

Right to die: the terri schiavo case essay sample

[Law](#), [Court](#)



Death is the ultimate rejection for human beings and one that must be faced by all at some point. In some countries, such as the Netherlands, death can be a choice over long-term pain and suffering. In the United States, Oregon has a Death with Dignity Act that allows for physician-assisted suicide. With more life-prolonging treatments and life support equipment, decisions about when to let someone die become increasingly complex. Who should be making choices about our death, the government, our family, or ourselves? We would like to think we would make the right decision when the time comes but often emotions became a major factor. In some cases, the person whose life is in question no longer has the ability to choose making a difficult situation even worse.

In the case of Terri Schiavo, a 39 year-old Florida woman in a vegetative state, the decisions about her life is being fought in public. Terri Schiavo collapsed on February 25, 1990 and took to a hospital where doctors stabilized her condition. She suffered a heart attack from a possible potassium imbalance and deprived her brain of oxygen. She remained in a comatose state for several weeks and recovered to a vegetative state. Terri's condition has not changed in over thirteen years and is on a gastric feeding tube, which supplies nutrition and water. Her other bodily functions perform on their own without assistance and she does open her eyes and appear to have consciousness which is the basis of the argument of her parents for keeping her alive. Michael Schiavo, Terri's husband, claims Terri would not want to be kept alive using extraordinary means with no hope for recovery. The courts are being brought into this battle of life and death and the Florida Legislature even passed a law specifically designed for this case.

Currently in the United States, there are approximately 35, 000 people in a persistent vegetative state. Patients in this condition have outcomes that vary from recovery to death with pneumonia as the leading cause for death. Patients also experience other infections, bedsores, and orthopedic deformities. The severity of damage to the brain determines the outcome in a patient. Persons in a persistent vegetative state may remain that way for years until their death from other causes. There are no recorded cases of a person, with severe brain damage and in a persistent vegetative state, who has recovered after a three month period. Although technically alive, the person has no cognitive state of mind and no hope for recovery. Functions such as breathing, facial movements and even laughing will occur making the patient appear aware.

Terri Schiavo has been in her persistent vegetative state for over thirteen years. Initially, doctors informed her husband that Terri is capable of opening her eyes and staring but retains no memory, and has no thoughts or emotions. Court appointed doctors during this legal battle have conferred with the first diagnosis and remained steadfast in their beliefs that Terri has no hope of recovery. Terri Schiavo's parents consulted with doctors who believe that with new and more aggressive therapy, she can be rehabilitated. With Terri in this condition and unable to speak for herself, the courts are now faced with making the decisions of whether her life should continue in this state. Michael Schiavo claims his wife would not want to be kept alive under these conditions while her parents state that she responds to them and would not want to be starved to death by the removal of the gastric feeding tube.

Michael Schiavo appears before the courts asking for the end of Terri's life by allowing the life support to be stopped. Terri's parents assert that Michael wants to end her life for selfish reasons, the malpractice suit money being one of them. Michael Schiavo seems to have reasonable concern for his wife's being from his actions after her collapse. Michael went on to study and become a nurse so he could take care of his wife and understand her condition. He took Terri to California for treatments that would stimulate the brain but was advised by the doctors that it would not succeed. After unsuccessful tries to change her condition, Michael Schiavo quit assisting her rehabilitation and began his quest to end her life.

Michael's fight for the termination of his wife's begins in the courtroom in 1998 when he petitioned the courts for permission to stop the gastric feedings. Terri's parents argue the battle began in 1993 after he won the malpractice suit against the doctors who initially treated her. Her parents challenged the request and Terri remained on life support. Michael Schiavo has battled with the court system for over five years. On July 20, 2003, an appeals court turned the case back over to a trial judge who granted permission to remove the feeding tube. On October 15, 2003, the feeding tube was removed and Terri began the slow process of dehydration. Her parents immediately pleaded with the public to help with their fight against this and tens of thousands of Floridians sent messages to Governor Jeb Bush to intervene in this case to reinsert the feeding tube. A bill was passed and after six days without water or nutrition, an intravenous tube was inserted to start the re-hydration process. Michael Schivo and his lawyers are challenging the law.

Terri's parents, Robert and Mary Schindler, see the law as a victory for their daughter. Since their daughter's collapse, the Schindlers have shown concern for her welfare. They claim their daughter's condition is possibly a result of an attack by her husband. The Schindlers state that Michael Schiavo only wants the life support removed because of the money he will obtain after her death. They also maintain Terri has not been receiving proper care, therapy needed for recovery, and that they have fifteen doctors on record saying there is hope for her rehabilitation. The Schindlers disagree with the court appointed doctors and believe they are of biased opinions in regards to Terri's condition.

In efforts to remove Michael Schiavo as their daughter's guardian, they point out behaviors they see as improper. Currently, Michael Schiavo lives with his girlfriend and their child and in the past, admitted to having one other affair since his wife's collapse. The courts are now required to appoint a new guardian for Terri but the parents are not pleased by the prospective replacement, Dr. Wolfson. Dr. Wolfson has publicly opposed the law passed for Terri Schiavo and the Schindlers are expected to petition an objection to the appointment. Robert and Mary Schindler maintain a website, www.terrisfight.org, to keep the public posted of current news and a timeline of past events for their daughter.

Both Michael Schiavo and Terri's parents made television appearances on behalf of their beliefs. The Schindlers' allege that the 1.2 million dollars that Michael received for the malpractice suit is being squandered for his own personal gain and not for Terri's well-being. Michael Schiavo claims that

the Schindlers wanted a part of the money at the time he received it and that currently there is only about \$50, 000 left. The courts froze the money left from the lawsuit and Mr. Schiavo also claims there is no life insurance policy on her either. With no monetary motive, the question asked is what Michael Schiavo would gain from his wife's death.

The courts sided with Michael Schiavo each time except for the delays being won by her parents. Each time the court agrees to allow the removal of the feeding tube; Terri Schiavo faces further physical damages such as organ failure and damage to her kidneys. The hanging of her life in balance in a court battle shows a situation where the question of who is responsible for her care is unfortunate. In the state of Florida, you are considered an adult at age eighteen and when married, it is the spouse who owns responsibility on your behalf. Terri Schiavo is of legal age and is married to Michael Schiavo; clearly, he has the responsibility of making decisions for her.

When Governor Bush stepped in with Terri's Law, it overturned a court ruling and overstepped its bounds. Florida law defines a persistent vegetative state as a complete lack of awareness and a complete inability to interact. While the Schindlers argue that their daughter still interacts with them, the court appointed doctors indicate otherwise. Florida law also dictates that " an advanced directive is required to remove life support from an individual" and that includes life support from a gastric feeding tube. Michael Schiavo has convinced the courts that Terri Schiavo would not want to live under these conditions and to continue support for her would not be in her best interests.

The use of extraordinary means to sustain her life only prolongs her death. If there were hope for her recovery, it would be unlikely the courts would agree to remove the support. The Florida State Supreme Court along with the United States Supreme Court have already expressed that they will not hear this case as it is not within their jurisdiction to make a ruling. In the question of who has the right to decide our life's ending, the Florida Supreme court states that "each of us has a right to control our own body." Thirteen years ago, a young woman named Terri Schiavo died; her body is all that remains left in this world and is sadly being torn through a legal battle between the very people who claim to love her.