

**HIGH-LEVEL SEMINAR ON PUBLIC DEBATE AS A TOOL FOR THE  
GOVERNANCE OF NEW TECHNOLOGIES**

*Council of Europe*

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Madam Chair of the Committee on Bioethics,

Madam President of the Parliamentary Assembly,

Mr Secretary General,

Members of the Committee on Bioethics,

Ladies and Gentlemen,

I am very honoured and pleased to accept your invitation to open this high-level seminar on the theme of public debate as a tool for the governance of new technologies.

In France, public debate on biomedical issues, which primarily takes place through national consultations on bioethics, is accompanied on a regular basis by reasoned action on the part of the legislature within the context of the so-called “bioethics law”.

The pace of technological development and the extent of these changes, which challenge our conception of humanity itself, require parliament to do preparatory work. The issues raised are indeed complex, bioethical standards deal with conflicting values and the decision faced by society is akin to a tragic dilemma. Pierre Le Coz, a philosopher and member of France’s National Consultative Ethics Committee, defines ethics as the “science of malaise”. The legislature is therefore faced with an enormous challenge: it must transcend this soul-searching and provide legal responses to questions which are not easily answered.

Parliamentarians must accordingly be particularly well-informed so as to tune in to the questions being raised by our fellow citizens without giving way to emotion or irrationality.

There are three parts to my speech. First, I will run through the revision process for bioethics legislation in France, which is centred on national consultations. Then, I will point out the limits of public debate. Lastly, I will show that public debate has a bearing on the legitimacy of legislative power.

• **First of all**, I would like to point out that for almost twenty years France has had a well-established discussion process between citizens and the government, which is laid out in our Public Health Code.

It should be noted that, in France, any proposed reform which raises ethical or societal issues relating to the advancement of knowledge in the fields of biology, medicine and healthcare must be preceded by a public debate in the form of a national consultation, organised by the National Consultative Ethics Committee for Health and Life Sciences, which is chaired by Professor Jean-François Delfraissy, whom I greet most warmly.

Public debate is also informed by two documents drawn up specially for each reform project.

Firstly, the government asks the Council of State, its legal consultation body, to conduct a study identifying the main legal issues raised by the future reform.

Secondly, the Biomedicine Agency publishes a report on the application of the previous bioethical legislation; this Agency is responsible for informing both the Parliament and the Government of the advancement of knowledge and techniques in the field of biomedicine.

In parallel, parliament, by dint of its tenacity, has assumed a more important role, showing that it does not wish the experts to be the sole decision-makers.

The debates organised by the National Consultative Ethics Committee culminate in a report which is presented to a parliamentary body with equal representation of members of the National Assembly and the Senate, namely the Parliamentary Office for Scientific and Technological Assessment; this office also carries out its own evaluation.

The National Assembly has also put in place additional tools. In advance of each reform, it undertakes a thorough preparatory work of analysis and decoding.

This work principally consists in consulting practitioners, researchers, philosophers, lawyers, and citizens' associations. I regard these groups as a source of enrichment for members of

parliament and an opportunity to keep a finger on the pulse of society in all its diversity, without straying into “ready-made thinking”.

At the National Assembly, two types of work have been recently undertaken to prepare for the forthcoming revision of the bioethics law.

- Firstly, on my initiative, a series of round-table sessions discussed the main issues raised by the forthcoming revision (procreation, artificial intelligence, embryo research, neuroscience).
- Secondly, the Assembly’s highest authority decided to set up a fact-finding mission, involving 36 of its members representing a range of political views. Its hearings took place over almost four months and culminated in the submission of a report last January. This fact-finding mission also did a great deal of consolidation work, which put into perspective the aforementioned studies and reports by inserting them into a political process. This entailed reviewing the content of the national consultations, the National Consultative Ethics Committee’s opinion, the Council of State’s legal study and the Biomedicine Agency’s evaluation report.

This decision process, unique to France, is nevertheless attracting the attention of our European neighbours. During the parliamentary work many foreign public figures expressed an interest in the French system of public debate and their regret that no such process exists in their country. This debate truly affords the possibility to see where society stands on the key issues and to identify certain guiding principles that may inform the work of parliament.

**I will now move on to** the idea that, even though public debate affords an excellent opportunity to inform our fellow citizens, to obtain their opinions and to initiate them into dialogue and discussion, one needs to be aware of its limits. I will mention three.

Firstly, the legislature is not bound by the **conclusions** of the public debate, something which people sometimes find difficult to accept. And a painstaking educational effort is needed to reinforce the idea that, in our democratic societies, parliament remains independent in its decision-making. It may therefore be led to diverge from some of the debate’s conclusions, which, in my opinion, makes it necessary to explain to citizens the merits of representative democracy.

The second limit is that the legislature may also decide to depart from the scope of the public debate. The issue of the end of life, raised many times during the most recent national consultations, has never been included within the scope of the so-called “bioethics law”. This issue has always been the subject of specific legislation. That said, there is a case to be made for greater coherence between public and parliamentary debate.

Lastly, I can see a third limit. While the legislature is at liberty to move away from the conclusions of public debate, I consider it important that it does not step outside the framework that it itself established. However, some fields of biomedicine have been reformed by specific legislation, outside the established framework, which may lend credence to the idea that public debate is pointless. This is a risk we must recognise if we wish to continue these important conversations between citizens and their elected representatives.

**• I will conclude this address by pointing out that the national consultations on bioethics and public debate in general are fully part of the parliamentary decision-making process.**

In some respects, members of parliament are no more or better informed than the average citizen about developments in biomedicine. I was, for instance, struck by the fears expressed by many of my colleagues at a round-table discussion on artificial intelligence: a fear so great that the speakers felt the need to reassure the participants.

Although leaving matters in the hands of experts is easy, it is hardly democratic. It is a temptation which parliament must resist. The fact-finding mission has allowed many members of parliament to educate themselves on subjects which they often knew nothing about, such as aspects of artificial intelligence. And I derive a degree of satisfaction from the fact that, in response to the fears initially expressed, some well-structured and reasoned reform proposals have been made.

However, this would not have been possible if we had ignored the questions raised by citizens and the positions taken by the participants in the public debate, or if we had not

sought to understand them so as to inform our own debates and provide a basis for our future decisions.

This political appropriation is all the more necessary in that the legislature, faced with the demands of our fellow citizens, must be able to explain its decisions in a simple and understandable manner. This is essential if democratic debate is to thrive.

Many major issues were raised during the process of revising the bioethics law:

- the need to strike the right balance between individual autonomy and the protection of the most vulnerable members of society. Artificial intelligence has revealed society's "fault lines" through the debate on therapy versus enhancement. Is it not the case that human enhancement comes down to prioritising individual autonomy and exacerbating inequality to the detriment of the protection of those who are most vulnerable?
- is the law an obstacle to technological development? How must it evolve to keep pace with it? And, if I may ask such a question, within which limits must it lay down restrictions?
- more generally speaking, which aspect of humanity do we wish to protect through the choices we make as regards biomedicine?

These are all valid questions.

The only way to arrive at clear answers is by having an acute awareness of public debate's advantages, as well as its limits.

Thank you for your attention.