

Irish court mulls rights of dead woman vs. fetus

24 December 2014, by Shawn Pogatchnik



In this Saturday, Nov. 17, 2012 file photo, abortion rights activists hold candles and display pictures in memory of Savita Halappanavar, a 31-year-old Indian dentist who died of blood poisoning after being denied an abortion in a Dublin hospital, during a protest rally outside Ireland's government headquarters in Dublin. A lawyer representing a 17-week-old fetus living inside the clinically dead body of its mother says the unborn child's right to life trumps the woman's right to a dignified death. Conor Dignam made his closing arguments Wednesday to three Dublin High Court judges who must decide whether Ireland's anti-abortion laws permit the woman's life support machines to be turned off. Their judgment is expected Friday. (AP Photo/Shawn Pogatchnik, file)

A lawyer representing a 17-week-old fetus living inside the clinically dead body of its mother told a Dublin court Wednesday that the unborn child's right to life trumps the woman's right to a dignified death.

Conor Dignam, representing the [fetus](#) on behalf of the state, made his closing arguments to three High Court judges who must decide whether Ireland's anti-abortion laws—the most restrictive in Europe—permit the [woman's](#) life support machines

to be turned off. Their judgment is expected Friday.

Seven doctors, the woman's father and her partner agreed in testimony Tuesday that artificial support to sustain the woman's deteriorating body should end because she has been clinically dead for three weeks and her fetus has no reasonable chance of survival. They described a horror of problems keeping the infection-riddled body at a stable temperature and said it would be grotesque to attempt the experimental care for two more months, when the fetus would reach minimum safe age for delivery.

But Dignam countered that Ireland's constitutional ban on abortion provides no leeway for medical judgments based on low probability. He said the law requires authorities to defend the fetus' right to life if survival is even a dim possibility.

Mary O'Toole, a lawyer representing the woman's family, argued that the constitution's anti-abortion amendment was irrelevant to the case. She noted it commits Ireland to defend the life of the woman and [unborn child](#) equally "as far as practicable." But the woman was already dead, and nobody was conspiring to abort a fetus, she argued. She said the law should permit doctors to take decisions based on feasibility, not futility.



In this Saturday, May 4, 2013 file photo, thousands of Roman Catholics take part in a Rosary Procession at Knock Shrine, Ireland. The group Chooselife held a National Prayer Vigil for the right to life of mothers and babies during a service at Knock Shrine. A lawyer representing a 17-week-old fetus living inside the clinically dead body of its mother says the unborn child's right to life trumps the woman's right to a dignified death. Conor Dignam made his closing arguments Wednesday, Dec 24 2014, to three Dublin High Court judges who must decide whether Ireland's anti-abortion laws permit the woman's life support machines to be turned off. Their judgment is expected Friday. (AP Photo/Peter Morrison, File)

Cormac Corrigan, representing the woman's interests on behalf of the state, argued to keep her on life support. He said it was debatable whether she was legally dead. He said the failing condition of her body since clinical death was declared Dec. 3 was "as undignified as anyone could ever imagine," but prolonging this could do her no further harm.

One judge, Justice Caroline Costello, intervened to question why the court should agree to sustain the woman in such an appalling state. Corrigan conceded that if it wished to impose "minimum indignity," the court should order [life support](#) ended now.

The woman, in her late 20s, has two young children. She suffered catastrophic brain trauma after falling in a hospital bathroom Nov. 29.

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