BIOETHICS

Article

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Bioethics: Epistemic Capabilities and Legal Frameworks

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> It seems to me for some reason
> that you are not much of a cat, —
> the Master answered hesitantly.
> *M.A. Bulgakov*

Abstract: The paper examines the problem of the binary nature of bioethics as both a field of scientific research and a social institution designed to deal with administrative and legal regulation of medical and research activities in the field of biomedical technologies. Regarding the epistemic capacity of bioethics, the author defines its relationship with both philosophical concepts and the latest advances in the life sciences, anthropology, and sociology. This relationship is not just a theory, but can be applied to biomedical technologies. When considering the institutional status of bioethics, the author focuses on the difference in bioethical traditions formed in North and South America, Europe and Asia under the influence of administrative, legal, economic, philosophical and cultural factors. The paper discusses arguments of two main approaches to the formation of principles and norms of bioethics, one of which can be called universalist and globalist, and the second —

civilizational-pluralistic. The author considers the main function of bioethics, the organization of ethical expertise to authorize problematic solutions included in research programs, projects of technological and pharmacological innovations, and medical practices. The author discusses validity of the proposal to define ethical expertise as a type of humanitarian expertise, as well as alternative points of view.

Keywords: ethical review; bioethics; biomedicine; regulation; institution

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Contents

I. Introduction

Is bioethics a science? If it is, what kind of a science is it? Can it be considered one of the sections of ethical, that is, philosophical knowledge? There is, after all, *ethics* in this word. Or does bioethics refer more to

biology or even medicine, as the part *bio* indicates? Or is it not about any knowledge at all, but about a social institution that is part of legal institutions of the modern society? And what do bioethicists, scientists, lawyers, philosophers, and sociologists themselves say about this? According to the authors of the authoritative philosophical encyclopedia, the term *bioethics* has two meanings. Firstly, bioethics is a field of interdisciplinary research, and secondly, it can be viewed as a social institution. Therefore in its first meaning, the field of interdisciplinary research, bioethics is aimed "at understanding, discussing and resolving moral problems generated by the latest achievements of biomedical science and health care practice," and the tasks of bioethics as a social institution include solving problems and regulating conflicts that arise "in relationships between the sphere of development and application of new biomedical knowledge and technologies, on the one hand, and the individual and society, on the other" (Ignatiev and Yudin, 2010).

The definition of bioethics can be also found in encyclopedias on medicine, biology, sociology, psychology and even theology. Thus, the compilers of Evangelical Dictionary of Theology call bioethics "a discipline within which doctors, philosophers, lawyers and theologians are trying to solve complex moral questions that arise in connection with the development of modern healthcare... At the same time, questions of bioethics that seem topical today can be considered eternal. What is human life? What is its price? How can we understand the causes of human suffering and imperfections? How should we respond to them? Should doctors, for example, artificially prolong the life of obviously non-viable newborns? And who should make decisions on such issues? Theologians and philosophers? Doctors? Family? Court?" (Treier and Elwell, 2017). The concern of theologians is easy to understand, as they are looking for answers to questions that are often addressed not to a priest, but to the court today. However, we cannot find any definition of bioethics as a legal institution in dictionaries, even in specialized dictionaries on law. The mention of the institutional status of bioethics did not prompt lawyers to define it as a legal institution and recognize its regulatory functions.

II. Institutional Status of Bioethics

The situation with bioethics is unique, and in some ways even paradoxical. All other branches of scientific knowledge, be it physics or history, biology or linguistics, could never claim the status of an entire institution — only science as a whole has its institutionality. Even philosophy, which had the institutional status of the Antiquity, was able to acquire it at the cost of losing it. Philosophy as a type of intellectual activity in the Middle Ages was able to survive and survive only by becoming a *handmaiden of theology*, and then, in modern times, it had to become a branch of scientific knowledge. Bioethics, from the very beginning, was an institution that openly claimed the status of a social regulator, and it automatically put it on a par with such social regulators as law or morality. An institution (Latin *institutum* — establishment, custom, establishment) cannot be identified with a branch of knowledge, which, by definition, is part of another institution. This means that bioethics as an institute, and bioethics as a field of research activity are two different bioethics, albeit interrelated. Public morality quietly grows out of reflection on various social practices. Bioethics can be seen as a kind of hybrid of morality and law, as well as an amazing ability to act either in the role of morality or in the role of law. And just as Bulgakov's character was "not much of a cat," bioethics seems to be not much of a science, not much of an institution, not much of a regulator. All this requires additional consideration of the social, administrative, legal and epistemic status of bioethics.

III. Bioethics as a Field of Study

Bioethics as a separate type of knowledge, allowing us to evaluate the actions of doctors and biologists, did not appeared in line with the general logic of the development of science, but rather it contradicts it. The German theologian and philosopher Fritz Jahr is believed to be the author of the term. He published his book "The Science of Life and Morality" in 1926, and a year later he wrote the article "Bio-ethics: on the ethics of human relations with animals and plants." Continuing the tradition of Kantian ethics, he proposed a "bioethical imperative,"

extending Immanuel Kant's theory of the categorical imperative to human's relationship to all living things.

Later, the ideas of the German theologian were picked up by the American doctor Van Rensselaer Potter, whose book "Bioethics: Bridge to the Future" was published almost half a century later with this then unusual word for the title. It is no coincidence that it has become extremely popular due to the ever-increasing need for some new guidelines to solve problems arising in the field of medicine. Previous methods of determining what can and cannot be done seemed hopelessly outdated to doctors and managers, biologists and legislators. New practices of treatment and study were not regulated by laws, but were suppressed. Moral reasoning was conducted based on the outdated ethical norms of the previous centuries, alternately appealing to Christian or humanistic values. Many philosophical doctrines and concepts that dominated the minds of the intellectuals of that time failed to help in generalizing and formulating something suitable for a medical concilium. This forced interested scientists to independently compose new maxims and imperatives.

Van Rensselaer Potter in the preface to his book clearly expressed the goals and objectives of the new field of knowledge he designed. According to him, humanity, which not only needs a better life, but continues to struggle for survival, urgently needs "knowledge of how to use knowledge." The new science or science of survival he proposed "must be built on knowledge of biology and at the same time go beyond the boundaries of its traditional ideas; include in the scope of its consideration the most essential elements of the social and human sciences, and philosophy, understood as 'the love of wisdom,' is of particular importance" (Potter, 1971).

Van Rensselaer Potter noted that bioethics should not be a new science, but a new wisdom in which science will be combined with values, that is, biological knowledge will be integrated with universal values. "We need biologists who can explain what we can do, what we should, and what we shouldn't do to survive if we hope to maintain and improve life on Earth over the next three decades." One can see in this postulate a consonance with the ideas of Russian cosmists,

in particular, with the teachings of Vladimir Vernadsky about the Noosphere. The outstanding Russian geologist and philosopher wrote that previous scientific concepts of life turned out to be untenable due to their dependence on the disciplinary organization of knowledge. According to Vernadsky, "a living organism of the biosphere should now be empirically studied as a special body, not entirely reducible to known physicochemical systems. Whether it can one day be entirely based on them, science cannot decide now" (Vernadsky, 1967).

The interdisciplinarity or, as some researchers call it, transdisciplinarity deserves special consideration. According to Grebenshchikova, "Orientation towards solving applied, mostly practical, problems, usually in the 'here and now' mode, characterizes the phenomenon of bioethical knowledge, the context of which shows not only why this knowledge is relevant, significant, what are the mechanisms of its effective functioning, but also makes it possible to trace the prospects for its further development. Becoming a reflexive process, obtaining knowledge in bioethics acquires a recursive character and manifests itself as a factor in the attitude towards knowledge as a communicative process, considered in various aspects in modern epistemology" (Grebenshchikova, 2010, p. 81). The author further adds that, in contrast to the usual standards and ideals of the objectivity of scientific knowledge, the specificity of bioethics is the fact that it consists of positions and opinions. These positions and opinions, which then form the basis of an assessment or decision, are inseparable from the subjective dimension. Grebenshchikova argues that it is a confirmation of the hypothesis about the genetic connection of bioethics with the "anthropological turn" of post-non-classical science, which allows us to talk, if not about the complete elimination of non-evaluative judgments from bioethical knowledge, then at least about their reduction in epistemic status. And since value systems and universals of culture are thought today outside the classical opposition "objective-subjective," they should be recognized as intersubjective, and the space of symbolic action correlates with the constants of the life world.

IV. Institutional Functionality of Bioethics

If we remember that bioethics is not only a type of knowledge, but also an institution, then the question arises of what kind of social need it is intended to satisfy. As we know, the sociological definition of an institution implies exactly this: a social institution is a set of roles and statuses designed to satisfy some social needs. To paraphrase the title of the famous work of Friedrich Nietzsche, we can say that the bioethics institute owes its birth to the spirit of American insurance medicine. The emergence, almost simultaneously with the publication of the mentioned book, by The Hastings Center and the Kennedy Institute for Ethics at Georgetown University made it possible to fill the term "bioethics" with a different meaning. Now it was not so much about the survival of a human as a biological species, but about biomedical research and medical practice. The problem of determining the responsibility of the attending physician and the experimenting scientist to patients and subjects turned out to be urgent. Since the latter could (and did) charge doctors and researchers with violating moral standards or laws in the future, it was necessary to create some mechanisms that would protect the rights of participants in the experiment, as well as relieve responsibility from those who carried out the experiment. And since in the United States the development of insurance medicine in the second half of the twentieth century turned a representative of a medical insurance company into the main intermediary between a doctor and a patient, as well as between a researcher and a subject, the formation of the institute of bioethics was largely due to this fact.

Thus, bioethics is a completely unique institution that should perform the functions of ethics, law and administration in completely new conditions. Prohibitions and regulations of bioethics must ensure effective interaction between the doctor and the patient, on the one hand, and the researcher with his "research object," on the other. Ultimately, bioethics is intended to regulate newly emerging aspects in the relationship between people and society associated with progress in the field of technology and the resulting rapid development of genetic and other biomedical technologies. It intricately combined the doctor's

desire to avoid claims from the patient and the health insurance companies with the desire of society to protect itself from too risky interventions in the natural order of life, such as genetic editing or other influences on reproductive practices.

V. Bioethics as a Deductive-Axiomatic System

Aristotle described in detail the principle of operation of deductive-axiomatic systems for constructing knowledge, although it can be considered the result of the development of all Hellenic wisdom. His famous saying "wisdom [or philosophy] is the science of certain causes and principles" does not simply record the intention to always seek the causes of phenomena in need of explanation. He formulated the requirement to trust only those thoughts, judgments or decisions that are derived from certain principles, correspond to these principles, and are their implementation.

Meanwhile, Siluyanova and Pishchikova provide an example of not just different, but also diametrically opposed interpretations of one of the most important principles of bioethics, the principle of human dignity respect. Based on a comparative analysis of scientific conferences materials, handbooks on bioethics for judges and statements of the Church-Public Council on Biomedical Ethics, the authors come to the conclusion that the interpretation of the norms and principles of medical ethics is connected with the political, ideological or worldview attitudes of those who interpret them. According to Siluyanova and Pishchikova, "Conservative and liberal bioethics solve the issue of implementing the principle of the human dignity respect in different ways. Conservative bioethics is based on the traditional principles of medical ethics, while liberal bioethics, as a rule, breaks away from tradition, proposing new regulators for resolving controversial situations in medical practice" (Siluyanova and Pishchikova, 2020, p. 15). In other words, the liberal bioethics admits that as the world changes, so do the values, and therefore the principles governing the activities of a doctor or researcher. The conservative bioethics affirms the approach according to which the world changes, but the human essence does not. Therefore, the values remain unchanged, along with the principles that fix them.

Bryzgalina provides one clear example of how the same area of research can be assessed differently from an ethical point of view. This is an example of the development of neo-eugenics (Bryzgalina, 2016, p. 28). Neo-eugenics focuses on the means of implementing plans, their moral evaluation and ethical acceptability. Not intervention at the genotype level, but changing the entire environment is the main means of this type of genotype improvement. However, there are arguments to emphasize the inhumane essence of any eugenics, too.

VI. Bioethics and Value Systems

The development of medicine and medical technology changed the very concept of medical treatment, expanding it to actually erasing the line between treatment as the fight against disease or its prevention, on the one hand, and the management of human life, on the other. Can genetic correction of human characteristics, the deprivation of life of an embryo or a hopeless patient be included in the field of medicine without reservation, even if this deprivation is passive in the form of termination of medical care? Therefore, the classical definition of medicine as a set of sciences about diseases, their treatment and prevention is undoubtedly outdated. But if we are talking about the possibility of correlating with established moral values and principles of certain decisions related to the treatment of a patient or even the management of their life, then the question arises as to whether we have these norms and principles that are universal for the whole world. It would seem that the world community can work together to develop a kind of consensus option that takes into account all socio-cultural and ethno-confessional traditions through their partial generalization and partial compromise. If the American bioethics is a symbiosis born from the traditions of Protestant ethics, common law and American medical practice, then in the countries of continental Europe the principles and standards born by the Americans raise many objections. It is no coincidence that in a number of Central European and Latin American countries a whole movement arose for a return to the ideas of Fritz Jahr, in which bioethics as a system of knowledge about the boundaries of what is permissible when searching for answers to questions about

the boundaries of intervention in processes associated with human life and death are viewed in a completely different way. It is well-known that Fritz Jahr expressed his ideas in a book that did not become popular and was soon forgotten, as well as in a journal article that accidentally caught the eye of a German scientist decades later along with old files of the *Cosmos* journal. Thus, in 1997, a professor at the Humboldt University in Berlin, Rolf Letter, and then an employee of the University of Tübingen, Eva Maria Engels, began to popularize an approach to bioethics that seemed to be an alternative to the American one. According to Belyakova, this approach became popular in countries where other sociocultural, confessional and legal traditions dominated. Thus, an alternative was gradually formed, in which Catholic, Lutheran, Confucian and other value influences were visible. Belyakova writes: "In 2017, Muzur and Sass released a collection in a series on practical ethics of the Austrian-Swiss publishing house *LIT 1926–2016 Fritz Jahr's Bioethics: A Global Discourse* with the involvement of a wide range of researchers from Asia and Latin America, where the very heterogeneous texts were united by one persistent the idea of abandoning the North American bioethical narrative" (Belyakova, 2020, p. 96).

What did doctors and philosophers from Central and Eastern Europe, Asia and Latin America dislike so much about the North American bioethical narrative? Ethics of Protestantism or utilitarianism, logic of pragmatism, case law, practice of insurance medicine? Or the entire alloy, born in specific socio-economic and administrative-legal conditions, not to mention a different culture and mentality? But then what kind of common bioethics can we talk about? Supporters of universalism are convinced that behind all the diversity of traditions and cultures, faiths and value systems, there are some universals, such as human rights and the ideal of humanism.

This thesis is disputed today from the point of view of cultural pluralism. So, Smirnov formulated the "universal — all-human" controversy, turning not only to the philosophy of late Slavophilism, but also to the ideas of the Eurasians. The central figure around which the thought of a modern Russian philosopher moves is the figure of Trubetskoy, who was the first to openly oppose the canons of universalism and Eurocentrism. "European" is denied not because it

is “Catholic” or “Protestant,” not because it is “hostile to Orthodoxy.” Not at all. To be convinced of this, just read “Europe and Humanity.” This is very revealing: it means that the point is not in the rejection of the cultural values of the European, not in their rejection (the same is true for Danilevsky and Dostoevsky); the point is only to resist the expansion of the European under the guise of the universal (Smirnov, 2019, p. 175).

VII. Ethical Expertise is the Main Function of Bioethics

The task of ethical expertise that evaluate research and treatment practices in the field of genomic research and the use of genetic technologies is to assess the risk for subjects. To carry out ethical expertise in biomedicine, a simple mechanical combination of three independent expert opinions (administrative and managerial, moral and ethical, and regulatory) is not enough. These conclusions cannot overcome the subject, disciplinary and methodological isolation of management, morality and law. To organize and conduct ethical examination in biomedicine, special structures are created: ethical committees that integrate the regulatory capabilities of administration, ethics and law.

No research involving humans or laboratory animals should be conducted without the approval of an ethics committee because its purpose is to fairly resolve the conflict between the interests of science and the individual subject. Clinical drug testing, collection and processing of personal genetic information, and all other types of biomedical research carry a potential threat to the health, dignity, and even life of the subject. At the same time, without gaining new knowledge in this area, society misses the chance to acquire unique medical technologies and methods of treating patients. Ethical expertise should be organized in such a way that the subject or patient participates in making decisions, the implementation of which involves a risk to their health and well-being. In addition to this participation, society should be involved in assessing risks and making decisions related to them, not directly, but through a specially selected expert team, which should include representatives of different social and professional

groups involved in the formation of ethical discourse. We are talking about historically established social practices associated with religious, philosophical, scientific and artistic and everyday-practical types of knowledge, which requires the inclusion of clergy, representatives of the academic community and creative intelligentsia, as well as doctors, lawyers, and managers among the participants in the ethical expertise. Of particular importance is the inclusion of laypersons in expert groups, that is, representatives of everyday practical knowledge, whose presence helps balance the opinion of experts.

The traditional understanding of expertise connects this concept with the possibility of attracting specialists in a particular field of knowledge necessary for the most accurate definition of the subject (process, phenomenon) being studied, as well as assessing its future prospects. The specificity of ethical expertise is that its organizers have to deal with a subject with a high degree of uncertainty. If, in the process of legal examination of decisions or actions, orders or regulations, subjects related to the sphere of fact are subject to assessment: actions are recorded, words and statements are interpreted in the context of their correlation with written law. Both the first and the second allow, in the process of assessment, the subsuming of a single fact under the current norm in accordance with the formula of a simple categorical syllogism or an affirmative mode. Just as in the course of forensic, ballistic or chemical expertise, material facts are compared with biomedical or physical theories. In case of the ethical expertise, the situation is completely different, a moral assessment is made by correlating committed or only planned actions with ethical discourse, which, although it contains a normative component, cannot be reduced to it in principle. All attempts to formulate moral norms as clearly and unambiguously only lead to their conscious or unconscious transformation into norms of law, and that means that they are eliminated from the sphere of morality. But then the question arises as to whether ethical expertise is not just a type of legal expertise, and not a separate type of expertise that can equally participate in the identification, assessment and qualification of the events, words or actions under consideration.

A decade and a half ago, a discussion broke out in Russian science about how to understand ethical expertise, its place in the structure of

scientific knowledge and its role in expert activity. In a certain sense, it was provoked by Yudin's proposal to consider ethical expertise to be a special case of humanitarian expertise. He defined both the first and second as two varieties of social practices and believed that they relate to each other as a genus (humanitarian) and a species (ethical). Referring to the provision according to which, "in medical research on humans, considerations related to the well-being of the subject must prevail over the interests of science and society" (Campbell, Gillett, and Jones, 2004, p. 382),[1] Yudin proclaims the mandatory inclusion of laypersons in the ethics committee as a guarantor.

VIII. The Problem of Distinguishing between Ethical and Humanitarian Expertise

The idea of involving laypersons in the expertise is not new. It has both its advantages and its disadvantages. *Quis custodiet ipsos custodes*,[2] said Roman lawyers, wondering how to ensure the independence of the court. According to Yudin "A non-professional, or a layperson can be a lawyer, ethicist, psychologist, social worker, priest, etc. It is only important that he or she is in no way connected with the researchers or the institution conducting the research, and, thus, evaluates the meaning and content of the research precisely from the point of view of the risks and hardships that it entails for the subjects. Moreover, a particular problem turns out to be the preservation among laypersons of that 'naivety,' inexperience in relation to scientific issues themselves, which allows them to remain unbiased when participating in the expertise" (Yudin, 2005, pp. 127–128).

Sogomonov and Bakshtanovsky expressed an alternative point of view. They believe that ethical expertise is primarily public or even civil expertise (Bakshtanovsky and Sogomonov, 2009). According to Sogomonov, thereby his co-author and he brought ethical expertise "out of the 'silence' of armchair ethical reflection and gave it a 'high'

[1] *See* World Medical Association Declaration of Helsinki. In: Campbell, A., Gillett, G., and Jones, G., (2004). Medical ethics. Moscow.

[2] From Latin "Who will guard the watchmen themselves?" or "Who is watching the observers themselves?".

public status" (Sogomonov, 2012, p. 31). In other words, the experience of the development of bioethics as an institution reveals a distinction between two types of experts: professional experts who carry out their functions on the basis of professional knowledge and experience, and lay experts who derive their legitimacy from appealing to the general public. All this has already been repeatedly expressed in the structure of power and even marked the beginning of a real division of powers, elected non-professionals and appointed professionals. The last time, in our time, these ideas were picked up by the authors of technocratic concepts from the engineer William Henry Smith and the economist Thorstein Veblen to the Russian-Soviet philosopher and revolutionary Alexander Bogdanov. Actually, the same idea lies at the foundation of the institution of jury trials. This serves as another argument in favor of the fact that bioethics claims to be a social and even political institution.

A question that cannot but arise in connection with the concept of a professional expert in the interdisciplinary field of bioethics. It was no coincidence that the doctor turned to the help of a philosopher, and the philosopher wanted to compare his reasoning with a priest and a lawyer, as a result of which an ethics committee was born. Therefore, none of the representatives of these professions can be an expert in the field of bioethics, but only the entire team, whose collegial decisions will be based on a sufficient body of knowledge and a sufficient set of competencies, can claim the status of an expert.

At the same time there are other differences between the ethical and the humanitarian in the context of their expert institutionalization. First of all, the difference between ethical expertise and humanitarian expertise is that ethical expertise is a means of protecting human nature from the negative impact of new technologies, and humanitarian expertise is a type of a new technology, social engineering. Experts and participants in these two types of expertise play fundamentally different roles. According to Sinyukova and Smirnov, "As part of the ethical expertise, the expert carries out procedures for verifying and matching the case, precedent and existing norms described in the documents. Within the framework of humanitarian expertise, all the procedure participants are forced to actually go through a development step and build a model of interaction between a person and a smart environment,

in which the human norm is seen to be restored and the connections between humans and the world are re-established" (Sinyukova and Smirnov, 2021, p. 643). Thus, the authors emphasize the project-based nature of humanitarian expertise, while ethical expertise can only be evaluative, but not constructive of reality.

The scientific expertise has been and remains one of the most important institutions of modern science and medical practice, but the question of who can act as an expert still remains unclear. The Latin word *expertus* originally meant experienced, knowledgeable. The simplest case of the need for expertise arises when someone fears their own incompetence: an experienced and knowledgeable person in a certain area is involved by less experienced and knowledgeable people for the most accurate and correct assessment of any event or phenomenon. These could be researchers or investigators, managers or designers, i.e., people who are competent in one area need the help of those who are competent in something else. In other words, individuals or teams engaged in searching for answers to theoretical and practical questions requiring special knowledge are forced to attract specialists from various fields of knowledge.

IX. Heterogeneity of Ethical Expertise: Between Epistemology, Axiology and Praxeology

Expertise related to the resolution of controversial issues between subjects of law, when clarification of the legal relationship is required based on the establishment of factual circumstances, should be distinguished from ordinary expertise. Then the expert's opinion acts as legally binding evidence, on the basis of which the court makes a legally binding decision.

It is important to understand that, unlike scientific research or technical design, an expert does not simply help stakeholders gain new knowledge or find a promising technical solution. Of course, here too, a specialist hired to carry out the examination, using their experience, knowledge and competence, undoubtedly helps the court get closer to the truth. But during the trial, the assessment given by the expert almost always turns out to correspond to the interests of one of the opposing

parties, the prosecution or the defense. This circumstance is due to the fact that modern legal proceedings are adversarial in nature and this affects the peculiarities of organizing a forensic examination. A forensic expert is limited in their activities by a significantly larger number of regulations and prohibitions than a scientific or technical expert. Their objectivity, impartiality and non-partisanship are ensured by strict adherence to rules and procedures that are completely unnecessary in research and design practices. This is the main difference between forensic expertise and scientific or technological expertise.

Ethical expertise is a very special case. It seems to be in the middle between research and design expertise, on the one hand, and judicial one, on the other. The borderline nature of medical expertise has been noted by many scientists. According to Sedova, "The place of ethical expertise is at the intersection of epistemological, axiological and praxeological currents in medical knowledge, value judgments and specific actions. Consequently, ethical expertise must exist to evaluate medical practice, even more necessary than in assessing epistemological components and assessing the possibility of their practical testing" (Sedova, 2022, pp. 6–11). Sedova concludes that it is necessary to share the practice of some countries where ethical committees are divided by specialization into two groups: some are research, others are hospital.

In recent years, problems arising in the organization of ethical expertise and negative trends in this area of medical activity have become increasingly clear. Along with the limitation of the subject of the expertise, one can often encounter a lack of communication between different types of examinations. Sedova calls formalism and incorrect interpretation of collegiality in work a real disaster in the field of ethical expertise. Formalism in assessing the activities of the medical ethics committee here means reducing all the efforts of a group of experts, for example, members of the ethics committee, to checking the correctness of the application and the compliance of its content with general principles of ethics and various international declarations. The ability to evaluate the prospects of a study and, most importantly, to separate the actual research part from the series of ongoing clinical trials that needs separate consideration in order to test them for compliance with human rights protection requirements is an

important part of overcoming excessive formalism. A serious problem is also the fact that specialists competent in medicine or biology turn out to be completely unprepared to participate in ethical examination, which requires completely different competencies. Familiarity with the basics of philosophical knowledge and the key problems of bioethics is not enough for the qualified use of the tools and methods of modern philosophy, not to mention the newly discovered possibilities of cognitive science and interdisciplinary research in the field of ethics. Often, when creating specialized expert groups and ethical commissions, they forget that their medical or biomedical competencies do not guarantee possession of bioethical competencies.

X. Conclusion

The task of ethical expertise is to protect human rights, and human rights are determined based on the essence of a person. The essence of a person is revealed in the course of self-knowledge. Despite the duration and historicity of this process, in recent decades the question of human nature, its norm and boundaries was posed in a completely different sense than before: for the first time in human's knowledge about the humanity, we moved from observation to intervention. The Galilean revolution, which radically changed the nature of natural science, was associated with the transition from observation of nature to experimental intervention in the natural course of events. A scientific revolution of equal scale is taking place today in genetic laboratories, where for the first time the boundaries of a person, our nature, and therefore the meaning of our existence became accessible to intervention. The search for appropriate solutions in the institutionalization of ethical expertise is not only an organizational, managerial and rule-making problem. Most of the questions that arise here cannot be resolved without resorting to the means and methods of philosophy. And the question of whether ethical expertise is a kind of humanitarian expertise is really important.

Appealing to the concept of existence in determining the boundaries of what is permissible in the course of biomedical research has not yet been fully realized. The concepts of principles, norms, and laws were formulated during the development of the universalist philosophy of

essence and based on it. But the spirit and letter of the philosophy of essence can be expressed in the formula: behind the infinite variety of individual things lies a single reality, subject to intelligible laws and principles or, as it was argued in ancient and medieval metaphysics, a countable number of simple essences. In the history of philosophy and science, we can observe various attempts to go all the way in the implementation of the program of philosophy of essence, from the desire of the Neoplatonists to comprehend the First One to the "Einstein's dream" of the discovery of fundamental physical interaction. But in the same history of philosophy and science there are many opposite examples, anti-universalist movements periodically arose, wanting to preserve the category of the unique.

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