

“The Dutch Legalization of Euthanasia”

Perhaps the most surprising thing about the Dutch Parliament's action on April 2001 to legalize euthanasia and physician assisted suicide is the reaction to it. After all, these practices have been going on under an umbrella of official tolerance for decades. Nevertheless the act of giving it full legal recognition has raised new concerns both in the Netherlands and around the world. Yet an estimated 10,000 protesters surrounded the Parliament building, singing hymns and reading scripture, in vigorous protest against the steps being taken inside the building.

Euthanasia has been practiced the Netherlands under an agreement worked out between the government and the medical association, but it has not been officially "legal." Even in this legally murky environment, euthanasia has been practiced freely in that country, although the exact number of cases is not known because of underreporting. Dutch physician Richard Fenigsen has written that Dutch general practitioners are estimated to perform from 5000 to 20,000 cases per year, which he notes that in American terms would be from 80,000 to 300,000 cases per year. [1]

The law specifies the conditions in which euthanasia will be permissible:

- The patient must have an incurable illness (note it does not specify "terminal illness"-the patient need not actually be dying to receive euthanasia)
- The patient must be experiencing "unbearable suffering"
- The patient is sound mind and has given consent
- Doctors will administer "medically appropriate" means to terminate life

Despite the fears of many who have argued that Dutch society and medicine are on a "slippery slope," official apologists for the law claim that there is no reason to fear one. Health Minister Els Borst argued that Dutch euthanasia has appropriate safeguards against abuse, claiming that ``There are sufficient measures to eliminate those concerns," She claimed that euthanasia will remain a last resort for those who otherwise would face suffering. [2] Similarly, Peter Bootsma, counselor for health and welfare at the Dutch embassy in Washington, says that ``Euthanasia is not something which will be forced on people. But this should be an option as a last resort for people who have a permanent and long-lasting wish not to live any more." [3]

Surprisingly, Dr. Fenigsen agrees with these optimists that the Dutch are not on a slippery slope, but for a different reason. "Dutch doctors who practice euthanasia are not on a slope. From the very beginning they have been at the bottom." This is because in his research he has found "involuntary euthanasia...is rampant." He found that "a staggering 62% of all newborns' and infants' deaths resulted from 'medical decisions,'" and that in 1995 alone there were 900 lethal injections given to patients who had not requested euthanasia. [4] Among that group, an amazing 189 were fully competent and could have been consulted about their consent but were not. He concludes

that "those who contend that it is possible to accept and practice 'voluntary' euthanasia and not allow involuntary totally disregard the Dutch reality."

Fenigsen's grim assessment of euthanasia in Holland even before the law was changed is supported by the research of an American team led by Herbert Hendin published in the *Journal of the American Medical Association*. Hendin and his associates found that

From our point of view there has been an erosion of medical standards in the care of terminally ill patients in the Netherlands. The 1990 and the 1995 studies document that 59 percent of Dutch physicians do not report their cases of assisted suicide and euthanasia, more than 50 percent feel free to suggest euthanasia to their patients, and about 25 percent admit to ending patients' lives without their consent. How is it that the Dutch researchers are so sanguine about their data?

Like Fenigsen, Hendin and his colleagues conclude that " the Dutch experience indicates that these practices defy adequate regulation...." [5]

As the pro euthanasia movement grows in most of Western Europe and in North America, we are well advised to remember the words of one of the Dutch protesters mentioned earlier in this article: "We believe in the Lord, and he is the only one who can decide on taking life."

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Notes:

[1] "A Case Against Dutch Euthanasia," *Hastings Center Report* special supplement, Jan/Feb, 1989. [2] Anthony Deutsch, "Dutch Approve Euthanasia Bill." Associated Press, Tuesday April 10 3:53 PM ET. [3] Karen Iley, "Dutch Senate Passes Euthanasia Law Amid Protests," Reuters, Tuesday April 10 2:17 PM ET. [4] Richard Fenigsen, "Dutch euthanasia revisited, " *Issues in Law & Medicine*, Winter 1997 v13 n3 p301-311 [5] Herbert Hendin et al, *JAMA*, June 4, 1997.