

MEDICAL ETHICS FOR A MODERN AGE

by

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The name of Stephen Bantu Biko, I suppose, gets associated with medical ethics out of the horror that many of us felt at the treatment he received as he was tortured and allowed to die, a lonely and painful death. Moral society was astounded at the depths to which the apartheid regime was prepared to go in its war to preserve white supremacy. Clearly the security operatives had sunk to such low levels of brutality and most base form of human conduct that they could hardly be called human. Of special interest to the medical community however, was the role of the medical doctors Lang and Tucker. Both had been called to examine the ailing prisoner who was being subjected to torture, and both had subordinated their clinical judgment to the will of the police. There were calls that they be appropriately disciplined and struck from the roll of medical practitioners. At the time I remember writing an essay, *Medical ethics and the security laws of South Africa: The case of Steve Biko*. Sadly, many of the same questions apply today.

The matter of the clinical independence of medical doctors has been under scrutiny in our country in relation to HIV/AIDS and the availability of appropriate and affordable drug treatment, or in the light of the Ministry of Health's reluctance, for administrative and political reasons, to make such drug treatment universally available. I can think of the case of Mr Shabir Shaik currently: who makes the decision about his continued residency at a medical clinic in Durban? Is it the medical doctors exercising their clinical independence, their medical expertise and duty of care, or is it the Minister of Correctional Services responding to public sentiment about preferential treatment, and in the exercise of his duty to enforce the law?

Of course, applications of medical ethics go much further than the examples I have outlined above. There are questions about clinical trials, when and how these can be conducted. There is of course the current controversy about the microbicides trials in

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the continuing scientific research on HIV/AIDS: what amount of risk should ordinary healthy human being be subjected to, and what amount of information is necessary to give; or is it in any event ever justifiable even with whatever amount of information is given, for people to be allowed to put themselves at such levels of risk for the sake of scientific advancement? Indeed, should pharmaceutical companies be allowed to undertake clinical trials among poor people in Africa and Asia, for whom the lure of immediate financial gain can suspend judgment about the future consequences of the trials? It is, as always, a topical matter. I saw a film recently that examined the role of the pharmaceutical industry in the spread of disease in Kenya.

Most medical ethics considerations, however, occur in the fine line that is the exercise of clinical judgement by the practitioner between what is in the best interests of the patient, and the extent of the risk that is appropriate to take in the light of the probable outcomes or benefits. Often this is a lonely decision that a surgeon might have to take at the spur of the moment in the light of the circumstances. There are matters of life and death in the separation of Siamese twins, or should it be the life of the baby or the mother that should be saved in instances of complications in childbirth. Of course, we have become familiar with the howling noise of the righteous right in matters of the termination of pregnancy, IVF or other derivatives of assisted pregnancy, euthanasia etc.

Medical ethics, however, never happens in a vacuum. Ethics represents a society's understanding of itself, its values, and acceptable levels of human behaviour and how much it is prepared to accept without raising revulsion. The British moral philosopher, Bernard Williams has a chapter in his little book on *Morality* (1972), entitled, "Moral Standards and the Distinguishing Mark of Man". He says that the distinguishing mark of human nature is "his ability to shape his actions and dispositions by reason..." In other words practical reason should produce coherence rather than mental conflict within one; it addresses the desires of one's conscience and eases one's conscience that may be troubled by decisions and actions that conflict with one's innermost senses. Drawing from Aristotle, Williams refers to these as "virtues of character", dispositions to right actions which involve motivations of pleasure and pain.

And yet human nature is not disposed merely to some forms of *Manichean* virtues, an excess of dependence on rational self-control. Human nature is capable of base desires and passions. The real balance and reconciliation most of us venture, therefore, is between our intellectual curiosities, our desire to dig deeper, to discover afresh, and the examination of a set of facts in their many-sidedness; but ultimately to come out with the best answer in the current or prevailing conditions. We can no longer assume like Plato did, that humanity has inherent values or *a priori* moral truths that form the foundations of our reasoning, of our moral standards or therefore, of the decisions we make. Likewise there are some who hold that scientific knowledge has unlimited possibilities for discovery which it is our duty as scientists to exploit. We know, of course, that the situation is much more complex. That actually we do not have such freedom as Plato might have desired. Or, to put it another way, such moral freedom as we have, must always be tempered by other considerations like cultural sensitivity, political awareness, and these days, ecological and environmental considerations. Williams therefore suggests that it cannot be said that because scientific knowledge is the highest form of theoretical reason, or in his words, “the highest form of human achievement”, and that in it lies the future of humanity and the environment, that it can be exploited without reserve or sensitivity. Therefore, “its development must have an unchallengeable claim on our moral approval.”

The Steve Biko Centre for Bioethics, therefore, will make an important contribution to the moral formation of our nation, and consequently, to rooting our scientific enquiry within an ambit of ethics. My own view is that the purpose should never be that we come to a common mind about appropriate scientific action, but that we should never be in want about the application of moral insights in the hard decisions that scientists have to make. Of course, this does not just apply in the vexed matters of medical ethics, or scientific research, or in the denouement of public policy, I can see it in the manner in which judges in the Constitutional Court address and seek to resolve potentially difficult moral questions that masquerade as law or human rights. I can think of recent decisions like *Soobramoney v Minister of Health, Kwazulu-Natal*, even the more recent judgments on same-sex unions, to name only a few, where perhaps the judges might have benefited from expert opinion or tempered their reasoning with an ethical balance that shows the complex nature of the subjects they

handle. Quite frankly, we need to be more aware of the moral ambiguity that human characteristics always evince, with our complex cultural, religious and social mores. It occurs to me that society's foremost decision-makers should display sensitivity to and intentionality about the moral consequences of the decisions we make, or dispositions we take, and the actions we do.

Medical scientists, many of us believe, are the ones confronted on a daily basis by these ethical questions. That is because much of their work affects life or death matters. But it is in fact a matter for all of us. We need to have a refined sense of the moral, a desire for virtue, a seeking after truth at all times. That is the foundation for the society we aspire to be, as the Preamble to our Constitution so eloquently states:

(to) Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;

Improve the quality of life of all citizens and free the potential of each person...

These are the values Steve Biko stood for, and he died for. I congratulate the Wits Medical School on the establishment of this Centre. I trust that it will play a very central role in the training of future medical practitioners at all levels; will sensitise the scientific research community about the role and place of ethics in scientific enquiry; and, hopefully, will contribute to the raising of this society's threshold on moral tolerance and self-understanding.

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