
Ethical Reflections on the Death of Terri Schiavo: Catholic Moral Perspectives

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Objectives

- The ethical, social and legal implications of the death of Terri Schiavo
 - » the domain of health care ethics
 - » legal precedent
 - » the ethical conflict

The domain of health care ethics

- Paternalism v. patient rights
 - » informed consent
 - respect persons and their autonomy
 - » assault and battery
 - » the ‘reasonable patient’ standard
- Medical care and technology
 - » issues at the beginning/end of life
 - » the quality/quantity trade-off
 - » benefits to burdens analysis

Legal Precedents

- *In re Conroy* (1985)
 - » ‘the incompetent patient would have refused medical treatment’
 - proof expressed orally, in writing, or deduced from patient’s life-plan
 - » three conditions for withholding AHN
 - there must be a terminal pathology which is prevented from having its effect by means of tube feeding
 - the patient's overall condition is such that he or she cannot strive for the values of life even with the tube feeding
 - the condition is judged medically to be irreversible.

Legal Precedents

- *In re Cruzan*
 - » persistent vegetative state
 - » withdrawal of AHN
 - » U.S. Supreme Court declared:
 - AHN is a medical therapy allowing for a benefits to burdens analysis
 - a distinction between ‘killing’ and ‘allowing to die’
 - surrogate decision-making
 - importance of ‘advance directives’

The Catholic Moral Tradition: Ethical and Religious Directives for Catholic Health Services

- A person may forgo extraordinary or disproportionate means of preserving life. Disproportionate means are those that in the patient's judgment do not offer a reasonable hope of benefit or entail an excessive burden, or impose excessive expense on the family or the community.
- There should be a presumption in favor of providing nutrition and hydration to all patients, including patients who require medically assisted nutrition and hydration, as long as this is of sufficient benefit to outweigh the burdens involved to the patient.

Proportionate v. Disproportionate Means

- Euthanasia

- » an action or an omission which, of itself or by intention, causes the death of handicapped, sick, or dying persons—sometimes with an attempt to justify the act as a means of eliminating suffering

- Physician-assisted suicide

- » a person who is incurably ill killing himself or herself with the help of a physician.

Proportionate v. Disproportionate Means

- Proportionate means of life support:
 - » medical procedures that offer sufficient or reasonable benefits without excessive or undue burdens to the patient or his or her family
- Disproportionate means of life support:
 - » medical procedures that offer *little hope of benefit* and which cause *undue or excessive burdens* to the patient, the family or the community

Catholic Moral Perspectives on the Schiavo Case

- Removing AHN from any patient is unethical because it is the same as starving a person to death, unless the patient is 'terminal' or in 'immanent danger of death'
 - » euthanasia

Catholic Moral Perspectives on the Schiavo Case

- Theoretically possible to justify withdrawal of AHN from PVS patients, but in practice it cannot be morally justifiable
 - » does not constitute a grave burden
 - » effective therapy because it sustains life

Catholic Moral Perspectives on the Schiavo Case

- Traditional moral teaching allows for removal
 - » involves a lethal pathology
 - » grave burden
 - » ineffective