

Difficulties in Defining “Brain Death”

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The notion of “brain death” seeks to establish a standard whereby certain markers are indicative of the total and irreversible cessation of brain function. This in turn is claimed to be equivalent to the death of the individual. However, there is a lack of consistency as to what these markers should be. As D. Scott Henderson observes, “over forty different sets of markers are presently in use worldwide” (Henderson 2011, 41).

One intriguing finding that calls into question the foundation of the brain death argument is the indication that many brain dead patients continue to exhibit biologic activity. A 1971 study found that of nine patients who underwent an EEG, two continued to show such activity (Ibid. 39). When organs are removed, patients’ heart rates will increase, and some have exhibited reactions suggestive of attempts to grab the scalpel (Ibid. 44). While these findings should cause people to question the morality of brain death, I fear many will still be willing to harvest organs from such people even if they are still alive. There is a growing trend to justify abortion when a physician believes it is probable that the child will be born with Down Syndrome (under the rationale that such a child will have a reduced quality of life) (Reilly 2018, 237-38). When a person with such a mindset compares the perceived quality of the life of a brain dead patient versus that of a transplant recipient, they may be willing to justify organ transplantation even if a brain dead patient is not truly deceased.

A second intriguing fact is the manner in which some proponents have responded to these findings. James L. Bernat qualifies the brain death standard such that a person may be considered dead when all “critical” brain functions have ceased (Henderson 2011, 34). As Henderson describes Bernat’s argument, a function is “critical” if it is “necessary for the continued health *and life* of the organism as a whole” (Ibid. 34, emphasis added). Bernat’s

standard, though, begs the question. Allegedly the brain death standard helps to determine when the organism as a whole is deceased. However, Bernat requires that we first determine whether a brain function is necessary for the survival of the organism as a whole before we can know whether that person is brain dead. In other words, he smuggles the ultimate question under inquiry into his standard for deciding that ultimate question.

REFERENCES

Henderson, D. Scott 2011. *Death and Donation: Rethinking Brain Death as a Means for Procuring Transplantable Organs*. Eugene, OR: Pickwick Publications.

Reilly, Christopher M. 2018. Medical professionals as agents of eugenics: Abortion counseling for Down Syndrome. *The National Catholic Bioethics Quarterly* 18: 237-46.