

Title	科学者と法律家との協働をめぐる課題と展望 JST/RISTEX「法と科学」プロジェクトの事例分析
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# Issues and Perspectives of Cooperation with lawyers and scientists: A case study of JST/RISTEX "Law and Science" project

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The purpose of this thesis is to clarify how people with distinct cultural, social, and academic backgrounds communicate and work together for nurturing cross-cultural understanding of the interface between law and science by conducting the case study of a transdisciplinary project called “Legal Decision-making Under Scientific Uncertainty.”

The rapid development of science and technology has brought enormous benefits to humanity. At the same time, troubles and conflicts concerning technological and scientific matters are increasing in number and scale. Some of them are brought into a court of justice but the lack of collaborative relationship between lawyers and scientists often brings about unnecessary misunderstanding and conflict between them. This leads to the necessity to establish an environment in which scientists and lawyers can communicate and interact smoothly for solving scientific problems brought before the court.

Therefore, this study conducts qualitative analysis of cross-cultural communication among participants in the project titled “Legal Decision-making Under Scientific Uncertainty” for answering following questions: Major Research Question: What tasks are involved in cooperation between legal experts and scientists?; Subsidiary Research Question 1: Does the acquisition of new insights and interactions arise?; and Subsidiary Research Question 2: How

are differences in perception and understanding between legal experts and scientists are adjusted? Data are mainly collected through participatory observation and document review of wiki and mailing lists.

This project is one of twelve research development projects in the Focus Area “Science, Technology and Humanity” of JST Strategic Basic Research Programs in Research Institute of Science and Technology for Society. It aims for developing the methods and techniques of realizing rational legal decision-making in the issues of science and technology. This project, composed of 22 members who belonged to either three groups – law, science, and STS, started in October 2009 and ended in March 2013.

The findings show that it is very difficult to create a comfortable work environment in which those with different views on science and law can discuss relevant topics freely and cooperatively with each other. Scientists criticized that legal experts did not have enough scientific literacy while the latter ridiculed the former's naive view of law. Most scientists and legal experts failed to express their own views of science and law in ways easy to understand. They even could not define what science was. The project was on the brink of collapse for a period of time due to these communication problems.

Even so, there was a chance to bridge their communication gaps by bringing those who were acquainted with both science and law to the forum. Most scientists were reluctant to associate with lawyers, and vice versa, but some of them could start to see the things from the perspective of the other. These findings show that there is a possibility that incommensurability problems between scientists and lawyers can be overcome by placing multiple mediators who are bilingual in both scientific and legal issues in a discussion forum.