

the two sides to every dispute, the pros and cons. Hence the truism that usually neither side of a contention is entirely right or entirely wrong.

There is as well the peculiar psychological fact that the wish is often father to the thought, and men can persuade themselves at times to a habit of conviction. "E'en though vanquished they can argue still."

To remedy these constitutional defects of our make-up, the Creator has endowed us with conscience, and the Redeemer merited saving grace. 'Tis with conscience we are concerned in this discussion, that conscience which developed by association with others, becomes common sense. As we weigh pros and cons in our own interest, there is a silent monitor that interprets our duty to others, and applies to cases the eternal law graven on our hearts, and in perplexity prompts us to seek counsel. All efforts to solve problems in the social order and to prepare paths of peace and harmony that do not reach conscience and ignore the other fellow, must fail.

The desirability of a higher court than sheer strength is founded on the dictate of common sense that might is not necessarily right. Because a man is knocked down does not necessarily prove him wrong, nor is a majority vote infallible, nor were the Germans vindicated because they swamped Roumania.

There is a higher law than retaliation by physical force. The bastard evolution theory of the 'survival of the fittest' by which Nietzsche relegates humanity to the jungle law of iron tooth and bloody claw and the consequent chain of destruction that obtains in the lower order, does not apply to the reasoning being. Man is normally an arbitrating animal.

He is conscious over and above the law of self-preservation, of a duty to the community and to the race. For the good of the whole he brings into play the natural virtues of temperance and prudence to restrain undue fortitude in visiting swift justice on an aggressor. Rather than take the law in his own hands he joins with others in society, so that personal vendetta may be referred to law and constituted authority. In this way the apparatus of courts and judicial procedure have become a part and parcel of all civilisation worthy of the name. Especially is this true of the highest development of civilisation in the democratic institutions of our day. Representative government means a court of appeal by which disputes are referred to the decision of a majority and sometimes further to a supreme court of experts or judges.

Common sense also dictates that discussion and argument generate light from the collision of opposing claims. This light dispels misunderstandings, and shows the way to a solution of the equation, by finding the unknown factors. A true solution must be accepted if the contending parties are sincere. In practice getting together is usually a step towards conciliation; conciliation, a step towards arbitration, and arbitration a step towards agreement.

The common sense of this procedure is endorsed by Holy Writ in a graphic way. "If thy brother shall offend against thee, go and rebuke him, between thee and him alone." Failing in this, "if he will not hear thee, take with thee one or two more that in the mouth of two or three witnesses every word shall stand." These are interested parties whose role is mediation. "If he will not hear thee, tell the Church." In other words, if mediation fails, then comes the turn of arbitration, or the referring of a dead lock to a third disinterested