

France reaps benefits and costs of going by the book

A stunt show in which a 'flying dwarf' had been projected from a cannon was recently shut down in France on the grounds that it contravened 'human dignity', a ruling which might well bewilder other nationalities, Anglo-Saxons in particular. (An appeal by the dwarf to the European Court of Justice, on the basis that the decision infringed his 'dignity' to work, was thrown out on technical grounds).

In the same way, France's abstract approach to bioethics, relying on a battery of laws peppered with references to universal principles such as 'human dignity' and 'human rights', often baffles observers from countries, including the United States, with little or no bioethics legislation. Indeed, the French philosophy on bioethics is sharply opposed to the 'pragmatic' approach found in both the United States and the United Kingdom, which tends to address specific bioethical problems in an ad-hoc fashion.

Nowhere has this difference in philosophy been seen more clearly than in the exchanges over the ethics of cloning (see *Nature* 385, 810; 387, 754; 388, 320 & 511; & 389, 433; 1997). Arguments by Axel Kahn, a member of the French national bioethics committee, that cloning is an affront to human dignity have been dismissed as "rhetoric" by two leading British bioethicists.

David Shapiro, former executive director of the UK Nuffield Foundation on Bioethics, says that the debate should focus on whether cloning is ethical in tangible cases, such as in men unable to reproduce sexually. But Kahn says that such arguments are typical of the "utilitarian" approach endemic in Britain and other Anglo-Saxon countries, which reduces ethical problems to an "algebraic equation of the pros and cons" of a particular situation. "If the pros exceed the cons, then it is judged ethically acceptable," says Kahn.

The Anglo-Saxon tendency is to rely on

professional codes of conduct as the main means of regulation (see page 663). In contrast, France has invented a highly institutionalized system for regulating biomedical progress that reflects the philosophy by which it is legitimized.

Indeed, as far as government action is concerned, France has been in the avant-garde of the bioethics movement. In 1983, for example, it became the first country to create a national bioethics committee, and the world's first comprehensive bioethics legislation was introduced a decade later.

International influence

Similarly, France has had a major influence in the drafting of the Council of Europe's Convention on Human Rights and Biomedicine, and the proposed 'universal declaration on the human genome and human rights', due to be approved later this year by the United Nations Educational, Scientific and Cultural Organization (Unesco).

Nöelle Lenoir, a member of the French constitutional court, who played a major role in shaping the country's bioethics legislation, is chairwoman of Unesco's International Bioethics Commission, and of the

Japan's bioethics debate lags behind thinking in the West

The word 'bioethics' — *seimei rinri* (life ethics) — is familiar to most Japanese people, but its use tends to be different from that in the West. Issues such as 'brain death' and organ transplants have generated widespread concern. But there is little active public discussion of the ethical implications of techniques such as genetics and cloning.

The political difficulty in confronting the ethical dilemmas raised by new biomedical techniques was reflected in the debate over



accepting 'brain death' as death, triggered by Japan's first and only heart transplant, performed in 1968. Still referred to as the 'Wada transplant' after the surgeon who carried it out, the operation ended in controversy when the patient died and the medical team was accused of murder.

Unlike in Japan, the cloning issue has generated widespread protest in Korea.

One result was that organ transplantation was put on hold. Only now, nearly 30 years later and after heated debate, has Japan finally passed a bill allowing the transplant of organs from brain-dead donors (see *Nature* 387, 835; 1997). Meanwhile, guidelines or regulations for cloning or handling of human genes have yet to be

developed by the government, reflecting low public concern on such issues.

Darryl Macer of the University of Tsukuba, who runs the Eubios Ethics Institute, says one apparent explanation is that policy makers "are more concerned with promoting public acceptance than exploring ethical issues in decision making". Macer points out that Japan is a paternalistic society, where the views and opinions of 'experts' are usually followed uncritically.

A survey this year, led by Eubios Ethics Institute, revealed that the news about the cloning of the sheep Dolly had made little public impact in Japan. Indeed, the survey revealed that 30 per cent of those interviewed were not aware of research in genetic technologies, while another 30 per cent were generally supportive of such research. The rest felt unable to choose between the risk or the benefit of genetic technologies.

Norio Fujiki, emeritus professor at Fukui Medical School, says the survey showed that the Japanese people are generally supportive of genetic technologies and scientific research, even though many are poorly informed on the subject. "People still find genetics 'mysterious', and have biased and misleading ideas," says Fujiki.

In principle, the Japanese people say that they are supportive of genetic screening — as well as of gene therapy. But screening services are not readily available, and genetic counselling is not widely practised. Indeed, under the 1948 Eugenic Protection Act,

which was abolished in 1995, it was illegal to abort fetuses which had genetic diseases and chromosomal abnormalities. Fujiki, who has been providing genetic counselling in Japan for 35 years, says that people still have preconceived ideas about genetic diseases which they are reluctant to discuss. Many view the lack of debate on such topics — and the delay in reaching a consensus on the need for government action — as stemming from Japan's cultural and religious background.

Some sociologists and religious groups disagree with this interpretation, saying opposition to new biomedical technologies is based merely on a lack of understanding. But the government appears relatively unconcerned about bioethical issues.

Admittedly some efforts have been made by the government to integrate ethics into decisions about gene therapy and brain death. The Science and Technology Agency (STA), which is setting up a genome research centre in the Institute for Physical and Chemical Research (RIKEN), is planning to set up a bioethics section to investigate bioethical issues arising from the life science research programmes run by the agency.

But many are still calling for proper guidelines, and for proper education in bioethics. Even the STA's plan has only been given ¥8 million (US\$65,000) funding, and some are concerned that it could end up as a technology assessment committee, rather than a body that monitors ethical issues involved in the research.

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