

Dejan Donev*

The development of bioethical consciousness in Macedonia: the absence of legislative dismissals and its consequences

ABSTRACT

Unlike many neighbouring countries on the Balkans, in Macedonia one doesn't talk about bioethics as a developing discipline, which is a normal fact or part of scientific activities and research, or even less does one talk about bioethics as something that is a systematic part of education, including ethical education.

In the above mentioned context there are two approaches to the consideration of UNESCO documents on this subject:

- something that should become one of the objectives of any change within the educational system;

- something that the state, which tends to be systematic part of the globalisation process, and in this sense also of ethical globalization, above all, should approach in the way that it defines its own legislation, which is at the given moment everything else but bioethically oriented.

So the basic precept of the suggested text is the survey of the bioethical consciousness developed in the context of law absence, as well as indication to the possible consequences of such circumstances for the further state development.

Key words: bioethics, UNESCO, ethical education, globalization, legislation

* Correspondence address: Dejan Donev, Ph.D., Assistant Professor, School of Business Administration (Euro College), Done Bozinov 41, 1300 Kumanovo, The Republic of Macedonia, Phone: +38931418025, e-mail: d_donevahoo.com, dejandonevurocollege.edu.mk

When one talks about the development of bioethical consciousness in Macedonia, it is necessary to emphasize that one can talk about it only as about something that is emerging and that it owes its emergence, above all, to the development of bioethical consciousness and activities of certain ethicists and philosophers from 1920 on.

Therefore, in order to conjure up the foregoing text, here, at the very beginning, I have to mention some people, books, activities and events that have, on the whole, contributed to our ability to talk more realistically about the emergence of bioethics both in today's sense and the use of this term from 2000 on. Still, there is a long way to its differentiation as a special science, at least among institutions for higher education in Macedonia.

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Historically, we owe the true foundation of bioethical consciousness and the development of ethics towards bioethics, at least concerning Macedonia, to a man who was neither a philosopher nor an ethicist. He did, through his actions in regards to Lake Ohrid and introduction of a completely new approach to examining the life environment (as is this lake), introduce the rule that nothing can be examined without taking into account the dependence of all the parts within the same whole and their influence on one another.

The man in question is the late academician Ph.D. Siniša Stanković, who had with his work and its results not only contributed to the development of bioethical consciousness in Macedonia but had also given a contribution to the world, although, as stated in the above paragraph, he was neither a philosopher nor was he famous for writing ethical instructions! Namely he was a biologist.

The mentioning of a biologist may seem off topic in the context of bioethics, at least in Macedonia. It can be justified by the fact that such examination and approach to the matter has, after almost fifty years since Stanković began his exploration in 1922, led to the introduction of books in high schools¹ dealing with ecologically accepted systems, habitats and environments.

However, he deserves merit for more than just this. Taken into account the time period in which he started his scientific work and the intellectual atmosphere in Macedonia, as well as the fact that Ph.D. Dušan Nedeljković founded the Philosophy Department as a branch of the University of Belgrad, Stanković' research and announcement of scientific results also indirectly created an atmosphere and influenced the lectures of Dušan Nedeljković.

¹ Siniša Stanković, *Okvir života*. Kultura, Skopje and Naučna knjiga, Belgrad, 1954. (re-edited in 1977 in Naučna knjiga, Belgrad), as well as Siniša Stanković, *Ekologija čoveka*, Naučna knjiga, Belgrad, 1974.

More precisely, if one scans his »Skopska predavanja«,² it is completely clear that the choice of materials, topics, and philosophers' interpretations, independent of concrete lecture, more or less, authenticates the fact about the general correlation of everything and everybody with everything and everybody, i.e. about mutual stipulation and dependence.

This led to a later easier students' acceptance of Vuk Pavlović' efforts in introducing ethics and emphasizing the need for bioethical thinking, although the word cannot be derived explicitly from his works such as »Philosophies and the worlds«³, »Call«⁴ and »Ruins«⁵. More concretely, when we talk about Vuk Pavlović, one has to emphasize in this context, that although there's no resolute declaration about the need for bioethics, there remains a fact that the above mentioned works with their content, idea and objective, are a call for bioethicity. This is not only because their basic theme is »man« and »life«, but also because the way man and life are dealt with, imply the fact that one cannot be ethical if one does not accept that the foundation of every ethic is bio-existence.

His work and doctrine, as well as the education he gave to students, enabled the events in the middle of the fifth decade of the last century that made the foundation of today's bioethics. In 1959, he founded the Aesthetic Laboratory, the result of which was the book »Creativity and museum aesthetics«⁶. It was significant because, for the first time in Macedonia, it opened a debate on man's position in museum as well as on the relationship between the two, whereby the museum represents a space of man's ethical thinking and aesthetic work.

Without naming further chronological examples throughout history, one has to emphasize the fact that the endeavours mentioned led to the production of texts, books, and concrete research, activities and projects in the field of bioethics. The following examples are not chronological, but have been chosen according to the importance and influence on further development of bioethics in Macedonia. In this context one should mention the books »Ethics for children«⁷ by professor Tem-

² Dušan Nedeljković, *Istorija na filosofijata*. Makedonska kniga, Skopje, 1984.

³ Pavao Vuk-Pavlović, *Philosophies and the Worlds*. Annual collection on Faculty of Philosophy in Skopje, number 14, Skopje, 1962, cf. Pavao Vuk-Pavlović, *On meaning of philosophy*. Institute for philosophy in University in Zagreb, Philosophical studies 1, Zagreb, 1969.

⁴ Pavao Vuk-Pavlović, *Call*. Skopje, MCMLXIV.

⁵ Pavao Vuk-Pavlović, *Ruins: Sonnets from Skopje*. Skopje, MCMLXIV.

⁶ Pavao Vuk Pavlović, *Tvoreštvo i muzejskata estetika*. Metaforum, Skopje, 1993.

⁷ Kiril Temkov, *Etika za decata: Raskazi i pouki za ona što je dobro za decata*. Nova Makedonija - Kolibri, 2002-2005, SAMIZDAT, Pečat Društvo FLU, 2007.

kov, »Ethics of responsibility«⁸ by professor Denko Skalovski, »Medical ethics«⁹ by Nada Pop Jordanov, »Stomatological ethics«¹⁰ by Branislav Daštevski, »Human genetics«¹¹ by doctor Vladimir Trajkovski and »Life environment«¹² by Jelena Dimitrijević. A few other projects on this topic are also worth mentioning: Ljubica Topuzovski's project on ethical and bioethical education of children from the second, third and fourth class of elementary school, OXO¹³ project on the ecological education of children and teachers and cooperation and participation of the University »Sveti Kiril and Metod« from Skopje in the East European Bioethical Forum.

Of special importance are initiatives of citizens in the Ethics Centre from Skopje from 2004 till 2008, as well as endeavours of the newly opened Centre for Integrative Bioethics from Kumanovo to introduce bioethics (for the first time on a higher-educational level) at the Faculty for Health Management that is to be opened.

Despite the above mentioned facts, it is obvious, that in terms of presence of bioethics in the everyday life and legislation of Macedonia, there are neither proposals and obligations from the UNESCO Declaration and documents on bioethics nor is its role included into processes and eventual consequences of globalization.

The cause for this is an immature system, especially in the educational arena, and valid integration into the world educational movements motivated by the UNESCO Declaration and documents.

The other cause is the reluctance of government from the very beginning of Macedonia's independence to use laws realistically, objectively and suitably in the economic and social situation, i.e. that it passes laws not merely to satisfy the forms that Europe prescribes but that they deal with concrete conditions and their preventions.

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Taking into account the remarks and criticism of laws on bioethics, one should also consider the level of economic development and real economic indicators in Macedonia.

It would be too bold to claim that somebody had paid for the laws to remain understated; it is more realistic that the content of these legal decrees suggest the lack of

⁸ Denko Skalovski, *Etika na odgovornost*. BIGOSS, Skopje, 2005.

⁹ Nada Pop Jordanova, *Medicinska etika*. Kultura, Skopje, 2003.

¹⁰ Branislav Daštevski, *Etika vo stomatologija*. Magnat, Skopje, 1998.

¹¹ Vladimir Trajkovski, *Humana genetika*. Filozofski fakultet, Skopje, 2005.

¹² Jelena Dimitrijević, *Životna sredina*. Signum, Skopje, 1998.

¹³ for further detail see <http://www.oxo.org.mk>

consciousness and bioethical irresponsibility of a law maker. These structures are more aimed at the economic interests of the government than at passing concise laws and legal frameworks that would directly or indirectly create preconditions for supporting bioethical thought and responsibility both of the producer and of the capital and production means' owner.

The above described situation of the absence of bioethical consciousness in law maker is in great part the consequence of inferiority, i.e. regression of the educational process and the content of curricula.¹⁴ The end result of these processes is a facade-like legislation that is not founded on a bioethical relationship towards an individual nor on preserving the whole human and other species.

Before we continue it is to be emphasized that the Republic of Macedonia is the OUN Declaration signatory country that is at the same time inaugural act of the UNESCO and all other declarations and documents, many of which are not declaratives but obligatory, of the above named legislative bodies. If one studies relevant documents and reads some of the main laws on bioethics, one can best define the situation with the expression »*contradictio in adjecto*«.

Macedonia is obliged to conform its own legislation to international obligations and standards. The laws passed have to be, more or less, in concordance with other more developed legislations. Such condition can be deceiving since legal decrees are inherently problematic: firstly because their sharpness is negligible and secondly because these decrees are in most cases contrary to the other laws related to these problems.

There are two reasons for this situation. I've mentioned the first one, which is the inadequate education of law makers who act according to the COPY-PASTE principle, i.e. they adopt decisions from other legislations whereby they do not study the rest of the laws and legislation from which they adopt these decisions. The second reason are economic conditions in Macedonia. There are very few industrially significant objects, which use a 15-20 years outdated technology and are not designed bioethically, the consequence being large number of work medicine cases, i.e. there are more and more patients who suffer from illnesses caused by maladjustment of working conditions to human needs and to protection from consequences of working in such environment

This example clearly shows the absurdity of situation in the legislative framework in which these problems are dealt with. The laws had been passed on the one hand because of the pressure to »be liked by Europe« and on the other hand to claim in public that the state cares for these problems and solves them lawfully, taking into

¹⁴ <http://www.bro.gov.mk/>

account the content and obligations the Republic of Macedonia has as the OUN member state and that is, as such, obliged to carry out and hold on to documents and declarations of all its organisations.

Not going deeper into socio-political or political contemplations, one has to say that it is unfortunate but true that this kind of relationship towards the obligations from the UNESCO declarations and documents led to the situation that these laws serve more to enable negative bioethical consequences than to prevent them.

Apart from all the above mentioned reasons which lead to such laws, to make things even more concerning, there is a disintegration of the educational system and its function. If one looks carefully at the educational programs and sees what has been eliminated in the past 10 years¹⁵, a question is raised if somebody would want to create the educational system similar to the so-called »developed western educational systems« or, more realistically, consciously or unconsciously, by reducing the amount of information, also reduces the quality of thinking of the future participants in economic and biological reproduction processes.

More concretely, these programs suggest that there are more and more people who, when passing, voting for or writing laws for prevention of bioethical consequences, act as I mentioned. To be more precise, the government in Macedonia is composed of relatively young people who finished their education in the so-called transition period during which the above mentioned affairs in education were set into motion.

Corruption of the educational system, lack of concept and vision harmonized with the needs for further sustainable development lead to inadequate education and training of law makers who, by creating legal decrees, cannot reflect on their consequences and cannot but subordinate them to everyday political and democratic needs. They should create laws the essence of which should express bioethical consciousness not only of the state in which they are passed but also serve as evidence on consciousness and responsibility towards the state's biomass and biopotential, that should not be jeopardized on a global level and should be prevented locally.

All that has been stated so far unfortunately has one more consequence for the whole situation in Macedonia. Apart from culture, education and civil consciousness the economy also succumbs to the systematic desorientation in education, dubious passing of laws or, to be more precise, problematic reasons of the laws passed, economic environment, as well as the level of political culture by which one assumes authority. It is completely clear that methods of production, marketing and product advertising do not create an economic consensus on sustainable development of

¹⁵ <http://www.bro.gov.mk/podracje/koncepciski/osnovno.html>

Macedonia, especially if one takes into account the level of bioethical consciousness, responsibility and tendency as one of the most important factors for the economy to slowly but safely stop adapting to the modern solutions of other economies, that impose their concepts based on previous development.

Even more dangerously, apart from plausible growth of gross national product, the standard is lowered not only by the world economy but also by the quality of products on the market. Secondly, the very absence of bioethical responsibility, consciousness and respect towards the UNESCO declarations and documents and refusal to adapt all segments of social life to them cause health deterioration as well as physiological and biological degeneration of population, the consequence being problems among children aged 12 – 18 who later on develop chronic diseases.

The question is whether one can even talk about the development of bioethical consciousness if the economy does not stop jeopardizing not only biomass and bioresources but also the ones it is intended for – the citizens!?

One has to emphasize one more thing in relation with Macedonia's economy. Though not directly stated, the content of the UNESCO declaration requires from signatory states to plan, develop and conceptualize their economy in a way that part of the realized income, or if you want profit, has to be invested in new fields. This can be achieved only if the realized difference and part reinvested in already existing capacities in order to adapt their technology to changes, enable the reduction of life costs, which is certainly one of the preconditions to create means for investment in the development of bioethical consciousness and responsibility based on the above mentioned documents and declarations.

The following example explains the situation more concretely. If the state would invest in the quality of production conditions it would save money for treatments of illnesses developed at work places. This means that one has to invest in the conditions and not in the palliatives poor working conditions can cause. Such investments and economic preconditions, herewith creation of means for higher education of population and the ones educating the population, actually fulfill regulations stated in the UNESCO declarations and documents.

Unfortunately we have a different situation in Macedonia but it seems that this is not only the case with our country. If one looks at other economies in this area it is difficult to say whether there is better work quality or better investments in it elsewhere and so it happens that laws¹⁶ are passed whose regulations demand fees if the owner's dog does not relieve itself within the certain park zone or if the citizen uri-

¹⁶ <http://www.moepp.gov.mk/default-MK.asp?ItemID=B22EF3F504797B4DBA1360BEBFCCE102>

nates somewhere, without beforehand creating legal, i.e. technical preconditions for these things not to happen. Actually there are cities in this area that have no functional public toilets. Bioethical consciousness and human right to live his/her life on a certain level of quality include not only housing problem (conditionally stated), but also conditions for satisfying one's biological and physiological needs at the given moment without being afraid of punishment.

I mentioned this example because of its reversed effect the authorities have on citizens, which caused the police-and-thief game between the citizen and the state. This seems not to be the problem only in Macedonia but also in other countries. It is familiar that man is always in conflict with the state. If this state rejects him in that measure that he has to suppress a part of himself, he will certainly find a way to retaliate. This automatically excludes the bioethical consciousness of adapting and conforming characteristic behaviour not only to the minimum of some so-called civilization or polite behaviour but to the bioethical thinking in general.

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There are many similar examples, comparisons and implications. Unfortunately, the problem lies not within the truth of their remark or implication. What creates controversy is that one talks about bioethics and that all authorities have heard of the UNESCO declarations and documents related to these problems. But this does not mean that they imply them or that they adapt their legislation to their regulations. Even they play the police-and-thief game. This is upheld by the fact that if one utters some of the remarks mentioned beforehand the usual answer one gets is that *that would probably be contrary to the state's constitution!* This opens an important question related to bioethics and its relation to the state, both on a local and on global level.

Namely in each constitution of newly founded countries one can find an article about rights and obligations for a clean environment¹⁷. The problem is that these constitutions had been formed as a temporary answer to some political problems and not as a conceptualization of state development to perceive world as a space in which conditions for enrichment as well as for planned spending of bioresources and biopotentials on our planet are enabled by sustaining human, biological and natural diversity.¹⁸

¹⁷ <http://www.moepp.gov.mk/default-MK.asp?ItemID=A038221BBA291A4BB62D2B32407D076C>

¹⁸ <http://www.moepp.gov.mk/default-MK.asp?ItemID=D899B34D32D2AF4DB2CABE9B6AA3B79C>

I would like to add one more digression related to this context. Even with efforts to adapt the constitution to such needs and to make the content of the law more obligatory, unfortunately, one faces a certain type of lobbying in the interest of profits.

This implies another fact. The way of lobbying in favour of bioethics or the UNESCO declarations and documents, which are both declarative and obligatory, is problematic. This suggests that even those who are devoted to such problems and who try their best to solve them, come across the situation. I've experienced that in the area where I come from, where they build a house starting with the roof. In other words, the way of education independent of state or area in which one lives has to undergo changes to avoid documents and declarations being applied only formally or generally, whereby the whole worth systems in economy, politics, society and thereby in ethics are neglected.

Therefore, we do not have to lobby for a more human design of health institutions, but above all create worth systems within men based on bioethical way of thinking and existence.

This means that each state tending to become systematic part of globalization, in this sense of ethic globalization, should above all approach its economy and education and especially laws dealing with these problems, in a way that it enables bioethical orientation and realization, not only declaratively but realistically as well.

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