HISTORIC HIGHLIGHTS AND PERSPECTIVES OF BIOETHICS IN ROMANIA

C. BOGDAN¹

Abstract: The date of birth of bioethics in the world is the early 70s, when it was realized that medical ethics remained predominantly centered on physician-patient relationship and it covers no more the progress of scientific research in biology and medicine and their applications in genetics, reproductive medicine, transplant or end of life issues, bio-technology. Even if preoccupation about bioethics exist before 1989, until after this year it was possible to establish some governmental and non-governmental organization with experts in this field: doctors, researchers, lawyers, theologians.

The first organization was the Committee of Bioethics attached to the Medical Sciences Academy, which has appeared as initiative of acad. St. M. Milcu and prof. dr. Constantin Maximilian, joined later by dr.Constantin Bogdan, dr. Sebastian Nicolau, dr. G. Litarczek and others.

The echo of this committee inspired medical students, who develop “Student Society in Bioethics - Constantin Maximilian”, with an intense activity over a decade; the original animators of this group are Consuela Georgescu and Gabriel Raicu.

With the death of the founders, the Academy Commission’s work was stopped and remain, only for a short time, a Bioethics Committee in addition of Forensic Institute lead by prof. Vl. Beliş. By tradition, bioethics remained linked with Forensic Medicine and History of Medicine.

In the early 2000s it was set up the Romanian National Committee of Bioethics in addition to the Romanian National Commission for UNESCO. In the same period, in Iasi was developed a group of Bioethics with intense activity (including publishing a journal), animated by prof. dr. Vasile Astarastoae. Finally, appear bioethics committees in educational and research institutions, and in clinical hospitals.

Key words: bioethics, Romania, historical landmarks.

Bioethics is a relatively young discipline and science, its act of birth dating from 4 decades ago, at the same time with the launch of its concept and name by American biochemist dr. Van Renssalaer Potter at the beginning of the 70s. [2]

Bioethics was born out of ethics, has focused on biologics and has gradually developed and diversified, along with the scientific advancement in bio-medicine research and biotechnologies and their applications’ development.

In Romania, even if there were some physicians, researchers and lawyers’

¹ Bucharest University
opinions regarding bioethics before the 1989’s political changes, only after that date there were possible open debates, the set up of a movement, the appearance of governmental and non-governmental bodies, as a result of gaining the right to free speech and express thoughts, right to be informed, freedom of association [4].

Regarding the historic of bioethics, concerns can be identified even since Antiquity, that are to be found in the religious concepts, philosophical necessity, regulations and laws during time, medical practice codes. Towards the end of 19th Century some attends to conceptualize a kind of bioethics were made, but bioethics, in its actual modern meaning is a recent concept, as I mentioned before, established in the second half of the last century, together with genetics and especially biotechnologies further developments, the term being introduced by dr. Van Renssalaer Potter in the paper “Bioethics: Bridge to the Future” (1971). [2]

There are several definitions, the field being complex and in full extension, imposed by new scientific developments, moral’s adjusted answers and the right to the “cascading” challenges of science and research developments.

One of the said definitions considers bioethics which, based on using an interdisciplinary methodology, has as object the systemic exam of human behaviour in the field of life sciences and health, analyzed in the light of moral’s values and principles.

Other more concise definition, but complete at the same time, was introduced by dr. Constantin Maximilian, the great geneticist and one of the pioneers of the revival of bioethics in Romania after 1990, in its modern, international concept: “bioethics is the meeting point of all who follow human destiny subject to science pressure”. [4]

UNESCO’s General Director considers that the scope of bioethics is to frame the scientific and technological progress in a ethic reflection that is having the roots in the cultural, juridical, philosophical and religious background of diverse human communities.

From other perspective, bioethics, beyond life and death and existential limits of human life, provide answers to any of science and technique’s real challenges under the form of new developments. [3].

Bioethics is seen by other specialists and as the moral’s answer to the reality of a science that evolves quicker than the human being as regards its capacity of understanding, reaction and adaptation.

Bioethics becomes a source of law that is no more than a minimum of moral.

Bioethics is the reconsideration of classic (medical) ethics beyond a strictly medical perimeter which remains however prevailing.

As a conclusions of enumeration diverse definitions, we consider that a more comprehensive delimitation, more adjusted to its actual dimensions and mission, suggested also by its name “bioethics” could take into account the term of “ethics of life”, because nowadays bioethics covers not only health field but also the overall aspects of life, based on principles such as respect of life, auto-determination, universality, equality, justice and equity, utilitarianism, fact that indicates its extension in social and political areas – inter-human relationships, non-discrimination, relation with environmental, nature, the need for building up of a bridge balance between the progress of science and human rights; in other words, all the developments of science must be directed only for the common good of humanity. The great thinker and moralist Montaigne properly stated: “science without conscience is the ruin of soul” and physician and humanist Albert Schweitzer drew the attention on the fact the science’s
successes have not always had as a result the happiness of mankind.

Therefore, along with the 1990 change of politic regime and afterwards through our country’s accession to European structures (Council of Europe, European Union), bioethics, together with other left behind fields, wished to recover in the shortest possible period of time, all the existing gaps between us and “free” and developed countries.

The first 4-5 years after 1990 had been necessary for the organisation, gathering of information regarding other countries’ related experience, debates, collecting of related data and comments, the adjusted implementation of international specialised institutions’ recommendations launched during diverse discussions forums.

A first institutional structure that appeared soon after 1990 was Romanian Commission for Bioethics (Comisia de Bioetică a României), affiliated to Academy of Medical Sciences; this “parrainage” had two reasons: on one hand the high patronage of a official and prestigious institution with authority in bio-medicine and research was needed in order to affirm itself and be known, and, on the other hand, the initiative came from two distinguished figures of medicine and medical scientific research – academician dr. Ștefan-Marius Milcu, professor of Endocrinology and academician dr. Constantin Maximilian, professor of Medical Genetics, signer of The Oviedo Convention for Human Rights and Biomedicine in April 4, 1997. I personally had the great honour of being invited to take part in the Commission, being entrusted, based on my expertise and previous research, the following issues: ethical and social responsibility in health, end of life’s bioethics aspects, protection of vulnerable persons’ rights and dignity. [4]

This first bioethics institution was the predecessor of the current Romanian National Committee for Bioethics (Comitet Național Român de Bioetică), that was affiliated, based on the same above-mentioned reasons, to Romania’s National Commission for UNESCO (“Comisia Națională pentru UNESCO a României”). Moreover, the major involvement of UNESCO in bioethics, beginning with the ‘90s, bioethics being constantly included in its agenda, with two subordinated specialised entities and an ample program of activities, i.e. International Committee for Bioethics (Comitetul International pentru Bioetica - CIB) and Intergovernmental Committee for Bioethics (Comitetul Interguvernamental pentru Bioetica - CIGB). [3]

It’s worth mentioning here that these patronages did not affect in any way the independent character of the committee, on the contrary they increased its power and efficiency; our relationship with CIB and CIGB was a privileged one and a very stimulating one for the activities of the committee.

Also, we would like to mention that the initiative for the creation of a organised movement in bioethics belonged to physicians!

If bioethics means also control, monitoring and arbitrage- a judge of the evolution of science and practice in biomedicine - then this control started from inside; in general, in other countries, the lawyers, to which in some cases the theologians rallied too, had been the ones that initiated movements and associations, attracting also obviously physicians and researchers.

However, we should state also that neither a confiscation nor a domination of bioethics by physicians does not constitute a benefit for the further development of bioethics, due to the risk of a lack of an objective approach from outside of it and also due to the risk of an attempt to defend certain practice of minimize the effects.
Therefore, through the decision of setting up these institutions, currently active in our country, a multi-disciplinary component was intended - bioethics experts, researchers, physicians, biologists, lawyers, theologians, philosophers, psychologists and sociologists and an active model of horizontal co-operation between all the other bioethics’ formations.

Although, other important thing, with a negative impact, that must be specified is the relatively reduced interest of some indispensable specialists category – the lawyers – most of them being focused on other more interesting and profitable areas – as a consequence of the previous political regime when justice was controlled by the state, the law domain being therefore guided and poorly remunerated; other explanations are the absence of bioethics from the universities’ programs of study and from the postgraduate specialization and, also, the lack of specializations in bio-law or medical law. We have managed to partially rectify this shortcoming by attracting within a partnership specialists from Romanian Institute for Human Rights (Institutul Român pentru Drepturile Omului); we are benefitting also from the expertise of physicians that graduated also law universities. The involvement of theologians is also very important – we mention here The Commission for Bioethics of the Patriarchate – then it’s worth mentioning the professors of bioethics within Orthodox and Catholic Theological Institutes and also the presence of theologians within other important commissions.

Other bioethics entities currently active in Romania besides Romanian National Committee are the following:

- Commission for Bioethics of Ministry of Public Health (Comisia de Bioetică a Ministerului Sănătății Publice) whose members are appointed by the ministry, commission with an advisory role;

- Committee for Bioethics of the National College of Physicians (Comitetul pentru Bioetica al Colegiului Național al Medicilor), whose members are appointed by the College’s National Council and that has an advisory role especially regarding the changes in the Etics Code related to the developments recorded in the medical bioethics field.

- National Committee for clinical study on human subjects (Comitetul Național pentru studiu clinic pe subiecți umani) affiliated to the Medical Sciences Academy, that works together with the National Agency for Medication (Agenția Națională pentru Medicament), the latter being the main institution involved in the regulation and control of the activity related to medication and clinical studies on human subjects.

- Commission for Bioethics of the Patriarchate (Comitetul de Bioetică al Patriarhiei), religious body that expresses its own position and participates in bioethics related debates. [1]

There was also a honest initiative of medicine students materialised in mid ’90s in a body active for a few years, that developed a prestigious program of education and multiple other events: Medicine Students’ Group for Bioethics – “Constantin Maximilian” (Grupul de Bioetică al studenților în medicină ”Constantin Maximilian”).

Other notable achievement is the outstanding activity of Iasi Group (“Grupului de la Iași”) conducted by Prof. dr. Vasile Astărăstoae, that publishes Romanian Bioethics Magazine (“Revista Română de Bioetică”) under the aegis of Commission for Bioethics of Romanian National College of Physicians (Comisiei de Bioetică a Colegiului Medicilor din România), prestigious magazine well-known both locally and worldwide and also internationally classified and authorised, that publishes in each issue.
articles written by renowned bioethicists.

Finally, there are the committees for bioethics (ethics) within National Authority for scientific research (Autorității Naționale pentru cercetarea științifică), Ministry of Education (Ministerului Învățământului și Educației), Universities (Universități). [5] Lately, the creation of many committees for ethics within academic centres and research institutions can be noticed, this fact being stimulated by the progressive introduction of bioethics courses in the university curricula or by the requests regarding research in general and on human subjects especially. Perhaps, as a particularity, can be considered also the absence of National Committee affiliated do the Parliament or Presidential Administration, entity that can centralise all the reflections and comments from other independent bodies (advises, expertises, recommendations, consultations) and would assure a more prompt materialisation of legislative initiatives.

The debates and approaches at the high level of this two authorities - Parliament and Presidential Administration – have not fulfilled yet the needs in this field with the exception of the approval and change of important laws referring to bioethics aspects such as: research of human embryos, assisted pro-creation, transplant of organ and tissue, this being done due to alignment requirements, more or less adjusted, to models existing in other countries or as a result of acquiring international institutions' recommendations.

There is not a Bioethics law in Romania yet.

The first activities of The Romanian National Committee for Bioethics that were considered as a priority for our country were the ones in the field of raising awareness and education. As a result, an Appeal entitled CONCERN ("ÎNGRIJORARE") that drew attention in its ten points on the elimination of the risks related to the detriment of human rights, dignity and integrity as a result of the implementation of scientific research’s conclusions, and on the need for wide knowledge of the bioethics principles – not only by specialists, young researchers but also by the general public. [3]

An extensive program of Bioethics Education was elaborated, distributed and implemented, program that is a permanent one.

Romania is currently going through the process of alignment to the European regulations regarding Ethics in Research and Science.

For the time being, there are regulations adopted for the most important and up-to-date aspects in this field: [1]
- general rules and regulations that constitute the framework for the development of specific legislation;
- provisions in the Constitution of Romania (art. 11, International law and internal law chapter) based on which the Romanian State undertakes to respect the obligations assumed within international treaties and regulations, in the case that Romania does not have in place (or does not have yet in place) its own regulations. ("art 11 – Constitution of Romania: [3] – Romanian State undertakes to fully and in good faith comply with the obligations incumbent from all the treaties signed. [5] – The treaties ratified by the Parliament, in accordance with the law, are part of the internal right”.
- there are laws in preparation, being currently under parliament procedure and having to be promulgated in the next period (e.g.: the law regarding the animal protection against being used for research or other purposes, the law regarding the protection of the wildlife etc.)

One of the important laws ratified by Romania is: The law no. 17 from 2007 regarding the ratification of European Convention for the Protection of Human
Rights and Dignity of the Human Being with regards to Application of Biology and Medicine, the Convention regarding Human Rights and Biomedicine signed at Oviedo on April 4, 1997, the additional Protocol to Convention for the Protection of Human Rights and Dignity of the Human Being with regards to Application of Biology and Medicine signed in Paris on January 12, 1998, referring to the interdiction of human being cloning.

The European Convention, the Convention regarding Human Rights and Biomedicine and the additional Protocol to the European Convention were submitted for ratification to Romanian Parliament by Ordinance no. 324 dated October 4, 1999.

This law covers: Fair access to health care, Consent, Protection of persons suffering from mental disorders, Private life and right to be informed; Human genome: Non-discrimination, Predictive genetic tests, choosing of sex; Scientific research: protection of persons that are subject to research, protection of persons that are not in the capacity to give their consent for the research; in vitro embryo research, prelevation of organ and tissue from alive persons for the purpose of transplantation; interdiction of financial gain and use of a part of the human body.

Finally, a enumeration of the main challenges that bioethics must answer today, is shaping also the concern and approach perspectives of Romanian bioethics, without forgetting that bioethics is aiming to maximize the benefits of the scientific acquisitions and to minimize the negative effects:

- discrimination and genetic manipulation, use of embryo in research and experiments, research on human subjects, reproductive cloning, transplant of organ and tissue, commercialization trends within this field, pre-set of the sex of the future fetus, protection of vulnerable persons, defending the biodiversity, monitoring of genetic modified organisms, fair distribution of research’s benefits, euthanasia, assisted suicide etc. [4]

Reference:


[5]. *** Institutul Român pentru Drepturile Omului: Bioetica – Mijloace și căi de acțiune, București 2004