

■ YOUR VOICE: JACK W. PAINTER

Clarify the concept of 'rights'

Do people have a right to health care?

The proponents of such a right seem to mean that people have a right to medical treatment even if they cannot afford it or, alternatively, have a right to require someone else to pay some or all of their health insurance costs.

Whatever that means precisely, they must be referring to a right that exists independently of laws passed by Congress. After all, a law can always be changed, so any "rights" it creates are really privileges granted by the government. A true right, however, cannot be taken away by a majority of voters.

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This makes the existence of a health care right an important issue. If it exists, certain health care policies naturally follow, and policy makers cannot rescind those policies if circumstances or technology change.

So what is the basis for such a right? Some argue that health care is necessary

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for the enjoyment of basic rights, such as life and liberty, and therefore is itself a protected right. But saying the government must provide health care so people can enjoy those rights is like saying it must provide guns so people can enjoy the right to keep and bear arms.

Such a right also seems inconsistent with the theory of rights in the Declaration of Independence. That document asserts the "self-evident" principle that individuals have equal rights inherent in the nature of human beings. These natural rights, as they are called, derive from the idea of self-ownership – you own yourself and therefore have the right to be left alone as long as you honor the equal rights of others to be left alone. But a health care right would be a right to force others to give you things.

One could argue such a right exists because of some general moral obligation to help people in need. But while you may feel morally obligated to give money to

someone who is truly in need, does that person have a right to your money?

If we accept such a right, what about rights to other necessities, such as food, clothing and shelter? Admittedly, the government already subsidizes those things for poor people, but the subsidies have always been privileges, not permanent rights. (The Supreme Court says people don't even have a right to Social Security benefits.)

And what would be the scope of a health care right? Would it cover all medical treatments? (If the right exists, how do you deny a particular treatment?) Would illegal immigrants have the right? After all, they have basic rights as "persons" under the Constitution.

We should insist on answers to these questions in assessing whether this right exists. Otherwise, we may inadvertently accept a concept of rights that is inconsistent with our founding principles and has no clear limits.