

TERM LIMITS

"Endgame", a devastating article in the December 5 issue of *The New Yorker*, details systemic profiteering in the hospice industry. Not surprisingly, this *shanda* parallels long-standing bad behavior in the related nursing home industry. In a landmark decision in 1985, (*In re Claire Conroy*) New Jersey' Supreme Court recalled an earlier scandal that had involved Orthodox Rabbi Bernard Bergman who had owned a network of nursing homes in New York and New Jersey and was convicted of Medicaid fraud. In the Conroy decision, Chief Justice Hughes described the nursing home industry as being "troubled and troubling" and in some respects the same can be said today about much end-of-life care. But for a more light-hearted perspective on what is an eternal dilemma, read on.....

In 1880 the Victorian novelist Anthony Trollope contemplated euthanasia for *everyone* upon reaching the age of sixty seven and a half, whether or not they were willing or unwell. One of his last works *The Fixed Period* related the history of the island Republic of Britannula whose subjects fled New Zealand thirty years earlier and then severed political relations with Great Britain. At the time, all of the original settlers were relatively young and when they got around to establishing a legal system, insisted upon compulsory euthanasia to abolish the "miseries and imbecility" of old age, no less the expense of caring for the nonproductive elderly. This was seen as an obligatory act of altruism made for the sake of others.

Told in the first person by the President of the Republic, a Mr. Neverbend, the time of action was projected a century into the future to the year 1980. Trollope foresaw that by then people would be transported by wonderful steam tricycles, would converse over great distances using wireless devices and would attend international cricket matches that would be contested by teams of professional athletes. After much debate, the Britannulists agreed that upon attaining the age of sixty-six all citizens would be "deposited" in a college campus where they would spend a year of contemplation and dignified retirement. But when they reached the age of sixty-seven and a half, "a euthanasia was to be prepared for them" and they would "depart." The victim's "veins would be opened" while they were immersed in a warm bath and given morphine. This remarkable social legislation was intended to assure "a decent and comfortable departure" and justified not only on the basis of economics, but because it would spare the elders from "a useless and painful life."

At first the law was enthusiastically supported by the still youthful Britanulists, but by the time of the narrative, that was set thirty years after the law was enacted, the citizens began to have misgivings. Just when the first unlucky senior was being led away to college, an English warship with a marvelous new technology – a 250 ton cannon, appeared in the harbor. Mr. Neverbend was taken prisoner, the island reverted to English rule and the odious law was rescinded. One can imagine Gilbert and Sullivan putting the fabulous story to music. Two years after *The Fixed Period* was published, Trollope died after a stroke; ironically, he was sixty-seven, an age when he would have been approaching the end of his own “fixed period” were he living on the fictional island of Britannula.

Although Trollope’s novel is little remembered today, a quarter century later it caused an unexpected sensation. On February 22, 1905, Dr. William Osler spoke at the Johns Hopkins commencement and used the occasion to give a farewell speech before he departed for England where he would become the Regius professor of medicine at Oxford. Dr. Osler called his address “The Fixed Period” after Trollope’s popular novel. At the time he was fifty-six years old and regarded as the most respected physician in the world, but on that day, the good doctor brought a hornet’s nest down on himself.

What William Osler had in mind was not a fixed period of biologic life, but of academic life. He cited two of his own long held “fixed ideas” — the first being the creative uselessness of men above forty years of age. He noted that the most “vitalizing” work in most fields is done between the ages of twenty-five and forty years – “the anabolic or constructive period, in which there is always a balance in the mental bank and the credit is good.” Osler’s second “fixed idea” was the intellectual uselessness of most men above sixty years of age and the incalculable benefit it would be in commercial, political and professional life if, as a matter of course, all men stopped work at this age.

The teacher’s life should have three periods – study until twenty-five, investigation until forty, profession until sixty, at which age I would have him retired on a double allowance. Whether Trollope’s suggestion of a college and chloroform should be carried out or not, I have become a little dubious, as my own time is getting so short.

Dubious or not, William Osler’s words that were intended to be humorous were distorted by journalists reporting the event. As Harvey Cushing wrote in his biography of Osler, “The storm did not break until the next day when it was headlined throughout the country, “Osler recommends Chloroform at Sixty.”

Dr. Osler protested that he had been misunderstood but held his ground saying, “I meant just what I said, but it’s disgraceful, this fuss that the newspapers are making about it. I know that there are exceptions, but they only serve to illustrate the rule...as to chloroforming men at sixty, that was only a pleasantry.”

A dispatch published in *The Lancet* reported that the great stir among American journalists in response to Osler’s address reflected that “the Americans are somewhat deficient in a sense of humor when they themselves are directly concerned.” Dr. Osler’s speech provoked an enormous response both from supporters and critics. Some people began to speak of “oslerizing” the elderly. One observer noted similarities between Osler’s and Charles Darwin’s opinions. Darwin once wrote, “What a good thing it would be, if every scientific man was to die when sixty years old, as afterwards he would be sure to oppose all new doctrines.” Eleven years after his commencement speech, Osler ruefully recalled the incident:

I had been reading Anthony Trollope’s “Fixed Period” and had been thinking of some professors who had remained at their posts after their period of usefulness was over. It was for them that I with humorous intent advocated chloroform as a peaceful means of retirement. The newspapers made much of it and misquoted it. Boys do not read Trollope. He is dangerous.

Today we can appreciate how William Osler’s remarks were taken out of context and twisted — “fake news.” His biographer Michael Bliss was not entirely sympathetic AND suggested that at age fifty-six Osler had become a prisoner of his own preconceptions that creativity in medical science was a young man’s talent. Bliss noted that William Osler was remarkably short-sighted about the possibility that medical progress, which he invariably celebrated, might have an impact in delaying the ravages of the years and he was not in touch with some of the work that was laying the foundation for the development of gerontology. Perhaps Michael Bliss was overly harsh in this judgment, for although it is true that during the 19th century a few books were written about diseases of old age, it wasn’t until 1909, when Osler already was on the down-side of his career, that Dr. Ignatz Nascher of New York City first coined the term “geriatrics.” Nascher himself was far ahead of his time and the public and medical establishment were virtually unresponsive until interest in this field finally had a resurgence in the 1960s (Dr. Robert Butler introduced the term “ageism” in 1969.)

More sinister than William Osler’s ambivalence about aging was the fact that during the same time that Trollope’s book was being serialized, British biologist Francis Galton

began writing about the “comparative worth” of different races. He used the term “eugenics” to describe the process of strengthening the human race through selective breeding. Like Trollope, Galton was influenced by his cousin Charles Darwin. Indeed, the term “social Darwinism” began to be used in the late 19th century to explain human society in terms of natural selection and both Darwinists and eugenicists argued that medical science could engineer social progress. The rest is awful history.

As for myself, a nice warm bath with a relaxing cocktail doesn't sound like such a bad way to “depart” — inexpensive too. But like Sir William, I jest.

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