

UNITED KINGDOM

Ten days left to save Archie Battersbee

VITA E BIOETICA

28_05_2022

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The 6th and 7th of June are decisive now for 12-year-old Archie Battersbee, the boy who suffered severe brain damage from accidentally suffocating at his home on 7 April.

These are the dates set by Mrs Justice Arbuthnot, for a final hearing to decide whether it is in Archie's best interests to continue to mechanically ventilate him. Barts Health NHS Trust which runs The Royal London Hospital where he is a patient, continues to insist his

life support should be switched off. With a turn of events at the hearing on Wednesday 25 May, the High Court judge accepted the family's request to visit Archie in hospital before deciding if he should die. Hollie Dance commented afterwards, "I hope she can see for herself that he's in a very different condition and has a lot more stability than what's been put over in the court room."

On May 16, lawyers told the High Court, two specialists at the Royal London Hospital could not proceed with the brain stem test on Archie, ruled in the last hearing, because a nerve stimulation test they had carried out in advance detected a "no response". On May 25, Justice Arbuthnot in a directional hearing, decided further medical tests were necessary to determine the extent of Archie's injuries. Archie's fate will most likely be based on results of these tests which the doctors are confident will demonstrate his life in its present condition has no value.

Archie's doctors have already stated they believe he is clinically dead and lawyers representing hospital bosses are going all out to persuade the court, "the evidence ... indicates that it is probable Archie will never regain consciousness (or awareness) nor will he breathe independently again". On their part, the family continues to question this prognosis and are battling against the NHS Trust to save their son's life by having him moved to a specialised facility which can cater for his needs. But, the NHS Trust knows, it has the upper hand in a court dispute.

Under the current law in the UK, life-sustaining treatment (commonly artificial hydration and nutrition (ANH)) can be withdrawn from a living patient, unable to give their consent. **The law also provides the possibility to overrule the patient's legal guardians** (usually parents), if they refuse to give consent when doctors decide death is in the person's "best interests". In end of life cases, the doctors' medical assessment dictates the sentence because the legal definition of death in the UK is merely the judicial application of the current medical definition of death. With the law as it stands, the family will have to fight hard to change the outcome. It depends if Mrs Justice Arbuthnot decides that the legal definition of death in the UK outweighs the legal protection of right to life, in the case of Archie Battersbee.

The challenging question of “when is death?” is an on-going debate in the medical world as new cures and innovative medical practices keep shifting the line. Judges often have to apply laws that can't keep abreast of medical development at the risk of making grave errors. What's more, for years, the medical establishment has been bewildered and plagued by the incredible **stories of people who have recovered after doctors had diagnosed their imminent death** or actual death.

Stories like these abound on the internet picking holes in the presumed certainty of medical science as it's known today. They are the living proof that life remains a mystery. One such story about a boy, who “came back to life” after being declared brain dead demonstrates Hollie Dance's son Archie really could improve; her hope is reasonable; it is based on medical history.

In March 2018, doctors were convinced 13-year-old Trenton McKinley from Alabama in America, was dead. Just like 12-year-old Archie Battersbee, he had suffered a traumatic brain injury. The small utility trailer Trenton was playing on with friends flipped and fell on his head.

The 13-year-old was rushed to hospital with seven skull fractures and died multiple times from his injuries. According to his mother Jennifer Reindl during emergency surgery, “he died four times” and at one stage he died for “almost 15 minutes”. The last time they brought him back, after a final epinephrine injection to his heart, “he had no brain waves” including to his brain stem. His eyes were dry and solid black. His doctors believed his brain function was irreparably damaged and at best, he would be left a “vegetable”. In the days following the accident he remained brain dead and barely breathing on a life support machine. The doctors concluded he was brain dead and the media reported, Trenton McKinley is “brain dead”. Jennifer Reindl recounts the doctors, “said the next time his heart stopped they had to let him die...or I could sign a paper to donate his organs to save five other kids... so I signed it.”

But, just hours before his organs were harvested, Trenton began to show signs of life. His brain activity resumed, colour returned to his eyes, he regained consciousness, and mobility. His mum claims, he began breathing on his own and woke up speaking full sentences in late March. He was taken off the ventilator and finally went home. Trenton said afterwards, “there's no other explanation but God. There's no other way. Even doctors said it.” His mother insists, Trenton has defied medical explanation. There's hope for every desperate situation.

Trenton's life and death experience pose fundamental questions for every end of life case

. Was he really dead or did the doctors in good faith make a misdiagnosis which could have tragically killed him? If Trenton was indeed dead, does that mean he rose from the dead? Or if the doctors were right, Trenton was brain dead, (whole brain including brain stem) being brain dead is not the equivalent of death. The sheer number of unexplained cases of clinically dead people coming back to life indicate there can be still be enough life in a brain dead person to regenerate the functioning of vital organs. Whatever the explanation of these complex cases, it's evident medicine today hasn't explored all there is to know about how the human body recovers from severe trauma. An element of mystery remains.

Hollie Dance is convinced her son is alive, is communicating his desire to live and will if "he gets long enough to fight, prove everyone wrong". She is certain that the Mystery that has worked "miracles" in others like Trenton McKinley could do so for Archie too. Will Mrs Justice Arbuthnot listen to Hollie's cries, "where's there life there's hope" or to the doctors who demand immediate death in the name of "best interests"?