

Review of: "Conscientious objection to enforcing living wills: A conflict between beneficence and autonomy and a solution from Indian philosophy"

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The article discusses a number of sources of Indian philosophy that suggest that giving a higher weight to beneficence than to autonomy in physician-patient relationships is ethically more problematic than commonly believed, even when it is strongly justified by the principles of conscientious objection.

The article has, I think, a more general significance than it claims, and its scope goes beyond the specific Indian traditions it focuses on. Its main argument seems independent from whatever tradition is taken as the background frame of reference in which the arbitration between the principles of autonomy, non-maleficence, and beneficence, is done. It argues – rightly, I think – that not respecting a patient's autonomous will, whether expressed in the actual situation in which the treatment decision is taken or through an advance directive, has important elements of maleficence, as frustrating the will of a person is almost always a significant harm for that person. (Schopenhauer, who was highly influenced by Indian thought, even went so far as to conceive evil as the frustration of one's will.)

Furthermore, it should be kept in mind that with advance directives, the harm of sacrificing a person's autonomy to the principle of beneficence extends beyond simply frustrating a person's will in the actual context. At the same time, it severely diminishes trust in the validity of one's advance directives during times of good health. When a right is perceived to be at risk of being ignored in a critical situation, its worth to the holder is greatly diminished. Acting against an advance directive inevitably tends to weaken the confidence that advance directives will be honored and thus devalues the autonomy of the patient well before the medical situations it is meant to control.