

CONTENTS

<i>List of Figures</i>	x
<i>List of Maps</i>	xii
<i>List of Tables</i>	xiii
<i>Preface</i>	xv
<b>1 Introduction: Does the Right to Health Matter?</b>	<b>1</b>
1.1 Outline of the Book	4
1.2 Any Role for Courts?	18
1.3 Conclusion	21
<b>PART I The Politics of the Right to Health</b>	<b>23</b>
<b>2 Health Becomes a Right in Brazil</b>	<b>25</b>
2.1 Health, Democracy and Inequality	26
2.2 The Constitutional Moment and the Sanitary Movement	28
2.3 The ‘Citizen Constitution’	32
2.4 The Right to Health Survives the Constituent Assembly	39
2.5 Text and Reality: Did the Constitution Work?	46
<b>3 The Constitution Works</b>	<b>50</b>
3.1 Social Improvement Since the Constitution	52
3.2 The SUS: ‘Largest Social Inclusion Policy in Brazil’	59
3.3 Conclusion	72
<b>4 Two Brazils: How Inequality Limits the Right to Health</b>	<b>76</b>
4.1 Brazil’s Health Inequalities	77
4.2 The Limits of the Right to Health	81
4.3 Brazil’s Socioeconomic Gulf	83
4.4 Chronic Underfunding	87
4.5 The Battle for Resources	93
4.6 Conclusions: What Can the Right to Health Do?	97

	<b>PART II The Judicialisation of the Right to Health</b>	<b>101</b>
<b>5</b>	<b>The Judicialisation of Health in Numbers</b>	<b>103</b>
5.1	Number of Cases	104
5.2	The Geographic Distribution of Health Litigation	111
5.3	What Is Claimed in Courts?	116
5.4	The Main Actors in Health Litigation	122
5.5	The Costs of Health Litigation	126
5.6	Conclusion	132
<b>6</b>	<b>How the Haves Come Out Ahead in Health Litigation</b>	<b>134</b>
6.1	The ‘Opportunity Structure’ for Health Litigation	136
6.2	Procedural Rules of Standing	139
6.3	Prospects of Success	142
6.4	Resources for Legal Mobilisation	150
6.5	Conclusion	187
<b>7</b>	<b>Islands of Rights Revolutions?</b>	<b>193</b>
7.1	Who Benefits from Health Litigation?	195
7.2	Place of Residence	196
7.3	Actual Income	207
7.4	Other Proxy Indicators: Legal Representation and Health Services	210
7.5	Conclusions	222
<b>8</b>	<b>Unequal Justice: What Is Litigated, Why, and Who Really Benefits?</b>	<b>225</b>
8.1	Social Impact: A Framework	227
8.2	The Duty of the State	229
8.3	Government’s Lists and Health Litigation	235
8.4	Eleven Types of Health Litigation	238
8.5	Assessing the Drivers and Social Impact of Health Litigation	251
8.6	Who Really Benefits from Health Litigation?	260
8.7	Conclusion	265
	<b>PART III What Role for Courts?</b>	<b>275</b>
<b>9</b>	<b>Conclusion: To Interfere or Not to Interfere? <i>The Court’s Dilemma</i></b>	<b>277</b>
9.1	The Court’s Dilemma	279
9.2	Unsatisfactory Responses: Too Much and Too Little Judicial Interference	281

Cambridge University Press & Assessment  
978-1-108-72901-7 — Health as a Human Right  
The Politics and Judicialisation of Health in Brazil  
Octávio Luiz Motta Ferraz  
Table of Contents  
[More Information](#)

CONTENTS ix

9.3	More Promising (Intermediate) Responses	285
9.4	Conclusion: Politics and Litigation in the Real World	302
<i>Bibliography</i>		307
<i>Index</i>		326