

The Law As A Social Determinant

Posted on May 18, 2023

Different social factors in the environment can have an impact on health. These impacts are known as Social Determinant of Health (SDH); these include places where people may work, live, play and learn. These can affect life negatively, leading to adverse effects on health. The social determinants are linked not only to living or working environments but also to socioeconomic conditions, which can lead to the inability to afford medical care or insurance. SDH has been proven to have adverse effects on mental and physical health, the biggest factors being education level, income, employment, and racial segregation. If people live in poor and low-income areas, then there is no doubt that they will have poor or no access to better health care. SDH in these communities is compromised; there is one very important SDH that can help in overcoming the problems of other SDHs and provide a solution; it can also cause harm through unequal rights; this SDH is “Law” (Wilensky & Teitelbaum, 2019). This paper will provide a detailed explanation of the different ways the law has had a negative and positive impact on the healthcare system.

Unequal Social Conditions

“Separate but equal” is the biggest example of constitutional doctrine which legally allowed racial segregation in regard to healthcare, housing, education, employment, etc. In the United States, the quality and access to healthcare were extremely unjust and commonplace. This injustice remained until the civil rights movement, which took place between the 1950s and 1960s. This is unfortunate as the United States came into existence in 1776, and it took nearly two centuries to stop racial inequality. Before the civil rights movement, the slaves at the plantation lived in extremely poor conditions, so it is obvious that the healthcare system was also underprivileged. They had on-site medical access, which meant if the on-site physician was unable to treat an ailment or injury, then the slaves would have to suffer until they passed away. When the slaves were freed, it was assumed that lives would get better for them; however, the Jim Crow laws that were passed in 1870 brought in a new era of discrimination. This is where “separate but equal”, came into play; the hospitals, physicians, nursing, and medical were separate but it was obvious that it was unequal as different discriminatory laws made it clear that things had not changed. One such example of discriminatory law is when Alabama passed a law that stated, “No person or corporation shall require any white female nurse to nurse in wards or rooms in hospitals, either in public or private, in which Negro men are placed”. This type of discrimination was legally allowed, so this unjust behaviour continued for decades (Dingake, 2017).

Biased Treatment

Sometimes, the law can be used to treat different races with bias; for example, drug use is equally prevalent in white people and black people. However, there is a huge bias against black people due to drug use, so they are always seen with suspicion. If a person is black, then it is assumed that he or she might have used drugs in their life at least once, which is a biased opinion. There is a difference between the prison time that a black person may have to serve versus the jail time a white person may serve if they are caught in possession of illicit drugs. Different factors also play into the incarceration, for example, the race of the police who made the arrest and the way the arrest was made. This “neutral law” has adverse effects on the health of drug addicts. Similarly, there is also discrimination in health care as the healthcare provider may be prejudiced in different ways, which include ethnicity, race, gender, age, class, status, and disability. The one obvious discrimination in healthcare is class-related, and it can take various forms; for instance, the healthcare provider may refuse to treat a patient who may use Medicaid as insurance. This refusal is because people who are insured under Medicaid are largely people of colour and from lower socio-economic backgrounds. Redlining is also a big problem for lower-class families as after relocating to wealthier areas they may not be able to afford the lifestyle.

Under-Enforcement Of Law

Law can become a social determinant of health as it is enforced in some areas. For instance, if there is a housing area where everyone has a high income, then their houses will be in good condition, and there will be no health hazards that might be caused by their residence. However, the problem occurs in low-income areas where people may be living in substandard housing with peeling paint, mould, infestation, exposed wires, rodents, and insufficient heat. All of these hazards can contribute to allergies, asthma, lead poisoning, skin rashes, and other common illnesses. Although these can be treated medically, they can only be prevented if the law is strictly implemented to prevent the houses from reaching such a state of disrepair.

Determinant Through Interpretation

The way a law is interpreted can also become a determinant of health. For example, in 2012, different states of the United States questioned the US Supreme Court to judge whether or not the Medicaid expansion in the Affordable Care Act (ACA) was forced unlawfully by the government. When the ACA law was initially passed, it gave power to the secretary of the US Department of Health and Human Services and allowed the termination of Medicaid funds in those states that refused the Medicaid expansion. The Medicaid funds that were allocated to each state and had a connection to the expansion were to be terminated. The court ruled that it was unconstitutional that Congress was making states choose between Medicaid expansion and loss of all Medicaid funds. When the ACA law

was originally passed, many states interpreted it as a choice of either choosing the expansion or not choosing it; none of them were aware that their funding would be terminated. The court allowed the expansion to be optional, saving the states from losing their Medicaid funds. The interpretation of the law can harm the overall healthcare system, so it is wise to make thoughtful laws instead of laws that benefit a certain group and cause problems for others (Gostin et al., 2019).

Recommendation

The law can be used for both good or bad, it is up to the policymakers to make wise decisions so that negative impacts can be avoided. The laws that legally allow racial segregation need to be eradicated, as it is high time that society stops judging and treating people based on their colour. Racial discrimination needs to stop; only then can the law play an effective role in making health care better. People are becoming more educated about racial discrimination, so hopefully, things will move in the right direction.

Conclusion

Law is a powerful tool, and if used for negative purposes, it can have extremely dangerous consequences, but if used for good, it can make people's lives so much better. Law plays a huge role as an SDH, and its different effects prove the impact it can have on health, so having just lawmakers is extremely important to prevent unnecessary distress.

References

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