

Debate continues on sustaining life

Theresa ("Terri") Schiavo was 27 when she suffered cardiac arrest in 1990. In a coma at first, after some weeks she awakened with a highly limited ability to communicate and move.

For the last 13 years she has been described as being in a persistent vegetative state or "PVS" — particularly unfortunate medical terminology. As a matter of faith and morals, calling someone a vegetable ought not to make the person one.

The law is a different story. The U.S. Supreme Court proclaims that liberty includes the right to refuse even life-saving medical treatment. In Florida, where Schiavo lives, the inversion of autonomy over life is particularly acute. The Florida Constitution contains an express right of privacy that facilitates unfettered abortion and, it is argued in her case, death by starvation.

Like most young people, Schiavo had not thought about leaving a living will indicating the care she would think appropriate if unable to speak for herself. Florida law provides for this contingency, allowing proxies to speak for the incapacitated person.

In Schiavo's case the proxies disagree — her husband wanting the feeding stopped, her parents defending her ability to stay alive. In Florida, the husband's wishes prevail.

In fairness, there is a factual dispute about Terri Schiavo's condition. Her husband



Douglas W. Kmiec

satisfied trial and appellate courts (several times) that she "has no hope of ever regaining consciousness."

In October 2003 her feeding tube was removed by court order. Her parents objected, arguing that she still responds to stimuli, acknowledges their presence and, if given meaningful therapy which she hasn't received, might progress even further.

With her tube removed, Schiavo would have died by now, except that the Florida Legislature and Gov. Jeb Bush restored her care and feeding. The governor and the legislature do not necessarily indulge the notion that Schiavo can recover, but weighing the certainty of her death against the doubt of her recovery they commendably favored life.

It is a bit unusual for a governor and legislative assembly to intervene in a particular case. Not surprisingly, Schiavo's husband was back in court challenging their ability to do so. Oddly and unfairly, the state court refused to give her parents the opportunity to respond as an opposing party. It has

been left to the governor and others in the pro-life community to argue on her behalf.

The legal arguments boil down to several forthright propositions: The state has a compelling interest in defending life, and the governor's legislatively approved stay of Schiavo's starvation is consistent with other acts of executive clemency such as staying an execution to make sure an irreversible injustice is not done.

Making that inquiry does not conflict with Florida's exaggerated privacy right, it merely ensures that when persons cannot speak for themselves and have left no written direction the right is not a license to kill.

The *Catechism of the Catholic Church* allows the discontinuance of medical procedures that are "burdensome, dangerous, extraordinary or disproportionate to the expected outcome."

Can basic food and nutrition really be "extraordinary care"? The best moral theologians have wrestled inconclusively with that puzzle. At best, say the Catholic bishops, the moral debate must continue, "guided by a presumption (but not necessarily a mandate) in favor of medically assisted nutrition and hydration."

Easily said, but, as Schiavo's case reveals, far from easily applied.

Douglas W. Kmiec is a columnist for Catholic News Service.

WHAT DO YOU THINK?

As part of the format changes scheduled for the *Catholic Courier* in April 2004, we plan to expand our Commentary and Faith & Family offerings. This week and over the next few months, we will publish samples of various columns we are thinking about adding, in addition to Father Richard McBrien's "Essays on Theology." We invite reader feedback on the columns, which may be sent to PO Box 24379, Rochester, NY 14624 or e-mailed to newsroom@catholiccourier.com.

Why ponder speculation?

To the editor:

As a result of reading Father McBrien's column, "Regressive liturgical changes rumored" in the November 13 issue of the *Catholic Courier*, I am compelled to ask why Father McBrien is so concerned with "rumors." The entire column is a discussion of "a proposed new Vatican document that was leaked to the press" and the possible implications of such a document.

I'm a little concerned about all this speculation because I recently watched a program on television, "Jesus, Mary and da Vinci" which speculated that Jesus and Mary Magdalene had a "special" relationship and even produced a child. In the end, no proof of anything was offered. It was all speculation, and Father McBrien was there offering his thoughts on this subject, too.

My concern is that these "rumors" and "theories" begin to look as if they are credible because they show up in print and on TV. Why bother? Of course, the program on TV was all about making money, but why

does Father McBrien waste his and our time on speculation?

I have no doubt that Father McBrien is a very intelligent and insightful theologian. Surely, he can find many worthwhile subjects of substance to discuss, as opposed to speculating about speculation.

Robert F. Carson
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Lord guides pope's steps

To the editor:

I would just like to thank all the people who have come forth to speak up against the column of October 23 by Father Richard McBrien calling for the resignation of our Pope John Paul II. I as a lay person have been aware for a long time of how the Lord's hand has guided every step of the life of John Paul II. One would have to be a fool not to see that, especially one of God's chosen priests. This is so hard to believe. God does not make mistakes. He knows exactly what He is doing at all times and to question His decisions is something I would think no one would dare do.

Our God has spoken to us his people through this man in so many ways. One does not have to be a theologian to see this. His job is to be a shepherd and he has done this and is still doing this from one end of this world to the other. Wake up and soak up every bit of this man you can. For it is a wonderful gift to have such a blessing in our lifetime.

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Essays & perspectives

To the editor:

I do so enjoy Richard McBrien's Commentary. For those hoping to keep spirit and promise can II, his concerns shared Catholics is a desert. He provides a clear perspective, analysis, and advice that strengthen the Church.

Most people, so little of the history or, for that matter, history of the Catholic Church some understand it is all too easy to believe in what recently, of the Vatican Pope is not an ornament, but the living, vibrant and church of nearly a people.

Father McBrien, us of that, and of our heritage we Catholics. May God bless him and his community.
James

Allow all to enjoy liturgy

To the editor:

Father McBrien (Nov. 13) that Sunday will not have dance, clapping, around, and perhaps. Some people find that a better understanding of majesty and my God. It may bring us to an inner spiritual life.

Other Catholics gical expression in contemplative liturgy view the new liturgy propounding an element of kitsch. For these liturgists the dominant culture church, it is decidedly charitable to criticize.

It is imperative, and the liturgists are obliged to make for alternative points of view.

The Rev. McBrien does not see charismatic