

# The legal case of conjoined twins mary and jodie

[Life](#)



The moral and legal case of the conjoined twins Mary and Jodie sparked significant debates on whether the sanctity of life was more important than the quality of life. Although Mary and Josie were the key individuals within this case the fate of their future was not left in their own hands but to the court's verdict by which arguably was not in the best interest of Mary.

Mary and Jodie were conjoined twins joined at the pelvis. Medical evidence showed that Jodie who was the stronger twin sustained the life of Mary by circulating oxygenated blood through a common artery meaning that Mary's heart and lungs were too deficient to oxygenate and pump blood through her own body. If they were not separated Jodie's heart would eventually fail, and they would both die within a few months of their birth. However, the doctors were convinced that if separated, Jodie would have a life which was worthwhile however the consequence would result in Mary's death.

Therefore, the question remains of should the judges be given the permission to 'act as God' by taking away one life to save another? Or should the twins be left to die which arguably is what fate or God had already decided?

Issues started to circulate when the parents refused to consent to the operation on religious grounds due to their devotion to the church prolong the legal battle. The Roman Catholic church strongly opposed the babies' separation believing in such matters were best left in the hands of God and are strong believers in the sanctity of life which is the belief that all life is sacred and belongs to God. This is referred to in the bible under Genesis 9: 6 "Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his own image" With the parents feeling so passionate about <https://assignbuster.com/the-legal-case-of-conjoined-twins-mary-and-jodie/>

their beliefs it is impossible to imagine the torment of the girls' parents who were faced with life treating decision.

In addition to the parents of the twin's argument based on the bible, other arguments started to contribute lending support for the separation not to take place. Using the concept of family law it must be considered that the separation is most certainly not in the best interest of Mary. Her sanity of life is being denied its due recognition in addition to her quality of life. Although her quality of life may not be as "worthwhile" due to her disability this does not dismiss the facts that every child's life requires protection. This is crucial, and its importance is emphasised in Article 2 of the Human Rights Act by which protects your right to life meaning that nobody, including the Government, can try to end your life.

However, despite the party's argument, the case went to the high court which ordered the operation to go ahead. Judge Johnson concluded that if not separated Mary would remain in a pitiable state and that the few remaining months of her life would simply be worth nothing to her, they would be hurtful. However, it did not stop there as it then quickly moved on to the court of appeal by which appeal was refused. The rationale behind the ruling was that whilst the views of the parents should be given significant respect, the court's focus should purely be on the welfare of the children. It was stated by Lord Justice Walker that " Mary has a right to life, under common law however " she has little right to be alive" Therefore it was ruled by Bland that the operation would take place on the basis of defence of necessity meaning that the death of Mary would not be constituted as murder and the doctors would be free from criminal liability.

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Ward LJ rationale judicial reasoning is based purely from law with no relevance to ethical or moral problems in his reasoning as he states that judges must “ draw a clear conclusion based on what the law requires”. Furthermore the case used precedents in justifying its reasoning for the operation with leading support from the case of Airedale NHS Trust v Bland [1993]. In this case a man named Tony Bland was caught in the Hillsborough crush which reduced him to a persistent vegetative state. For three years he was being kept alive by life support machines however was named still alive due to his brain stems were still working by which was controlling his heartbeat and breathing, however he had no hope of recovery therefore this parent and the hospital applied for a declaration by which they were granted due to the court recognised that the treatment was not in the best interest of him therefore withdrawal of treatment under omission was granted. Therefore, in relation to the conjoined twins case the death of Mary could be justified by analogy to a doctor removing life sustaining treatment from a patient with no hope of recovery.