

Consent (Q1 2026)

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Tuesdays 11:00-13:00

Faculty of Religion, Culture and Society, room 0125 (22)

Office hours: by appointment

Jump to *assessments*.

Jump to *topics and readings*.

Jump to *AI policy*.

Overview — This is a course about the ethics of consent. Consent is one of the central ways in which we free others from duties that they owe to us and undertake new obligations. From a philosophical point of view, consent is puzzling. How can we change the rights and duties of ourselves and others just by our say-so? In this course, we will set out more precisely what consent does, for example by asking: Are certain mental states sufficient for consent or does consent also need to be communicated? Why does deception undermine consent? What level of understanding of a choice is necessary to give valid consent to that choice? And, more generally, what do we want out of a theory of consent? These questions will not be asked solely in abstraction. As part of the course, we will also look at the way that consent operates in specific contexts; specifically consent to medical treatment and consent to sex.

A note on content — We will regularly discuss sensitive topics that might be difficult for some, such as misconduct in sexual interactions, medical disorders and treatments, and medical research on human subjects. It is expected that all involved in the course will approach these topics with respect and care. Student's interested in the course but who foresee difficulty engaging with such topics can get in touch with me.

Topics — Following an introductory class on what consent does and why it matters, here are the topics we will cover:

- (1) Theories of consent: mental state vs. successful communication;
- (2) Medical consent and decision-making capacity;
- (3) Deception in sexual encounters;
- (4) Understanding and information in medical consent;
- (5) Consent to sex and background injustice; and,
- (6) Wronging that takes place within consensual interactions.

Class structure — In each meeting we will discuss two or three texts on the week's theme. There will be a handout with key ideas and arguments that will serve as a starting point for discussion. Students will be expected to have carefully read the texts and come prepared to discuss them. **This course will be run as a seminar, not as a lecture.**

Intended learning outcomes — By the end of the course, students should have:

- a broad knowledge and understanding of central positions in debates over consent;
- the ability to articulate the central philosophical concepts of the course;
- the ability to interpret and critically engage with challenging texts;
- the ability to develop and present clear philosophical arguments, anticipating possible objections; and,
- the ability to develop and execute a plan for writing a paper in philosophy.

Assessment

A note on late assignments — In line with Faculty policy, no late assignments will be accepted. Extensions will be granted assuming that there is a valid reason for giving one, and that it is asked for in due time. This usually means at least 24 hours in advance. Illness and bereavement are clearly (but by no means the only) valid reasons for asking for an extension.

If you are unsure, or if you are struggling with the assignment or material, please get in touch!

Writing philosophy papers is hard — I recommend that you read some of the guides for doing this online. For example, [Guidelines on Writing a Philosophy Paper](#) by Jim Pryor. I have also uploaded to Brightspace a helpful guide written by Groningen's own Job de Grefte and Jan Albert van Laar. Even if you do very well at writing papers, they are still worth reading.

There are both formative and summative assessments for this course.

Formative

Essay outline and meeting — The formative work comprises a **2-page essay outline** and **10-minute discussion**.

The essay outline should include your name, a title, your topic, your research question and/or working hypothesis, your strategy for answering the question and/or for supporting your working hypothesis, an overview of the structure of your essay (i.e., its sections), and a brief initial bibliography (a handful of entries will do).

Following the submission of the outline, I will arrange a time for each student to get individual feedback in a 10-minute one-on-one meeting.

Despite being formative, the essay outline is mandatory for this course.

DUE DATE FOR OUTLINE: FRIDAY OCTOBER 9 AT 23:59

MEETINGS TO TAKE PLACE ON 12/13 OCTOBER

Summative

Participation (10% of grade) — You are expected to attend and actively participate in the seminars, except if you are ill, or have another sufficient reason such as a family emergency.

I am happy to take a broad view of what participation means and understand that some students will not be as comfortable as others speaking in class. While my strong preference is for all students to contribute to the in-class discussion, those for whom this is especially difficult may make an appointment with me to discuss alternate arrangements. Alternate arrangements might include submitting questions about the readings in advance, short written summaries of the readings along with critical questions, a written or verbal summary of some of the points made in the discussion, and so forth.

Each student may have one day in which absence from class or lack of participation will not be counted against their grade, and for which they need not notify me in advance.

Case study (20% of grade) — You will be given a choice of two cases, each with its own set of 3 short-answer questions. Two of the questions will concern concepts, ideas or arguments that we have discussed in the course. The third will ask you to apply those concepts to the case and provide some analysis. The strength of the answer to the analysis questions will not rest on whether you decide there was valid consent in the case or not, but rather on the strength of argument you give for your conclusion.

Please observe the following about this assignment:

- This is a take-home assignment.
- Use only the core readings from class to develop your answers. You do not need to provide a bibliography, it is sufficient to name the authors whose ideas you are using.
- The answers for all questions should total somewhere between 350-500 words. Include a word count when you submit your assignment.
- ****You must** make reference to some element of the class discussion that is not included in the relevant readings. This can be a comment made by a classmate ('as x said in our discussion...'), a question that arose in the discussion, or any other feature of the class meeting for the relevant week. ******

CASE STUDY DUE: FRIDAY SEPTEMBER 25 AT 23:59

Final essay (70% of grade) — The final essay should be between 3000-4000 words.

The essay should focus on a particular topic, argument, or theory from the course. Which author(s) and which angle you take is up to you. You may write on moral principles governing consent in a specific context, on a particular theory of consent, or on another moral issue arising in discussions of consent.

The topic of your paper should differ significantly from the topic of your case study.

DUE DATE: FRIDAY OCTOBER 23 AT 23:59

Topics and readings

Below are the topics and the core readings for each week. I will additionally post extra, non-obligatory, readings on Brightspace for those who want to dig deeper or for those who choose to write essays on the topic.

Sept 1 - What is consent (and why does it matter)?

An introduction to the course.

Core reading [33 pages]:

- Felix Koch, "Consent as a normative power"
- Heidi Hurd, "The normative force of consent"

Sept 8 - Theories of consent: mental state vs. successful communication

What is required for consenting to another's action? Does consent require that one successfully communicate to the consent-receiver that the relevant duty has been waived? This class looks at a central debate in theories of consent.

Core reading [54 pages]:

- Massimo Renzo, "Defective normative powers: the case of consent"
- Heidi Hurd, "The moral magic of consent"

Sept 15 - Medical consent and decision-making capacity

When is a person capable of consenting and when should another make decisions on their behalf? We address this question in the context of medical decision-making.

Core reading [49 pages]:

- Dan Brock and Allen Buchanan, *Deciding for Others*: pp. 17-25, 29-41, 84-86.
- Scott Kim, "The place of ability to value in the evaluation of decision-making capacity"
- Louis Charland, "Mental competence and value: the problem of normativity in the assessment of decision-making capacity"

Sept 22 - Deception in sexual encounters

What if you don't know what you're agreeing to? In this week we ask when and why deception invalidates consent. We focus on consent to sex.

Core reading [42 pages]:

- Tom Dougherty, "Sex, lies and consent"
- Hallie Liberto, "Intention and sexual consent"

CASE STUDY DUE: FRIDAY SEPTEMBER 25 AT 23:59

Sept 29 - Understanding and information in medical consent

Deception is one thing, lack of information is another. When does a lack of understanding or lack of (full) information invalidate consent? What do we mean when we say that what is required is *informed* consent? We discuss these questions in the context of medical decision-making.

Core reading [36 pages]:

- Neil Manson and Onora O'Neill, *Rethinking informed consent in bioethics*, chapter 4.
- Paul Appelbaum et al. "False hopes and best data: consent to research and the therapeutic misconception"
- Franklin Miller and Donald Rosenstein "The therapeutic orientation to clinical trials"

Oct 6 - Consent to sex and background injustice

In this week we focus on the context in which an agent consents. What if that context is one of significant injustice, and that injustice causally contributes to the expression of consent? Does that invalidate it? Again we focus on consent to sex.

Core reading [38 pages]:

- Catherine MacKinnon, *Toward a feminist theory of the state*, chapter 9 "Rape: on coercion and consent"
- Victor Tadros, "Consent to sex in an unjust world"

ESSAY OUTLINE DUE: FRIDAY OCTOBER 9 AT 23:59

Oct 13 - Wronging despite consent

Sometimes it seems that we wrong another by performing an action even when they have validly consented to performing that very action. For example, when we were going to perform the action regardless of getting consent. That's puzzling! In the final week, we look at two ways of understanding what's going wrong in these cases.

Core reading [41 pages]:

- Elise Woodard, "Mistreating consent"
- Pauline Kleingeld: "How to use someone "merely as a means""

Week 8 - No class, essay writing!

FINAL ESSAY DUE: FRIDAY OCTOBER 28 AT 23:59

AI policy

At the Faculty of Philosophy, the following guidelines are in effect regarding the use and misuse of Generative Artificial Intelligence or similar software:

- Presenting text generated by GenAI as text written by yourself is a form of fraud.
- Using GenAI as an academic source for scientific writing is not reliable and will not be approved.
- Using GenAI for text editing is allowed only to correct text but not to replace text or have it completely rewritten (because then it is again a form of fraud). The examiner must be able to assess your academic skills and knowledge on the basis of your text. You are also asked to ensure that this use does not interfere with developing your own writing skills. If you use GenAI to edit your text, please mention this at the bottom of your assignment, and keep the prompts you have used and/or keep the original version that has not been edited by GenAI. The instructor may request to see the used prompts or original version. The instructor may conduct an additional oral check when cheating is suspected. If the instructor suspects that you have misused GenAI you will be referred to the board of examiners.
- Lecturers may in cases of reasonable doubt always demand to see the student's original own work or the prompts used, and may conduct an additional oral check to make sure the student meets the learning goal conversation (ability to converse about one's work). These tests only examine this learning goal as pass or fail and do not constitute a more general examination of the work. A failure to satisfy this learning goal results in a fail for the essay.

These rules apply to both formative and summative assessments.