

ABSTRACT
“A Fresh Perspective on PVS and Brain Death”
Niel Rosen

While clinical medicine regularly deals with uncertainty, both PVS and brain death present especially ambiguous situations. The former concerns the presence or absence of the person whereas the latter concerns, in addition, the difference between life and death. These conditions are extraordinary since medicine ordinarily deals with patients whose existence as living persons is not in question. Treatment typically assumes that the patient exists as a living person, but treatment for PVS and brain death raises profound questions about the meaning of human life and the boundary between life and death. Much of the literature addresses these questions in neurological terms. While I share the assumption that the brain is necessary for a meaningful life, I contest the assumption that neurological inquiry can conclusively settle two questions: whether the diagnosis of PVS means the organism is not a person and whether the diagnosis of brain death means the organism is dead. These questions, I submit, are not neurological. They are philosophical.

In this paper, I will consider the work of two philosophers who paid close attention to the appearance of life, Aristotle and Husserl. Their accounts help me develop a fresh perspective on PVS and brain death by providing the context for the following theory. Living bodies appear through the display of changes Aristotle identifies: nutrition and growth in all; perception and (for the most part) locomotion in all but plants; and thinking in humans. The ability to perceive these changes and, therefore, recognize living bodies is among the first to develop especially when immature animals cannot survive if unable to recognize the individuals of their own kind who provide them with nourishment and protection. In addition, the ability to recognize other animals surely develops quickly in animals since each is either predator or prey, if not both. If this is true, then each of us learned to identify human beings long before we learned to identify anything else. Moreover, as we learned to identify human beings, we probably learned to identify other animals

since their lives appear through changes that closely resemble the changes that display human life. As to plants, I submit that we learned to recognize them last because they display life slowly, through nutrition and growth only.

This theory has significant consequences for considering PVS and brain death. We are especially adept at identifying human beings and distinguishing their living bodies from lifeless material. Indeed, we're so rarely mistaken that we have little reason, if any, to doubt our capacity to identify other living beings, especially other humans. We may mistake a goat for a sheep, but we do not confuse humans with other kinds of life. Even if we mistake a mannequin for a person, as happened to Husserl and motivated his discussion of a pseudo-organism which I take up in my paper, we're typically not prompted to wonder thereafter whether the bodies we perceive as living human beings are actually inanimate; nor do we typically doubt our capacity to distinguish a living human being from a dead one. However, these doubts arise in respect to PVS and brain death because the bodily display is ambiguous. In these cases, we confront an analog to the experience of pseudo-organism described by Husserl: the body displays changes identified with living, but the living person seems absent. This singular disruption of human life prompts neurological explanations. Many argue, on neurological grounds, that (1) in PVS the person no longer exist and (2) the brain dead body is truly dead.

I suggest a different conclusion. The firm conviction that somebody in PVS is (or is not) a person cannot be demonstrated by appealing to neurological evidence, nor can the firm conviction that a brain dead body is (or is not) alive. These propositions cannot be established on empirical grounds because they are deeply rooted in how we experience the life displayed by human bodies and, in the case of PVS, the body displays changes we ordinarily associate with persons; in the case of brain death, the body displays changes we ordinarily associate with life. The conditions are controversial because the displays are essentially ambiguous. Moreover, the controversies cannot be

resolved because we are so adept at identifying persons and distinguishing the living from the dead that we do not think of ourselves as fallible in this regard. Consider, for example, the case of Terri Schiavo: could one conclusively demonstrate on empirical grounds that her living body was no longer a person? In contrast, the judgment that a once living body is now dead should be empirically verifiable. However, if a living body is understood as an individual being-at-work-staying-itself (to borrow Joe Sachs' translation of *entelecheia*), then it might be impossible to mask death and the appearance of life in a "brain dead" body would really be life, not some a false display. The organism is at work staying itself, admittedly in a extremely compromised manner, and with mechanical support, but staying itself nonetheless. In sum, neither PVS nor brain death seem to present pseudo-organisms; they present living bodies of human beings.

Lastly, I take up what is not ambiguous in PVS and brain death: the disruption of our ability to identify living persons with confidence. This disruption should be the starting point for an ethical inquiry. An advantage of this approach is that it conforms to the pattern of medical activity: working to restore disruptions of the living body. While these living bodies cannot be restored to their former conditions, the responsibility to treat patients as persons can be restored. What this means is an open question in each case, best resolved by those involved in caring for the patient. At minimum, however, it would work against the indignity of reducing patients to the presence or absence of neurological activity.