Concerning the Provision and Obligations of Health Care

An Honors Thesis

by

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Purpose of Thesis.

This paper is an examination of the obligations of government and society in providing health care to its citizenry. It studies the nature of basic rights as defined and explained by Henry Shue, and health care's place within those basic rights. Two of the major theories of justice are critically examined to try and determine what place health care has within the just society. The third and final part of the thesis examines several of the empirical claims about the American health care system and what should be done to incorporate a public health ethic into the health care system.
I. The basic right.

Much of the debate concerning the domestic policy agenda of the United States government focuses on the provision of health care to its citizenry. This paper's purpose is to analyze the question of whether government is obligated to provide health care, presenting varying arguments on rights, duties and entitlements. This paper will also look into other concerns surrounding health care and governmental obligation.

A moral right provides (1) the rational basis for a justified demand (2) that the actual enjoyment of a substance be (3) socially guaranteed. Given this analysis, if a person has a particular right, the demand that the enjoyment of the substance of the right be socially guaranteed is justified by good reasons, and the guarantees ought, therefore, to be provided. (Shue 13) To have a right is to have a demand on others, who thereby have an obligation or duty to fulfill that right. Shue states that a right being justified is quite significant. For this reason, people not only may, but ought to insist that a right be fulfilled. To do otherwise could very well jeopardize the existence of that person.

That rights are demands and not something weaker helps relate rights to human dignity. According to Joel Feinberg, rights, or legal claim-rights

...are indispensably valuable possessions. A world without claim-rights, no matter how full of benevolence and devotion to duty, would suffer an immense moral impoverishment. Persons would no longer hope for decent treatment from others on the ground of desert or rightful claim. Indeed, they would come to think of themselves as having no special claim to kindness or consideration from others, so that whenever even minimally decent treatment is forthcoming they would think themselves lucky rather than inherently deserving...(Shue14)

The substance of a right is whatever the right is a right to, such as food or liberty. A right is not a right to enjoy a right. While it might be conceivable to enjoy the status of a right, enjoying a right typically means enjoying whatever the right is to. Enjoying a right to liberty is actually enjoying liberty. (Shue 15)
It is the social guarantee that is probably the most important aspect of a right, the aspect which implies the correlative duties of a right. A right is a justified demand that others make arrangements for allowing one to enjoy the substance of the right even if it is not within one's power to secure the enjoyment of the substance of the right. A right has been guaranteed only when arrangements have been made for people with the right to enjoy it. (Shue 16)

The argument towards a right to health care lies within the realm of arguing for basic rights, what they are and what their justification is. One definition of natural rights is that someone has a natural right to something, then, if and only if (a) he or she is entitled to it; (b) the entitlement is morally fundamental; (c) it does not arise from the bearer's social status, the prescriptions of the legal system, or from any institutional rules or practices; and (d) it is general as a right, existing independently of special relationships or previous agreements rights bearers may have entered into. (Bowie and Simon 54-55)

Natural rights are considered inalienable, though it is not necessarily wrong to fail to honor a right since rights claims can clash, and a situation might arise where the rights of one can be honored only at the expense of another's.

Basic rights are everyone's minimum reasonable demands upon the rest of humanity. They are the foundation one must have if he is to have any dignity or self-respect. Basic rights are basic because they are essential to the enjoyment of any other right. It would be quite self-defeating to try and enjoy another right while sacrificing a basic right. Thus, while non-basic rights may be sacrificed for the basic right, basic rights may not be sacrificed for a non-basic right. (Shue 19) This raises a question in civil society of which rights might be sacrificed, or if all non-basic rights are expendable towards fulfilling a basic right. Could one yield the right to freedom in order to prevent his starvation. Or, since one would be in the context of civil society, are the basic rights
presupposed, disallowing any such sacrifice to really be necessary. Basic rights might be thought of as conditional in the American welfare or workfare systems, but workfare in particular, seems to provide assistance to one who isn't working, but can. Shue points out that a basic right does not mean that it is more intrinsically valuable or satisfying than other rights, just necessary.

Shue divides basic rights into security rights and subsistence rights. A right to physical security is a right not to be subjected to murder, rape, torture, assault, etc.

No one can fully enjoy any right that is supposedly protected by society if someone can credibly threaten him or her with murder, rape, beating, etc., when he or she tries to enjoy the alleged right. Such threats to physical security are among the most serious and - in much of the world - the most widespread hindrances to the enjoyment of any right. If any right is to be exercised except at great risk, physical security must be protected. In the absence of physical security people are unable to use any other rights that society may be said to be protecting without being liable to encounter many of the worst dangers they would encounter if society were not protecting the rights. (Shue 21)

Lacking physical security allows for other entities to fairly easily restrict non-basic rights through such means as extortion, though they might be supposedly protected. Thus physical security is a basic right upon which anyone entitled to a right must possess. This argument has two important premises:(1) that everyone is entitled to enjoy something as a right and (2) that everyone is entitled to the removal of the most serious and general conditions that would prevent or severely interfere with the exercise of whatever rights the person has. (Shue 22)

The same foundations for the argument for security rights allow for a logical foundation for an argument promoting subsistence rights, that everyone has a right to minimum economic security. Minimal economic security means "unpolluted air, unpolluted water, adequate food, adequate clothing , adequate
shelter, and minimal preventive public health care." (Shue 23) This argument proves to be much more controversial than the one in support of security rights. This argument will mean a right to at least subsistence. It also focuses on people who cannot provide for themselves, such as children, aged and handicapped people, not those who choose not to. Further on, I will try to uncover whether there is right to further economic subsistence through expanded health care. In any system where there is property, people are forbidden from taking even what they need to survive. Being so, if people are wholly incapable of attaining economic subsistence through a society's institutions and laws of property, are they entitled to receive the essentials for survival? Thomas Hobbes said that if one felt no more secure in civil society than in a state of nature, that society's laws are forfeit to ensure the subsistence of that person. Thus, as a means of preserving civil society some method must be devised. Through the same considerations that justify security, subsistence too can be substantiated:

No one can fully, if at all, enjoy any right that is supposedly protected by society if he or she lacks the essentials for a reasonably healthy and active life. Deficiencies in the means of subsistence can be just as fatal, incapacitating, or painful as violations of physical security. The resulting damage or death can at least as decisively prevent the enjoyment of any right as can the effects of security violations. Any form of malnutrition, or fever due to exposure, that causes severe and irreversible brain damage, for example, can effectively prevent the exercise of any right requiring clear thought and may, like brain injuries caused by assault, profoundly disturb personality. And, obviously, any fatal deficiencies end all possibility of the enjoyment of rights as firmly as an arbitrary execution.

Indeed, prevention of deficiencies in the essentials for survival is, if anything, more basic than prevention of violations of physical security. People who lack protection against violations of their physical security can, if they are free, fight back against their attackers or flee, but people who lack essentials, such as food, because of forces beyond their control, often can do nothing and are on their own utterly helpless. (Shue 24-25)
Often security and subsistence rights are labeled as negative rights and positive rights, respectively. Negative rights require a person to refrain from interfering with others, while positive rights require people do something for another person. Positive rights are often viewed as secondary to negative rights. John Locke was one of the earliest writers on the issue of natural rights, believing that individuals possessed negative rights and that the job of the state was to protect those rights from infringement by others. Locke felt that the natural rights of man were life, liberty and property. The main reason people would create a government was to protect their right to property, which comes to man through his labor. The state has a role of referee, regulating economic competition by making sure that each competitor is respecting the rights of others.

The argument that makes subsistence rights secondary is subsistence rights are positive (duties of provision) and require others to do more than the obligations imposed by negative (duties to refrain) rights. Thus negative rights such as security, should be guaranteed first. The problem with this argument develops when guaranteeing negative rights. While it is very possible to avoid violating the rights of another by restraining oneself, it is entirely different to protect those rights to physical security without procuring a number of positive mechanisms to actually guarantee them. Devices such as a police force, courts, prisons, and rehabilitative facilities are all fairly necessary for protecting security rights. Shue says that fulfilling subsistence rights need not be a duty of provision, but merely allowing a person to have the opportunity to provide for himself. Shue writes that for the fulfillment of a basic right, there are three types of duties involved:

I. To avoid depriving.
II. To protect from deprivation
   1. By enforcing duty (I) and
2. By designing institutions that avoid the creation of strong incentives to violate duty (I).

III. To aid the deprived
1. Who are one's special responsibility,
2. Who are victims of social failures in the performance of duties (I), (II-1), (II-2) and
3. Who are victims of natural disasters. (Shue 60)

This seems at face value to be a solid set of guidelines for the majority of aspects of basic rights.

But does health care fall into such neat categorizations? Food, unpolluted water, and unpolluted air all can be found in the Lockean state of nature. (Bowie and Simon 58) Health care is a convention created by man in civil society, imparted through years of research, development, trial and error, rigorous education, and perhaps most importantly in recent years, money. Therefore, while good health is a necessary facet of a basic right to subsistence, are the procedures that have developed over the years a necessary aspect of the basic right? Perhaps if we accept an argument similar to the one which helps blur the concept of positive and negative rights. Since security is only guaranteed through institutions of civil society, and improved security methods have developed over the years, at an increased cost, we might infer that similarities in health care could validate health care as a true basic right. This then seems to justify at least preventative health care such as vaccinations, since guarantees of security rights are better if they prevent security rights from being violated in the first place.

But beyond basic vaccinations, there is a large amount of health care designed to cure afflictions that a person can acquire through no fault of his own, yet are hard to foresee. These too threaten that person's existence and the advancement of medicine and technology can guarantee that that person not only survive, but survive with little pain. Do people have a basic right to any
form of "advanced" health care? The answer to this is yes. If rights are to be viewed as something which promotes or asserts human dignity, then health care should be applied in a thorough form that includes preventative and "advanced" care. For the same reason that it is hard to function as a human without basic food supplements, "advanced" medical procedures ensure that a human doesn't have to live his entire life in pain, that the intrinsic value of the human is taken seriously, the reason for rights.

II. Basic rights and a framework of justice.

In developing an ethical system which promotes the welfare of all, a system of justice must be developed so that everyone is treated fairly and has a framework within which he can advance his own position.

Robert Nozick, a Harvard philosopher, is one of the most prominent contemporary thinkers on theories of justice, specifically from the libertarian point of view. The right to subsistence might be thought of as the right to holdings which enable a person to subsist. Concerning the subject of justice in holdings, Nozick states that there are three aspects. The first is the original acquisition of holdings, the attaining of property previously unowned. The second topic deals with the transfer of holdings from one person to another. Nozick creates an inductive definition based on these to cover justice of holdings wholly.

1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.
3. No one is entitled to a holding except by (repeated) applications of 1 and 2. (Nozick 288)
These allow for a principle of distributive justice which says that a distribution is just if it arises from another just distribution by legitimate means. While these justice-preserving principles are somewhat similar to correct inferences which are truth preserving (a conclusion deduced from repeated application of rules from true premises is itself true), it is not as theoretically sound. Nozick points out that a "conclusion could have been deduced by truth-preserving means from premises that are true suffices to show its truth. That from a just situation a situation could have arisen via justice-preserving means does not suffice to show its justice." (Nozick 289) Thus justice in holdings is dependent upon what has already happened, not what could have happened. This is what makes acquisition by theft, fraud, embezzlement, etc., illegitimate and unjust.

This is the entitlement theory, and the basis for whether a distribution is just depends on how it came to be; thus it is historical. The contrasting viewpoint is known as the current time-slice principle, or end-state principle. A distribution is just based on how things are distributed, judged by some structural principle(s) of just distribution. (Nozick 290) All that really needs to be looked at in the determination is who ends up with what. Nozick says that welfare economics is based on current time-slice principles, where "the subject is conceived as operating on matrices representing only current information about distribution." (Nozick 290) Many feel that just distribution lies in not only assessing the current situation, but in looking at how the distribution came to be. Nozick finds this to be a problem because in analyzing historical principles, we often still try to determine what entitlements arise out of what productive processes. In trying to determine the entitlements from productive processes, the second principle concerning transfer of holdings is violated, especially if the owner of the processes came to acquire them through just means stated within the principles of justice in holdings. Historical principles create differentiating
entitlements to things. Trying to rectify an injustice through redistribution can very well violate people's entitlements; thus a second injustice. Nozick writes that very often distributive justice is thought of with production and distribution as two separate and independent issues, and this is a mistake. Entitlement theory keeps these together as a single issue, with whoever makes (owns?) something being entitled to it. Nozick simplifies his theory to this maxim: "From each as they choose to each as they are chosen."

It is fairly certain that Nozick would disagree with government provision of health care, taking one group of people's holdings and redistributing it to those without. While it seems difficult to refute the principles he purports, the practicalities appear quite susceptible to criticism. Nozick seems to subscribe to the Lockean belief that the world is an unlimited storehouse from which the populace can gather nourishment and create wealth, that original acquisition is still a viable option for most people. Current political, social and economic conditions prove this to be false. Famine, dictatorial regimes, and changing economic conditions demonstrate that resources are finite and make current time-slice principles more applicable to addressing the needs of people. If one is not chosen in an era when most of the world's resources are private property and has no holdings of one's own, one has no just way of obtaining subsistence. Nozick attacks these notions when he criticizes the separation of production and distribution, that the maxim "to each according to his need from each according to his ability" misses the just point altogether. By keeping production and distribution integrated and not trying to determine who is entitled to what, the principles of acquisition and transfer can be followed, emphasizing that justice in holdings should be the overriding concern of society. Yet Shue would probably retort by saying Nozick is missing the point, by failing to address whether there any rights (security or subsistence) at all. Shue would feel that
the just society demands an acceptance of basic rights, not simply justice in holdings.

John Rawls, another noted Harvard philosopher, addresses these inadequacies within Nozick's arguments. Rawls says that justice is a matter of fairness and follows along with Nozick in believing that a society must allow "each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all..." (Rawls 292)

The big difference between Rawls and Nozick comes in the second of Rawls' two principles, stating that differences between people are arbitrary unless they work towards the advantage of everybody, and that "the positions and offices to which they attach, or from which they may be gained, are open to all." (Rawls 292) Justice is thus a system of liberty, equality, and reward for services contributing to the common good.

Rawls' acknowledgement that many inequalities are arbitrary demonstrates a realization that Nozick is philosophically incomplete when writing on desert and entitlement. Rawls writes that were a rational person to develop a system of justice from behind a veil of ignorance about his social standing, physical and mental capacities, etc., justice would be based on not taking the differences into account, and ensuring that no one be too worse off than anyone else. Starting from this "original position" then, realizing that no one deserves the state they are in, for good or ill, a just society and its intsitutions can be developed. While work for acquistion and then transfer might establish some standard of entitlement, the entitlement is not absolute as Nozick would have it because it is derived from imperfect premises where desert is not a factor of consideration. The problem arises in trying to determine what will make the distribution just. Rawls says that an inequality should only remain if it works to the advantage of everyone. This would probably mean vast
incidences of injustice by Nozick's principles, but would be simply viewed as the best means of attaining wide-scale justice for Rawls.

It is at this point that Shue and the basic right come back into the equation of justice. While it is not necessary that all inequalities work towards the advantage of everyone, in the scope of basic rights, inequalities should work towards establishing a basic level of subsistence. Thus, the inequalities don't lead to one group of people being handicapped by another group in its entirety, but allowing for the disadvantaged to reach a level where they may have the opportunity to advance on their own. Rawls argues that while justice is often viewed as equal liberty, it would be irrational to settle for less if a greater liberty were possible without loss or conflict. In rectifying disadvantages caused by inequalities, it appears almost inherent that there is at least minimal loss or conflict. The point of the basic right is to allow the disadvantaged person to take advantage of his liberty without worrying about the security of his existence.

The original position is used because many of the factors which establish the individual's position are arbitrarily attained, and thus there is no correlating basis of desert. Yet, no basis can be established saying that desert shouldn't be determined by these factors. A compromise between these two views would be establishing conditions and institutions of basic rights.

Both Nozick's and Rawls' systems create problems. Rawls writing appears almost Hobbesian in his belief in man's capacity to do things for others, with self-interest excluding any benefits for others. I wonder whether he feels that the self-interested man wouldn't help another person out. It seems that he feels that civil society couldn't create institutions that adequately protect and assist individuals. Rawls' second principle looks like it would deny liberties such as freedom of choice and autonomy, two liberties which one such as
Nozick might say are essential not only for a just society, but for an economically sound one as well, with incentives for advancement.

Nozick provides no just solution to those who suffer from catastrophe, aren't economically necessary (i.e. those who's positions are liquidated through corporate streamlining), or just aren't chosen. If the only means of just distribution are Nozick's three principles, how do those in the finite environment live justly? Compromise through basic rights seems to be the best reconciliation.

III. Incorporating health care.

We now come to the question of what distribution of rights and holdings is best, trying to stay in line with the some concept of justice, enabling the most people to survive without the wealth producing public being hindered too greatly, and specifically, to what extent can health care be provided to a society?

The ethics of determining redistribution of wealth and maintaining subsistence rights face many theories of both support and opposition. The major plan which the Clinton Administration purports seeks to provide universal health care to the entire populace of the country. It seeks to make it affordable for every individual and states that it can do it while lower the federal budget deficit a sizable amount. While I will address the macroeconomics of the plan infrequently, it will come into play somewhat, though the main focus will be on the obligations the wealth producing public have and how far they stretch.

One theory towards the provision of health care to the public is that it should be fully taken over by the government. The reasoning behind this is that health care is a basic right different from the rest because it not only constantly
improves, but constantly grows in cost. According to Dan Beauchamp, a writer on medical policy, market justice (being entitled to ends such as status, income, happiness, etc. through means such as individual efforts, actions or abilities) as a means of distributing health care has several inherent flaws. Its emphasis on individual responsibility, minimal collective action and freedom from collective obligations except to respect other people's rights leads to an inadequacy in addressing public health problems. Although market-justice is fundamental to the production of wealth and the development of the economy, it fails to instill and probably discourages anything more than collective minimal obligations to protect the common good. Beauchamp states that market-justice leads to a feeling of pessimism and fatalism stemming from the individualism of market-justice. This fatalism leads to a "sense of powerlessness, to the acceptance of risk as an essential element of life, to resignation in the face of calamity, and to a weakening of collective impulses to confront the problems of premature death and disability." (Beauchamp 603) The self-interest supposedly inherent within the market system still fail to adequately protect safety in workplaces, transportation, the environment, and equitably and effectively distribute medical care. It also enables large corporations to attend to minimal responsibility since they often exist as "individuals," at least in the legal sense. Market-justice is a roadblock to large reductions in preventable injury and death. Beauchamp calls for a new "counter-ethic" to be advocated which gives the highest priority to minimizing death and disability and to protection of all human life against the world's hazards. He feels that this should be used to refute the damaging ethics of individualism, as these are applied to the public's health. This ethic has several principles: (1) Controlling the hazards of this world, (2) to prevent death and disability, (3) through organized collective action, (4) shared equally by all except where unequal burdens result in increased protection of
everyone's health and especially potential victims of death and disability.
(Beauchamp 605)

Public health should be viewed as a primary component in asserting a just society and the value and priority of human life. A new ethical standard should be pushed towards the public to heighten its consciousness of the variety of threats to human life. Beauchamp believes it necessary to challenge notions of voluntary risks, broadening views from focusing on only the smoker or the drinker to the producing companies as well, asking whether these groups are serious threats to human life and should something be done to more stringently protect the human lives they affect.

If Beauchamp's assertions were correct, it would certainly lend much credence to the need for universal health care and would probably be used in carrying it out. However, Beauchamp merely discounts a good many liberties (freedom of choice, a right to privacy) that are fundamental to the country's existence by mandating collectivist action.

Beauchamp's criticism of the current perception of the role of a public health ethic is valid only to a point. But the solutions he prescribes seem to be attacking a symptom of a problem, and not the true problem at hand. The public health ethic raising societal consciousness of the priority of human life is probably the best means he speaks of in improving the public health. But it is only when this ethic is inserted into a market perspective that it can be effective. Beauchamp is correct in determining a need to combat the infringements on a person's basic rights of health by other individuals (i.e. second-hand smoke or drunk driving) or by producing companies (environmental hazards, chemical dumping). But his attack on the category of voluntary behavior appears almost anti-incentive, a traditional criticism of socialized programs. One wonders why
stressing the costs of reckless and unhealthy behavior to the individual isn't asserted more through such means as raised insurance premiums.

Beauchamp's principles of the new health ethic have their positives. Industries who's product is bought to fill some sort of unhealthy public desire, such as cigarette companies, aggressively market their products with little attention given to the health risks involved. Products such as alcohol and tobacco cannot be looked at as mere goods to be purchased wholly voluntarily because of the addictive nature of both. Yet, the blame cannot be shifted in its entirety to the manufacturers of such products because there are so many consumers in the market buying and using the products, and doing it of their own volition. Most would agree that it is fairly difficult to live in American society without knowing that smoking and drinking are detrimental to one's health. If an individual chooses to engage in such behavior, economics might be a way of altering, or at least compensating for his actions. An example would be a cigarette tax which funds public health expenditures. The person has the incentive to quit because of higher costs to him. His not quitting pays for use of public health, and quitting, while lowering the amount in the public coffers, also reduces the need for expenditures because of complications from smoking.

Prevention is the area where Beauchamp writes the most realistically. The goal of prevention is to minimize the number of people to suffer death and disability. Once again though, Beauchamp treats the protection of every life as the main need of society without looking at the actual costs. He states that the market must be wholly restructured to maximally protect the public, changing policies and institutions which fail to allocate necessary services effectively to the public. Yet the economic costs of many of these protections end up undercutting the subsistence rights of those who are forced to pay for them. Would Beauchamp have those people who engage in unhealthy behavior
socially ostracized? In putting much of the responsibility for the individual's behavior on society, the impact upon the individual is lessened. Beauchamp seems to be less inclined to the individual's sharply, instead softening the economic consequences by spreading this out. One outcome of this might be that overall costs are raised if the community as a whole doesn't feel significant pressure to alter its behavior, thus compounding the problem.

Perhaps the biggest problem that many would find in Beauchamp's argument is the demand for overt governmental control and forced collective action that is obligatory and non-voluntary in nature. This is because the market usually fails in providing public goods such as roads, police and fire protection, necessary items used by most people, thus provided by the government. (Beauchamp 606) Many would find the burdens public health policies put on the wealth producing citizenry as too great, yet are still more than necessary according to Beauchamp. Justice demands assurance that all share the costs equitably to assure the healthiest public. If however, justice is to be viewed as fairness as Rawls and Nozick write, the health status of the public seems to have little to do with overarching conceptions of justice. My over-consumption of an unhealthy product (such as red meat) has little to do with the obligations my neighbor down the street has to me, so long as it isn't adversely affecting his health and welfare. However, upon further examination of this statement, I realize that it is only partially true. The public health ethic need not conflict with the individualism that keeps the economy afloat, but can be incorporated into tempering that individualism towards a healthier public.

Daniel Callahan's question of how can the United States devise a health policy that provides adequate care at an affordable price is one which could probably withstand a battery of philosophers and economists seeking the answer. Callahan's belief is that the current system of health care in the United
States is quite self-defeating and needs to be revised almost in its entirety. The problem with American health care is that the costs of it are rising to a point where more and more Americans are not going to be able to afford health care, denying them a basic right. The issue of cost-containment that had been a policy priority for the Nixon, Carter, and Reagan administrations, and failed regularly during all three. Callahan says that the failure of cost-containment has several implications, beginning with a halt to talk of "cutting the fat" and improving efficiency. "The logical possibility that waste can be controlled should not be confused with the pragmatic probability that it will be." (Callahan 14) The advancement in technology and its intensification of use with individual patients is credited with accounting for 20 to 25 percent of annual cost inflation. (Callahan 14) This combined with an aging population and unlimited public expectation makes cost containment extremely difficult. Therefore, if there are to be any serious cost containment efforts, restraint similar to outright rationing must be exercised. Often the prevailing mentality in the United States is that if rationing is to take place, it should happen only if severe triage-like circumstances are upon us. Because greater efficiency is theoretically possible, all other options should be tried before submitting to rationing. Callahan says that this is erroneous, and rationing should be seriously considered now.

Cost escalation is due to the attitude of many health care professionals and the general public, both of which tend to support the aforementioned belief in greater efficiency instead of any measures toward rationing. Public opinion also supports greater health care coverage for every citizen in the country, so that each person is fully covered and can get the same treatment that a millionaire can get. (Callahan 15) Yet an overwhelming number of Americans say that they are quite unwilling to pay any more taxes to provide this expanded health care for the whole of America. (Callahan 15) This contradiction shows
the unreasonable nature of public opinion towards health care. Thus if health care is a basic right, and the current actions of the public and industry move the system towards a greater inability to pay for it, rationing is the only way to provide health care to a growing number of Americans. America just cannot have everything that it wants.

Callahan speaks a good deal of truth. However there are several questions that must be raised. While technology and intensification of services are probably important causes of the inflation in costs of health care, has true efficiency from the market been attempted? Many of the things that Callahan speaks of could probably reduce costs if they were adopted within the market itself. The problem is getting them to do this. Perhaps rationing and limitation within the market are fairly necessary. But the steps of full control and rationing presents several dilemmas. The biggest problem most would find is the limits on what man is able to purchase to protect his own livelihood. If the rest of the country couldn't afford to buy protection, does that give (or deny) the economically able the right to continue to preserve their own interests? In market terms, yes they should. Yet if the uncontrolled spending is causing the rest of the country to be inadequately protected, then no, they probably shouldn't. Thus, the most satisfactory solution would be one which develops the ethic Beauchamp spoke of to some degree, and incorporate that into the market. Callahan speaks of prudent pessimism that wouldn't allow for every last cent to be spent on the preservation of life. Instead, a cold, rational look at a lot things should be given to a number of practices which preserve life, yet are very economically unfeasible in the long run. This raises another problem. If the preservation of every life is no longer the main focus of a health care system, then is there any focus on the basic right any more? Has it moved from a system of demands and obligations to utilitarian cost/benefit analysis?
There is an argument which tends to not be so much against basic rights but against providing them on a wide scale basis because it can't be afforded. Perhaps this might be viewed as a fairly biting assessment through a utilitarian perspective, and is often labeled as lifeboat ethics. Garrett Hardin writes that the metaphor that the earth is a spaceship, where no single person has a right to destroy, waste or use more than their fair share of resources is inaccurate. This metaphor is often used to justify suicidal policies of redistribution of wealth on a global scale. The more apt metaphor is that of a lifeboat, representing the wealthy countries of the world, and the rest of the world is the people floating about in the water wanting to get into the lifeboat. The capacity of the lifeboat is quite limited and to satisfy the life preserving desires of those in the water, people in the boat must get out and make room for them, sacrificing themselves. This solves any feelings of guilt those in the lifeboat might have. This is frame of reference from which Hardin builds his theories.

Hardin begins with what he calls the tragedy of the commons, a theory on property and public domain. The owners of property recognize their responsibility to care for it so that it doesn't get wasted and they end up suffering. Those things which are public property get used up by those who decide it is their best interest to use it without discretion, thus harming themselves as well as those who also use the public property. Education is probably the best way to create an awareness of the problems and dangers that common property entails. It is probably the only way to save areas of land, air, water, and oceanic fisheries, all things that suffer from abuse of common areas.

Hardin states that seeking a system of pure justice leads to an infinite regression to absurdity. Thus, statutes of limitations are necessary so that rejections of pure justice may be justified so that constant disorder is avoided. Although determining a time arbitrarily may be unjust, it provides some frame of
reference from which to work. While it may conflict with ethical and religious beliefs, it is a matter of reality from which the self-interested person must make his judgments.

And this is the frame of reference from which should be worked in developing a health care system which protects basic rights. If the actuality of preserving a good deal more of life puts a strain that can't be withstood on those who produce the wealth, then it should probably be denied. Is it right to harm everyone instead of only a few? Perhaps. But what may be needed most is an active public which seeks to enable everyone to afford health care on their own and develop an ethical system which addresses health issues to the full extent possible.

What then, should be sought? Callahan's argument that it is intensification of services and technological advances that raise the cost of health care is a point of contention. One other major argument is that the Medicaid and Medicare systems are the major culprit. Medicaid users in particular predominantly use health care clinics and the emergency room for their ailments, regardless of what the problem might be, instead of a regular physician which would usually cost less. This high cost combined with the fact that Medicaid typically only pays 55% of an actual medical charge leads to a rise in costs for the rest of the paying public. (Rowland and Salganicoff 551) One study showed that if Medicaid payments could be used on regular office visits to doctors, the cost would more than offset the costs of using the emergency room frequently. If this were to be the case, this combined with several other measures could help reduce the cost health care in America, allowing all to be covered fairly well.

The realization that regular office visits could reduce costs allows for a solid base to built against the current movement towards socializing health care
fully. The foundation for this lies in understanding that prevention of health problems can greatly reduce costs, especially approximately 90% of health problems in America are preventable. Realizing that in one year more people die of heart disease in America than Americans killed in World Wars I and II, the Korean War, and the Vietnam War combined should shift the focus of health from government provision to individual prevention. (Robbins, et al) Once again, the health care ethic which Beauchamp wrote of would do well to be fostered in American society. The ethic would have three foci: prevention, assistance and repair. Prevention would be the key facet, for it asserts the intrinsic value of the healthy individual through maximizing health and protecting the individual from harm. The assistance provision is tied into the other two, for it is through this that not only health care coverage would be guaranteed for all, but would be a major component in asserting health through education. The repair component is the means by which those in need attain their care.

In utilizing this ethic, the nature of how health care should be provided in America becomes clearer. In seeking a balance between the free market and government provision, coverage for everyone can be guaranteed, yet allow less opportunity abuse. Assistance is given to those unable to provide for himself. Assistance is the key word, for it implies that that person does something in conjunction or coordination with the provider so that the burden of that person's health isn't wholly upon another party. With many health problems being directly attributable to the individual's behavior, the locus of responsibility should be heavily placed upon the individual.
Works Cited


