Abstract/Introduction

It has long been established practice in contemporary bioethics to refer to Immanuel Kant as the original thinker behind some of the discipline’s key concepts and arguments, such as the concept of respect for autonomy and the justificatory argument behind informed consent practices and regulatory frameworks. From time to time, Kant scholars have frustratingly complained that this established practice of referring to Kant for justification is far too often based on a superficial acquaintance with Kant’s philosophical theories so that writers in bioethics frequently misrepresent Kant. The first half of this paper examines this complaint and argues that it is valid, at least as regards autonomy and informed consent. This conclusion means, however, that standard arguments and justifications in bioethics are suddenly undermined and it is not clear what should replace them. The second half of the paper explores the prospects for a Kantian normative background for informed consent that escapes the Kant scholars’ criticisms. It will be argued that this shift from the standard Kantian justification to a revised Kantian justification does in fact have important consequences for practitioners and governance.

Autonomy in bioethics

For decades, the greater part of efforts to improve regulatory frameworks for research ethics has focused on informed consent procedures; their design, codification and regulation. Why is informed consent thought to be so important? Since the publication of the Belmont Report in 1979, the standard response has been that obtaining informed consent is a way of respecting persons, which in turn is a fundamental moral requirement. The report states:
Respect for persons requires that subjects, to the degree that they are capable, be given the opportunity to choose what shall or shall not happen to them. This opportunity is provided when adequate standards for informed consent are satisfied.\(^\text{ii}\)

Persons are not respected unless they are offered an opportunity for choice, and informed consent is one way of offering such opportunity. In addition to choice, potential research subjects need to be given “adequate information”, in order to be treated respectfully as persons. But why would it be disrespectful to offer choice without information, and how are we to judge when the provision of information is adequate? Clearly, we cannot answer such questions without a fuller account of what it means to respect persons. This should be done, the report indicates, through the concept of autonomy:

Respect for persons incorporates at least two ethical convictions: first, that individuals should be treated as autonomous agents, and second, that persons with diminished autonomy are entitled to protection.\(^\text{iii}\)

To respect a person, then, is to treat her as an autonomous agent if she is autonomous, and to protect her if she has “diminished autonomy”.\(^\text{iv}\) “An autonomous person”, the report explains, “is an individual capable of deliberation about personal goals and of acting under the direction of such deliberation.”\(^\text{v}\) Persons with these capacities for deliberation and action, also referred to in the report as the capacity for self-determination, must be treated as autonomous agents if they are to be respected as persons. To treat them as autonomous agents is in turn explicated through the notion of “respecting autonomy”:

To respect autonomy is to give weight to autonomous persons’ considered opinions and choices while refraining from obstructing their actions unless they are clearly detrimental to others. To show lack of respect for an autonomous agent is to repudiate that person's considered judgments, to deny an individual the freedom to act on those considered judgments, or to withhold information necessary to make a considered judgment, when there are no compelling reasons to do so.\(^\text{vi}\)

This, then, is the picture that emerges from the Belmont Report, and which has formed the background for bioethical discussions of autonomy and informed consent in research ever since: The Principle of Respect for Persons demands that persons with a capacity for self-determination should (1) enjoy liberty to the extent that they don’t harm others; and (2) be informed as needed so that they
can exercise their deliberative capacity to form a considered judgment concerning how to act. vii

Autonomous persons should therefore (1) not be used as research subjects or undergo medical treatment except by their own choice; and (2) not asked to make that choice unless they have been given the information needed to form a considered judgment. Together, these two implications of the Principle of Respect for Persons amount to a requirement of informed consent.

To this day, the operative concept of autonomy in bioethics conforms to this early picture drawn by the Belmont Report. Standard bioethics texts normally trace the origins of the concept of autonomy back to Kant’s moral theory, and there’s good reason to believe this was also intended by the authors of the Belmont Report. Summing up the accounts of Kantian autonomy given in several such authoritative texts, Secker (1999) describes the autonomous person as

a free, independent, self-governing individual. Moreover, an autonomous person decides and acts based on exclusively rational reasons – that is, her choices and actions are influenced by reason, not by emotion or inclination. In addition, she is free from physical or psychological constraints, imposed by herself or by others, to choose and act. In sum, a subject who meets the requirements of this Kantian concept of autonomy is self-determining in the sense that she enjoys personal liberty in deciding and acting based on her reason alone. (p. 47).

The texts referred to by Secker include Mappes and DeGrazia (1996), Gauthier (1993), Jinnett-Sack (1993), Munson (1996), Nash (1990) and Norden (1995). Just like the Belmont Report, these authors predicate individual autonomy of persons with a capacity for guiding their actions based on rational deliberation. They assume individual autonomy is an important value, and take that assumption to be grounded in Kantian ethics.

Similar comments apply to the work of Beauchamp and Childress (2001), perhaps the most influential contemporary account of autonomy and its role in bioethics. They take an autonomous person to be a person with „capacities for self-governance, such as understanding, reasoning, deliberating, and independent choosing.“ (58). Their primary concern, however, is to offer a general account of autonomous action, apparently assuming that personal autonomy is in the final analysis
simply the capacity for autonomous action. Autonomous action, on their account, is an intentional action performed with understanding and without internal or external controlling influences (59). The Principle of Respect for Autonomy requires esteem for the capacity for such actions, and this imperative is backed up by both Kant’s moral theory and Mill’s arguments for the value of individuality (63-64).

The assumption that individual autonomy is an important value has consequences for ethics because it is possible through intentional action to either enhance or diminish a person’s individual autonomy. Individual autonomy may be enhanced through actions that facilitate rational deliberation, such as acts of providing relevant information and creating suitable conditions for reflection and discussion, and acts of helping a person overcome emotional or psychological obstacles to rational deliberation. A person’s individual autonomy may also be enhanced by helping to open up new choices for her, or by making her better aware of the choices she already has in a given situation. Conversely, individual autonomy may be diminished through actions that tend to undermine rational deliberation, such as providing false or selective information, hiding relevant information, using manipulative rhetoric that appeals to strong emotions such as fear or anger, behave towards the person in ways that are either threatening or seducing, and generally undermining conditions for rational reflection and discussion. Individual autonomy may also be diminished by manipulating a person’s choices through threats and coercion, and by misleading a person about the choices she actually has.

Assuming that individual autonomy is not just somewhat valuable but rather a supreme and fundamental value in human life, morality as a system of other-regarding principles should strongly prescribe actions that tend to enhance individual autonomy and similarly proscribe or even prohibit actions that tend to undermine or diminish it. This strand in ordinary morality is highlighted in contemporary bioethics, and in moral and political philosophy generally, through the concept of individual autonomy and its putative Kantian origins. A notable example is, again, Beauchamp and Childress (2001), who state that the Principle of Respect for Autonomy requires „respectful action ... more than noninterference ... obligations to build up or maintain others’ capacities for autonomous
choice while helping to allay fears and other conditions that destroy or disrupt their autonomous actions. “(63).

I take it to be obvious and non-controversial in any contemporary context that the action-guiding principles associated with the value of individual autonomy are of great moral significance. They are the antithesis and antidote to unchecked paternalism, i.e. the deliberate interference with a person’s autonomy for her own good. They also guard against abuses of power, whereby the interests of one person or group of persons are sacrificed at the expense of another in a way that could not be accepted as fair or equitable by everyone concerned if they were given an opportunity to choose based on informed, rational deliberation. Appeals to consent, actual or hypothetical, by those affected by a given action, policy, or political arrangement, are thus widely used to test for rational justification in modern political and moral philosophy. As exemplified by the Belmont Report’s justification for informed consent in bioethics, such appeals to actual or hypothetical consent by the affected find a natural home in a moral context where individual autonomy is regarded as a supreme and fundamental value in human life.

Individual autonomy is not the only value, however, and despite the high status it is generally awarded there is no comparably universal agreement on how to strike the balance between individual autonomy and other values in particular, difficult cases. Disagreements on such issues appear both in public and philosophical discourse. For example, opinions vary on whether and when paternalistic legislation and paternalism in professional practice may be morally justified. Contemporary philosophers also debate the proper role of religion, national sentiment, and other parochial values in public education, and the proper function of state neutrality generally. Environmental values also set limits to individual autonomy, and controversies rage concerning how to strike that balance. Finally, researchers and ethicists debate whether and when it may be justified to use research data for purposes to which the original research participants have not given explicit, informed consent. In these and other areas, there are reasonable disagreements and fierce debates about how to strike an appropriate balance between individual autonomy and other values.
This brings us back to the question of the grounds for valuing individual autonomy. It is easy enough to be in favor of individual autonomy, but when a justified balance needs to be struck in particular cases it makes a great deal of difference what lies behind each of the competing values, i.e. what reasons we have for valuing them and how these reasons may or may not be interconnected. It is therefore quite significant that the bioethics tradition has presented Kant’s moral theory as the source of background justification for valuing individual autonomy. For as many students of Kant’s texts have correctly emphasized, Kant’s theory does not in fact present individual autonomy as a personal characteristic that should be enhanced and protected as far as possible (Hill, 1992a, O’Neill, 2003). Rather, Kant sees autonomy as nothing less than the rational foundation for all of morality, and he associates autonomy with the universality and overridingness of a practical principle. These well known features of Kant’s ethics may well have tempted some champions of individual autonomy to cite Kant as an authority for its status as a supreme value in human life despite the radical difference between individual autonomy and Kant’s concept of autonomy. For if Kant’s moral theory maintains that the rationality of moral conduct rests on autonomy, and that moral principles thus grounded in autonomy are universal and overriding, a Kantian pedigree would certainly elevate individual autonomy to a rank above and beyond other competing values. The problem is, of course, that the value-conferring characteristics of autonomy in Kant’s theory are not characteristics of individual autonomy. Nevertheless, one may guess that this confused association between individual autonomy and Kant’s concept of autonomy has in fact contributed to the contemporary notion that individual autonomy is of supreme and fundamental value in human life.

Kant scholars have long been uneasy about this association between individual autonomy and Kant’s moral theory. To be sure, respect for individual autonomy has moral and practical implications that overlap largely with the central precepts of Kantian ethics, such as a strong prohibition against deception and coercion and generally a preoccupation with nurturing and securing conditions for rational agency. Nevertheless, Kant’s conception of autonomy is in fact radically different from individual autonomy, and it is simply a mistake to try to gain argumentative advantage on behalf of individual autonomy by associating it with the rational overridingness and universality of Kant’s
conception of autonomy. The idea that there’s widespread belief in an illusory Kantian justification for individual autonomy is strongly signaled by the title of Onora O’Neill’s paper „Autonomy: The Emperor’s New Clothes“ (O’Neill, 2003). There, she states that „there is little evidence for strong links between morality and twentieth century conceptions of autonomy“ and the claims that recent conceptions of autonomy have to Kantian ancestry are „greatly exaggerated. We have been admiring a naked Emperor of questionable legitimacy.“ (p. 1). Implicit in O’Neill’s claim is that Kant’s name has been exploited to dress up the concept of individual autonomy and associated moral principles, when on closer inspection the alleged Kantian justification for these principles is just make-believe.

Let us turn, then, to Kant’s conception of autonomy and how it differs from the conception of individual autonomy encountered in the bioethics literature.

**Kant’s autonomy**

According to Hill (1992a), Kant’s autonomy is not an empirically discernable trait. It is not, for example a kind of psychological maturity that individuals may enjoy to various degrees. It does not include emotional independence, a critical attitude toward social norms, or propensity for abstract thinking. Contrary to individual autonomy, it is not something that can possibly be either enhanced or diminished through other people’s actions. Instead, autonomy is „a property of all rational wills, a property implying the possessor’s recognition of rational principles other than desire-satisfaction.“ (p. 80). To say that rational wills are autonomous is not to comment on any particular person’s capacities or options but rather to make the following claim about practical rationality: Although the validity of many reasons for action depends on the contingent ends and desires of the agent, some reasons for action are valid universally.

This important point may seem obscured by Kant’s couching it in terms of the will and its freedom, but this language is not so surprising on closer inspection. Kant assumes that the only action that could possibly be freely willed is action for a reason. When a rational agent deliberates or wonders what to do, she must take herself to have negative freedom. She must assume that the outcome of her deliberation— which of the possible reasons under consideration she ends up
endorsing--will make a difference in how she eventually behaves. She must therefore assume that no particular desire under consideration has the power in and of itself to necessitate her action; instead, the force of any given desire will motivate action only if the agent adds the weight of her decision to the original pull of the desire. For the decision to be rationally motivated, there must presumably be other desires in the background. Perhaps the rationality of the decision consists in the intellective awareness of the many different desires or interests that the agent has currently or may be expected to have over time, an awareness that translates into willingness to go against a particular current desire and endorse another desire, even one that has less of a brute pulling force at the moment. For this sort of reason, a rational agent might for example decide not to have a cigarette despite a powerful urge to smoke. To act on this sort of reason, however, the agent needs only be characterized by negative freedom and not the positive freedom Kant equates with autonomy. Positive freedom implies that the agent’s rationality not only enables her to reflect on the merits of her various options as means of desire-satisfaction or the satisfaction of other rationally contingent ends, but also that her rationality commits her to some principle(s) of conduct binding for all rational agents.

Why should we think practical rationality commits us not only to negative freedom but also to such universally binding principle(s)? According to Hill, Kant argues that commitment to such a standard of conduct is

inherent in the point of view of agents who try to deliberate and choose rationally [...] Kant did not see this as an arbitrary, optional choice but as a commitment that clear thinking reveals, implicit in all efforts to will rationally, the way one may think that commitment to basic principles of logic is implicit in all efforts to think and understand. (Hill, 1992a, 87-8).

To say that the will is autonomous in Kant’s sense, then, is to say that there are universal principles of practical rationality. According to Hill, Kant’s way of arguing that the will is in fact autonomous takes the form of trying to show that a commitment to such principles is implicit in all efforts to will rationally; that as rational agents, we inescapably consider ourselves not only negatively free but also positively free, i.e. possessing an autonomous will.
This argument, even if successful, does not specify the content of any universally binding practical principle. Hill makes it clear that even if we were to agree that the rational will is autonomous, it would take further argument to show that it is committed to the supreme moral principle, or that this principle takes the particular form of the Categorical Imperative, to act only on maxims that one can will as universal laws (p. 88). Kant’s idea of autonomy does not by itself secure a strong connection with morality, according to Hill, although it has interesting corollaries such as the proposition that substantive values do not exist independently of rational willing, and that rational deliberation presupposes some formal or procedural standards. Kant suggests that these standards include a principle of self-respect, according to which our choices must be justifiable to ourselves over time, and respect for others, according to which they must be justifiable to other rational agents who were willing to accept similar constraints. This, Hill submits, is part of Kant’s idea of rational nature as an end in itself. (pp. 89-91).

O’Neill (2003) strikes a similar note to Hill in emphasizing that while individual autonomy is a contingent and variable property of individuals, Kant’s autonomy is a (putative) property of practical reason. She argues that on Kant’s view, practical reasoning is necessarily law-like in form and universal in scope. Law-likeness of form is a weak constraint that is met both by heteronomous and autonomous action (p. 15). „By contrast, law-like principles that are capable of being principles for all, that have universal scope, are Kantianly autonomous principles.” (p. 16). Kant insists on universal scope because for him, self-legislation centrally includes the idea of a „lawgiving that needs to presuppose only itself“ and is therefore „independent of extraneous assumptions that can hold only for some and not for other agents“ (p. 16). On Kant’s conception of autonomy, then, the autonomy of the will consists in the alleged fact that rational willing or practical reasoning necessarily involves commitment to law-like principles that are universal in scope.

Although brief and cursory, this review of how some prominent Kant scholars explicate Kant’s concept of autonomy brings out how radically different it is from the contemporary notion of individual autonomy discussed before. Individual autonomy refers to the capacity of individuals for determining their action based on their own individual outlook and characteristics. This idea of self-
determination presupposes a distinctively non-Kantian conception of practical rationality and agency, according to which the self is a collection of contingent, empirical features—desires, personality traits, interests and other personal characteristics—and the function of rational deliberation is to coordinate the various ends to which these features give rise and try to find effective means for furthering these ends. Self-determination in this sense is clearly valuable and widely valued, but it would be a category mistake to equate it with Kant’s concept of autonomy. Indeed, Kant’s concept of autonomy limits empirical self-determination because it entails the possibility that an agent, who had arrived at the perfect choice from the point of view of her empirical self, might still have an overriding reason to do something different, based on a universally valid practical principle. There is no guarantee that the most self-satisfying choice would be approved by such a principle, which according to Kant may take the form of testing whether the principle upon which one acts is such that all and any others could adopt it.

To the extent that contemporary bioethics has elevated the status of individual autonomy by associating it with Kant's concept of autonomy, O’Neill’s claim that the emperor is without clothes is clearly justified. This is serious news for bioethics, for the bioethics literature does not seem to have developed any viable alternative moral justification for respect for individual autonomy. As Walker (2009) argues, for example, Beachum and Childress’ (2001) influential text does „not attempt any specific justification for the claim that autonomy as they understand it is due respect as a matter of moral principle“ (p. 604). Instead, they gesture towards both Kant’s ethics and Mill’s utilitarianism, but it is difficult to see how a principle of respect for autonomy could coherently be supported as both a consequentialist and a non-consequentialist principle (p. 603).

It is an open question, then, whether a Kantian justification for respect for individual autonomy is possible, given relevant conceptions of individual autonomy in bioethics. In the following section, I argue that while Kantian ethics does indeed provide a principled ground for respect for persons, this ground will result in moral prescriptions that are sometimes at odds with the requirements of the principle of respect for autonomy, as presented in the Belmont Report (National Commission, 1979) and by Beachum and Childress (2001). Unlike these accounts, Kantian ethics offers principled
grounds for striking a balance between individual autonomy and other values in particular circumstances.

**Individual autonomy and Kantian ethics**

Kant scholars are typically fascinated by Kant’s arguments for morality being grounded in autonomy, and yet not entirely convinced by it. Doubts have also been raised about the universal bindingness on all rational agents of the particular principles Kant formulates as a Categorical Imperative. Still, it is worthwhile to try to articulate from a Kantian point of view how individual autonomy matters morally speaking, and by extension to explain on Kantian grounds the moral significance of related moral principles such as the Principle of Respect for Persons and its implication for informed consent. The obvious strategy, and one that may be intended by Beauchamp and Childress (2001, pp. 63-64;351), would be to suggest that individual autonomy coincides with what Kant refers to as ‘humanity’ in the Formula of Humanity (FH), i.e. the version of the Categorical Imperative that demands that we never use humanity in our own person or that of another merely as a means but always at the same time as an end in itself. If (a) ‘humanity’ refers to individual autonomy, and if (b) treating humanity as an end in itself requires adhering to the Principle of Respect for Autonomy, (c) the Belmont picture and the contemporary use in bioethics of the concept of individual autonomy may perhaps be justified by appeal to Kantian ethics, despite the fact that individual autonomy is not Kantian autonomy.

Unfortunately, both premises of this argument are questionable. First, Kant’s ‘humanity’ does not refer to individual autonomy. As Allen Wood has convincingly argued, ‘humanity’ is a technical term referring to the capacity to “set ends through reason”. Wood contrasts this capacity with what Kant calls ‘personality’, i.e. the distinctively moral ability to legislate and act on autonomous principles. But humanity—the mere ability to set ends and be guided by instrumental rationality—is clearly also more elementary than individual autonomy of the sort referred to in the Belmont report and the contemporary bioethics literature as summed up by Secker (1999). The report defines an autonomous person as “an individual capable of deliberation about personal goals and of acting under
the direction of such deliberation”, and its definition of “respect for autonomy” contains key references to the individual’s considered judgments and beliefs. It seems natural to interpret this as indicating an ideal of personal autonomy rather than the normal condition of rational agency. Ideals of personal autonomy have been associated with independence, authenticity, individuality, wholeheartedness, critical reflection on one’s values, second-order approval of the desires on which one acts, and so on. Such ideals will be reached to some degree by some people on some occasions, and we may agree that promoting them is a worthy goal, but they will be rare achievements compared to Kantian humanity, which “clearly belongs to all mature members of our biological species who are not severely incapacitated.” Kant’s term ‘humanity’ therefore refers to something more basic and more widely enjoyed than Belmont-autonomy, interpreted as an ideal of personal autonomy.

If individual autonomy were to have a chance of coinciding with Kantian humanity, it would have to be given a minimal interpretation. The problem is that if we thus tone down our idea of individual autonomy so that it comes to refer to Kantian humanity instead of an ideal of personal autonomy, it is no longer clear that valuing it entails a commitment to very extensive or demanding requirements of informed consent. Hill (1992b, pp. 50-51) identifies and finds textual evidence in Kant for seven practical implications of Kant’s thesis that humanity has an unconditional and incomparable worth: The thesis requires rational agents to (1) refuse to do anything that damages or impairs a person’s rational capacities, (2) avoid killing a person, (3) try to develop and improve rational capacities in ourselves and others, (4) strive to exercise our rational capacities as far as possible, (5) try to appeal to people’s reason rather than manipulate them by nonrational techniques, (6) leave persons freedom to set and pursue their ends in a rational way subject only to whatever further constraints reason imposes, and (7) avoid symbolic gestures that dishonor humanity.

Based on Hill’s interpretation, treating humanity as an end in itself involves a perfect duty to abstain from actions and policies that undermine people’s ability to exercise their capacity for instrumental rationality, and an imperfect duty to help rational agents achieve their ends. But it wouldn’t involve a duty to do whatever is possible to enable rational agents to exercise their instrumental rationality as much or as often as they can, or to do so based on as much relevant
information as possible, as might be recommended by a one-sided, consequentialist concern for promoting rational deliberation. Indeed, while Kant argues for a duty to develop one’s own rational capacities, he does not extend this to a duty to develop the rational powers of others, and he does not discuss the idea that one should help provide opportunities for others’ rational development (Hill, 1992b, pp. 52-53). Clearly, Kant’s FH is very different from a one-sided, consequentialistic concern for promoting rationality, and offers a more nuanced and plausible moral framework for evaluating informed consent practices and policies.

This brings us to the second premise in the argument for using Kantian ethics to justify the Belmont picture and the contemporary use in bioethics of the concept of individual autonomy, the premise stating that treating humanity as an end in itself requires adhering to the Principle of Respect for Autonomy, including “adequate standards of informed consent”. The acceptability of this premise depends on how we interpret FH and the Principle of Respect for Autonomy. As exemplified by Hill’s seven items of analysis, deducing specific duties from FH requires complex arguments that make various assumptions that are open for debate. Nevertheless, Kant scholars generally agree that the most plausible candidates for Kantian duties are the duties not to coerce or deceive rational agents. According to Allen Wood, for example, “coercion and deception obviously violate FH because they achieve their end precisely by frustrating or circumventing another person’s rational agency and thereby treat the rational nature of the person with obvious disrespect.”

Granting this, informed consent procedures are grounded in Kantian ethics at least to the extent that they serve the purposes of non-coercion and non-deception, and presumably also to the extent that they satisfying imperfect duties of contributing to the development and exercise practical rationality.

Just which standards of informed consent are in fact likely to serve these purposes? Onora O’Neill claims that “informed consent is ethically important because it adds a tough safeguard by which individuals can protect themselves against coercion and deception.” At the same time, she warns that the tendency to increase the amount and specificity of information, and to insist on informed consent procedures in every possible context, is not warranted by this purpose, and can be contrary to other morally important purposes, such as beneficence, public health, trust, and
Her suggestion is that instead of inflating informed consent in a misguided attempt to solve all moral problems through one instrument, we should try to make sure that patients, research subjects and tissue donors have control over the amount of information they receive and of whether or not to go along with a proposed course of action (therapy or research). The danger of them being deceived or coerced is effectively limited when they “know that they have access to extendable information and that they have given rescindable consent.” This suggestion seems plausibly motivated by Kant’s FH. It is a policy suggestion that offers a balanced way of satisfying the various perfect and imperfect duties enumerated by Hill, for example. Importantly, it implies that research ethics is not reformed by every additional demand that potential subjects make an informed choice and form a considered judgment concerning their participation. On this Kantian view, the ultimate point of informed consent policy is not to increase the incidence of personal deliberation but rather to decrease the incidence of manipulation, deception, and coercion while satisfying imperfect duties of contributing to the development and exercise practical rationality.

To ground the Belmont picture in Kantian ethics, then, we would need first to reinterpret Belmont-autonomy as Kantian humanity, and then reinterpret “adequate informed consent” along appropriately Kantian lines, such as the ones O’Neill has suggested. This double reinterpretation would essentially amount to abandoning the Belmont picture in favour of a Kantian one. For on the Belmont picture, it looked like informed consent should serve the goal of enabling potential research subjects to exercise their capacity for personal deliberation, with the implication that more is better. On the Kantian picture, by contrast, a robust exercise of informed personal deliberation, with wide consideration of alternative options and self-conscious reflection, is not necessarily preferable to consent based on less sophisticated deliberation. What matters most, from the Kantian point of view, is that we avoid treating rational agents in a way that “frustrates and circumvents” their rational agency. We are morally obligated to act based on this principle, as rational agents with an autonomous will.
**Consequences for bioethics and practice**

In many circumstances, Kantian ethics will guide us towards actions that are similar or identical to those recommended by the goal of promoting an ideal of individual autonomy. The overlap will not be perfect though, and there will be circumstances where the balance between individual autonomy and other values will be struck differently depending on which of these is our guiding principle. For example, insisting that patients or potential subjects engage in extensive deliberation and information processing may arguably have the effect of frustrating their rational agency, in cases where they are neither willing nor able to engage in such efforts. In such cases, attempts to implement demanding informed consent procedures may bespeak inadequate respect for persons who would rather not be burdened with the responsibility of deliberating and reflecting on the pros and cons of what they are being offered. In cases like that, Kant’s principle of humanity seems to offer a different and more intuitively agreeable recommendation than the one-sided principle of promoting individual autonomy.

**Conclusion.**

The Kantian justification for informed consent is not the promotion of individual autonomy, as the Belmont report seems to indicate, but rather respect for humanity, and this will probably justify consent practices that are different—less demanding and more flexible—than those that would seem maximally efficient in promoting an ideal of personal autonomy.

**Bibliography**


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1 Even though the Belmont Report is not new, it had a lasting impact in setting the parameters for subsequent discussions of the moral justification for informed consent. To this day, it is commonly assumed in health care ethics that the moral purpose of informed consent is respect for autonomy, and the Belmont Report remains a standard reference for the explication of that notion. It is therefore natural for a critique of that notion, as the one undertaken here, to focus on the Belmont Report as representative of the idea under discussion. The current critique does not, however, address other possible justifications for informed consent, such as those grounded in claims about its social and individual benefits.


3 Ibid.

4 In fact, the wording in the quote is ambiguous, leaving room for the interpretation that individuals with diminished autonomy should also be treated as autonomous agents. That would be the less plausible reading, however.

5 Ibid. Emphasis added.
Furthermore, PRP apparently requires that others “give weight to” the considered opinions of autonomous persons in their own deliberations.


For a representative look at the literature on individual autonomy see Taylor (2005) and Christman (1989)

Wood (1999), 119.


Wood (1999), 153.


See Ibid. 154-164.


It must be acknowledged that the argument relies on Allen Wood’s interpretation of ‘humanity’ and that the conclusion might be different on a different interpretation. Relatedly, there is room for debate concerning what specific duties of disclosure can be derived from FH. My main point is that there is a line to be drawn somewhere, and therefore, one cannot simply assume that more is always better, and base that assumption on a vague notion of individual autonomy.

For an interesting argument for a similar claim concerning parental consent to neonatal intensive care, see Paris et al (2006). The Belmont report does not say, of course, that people should be pressured into deliberation, but if, as I have suggested, it takes personal deliberation to be the ultimate goal of informed consent policies, it will tend to justify policies that err on the side of promoting deliberation rather than hindering it.