

Why Health Care is a Human Right: Balancing the Rights of the Individual with the Public Good for a Civil Society.

(On May 14, 2010 Health Care for All Texas participated in a debate at Baylor College of Medicine on health care as a right.)

The U.S. stands alone as the only industrialized nation that has not declared health care as a human right and as a result has not established a national health care program. In the U.S., the clash over whether health care is a human right is fundamentally a disagreement over inalienable rights.

In brief, the term inalienable rights refers to "a set of human rights that are fundamental, are not awarded by human power, and cannot be surrendered." Rights are either negative or positive. A negative right is basically the "right to be left alone, to not be acted upon, especially through coercion." Among some rights considered negative rights are: freedom of speech, freedom of worship, habeas corpus and ownership of property. A positive right permits or obliges action. Rights considered positive rights include civil and political rights such as police protection of person and property and cultural or economic rights such as public education, health care.

Certainly, there are legitimate concerns about what to establish as a right because whenever one right is established, it inevitably intrudes on another right. However as Thomas Hobbes noted, if we wish to live in a peaceful society we must "give up most of [our inalienable] rights and create moral obligations" in order to establish a political and civil society. So the debate is really about to what degree an individual must give up some inalienable rights in order to live in civil society.

One of the most bizarre claims made by some opponents of a national health care program is that if health care is established as a human right in the U.S., doctors would be required to treat for free anyone who wanted health care. This implausible claim is designed to scare the public and health care

professionals. Clearly upon reflection this would never happen. No doctor or health professional or facility would be forced to work involuntarily.

What would actually happen if the U.S. established the right to health care would be the creation of health facilities, goods and services, such as hospitals, doctors and drugs, that would be of good quality and available to all, on an equal basis. All health professionals would be paid for their work and would not be required to work for free against their will.

Fear that we cannot afford universal health care is another significant obstacle to establishing health care as a right. But in the case of health care, universal, high quality health care is quite affordable – if we eliminate the for-profit health plans from our health system. Such a change would not decrease the quality or scope of services. Instead, it would redirect health care dollars that are now spent on wasteful administrative costs by insurance companies and advertising by pharmaceutical companies, as well as eliminating unjustified and excessive private sector profits.

The United States is already the world's biggest health care spender, exceeding countries that provide universal access to health care. According to the U.S. government's General Accounting Office, "If the U.S. were to shift to a system of universal coverage and a single payer, as in Canada, the savings in administrative costs [10 percent of health spending] would be more than enough to offset the expense of universal coverage." Establishing health care as human right and creating a national health program where access to health care is affordable and based on need, not on ability to pay, is morally right and economically better for our nation than keeping the current system.