

Felix Pinkert

"Liberal legislation and freedom as harm"

People disagree about the moral permissibility of medical procedures like active euthanasia, human enhancement and prenatal diagnostics to screen out genetic defects. The typical liberal response to such disagreement is to legalise these procedures, and, if a view of freedom as effective freedom is adopted, to even actively support them. The idea behind this approach is that mere availability allows all members of society free choice based on their moral convictions, and is thus neutral between opponents and proponents of certain procedures.

However, as I shall argue in this paper, agents can have a rational interest in having certain options which they consider to be morally wrong be excluded by legal sanctions. Liberal legislation is thus not neutral between opponents and proponents, but actually harms opponents. I outline different ways in which liberal legislation could be modified to mitigate or compensate for this harm.