

Episode 1 - The Invasion of Death

[SUICIDE WARNING]

[PRAYER BELL CHIMES]

[Ethereal female voice]: There is no death. There is only me, me, me who's dying.

Andrew Denton: My name is Andrew Denton. I'm a writer and broadcaster who lives in Sydney, Australia. Here, we have no law to help the terminally or the chronically ill die, which means that good people are being forced to die bad deaths. I want to find out why.

Who am I to be talking to you about a subject as complex as assisted dying? I have no medical qualifications so what would I know? It's true, I have no expertise, other than the expertise too many of us share – I saw someone I love die badly.

My dad, Kit, used to joke that he wanted to go by walking into the shallow end of an Olympic-sized pool filled with single-malt whisky and just keep walking. Sadly, that never happened.

Watching him die remains the most profoundly shocking experience of my life. With my sisters, Jo and Pip, I stood helplessly by as Death picked up this strong man and shook him out until he was nothing.

Dad did not go gentle. Although clearly dying of heart failure, and obviously in great pain, he was assisted to die in the only way that Australia's law then – and now – would allow: He was given increasing doses of morphine to settle the pain.

But morphine never did settle the pain, not his and not ours. The images of those final three days will never be erased.

Andrew Denton: Well, Pip, what are your memories of Kit in those last few days?

Pip Denton: Him being wheeled down from the ward down to the palliative, ah, ward, room, um, and being zonked out on drugs but in obvious pain from the movement of the trolley, and distress, and not knowing whether he was still there inside when we spoke to him.

Andrew Denton: Jo, what about you?

Jo Denton: That sense of this is not going how he would've wanted it to. Um, and feeling helpless and powerless around that to a large degree.

Andrew Denton: And my memory in particular is, you know because we took it in turns to be there at night, is that all through this time, waves and spasms of pain went through Kit, and he'd moan and groan and twitch. And I remember thinking at the time, "This doesn't look like sedation to me; he's in real pain". Have I misremembered that?

Jo Denton: I don't think so, no. I think there were times when that was clearly what was going on and at that point the drugs weren't enough to cut through all of that.

Andrew Denton: Dad's last days were filled with the kind of suffering he would never have wished on anyone. The end, when it came, was violent. I needed to know. Why did my father have to die like that?

You're listening to *Better Off Dead*, a podcast dedicated to finding out the truth about assisted dying: how does it work, who is it for, and is it safe? To do that I'm going to travel to countries where laws to help people die already exist. And we're going to hear from people on all sides of this question. I'm going to speak to doctors, nurses, activists, opponents and, most particularly, the dying and their families.

The first person I wanted to speak with was our old family doctor, Vic Dawson. I wanted to know why dad had suffered so much as he died.

Vic Dawson: I think even at that stage they were still trying to treat his heart failure and still trying to treat his liver and kidneys medically, and they were using almost that double-principle of, if they gave him too much they would kill him, so they couldn't give him enough to give him pain relief. And I've never seen the logic in that.

Andrew Denton: That's what I couldn't understand. When he went into unconsciousness, he was still clearly in pain, so there was no life left for him in any meaningful sense.

Vic Dawson: There should've been no reason not to give him quite strong pain relief that would have made him deeply unconscious, and non-responsive to pain. I don't think there's any excuse for that treatment.

Andrew Denton: Listening to Vic, I couldn't help but wonder to whose benefit was dad kept alive for three more days of pain? Wouldn't it have been better, instead, to help him to die quickly and peacefully?

Kit died 18 years ago. In the years since, whenever I talk about it, I'm struck by how many respond with similar stories of family members dying slowly, in pain, and, seemingly, beyond medical help.

Every time I hear it I think, "Surely we can do better than this?"

Then a few years ago I read an article by Tasmanian writer Margaretta Pos, about the final days of her father, Hugo, who lived in the Netherlands.

Margaretta described receiving a phone call from her stepbrother in Amsterdam telling her that Hugo, diagnosed with cancer 18 months earlier, "is dying and has chosen euthanasia". He has three days of life left, she was told, "Please come!"

When Margaretta arrived she found her father conducting his own wake.

Margaretta: He was the host. It was almost like, you know – people were coming and they were chatting. I can remember one man, who I'd never met – it was the president of his tennis club, and I heard him say, "Well goodbye, Hugo, it's been a pleasure knowing you and having you as a member of the club". It was like my father was going off on a tour somewhere or to live elsewhere! Not that he was going to die. It was very civilized. I was completely at sea in this ritual of death, but in fact looking back on it, it was really rather beautiful that you really could say goodbye to people.

Andrew Denton: So he made it widely known that he was leaving on Saturday.

Margaretta: Yes, widely known and everybody knew. He rang my mother in Australia and said goodbye to her. They'd been divorced for decades and decades.

Andrew Denton: Hugo's last night was spent just with family. They had a final meal and talked of inconsequential things – all the big things had already been said.

Margaretta: And then we sat down in the sitting room. It was a full moon I remember, so we opened the curtains and he wanted to listen to Mozart. It was like a farewell concert.

[Boy soprano sings Mozart's 'Allegrì Miserere']

Andrew Denton: When Margaretta arrived the next morning, Hugo, freshly shaved, and in pyjamas and dressing gown, admitted that when he had first woken up that morning, he had forgotten it was his last day.

Margaretta: Then he said that he had no particular thoughts, no regrets, his mind was a blank, and then he turned around and he said, 'This is like waiting for Godot!' [Laughing] Which made us sort of all laugh.

Andrew Denton: The doctor came promptly at 10.00.

Margaretta: My father lay down, my stepmother held his hands, and he nodded assent, and the doctor gave him an injection, and my father just said something before he went to sleep. But it was a lighthearted, lilting tone. And he went to sleep. And a while later the doctor had another injection and he looked at us to nod assent, which we did, and that put my father into a coma, and then some time later he held up a third injection, and we all nodded, and he gave him an injection, and that stopped his heart.

Andrew Denton: Though Margaretta had come to confront her father's death, what she found, instead, surprised her.

Margaretta: It was life-affirming. It was definitely life-affirming. And I mean my father in that sense had a great death, if you can say something is a great death. I mean, we've all got to die. We all know that, but we shy away from the subject, particularly in Australia, and I think that's one of the reasons is so much anti-euthanasia talk, because there's this terrible horror about death, which I understand, but we have to face it. And my father faced death in the eye, and he won.

Andrew Denton: Margaretta's story lit a fire in my brain. How is it that the Netherlands can help people to die humanely, but in Australia we can't?

[FRAGMENTS OF 1996 NEWS STORY ABOUT NORTHERN TERRITORY EUTHANASIA LAW]

Andrew Denton: A lot of people don't know this, but Australia was the first place in the world to pass a law giving terminally ill people the legal right to be helped to die. That was in the Northern Territory in 1995. But, within a year, that law had been overturned by the newly-elected conservative Federal Government. Only four people had been able to use it.

Were people happy to see the law gone? No. Every opinion poll taken in this country over the last decade shows overwhelming public support – in excess of 70% – for assisted dying. 70%! That kind of number is like crack cocaine to a politician. A no-brainer of an issue to get behind. Or so you'd think. But not in Australia. Since that law was overturned in '96, none of the 27 attempts to pass a new one here have succeeded. It doesn't make sense. Why can't we help people who are in great pain and beyond medical help to die? Why can't they die like Hugo, and not like Kit?

Catherine Foster: But we are gathering strength against the invasion of death. The truth is winning out, and we're fighting back on the battlegrounds.

Andrew Denton: That's Catherine Foster, a litigation lawyer from the States. She's on the frontline in the war against assisted dying. I had discovered that she and many of the world's leading anti-euthanasia campaigners were about to gather in Adelaide, the first time ever in the Southern Hemisphere.

You've got the voice I always wanted.

Paul Russell: Sometimes! [Laughing]

Andrew Denton: The guy pulling it together was local boy Paul Russell, who had quit his job five years ago to set up HOPE – an organisation dedicated to preventing the very law I would like to see happen. I wondered where did that passion come from?

Paul Russell: My father was a unionist in his early life on the waterfront here. I think I gained from him a sense of justice that has been probably a dominant force in my life I think, a real desire to further humanity and to protect vulnerable people, to stand up for those who can't, and I guess to make the world a better place generally.

Andrew Denton: I don't want to criticise, but it's not working, Paul. The world is not a better place.

Paul Russell: [Laughing] Well, perhaps it would be worse if we weren't around. I don't know.

Andrew Denton: In seriousness, it is that question of vulnerability that particularly drives your opposition to assisted dying or euthanasia laws?

Paul Russell: Yes, it does, yes it does. I have a son with a disability as well, which I guess it intensifies some of my thinking, and it has given me a relationship, a wonderful relationship to the disability community, and where I see this as very, very real.

Andrew Denton: Even though I've confessed to being the enemy Paul has graciously invited me to the symposium to hear their arguments. Unsure of what I'm letting myself in for, I walk into a small conference room, in a mid-range hotel on the fringe of the Adelaide CBD, to find about 50 people, mostly older, some in wheelchairs. I am made to feel very welcome and, as I look at the glossy program, sponsored by groups like Doctors Opposed to Euthanasia and Lives Worth Living. I am curious about what

the case against looks like. What happens next I can only liken to being hit in the face with a moral and philosophical shovel.

Brendan Malone: I think about my children, and I think they are going to be the generation left to deal with a culture where suicide is normalised and glamorised if this sort of legislation gets passed...

Father John Fleming: Once you breach the inalienable right to life, non-voluntary euthanasia follows voluntary euthanasia as surely as the night follows the day. You cannot control it.

Kevin Yuill: It divides people into people who are disposable and people who are not, and that is a real problem. The insistence that consent makes the act good or at least benign is entirely wrong.

Father John Fleming: It should be seen in the broader context, philosophical context, of the eugenic impulse to relieve the world of unproductive burdens.

Andrew Denton: By morning tea, I am reeling. That phrase “the eugenic impulse to relieve the world of unproductive burdens” is going round and round in my head. Is this really what they think Australia will turn into if we allow assisted dying?

At the small merch desk a book on Nazi eugenics is for sale. I snap up a copy, along with one called *Exposing Vulnerable People to Euthanasia and Assisted Suicide*. Its author is Alex Schadenberg, an intense Canadian, and clearly the alpha male in the room. Alex has spent the last 12 years travelling the world, fighting the good fight against assisted dying. Along the way, he’s made some impressive connections.

Alex Schadenberg: I was at a conference in 1995, and the reason I met the Pope was because I brought my baby with me, Peter. He is my autistic son. We didn’t know then he was autistic, but anyway. We were the very last ones in the line, and so we ended up having all these pictures and we spoke to him for, I don’t know – 35, 40 seconds, and it was sort of shocking, because John Paul II was different because he actually spoke to you. He is actually looking in your eyes and speaking to you. That did affect me. That does stick with you, whether you’re a Catholic or not. That does stick with you.

Andrew Denton: Alex can see no circumstance in which someone should be legally helped to die.

Alex Schadenberg: Once you allow that, you're actually allowing somebody in law to be directly involved with the cause of one other person's death, and it's a serious problem because the intentions of the person involved in it – how are you going to

prove that? There's many times we found ourselves in difficult times in our life. Is the answer now to help someone kill themselves?

Andrew Denton: It's a real eye-opener to learn how these people see the world, and in a word, it's grim.

At lunch I get talking to a schoolteacher from Victoria whose 26-year-old son used euthanasia advocate Philip Nitschke's online forum to source the deadly drug Nembutal and take his own life. It's a terrible story. Tom, from Belgium, tells me his mother was euthanased without his knowledge. Henk, from the Netherlands, has a similar story about his grandfather. The warnings are everywhere about what happens when you allow a law to help people die.

Kevin Yuill: If you want to see the future of institutionalising a culture of assisted suicide, let's look at what happened in Belgium. Let's look at the fact that the two 45-year-old twins were given euthanasia because they were going blind and they did not want to live any further. Let's look at the 47-year-old woman who had tinnitus who was granted euthanasia. We heard about that. There was a reprimand for that.

Andrew Denton: Listening closely, I fill page after page in my notebook with ominous statistics: Euthanasia deaths in the Netherlands are going up by 15% every year, psychiatric and dementia patients are now sharply on the rise. The slippery slope, it seems, has become a precipice. And no-one is in greater danger than the elderly – as Nancy Elliott from New Hampshire emphasises in her talk on tactics.

Nancy Elliott: Elder abuse? Elder abuse is excellent. There is nobody in the world that denies that there is elder abuse, and some of the people that are most concerned about elder abuse but might be against us, can be turned to our side by explaining that this gives a very final avenue, to abuse an elder.

Andrew Denton: The disabled, too, are prime targets.

Nancy Elliott: Right now the disability argument is really kicking it. It's very powerful. Now will it always be powerful? We don't know. Two, three, four years from now, that may have holes kicked in it, just for different reasons, so we have to be flexible. You know, when one of our arguments dies, we need to be ready to pick up another one.

Andrew Denton: From what I've seen, these people don't seem to be running out of arguments. But it gets worse. Under the blanket of euthanasia laws, Alex tells me, elderly, vulnerable people are being murdered in their hundreds in Belgium and the Netherlands.

Alex Schadenberg: So where we're seeing abuses a lot in both the Netherlands and Belgium, it's highly oriented towards people who are incompetent to make decisions

for themselves. So what you see in the data – it's very recent data, and that data made it quite clear that about 1.7% of all the deaths were lives that were hastened without request.

Andrew Denton: Alex, who is at pains to point out that his data is all based on original studies done by Belgian and Dutch researchers, estimates the total number of unrequested deaths in Belgium at about 1000.

So is it your assertion that those 1000 deaths, or the majority of them, were in effect a murder because they were not deaths that anyone had consented to?

Alex Schadenberg: Murder, manslaughter – it depends on how you define it in the law. Yes, they are. They're deaths that occurred – that is, the doctors admitting that they intentionally hastened those deaths.

Andrew Denton: I'd heard a lot of heavy stuff today but nothing as heavy as this. Could it be right that the elderly are being murdered by the score? If it's true, then this seems to back up what they've been saying – that these laws aren't safe.

It's been a long day. As the sun sets, Tom from Belgium grabs me. He wants my email address so he can send me some links to Nazi euthanasia videos.

I came away from the HOPE symposium feeling shaken. Shaken because they had made serious accusations about what was happening in Belgium and The Netherlands that I knew couldn't be easily dismissed. But also shaken by their dark and paranoid view of the world. I couldn't square the Australia they were describing – where a law based on compassion would mutate into a society in which the weak are disposed of – with the Australia I know. We're the land of *Neighbours*, not Nazis.

I thought again of dad and his joke about wanting to die by walking into an Olympic-sized pool filled with single-malt whisky. Few get to dictate the terms of their death. But I suspect the way we would all like to die is close to universal. If we had a choice.

When it's your time, how do you want to go, Pip?

Pip Denton: Quietly. I'm happy not to rage. I'd like to go to sleep and wake up dead, effectively. As long as the cats don't eat me.

Andrew Denton: Yeah, I wouldn't trust them if I were you. You know what they're like.

Jo Denton: [Laughs]

Andrew Denton: What about you, Jo?

Jo Denton: Well I would absolutely want to know when, so that I could, you know, speak to the people I wanted to speak to, and then I'd like to go to bed and wake up dead. That, for me, would be – have a lovely meal, have a, you know, galoshes full of wine [Laughing] um, and then go to bed and that would be the end of it. But what about you?

Pip Denton: Yeah.

Andrew Denton: Oh, I think, ah, like most people I'd like to be with the people I love. I'd like to have people with me. Music that I like, I think to be as fiercely reminded as possible of who I love and who loves me, and I think that's the most you can ask – other than perhaps Scarlett Johansson in a bikini.

There was one other thing from my day at the HOPE Symposium that stayed with me. Troubled me, in fact. Beneath the warmth of their welcome, and the sincerity of their concerns, lay something altogether harsher. It was a willingness to judge those who ask for help to die in the most brutal of terms.

Here is Kevin Yuill, from the UK, a self-described “liberal humanist”.

Kevin Yuill: It reinforces the ideas of human beings as helpless and pathetic, unable to act for themselves. Whereas I contrast that with the humanist idea of the robust, independent, self-reliant moral individual. If you create this into a medical procedure, you take away the moral choice, the moral responsibility, that a person takes for taking their own life.

Andrew Denton: For the people at HOPE, to seek the choice of assisted dying is somehow to be a moral coward.

Liz Le Noble: Oh, my gosh! That's cruel. That's really cruel! So you're going to persecute me again! So not only am I dying, not only am I in pain, but now you're going to call me a coward? Really? Get real. Insane!

Andrew Denton: For Liz, who's dying of cancer, that choice – or the lack of it in Australia – is about something far more excruciating.

Next week, we'll hear Liz's story and find out what it's like to have to live, and die, outside the law.

[SONG 'FORTY-EIGHT ANGELS' BY PAUL KELLY]

[CLOSING CREDITS]: *Better Off Dead* is produced by Andrew Denton and Bronwen Reid for Thought Fox and the team from the Wheeler Centre. Visit wheelercentre.com/betteroffdead to hear the series and subscribe, and to learn more about the people and ideas from each episode.