

In the matter of All Saints, Crawley Down

Judgment

1. By a petition dated 2 March 2009, Mrs Jennifer Ann Dawson seeks a faculty for the erection of a memorial on the grave of her late husband, Alan Ernest Arthur Dawson. When the papers were first submitted to me, I referred the matter to the Diocesan Advisory Committee which provided its comments in a letter of 20 April 2009. Mrs Dawson responded to this with a letter of 7 June 2009, and she wrote again to the Registry on 18 July 2009 expressing understandable concern at the time taken in determining the petition and requesting a swift adjudication. I very much regret that it has taken longer than usual to deal with this petition, but it raises matters which merit careful consideration; I acknowledge that the delay must have been a cause of additional concern and distress for Mrs Dawson, and I offer my apologies.
2. Mrs Dawson describes how her husband was involved in a fatal accident at his place of work on 30 January 2007. An inquest into the death took place nearly two years ago and Mrs Dawson records her thanks to the vicar, the Reverend Jon Hale, for attending the inquest and generally supporting her in her bereavement. Mrs Dawson and her late husband were married at All Saints in 1963 and there are two adult children, Nickolas and Stephen, both of whom support the petition.
3. The history with regard to the proposed memorial begins with a written application to the incumbent dated 23 February 2009. Regrettably the pro forma which was used had been withdrawn at Easter 2007 and replaced by a similar (though not identical) version at the same time as the Churchyard Regulations were revised. See Appendices D and E of the Chancellor's General Directions Concerning Churches and Churchyards (Issue 2, Easter 2007).
4. The application is signed by Mrs Dawson and also by Mr David Collins of Downsview Monumental Company, who appears to have filled in the relevant details. Both Mrs Dawson and Mr Collins put their signature to the standard statements which included the following:

‘I/We have read the General Directions of the Chancellor of the Diocese concerning Memorials in Churchyards and claim that you have power under those Directions to permit the introduction of the proposed monument into the churchyard.’

Regrettably, that claim was not correct. The proposed monument did not comply with the Directions in a number of particulars and the incumbent therefore had no authority to permit its introduction, even if he was in favour of it. Whilst Mrs Dawson might not have fully appreciated the terms of the General Directions (if indeed she had read them at all) monumental masons ought to have a very clear understanding of what an incumbent may or may not permit and should have a copy

of the current Churchyard Regulations readily to hand. This Court has power to prohibit defaulting monumental masons from carrying out works in churchyards in the Diocese and I shall seek a written explanation from Mr Collins before I consider what, if any, action to take. Holding out false expectations to the bereaved as to what is or what is not permitted (whether wilfully or through ignorance) may cause considerable distress. See the decision of this Court in *All Saints and St Nicolas, Re Icklesham* (25 October 2007).

5. It is implicit that Mr Hale was not influenced by the misleading statement and recognised, entirely properly, that the proposed memorial did not comply with the General Directions, and accordingly it was not within his delegated authority to permit its introduction. I assume he passed this on to Mrs Dawson who apparently decided, equally properly, that she nonetheless wished to have the particular memorial and thus set about applying for a faculty, as she is perfectly entitled to do.
6. It is not unknown for this Court to give permission for the introduction of memorials which are outside the classes and categories specified in the General Directions in relation to which parish priests have delegated authority. This is generally for one-off designs that go beyond the 'catalogue' memorials which tend towards a utilitarian and bland churchyard.
7. The petition brought by Mrs Dawson has the support of Mr Hale, as appears from his letter of 16 February 2009, and of the Parochial Church Council of which he is chairman, as evidenced by minute 8 of its meeting held on 6 January 2009. The opinions of the incumbent (in whom the freehold of the churchyard vests) and of the PCC (who bear the legal responsibility for its maintenance) are matters to which this Court gives appropriate weight, but they are merely two of a constellation of factors which the Court must consider and cannot be determinative. Whatever the views of the incumbent and PCC or of local opinion generally, it is the responsibility of this Court to exercise its statutory function in accordance with the ecclesiastical law of the land and the doctrine and practice of the Church of England.
8. Likewise, the opinion of the DAC carries weight, but again it is not determinative. In this case, the view, as helpfully expressed in the letter from its secretary, is as follows:

‘The Committee understood the family’s wish to allude to his love of books in the form of the memorial but it did not see that it was very well followed through. The Committee would much prefer to see a more standard style stone with perhaps the image of a book engraved upon it and the inscription appearing to be written on its pages. Alternatively a small motif of a book could be carved somewhere on the stone. However, whatever is chosen, the inscription should include something of his love of books or his scholarship in order to make it clear to the casual observer why this has been chosen.

‘On the matter of the inscription the DAC did not feel that the nickname or the inscription ‘Simply the Best’ was appropriate. It also felt that the penultimate line ‘Taken suddenly too soon’ did not read very well. As far as painting the lettering itself was concerned, the family should be minded that

this would need retouching every so often if it was to continue to look good; a whitish-grey paint would look quite acceptable.’

9. In her letter of 7 June 2009, Mrs Dawson carefully addressed each of the points raised by the DAC, and I therefore propose to comment on them individually.

Closed book

10. It heartens me that in a world of mass electronic communication, the late Mr Dawson is warmly remembered for his love of books which filled his house to overflowing and which he used to stimulate the inquiring minds of his young grandchildren. I need little persuading that it would be right and proper to remember a bibliophile with a suitably crafted memorial. I think the DAC’s point, with which I find myself in agreement, is that the proposed catalogue memorial is a little unworthy both of the man remembered, and of the part which books played in his life. It looks too much like the run-of-the-mill, factory-made memorials to which something resembling the spine of a book has been appended. The suggestion is that a more fitting memorial could be designed and fabricated, personalised to Mr Dawson as befits his memory, which would be a lasting, dignified and mildly idiosyncratic tribute. As the Churchyard Regulations remind us:

‘Attractive, well conceived designs by skilled and imaginative craftsmen should be encouraged. In the search for a wider range of designs than those usually seen, reference should be made to the Churchyards Handbook, the booklet 'Memorials by Artists' and other resources which can be made available by the Diocesan Advisory Committee.’

11. I think there is much in what the DAC says, although I also recognise that uniquely crafted memorials may be beyond the financial reach of many families. It is, perhaps, a little unfortunate that Mrs Dawson selected six stonemasons and simply obtained their catalogues. The text of the diocesan Churchyard Regulations, contains the following advice where the selection of a memorial is under consideration.

‘The incumbent can offer help at this time in making suggestions to the bereaved of the types of memorial which might be introduced by reference to photographs or by pointing out examples in the churchyard itself. If this conversation precedes a visit to the stonemason it will avoid the difficulty and disappointment engendered by the selection of an inappropriate design from a catalogue.’

In her very thoughtful letter, Mrs Dawson draws attention to the disparity between what is covered by the parish priest’s delegated authority under the General Direction and what appears in stonemasons’ catalogues. She says:

‘... it has been suggested by several of my family and friends that perhaps a booklet containing what is preferred, and permissible, in the way of headstones and inscriptions should be made available to the bereaved showing the illustrations and acceptable suggested texts.’

I agree. The Churchyard Regulations go some way towards explaining the difference of approach of the ecclesiastical and secular authorities. Mrs Dawson’s signed declaration indicates that she has read this document, but it would seem, regrettably, that she may not have done. Many parish priests have created their own illustrated booklets, and this is a practice I commend, as appears from the section of the

Regulations reproduced at paragraph 14 of this judgment. In the dissemination of this policy, I recognise that there may be room for improvement within the Diocese, and I shall be working with the Archdeacons to ensure the implementation of a more uniform best practice.

12. Whilst I would commend to Mrs Dawson the merits of exploring a bespoke design from a craftsman for her late husband's memorial, the fact that a better design may be possible is not (by itself) a sufficient ground for refusing a petition for a memorial which is otherwise compliant and which has the considered support of the incumbent and PCC. I would be prepared to permit the design Mrs Dawson has selected, but I would encourage her to reflect upon the merit of a more fitting and personal stone as befits her late husband's memory.

Nickname

13. I respectfully differ from the DAC in this regard. A memorial exists to remember the life of an individual. Not everyone is known by the name on his or her birth certificate. Provided there is nothing trivial, inappropriate or disrespectful in the nickname, and provided it is included in addition to (and not in substitution for) the person's full name, then it is right to include it in inverted commas as the draft suggested. The late Mr Dawson lived in Crawley Down into his early sixties and was known by his family and the local community as 'Jacquer' sometimes shortened to Jack, and that is how he should be remembered in death, as he was in life. Likewise, I can see nothing objectionable in 'Dad and Grandad'; commonly-used diminutives by whom a person is often known.

Inscription

14. I come finally to the aspect of this petition which most concerns me, and which has exercised the Court considerably. As the Churchyard Regulations make plain:
 '... the bereaved must understand that by seeking a burial in consecrated ground, they are submitting to the jurisdiction of the consistory court which regulates the type of headstone or other marker which may be erected. This jurisdiction exists for reasons which are in part theological and in part aesthetic, since what may be unobjectionable in a municipal cemetery, might be considered inappropriate (or even offensive) in an historic churchyard. It is the responsibility of the clergy to bring these matters to the attention of the bereaved at the earliest opportunity, and to inform them of these Regulations, so that their decision to seek an interment in consecrated ground must be fully informed. A failure to do so, however traumatic the pastoral situation, is a dereliction of duty and may prove more damaging in the long term. Many parishes find it helpful to provide a handout containing this information which can be taken away and read by the bereaved, and the Chancellor commends this practice.

'Also to be encouraged are fulsome inscriptions which give a flavour of the life of the person commemorated rather than blandly recording a name and dates. Epitaphs should honour the dead, comfort the living and inform posterity. They will be read long after the bereaved have themselves passed

away. A memorial stone is not the right place for a statement about how members of the family feel about the deceased or how they would address him or her were they still alive. Passages of scripture, which have a timeless quality, are to be preferred.’

15. Here I should note from the documents that the support of the incumbent and the PCC is for the introduction of a memorial in the form of a closed book. Neither expresses a view in relation to the proposed inscriptions. Any inscription on a memorial in consecrated ground must be consistent with (and not antithetical to) Christian doctrine and teaching. Regulation of this lies, in the first instance, with the parish priest to whom application is made. A petitioner may need to be guided on this and cannot rely on stonemason’s catalogues (as Mrs Dawson seems to have done) since those catalogues seek to serve both a Christian and a secular market.
16. The proposed inscription in this instance falls into three distinct parts. The first “Forever in our hearts” is entirely proper and acceptable, evoking as it does tender memory and lasting affection. The second “Taken suddenly too soon” does not sit comfortably with Christian teaching on death and resurrection. I fully accept that the sudden death of Mr Dawson in an accident at his workplace was traumatic for Mrs Dawson and her family, and I have great sympathy for her in her loss. However, the inscription is not appropriate for a Christian burial ground, and might be the cause of offence for the bereaved visiting neighbouring graves, and the cause of confusion in relation to the Christian message. It is unacceptable and cannot be sanctioned by faculty.
17. Likewise, “Simply the best”, being the title of a popular song by Tina Turner is not an appropriate inscription in a Christian burial ground.

Conclusion

18. I should emphasise, in conclusion, that this is not an appeal from the decision of the incumbent nor from the advice of the DAC. Mr Hale had no authority to permit the introduction of a memorial which did not comply with the General Directions thus a faculty had to be sought. I have recorded Mr Hale’s support for the introduction of the memorial in principle and that of the PCC. He has behaved entirely properly throughout, although with hindsight he might have given a little more thought to the content of the proposed wording, as opposed merely to the style and appearance of the memorial. Equally, the function of the DAC, as its title suggests, is merely *advisory* and this Court exercises its discretion having regard to all relevant features.
19. I have indicated in this judgment that, in the particular circumstances of this case, I would permit the memorial in the form of a closed book and I have no difficulty in sanctioning the nickname “Jacquer” in addition to the full names of the deceased. What this court cannot sanction, however, are the two pieces of text by way of inscription which are inconsistent with and (in the first instance) possibly offensive to Christian doctrine.

20. It follows, technically, that this petition must fail. The Court cannot give permission for what is proposed. However, it is implicit that an amended or modified proposal would find favour with the Court and a faculty could issue. I therefore propose to delay a final determination of this matter for a period of three months to allow Mrs Dawson a period of reflection and to afford her the opportunity of putting forward a revised proposal. She says, 'All I want is to have a headstone worthy of my late husband at last put in place'. I concur with this sentiment, and I believe that she can best serve his memory by rethinking what would be most fitting and appropriate not just now, in the immediacy of her grief, but for posterity. I am confident that Mr Hale will continue to support and advise her, as he has sought to do hitherto, and I am equally confident that the Archdeacon of Horsham will offer pastoral support and practical suggestions if necessary.

21. Mrs Dawson must bear the costs of the petition and of this judgment, but I will waive additional fees in relation to any revised proposal which may be submitted for approval.

The Worshipful Mark Hill QC
Chancellor

6 August 2009