

Social Contract Theory & its application to health care

John Spicer

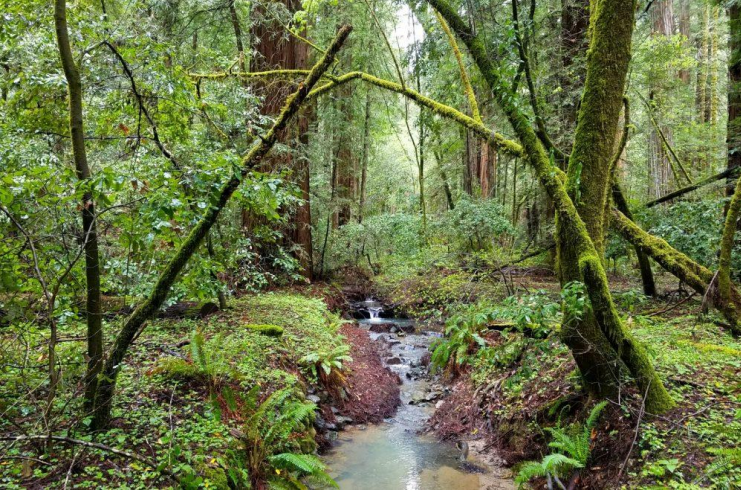
GP South London

Lecturer St George's London, & QMUL [Gozo]

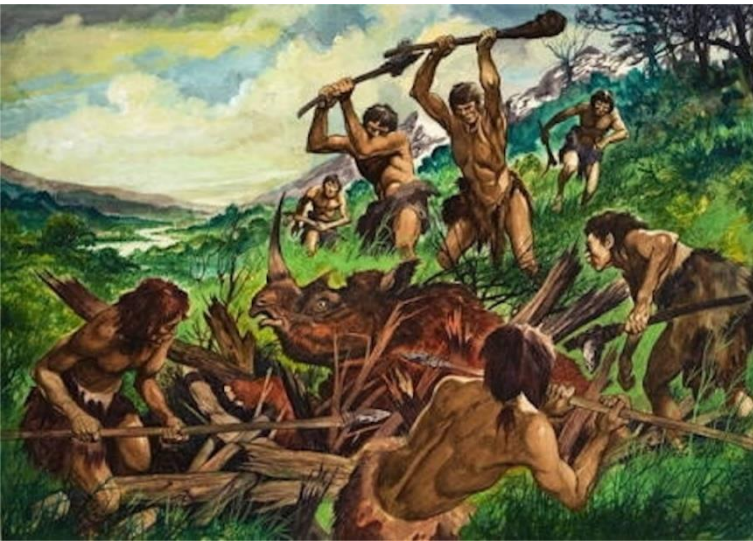
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Imagine a world with no
morals, authority, rules :
what would it be like ?



In a nutshell : discuss....?

- 1 Persons are primarily self interested
- 2 Rational assessment of best strategy for maximising self interest impels them to act morally
- 3 Moral norms are determined by maximisation of joint interest
- 4...and consent to the authority of governments

What is a contract ?



<https://www.youtube.com/watch?v=Lq5lz6is60o>

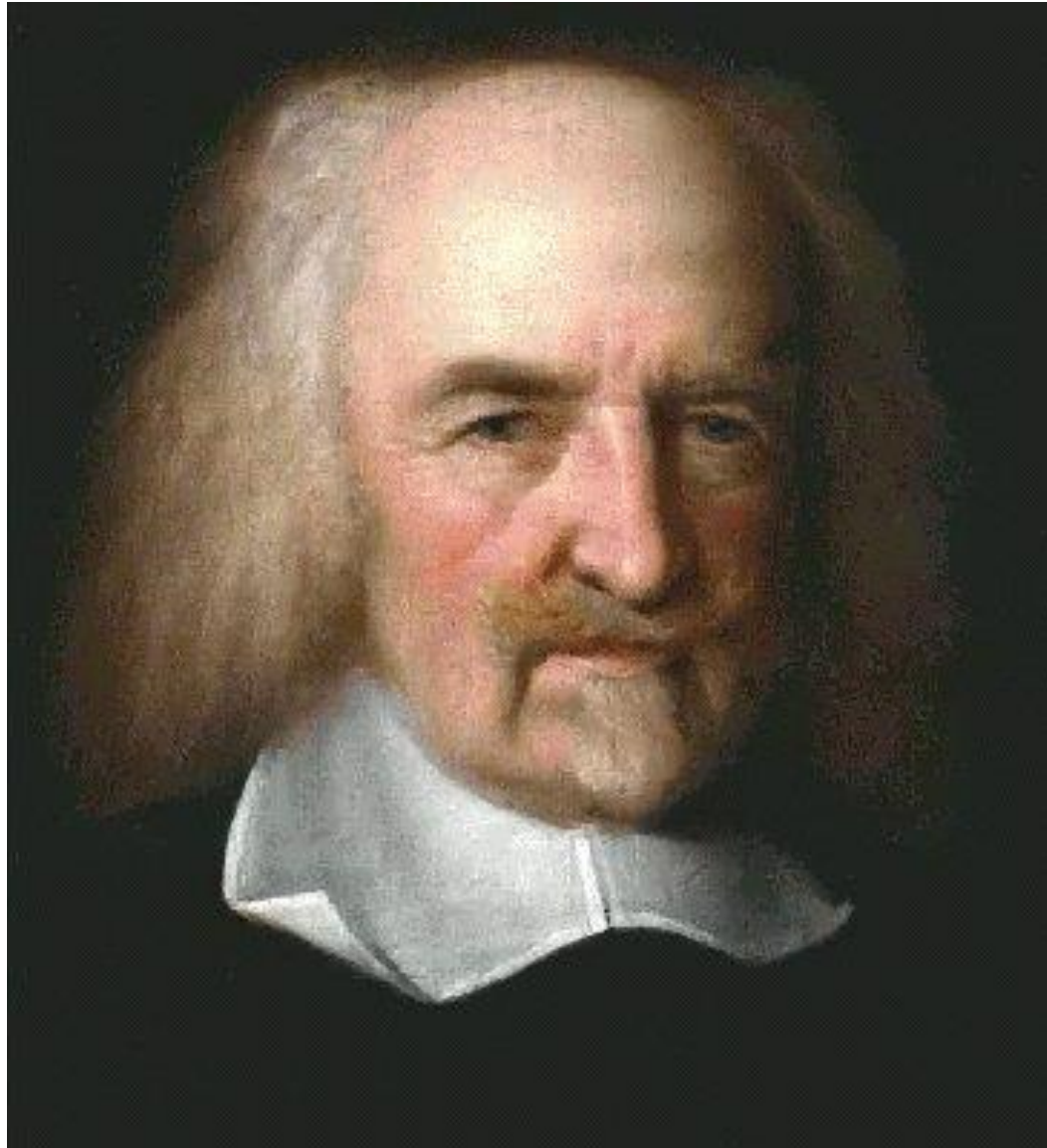
What is the 'contract' about ?

- principles of *justice* ? (Rousseau, Rawls)
- the design of the *basic social institutions* ? (Rawls),
- the commitment to *give up to a sovereign* government (some or all of) one's rights ? (Hobbes, Locke),
- the *adoption of a disposition* to be (conventionally) moral ? (Gauthier, Hampton).

Non est potestas Super Terram quae Comparatur ei Job. 41. 27.



Thomas Hobbes 1588-1679



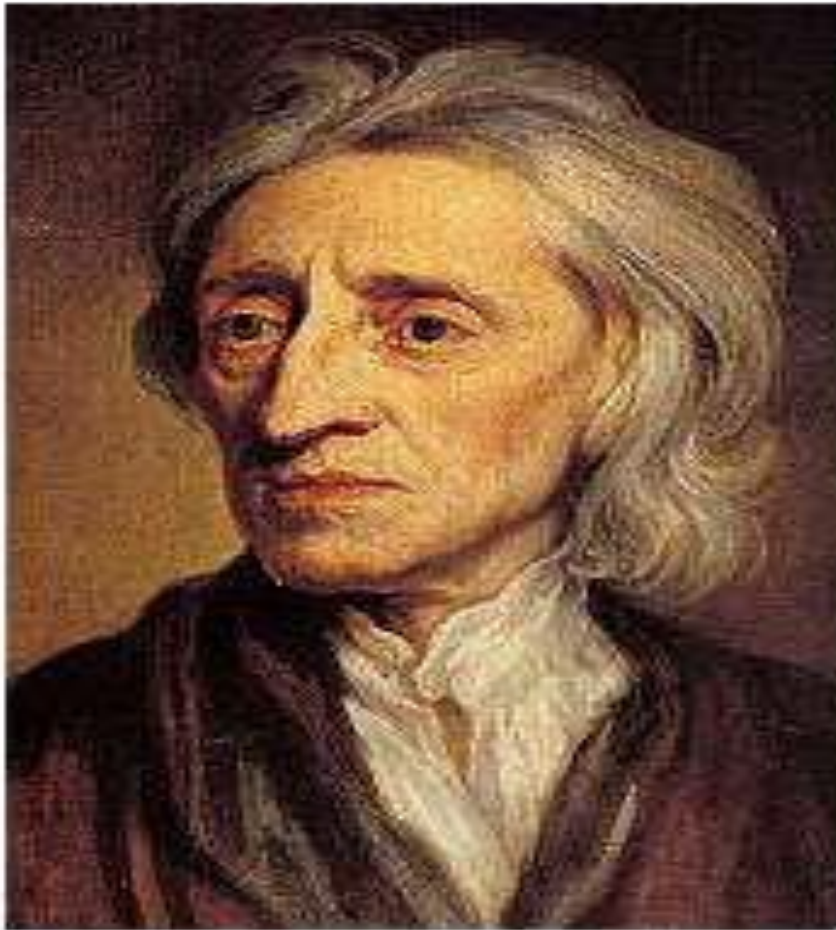
HOBBS' STATE OF NATURE



HOBBS' CONTRACT:

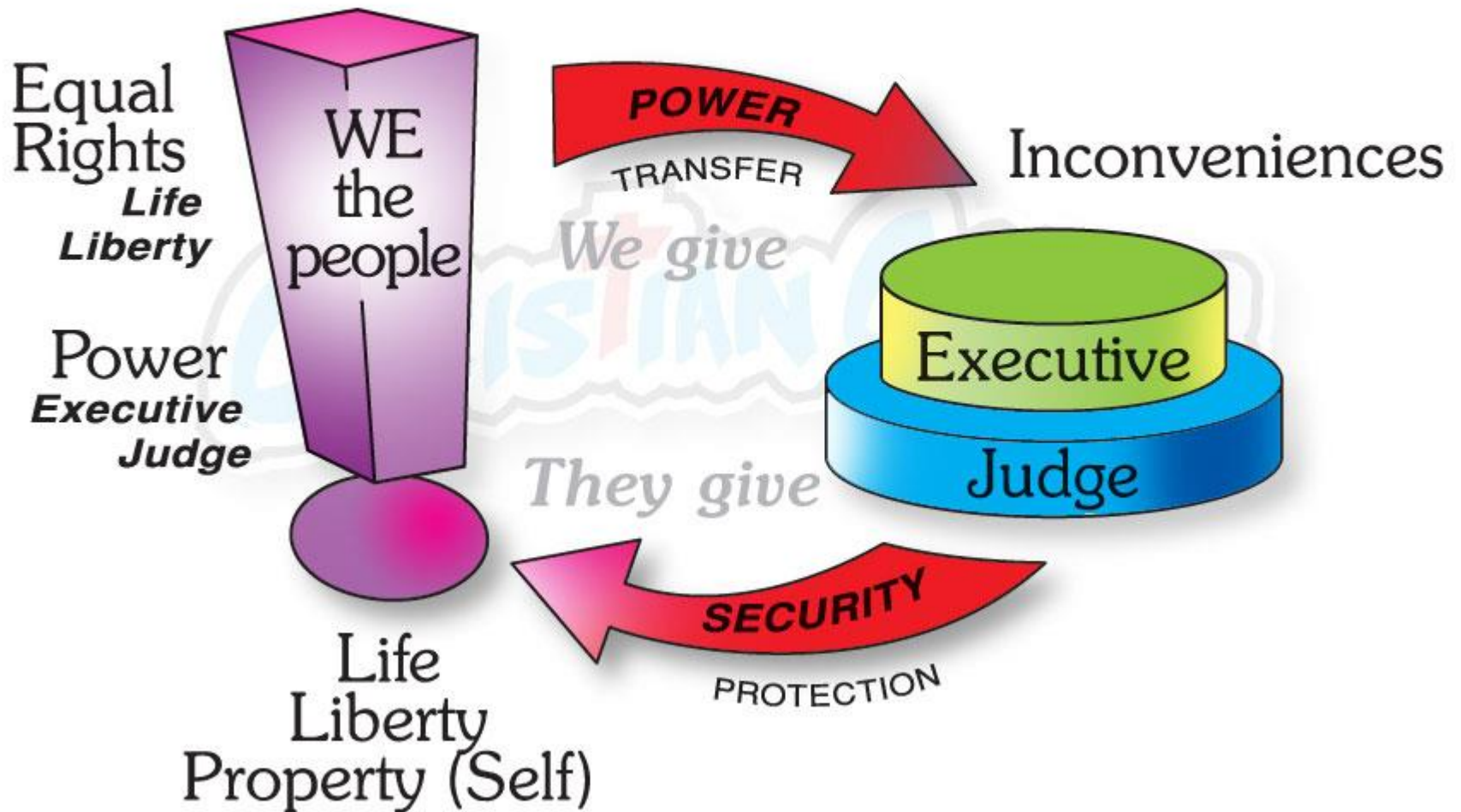
- The people should submit to the government
- The government watches over the people
- The system of government is a just dictatorship
- The people cannot back out of the contract

John Locke 1632-1704



Locke's Social Contract

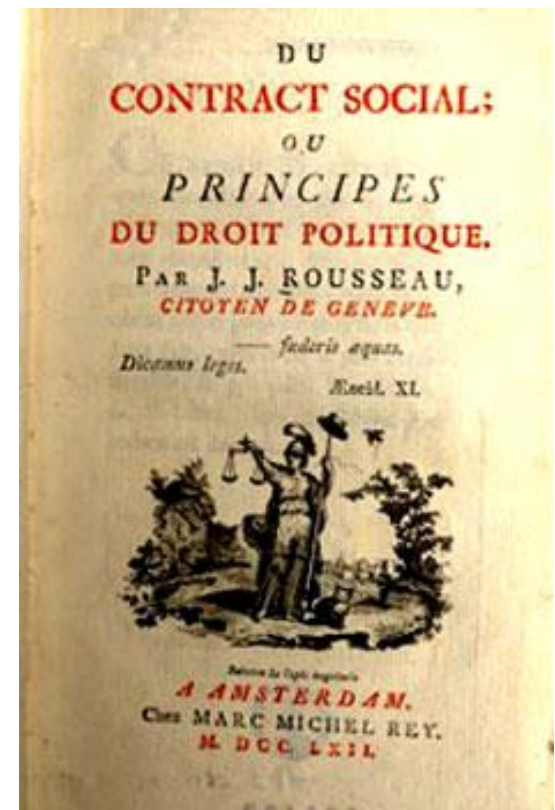
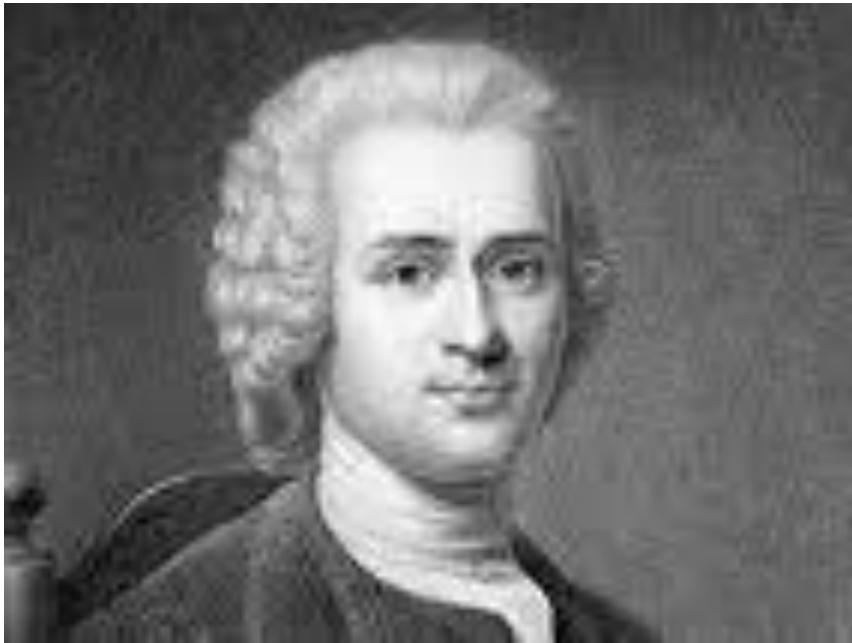
"...civil government is the proper remedy for the inconveniencies of the state of nature..."





Jean-Jacques Rousseau

1712-1778





Rousseau's Social Contract

'L'homme est né libre, et partout il est dans les fers'

The contract liberates us from the state of nature

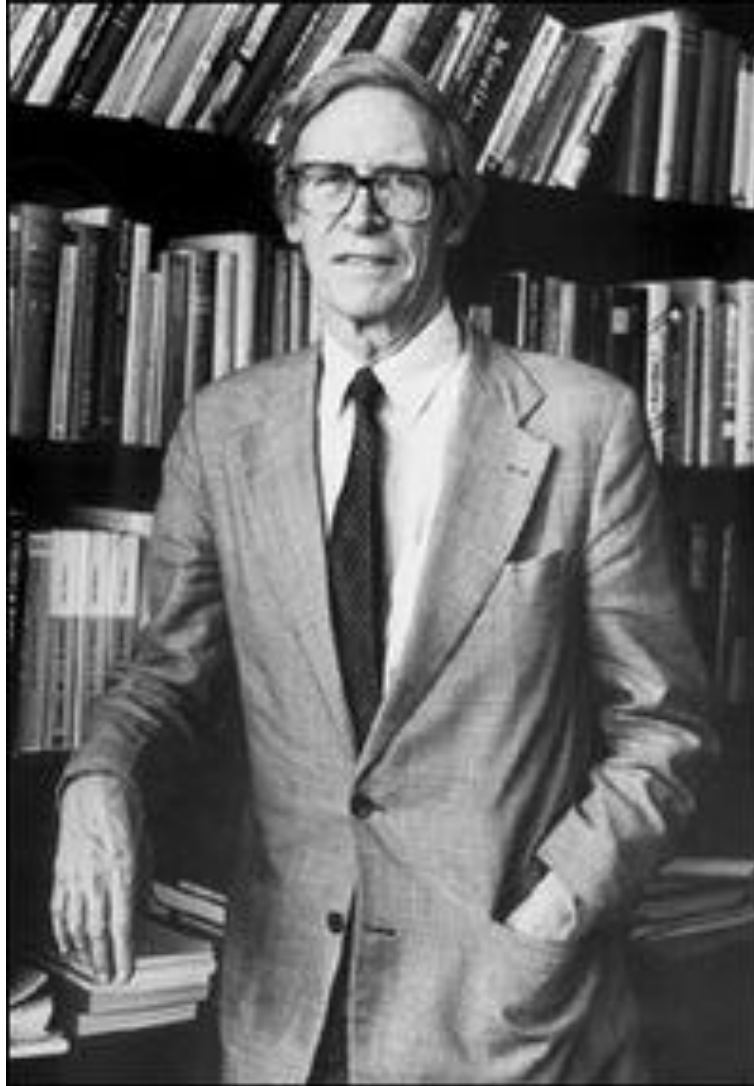
A 'socialistic' view of individuals/society

Political institutions are a blessing [cf Locke and Hobbes]

Collective interests enforced by the state



John Rawls 1921-2002



- Every person is to have as equal right to the most extensive total system of equal liberties compatible with a similar system of liberty for all. [LIBERTY]
- Social goods open to all under conditions of fair equality of opportunity, and if inequalities were to everyone benefits, then it is justified [OPPORTUNITY]
- Social and economic goods are to be arranged so that they are both to the greatest benefit of the least advantaged. [DIFFERENCE]

Veatch R
A theory of medical ethics
1981

- Triple contract theory
- 1 Social contract : basic principles for social interaction
 - 2 Health professions and society
 - 3 Physicians and patients

Veatch's Models of HCP

Engineering – Clinician is technical expert:
Presents facts to patient - who makes decision

Contractual – Obligations and benefits for both parties. Contract may be broken if required. Both parties have control + individuality

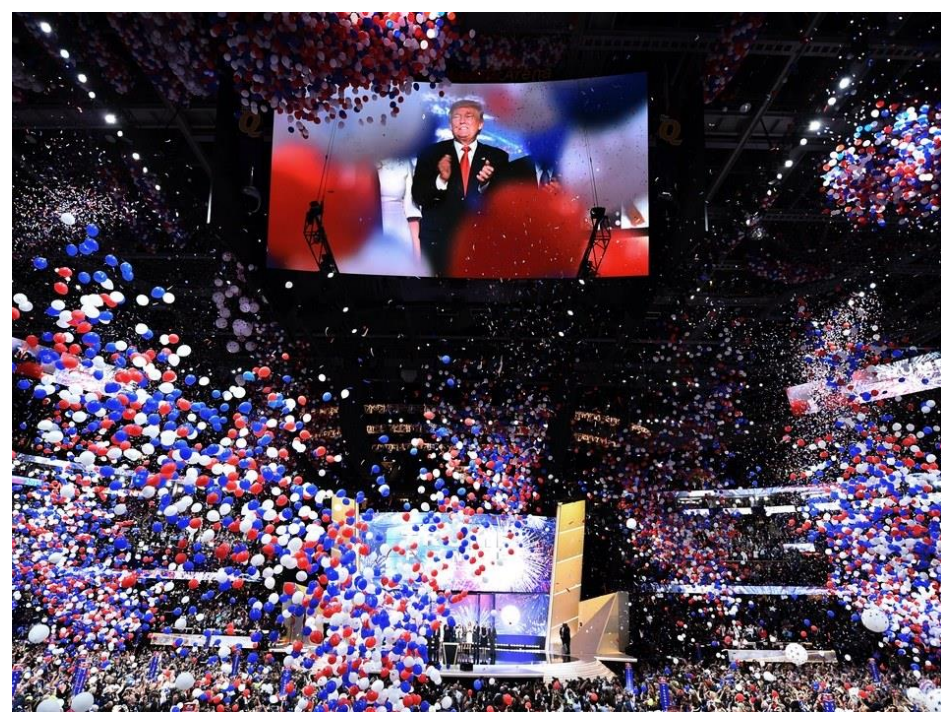
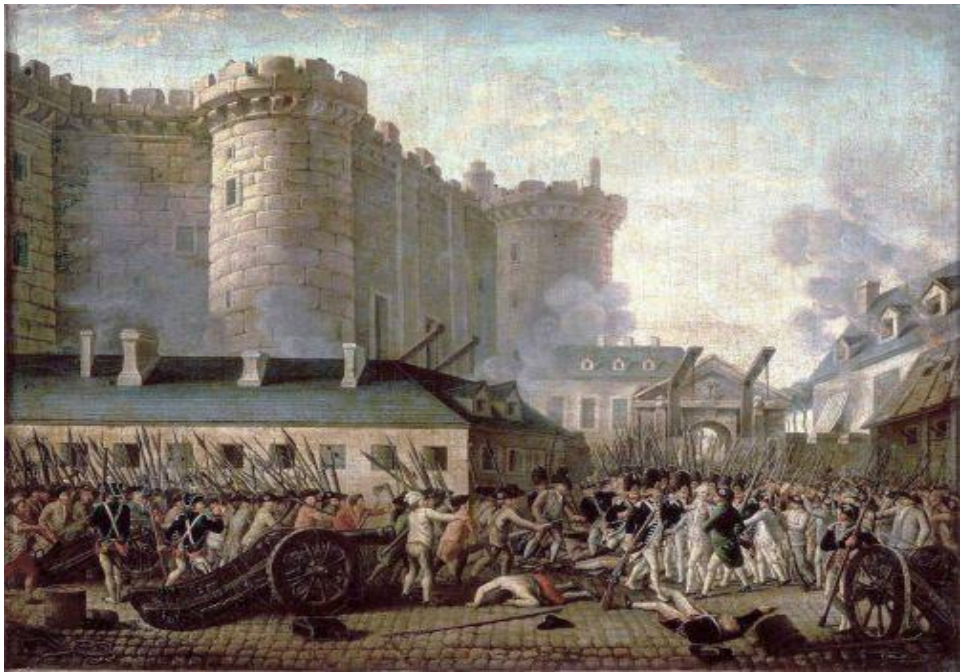
Collegiate – patient and clinician are pursuing common goal

Contemporary social contract theory

- *Gauthier* – Trust, rationality and self interest keep us honest and keep us in the rules
- *Feminist critique* - these contracts all very well for DWEMs [and men] But these contracts imply power over women, and fail to recognise caring relationships between persons



Solidarity, June 30, 1917. The Hand That Will Rule the World—One Big Union.





Implications of SCT for health care systems

Social contract and health care: implications

- Universal access/coverage or...
- Robust minimum basic care
- Financial equitable burdens
- Allocation of scarce resources respect equal value and dignity of individuals
- Democratic control of allocation
- Mutuality and Solidarity

Link to med professionalism

Societal expectations

Services of the healer
Competence guarantee
Altruistic service
Morality and integrity
The public good
Transparency
Accountability

Professional expectations

Autonomy
Trust
Monopoly
Status and reward
Self regulation
System that functions

Counter arguments

- *Nozick* : compulsory redistributive taxation is forced labour
- *Englehardt*: this evil is compounded by tax spend on immoral acts
- *Epstein*: private charity can cover health care spend anyway
- Personal responsibility for health

The will of the people

Democratic influence

Excluded and prioritised treatments

Red neck factors

Obtuse decisions

Legal rights to change

Other issues

- Cost utility
- The 'fair innings'
- Anti- ageism
- Needs and wants
- Values

Some related issues

- Contracting and Procurement in Health care delivery
- [Contracting in education]
- The *business* model of care and consumerism – commodification

Concluding remarks

Morality concerns relationships between persons

SCT formalises those relationships under an authority

It is not necessarily a force for equity

Offers a motivation for moral actions

Has clear application to health care

See the further reading ...