

THE PHARMACIST STUDIES LAW.*

BY CHARLES G. AJAX.

As students, we learned that pharmacy is an ever-unfolding science, that we can conceive of no cessation in the study of the laws of nature. And that necessity captured our imagination. We looked forward to practicing our profession; at the same time, as initiates into the mysteries of nature, we understood that there could be no formula in a compromise with truth.

It soon became evident that in the economy of pharmacy other laws were involved which, in accordance with social phenomena, are likewise in a continuous state of evolution—a biological interpretation of law, as it were. These are trade regulations which, in accord with the common practice of the biological science, reach a balance or equilibrium at times in the whim of the consumer—and man is satisfied—for the time being. It is thus apparent that these laws are in constant flux. While the law of supply and demand remains unalterable, its varying manifestations bring new problems to us daily in the interest of *fair play*.

And now, if we are to keep up with the procession, another type of law must be studied. We must understand so-called Constitutional Law. The American system of law-making is a thing, fearfully and wonderfully built. From the village constable up to the nation's President, from Congress at Washington down to the Council of Podunk, each unit of legislative or judicial authority is hedged with perplexing limitations. Our government has been called a system of checks and balances. Our bewildered brains whisper: "Ah, yes, plenty of checks. . . . a check on every forward-looking effort. But nothing is balanced."

When a mariner is adrift in a stormy night his fears are calmed by study of the charts, which his good judgment planned during fair weather. May I question if, in the darkness and stress of to-day, we have a compass and chart for guidance? Let us look at fundamental law and ascertain.

The most basic factor to comprehend is that the constitutionality of law is not a subject for exact laboratory technique. It has less exactness than our laboratory sciences, for it is purely a human means—so liable to fallibility since social values are personal. Were each of us in this room handed a specimen of an unknown substance to determine whether it was acid, alkali or neutral, an identical laboratory report would be obtained from all. Not so with jurisprudence, whether it be a law of Congress, or of city council. A body of attorneys, handed a new mandate for legal analysis, might submit multitudinous interpretations. But the large majority will respond in a manner well calculated to preserve dignity in the final verdict of the Supreme Court. Regardless of that decision, most of these will have been so ambiguously phrased that each may proudly announce: "I told you so!"

I have no quarrel with juridical science, since our very system of government makes this state of affairs inevitable. Nevertheless, when we pharmacists see lawyers and judges forever in disagreement, when we perceive respected experts on either side of every question, *failing to take cognizance of social justice*, may we not feel justified in analyzing for ourselves in the molding force of legal progress?

The question has more than academic interest. It is not my purpose to amuse you with aimless reflections on our system of law-making. There are certain defi-

* Section on Commercial Interests, A. Ph. A., Portland meeting, 1935.

nite principles which we must remember in order to better our condition by means of new legislation or by application of existing laws. Otherwise, our efforts may be wasted, for time spent in chasing rainbows is opportunity lost.

All power to make regulations for government lies in the people themselves, except such rights as the people have yielded in reconciliation of conflict. Much power has been delegated; yet far more has been retained than generally believed. The use of extraordinary powers by Congress during war time has led us to forget that Congress, after all, is a body of definitely limited authority. *Congress has only such power as the people have given it.* All the rest of the original power—call it what you will, natural, or divine—still resides in the people. This control the people have entrusted to the legislatures of their states; and within certain clearly defined limitations, the legislature is the voice of the people. Congress is not.

Too long has the national constitution been regarded as a God-given Mosaic law. It can serve the individual only by permitting *free* research in our local legislative laboratories. Only in this way can we realize that this country belongs to the living, that the dead have no power over it. By respecting the will of the state our national constitution will have fuller moral force and support.

Of what practical use to the pharmacist is this fundamental principle? Simply this: let us not, in our zeal for national legislation to correct existing evils, overlook the fact that the legislature of each state has at hand numerous methods for every one available to Congress. Consider the Police Power of the State. Every moment we feel its direct impact. By what right does the state tell us how poisons may be dispensed, where to park our automobiles, when to segregate infectious diseases, plus the many minor restrictions over our own home property—accumulation of refuse or prohibition of holiday explosives. All of these regulations certainly conflict with what a rugged individualist might consider inalienable rights. Yet even such an individualist, when his home is burning, heartily approves of the right of way to fire-engines. Again, the right to free speech is curbed. By what title are you restrained from spreading rumors concerning the status of a bank or a trust company? On inquiry we find that man may not talk as he pleases—that certain expressions of individualistic thought are antagonistic to social welfare—hence illegal. These legal norms rest upon the will of the people, an outgrowth of custom, expressed first in police regulations, later codified in state legislation.

With increased population and the development of modern machinery and newer methods of distribution and amusement, heretofore unheard-of dangers arise; and the people retain the right of pronouncement with respect to these hazards. For example, do we wish speed or safety in travel?

A generation ago speed laws were a joke; twenty-five years ago flying licenses were not required; twenty years ago no law-limited radio programs; ten years ago, despite the fact that many trade practices were in disrepute, no law prohibited their use. At present 99 per cent of us agree that such laws are essential. Five years ago, a Fair Trade law was a theory. We smiled and said: "Oh, yes, some day, mayhap, but not yet, lest we interfere with free exchange of goods." And yet today, approximately one-half of the population of these United States is under a Fair Trade law. Nine states have tardily enacted a *modern type of statute*. Ten legislatures, within two years, have clearly seen that the legal force which protects the health of their children and the stability of our great financial institutions, which

prevents fire, pestilence, insurrection, the sale of impure foods and obscene literature, is the same power of the people which now undertakes to safeguard *the owner* of a twenty-million dollar trade-mark, as well as the little merchant who sells a tube of toothpaste so costly trade-marked.

It cannot be over-emphasized that Fair Trade laws aim to serve the small shopkeeper with his small stock, just as much as they are intended to *protect owners* of million dollar trade-marks. And conversely, Fair Trade laws will protect the consumer, not merely indirectly by enabling the independent merchant to remain solvent and to maintain his position as a sustaining citizen, but by eliminating a multitude of fraudulent practices which follow "loss leader" advertising. These abuses are too well known among ourselves to require discussion; but the public's education on this subject has never received deserved attention.

Do you not get the right prospective?—A nation of almost 130,000,000 people, including a conservative estimate of 120,000,000 fair-minded citizens.—Forget for the moment the 10,000,000, and bear in mind that there are 120,000,000 of us, *little folks*. We are The People. Aren't we, The People, entitled to determine under which laws we'll live? Now you and I have *the requisite power*. *Let's use it*. If we do not, I foresee cataclysmic upheavals because of our very stupidity.

When the glib salesman of an unfair manufacturer or a sleek competitor gabs about constitutional law and talks of Fair Trade laws as the bunk, don't discuss the matter. You need not get on the defensive. Simply state: "I'm sorry, Mister, but I've studied law myself, and I'm too busy to argue with anyone who hasn't."

The Greeks had a word for it, and let me refresh your memory—no people better understood the value of local rule in relation to law, for which they had profound respect. Government was The People. In fact, Athens was termed a "City State." Can you not hear the echoes of the cheering audience as the Athenian in the play rebukes a stranger with these words:

"It is a city and *free*.
The *whole folk* year by year, in parity of service
is *our King*."

DEVELOPMENT OF PHARMACY IN WEST CHINA.

BY E. N. MEUSER.*

"Four Thousand Years of Pharmacy" gives an exceedingly interesting account of the ancient history of Egyptian and Babylonian pharmacy. Comparatively little mention is made, however, of the pharmacy of ancient China. The author states: "We know less about the pharmacy of ancient China than we do of that of either the Egyptians or Babylonians. This is probably because the Chinese have always been uncommunicative and secretive to an unusual degree, and because there has been less research into the ancient literature of the living nations than into the literature of races that have disappeared." This is, unfortunately, only too true, and the fact constitutes a challenge, or opportunity for those with the time and inclination in this direction, to delve into what the writer considers an

* Chengtu, W. China, Feb. 16, 1935.