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978-1-107-03830-1 - The Right to Health at the Public/Private Divide: A Global Comparative Study

Edited by Colleen M. Flood and Aeyal Gross

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THE RIGHT TO HEALTH AT THE PUBLIC/PRIVATE DIVIDE

Through a comparative global study of countries from all continents representing a diversity of health, legal, political, and economic systems, this book explores the role of health rights to advance greater equality through access to health care. Does pursuing a right to health care promote equality, or does it in fact advance the opposite result? Does inserting the idea of “the right to health” into health systems allow the reinsertion of public values into systems that are undergoing privatization? Or does it allow for private claims to be rearticulated as “rights,” in a way that actually reinforces inequality? This volume includes studies from countries such as the United States, the United Kingdom, Brazil, Canada, the Netherlands, China, and Nigeria, as well as authors with expertise regarding both the legal and health systems of their countries, making this a seminal study that allows readers to see the differing role of rights in various health systems.

Colleen M. Flood is a Professor and Canada Research Chair at the Faculty of Law, University of Toronto, and is cross-appointed to the School of Public Policy and the Institute of Health Policy, Management, and Evaluation.

Aeyal Gross is an Associate Professor in Tel-Aviv University’s Faculty of Law. He is also a Visiting Reader at the School of Oriental and African Studies, University of London.

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The Right to Health at the Public/Private Divide

A GLOBAL COMPARATIVE STUDY

Edited by

COLLEEN M. FLOOD

University of Toronto, Faculty of Law and
The School of Public Policy

AEYAL GROSS

Tel-Aviv University, Faculty of Law



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some points in common. One is the constitutional dimension of the national legal order being tested and challenged by international law and/or EU law and how the power of lawmaking is fragmented between several constitutional actors. Another point is the possibility for the individual to be able to access and be part of the realization of their stated rights.

Joanna Manning is Associate Professor at the Faculty of Law, University of Auckland, where she teaches and has published widely on issues of health law, policy, ethics, torts, and accident compensation. She is a contributing author to *Medical Law in New Zealand* (2006), which won the Legal Research Foundation's J. F. Northey Annual Book award for 2006, and, most recently, the editor of *The Cartwright Papers: Essays on the Cervical Cancer Inquiry 1987–88* (2009). She was the consumer representative on the Medical Practitioners Disciplinary Committee for close to ten years. Formerly she worked as a prosecuting lawyer.

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stemming from his doctoral work, is considered pathbreaking. Remigius is internationally recognized as a leading authority on law relating to biotechnology, dead bodies and body parts, and the ethics of biomedical research in developing countries. His publications have gained international recognition, and one was recently cited by the U.S. Court of Appeals, Second Circuit, in *Abdullahi v Pfizer, Inc.*, 562 F.3d 163 (2nd Cir. CA, 2009), a case concerning the clinical trial of Trovan in Nigeria by Pfizer in 1996. Remigius received his LLB from the University of Nigeria in 1991, LLMs from the University of Lagos and the University of Manitoba, and his SJD from the University of Toronto.

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