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Italy Moves To Keep Alive A Woman In a Coma

By Rachel Donadio

The Italian government on Friday passed an emergency decree to keep a woman in a vegetative state alive on a feeding tube, circumventing a high court decision and ignoring a warning from the Italian president that he would refuse to sign the decree. Prime Minister Silvio Berlusconi's cabinet introduced the measure the day a private clinic was to begin removing the feeding tube of Eluana Englaro, 38, who has been in a coma since a car accident in 1992. Her father has won several court battles to remove the tube, saying it was his daughter's wish not to be kept alive artificially.

The case has caused intense polemics and divided this mostly Roman Catholic country, where it has been compared to the case of Terri Schiavo in the United States. Ms. Schiavo was allowed to die in 2005 after a long legal battle by her husband to get her feeding tube removed.

The Catholic Church has been vehemently opposed to removing Ms. Englaro's feeding tube, saying it was tantamount to euthanasia, which is illegal in Italy. On Friday, high-ranking Vatican officials praised the government's action, while some center-left politicians and constitutional scholars criticized it.

The decree on Friday also created an unprecedented clash between Mr. Berlusconi and President Giorgio Napolitano of Italy over whether the case required emergency action. Mr. Napolitano called the decree unconstitutional and said he would not sign it in order to make it legally binding.

Instead, the cabinet late Friday evening drafted the measure into a bill, which it planned to introduce within the next three days in Parliament, where Mr. Berlusconi's center-right coalition has a solid majority.

The emergency decree passed on Friday states that feeding a patient through a tube "can in no case be suspended." Mr. Berlusconi said the government acted because Italy lacks clear legislation on the matter. Italy has no laws governing whether a person can specify treatment in the event he or she becomes incapacitated.

Mr. Berlusconi said at a news conference that not acting "would make me feel responsible for not coming to the rescue of a person whose life is in danger."

He said that Ms. Englaro "breathes on her own," that her "brain cells send electric signals," and that she could "in theory, have a child." Meanwhile, lawyers for the family said that previous court rulings, not the decree on Friday, were the binding authority on the issue, and that they were moving forward with plans to have the tube removed.

The clinic had not yet pulled the tube, according to the ANSA news agency, but it was carrying out a procedure to reduce Ms. Englaro's nutrition intake. Doctors were expected to reduce it further on Saturday and Sunday and then stop it entirely, the news agency reported.

In 2005, Ms. Schiavo died 13 days after her feeding tube was removed.

In a letter to the cabinet, Mr. Napolitano said he did not believe this individual case required an emergency decree. He said the "reciprocal respect between powers and organs of the state" would suffer if the government intervened in a matter already decided by the courts. Mr. Napolitano had said that legislation would be the proper way to proceed, and late Friday he signed off on the bill, releasing it for parliamentary debate.

The government's 11th-hour intervention comes after a lengthy legal saga. In November, Italy's highest court ruled that Ms. Englaro's father, Beppino Englaro, could remove his daughter's feeding tube. The Italian government subsequently blocked the decision, but the Constitutional Court later ruled that the government could not interfere in a matter already decided by the highest court.

Earlier this week, Ms. Englaro was moved to a private clinic in Udine, in northeast Italy, that agreed to remove the feeding tube after other public clinics refused.