

Conference Abstract

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Author: **Jakub Zawila-Niedźwiecki, MA, PhD Candidate**

Affiliation: Center for Bioethics & Biolaw, Institute of Philosophy, University of Warsaw
3 Krakowskie Przedmiescie Street, 00-097 Warsaw, Poland

E-mail: jakub@zawila-niedzwiecki.pl

Title: **The limitations of surrogate decision-making in bodily material donation for therapy or research**

Abstract text: Extant literature on competence or capacity to consent mostly deals with situations of two sorts: 1. consent of patients in clinical ethics 2. consent of research subjects in research. Although existing normative frameworks and empirical evaluation methods for these situations have their own faults the area of surrogate competence that has been hardly explored. The purpose of my presentation is exploration of characteristics and limits of competence of surrogate decision makers. As acting agents they are subject to all the limitations and biases that any agent is subjected to when deciding for herself. Yet they are also subject to additional limitations in proxy decision-making.

By using results from other areas of philosophy and my own analyses I shall characterise the types of limitations as regarding to:

1. Internal psychological characteristics of an acting agent.
2. Epistemic limitations of knowledge of other person's goals, preferences and interests.
3. Normative characteristics of the stewardship duty of surrogate decision makers.

I would like to sketch implications of those limitations and characteristics of surrogate decision-making on such practices as organ and tissue donation, post-mortem gamete retrieval, and research on incompetent patients. I will also include a brief sketch of how assisted decision-making might help situations of persons by lifting the limitations and biases of surrogate decision-making.

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