

F. W. Newman and the Ethics of Reporting Anonymous Allegations

Tod E. Jones, Editor.

At the annual meeting (August 1870) in Newcastle of the General Medicine Council, its President, Dr. W. H. Rumsey, when speaking of the Contagious Diseases Acts, remarked, "That some abuses should occur in the administration of any corrective law is no wonder, no exception to the general course of human affairs. Some persons, no doubt, have been imprisoned for theft, some hanged for murder, who were as innocent as infants of the crimes for which they suffered. But, happily for the Acts in question, it is a remarkable fact, which I think deserves particular attention, that every allegation of abuse, every charge of cruel indignity to innocent women, which have been so industriously circulated, have turned out, on thorough investigation, to be without foundation. For example, Professor Newman, who took a leading part in the first turbulent attack upon these Acts at the Bristol Congress of the Social Science Association, afterwards narrated, in the public prints, a horrible story, for which, when pressed, he was unable to give the slightest authority, and which turned out to be a pure fabrication. Yet for this he made no public apology. These mendacious and absurd charges have been generally disposed of in the last full, clear, and judicious report prepared by the able and indefatigable Secretary of the Association for promoting these Acts" ("Public Medicine Section," *The Medical Times and Gazette: A Journal of Medical Science, Literature, Criticism, and News* 2 [20 Aug. 1870]: 218).

As Dr. Rumsey's address was publicly printed, Professor Newman determined to respond in the following letter to the editor, which elicited from Dr. Rumsey his own response, which is here also reproduced. A few observations of mine own are appended.

"Professor Newman and the Contagious Diseases Act: Letter from Professor Newman to the Editor of the *Medical Times and Gazette*" (17 Sept. 1870): 351.

August 30, 1870.

Sir.—I have this day received from a friend a copy of your *Gazette* of August 20, in which (p. 218) Dr. Rumsey makes against me statements fundamentally false. He says:—"Professor Newman . . . narrated in the public prints a horrible story, for which, when pressed, he was unable to give the slightest authority, and which turned out to be a pure fabrication. Yet for this he made no apology."

I call on Dr. Rumsey to specify in what public prints I have narrated any horrible story. It is wholly untrue. But I do not pretend to have any doubt whence the accusation comes; for Mr. Berkeley Hill attacked me in a Bristol newspaper some time back, and I fully replied there. I had made no *public* statement whatever; I only made a *private* statement to Mr. Berkeley Hill. I made it on the authority of a person who, when asked, refused to allow his name to be given to the public, because he feared the enmity of powerful persons. On this account his correspondent withheld the statement from the public; so Mr. Berkeley Hill, if he disbelieved the statement, had nothing to

complain of. Whether it was true or false, I was not responsible; but I entirely believe it. There was nothing to retract or apologise for. Moreover, I regard it as absurdity and hypocrisy in any to uphold laws which punish a woman for refusing to submit to an outrageous indignity which may be a physical torture, and then to treat it as a monstrous fiction that any woman *resists* the infliction—which is the “horrible story” alluded to.

Nor is it possible that any such examination into the story ever took place, as Mr. Berkeley Hill pretended, and that (to use Dr. Rumsey’s phrase) it turned out to be a pure fabrication. For when Mr. Hill wrote to me to demand details in order that inquiry might take place, I could make no answer but that I had returned the letter to its owner, who would select his own time and mode of making it public. But, as I have said, he never made it public. The Admiralty had not the means of inquiry which Mr. Berkeley Hill knew to be necessary. Two friends had informed me months ago that a calumny against me was in circulation, but as the prints never came before my eye, I never had an opportunity of refuting it—not but that I think that to have answered Mr. Berkeley Hill *once* in the Bristol paper was enough. If the supporters of the Contagious Diseases’ Acts are so deficient in argument that they greedily believe falsehoods against their opponents, I, for one, must try to bear it patiently, being well assured that their bad cause will in due time cover them with shame.

I am, &c.

Francis W. Newman

“The Contagious Diseases Acts: Letter from Dr. H. W. Rumsey to the Editor of the *Medical Times and Gazette*” (24 Sept. 1870): 278-79.

Cheltenham
September 19, 1870.

Sir,—A letter from Professor Newman, in your last number, demands from me some notice, although I had nearly determined not to be led into any defence of the remarks which I thought it right to make at Newcastle on the controversy respecting the Contagious Diseases Acts.

The point which that gentleman has established is that he did not make the original statement “in the public prints.” I am therefore ready at once to withdraw those four words, and to express, thus publicly, my regret that they should have been used, owing to my misunderstanding a sentence in the last report (p. 39) of the Association for promoting these Acts. When those words are omitted, the passage will read thus:—“Professor Newman, who took a leading part in the first turbulent attack upon these Acts, at the Bristol Congress of the Social Science Association, afterwards narrated a horrible story, for which, when pressed, he was unable to give the slightest authority, and which turned out to be a pure fabrication. Yet for this he made no apology.” Mr. Newman is quite welcome to any benefit which this correction may give him. The remainder of the sentence is corroborated by a correspondence published in the appendix to the aforesaid report (pp. 71-3). I beg the favour of your reprinting these letters, in order that your readers may judge for themselves as to the truth or falsehood of the disgusting, yet absurd, story, in which Mr. Newman has again, unfortunately for himself, expressed his belief.

Correspondence relating to an Alleged Instance of Tyrannous Administration of the Acts.
To the Editor of the Western Daily Press, March 16, 1870.

March 2, 1870.

Gentlemen,—On February 4 I received a letter from Professor Francis W. Newman containing the following passage:—"I have lately received an account, written by an eye-witness, of an 'inspection' at Plymouth. Various details are too foul to copy. Here is a summary. A woman resisting, sobbing, swearing, and writhing. The Surgeon crimson with effort to overpower her. A crowd of women, expecting their turn—pale, or weeping, or grinding their teeth with oaths."

As this statement reflected most seriously upon the authority charged with carrying out the Contagious Diseases Act in the Plymouth district, I forwarded the above extract to the Secretary of the Admiralty, to the Under-Secretary for War, and to Mr. Thomas Woollcombe, Chairman of the Managing Committee of the Royal Albert Hospital, Devonport (the only Hospital which receives patients under the Contagious Diseases Act in the Plymouth district). I also applied to Professor Newman for the names of the eye-witness and the examining Surgeon, and for the date of the inspection at which the alleged gross misconduct took place.

On February 10 Mr. Newman replied to my request by declining to furnish me with the information I asked, without, however, giving any reason for this refusal.

On February 18 I received answers from the Secretary to the Admiralty and from Mr. Woollcombe, of which I forwarded copies to Professor Newman on February 21, enclosed in a note, of which the subjoined is a copy, but I have received no reply.

As doubtless this fabrication has reached others as well as Professor Newman, you will remove a painful impression from the minds of many persons by inserting these letters, and by doing so you will much oblige,

Yours faithfully,
Berkeley Hill

(No. 1.)

14, Weymouth-street, London, W.
February 21, 1870

Professor Newman.

Sir,—I send you copies of two letters I received from the Secretary to the Admiralty and from the Chairman of the Committee of the Royal Albert Hospital, Devonport. I venture to hope that you will (after reading them) withdraw the statement you made to me in your letter of February 4.

I am, sir, faithfully yours,
Berkeley Hill

(No. 2.)

Admiralty,
February 18, 1870.

Berkeley Hill, Esq.

Sir,—With reference to your communication of the 5th inst., relative to a statement furnished to you by Mr. Francis Newman, as coming from an anonymous person, alleged by him to have been an eye-witness of the examination of some women at Plymouth, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that they have made full inquiry, and have received most positive assurance from both the former and the present visiting Surgeon at Devonport that nothing of the kind mentioned by Mr. Newman ever took place.

I am, sir, yours obediently,
Vernon Lushington

(No. 3.)

Royal Albert Hospital, Devonport,
February 17, 1870.

Berkeley Hill, Esq.

Sir,—I am requested by the Managing Committee of this Hospital, into which patients under the Contagious Diseases Act are received after the examinations directed by the Act, to inform you that the most searching inquiry has been made into the alleged grossly improper treatment of women by the visiting Surgeon of the district, purporting to have been attested by an "eye-witness."

The committee being perfectly satisfied that the scene described, or any similar one, never did take place, and, from the precautions taken to prevent abuse, never could take place, desire me to give unqualified denial to the truth of the statement, and to express their regret that the gentleman who has given currency to the slander declines to do the common justice of giving up his authority.

You will make such use of this letter as you think best, and believe me,

Yours truly, Thomas Woollcombe,
Chairman of the Managing Committee,
Royal Albert Hospital.

The reader of the above exchange of letters will note that whether allegations made anonymously are worth investigating is never made an issue. When Mr. Hill was informed of the alleged eye-witness account, he thought it his moral and professional duty to inform the authorities responsible for the public enactment of the C.D.A. at Plymouth. These authorities, having been informed not only of the allegations but also of their source, thought it their duty to conduct a “full” and “most searching” inquiry into their basis. There can, then, be no foundation for any accusation made against Professor Newman for having brought the allegations to the attention of Mr. Hill.

If the impropriety rests in bringing before the attention of the public what, before, had been communicated either anonymously or privately, then the fault must rest upon Mr. Hill, who alone decided to send all of the correspondence regarding the allegations and their investigation to the editors of the *Western Daily Press*.

The charge made against Prof. Newman, which is essentially reiterated by Dr. Rumsey, is first made in the letter by Mr. Woollcombe to Mr. Hill—that “the gentleman [Newman] who has given currency to the slander declines to do the common justice of giving up his authority.” The question must be asked, at what time did Woollcombe become aware that the allegations were “slander”? Was it before or after the “most searching inquiry” into the matter? If *after*, then Woollcombe could not reasonably have expected Newman to be aware that he was giving currency to slander. Moreover, in this case Woollcombe’s own actions demonstrate that even *anonymous* allegations deserve to be investigated.

The *only* charge that can be sustained against Newman is that of protecting the anonymity of his informant in a private communication.