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Sustaining Surveillance: The Importance of Information for Public HealthConstitucionalização, Constituição e Teoria do Direito John G.

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Sustaining Surveillance: The Importance of Information for Public Health
Constitucionalização, Constituição e Teoria do Direito *John G. Francis*
Gustavo Podestá Sedra

this book presents a comprehensive theory of the ethics and political philosophy of public health surveillance based on reciprocal obligations among surveillers those under surveillance and others potentially affected by surveillance practices public health surveillance aims to identify emerging health trends population health trends treatment efficacy and methods of health promotion all apparently laudatory goals nonetheless as with anti terrorism surveillance public health surveillance raises complex questions about privacy political liberty and justice both of and in data use individuals and groups can be chilled in their personal lives stigmatized or threatened and used for the benefit of others when health information is wrongfully collected or used transparency and openness about data use public involvement in decisions and just distribution of the benefits of surveillance are core elements in the justification of surveillance practices understanding health surveillance practices the concerns it raises and how to respond to them is critical not only to ethical and trustworthy but also to publicly acceptable and ultimately sustainable surveillance practices the book is of interest to scholars and practitioners of the ethics and politics of public health bioethics privacy and data technology and health policy these issues are ever more pressing in pandemic times where misinformation can travel quickly and suspicions about disease spread treatment efficacy and vaccine safety can have devastating public health effects

desafiando algumas doutrinas tradicionais do direito constitucional a obra visa demonstrar que a essência da constituição reside na supremacia normativa dos textos constitucionais independentemente do conteúdo de seus dispositivos parte se de uma síntese histórica sobre o incremento da normatividade dos textos constitucionais e sua ampliação temática muito além da disciplina do poder estatal inutilizando as concepções de constituição que comumente chamadas de materiais negam lhe o caráter de norma jurídica ou restringem seu significado à disciplina de um dado conteúdo a síntese inclui o reino unido focando a consolidação da supremacia do parlamento britânico diante da ausência de um texto constitucional são utilizadas fontes de pesquisa esclarecedoras para superar certos dogmas permitindo por exemplo uma maior e mais correta valorização das experiências constitucionais do século xix inclusive na américa latina com seu criativo judicial review após a síntese histórica evidenciando a supremacia dos textos constitucionais como núcleo da constituição a prescindir do conteúdo de seus dispositivos a obra enfrenta questões inevitáveis como qual o fundamento da supremacia constitucional a constituição não seria onipresente existindo em países carentes de textos constitucionais como no reino unido o conceito de constituição adotado não promoveria o formalismo ensejando a exclusão da moral da definição do direito ou a ressurreição da hermenêutica mecanicista

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