Bodies for sale

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New law professor Kara Swanson is writing a book about how the human anatomy has been made into properties. Credit: David Leifer

For some people, intellectual property is about faster computers and better apps. But for Kara Swanson, a new professor at the Northeastern University School of Law, it's about body products — literally.

She's writing a book, "Banking on the Body," that looks at how human anatomy — everything from blood to kidneys — has been made into properties that can be bought and sold on the market.

"The idea that we would take bits of our bodies and say they're property that can be traded on world markets for x amount of money like oil or hog futures is repellant and upsetting," she says. "But the process of taking something that isn't usually regarded as property and making it into property through law and other institutions is similar to the idea of taking an intangible idea and making it into property, which is the role of

intellectual property law."

To write the book, Swanson, who earned a Ph.D. in the history of science from Harvard University, is drawing on her doctoral dissertation, "Body Banks: A History of Milk Banks, Blood Banks and Sperm Banks in the United States." Before coming to Northeastern, Swanson was the Berger-Howe Visiting Fellow in Legal History at Harvard Law School and associate professor at Earle Mack School of Law, Drexel University.

The term bank in this context was first used to describe the collection and storage of blood before expanding to describe other banks for sperm, eggs, and human milk. As technology and science allowed banks for body fluids and organs to evolve, body banks also began to treat body products in property-like ways, she says.

For example, 100 years ago, being on the receiving end of a blood donation meant lying beside the donor as his or her blood was pumped into your veins, in a direct, body-to-body connection. But after scientists figured out how to keep drawn blood from clotting, donated blood could be stored in bottles, and used as anonymous medicine. As body banks became institutionalized through society and law, the banks acted as a barrier between the donor and the recipient, keeping the two parties from knowing each other.

"We ended up thinking of body parts in terms of monetary banks. Whatever you put in you'll get out," Swanson says. "The bank helped reduce anxiety about using body products as medicine."

Through her historical analysis, Swanson hopes to "denaturalize" what has become a "natural" way of thinking about blood banks and other such banks. And by bringing her work to practitioners, and "letting them know what you're doing now has a past that helps you think about your

present," new regulations may result.

More information: See selected works by Kara Swanson to read more about her research.

Provided by Northeastern University