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Historically, it can be said that the relationship between the law and the life sciences was at best tenuous and at worst non-existent. The role of the law was primarily to judge technical disputes based, generally, on the lessons learned from precedent; the life sciences, on the contrary, were forward looking, developing and proactive. Particularly beginning in the 20th century, this situation began to change. As medicine, in particular, advanced its capacities, so too it began to impinge more closely on the lives of individuals and on the consciousness of communities.

Arguably, the first steps towards a closer (albeit not necessarily non-adversarial) relationship can be traced to the development of human rights dialogue, particularly in the developed world. Recognition that individual integrity – physical or mental – formed a fundamental platform for rights-based claims ensured that interventions in such integrity came to be viewed not solely as a clinical matter but also as one with which individual rights were engaged. Second, the pervasive nature of health care ensured that it became an issue not just for individual patients and clinicians, but also for society as a whole. In particular, in countries with a state-funded health care system, such as the United Kingdom, the availability of health care became of economic as well as therapeutic concern. Enthusiastically or not, legislators and courts became increasingly involved at both a macro and a micro level in resource allocation decisions. Finally, and derivative from the growth of the use of human rights language referred to above, an increasingly alert and in-

formed public became more comfortable in challenging individual or state decisions, as well as demanding the services provided were of a high quality and standard. Adjudication on disputes arising from a perceived failure in these respects inevitably became the province of the law, often through the courts.

The parallel development, from the middle of the 20th Century, of bioethics as a discipline exposed further areas of potential controversy, leading to an increased opportunity for conflict. While ethical issues are not strictly the province of the law, over the years courts in particular have increasingly been engaged with such dilemmas. Arguably, therefore, the role of the law in relation to the life sciences has become much closer and at the same time more complex.