Historical Development of Bioethics in Puerto Rico

O Desenvolvimento Histórico da Bioética em Porto Rico El Desarrollo Histórico de la Bioética en Puerto Rico

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ABSTRACT: The present work intends to present a panorama of the development of bioethics in Puerto Rico, show that the fact the perspective of bioethics has been utilized in Puerto Rico as a needed frame of reference from which to evaluate a public health system is, undoubtedly, the highest recognition that this discipline of bioethics has achieved as a socially relevant perspective in our milieu, as well as point out some future trends.

KEYWORDS: Bioethics-history. Bioethics-Porto Rico. Health system.

RESUMO: Este trabalho pretende apresentar um panorama do desenvolvimento da Bioética em Porto Rico, mostrar que o fato de a perspectiva da Bioética ser hoje em Porto Rico um quadro de referência para a avaliação do sistema de saúde pública é sem dúvida o mais valioso reconhecimento que a bioética como disciplina obteve como ponto de vista socialmente relevante em nosso meio, assim como dar indicações de algumas tendências futuras.

PALAVRAS-CHAVE: Bioética-história. Bioética-Porto Rico. Sistema de Saúde.

RESUMEN: Este trabajo pretende presentar un panorama de la Bioética en Puerto Rico y mostrar que el hecho de la perspectiva de la Bioética constituir hoy en Puerto Rico una referencia para la evaluación del sistema de salud publica es sin duda el mas grande reconocimiento que la Bioética en cuanto disciplina tuvo como punto de vista socialmente relevante en nuestra sociedad, así bien dar indicaciones a cerca de algunas tendencias futuras.

PALABRAS LLAVE: Bioética-historia. Bioética-Puerto Rico. Sistema de Salud.

INTRODUCTION: THE PRESENT

On September 5th, 2006, the Governor of the Commonwealth of Puerto Rico, the Honorable Aníbal Acevedo Vilá, issued an Executive Order by which he authorized the establishment of the Bioethics Advisory Board of Puerto Rico (BAB). The BAB will advise the Office of the Governor in areas having to do with the bioethical implications of legislation and government policies in matters of health, science and environment. The nine members of BAB members began its meeting officially on May 2007.

The BAB of Puerto Rico is comprised of four physicians, a gerontologist, a lawyer, a professor of pharmacy, a philosopher and a theologian-bioethicist. To coordinate the activities that will operationalize the mission of the BAB, the members of the board appointed a Coordinator of Research and Projects (who is a philosopher-bioethicist) that will be in charge of promoting and organizing the research and public outreach activities sponsored by said board.

The decision to establish the BAB is an outcome of several recommendations that were included in the final report of a commission in charge of evaluating the health system of Puerto Rico. That commission was created by the Governor of Puerto Rico in 2005 and was commissioned to evaluate the Puerto Rican health system in terms of its financial resources, its administrative structures, its effects upon the education of health professionals and the ethical dimension and implications of the health reform that was implemented since 1993.

The reason for evaluating the health system came as a result of the public uproar that produced the 1993 privatization of the prior public health system that has been in place since the beginning of the 20th century. Said reform was allegedly geared towards the health needs of the medically indigent population of Puerto Rico. Since 1993 the governmental budget for health care has been distributed among competing private health maintenance organizations and private health insurance corporations which would intervene in the recruitment of individual providers and group providers in charge of offering the health

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care services. One of the reasons to reform the former system was the need to contain the spiraling tendency of the public health system expenditures, due allegedly, to the State health agencies inefficiency.

Cost containment was one the basic underpinning to justify the adoption of the new privatized system. Another of its salient features was the adoption since 1993 of the managed care approach as a way to better distribute and control the public scarce resources and as a strategy to implement the cost containment measures. The managed care approach assigned the primary physicians the function of gatekeepers of the access to the new system. As gatekeepers the primary physicians would bear the responsibility of channeling the care needs of the medically-indigent population. It was believed that this control would insure a better utilization of the resources appropriated by the state. No patient under this model could go directly to receive services from a medical specialist, a pharmacy, a laboratory, nor can he be hospitalize without prior authorization and referral by the primary physician assigned to the patient.

The Ethics Committee of the Evaluation Commission decided to evaluate the system from the perspective of the four principles typically associated with clinical bioethics: autonomy, beneficence, non-maleficence and distributive justice, plus other considerations such as the impact of the new model upon the virtues and professionalism of health care givers, specially the physicians.

That the perspective of bioethics has been utilized in Puerto Rico as a needed frame of reference from which to evaluate a public health system is, undoubtedly, the highest recognition that this discipline of bioethics has achieved as a socially relevant perspective in our milieu.

The generalized acceptance of bioethics in Puerto Rico has been furtherly evidenced by the fact that since February 23rd, 2007, the Medical Sciences Campus of the University of Puerto Rico (under the leadership of the *Hostos Institute for Bioethics*) has been training a group of twenty two professors in the field of bioethics. The institutional goal of said training is to prepare a critical mass of university professors who, after intensive study, will be capable of doing bioethical research, teach bioethics and participate in hospital ethics committees and in the many universities institutional review boards (IRB's) that evaluate research proposals submitted by researchers. After the completion of the training session (12 months)

the participants will receive a Professional Certificate in Bioethics. For this year long training session, several courses were designed in topics such as: Foundations of Bioethics, Clinical Bioethics, Social Bioethics, Bioethics and Research, Special Topics on Bioethics and a Seminar in Bioethics Research.

Besides the participation of qualified Puerto Rican bioethics and philosophy professor (like Drs. Jorge Ferrer, Sandra Fábregas, Héctor Huyke, Rafael Ruiz Quijano and Leonides Santos y Vargas) the teaching activities have been enriched by the presentations of guest lecturers from Spain, Argentine, México, Venezuela, Brazil and Chili. Professors Juan Carlos Alvarez (Spain), Delia Outomuro and José A. Mainetti (Argentine), Volnei Garrafa (Brasil), Gilberto Cely Galindo (Colombia) and Fernando Lolas (Chili) has contributed a valuable international and diverse perspective to the teaching experience.

This faculty development initiative has been possible thanks to a small grant from the Pan American Health Organization (PAHO) Office in Puerto Rico and appropriations of the institutional budget assigned to the Hostos Institute for Bioethics of the Medical Sciences Campus of the University of Puerto Rico. Both the Office of the Chancellor and the Deanship of Academic Affairs of our Campus has been very supportive of this initiative.

The actual official recognition of bioethics as an intellectual and practical assessment of social policies in our country, and its growing acceptance as part of the university mission, owes this achievement to the patient, rigorous and anonymous work of a small group of individual academics, private professionals and some university departments that has been promoting a bioethics culture through public conferences, congresses, public lectures, newspapers interviews and publications, and through radio and televisions appearances.

THE PIONEERING PHASE: THE UNIVERSITY OF PUERTO RICO AT THE UPR MAYAGÜEZ CAMPUS

In 1979, the University of Puerto Rico Campus at Mayagüez (a large city at the Western extreme of Puerto Rico), received a grant from the *Fundación Puertorrique-ña de las Humanidades* (the Puerto Rican branch of the USA National Endowment for the Humanities, NEH), to sponsor a series of symposia on medical ethics. The

project had been designed and organized by Elena Lugo, Ph.D., a member of the philosophy department at the Mayagüez Campus. These symposia were intended to serve the needs of undergraduate pre-medical students. But the organizer and participants perceived that something else was needed as well for the students enrolled in the industrial microbiology program, a newly academic program established at that time. A bioethics course was developed that was centered on research ethics, university-industry relations, and the relation of the life sciences to social issues.

Afterwards the UPR-Mayagüez campus established a Center of Philosophy in its Interdisciplinary Function (CEPHIF). The Director of said Center was Dr. Elena Lugo. CEPHIF endeavored to achieve its purpose by sponsoring regular academic courses, short courses, workshops, discussion sessions, colloquia, and international congresses and conferences. Since its creation it has sponsored two Inter-American congresses, in which participants from 24 nations have come together to discuss the relation between technology and theoretical and practical knowledge, as well as from a philosophical perspective, the complex interplay between technology, politics, economics, and social institutions in North, Central, and South America.

After various years of successful initiatives, CEPHI evolved and is now known as the Center for Ethics in the Professions. As such, this center has promoted the establishment of trans-curricular courses for the various faculties where different professions are offered at the UPR Mayagüez Campus. For example, it has courses on Ethics for Engineers and courses in Clinical Bioethics for premedical students. Hospitals in the surroundings of the city of Mayagüez has also benefited from the consultations services offered, above all, by Dr. Elena Lugo.

Professor Lugo has contributed a lot to the literature of bioethics and its cognates in Puerto Rico. As evidence of her intellectual work, suffice to mention the following titles: (1980) Filosofia y Psicología; (1984) Ética Médica; (1985) Ética Profesional de la Ingeniería; (1987) Psiquiatría y Ética; (1988) Mujer: Dignidad y Misión; (1990) Manual sobre Filosofia Existencial; (1989) Manual de Ética Fundamental; (1998) Temas de Bioética; (1998) Filosofia de la Medicina y otros temas; (2002) Relación médico-paciente: ética y espiritualidad; (2006) Bioética personalista según la visión orgánica del Padre José Kentenich.

In addition to her pioneering efforts in the promotion of bioethics, Dr. Elena Lugo was also one of the founding members of the *Puerto Rican Federation of Bioethics* -- and one of its past presidents.

THE MEDICAL SCIENCES CAMPUS OF THE UNIVERSITY OF PUERTO RICO (UPR)

The earliest encounter with bioethics at the *Medical Sciences Campus* (MSC) of the University of Puerto Rico had to do with the visit of two prominent scholars in the field of Bioethics, Edmund D. Pellegrino, M.D., and David Thomasma, Ph.D., who were invited to offer public lectures at the beginning of the 1980s. Several efforts to promote the study of the medical humanities and bioethics were made during the 80's and early 90's. An ethics committee was established at the university hospital; a medical humanities committee was appointed by the Academic Dean; and the journal *Salud y cultura* was founded at the College of Health Related Professions, one of the academic entities affiliated with MSC.

An important step was taken in 1993 with the unofficial establishment of the Centro Hostosiano de Bioética, under the leadership of Dr. Leonides Santos y Vargas, a philosopher, who had been connected with the MSC for several years as Dean of the College of Health Related Professions (1986-1993). On 1995, thanks to the vision of Dr. Jorge Sánchez, then Chancellor of the MSC, the Instituto de Estudios Humanísticos y Bioética "Eugenio María de Hostos" was established as a way to officially endorse the idea under the former Centro Hostosiano de Bioética. Since 1995, the Institute of Humanistic Studies and Bioethics Eugenio María de Hostos has developed into a more visible and accepted institutional creation. The name of Eugenio María de Hostos has been associated with said institute as homage to the famous Puerto Rican philosopher of the nineteenth century who wrote extensively about ethics and the law, and emphasized the role of ethics in the professions. Since March 2006, said institute has been renamed Instituto Hostosiano de Bioética (IHB).

Functioning under the Deanship of Academic Affairs, the IHB is provisionally located at the MSC main library. The mission and goals of the new Institute include the teaching and research in areas such as bioethics and its humanistic origins in history, philosophy, history of

medicine and critical thinking, in terms of their relevance to the education of scientists and medical practitioners. Throughout its history, the IHB has promoted bioethics discussions throughout the wider community; has organized activities to facilitate a dialogue between literary and scientific humanism for liberally educated persons who must do more than master a particular domain of specialized knowledge.

One of the achievements of IHB has been that, during the years 1998 through 2000, it was the recipient of a \$187,000 grant from the National Endowment for the Humanities in Washington. This grant was utilized to make possible the training of 32 university professor (from mainland USA and Puerto Rico) in the contents and method of bioethics. International scholars participated in the teaching process during the months of June and July of the 1998, 1999 and 2,000 Summer sessions. Among those prominent scholars were Edmund Pellegrino, Diego Gracia Guillén, Javier Gafo, Baruch Brody, Joseph Fins --all of whom spent a week sharing their knowledge and experience with the participants. The proceedings of those summer training sessions were published in a book titled Humanities and the Health Sciences.

Another great achievement of the HIB was the successful organization of the Fourth Congress of FELAIBE (Federación Latinomericana y del Caribe de Instituciones de Bioética) that took place at the Wyndham Conquistador Hotel in Fajardo Puerto Rico during the days of 24th thru 27th of September in 2003. This congress is still remembered as one of the best academic events for its intellectual quality and ulterior institutional impact on the university acceptance of bioethics.

Since the time Dr. Santos y Vargas has been in charge of the IHB, he has authored several publications such as the books: (1993) (Editor and author) *Bioética: Perspectiva humanística de las profesiones de la salud;* (2001) (Editor and author) *Humanities and the Health Sciences;* (2006) *Bioética Crítica.* He has also published articles such as the followings: (1994) "Bases filosóficas de la bioética"; (1996) "Reflexión bioética en torno a pacientes renales"; (1966) "Implicaciones éticas del modelo de cuidado dirigido"; (1997) "Implicaciones éticas de las nuevas tecnologías reproductivas"; (1997) "La justicia sanitaria como prioridad para América Latina"; (1998) "Bioética y sociedad"; (1999) "Necesidad de la enseñanza de la bioé-

tica como una disciplina crítica"; (2001) "Meditación sobre el Genoma Humano"; (2001) "Aproximación casuístico-inductiva a la Bioética"; (2003) "Valuación Bioética del Proyecto Genoma Humano"; (2004) "Hacia una bioética hostosiana".

OUT OF ACADEMIA INITIATIVES: THE BIOETHICS SEMINAR

In 1993, the Bioethics Seminar (Círculo de Bioética) convened following the initiative of a group of friends interested in bioethics. The idea originated with Dr. Jorge Ferrer, a Jesuit priest and moral theologian interested in bioethical issues. Dr. Ferrer shared his idea with two physician friends: Rafael Ruiz-Quijano, an urologist and member of the Council for Ethico-Judicial Affairs (CEJA) of the Puerto Rican Medical Association (PRMA), and Ernesto Frontera, a psychiatrist. Both physicians are in private practice. The basic idea was to convene a small interdisciplinary group interested in holding a monthly seminar. The Seminar held numerous meetings since 1993 and was a group truly interdisciplinary that included physicians, philosophers, nurses, a microbiologist, a pharmacist, and other health professionals. The seminar was a stimulating forum and a training opportunity for professionals interested in bioethics. Many members of the Círculo have played key roles in the initiatives of the PRMA and in founding the Puerto Rican Federation of Bioethics (PRFB) and, subsequently, the creation of the Hostos Institute for Bioethics.

INITIATIVES TAKEN BY THE PUERTO RICO MEDICAL ASSOCIATION (PRMA)

On November 13, 1993, Dr. Jorge Lastra, one of the founding members of the Círculo, was inaugurated as President of the PRMA. One of the main platforms of his presidential program was the promotion of bioethics through the PRMA. Dr. Lastra appointed a sub-committee for education in bioethics that was to work under the CEJA. Dr. Ruiz-Quijano, another founding member of the Círculo, was appointed as chair of the sub-committee. This sub-committee was asked to develop a program for the continuing education of medical professionals, as well as for supporting the development of curricula for

the medical schools and premedical programs in Puerto Rico. On August 28th, 1994, an entire day was devoted to the study of bioethics: the activity of that day labeled "Jornada de Bioética." The program took place at the San Juan Hotel in Isla Verde. This program was followed by a series of weekly lectures held at the Association's head-quarters.

More important than these public activities was the coming together, for the first time, of several people interested in bioethics. The sub-committee also invited people who were interested in the field but were not yet working together. Among the members of the subcommittee were Dr. Elena Lugo, Dr. Eduardo Santiago Delpín, Dr. Rafael Burgos Calderón, Dr. Ramón Isales, Dr. Jorge Ferrer, and many others.

It is worth mentioning that since the 90's, Dr. Rafael Burgos Calderón (a Nephrologist) has been the president of the ethics committee of the UPR University Hospital, and for several years, was Puerto Rico's representative at the Pan-American Health Organization. In addition, he was an advisor to the Department of Health. Thanks to his leadership, since 1995 the Ethics Committee of the University Hospital has organized many training activities on bioethics for more than five hundred professionals that include: nurses, residents in training, medical faculty and hospital administrators, as well. The Director of the Hostos Institute for Bioethics (who for more that ten years, has been a member of said committee) has frequently been in charge of the teaching and cases analysis activities that the Hospital Ethics Committee has organized.

Dr. Santiago Delpín, professor of surgery at UPR and a leading transplant surgeon, has also been interested in bioethics for a number of years and had been working to establish a bioethics curriculum at UPR School of Medicine. Besides a world known organ transplant surgeon, he is also a recognized poet and has published several books containing his poems.

ADDITIONAL EFFORTS

As a continued and combined effort initiated by CEJA (of PRMA) with other members of the PRFB, the week of February 26th through March 5th 1995, was officially declared "The First Week of Bioethics in Puerto Rico" by the Secretary of Health, Dr. Carmen Feliciano-Melecio.

Several agencies from the public and private sectors joined in this effort, namely, the Puerto Rico Department of Health, the Pan-American Health Organization (PAHO), and all three local accredited medical schools in addition to the recently created PRFB. Internationally prominent figures in bioethics participated during the week's educational activities. Dr. Diego Gracia (a leading Spanish bioethicist and Professor at the Universidad Complutense in Madrid) visited under the sponsorship of the PAHO. Three prominent U.S. educators in bioethics (Nancy M.P. King, J.D., James J. McCartney, Ph.D., and Dr. Stuart F. Spicker, Ph.D.) conducted a five-day tour workshop on Educating Healthcare Ethics Committees (EHEC), supported in part by the Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education. Their participation was also sponsored by CEJA of PRMA through an educational grant provided by Rhone-Poulenc Rorer Caribbean, Inc. The workshop began with one-day plenary conference devoted to discussions of the philosophical, legal, and religious aspects of HEC's in the U.S. health institutions. The plenary session was held at the PRMA's Past Presidents Auditorium. Island wide physicians, lawyers, and other healthcare professionals, academicians, philosophers, as well as the general public, participated in this first session. During the remaining tour, the three EHEC faculty members met with healthcare ethics committees from different private and public hospitals island wide. The local arrangement's committee was formed by Professor E. Lugo, Ph.D., Dr J. Ferrer, and Dr. R. Ruiz-Quijano, President of PRMA's CEJA. It was a very productive week that served to motivate all the island's medical schools formally to include in their curricula the teaching of topics drawn from the medical humanities and bioethics.

During the August 1995 PRMA meeting of the Board of Directors, a motion presented by Dr. Rafael Ruiz-Quijano, to formally include at least one topic in bioethics in all their continued medical education scientific programs, was unanimously approved. A resolution to that effect was also approved at the assembly of PRMA's House of Delegates held on October of said year.

Recognizing the limitations of a voluntary association in dealing with all the different influences affecting the medical profession as well as the patient's best interests over the past twenty years, PRMA has been lobbying with the Island's government to create a College of

Physicians requiring mandatory membership. On August 1994, Law 77, creating the Puerto Rican College of Physicians (PRCP), was passed. A year elapsed, and on September 10, 1995, the first Board of Directors of the PRCP was elected and its general by-laws approved. The elected President of the College asked the PRFB to assist in the formulation of its Code of Ethics.

THE PUERTO RICAN FEDERATION OF BIOETHICS

The final effort to establish the federation of bioethics came from within the Círculo, thanks to the fact that Dr. Ernesto Frontera took the initiative to call a meeting of the interested persons. A good deal of enthusiasm was generated by the coming together of the people working in the field. In January 1995, the core group of the Federation attended its first meeting. Dr. Frontera was elected coordinator and a series of meetings were required to develop a document that would reflect the basic philosophy of the Federation. Since its creation the Federation is an autonomous, non-profit organization committed to the promotion of ethical and humanistic values in biomedicine, health, and the environment. It intends to promote open discussion of ideas in the field of bioethics, understood as an interdisciplinary enterprise. The Federation has been promoting research and scholarship in the field. Its founding members have participated in public debates whenever appropriate.

Among its activities, the Federation began to offer consultation services for the development of a bioethics programs at the Ponce School of Medicine, located on southern Puerto Rico. Several members of the core group also worked as consultants to the School of Medicine in Bayamón (a private institution) in order to develop a program in Medical Humanities. Dr. Ernesto Frontera, the Federation's Coordinator by that time, was a faculty member, as well as President of the Medical Humanities Committee at that institution.

Since the creation of the PRFB, the founding members of the Federation (Ernesto Frontera, Elena Lugo, José M. García-Castro, Leonides Santos y Vargas, the late José R. Echevarría, R. Ruiz-Quijano and Jorge Ferrer) has been actively involved in multiple professional and academic activities geared towards the promotion of a bioethical culture in Puerto Rico.

Dr. Jorge Ferrer, for example, has been, not only been a scholar in the field of bioethics in Puerto Rico. He has

been an inspiring force due to his personal traits and undisputed intellectual brightness. Every one of those that now perform leadership roles in the promotion of a bioethics culture within the Puerto Rican community and institutions, has Dr. Ferrer as a referent. His devotion to bioethics as an academic discipline and as a social movement can be attested in his intellectual production and publications of which some titles are required reading in Puerto Rico. Among his many publications, some titles are worth mentioning: (2007) Deber y deliberación, una invitación a la bioética; (2003) Ferrer J. J. y Ávarez J. C., Para fundamentar la bioética: Teorías y paradigmas teóricos en la bioética contemporánea; (1997) SIDA y bioética: de la autonomía a la justicia; (1992) SIDA, ¿Condena o solidaridad? He has also collaborated as Editor in other books, for example: (2002) Ferrer J. J. v Martínez J. L. (Eds.), Bioética: un diálogo plural (Collection of essays in memoriam to Dr. Javier Gafo Fernández); (2001) Humanities and the Health Sciences (Volume containing 13 essays that were the outcomes of the Project sponsored by the Endowment for the Humanities that took place at the Medical Sciences Campus of the University of Puerto Rico).

There is still another initiative that deserves mentioning in this historical narrative. The Interamerican University of Puerto Rico, the largest private university in Puerto Rico (founded on 1912) for several years has served as a forum for the promotion of bioethics, specially, at its San German Campus. Unfailingly, every October since 1987, it sponsors a public lecture dedicated to topics of bioethics relevance. This activity is held in memory of Dr. Boyd D. Palmer (a late biology researcher and professor of said university). The first lecture was offered on 1987 by the late David Thomasma under the title "Bioethics in the Modern World". Since then, others lecturers followed, some of which needs to be mentioned as evidence of the high intellectual quality of this activity: Richard Zanner, Edmund Pellegrino, Javier Gafo, Thomas. D. Murray, Robert Veatch, Warren Reich and many others.

THE FUTURE

In spite of the growing institutional acceptance of bioethics at the universities, as evidenced above, it is still a pressing need to establish departments and/or chairs in Bioethics and Medical Humanities at every institution where health professionals and scientists are being trained.

This process of institutionalization is necessary not only to guarantee the full liberal education of the future health professionals and scientists, but also to facilitate the production of creative scholarship in the field of bioethics.

As recapitulation of this historical narrative, we can reasonably affirm that the early 90s witnessed the birth of the bioethics movement in Puerto Rico. Since that time a lot of initiatives and activities has been organized: public congresses (with international representation), public conferences, interviews on Television, on radio, articles and opinions published in newspapers, new books and articles published in professional journals of diverse academic rigor has created an atmosphere of public acceptance of the bioethics discourse as a credible approach to understand and analyze many of the innovations in biomedical technologies and public policies.

The bioethical movement in Puerto Rico has developed a momentum that is difficult to stop. What began with the initial steps of the establishment of the *Puerto Rican Federation of Bioethics*, the *Institute of Medical Humanities*, the establishment of the *Hostos Institute for Bioethics* at the Medical Sciences Campus and the creation by the Governor of Puerto Rico of the *Advisory Board on Bioethics*, is proof that bioethics will be a decisive force

in suggesting enlightened public policies to direct the developments in health services, scientific research and environmental concerns.

On a short term projection, the bioethics agenda of Puerto Rico will have to address the following topics: the reevaluation of the ethical foundations of the health care system (within the public and private sector); the bioethical implications of the conversion of Puerto Rico as a Mecca of biotechnology (the "Bio Island", as our Governor has labeled this policy); the crisis of Professionalism, and the demise of the natural environment due to uncontrolled urban and corporate developments.

Based upon the developments achieved, bioethics in Puerto Rico should be taken out to the public sphere. That is, bioethics should not be interpreted as a new academic paradigm relevant solely to university professionals. We must work to translate bioethics as a popular language that the people could utilize to make sense of the challenges posed by science, health reforms and by our relationship to the environment. Bioethicists should strive to empower the civic society, because after all is said and done, it is the people who will enjoy or regret the results of those challenges.

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