

ELENA ABRUDAN

ETHICAL EXPERTISE AND BIOETHICS

Elena Abrudan

Babes-Bolyai University, Head of the Journalism Department, Cluj, Romania.
Email: abrudanelena@yahoo.com

Review of Mihaela Frunză, *Expertiza etică și bioetică. Studii de caz* (Ethical Expertise and Bioethics. Case Studies). Cluj-Napoca, Limes Publishing House, 2010.

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Mihaela Frunză is known in academic research through her publications concerning applied ethics and gender studies. Among these, apart from the articles published in the academic journals, one can count her volumes – *Ideology and Feminism* (2004), *Thematizations in Applied Ethics. Feminist Perspectives* (2009), as well as her co-edited volumes: *Faces of Tolerance* (2003), *Gender and the (Post) „East-West” Divide* (2004), *Youth and Politics* (2006), *Institutional Crisis of Philosophy* (2010).

The book *Ethical Expertise and Bioethics. Case Studies* written by Mihaela Frunză presents case studies regarding the bioethics domain and tries to emphasize the contribution of the philosophy to solving the challenges addressed to the humanity by the bioethics' concepts in the present day. The author's intent is sustained by the bioethics' research as field of the applied ethics and it highlights the interdisciplinary and transdisciplinary openings that the philosophy and the philosopher can bring in solving the bioethics problems¹.

The first chapter tries to establish the extent to which the ethical expertise alleged by the research complexity in this area, is exclusively the philosophers' privilege, bringing to the attention of the reader, the different views that balance the epistemic expertise (regarding the ability of expressing justified judgments on a subject) and the performative expertise (that assumes having the ability and the capacity to implement it in practice). Consequently, the author proposes the recognition that ethical expertise is accessible to experts of various professions, mentioning that the philosophers not only have the necessary competences regarding the moral tradition but also have the necessary competences regarding the applied ethics. The author supports this statement with the clinical ethics example which considers the responsibility of the doctors faced with regular clinical investigation and treatment of patients in serious condition. Another important aspect is the philosophical expertise which can result in immediate ethical and philosophical advice in case of older controversial issues or recently developed, like the ethics of the alternative and complementary medicine, the ethics of the informatics and communication or even the ethics of the reproduction or the transplant.

The chapter *Ethical options and metamorphosis of the body* talks about the morality of the organs transplant and offers details about the complexity of the relationships between the donors (dead or alive) and the receivers on one hand and their caregivers on the other hand.² What is interesting is the placement of the ethical issues in a broader paradigm, the part-whole relationship. Intensively researched and presented in several anthropology, mythology or religion history studies, this dilemma has enriched the universal literature with unrivaled fictions (*The Nose* by Nikolai Gogol) and the specialty literature with newer controversial texts, describing with accuracy and sensitivity the body's reaction to the received organ or the ambiguity demarcation between life and death. This

approach is followed by an applied research of the legal and ethical aspects of the organs harvesting from living donors³ together with the presentation of quantitative data from Romania and Bulgaria compared to the European data, in general. Taking into consideration that Romania is on the last place in Europe regarding organ donation, the study *Ethical and Legal Aspects of Unrelated Living Donor in Romania* highlights the growing importance of living donors and the need to raise awareness about the benefits and opportunities of organ transplantation.⁴ The role of the Church in this matter is analyzed in terms of recommendations of the European Parliament and of the Romanian Orthodox Church trenchant attitude which believes that the donation of organs must be an altruistic gesture made by the donor during life or before dying⁵. The moral value of the donation act should not be overshadowed by the abuses that can satisfy either commercial or professional interests. Recognizing the confidence enjoyed by the Orthodox Church in the population, this recommendation increases public distrust about the morality of organs transplantation and health system capacity, and others, to manage these situation.

The following study deepens this new perspective by analyzing programs that encourage organ donation during life, if there are no relatives, seen as altruistic attitude towards other people. With the contribution of the researches Mihaela Frunză, Sandu Frunză, Cătălin Vasile Bobb, Ovidiu Grad, *Altruistic Living Unrelated Organ Donation at the Crossroads of ethics and Religion. A case Study* analyzes the donors' situation from a psychological, moral and religious point of view.⁶ It is presented the initiation and development of the pro-donation attitude on religious legitimacy of donors' altruism. However, The Jesus Christians group has turned this initiative into a kidney donation cult, thing that raised some dilemmas among the medical staff confronted with this phenomenon. The authors present the pattern of the religious moral altruism compared to the ethical altruism and highlights the partial similarity of the first one with the religious fundamentalism; it is noted that for most of the people, the altruism is not enough to become a donor.

The chapter "An ethical perspective on xenotransplantation" brings to the attention of the specialists the sampling and the transplantation of cells, tissues or organs between species.⁷ The ethical issues associated to the xenotransplantation refer to the reduced time of receiver's survival, especially in the case of the organ transplantation, the pandemic risk or the resistance of those to whom the religious precepts forbid the association with animals (for example the usage of pig skin grafts on Jewish and Moslems). Nevertheless, taking into consideration the high demand of organs, the supporters of this type of transplant think it represents an alternative to human organ transplantation, even temporarily, until finding a human organ, especially in the medical procedure improvement necessary for these operations.

The ethics reproduction problem is discussed in the chapter Care and responsibility for the Suleman octuplets case.⁸ The author suggests discussing the responsibility/irresponsibility towards children and consequently, the care ethics, regarding the assisted and applied reproduction on the octuplets case mentioned above. You can find the analysis upon the controversy regarding the fertilization in vitro, the multiple pregnancies with an emphasis on the risks this pregnancies present and the embryos manipulation⁹. Last but not least is taken into consideration the responsibility of the mother and the doctor in the Suleman case (six and eight children) and the protection of the children's interests.

Furthermore, Mihaela Frunză talks about the problem of the alternative and complementary medicine from two perspectives: the religiosity/spirituality concept and that of prayer as therapy. The definition of spirituality insists upon the differences regarding the religiosity that is addicted to institutions and canonical texts, upon the subjective, diffuse character focused on the individual. The prayer as therapy is discussed as a therapeutic method and subject of some scientific experiments. In the last decades, the Western society has been strongly influenced by the alternative methods of therapy, especially the ones of Oriental origin. The results of the experiments are not convincing enough for the doctors who prefer a scientific approach to the diseases. Nevertheless, the cases presented by the author demonstrate the efficiency of the prayer therapy in the case of heart disease. Despite the opposing voices that are against this type of experiments and who do not believe in the possibility of infinite extent entities, the prayer therapy enjoys an increasingly number of people. The author thinks that the only way to be accepted by physicians as a treatment method seems to be the integration in an efficient scientific language.¹⁰

The last chapter allows the authors Mihaela Frunză and Sandu Frunză the reiteration of public debate appeared in the Romanian society over the introduction of the biometric passports, against the Church, superstition referring to the evil numbers taken from the Bible or other writings. The introduction of the biometric passports seems to be favored by the values crisis in the Western society. The mentioned authors list the benefits brought by the Western secularization to the society and the individual concerned now about the formation of a global ethics that would facilitate the convergence of different religions, spiritualities and mentalities. The scientific work of the Romanian scientist Mircea Eliade, sustains this statements through the demonstration movement of the contemporary man's interest towards the alternative religious forms. The debate in Romania, regarding the biometric passports is made in the context of American-inspired cultural war and it illustrates how Christian religious consciousness relates to the constituent elements of modernity: "the secularization of society and state, religious freedom and religious

pluralism, the scientific creativity of man and the technological development based on the results of this creativity, the institutional modernization of Romania and its integration in the global relationships process".¹¹ Understanding reserves towards a situation that could lead to forms of dominations and restriction of human freedom does not stop the authors to see the harmless character of the biometric passports and the benefits of the large amount of information stored by them. The introduction of some security standards in the storage and use of information seem not to calm the spirits troubled by the perspective of the control and limitation of the claimed freedom by several characters, such as the archimandrite Iustin Pârvu. The more nuanced approach of IPS Teofan does little to calm the radical and superstitious spirits, and the invocation of the human rights in the name of the Church does not increase the credibility of the Church institution. The authors hope to increase the effectiveness of the bioethics centers in Romania by creating a neutral space for public debates and by finding some public politics solutions that can be supported from ethical perspective.¹²

We appreciate that the issue addressed in these studies is up-to-date and benefits of a thorough research that manages to clarify the mechanisms functioning within the field of bioethics. The used case studies are really helpful in understanding the challenges of the contemporary society and in outlining possible solutions according to the rules of morality, responding to both patients' and researchers' expectations.

Notes:

¹ This intent is convergent with what the author has attempted to do in other places as well. See for instance Mihaela Frunză, "Case Studies in Teaching Euthanasia. Ethical and Pedagogical Aspects", *Revista Romana de Bioetica*, Vol. 9 Issue 1 (Jan.-Mar. 2011): 108-113.

² Mihaela Frunză, *Expertiza etică și bioetica. Studii de caz* (Ethical Expertise and Bioethics. Case studies). (Cluj-Napoca: Limes Publishing House, 2010), 27-59.

³ The terminology discussing living donors is sometimes fraught with contradictions. For an attempt to clarify the terminology, see Frank J. M. F. Dor, Emma K. Massey, Mihaela Frunză et al, "New Classification of ELPAT for Living Organ Donation", *Transplantation*, Vol. 91 Issue 9 (May 15 2011): 935-938 DOI: 10.1097/TP.0b013e3182129236.

⁴ Mihaela Frunză, *Expertiza etică și bioetica*, 60-97.

⁵ A challenging situation is represented when the donor intention is not recorded during his/her lifetime. There are some countries that in this situation allow the transplant based on the supposed intention of the donor. For discussing the consequences of this alternative in the Romanian context, see Mihaela Frunză, Cristina Gavriluță, Beatrice-Gabriela Ioan, Sandu Frunză, "An Ethical Analysis of the Romanian Debates on Presumed Consent", *Transplant International*, Vol. 24 Special Issue SI Supplement 2 (Sep. 2011): 243-244

⁶ Mihaela Frunză, *Expertiza etică și bioetică*, 98-132. See also Sandu Frunză, Mihaela Frunză, Iulia Grad et al., "Ethical Dilemmas in Religion-Based Organ Donation", *Transplant International*, Vol. 24 Special Issue SI Supplement 2 (Sep. 2011): 153-153.

⁷ Mihaela Frunză, *Expertiza etică și bioetică*, 133-144. See also Mihaela Frunză, "An ethical perspective on xenotransplantation", *Revista Romana de Bioetică*, Vol. 5 Issue 1 (Jan.-Mar. 2007): 89-93

⁸ Mihaela Frunză, *Expertiza etică și bioetică*, 145-169.

⁹ Other ethical issues revealed in the literature are: ethical obligations of the health care providers, the informed consent process, as well as moral obligations of the mother to her existing children and unborn children. See Rosenthal M. Sara, "The Suleman Octuplet Case: An Analysis of Multiple Ethical Issues", *Womens Health Issues*, Vol. 20 Issue 4 (2010): 260-265 DOI: 10.1016/j.whi.2010.04.001

¹⁰ When it comes to alternative therapies, as well as traditional medicine, bioethical debates insist on the necessity of building a new relation between physician and patient, based on information. See Neguta Goldura, "New Trends in Medicine", *European Journal of Science and Theology*, Vol. 6, No. 2 (June 2010): 9-12.

¹¹ Mihaela Frunză, *Expertiza etică și bioetică*, 223-224.

¹² A perspective on ethics in relation with public policies can be followed in Sandu Frunză, "Ethical responsibility and social responsibility of organizations involved in the public health system", *Revista de cercetare și intervenție socială*, vol. 32 (2011), 155-171. Several general aspects concerning the theorization of secularization in the Romanian context might be followed in Ioan Alexandru Tofan, "Social Norms and Religious Values On Secularization", *European Journal of Science and Theology*, Vol. 5, No. 3, (September 2009): 1-11.