

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

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I found this paper interesting for the way it situates a common medical dilemma (the tension between principles of autonomy and protection) in a non-western context and explains how it presents itself to doctors and patients whose ethical stances are guided by Hindu, Buddhist, and Jain philosophical traditions. But I was rather disappointed by the way the case was presented. At the end of the section 'The case', the authors promise an overview of the deliberation of the ethical panel appointed by the Samanjasa Foundation to help resolve ethical dilemmas facing frontline healthcare workers during the Covid-19 pandemic. But we don't actually get a description of how the panel operated (in general) and how it deliberated this case in particular: what arguments were made, by whom, how did the discussion unfold, what justifications were invoked and how were they accepted or contested by the other party? We get neither a discourse/conversation analysis nor an ethnographic account of what actually happened.

It would also have been useful to make some comparisons with the literatures that have addressed the equivalent problem in other cultural contexts (predominantly European and North American), notably the literature on shared decision making and on care.

Other useful concepts to consider include textual agency, i.e. the power of documents to shape action and sometimes even betray the wishes of their signatories (see Brummans 2007) and subject positioning (see Smith 2021). In that paper I showed how, in thinking through the strategic question 'what matters most for my patient in the present situation?', carers are in fact addressing the (in)compatibilities between categories and participant roles, i.e. between a disease's 'programme of action' (which doctors are in a sense authorised to interpret 'on behalf of' the disease) and the various narrative programmes a patient has or is enrolled in (i.e. their will, their wishes, their preferences, or those expressed for them by family members).

In sum, the paper would be much more engaging if it provided a richer description of the subject behind the document (the living will) as well as the ways in which the will was made to act on their behalf in specific conversational situations.

Boris Brummans (2007) Death by Document: Tracing the Agency of a Text. *Qualitative Inquiry* 13(5): 711-727.

<https://doi.org/10.1177/1077800407301185>

Simon Smith (2021) Storifying routines and routinising stories. A dualistic subject positioning analysis of controversies

about constraints on patient autonomy. *Journal for the Theory of Social Behaviour* 51: 145-163. <https://doi.org/10.1111/jtsb.12267>