

FROM BODIES TO BASES HUMAN BIOLOGY AND THE LAWS OF PROPERTY

John Candlish



Published by: IIUM Press International Islamic University Malaysia

First Edition, 2009 ©IIUM Press, IIUM

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without any prior written permission of the publisher.

Perpustakaan Negara Malaysia

Cataloguing-in-Publication Data

Candlish, John

From bodies to bases : human biology and the laws of property / John Candlish Includes Index ISBN 978-983-3855-91-9

1. Transplantation of organs, tissues, etc. 2. Transplation of organs, tissues, etc.—Law and legislation. I. Title. 617.95

ISBN: 978-983-3855-91-9

CONTENTS

I		ne Hierarchy of the Human Body and its		
	Commodification			
	1	Liberalism and Realism		
	2	The Hierarchy of the Human Body		
	3	Legal Systems		
	4	International Law		
	5	Property and Commodification		
II	A	n Ancient Enterprise	21	
	1	Ancient Captivities		
	2	-		
	3	Modern Servitudes and Quasi-bondage		
	4	Dead or Alive		
	5	Property in the Dead Body		
	6	Human Cloning as Slavery		
	7	Cloning and International Law		
III	Pe	ddling Organs		
	1	The Valuation of Organs		
	2	The Spare Parts Business		
	3	Transplantation or extraction		
	4	Voluntary Donation		
	5	Involuntary Donation		
	6	Issues of Consent		
	7	Islamic and Buddhist Views		
	8	Old Bones		
	9	Variations oh the Theme		
	10	Ethical Attitudes		

IV Selling Cells and Tissues 133			
1	A Step Down in the Hierarchy		
2	Blood, the Paradigm		
3	Egg Donation		
4	Semen Donation		
5	Foetal Tissues and Stem Cells		
6	Cells from Indigenous Peoples		
7	Tissue Banking		
V P	reddling Genes	163	
1	Questions at Issue		
2	Patenting Genes		
3	Expressed Sequence Tags and Single Nucleotide Polymorphisms		
4	Some Keynote Cases		
5	Hyman Genetic Databases		
6	DNA and the Commodification of Risk		
VI Biomolecules as Currency 23			
1	Value Molecules		
2	The Importance of Proteins		
3	Blood Proteins		
VII Biocapitalism Triumphant 251			
1	Disquietude		
2	The Tentacled Triplets		
3	Scientists as Entrepreneurs		
4	Licencing		
5	Summing Up		
INDE	287		