

# SHOULD WE TREAT PVS AND MCS PATIENTS AS PERSONS?

## - BRADDOCK 2017

*Braddock's Conclusion: We should treat VS and MCS patients as having the full moral status of persons.*



### 1 DIAGNOSTIC UNCERTAINTY ARGUMENT (FOR PATIENTS IN VS)

A common argument is that IF someone has lost the capacity for consciousness, then they are no longer a person and they have the same moral status as a corpse (because consciousness ties to a bunch of relevant capacities like sentience, self-consciousness, rational agency).

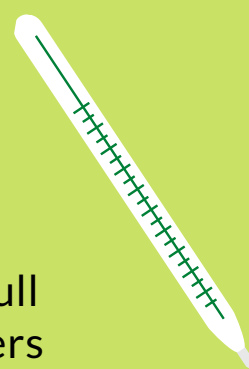
BUT it is not clear that VS patients HAVE lost the capacity for consciousness (not clear that they are “no longer persons”) because there is a 35-45% misdiagnosis rate of patients who were determined by competent patients to be in VS, but were actually MCS (as determined by clinical signs of awareness or voluntary behaviors, or as determined by neuroimaging tests).



### 2 MORAL UNCERTAINTY ARGUMENT (FOR PATIENTS IN MCS)

Some say that if a patient has only minimal levels of consciousness, then she is not a person (a being has full moral status and a right to life if the being’s life matters to it, which requires the ability to conceive of oneself as persisting through time, recalling the past, have preferences for how life goes—all of this underwrites personhood). And they say that the transitory and fluctuating consciousness seen in MCS does not quite get to this.

BUT, there is uncertainty among philosophers regarding the grounds for moral personhood, human dignity, and moral equality. They cannot agree on which capacities ground it and the extent or threshold needed.



### 3 VARIATION IN MCS PATIENTS (OUTCOMES UNCERTAINTY) ARGUMENT

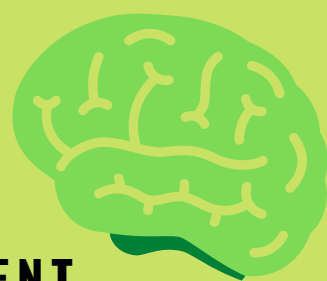
MCS patients vary widely in prognosis and outcomes, even when grouped by causative pathway. Some get better, others get worse, others will recover high level capacities, and others not.



### 4 DISPOSITIONAL CAPACITIES ARGUMENT

MCS patients do dispositionally possess the capacities relevant for grounding personhood and moral status. Hard to say it is “lost” just because they are not exhibiting it at the moment—some go on to exercise it again.





## 5 APPEAL TO MCS CASE STUDIES ARGUMENT

Consider the case example of M: She wept at her favorite songs, of a video of her wedding, smiled at familiar male caregivers, etc. Do we really want to say that she does not have the relevant capacities of self-consciousness or psychological connectedness to her past?

## 6 THE PRINCIPLE OF PRECAUTIONARY PERSONHOOD ARGUMENT

In light of empirical and philosophical uncertainty (.3-.7 range) about personhood and moral status, we ought to treat VS/MCS patients as if they ARE persons (having the important rights of persons), UNLESS doing so infringes on [comparatively important] rights of individuals who are clearly persons.



### 6-A PRECAUTIONARY PERSONHOOD ANALOGIES

Driving analogy: If we are fairly uncertain whether there is an innocent pedestrian on our driving path, we ought to take a different path.

Demolition analogy: If we are fairly uncertain whether there is an innocent person in a demolition site, we ought not blow it up, even if this costs us our job, etc.

Marginal cases analogy: If we are fairly uncertain whether a severely handicapped infant, advanced dementia patient, or great ape is a person, we ought to treat them as one.

### 6-B BAD TRACK RECORD ARGUMENT

We tend to get it horribly wrong—we (society) have a very bad track record of treating persons as non-persons or not full persons (women voting, slavery, etc. etc.). We are more likely that not to make a horrible moral mistake in this domain.



### 6-C MORAL ASYMMETRY ARGUMENT

It may be bad or neutral to give a non-person more consideration than we owe them, but it would be VERY bad to treat a vulnerable person as a non-person.



## 7 THE NON-SCARCITY ARGUMENT

Treating MCS and VS patients as persons would NOT infringe on the rights of other clear persons in most cases because most cases are non-scarcity cases (exception: ICU bed for VS patient vs. fully conscious patient).

