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Health Care Is A Right?

Paul W. Leithart, M.D.

In Lewis Carroll's "Through the Looking-glass" Alice finds words to be most equivocal:

"When I use a word," Humpty Dumpty said, in a rather scornful tone, "it means just what I choose it to mean — neither more nor less."

"The question is," said Alice, "whether you *can* make words mean so many different things."

Many emulate Humpty in their use of words. In the field of advertising the results of a campaign depend on the choice of words (slogan) used to promote the product. Thus, today, the American people are being conditioned to accept "a new system for the delivery of health care" and the slogan used to promote the package of "health care is a right."

HEALTH CARE

It was President Franklin D. Roosevelt who popularized the concept of "new rights for all Americans." In his 1944 message to Congress he stated:

"In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a Second Bill of Rights under which a new basis of security and prosperity can be established for all — regardless of station, race or creed."

He then listed all manner of "rights" which would provide total "security," including:

"The right to adequate medical care and the opportunity to achieve and enjoy good health."

That was over a quarter of a century ago and the politicians are still promising the naive what they will do *for* them and disguising what they are doing *to* responsible freedom.

It is worth noting that President Roosevelt used the term "medical care." This concept has been broadened by the slogan-makers of today. The new term is "health care." Thus, we are confronted with an all-encompassing phrase of limitless scope. The World Health Organization

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has defined health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." There are advocates in organized medicine who encourage the medical profession to embark on this unattainable goal. "Health care" is largely a non-medical problem. "Illiteracy, illegitimacy, alcoholism, drug addiction, improper housing, an inadequate knowledge of diet and food, economic instability, frustrations and an unhealthy environment are factors which constitute at least 85-90% of the health problems among (the disadvantaged)" according to John Schenken, M.D. The Federal government has spent billions of dollars attempting to solve the non-medical problems of "health care" with very little results. The medical profession can be, and is, sympathetic to these needs, but is so extended to meet both artificial and real demands placed upon it for "medical care" that to divert its attention from "medicine" would be an inexcusable waste of scarce resources.

RIGHTS

In most societies down through the centuries it was generally accepted that power and authority were the prerogative of the sovereign and that certain limited "rights" were granted to the people. During the 17th century, as the result of many challenging essays by such giants of political and economic philosophy as Locke, Burke and Smith, great changes occurred in the beliefs regarding the source of rights. John Locke proclaimed the principle of "natural rights," which holds that each individual possesses basic rights, which cannot be taken from him, except unfairly by force. Locke spelled out these rights to "life, liberty and property." These rights properly be-

long to an individual even though no government exists to help him protect them. Locke brushed aside the concept of "Divine Right of Kings" and declared that the state was made for man and not man for the state.

Our Founding Fathers incorporated these concepts into the "Declaration of Independence":

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness — That to secure these rights Governments are instituted among Men;"

These are momentous concepts: there is a Creator; in the sight of God and the law all men are equal; all men have certain rights that may not be abridged — Life, Liberty and Property (which the Founding Fathers meant in the phrase "Pursuit of Happiness") and that governments are instituted to preserve these individual rights.

All individual rights emanate from these basic rights. The Bill of Rights in the Constitution, contrary to popular opinion, is not a list of rights granted by our government, but rather it enumerates specific limitations on the power of government. The Bill of Rights simply elaborates on the inherent rights of each individual to life, liberty and property. Thus, the freedom of assembly, the freedom of religion, etc. are all a part of our individual liberty. The proper function of government is to protect each individual's rights and the only time government may deprive an individual of his natural rights is when he unjustifiably interferes with the rights of another. Each citizen relinquishes a portion of his property (money) to

enable the constituted authority to help secure or protect his individual rights.

PSEUDO-RIGHTS

There are many arbitrary rights claimed today. They are based on the false notion that government can create "rights;" that desirability justifies the establishing of a product or a service as a right. The list of proclaimed rights seems endless and it grows each time a problem is encountered in society or a confused leader decides to promote some "cause." Thus, we hear of the "right to an education," the "right to a job," the "right to an adequate wage," the "right to an adequate diet," etc.

These arbitrary rights necessarily entail the unjustifiable interference with the rights of another person. If each child has a "right to an education" he has a claim to the services of a teacher. Someone must then employ and remunerate the teacher. Teachers are obligated to serve the child — the teacher must subordinate his rights to the child's "right to an education." Obviously, no one has a "right to an education." However, in our society the majority of citizens are willing to relinquish a portion of their earnings to establish a school system, secure the services of teachers and thus provide the child the privilege of an education.

All of the "new" rights that are propounded fall into the same false logic. These are false rights that unjustifiably interfere with the rights of individuals by obligating "fellow citizens" or the "government" to supply goods and services. True rights can be exercised without interference with the rights of others. When the govern-

ment can grant a "right," it can likewise take away that "right." Thus, if government usurps authority to take from one to give to another rather than creating a right it is destroying natural rights of individuals.

MEDICAL CARE

Medical care is a service. To place the services of physicians at the disposal of everyone as a matter of "right" would result in the loss of the physician's rights. Thus, the physician would become the servant of the patient and he would be deprived of the right to choose whom he would serve. The Constitution protects all citizens from such involuntary servitude (Thirteenth Amendment).

Medical care functions best in a climate of freedom. When the patient chooses a physician and the physician accepts that patient, mutual respect, responsibility, and trust are established. The free interchange of this mutual trust, responsibility, and respect are invaluable in arriving at accurate diagnoses and in providing compassionate, understanding care. If "right to medical care" would enter the picture, the climate would be altered. In this setting some patients would approach the physician with the demanding attitude that "thus and so" must be done. "I have a right to medical care, I have a right to good health, now, make me healthy!" Most physicians would not accept this servant role — or if they did, their decisions and care would be adversely colored by doing so.

There are many, in and out of government, advancing the concept that medical care is a right, guaranteed by government. Various methods of financing such political medicine have been proposed, but the ultimate

source would be the taxpayer. The obvious weaknesses of such a scheme are evident throughout the world, where excessive cost, overutilization, inferior care, migration of the most competent physicians, and bureaucratic bungling are consistently present. Despite false and misleading use of statistics, America *does* have the best medical care in the world. It will remain in the forefront as long as it remains free of governmental regimentation.

As has been stated, governments are instituted to maintain the rights of each individual — including those of the physician. It is not the prerogative of government to coerce doctors into providing services. The incentive for physicians to serve others results from the satisfactions derived from doing so. A doctor serves others for humanitarian, monetary, status, or other motives which are satisfying. All satisfactions enjoyed by a practitioner would be diminished were his services demanded as a "right."

A unique, comparatively unchanging relationship in this fast changing world has been the rapport between doctor and patient. May this most important relationship not be sacrificed to the Humpty Dumpties who would provide us with inaccurate definitions of words, thus aiding them in their goal to control our lives.

Dr. Leithart and Professor Buckley will be seen to be in disagreement over the derivation, interpretation, and application of the term, "rights". Dr. Leithart has emphasized that government functions not to grant rights but to protect inalienable and existing rights.

The essayists further agree that "life" is an example of an inalienable right. Further, they both admit that other rights "emanate" from this basic right. They part company when an attempt is made to identify the corollary rights. The reader is urged to compare Professor Buckley's material under the heading of "Analysis of Opposite Viewpoints" with Dr. Leithart's essay.

It seems to me that Dr. Leithart's interpretation of a corollary, or derived, or "emanating" right (as one chooses) is too narrow for practical application. To say that one has a right to life but not to elements which in a civilized society are absolutely necessary to preserve that life, e.g., health care, education, etc., puts such a severe restriction on the elemental "right to life" as to effectively negate it in the practical (real) order.

V.H.P.