

TOPICS OF THE DAY

THE CANADIAN CONSTITUTION: BRITISH RE-ARMAMENT: PRISON REFORM: POLITICAL DETERMINISM.

THE BRITISH NORTH AMERICA ACT is a perennial fountain of controversy in the higher politics of our Canadian Dominion. Who would have it otherwise? Where there is strife, there is life. A lusty child ought to outgrow his swaddling-clothes. If there is tension between ancient settlement and emergent necessity, surely we may regard the condition as evidence of growing pains. The laws of the Medes and Persians are no fit model for the constitution of a youthful country that is not only alive, but given to kicking.

The venerable B. N. A. Act is, once again, on the operating-table. Some recent decisions of the Privy Council's Judicial Committee on the validity of certain legislative acts have projected the need for a re-examination of our constitutional document. The rectitude of the august tribunal's decision is not called in question; their findings came as a surprise to nobody. Nor is there any disposition to emulate the American President who, in an almost parallel situation, has passed from the delivery of broad hints about more liberal interpretations of the constitution to threats of a summary dealing with septuagenarians on the bench. The issues that have been raised are too deeply involved in the growth of our people for treatment by the methods of political expediency. New wine is bursting the old bottles. Our statesmen must not resort to the old dodge of presenting an attractive patch in place of a new garment. Rather, they must be prepared to answer, with such permanence as is permissible in this mortal life, two questions. How far, and in what respects, has the Dominion of Canada become a social and economic unity so that it requires the collective political wisdom of our Federal Parliament to deal adequately with such new problems as social insurance, regulation of working hours and wages, conditions of marketing and control of prices? And, are we prepared to affirm that the promise of Confederation has been so fulfilled that we can now take the constitutional future into our own hands? In the answers we are able to return we shall also have recorded our verdict on a third question—has Canada become in fact, as well as in aspiration, one indivisible and independent nation?

During the past two decades, the sentiment of nationality has undergone a remarkable development among our Canadian people.

With all the self-consciousness of a young debutante, we have "come out" into the society of nations. True to the modern manner, we have ostentatiously cut the maternal apron-strings, and have sought our friends both inside and outside the family circle. We have set up rather an establishment of our own, and while our filial relations with the old mother are not exactly reduced to mere calling terms, we are in no doubt concerning the reality of our coming-of-age. But the world into which we have so emphatically come out has also flooded in upon us. A self-conscious participation in world economy has carried the epidemic of social sickness over national frontiers and tariff walls to infect our body politic with unfamiliar diseases. When maladies first strike the virgin soil of peoples that have for long enjoyed an immunity from their attacks, the onset is particularly destructive. Here in Canada, we have felt specially oppressed by the conspiracy of external and internal conditions that has thrown multitudes of our people out of employment, and has presented us with the bewildering spectacle of farmers and fishermen living on public relief. All the difficult problems of a developed industrial economy have been accentuated by their localisation in a country that takes its place in the front rank of the world's exporting nations. A few years ago we were revelling in the carefree delights and opportunities of an expanding young life. To-day, our shoulders are prematurely bowed beneath unfamiliar burdens of social responsibility. And now, when we have braced our strength to re-adjust the load, our political constitution has proved inadequate for the requirements of the new efforts.

Almost with its dying breath, the late Bennett Government rushed through a series of measures to provide for unemployment insurance, limitation of hours of labor, the enforcement of a minimum wage, and the establishment of marketing boards. While these new laws were being debated in parliament, their constitutional validity was called in question. Most properly, that issue has been put to the test in our final Judicial Court of Appeal. An authoritative judgement has been delivered with unmistakable unanimity that, under our present constitution, the legislation in question belonged to the sphere of provincial rights.

The effect of the Privy Council decision is to provoke an inevitable curiosity as to whether our emergence into nationhood is quite as complete as we had imagined. There has never been any question as to our rights in the matter of sitting as constituent member of the League of Nations, our despatch of ambassadors to foreign courts, and our signing of treaties and agreements with

other nations. But a clash has ensued between our powers of external relationship and our internal capacities for their fulfilment. Certain of these acts, now declared invalid, were passed ostensibly to ratify conventions entered into through our participation in the work of the International Labor Office at Geneva. What we may do as a united nation, we may not do as a confederation of provinces. Clearly, there is need for some constitutional adjustment.

All parties are agreed that we must have a plenary conference of Federal and Provincial Governments to deal with a complicated problem. When it meets, we hope our political leaders will rise to the heights of statesmanship demanded by the occasion. There must be no futile wrangling about the old questions of provincial rights, and certainly no degeneracy into petty party strife. Not rights, but duties are the issue of the day. A great section of our people have been passing through grievous hardship. They have borne their sufferings with amazing patience. It is the presence of deep human need among the humble folk of our land, rather than the ghosts of old controversies, that must haunt the conference chamber, and give our politicians no peace until they have devised some worthy way of dealing with unemployment, depressed prices and bad labor conditions. Whether these new duties of government are undertaken by Federal or by Provincial authorities, or by some combination of both, there is a growing conviction among our wisest and most humane citizens that our present haphazard, hesitating and temporising expedients for dealing with social distress must give place to some more enlightened system, if we are to hold up our heads before the world. If the constitution hinders us, plainly we must get the constitution amended. If the present apparatus of amendment is too cumbersome, we must find some more expeditious machinery. There is one attitude of mind that is completely inadequate—dealing with the situation as an abstract problem in the rarefied region of high constitutional politics.

THE RE-ARMAMENT PROGRAMME OF BRITAIN is, by far, the most important event in current international affairs. With obvious reluctance, and yet with manifest determination, the British Government has undertaken a scheme of military preparation that almost recalls memories of Autumn, 1914. Short of actual engagement in war, it is impossible to think of a country concentrating its national energies with greater intensity on the equipment of its belligerent forces. Already, enormous new expenditures have

been undertaken to provide machinery and munitions of war. The raising of a prodigious public loan has received parliamentary sanction. Factories, workshops and shipyards, many of them having stood gaunt and silent since the end of 1918, have sprung into new life with the whirr of machinery and the clatter of hammers, as thousands of workmen have returned to employment. The unmistakable voice of the drill-sergeant is once again heard in the land, although we are told that he finds it difficult, at times, to assemble sufficient raw material on which to exercise his rhetorical gifts. It is very evident that the dominant emphasis in British political philosophy has become, "*Si vis pacem, para bellum.*"

The spectacle of an old warrior buckling on his armour, and issuing his challenge to the powers of darkness, makes a brave show that is calculated to stir the blood into faster motion. There comes a time when the patient processes of accommodation and conciliation pass very properly into righteous indignation, and a halt is called to interminable badgering and baiting; in our terse speech, to demand a show-down. Even modern political cynicism will find it difficult to impugn the sincerity of the British people when they protest that this tremendous resolution has been undertaken in charity for all and with malice towards none. Self-defence is an elementary political obligation. British liability for the protection of helpless races throughout the world, who have every moral right to look to their sovereign for defence, has no parallel in ancient or modern history. In any case, the true antithesis for the securing of international justice is not between the methods of arbitration and the use of force. Our police system must vary in strength and efficiency with the character and number of our potential criminals. The moral status of armaments is imparted to them by the ends they are meant to serve. Our British people have predatory designs on nobody. The worst that can be said against them is their evidence of a determination to maintain the international *status quo*, and even then, the only warning that is being issued is against attempts to compel territorial re-adjustment by dictatorial caprice or military effrontery.

The British nation are behind their Government in their new international policy. In Parliament, the financial votes for the necessary appropriations of funds are not passing through without division, but, on the whole, the Opposition are stating plainly that their adverse criticism is not being offered on any fundamental question of principle. Rather, they are acting on the premises that, after all, it is the duty of an Opposition to oppose. Liberal and Labor parties are both convinced that Britannia needs her

bulwarks, if not along her shores, certainly in the air and around her crowded centres of population. They are as much persuaded as Conservatives that there must be no entertainment of missionary expeditions from continental centres of new political religions, whose adherents consider they have the right and duty to extend the blessings of their faith to all mankind. The British people have developed an unusually high sense of political responsibility in the matter of keeping their Governments informed about the state of public opinion. They have never considered their democratic duty at an end when the ballot-boxes are opened, and election results declared. The press, the holding of public meetings, the framing of petitions, the great representative organisations such as Chambers of Commerce, Trades Unions, and a thousand Societies for this and that, all constitute a nervous system of acute sensitiveness that conveys its messages with unmistakable certainty to the brain centre of intelligence and action in the political headquarters of the nation. But the representations that are coming through are few in number, and have their origin in significant quarters. The people as a whole have accepted re-armament simply as the grim inevitable.

Nevertheless, there must be a deeply tragic element at the heart of any intelligent acquiescence in this great undertaking. The forces of enlightenment and civilisation have sustained a heavy defeat. We are bidding farewell, for how long we cannot estimate, to a great enterprise of faith and hope for the world that has engaged the spiritual energies of most enlightened people during nearly a score of years. At such a time, bitter reflections on what might have been, however futile, can hardly be suppressed. The endeavour to build up a new system of international consultation, based on the acceptance of principles that are the marks of civilised life, has broken down. The attempt to apportion blame for that failure is as thankless as it is impossible. We must all share in the humiliation that has come to the human spirit. The dream of good has once again proved too much for our poor hearts. It remains for those of us who have seen the vision not to let it die.

The defeat sustained by the forces of civilisation on the international front is compelling a similar retreat on the home front. The re-armament programme must be paid for out of the national income. The raising of loans only postpones the day of reckoning, and, while it distributes the incidence of payment over a longer period of time, ultimately the cost is increased rather than diminished. For the present, factories are busy, the unemployed are getting work, and loans are being subscribed, but it requires little economic

intelligence to realise that this is no genuine return to prosperity. Expenditure on munitions of war has this peculiar character that not only is it economically unproductive, but, if actual use is made of commodities produced, the outlay turns to negative value in sheer destructiveness. The best that can be said of the investment is that it is comparable to the payment of insurance premiums. Taxation has increased and must mount still higher in a land where the demands of social expenditure are already considerable, and in which certainty of collection for public imposts has been reduced to a fine art. General industry will be crippled. The spending power of the people will be diminished. Ere long, desperate Chancellors of the Exchequer will find it difficult to maintain heroic attitudes, but must rather look around to find where they can slash at expenditures on education, health and the care of old age and poverty. If the British people are fortunate enough to escape the dreadful calamity that will follow upon the necessity that may call for the employment of these warlike preparations, the economic depression that is almost sure to ensue on this period of frenzied business will shake the pillars of society. When unemployed men are clamouring around public authorities for an extra shilling a week, they will not forget the easy reference of ex-Chancellors to the capacity of the British nation to take a loan of four hundred millions "in their stride".

Building and counter-building of armed equipment carries us back not only to 1914, but beyond that ominous date to the scare-haunted years of the seventh Edward. Then, the challenge to defensive preparation seemed as unavoidable as now, but the fearful issue of the armament race seems to have been equally inevitable. The subtle change from the attitude of defence to that of offence can easily be induced upon the mind in an hour of international crisis. Was it not the present Prime Minister who once spoke of our frontiers being on the Rhine? Britain is by no means alone in the armed preparations. Rather, she appears as a laggard in the race, making frantic efforts to catch up on other competitors who have already gone far ahead. Ostensibly, it was the sudden realisation that Germany had re-armed, had re-introduced conscription, and above all, was militant in outlook, that awakened England from her pacific slumbers. But before that, France had never really given any tangible evidence that she considered the war of 1914-1918 to have come to an end. She entered into an alliance with Russia, where a superb fighting machine has been created by the Soviet Government. Japan has trebled her military budget in half a decade. Only yesterday, Italy was able to bully the whole world

into abject submission by the threat of her armed forces. We hear little about it, but the United States of America has almost doubled her appropriation of funds for defence since President Roosevelt first took office. The only question that most intelligent people ask is,—When and where will the storm burst? The world of nations has become a great armed camp. Surely the time has come for some bold voice to speak out and call a truce to this madness, and we would like to hope that there is still enough intelligence left among us to consider obedience to that summons as the only problem worthy of our complete and immediate attention.

PRISON REFORM has re-emerged on the social scene to disturb the Canadian conscience. On Sunday, January 17, at the reformatory in Guelph, Ontario, a serious riot broke out among the inmates, which resulted in the complete destruction of the prison by fire. The entire population of the institution escaped, but had the good sense to give themselves up or allow themselves to be recaptured. Fortunately, there was no loss of life, and public interest in the alarming affair has quickly subsided. But events of a similar kind have occurred before in our Canadian prisons, and it is generally agreed among informed people that our penal system needs serious overhauling.

In Nova Scotia, our method of dealing with convicted offenders is shockingly bad. True, we have no riots among our prison population; but then, there is nothing in our treatment of jail inmates about which anyone would want to stir up an insurrection. In some of our county prisons, the unfortunate men who are committed to detention can have all the freedom they want by the less arduous process of opening the door and taking a stroll down the public street. The complaint to be made against our Nova Scotian system is not that it is harsh and vindictive, but rather that it treats our offenders with callous neglect. We lodge prisoners in squalid dens, where they spend their period of sentence in demoralising idleness, at times under such meagre supervision that youths in detention have actually made the county jail a point from which they have gone out into the community to commit burglary. Our prisons are our finest schools of crime. In our manner of dealing with convicted persons, we have not advanced beyond the outlooks of a hundred years ago.

In 1933, the Report of a Royal Commission concerning jails was presented to the Provincial Government. The facts contained

in that grim document have never been challenged. It is almost inconceivable that such conditions can exist in a province that, from many points of view, has the right to consider itself one of the most enlightened parts of our Dominion. As we look through the pages of the Report, we are back in the days of Charles Reade and Charles Dickens. Young boys, convicted of petty crime, are condemned to consort for weeks and months in complete idleness with hardened criminals. We are told that the only occupations in many jails are card-playing, tobacco-chewing and the exchange of lewd stories. Conditions are insanitary, bedding is verminous, cells are overcrowded, and, at times, there is not even a proper segregation of the sexes. Should any unfortunate lad be condemned to spend a few months in one of these wretched institutions, his demoralisation of character must almost certainly be complete. Any citizen of Halifax might find himself in the position of being suspected, perhaps innocently, of having committed a misdemeanour. He would be required to spend his time awaiting trial in a narrow corridor not a hundred feet long, in the company of all kinds of evil persons, without exercise, and at night to sleep in a barred den, which would not be tolerated for the accommodation of wild beasts in a travelling menagerie.

The Royal Commission made very definite, if modest, proposals for the introduction of reforms. The County Jail, except as a place of temporary lodgement for persons awaiting trial, is an anachronism. In our sparsely populated province, county authorities have neither means nor opportunity to provide proper supervision for convicted offenders. The establishment of a central institution was advocated, of the prison-farm type, where, under the wholesome discipline of manual labor in fresh air, at least the opportunity might be given to lead a healthy orderly life during the period of sentence. Young offenders should be segregated and treated under the well-established and enlightened principles of the Borstal system. A wisely-administered probationary scheme might be adopted for the guidance of lads and girls who have got into trouble. Many of the prisoners have been found to be weak-minded, more in need of educational treatment than of indiscriminate punishment. However we deal with offenders, it ought to be accepted as a fundamental maxim that our objective should be the reclamation of the criminal from his evil ways, and his restoration to decent social relationships. That idea has hardly yet begun to enter the minds of our responsible authorities.

The facts are public knowledge, and the Report has been filed as a State document. But nothing has been done. The public

conscience is untroubled, and our legislators make no movement in the direction of amendment. The foul blot continues on our civilisation, and nobody can extract any satisfaction from our callous indifference. Lads are rotting into moral deterioration in our jails, and not a voice is lifted to plead their cause. There is no need to indulge in the attitude of modern defeatism by suggesting that they are all victims of adverse circumstances. Wickedness is a fact of life, and a weak sentimentalism is no adequate philosophy for dealing with its appearance. But a careless ineptitude that can think of no more enlightened policy than putting the unfortunate wretch out of sight and mind for a period of months is utterly unworthy. We must resurrect the Report of the Royal Commission, and make it a live issue in our provincial politics.

POLITICAL DETERMINISM has become a prevailing fashion of thought among our younger discontents. There is a tiresome reiteration of the alternatives, Fascism and Communism, either as enemies to be feared, or as patterns of social life into which our decadent Capitalism must inevitably pass. This type of outlook becomes dominated by the categories of mechanism. It speaks of "systems" and "social forces", in the sweep of whose movement the individual is powerless. We need not wonder that when the normal presence of the human factor as a capacity for intelligent self-direction is reduced to a vanishing point, it is covertly re-introduced only as a wildly irrational activity in moments of crisis to precipitate a revolution. This prevailing philosophy of society ought to be scrutinised before we surrender to its insinuations.

Our modern young Hamlets, sniffing the rottenness of the state from the elevation of professorial chairs and lecture platforms, wear a certain air of tragic pride in the enjoyment of their blood-curdling realism. But, are they quite realistic enough? There is a subtle delusion in the kind of thinking that consists in the attachment of labels, or that over-simplifies the problems of human existence by compressing them into some ready-made scheme. There are more things in heaven and earth than we have dreamed of in the science of economics. Must it be accepted as gospel truth, when one of our young Canadian leaders recently wrote that there shall be no sign given unto this generation except the sign of the prophet Marx? The influence of that mighty thinker is only too apparent in our modern world, but his theory of history is not so infallible as his disciples would suggest to us. Mr. H. G. Wells

can hardly be classified among the social reactionaries, but he has a searching question for such as have swallowed the Marxian doctrine—Why did the revolution happen in Russia and not in the United States of America? If the ripening processes of history exhibit a dialectic that has an infallible logic, why did the bud that is to open out into the fair flower of communist sweetness appear like an abortion out of soil in which capitalism was scarcely rooted? There is an answer, but it suggests question marks to be placed against the rigid fatalism of Marxian theory. The explanation was the appearance of Lenin and his friends to exploit a movement of social transition for revolutionary ends. Cannot the emergence of Hitler and Mussolini be regarded as vital factors in the establishment of Fascism? We may grant readily enough that these dynamic figures found a social condition ready prepared for their forceful entrance upon the scene; but one can hardly build a depersonalised theory of social action on such a basis. The final direction to the social result was imparted by the exceedingly purposive intrusion of strong men, who knew exactly what they wanted to do and where they were persuaded to lead their fellow-countrymen. That is emphatically not political determinism.

Such reflections upon the inadequacy of current social theories have more than an academic interest. Already, attempts at forcing social change to conform to a philosophy of history have inflicted incalculable damage on the modern world, and we shall be fortunate if we escape without a universal conflict. It is said that Trotsky selected Spain as the *locus* of the next Communist coup d'état. All the world looks on with horror at the immolation of a great country on the altar of ideology. A reformist group got into power, but the communist party from within the so-called united front commenced to develop their strategy of revolution. Impatiently scornful of moderate counsels, they were obsessed with their doctrines of transformation through conflict. The final result, instead of being an orderly movement towards sane amelioration of social conditions, has been the provocation of a counter-movement, equally fanatical in its adherence to a political theory. *Cui bono?* What pre-ordained movement of historical forces thrust the unfortunate people of this ancient realm into a blood-bath, from which the only result must be a tyranny that will rival the ruthlessness of the Bourbons at their worst. We ought to hesitate before we accept a theory of inevitable revolution even from a savant like Karl Marx, who surveyed the human scene from the limited perspective of Soho, and accumulated his historical facts in the stuffiness of the British Museum.

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Meanwhile, our academic prophets of Kingdom-come speak and write recklessly of revolution as if it were an attack of political measles, an inevitable if unfortunate event in the history of social childhood, soon to be forgotten in the expanding joys of a communist adolescence. In matters political they are really millenarian fundamentalists. They have become so obsessed with their theory that they have diverted their own attention and that of others from the practical possibilities of immediate social amendment that ought to engage the attention of all who believe that an intelligent democracy can be educated into making a demand for orderly change. Surely wiser counsels could be harvested from a less jaundiced study of current history. If the Lenins, Trotskys, Mussolinis and Hitlers of the modern world could project themselves with such decisive effect into the life of great nations, and, single-handed, lead their people to embark upon momentous changes, can we not learn some other strategy of social action than the grim awaiting of a tragic *denouement* on the capitalist scene? The prerogative of intelligence is not surrender to the inevitable, but to run before it, and to avoid a fatal encounter by outflanking movements. Revolution by Fascist or Communist dictatorships should be definitely classed with impossibilities in our democratic states.

Nevertheless, our dark prophets of doom are not without their place in our North American continent. Political determinism may become a ghastly reality, if the intelligent continue to regard the game of politics with that conspiracy of indifference to moral issues that is too prevalent among us. We have surrendered to graft, place-seeking and party manipulation even of the franchise, with a sniggering complacency that is creditable to nobody. Great and powerful interests have swayed our public policies, to the neglect of the poor, the underprivileged and the uneducated. The summons of the hour is to a political change of heart that will make the major task of our statesmen a concern for more equitable distribution of wealth, and a general raising of the popular level in matters of health, housing, education and provision for the rigours of old age and sickness. To the horrors of revolution we must oppose the more engaging attractions of a genuine civilisation, and let the confused nightmares of our present darkness vanish in the light and promise of a new and better dawn.

J. S. T.