

## Hoity-toity morality and embryos for research

Do you, dear reader, care about human pre-embryos – embryos during the first 14 days of development? Do you know that most pre-embryos never implant and are routinely excreted from women's bodies – without the women ever knowing of the pre-embryos' existence? Does anybody care about all these millions and millions of 'exterminated' pre-embryos? Well, apparently some bioethicists do care about pre-embryos – but specifically research pre-embryos in lab dishes. (None of the former, however, have suggested any serious plans to rescue the millions of *in vivo* pre-embryos that perish after having been excreted.)

In South Africa, these righteous ethics elders have, via the new National Health Act, ensured that if scientists wish to do medical research on pre-embryos, they will need the permission of nobody less than the Minister of Health. This section of the Act has, however, already been on ice for several years, while the Department of Health *is still* trying to write regulations. We can just hope that the eventual regulations will not create too steep a bureaucratic mountain for scientists to climb.

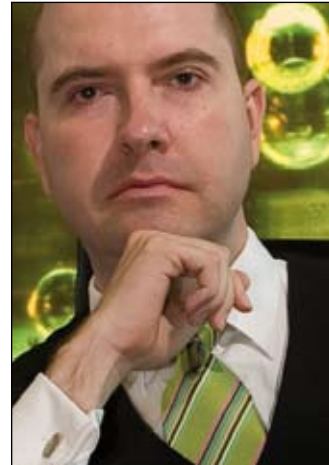
It is not as if South Africa is teeming with scientific activity – innovation output has completely stagnated during the past decade, meaning that South Africa has fallen far behind in relative terms.<sup>1-3</sup>

The fact is that we can ill afford to inhibit research. For what conceivable reason is the use of pre-embryos for research so super-regulated? It cannot be that the pre-embryo is worthy of any protection – in which case, the current abortion-by-choice regime would be untenable; and, as mentioned, most pre-embryos die in any case because they simply fail to find a hold, and not even the most high-minded ethics elder has ventured into suggesting that we should attempt to protect these poor doomed microscopic entities. If the pre-embryo is, then, not inherently or practically protection-worthy, why all the fuss about using pre-embryos for research – research that is, after all, for the betterment of humanity? The situation reverberates with anti-scientific and emotive prejudice!

To aver that the pre-embryo must be protected is absurd and pretentious morality – what I like to call 'hoity-toity morality' – and has less intellectual depth and ethical sway than a child telling one not to step on its imaginary friend's foot.

I think that the reason for this paradox can be found in our country's recent past: not too long ago, abortion was still a crime. Entire generations grew up with the idea that the *conceptus* – no matter how undifferentiated its cells and how far removed from actual human characteristics – was worthy of protection at almost any cost. Abortion was equated with murder. Countless academic writings were committed to arguing that personhood (moral and legal) should effectively commence at conception.<sup>4</sup> Some even argued that personhood does as a matter of *legal fact* begin at conception!<sup>5</sup>

Now, in the new South Africa, what are these previous-generation intellectuals to do? The High Court specifically ruled that the embryo/fetus is not a person.<sup>6</sup> A woman can abort an embryo in the first quarter by her own choice – no questions asked, no regulatory obstacles. Did all of these previous-generation intellectuals walk a road to Damascus? I very much doubt it. Value judgements such as these are deeply ingrained in the emotional and subconscious



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make-up of people. The apparently instinctive emotional impulse to protect the pre-embryo is a remnant of previous-generation (archaic) values. The ethics committee of the South African Medical Research Council (MRC) has even admitted that this emotional impulse is irrational: on the topic of pre-embryonic stem cell research, they officially state the following:<sup>7</sup> (Section 3.4.3.2.)

The fact that the source is a human embryo is itself problematic ... because the extraction of stem cells from the human embryo eliminates that embryo's potential for life. *It is not possible to completely rationalise this response.* However, the objection must be treated with respect as the genuine response of a portion of the population, which believes that the right to life and dignity is applicable to human embryos. It does not help to enter into a legal debate as to when the embryo acquires the status and concomitant rights of a human being. The issue is not one of legality, but of mores. [My emphasis.]

If you cannot rationalise, you simply do not have a case – neither in bioethics, nor in law. Why must a 'genuine response' be treated with respect? A portion of the population may be very racist and very sexist and hence have genuinely racist and sexist responses; must these also be treated with respect? Prejudice is more often than not a 'genuine response'. Non-rational *mores* – no matter how popular or 'genuine' they may be – should not limit the application of the rights entrenched in the Bill of Rights<sup>8</sup> – in this case, the freedom of scientific research. It should further be remembered that the Bill of Rights is itself the highest expression of our society's *boni mores* (good values).

Ironically, one of the express objectives of the MRC is the promotion and improvement of the health and quality of life of the South African population through research development and technology transfer.<sup>9</sup> (Section 3) Because the MRC is informed by progress-wary, anti-science values, it currently *inhibits* research, rather than fulfilling its objective to promote it.

It is of course a crying shame that the scientific community is too timid to take on this irrational violation of the right to freedom of scientific research. It just goes to show that – contrary to popu-

lar opinion – scientists are subject to exactly the same prejudices and values as the rest of Society. And the few revolutionaries who might perhaps silently nourish the idea of engaging in ‘controversial’ cutting-edge embryo research fear that they will be shunned by their fellow scientists, and moreover face the concrete reality that they will lose their funding – their lifeblood – which is allocated through a system of peer review.

Where does this leave us? I believe it is time that a new generation of intellectuals – lawyers, ethicists, doctors – start making their voices heard. I believe it is time that the new generation directly confronts the value remnants of the old. In the interests not only of the present, but also of future generations, let’s move beyond hoity-toity morality.

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