10. Organ donation and the ownership of body parts

Charles Foster

‘Organ donation and the ownership of body parts’ shows that in many countries, body parts and the products of bodies are regarded as property if that gives the ‘right answer’. The trading of body parts, commodification, and the Council of Europe's Convention on Human Rights and Biomedicine (1997), which prohibits commercial dealings in human body parts, are considered. The debate on organ donation is then outlined, including living donors, opt in and opt out donation, and the issue of autonomy. Finally, intellectual property rights and the patentability of human material are addressed and it is argued that the law of confidentiality, not of property, should be used when considering the human body.

Medical Law: A Very Short Introduction

Charles Foster

Medical law is concerned with our bodies, and what happens to them during and after our lives. The core issues of medical law — organ transplantation, abortion, withdrawal of treatment, euthanasia, confidentiality, research on humans — affect us all. Medical Law: A Very Short Introduction explores different examples of these issues to illustrate the key problems and principles of medical law. When things go wrong with our bodies, we want to know what our rights are, and what governs the conduct of the clinicians into whose hands we put our lives and limbs. Dealing with matters of life and death, it can therefore have a fundamental impact on medical practice.