

**THE  
COMMITTEE  
ON  
CHURCH AND NATION**



**REPORT  
TO  
THE GENERAL ASSEMBLY  
OF  
THE CHURCH OF SCOTLAND  
2003**

## INTRODUCTION

The Church and Nation Committee is a Committee of the General Assembly of the Church of Scotland. Our remit is a broad one:

*To watch over developments of the nation's life in which moral and spiritual considerations specially arise and to consider what action the Church, from time to time, may be advised to take to further the highest interests of the people.*

The Committee is made up of sixty people - ministers, elders and members of the Church of Scotland - who are drawn from every part of Scotland.

This report represents a year in the life and work of the Committee. It will be presented to the General Assembly in Edinburgh on Wednesday, 21st May 2003.

This year all our work has been dominated by one issue and yet it is not mentioned anywhere in this report. However, a supplementary report on the War with Iraq will be published on the eve of the General Assembly.

*"The light shines in the darkness and the darkness has not overcome it."*

John 1.5



**Rev. Alan D. McDonald**  
**Convener**

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# COMMITTEE ON CHURCH AND NATION

MAY 2003

## PROPOSED DELIVERANCE

### The General Assembly

1. Receive the Report and thank the Committee and those who by their support and shared concerns have helped in this work.

### ACTION TAKEN BY THE COMMITTEE

2. Commend the Christian Aid report, *Losing Ground: Israel, Poverty and the Palestinians*, and urge Her Majesty's Government, as part of the international community, to take all necessary steps to bring about a just and lasting peace in Israel and Palestine, and to address the causes of Palestinian poverty.

### DOMESTIC ABUSE

3. Commend the Scottish Executive and Parliament for the priority given to making decisions on the issue of domestic abuse, and for supporting the Scottish Partnership on Domestic Abuse.

4. Recognise and regret that the Church has not always been a haven or safe place for women suffering domestic abuse.

5. Instruct Boards, Committees, Presbyteries and Kirk Sessions to study the report and to put into action the relevant sections of the Recommendations; Boards and Committees to report progress to the General Assembly of 2005.

### DEBT

6. Regret that the Scottish Executive and Parliament missed the opportunity to move into a truly new way of dealing with personal debt in Scotland, and encourage the Church and Nation Committee to continue its involvement with Debt on our Doorstep and with its call for concerted action to tackle the spiral of debt and poverty.

7. Instruct all Boards and Committees (a) to examine their involvement in issues of debt, and (b) to develop strategies individually and co-operatively to address these further.

### ASYLUM

8. Express concern that the new measures (under Section 55 of the Nationality, Immigration and Asylum Act 2002), restricting access to support for asylum seekers, will lead to hardship and destitution and call upon Her Majesty's Government immediately to restore welfare support.

9. Express concern at the development of Accommodation Centres and instruct the Committee to continue to monitor the situation.

#### **NORTHERN IRELAND**

10. Offer continuing prayer and support for the ongoing peace process in Northern Ireland, expressing the belief that the Legislative Assembly remains central to moves toward reconciliation.

#### **TAXATION**

11. Recognise that an appropriate system of taxation is an essential element in the sharing and redistribution of resources in society.

#### **POST OFFICE**

12. Call on Her Majesty's Government to recognise the continuing value of Post Offices to rural and urban communities.

13. Recognising that, despite being the only truly free banking option in the Automated Credit Transfer system, the Post Office Card Account is under-promoted, call on the Department of Work and Pensions to increase public awareness of its benefits.

14. Commend the example of Birsay, Harray and Sandwick and urge congregations to consider whether their own area could benefit from a similar scheme.

#### **HOUSE OF LORDS**

15. Affirm that in a representative democracy direct election is the basis on which those promoting and revising legislation should be chosen.

#### **CONVENTION ON THE FUTURE OF EUROPE**

16. Urge Her Majesty's Government to pursue the Draft Constitutional Treaty with the clarity of vision, political will and moral leadership required to support the idea of a "community of values".

#### **TRADE JUSTICE**

17. Urge the Church at all levels to study this report, reflect upon it, and report the results of this process to the Church and Nation Committee by 31<sup>st</sup> December 2003.

18. Encourage Church members to become involved in the Trade Justice Movement and to participate in the Day of Action planned for 28<sup>th</sup> June 2003.

#### **ZIMBABWE**

19. Call on all members of the Church to pray for the people of Zimbabwe at this momentous time of struggle as they seek to overcome poverty, hunger, disease and oppression; and to pray for the restoration of proper relational governance with the people, effective and fair land reform, and freedom, security and welfare for all the people of Zimbabwe.

20. Recognising the value of a shared Christian theological understanding of power, offer to work with the Zimbabwean Council of Churches in their promotion of such an understanding for Zimbabwe today.

21. Encourage Her Majesty's Government to continue the urgent humanitarian work being done, and to search earnestly through the Commonwealth and other appropriate agencies, for a just resolution of the crisis facing Zimbabwe.

#### **NUCLEAR WEAPONS**

22. Affirm the consistent position of the Church of Scotland for the past twenty years in condemning the existence and threat of nuclear weapons as sinful and an offence to God's created order.

23. Once again urge Her Majesty's Government to abandon the Trident Nuclear Weapons system, and deplore any abandonment of "no first use" as part of the Government's strategic defence policy.

24. Call on Her Majesty's Government to abide by its treaty obligations in regard to nuclear weapons, to encourage international efforts to achieve multilateral nuclear disarmament and to support the establishment of a Nuclear Weapons Convention at the United Nations.

25. Encourage congregations to increase their awareness of the issues involved, to pray for a world free of nuclear weapons, to engage in peaceful protest against them, and to express their concern to their Member of Parliament.

#### **DISTRIBUTION**

26. Instruct the Committee to send copies of the Report with the Deliverance to appropriate Government Ministers, Members of the Scottish Parliament, Scottish Members of Parliament, Scottish Members of the European Parliament, and others involved in the issues addressed by the Report.

# REPORT

## ACTION TAKEN BY THE COMMITTEE

1. The Church and Nation Committee, as always, is in the debt of very many people who have worked with the Committee over the year to enable the work to be done. It is never simply the writing of reports which occupies the Committee's time, but the patient, long-term accompaniment of the nation's life which enables the Church to minister at a national level in the way that the same principles allow parish work to bear witness and bear fruit.

### 2. Matters from the General Assembly

2.1 Meetings have been held since the last General Assembly to take forward work on *Sectarianism*. A seminar on the subject was held at the Scottish Christian Resources Exhibition, attended by twenty-five people; the Committee was pleased to support an initiative on this from the Presbytery of Glasgow; and the report to the General Assembly 2002 has been published as a booklet with the kind assistance of the Drummond Trust. The working group called for last year has now met and begun to plan its work.

2.2 Along with other Boards and Committees, the Church and Nation Committee has been discussing with the Board of National Mission how best to take forward the concerns raised in the report, *Sharing the Pain, Holding the Hope*. The Committee has held one of its meetings in a UPA charge and has agreed to work on the development of a "poverty-proofing" mechanism for the Church. The Committee also assured representatives from the Board of its intention to continue to monitor issues of poverty in Scotland on behalf of the General Assembly.

2.3 After the Committee reported on Compensation Culture it was approached on the subject of *Mediation*, mentioned in that report. Plans are now being put in place with other Boards and Committees to take this forward within the Church of Scotland.

2.4 The Committee continues to be involved with efforts to promote the concept and the implementation of *Civilian Peace Services*. A conference was organised in January which brought together many of those involved in this to hear how discussions and debates have been progressing at Westminster and to discuss how the Scottish Parliament might be encouraged to become involved in the educational aspects of the issue.

2.5 Representations have been made on two separate occasions concerning the idea of a *National Thanksgiving Day* that was brought to the General Assembly of 2002. The Committee has linked this to the previous call from the General Assembly for the development of the marking of St Andrew's Day on November 30<sup>th</sup>. We have been encouraged by the response to these letters and look forward to seeing how the Scottish Executive and the Scotland Office take the matter forward.

2.6 The General Assembly's opposition to the principle of privately run *prisons* was made plain last year. Since then the Committee has worked through its representative on the Joint Faiths Advisory Board on Criminal Justice to make that opposition clear. As part of its monitoring of developments the Committee was astonished to read an answer to a Parliamentary Question from the head of the Scottish Prison Service which seemed to indicate that the timetable for the provision of a second private prison was not available to Members of the Scottish Parliament (MSPs), nor would it be in the future.

2.7 *Studies on The Use of Firearms in Scotland, on Culture and Identity, on Corporate Social Responsibility, and on Advocacy in the Community* have been begun but not finished. In all

these cases the areas of interest and concern opened up by the work done so far have indicated that a further year needs to be spent on them before reporting to the General Assembly.

**2.8** The Committee was pleased to be able to cooperate with the Board of Parish Education in its *Children's Forum programme*. Through this process we have obtained interesting feedback on young people's views of the world in which they live and the Church's place in it. The Committee would like to place on record its thanks to all those who organised and took part in these meetings and produced the record of the discussions.

**2.9** In response to a Deliverance at the General Assembly of 2002, the Committee worked with the Scottish Churches Parliamentary Office to run a *training day* on lobbying and campaigning for Church members. This took place in Glasgow in September 2002. Gaining access to the members and processes at Holyrood and Westminster were covered, along with issues of running campaigns and dealing with the media. We were very grateful to those who came to speak from both parliaments and from other churches and organisations. It was generally felt to have been a successful venture, one which can be repeated in other places at the request of congregations or Presbyteries.

**2.10** The Committee was also asked to take forward the issue of *inter-faith relations* in conjunction with the Committee on Ecumenical Relations. The Committee now has a place on the Inter-Faith Forum, from which we hope to contribute positively to the place of this work in the priorities of the Church.

**2.11** We are grateful to the Board of Practice and Procedure for taking forward thinking on how best to commemorate the opening of the Scottish Parliament and the contribution of the late Donald Dewar to the political life of Scotland.

### **3. Political Contacts**

**3.1** The Committee continues on behalf of the General Assembly to maintain contact with civil and political institutions, processes and developments.

**3.2** In Scotland discussions took place with the *Labour Party* on papers leading toward its election manifesto, and with the *Scottish National Party* on their plans for a new taxation system. Last year saw the first of, we hope, annual visits by the Committee to the *Scottish Parliament* to discuss aspects of its report to the General Assembly. This was well supported by MSPs and led to interesting and informed discussion. Because of the election, this year's visit will not take place until June.

**3.3** The annual visit to *Westminster* was continued, where the Committee's representatives were again hosted by the Speaker of the House of Commons and his staff; once more our thanks are due to them for their kindness and hospitality. The visit to Westminster coincided with the lobby action day organised by *Debt on our Doorstep*. This had events both in London and Edinburgh. A video link was established between the two parliaments for a discussion of the issues involved and this marked the beginning of the development of a joint group on overcoming debt in Scotland - involving MSPs and Scottish MPs with voluntary organisations and churches. A report on the handling of debt issues in the Scottish Parliament is found below.

### **4. Racial Justice**

**4.1** Work toward a new arrangement to replace the Scottish Churches Agency for Racial Justice has continued. By the General Assembly it is hoped that a *Racial Justice Officer* will have been appointed to staff a new Scottish office for the CTBI Churches Commission on Racial Justice (CCRJ). We, like other churches in Scotland, have been grateful for the help and support of the staff of ACTS and CCRJ in making this possible.



4.2 The Committee continues to view with dismay the stereotyping and demonisation of asylum seekers in many parts of the media. The chain of events set in motion by September 11<sup>th</sup> 2001 continues to leave its mark on our society and the time is right for a new effort in the churches of Scotland to educate and inform ourselves in a way which can change us all for good. We hope that the worker will be instrumental in helping the churches engage in this work in a new and committed way.

## 5. The International Situation

5.1 As in the previous year, much of the Committee's time has been taken up by the international situation. At the time of writing, *the threat of war in Iraq* is very real and the concern of the churches at all levels and in every country is palpable. The Committee and the Moderator have spoken in writing and in person about general and particular concerns - individually and in concert with others. The Convener and the Moderator both called for a debate in the Scottish Parliament on the situation and were very pleased when that debate took place. They also encouraged support for the demonstration against war in Iraq which took place in Glasgow on February 15<sup>th</sup>. A full report on Iraq will be presented to the General Assembly as a Supplementary Report so that it can be as up to date as possible.

5.2 Meanwhile, the Committee used the issue of *email newsletters* to concentrate on the situation in Iraq. These were sent out to Presbytery Clerks for circulation and posted on the Church website. This development was suggested by a Presbytery committee and the Committee hopes it will prove to be a useful tool of communication.

5.3 The Committee has been pleased to be associated with developments in the *Ecumenical Accompaniment Programme for Palestine and Israel (EAPPI)* and is grateful to the Board of World Mission for the work it has put in to bringing a British contribution to this programme into being. No specific report on the current situation in Israel-Palestine is included this year; however, the Church's aid agency, Christian Aid, has produced an excellent publication: *Losing Ground: Israel, Poverty and the Palestinians*. Their report documents the effects of Israeli actions on ordinary Palestinian life; and in doing this addresses many of the same issues which the Committee and others in the Church of Scotland have been actively concerned with over many years. The continuing closures, settlement-building, control of water, and undermining of agriculture are described along with their effects in health and economics. The Committee hopes that this will be widely read and discussed - and we have included in the Deliverance wording used in Christian Aid's principal recommendation.

## 6. Fishing

The Committee has also addressed the vexed question of *fishing* and the communities that depend on this industry. While accepting the scientific evidence of the need to restrict catches, the Committee is very aware of the precarious situation in which this leaves whole towns whose lifeblood is fishing. The need to do as much as possible to assist these communities is clear and obvious, and the Committee has been in touch with the Scottish Executive to press this case. At the time of writing arrangements are being sought whereby the Committee can visit *Buchan Presbytery* where this matter, among others, can be discussed. The Committee will also be represented at a *consultation*, hosted by the Norwegian churches, of those nations surrounding the North Sea.

## 7. Finance

Like all other Boards and Committees, the Church and Nation Committee has had to look at ways of conserving the financial resources of the Church. This has meant that, apart from administering support for ecumenical racial justice work (see above), no financial assistance to outside bodies has been made available. Also, a decision has been taken to move from two to one residential meeting per year. New arrangements may force further economies upon the budget.

## DOMESTIC ABUSE

### 1. Introduction

*I was thrown into the cupboard under the stairs. Blood was pouring from wounds gouged deep into my breast by a screwdriver, and the awful insults were still ringing in my ears. I heard the key turn in the lock and I knew I would be enduring another long dark night of pain and shame, with no food or clothes. The next morning, he let me out and told me to clean myself up before ironing his shirt. Then we set out together for church. It was Easter Sunday, and that morning, as I listened to the story of Jesus alive in the garden, asking Mary to share the good news of resurrection, I realised finally that I had to break free, for the sake of my children; for the sake of the person God wanted me to be. For too long I had accepted the humiliation and the degradation. I kept thinking about the marriage service: surely if vows had been blessed by God, I should have been helped through this? It hadn't occurred to me that a Christian marriage could be abusive, and that added to the sense of failure and isolation. I was shamed into silence. My life was so compartmentalised. I was in the Guild and the choir and attended worship, but it was all separate from the hell at home. Everyone else in our respectable suburban congregation, – they seemed to live such nice, safe lives, all playing happy families. Maybe some of them were living with abuse too, but I never knew. Those issues were never raised and church seemed almost the last place for honest sharing of pain and vulnerability. I really didn't think the people in church would believe what was going on. In fact I knew they wouldn't, because my husband was so well thought of and a pillar of the church. Years later I met someone from that congregation who said "I remember one time I saw you in a state and listened to your explanation for the bruises and bandages – now I know you were covering up for him. If only I'd thought that he might have battered you, or had simply asked if there was any problem, but it didn't even occur to me." ... Violence against any person is destructive and isolating, and it's essential for the health of the church – and to support those who suffer – that we should find ways of breaking the silence. The violence is IN the silence...I long to find a church where I would be able to take a hurting friend in good faith, to find comfort and prayer and peace...a sea of welcoming faces and outstretched arms. Living in an abusive relationship was fearful – like being kept in a dark, dismal, suffocating tomb. It's been traumatic, but I do believe that I am coming out of the shadows, into the light of new life. (1)*

**1.1** These are the words of a Christian woman living in Scotland. For over twenty years her husband – a professional man and church elder – chose to use escalating and increasingly frequent physical brutality against her, as part of a pattern of behaviour including habitual mental and emotional abuse. Their children were silent and terrorised witnesses. Finally she girded her courage and fled the home in which she had invested so much love and care. She and her children found safety and support in a Women's Aid (WA) refuge, but struggled with poverty, dislocation, trauma and continuing ill health as they strove to rebuild their shattered lives. The terror was not over, for the good Christian man continued obsessively to pursue and hound them until eventually he formed a new partnership, and was remarried in their home church. He has never been apprehended or sanctioned for his criminal behaviour. During the years of abuse, the whole family were involved in their local church, but that Christian community did not seem equipped or encouraged to confront the situation, to support those who were suffering, or to offer appropriate help either to the woman and her children, or to the male perpetrator of violence.

**1.2** Their experience is by no means unique. Domestic abuse is widespread throughout the world, affecting millions. In Scotland, hundreds of thousands of women and children live with the daily threat and reality of violence in and around their homes. Research evidence shows clearly that domestic abuse cuts across class, age, religion and ethnicity. It happens in every parish throughout Scotland, and the statistical probability is that there are both perpetrators and victims in every congregation of the Church of Scotland, as of all Christian denominations and other faith traditions. We live in a society where fundamental human

rights are daily violated on an alarming scale, with devastating personal, social and spiritual consequences. The Church, as the Body of Christ in the world, is challenged to respond with clear-minded awareness and analysis; with theological reflection; with compassion and justice; with practical support and with self-critical examination of our own historical complicity in all that has conspired to make domestic abuse hidden, "normal" or "justifiable".

## **2. A Challenge from the Guild**

**2.1** The 2002 General Assembly, in response to the report of the Guild, passed a deliverance which recognised *the need for the Churches to increase their understanding of the issues underlying domestic violence and respond to them*. The Church and Nation Committee was instructed to consult widely, and to report to the General Assembly in 2003, with recommendations for further action. A leaflet for study and action, issued by the Guild, notes: *This is not the first time that domestic abuse has been on the Assembly agenda. In 1999 the report of the Church and Nation Committee included the declaration that violence against women in all its forms is morally wrong and totally unacceptable. The Boards of the Church were encouraged to continue to give the matter their serious attention and to ensure that the Church is seen to be a source of support, sanctuary and informed help for all women who suffer abuse.*

**2.2** The leaflet continues: *Why therefore bring the matter to the Assembly of 2002? The answer is simply that it is not enough to give the matter serious attention and to be seen to be supportive. The Churches need to respond in practical ways. They are perhaps uniquely placed to do this on several levels:*

- *As advocates for justice nationally and internationally;*
- *As voices in the community which state clearly that everyone has the right to live with dignity and respect and without fear;*
- *As places which can offer physical spaces of contact in a safe environment and practical information in a discreet setting;*
- *As communities of love and trust.*

**2.3** In seeking to be faithful to that challenge, and to the remit of the General Assembly, this report will present a definition of domestic abuse, and summarise extensive research about prevalence and effects. It will place the issue in the wider global context of violence against women in all its manifestations, and efforts by the international community to acknowledge and overcome such violence. The report will outline developments in Scotland, including the Scottish Parliament's noteworthy consensus and commitment to tackle domestic abuse, and the Scottish Executive National Strategy to Address Domestic Abuse in Scotland. Then we shall consider the response of Scottish churches, in the context of the Decade to Overcome Violence and growing international evidence of transforming theology, pastoral concern and prophetic action among Christians and churches of all traditions. The concluding recommendations offer realistic and achievable ways for the Church of Scotland (at local, departmental and national levels) to work with statutory and voluntary bodies, along with ecumenical partners, in tackling the causes and effects of domestic abuse.

## **3. What is domestic abuse?**

*It was like a hostage situation – trapped, physically and emotionally. I never knew what would happen from day to day, or even from hour to hour. And to live with that level of terror and anticipation of damage and pain and fear, while trying to protect three small children, is obviously an impossible task. I don't know why I thought I could sustain it, but there was a desperation to try.*

**3.1** Many women and many children in Scotland, and around the world, live with the constant threat of domestic abuse, affecting their physical and emotional wellbeing and constraining their lives. In recent years, there has been extensive study and research into the forms, causes

and effects of such abuse. There have also been significant developments in the recognition of such abuse as a violation of human rights on a huge and previously unacknowledged scale. "There are many forms of violence in society and all forms of violence are unacceptable. Many groups, for example women, experience greater levels of some forms of violence, and this must be challenged and addressed wherever it occurs... Domestic abuse is most commonly perpetrated by men against women and takes a number of specific and identifiable forms. The existence of violence against men is not denied, nor is the existence of violence in same sex relationships, nor other forms of abuse, but domestic abuse requires a response which takes account of the gender specific elements and the broader gender inequalities which women face" (2).

**3.2 The Scottish Partnership on Domestic Abuse has adopted this definition (3):**

*Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade or humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).*

**3.3** This recognises that abuse in relationships is not simply a matter of incidents which result in physical injury, but is more characteristically a behaviour pattern which is purposeful, becomes habitual and is intended to exercise power and control over the partner (and other household members). Physical aggression and threats are elements in abusive conduct which can include intimidation, humiliation, isolation, sexual degradation, limitation of movement, charm, pleading, arbitrary punishments and rewards. It is important to recognise that incidents of physical violence usually occur in this context, even if they are the most readily measured and punishable aspect of abuse. In Scotland, the operational definition of domestic violence used by the police is "any form of physical, sexual or emotional abuse which takes place in the context of a close relationship. In most cases this will be between partners (married, cohabiting or otherwise) or ex-partners." The "domestic" nature refers to the type of relationship between victim and accused rather than the location of the incident (4). This definition is different from that used in the Scottish Crime Survey (SCS), which focuses on incidents of physical threats and force, and therefore chooses to talk about "domestic violence", rather than abuse. The findings of the 2000 SCS suggest that in 93% of domestic violence incidents reported to the police, the victim was female, and that 93% of the perpetrators were male. Overall, in 92% of incidents, the perpetrator was male and the victim was female. 96% of incidents happened in the home, and 58% were seen or heard by children. One third of reports to police represented a known repeat victimisation, and 31% of SCS respondents who had experienced threats or force during 1999 reported that this occurred at least once a week (5).

**3.4** In recent years, a large number of studies have been undertaken in Scotland, which attempt to measure and analyse domestic abuse in particular regions, among specific groups, and from a range of perspectives. Some of their findings are as follows:

- Domestic abuse is a massive public health issue, costing the NHS millions each year;
- Regular assault by a partner is common to an estimated 40,000 women in Glasgow alone;
- Every day, over fifty women with their children, leave Scottish homes as refugees from violent men;
- Women's Aid in Scotland, with thirty-eight local groups in every part of the country, received almost 60,000 requests for advice, support and refuge during 2000-2001;
- WA figures suggest that up to 100,000 children are living in households where there is domestic abuse. 90% of children whose mother is assaulted are in the same or the next room.
- Over 50% of female homicide victims were killed by their partners. In the UK, two women die every week as a result of domestic violence.

- About 25% of recorded violent assault is by men against the women they live with, though Fife Constabulary estimated that only 2% of all incidents of "domestic abuse" are reported.
- A 1997 study commissioned by Edinburgh City Council on women's safety, found that 5% had been physically assaulted by their partner in the last year; 23% reported they had been assaulted at some time by their partner; 20% reported that they had been subjected to repeated physical assault by a partner.
- In 1999, domestic violence accounted for 64% of all crimes of violence reported by women.
- The SCS showed that men were most likely to experience acquaintance and stranger violence (79% of violent crime reported by men) while 5% of incidents in which men were victims of violence were domestic.
- A World Bank analysis of thirty-five recent studies from industrialised and developing countries around the world indicates that between one quarter and one half of all women have suffered significant physical, sexual or emotional abuse by a partner.

**3.5** While it is important to exercise care when interpreting data and statistics relating to domestic abuse, there is widespread agreement across all agencies with involvement or responsibility for dealing with domestic abuse that, while all human beings have the potential to behave in violent or abusive ways, it remains the case that the overwhelming majority of habitual perpetrators are adult men. In 2000, the Scottish Executive commissioned a research study: "Domestic Abuse Against Men in Scotland" <http://www.scotland.gov.uk/cru/kd01/green/dvam>. It aims to estimate the prevalence of domestic abuse against men; to gauge the nature, frequency and seriousness of abuse; to document and examine the perspectives of men who have been abused; and to assess the adequacy of service provision. It concludes that in general, male victims were less likely to be repeat victims of assault, to have been seriously injured, and to report feeling fearful in their own homes. Some of the male victims identified in the Scottish Crime Survey 2000 were also assailants and therefore did not wish to draw themselves to the attention of the police. Others were embarrassed to disclose the sources and nature of the abuse. Domestic abuse against men can take life-threatening forms and have lasting effects, but many of the men in the research sample described their partners' abuses as relatively rare and inconsequential in the longer term. Abuse frequently occurred when relationships were in crisis or "breaking up" or over negotiation of access to children. There is also mention of abuse occurring in same-sex relationships, but without drawing firm conclusions about relative incidence or seriousness. The Report cites other surveys and studies, both national and regional. No person, whether adult or child, male or female, should have to endure domestic abuse, but any responsible and helpful analysis of the issue must confront its gendered manifestations, in the broader context of historical and continuing inequality between women and men in all societies.

**3.6** The UN General Assembly declared in 1993 that: *Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men, and the prevention of the full advancement of women; and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.*

**3.7** In 1994 the UN commission on Human Rights appointed a Special Rapporteur on Violence Against Women, including its causes and consequences. At the Fourth World Conference on Women, held in Beijing in 1995 (at which Scottish churchwomen were well represented) the Platform for Action acknowledged that global efforts to prevent and eliminate gender violence, in all its forms, are both necessary and achievable. This is an important affirmation, because for most of human history, the injustice and abuse of power enshrined in male abuse of women and girls has been ignored, trivialised, justified – and

sometimes sanctified by religion – as an inevitable aspect of relationships between women and men. In one of the pioneering sociological studies of domestic abuse, based on empirical research conducted in Scotland, Russell and Rebecca Dobash wrote: *The seeds of wife-beating lie in the subordination of females and in their subjection to male authority and control. This relationship has been institutionalised in the structure of the patriarchal family, and is supported by economic and political institutions, and by a belief system, including a religious one, that makes such relationships seem natural, morally just, sacred* (6).

3.8 Much has happened to challenge and overcome the institutional subordination of women since those words were written a generation ago, yet millions continue to suffer in cultures and conditions which allow gender violence to flourish. Religions, alongside economic and political institutions, still require radical transformations in ethos and practice truly to cease their collusion with such injustice.

#### **4. Some myths about domestic abuse**

**4.1 Domestic abuse only happens in poor and deprived families.** Abusive individuals come from all walks of life and social circumstances:

*It's not just a few sad, pathetic souls. It's not just drunk men coming back from the shipyards. It's not just men who are "sick in the head". It's not just an argument that gets out of hand. It's not about women provoking their husbands. Everyone has conflicts and disagreements. But millions of women suffer abuse because men and institutions abuse their power.*

**4.2 Alcohol and drugs cause abusive behaviour.** Alcohol and drug use can be factors in abusive behaviour. Some men abuse their partners when they have been drinking; some only do so when they are sober, and some use violence and abuse whether drunk or sober. Drinking can provide an easy excuse, but is more of a trigger than a root cause of the choice to act violently. Abuse can also result in the resort to abuse of alcohol and drugs:

*He started to drink a lot, and spend too much money, and that worried me. But he shouted, "Don't you dare tell me what to do", and I thought I mustn't turn into a nagging wife.*

**4.3 Domestic abuse happens because men fly into a rage and momentarily lose control.** Some abusive men use violence indiscriminately in different situations, against men, women and children. Many more only ever use threats and violence against their partners, and do so because it seems an effective way to exercise abusive power over their lives. Once a man has started to abuse his partner, it is likely to happen again, and to get progressively worse. It seems to provide rewards without effective sanctions to inhibit such behaviour:

*When I look back, I see that he always got his own way... I lived through some frightening times. If he wasn't in control he could get really nasty... He claimed when we saw a counsellor that it had never been real violence because he took care not to leave marks on my face. That horrified me – to think he could be so calculating.*

**4.4 Some women just "ask for it": their actions, appearance or attitudes provoke and deserve a violent response.** A recent survey of young people in three parts of Scotland revealed that twenty per cent of teenage boys (and a significant percentage of girls) think that there are times when it's OK to beat or have coerced sex with women and girls. In fact, abusive behaviour is often experienced as entirely arbitrary and unrelated to circumstances, while those who are on the receiving end make strenuous and fruitless efforts to avoid or allay the violence. No one deserves to be abused, and it is always a violation of human dignity:

*Whatever I said was wrong. Whatever I suggested was unreasonable. "How dare you presume to think you deserve that" he would say. And if I didn't always agree with him, I just got hit. I became introverted. I totally lost my confidence. I wanted to try harder and harder all the time to be good, to be a proper wife, to please him, to stop him hurting me – and the more I tried, the worse it got. There was no "I" left in the end – just a shadow fading into walls.*

## **5. The Costs of Domestic Abuse**

**5.1** In 2001, a seminar was held in Edinburgh City Chambers, organised by the charity *Womankind Worldwide*. It was entitled "The costs of violence against women and girls", and included contributions from Nicaragua, Canada, India and Sudan, as well as speakers from Scotland and England. It was a wide-ranging and well-informed opportunity to look holistically at the immense personal, economic, social and political costs of global violence against women. Some of the evidence included that set out below.

### **5.2 *A Day to Count the Cost of Domestic Violence in the UK***

On September 28 2000, police forces, Victim Support, counselling agencies and refuges cooperated to gather detailed information:

- Police received 1300 calls relating to domestic violence – one per minute, equating to 570,000 calls each year.
- In the Metropolitan area, one in four crimes against the person were domestic violence.
- One in fifteen referrals to Victim Support in England was in relation to an incident of domestic violence.
- Refuges received twice as many calls for help as the police.
- RELATE reported that one in five counselling sessions that day mentioned incidents or fear of domestic violence.
- Overall costs to the UK economy of dealing with the victims, perpetrators and effects of domestic abuse are estimated to exceed £1 billion per annum.

### **5.3 *The Cost to One Person, and the need for an integrated, proactive response***

Lily Greenan, Director of the Motherwell North Social Inclusion Partnership Project to End Violence and Abuse (EVA), told the story of Kathy (with her permission) as a case study. Kathy suffered years of domestic violence which left clear, visible symptoms, and chronic health problems, including depression, anxiety, bulimia and obesity, lower back, neck and shoulder pains, mobility difficulties, incontinence, falling over, and polycystic ovaries. Her ex-partner had been convicted of sexual assault, but continued to harass her from prison. After two years, he was released and his supervision order was not properly enforced. Kathy could not access either a Non-Harassment Order, or obtain an interdict with powers of arrest. She was so terrorised and fearful that she was unable to take control, yet the Criminal Justice system required her action to provide enough evidence for arrest. The situation was a stalemate. She received £94 of prescription drugs each month, and had to make regular visits to a GP, psychiatrist, community psychiatric nurse, dietician, gynaecologist and physiotherapist. She required daily help at home and occupational therapy aids. Health Visitors, home help supervisor, childcare social workers and nursery staff were all involved in Kathy's situation, along with police, SACRO (Reducing Offending in Scotland) and the housing office. All knew a little of her story, but these agencies and individuals did not work together or communicate to understand the whole picture, or to find common solutions. Until EVA workers got involved, they were dealing piecemeal with the aftermath of abuse, rather than seeking active and preventive measures. Such cases, multiplied by thousands, indicate the scale of the costs, and the urgent need for integrated strategies to address domestic abuse.

### **5.4 *The Cost to Men and Boys***

Michael Kaufmann, founder of the White Ribbon Campaign, argued that men and boys have been damaged by learned behaviour - historical and contemporary social constructions of "what it means to be a man", associated with violence and aggression in sports, among friends and at schools and work, and ensuing power relations: *We need to reach out, to mobilise men, to make them understand that violence against women is their issue. We need, as men, to work as partners with women. The White Ribbon Campaign has emerged as a symbol of men's opposition to violence against women. It aims to show that, although most men are not violent, the collective silence of men has allowed it to continue. Men who wear the White Ribbon proclaim, "I will not commit, condone or stay silent about violence against women".*

### **5.5 The Costs of Men Not Changing**

Rory MacRae, social worker with the Edinburgh Domestic Violence Probation Project (which has worked with hundreds of men convicted of domestic violence) said: *Most abusing men on some level are unhappy with their behaviour and would like to change. To start the process, one needs to look at the motivation men have for using violence; what is their understanding of why they were violent, and what "benefits" do they think result from continuing to abuse? It is intentional and functional. The beliefs and expectations which are at the root of men's use of violence in the home can only be understood in the context of a society that has traditionally given disproportionate power to men. The problem lies in the significance a man attaches to occasions when his partner does not behave in a way he believes she should, and this often relates to wider societal expectations. These expectations, beliefs and ways of behaving have been learned by men, and the process of change therefore requires a process of re-examining and re-learning; of education, not therapy. We believe that men can change, and that the costs of them not changing are huge.*

5.6 A full report of the seminar can be found on [www.womankind.org.uk](http://www.womankind.org.uk).

### **6. Christianity and Domestic Abuse**

*I was made to feel guilty and responsible for leaving my husband. The shame around this subject makes it very difficult to acknowledge in a community that values marriage vows and faithful commitment and uncomplaining behaviour... There's still a surprising amount of stigma attached to being a divorced woman. Somehow, the institutional church makes you feel that you've failed, regardless of the reasons for the break-up.*

6.1 The history of all religions, including Christianity, is in part the history of legitimising and colluding with the abuse of women. Sacred writings, theologies, structures and cultural traditions have been widely misused to develop and sustain an ethos which, at its worst, contradicted the very idea that women are human beings who have rights – or even souls (an issue which caused much contentious debate at the sixteenth century Council of Trent). The founding father of the Scottish Reformation was notoriously vehement about the curse of Eve, and the irrevocable sentence of God that all women should live under male subjection:

*Forasmuch as thou has abused thy former condition, and because thy freewill hath brought thyself and mankind into the bondage of Satan, I [ie God] will therefore bring thee in bondage to man. For where before thy obedience should have been voluntary, now it shall be by constraint and necessity; and that because thou hast deceived thy man. Thou shalt therefore be no longer mistress over thine own appetites, over thine own will, nor desires (7).*

6.2 Though his own relationships with women may not have been so severely oppressive, Knox's theological strictures against women read like the attitude of many abusive men, while accusations of female deception have been oft-repeated by male partners seeking to justify their controlling behaviour. In their exercise of social and sexual discipline, post-Reformation Scottish Church Courts demonstrated variable levels of compassion and practical concern for women's wellbeing and support. On the whole, however, they were vigilant (if by no means universally successful!) in their efforts to confine women to acceptable models of submission and obedience within male-headed households. This included the presumption that husbands and fathers had the right, and indeed the duty, to chastise their dependents – using force if necessary – in order to maintain due authority. In cities across Europe under reformed jurisdiction, authorities tended to follow Calvin's advice concerning abused wives: *Except where her life is in danger, she must bear with patience the cross which God has seen fit to place upon her, and meanwhile not to deviate from the duty which she has before God to please her husband, but to be faithful whatever happens (8).*

6.3 This counsel to patience, duty, obedience and fidelity has been repeated down the centuries by countless theologians, pastors and others (of all church traditions and theological



persuasion) who have concluded that a measure of violence and control might be acceptable or even desirable in order to guard the morality of family and church. During the WCC Decade of Churches in Solidarity with Women (1988-98) voices of survivors from around the world began to break the silence of violence, repeating a depressing litany of ignorant, inappropriate and downright dangerous pastoral responses to abused women: of ministers and priests who did not believe, or who blamed women for provoking their husbands; of attitudes to marriage which implied that the permanence of the institution was its highest value, even when that compromised the safety, health and well-being of women and children.

*Eventually, I did tell the priest that I was beaten regularly, and that things were all wrong in so many ways. After suggesting I had made my bed and now I had to lie on it, his reaction was more or less [flippant tone] "tut tut, how sad". I thought he might have visited my husband, that he might have faced him with it, that he might have asked him, "tell me how I can help you". But that seemed to have been too much for him. So he did nothing. I could see it all over his face – "Please just make this woman and her unpleasant story go away."*

6.4 In the Old Testament of the Christian Scriptures, there are many problematic accounts of severe male violence against women, described as "texts of terror" by the Biblical scholar Phyllis Trible. In these stories, women are treated instrumentally, to be used, abused, discarded, forgotten or killed. But the legitimate marriage relationship, as described in the law and history of the Jewish people, exhibited many of the same features. Men "took" wives as part of their economic wealth. Adultery was essentially a crime against another man's property. Wives had no rights of possession over their own physical or sexual integrity. This pattern has been, and remains in many places, a widespread cross-cultural reality. Until recently, the possibility of sexual abuse and rape in marriage was not recognised in Scottish law – a fact well known by one church minister who habitually subjected his wife to degrading sexual demands, telling her, "you are my wife, and there is no such thing as rape in marriage. This is my right and you'll do as I say" (9).

*Karl Barth, convinced that the ethics of divine command required unconditional female submission, suggested that if women remain quiet and obedient in the face of male oppression or violence, this would win men to repentance for their misdeeds. Such is the pathological advice that has given comfort to so many abusive men in home, church and community, while burdening their victims with the hopeless task of responsibility for changing bad male behaviour. It is less likely now that clergy will advise women to stay in unchanged abusive relationships, though it still happens enough to give cause for concern. But many are unrealistic about the possibilities of change in abusive behaviour. This is not generally supported by the findings of programmes to rehabilitate those who have perpetrated [gender and] sexual abuse which show low rates of change, and require a long time. The truth is that women – in marriage and other institutions – have been treated as shock absorbers, endlessly expected to give up their own living space, to accept and conceal the marks of possession on their bodies, minds and spirits.*

*We are becoming painfully aware of the extent of abuse of the most vulnerable, including children, that has gone on under the cover of the patriarchal blanket. We are aware of the culpable abuse of boundaries within pastoral relationship. We are aware of the infantilisation of lay people that the church has been complicit with. We are aware of the dependency relationships that create emotionally and spiritually stunted clergy and laity alike. We are aware of the injustices that have been inflicted on those who are different, who do not conform. We are aware of the policing of pleasure that has ruined so many lives. Patriarchal structures do not encourage maturity and integrity. Father does not always know best. That we have often enjoyed the security of a benevolent paternalism does not provide sufficient response to the critique that suggests that coercive strategies are no longer appropriate. That we ourselves have not done these things does not exempt us from the responsibility of having been part of the religious culture that allowed them to happen.*

(From *Time for Action: Sexual Abuse, the Churches and a New Dawn for Survivors*. Report of a Commission set up by Churches Together in Britain and Ireland, CTBI 2002).

**6.5** Women from traditional religious backgrounds often internalise an instrumental rather than intrinsic sense of personal identity and worth, and associate their own value almost entirely with the satisfaction of others' requirements and desires. Their sense of what it means to be a "good wife" depends on supporting, advancing and protecting their husband's public standing and reputation, even when his private behaviour is reprehensible.

*I started to lie and cover up for him – to folk in the church, bank managers – in every situation. It was so humiliating. But people loved him, and thought he was a wonderful preacher. Many a time I had to call up and cancel a preaching engagement, or sober him up and drive him to the church. And somehow he was transformed once he got into the pulpit... Nobody knew what was going on, and I did feel it wasn't my place to say. Who was going to believe me? I didn't think anyone would believe a minister would be capable of such horrendous attacks.*

**6.6** Conversely, many men have a deeply ingrained associated (even if not always conscious) expectation of what roles and functions women are supposed to fulfil. A Christian man who has confronted and stopped his abusive behaviour claims, "Domestic violence comes from two things – the *authority* you believe you should have over your wife, and the *services* you expect to get from her." But how many kind, loving men have had similar expectations in relation to women; and what about the structures and officials of the institutional church through the ages? We must acknowledge that physical violence and emotional cruelty, as means to control the lives of other human beings, is at one (albeit extreme) end of a continuum of personal, social and structural norms which are still embedded in the majority of human cultures. We are not all direct perpetrators of extreme or abusive behaviour; yet conventional assumptions, use of careless, exclusive and otherwise inappropriate language (in worship as well as in other social contexts), jokes, media portrayals and other pervasive aspects of the world we live in, all contribute to an environment which tacitly condones such behaviour. This is a matter of corporate responsibility for social change.

*In my experience, there's a kind of collusion between church and culture that says, "Och well, that's just what men are like". As if that makes it alright, or as if they have to be treated like slightly wayward children. It devalues men too; it deprives them of the maturity of accepting responsibility for their choices and behaviour. I find the whole "buddiness" rather degrading... Boys will be boys – "you know he didn't mean it because he was crying to me the next day". I don't want men to behave like that. I don't want women to be obliged to parent their partner. And I do think that the church can be part of that. It hasn't really said: "Men, you should have more respect for yourselves, and you should NOT treat your wives that way." That has to be faced openly. You know, I have never, ever heard a sermon that addresses the relationship between men and women realistically. I have never heard anyone talk about prevailing attitudes to male violence.*

**6.7** Domestic abuse, like all forms of gender violence, is not simply a "women's issue": it must be a deep and central concern for all who believe that each human being is created in the image of a loving God, and who long for wholeness and justice – in relationships and communities. Most male Christians abhor, and neither condone nor practice domestic abuse. They have a particular calling to stand alongside their sisters in solidarity, and to challenge any notion that it is either acceptable or particularly "masculine" to use violence and abuse against women and children. The church has been deeply involved in shaping and sustaining the values and customs of society in Scotland. And the Christian church, present in the midst of every community in Scotland, has both a responsibility and an opportunity to understand, resist and seek to prevent this evil which distorts individual and corporate life. We also are custodians and representatives of good news: that the way things are, is not the way things are

meant to be. In the following section, and under the heading *A Gospel Imperative* we affirm positive Christian resources and initiatives for personal, communal and structural transformation in a violent world.

## **7. Responding in Faith**

**7.1** For several years, a network of Scottish Christian women (supported by increasing numbers of men) has been seeking, through their own denominations and in ecumenical initiatives, to address these issues. During the course of the Ecumenical Decade of Churches in Solidarity with Women, Aruna Gnanadason of the WCC has been a courageous and determined advocate, encouraging women around the world to speak out, and posing trenchant questions in her book, *"No Longer a Secret"*:

*Why is the church not a forerunner in challenging all forces that hold women ransom in a violent and ruthless world? Why has the theology of the church been virtually silent on this issue? Why has the church in many instances condoned sexual harassment and even violence within its own institutional life? These are the questions we are asking as we call on the church to respond with resolute action.* (10).

**7.2** It is both encouraging and important to record that around the world, churches in diverse places, from all ecclesiological and theological traditions, have begun to accept that challenge, and to address the hard questions. In most cases, women's organisations and groups of survivors have begun the process by seeking to engage with leaders, policy-makers and theologians. Denominational assemblies, synods and bishops' conferences have passed resolutions and issued declarations. Pastoral care has been informed and changed to take account of new awareness. Institutions for education and training of clergy and church workers have begun to include gender awareness and justice in their curricula. Theologians are exploring texts and traditions, to rethink fundamental questions of faith and spirituality in the light of issues around gender violence and abuse of power. Congregations are offering all kinds of caring, imaginative and practical support for those who have suffered domestic abuse. Church offices are developing resources and expertise to facilitate good practice. Christians of goodwill, evangelical and liberal, Roman Catholic and Orthodox, are increasingly recognising that violence against women in all its forms, including domestic abuse, is a sin and an offence against God.

**7.3** Christian world communions and traditions are now participating in a process under the auspices of the Decade to Overcome Violence (DOV) 2001-2010. A project has been established, with a base in Scotland, to provide information, communication and encouragement in the struggle against gender violence. In August 2001, a pioneering consultation was held in Dundee. Thirty delegates from around the world represented church families as diverse as the Salvation Army, Lutheran World Federation, Seventh Day Adventist Church, Mennonite World Conference, World Alliance of Reformed Churches (WARC), African Indigenous Churches, Anglicans, Orthodox and Roman Catholic Church. They shared good news stories, resources and ideas, but also spoke out clearly about the enormous challenges confronting churches seeking to be credible witnesses to their calling as peacemakers in a world of violence against women. They agreed ten principles which should form the basis of any action on this issue, and committed themselves to practical steps, as appropriate in different contexts, to move towards fulfilment of these objectives. Scots were prominent in the organisation and work of the consultation, and the DOV project, from its office in Edinburgh, aims to compile a comprehensive dossier of responses and policies from around the world. Further information and access to the resource collection from *DOV: Overcoming Violence Against Women*, 22 Colinton Road, Edinburgh EH10 [wcc.dov-women@ecosse.net](mailto:wcc.dov-women@ecosse.net)

## **8. Scottish Initiatives**

**8.1** For over thirty years, Scottish Women's Aid has provided (sometimes in the face of ideological opposition and always under extreme financial constraints) a vital service of

advice, advocacy and refuge for abused women and their children. Christian women have been among the recipients and providers of this resource, through local WA groups – often as survivors and workers. Other agencies, both statutory and voluntary, are involved in responding to the immediate and longer-term needs of those who experience abuse. Those who work in the police, social security, health and other services are increasingly given special training and protocols to recognise and assess the needs of those who experience abuse. However, given the magnitude and complexity of the legal, health, housing, educational, social and economic effects of domestic violence on such large numbers of women and children, this response has often been inadequate, inconsistent or non-existent. A fundamental problem has been the lack of national as well as regional coordination. Patchy provision and a lack of consistency in standards, procedures and information have meant that the situation can differ quite dramatically from area to area.

**8.2** In recent years, there has also been some provision, usually through the Criminal Justice System or *ad hoc* groups, of programmes for men who use violence. These have been somewhat controversial. Indeed, as practitioners acknowledge, such work conducted badly can be very dangerous – especially where it colludes with distorted perceptions of partners or relationships. However, evidence suggests that those which are from a clear perspective of holding men responsible for their behaviour, recognition of the social and structural roots of male violence, belief in the possibility of change, and as part of a fully integrated cross community response, have measurable beneficial effects in changing the behaviour and attitudes of at least some men. A good example is Edinburgh City Council Domestic Violence Probation Project, set up in 1990. Two Criminal Justice social work practitioners work with men mandated by the Court for offences of violence against a woman partner. They attend around eight individual sessions followed by twenty-one weekly group-work sessions. There is also a voluntary group for men who have completed the programme aimed at helping them maintain their change (11).

**8.3** The British Government and the Scottish Executive have a mandate to implement the 1995 UN Platform for Action, and an Action Plan was issued as a consultative document by the (then) Scottish office in 1998.

**The Scottish Executive and the National Strategy to Address Domestic Abuse in Scotland – A Good News Story!**

The Scottish Parliament made tackling domestic abuse a priority in its first term, and this has received wide cross-party support. Both the Executive and the Parliament have introduced initiatives, with an Executive funding package complemented by legislation emanating from a Parliamentary Committee – a Parliamentary first. As a result, Scotland is now second only to Canada in its per capita funding to tackle the problem. Issues around domestic abuse have been debated in Parliament several times (though not widely reported) – MSPs from across the political divide have noted that the press gallery has been virtually empty whenever the subject has been debated. Measures taken include increased funding, an awareness-raising advertising campaign, legislation and the development of a national strategy... Former minister Jackie Baillie concluded that the combined effect of legislation and funding "makes a real difference on the ground; we are speaking directly to women saying, 'you don't have to take that any more', and that's working." She argued that this was a really good example of women in the Executive, in the parliament and in the Committees all working together. Conservative MSP Lyndsay McIntosh said, "Long after I'm out of here I will look back with pride on helping put that to the top of the agenda."

The **Scottish Partnership on Domestic Abuse** was set up by the Executive in 1998, to develop a national strategy to tackle domestic abuse. In 1999 the Domestic Abuse Development Fund was launched, allocating £3 million to be matched by local authorities. A

further £2m came from Scottish Homes to provide refuges and permanent "move-on" housing. A media campaign and a national helpline were also launched.

The **National Strategy to Address Domestic Abuse** was published in November 2000. Its aims are *prevention, protection and provision of support services* for women and children. This was accompanied by an Action Plan identifying areas for future work and a proposal for a national group of "experts" to oversee implementation of the Plan.

In October 2002 a draft **Prevention Strategy** had been produced, with the aim of eradicating domestic abuse in Scotland. It includes "a clear acknowledgement that responsibility for abuse lies firmly with the perpetrator". Key elements of the prevention strategy are: public awareness raising, education, training, services for women and children, work with men who use violence, legislation, and workplace strategies. It recognises that "much of the behaviour that we call domestic violence is criminal; the relationship between the abused and the abuser should be viewed as an aggravating rather than a mitigating factor." While the main thrust of the strategy is to address the needs of abused women and their children, the attitudes and behaviour of the abuser and the general culture are also seen as needing to be challenged.

The strategy contains both long and short-term goals, encompassing primary and secondary prevention. "Primary prevention" refers to work aimed at preventing violence before it happens; it targets the whole population, but particularly children and young people, and is largely focused on attitudinal and cultural changes. "Secondary prevention" targets women and children who have experienced abuse, and men who use violence. This includes safety planning with women, children and young people, and intervention programmes for abusive men.

The strategy adopts a mainstreaming approach across departments and agencies, and the Executive has undertaken to ensure adequate resources. It recommends an overall framework for action at national and local levels: *Implementation of the strategy requires a continuing commitment by all of those involved in preventing and addressing domestic abuse through co-operative working and the development of their policy and practice to meet the needs of both women and children ... Stopping abuse, not just on an individual basis but across society requires a radical change in attitudes which are deep-rooted and which may be resistant to change. Work is therefore required on a broad range of fronts, involving many partners, and over a considerable period.*

## **9. The Church and the Strategy for Preventing Domestic Abuse**

**9.1** The draft national strategy contains an appendix listing those services, agencies and organisations who may be viewed as contributing to the prevention effort. It says nothing about the church. This is a regrettable, though perhaps understandable omission. It has been pointed out to the Scottish Executive, and will be rectified. But where is the hard evidence that churches are actively engaged and willing to be involved in work "on a broad range of fronts, involving many partners, and over a considerable period" to seek "a radical change in attitudes which are deep-rooted and may be resistant to change"?

**9.2** It has to be acknowledged that, in the past, the institutional church was regarded by many advocates against gender violence as part of the problem rather than the solution. This report has indicated some of the ways that Christian traditions and practice have fostered those deep-rooted and damaging attitudes. But over recent years in Scotland, a groundswell of concern and action has affirmed and struggled to embody the gospel resources for healing and liberation, compassion and justice.

**9.3** *NEWS (Network of Ecumenical Women in Scotland)*. The women's committee of ACTS identified violence against women as a priority concern at its first meeting in 1990. It has organised pioneering conferences, consultations and events; it has developed worship

resources and expertise on this issue; it has maintained effective Scottish, British and international networks of sharing, information and education, and has consistently campaigned for a higher profile, and practical action to challenge all forms of gender violence and discrimination.

**9.4 VASHTI: *Scottish Christian Women Against Abuse*** is an ecumenical charity established in 1997 by Christian women with personal, professional and theological concerns about male violence against women. It seeks to "highlight the reality, root causes and consequences of violence against women in all its forms; to offer informed and caring support and advocacy to those whose experience of domestic and sexual violence has been in religious contexts, or who need information/advice from those who understand the religious and spiritual dimensions of their pain; to challenge the churches to listen, learn and respond; to offer expertise and resources for training and education in the churches". In October 2001, Vashti set up a Scotland-wide network of female volunteers – "Persons of Trust" to help women who suffer, especially in a religious context. It has received financial support from several denominations, but not the Church of Scotland.

**9.5 *Out of the Shadows: Christianity and Violence Against Women in Scotland*** was an action-research project of the Centre for Theology and Public Issues at New College, University of Edinburgh. It engaged in various activities, including articles, workshops, a major conference held in April 1997, and a pilot qualitative research exercise (from which the first person accounts in this report are taken). Interviews were conducted with women from various traditions and circumstances, though media coverage of the project focused on domestic abuse by clergy.

**9.6 *Traditional Church Women's Organisations*** such as the Anglican Mothers' Union, Methodist Women's Network, Union of Catholic Mothers and of course the Church of Scotland Guild have been moved and challenged by growing awareness of the problem, and have become active in discussion, fundraising, campaigns and working with secular organisations to highlight domestic abuse and other forms of gender violence – both in Scotland and around the world (eg trafficking in women).

**9.7 *Interdenominational and Ecumenical Events***: Violence against women as a Christian concern has been the topic of many workshops, seminars, addresses and special acts of worship around Britain in recent years, at women's gatherings, and at other events (eg Faith in the City, Greenbelt, ACTS and CTBI meetings, the recent 'Lion and the Lamb' conference). While these have been welcome opportunities for reflection and discussion, the majority of those who participate have remained women. Not enough Christian men are actively choosing to engage with this painful and complex issue, and that remains a challenge for the whole community of faith.

**9.8 *The Baptist Union of Great Britain and Ireland – an example of denominational good practice***. BUGBI has not only given domestic abuse a high profile in its debates and Assembly resolutions, but has developed a range of policies and practices to ensure that fine words are matched by serious and continuing efforts, so that the work of ministers, training institutions, congregations and departments demonstrates the unacceptability of abuse, and makes positive efforts to build communities of faith which embody positive alternative models of relationship between women and men. A dedicated working group facilitates, informs and monitors the Church's responses at all levels.

**9.9 *Belfast – an example of inter-church good practice***: In a government study of domestic abuse in Northern Ireland, forty-one per cent of women interviewed had contact with clergy in relation to their situation. Only seven per cent of the contacts reported by the women were regarded as helpful. In response to this, and other findings, helping agencies in South and East Belfast ran a series of seminars for clergy, and an inter-church group worked with staff

from these agencies to produce a practical booklet: *"Domestic Violence: Guidelines for Clergy in the South and East Belfast Trust Area"*. It offers simple, accessible, well-informed and practical advice about recognition and response. It provides information about helping organisations, and the necessity of referral. This kind of resource (also developed in many other churches around the world) would be invaluable to Church of Scotland ministers and their colleagues in other denominations.

**9.10 *"No Exceptions: A Faith Perspective on Domestic Abuse"*:** This ecumenical conference was held in Glasgow on September 7 2002, at the initiative of the National Commission for Social Care of the Roman Catholic Church in Scotland. It is probably the first event of its kind to be sponsored by the main denominations (rather than women's groups or ecumenical/non-church bodies) in Scotland. Key men in leadership positions were present, alongside a wide range of members and representatives. Papers and reports from the conference have been posted on the Scottish Churches Parliamentary Office website. As the letter of invitation noted, *The Scottish Executive has shown a clear lead in its determination to tackle this flaw in the fabric of our society, so often hidden because of fear, shame or embarrassment. If politicians can speak out for a society "where no woman waits in fear for the sound of a key in the lock and where no child cowers under the bedclothes, terrified about what is being done to his or her mother", can the churches in all conscience remain silent?*

**9.11 *Stories of hope and examples of good practice from within the Church of Scotland:***

- ***The Education Committee***, and Church representatives on Local Authority Education Committees, have helped to develop Domestic Abuse awareness packs for use in schools and local authorities.
- ***The Board of Social Responsibility*** provides practical social care services to the most vulnerable people in society. Often those receiving counselling, mental health support, addiction and family support services are the victims or perpetrators of domestic abuse. Service users have an opportunity through these services to explore new behaviours, options for leaving abusive relationships and ways to move on from the trauma of past hurt. Although not providing a specific domestic abuse service, the Board is constantly aware of its impact and is striving to find new ways to help those affected by it through group work, education, counselling, family play therapy, addiction services and anger management sessions.
- ***The Guild "Overcoming Violence"*** was the annual Discussion Topic of the Church of Scotland Guild during the 2001 – 2 Session. Although the resource material distributed to local groups covered all aspects of violence, many of the groups chose to focus on the issue of domestic abuse. About a hundred groups sent in reports of meetings held around this material – a higher than usual response rate. Clearly this had been a learning opportunity for many. Speakers from agencies like Women's Aid, local support groups and the police had been invited to discuss their involvement. Particular discoveries were repeatedly reported: shock at the local statistics for abuse; new appreciation of the reasons why victimised women don't leave abusive relationships; and exploding of the popular myths around abuse. In addition to the educational aspect of this programme, local groups have taken practical steps towards making their church premises and faith community a place where help can be found. Information on local refuges and advice agencies has been displayed and helpline contact numbers distributed. In national terms, the Guild has commented on the Scottish Executive's Draft Strategy for Abuse Prevention, and given financial aid to educational and support initiatives.
- ***The Board of Ministry*** has initiated the *FirstAssist* telephone response service for manse families, and has appointed a Senior Pastoral Advisor to respond to any direct contact with the Department. It includes issues of violence within the Candidates' Conference programme and is planning a Ministry Development Conference in 2003 entitled *Overcoming Violence*, as part of its commitment to take forward the WCC *Decade to Overcome Violence*.

- The *Presbytery of Glasgow Community Responsibility Committee* formed a small group in 2000 to take forward their concerns regarding domestic abuse. This led to discussions with other agencies and the holding of an information evening on 14 May 2001. Speakers included representatives from Strathclyde Police, Women's Aid and the Church of Scotland and over sixty people attended. A result of this evening was that those with special concern and expertise offered to form a continuing group to take the issue further. This group set up an intensive action research programme to discover and share experiences and learn more about the many other groups and agencies involved. The group decided to concentrate on "breaking the silence" about domestic abuse by providing every congregation in Glasgow Presbytery with an information pack in three sections - in June 2002, October 2002 and March 2003. As well as discussion topics, worship ideas, a suggested Charter for Churches and other relevant publicity material, each section included an invitation to an event of national interest. These packs have been well received and many churches have appointed a "named link person" who will take the information further to the congregation and parish.

## **10. Further Practical Recommendations for the Church**

*Awareness is the key – the issues have to come out of the closet. Clergy need training – that's vital – but they'll never have all the answers and shouldn't assume they can solve everything. There has to be a sharing of resources in the community; and acknowledgement of our strengths, weaknesses and skills; a pooling of knowledge and experience. We have to be aware, valuing each other in what we have to offer, inviting people in and empowering them.*

**10.1** Action for change is a corporate responsibility. As individuals, citizens, congregations, ministers, church employees, and at every level of the Church's structures, there are many practical and creative ways to respond. In this section, there are recommendations for local churches (in congregations, and in cooperation with others), for ministers, for presbyteries, and for the church working nationally. Practical suggestions must be understood and implemented in full awareness of the underlying dynamics of power and privilege which are embedded in church structures and cultures. Honest critique and structural changes must happen at every level to lay the groundwork which will ensure some measure of safety and security for those who have kept silent because they have had well-founded fears of the dangers of speaking out in a compromised institution. The burden of risk cannot be placed, by well-intended church leaders or members, on those we want to "help" or "include". We dare not ignore addressing some fundamental questions about religious oppression and complicity, which have contributed to the exclusion and shaming of people suffering abuse.

**10.2** The thrust of the Scottish Executive's Strategy is to develop an integrated approach, with no one "lead" department. And so it should be with the church: awareness, communication, shared efforts and mutual accountability are vital for effective action. Nevertheless, different departments of the Church clearly have a mandate and resources to take the lead in different aspects, and these are identified where appropriate. The key elements of the National Strategy for Prevention (listed earlier) are all relevant to the Church as public institution, employer, educationalist, attitude-former, source of pastoral care, worshipping community, and speaker of truth to power. The challenge of the Guild, and of this report, cannot be ignored by any board, presbytery or congregation.

### **10.3 In the local church: making our churches safe places**

- Display posters, leaflets and information about services such as Women's Aid, Rape Crisis and police domestic abuse units in church premises.
- Acknowledge domestic abuse and other forms of gender violence in the context of regular worship – in prayers of confession and intercession, in preaching, in the use of new hymns or liturgies, in symbol and action for healing and justice.



- Be sensitive and careful in use of language and image in worship. Consider the impact or effect (both helpful and hurtful) many religious words, hymns or symbols might have on an abused person. (Guidance on this may be available – contact *Vashti* for advice).
- Consider holding special services, or taking up an offering on behalf of *Vashti: Scottish Christian Women Against Abuse, Womankind Worldwide*, or in other ways focussing on prayer and practical support for those seeking to address domestic abuse.
- Develop a relationship of mutual support and information with the local Women's Aid group. They often appreciate donations for refuges (in money or kind), and volunteer help. They can provide speakers for meetings, and may, on occasion, appreciate active involvement in other ways.
- Encourage individuals or designated groups within the congregation to be specially informed and aware of the issues, so they can be a trustworthy point of contact and referral for those who may be suffering. They might also take the lead in any church participation in local initiatives (eg multi-agency forum on domestic abuse).
- Draw up a charter outlining the church's position on domestic and sexual abuse, and how it will work towards *protection, provision and prevention* in the local community. Use this as an awareness-raising exercise, perhaps to be shared with ecumenical partners. Examples are available, eg from the Baptist Union of Great Britain.

Such initiatives not only raise the level of awareness and concern among church members, but contribute to the perception that this congregation/church will be a safe place where victims and survivors might share their stories and their pain, and find solidarity in their search for justice. The *Board of Parish Education* is urged to develop and distribute resources to this end – perhaps producing a booklet on "making our church a safe place" with study materials, practical ideas, and information for church members.

The *Panel on Worship* might consider effective ways to resource different aspects of life and worship by:

- Collating and developing liturgical resources for regular worship through the Christian year;
- Including the issue in the aids to worship and devotion produced for the Church;
- Help to publicise participation in the annual *16 Days of Activism Against Gender Violence, November 25 – December 10*. This is an international grassroots campaign, established in 1991. In 2004, there will be a special invitation for churches to share in the 16 Days, linking with the Decade to Overcome Violence, during Advent, when we prepare for the incarnation of God's peace in our world.

#### **10.4 Equipping those who have pastoral and leadership responsibilities**

Those with educational responsibilities for ministerial and lay training - in *Universities* and the *Department of Ministry* – should ensure that domestic abuse and gender violence are addressed in their implications for theology, personal reflection, biblical studies, pastoral care and social awareness. It is vital that ministers and church workers have some understanding of the roots, causes, effects and dynamics of domestic abuse, so that they can react appropriately to individual situations, and contribute helpfully to social and cultural responses.

*The Department of Ministry* is urged to provide practical and reflective input, through the candidates conference programme, and in-service training for ministers, not only on the scale, forms and effects of domestic abuse, but within a wider framework of examining gendered identities, sexuality, power and roles, and how these factors impact on ministry. It is also encouraged to produce a simple and practical set of guidelines for pastoral response in situations of domestic abuse, to be distributed to every minister and deacon.

#### **10.5 Strategies for Sanctuary, Advocacy and Cooperation with Others**

*I know I contemplated suicide, but at least I had a supportive family. Some women in the church may have reached the point where they don't know where to turn. There should be a support group or agency, run by and for women, recognised by the churches, but autonomous. Not to solve your problems, but to listen – totally confidential, and supportive, and to be on your side.*

Just such an organisation, VASHTI, has established a phone helpline, connecting with a national network of trained volunteer "Persons of Trust". It has already been able to offer support and advice to women (and not just in Scotland) but requires regular funding for effective publicity; and to enable the work to continue and develop. *Congregations and other bodies* are invited to consider making a donation, or to become associate members of VASHTI, and the *Board of Social Responsibility*, as part of its consideration of this report, might signal the Church of Scotland's recognition and support of this work in financial and other ways (as other smaller Scottish denominations have done).

#### **10.6 In employment policy and practice**

It is important for church ministers and employees to be consulted about, to acknowledge (and abide by) clearly defined professional ethical standards and appropriate boundaries for behaviour in the course of their duties. This requirement has become the norm for many public and private sector workers, and the Church should not consider itself exempt from the importance of stating codes of conduct and disciplinary procedures. These are resources for good practice, clarity and protection: of workers, partners, families, vulnerable people, and the credibility of the Church.

Explicit Guidelines for Employment should be developed, along with a Policy which will ensure that abusive ministers and other church employees are subject to fair and consistent sanctions. Where a minister or employee is found to use abusive behaviour (whether at home or in the workplace), the relevant department should encourage, if not require the individual to seek help in addressing and changing such behaviour. (For example, by referral to the non court-mandated re-education programmes currently being developed by the "Working with Men" Project in Edinburgh).

The Church must recognise an obligation to family members who have been abused by ministers and church employees. Ungrudging and adequate material and financial help should be a matter of entitlement, not special pleading on a piecemeal basis – especially where tied accommodation is lost through divorce or separation. The rights of divorced women have been much less secure in this respect than those of manse widows. The *Housing and Loan Fund*, and others as appropriate, should adjust regulations and procedures accordingly.

### **11. A Gospel Imperative**

*The deaconess from the local church came to see me when I was at my lowest ebb. She said, "there's a place for you in the church anytime, but only when it feels right for you". She was there when I needed her, and kept me company when I felt really alone. She stuck with me and gave me courage. That woman was my companion through the wilderness. She helped restore my faith in my whole self, in the church, and in God.*

**11.1** In recent years, there has been an outpouring of literature as Christian theologians, pastors and lay people (many of them survivors of violence and abuse) grapple with the hard questions raised by the reality of domestic abuse afflicting the Body of Christ in the church as well as in the world. Some of the most searching questions are about the nature of the church as human community and as sign of God's loving purpose. How can the church fulfil its pastoral and prophetic task to resist and overcome evil? How can it be a source of empowerment, hope and new life? How do we act, in faith, for change? Two key factors required to tackle, reduce and prevent domestic abuse are *sanctions* and *sanctuary*.

**11.2** Sanctuary has theological resonance, meaning a place of God's presence, and in Jewish tradition, places of sanctuary often offered refuge and protection in the midst of a worshipping community which accepted responsibility for naming a wrong, confronting it and administering justice. Many abused women and their children have encountered the love of God in the midst of oppression, because they have found, in the open, non-judgemental, clear-minded compassion of others, that safe and secure space (physical, emotional, spiritual) which offers prolonged support for refuge and encouragement. Sadly, others have been trapped in the isolation of self-blame, shame and fear that they will not be believed or accepted. Often they carry feelings of guilt or anger because they are pressured to forgive.

*The church is always good at asking victims to forgive, but not so good at challenging perpetrators to ask for forgiveness, to change their behaviour, to offer some kind of compensation for ruined lives. Until I see some evidence that justice can be done, I won't meet a God of compassion in the church.*

**11.3** Compassion arises from involvement. It begins with creating the conditions for speaking out (but only when it feels right) with listening. This is hard work. It requires an open heart, a clear mind and endurance. The experience of hearing, touching, feeling and responding to pain and suffering is the key to change. The Hebrew word for compassion means 'womb love'. The mercy of God is like that – committed, passionate, protective and nourishing; yet making space to grow and mature. Sometimes it has to take risks, to be fierce and angry. And from such engaged compassion flows the justice of true sanctuary.

*When your self-esteem is rock bottom, and your pain is raw, it is very difficult to knock on the door if you have no idea who, or what, will be on the other side. You need constant, ongoing acceptance and support ... it has to be said, loud and clear, WE'RE HERE, WE CARE, THIS IS A SAFE PLACE, ABUSE IS NOT GOD'S WILL FOR YOU, YOU ARE NOT ALONE.*

**11.4** The consequences of abuse are devastating – not just physically and emotionally, but materially and socially. Survivors can feel overwhelmed and shamed, suffering abandonment, isolation, loss of status and position, loss of community, sometimes loss of any life-giving spirit. Where do they carry their shame? Will they be comforted and upheld by the community of faith? The church has a responsibility to act positively in creating an environment in which the sanction of appropriate shame is clearly connected to those who are accountable for wrongdoing. It should be backed up by unequivocal declarations which name the sin of domestic abuse and promote good practice throughout the institutional church. Such measures, to be effective, require not only our good intentions, but also informed, imaginative and proactive processes to implement them. It was a historic day when the Convener of the Board of Ministry declared to the 1997 General Assembly: "Abuse is always wrong. There are no mitigating circumstances, no acceptable explanations. The church cannot go on ducking the issues. Let this male-dominated Assembly say that violence against women can never be justified." But those who commit themselves, and the church, to change, must be ready for difficult decisions, courage and endurance in the face of opposition and indifference. It is not easy, but it will be blessed by the God who longs for us to show mercy, not to offer up scapegoats for sacrifice.

**11.5** Positive sanctions to transform behaviour can be most effective when they emerge from a community which is actively committed to counter-cultural, transforming understandings of what it means for men and women to be truly human. As Christians, we require positive, imaginative efforts to develop models of human relationship and community, based on self-worth, mutuality, respect, hospitality and inclusiveness. We find in Jesus an example of a man struggling to transcend conventions and stereotypes of male and female behaviour. He publicly confronted religious leaders, challenging their hypocrisy, and he took risks for the sake of those on the margins. He did not choose to control or dominate, or use people

carelessly. He allowed the voices of the oppressed to be heard, affirming their right to space, dignity and worth. And he encouraged them to take responsibility for their own choices.

#### Notes

- (1) The personal accounts and comments of women who have experienced domestic abuse, which appear throughout this report, come from a research project conducted under the auspices of Edinburgh University Centre for Theology and Public Issues. See L Orr Macdonald, *"Out of the Shadows: Christianity and Violence Against Women in Scotland"*, 2000. Available from CTPI.
- (2) Scottish Partnership on Domestic Abuse, *"National Strategy to Address Domestic Abuse in Scotland"*, 2000 (available from The Scottish Executive, Crime Prevention Unit).
- (3) *Ibid* p.5.
- (4) "Domestic Violence: Findings from the 2000 Scottish Crime Survey", p.3.
- (5) *Ibid*
- (6) R and R Dobash, *"Violence Against Women: A Case Against the Patriarchy"*, 1980.
- (7) John Knox, *"First Blast of the Trumpet Against the Monstrous Regiment of Women"*, 1558.
- (8) John Calvin.
- (9) *"Out of the Shadows"*, page 16.
- (10) A Gnanadason, *"No Longer A Secret"* p3 (2<sup>nd</sup> edition, 1998).
- (11) Major research into this programme was conducted in 1996, which concluded that "men who attended the programme were significantly less likely to use violence and associated controlling behaviour than those dealt with by other disposals".

#### DEBT STILL ON OUR DOORSTEP

*"Samantha lives in Edinburgh. She was widowed at 34, with two young children and no job or skills to make her easily employable. She couldn't work because there were no appropriate or affordable childcare facilities and she had no family nearby to help out. Living on benefit as a single parent, her small savings soon went. She says 'you start to rob Peter to pay Paul'. An exceptionally cold winter meant larger than usual heating bills, and things started to go badly wrong. She negotiated with the fuel companies to pay off what she owed them, but she couldn't keep up the payments and her electricity was cut off. Eventually she got the fuel companies to install meters. Other creditors were also demanding payment – council tax and catalogues. Because she was receiving widowed mothers allowance, she didn't qualify for Social Fund payments for essentials. When she tried to go on skills courses, she received a very reduced allowance because her widow's allowance was classed as unearned income. Eventually she managed to pay off her debts, but still has to be firm about not taking store cards or credit because she can't afford to get into debt again."*

1. The General Assembly of 1996, in supporting the Jubilee 2000 campaign, recognised also the spiralling personal debt problems of many people in Scotland with experiences similar to Samantha's. The Assembly of 1997 noted "with concern" a report from the Church & Nation Committee on the ways in which debt and poverty reinforce each other with devastating impact on many lives. That report focussed on the casualties of the massive expansion of credit in recent years: citing research carried out by Citizens Advice Bureaux (CABx), it concluded that "for many people debt is a symptom of their poverty ... with credit becoming a sticking plaster over cuts in benefit levels and affordable housing and a wholly inadequate remedy for poverty". The Committee called for a concerted approach to tackling these problems, looking to curbs on extortionate and irresponsible lending, reform of the Social

Fund, more effective education and accessible advice, expansion of credit unions and a review of how the law deals with debt recovery when people cannot pay their debts.

2. Three years later, the Assembly encouraged the Committee to work with others through the "Debt on our Doorstep" campaign (DooD) towards tackling these problems, and particularly "improving and humanising methods of debt recovery". DooD arose from the poverty hearings held by Church Action on Poverty, in which people shared their personal experience of what poverty meant for them; debt was a painful and recurrent theme of these hearings. The DooD network brings together church groups, advice agencies and poverty campaigners, calling for "joined up" action on debt, with five key objectives (a) to develop policy proposals and initiatives to help reduce and eradicate irresponsible and extortionate lending (b) to campaign for reform and/or replacement of the Social Fund to ensure adequate access to grants and loans (c) to promote credit unions and other community finance initiatives (d) to promote socially responsible service provision by high street banks (e) to campaign for methods of debt recovery to become more equitable, just and effective by ensuring that adequate protection is available to people unable to repay their debts.

3. The problems highlighted in these reports have not disappeared. Media headlines regularly remind us of the scale of indebtedness (currently estimated at £80bn in Scotland), but often fail to face the reality of what debt means not so much to those who "had it all" but to those who struggle to get by and to give their families a decent Christmas. Last year, CABx in Scotland dealt with approximately 140,000 debt cases, representing around £60m of debts – and that is only the tip of a painful iceberg since many more will not even seek that advice. Almost one quarter of Scottish households are not managing financially, and one third are worrying about money quite often or almost all of the time.

4. The most common causes of debt are still (a) chronic low income (usually long-term dependency on benefits) and (b) sudden changes like illness, redundancy or relationship breakdown which transform the credit that was just about manageable into a major problem. Those who need credit most pay most for it, often facing interest rates of well over 100% per annum from doorstep lenders; in 2000, 362,000 people were refused a Social Fund loan on the grounds that they could not afford to repay it. Thus, debt and poverty continue to reinforce each other and suck people deeper into a spiral.

5. It is encouraging, therefore, that the Scottish Parliament has addressed these issues. Indeed, for many people, the abolition of warrant sales was one of the key early achievements of the Parliament, illustrating in very practical ways the "pious vocabulary" and hopes of those who built it to be open, accessible and encouraging participation.

6. That Bill was brought to the Parliament by a cross-party alliance led (in Tommy Sheridan) by an MSP whose election would only have happened through the electoral system that gave minority views a proportionate voice. It was a Member's Bill, which, having gained sufficient support, had a right to be debated (in contrast with the Westminster system under which it would have depended on a lottery and the blessing of Government-allocated time). Parliamentary Committees considering the Bill took written and oral evidence from a wide range of experts, from sheriff officers to those whose experience was from the inside of the door before the sheriff officers broke it down; crucially, the latter evidence convinced MSPs across party lines that warrant sales were "an inhumane and anachronistic method of enforcing diligence, which is outwith the bounds of what should be morally acceptable in modern Scotland", and therefore had to go. Despite pressure from the Executive, backbenchers together ensured the passing of the Bill. In and beyond Parliament, there was a real sense of voices which had previously gone unheard being listened to, and a significant step forward being taken.

7. But others thought differently. For them, this was a sign of immaturity, of a Parliament hardly cutting its baby teeth and an Executive not yet properly in control. Abolition was delayed while the Executive built on the suggestion of one Parliamentary Committee that there should be consideration of an "alternative" to warrant sales, creating a Working Group with the remit of devising a new form of debt recovery that would still allow for seizure of a debtor's personal possessions. This restricted remit provoked the Bill's strongest supporters into refusing to be involved in the Group, and the discussion focussed less on those whose evidence had persuaded Parliament (and who are overwhelmingly those against whom such forms of debt recovery are both threatened and pursued) than on a hypothetical figure apparently able to conceal from the courts his (or her) income and financial assets yet unable to hide the Renoir on his wall or the Porsche in her garage. The Working Group's report rejected suggestions of more effective ways of preventing concealment of income and bank accounts, and recommended what have become known as "exceptional attachment orders" (which empower sheriff officers to enter debtor's homes and remove personal possessions for sale towards meeting debts, as with warrant sales), as a "last resort" in a system with better advice provision and a statutory debt arrangement scheme for those able to repay their debts by monthly payments.

8. The way the debate has developed from this point seems disturbing in terms of the founding principles of the Parliament. The consultation exercise based on the report was so "spun" in its presentation that it avoided asking the most controversial question, as to whether those consulted agreed with the crucial proposal for attachment orders. Yet a Bill was presented to Parliament repealing the Abolition of Poindings and Warrant Sales Act while making detailed provision for exceptional attachment orders to come into immediate effect, looking to many people like "warrant sales mark 2" and described by sheriff officers in evidence as "draconian (and) harsher for debtors than the present system". For the Executive, the crucial differences from the old system were to be more effective, accessible advice provision and a Debt Arrangement Scheme (DAS) to allow debtors in difficulties to repay debts by structured regular payments over 3-5 years, during which no other forms of debt recovery could be used against them if payments were maintained. These measures would, it was said, separate those who couldn't pay from those who simply would not pay, ensuring that "exceptional attachment orders" remained exceptional and were only used against those intent on avoiding paying what they could well afford to pay. Both seemed potentially significant steps forward, but were not as fully worked out as the attachment orders. The "debt advice and information packs", published after the Bill was enacted, consist simply of contact lists for the offices of advice agencies, and it seems unduly optimistic to suppose that sending such a pack will solve the great majority of problem cases. The regulations for the DAS are still to be tabled for consideration by the Parliament but advice agencies are concerned that Executive resistance to freezing interest during currency of such scheme, and to provision for the possibility of writing off debts that cannot reasonably be repaid within the time scale, mean that the scheme will fail to help those most in need (Money Advice Scotland reckon 70% of their clients are too poor to get into a scheme with such tight boundaries) – exactly the reverse of what is intended, and leaving those least able to pay still liable to the threat of personal possessions being taken from their homes to be sold.

9. In considering the Bill, Parliament's Social Justice Committee declined to hear evidence from those with first-hand experience of debt (whose impact had been so important when they were looking at the previous Bill). The Executive refused to respond to the Committee's concerns about the effectiveness of the Debt Arrangement Scheme, indicating a need to await the results of a parallel, wider consultation on "enforcement of civil obligations" (although this had closed some three months previously); the results of that consultation were published less than a week before the final stages of the Bill, but the Executive continued to resist amendments addressing concerns expressed both by the Committee and in the consultation. Most disappointing, perhaps, was the apparent discomfort of many MSPs who would not

speaking in favour of the exceptional attachment orders but voted consistently with the Executive to legislate for them while the safeguards of the debt arrangement scheme remain unclear.

10. This process seems a frustration of many hopes, illustrating the resilience of powerful, established forces (not least in the political parties) and calling in question the prized independence of Committees from the Executive. For those who were brave enough to give very personal evidence earlier, it has been deeply discouraging; tackling their problems seems to have been treated as less urgent than other legal concerns. Of course, we would not seek a Parliament which would be swayed into easy answers by emotive appeals, but there has been a distinct sense here of a closing of ranks, and of real concerns not addressed. It undermines the credibility of the Parliament, beyond the immediate issues here, if "pious vocabulary" remains only that.

11. This is not to say that advances in tackling debt problems have not been made. The Scottish Executive has taken some steps to tackle the financial exclusion that cuts whole communities off from basic financial services. They are trying to build momentum in the credit union movement which might provide a real alternative to the doorstep lenders who routinely charge interest at 150% APR; and their money is helping councils ensure a better level of debt advice provision. In Westminster, there are moves afoot to tackle the irresponsible lending that leaves many people locked into credit (with devastating consequences when circumstances like illness or a broken relationship cut off the income with which repayments seemed possible) while others (those who really need credit or what it could buy) are locked out, even from the Social Fund loan that would replace a broken cooker, because they can't afford to pay it back out of their benefits.

12. So there is still much to do. The main thrust of the Debt on our Doorstep campaign remains a call for concerted action to tackle the spiral of debt and poverty. Because the key policies toward that (reform of the Social Fund, humanising debt recovery, curbing irresponsible and extortionate lending, nurturing credit union development, and working with banks to ensure financial exclusion is overcome) involve action by both the Scottish and Westminster Parliaments, the campaign has instigated the first joint Parliamentary working group on this, bringing MPs and MSPs together with voluntary groups to join up the policy making and maintain pressure to tackle these problems. Because these concerns are rooted not only in the experiences of too many Scots but also in the recurrent Biblical concern for the plight of those who get into debt and determination that God's justice demands action to tackle their problems at every level, it is right that the Church should be an active participant.

13. Progress on this would be a real step on the road to the Holyrood site which in the 19<sup>th</sup> century was Scotland's last place of sanctuary for debtors.

## **NATIONALITY, IMMIGRATION AND ASYLUM**

### **1. Introduction**

On 8 November 2002 the Government's Nationality, Immigration and Asylum Bill completed its passage through Parliament and received Royal Assent. Much of the important detail in the Act will only become clear as regulations and other pieces of secondary legislation are passed. Twenty-two possible breaches of human rights have been identified in the new Act. It is likely that court challenges on a number of aspects will be brought in the next few years.

### **2. Changes in legislation**

2.1 The following changes have been brought in under this new piece of legislation:

- Increased control of asylum-seekers;

- Increased support, in specific circumstances, for asylum seekers;
- Proposals for a network of induction, reception, reporting and removal centres;
- Re-designating detention centres as removal centres and removing more failed asylum-seekers;
- Introducing an Application Registration Card, to provide asylum-seekers with evidence of identity and nationality;
- Streamlining the appeals system to reduce rights of appeal;
- More co-operation and sharing of information between government departments and between EU countries;
- Setting out a resettlement programme with UNHCR to enable people in need of protection to come here legally;
- Phasing out voucher support;
- Enhancing refugee integration.

**2.2** Some of the changes, such as the replacement of vouchers with cash and the resettlement programme, have been welcomed by agencies. Eventually all asylum seekers supported by the National Asylum Support Service (NASS) will be issued with the new Application Registration Card (ARC) and will be able to obtain cash using this.

### **3. Concerns**

**3.1** There are, however, many concerns: that the new Act will not restore credibility to the asylum system, will not improve decision-making, and will not support asylum seekers in a sustainable or cost-effective way. It does not address the problems facing the current support system; it will have a detrimental effect on children, and it is very likely to lead to more people being wrongly detained.

**3.2** In particular, the concept of accommodation centres has produced a great deal of controversy. The Bill faced opposition from MPs and Peers over establishing large centres in rural locations. Plans to prevent children in these centres from going to mainstream schools were strongly criticised by many. However, despite a rebellion of forty-three Labour MPs and opposition from refugee agencies, child protection organisations, teaching unions, the medical profession, Shelter and the churches, ministers were able to force the issue through Parliament.

**3.3** The Government has made provision in the Act that asylum seekers will be able to leave accommodation centres if they have not had a decision on their applications within six months.

**3.4** Ministers say they are considering three models of accommodation: the original proposal of a 750-bed rural centre; smaller (250-500 bed) centres for single men; and the 'core and cluster' community-based model suggested by the Refugee Council.

**3.5** Meanwhile, Accommodation Centres will be built, segregated schooling will go ahead. How will this work in practice? An independent review of the resources that will be required to implement the proposals for the accommodation centres, Asylum City, is published by The Asylum Coalition. This report highlights the complexities of resourcing such centres and how complicated it will be to organise even a minimum level of facilities in rural areas. The government has so far failed to spell out in any detail how this will be achieved.

### **4. New Measures**

**4.1** In January 2003 the Government introduced measures (under Section 55 and 57 of the Nationality, Immigration and Asylum Act 2002) that will affect those who do not make application on arrival at the port of entry. At present figures indicate that 42% apply within



two days and 68% within ten days of entering the country. This appears to be a diluting of minimum standards agreed across the EU.

**4.2** Section 55 of the Nationality, Immigration & Asylum Act, severely restricts asylum seekers' access to support. Asylum seekers who make an application 'in-country', rather than immediately at the port of entry, will no longer be entitled to apply for support from the National Asylum Support Service (NASS). This will lead to extreme hardship and destitution amongst already extremely vulnerable people. The intention is to discourage abuse of the asylum system but ignores the fact that refugees are often unable to claim asylum at ports of entry. The latest official figures reveal that 65% of all successful claims (including Exceptional Leave to Remain) are made by in-country applicants. Organisations are currently campaigning against this new measure.

**4.3** The NIA Act has also removed other legal avenues through which local authorities were previously able to provide support to destitute asylum applicants. There will be exceptions such as those with dependent children under eighteen years of age; those with special needs; those who apply for asylum in-country due to changed conditions in their country and who can prove that they applied at the earliest opportunity following that change of circumstance; those who can show they would suffer treatment contrary to Article 3 under the European Convention on Human Rights (Article 3 provides that no one should be subjected to torture or any other inhuman or degrading treatment). Destitution is not likely to qualify under Article 3.

**4.4** There are also uncertainties about how pregnant women who are in-country asylum applicants will be treated, and where no documentary evidence is available NASS will treat as adults young people whom they do not believe to be under eighteen.

## **5. The Future**

**5.1** Asylum policy in the UK is no longer a matter exclusively for the UK. The role of the EU is becoming more significant and eventually asylum policy across European member states will be decided by the EU. The Treaty of Amsterdam [1999] has extended this role to working towards harmonisation of policies and practice. The treaty lists six areas on which minimum standards must be agreed. Some of these are in force, others are under consideration. The date set for total agreement is December 2004.

**5.2** The Commission's draft directives are not yet final. Once agreed, the Directives must be implemented into UK law. The government has some flexibility in how it makes the Directives part of UK law so it is possible to influence this process. As the EU sets only minimum standards, the government should be encouraged to improve on them.

Sources: Refugee Council  
Justice

## **VISIT TO BELFAST**

### **1. Introduction**

As part of the Church and Nation Committee's continuing engagement with issues of sectarianism and peace and with the Church and Government Committee of the Presbyterian Church in Ireland (PCI), ten members of the Committee visited Belfast in October 2002. This visit happened only two days after the Northern Ireland Assembly had been suspended in the wake of dramatic television pictures and allegations of spying. We spent two days meeting and listening and discussing. While the second day was spent with our sister committee, the

first day was spent being guided round the places and the issues by a series of encounters with people from different backgrounds and experiences and understandings. And yet, in spite of the differences of viewpoint and experience we encountered, a surprisingly coherent picture began to emerge. It is one which inevitably is stronger on description than on prescription, but the fact that so much analysis is beginning to be held in common must point to the hope that those issues which are still disputed (and there are many of these) can also begin to be tackled in a way which has not been possible before.

## **2. The Programme**

**2.1** Our visit began with a meeting with community representatives in Lower North Belfast. There people from four loyalist areas told their stories. From White City, Twaddell, Torrance and Tiger's Bay came tales of striking similarity - of few facilities and low employment, of disaffection and low educational attainment, of simmering hatred and sporadic violence, of ageing populations and victimisation, of republican action and loyalist reaction. These are known as "interface" areas, but in fact the interfaces are marked by fences to keep people apart - making any interface as difficult as possible and keeping people apart as much as possible. From these areas came harrowing accounts of the difficulty of living ordinary lives from people who feel they are constantly misrepresented and left out of account. From the viewpoint of these places the "peace process" has meant deterioration in an already dismal quality of life.

**2.2** The aim of our hosts had been that we would then meet a similar group of people in the republican area of New Lodge. But in the new Aston Centre the only person we met was the local city councillor, a member of Sinn Fein. This was an articulate, intelligent, educated, informed, persuasive and ambitious young man, who was keen to engage in debate. He wanted to give us his line on events but was under no illusions that we would want at many places to disagree with him. He denied any Sinn Fein engagement in spying at Stormont and insisted that there was no Sinn Fein coordination of street violence (which had been alleged by the loyalists we had just met).

**2.3** So far, although the intensity of the encounter (especially in the Lower North Side) had impressed itself upon us, we had really not heard anything that might particularly surprise us. What was significant here was the fact that we had met a single political representative rather than a group of local people. As our conversations continued, this was to become a clear example of what was represented to us as a difference in culture and approach between the two communities in Northern Ireland. The difference can be interpreted as theological because it is an expression of a belief in community held together by authority on the one hand and, on the other, a belief in individuality and a suspicion of authority.

**2.4** Lunch at Stormont Presbyterian Church was followed by a talk from David McKitterick, columnist and commentator from "The Independent". He characterised the post-suspension situation as "serious but not desperate". He pointed out that the loss of the Assembly had been taken very calmly - no one had taken to the streets; we were not back to square one. Other parts of the Belfast Agreement were still in place and the level of violence bore no comparison with before - with killings per year down from 300 to fifteen, with most of these related to drugs and money rather than anything that could be described as political. Although he said that there was no doubt that Sinn Fein had indeed been involved in some kind of espionage, they were a vibrant party with their hands on power - and were not likely to give that up or put it in danger.

**2.5** His description of the various parties began then to feed in to the comments earlier about the differences in outlook of the two communities. The Ulster Unionist Party (UUP) he described as "geriatric" while he said that the Democratic Unionist Party (DUP) contained many more younger people. At the same time he said that the Catholic population was younger and that there was no sense of vision on the unionist side. The Protestant churches,

he suggested, were going round stirring up apathy, or keeping their heads down, or making themselves irrelevant. This clearly depressed our hosts from the PCI - and depressed us, because we know the same kind of things are said about all the churches in Scotland.

**2.6** David McKitterick expressed what had also been expressed in New Lodge - that Sinn Fein and the DUP need to come to some kind of arrangement, need to do some kind of deal, because the likelihood is that the current arrangement between the UUP and the Social, Democratic & Liberal Party (SDLP) would not last past an election. The difficulty in this prospect he identified in the older section of the DUP whose fundamentalist, anti-Catholic roots would make it virtually impossible for such a thing to happen; the younger leaders of the DUP he did not believe had the same problems. We were reminded at this point that we had been told in New Lodge how the DUP and Sinn Fein, both representing predominantly working class communities, had begun to work quite well together on certain issues in the city council.

**2.7** The next person we met was Fred Cobain (UUP). He is a city councillor and also a Member of the Legislative Assembly (MLA). He described the Catholic community as committed to community development and as articulate, educated and confident; he described his own Protestant community as divided and under seige. Again the same themes were beginning to be repeated. He drew, however, an interesting lesson from this - that the nationalist community needed to instill confidence in the unionist community. Long-term work was needed, he said, to help the unionist community look at itself, to stop blaming others, to stop being victims. The vibrancy and optimism of Catholic communities should not simply be objects of envy but lessons to be emulated; the belief that one community had to be down for the other to be up had to be disowned.

**2.8** Fred Cobain believed, from his own personal experience, that many seemingly insuperable difficulties were not nearly as difficult as they seemed. He had been involved with issues concerning the reorganisation of policing in Northern Ireland, and had found that progress could be made once the presumption that no progress was possible was discarded. He also believed that the current political "crisis" was being "choreographed" as part of a continuing negotiation process.

**2.9** Our final meeting of the day was with Tom Hartley, the leader of the Sinn Fein group on Belfast City Council. He spoke of the gradual progress of Sinn Fein on the council from the days when the first Sinn Fein councillor was elected in 1983 to the point now when that same man is Mayor of Belfast. The fact that we met in one of the main committee rooms of City Hall was testament to fundamental shift since such doors had been locked to anyone of Tom Hartley's party. He reflected on a much more relaxed political set-up where cross-party working was commonplace - and in this he echoed Fred Cobain's belief that the City Council had "grown up" and that so too eventually would the Assembly.

**2.10** In answer to questions he spoke of roads to making peace in confronting one's own prejudice, in seeing complexity as salvation, in humanising rather than demonising an enemy. He displayed also an ability to step away occasionally from the party line - being willing to explain why the party held to it, but also being prepared to explain his own disagreement.

**2.11** The rest of the visit took place in Newcastle, County Down. There we had sessions in which we discussed our own report on sectarianism, a view of sectarianism and working with it from the Irish School of Ecumenics (ISE), and a presentation of truth and reconciliation, also from the ISE. These discussions, however, can best be taken up in the context of a brief examination of the twin issues which ran through so much of all that we heard: identity and community.

### **3. Identity and Community**

**3.1 Who am I?** One's identity as an individual or as part of a community or a society seemed to loom larger in Northern Ireland than it does elsewhere - though ultimately it is of vital importance to anyone anywhere. We raised questions about whether terms necessarily included one another. For example, if we say "Protestant", do we thereby mean "unionist", "loyalist", and "British"? Or when we say "Catholic", do we automatically include "nationalist", "republican" and "Irish"? In the Lower North Side, the answer was to include "them" in a basket of titles which could more or less be used synonymously, whereas "we" were simply to be understood as individuals. There were, Tom Hartley said, a few Protestant members of Sinn Fein - but not many. The vast majority of Northern Ireland Presbyterians would be unionist, we were assured, of one hue or another. It has been suggested that Protestant churches ought to be working out how to be what they are in the context of a uniting Ireland - but there was not much evidence of it. Religious and political identity seemed to remain obstinately interconnected.

**3.2** There was also the philosophical or theological divide already mentioned between Catholic and Protestant communities which allows Catholics much more than Protestants to understand themselves in community terms. The community development strategy over many years of Sinn Fein seems to have produced communities who are confident in their identity, with a clear vision of the road ahead, and a belief in themselves which is commented on by Protestant communities occasionally as something worth envying and occasionally as something which is illegitimate. The other aspect of this same phenomenon is that of the ability or willingness to be represented by one person or by a structure. One of our Presbyterian hosts pointed out that, even though the four areas in the Lower North Side had remarkably similar stories to tell, each had to tell their story for themselves.

**3.3** "Who I am", however, is much more influenced by community and by what that community regards as "normal" than most people realise. The power of "how things are done around here" is pervasive in most communities around the world and sometimes it is worth examining just how that impacts on us. Joe Leichty, of the ISE, spoke of the development of "the level" - an exercise in bringing out where one needs to be in a community to achieve the level where everyone else is. For example, he had visited one small community in rural Northern Ireland where everyone knew that Protestant funerals were arranged by the Protestant undertaker and that Catholics went to Catholic undertaker - and you would never engage "the other" undertaker for the funeral of a member of your family. However, this being a small country community, undertakers doubled up as florists - and anyone could go to either florist for the flowers.

**3.4** The truth is that community is important; where we belong makes a difference. But there is a point where that belonging can be put to positive use and one where its only influence is negative. It may be that we all need to develop the ability to be who we are in a way which offers that identity to the wider society as a gift for its enrichment rather than use our community identity as a barrier which will keep everyone else at bay. We spoke to a member of the Orange Order who expressed extreme frustration at the image the Order so often gave of itself. To him, the Order was a religious, not a political organisation and ought to portray itself as that. But here he, as so many others, found himself up against that "basket" of identities which presumes so much that it delivers very little.

#### **4. Sectarianism and Peace**

**4.1** Sectarianism operates where identity and community meet. The Sinn Fein councillor we met in New Lodge suggested that structural sectarianism and personal sectarianism feed off one another and that the Belfast agreement created the space where structural sectarianism could be addressed - and this in turn creates new possibilities. This structural sectarianism is rooted in inequalities and power structures and must be addressed on that basis - but there will still be the other side of things, where new possibilities need to be created.

**4.2** How the move is made between sectarianism and peace continues to be addressed. From the point of view of the churches, there is an issue of how we view justice - is it a matter of putting things right, or is it a matter of bringing the guilty to trial? Is justice achieved by punishment, or is it promoted by the creation of a future? Two matters currently surround discussions of these issues. One is the situation of the "on the runs" - paramilitary fighters who have gone on the run to avoid being arrested and tried. Should they be allowed back now that "the war is over"?

**4.3** The other is the question of truth and reconciliation commissions. We had a session on the history of these commissions around the world - in South Africa and also in Latin America. Some in Northern Ireland see such a commission as a prerequisite for the creation of a future; others would rather follow the example of Spain, drawing a line under the past and moving on into a better future. As with all big questions, there is sense on both sides of the argument. It is an argument, however, on which the churches ought to have something to say. One contribution suggested that it is not only truth that is a prerequisite for reconciliation, but also grace. Grace is notoriously difficult for those who have been ground down or bombed out - but for all those whose past has been blighted, we pray that their future may indeed be built on the grace of our Lord Jesus Christ.

## **THEOLOGY OF TAXATION**

### **1. Introduction**

**1.1** The Committee last reported on taxation to the General Assembly of 1995, although reports since then have contained references to the subject. We feel it is timely to revisit the issue, not by looking at specific taxes as such but rather by seeking to set out some basic principles on which a theology of taxation can be based.

**1.2** The 1995 report stated "In recognising that taxation is an essential source of government income to pay for public expenditure, the committee believes that taxation should not be regarded as an imposition. It is a very effective mode of distribution and a way of sharing. For it not to be regarded as a burden, however, requires the individual to recognise his or her responsibility to pay for the needs of the community. Equally Government must ensure that taxation is borne fairly by all individuals."

**1.3** If a statement is made often enough it is accepted without question, becoming a presupposition. It is some of the current presuppositions about taxation that the committee seeks to challenge. "All taxes are unpopular"; "to reduce tax is a good thing"; "to increase public expenditure is a bad thing"; "government simply does not have the capacity to supply all that a citizen desires or has come to expect." These and similar statements are frequently made and as frequently unchallenged. We believe that in Jesus words "It should not be so among you." We believe that we are greater than these assumptions make out. At the heart of our worship is the offering, a free giving of what we have to be used for the benefit of others. We thus believe that it is not a grim duty but a privilege for those who have to contribute to a common pool for the benefit of those who have not. God's kingdom is not pride in prosperity and power, it is in achieving a just and equal sharing of life's necessities. Jesus overcomes injustice and evil and this is our model. The way we meet human need demonstrates our discipleship.

### **2. Taxation and Fairness**

**2.1** Almost all of us recognise the necessity of taxation in general terms, but few of us look at our payslips and think cheerfully of the cut taken by the Inland Revenue. Government ministers tell us frequently that public expenditure means "spending the taxpayers' money".

Commentators who wish to criticise a particular allocation of resources, perhaps the refurbishment of a prison or the provision of facilities for refugees, are quick to claim that it is "our" money that is being spent. What does it mean to say that this is "our" money?

**2.2** Asking what taxes are for necessarily involves asking what government is for. If we believe that government is necessary, then it must be resourced and the natural source of its funding is the people whom it governs. At a minimum, taxes allow government to operate and to maintain the basic structures which allow society to function, *eg* law and order and the functions of government itself. Beyond that, there are forms of government expenditure which may be highly desirable, if not absolutely essential, *eg* financial support for the arts and culture. How much tax we pay depends on how much we want the government to spend, and on what. This is not just an issue of the cost of public services; international obligations, for example, may lead a government to increase taxes without there being any increase in domestic expenditure.

**2.3** As soon as we consider any of the main areas of public expenditure on which tax revenues are spent, we meet differences of opinion. Take health care, for example. On one view, expenditure on a national health service is essential; people have a right to health care and there is an obligation on government to provide that care. On another view, health care is a commodity which, like any other, requires to be paid for and payment should be made by those who use it in proportion to that use. Another view might be that state funded health care is desirable, but unaffordable and that a compromise of basic care for the worst off should be maintained. The same range of views could be rehearsed in relation to any one of a number of possible areas of expenditure.

**2.4** For a society and an economy to function efficiently and effectively, there must be in place a legal system which allows obligations and rights to be enforced. Citizens must have confidence in a system of order, from the point of view both of physical safety and of the knowledge that their civil rights will be upheld. Such a system can best function if it applies to all equally. The benefits we each obtain from it are immeasurable and, for that reason, impossible to quantify. Such a system depends on a government structure with personnel, facilities and so forth, all of which needs to be paid for by the state. Significantly, it is only because such a state-funded system exists that individuals and corporations are able to act as economic beings and to generate income and profit. References to income only make sense within the context of the structure which supports the employment from which that income is derived. Without the structure that allows the economy to function, whether public or private sector, it is meaningless to speak of an individual's income or a company's profits.

**2.5** It can be seen, therefore, that taxation is integral to the functioning of society. It is also one of the fundamental links between the public and private spheres. Because it has to be universal to achieve its purpose, it is one of the very few areas in which the individual is obliged to come into contact with the state.

**2.6** Once taxation is seen in context in this way, it becomes clear that it should not be regarded simply as payment to the government in return for services received from the government. To regard it as such suggests that citizens can somehow "buy in" law and order for themselves. But as individuals, we cannot choose how much or how little law and order we wish to enjoy. The benefits the system provides only accrue to each of us because we are already members of a developed society. But taxation is not just about paying more efficiently for benefits that we each enjoy as individuals; it is also about paying for wider societal goods. For example, we all benefit from the existence of a good, generally available education system. Even if an individual has no children of school age, or chooses private education instead, he or she will benefit in other ways from there being a generally well-educated, literate, numerate population. For that to be near universal, it is difficult to imagine a system other than one which is state funded.

**2.7** Taxation is about taking part in society, but it also involves questions about the kind of society we want. A structure which makes generous provision for health, education, social security benefits, old age pensions, environmental protection and support for culture and the arts, as well as defence, justice and other "basic" needs, is likely to involve high levels of taxation. We cannot consider the policy priorities of government without an understanding of their revenue implications.

**2.8** Participation in society is also carried out by the exercise of the electoral franchise. Taxation and representation have a long historical connection and the relationship between the taxpaying electorate and those they elect to determine tax policy is close and complex. A democratic structure needs financial support. Of course, it is not only taxpayers who have the right to vote, and there are societies in which taxes are levied where there is no meaningful democracy. However, both taxation and representation are features of a functioning social contract.

**2.9** As well as asking what level and quality of services we want government to provide, there is a further and bigger question. How should the tax burden be distributed in a society with significant disparities of wealth? Taxation is one of the means available for shaping society. That shaping may extend to redistribution. There are different ways of looking at redistribution. On one view, it could mean the re-allocation of money, using the tax system, from the rich to the poor in the form of heavy taxes on the former and payouts to the latter. On another view, it could mean the redistribution of welfare. Recognising, for example, that the poor suffer disproportionately from ill health, such a system might weight health spending in order to benefit the poor disproportionately.

**2.10** So should those who earn more pay proportionately more of their income in tax than those who earn less? Other than income, what else should be subject to tax? What options are available?

**2.11** The simplest approach is that everyone should pay the same amount of money, regardless of income. This is a head charge, recognisable in the form of the poll tax. In one sense, it is "fair", but only in the sense that it is fair that a shop charges a rich person and a poor person the same price for groceries. It appears to be based on the assumption that taxation is simply about paying for services. But it takes no account of the fact that individuals have different levels of income and capital. It penalises the poor more than the rich and for this reason it is inconsistent with social or economic justice.

**2.12** Another option is the "flat tax". Under such a system, everyone pays the same percentage of his or her income as tax. Proposals to introduce this system in the United States have a good measure of political and popular support. The disadvantages in terms of social justice, however, are clear. The person whose income is £1,000 who pays tax at 10% retains £900. The person on an income of £100 retains £90. The £90 has a higher marginal utility: in practical terms, each person must meet normal living expenses, which represent a far higher proportion of the available income of the person who retains £90 than of the available income of the wealthier person. A person on a low income needs most or all of it for essentials and can therefore less afford the amount taken in tax, whereas the wealthy person can more easily afford to pay the larger amount that the same tax rate would deduct. A flat tax takes no account of the impact of its imposition on the economic circumstances of the relatively poor person. Although it is arithmetically proportionate, therefore, its impact is disproportionate.

**2.13** A less attractive option is a regressive system, in which the average rate decreases as income rises. In common with most countries within the Organisation for Economic Co-operation and Development the system of income tax in the United Kingdom is progressive, in that the rate of tax increases as the level of income rises. Every taxpayer has a personal

allowance that changes with their age and marital status. The single persons rate for the fiscal year 2002/3 is £4,615. Higher amounts of income are taxed at the different rates of 10%, 20% and 40% with the highest earners paying tax at the highest rate.

2.14 Of course, it is not just income that is taxed. Companies pay Corporation Tax and Business Rates. The full rate of Corporation Tax for the fiscal year 2002/3 is 30%. Commercial transactions are also taxed in the form of Value Added Tax (VAT) currently set at 17.5%, though some items, for example children's clothes and food, are exempt from the tax. Vat is "fair" in that everyone pays the same amount, but it is regressive in that the bottom fifth of households pay proportionally more of their income on VAT and other indirect taxes than the top fifth. Inheritance is also taxed on sums over £250,000, although in practice tax is only an issue in a very small proportion of executries. It is often argued that the interest of the Inland Revenue in wealth left by one member of a family to another is unjustified state interference in the private concerns of individuals, even by those who recognise the necessity of income tax. Another view, however, is that since wealth which is inherited is in no sense earned, the imposition of a tax cannot harm the donee, who has done nothing to "deserve" it. Indeed, it can be said that what is being taxed is what does not belong to the donee.

2.15 These points do not in themselves answer the question of what a fair system of tax is, but they must all be taken into account in any assessment of fairness. One answer is that a system which takes into account the ability of the taxpayer to pay is fair. However, there are some difficulties in identifying what "ability to pay" means.

2.16 There is a powerful argument that taxation should not be regarded as taking away private property at all. Rather, it is such a fundamental demand that taxes are logically prior to property rights. Two academics from the United States, Liam Murphy and Thomas Nagel, have recently argued (in *The Myth of Ownership - Taxes and Justice*, Oxford University Press, 2002) that it is a mistake to regard citizens as having a right to pre-tax income. Setting out the issue, they state:

*"One cannot maintain that it is an appropriate end of government to maximize the general welfare through the provision of social benefits, or to rectify inequality of opportunity or class stratification, unless one is prepared to countenance the use of taxes to finance those activities, and that inevitably means taxing some people for the benefit of others. How we feel about this will depend on our view of the moral status of private property, as well as on what we think we owe to each other as fellow members of a society."*

*"One view is that taxation is an appropriation by the state of what antecedently belongs to individuals, and that it must overcome a prima facie objection to the transgression of the right of those individuals to dispose of their property as they wish. The opposite view is that what belongs to you is simply defined by the legal system as what you have discretion to dispose of as you wish, after taxes have been levied. Since there are no property rights independent of the tax system, taxes cannot violate those rights. There is no prima facie objection to be overcome, and the tax structure, which forms part of the definition of property rights, along with laws governing contract, gift, inheritance, and so forth, must be evaluated by reference to its effectiveness in promoting legitimate societal goals, including those of distributive justice."*

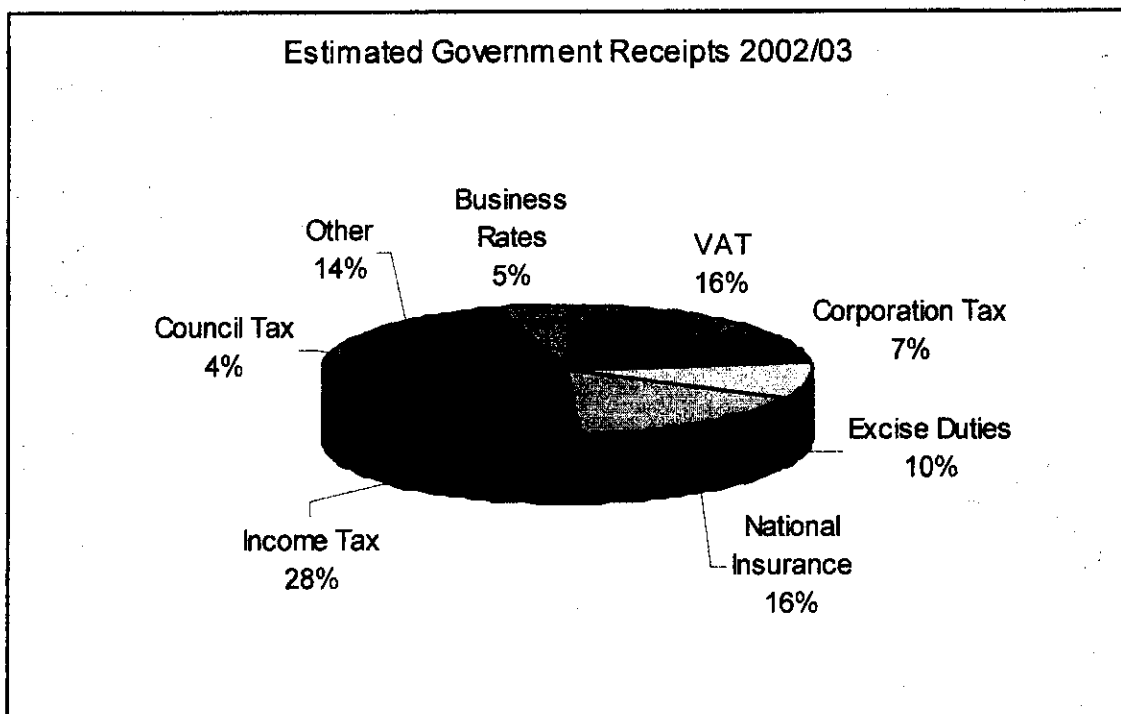
2.17 It is their position that any entitlement to pre-tax income is a logical impossibility: *"All people can be entitled to is what they would be left with after taxes under a legitimate system, supported by legitimate taxation - and this shows that we cannot evaluate the legitimacy of taxes by reference to pre-tax income. Instead we have to evaluate the legitimacy of after-tax income by reference to the legitimacy of the political and economic system that generates it, including the taxes which are an essential part of that system."*



That view is at odds with the popular political view of taxation, but it presents a coherent view through which it is possible to reconcile private rights and public obligations.

### 3. The Present System

3.1 During the last half of the 20th century government expenditure almost doubled; from 23.4% of GDP between 1920 and 1939 to 40.2% at the start of the 1970's. This increase reflected the creation of the Welfare State and increased spending on Health, Education and other Social Services together with an increase in the range and cost of welfare payments. These increases were inevitably matched by increases in taxation. From the 1970's onwards government expenditure has hovered around 38% to 45% of GDP. Currently Government income almost entirely from taxation represents just over 40% of GDP and is projected to remain at this level. For the financial year 2001-2002 Government receipts estimated at £398.4b represent 40.25% of GDP, about £8500 for each UK adult.



3.2 The estimated government receipts from taxation and other sources are shown in the figure above. The balance between revenue from spending taxes and income and wealth taxes has hardly changed over the last fifty years, although if National Insurance is regarded as an income tax, such taxes have increased slightly from 52% of the total in the 1950's to 59% in 2000.

3.3 Top and bottom rates of income tax have fallen since the 1970's. However over that period the thresholds above which tax is paid have been altered at the rate of inflation and not at the rate of increase in incomes. As incomes have risen faster than inflation during that period an increasing number of taxpayers have begun to pay tax at the 40% rate.

3.4 Thought must also be given to the effort that is involved in collecting taxes. It cost £2.1bn to run the Inland Revenue in 2001/2. Much of that is spent on collecting overdue taxes.

Action against non-compliance in 2001/2 produced £3.5bn. It is important that appropriate and proportionate measures are taken against large organisations in default, as well as against individuals owing small amounts.

**3.5** Since the Labour Government took office in 1997 the tax regime has become slightly more progressive and the post tax incomes of poorer households have, on average, increased. These gains have been mainly from the introduction of a lower initial tax rate of 10% and the replacement of Family Credit with the more generous Working Families Tax Credit. Poorer families have also gained, on average, from increases in some benefits.

**3.6** Losses to richer households are in increased National Insurance Contribution (NIC) and in the abolition of mortgage tax relief and the married couples allowance. NIC rates have steadily been aligned with levels of income tax with the objective of easing the transition into work (the benefit trap) and reducing the complexity of the system. There has been a series of changes to other indirect taxes, including the introduction of a climate change levy and a landfill tax. Increases in fuel duty rose to 85% in 1999 (as a total of retail price) and fell back to 75% in 2000; in 1979 the figure was 49%.

**3.7** Government policy is to ensure through fiscal prudence that revenue expenditure does not exceed income over any economic cycle, although the Chancellor announced in November 2002 that he would have to borrow to meet targets which include the reduction of poverty and increased capital and revenue investment in public services.

**3.8** The recently introduced Working Family Tax Credit (WFTC) is available for all families where one person works more than sixteen hours a week. This enables 1.3 million low and middle-income families to benefit by, on average, £40 per week over the old Family Credit system. An example was provided by a Glasgow minister:

*A man known to me who works in the Cleansing Department, emptying bins. He volunteered the information to me that prior to the WFTC he had had to work overtime as often as he could in order to make it worth while him working. Otherwise he'd have been making more money on the Social. So he never saw his four sons, aged 14, 22, 6 and 1. With the WFTC, however, he now has more money and spends Saturday and Sunday with the family.*

**3.9** In April 2003 WFTC is being replaced by Child Tax Credit and Working Tax Credit which is intended to improve the situation further. At present, one third of families eligible for WFTC are failing to claim and this has implications for the Government's Impact on Poverty, which aims to abolish child poverty by 2020. The government action to reduce child poverty has concentrated on increasing child allowances in Income support and child credits in the Working Families Tax Credit. Progress towards this target has been monitored and though there has been a significant reduction in the number of children living in poverty the target may not be met. There are several possible reasons for this, not the least being that the target is a moving one. Child poverty is measured as 60% of median income and as income has risen above the level of inflation so too has the measure of the child poverty level.

**3.10** It has been estimated that, if there is no dramatic increase in the numbers of parents who are the head of poor households in employment, an increase in revenue of 1% of GNP could be needed to raise child allowances and child credits to a level that would result in a reduction of 50% in child poverty.

**3.11** The Church also has an important part in the tax system. Through the Gift Aid scheme, the government has made it possible for charities, including churches, to benefit by receiving donations from taxpayers free of tax. A tax-efficient donation of £10 results in the Church receiving £12.82.

#### **4. A Christian understanding of taxation**

4.1 The previous section of this report outlined a variety of ways in which the State can raise money for its purposes and a number of approaches to what might be called a philosophy of taxation. As Christians, we have a duty to consider how we are called to distribute our resources and to contribute to the shared good of our communities. It is the deciphering of this calling which is the answer to the question, "what is a Christian understanding of taxation systems?"

4.2 The Bible itself makes explicit references to tax regimes which were operative at the times of writing. However, few would argue that these are the places in which to seek a basis for principles to apply to modern situations. We have to look beyond these and find our direction in the justice and grace of God and the duty which is placed upon us both to give thanks for that and to characterise our lives by concern for our brothers and sisters.

4.3 Throughout scripture and in our communion liturgy the principle is set out that it is, "indeed right, our duty and our joy at all times and in all places to give thanks and praise." Those who are healthy, have a job, good housing *etc* are called in thankfulness to give so that those who have not can benefit. In the New Testament era and in Scotland until 1843 provision for the poor was both paid for and organised by the church.

**A Christian understanding of taxation is one in which we give cheerfully in recognition of that which has been graciously given to us.**

4.4 Even if the sharing of resources described in Acts 4.32ff reflects an ideal that may never actually have occurred, the principles of a pooling of resources; a having of things in common, as opposed to a rampant individualism; the rich helping the poor is as appropriate a word for our day as it was for that of Luke. It was these principles among others that led to Paul's collection on behalf of the Jerusalem poor. The so-called "House Tables", (Ephesians 5.22ff, Colossians 3.18ff, 1 Peter 2.13ff), reflect a social culture vastly different to ours. Yet the principle that those in a position of power must not exploit those under their control and that there are responsibilities as well as rights, has its relevance. The strong and powerful must not vote themselves tax cuts at the expense of those whose need is greatest. This concept of justice and fairness also features in the Baptist's ethical teaching as recorded in Luke 3.7ff.

**A Christian taxation system is one which is designed to offer justice for all.**

4.5 The fifth commandment enjoins honour of father and mother. This commandment is the bridge between duty to God, the theme of the first four, and duty to neighbour, the theme of the remainder. Brevard Childs sees this commandment as " - a command that protected parents from being driven out of the home or abused after they could no longer work." We do not argue for a return to the days when many, mainly women, had to abandon careers, marriage or other prospects to care for aged parents. Many will recall the Geriatric Pavilions of an earlier age and we rejoice that residential care of the elderly is now more sensitively delivered. This costs money and we would argue that obedience to the fifth commandment involves making this money available. This principle applies not just to residential care but also to the funding of adequate provision of those services required to enable the elderly among others to remain in their own homes should they so wish. Honour for father and mother means not using phrases such as "bed blockers", recognising that it is people we are talking about. If there should be a shortage of accommodation or funds to provide it, we should be glad and willing to pay increased tax so that the lack can be overcome.

**A Christian taxation system is one which provides the means for a community to offer all of its members dignity and equality of opportunity.**

4.6 We believe that these are the principles against which all and any national systems of

taxation should stand to be judged. Do they encourage us to share cheerfully? Do they enshrine justice and promote the interests of the weak before the interests of the powerful? Do they uphold the human rights of the individual and also contribute to the well-being of the community at large?

## **5. Choices and Dilemmas**

**5.1** Already the Church and other care agencies have experienced the pain of having to make difficult cut backs because of a claimed inadequate funding by the state of the services they sought to provide. It is not just the voluntary sector that is concerned. Highland Council for example, already claiming to be unable fully to implement the McCrone proposals for Schools because of lack of funds, in November 2002 was presented with a report from its Social Work Committee in respect of the provision of Free Personal and Nursing care for the elderly. The Council was informed that the £4m grant from the Scottish Executive for this purpose was insufficient; that demand was exceeding available funding. The Council was urged to change in its area the rules for eligibility to reduce the numbers qualifying, to introduce a waiting list for low priority cases in the future and to impose new limits on those previously qualifying for grant towards such care in their own homes. If such people have needs that exceed the new limit they are to be offered residential care as the only option available in their circumstances.

**5.2** Obviously Highland Council as others face a funding problem but whatever view we might take of the decision to provide this care, those passing the legislation, and certainly those who welcomed its passing believed that Free Personal and Nursing Care meant precisely that and that such care was to be provided free of means test and in accordance with nationally laid down criteria.

**5.3** We seem to face the dilemma of either increasing taxation or reducing spending ambitions. The problem in our view is not lack of funds but lack of the will to provide the necessary funds. *"Knowledge we ask not, knowledge thou hast lent But Lord, the will, there lies our deepest need Grant us to build above the high intent, the deed the deed."* We can afford it if the will to do so is there. We submit that Christians should be in the vanguard of those working for a change of will in this regard.

**5.4** There is of course the argument that not only can the state not provide everything but that people should be free to choose which services they wish and from whom these services are obtained. Freedom to choose is well and good, but not only must there be real freedom there must also be real choice. The socially excluded are in no position to seek private provision and in many cases would not be accepted into any private scheme of insurance.

**5.5** For years we have been told that we are not making adequate provision for retirement, and that the state cannot meet the deficit, that people should take responsibly for their own pension provision. There is truth in these claims. Yet many low paid people and the unemployed or long term sick simply lack the means to make adequate provision for their today let alone for their uncertain tomorrow. Recent Stock Market changes in 2002 have meant that even those who had made what was regarded as adequate provision have seen the value of their pension fund drop by around 30% and were powerless to do anything about it. There are in our view therefore securities that only the state is large enough to provide.

**5.6** The Government published a green paper on pensions on 17.12.02. Obviously discussion of this is at an early stage but certain aspects are welcome: the recognition that the present system is too complex and too rigid; the recognition that "those earning less than £10,000 a year should not save" - and, we would say, cannot save. The opportunity to work longer may be welcome for some but for others would not be so. It is clear that the present system is failing those who are most dependent on it. In addition to the options of people working longer and saving more we would add the option of increasing taxation. The original idea of

NI contributions was to create a fund that would provide benefits as the need arose. We accept that the fund has always been a fiction but, given that most people now see NI as a form of income tax, increased NI contributions linked to an adequate pension would be acceptable. Because of all these considerations the Committee intends next year to bring a further discussion of pensions to the General Assembly.

**5.7** There are advantages to direct taxation. Since it is a more overt means of revenue collection it is much clearer exactly how much is being raised. Indirect taxation may be more attractive to politicians because it is hidden but it also hides the contribution we are making to what the state provides. Stealth taxes play down the contributory nature of a taxation system. Christians should regard it as a right and a joy to contribute to the common good.

**5.8** A more serious objection to indirect taxation is that it is by its nature a tax on participation. In as much as indirect tax such as VAT increases the cost of a product or service it can thereby put that service out of the reach of the poorest in our society. We would also claim that taxation should be based on the principle that those who can afford most should pay most, those in most need should receive most. This principle is best served by direct taxation linked to ability to pay. Yet the 1995 report is correct to say that it is "impossible to conclude that a tax is regressive just because it is an indirect tax."

**5.9** The basis of a fair taxation system is that of a just sharing of resources. The church however is not adept at this sharing. While in theory we have in the Mission and Aid scheme a system whereby the wealthy and the strong aid the poorer and the weak, there is an indication that some of the stronger are now objecting to the level of the contribution they are being called upon to make. The dire plight of some of our UPA parishes gives the lie to the notion that we have achieved a just sharing of resources.

**5.10** The matter of taxation as a tool for changing public behaviour is complex. Society can and does use taxation as a means of expressing its approval or disapproval of particular activities. Some on this basis would argue for an environmental tax or a carbon tax. It is open to question whether such taxes actually achieve their stated aim, yet such taxation can send out positive or negative signals. Car fuel tax would have to rise to politically suicidal levels before most people would exchange their cars for public transport but it has to be admitted that the taxation changes greatly encouraged the change from leaded to unleaded car fuel.

**5.11** A full assessment of a Christian understanding of taxation must also take into account the rôle of commercial organisations within society. The payment of taxes is bound up with the concept of corporate responsibility. It is not enough for companies simply to discharge the social responsibilities which they bear simply by paying the taxes which are legally due. Just as the paying of taxes signifies a meaningful relationship between an individual and the wider society, so it represents part of what binds commerce into the fabric of society. It is the intention of the Committee to continue to work on this theme, including the rôle of taxation in aiding enterprise, and to report at a future General Assembly.

## **6. Conclusion**

The statement made in the 1995 report is still valid. "The committee is clear that a fair system of taxation ought to be regarded as an ideal means of sharing resources within society and paying for public expenditure directed towards helping the disadvantaged." Although since 1995 there have been many changes made and suggested, we would urge adherence to that same principle. The problem is not so much a lack of resources as a lack of the willingness to share that which we have.

### **Sources:**

The following sources of information have been used in the compilation of this report:

- *Briefing Notes*, from the Institute of Fiscal Studies.

- *Paying for Progress*, the report by the Commission on Taxation and Citizenship, published by the Fabian Society.
- *Steering a Steady Course: Delivering Stability, Enterprise and Fairness in an Uncertain World*, pre-budget report of November 2002, HM Treasury.

## **THE THREAT TO LOCAL POST OFFICE SERVICES**

### **1. Introduction**

**1.1** There are 1933 post offices in Scotland of which 1878 are sub-post offices. Available figures indicate that eighteen post offices closed in Scotland between March 2001 and September 2001 and Postwatch, the consumer body, reported a further twenty closures in 2002 with more pending in 2003. This issue and the impact that contraction of services has on local communities has been brought to the Committee's attention by a number of Church members and has been the subject of debate in both the Westminster and Scottish Parliaments during the course of this year.

**1.2** Recent (UK wide) research carried out by Mori for Postcomm, confirms that those groups most affected by post office closures in both rural and urban deprived communities are the elderly, the poorest and the least mobile. It is recognised at Government level that the sub-post office plays a significant role in local communities yet the current structure of remuneration to Sub-Postmasters and changes in service delivery appear to pose significant threats to the network.

### **2. The Post Office in the community**

**2.1** In many rural and urban deprived areas, the sub-post office is one of the few remaining community facilities. The regulator, Postcomm, has addressed this issue and commissioned research, publishing a series of reports entitled, "Serving the Community". These provide UK-wide evidence of the community value of post offices in rural and urban deprived areas respectively.

#### ***Rural communities***

**2.2** The Committee is keenly aware of the current pressures and stresses on rural communities and of the challenges faced by those whose livelihoods are dependent on the rural economy. In these circumstances, the infrastructure of the community itself assumes even greater significance and the maintenance of key services is seen as doubly important. Any diminution in the rural post office network must be seen within the context of the general availability of services in the countryside. For example, in many areas of Scotland, people live miles from a bank; those without transport are more significantly isolated and former focal points of community life have withered away.

**2.3** It is doubtless this recognition of the importance of the post office as a community resource that has inspired so many resourceful attempts to maintain the service in a variety of guises throughout Scotland. We heard of sub-post offices run from pubs, coffee shops and even a garden shed. We commend the example shown by the Church of Scotland congregation of Birsay, Harray and Sandwick in Orkney's West Mainland who have offered their church hall as a new home for the local post office.

**2.4** It is clear that for those living in many rural communities in Scotland, the closure of the post office implies a withdrawal of access to a range of basic services which others take for granted and which is unlikely to be replaced.

#### ***Urban communities***

**2.5** In city communities, the existence of the post office can have a significant impact on the viability of other local businesses. We were told that the lack of banks and post offices in places such as Maryhill Road in Glasgow can and does destroy local businesses. People go elsewhere to access their money and spend it elsewhere; local retail businesses wither and die and those who find it physically or economically difficult to travel are the worst affected.

**2.6** Recent Mori data for the UK shows that 80% of those aged sixty-five and over resident in urban deprived communities use the post office to collect their pensions. Reflecting this use of the post office, 68% also use it to access cash. The data confirms that this group is more likely than average to have a disability, care for someone and have low car ownership. Similarly, the importance of benefits to single parent families in urban deprived areas in the UK means that 58% get their cash from the post office.

### **3. The viability of the sub-post office**

**3.1** Sub-post offices are private businesses, run under contract with the Post Office but using their own premises. Generally Sub-postmasters can have one of two types of contract. Those on the Scale Payment contract receive a fixed payment for providing the service, topped up by a variable payment based on the volume of business in counter transactions. Those on the Community Office contract get paid an assessed core payment plus a payment related to the number of hours worked. Their opening hours are related to the amount of work transacted at that office and are agreed separately by the individual Sub-postmaster and Post Office Ltd. These are designed for communities where the level of business is low and the Sub-postmaster only opens for a few hours each week.

**3.2** Post Offices offer a range of 170 different postal, governmental and commercial services. They often have other services attached to them, such as a village shop, a newsagents or a petrol station and this relationship is crucial. Indeed, some Sub-postmasters spoke of using the post office as a loss leader for other goods or services and success or otherwise of diversification is often the key to the continuation of post office services in an area. We are aware of one Sub-postmaster in Glasgow whose overall sales increased last year by 8% against the picture of a national decline through successful development of an off-licence and general groceries business. By contrast, post office services themselves as currently constructed are comparatively unattractive business propositions. For example, we heard that Sub-postmasters have been made a final offer of ten pence per transaction for accessing basic bank accounts at post offices, (a significant reduction on current payment rates for similar work). Payment of the national minimum wage (currently £4.20 per hour) would require a sub post office assistant to conduct forty transactions every hour, (given that each transaction takes around a minute to complete), just to pay their own wage.

**3.3** Nonetheless, we encountered a perception among Sub-postmasters themselves that the Post Office business is one which is capable of expansion rather than contraction, but that proper business support is necessary to achieve this. Potential avenues of development such as travel and home contents insurance, cinema tickets, 'powercards' *etc.* were seen as being either lost or undersold. Many sub post offices, particularly in urban areas, are operated from within larger 'chains' of local shops (such as Mace, Spar, RSMcColl), and the business support provided to individual businesses from these chains is seen to surpass that offered by the Post Office.

**3.4** The Government has encouraged the exploration of options for enhancing the viability of post offices in peripheral areas, both rural and urban. "Your Guide" was one such initiative designed to provide a one-stop shop at the post office for services across the public, private and voluntary sectors. The service was piloted in two English studies completed in March 2002. This showed that the service was popular but had only a limited impact and is therefore not being rolled out nationally. It is worth noting in this context that recent research

commissioned by the regulator indicated that there was a higher uptake of free community services in Scotland and Northern Ireland than in England.

**3.5** While the Government states its support for the network, it only places a formal requirement on the Post Office to prevent any avoidable closures of rural post offices. "An unavoidable closure is one where no one suitable is prepared to take over from the departing Sub-postmaster, where no suitable premises remain available or where an associated retail business is no longer viable" (DTI post office website).

**3.6** By this definition, "unavoidable closures" are increasingly prevalent throughout both rural and urban deprived communities in Scotland.

#### **4. Automated credit transfer**

**4.1** In April 2003, the Government introduces the Automated Credit Transfer (ACT) system, under which benefits will be paid directly into individuals' bank or Post Office card accounts rather than over the Post Office counter, (the 'Universal Bank'). By 2005 all benefits will be paid in this way and from 2003 the Inland Revenue will start to pay some tax credits in this manner as well. It is widely anticipated that this will not only reduce the commission earned by post offices through benefits transactions but is also likely to lead to a fall in the number of people using both the Post Office and any associated shop. While the Committee recognises that this development has some potential benefits in terms of addressing aspects of poverty and exclusion, it is thought potentially to threaten the 30-40% of sub-post offices' revenue that is accounted for by benefit payments over the counter. That alone threatens the survival of many post offices.

**4.2** While those who wish to continue to collect benefits from the post office will be able to do so by card account, (and through certain bank accounts), this service will obviously not be available if the post office as a business is no longer viable. Furthermore, considerable concern has been expressed by a wide range of organisations including Age Concern, the Citizens' Advice Bureau and the Disability Rights Commission about the way in which information is made available to benefit claimants about the options available to them after the new system comes into operation. It is widely held by Sub-postmasters that the information put out by the Department of Work and Pensions (DWP) regarding these changes is presented in such a way that the option to have a Post Office Card Account is not promoted and claimants are steered towards options which may be cheaper for the DWP but which may not be in the best interests of the individual concerned. The Post Office card account is the only true free banking option, although this aspect of the account appears to be largely under-promoted by the DWP, notwithstanding the part that this can play in helping to prevent personal debt.

**4.3** The Committee shares the view of Postwatch that there should be no hidden pressures to favour one type of account over another, particularly if some types of account are more likely to lead to an individual incurring additional debts. In this context, the Committee notes with concern that the first trial of take-up figures for the new Post Office Card Account showed that only 26,297 benefit recipients chose a Post Office Account as opposed to 103,023 opting for the bank account. This contrasts with the results of a MORI poll carried out in post offices in February 2001 which reported 95% of pension and benefit recipients surveyed as preferring to receive their benefits in cash at the Post Office. The implications for the future viability of Post Offices are clear and serious.

#### **5. Recent developments**

**5.1** The Cabinet Office Performance and Innovation Unit report in 2000 contained twenty-four proposals for modernising the network of post offices. This recognised the need for post offices to modernise and for the service they provide to be broadened and improved, recommending that this modernisation should be backed with financial support. This was



echoed by Postcomm in its second annual report on the Post Office Network (September 2002) where it advised the Government on the best way to channel financial assistance to rural post offices.

**5.2** In October 2002 the Government announced a funding package directed at sustaining the UK rural network. However, Post Office Ltd has indicated that these resources will be retained by the company as a payment for maintaining services in unprofitable locations, compensating for the ending of cross-subsidy between the urban profitable and rural sectors. It appears that very little of the money will come to individual Sub-postmasters, at least until the Post Office business returns to profit.

**5.3** The over-provision of post offices in some urban areas is generally accepted and the network is currently undergoing a programme of closures, mergers and relocations under the Urban Reinvention Programme. However, the viability of the surviving offices remains an issue and the existing problems may be sufficiently endemic to be equally threatening to the remaining two-thirds of the urban network as they were to the whole of it. In late December 2002, the Scottish Executive announced £2m of funding for the development of improvement of non-post office services and support for diversification. In particular, the Committee was pleased to note that the announcement of this funding was placed in the context of an overall ambition to revive and renew deprived communities.

**5.4** However, without the necessary business support and vigorous and imaginative attempts to support individuals in diversification, there must be a real risk that all these additional resources will not achieve their full potential.

## **6. Related issues**

**6.1** We have also heard concerns being expressed about the impact on rural areas of the forthcoming opening up of the postal service to competition. The market is to be liberalised in three stages beginning in January 2003 and ending no later than 31 March 2007 when all restrictions on market entry will be abolished. Consignia (Royal Mail) has warned that opening the market threatens the universal service with the prospect of competitors "cherry picking" the profitable parts of the business which, it is claimed, substantially pay for the "one price" promise of the current universal service. This is disputed by the regulator, who predicts that the universal service will be sustained not only by legislation and protection but also by customer demand and commercial reality. Nonetheless, commentators continue to speculate on the implications of there being little likelihood of fierce competition to deliver mail to less densely populated areas. The Highland Council has expressed concern that households and small businesses in rural and remote areas will suffer from a poor quality, high cost service which will increase social exclusion in rural areas.

**6.2** The universal service obligation is currently enshrined in law, defined as a universal postal service of deliveries six days a week to every home or premises in the UK at an affordable and uniform price. The Committee would harbour serious concerns about any erosion of this obligation.

## **7. Conclusion**

**7.1** In addition to performing their primary function, post offices in rural and urban deprived areas clearly provide a focus for community life and can be a stimulus to other local businesses and activities. The Committee is concerned at any reduction in such a basic service but also in the consequent threat to community infrastructure, especially for those in Scotland who already have least access to these facilities and arguably have the greatest need of them.

**7.2** We recognise the continued fragility of many Post Offices and the considerable burden carried by individuals who often struggle either to keep a business viable or to serve their communities at negligible financial benefit to themselves. In particular we have been

appalled by reports we have heard of verbal and physical abuse directed at Sub-postmasters of Asian origin who operate a significant proportion of post offices within Convenience Stores in Scottish towns and cities. We encourage the Government and Post Office Ltd to think and act creatively to develop and support the sub-post office and Sub-postmasters through appropriate diversification and relevant business support as well as offering help and encouragement on a personal level.

7.3 We have drawn attention to the example of members of Birsay, Harray and Sandwick congregation who have made a practical commitment to their local community by giving a home to the sub post office. We call upon other congregations throughout Scotland to consider whether they too could exploit their buildings and other resources to make a similar commitment.

## **REFORM OF THE HOUSE OF LORDS**

### **1. Introduction**

1.1 Prior to the Union with England, Scotland's parliament consisted of the Three Estates represented in one house of Parliament. After 1707, the new state retained the English bi-cameral parliament of the House of Commons and House of Lords. By the Treaty of Union 1707, all of the existing magnates from England retained their seats but the Scottish Lords were restricted to around 15 in number, elected by the Scottish peerage.

1.2 Although precedence passed to the House of Commons because of its power of taxation, the House of Lords had Prime Ministers amongst its number until the early 20<sup>th</sup> century. Since the passing of the Parliament Act 1911, the House of Commons can now over-rule the House of Lords. The House of Lords has become a chamber reviewing legislation although with its membership partly free of political party control, it can still administer short term reversals to government not possible within the party dominated Commons.

1.3 Although the hereditary element has been greatly reduced, no consensus has emerged for the long-term role of the Lords or its composition. A Joint Committee of the Lords and Commons was set up in July 2002. It met on eight occasions and reported on 9 December 2002.

### **2. The Joint Committee**

2.1 The Joint Committee was to work on the project in two phases:

- Composition of the Lords with choices to be made from membership which is fully nominated or fully elected including intermediate options, with preliminary recommendations of the powers of the new Lords.
- After consultation of Parliament on Phase One proposals, detailed work would proceed on the composition, role and powers of the new Lords, including a transitional strategy for transformation if the membership was to be materially reduced. After consultation of both Houses on a free vote on a select list of options, it was expected that the Government would then bring forward legislation.

2.2 The terms of reference of the Joint Committee were:

- To consider issues relating to House of Lords reform, including the composition and powers of the Second Chamber and its role and authority within the context of Parliament as a whole, having regard in particular to the impact which any proposed changes will have on the existing pre-eminence of the House of Commons, such consideration to include a House composed of more than one "category" of member and the experience

and expertise which the House of Lords in its present form brings to its function of revising Chamber;

- Having regard to the above, to report on options for the composition and powers of the House of Lords and to define and present to both Houses options for composition, including a fully nominated and fully elected House, and intermediate options. They were also to consider and report on any changes to the relationship between the two Houses which may be necessary to ensure the proper functioning of Parliament as a whole in the context of a reformed Second Chamber, and in particular, any new procedures for resolving conflict between the two Houses; and the most appropriate and effective legal and constitutional means to give effect to any new Parliamentary settlement. In all this they were to have regard to the Report of the Royal Commission on House of Lords Reform; the White Paper *The House of Lords - Completing the Reform*, and the responses received thereto from the Houses of Lords and Commons (including the House of Commons Public Administration Select Committee Report *The Second Chamber; Continuing the Reform*, including its consultation of the House of Commons, and any other relevant select committee reports).

### **3. The Church's Position**

**3.1** The Church and Nation Committee has reported to the General Assembly on the issue of House of Lords Reform on several occasions, the last two being in 1999 and 2000. In making previous recommendations, the Church and Nation Committee was governed by what was gauged possible at the time. The context has now changed. All options are notionally open. Since our last report, for example, both the Conservative Party and the Liberal Democratic Party now favour election of 80% of the membership of the Lords. The Committee believes that it is worthwhile stating a standpoint relevant to the new possibilities now available.

#### **3.2 Powers and Role**

The Joint Committee has analysed the roles, conventions, functions and powers of a second Chamber. It has broadly proposed no change but has undertaken to return to these matters in the later stages of its work. It has focussed attention on the need to improve the work of the Chamber in dealing with pre-legislative scrutiny of legislation and secondary legislation.

It would have been too optimistic to expect major changes in these areas given the instruction that nothing should be done to dilute the position of the Commons as the pre-eminent chamber of the legislature. The reforms may lead to some change of powers. It is also possible that the role of the Lords as a purely revising chamber will develop over years to come, especially if it becomes a wholly, or even a partly, elected body. If worthwhile proposals emerge from the later work of the Joint Committee, we shall make further comment.

#### **3.3 Size**

The Joint Committee has recommended that the Chamber should have 600 members, which is not much different from its present complement if the ninety-one hereditary peers are removed (para.46). Since the role of the Joint Committee is to narrow the options, it is surprising that it has not given a range of membership suitable to a House that is elected in whole or in part. This is suggestive of the weight of opinion within the Joint Committee that there be little reduction in the number of appointed members. The Church and Nation Committee regards it as unnecessary for the UK Parliament to have 650 MPs and 600 Lords.

#### **3.4 Tenure**

The Joint Committee recommends that the tenure of all members whether elected or appointed should be twelve years. It also proposes that members of the House of Lords be restricted from resigning and seeking election to the Commons. It has suggested that there be a three-year electoral restriction (para.48). There is no objection to a twelve-year span for appointed members. With the Commons being elected on an irregular basis, the Lords could

be elected at the same time as for Europe where the elections are held on a fixed term of five years. The term of office for the Lords could be ten years with half of the membership retiring every five years. This would also ensure that party representation in the Lords would not be a copy of that in the Commons. We see little point in the three years restriction on election to the Commons provided it is not possible for members to sit on both bodies.

### ***3.5 Appointment and Election***

The Joint Committee criticises the present method of appointment to the Lords and recommends that there should be a new Appointments Commission. It also provides that the Prime Minister retain the right to nominate without challenge (para 52). *If* the House is to have appointed members, the proposal to have an independent Appointments Commission is to be welcomed. It would be disappointing if the patronage powers of the Prime Minister were not trimmed. There is, however, a case for the Prime Minister to have the right to nominate candidates for ministerial office who would sit in the Lords during office only and would cease to be a member on termination of that office.

### ***3.6 Options on Composition***

The Joint Committee has proposed the following options to be submitted to both Houses of Parliament for decision (para.62). The House of Commons votes on these options are in brackets:

1. Fully appointed (245 for; 323 against)
2. Fully elected (272 for; 289 against)
3. 80% appointed/20% elected (no vote)
4. 80% elected/20% appointed (281 for; 284 against)
5. 60% appointed/40% elected (no vote)
6. 60% elected/40% appointed (253 for; 316 against)
7. 50% appointed/50% elected (no vote)

In its previous reports, the General Assembly accepted that the consensus lay in removing the hereditary peers with the House of Lords largely remaining an appointed body. It therefore supported a legislative chamber that would be composed of 195 elected members, 32 faith representatives, 171 appointed members and 138 of previously appointed life peers. However, since that time there have been several developments, some of them described above, which enable a new and more radical view to be taken. In a representative democracy, any body with power to promote and revise legislation binding on the people must be elected by the people. An appointed House of Lords would be a continuation of a pattern of patronage. The House of Lords should therefore be fully and directly elected.

### ***3.7 Methods of Election***

The Joint Committee has discussed methods of election but, pending a decision on composition, has made no recommendations. Amongst those issues discussed was the possibility of indirect election from the Scottish Parliament and the Welsh and Northern Ireland Assemblies and mention was made of the request from the Presiding Officers of the devolved assemblies that their successors should be made members of the Lords (paras 17, 18 and 53).

We reject these suggestions and welcome the vote against indirect election taken within the Joint Committee. It is aware that there are elements at Westminster that have never accepted the concept of Scottish devolution. It believes that if the Lords include members elected from the Scottish Parliament, there is a danger that the Lords would claim the right to review legislation from the unicameral Scottish Parliament. There is a precedent. Although the independence of the Scottish legal system was guaranteed under the Treaty of Union 1707, the House of Lords subsequently assumed the power to act as supreme court for Scotland and review the decisions of the Court of Session. The Committee also regard as eccentric the proposal from the Presiding Officers that their successors be appointed to the Lords. They have enough work to do in their respective assemblies.

Although there are no proposals from the Joint Committee on the method of election, we reiterate our earlier recommendation that election be by proportional representation on an open party list system offering the electorate rather more choice than is given under the European and Scottish electoral systems. Under the open list format, the political parties would choose the candidates to appear on the electoral list but not ordain the ranking. The voters would be free to choose any candidate from the list prepared by their preferred political party.

The elections should be held on a national or regional system as is currently the case for Europe. The Committee opposes a centralised UK list as this would submerge Scottish representation within a British mandate; and welcomes the declaration of the Joint Committee that it will work towards a decentralised electoral system.

### ***3.8 Name of Chamber***

The Joint Committee has no proposals to change the name of the House at this stage. In its last report, the General Assembly recommended that the House of Lords be re-named the Council of State. The present name is anachronistic and class ridden and an alternative name needs to be found.

### ***3.9 Religious Representation***

The Church and Nation Committee last recommended that the faiths in Scotland should be given three representatives in a large appointed House which included Bishops of the Church of England in its membership. In a small House of elected representatives, church and state should be separated with no faith or other appointed representatives such as members of the Judicial Committee being entitled to membership.

## **CONVENTION ON THE FUTURE OF EUROPE**

### **1. The year 2003 as a defining moment**

There are defining moments in the life of every community, large or small. In the case of the European "Community", the prospect of enlargement from fifteen to twenty-eight member states brings forward the need for a new perspective on the future of Europe, a restoration of the sense of belonging of its peoples, and a conscious revival of the meaning and significance of the many diverse sources of European history, culture and enlightenment. This transition therefore generates a defining moment for the European Union (EU) itself and many politicians, through the various EU institutions, have responded in an imaginative and creative way by advancing the idea of a European Convention to consider the way forward. This paper charts the steps that have been and are being taken. At the time of writing there are further detailed stages that will be negotiated over the year ahead. The likely outcome of this process is provisional and will depend to a great extent on the clarity of vision, political will and moral leadership in this country and elsewhere.

### **2. Where it all began**

**2.1** The European Council of Ministers, the political institution which governs the European Union, and which is made up of the heads of government of the member states, met in December 2000 to agree the Treaty of Nice. However, there was an important variation to normal practice on that occasion as Ministers collectively decided to attach a declaration to the Treaty of Nice which, in effect, served to initiate an important debate on the future of the European Union.

**2.2** At their subsequent meeting in Laeken, Belgium, the following year, the Council of Ministers decided to take the process a step further by setting up a Convention on the Future of Europe to work from March 2002 to March 2003. They then appointed the former

President of France, Mr Valéry Giscard d'Estaing, as the President of the Convention, supported by two Vice Presidents, Mr Giuliano Amato (Italy) and Mr Jean-Luc Dehaene (Belgium). These members of the formal Presidium represent the three national governments which will in turn hold the Presidency of the European Union during the period of the Convention. In addition, two representatives of the European Parliament and two members of the European Commission were also appointed to the Presidium.

**2.3** The ordinary membership of the Convention is made up as follows. There are fifteen representatives of national governments of EU member states at Ministerial level and thirty representatives of the national parliaments of member states; in addition there are thirteen representatives of the national governments of the EU candidate countries and twenty-six representatives of the national parliaments of the candidate countries. There are also sixteen members of the European Parliament and a range of observers. The latter consist of the European ombudsman, six members of the EU Committee of the Regions, three members of the Economic and Social Committee and three Social Partners. These together make up a grand total of approximately 120 members of the Convention.

**2.4** The overall aim and purpose of the Convention, as originally conceived, was to prepare a range of possible recommendations or identify options for changes in the European Union treaties. It was intended that the results of the process within the Convention would then be presented at an Intergovernmental Conference to be convened later in 2003 which could begin the lengthy task of preparing appropriate treaty amendments or, possibly, even a draft constitution for the future of the European Union.

**2.5** This approach is modelled on the more open method used to prepare the EU's Charter of Fundamental Rights rather than on the previously adopted method of EU treaty revision via an Inter-Governmental Conference working over the ground for a year or so before any proposals are made, as in the case of the Treaties of Maastricht, Amsterdam and Nice. The proceedings of the Convention are held in public so that there is every opportunity for organisations, groups and individuals from all parts of civil society to follow progress within the Convention and to contribute freely by making their views known. The member churches of the Conference of European Churches (CEC) through the office of the Church and Society Commission in Brussels are actively engaged in this process. They participate in the forum which has been set up by the Convention; this is a virtual forum operating on the internet and can be readily accessed through the official website (<http://europa.eu.int/futurum>).

### **3. CEC and the European Convention**

**3.1** In June 2002, the Conference of European Churches made its first submission to the Convention. This presented a key opening to enable the churches collectively to express their concerns over the next stages of European integration by advocating the building of a "community of values":

*The process of European integration has never been simply a question of deciding that it is more efficient to do certain things in co-operation between a number of countries. That is one element but there has always been another concerned with affirming certain values and gaining certain objectives. At the origin, the aim was to build peace and stability in Europe by making economies interdependent and by creating solidarity between peoples and nations. That objective remains but needs to be developed. It is now possible to extend the benefits of European integration to the whole of Europe. In the face of globalisation, which has both positive and negative effects, there is a challenge to make the European Union "a power seeking to set globalisation within a moral framework, in other words to anchor it in solidarity and sustainable development".*

**3.2** The submission goes on to stress the increasing importance within each EU member state of the continuing development and presence of organised civil society as a necessary check on the increasing power of the state and its institutions. However, in this context there is a need

to understand the role of the churches and religious communities in general in contributing to the strengthening of civil society, as they do not always fit easily into the orthodoxy of the voluntary sector, non-governmental organisations or the classification of charitable bodies. As the CEC submission states, churches and religious communities, *"bring together experience from their activities at local, regional and national level in fields as diverse as social policy, migration, development policies, education and pastoral care as well as an experience of reflection on questions of values. This is why a positive recognition of the contribution of churches and religious communities is desirable in any new treaty or constitutional text"*.

**3.3** There are already extensive references to religion and religious life in EU treaty provisions, protocols and declarations. In addition, within EU secondary legislation there are also many direct references to religion in areas of law including non-discrimination, employment, finance and economic co-operation, data protection, culture, media and communications.

#### **4. Preparations for a Draft Constitutional Treaty**

**4.1** It follows that if the Convention decides to bring forward a draft Constitutional Treaty, which will effectively be used to steer the European Union through the coming decades, then it is essential that the Treaty should include appropriate references to the churches and to religious communities. Through their traditions and long-held beliefs, the European churches and the many religious communities have established and reinforced the core values upon which the Union's relationship with its citizens is based. This position has been agreed and jointly adopted by both the Church and Society Commission of the Conference of European Churches (Protestant and Orthodox) and by the Commission of the Bishops' Conference (Roman Catholic) of the European Community (COMECE).

**4.2** Consequently the following proposals have been submitted jointly by CEC and COMECE to Working Group V of the European Convention, which is addressing 'Complementary Competencies'.

*The European Union recognises and respects the right of the churches and religious communities to freely organise themselves in accordance with national law, their convictions and statutes and to pursue their religious aims within the framework of fundamental rights.*

**4.3** If adopted, this provision would secure the right to self-determination of churches and religious communities in their teachings and organisation. Religious activities would also be protected, in particular, worship, charitable and cultural activity, and pastoral care. As this provision does not create new competencies, and relates exclusively to the way in which existing and possible future competencies are exercised, it is anticipated that this provision is likely to be acceptable to the Convention.

**4.4** The provision is necessary because corporate religious freedom and the right to self-determination of churches and religious communities are not fully secured by Article 10 of the Charter of Fundamental Rights of the European Union and by Article 9 of the European Convention of Human Rights. These instruments are concerned primarily with individual rights and any corporate implications are then only covered by existing jurisprudence. The essential freedom to organise oneself in community with others according to one's religious convictions, to decide upon the contents of these convictions as a community, and to act in accordance with them is not explicitly recognised in these instruments.

*The European Union respects the specific identity and the contribution to public life of churches and religious communities and maintains a structured dialogue with them.*

**4.5** The European Union through the Council of Ministers has expressed a clear wish to promote the widest possible participation of citizens, and to maintain and develop an effective dialogue with organised civil society. A provision for both continuing dialogue, and for systematic and orderly consultation with the various arms of civil society, which includes the churches and religious communities, should therefore be incorporated into the text of a draft Constitutional Treaty at the earliest possible stage. The engagement of the churches and religious communities at local, national and international level, in fields such as social policy, migration, development aid, peace-making, education and pastoral care, needs to be clearly reflected in this way as regular and major contributors to the ongoing dialogue with policy-makers and politicians in Europe.

**4.6** This proposal advocates a structured dialogue with the churches and religious communities in line with the need to widen the base of democratic participation, and could be placed within the body of an Article founded on the principle of participatory democracy. It is possible that this provision will be acceptable to the Convention but the weight of opinion ready to support the proposal is still uncertain.

*[When exercising its competencies,] the European Union shall respect the national identities of its Member States including, among others, their fundamental structures and essential functions notably their political and constitutional structure; legal status of churches, religious communities and non-confessional organisations.*

**4.7** This proposal is specifically focussed on Declaration No.11 of the Treaty of Amsterdam which states that the European Union respects and does not prejudice the status of churches and religious communities together with non-confessional bodies recognised in each Member State. The structures of law governing religion developed under the different legal systems of the Member States have evolved over time and reflect both national identity and diversity of approach. However, the effect of Declaration No.11 in practice has been to take into account the standing of the churches and religious communities in framing secondary legislation on specific issues and is of considerable significance. Such positive effects need to be consolidated under the terms of the draft Constitutional Treaty, although the main emphasis here is on Community Law itself.

## **5. The Preliminary Draft Constitutional Treaty**

**5.1** On 28/29 October 2002, at the 10<sup>th</sup> Session of the European Convention, Mr Giscard d'Estaing presented the first preliminary draft of a "Treaty establishing a Constitution for Europe". The draft consists of three parts:

- Constitutional Structure covering "Definition and objectives of the Union", "Union citizenship and fundamental rights", "Union competences and actions", "Union institutions", "Implementation of Union action", "The democratic life of the Union", "Union finances", "Union action in the world", "The Union and its immediate environment", and "Union membership".
- Union policies and their implementation covering "Policies and internal action" - which includes "Internal market", "Economic and monetary policy", "Policies in other specific areas", "Internal security" and "Areas where the Union may take supporting action" - together with "External action" (Commercial policy, development co-operation, etc), "Defence" and "The functioning of the Union".
- General and final provisions for legal continuity in relation to the European Community and the European Union through a limited number of protocols, revision procedures, duration, languages and others.

**5.2** In presenting the draft at this session, the President of the Convention emphasised that some of the provisions were derived from plenary debates while others were "proposals for



debate". There would be further adjustments to the structure of the Treaty based on the findings of the working groups and these would be presented early in 2003.

**5.3** As it stands, the proposed first part, according to the President, should be "particularly clear and incisive" and even attain "a certain lyricism"; it would consist of ten titles with forty-six articles. The objective of the second part would be to set out and reorganise the existing provisions in the current treaties governing the policies of the European Union. Of the 414 articles making up the current Treaties, it is envisaged that 205 could remain unchanged, 136 should be slightly altered and 73 "substantially rewritten or regrouped".

**5.4** The drafting of the Treaty would also provide an opportunity to add entirely new titles. For example, in Part One it is intended to include a title on "the democratic life of the Union" which would contain an article on the principle of participatory democracy and the related need for the European Union to embark on a wider engagement with the various arms of civil society throughout the member states. Such a provision would act to strengthen both the democratic voice and the democratic intellect throughout the Union and, in the longer term, serve to balance the potential increase in power of the European central institutions and bureaucracies based in Brussels and elsewhere.

**5.5** The 11<sup>th</sup> session of the European Convention was held on 7-8 November 2002 to continue the debate on the draft Constitutional Treaty with most members welcoming the outline as a helpful instrument for further discussion. In particular, there was unanimous support for integration of the Charter of Fundamental Rights in the future Constitutional text as part of the legal personality of the European Union. The most disputed question was the idea of a congress, presumably on the grounds that the EU institutional structures were already sufficiently complex and could not be expected to support another debating chamber mirroring the constitution of the Convention itself.

**5.6** The draft Constitutional Treaty was also criticised for defining only a Union of member states and not taking into account the specificity of the European Union as being also a Union of European citizens. It was considered essential that the preamble to the Treaty should contain an explicit reference to the people of Europe and to the specific role of the regions. The main Articles of the draft Treaty will of course also need to enshrine the principle of subsidiarity in order to ensure that decision-making will continue to take place as close to the point of implementation as possible in all political institutions, including the Scottish Parliament.

**5.7** On the proposals for the official name of the Union, many members of the convention did not favour a change of name and would wish to see "European Union" retained. Some argued simply for "Europe" but this view did not prevail. However, the need for a thorough debate on the values and objectives of the European Union as part of the ongoing debate on the draft Constitutional treaty was broadly endorsed by many members.

**5.8** A key perspective on the future consideration of the Treaty was also reached at this stage. Unless the Convention is able to present a text of the draft Constitutional Treaty which is as complete as possible, then it seems very unlikely that the Inter-Governmental conference planned for the end of 2003 would be able to reach an agreement.

## **6. Proposals from the European Commission**

**6.1** The Convention opened its 12<sup>th</sup> session in December 2002 with a statement from the President of the European Commission, Romano Prodi, on the Union's institutional architecture. Prodi asserted that the title of the Commission's communication – "Peace, Freedom, Solidarity" - could be seen as the Union's overall mission.

**6.2** In the body of the EC communication itself, it was proposed that the President of the Commission should be elected by a two-thirds majority of the European Parliament, then confirmed by the European Council of Ministers. The other members of the Commission would then be provisionally nominated by the European Council and submitted to the European Parliament for approval.

**6.3** The Commission also proposed that majority voting should be made the general rule on the basis of a "simple double majority"; a simple majority of the member states representing a majority of the total EU population. The Commission proposes to remove the requirement for unanimity, but in certain special cases, the Treaty could provide for a Council decision to be made on the basis of an "enhanced majority", ie, the support of three-quarters of Governments representing two-thirds of the Union's total population.

**6.4** It is also recommended that the current six-monthly rotation system should be retained for the Presidency of the European Council and the General Affairs Council. For other Council institutions, it is suggested that the Presidency could be held by a member of the Council elected for one year.

**6.5** Moving to foreign affairs and security policy, the Commission proposes that the post of Secretary of the European Union should be created and that this person would also serve as a Vice-President of the Commission with special status. The EU Secretary would be appointed by common agreement of the European Council and the President-designate of the Commission. This person would report personally both to the European Council and to the President of the Commission, both of whom would retain powers of dismissal from this post. As a member of the Commission, the EU Secretary would also report to the European Parliament in line with the College of Commissioners' collective responsibility. The EU Secretary would represent the Union in all relations with third parties regarding foreign and security policy action and would be responsible for implementing common decisions agreed with third parties.

**6.6** These are significant proposals, and if adopted, would have an immediate influence on the way in which the European Union is perceived to act in response to issues such as international terrorism, fair trade policy and sustainable development, including major environmental factors like the risk assessment and management of genetically-modified organisms.

## **7. The Importance of Values and Objectives**

**7.1** In a submission to the Convention early in 2003, the Conference of European Churches argues that the Union should now attempt to overcome past mistakes which have separated legal and social values as well as economic and social objectives. The listing of values in the Preliminary Draft of the Constitutional Treaty, as drawn up by the Presidium, includes aspects of the values of freedom and equality, but not of solidarity. If the EU is to stand as a "Community of Values", CEC proposes that the three basic values – Solidarity, Freedom and the Equality of Individuals – should be identified explicitly on the face of the Treaty accompanied by "Justice". The proposed full listing of values would therefore be: solidarity within the Union and its global responsibilities; freedom; equality of individuals; justice; responsibility and accountability; sustainability; peace and reconciliation.

**7.2** Internal consistency will be necessary in reflecting these values both within the main articles of the Draft Constitutional Treaty, within other legal texts of the Union and under the guarantees contained in the Charter of Fundamental Rights.

**7.3** It is further emphasised in the CEC submission that the European Union is not exclusively an economic union. It has now moved far beyond the original concept of its founding fathers. Consequently the social dimension must be a constituent part of the Union's values and

objectives with equal relevance alongside the economic and monetary dimensions. The list of objectives as outlined in the Draft Preliminary Constitutional Treaty will therefore need to be extended in order to include this vital social dimension covering:

- realisation of the equality of economic and social objectives;
- promotion of the fight against poverty and social exclusion;
- promotion of a high level of employment in quality jobs;
- promotion of solidarity between generations;
- encouragement of guaranteed access to social services.

7.4 There are certain risks in attempting to incorporate so many different aspects of fiscal, economic and social policy into a first Draft Preliminary Constitutional Treaty for the EU, but there is an understandable anxiety amongst those watchers on the outside of the Convention. Their concern is that if a specific set of values is missing or considerably understated at the outset, then it will be all too easy for the political decision-makers to pass lightly over any such deficiencies, possible structural flaws or sins of omission, and the cause will effectively be lost for the foreseeable future. Over the year ahead, and especially in the period leading up to the Inter-Governmental conference in December, detailed scrutiny of the Draft Constitutional Treaty will continue to be required by the largest possible range of outside bodies, lobby groups and those generally concerned about this renewed perspective on the future of Europe.

## **8. Conclusion**

8.1 Fully-fledged articles of the Draft Constitutional Treaty will be tabled at further sessions of the European Convention over the coming months. The Convention is expected to complete its task by the end of June 2003 as agreed at the last Copenhagen summit of the European Union. The whole matter of the Draft Constitutional Treaty will then be taken forward to the proposed Inter-Governmental conference at the end of 2003 under the Dutch Presidency of the European Council. No doubt by this time there will have been an opportunity for UK Government Ministers to reflect in detail on the document presented to them and to take careful soundings through the usual channels.

8.2 A public debate is needed and the Scottish Parliament, along with other UK political institutions, should consider this as a subject of lasting importance to Scotland as well as to other parts of the UK. If adopted by Ministers, the Draft Constitutional Treaty will then stand as a signpost for the future of Europe. Consequently it would be as well to attend to the construction of this signpost at every stage along the way. The churches in Europe should certainly be engaged in this process and encourage their membership to participate actively in the ongoing debates.

## **TRADE JUSTICE**

### **1. Introduction**

1.1 In the report of the Committee to the General Assembly of 2002 on enlargement of the European Union, it was stated,

*“Ultimately, the success of European Union enlargement must not be judged solely on its effect within the Union. Over 90% of world-wide humanitarian aid comes from the European Union and the US and we would argue for no diminution of this. While a strong economy is needed to generate wealth which may be applied in this way, aid is, however, not a long term solution to the problems of the South. What is needed is economic justice, not just within Europe, but in Europe’s dealings with all those with whom it trades. The pressures of enlargement must not be allowed to become an excuse for ignoring this need. As it extends freedom to trade eastwards into central and eastern Europe, the European Union must also remove its protectionist policies in relation to the South. An enlarged, strengthened and*

*potentially more inward looking European Union may very well cause dismay in developing countries."*

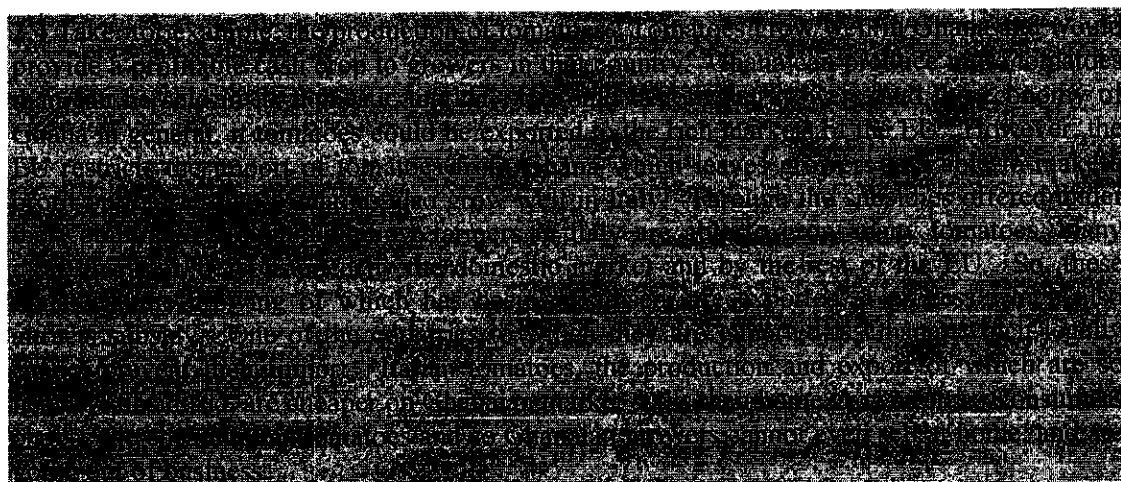
**1.2** This report seeks to take forward this argument by laying before the church a brief summary of the political and social issues affected by trade policy, along with an outline of the work of the Trade Justice Movement, a broad coalition of organisations and development agencies, campaigning for the rules which govern global trade to be changed, and an outline of the ecumenical discussions of this issue which have recently been gathering pace. Rather than offering a defined position on the issues, this report seeks to encourage further debate within the church which will be summarised in a future report.

## **2. The Nature of Global Trade**

**2.1** Trade is a global issue. By its very nature, trade is international in scope and its regulation is now conducted at both regional and global level. The leading players in trade regulation are the International Monetary Fund (IMF), the World Bank (WB), and the World Trade Organisation (WTO), to which the United Kingdom relates through the European Union (EU). Negotiations in the WTO are conducted by the European Commission on behalf of the member states. By acting together in this way, the EU has, potentially, a strong voice in the main forum which sets the rules which govern world trade.

**2.2** In reality, the EU has two faces when it comes to trade policy. It talks one game and plays another. It talks the game of free trade. The EU promotes the reduction of internal tariffs and trade barriers between member states, believing that this stimulates economic growth and prosperity. The vast majority of economists support this orthodoxy. The EU also talks the game of free trade with the South, preaching the benefits of free trade and economic liberalism. Through the WTO and through bilateral agreements with countries in the South, the EU imposes economic liberalisation, including the dismantling of tariffs and trade barriers, on countries with which it trades. It demands that countries in the South (those countries which have not achieved the level of development of northern and western European countries and North America) should open up their markets to the sale of products imported from the EU.

**2.3** But, and this is a very big 'but', the EU has been markedly slower in opening up its own markets to the sale of produce from the South. Access to the markets of the rich countries of the EU is by no means free or fair. Furthermore, the EU continues to subsidise its own producers in a way that it would not countenance happening in the emerging economies of the South. This is a particular feature of the production of agricultural products.



**2.5** The people who suffer from this type of "dumping" are the smallholders and farmers in the South who are neither able to support themselves and their families nor contribute to the

building up of their own nation's often fragile economy. The practice of "dumping" can only be overcome by a brave and responsible revision of the Common Agricultural Policy (CAP). Global trade in food exploits the subsidy system by effectively enabling surplus food to be sold across the globe at prices that are often less than the true cost of production. Effectively, support for farmers in the rich North is subsidising the profits of global food suppliers and damaging the prospects of farmers in the South.

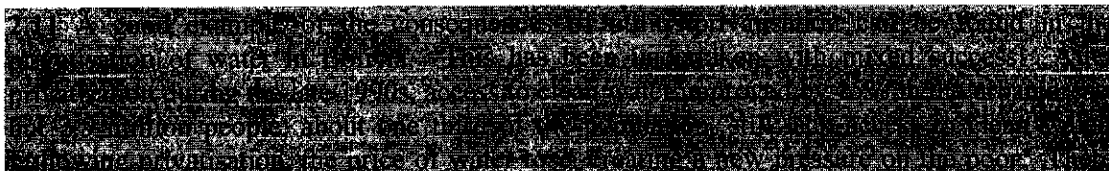
**2.6** It must be recognised, however, that the growing of cash crops for export is not necessarily good for local producers and economies. It can lead to the impoverishment of soil, to an over reliance on fickle importing markets and to the production of a crop which has little or no local value. Sometimes, the best land is used and the production of other crops for local consumption suffers. The benefits to the local economy are not always obvious and straightforward. The assumption that free trade will inevitably lead to advance for the poor is, at least, questionable. The environmental impact of flying fresh food around the world also needs to be taken into account.

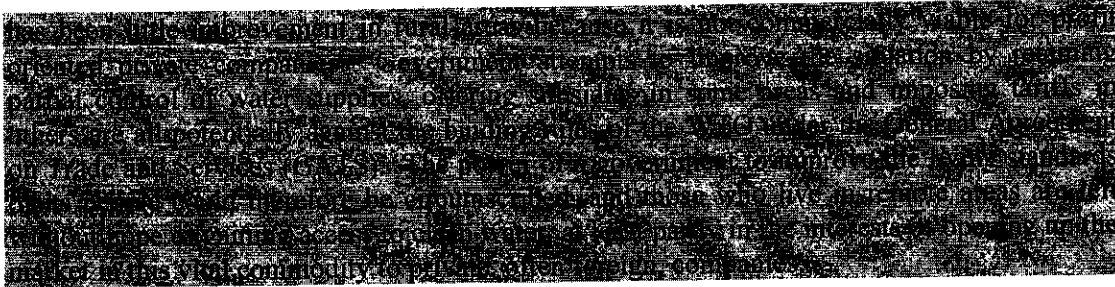
**2.7** There are signs that the EU is beginning to develop policies for trade which are more favourable to the countries of the South. In December 2002, the European Commission published proposals which it will table at the next round of negotiations in the WTO for reducing and ultimately phasing out tariffs and subsidies. There is no guarantee that these will be adopted. Furthermore, as reported in *The Guardian* on 17<sup>th</sup> December 2002, they are not due to come into effect until 2013. This timetable is much too slow for those who are losing their livelihoods now.

**2.8** The Church and Nation Committee asks the Church to call again for the governments and institutions of the EU to have the courage to accelerate the reform of its system of subsidies and tariffs in the interests of the people of the South, to avoid waiting a decade for their full implementation. It does so, conscious of how heavily the system is currently weighted against the economies and citizens of the South.

**2.9** Another solution may lie in a different direction. Instead of endlessly seeking the liberalisation of trade, it may be better to alter the rules which govern world trade to allow less developed countries the freedom to use subsidies, tariffs, trade barriers, and other means of managing the market to build up and strengthen their developing economies. There could be a plurality of policies to match local conditions, recognising the differing strengths and weaknesses of different economies. Rather than playing by the rules which suit Western business and government now, perhaps it would be better to allow the South to use tariffs and subsidies, as was done by developed countries to build up their economies before liberalisation became the prevailing orthodoxy. A good example is to be seen in South East Asia where countries were able to protect themselves as they were developing their electronics industries in the 1970s and 1980s. In terms of justice for all, this would seem to have much to commend it. The committee asks for the views of the Church on this.

**2.10** While agriculture is of great importance to the economies of the countries of the South, other areas of economic endeavour are also vital to the development and prosperity of these countries. The transport, infrastructure, utilities, finance and energy sectors of emerging economies are of fundamental importance, but these too are subject to the attention of the forces of liberalisation, with potentially inappropriate privatisations being pressed upon the South.





**2.12** The EU is adept at presenting its zeal for economic liberalisation as a benefit to the world's poor. This is based on two assumptions, namely that what is good for European big business is automatically good for developing countries, and that free trade is good for everyone. It is also good at turning a blind eye to the many negative impacts of this economic philosophy, like the impact on local income, on local employment, on poor people's access to essential services and to the long term development of national economies. Where economic liberalisation has been beneficial has been in robust developed economies. Weaker economies need help and protection to grow and thrive.

### **3. The Trade Justice Movement**

**3.1** This is the context in which the Trade Justice Movement in Britain and Ireland has arisen. The Trade Justice Movement calls for world leaders to rewrite the international rules and practices which govern trade, and to make poverty reduction and environmental protection their highest priorities. It recognises that the present trade rules are biased in favour of the richest nations and companies.

**3.2** It has identified three areas where poor countries should be helped. These countries need the right to help their vulnerable people and traders, the right to sell their goods in rich countries and assistance to regulate transnational companies operating within their borders. On 19<sup>th</sup> June, 2002, 12,000 people (including 250 from Scotland) took part in a mass lobby of the Westminster Parliament. A further "Day of Action" is being prepared for 28<sup>th</sup> June 2003. As part of the Trade Justice Movement, Christian Aid's "Trade for Life" campaign continues to encourage church members to engage with their local MPs, MSPs and MEPs on this issue. Over half of the Scottish MPs have already been presented, by their local constituents, with "Pledge Cards", expressing their commitment to work for a change in the rules which govern global trade.

**3.3** What can be achieved through such popular and co-ordinated campaigning is evidenced in the successes of the Jubilee 2000 movement, which persuaded governments to agree at the G8 Summit in Cologne in 1999 to the cancellation of \$100 billion of poor countries' unpayable debt. While the delivery of this cancellation has been much too slow, those few countries which have received some debt cancellation (e.g. Uganda) have been able to put significant sums of money into the delivery of health and education for their people. It has been estimated by the United Nations that a successful change in global trade rules could be worth up to \$700 billion per year for the poor countries.

### **4. Recent Ecumenical Discussions**

**4.1** The World Alliance of Reformed Churches (WARC) has come to the view that trade justice is not just a political and economic matter but one of great theological importance. It is moving towards a point in its thinking at which it may declare the current system, if such it can be called, to be contrary to the will of God. The WARC General Council, meeting in Debrecen in 1997, called the churches to "a committed process of progressive recognition, education and confession regarding economic injustice and ecological destruction." The General Assembly of the World Council of Churches (WCC) meeting in Harare later strongly endorsed this call, stating "that all churches around the world must begin to reflect on the meaning of Christian confession in this time of increasing injustice and uninterrupted

environmental destruction." Four joint consultations have taken place around this theme, in Bangkok, in Budapest, in Fiji and most recently in June, 2002 at Soesterberg in the Netherlands. This latest consultation, which took as its theme "Economy in the Service of Life", brought together representatives of the churches in Western Europe under the auspices of WARC, WCC, the Lutheran World Federation (LWF) and the Conference of European Churches (CEC). As an active member of three of these ecumenical bodies, the Church of Scotland sent a representative. An important point on the process of consultation will be the next WARC General Council to be held in Accra, Ghana in 2004.

4.2 This series of consultations has resulted in an exchange of letters between the churches in different regions of the world. As well as receiving letters from the consultations above mentioned, the Soesterberg Consultation also received a letter from the churches of Argentina. These letters all raised concerns regarding the current world economic system and contained challenges to the churches of the North to take meaningful action.

4.3 The Consultation issued the following statement.

*How does the promise of the Gospel help us in the task of ethical discernment in the present context?*

*The Gospel promises life in all its fullness for all people and the whole creation (John 10:10). This promise was incarnated by Jesus Christ. Nobody is excluded from God's household of life. The Christian community reflects this vision, for the sake of the whole world. Guided by this vision, we strive for an economy in the service of life. Markets and money should enable the exchange of goods in order to satisfy human needs and contribute to the upbuilding of human community.*

*Today, however, we see a growing domination of real life by private financial and corporate interests. Economic globalisation is guided by a logic which gives priority to accumulating capital, unbridled competition and the securing of profit in narrowing markets. Political and military power are used as instruments to secure safe access to resources and to protect investment and trade. This guiding logic is often identified as neo-liberalism. The neo-liberal economic doctrine unleashes the forces of economic globalisation in ways that do not recognise limits. This form of liberalisation has quickly resulted in profound political, social, cultural and even religious repercussions, which affect the lives of people all around the world through growing inequality, impoverishment, injustice and environmental destruction. Churches participating in the ecumenical process have affirmed that the ideology of neo-liberalism is incompatible with the vision of the oikoumene, the unity of the Church and the whole inhabited earth. Extensive and growing injustice, exclusion and destruction are opposed to the sharing and solidarity associated with being the body of Christ. What is at stake is the quality of communion, the future of the common good of society and the credibility of the churches' confession of and witness to God, who stands with and for the poor.*

*For the sake of the integrity of their communion and witness, churches are called to confront the neo-liberal doctrine and practice and to follow God. From the consultations so far, there is growing agreement that running the global market according to an unquestioned neo-liberal doctrine becomes idolatrous, leading to exclusion, violence and death. This reality, but also the possibility of transformation and alternatives, unfolded as we shared stories of those suffering the consequences of the implementation of neo-liberalism and listened to the letters and messages from our Southern and Central and Eastern European sisters and brothers.*

4.4 Among the concerns raised were the impact on the economies of the South of the free flow of capital, the increases in restriction on the free movement of people and the resulting treatment of migrants, the financial crises in parts of Asia, Russia and Argentina, the burden of debt borne by the world's poorest countries, the increased militarisation of global politics, and the growing unilateralism of US foreign policy.

4.5 The churches in the South challenged the churches in Europe to reach a theological understanding of and to take a stance on these issues, to change their own ways if they found themselves to be in error and to enter into dialogue with business, banks, government and international institutions, always from a standpoint of solidarity with the poor.

### **5. Questions for Consideration**

The Consultation produced a series of questions for congregations and the higher courts of all member churches to consider regarding the positions and practices of the churches themselves.

- What does the Bible have to tell us about all the issues surrounding trade justice?
- In what way can the churches stand in unity and solidarity with the people of the South in the context of economic globalisation?
- Should the churches amend their investment policies so that they invest only in ethical portfolios? Should Christians only buy fairly traded goods wherever possible and boycott goods that are known to harm people or the environment?
- How does our energy consumption and lifestyle as a church and as individual church members affect the environment, and what can be done about it?
- How can we build alliances with social movements, which are calling on governments to strive for the common good and for the establishment of a just and sustainable political and social framework for economic activities?
- The culture we live in promotes the way to happiness through endless consumption and production. Do you agree that “our greed leads to another’s need” and that Christians should learn to appreciate more deeply the things that we already have rather than always wanting more? What are the implications of such a perspective on global trade and our own consumption habits?

### **6. Conclusion**

The Committee on Church and Nation lays all these matters before the General Assembly in the belief that they are matters of fundamental importance to ourselves as church members, to all the people of the world and particularly to the poor. They are therefore worthy of the careful consideration of all church members. As the process of discussion and consultation moves on at ecumenical and international levels, the Committee believes that this process must be rooted in the lives of all church people. Just as the injustices and problems of the current economic system have been brought to the attention of the world church by the real experience and stories of ordinary people, so the solutions for these problems and the radical embracing of global justice for the poor will come from the faith and lives of all people of faith informing themselves of the issues and joining in the dialogue, and struggle, as consumers and voters, with business and government. The Committee therefore seeks the views of the Church as preparations are made to continue this discussion at the WARC General Council in Accra in 2004.

## **ZIMBABWE: RESTORING RELATIONS WITH HER PEOPLE**

### **1. Background**

1.1 Zimbabwe is a potentially rich country in which a number of factors have coalesced to produce poverty, famine, disease and the abrogation of human rights. No one person or group is responsible for all of these, but many have contributed to the desperate situation which now obtains.

1.2 The earliest known inhabitants of the country were San (or Bushmen) who may have been displaced about 900AD. In subsequent centuries successive waves of Bantu peoples from equatorial regions supplanted the original inhabitants. The important architectural remains at



Great Zimbabwe testify to the sophisticated social organisation which prevailed in the 13<sup>th</sup> and 14<sup>th</sup> centuries AD. This found expression in the flowering of the Monomatapa Empire which Portuguese travellers encountered in the 16<sup>th</sup> century. An important later development was the flight of a group of refugees from the Zulu chief Shaka, which brought them to the west of Zimbabwe around 1830. Out of this migration, and under the reign of King Mzilikazi, a people, called the Ndebele (or Matabele), carved out a kingdom in the Zulu pastoralist tradition.

1.3 In 1889 the British South African Company was formed by Cecil Rhodes to colonize and promote trade in the region. Rhodesia (not so named until 1895) was declared a British sphere of influence. In 1923 Rhodesia was annexed from the South African Company. Thereafter Europeans developed the mineral and agricultural potential of the country, passing Land Appropriation Acts until they owned a third of the country, although they represented only 1% of the population. The indigenous people were left with "small-scale farming on lands characterized by acid conditions, poor soil quality, and low productivity" (1). White people had the best farms, the best jobs, and lived in the best low-density suburbs.

1.4 After the Second World War Britain regularly urged the Rhodesians to move towards majority rule, an idea so repellent to the settlers that in 1965 the Southern Rhodesian government unilaterally declared independence (UDI) from Britain. The British government and the United Nations imposed sanctions, while a guerrilla war for independence was waged locally. Finally, in 1979, free elections were held and independence (as Zimbabwe) was declared.

1.5 One notable figure in the struggle for freedom was Robert Mugabe, leader of the ZANU (Zimbabwe African National Union) party, which in 1984 became the ZANU-PF (Popular Front) party. He became Prime Minister and then President, which he remains. After independence the country had good years and bad. Mr Mugabe initially followed a pragmatic course designed to re-assure Zimbabwe's remaining white farmers and businessmen, whose skills he needed. But by the mid 1990's for the majority of the country the good years had gone. 60% of Zimbabwe's households were below the poverty line. Reasons for this included the Economic Structural Adjustment Programme, which demanded, among other items of social retrenchment, user fees for health and education. Commodity prices for exports, especially tobacco, had also fallen while production was hampered by severe droughts in 1992 and 1995. Government debt began to soar and was greatly increased by its voluntary involvement in the war in the Democratic Republic of the Congo.

1.6 In spite of these problems Mr Mugabe's status as a former freedom fighter against imposed imperialism affects to this day how he is perceived not only in his own country, but also in other parts of Africa. For instance, it is generally agreed that the government of South Africa is in the best position to negotiate and restrain excesses in Zimbabwe. Yet Thabo Mbeki, the Prime Minister, was slow to take a tough stand with his neighbour. On the other hand Sambelo Mokhele of Amnesty International writes: *The rights of ordinary Zimbabweans should take precedence over politics* (2). Further, Zimbabwe poses a threat to the success of NEPAD (3), which seeks to mobilise international trade, encourage foreign investment, negotiate debt relief and boost economic growth. Members of the Partnership are to exercise peer review on each other, but there is little sign of peer review on Mr Mugabe and his ZANU-PF party.

## **2. Current Issues and Crises**

### **2.1 Recent Political Developments**

From the late 1990's Zimbabwe has seen the rapid emergence of the Movement for Democratic Change (MDC) under the leadership of Mr Morgan Tsvangirai. Formed as a coalition movement it provides the only visible and realistic opposition party to ZANU-PF. Its popularity spread in the run-up to the elections of 2000 when ZANU-PF was returned with

a small majority, and in the Movement's opposition to the re-election of President Mugabe in the presidential elections of 2002, in which Mr Mugabe was re-elected in deeply disputed circumstances.

## **2.2 The Present Economic Situation**

Following a period when Zimbabwe was encouraged both to sell off its grain reserves and to take out international loans, by the end of 2002 Zimbabwe's outstanding commitments to the International Monetary Fund had risen to US\$134 million. Moreover, the country owes more than US\$4.5 billion to multilateral institutions (such as banks) and western countries. The result of these outstanding debts has been a withdrawal of international economic aid worth millions of dollars, triggering a crippling balance of payments crisis and severe shortages of fuel and other essential commodities that keenly affect ordinary Zimbabwean people. Those in power in the country are not suffering for, as the World Bank noted in 2002 (4), "Zimbabwe has one of the most unequal distributions of well-being in the world."

## **2.3 Land Reform**

**2.3.1** In what is widely seen elsewhere as a diversionary tactic to take away attention from the government's failure with the economy, President Mugabe launched a precipitate programme of Land Reform. Undoubtedly, reform of land ownership was needed, for white farmers, having lived in Rhodesia/Zimbabwe for generations, were rarely going to be willing to sell their farms. But the brutality and the lawlessness with which land has been expropriated has been shocking and is well documented. Nevertheless, it is worth mentioning that the western world's attention on Zimbabwe was truly focussed when *white* farmers were being attacked. Equally worthy of note is that many of these farmers, with their skills, have been welcomed in neighbouring Mozambique, whose economy is growing.

**2.3.2** Notionally expropriated farms were to be divided among veterans of the independence struggle, but several anomalies and instances of mishandling have arisen. First, black farm workers in the employ of white farmers were also turned from the land. Counting their families, it is estimated that a total of two million people (in a country of thirteen million) have no homes, no farms, no other work, and have become internal refugees. More black families were *turned off* the land than were given land. Secondly, many of the veterans complain that they have been given only poor, barren tracts of land. The probable reason for this is well expressed by the "*Independent*" newspaper: *Indications are that farmland seized by Mugabe from whites has instead been distributed among his relatives, friends, ministers, cronies, and party supporters* (5). What that conclusion further shows is that while Mr Mugabe is often spoken of as the sole fount of such problems, members of ZANU-PF and its fellow travellers, many of whom have been with the President since 1980, are a cohesive force, acting and profiting together.

**2.3.3** A further downside to the seizure of land is that these commercial farms, specializing in maize and to a lesser extent tobacco production, produced a large percentage of Zimbabwe's export earnings. But maize production in 2002 was 77% less than in 2000, while cereal crops have declined by 67%. It is doubtful that small parcels of land, or larger farms in unskilled hands will ever recover the profitability lost. And there are further knock-on effects leading to poverty among those providing the farms with seeds or fertilisers, those supplying agricultural equipment, those building barns, dams or irrigation works for the farms.

## **2.4 Human Rights**

Perhaps the worst stain on ZANU-PF's record is its increasing disregard for human rights among all Zimbabweans, especially when the MDC came on the scene to challenge the party. The government gave military training to 1000 National Youth Service members who then formed or joined militias. They beat, tortured, or "disappeared" those who supported (or might perhaps support) the MDC. Villages were burnt and women were raped. The police merely reinforced the militias' actions, for these were the government's "untouchables" who

could not be removed or restrained. Such are the tactics of state-sponsored terrorism compounded by laws passed to exonerate the perpetrators. Potential opposition from the law or from journalism has also been quashed. The findings of the Judiciary are simply ignored if they interfere with government intentions, while independent-minded lawyers have been charged, on the basis of crudely-faked letters, with conspiring with foreign countries against the President. There is a move to amend the Legal Practitioners Act to bring it into line with the strictures on journalism. The Media Commission was set up under the harsh Access to Information and Protection of Privacy Act in order to oversee and to regulate the operation of journalists (many of whom had been bravely reporting what they saw of human rights violations). Almost all foreign correspondents have been imprisoned or expelled and the BBC is prevented from reporting from the country. Independent thought and unbiased reporting are too dangerous to ZANU-PF to be permitted.

### **2.5 HIV/AIDS**

As if all these internal problems were not enough for Zimbabwe to suffer, two other plagues have been visited upon the country. One of these is HIV/AIDS, which affects one-third of the population. Gender inequality (older men infecting younger women) and economic deprivation that drives men from their homes and roots to the cities, and women to take up prostitution, exacerbate the pandemic. Mothers and wage-earners are lost so that grandparents have to look after the orphaned children – 600,000 of them representing 8% of the population. Zimbabwe instituted a 3% levy on income and corporate taxes for a National Aids Trust, which was to be disbursed to each district for the community to implement its own local planning. But the British government's Department for International Development (DFID) comments that this levy has little focus, no real admission of the issues and no planning for its impact on social services (6).

### **2.6 Drought**

The country has just experienced the longest dry spell in almost twenty years. The rain was erratic and irregular, coming at the wrong times for cropping. Further, since the 2001 harvest was poor, regional food stocks were used up so that food prices, especially for the staple food, maize, shot up beyond the reach of the poor. Yet the willingness of donors to assist in Zimbabwe's food crisis was complicated by the political situation with its lack of trust and dialogue. For example, the government still treats British agencies as advance guards of colonial ambitions. For the future meteorologists warn that the El Niño phenomenon is likely to hit southern Africa in 2003, endangering the harvest.

## **3. Responses**

### **3.1 The Commonwealth**

The Commonwealth is an organisation of fifty-four countries that arose out of the gradual dissolution of the British Empire. Ironically, the Commonwealth's values are contained in the Harare Declaration, agreed in the Zimbabwean capital in 1991. This Declaration sets out democracy, fundamental human rights and the rule of law as the basis of membership. The Commonwealth is one of the few international organisations prepared to expel members for violating its core values. In March 2002 the Commonwealth suspended Zimbabwe for twelve months over the conduct of its presidential election. A team of three, the leaders of Australia, South Africa and Nigeria, demanded the suspension after observers reported the election was neither free nor fair. Although suspension is largely a symbolic move, it does make it more difficult for international institutions, such as the World Bank or the International Monetary Fund, to deal with the country as normal, and so hampers the Zimbabwean government's efforts to raise further funds on the international money markets.

### **3.2 Aid**

Agencies like Christian Aid, Oxfam and Save the Children do what they can regarding relief and development in the country, but given the extent of the problem and the retribution taken on locals seen to be collaborating with foreign organizations, there is little they can do to

challenge the underlying political situation. The International Crisis Group in their report, "Zimbabwe: What Next?" urge the use of political and economic tools – persuasion, pressures and inducements – to get ZANU-PF and the MDC off the streets and on towards the negotiating table: *The tools are those that have been available as the crisis has developed... Their use until now has been hesitant and inconsistent, always too late, too little, or both* (7). The DFID, on the other hand, writes: *Our current development strategy broadly attempts to protect those who are now extremely vulnerable, and to preserve a basis for more positive development when circumstances permit* (8). Possibly ZANU-PF has too much stake in the *status quo* for persuasion, pressures and inducements to be effective. This leaves Britain, as the ex-colonial power, to wait, watch and pray; to empathise with suffering Zimbabweans; and to assist only whenever, wherever and however they are wanted.

### **3.3 The Church in Zimbabwe**

The Zimbabwean Council of Churches represents 1.4 million Protestant and 1.12 million Catholic members, while the African initiated churches have a membership of 4.7 million and are a separate organisation. But these Churches feel equally unable to speak out against the government without fear of reprisal, although some Roman Catholic priests continue to protest. One expression of dissent and grave concern, though, has come from the Uniting Presbyterian Church of Southern Africa (UPCSA –which includes the Presbyterian Church in Zimbabwe), who at its General Assembly of 2001 "*sharply rebuked*" President Mugabe: *for the lawless land-grabbing ... the violence against members of the opposition ... the attack ... on the independent press ... and for President Mugabe's apparent preparedness to lead his country to economic ruin for the sake of personal and party gain* (9).

### **3.4 A Theology of Power**

**3.4.1** Theological reflection on the issue of Zimbabwe raises questions about the use and the abuse of power. European settlers and ZANU-PF have equally used power to suppress opposition forcibly. Unless the Church has an alternative doctrine concerning power and its exercise it has nothing distinctively Christian to contribute to the consideration.

**3.4.2** God, who is power (Matt. 26<sup>64</sup>), shares power with creation. People are given the freedom to exercise power ideally in the service of others and for the care of creation. Political power is, of course, a reality for any country and has to do with organization, curbing wrong-doers, repelling invaders and so forth. This is the power of control and intervention, and is used by governments at best for the whole country's good. But the Church has another model of power based on the Incarnation of our Lord and encapsulated in the temptations of Jesus. He would not make things easy for himself by turning stones into bread; he would not overwhelm in a public display by throwing himself off a pinnacle of the Temple; he would not accept the power of domination over the lands the devil showed him. Instead as a man from Galilee with no trappings of power at all he drew people to him by the power of attraction. What was incarnated in Jesus Christ was the compelling attraction of God, rather than a power of intervention and control. Jesus' power *over* people was won by the quality of his relations *with* people. A quality grounded in love.

**3.4.3** How, then, may this be applied to a situation like that in Zimbabwe? It remains true that to a certain extent the power of intervention and control is necessary for a state. But Christianity offers a criterion for the use of such power. Wherever the power of control is exercised in such a way that the government has lost all sense of relationships *with* (i.e. alongside, companioning) the people, there is an abuse of authority. Where there are poor people, hungry people, or untreated sick people; where living standards, educational opportunities and job prospects decline to zero, there the Church must bring its Christian critique to bear on the perpetrators.

1. World Bank Report, 2002
2. Amnesty International Report: "The Toll of Impunity", 2002
3. New Partnership for Africa's Development, *successor to the Organization for African Unity*
4. World Bank, Report on Zimbabwe, 2002
5. The Independent, London, 25<sup>th</sup> June 2002
6. DFID Annual Plan and Performance Review: Zimbabwe, May 2001, *also* April 1999
7. ICG, "Zimbabwe: What Next?" Africa Report N<sup>o</sup> 47, 14<sup>th</sup> June 2002
8. DFID Annual Plan *op. cit.*
9. UPCSA General Assembly 2001

## NUCLEAR WEAPONS

### 1. Introduction

**1.1** The 2000 General Assembly invited the Committee to initiate a new study of the issues surrounding nuclear and other weapons in the wider context of modern warfare. In so doing, recognition was given by the Assembly to the sustained opposition of the Church to the deployment and threatened use of nuclear weapons.

**1.2** The Committee undertook the first stage of this remit by presenting a report to the 2001 General Assembly on the Arms Trade. Our report was highly critical of this trade and stated that the Church has a prophetic role to play in challenging the "demonic extent of the international arms trade". Last year, it presented a report on National Missile Defence and the General Assembly called for this programme to cease. This year, we focus specifically on the issue of nuclear weapons and nuclear disarmament. In the light of recent international developments, there is an increasing urgency for the Church to speak out with a clear voice on this issue.

### 2. The Horror of Nuclear War

**2.1** Despite a reduction in global nuclear arsenals, the present destructive power of nuclear weapons is terrifying. The present worldwide arsenal is equivalent to 50,000 nuclear bombs of the size which killed over 100,000 people at Hiroshima in 1945. The effects of the detonation of just one nuclear weapon would be devastating, causing mass casualties and destruction, widespread radiation with its long-term effects, and extensive environmental damage. The grim combination of an enormously powerful blast crushing buildings and the thermal radiation setting them on fire constitutes the most serious threat. For a one-megaton bomb, the crushing effect of the blast reaches three or four miles and for one of ten megatons, this range is seven to nine miles. Almost everyone caught within this radius will be killed, either by the collapse of buildings or by suffocation in the subsequent firestorm.

**2.2** The long-term effects of radiation fall out would be devastating and would last for many years. For example, radiation is a known risk for thyroid cancer, and a study undertaken by the National Cancer Institute in the U.S. estimated that between 10,000 and 75,000 Americans contracted thyroid cancer because of nuclear tests conducted in Nevada in the 1950s and 1960s. Three years ago, the United Nations issued a report on the Chernobyl nuclear accident of 1986, which the U.N. Secretary-General Kofi Annan described as an event we would all like to erase from our memory. He went on, *"But more than seven million of our fellow human beings do not have the luxury of forgetting. They are still suffering, everyday, as a result of what happened. Not until 2016, at the earliest, will be known the full number of those likely to develop serious medical conditions because of delayed reactions to radiation exposure."*<sup>(1)</sup>

**2.3** The threat posed to world peace by nuclear weapons exists against a background of conventional warfare, which at the end of the 20<sup>th</sup> century saw close to a third of the world's 193 nations embroiled in some form of conflict. The breakdown of democracy in a number of countries, coupled with the continuing rise in world population, has exacerbated this growth in conflicts throughout the world. It has been estimated by the "Carnegie Commission on preventing Deadly Conflict" that the major wars which occurred during the 1990's cost the international community \$230 billion. However, of far greater concern is the cost in human lives, the suffering of the injured and the bereaved, the displacement of populations with the resulting refugee crises and the devastating effects on the social structure of communities.

### **3. The New Nuclear Age**

**3.1** There are currently five nations considered to be "nuclear weapons nations", an internationally recognized status conferred by the Non-Proliferation Treaty. These are the United States, Russia, the United Kingdom, France, and China. Since the nuclear tests conducted by India and Pakistan in May 1998 both nations have publicly declared themselves to be in possession of a nuclear arsenal, but this status is not formally recognized by international bodies. In the midst of national conflict and regional instability, Israel is suspected of holding nuclear weapons and the capacity to use them against its neighbours. Other states of concern include North Korea which in December 2002 ejected the Independent Atomic Energy Agency inspectors and started up a nuclear reactor which had not been used since 1994. In January 2003, it announced its withdrawal from the nuclear Non-Proliferation Treaty, which caused widespread international condemnation.

**3.2** The end of the Cold War, with the fall of the Berlin Wall and the collapse of the Soviet Union, signalled the end of a period in human history which had seen a build up of nuclear weapons which had reached almost 70,000 by 1986. Significant reductions have since taken place over the past decade and there are approximately 31,000 nuclear weapons in the world today. Together, the United States and Russia hold over 95% of these weapons. While any reduction in nuclear weapons is to be welcomed, the changing nature of global politics and international relations has in many respects increased the risk of a nuclear war or an accident since the end of the Cold War.

**3.3** For many years, nuclear weapons were seen as a last resort, to be used only if a nuclear superpower's existence was threatened in a doomsday confrontation with the other superpower. The threat of international terrorism and the categorisation of some countries as "rogue states" has changed this perspective and hence has made our world a much more dangerous place.

**3.4** During the Cold War, the principle of Mutually Assured Destruction (M.A.D.) meant that, in theory, neither superpower would use its nuclear weapons, since it would inevitably mean that both sides would be completely destroyed. This principle has been eroded with the break-up of the Soviet Union and the fact that the United States is now the only superpower in the world. Because the U.S. now occupies this central position, its role is crucial when it comes to making progress on nuclear disarmament. Russia and China, primarily for economic reasons, do not want to engage in a new nuclear arms race. However, the present policies being pursued by the Bush Administration mean that the prospects for genuine nuclear disarmament are extremely bleak. There are three main reasons for this pessimism. Firstly, its refusal to ratify key nuclear disarmament treaties, secondly the investment being made in developing its nuclear weapons programme and finally the fact that its disarmament policy does not mean the destruction of nuclear weapons, but merely that they be placed in cold storage.

### **4. A Dangerous Nuclear Posture**

**4.1** The U.S. Government has signalled a willingness to undertake the first use of nuclear weapons against a hostile state or terrorists, to target them against non-nuclear states and to

integrate "nuclear capacity" into conventional military strategies and foreign policy objectives. Evidence for the abandonment of the "no first use policy" centres on America's new "doctrine of strategic pre-emption", which indicates that the U.S. is willing to use force, unilaterally if necessary, to confront potentially hostile states. The U.S. Government insists that this is an option of last resort which only applies to particular circumstances.

**4.2** In January 2002 the United States released its Nuclear Posture Review (N.P.R.) which called for a "New Triad" comprised of nuclear and non-nuclear offensive strike systems, active and passive defences, and a revitalised defence infrastructure. The Review states that there are four reasons to possess nuclear weapons: to "assure allies and friends, dissuade competitors, deter aggressors and defeat enemies." The U.S. Department of Energy, in conjunction with the Department of Defence, has also developed the "Stockpile Stewardship and Management Program", a vast effort at modernizing the nuclear weapons complex to provide for the continued research, development and testing of nuclear weapons well into the century. In response to concerns about this policy, the U.S. Secretary of State, Colin Powell, said that as the U.S. military reduces the number of its nuclear weapons, the Pentagon is being asked to evaluate whether "we might want to modify or update or change some of the weapons in our inventory to make them more effective." He went on to say that no "brand new" weapons are being developed and no nuclear testing is planned. <sup>(2)</sup>

**4.3** In spite of such "reassurances", the Nuclear Posture Review is a deeply disturbing document. It considerably increases the likelihood of nuclear weapons being used in the future and it breaks a commitment which the United States made in 2000 when it joined the other nuclear-weapons states in making an "unequivocal undertaking to accomplish the total elimination" of their nuclear arsenals. This was made at a review conference of the Non-Proliferation Treaty which, with 187 nations involved, is the world's largest arms-control and disarmament treaty.

**4.4** A leaked Pentagon document, publicised in February 2003, appeared to confirm that the Bush administration is planning the construction of a new generation of nuclear weapons, including "mini-nukes", "bunker-busters" and neutron bombs designed to destroy chemical or biological agents. The document also suggested that a meeting of senior military officials and U.S. nuclear scientists at the Omaha headquarters of the U.S. Strategic Command would also decide whether to restart nuclear testing and how to convince the American public that the new weapons are necessary. Greg Mello, the head of the Los Alamos Study Group, a nuclear watchdog organisation that obtained the Pentagon documents, suggested that the meeting would also prepare the ground for a U.S. breakaway from global arms control treaties, and the moratorium on conducting nuclear tests. However, the National Nuclear Security Administration, which is responsible for designing, building and maintaining nuclear weapons, stated that the paper was about what-if scenarios and very long range planning. <sup>(3)</sup>

**4.5** In May 2002, Russia and the U.S. signed an Arms Treaty at the Kremlin which aimed to cut the nuclear arsenals of each side from current levels of between 6,000 and 7,000 to between 1,700 and 2,200 over the next ten years. For Russia, the agreement marked the abandonment of nuclear parity with the United States, which was a last symbol of its former superpower status. The accord provides enormous latitude for America and, most seriously, does not mean that the U.S. will destroy its weapons, but can simply stockpile them. This means that the Pentagon can quickly reactivate these weapons and this has considerably weakened the treaty.

**4.6** The United States also withdrew from the 1972 Anti Ballistic Missile Treaty (A.B.M.) Treaty in 2002, mainly because of its wish to develop the National Missile Defence system, which was analysed in our report to the General Assembly last year. The withdrawal from this treaty is clearly linked to a policy maintaining the option of using nuclear weapons against other states or even terrorists, coupled with the wish to be able to shield the U.S. from

a ballistic missile attack. The U.S. also continues to oppose the Comprehensive Test Ban Treaty (C.T.B.T), which it has signed but refused to ratify. The treaty will be effective three months after all forty-four designated countries have ratified it, but France and Britain are the only two of the five original nuclear powers to have done so.

4.7 On October 23<sup>rd</sup> 2001, a letter was sent to President Bush from a number of Churches and religious organisations in the United States, which included the following:

*"We believe that the policy of the United States should be no first use of nuclear weapons against any state, nuclear or non-nuclear, or against any other adversary at any time under any circumstance. We believe that such first use would be immoral and would constitute a crime against humanity. We also believe that nuclear weapons should never be used in response to an attack by biological and chemical weapons".<sup>(4)</sup>*

4.8 While critics have argued that the UK policy has also changed in regard to the "no first use" of nuclear weapons, the Government argues that it remains the same. However, the Secretary of State for Defence, Geoff Hoon M.P., told the House of Commons Defence Select Committee:

*"...there are clearly some states who would be deterred by the fact that the UK possesses nuclear weapons and has the willingness and ability to use them in appropriate circumstances...Saddam Hussein has demonstrated in the past his willingness to use chemical weapons against his own people. In those kinds of states, the wishes and needs and interests of citizens are clearly much less regarded, and we cannot rule out the possibility that such states would be willing to sacrifice their own people to make such a gesture. They can be absolutely confident that in the right conditions we would be willing to use our nuclear weapons".<sup>(5)</sup>*

4.9 Mr Hoon also stated on the Jonathan Dimbleby ITV programme that if British troops were threatened by chemical or biological weapons, the UK Government reserved the right to use nuclear weapons.<sup>(6)</sup>

## **5. Are Nuclear Weapons Legal?**

5.1 Beyond the question of "no first use", there is the more fundamental question of whether nuclear weapons are legal in the first place. There is considerable debate concerning this issue, with no clear consensus of opinion.

5.2 On July 8<sup>th</sup> 1996, the International Court of Justice (I.C.J.) gave its ruling on the question posed by the General Assembly of the United Nations "Is the threat or use of nuclear weapons in any circumstances permitted under international law?" In its Advisory Opinion, it stated that the threat or use of nuclear weapons would generally be a violation of the law of armed conflict, and certainly of humanitarian law. The I.C.J. also unanimously said that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". The UK Government has stated categorically that the 1996 Advisory Opinion of the I.C.J. did not rule that the threat or use of nuclear weapons would be illegal and this was affirmed when it was tested in the Scottish High Court on March 30<sup>th</sup> 2002.

5.3 The fact that, as signatories to the Non-Proliferation Treaty, the nuclear states are legally bound to their elimination is another matter which does not appear to be fully appreciated by many people. Furthermore, the development of new low yield nuclear weapons by the U.S., which could be used tactically alongside conventional weapons, is in clear breach of the Nuclear Non-Proliferation Treaty. At a time when the U.S. is concerned with the illegal possession of weapons of mass destruction by so called rogue states, it is ironic that it is in breach of international law in regard to its own weapons.



**5.4** The legal status of nuclear weapons may be uncertain, but the legal obligation on nuclear states to disarm is clear.

## **6. Regional Nuclear Conflict**

**6.1** India and Pakistan are territorially contiguous countries, sharing a long common border. From their inception as independent countries there has been a bitter, ongoing and unresolved dispute over Kashmir. Already four wars (1948, 1965, 1971 and 1999) have taken place between them with Kashmir at the heart of three of these wars. The last one took place after both had become declared nuclear powers. From December 2001, the two countries have placed their armies on high alert and have deployed them all along the border, with tensions reaching their peak in June 2002. Never before in peacetime have their respective troops been placed on such high alert and at such levels of preparedness and mobilization for so long and so continuously.

**6.2** That India has nuclear weapons has been an established fact since 18th May 1974, when it exploded a plutonium bomb underground in the Rajasthan Desert. India has maintained that this test was for peaceful purposes, and that it possesses no nuclear arsenal. No plausible rationale has ever been offered for how this test advanced the cause of peace. Pakistan's nuclear programme now serves as justification for perpetuating India's own programme, although Pakistan did not begin acquiring weapon technology until after India's nuclear test.

**6.3** Statements from India and Pakistan have indicated that both countries are willing to fight a nuclear war. Pakistan has gone so far as to state that it is prepared to counter any attack from India, although India has declared a "no first use" policy. Pakistani President Musharraf stated on 6 January 2002, *"If any war is thrust on Pakistan, Pakistan's armed forces and the 140 million people of Pakistan are fully prepared to face all consequences with all their might."*<sup>(7)</sup>

**6.4** Although the exact number of nuclear weapons in each arsenal is unknown, it is estimated that India has about sixty-five and Pakistan has some twenty-four to forty-eight. There are serious concerns about the military and intelligence infrastructures of both countries. Admiral L. Ramdas, retired Chief of the Indian Navy, has stated that, *"India and Pakistan lack effective command, control, communication and intelligence systems. When these infrastructures are not there, it makes the whole system more sensitive, accident-prone, and therefore dangerous. Global zero alert would be a major step towards providing a de facto security guarantee."*<sup>(8)</sup>

**6.5** Both India and Pakistan should be encouraged to show restraint and resolve the current crisis before the conflict escalates any further, making the use of nuclear weapons in a war between the two countries even more likely. The international community must also act more decisively to resolve this crisis and the recognised nuclear states must take into account that their failure to abide by international nuclear treaties only makes the risk of violations by states such as India and Pakistan all the more likely.

## **7. The UK Nuclear Arsenal**

**7.1** The U.K. has four Trident submarines, each capable of deploying sixteen missiles and each missile carrying a design maximum of eight nuclear warheads. Each warhead has an explosive power of up to 100 kilotons, the equivalent of 100,000 tons of conventional High Explosive and seven times the power of the first atomic bomb dropped on Hiroshima in 1945. One Trident submarine is on submerged patrol, probably in the Atlantic, at all times.

**7.2** The UK Government's 1998 Strategic Defence Review stated what the circumstances would be in which UK nuclear weapons could and could not be used. It repeated what is called the "Negative Security Assurance", which states that *"Britain has repeatedly made it*

*clear that it will not use nuclear weapons against a non-nuclear weapon state not in material breach of its nuclear non-proliferation obligations, unless it attacks us, our Allies or a state to which we have a security commitment, in association or alliance with a nuclear weapon state."*

**7.3** The General Assembly continues to deplore the possession of nuclear weapons by the United Kingdom. The Trident system, expected to be operational for another twenty years, does not enhance our security and costs a wasteful £1.5 billion annually to maintain. The consistent view of the General Assembly is that Trident should be abandoned and that it should not be replaced.<sup>(9)</sup>

## **8. Theological Concerns**

**8.1** Konrad Raiser, General Secretary of the World Council of Churches, has stated:

*"We know that true security is never to be found in arms of any sort, and certainly not in these most terrible weapons ever devised by human beings. Nuclear weapons are sinful, and their production, possession and deployment, and the very threat of their use in an extreme case, constitute crimes against God and humanity."<sup>(10)</sup>*

**8.2** Since 1981, the Church of Scotland has consistently opposed the UK's nuclear weapons programme and in 2000 urged the Government to "persuade all other nuclear powers to commit themselves to nuclear disarmament now."<sup>(11)</sup> As a Church, we believe that under no circumstances whatsoever can the use or threatened use of nuclear weapons be morally justified. Their very existence is an affront to the teachings and example of Jesus Christ who upheld the rights of every human being and demonstrated in his love for humanity his concern for the sanctity of human life.

**8.3** By possessing nuclear weapons, a nation is basing its relationship with neighbouring countries on a threat. There would be no point in a country having nuclear weapons unless it was prepared to use them and so the deterrence strategy has as its basis a conditional intention to commit an evil act. Jesus Christ taught people to love their neighbours and it is therefore a travesty of his teachings that nations can threaten to annihilate one another by possessing such weapons.

**8.4** The Church further believes that it is immoral for nations to continue to spend tens of billions of dollars on nuclear weapons every year while millions of people in developing countries experience severe poverty and hunger, suffer from treatable diseases, poor water supplies and lack of education. Oscar Arias, former President of Costa Rica, states:  
*"Nuclear arms cannot bolster the security of any nation because they represent a threat to the security of the human race. These incredibly destructive weapons are an affront to our common humanity, and the tens of billions of dollars that are dedicated to their development and maintenance should be used instead to alleviate human need and suffering."<sup>(12)</sup>*

**8.5** The Psalmist said, "The earth is the Lord's, and everything in it. The world and all its people belong to him." Because Christians understand humanity to be stewards of God's creation, we have an instrumental role to play in working to achieve systematic and total nuclear disarmament because nuclear weapons threaten creation itself. Part of our calling as Christians is to relate to God's creation and our role as human beings, created in the image of God, is not to destroy what God has made. We believe in God as creator of the universe who created a world of inspiring beauty and wonder. Nuclear weapons represent an evil threat to creation itself and the Church cannot remain silent in the face of such an affront to the power of God's love. The existence and threat of nuclear weapons is therefore not only a political issue. It is a moral and theological issue, which challenges our commitment to prophetic witness.

## **9. A World Free of Nuclear Weapons?**

**9.1** The threat posed by the existence of nuclear weapons has been recognized internationally ever since they were first used in 1945. The very first resolution of the United Nations General Assembly called for "the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction". There have been many resolutions since, such as those passed in 1996 at which the U.N. General Assembly called for negotiations leading to the conclusion of a comprehensive Nuclear Weapons Convention. Resolution 51/45 M, called for states to commence "multilateral negotiations in 1997 leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination". There have been many resolutions since, along with a number of treaties (see appendix), but despite all this the threat of a nuclear confrontation remains high.

**9.2** Can we create a nuclear free world? Is it possible to bring about multilateral disarmament, which will lead to the complete elimination of all nuclear weapons? The present situation offers little hope of such a prospect. The potential for nuclear conflict between India and Pakistan over Kashmir remains. The U.S. "Nuclear Posture Review" abandons the previous doctrine that viewed nuclear weapons as weapons of last resort; in contrast, it sets out a strategy that incorporates nuclear capability into conventional war planning. The US is developing new, low-yield nuclear warheads and such developments are liable to blur the distinction between nuclear and conventional weapons. They also make it more likely that a resumption of nuclear weapons testing by the U.S. will take place, an act which could lead to resumed testing by other nuclear weapons nations such as China. The U.S. is continuing to test and develop its missile defence programme, which has caused it to withdraw from the A.B.M. Treaty, and it has also failed to ratify the Comprehensive Test Ban Treaty. While all the declared nuclear powers are committed to "accomplish disarmament" under the Nuclear Non-Proliferation Treaty their actions show no signs of implementation of agreed measures that would begin to move towards this legal commitment.

**9.3** This overall position has prompted the editors of the "Bulletin of the Atomic Scientists" to move the minute hand of their "Doomsday Clock" forward two minutes to seven minutes to midnight, the same position as when the clock made its debut in 1947. After the collapse of the Soviet Union, the minute hand was pushed back to seventeen minutes to midnight in 1991, completely out of the final fifteen-minute danger zone. George A. Lopez, chairman of the "Bulletin's" board of directors stated:

*"Despite a campaign promise to rethink nuclear policy, the Bush administration has taken no significant steps to alter nuclear targeting policies or reduce the alert status of U.S. nuclear forces...we are deeply concerned that the international community appears to have ignored the wake-up call of September 11th. Terrorist efforts to acquire and use nuclear and biological weapons present a grave danger. But the U.S. preference for the use of pre-emptive force rather than diplomacy could be equally dangerous."<sup>(13)</sup>*

**9.4** Despite this bleak outlook for nuclear disarmament, the Church continues to hold to the belief that a nuclear free world is achievable. For example, in recent years the British Government has taken some important steps in decommissioning and dismantling certain tactical nuclear weapons and publishing more information about numbers of warheads and stocks of military fissile materials. The UK has also played a useful role in helping to create the existing framework of treaties for global non-proliferation of weapons of mass destruction. We believe that the UK ought to play a much more constructive role in encouraging multilateral disarmament and that it should use its close relationship with the United States to encourage it to change its policy in regard to nuclear weapons.

**9.5** One of the most significant conferences on nuclear disarmament in recent times was the Canberra Commission on the Elimination of Nuclear Weapons. It was established as an independent commission by the then Australian Government in November 1995 to propose

practical steps towards a nuclear weapon free world. It included the related problem of maintaining stability and security during the transitional period and after this goal is achieved.

9.6 In its main statement, the Commission stated:

*"There is no doubt that, if the peoples of the world were more fully aware of the inherent danger of nuclear weapons and the consequences of their use, they would reject them, and not permit their continued possession or acquisition on their behalf by their governments, even for an alleged need for self-defence. Nuclear weapons are held by a handful of states which insist that these weapons provide unique security benefits, and yet reserve uniquely to themselves the right to own them. This situation is highly discriminatory and thus unstable; it cannot be sustained. The possession of nuclear weapons by any state is a constant stimulus to other states to acquire them."*

9.7 The Commission then identified a series of steps which could be taken immediately and which could make the world safer. These included a call for the five UN recognised nuclear weapon states to commit themselves unequivocally to the elimination of nuclear weapons and agree to start work immediately on the practical steps and negotiations required for its achievement. Other steps proposed included taking nuclear forces off alert, the removal of warheads from delivery vehicles, agreement amongst the nuclear weapon states of reciprocal "no first use" undertakings, and of a non-use undertaking by them in relation to the non-nuclear weapon states. Reinforcing steps would include developing verification arrangements for a nuclear weapon free world and the cessation of the production of fissile material for nuclear explosive purposes. It was pointed out that a key element of non-proliferation arrangements for a nuclear weapon free world would be a highly developed capacity to detect undeclared nuclear activity.

9.8 The greatest challenge to creating a nuclear free world is the difficulty of eliminating the knowledge of how to build a nuclear weapon in the first place. Governments are not prepared to disarm because of the risk of another state claiming that they too have disarmed, when instead they are retaining weapons secretly. Equally, Governments are reluctant to disarm because of the risk of so called rogue states or terrorists acquiring a nuclear weapon. The acquisition and use of nuclear weapons by a terrorist organisation is believed by the intelligence community to be a serious possibility in the long term, either by theft or construction of a nuclear explosive device. Acquiring the necessary fissile material and constructing a nuclear explosive device would be complicated, though certainly possible for a sophisticated terrorist group.

9.9 Does this mean that there is no hope of a nuclear free world? Many experts believe that it can be achieved and that a key means of doing so is through world public opinion. Professor Sir Joseph Rotblat, a nuclear physicist and a Nobel peace laureate, has made clear his belief that a nuclear free world is essential for all of humanity.

*"We have to convince the public that the continuation of current policies, in which security of the world is maintained by the indefinite retention of nuclear weapons, is not realistic in the long run because it is bound eventually to result in a nuclear holocaust in which the future of the human race would be at stake. We must convince public opinion that the only alternative is the total elimination of nuclear weapons. In my opinion, such a campaign must be based on the fundamental principles of morality and equity."<sup>(14)</sup>*

9.10 One area in which public opinion needs to change is in regard to the view that somehow the possession of nuclear weapons is acceptable if they are in the hands of certain nations, such as the UN recognised nuclear states. There has to come about the realisation that nuclear weapons are evil, regardless of which state possesses them. Archbishop Ronato Martino, stated:

*"Let it not be said that the promotion of a culture of peace, the rooting out of the causes of violence, the abolition of nuclear weapons, are unreachable goals. The world has rid itself of*

*the evils of legalized slavery, legalized colonialism and legalized apartheid. These were eliminated as the result of rising global awareness and political determination. So, also, the growing momentum to de-legitimize and eliminate nuclear weapons must now be accompanied by political action by all States. Humanity deserves no less from us.*"<sup>(15)</sup>

**9.11** The Church of Scotland firmly believes that there is a moral imperative on all humanity to eliminate nuclear weapons from the face of our planet. The appalling destructive nature of these weapons, the potential they have to destroy God's creative order and the suspicion, distrust and terror which they bring to human relationships must all act as incentives to overcome the political and practical obstacles which lie in the way of complete nuclear disarmament.

## Appendix

### *Some Statistics*

- **3:** The number of atomic weapons in 1945.
- **70,000:** The number of nuclear weapons in 1986.
- **31,000:** the approximate number of nuclear weapons in the world today with an explosive yield equal to 50,000 Hiroshima-sized bombs.
- **2000:** the number of nuclear weapons detonated for testing purposes since 1945, over 500 in the atmosphere, under water or in space, and the rest underground. Of these about 1000 were conducted by the United States, 700 by the Soviet Union, 30 by the UK, 180 by France, 35 by China, 5 by India and 5 by Pakistan.
- **\$3.5 trillion:** the amount the U.S. has spent between 1940 and 1995 preparing for nuclear war.
- **\$397 billion:** Total U.S. Defence budget for 2003.
- **£1.5 billion:** amount the UK spent on maintaining its nuclear weapons in 2001.

### *Main Nuclear Weapon Treaties*

- ***Treaty on the Nuclear Non-proliferation of Nuclear Weapons (NNPT)***

States accede to (join) the NPT either as Nuclear Weapons States (NWS) or non-NWS. The NWS states (U.K., France, China, Russia and the U.S.) agree not to assist the non-NWS in acquiring nuclear weapons. The non-NWS agree not to acquire them but in return they can expect help in developing their own nuclear programmes. All states, including the NWS, undertake to work in good faith towards the ending of the nuclear arms race, nuclear disarmament and a treaty on general and complete disarmament. India, Israel, Pakistan and Cuba are now the only states that refuse to join the NNPT.

- ***The Comprehensive Test Ban Treaty (CTBT)***

The CTBT extends the 1963 Partial Test Ban Treaty (PTBT) that banned nuclear testing in the atmosphere, under water or in space, to ban all nuclear test explosions. However, it does not include sub-critical, non-nuclear testing, computer simulation and laboratory experiments so development work on new nuclear weapons and warheads is still possible. Tests by current non-weapons states are already banned by the NNPT.

### *Other Nuclear Treaties*

- ***Antarctic Treaty:*** Signatories: 40 nations (1994). Date: 4 August 1963. Prevents military use of Antarctic including stationing or testing nuclear weapons.
- ***Nuclear Test Ban Treaty:*** Signatories: US, USSR, UK. Date: 4 August 1963. Prohibits nuclear tests above ground, under water, or in space.
- ***Outer Space Treaty:*** Signatories: 93 nations (1994). Date: 27 January 1967. Prohibits the introduction of nuclear weapons into space.
- ***Treaty of Tlatelolco:*** Signatories: USA and all of South America (26 nations). Date :1967.

Bans nuclear weapons from South America.

- **Limited Test Ban Treaty**: Signatories: 120 nations (1994). Date: 1968.

Prohibits nuclear tests above ground, under water, or in space.

- **Seabed Treaty**: Signatories: 88 nations (1994). Date: 1971.

Prohibits deployment of weapons of mass destruction on the sea floor beyond the 12-mile coastal sovereignty limit.

- **SALT I** (Strategic Arms Limitation Talks I): Signatories: US, USSR. Date: 26 May 1972. Placed limits on arsenals for both signatories; no destruction of existing arsenals is called for. Duration was until 3 October 1977, but both nations agreed to continue to abide by its limits.

- **Threshold Test Ban Treaty**: Signatories: US, USSR. Date: 1974.

Restricted underground nuclear tests to 150 kilotons.

- **SALT II** (Strategic Arms Limitation Talks II): Signatories: US, USSR, UK. Date: 18 June 1979 (never ratified).

Placed tighter limits on arsenals, some weapon destruction is required to meet them.

- **South Pacific Nuclear Free-Zone (Roratonga) Treaty**: Signatories: 11 nations (1994). Date: 1985.

Prohibits testing, deployment, or acquisition of nuclear weapons in the South Pacific.

- **Intermediate Range Nuclear Forces (INF) Treaty**: Signatories: US, USSR. Date: 8 December 1987.

Eliminated short and medium range nuclear missiles. All such weapons were destroyed.

- **START I** (Strategic Arms Reduction Talks I): Signatories: US, USSR. Date: 1991 (went into effect 5 December 1994).

Reduces arsenals by about 30%. The original signatory USSR has since dissolved, and the states of Russia, Belarus, Kazakhstan and, recently, Ukraine have endorsed the treaty by signing the START I Protocol. As a result of Ukraine's joining NPT, the treaty went into effect in December 1994.

- **START II** (Strategic Arms Reduction Talks II): Signatories: US, Russia. Date: 1993; US. Senate ratification: 1996, Russian Duma ratification: 2000

Reduces deployed (active duty) arsenals of both the US and Russia to 3000-3500 warheads by 2003 and bans MIRVed ICBMs (but not SLBMs). No warheads are actually required to be destroyed.

### **Present Strengths**

**United Kingdom** – Trident submarine. Estimated that the U.K. total warhead stockpile is fewer than 200, which makes the U.K. the smallest of the five official nuclear weapon states.

**United States** – Although the U.S. has produced in the region of 70,000 nuclear weapons of seventy-one major types, there are now approx. 11,500 warheads of ten major types in the U.S. arsenal.

**Russia** – Approximately 7500 in active service with more in reserve.

**France** – France has submarine-launched intercontinental missiles as well as shorter-range air-launch missiles. Approximately 449 warheads.

**China** – Estimates range from 100 to 200 tactical warheads with 100+ obsolete Russian-designed bombers, and land-based missiles. They are also building between four and six missile firing submarines and are modernising fast.

**India** – Thought to be about sixty-five, but unknown

**Pakistan** – Thought to be around twenty-four to forty-eight, but unknown.

**Israel** – A reasonable estimate is around 200.

(1) UN Press Release: SG/SM/7778, 26<sup>th</sup> April 2000

(2) CBS TV's "Face the Nation," March 10<sup>th</sup> 2002

(3) 'US plan for new nuclear arsenal', *The Guardian*, February 19th 2003

- (4) Organisations included: Evangelical Lutheran Church in America, National Council of the Churches of Christ in the USA, Methodists United for Peace with Justice, Muslim Peace Fellowship, NETWORK: A National Catholic Social Justice Lobby, Pax Christi USA, Presbyterian Church (USA), Religious Action Center of Reform Judaism, Sisters of St. Joseph of Peace, General Board of Church and Society United Methodist Church.
- (5) Select Committee on Defence, Minutes of Evidence, 20<sup>th</sup> March 2002, p. 220
- (6) 24<sup>th</sup> March 2002.
- (7) *Waging Peace.org*, web site of the Nuclear Age Peace Foundation.
- (8) Institute for Energy and Environmental Research, February 26<sup>th</sup> 2002
- (9) See 2000 General Assembly report.
- (10) Konrad Raiser, WCC General Secretary, April 1998
- (11) In 1984 the Assembly expressed its opposition to the Trident programme urging the government 'not to proceed with the costly Trident programme'. This was repeated in 1987 when the Assembly deplored 'HM government's commitment to acquisition of the Trident missile system' In 1989 the Assembly again debated the issue of Trident. The Church and Nation Committee noted in its Report that 'The Church has, with increasing emphasis and urgency over the years, declared its abhorrence of nuclear weapons and its perception that not only the use of them, but possession of and threat to use them are incompatible with the word of God and with Christian revelation.' The cancellation of Trident was again supported by a Deliverance in 1992. The General Assembly discussed Trident in 1995, the Committee Report again stressing that the system made no strategic sense and that the cost was a serious misuse of resources. The approved Deliverance called upon the government 'take the issue of Trident into the START talks and to prepare now to diversify the resources thus released into alternative employment on peaceful purposes.' Following a Report by the Committee in 1997 on the view of the International Court of Justice on the use of nuclear weapons, the General Assembly urged the government to 'abandon its commitment to maintaining an independent nuclear deterrent'.
- (12) Oscar Arias, former President of Costa Rica, Nobel Peace Laureate
- (13) *Scientists reset 'doomsday clock' toward danger*, Reuters, February 28<sup>th</sup> 2002
- (14) Excerpt from speech made on January 8<sup>th</sup> 2003 at a conference on nuclear policy and proliferation organised by the Guardian, the Royal United Services Institute for Defence Studies and the US Physicians for Social Responsibility.
- (15) Archbishop Renato Martino, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations, Statement to the First Committee of the 53rd Session of the United Nations General Assembly, October 19, 1998.

*In the name of and by the authority of the Committee*

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