

Among the unalienable rights listed in the Declaration of Independence are “Life, Liberty, and the pursuit of Happiness.” The most important of these is a man’s right to his own life, for without the right to life there can be no others, and the very idea of rights loses its meaning. But what exactly does this right entail? Because man has the right to life, does that mandate the government to guarantee his well-being, including providing for his medical care? Or is it rather the right for man in a free society to sustain his life without interference from others? This paper will examine our Founding Principles to determine if the provision of health care is a right of all Americans.

The concept of natural rights in politics first presented itself in the works of English philosopher John Locke, who identified them as “life, liberty, and estate.”¹ These principles would later be used as justification for the American Revolution and would be the framework of the new government. Thomas Jefferson helped to incorporate the idea of man being sovereign unto himself rather than to a monarch into the structure of government for the first time. Fearful of a powerful government such as the one from which they had just rebelled, the Founders wanted to create a minimalist government which would protect its citizens’ rights and not interfere with their lives. The original purpose of government under the Constitution was to protect the lives and property of individual citizens. Clearly the Founders did not intend for such a weak and unobtrusive government to provide for the basic needs of its citizens.

To examine the nature of the relationship between political rights and health care, we must first define what a right is. A “right” is a freedom of action.² For example, the right to free

¹ Locke, John, Two Treatises of Government, 1689.

² Feinberg, J., "The Nature and Value of Rights", *Journal of Value Inquiry*, 1970, 4: 243-257.

speech is the ability to engage in that activity without the threat of repercussions. The right to life, the most fundamental human right, implies that man has the right to choose what he does with his life and how he does it.³ In a free society, man exercises his right to life by producing goods or services with which he is free to trade with others for sustenance. These goods and services only exist as a product of one's own physical and mental effort. In a socialized system where every man claims a right to a good or service without the necessity of earning it, the chain of natural rights is interrupted, and the use of force has been introduced into the relationship between producer and consumer.⁴ The consumer now takes by force that which the producer made as a rational effort to support his own life. In this scenario, the government has moved the right to the product from the producer to the consumer. It is the responsibility of government to protect individuals from forceful coercion, not to be the one stealing from the producer.

This same philosophy applies to medical care. Health care is not a right, it is a service provided by doctors and others to those who wish to purchase it. The doctors and other health care practitioners are the producers who depend on this service as a means of supporting their own lives. If the government believes that there is a right to health care and institutes a policy of universal health care, the right to the product, in this case medical service, moves from the producer to the consumer. If the right to health care belongs to the patient, he owns the services of the doctor without the necessity of earning them.

The irony of legislating universal health care is that in attempting to fulfill its goal of providing health care to all Americans, it will actually throttle the entire industry. For example, doctors and other health care providers simply will not function as efficiently as tools of the state than as private, sovereign individuals working for their own best interests. By dictating which

³ Sade, R., "The Political Fallacy that Medical Care is a Right," *The New England Journal of Medicine*, 1971.

⁴ Von Mises, L., *Socialism: An Economic and Sociological Analysis*, New Haven, Yale University Press, 1951

drug a doctor must prescribe for his patient or by compelling him by law to make a decision he otherwise would not have made, the government is proclaiming the supremacy of the state's logic over that of the individual. It is incredibly arrogant for Washington legislators to believe that they know what is best for the patient over the judgment of the trained doctor evaluating the patient on the individual level. Also, a national system of health care would actually stifle progress in the field of medicine. Progress is made by the free interaction of free minds developing new ideas in an atmosphere open to experimentation, which is exactly what national health legislation tries to restrict. Once-novel procedures such as open heart surgery would never have become routine if not for the doctors and patients willing to experiment with the risky operation. Such trial and error would not be permitted under a nationalized health care system.

Our Founding Fathers created a government based on the principles of individual rights and responsibilities. A system of universal health care based on the false premise that Americans have a right to health care not only contradicts these principles, but would degrade the entire health sector. It is our duty as responsible citizens to ensure that personal freedom remains the cornerstone of the health care industry.