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## Foreword

Life sciences are progressing at a dizzying rate because research in the field goes on without any frontiers. In life sciences the different scientific disciplines lose their individual outlines. Biology, chemistry and medicine overlap to the point of merging together to encompass whole sectors of human life, creating the so-called *life sciences*: biotechnology, molecular biomedicine and microbiology, among others. It is not surprising that alongside them there is talk of biolaw, biolegislation or biosafety.

In any case, law cannot turn its back on scientific progress or remain distanced from new technology which is developed to improve quality of life, but may alter traditional paradigms of biological development. It has quite rightly been written that never has our ability to manipulate life or growth created such a gap between law, science and technology.

Public law has not ignored the phenomena mentioned above, and this is why the need for an in-depth examination justifies its choice as the subject of a special issue. Nevertheless, a warning in advance: dealing with the issues and the necessary marking of boundaries are difficult, but any other approach would be infeasible, even in the knowledge that the choice of subjects is always a subjective one, which is not necessarily going to be shared by all.

The relationship between public law and science affects both lawmaking and individual rights; its connection with basic rights is unquestionable. Above all, however, science's ability to intervene to alter the course of life, health, reproduction, etc. affects human dignity itself, which is intangible, *unantastbar*, in German legal terminology. And this is where the question begins to arise of from what point and to whom human dignity is to be attributed, and therefore one position or another must be taken; the conflict of laws has differing solutions. Take for example the case of assisted reproduction, of the embryos not needed for assisted reproduction, of the creation of pseudo-embryos for therapeutic purposes. Whether or not a set of cells is to be considered a thing or a person affects the said attribution of dignity. This is why recently-revised constitutional texts have set out to stipulate in a Kantian manner that human dignity demands that the human being be treated as a subject and not simply as an object. In international agreements, too, identity and dignity have been stipulated as essential values of the human being which

must be respected and guaranteed, for which reason the interests of science and society are secondary.

From another point of view, law needs to develop new concepts, on the basis of extrapolation from the broad bodies of regulations, concerning control over genetic manipulation of organisms; at the same time, legal dogma must deal with concepts such as biosafety, clarifying the scope of the public bodies' powers to intervene (the authorities in particular), moving on from the concept of policing to one of risk management. The making of law is also complemented through technical regulations which, without constituting a source of law, represent a technique akin to standardisation, the result of what is known as regulated self-regulation, the meaning of which requires analysis.

In this process, law relies on bioethics to solve the problems arising with biotechnology and biomedicine. Law and bioethics have one goal in common: respect for and fostering human rights. Decisions involving a conflict of values cannot be taken by legislators without the backing of a dialogue in society and a consensus arrived at through bioethical analysis.

The above issues were taken into account in preparing this special issue. It also includes reference texts and jurisprudence which allow the analysis of life sciences to be approached from the perspective that lawmaking has always been driven and preceded by the necessary resolution of specific cases which, because of their impact in the media and society, have given rise to varied and creative jurisprudence, constituting feedback to legislative power. This in turn has had an influence on the jurisprudential commentary, at least in the format which has up to now been known to this journal; ultimately, throughout this area, so-called *leading cases* have foreshadowed many jurisdictional rulings, just as they have inspired, as pointed out above, legislative moves.

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