

Justice in health care and medical tourism –

Should private money talk?

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What is just?

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- 1) There are different principles of justice
- 2) These principles of justice are conflicting

Utilitarian principles of justice

- A just distribution is one that maximises net benefit.

(Girl 1: “No one would be as happy as me.”)

Principle of desert

- To each according to desert.

(Girl 4: “It was due to me - I made the effort.”)

Egalitarian principles

- Rawls' difference principle: “social primary goods...are to be distributed equally unless an unequal distribution...is to the advantage of the least favoured.”

(A Theory of Justice, 1972, p 303)

Egalitarian principles

- Priority principle: benefiting people matters more the worse off these people are.
- I.e.: distribution of resources should be to the advantage of those being worse off, even if this leads to a net loss of goods totally.
- This assumption unifies egalitarian principles.

(Girl 2: “I have no doll.”)

Procedural principles of justice

- E.g. libertarianism: A just distribution is according to voluntary exchange of justly acquired property.

(Nozick: *Anarchy, State, and Utopia*, 1974)

(Girl 3: “I saw it first and called for the doll.”)

”Might is right”

- If one denies that there are no valid principles of justice...

(Girl 5: “I will take it from you.”)

Communitarian theories of justice

- Walzer: Just distribution is according to the social meaning of the good.

(Spheres of justice, 1983)

Communitarian theories of justice

- Just distribution is according to the social meaning of the good.
- Social meaning? The common evaluation and understanding of a certain kind of thing in a certain society.
- E.g. punishment is regarded as something that should be distributed in accordance with guilt (negative merit).

How should health care be distributed?

- Almost universal agreement that *some* kind of egalitarian principle is appropriate:
“Access to high quality health care is a fundamental right. As a consequence, it is one of the basic tasks of the government to guarantee this right. Social security systems are based on solidarity, collective responsibility and equal contributions in order to ensure accessibility of high quality health care for all. Universal access also implies that health care should be provided on the basis of need rather than on the ability to pay.” (Pennings, “Ethics Without Boundaries: Medical Tourism”, in Ashcroft et al, *Principles of Health Care Ethics*, 2007, p 505-506)

Egalitarian principle of health care - example

- Norman Daniels theory: the goal of health care, or at least public health care, is to maintain or restore normal functioning as far as possible, but not beyond.

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Implications:

- 1) Needier should be prioritized to the less needier (Vårdens svåra val, SOU 1995:5)
- 2) No basic rights to get medical measures beyond what is needed

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- ... as do (some) utilitarians (Hare, Tännsjö)

Desert against egalitarian principle of health care

- Problem: principles of desert practically useless (have to solve free will-problems).

Libertarians against egalitarian principle of health care

- Problem: normatively unacceptable, at least regarding health care.

Conclusion (?)

- Good reasons to think that egalitarian policies and principles of need *are* appropriate within health care.

3 problems of justice with medical tourism

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Magnitude of problem depends on *crowding out*: medical tourism diverting health care resources from less affluent.

Crowding out of a) personnel (WHO), b) attention, and c) economic resources.

3 problems of justice with medical tourism

2: Developing countries can be drained of health care personnel that they themselves have trained.

Result: the well off benefit at the expense of the worse off.

3 problems of justice with medical tourism

3: Some laws of some countries, restricting access to medical services, only apply effectively to those who cannot afford to go abroad, i.e. the economically worse off.

- George Orwell: "All animals are equal, but some animals are more equal than others."

- Thank you!