

European Network for Life Sciences, Health and the Courts *ENLSC*

[about ENLSC](#)
[what we have done](#)
[what we plan to do](#)
[how to contact us](#)

FUTURE EVENTS

- International seminar Science before the Courts, Pavia (I), June 3rd-4th, 2003;

- "The techniques of Biology and the Tools of the Law": 5 conferences on basic and the law, Milano (I), March-May 2003

- June 3rd, 2003: *ENLSC Promoting Group meeting*, Pavia (I), Collegio Ghislieri.

To be against science is as much anti-scientific as to be uncritically pro-science

Is it always true to say that science is, by definition, universal whilst laws and the courts which apply them are a typical state and national expression? Yes and no.

Judges are appointed according to national rules, but more and more often they are faced with scientific applications in biological field, and they have to tackle conflicts for which they cannot find a solution in legislation. Hence they have to turn to judge-made or legislative law sources that transcend national legal boundaries.

As a matter of fact a new awareness to belong to an international community, as well as informal how much real one, has developed among judges. This community works, above all, through the exchange of judicial standards, knowledge and experiences, through both direct and informal contacts and international meetings in which judges side by side with scientists debate together starting from the problem and not from the differences in their respective legislation.

This is a community which, even at an embryonic stage, have a sufficient level of universality to be able to come together with the international scientific community and interact with it.

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About ENSLC

(from the *Draft Program*, that will be discussed in the *Promoting Group meeting*, Pavia, June 3rd, 2003)

In the next decades the issues related to science and law will reasonably increase both in number and importance. In such a context **ENSLC aims** are as follows:

- ✚ to offer European judges and Courts scientific information of the highest caliber and from the most authoritative and independent sources, in civil and criminal cases arising from the fields of genetics, molecular biology, biotechnology (in the human and agricultural areas) and medicine;
- ✚ to promote among both judges and scientists a better knowledge of how science affects law, and vice versa, as well as to increase awareness about reasoning and implicit and explicit assumptions in the fields of science and law.

ENSLC does not give solutions to problems arising from specific cases. It simply gives assistance in the education of judges in dealing with the matters of life sciences, health and law.

Although ENSLC operates in Europe, it has a worldwide perspective and aims to co-operate with similar organizations all over the world.

The **main activities** of the European Network are as follows:

- ✚ To respond to the educational needs of the European judges in science-law matters related to biology by organizing courses and seminars in cooperation with institutions dedicated to judicial education, with universities and research centers;
- ✚ To facilitate access of the Courts to scientific information that is required to deal with the cases that they will be faced with more and more;
- ✚ To create opportunities in which the worlds of life sciences and the law (both universities and judges) can work together. Doing so they can tackle the extremely difficult theoretical problems arising from the

interaction between the categories of law and those of science. Moreover they can get a better understanding of the implicit assumptions and values in legal and scientific reasoning.

A special section of the ENLSC is reserved for **university students** and has the aim of giving them the opportunity to participate in some ENLSC initiatives and, doing so, to begin to tackle the issues related to science and law.

The Promoting group

ENLSC activities are organized by a network of institutions and individual scholars and judges working to ensure the best interaction of the national and European points of view, in the light of world reality and debate.

A Promoting Group is currently being set up.

The provisional headquarters are located at the University of Pavia (I), *Laboratorio di Biologia dello Sviluppo* and *Collegio Ghislieri*, which have given their initial support to the promotion of ENLSC.

Means and funding

As a general financial policy ENLSC aims to be funded by public institutions, universities and by non-profit making institutions and especially by European institutions. ENLSC does not accept funds from private companies.



Membership

All European judges, scientists and scholars who are interested in ENLSC activities are invited to get in touch with the Promoting Group in the provisional headquarters (e-mail: enlsc@unipv.it).

[homepage](#)

What we have done

The Promoting Group of the *European Network for Life Sciences, Health and the Courts* has already organized:

-  The 1st Residential Course for Judges on ***Present-day Biological Issues and Judicial Implications***, organized by the Superior Council of the Judiciary (CSM), by Collegio Ghislieri and by the Laboratory of Development Biology, University of Pavia, Pavia 23-27 September 2002;
-  “***The Techniques of Biology and the Tools of the Law***”, five conferences on basic genetics and the law organized by the *Superior Council of the Judiciary* (CSM - Ufficio dei referenti per la formazione decentrata del Distretto di Milano), by the *University of Pavia* and by *Fondazione Collegio Ghislieri*, Milano, March-May 2003.

[homepage](#)

What we plan to do

✚ the international seminar “***Science before the Courts***”, Pavia, June 3rd - 4th 2003, with the participation of judges from Albania, France, Germany, Greece, Israel, Italy, Poland, Romania, Spain, Switzerland, and from African countries (African Judicial Network), Australia (Federal Court of Australia), USA (EINSHAC), Canada;

✚ ENLSC Promoting Group meeting, Pavia June 3rd 2003;

✚ the course “*Genetics and Justice - a theoretical/practical approach*”, organized in co-operation with the Superior Council of the Judiciary (Pavia, Collegio Ghislieri e Laboratorio di Biologia dello Sviluppo, September 22nd -24th 2003);

✚ the inauguration of a **website** for the network (planned for June 2003).

[homepage](#)

How to contact us

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The *Techniques* of Biology and the *Tools* of the Law

Five conferences on basic genetics and the law organized by the **Superior Council of the Judiciary** (CSM - Ufficio dei referenti per la formazione decentrata del Distretto di Milano) and the **European Network for Life Sciences, Health and the Courts** - ENLSC, in co-operation with the *University of Pavia* and with *Fondazione Collegio Ghislieri*, Milano, March-May 2003.

Co-ordinator of the biological aspect: *Professor Carlo Alberto Redi*
Co-ordinator of the judicial aspect: *Doctor Amedeo Santosuosso*
Case presentations by *Doctor Giuseppe Gennari*

Venue

Palazzo di Giustizia (Aula Magna), Via Freguglia 1, Milano (Italia).

Admission Criteria

Every meeting is open to all the judges of the district.

The course is also open to lawyers, university professors and students, as well as those interested by profession.

The meetings will take place on Thursdays at 15:30 and will follow the following calendar of events:

- 13th March, 2003: Genetic Testing: Expectations and Predictions, Responsibility and Damages

- scientific speaker: Professor Bruno Dallapiccola (Rome)
- legal speaker: Professor Gilda Ferrando (Genoa)
- case presentation

- 27th March, 2003: Stem Cells and Genetic Therapy: what are the rules and for whom?"

- scientific speaker: Professor Anglelo Vescovi (Milan)
- legal speaker: Doctor Amedeo Santosuosso (Milan)
- case presentation

- 3rd April, 2003: New Techniques of Reproduction and Cloning: between scientific innovation and a law...which does not exist

- scientific speaker: Professor Carlo Flamigni (Bologna)
- legal speaker: Professor Lenti (Torino)
- case presentation

- 8th May 2003: **Behavioural Genetics: is it really a possibility?**
 - scientific speaker: Professor Alberto Oliverio (Rome)
 - legal speaker: Professor Stefano Rodotà (President of the Office of Privacy)
 - case presentation

- 22nd May 2003: **"GMOs and Biotechnological Licensing: the state of the practice and related judicial problems"**
 - scientific speaker: Professor Francesco Sala (Pavia)
 - legal speaker: Professor Mariachiara Tallacchini (Piacenza)
 - case presentation

[homepage](#)

Science before the Courts

An international seminar will be held on 3 and 4 June 2003 in Pavia, at Collegio Ghislieri (Aula Magna), on the following issues: how do science and technology influence the law and, vice versa, what role does the law, especially judge-made law, play in the field of scientific applications.

The starting point

In conflicts between life sciences and the law, judges are often the first to be called upon to give their opinion and they find themselves intervening in fields in which *there is* conflict but *no* rule, at least in the traditional *legislative* sense.

This direct contact between science and the bar conceals a number of dangers. **Judges** are *naturally* lacking in scientific culture and consequently their stance oscillates between acritical refusal and equally acritical acceptance. Excessive expectations and unfounded suspicions are two sides of the same coin: *prejudice*, which is still anti-scientific, even when it appears to be philo-scientific.

Scientists, for their part, do not necessarily know about those techniques of social regulation which also permeate their activities. And, on the other hand, they are little disposed to recognise those premises and implicit values on which their work, at least in part, is based.

Scientists and judges end up seeing each other as extraneous beings, the keepers of different conceptual systems and ways of thinking, which are as much structured as they are, sometimes, conflicting. Scientists and judges need to discuss that compactness which they each attribute to the other, and which does not correspond to the real internal structure of scientific and juridical knowledge. The law and science are not two compact, mutually impermeable blocks.

The aims of the seminar

1. To deepen theoretical reflection on the way in which the rule of judgement is constructed in judicial case law in scientific matters and on how the categories of science and the law interact. Sheila Jasanoff's book, *Science at the Bar: Law, Science and Technology in* is an excellent basis for discussion. The starting point is constituted of a general vision of the issue, how it is perceived principally in the US and by attention given to the European reality by the author (who will be present at the seminar) in recent years. *Causation* in Criminal and Civil law will be analysed in particular.
2. To create an occasion for European judges, jurists and scientists to meet and discuss their respective problems and ways of handling them, in the field of the scientific training of judges and cultural exchange with scientists. Methods of organisation and the upcoming activities of the *European Network for Life Sciences, Health and the Courts* (ENLSC), which started operating last year at the *Collegio Ghislieri* (Pavia) and at the *Laboratory of Developmental Biology*

at the University of Pavia, will be discussed in the *Network Promoting group meeting*.

Science before the Courts

Pavia (I), June 3rd – 4th, 2003
Collegio Ghislieri, Aula magna

3rd Morning

h.9.00 a.m. Opening remarks: Amedeo Santosuosso

Sheila Jasanoff, *Science at the bar: an update*

Discussants

Carlo Alberto Redi

Stefano Rodotà

Mariachiara Tallacchini

Discussion

3rd Afternoon

h. 3.00 p.m.

Round table: *The European courts and science (I)*

Chair: Silvio Funtowicz

Judges and scholars from Albania, Bosnia, France, Germany, Greece, Italy, Poland, Romania, Serbia, Spain, Switzerland, Uganda (African Judicial Network), USA (EINSHAC), UNESCO, WHO and EJTN (European Judicial Training Network).

h. 5.30 p.m. *ENLSC Promoting Group meeting*

4th Morning

h.9.00 a.m. *Causation in law and in science*

Chair: Carlo Alberto Redi

Sergio Seminara, *The perspective of criminal law*

Andrea Belvedere, *The perspective of civil law*

h.11.00 a.m.

Round table: *The European courts and science (II)*

h.1.00 p.m.

Chair: Silvio Funtowicz

Languages: English and Italian, with simultaneous translation

[homepage](#)

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