

it's your decision, or you say No to psychiatric treatment methods.

Experiences

In all the years from 1987 to 1994, if the Psychiatric Will was written correctly and a lawyer and the assigned persons of trust have been active to enforce the written will of the inmate, no psychiatrist has risked violating the Psychiatric Will. In 1990 the first leader of a Berlin psychiatric institution promised publicly, that in his institution Psychiatric Wills would be accepted without any discussion. Judges explained that they would not and could not impose any treatment-guardianships upon inmates, if these resist treatment but have a Psychiatric Will written well before commitment to suppose a different will of the so-called psychotic subject.

Limitations of the Psychiatric Will

Until today (2004) no court had to decide about the legal binding state of the Psychiatric Will. There was no violation, I correct: we did not hear about its violation. There could be limitations, f.e., in the text is a part, where you can decide previously, that in the supposed state of madness all your declarations you do inside a psychiatric institution are invalid. We have such a passus, to make it more difficult for psychiatrist to try any extortions of consent: What is, when, under such conditions, a subject previously rejects and later accepts? Is the consent valid then? Not to give a poor minded judge the chance to make a bad decision, and all later cases are decided in the same way, as it is typical in the law system, we advised all survivors not to fight for compensation in such a situation. And there is a paragraph in all national laws, that forces physicians to treat in case of vital indication and unconsciousness. They are allowed to suppose that the treated persons later would give their consent in the state when they can make a non-doubted rational decision. But in this case a psychiatrist had to proof that the forcibly treated person would have died in case of no treatment. I cannot imagine how a psychiatrist could give any proof that a person dies if he does not inject haloperidol in its backside.

Who can make a Psychiatric Will?

Declarations respective the own body are no legal transactions. These are most personally declarations. Even a person who is considered legally incompetent and cannot make a contract of sale, is considered by law to make his or her own decisions about the own body. The premiss is only the required ability to insight and to build a will. Not-

adults may fulfil this premiss in the same way as persons under guardianship.

What now?

The majority of psychiatric inmates is with poor legal protection against forced treatment, without information about the risks of neuroleptic and other psychiatric drugs and shock-methods. The legal situation should be the same one like in normal ill or healthy persons. But as long as our human rights are considered to be dependend from psychiatric diagnoses, and in consideration of the psychiatric assault and the lack of interest by nearly all politicians and judges in the structural human rights' violations, we have to protect ourselves foresighted planning. I mean all of us, because everybody can get mad, and in elderly homes, where we all can come to, the use of neuroleptics is very widespread.

Finally, the early reflection on possible future problems (Who will help really if help is needed? What do I need if I go crazy? etc.) has a big therapeutical value and may result in a decrease of danger becomming a psychiatric patient. And a correct Psychiatric Will makes the life still more secure against psychiatric assault. As a result of the Psychiatric Will's convincing logic – the international movement of (ex-)users and survivors of psychiatry took on this exemplary strategy of self-defense and self-responsibility.

In memoriam Hubertus Rolshoven

by Peter Lehmann

A sad information: The Berlin lawyer Hubertus Rolshoven died on February 24, 2003. It was he, who in the early 80s developed with independent (ex-)users and survivors of psychiatry in Berlin the Psychiatric Will. Unimpressed by white coats, academic degrees and psychiatric ideology not only in his job, but also as a private person, he always was on the side of the disadvantaged and discriminated people.



Hubertus Rolshoven
* July 27, 1946
† February 24, 2003