The International Library of Bioethics

Volume 83

Series Editor

Dennis R. Cooley, North Dakota State University, History, Philosophy, & Religious Studies, Fargo, ND, USA

Advisory Editor

David N. Weisstub, Faculty of Medicine, University of Montreal, Montréal, QC, Canada

Founding Editors

David C. Thomasma, Université de Montréal, Dordrecht, Zuid-Holland, The Netherlands

David N. Weisstub, Université de Montréal, Montréal, QC, Canada

Thomasine Kimbrough Kushner, University of California, Berkeley, CA, USA

Editorial Board

Terry Carney, Faculty of Law Building, University of Sydney, Sydney, Australia

Marcus Düwell, Philosophy Faculty of Humanities, Universiteit Utrecht, Utrecht, Utrecht, The Netherlands

Søren Holm, Centre for Social Ethics and Policy, The University of Manchester, Manchester, UK

Gerrit Kimsma, Radboud UMC, Nijmegen, Gelderland, The Netherlands

David Novak, University of Toronto, Toronto, ON, Canada

Daniel P. Sulmasy, Edmund D. Pellegrino Center for Clinical, Washington, DC, USA

The *International Library of Bioethics* – formerly known as the International Library of Ethics, Law and the New Medicine comprises volumes with an international and interdisciplinary focus on foundational and applied issues in bioethics. With this renewal of a successful series we aim to meet the challenge of our time: how to direct biotechnology to human and other living things' ends, how to deal with changed values in the areas of religion, society, and culture, and how to formulate a new way of thinking, a new bioethics.

The *International Library of Bioethics* focuses on the role of bioethics against the background of increasing globalization and interdependency of the world's cultures and governments, with mutual influencing occurring throughout the world in all fields. The series will continue to focus on perennial issues of aging, mental health, preventive medicine, medical research issues, end of life, biolaw, and other areas of bioethics, whilst expanding into other current and future topics.

We welcome book proposals representing the broad interest of this series' interdisciplinary and international focus. We especially encourage proposals addressing aspects of changes in biological and medical research and clinical health care, health policy, medical and biotechnology, and other applied ethical areas involving living things, with an emphasis on those interventions and alterations that force us to re-examine foundational issues.

More information about this series at http://www.springer.com/series/16538

Michael Kühler · Veselin L. Mitrović Editors

Theories of the Self and Autonomy in Medical Ethics



Editors Michael Kühler Department of Philosophy University of Twente Enschede, Overijssel, The Netherlands

Veselin L. Mitrović Institute of Social Sciences University of Belgrade Belgrade, Serbia

ISSN 2662-9186 ISSN 2662-9194 (electronic) The International Library of Bioethics ISBN 978-3-030-56702-6 ISBN 978-3-030-56703-3 (eBook) https://doi.org/10.1007/978-3-030-56703-3

© Springer Nature Switzerland AG 2020

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, expressed or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Springer imprint is published by the registered company Springer Nature Switzerland AG The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Preface

This volume is the result of a longstanding cooperation between the editors and some of the contributors. Starting with a workshop on "Issues in Theoretical and Applied Ethics," organized by Gunnar Scott Reinbacher and Jörg Zeller in 2011 in Klitgaarden, Denmark, the central topic of our shared discussion since then had quickly been found, namely, the controversial relation between debates and arguments in theoretical ethics and metaethics, on the one hand, and applied ethics, esp. medical ethics, on the other hand. Since then an edited volume based on this first workshop followed (Zeller, Jörg/Riis, Ole Preben/Nykänen, Hannes (eds.): Issues in Theoretical and Applied Ethics, Aalborg: Aalborg University Press) as well as two further workshops: "Applied Ethics and Applying Ethics," organized by Michael Kühler and Jörg Zeller in 2013 in Münster, Germany, and "Theories of the Self and Respect for Autonomy in Palliative Care and End-of-Life Decisions," organized by Veselin Mitrović and Michael Kühler in 2016 in Belgrade, Serbia. The latter workshop has been the starting point for the current volume, which contains a number of revised contributions to this workshop but also a number of additional contributions by other colleagues, thus joining our ongoing discussion.

As with all such volumes, they are the result of many people's contributions and help. First of all, we would like to express our utmost gratitude to all contributors for putting in so much hard work to provide this volume with so many excellent and thought-provoking chapters. Furthermore, we would like to say a special "thank you" to Cecil Joselin Simon, Christopher Wilby, Floor Oosting, and Cynthia Kroonen at Springer for their tremendous support and truly admirable patience when it came to putting this volume together. Last but certainly not least, we are very grateful to Lucie White and Rachel Fedock for their invaluable help in proofreading and language editing. We cannot stress enough how much we appreciate their support.

Belgrade, Serbia Enschede, The Netherlands June 2020 Veselin L. Mitrović Michael Kühler

Contents

1	Introduction Michael Kühler and Veselin Mitrović	1
Part	I From Theories of the Self and Autonomy to Medical Ethics	
2	What is Autonomy Anyway? Milijana Đerić	17
3	Personal Identity and Self-Regarding Choice in Medical Ethics Lucie White	31
4	Personal Identity and the Moral Authority of Advance Directives	49
5	Narratives in Flux. Why Patients' Life Stories Do Not Provide Decisive Instructions in Cases of Surrogate Decision-Making Michael Kühler	69
6	The ART of Authenticity Birgit Beck	85
7	Remainders of the Self: Consciousness as a Problem for Neuroethics Marco Stier	99
Part	t II From Medical Ethics to Theories of the Self and Autonomy	
8	Ethical Issues Concerning Patient Autonomy in Clinical Practice	123
9	A Patient's Right to Refuse Medical Treatment Through the Implementation of Advance Directives	137

10	Prolonged Autonomy? The Principle of Precedent Autonomy and the Binding Force of Advance Directives in Dementia Oliver Hallich	147
11	Individual and Collective Decision-Making in Palliative and End-of-Life Care Zoran Todorović and Dragana Protić	173
12	Who Should Take Care of Offenders with Dementia?Annette Dufner	185
13	Understanding 'Euthanasia' Across Various Medical Practices Veselin Mitrović	199
Index		215

About the Editors

Michael Kühler is Assistant Professor at the University of Twente, Netherlands and "Privatdozent" (roughly equaling Associate Professor) at Münster University, Germany. His research interests include ethics, medical ethics, metaethics, and political philosophy. His recent publications include "Technological Moral Luck," in: Beck, Birgit/Kühler, Michael (eds.): Technology, Anthropology, and Dimensions of Responsibility, Techno: Phil 1, Stuttgart: Metzler, 2020, 115-132, https://doi.org/10.1007/978-3-476-04896-7_9, "Romantische Liebe und die Freiheit zu gehen," in: Dietz, Simone/Foth, Hannes/Wiertz, Svenja (eds.): Die Freiheit zu gehen. Ausstiegsoptionen in politischen, sozialen und existenziellen Kontexten, Wiesbaden: Springer, 2019, 195-222, "Modus Vivendi and Toleration," in: Horton, John/Westphal, Manon/Willems, Ulrich (eds.): The Political Theory of Modus Vivendi, Dordrecht: Springer, 2019, 235–253, "Toleranz und/oder Paternalismus im engeren sozialen Nahbereich?," in: Zeitschrift für Praktische Philosophie 4, 2017, 63-86; and "What if I Cannot Do What I Have to Do? Notions of Personal Practical Necessity and the Principle 'Ought Implies Can'," in: Bauer, Katharina/Mieth, Corinna/Varga, Somogy (eds.): Dimensions of Practical Necessity. "Here I Stand. I Can Do No Other," Houndmills: Palgrave Macmillan, 2017, 87-107.

Veselin L. Mitrović is a senior research associate at the Institute of Social Sciences at the University of Belgrade. His research activities feature topics in Bioethics, Disaster Study, Sociology of Culture and Social Action in different strata (from marginal to elite). His recent publications include "Ethics and Floods: A Systematic Review." *Disaster Medicine and Public Health Preparedness*. 13/4, 2019, 817–828. "Parent's Religious and Secular Perspectives on IVF Planning in Serbia," *Journal for the Study of Religions and Ideologies* 15/43, Spring 2016, 48–81; "From Global Bioethics to Neuroethics," *TEME* XL/4, 2016, 1457–1475 (Serbian); "Resilience: detecting vulnerability in marginal groups," *Disaster Prevention and Management* 24/2, 2015, 185–200; "The Contingency of the 'Enhancement' Arguments: The Possible Transition From Ethical Debate to Social and Political Programs," *Journal for the Study of Religions and Ideologies* 13/37, Spring 2014, 93–124; "Ethos of the Elite and Future of Serbia," *Balkanske sinteze* 1/1, 2014, 167–189 (Serbian); "Nanotechnologies and Global Survival," *Sociologija* LIV/1, 2012, 37–54 (Serbian);

"The Myth of Moral Enhancement: Back to the Future?," *Filozofija i društvo* XXIII/2, 2012, 111–123 (Serbian); "Human Enhancement: Toward the Creation of Patterns of Injustice?" Zeller, Jörg/Riis, Ole Preben/Nykänen, Hannes (eds.): *Issues in Theoretical and Applied Ethics*, Aalborg: Aalborg University Press, 2013; "Study," *Sociology in Serbia 1959–2009, Institutional Development*, 59–107, (ed.) Marija Bogdanović, (Beograd: Službeni glasnik i Filozofski fakultet Univerzitet u Beogradu, 2009) (Serbian). He is also author of the following books written in Serbian: *Apathetic Society* (2015); *The Stride of Bioethics, New Bio-Technologies and Social Aspects of the "Enhancement" of the Healthy* (2012) and *Jazz as Socio-Cultural Improvisation – A Qualitative Research of Social Mobility* (2012).