

JOURNAL  
of  
APPLIED ETHICS  
and  
BIOLAW

ISSN 2501-529X  
ISSN-L 2501-529X



# JOURNAL of APPLIED ETHICS and BIOLAW

published by

the ASSOCIATION FOR EDUCATION AND RESEARCH IN ETHICS AND LAW - EDUCED

[www.educed.ro](http://www.educed.ro)

## Advisory Board (in alphabetical order)

Seval Akgün - Turkey	Alberto Garcia - Italy
Xavier Arias - Spain	Eugenijus Gefenas - Lithuania
Vasile Astărăstoae - Romania	Rodica Gramma - Republic of Moldova
Mark Aulisio - USA	Ștefan Iloaie - Romania
Tiziana Brevini - Italy	Sana Loue- USA
Mircea Gelu Buta - Romania	Zvonko Magic - Serbia
Ioan Chirilă - Romania	Claire McIvor - UK
Aurora Ciucă - Romania	Laura Palazzani - Italy
Jorge Diener - Israel	Andrei Pădure - Republic of Moldova
Halis Dokgöz - Turkey	Antonio Sandu - Romania
Elmar Dopelffeld - Germany	Călin Scripcaru - Romania
Dan Dumitrașcu- Romania	Stuart Youngner - USA
Bülent Eren - Turkey	Nuno Duarte Vieira- Portugal

## Editorial Board

### *Editor in chief*

Beatrice G. Ioan

### *Associate Editor*

Cătălin J. Iov

### *Editors*

Mirela Avădanei

Mariana Enache

Magdalena Iorga

Gabriel Roman

Irinel Rotariu

Iulian Warter

Ionuț Tilică

Subscription for hard copy:

100 Euros/year (4 issues) - including the shipping fees

Payment details: RO68INGB0000999905167265, ING Bank, Iași, Romania

Please send us a copy of the receipt by e-mail: [contact@biojustice.eu](mailto:contact@biojustice.eu)

[www.biojustice.eu](http://www.biojustice.eu)



# JOURNAL OF APPLIED ETHICS AND BIOLAW

## Table of content

Editorial .....	1
<i>Cătălin J. Iov</i>	
Postmodernism in Christian Bioethics Myths and Facts. A Proposal for Dialogue with Prof. Denis Müller.....	5
<i>Mircea Gelu Buta</i>	
Defensive Medicine: Myths and Realities .....	23
<i>Grigore Tinică, Mihaela Tomaziu-Todosia, Alexandra Cristina Rusu, Raluca Ozana Chistol, Cristina Furnică</i>	
Jurisprudential Landmarks Regarding the Informed Consent .....	35
<i>Aurora Ciucă</i>	
Anti-Semitic Legislation During Holocaust: Just Unethical or Counterproductive to Long-Term Development as Well? .....	43
<i>Iulian Warter, Liviu Warter</i>	
Ethics Management of Healthcare Facilities in the Republic of Moldova - A Qualitative Study .....	51
<i>Rodica Gramma</i>	
The Cultural Challenge of Medical Care Providers. The Roma's Case.....	65
<i>Cătălin J. Iov</i>	
Research Ethics Commissions Legal Framework in Romania .....	79
<i>Beatrice Gabriela Ioan, Simona Irina Damian</i>	



## Editorial

Cătălin J. Iov\*

\* lecturer, PhD, Eng, MA in Bioethics, APOLLONIA University of Iasi, TRIAS Microelectronics, Romania, e-mail: iovcatalin@yahoo.com

The quote “believe and do not doubt”, most often associated to Christianity, seems to oppose two fundamental sides of the human beings, on one hand the need to lay the unexplainable on divinity and on the other hand to remove the mysticism that always surrounds the unknown, in order to find out what is behind. The wish to find out, to acquire knowledge, is the force driving our actions. Even if this urge based on blind faith, on unconditioned obedience, on constraints, represented an attack of Celsius, a Greek philosopher, driven by the hate against the Christians, grounding the relation of the human with the divinity on these words, there are still quite some individuals that justify the lack of culture, the lack of knowledge by getting closer to God, to divinity. This is how the masses are split in 2 main groups, between religion and science. In other words, the knowledge, apparently, pushes away from God. So, God seems to be opposing science,

knowledge about things, about the world, about creation. Still, what would be the reason we are born and develop using free will, using our capability to make rational chooses, or at least claimed as rational? Free will represents, in my opinion, the connection between divinity and the world, between religion and science. It is that thing that keeps the human being in equilibrium and places it between the own choices and the choices of others.

Christianity does not discourage research. It recommends rational research, the research with humility. Apparently, this is right since some individuals considered this liberty fit for research and have tried to demonstrate that God exists or not. The fact that God cannot be seen is an argument used by the skeptical to demonstrate that He does not exist. Nonetheless, neither God's existence can be demonstrated. The universal solution would be to have God revealed to everybody with the risk that faith might no longer have

support for its existence. Faith is not an attribute of knowledge, it always supposes doubt and certainty, balanced against the certainty, varying among individuals, when knowledge implies a strong level of certainty, doubt representing only the start of new research, or at least providing the premises for new research.

In Romania, the former communist regime used this idea associated, unfairly, to Christianity, to preserve the blind trust of the masses. Currently, the Church is accused of promoting this idea, being afraid that the youth, people in general, might turn their backs on the church and distance themselves from the values it perpetuates. The actual modern options, opportunities and temptations are most often considered the root of such behaviour.

Getting back to the research as a source of knowledge, the research on humans always caused interest, and more, the medical research on humans often had fatal consequences on the subjects involved. The fundamental elements to involve the human subjects in medical research, the informed consent and the free of constraints acceptance were often just theories filling up placeholders on the research projects. Often, these represented only legal constraints without any emotional involvement

of the research team. Some seem to learn from own or third parties' mistakes, rescaling the studies, while others seem to use the mistakes to learn how to better hide bad intentions on future research (with unexpected or somehow expected side effects). During the last hundred years, many such situations were reported, in which the moral aspects came to the table only at the end of the studies. Without trying to include the cases in any categories, I would recall the Tuskegee study on untreated syphilis (1932-1972), the Nazi studies on war prisoners (1939-1945), the Manhattan project focused on developing the atomic bomb (1942-1945), the researches financed by the American government focused on the effect of radiation on the human body (1944-1980), the hepatic researches on children with mental conditions, approved by the American authorities (1956-1980), the experiments on human obedience by Stanley Millgram (1961-1962), the Pfizer study on Nigerian children with meningitis (1996), and even more recent studies on patients with mental conditions in Romania (reports in 2016).

The research is a process in few steps. Among them, the publication and communication the research results confirm, on one side the originality of the results and the level of expertise of the author or authors, and on the other side it offers the



public the chance to be informed, increases the access to new treatments and procedures and provides premises for better life quality. Obtaining the results implies a great effort, not assumed in all cases. In research on human beings are known, apart from abuse cases when the subjects were harmed, fraud cases when the results were counterfeit. Either the reported events did not happen so obviously- the process parameters being difficult to synchronize- or results from other studies were reported, own or third parties, framing the concept of plagiarism. I would recall here such moments as the accusations of plagiarism brought to Martin Luther King on his PhD thesis (1987), to a PhD student from Harvard of having research data made up (1981), to Stanley Pons and Martin Fleischman (1989) that reported a method to obtain nuclear fusion at room temperature that could not be reproduced all over the world, to Jan Hendrick Schon by Bell Labs, of having too many papers published in high level journals in very short time (28 papers of Schon were withdrawn in 2002) etc. Some researchers admitted they made up the data and the studies, with the aim to initiate some mass opinions or to place new products on the market or just to get public notoriety. In 1974 William Summerlin confirmed that he used

markers to place black spots on white mice while working at Sloan Kettering Cancer Institute, in order to promote a skin transplantation technique. In 1994, Roger Poisson confirmed that he made up information about the patients involved in a study on breast cancer, with the aim to set them up as eligible for some experimental treatments. In 2005, Wook Suk Hwang, a South Korean researcher confirmed that he falsified data that were published in 2 scientific papers on nuclear transfer techniques topic for developing embryonic stem cells. In 2005, Eric Poehlamm from Vermon University admitted he made up results on 15 federal grants and 17 papers. In other cases, some publishing houses withdrew published articles that were confirmed as based on fraud, such as the Nature journal that in 2014 withdrew a material of Haruko Obokata and his colleagues.

All the examples around the world, especially the unethical researches, represent only the top of the iceberg, confirming that trust without research, validation, or the lack of a mechanism to stop academic fraud, is not an accepted way to release research results. The current technologies allow validation in almost real time by exposing the papers against many large databases containing hundreds of thousands of already published papers.

The research is a complex process consisting of several steps. The last one, the publication, is the combined result of studying the literature and running the so-called research of the

topic of interest. The motto “believe and do not doubt” could be easily rescaled to “believe you can and run fair research”.