

## **Do I have a Right Not to Buy Health Insurance?**

Do I have a right not to buy health insurance? Would requiring me to buy insurance violate that right? And if I'm fined for not buying insurance, is that a fee or a tax?

These are the questions, and objections, now being raised by Republicans in Congress to derail Health Insurance reform. It's mostly silliness – a grasping for anything that sounds like an issue, anything that raises a red flag among focus groups, anything that will keep Obama from a "win". Republicans to a man, or more exactly to all but one woman, have chosen partisan bomb throwing over bipartisan statesmanship, and this is the nonsense that results.

You and I certainly have the right to not buy cable TV service. So why wouldn't we also have the right not to buy health insurance? If health care were like cable TV shows, something you could just choose to watch or ignore, then refusing to purchase either would certainly be within your rights. But they're not the same at all.

Suppose I refuse to buy cable TV service (which, incidentally, I do refuse to buy). Suppose also that, totally unexpectedly, my daughter gets a part in an episode of *Curb Your Enthusiasm*. Do I have a right to demand that they broadcast that show to my TV? Of course not. I didn't pay for it, so I'll have to go without.

Now suppose I refuse to buy health insurance. Suppose also that, again totally unexpectedly, I collapse on Main Street with a heart attack. Do I have a right to demand that an ambulance take me to a local hospital, and a doctor treat me, and run tests on me, that I can't afford to pay for? Or should I be left laying on the sidewalk to die? My irresponsible choice imposes costs on the rest of you, probably by forcing you to absorb the cost of my health care, unless you prefer the inhumane option of just watching me die.

Refusing to buy cable TV creates no ethical problems, because society can reasonably let nonbuyers miss the shows they don't pay for. But refusing to buy insurance is not that simple. If we have any basic right to health care, any reasonable expectation that in times of emergency we will be tended to, whatever our economic circumstances, then we also have an obligation to help pay for that health care, at least as far as our means allow. And that means buying insurance.

So if I still refuse, and have to pay a fine, is that a tax? A sure sign of political silliness is when politicians begin to debate what is or isn't a tax. But if we need to distinguish between the two, and occasionally we do, a fee reflects the cost of providing some public service to us, and a tax doesn't.

Some of those insurance refusers will get sick, will get treated, and will not pay for their treatment. You and I will have to absorb their costs, in our medical bills or our insurance payments. If we force them to ante up something, in the form of a fine, we are making them pay at least a share of the costs that they impose on us. That sure sounds like a fee to me.

There is one circumstance, however, where refusing to buy insurance should be permitted. Anyone who has filed some legal "Do Not Treat" order, that refuses all and any medical care under any circumstance whatsoever, should be free not to buy health insurance. Just consult one of those Republican Death Panels on where to sign up.