INTERNATIONAL CENTRE FOR ECONOMIC RESEARCH
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WORKING PAPER SERIES

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MARKETS, TRUST, AND A CULTURE OF RESPONSIBILITY: IMPLICATIONS FOR A FAMILY-FRIENDLY HEALTH CARE POLICY

Working Paper No. 20 / 2005

Markets, Trust, and a Culture of Responsibility: Implications for a Family-Friendly Health Care Policy*

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May 16, 2005

Abstract.

This paper explores the way in which a family-centered community should approach markets and market interactions and the role of markets in promoting a culture of responsibility. After making a case for the compatibility of markets and families, the paper then looks at one particular family-centered community, the Amish. The Amish are a useful example not only because of their success in creating self-reliant, family-centered communities, but also because they provide a focal point for theoretical attacks on strong, independent families and communities by those proposing alternative regimes. In particular, this paper looks at the attack against the Amish in the political theory of students of John Rawls and demonstrates the incompatibility of family-centered societies and Rawlsian ideas. It then draws parallels to the thought of Habermas and the case of Germany. The paper concludes by drawing some implications for a health care policy designed to nurture a family-centered culture of responsibility.

Keywords: Hayek, Rawls, Amish, Markets, Trust, Responsibility

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* This paper was subsequently developed and transformed into a piece that will appear as "Markets, Trust, and a Culture of Responsibility: Implications for Health Care Policy in China" in Julia Tao (ed.), *China: Bioethics, Trust, and the Challenge of the Market* (Dordrecht: Springer, to appear in 2006). Gratitude is expressed to Springer for the permission to publish this earlier version."

The Elements of a Culture of Responsibility

The principle elements of a culture of responsibility are biological families, communities, and market relations governing the interactions of families within communities, and of families and communities with one another in society. Each will be looked at in turn.

There are different ways in which to approach the idea of responsibility. *Individual responsibility* requires that each individual bear the costs of his own actions. Thus, an individual who takes risks — such as driving at high speeds or buying stock in a company — should bear the costs, as well as receive the benefits of those risks. If the driver has an accident, he should be responsible for any damage he causes, and if he injures himself, he should be required to pay the cost of his medical care. Conversely, should an investor's shares in a company return big gains, he should receive those gains, since he bore the risk of loss of his own money.

This idea of responsibility as individual, however, seems somehow incomplete. It is easy to imagine such a man living alone on an island. Without parents to care for, children to raise, or neighbors to protect, he would bear responsibility for all his actions, but this can only be a limited kind of responsibility.

A fuller definition of responsibility looks at people, as they normally find themselves living together in a group. In this setting, responsibility must in part mean a group of people agreeing to share risks among themselves. That is, they share responsibility. Although there is much to be said for the notion of individual responsibility, since this paper is concerned with policy, it is more appropriate to focus on this latter kind of responsibility within a group. A crucial question for health care and other policy is determining the basic unit of analysis for such groups.

Whereas it is not possible to imagine responsibility in the case of a man alone on an island, it is possible to imagine a responsible *family*, exhibiting bioethical and moral responsibility, living in isolation on an island. In such a case parents would have responsibilities to create, nurture, and educate their children, and children would later have responsibilities to care for their elderly parents. Moral decisions on how to allocate

scarce resources must be made, including their division among unequal children and relatives, and decisions on the appropriate care for sick or injured family members, including the dying. In addition, education for responsibility would be a key moral obligation of parents, particularly so as to inculcate a proper respect for elders as a key to responsible care for the aged.

It is not surprising, then, that in the West, going back at least as far as Aristotle, it has been argued that the primary unit for social analysis is the family. Aristotle writes that the basic unit is the male and female couple, who cannot exist apart from one another (*Politics,* 1252a28-1252b20, trans. Rackham). In Greek, the word from which the English "economics" is derived is *aeconomia,* which means "things of the household." Economics as understood in the West, therefore, is at its origin concerned with the material well-being of families. Thus, it is perfectly reasonable to posit the family as the foundational unit of analysis in a culture of responsibility for economic, social, and moral decision-making.

When we move from mere survival to the question of flourishing, it is clear that even families cannot be autarkic, but must interact with others (Aristotle, 1252b20-28). Economically, trade among families makes possible a division of labor that allows for massive gains in wealth through increased productivity as well as specialization according to differentiated talents, interests, and skills (Smith, 1981 [1776], pp. 13-24). Such wealth is certainly an important measure of flourishing.

With regard to moral and bioethical questions, communities are necessary to locate and identify appropriate spouses for a family's children outside their immediate biological families. Because children are especially adept at teaching and learning from one another, having a moral community allows children to be educated in such a way that they learn the values shared by a group of families, either directly through schooling, or perhaps even more importantly in other kinds of social interactions with the children of other adults in the community. This requires a collection of families sharing values and living in close proximity, either physically or through a chain of

reliable intermediaries.[1] By extension, therefore, economic, social, and moral life most flourishes in moral communities which may have recognizable physical, geographical boundaries, or be virtual, such as among the Diasporas of many peoples.

Whereas it is possible for such communities to exist and function as unified economic and moral units, there have been few recent examples of their success over even a single generation, much less across several generations.[2] The market provides an efficient and peaceful mechanism for mediating the interactions among families and communities. Such interaction best occurs in voluntary civil society through market exchange.

Critics of markets often misunderstand them as places in which producers of goods, services, and capital meet with consumers to extort as much profit out of them as possible. According to this understanding, the interests of consumers could better be realized if a central authority took over the productive functions of society — including the production of health care — and either distributed its goods according to their conception of the needs of consumers or regulated their production and distribution according to some optimal formula arrived at by such authorities through central planning.

In his seminal essay "The Use of Knowledge in Society," Friedrich Hayek (1948 [1945], pp. 77-91) has shown that such a view fundamentally misunderstands the basic problem of economics and the actual role played by markets. According to Hayek, the basic problem of economic organization is how rapidly to transmit complex information about changes in conditions affecting supply and demand to those who can use it to adjust their production or consumption. The problem is that useful economic knowledge cannot be captured in aggregate data, but rather is only known — and *can only* be known — by widely dispersed economic agents, in effect, by each producer and consumer separately. Since, as was noted above, the fundamental economic unit is the

[1] Thus it is fully appropriate, and not unusual, for immigrants to look to their home countries to provide guidance and assistance in locating suitable spouses for themselves and their children.

[2] One exception is the Hutterites of North America. A significant element of their success, however, is probably due to the strict limitations they place on size, such that each moral/economic unit consists of no more than about thirty families. Among their wider communities, economic decision-making is not coordinated in any day-to-day way.

family, this means that only families have enough economic information to arrive at appropriate economic decisions, including decisions about health care.

How do they communicate this information? The answer, Hayek argues, is by means of prices. The price mechanism, according to Hayek, is really an ingenious device, discovered accidentally by man, to transmit vast amounts of information about economic conditions to those who can make use of it, without requiring any specialized knowledge of the specific conditions causing changes in supply and demand to be known by more than a few people, or perhaps by any one person at all. As prices change, people alter their purchasing habits to adjust in the most appropriate way to changes in underlying economic conditions. If a price goes up, it tells them to look for substitutes for the good in question. If prices go down, they consider using more of the less expensive goods as a substitute for others whose prices have remained the same. All each buyer needs to know is what, for him and his family, are the appropriate substitute goods, and he can make the best possible decisions, given his circumstances. Most importantly, accepting or refusing to buy a good at a given price transmits crucial information about scarcity and demand in a better way, Hayek argues, than any other system discovered by man.

Now, if prices are really bits of information about relative scarcity, transmitted along the chain from producers to suppliers, what role do markets play? First, markets are the places — physical or virtual — in which people come together to engage in exchange based upon their desires, given a set of relative prices. This is a very delicate process, because those desires are often affected by the prices themselves, so markets provide a very intricate feedback mechanism to help people maximize their ability to fulfill their (varied) desires. In order for the price mechanism to convey accurate information, these prices — and the exchanges that take place based upon them — need to be arrived at voluntarily. In any real market, exchange can and will only take place if each party believes that the object he receives is of more value to him than the one which he is offering in trade. Thus, markets are places in which people come together to transmit information by trading things they consider of less value for those they consider to be of more value. At the end of every voluntary exchange, although nothing new is produced, both parties have increased their wealth, as they understand it. For

families to flourish, they must be able to learn about scarcity so as to adjust their own consumption, as well as to be able to exchange goods of less value for those of more value. For this reason, markets are central to any family or community desiring to flourish. Markets in health care are no exception to this general rule.

In addition to families, communities, and markets, the final element necessary to build a culture of responsibility is a reliable system of trust. This might be described as the rule of law, and it has two components.

First, whenever one agrees to engage in an exchange in the marketplace, he must trust that others with whom he is trading will reliably uphold their end of the agreement. This might be as simple as knowing that when I hand you money to buy a piece of fruit, you will, indeed, give me the fruit. Or it might involve very complicated loans and promises of paying rent over many years so that I can construct a commercial building and pay a long chain of builders and suppliers. In either case, to preserve order, it is crucial for a third party to act as a guarantor so that both of us know if you don't give me the fruit, I don't have to use force to take it from you, but can appeal to that third party to do so on my behalf. Although one might imagine situations in which such agreements can be enforced without a single central authority, in practice this is the responsibility of the state.

The second element of trust concerns the state itself. In order to calculate risk and engage in long-term planning — including intergenerational planning — it is important to be able to trust the state not only to enforce contracts among families and communities, but also to protect the property of those families and communities from one another, as well as from the state itself. That is, for families and communities to flourish, the state must not only prevent theft among families, but must also restrain *itself* from taking the property of those families, beyond reasonable[3] taxation and fees. This is not only a necessary condition, it is also a sufficient one, and when the state goes beyond this, it does so at the cost of a family-centered culture of responsibility.

[3] What is reasonable taxation, of course, is subject to dispute. In the West, there is a long tradition which argues that taxation up to a rate of 10% is legitimate, but that anything beyond 10% is unacceptable.

Alternative Views of a Culture of Responsibility Centered on the Family and Community: The Amish

Many philosophers would prefer that the state, instead of families, play a much larger role than that described above and are not hesitant to express their willingness to interfere with the responsibility of families and communities to make decisions. They argue that their preference for centralized, uniform, democratic schemes for education, health care, and care for the elderly justify denying to families and communities decision-making authority in these areas. In order to explore just how unfriendly to families and communities such political theory can be, I will now explore the intolerance of a number of philosophers, followers of John Rawls, to one particular community, the Amish of North America.

The choice of the Amish is designed to be illustrative, but it is not arbitrary. The Amish's unapologetic defense of their right as families and communities to educate their children, finance and provide health care for their members and their families, and to care for their elderly — the prime elements of any health care policy — make them exemplars for those seeking to create a society based around families living out a culture of responsibility. Moreover, their stubbornness in the face of outside attacks provide considerable evidence of the threat that responsible families and communities pose to some worldviews, and in particular to Rawlsian ones.

The Amish trace their origins to a group of Swiss men and women who, in 1525, declared that a moral and religious community should be voluntary, and that entry into such a community should not follow automatically upon one's birth, but rather should be entered into only by freely-choosing adults. The generic name for this group is "Anabaptist." Anabaptist communities include not only the Amish but also Mennonites, Brethren, and Hutterites. There are about 180,000 Amish living in the United States and Canada, mostly in small, farming communities. Although they are often thought of as inward-looking, with regard to bioethical issues, they are generous to outsiders. For instance, they are avid organ donors, and give blood at levels considerably above that of the general population. In addition, as a population that had only about 5,000 members in 1900 and that is effectively committed to marriage within the community, they have a

remarkably homogenous gene pool, making them useful subjects for studies on genetic transmission of disease; they are also generous in donating tissue and blood samples for such studies.

Amish life is built around large, biological families. These families are organized in districts, averaging 35 families each. A leader chosen by lot oversees every two districts. The Amish exhibit a great deal of responsibility over issues of health care for their community (Huntington, 1993, pp. 163-190). Most births occur at home or in Amish birthing centers, with many deliveries conducted by unlicensed midwives. The Amish provide their children with education through the eighth grade, usually in one-room Amish schools (Meyers, (1993), pp. 87-108). They avoid buying health insurance, but rather self-insure when they need to use outside medical facilities or see doctors. With regard to various health care protocols, they generally accept the principles of modern medicine,[4] but are reluctant to accept radical measures to prolong life, preferring to let nature run its course and to die at home in the care of their family. Mentally ill members are integrated into the work of the community if possible, and often cared for at home, although the Amish have also begun to establish their own facilities to care for the severely mentally ill. In order to care for the elderly, it is customary for a special house to be built on the property of one of the children, usually the oldest son, where the parents live and are cared for until they die.

The Amish cultivate such self-sufficiency out of an ethic of voluntary separation from society at large. They believe that they can live a better life apart, and in return for not bothering others, they insist upon not being bothered themselves. Their relationship with society is unidirectional. That is, they are generous in helping strangers, but are reluctant to accept outside help, particularly from any government, because they see such help as interfering with their family-centered and community-based culture of

[4] The Amish apply a kind of moral precautionary principle to health care innovation. That is, rather than allowing a new technique or procedure to be used without question, they examine it to see whether it is in keeping with their moral values. If they are persuaded that it is, then they will adopt it. Thus, although they were initially skeptical about the value of many immunizations, they have been persuaded that it is important for public health to do so, and now generally allow themselves to be vaccinated. It is interesting that in this case it was important to argue that it would be harmful to *others* not to be vaccinated, and it was in keeping with their desire to be generous in their regard for strangers, rather than out of concern for their own safety, that compelled them to accept immunization programs.

mutual responsibility.[5] This refusal has brought them into frequent conflict with the U.S. government. Here are just a few of the issues with consequences for health care policy upon which they have taken principled stands in order to preserve the integrity of their communities:

Social Security: Social Security is the American government program of support for the elderly, along with the unemployed, disabled, and a few other categories. The program is paid for with taxes specially collected for it, adding up to about 15% of income. Although the Amish willingly pay other taxes on property, sales, and income, Social Security is particularly troublesome for them because they believe that families — and when families are unable, the district or even the Amish community as a whole — should be responsible for caring for the elderly, sick, and disabled among them. After a long fight, in 1965 they were granted exemption from paying Social Security taxes, and in 1978 this was extended to Amish who work as employees.

Insurance: By extension, the Amish are also reluctant to participate in insurance programs of any kind, including health insurance, preferring instead to rely on one another in times of need. Instead of commercial insurance, as a matter of moral principle, the Amish help each other with donations when a particular family suffers an unbearable hardship, whether it be with regard to health, the loss of property due to fire, or some other event. Their mutual aid is not only monetary, but also takes the form of helping to rebuild barns and houses destroyed by fire or storm, volunteering time to care for the sick or disabled, etc.

Education: Perhaps the most controversial issue with regard to the Amish has been their stance on education. Believing that schooling beyond basic education in reading, writing, and arithmetic is unnecessary and, moreover, threatening to their community, they have insisted that their children generally end their formal education after eight years of school and instead concentrate on practical education on their farms

[5] This unidirectional ethic can be illustrated in looking at the way they discipline their members, a practicing known as "shunning." When a member violates one of the rules of the community, upon a vote of the members, he is "shunned." This means that he is temporarily considered outside the community. During this time, members can offer help and assistance *to* the shunned member, but cannot accept anything — including food, transportation, or marital relations, *from* that member, until he is restored to good standing.

or places of business. Because many states have laws mandating children attend school until age sixteen or older, this has led to serious disputes with government officials. In 1972, however, in a case known as *Wisconsin v. Yoder,* the United States Supreme Court sided with the Amish and created a special provision allowing Amish families to withdraw their children from school at age fourteen, after the eighth grade. As we will see below, this ruling has been widely criticized by Rawlsian political theorists, and this issue will serve as an example of why a strongly family-oriented culture is incompatible with Rawlsian theory.

Three additional aspects of the Amish understanding of a culture of responsibility based around the family are worth noting. First, the Amish have an unusual understanding of decision-making structures.[6] Families are patriarchal. Routine community decisions are referred to a leader chosen from among eligible men by lot. Important decisions, such as whether to expel a member for disobedience, are reserved for the near-unanimous consent of all members, with women having an equal voice with men. Outside their communities, however, the Amish generally abstain from any involvement in political activity, whether it be voting, suing in courts, or serving in government jobs, including in the military. Finally, although they take little or no part in the social or political life of wider society, the Amish participate fully in the economic life around them. Each family, which usually consists of several different generations, functions as an economic unit. They sometimes use peculiar production methods and typically work in agriculture, but they have developed niche markets in cabinetry, carpentry, and other skilled crafts. Increasingly, they also work in factories, and sometimes own and operate large businesses.

None of this would be relevant if the Amish were not thriving, or their way of life was not considered desirable to their members. Although few outsiders join the Amish, and despite the fact that they require their children to live outside the moral control of their communities for a period of two to six or more years before they are allowed voluntarily to join, today more than 90% of children born of Amish parents do voluntarily choose to join, once they are old enough to make a conscious, free choice

[6] One should note that each community is self-governing, so that the rules vary somewhat from one group of Amish to another.

and have had enough experience with the outside world for that choice to be informed. By any objective standard, therefore, they provide examples of successful, family-based communities which foster and develop a culture of responsibility.

The ability of the Amish to flourish in the United States has largely rested on a combination of the guarantee of their freedom of religion, and basic protections for economic freedom. In no way has it relied upon democratic principles. Indeed, as mentioned above, although the Amish would be allowed to participate in political decision-making (voting and holding office) in the United States, they do not consider doing so to be necessary to their way of life, and, indeed, they consider such participation to be intrinsically dangerous to the preservation of their communities.[7]

Although it is not the purpose of this paper to develop a robust political theory in which family-based communities such as the Amish might flourish, I would only point to the idea of a framework society as described by Robert Nozick in his famous book, *Anarchy, State, and Utopia* (1974) for an example of such a theory.[8] Nozick's essay was a direct response to one of the most influential philosophers of the twentieth century, John Rawls. Rawls' early work was intended to design a political and social system based around the notion of equality of opportunity. Recognizing that different individuals have different innate abilities, Rawls tried to develop a system that would guarantee that the places such individuals found in society was dependent entirely upon their ability, rather than the result of unfair advantages or disadvantages due to any quality except merit. Where differences did exist, social institutions ought to be designed so as to mitigate the effects of these differences on social outcomes.

Students of Rawls have extended his arguments in a number of interesting, but ultimately shocking, ways for those who seek to support families. For instance, James Fishkin (1983, pp. 50-67) argues that if one truly desires to prevent a child from receiving unfair advantages based on accident of birth, one must greatly limit the rights of the biological family. This might be done by randomly assigning babies to different

[7] Hegel (1991 [1821], p. 295) recognized as much when he said that Anabaptists were members only of civil society, not the state.
[8] Another philosopher whose theory is compatible with the Amish is William Galston (1991, 2002).

parents, or severely limiting the rights of parents to give their child "unfair" advantages, for instance by providing extra help with schoolwork or vacations to culturally and historically important places. In so many words, Fishkins suggests that a Rawlsian understanding of justice demands radical limitations on the responsibility and liberty of families, if not their complete destruction.

Fishkin does not refer specifically to the Amish, but many other authors do. Most of their writings have as a backdrop a rejection of *Wisconsin v. Yoder,* in which the U.S. Supreme Court declared that the Amish did not need to send their children to school beyond age fourteen. The arguments against the Amish fall into three categories: 1) they actively interfere with the ability of the state to expose all children to alternative ways of life so that they can make autonomous decisions about how to live; 2) they fail to teach children to use "critical reasoning" to evaluate the appropriateness of their family's and community's values; and 3) the Amish hinder their children from learning the skills necessary to participate in the political life of the (democratic) state by refusing to allow them to attend more than eight years of school.

The first part of this argument focuses on the "right" of children to be exposed to different worldviews so as to be able to make autonomous decisions about which one they prefer. For example, Amy Gutmann (1980, p. 349) argues that the state has a right to compel children to attend certain kinds of schools so that they will be exposed to different values and worldviews: "A child's right to compulsory education is a precondition to becoming a rational human being and a full citizen of a liberal democratic society." As a result, according to Gutmann, Amish children have a "right" to be forced — against their will and that of their parents — to attend certain kinds of schools.

Especially telling for health care policy is Gutmann's list (1980, p. 356) of which rights the state should protect, and which it should deny to children. For instance, the state should protect children's rights to abortion and medical care *against their family's wishes,* and even their right to leave their families altogether. But the child should not be allowed the right to opt out of Gutmann's educational system. While not

stating that it should be rejected, Gutmann (2003, p. 183) implies that *Wisconsin v. Yoder* was mistaken, and rightly recognizes that her system of democratic control over education could not be sustained if the rights *Wisconsin v. Yoder* recognized for the Amish were extended to all families.

Rather than making an argument about being exposed to a wide range of choices, Richard Arneson and Ian Shapiro (1996) instead emphasize the requirement that democratic citizens be educated in critical reasoning skills so that they can make reasoned decisions for themselves and within a democratic polity, including especially the decision whether or not to join a group such as the Amish. They argue that the Amish aversion to state education is explicitly designed to deny critical reasoning skills to their children, and that for this reason, the decision in *Wisconsin v. Yoder* is incompatible with their theory of democratic education.[9]

Areneson and Shapiro's worry about the Amish avoiding training in a certain kind of critical reasoning is only partly out of concern for the freedom of their choice whether to join or not join an Amish community. As they write (p. 404), "autonomy and democracy go together," and critical reasoning is also necessary to "participate effectively in democratic deliberation." Therefore, unless the Amish go to high school, Areneson and Shapiro worry, they won't have sufficient reasoning skills to be competent to vote and hold office. This is an interesting argument, because given the ability of the Amish to engage in other sorts of critical reasoning — from an understanding of the nature of genetically inheritable diseases which encourages them to participate in biomedical studies, to their ability successfully to compete in agricultural production against others using sophisticated farming techniques, it would seem that the Amish exhibit *some* kind of critical reasoning, if not the kind which appeals to Areneson and Shapiro. Presumably, then, Areneson and Shapiro have a

[9] Arneson and Shapiro base their case that the Amish oppose the teaching of critical reasoning to their children on testimony from the case itself, along with a comment in Donald J. Kraybill's description of the Amish, *The Riddle of Amish Culture* (2001) in which Kraybill argues that Amish children are socialized in such a way that when they do decide to join the community, their choice is not meaningfully free. This is a strong criticism, and Kraybill's claim deserves further study. It may be that sociologists and philosophers have different understandings of "free," and one useful place to start would be to explore whether the not infrequent choices of Amish children *not* to join the community are equally unfree, and if so how.

particular kind of critical reasoning in mind, one which only a very particular kind of education can provide. If this is correct, as an alternative to rounding up Amish children and carting them off to high school against their will, one might suggest, for example, that they establish a "critical reasoning" test which all would-be voters must pass in order to vote or hold office. This might, of course, prevent the Amish from voting,[10] but since they voluntarily opt out of democratic decision making and political society in general anyway, denying them voting rights would not be a severe hardship, nor have any kind of detrimental effect on their communities.

This leads to the question of whether it is possible for Rawlsian liberalism to tolerate a family-centered community such as the Amish at all. The answer is, at best, reluctantly. Authors such as Areneson, Shapiro and Gutmann accept that the stakes are low and the influence of the Amish small enough that it is not worth forcing them to change. The same view is held by advocates of Rawls' later, seemingly more tolerant, theory of "political liberalism," such as Stephen Macedo (1995, pp. 488, 496), who argues that one "cannot be entirely happy about accommodating the Amish," but although they shouldn't be banned, they must "pay a price" for such accommodation. Will Kymlicka (2001, p. 170) takes this one step further, arguing explicitly that *Wisconsin v. Yoder* was wrongly decided. Kymlicka also states that since the Amish are here and came under certain conditions, they should not be expelled, but demands that no similar group be allowed to immigrate again without explicitly giving up their rights to family-centered education and related practices.

By now it should be evident that Rawlsian liberalism is at best in great tension, and mostly likely incompatible, with a strong, family-centered culture of responsibility as exemplified by the Amish.[11] For many of the same reasons, this is also true of Juergen Habermas's (1993) notion of "discursive democracy" and any other theory which requires active, uniform participation in political and social life. The reason is

[10] Although it might turn out that on any conceivable, value-neutral test, Amish children might score better than average. Thomas Meyers refers to studies that determined that Amish children perform better than non-Amish in standardized tests in spelling, word usage, and arithmetic. (1993, p. 105).

[11] Although most of the venom against the Amish focuses on their exemption from schooling, it is fair to presume that the same arguments against the Amish in this regard can be extended to their refusal to participate in Social Security and other national insurance programs.

that such theories place few or no limits on the ability of political bodies to intrude into community or family life. Nor do they have an easy way of allowing families and communities to make different choices from that of the society as a whole. By not ruling out interference in families, they replace family or community responsibilities with political solutions to problems such as child-rearing, care for the elderly, and health care.[12]

This, finally, takes us back to Hayek's comments on the dispersal of economic knowledge. If the relevant information to make a decision for a family can only be fully understood by that family, then submitting such a decision to political debate and control cannot produce a better solution than if the family were left to decide according to its own procedures. Furthermore, it follows implicitly that if one is no longer allowed to make economic decisions, one cannot be held responsible, either. As a result, denying families economic responsibility — including responsibility for health care decisions and the costs associated with them — makes a culture of responsibility impossible to sustain over the long term.

There are a number of aspects of German culture that, for reasons similar to those described above, work against Germany supporting a family-centered culture of responsibility. I will simply mention two here: German inheritance law makes it difficult — or nearly impossible — for families to make decisions about who should inherit what on any basis but that of equality. This not only undermines the authority of the family, but also reduces incentives to cultivate responsibility. Second, German education law requires what the Rawlsians seek in American education law, namely, it prohibits virtually all alternatives to centrally controlled and politically managed schools. Under such conditions, it is difficult or impossible to raise children in an ethic of responsibility.

[12] Moreover, in their effort to arrive at agreement through discursive political procedures, Habermas prioritizes thought over action. For a group such as the Amish, however, community life is built around deeds and actions, not talk, and to be forced to engage in debate so as to be able to arrive at a political solution to some problem is itself a threat to the Amish understanding of responsibility.

Freedom for Families and Communities as the Key Element to Fostering a Culture of Responsibility

If a government, then, desires to create an environment that nurtures families and communities in a culture of responsibility, what are the key elements it should promote? First, as the paper makes clear, of central importance is the creation of an institutional framework in which economic decision-making is left to individual families or family groups, because they are best able to make use of the decentralized knowledge necessary to produce a wealthy and flourishing society. For families to be able to make appropriate decisions, they will need a state which protects their property not only from theft and other breaches of contract between citizens, but also offers a stable environment in which the state itself refrains from interfering with the property rights of those citizens, except in predictable, limited, and prudent ways.

To what models, then, might one look in designing particular policies? Given the centrality of economic freedom, a good place to start would be the countries listed at the top of one or the other of the Economic Freedom Indices.[13] These two indices use slightly different methodology and have somewhat different rankings of countries, but generally reach similar conclusions about the economic freedom of various countries. Hong Kong is at the top of both lists, but its unique situation vis-à-vis first the UK and now China makes it a difficult model to emulate elsewhere.

The second ranked country Singapore, however, might also offer lessons that others might wish to consider. Singapore is an interesting model because in addition to having the highest degree of economic freedom in the world outside Hong Kong, it also has a policy intentionally designed to foster the preservation of family and community responsibility (Tan, 2004). Taxation is low, allowing families to accumulate wealth, and wide discretion is given to families in the distribution of inheritance. Education is decentralized, and Singapore's various communities are not required to engage in education contrary to their religious and moral beliefs. Furthermore, although there are some government safety nets, by and large the constitutional and legal framework of

[13] The Fraser Institute in Canada: http://www.freetheworld.com/ and Heritage Foundation in the United States: http://www.heritage.org/research/features/index/.

Singapore encourages communities to engage in mutual aid and support rather than rely upon centralized, government insurance for health, welfare, and other social concerns. Its laws have been successful in encouraging families and communities to develop associations and institutions that are essential to any culture of responsibility. For this reason it is fair to say that, in principle at least, whereas family-centered communities such as the Amish are under attack in the United States and could not live in Germany, they would be at home in the institutional setting offered by Singapore.[14]

Health Care Policy for a Culture of Responsibility

Finally, drawing on the arguments put forward above, what are the most important elements specific to health care policy that would be required to foster a culture of responsibility? I offer three:

- Bioethical decision-making should be left to appropriate community and/or family decision-making structures, and economic units (families) should bear responsibility for the economic costs of health care.
- Risk-sharing (such as with insurance) should appropriately rest at the level of moral communities, in which health-relevant (and other) norms are best determined.
- The institutional structure for health care delivery should use the market to provide services, and allow market forces to allocate resources among communities.

[14] Many in the West are critical of Singapore's limitations on political rights. As has been mentioned above, however, whatever value political rights might have for other purposes, for nurturing a culture of responsibility they pale in comparison to economic rights, in which Singapore excels.

Conclusion:

Appropriate structures for a market-based culture of responsibility for health care delivery exist in some places, but are under attack by Rawlsians and their allies, in the United States, Germany and elsewhere. Most countries around the world are rethinking their health care policy and in particular their preferred structures for the financing of health. Those which are interested in promoting responsibility can nurture a culture of responsibility in health care, if they are willing to allow families and communities to be the locus of decision-making and financing of health care, and to allow market forces to provide society-level allocation of resources among families and communities.

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