

of preventing outsiders from ‘peeping in’ to see who is in charge or control of the company.

Case notes act as an adjunct to actually reading the cases and serve as an effective revision tool. The case notes are extremely tightly summarised, however, they teach the reader, particularly business students, how to extract the important information from the particular case. Similarly key statements and case examples are used to further explain how the law works. Discussion points throughout the book allow students to focus on essential areas of knowledge and will be of particular use to those who work in study groups. Finally, ‘further reading’ suggestions are listed including, academic journals, practitioner journals and practitioner works.

Australian Corporate Law will be a useful tool in the library of any law school as well as being of enormous benefit to those studying this often difficult subject. The authors are to be commended on their ability to present a potentially dry subject in an engaging and useful manner.

*Jennifer Sallans**

Defending the Genetic Supermarket: Law and Ethics of Selecting the Next Generation

Colin Gavaghan

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Defending the Genetic Supermarket: Law and Ethics of Selecting the Next Generation is a new addition to the *Biomedical Law and Ethics Library* series. The author, Dr. Colin Gavaghan, studied and now lectures in medical law and ethics at the School of Law at the University of Glasgow. In this - his first published book, Gavaghan considers the law and ethics of the use of genetic technology, specifically of pre-implantation genetic diagnosis (PGD). PGD is a relatively unobtrusive genetic technology, whereby one or more cells is taken from an embryo created in vitro. DNA is taken from these cells, multiplied, then amplified, which enables a close examination of the presence or absence of certain genes. This enables embryos to be chosen for certain features such as gender or the absence of certain genetic disorders.

Gavaghan takes a pro-choice position with regards to PGD technology. This position becomes clear as he addresses issues arising PGD; he concludes that ethical issues are best resolved if each individual is free to

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make decisions about PGD themselves. The ethical issues that Gavaghan addresses can be categorised into three areas: harm to the potential child from the parents' choices, or for being used as a saviour sibling; harm to third parties such as the disabled; and issues of accessibility and justice.

The pro-choice approach taken by Gavaghan developed from the position of philosopher, Robert Nozick, who proposed the idea of the 'genetic supermarket' in which individuals are free to choose what type of people should exist. Gavaghan takes a different line to Nozick's free market model of access, positing that real choice is only achievable if there is political neutrality and equal access to PGD. This is really just the administrative argument that runs parallel to Nozick's economic position. He argues for moral and regulatory neutrality with regards to prospective parents' rights to use PGD. More controversially, he argues that PGD should be available for prospective parents who use it to select features in their child. Under Gavaghan's theory of access, any attempt to interfere with this decision should require a very solid ethical justification.

A major strength of this argument is that the position of moral and regulatory neutrality is appealing as it occupies the middle ground, taking no sides in a heated area of legal, ethical, and scientific development. Although Gavaghan clearly supports deregulation of PGD technologies, he also notes that arguments that advocate the use of PGD to pursue the 'moral duty' of enhancing offspring is counterproductive, as well as historically and ideologically unsound. Furthermore, it is refreshing to have ideas in this ethically challenging area presented without stampeding the reader with vehement, ethical arguments.

Those advocating against the use of PGD voice concern over the potential to deliberately bring a child into the world with a particular disability or genetic disease, or of psychological harm resulting from the 'purpose' of their selection. Gavaghan counters this point in his first area of argument, by arguing that if the embryo were not originally chosen because of that trait, then they would not have been chosen at all; existence with a physical condition is clearly preferable to non-existence. In the 2006 case of *Harriton v Stephens*, the Australian High Court concluded that they did not have the authority to rule if non-existence was preferable to existence with a disability. This is an awkward area of genetic ethics and covers unresolvable philosophical debates about the value of existence. Gavaghan, like the High Court, sidesteps this area.

Gavaghan's second area of argument focuses on issues of discrimination to the disabled and of the psychological wellbeing of 'saviour siblings'. He firstly points out that in the case of disabilities, any issues of discrimination arise from social attitudes and are not a result of technology. He argues that discrimination can be avoided if the state remains neutral by not restricting the use of the technology with

conditions. As for 'saviour siblings', his main counter-argument is once again that the only other alternative for the created child is non-existence. As has been noted by the High Court, society (particularly the judiciary) would go too far if it were to rule that non-existence was preferable to life with disability, or in this case, having confusion as to the child's sense of place. The awkwardness of Gavaghan's argument is that it sanctions the birth of one child to serve the life of another, which can be characterised as a servitude amounting to violations of human rights notions of dignity of the person.

The third area of argument - justice and accessibility, is the least satisfactory. To have PGD relatively unregulated and accessible to all individuals, regardless of socio-economic status, appears to be a major weakness of Gavaghan's argument. The concern of unequal accessibility to these technologies and the potential social consequences are considered by Gavaghan in Chapter 7, where he explores concerns over injustice. Specifically, he addresses whether the potential social division that results from unequal access to a politically unfunded and expensive technology is justifiable. Without government input, few could afford to shop at the 'genetic supermarket'. The co-existence of political neutrality and open access to technology appears unlikely, potentially even contradictory. This chapter considers these issues in considerable detail, but fails to provide any satisfactory arguments. Gavaghan reasons that, as economic injustices occur in society all of the time, it would be unreasonable to disregard PGD because it may enhance inequality. This justification is unsatisfying and does little to remedy the weakness of his pro-choice argument in ignoring economic and social inequality.

On his website, Gavaghan acknowledges several relatively minor and 'really obvious mistakes' in his book, which have been brought to his attention since publication. Generally however, this book is very thorough and well written. His arguments are presented objectively, and are well supported; consequently the arguments he presents are very persuasive. With more publications on related topics to come, readers can particularly look forward to Gavaghan's opinions on political stances on PGD, and his attempts to justify a pro-choice approach to other, more ethically challenging genetic technologies. The controversial topic addressed in this book makes it a naturally appealing read; it is Gavaghan's analysis of the issues involved in the practical application of PGD which makes it a success.

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