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Advance Directives and the Problem of Personal Identity

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Two objections against the authority of advance directives for some incompetent persons are advanced in this paper. First, that under a psychological continuity account of personal identity, the authority of existing advance directives for now-demented persons is morally questionable because now-demented persons are different persons from their formerly competent selves responsible for creating the directive. Honoring advance directives in these cases violates contemporaneous autonomy. Second, that even if personal identity does survive dementing illness, honoring advance directives for now-demented persons is nevertheless morally problematic because it violates contemporaneous autonomy, under a certain conception of marginal autonomy of which some demented persons are still capable.

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