What is Death by Neurological Criteria, and What is it Not?

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Defining Death

- Complicated by technology

- Why is the death of the BRAIN important over any other organ?

- What is unique about the brain?
Language Matters

- “Brain death” vs. “heart death” is problematic

- Total Brain Failure is a criterion of death, not a special type of death

- Why is TBF said to be a criterion for death?
  - Traditional Premise: brain integrates the organism as a whole
  - Conclusion: Dead brain proves organism as a whole is dead
Definition of Death

- Irreversible cessation of integrated functioning of the organism as a whole

- Does a Dead brain prove the organism as a whole has permanently ceased integrated functioning?

No.
Objections

- Integrated functioning continues in TBF patients

- Brain is not the primary integrator of the organism as a whole

- If we want to keep the neurologic criterion then we need more than a biological model to uphold it
TBF: a breathing corpse

- Pink, warm
- Performs tasks that corpses cannot
- Are they REALLY dead?
The McMath child

- Secured the right to maintain their daughter’s dead body *precisely because* there are inconsistencies in these arguments
Death with continued circulation and respiration?

- 1981 President’s Commission: artificially maintained respiration & circulation in TBF are irrelevant\(^1\)

- Controlled by mechanical intervention rather than the brain

- Therefore, body not functioning in integrated manner but being manipulated externally

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Spontaneous life vs. assisted life?

- But a person isn’t dead simply because she requires an artificial intervention¹

- Reliance on an intervention doesn’t make one alive or dead

- Why require loss of spontaneous breathing if spontaneous breathing isn’t required for life?

Integrative functions that may continue in TBF

- Homeostasis
- Energy balance
- Infection fighting
- Gestation of fetus

These are not characteristics of the dead—but evidence that a body is integrated as an organism as a whole

Is A Brain Necessary for Biological Life?

- A functioning brain may not be necessary for the integrated functioning of the organism as a whole.

- Paradox arises: The neurologic criterion of death (dead brain) may be satisfied but not the definition of death (irreversible cessation of integrated functioning).

Px vs Dx

- TBF patients can continue on LST for much longer than initially thought making it prognostic of death but not diagnostic

- The dx is a self fulfilling prophecy since they usually go to donation or the morgue
Biological argument is flawed

A patient who:
- respires and circulates blood
- can regain hemodynamic stability
- metabolize and excrete waste
- exhibit some brain function including measurable EEG output
- retain an intact neurohormonal pathway
- raise her temperature with the help of blankets
- gestate a fetus to term
- fight infection

Does not fulfill the definition of death on biological grounds

And, we can’t expect families to accept this faulty rationale
• “Integration” is abandoned and the claim that the brain is the “integrator” of vital functions.

• Identify whether an organism is still a whole

• Persistence of the fundamental “vital work” of a living organism means it’s a whole organism
New Rationale

- The work of self-preservation is achieved through the organism’s need-driven commerce with the surrounding world.

- If consciousness is irreversibly lost

- And if spontaneous breathing is absent

- And if these cannot be reversed, the patient has now died.
Accordingly, TBF is still acceptable

- TBF is an acceptable criterion for declaring death, not because it proves the body lacks integration

- But because in TBF the organism can no longer engage in the **essential work** that defines living things.
Objections to the new rationale

- An improvement over the integration argument, which is untenable

- But, life support systems maintains life and can continue the essential work of an organism—the fact that it’s not spontaneous is irrelevant
  - Absence of spontaneous breathing isn’t sufficient to declare death (HSCI, COPD, etc)
  - Absence of consciousness isn’t sufficient to declare death (PVS)

- So why are both conditions combined sufficient for death?

TBF bodies Are dead

- If we move from a purely biological model to an ontological definition of death:
  - Where the focus is not on organismic function or the work of an organism
  - But *on that which is essential to the human person*, the loss of which signifies death
  - This is capacity for consciousness, not biological integration
Thank you

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