

MARGINAL NOTES

SCIENCE AND RELIGION.—In the midst of cruel and foolish world events which go far to justify Gibbon's dictum that history is "little more than the register of the crimes, follies, and misfortunes of mankind", it proved interesting to read Sir Richard Gregory's address to the American Association for the Advancement of Science at Richmond, Va., in December last. It was in effect an appeal to the scientists to forward a movement having for its object the removal of antagonisms between science and religion, and the establishment of a *liaison* between them. Whether the newspapers reported Sir Richard aright when they said that he suggested "a new idea of future life, where in place of eternal life there will be a completely different creation after the present earth has come to an end", is open to question. But assuming that the report of his remarks as we have it is correct, it is difficult to see how a theory which flatly contradicts the doctrine of the eternity of the life of man as predicated in the three historic creeds of Christianity can be brought into line or made compatible with that doctrine. Then, again, the concept of another and "completely different creation" for man after the planet which he now inhabits is destroyed is not "a new idea of future life". It is as old as Zeno's *Stoa Poikilé* in ancient Athens and the system of philosophy which he is credited with founding—known to us as Stoicism. It was a postulate of that system that the universe had emerged by condensation out of the Divine Fire and would in process of time be absorbed into it again. Furthermore, after the lapse of an indeterminate period of time it was expected that another universe similar to the present one would emerge from the Divine Fire, run its course, and be in turn re-absorbed into it. Nor would the cosmic operation of emergence and re-absorption be other than continuous, producing world after world for the tenancy of man in some newly created form. Hence the early Stoics looked upon the time-process as "an eternal repetition leading nowhere", and this impelled them to adopt a mental attitude of *apatheia*—a philosophic indifference—to the struggle for existence in a world destined to annihilation by the ineluctable laws of Nature. But later on in the Graeco-Roman world the adherents of Stoicism discarded this unworthy attitude and espoused the view that "life according to Nature", instead of making his tenancy of the earth a career of defeat and frustration for man, could be moulded by him into a benign "Destiny" if virtue in its broadest signification and not pleasure furnished his ideal of

mundane conduct. In this way the Stoic concept of "Destiny" approached in some measure the teleological significance inhering in the phrase "Purpose of Grace" as used in Christian apologetics. But the Stoic philosophy stopped far short of the Christian view that envisages mortal life as the initial stage of a time-process in which man is disciplined for, and led on to, a transcendent and everlasting future.

Although Sir Richard Gregory holds a distinguished place among British scientists his theory in derogation of the hope of everlasting life for man obviously was not arrived at by the use of scientific method. It is nothing more than a guess, and as its tenor and import are in direct opposition to an outstanding tenet of Christian eschatology it hinders rather than promotes any attempt to bring about a *liaison* between science and religion. But while we are in entire disagreement with Sir Richard's conception of a new earth with reincarnated man as its occupant after the present terrestrial order has come to an end, we are moved to absolute concurrence with him when he says that the belief in the survival of personality after death "is a powerful ethical factor in human development".

We quote the following passage from his address touching the chivalry of war as practised in our time:

"Man has advanced so little in spiritual evolution that he is just as much a barbarian in his use of aerial bombs and poison gas as he was when his weapons were only clubs and arrows".

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HISTORY AND HITLER.—If Clio reads the newspapers and listens to the radio broadcasts from day to day she must be suffering from prodigious puzzlement in her search for a veridical estimate of the character of Herr Adolf Hitler for the guidance of future readers of the history of our degenerate age. She will not know whether to write him up or to write him down. With one ear she hears her trusted adviser, the historian and scientist H. G. Wells, describe Hitler as "a certified lunatic"; while with the other she listens to the voice of an Anglican prelate in Canada lauding him as "the greatest statesman of his time". So far as Mr. Wells's estimate is concerned, its accuracy is supported by the opinion very generally held that Hitler is a paranoiac who conceives it possible for him to become the master of the world; while his quality as a statesman can best

be judged by studying a passage in the unexpurgated German edition of "*Mein Kampf*" where his counsel to his early partisans is couched in the following terms: "You must lie until you have lulled your enemies' fears and got yourself into such a position that you can smash them one by one". That is not the language of the "Ueber-Mensch" envisaged by Nietzsche, but it discloses the ethics of "Der Fuehrer-Gott" of Nazidom. To purge its savour from one's nostrils it is expedient to turn to President Roosevelt's recent message to Congress which serves to rank him in statesmanship measurably close to Pericles and Lincoln.

The muse of history should be informed that an authentic characterization of Herr Adolf Hitler appeared recently in the *Manchester Guardian*. It reads as follows:

Conceive me if you can
A typical Aryan Man;
A TotalitAryan,
Thorough VulgAryan,
Utter BarbAryan Man!

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HISTORY IN THE MAKING.—Canadian history on its political side was enriched late in the past year by the publication of the Rt. Hon. Sir Robert Borden's "Memoirs" and the Hon. Edward M. Macdonald's "Recollections". Sir Robert's book was commended to the attention of our readers in the November number of the REVIEW, and its historicity, as well as its value in revealing the personal equation of its author to the drift of political thought in his time, have been affirmed by competent reviewers throughout Canada and abroad. We are informed that within a few weeks after its publication the *editio princeps* was exhausted. As to Mr. Macdonald's work we are persuaded that it cannot fail of acceptance as a fair and frank discussion of events that have made history in Canada and the world at large during the stirring period that it purports to cover—beginning with Mr. Macdonald's election to the Nova Scotia legislature in 1897, and continuing until his retirement from membership in the Canadian House of Commons in the year 1926. It was a period in which the Dominion of Canada emerged from unimportance in world affairs by so conducting itself within the imperial sphere as to obtain formal recognition of its status as a nation. It had begun its course simultaneously

with the advent to power of the Liberal party in 1896 under the leadership of Laurier, after eighteen years of Conservative rule had promoted in a remarkable way the economic development of the Dominion. A retrospect of the period discloses the inauguration of the British Preferential Tariff; the support voluntarily furnished to Great Britain by Canadian troops in the South African War; the creation of the two great provinces of Saskatchewan and Alberta; the Conference on Imperial Defence in London, and the subsequent passage of the Naval Service Bill by the Canadian Parliament; the Reciprocity agreement between Canada and the United States, which resulted in the downfall of the Laurier administration; the Great War and Canada's notable share in it; the Treaty of Versailles and the formation of the League of Nations; the Washington Limitation of Arms Conference; the Imperial Economic Conference at London; the formation of the United Church of Canada under Dominion legislation. For the most part these were events of outstanding importance in moulding the destiny of Canada, and in discussing them in their factual verity in the pages of his autobiography Mr. Macdonald renders himself invulnerable to any application of M^{de}. du Deffand's gibe at the expense of Voltaire—"Il a inventé l'histoire!"

The Rt. Hon. George P. Graham in his Foreword to the book assures us of Mr. Macdonald's qualifications to speak with authority on the political events of his time. He declares that his friend occupied a prominent place in the House of Commons. "He was in the forefront of debate. . . . He was in the inner circle of members whom the Chief, Sir Wilfrid Laurier, consulted on matters of great import, not only to the party but to the country as well". This is amply attested by a number of letters written by Sir Wilfrid to Mr. Macdonald, in which he invariably addresses him as "My Dear Ned". These letters hitherto have not been accessible in print, and they throw an interesting light on Sir Wilfrid's genius for friendship as well as his political sagacity.

Mr. Macdonald speaks in terms of genuine kindness of those who were opposed to him as well as of those who were associated with him in the storm and stress of practical politics. This is because he is one of those favoured mortals who are born with an amiable disposition—a disposition to promote goodwill among men. We have Cicero's word for it that friendship is the offspring of pure goodwill. Hence it is not surprising that Mr. Macdonald's friendships were many and when once

made continuous. That the memory of departed friends and contact with those who have not passed on constitute a source of refreshment to him in his period of retirement from active life, is apparent from the closing words of his book of recollections:

The days pass pleasantly for me, and under the guidance and direction of Divine Providence, from whom has come the full life that has been mine and for which I am deeply grateful, I humbly await "the end of the Journey."

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MR. JUSTICE FRANKFURTER.—By nominating Professor Felix Frankfurter as a member of the bench of the Supreme Court of the United States to fill the vacancy created by the death in July last of Mr. Justice Cardozo, President Roosevelt displayed his customary firmness of purpose in doing what he thinks best in the country's interest despite adverse criticism in the ranks of his own political party. Notwithstanding active opposition to the nomination by some members of the Democratic *bloc* which defeated the President's endeavour to reorganize the Supreme Court, a majority of the Senate committee confirmed the nomination and applauded the selection of so well qualified a man as Frankfurter for the high judicial office.

Mr. Justice Frankfurter was born in Vienna 56 years ago, and came with his Jewish parents some 12 years later to the United States. At the age of 24 he graduated with highest honours at the Law School of Harvard University. With brief intervals of public service he has devoted himself to an academic career. At the time of his nomination he was a professor on the staff of the Law School where he distinguished himself as a student in his younger days. By his contributions to the literature of the law he has shown himself to belong to the philosophic school of which the man whose place he was chosen to fill on the Supreme Court bench was so notable an adherent. In this respect he will doubtless rejoice in his association with Mr. Justice Brandeis, to whom Frankfurter and Greene's "The Labor Injunction" (1930) was dedicated in the following words: "To Mr. Justice Brandeis, for whom Law is not a system of artificial reason, but the application of ethical ideals, with freedom at the core."

A very intimate degree of friendship existed between President Roosevelt and Mr. Frankfurter since the election campaign of 1932, and the latter has been made the subject

of many attacks in Congress and in the press as the "invisible adviser" of the President respecting the formulation of the New Deal policy. Hence it is generally believed that he will align himself with his judicial brethren of the "liberal cult" in deciding constitutional problems as they may hereafter arise.

We are disposed to think that Mr. Frankfurter as a member of the Supreme Court bench will exemplify in his judgments the truth of the pithy saying of the great judge and jurist he will replace there,—“The most important thing about a judge is his philosophy”. Commenting on this aphorism the writer of a glowing eulogy of Cardozo in *The Law Times* (Vol. 186, p. 171) observes:

An English lawyer may, perchance, be startled; but are not the great English Judges guided, in the last resort, by a philosophic outlook? Continuing the writer points out that in *Donaghue v Stevenson* (147 L. T. Rep. 281; [1932] A.C. 562) the pragmatism of Lord Atkin is manifest; Lord Macmillan approaches the problem by the avenue of philosophy. From the line of logic and history Lord Buckmaster's opinion emerges.

Earlier in the course of his eulogy the writer speaks conjointly of Holmes and Cardozo in this wise: “Both men will be among the great Judges: Holmes, the giant of Anglo-American law: Cardozo, the philosopher in law.”

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NEW YORK LAWYERS DENOUNCE NAZIS.—At a meeting on the 13th of last month the Association of the Bar of New York adopted a resolution, proposed by Charles C. Burlingham, John W. Davis and Thomas D. Thacher, former Presidents of the Association, denouncing “with dismay and abhorrence the ever-increasing and cumulating violations by the Government of the German Reich of rights heretofore regarded as fundamental in Germany itself as in all civilized countries.” The resolution formally expresses the sympathy of the Association with the innocent victims of Nazi persecution and proscription, and directs that the terms of the resolution be communicated to the President of the American Bar Association and to the Bar Associations existing in each of the States of the Union “with the view that all these associations—national, state and local—shall take immediate action”. No form or line of action is suggested in the resolution, but it is obvious that if all these organizations pass resolutions corresponding in forthrightness and vigour of phrase

with that to which we advert, President Roosevelt will feel that he would have the united support of the American Bar behind him in case he should deem it necessary to translate into economic action his publicly expressed hostility to the domestic and foreign policy of the German Reich.

CHARLES MORSE.

Ottawa.

**COUNCIL MEETING OF THE CANADIAN
BAR ASSOCIATION**

The Mid-Winter Meeting of the Council of the Canadian Bar Association will take place at the Seignory Club, P.Q., on Saturday, 11th February, 1939, commencing at 10 a.m.
