

Was Chiropractic Philosophy Created as a Ruse to Beat the Law?

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For more than three decades, chiropractic historians have advanced the notion that chiropractic "philosophy" was born in a courtroom in 1907. That year, Japanese immigrant and Palmer School of Chiropractic graduate, Shegatoro Morikubo, became the first chiropractor acquitted of charges of the unlicensed practice of medicine.

This idea, that chiropractic philosophy was a ruse created to achieve acquittal by Morikubo's lawyer, Mr. Tom Morris, has created much controversy within the profession; and this story has been used as a wedge to promote division within the profession between chiropractors who love and those who eschew so-called "chiropractic philosophy."

This feud is perpetuated partly on the basis that D.D. and B.J. Palmer's vitalistic hypotheses pertaining to chiropractic are illegitimate, since they were invented solely as a scam to avoid legal persecution by political medicine.

Background: How It Started

In 1905, two chiropractors launched a practice in La Crosse, Wisc. Soon after, they were arrested and charged with practicing medicine without a license. D.D. Palmer served as the expert witness in their trial, but was unable to establish chiropractic as a separate and distinct healing art not subject to Wisconsin law.¹

Just weeks later, D.D. Palmer was arrested. Acting in his own defense, D.D. again failed to create the precedent that chiropractic was a unique healing art from medicine or osteopathy, and was convicted in Davenport, Iowa.¹

Later, in a carefully planned strategy, Palmer School graduate Dr. Shegatoro Morikubo was dispatched to La Crosse by B.J. to set up a practice there and tempt the legal authorities to arrest him so the law could once again be tested.

After observing two failures in court, B.J. and Morikubo believed they understood the intricacies involved in establishing that chiropractic was a separate and distinct healing art from the practices of medicine and osteopathy.¹

B.J., Morikubo and attorney Tom Morris were successful in their strategic defense - and this is where the controversy began. Historians Lerner,² Rehm³ and Keating⁴ have all reported that it was chiropractic philosophy, created as a ruse to protect the fledgling profession, that carried the defense to victory. The idea that chiropractic philosophy was a legal concoction has plagued the profession and created much friction between so-called philosophically based and so-called evidence-based chiropractors.⁵

What Really Won the Morikubo Case?

No transcript of the *Wisconsin v Morikubo* trial has survived to the present. In spite of this fact, there is a method that enables us to evaluate what exactly it was about the defense's strategy that resulted in victory for Morikubo and the chiropractic profession.

Four different newspapers in La Crosse had reporters covering the trial. Seven different articles appeared in those newspapers regarding the proceedings. The impressions left with these reporters would reflect what was likely in the minds of the jurors serving on the case, since they would all have been exposed to the same evidence.⁶

If one measures the column length of all the articles that appeared, the following accounting demonstrates how much emphasis was placed on the various themes put forth by the defense: Eighty-nine-and-a-half (47 percent) of the coverage was concerned with headlines, routine aspects of the proceedings and recap of the various motions made by the attorneys involved; 5.25 inches (3 percent) related to metaphysical or vitalistic themes presented by the defense; and 92.25 inches (50 percent) were dedicated to technical differences between chiropractic and osteopathic technique (manipulative methods, analysis of the spine, physiologic targets of manual interventions).

Using this analysis of the defense evidence presented, clearly the reporters found that the most compelling arguments to support the premise chiropractic was a distinctly unique healing art were the technical differences between chiropractic examination and manual technique versus osteopathic examination and manual technique. "Philosophical" or "metaphysical / vitalistic" themes were barely mentioned or emphasized by the reporters.

Those who claim that "'philosophy' had won the day in La Crosse"⁴ are clearly mistaken, as technical differences between the practices of chiropractic and osteopathy was the determining factor in Morikubo's acquittal.

Further, as evidence that chiropractic philosophy was not "born" in the La Crosse courtroom in 1907, *The Daily Times* of Davenport published a notice on Oct. 31, 1906 that Morikubo would be speaking at a public arena on the subject of "Chiropractic, Its Philosophical Completeness." In Morikubo's lecture, he states:

"Chiropractic has solved one of the most profound philosophical problems of all ages. It has, for the first time, in the intellectual history, synthesized fragments or parts of knowledge with regard to the operations of the mind and the functions of the body into one complete and harmonious whole. Chiropractic is a science, but it is also eminently philosophical. In the future, it will draw the world's wide attention not only from scientific [circles] but also from those who contemplate on philosophical problems."

Century-Long Misconception

Both so-called philosophically based and evidence-based chiropractors have erred in regards to the role chiropractic philosophy played in the first acquittal of a chiropractor charged with practicing medicine without a license. Contrary to the belief that metaphysical / vitalistic arguments "won the day in La Crosse," these philosophical issues barely played a role in the defense.

Those who claim chiropractic philosophy was born as a ruse to protect the profession are equally wrong. Both beliefs have persisted for decades and much infighting has resulted from these inaccurate beliefs.

Author's Note: Our profession's history holds the key that unlocks the door to understanding our present situation. The Association for the History of Chiropractic (AHC) has preserved the credible history of the profession as its sole mission through the publication of the scholarly journal, *Chiropractic History*. Stories such as this one may be accessed through the pages of the AHC's journal (www.historyofchiropractic.org).

References

1. Troyanovich SJ, Keating JC. "Wisconsin versus Chiropractic: The Trials at LaCrosse and the Birth of a Chiropractic Champion." *Chiropractic History*, 2005;25(2):37-45.
2. Lerner C. *Report on the History of Chiropractic: A History of the Early Years of Chiropractic*. New York, NY: Foundation for Health Research, Inc. of New York, 1952.
3. Rehm WS. "Legally Defensible: Chiropractic in the Courtroom and After, 1907." *Chiropractic History*, 1986;6:51-55.
4. Keating JC. *B.J. of Davenport: The Early Years of Chiropractic*. Davenport, IA: Association for the History of Chiropractic, 1997.
5. Kimura MN, Russell R, Scaringe J. "Professional Identity at Los Angeles College of Chiropractic." *J Chiropr Humanit*, 2016;23:61-67.
6. Troyanovich SJ, Troyanovich JD. "Things That Make You Go . . . Hmmm." Thirty-Fifth Annual Conference of the Association for the History of Chiropractic; Puerto Rico, June 20, 2015.

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