

**The University of Toronto**  
**PHL 2145H S - Bioethics**  
**Autonomy and Consent in Medicine (and Beyond)**  
**Fall 2025 - Syllabus**

Informed consent is a cornerstone of contemporary medical ethics. In this course, we will examine the nature of consent, some of the varieties of consent (actual, hypothetical, retrospective, and prospective), the notion of competence to give consent, and the sorts of things that might undermine consent (e.g., coercion, manipulation, duress, etc.). Finally, we will look at the way that informed consent has been extended to other fields beyond medicine. Our readings will include some of the modern classics in the field (e.g., Faden and Beauchamp's *History and Theory of Informed Consent*, Buchanan and Brock's *Deciding for Others*), as well as a selection of the most recent literature on the topic.

**Instructor:** Andrew Franklin-Hall

**Contact:** andrew.franklin.hall@utoronto.ca

**Meetings:** Tuesdays 9:00-12:00

JHB 418

First class: Sept. 9 - Last class: Dec. 2 - No Class: Nov. 11

**Office Hours:** Tuesdays after class and by appointment

**Readings:** All readings can be accessed through the Quercus website associated with this course.

**Format:** This will be a discussion-based seminar. I may occasionally make long-winded comments that sound suspiciously like lectures, but for the most part, I want this class to be a conversation. I will distribute discussion questions in advance of each class. We may not get to every question, and you should feel free to ask questions that I have not posed. But the pre-circulated questions will help structure our discussion and guide your reading.

**Evaluation:** Evaluation will have four components: participation, responses on the discussion board, an abstract or outline for your final paper, and the final paper itself.

| Course Requirements                       |     |
|-------------------------------------------|-----|
| Discussion Board                          | 15% |
| Regular Seminar Participation             | 15% |
| Abstract (100-250 words; due April 9)     | 5%  |
| Term Paper (4000-5000 words; due Dec. 16) | 65% |

### Discussion Board:

- By **9PM** the night before class, you should submit a response to one of the discussion questions to the Quercus discussion board.
- Responses should be at least **200 words long**.
- Students are, of course, welcome to read the responses of classmates and engage with their answers.
- A satisfactory/good response will receive **85%**. An exceptionally good response will receive a higher mark. (Exceptionally good responses always involve significant critical engagement.) A response that does not seem to be a good faith effort to respond to the question will receive less credit.
- You should respond to **eight** questions over the course of the term. You cannot receive credit for answering more than one question per week. However, you can post weekly responses more than eight times – in which case I will take the highest eight marks to calculate this component of your grade.

### Seminar Attendance and Participation:

- Attendance is an important part of this course. If you need to be absent more than once, you should certainly contact me about this, since otherwise it may hurt your grade.
- This course is intended to be discussion-based. You will receive full credit (85%) if you speak up at least a few times in *almost* every class. Lower levels of participation will earn lower scores; exceptionally frequent and high-quality contributions will earn a higher mark.

**Abstract and Paper:**

- You will submit one 4000-5000 word paper on a topic related to our course (about 12-15 pages).
- You are responsible for developing your own topic, but you should clear the topic with me. I can also help you develop a topic if you like.
- Prior to submitting the paper, you should submit an abstract or brief outline of the plan for your paper. This is worth 5% of your final grade but will not be marked.
- You may do outside research for the paper, but this is not required. Ordinarily, your paper should involve some significant engagement with at least one of our readings. Any departure from that expectation should be cleared with me.

**Accommodations:** Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability/health consideration that may require accommodations, please approach the Accessibility Services as soon as possible. <http://www.studentlife.utoronto.ca/as>

**Academic Integrity:** Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is an accurate signal of each student's academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto's Code of Behaviour on Academic Matters

<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>

outlines the behaviours that constitute academic dishonesty and the process for addressing academic offences.

Potential offences include, but are not limited to: In papers and assignments: 1. Using someone else's ideas or words without appropriate acknowledgement. 2. Submitting your own work in more than one course without the permission of the instructor. 3. Making up sources or facts. 4. Obtaining or providing unauthorized assistance on any assignment. In academic work: 1. Falsifying institutional documents or grades. 2. Falsifying or altering any documentation required by the University, including (but not limited to) doctor's notes. All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. If you have questions or concerns about what constitutes appropriate academic behaviour or appropriate research and citation methods, you are expected to seek out additional information on academic integrity from your instructor or from other institutional resources.

**The submission of AI-generated text, like ChatGPT, for an assignment or discussion-board response, is considered a breach of academic integrity.**

| PROVISIONAL CLASS SCHEDULE                         |              |                                                                                                                                                                                                                                                 |
|----------------------------------------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Historical and Theoretical Perspectives on Consent |              |                                                                                                                                                                                                                                                 |
| 1                                                  | T – Sept. 9  | Faden and Beauchamp, <i>A History and Theory of Informed Consent</i> <ul style="list-style-type: none"> <li>Chapter 4 - “Consent and the Courts”</li> <li>Chapter 5 - “The Development of Consent Requirements in Research Ethics”</li> </ul>   |
| 2                                                  | T – Sept. 16 | Faden and Beauchamp, <i>A History and Theory of Informed Consent</i> <ul style="list-style-type: none"> <li>Chapter 7 - “The Concept of Autonomy”</li> <li>Chapter 8 - “The Concepts of Informed Consent and Competence”</li> </ul>             |
| 3                                                  | T – Sept. 23 | Hurd, “The Moral Magic of Consent I”<br>Miller and Wertheimer, “A Preface to a Theory of Consent”                                                                                                                                               |
| Decision-Making Capacity and Autonomy              |              |                                                                                                                                                                                                                                                 |
| 4                                                  | T – Sept. 30 | Buchanan and Brock, <i>Deciding for Others</i> , Chapter 1 – “Competence and Incompetence”<br>Wicclair, “Decision-Making Capacity and Risk”<br>Kim and Berens, “Risk-Sensitive Assessment of Decision-Making Capacity: A Comprehensive Defense” |
| 5                                                  | T – Oct. 7   | Ho, “The Individualist Model of Autonomy and the Challenge of Disability”<br>Enoch, “False Consciousness for Liberals I: Consent, Autonomy, and Adaptive Preferences”                                                                           |
| 6                                                  | T – Oct. 14  | Jaworska, “Assisted Autonomy in Dementia”<br>Franklin-Hall, “Binding the Self: The Ethics of Ulysses Contracts”                                                                                                                                 |
| Understanding, Defective Belief, and Deception     |              |                                                                                                                                                                                                                                                 |
| 7                                                  | T – Oct. 21  | Faden and Beauchamp, <i>A History and Theory of Informed Consent</i> , Chapter 9 – “Understanding”<br>Bromwich and Millum, “Disclosure and Consent to Medical Research Participation”                                                           |
| -                                                  | Reading Week | ---                                                                                                                                                                                                                                             |
| 8                                                  | T – Nov. 4   | Feinberg, <i>Harm to Self</i> , ch. 25 – “Failures of Consent: Defective Belief”<br>Dougherty, “Sex, Lies, and Consent”                                                                                                                         |

| Coercion, Manipulation, and Undue Influence |             |                                                                                                                                                                                                     |
|---------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10                                          | T – Nov. 11 | Faden and Beauchamp, <i>A History and Theory of Informed Consent</i> , ch. 10 – “Coercion, Manipulation, and Persuasion”<br>Wertheimer, “Voluntary Consent: Why a Value-Neutral Concept Won’t Work” |
| 11                                          | T – Nov. 18 | Millum, “Consent Under Pressure: The Puzzle of Third Party Coercion”<br>Liberto, “Coercion, Consent, and the Mechanistic Question”                                                                  |
| 12                                          | T – Nov. 25 | Radcliffe Richards, “Consent with Inducements: The Case of Body Parts and Services”<br>Millum and Garnett, “How Payment for Research Participation Can Be Coercive”                                 |
| 12                                          | T – Dec. 2  | Cohen, “Nudging and Informed Consent”<br>Kiener, “When Do Nudges Undermine Voluntary Consent?”<br>Enoch, “How Nudging Upsets Autonomy”                                                              |