

**VII.**  
**REPORT**  
**OF THE**  
**COMMITTEE ON PUBLIC QUESTIONS, RELIGION & MORALS**

**Introduction**

In recent years the output of the Public Questions, Religion & Morals Committee has been significant. With such a fast pace of change in our modern society, and sadly, such a rapid decline in both the religious and moral state of the nation, new and substantial issues continue to arise. Over the past number of years everything from Scottish Independence to Child Protection, Romanism to legalised homosexual ‘marriage’, has taken the time and attention of this Committee. How we long to be able to begin such a report with news that the tide has turned, that true reformation and recovery is underway in our society! Yet we remain optimistic and confident, for our Lord is not, nor can be, unseated from his throne, and better days for the Christian remain ahead.

The Report below is divided into two main sections: the first covering the more routine business attended to by the Committee over the course of the year; the second laying out something of the Committee’s view for the future strategy of their work.

**A. Matters of Ongoing Concern:**

1. Child Protection and Named Person Scheme

As is well known, the Scottish Government intend to proceed with a version of the Named Person Scheme despite the earlier form of the legislation being struck down by the Courts. In June 2017, the Scottish Government released its new proposal. It is a greatly watered-down version of the original plan, and claims that any advice offered by a named person is entirely optional. Despite the concessions there remain serious concerns about the use that will be made of the legislation.

At present the legislation is on hold, having failed to include a suitable Code of Conduct for those likely to be appointed as Named Persons. Mr Swinney, *Deputy First Minister of Scotland* and *Cabinet Secretary for Education and Skills*, has said he cannot produce a revised code until September 2018 “at the earliest”. At present no deadline is available to advance the legislation.

Of more immediate concern to the Committee is that the Named Person Scheme legislation has been based on existing practice in Highland Region, and certain other regions have had in place for a number of years, or have more recently adopted, schemes virtually identical to the Named Person Scheme. Nevertheless, as this area is clearly linked with the national proposals, the Committee have not directly progressed further with investigations into more regional variations at present.

2. Smacking ban

Despite earlier assurances to bring forward no legislation on this subject, the Scottish Government now promise to “ensure” that a Member’s Bill to implement a ban on smacking becomes law.

The Green Party MSP John Finnie proposes removing the current clause of ‘justifiable assault’ for parents. This clause presently ensures that no parent can be convicted of physical abuse to their children if they smack them, provided it can be shown that this was justifiable in the circumstances. Without this clause, no such defence is possible, and parents who smack their children are rebranded as lawbreakers, criminals, and child abusers.

Given the alarming nature of this legislation, and the wide support it has amongst the political class, the Committee undertook to write to every MSP directly, asking them for their views on this legislation. These letters were sent out in January and February 2018. After responses from a minority of MSPs, a further

follow up letter has now been issued to those who did not reply to the initial letter. The Committee will be collating the responses and will consider this matter further in June.

This is, of course, yet another example of the Government overreaching its locus and interfering in family life.

Based on the limited feedback to date, the Committee sadly report that the legislation appears to have widespread support amongst politicians, despite more than 70% of Scots believing an outright ban is not necessary.

### 3. Organ Donation

At present legislation is being proposed both at Westminster and Holyrood to make Organ Donation operate on an 'opt-out' basis, instead of the present 'opt-in' system. The aim is to increase the number of organs available for transplants, and thus save the lives of many who are desperately unwell, through various kinds of organ failure. The Committee have not addressed their concerns directly to the question of organ donation as such. Our focus to date has been more on the underlying assumptions of the State in relation to the bodies of its citizens.

The Committee noted that, contrary to first impressions, this is not a matter which belongs in the area of medical ethics. The matter under debate is not organ donation itself. It is the more nuanced question of whether organ donation may be presumed upon by the State, albeit with an opt-out for individuals. It is presumed consent. In particular, it is the presumption of State ownership of our bodies.

Newspaper columnist Dominic Lawson warned that assuming people consent to donation is a "purely utilitarian approach", and said "the State should tread with immense care in matters best left to families. To enforce Whitehall-directed compulsion in areas of the greatest sensitivity to families is a recipe for discontent and dislocation between society and the State. That can only be dangerous and destructive."

Is the State correct to take into its own hands the presumed consent of its population with regard to their own bodies at death?

If we divorce the question from the morally commendable desire to save lives, we have a much more clear matter to consider.

Do our bodies belong to the State?

No. Notwithstanding the laudable aims of the current legislation (the 'opt-out' clause can muddy the waters, but move it aside), and here we have a clear cut case of the State assuming the control of the physical remains of its citizens. Our position is that body and soul belong to the Creator (Gen.1:27; 2:7). The soul at death returns to God who gave it (Ecc. 12:7).

The body returns to the earth (yet with the claim of God upon it) to be raised at the day of judgement. Responsibility for the wellbeing of our bodies devolves upon man, as specified in the Sixth Commandment. But has God delegated authority to the State? That may be done, without doing any violence to the principle that God is the ultimate authority. This happens with parents and children. Children are God's to give — and yet parents are given authority over them during their childhood.

No such delegation can be found to support the State having control over our bodies.

The Biblical position does not hand over possession of the body at death to the State. Notwithstanding the aims of this proposed legislation, nor the included opt-out clause, were the Bill to pass in its present form then there is a real danger that it would constitute a *de facto* claim by the State over the bodily remains of its citizens.

### 4. United Kingdom and relations with the Vatican

We regret that, due to other priorities, the Committee has made no further progress during the past year in

the work which it began in 2014 to prepare a document dealing with Britain's political relations with the Vatican, and the dangers involved in those relations.

### **B. Direction of Committee**

When the Committee met in June 2017 following the rise of last year's Assembly, it is fair to say that the impact of the Moderatorial Address, emphasising the need to maintain a focus on First Table issues was felt by a number of members of the Committee. Discussions took place at that meeting, seeking to apply the lessons of that address to the work of this Committee. Over the months that followed, the direction of the Committee became a standing item on our agenda.

The fruit of these discussions can be found in more detail in the Proposed Deliverance. However some explanation may prove helpful at this point. The first table of the law, of course, gives priority to the rights of our great God. His worship, his way, on his day, must have priority, and this is the essence of all true morality. Perhaps it is too easy to lose focus on the immorality of Sabbath-breaking, blasphemy and false religion. Our society very rigidly divides morality and religion, and no doubt the church is more infected by this mindset than we realise.

It ought then to be the concern of a Religion and Morals Committee, to seek to ensure that the honour of Christ is upheld in all areas of its remit.

Our first thought then, when dealing with same-sex marriage, organ donation, or smacking, must relate to the rights of God to speak with authority, and for men to listen. These are first table matters, before they are second table issues.

Where our governments are so frequently in error is in failing to recognise their own duty to submit to the Lordship of Christ. And where we, as the church, are at fault is in failing to tell the Government of its responsibilities to govern as the handmaids of Christ the King.

Surely we ought to be challenging our civil rulers as to their obligations to Christ? Surely we ought to be demanding that they bring forward no legislation that is outwith the proper jurisdiction of the Christian magistrate? Now in many ways of course, this is precisely what the Committee has done over the years. We have faithfully and thoroughly written to lawmakers and politicians of all parties, even to our Monarch, raising the honour of Christ and the claims of his Word.

Is it not time though to engage the wider church, and especially the radical court — the Presbytery — in these matters? The Committee then would see itself as servants to the wider church, providing background materials, and suitable questions, which can be put by local courts to local politicians and candidates, challenging them on their understanding of their limits and Christ's prerogatives. Ideally such challenges should be made in person, by inviting politicians to meetings of Presbytery, and affording Presbyters the opportunity to question them directly, and also to explain the rights of King Jesus to them most plainly. In so many matters of ethics and morality facing us today, our people and our leaders have no sense of the prerogatives of Christ whatsoever.

This then is the direction we would like to pursue, if the Assembly are agreeable. We would not forsake any existing obligations, nor ignore any new concerns that arise. We would however limit our output, or rather target it. The aim would be to support bodies such as the Christian Institute in their representations, and not duplicate comment, where we are in agreement. If there are areas of difference, or if a matter is not being addressed in a satisfactory manner, the Committee would continue to endeavour to raise these matters to the attention of the wider church, and lobby those in government in relation to them.

GREG MACDONALD, *Convener*  
MURDO MACDONALD, *Vice-convener*

**PROPOSED DELIVERANCE**

1. The General Assembly receive and adopt the Report of the Public Questions, Religion & Morals Committee and thank the Committee, especially the Convener, Vice-convener and Clerk;
2. The General Assembly commend the work of the Committee to our people. They encourage Congregations and individuals to inform the Committee of local matters of particular spiritual and moral concern that might be helped by being more widely known and by being addressed by the Committee;
3. The General Assembly note the ongoing concerns relating to the Named Person Scheme and Child Protection issues. They renew their direction to the Committee on Public Questions, Religion & Morals to investigate the relationship of the Named Person legislation and the implementation of the existing Child Protection system and report to next General Assembly with recommendations for both the denomination and for Christian parents. At the same time they continue to pray that the scheme will ultimately be withdrawn;
4. The General Assembly note the work done by the Committee to date in collating the views of MSPs in relation to the proposed changes to the definition of child abuse to include smacking. They instruct the Committee to raise the serious dangers of this proposal with politicians and the public;
5. The General Assembly affirm that the bodily remains of citizens are not the property of the State and record their profound concern that proposed legislation in relation to Organ Donation might undermine this principle. They instruct the Committee to continue to monitor this area and raise all suitable Biblical objections to it;
6. The General Assembly encourage the Committee to persevere with their research into the United Kingdom's political relations with the Vatican;
7. The General Assembly note the proposals of the Committee in relation to the proper direction of its resources to the effect that:
  - i. the Committee continue to fulfil all existing undertakings and obligations.
  - ii. the Committee note all relevant new areas of concern.
  - iii. the Committee divide these new areas of concern into three groups:
    - A. Those where we agree with wider Christian bodies, and whose material in this area can be referred to.
    - B. Those where we are likely to have a distinct view.
    - C. Those where we share certain common concerns with other bodies, but these are not being addressed by other groups.
  - iv. the Committee note and offer support for other bodies in dealing with issues that fall into category (A).
  - v. the Committee continue to attend to matters that fall into categories (B) and (C) as appropriate.
  - vi. the Committee highlight the importance of the Establishment Principle as the Biblical and Confessional description of Church / State relations.
  - vii. the Committee engage with and challenge our political representatives over the proper limits of State power, this to be done *inter alia* by (a) letters and (b) invitations to politicians to appear before relevant Church Courts;
8. The General Assembly direct the Committee to investigate the whole area of the practical outworking today of the duty of Government to recognise and submit to the rule of Christ as King of nations, and report back with their recommendations to the next General Assembly.