

MEDICAL ETHICS AND DEONTOLOGY BIOMEDICAL ETHICS AS A FORM OF PROFESSIONAL PROTECTION OF A DOCTOR'S PERSONALITY

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Biomedical ethics as a form of professional protection of a doctor's personality.

The relationship between biomedical ethics and medical law deserves special attention. Some experts believe that almost the entire range of moral and ethical problems can be considered in the course of medical law, which provides the necessary and specific information about existing legislation. This information can be limited by reducing all moral and ethical issues to a clear legal knowledge. However, in the legislation of Nazi Germany in 1938-1939, there was a law on the euthanasia of the defective. Analyzing the legislation of Germany, the famous German philosopher and psychiatrist Karl Jaspers argued that the XX century gave rise not only to the atomic bomb and bacteriological weapons, but also to the phenomenon of criminal statehood, in which absolute evil found its legal political and legal embodiment. Despite the existing relationship, law and ethics are two independent fields of knowledge and morality, came to the conclusion that the difference between them boils down to "three main points":

- 1) "law is the lowest limit or a certain minimum of morality";
- 2) the right is a requirement for the external realization of this minimum, whereas "the moral interest itself does not relate directly to the external realization of good, but to its inner existence in the human heart";
- 3) a moral requirement presupposes free or voluntary fulfillment, on the contrary, a legal one - "allows direct or indirect coercion"

Despite the democratic and progressive nature of the "Fundamentals of the Legislation of the Russian Federation on the Protection of Citizens' Health", the law does not exempt from a clash of rights, freedoms, interests, in our case, for example, between the patient's personality and the personality a doctor. And these collisions are not accidental. They are connected with the fact that normative principles and moral values do not always coincide, and sometimes even are in contradiction. For example, according to article 36 of the "Fundamentals of the legislator of the Russian Federation on protecting the health of citizens", "every woman has the right to independently decide on the issue of motherhood." This norm can hardly be consistent with the understanding of childbirth as a "Gift of God" by people who accept the moral values of Judaism, Christianity in its three faiths






[Orthodoxy, Catholicism, Protestantism], Islam and other confessions. The discrepancy between values and laws makes it clear why in many states of Europe and America, along with detailed legal regulation, there are also detailed ethical codes of professional medical associations. As an example, we can consider the "Declaration on Medical Abortions", adopted by the World Medical Association in 1993. The 6th paragraph of this Declaration states that "if personal convictions do not allow a doctor to recommend or perform a medical abortion (even in those countries where abortion is legal), he should transfer the patient to a competent colleague". An example of a discrepancy between moral professional values and legal norms is the "Russian Doctor's Oath", adopted at the IV Conference of the Russian Association of Doctors in October 1994, which explicitly stipulates disagreement with the assumption of the principle of passive euthanasia in the Fundamentals of Legislation.

There are many examples of such a mismatch. And this testifies not only and not simply to the difference that exists between law and morality. Obviously, biomedical ethics performs the social function of professional protection of the doctor's personality, his right to act not only according to the law, but also according to his conscience. If we want to see in the future doctor not a robot, a mechanical and thoughtless executor of laws, but a professional who performs his duty voluntarily and meaningfully, then we must provide him with the opportunity to master the reality of moral and ethical knowledge and form the ability to uphold the values of his profession. It is curious, and at the same time significant for us, that exactly 100 years ago, the exact opposite situation developed in Russian culture. In 1897, Vladimir Solovyov fixes the dominant influence in society of antinomianism (illegalism) of the denial of law as a proper or obligatory beginning of our actions, all human relations, according to this, should be reduced to purely moral interactions, and the area of legal or legal relations and definitions should be rejected entirely. "The basis of this position was the cases of inconsistency between morality and law, justice and law, which were so typical of the 17th, 18th and 19th centuries. Unfortunately, the 20th century was also marked by similar cases. An example is the legislation of Nazi Germany 1938- 1939 about the euthanasia of the handicapped Analyzing German legislation, the famous German philosopher and psychiatrist Karl Jaspers argued that the 20th century gave rise not only to the atomic bomb and bacteriological weapons, but also to the phenomenon of criminal statehood, in which absolute evil found its legal political and legal embodiment. J. Dosset in his article "Scientific Knowledge and Human Dignity" convinces that people should be afraid not of scientific achievements, but of totalitarian regimes,






which, with the help of legislation, can use them against human dignity. From our point of view, the study of modern medical legislation cannot and should not replace the study of biomedical ethics.

Despite the existing relationship, law and ethics are two independent areas of knowledge and practice. At one time, Vladimir Solovyov, studying law and morality, came to the conclusion that the difference between them boils down to "three main points": 1) "law is the lowest limit or a certain minimum of morality"; 2) law is a demand for the external realization of this minimum, while "properly moral interest relates directly not to the external realization of the good, but to its internal existence in the human heart"; 3) a moral requirement presupposes free or voluntary execution, on the contrary, a legal requirement "allows direct or indirect coercion." The coercive nature of the law remains despite the fact that in modern Russian society there are serious changes in the judicial and legal system in the direction of increasing the influence of the protective role of justice. The rights and freedoms of the individual are recognized as values, the protection of which becomes really significant for the legal system. The relationship between biomedical ethics and medical law deserves special attention. Some experts believe that almost the entire complex of moral and ethical problems can be considered in the course of medical law, which provides the necessary and specific information about existing legislation.


This information can be limited by reducing all moral and ethical issues to a clear legal knowledge. This position is formed under the influence of at least two objective grounds. One of them is a stable place in modern culture of moral relativism. Belief in the relativity of moral values makes some believe that if today one can talk about morality, then only about morality built on the law. Or, only by defining the fundamental and inalienable human rights, one can create what will be considered as universal human morality. The fundamental point is that this position coincides with the guidelines of the Inter-Chair Program on Medical Ethics and Deontology for Students of Higher Medical and Pharmaceutical Educational Institutions of 1976, according to which the general theoretical course on medical ethics is excluded, and moral and deontological knowledge is taught in parts at all departments [without allocating additional hours in curricula] in the form of specific recommendations based on specific examples. Indeed, the ethical issue with its main issue - the relationship between doctor and patient - is inseparable from any type of medical practice. Close and creative scientific and practical cooperation between specialists in various fields is a condition for the existence and development of biomedical ethics. The moral culture of a doctor is one of the main





components of medical professionalism. It should work and works in all specialties, having its own characteristics at the level of each of them. Anatomy, physiology, genetics, chemistry and other theoretical disciplines have a similar "cross-cutting" value for a medical professional. But their "dissolution" in special medical knowledge has never been the basis for depriving these disciplines of their independence. Moral philosophy, as the basis of Russian religious philosophy, with its independent subject, values and the logic of their justification, "disappeared" in the loose sand of political, everyday and situational relativity. The same fate befell medical ethics. Medical ethics with its concept of "medical secrecy" was officially declared class alien and harmful. The consequence of this position was that in the second edition of the Great Medical Encyclopedia, the concept of "medical ethics" was simply absent. The attitude to medical ethics and ethics in general within the framework of the dominant ideology forced specialists to look for ways to legalize the subject of one of the objectively existing and significant grounds for the treatment of psychogenic factors on the course of somatic, including reparative, regenerative processes in the body. From this it becomes especially clear to what extent it is important that surgeons become full-fledged doctors, i.e., take upon themselves all the care of treating not only the body, but also the psyche of their patients, dedicate to them not only the fullness of their knowledge, but their best spiritual movements and their benevolent cares. The teaching of these truths to students and doctors must necessarily be part of the surgical course ... These truths must enter "the flesh and blood of all workers in our favorite specialty - surgery - as firmly and deeply as asepsis, antisepsis, antibiotics, anesthesia and sedation entered surgery ". In conclusion, I would like to note the following. The subject of modern biomedical ethics is certainly broader than the tasks that were set for medical deontology in the middle of the 20 th century. It includes the study of the moral and ethical foundations of medical practice, a system of relations between a doctor and a patient ranging from traditional care for the patient's mental state to compliance with the rules of "informed consent", ethical and legal regulation of scientific research involving humans and animals, as well as a block of social and ethical problems of the latest medical technologies. Medicine is a social natural science. The social component of medical knowledge is the core that should form the basis of the new structure of the humanitarian training of a doctor. One thing is already obvious today: the moral, ethical and legal support of medical science and practice is a subject for special and independent teaching and study.





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