

A close-up, profile photograph of a Black man looking upwards and to the right. He has short, dark hair and a light beard. The lighting is soft, highlighting his facial features. The background is a plain, light gray.

The Morality of CONSENT

Team 2

01 Consent and Explicit Consent

- Consent is “**permission for something to happen** or an agreement to do something” (Oxford).
 - Involves two parties
- Explicit consent is when consent is clearly indicated through verbal or written communications
- Why is consent important?
 - What principles can we appeal to as justification?

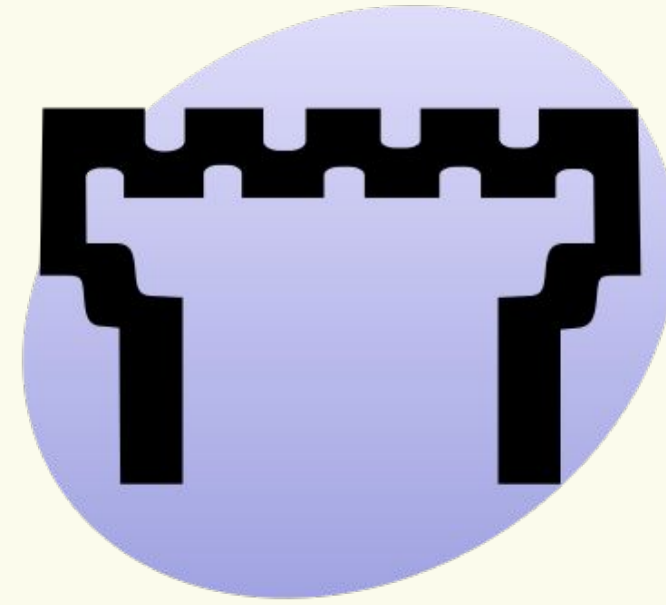
02 What is Tacit Consent?

Tacit consent is the assumed consent between parties without any formal or explicit agreement.

Locke: traveling within a country and using its roads constitutes an implicit agreement to e.g. obey speed limits

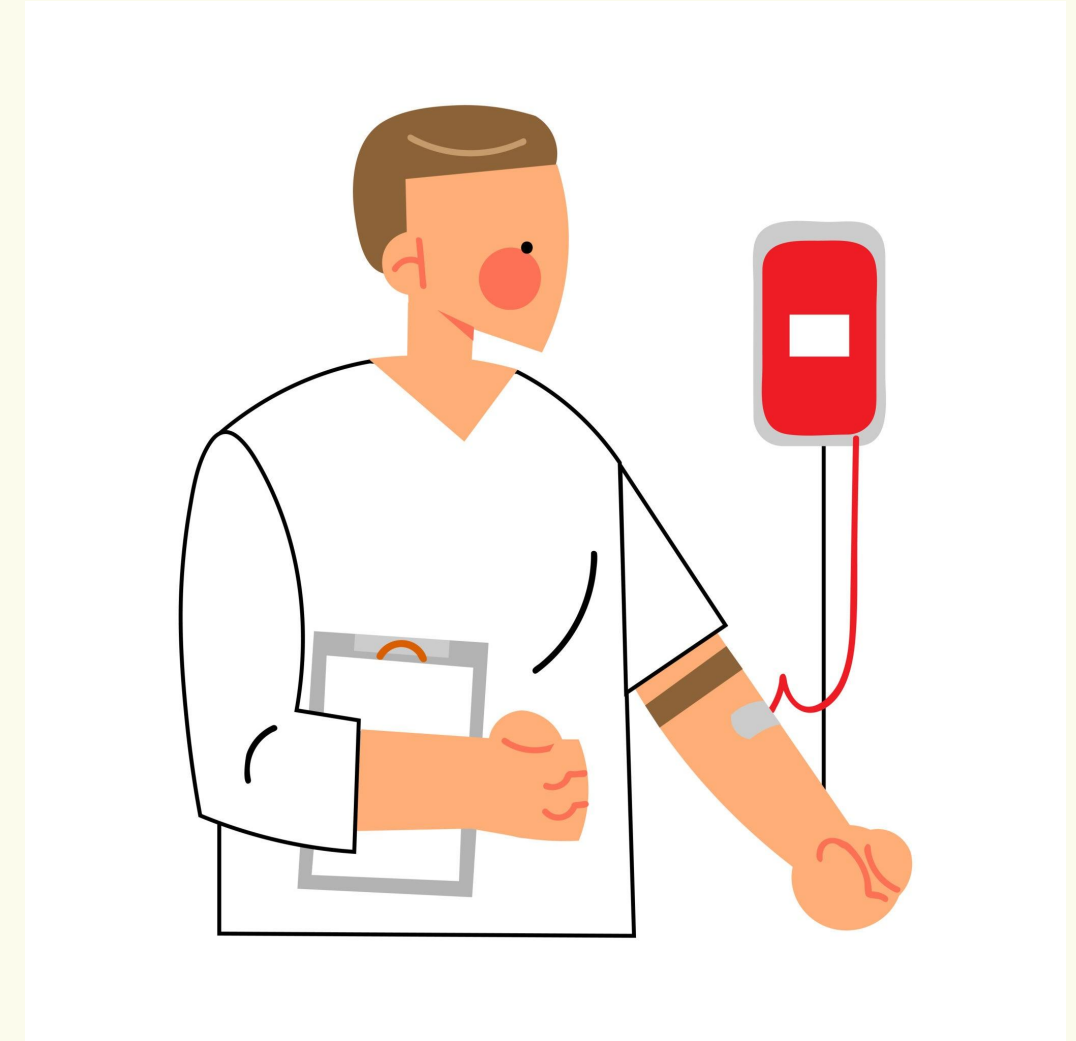
How might tacit consent be a useful concept?

Consent: Clear Cut or Not?



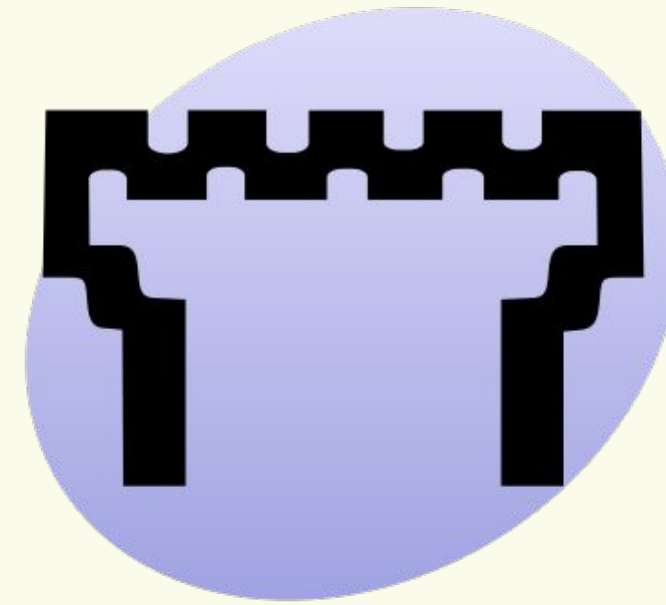
Jehovah's Witnesses are known to reject blood transfusions on religious grounds. Often, they have written directives stating how to be handled.

Suppose a **known** JW is found unconscious and bleeding. They **have a note** in their pocket indicating that they reject transfusions. Should a doctor give them a transfusion? What forms of consent are in play?



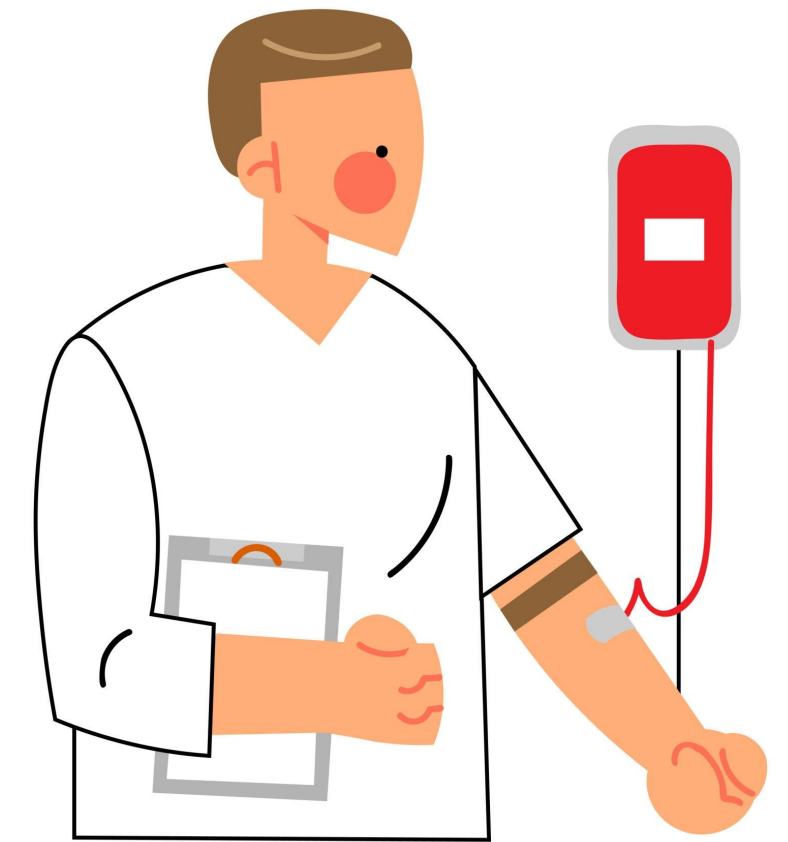
Is patient autonomy a more important value than protecting human life? Who gets to decide this?

A Murkier Situation



Jehovah's Witnesses are known to reject blood transfusions on religious grounds. Often, they have written directives stating how to be handled.

Suppose now a **suspected** JW is found unconscious (with **no note**). Is the scenario any different than before?



03 Hypothetical Consent

- Rawls: “Veil of ignorance” – People will choose rules for society without knowing their social status
- Involves “rationally self-interested people thinking fairly”
- Hypothetical consent asks if a rational person *would have* consented, rather than seeking their direct consent.

04 Examples of Hypothetical Consent

- A country implementing a draft after being invaded by another country
- Legal requirement for children to attend school
- Giving the inheritance to the closest alive relatives of a deceased person without a will

05 Problems with Hypothetical Consent

Not everyone has equal reasoning ability

- Should those with different or limited reasoning capacities be excluded from decisions that affect them?

Rational disagreement still exists

- Even rational individuals may reasonably disagree due to differing values and interests which makes viewpoints oversimplified.

Relies on the absence of actual consent

- Hypothetical consent overrides real autonomy by assuming what someone “should” agree to—even if they haven’t.