

BIKO, THE STATE AND THE S.A. MEDICAL AND DENTAL COUNCIL  
(S.A.M.D.C.) AND, NOW, THE MEDICAL ASSOCIATION OF SOUTH  
AFRICA (M.A.S.A.).

EDITORIAL COMMENT.

In Critical Health No. 3 we dealt in some depth with the inquest into the death of Steve Biko, the role that the state and the three doctors played in his death and the views of the S.A.M.D.C. on this matter.

It is apparent, from an examination of the evidence led at the inquest and the admissions of the doctors involved, that the inadequate treatment received by the late Steve Biko would have been different had he not been a political prisoner. The doctors did not act with complete clinical independence and this led to the unsatisfactory medical management. (1)

Despite this fact, the S.A.M.D.C. decided that there were no grounds for disciplinary action against the doctors concerned. When we examine the composition of the S.A.M.D.C. and see the close links between it and the Nationalist government, it is not surprising that they reached the decision that they did. (1)

At the time of publishing the last edition of Critical Health, the Medical Association of South Africa, the largest and oldest association which offers membership to doctors, and to which the majority of white South African doctors belong, still had to take a stand on the issue. It was petitioned to hold an inquiry into the conduct of one of the Biko doctors by a number of its members.

The Medical Association of South Africa makes some very admirable statements on ethical principles in its booklet entitled "A Guide to the Maintenance of Ethical Standards".

In this publication they define ethics as "the science which treats the nature and grounds of moral obligation; moral philosophy which teaches men their duty and the reasons for it." (2)

In the introduction to the same booklet the M.A.S.A. say the following "standards have been set for the profession from the early times of Hippocrates, and through the ages

doctors have undertaken to act according to the principles of the Hippocratic Oath. In more recent times there are the World Medical Association which has, in the Declaration of Geneva, given a modern version of age-old rules, the International Code of Medical Ethics and the Declaration of Helsinki, TO ALL OF WHICH THE MEDICAL ASSOCIATION OF SOUTH AFRICA HAS SUBSCRIBED. ( (2)Editors' emphasis).

"It is also common knowledge that there are certain customs or forms of etiquette which, although not always in writing, yet constitute conduct which is right and proper for a doctor and a gentleman to observe." (2).

The codes to which the M.A.S.A. subscribes contain the following statements;

"Into whatever houses I shall enter, I will go for the benefit of the sick, abstaining from all voluntary wrong and corruption ..." (Hippocratic Oath).

"The health of my patient will be my first consideration." (Declaration of Geneva).

"I will not permit considerations of religion, nationality, race, party politics or social standing to intervene between my duty and my patient". (Declaration of Geneva).

"I will maintain the utmost respect for human life from the time of conception; even under threat, I will not use my medical knowledge contrary to the laws of humanity." (Declaration of Geneva).

"The following practices are deemed unethical .....

(b) Taking part in any plan of medical care in which the doctor does not have professional independence." (International Code of Medical Ethics).

Despite all these statements the M.A.S.A. seems to pay little more than lip service to them. At a meeting of the Executive Committee of the Federal Council of M.A.S.A. held on the 22nd August 1980, after referring the matter of the doctors' involvement in Biko's death to the Cape Midlands Branch of M.A.S.A. and the Federal Councils' Ethical Committee for their recommendations, the Executive Committee did no more than sweep the matter aside with a mere noting of

- (a) the S.A.M.D.C's decision to take no further action, and
- (b) the Cape Midlands Branch of M.A.S.A's decision to take no further action.

At the same time, M.A.S.A. reaffirmed its unquestioning support for the integrity and bona fides of the members of the S.A.M.D.C. (3).

Furthermore, an editorial of the South African Medical Journal (S.A.M.J.) (4) urged doctors to stop criticising the S.A.M.D.C. on their decision in connection with the Biko doctors. The S.A.M.J. is the "official organ" of the M.A.S.A. It backed its plea with the following argument:

"Perhaps at this point it behoves us to refresh our memories, which tend to be rather short at times. When the S.A.M.D.C. did battle with the Minister of Health with regard to the medical scheme tariff structure, the profession was quick to support the Council and to announce its complete confidence in its integrity and the manner by which it (the S.A.M.D.C.) reached its conclusions on that particular issue.

Must we in truth believe that the professional integrity and common sense of our colleagues on the S.A.M.D.C. has undergone a complete volte-face in such a short time? Has our professional objectivity not become clouded to some extent by subjective or political issues?" (4)

We believe that the executive committee of the Federal Council of M.A.S.A. has, by its resolution and statements, in fact merely endorsed the view that the doctors concerned did not act unethically.

Late in 1980, the Federal Council of M.A.S.A., under considerable public pressure from both inside and outside South Africa, including the threatened resignation of many members, reconsidered its decision to take "no decision". They released the following statement :-

"The Federal Council "resolves to require the Federal Ethical Committee to give consideration to and to make recommendations regarding the ethical issues raised as a result of the medical care received by the late Mr. S.B. Biko and to give consideration to:

- (a) holding its proceedings in public;
- (b) appointing counsel to lead the evidence and/or to appoint a retired judge and/or counsel to preside;

(c) inviting Drs. Tucker; Lang and Hersch to take part in the proceedings." (5)

We are immediately struck by the non-committal and toothless nature of this resolution, the fact that it only emerged on second thoughts about the issue and that it was taken under considerable pressure. We cannot help believing that this is merely an attempt to avert any criticism levelled at M.A.S.A. To date, the M.A.S.A. has still not taken a firm stand.

The S.A.M.J. has also refused to publish a number of letters criticising the M.A.S.A., including a letter from the Dean of the Faculty of Medicine, University of the Witwatersrand. (6)

Much can be said about the way the M.A.S.A. has acted on this issue, but perhaps the overriding point that should be made is this :-

The M.A.S.A. has failed to :

- (a) take an immediate and unequivocal stand on the unethical conduct of the doctors who treated the late Steve Biko;
- (b) make an early and strong stand on the health rights of political prisoners;
- (c) voice all possible protests against the way the S.A.M.D.C. has acted on the issue or to put any pressure behind the questions they asked of the S.A.M.D.C.;
- (d) play a role any different from the cover-up role played by the State and the S.A.M.D.C.

Through their action the M.A.S.A. has shown itself to be an ally of the repressive apparatus of the State.

We should not be too surprised by this statement and the M.A.S.A.'s decisions, just as we were not surprised by the decision of the S.A.M.D.C. The M.A.S.A. has, despite unsubstantiated statements by Professor de Klerk to the contrary, consistently demonstrated a conservative response in its actions, if not in its words, on the broader issues of health.

One example of these actions is the manner in which it has gone about forging better links with conservative organisations abroad (see the article on the American Medical Association and M.A.S.A., in this edition).

The links between the M.A.S.A., the S.A.M.D.C. and the State are no where better confirmed than by the fact that Professor F. Geldenhuys, President of the S.A.M.D.C., is now also Chairman of the Federal Council of the M.A.S.A.

The M.A.S.A. cannot claim to represent the views of many South African doctors.

The time is right for progressively-minded doctors to resign from the M.A.S.A. and to begin forming new local groupings of health workers through which to express their views. In this way, we can work towards the formation of a national association of health workers, which has a concern for justice, ethics, human rights, and will work towards a just and democratic South Africa - an effective alternative to the M.A.S.A.

#### REFERENCES:

1. CRITICAL HEALTH, No. 3, 1980.
2. A GUIDE TO THE MAINTENANCE OF ETHICAL STANDARDS, published by the M.A.S.A. 4th Edition (Revised), May 1979.
4. S.A.M.J., Editorial, Vol. 58, No. 7, page 265. 16th August 1980.
3. S.A.M.J., Letter by Professor De Klerk, 13th September 1980.
5. S.A.M.J., Vol. 58, No. 21, pages 829-830. 13th November 1980.
6. S.A.M.J., Letter by B. Bradlow, Vol. 59 No. 2, January 10 1980, page 31

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