



Central Seminar Series 2009

Life as Loss

Presented by

Bernadette Richards
University of Adelaide

Tuesday 11 August 2009

3.00pm – 4.00pm

Scots Centre (*next to Scots Church*)

Cnr North Terrace and Pulteney Street, Adelaide

Can life ever be considered a loss? Is there any point at which the law is prepared to define existence as something worthy of compensation? Or, perhaps even more startling, is there a point at which the law is prepared to favourably compare non-existence with existence? Will the law pause at either of the borders of life and cast its jurisprudential eye over the other side of the border and say, Yes, this individual would be better off either never crossing the initial border into life or crossing over the other border into death? It is my aim in this discussion to address the 'wrongful life' and 'wrongful birth'

decisions to demonstrate that in these situations there clearly is a loss which ought to be recognised by the law but it is not, in truth, a question of whether or not life itself is a loss. The plaintiffs in each case have not set out to define living as a loss but they have argued that, because of the actions of another party their life is not as it ought to be. There has been a clear detriment suffered as a result of the careless actions of another. In asking whether life is a loss the courts have misdirected the enquiry and failed to adequately address the true issue before them.

Bernadette began her professional life as an English and Drama teacher, then moved on to the RAAF where she served as an Education Officer for many years. Along the way, she studied law and decided to combine her interests in education and the law and move into an academic role. Bernadette has worked at the University of Adelaide for a number of years and her research focus is in the area of tort law in general with a specific focus on medical law and ethics. Bernadette is an active member of the Ethics Centre of South Australia and is currently the holder of an Australian Research Discovery Grant (along with other members of the Ethics Centre) entitled: 'Consent in the void: moral, legal and community values in decisions about human biological donations.'

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Public Seminar
All Welcome

