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E pur si muove

How tensions between experts and
policy-makers shape the management of
the COVID-19 pandemic in Switzerland

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Evaluation of Science Advice in a Pandemic Emergency
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CONTENTS

Introduction	1
A Parliamentary Committee Sparks Wide Protest	1
When Scientific Experts' Public Exposure Attracts Politicians' Envy	3
The Boomerang Effect	4
The Science, the Scientists, and the People: Walking the Tightrope	5

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INTRODUCTION

Discussions on the appropriate role of expert advice in policy-making, though far from new, have entered mainstream awareness as a result of the COVID-19 pandemic. While the allocation of attributions may appear straightforward in theory and in the abstract – the expert provides specialised input and advice, the policy-maker decides – the lines are easily blurred in practice. The discussion escalated into a genuine public outcry in Switzerland in early March 2021, after a Committee of the Swiss Parliament announced a law amendment proposal aimed at defining who should have authority to communicate on COVID-19 related policies towards the Swiss public.

A PARLIAMENTARY COMMITTEE SPARKS WIDE PROTEST

On 27 February 2021, the Economic Affairs & Taxation Committee of the Swiss ‘*Conseil National*’, the chamber of the people’s representatives in the Swiss federal Parliament, announced the outcomes of its deliberations on urgent revisions to be brought to the [Swiss Covid-19 Act](#), which provides the legal basis for various measures and actions by the Swiss federal government.

As part of the proposal adopted, the Committee’s [press release](#) reported that its members had voted,

*« by 13 voices against 10, and 2 abstentions, that the public be informed on the measures taken by the Federal Council in the context of the fight against the COVID-19 pandemic **exclusively** by the Federal Council and the Parliament »* (author’s translation ; emphasis added).

Though this was not made explicit in the wording of the press release, the announcement was quickly taken up in the media as a barely disguised move to ban the Swiss Science Task Force expressing itself publicly on pandemic measures taken by the Swiss authorities.

One week later, [on 5 March 2021](#), the Committee announced that it had brought some further clarification to its original proposal, by 12 voices against 11. The [updated text of the proposal](#) (draft Art. 3a quater, ‘External Communication of the Task Force’) reads as follows:

« External communication regarding substantive positions takes place autonomously and exclusively through the President of the Task Force, in each case after prior consultation and in timewise coordination with the Office of Public Health » (author’s translation).

[Eine Kommunikation nach aussen erfolgt hinsichtlich Sachposition autonom und ausschliesslich durch den Präsidenten der SN-STF jeweils nach vorgängiger Rücksprache und in zeitlicher Abstimmung mit dem Bundesamt für Gesundheit]

While the new proposal contains explicit mention of the Science Task Force, its contents has been toned down considerably. In fact, the latest language simply mirrors the status quo, as it results from the current [mandate agreement](#) given by the Office of Public Health to the Science Task Force, which is publicly available online :

« The external communication regarding substantive positions takes place autonomously through the president of the Science Task Force, from case to case, after prior consultation and in timewise coordination with the Office of Public Health » (section 4, author's translation).

[« Eine Kommunikation nach aussen erfolgt hinsichtlich Sachposition autonom durch den Präsidenten der SN-STF jeweils nach vorgängiger Rücksprache und in zeitlicher Abstimmung mit dem BAG »].

As regards other members of the Task Force, the draft proposal reflects, word for word, the current solution in the mandate agreement, by providing that:

« The other Task Force members can express themselves freely and at any time in their capacity outside their belonging to the Task Force (e.g. as head of an institution, as a professor or as a researcher), insofar as they clearly declare so in each case » (section 4, author's translation).

[Die anderen Mitglieder der SN-STF können sich in ihrer Funktion ausserhalb ihrer Zugehörigkeit zur Task Force (bspw. als Leiter einer Institution, als Professorin / Professor oder Forschende/r) jederzeit frei äussern, sie deklarieren dies aber jeweils klar].

The language of the final proposal is thus copied close to *verbatim* from the current Science Task Force mandate. The only minor change is the explicit mention of 'exclusive' communication through the president, which, however, already resulted from a contextual interpretation of the provision in the mandate agreement. The new proposal would thus hardly bring about any material change, other than the regulation would be contained in the Covid-19 Act rather than in the Task Force's mandate only.

The proposal represents only one item among broader demands by members of some major right and centrist Swiss political parties to compel the Federal Council, via amendments to the Covid-19 Act, to order reopening measures in the country based on a fixed schedule, thus without having regard to the development of the pandemic situation. These demands were enshrined in the same announcement, and were adopted on 3 March 2021, by a short majority, by the *Conseil National* chamber. However, the chamber's vote was expressed merely in the form of a non-binding 'invitation' to the Federal Council. Furthermore, after the '*Conseil des Etats*' chamber - the representatives of the cantonal states - categorically rejected the notion that the Parliament should have a veto right on measures of closure or lockdowns that could be imposed by the Federal Council, the demands were unlikely to ultimately find their way into the Covid-19 Act, and were indeed no longer part of the final version submitted to the vote at the end of the parliamentary session, nor were the sections regarding the communication of the Science Task Force.

What was depicted as an attempted *coup* by the Committee with respect to communication of the Science Task Force could thus be viewed as little more than a short-lived political anecdote. What proves of greater interest, however, is the dimension that the release of the proposal took in the media and public debate in Switzerland.

WHEN SCIENTIFIC EXPERTS' PUBLIC EXPOSURE ATTRACTS POLITICIANS' ENVY

The Swiss National COVID-19 Science Task Force ('Science Task Force' or 'Task Force') is a pluri-disciplinary expert body that was created, upon the initiative of representatives of various Swiss institutions of higher education, in the early days of the pandemic in Switzerland.

The Science Task Force operates based on a formal [mandate](#) by the Federal Department of Home Affairs and its Office of Public Health. The Science Task Force runs its own [website](#), which regularly publishes its reports and policy briefs on a variety of topics related to the pandemic. As per its mission, the Task Force :

« advises the public authorities in the current COVID-19 crisis. While the Task Force does not make decisions about measures or actions taken, the volunteer group of experts represents relevant scientific fields and ensures that impartial scientific advice is given ».

Participation of the members is voluntary, and they receive no remuneration for their activities within the Task Force. Indeed, members of the Task Force typically hold a professor or other academic position at a Swiss University. It is organized in '[Expert Groups](#)',¹ which include clinical and epidemiological expertise, but also economics, social sciences, ethics and law.

The interplay between the Task Force and the Federal Council - Switzerland's federal government - , or the federal Office of Public Health, has regularly been a matter of public debate. The President of the Task Force typically appears at the official press briefings, along with representatives of the Office for Public Health or other officials (e.g. the representatives of the health authorities of the cantonal states). Members of the Task Force rapidly became highly visible, and often highly trusted, figures for the public. They were - and are - regularly interviewed in the news, make frequent appearances on TV sets, and at least some of them are very active on social media such as Twitter, where they regularly comment on the pandemic situation.

This scientist 'fame' proved problematic when measures taken by the Swiss authorities turned out to be increasingly at odds with the positions expressed by the Task Force in its policy briefs. In the final months of the 2020 Winter, criticism became loud that the Swiss authorities had failed to heed to the early and repeated warnings of the Task Force reports that a new exponential growth had begun and needed to be slowed down early, and continuously delayed reinforcing measures. In [mid-December 2020](#), the Task Force, after convening an extraordinary meeting, went as far as to publicly call out the measures taken decided by the Federal Council as insufficient and appeal for an immediate lockdown.

1 The full list of Expert Groups : Expert Group Clinical Care ; Expert Group Data and modelling ; Expert Group Diagnostics and testing ; Expert Group Digital epidemiology ; Expert Group Economics ; Expert Group Ethics, legal, social ; Expert Group Exchange platform ; Expert Group Immunology ; Expert Group Infection Prevention and Control ; Expert Group Public health.

It has been [reported](#) (and [here](#)) that even members of the Federal Council were struggling with the Task Force expressing its views, or perceive that the Science Task Force is evolving into a form of non-legitimized – and, hence, illegitimate – ‘counter-power’. One epidemiologist member who left the Task Force in early January 2021, [commented](#) on that news report that this was ‘one of the reasons’ for which he decided to withdraw: *“Politics must finally learn to meet science eye-to-eye”*. It was also reported that the timing of the President’s public appearances at press briefings were adjusted for these to take place during any week prior to important policy decisions to be announced, to prevent experts from having to comment on the political decisions made.

Given this loaded atmosphere, it is perhaps not surprising that the Committee’s proposal ignited such a controversy. The vote thus reflects more of a general ‘enough-is-enough’-mood among certain Swiss politicians, and a lingering feeling that too much attention has already been given to the voices of scientific experts.

THE BOOMERANG EFFECT

Regardless of one’s personal take on the Task Force’s role and positions in the management of the pandemic, probably the most remarkable feature of these latest developments is the passionate reactions they triggered.

Media reports were abundant, and largely supportive of the Science Task Force: the Committee’s proposal was, in particular, emphatically portrayed as a political attempt to ‘muzzle’ or ‘gag’ the Science Task Force, starting with the [Swiss News Agency](#), and powerfully relayed by the mainstream media (for some examples of main media in German / French language, see *der Bund* [here](#), *NZZ* [here](#), *SwissInfo* [here](#) ; *TdG* [here](#) ; *RTS* [here](#)). Just about every Swiss public figure in the following days was asked to react in the media – and/or proactively took a stance on social media – as to the Committee’s proposal and the role of the Science Task Force in the pandemic.

More importantly, the debate seems to have rapidly spilled over into one directed at the opposition politicians versus ‘scientists’ generally, or even politics against ‘science’. On 1st March 2021, in a statement picking up on the muzzle-metaphor, the Swiss Green party published an [appeal to the public](#) to support and sign a statement in favour of the ‘freedom of science’, proclaiming that the *“Parliament must prevent any attempt to silence science”*.

Though it may have been initially the intent of some members of the Committee to genuinely prevent the Task Force from publicly expressing its view, including through its President, and perhaps even to restrict individual members in their personal capacity, this intent is certainly not enshrined in the text put before the *Conseil National*. Since members of the Task Force can still express themselves in their personal capacity and as academics, there is hardly an encroachment upon their constitutionally protected rights, such as freedom of expression. As for the freedom of science, invoked in particular in the appeal of the Green party, it is not immediately obvious that this freedom would encompass the right to express public positions on policy measures. The constitutional provision is primarily aimed at protecting freedom of academic research and teaching, arguably also to communicate

about these activities (on this, see [Evelyne Schmid](#), recently, regarding University Guidelines for researchers' presence on social networks), but these aspects were never at stake here.

One thing is for sure: the attempt of the political parties at the origin of the proposal appears to have backfired and resulted in strengthening the support for public appearances of the Science Task Force, rather than the contrary. The framing of the debate as a 'muzzling'-attempt proved extremely impactful, and effectively reversed the narrative, turning the proposal of the Committee from a problem-solving enterprise, into a problem to be solved. In fact, it might well prove politically unfeasible at this stage to impose restrictions on the Science Task Force without triggering renewed public outrage.

If we try to look beyond the display of 'we-are-all-scientists' indignation, however, the recent Swiss developments open up some interesting lines of investigation and reflection on the delicate interplay between experts and policy-makers. The first line could be characterised as 'what should they comment on?', the second, 'how should they comment?'.

The first question stretches beyond public communication and relates to the distinction between the realm of expertise and the realm of policy-making. A conceptual boundary that is often drawn is rooted in the argument that only policy-makers are in a position to make decisions based on all relevant factors. Expertise is – by nature – assessing policy issues from a particular angle of specialization. In particular, in connection with the pandemic, scientists have been characterized as short-sighted, as focusing on 'health' only, whereas policy-makers have the difficult task of bringing in other considerations, specifically economic or societal ones. This reproach is admittedly difficult to make with respect to the Science Task Force, which has precisely been designed to include a full panel of relevant expertise, including economics, social sciences or law.

A more important *caveat*, however, is that the expert – even a group of experts – is not tantamount to the 'science'. The shift in the public debate, spurred by the media, towards presenting the Committee's proposal as a depersonalized attack on the 'science' is not without consequences; it tends to distract from more refined questioning, such as: how representative is the expert body at stake, how do they reach outcomes in their deliberations, and how do they choose what they address in these deliberations.

THE SCIENCE, THE SCIENTISTS, AND THE PEOPLE: WALKING THE TIGHTROPE

On the first question related to the role of the Science Task Force as an authoritative representative voice of 'science', and the boundary between its expertise and policy-making, the framework set up for the Task Force arguably has some margin for improvement when it comes to clarifying the modalities of its contributions to the policy debate. For example, according to the [mandate agreement](#), members are appointed by the President of the Task Force, only 'in consultation' ("*in Abstimmung mit*") with the Office of Public Health. There is no description in the mandate as to how the selection occurs.

The scope of what the Science Task Force can answer is not clear either. Some policy briefs mention as a starting point an explicit question that the Science Task Force was tasked with answering (see e.g. [here](#) on opportunity to make ffp2 masks mandatory), while others do not (see e.g. [here](#) on responses to COVID denial; [here](#) on long-term effects of COVID). In some instances, it is not immediately perceivable whether the policy brief is in reply to a specific query from the authorities, or whether it originated in an initiative of one or several members within the Task Force (see e.g. [here](#) on aerosol transmission; [here](#) on widespread community spread). Furthermore, ideally, an expert would be presented with different envisaged policy strategies, and make predictions on what the consequences of choosing each of these strategies may be. This allows policy-makers to make informed choices between the strategies so assessed. If, however, as has often been the case, experts are asked to give their recommendations on what 'should' be done, as soon as the policy-makers choose to depart from these recommendations, they have little means of assessing the impact of the diverging route taken in a reasoned manner, as the alternative strategy chosen was never submitted to the experts. It is thus also for policy-makers to refine their tools for framing the experts' mission, in such way that experts can both provide meaningful answers and remain within the realm of their attributions.

The ideal of the neat dividing line between what the expert can answer, versus what is properly for the policy-makers to decide, crumbles further when communication is factored in. In practice, inevitably, the media will end up asking the expert 'what he/she would do'. Inevitably, they will end up [answering](#), and their answers sometimes differ from the measures that were actually implemented by the policy-makers. There is little realistic prospect that this type of situation could be avoided altogether. The solution there, may be rather in the responsibility of the expert for stating when they speak in their capacity as an expert in their personal field, when they report official positions by the Task Force that have been published, and when they are expressing their opinions on measures to be taken as 'enlightened' citizens. Needless to say, the media carry a huge co-responsibility in this respect.

This leads over to the second question, namely 'how' the Science Task Force should be allowed to communicate to the public. From an institutional standpoint, regardless of how loudly members of the Science Task Force may voice their disagreement, the sole authority to take measures rests with the Federal Council, or with the Parliament. There is no risk that the scientists would formally 'take over' that power from them in the form of an actual technocracy. The Swiss policy process simply does not allow for it. What is at stake is communication of disagreement, and the impact such communication has on public opinion.

To the author's knowledge, there has been no submission that Science Task Force policy briefs should no longer be made publicly available. The current mandate agreement already provides in this respect that, where recommendations have relevance for upcoming decisions of the federal authorities, these recommendations will only be made published after the related decision. The Committee proposal maintained this solution.

The issue, then, is more one of 'visibility' of the recommendations. Only few Swiss citizens will proactively go and read policy briefs on the Task Force's website. No one opposes scientists expressing themselves as long as no one is listening. Task Force members appearing at weekly press briefings or speaking directly to the media or through social media channels have an impact that is incomparably stronger.

One aspect that deserves consideration, is the fact that the Science Task Force has a formal mandate from the Swiss government; it appears at press briefings alongside representatives of the Office of Public Health and other officials. Therefore, one may argue with good reasons that members of the Science Task Force are endowed with legitimacy delegated from state authority, from which they derive credibility that comes in addition to their status as scientists. This authority remains, even if the individual members specify that they are speaking in their personal capacity, and should trigger a duty to exercise self-restraint when expressing opinions publicly on issues that have been assessed by the Science Task Force.

Nevertheless, even scientists who have meanwhile left the Science Task Force or have never been part of it enjoy considerable public exposure, and the public debate has been directed more generally at the role of the expert in society. Leaving aside the broader debates surrounding the very notion of evidence-based policy making, two reproaches are typically encountered among politicians: first, expertise is not a source of authority in itself for policy decisions, because the experts have no democratic legitimacy. Second, by getting input from multiple sources of information, including experts expressing their diverging views on the measures taken, the Swiss population gets 'confused'.

While each reproach could have some merits in and by itself, their combination reveals a certain paradox: indeed, the proposition that the Swiss population (or any other population for that matter) would be unable to deal with multiple, conflicting, views, undermines the very argument that expertise is no legitimate authority in a democracy. If the assumption is that the Swiss population is unable to make sense of information, it must be deemed incapable of dealing with the confrontation of views that the democratic debate presupposes. This would then just prove confirmation that, in fact, expertise does matter as a source of authority.

As several recent initiatives highlight, a more forward-looking approach than curtailing scientific communication that could conflict with official positions and policy measures, is to educate the (Swiss) people - [including the media and political circles](#) - towards better scientific and data literacy, but also to [raise scientists' political literacy](#) and their awareness as to how to address their own values. This will not do away with conflicts of interests and of values in debates on the use of science for policy purposes - society shapes science just like science shapes society - but should allow such debate to be conducted based on a more robust and justifiable foundation.