

and still fewer are taught to think of the crime against progeny which such a marriage involves. While many may applaud the womanly love which makes a wife cleave unto her tuberculous mate, ministering to him in the long years of his slow death, the world begins to question this "devotion," when it sees the woman a party to the crime against the offspring of such a union, which she is responsible for bringing into the world, cursed before birth with as slow and immutable a doom as the victim who dies by the loathsome ravages of leprosy.

Education alone can enlighten the world as to the necessity of lessening the spread of the hereditary taints now sent broadcast by millions of diseased couples procreating their own kind; their children in turn, by the enormous increase of each generation, endangering the health of the very nation; the time has come for legislation to prevent such a union as menaces by its consummation the welfare of the community.

While it may be true that the woman who marries a consumptive is conscious of all her act involves, while she may know that he is doomed sooner or later to succumb to this dread malady which each year claims its thousands of victims, while she may possibly appreciate the sin committed against her unborn children, by marrying a man who can not father healthy offspring, she is not entirely ignorant as in those other and far more terrible diseases, which polite society refuses to discuss. But while society may refuse to name syphilis, Nature writes it on the faces and bodies of millions, every year, and if marriages indeed are all made in Heaven, one shudders at contemplating "the joy of the angels" when the miserable imperfects born of such a crime against Nature are forced into being, under the curse which the scriptures pronounce shall continue until the third and fourth generation.

Sentiment in regard to a love marriage between a healthy male and his mate is very pretty, and we applaud all the congratulations, flowers, and marriage festivities, but these things do not end matrimony, they begin it, and it is well to look a little ahead, and to view the union of the man and his bride in its relation to the community, for it has a bearing on the welfare of the community at large, which the sentimentalist overlooks. If the wedded ones are not pecuniarily able to be self-supporting, if the male or the female are persons of known inebriety and dissolute character, their union becomes an added burden to the charitably inclined, and to the thrifty tax-payer who must support their ever-increasing progeny. If the man or woman is of weak mind, an imbecile, or pauper, the county will have, before many years, a very tangible proof of its interest in the "union of the two free souls," who are indeed free to thoughtlessly bring a horde of imperfects into being, to prey on the pockets of those who must support them from the public purse. But there is a far more vital reason than any mere financial question, in regard to this unrestricted propagation of all who desire to marry. When the union of the two is a danger to the health and well-being of every individual in the community, it is time to put aside sentiment and to reason logically.

But this brings us back to the last proposition: How can "this end devoutly to be wished for" be consummated? It appears to me that while education must be insisted on as the best means to secure the end aimed at, it is also necessary to "make haste slowly," and I therefore suggest that it might be well, where it would not be possible to at first pass an effective measure, to exempt the woman from the operation of the bill, it being recognized that in most instances the man does not marry, nor

desire to marry, a diseased mate, and this exemption of the woman will do away with all the sentimental objections of those who consider such an examination for her a kind of profanation, but who are sensible enough to offer no objection to it for the man. Then again, I see now that I should have been more successful in securing advocates for my bill had I exempted those who feared the measure might strike themselves. Instead of the original bill as drawn, I should offer, as a substitute, a measure not only freeing women from the examination, but making the measure less stringent, so as to only include those with tuberculosis when actually developed, dipsomania when positively proved, and syphilis in all its stages, together with actual imbecility. While the original bill, to my mind, was none too stringent to meet the requirements of our day, it behooves us to accept in a tacit way the conservative spirit which will not be pushed, but which must be coaxed on step by step. As the old schoolmaster well said: "The cure for a little education is more education."

THE LEGAL RESTRICTION OF MARRIAGE FOR THE PREVENTION OF PAUPERISM, CRIME AND MENTAL DISEASES*.

BY DANIEL R. BROWER, A.M., M.D., LL.D.

Professor of Mental Diseases, Rush Medical College, in affiliation with the University of Chicago, etc.

CHICAGO.

Pauperism, crime and insanity have in their etiology most important relations to heredity, that great fundamental law of Nature by which like must produce like, not in never-ending sameness, but in variety, tending on the one hand to improvement by environment, or by the same ever-powerful modification to destruction.

The child comes into the world with life and certain gifts from parents, often loaded with encumbrances so burdensome that they prove a curse to their possessor, sometimes so free that the heir at law has nothing to fear in the race of life. How the minute cells, that by their union make conception, microscopic as they are, should contain within themselves all the possibility and all the minutiae of a life of pauperism on the one hand or of exalted statesmanship on the other is a mystery that can not now be solved.

The farmer recognizes the great law of heredity, that was declared to the children of Israel amid the thunder of Sinai, and governs himself accordingly. The animals that he selects for propagation are always the best of their kind, and the seeds that he sows are carefully selected. Under our higher civilization abnormal man, be he defective, dependent or delinquent, is propagated, cultivated and protected; his feeble and crippled offspring are nursed to manhood and sent forth to produce their kind. Under savage and semisavage conditions, these abnormalities are speedily relinquished, the deformed and weaklings have no place in their system, and some way or other are soon cut off.

Under savage and semisavage conditions no restrictions of marriage are necessary, the speedy destruction of the degenerate prevents damage to their social fabric by any amount of fecundity, but our higher civilization, by the protection it gives to all such and by the absence of restrictions, is constantly endangering its own integrity by such multiplications as follow, the only safeguard being that the women early become sterile, by reason of infections, the product of filth and careless habits.

* Read in a Symposium on the Regulation of Marriage, before the Section on State Medicine, at the Fiftieth Annual Meeting of the American Medical Association, held at Columbus, Ohio, June 6-9, 1899.

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.*

BY ALBERT H. BURR, PH.D., M.D.

Adjunct Professor of Practice of Medicine, College of Physicians and Surgeons; Attending Surgeon to Provident Hospital.

CHICAGO.

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

* Presented in a Symposium on Regulation of Marriage, before the Section on State Medicine, at the Fiftieth Annual Meeting of the American Medical Association, held at Columbus, Ohio, June 6-9, 1899.

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