

# Consent Under Non-Ideal Circumstances



**WRoCAH funded Collaborative Doctoral Award between the Department of Philosophy, University of York and AIMS (Association for Improvements in the Maternity Services)**



## Lead Academic and Partner Organisation Supervisors

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## Project summary

This project will investigate what makes consent important, what morally valid consent consists in, and the importance of how consent is communicated. It will do so with a view to understanding how consent can be supported and respected in non-ideal circumstances. These include unjust social structures which affect individuals' decision-making, and/or experiential elements which make the conditions of giving and communicating consent challenging. A chief aim is to inform better practices for respecting consent in non-ideal circumstances, including where these arise during pregnancy, labour and birth.

## PhD Project description

Philosophical explanations of the importance of consent appeal to its role in securing autonomy, personal integrity, self-ownership, or non-domination. There are also competing explanations as to what constitutes morally valid consent and how it can be communicated to successfully grant a consent-based permission. These debates become more complicated when the question of consent arises in non-ideal circumstances.

Existing work on consent in non-ideal circumstances tackles cases where people's choices or autonomy are restricted by unjust social structures. Some types of experience also have features that make it harder to make informed decisions and to communicate those clearly. The novel contribution of this

project is to address how these structural and experiential elements combine to create complex challenges to consent, and to identify ways to safeguard consent in the face of these challenges. There is an emerging literature on the ethics of consent during pregnancy, labour and birth that begins to bring together these perspectives, to which this project will contribute.

Research questions include:

- What are the moral and legal foundations of valid consent, what does it consist in, and how is it communicated?
- How do unjust social structures and certain types of experience combine to present challenges to one's ability to give or withhold valid consent?
- How can consent be protected in the face of these challenges? How can the structural systems that pose challenges to consent be improved?

The research will be applied through one or more case studies, including:

**Consent during pregnancy, labour and birth:** The legal right to make a free, informed decision about whether to undergo a medical procedure is crucial. For many, this right is not respected. Women and birthing people may be prevented from exercising their right by medical staff failing to provide adequate information, or pressuring them to agree to tests or interventions. Moreover, there are stark racial and socioeconomic inequalities in the health outcomes for women and birthing people in the UK. The type of care a person receives may impact their ability to give and withhold informed consent. At the same time, there are specific features of labour and birth that raise complex questions about how best to safeguard informed consent under those conditions. Women are often under immense physical and emotional stress, which can make it hard to digest information, make informed decisions and communicate them clearly, and may make them more vulnerable to coercion. They may have a birthing partner to help them make and communicate decisions about their care, but to whom consent cannot be delegated. These experiential features of pregnancy, labour and birth combine with structural features to generate complex challenges to protecting the right to give or withhold informed consent. Collaborating with AIMS is crucial for the student to gain a thorough understanding of these challenges.

Research questions include:

- What are the main barriers to maternity staff supporting and respecting informed consent during pregnancy, labour and birth and how can these be overcome?
- How can maternity service providers and staff be supported to understand the need to comply with their legal responsibilities, what constitutes informed consent, and how to support and respect informed consent?

- How can women and birthing people be better supported by staff, birthing partners or others to make informed decisions and have these respected?
- What changes to maternity services are needed to improve the conditions for supporting and respecting informed consent?

The student could include other case studies and explore commonalities between cases. The weighting and prioritisation of research questions will be up to the student. Solutions identified will be guided by the investigation into the nature of the challenges posed in various non-ideal circumstances.

### **About AIMS**

AIMS (Association for Improvements in the Maternity Services) works towards better births for all by campaigning and information sharing, protecting human rights in childbirth, and helping everyone to know their rights, whatever birth they want, and wherever they want it.

AIMS' mission statement is "We support all maternity service users to navigate the system as it exists, and campaign for a system that truly meets the needs of all." This is supported by the following three pillars of work:

- Providing objective, accessible, evidence-based information tailored to the needs of maternity service users and those who support them
- Providing individual support and tools for self-advocacy
- Campaigning and lobbying at national level for the service improvements that we believe are needed

### **Engagement, outreach, dissemination and impact initiatives**

The student will identify opportunities for engagement, outreach and impact in collaboration with AIMS. For example:

Co-development of birth information pages and position papers: AIMS' birth information pages provide information to maternity service users. AIMS uses position papers to provide its volunteers with guidance for its public-facing activities, and to communicate its views to policy makers and other stakeholders in its campaigns for improvements to maternity services. The student could contribute to supplementing AIMS' decision paper advocating the language of 'supported decision making' with a position paper outlining what supported decision making requires in practical terms, and how this can improve respect for consent during pregnancy, labour and birth.

Design, organisation, and delivery of workshops: AIMS' workshops are a key tool in providing information to maternity service users, midwives, and other maternity service professionals. The student will have the opportunity to collaborate on workshops around supporting consent during the maternity journey.

Attending conferences: The student will attend and present work at philosophy and maternity services conferences, to disseminate the research to the international community of academics working on consent, and to obstetricians, midwives and other birth workers.

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### **Financial support**

Studentships for doctoral research are 40 months in duration for full-time study. Awards are subject to satisfactory academic progress. Awards must be taken up in October 2025; no deferrals are possible as this is the final round of recruitment to WRoCAH CDAs. Awards will comprise fees at Research Council rates and a tax- and national insurance-free maintenance grant (£20,780 in 2025/26). The grant pays the fees at the Home/UK rate; international students are, however, eligible to apply for this Studentship. Awards may be taken up on a part-time basis if a student is eligible to undertake part-time study; international applicants may be required to study full-time under the terms of their visa.

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### **Qualifications**

Strong applicants will have a good first degree in an appropriate subject, as well as a Master's degree (or be working towards one), usually at Distinction level, or professional experience relevant to the scope of the project. We are looking for a well-qualified student with a background in any of the following disciplines: Philosophy, Applied Ethics.

### **Requirements of the Studentship**

This opportunity is being offered as a full time studentship but part time study may be an option subject to agreement with the supervision team.

WRoCAH students are required to undertake a bespoke training package and to complete a Researcher Employability Project of at least a month and a Knowledge Exchange Project.

**All WRoCAH students must submit their thesis for examination within the funded period.** This is a requirement of the Arts & Humanities Research Council, which provides the funding for WRoCAH, and is a condition of accepting a Studentship.

**Before applying for any WRoCAH Studentship, please first ensure that you have read the WRoCAH webpages about the WRoCAH**

training programme and requirements, as well as other funding opportunities

<http://wrocah.ac.uk/>

### How to apply

By 12 noon Wednesday 5 March 2025, applicants are required to submit to WRoCAH an Expression of Interest, which should include:

1. A CV with details of academic qualifications
2. A covering letter comprising a two-page statement to convey your motivation and enthusiasm for the project, and to demonstrate your suitability for your intended PhD studies with the University and Project Partner.

*The covering letter should specifically highlight the following:*

- Your interest in the project and details on why you have chosen that University and Project Partner.
  - How you will apply your current skills, knowledge and experience to undertake a PhD and the approach you would take to develop the project.
  - How the project fits into your career plans and ambitions.
- 17 March 2025: decision on short-listing  
The short-list of candidates to be invited for an interview will be announced on Monday 17 March 2025.
  - *Short-listed candidates must complete a PhD programme application before interview.* If you are short-listed for an interview you will be sent details of how to apply for a place at the University of York. At that point you will need to submit the names and contact details of two referees, copies of transcripts of your academic qualifications and (if applicable) an IELTS certificate.
  - 22nd April 2025: interviews

Interviews will involve the academic supervisors, Project Partner supervisor and a member of the WRoCAH Studentships Committee. They will be conducted online.

**For more information about this project contact**

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