

Law, Legitimacy And The Rationing Of Health Care

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Dr Syrett evaluates how courts may contribute to the attainment of legitimacy in healthcare rationing. Dr Keith Syrett argues for a reappraisal of the role of public law adjudication in questions of healthcare rationing. As governments worldwide turn to explicit rationing strategies to manage the mismatch between demand for and supply of health services and treatments, disappointed patients and the public have sought to contest the moral authority of bodies making rationing decisions. This has led to the growing involvement of law in this field of public policy. The author argues that, rather than bemoaning this development, those working within the health policy community should recognise the points of confluence between the principles and purposes of public law and the proposals which have been made to address rationing's 'legitimacy problem'. Drawing upon jurisprudence from England, Canada and South Africa, the book evaluates the capacity of courts to establish the conditions for a process of public deliberation from which legitimacy for healthcare rationing may be derived. EAN/ISBN : 9780511372711
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