It is often said that the social sciences should limit themselves to observed phenomena.\(^1\) The Public Nature of Science under Assault fits a different intellectual trend, one that pre-empt the phenomena, and tries to reconcile scientific and social perspectives.\(^2\) The work consists of seven contributions from an interdisciplinary group that met in 2003–2004, at the Wissenschaftskolleg of Berlin, to consider the changing relations of science and society. Helga Nowotny and Dominique Pestre take a macroscopic approach; while Hans-Heinrich Trute, Helmuth Schulze-Fielitz, and Eberhard Schmidt-Abmann – scholars in constitutional and administrative law – introduce many refinements.

Moving ‘behind’ the phenomena, the book analyses relationships between science and law that have emerged during the past thirty years. But coming ‘in front’ of the phenomena, this book usefully appears at a time when the evolution and harmonization of European laws on science and technology have become a subject of public controversy. Trute, for example, proposes a ‘juridification of the context’ of science, referring to the ties emerging between science and law. Nowotny analyses the ‘extension of the regime of private ownership rights’, in which the ‘market relations invasion’ – which Pestre traces to the 1980s – has led to redefinitions of patent law and intel-

\(^1\) The author acknowledges Roy MacLeod and Jonathon Lane for their contribution to the form as well as to the substance of this review.

lectual property rights, and the privatization of knowledge. Concepts once considered part of basic research – genes, algorithms, and databases – now figure as new entrants into the patents field, which is no longer confined to invention and innovation. Science, coming under the constitutional guarantees of property, is becoming based on the law of individual rights.

At the same time, science, once a ‘public good’, has become a ‘financial good’. Pestre believes a ‘financial markets-driven regime’ has come to replace the ‘nationalization of science’. Still, science retains an aura of freedom, as Trute and Schmidt-Aßmann suggest. The law has to bring these contradictory interests into harmony, according to the principle of proportionality and equal treatment, as Schmidt-Aßmann puts it (p. 123). But this equilibrium, which seems to involve ‘the privatization of the commons of the mind’ (Pestre), is unstable, and negotiable (p. 34). What lies ahead?

The editors are sceptical. Nowotny wonders if the extension of the private property regime can continue without endangering the autonomy of science; she also asks if the new regime will be politically acceptable. Pestre argues that the privatization of knowledge endangers the plurality of knowledge-producing institutions. So far, so good. But these thoughts raise further questions.

The book begins from the standpoint of knowing about a succession of regimes that have historically determined the relations between science and society. But it neglects to consider the coexistence of such regimes at any given time. Terry Shinn, studying French science policy between 1975 and 1999, identified four coexistent and interdependent regimes of scientific production. One may ask whether the ‘market relations economy’, of which we hear so much, is actually replacing a ‘gift exchange economy’, as they may easily co-exist. The question then becomes, how, and where?

The new regime we are entering is driven not just by privatization; it also reflects a demand for democratization, accountability, and transparency. As Trute observes, it involves the ‘inclusion of lay people in research, participation of the public in scientific controversies, in political processes as well as administrative procedure concerning

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