

More from the Mailbag

By Holly Lisle

This is the last I'll post on the Schiavo/ Schindler case. It's a couple of letters I exchanged between a kind man who loves his wife and who is willing to think the best of people, and me. The nurse who saw what greedy relatives and lawyers can – and will – do.

These are unedited, though if something is unclear in context, I will insert a clarifier in [square brackets].

He's in **bold**, I'm in *ital*.

I agree with you that a person is more valuable than a bed. I don't agree that Terry Schiavo should be kept alive. The decision rests with her husband. When she said, "I do." she gave him power of attorney in this circumstance and the power to make this decision for her. I understand her parents heartbreak and I feel for them but the decision is Michael Shiavo's, not theirs. I would not want my parents making these decisions for me nor would my spouse want her parents deciding for her. To that end we are clarifying our living wills and referencing this very case as an example as are many people across the country thanks to Terry Schiavo's case. Should both of us be incapacitated we hope our wills will be honored. Should one of us be incapacitated, we trust that the other person will make the appropriate choice and make sure the incapacitated spouse's wishes are fulfilled. That is marriage. You may not agree with his decision, but it is his decision to make. Terry Schiavo, the woman he married, died 15 years ago. I cannot imagine losing my spouse in this fashion and hope I never experience what he has experienced. Terry Schiavo is not going to recover, her cerebral cortex has liquified according to recent MRI's. I agree with Michael Schiavo's decision.

I would absolutely agree with you – if he did not have a woman

that he was living with and with whom he had two children. A de facto wife. Had he remained faithful to Terri, then yes, he would be her husband and he absolutely would have earned the right to determine her fate. As it is, "for better or worse" never meant "with two children and a honey on the side," and in that case, he should have stepped aside and let them [her parents] assume her care.

I would like to think I would remain faithful to my wife under these circumstances. I don't know. Michael Schiavo lost his spouse 15 years ago. He lost the ability to communicate with her, to share his life with her, to share physical intimacy with her, etc. All of the things that those of us who are in loving relationships have and hopefully don't take for granted. Do I think he should be living with another woman while his wife is in the hospital? No. I do think he has the right to go on with his life. I'm hoping the reason he is fighting so hard is that it IS what Terry Schiavo would have wanted. We'll never know. It just seems to me it would be easier for him to throw up his hands, divorce her and walk away. Its a shame this issue has polarized so many people and made it impossible to just carry on a conversation about it. I appreciate the points you have made and I am taking them into consideration.

At the point where Michael's future was bound with Terri's – where what happened to her was his life, too – he was her husband, and had the right to decide her future. At the point where his future moved on to another woman and the two children he had with that other woman, his future was not longer bound to Terry Schiavo, and any right that he had to decide her future should have dissolved, to be reverted back to her parents.

I suspect that Terry IS brain-dead, for what it's worth. Unfortunately, this case isn't just about her, any more than Roe v. Wade was just about Roe and Wade. Or in which any other case that redefines law is just about that single case.

Schiavo/ Schindler is a case in which precedents have been set that are now going to be used in further cases – and the precedents here are very, very bad. Because brain death was never adequately established and adequately documented with Terri, lawyers in other cases can now successfully argue that brain death need not be a defining criteria in removal of life support. Because no extraordinary measures were involved in keeping her alive, (and a feeding tube is palliative care, NOT an extraordinary measure), lawyers can argue that cessation of life support need not mean extraordinary measures – starvation and dehydration are an acceptable way to terminate a life. Because a man whose best interests, both personal and financial, lay in Terry Schiavo's death, lawyers can argue that it doesn't matter if the plaintiff in a case stands to benefit from the death of the victim. And because Terry Schiavo never provided a documented living will and this case was ruled based on heresay evidence, lawyers can argue that heresay evidence is adequate in determining the fates of future victims who can no longer speak for themselves.

Maybe she did tell him she would never want to live like this. Maybe all along he has had her best interests at heart. Maybe he is a wonderful man, and was a wonderful husband. And for her sake, I hope to hell that's true. But that wouldn't matter, either, because the precedents set by this case would still be the same. And no matter what sort of person Michael Schiavo is, there will be others who follow in his footsteps who will be in fact everything that he appears to be by the evidence of his actions.

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