

SELF-OWNERSHIP, PROPERTY RIGHTS, AND THE HUMAN BODY

How ought the law to deal with novel challenges regarding the use and control of human biomaterials? As it stands the law is ill-equipped to deal with these. Quigley argues that advancing biotechnology means that the law must confront and move boundaries which it has constructed; in particular, those which delineate property from non-property in relation to biomaterials. Drawing together often disparate strands of property discourse, she offers a philosophical and legal re-analysis of the law in relation to property in the body and biomaterials. She advances a new defence, underpinned by self-ownership, of the position that persons ought to be seen as the *prima facie* holders of property rights in their separated biomaterials. Amongst others, this book will appeal to those interested in medical and property law, philosophy, bioethics, and health policy.

MUIREANN QUIGLEY holds the Chair in Law, Medicine, and Technology at Birmingham Law School. Before moving to academia she was a medical doctor. Her research is explicitly interdisciplinary and focuses on the philosophical analysis of law and policy. She is particularly interested in biotechnological advances and innovations, and how these can and ought to be dealt with by society. She has previously held a number of research grants, including from the Wellcome Trust and the Leverhulme Trust. She is a member of the editorial board of *Medical Law International*. In 2012, she won the Mark S. Ehrenreich Prize in Healthcare Ethics Research.

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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. Since the early 1990s, 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 involve a strong medical law dimension. With that in mind, we seek to address how legal analysis might have a trans-jurisdictional and international relevance. Organ retention, embryonic stem cell research, physician-assisted suicide, and the allocation of resources to fund health care 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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SELF - OWNERSHIP,
PROPERTY RIGHTS, AND
THE HUMAN BODY

A Legal and Philosophical Analysis

MUIREANN QUIGLEY

University of Birmingham



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