

## BEYOND BRAIN DEATH

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# BEYOND BRAIN DEATH

## THE CASE AGAINST BRAIN BASED CRITERIA FOR HUMAN DEATH

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## PREFACE AND ACKNOWLEDGMENTS

This book of essays offers, we believe, a significant contribution to the debate over the proper criteria of death and an important challenge to the prevailing orthodoxy which identifies brain death with the death of the person. The editors wish to note why one of the eleven essays in this volume is, with a few editorial additions to bring it up to date, a reprint of an article in the 1982/83 *Gonzaga Law Review*. This article (and chapter) is by Paul A. Byrne, Sean O'Reilly, Paul M. Quay, and Peter W. Salsich, Jr., and is entitled, "Brain Death—The Patient, the Physician, and Society." The editors believe that this article makes such a vital contribution to the case against brain death criteria that it is worthy of inclusion in this volume. Many of the themes found in the other essays are addressed in the article: the confusion by some brain death advocates between the diagnosis of death and the prognosis that death will soon occur; the lack of equivalence between loss of function in the brain and destruction of the brain; and the continued integrated organic functioning of the bodies of brain dead patients and the implications of such functioning for the validity of the whole brain death criterion. The sheer scope of the article is also impressive, covering, in the course of its critique of brain death criteria, medical, philosophical, and theological issues. The editors have added, in brackets and italics, notes at points in the article where updating was needed. The editors are grateful to Lisa Korchinski, the current editor of the *Gonzaga Law Review*, as well as to the two surviving authors of the article, Paul A. Byrne and Peter W. Salsich, Jr., for granting permission to reprint. The editors would like to thank Alan Shewmon, who provided useful advice, as well as H. Tristram Engelhardt, Jr., the editor of the *Philosophy and Medicine* series, along with the editorial assistants for the series: Mark Cherry, Anna Smith Iltis, and especially Lisa Rasmussen. Michael Potts wishes to extend his gratitude to his wife, Karen, for her support throughout this project and for her assistance with proofreading, and to Karen Bouvier, his student worker during spring semester 1998, who assisted with proofreading the chapters as they were submitted. Finally, Paul Byrne wishes to acknowledge his indebtedness to two individuals, now deceased, who influenced his thought on the issue of brain death: Sean O'Reilly and Paul M. Quay, S.J.

*Michael Potts  
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Richard G. Nilges*