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Terri Schiavo–The Bell Tolls for Humanity

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The facts are simple and straightforward. Terri Schiavo's feeding tube was removed at 1:45 p.m. on Friday, March 18. This action was ordered by Florida Circuit Court Judge George W. Greer upon the request of Terri's husband, Michael Schiavo. Mr. Schiavo claims that Terri is in a persistent vegetative state [PVS] and that she had articulated a desire not to be kept alive by artificial life support. Terri's parents, Robert and Mary Schindler, have fought a noble crusade to save Terri's life, pressing their case through various courts and eventually before both the Florida legislature and the United States Congress. Over the past two weeks, Terri's case has been championed by Florida Governor Jeb Bush and by President George W. Bush, who returned to Washington on Sunday, March 20, just to sign a bill that supporters hoped would lead to the reinsertion of Terri's feeding tube. We can now see that this case has exposed the Culture of Death as it has become deeply intertwined in our nation's court system, legal precedence, and public opinion.

Michael Schiavo and his attorney, euthanasia enthusiast George Felos, have argued that Terri had expressed a desire not to be kept alive on life support. Nevertheless, there is absolutely no written record of any such expression on Terri's part, and Mr. Schiavo failed to mention this claim when he was successfully pressing a medical malpractice case against Terri's obstetrician.

The legal aspects of this case are both troubling and perplexing. Some simply defer to the courts as the natural arbiters for matters of life and death. A large number of Americans—including an ample number of those commenting in the media—simply assert over and over again that the courts have “found” that Terri would not want to be kept alive by a feeding tube and hydration, and thus that Michael Schiavo is rightfully representing his wife's intentions in this matter.

Actually, the findings in Terri's case lie at the root of the problem. Judge Greer, citing established legal precedents, simply accepted Michael's claim and proceeded to move quite automatically to a decision in his favor.

The most important legal precedent behind Judge Greer's opinion is the 1990 U.S. Supreme Court decision in the case *Cruzan v. Missouri Department of Health*. In that case, the Supreme Court ruled that Nancy Cruzan had a “right to die,” thus setting America on a road that has now come to the case of Terri Schiavo, but will hardly end here.

Furthermore, the courts have ruled that a spouse should have the primary right to represent a patient who is unable to represent himself or herself. This would make perfect sense in most cases, as the presumption should be that a husband or wife is in the best position to act in the interest of the patient. Yet, the courts have obviously provided no guidance in cases where a spouse's willingness or ability to act in the patient's best interest is cast into doubt. That is certainly the case with Mr. Schiavo, who in the 15 years after Terri's injury has developed a relationship with another woman, had children by her, and gone on with his life. The legal inclination towards spousal preference is well grounded, but it cannot be ultimate.

In Terri's case, her parents have been pleading with her husband to divorce her and to allow them to care for her and keep her alive. Media reports have revealed a myriad of moral complexities related to Michael Schiavo's ability to act in Terri's behalf. All this should serve as sufficient warning that the precedent of spousal preference cannot be an unbending rule.

Judge Greer also found that Terri is in a persistent vegetative state, a condition most medical authorities believe to be irreversible. Nevertheless, Michael Schiavo has successfully blocked any medical testing that would clarify her true condition. The Schindlers, backed by a group of very credible medical authorities, claim that Terri is not in a persistent vegetative state at all, but in a state of minimal consciousness. The now-famous video of Terri shown throughout the media certainly does not appear to reflect a state of non-consciousness and non-alertness.

In reality, Michael Schiavo's steadfast determination not to allow adequate testing of Terri's condition explains why the most relevant medical data is now over a decade old. Consider the fact that medical science has moved far beyond where it was ten years ago, and then realize that these courts have been acting on evidence that should be considered so dated as to be meaningless.

Furthermore, why should even an accurate diagnosis of a persistent vegetative state be a death sentence? Terri Schiavo is not on a ventilator, has been digesting her food, has a strong and beating heart, and has not experienced brain death. Are we now ready to classify all persons in a state of non-alertness to be those unworthy of life?

Just consider this statement from an editorial published over the weekend in *The Financial Times*: "The issue is not whether life is sacred . . . but whether Mrs. Schiavo is alive or, as her doctors said and Florida courts accepted, permanently oblivious to the world around her." Note carefully the distinction central to this perverse description of Terri's case. According to *The Financial Times*, Terri Schiavo is either "alive" or "permanently oblivious to the world around her." The opposite of alive is dead—not a persistent vegetative state.

Terri's case raises an entire universe of moral and medical questions. Clearly, she is in some state of diminished mental consciousness. This is beyond debate. Whatever happened to her a decade and a half ago, she is severely handicapped and, to judge by contemporary expressions of public opinion, existing in a state most Americans would consider unacceptable. But does this justify a death sentence?

Some observers attempt to find recourse in the legal definition of food and hydration as medical treatments. This is yet another of the perversities currently established in legal precedents. Since when is food and water a form of medical treatment? There can be no doubt that numerous courts have now agreed in this finding, but the moral consequence of this distinction is both fundamental and far-reaching. Infants are obviously unable to feed themselves, but no one would rationally characterize the feeding of a healthy infant as a medical treatment. Those attempting to justify the courts' determination to end Terri Schiavo's life would immediately jump to a distinction between a healthy infant, who may be presumed to advance towards healthy adulthood, and Terri Schiavo, who, it is claimed, has little hope of any recovery or advance. This is a tempting distinction, but where does it end? Who will be next in line to be judged to have an inadequate quality of life or an inadequate chance of recovery? The logic of death advances on our refusal to face these questions directly.

The attempted intervention by Florida Governor Jeb Bush and the Florida legislature in 2003 was turned back by the federal courts, who ruled that the governor and the legislature had no authority to intervene in Terri's case. After that, Terri's greatest hope was represented by efforts undertaken in recent days by Congress and President Bush. We should note carefully that Congress and the President acted to pass a law that should have granted Terri Schiavo a completely new hearing before a federal judge. In so doing, the federal authorities acted in good faith and their intervention could have led to two closely related positive developments. First, had U.S. District Judge James D. Whittemore followed the clear intention of Congress and the President, he would have ordered an immediate reinsertion of Terri's feeding tube and hydration pending the complete hearing of her case. Secondly, this hearing could have raised the most fundamental issues now established in legal precedents and thus could have led to a healthy reconsideration of these issues in light of current moral, medical, and legal developments. Judge Whittemore's decision not to hold such a hearing was not only a devastating loss to Terri Schiavo and the Schindlers, but to the cause of life itself and to hopes for a recovery of moral sanity within the judiciary.

Now, Terri Schiavo lies in her hospice bed in Pinellas Park, her life slowly ebbing away. At some point in the very near future, Terri will either die or reach a point beyond which recovery is impossible. Responsibility for her death lies

upon all of us. This is not only about Terri Schiavo—it is about human dignity for all of us. If one member of the human race can be so devalued as to be considered unworthy of life, every single human life is effectively discounted. As the poet John Donne would remind us, the bell that tolls for Terri Schiavo tolls for all humanity.

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