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Informed consent: Against respect for autonomy

This paper argues that the principle respect for autonomy is not the basis of the ethical requirement for informed consent.

First, it is strikingly difficult to give an explication of respect for autonomy that will actually *support* standard informed consent requirements. If (as in the Kantian tradition) autonomy is an achievement or an ability of deliberated self rule, not all normal adults (or normal adult decisions) can be expected to be autonomous, so respecting autonomy cannot be the basis for a universal requirement for informed consent; but if alternatively (as in the Millian tradition) autonomy means decisional privacy, then it is difficult to see how respect for autonomy can bear the ethical weight that it is being asked to carry. I argue, further, that there is reason to be sceptical that there could be a hybrid account that would avoid these difficulties.

Second, even if we assumed that the respect for autonomy theory were correct as an account of the basis of informed consent for medical treatment, the position would still face problems. For there are relevantly similar cases involving public health (such as vaccination) where consistency would require us to seek the informed consent of everyone concerned. But this neither coincides with what we do, nor would it be morally plausible for us to amend our practices in this way. This inconsistency casts doubt on the cogency of the respect for autonomy theory as an explanation of the need for informed consent in the realm of medical decisions, particularly in view of the availability of alternative justification for seeking informed consent such as those given recently by Onora O’Neill.