

Health and Democracy: A Guide to Human Rights, Health Law and Policy in Post Apartheid South Africa by Adila Hassim, Mark Heywood & Jonathan Berger. Siber Ink CC Cape Town 2007. xiv and 506 pp. Price R230.00

This comprehensive guide on health law in South Africa is certainly a must-read for all role players in the health care industry, students and legal practitioners. It is the only interdisciplinary resource of its kind presently available. It provides an overview and practical insight into the main themes of health care and health law: the background to health law pre-1994 in South Africa, the health system in South Africa after the democratic transition, including an in-depth study of the public and private health care sectors, traditional health care, alternative health care and other relevant topics like the rights of health care users, health research and ethics and the process of development, registration and access to medicines.

Each theme is discussed within the context of relevant policy, law and applicable sections of the Constitution, while also providing important practical suggestions and references to statistics, case law and other relevant material. The text is structured in a logical and easy-to-read manner and the book is overall technically of a good quality, except for a few spacing errors in chapters two, three and eleven.

It is unfortunate, however, that although this book is expected to focus on the health care industry in South Africa in general, the reader often finds that while ample information and statistics are provided on HIV/AIDS in each discussion, relatively little information and statistics are made available on other major health concerns in South Africa, for example tuberculosis, child mortality and malaria.

In addition, there are a few substantive oversights in the text, which is regrettable. In chapter six, for example, which deals with the private health care sector, the authors pose the question why the Pharmacy Amendment Act is dated 2002 and not Act 1 of 2000, without providing additional information for this comment. Contrary to this comment, however, the Pharmacy Amendment Act is actually Act 1 of 2000 and this comment in chapter six, without explanatory information, will only lead to confusion. In chapter seven, which deals with traditional and alternative health care, reference is made to the Traditional Health Practitioners Act 35 of 2004 is discussed. This Act was enacted but not brought into force – *Doctors for Life International v The Speaker of the National Assembly* CCT 12/05, 17 August 2006.) The authors discuss section 49(g) of this Act and pose the question why it is an offence (according to this section) for an unregistered practitioner – as opposed to a registered practitioner – to diagnose, treat, offer to treat, prescribe for cancer, HIV and AIDS, and any other prescribed terminal disease. According to the authors of this particular chapter it should be an offence for both unregistered as well as registered traditional healers to perform any of the above functions since traditional healers will then make unfounded claims regarding the treatment of these illnesses. It is disappointing that the authors of this chapter failed to note that the exact same wording of section 49(g) also appears in section

36(g) of the Health Professions Act 56 of 1974 as well as in section 32(1) of the Allied Health Professions Act 63 of 1982. While the Health Professions Act only criminalises these actions for non-registered practitioners, the Allied Health Professions Act criminalises these actions for both non-registered as well as registered practitioners within the Allied Health Professions community. A comparison between these three sections would have contributed to the authors' argument.

Some of the chapters, especially chapter seven and nine, are characterised by subjective comments and emotive adjectives. The constitution of task teams, for example, is described as "disturbing" and the findings of disciplinary councils as "scandalous". This smacks of activism and does not make for objective reading.

Despite criticisms highlighted in this review, I would strongly recommend this book for anybody interested in health law and related matters in South Africa.

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Essential Social Security Law 2 ed by E Strydom (ed). Juta & Co Ltd Cape Town 2006. 360 pp. Price R298.85

Social security as a legal discipline is very much a new kid on the block. Only in recent years, mainly as the result of the work of Deakin in England,¹ have we come to understand that one of law's most recalcitrant offspring, the contract of employment, was profoundly influenced by developments in social security legislation. That realisation gives us all the more reason to explore this challenging area.

The second edition of *Essential Social Security Law*, published in 2006 under the banner of Juta, is, as the name suggests, essential to the novice. Under the able editorial hand of Elize Strydom, contributions by eleven of South Africa's foremost academics, practitioners and policy-makers, are well structured and integrated into a very informative unit. Nonetheless, the individual contributions can equally stand alone and, read in conjunction with the excellent introduction, can usefully serve as a quick guide to a particular area.

The book comprises the legislation addressing the challenges brought about by sickness, old age, pregnancy, workplace injuries, unemployment, invalidity, wars and natural disasters; the financing of social security and the administration of social security. Additional chapters on discrimination in social security legislation, the hardships experienced by migrant workers (a particularly informative chapter), the informal social security network and the role of the

¹ See, eg, Deakin & Wilkenson *The Law of the Labour Market* (2005) 41-109.