



The Wisdom of Solomon

Jodie and Mary (not their real names) are “conjoined (or Siamese) twins” who were born in England in August. Tragically, in addition to being conjoined to Jodie, Mary has an enlarged and feeble heart, no functioning lungs and serious brain abnormalities. Jodie, by contrast, is “very much a with-it sort of baby”—normal brain, lungs and heart. As a result, Mary survives because Jodie’s heart and lungs are able to do the work for both of them.

That can’t continue for long. According to the experts, Jodie’s system will be overtaxed within a few months and both she and Mary will die. Unless surgery is performed to separate them. If that happens, Jodie has a good chance of living and growing up, but Mary will die.

If you were the parents, what would you want done?

Mary and Jodie’s parents don’t want the surgery. They have said, “We love both our children. Both have a right to life. And God would not want us to save one by killing the other.”

The doctors, the nurses, and hospital see things differently. They have asked, “How can we just stand by and let both babies die when one could be saved? Surgery is the lesser of two evils.”

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So they went to court. Two levels of English court have now handed down their rulings, and that's probably the end of the legal proceedings. Both courts have said that the surgery should be performed.

The judges have all said that surgery is in Jodie's best interests. The majority of judges in the court of appeal have insisted that surgery is not in Mary's interests.

So, what do you do when the well-being of one child unavoidably conflicts with the well-being of another?

Perhaps you could argue that surgical intervention to help Jodie would have the unfortunate but unintended side-effect of hurting Mary. Or perhaps you could argue that there is no duty to keep Mary alive as long as possible, and that if surgery means allowing her to die, there would be no violation of duty. Something like that seems to have been in the mind of the judge at the first level. He tried very hard to argue that surgery would not constitute a "killing" of Mary, but only (!) a "withdrawal of her blood supply."

The court of appeal wouldn't go for this. In essence they said, "the parents are right: surgery would kill Mary, and doctors who perform the surgery would be intentionally killing one of their patients."

But would it be a *justified* killing? The Catholic archbishop who gave testimony because Jodie and Mary's parents are Catholic said that sanctity of life means innocent lives cannot be intentionally sacrificed even to save others.

The court of appeal said English law rests on the Judeo-Christian belief in the sanctity of life, and so agreed that it's not enough to say that surgery saves more lives. But, they added, English law also provides for self-defense, and Jodie has a right to defend

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herself from her sister who is unknowingly “sucking her life blood” from her. Jodie should be able to expect the doctors to come to her defense, even though that defense will necessitate killing Mary.

No wonder the judges had sleepless nights. They must have thought that old King Solomon (1 Kings 3) had it easy.

One of the things I am pleased to see as a Christian ethicist is that the English courts were trying to keep the law and moral principle as close together as possible, not to treat them as completely separate categories. Yet, it seems to me that English law overlooks some matters that are important ethically.

One is that the parents have been almost completely side-lined. The court had lots of pity—statements about how the parents must be emotionally overwrought—but little respect for their assessment of what would be best for their daughters.

A second is that the parents’ talk of “God’s will” was given no credence. Maybe the courts are not the place to consider appeals to God, and maybe the parents are wrong about what God wills. But do we, believing Christian people, think God-talk has a legitimate place in grappling with these dilemmas?

Last is that the law isn’t equipped to deal with moral tragedy. Courts have to reach a decision. Now! But life for these babies isn’t that tidy. One of the things that troubled me most was reading the testimony of the hospital staff—it said they were all for surgery. Was there no ambivalence? No wondering? Can they be *sure* that ending the life of an innocent baby is the lesser of two evils? Ethics should help us understand the issues, help

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us think through the principles. But if life in this fallen world is tragic, ethics should not deny that reality.

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10 October 2000

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