

## Scientific Misconduct and Theft: Case Report from 17th Century

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Gjuro Armen Baglivi was one of the most famous medical authorities of the 17th century. Apart from his numerous books and publications, several extensive collections of his correspondence have been preserved and are available in libraries around the world. They provide new information about the 17th century scientific culture and place of Baglivi's work in the scientific European context. Also, they shed light on his personality more than other writings intended for the public eye. In this paper I will present the case of a theft of intellectual property, which Baglivi described in one of his letters to Jean Jacques Manget.

*History repeats itself; that's one of the things that's wrong with the history*

Clarence Darrow

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“All new discoveries are the property of the author; to assure the inventor the property and temporary enjoyment of his discovery, there shall be delivered to him a patent for five, ten or fifteen years” (1), states the French law of 1791, the first written document acknowledging the authors' right to their intellectual property. The very term “intellectual property” was used for the first time in 1845 Massachusetts Circuit Court ruling in the patent case *Davoll v. Brown* (2). In 1893, the Bureau for Protection of Intellectual Property (BIRPI) was established, the forerunner of the later World Intellectual Property Organisation (WIPO), which was set up in 1967 (1). Last year, thus, we marked WIPO's 40th anniversary. It was also the 300th anniversary of the death of Gjuro Armen Baglivi (1668-1707) (Figure 1). These two anniversaries offer a good occasion to recall a three-century-old



**Figure 1.** Stamp issued on the occasion of 300th anniversary of Baglivi's death.

case of intellectual property theft, described in Gjuro Armen Baglivi's correspondence kept in Osler's library of the McGill University, Montreal, Canada (3).

Born in Dubrovnik as Đuro (Gjuro) Armen, he received the name Baglivi when he was adopted at the age of fifteen by Italian physician Pietro Angelo Baglivi. He worked in Italy as a doctor and medical researcher, anatomist, and early pathologist (4). He also made important contributions to clinical education based on his own practice and advanced the theory that the solid parts of the organs are more important for their functioning than their fluids (5). Although Baglivi's name is usually associated with the iatromechanic approach (mechanistic interpretations and mathematical language in science), he was deeply influenced by Hippocratic tradition focused on the idea of the inherent healing power in the body (5). As a student of Marcello Malpighi and harbinger of new scientific ideas, Baglivi took to experimental observations (5). One of the most prominent researchers of Baglivi's work, Dr Grmek insisted on the validation of Baglivi's work in accordance with his genuine merits (6). Grmek pointed out that by "formulating the living fibers theory, Baglivi places himself as the bridge between classical medicine and the reductionist method of natural sciences." His collected works written in Latin language had more than 20 editions and were trans-

lated into Italian, French, German, and English. Moreover, Baglivi was among the most celebrated authorities of his time, a "membre d'honneur" of L'Académie française, and a member of the Royal Society in London and the Accademia dell'Arcadia (4,7).

There are several extensive collections of Baglivi's correspondence preserved and kept in different libraries around the world. They provide new information about the 17th century scientific culture and Baglivi's work in the scientific European context. Baglivi's letters shed light on his personality more than any other writings intended for the public eye. The collection in the Osler's library contains 23 letters that Baglivi addressed to his contemporaries: seven to Jean Jacques Manget, four to Lucas Schröck, one to Pierre Sylvain Regis, one to Jean Baptiste Gabriel Fressant, one to Giovanni Domenico Putignani, one to Antonio Magliabechi, two to Johann Jacob Rau, one to Pierre Chirac, one to Girolamo Baruffaldi, one to Lorenzo Bellini, one to Georg Bennis, one to Pierre Chauvin, and one to the Royal Society (3). It is evident that most of the letters from this collection were written to his older colleague, Swiss physician and medical writer, Jean Jacques Manget (1652-1742), known for his treatise on the bubonic plague as well as for a large collection of alchemical works (8). His first letter to Manget confirms some facts from Baglivi's life, eg, that Salerno was his graduation place, but it is particularly interesting because in one of its passages, Baglivi provided a detailed report on a theft of intellectual property that happened to him.

### Case report

The letter opening the case of the theft is dated August 1, 1693, and communicates Baglivi's intention to publish a book *Specimen chirurgiae fundamentalis restitutae* based on his observations of the patients (8). Fortune,

however, he writes, had bitter endeavors instead. At the end of April, Johann Gottfried von Berger (1659-1736), professor of medicine at Wittenberg, visited Rome to discuss some publications with Baglivi in Malpighi's home. As it is the case nowadays, scientists in the 17th century wanted some feedback from their colleagues. So, it was not surprising that Baglivi gave Berger for evaluation 15 sheets of manuscript on ulcers and 4 sheets on wounds. Unfortunately, Berger suddenly left Rome, taking the sheets and leaving Baglivi unaware of his departure ("*...ei commodasem tractatum integrum de Ulceribus 15 integris papyri folijs comprehensum, cum quattuor alijs folijs de vulneribus, ille me inscio et inscio Malpighio ab Urbe discessit, meaue de ulceribus et vulneribus manuscripta cum nonnullis aurium et nasi praeparationibus impudentissime et insigni meo, et amicorum maerore suffuratus est*") (9).

This was not an easy situation for a young and inexperienced author, such as Baglivi, to prove the theft and react suitably. It was the period when no regulations for prevention of such situations existed. The idea of copyright only appeared with the birth of moveable type printing press, invented by Gutenberg. The first copyright act, "Statute of Anne," followed in 1709 (1), two years after Baglivi died. Consequently, Baglivi did not have any legal possibility to prove the theft and get his tracts back. What did he do?

He first turned to his colleagues Bellini and Redi, as well as to his other friends in Italy. They advised him to publish parts of stolen tracts as soon as possible, with an additional explanatory comment of what had happened. He also decided to ask his correspondent Manget to relate this matter to his associates in Germany and tell them about the theft. Moreover, he asked Manget to notify him if anything related to the subject was published in Germany under Berger's name (9).

In his reply dated September 17/27, 1693, Manget promised as asked and proposed to describe the theft in the preface of the first volume of his *Bibliotheca medico-practica* (10). Baglivi expressed his gratitude to Manget in a letter and, regarding the theft Berger had committed, responded that "he does not care to enter into any controversy with that shameless man, and can send few lines to be included in Manget Bibliotheca." He further suggested Manget to feel free to add whatever he thought appropriate about Berger, but also shared his fears about inciting hostility in Berger's German colleagues, concluding that it might be better to wait and in case Berger printed anything related to the stolen pieces "let him feel the Italian whip to show him how caustic the Apulian tongue can be" (11).

Historiography has not revealed any proof that Berger published the stolen manuscript in any form. Moreover, in the introduction of his *Physiologia medica*, published in Wittenberg in 1702, Berger expressed his admiration for Baglivi's work (12).

## Discussion

Every author who completes writing a manuscript is advised to ask him/herself the following three little questions (14-15): Is this what I intend to submit true?; Is it fair?; and Is it wise? Did Berger ask himself similar questions when he was keeping the stolen manuscripts? Was he embarrassed for what he did? We can only speculate that Baglivi's prestige and glorious career (after all, he was a personal physician of two popes) might have diverted Berger from his initial intention to publish the stolen material. Maybe Berger feared that this act could cast a stigma on him within the academic community. On the other hand, why did not Baglivi write to Berger and simply ask for the manuscript to be returned? Is there a possibility that Baglivi was wrong about the whole

case? Perhaps he lost the manuscript or someone else had taken it. How can we be sure that Baglivi was telling the truth about the whole case anyway? If we consider the very cordial tone in the letters exchanged between these two physicians in 1698, we can speculate that their controversy was settled in the meantime (12). There has been no concluding proof of what really happened, so we might never find out. However, there are some aspects which can be explained by the ethos, a specific ethics climate of a certain period in which ethics lives. The time in which Baglivi lived demanded gentlemanlike manners, with a strict set of rules for behavior toward parents, acquaintances, colleagues, and mentors or teachers. Baglivi was an ideal physician of his time, possessing both the privilege of medical training and strong moral attitude. Having those elements in mind, it would be unthinkable to suppose that Baglivi invented the whole case, as much as it would be unthinkable to believe that the other academic left the town with the only copy of his younger colleague's manuscript. In the time when manuscripts were written with a lot of hardships and without the possibility of back-up, the stolen material was lost forever. Perhaps this is what Berger wanted anyway. He did not publish it, but neither did Baglivi. Many historians have agreed that the "theft of intellectual property" Baglivi experienced at the beginning of his career had strongly influenced its direction and seriously disturbed his early interest in surgery (13).

Apparently, there have always been dishonest scientists, both in the 17th and 21st century. In that sense, nothing is new under the sun. In order to make a difference, the obligation of scientists in this "more civilized time" is to foster truthfulness in science, encourage high ethical standards, and apply universal rules in the research community. History, on the other hand, offers an abundance of valuable teaching

models. Let us learn from them rather than from personal experience.

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