



Laws are needed to save voiceless

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Euthanasia crusaders were predictably outraged last week with the conviction of Shirley Justins for the manslaughter of her seriously ill de facto husband Graeme Wylie. Their friend, Caren Jennings, supplied the lethal drug Nembutal. She was found guilty of being an accessory to the unlawful death.

Euthanasia supporters say that if people such as Wylie choose to die, then respect for their autonomy requires that we assist them to carry out their choice. But Wylie's death had nothing to do with choice. The verdict makes it clear that Wylie didn't have the capacity to make an independent decision about whether he wanted to end his life. The jury accepted the evidence of his daughters, backed up by cognitive tests and the post-mortem of his brain that showed he had moderate to severe dementia. Even the pro-suicide group Dignitas said it could not be sure about his mental state, and knocked back his application for assistance.

But this didn't stop Justins and

Jennings, members of the delicately named Exit International, a pro-euthanasia group headed by Dr Philip Nitschke. And it certainly didn't damp Nitschke's passionate support for this man's death, despite the fact he never examined Wylie's medical records, spoke to his doctors or did any medical tests to investigate dementia.

Did the verdict prompt a bit of soul-searching by Nitschke? No. Not from the man who has described psychiatric assessment as an "artificial barrier" to assisted suicide and who looks to the day when DIY suicide technology will be "universally" available, including for "the depressed, the elderly bereaved and the troubled teen". After the verdict, Nitschke advised the infirm and elderly to avoid testing for Alzheimer's, a response more typical of a pro-suicide ideologue than a responsible medical practitioner. His advice has been slammed by the experts, including psychiatrist Professor Brian Draper who said, "The vast majority of [Alzheimer's sufferers] are able to still enjoy



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their lives for years and those opting to end it early are a tiny minority that don't have the support, care and comfort they need . . . so they don't end up choosing this path."

Naturally, this sad case has reignited calls for the legalisation of euthanasia. Some argue that legalisation would drag euthanasia out to the light of day where practitioners could be regulated. Who are we kidding? Nitschke has a radical disdain for the rule of law. He's described legal safeguards as "hoops" and "constraints" which he won't "pander" to. Lest we think these are dangerous – but isolated – attitudes, think again. Researchers have uncovered other euthanasia practitioners who oppose any type of regulation as a threat to their clinical independence. We all feel compassion for the suffering of people such as Wylie and

sympathise with their families. But making laws requires us to look at the big picture. Even if legalised euthanasia did expand the range of choices for some people, there's good reason to fear it would have the opposite effect for the most vulnerable members of our community.

When euthanasia is tolerated or even legal, the message that "some lives are not worth living" rings loud and clear. There will be elderly, lonely or distressed people who feel pressure – real or imagined – to "do the right thing" and request death. Sometimes family members will have financial and personal motives for supporting suicide.

Just a week before his death, Wylie had changed his will in favour of Justins to the tune of more than \$2 million. It was also alleged that Justins was having an affair with a lover in Germany. In

such circumstances talk of "choice" sounds a little hollow.

Twenty years of legal safeguards in the Netherlands has laid bare the dispensable role of choice in euthanasia practice. In the Netherlands there's growing acceptance of the non-voluntary euthanasia of people who have no ability to consent, such as the comatose.

There's even official approval of euthanasia for people who are not physically ill but depressed or "tired of life", disabled babies and the euthanasia of psychiatric patients. The Wylie verdict demonstrates that cynical appeals to choice are no substitute for just laws which uphold the rights of the vulnerable and voiceless.

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