

Introduction

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This chapter incorporates references to English common and statute law . Nevertheless, these legal and ethical principles have much in common with other jurisdictions across the world. Surgery , ethics and law go hand in hand. In any other arena of public or private life, if someone deliberately cuts another person, draws blood, causes pain, leaves scars and disrupts everyday activity , then the likely result will be a criminal charge. If the person dies as a result, the charge could be manslaughter or even murder. Self-evidently , the difference between the criminal and the surgeon is that their intentions differ. While a criminal intentionally (or recklessly) inflicts harm, the surgeon's intention is limited to the treatment of illness. Any harm that ensues is either unintentional or is necessary (such as an incision) to facilitate treatment. Patients submit to surgery because they trust their surgeons. What should 'consent' entail in practice and what should surgeons do when patients need help but are unable or unwilling to agree to it? When patients do consent to treatment, surgeons are provided with a wide discretion. The end result may be cure, but disfigurement, disability and death may also result. How should such surgical 'power' be regulated to reinforce the trust of patients and to ensure that surgeons practise to an acceptable professional standard? Are there circumstances, in the public interest, in which it is acceptable to sacrifice the trust of individual patients through revealing information that was communicated in what patients believed to be conditions of strict privacy? These questions about what constitutes good professional practice concern medical ethics and law relating to consent, confidentiality and the underlying concept of personal autonomy . In addition, these principles need to be applied to surgical activities, including professional matters relating to governance, regulation and the process of revalidation in its different guises around the world. Surgical training is starting to embrace the 'basic science' of surgical law to offer surgeons assistance in the resolution of such ethical dilemmas. This chapter is evidence of that process.

The primacy of confidentiality in surgical practice • The importance of appropriate regulation in surgical • research The importance of rigorous training and maintenance of • good practice standards

Revision #1

Created 2025-12-31 15:09:02 UTC by Omar Ayman

Updated 2025-12-31 15:09:03 UTC by Omar Ayman