

CONSTITUTIONS, CONVENTIONS AND VALUES: THE SCOTTISH CHURCHES AND THE CONSTITUTIONAL DEBATE

Norman Shanks

In her immensely stimulating **Britons: Forging the Nation 1707-1837**, Linda Colley describes 'Great Britain as an invented nation superimposed, if only for a while, onto much older alignments and loyalties' (Colley 1994, p.5) and draws attention to 'the revival of internal divisions' (ibid, p.7) now that 'the factors that provided for the forging of a British nation in the past have largely ceased to operate' (ibid, p.374) - Protestantism, recurrent wars with continental Europe, commercial supremacy and imperial hegemony: 'Great Britain, as it emerged in the years between the Act of Union and the accession of Queen Victoria, and as it exists today, must be seen both as one relatively new nation, and as three much older nations - with the precise relationship between these old and new alignments still changing and becoming more fiercely debated even as I write.' (ibid)

Certainly the Scottish constitutional issue will be one of the strong themes in the forthcoming General Election campaign, and the succession of opinion polls within Scotland invariably reveals an overwhelming majority for constitutional change. And yet, for all the deep-seated alienation and widespread disaffection from Westminster policies and structures, there has hardly been a high degree of interest, among the public at large, in the details of the debate. Probably this is because at first sight constitutional discussions may seem to be the preserve of the ultra-committed and the political theorists. The challenge over the period ahead must be to demonstrate more clearly and forcibly the relevance of the debate to the policies and services

Norman Shanks is Leader of the Iona Community. He was a civil servant in the Scottish Office from 1964 to 1979, and Convener of the Church of Scotland's Church and Nation Committee from 1988 to 1992.

that affect people's daily lives - jobs, schools, health, housing, and so much else besides, and thereby to attract a broader and better informed base of interest and support. The task should not be impossible to accomplish: indeed the potential is already there in the signs of a different kind of political culture that is evolving in Scotland, through the emergence of a range of new groups and movements, many of a grass-roots or 'bottom-up' nature, and the forging of creative alliances within a developing 'civil society'. Within this it is clear that the Scottish churches, with a membership, for all the continuing declining trend, that still stands at over a million adult Scots, can play a key role, building on their involvement with the constitutional movement up to this point.

While it would be wrong to exaggerate the significance of the part played by the churches hitherto, the consistency of their involvement in this movement and the influence exercised at certain key points justifies some study, and the role of the Church of Scotland, as national church, is perhaps of particular interest. This involvement (in which the present writer has played a part as one of the church representatives on the Scottish Constitutional Convention since its inception) amounts to substantially more than the use of its Assembly Hall, above the Mound overlooking Princes Street in Edinburgh, for the critical moments in March 1989, when the Claim of Right was signed and the Convention inaugurated, and on St Andrew's Day in 1995, when the Convention's scheme **Scotland's Parliament, Scotland's Right** was launched. (This is recognised, for example, in a fashion which is perhaps unduly complimentary, by Andrew Marr in his lively book **The Battle for Scotland** in saying, 'in Scotland's history and its current political battle its national church has a special place.' (Marr 1992, p.32).)

CHURCHES AND POLITICS

From time to time there are those who criticise the churches, usually from a standpoint of some political prejudice, for engaging with issues that are perceived as political, and therefore by definition inappropriate. The churches, it is argued, should be limited to 'spiritual' affairs. There is of course a very strong theological defence against such an argument - the relation and relevance of the Christian Gospel to all aspects of life, including the political order and matters of social and moral consequence; the error of separating the sacred from the secular, when the whole of life is spiritual and God permeates 'every blessed thing' (Ferguson 1991, p.67); and so on. But there is also a very strong defence on historical or what may be described as

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constitutional grounds. According to the vision of the Reformers, expressed through the First Book of Discipline (1560), and further elaborated in the Second (1578), the functions of church and state were distinct but complementary - both divinely ordained, and, as the Second Book put it, tending 'to one end, if they be rightlie usit, to wit, to advance the glory of God and to have godlie and god subjectis'. A mutually supportive relationship was envisaged, and the pastoral and social responsibilities of the church were clearly understood to be comprehensive: there was to be a (church) school in every parish, the whole population was the concern (and subject to the discipline) of the Kirk, and the pursuit of the common good, the general well-being of the nation was regarded as an essential part of the church's purpose.

Whether or not the Church has been effective in fulfilling this high calling through the vagaries and vicissitudes of church-state relations down the centuries is far outwith the scope of this paper. But the same vision of the Reformers was reflected in the 1926 Articles Declaratory, which provide the constitution of the Church of Scotland, still operative to this day, and is encapsulated in particular in the provisions relating to the role of the national church (Article III): 'As a national church representative of the Christian faith of the Scottish people, it [i.e. the Church of Scotland] acknowledges its distinctive call and duty to bring the ordinances of religion to the people of every parish of Scotland through a territorial ministry' (without prejudice, it should be added, when the Church of Scotland Act 1921 is read alongside, to 'the recognition of any other church in Scotland as a Christian church protected by law in the exercise of its spiritual functions'). There is also, in Article V, the assertion of the Church's independence from the civil authority in relation to doctrine, worship, government and discipline, and, most importantly for the purposes of this study, in Article VI the acknowledgement of a mutual relationship with the state: the Church 'maintains its historic testimony to the duty of the nation acting in its corporate capacity to render homage to God, to acknowledge the Lord Jesus Christ to be King over the nations, to obey his laws, to reverence his ordinance, to honour his Church and to promote in all appropriate ways the Kingdom of God. The Church and State owe mutual duties to each other, and acting within their respective spheres may signally promote each other's welfare.'

Alongside this, there was an increasing awareness, as expressed in the appointment within the Church of Scotland in 1916 of a Special Commission on the War, that the Church must play a more active role in relation to the

corporate well-being of the nation's life, to be a 'conscience to the nation' (Smith 1987, p.360). Through the General Assembly it was agreed in 1919 to set up a Committee on Church and Nation to 'watch over those developments of the nation's life in which moral and spiritual considerations specially arise, and consider what action the church might from time to time be advised to take to further the highest interest of the people'. With only very small changes this remains the Committee's remit to this day, readily lending itself to a breadth and flexibility of interpretation that allows involvement in a wide range of issues; and it is largely through the work of this Committee, and its reports each year to the Church of Scotland's General Assembly, that the church's contribution to the constitutional debate has been made. This has occurred not so much continuously as at certain key periods - understandably when the debate was at its height within the nation at large, in the late 1940s, the late 1970s, and the present period since the late 1980s.

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It is instructive to look through the reports of the Church and Nation Committee to the General Assembly over this whole period and to note the weighty, almost magisterial deliverances (the Church's technical term for resolutions) passed by the Assembly on the question of the government of Scotland. At first sight there is a consistency in the repeated calls for inquiries or commissions to be set up - and then the disappointment when first the 1948 White Paper on Scottish Affairs, then the 1954 report of the Balfour Commission, and finally the White Paper and legislation following the Kilbrandon Commission in the 1970s failed to fulfil the high expectations. There is a consistency in the recurring demand for, as it is put most often, an 'effective form of self-government for Scotland under the Crown within the framework of the United Kingdom'; and there is much perceptive argument and high-flown phrase-making in the reports to the Assembly, submitted not every year but remarkably frequently - with all the familiar points about national self-consciousness, Scottish identity, and dissatisfaction with existing arrangements.

The reaction to the Balfour Commission, in the report to the 1955 Assembly, provides a typical example, in terms that strike a well-worn chord:

Many readers will feel dissatisfied with the somewhat superficial treatment of causes of Scottish discontent.. Causes suggested are English

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thoughtlessness, undue Scottish susceptibility, remote control from London, the encroachment of government on private activities, the organisation of political parties on a Great Britain basis, economic difficulties of the inter-war and post-war period, and a general impression that Scotland is being regarded simply as a province. All these things, it is suggested, give rise to a feeling of frustration in Scotland. But surely there is more to be said.
(Proceedings 1955, p.360)

(Yes indeed - shades of Ian Lang's **Taking Stock**, and the present Secretary of State's own package of St Andrew's Day, 1995, seeking to divert attention from the launch of the Constitutional Convention's scheme!)

And the 1955 report went on to refer to a blindness to deeper issues, to the need for 'a greater measure of devolution' than the administrative changes that the Balfour Commission proposed. In not a few of the reports there are passages, which read now in a rather dated way, hinting that there were differences of view within the Committee and that discussions touched also on another dimension and category of subjects, those which perhaps some of the members were more happy to deal with and pronounce on. In 1950, for example, the Committee, in renewing its appeal to the Government for the appointment of a Constitutional Commission and warmly referring to the Scottish National Covenant, following the third National Assembly in October 1949, said,

The Church for its part needs to bring more vividly before the minds and hearts of the people in our time the value of the Lord's Day and the Lord's Book, the sacred obligations of marriage and family life, the duty of faithfulness in daily work, the importance of personal standards of integrity and independence. For it is these features in our moral and spiritual history which have been the mainspring of all that is best in our life as a nation.

(Proceedings 1950, p.344).

And in 1963 it was indicated that the main contribution that the Church could make to the constitutional debate was in relation to the need for 'reinforcement of spiritual fortitude and the recovery of the sense of humble dependence on God' (Proceedings 1963, p.385). Here certainly is an affirmation of conventional values, which, as will be shown below, contrasts strikingly with the tenor of some of the more recent material.

As one might expect, passing into the 1970s, the discussion moves up a gear: there is a greater sense of urgency, and more attention is given to points of detail, concerning the Kilbrandon Commission proposals in 1974, the White Paper in 1976, and the 1977 and 1979 Bills. There is a firm line, for instance, on the need for an assembly (and for obvious reasons this word is not favoured - 'Parliament' or 'Convention' is preferred) to have fiscal and economic powers, for election to be on a proportional basis (by a single transferable vote system), and for Scotland to have an effective voice in Europe - all very familiar themes to those engaged in the debate through the 1990s.

I have said there is an *apparent* consistency about the reports because, while the approach in the late 1960s and 1970s is certainly strong, this is by no means the case throughout the earlier period. There are years, during which the discussion was still going on, even no doubt within the Church, when there was no Assembly report or deliverance, and there were points, for instance during the 1950s in terms of the evidence given to the Balfour Commission, at which an advisory body rather than one with executive or legislative powers was apparently favoured. It is likely (although further work would be necessary to substantiate the hypothesis) that one of the key factors here was the views, prejudices and priorities of the Convener of the Committee at the time: from 1955 to 1965 the Convenership was held first by the Rev Nevile Davidson, then by the Rev John R Gray, both subsequently Moderators, neither of whose general inclination was likely to make them sympathetic to the movement for constitutional change. At any rate the overall impression can be gained that the support at certain times was lukewarm rather than enthusiastic, and this points forward, as will be seen shortly, to what happened in 1979.

There is another sense too in which misleading conclusions may be reached about the effectiveness of the Church's contribution to the debate. From the reports it could be readily assumed 'that the Kirk gave an influential and energetic Christian lead on this issue. However, the verdict of academic commentators on the Kirk's role in the devolution debate is unanimous. It was marginal. The Kirk followed rather than led national opinion, which was shaped by other, secular forces.' (Storrar 1990, p.80) And it is interesting that little evidence is readily available, for all the interest, even enthusiasm, expressed in the reports of the late 1940s, of any sort of formal involvement, other than perhaps through a few local presbyteries, in the Scottish Covenant movement - nothing corresponding to the churches' current participation in the Scottish Constitutional Convention.

THE CHURCH OF SCOTLAND AND THE DEVOLUTION REFERENDUM

In fact, when the crunch came, and the Scottish people had the opportunity in the 1979 referendum to vote for the self-government which the Church had, in its official views, been pressing for over thirty years, not only was the necessary target of 40% (of the electorate, not of those voting) not achieved, but the Kirk shot itself in the foot. Will Storrar describes this graphically in his book **Scottish Identity: a Christian Vision**:

The Church and Nation Committee was in no doubt as to what it should do in the referendum campaign of 1979. It drew up a statement on devolution with the recommendation that it be read in all pulpits of the Kirk on the two Sundays before the referendum polling day, March 1st.

This statement reminded church members of the consistent position of the General Assembly in favour of devolution but did not tell them how they should vote in the referendum. It did, however, encourage Kirk members to use their vote and gave warning that failure to vote would be treated as a No vote in the referendum, given the 40% ruling. This was too much for one leading churchman, Dr Andrew Herron. At a meeting of the Commission of the General Assembly on February 22nd, Dr Herron successfully proposed that the Commission recall the statement and forbid any minister to read it from the pulpit.

Herron argued that the statement favoured the Yes side in the campaign and that its claim that a failure to vote would be treated as a No vote was grossly misleading. In moving against the Church and Nation Committee's statement, he believed that the referendum had no Christian implications. He was reported as saying, 'If I hear of any minister who reads this statement from the pulpit on Sunday and who knew of the Commission then I will have him up for contempt of the Commission.' In this way was the Church of Scotland's long held mind on devolution officially silenced on the last days of the referendum campaign.'
(p.208)

Against all that it is curious that the recollection of the present Principal Clerk to the General Assembly is that the basis of Dr Herron's objection was that the letter did tell people explicitly to vote 'yes'; and anecdotal evidence

suggests that the attempted ban was unsuccessful and that those ministers who ignored the Commission's decision have lived to tell the tale!

Certain interesting facts emerge also from an examination of the newspapers that week. First, the Commission of Assembly reached its decision by an overwhelming majority - no doubt persuaded by Dr Herron's considerable debating skills which were then in full flower. Secondly, there were clearly no holds barred in the debate: Dr Herron said that the suggestion that abstention in the referendum was equivalent to a 'no' vote was 'a malicious doctrine in which the churches should have no part' and the Assembly's deliverance reinforced this with the words 'utterly false in fact and seriously misleading in effect'; by contrast the Church and Nation Committee's spokesman almost pathetically seems to have protested that the letter had been issued in good faith to try to get people out to vote - and had used as far as possible only words from previously approved General Assembly reports. After the debate, Dr Duncan Shaw, also subsequently Moderator, in 1987, who was as prominent in the (secular) 'yes' campaign as Dr Herron was on the 'no' side, said, 'I will say without fear of contradiction that I speak for the Church of Scotland' (**The Scotsman** 1979, p.6). All rather a storm in a teacup, perhaps; and in any case the Church's official view, whatever it is, in no sense binds the individual Kirk member. But the episode has at least to some extent affected how the Church of Scotland (or at any rate its Church and Nation Committee) has approached its involvement in the later debate - with a measure of caution and seeking to walk a tightrope between affirmative formal commitment to a general point of view and leaving room for a variety of individual opinions. The **Glasgow Herald** leader of 23 February 1979 approved the Commission's decision on the grounds that 'many would have resented apparently direct meddling in political affairs. The Kirk though unequivocal in its view has been well advised to keep its distance.' (p.6) Over more recent years, as indicated below, the perception of the Church's involvement in political matters has shifted somewhat - but in the correspondence that ensued in the **Glasgow Herald** the editorial line proved acceptable to a number of writers, including one James Goold, later Lord Goold, chairman of the Conservative Party in Scotland in the late 1980s.

In **The Scottish Political System**, Professor James Kellas has said of the constitutional debate,

The history is complex and baffling - so too is the story of the shifts of opinion on the subject among the electorate and among the principal organised groups in Scotland ... It is no wonder that political scientists

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and others have been misled in their misinterpretations of this period in Scottish politics.

(Kellas 1989, p.144)

Clearly this is something of a minefield on which only the foolhardy dare to venture. Will Storrar adds comments on two further points of relevance. First he draws attention to the fact that, in presenting oral evidence to the Kilbrandon Commission, the Church of Scotland spokesman chose to speak on the basis that the General Assembly was a body broadly representative of public opinion in Scotland, and not from either the constitutional base of the Church's interest, as the recognised national church, in the well-being of the nation in all its aspects, or from a theological base, grounded in concern with deeper issues and wider implications. (The claim that the General Assembly is broadly representative corresponds to the statement that is sometimes made that the Assembly is the nearest thing at present to a Scottish Parliament, and was no more persuasive in the 1970s than it is in the 1990s: even with around 700,000 members there is substantial ground for believing that on most issues, and in terms of individual party allegiance, the Kirk is more right-wing than the nation at large.)

And, second, Storrar makes much of what he describes as the death of the Christian ethical vision. As he puts it, 'it seems that modern secular Scots no longer look to the Kirk even for moral judgments on pressing matters of national welfare, far less for their beliefs or worship' (Storrar 1990, p.80). This point is certainly open to challenge in the light of recent evidence and experience, not least in the context of the constitutional debate, and contrasts interestingly with the view expressed by Ian Bell in **The Observer** in January 1990 in a rather intemperate and acerbic piece under the headline 'God help us to overthrow power of the churches':

Our churches treat themselves seriously and expect to be taken at their own valuation. They 'speak out', as the phrase has it, on every topic under the sun - the Gulf conflict being the latest issue to preoccupy the pulpits - and expect to be heard. Their right to do so is rarely questioned ... We listen, for example, to the General Assembly of the Church of Scotland as though it were some sort of alternative parliament ... A mark of the residual power of the churches in Scottish life is that politicians are not prepared to challenge them. It is about time they did. The pretence that Scotland is a Christian country, maintained in the face of all evidence, tends invariably to skew democracy and distort our culture, according

undue recognition to vocal minorities who, if they were not home-grown, would be ignored. We are, in other words, too tolerant of the churches which most of us long ago deserted. The habit should not be too hard to lose. Here endeth the lesson: God help the atheists.

A very cogent and stimulating recent exploration of this theme of the interaction between religion and social and political values was carried out by Jonathan Sacks (now British Chief Rabbi) in his 1989 Reith Lectures on 'The Persistence of Faith' (Sacks 1991) where he argued, against the background of a moral ecology that is crumbling with the effects of pluralism and secularisation, that there is a vestigial religious sense transmitted through culture and tradition, and that organised religion has a part to play in developing what he calls 'a community of communities' as a means of ensuring human flourishing and the continuance of shared values.

CHURCHES AND THE CONSTITUTIONAL CONVENTION

It is but a short step from reference to communal well-being and shared social values to a consideration of the most recent stages in the constitutional debate and of the work of the Scottish Constitutional Convention in particular. The starting-point is the document **The Claim of Right** produced in 1988 by a group of prominent Scots invited by the Campaign for a Scottish Assembly, which came into being following the outcome of the 1979 referendum. It is interesting, to revert for a moment to the previous point, that of the 17-strong group that drew up the document (originally entitled **A Claim of Right for Scotland**), three were ministers - Maxwell Craig, then Convener of the Church and Nation Committee, Kenyon Wright, then Secretary of Scottish Churches Council, and Joseph Devine, Roman Catholic Bishop of Motherwell (who resigned in the course of the group's work because of pressure of other commitments). The reality is that, in Scotland today, whatever the rather different experience south of the Border, contrary to Will Storrar's argument, for all Ian Bell's prejudice, notwithstanding the churches' often feeling marginalised and stuck with a negative image in this pluralist, secular society, people and organisations frequently still do look to the church to be involved in public debate and campaigning activity on important matters of social, economic and moral significance where the well-being of the community is at issue in some way.

Indeed a former Secretary of State for Scotland, Bruce Millan, has said,

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I believe that the church should be involved in the wider issues of political affairs, social affairs, the widest issues of international relationships, nuclear weapons and the rest, and indeed, if the church does not speak out on some of these matters, I would believe it to be failing in its duty.

(Millan 1986, p.12)

To illustrate the point further, in **Understanding Scotland: the Sociology of a Stateless Nation**, David McCrone describes religion as 'one of the abiding cultural characteristics of Scotland' which 'has had an important bearing on national consciousness' (McCrone 1992, p.36.) There is a whole range of topics where the church has played a part, without in any sense forcing itself into the discussions, rather because the other protagonists - and it would seem sections of opinion within the wider public - have invited it to join in; in fact sometimes the public seem keener for the church to be involved than some of the membership of the church itself. And while it may seem at times that the representatives of the churches are being 'used', to confer some kind of respectability, or put an 'establishment stamp' on what might otherwise be regarded as a radical cause, there is a powerful and watertight case for the churches' involvement in contributing to the creating and understanding of social vision and to the movement for social change where this is rooted in their own commitment to the vision and values of God's kingdom and moreover backed by an official view (whether in the form of a General Assembly deliverance or an episcopal pronouncement).

There is also recent evidence of a move towards more effective working together among the different denominations, so that the involvement is of representatives of several churches and not only the Church of Scotland as national church. This has been the case consistently over the last few years, in relation to discussions about education and the health service, a whole range of economic issues from the future of the Scottish steel industry to Rosyth dockyard, opposition to the poll-tax, to Trident, to the Gulf War, and to local government reform, and so on - and of course including the work of the Scottish Constitutional Convention.

In view of the writer's own involvement, this article can scarcely be an objective account of the churches' contribution to the Convention and to the constitutional debate more generally. But a helpful pointer is perhaps provided by Peter Jones, formerly Scottish political correspondent of **The Scotsman**, who, commenting on 29 December 1990 on political events of

that year, expressed regret that the Convention had 'been incomparably dull, which is where we have to blame the clergy. The presence of the churches in the Convention has meant the political boys have not been able to play their usual games of marbles in the pews. The sonorous tone has been enhanced by Canon Kenyon Wright, who has chaired all the negotiating meetings with endless patience.' While the subsequent stages in the Convention's work perhaps have shown different faces both of 'the political boys' and Kenyon Wright, there may be a serious point behind Peter Jones' humorous metaphor. The churches have seen this debate as being not just about politics and economics, but about social goals, social priorities and fundamental social values, about what kind of society we want and the future well-being of our nation. Their starting-point has been that there are moral and theological issues at stake (which contrast strikingly with the more ostensibly spiritual or religious values mentioned in the church reports of the 1960s quoted from above) - concerning the right to self-determination, the readiness to give and take responsibility, the exercise of power, the deep-seated desire for justice, the importance of community and right relations, the need to avoid a narrow approach to nationalism but instead to see the future of our nation in the wider international setting. The representatives of the churches have tried to be honest brokers, or, on occasions when views diverged, intermediaries, and, in a modest way, catalysts for real change, to raise sights above short-term interests and to set the detailed discussions in a broader context.

In October 1988, following the publication of **The Claim of Right**, representatives of the main churches in Scotland met to consider the proposals and approved a statement recommending participation in the work of the Constitutional Convention, recognising the need for 'an authentic authoritative and credible Scottish voice, and a way of exercising greater control over Scottish affairs' without commitment to any single vision of the outcome. That group, which was confirmed by the various denominations and has related to the official ecumenical structure (Action of Churches Together in Scotland - ACTS) since it was created in September 1990, came to be formally designated the Scottish Churches Constitutional Group and met regularly, both as a think-tank and a support group, throughout the first stage of the Convention's work up to November 1990. Creative thinking on a number of the significant issues decided by the Convention's Executive Committee originated there; and in the early days between the publication of **The Claim of Right** and the launch of the Convention in March 1989 a few members of the group had a clandestine meeting with senior officials of the Scottish National Party in an unsuccessful attempt to persuade them to join the Convention. Since November 1990 the Scottish Churches Constitutional

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Group has seldom met more than annually, possibly because there was less clear need, as the Convention's own work developed, for such a body to enable those most closely engaged with the issues on behalf of the churches to report progress and explore new possibilities with one another.

From the outset there have been four representatives of the Scottish churches on the Convention itself, although none of us strictly 'represents' our denomination. The four 'emerged' from the early meetings of the Scottish Churches Constitutional Group, by agreement of the group, and have continued to participate in the work of the Convention throughout its existence. Interestingly all four are men (and it is worth speculating whether an all-male group would have been agreed quite so readily if people were being chosen now!) - Tim Duffy, Research Officer of the Roman Catholic Justice and Peace Commission; Norman Shanks, then Convener of the Church of Scotland's Church and Nation Committee; Robert Waters, General Secretary of the Congregational Union of Scotland (who retired, in December 1995, from his post with the Scottish Congregational Church, as the Union subsequently became); and Kenyon Wright, then Secretary of Scottish Churches Council (replaced by ACTS, as indicated, in 1990). All four have attended Convention meetings regularly and have spoken on different topics. Two have served on the Convention's Executive Committee - the churches' representative was Norman Shanks (in whose absence on 'study leave' during 1995 Robert Waters deputised), and Kenyon Wright was appointed to the chair on a personal basis - and both have also been conveners of working groups on specific topics and members of the Co-ordinating Group that has had responsibility for carrying the work forward in preparation for meetings of the Executive. It seemed significant when the Steering Group planning the first meeting of the Convention asked, at the suggestion of a representative of one of the political parties who had no known religious commitment, that it be opened with prayer. Although the practice lapsed after the Convention's (second) meeting in Inverness, tangible expressions of the place and role of the churches throughout the Convention's work were provided by occasional 'reflective silences' (as at the meeting in Glasgow's Royal Concert Hall in November 1990 to mark the completion of the first stage of the work), the use of the Church of Scotland's Assembly Hall for both the initial meeting in March 1989 and the launch of the agreed scheme in November 1995, and the opportunity consistently accorded, on the 'set-piece' occasions, to a speaker from the churches.

It is perhaps interesting to observe, partly by way of a personal footnote, that at the November 1995 launch of **Scotland's Parliament, Scotland's Right**,

there were three contributions from the churches each of which attracted some particular press interest. First of all, there was a formal welcome to the Assembly Hall from Andrew McLellan, then convener of the Church and Nation Committee, who referred to the Church of Scotland's consistent backing for devolution and, reflecting the general tenor of the churches' input to the continuing debate, emphasised that assuming greater responsibility for government was not about self-interest but to enable Scotland to play a fuller, more generous part in the wider community of nations. There was also the customary, rousingly effective winding-up speech by Kenyon Wright, who received a standing ovation, thoroughly well-deserved for his powerful commitment to the cause, his tirelessly dedicated work over the years in mediating and resolving difficulties, keeping people's attention always on the broader issues of principle as well as those of political expediency, and serving as the Convention's 'front man', frequently quoted in the press and appearing on radio and television (and thereby, it might be added, incurring also a measure of unpopularity in some church quarters, both among those who consider it inappropriate for a clergyman to have such a high profile in what is perceived as the politicians' realm, and even among some who resent the fact that it is someone other than a minister of the national church who is attracting such attention).

And, thirdly, whereas the formal spokesman for the churches at such meetings had tended to be the writer (as a representative of the national church), on this occasion this role was passed on to Robert Waters, who had been more fully involved at the time through deputising on the Executive Committee and startled his hearers by beginning his speech with the words 'I married a prostitute': in developing this extended metaphor (well preceded biblically in the writing of the prophet Hosea, but whose significance, as an image of the relation between Scotland and England, may have dawned rather slowly on some of those present) he offended at least a number of the politicians present both by the perceived Anglophobia and by his opinion that the ultimate outcome of the implementation of the Convention's scheme might well be complete independence.

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This incident, however, well illustrates the degree of independence that has characterised the part the churches have continued to play: they have been fully engaged and committed; but they have not necessarily danced to the political parties' tunes, and they have not shirked asking the hard questions.

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Their involvement in the work of the Convention has quite clearly been approached not as an end in itself, but as a means towards improving the government of Scotland and enhancing the well-being and social cohesion of the nation. Thus as the constitutional debate was extended and entered a new phase in the wake of the 1992 general election, amid all the disappointed hopes, people from the churches have played prominent roles also within the new groupings that began to appear. Relating to the work of the Constitutional Convention itself, a Constitutional Commission was appointed to deal with outstanding questions concerning procedures, electoral system and links with Westminster structures, and the Very Rev James Whyte, a former Church of Scotland Moderator, was one of the Commission's leading members.

In December 1992 an organisation called Common Cause was formed by a group of academics, writers and activists to promote wider discussion of constitutional issues both nationally and locally, and one of the prime movers was Dr Will Storrar, then a parish minister in Carlisle, now lecturer in practical theology at Aberdeen University. Andrew Morton, now secretary of the Church and Nation Committee and associate director of the Centre for Theology and Public Issues in Edinburgh University, is prominently involved both in Common Cause and in Charter 88, Scotland.

At the instigation of the Scottish Trades Union Congress the Coalition for Scottish Democracy was formed, comprising groups other than the main political parties, including three church-related bodies, ACTS, the Church and Nation Committee, and the Iona Community. The STUC, over the past decade and more, has had a key role in facilitating the development of an alternative political culture based on Scottish civil society, founded on alliances, forged on important issues, and among a range of diverse but like-minded bodies. The Coalition's main project has been the creation of the Scottish Civic Assembly, seeking to remedy the present 'democratic deficit' by providing an opportunity for organisations, big or small, national or local, general or specialist, to come together from time to time to debate particular issues of national consequence - employment, education, health, transportation. In the Civic Assembly again the churches have been well-represented and active, both in proceedings and in the organisational structures.

DISAGREEMENTS IN THE CHURCHES

It would be misleading to convey the impression that the part played by the churches either in the Convention or in the constitutional debate more generally has been entirely straightforward or free from difficulty. For example, there is, maybe inevitably, a degree of uncertainty about the strength of commitment on the part of the various churches; and this point relates not so much to the possible gap between the official representatives and those at grass roots as to mixed messages even at official level. Thus there are times at which the Roman Catholic Church, with a layman on the Convention, has seemed to distance itself officially from what is going on: Archbishop (now Cardinal) Winning did not provide a message of support, as the Church of Scotland Moderator did, for the 1990 St Andrew's Day meeting that ended the Convention's first stage; and there have been murmurings of fears among the hierarchy that a Scottish Parliament might be predominantly Protestant and represent a threat to separate Roman Catholic education. The Scottish Episcopal Church has appeared, notwithstanding Kenyon Wright's involvement, distinctly equivocal at times, scarcely surprisingly perhaps: as part of the Anglican Communion, with a membership that is largely English by origin, they might be expected to be more sympathetic towards the constitutional status quo, and one of their most outspoken bishops, Michael Hare Duke has tended to express this view. But the Primus, Richard Holloway, Bishop of Edinburgh, appears to have adopted an approach that is more supportive of a Scottish Parliament - even an independent one.

Even the Church of Scotland's position has not always appeared completely secure, despite the long history of support for devolution. In 1989 the General Assembly approved a strong statement, based on theological and historical grounds, rather than the insubstantial justification of speaking as representative of national opinion on which the 1970s approach had tended to be founded. The Assembly accepted the report's affirmation of the distinctive Scottish principle of the sovereignty of the people, subject to the ultimate authority of God (as against the English tradition of the sovereignty of the Crown in Parliament), and it approved involvement in the continuing discussions. But it should not be assumed that the support of the Kirk's membership is significantly more whole-hearted than in 1979. As a token of this, the Church and Nation Committee decided, in relation to the campaign in 1990 to win support for the Convention's proposals, that a letter should be sent to all Presbyteries and parish ministers simply raising awareness,

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encouraging discussion and conveying information, in no sense commenting or promoting support.

Nor, possibly with excessive caution, born of the 1979 experience, did they make any recommendation to the General Assembly in May 1990 concerning the Convention's scheme, even though this could have been justified in terms of the specific details and criteria approved by the Assembly in 1977. There was a hostile motion from a parish minister with right-wing leanings (the late Rev James Black of East Kilbride, who was connected with a grouping within the the Kirk set up as an intended counter-balance to the perceived left-wing bias of the Church and Nation Committee and others), who opposed the Convention's scheme as providing an unsound base for a Scottish Parliament. This motion evoked a counter-motion from Sir David Steel MP, one of the Convention's joint chairmen, who was at the Assembly as a Kirk elder. Sir David's motion (drafted in consultation with the Church and Nation Committee's convener) sought approval for the work of the Convention, not, significantly, the detailed scheme (for which support might have been more difficult to win at that point), and was carried overwhelmingly.

Each year since then the Church and Nation Committee reports to the Assembly have given an account of progress, and on occasions there have been brief debates. In 1991, for example, a further unsuccessful attempt was made, with rather more support than the previous year, to oppose the Convention's scheme. In 1992 there was a much publicised motion, again by Mr Black, to suspend the Committee for allegedly interfering with Kirk members' voting in the general election through the publication of a report, criticising the Government's economic policies, just before polling day. This motion was defeated by a huge majority, but overshadowed discussion on constitutional or any other specific topics. And in 1993 doubts were raised again, this time by a very articulate elder who had worked at Ravenscraig, as to whether a Scottish Parliament would have any effective powers to deal with issues, like the future of the steel industry, really important to Scotland's well-being. Such discussions show signs of weariness perhaps rather than genuine wavering; and since then on the whole the Church and Nation reports have been perceived as generally less controversial. There has been a sense of being in an intermediate 'waiting-time'. And similarly there has been little sign of any significant activity within any of the other denominations.

CONCLUSIONS

There is, however, a continuing challenge to the churches to remain engaged. As indicated several times above, the constitutional debate has provided one clear focus of the increasing signs within Scotland today of a new 'civil society' being born, operating through the formation of networks and alliances, organisations and groups coming together from different contexts and perspectives, recognising common ground in discontent with the way things are and a shared aim in the pursuit of the common good, seeking a new way of doing things that is more open, flexible and consensual than the flawed, tired Westminster system.

There is of course an alternative viewpoint to the churches' one, that we are living at present in the middle of a paradigm shift into a post-modern world, with a variety of social movements, multiple identities and value systems on offer, all of which are of equal validity. But ultimately the churches cannot subscribe to this possibility. The churches' social and moral vision is rooted in their religious commitment, founded on a sense of objective authority that is, as source of continuing inspiration, undeniably hard to accommodate within characteristically post-modernist thinking and yet still carries with it a degree of open-endedness and provisionality. It is this commitment that energises efforts in the churches to discover and express a new form of identity that has both integrity and credibility in a changing social and political context. (Hand 1993) Arguably it is this commitment that has enabled many within the churches to challenge the prevailing culture of contentment, with its insidious ethos of possessive individualism and the eroding intrusion of market values into public services, and to affirm instead the essentially communal values of neighbourly concern and social justice. It is this commitment that encourages many within the churches to be persistent and resilient in the face of disappointment and set-backs, to indicate and to seek modestly in small, often local ways an imaginative and conscientious embodiment of the values and visions we embrace, and above all to be hopeful in looking forward to the ever-new, brighter possibilities that lie ahead.

In **Sermons and Battle Hymns: Protestant Popular Culture in Modern Scotland**, Graham Walker suggests that, 'even at a time of secular cultural dominance it is still tempting to agree with a recent **Times Higher Educational Supplement** editorial that the Church of Scotland's role in a re-emerging nationhood is "pivotal".' (Walker 1990, p.6) This is too high a claim. But the course of the constitutional debate has surely demonstrated

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that within Scotland's 'principled society' the part the churches have to play in
the continuing political process is still of some significance.

REFERENCES

- Linda Colley, **Britons: Forging the Nation 1707-1837** (London 1994)
- Ron Ferguson (ed) **Daily Readings with George MacLeod** (London 1991).
- Gerry Hand (ed) **Seeing Scotland, Seeing Christ** (Edinburgh 1993)
- James Kellas, **The Scottish Political System** (Cambridge 1989)
- David McCrone, **Understanding Scotland: the Sociology of a Stateless Nation**
(London 1992)
- Andrew Marr, **The Battle for Scotland** (London 1992)
- Bruce Millan, 'Church and state in Scotland today', in in Alison Elliot and Duncan
Forrester (eds) **The Scottish Churches and the Political Process Today**
(Edinburgh 1986)
- Proceedings of the General Assembly of the Church of Scotland (Edinburgh 1950,
1955, 1963)
- Jonathan Sacks, **The Persistence of Faith** (London 1991)
- Donald Smith, **Passive Obedience and Prophetic Protest** (New York 1987)
- William Storrar, **Scottish Identity: a Christian Vision** (Edinburgh 1990)
- Graham Walker, 'Introduction', in Graham Walker and Tom Gallagher (eds),
**Sermons and Battle Hymns: Protestant Popular Culture in Modern
Scotland** (Edinburgh 1990)

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