

What Registration Has Done for the Medical Profession.*

By A. T. BRISTOW, M.D.,

President of the Medical Society of the State of New York.

Every person, says a celebrated document, has an inalienable right to life, liberty, and the pursuit of happiness. Nevertheless, this right has been subjected to certain restrictions. Every individual has the right of life, but not to such liberty of action as to give the right to injure a fellow-being or to so conduct the pursuit of happiness as to inflict harm on others. A man who lives on a desert island has unlimited and undisputed rights, and is a law unto himself. Such a person is the only individual who enjoys the questionable privilege of absolute freedom. The moment a second shipwrecked sailor lands on the shore the rights of the first-comer are no longer paramount, and he can secure and perpetuate his former freedom only by force or murder. The existence of a community implies the existence of law, and, from the time of the promulgation of the Decalogue to the latest codification, all laws contemplate the existence of large bodies of individuals living together whose relations to one another require regulation. The greater the complexity of the community, the diversity of pursuits, the more necessary does it become to define and limit the rights of the individual, and the community must interfere in behalf of the communal welfare to restrict an unlimited liberty, which can be the undisputed possession only of a Robinson Crusoe, since what is liberty in a recluse soon becomes licence in the smallest hamlet. Very early in our present civilisation, to prevent the debasement of a precious metal, governments established a standard of fineness which was maintained by law. Thus in England what is called a hall-mark affixed to a piece of silverware establishes beyond question the ratio of alloy and the quantity of precious metal. In this country the same protection is given by the word "sterling," which is in like manner a guarantee of quality and a measure of value. The improper use of either emblem is punishable by fine and imprisonment. Such laws protect the public from imposition and the honest silversmith from the competition of dishonesty. If it were not for this protection, the temptations to fraud are so great that manufacturers would soon vie with one another as to how little silver they could put in an article and have it still pass muster as silver. This was one of the earliest forms of government supervision, and was, in fact, a sort of registration of the finished product. Registration and the issuing of licences to practise any particular trade or profession are, in fact, hall-marks

of the value of the education which the individual has received, and his or her fitness to do business for the public. As the complexity of our communal life increased, it soon became evident to the law-makers that such governmental supervision would have to be extended to many different avocations, because their pursuit by incompetent persons would eventually become a menace not to one or two individuals, but to the public at large. For instance, it is manifestly improper to allow an engineer or pilot to take part in the management of a vessel designed to carry passengers unless competency has been clearly proved, since the incompetency of either involves the possibility of great loss of life. Thus the State assumes the right to restrict the occupation of engineer and pilot to such persons as are able to pass a suitable examination, and can show that they possess the necessary qualifications. The same principle has been extended to many other trades where a failure of due knowledge involves risks to the public health or welfare. In the profession of law it has long been the rule that an attorney must pass an examination ordered and conducted by the court before he is allowed to practise, and this no matter how long has been his experience in a law-office. Up to a date quite recent there were no legal restrictions placed upon the practice of medicine, and it was only necessary for a man to call himself doctor to enable him to practise on the credulity and ignorance of the public. The country was flooded with quacks of all sorts. The Indian herb doctor with long hair and broad-brimmed hat and a mixed stock of various "yarbs" and impudence flourished exceedingly, and wandered about the country greatly to his own profit and the delusion of countless dupes. Every county fair was the sumping-ground for unnumbered fakirs with all sorts of remedies for all sorts of diseases. The patient always made his own diagnosis, and the quack made his remedy fit the disease. It soon became evident, however, that it was a manifest absurdity to enforce an examination on trades like those of engineer and pilot and yet permit hordes of quacks to perambulate about the country and prey upon the distresses and ignorance of the community. To be sure, there was this difference, that the carelessness and incompetence of engineer or pilot might by a single act destroy hundreds of lives, whereas the doctor, in spite of all the quips and jeers which have been levelled at him since the time of Molière, has never been accused of killing more than one patient at a time. Nevertheless, the principle of State supervision remains the same, although the capacity to do harm by individual errors differs widely. Besides, lawyers, although their sphere of action concerns the property and liberty of the individual only, are subject to State control, and it was therefore much more the duty of the Legislature to bring the practice of medicine under proper restrictions, inasmuch as the doctor deals not with laws but

* An address given before the New York State Association of Nurses.

[previous page](#)

[next page](#)