

Philosophy 1-79-544-01  
Georgetown University  
James F. Childress

Spring Semester, 1987  
Friday 9:15-10:55 AM  
Poullon 220A

**Seminar Topic: The Body and Its Parts as Property**

**Specific Topics and Reading Assignments**

1/16 Introduction and Overview

1/23 Conceptions of Property and Property Rights

Lawrence Becker and Kenneth Kipnis, eds., Property: Cases, Concepts, Critiques (1984), pp. 68-87.

Thomas Grey, ed., The Legal Enforcement of Morality (1983), pp. 103-118.

William May, "Attitudes Toward the Newly Dead," The Hastings Center Studies 1 (1973): 3-13.

Lori Andrews, "My Body, My Property," HCR 16 (October 1986): 28-38.

Recommended: Russell Scott, The Body as Property (1981)

1/30 Theological Conceptions of the Body and Its Parts: Living and Cadaveric

Biblical passages

Fred Rosner and Rabbi Moses D. Tendler, Practical Medical Halacha, 2nd ed. (1980), excerpts.

Rabbi David M. Feldman and Fred Rosner, Compendium on Medical Ethics, 6th ed. (1984), excerpts.

John Gallagher, "The Principle of Totality: Man's Stewardship of His Body," Moral Theology Today: Certitudes and Doubts (1984), pp. 217-242.

Paul Ramsey, The Patient as Person (1970), chap. 4.

William May, "Religious Justifications for Donating Body Parts," HCR 15 (February 1985): 38-42.

Commemoration Service, Hershey Medical Center

2/6 Philosophical Conceptions of the Body and Its Parts: Living and Cadaveric

Immanuel Kant, The Metaphysical Principles of Virtue, excerpt.

H. Tristram Engelhardt, Jr., The Foundations of Bioethics (1986), excerpts.

Leon Kass, "Thinking About the Body," HCR 15 (February 1985): 20-30.

Richard Zaner, "Body" and "Embodiment," Dictionary of Christian Ethics (1986)  
Marx Wartofsky, "On Doing It For Money," in National Commission for the  
Protection of Human Subjects, Research Involving Human Subjects, Appendix  
(1976).

#### 2/13 Living Sources of Blood, Bone Marrow, and Kidneys

Richard Titmuss, The Gift Relationship (1971)  
Richard Titmuss, "Why Give To Strangers?" The Lancet 1, No. 7690 (January 16,  
1971): 123-125.  
Paul Ramsey, The Patient As Person (1970), chap. 4. (Review)  
Richard McCormick, "Transplantation of Organs: A Comment On Paul Ramsey,"  
Theological Studies 36 (1975): 503-509.  
Thomas Starzl, "Will Live Organ Donations No Longer Be Justified?" HCR 15 (April  
1985): 5.  
Andrew Levey, Susan Hou, and Harry L. Bush, Jr., "Kidney Transplantation from  
Unrelated Living Donors," NEJM 314 (April 3, 1986): 914-916.  
Alan Meisel and Loren H. Roth, "Must a Man Be His Cousin's Keeper?" HCR 8 (October  
1978): 5-6.  
Caplan, A.L., Lidz, C.W., Meisel, A., "Mrs. X and the Bone Marrow Transplant" (Case  
Study and Commentaries), HCR 13 (June 1983): 17-19.  
Robert A. Burt, "Coercion and Communal Morality," Journal of Health Politics,  
Policy and Law 9 (Summer 1984): 323-324.  
Strunk v. Strunk, 445 S.W. 2d 145 (Ky. 1969).

#### 2/20 Transfer of Cadaver Organs

The Uniform Anatomical Gift Act  
National Conference of Commissioners on Uniform State Laws, "Amendments to Uniform  
Anatomical Gift Act" (Discussion Document)  
Task Force on Organ Transplantation, Organ Transplantation: Issues and  
Recommendations (April 1986), chap. 2  
Paul Ramsey, The Patient as Person (1970), chap. 5.  
Stuart J. Youngner, et al., "Psychological and Ethical Implications of Organ  
Retrieval," NEJM 313 (August 1, 1985): 321-24.  
The Hastings Center, Ethical, Legal and Policy Issues Pertaining to Solid Organ  
Procurement, A Report of the Project on Organ Transplantation (October  
1985).  
David Peters, "Protecting Autonomy in Organ Procurement Procedures: Some  
Overlooked Issues," The Milbank Quarterly, 64, No. 2 (1986): 241-270.  
Arthur J. Matas, et al., "A Proposal for Cadaver Organ Procurement: Routine Removal  
With Right of Informed Refusal," Journal of Health Politics, Policy and Law  
10 (Summer 1985): 231-244.

#### 2/27 The Sale or Appropriation of Bodily Parts

Joel Feinberg, "The Mistreatment of Dead Bodies," HCR 15 (February 1985):  
31-37.

- Clifton Perry, "Human Organs and the Open Market," Ethics 91 (October 1980): 63-71.
- Susan Denise, "Regulating the Sale of Human Organs," Virginia Law Review 71 (September 1985): 1015-1038.
- The Council of the Transplantation Society, "Commercialisation in Transplantation: The Problems and Some Guidelines for Practice," The Lancet (September 28, 1985): 715-716.
- Task Force on Organ Transplantation, Organ Transplantation: Issues and Recommendations (April 1986), pp. 96-99.
- George J. Annas, "Life, Liberty, and the Pursuit of Organ Sales," HCR 14 (February 1984): 22-23.
- James Humber and Robert Almeder, eds., Biomedical Ethics Reviews 1985, "Buying and Selling of Human Organs," pp. 3-33.
- John Harris, "The Survival Lottery," Philosophy 50 (1975): 81-87.

### 3/6 Selection of Recipients of Donated Organs

- Task Force on Organ Transplantation, Organ Transplantation: Issues and Recommendations (April 1986), chaps. 4 & 5.
- DHHS, Office of the Inspector General, Office of Analysis and Inspections, "The Access of Foreign Nationals to U.S. Cadaver Organs" (August 1986)
- "In Organ Transplants, Americans First?" Case Study and Commentaries, HCR, 16 (October 1986): 23-25.
- Report of the Massachusetts Task Force on Organ Transplantation (October 1984), pp. 72-86.

### 3/13 Spring Break

### 3/20 Fetuses and Anencephalics as Sources of Organs and Tissues

- "The Anencephalic Newborn as Organ Donor," Case Study and Commentaries, HCR 16 (April 1986): 21-23.
- "A Startling Fount of Healing," U.S. News and World Report, Nov. 3, 1986.
- Sandra Blakeslee, "Law Thwarts Effort to Donate Infants' Organs," New York Times September 9, 1986.
- John Fletcher, John Robertson, and Michael Harrison, "Primates and Anencephalics as Sources for Pediatric Organ Transplants," Fetal Therapy (Fall 1986).

### 3/27 TBA

### 4/3 The Use of Human Tissues and Cells in Research, Etc.

- Office of Technology Assessment, Ownership of Human Tissues and Cells (December 1986).
- Leonard H. Glantz, "Property Rights and Excised Tissue," IRB (October 1979): 5-6.

Thomas H. Murray, "Who Owns the Body? On the Ethics of Using Human Tissue for Commercial Purposes," IRB 8 (January/February 1986): 1-5.

Robert J. Levine, "Research That Could Yield Marketable Products from Human Materials: The Problem of Informed Consent," IRB 8 (January/February 1986): 6-7.

#### 4/10 Assisted Reproduction: Ownership of Gametes and Embryos

Report of the Committee of Inquiry Into Human Fertilisation and Embryology (The Warnock Committee), chap. 8.

Michael Lockwood, "The Warnock Report: A Philosophical Appraisal," in Moral Dilemmas in Modern Medicine, ed., Michael Lockwood (1985), chap. 8.

Robert P. S. Jansen, "Sperm and Ova as Property," Journal of Medical Ethics 11 (1985): 123-126.

Paraplatx et al. v. C.F.C.O.S. Tribunal de Grande Instance de Creteil, August 1, 1984, No. 225/84, France. [Summary from Medicine and Law 4 (1985): 299]

Judith Levine, "Whose Baby Is It?" The Village Voice, November 26, 1986.

John A. Robertson, "Surrogate Mothers: Not So Novel After All," HCR 13 (October 1983): 28-34.

Herbert T. Krimmel, "The Case Against Surrogate Parenting," HCR 13 (October 1983): 35-39.

#### 4/17 Easter Holiday

#### 4/24 Maternal/Fetal Relations

Susan Mattingly, "Viewing Abortion from the Perspective of Transplantation: The Ethics of the Gift of Life," Soundings 67 (1984): 399-410.

H. Tristram Engelhardt, "Current Controversies in Obstetrics: Wrongful Life and Forced Fetal Surgical Procedures," American Journal of Obstetrics and Gynecology 151 (February 1, 1985): 313-318.

George J. Annas, "Pregnant Women as Fetal Containers," HCR 16 (December 1986): 13-14.

#### 5/1 Conclusions