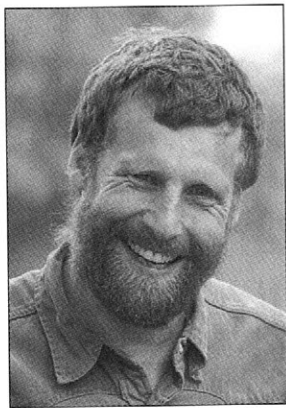


Constitutional Theology, Community & Sovereignty of the Sea

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I grew up during the 1960's in the crofting community of North Lochs on the Isle of Lewis, and as I have shown in my book about land reform and spirituality, *Soil and Soul*¹, relationship with the sea was absolutely central to our sense of identity, economy and even the rites of passage from boyhood to manhood.

In the early 1970's however, that began to change. Technological and financially driven change swept away respect for the sea's providence. Age-old restraints that enshrined resource conservation in the implicit practices of local people ceased to be respected. Shellfish and finfish alike rapidly became over-exploited, and, literally within a couple of years, it was no longer viable for a small boat from the village to go out close inshore, and expect to return with a catch.

In other publications, with my colleague David Thomson, a former trawler-man and fisheries consultant to over 50 countries, I have documented this decline in local control of the resource and the rise in industrial fishing². In the case of the Scottish pelagic fishery – herring and mackerel – this change from artisanal fishing to industrial exploitation leaves the industry in the hands of some 45 ships controlled by 30 or 40 millionaires employing 450 crew. This compares with over 1,000 boats, 10,000 crew and an even greater work-force on shore at the end of the Second World War.

The Common Fisheries Policy of the European Union in many respects militates against the principle of local access to local fish. As such, fishing communities die, and have to go cap-in-hand begging for assistance from Brussels. That death is more than just economic. It also affects the very soul of a people. It is a cultural death, and part of a long history of internal colonisation of the common people's resources in the British Isles and a wider Europe; a history that the great Gaelic scholar, Derick Thomson, captures so well in his poem, "The Herring Girls," where he contrasts the "laughter like a sprinkling of salt" of Scots fisherfolk with the harsh "topsy turvy of history [that] had made them slaves to the short-arsed curers ..."

In recent times there has been discussion in the Western Isles Council, *Comhairle nan Eilean Siar*, of the desirability of buying back fishing quotas that have been lost to the community, so that the fishery can be restored to local control. There has also been heated debate as to whether incomer interests should be permitted to come to a crofting community and procure, from the Crown Office, a "Severance Order" (i.e. a severance-from-community order) for private shellfish farming initiatives. Likewise, it is hotly contested whether multinationals should continue to be permitted to use sea lochs for intensive salmon farming

where this is against the wishes of the resident community as is the case, for example, on Little Loch Broom near Ullapool.

Common to all these debates is a tension between the *dirigiste* or centralised governmental control of local resources, and community control. In the past we had community control by default. Now, technology, finance, and ease of access from the outside has largely carried that away. If it is to be restored, arguments need to be in place to legitimatise the view that a local community has a human right to hold its own maritime (and, for that matter, land) resource in trust for its own primary benefit. The purpose of this paper is to suggest that theological insight into the British constitutional position can, at least in Scotland, demonstrate that such an underlying principle of people's sovereignty has a sound basis in what it means to belong, as a citizen, to the nation³.

The argument for this hinges upon the constitutional status of God, and so we must move, like Andrew and Peter, from fishing to theology.

God, Constitution and Constantinianism

The notion of "God" has a place at the very heart of the Scots construct of nationhood. It is seated, also, at the heart of British constitutional theory to which Scots constitutional law is allied. It lies at the root of jurisprudence in both Scots and English law. Whether we personally believe in God or not, and whether our God is the Biblical God or not, it is, nevertheless, a fact that British citizenship, as it is presently constructed in constitutional law, looks to this God for legitimatisation and contextualisation.

Historically in Scotland, we can reliably trace the constitutional role of God back to at least the 12th century when feudal tenure was introduced from the Continent, around the time of David I. The "Kelso Seal" of 1159, made by David's successor, reveals this French influence. In *Scotland: a New History*⁴, Michael Lynch states that the seal represents "a king who still holds a sword, the traditional symbol of kingly power, upright in his right hand and an orb, *a novel emblem of the sacred nature of kingship*, firmly grasped in his left"⁵.

The 1320 Declaration of Arbroath, which was endorsed to the Supreme Pontiff in Rome on behalf of "the community of Scotland," placed Christian identity at the core of national sovereignty – and to successful political effect. Briefly, Scotland here is portrayed as being confirmed in the Christian faith by St Andrew and remaining under his "special charge." King Robert the Bruce is likened to "Maccabaeus or Joshua" in defending what the Declaration portrays as that most important of all Scottish national attributes – freedom.

We must distinguish between the English constitution, the Scottish one, and the constitution of Great Britain – or the United Kingdom as it is known in law. In practice, what is referred to as the British constitution is usually the English understanding. As Sidney Low put it in 1904, “British government is based upon a system of tacit understandings. But the understandings are not always understood”⁶.

In English constitutional law, sovereignty rests in Parliament. Vernon Bogdanor⁷ therefore sums up the great constitutional expert, A. V. Dicey, in eight words: “What the Queen in Parliament enacts is law.” In the absence of a single agreed source of written constitutional understanding, the “unwritten constitution” is based on convention. In effect, its more subtle manifestations are determined by an Establishment, or even invented by them, as, for example, with the elaborate feudal pageant that was created for the Investiture by the Queen of her “vassal,” the Prince of Wales. Pressing further the fudged issue of what our constitution actually is, Bogdanor continues:

But in Britain (sic), doctrinal disagreement can be masked by attachment to a common stock of historical precedents; the standard of appropriateness is *internal* to the system, not external to it. For there is no objective reference point, no *pouvoir neutre* beyond Parliament, which is able to erect a standard for what is constitutional⁸.

Sir Edward Coke in like vein famously surmised:

The power and jurisdiction of parliament is so transcendent and absolute, that it cannot be confined, either for causes or persons, within any bounds ... What the parliament doth, no authority upon earth can undo⁹.

Scottish constitutional law, however, takes a fundamentally different position on the authority of Parliament. Scots constitutional expert, Robin Callander, draws attention to the fact that whilst there is one British sovereign, there remain two Crowns. The sovereign personifies both. The English Crown is generally considered to be vested in the Queen in Parliament acting under the principle that, “The Queen reigns, but does not rule.” However, the Scottish Crown represents, as is referred to in the Declaration of Arbroath, the “Community of the Realm” – the people of Scotland.

Callander, representing Adamson’s position in Vol 7 of the *Stair Encyclopaedia of Scots Law*, thus refers to¹⁰:

... the fundamental difference between the Crown's sovereignty in the two jurisdictions, based on the nature or identity of the Crown as determined by the respective sources or authority of its sovereignty. The difference is also demonstrated in the different style of monarch's titles in each kingdom pre-Union. In England, the monarch was the King or Queen of *England*. In Scotland, the monarch was always the King or Queen of *Scots* (for example, Mary, Queen of Scots). This difference reflects that in Scotland, in a basic contrast with the English position, sovereignty still derives from the people. The Crown's identity in Scotland is dependent on the sovereignty of the people and the Crown's status is as the representative of the people or, as traditionally identified, the *Community of the Realm*.

Affirmation of the constitutional importance of this distinction in contemporary Scotland may be observed, for example, in a letter to *The Herald*¹¹ by Canon Kenyon Wright, who was, during the seminal period of the devolution process, Chair of the Executive of the Scottish Constitutional Convention. Wright points out that the 1988 Claim of Right for Scotland, subsequently accepted by Sir David Steel for permanent display in the new Scottish Parliament, affirmed that, "The foundations ... of the new political culture that we are struggling to build ... are the sovereignty of the people (not Parliament) ..." (his parentheses). It was, Wright points out¹², the Scottish Crown that was presented to the Queen at the initial opening of the Scottish Parliament.

The implication of the foregoing is not only that the two Crowns are different, but that whilst "united" under the 1603 Union of the Crowns, both retain their distinctive personae or faces, and these personae symbolise important differences. As Lord Cooper put it¹³, "the principle of the unlimited sovereignty of Parliament is a distinctly English principle which has no counterpart in Scottish constitutional law." Of course, the apparent contradiction of a unified Crown with two distinct personae is somewhat comprehensible given that the Established theological position of the British state has been a trinitarian one, which confesses a three-in-one God. It should be noted in passing that the 1603 Union was more a union of lines of succession than a "union of Crowns" since the respective Crowns always remained distinct.

In Scotland, then, the Crown is explicitly vested in the people. As Scotland is a nation still in recovery from feudalism, the full implications of this for issues like natural resource management and land ownership have yet to be adequately explored. Scotland therefore ought not be subordinate to Lord Hailsham's "elective dictatorship" of

an English parliamentary system that has its roots in early Saxon feudalism¹⁴. It might be noted that in post-Reformation Scotland the principle of people's sovereignty has been linked to the so-called "seedbed of modern democracy" passage in John Calvin's *Institutes of the Christian Religion*¹⁵:

Men's fault or failing causes it to be safer and more bearable for a number to exercise government, so that they may help one another, teach and admonish one another; and if one asserts himself unfairly, there may be a number of censors and masters to restrain his wilfulness.

The difference between the Scottish and English positions on sovereignty can be seen clearly marked in the respective power structures of their Established churches. In England, the sovereignty of Parliament is reflected in the top-down role that the Prime Minister plays in appointing Church of England bishops on behalf of the Queen. This is diametrically contrasted by the bottom-up democratic or "presbyterian" process by which the Church of Scotland elects the Moderator of its General Assembly who, in addition, and unlike the Archbishop of Canterbury, has negligible executive power. The difference in modes of both appointment and role have colossal theoretical implications for the way in which God and state interact. It allows Scotland to sidestep the charge that her theocratic constitution is "Constantinian" – that is to say, a centralised hierarchical structure modelled on the Holy Roman Empire that emerged from the conversion of Emperor Constantine. The English settlement, however, would have more difficulty in finding a defence from the Constantinianism that, for example, Mennonite theologians would levy against it.

Britain, Scotland and the God of the 1707 Union

I wish now to turn to the anchoring of God in the present expression of the British constitution. Perhaps our most clear-cut indicator of what this is, is the 1707 (1706) Acts (or Treaty) of Union. This, effectively, is the national constitution of the modern United Kingdom. Article II and Appendix I of the Treaty requires that "Her Most Sacred Majesty" and heirs shall adhere, whether we happen to like this or not, to what it calls the "True Protestant Religion." This means pre-eminently (though not exclusively) the Judeo-Christian construct of God as expressed in the Westminster Confession of Faith, usually drawing upon the 1611 "Authorised" translation of the Bible.

It is to Article IV of the 1647 Westminster Shorter Catechism that we

might seek a definition of "God" that might be constitutionally acceptable. This defines God as follows, and does so in terms which, perhaps with the dropping of the third word and possible reconsideration of the gender construct, would remain broadly acceptable to most mainstream Scottish Christian denominations, Protestant and otherwise:

God is a Spirit – infinite, eternal, and unchangeable – in His being, wisdom, power, holiness, justice, goodness, and truth.

The 1707 Treaty finds subsequent expression in the Church of Scotland Act, 1921. The Schedule to this Act contains the Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual, which were adopted by Barrier Act procedure in 1926¹⁶. Article VI of these acknowledges that "the Church and State owe mutual duties to each other." This includes recognition of "the divine appointment and authority of the civil magistrate" and:

... the duty of the nation acting in its corporate capacity to render homage to God, to acknowledge the Lord Jesus Christ to be King over the nations, to obey His laws, to reverence His ordinances, to honour His Church, and to promote in all appropriate ways the Kingdom of God.

As we have seen, in Scotland and England alike the Crowns are represented by a single sovereign, Her Majesty the Queen. Under the *Royal Titles Act, 1953*, she is: "Elizabeth II, by the Grace of God of Great Britain, Ireland and the British Dominions Beyond the Seas, Queen, Defender of the Faith." We find the designations of "divine grace" and "Defender of the Faith" reflected in Latin, for instance, on every minted British coin in the letters "D.G." and "F.D." Whether we agree with them or not, then, and whilst we might consider that "Defender of the Faith" refers to an English construct for which the title only carries over into Scotland, Christian principles (and, specifically, Protestant interpretations of it) are central to the existing basis by which the British state legitimatises its legislature, its courts of law and the actions that might legally be expected to follow from its law-abiding citizens and visitors to the country. Whilst the Sovereign may bear two Crowns, her titles pertain to the one Queen and therefore leave no doubt that the British state is, at its deepest level, theocratic. Accordingly, Charles Dickens says in *Our Mutual Friend*¹⁷:

We Englishmen are Very Proud of our Constitution, Sir. It Was Bestowed Upon Us By Providence.

Similarly, in his classic 1867 essay, *The English Constitution*, Walter Bagehot¹⁸ said:

If you ask the immense majority of the Queen's subjects by what right she rules, they would never tell you that she rules by Parliamentary right, by virtue of 6 Anne, c.7. They will say she rules by "God's grace"; they believe that they have a mystic obligation to obey her.

As we now see, in Scotland, however, it follows from the argument I have just related that such a presumption of obedience holds sway only inasmuch as the monarch is responsive to the wishes of the Community of the Realm, the people. These have traditionally viewed God as their ultimate reference point in matters of "obedience". This shows, for example, in the *Declaration of Arbroath*, which says:

The high qualities and deserts of the [Scottish] people, were they not otherwise manifest, gain glory enough from this: that the King of kings and Lord of lords, our Lord Jesus Christ, after His Passion and Resurrection, called them, even though settled in the uttermost parts of the earth, almost the first to His most holy faith. Nor would He have them confirmed in that faith by merely anyone but by the first of His Apostles by calling – though second or third in rank – the most gentle Saint Andrew, the Blessed Peter's brother, and desired him to keep them under his protection as their patron for ever.

The Declaration underscores the ordering of God-People-Sovereign by adding that if the sovereign should fail "the community of Scotland" on whose behalf it was given power, then:

... we should exert ourselves at once to drive him out as our enemy and a subverter of his own rights and ours, and make some other man who was well able to defend us our King ...

In conclusion, it is a British sovereign's duty to act in accordance with the will of God. The land, as understood under Scots feudal law which held sway until the turn of the millennium, can not ultimately be "owned" by any individual, but comes through God only to be loaned or "feued". Usage based on this must, to be consistent, comply with God's express wishes for resource management.

For theological reasons that will be summarised towards the end of this paper, this implies that the Crown, in matters of maritime resource use, has a duty to predicate the interests of community above all else.

God in Scots and English Law

In discussing the constitutional situation it is worthy of remark that the status of God in Britain is enshrined in jurisprudence – the philosophical basis of law – as well as in the constitution. The so-called “Father of Scots Law” – the institutional writer, James Dalrymple, Viscount of Stair, in his seminal 1681 *Institutions of the Law of Scotland*¹⁹ is uncompromising on this. His work opens by famously declaring the position of God as the source of law to be such as to “make the absolute sovereign divine law”²⁰. Stair looks to the law of Moses as “the prime positive law of God”²¹.

Given the contents of, say, parts of Deuteronomy chapters 20 – 25, Stair thankfully acknowledges that the Mosaic law must be re-cast in Christian context. As he puts it in discussing one example, “Christ did expressly abrogate that law”²².

Commenting upon Stair’s achievement in *Whose Justice? Which Rationality?*²³ the great modern Scots philosopher, Alasdair MacIntyre, says that whilst theology became largely redundant in English law with its utilitarian, case-precedent approach, Scots law proceeds more from first principles and these are theological. MacIntyre remarks that:

In Stair’s *Institutions* theology cannot be excised without irreparable damage to the whole ... The compatibility of Stair’s *Institutions* with the Confessions and the Catechisms is much more than a matter of general principles. Stair on many particular points adduces scripture as confirmation of the moral law ... It is important to notice that the appeal to scripture is essential to Stair’s legal argument and not merely a piece of pious superstructure ... To have provided such a structure of the laws of Scotland was in itself a considerable achievement; to have done so in such a way that not only the fundamental principles of Calvinist theology, but also what Stair took to be the truths of astronomy and physics could be incorporated into the same structure was a much greater one²⁴.

The significance, then, of Lord Stair is the extent to which he roots Scots law in Scripture and moves from those first principles. In Stair’s discussion of the implications for sovereignty of 1 Samuel 8, acknowledgement is made that it is proper for humankind to make laws “to enjoy their rights ... in safety and security,” but Stair implies that this must be undertaken in such a way that, “... human laws are added, not to take away the law of nature and of reason ...”²⁵. In other words, divine law must continue to provide the framework in which human

law ought to be fashioned. This, we might presume, applies equally to questions of sovereignty over marine resource usage.

A similar stance to Stair's appears also in the writings of England's foremost institutional writer, Sir William Blackstone. In his *Commentaries on The Laws of England*²⁶ Blackstone says of the "unerring rules laid down by the great Creator" that: "This law of nature, being coeval with mankind, and dictated by God himself [sic], is of course superior in obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive their force, and all their authority, mediately or immediately, from this original." A note to this passage²⁷ suggests that if a judge should be required to go against his conscience in interpreting the law – as with "the edict of Herod command[ing] all the children under a certain age to be slain," then "the judge ought to resign his office rather than be auxiliary to its execution." We might also note A.V. Dicey's Note VII to *The Law of the Constitution*²⁸ which defines "unconstitutional" law as that which is "opposed to the spirit of the English constitution." Set in the context of constitutional theology, we may therefore be led to conclude, from examination of both Scots and English constitutional law, that for a British government to act contrary to divine law is for it to act unconstitutionally.

Given that the Bible is an historical document reflecting an evolving and therefore sometimes seemingly-contradictory articulation of relationship with God, that yardstick must ultimately be applied to the highest standard; namely, in accordance with the principle of 1 John 4:8 that "God is love." Anything less would sell God short. Accordingly, in relation to maritime resources we must ask what approaches to fisheries management might most fully accord with love as we understand it.

Some Modern Perspectives on God's Status

Set in the abstract such a consideration might appear a little absurd. However, a number of authoritative occasions can be pointed to where, even in modern times, the constitutional and legal status of God can be shown to carry weight.

- a. In his foreword to *Christian Perspectives on Law Reform*²⁹, the Right Honourable Lord MacKay of Clashfern, a former Lord Chancellor and President of the Lawyers' Christian Fellowship, says:

Secular law making and Christianity are not the most obvious companions ... The chapters of this book ... show how shallow that

understanding is. Not only can the process of law reform in a modern secular democracy be said to be informed by biblical perspectives, but there is also a great deal to be gained by considering our laws in this light³⁰.

- b. In *The People Say Yes: The Making of Scotland's Parliament*³¹, Canon Kenyon Wright, Convener of the Executive of the Scottish Constitutional Convention, connects the relaunch of the Scottish Parliament to the spiritual principles that underlie the Scottish Nation.
- c. Wright acknowledges the seminal importance of the Rev. William Storrar's work, *Scottish Identity: a Christian Vision*³². Storrar makes many of the same arguments as are found in overlapping parts of this present testimony. He roots Scotland's constitutional status in the Declaration of Arbroath, the 1560 Reformation, the 1707 Treaty of Union and the Church of Scotland Act 1921. He concurs that "The Scottish legal system is founded on the notion of underlying legal principles derived from the divine law"³³.
- d. In his column in the *West Highland Free Press*³⁴, the Rev. Prof. Donald MacLeod, Principal of the Free Church College in Edinburgh, discusses the 1707 and 1921 Acts and concludes:

Scotland is not a secular nation any more than Britain is a secular state. There is a clearly recognised religion which the political power is sworn to protect and preserve ... The constitution of the United Kingdom gives a special place to Christianity in general, and to the presbyterian and protestant traditions in particular ... It may be, of course, that these legal provisions no longer reflect "the settled will of the Scottish people" ... but if that is the case the law itself must be changed. It is intolerable to govern in defiance of the law and in flagrant contradiction of the constitution. We cannot have the very legislature itself making the law an ass ... The nation prays to the God of the Act of Union.

- e. Sir Kenneth Jupp, for 15 years an English High Court judge, notes that the case of *Donoghue v. Stevenson 1932* (concerning liability where a snail had been found by a girl in a bottle of ginger beer which had allegedly sickened her) was decided by Lord Atkin with direct reference to the New Testament precedent of the Good Samaritan and its implication that we have a duty to our "neighbour"³⁵.
- f. The 1989 report of the Church and Nation Committee to the General Assembly of the Church of Scotland said:

From a Scottish constitutional and theological perspective this English constitutional tradition of state absolutism has always been unacceptable in theory. It is now intolerable in practice ...

Professor Torrance has well set out the theological and philosophical nature of the British constitutional crisis in his essay, *Juridical Law and Physical Law*, 1982 ... In his foreword to this essay Lord MacKay of Clashfern, [then] Lord Chancellor, stated, "He argues for the view that all human law making is dependent on the objective reality of Almighty God for its validity. This divine Justice underpins natural law, in its moral sense, and the fundamental law of written constitutions, or a bill of rights, which in turn provide binding legal norms for the statute laws of Parliament and thus limit the state's sovereignty."

God and Community Resource Use

Having established the constitutional and legal centrality of "God" in Britain and especially in Scotland, it falls on me, finally, to demonstrate that this God demonstrates a theological "preferential option" for community empowerment in matters of natural resource management. By "community" I mean here the tripartite faces of community – that is, inner psychospiritual community with our "God"; community with one another in society; and community with nature – as part of biodiversity shared with other species in the natural world. Each of these has been expressed in the Judeo-Christian tradition under the rubric of "covenant."

The word, "covenant," is used in several different ways in the Bible to express contractual aspects of the human relationship with God. In a less legalistic sense, however, "covenant" means the bonds of friendship with God, which comprise the spiritual underpinning of all *community*. God offers humankind a "covenant of life." Life itself is the consequence of choosing to live in right relationship with God, nature and one another. Let us take each of these in turn.

Firstly, right relationship with *God* means having no other "gods" – no other ultimate concerns in life – before God³⁶. God wants the people to have neither lesser gods as their idols or, for that matter, to please "him" with sacrifices, because what he most deeply asks of us is justice and the homecoming of the poor³⁷. Idolatry is dangerous because it misleads about the nature of God and therefore presents a false understanding of reality. This is not to say that other concerns – nationhood, a king, a sporting team, a political party or money, for example – are unimportant. It simply means that if these are put *before*

God – before the implications knowing life as love made visible – then they become an idol. This is why, in Matthew 6:24, Jesus says it is not possible to worship both God and “Mammon” – money as an evil personification.

Secondly, right relationship with *nature* entails recognition that “The earth belongs unto the Lord and all that it contains”³⁸. It means understanding God’s providential immanence in the Creation and therefore treating it with profound respect, which is to say, *reverence*. Not only is this implied by God’s ownership, presence in and blessing of the Creation, but we also see it in specific contexts such as God expecting shoes to be removed when standing on “holy ground”³⁹. Another example is in Exodus 20:22-26 where God objects to the sacred use of gold and silver, and asks that altars be made simply of earth: “But if you make for me an altar of stone,” he adds, “do not build it out of hewn stones; for if you use a chisel upon it you profane it.” In other words, there is evidence to suggest that even the natural integrity of stones was ideally to be respected and not profaned with iron.

Mahatma Gandhi captured the spirit of Providence in his recognition that “The earth contains enough for everybody’s need, but not for everybody’s greed.” Need graciously acknowledges Providence but greed destroys the principles by which it works. The consequence of not trusting to God is that greed and its symptoms in war, famine and pestilence take over⁴⁰. The Old Testament is explicit that this leads to desolation and ecocide. “O land, land, land, hear the word of the Lord!” cries Jeremiah⁴¹, as he bemoans the loss of nature’s biodiversity: “How long will the land mourn, and the grass of every field wither? For the wickedness of those who live in it/ the animals and the birds are swept away”⁴². Isaiah similarly warns of ecocide in saying that “The remnant of the trees of his forest will be so few that a child can write them down”⁴³, and later in 24:4-5:

The earth dries up and withers, the whole world withers and grows sick; the earth’s high places sicken, and earth itself is desecrated by the feet of those who live in it, because they have broken the laws, disobeyed the statutes and violated the eternal covenant.

The implication of such spiritual ecology for destructive fishing practices will be self-evident.

Finally, and thirdly, right relationship with human *community* – society – entails the recognition of what Quakers call “that of god in everyone”⁴⁴. God’s purpose is that we as individuals should develop

spiritually in communities *because* we are all interconnected. Going it alone is not an option: even the spiritual hermit is connected to the rest of the world by prayer. Jesus said that the nature of reality is like us all being branches on the same vine of life⁴⁵. Connected to his divinity in this way we “are gods”⁴⁶; or as 2 Peter 1:4 puts it, we “may become participants of the divine nature.”

Waking up to this deeper self, according to spiritual teachers like Anthony de Mello SJ, requires the practice of *presence* – mindful attention to the full abundance of life’s providential experience. The Buddhist *Dhammapada*⁴⁷ says, “Even as a lake that is pure and peaceful and deep, so becomes the soul of the wise man when he hears the words of *Dhamma* [God’s way].” Like a lake that reflects everything around it, spiritual presence is about becoming fully aware of the “sacrament of the present moment” as we walk, breath, eat the fruits of nature’s Providence. Such a mindful human ecology implies much more than any abstract, heady obedience to commands on tablets of stone. It means coming alive to the deeper life of the fact that we are divinely interconnected, like islands appearing above the sea that are joined at source level.

Fisheries and Spiritual Development

In conclusion, God is central to British constructs of nationhood and, theologically speaking, this God sees the health of the nation reflected in how the nation relates in community. Fisheries comprise part of God’s Providence, a gift of Grace, and as such should be utilised reverentially. It is in this context that words like “Providence” were commonly used in the recent past to name fishing boats.

Jesus himself assisted fishermen in their work, but reminded them that fish were not to be their only catch. Behind the fishing lies a deeper work of development into a more complete awareness of the presence of God. As Psalms 107:23-24 expresses this deeper significance of going out in boats:

They that go down to the sea in ships,
that do business in great waters;
These see the works of the Lord,
and his wonders in the deep.

Community control of fisheries therefore has an importance that is not just economic. It also matters culturally, psychologically and spiritually. Within the British constitution’s own terms, and particularly

within those of Scotland, God provides and owns the resource, and it should be used wisely for the benefit of all. It should be used in ways that strengthen tripartite community.

Clearly, there are various ways in which this can be achieved. Creating oligarchies and plutocracies, as with the present European system, is perhaps the least best approach if the strengthening of community cohesion is accepted as a core national resource management objective. "Subsidiarity" – the delegation of power to the lowest practical level – would be an alternative way forward, but would require political courage to effect. Where might the courage to predicate community empowerment over corporate power come from? What might bring the nation to the point where it swallows its pride and asks to be filled with that courage? As fish stocks fluctuate at dangerously low levels, we might reflect that our fishing communities are today in a predicament that is not without historical spiritual precedent. Perhaps it is time, again, to "Launch out into the deep, and let down your nets for a draught"⁴⁸.

Notes

- 1 Alastair McIntosh, *Soil and Soul: People versus Corporate Power*, London: Aurum Press, 2001.
- 2 See: "Tide must turn for fishing", *The Herald*, 17 December 1998; "Monetarism is killing communities", *Fishing News*, 6 November 1998; "Coastal fisheries management – lessons from abroad", *Fishing Monthly*, January 1999 – all on the web at www.AlastairMcIntosh.com.
- 3 This paper synthesises constitutional, theological and fisheries material originally developed for the fisheries journals mentioned above, for a constitutional defence case of the "TridentThree" protesting against nuclear weapons, and for Dr Dmitry Lvov of the Economics Department, the Russian Academy of Sciences, as first published in: Alastair McIntosh, *Healing Nationhood* (Kelso (Scotland): Curlew Productions, 2000).
- 4 Michael Lynch, *Scotland: a New History*, London: Pimlico, 1992.
- 5 *Ibid.*, p. 80, emphasis added.
- 6 in Vernon Bogdanor, *Politics and the Constitution*, Aldershot: Dartmouth, 1996, p.6.
- 7 *Ibid.*, p.5.
- 8 *Ibid.*, p.6.
- 9 In J. Harvey & L. Bather, *The British Constitution*, London: MacMillan, 2nd edn., 1968, pp.7-8.
- 10 Robin Callander, *How Scotland is Owned*, Edinburgh: Canongate, 1998, p.44.
- 11 *The Herald*, "Letters to the Editor", 24th September 1999.
- 12 *Pers. com.*

- 13 Cited in Callander, *op. cit.*, p.45.
- 14 Harvey & Bather, *op. cit.*, p.18.
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- 41 Jeremiah 22:29.
- 42 Jeremiah 12:4.
- 43 Isaiah 10:19.
- 44 Cf. John 1:1-10.
- 45 John 15:1-17.
- 46 John 10:34; Psalms 82:6.
- 47 *Dhammapada* (82).
- 48 Luke 5:4.