

A Right to Die

A closer look at seven years of experience with euthanasia in The Netherlands

Sandra Lucas

“[...] BUT NOW THE NETHERLANDS HAS GONE FURTHER – much, much further. If the “severely retarded” may be killed upon appropriate motion, second, debate, and majority vote, why not the moderately retarded? Why not the mildly retarded? Why not, in fact, anyone the “independent committee” deems as usefully dispatched.”

[From ‘Death by Committee: What the Groningen Protocol says about our world, and where it might lead next.’ by Hugh Hewitt. 2 December, 2004.]

May 13th 2009, Gerard Schellekens is sentenced to jail for helping an 80-year old woman commit suicide. The Dutch are considered leaders when it comes to euthanasia. By legalizing this practice, the Dutch endured a lot of criticism. American philosopher John Mark Reynolds, for example, labelled The Netherlands a “monstrous state” and claimed “Dutch hospitals bring us hell”. However, if one moves past the incomprehension of opponents and takes a closer look at Dutch law and euthanasia practices, it seems that the liberal Netherlands—and its euthanasia law—are not so liberal after all. Almost seven years after the law passed, it’s becoming clear that qualifying for eutha-

anasia has become more difficult and the law produces just as many problems as it does solutions. Something Schellekens has experienced personally. He has been condemned to ten months in prison, eight of which are on probation, and the court’s accuser has nicknamed him *Dr. Death*. But Schellekens isn’t going to take the sentence lying down. He’s fighting back.

THE CASE

After spending 5 years in a nursing home, 80-year old Jacoba Johanna de Jong could take no more. She suffered from Parkinson’s disease, and after years of fight-

ing it, life had become a burden. She was longing for relief. The sick woman had been bed bound for four years, suffering from deformations in her back and hands due to her permanent horizontal position, drinking from a straw and wishing she wouldn't live to see her 81st birthday. She clearly voiced her will to die to her three children and family members. Wanting to help their mother, the children turned to the staff of the nursing home that, tragically, refused to cooperate. The doctor in charge of the home decided that Jacoba wasn't suffering enough to qualify for euthanasia—a judgment many now see as medical arrogance. Gerard Schellekens, and his Foundation for Voluntary Life (SVL), were contacted to try to appease the situation and look for other options. But the nursing home's staff wouldn't budge, refusing to help the woman or refer her to another physician. Seeing their mother fade away, the children couldn't bear knowing their mother suffered as she did. Something had to be done. On November 24, 2007, their mother died after drinking a lethal potion—a date Jacoba herself marked on the calendar with the word "celebration." The potion was prepared by a doctor who remains unknown to this day. Schellekens served as a courier and delivered the lethal brew to the sick Jacoba—an act the law forbids. Jacoba's son handed his mother the potion and in the presence of Schellekens and her three children, Jacoba drank it.

THE DUTCH LAW

In 2001, an official euthanasia law was approved in the Netherlands, coming into effect the following year. Last year, 2,146 people were euthanized and 152 received

aid in dying. A total of 33 people received a combination of both. In order for someone in the Netherlands to be euthanized or assisted by a physician in dying, many 'precision demands' have to be met. First off, the request of the subject has to be voluntary and well considered. The physician or doctor must be convinced that there's a matter of unsolvable and unbearable suffering. The subject has to be well informed about his or her present situation and future prospects. Both physician and subject have to come to the agreement that there's no other reasonable solution for the subject's current situation. On reaching this conclusion, a second physician needs to be consulted who will determine whether all demands have been met.

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When these stages are worked through, euthanasia can take place under mindful medical conditions. Given the case that someone, at the age of sixteen or older, is incapable of expressing his or her wishes concerning euthanasia, a previous written statement conveyed in times when the subject was well capable of expressing these wishes, can be considered a valid ground to perform euthanasia. Subjects between the age of sixteen and eighteen can also make a request for euthanasia, given that these subjects can be considered well informed and capable of making a reasonable assessment of their situation. Their parents or guardians have to be involved in the decision making. The same applies for subjects between the ages of twelve and sixteen, with the exception that parents or guardians are required to give their permission to grant the subject's request. In the case of babies or newborns, euthanasia can be requested as well, given that these children face unsolvable and unbearable suffering, another physician has

been consulted and reaches the same conclusion, and both parents or guardians agree with the decision. When euthanasia is applied on newborns, it often involves baby's suffering from hydrocephaly, spina bifida or other incurable abnormalities.

The Dutch euthanasia law does NOT provide citizens with the right to die or the right to be euthanized. Doctors confronted with euthanasia requests are required to make sure all demands set by the law have been met before anyone receives euthanasia or aid in dying. People holding a death wish depend on their doctors and physicians to judge whether their longing to die is just and to have their death wish fulfilled. The power to adjudicate who will receive death and who will not lies solely in the hands of physicians, a power most involved would rather see returned to its rightful owner. Due to this policy, people have died excruciating, unaided deaths without receiving euthanasia. This because doctors have acted according to their own standards and what seemed right to THEM and not necessarily their patients. One of those cases involved the mother of Margie, a North-Holland resident. Margie's mother lost a gruesome fight against cancer. The 74 year old woman suffered from breast cancer which eventually spread via her lymph glands. As her pain got worse, she requested euthanasia from her family doctor. The doctor agreed with her request but still—by law—needed a second approval from an independent physician. The latter wouldn't agree with the request and once Margie's mother had lost the power of speech and couldn't voice her wishes anymore, euthanasia was out of the question. Eventually, Margie saw her mother struggle and pass away after drown-

ing in her own lung fluids. Cases like these have led many people to fear consulting their doctors when a wish to end their lives arises. Also, doctors fear prosecution if the Dutch euthanasia control committee decides the precise demands of the law haven't been met properly. There are no records of denied euthanasia requests, since doctors are not compelled to report these. However, some figures show that two thirds of all requests for euthanasia are denied for various reasons. So, even though 2,331 people received euthanasia or aid in dying last year, approximately 4,662 were denied. In 2008, the Netherlands registered a total of 1,435 suicides.

GERARD SCHELLEKENS

Gerard Schellekens, the 72 year-old co-founder of the Foundation for Voluntary Life (SVL), is one of many who fight for the right of "self-government"—meaning that people can decide for themselves to live or die. People who are familiar with him describe Schellekens as a kind, empathetic person with an understanding of those in need. His voluntary career began when he and his wife signed up to help families struggling with parental and social problems. In the early eighties, this spontaneous yet persistent liberal became politically active and assumed the chair of a local department in one of Holland's largest political parties, the Party of Freedom and Democracy (VVD). Schellekens started his career in the field of euthanasia by serving another well-known organization striving for the right of self-government as an unpaid helper. He soon found that he was unable to do what he thought was right for the people who needed him most. In one striking case, Schellekens

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was offered money (\$1,270 US) to end the life of a man suffering from cancer. The incurably sick man endured great pains and wished to die peacefully. Of course, Schellekens couldn't consent to the man's request and with regret, he declined. The eighty-year-old cancer patient therefore concluded that he was forced, BY LAW, to take his own life and perhaps throw himself in front of a train. But being a retired train driver himself, the suffering cancer patient refused to put his colleagues through such an ordeal. It was cases like these that made the unre-

lenting Schellekens decide to establish the Foundation for Voluntary Life together with some like-minded colleagues. The goal was to fight for the right of self-government and the legalization of the lethal drugs required to end one's life in a peaceful and pain free manner. His experiences lead Schellekens to believe that people should be able to take responsibility for their last decision in life, and be able to get a pain-free and dignified life-ending. This could be done, not by improving the Euthanasia law, but by rejecting any laws concerning euthanasia and providing people with a free choice. Schellekens emphasizes, the lethal medicines necessary should only be available with reservation.

All in all, the liberal Netherlands seems to be caught within a bureaucratic framework which denies individuals their free choice. The euthanasia law may seem ahead of its time, yet, to most, it's a step back. Many people have sympathy for Schellekens' quest and support him all the way. One of Schellekens' supporters wrote to him after his trial:

I admire your courage in taking on this challenge on behalf of many like-minded people, and in trying to clear

the way for a better law concerning self-government.

However, the prosecutor and court think that Schellekens has taken things too far, putting his own ideals above the law. The prosecutor added that it would be naïve to think that this case would remain an isolated incident and stresses his concern that Schellekens might repeat his act. In fact, Schellekens was not the only one who risked prosecution to help someone fulfill a death wish. Last February, four

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American members of a so-called assisted suicide ring—The Final Exit Network—were charged with assisted suicide in the case of a 58-year-old John Celmer. The four members helped the cancer victim end his own life by providing helium for him to inhale. They're facing five years in prison if proven guilty. Despite possible prosecution, people like Schellekens and the four Final Exit Network members persist in supporting those with a wish to end their lives. Right now, Schellekens is taking the steps necessary to present his case to the Supreme Court. No matter the outcome, he'll continue fighting for his beliefs. Together with the Foundation of Voluntary Life, Schellekens will carry on with his practices in a transparent manner, for everyone to see. After all, it's via experience and discussion that we learn most.

Sandra Lucas is a social psychologist, writer and photographer. Originally from The Netherlands, she focuses mostly on travel stories and in-depth articles that share common ground with the field of psychology.