

*Volume 44, Number 2 (Summer 2006)*  
*Symposium on Chaoulli*  
*Guest Editor: Bruce Ryder*

Article 11

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## Book Notes: Access to Care, Access to Justice: The Legal Debate Over Private Health Insurance in Canada, by Colleen M. Flood, Kent Roach and Lorne Sossin (eds)

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### Citation Information

Killey, Jean-Claude. "Book Notes: Access to Care, Access to Justice: The Legal Debate Over Private Health Insurance in Canada, by Colleen M. Flood, Kent Roach and Lorne Sossin (eds)." *Osgoode Hall Law Journal* 44.2 (2006) : 405-406.  
<http://digitalcommons.osgoode.yorku.ca/ohlj/vol44/iss2/11>

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*ACCESS TO CARE, ACCESS TO JUSTICE: THE LEGAL DEBATE  
OVER PRIVATE HEALTH INSURANCE IN CANADA.* BY  
COLLEEN M. FLOOD, KENT ROACH & LORNE SOSSIN, EDS.  
TORONTO: UNIVERSITY OF TORONTO PRESS, 2005. Pp. xxxviii  
+ 611.

BY JEAN-CLAUDE KILLEY

On 16 September 2005, the Faculty of Law at the University of Toronto held a conference entitled “Access to Care, Access to Justice,” to discuss the Supreme Court of Canada’s decision in *Chaoulli v. Quebec*, and its possible impact on health care policy in Canada.

Professors Flood, Roach, and Sossin have collected the papers that resulted from that conference into this ambitious volume, which aims to delve deeply into *Chaoulli's* many facets, and to situate the decision in its many relevant contexts.

The book's twenty-seven articles span a range of perspectives, all categorized into eight sections touching on the various legal, social, and political lives the decision is expected to take on. Peter H. Russell leads off by suggesting that while the relatively narrow judgment legally applies only in Québec, the intense political and public attention which the decision has attracted will give its public importance a life of its own beyond its strictly legal implications.

In another section contributors discuss the politics of the *Charter*, and whether the Court properly respected its institutional role in *Chaoulli*. Though attitudes towards the legitimacy of judicial review may vary, there is consensus that the substantive outcome in *Chaoulli* protects negative liberties in a way that can only help the advantaged to the detriment of the disadvantaged. Three sections canvass the Court's handling of evidentiary issues in *Chaoulli*, the comparative evidence available on private health insurance, and the receptiveness of the Court to the idea that the *Charter* can require certain positive outcomes for those dependent on social services.

The final three sections the book incorporate the perspectives of certain health policy experts and participants in the *Chaoulli* litigation to explore the implications of allowing private health insurance, the possible governmental responses to *Chaoulli*, and the future of medicare in Canada. In a nod to the prominence of the Romanow and Kirby reports in the judgment, Roy Romanow and Stanley H. Hartt, who acted as counsel for Senator Kirby and other senators in their intervention at the Supreme Court, close the book by defending their contrasting philosophies on how best to administer universal health care in this country.

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