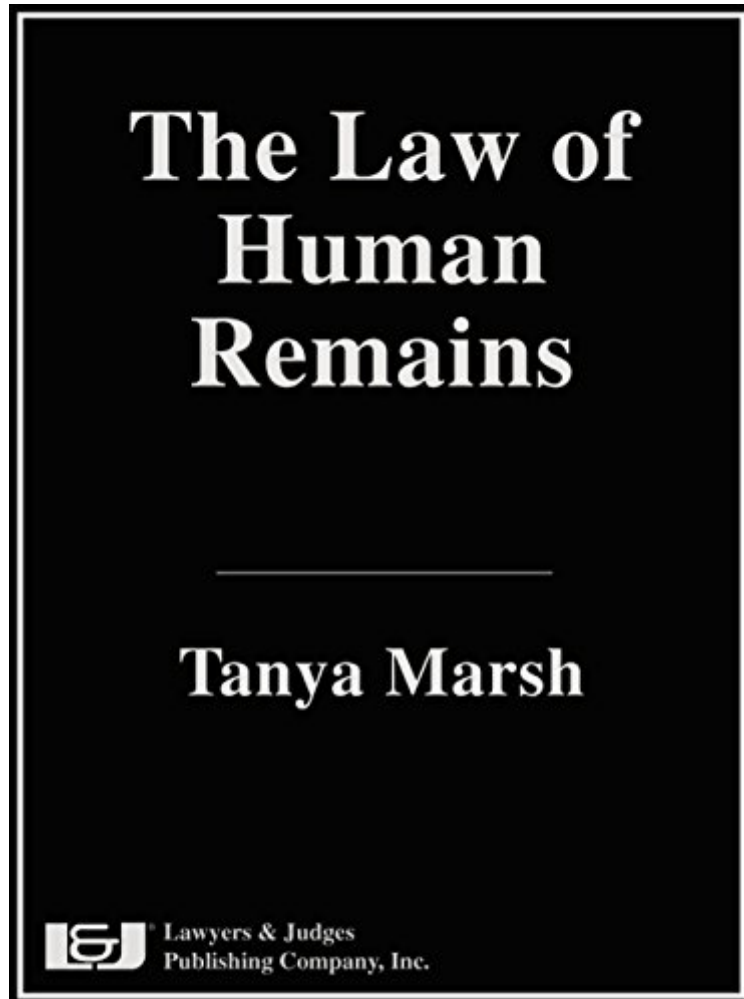


The Law of Human Remains

Tanya Marsh

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Tanya Marsh : The Law of Human Remains before purchasing it in order to gage whether or not it would be worth my time, and all praised The Law of Human Remains:

7 of 7 people found the following review helpful. Excellent overview of the lawBy Ric SimmonsThis is an area of law which is important but has not received enough attention from scholars. This book is an excellent and important summary of the law in this field.5 of 5 people found the following review helpful. This was such a wonderful book. As a law studentBy KatieThis was such a wonderful book. As a law student, its nice to have access to a book that so clearly states the law. This book efficiently does just that!1 of 10 people found the following review helpful. An amateurish effort by a law professor who surely knows more than she lets on in this bookBy Bruce K.The title of this book, "The Law of Human Remains", marks an ambition left largely unfulfilled by its overall content. Although not announced on the cover, the author is a professor of property law at Wake Forest University School of Law in North

Carolina. Amusingly enough, she is also a licensed funeral director. But don't be too impressed - this law professor has likely never even seen a body being embalmed and probably very few if any corpses of people she has never known while they were alive. The state which granted her a license is California, one of only two states in the country which permit someone to be licensed as a funeral director without having served either an apprenticeship at a funeral home or graduated from a two-year program in Mortuary Science. I will have more to say at a later date, but it bears mention now that while the book has an impressive heft to it, most of its pages are dedicated to addressing the highlights of the law separately in each of the 50 states. What "remains" by way of textbook-like content is about 80 pages soaking wet. The law in this area may indeed be startlingly sparse in the United States, but there is so much more that could have been written about, particularly in the area of torts and class actions, the latter of which are not even mentioned that I noticed. Professor Marsh also misses the mark in her inclusion at the start of the "seven principles" of the law of human remains. Most could be considered 'among' the guiding principles. One of them espouses a principle supported neither by English common law nor court opinion nor statute, state or federal. It's not even further mentioned in the remainder of the 80 pages - essentially, and I'm paraphrasing, the less the remains look like a human being, the less the law cares about them. Prof. Marsh even admits that no court has espoused such a principle. Apparently, she just feels it in her bones.

Human remains occupy an uneasy position in U.S. law. A human cadaver is no longer a person, but neither is it an object to be easily discarded. What, if anything, must be done with human remains? What cannot be done with human remains? What should be done with human remains? Before we can critique the law of human remains, we must first understand what the law is. In *The Law of Human Remains*, Tanya Marsh, a nationally recognized expert in the law of human remains and cemetery law, collects, organizes, and states the legal rules and principles regarding the status, treatment, and disposition of human remains in the United States so that attorneys and courts can more easily discover, understand, use, and ultimately critique and reform the law. Part I establishes an analytical framework for the law of human remains and presents an overview of significant doctrines. Part II provides a state-by-state summary of the common and statutory law examined in Part I. This book is designed to easily permit attorneys and courts to pinpoint a doctrine of interest, gain an overall understanding of it, then precisely locate the relevant law. This book argues that a distinct law of human remains exists and aims to begin the process of restating that law.

From the Inside Flap Human remains occupy an uneasy position in U.S. law. A human cadaver is no longer a person, but neither is it an object to be easily discarded. What, if anything, must be done with human remains? What cannot be done with human remains? What should be done with human remains? Before we can critique the law of human remains, we must first understand what the law is. In "The Law of Human Remains," Tanya Marsh, a nationally recognized expert in the law of human remains and cemetery law, collects, organizes, and states the legal rules and principles regarding the status, treatment, and disposition of human remains in the United States so that attorneys and courts can more easily discover, understand, use, and ultimately critique and reform the law. Part I establishes an analytical framework for the law of human remains and presents an overview of significant doctrines. Part II provides a state-by-state summary of the common and statutory law examined in Part I. This book is designed to easily permit attorneys and courts to pinpoint a doctrine of interest, gain an overall understanding of it, then precisely locate the relevant law. This book argues that a distinct law of human remains exists and aims to begin the process of restating that law.

About the Author Tanya D. Marsh is a graduate of Indiana University Bloomington and Harvard Law School. She practiced law full-time in Indiana for ten years before joining the faculty at the Wake Forest University School of Law. Marsh primarily teaches Property, Real Estate Transactions, and the first law school course in Funeral and Cemetery Law. She has been appointed as an Associate Reporter for the Restatement (Fourth) of Property and elected to the membership of the American Law Institute and the American College of Real Estate Lawyers. Marsh is nationally recognized for her work in the law of human remains and cemetery law. She is the author of law review and popular press articles on the topics and has been quoted by The New York Times, the Associated Press, Time Magazine, The Boston Herald, and People magazine, among others. Marsh is a licensed Funeral Director in the State of California.