DUNSTER (E.S.)

With Compliments of
E. S. Dunster

SURGEON GEN'L'S OFFICE
LIBRARY.

AN ARGUMENT

MADE BEFORE

THE AMERICAN MEDICAL ASSOCIATION

AT ATLANTA, GA., MAY 7, 1879.

BY

EDWARD S. DUNSTER, M. D.

AN ARGUMENT

MADE BEFORE

THE AMERICAN MEDICAL ASSOCIATION

AT ATLANTA, GA., MAY 7, 1879,

AGAINST THE PROPOSED AMENDMENT TO THE CODE OF ETHICS

RESTRICTING THE TEACHING OF STUDENTS OF

IRREGULAR OR EXCLUSIVE SYSTEMS OF MEDICINE.

BY

EDWARD S. DUNSTER, M. D.,

Professor of Obstetrics and Diseases of Women and Children in the University of Michigan and in Dartmouth College.

(REPRINTED FROM THE PHYSICIAN AND SURGEON, JUNE 1879.)

SURGEON GEN'LS OFFICE LIBRARY.

ANN ARBOR, MICHIGAN:

THE ANN ARBOR PRINTING AND PUBLISHING COMPANY.

1879.

AN ARGUMENT MADE BEFORE THE AMERICAN MEDICAL ASSOCIATION AT ATLANTA, GA., MAY 7, 1879, AGAINST THE PROPOSED AMENDMENT TO THE CODE OF ETHICS RESTRICTING THE TEACHING OF STUDENTS OF IRREGULAR OR EXCLUSIVE SYSTEMS OF MEDICINE.

BY EDWARD S. DUNSTER, M. D., A. M.,
Professor of Obstetrics and Diseases of Women and Children in the University of Michigan and in Dartmouth College.

INTRODUCTION.

In order that the reader may have a clear understanding of the causes which led to the introduction in the American Medical Association, of the proposed amendment to its code of ethics, the following historical note is submitted:

For many years prior to 1875, efforts had been made to introduce homœopathy into the University of Michigan. Without entering into details, it is sufficient for our purpose merely to state that the regents, aided by the decisions of the supreme court of the state, resisted these efforts and positively declined to comply with the various enactments of the legislature in the premises. But in May, 1875, the regents fearing that further refusal to obey the voice of the people as expressed in the decrees of the legislature would seriously weaken the university, if indeed, it did not imperil its very existence, and believing also from the action of the regular State Medical Society, in urging the appointment of a mixed Board of Censors, that the contemplated relation of the two schools in the university would not be objectionable to the profession at large, withdrew the opposition they had so long and successfully made, and accepted a grant made the previous month for the purpose of establishing in the university a college of homœopathy. The grant being insufficient to equip the college and provide for a complete working faculty, the homœopathic students were required to obtain their instruction in the studies common to all systems of medicine (anatomy, physiology, etc.) in the old and well-known school of medicine that for

many years had formed a department of the university. This arrangement provoked at once a very strong and angry opposition, and the faculty, who felt it their duty to acquiesce in the situation, were roundly denounced and the force of professional sentiment was brought to bear on them to compel their resignation. With one exception, however, (the Dean, Dr. Sager, who was no longer engaged in the active work of teaching) they stood to their posts; whereupon the State Medical Society at its meeting in Ann Arbor, May, 1876, undertook the task of regulating affairs in the university, but they failed most signally in their efforts. An elaborate report was made by a committee of nine, which closed with a series of resolutions, the last of which provided "that no person shall be admitted to membership (in the State Medical Society) who practices or professes to practice in accordance with any so-called "pathy" or sectarian school of medicine, or who has recently graduated from a medical school whose professors teach or assist in teaching those who propose to graduate in or practice irregular medicine." As this proviso altered the standing requirements of the constitution, it was laid over for a year. The intent of the action was by threatening to disfranchise the graduates of the school to coerce the faculty into submission; but the threat did not succeed in its object; and at the next meeting of the society in 1877, for reasons best known to the authors of the resolution, it was again postponed, and at the meeting of last year (1878) it was rejected by a large majority. The rest of the resolutions, disapproving of the situation, etc., etc., were adopted at the time of their introduction in 1876. Meanwhile the situation had attracted the attention of the press and the profession at large, and at the meeting of the American Medical Association at Philadelphia in June, 1876, an attempt was made by certain members of the State Medical Society of Michigan to exclude the members of the faculty of the university from admission. This attempt was met by counter charges against these same persons, and against the whole state society for unprofessional conduct, and violation of the code in their relations to irregular medicine, by advocating the appointment of mixed boards of medical examiners, by conferring with homœo-

pathic physicians in reference to the appointment on such boards of homœopaths and eclectics, and by combining with the representatives of various so-called irregular systems of medicine to secure the passage of a law to this end. Strictly speaking these are side-issues of a marked personal character, rather than in the direct line of causes leading to the introduction of the amendment to the code of ethics. They are alluded to here simply because they were the means of eliciting from the judicial council a decision the full bearing of which possibly was not discerned by them at the time it was made, but which, as a precedent and guide for the action of the association, is probably more important and binding than any other decision ever rendered by the council. The decision is in itself not only a weighty argument against the proposed amendment to the code of ethics, but from a legal point of view it amounts to a positive *estoppel* against its adoption, as will appear later on.

At the same meeting of the association, Philadelphia, June, 1876, the following resolution, introduced by Dr. J. M. Toner, of Washington, and aimed at the University of Michigan, was adopted: "*Resolved*, That members of the medical profession who in any way aid or abet the graduation of medical students in irregular or exclusive systems of medicine are deemed thereby to violate the spirit of the [code of] ethics of the American Medical Association." At the next meeting of the association in Chicago, June, 1877, the writer was present as a delegate from the Michigan State Medical Society. This so incensed certain persons who had been particularly active in their opposition to the university, that an effort was made to bring matters to a decisive issue; but as no charges could be brought against the writer individually (for the association admits no representation from, and takes no cognizance of medical colleges) the brilliant idea was conceived of arraigning the whole state society for unprofessional conduct, and a violation of the code in electing him a delegate, knowing him to be engaged in the work of teaching the so-called irregular students. Of course the hope and reliance for conviction rested solely upon the resolution above alluded to, which was incorporated into the "ordinances" of the association,

Accordingly, on the last day of the session, such charges were formally preferred by one Dr. Jones, of Ohio; but it was then too late to act upon them, for the judicial council to whom all such questions are referred for adjudication had adjourned. Therefore, at the ensuing meeting in Buffalo, June, 1878, the council examined the case and made a diversified report which concluded, *viz:* "Therefore, while deprecating the practice of aiding or abetting in any way the teaching and graduation of students known to be supporters of *singular* and *exclusive dogmas* in medicine as beneath the dignity of right-minded teachers of an honorable and liberal profession, your judicial council can find no clause in either the constitution, by-laws or code of ethics as they now exist, under which the charge against the Michigan State Medical Society can be entertained and adjudicated."* A report or finding of the judicial council is final and cannot be discussed,

*In view of the straight-forward and manly decision of the judicial council at the Chicago meeting on the charges against the Michigan State Medical Society, the devious report of the same council on charges of a kindred nature against the same society the next year is, to say the least, a curiosity. The charges it will be remembered, were brought against the society, but the council in their finding dismiss the charges against the society, and go out of their way to practically express an opinion as to the conduct of Dr. Dunster, who was only a witness in the case but was not himself under charges. In its relation to Dr. D., the finding of the judicial council was virtually a verdict of "Guilty, but no statute, we regret to say, under which we can convict him." Now, as the distinguished chairman of the council himself said on this occasion that it is no part of the functions of the council to legislate for the association, but their only duty is to apply *existing laws* to cases referred for adjudication, it may very pertinently be asked why did they by inuendo condemn what on their own showing was not a violation of law? As it would be improper to go behind the published facts to assign motives for the conduct of the council, and in the highest degree ungentlemanly and dishonorable to impugn in any way their motives, I dismiss the subject with the remark that the report, as above stated, is a curiosity—a psychological puzzle that probably will remain unexplained. I have made this comment solely because this report of the judicial council was the direct and immediate step that led to the introduction of the proposed amendment to the code of ethics against which the subjoined argument is directed.

but notwithstanding this, a scene of disorder and confusion at once arose, in which it was openly declared by several members that if there was no law now to cover the case, a law must be made forthwith, and a resolution was introduced by Dr. J. R. Bronson of Massachusetts, instructing the judicial council as a committee of the association (and not in their capacity as a council in which they are not amenable to the association) to report such a law. This resolution was adopted, and, accordingly on the following day, June 6, 1878, the chairman of the council, Dr. N. S. Davis, reported, viz: "In obedience to the instructions of this association, the judicial council, *acting in the capacity of a committee*, have unanimously instructed me to report to your honorable body the following amendment and addition to Paragraph I, Article I, of the second division of the code of ethics:

* * * "*And hence it is considered derogatory to the interests of the public and the honor of the profession for any physician or teacher to aid in any way the medical teaching or graduation of persons knowing them to be supporters and intended practitioners of some irregular and exclusive system of medicine.*"

This being an amendment to the organic law of the association was laid over under the rules for a year. At the last meeting of the association in Atlanta, Georgia, May 7, 1879, the proposed amendment was taken from the table and put upon its passage; it being then under discussion, the following argument was submitted:

*ARGUMENT.**

MR. PRESIDENT: It is well known to most, if not to all the members of this association, that the proposed amendment to the code of ethics now under discussion was suggested by the state of affairs at the University of Michigan, and in a measure, therefore, it may be said to be aimed directly at that institution, or rather at her teachers. Now, as I have the honor to be one of that number, it may be considered in bad taste, and even unseemly, for me to take part in the discussion, for it may be unkindly said

*For want of time several minor points and sentences of the argument were omitted in the delivery.

that I am in the position of a culprit pleading his own cause, and trying to save himself from punishment. I venture to remind you, however, that there are no charges pending against any individual or any institution, and the question we have to consider must be settled upon its general merits alone. But I deem it not out of place to say at the very outset, that I am urged to the position I now occupy—that of opposition to the amendment—by no personal or selfish considerations whatsoever, and with no desire to shield myself from any penalty that may justly attach to an infraction of the code. My motive is simply to dissuade, if possible, the association from a step which, in my opinion, is ill-judged, and calculated, as I expect to be able to show, only to bring disaster, and even disgrace upon the good name of the profession. If I were actuated by personal or selfish considerations alone, I would urge you to adopt this amendment, and then expel me and my colleagues, as you must do if you would be consistent in your actions; for then, in the most effective manner possible the University of Michigan would be advertised up and down the length and breadth of this land, and my name, to-day but little known, would be flashed from one end to the other of the continent, if not of the whole civilized world, as one upon whom the censure of this national association had fallen simply because he dared stand in his place and teach what he believes to be science and truth to a class of students who happen to differ from him in their beliefs. I seek, however, no such notoriety or martyrdom. My preferences lie in the opposite direction, and as my longings for professional association all go out towards this body, wherein are enrolled so many of the dearest of my friends, my earnest hope and desire are to remain with you, if you will only permit it. But not even the glorious privilege of membership here is sufficient to purchase silence when convictions of duty, strong as those that are now pressing upon me, urge me to the opposite course.

Accordingly, I stand here to oppose the proposed amendment, and my opposition is based upon objections both of a special or technical character, and also of a general kind, which bear upon the broader merits of the question. As the technical objections,

though insuperable, are in my estimate, of less importance than the others, I will dispose of them first. And, first, there is an objection that readily, almost naturally, suggests itself against this amendment in that it is verbally and flatly contradictory to both the spirit and the letter of the code as it now stands. We are required now (Paragraph I, Article I, second division of the code) to do all in our power to extend the bounds of the usefulness of the profession. This is precisely what every one does who is engaged in teaching scientific medicine, and yet the adoption of this amendment will prevent the extending of these bounds in certain proscribed directions, and thereby will limit to a very considerable degree the usefulness of the profession. The code now tells us (Paragraph I, Article V, second division) that "medicine is a *liberal* profession," but this amendment would make it the most selfish of all professions, by refusing to share with others whatever of knowledge, truth and of science we may happen to possess. The code further says (Paragraph I, Article II, third division) that the public, and we certainly are a part of the public, should "afford every encouragement and facility for the acquisition of medical education," but the amendment virtually denies the right of a medical education to all except the believers in our own system. The code puts us under obligations (Paragraph I, Article I, second division) to exert our "best abilities to maintain the dignity and honor and exalt the standing" of the profession, and this can in no way be better accomplished than by proclaiming to all the stability and truth of the principles we believe, and contrasting them with error, and defending them against the pretentious claims of those "whose practice is based on an exclusive dogma." The code explicitly declares (Paragraph IV, Article I, third division) that it is the duty of physicians "to enlighten the public," in order that quackery and its attendant evils may be counteracted and suppressed. Now, we can enlighten a class, or a body of peoples, or the peoples themselves only by a dissemination of the truth; but the amendment will nullify this duty and prohibit the dissemination of truth among a certain share of the public, that in my humble opinion, stand most particularly in need of it. In all these respects then the amendment is contra-

dictory to the written letter, and therefore to the general spirit of the code, for it is a conceded principle in law that the spirit of a code or an enactment can only be gathered from and interpreted by the written letter.

This principle is brought out with singular force and clearness in Justice Cooley's great work* on "Constitutional Limitations,"—a work which is admitted by the legal profession as the highest authority known on this subject. As a result of this universally admitted principle, charges of violation of the spirit† of a law or code which do not contravene the written letter, must of necessity fall, and no court in the land will for an instant entertain them. This question has often been decided in the courts of many states of our country, where suits at law have been brought on charges of violation of the spirit of the constitution, but they have invariably been dismissed as too intangible to be entertained.

In illustration of this principle Judge Cooley says:‡ "It is frequently said that Christianity is a part of the law of the land. In a certain sense and for certain purposes this is true. The best features of the common law, and especially those which regard the family and social relations; which compel the parent to support the child; the husband to support the wife; which make the marriage tie permanent, and forbid polygamy,—if not derived

---

*A Treatise on the Constitutional Limitations which rest upon the Legislative Power of the States of the American Union. By Thomas M. Cooley, LL. D. Fourth edition. Boston: Little, Brown & Co., 1878.

†In view of this principle, which so far as I know, has never been controverted, it may well be worth while for the association to enquire whether it is consistent or expedient to carry any longer upon their statute book an "ordinance" which from a legal point of view simply states an untruth, and which, any way, is of no binding force, as the judicial council themselves state in their report in the last volume of the Transactions, XXIX, page 64. I refer to the "ordinance" adopted at the Philadelphia meeting, June 1876, which declares the aiding or abetting in any way the graduation of students in irregular or exclusive systems of medicine a violation of the spirit of the ethics of the American Medical Association. This is simply not true, as there is nothing whatever in the letter of the code referring to or forbidding such work.

‡*Loco citato*, page 588.

from, have at least been improved and strengthened by, the prevailing religion and the teachings of its sacred book. But the law does not attempt to enforce the precepts of Christianity on the ground of their sacred character or divine origin. * * * Christianity is not a part of the law of the land in any sense which entitles the courts to take notice of and base their judgments upon it, except so far as they can find that its precepts and principles have been incorporated into and made a component part of the positive law of the State." In turn, therefore, whatever is incorporated into and made a component part of the positive law, reflects and embodies the spirit of the law. From all this, then, it is clearly evident that the amendment under consideration is in violation of the spirit of the code, as we have shown that it contradicts the written letter of the code in a number of places.

Secondly. Another serious objection to the proposed amendment is that it is illogical in its association and in its reasoning. The words "*and hence*," with which it is introduced, imply that it follows as a matter of course, or as a consequence from what has gone before. But a child, even, would see that there is no connection or relation whatsoever, near or remote, between the provisions of this amendment and the subject matter of the paragraph to which it is to be appended. Look at it: "Every individual, on entering the profession * * * should observe strictly such laws as are instituted for the government of its members," "*and hence* it is considered derogatory * * * to aid in any way the medical teaching" of irregular students. But as there is no law thus far instituted against such teaching, this is a palpable *non sequitur*. Again: "Every individual on entering the profession * * * should avoid all contumelious and sarcastic remarks relative to the faculty as a body," "*and hence* it is considered derogatory to the interests of the public * * * to aid, in any way, the medical teaching" of irregular students. It requires an uncommonly lively and creative imagination to catch the point or see the drift of such a collocation of ideas. But still again: "Every individual on entering the profession * * * while by unwearied diligence, he resorts to every honora-

ble means of enriching the science, should entertain a due respect for his seniors who have by their labors, brought it to the elevated condition in which he finds it," "*and hence* it is considered derogatory to the honor of the profession to aid, in any way, the medical teaching," etc. It is too absurd even for comment. Now if we must adopt the amendment, let us show to the world that we can reason logically, or at all events, that we can use the English language correctly. It will bring nothing but contempt and ridicule upon this learned body if it gives to the profession a statute which covers matters that are purely irrelevant to each other, and at the same time, associates such matters together as cause and effect.

But furthermore, the reasoning in the amendment itself without any reference to its collocation is vicious and discreditable to the scholarship of this association. It declares that it is "derogatory to the interests of the public" for us to aid in the educating of homœopathic physicians. But so long as the public will insist on having homœopathic physicians, it must be conceded that it is better for the interests of the said public that such physicians should be educated as thoroughly as possible, and if this be so, it is not in any sense detrimental to the interests of the public to take part in the work of educating them; on the contrary, such work of necessity is directly helpful and promotive of the interests of the people. Again, the amendment declares that it is derogatory to the honor of the profession for any physician or teacher to engage in the work of teaching certain classes of students. Now, it is hardly necessary for me to remind so intelligent an audience as this, that the "honor" of a teacher is not in the keeping, and does not depend upon the character of those who listen to his teachings. It depends solely on himself and his acts as a teacher or his teachings. No amount of unbelief or wrong intentions on the part of a class of pupils will derogate from the dignity and honor of their teacher, if he be a truly dignified and honorable man, nor on the other hand will unlimited respectability or the best of intentions in the class confer dignity or honor, on one who teaches vulgarly, viciously or untruthfully. Two most forcible and pertinent illustrations of these positions

suggest themselves to me. When yesterday we were listening to the scholarly and eloquent address of our President, did it derogate from his honor that there were sitting in yonder seats, listeners who belonged to a different school of medicine from himself? Or when two years ago the Mayor of Toledo, himself also a practicing physician, pandered to the wild ravings of a mob of striking workmen and encouraged them in their lawlessness, did it in any way confer honor or dignity on him or on his teachings to the mob, that there were present and heard him a few persons of eminent respectability and excellent intentions? The objections to the amendment just adduced, of course, can be easily obviated by altering the wording and introducing it by itself, and I beg of you, if you must pass it, for the protection of our reputation as scholars if for no other reason that you will so alter it.

But thirdly, a still more serious objection and one that cannot be overcome as the latter can be by the stroke of a pen, is that the amendment is, and of necessity must always be inoperative. It is simply impossible to enforce such a statute, for there is not power enough on this foot-stool either legal, moral, social or professional, to make such an enactment effective. It must, therefore, remain a dead-letter and an incumbrance upon the pages of the code, without power or vitality, and a standing reproach to the wisdom of the body enacting it. This can easily be illustrated in many ways, but I will select one or two only. For example, the enforcement of this statute, if it were possible to enforce it, would close every public clinic in the United States, for it is well known that homœopathic students in all our large cities are constant attendants on such clinics. Notice that the clause forbids us to aid *in any way* the teaching of such students. But if these clinics, medical and surgical, be not an aid in the teaching of students, we confess our inability to understand the English language, for we do not know for what other purpose such clinics were instituted. If then we would obey the law we must close our clinics. Now as no one for an instant supposes that this will ever be done, I hold that the statute must and will be inoperative. Keep steadily in your minds, if you please, the fact that the amendment says we must not *in any way* aid in the

medical teaching of these unbelievers. Now does not the man who writes a text-book for students aid in their teaching quite as much as he who talks to them? No one can deny that the written word is at times of even more value in teaching than the spoken word, by reason of the fact that it is often of greater precision and conciseness. Now, sir, I have taken the trouble to examine the announcements of a number of the homœopathic colleges of this country, and on looking at the list of text-books employed, I find that the majority of them were written by members of the so-called regular school of medicine. I turn to our distinguished ex-president,* whom we all love and venerate, and in whose honor a goodly company of our number recently gathered in his own city to do him reverence, and I ask him, are you aware, sir, that you are aiding in the teaching of the homœopaths by giving to them one of their leading text-books? And you too, gentlemen, members of this association, Dalton and Flint, Sims and Thomas, Emmet and Barker, Wood and Stillé, DaCosta, Loomis and Bartholow, Van Buren and Gouley, Hamilton and Sayre, did it ever occur to you that you are aiding in this forbidden work of teaching the truth to heretics? Did you ever think, when writing those works that have made your names famous, that you were subjecting yourselves to the possible displeasure of this association because your writings might be used as aids in the teaching of unbelievers? Yes, gentlemen, you are teaching them, and for generations yet to come, long after your voices shall be silent in the grave, you will continue to teach them by the precious—legacies I was about to call them, but far distant be the day when that word can be rightly applied—gifts rather let me say, which you have made to the world in your writings, already classical. Now as it is simply impossible for an author to control the use of his works after they are made public, I hold that in this respect also the amendment of necessity must be inoperative.

But it may be inoperative in another respect, a purely legal one: for if a student who is "a supporter of some irregular and exclusive system of medicine" to quote the words of the amend-

---

*Professor S. D. Gross, M. D.

ment, were to apply for admission to any college holding a charter from the state, and comply with their published requirements and were to be refused admission, he could, if so disposed, compel the college to admit him, for I am informed by one of the most eminent jurists of this country there is not a court, in the land, but would issue a *mandamus* on such a showing. There is manifest reason and justice in this for as all men are presumptively equal before the law, the mere item of ones private belief or opinion even if it be absurd and wrong, cannot work to their detriment in matters of public protection and privilege. This is especially true in matters of religious beliefs, and nothing is more fully set forth or plainly expressed in the American constitutions than the determination* "to guard against the slightest approach towards the establishment of an inequality in the civic and political rights of citizens which shall have for its basis only differences of religious belief." By parity of reasoning, however, the same is true in regard to beliefs in science or social matters, so long as such beliefs are kept to themselves and do not put one into an attitude of defiance to existing laws. Thus, I may believe with the Rev. Jasper that the "sun do move" and may deny the existence of the antipodes as was universal in the fourth century. But these beliefs, absurd as they are, cannot take away my right of protection from the state or deprive me of the ballot. If, however, it is my private opinion that it is right for me to practice polygamy, or wrong for the state to exact from me taxes and I attempt to put these opinions into practice, the law will not only not protect me, but by a discipline peculiarly its own, will speedily bring me to a realization of my true relations to the state and the laws. Now the entertaining of a belief, with regard to the truth or falsity of any system of medicine, cannot put a man into such an attitude of defiance to any existing law as to deprive him of his rights in the matter of public education, or any other privilege or right which the state guarantees to the individual. Hence it follows that the amendment in this respect again is inoperative. This objection, of course, is purely tech-

*Cooley, *Loco citato*, page 580.

nical, but it is not impossible that it may arise at any time and become a serious embarrassment to any college if the amendment be adopted.

But again in another and still more important legal aspect the amendment is powerless, for it trenches upon the relations of the state to the individual in matters in which this association is clearly without jurisdiction. In all such relations not alone the one here at issue, but the allied one of the state relations to medicine as manifested in the appointing of mixed boards of health or state examiners, the state is sovereign and that is the end of it. We may bring as much influence as we choose to bear against such practices, and may endeavor even to make them appear undignified or dishonorable, but if the state chooses to enact such things we are powerless and must acquiesce; and our action as individuals, cannot be controlled by the voice of any association. Our own judicial council have themselves taken this view of the case, in their finding against the Michigan State Medical Society already alluded to (page 5). They say* "the acts thus charged relate exclusively to matters of legislation and governmental policy, concerning which, every physician, as well as other citizens, must be allowed full liberty of opinion and expression." This decision, made possibly in ignorance of the law of the case, is simply a common sense one and it cannot be gainsayed. It covers the entire ground of the relations to irregular medicine alluded to in the proposed amendment, and is therefore in itself an insuperable objection to the adoption of the amendment. To my mind, it is perfectly clear that the framers of the code drew the line of the authority of the association, just at the point touching the rights of the individual under the state sovereignty, for nowhere do we find in the code any ethical restrictions traversing such rights. They doubtless foresaw the difficulties that would arise if the association should attempt to legislate in such matters, and so wisely refrained from putting themselves in a position that could not be sustained. Are we of to-day wiser or more powerful than they, that we should set up for ourselves limitations that cannot be enforced?

* *Transactions*, Volume XXVIII, page 60.

The legal aspects of the case might be carried still farther as, *viz:* in relation to the question of the payment of taxes by physicians in states that support homœopathic colleges; for as a share of the taxes goes to the support of the teachers, it follows that every one who pays taxes aids indirectly in the teaching. But it is wholly unnecessary to pursue this line of argument any farther for what has already been said is sufficient, it seems to me, to show that the proposed amendment is impracticable and if adopted must of necessity forever remain inoperative.

* * * * * * *

But I turn from these technical objections and ask your attention for a few moments to others of a more general character, affecting what may be called the merits of the question at issue, and the propriety or policy of adopting the amendment. And first, there is a serious objection to the proposed amendment in that it contains and is based upon an assumption of a most fallacious character: the assumption being that the teaching of the supporters and believers of irregular or exclusive systems of medicine tends to strengthen and build up such systems.* This depends solely upon what they are taught. Now, if they are taught the truth and science which we believe to underlie and form an essential part of our own system, it is simply preposterous to assert that such teaching aids, abets or strengthens an erroneous, irregular or exclusive system. But if we adopt the amendment, we accept this fallacy and commit ourselves to the absurd and contradictory principle that teaching of scientific truth tends directly to the promotion of error. Surely no man in his senses for one instant can entertain so monstrous an idea. Establish the principle embodied in the proposed amendment that the physician shall not teach the truth to those who believe

*Doubtless a fear that this would be the result underlies and explains much of the intolerant treatment, that in the past has been extended by the old school toward all systems of sectarian or irregular medicine. The fear is, however, erroneous as will appear further on (page 20), and if it were wholly removed, it would at once take away what by many is considered the strongest and indeed the only *raison d'etre* of the amendment under discussion.

in irregular or exclusive systems of medicine, and it would prevent mankind from teaching truth or science of any sort to skeptics or unbelievers. It would prevent the professor of astronomy from teaching the Copernican system if among his students there were unbelievers who held to the Ptolemaic system; it would prevent the professor of physics from promulgating the undulatory theory of light, if among his auditors there were skeptics still clinging to the Newtonian theory of the emanation of material particles. Nay more, it would forbid the Christian clergyman from preaching the truths of the Gospel of Christ, if perchance in his congregation there were atheists, or heathen or miserable sinners, who were "supporters and intended practitioners" of free love or polygamy, or any other abstract or concrete form of deviltry of any name or nature whatsoever. Now is this association which represents the intelligence and science of the medical profession of this country, willing to endorse so monstrous a doctrine as this which is repugnant to every sense of propriety, and which contradicts flatly the experience and teachings of history? For if history demonstrates any one thing clearly, it is that truth is the antidote and sooner or later the destroyer of error. And yet, gentlemen, if we adopt the amendment, we put ourselves on record as the advocates of this absurd, contradictory and humiliating doctrine.

So far then from restricting or preventing the teaching of medical truths to unbelievers it is a wiser policy, safer for the interests of the people, and more conducive to the true honor and dignity of the profession to extend such teachings as far as may be possible, and if this association be wise it will exert all its power and influence in that direction. I sincerely believe that homœopathy and all so-called irregular medicine would disappear from off the face of the earth if their adherents were compelled to be *thoroughly* educated in scientific medicine before they were allowed to study or practice their exclusive dogmas.

But now, I hear some of you retort that three-fifths of the homœopathic physicians in the country were trained in the old schools, and therefore the idea that education is going to correct this kind of delusion, is a pure assumption, based either upon

an uncommonly lively imagination, or an overweening estimate of the value of education. The more you educate them, the more you increase their power and capacity for wrong-doing and mischief generally.* My reply is that the old education was faulty, in that its recipients were not taught to reason logically, and so to detect the fallacies in the homœopathic dogma. How many students, even to-day, are there, who can definitely give the amount, kind, and sources of evidence that are necessary to establish a tenable proposition in medicine, or guard against fallacy in the reasoning processes which they must employ in their daily avocation? Illogical methods and reasoning are the great curse of the medicine of to-day, and while I do not believe that logic is a specific for all the mischiefs and absurdities we meet with, it will help us out of very many of them; it will in the words of Mr. J. S. Mill "clear up the fogs which hide from us our own ignorance, and make us believe that we understand a subject when we do not."

---

*It would seem hardly necessary to notice or refute this specious argument, but as there are still many persons who ought to know better but who do not seem to be able to get themselves upon any higher plane of thought in reference to this matter, it may be well enough to consider it. It is an example of reasoning by analogy, and we often hear these persons make the comparison of the educating of a homœopath to the training of a burglar in the mechanic arts—it only makes him more powerful for his evil work. This comparison is an unfortunate one, for in it there are two vicious and inexcusable errors of reasoning. First, it is based upon an assumption which no man has a right to make, *viz:* that the adherent of the irregular system of medicine is a bad man, criminal in intent and will apply his knowledge for dishonest purposes; and secondly, it violates the fundamental canon in the argument from analogy, *viz:* that the things compared must be comparable, *i. e.*, they must be similar to each other, as nearly identical as may be possible in the nature of things, and the nearer the identity the more complete and forcible will be the conclusion. Now the training of a burglar for a work of crime, and the training of a physician for the beneficent work of doing good in the healing of disease and the saving of life, have in them nothing whatever in common. There is neither identity nor similarity between them, and hence by the laws of logic they are not comparable, and any conclusions based upon so illogical a comparison must of necessity be nugatory.

Luckily, however, there is a clear and convincing answer to the above retort, and the answer is not a matter of opinion at all. It is found in the experience of a whole continent, where for more than half a century this very question has been put to the test of experiment, and we have only to turn our eyes thitherward and read the lessons to be learned from the experiment. In Europe, as is well-known to you all, every homœopathic physician must first graduate in what, for short, I will call, though I detest the term, regular medicine. He can then adopt and practice whatever system he chooses. Now look at the declining, almost dead condition of homœopathy on the continent to-day, and tell me what but education has brought it to its present condition. Any one who is at all familiar with the state of affairs there will tell you that there is nothing left of homœopathy but a belief in the law of specifics. With the exception of two chairs in the University of Pesth in Hungary, there is not a homœopathic college or professorship on the continent, and yet in the great University of Leipsic there has existed for many years a fund for the establishment of a homœopathic professorship, no one of sufficient merit, according to the German standard, having yet been found to fill the chair. They have no hospitals or cliniques of any large size or importance, and as a sect in medicine they have no scientific status. Their practice, stripped entirely of the Hahnemannian vagaries and absurdities is so closely allied to that of rational medicine that it differs but little from it; the only difference indeed being that the homœopath believes that his medicine acts in accordance with the law of specifics, and selects it by this law; the rational physician believes no such thing, and selects his medicine by the light of experience, yet both accomplish the same results by the same means. The two schools there associate without restriction, and meet each other in consultation, for there is no written code of ethics there, stringent in its prohibitions, like ours. The change has come about gradually, and is still going on, so that it is no prophecy to assert that in Europe at least, at no distant day, homœopathy will be swallowed up in rational medicine; what there is of good in it, and there is some good in it, will be absorbed and made useful; what there is of

error will be discarded and forgotten. That this is no fanciful notion is evident enough to every one who has studied the changes which are taking place in the practice of the leading men in the homœopathic ranks, or who has observed the suppliant attitude of many of these men, both in Europe and in this country towards the older school. This whole question, Mr. President, is a simple matter of evolution, for evolution is not restricted to the development of life. It is seen quite as well in the customs of men—their language, their religions, educations, and their social habits—but everywhere as in the variations of species, it is seen acting very slowly.

But without any reference to our own opinions, we have their admissions that their exclusive system cannot stand when brought into contact with the rational method and system. At the World's Homœopathic Congress, held in Philadelphia at the time of the Centennial Exposition, June, 1876, there were gathered leading physicians of this school from all parts of the civilized world, and in their discussions on the present and future of homœopathy, the European representatives said that it was useless to expect any advance of their system in Europe, because they could not, under the governmental restrictions now prevailing, free their students from the influence of the traditions and the teachings of the old school, and that, therefore, to this free country, where independent schools could be established and maintained, they must look for the futureof homœopathy. This is an open confession from their own mouths, and all the more significant and valuable because voluntary. Now, if their own adherents hold to this view, need we have any fear, Mr. President, of aiding and abetting their system, by our teachings? Nay, rather, let us encourage all such teaching, let us in every possible way bring their methods and results face to face with ours, content to abide by the issue. For if rational medicine cannot triumph in such a contest, she deserves to fall and be buried in oblivion.

Another illustration of the same truth can be taken from the state of affairs just across our border line in Canada. There the mere enactment of a law, requiring that all practitioners of med-

icine in the province should pass an examination of a definite standard, before entering on their work, has practically killed irregular medicine. On passing the examination, the applicant was at liberty to practice any system of medicine according as he had elected it. Since the enactment of this law, some eight years ago, I am credibly informed that but one applicant has come forward for a license to practice homœopathy. Commenting on this the editor of the *Canada Lancet* said: "We in Ontario have discovered that the true way to crush out 'pathies' and 'isms' is to educate all up to the same standard; to adopt a leveling-up process, instead of the antagonistic one. * * * Raise the standard of education for all who desire to enter the profession, and you will soon extinguish all pathies, isms, and men of one idea in medicine." I submit, Mr. President, that if the proposed amendment to the code be adopted, our processes will be anything but those of the "*leveling-up*," character.

In illustration of the same truth, let me give one more instance of equal significance and greater interest, at all events to us of Michigan, for it concerns our state especially. I hold in my hand a copy of a memorial sent to the legislature of Michigan, —still in session—asking for the removal of the Homœopathic Medical College from the university. This copy of the petition has attached to it in print the names of thirty-seven homœopathic physicians, but the petitions as sent in contained a large number of names, and furthermore the petition itself asserts that it "represents the opinion of a large majority of the profession in this [Michigan] and other states." Now notice, if you please, that the memorial, after reciting that the school "has not fulfilled the expectation of its friends," and that the "experiment is a failure," and that the school "must always at Ann Arbor, remain a third rate concern," bases the principal of the reasons for these assertions upon the contact of the school with what they are pleased to call "the old and well established Allopathic department"—Allopathic printed with a capital A, probably to make it more emphatic. As a matter of strict justice and truth, I must say that they claim that this contact is purely hostile, and that it is the hostility of the old school which has prevented their success,

But there are abundant and valid reasons for believing that the real truth is they are unwilling to allow their students to come under our influence and to compare their methods with ours. Repeated failures, especially in their surgical work and successes in the same class of cases in the old school clinics together with instances, in their selection of remedies, of the repudiation of the law of homœopathy—have shaken the faith of numbers in the accuracy and universality of this system, and so it must ever be when the two methods come into contact.* The hostility complained of is only the hostility—antagonism, I prefer to call it —which must always obtain between science and pseudo-science, between truth and error, whenever the two are brought face to face and in contrast with each other. In such a contest who can doubt which in the long run must come off victorious?

These illustrations from sources entirely credible, are enough to convince us that the policy of restricting education in any way would be disastrous to the true interests of the public and the dignity and honor of our profession, and here I might be content to rest the argument but there are two other respects in which the policy contemplated by the amendment would be so unwise that I cannot help alluding to them. The first is that it

*Professor Beverly Cole, M. D., of San Francisco, informs me that within a few years past eleven students have been admitted into his college whose preceptors were known to be homœopathic physicians, and the students themselves were adherents of their system of medicine. Every one of the eleven are now practitioners on the Pacific coast in "good and regular standing" in the profession, having been brought in their college training to see the fallacies of the exclusive system of medicine which they had originally adopted.

"So you are going into the missionary business are you?" was said with a sneer to me several times during the controversy that arose in this state (Michigan) over the establishment of the homœopathic college in the university. "Yes," was the reply "we're already in, for every true physician is a missionary all the days of his life. 'Physicians,' said Dr. Meigs, 'are God's own missionaries, his chosen messengers' of mercy and good will to mankind, and the physician whose whole life, not alone at the bedside but in all his calling, is not a mission of good is utterly unworthy the name." I heard no more of the missionary business from those who once received this answer.

is but part of the old-time policy of intolerance and bigotry whose only effect will be to strengthen and extend a sectarian medicine by securing for it the sympathy and support of the public.* The abuse, ridicule and denunciation which have been so freely heaped upon homœopathy in this country have simply matyrized it and given it a false strength to which its own merits do not entitle it. It has fed upon persecution and grown strong with opposition. It is the old, old story of the under dog in the fight to whom, to the end of time, the sympathies of the crowd will always go out. The leading men in our own ranks are learning at last that this is a mistaken policy and that the true way to treat sectarian medicine is to let it as such severely alone—educate its adherents up to a high standard in

---

* Illustrations of the truth of this assertion will readily occur to every one who has watched for any time the progress of homœopathy in this country. The following, however is but little known, and as it is a most notable instance of material prosperity accruing directly from what at all events was claimed to be organized and persistent opposition to this sect in medicine, it is worthy of notice. I am indebted for the facts to my friend, Dr. H. O. Marcy, of Cambridge, Massachusetts.

During the years 1870-1873, in Massachusetts, the question of the relation of the schools to each was under constant agitation. This originated in the effort made to exclude the Massachusetts State Medical Society, from representation in the American Medical Association at the meeting held in Washington, in 1870, on the ground that the former was fostering quackery by retaining irregular practitioners on its roll of membership. The state society thereupon passed a resolution of expulsion against all such persons. This resolution had no binding or legal force for the organic law of the society, provided that no member should be expelled except upon trial and conviction. A board was therefore convened and the homœopathic members were summoned for trial, but the proceedings were stayed by the accused members making it a question at law, under the statutes of the state and the case was carried up to the supreme court, where a decision was finally rendered which resulted in the expulsion of the members who had been so arraigned. In closing their defence, the accused used these significant words: "The result of this trial will give us still larger and kinder support. A second wave of public sympathy will found a university for the study of our system and to prepare for us successors still better fitted than we are to serve, etc." During the entire period of the trial which was delayed by

the fundamentals and then leave the special methods to find their appropriate level, which we may rest assured will ultimately happen no matter what course we may adopt, if only they can be brought to the light where their pretensions can be read and known of all men and compared with other methods; and in the survival of the fittest we shall find full justification for this more generous attitude toward all sects in medicine. The end of the nineteenth century is a very unbecoming time in history to persecute and martyrize men for opinion's sake.

The other respect in which the policy contemplated in the amendment would be unwise, is in this, *viz:* that if we adopt it

---

every possible pretext, the public was presented through the secular press with carefully prepared statements from the homœopaths, abounding in the charges of ostracism and martrydom, and sympathy for their cause was enlisted in every possible way. A grand fair was held in Boston, under the auspices of the homœopaths which resulted in the raising of one hundred thousand dollars for their cause. At the same time the trustees of the recently established Boston University were appealed to for the privilege of placing the contemplated medical department of the university under homœopathic control, and so much influence was brought to bear by the citizens who claimed that the homœopaths had been persecuted and aggrieved by the old school that this appeal was successful.

Thus, a sect in medicine of comparatively limited numbers by persistent and pointed appeals to the public for sympathy and support on the ground of their persecution by the old school, secure not alone the desired sympathy, but the material aid of a hundred thousand dollars and a medical college in a large and wealthy university, whose trustees it is understood had originally intended to make their medical department what is known as a "regular" school. It is a most striking illustration of the unwisdom of treating sectarian medicine in such a way as to give it even a pretext for asking public aid and sympathy on a ground which it is only too ready and willing to avail itself of and which generally, as in this instance, proves successful. It has been well said that the great motor force in the entire homœopathic movement, is the momentum engendered and fostered by opposition which the adherents of the system are always ready to cultivate most assiduously. My plea, therefore, is not for homœopathy, as some will maliciously assert, but for a more generous and courteous treatment of the believers in this system, conceding to every one the right which in turn is demanded from every one to hold and be guided by whatever opinions one may believe to be true.

a wrong interpretation will be put upon our course by the supporters of the homœopathic dogma and the public at large. It will be said, it has already often been said, that we are alarmed at the rapid spread of this system of medicine and that our course is a confession of inability to cope with it and that we have taken this step in the vain hope of saving ourselves in the competition that has arisen. Some few even in our own ranks hold that by educating the homœopaths we are only furnishing them weapons against ourselves, for these men will go out and settle right by our sides to take the patronage away from us; hence in self protection we ought to pass this amendment. The taunt is a bitter one, Mr. President, and I confess it arouses all my indignation whenever I hear it uttered. But if we adopt this amendment we shall give occasion for its frequent and oft-repeated utterance. Understand me, I do not say that by this course we do confess our inability or fear to enter into the competition. I only say that our action will be so construed and interpreted. But if we have a particle of faith in rational medicine we ought to make it evident in our works and whatever may be the decision of this association, I desire to put on record that at least one of your number has a confidence in the future of rational medicine so firm and abiding that nothing can shake it, and his faith in the power of truth to sustain and perpetuate itself is so fixed and so sublime that he is ready and willing to teach it anywhere and everywhere, to anyone and everyone that may choose to listen, no matter what their beliefs or intentions. The bread and butter argument as it has occasionally been called, was employed by some few timid souls in my own state when the college of homœopathy was established at the University. The invariable reply to all such was, that if with all the resources of the art of medicine you cannot successfully compete with the homœopath who by his very claim of being a homœopath deprives himself of the aid of a very large share of such resources you deserve to have the bread and butter taken from your mouths, just as our system of medicine deserves to sink into eternal disgrace and oblivion if it cannot stand face to face and in open day with any irregular or exclusive system.

Let me sum up this whole matter, then, by saying that the objections to the proposed amendment are many and in my estimation insuperable and unanswerable. I have shown or endeavored to show that it is contradictory to the letter in many places and also to the general spirit of the code as it now stands; that it is grossly illogical and in its reasoning is discreditable to the scholarship of this association; that it is now, and must of necessity always be inoperative, not only as a matter of every day practice but also by reason of certain well defined legal limitations in which this association is without jurisdiction; that it is based upon a fallacious assumption *to-wit:* that teaching truth and science tends to build up and strengthen irregular and exclusive systems of medicine; that to establish the principle embodied in the amendment, that truth in medicine must not be taught to unbelievers would prevent the teaching of truth in any department of human learning to skeptics and unbelievers; that the experiences of history are clear and convincing that error, slowly it may be, but surely, disappears before the promulgation of truth; that it is a part of the old time policy of intolerance and persecution, whose only effect will be to build up and strengthen sectarian medicine and finally that by the proposed course we lay ourselves open to the charge of a want of faith in our own system and confess our inability to compete with a school of medicine which we believe, both in theory and practice, to be largely based on error, or at all events, to state it as mildly as possible, on a misconception of the truth.

By all these considerations then I appeal to you, gentlemen, to reach your conclusion with great care and deliberation; make your decision solely with the view of upholding the lasting honor of our noble profession, and take no step that can be construed by the world at large as a confession of a want of faith in the strength and perpetuity of rational medicine; but, rather with a far-sighted, wide-reaching, more generous and an infinitely wiser policy, let us make a public profession of the faith that is in us by boldly declaring our willingness to educate, and thereby to elevate every one up to that standard of truth before which error must ultimately and inevitably disappear. Do this, and we shall

have no occasion to regret the work of to-day, for it will remove in a large degree the reproaches so often heaped on us for our intolerance and bigotry, and it will open up a new era of generosity and toleration in the treatment of exclusive and irregular systems of medicine. Do the opposite and adopt this amendment, and it is a stride centuries backward in the historic march of medicine, for it places us right along side those old worthies—the Asclepiadæ— whose laws forbade the revealing of "sacred things except to the elect," and who exacted from students and strangers the tests of initiation before admitting them to share in their knowledge.* Finally, in all your discussions and in your decision, forget me and forget the great University which I have the honor to represent, for if you can stand the disaster and discredit that must come with the adoption of this amendment, we certainly can stand your censure.

*See Renouard's *History of Medicine*, Am. Ed. Translation by Comegys, pages 62 and 91.