

Discussion 7

[Science](#), [Social Science](#)



Course Code:

The case law under consideration is on the Society of New York Hospital, against Schoendorff (Law, Science and Public Health, n. d). Under this case, the plaintiff, Mrs. Schoendorff sued the society of New York Hospital for taking her to surgery, without her consent. She was suing the hospital for the crime of battery. The plaintiff had a fibroid lump, which could only be removed through surgery, and this was done during the night when she was asleep, and without her consent. This is also an ethical issue in the field of medicine, whereby doctors and medical practitioners are required to obtain consent from their patients, before treating them, or carrying out a surgical operation. This was the case in this situation as the court ruled. The court denoted that tampering with the body of an individual without his permission, even if it is for his or her own benefits amounts to battery (Law, Science and Public Health, n. d). The court therefore ruled that for any medical practitioner to tamper with the body of a patient, then they must obtain their consent. This is an acceptable ethical practice.

This ruling is right, mostly because it is very unethical for a medical practitioner to tamper with the body of an individual without their consents. Everybody has a right to determine the manner in which they would use their bodies, as long as, their actions do not breach on the rights of others. Therefore, even if a patient is dying, and he or she is of the right mind, a medical practitioner must seek their consents, before carrying out a treatment.

References:

<https://assignbuster.com/discussion-7/>

Law, Science and Public Health (n. d). " Basic Right to Consent to Medical Care - Schoendorff v.

Society of New York Hosp., 105 N. E. 92, 93 (N. Y. 1914)." Basic Right to Consent to

Medical Care - Schoendorff v. Society of New York Hosp., 105 N. E. 92, 93 (N. Y. 1914).

Web. 25 Mar. 2015.