Angelika Gomez

Professor Eric Moore

Philosophy 315

August 13, 2019

Deciding for Another

There are many factors to making decisions for incompetent patients. The most complicated decisions are the ones that surrogates have to make for a patient when they can no longer be able to make the decision themselves. In this case, a surrogate is most likely a family member which makes decisions very hard to decide what is best for the patient (Stonestreet 536). In this paper, I will show that Erica Lucast Stonestreet’s article succeeds in showing that love is a huge factor in helping a surrogate make the right decision for an incapacitated or incompetent patient.

When a patient is incompetent and is not able to make a decision for themselves in terms of medical treatment, the patient will need a person to make a decision that they would have made themselves. Factors that the surrogate would have to take in account would be the past and present values, past preferences, and present conditions of the patient (Stonestreet 527). There are two different standards/judgements that one can look at to decide on what is right for the patient; the substituted judgment and the best interest standard (Stonestreet 524). These two models can be used to help a surrogate make a decision for a patient but in Stonestreet’s article, she speaks very highly of love being an important key to looking into what the patient valued and what the surrogate would have to think about in benefit of the decision.

Stonestreet explains that the normativity of love manages the way a surrogate should consider her choices. In this instance, the article explains a different point of view in understanding what love can be and how it should be looked at in the case of a surrogate making a decision for a patient (Stonestreet 529). By taking in account of the values that the patient has, the surrogate would have to think about what the patient loved because the things that the patient loved, is what made them the person that they are. The two aspects of love, which are the self-constituting factor and the inherent attunement to the patient, will help the surrogate decide what is best for the patient. With the normativity of love, Stonestreet made a “best judgment” model that focuses on not just the patient’s best interest but also for their own sake and well-being (Stonestreet 530).

Erica Lucast Stonestreet’s proposal is that a person who recognizes between past wishes and present interests will want to find a balance between the two resulting in the surrogate’s interest in finding the balance because it is associated with the attitude of love which focuses on what makes the person who they are. It pushes the surrogate to find a decision that is authentic to the patient and also thinking about the respect and beneficence of the patient. This proposal goes back to the “best judgment” model because it can have some advantages to it. It emphasizes that people cannot make a decision of putting themselves in another person’s shoes, it gives some comfort to the family’s interests, and it can reflect on the values with the two different standards/judgements mentioned in the beginning of the paper (Stonestreet 537).

In some ways, the “best judgement” model plus the idea of love associated with it can have some complications. A surrogate can use this process to consider the different options for the patient by what they feel is right for them but the surrogate can think of it in a way where because they are usually family, they are doing it for the benefit of what they think is right because they love them and want what is best for them. But this will also lead to the surrogate to not think about the values that the patient has or what the patient would choose. In this way, the surrogate will choose a medical treatment that is right for them because it is what they think will be physically good for the patient.

In this paper, I will show that Erica Lucast Stonestreet’s article succeeds in showing that love is a huge helping factor in the decision making process that a surrogate would have to make for an incompetent patient because they would not be able to do it themselves. Using love would lead to authenticity which means that the surrogate would be choosing a decision based on who they are and what they would have wanted. By the authenticity and association of the idea of love being used in this decision process, the surrogate will follow the path that the patient would have chosen.

References

Stonestreet, Erica L. “Love as a Regulative Ideal in Surrogate Decision Making.” *Journal of Medicine and Philosophy* vol. 39, no. 5, Oct. 201, pg. 523-542. *EBSCOHost,* doi:10.1093/jmp/jhu034