

Dax cowarts case argumentative essay

[Health & Medicine](#), [Euthanasia](#)



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Dax Cowart's Case

Dax Cowart should have been allowed to stop treatment. He was 25 years old during the accident and had full knowledge of his own capacity to tolerate the pain of treatments. He was also well aware of the quality of life that he would want for himself. The following sections describe his accident and treatments, relate the stand of Dax Cowart about his treatments, and discuss the rationale for euthanasia in the case of Dax Cowart.

The accident and treatments

The accident that changed Dax Cowart took place in 1973, in Henderson Texas. On their way home, Dax and his father stopped to look over the property for sale. They did not know that under the land was a corroded propane pipe that has been leaking gas. The propane explosion that followed after Dax started the car's engine killed his father and left him blind and disfigured for life. Dax survived, but he had to undergo a series of treatments that lasted for months. The moment he had realized the severity of his condition he had asked to be allowed to die.

Stand of Dax Cowart

Dax lived on and became a lawyer. He was blind and disfigured, yet he graduated from law school and worked at a law firm. In his first case, he won the trial for his patient. However, in an interview aired in March 22, 1999, Dax still believed that he should have been allowed to die. He believed that “no human being has the right to force another human being to undergo that kind of pain and to take away that person's right to self-determination” (Bob Hilliard 01, n. d.)

Euthanasia in the case of Dax Cowart

Euthanasia is defined as the “ act or practice of ending the life of an individual suffering from a terminal illness or an incurable condition” (American Heritage Medical Dictionary, 2007). In the case of Dax, if his wishes to refuse treatment were granted, he would have undergone passive euthanasia, and that means the “ ceasing or not starting medical treatment that keeps a person alive” (McDougall & Gorman, 2008, p. 2). Euthanasia is also known as physician-assisted suicide because legally, the only one who can carry out an order, such as removing a ventilator, is a physician.

In the US, the Patient Self-Determination Act took effect only in 1991, and this was authored by Senator John Danforth of Missouri. Apart from clarifications about advance directives, it also defined the responsibilities of family members, patients, and physicians (McDougall & Gorman, 2008). The landmark case for this was the case of Cruzan wherein the court ruled that the liberty clause of the US Constitution “ guarantees” the “ right to refuse treatment even artificial nutrition and hydration” (p. 9). However, in the case of Dax Cowart, who was treated a decade earlier, he could not find anyone who sided with his right to self-determination.

His wishes to die should have been respected because he went through so much pain in the course of his treatment. The methods used at that time were torture for him physically, mentally, and psychologically. Physically, because he was regularly lowered to a tank filled with water and mixed with Clorox to prevent further infection. The doctors who attended to him had to scrape off the burnt flesh (Jonsen, Siegler & Winslade, 2012). It was a mental torture knowing that the next days would be the same again.

Psychologically, it was a big blow to his person because, despite his consisted pleas of being released from the treatment, he was not listened to. His doctors constantly tell him that it was for his own benefit and that, in the future, he would even thank them for it.

His mother should not have imposed her religious beliefs on him, and should have allowed him to stop treatment. His mother was a devout Christian, and she believes that it is only God who can take away a person's life no matter what. She also wanted to convert him to her beliefs. Her mother decided for his life, and she insisted that healing him, despite the painful treatments is the best for her son.

Dax had always argued that his right to self-determination should have been respected. He was an adult and had full knowledge of his own capacity as a person. He had consistently argued that he is allowed to die. During the time the first rescuer saw him; he had clearly stated his intention to die. That plea for death may be interpreted as due to shock and initial trauma, but in the course of the treatments, his stand was unwavering. In 1974, he pleaded for the treatment to stop, however, the doctors and his mother decided on his behalf.

Civil/Criminal liability of doctors

In Dax Cowart's case, his mother and his physicians were in agreement about the continuation of his treatments. His mother was his legal health proxy, thus she had the authority to decide for him and his doctors followed her decisions. Physicians are bound by their professional code to provide utmost care to their patients. Their responsibility to the patients is "first and foremost" and "while caring for the patient regard responsibility to the

patient as paramount” (AMA, 2001).

At present, there are only four states who have laws that legalize physician-assisted suicide (procon. org), and Texas is not one of them. Texas is among the 46 states in the US where assisted suicide is considered illegal. Thus, if the doctors did not continue the treatments, they would have criminal liability. In Texas law, under the criminal statute 22. 08, the doctors would be charged with a state jail felony if they assisted in suicide (procon. org). As mentioned earlier, withdrawal of treatment would be considered passive euthanasia, thus if the treatments were not continued, then Dax would be subjected to passive euthanasia. The Patient Self-Determination Act was only passed in 1991, thus it could not also be used as basis for Dax’s case.

Conclusions

Patient-assisted suicide or euthanasia is now accepted in several countries and in a few states, in the US. Dax Cowart was not allowed to die because his other and the doctors hold the value of life higher than the patient’s right to self-determination. Dax Cowart was an adult during the time of the accident, and he had full knowledge of his capacity to tolerate pain. He also had an idea of the quality of life that he wanted for himself. The doctors have their own professional code of preserving life. His mother also held tightly to her religious belief. However, in the case of Dax Cowart, he was a patient. It was his life that was affected. He should have been the one to decide for himself. His right to die should have been respected.

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