

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

ST GILES: EXHALL

ON THE PETITION OF CAROLINE NEWHEY

JUDGMENT

- 1) Margaret Keane died aged seventy-three in July 2018 and is buried in the burial ground of St. Giles, Exhall. This petition, brought by her daughter, seeks a faculty for a memorial on Mrs. Keane's grave.
- 2) Margaret Keane and her husband were both born in the Irish Republic but had made their life in the United Kingdom. They remained proud of their Irish heritage and were active in the work of the Gaelic Athletic Association both in Coventry and nationally. This was important public service to the Irish community in the United Kingdom and formed a major part of Mrs. Keane's life and of her work for others.
- 3) The petition sought a faculty for a memorial stone with a rough-hewn top bearing an inscription stating that it was in loving memory of Margaret Keane and giving her dates of birth and death. There was to be Celtic Cross containing at its centre the emblem of the Gaelic Athletic Association. The proposal was that the cross should not be incised but instead should project from the side of the headstone. The inclusion of a Celtic Cross incorporating the GAA emblem is intended to recognise and celebrate Mrs. Keane's Irish heritage and her community service through the GAA.
- 4) In addition to those elements it was proposed that the memorial should bear the words "In ár gcroíthe go deo" in Irish Gaelic. The phrase can be translated as "in our hearts forever".

The Procedural History.

- 5) The Parochial Church Council of St Giles resolved to support the proposed memorial though it is to be noted that was by a vote of six to five with seven

abstentions. The Council in expressing that support asked that it be noted that there were no comparable memorials in the burial ground.

- 6) The Diocesan Advisory Committee did not recommend approval noting in particular the protrusion of the cross.
- 7) I concluded that it would be expedient to determine this matter on the basis of written representations and the Petitioner consented to that course.

The Representations.

- 8) In directing that the matter be determined on the basis of written representations I expressed the preliminary view that while the inclusion of a Celtic Cross and of the GAA emblem would be likely to be appropriate in the light of Mrs. Keane's Irish heritage and her work for the GAA the protrusion of the cross was more problematic. Mrs. Newey accepted that reservation and agreed that she would seek a faculty for such a cross and emblem to be incised into the body of the memorial rather than protruding from it.
- 9) I also expressed a provisional reservation as to the inclusion of an inscription in a language other than English without a translation. Mrs. Newey resisted the suggestion that the words "in our hearts forever" should be in English rather than Gaelic or that the words in the latter language should be accompanied by a translation. She contends that the presence of a translation would overcomplicate or crowd the memorial. Mrs. Newey says that the use of Irish Gaelic is not intended as a political statement but is an important part of the Irish heritage of Mrs. Keane and of her husband. Mr. Keane is still alive but the intention is that his remains will be buried in the plot in the fullness of time. Mrs. Newey says that the Irish language is regarded not just as a means of communication but as a "vehicle of symbolic value". She says that Gaelic names would not be translated into English on a memorial and contends that translation should also not be required for messages from the bereaved.

Assessment.

- 10) The Coventry Churchyard Regulations make it clear that churchyards and burial grounds should not aim for characterless uniformity and that memorials which record and celebrate the achievements and lives of the person being

commemorated are to be welcomed. It is clearly right that the memorial to Mrs. Keane should record and celebrate her Irish heritage and her dedicated community service through the GAA. It is for that reason that the inclusion of a Celtic Cross bearing the GAA symbol is appropriate. The original proposal for a protruding cross would have been unsightly and would have had a jarring impact on the burial ground as a whole. However, Mrs. Newey does not persist in that and a memorial with such a cross incised into the body of the memorial is appropriate. I am also satisfied that the rough-hewn shaping of the top of the memorial is no unsightly and is acceptable.

11) The question of the inclusion of words in a language other than English has caused me rather greater difficulty. As the Regulations note at [34]:

“...it is to be remembered that the memorial will be read not just by those who knew the deceased in question but by those who did not. Indeed, the message conveyed to those who did not know the deceased is in many ways more important than the message being given to those who did know him or her.”

12) As a consequence regard must be had to the message which an inscription conveys to those who did not know the person being commemorated. An inscription which is incomprehensible to such persons is unlikely to be appropriate.

13) Questions of language can raise intense feelings. It is apparent here that the use of the Irish language is a matter of great importance to Mrs. Keane’s family. Mrs. Newey says that the use of that language without translation is not a political statement but is a recognition of Mrs. Keane’s identity and is to “honour ... [her] native tongue”. However, it is apparent that the Petitioner and her family believe that the words in Irish Gaelic should be allowed to stand alone and that a translation should not be required. This is an implicit assertion as to the importance and standing of that language.

14) I have considered the approach taken by Ellis Dep Ch in *St Peter & St Paul, Nutfield* [2018] Ecc Swk 1. The Deputy Chancellor there permitted the inclusion of the word “Tangnefedd” on a memorial. That is a Welsh word having

associations with heavenly peace and is often found on memorials in Welsh churchyards. The Deputy Chancellor noted the struggles which the Welsh language had faced for recognition and concluded that its inclusion on the memorial was a “fitting memorial”.

- 15) There were a number of particular features which were present in the *Nutfield* case which are not present here. There the issue was in respect of a single word. Moreover, the Deputy Chancellor noted at [8] that although the parish was in the Southwark diocese it had various links to Wales and had a tradition of having Welsh incumbents. The Deputy Chancellor regarded this as strengthening the case for the use of an untranslated Welsh word.
- 16) The proposal in this case is not just for the inclusion of a single word but for a short phrase which the reader will immediately realise is conveying a message. However, it is a message which will be unintelligible to all but a small minority of readers. In those circumstances it is not appropriate for it to stand alone without translation. I make it clear that in saying this I am not in any sense adjudicating on the relative merits or standing of English and Irish Gaelic as languages. The situation would be likely to be wholly different if I were having to make a decision as to a memorial in the Irish Republic. However, the situation which I have to address is of a memorial in English-speaking Coventry. Should I permit an inscription which will be incomprehensible to almost all its readers? Not only would the message of the inscription not be understood but there is a risk of it being misunderstood. Given the passions and feelings connected with the use of Irish Gaelic there is a sad risk that the phrase would be regarded as some form of slogan or that its inclusion without translation would of itself be seen as a political statement. That is not appropriate and it follows that the phrase “In ár gcroíthe go deo” must be accompanied by a translation which can be in a smaller font size.
- 17) Accordingly, the petition for the memorial as originally sought is dismissed. However, I authorise the issuing forthwith of a faculty for a memorial of the same shape, size, and stone type bearing an incised Celtic Cross incorporating the GAA emblem and bearing in addition to the proposed inscription a translation of the phrase “In ár gcroíthe go deo”.

STEPHEN EYRE

HIS HONOUR JUDGE EYRE QC

CHANCELLOR

6th May 2020