

506

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THE SCIENCE SHOW

SATURDAY, 31 MARCH 1984

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Hon Justice MD Kirby CMG  
Chairman of the Australian Law Reform Commission

TESTICLE TRANSPLANTS IN HISTORY

Devotees of Noel Coward songs will know that in the thirties the transplant of monkey glands was all the rage. The poet WB Yates was said to have received the transplant of a monkey's testicle when he was in his late 60s. Indeed, his biographer claims that it 'increased the fine eroticism' of his subsequent verse.<sup>1</sup>

Doubtless spurred on by this news, a rich Florentine businessman in the late 1930s purchased one of the testicles of a poor young Neapolitan. A transplant operation was performed. There are no reports on its success. But Italian public opinion was so outraged that the Civil Code was amended by Mussolini in 1940 to forbid the removal of any 'part or organ' which would diminish physical integrity. Mussolini, apparently, believed that virility should come naturally.

In 1972 from Beirut came the first claim of success in human testicular transplantation. But the first authenticated case occurred in 1977. It involved a California policeman, born without testicles, who received one from an identical twin brother. The result was a large rise in his sperm count. The doctors agreed to the operation because of the absence of genetic differences or problems of immune rejection.

In 1979 Dr Christian Barnard (of heart transplant fame) discouraged a hopeful patient from pursuing a transplant of a testicle from his father. Even if it was successful, 'your son will be your brother', he explained. The operation did not proceed.

Drawing on all these cases, the model transplantation rules adopted by the Council of Europe at the end of the 1970s excluded testicles and ovaries from the proposed code. In Australia, the Law Reform Commission's code<sup>2</sup> on transplant laws has now been adopted in all parts of the country except Tasmania. It excludes 'foetal tissue, spermatazoa or ova' from the draft Australian legislation. The transplantation of life itself, as distinct from a kidney or cornea, was thought to require separate treatment. By the same token, transplantation of the testicle, as such, was not excluded in specific terms, and so may be perfectly lawful in Australia.

#### IN VITRO FERTILISATION

In this blasé world of incredible technology, we should not be surprised at the prospect of a man fathering his own brother. After all, in vitro fertilisation, partly pioneered in Australia, opens up the prospect of an infertile woman receiving and carrying the egg donated by her mother or indeed her grandmother if she is quick. In that case, she will give birth to her genetic sister or aunt. In fact, the procedures of IVF suggest that testicular transplants may be a messy business, with a limited future. Why go to all the bother of painful surgery involving such a tender organ if the only end in mind is to achieve genetically related progeny? In the future that will be done without fuss and bother in vitro — on a piece of glass.

In fact it is already being done in Australia. Reports from Melbourne suggest that many infertile men in the present IVF program prefer to use the sperm of close relatives, normally brothers. That assures genetic affinity in the IVF baby. More to the point, the brother does not have to surrender one of his testes to the surgeon's knife.

Legislation now being enacted or proposed in Australia will make it clear that, whatever the genetic origin of children born in this way, the law will regard them as children of their 'social' parents.<sup>3</sup> In the past the law has been pretty faithful to genetics. But when a woman can theoretically give birth to an aunt and a man can become the social 'father' of his uncle, when a fertilised human embryo can be frozen and kept perhaps for a century and then thawed for its journey into this world, there is a clear need to reform the law to accord with the realities of modern science.

Pondering on these dazzling prospects I hand you back to the creative Robyn Williams.

FOOTNOTES

1. See R Scott, The Body as Property, 1981, 68, 69, 222-223.
2. Australian Law Reform Commission, Human Tissue Transplants (ALRC 7), 1977, 123 (clause 7 of draft legislation).
3. See eg Family Law Amendment Act 1983.