

The relationship between a patient and doctor is unique, unequal and intimate. Vulnerable individuals share their problems with persons regarded to have the required knowledge and skill necessary to treat these problems and to give professional advice. The doctor-patient relationship is furthermore complex as it can give rise to many legal and ethical dilemmas. Le Roux-Kemp argues that the unique social dynamic of the doctor-patient relationship should be revisited in order to cast the legal rules and practices in a new ethical paradigm: one in which the power imbalances between doctor and patient is recognised; trust between patient and doctor is valued; and the ethos of a constitutional dispensation where dignity stands central is advanced and cultivated. This interdisciplinary study considers the legal- ethical aspects of the doctor-patient relationship as well as the various factors that influence it. References are made to theories and principles from sociology, economy and ethnomethodology. While the main focus is on the legal principles and examples of case law from South Africa, the UK and USA, the nature of this particular subject is universal.



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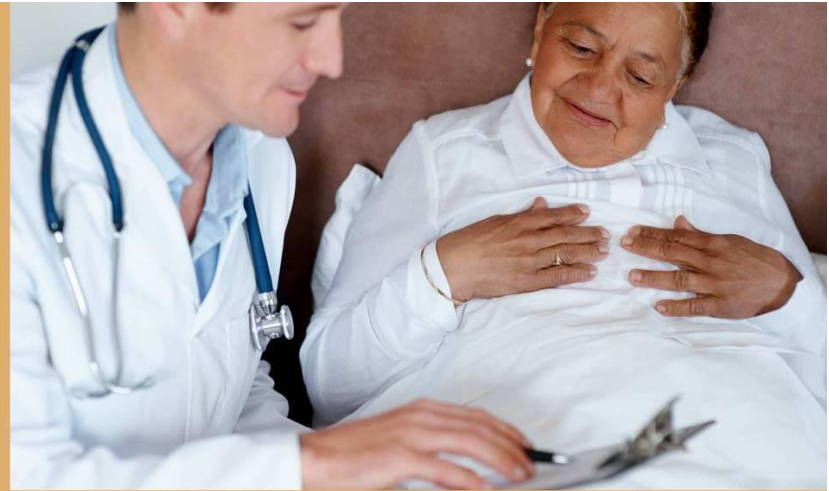
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978-3-639-34137-9

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A Legal Perspective

