# The Performance of Biopower and Liveliness: The Life and Death of Terri Schiavo

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### **Abstract**

Between 1990 and 2005, American woman Terri Schiavo was in a Persistent Vegetative State (PVS), kept alive by a surgically inserted feeding tube. A perceived liveliness, or lack thereof, was used as evidence on divergent ideologies and value systems and, in addition to the existing social and political landscape of the US at the time, assisted in igniting a ferocious debate on the value of life. The tragic case of a woman caught between life and death, existing in neither state entirely, was supplanted by a performative spectacle, the activated spectator and the ensuing moral panic over the nature of what being 'alive' itself might mean. In this article I utilise Foucault's understanding of biopower; the concept that life, populations and the body are regulated according to systems of power and that biopower is a dominant discursive function of modernity. I examine the specifics of the tragedy of the Schiavo case in relation to the prevailing ideological (religious and political) conditions in the US that formed the conditions for the regulatory operations of the biopolitical/biopower, concluding that the battle for life at any cost becomes greater than the object or the subject of this debate and that this fight is ultimately an ideological interplay and a struggle for power.

In 1990, American woman Terri Schiavo suffered a cardio and respiratory attack and until her death in 2005 was in a Persistent Vegetative State (PVS), kept alive by a surgically inserted feeding tube. Barbara Kirshenblatt-Gimblett suggests that to 'perform is to do' (33) and yet in the case of Schiavo, to do was to perform. The slightest bodily movement was perceived as a signalled vestige of her former self. Because of the prevailing social and political landscape of the United States at the time, the particularities of the Schiavo case became the canvas for a broad debate on the value of life. In this article, I examine the larger operations

of biopower by focusing on the specifics of the Schiavo case, by exploring the entire event as a performance of contested truth formations in the regulatory operations of biopower. In addition I consider the corporeal significance of her open eyes and occasional bodily movement as evidence of a contested liveliness.

## Conceptual and Methodological Frame

Biopower can be understood as the discursive set of power relations centred on the regulation and control of populations, on our understanding of life (and death) and the body itself. According to Evans, the biopolitical specifically refers to the 'political strategization/technologization of life for its own productive betterment' (415). This paper relates biopower and the biopolitical, principally from the work of Foucault, to notions of the 'self' and state governance evidenced in the case of Terri Schiavo.\* I view the Terri Schiavo case as a spectacle and in many ways a mediatised spectacle. In this instance I understand spectacle to involve the circumstances and key players, institutions and ideologies surrounding the case and an active spectatorship who felt propelled to question what the case meant for them. By becoming actively engaged the spectatorship transformed the case into an event or, as I see it, a spectacle. This spectacle was built on a life and death battle between the administration of life and what appears as the performance of liveliness: in this case, the battle over the very meaning of her seemingly animated and wide open eyes and her spontaneous and involuntary muscular spasms. The intensity of the case, the polarisation of her audience and the profound questions raised regarding the nature of subjecthood, can be interpreted as existing within the machinations of biopower. This case involved a battle between various truth formations and I am interested in how this corporeal battleground was used to further a discourse of biopower endemic in the neoliberalism and neoconservatism of the former President George W. Bush era in the US.

Most of the opinion-as-evidence in this case came from old and new media, including newspaper articles, websites, television talk shows and blogs. Bloggers concerned with the case were

<sup>\*</sup> Foucault explores biopower in several works including *The History of Sexuality Volume 1: An Introduction and Power/Knowledge: Selected Interviews and Other Writings: 1972-1977.* 

generally either of a critical, liberal faction or attached to websites concerned with Schiavo's parents' - Robert and Mary Schindler's fight to save her (and with interest groups associated with the prolife movement). The spectacle accelerated because of the vitriolic judgments between opposing sides and their divergent claims to truth; 'scandalous' opinions were validated as the prerogative of the individual, the family, of religion and/or of the State. As a result, the objectification of Schiavo and the battle over her liveliness was compounded by a continual cycle of members of the public becoming an activated spectatorship furthering the making of a spectacle. This resulted in a moral panic that furthered the discursive relations of biopower.\* Hardt and Negri argue that biopower 'is a form of power that regulates social life from its interior, following it, interpreting it, absorbing it, and rearticulating it' (23-24). Through an examination of biopower, this article will evidence the strange but 'true' life and death of Terri Schiavo.

## The Life and Death of Terri Schiavo

Teresa Marie Schindler Schiavo (Terri Schiavo) was born in Philadelphia on 3 December 1963. She was the eldest of three children born to Robert and Mary Schindler, devout Roman Catholics, and married Michael Schiavo in 1984. On February 25 1990, when she was 26 years old, Schiavo suffered a cardiac and respiratory attack. She was resuscitated, defibrillated, ventilated and remained in a coma for ten weeks (Wolfson 7-8). After three years in a continuous sleep-wake state condition without change she was diagnosed as existing in a Persistent Vegetative State (Florida Legislature a).\*\* Her only mechanism of survival was a surgically

<sup>\*</sup> In this article I refer to a moral panic as the public perception of a threat to morality or social normalcy triggered by an event, movement or trend. This understanding of a moral panic takes from social theory and sociology and from such theorists as Stanley Cohen (Folk Devils and Moral Panics, 1980) and Chas Critcher (Moral Panics and the Media, 2003).

<sup>\*\*</sup> Florida State law defines PVS as: 'a permanent and irreversible condition of unconsciousness in which there is: (a) The absence of voluntary action or cognitive behaviour of any kind, and b) An inability to communicate or interact purposefully with the environment' (Florida Legislature a).

inserted feeding tube and she remained in that state for fifteen years.

From 1998, Michael Schiavo began seven years of legal proceedings to have Shiavo's feeding tube removed. He argued that it was what Terri would have wanted in the absence of an advance directive (Flordia Legislature b).\* Her family disagreed. In 2000, a trial was held to determine Schiavo's wishes, which ruled in Michael's favour. The Schindlers appealed, however the ruling was upheld in 2001. What followed involved a request for oral feeding, a guardianship challenge,\*\* and a frantic attempt by the Schindlers to prevent the removal of the tube, including a motion citing new evidence. This motion was denied and Schiavo's feeding tube was removed. The Schindlers quickly filed a civil law suit for alleged perjury and Judge Frank Quesada ruled that the tube be reinserted until the allegation could be heard. It was reinserted two days later.

After Judge Greer declared that Schiavo was in fact in PVS without any hope of improvement (Wolfson 17), the Schindlers edited the six hours of video footage of their daughter apparently responding to a floating balloon into various clips, amounting to a total of six minutes, and released the clips to the public via the Internet. The resulting images portrayed Schiavo as responsive and aware when in fact her occasional movements were found to be involuntary spasms (Wolfson 17). Over time this footage came to be used to point toward her liveliness: an animation that showed just how tragic a situation it was and in its edited form appeared to support the Schindlers' perception

<sup>\*</sup> Florida law permits the removal of life support of a patient in PVS without an advance directive if they have a judicially appointed guardian, or a guardian acting on the specific advice of a physician (Florida Legislature b).

<sup>\*\*</sup> This challenge was on the grounds that Michael was intimately involved with other women and that he was not providing adequate care for Schiavo. Michael was involved with Jodi Centonze and at the time had one child with her. They later married after Schiavo's death. Michael argued that he had always been open about the relationship and that earlier, in the first years of Schiavo's incapacitation, her family had encouraged him to see other women. He argued in response to the guardianship challenge that divorcing Schiavo was not in his interest, as it would mean reneging on his duty to fulfil her wish to die (Wolfson 1-38).

of cognition, but in fact did not reflect her actual physiological condition. The footage and how it came to be interpreted reflects how 'truth' is contested and performed. In this instance it was used to support either side of the debate in order to sustain the spectacle (and hence sustain the moral panic) and therefore the vindication of a spectator's particular version of the truth – to kill or not to kill.

The actions of the government, religious groups, lobbyists, politicians and the courts were critical in sustaining the growing moral panic surrounding Schiavo and her feuding family and the case became a symbol of a larger ideological struggle. Schiavo had her feeding tube removed in 2003 only to be quickly followed by the passing in the Florida legislature of what came to be known as Terri's Law, enabling Governor Jeb Bush to intervene by authorising the Florida Department of Law Enforcement to take Schiavo to hospital where her tube was surgically reinserted. However, by the time of her death, after the removal of the feeding tube for the third time, the Florida court system had heard some fourteen appeals, motions, petitions and hearings, rulings by the Federal United States Supreme Court, and intervention by the United States Senate and House of Representatives. President Bush, in the early hours of 21 March 2005, signed a Congressional Bill later known as the *Palm Sunday Compromise*, allowing the federal courts to intervene, only to be overturned by the Federal United States Supreme Court. On 31 March 2005, at the age of 41, Schiavo died, thirteen days after the removal of the tube and fifteen years after her initial collapse. The autopsy report revealed that not only was Schiavo irreversibly in PVS but also that the pyramidal neurons essential to the cerebral cortex had been destroyed. Dr Jon Thogmartin reported that 'no amount of therapy or treatment would have regenerated the massive loss of neurons' (Cerminara and Goodman). The significance of the Schiavo case was not only that it related the personal story of a woman's life cut tragically short and the grief of her family and her husband, but also who she came to represent for so many in a debate surrounding what constituted 'liveliness' and the administration of life itself.

# New Media Performative Engagements

Brian McNair argues that at 'times of global crisis the blogosphere comes into its own as a uniquely diverse and rich information pool,

for which the occasional error or malicious rumour may be judged a small price to pay' (129). The evidence presented in court was examined and debated on blogs and this discussion was often imbued with the ideological position of the blogs' creators and contributors. The judiciary system was placed in a contested parallel with the court of popular opinion and thus the distinction between hearsay and evidence became blurred. The ideological interplay among various interest groups influenced particular institutional bodies to respond, thus extending the spectacle and what Schiavo came to represent.\*

One particular blog, A Family's Torment – Terri Schiavo, contained a dialogue between pro-life campaigners and, in my opinion, represented the magnitude of the spectacle surrounding the case. What is telling and perhaps inevitable about this blog is how speculation was presented as truth and not the unsubstantiated hearsay that it was. This particular blog provided what seemed to be a blow-by-blow account of the various court proceedings, yet the 'evidence' was grossly manipulated due to the particular intentions of its creators. Theodore posted on the same blog on 12 February 2005: '[We] need to remove that line "land of the free, home of the brave" in reference to poor Terri' and later commented that the Schindlers were 'understanding first-hand the definition of "American tyranny" (Theodore). This post was followed by a comment by 'cyn': '[As] has been often noted, we are not allowed to treat prisoners or animals the way Ms. Schiavo is treated. Apparently the only rights that are important to Michael Schiavo are those that will lead to her death' (cyn). Acts of negligence and physical abuse were falsely purported; nevertheless, this rumour and suggestion of abuse amounted to a perception for those agreeing with the sentiments of the blog that a crime against humanity had been committed.

## Biopower: Religion, Politics and Ethics

The Schiavo case was embraced by neoconservative right factions as representative of the continuing struggle for the sanctity of life.

<sup>\*</sup> In both the 2000 and 2004 US elections, both the pro-life and pro-choice movements in association with political action groups donated millions of dollars to the Democratic and Republican parties (OpenSecrets.org).

Didion reported that groups such as the National Right to Life, the Traditional Values Coalition, the Family Research Council, Focus on the Family and Operation Rescue, were involved in supporting the Schindlers' case (10). The National Right to Life is the largest pro-life organisation (political action group) in the US and was instrumental in rallying both public and political support for the passing of *Terri's Law*, which allowed Governor Jeb Bush to intervene. Overall, public commentaries supporting the Schindler family and the pro-life campaign tended to be emotional and sensationalist. The extent of the moral panic would never have been reached if this outpour of emotion and political intervention had not contributed to the extraordinary spectacle of disputed liveliness and the role of the activated spectator which compounded the inevitable feedback loop between the performative spectacle, spectator and moral panic.

By 2005, religious groups had joined with the political conservative factions of the right-to-life argument of the case. The passionate and vitriolic sentiments linking support for the Schindlers and the Christian right became more frequent and emotive as the moment of Schiavo's death drew near. In an online article in The New York Times on 25 March 2005, six days before Schiavo's death, Abby Goodnough and Maria Newman wrote: '[Many] of those supporters are making parallels between Ms Schiavo and Jesus, describing "the passion of [Terri Schiavo]" as Easter approaches' ('Few Options'). The final entry in the blog A Family's Torment- Terri Schiavo by an individual simply named 'GeekDejure' was: 'Hail Terri... Child of God... We Pray those judicial sinners... Do not cause the hour of thy death... Amen' (GeekDejure). On 7 March 2005, the leader of the Pontifical Council for Justice and Peace, Cardinal Renato Martino, on behalf of the Vatican, issued this statement regarding Schiavo:

[how] is it that this woman, who has done nothing wrong, will suffer a fate which society would never tolerate in the case of a convicted murderer or anyone else convicted of the most horrendous crime? (Martino)

Didion referred to the Christian symbology of the case

when she wrote of the final removal of the feeding tube in March 2005: '[It] was the convergence of that countdown with the holiest week in the Christian calendar that exacerbated the 'circus', the displays of theatrical martyrdom outside the hospice' (10). For millions of Catholics worldwide and the supporters of the Schindlers and pro-life advocates, the case must have seemed quite simple: it was morally reprehensible to 'kill' Schiavo.

Elizabeth Dauphinee and Cristina Masters locate the transition to modern biopower as 'transformation of modern sovereign power from the right to "let live and make die" to the right to "make live and let die" (xiii). Intrinsic to the 'make live' is the invisibility of death, or what they refer to as the 'desubjectification process' (xiii). The domestic socio-political landscape of the US at the time of the Schiavo case was complicated further by global political machinations. Members of the Coalition forces had been fighting and dying in Iraq and Afghanistan since 2001. Furthermore, the American military was steeped in controversy over the Abu Ghraib prisoner-abuse scandal. In 2005, at the height of the Schiavo spectacle, the legitimacy of the incarceration of foreign prisoners at Guantánamo Bay was being challenged. Meanwhile, the Bush administration was questioned over US military involvement in Iraq after admitting a lack of evidence concerning supposed weapons of mass destruction (WMD). This time also saw the release of information regarding torture and clandestine CIA interrogation centres. Departing from Dauphinee and Masters' use of biopower, in one way, the killing of civilians in Iraq and Afghanistan was deemed a casualty of war (perhaps even a quasi-retribution for the killings of September 11), whilst, in another way, to 'make live' (through the pursuit of liberty and democracy in Iraq and Afghanistan) was ultimately an argument for invasion. Philosopher Slavoj Žižek referred to the War on Terror and the Schiavo case as the 'legitimisation of torture and the excessive care for a human life reduced to vegetative state are thus two manifestations of the same grotesque logic' (3). In addition he argues that Guantanamo Bay detainees were rendered invisible in subject status; defined by the fact that they were 'missed by the bombs' these prisoners were then considered the 'living dead' (2). For Schiavo, in one way, she became a symbol of a life that should be allowed to 'let die'. However, in another way,

she was representative of the life still living, the subject not quite desubjectified enough to warrant a visible killing. She was the literal example of Agamben's 'bare life' forced to exist in states of exclusion' in that she was neither entirely dead nor alive (159). She was neither granted subject status as truly 'alive' nor rendered an object of dismissal or denial thus; through performative spectacle Schiavo became a tragic puppet for the various ideological factions. The Bush administration were faced with an increasingly unpopular war and a faceless and nameless 'enemy' that could be used and disposed of with impunity and thus, I suggest, the administration's support for the Schindlers' fight was not merely a crisis of conscience but rather a timely intervention in attempting to regain political favour.

Four days after he declared his vision of a 'culture of life',\* President Bush signed the *Palm Sunday Compromise Bill*. The Bush administration had been re-elected four months earlier and the government intervention in the case was largely attributed to 'paying back' the conservative right factions for returning a Republican majority and President Bush to office (Stolberg). Around the time of the congressional intervention, the CBS network found that 82 per cent of Americans thought that Congress and President Bush should not have become involved in the case (Stolberg). Speculation about the political appeal for the administration's support of the right to life campaign was rife. The *Palm Sunday Compromise Bill* was passed in the Senate with only three senators present and passed in the House of Representatives

<sup>\*</sup> The political pursuit of what President Bush referred to as a 'culture of life' utilised the discursive formation of biopower as a fundamental endeavour of the industrialised modern world (Bush). He pursued 'life' as a political pursuit of liveliness itself when claiming that 'our society, our laws, and our courts' must regulate, control and maintain populations 'in favour of life' (Bush). What for many was considered a 'private' case, or at least a matter solely for the State of Florida, was made a Federal issue when the case became emblematic of a larger political and cultural conservatism endorsed directly by the Executive Office. These sentiments were not isolated to the Schiavo case. Early in 2001, President Bush issued a 'gag-order' on US aid to family planning services around the world (Bennis 3).

on 21 March 2005 at 12.41 am. Republican Senator Susan Collins declared that it 'went through like a tsunami' (Stolberg). In all, 74 per cent of people interviewed in the same CBS poll believed that the government intervention was enacted only for political mileage (Stolberg):

[when] the case of Terri Schiavo came along – a braindamaged woman, grieving parents, a husband painted as a villain and a Greek chorus of protestors – many in Congress leaped into the stage light. (Stolberg)

Furthermore, in 2005 it was revealed that an unsigned memo had been distributed to several Republican senators, revealing the potential political merits in supporting the Schindlers (Allen). It seems that the Schiavo case was a political opportunity that the conservative Republican right could not pass up.

On one side, the traumatised family and the morally, ideologically and politically motivated factions supported the sustenance of life and the dismissal of judicial discretion. On the other side, the decisions made by the courts were considered a victory for the pro-choice, pro-euthanasia cause. For the prochoice (and liberal) movements, the case reflected a sense of gross intervention of political and governmental forces. I argue that underlying these arguments is a fundamental fear of death. George Felos, Michael Schiavo's lawyer, speaks of this fear in an interview with Larry King: "[This] is a death-adverse society. Death is one of the last taboo subjects. We don't like to talk about it. We don't like to contemplate our own death. And watching somebody else die, like Terri Schiavo, makes people very uncomfortable" (Felos). In this sense, the presence of a perceived liveliness choreographed and distributed by the family - with her eyes open and occasional bodily movement - triggered a spectacle about the nature of life and death in the modern body politic. In relation to the Felos' comment, this reflects a taboo about death that can only operate in the biopolitical valuation of life. Zygmunt Bauman contends that 'fighting death is meaningless. But fighting the causes of dying turns into the meaning of life' (317). This observation becomes particularly pertinent when the woman depicted in print, on television and on the internet appears to be alive, with her eyes open to reveal her liveliness. The modern discourse of biopower provides the conditions for life and death to be either rendered visible or invisible (in the instance of Schiavo where the discursive conditions of the activated spectator determined how they wished to interpret her incapacitated state) or the sanctioned killing of an already perceived invisible subject (in the instance of the nameless victims of war not considered worthy of life). Foucault argues that in the biopolitical regime the main concern is to 'make live'; hence, death has no authorised or enunciated place: 'power no longer recognises death. Power literally ignores death' (*History of Sexuality* 248).

#### Conclusions

The body and case of Terri Schiavo became the object of intense public scrutiny invoked by an ideological, political and religious conservatism and the regulative forces of biopower. The spectacle surrounding her body, where her open eyes came to symbolise subjectivity, inspired a conflict that spanned fifteen years, numerous government interventions, and the breakdown of a family. The video footage and courtroom testimony became synonymous with gossip and speculation, ultimately leading to the symbolic trial of all parties, including Michael Schiavo, the Schindlers, the government, and the US judiciary system. The significance of the case was not so much about the debate surrounding the removal of a feeding tube, as it was about the questioning of the rights and responsibilities of participation in a spectacle which provoked a moral crisis. In this sense, the fight for life at any cost becomes greater than the object or the subject and it is here where the discursive forces of biopower are evident. The battle for life is ultimately the struggle for power: 'it was the taking charge of life, more than the threat of death, that gave power its access even to the body' (History of Sexuality 143). To examine this particular case is to understand how modern power operates and how it performs. Exploring the Schiavo case as a moral panic brought about through biopolitical discourses is an opportunity to tease out the ambiguities inherent in understanding biopower in all its liveliness, particularly when the familial tragedy meets the larger discursive discipline of the biopolitical.

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