Value Neutrality and Unwise Decisions: On 'Problem Cases' and Capacity Assessments in Psychiatry

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I discuss whether the belief that an individual's decision is 'unwise' should have bearing on their capacity to make that decision. In England and Wales, adult patients have the right to consent to, or refuse, mental health treatment—which may only be justifiably undermined if patients lack decision-making capacity. To protect patient autonomy and limit undue paternalism, capacity law affirms that persons should not be treated as lacking capacity merely because their decision is 'unwise'. Capacity tests therefore follow a functional model assessing four cognitive abilities to circumvent evaluative judgements about a decision's content and prevent wrongful cases of involuntary treatment. Some argue that these 'value-neutral' frameworks cannot address cases where patients meet cognitive criteria, but are nevertheless suspected to lack capacity, due to a belief that their decision-guiding *values* are distorted by mental conditions. I argue that, while the *mere* belief that a decision is unwise should not bear on capacity, addressing 'problem cases' without *some* evaluative judgement might be complex. To this end, I assess two diverging approaches in the literature, which guide my discussion of how, and if, we can reconcile the value-neutral aims of capacity tests with a framework that conclusively addresses problem cases in psychiatry.