

## The art of medicine

### Thomas Wakley, plagiarism, libel, and the founding of *The Lancet*

The first edition of *The Lancet* was published in London on Oct 5, 1823, the product of the fiery indignation and reforming zeal of Thomas Wakley (1795–1862). Within a decade *The Lancet* had begun to lay the foundations of evidence-based medicine, medical audit, and professional regulation. The influence of the journal came, however, at a price and with a touch of notoriety, and was partly the result of a series of high-profile clashes between Wakley, senior medical figures, and the British legal system.

In 1811, the reign of George III ended in porphyria-induced madness. His son, the Prince of Wales, was appointed Prince Regent and held this title until his father's death and his own coronation in 1820. The extravagances and achievements of the Regency period were played out against a background of industrialisation and civic unrest in England culminating, in 1820, in a plot to murder Lord Liverpool's Cabinet. Medicine at this time was primitive and unregulated. Poorly trained doctors grappled with diseases for which there were no effective treatments. Nepotism and patronage were the norm and body snatching was rife.

Wakley was born on July 11, 1795, the youngest son in a prosperous Devonshire farming family. He came to London

to begin his medical studies at the Borough Hospitals (Guy's and St Thomas') in 1815. An assiduous student, his enthusiasm for dissection made him an excellent anatomist. By 1820, he was married and in practice in a house at 6 Argyl Street, in central London, greatly aided by his father-in-law, a wealthy lead merchant. Within 6 months Wakley's life was plunged into disarray.

At around midnight on Aug 27, 1820, Wakley answered the door to a stranger who claimed that he had come to deliver a message. He said he was tired after a long journey and asked for a drink. While Wakley was going down to the cellar to get him a glass of cider, some villains rushed into the house. They stabbed Wakley, beat him with clubs, and set fire to his house, which was gutted. Wakley was lucky to escape with his life. This horrific attack remains a mystery. It is likely that Wakley's assailants were co-conspirators or acquaintances of five criminals who were hanged at Newgate earlier in the year for their part in the Cato Street Conspiracy, a plot to murder members of the Prime Minister, Lord Liverpool's, Cabinet. After the hangings, the corpses were decapitated, in public view, by a masked figure whose speed and dexterity in severing their heads roused suspicions that he was a member of the medical profession. Later events, however, indicated that the decapitator was probably a dissecting-room assistant called Tom Parker, but a newspaper article had stated that the masked operator was "a young surgeon of Argyl Street", pointing the finger of guilt firmly, but erroneously, at Wakley.

Although Wakley was publicly exonerated from any part in the decapitations, his problems multiplied. The Hope Fire Assurance company, with whom Wakley's property was insured, refused to pay out because Wakley had increased the sum insured shortly before the attack. In the first of Wakley's many legal battles, the Lord Chief Justice found entirely in Wakley's favour and ordered the insurance company to pay out in full and also to cover Wakley's considerable legal costs.

Around this time, Wakley became a friend of the radical politician and journalist William Cobbett. Wakley was impressed by Cobbett's radical journalist friends and by the way in which they used writing and publication to attack wrong-doing. He had become increasingly aware of widespread corruption within the medical profession and formulated his plans to launch *The Lancet*.

The Oct 5, 1823, issue of *The Lancet* was to be the first issue of a weekly newspaper devoted to the interests of the medical profession. In its preface, Wakley served notice on the profession's pursuit of ignorance, prejudice, and patronage and on the self-interest of its leaders. He also laid the foundations of evidence-based medicine when he wrote: "we conceive, to supply, in the most ample manner whatever is valuable in these important branches of knowledge; and as



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the lectures of Sir Astley Cooper, on the theory and practice of Surgery, are probably the best of the kind delivered in Europe... In addition to Lectures, we propose giving under the head, Medical Surgical Intelligence, a correct description of all the important Cases that may occur, whether in England or on any part of the civilised continent." Although Wakley was probably correct in his assertion of the quality of Sir Astley Cooper's lectures, he had overlooked or had decided to ignore one important fact: Cooper himself had not given permission for his lectures to be published.

Cooper was made a Baronet, in 1821, after he had done a minor operation on George IV's scalp, and like Wakley, was a great dissector. He was also a relentless vivisectionist and a voracious client of the body snatchers. One of the richest doctors in London, much of Cooper's wealth was derived from his well-attended public lectures, for which medical students paid handsomely. Publication of these lectures in a sixpenny newspaper had the potential to severely damage his income. So Cooper posed as a patient to gain entry to Wakley's office where, incredulously, he discovered Wakley in the very act of editing a further lecture destined for publication. Both men simultaneously recognised the absurdity of the situation, broke into laughter, and became firm friends, sparing Wakley the prospect of a law suit for plagiarism. Cooper assented to further publication of these lectures as long as he was not identified as their originator.

Wakley was not so fortunate in his dealings with John Abernethy, the founder of St Bartholomew's Hospital Medical College, whose lectures he "lifted" in 1824. Unlike Cooper, who was a peerless surgeon, Abernethy was a reluctant and indifferent operator. In December, 1824, he applied to the Court of Chancery for an injunction against the publishers and printers of *The Lancet*, restraining them from publishing his lectures. The Lord Chancellor initially refused to grant Abernethy's application and allowed publication of the lectures to continue, but a second application for an injunction by Abernethy in May, 1825, was successful. The Lord Chancellor's final judgment that lectures could not be "copied" and published for profit forms the precedent against which matters of copyright relating to lectures are still tested.

While the Abernethy case was being played out in Chancery, Wakley was engaged in yet another, and more serious, action in which he was being sued for libel by the St Thomas' surgeon Frederick Tyrrell. Wakley had begun to turn his attention to the standards of medical practice in the metropolitan hospitals. Wakley described surgical mishaps in great detail and was unafraid to identify idle, ignorant, or callous clinicians. Relationships between *The Lancet* and the metropolitan hospitals deteriorated sharply and Wakley was banned from St Thomas' Hospital.

Things came to a head when Wakley mounted an attack against Tyrrell, one of the surgeons who had him expelled from St Thomas'. He accused Tyrrell, ironically, of plagiarism when *The Lancet's* version of Cooper's lectures appeared in a

book on surgery published by Tyrrell, to which Tyrrell himself had appended so-called illustrative cases. Tyrrell sued for £2000, offended as much by the tone as by the content of Wakley's accounts. Wakley was ably defended by the radical Edinburgh lawyer Henry Brougham. Lord Chief Justice Best attempted to guide the jury towards a guilty verdict, which they returned, but assessed the damages at a mere £50. The equivocal outcome of this case had one important result: *The Lancet* was recognised as a powerful publication with an editor to be reckoned with.

Further reports of medical mishaps brought Wakley into conflict with not one but two Coopers, in the personages of Sir Astley and his nephew Bransby. Bransby Cooper was not a gifted surgeon, although Sir Astley insisted on his appointment at Guy's, another symptom of the nepotism against which Wakley had railed. In March, 1828, *The Lancet* published a Hospital Report entitled "The operation of lithotomy by Mr Bransby Cooper which lasted nearly one hour!" that described a hopelessly incompetent attempt on the part of Bransby Cooper to remove a bladder calculus from a strong and healthy patient who died shortly after the operation. Not only did Cooper lose his way anatomically, he lost his head, and his panicky use of instruments and his barked and desperate orders to his assistants were observed by a number of his surgical colleagues. Cooper had no alternative but to sue.

Wakley defended himself with great skill, making the important point that hospitals should aspire to the highest standards of care, and that mechanisms should be in place to ensure that standards are met. His belief in the rightness of his cause made him a difficult witness to shake under aggressive cross-examination. The jury deliberated for 2 hours and returned a verdict for the plaintiff, but for damages of only £100. This was another triumph for Wakley and *The Lancet*. Wakley's legal costs amounted to over £400 which was quickly raised by public subscription, with the excess funds being forwarded to the widow of Cooper's unfortunate patient.

Wakley continued to edit *The Lancet* until his death. He became Member of Parliament for Finsbury and was largely responsible for the content of the Medical Act of 1858, under which a General Council of Medical Education and Registration was established. His courtroom dramas and his untiring pursuit of honesty and probity were largely responsible for the reform of English medicine in the mid-19th century. His brave and far-sighted editorship of *The Lancet* laid the foundations for the practice of medical publishing and journalism for the next 150 years. We owe him an enormous debt.

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#### Further reading

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