The last authoritative works on medical law were published during the pre-Constitution era (respectively in 1967 and 1991). Apart from some journal articles, academic theses and dissertations and introductory chapters on the subject of medical law/medico-legal practice, no substantive textbooks have appeared, where foundational principles of medical law, in context of the Constitution have been canvassed on an integrative level.

The political and legal landscapes in South Africa have altered significantly and irreversibly, since the advent of the final Constitution in 1997. This reality, of constitutional supremacy, obviously has also had an indelible impact on the understanding, nature, scope and application of South African medical law. Since the coming into existence of the Constitution there has been a need for an authoritative textbook on medical law. The publication under review more than fulfils this function and its stated intention, namely to offer an authoritative, substantive and integrative text on various levels. It is in fact one of the more impressive publications in many years.

The book is divided into eleven chapters dealing with an analysis and discussion of the Constitution and its interface with, and broad impact on: medical law and health care services in South Africa; the South African health care system; the regulation of the medical profession in South Africa; the legal basis of the doctor-patient relationship relating to the law of contract (in the public sector and the private sector); the doctor-patient relationship relating to the law of delict, specifically in context of health care delivery; professional medical negligence and vicarious liability (inclusive of the elements of evidentiary proof and causation); grounds of justification for medical interventions and other general defences in medical law; and the patient’s privacy and medical confidentiality. In addition, apart from the detailed analysis of the foundational principles of South African medical law, a CD-Rom is included at the back of the book on the common law (inclusive of case law [reported and unreported]), statutory law and medical ethics, as well as various annexures. These annexures contain important medico-legal information (eg examples of various informed consent forms, living wills and ethical guidelines), and serve to enhance the theoretical base of the book and to illustrate the application of medical law in practice. The book has a comprehensive and impressive bibliography, table of statutes and cases, and an extensive word index.

The book highlights the many legal interfaces that medical law has with other areas of law, such as the interface with the law of contract and the law of delict, or that between constitutional law and the law of contract or that between administrative law and constitutional law or that between the law of delict and constitutional law. The Constitution itself underpins them all. The book also persuasively illustrates that medical law is an internationally recognised subject, despite the fact that it is not even accepted as a legitimate study by some South African universities. The book certainly serves to dispel this myth.

The book is aimed at, and should be of benefit to the legal profession, the courts, the medical profession and allied health care professions, the health care industry, academia and students of medical law. I have no doubt that the book will become the standard work on medical law in South Africa. The publication is highly recommended and is a ‘must have’ for any serious practitioner.

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