

Aristotle and the Right to Health Care: A Cautionary Tale  
Appendix to Scope Note 20  
March 2008

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A conversation is taking place in the philosophical literature as to whether or not the concept of rights originated in modern times or dates to the classical period. One focus of the debate has been on Aristotle's work, especially his *Politics*, with writers of every philosophical persuasion claiming Aristotle as part of their family tree and citing his work to validate their own.

In the midst of an election year, one particular question about rights seems to arise more than others, namely, is there a right to health care? This question recurs in today's debates about health care reform and it hovers over the plans proffered by the candidates of both parties. Attention to this question promises to intensify as the actual election approaches.

Did Aristotle support a right to health care?

In past debates, a quotation attributed to Aristotle sometimes has been used as a proof text to support an entitlement to health care as a matter of social justice:

*"If we believe men have any personal rights at all as human beings, they have an absolute right to such a measure of good health as society, and society alone is able to give them."*

Such an endorsement by the father of ethics and politics surely would have rhetorical weight for many in the Western world.

But proof texts are notoriously risky. They may be wrongly attributed, badly mangled in translation, or inconsistent in style and content with the thought of their presumed originators. Some combination of these happenstances seems to have fallen on the quote cited above and claimed to come from the lips of Aristotle.

In attempts to establish the provenance of the text in question we have conducted an extensive search for its source and original wording. We have not been able to locate it. Our initial curiosity was aroused by several things, including that rights language did not seem to have the Aristotelian context, and health care, as such, was not included in Aristotle's works. We searched *Nicomachean Ethics* and *Eudemian Ethics*, and the *Magna Moralia* without successfully locating the quote. Nor could we find it in other of works of Aristotle: *On Length and Shortness of Life*, *De Anima*, *Economics* or the *Fragments*. "Rights" language certainly would stick out in Aristotle's virtue-based ethics.

Use of the quote in question has been traced to Ruth Roemer, who, when President of the American Public Health Association, used it to begin her chapter in *The Right to Health in the Americas: A Comparative Constitutional Study* (1989). Roemer obtained the quote from an article by Walter P. von Wartburg published in *The Right to Health as a Human Right/Le Droit a la Santé en tant que Droit de L'Homme* (1979). Von Wartburg translated the quote himself from, if memory serves him correctly, a Latin edition of the *Nicomachean Ethics* (email correspondence with the National Reference Center for Bioethics Literature, August 17, 2006).

To return to our opening focus, Roemer and von Wartburg's use of a quote linking Aristotle to a right to health care is part of the broader conversation in the philosophical literature about the origin of a concept of rights and, specifically, whether any classical foundation exists for the right to health care. Philosophy Professor Leif Wenar notes that scholarly inquiry into the origins of our modern sense of "a right" is complicated by the fact that "...ancient authors often used words imprecisely" and modern scholars often exhibit an "over-optimistic assumption about the sharpness of conceptual boundaries" (Stanford Encyclopedia of Philosophy, 2007). Wenar contrasts an older, "objective" sense of "right" meaning "what is just" or "what is fair" with a modern "subjective" sense of "a right." He identifies two main thrusts in recent scholarly discussions of rights. The first is the finding of a modern understanding of rights far earlier in history than previously thought. Scholars have pushed this notion back in time, moving "...from Locke in the seventeenth century, to Hobbes and Grotius in the sixteenth, to Gerson in the fifteenth century, Ockham in the fourteenth, perhaps even to Gratian in the twelfth." The second thrust is the assertion that active rights (rights to do something) predate passive rights (rights to be free from something).

Thomas J. Papadimos (2007) argues that Western thought on healthcare access supports health care as a "right" and not as a "privilege." Papadimos reviews the works of Aristotle, Immanuel Kant, Thomas Hobbes, Thomas Paine, Hannah Arendt, John Rawls, and Norman Daniels on this issue.

The following abstracts for a Symposium on Aristotle's *Politics* provide a representative sample of the arguments on the possibility (or lack thereof) of an Aristotelian concept of rights. At a future date, the National Reference Center for Bioethics Literature staff will update *Scope Note 20: The Right to Health Care* with additional citations on the classical roots for and modern discussions of the right to health care.

Abstracts:

Annas, Julia. Aristotle on Human Nature and Political Virtue. *The Review of Metaphysics* 49(4): 731-753, June 1996.

After noting that racists have referenced Aristotle's concept of nature to support their views on slavery, Annas suggests that "...Aristotle's own lack of precision about the role of nature in his ethical and political arguments must bear some of the responsibility" for the misuse of his ideas. The author examines the differences in Aristotle's *Politics* between "mere nature" and a concept of nature "that is clearly normative" (p. 735). Annas posits that this distinction helps elucidate a passage in *Politics* book 7 where Aristotle recognizes that "...because of some chance or nature...

[v]irtue needs external goods, both because it requires material for its exercise and because the achievement of virtue in the first place may require a certain amount of health, wealth, and so on”(p. 752).

Cooper, John. Justice and Rights in Aristotle’s *Politics*. *The Review of Metaphysics* 49(4): 859-872, June 1996.

Cooper compares various translations of Aristotle’s *Politics*, some employing the language of “rights” and some completely avoiding it. The author insists that translating the Greek for “the just” as “a (or ‘the’) right” is incorrect (p. 868), and concludes that rights were not important for Aristotle as they are for us today (p. 872).

Kraut, Richard. Are There Natural Rights in Aristotle? *The Review of Metaphysics* 49(4): 755-774, June 1996.

The author answers the question posed in the article’s title by saying that while there is a concept of rights in Aristotle’s work, it is weak and does not play a significant role in Aristotle’s thinking (p.755). Kraut contrasts Aristotle’s use of “rights” with Locke’s writings on the topic, and concludes that “...Aristotle does not have any word that divides up the moral universe in roughly the way our word “rights” does...[s]o perhaps all that can be said in favor of the idea that Aristotle has the concept of rights is that there is a similarity between some of his claims and later claims made by philosophers who have full-scale theories of natural rights” (p. 774).

Long, Roderick T. Aristotle’s Conception of Freedom. *The Review of Metaphysics* 49(4): 775-802, June 1996.

Long critiques the work of Fred Miller (see an abstract on Miller below) by claiming that Aristotle is an even more complex thinker than Miller suggests, and that “...Aristotle’s normative social theory contains both liberal and communitarian tendencies, often closely intertwined” (p. 777). The author argues that Aristotle does recognize the right to do wrong, the existence of pre-political rights, the high intrinsic value of liberty, and a Kantian form of autonomy. While not trying to make Aristotle into a liberal, Long thinks that “...a broadly Aristotelian account of human nature and the human good provides the most attractive foundation of a liberal political theory” (p. 802).

McGrade, A.S. Aristotle’s Place in the History of Natural Rights. *The Review of Metaphysics* 49(4): 803-829, June 1996.

McGrade focuses on thirteenth and fourteenth century commentaries on Aristotle, “...a period in which something like a modern conception of natural rights becomes indisputably visible” (p.805). The author describes what we owe, in terms of language, to Marsilius of Padua (p. 816). The writings of Thomas Aquinas and William of Ockham also are explored. McGrade argues that “...although both the modern language of rights as powers and the substance of some fundamental rights are most clearly to be found or recognized in passages lacking direct reference to Aristotle, the language and the content are arguably congenial to Aristotle’s emphasis on *dynamis* or potentiality as a central notion in every branch of knowledge” (p. 826).

Miller, Fred D. Aristotle and the Origins of Natural Rights. *The Review of Metaphysics* 49(4): 873-907, June 1996.

Miller discusses the three main theses that he attributes to Aristotle: "...that a metaphysical theory of nature is part of the foundations of political philosophy; that the virtue of justice is central to practical politics; and that a fully just constitution will respect and protect the rights of citizens" (p. 873). The author responds to commentary on these theses by symposium participants John Cooper, Malcolm Schofield, and Richard Kraut.

Schofield, Malcom. Sharing in the Constitution. *The Review of Metaphysics* 49(4): 831-858, June 1996.

Insisting that knowledge of Athens' history is essential for understanding Aristotle's work, Schofield notes that "[c]itizenship as Aristotle conceives it is a matter not primarily of possessing certain rights, but of 'sharing in the constitution'" (p. 831). Adopting the canons of mainstream historical and Aristotelian scholarship, the author concludes that "[h]ow Aristotle actually talks is the best clue we have to how he thinks" and "sharing in the constitution is as close to rights as a citizen gets" (p. 856).

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Papadimos, Thomas J. Healthcare Access as a Right, not a Privilege: A Construct of Western Thought. *Philosophy, Ethics, and Humanities in Medicine* 28 (2): 2, March 2007. [Online]. Accessed: <http://www.peh-med.com/content/pdf/1747-5341-2-2.pdf> [2008 March 20]

Roemer, Ruth. The Right to Health Care. In: *The Right to Health in the Americas: A Comparative Constitutional Study*. Hernan Fuenzalida-Puelma and Susan S. Connor, eds. Washington, DC: Pan American Sanitary Bureau, Pan American Health Organization, Regional Office of the World Health Organization, 1989, pp. 17-23.

Von Wartburg, Walter P. A Right to Health? Aspects of Constitutional Law and Administrative Practice. In: Rene-Jean Dupuy, ed. *The Right to Health as a Human Right/Le Droit a la Santé en tant que Droit de L'Homme*. The Netherlands: Suthoff & Noordhoff, 1979: 112-121.

Wenar, Leif. Rights. *Stanford Encyclopedia of Philosophy*. Edward N. Zalta (ed.) Latest revision 2007 July 9. [Online]. Accessed: <http://plato.stanford.edu/entries/rights/> [2008 March 20]