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ORIGINAL ARTICLES.

LAW AND MEDICINE.*

BY J. M. LATHROP, M. D., OF DOVER, O.

MR. PRESIDENT—The regulation of the practice of medicine, by law, is at present being attempted in some of the United States, and the question of its regulation is being agitated in others. So general is this agitation (among physicians, not much among any other class of the community) that it may be said to amount almost to an epidemic, for we have mental and moral epidemics, as well as epidemics in the physiological world, and apparently governed by the same laws.

A late writer on Social Science has said, "that no prophecy is more certain than that the results anticipated from a law will be greatly exceeded by the results not anticipated." In other words, laws come very far short of accomplishing what we expect them to accomplish, while at the same time they accomplish much that we do not anticipate and that may not be desirable.

There is no good reason why this remark is not as applicable to laws intended to determine the qualifications for the practice

* Read before Cuyahoga County Medical Society, August 5, 1886.

of medicine as to any other laws, and for the reason that, like all the other human laws, they concern themselves with the social forces.

When jurors shall all become intelligent and moral; when lawyers shall have no other ends in view than the attainment of exact justice; when courts shall become incorruptible; in the good time coming, when every man shall be a law unto himself, and repressive statute laws shall be well-nigh needless, we shall see a tolerable correspondence between what we call wholesome laws and human conduct, and not till then.

It is a comparatively easy matter to get laws enacted, but generally a very difficult matter to get them thoroughly enforced, even if the enforcement of them is a thing to be desired.

It will be found in the end that it is worse than useless for one system, as that of medicine, to attempt to remedy its defects and its faults by the aid of another system, as that of law, which is equally defective and more faulty. We cannot make a really good article out of defective material with the help of poor tools.

There is a wide-spread superstition pervading the community, from which physicians are not exempt, that "defective human character can so organize itself, socially, as to get out of itself conduct that is not proportionately defective;" that by some well contrived legal device society can be cured of all its follies, and saved from the consequences of them. Societies are made up of individual units; the character of the society is as the average of the characters of these units, and the extent to which laws can elevate such characters is almost *nil*. If society is to be forever guarded against its own ignorance and folly by law, when will it learn to guard itself against these evils? and, moreover, who shall play the part of its perpetual guardian? Shall the physician?

There is, there can be, no genuine reform, but voluntary, personal reform; there is no reform of organizations like the medical profession, but such as comes through the individual reform of its members.

The business of the physician is mainly to heal the sick and wounded. When our success in these things shall have become so prominent as to be universally acknowledged, it may be the

people will call on us to become society doctors, and genuine modesty forbids that we embark in the perilous undertaking sooner.

Before going into a fight of any kind, it is well to count the cost, to ascertain definitely whether the Lord is on our side or not, as well as who are on the side of our antagonist; otherwise we may find ourselves in the minority and so come to grief.

The object at which we aim, by our laws, to regulate the practice of medicine, may be desirable—may be praiseworthy; but if we take a short cut to it that nature never intended, or if we play the politician and enter into an alliance with this one now, and that one then, for the purpose of getting the support of those whom under other circumstances we hold in contempt, we will be defeated in the long run, and we deserve to be.

We—that is the members of the medical profession—know something of chemistry, of anatomy, of physiology, of pathology, of the causes of diseases, and the laws of their working, of remedies and their modes of operation; but when it comes to the application of this knowledge to the cure of disease, we are divided into at least two distinct classes, whose views are as wide apart as heaven and earth, at least so far that there can be no practical alliance between us. If the system of practice of one of these parties is founded on the true theory of things, if it has for its basis the immutable laws of the universe, the other must inevitably be the child of error, without substantial foundation, having no interest in the matter but self-interest. One of these systems must, sooner or later, go to the wall. This will take place not through any statutory enactment, not by any organized attempt to put it down, but by the inevitable tendency of truth to prevail over error—of light to prevail over darkness. It is well for us to bear these things in mind in all our attempts to overcome what we suppose to be evil. It is no part of my object at this time to decide which party is in the right and which in the wrong, but I am here to say that I cannot fight a common enemy under a common banner with comrades who scout the banner under which I fight disease. It would give the lie to any pretensions I might make as to sincerity and honesty of purpose. It would be wrong, it would be contemptible. With the views we hold as to the merits of the different systems

of medicine, it would be just as consistent for us to make a common cause with the so-called quacks against the homeopaths as to join the homeopaths in a war against the quacks, and the homeopaths might consistently talk just as I do. In any case, the party attacked would eventually get the sympathy of a large part of the community, and it would deserve it.

Laws that determine who may practice medicine and who shall not are ostensibly for the purpose of suppressing quacks and mountebanks, and conserving the lives and health of the people. These are very worthy objects, certainly, but is the real motive and the whole of it put in the head-lines? Are members of the medical profession all angelic and free from cupidity? Are we quite sure that the real animus of these laws is not largely if not wholly to be found in the self-interest of the profession. Is not the welfare of the people the lion's skin that serves to hide our love of gain and desire for preëminence? These constitute the ass whose braying will be heard by all whose ears are sensitive to the sound, and their name is legion. I am no apologist of quacks and charlatons, for more than once in a practice of thirty-five years have I suffered in purse and been a little worried in mind by their machinations. More than once have I found myself in a frame of mind to sympathize with the Irish boy who was found crying after his father had given him a whipping. He said it was not the licking he minded, he didn't care for that, but it was such a disgrace to be licked by a d—d Irishman. It is a disgrace to a member of medical profession to be out-generated by an ignorant quack when he does it with his medicine, and such is sometimes the case. Under such circumstances, the best we can do is to take our defeat as gracefully as possible and try to do better in the future. When we cure all our patients whose diseases are not in their nature incurable, the calling of the quack will be gone, and not before. We have not yet advanced so far in certain and reliable knowledge, nor have we arrived so near perfection in character, that we can wholly escape the humiliations that we get at the hands of quackery, or dispense with its wholesome discipline, for no small part of our trouble with them is the result of our own deficiencies. We may as well make the hon-

est confession to ourselves that we, too, as well as others, have our faults and foibles, and set to work earnestly to remedy them.

In medicine we proclaim the doctrine that there are no specifics for disease, yet nearly every journal that we pick up is well stocked with the jaw-breaking names of new remedies that are pretty certain to cure certain diseases. In spite of our protests to the contrary, we share with the unlearned and credulous the delusion that medicine actually cures the sick. Mr. Spencer says: "We always find among people, in proportion as they are ignorant, a belief in specifics, and a great confidence in pressing the adoption of them. We, instead of prescribing for conditions, too often find ourselves prescribing supposed specifics for diseases of which we may know nothing except the name. Notwithstanding all this, there is a sense in which all medicines are specifics or they are nothing. In that fact, and in that alone, rests all the certainty there is in medicine. But I have gone out of my way to say this.

If a person were to judge the system of medicine by much of our late periodical literature, he might conclude we had returned to the doctrines of mediæval times, and that diseases were veritable devils to be driven out, for a great proportion of the new remedies are sure death to some form of bacteria, and, *per contra*, sure cures to their victims.

Within my recollection nearly all diseases peculiar to women were treated by medicine alone. Afterwards came the period of incising the os uteri for dysmenorrhœa; then we resorted to straightening and dilating the cervix. At last, attention has been drawn away from the uterus to the ovaries; and it is thought by some that salpingitis, or some disease closely allied to it, is the cause of nearly all the bodily ills that afflict women; and hereafter, for a time, a man's standing in the profession is to be estimated by the number of women he has castrated. It is even recommended in cases of doubt to cut into the abdomen and finger around among the intestines and other organs of the body till we ascertain what is the matter or that nothing is the matter. Cases have been reported in the journals where men in attempting to remove an ovary have unconsciously removed the entire uterus, and what is most astonishing of all, the victims

of this promiscuous cutting are said to have recovered. Verily, there must be something in luck.

In order to be considered orthodox, we must accept every innovation in the order of its arrival, as the ultimatum.

Not many days since there appeared in some medical journal, the astonishing announcement that so far as gynecology was concerned, the surgeon was soon to supercede the physician. If this thing continues the time is not far distant when the calling of the general practitioner will be gone, and he will have to take up the lamentation of one of old, "Ye have taken away my gods and what have I left?"

The acceptance of any new remedy for the cure of a disease is an admission that we need a new remedy; the acceptance by the profession of some new theory as to the nature and treatment of a disease, is an admission that we need a new theory, and that the old theories haven't worked satisfactorily. Almost every move we make is a tacit, unconscious, and sometimes unwilling admission of our own fallibility.

The intelligent, non-professional man, watching the changes and innovations that are going on among the medical fraternity, and with shrewdness enough to get at the true inwardness of things, might be reminded of a saying of Josh Billings: "It ain't so much the ignorance of mankind that makes them ridiculous as the knowing so much that ain't so." Doubtless the medical profession is the peer of any of the so-called learned professions as far as knowledge that will stand the test of time is concerned, but we are certainly guilty of labeling too many things "knowledge" before they have been thoroughly tested—we are chargeable with the folly of knowing too many things that ain't so.

After taking account of stock both as regards certain knowledge, and as regards our measure of success in the cure of disease, does it become us to indulge in pride, and make the declaration to the world that is virtually implied in our legislation, that no doubt we are the people, and wisdom will die with us? It does not seem so to me.

If there is not truth enough in the system of medicine which we believe and teach, if its benefits are not apparent enough to

the world not to need the support of law, we are engaged in a hopeless undertaking, and the sooner we abandon it the better. If the science of medicine, after an existence of more than two thousand years, cannot sustain itself creditably when brought into conflict with quackery, credulity and superstition, without relying upon the law, which itself partakes of the fallibilities of all human institutions, it is time for us to fold our banners, pack up our professional goods and betake ourselves to some calling that needs no legal crutches.

Quacks are a sort of medical thorns in the flesh, messengers of Satan or some other individual, sent to buffet us. They are natural products of society—the index that nature has set upon it to show the fallibility of the medical profession on the one hand, and the credulity of the people on the other.

If the quacks themselves were all with which we had to contend, if there were no other parties in this fray who have, or suppose they have, an interest in the matter, we would have but little difficulty in enforcing laws against quackery; but such is not the case. There is a field for quackery, and so long as that exists somebody under some guise or other will be found to occupy it. If we succeed in squelching quackery outside of the profession, it will spring up in some form in the profession to plague us. We already have more of it than some of us are willing to admit, and we will do well to bear in mind the parable of the mote and the beam.

It was a remark of Oliver Wendell Holmes that charlatanism always hobbles on two crutches—the tattle of women and the certificates of clergymen. When we count the quacks themselves, together with a part of the clergy, and no small part of the women, and many others who will sympathize with them in case laws are passed that seem oppressive, we may find ourselves in a minority, in a fight so low and so dirty that any honorable, self-respecting man would retire in shame from the conflict. I am of the opinion that we are in too much hurry to appropriate the whole field to ourselves. It would certainly be to our credit to drive quackery from the field by superior character, knowledge and skill; but to drive it from the field by the