Thanks to three laws promulgated on 1 and 29 July 1994, France now has legislation on bioethics.

None of these three laws has kept any formal autonomy. They have been integrated into various codes or laws: the civil and penal codes, the public health code and that on clean industry, laws on judicial experts, and the law on computerized databases.

These texts were preceded by a number of studies and debates both at parliamentary and extra-parliamentary level. The National Consultative Committee on Ethics for the Life Sciences and Health played an important role in ensuring that parliament act in line with the committee's opinions on the various questions analyzed.

One of the laws concerns respect for the human body; the second concerns the removal and use of parts and products of the human body, medically assisted procreation, and prenatal diagnosis; and the third concerns the processing of personal data for the purpose of research in the field of health.

In this article we will limit ourselves to some characteristics of the new legislation.

1. The Principles

A certain number of principles are stated in reference to fundamental human values under the heading "respect for the human body". These affirm the primacy and dignity of the individual, the inviolability and non-patrimonality of the body. The Constitutional Council has decided to treat these provisions within the perspective of the preamble of the constitution of 1946, without, on the other hand, giving them an actual constitutional basis. This emphasis on a part of the text thus prevents any single future law from putting the fundamental principles in question. It should be noted that these provisions
not only cover violations of the individual but also violations of the integrity of the species.

This prohibition therefore can be seen as a prohibition against any eugenic practices. In line with this, the law prohibits the treatment of genetic diseases where the intent is to transform natural genetic characteristics in such a way as to change descendants. This amounts to a condemnation of germinal therapy. The philosophy of the new texts is thereby defined. All their elements can be linked with one or another of the fundamental principles stated.

2. Medically Assisted Procreation

According to the texts, medically assisted procreation is covered in the classic form of “in vitro insemination” as well as “any techniques with the same effect”. This specification makes room for ICSI (Intra Cytoplasmic Sperm Injection) which is an experimental technique aimed at combatting male sterility and which consists of injecting a spermatozoon through the protective membrane of the ovocyte. The conditions under which medically assisted procreation are legal are the following: on request of a heterosexual married couple or a couple who have been together in a stable relationship for at least two years; in case of infertility or the risk of transmission of a disease of characteristic severity, and where the couple must be living and of childbearing age. The general practices of doctors and biologists are thereby endorsed only by what amounts to a simple and very incomplete regime.

The conservation of embryos is permitted where the parents intend to have the child within five years. This period appears to be one beyond which destruction of the embryo is foreseen, although this is not expressly stated. A provision, however, allows the termination of conservation of the embryo after five years under certain conditions for those embryos abandoned at the time of promulgation of the law.

Aside from the transfer or destruction of an embryo, it can also be “received” by another couple. This expression was given preference over that of “donation” in order to associate it with the idea of adoption. This parallel is also suggested by the obligation for recipients to obtain a legal decision from the authorities who in turn must have already received consent of the donors. With regard to receipt of the embryo, two principles are set forth: the gratuitousness of the donation and the reciprocal anonymity of the donors and recipients. This latter requirement strengthens the prohibition on establishing any parental links between the donor and the recipient and consequently prevents any resultant legal action. The donation of gametes to the infertile couple is permitted by law. But the text requires the consent of the couple