

**IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD**

**ST JOHN, WALSALL WOOD**

**ON THE PETITION OF TONY PAUL GORDON-THOMPSON**

**JUDGMENT**

- 1) Jayne Catherine Gordon-Thompson died in July 2021, and was cremated. Her ashes await burial in the churchyard of St John in Walsall Wood. Before she died, Mrs Gordon-Thompson discussed arrangements for her memorial with her husband. Due regard is given in this judgment to the fact that she participated in the choice of memorial and inscription.
- 2) The Petitioner is the widower of Mrs Gordon-Thompson and seeks a faculty of authorising a memorial for her grave. A faculty has already been granted by the Chancellor in respect of the burial of the cremated remains of Mrs Gordon-Thompson and reservation in the same plot for the burial of the mortal remains of the Petitioner. Before granting that faculty, the Chancellor issued directions as to special notice to the children of Mrs Gordon-Thompson, none of whom responded.
- 3) The Chancellor gave directions on 16<sup>th</sup> January 2022 relating to permission for the memorial. He identified two issues with the terms of the faculty sought by the Petitioner: firstly, the reference to the Petitioner on the memorial when he is still living; and, secondly, the proposal that the memorial contain a modified version of the poem “Do not stand at my grave and weep”, for which the Chancellor sought further explanation as to why it is appropriate for use in a churchyard. A third issue has arisen, in that the Parochial Church Council (“PCC”), Wardens and Rural Dean have objected on the Memorial Application Form dated 3<sup>rd</sup> February 2022 to the memorial stone proposed.

The Regulation of Churchyards

- 4) The Churchyard Regulations for the diocese identify those memorials which incumbents can permit without the need for a faculty application. They also explain the Chancellor's and my understanding of the approach to be taken when considering applications for faculties to permit memorials outside the scope of the Regulations.
- 5) The first issue falls away, as the Petitioner has made clear that he does not seek to have his name upon the memorial, merely a space for later inclusion. This is plainly appropriate. For the avoidance of doubt, it follows that the emblem of the Staffordshire Regiment and the words "Together Forever" would not be included on the monument at this time and whilst the Petitioner is still alive.
- 6) In respect of the remaining issues, the starting point is to remember that churchyards are consecrated to God, Father, Son, and Holy Spirit and that any structure installed in them must be consistent with that consecration. They are also to provide a fitting setting for the church and to be a seemly resting place for the remains of those interred in the churchyard.
- 7) Inscriptions can be particularly challenging. As the Regulations say:

"Particular care must be taken with regard to the inscriptions and symbols on a memorial. The first and key principle is that inscriptions must be consonant with orthodox Christian belief. Not only is this because of the purpose of the churchyard but also because inscriptions convey a message to those who visit churchyards. It is important that the message that such visitors receive is one which proclaims (or at the very least is not inconsistent with) the message of hope and faith being given to them by Christ's Church. In addition 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 ...

"Inscriptions are to be simple, reverent, and appropriate to a churchyard. They should commemorate accurately the life of the person who has died. They must also be consistent with orthodox Christian belief and should not be confined solely to expressions of personal loss or sorrow. However, the inscription need not be confined to the name and the dates of birth and death of the person who has died. There does not have to be a characterless uniformity in the inscriptions in a churchyard. Human individuality and diversity – indeed human eccentricity and non-conformity – are gifts from God and are to be celebrated as such. Accordingly, individuality and diversity in churchyard inscriptions reflecting the diversity and different characters of those commemorated are to be encouraged. Very many churchyards are enhanced and their purpose reaffirmed by inscriptions which are varied (and often quirky or eccentric) and

which convey something of the character or life of the departed person. The message that we are individuals and are loved by God as individuals with our God-given differences and eccentricities is an important part of the Christian message proclaimed in our church buildings and to which our churchyards should bear witness.”

- 8) As the Chancellor stated in St Leonard: Alton with Bradley le Moors on the Petition of John Michael Chadfield [2019] ECC Lic 10 at [12]:

“Particular care is needed in the wording of inscriptions. It is important to bear in mind that the inscriptions will be read not just by those who knew the departed loved one but also by those who did not. The message sent to the latter is in some respects as important as that sent to the former. In those circumstances the message conveyed by an inscription must be consistent with Christian belief and must be something more than an expression of loss no matter how deeply felt.”

- 9) Returning to the Churchyard Regulations in respect of memorials:

“[The Churchyard Regulations] are intended to ensure the application of a consistent approach which is fair to all. A proposed memorial which does not accord with the Regulations can only be authorised by the grant of a faculty. Those seeking permission for a memorial falling outside the Regulations will need to establish that there is a good case for departing from the Regulations in the particular case.”

- 10) Even so, a uniformity of memorials is neither necessary nor desirable. As the Regulations continue:

“Nonetheless, it is not the purpose of the Regulations to suppress quality or individuality in favour of an unthinking uniformity. Churchyards can be enriched by memorials which are outside the norm whether their difference from the norm is in appearance, material, or design. Memorials which display individuality are to be encouraged. They can demonstrate thought and imagination and can contribute to and enhance the appearance of a churchyard. The Church welcomes such proposals and the Chancellor urges clergy and churchwardens to draw the attention of the bereaved to the possibility of individually designed memorials.

It is particularly important in such instances that the memorial is well designed and is of the highest quality. It is for that reason that memorials of unusual design can only be permitted after a faculty has been granted. ...”

### The Memorial Stone

- 11) The Petitioner proposes the following memorial in the maximum size permitted by the regulations or such larger size as the discretion of the Consistory Court will permit. He describes the memorial as dignified and fitting. The choice, he asserts was not seen by the Petitioner and Mrs Gordon-Thompson as

controversial or out of place or a cause of offence. The design is Belle Lapid  
BL133:



## BL133

### JET BLACK AND VISCOUNT WHITE

Detailed carved roses and heart set on a canopy set with rounded pillars.  
(two options of design available).

12)The objection from the PCC, Wardens and Rural Dean are on the basis that the memorial does not meet the Churchyard Regulations and is not in keeping with those already within the churchyard. They make specific reference to the columns blue design top. They state they would prefer a plain black headstone with the words engraved. Although the Memorial Application Form is dated 3<sup>rd</sup> February 2022, the Petitioner provided lengthy and detailed written representations which, although dated 1<sup>st</sup> February 2022, also address at page 12 and following the form of the memorial stone. I consider that I have all the information and submissions necessary to make an informed decision.

13)In addition to the written materials, I have had regard to the immediate environs of the burial place. I note that the memorials in the immediate vicinity (where

erected) are in black stone, save one in pale grey. Other photographs in the churchyard show similar arrangements, albeit with some variety of shape and one headstone at least in reddish stone. There are occasional noticeable departures from the Churchyard Regulations, in design and content, with kerbs, hearts and a photograph. One of the weathered historic monuments has columns, but these monuments are some distance from the more intensive, recent interments. Children's memorials are still more varied, for understandable reasons, and appear to be grouped.

14) Notwithstanding the variety already present within the churchyard in general, I find that the proposed departure from Regulations is too substantial to be permitted by the grant of a faculty. The use of blue will be notably incongruous in the location reserved, because all the nearby stones conform essentially to the Regulations. The use of columns will make the monument even more pronounced. In combination, there will be a distraction from the other memorials, compounded by a comparatively prominent location. Even were the size to be limited to the maximum under the Churchyard Regulations (in common with many of the other memorials), this would not (I find) sufficiently mitigate the visual impact. A more discrete monument, consistent with those around it, would be approved, but not this Belle Lapid BL133, which I find is not in keeping with the Churchyard in general or suitable for this location in particular.

### Inscription

15) The inscription is a matter of considerable sensitivity. The inscription is lengthy, but length of itself does not make an inscription inappropriate. As the Chancellor noted in St Leonard (above), many memorials of beauty and seamliness bear lengthy inscriptions. The key question is the content, and the longer the inscription which is proposed the more important it becomes to ensure that the content is appropriate.

16) The poem "Do not stand at my grave and weep" is well-known, but occurs in at least two versions. The Petitioner provides one by way of example in his

submissions; albeit longer in sixteen lines, than the usual twelve lines (as appears on the monument he uses as an illustration, reproduced below):



17) The Petitioner proposes the following inscription:

“Do not stand and weep for me, I am not gone, I do not sleep.<sup>1</sup>  
I am in a thousand winds that blow,  
I am the diamond glints on snow.  
I am the sunlight on ripened grain.  
I am the gentle autumn rain.  
When you awaken in the morning hush,  
I am the swift uplifting rush of beautiful birds in circled flight,<sup>2</sup>  
I am the songbirds in the morning's rise.  
I am the soft stars that shine at night.  
Do not stand and cry: I am still everywhere. I did not die.  
I am a sparkle that remains in all your lives.”

<sup>1</sup> Here two lines have been written as one, which should ideally be separated

<sup>2</sup> Here two lines have been written as one, which should ideally be separated. Substituting “beautiful” for “quiet” also awkwardly adds a syllable

This is very different from other versions in its later lines; notably substituting “I am everywhere” for “I am not there”, and adding a new final line.

18) The Petitioner has provided a lengthy submission upon the inclusion of the poem, the text of which was worked upon by him and Mrs Gordon-Thompson during her final illness. The Petitioner states:

“In the last three lines, the speaker resumes a commanding tone, leaving behind her tone of comfort in an abrupt shift. She yet again commands her readers not to cry for her. She reiterates the command not to stand at her grave as if she is there. Her body may be buried there, but her soul is not confined to the grave. She has already described all the places in which her soul can be found, from the sounds of the circling birds, to the silence of the morning, to the glistening snow, to the winds, the sun, and the rain. She claims that she is there, existing in all the beautiful elements of nature rather than resting in her grave.”

In respect of the final line, he adds:

“[It is a] modernisation at the end of the poem [Mrs Gordon-Thompson] said was beautiful. That projects the entire poem in its entirety in those few words: Our Story ‘I am a Sparkle in all your lives’ ”

19) I note that the Parochial Church Council, Wardens and Rural Dean have no objection to the poem.

20) I consider that the inclusion of “I am still everywhere” is permissible as consistent with the tone of the preceding parts of the poem reflecting the immortality of the soul (albeit that the poem no longer scans in that line). The additional final line, however, is problematic in referring to “your” lives. The Petitioner refers to this in the context of “Our Story”, meaning the story of Mrs Gordon-Thompson and the Petitioner, but “your” in this location is addressed to any reader and is sought to be placed on a memorial, in due time, to the Petitioner as well as Mrs Gordon-Thompson. I consider that this is both over personal and inappropriate as a form of address to almost all the likely readers.

21) In the circumstances, I would be willing to approve the poem either without the final line or with a final line that is not directed at “your” lives, and so no longer overly personal. The preceding line could perhaps be further adapted to this end.

## Conclusion

22) In those circumstances the petition for a faculty for a memorial in the proposed form will be refused. However, if the Petitioner wishes it, a faculty may issue for a more discrete monument with suitably revised wording.

23) I have been asked to anonymise this judgment. This arises as an issue because there was a highly regrettable, disruptive incident at the funeral of Mrs Gordon-Thompson on 30<sup>th</sup> July 2021. I decline the request because I consider it has no useful purpose. It is to be hoped and expected that a suitable memorial will be erected, the tone and content of which will speak for itself, and which may yet reflect much of what has been sought. It will be in the churchyard where the funeral took place and, therefore, public. The result of the petition is a public matter and it is hard to identify any aspect of this judgment that would have any impact on matters arising from the incident or provoke further incident.

*Dr Anthony Verduyn*

DEPUTY CHANCELLOR

17<sup>th</sup> May 2022