin alongside Watson and Crick would not have changed the structure of DNA. Of course it is good for politicians to listen to their constituents but the gates of expertise cannot be open to anyone lest we suffer from dire consequences. Of course patients might contribute to knowledge production about the disease they suffer from but only some of them acquire the necessary expertise to do so. For CE&RG, self-evident statements such as these show that virtual diversity is needed to ensure that the possibility to produce knowledge for policy only opens up to those who do have expertise, and does not blur the pursuit of truth with other goals that may be laudable but are unrelated to epistemic concerns (typically increasing ‘demographic diversity’ in science).

One interest of these vignettes is that they force reflection on the practical consequences of CE&RG’s approach. Take for instance the last example they discuss, about the decision of South African president Thabo Mbeki ‘not to distribute anti-retroviral drugs to the population at a time of a growing AIDS epidemic’. CE&RG see this example as an illustration of the catastrophic consequences of not addressing the problem of extension properly. ‘Knowledge claims that should be dismissed are taken seriously’, resulting in ‘seriously damaging effects on, for example, babies born to mothers not given the drugs: Numerous babies were born HIV-positive’. One can fully recognize the devastating effects of this choice for the health of numerous people in South Africa. CE&RG see this episode as an epistemic problem: To whom should those in power listen to when it comes to science? Their prescription is that since there is a scientific consensus and ‘fringe’ scientists who refuse it, the latter group should not be listened to. ‘What was needed’, CE&RG tell us, ‘was for Mbeki to make better social judgements about where the relevant expertise was located and to make better use of the expert advice that was available to him.’

This echoes recent calls to ‘follow the science’ during the Covid crisis and about climate change. For people committed to access to health or to fighting environmental destruction, these calls seem reassuringly self-evident. Yet, their ability to fulfill their promises have been debatable, to say the least. For instance, the Covid crisis in France was marked by an early call to ‘follow the science’ formulated publicly by President Macron, who summoned a team of experts in epidemiology and public health to directly advise him—a move that CE&RG would probably welcome (see Jasanoff et al., 2021 ; Laurent & Lafon, 2022). Yet this call for science increasingly appeared as a way to bypass existing institutions of expertise and ignore the uncertainty and complexity of the health crisis, including about relevant

scientific facts. The experts called upon by Macron were quick to say that every policy decision about the crisis (e.g. mask mandates or school closures) brought together scientific *and* political dimensions. Faced with growing contestations, they stated publicly that scientific advice would only make sense if accompanied by a larger institutional reflection about the representation of affected publics and the many social problems that were part of the health crisis.

The lesson here is not that science should not be listened to, nor that there are no boundaries to draw between who and what can be included in science-related policy decisions and who and what cannot. The lesson is that science for policy is always a joint matter of knowledge production and institution building, a problem of scientific validity and of social legitimacy. It can only be effective if relevant policy objects and legitimate institutions tasked with governing them are constituted—in short if constitutional problems are addressed (Jasanoff, 2011; Laurent, 2024). To get back to CE&RG’s South African case, for ‘defending the institution of science’ (to use the authors’ vocabulary) to have any meaningful consequences, it was necessary to build public support in South Africa around the idea that the President’s decision had negative consequences, that existing channels of political representation were flawed and could not be trusted. Indeed, CE&RG tell us that ‘a long process of campaigning and protest against the policy that involved mainstream scientists, civil society groups and journalists’ eventually led to change Mbeki’s policies. But for this campaign to be successful, it had to engage with the wider politics of health in South Africa. What CE&RG do not tell us is that Mbeki’s positions had deep roots in South African health and racial politics. Fassin and Schneider (2003) show that Mbeki’s refusal of retroviral drugs had to be understood in relation to previous health scandals about drugs that had proved ineffective even if promoted by international organizations, and to the racial politics of post-Apartheid South Africa. A history of racial and social discriminations had framed black bodies as prone to deviant sexual practices, created considerable economic inequalities, pervasive violence (including sexual violence) and large-scale population displacements, which were all crucial factors in the spread of the epidemics. In response, Mbeki’s policies were situated in attempts to develop health policies addressing structural social inequalities rather than making individual behaviors the sole entry point for fighting the spread of infectious diseases (Fassin & Schneider, 2003; Schneider & Fassin, 2002).

In a case such as AIDS in South Africa, if ‘science’ is mobilized as if it can provide ready-made solutions independent of the underlying conditions that create the conditions for the epidemics to thrive, then it is bound to be ineffective while also fueling distrust in public expertise. This is a general lesson, valid for health as well as climate and environmental expertise. For public expertise to make a difference in the long run, it has to connect the production of knowledge with that of public legitimacy, and this involves connecting the production of knowledge with the identification of and action on social concerns, whether or not they are framed as criticisms of existing expert advice. Otherwise, public expertise will likely miss crucial components of the most pressing public problems, and it will ultimately have no other resources of action than sheer force. This will fail to create public trust while providing additional resources for critics of health, climate, or environmental policies to frame their position as a defense of people’s concerns against expert decisions that supposedly ignore them. If the defense of expertise is that of ‘science’ imagined as independent from its social, political, and institutional sites of production, circulation, and use, then it will re-inforce the crisis it was meant to address.

### **Toward a critical constitutional analysis**

This brings us back to CE&RG’s proposal of a new norm for science. If virtual diversity is understood as a call to pay attention to the need for organizing the diversity of voices in knowledge production in ways that ensure the robustness of public expertise, then it can certainly serve as a useful guiding

principle in many domains of public life. But to do so, it cannot remain solely an epistemic norm and has to extend to the whole landscape of what constitutes public trust, namely the legitimacy of public institutions and their ability to address the variety of social concerns. This means that for virtual diversity to be effective, CE&RG's imagined dualist world would have to be radically re-arranged. Questions about knowledge for policy would need to be understood as both epistemic and political. Analysts of expertise would have to address normative issues, yet in close association with their scholarly intervention. The analysis of expertise would have to show how norms and values are inscribed in expertise and policy choices, what gets stabilized, what and whom are excluded, and what the conditions for robust epistemic and political representation are. For virtual diversity to realize its promises, it needs collective work bringing together analysts and the actors they study in theorizing and realizing robust institutions of expertise. For the defense of expertise to be meaningful, it needs to build on a critical constitutional analysis of public problems, that is, an exploration of the production of scientific objectivity *and* political legitimacy that associates descriptive tasks with critical engagement.

If the defense of expertise is understood as a pure epistemic problem opposed to political ones, then we fall into the kind of dreadful alternatives that structure CE&RG's dualist world, such as choosing between 'children's lives' and 'democracy'. If the constitutional dimension of expertise is recognized, then ensuring its quality becomes a matter of crafting good channels of scientific *and* political representation, that is, finding meaningful ways to save 'children's lives' *and* organize democracy. Both channels of representation necessarily involve delegations of power, manifestations of public authority, and decisions of inclusion and exclusion. The relevant constitutional problem, for analysts and for the actors they study, is whether and how these mechanisms can deal with disagreements and conflicts in ways that accept the challenge of legitimacy building. Calling for a norm limited to the epistemic side of the constitutional problem of expertise is bound to remain an empty call. It will at best remain abstract and detached from what is at stake in actual scientific and policy-making practices, and at worse will fuel the crisis of expertise it seeks to address.

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