CONFLICTING CONCEPTIONS OF DEATH

A recent Associated Press news item from St. Paul, Minnesota begins in a striking fashion:

"A death certificate has been signed for four-year-old Stacy Ellison even though the comatose girl is being kept alive by life-support systems, and a prosecutor said Saturday he will file murder charges against the mother.

"By legal definition, the child is dead," said Ramsey County Attorney William Randall."

(St. Louis Post-Dispatch, June 16, 1978, p.13A.)

The correspondent is aware of the oddity of signing death certificates for people who are still alive; at the same time he seems oblivious to the problem created by characterizing a person who is legally dead as a "comatose" individual who "is being kept alive by life-support systems."

The unusual sequence of reported events is explained by the fact that Stacy’s mother had been charged with aggravated assault in connection with Stacy’s injury. Since June 3rd Stacy had remained "comatose, flacid, unresponsive to pain, with no evidence of brain stem function other than the maintenance of normal cardiac rhythm."

In fact, a normal cardiac rhythm is possible in the absence of all brain functions, as evidenced by transplanted hearts, which continue to beat in the bodies of their recipients without any control from the recipients’ brains. Thus, the facts about Stacy’s condition tend to indicate that she had suffered irreversible loss of all brain functions and so was "brain dead." Because these clinical signs may be consistent with the presence of some minimal amount of brain function, reliance on an angiogram to determine the absence of all blood flow in the brain has been recommended in doubtful cases.

Attorney Randall said that when the death certificate is received at his office he will file third-degree murder charges against Stacy’s mother. The reason for proceeding in this manner is to avoid providing the mother with the defense that it was the discontinuance of the life-support system that caused the death, a defense which has (unsuccessfully) been resorted to in the past by other defendants.

One swallow doth not a summer make, but the news story is indicative of a commonly held suspicion in our society that a person is not really dead until his heart and lungs have ceased to function, and that the phrases "brain dead" and "legally dead" are nothing but fictions concocted by the doctors and lawyers to cover up what we really know to be the case, that people like Stacy are still alive. There seem to be excellent philosophical and moral reasons (in addition to medical and legal ones) for treating a person as dead who has sustained irreversible loss of all neuronal function in all parts of the brain. However, many in our society do not fully share this new understanding of the nature of human death.