

SOCIALIZED TENETS IN THE UNITED STATES: THOUGHT REFLECTIONS ON HEALTHCARE AS A COLLECTIVE GOOD THAT U.S. SOCIETY DESIRES

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This study traces the history of the United States in socializing certain collective goods for society as a means of possibly satisfying deeper needs. To accomplish this, American psychologist Abraham Maslow's seminal theory on human motivation is analogized to societal needs. Society wants to be protected by government and, little by little, the United States has responded to the needs of its society by socializing certain goods. The United States has satisfied the following needs for society: the physiological needs, the safety needs, the love needs, and the esteem needs. It has yet to satisfy the highest level of societal satisfaction: the need for self-actualization. The objective of this study is to analyze the desirability, feasibility, and practicality of implementing a uniform system of socialized healthcare and determine how implementation of such massive reform would unfold. Would this allow the United States to satisfy the need for self-actualization for society? After examining the pros and cons of socializing healthcare, this study concludes that the United States is not headed towards satisfying the final category on Maslow's hierarchy of needs. The United States' desire for power overpowers its desire for self-progression. Political internal debates and ideological biases permeate in United States decision-making. Popular opinion and stigma represent additional obstacles to this goal of satisfying Maslow's final need. Nevertheless, socialized healthcare remains a future possibility that could benefit society and allow the nation to achieve self-actualization. The issue is ultimately one of policy. The nation must wait for healthcare to be viewed more as a collective right than as a commodity to be bought and sold on the market. Progress in this respect has already begun, making way for the long, demanding road ahead for the United States towards satisfying the need for self-actualization for society.

Law is a product of attitudes; values; biases; and cultural, social economic, and political factors, to name just a few . . . [T]he public's

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beliefs across a variety of topics can and often do drive both the creation and revision of law.¹

A system of law at any time is the resultant of present needs and present notions of what is wise and right on the one hand, and, on the other, of rules handed down from earlier states of society and embodying needs and notions which more or less have passed away.²

I. INTRODUCTION

A. What Does it Mean to be Socialized?

The word “socialized” evokes mixed feelings but is usually something Americans decry as relating to a system that could create an overreaching government running the daily lives of its people. This overused expression is commonplace but relies on several faulty assumptions. First, it assumes that people’s culture and upbringing are extraneous factors that have no bearing on the success or opportunities of a person. Second, it is so easily equated with socialism that people assume the terms are interchangeable. These premises are not true. Upbringing does matter and can affect every stage of an individual’s life, including one’s dependence on the government. Furthermore, socialism is defined as the process of “replacing the private capitalist economy”³ with “movements for social ownership and control of the economy,”⁴ while *socialized* refers to the use of taxpayer dollars to fund something in society towards “the direct distribution equally” for which that society as a whole benefits.⁵ These can be framed as collective goods or, more appropriately, *socialized* tenets.

But how does a society progress towards socializing certain collective goods? The path of socializing certain tenets has generally incorporated several types of democracy: (1) political democracy, (2) social democracy,

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¹ BRUCE D. SALES & DANIEL A. KRAUSS, *THE PSYCHOLOGY OF LAW: HUMAN BEHAVIOR, LEGAL INSTITUTIONS, AND LAW* 59 (Am. Psych. Ass’n. 2015).

² OLIVER WENDELL HOLMES, *The Bar as a Profession*, in *COLLECTED LEGAL PAPERS* 153, 156 (1920).

³ KARL KORSCH, *WHAT IS SOCIALIZATION? A PROGRAM FOR PRACTICAL SOCIALISM* (Duke University Press 1975).

⁴ DONALD F. BUSKY, *DEMOCRATIC SOCIALISM: A GLOBAL SURVEY 2* (Praeger 2000).

⁵ See JAMES YUNKER, *THE SOCIAL DIVIDEND UNDER MARKET SOCIALISM*, 48 *ANNALS OF PUBLIC AND COOPERATIVE ECONOMICS* 93 (1977).

(3) economic democracy, and (4) international democracy.⁶ One of the first goals entails political democracy, which calls for basic civil rights and civil liberties such as the freedom to participate in government, freedom of speech, religion, right to a fair trial, etc.⁷ Social democracy demands a comprehensive social welfare system, including pensions, unemployment compensation, and a national health plan.⁸ Economic democracy entails the establishment of an economy that is “socially owned and democratically controlled” so as to avoid inequality.⁹ Lastly, international democracy mandates the end of imperialism of powerful nations over others with the goal of international economic order.¹⁰

B. Purpose of this Study

The question is simple: For each collective good, would it be better to place its administration in the private sector or the government? Some may call this a moral distinction, but it is actually one of *efficiency*. Is it more efficient to let private actors supply goods to society and make a profit or to instead delegate the control of important goods to the government?¹¹ With every issue, there is the need to balance justice and equal rights of the individual with the appropriate administration of these goods, while preventing governmental abuse. This inevitably will include an examination of the reciprocal relationship between the government and its people.

This study explores the progression of the United States towards a system of *socialized* healthcare. The progression towards this possibility can be understood in light of abstract and conceptual theories of societal motivations for wanting more both physically and emotionally from its government. There is a constant desire of U.S. society to know they are protected by government. This desire transforms into motivations to accomplish societal goals and these motivations form the basis of action towards liberty, security, health, morality, and unity. Little by little, the United States has *socialized* certain collective goods for its society and has witnessed monumental case holdings or movements, the process of which has coincided with the need and desire for the United States to better itself. The issue to be addressed is whether the trends identified lend support to

⁶ BUSKY, *supra* note 5, at 8.

⁷ *Id.* at 8-9.

⁸ *Id.* at 9.

⁹ *Id.* at 10-11.

¹⁰ *Id.* at 12.

¹¹ See DAVID BOAZ, *THE LIBERTARIAN MIND: A MANIFESTO FOR FREEDOM* 331 (2015).

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the idea that the United States is headed towards a system of *socialized* healthcare.

C. Outline

This study proceeds in five parts. Part II outlines the arguments in favor of and against socializing public goods and ends by introducing the implicit relationship between government and society. As will be noted, this relationship is reciprocal in that both need the other to serve as checks, to allow for improvement, and both are needed for the survival of the nation. Part III introduces Abraham Maslow's theory of human motivation, or his hierarchy of needs. This hierarchy of needs, for purposes of this study, will be analogized to that of a society. It concludes with a discussion of the extent of the United States' need for socialized goods in light of the government-society relationship. Part IV presents the literature review of the study, including tracing the history of the pervasiveness of socialized tenets already present in United States society, critical Supreme Court holdings representing extended protections for civil liberties and individual rights, and significant movements within society focusing on broad goals such as recognition, advancement, and awareness.

Part V places the socialized tenets, case holdings, and significant movements within Maslow's hierarchy. It proceeds by asking whether the United States is ready to achieve the highest category of societal motivation: self-actualization. To determine this, further analysis of Maslow's perspective of this category is provided along with whether such a path can be delineated via legislation concerning socialized healthcare. Part V ends with a prediction for the coming years, and Part VI notes several issues with the possible implementation of a system of socialized healthcare. Lastly, Part VII concludes that the United States is not headed on a path of satisfying Maslow's final need.

II. *SOCIALIZED TENETS, GOVERNMENT, AND UNITED STATES SOCIETY*

Part II begins by introducing the most common arguments in favor and against socializing certain goods in United States society. Arguments in favor of such an approach tend to focus on social policy and welfare and how the government is most apt to supply these needs for its society. Arguments against the implementation of socialized tenets will instead highlight the need for a free market and the highest level of societal autonomy from government. Part II closes by examining the implicit reciprocal relationship between government and society. This will include discussions of the functions of each, how both contribute to the

improvement of national efforts, and the effects of the independent yet complementary bond between government and society.

A. The Pros and Cons of Socializing Public Goods

1. Pros

One of the leading assertions in favor of socializing certain tenets is the concept of “social responsibility,” namely that some challenges in society mandate a social effort to ensure that the resources socialized go towards a particular purpose, such as war efforts.¹² More aspects of society are managed by the government than the private sector. This can be beneficial, as it is urged, for a variety of reasons. For instance, collective goals and social policy are placed above the profit motives of corporations. This can be comforting to some who believe that the government will step in to set prices or regulations. It is even more reassuring where the government acts on behalf of the people unhindered by the profit motivation or corporate greed exhibited by the private sector.

Furthermore, whereas capitalism demands a competitive market, certain collective goods that a society needs do not properly depend on or thrive on competition. Commodities such as gas, electricity, and water are necessities for which there is a constant demand. The argument on this point is that these goods are not business goods to be placed on a competitive scale but are rather “public service[s].”¹³ Proponents argue that this goal strengthens and expands public goods for the good of society and avoids the negative impacts from the ups and downs of the market.¹⁴

Advocates try to distinguish socializing certain goods from complete nationalization, noting that this is not about government seizure of property and government control of the industry but rather about “more aggressive and redistributive policies.”¹⁵ Does that make this issue one of interpretation? Would that not imply that such interpretation can be subject to manipulation depending on how one wields their argument? Perhaps that may be so, but it remains true that aside from “political imperialism” and the “dysfunctional nature of politics,” a softer reason as to why government provides so many goods that could be better provided privately could

¹² See Thomas Swan, *4 Reasons To Nationalise Some Industries*, SOAPBOXIE (Mar. 5, 2016), <https://soapboxie.com/us-politics/4-Reasons-Why-Some-Industries-Should-Be-Nationalised>

¹³ *Id.*

¹⁴ See *What Would a Socialist America Look Like?*, POLITICO (Sept. 3, 2018), <https://www.politico.com/magazine/story/2018/09/03/what-would-a-socialist-america-look-like-219626>.

¹⁵ *Id.*

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simply be that “government is needed to supply public goods.”¹⁶ This theory goes beyond whether government administration of public goods is desirable, moral, or efficient.

2. Cons

Among the chief disadvantages of socializing certain tenets in society, as acknowledged by both those who favor and oppose socialization, is that socializing these goods eliminates some of the advantages of a capitalist system: innovation and low prices due to competition.¹⁷ Sometimes, it is asserted, profit can serve as a motivation to reach certain widely shared goals both internally with the privatized sector and externally on the market. With a free market, productivity can be enhanced, invention can flourish, and competitors interact to sell their products to the consumer at the most efficient cost—which creates low prices. A free market also allows consumers to shape the results of a course of action.¹⁸ Should the particular good be administered by the government, the course of action “will increasingly reflect the preferences of the providers rather than the customers.”¹⁹ The extent of society’s control will instead be dependent upon the “cumbersome political process rather than by the much more efficient process of choosing among competing providers.”²⁰

Furthermore, within corporations in the private sector, management could employ those with the best skill to accomplish the task at hand. Should some of these aspects be socialized, or subject to more public control, such features will be lost. It may also be harder to predict and gauge government control of public goods. With government administration, for instance, there is a “lack of real market signals, an absence of incentives, and a decision-making process dominated by special interests and political influence.”²¹

Advocates against socialization argue that it restricts freedom of choice and destroys individual opportunity.²² These advocates place liberty in all its forms above everything else, contending that government does not always act in the best interests of society. Most importantly, there is the accountability argument: “[i]f property belongs to the government, it

¹⁶ See BOAZ, *supra* note 12, at 329 (emphasis added).

¹⁷ See Swan, *supra* note 13.

¹⁸ See BOAZ, *supra* note 12, at 336.

¹⁹ David Boaz, *the Libertarian Mind: A Manifesto for Freedom* 336 (Simon & Schuster, 2015).

²⁰ *Id.*

²¹ *Id.* at 331.

²² See Mallory Cross Johnson, *Why Not Socialize Our Economy?*, FOUND. FOR ECON. EDUC. (Sept. 1, 1959), <https://fee.org/articles/whynot-socialize-our-economy/> (last visited Feb. 16, 2019).

belongs to everybody—which means nobody feels responsible for it.”²³ Socialization merely means to “turn over” to the government a certain good or control of that good.”²⁴ The overall consequence is that the state becomes more powerful.²⁵

Lastly, when analyzing *when* government provides goods, some scholars have questioned why people should be taxed for something they were not willing to pay for when that good was privately administered.²⁶ Would it make a difference if what the government seeks to administer is also supplied in an alternative form privately? However, it is likely the case that government usually will not supply a good or service that is not already provided in some form by the market. What private-to-public control accomplishes is quite curious. It does not make that provision cheaper—instead, it “conceal[s] the cost.”²⁷ Therefore, people think they are getting something free, but they are indirectly paying for it via increased taxes. This again raises the question as to whether this is merely how one interprets and characterizes a particular good. However, as some scholars suggest, would matters change where the good at issue is considered a public good?

B. The Implicit Reciprocal Relationship Between Government and Society

Every action government takes impacts society. Similarly, when society acts collectively to implement change, government is affected. There is an implicit reciprocal relationship between government and society. First, both serve as checks upon one another so that neither becomes too powerful.²⁸ Society is the “resistance against arbitrary, oppressive, and overweening government.”²⁹ Government is responsible, among other things, for establishing public norms and official institutions for the individuals in its society.³⁰ Second, both enhance the other with the

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ See BOAZ, *supra* note 12, at 333–34.

²⁷ *Id.* at 334.

²⁸ See Robert C. Post & Nancy L. Rosenblum, *Introduction*, in *CIVIL SOCIETY AND GOVERNMENT 1* (Robert C. Post & Nancy L. Rosenblum eds., 2002).

²⁹ See Robert C. Post & Nancy L. Rosenblum, *Introduction*, in *CIVIL SOCIETY AND GOVERNMENT 1* (Robert C. Post & Nancy L. Rosenblum eds., 2002) (“Civil society is described as both developing in partnership with government and as substituting for the failings of government.”).

³⁰ *Id.* at 3.

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common goal of overall national improvement.³¹ Society represents a source of “legitimacy and stability for government,”³² whereas government reflects society’s “common purpose and identity.”³³ Society must not be subject to violence or domination, and government must be responsible for controlling societal oppression.³⁴ Lastly, both need the other for basic survival.³⁵ Society may need government because government provides for public funding and support and the recognition of groups.³⁶ It serves to represent the common interests of society.³⁷ Conversely, government needs society for its allegiance, reducing conflict, and encouraging coordination and alliance.³⁸ This must be a balanced, reciprocal relationship with the boundary evenly placed so that the two are in “productive tension.”³⁹ Neither dominates and neither is secondary in importance.

Additionally, although they have an implicit reciprocal relationship, it is important to understand that society and government must also be independent of one another to prosper. Government needs to be independent so that it can protect individual well-being, avoid the embodiment of particularist views, and intervene to enforce peace, order, and equality.⁴⁰ The individuals, too, within society must feel that they are free—free from regulation and free to assert their own identities and memberships.⁴¹ The independence of society has three functions on the importance for democracies. First, it enables society to serve as political resistance against oppressive government.⁴² Second, it organizes people for democratic participation.⁴³ Third, it enables the socialization of political values within a society.⁴⁴ Therefore, it can easily be concluded that “[a] flourishing, pluralistic civil society and strong democratic government are

³¹ See Robert C. Post & Nancy L. Rosenblum, *Introduction*, in *CIVIL SOCIETY AND GOVERNMENT* 1-3 (Robert C. Post & Nancy L. Rosenblum eds., 2002).

³² *Id.* at 1.

³³ *Id.* at 3.

³⁴ *Id.* at 8.

³⁵ *Id.* at 11 (“[S]ociety requires government to survive, and government, at least democratic government, draws deeply from the strengths of civil society.”).

³⁶ *Id.* at 8.

³⁷ *Id.* at 9.

³⁸ *Id.* at 8.

³⁹ *Id.* at 10-11 (“Push the boundary too far in the direction of government, and civil society can wither away. Push the boundary too far in the direction of civil society, and government can collapse into anarchic disorder.”).

⁴⁰ *Id.* at 11.

⁴¹ *Id.* at 12.

⁴² *Id.* at 17.

⁴³ *Id.* at 18.

⁴⁴ *Id.*

reciprocally supportive.”⁴⁵ This is the inherent reciprocal relationship between government and society⁴⁶ and demonstrates that state growth is based on societal desires.

III. MASLOW’S HIERARCHY OF NEEDS: THE PSYCHOLOGICAL ANALOGIZATION OF HUMAN MOTIVATION TO *SOCIALIZED* TENETS

This Part introduces Abraham Maslow and his theory of human motivation. By analogizing individualistic needs to those of a society, a broader analysis can be undertaken to study when and why government undertakes the responsibility and duty to give more to society and how this affects their relationship. It then proceeds to analyze the extent to which American society desires these collective goods from its government.

A. Abraham Maslow’s “A Theory of Human Motivation”

In 1943, American psychologist Abraham Maslow published “A Theory of Human Motivation,” where he articulated a hierarchy of human needs.⁴⁷ This hierarchy of individual needs can be analogized collectively to that of a society—here, the United States. Maslow’s hierarchy is composed of five categories of needs, each of which rests on the satisfaction or dissatisfaction of the prior category.⁴⁸ The *Physiological Needs* represent the starting point but are revised by the desire for “homeostasis” and the “appetites” of the body.⁴⁹ Within this category, society needs to satisfy its needs for breathing, food, water, and shelter. A society that has not satisfied its Physiological Needs becomes overcome by the obsession for these needs and “all other needs may become simply non-existent or [are] pushed into the background.”⁵⁰ The *Safety Needs* denote the desire for a “predictable, orderly world,” and “protection.”⁵¹ Safety Needs encompass bodily security, family security, property, and education.

The *Love Needs* are the next category of motivation. Love Needs embody the desires for “belongingness,” “relations with people,” and for a

⁴⁵ *Id.* at 19.

⁴⁶ See Robert C. Post & Nancy L. Rosenblum, *Introduction*, in *CIVIL SOCIETY AND GOVERNMENT* 1-3 (Robert C. Post & Nancy L. Rosenblum eds., 2002)

⁴⁷ See Abraham H. Maslow, *A Theory of Human Motivation*, 50 *PSYCHOL. REV.* 370, 370, 388 (1943).

⁴⁸ *Id.*

⁴⁹ *Id.* at 372.

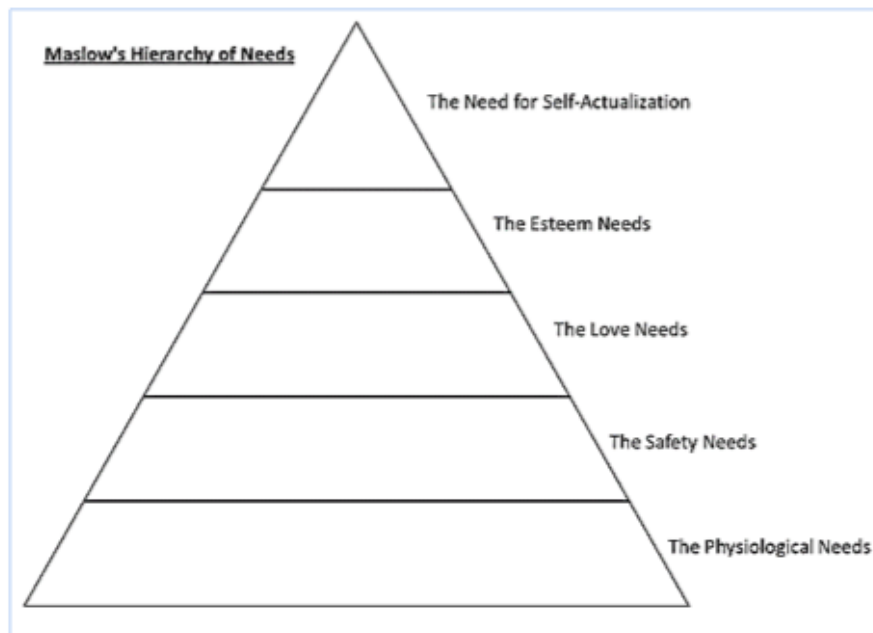
⁵⁰ *Id.* at 373.

⁵¹ *Id.* at 377-78.

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“place in [one’s] group.”⁵² Society within this level strives to achieve civil liberties and individual rights such as personal, family, or sexual autonomy. The *Esteem Needs* are the needs for “self-respect,” or “self-esteem”—specifically, this category creates the desire for “strength,” and “freedom,” as well as “prestige,” and “importance.”⁵³ Here, society is driven by reciprocal notions of respect and achievement. Lastly, the *Need for Self-Actualization* refers to the need for “self-fulfillment,” and “to become actualized in what [one] is potentially.”⁵⁴ Examples here include creativity, acceptance, helping others to fulfill the self, and morality. Maslow observed how this category is the exception because few people experience it, and “[i]t remains a challenging problem for research.”⁵⁵ Further, it may be harder to advance and reach those deeper levels.

Below depicts the simple diagram of the five categories of human motivation as articulated by Maslow and now cleverly coined “Maslow’s Hierarchy of Needs.”



⁵² *Id.* at 380-81.

⁵³ *Id.* at 381-82.

⁵⁴ *Id.* at 382.

⁵⁵ *Id.* at 383.

B. United States Society and the Need for Socialized Goods

Some philosophers have identified a connection between the social order of a society and theories of motivation and have based conclusions on this relationship as opposed to the legal order.⁵⁶ By studying the motivation behind societal action, government is better able to respond and react according to what society needs. Government has accomplished this by granting equality of rights to society and protecting these rights so that everyone is able to interact in society in a civil manner.⁵⁷ But because the goals of due process and equal protection are normatively driven, they lack empirical evidence to drive their implementation.⁵⁸ Therefore, resort to more theoretical approaches has been examined.

Some questions that have been asked regarding the balance between government-society is whether government must always do whatever is good for society and whether society has the obligation to comply with every government action.⁵⁹ But again, this is a reciprocal relationship. Government needs allegiance from society, and society needs government to enforce certain conditions that enable the country as a whole to flourish.⁶⁰

IV. THE SLOW PROGRESSION OF THE UNITED STATES TOWARDS *SOCIALIZED* TENETS

Part IV provides the history of the United States with respect to specific instances of collective goods—or socialized tenets—already present and utilized within American society, critical Supreme Court decisions expanding individual rights, and significant movements underscoring broad objectives for societal advancement on a deeper level. Its purpose is to outline how and why government has tended to give more to society, how this has impacted government, and the extent to which the reciprocal relationship between the two is promoted because of this progression.

⁵⁶ See Tom G. Palmer, *Classic Liberalism and Civil Society: Definitions, History, and Relations*, in *CIVIL SOCIETY AND GOVERNMENT* 56 (Nancy L. Rosenblum & Robert C. Post eds., 2002).

⁵⁷ *Id.* at 57.

⁵⁸ See SALES & KRAUSS, *supra* note 1, at 47.

⁵⁹ See Steven Scalet & David Schmidtz, *State, Civil Society, and Classic Liberalism*, in *CIVIL SOCIETY AND GOVERNMENT* 26 (Nancy L. Rosenblum & Robert C. Post eds., 2002).

⁶⁰ *Id.* at 34 (noting that government “enforce[s] conditions that make possible this flourishing” but that similarly “[c]itizens need to be able to respect their government”).

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Americans are fond of saying that socialized ideals will never happen in America. In fact, quite the contrary is true; socialized tenets are everywhere and have been for decades. For instance, take the police force or the fire departments as prominent examples.⁶¹ Both have the duty to protect society from harm whenever they are called. Both are funded by the taxpayers. The fire department was traditionally administered through monthly fees by the community and, should a member be unable to pay the fee, they could not avail themselves of the services of the fire department.⁶² Furthermore, most Americans like receiving their mail to their door daily, attending public parks or state museums, obtaining government loans for university education, and relying on the inevitable need for Social Security benefits.⁶³

These are only some of the examples of socialized goods within the United States.⁶⁴ Socialized tenets can be classified into one of six categories according to their respective function: (1) security, (2) travel, (3) health, (4) education, (5) personal, or (6) societal. These features are funded by American society and administered by the United States government. Such is the epitome of the inherent reciprocal relationship between society and government outlined at the beginning of this study. A non-exhaustive list of examples of each self-explanatory category is provided directly below.⁶⁵

⁶¹ See TheNewDeal00, *75 Ways Socialism Has Improved America*, DAILY KOS (Mar. 29, 2012, 11:13 AM), <https://www.dailykos.com/stories/2012/3/29/1078852/-75-Ways-Socialism-Has-Improved-America>.

⁶² *See Id.*

⁶³ *See Id.*

⁶⁴ *See Id.*

⁶⁵ *See Id.*

| <i>Socialized Tenets within the United States of America</i>⁶⁷ | | | | | |
|--|------------------------|-------------------------------|----------------------------|-----------------------------|--------------------|
| Security | Travel | Health | Education | Personal | Societal |
| Military | Highways; Roads | Social Security | Students Loans; Grants | Public Libraries | Postal Service |
| Police | Bridges | Government Healthcare | Government Scholarships | Museums | Farm Subsidies |
| Fire Department | States Construction | VA Healthcare | Public Schools | Public Parks | Corporate Bailouts |
| War Efforts | City Buses | Polio / Swine Flu Vaccines | Department of Education | State/Local Zoos | IRS |
| CIA; FBI | | Medicare / Medicaid | | State/Local Beaches | FDA |
| Secret Service | | Disability Insurance | | Hoover Dam | USDA |
| EPA; CDC | | Unemployment Insurance | | State/National Monuments | Prison System |
| FEMA | | Welfare | | | Rule of Law |
| OSHA | | Food Stamps | | | U.S. Government |
| DOJ | | | | | U.S. Society |
| Court System | | | | | |

Taking the security category first, it becomes obvious that government wanted to create a secure environment for society based on safety, protection, and dependability. The military, funded completely by taxpayer dollars, works tirelessly to provide for the nation's defense. Similarly, the police and fire department also represent socialized tenets because they are always ready to serve the public when called and assist regardless of who the individual is or the wealth he or she may possess. War efforts are made possible from taxpayer funding and are responsible for eliminating some of the United States' most dangerous foreign enemies. Agencies such as the Central Intelligence Agency and Federal Bureau of Investigation similarly protect the nation using taxpayer funds, and the Secret Service is able to protect the nation's president via the same means. Additional agencies such as the Environmental Protection Agency, Center for Disease Control, Federal Emergency Management Agency, and Occupational Safety and Health Administration are taxpayer-funded with the purposes of protecting society from environmental dangers, preventing and controlling various diseases, assisting with recovery of cities and states after disasters, and providing a safe workplace, respectively. Lastly, the American system of

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enforcing the law, including vesting society with the means to initiate judicial/legal proceedings and providing representation to those who cannot afford an attorney,⁶⁶ are just a few more examples of socialized security tenets.

The socialized travel tenets include, for instance, the use of taxpayer funds to support/build/repair/maintain features such as highways, roads, bridges, various construction projects, and city buses. These collective goods help society with basic travel goals, some of which are viewed as necessities, such as crossing rivers or utilizing public transportation if one lacks one's own means. On a larger scale, the construction of massive building complexes and interstate highways are all made possible because society funds these efforts via taxes.⁶⁷

The health category of collective goods is most representative of the efforts between society and government at giving and taking from one another for mutual benefits. Society pays a social security tax to help assure that the elderly in American society have enough money to live on. The idea here is that by paying a social security tax while one is working, one is effectively funding the system that will eventually support one when one retires. Government and Veterans Affairs healthcare are some additional examples of collectivized goods. Whether based on a sense of obligation or desire to genuinely help fund these types of healthcare, health tenets are greatly relied upon by many people in the United States. Even features that society either takes for granted or does not equate with being *socialized* are defining aspects of the United States such as the polio and swine flu vaccines. Providing insurance to senior citizens, low-income individuals, and the disabled may reduce costs by preventing the unnecessary shifts to society when bills do not get paid. By understanding that such socialized tenets are beneficial to a society, the nation can progress towards accomplishing additional objectives. Furthermore, unemployment insurance, welfare, and food stamps are collective goods that benefit society by providing temporary assistance while gainful employment is being sought. These types of *socialized* health tenets would not be possible without the use of taxpayer dollars and government administration.⁶⁸

Educational goods in society are also socialized, such as student loans, grants, and government scholarships. The objectives and results here are simple: to allow people to go to college and access higher education either

⁶⁶ *See Id.*

⁶⁷ *See Id.*

⁶⁸ *See Id.*

through government assistance, via loans/grants, or based on other factors such as merit scholarships. When younger children are at issue, socialized efforts allow parents who cannot afford a private education for their children to send them to public school. Agencies such as the Department of Education are responsible for overseeing the regulations on education systems and are, of course, also funded via taxpayer dollars.⁶⁹

There are some socialized personal tenets in society as well that benefit many people each day. Public libraries, museums, parks, zoos, and beaches are only some of the examples of personal benefits that are collectivized in U.S. society. Taken for granted and underappreciated, these goods allow for society to gain vast varieties of knowledge, leisure, curiosity, and tranquility at no cost. Public viewings of the Hoover Dam and state/national monuments are further examples of features achieved with the use of taxpayer dollars.⁷⁰

Lastly, the government has socialized various societal tenets. Examples include the postal service, subsidies to farmers, and even corporate bailouts. These are not merely personal goods. They benefit society on a broader level. For instance, mail can travel domestically and internationally, assistance is given to farmers so that food is grown for the public, and the complete closure of a major institution such as a bank can be prevented. Agencies that operate for the continued operation of society such as the Internal Revenue Service, Food and Drug Administration, and United States Department of Agriculture are funded by that society. For example, it is the Internal Revenue Service that collects these funds from the taxpayers to be administered in collective programs for the benefit of society. Even the prison system in the United States represents a taxpayer-funded feature that keeps criminals off American streets and society safe. Finally, the rule of law, government, and society are *socialized* in the United States. Laws are the building blocks of American democracy. They allow government and society to interact. Government's purpose is to assist society by appropriately and prudently using society's taxes to give socialized resources back to its people, and these people in society thrive on this democratic blend of freedom, liberty, and support via the socialized tenets administered by government.

B. Critical Supreme Court Holdings

Along with the above, critical Supreme Court decisions within the United States have shifted attitudes as to what is truly important to society.

⁶⁹ *See Id.*

⁷⁰ *See Id.*

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These decisions have provided the impetus towards adopting certain *socialized* tenets and created the desire within society to achieve higher levels of Maslow's hierarchy of motivation. To receive a deeper understanding of the significance of these instances, a historical overview of the scope of protections given to society by government is necessary.

Prior to the Civil War, Congress' role in enforcing individual rights was very limited.⁷¹ Slavery predominated at the time, which hindered the ability of government to agree on how to provide for society.⁷² Similarly, the federal courts have also tended to rule in favor of slavery; for instance, in *Dred Scott v. Sanford*, the Supreme Court held that African Americans could not be citizens and were thus not entitled to federal protections.⁷³ Some scholars have contended that this stance against the extension of individual rights was due to Congress' lack of political will at the time.⁷⁴

It was during the Reconstruction Era that some members of Congress sought to establish freed slaves as members of society and assert their equal membership within the nation.⁷⁵ What was interesting during this era was Congress' initiative to act against the pro-slavery Supreme Court decisions, which culminated in Congress' enactment of the 1866 Civil Rights Act.⁷⁶ Relevant themes included congressional reaction to reports of violations of freed slaves' rights, the belief that freed slaves were entitled to the fundamental right of United States citizenship, and the recognition of Congress' broad power to legislate with respect to defining and protecting individual rights.⁷⁷

The New Deal era marked a significant expansion of the federal government.⁷⁸ Congress at this time had correlated workers' rights to theories of "social citizenship and belonging,"⁷⁹ and labor leaders had analogized their right to join a union ("political and economic

⁷¹ REBECCA E. ZIETLOW, *ENFORCING EQUALITY: CONGRESS, THE CONSTITUTION, AND THE PROTECTION OF INDIVIDUAL RIGHTS* 12 (2006) ("Prior to the Civil War, Congress played a very small part in protecting individual rights and had virtually no role in protecting rights of belonging.").

⁷² *Id.*

⁷³ See *Scott v. Sandford (Dred Scott)*, 60 U.S. 393 (1857), *superseded by constitutional amendment*, U.S. CONST. amend. XIV.

⁷⁴ See ZIETLOW, *supra* note 62, at 20 ("The shadow of slavery prevented a national consensus over the meaning and extent of individual rights during that era.").

⁷⁵ *Id.* at 38.

⁷⁶ *Id.* at 39 (noting that the 1866 Civil Rights Act "proclaimed that freed slaves were citizens and protected their basic civil rights from discrimination on the basis of race").

⁷⁷ *Id.* at 41.

⁷⁸ *Id.* at 63 ("While the New Deal Era is widely recognized as a significant time of constitutional change, most constitutional scholars view the change in terms of federalism and separation of powers because of the expansion of the federal government and the administrative state.").

⁷⁹ *Id.* at 64.

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empowerment”) with democracy (“their concept of industrial democracy”⁸⁰). The *Lochner v. New York* decision was an economically-motivated ruling that had promoted an “extreme view of liberty based in laissez-faire economics,”⁸¹ but was overturned by the Supreme Court in *West Coast Hotel Co. v. Parrish*, which upheld a minimum wage legislation as constitutional and officially marked the end of the *Lochner* era.⁸² This turnaround reflected the notion that it is not always in the best interests of society to have complete freedom of contract in every manner of living. Regulation, or some form of guidance by government, was needed to prevent certain undesired consequences, such as, in the context of labor regulation, physical over-exertion, mental exhaustion, or the manipulation potential by employers against employees. In other words, government was needed and was quickly embraced as the protector of workers’ health and safety as well as the regulator of potentially unscrupulous business practices.

After World War II, the civil rights movement prompted a renewed interest in civil rights, with the Civil Rights Act of 1964 advanced as “one of the most momentous events in the expansion of rights of belonging in American history.”⁸³ Congress, in effecting monumental constitutional change, “realized that the protections of the earlier eras were insufficient to protect the rights of minorities.”⁸⁴ The enactment of the Civil Rights Act of 1964 further signified that the “enhanced federal power” would be utilized to protect and extend individual rights to society.⁸⁵ It was during this era that the courts also began taking a more active role towards advancing individual rights and civil liberties. The Court noted in a footnote in *United States v. Carolene Products Co.* that a heightened level of scrutiny should be used in situations where the legislation at issue affects, for example, “discrete and insular minorities”—meaning those who have been excluded from the political process.⁸⁶ The prime example of this active engagement is *Brown v. Board of Education*,⁸⁷ cited as the epitome of the Court’s

⁸⁰ *Id.* at 67.

⁸¹ See *Lochner v. New York*, 198 U.S. 45 (1905); see also ZIETLOW, *supra* note 62, at 68.

⁸² See *W. Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937).

⁸³ See 42 U.S.C. § 2000 (1994). See also Zietlow, *supra* note 62, at 97, 99 (“The 1964 Civil Rights Act resulted from the efforts of civil rights activists dating back to the New Deal Era.”).

⁸⁴ See ZIETLOW, *supra* note 62, at 113.

⁸⁵ *Id.* at 116-17 (“The 1964 Civil Rights Act not only established a federal commitment to racial justice and created an effective enforcement mechanism to carry out that goal, but it also marked a reconfiguration of federalism norms.”).

⁸⁶ See *United States v. Carolene Products Co.*, 304 U.S. 144, n.4 (1938); see also ZIETLOW, *supra* note 62, at 100.

⁸⁷ See *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) (holding that separate but equal schools are unconstitutional).

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protection of minority rights by outlawing race discrimination.⁸⁸ Thus, this era promulgated the following two notions and effectively established them as law: (1) race discrimination is illegal anywhere in the country, and (2) Congress has the authority to enforce legislation against private discrimination.⁸⁹ These principles set the background for the next several decades, enabling Congress and the Court to work together to expand individual rights and civil liberties for society.⁹⁰

The Warren Court era further expanded individual rights. Countless Supreme Court holdings have been transformed into law providing individuals with greater protections against abuse or prejudice. For example, criminal defendants who cannot afford an attorney must be provided with an attorney,⁹¹ and the right against self-incrimination requires that suspects be told of their right to remain silent and right to have an attorney.⁹² With regard to the right to privacy, the Court has broadened its analysis for determining whether a right is fundamental by adopting an approach that asks whether there is a “tradition and history” of treating that right as fundamental.⁹³

Examples of privacy rights from the Warren Court through the modern era include the right to marry,⁹⁴ a woman’s decision to have an abortion,⁹⁵ right to family autonomy,⁹⁶ and right to same-sex marriage,⁹⁷ all of which have all been formally declared as fundamental rights by the Supreme Court. Once more, it is this continual interaction—or more appropriately, cooperation—between Congress and the Court that enabled individual rights to expand exponentially. For one, the Court has interpreted congressional statutes broadly to protect society and, for another, this has empowered Congress to actively approach these issues when legislating for the benefit of society.⁹⁸

Based on the historical elaboration above, the evolution of legal norms is more likely to occur via statutory or common law changes as opposed to

⁸⁸ See ZIETLOW, *supra* note 62, at 97.

⁸⁹ *Id.* at 117.

⁹⁰ *Id.* at 124.

⁹¹ See *Gideon v. Wainwright*, 372 U.S. 335 (1963).

⁹² See *Miranda v. Arizona*, 384 U.S. 436 (1966).

⁹³ See ZIETLOW, *supra* note 62, at 149.

⁹⁴ See *Loving v. Virginia*, 388 U.S. 1 (1967).

⁹⁵ See *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992); see also *Roe v. Wade*, 410 U.S. 113 (1973).

⁹⁶ See *Moore v. City of E. Cleveland*, 431 U.S. 494 (1977).

⁹⁷ See *Obergefell v. Hodges*, 576 U.S. 644 (2015).

⁹⁸ See ZIETLOW, *supra* note 62, at 124.

constitutional amendments.⁹⁹ But in saying this, it does not follow that the Constitution cannot be changed indirectly. It is only through the efforts of the political branches and the judiciary in tandem —representative of United States government—that change is affected upon society. It has been noted that “ideals of belonging, protection, and equality . . . underlie a rich conception of what it means to belong to [American] society.”¹⁰⁰ What matters is the interaction between the national society and rights of that society that are “crucial to the American people.”¹⁰¹

C. Significant Movements in United States History

Specific movements with key objectives have recently been initiated as well. These movements aim to better society by promoting confidence, respect, and courage. In turn, the nation progresses towards satisfying additional needs. Such movements demonstrate the desire of government to satisfy a deeper need for society, a need that is above and beyond the previously satisfied desires.

For instance, the #MeToo Movement, spreading domestic and international awareness against sexual harassment and sexual assault, is a prominent example. Because of the #MeToo movement, some of the following objectives have been promoted: empowering survivors, creating greater accountability, and educating the public on sexual harassment.¹⁰² Other movements, such as the “Be Best” campaign by First Lady Melania Trump, is dedicated to the well-being of children, preventing cyberbullying, and combating opioid abuse.¹⁰³

This comes down to nothing more than Maslow’s basis premise, as adapted from an individualistic perspective to that of a collective society: “[Society] is a perpetually wanting animal.”¹⁰⁴ It wants to better itself. It wants to satisfy deeper levels of motivation. There is a direct relationship here as to how and to what extent socialized tenets bring people together as a society and help accomplish goals that would otherwise not be possible without some degree of government intervention.

⁹⁹ See SALES & KRAUSS, *supra* note 1, at 48.

¹⁰⁰ See ZIETLOW, *supra* note 62, at 165.

¹⁰¹ *Id.* at 168.

¹⁰² See Jocelyn Frye, *From Politics to Policy: Turning the Corner on Sexual Harrassment*, CENTER FOR AMERICAN PROGRESS (Jan. 31, 2018), <https://www.americanprogress.org/issues/women/news/2018/01/31/445669/politics-policy-turning-corner-sexual-harrassment/>.

¹⁰³ See Maya Rhodan, ‘Be Best’: First Lady Melania Trump Launches Official White House Project, TIME (May 7, 2018), <https://time.com/5268266/be-best-first-lady-melania-trump-launches-official-white-house-project/>.

¹⁰⁴ See Maslow, *supra* note 46, at 370.

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Part V begins by placing the aforementioned *socialized* tenets, critical Supreme Court decisions, and significant movements in United States history on Maslow's hierarchy of needs. In addition to providing some additional information on Maslow's thoughts on self-actualization, this part examines whether *socialized* healthcare is a possible avenue that the United States can take to satisfy Maslow's highest recognized need of motivation: self-actualization.

A. Placing the Socialized Tenets, Case Law, and Movements in U.S. History on Maslow's Hierarchy

A government that cannot fulfill the Physiological Needs for its society is unable to progress and fosters the belief that Utopia is only a place with enough food.¹⁰⁵ In other words, if government cannot even provide its society with the most basic needs, society will not understand that it has the ability to progress and better itself; it will be merely satisfied as is without wanting more.¹⁰⁶ At this level, the desire for deeper meaning is unimportant; a nation cannot progress towards more critical developments if this category is not fulfilled.¹⁰⁷ The United States has long satisfied the Physiological Needs of its society, making them irrelevant to what society regards as important. By declaring its freedom from Britain, the United States had established its position as an independent, young nation. From there, decisions had to be made regarding the proper balance and relationship that ought to be established between government and society. When the United States outlawed slavery, it took the first step towards satisfying the basic physiological needs of society.¹⁰⁸

As to Safety Needs, Maslow compares the central role of the parent in the upbringing of a child.¹⁰⁹ Societies need a stable leader—government—to create an environment of safety. Without this, people will act as if there is always an emergency.¹¹⁰ The United States has successfully provided society with various forms of security. The Federal Bureau of Investigation, Central Intelligence Agency, police force, and the fire department are examples of socialized goods that the United States

¹⁰⁵ *Id.* at 374.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ See Maslow, *supra* note 46, at 372-74.

¹⁰⁹ *Id.* at 377-78.

¹¹⁰ *Id.* at 379.

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rightfully believed would benefit society and would be more efficient than had their operation and administration be controlled via private ownership. Because of this, United States society was able to progress towards deeper and more emotional desires, such as Love Needs.

Once society reaches the Love Needs, a new category of desires emerges. In United States history, this need has been exhibited (and therefore satisfied) by the exponential increase in and creation of individual liberties. Freedom is a key aspect of these needs and is demonstrated by the monumental Supreme Court rulings mentioned above. The Warren Court was a vital part of satisfying these needs. For instance, privacy rights—such as family and sexual autonomy—as well as First Amendment freedoms and women’s rights, are representative of the many ways in which the United States government—either via legislation or Supreme Court decisions—has satisfied the Love Needs for society.

Next, Esteem Needs within the United States are demonstrated by steps that the nation takes to satisfy the desires of “self-confidence, worth, strength, capability and adequacy of being useful and necessary in the world.”¹¹¹ The #MeToo Movement and the “Be Best” campaign are examples of the United States trying to satisfy this need. These efforts have been largely successful at fulfilling the Esteem Needs of society. The progression of satisfied needs seemed to coincide with social and technological changes that were developing at the time.¹¹² It is innovation that encourages productivity and easily allows for a society to satisfy its needs with little impediment.¹¹³ If, however, these feelings cannot be satisfied, society drifts towards “feelings of inferiority, of weakness and of helplessness.”¹¹⁴

Lastly, the Need for Self-Actualization is the desire of society “to become everything that [it] is capable of becoming.”¹¹⁵ A society at this level “transcends the day-to-day world” and concentrates on matters “outside of pedantic self-interest.”¹¹⁶ The United States has never satisfied this need. The topic for the remainder of this part analyzes whether and to what extent the expansion of socialized tenets to healthcare would help the United States achieve this level of need for society.

¹¹¹ *Id.* at 382.

¹¹² See Thomas Earl Geu & Martha S. Davis, *Work: A Legal Analysis in the Context of the Changing Transnational Political Economy*, 63 U. CIN. L. REV. 1679, 1681 (1995).

¹¹³ *Id.* at 1711-12.

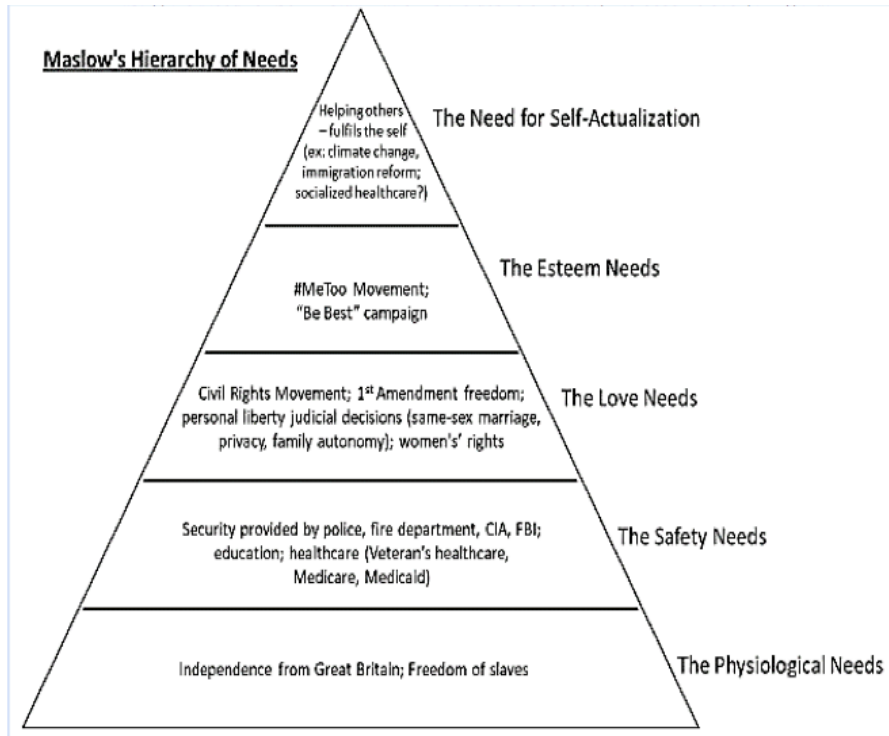
¹¹⁴ See Maslow, *supra* note 46, at 382.

¹¹⁵ *Id.*

¹¹⁶ See Geu & Davis, *supra* note 101, at 1724.

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Below is the representation as to how the United States government has satisfied these needs for its society under Maslow's theory. As demonstrated, the needs referenced below are collective needs; they are based on the implicit need for a strong relationship between government and society. Note further that the ideas placed within the category of Self-Actualization are merely representative of the possible ways of satisfying this level.



Therefore, it is true that a reciprocal relationship exists between government and society and that a nation's success depends on a healthy and sustainable relationship between the two. This relationship has been described as a "mutually reinforcing interaction."¹¹⁷ The government needs citizens in society to develop themselves as "responsible citizens" to the same extent as society needs government to "provide a stable legal framework of association and a fair distribution of the resources citizens need to participate in associational life."¹¹⁸

¹¹⁷ See Will Kymlicka, *Civil Society and Government: A Liberal-Egalitarian Perspective*, in *CIVIL SOCIETY AND GOVERNMENT* 94 (Nancy L. Rosenblum & Robert C. Post eds., 2002).

¹¹⁸ *Id.*

B. The Answer to Self-Actualization for the United States

1. Maslow's Take on Self-Actualization

Is the United States able to achieve self-actualization? Can it? Is it on a good path for doing so? Maslow notes that “the actualization of the highest human potentials is possible—on a mass basis—only under ‘good conditions.’” In other words, Maslow believed that “good human beings will generally need a good society in which to grow.”¹¹⁹ But the process of attaining this level is continuous. Maslow describes life as “a process of choices At each point there is a progression choice and a regression choice.”¹²⁰ The Goal of Self-Actualization is an “ongoing process,” requiring that many decisions be made including small choices.¹²¹ Self-actualization means using a society’s “intelligence.” It is not only the result that is critical but also the process of achieving a society’s potential “at any time, in any amount.”¹²²

A nation is self-actualizing when it does what nations do best: provide a sustaining environment for the optimal cooperation between government and society. This is what a nation is best suited for and fosters the creation of a healthy balance between “individual development and the common good.”¹²³ The fundamental question appears to be whether a nation can get to this category. This mandates an examination as to what social arrangements must be developed for societal awareness and the fulfilment towards self-actualization.¹²⁴

2. Socialized Healthcare as a Possible Avenue for U.S. Self-Actualization

a. Observing the Arguments in Favor and Against Socialized Healthcare

Some of the arguments asserted in favor of socializing goods in U.S. society include the ability to create “the most educated workforce in the world,”¹²⁵ or simple appeals to emotion urging that no one should be

¹¹⁹ See ABRAHAM MASLOW, *THE FARTHER REACHES OF HUMAN NATURE* 7 (1976).

¹²⁰ *Id.* at 44.

¹²¹ *Id.*

¹²² *Id.* at 46.

¹²³ See Symposium, *Defining the Corporate Constituency: Humanistic Economics: A New Model for the Corporate Constituency Debate*, 59 U. CIN. L. REV. 321, 340 (1990).

¹²⁴ *Id.* at 342.

¹²⁵ See Kenneth Pennington, *High school is free in the US. College should be too*, *GUARDIAN* (Sep. 9, 2016, 7:00 PM), <https://www.theguardian.com/commentisfree/2016/sep/09/us-high-school-education-free-college-for-profit>.

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without healthcare because it is “an essential government service.”¹²⁶ Proponents on this side of the debate assert that there are some areas where government accomplishes objectives better than the free market system.¹²⁷ One such case is healthcare.¹²⁸ “A public role in health care shouldn’t be any scarier or more repugnant than a public fire department.”¹²⁹ In support of this conclusion, it has been contended that the private industry creates “unfairness” because of the difficulty in maintaining the proper balance between the greed for insurance premiums and providing coverage, especially for those likely to get sick.¹³⁰ As for textual support, the Declaration of Independence can be cited for the assertion that people have “unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”¹³¹ This, logically, is meant to understand to extend to healthcare in order to support this pursuit of happiness. Take the Constitution’s Preamble as another example. One of its objectives is to “promote the general Welfare,”¹³² which can be linked to the right of society to have healthcare and the simultaneous obligation of government to provide it. Further, healthcare is regarded as a “valuable service,” for which government administration helps to “spread risks.”¹³³

Arguments against a system of socialized healthcare refer to individual responsibility; in other words, it is the responsibility of the individual—not government—to secure one’s healthcare.¹³⁴ Socializing healthcare in this respect, it is argued, would obstruct both “free-market capitalism and individual choice.”¹³⁵ Furthermore, many people like the care they receive from non-government providers and fear that a socialized system that places healthcare in the hands of the government would bring

¹²⁶ *Should All Americans Have the Right (Be Entitled) to Health Care?*, ProCon, <https://healthcare.procon.org/> (Feb. 14, 2019).

¹²⁷ See Nicholas D. Kristof, *The health-care debate: How do you like “socialized” firefighting?*, SEATTLE TIMES (Sept. 3, 2009, 11:27 AM), <https://www.seattletimes.com/opinion/the-health-care-debate-how-do-you-like-socialized-firefighting/>.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ See THE DECLARATION OF INDEPENDENCE, para. 2 (U.S. 1776).

¹³² See U.S. CONST. pmbl.

¹³³ See Boaz, *supra* note 12, at 351 (“[A] loss that would be disastrous for a single individual can be absorbed by a large group of individuals.”).

¹³⁴ See ProCon, *supra* note 115.

¹³⁵ See Marla Bizzle, et al., *The Specter of Socialized Medicine: What Is It and Is It Invading Our Country*, CENTER FOR AMERICAN PROGRESS, (May 14, 2008, 9:00 AM), <https://www.americanprogress.org/issues/healthcare/news/2008/05/14/4356/the-specter-of-socializedmedicine/>.

down quality.¹³⁶ Arguments against socialized healthcare can also resort to textualism. For instance, despite attempts to analogize the pursuit of happiness to healthcare, the Declaration of Independence does not formally mention that there is a right to healthcare for society, much less an obligation of government to provide for it.¹³⁷ Viewing the text of the Preamble of the Constitution from the opposite side, it can be argued that the government is under no affirmative duty to supply goods and services to society, but rather to merely “promote” the societal welfare.¹³⁸

It should be remembered, though, that most nations have a system that combines public funding for healthcare with private insurance.¹³⁹ In thinking about this debate, some people draw distinctions between goods that are optional and goods that are not.¹⁴⁰ For instance, while it is optional to invest in banks or utilize public transportation, it is a virtual guarantee that people will need treatments for their health within their lifetimes—whether later in life or sometimes immediately after birth.¹⁴¹ This “guaranteed demand” is promoted as a reason why healthcare should be socialized—people need it and government should have an obligation to supply it to society.¹⁴² The want versus the need for health has also been distinguished. For instance, health is an objective need and differs from subjective wants, the latter of which varies from person to person.¹⁴³ One’s health, and therefore healthcare, represents the most basic of human needs.¹⁴⁴ And once something is a need, it must be satisfied to avoid serious harms such as “impediments to individual aspirations or social involvement.”¹⁴⁵ This need for health is inextricably intertwined with a successful healthcare plan for society. Therefore, objective needs stand in stark contrast with subjective wants. And, it is government that best advances the objective needs for society.

¹³⁶ See Peter Ubel, *What Socialized Medicine Would Mean for Your Health*, FORBES (Nov. 21, 2018), <https://www.forbes.com/sites/peterubel/2018/11/21/what-socialized-medicine-would-mean-for-your-health/-4f55fc406e9a> (last visited February 28, 2019).

¹³⁷ See THE DECLARATION OF INDEPENDENCE, para. 2 (U.S. 1776).

¹³⁸ See S. CONST. pmbl.

¹³⁹ See Bizzle et al., *supra* note 123.

¹⁴⁰ See Swan, *supra* note 13.

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ See Geoffrey M. Hodgson, *Towards an Alternative Economics of Health Care*, 4 HEALTH ECON., POL’Y & L. 99, 99-114 (2009).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

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The United States is not treading the path towards self-actualization and unfortunately will not be any time soon. It is hard for a nation to avoid one of the most basic rule of economics that “every entity seeks to maximize it[’s] utility.”¹⁴⁶ The United States is no different. This need for utility does not only refer to profit but can also denote power. Power is manifested in peculiar ways, such as the greed for market expansion, unrealistic appeals to emotion, or stark divisions of ideology. These are all obstacles to the United States’ path towards self-actualization. Take ideology for instance. The United States has great potential, but its political struggles hinder its progression. The internal debates amongst the political branches create an environment where it is difficult to prosper and impossible for society to satisfy the Need for Self-Actualization and for government to fulfill it for society. Furthermore, while the purpose of an ideological preference is merely to define one’s position on a subject matter as distinct from the issue’s pros and cons, it has unfortunately masked the specific policy reasons behind various courses of action to the point where that subject matter becomes “saturated with ideology.”¹⁴⁷ When this happens, it is hard to see passed bias and prejudice and, therefore, advance as a society. For this reason, the United States has not reached this last category. If it creates socialized healthcare, will it satisfy this level? Is this the desire that U.S. society is longing for?

Some people might argue that providing healthcare is an obligation of government, while others will simply dismiss the topic, preferring that government stay out of the personal lives of society. But is healthcare comparable to the more concrete, optional, and personal goods such as banking, investment, or other personal/business ventures? There are good arguments that they are not. The theory here is that everyone gets sick or needs the assistance of medical care at some point in their lives. It is a mere product of human physiology, nature, and existence itself. This is life. But even if it is argued that healthcare is comparable, does it follow that government should stay completely away from regulating and enforcing the healthcare industry? This seems to beg the question once more of the proper role between government and society. It further appears to be conjuring up the notion of a traditional policy debate.

The United States is a government of people ruling themselves. Therefore, the entire relationship between government and society is the

¹⁴⁶ See Jeffrey Carter, *America is Getting Socialized Bit by Bit*, POINTS & FIGURES (Aug. 30, 2015), <http://pointsandfigures.com/2015/08/30/america-is-getting-socialized-bit-by-bit/>.

¹⁴⁷ See Swan, *supra* note 13.

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product of an intricate and slightly over-complicated theory of human cooperation. The internal cooperation between government and society is imperative for growth and equality and not an impracticability; individuals can transform from “competition” to “cooperation.”¹⁴⁸ It requires a sustainable, reciprocal relationship between society and government that both thrives and is dependent upon open communication and shared goals. This is why capitalism is so important. It allows for innovation and productive discourse, for example, to “facilitate the creation and distribution of relevant knowledge concerning health care.”¹⁴⁹ But capitalism cannot accomplish these goals alone. The power of government is needed. As Franklin D. Roosevelt said, “Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a president and senators and congressmen and government officials, but the voters of this country.”¹⁵⁰ Therefore, it is not up to government to force growth. It is based on the individual motivation as a society to do so. Policies put in place by government will not create an environment of self-actualization but may “create a society that allows and encourages individuals to become self-actualized.”¹⁵¹ This, again, is the reciprocal relationship between government and society that must be both mutually collaborative and mutually sustaining.

Additionally, it is true that there are some matters for which government involvement is necessary. In other words, there are some objectives that cannot be accomplished without government intervention. In making this contention, however, it should be remembered that government is composed of nothing more than individual members of society: people. These people get an education perhaps with the use of government loans/grants, utilize the police department and the post office, make use of their travel time and leisure opportunities, and get sick. They are all utilizing and needing of various *socialized* tenets. But, these individuals in government are the ones responsible for satisfying society in return for various benefits to the nation such as a sustainable relationship and allegiance. Where does one determine the proper balance?

This process is a continuous, non-static balancing test. It must balance the priorities of society with the understanding that values change over

¹⁴⁸ See Harry Magdoff & Fred Magdoff, *Approaching Socialism*, MONTHLY REV. (July 01, 2005), <https://monthlyreview.org/2005/07/01/approaching-socialism/> (last visited March 01, 2019) (“[I]t is not impossible for people to change from competition to cooperation. . .”).

¹⁴⁹ See Hodgson, *supra* note 131.

¹⁵⁰ Franklin D. Roosevelt, Address at Marietta, Ohio (July 8, 1938).

¹⁵¹ Lewis D. Solomon, *Defining the Corporate Constituency: Humanistic Economics: A New Model for the Corporate Constituency Debate*, 59 U. CIN. L. REV. 321, 340-41 (1990).

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time, necessitating the need for such change to follow direction of societal values. Should the administration of a specific good be placed in the private sector, society will bear the risk of that decision as opposed to its public administration.¹⁵² In other words, while government intervention is needed more in some areas than others, there will nevertheless be some features that society prefers to be embraced via individual choice.¹⁵³ It is true and equally permissible for these societal preferences to change throughout history. Therefore, the debate turns on the socialized tenet at issue and the particular era in history, mandating a balancing test. At every point in time, the balancing test will consider the human motivation, culture, and values of society. Such a system embraces the inherent greatness of capitalism with the recognition that sometimes society cannot accomplish certain goals without government intervention.

3. Desirability, Feasibility, and Practicality

Categorizing healthcare as a right and placing its administration with government could solve many societal problems such as the fact that millions of Americans live year to year without any coverage. It may also help bring the nation together under an intangible but vigorous bond that connects one's health and healthcare to being American and, ultimately, to one's potential in life. This potential is the incentive needed to approach the path towards national self-actualization. Finding this path is the objective of the United States.

Logical, tenable assertions on the opposing side evoke the slippery slope argument that once government is allowed to regulate healthcare, it will take control of more private sectors. This argument fails for two reasons. First, there is no reason to think that the public administration of a good such as healthcare cannot be supplemented with private programs. Many countries adopt this approach. Second, the attitude that government-assisted healthcare is unnecessary ignores the fact that such a step can provide some people with a critical good that would otherwise not be possible for them to embrace. This is important both because government is needed in some instances and because it instills the motivation within a person that enables one to achieve one's potential. Individuals need this motivation to overcome their tenacity to remain fixated at the status quo. Therefore, the public administration of healthcare is *desirable*.

¹⁵² See Carter, *supra* note 134.

¹⁵³ *Id.* ("Having freedom and individual liberty creates the total randomness of the human condition.").

Before too much anticipation develops, though, it must be examined whether such a proposal—regardless of desirability—is even feasible. Can society proceed towards a system of socialized healthcare? The answer is, of course, yes, this is *feasible*. The ingredients consist of the internal governmental cooperation coupled with the determination of society to fund such an effort. The present-day incentive for doing so, however, is a different story and depends on two very important variables: values and motivation at a given time. Values and motivation form human nature, and human nature is volatile. But human nature also changes over time; therefore, so do the values and motivation that society regards as important.¹⁵⁴ Factors such as culture, history, and ideology have direct effects on human nature and can impact individual conduct and thinking dramatically.¹⁵⁵ Therefore, since society is composed of individuals and human nature—values and motivation—which change over time, then one cannot help but to conclude that society changes over time.

The United States is currently not motivated primarily by healthcare. Instead, if the topic of healthcare is raised, a “vast array of increasingly expensive drugs and treatments” that cannot be accessed without “high-quality insurance” is usually the reaction that is evoked.¹⁵⁶ This has been the typical attitude within the present-day era. It is hard for society to attempt to better itself when it operates under such assumptions. Therefore, the path towards self-actualization via socialized healthcare is currently not practicable. But the status quo is not immutable; rather, it represents the “product of years of influence strategically wielded by powerful stakeholders in business, medicine, and politics.”¹⁵⁷ Nevertheless, this is a slow process. Changing attitudes is a significant step. Further, the transformation of this issue from individual responsibility to “an essential collective right” is also in progress.¹⁵⁸

Because nothing is static—especially not the needs of a society—it must be noted that there are many factors responsible for the sudden shift towards more comprehensive healthcare. This can include a rise in the longevity of people (older age and an increase in the proportion of retired people), and the development of more advanced technologies for analysis and treatments (which may sometimes make it difficult for all these

¹⁵⁴ See generally Magdoff & Magdoff, *supra* note 136.

¹⁵⁵ *Id.*

¹⁵⁶ See Sandro Galea, *Is the U.S. Ready for a Single-Payer Health Care System?* HARV. BUS. REV. (July 18, 2017), <https://hbr.org/2017/07/is-the-u-s-ready-for-a-single-payer-health-care-system>.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

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technologies to be used in all cases).¹⁵⁹ Each year people are beginning to understand or view healthcare as more of a “right.”¹⁶⁰ This has been a consistent trend that rises steadily each year but begs the question again as to whether this can be accomplished. This trend changes how society thinks about healthcare and, more importantly, what it expects government to do. Without a central payment system, however, such coverage is unlikely to be initiated.¹⁶¹

As Maslow has consistently noted, those that are self-actualizing are the “most compassionate,” the “great improvers and reformers of society,” and the “most effective fighters against injustice, inequality, slavery, cruelty, exploitation (and also are best fighters for excellence, effectiveness, competence).”¹⁶² So, even though the United States is not quite on the fastest or proper path towards self-actualization since society is arguably ambiguous or undecided on the issue of socialized healthcare, at least now the idea of nation-wide self-actualization is no longer an immutable issue. Nor does it foreclose the possibility of treading this path via socialized healthcare. But for now, both government and society must wait for these values and motivations to crystalize into a more defined plan for future, and concerted action. It represents a possibility, a shared vision, and a goal. Thus, as the nation currently stands, socializing the nation’s healthcare system may be desirable. It may even be feasible. But is not practicable.

VI. ISSUES WITH IMPLEMENTATION

Part VI intends to illuminate possible thoughts on the consequences of implementing a system of socialized healthcare in the United States. To begin, throughout the nineteenth and twentieth centuries, broadly, the nation has seen vast growth and progress in the following areas: (1) civil citizenship, including freedom of speech and religion; (2) political citizenship, such as the right of citizens to participate in the political process and in the exercise of political power; and (3) social and economic citizenship, referring to the minimum standards of education, health, and security.¹⁶³ This last category is heavily debated though it is also arguably the category most agreed upon for advancement. The topic of this study has been the examination of whether United States society desires a system of socialized healthcare from government and whether this desire will

¹⁵⁹ See Hodgson, *supra* note 131.

¹⁶⁰ See Galea, *supra* note 144.

¹⁶¹ *Id.*

¹⁶² See ABRAHAM MASLOW, RELIGION, VALUES, AND PEAK-EXPERIENCES, xii (rev. ed., 1970).

¹⁶³ See ALBERT O. HIRSCHMAN, THE RHETORIC OF REACTION: PERVERSITY, FUTILITY, JEOPARDY 2 (1991).

enable the United States to progress towards the most advanced, deepest level of motivation, *self-actualization*. But several issues regarding the implementation of a system of socialized healthcare must be examined. First, is it possible that such a system will produce the opposite results than that intended? Second, what are the chances that the implementation of socialized healthcare will have no effect? Third, how likely would it be that this system's implementation negatively impacts a prior societal good? Economist Albert O. Hirschman had described the consequences of these questions for a policy issue as the "perversity thesis," "futility thesis," and the "jeopardy thesis."¹⁶⁴

The perversity thesis holds that "any purposive action to improve some feature of the political, social, or economic order only serves to exacerbate the condition one wishes to remedy."¹⁶⁵ This perversity thesis is a "special and extreme case of the unintended consequences."¹⁶⁶ When one undertakes a task, they are "successful at first," then this success "leads to arrogance," and, ultimately, to "setback, defeat, disaster."¹⁶⁷ What dangerous ripple effects exist for socializing healthcare? Some scholars have noted that subsidizing certain collective goods, such as unemployment insurance, helps in the short-term since an individual is given the assistance needed for him or her to wait and find another job.¹⁶⁸ However, in the long term, socializing this good could lead to "laziness" by not actively searching for a job or by permitting one to not accept a job since there is no urgent need to do so.¹⁶⁹ The same practical concern exists for the prospect of socializing healthcare.

Should we be worried that by socializing more public goods we are heating the flames for a perverse reactionary public policy reform? Society always reacts and moves in a direction but can do so "in the opposite direction" than the one advocated for.¹⁷⁰ Will socializing healthcare shift costs where they need to go? Will it reduce the number of people without insurance? Will it lead to more meaningful lives on the individual and societal levels? Or could it have the opposite result?¹⁷¹ Some scholars have

¹⁶⁴ *Id.* at 7.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.* at 36.

¹⁶⁷ *Id.* at 37.

¹⁶⁸ *Id.* at 40.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.* at 11.

¹⁷¹ *Id.* at 12 (urging that advocacy in favor of something could have a perverse effect such as the following: "[a]ttempts to reach for liberty will make society sink into slavery, the quest for democracy will produce oligarchy and tyranny, and social welfare programs will create more, rather than less, poverty").

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warned that “[e]verything backfires.”¹⁷² Good intentions do not solve problems, and neither does advocacy according to public opinion. Therefore, it is not always necessary or wise to agree with something because popular opinion of the day idealizes it as of the utmost importance. Seemingly utopian ideas may not translate well when implemented. This is a practical concern that must be considered.

It should be kept in mind, too, that a benign goal for the benefit of society may produce a radical ideological shift. Slight modifications to the status quo may spawn “very different beliefs and propositions,” such that the finished product is “unrecognizable” from the original.¹⁷³ Shall we endeavor to examine the *before* and *after* effects of socializing healthcare, the same results may be revealed. Public opinion may shift, the number of people who utilize their insurance could decrease, or the societal-governmental relationship could sour. Relating this “perversity thesis” to other areas of a democracy, there is support for the proposition that a regulatory measure inserted into the market will become a “noxious interference with beneficent equilibrium processes” and thus “counterproductive.”¹⁷⁴ Further, raising the minimum wage may lead to less employment as opposed to a rise in the employment levels.¹⁷⁵ Do these instances represent a sufficient warning to leave matters to the free operation of the market and, therefore, at the status quo? If so, is there ever a need for intervention and, if so, when does it arise?

The futility thesis notes that “attempts at social transformation will be unavailing,” and, therefore, fail to produce an impact.¹⁷⁶ Efforts here are “illusory.”¹⁷⁷ People hate the nothingness of an action. The void drives a society that needs change towards feeling “humiliated, demoralized, in doubt about the meaning and true motives of their endeavors.”¹⁷⁸ Being unproductive is quite different than being counterproductive, the former of which can be more disturbing. It has been observed, for instance, that the distribution of income within a society may be futile since it rarely affects the supply and demand of the economy, whether implemented via “expropriation, taxation, or social welfare legislation.”¹⁷⁹

¹⁷² *Id.* at 12.

¹⁷³ *Id.* at 15.

¹⁷⁴ *Id.* at 27.

¹⁷⁵ *Id.* at 27-28.

¹⁷⁶ *Id.* at 7.

¹⁷⁷ *Id.* at 43.

¹⁷⁸ *Id.* at 45.

¹⁷⁹ *Id.* at 57.

Further, when redistributing wealth to the poor, what if these payments never reach the intended recipients and are, instead, diverted to other social causes with more influence and power?¹⁸⁰ The same reasoning applies to socialized healthcare. How certain is it that this effort will reach those it intends to benefit? The question thus becomes, how strong is the possibility, or the fear, that socializing healthcare will not change anything at all for American society? With the “futility thesis,” “human actions or intentions are frustrated” because one “pretend[s] to change the unchangeable” aspects of a society.¹⁸¹ There are some laws that “rul[e] the social world” and are so powerful that they act as an “insurmountable barrier to social engineering,” meaning that attempts of people to interfere via legislation will be futile.¹⁸² But which laws are these, if they are even laws at all? Questions such as who will benefit, how the resources will be distributed, and whether there are overriding circumstances preventing a result of any nature from being achieved are all factors that need to be considered.

Lastly, the jeopardy thesis states that “the cost of the proposed change or reform is too high as it endangers some previous, precious accomplishment.”¹⁸³ It is possible under this practicality that although the result is desirable, the proposed change or effort involves “unacceptable costs or consequences of one sort or another.”¹⁸⁴ Typically, the new reform to be introduced and carried out would “mortally endanger an older, highly prized one,” which “would be placed in jeopardy by the new program.”¹⁸⁵ Take promoting the welfare state as an example, including efforts to socialize healthcare. These efforts may impair liberty, or democracy, or both,¹⁸⁶ but they will first harm economic growth before damaging liberty and/or democracy.¹⁸⁷

In other words, socialized healthcare may be a desirable reform for the United States, one that is greatly needed by society. But the costs to be undertaken to reach this goal may produce consequences that would be “dangerous, imprudent, or simply undesirable.”¹⁸⁸ This is simply a cost-benefit analysis. It also needs to be examined whether the old reform and

¹⁸⁰ *Id.* at 61.

¹⁸¹ *Id.* at 72.

¹⁸² *Id.* at 71.

¹⁸³ *Id.* at 7.

¹⁸⁴ *Id.* at 81.

¹⁸⁵ *Id.* at 84.

¹⁸⁶ *Id.* at 85.

¹⁸⁷ *Id.* at 115.

¹⁸⁸ *Id.* at 83.

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the new reform can be implemented and operated together, as complementary or harmonious programs.¹⁸⁹ Will the two work in harmony until the new reform is carried beyond a certain point?¹⁹⁰ Or will there be an automatic tension to the older reform?¹⁹¹ These questions must be considered as well as the possibility that the effects of the new reform—socialized healthcare—upon the old reform may depend not so much on the intrinsic characteristics of the reforms but instead to a greater degree upon the specific surrounding or attendant circumstances of the time.¹⁹²

When comparing the futility thesis to the perversity thesis, the futility of human action is “more devastating” than the possible perverse outcomes.¹⁹³ Why? This is because possible perverse effects are “accessible to human or societal intervention,” whereas the futility of action means that there is “no hope for *any* successful or effective steering or intervention.”¹⁹⁴ Do the effects of socializing healthcare present a type of collective good that can be controlled, modified, or manipulated by human intervention? If the answer is determined to be no, then the effort to promote socialized healthcare is a hopeless mission of unpredictability and uncontrollable consequence, accomplishing nothing but increased costs. Therefore, perhaps restraint against the “vain and damaging impulse to ‘do something’” is needed for issues such as socialized healthcare.¹⁹⁵ With the jeopardy thesis, for instance, the reasoning goes as follows: because people are only able to agree on a few common tasks, government must be consensual and, thus, democracy only functions well when government confines its activities to those tasks agreed to by society; when government moves beyond these agreed upon tasks to regulate additional matters, “it can do so only by coercion, and both liberty and democracy will be destroyed.”¹⁹⁶ So where the jeopardy thesis sees democracy as a threat to liberty, the futility thesis sees it as a sham.¹⁹⁷

There is a common assumption that liberty and democracy are incompatible with social advancement.¹⁹⁸ The issue is how to decide when something is so beneficial to society to be worth both the risk and loss of liberty. It is disconcerting, though, to think that there could be features

¹⁸⁹ *Id.* at 124.

¹⁹⁰ *Id.* at 126.

¹⁹¹ *Id.*

¹⁹² *Id.* at 127.

¹⁹³ *Id.* at 75.

¹⁹⁴ *Id.* at 75.

¹⁹⁵ *Id.* at 76.

¹⁹⁶ *Id.* at 112.

¹⁹⁷ *Id.* at 145.

¹⁹⁸ *Id.* at 150.

such as healthcare that are so socially demanding as to obviate the need for liberty and democracy. But if liberty and democracy are dispensed with to make room for social progress such as a uniform, government-funded healthcare system in the United States, what does society expect will follow? Is it possible for society to have certain false expectations of government shall this step be implemented? Or maybe liberty on one hand and socialized healthcare on the other are not mutually exclusive?

Interestingly, these debates appear to be nothing more than endless debates between one ideology and another, both asserting their argument as superior and discounting the other. Therefore, where the United States stands now and where it is going are very uncertain. What is certain is how determined some are to create bias within society, which both contradicts, frustrates, and undermines the very feature of American society that makes debate possible: *democracy*.

VII. CONCLUSION

Why did the United States feel the need to *socialize* certain goods and not others? Is the country not ready to *socialize* additional goods for its people or it is only a matter of time before it does? Are there any logical reasons against governmental administration of certain goods such as healthcare? Throughout its history, the United States felt the need to give more to society in order to get more from it in return. It is the reciprocal relationship between government and society and how it has progressed throughout history that accounts for the reasons behind vesting the control of these collective goods with the public sphere (the government) as opposed to private sphere (private companies or individuals). And, as this study shows, human nature—comprising both values and motivations—is subject to change from one era to the next.

Humans are wanting creatures, always desiring something better. Societies—as composed of individuals with collective desires—are no different. But it may be unwise to take an individualistic perspective on all matters. For instance, an individual with limited financial means will likely favor more socialized policies—even to the point of a formal, socialized system. Moderate wage-earners will be more likely to selectively choose which goods should be socialized to improve their lives, and of course the types of goods will vary from individual to individual. At the other end of the spectrum, the elite will tend to eschew most—if not all—government involvement in their lives and promote instead a system of capitalism in its purest form or perhaps even libertarianism. Subjectivity is not to be ignored nor taken lightly. It forms the very essence of human behavior and, therefore, societal thought. The question to be asked is whether it would be

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better to place the administration of the particular collective good at issue in the hands of the United States government or leave its distribution to the private sector.

This study concluded that government administration of healthcare would be beneficial. Further, it concluded that the United States has not, and will not in the near future, achieve Maslow's ultimate category of hierarchical motivation: *The Need for Self-Actualization*. The reasons for this are because the nation is overcome by its internal political debates and masked by ideology. Despite its desirability and even feasibility, such a position is not practicable. But this does not foreclose the issue. Healthcare has tended to be viewed as a collective right in recent decades. This is a policy issue and one for which a comprehensive solution could hold rewarding possibilities for the United States' quest towards self-actualization. It must be remembered that when a nation reaches self-actualization, it will operate solely to benefit society, which will entail providing collective goods for the benefit of its society without any expectation in return.