

## Legislation on Ethical Issues: Towards an Interactive Paradigm

### *Summary*

In this article, we sketch a new approach to law and ethics. The traditional paradigm, exemplified in the debate on liberal moralism, becomes increasingly inadequate. Its basic assumptions are that there are clear moral norms of positive or critical morality, and that making statutory norms is an effective method to have citizens conform to those norms. However, for many ethical issues at the legislative agenda, e.g. with respect to bioethics and anti-discrimination law, the moral norms are controversial, vague or still in development. Moreover, law proves not to be a very effective instrument. Therefore we need a new paradigm, both for descriptive and for normative analysis. This interactive paradigm, as a normative position, can be summarised in two theses. The process of legislation on ethical issues should be structured as a process of interaction between the legislature and society or relevant sectors of society, so that the development of new moral norms and the development of new legal norms may reinforce each other. And legislation on ethical issues should be designed in such a way that it is an effective form of communication and that, moreover, it facilitates an ongoing moral debate and an ongoing reflection on those issues, because this is the best method to ensure that the practice remains oriented to the ideals and values the law tries to realise.

### *Keywords*

Law and ethics, legal moralism, interactive paradigm, legislation, expressive and communicative functions of law, animal experiments committees