Paternalism – moral duties of physicians in the ancient medical ethics

ks. prof. Artur Jerzy Katolo

*Pontificia Facoltà Teologica dell'Italia Meridionale – ISSR and IFT in Rende
(Italy)*

Ateneum – Private University in Gdansk (Poland)

Paternalism as the current in medical ethics cannot be comprehended as a situation - this is an occurrence. In the whole tradition of paternalism, the situation of a sick person was similar to the condition of a child or even a slave; to be sick meant to be somebody devoid of responsibilities and moral abilities. The sick person is devoid of discernment (phrónesis). The sick person shakes all moral judgements – and in spite of this he cannot be morally responsible, or his responsibility is diminished. In ancient Greece the conviction, according to which only healthy and beautiful (kalós) men can be good (agathós), was widespread. The idea „kalós” was used to describe the moral virtues, while „agathós” - the physical virtues such as power and vitality. Such terminological distinction can be found in Homer's *Iliade*.

In such context, the relation physician-patient acquired a special moral meaning. In this relation the sick person had to become „kalós” again. The physician, instead, having at command curative techniques, participated in this process as „agathós”. The activity of the physician towards the patient allowed to rebuilt the Greek idea of the beautiful man (kalokagathia). The patient alone was not able to pass the process of rebuilding „kalós” in himself. The disease was always perceived as something ugly and bad; every disease was comprehended as something immoral¹.

1 Paternalism of Hippocrate

The *Hippocratic oath*, which influenced the manner of the apprehension and practice of the medicine, favoured three kinds of instruction:

¹ Cfr. GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 32.

orders (parangelia), verbal doctrine (akroasis) and other tenets doctrine (loipe mathesis). Especially orders (parangelia) posted the objective dimension of charisma of medicine. Orders transformed students of medicine into „heirs of medicine”. From here the medicine began to be comprehended as „disciplina sacerdotalis”. The basic principium of such relation physician-patient was based on the existence of the conviction that sick people were devoid of autonomy, and therefore unable to take moral decisions. There was only one moral duty for the sick: absolute submission to the physician.

The social role of the physician and the patient was not only different, but also opposed to himself and also complementary. The ethos of the physician had to be an ethos of the healthy person: in his body and his soul. The ethos of the physician had to be referred to the idea of the virtuous man (kalokagathia). The ethos of health was required from the physician. This also meant the beauty and the good. This ideal referred not only to physicians, but also to the ruling elite².

The *Hippocratic Oath* exemplifies medical paternalism. The doctor was a person who could influence the moral life of the sick. There was an allegiance among the sick and the physician³. To show better the moral duties of the physician, The *Hippocratic Oath* will be presented with the partition on four principle parts: invocation, assignment (xyngraphe), therapy (therapeia) and the final clausal.

[The invocation]

I swear by Apollo the physician, and Esculapius, and Health, and All-heal, and all the gods and goddesses, that, according to my ability and judgment, I will keep this Oath and this stipulation.

[Assignments]

To reckon him who taught me this Art equally dear to me as my parents, to share my substance with him, and relieve his necessities if required; to look up his offspring in the same footing as my own brothers, and to teach them this art, if they shall wish to learn it, without fee or stipulation; and that by precept, lecture, and every other mode of instruction, I will impart a knowledge of the Art to my own sons, and those of my teachers, and to disciples bound by a stipulation and oath according to the law of medicine, but to none others.

[The therapy]

I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous. I will give no deadly medicine to any

² Cfr. GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 91.

³ Cfr. KATOŁO, A. J.: *Bioetyka starożytności chrześcijańskiej*. Warszawa : Rhetos, 2003, p. 13.

one if asked, nor suggest any such counsel; and in like manner I will not give a woman a pessary to produce abortion.

With purity and with holiness I will pass my life and practice my Art. I will not cut persons labouring under the stone, but will leave this to be done by men who are practitioners of this work. Into whatever houses I enter, I will go into them for the benefit of the sick, and will abstain from every voluntary act of mischief and corruption; and, further from the seduction of females or males, of freemen and slaves.

Whatever, in connection with my professional practice or not, in connection with it, I see or hear, in the life of men, which ought not to be spoken of abroad, I will not divulge, as reckoning that all such should be kept secret.

[The final clausal]

While I continue to keep this Oath unviolated, may it be granted to me to enjoy life and the practice of the art, respected by all men, in all times! But should I trespass and violate this Oath, may the reverse be my lot!⁴

Pagan gods called in the [Invocation] are witnesses of the importance of the work, which the beginner physician has to undertake. Apollo who was not only a god of the agriculture, forests, hunting, fights and music, but possessed also, according to beliefs of ancient Greeks, abilities of healing from the physical and spiritual illnesses. Illness is the fruit of the anger of gods. Also Esculapius, the god of the medicine, the father of Igea and Panacea (goddesses of the health), can heal from every disease. This act of calling of pagan gods determined the solemn confirmation, that the treatment of people is a holy art, and the medical profession is not one job from many others, but has a holy appointment⁵.

The central part of the *Oath*, composed of [Assignments] and [Therapy], evidences duties of the physician both in the face of other physicians as and in the face of the patient. The medical art was delivered as a gift from the master. This gift is bound to the thankfulness not only in the face of the master, but also and in the face of his family⁶.

What is more, the medical art being such a precious gift, it could not be delivered to anybody, but only to these people who made up their mind to sacrifice their own life. From here grew special assignments of the physician in the face of the patient which can be seized into five points:

1. A basic duty of the physician is to help the sick; on this relies the nobility of the medical art.

2. Because of the fact that the medical art is a holy art, especially illicit for the physician were: injustice, corruption and sexual disorder.

⁴ *The Hippocratic Oath*. In: <http://members.tripod.com/nktiuro/hippocra.htm> (22.11.2006).

⁵ Cfr. DOLDI, M. – PICOZZI, M.: *Introduzione alla bioetica*. Leumann : ElleDiCi, 2000, p. 30.

⁶ Cfr. DOLDI, M. – PICOZZI, M.: *Introduzione alla bioetica*. Leumann : ElleDiCi, 2000, p. 31.

3. The physician had a duty to choose the manner of the cure, which would be best for the patient; he could not give any lethal or abortive pharmacy.

4. The physician was obliged to professional secrecy - he could not give information to strangers (the kind of the illness, applied therapy etc.).

5. The prohibition of the exercise of surgical operations. There belongs to explain, that surgery did not see about doctors, but barbers. The surgery was considered as worthy of the medical art.

In the [Final Clausal] once again pagan gods were called as creatures who warrant the prize for the doctor pursuant worthily their own duties, and punishments and the anger for whom opposes with his/hers own conduct to the honourable medical appointment. Both the [Invocation] as the [Final Clausal] possess a religious and solemn character⁷.

The figure of the physician was great from a social point of view, because his mission was other from other. The *Oath* put to the medical profession not only moral obligations⁸, but also determined the specific legal code. We can also find the religious aspect: the physician is the mediator between pagan gods and the sick. Not somebody else, but physician himself became, in such optics, a priest of the health - from here originates the notion „*medicus sacerdos*“ (the special kind of the lay priesthood). From here it becomes also clear, why the patient had to accept the attitude of the child in the face of the physician. The physician is a „father“ who knows all about health. The patient is like a „child“: unripe, moody, and in the face of above should be subjected of the authority of the „father“⁹.

The Hippocratic paternalism possesses three guilds: paternal, mother's and priestly. Paternal, that is to say, forbidding to ill of the decision-making about his own disease (the diagnosis, the therapy). Mother's, that is to say, acting the disease as most to accepting and the annulment through ill. Priestly, that is to say, the activity in the capacity of the mediator between supernatural and earthly. In other words, the possibility of decision-making about the life or deaths of the patient (with the exclusion, however, of the possibilities of putting him to death)¹⁰.

2 The charismatic paternalism

As an example of the charismatic paternalism, there are the ideas of Roman physicians: Claudius Galenus and Scribonius Largus. We have to underline, that both Romans stayed under the strong influence of hippocratic paternalism. However, this fact did not hinder them in the elaboration of their own idea of medical ethics.

⁷ Cfr. DOLDI, M. – PICOZZI, M.: *Introduzione alla bioetica*. Leumann : ElleDiCi, 2000, p. 31.

⁸ Cfr. PETRO, M.: *Výbrané bioetické problémy v učení křesťanské etiky*. Prešov : PU v Prešove GTF, 2008, p. 73-74.

⁹ Cfr. PUCA, A.: *Il contributo della teologia alla bioetica*. Torino : Edizioni Camilliane, 1998, p. 41.

¹⁰ Cfr. PUCA, A.: *Il contributo della teologia alla bioetica*. Torino : Edizioni Camilliane, 1998, p. 41.

2.a Claudius Galenus

Claudius Galenus (129-201), continued the line of the *Hippocratic Oath* in qualifying the moral duties of the physicians. The excellent physician must be also a philosopher; he is obliged to reject wealth and pleasures. Otherwise, how the physician will be able to work, if he is nervous and heavy from the surfeit, and if he embraces voluptuously the pleasures of Venus? It is impossible to become a physician for someone who is a slave of the abdomen and the lowest instincts¹¹.

A good doctor is the friend of moderation and truth. To recognize well the nature of the corps, differences between diseases and therapeutic indications, the physician must know logic. A doctor, as a philosopher and a lover of wisdom, must possess ethical (moral) and dianetical (logical) virtues. All these virtues determine the *modus vivendi* of the physician; *modus vivendi* of a physician is a sage.

Claudius Galenus ascertains: „If we want to be true sons of Hippocrates, then we have to be philosophers. If we will work in such a way, nothing will hinder us, not only in this, to become similar to him, but also in this, to top him, learning exactly this, what he taught us and discovering this, what he still did not discover”¹². We have therefore to deal with the encouragement to become the true disciple of Hippocrates, that is to say, with the doctor who steered with the cognitive passion for the purpose to help the ill, he/she will extend his/hers own horizons of knowledge.

The magnitude of the physician relies, with the sentence of Claudius Galenus, on this, that only he is in a position to overcome the disease, that is to say, to redress the humoral balance in the organism, worn out by the pathology. In this mission the physician is the only interpreter of the disease and the process of healing; the physician is the only qualified interpreter inherently of its own appointment. Consequently the patient, though treated by the doctor with duty, stays in the certain position of inferiority/of submission to the doctor; only the physician knows the arcanas of the healing from diseases¹³. What is more, the doctor, in such perspective, has the right to hide before the patient the truth concerning the nature of the disease and the manner of the treatment. The doctor has to “let act all [what refers diagnoses and the therapy of ill] with the calm according to the frame, hiding before the ill person, during the treatment, the majority of matters. Let him give suitable recommendations with politeness and graciousness, turning round the attention of ill; at times let the

¹¹ Cfr. GALENO, C.: Comentario IV a Epidemias VI. In: GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 93. [Translated by italian A. J. Katolo].

¹² GALENO, C.: Comentario IV a Epidemias VI. In: GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 94. [Translated by italian A. J. Katolo].

¹³ Cfr. DOLDI, M. – PICOZZI, M.: *Introduzione alla bioetica*. Leumann : ElleDiCi, 2000, p. 33.

sick be instructed by impromptu raw and firm, let add him courage with the solicitude and the proficiency, however without informing him about what can still become with him, or also about his current state; more than once as many ill people change the doctor after this, as they become informed about the diagnosis or about sickness-prognoses from now on”¹⁴. Both the Hippocratic physician as the Claudius Galenus’ physician treat the ill patient as the father treats its own child - ill as an unripe person.

With the sentence of Claudius Galenus, the disease finds its own origin in the *modus vivendi*. The ethos of the ill person is pathological by definition. The sick has no other exit, if he wants to approach the physical and moral cure, directly to surrender impromptu unconditional to advices of the doctor. The obedient ill patient is a good sick person. One of the assignments of the medicine is so to change the moral attitudes of the ill patient, to change his customs from pathological on more orderly. The doctor has, as the assignment, to introduce the ill in *regimen sanitatis*; the doctor directs behaviours of the patient on both levels: physical and moral¹⁵.

Regimen sanitatis may be reached by the practicing of six recipes: *aer* (the environment), *cibus et potus* (the diet), *motus et quies* (the physical effort and the rest), *somnus et vigilia* (the sleep and the watch), *excreta et secreta* (emptying) and *affectus animi* (feelings and passions of the soul)¹⁶. Claudius Galenus raises a question: what criteria have to be accepted by the doctor for the purpose of the discipline of the patient, to keep him, about what was the speech above? And he responses: “the movement strengthens, and the rest weakens”; “the work must precede the meal”; “the work, the food, the drink and sexual pleasures must be used discreetly and with moderation”¹⁷.

One ought to keep the just measure in all, in accordance with the proverb: *In media virtus quando extrema sunt vitiosa* (in the moderation the virtue, in the exaggeration the defect). The physician, who knows where is the just measure, is teaching the ill to find this measure and live her. The ill, as a pathological creature, must submit to the doctor in all; while the doctor has the right to decide in the name of the ill. These considerations can be finished with Claudius Galenus’ words: “It is necessary to keep up all of this, what can be good for the patient; however the ill must be obedient to the doctor, not by his own graciousness, but from his own will”¹⁸.

¹⁴ GALENO, C.: Comentario IV a Epidemias VI. In: GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 53-54. [Translated by italian A. J. Katolo].

¹⁵ Cfr. GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 95.

¹⁶ Cfr. GALEN, C.: *Ars Medica*. In: KÜHN, C.G. (ed.): *Claudii Galeni Opera Omnia*. vol. 1, Hildesheim : [s.n.], 1965, p. 367.

¹⁷ Cfr. GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 96.

¹⁸ Cfr. GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 96.

2.b Scribonius Largus

Scribonius Largus, the Roman physician from the times of the emperor Claudius, put the argument, that the physician must be „plenus misericordiae et humanitatis“. With this sentence, anybody who performs the connected occupation with wisdom and knowledge, automatically pertains influences of gods. Such person being in a special relation with gods (by knowledge and wisdom), must live with norms bearing upon the world of pagan gods. Because the divinity was owing not only to the emperor (deus noster Caesar), but also to the physician (deus noster medicus)¹⁹.

Scribonius Largus wrote: “Physicians who do not possess a soul full of charity and humanism, according to points of their own profession, must become invisible for all gods and people. Because everybody, who made the entitled medical oath, will never give injurious medicines even to enemies [...], because the physician does not rate people according to what they possess, or who they are, but sacrifices himself in the interest to help all who need him. And let the doctor declare that he will never cause evil, and to nobody.

Hippocrates, the founder of our profession, began his own instruction from the oath in which was sanctioned (sanctum est) the rule according to which no physician will ever propose, or will ever give, an abortive remedy to a pregnant women. The physician will form his own soul towards humanism (longe praeformans animos discentium ad humanitatem). [...] For this reason he [Hippocrates – add. of AJK] will respect the physician who, following his teaching, will keep impromptu godly and saint (pio sanctoque) the name of the medical art: the medicine is an art of healing, not of injuring. If the doctor does not sacrifice himself completely, irrespective of circumstances, to help the sick, then he does not give to the people the charity which after all he promised. Let the doctors who do not want, or cannot help the ill, leave from the medicine and let them stop frightening people.

The medicine acts at three-stages. At the beginning it tries to help people through the proper nutrition in due time; if the cure will not succeed, it passes to the pharmacological activity: pharmacological resources are stronger and more efficient than nutrition. If problems with poor health still exist, one ought to resort to the operation (ad sectionem), and finally even to the burning (ad ustionem)²⁰.

The text represented above shows the character of the medical art: the priesthood and the kingdom. The doctor is an emperor of the microcosm, while the king is a physician of the society. Both the doctor as the king must impromptu answer fully to the ideal of humanitatis: rich in charity,

¹⁹ Cfr. GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 97.

²⁰ SCRIBIONO, L.: *Ricette*. Pisa : Omnia Medica, 1956, p. 103-107. [Translated by italian A. J. Katolo].

kind and clean in intentions. In such context, both the king and the physician, become people of “divinity”. God is a wisdom, the physician who accepts in himself the part of the sage, must appear as the imitator of God, that is to say - the philosopher²¹. Scribonius Largus refers there to the Claudius Galenus’ postulate of the physician-philosopher.

Bearing the fact in mind that the medical profession belongs to the category of saint professions, the false physician is faithless also to gods. Putting to death the patient or practicing the abortion - such doings are not worthy of the medical call. From here Scribonius Largus postulated so strongly the necessity of the composition of the oath by the student of medicine, according to which he/she will not injure anybody. This is the immediate harking back to the Hippocratic postulate. Quite interesting is the performance of the manner of the sick person’s cure. Scribonius Largus postulated to begin from more gentle resources, that gradually, if there is a lack in improvements of the health, pass to stronger resources. This postulate conforms with the rule of not injuring the patient.

Both Claudius Galenus as Scribonius Largus postulated the attitude of the physician-philosopher. The physician is not only the man of profession and a craftsman, but he has to be full of wisdom and charity (*medicus gratus*). The physician carries in himself special charisma: to heal physical and moral diseases. His mission is similar to the mission of the king and the priest. Thanks to the knowledge and special charisma the doctor becomes an image of divinity. Because of that the doctor had not the duty to inform the patient about the disease, because the patient was treated as a creature with limited moral responsibility. In such seizure of the problem, the doctor-charismatic person, similarly as in the Hippocratic paternalism, occupied a special position towards the patient – as a charismatic “father” who knows how to restore his health.

References

- DOLDI, M. – PICOZZI, M.: *Introduzione alla bioetica*. Leumann : ElleDiCi, 2000, 96 p.
- GALEN, C.: *Ars Medica*. In: KÜHN, C.G. (ed.): *Claudii Galeni Opera Omnia*. vol. 1, Hildesheim : [s.n.] , 1965, 369 p.
- GALENO, C.: *Comentario IV a Epidemias VI*. In: GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, 692 p.
- GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, 692 p.

²¹ Cfr. GRACIA, D.: *Fondamenti di bioetica*. Cinisello Balsamo : Edizioni Paoline, 1993, p. 92-93.

- KATOLO, A. J.: *Bioetyka starożytności chrześcijańskiej*. Warszawa : Rhetos, 2003, 55 p.
- PETRO, M.: *Vybrané bioetické problémy v učení kresťanskej etiky*. Prešov : PU v Prešove GTF, 2008, 139 p.
- PUCA, A.: *Il contributo della teologia alla bioetica*. Torino : Edizioni Camilliane, 1998, 352 p.
- SCRIBIONO, L.: *Ricette*. Pisa : Omnia Medica, 1956, 273 p.
- The Hippocratic Oath*. In: <http://members.tripod.com/nktiuro/hippocra.htm> (22.11.2006).