

SUMMER RESEARCH PROPOSAL

Land of the Free and the Home of the Unhealthy

A philosophical examination of justice and
healthcare

Mara Wilber

Faculty Supervisor: Mark Moller

Background:

The opening lines of Rawls' *Theory of Justice* read, "Justice is the first virtue of social institutions, as truth is of systems of thought."¹ But similar to the concept of truth, it is difficult to determine what exactly justice entails. Looking at social institutions in American society, there is a troublesome and problematic dissonance between liberty and equality; two common trademarks of a just society. People herald such sayings as "all men are created equal" and praise the equal opportunity to get ahead according to "the American dream." However, it is apparent that not everybody gets to enjoy the American dream in the same way; some are more equal than others, so to speak. At the heart of American society is liberty and with it comes the belief that all people should be free to act in their best interests. This is a belief supported not only in political institutions, but buttressed by an economic framework that promotes an ethic wherein people get ahead at the expense of others. As one of the most unequal societies among developed nations, one is faced with contradictory images of justice and how they should be reconciled. The current health care system serves as a mirror into the conflict between the competing values of liberty and equality.

True as it may be that all men are created equally, it is hard to deny that not all men and women are equal with regard to health. Such inequalities are determined in a large part by a host of factors beyond one's control. For example, some factors are a result of what is called the "natural lottery," or genetic susceptibility to certain medical conditions, injuries, or diseases. At the same time, there is the "social lottery," which correlates with socioeconomic status, environmental conditions, etc. Whether a result of the natural or social lottery that is in or out of one's control, many things that influence the health of an individual significantly affect the range

¹ *A Puzzle about Economic Justice in Rawls' Theory.*

http://www.arts.waterloo.ca/~inarveso/articles/Puzzle_in_Rawls'_Theory.pdf

of social opportunities to which one is open. As health inequalities are in part the creature of social and political institutions that determine how byproducts of the natural lottery are handled, it is important to ask how they ought to be treated. Whether or not one is susceptible to a certain disorder or condition may be beyond our control, but dealing with such issues through access to health care most definitely is not.

Health care serves as a mirror into conflicting views of justice in terms of reconciling liberty and equality. As a complex and multifaceted issue, it is important to step back and look at the foundations of our current held opinions. Such an approach must first come from a philosophical angle in order to address the question of what it means to live in a just society and what kinds of goods and services society has an obligation to provide. In order to come to an agreement on this important issue, we need to first abstract it from the kinds of economic and political arguments that mar current discussions. The true question when dealing with the issue of health care – before any other economic worries should be considered – is a philosophical one: what does it mean to live in a just society and is providing health care a part of it? Are health care inequalities simply instances of misfortune that may elicit pity and charity? Or, are they grave injustices that society has an obligation to rectify?

Goals, Questions, My Project:

The President's Commission on the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research comments, "...a society's commitment to health care reflects some of its most basic attitudes about what it is to be a member of the human community."² It is exigent to look at those attitudes and specifically focus on how health care

² President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. "An Ethical Framework for Access to Health Care." In *Ethical Issues in Modern Medicine*, ed. Bonnie Steinbock, John D. Arras, and Alex John London (New York: McGraw Hill, 2009): 193.

reflects deeply ingrained notions of justice. With health care costs rising dramatically, it is not surprising that what has been most focused on in current discussions on how to deal with the health care crisis is economic. And while basic economic problem is how to control costs, the basic ethical problem is whether or not healthcare is the kind of good that should warrant such costs. This task involves an examination of the role of justice played out in economic terms and what – if anything – is special about health. If there *is* something special about health, then we should be using our resources to ensure access; all costs are secondary. I would like to spend my summer researching this very issue and hoping to answer some of the unanswered questions of the role of justice in access to health care.

The tension between liberty and equality that exists in all discussions of justice must be addressed. The philosopher John Rawls offers a solution to this problem, and I would like to focus my research his political theory, to which I was first introduced in my social and political philosophy class and later reintroduced in my honors bioethics class. Rawls begins his theory of justice by introducing the governing values of liberty and equality. He states, “First, each person has an equal right to the most extensive liberty compatible with a like liberty for all; and second, inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone’s advantage.”³ According to his view, every person has an equal right to liberty in a just society and if there is to be inequality, every person must benefit from it. What I found most important to this theory was the recognition that there are principles that may constitute a constraint or limitation on the pursuit of one’s own interests. In order to determine what may constitute such a restraint, Rawls proposes that a person start from the original position under what he calls the

³ John Rawls. “Justice as Fairness.” In *20 Questions*, ed. G. Lee Bowie, Meredith W. Michaels, and Robert C. Solomon (Belmont: Thompson Wadsworth, 2007): 636.

veil of ignorance. This way, people are not simply striving to pursue individual interests, but focus more on what would benefit all people through a lens of impartiality.

Such a view point is directly related to the issue of health care. If one were to look at access to health care through the lens of impartiality, would our views change? I would address this question as well as examining the merits of Rawls' vision of justice. In examining Rawls, it is also crucial to examine the libertarian objection, which poses a serious challenge to his theory of justice. Egalitarians such as Rawls hold that distributions of burdens and benefits in society are just to the extent that they are equal, but opposed to this theory is libertarianism, which prizes free choice and respect for autonomy as the aims of society. Engelhardt, for example, sees the expectation of equal economic returns as a basic violation of justice. These competing visions of justice both have their merits. It is obvious that liberty is not boundless. We have laws in place that limit our actions for the protection and well-being of others. There are also certain things that people are entitled to as a member of society, such as the military, police force, and education. But, is providing universal health care an infringement of liberties, or providing something that should be considered a public good? As mentioned before, both liberty and equality are important trademarks of American society, but there seems to be a tradeoff between them. My project would focus specifically on the issue of health care as it relates to justice, but would also serve to illustrate what ways, if any, liberty ought to be curtailed.

Having written my final research paper in my honors class in bioethics on the issue of health care, and having experience in the area of ethics and social and political philosophy, I already have a solid foundation and dedicated interest in the subject matter. This summer research project would serve as a segue into a year-long honors senior research project. While this summer research project would focus mostly on the political theory of John Rawls as it

applies to the access to health care, I would continue this research my senior year by looking at health care as it applies to other different theories of justice. Furthermore, I would look at the many economic and practical issues involved when it comes to allocating scarce resources. This summer research project and the consequent senior research project would make use of both of my majors – Economics and Philosophy – both of which undeniably play important roles in the topic at hand. This issue is also of particular interest to me as I am also considering a career in law specializing in bioethics.

Methodology and Schedule:

I will begin my research familiarizing myself with Rawls' theory by reading both his *Theory of Justice* and *Justice as Fairness*. This will serve to give my research on health care a strong foundation on which to build. Rawls' discussion of justice is uniquely well suited to apply to health care, especially in his emphasis on the competing values of liberty and equality and discussion of primary goods and their role in society. If Rawls is correct in his theory, the question then becomes whether or not health care ought to be considered as a primary social good. I will then move into some critiques of Rawls' theory of justice, focusing mainly on the work of Robert Nozick and Tristram H. Englehardt Jr. These libertarian oppositions will all be important in my evaluation of Rawls' theory of justice and in determining whether or not a curtailment of liberties is justifiable to ensure access to health care.

From here I will move into more specific arguments related to egalitarian and libertarian theories of justice and health care. Authors such as Robert Veatch and Norman Daniels ask why health care should not be considered a primary social good and argue that justice requires liberty to be curtailed insofar as it undermines a society's ability to provide for all its citizens. Daniels' promotion of wider access to health care will be particularly beneficial as his beliefs are linked

directly to Rawls' theory of justice. Libertarians such as Tristram H. Engelhardt Jr., on the other hand, promote the value of liberty against providing universal coverage for health care. I want to look specifically at the role of these competing theories of justice and the effect they have on how we consider health care in modern society. Should justice focus more on liberty or equality? Can they be reconciled, or is there an inevitable tradeoff?

This section of my research will then transition into a focus on the role of basic socioeconomic inequalities in the health care debate. There are obviously many factors that contribute to access to health care and it is important to look at the role of justice in correcting for factors that are beyond one's control. There seems to be a general consensus that the goal of political institutions is the preservation and prosperity of its constituents. If a person is not able to take advantages of the liberties that exist in society due to inequalities, then its value is diminished. Rawls addresses the concept of "moral luck," but does the government have a role to compensate for such luck?

Overall, my research will consist of several parts. The first part consists of an examination of Rawls' political philosophy. Next, I will look at libertarian objections to his theory of justice as well as defenses of it. The final part of my research will consist of applying these competing viewpoints to the issue of health care. This summer would be an excellent opportunity for me to pursue my interest in this subject and form a unique, personal opinion about it. This is an important opportunity to me for many reasons, but most notably because I hope to work in the area of bioethics after graduation, focusing specifically on the issue of health care and justice. The health care crisis and our beliefs about it is a timely subject and of current concern. This is not an issue that is going to disappear anytime soon, and it is important to start looking at how health should be considered.

Proposed Research Schedule and Bibliography:

Week 1: Read Rawls' *Theory of Justice*.

Rawls, John. *Theory of Justice*. Cambridge: Harvard University Press, 1971.

Week 2: Read Rawls' *Justice as Fairness*. Begin writing the summary on Rawls' general theory.

Rawls, John. *Justice as Fairness*. Cambridge: Harvard University Press, 2001.

Week 3: Read critiques of Rawls' general theory: Nozick, Sandel, and Cohen. Go over my summary of Rawls with Dr. Moller.

Cohen, G.A. *If You're an Egalitarian, How Come You're So Rich?* First Harvard University Press, 1996.

Nozick, Robert. *Anarchy, State, and Utopia*. Malden: Basic Books, Inc., 1974.

Nozick, Robert. "The Principle of Fairness." In *Twenty Questions*, edited by G. Lee Bowie, Meredith W. Michaels, and Robert C. Solomon, 637-641. Belmont: Thomas Wadsworth, 2007.

Sandel, Michael. *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press, 1982.

Week 4: Continue reading critiques of Rawls' general theory and begin summarizing them.

Week 5: Read defenses of Rawls against general critiques. Go over my summary of critiques of Rawls' general theory with Dr. Moller.

Agich, George, J. and Charles E. Begley, eds. *The Price of Health*. Boston: D. Reidel, 1986.

A Puzzle about Economic Justice in Rawls' Theory.

http://www.arts.waterloo.ca/~jnarveso/articles/Puzzle_in_Rawls'_Theory.pdf

Buchanan, Allen E. "The Right to a Decent Minimum of Health Care." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 59-63. Belmont: Wadsworth Publishing Company, 2003.

Cappelan, Alexander W. and Ole Firthjof Norheim. "Responsibility in Health Care: A Liberal Egalitarian Approach." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 255-260. New York: McGraw Hill, 2009.

Daniels, Norman, Donald W. Light, and Ronald L. Caplan. *Benchmarks of Fairness for Health Care Reform*. New York: Oxford University Press, 1996.

Daniels, Norman. "Equal Opportunity and Health Care." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 200-202. New York: McGraw Hill, 2009.

Daniels, Norman. "Is There a Right to Health Care and, If So, What Does It Encompass?" In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 46-52. Belmont: Wadsworth Publishing Company, 2003.

Daniels, Norman. *Just Health: Meeting Health Care Needs Fairly*. New York: Cambridge University Press, 2008.

Daniels, Norman. *Just Health Care*. Cambridge: Cambridge University Press, 1985.

Daniels, Norman. "Justice, Health, and Healthcare." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 231-234. New York: McGraw Hill, 2009.

Daniels, Norman. "Rationing Fairly: Programmatic Considerations." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 95-99. Belmont: Wadsworth Publishing Company, 2003.

Daniels, Norman, and James E. Sabin. *Setting Limits Fairly: Can We Learn to Share Medical Resources?* New York: Oxford University Press, 2002.

Sreenivasan, Gopal. "Opportunity Is Not the Key." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 251-236. New York: McGraw Hill, 2009.

Veatch, Robert M. "Justice, and the Basic Social Contract, and Health Care." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 53-58. Belmont: Wadsworth Publishing Company, 2003.

Week 6: Read alternative views on the right to health care, including criticisms of the Rawlsian view of health care. Continue summarizing and discussing with Dr. Moller.

Arras, John. "Retreat from the Right to Health Care: The President's Commission and Access to Health Care." *Cardozo Law Review* 6 (1984): 321-345.

Bayer, Ronald. "Ethics, Politics, and Access to Health Care: A Critical Analysis of the President's Commission." *Cardozo Law Review* 6 (1984): 303-320.

Buchanan, Allen. "Managed Care: Rationing without Justice, but not Unjustly." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 83-89. Belmont: Wadsworth Publishing Company, 2003.

Dworkin, Ronald. "Justice and the High Cost of Health." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 244-250. New York: McGraw Hill, 2009.

Engelhardt, H. Tristram Jr. "Freedom and Moral Diversity: The Moral Failures of Health Care in the Welfare State." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 203-212. New York: McGraw Hill, 2009.

Engelhardt, H. Tristram Jr. "Rights to Health Care, Social Justice, and Fairness in Health Care Allocations." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp, John D. Arras, and Alex John London, 64-71. Belmont: Wadsworth Publishing Company, 2003.

Gutmann, Amy. "For and Against Equal Access to Health Care." *Milbank Quarterly* 59 (Fall 1981): 542-560.

Powers, Madison. "Managed Care: How Economic Incentive Reforms Went Wrong." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 79-82. Belmont: Wadsworth Publishing Company, 2003.

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. "An Ethical Framework for Access to Health Care." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 191-199. New York: McGraw Hill, 2009.

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. *Securing Access to Health Care*. Washington DC: U.S. government Printing Office, 1983.

Week 7: Continue reading alternative views on health care, summarizing them, and discussing them more in depth.

Week 8: Read responses to these views, with a special focus on social disparities and the extent to which society meets the Rawlsian ideal. Continue summarizing and discussing.

Abraham, Laurie K. *Mama Might Be Better Off Dead: The Failure of Health Care in Urban America*. Chicago: University of Chicago Press, 1993.

Axtell-Thompson, L.M. "Consumer Directed Health Care: Ethical Limits to Choice and Responsibility." *Journal of Medical Responsibility* 30, no. 2 (April 2005): 207-226.

Daniels, Norman, Bruce Kennedy, and Ichiro Kawachi. *Is Inequality Bad for Our Health?* Boston: Beacon Press,

- 2000.
- Gostin, Lawrence O. "Law and Ethics in a Public Health Emergency." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 784-787. Belmont: Wadsworth Publishing Company, 2003.
- Gostin, Lawrence O. "Securing Health or Just Health Care? The Effect of the Health Care System on the Health of America." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 72-78. Belmont: Wadsworth Publishing Company, 2003.
- Kawachi, Ichiro. "Why the United States is Not Number One in Health." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 222-230. New York: McGraw Hill, 2009.
- Kohn, Marek. "Why an unequal society is an unhealthy society." *New Statesmen* 133, no. 4698 (2004): 30-31, <http://search.ebscohost.com/login.aspx?direct=true&db=lfh&AN=13882896&site=irc-live>
- Marmot, Michael. *The Status Syndrom: How Social Standing Affects Our Health and Longevity*. New York: Times Books/Henry Holt, 2004.
- Marx, Karl and Friedrich Engels. "The Immortality of Capitalism." In *Twenty Questions*, edited by G. Lee Bowie, Meredith W. Michaels, and Robert C. Solomon, 669-670. Belmont: Thomson Wadsworth, 2007.
- Pogge, Thomas W. "Responsibilities for Poverty-Related Illness." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 209-313. New York: McGraw Hill, 2009.
- Quadagno, Jill. "Race for a Cure: Our health-care system is failing. What will save it?" *Boston Review* 30, no. 6 (2005): 6-7
- Rosenbaum, Sara. "Racial and Ethnic Disparities in Healthcare: Issues in Design, Structure, and Administration of Federal Healthcare Financing Programs Supported through Direct Public Funding Programs Supported through Direct Public Funding." *Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare*. Washington, DC: National Academies Press, 2003: 664-698.
- Rowland, Diane and Catherine Hoffman. *The Impact of Health Insurance Coverage on Health Disparities in the United States*, 2005. http://hdr.undp.org/en/reports/global/hdr2005/papers/HDR2005_Rowland_Diane_and_Catherine_Hoffman_34.pdf
- Sen, Amartya. "Property and Hunger." In *Twenty Questions*, edited by G. Lee Bowie, Meredith W. Michaels, and Robert C. Solomon, 649-655. Belmont: Thomson Wadsworth, 2007.
- Singer, Peter. "Rich and Poor." In *Twenty Questions*, edited by G. Lee Bowie, Meredith W. Michaels, and Robert C. Solomon, 644-646. Belmont: Thomson Wadsworth, 2007.
- Smith, Tara. "Individual Rights, Welfare Rights." In *Twenty Questions*, edited by G. Lee Bowie, Meredith W. Michaels, and Robert C. Solomon, 474-475. Belmont: Thompson Wadsworth, 2007.
- "Social Determinants of Health: The Solid Facts." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 213-221. New York: McGraw Hill, 2009.
- Steinbock, Robert. "Imposing Personal Responsibility for Health." In *Ethical Issues in Modern Medicine*, edited by Bonnie Steinbock, John D. Arras, and Alex John London, 235-236. New York: McGraw Hill, 2009.

Week 9: Continue writing and discussing. Finish rough draft.

Week 10: Continue writing and making corrections to the rough draft. Finish paper.

**Additionally, I will be meeting three times a week for each of the ten weeks with Dr. Moller to discuss my reading, writing, and overall progress towards the goals I have set.*

Additional Readings (to be used when/if appropriate):

Blank, Robert H. *The Price of Life: The Future of American Health Care*. New York: Columbia

- University Press, 1997.
- Churchill, Larry R. *Rationing Health Care in America: Perceptions and Principles of Justice*. Notre Dame: University of Notre Dame Press, 1987.
- Dougherty, Charles. *Back to Reform: Values, Markets, and the Health Care System*. New York: Oxford University Press, 1996.
- Emanuel, Ezekiel J., and Victor R. Ruchs. "Getting Covered: Choose a plan everyone can agree on." *Boston Review* 30, no. 6 (2005): 12-14, <http://0-search.ebscohost.com/dewey2.library.denison.edu/login.aspx?direct=true&db=lfh&AN=18917737&site=live>.
- Evans, Robert G. "Health Care as a Threat to Health: Defense, Opulence, and the Social Environment." *Daedalus* 123, no. 4 (Fall 1994): 21-43.
- Evans, Timothy, Margaret Whitehead, Finn Diderichsen, Abbas Bhuiya, and Meg Wirth, eds. *Challenging Inequalities in Health: From Ethics to Action*. New York: Oxford University Press, 2001.
- Gawande, Atul. "Getting There from Here." *New Yorker* 84, no. 46 (2009): 26-33.
- Hofrichter, Richard, ed. *Health and Social Justice: Politics, Ideology, and Inequality in the Distribution of Disease*. Hoboken: Jossey-Bass, 2003.
- Morreim, E. Haavi. *Holding Health Care Accountable: Law and the New Medical Marketplace*. New York: Oxford University Press, 2001.
- Ubel, Peter A. and Susan Dorr Goold. "Rationing Health Care: Not All Definitions Are Created Equal." In *Contemporary Issues in Bioethics*, edited by Tom L. Beauchamp and LeRoy Walters, 90-94. Belmont: Wadsworth Publishing Company, 2003.
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