

FORUM#**REPRODUCTIVE RIGHTS AND THE LAW****FOREWORD**

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In 2005, the leader of the Democrats, Lyn Allison, initiated a private members bill to repeal Ministerial responsibility for the approval of the ‘abortion pill’ RU486. The ensuing debate was one that divided parliament and the wider public alike. Lyn Allison’s position, which was shared by the four other female senators who backed the bill, was that the proposed legislation was ‘not about the morality, the desirability or otherwise of abortion’:¹ this was a bill about the means of, and access to, abortion, not about its propriety. The desire, or need, to make such a distinction discloses something particular about the issue of reproductive rights. Legal responses to issues of reproduction invariably give rise, rightly or wrongly, to questions of morality, no matter how they are framed.

This is, I think, largely unavoidable. There are few issues that move us quite as deeply as the issue of reproductive rights. It is an issue that straddles – most of the time awkwardly – the public/private divide; it is an issue that speaks to, and challenges, our fundamental convictions about life, liberty and humanity; and it is an issue that is inevitably steeped in complexity and controversy. The notion of reproductive rights – even for those who deny that such rights exist – calls us to question our rights and responsibilities in relation to life and, more often, the potential for it.

This *Forum* is not a response to a pro- or anti- position on abortion. The aim of this particular *Forum* is, rather, to sponsor debate over the issue of reproductive rights that is specifically grounded in the law. This is not to say that the political and moral aspects of the issue are irrelevant: to a large degree it is both difficult and unhelpful to separate arguments of this character from purely ‘academic’ perspectives. It is precisely because our views on reproductive rights are often strongly held and emotionally charged that there is a detectable, albeit understandable, poverty of rigorous engagement with the issue. Nevertheless, it

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1 Second Reading Speech, Therapeutic Goods Amendment (Repeal of Ministerial Responsibility for Approval of RU486) Bill 2005 (Cth) Senate, 8 February 2005 (Lyn Allison, Health and Aging).

is hoped that this *Forum*, which takes the interaction between reproductive rights and the law as its primary focus, has gone some way to remedy this.

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