

Permanent Vegetative State: Comparing the law and ethics of two tragic cases from Italy and England.

Paquita de Zulueta
Francesco Carelli

Correspondence to:

Paquita de Zulueta
27a Lansdowne Crescent
London W11 2NS
Email: p.dezulueta@imperial.ac.uk

Introduction

In April 1989, in England, Tony Bland, aged seventeen, was trampled and crushed by a stampede at the Hillsborough football stadium ground – a disaster in which 95 people were killed. His lungs were crushed and punctured and the supply of oxygen to his brain was temporarily interrupted. Nearly three years later, in January 1992, in Italy, Eluana Englaro, aged twenty-one, lost control of her father's car whilst driving at night on an icy road and crashed into a lamp post, fracturing her skull and neck. When these young people were admitted to hospital, both of them were found to have suffered devastating anoxic brain damage and both were later diagnosed as being in a persistent vegetative state. Their illness narratives have several commonalities, but they also diverge in significant ways. In this article we shall be exploring the views of the relatives, the public, and the health professionals, how their voices were heard, and how the values underpinning these differing accounts were interpreted by the courts of law. We shall critically evaluate the ethical and legal justifications for the final decision to allow these unfortunate young people to die from the withdrawal of nutrition and hydration. We shall also consider the influence and interventions of the Church and the State in these two countries and how the law in England and in Italy resolved the moral and legal issues. From this analysis we shall reflect on what would appear to be the most humane and reasonable way forward.

Definition:

The term Persistent Vegetative State was first coined by Jennett and Plum to describe a specific syndrome of brain-damaged patients who can breathe spontaneously, have a stable circulation, retain reflex activity and a normal sleep-wake pattern, but are unable to respond meaningfully to their environment¹. Persistent vegetative state is now a term usually applied to the condition if it lasts between one month and one year and is distinguished from permanent vegetative state (PVS) when the condition has lasted for more than one year, as with the above. A working party of the Royal College of Physicians provide a detailed guidance in 2003 for the diagnosis and management of PVS².

The term 'vegetative' carries the unfortunate association in the lay mind of 'vegetable-like', but, despite efforts to change it, the name has endured³. In practical terms, with good care, an individual in PVS can live several decades and is therefore not terminally ill. Philosophically this condition challenges everyday concepts and of what it means to be human and to be alive. It creates conflicts regarding the notions of human dignity and personal identity. These individuals can be viewed as existing in a kind of limbo, a grey zone, with no interest in whether they live or die, no sense of self or others and no meaningful way of communicating to the outside world. For those who knew and loved them, to bear wit-