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EQUALITY IN THE BRAZILIAN HEALTH SYSTEM: CONSIDERATIONS IN THE LIGHT OF PETER SINGER'S PRINCIPLES

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ABSTRACT

Equality, its conceptualization and applicability, still pervade some discussions. Australian philosopher Peter Singer discussed equality and its implications, grounding his perspective on the principle of equal consideration of interests. Based on the proposal presented by this author, the present article aims to reflect on the principle of equality according to Peter Singer and to consider an articulation with the principles of the Brazilian health system. The bases of the utilitarianism adopted by the author are presented through a literature review; then, we offer reflections upon the chapter on equality and its implications present in Peter Singer's work titled *Practical Ethics*; and, finally, the doctrinal principles of the Unified Health System were approached and an interface with the author's propositions about equality was proposed. The data presented here showed that there was an authentic relationship between Peter Singer's principle of equal consideration of interests and the guiding principles of the Brazilian health system, especially the principle of equity. It is highlighted that these principles can minimize inequalities and social and health inequities, which is the reason why it is essential to effectively apply them.

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INTRODUCTION

The notion of equality between men appears concomitant with the emergence of political activity in western countries.

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Therefore, considerations about equality are remote. An example of this is that the *pólis*, a nucleus of the Greek political organization in the archaic and classical periods, was created from a perspective of equality (SIQUEIRA-BATISTA; SCHRAMM, 2005). Similarly, the current Brazilian Federal Constitution deals with the principle of equality, stating that all are equal before the law, without distinction of any sort, and

establishing an isonomic treatment of citizens. It also states that health is a right of all, and must be guaranteed through universal and equal access to actions and services (BRASIL, 1988). Equality, its conceptualization and applicability, still pervade some discussions. Australian philosopher Peter Singer addressed problems related to ethics in his philosophical trajectory, adopting utilitarianism as guiding principle. His works include themes such as abortion, euthanasia, poverty and *animal ethics*. In what has become his main work, the book *Practical Ethics*, he discusses equality and its implications, basing his perspective on the principle of equality in the consideration of interests (OLIVEIRA, 2012).

The proposal presented by the author gave rise to the following question: What is the relation between the Peter Singer's principle of equal consideration of interests and the guiding principles of the Brazilian health system? It is intended, therefore, to reflect on Peter Singer's principle of equality and consider an articulation with the principles of the Unified Health System (SUS). To do so, the bases of utilitarianism adopted by the author are initially presented, through a literature review; then, reflections about the chapter on equality and its implications in Peter Singer's book *Practical Ethics* are offered; and, finally, the doctrinal principles of SUS will be discussed, proposing an interface with the author's propositions about equality.

Peter Singer's Utilitarianism: Utilitarianism is a philosophical current developed throughout the eighteenth and nineteenth centuries, espoused by philosophers such as Jeremy Bentham and John Stuart Mill. For classical utilitarians like them, a certain action can be considered correct when its consequences produce the greatest amount of pleasure for the greatest number of individuals, and when it is inevitable to produce pain with an action, such pain must be small and distributed among the greatest number of individuals. Therefore, an action is accepted when it brings the best consequences, and utilitarianism is therefore considered the main theory of consequentialism (ARAÚJO, 2008). In this regard, Singer mentions in his work:

The consequences of an action vary according to the circumstances in which it is performed. Hence a utilitarian can never properly be accused of a lack of realism, or of a rigid adherence to ideals in defiance of practical experience. The utilitarian will judge lying as bad in some circumstances and good in others, depending on its consequences (SINGER, 2002). Jeremy Bentham, as the founder of utilitarianism, defined the principle of utility as "the principle that all action, whatever it may be, must be approved or rejected in the light of its tendency to increase or reduce the welfare of the parties affected" (BENTHAM, 1979). According to this principle, classical utilitarians believe in the main purpose of obtaining happiness, and this happiness is understood as the search for pleasure and escape from pain. In this perspective, an action is considered adequate when, in comparison with an alternative action, it provides similar or greater increase of happiness for all those affected by the action (ARAÚJO, 2008).

In his works, Singer demonstrates the notorious influence of utilitarianism. However, the utilitarianism suggested by him differs in some respects from the more commonly known forms. The author proposes what is currently called the preference utilitarianism. This perspective highlights the suitability of the action to the preferences of those who were

affected by it. These preferences refer to the interests of the individuals considered, being seen as interests to the needs and desires of these individuals (SILVA; SENA, 2016; OLIVEIRA, 2012; BARBOSA JUNIOR, 2011). Singer proposes to adopt a utilitarian position justifying:

In accepting that ethical judgments must be made from a universal point of view, I am accepting that my own interests cannot, simply because they are my interests, count more than the interests of anyone else. Thus, my natural concern to defend my interests has to be extended, when I think ethically, to the interests of others (SINGER, 2002).

Thus, the author suggests that while reflecting on his actions, the individual should also consider the needs and desires of other people; this means that in order to satisfy one's interests, one should not neglect the interests of others. Therefore, the criterion adopted by Singer is the one of best consequences with regard to preferences, that is, the action should maximize the satisfaction of the needs and desires of all those affected by it. The utilitarianism proposed by the author judges the actions not only according to the tendency to maximize pleasure and minimize pain, but by the observation of the extent to which actions correspond to the preferences of all those affected (OLIVEIRA, 2002).

Equality in the Consideration of Interests

Peter Singer begins the chapter on equality in his work *Practical Ethics* discussing the profound changes in the moral attitudes experienced in this century, mentioning as an example the changes that took place with respect to abortion, extramarital sex, pornography, euthanasia and suicide. According to the author, however, there is still no consensus and these themes remain as controversial problems; it is possible to defend any proposition about them (SINGER, 2002).

Regarding equality, Singer (2002) points out that attitude changes were more complete. However, this does not mean that attitudes toward inequality have disappeared, but that, since the principle that all human beings are equal belongs to "political orthodoxy and dominant ethics", those with opposing ideas of equality need, at the very least, disguise this conception. Then Singer discusses what the principle of equality means and why we accept it. The fundamental question for him is the establishment of a fair criterion that can serve as a foundation for the idea that we are all equal. So, he presents the perception of other authors and, later, argues about the principle of equal consideration of interests (SINGER, 2002).

Those who have an opposite thinking to the principle of equality claim that "it is not purely and simply true that all human beings are equal", supporting this proposition in characteristics that differ among individuals, such as physical characteristics. Some admit that human beings differ as individuals, but that, yet, there are no morally significant differences between them. Singer, however, presents arguments proposing that it is not true that all human beings are moral persons and that there are morally significant abilities that can vary from one individual to another. In this way, Singer doubts that some natural characteristic can serve as a satisfactory foundation for the principle of equality.

Another perspective that the author presents is the equality of opportunities: Life, in this perspective, is a sort of race in which it is fair that the winners receive the prizes, as long as all had equal conditions in the game. Equal conditions at the start represent equal opportunities and this, according to some people, represents the limit as far as equality can go (SINGER, 2002). Offering equal opportunities, however, does not always bring fair and equitable outcomes. For Singer, equal opportunities do not correspond to an ideal of equality because they tend to reward lucky individuals and penalize the less fortunate. Then, Singer enters into his propositions about equal consideration of interests, which is to ascribe the same weight to the similar interests of all. According to him, this principle acts as a balance, weighing interests without partiality. Therefore, the principle of equal consideration of interests does not imply equal treatment, but rather a treatment according to the needs and desires of each of the persons involved, seeking more egalitarian results. He states that “an interest is an interest, whoever's interest it may be”, which means that this principle does not depend on the capabilities or characteristics of individuals, except for the characteristic of having interest (SINGER, 2002).

For example, the author alludes to two hypothetical situations. The first concerns interest in pain relief. He then suggests a hypothetical situation of two earthquake victims, one of whom has more severe injuries, more severe pain, while the other has less injuries and pains, and there are only two doses of morphine left. Under these circumstances, equal treatment would consist of providing a dose for each of the victims. However, only one dose would lightly alleviate the pain of the more severe victim, and this patient would feel much more pain than the other victim. Thus, equal consideration of interests in this case would lead to an unequal treatment; two doses would be given to the most serious victim and none for the other victim. Thus, the author suggests that the unequal treatment would result in a more egalitarian result, that is, the attempt would be to equate the pain of the two victims. Using a variation of the first example, Singer (2002) continues: there are two victims, one has lost one leg and is at risk of losing one toe of the other leg, the other victim has injuries to one leg, which can still be spared. However, there is medication for only one of the victims. If used in the more serious victim, the medication would save a finger; if used on the less serious victim, it would save one leg. If used in the less serious victim, he has nothing to lose, while the most serious victim will lose a leg and a finger. While, if the medication is used in the most serious victim, he would lose one leg and the less serious victim would also lose one leg. In this case, considering that it is worse to lose a leg than a finger, the principle of equal consideration of interests would lead to use the medicine in the less serious victim. Thus, in some cases, this principle may increase rather than decrease differences.

We realize, then, that the author himself shows a bias in this principle. The principle of equal consideration of interests appears to be contradictory in the situations presented. In the first case, would it be a fair action to consider the interest of pain relief only of that victim with the most intense pain? In the second case, would it be a fair action to offer the treatment to the less seriously injured victim, while the most seriously injured who had already lost one leg would still run the risk of losing one more finger? In the first case, the aim of action was to achieve an egalitarian outcome, making the pain of the two victims similar. In the second case, the action increased the

difference between victims, when one loses one leg and one finger and the other does not lose anything. So, is the principle of equal consideration of interests a fair criterion of equality?

Before this bias, Singer justifies the principle by suggesting that “it is a minimum principle of equality, not a perfect and consummate principle”. He shows how this principle helps to clarify certain controversial issues raised by the demand for equality, such as racial and sexual differences, genetic diversity and disability. Therefore, the principle of equality suggested by Singer, although sometimes inconsistent, still represents a path that seeks more egalitarian implications (SINGER, 2002).

Sus and equality according to peter singer: The SUS has a recent history in the organization and production of health actions and services. It was regulated by Law 8.080 - Organic Health Law - 1990, based on the changes established by the Federal Constitution of 1988, concerning health policies in Brazil and its legal and institutional design (BRASIL, 1988; BRASIL, 1990). These laws define organizational and operational aspects of the health system (SOUZA; HORTA, 2012). The SUS is guided by principles and guidelines; the principles are those that serve as the basis and are considered the fundamental structuring values of the system, while guidelines are the strategies that define the direction, and are means through which objectives and principles can be achieved (MATTA; PONTES, 2007). Therefore, SUS principles are ideological and philosophical, while guidelines are the choices of strategies perceived as tactical actions to achieve the desired goals (SOUZA; HORTA, 2012). SUS principles include: universality, comprehensiveness, and equity. Universality is the guarantee of access to health services to the entire population, at all levels of care, without any preconceptions or privileges of any kind (BRASIL, 1990). The Federal Constitution of 1988 defines health as the right of all. This view of health as a right gives rise to the idea that it is not only a service to be provided, but a good to be guaranteed to citizens (SOUZA; HORTA, 2012).

Comprehensiveness consists in articulating prevention, promotion and recovery of health, as well as intersectoral actions to achieve better levels of individual and collective health (AGUIAR, 2011). Carvalho (2006) proposes that comprehensiveness in health has two dimensions: the horizontal dimension and the vertical dimension. The horizontal dimension refers to health actions in all fields and requires the organization and articulation of all levels of care through effective and resolute reference and counter-reference. In turn, the vertical dimension encompasses the view of the human being as a whole, unique and indivisible; it goes beyond care for biological aspects. It presupposes the examination of questions that involve the psychological, spiritual, biological, and sociocultural aspects, among others. Equity, according to the Ministry of Health, means to guarantee actions and services at all levels of care, according to the complexity of each case, without privileges and without obstacles (BRASIL, 1990). This principle states that the availability of health services should consider the differences between individuals and population groups, in order to prioritize those that are most in need (BRASIL, 1999). We notice, therefore, in the guiding principles of SUS, especially in the principle of equity, a similarity with the principle of equality proposed by Singer. The principle of equality in the consideration of interests is guided by the principle of

diminishing marginal utility, which says that “a certain amount of something is more useful to a person who has little than to a person who has much”. Within the scope of the Brazilian health system, equity is characterized by assisting individuals according to their needs. This principle proposes to treat equally and unequally what is essentially unequal, in the exact measure of their inequalities. In other words, it means offering more to those who need more and less to those who need less. From this perspective, SUS principles presuppose recognizing that everyone needs attention, but not necessarily from the same services. As a practical example, in urgency and emergency services, in services where risk classification has been implemented, the priority in the provision of care and consultations is defined by a set of factors, considering not only the order of arrival, but also the urgency and severity of each case. In this way, a victim of a serious accident will receive care before a person with a less urgent condition, even though the latter arrived earlier at the unit. Thus, equity, similar to equality in the consideration of interests, ponders and acts through the needs of individuals, seeking to guarantee everyone the right to health, without privileges or obstacles.

Final Considerations

Peter Singer established a different meaning for equality, one that seeks to achieve a similarity of results through unequal treatment. Considering what the author calls as “interests”, that is, considering the needs and desires of individuals, seems to be a viable path in the search for more just and egalitarian results. In the context of the Brazilian health system, the guiding principles seek to ensure the right to health for all citizens, including, for this, equal treatment for those who are equal and unequal treatment for those who are unequal, because equal treatment does not guarantee egalitarian results and can actually increase the inequalities between individuals. In view of the above, we can observe a true relationship between Peter Singer’s principle of equal consideration of interests and the guiding principles of the Brazilian health system, especially the principle of equity. Here, it is emphasized, therefore, that these principles have the potential to minimize social and health inequalities and inequities, and their effective applicability is essential.

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