Deficiencies and shortfalls in the supply of human organs for transplantation and human tissue for research generate policy dilemmas across the world and have often given rise to major and deleterious controversies. They also create an environment in which illegitimate commercial activities flourish. At the same time, patients are denied the therapy they desperately require and researchers are impeded from carrying out vital work into the causes of, and efficacious treatments for, major illnesses and diseases.

David Price sets out a clear and integrated legal and policy framework which emanates from the tissue source but protects the interests of donors and relevant professionals through tailored property entitlements, but without presupposing rights to trade in ‘original’ materials.

David Price is Professor of Medical Law at De Montfort University, Leicester, where his research focuses on areas relating to human tissue for medical purposes. He was very recently a member of the Secretary of State's Organ Donation Taskforce examining presumed consent and previously a member of a World Health Organisation Taskforce on Organ Transplantation. He is a member of the European Expert Group Relating to Ethical, Legal and Psychosocial Aspects of Organ Transplantation and a member of the Editorial Board of the *Medical Law Review*. 
This series of books was founded by Cambridge University Press with Alexander McCall Smith as its first editor in 2003. It focuses on the law’s complex and troubled relationship with medicine across both the developed and the developing world. In the past twenty years, we have seen in many countries increasing resort to the courts by dissatisfied patients and a growing use of the courts to attempt to resolve intractable ethical dilemmas. At the same time, legislatures across the world have struggled to address the questions posed by both the successes and the failures of modern medicine, while international organisations such as the WHO and UNESCO now regularly address issues of medical law.

It follows that we would expect ethical and policy questions to be integral to the analysis of the legal issues discussed in this series. The series responds to the high profile of medical law in universities, in legal and medical practice, as well as in public and political affairs. We seek to reflect the evidence that many major health-related policy debates in the UK, Europe and the international community over the past two decades have involved a strong medical law dimension. Organ retention, embryonic stem cell research, physician-assisted suicide and the allocation of resources to fund healthcare are but a few examples among many. The emphasis of this series is thus on matters of public concern and/or practical significance. We look for books that could make a difference to the development of medical law and enhance the role of medico-legal debate in policy circles. That is not to say that we lack interest in the important theoretical dimensions of the subject, but we aim to ensure that theoretical debate is grounded in the realities of how the law does and should interact with medicine and health care.

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Human Tissue in Transplantation and Research

A Model Legal and Ethical Donation Framework

David Price
This is book is dedicated to my ‘special girls’ – Charlotte, Amelie, Isabelle and Lily.
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Preface

This book is the culmination of many years of working in the fields of organ tissue transplantation and research in an academic and policy advisory context, leading me to a conviction of the urgent need for a unifying legal and ethical donation framework incorporating various central concepts and principles. The necessarily complex policy-making in this sphere is a function of the fact that humans themselves are the ‘therapy’ or ‘research material’ here, involved in a uniquely human activity. These are consequently areas which not only preserve but also reflect our humanity.

I am very grateful in the making of this book for the assistance received from the staff at Cambridge University Press, and in particular Finola O’Sullivan, Brenda Burke and Richard Woodham, and to Martin Wilkinson for his hugely helpful remarks in regard to two of the most substantial parts of the book. Mostly of course, my thanks and love are directed to my long-suffering wife Arlene, whose support is profoundly appreciated.
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