



The Law
Society



Horizon Report for The Law Society

Law in the Emerging Bio Age

August 2022



Overview

This deep dive into what we might call the ‘emerging Bio Age’ - to distinguish it from the current digital Information Age - explores the evolving relationship between humans and living systems. That relationship will provoke new opportunities and risks that will demand oversight and new regulations, different contractual obligations, and create new alliances and conflicts as the rights of different human communities and natural systems themselves are challenged.

Via an extensive scanning and systems mapping process, Jigsaw Foresight with the Law Society have in this project identified implications of emerging changes in this area that we have grouped as follows:

- **New understandings** of biotechnology and innovation
- **Second chances** in addressing planetary limits and compensating for past damage to the global ecosystem
- **The rights of nonhumans** and the greater role of nature in decision-making

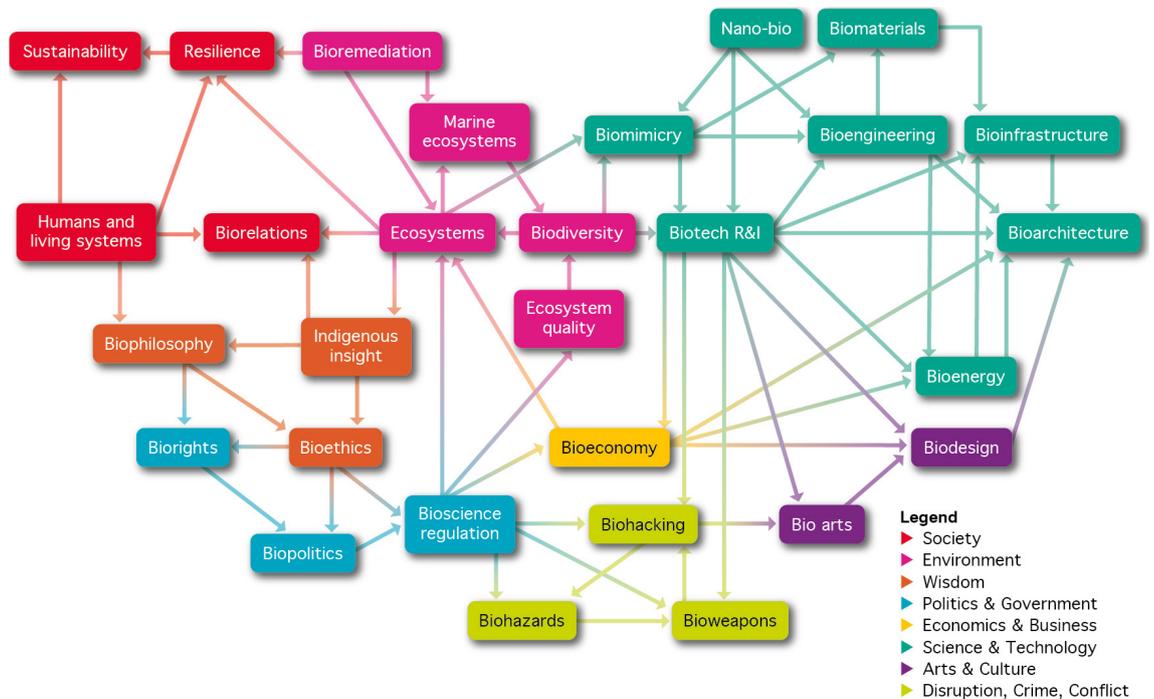
The legal profession is already being affected by these emerging changes. Our purpose in this report is to explore those impacts and raise the overarching question of how humans can be better ancestors to future generations of all species and what that would mean for legal ethics. We raise many questions, some more uncomfortable than others, which is why we invite you to actively engage with the findings in this report. To help guide you, we offer conversation prompts at the end of the report to kickstart conversations at a formal or informal level. We also offer a deck of ‘postcards’ - concise creative artefacts to spark thoughtful ideas, connections, and conversations (available [here](#)).

Scanning process and systems map

As part of understanding a complicated topic, we identified categories of changes emerging that related to humans and living systems and mapped their interconnections. This creates an initial interconnected landscape of the issue, depicted visually as a summary systems map (see page 3). Each of the elements represents a category of trends and emerging changes identified during a four-month horizon scanning effort. Subsidiary system maps appear later in the report, and information about the scanning database can be found in the appendix.

Report findings

The questions for the Law Society and the legal profession arise from the philosophical and ethical critiques of these shifts in humanity’s relationship to the planet and its living systems, and what that means in terms of ethics and rights. This in turn rebounds into the policy arena and decision-makers’ responsibilities in negotiating all of that by creating new laws and regulations - and working out how to enforce them. Three impact themes emerged from the general scanning data on this issue: New Understandings, Second Chances, and Rights for Nonhumans.



Emerging Bio Age: Summary Systems Map

New understandings

We begin with an exploration of the profound and surprising capabilities that are the direct result of advances in biotechnology research and innovation. Such discoveries have massive potential power for progress and may equally be weaponised or abused for exploitative ends. The efficacy of biotechnology regulation and risk mitigation for a range of areas must be examined.

Second chances

In this section we discuss how law and ethics can support us to mitigate future damage by operating within planetary limits and compensate for past damage to the global ecosystem.

The practice of policy and law would need to tackle unintended consequences and perverse incentives, as well as a lack of transparency and accountability in financial disclosure and accounting practices.

Rights for nonhumans

We draw out here the emerging topic of rights for nonhumans. Rights have already been granted (and more are being sought in different jurisdictions globally) for elephants, trees, rivers, ecosystems, and landscapes. Rights for nonhumans communicates our dependence on and a greater role for nature in decision-making. The process and execution of a nonhuman rights-based framework in international and local law may differ radically from a human rights-based approach. For example, if rights were granted to nonhumans or living systems, then questions of liability for damage

to the environment, such as climate change or biodiversity loss, arise.

Roundtable discussions

The Law Society hosted two roundtable discussions on this topic with lawyers, legal professionals, and topic experts. These discussions reviewed the existing topic system map and suggested additional implications for the legal profession, regulations, contracting, and policy. The roundtables aimed to elicit additional thoughts and insights on the scan results from a wider range of perspectives. The discussions were lively, critical, and creative; participants concluded this issue was urgent, underdiscussed, and a topic the legal profession should engage. Highlights included:

- Commodification and the emphasis on economic growth reinforce the notion of humanity's dominion over nature rather than our embeddedness in nature and living systems – the legal profession must consider how to best support the transition to a circular economy.
- The legal profession should consider how to use the circular, interlinked frame of the issue system maps to cut through assumed hierarchies and look at interdependencies and connections.
- Consider what the issue might look like from the nonhuman, or the ecosystem, point of view.
- Explore the concepts of rights, identity, and personhood as critical to humans' relationship to living systems, and our stewardship of environmental quality.

- Emphasise the moral and ethical framing of this issue, and what it might mean for the legal profession to embrace humanist, artistic, spiritual, and sacred perspectives that reframe our relationships with living systems and create a form of environmental guardianship that stems from the sacred.
- Risk, regulation, enforcement, and liability regarding all the facets of this complex system of innovations and issues demand uncomfortable conversations that we must face head-on with multiple stakeholders to assess where responsibility and accountability will lie regarding living systems and humanity's biosciences capabilities.
- Grappling with this issue demands long-term time frames and multiple timelines; we must avoid the constraints of political and business cycles.
- The legal profession needs to consider what all these points mean for training the next generation of lawyers and how best to equip them to support long-term solutions with the necessary innovations in legal frameworks.

A legal profession for the Bio Age

Whether you are based in a large or small law firm, an in-house legal department, a member of the Law Society staff, a policy maker or part of another expertise community, three patterns that need shifting, collectively, and at multiple levels, emerge from this deep dive:

- Capacity building, leadership, and nurturing well-rounded next generation lawyers who are mission led as well as legally minded – lawyers for a blue planet; Developing a professional well-roundedness as well as a sense of shared purpose, collective responsibility and commitment to be agents of change across the legal profession.
- Reframing, repositioning, and connecting the legal profession to longer as well as shorter term horizons of uncertainty and disruption, protecting time to explore longer horizons of change; and
- Reassessing impact and impact evaluation.

If we are to take account of living systems, then legal frameworks need to be fit for the more-than-human future.

Visit the full report for our systems maps and discussion prompts. You can also explore the postcard collection (available **here**) to help direct your conversations around the topics and themes in the report findings.

Report authors

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And visit our pages:

- Future Worlds 2050: <https://www.lawsociety.org.uk/topics/research/future-worlds-2050-project>
- Climate in 2050: <https://www.lawsociety.org.uk/topics/climate-change/climate-change-what-will-life-look-like-in-2050>
- Horizon Scanning: <https://www.lawsociety.org.uk/topics/research/horizon-scanning>

