

OUR COMMON INHERITANCE.*

BY J. H. BEAL, FORT WALTON, FLORIDA.

It is both a great pleasure and a great privilege to the pharmacists of the United States to meet jointly with those of the Dominion of Canada, under the auspices of this society which is intended to be representative of the professional pharmacy of both countries.

Less fortunate than the Canadians, we people of the States do not possess any convenient term to designate our specific nationality. We cannot very well call ourselves "United Staters," and therefore when we refer to ourselves as Americans it is only in acceptance of the designation which other nations of the world, including Canada, have bestowed upon us.

It is very necessary that our respective countries should each have its own national society to care for its national pharmaceutical problems, as your fine Canadian Pharmaceutical Association, and the very excellent National Association of Retail Druggists of the United States, but there is necessity also for a society devoted to the cultivation of the purely scientific and professional aspects of pharmacy, without regard to international boundary lines. This is the declared purpose of the AMERICAN PHARMACEUTICAL ASSOCIATION, the word American in this case being intended to have a continental rather than a merely national significance.

The social and commercial contacts of our two countries are so numerous and intimate that the course of events in one can hardly fail to have considerable influence upon the course of events in the other. Canadian decisions are cited in American courts, and Canadian legislation is quoted in American lawmaking bodies, while American laws and precedents are on occasion similarly considered by Canadian judges and legislators. Though our several political households remain separate and distinct, it is difficult to believe that any great political or economic disaster to one nation would not be seriously reflected upon the other. Consequently there are many interests other than professional upon which we should have a common understanding, and certain great principles of government which we should jointly strive to preserve.

EXPLANATION OF OUR PEACEFUL BORDER LINE.

Rarely have two nations, each great in population and geographical extent, on opposite sides of a long, unfortified and largely imaginary border line, continued for more than a century without war or serious thoughts of war.

Some good people, mistaking effect for cause, have assumed that this protracted peace has been due to the absence of forts and military encampments, and have argued that similar peace could be secured for all the world through the universal destruction of border line fortifications and coast defenses. The real reason, however, has not been an unfortified boundary line, but the simple fact that the people of Canada live North of that line, and that the people of the States live South of it. Besides our inheritance of a common language and literature, of the same religious beliefs, and of the same or closely similar political and economic ideals, we

* Canadian-American Pharmaceutical Convention, Toronto, Canada, August 25, 1932.

have had an abiding faith in each other's disposition to fair play which not even the selfish projects of scheming politicians have been able to seriously disturb.

In this new world of ours we have been able to prove that it is possible for men of different religious faiths to live together as friends, and often as very good friends, and that it is also possible for two nations to exist in close proximity, each having its own national ideals, but also having a sincere respect for the territorial rights, sovereignty and national aspirations of the other.

SIMILAR ORIGINS OF OUR COLONIAL STOCKS.

Of approximately 2,000,000 white inhabitants of the Thirteen Colonies at the time of their separation from the Mother Country, at least 1,500,000 were of straight English blood, with about 300,000 of other British stocks, mainly Scotch-Irish from Ulster, Celtic Irish, Scotch Highlanders and Lowland Scots. Only about 10% of the total colonial inhabitants were of non-British stocks, principally Swedes, Dutch, French Huguenots and Palatine Germans, and these have so completely blended with the British elements of the original population that where their settlements were, only family names and some peculiarities of speech remain. The extent of this blending process is illustrated in the ancestry of the late President Theodore Roosevelt who was of mingled Scotch-Irish, Dutch, French Huguenot and German descent.

In religious affiliations we had Quaker Pennsylvania, Catholic Maryland, Church of England Virginia, and Puritan New England. To match your French in Quebec, we later acquired a large French population with the lower Mississippi Valley and the territory of Louisiana, and also through a considerable immigration of French Canadians into our northeastern states.

In short, the original progenitors of the people of the States were predominantly of that blend of races which for want of a better title we term Anglo-Saxon, or Anglo-Celtic, with lesser proportions of North European and French elements; and these primary stocks have overwhelmingly impressed their characters upon the development of our political and social institutions.

Following the Revolution the immigrants to the United States were mainly from the British Isles, Germany—from which some of our most valued citizens have been derived—and from other North European countries, so that until the close of the last century the racial characters of our two peoples, except for a small Spanish element in the southwestern states, and their religious affiliations, remained substantially the same. Then for a period the States had a large influx of immigrants of other races, not necessarily inferior, but of alien tongues, and of widely different political and social backgrounds. Since then this influx of different racial elements has been ended; those who came with it are being assimilated much more rapidly than was at first thought possible, and the character of the Republic seems fixed in the social and cultural grooves of its first racial groups.

In referring approvingly to the racial elements which made up the bulk of the original populations of our two countries, we are not assuming their superiority to other races, but are simply affirming belief in the well-grounded theory that our social and political institutions owe their specific characters to the racial stocks with which they originated.

BUILDERS OF ANGLO-SAXON GOVERNMENTS HAVE BEEN EMPIRICISTS.

The Anglo-Saxon builders of government have, in the main, been empiricists, believing that sound political institutions can only grow out of the experience of those who live under them. The conceptions of individual liberty and of the powers and functions of government generally believed in by English-speaking nations have not been derived from *a priori* deductions of philosophers, but from the trials and errors of their ancestors.

What we term our personal liberties are not intangible abstractions obtained from theorizing about natural rights and wrongs, but definite legal entities enumerated and described in established public records. We trace our claims of individual rights exactly as we trace titles to real estate, by reference to established legal muniments—the Great Charter of Runnymede, to Acts of Parliament and the Common Law, or as in the United States to the summation of these rights as embraced in the United States Constitution.

THE IDEA OF LIMITATION UPON THE POWERS OF GOVERNMENT AND OF INALIENABLE INDIVIDUAL RIGHTS.

By virtue of our racial inheritance we have derived also certain great political ideas which have grown out of the habits of thought and political experiments of the Anglo-Saxon peoples.

Perhaps the most important of these is that there are limits to the extent of the powers which government may assert over the life, liberty or property of the subject or citizen, an idea foreshadowed in dicta of early masters of the Common Law that the judiciary might refuse to make effective an act of Parliament if it were "against common right and reason," and later more definitely set forth in certain Acts of Parliament and in the Bill of Rights of the Constitution of the United States.

Though the individual may be deprived of life, liberty and property in punishment for specified crimes, he cannot be deprived of the defensive methods and processes which require that the facts of the crime be ascertained and the penalty be declared "according to the law of the land," and in no other way.

In no other political system has this idea of fundamental individual rights been so clearly enunciated and so hedged about with protective provisions as in the basic institutions of the British and American peoples.

CONSTITUTIONAL SIGNIFICANCE OF THE AMERICAN REVOLUTION.

To get a proper perspective of the American Revolution it must always be kept in mind that it was not a war between separate nations, but a controversy between two divisions of the British people as to the extent and application of the British Constitution.

In that age colonies were considered to be "possessions" in a very possessive sense indeed, that is, as preserves for exploitation by the manufacturers and ship owners of the mother countries. Great Britain was probably no more selfish in her colonial policy than other powers; it was the common theory of the age. William Pitt expressed the prevailing European view when he declared that the colonies "should not be permitted to manufacture so much as a single nail or horse shoe."

Divested of extraneous and conflicting questions, the real issue between the Mother Country and the Colonies was concerning the extent to which the British

Constitution applied to British subjects residing overseas. The Colonists contended that they were entitled to all the constitutional rights and privileges of British subjects, while the home government maintained that they were entitled only to such rights and privileges as King and Parliament were disposed to grant them. The question was one certain to be raised sooner or later by some division of the British people. It happened to be the fate of the American colonies to put it to the test.

While there were faults and wrongs on both sides of that unfortunate and largely unnecessary conflict, we of the States still believe that the major claim of right was on the American side. At any rate, the Revolution settled for once and all that the British Constitution travels with British citizenship, and the Mother Country has since voluntarily granted to her remaining colonies far greater liberty of action than the rebellious Thirteen ever thought of demanding.

SOURCES OF UNITED STATES CONSTITUTION.

The United States Constitution is sometimes spoken of as if it were completely the invention of the eminent Statesmen who sat in that memorable convention held in Philadelphia during the summer of 1787, an impression largely strengthened by the remark of the Right Hon. William E. Gladstone, who in comparing the British and American Constitutions spoke of the latter as "the most wonderful work ever struck off at a given time, by the brain and purpose of man."

It is true that the materials of this great document were assembled at a given time, but the quarries from which they were mainly obtained were the political institutions of the Mother Country—from Colonial Charters, Acts of Parliament and the Common Law—or were principles established by the experience of the English people in emancipating themselves from autocratic rule.

The purpose of the convention of extraordinary men who formulated its provisions was not so much to invent new political principles as it was to adapt the ones they were familiar with and believed in to a form of government that must function without a hereditary monarch and a hereditary House of Lords. By force of circumstances they were compelled to devise a new framework of government, but their essential purpose was to insure and preserve the political rights and privileges which they believed they had inherited as Englishmen and Britons, and in their debates they more than once stressed the fact that they were, as far as possible, selecting principles tested by the experience of the race from which they came.

Though our two governments may differ in their external forms, and in the names by which they are called, their fundamental political philosophies are practically the same. While neither corresponds to the classic definition of a democracy, both are democratic in the sense that their peoples are governed by laws of their own choosing, and that by proceeding according to prescribed forms and without revolution, they may dismiss their lawmakers and executives, and replace them with others in whom they have greater confidence.

TOTAL RESULTS OF ANGLO-SAXON TYPE OF INSTITUTION BENEFICENT.

We do not contend that the political institutions of the English-speaking nations and the rights of private property and of private contract they support repre-

sent the culmination of human wisdom, or that they are incapable of further improvement. But many of us believe that, as exemplified in the histories of the British Commonwealth of Nations and of the United States, they have afforded a larger measure of individual liberty coupled with public order, a wider diffusion of the material benefits of civilization, more frequent opportunity for the exercise of individual initiative, and a greater spread of happiness among all classes of society than have been found under any other type of political institutions with which men have experimented.

This belief, however, is not universal. Both the efficiency and the justice of the system are being sharply challenged. It is charged that it is a system which values property above human rights; that it denies justice to the poor and confers special privileges upon the rich; that it pretends to place control in the hands of the general electorate but places actual power in the hands of certain favored groups.

We admit examples of injustice and inequality, but we contend that instead of being inherent in the system, they result from a perversion of its fundamental principles. We contend that when the system is interpreted according to its true intent and purpose, property rights are always subject to public and human rights. We contend that it aims to promote justice between all men and all classes, and that no other political system has ever provided so many safeguards for the protection of the poor and weak against the rich and powerful. When these safeguards fail it is because of the folly or selfishness of those who are chosen to administer them—failures that would be equally if not more prevalent under any other system that might be substituted for it.

Doubtless every state will always have numerous dissatisfied individuals who believe that society might be completely freed from poverty, inequality and wrong by appropriate changes in political machinery. Some favor change for the sake of change, and argue that since a multitude of new mechanical inventions have replaced older physical devices, our social and political institutions must, therefore, also be out of date and should be replaced with something new. It would be equally logical to argue that the rules for multiplication and division should be replaced because our commercial transactions are vaster and more complicated than when arithmetic was invented.

We believe that there are such things as permanent truths and permanent values; that there are truths and moral and spiritual values derived from the past which to part with would mean the end of ordered society, and that the political principles worked out in the experience of our race are still vital to the preservation of liberty.

THE FALLACY OF DIRECT ACTION.

Ordered institutions which permit reasonable freedom of individual action without anarchy, though difficult to gain are easy to lose. Ours though evolved from the experience of centuries are not fool proof.

The danger is not so much from those who openly advocate some form of communism or state socialism, as from those who mistakenly support measures and policies which, if carried to their logical conclusions, would inevitably destroy the basic principles which support our present political and economic systems.

Among the most dangerous of these innocent-appearing theories are those favoring some form of so-called "direct action," or the putting aside of constitutional restraints which prevent popularly advocated measures from being put into immediate effect. These restraints are not, as sometimes alleged, intended to defeat the reasoned will of the majority, but rather to insure proper deliberation upon public measures and to prevent the precipitate action and the overriding of the rights of minorities which have so commonly defeated attempts at orderly self-government.

The theory of Rosseau, and of romantic philosophers generally, that "the majority is always right," and that we have only to "give the people their head," unrestrained by fixed rules, and all will be right with the world, is not borne out by experience. All societies organized upon this basis have uniformly destroyed themselves through their own excesses.

Unrestricted liberty of action is dangerous in the hands of either the few or the many. As Alexander Hamilton phrased it, "Give all the power to the many and they will oppress the few; give all the power to the few and they will oppress the many." The only constitution worthy of the name is one which keeps absolute and unrestrained power out of the hands of both the few and the many.

It will be of little profit to have rescued liberty from despotic monarchs if it must be surrendered to despotic mobs. If autocratic rule is to prevail, the rule of the individual autocrat would be preferable to the rule of the unrestricted crowd. The individual may sometimes be restrained from excesses by motives of policy, by remembering the fate of former despots, or by foreseeing future retribution. The crowd neither remembers past results nor foresees future consequences; the only thing it regards as sacred is the impulse of the moment which it arrogantly denominates "the public will."

These so-called constitutional restraints constitute the most important contribution of our race to the art of government, and more than any other feature have been responsible for the continued stability of the American and British systems, while nearly every other nation in the world has changed its form of government one or more times.

Direct action, no matter by what fine name disguised, is nothing more than mob action, and is the usual means by which the organized minority seeks to impose its will upon the majority.

EXCESSIVE REGULATORY LEGISLATION.

Next to the fallacy of direct action perhaps the greatest menace to the permanence of liberal institutions is the common tendency to excessive regulation of the lives and employments of the citizens by legislative enactments.

The human mind, or at least its American variety, is so constituted that it can always imagine a more desirable state of things than the state existing. To those who believe in the efficiency of legislation as a cure for social ills, it seems logical to call upon the lawmaking body to prohibit whatever is disagreeable and to command what is desirable. But when the new conditions created by the new law are examined it will be found that they likewise possess their disadvantages, and this will equally be true of every subsequently created condition, so that the process of correction by lawmaking is interminable.

It is never possible to foresee all of the ramifications and collateral effects of new legislation, some of which may be widely different from those intended. Following the Civil War in the United States there was adopted an amendment to the Federal Constitution which was thought necessary to protect the liberties of the newly emancipated slaves. A few years ago this amendment designed to protect the liberty of negroes in the South was made the basis of a decision by the United States Supreme Court determining who might legally own a drug store in the State of Pennsylvania.

Near the beginning of the present century there came into existence the trade combinations known as "trusts," which enabled large industrial interests through coöperative agreements to undersell their small competitors and squeeze them out of business. These were the first predatory price cutters. Hastily and without sufficient study, the Federal Congress enacted a series of anti-trust laws intended to put an end to such monopolistic practices.

The great corporations very largely took themselves out of reach of the law by dissolving their trust agreements and merging themselves into still greater corporations. But these anti-trust laws, as interpreted by the courts, have continued very effectively to prevent small independent producers or distributors from combining in the slightest degree to protect themselves against the aggressions of their powerful competitors. The measures intended to prevent monopoly of one kind have become the most efficient protectors of monopoly of another kind, or as it was expressed by one of my former pharmacy students, "the law holds the little fellow while the big fellow skins him."

Another kind of legislation liable to be even more objectionable than excessive trade regulation is that which aims to bring the habits and personal behavior of all citizens into conformity with a common pattern, the pattern of course being furnished by those who propose the regulations.

We can frequently sympathize with the ultimate purposes of these sumptuary reformers, and concede their motives to be wholly laudable; we object to their methods for the reason that history shows a practically unbroken series of failures in attempted moral reforms by force of law.

The peoples of Anglo-Saxon descent have been distinguished by the two apparently contradictory traits of at times showing very great respect for law, and at other times of offering savage resistance to law. The laws to which they have commonly given ready obedience have been those prohibiting generally acknowledged social wrongs, as theft and murder; while the laws they have commonly resisted have been in abridgment of activities which, rightly or wrongly, they have believed to be matters of conscience and private judgment, as their religious faiths, habits of living, etc. When they have been unable to exercise these latter liberties under the law, they have exercised them in spite of the law.

In dealing with these as with many other questions affecting public policy the best progress is made when we rely mainly upon educative propaganda, and keep the actual letter of the law well within the limits of demonstrated public sentiment; in other words, the law will most nearly succeed when it represents a compromise between extreme views.

An unfortunate psychological effect of habitual disobedience to one kind of law is the gradual breeding of contempt for all laws, even the most needed and salu-

tary. This has been found to be true in the United States where the efforts to bring about mass production of the moral virtues through compulsory legislation have had most unhappy results. Disobedience to sumptuary laws has clogged our courts with criminal cases, crowded our penal institutions, and brought humiliation to our law-abiding citizens who, despite foreign critics, still constitute a liberal majority of our population.

EXCESSIVE REGULATION LEADS TO BUREAUCRATIC CONTROL OF THE STATE.

An unescapable consequence of excessive regulation either of business or morals is a great multiplication of the machinery of government.

Ordinary thief-taking can be left to the general police department, but in order to look closely into industrial and commercial activities and into the daily lives and personal habits of the citizens, various boards, bureaus and commissions are required, with their armies of superintendents, supervisors, inspectors, informers and prosecutors, to detect and prosecute unlawful acts.

It is characteristic of government bureaus to constantly seek to enlarge their spheres of action, to extend the scope of their authority, and to secure increased appropriations. Thus the efforts to secure absolute perfection in the conduct of human affairs may end in the creation of a bureaucratic state, in which the principal function of the legislative department is to vote appropriations for support of the various bureaus, and the chief function of the non-official citizen is to pay taxes, while the attention of courts and police is so completely occupied with the capture and prosecution of violators of sumptuary statutes that common thieves and murderers go unwhipped of justice.

DEMOCRATIC INSTITUTIONS DEPEND UPON INTELLIGENCE OF ELECTORATE.

Some political philosophers maintain that no democratic government can permanently endure, for the reason that a people long accustomed to liberty gradually forget the importance of the principles which make liberty possible, and lightly surrender them for novelties which lead first to anarchy and end in a dictatorship or some other form of autocratic control.

If we are to escape this fate it will be because we are able to develop a class of citizens the majority of whom shall have not merely a dogmatic faith in our institutions, but an understanding of the basic principles upon which they rest, and of the reasons why they are indispensable to good government.

It will be a majority having an intelligent understanding of the facts that systems of government and jurisprudence cannot be put on and off like suits of clothes, but must grow out of the historic backgrounds of the people who operate and live under them; and that while the constitutional provisions which protect individual liberties can be easily surrendered, they can be recovered only by fighting for them.

It must be a majority able to perceive that, human nature being what it is, no system of political machinery can possibly be devised that will wholly eliminate wrong and injustice. The law can forbid the wrongs and provide the machinery for their redress, but its success must depend upon the wisdom and sense of justice of those who are chosen to administer it.

And, finally, we must be able to develop a body of citizens who are able to perceive that the restraints imposed upon the powers of government and the protection placed about the liberties of the individual citizen constitute the most vital portions of our racial inheritance and should never be weakened for the sake of some fancied immediate good, or upon any other pretext whatever.

Upon us as members of a profession in daily contact with the general public rests an obligation to utilize that contact to promote a better understanding of the institutions that have brought to our two nations whatever measure of internal peace and prosperity they have enjoyed, and also to make use of our membership in this joint professional society to contribute to the permanence of the friendly relations that have continued for nearly a century and a quarter.

CANADIAN-U. S. RELATIONS.

Economists tell us how many hundreds of millions of dollars are spent in Canada each year by visitors from the States, amounting, it is said, to \$30.00 for each adult and minor in the Dominion.

This is a balance of trade against us to which we do not object. We wish our citizens to see something of this great and wonderful country of yours, and we hope it will enable you to learn from actual contact that the average people of the States are very much like the average of your own—plain, everyday home-folk, good and bad, wise and foolish, but in the main a fairly decent kind of people. When politicians of different countries fall out with each other, formal written treaties may suddenly become scraps of paper, but unwritten alliances growing out of the mutual understanding and good-will of their peoples are not so easily disturbed.

In the diplomatic behavior of Canada toward the United States it would be difficult to find a flaw. In the trying situations frequently arising in connection with the attempted enforcement of our prohibition act along the border, the Canadian Government has on more than one occasion been generously forbearant. If all governments followed the fine example of Canada in their international relations, there would be small need for further Geneva Peace Conferences.

For the Government and people of Canada the people of the United States have only profound respect and good-will. On our side we are proud of our racial kinship, and sincerely trust that this third meeting of this professional society in the Dominion may still further promote the cordial relations existing between your great and progressive country and our own.

HOSPITAL PHARMACY.

The *Druggists Circular* commenting on recent unfortunate accidents due to errors in dispensing states—"Pharmacy laws are made to protect the public, including that portion of them who are so unfortunate as to have to spend some of or all their time in hospitals or other public institutions. Every now and then we read in the newspaper of a casualty caused by the evasion of the pharmacy law in one of these institutions." Reference is made to Resolution No. 24 of the Toronto A. Ph. A. meeting.

NO. 24. PHARMACEUTICAL SERVICE IN HOSPITALS.

Resolved, that the AMERICAN PHARMACEUTICAL ASSOCIATION through the proper offices be instructed to continue its efforts to secure the coöperation of the Council on Medical Education and Hospitals of the American Medical Association in providing proper supervision over hospital pharmacies by the requirements covering approved hospitals.