

FOREWORD:

ASKING QUESTIONS ABOUT THE BEGINNING, END AND MEANING OF LIFE

“Life, death and human nature: bioethics and biolaw in the twenty-first century”

Health law and ethical issues associated with biomedical innovation are evolving research strengths within the QUT Law Faculty. In part to promote its newly formed Health Law Program, in July 2006, the QUT Faculty of Law hosted the 11th conference of the Australasian Bioethics Association, which incorporated the 10th annual conference of the Australian & New Zealand Institute of Health, Law & Ethics. There were more than 50 papers delivered at the conference, with a number of the presenters being members of the Health Law Program.

The conference brought together lawyers, doctors, scientists, ethicists, philosophers, allied health professionals, and, as one of the papers in this edition illustrates, a writer of fiction. While the professional backgrounds of the participants were diverse, they all shared the same interest – to spend three days exploring the conference theme of ‘Life, death and human nature: bioethics and biolaw in the twenty-first century’.

Much of what was discussed at the conference involved grappling with the ethical and legal challenges that arise at the beginning and end of life. Six of the papers presented at the conference appear in this edition as articles, and they too examine these critical events.

At the beginning of life, Ludlow considers what role the interests of the proposed child play in assisted reproductive technology. She examines this issue in the context of recent High Court decisions on wrongful life and some of the cases on posthumous conception.

Leiboff continues the examination of posthumous conception. In analysing the language used by judges in various judgments in the area, she argues that the language of reason is used to conceal the influence of personal moral choices.

The third article that continues the creation of life theme is by Tsitas who examines three gothic horror novels. She challenges us to consider the bioethical implications of the life (at least in some form) that is created in each of *Frankenstein*, *Never Let Me Go* and *My Sister’s Keeper*.

Another theme of the conference that is represented in this edition is the ethical and legal challenges at the end of life. Sayers and Howard both critique the criteria that currently govern withholding and withdrawing life-sustaining medical treatment in Queensland. Sayers argues that the appropriateness of a particular decision is better judged by the decision-making process than by a meticulous weighing of the various

criteria set out in the legislation. That journey is one that requires experience and deliberation, which is why there are ‘no ethical child prodigies’.

Howard also doubts the value of the current statutory criteria for such a decision. She considers the criteria are not useful because they can point to different outcomes, depending on the weight that is assigned to each criterion. She also observes that some of the criteria are not relevant to these decisions and, from a practical perspective, are not accessible to lay decision-makers who may be called upon to make decisions about medical treatment.

The end-of-life theme also featured in the final presentation of the conference, the ABA Presidential Address by Professor Grant Gillett. This paper examined end-of-life decision-making not by reference to the more traditional concept of ‘sanctity of life’, but instead by exploring the notion of ‘a sense of life’. This sense is one that respects the sacredness of human life but does not require it to be prolonged in all circumstances. Gillett challenges us to consider this ‘sense of life’ when grappling with issues of life, death and human nature.

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