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Preface

This book deals with one of the most urgent and pervasive—yet in some respects one of the most neglected—problems in bioethics: decision making for incompetents. Until quite recently, bioethicists have tended to focus on articulating, justifying, and implementing the rights of self-determination of competent patients. When the special problems of the incompetent have been squarely addressed it has usually been in a less than systematic fashion and often only for certain classes of incompetents, such as disabled newborns.

The present work offers a broader and more systematic account. Part One develops and defends a theoretical framework; Part Two applies the theory to the distinctive problems of three important classes of individuals, many of whose members are incompetent: the elderly, minors, and psychiatric patients. This book is directed toward an extremely broad audience. We believe it will be of considerable interest to lawyers and judges, physicians, nurses, social workers and other health care professionals, health policy analysts and health policy makers, moral philosophers, and, of course, bioethicists. Although as a whole it is written for a rather general audience, there are some sections which may be of greater interest to some rather than others. For example, much of Chapter 3 might be omitted or skimmed by those who do not have a special interest in the philosophical perplexities of personal identity and their bearing on the use of advance directives.
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A very different sort of book could have been written on this same topic, a book designed primarily to expose flaws and evils in our treatment of the incompetent and in the processes by which certain individuals come to be labelled "incompetent" in the first place, a book to stir the conscience, and to inspire and mobilize forces for social reform. We have no doubt that such a book would be a worthy undertaking, although we think it quite unlikely that philosophers are the people to author it.

In each of the applications chapters we advance criticisms of current institutional practices and offer suggestions for improvement, but our self-imposed task has different primary aims. Nevertheless, it is our hope that the analytic clarity and systematic ethical reasoning we have tried to provide will, if only indirectly and in combination with the distinctive contributions of others from different fields and with different objectives, bear practical fruit in actual improvements in the lives of incompetent individuals.

This book is the result of an ongoing collaboration that has developed over several years. The authors first began thinking seriously about the problems of decision making for incompetents during their tenure as Staff Philosophers for the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research in Washington, DC from 1981 to 1983. In our work for the Commission, we both profitted enormously from a rare combination of two stimulating factors: the work was more collaborative and more interdisciplinary than the work philosophers usually do, and it required a constant cross-fertilization between ethical theory and concrete social problems. Much of the thinking presented in the current volume had its origin in our contributions to the Commission Report on Deciding to Forgo Life-Sustaining Treatment (Washington, D.C.: Government Printing Office: 1983). We continued our cooperative research on this topic in a Background Study for the U.S.
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Congress Office of Technology Assessment entitled “Deciding For Others: The Ethics of Decisionmaking for Elderly Individuals Who Are Incompetent or of Questionable Competence.” This study, which includes contributions by Michael Gilfix, an attorney who specializes in serving the needs of the incompetent elderly and their families, appears in *Philosophical, Legal, and Social Aspects of Surrogate Decisionmaking for Elderly Individuals* (copies available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161). An excerpt from it appeared as “Deciding for Others: The Ethics of Surrogate Decisionmaking” in *The Milbank Quarterly*, vo. 64, Suppl. 2, (1986), 17–94.


Articles by Dan Brock that were drawn on for Chapter I include: “Paternalism and Promoting the Good” in *Paternalism*, edited by Rolf Sartorius (Minneapolis: University of Minnesota Press, 1983); “Case Discussion:
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Although some portions originated in the independent previous work of each of the authors, and although each of us had primary responsibility for some chapters and for parts of other chapters, the book as a whole is an inextricably joint product. Every part of each chapter has been worked over by both authors, and we have each benefitted greatly from the critical comments of the other.

We are both indebted to Daniel Wikler for encouraging us to undertake this project, and for his detailed and probing comments on a draft of the book. We are also grateful
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