

What concept of disease should politicians use? Norman Daniels and the unjustifiable appeal of naturalistic analyses of health

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Abstract

Norman Daniels argues that health is important for justice because it affects the distribution of opportunities. He claims that a just society should guarantee fair opportunities by promoting and restoring the “normal functioning” of its citizens, that is, their health. The scope of citizens' mutual obligations with respect to health is defined by a reasonable agreement that, according to Daniels, should be based on the distinction between normal functioning and pathology drawn by the biomedical sciences. This paper deals with the question whether it is legitimate to ascribe the responsibility of defining this important moral boundary to the biomedical sciences, which Daniels regards as value neutral. Daniels appeals to Christopher Boorse's sophisticated bio-statistical theory (BST) to show the plausibility of a value-neutral distinction between normal functioning and pathology. Here I argue that a careful analysis of the concept of normal functioning, such as the one offered by the recent critique by Elselijn Kingma, shows that it depends from evaluative assumptions. This, I argue, implies that Daniels's theory must give up its naturalistic commitments. In the conclusion, the paper offers a detailed discussion and an objection to one of Daniels's arguments in favor of a moderate form of normativism that remains too close to Boorse's naturalism.

Keywords: Norman Daniels, Christopher Boorse, normal functioning, bio-statistical theory of health, health care, justice

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