

Constitution and Conscience

Thought for the Day

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Broadcast on Radio Scotland, 16 June 2005

Sometimes even a two-horse race can be difficult to predict, especially when the runners can be wrong-footed by all kinds of events. So it was the small matter of the UK general election which let the Scottish Parliament romp home ahead of Westminster in the Charity Bill stakes!

Since the days of another Queen Elizabeth, charity has been defined by the Charitable Uses Act of 1601. This has now been swept away, in Scotland at least, by the new Act, which lists many more charitable purposes, introduces a separate public benefit test, and establishes the Office of the Scottish Charity Regulator.

OSCR, as this is known to its friends, will have to approve the constitutions of organisations that want the advantages of charitable status. This means looking closely at their aims and purposes, as well as how they conduct their affairs and use their assets. You can change the date of your AGM without much fuss, but you can't collect funds for one purpose and then spend them on something completely different. That's why constitutions matter.

This week, the Jewish community has celebrated the festival of Shavuot, or Pentecost, which marks the founding constitution of Judaism – the Torah – and in particular the revelation of the Ten Commandments to Moses on Mount Sinai. Four thousand years later, that covenant remains unchanged, and both the rituals and the ethics of Judaism derive from that source. These fundamental rules cannot change at the whim of any passing generation; they represent timeless truths, as opposed to changing political fashion. And so they represent a radically different outlook from the prevailing moral relativism.

Some actions are not only wrong, but inexcusable. Evil is not diminished by the support of the population, nor would charity become less worthy if it were outlawed. One of the challenges of the human condition is to find the right path through the moral undergrowth, and that requires a compass, not a public opinion poll – and our very own internalised OSCR – our regulator, our conscience.