

The Nurse and The Law

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MOST laymen and some lawyers consider law as a collection of irrational rules calculated to entrap the unwary and incidentally to make money for its professors. Some branches of the law in some countries may deserve that reproach; for example, the law of land is still, in some states, of a complicated and archaic nature, full of holes the reason for which has long disappeared—if any sound reason ever did in fact exist.

But the law as it affects the nurse in her capacity of nurse is plain and simple, and the exercise of common sense will in the main keep her safe.

What is law? If the human race lived as the Cyclopes of Homer, separate and apart, there would be no need of law, each would be a law unto himself. But once a state of society exists and man has intercourse with his fellows, there must be some rule governing that intercourse if the society is to survive. It may be that a strong man or family or class will by force impress its government upon the rest; or it may be that all are equal or as nearly equal as their varying gifts and powers permit. In any case, by far the greater part of the intercourse between individuals will be between those who are substantially equal. Customs grow up; some are found useless or even harmful and are dropped, others are found beneficial and are retained. It is these which ripen into law—that is, the principles underlying these customs become law-binding upon all individuals.

Judges in the past have taken a lead-

ing part in expressing the law, giving it a form of words, but if ever judges made law that time is past, at least in theory, and now the whole function of the judge is to find out what the law is and apply it to the case in hand.

Human nature is pretty much the same in all lands and in all ages, and it is not a matter of astonishment that the principles upon which all peoples govern their conduct toward each other are pretty much the same everywhere, allowance being made for environment and relative advance in civilization.

Nearly fourteen hundred years ago the great Roman Emperor, or rather his great lawyers, laid it down: "The precepts of the law are these—to live honorably, to harm no one, to give every one his due." But all these precepts had existed in the law for generations and had been frequently expressed, albeit in a disconnected and non-scientific form.

There are of course local regulations and rules laid down by parliament, legislature, and city councils; and these all good citizens must learn and respect. But in ninety-nine matters of daily life, the observance of Justinian's precepts will keep one in the safe path.

Indeed, for all practical purposes, the three precepts can be reduced to one, "Give every one his due."

The rights of anyone in respect to us and the correlative duties which we owe to him, that is, his due, may depend upon the moral law, whether that is an immediate gift of the Creator to man or the result of a long course of evolution. Many