

Court Case: Dispute Between Nobleman and Doctor over Patient's Death

Characters: Judge 1 Brother of patient
 Judge 2 Doctor

Judge 1: Our next case involves a dispute between this doctor and this man, the brother of a patient who died while under the doctor's care.

Judge 2: Please tell the Assembly why you have a complaint against this doctor.

Brother: *(Stands and speaks loudly and confidently.)* As many of you know, my brother was a respected nobleman. A month ago, he began complaining about a pain in his right side. *(Holds his hand on the right side of his abdomen.)*

Judge 2: Did he go immediately to the doctor?

Brother: *(Speaks hesitantly.)* No, he waited a few days. Finally, he couldn't stand the pain and went to visit this doctor.

Judge 2: And what happened when he saw the doctor?

Brother: Well, the doctor told him that he would have to have an operation to remove a growth that was causing him the pain.

Judge 2: Was the operation a success?

Brother: *(Looks furiously at the doctor. Speaks angrily.)* No, it was not. My poor brother died during the operation. We feel that the doctor who was responsible for my brother's death should be punished.

Judge 2: *(Furrows his brow sympathetically.)* Thank you very much. I am so sorry for your loss. *(Speaks softly and looks at the doctor.)* Doctor, please tell the court your side of this dispute.

Doctor: Certainly. When the patient came to me, his condition was almost beyond hope. *(Shakes his head sadly.)* His only chance to live was for me to operate and remove the growth in his abdomen.

Judge 2: *(Raises his hand slightly to interrupt the doctor.)* But didn't the patient die during the operation?

Doctor: *(Sighs.)* Yes. However, if he had come to me earlier, the growth may have been smaller, and the operation may have been successful.

Judge 1: *(Looks at the audience.)* Enough evidence has been heard for the Assembly to reach a decision. Members of the Assembly, you must decide whether it is appropriate to punish the doctor and, if so, what that punishment shall be. In making your decision, consider these laws from the Code of Hammurabi that you have before you:

1. If a doctor makes a large incision with an operating knife and cures a nobleman's disease, or if he opens a tumor over the nobleman's eye with an operating knife and saves the eye, he shall receive 10 shekels of silver.
2. If a doctor makes a large incision with an operating knife and cures a commoner's disease, or if he opens a tumor over the commoner's eye with an operating knife and saves the eye, he shall receive 5 shekels of silver.
3. If a doctor makes a large incision with an operating knife and kills a nobleman or commoner, or opens a tumor with the operating knife and cuts out the eye of a nobleman or commoner, the doctor's hands shall be cut off.
4. If a doctor makes a large incision with an operating knife and kills a slave, the doctor shall buy another slave for the slave owner.

Judge 2: Ladies and gentlemen, you have heard the evidence and have read the laws. You must now judge the case.

Stop Here
& Discuss



- **What is the legal problem in this case?**
- **What was wrong with the patient?**
- **How did the doctor try to cure the patient?**
- **Did the doctor think the patient was responsible for what happened? Why?**