Italy: The case of Eluana Englaro

The exploitation of a personal tragedy and its political implications

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In January 1992, 20-year-old Eluana Englaro was involved in a serious car accident that left her in a permanent vegetative state. The young Italian woman's cerebral cortex was necrotized and, one year later, doctors unanimously declared the condition to be irreversible.

Her life, for the following 17 years, was reduced to tube feeding through the nose, unconscious motor activity (tremor of lips, opening of eyes unable to see, spasmodic arms and legs), an enema in the morning and a few hours sitting in a wheelchair after being secured to prevent her from falling.

Her father Beppino wrote a number of open letters to the political establishment appealing for their authorization to carry out the most difficult and tragic action of his life: honoring his daughter's wish to refuse a non-life. None of the politicians responded in support of his appeal.

Mr. Englaro engaged in a lengthy legal struggle that finally resulted in a decision by the Milan Court of Appeal in July 2008, confirmed by the Italian Supreme Court in October 2008, sanctioning the withdrawal of the feeding tube.

The court ruling was based on two essential findings: a scientific determination that the physical condition was irremediable and evidence that, if conscious, Eluana would have wanted to discontinue life support, as she had clearly expressed to her parents before the accident.

This entirely reasonable and humane ruling sparked a right-wing crusade, led by the government of Prime Minister Silvio Berlusconi and the Vatican, with the complicity of the media, against the court and Eluana's father, which included insinuations that the latter was murdering his daughter.

In October 2008, due to an internal hemorrhage, Eluana's vegetative condition further deteriorated. On February 9 of this year, a few days after her feeding tube had been disconnected, she died.

In a politically healthy climate, such a sad circumstance would have remained a private affair for the patient's family. The fact that this tragedy became the center of media attention and an occasion for sordid political maneuvering sheds light on the state of the Italian ruling elite.

Public opinion has overwhelmingly been sympathetic to the father's difficult decision, in stark contrast to the reactionary stance taken by the government. Opinion polls showed 81 percent of those interviewed to be in favor of terminating the tube-feeding. Most Italians were convinced that Eluana's parents had pursued every possible option to save their beloved daughter. For most Italians, the right to end a non-life and the question of the quality of life prevailed over the principle, raised to an absolute, of life preservation.

Eluana's case brings to the fore the constitutional right of an individual to reject unwanted efforts to sustain his or her own life. Jurist Stefano Rodotà, a constitutional scholar, insists that, despite the lack of an explicit text, the legal framework for the protection of this right is established by a number of rulings; first and foremost, one issued by the Cassation Court in October 2007, which is entirely applicable to the case of Eluana Englaro. That ruling upheld the right of an individual to "refuse medical help and to die with dignity."

In the aftermath of the Court of Appeal ruling of July 2008, scores of politicians and clerical figures initiated a frenzied campaign opposing the termination of life support on religious grounds.

While the Vatican spoke of murder at the hand of Eluana's father and the state, Berlusconi displayed his ignorant and anti-scientific bent by declaring that Eluana was not only alive, but even capable of bearing a child.

At one point, the governor of Lombardy (where Eluana was receiving care), in a glaring act of contempt for the court's ruling, declared the unavailability of the region's medical facilities to carry out the judicial order. Her parents were forced to take her to Udine in the early hours of February 3, to a facility that was willing to carry out the court's ruling, allowing the removal of life support.

As Eluana's tube was being withdrawn, Berlusconi issued a decree suspending the process and reinstating the feeding tube. President Giorgio Napolitano vetoed the decree on the grounds of its unconstitutionality. In his response to Berlusconi, Napolitano touched upon a crucial constitutional question, charging that the prime minister had trampled on the principle of the separation of powers. An executive order had been issued to overturn a decision of the judiciary.

Give the fact that the Italian constitution protected Eluana's and her parents' rights, and the vast majority of the population

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agreed on the ethical issue, the question arises: why did the government embark on such an aggressive campaign against the right of Eluana to terminate life-support?

The lesson of this event is unequivocal: the state has deliberately intervened in a matter of the most intimate character. This constitutes a frontal attack on democratic privacy rights. Moreover, the imposition of religious standards over the rights of individuals is a blatant repudiation of the principle of separation of state and church, which threatens to throw society back to pre-Enlightenment obscurantism.

In Berlusconi's right-wing government coalition, Gianfranco Fini, head of the neo-fascist National Alliance (AN), slightly diverged from the prime minister's position, asserting that only Eluana's parents (and therefore not she herself) had the right to decide on her life.

A similar episode occurred in the US in March 2005, when the Bush administration and the religious right sought to exploit the case of Terri Schiavo, a woman who existed in a vegetative state for fifteen years before her husband, as a result of a long and difficult legal struggle, was granted a court order allowing him to disconnect the life support.

This Schiavo case was one of the domestic events that threw into relief the extreme right-wing character of the Bush administration and considerably deepened its unpopularity.

Why did Berlusconi decide to take up this unpopular cause? For years, he has been pursuing judicial "reform" that would pave the way for an authoritarian state, where the executive power would eclipse the legislative (which he already controls, given his current majority in parliament) and the judicial branch (See "Italian President Ciampi blocks Berlusconi's justice ‘reforms'")

In immediate response to Napolitano's veto, Berlusconi declared his intention to pursue changes in the constitution—a statement he later denied, in his typical fashion of going back on previous positions.

Berlusconi personifies the quasi-criminal nouveau riche layer that has contempt for the rule of law. He's the richest man in Italy, worth US$10 billion. His media and financial empire is the result of decades of corrupt deals and machinations within the political establishment. His affiliation with the proto-fascist Masonic lodge Propaganda 2, or P2, provided him with powerful connections, often associated with the mafia, that proved very helpful in his entrepreneurial ambitions. His friendship with Bettino Craxi, Italian Socialist Party leader, twice prime minister and later indicted for corruption, ultimately allowed Berlusconi to become Italy's media mogul.

From that standpoint, the prime minister's attack on the judiciary is doubtless an act of self-protection. He has so far been able to dodge countless lawsuits and court sentences. Berlusconi was able to indemnify himself from any and all legal action by the passage of the immunity law, approved last July, which designates the four top state positions as "untouchable." This cannot last forever, as his schemes have produced immense popular opposition.

But there is also another important element: as a media tyrant, Berlusconi has the power to implement an agenda of social reaction by confusing and intimidating public opinion, and creating a constituency for authoritarian measures. His aim is the development of police-state rule.

Not accidentally, this offensive against the constitutional system takes place within the context of a deepening economic and social crisis. Banks like Unicredit, Intesa and MPS have been able to survive only thanks to capital infusions from Arab investors, mainly from Libya, and government bailouts, the most recent of which could reach €80 billion.

In response to growing social opposition to these measures, the Berlusconi government is in the process of implementing a number of repressive measures contained in its so-called "security bill," already approved by the senate.

Under the proposal, immigrants who choose to apply for a resident permit will be taxed between €80 and €200. Medical doctors will be authorized to report "illegal" aliens, who could then be deported. Homeless people will be subjected to compulsory registration, while "neighborhood watch" vigilante militias will now be legal.

There is more. On the basis of mere suspicion of affiliation or association with "terrorists," the government can order the closure of mosques and other social centers. The new bill will also target Web sites that, in the eyes of the minister of internal affairs, instigate "delinquent and illegal behavior." Political opposition is the clear target of this initiative.

This attack on democratic rights goes hand in hand with right-wing religious demagogy aimed at distracting public attention from unpopular measures. Both are preparations for a massive offensive against the working class. Against this backdrop, the Eluana case takes on a definite and ominously reactionary political significance.

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