

NEWS

Paralysed man will ask judges to let a doctor end his life

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BMJ

A man paralysed for 23 years after a traffic crash will try to persuade three judges next month that a doctor should be allowed to end his life.

Paul Lamb, who lives in Leeds, will take the issue to the Court of Appeal in mid-May in place of Tony Nicklinson, who died after refusing food and contracting pneumonia a week after losing his case in the High Court.

Like Nicklinson, Lamb is too paralysed for assisted suicide (killing himself with a doctor's help) and is asking for a ruling that a doctor can legally end his life by voluntary euthanasia. Such an act would constitute murder under English law, but Lamb is seeking a declaration that a doctor who killed him would have a defence of "necessity," because it would be done to avoid unbearable suffering.

A former builder, he was given permission last month to replace Nicklinson in the appeal court under the initial "L," but he has now decided to lift his anonymity to aid his campaign for a change in the law. The appeal court judges will hear his case along with that of Nicklinson's widow, Jane, who argues that her right to respect for her private and family life under the European Convention on Human Rights was breached because the law prevented her husband from ending his life.¹

Lamb, 58, a divorced father of two, is quadriplegic, with only a little movement in his right hand, and is in chronic pain. He said in his witness statement to the court that he felt "trapped" by his situation, with "no way out."

He added, "With my level of disability it is not feasible to avail myself of the right of suicide, a right which I have in theory but

not in practice . . . so the law does discriminate against me by on the one hand giving me a right to end my life, but on the other hand it is not a right I can actually use because of my disabilities.

"In the last 23 years I have endured a significant amount of pain. I am in pain every single hour of every single day. I have received input from various pain specialists. I have considered having operations. I am constantly on morphine. I suffer from severe pains in the back of my head. I suffer from a pain in my shoulders where the bone has worn away . . . I feel worn out and I am genuinely fed up with my life."

The doctrine of necessity was used by the Court of Appeal in 2000 to justify killing one of a pair of conjoined twins so that the other could survive.² Without the operation both would have died, so it was necessary to kill to save a life. But killing to end suffering would go much further.

Iain Brassington, an ethicist at Manchester University, predicted that the judges would refuse Lamb's plea. "The necessity defence would fail because it is not necessary to kill Lamb to end his suffering," he said. "A permanent induced coma could do that without ending his life."

1 Dyer C. Widow of man who fought for right to die can continue his case. *BMJ* 2013;346:f1762.

2 Dyer C. Conjoined twins separated after long legal battle. *BMJ* 2000;321:1175.1.

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