

Texas Law Obstructs Pregnant Mother's Right to Die

Derek Ayeh*

Keywords: bioethics, ethics, abortion, Texas

INTRODUCTION

By now the legitimacy of do not resuscitate (DNR) orders are acknowledged by everyone – if a patient presents an advanced directive or their family members agree as to what the patient's wishes were for end-of-life care, then life-sustaining treatments can be withdrawn or withheld. However, a Texas law is preventing a pregnant woman from exercising the choice to not be resuscitated.

ANALYSIS

The woman, Marlise Munoz, was found unconscious in late November and since then has not regained consciousness. However, the fetus she carries continues to have a beating heart and there is a Texas state law that puts the rights of a fetus over the wishes of its mother. Her husband, Erik Munoz, along with her parents all agreed that it would have been against Marlise's wishes to be kept on life support. Already we can see how different this case is from the Terri Schiavo case between husband and parents. Instead this case is between the Marlise family and the John Peter Smith Hospital in Fort Worth.

It's easy to see how this case could slip into questions of pro-life versus pro-choice. This issue pits the mother's choices against the 'best interests' of the fetus (or at least, what certain groups interpret as the fetus's best interests). However, a best interests stance is not straightforward in this case either. A few, including Art Caplan, have suggested that medicine currently does not understand the effect of life-support and oxygen deficiency on fetal development. The child can be born, but whether or not it will be born healthy or suffer complications due to the circumstances of birth is unknown.

Regardless, pro-life versus pro-choice is not the context that the Munoz family wishes to interpret this problem in. They have stated that their only desire is to see Marlise's wishes fulfilled by having her taken off of life-support. They do not want their case to slide into the realm of abortion rights, though in a state like Texas where the feud is heated that may be unavoidable.

* Derek Ayeh, MS Bioethics

CONCLUSION

With the Munoz family now taking legal action against the hospital this case may be the one to set the precedent. There are other states that have laws similar to the one in Texas and if the Munoz family wins their case it could have an effect on state laws in the future. However, it is unlikely that this case will have any effect on the dispute over abortion rights, other than once again putting the topic of abortion on everyone's mind. The lawsuit plans to utilize the Texas Health and Safety Code's definition of death (irreversible cessation of circulatory and respiratory functions, which applies to Marlise) to overturn the Hospital's decision to continue life-support. Everything is being argued from the standpoint of end-of-life care and the Munoz family is ultimately looking to respectfully bury Marlise. Regardless of how the case is construed as attention is drawn to it, a victory for the Munoz family is a victory for DNR rights, not abortion.

REFERENCES

Husband Wants Pregnant Wife Off Life Support

<http://abcnews.go.com/Health/husband-pregnant-wife-off-lifesupport/story?id=21291086&singlePage=true>

Family of Pregnant Texas Woman Sues Hospital for Keeping her on Life Support

<http://abcnews.go.com/Health/family-pregnant-texas-woman-sues-hospital-keepinglife/story?id=21531385>