Lessons of the Schiavo Battle

What the bitter national debate over a woman’s right to live or die tells us about politics, religion, family, the courts and life itself

By DANIEL EISENBERG

At Robertson called the removal of her feeding tube “judicial murder.” House majority leader Tom DeLay described it as an “act of medical terrorism.” Connecticut Representative Christopher Shays, one of only five House Republicans to vote against Congress’s emergency legislation throwing the Terri Schiavo case into the federal courts, declared that “this Republican Party of Lincoln has become a party of theocracy.”

As the barrage of rhetoric and sometimes blatant posturing continued, the Florida woman at the center of the bitterly fought case seemed to have become a sideshow. More than 15 years after she suffered cardiac arrest (from a potassium imbalance that may have been caused by an eating disorder), which deprived her brain of oxygen and left her in what most doctors have diagnosed as a persistent vegetative state, Schiavo became a cause célèbre for the right-to-life movement.

Over the course of the nasty seven-year legal battle between Schiavo’s parents and her husband and legal guardian Michael, he has insisted that his wife, who did not have a living will, had previously made clear her wishes not to be kept alive in such an incapacitated state. Prior to her death on March 31, she was dependent on a feeding tube, though not a ventilator. Most medical experts say she lacked a consciously functioning brain.

Schiavo’s parents exhausted every legal avenue to keep their daughter alive; their unsuccessful appeal to the U.S. Supreme Court was their fifth. Even a bill signed by Governor Bush in 2003 to allow the tube to be reinserted ultimately didn’t help, since the measure, dubbed Terri’s Law, was declared unconstitutional. By the time they were able to persuade Congress to give them another chance to be heard in the federal courts, her parents were arguing that Terri was being denied due process, contending that her rights under the Americans with Disabilities Act were being violated and even claiming that Terri had recently communicated that she still wants to live.

Almost from the moment that DeLay first came up with the idea of subpoenaing Schiavo as a way to prevent the removal of her feeding tube, the saga has had elements of a political circus. There was Congress, convening a special session during the Easter recess to pass a bill crafted just for one family, giving Schiavo’s parents a final avenue of appeal. There was President Bush, for the first time cutting short a rest at his ranch to sign a bill. There were members of Congress, including some physicians like Senate majority leader Bill Frist,
earning the derision of the medical community by voicing their own views of Schiavo’s condition based on little more than court transcripts and some grainy, heavily edited videotapes that are three years old.

At a time when G.O.P. leaders in Congress have been unable to gain much traction on issues like abortion and gay rights—which are near and dear to Christian conservatives—this was a no-lose opportunity to burnish their credentials with their most demanding and important supporters. Still, many Republicans reject the notion that anything but deep moral conviction motivated the extraordinary legislative measure. “It’s hard to say it’s politics when you get that kind of consensus in a divided U.S. Senate,” says Republican Senator Chuck Grassley of Iowa.

Some on the religious right think the Schiavo case shows that their agenda is more realistic than ever. “When I heard that Senate minority leader Harry Reid was with us, I thought I had died and gone to heaven,” says the Rev. Louis Sheldon, chairman of the Traditional Values Coalition. “[This] says that being pro-life is respectable and has political credibility. The issue is broadening; it isn’t just abortion.”

If people like Sheldon get their way, it will be about almost everything that encompasses the so-called culture-of-life movement, including restricting stem-cell research and assisted suicide.

Social conservatives are almost certain to use the Schiavo case as another weapon in the coming war against what they call judicial activism, the practice of creating new rights from the bench. On the other hand, some Democrats believe this episode may change voters’ general perception of the two parties. “This is a cold, bracing slap in the face for a lot of Americans, as to the degree they want these very personal issues debated upon in a political forum,” says Democratic political consultant David Axelrod.

Although they insist that the Schiavo saga was an extreme example, Republicans aren’t giving up on the issue of end-of-life care. Certain social conservatives don’t believe in any kind of right to die, even if someone has asked for death in a living will. In their minds, ending any life-sustaining medical treatment is tantamount to murder or assisted suicide. The G.O.P. probably would never go that far. Still, as an aide to the House leadership puts it, “the fight is not over.” And with that kind of language, the battle over Terri Schiavo’s legacy isn’t likely to simmer down anytime soon.

Questions
1. What role did Congress play in the Terri Schiavo case?
2. What have some members of the religious right claimed the Schiavo case proves?
3. According to the Time poll, what percentage of Americans agree with the decision to remove Schiavo’s feeding tube?