

## **Michael Walzer's Equality in the Context for the Undocumented in Healthcare**

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### **Abstract**

Since our nation's conception, equality discussions have become efforts that bind together with discussions of money and power. However, money inherently does not constitute anything more than simply a medium of exchange, as Michael Walzer argues in his writing of "In Defense for Equality" (Walzer 719). Walzer's arguments discuss the realities of the relation money has to power within our society and what all that does entail compared to what it should. There is much strength within Walzer's argument that applies within our society in various contemporary issues. Walzer uses healthcare examples throughout his entire argument, and healthcare in itself has various policies that need reform—specifically, in regard to equity in healthcare access, especially for undocumented immigrants.

### **Walzer's Argument in the Context of Healthcare**

The disparities that lie in the healthcare system are found in the duty to prioritize those that are sick and seek medical attention regardless of the individual. However, there is more of a trend of treating individuals based on income lines. Walzer addresses the issue of capitalism within our nation in that it enables those that are wealthy and powerful to have easier accessibility and affordability to health care. The lower class has the most challenging ability to seek or afford it. This dynamic exists in many different arenas in capitalism regarding affording and accessing luxury goods. However, it also exists in essential need areas, creating the "Tyranny of the Bell-Shaped Curve" (Walzer 720). This tyranny removes the

ability to have equality within a society as individuals do not necessarily deserve health services above another individual due to their wealth. An individual is only deserving based on the state of their illness. Essentially, the power of money should stay within its "proper sphere of wealth" (Walzer 724) and should not allow an individual to have more power.

This issue within Walzer's argument was made in the 1980s and lacked contextualization in the United States' current climate. The US, since the 1980s, has had a lot of healthcare reform that has helped create more equality within the nation, but it is still a hot-button issue with a lot of tension. Some of the most extensive progress areas include the State Children's Health Insurance Program (S-CHIP) in the 1990s and in 2010 the Affordable Care Act (*Timeline: History of Health Reform in the US*). The healthcare reform policy covered the individuals living in poverty in America with Medicaid and accessible healthcare plans for the middle class. Reform occurred to eliminate the discrimination against individuals on receiving a healthcare plan based on health or gender.

Although there is much-seeming progress with healthcare reform and equity issues, there have been some subtle backslidings. The progress made is at the forefront of pushback and tension, yet there is the issue of those who have not been able to get an opportunity for access to healthcare that is problematic. Undocumented immigrants are discouraged and even intimidated from accessing health services, a prominent issue of equity.

## **Healthcare in the Context of Immigration**

Currently, immigrants experience exclusion from access to health care and insurance. IN 1996, a federal welfare reform law (Personal Responsibility Work Opportunity Reconciliation Act) restricted Medicaid eligibility for legal

immigrants. This restriction caused immigrants admitted to the US after August of 1996 ineligible to receive any coverage for five years (Sommers). Previously, legal immigrants were allowed to access coverage, but that was changed. Another important sector of the immigrant community is the undocumented community.

Undocumented immigrants cannot receive any federal healthcare coverage through Medicaid or the affordable CARES act, even though many would otherwise qualify. Another critical factor is that Undocumented immigrants contribute a net contribution of \$2.5 Billion, and they cannot access the social good (Zallman). Although undocumented immigrants cannot receive federal aid, few states allow individuals to receive aid, such as California, but many states do not have this. Furthermore, undocumented immigrants can receive private insurance. However, many undocumented immigrants are unable to afford to receive that type of coverage (Sommers).

Although undocumented individuals cannot receive much coverage, they have access to emergency urgent care through Emergency Medical Treatment and Active Labor Act (EMTALA) and Emergency Medicaid regardless of their status (Lawrence). However, they are not necessarily guaranteed to receive it as specific regulations exist on who can use it. Furthermore, they would only be allowed to receive care after it is too late or more costly when preventive measures could have occurred. These issues that undocumented immigrants are experiencing is something that happened after Walzer wrote about equality as the welfare reform changes in the mid-1990s caused immigrant families to have problems getting insured (Ku & Matani).

Furthermore, immigration policy such as the zero-tolerance policy that has caused the separation of families and the deportation of even more immigrants has caused undocumented individuals to live in fear. However, there is a

severe issue in which many immigrants feel a need to weigh if they prefer deportation or risking their lives where they could potentially die. A rational fear exists for undocumented immigrants as hospitals used to be considered a "sensitive location," according to a 2011 USCIS memo under the Obama Administration. However, when President Trump took office, there was a change in this policy. Undocumented individuals have brought their children and babies to the hospital seeking medical care and had ICE officials waiting for them, where they were eventually deported (Adams).

### **Applying Walzer's Argument for Equality**

The premise of Walzer's argument on equality I find applies in this contemporary issue very well, and it is best to break down the issue. Throughout Walzer's argument, he addresses an issue many conservative individuals have against equality. Often, they tend to equate money to goods and services, including social goods. There is an implication that if individuals work hard or offer a unique talent, they can move upwards in their economic and social position, as is the American Way (Cohen 719). However, this argument does not even apply to undocumented immigrants as there are built-in barriers that prevent them from being able to have mobility as they cannot work legally (and as a result, many take advantage of them). There is also no pathway to citizenship or any form of legal residency status for these individuals, so there is no option to mobility in that way either. The other issue is that many came here because their lives were in danger, or they were simply babies/children when they arrived. Critical consideration needs to occur on who is deserving of healthcare. If it is specific to just citizens, there is a lack of fairness as they cannot move out of their undocumented status.

Walzer's argument focuses on equality within social goods,

and in this case, the discussion is of healthcare. As established earlier, social goods distribution should be on need rather than wealth and power. However, while efforts to promulgate undocumented immigrants' flounder, there is also a lack of equity and access to wealth and power. In both instances where spheres of wealth determine someone's ability to receive healthcare and a system where those spheres are not present in the system, undocumented immigrants cannot access healthcare justly.

The more significant implication that Walzer is making is about the nature of having this inequality between two individuals is an issue in our nature about how free people genuinely are. The two most critical virtues of a social institution are liberty and equality, and a nation cannot uphold one without the other (Walzer 727). There is a lack of equality within our nation, which should be changed. As a nation built on these values, there is not an upholding of equality that it claims to have, and as a democracy, it is not upholding the will of the people. According to Pew Research, when it comes to undocumented immigrants who got sick from the coronavirus, 68% say the federal government has a responsibility to provide medical care. There is a recognition that they should be receiving fair access to medical care and that this is a duty the federal government holds.

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