

Reframing Terri Schiavo: One Family's Story of Morality, Ethics, & Politics

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Abstract

The case of Terri Schiavo took one family's grief and played it out on a public stage. As the center of a political controversy, those on both the progressive and conservative ends of the political spectrum held very different interpretations of this case. Drawing on the work of linguist George Lakoff, this paper discusses how differing notions of the family, based on a "nurturing parent" or a "strict father" metaphor effect how people see the world. The main question in this case was who gets to decide what happens to Terri Schiavo. For the progressive, personal morality is of paramount importance. For the conservative, the one true morality must be followed. An examination of the moral stances through a political lens offers a unique perspective on how this drama played.

INTRODUCTION

Ethics and politics are inextricably linked. When presidential candidates talk about their "values" and "morals" during a campaign, then one knows that morality and ethics are being used for political means. This interaction clearly played itself out in the Terri Schiavo case, the story of a woman who was in a persistent vegetative state (PVS) for fifteen years and the battles between her husband and her parents regarding her artificial nutrition and hydration (feeding tube). Michael Schiavo, her husband, fought to have the feeding tube removed so that Terri could complete her dying process. The Schindlers, her parents, fought to maintain the feeding tube to prevent their daughter from being starved to death. As the family discussion passed through the court system, politicians began taking positions on the issue and drove what was a private matter of family morality into the public realms of politics and ethics. As the question of Mrs. Schiavo's fate was discussed, the underlying political query became who decides what's right in the public sphere: Does a person have the liberty to make his or her own decisions to decide what's right or is there one objective morality that all should follow? The Schiavo case became the latest battleground in which this cultural debate took place. This paper examines the Schiavo case through the lens of George Lakoff's discussion of family, morality, and politics. This author will carefully define the notions of morals, ethics, and law and show how the political left (progressive) and right (conservative) used these notions in furthering their political

agendas against the very moral choices that needed to be made by Mrs. Schiavo's family.

THE CASE OF TERRI SCHIAVO

In 1990, at 27 years of age, Terri Schiavo suffered cardiac arrest brought on by a potassium imbalance from bulimia. While her heart was stopped, she suffered severe brain damage from a lack of oxygen. Doctors quickly inserted a percutaneous endoscopic gastrostomy (PEG) tube to provide nutrition and hydration. Measures of the electrical activity of Mrs. Schiavo's brain showed no activity and the prognosis was that she would never have conscious awareness. Mrs. Schiavo was diagnosed as being in a permanent vegetative state with no chance for improvement (Vedantam 2005). A computer tomography (CT) scan taken 6 years later showed her brain had been largely replaced by cerebrospinal fluid and confirmed that her condition was untreatable (Goodman 2004). After many years of intensive traditional and experimental therapy, Mrs. Schiavo's husband, Michael, petitioned the court in 1998 to permit him to remove her feeding tube. He claimed that he was the guardian and that she would not have wanted to remain alive in this condition. Mrs. Schiavo's parents, the Schindlers, fought this request in court saying that their daughter was alive and could be helped with rehabilitation (Cerminara 2005).

The feeding tube was removed for the first time on April 24, 2001 (Cerminara 2005). The Schindlers filed suit and on April 26, 2001 the tube was reinserted. After the case made

its way through the Florida court system again, the PEG tube was removed on October 15, 2003 (Cerminara 2005). On October 21, 2003, the Florida legislature passed “Terri's Law” that permitted the governor to produce an executive order that the tube be reinserted (Bush 2003). On that same day, Governor Bush issued the order that the tube be reinserted (Cerminara 2005). The case of *Bush v. Schiavo* made its way through the Florida court system and Terri's Law was found to be unconstitutional (Bush 2003). On March 18, 2005 the tube was removed for the third time. On March 23, 2005, Congress passed the federal “Terri's Law” which permitted the case to be reviewed in the federal court system (2005). While the federal district court and eleventh circuit court of appeals agreed to hear the case, they found no reason to order the tube reinserted. The Supreme Court refused to hear the case. On March 31, 2005, Mrs. Schiavo died (Cerminara 2005). The autopsy showed that her brain had shrunk to one-half of its former volume (Thogmartin 2005). Her body was cremated and the remains interred in a Florida cemetery. Mr. Schiavo had inscribed on his wife's tombstone, “I kept my promise” (Mitch 2005).

ETHICS, MORALS, AND LAW

Aristotle was one of the earliest Western writers on the topics of ethics and politics. In *Nichomachean Ethics* he discussed the science of politics. He said that “Political wisdom and practical wisdom [i.e. ethics] are the same state of mind, but their essence is not the same” (Aristotle 2000). He clearly linked ethics and political philosophy. Aristotle recognized that politics and ethics are strongly tied and that a person's positions or views on one of those ideas can greatly influence the other. In *Defense of Politics*, British political scientist Bernard Crick (Crick 1993) suggested that ethics was necessary to resolve politics and that even though the two had distinctions, politics was public ethics.

As Mrs. Schiavo's case demonstrated, the connection of politics is not just to ethics, but also to morals and law. While all three terms deal with the issue of what is good and right, each does so in a different way. The most foundational of the terms is morals, which is an individual's beliefs regarding good and right action. The Oxford English Dictionary (OED 1989) says that morals relate to human behavior and deal with making delineations between right and wrong action and choice. An individual's morals may stem from family teachings, religious faith, philosophy, practice, or experience. In each case, morals answer the questions: what does one value? What is right? The sense of whether an action, thought, or idea is valuable is individually

determined. One may choose to follow the right and wrong teachings of a particular group, but in the end, individuals choose their own course of action.

If morals represent decision making on the individual level, then ethics is decision making on the societal, communal, and academic levels. Ethics is a societal discussion about right and wrong. Ethics is the logical and organized study of how people make decisions regarding what is right and what is wrong. Academic ethicists study moral systems to determine the decisions that people make and the values that they hold (OED 1989; Jonsen 1998; MacKinnon 2001).

Studying and discussing morals is an important public and academic enterprise. However, when people with differing moral perspectives live in one political jurisdiction, like the United States, some method must be established for determining which moral actions will and will not be permitted in everyday life. One group may believe that Mrs. Schiavo's feeding tube should be removed and another group may believe that her feeding tube should remain. On an ethical level, one can examine these differing perspectives and ask why people hold these positions. At some point though, a choice must be made and ethics does not always provide such a solution. Instead, societies have developed laws which tell people what is right in a particular jurisdiction.

In a democracy, the laws are formal rules to which all citizens are bound (OED 1989). In a dictatorship, the laws are rules imposed on the populace by an individual or a small ruling party. Therefore, laws may be made by the majority (direct democracy), by a body of duly elected representatives of the people (a republic), or by individuals who enforce their will on others (dictatorship). Political and governmental laws are always created by humans in contrast to the many possible sources of morality. In all circumstances, a body of rules dictating acceptable right behavior must be elucidated, followed, and enforced.

PROGRESSIVE VIEWPOINTS

Progressives can trace their perspective back to the Enlightenment tradition. They rely on rationality and are teleologically oriented toward a hopeful future that is made better by technology and the increased use of human reason. With the perfection of human faculties, the future will see equality among peoples, nations, and cultures (de Condorcet, 1955). They tend to be future-oriented, that the best is yet to come. Toward these end, progressives support broad general education of people, a critical re-examination of the past,

and individuality (free will and choice). In the United States, such people are said to lean to the left of the U.S. political spectrum. Progressives tend to associate with the Democratic and Green parties. The linguist and cognitive scientist George Lakoff writes extensively about the difference in worldview put forth by people on both sides of the U.S. political spectrum. He characterized those on the progressive side as holding a “nurturing parent” morality (2002, p. 108). Such a person believes in the inherent goodness of people and that given enough love, support, and opportunity, people will do good in the world and will succeed. He stated that progressives are tolerant of most moral perspectives and beliefs. Progressives do not believe that there is a single notion of right and wrong, and engage in intellectual debate on these ideas. While Lakoff comes close to suggesting that progressives are moral relativists, he seems to be more closely discussing the notion of pluralism—a recognition that there are many perspectives on right and wrong but a society draws limits on which of those are permitted.

Ernest Partridge (2005) —a writer and lecturer in environmental ethics and public policy—wrote in a left-wing publication, *The Crisis Papers*, that the differences between progressive and conservative come down to fundamental differences in one's belief as to how the world works. On the progressive side, Partridge quotes John Rawls' idea that society is a community cooperating for the participants' mutual advantage and everyone benefits from this utilitarian perspective of the greatest good for the greatest number. When making decisions, Partridge (2005) believes that human nature and social ills are complex, requiring different ethical solutions that depend on the situation. He also states that progressives hold that there is no privileged position from which morality can be judged.

One of the key distinctions between progressive and conservative positions is the question of who gets to decide what is right and wrong. For progressives, the answer is that the individual chooses personal morality; a group, through study and conversation, decides ethics; and government officials determine and write the law. By examining the various moral viewpoints that exist, groups of people (academics, politicians, the press, and community members) can have a conversation about notions of right and can debate the strengths and weaknesses of each perspective. Ethical debate is a healthy and necessary social enterprise. For progressives, ethics is uncertain because there is no privileged moral perspective. In fact, they may see several moral perspectives as equally valid. The goal for progressive

ethics is to engage in conversation. Therefore questions on right and wrong are determined with a bottom-up approach; right starts from the individual and laws are passed to preserve his or her right to make those choices.

For a progressive, good law is based on good ethics. The role of law for the progressive is to preserve an individuals' right to personal moral choice within certain acceptable boundaries. Laws protect civil rights and liberties so that people can express and act on their personal morality. Philosophy and religion professor Robert Sutton (1999) suggests that the framers of the Constitution saw a need to not privilege a particular morality. Sutton (1999) holds that law should not regulate morality. Since no one moral perspective is right, the law must encourage tolerance and permit self choice in these matters.

CONSERVATIVE VIEWPOINTS

The conservative looks toward the past and tries to maintain the traditions, activities, and behaviors which are part of a tradition. “The conservative seeks to defend current reality...” (Hartz, 1990). Conservatives may rely less on enlightenment rationality, and more on deontological faith in systems, the past, and what has been done before. Thus a conservative tends to be against change and in favor of pursuing what has come before. The conservative thus is past-oriented, seeing that the best has already happened or is currently occurring. In the United States, conservatives often lean to the right of the U.S. political spectrum. Conservatives tend to associate with the Republican Party. According to Lakoff, those on the right hold to what he terms a “strict father” morality of politics. Such a notion believes that people are born neither good nor bad but must be taught, through strict discipline, a strong set of moral values. To have a person adopt and live this strict set of values requires strong organization and a strong authority to punish those who stray (2002, p. 70).

Conservatives have a very clear position about who decides right and wrong. They believe that there is one objective right which may come from a deity or may be a part of the nature of the universe (i.e. natural law). This good comes from the top (a deity, pope, president) and is then passed down to the people. Since there is only one right action in the world, the conservative holds that there is a privileged position which holds the universal notion of right. Thus, an individual is either with us (i.e. on the side of right) or against us (i.e. on the side of wrong, or evil): As Lakoff states, the conservative believes that “There is a universal,

absolute, strict set of rules specifying what is right and what is wrong for all times, all cultures, and all stages of human development” (2002, p. 366).

As Giesler and Turek (2003) said that since both morals and ethics are about right and wrong, they should be the same. If only one vision of right is possible, then there is little need for ethical debate and comparison of various moral theories. Ethics is only useful to them as a method for understanding why people believe in wrong perspectives and how to create conversations to help people travel on the right track.

Charles Rice, professor at the University of Notre Dame Law School says, “Everyone has a pope, an ultimate visible authority on moral questions” (2000, ¶ 8). Rice believes that an objective interpreter is needed to be a valid “standard for law and human conduct.” (2000, ¶ 7). Geisler & Turek (2003) believe that the legal code should reflect the moral code. Thus, the role of law for a conservative is not to mediate debate between competing moral viewpoints or even to provide a workable answer for a populace, but rather to reflect the known right and force those who believe otherwise to follow the right path. Knowing the right creates a categorical imperative to show others the right. For the conservative, existing laws which do not reflect the known right must be changed because they permit wrong action which violates the higher, moral law.

A LEGAL, ETHICAL, MORAL, AND POLITICAL INTERPRETATION OF THE SCHIAVO CASE

The political question underlying the Schiavo case is who decides “right” in the public sphere? For the progressive, the answer is the individual's morality. For the conservative, the answer is the one true morality dictated, revealed, or discovered by an appropriate higher authority.

From the progressive perspective, the paramount question was who would be permitted to decide whether removing Terri's feeding tube was right (moral)? Progressives hold that an individual's morality determines what is right. In this case, Mrs. Schiavo left no written instructions as to what she would have wanted. Under Florida law, Michael Schiavo as the husband was the legal guardian and decision maker for Mrs. Schiavo (Florida Statute 2004). This position was reaffirmed by the courts and guardian ad litem (Cerminara 2005). Mr. Schiavo claimed that his wife told him that she would not want to live in a permanent vegetative state. A guardian ad litem and Florida Circuit Court judge agreed that Mrs. Schiavo would have wanted the PEG tube removed (Cerminara 2005).

On the ethical level, progressives would examine the variety of moral viewpoints expressed in the debate. Bioethicist and physician R. Alta Charo in a Washington Post article said that this case was about exercising personal autonomy (Vedantam 2005). According to right-to-die physician Timothy Quill, removal of the feeding tube would reflect Mrs. Schiavo's wishes as expressed to others and that removal of a PEG tube “can be a natural, human process” (2005, p. 3).

Legally, the courts and the law established Mr. Schiavo as the decision maker. As discussed earlier, in 2003 the Florida Legislature passed “Terri's Law” which allowed the Florida governor to reinsert a feeding tube and to prevent it from being removed (Florida House 2003). This law was later declared unconstitutional (Bush 2003). In 2005, the U.S. Congress passed a law allowing the case to be heard in the Federal court system (2005). On both state and Federal levels, the courts supported the right of Mr. Schiavo to remove the feeding tube (Cerminara 2005). The courts upheld the legal right for an individual or his or her properly appointed guardian to make a personal moral choice to refuse medical treatment. This second “Terri's Law” was supported by not just Republicans but many Democrats. Political columnist Deborah Orin reported that “Dems are split down the middle” (2005, p. 4). This demonstrates that the progressives (who tend to be Democrats) are open to varied moral viewpoints.

From a progressive perspective, the case ended with a reaffirmation that a person's moral position should be most important in these decisions. The law and courts are not the place to work out these issues (Quill 2005). Ethics had permitted an analysis of the various positions and issues in the case. In fact, the conversation about Mrs. Schiavo's situation led to many other people to complete legal documents stating their desires if they were ever in the same position (Klugman 2005; Schwartz 2005; Annas 2005).

On the conservative side was the perspective of the Schindlers who argued that the video broadcast demonstrated that their daughter was alert and aware. They felt that it was wrong to remove the feeding tube because they believed Mrs. Schiavo could improve. They were supported by such, normally, “liberal” organizations as Not Dead Yet, a severe disabilities rights group (<http://www.notdeadyet.org>) and the Advocacy Center for Persons with Disabilities who hold that removing the PEG tube is abuse and neglect (US District Court 2003). In this debate, however, both organizations took a conservative

position, relying on more traditional approaches. According to traditional standards of cardiopulmonary death or whole-brain death, Mrs. Schiavo was still fully “alive” and thus should not have her feeding tube removed. Stephen Drake of Not Dead Yet said that Mrs. Schiavo suffered from an “intellectual deficiency” and thus should be protected (Bellisle, 2003). More modern, or progressive, notions of when to remove nutrition and hydration rely more on newer and controversial notions of “quality of life” and “dignity.”

The Catholic Church was also against the tube removal: Pope Paul John II said that all patients must receive nutrition and hydration (Wooden 2004). A Vatican cardinal spoke on Vatican Radio to oppose the removal of Terri's PEG tube (Moore 2005). The Schindlers are Catholic and they believed that their daughter was a practicing Catholic as well. After Pope John Paul II made his statement requiring nutrition and hydration, the Schindlers petitioned the courts stating that Terri would not have wanted the PEG tube removed:

Terri has now changed her mind about dying. As a practicing Catholic at the time of her collapse who was raised in the Church and who received twelve years of religious schooling and instruction Terri does not want to commit a sin of the gravest proportions by foregoing treatment to effect her own death in defiance of her religious faith's express and recent instructions to the contrary. To find, in the face of this instruction, that she perseveres in a desire to die by dehydration and starvation is to find that she is willing to sin and willing to be disobedient to the word of God (2004, p. 2).

Since, for conservatives, right and wrong is determined from the top-down, when the authority stated what was right, personal morality was expected to follow. Notice in the above quote that the Schindlers use the term “starvation” and “dehydration” which implied that removing the PEG tube and starving Terri to death was abuse and murder (Johansen 2004; Kurtz 2005). In the conservative perspective, any action that removed the PEG tube went against morality and was wrong. Ethics from the conservative perspective would ask how people can be moved to do the right thing in order to keep Mrs. Schiavo alive. The Schindlers and their supporters use the media and legislature to rally support for their position. The family released video tapes of their daughter to the media. They also sued through the court system and lobbied state and federal legislatures to change the law to protect their daughter. Thus, the passing of Terri's Laws on the state and federal levels were attempts to reform

what conservatives saw as “immoral laws.” Since, in the conservative view, the law did not recognize the sacredness of life—i.e. was at odds with morality—attempts had to be made to reform the law so that it reflected and supported what was objectively right. Journalist Howard Kurtz reports on conservative writer Andrew Sullivan who says:

For the religious right, states' rights are only valid if they do not contradict religious teaching... You can't have a clearer statement of the fact that religious right morality trumps constitutional due process. Of course it does. The religious right recognizes one ultimate authority: their view of God. (Kurtz 2005, ¶13)

Therefore, when a single correct morality exists, laws must be changed to reflect that notion of right and force those who believe otherwise to follow what is right. A New York Times Letter to the Editor criticized a Time magazine poll (Eisenberg 2005) that had found that most people believed the Congress and President should not have interfered in the case. The letter said that the poll was irrelevant since morality is not determined by public opinion: “The majority view on abortion or euthanasia may or may not correspond to what is morally right. Opinion polls change almost daily. The morality of life and death does not.” (Mezinkskis 2005, A22) From the conservative perspective, the conversation on notions of right and wrong is irrelevant and unwelcome unless its goal is to compel people and their government to do right.

CONCLUSION

The major question presented in this article is who decides which morality has primacy in the public sphere. For progressives, multiple valid moral perspectives exist while for conservatives, one moral position reigns supreme. As Lakoff (2002) suggests, those with a progressive leaning hold a nurturing parent framework and believe that with support and opportunity, a person will make good choices. Thus, progressives tend to be supportive of laws that protect civil rights and liberties by enabling an individual to act according to his or her personal morality. The role of law is to preserve and support the right to act on personal morality. The role of ethics is to study the varied viewpoints as well as to encourage and frame the debate.

Conservatives believe that there is only one right action, thought, or belief, which is dictated by a higher source. According to Lakoff (2002), conservatives take a strict father approach to morality and politics. Laws that go against the father's expressed moral right, must be changed.

That is, conservatives believe the role of government and law is to teach people right from wrong and to provide strict punishment for those who stray. For conservatives, the role of ethics is to study why people believe so strongly in other moral perspectives and to convince people of the rightness of the conservative position.

Lakoff believes that political interactions are influenced by one's individual or group perspective of the family as nurturing parent or strict father. The practice of politics then becomes a matter of imposing a model of the family onto the nation at large. A notion of a nurturing parent tends to create situations where people are trusted to make good choices for themselves based on personal morality. A strict father model creates a politics where people must be told what is right and be punished for doing wrong. Which perspective of parenting should hold sway in the public arena? In the Schiavo case, neither side won the debate. Looking through Lakoff's lens allows one to see this case not only as a battle over the right to die versus the right to live, but also as a battle to determine who or what decides right action in the public sphere. After all, the ethical issues in Schiavo—removal of nutrition and hydration, proxy decision making, refusing medical treatment—were neither new nor novel. Previous court cases had decided all of these issues. What was new was that the case was brought to the front lines as a demonstration over the role that morality and ethics now plays in politics. This private family matter achieved national importance because it was considered useful in the battle over determining public ethics. Both sides are entrenched and as Lakoff points out, are unable to see the position or speak the language of the other side. Thus the battle between the nurturing parent and the strict father notions of politics will continue and individuals like Terri Schiavo will be the victims.

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