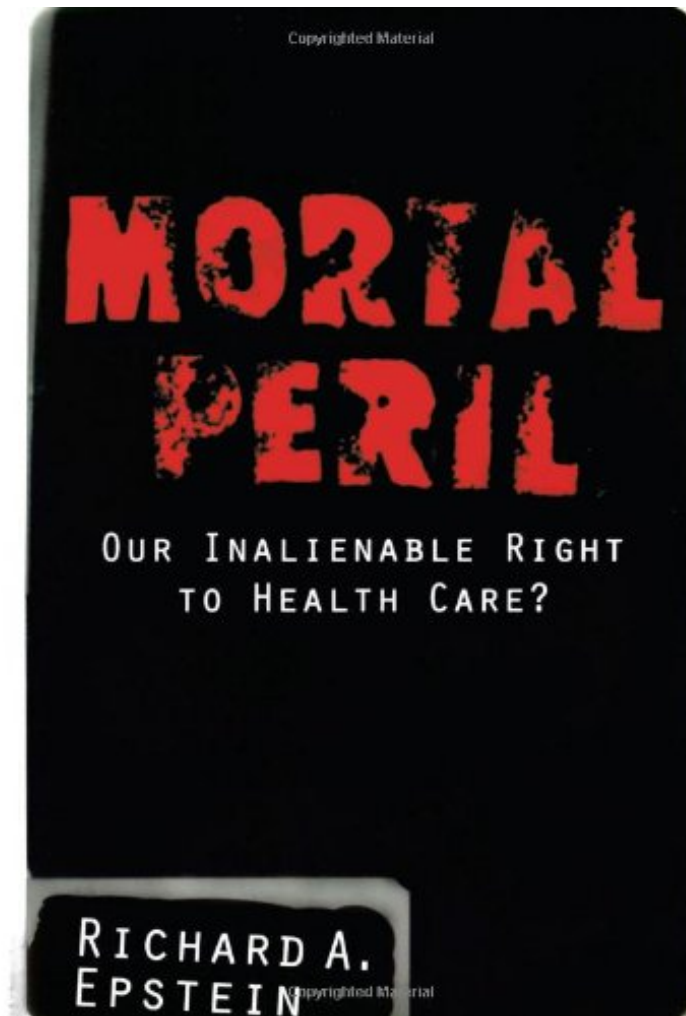


(Download) Mortal Peril: Our Inalienable Right to Health Care?

Mortal Peril: Our Inalienable Right to Health Care?

Richard Epstein

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Richard Epstein : Mortal Peril: Our Inalienable Right to Health Care? before purchasing it in order to gauge whether or not it would be worth my time, and all praised Mortal Peril: Our Inalienable Right to Health Care?:

0 of 0 people found the following review helpful. Really interesting! By Lee, Dongjin I read the Korean translation of this book and though I disagree on the author's view in many aspects, I find this book really interesting as well as informative. So I decided to buy the English version of it. Not being American, I can't understand how Americans manage to live in their healthcare system. Some radical arguments of the author are surely hard to struggle against. 0 of 0 people found the following review helpful. Five Stars By JGood 0 of 0 people found the following review helpful. A CONSERVATIVE/LIBERTARIAN CRITIQUE OF A "RIGHT" TO HEALTH CARE By Steven H Propp Richard Allen Epstein (born 1943) is a Professor of Law at the New York University School of Law, as well as associated with

the Cato Institute, the Hoover Institution, and the Heartland Institute. He has written many books, including *Takings: Private Property and the Power of Eminent Domain*, *Why Progressive Institutions are Unsustainable* (Encounter Broadside), *Design for Liberty: Private Property, Public Administration, and the Rule of Law*, etc. He wrote in the Preface to this 1997 book, "This book represents my sustained effort to demonstrate that the source of our collective anxiety begins with the elaborate and counterproductive schemes of entitlements that live off the illusion of abundance of scarcity. It deals first with the grand question of health care... Alas, this book is not rich in quick fixes for intractable problems." He begins by stating, "The central thesis of this book is that the rules of the game as have just been laid out are more likely to lead to a sensible regime for the reform and regulation of health care than the dominant regime." (Pg. 19-20) He adds, "I think that the strongest theoretical argument in favor of a welfare right in health care, or anywhere else, is one that exploits the wedge between maximizing social wealth and maximizing utility." (Pg. 31) He suggests that "No political system will be able to turn people away once the coverage is made universal." (Pg. 55) Rejecting the notion that "everyone has a right to health care regardless of ability to pay," he asks, "Why is this principle appropriate for health care when it has been rejected for vacation homes and fast cars?" (Pg. 112) He argues that "Pay or play plans invite strategic maneuvering by employers... Employers with healthy work forces will choose to insure, so all the bad risk accounts are dumped into the public sector with insufficient funds to service them. The single-payer system prevents this strategy, but it invites abuse by a government monopoly that can stifle innovation, squeeze individual physicians, and operate in a slow and arbitrary way." (Pg. 188) He concludes with the suggestion, "perhaps we might be better off in a world with reduced costs and enhanced access, even if liability is sharply curtailed or totally eliminated... we need open markets, with fully enforceable contracts, no ifs, ands, or buts, to find the best levels of legal protection against adverse medical outcomes." (Pg. 416) Thought-provoking and controversial as are all of Epstein's books, this one is well worth reading, particularly given the renewed importance of health care in the current political debate.

Most Americans assume that universal access to health care is a desirable and humane political goal. Not so, says distinguished legal scholar Richard Epstein. In this seminal work, he explodes the unspoken assumption that a government-administered, universal health-care system would be a boon to America. Basing his argument in our common law traditions that limit the collective responsibility for an individual's welfare, he provides a political and economic analysis which suggests that unregulated provision of health care will, in the long run, guarantee greater access to quality medical care for more people. He also authoritatively documents the ways in which government regulation has actually reduced the availability of organs for vitally needed transplants, and has interfered with a sensible policy toward euthanasia.

From Library Journal
Noted legal scholar Epstein challenges the right to universal healthcare, deriving his fundamental argument from his own interpretation of common law, the basis of American justice. Epstein argues that the system of rights and duties enshrined in common-law principles cannot be extended as obligations to provide care and assistance. He fears that state control of redistributive taxation threatens to shift entitlements from old to young and rich to poor and guarantees state support for a system of healthcare that, in the long run, may not provide an adequate structure for reform and regulation. Examined here are the notions of positive rights to healthcare, limited access, comprehensive care, and liability, particularly regarding the controversial topics of organ transplants and euthanasia. Well reasoned, scholarly, and controversial, this book is highly recommended for academic collections.
Mary Hemmings, Univ. of Calgary Lib., Alberta
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From Kirkus
A legal scholar's densely written argument that the good old days of laissez-faire were better. Epstein (Univ. of Chicago) claims that the welfare of the general population has been brought into mortal peril by the assumption that a proper health care system requires government controls. He traces the evolution of ideas of rights from the common-law concept of negative rights (freedom from the actions of others) to the more modern system of positive rights--to life, liberty, the pursuit of happiness, and by extension to health, housing, education, and other desirable ends. The latter system, he complains, targets the state with duties of support, builds in extensive taxation, and forces the redistribution of wealth. In his view, the old common-law rules do a far better job of providing health care than the present complexity of government regulations with their many unintended and harmful consequences. Thus, he sharply criticizes Medicare and Medicaid, with their emphasis on expanding access and subsidizing services, and the Clinton administration's failed health care proposals for further broadening access. A defender of autonomy rights, property rights, and contractual freedom, Epstein next focuses on specific areas in which the state prevents individuals from doing what they want with their bodies and their lives. His defense of baby-selling and surrogate motherhood, his advocacy of a free and open market in organs for transplant, and his arguments for removing the ban on euthanasia and assisted suicide are sure to arouse protests from many quarters. His thesis that an unregulated health care system will ultimately provide better care and better access to greater numbers of people is, if not disingenuous, certainly disputable. -- Copyright copy; 1997, Kirkus Associates, LP. All rights reserved. "A brilliant diagnosis." -- The Wall

