



13-Year-Old Cancer Victim & Parental Rights

Every so often there is a case in which parents refuse to submit their child to medical treatment, citing religious beliefs. The most recent example is the saga of Daniel Hauser, a 13-year-old Minnesota boy stricken with Hodgkin's lymphoma. After undergoing a round of chemotherapy that, understandably, made the boy quite sick, the family ceased the treatments, saying they would pursue alternative therapy in accordance with an American Indian religion known as "Nemenhah."



A court order was then issued mandating that Daniel undergo the treatments, prompting him and his mother, Colleen Hauser, to flee the state on May 18. Their intention was to seek their alternative medicine in Mexico. But now mother and son are back in Minnesota, having surrendered to authorities voluntarily after a week on the run. They also have agreed to undergo the medical treatments prescribed by their doctors, despite vowing previously to resist them at all costs.

This about-face isn't surprising, of course. There is the fact that it isn't easy fighting city hall, and submitting to the chemotherapy is a condition for the Hausers to retain custody of Daniel. More significantly, however, it seems as if Colleen Hauser received some bad counsel about Daniel's legal and medical options. Curt Brown in the *Star Tribune* discusses this, reporting on the testimonial of a wealthy California man who personally flew the mother and son back to Minnesota. He [writes](#):

Alan Pezzuto, a film producer from Corona, Calif., said the Hausers' trip to Southern California quickly went awry last week, and he accused attorney Susan Daya of ditching Colleen Hauser and her son. "She took two people who were naive about the judicial and medical systems and, for self-serving reasons, enticed them to leave Minnesota," Pezzuto, 56, said in a telephone interview from his home.

He said Daya "abandoned them" within a day of their arrival "when the water got too hot for her."

This is believable. It's easy to see how a mother, emotionally distraught over her son's pain, could be influenced to act rashly. Whatever the case, this story once again raises the question of where parents' authority should end and the state's begin. Should the government coerce parents into seeking conventional treatment simply because it deems the parents' ideas irrational?

Whatever the answer, the state certainly doesn't act with any consistency. For example, some parents



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have been allowed to refuse chemotherapy treatments for their children. Elizabeth Cohen writing at CNNHealth.com [tells us](#) of one such case:

Like Daniel, Noah Maxin had a blood [cancer](#) doctors said would almost surely kill him if he didn't have chemotherapy. Like the Hausers, the Maxins rejected the doctor's recommendations in favor of supplements and other alternative treatments to boost his immune system. Both cases wound up in courtrooms.

But the similarities end there. A Minnesota court ordered Colleen and Anthony Hauser to have their son undergo chemotherapy and possibly radiation. The Maxins, however, won their case, and for a time gave Noah, who was then 7 years old, only alternative treatments.

After a battle with cancer involving use of both chemotherapy and alternative medicine, and which saw two remissions and two recurrences, Noah died in 2007 at the age of 11. But other children similarly treated fare better. Cohen cites one of them, Abraham Cherrix, who in 2005 won the right to refuse chemotherapy. Today, after adhering to a special diet and undergoing radiation treatment, Abraham is a healthy 19-year-old.

The truth is that for all the marvels wrought by modern medicine, it is, in many ways, still quite primitive. Both chemotherapy and radiation treatments are toxic to the body's cells; it's just that they're more toxic to cancer cells. Thus, you might say that defeating cancer via these methods could be called a [Pyrrhic victory](#). It's also true that doctors' predictions are often less than prescient, as some patients who were told they would die or be wheelchair-bound have ended up living a long time or walking a long way.

Yet we still have the question of parental rights. Obviously, we don't afford parents the kind of absolute authority over their children they sometimes enjoyed in ancient times, when a father could kill a child if he dishonored the family. And virtually all would agree that a child shouldn't be denied immediate lifesaving treatment after a severe acute injury (e.g., internal bleeding and broken bones suffered in a car accident). But above and beyond this, it gets sticky. And we must always err on the side of respecting parental authority.

Lastly, I come back to our civilization's inconsistency in this matter. Many will scorn parents who would deny medical treatment, calling them irrational and even child abusers. Yet, many of these same critics have no problem with abortion, as if letting man play God is more palatable than letting nature take its course. They have no problem with abortion but insist that we mustn't place a toddler in a car without a child safety seat and sometimes suggest that parents of overweight [children](#) be charged with neglect. I suppose that while a mother has the right to kill her child while he is still in the womb, parents have no right to endanger him in the slightest once out of it. Now, that is what I call irrational.

Photo of Daniel Hauser: AP Images



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