

## ABSTRACT

*Where there's a will there's a way!  
But where's the way of the will?*

Lambik in Vandersteen (1979, p. 12)

Criteria for assessment of patient competence: a conceptual analysis from the legal, psychological and ethical perspectives

Patient competence is a pivotal element of the informed consent doctrine, where it helps to balance the principles of autonomy and beneficence; with that, it potentially plays an important role in health care practice too. Therefore patient competence forms the subject of this multi-disciplinary study. Starting from a task-specific conception of the concept, we attempt to formulate criteria for assessing it and for determining whether one ought to have a representative decide in the patient's stead. Now that neither the relevant literature, nor the health care professionals involved apparently succeed in handing unambiguous and valid criteria, the dissertation tries an analysis of the problematic nature of the concept. After the explicit pointing out of the patient's subject and values as underlying norms and after a brief sketch of the epistemological and ontological dimensions that can be distinguished in relation to these values, a systematic argument is put forward on both positive legal and philosophical grounds. This argument implies that competence assessment with a view to taking away decisional power from the patient, should be reserved for specific exceptional cases and that the best way to assess competence in those cases is provided by the so-called recognisable reasons approach. In other cases, the efforts should not be directed at answering the procedural question *Who decides?*, but at answering the substantial question *What is good care?*.