



Mortal Peril: Our Inalienable Right To Health Care?

Richard A. Epstein

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In this seminal work, distinguished legal scholar Richard Epstein daringly refutes the assumption that health care is a “right” that should be available to all Americans. Such thinking, he argues, has fundamentally distorted our national debate on health care by focusing the controversy on the unrealistic goal of government-provided universal access, instead of what can be reasonably provided to the largest number of people given the nation’s limited resources. With bracing clarity, Epstein examines the entire range of health-care issues, from euthanasia and organ donation to the contentious questions surrounding access. Basing his argument in our common law traditions that limit the collective responsibility for an individual’s welfare, he provides a political/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. Any system, too, must be weighed on principles of market efficiency. But such analysis, in his view, must take into account a society-wide as well as an individual perspective. On this basis, for example, he concludes that older citizens are currently getting too much care at the expense of younger Americans. The author’s authoritative analysis leads to strong conclusions. HMOs and managed care, he argues, are the best way we know to distribute health care, despite some damage to the quality of the physician-patient relationship and the risk of inadequate care. In a similar vein, he maintains that voluntary private markets in human organs would be much more effective in making organs available for transplant operations than the current system of state control. In examining these complex issues, Epstein returns again and again to one simple theme: by what right does the state prevent individuals from doing what they want with their own bodies, their own lives, and their own fortunes? Like all of Richard Epstein’s works, *Mortal Peril* is sure to create controversy. It will be essential reading as health-care reform once again moves to the center of American political debate.

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