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IDEAS ON LIBERTY

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Pharmacists and Freedom

According to the newspapers, pharmacists throughout the United States are refusing to fill prescriptions for the “morning-after” pill and other contraceptives because of religious objections. This has caused some concern and has prompted at least one governor to intervene. Last spring Illinois Governor Rod Blagojevich issued an emergency order requiring pharmacies to honor all prescriptions. The Osco drugstore where a pharmacist refused customers faced loss of its license for “failure to provide pharmaceutical care” and “unprofessional conduct.”

The Illinois pharmacists who object to selling abortifacient birth control argue that their refusal is sanctioned by the state’s “conscience clause.” But critics say that clause applies only to doctors who don’t want to perform abortions. The morning-after pill prevents a fertilized egg from implanting in the woman’s uterus. The *Chicago Sun-Times* reports that this “has motivated pharmacists in at least a dozen states around the country to refuse to dispense contraceptives.”

Fortunately, we can resolve this problem without getting into the birth-control or abortion controversies. In a free society, human relationships, including commercial relationships, must grow out of the consent of all the people involved. A forced sale is theft; forced service is slavery.

The owner of a drugstore, by virtue of the nature of private property, sets the rules. If customers don’t like them, they are free to go elsewhere. They can even shop on the Internet. Similarly, if a pharmacist-employee with convictions opposed to the morning-after pill works for someone who thinks differently, he will have to find another job if he can’t work things out with his boss.

No one has the right to make demands on other people’s property and then run to the state if turned down. All peaceful means of persuasion are acceptable. But force is not. This is the most basic condition of a fully civilized society. Most store owners, I imagine, will not want to turn away customers, but some will feel so strongly about certain matters that they do not mind los-

ing business. That is their right. That's how the diverse marketplace works.

Would we hear objections if a supermarket owner refused to sell beer and wine because of his belief that drinking alcohol is sinful or harmful? Probably not. But for many people, birth control requires special rules, and pharmacists do not have a "right to choose."

It is argued that since drugstores and pharmacists are licensed, the state may attach conditions. But that is one of the objections to licensing: it opens the door to further infringements on individual liberty. To be sure, licensing is always protectionist. In profession after profession, the demand for it came not from consumers seeking safety, but from the practitioners themselves who sought shelter from income-reducing competition. Thus we can assume that licensing reduces the number of drugstores, especially in small towns and rural areas. So is the state justified in requiring that all customers be served? I think not, for this would merely stack intervention atop intervention. We need to move the other way and peel off layers of intervention. Advocates of the freedom philosophy should use cases such as this in arguing against occupational licensing.

That is not the only intervention involved here. The pharmacists refuse to fill *prescriptions*, which are made necessary by law. Again, this has more to do with supporting the incomes of doctors and pharmacists than with consumer welfare. The problem would not have arisen if products were available without prescription. As the *New York Times* editorialized, "Pharmacists who refuse to fill prescriptions for morning-after pills are inadvertently strengthening the case for providing them as nonprescription medicines on the open shelves. Such availability would allow women to get the pills promptly without going first to a doctor and then to a potentially obstructionist pharmacist."

Once again, individual freedom and private property are shown to be indispensable for resolving disputes.

After so many years of neglect, the subject of Soviet concentration camps has started getting the attention it deserves. Jon Utley, who has a special reason to be inter-

ested in the camps, recently took a tour. See his report inside.

The success and prosperity of a society depend on freedom and private property, which are really the same things. James Dorn elaborates.

It's been 36 years since Neil Armstrong set foot on the moon and almost 33 years since the last trip. Bill Walker says it's about time moon and space exploration were turned over to private enterprise.

It's been a bad couple of years for the Food and Drug Administration, and reform is in the air. Don't bother, Arthur Foulkes says.

Today the government's degradation of the American medical system is a topic of much discussion. But as this month's FEE Timely Classic shows, Dr. Frank Primich had the ailment perfectly diagnosed in 1980.

The U.S. Postal Service is asking for another hike in first-class postage. This prompts Robert Carreira to wonder what we would expect from a legally protected monopoly.

The threat of state encroachment on private and home education is an ever-present threat. Hal Young describes how the parents of North Carolina have exercised eternal vigilance.

When an establishment "progressive" discovers that government intervention ostensibly on behalf of the poor actually harms its intended beneficiaries by stifling economic growth, it is indeed a newsworthy event. George Leef has the details.

Do we ever have thought-provoking columns this issue! Richard Ebeling makes the case against the welfare state. Lawrence Reed ponders the importance of ownership. Thomas Szasz examines the relationship between mental illness and legal incompetence. Stephen Davies looks at J. A. Hobson, a key figure in the change of the term *liberal*. Russell Roberts wonders why some people hate Wal-Mart. And Aeon Skoble, reading the claim that choice is a burden, responds, "It Just Ain't So!"

Books subjected to our reviewers' scrutiny deal with national greatness, protectionism, eminent domain, and conservative power.

—Sheldon Richman
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