

Case 6

An anonymous couple from Malta traveled to England this past year for a complicated delivery of their Siamese twin daughters, Jodie and Mary, who were born on August 8, 2000, joined at the abdomen and with a fused spine. Doctors soon determined that unless the twins were surgically separated both would die. Mary, the weaker twin, whose brain was underdeveloped, would never be able to survive separated from Jodie. Jodie, who was strong and alert, had an 80-90% chance of dying if surgery was not performed. She had a good chance of surviving in the event of surgery, although, in all likelihood she would be severely handicapped and need medical attention throughout her life. In similar cases in the past, the surviving twin has sometimes died within six months of surgery. In other cases neither twin survives. The medical team at St Mary's Hospital, to which the twins were taken, had never done a successful separation of Siamese twins.

When the medical team suggested surgical separation, the Parents, who were Roman Catholic, refused on religious and moral grounds to give their consent. The Hospital went to court, pleading that life-saving surgery was in Jodie's best interest, and that saving one of the twins would be morally preferable to losing both. The presiding judge acknowledged the court's duty "to put the welfare of each child paramount," but, nonetheless, concluded that Jodie's right to life outweighed Mary's, thus ruling in favor of the Hospital.

The Parents appealed the decision of the court. In support of the Parents' position, Archbishop Cormac Murphy-O'Connor, head of the Catholic Church of England and Wales, submitted a statement to the court of appeals in which he said:

[T]hough the duty to preserve life is a serious duty, no such duty exists when the only available means of preserving life involves a grave injustice. In this case, if what is envisaged is the killing of, or a deliberate lethal assault on, one of the twins, Mary, in order to save the other, Jodie, then there is a grave injustice involved.

Despite the objections of the Parents and the Archbishop, the court of appeals ruled that the surgery should go forward. On November 7, 00 a team of twenty surgeons, nurses, and technicians at St. Mary's Hospital performed the 20 hour surgery that would result in the death of Mary and give Jodie a chance to live.