

Healthcare law

Law



Health law Affiliation Health law The major theme of these modules relates to the issues of reproduction and birth where it discusses the issue of abortion and birth. Abortion has been defined as the termination of pregnancy where in many jurisdictions it has been held to be a crime. In that, the abortion of quickened fetus has been found to be a criminal act. However, there have been controversial issues in relation to reproduction and birth, especially on the subject of abortion where the matter was taken to the federal government to decide on the legality of abortion. This matter was established in the matter of *Roe v. Wade* 410 U. S. 113 (1973), where the House of Lords concluded that abortion was only allowed if it was to save the life of the mother.

The lesson I have learned in this module is that neither the common law nor the statute allows the termination of pregnancy unless the life of the mother is in danger. Additionally, if it has been established that the continuance of the pregnancy will cause grievance harm to the child in case they are born in instances where they are born with mental physical defects or in instances where the pregnancy was acquired through incest or rape. I have also learned that sterilization is the surgical procedure that allows an individual to end their ability or capability to bear children (Tribhuwan & Patil, 2009).

There is voluntary and involuntary sterilization; however, in involuntary sterilization it occurs to individuals who lacked informed consent and occurs in cases where the patients is incompetent or because the state has indicated that sterilization is compulsory especially in eugenic sterilization.

The government retains the right to privacy of individuals in the sense that, it does not provide any statute that govern the reproduction as people have the right to choose whether they want to procreate or not. Therefore,

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involuntary sterilization has been highly disfavored by many as it has been held to be unconstitutional. The lessons I have learned in this module can be applied to may work by ensuring that people understand the statutes that govern issues of reproduction ensuring that people do not violate the fourteenth Amendment of the constitution.

In the case of *Skinner V Oklahoma ex. rel. Williamson*, 316 U. S. 535 (1942), Skinner was sentenced to involuntary sterilization under the Oklahoma Habitual Criminal Sterilization Act permitted the state to sterilize individuals who had been convicted for more than three times for crimes that amounted to felonies and moral turpitude. However, the plaintiff indicated that the State was in violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment under the constitution of the United States (Steinbock, 2011). The petitioner further indicated that every individual in the United States had the right to have offspring's as it was a basic right under the constitution and for that reason, the state had no reason to interfere with that right.

The court held in its ruling that the Act that was enacted by the state of Oklahoma was in violation of the Fourteenth Amendment. Many opponents have indicated that involuntary sterilization is in violation of the individual's right to have offspring's and have disfavored eugenic sterilization.

Additionally, the constitution provides that every individual has the right to procure under the fourteenth Amendment and for that reason; this right should not be denied to any person under any condition. It has been established that for involuntary sterilization to occur it must be consistent with the protection of federal and states laws and in the case of *Skinner* the law was in violation of the constitution; hence, invalid.

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Reference

Roe v. Wade 410 U. S. 113 (1973)

Skinner V Oklahoma ex. rel. Williamson 316 U. S. 535 (1942)

Steinbock, B. (2011). Life before birth: The moral and legal status of embryos and fetuses. Oxford: Oxford University Press.

Tribhuwan, R. D., & Patil, B. D. (2009). Body image: Human reproduction and birth control : a tribal perspective. New Delhi: Discovery Pub. House.