

CASE 3: Faith and Brain Death

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Nailah Winkfield checked her thirteen year-old, Jahi McMath, into Children's Hospital Oakland to undergo complex tonsillectomy surgery. After the procedure, Winkfield and other family members were talking with McMath when the child began spitting up blood. McMath was bleeding heavily; within three days she suffered cardiac arrest and "whole brain death." Soon after, the family was notified that the child was legally dead and should be removed from life support. Winkfield and family resisted the hospital's appeal to remove life support and for the next several weeks they battled the hospital in court to get permission to maintain life support and have the child transferred to another facility.

The hospital claims the child has no chance of recovery, but McMath's family holds out hope that God may yet heal the girl. Their experience touching her in her hospital bed, even weeks after being declared dead, leads the family to believe she still has some life left in her.

The safest method of transfer would require the hospital to perform a tracheostomy and place a feeding tube in the patient. But as two hospital physicians, three outside physicians (selected by the family), and one court appointed neurologist have all declared the child to be brain dead, the hospital refuses to perform the procedures. The court granted permission to Winkfield to take full responsibility for moving the child on the ventilator, but it did not require the hospital to perform the requested procedures.

"I will always fight for Jahi until she is ready to go, her own self. I can't play God. She's going to get better or she's not, but I see her getting better," Winkfield told reporters after the court adjourned, according to the *San Francisco Chronicle*.

Though the family is out of court for now, the California Board of Public Health is investigating the case. As disagreements of this kind, between families and hospitals, are not uncommon, it's unclear what went wrong in this case. The family was quick to get a lawyer and go public, and the hospital followed suit, largely worried about public relations. There is some reason to suppose the hospital mishandled the case. In the midst of the court battle, Winkfield told CNN:

They have not given me a reason yet of why she went into cardiac arrest. They haven't even given me a reason for her bleeding. They haven't given me a reason that they couldn't stop the bleeding...The only thing they keep pushing for me is to get her off their ventilator.

It's unclear how long McMath will be kept alive on the ventilator. The family's lawyer announced that they have found a facility and physician willing to continue to treat the child, but they have not announced further details about the transfer.

"No matter how much medical evidence we present to the family, if they have a faith that dictates things, it's hard to overcome that," said Dr. Richard Boudreau, a bioethics expert.

Questions:

1. If you were the bioethicist assigned to this case, how would you have counseled Winkfield and her family after learning that they refused to remove life support?
2. Is educating the public about the medical distinctions between brain death, persistent vegetative state, and coma a moral necessity? Such education would seem to aid in understanding the legal outcomes in this case, but would it aid in understanding the moral issues as well?
3. How should Winkfield's (and presumably McMath's) faith and religious convictions be addressed in this case? Should medical advice be given priority over religious convictions in this case, or ever?

References:

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<http://nubc2014.files.wordpress.com/2014/01/bb-case-packet-20141.pdf>