

7-3 response to p. kimble

Sociology



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A Response to P. Kimble's Work on Tissue Rights Individuals' rights to their own tissues are slowly taking new shape. Despite several legal hurdles that have always presented the medical fraternity an upper hand against the owners of the tissues in court-determined cases so far, the push for collaborative patenting seems to be gaining ground by the day. Justification for exclusion when the bounty finally falls following successful tests on an individual's unique genetic makeup is loose and weakly founded. This is a review of P. Kimble's work in support of the existing judicial framework that gives medics an upper hand in matters pertaining to patenting patients' tissue extracts.

Response

Though well researched, P. Kimble's argument presents prejudice. How did they fail to acknowledge contrary views despite supporting their stand? For instance they argue that once tissues are removed from the body we lose interest in them- which is quite true. The next level of the debate takes shape immediately; is there an express manner in which you are rightfully dispossessed of your extracted tissues? Could a legal provision authorizing joint ownership of the extracts be justified? To this it is impossible that anyone could argue in the contrary, unless they got a sinister motive, perhaps realizing or discovering hidden potential benefits in the particular organs.

Whereas every claim in this front has been lost, we could however look at it this way: an economically viable mine deposit has just been discovered on a piece of land legally owned by a Mr. Edward and his family. Under US law, Edward and his family will be beneficiaries from the mining sales proceeds if their deed to the land presents both surface and mineral rights (McLinden <https://assignbuster.com/7-3-response-to-p-kimble/>

2008). Contrasting this in the face of the judgments passed on the tissue ownership and patenting cases, you realize a very unfortunate inconsistency.

Whereas in the case of land the law allows for different levels of ownership, the same is not extended to the more similar issue of tissue patenting. Yet the matter of Mrs. Lacks has been given a peripheral ethical look, all the time disregarding the potential legal potential it has. A glance at this provision would influence Kimble's view otherwise.

Reference list

Grady, D. (2010). A Lasting Gift to Medicine That Wasn't Really a Gift. The New York Times. February 1, 2010. Web, 20th February 2013. McLinden, S. (2008). Who Owns Mineral Rights? BankRate. com Archives. Web, 22nd February 2013.