

**BIOÉTICA, DERECHO Y SOCIEDAD**  
**MARIA CASADO (ed.)**  
**TROTTA (MADRID, 2015)**

*Bioética, Derecho y Sociedad* is the reedition of a joint work by a group of researchers from the Bioethics and Law Observatory (University of Barcelona), which was first published in 1998. At the time, it constituted a major contribution to the bioethical debate. The presentation of this work highlights both the current validity of the articles and their adjustment to the new social context: “Sixteen years ago, the first edition of this book drew attention to the consequences of the outstanding techno-scientific discoveries and its biotechnological and biomedical applications. Hence the need to answer the never before asked questions which afterwards gave rise to bioethics, an important interdisciplinary field, filled with interest, questions and answers (frequently opposed) among which it is necessary to choose. Nowadays, this new edition –edited and with more information– announces the evolution of both the problems dealt with and the approach of its authors” (p. 1).

This book is aimed at those wishing to take the first steps towards bioethics as well as at those who have long been immersed in it. Besides, the readers will have the chance to find out the distinctive approach of the Bioethics and Law Observatory when it comes to bioethics. For the members of this university institution this approach is based on a flexible, multidisciplinary and secular view, structured around the respect of human rights. On the basis of this concept, its aim is to provide arguments to the social debate which can contribute to help people be more self-sufficient when making decisions, thus building a more transparent and democratic society.

The book is divided into three large parts and every section includes several articles from different authors, most of which are linked to the Bioethics and Law Observatory. The first section aims to present the framework of bioethics. The contributions about the relationship between ethics and bioethics and ethics and law in the plural context of Western societies are particularly interesting.

This ideologically plural scenario –highly valued socially and legally by all the authors– causes the omission of a single frame of reference for everyone, thereby leading to plural answers as for bioethics issues: “Society urges that valid answers for the new problems should be found. Moreover, these answers need to be found in a non-dogmatic frame of

reference which is also not imposed by external codes” (p. 56). Given the major issues raised in this first part, it is very clear that there are no ready-made answers and that there is no room for dogmatism in the bioethics’ reflection. This is –without any doubt– one of its greatest achievements.

Despite recognizing the value of the first section articles, which want to establish the bioethics frame of reference, perhaps this part misses a presentation of the ethical theories used to provide a basis for the ethical decisions.

Maybe in the moment of the book’s first edition it was not as necessary –or maybe not possible at all– to talk about the diverse ethical theories which have gradually been imposed as operational, and, at present, they vitalize and support the bioethics reflection. Therefore, an article of such characteristics becomes practically essential in a work that wants to help to take the first steps in the difficult and wide bioethics field.

The second section of the book presents three extremely topical clinical problems: the freedom of choosing a therapy, and consent; the conscientious objection of medical staff; and medical confidentiality. These topics are basically addressed from a legal perspective, even though we can also find references to ethics texts, ethical guidelines and fundamental ethical principles. In the presentation and study of these clinical questions there is a common background, which is the verification of the change we are generating between the medical staff and the patient, clearly defined in a footnote: “The medical sector itself is considering the need to change the ‘traditionally imposing conceptions of the doctor-patient relationship for more interactive and participatory terms’ ” (p.111). The authors point out that this new health relationship has not yet been achieved and that, at the same time, it creates new ethical and legal problems, both for professionals and citizens.

Highlighted throughout the pages of the three articles there are the individuals’ fundamental rights, such as freedom, dignity, conscientious objection, privacy, etc. There is also an emphasis on how the understanding of these rights requires considering not only the essential things from the health relationship but also concepts such as health or life.

The work the authors did in order to make readers remember the great legal texts that this new health relationship model should respect, as well as the clear and detailed presentation of both the legal doctrine that has gradually built up and some unanswered questions is appraised.

It is unfortunate that this reflection on concepts such as “life” or “health” has not been spread to other terminology used throughout these

articles. Especially taking into account that there are some movements against considering the ethical questions as a problem due to the negative connotation of the latter. The authors also reject terms such as “patient”, “medical staff”, “medical secrecy”, etc., because it is thought that other words are better suited to the new ethical model which they aim to defend in the context of health care. That is why “patient” is replaced with “treated person” or “citizen”; “medical staff” with “healthcare professionals”, or “medical secrecy” with “confidentiality”.

Social changes force us to rethink concepts, yet this work has not reconsidered the words that were needed or, if it has, it has not justified the continuity of terms that are currently very controversial.

The third section focuses on three “metaclinical” topics that we may consider of general interest: drugs, animal testing and controlling population growth. Animal testing is the most developed and long topic. The authors rigorously analyze the animals’ moral status, present different ethical points of view regarding animal testing, and offer an accurate approach to the legislation. They also make a clear and detailed explanation of the topics, and they let us know their ethical points of view regarding this question, in such a way that the reader will find enough quality references to expand their own consideration.

It is not by any means a neutral article, as it can be easily seen reading these two statements: “At the present time, the examination of the information available leads us to think that in the vast majority of cases animal testing is perfectly useless, if not counterproductive” (p. 249). Therefore, according to the authors, the main goal would be the “Reduction of animal experiments and the suffering of the animals involved” (p. 253).

In the article about drugs the author makes a very accurate presentation about the arguments used by those in favor of banning drugs and those in favor of legalizing them: “The social damage drugs cause, the radical unity among drugs, the immorality of its uses, and the reliability of the results which lead to the strengthening of the fight against drugs are the main four pillars, among which it stands out the defense of the current legal treatment of drugs” (p.201-202). And the other extreme, “The plurality among drugs, the moral legitimacy of its uses, the distrust of their current legal situation are, consequently, the three main pillars of those who are in favor of their legalization” (p. 204). In this debate, the author is in favor of forgetting the question about the morality or immorality of using drugs –a question qualified as being very debatable and in which the possibility of reaching an agreement is very difficult–

and, instead, looks for a point of agreement of the subject of dispute: banning or legalizing.

The third article, which deals with the population and its control, has a couple of sections in which there is a historical tour about this topic which enables the reader to see its development. The third section concerns the reproductive rights, female circumcision and famine.

In the conclusion, the author highlights the fact that it is necessary to put the individual rights before the issues about the populations' growth, and to take into account every single person: "It is imperative that we prevent human trafficking from happening, as well as these people's mutilation, as it happens with girls and their genitals, as it is essential for them to have the right to control their descendants. But above all else, it is essential for them to have enough nourishment in order to prosper and not continue wandering in spaces which have increasingly less sustenance and guarantees" (p. 272).

*Bioética, derecho y sociedad* is a great book to go in depth into the bioethical world, to see the topics studied, its scope, the ethical and legal problems derived from it, the current role that bioethics assigns to the principle of autonomy, the impact that the decisions taken have on individuals and society, the pluralism of points of view, the few solid agreements about the studied issues... Although this may generate some vertigo to avid readers of certainties who are not used to wandering the plural world of bioethics, this book bears witness to all these problems and its authors do not hesitate in giving their points of view about the issues studied. Therefore, the potential reader has the possibility not only to learn but also to have a conversation with the authors, to reconsider his/her own points of view, to draw conclusions. But most importantly, the reader is indirectly invited to not consider any of the problems studied settled. Thus, the book is meeting its objectives: making a contribution to the social debate, setting aside dogmatisms and exclusions. That makes *Bioética, derecho y Sociedad* an especially convenient reedition.

Ester Busquets Alibés  
Ramon Llull University  
University of Vic – Central University of Catalonia  
ebusquets@ibb.hsjdbcn.org