

Judgment

1. This is a terribly sad case. Max Gainard, aged 3, died a year ago from a very rare complication after catching mumps although he had been vaccinated. He was, until then, a very healthy and happy little boy. He had a great love for Thomas the Tank Engine.
2. His parents are, quite naturally, devastated by his death. They now apply for a headstone for his grave. The headstone is to be engraved:

MAX GAINARD
10.05.11-03.02.15
MUCH LOVED SON,
BROTHER, GRANDSON
NEPHEW AND COUSIN
SOMETIMES THE
SHORTEST STORIES
ARE THE MOST BEAUTIFUL
SLEEP TIGHT BABY BOY

3. They have adjusted their application for the headstone to be made of the appropriately coloured stone. They petition now for a coloured picture of Thomas the Tank Engine to be placed above the inscription. They make the point that there is already a Headstone with a coloured picture of a teddy bear on it in the graveyard, that there are other Headstones which are of a size and colour that should not have been allowed and that are, in their view 'vulgar to look at' and that Max's grave is 'tucked away' with the headstone facing away from general view. They also state that the picture will identify Max's grave as being that of a child.
4. Their parish priest, the Revd Tim Bell, who conducted Max's funeral and has been trying to help his parents through this dreadful time, supports their application or, alternatively, suggests that a coloured picture of Thomas the Tank Engine without coloured sky could be engraved on the stone.
5. After I drafted this Judgment on the 2nd March I sent it to the Registry. On 22nd March I received a copy of a letter from Mrs Sara Penellum drafted on behalf of Mr and Mr Gainard supporting the petition. I mean no discourtesy if I do not set out her arguments in full. They are similar to Mr and Mrs Gainards. She does however say

that she can find 'no definitive rules in the Diocese of Bristol or the Diocese of Gloucester's Churchyard Regulations which would mean that this request should be dismissed'. In all the circumstances I judged it both fair and proper to reconsider my Judgment in the light of the letter to see if I should alter my decision.

6. The Churchyard Memorial regulations are however, in my view, clear. In particular I directed in January 2014 that there was to be an amendment to regulation 4.6 to ban 'any images or carvings that are not explicitly consonant with orthodox Christian belief'. I am concerned to note that this amendment does not appear to have been made to the online version of the regulations, particularly as I have had to deal with petitions where I have refused memorials on these grounds since that amendment. It goes without saying that I cannot imagine circumstances where I would have allowed a picture of a teddy bear to be engraved on a grave stone and I am disappointed that such a gravestone has been erected. The Churchyard regulations are clear about such headstones:

5 EXISTING MEMORIALS It is not uncommon for churchyards already to contain memorials introduced in the past (with or without faculty) which do not conform to the criteria set out in section 4 above. However, such memorials are not to be followed as precedents. If there is any doubt, the advice of the Registrar or the DAC should be sought.

7. I have to consider whether I can allow such a substantial departure from the Churchyard Regulations. My consideration of that question must be undertaken in the context of the nature and purpose of a churchyard. Churchyards are consecrated to God, Father, Son, and Holy Spirit and what is set out on memorials therein must be consistent with that consecrated status. It follows 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.
8. 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. Moreover, the memorials placed in churchyards must be fitting and appropriate not just for today but also for the future. Matters of sentiment and aesthetic judgment are fraught areas and Mr and Mrs Gainard's letter neatly sets out the problem, by identifying that several Headstones in the graveyard are, in their view 'vulgar to look at'. Those same Headstones, vulgar to strangers, must have given comfort to the deceased's families when they were erected (but only, presumably, to them) however inappropriate they now appear to those who did not know the deceased.

9. I am afraid I must refuse this petition. I know that this will cause Mr and Mrs Gainard a degree of heartache, but I must base my decision on the regulations that have been drafted and why they have been drafted. I take on board that there are other Headstones in the graveyard which fall foul of the graveyard regulations and which may have been introduced unlawfully, in particular the Headstone which has a coloured picture of a teddy bear on it. Such behaviour cannot and must not be allowed to set a precedent.
10. It will be clear, in my view, from the very moving inscription on Max's Headstone that this is the grave of a child, and one who was very much loved by his family who are confident both of his peaceful rest and his resurrection.
11. I am grateful both to Mr and Mrs Gainard and Mrs Penellum for the measured tone of the heartfelt letters sent to me.

Holy Tuesday, 2016

Justin Gau,
Chancellor