

SCOTTISH INDEPENDENCE

An examination of the Scottish Government's proposals for Scottish independence

*Public Questions, Religion & Morals Committee
Free Church of Scotland (Continuing)*

A Summary

INTRODUCTION

On 18 September a referendum is due to take place in Scotland, the question being “Should Scotland be an independent country?” If there is a majority in favour then Scotland will cease to be part of the United Kingdom of Great Britain and Northern Ireland, ending three centuries of a shared national identity and history.

THE BIBLICAL PRIORITIES

Our supreme concern in this matter must be the glory of God. We are commanded to pray “for kings, and for all that are in authority” in order that “we may lead a quiet and peaceable life in all godliness and honesty” (1 Tim. 2:1,2). We believe that it is the duty of civil rulers not merely to restrain violence but to “endeavour to promote religion, and to regulate morals by wholesome discipline” (John Calvin). We should desire such civil conditions in our country as will be beneficial to the Lord’s cause.

While we belong to an earthly kingdom our first priority as Christians must be the kingdom of God (Matt. 6:33) for it has respect to man’s deepest needs. There are three key questions to bear in mind as we consider the proposals for independence:

(1) *Is independence as proposed likely to affect our national righteousness?* There is an obedience we give to God collectively as a nation and blessings and curses are promised alternately depending upon whether we honour Him or not (Psa. 33:12; Zech. 14:17-19). God expects “the powers that be” to acknowledge and obey Him.

(2) *Is independence as proposed likely to affect our present establishment of religion?* God lays an obligation upon the civil power to favour the church of Christ (Isa. 49:23). Without interfering in those affairs which belong properly to the church alone civil rulers are to use their office appropriately in the church’s interest.

(3) *Is independence as proposed likely to affect our present religious and civil liberties?* There are four great liberties we should cherish: *freedom of religion*, allowing us to manifest our religious beliefs; *freedom of conscience*, allowing us to hold a viewpoint independent of others’ viewpoints; *freedom of expression*, allowing us to seek, receive and impart information and ideas; and *freedom of association*, allowing us to join with others in order to express, promote and defend common interests.

THE UNION

The Union between Scotland and England, forming the Kingdom of Great Britain, began on 1 May 1707. Two important items of legislation preceded it:

(i) The Act of Settlement. In 1701 the English Parliament passed an Act which built upon the Bill of Rights of 1689 and was entitled, “An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject.” The ‘Act of Settlement’ secured the Protestant succession to the English throne and makes “all and every Person and Persons that then were or afterwards should be reconciled to, or shall hold Communion with, the See or Church of Rome, or should profess the Popish Religion, or marry a Papist” forever incapable “to inherit, possess, or enjoy the Crown and Government of this Realm.” It states that “in all and every such Case and Cases the people of these Realms shall be and are thereby absolved of their Allegiance.” It requires “That whosoever shall hereafter come to the Possession of this Crown, shall join in Communion with the Church of England, as by Law established.”

(ii) The Act of Security. The position of the Church of Scotland in the proposed Union was of concern to many Scots and in October 1706 the Scottish Parliament heard an “Address of the commission for the late general assembly of the church of this kingdom, for establishing and confirming the true Protestant religion and government of the church as by law established therein.” The Parliament declared that before concluding the union “they would take the said address to their consideration and would do everything necessary for securing the true Protestant religion and church government presently established by law in this kingdom.” In November 1706 the Protestant Religion and Presbyterian Church Act, or ‘Act of Security’, was passed.

The Treaty of Union between England and Scotland resulted in:

(i) A Protestant Throne in Britain. By the Union the Act of Settlement was extended to Scotland and became part of Scots law. Roman Catholics were permanently excluded from the British throne.

(ii) A Presbyterian Establishment in Scotland. The Act of Security was made part of the Treaty, guaranteeing Presbyterianism as the religion of Scotland, “to continue without any alteration to the people of this land, in all succeeding generations.”

INDEPENDENCE

The Scottish Government’s White Paper *Scotland’s Future*, published in November 2013, has a number of proposals with a bearing upon the Christian faith in Scotland:

The Monarchy

“On independence, Her Majesty The Queen will remain our head of state, just as she is for 16 Commonwealth countries. Scotland will be a constitutional monarchy for as long as the people of Scotland wish us to be so.” (p. 45)

“581. Will the Queen be head of state in an independent Scotland? Yes. Scotland will remain a constitutional monarchy with Her Majesty The Queen as head of state. Her Majesty will be succeeded by Her heirs and successors according to law.

As is the case in the UK, if a party in favour of changing this position was to gain enough support to form a government, it would be open to it to propose a change. The current Scottish Government does not support such a change.” (p. 562)

The proposal is that the monarchy will be retained but only provisionally: it is dependent upon the will of the people, however that might be assessed. Many who support independence want Scotland to become a republic, including some ministers in the current SNP government.

The Establishment of Religion

“590. What will be the position of churches and religion in an independent Scotland? We propose no change to the legal status of any religion or of Scotland’s churches.” (p. 564)

While the current Scottish Government may not be proposing any change to our Presbyterian establishment when other proposals are taken into account it becomes evident that the retention of the present arrangement is also provisional only.

The Protestant Succession

“Earlier this year the rules on succession to the Crown were amended (for Scotland and elsewhere) to remove outdated gender discrimination. An independent Scottish Government will promote, and support amongst the Commonwealth States with the Queen as Head of State, a similar measure to remove religious discrimination from the succession rules.” (p. 354)

It is proposed that an independent Scottish Government will seek the repeal of those sections of the Act of Settlement which bar Roman Catholics from the throne. The Roman Catholic Church in Scotland and the SNP are working together to this end. In 1995 Alex Salmond said that it was “a scandal of immense proportions” that no Roman Catholic could take the throne and indicated that the SNP would make a clean break with such discrimination. In 1999 the Scottish Parliament debated a motion from an SNP member and resolved: “That the Parliament believes that the discrimination contained in the Act of Settlement has no place in our modern society, expresses its wish that those discriminatory aspects of the Act be repealed, and affirms its view that Scottish society must not disbar participation in any aspect of our national life on the grounds of religion, recognises that amendment or repeal raises complex constitutional issues, and that this is a matter reserved to the UK Parliament.”

In February 2005 Cardinal Keith O’Brien referred to the Act as “blatant anti-Catholic legislation” and the following week Alex Salmond said that it “sanctifies religious bigotry.” In June 2006 it was announced that Alex Salmond and Cardinal O’Brien had agreed a pact to campaign against the Act.

After he became First Minister Alex Salmond said that the Act of Settlement was “a blot on our culture” and that he had agreed to hold discussions on its repeal with Gordon Brown as Prime Minister; however nothing came of this. The position the monarch occupies in relation to the Church of England makes the matter complex: the abolition of the Act would produce a momentum towards disestablishment of the Church of England for a Roman Catholic monarch would not be able to serve as ‘Supreme Governor’ of that Church, a rôle which the monarch has filled since 1534.

Presumably after independence the Scottish Parliament, if it was so minded, could alter the law of Scotland relating to succession to the throne, even to the extent of unilaterally rewriting the Coronation Oath as it applies to Scotland.

The Constitution

The most radical proposals concern the constitution of a future independent Scotland:

“A key responsibility of the first parliament of an independent Scotland will be to put in place a written constitution to underpin the democratic gains of independence. A written constitution will be a significant step forward for an independent Scotland. It will replace the central principle of the UK constitution – the absolute sovereignty of the Westminster Parliament – with the sovereignty of the people of Scotland, which has been the central principle in the Scottish constitutional tradition.” (pp. 334-5)

“The creation of a written constitution will be an important development for Scotland. A written constitution is more than a legal document. It is a statement of intent for the nation. The process of coming together to develop, draft and approve such a document is an important part of defining the sort of nation we wish Scotland to be.” (p. 337)

“A constitutional convention will ensure a participative and inclusive process where the people of Scotland, as well as politicians, civic society organisations, business interests, trade unions, local authorities and others, will have a direct rôle in shaping the constitution.” (p. 352)

At the point of independence there will be no written constitution: it will be drawn up afterwards by a constitutional convention. How the final text will be determined is unspecified: we presume that the Scottish Parliament will have the last word.

Other Matters

Abortion

“211. What will the law on abortion be in an independent Scotland? On the principle of continuation of existing law, current legislation on abortion will continue to apply within an independent Scotland until such times as that legislation is amended or repealed by the Parliament of an independent Scotland. There are no plans to change the current abortion time limit.” (p. 442)

This statement shows that the removal of this shameful blot upon our nation is not a priority or even a desire on the part of those leading the moves for independence.

Civic Society

“Business philanthropists, churches, co-operatives and mutuals, trade unions, charities and many other organisations and individuals have contributed significantly to the Scotland we know today. ...Civic groups and voluntary groups have been particularly important in shaping Scotland’s approach to major issues such as violence against women, community ownership and shifting attitudes on matters such as same sex marriage and independent living for disabled people.” (pp. 368-9)

Scotland’s Future views the church as just another element of civic society. The approving reference to the rôle of various groups in “shifting attitudes to matters such as same sex marriage” is disturbing. In a future independent Scotland will churches which do *not* support homosexual unions continue to enjoy the freedom to oppose them, believing them to be wrong and sinful according to the Bible?

Equality and Human Rights

“Following independence, full powers also offer Scotland scope to consider strengthening or extending equality and human rights legislation and to develop an enforcement and promotion infrastructure which considers the appropriate alignment of equality and human rights. As a government we would develop any future changes in full consultation with the people of Scotland, including with the Third Sector, public authorities, businesses, trade unions and equality communities.” (p. 357)

“If in government in an independent Scotland we will ensure that Scotland’s institutions have equality and diversity at the heart of their governance. We will expect public and private institutions to improve the diversity and gender balance of their governance.” (p. 359)

The types of ‘equality’ and ‘human rights’ likely to feature in an independent Scotland are not those which have characterised our nation historically. When it is said that “private institutions” will be expected to “improve the diversity and gender balance of their governance” is there an implicit threat here to churches and other Christian organisations which follow the Bible’s teaching on male headship and exclude women from office?

National Anthem

“588. What will Scotland’s national anthem be? A decision on Scotland’s official national anthem will be for the first Scottish Parliament of an independent Scotland following consultation with the people of Scotland.” (p. 564)

National anthems tell us something about countries and their sympathies. The anthem of the United Kingdom refers explicitly to God, being couched in the form of a prayer for divine blessing upon the monarch as representing the nation. Our fear is that in the present climate the sort of national anthem the Scottish Parliament would decide upon in the event of independence is unlikely to be one which makes any mention of the Lord.

OBSERVATIONS

THE UNION

(1) *The Union between England and Scotland was made possible by the Protestant Reformation.* The Reformation of the sixteenth century was the most significant period in the histories of the neighbouring countries of Scotland and England. The two nations were enemies for centuries but once they had both broken with Rome and embraced the reformed faith, they were able to make peace and eventually to unite.

(2) *The Union was preceded by conflicts involving the monarchy and the church.* The period between the Reformation and the Revolution in Scotland saw a struggle between the Romanising Stuarts and their Episcopalian supporters who wanted an absolute monarchy with a subservient church ruled by bishops and Presbyterians who in faithfulness to biblical principle refused to submit to state domination of the church.

(3) *The Union was achieved despite wide-ranging opposition.* There was vigorous opposition to the proposed union in Scotland – especially among the political class and also on the part of the people. However because of their contradictory standpoints and irreconcilable differences the various groupings opposing the Union tended to cancel one another out and so the way was left open for the Treaty of Union to obtain approval by Parliament. We can see divine providence in this and the other steps which led to the Union and how the Lord was at work to bring the nations of Scotland and England together for the strengthening of His cause.

(4) *The Union was not universally welcomed by the church.* There was strong resistance to the Union within the Church of Scotland although it was by no means overwhelming. There was a concern that the Church of Scotland would once again come under the control of the Crown. The Scottish Parliament passed the Act of Security to ensure that the Church would not be affected by the forthcoming Union.

(5) *The Union confirmed the position of the monarchy and the church in the new Kingdom of Great Britain.* Having the Act of Security at its foundation the Union in effect ratified the Revolution Settlement in Scotland. By the terms of the Treaty of Union the British throne was permanently and unalterably settled in favour of a Protestant monarch and the church establishments – Presbyterian in Scotland and Episcopalian in England – were safeguarded indefinitely.

(6) *The Union was imperfect but it brought significant benefits to the Scottish church and nation.* The Union between Scotland and England, based on the Revolution Settlement which tended to overlook the Second Reformation, was not perfect. However despite its shortcomings the Union has been foundational to the values and freedoms which have characterised the British nation and it has functioned in both Scotland and England as a strong bulwark against the constant menace of Popery. Sadly we tend to be less aware of the dangers posed by Rome's involvement in our national life than our godly forefathers were.

INDEPENDENCE

(1) *Support for independence has increased as the influence of Protestantism has declined.* A common commitment to the Protestant reformed religion was vital to the cementing of the Union between Scotland and England and remains central to its rationale. The loosening of Britain's attachment to Christianity was underway in the nineteenth century and has gathered pace since the Second World War.

(2) *The proposals for independence do not envisage Christianity having a major rôle in our national life.* There is a remarkable lack of reference to Christianity in the proposals, let alone the Protestant reformed religion. Those leading the moves for independence have a secular mindset and little regard for our Christian heritage.

How does the Scottish Government view Scotland's religious identity? At the 450th anniversary of the Scottish Reformation in 2010 a news release highlighted a reception to be hosted by the First Minister celebrating "the legacy of the Reformation of universal education leading to the Enlightenment" and "the modern, diverse, multi-faith, multicultural Scotland to which we all aspire." A conference on the Reformation, jointly convened by a former Moderator of the General Assembly of the Church of Scotland and the Roman Catholic Archbishop of Glasgow, was opened by Alex Salmond and followed by an ecumenical service at St Giles Cathedral.

This is far removed from the ideals of the Scottish Reformation. In 1560 John Knox led a thanksgiving service at St Giles with Parliament present, expressing the nation's gratitude to God for the events whereby Protestantism replaced Popery. We are grateful to the Lord for this deliverance but Alex Salmond seems oblivious to it.

(3) *The proposals for independence threaten Scotland's existing constitutional position.* The process of producing a new constitution is described as "an important part of defining the sort of nation we wish Scotland to be" (p. 337). This suggests an unhappiness with the sort of nation Scotland currently *is*. There are those who want to change our historic Protestant Christian identity and there is a real possibility of our country's present Christian constitution being replaced by a largely secular one.

While a public consultation on a new constitution is promised we believe that the politicians (and whoever is asked to join them in the convention) will decide the content. We doubt whether any consultation will be any more open or respectful of popular opinion than the one which was held so recently on same-sex 'marriage'.

(4) *The proposals for independence misunderstand the meaning of popular sovereignty.* In the White Paper "the sovereignty of the people" seems to mean that the people can choose whether they wish to be governed by the law of God or some other code. Such thinking lies behind the moral and social changes of recent decades.

To the Scottish reformers popular sovereignty meant that kings are put into office by their subjects and are under human as well as divine law, such that the people may call wicked rulers to account. The people authorise the government, so that while the parliament is legally sovereign the electorate are politically sovereign. *Yet both parliament and people are under God's sovereignty and accountable to Him.*

CONCLUSIONS

(1) *We believe that independence as proposed will diminish the place of Christianity in our country.* We have no confidence that the proposed new constitution will give any particular recognition to the Christian faith. At present Christians are consistent with what Scotland officially stands for while our government, parliament and courts are increasingly not. If a secular constitution is adopted then the situation would be reversed: *Christians* would be the ones out of step with what our country represents.

(2) *We believe that independence as proposed presents a grave threat to our Protestant throne and Presbyterian establishment.* Our impression is that the only sort of monarchy which will be welcome in an independent Scotland is a purely ceremonial one. But the monarchy must stand for something definite and according to the present law it does. We have a constitutional monarchy embodying the authority of the state and representing our nation's religious commitment.

In 1952 our Queen took the 'Accession Oath', pledging to uphold Presbyterian doctrine, worship, government and discipline in Scotland. In 1953 she took the Coronation Oath, promising to maintain "the Protestant Reformed Religion established by law." Under the Union a Protestant throne and a Presbyterian establishment are guaranteed to us but we fear that if the Union is ended and everything is made subject to "the will of the people" even these things will be up for grabs.

(3) *We believe that independence as proposed endangers our religious and civil liberties.* Religious and civil liberties are the real 'rights' which underpin a truly free society. These liberties are founded upon the moral law of God which sets out our duties to God and men and they are vital if a proper relationship is to be maintained between the state and the individual and between different individuals.

Heading the list of provisions which the Scottish Government intends to propose to the constitutional convention is "equality of opportunity and entitlement to live free of discrimination and prejudice." In modern Britain this 'entitlement' is inhibiting our freedom of speech: Christians are penalised for expressing biblical viewpoints on subjects such as homosexuality. If 'non-discrimination' was to be embedded in the constitution of an independent Scotland it would take things a worrying step further.

(4) *We believe that independence as proposed cannot be morally justified.* It is questionable whether it is legally possible for the Treaty of Union to be ended. The Acts of Union state: "the two Kingdoms of England and Scotland shall...*for ever after* be united into one Kingdom by the name of Great Britain." Of even greater importance however is whether such an action would be *morally justified*. The Treaty is a civil covenant but it is binding nonetheless (Gal. 3:15). When Saul broke the covenant that Joshua made with the Gibeonites God sent a famine as a punishment (2 Sam. 21:1).

Protestant Christianity made the Union possible and shaped the British identity. The incalculable blessings which have come to Scotland from that same Christianity made secure by the Union make it most desirable that the Union be maintained and certainly not exchanged for the sort of independence that is presently proposed.