

DRAPER (A.S.)

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The Responsibilities of the Medical Profession.

AN ADDRESS

TO THE

GRADUATING CLASS AT THE COMMENCEMENT

OF THE

ALBANY MEDICAL COLLEGE,

MARCH 16, 1887.



By ANDREW S. DRAPER,  
*State Superintendent of Public Instruction.*

ALBANY, N. Y.  
WEED PARSONS AND COMPANY, PRINTERS.  
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*Mr. President and Gentlemen of the Graduating Class :*

The sympathy of so much of the world as has any feeling, goes out towards young men at that time of life when character is taking shape and form, and when they are drifting into, or trying intelligently to decide what their life work shall be.

What can I do best? What is best for me? Shall I be content to try to earn a living by my untrained physical strength? Shall I undertake to become a skilled artisan? Shall I seek to enter a profession? If so, which one? Is it worth while to try to get a liberal education? Do I want to go to college? If so, will it be possible? These are questions which force themselves upon the mind of every young man who has character enough to decide them, and then to prepare for and seek an honorable employment. They are troublesome questions, burdened with the largest consequences, and exceedingly difficult of intelligent determination.

He is something of a man who, when approaching man's estate, coolly sits down and deliberately decides these questions for himself. Comparatively few men do it. By far the greater number drift down the river and then float carelessly or helplessly upon the billows of life's great ocean, tossed hither and thither by the waves of what we, improperly I think, call destiny. Men very commonly become mere drudges, or mechanics, or professional men,

because their fathers were the one or the other, or because a chance employment at an early age started them in the way of one vocation or another, and they lacked the mind and nerve to make a change.

PHYSICIANS DELIBERATELY CHOOSE THEIR PROFESSION.

But this is not so always. Some men never drift. They are not made in that way. They have a mind of their own and they do a little independent thinking on their own account. Men who have this quality show it early in life, for it was born in them. They decide what they will undertake for themselves. They follow an inclination which has seized upon them, they scarcely know how or why, or they deliberately determine that this occupation, or the other, holds out the largest inducements, gives the best promise of rewards or of usefulness and is therefore the best for them to undertake. I have an idea, that from the latter class, physicians are largely drawn. Fortunately, it is daily becoming more and more difficult to *float* into any of the professions. But I should name the medical profession, in particular, as the one which places so much responsibility and such exactions upon its members as to forbid its becoming a gathering place, or a resting place, for men of shiftless habit or aimless purpose. But whether or not I am correct in supposing that physicians themselves come from the one class of persons I have spoken of, I have entire confidence in my belief that the necessity for them arises out of the other class to whom I have referred. If all men were of an active, positive and progressive temperament, there would not be enough dyspepsia and biliousness in the world to keep gigs and saddlebags in a suitable and becoming state of repair.

If I am sound in my reasoning, then you enter the profession of medicine to-day in the fulfillment of a deliberate

purpose and in the carrying out of a carefully prearranged plan. How fortunate it is that inclinations differ and that we do not all think alike! I confess it is difficult for me to understand the influences or the reasoning which have led you to determine to engage in a calling which will require you to respond at everyone's beck and call, generally at a dollar a call, not in the day only, but in the night as well, not six days in the week, like ordinary mortals, but the seventh also, and to pass your life among colics and colds and fevers and dyspepsia and accidents and death. It can be nothing short of the promptings of honorable impulses, of sympathy with the afflicted and unfortunate and of participation in that common respect and esteem in which the world holds the medical profession.

#### CHARACTER AND RESPONSIBILITY OF MEDICAL PROFESSION.

You have chosen an old, an honorable, a responsible and an exacting profession.

Ancient and honorable it is, indeed. From the time when priest and physician were one upon the plains of the Orient, when man, in his ignorance and superstition, reasoned that all diseases were the manifest indication of the immediate displeasure of the Deity and that those, who were upon terms of amity and good will with the Almighty, were the only ones to turn aside the Divine wrath and so work the cure, when magic and medicine were in some way part and parcel of each other; when no remedy was administered without mystifying ceremony and incantation, down through all the phases of a constantly changing and developing civilization, the medicine man has been held among all peoples, not only in esteem and respect but almost in reverence and awe. In the early days there was, of course, something of superstitious ignorance and fear about the feelings of

the people towards him, but in later times, and in all countries, even the children by the wayside have testified to his importance as they have stopped to stare as he rode by; and peasant, priest and king alike have felt their hearts in their throats as they have watched the expression of his face or waited for the cautious word which he should utter.

The feeling which has always impressed me most in connection with the medical profession, is the sense of responsibility which it bears to the people in their personal and home affairs and to society in its organized state. It is a responsibility, which if not greater, is certainly more constant and more immediate, and I have no doubt presses more heavily upon its members than that borne by any other profession. If I should say that this responsibility upon the medical practitioner was greater than that upon the minister of the Gospel, I should be at once charged by some good man with heterodoxy and told that the responsibility of the divine was as much greater than that of the doctor, as the welfare of the soul is greater than that of the body and as eternity is longer than time. But when I answer that your responsibility is akin to and participates in that which he bears, while it, at the same time, extends beyond it, I am confident that I shall be more than half way right.

As life and health are more precious than property, so is the responsibility upon him who practices medicine above that upon him who practices law.

Our genial and always refreshing New England physician and poet, Dr. Oliver Wendell Holmes, who has come to belong to everybody else as well as to New England, in his breakfast table talks, declares that of the professional men, the lawyers are the most clever, the ministers the most learned and the doctors the most sensible. I



hope that the last part of the proposition at least is true, for I know of no vocation or calling, the prosecution of which so involves the necessity of good sense as does that upon which you are entering. Fair learning, a sound heart, a disposition to be progressive, a capacity which will enable one to assimilate with all circumstances and to adapt one's self to all phases of life, tact at managing men, and women too, a kindly and sympathetic nature, a reasonable dignity of bearing, a quickness and keenness of perception, a good and reliable judgment, prompt and resolute action, and an ability to keep professional confidences are, it seems to me, essential to any marked or lasting success in medical practice. Men in other callings may and do succeed without many of these qualities, but it is difficult for me to see how one can come to be much of a physician without, in some degree, possessing each of them.

#### INCREASING RESPONSIBILITY.

In a purely scientific sense more is expected and required of physicians than formerly. The time was when your profession was expected to treat only such hurts or ailments as might appear upon the exterior of the body and were therefore visible to the eye ; but that time has long since passed away. More frequently than otherwise, you are now called upon to treat diseases, the seat or cause of which is hidden from sight, and which you can discern or diagnose only by some outward manifestation which would elude any but the keen eye of professional experience and skill.

I have heard it said, and from the changed conditions surrounding human life I should not be surprised if it were true, that disease has continually grown more and more prevalent. But the knowledge with which to contend

against disease has been accumulating also. This has been especially true in recent years. The passing away of the popular prejudices against *post-mortem* examinations, the increasing facilities for dissection, the discovery of anæsthetic agents, and the invention of various mechanical appliances for peering into the doors and windows of this tenement house of clay in which we live, even when all is life within, have very greatly added to the knowledge of that most complicated and difficult of all the accomplishments, the scientific knowledge of the human body. Then too, chemistry has proved a most valuable assistant to medical science, particularly so in its analyses of the excretions of the human system. The improved microscope has brought new revelations. The discovery of unknown curative agents, greater familiarity with the nature and effects of drugs and the increased care with which they are being compounded and administered, consequent upon the advances of pharmaceutical knowledge and the legislative action of our own and other States, have greatly aided and promoted the science of medicine.

#### PROGRESS OF MEDICAL SCIENCE.

In short, medicine has not been a sluggard or a laggard in this busy day of ours. In an era that will probably stand out in the world's history above all others, because of the mighty advances which it has witnessed in discovery and invention, and because of the wonderful strides which have been made in all classes of learning, medicine and surgery have kept pace with all the rest.

More than this, it is carrying its blessings to all the people. The magnanimity and humanity of the profession and the widespread philanthropy of the day, bring to the poorest the benefit of better medical service than the richest could get in the days of Cromwell or Elizabeth.

All this places a greater responsibility upon you than those who have gone before you were obliged to bear. The larger the knowledge and achievements of the profession and the more generally they are brought to the doors of the people, the greater will be the expectations and exactions of the public and the more liberal must be the endowments, and the more assiduous must be the labor of any physician who would attain success.

I have no doubt that the study of medicine is, like other sciences, divided into two parts, the theoretical and the practical. It is one thing to understand principles and it is another thing to know how to apply them. It has always seemed to me that the exactions upon a physician in relation to the application of his science, are more than those upon any other professional man. Frequently, he is called into an awful presence, and upon his knowledge, his judgment and his immediate and resolute action, must turn the issue of life or death. This involves the necessity of a man not only intellectually equipped, but of one who is clear headed and well balanced and determined as well.

#### AN IMPURE PHYSICIAN INTOLERABLE.

And there is something beside scientific attainments and an ability to apply them, requisite to the success of a medical practice. Integrity of character, a condition precedent to any substantial success in all of the callings of life, is preëminently so in yours. You are entering upon a business in the management of which the people will demand not only capability but reliability. You will come to our homes when the clouds are thick and when the heart aches. The presence of an impure man at such a time is an intolerable offense. You will be trusted implicitly. You will administer the most deadly remedies, but your directions will be followed with undoubting confidence.

Some of you will acquire expertness in surgery, and your trained hand will guide the keen blade close to the lines where the life currents flow. It is a tremendous responsibility, and no people will knowingly intrust it to one who is not professionally skilled and expert, who is not clear headed and who is not sound at the heart as well.

#### CONFIDENTIAL RELATIONSHIP.

You are going to learn more of human nature than is given to most men to know. You will be in the highest circle of society this hour, and in the lowest the next. But wherever you go, the relationship into which you enter will be a sacred and confidential one. In the intent of the law, our homes are our castles, into which none can enter without leave, but they will not be barred against you. You can pass the gate almost without knocking or waiting. You will learn of more than our bodily infirmities. You will see all phases of life. You will walk in the sunshine and in the shadow alike. You will see the strong points and the weak points of nature at once. You will find that felicity and thrift which are the crowning glories of our American homes, and you will have abundant introduction to the faults and frailties and foibles of this weak human nature of ours also. You will see how different many of us are from what we appear to be. But it is in the bargain that you keep the knowledge to yourselves. You will come to know a thousand household secrets, many of small, but some of great importance, none of which are to be repeated, in confidence even, to a next friend in the office, nor told with a mock assumption of superior knowledge and wisdom, in the public lounging places.

There is a public judgment of physicians, almost unerring among men and almost intuitive among women,

which soon measures one at his real worth. The people can not be fooled and they will not long employ an insincere and frivolous man, unworthy of confidential relations. If you think otherwise, you will pay the penalty in failure.

#### LIABILITY OF PHYSICIANS.

Aside from the moral responsibility which one assumes upon entering the profession of medicine or surgery, he takes upon himself certain legal obligations and subjects himself to certain liabilities which the laws of the country impose. It may not be uninteresting to you to have the general principles of the law concerning a physician's liability compactly and briefly stated here :

The physician holds himself out to the public as possessing that reasonable degree of learning and skill which the members of his profession ordinarily possess.

Those who hold themselves out as specialists, who claim to have special skill in treating the diseases of single organs, such as dentists, oculists or aurists, are deemed to be what they claim for themselves, and are held to a larger liability in the practice of their specialties than are those who do not so announce themselves.

Physicians of note, having large practice and charging large fees in popular centers, are held to a peculiar responsibility over those of more moderate pretensions in smaller places.

When a physician takes a case, he contracts not only that he has average professional skill, but also that he will attend to it with reasonable diligence and care.

Physicians are not legally required to cure, unless they specially contract to do so, and then they are liable in damages if they fail.

The practitioner is bound to exercise skill and diligence in watching and guarding against accident or indulgences

which, overlooked, may delay or prevent the restoration of the patient. In what he does he must take into account any latent predisposition to certain diseases, the lack of vital or recuperative power on the part of the patient, the want of pure air, proper nourishment, and good attendance. He is also bound to look to it that his directions are carried out.

A physician is not responsible for want of success ; nor is he even responsible for his own mistakes in diagnosing or treating doubtful cases, provided he has brought ordinary skill and reasonable care to the treatment of the case.

It seems to be pretty well established that a physician or a surgeon is not liable in damages for a mistake in judgment, where it appears that he possessed ordinary professional skill and intelligence, although one case is reported, where a doctor was mulcted in damages for not taking off enough of a patient's leg. But this case is not well sustained, probably on the ground that it is unsafe to hold out an inducement to the doctors to carry away any more of the patient than is necessary.

The physician's liability is usually a civil one only, which can be compensated for in damages, and for which he is not criminally liable. But this is not always so. Some things are specifically prohibited by statute and punished as crimes. Even beyond this, there is such a thing as criminal malpractice, but it involves the most dense ignorance, or the most criminal inattention, or the most unreasoning rashness.

It seems to be the policy of the law to place few restrictions in the way of those who desire to practice the profession. There are statutory regulations in some of the States bearing upon the subject, but they seem to be loosely drawn and of small consequence, and quite as

often as otherwise they become the surest protection of the unprofessional scoundrels for whose punishment they were nominally enacted. It seems to be the purpose of the law to give allopathic and homœopathic, and hydro-pathic, and electropathic, and botanic, and magnetic, and pneumatic and the faith curers too, old schools and new schools, and no schools at all, full liberty to practice at their own sweet will, limited only by that care and caution which most people will exercise in a matter of so great consequence, and by the legal liabilities of which I have been speaking.

#### PUBLIC OBLIGATIONS OF PHYSICIANS.

I have been considering the obligations of physicians to the individuals who employ them. But this estimate alone, in my judgment, comes far short of the full measure of your professional responsibility. You owe something to society. You bear an important and close relationship to the public well-being.

In the first place, you are, of necessity, very largely, the conservators of the public health. Considerable attention has been paid to this subject of late, but the necessity for such attention is constantly augmenting. The increase of population and the growth of towns are constantly adding importance to the problem of public health and, at the same time, surrounding it with greater danger and difficulty. The improper ventilation of our buildings, private and public, imperfect drainage and the difficulty in procuring an adequate supply of proper food and wholesome water in large communities, the sanitary condition of public charitable and criminal institutions and particularly of school buildings, the gathering and recording of vital statistics, are matters which are peculiarly within the province of physicians, and with the general supervision and

care of which, they are specially charged. You know the causes and the modes of the propagation of disease, and you therefore know how to remove the cause and reduce the danger to a minimum. Experience proves the efficacy of preventive medicine. One of the most reliable of authorities shows that two centuries ago the mortality rate in London reached 80 in 1,000, while now it is less than 23. Here are great opportunities for public usefulness, which will be continually broadening in this country. The public expects the medical profession to look after these matters which are so naturally and necessarily within the scope of its knowledge and duties.

#### PHYSICIANS AS EXPERT WITNESSES.

Then too, physicians stand in an advisory attitude to the public upon many subjects of grave and general concern. Whether heinous crimes have been committed, and whether or not the perpetrator was responsible for his act and should be excused as unfortunate or punished as a criminal, it is very frequently left to physicians to determine. It is left to you to say whether persons are of such unsoundness of mind as to justify the public authorities in restraining their personal liberty or taking away their ordinary right to manage their own affairs; whether a testator had sufficient mental capacity to make a will; whether this citizen should be absolved from attendance as a witness or a juror, or that one from service in the army or navy.

Your profession has almost a monopoly of this thing. No other witness will be heard in a court of justice upon these subjects. Upon any other question than a scientific one a mistaken witness can usually be cornered or successfully disputed. But not so with the doctor. He generally finds a road out of a dilemma. The only way to dis-



pute him is by the use of another doctor, and after the two have disagreed, the matter must be determined by men who know nothing about it and who usually go with the side which had the doctor who looked the wisest, seemed the most certain, or told the best story. But more than this. Other people, when they become witnesses are obliged to tell only what they know, what they have *seen* and what they have *heard*. They are compelled to leave their sophistries and their reasoning and their sympathies and their prejudices all at the door of the court-room. But physicians are asked to state, taking their technical knowledge as a basis, what they *think* about it. Their manners upon the witness stand and their way of applying such scientific knowledge as they may possess to a disputed state of facts may control large estates, blast character, lay homes in ruins, restrain personal liberty or send a man to the scaffold.

That physicians commonly, almost universally, act conscientiously in these matters, I do not doubt. That their technical knowledge has been of incalculable aid to the public in the furtherance of justice and in the general administration of public affairs, there is no question. I am not opposing the system. I do not undervalue its importance. There is some reason for believing that a change in the system which would make the scientific witness the friend of the public, for the purpose of determining the truth, rather than the agent of one party employed for the purpose of proving his case, would be an improvement. You can not, however, make the system over. Opinions would differ as to what were wise modifications. The system places upon the profession what I consider some of its heaviest responsibilities. You must necessarily, in time, assume them. I have spoken of the matter to the end that I might arouse or strengthen a purpose to

meet these great duties manfully, only with adequate equipment and preparation, after full reflection and consideration, and then without fear or favor, without sympathy or prejudice, with a becoming appreciation of the fallibility of human reasoning and only with a sincere desire to arrive at and establish the truth.

#### PHYSICIANS AND GENERAL EDUCATION.

Then again, physicians, who are very commonly the principal representatives of scientific culture in every community, should do more than they customarily do to advance the interests of general education. The school system stands much in need of your advice and assistance. In the places where many of you will commence practice, you will find school buildings erected when the people knew little of, or cared little about such matters as sanitation, ventilation, lateral lights or adequate breathing space. If you will inspect these buildings and look in upon the school, you will find an inexcusable disregard of the laws of health. If you will stop a little, you will see a system of general education which is running upon the line of intellectuality alone. You will see no signs of physical culture, but you will find a decided tendency to do away with even the recesses, so that there shall not be any yelling, or running, or shooting marbles, or playing ball, or turning summersaults, or standing on the head around the schoolhouse.

In this State, and in many around us, the Legislature has directed that the studies of physiology and hygiene shall be taught in the schools. It is an important step in the right direction. These branches may be made of great advantage to growing children. But the teachers very commonly require a little assistance and direction in the matter which you can very easily render. It is not

impossible either that in thus helping others, you would help yourselves, for five-sixths of the teachers of the State are ladies who will prove decidedly interesting to men of your youthful age and tender sensibilities.

In short, physicians can easily help the school system in a hundred ways, and being able to do so, it has claims upon them—claims which can only be referred to here, but which I beg you to take into full consideration.

#### CONCLUSION.

I must conclude. Briefly, I have endeavored to present some of the views which address themselves to a layman's mind, touching the responsibilities of the medical profession. If what I have said, has served to give you a clearer vision of the broad field upon which you are entering, or has conveyed to you a fuller appreciation of the delicate and responsible duties you are assuming, or has inspired your souls with a determination to meet those duties wisely and manfully, I am content.

I commenced by saying that the world sympathizes with the man who is trying to determine what his life work shall be. I close by saying that the world congratulates the man who has decided the question and decided it right. As you go down the front steps of your *Alma Mater* and out into the world this afternoon, you carry with you the best wishes of all. This institution lets you go with a lively interest in your future; this radiant audience waives its handkerchiefs in salutation; this city, which has been your temporary home, parts with you with regret to-day but with hope of the morrow; every friend of the race says to you an earnest God-speed. Your professional success will be what you make it. But you can not make it in an hour. Do not be afraid, you are better equipped than the majority who have gone

before you. Be diligent, be active, stick to your business, be public spirited, be progressive, keep your eyes open and inquire about things, be affable, be true to your convictions, do what in your power lies to ameliorate the condition of the unfortunate and to advance the well-being of the race. Patiently wait for results and you will not wait in vain. When life's lengthened shadows shall encompass you, it will be yours to know that the name of him who loved his fellow man, will, in the feelings and sensibilities of the people as well as in the eye of heaven lead all the rest.







