

# CONVEGNO INTERNAZIONALE

## **Genetics, Robotics, Law, Punishment**

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### **Genetics and Biotechnology: an overview of criminal law in a global legal perspective**

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#### **Summary**

The convenience and even the efficacy of Criminal Law as a resource to fight against socially undesirable conduct that may arise from biotechnology has been put into question. This discussion needs to be viewed from within another wider debate as to whether postmodern Criminal Law is a legitimate means of intervening against the new dangers and risks linked to more complex activities within society.

The perception exists that it is difficult to outline concrete or comprehensible legal goods in relation to many of these activities. Instead, the profile of these goods is more vague or imprecise, especially if they are of a collective nature ("fuzzy legal goods"). It is further perceived that the intention is only to prevent acts involving mere or undetermined risk and not injury to legal goods, thereby distancing Criminal Law from the harm principle. There is also a belief that in this way Criminal Law has merely become a punitive means of managing general risks, and thus transformed in a sort of "Administrative Law", since these duties belong to a true Administrative Law. If Criminal Law proceeds in this manner, it will lose its preventive effect and will become relegated to a mere symbolic task and with this, relinquish its authenticity.

The difficulties presented by new crimes in the biotechnologies sector, demand the legislator to proceed with the utmost scrupulousness. The effectiveness of a preventive answer regarding these crimes, their political-legal justification and the fact that they may or may not be disregarded due to their merely symbolic effect will ultimately depend on whether or not legislative technical premises have been properly managed for description and punishment of these kind of offences.