

## 'NO MORAL SENSE'

BY [BRIAN BRAIKER](#) ON 3/22/05 AT 7:00 PM EST

Despite congressional intervention, a three-judge panel of the United States Court of Appeals for the 11th Circuit refused to order the brain-damaged Terri Schiavo's feeding tube reinserted, intensifying the fight over the fate of a woman who has become a symbol--some say pawn--for both the right-to-life and the right-to-die movements. Schiavo's parents, Robert and Mary Schindler, said Wednesday that they plan to appeal one last time to the U.S. Supreme Court.

Meanwhile, peripheral players and pundits weighed in on a case that is drawing wall-to-wall cable coverage. From Washington to Rome, leaders of the religious right have repeatedly called for American courts to protect Schiavo--a Roman Catholic woman whom medical experts say is in a persistent vegetative state with no hope of recovery--from certain death if her feeding tube is not replaced. The Vatican's leading bioethicist called such a death a "pitiless way to kill" someone.

But much like in the United States, where consensus is a rare commodity, even the Roman Catholic Church is not unified in its stance on Schiavo. The Rev. John J. Paris, a bioethics professor at Boston College and an expert on the intersection of law, medicine, and ethics, believes that past statements made by the pope have been taken out of context, misrepresented as church doctrine and applied to the Schiavo case. He says Schiavo, who has a moral right to die, has been exploited by the religious right to further its agenda--and if the pope himself, who has no known living will, were in a similar situation, it would be "an invitation to open chaos" at the Vatican. Paris spoke to NEWSWEEK's Brian Braiker about euthanasia, high-tech life support and moral obligations. Excerpts:

NEWSWEEK: The church has said that providing food and water does not constitute an extraordinary way of sustaining life.

John J. Paris: What you're quoting is a statement that was issued by the pope at a meeting of [an] international association of doctors last year in Rome. This was really a meeting of very right-to-life-oriented physicians. It was an occasion speech. The pope meets 150 groups a week--a group comes in and the pope gives a speech. If the pope tells the Italian Bicycle Riders Association that bicycle riding is the greatest sport that we have, that doesn't mean that's the church's teaching, that the skiers and tennis players and golfers are out. It wasn't a doctrinal speech.

So it's been taken out of context?

It has to be seen in the context. This has to be seen in the context of the pope's 1980 Declaration on Euthanasia, which says that one need not use disproportionately burdensome measures to sustain life. Even if the treatment is in place, if it proves burdensome it can be removed. The terms you'll hear them talk about all the time are "ordinary" and "extraordinary." Well, those words are so confused in the minds of the public that they no longer serve any useful purpose. People think of extraordinary as respirators or heart transplants. Extraordinary never referred to technique or to hardware--it referred to moral obligation. What are we obliged to do?

What is the church doctrine?

The church doctrine, and it's been consistent for 400 years, is that one is not morally obliged to undergo any intervention. And, of course, 400 years ago they weren't talking about high technology. Here's the example one of the moralists of the 16th century gave: if you could sustain your life with partridge eggs, which were very expensive and exotic, would you be obliged to do so? The answer is no, they're too expensive. They're too rare. You can't get them. They would be too heavy an obligation to put on people.

Would the pope's recent tracheotomy qualify as a partridge egg?

No. This was best put together in a statement by the chief justice in the Brophy [v. New England Sinai Hospital Inc. right-to-die] case. He said even such things as artificial nutrition and fluid can become extraordinary if they become burdensome when you have to sustain somebody for 15 years on it. That's surely burdensome. It has nothing to do with the technique itself. Antibiotics could be extraordinary if a patient is dying and it's not going to offer many benefits. The bishops of Florida themselves have addressed this issue of the papal statement. Right-to-lifers aren't attacking this Jesuit priest, me; they're now attacking all the bishops of Florida saying they are deviating from the pope. What the right-to-lifers want to say is the pope said you must always use artificial nutrition and fluids for patients in persistent vegetative state--and there's no exception. The Florida bishops say that's not what the church has taught and that's surely not what this means.

But at the Vatican Monsignor Elio Sgreccia, a bioethicist like yourself, said "starving" Schiavo to death would be a "pitiless way to kill" someone.

The people in the Vatican are the same as the people in the United States: they run the gamut. He represents the radical right-to-life segment of thinking. But he's not the only voice in the Catholic Church. He undoubtedly wrote that speech the pope gave. And now he says, "See? The pope said it!"

So you're saying providing Schiavo with food and water is not morally obligatory?

For 400 years the Roman Catholic moral tradition has said that one is not obliged to use disproportionately burdensome measures to sustain life.

And in this case, you view this as disproportionately burdensome?

Fifteen years of maintaining a woman [on a feeding tube] I'd say is disproportionately burdensome, yes.

The editorial page of The New York Times said she has been "exploited" by the religious right in this country.

I agree with that. First of all, this is not a fight about a feeding tube in a woman in Florida. This is a fight about the political power of the Christian right. The argument from Bishop Sgreccia is like saying, "Tom DeLay just said, 'In America we never stop feeding tubes'." That doesn't make it true. The fact of the matter is that feeding tubes are removed every day in hospitals around this country. We solved this question medically in the United States in 1984 when the American Medical Association said that patients who are terminally ill and/or in a persistent vegetative state, it is ethically acceptable to remove all medical interventions, including artificial nutrition and fluids. That's the official statement of the American Medical Association.

The pope, himself a sick man, has yet to make known a living will. What do you suppose would happen if he were in a similar situation?

This is the open invitation to chaos. There are no rules in the Vatican on this sort of thing because, up through 1950, really, it wouldn't happen. Doctors tended to kill people more than save them. Unless there's some secret document that the pope has written, he becomes a pawn in the hands of bureaucrats. This organization is no different than any others.

How does the stance of Schiavo supporters in the church reflect religious teaching about death?

Here's the question I ask of these right-to-lifers, including Vatican bishops: as we enter into Holy Week and we proclaim that death is not triumphant and that with the power of resurrection and the glory of Easter we have the triumph of Christ over death, what are they talking about by presenting death as an unmitigated evil? It doesn't fit Christian context. Richard McCormick, who was the great Catholic moral theologian of the last 25 years, wrote a brilliant article in the Journal of the American Medical Association in 1974 called "To Save or Let Die." He said there are two great heresies in our age (and heresy is a strong word in theology--these are false doctrines). One is that life is an absolute good and the other is that death is an absolute evil. We believe that life was created and is a good, but a limited good. Therefore the obligation to sustain it is a limited one. The parameters that mark off those limits are your capacities to function as a human.

But is anyone arguing that for Schiavo to die would be an "unmitigated evil"? They just don't want her death to happen unnecessarily.

It's not happening unnecessarily. It's happening because her heart attack has rendered her utterly incapable of any future human relationships. The Republican riposte to this is astonishing: interest in states' rights disappearing, interest in privacy of the individual to be free of government intrusion disappearing. If we implemented the policy articulated by the Congress and the president, we'd have everyone going forever!

And Social Security would really be in trouble.

[Laughs.] It just makes no moral sense.