The Joseph M. Mathews Oration

A Plea for Sanity
A Comment on Medical Liability

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Every other year since 1938, our society commemorates and honors its founder and first president Dr. Joseph McDowell Mathews with this address (Fig. 1). To be selected as the 25th Mathews Orator by your president and the executive committee overwhelms me with honor.

Before embarking on my topic entitled "A Plea For Sanity," a comment on medical liability, it is appropriate to say a few words about Dr. Mathews' accomplishments and realize how indebted we are to him. Dr. Joseph McDowell Mathews was born 1847 in New Castle, Kentucky. By the time he was 30, this young physician became interested in colon and rectal diseases but was dissatisfied with the lack of professionalism and knowledge relating to the current practice of this specialty. Failing to fulfill his quest for study of this subject in New York City, he journeyed to London and enrolled in the St. Marks Hospital.

On his return to Louisville, he limited his practice to that of colon and rectal diseases, became the first professor of this newly created specialty in the Kentucky School of Medicine and, indeed,

Figure 1. Dr. Joseph Mathews.
youngest President of the American Medical Association in 1899. It was also in this important year that he gathered together 12 of his colleagues who were either full or part-time practitioners of proctology, to found The American Proctologic Society, Joseph Mathews became its first president, whose memory we honor today.

My talk entitled "A Plea For Sanity," a comment on medical liability, is based on almost 50 years of involvement with medicine from the first day I entered medical school in 1941 to the present. What spectacular and almost incredible advances have been made in medicine these past 50 years. To name a few: anesthesiology, antibiotics, cardiovascular surgery, transplantation surgery, cancer surgery and research, etc., etc.

In my college days, I can recall a painting by an unknown artist which greatly influenced me and inspired me to go into medicine. It is a painting depicting a bedside physician attending a very sick child lying in bed at home. What that physician of long ago lacked in medicine and medical technology was partially made up by his compassion, patience, and love of his work, and therefore of his little patient. The practice of medicine was generally regarded as the noblest of professions then and its practitioner revered by his patients. Where has that universal respect disappeared to?

Picture that same child now in an intensive care unit hooked up to so many life support systems, that the little body and face are virtually unrecognizable. The horse and buggy doctor then, now called primary care physician, has been replaced by a corp of attendings, residents, nurses, and technicians. Personal attention and care by one individual has been replaced by computer printouts and high technology. Expectation for a medical miracle to occur runs high in modern medicine, and the family of this sick child anticipates a complete cure, or else, someone is to be blamed.

The "or else" attitude today is generated in part by the overreporting in the press and by the media on spectacular advances of modern medicine, and equally spectacular medical negligence. Because of this, the patient and the patient's family expect too much from the physician. Medicine, after all, is an imperfect science. We physicians may attempt to influence life and death, but we cannot control life and death. Witness the falling apart between doctors and patients as depicted by the press in recent mass publications.

Yet this is not altogether new in the history of doctor-patient relationship. One only has to go back to the 18th century for a pictorial description by one famous Spanish master painter Francisco Goya, for example, who besides being an elegant court painter, was also an acerbic critic of his own 18th century society. This next figure illustrates how he regarded physicians of his time. The painting is entitled "Of What Illness Will The Patient Die?" (Fig. 2). The response is sardonically suggested by the picture, namely "He Would Die of The Doctor." Note the great ring on the fashionably dressed physician. It is so large that it probably makes the patient prognosticate his own burial stone.

If this deplorable caricature of physicians existed then in the eyes of a talented and highly regarded artist, when medical malpractice was unheard of, transplant that idea to the present and it is no wonder we have the medical malpractice problem. The physicians assume partial responsibility together with the lawyers for this dilemma. Since according to Article Seven of the United States