

Reclaiming Body Parts: Taking Back Gifts?

By Keith Maynard

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Recently, a Long Island doctor donated his kidney to his wife to save her life. Eight years and one extra-marital affair later, the doctor demanded the [return of his kidney or \\$1.5million](#) in compensation in their divorce lawsuit. His claims are presuming that his kidney will always be his property, and that this property was "on loan" to his wife.

In California, a man [attempted to cut out the breast implants he bought for his ex-girlfriend](#). He asserts that he was trying to recover what rightfully belonged to him, since he paid for the augmentation. The ex-girlfriend suffered six stab wounds; the scorned lover is being prosecuted for attempted murder.

I published an article about compensating people who contribute body parts for the advancement of science and medicine, entitled Stealing What's Free: Exploring Compensation to Body Parts Sources for Their Contribution to Profitable Biomedical Research. In general, these contributions are considered gifts: the source does not get compensated, and does not get the body parts back. In analyzing the two headline-making stories above, I would fathom a guess that these guys are out of luck. The intent of donating the kidney and funding the breast augmentation was to give a gift--once given, it can't be taken back. From the reports I've read, I would be shocked if a court ordered these women to undergo surgery to return the gifts.