

EDITORIAL

Life, Liberty, the Pursuit of Happiness, . . . and Health Care?

A recent conference on ethics [Hanlon, 2001] posited that health care is a human right. I do not agree. The United States Constitution delineates a Bill of Rights in its first 10 amendments. These rights include such things as freedom of speech, freedom of religion, and due process of law. These rights are intrinsic; government does not bestow rights on people; it secures and protects them.

Food, shelter, and health care are basic human needs, but they are not rights. Each society is free to decide for itself to what degree it wants to provide basic human needs to its citizens. In the United States, old age retirement (Social Security), health care for the aged (Medicare), and health care and financial aid for the indigent (Medicaid and Welfare) are some of the entitlements that society is willing to bestow on its citizens.

The distinction between a right and an entitlement is more than semantics. Governments have the “right” to give and take back entitlements; they have no such right to take back your rights. Entitlements, then, depend on the will of the people. If a society wants to provide health care as an entitlement, it can do so. But it must figure out how to pay for it and that’s the rub. There is no country that currently offers its citizens universal health care without some kind of codified or de facto rationing of that health care. To provide health care for all its citizens, a government must establish a mechanism to establish priorities. That means that some people will not get the health care they are “entitled” to.

An alternative is to entitle only those people truly in need—those who cannot afford health care. That is what we do now with food. If you cannot afford food, government supplies you with food stamps. People on food stamps do not starve, but they probably do not eat as well as those who buy their own food with their own money. That might not be fair, but that is the way it is. Those who cannot afford health care could be guaranteed a basic level of health care, a level that would meet the needs of most people. But that health care might not be as good as the health care purchased by those who can afford to do so. That is not fair either, but what other choices do we have?

I suppose we could provide a basic level of care to everyone and no higher level care to anyone. That is not very smart. I suppose we could provide higher levels of care by lottery, regardless of ability to pay. That seems fairer, but because there will always be new therapies at the cutting edge of science, there will always be new therapies outside of the choices offered by the health care system, and those therapies will

probably be available only to those who can pay for them. That is not fair either. None of this is fair, but we have to make choice. What is yours?

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REFERENCE

Hanlon CR. 2001. Ethical principles for everyone in healthcare. *J Am Coll Surg* 192:1.