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Health Policy Forums

Reconsidering Law and Policy Debates: A Public Health Perspective

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Culhane's Forum presentation was primarily based on content from the book, *Reconsidering Law and Policy Debates: A Public Health Perspective,* which he edited and co-authored. Though the book is a compilation of a variety of topics (i.e., end-of-life care, gun violence, tort litigation, racial disparities), reproductive rights, marriage equality, and domestic violence were the main focus of his presentation. These controversial, hot-button topics are not always viewed as public health issues. Culhane likes to delve into these debates and examine broader approaches to public health and law.

He first discussed the benefits of a public health perspective, which he described as having a "jolt effect" – meaning it gives context to a "rights" talk. He also tackled the perceived risks of a public health perspective – the argument being that public health should only focus on narrowly defined topics such as disease control.

Culhane discussed the highly charged example of reproductive rights. Specifically, both pro-life and pro-choice advocates used a public health argument to support their cause. The pro-life side had gained some momentum by promoting the controversial breast cancer-abortion link. Wendy Parmet,JD of Northwestern University School of Law and contributing author of the book, challenges the public to use science responsibly and develop a population perspective that encompasses the complex, multi-factorial causality of illness.

Culhane went on to explore the issue of domestic violence, pointing out that the standard definition and legal interpretation of domestic violence is narrow and is typically characterized by a blatant form of violence. What is often neglected from this definition is the action of coercive control. Coercion, the act of controlling the environment or some aspect of a person's daily life, is not always taken seriously, and yet it can lead to intimidation and violence. Under the "abuse" model coercive control is not validated or acknowledged within the legal system. The public health model, however, defines health holistically and in this example, Culhane urges that there should be concern with prevalence rather than incidence.

The Forum concluded with a brief overview of marriage equality and the current climate surrounding same-sex marriage. Culhane explained that it can be difficult for marriage equality to be seen from a public health perspective. Though on the surface it can be seen as a basic "rights" issue, what is the context for the right to marry? Would same-sex marriage have a negative effect on opposite-sex marriages and how would that be proved? What are the costs and benefits of placing so much value on the privilege of being married? These engaging and provocative questions are not easily answered but, using a public health approach, Culhane finds no justification for excluding same-sex couples from marrying. Culhane summarized his presentation by explaining the differences between laws: laws that support existing marriages; laws that benefit the children of married couples; and laws that protect the interests and expectations of the parties upon dissolution.