

To secure reform the laity must be educated; legal enactments that are not popular can not be enforced, and this education must come from the medical profession, that profession that is always most unselfishly engaged in the great work of preventing disease, prolonging life, and ameliorating human suffering. The importance of heredity as an etiologic factor in the production of pauperism, crime and insanity no physician questions; he sees every day, in his professional rounds, too numerous evidences to permit the slightest doubt in his mind.

The Juke family, with its 1200 criminals and paupers; the Ben Ishmael tribe with its 1700 of like kind, and the Ada Jurke descendants, numbering 500 pariahs, are by no means exceptional. The genius of a Dugdale, a McCulloch or a Pellman could multiply them indefinitely, and the surprising thing is that we stand by unconcerned in the midst of this great pollution of our race.

The paupers may be divided into two classes: etiologically, those due to heredity and those due to heteronomy, the first by far the more numerous; they are by birth physically, mentally or morally defective; the others come from adversity, old age, sickness, accident.

Those of the first class are the product of uncontrolled marriage and are incurable. Fortunately, for the race, they tend to their own extinction and in the third and fourth generations have paid the penalty of the violation of the laws of Nature. The number of these defectives added to the population is much greater than many suppose.

That the habitual criminal is a product in great part of family degeneration no physician can doubt, although he recognizes the powerful effects of environment in molding character and correcting defects. Yet, we all come into the world with what Maudsley has aptly called a tyranny of organization for good or for bad that only the most powerful surroundings can suppress or alter. Poverty and unpropitious circumstances did not prevent Abraham Lincoln and others of our great American leaders from mounting to the highest round of the ladder of fame, and yet these exceptional cases only make more evident the great facts of heredity.

The powerful effect of drunkenness, even temporary, in aiding in the producing of degenerates, we all recognize, and as Maudsley says: "Here as elsewhere in Nature like produces like, and the parent who makes himself a temporary lunatic or idiot by degrading vice propagates his kind in procreation, and entails on his children the curse of the most hopeless fate."

Heredity in insanity is beyond question; there is difficulty in getting precise figures, because of prevarication on the part of relatives, and the heredity is not always the direct inheritance of insanity, but it is rather a sequence of that rule in nervous diseases by which they may undergo transmutation in transmission. In spite of the difficulty of getting at the truth, we find the percentage of heredity placed by Moreau as high as 90, and by Maudsley at 28; the whole truth, as is usual, is doubtless *in medias res*, but accepting even the lowest, the evidence is conclusive that this most horrible of diseases is transmissible, and we, the guardians of the race, should be more active in our endeavors, by scattering broadcast these horrible conclusions, to limit its propagation.

That great conservative English physician, Sir William Aitken,¹ wrote that legislative enactments regarding the intermarriage of persons tainted by disordered intellect are greatly to be desired, and the concealment of

such disorder, with a view to marriage, ought to render marriages which are concluded under such circumstances null and void.

The time is not yet ripe for legislation, and will not be so until we, the members of the medical profession, with that self-sacrificing devotion to duty that has ever characterized us, shall so enlighten the laity that they will of themselves for their own peace and comfort demand the necessary enactments.

RESTRICTION OF MARRIAGE FOR THE PREVENTION OF COMMUNICABLE DISEASES.*

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Next to the instinct of self-preservation the most powerful and all-prevailing law of animate creation is the sexual impulse, having for its fundamental object the perpetuation of generic life. In its natural operation it promulgates physical perfection through the laws of natural selection and the survival of the fittest. These great and beneficent laws bring to the front the most virile in physical strength and prowess to be the progenitors of the species. They have preserved all animal life, in its normal surroundings, in the beauty of perfection in form, development and adaptation to environments. Man himself, the intellectual, reasoning, talking animal, forms the one exception. Among all other animals the type of physical perfection is the common rule. Among civilized nations of mankind it is the rare exception. Man is the only animal who permits the deformed, the degenerate, the diseased of body and mind to perpetuate his anomalies by unrestricted breeding. By the well-known rules of stirpiculture he cultivates perfection of form and disposition in the domestic animals suited to a great variety of purposes. Heredity, pedigree, variations, combinations, all are carefully studied, and desired ends are surely predicted and obtained. But when he turns to the choosing of his own mate, and the rearing of his own progeny, flesh of his flesh, and blood of his blood, these wise and wholesome rules of breeding are usually ignored. He puts blinders on his horse sense and hands the reins over to ignorant caprice, to unreasoning sentiment, to mercenary consideration, or to selfish lust. It is highly discreditable to our enlightened age that the marriage relation is generally contracted without due regard to these vital principles. We assume, without taking time to argue the propositions, that the fundamental object of the mating of the sexes is for the procreation and care of offspring, not barring other exceptional and legitimate incentives; that behind this union exists the sexual instinct as a conscious or sub-conscious psychic force leading up to it; that the home, the social fabric, the state itself, commerce, science and the arts, are but adjuncts and corollaries of these basic principles.

Manifestly, then, there are many responsibilities, yes, and dangers, connected with marriage, which the parties to the contract and society itself must not ignore. These great interests can be protected only by the wholesome moral sentiment of the public and by restrictive legislation.

One-fourth of the human race dies before the first year of life has passed by. When the fifth year is

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¹ The Science and Practice of Medicine, vol. xi, p. 490.

reached, one-half of all that are born alive have perished. Among the causes of this frightful loss of human life, perhaps the largest factor is a defective parentage which has transmitted an enfeebled vital resistance to its offspring. Such individuals have no moral right to transmit a heritage of suffering and premature death. The bulletin of public charities of Illinois, just published, shows that there are about 10,000 inmates in our state asylums, at an annual cost of over \$2,000,000 to taxpayers; a large share of the responsibility for this burden rests on diseased and neurotic parents, whose degenerate children are the victims of hereditary ailments, mental and physical.

A study of our penal institutions shows that criminality is on the increase. One of the lessons taught is that law-breakers beget law-breakers, hence habitual criminals and individuals with marked stigma of degeneration should not be allowed to procreate.

We do well to question the institution of marriage under modern civilization, and to compare its lack of salutary restrictions with the practical results of other ages in the upbuilding of national strength and character. In the evolution of citizenship and government among the ancient Greeks the fundamental idea was the development of physical perfection in the beauty, strength and symmetry of the human form. To this end the youth of both sexes were given over to the gymnasia for careful training. Under the laws of Lycurgus, all infants were inspected by the ephors, who culled out the feeble and defective, and ordered their destruction, for every Spartan boy must become a soldier, and every Spartan girl must be fitted to become the wife and mother of a soldier, that both might the better serve the state. So it came to pass that the word Spartan for all time is a synonym for physical vigor, endurance and courage. This love for the development of grace and perfection in the human form had its flower and fruitage in the beauties of the Greek tongue, which has transmitted models of oratory, philosophy and poetry to all ages. It inspired the chisels of Phidias and Praxiteles, whose art has been the universal despair of sculptors in every clime. It threw a charm about the architecture of the temples of Athens which holds the traveler spell-bound amidst the decay of centuries.

No need for asylums and penal institutions for the feeble-minded and the degenerates of crime in such a commonwealth, for the sires and dames of the nation were mature and wholesome types of manly and womanly perfection. Physically, it is doubtful whether any modern nation can compare with those ancient Greeks; certainly not in symmetry of development, in grace of movement, and in power of endurance. In hand-to-hand conflict with the same weapons, no army of to-day could have withstood the cohorts of Alexander.

While we could not advocate a return to the Greek idea of democracy, that the individual belonged to and existed for the state alone, or sanction the inhumanity that consigned defective offspring to the prey of wild birds and beasts, at the same time we do believe that the pendulum of individual freedom in unrestricted marriage has swung too far in the other direction in the name of personal liberty, by which grave physical, mental and moral defects are allowed to be communicated to partners, or transmitted to offspring as personal afflictions or unnecessary burdens to the state.

The only available remedy at present seems to be moral regulation to enlighten public sentiment on these matters, by educational methods in the home, in the school, and in the church. Our youth should be trained

physically and morally for the duties to be assumed in the marriage relation as a part of public education. The principles should be inculcated that individuals having serious transmissible defects of any character have no more right to inflict them on their partners or their progeny than they would have to injure their neighbors to the same degree. In this light thousands of marriages are moral crimes against partners to the contract, against children of such a union, and against the commonwealth.

Let us consider some of the most serious dangers which may attend matrimony, and which can only be remedied by legal restrictions. It is a recognized principle of representative government that its individuals have the right to protection by the state from injuries which they are powerless to avert.

Great advances have been made in preventive medicine in recent years, through governmental regulations. In times of epidemics from cholera, smallpox, or yellow fever, the enforcement of quarantine, vaccination, the sanitary regulations for the prevention and stamping out of these scourges at any cost, is esteemed the highest wisdom. We are singularly blind, however, to the widespread, dangerous, endemic, every-day diseases of tuberculosis, gonorrhea and syphilis, *simply because they are everyday, endemic diseases*. This ever-present trio terminates more lives annually than all the combined epidemics of a century.

The health and life of husband or wife are often sacrificed on the marriage altar through pre-existing infections of a partner in wedlock. Not only so, but the offspring, even *in utero*, are menaced by the same dangers; when we add to these the effects of dipsomania, epilepsy, and mental diseases in parents, as etiologic factors in the physical, mental and moral degeneracy of their children, it looks as if it was high time to quarantine the marriage license, and detain the candidates long enough for careful sanitary inspection and for the exclusion of such as are a menace to life or health of wife or husband, or probable offspring.

Tuberculosis, king of death among all diseases, cuts off from 11 to 14 per cent. of the human race. It is often propagated through the marriage of tuberculous individuals, whose weakened progeny also are strongly predisposed to the same infection. The majority of males become gonorrheic, usually *before* marriage. A large proportion of these remain in uncured, chronic or latent stages for indefinite periods, during which time they are capable of imparting this dangerous condition to others. It is variously estimated that from 10 to 25 per cent. of all females become gonorrheic, usually *after* marriage. This is the disease responsible for most of woman's pelvic woes. It is the greatest cause of sterility in both sexes; it is the greatest cause of blindness in early life; it is not infrequently the slow death-warrant to a confiding, innocent bride.

Syphilis plays great havoc in the marriage relation. It is the greatest disease cause of abortions and stillbirths. One-third of all syphilitic pregnancies terminate thus. Another third of hereditary syphilitics die during the first six months of existence, and the remainder are more or less debilitated and short-lived from impaired vital resistance. It bears a strong causal relation to locomotor ataxia and certain forms of insanity and nervous diseases. Marriage often occurs during the communicable stages of syphilis.

All men and women entering the bonds of wedlock have a right to know that their bodies shall not be contaminated through this relation by reason of already ex-

isting disease or taint. They have a right to know that their progeny shall not be the victims of hereditary diseases or of direct infection from the same source. Every unborn child, debarred as it is from choice of parentage, time, place, manner, and station of birth, has its recognized legal rights. Among these also should be placed the inalienable right to be born free from the blight of clearly preventable diseases.

We hold that it is plainly obligatory on the part of the state to protect those who, from the nature of the case, are powerless to protect themselves, by enforcing wise restrictive marriage laws. Matrimony is of the utmost importance to organized society. An institution so essential to the highest good of society should have few barriers imposed to its free exercise: manifestly only those who are qualified by the endowments of healthy bodies and minds should be allowed to enter on its privileges and responsibilities. Until recently the only restrictions in most of the states have been confined to questions of minority, ability to make a contract, and consanguinity. To these the Southern States have added miscegenation. North Dakota, besides redeeming herself from a pernicious divorce law, has led all her sister states in a genuine reform along the lines we have just mentioned. On Feb. 25, 1899, the Creed Bill to regulate marriage was passed by her senate. Under this bill no license to marry can be granted unless applicants present a certificate from a board of examining physicians, that they are free from infectious venereal diseases, epilepsy, habitual drunkenness, hereditary insanity and tuberculosis. This bill was modeled on the exact plan of the Parker Bill, which failed to pass the Ohio legislature a year ago last winter. Similar bills have been presented, or are ready for presentation, in several other states.

We confidently expect to see state after state following her lead in this most important legislation for the protection of innocent wives and their little ones, from contaminations which endanger not only the health and happiness of homes, but the very welfare of the nation. When the public comes to realize that unsanitary marriages are just as dangerous to the community as unsanitary dwellings and contaminated food and water-supply, then will this beneficent legislation be demanded and enforced.

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RESTRICTIVE MARRIAGE LEGISLATION FROM THE STANDPOINT OF THE WIFE, MOTHER, AND HOME.*

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Before taking up the question of reforms in our marriage laws, it may be well for us to consider briefly, from the sociologic point of view, what marriage was in the past, that we may be able to logically deduce from what it was, and is, what it may become. To do this, it must be frankly stated at the beginning, I shall have to speak plainly of sexual conditions, but beg that my hearers will appreciate that, in the words of Leterneau, "I have striven never to depart from the scientific spirit, which purifies everything."

To the sentimentalist of to-day, the fundamental truth on which the marital tie rests is forgotten or ignored. Losing sight of the plain and homely facts, proving the humble origin, of what they are pleased to call "the

divine sacrament," they insist on a blind conservatism, which clings tenaciously to beliefs and practices, absolutely criminal in their immutable effects. To the student of biology, sociology, and ethnology, the institution we call marriage is not alone a covenant of man, but is identical in purpose, and the result of the same instinct that brings together two of the lower vegetal cellules into one protoplasm, and in no way differs materially from the fundamental phenomenon of that generative fecundation known to exist among the lower animals, as well as among men.

In the animal kingdom we find the two primitive types of family, the matriarchate or maternal, and the patriarchate or paternal, as we do all the other forms of sexual relation from promiscuity and polygamy up to the highest monogamy. He is indeed a blind worshiper of the genus homo who fails to perceive that the principal traits of primitive man, as exemplified in the lives and customs of many low types still extant, but prove our close relationship to our brethren with fur and feathers.

Primitive man, like his anthropoid ancestors, secured his mates by using brute force; in time, marriage by capture, toned down into marriage by purchase, to be followed by marriage by servitude—or work done for the owner of the chattel, to secure her person. A woman merely represented value, whether wife or daughter, and from the dawn of history until to-day we see the father's claim to her services recognized.

Herbert Spencer, in his admirable work, "Synthetic Philosophy," after showing how the tribes changed from endogamy to exogamy, says: "The primitive relation of the sexes shows the cruelty, inconstancy, and indefiniteness of the union of men and women. The wills of the stronger, unchecked by political restraints, unguided by moral sentiments, determined all behavior." Even to-day there is no better guide for the student, by which he may gauge the civilization and advancement of the race or tribe, than is its treatment of women, and the care shown progeny. Thus we see all the old forms of sexual depravity being gradually eliminated, as we follow man's evolution from barbarism up to civilization, and see the new, and divine ideals of altruism, taking the place, once entirely swayed by the unbridled lubricity of male passion.

But while all other subjects of needed reform are openly and freely discussed, a false shame, a prurient mock-modesty blushes if the well-being of progeny is discussed, and seeks to silence all questions if they but remotely lead up to that most vital obligation, our responsibility to future generations.

"The final aim of all marriage, all love intrigues," says Schopenhauer, "is really of more importance than all other ends in human life; what it all turns on is nothing less than the weal or woe of the next generation. Not that of any one individual, but that of the human race to come, is here at stake."

In the past, the belief has been general that the superiority or inferiority of offspring was a matter for which what was termed "Divine Providence" alone was responsible, but to-day the world is awakening to the truth, and no longer can the bringing into existence of the maimed, the halt, the blind, be excused or palliated by throwing the onus of the crime on that Providence, which "doeth all things well."

"The sooner men and women realize the responsibility of parentage," says Wm. Windser, "the sooner deformity and idiocy will be diminished and obliterated. This realization of responsibility can only come through education, and every effort to disseminate knowledge in this

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