

Guardianship – A Critical Review

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Guardianship is a legal and therapeutic mechanism used to appoint substitute decision makers to assist vulnerable individuals who, due to some type of diminished capacity, are unable to take care of their personal and/or financial needs. This article reviews the theoretical and empirical literature of guardianship for the elderly in Israel and abroad, the critiques that exist on this subject matter and the reforms which have been implemented in numerous countries around the world. This review is presented from a critical standpoint and follows the decision-making process from a balance of power perspective on the institution of guardianship. In this way, the review relates to the tension between the right to protection versus the right to autonomy, and examines guardianship in Israel in comparison to other countries in the western world concerning the continuum of autonomy and paternalism. The review shows that, although trends towards change exist, Israel has not yet passed the reforms that have been made in other countries and continues to lean toward paternalism.

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