1. This is a petition dated 16 November 2011 by the Reverend Mary Bide, Alice Fookes and Donald Broad, the Rector and Churchwardens respectively of the parish of St Mary the Virgin, Wimbledon. By it, they seek a faculty for the introduction into the church of a votive candle stand next to the font, and to move the Book of Remembrance (which currently occupies this position) to the south wall.

2. The Statement of Need is as follows:

Over the past few years many visitors to the church and many of the regular congregation have asked whether there could be a place where candles can be lit either as an act of remembrance for someone who has died or to accompany a prayer for someone who is ill or in distress. We currently have no votive stands.

The Committee considered this and wanted to ensure that any stand would not pose a fire risk or drip wax. A design was chosen that looked attractive rather than utilitarian, and which used night lights rather than tall candles, as these would be less likely to drip. The possible positions were considered. It was felt that it should be somewhere easily visible, but not near any flags. The best position was felt to be where the Book of Remembrance is now sited. The floor is stone and there are no inflammable objects near to this site. It is far enough from the font for this not to pose any problems.

It is proposed that the Book of Remembrance is moved to the right so that it is against the South wall.

3. The PCC considered the proposal at its meeting on 5 October 2011 and a resolution supporting the proposals was passed unanimously.
4. St Mary’s Church is Grade II\textsuperscript{*} listed. It is a handsome church, much altered in the nineteenth century, but with certain parts dating back to the medieaval period. The font is situated on the eastern end of the nave on the southern side. It is not contended by anyone that if there is to be a votive candle stand, the location selected for it is inappropriate, and it is not contended by anyone that the simple stand proposed is aesthetically objectionable. It is not seriously suggested that either in this location or generally that it will pose an unacceptable fire risk. The Church’s insurers have suggested some commonsense precautions (I think that these are “standard form”) and I am sure that these will be observed by the church since, apart from anything else, if they are not observed, the insurers will go “off risk”.\textsuperscript{1}

5. The DAC considered the proposals at its meeting on 10 November 2011 and decided to recommend them.

6. The proposals were publicised under rule 6 of the Faculty Jurisdiction Rules 2000, namely by being posted on a notice board inside the church and on a notice board outside the church where it was readily visible to the public. There was one objection, namely from Miss Sonia I L Elkin OBE who lives at 20 Church Road Wimbledon SW19 5DL. She has been a member of the congregation for something over 45 years. In that time she has served the parish as a member of the Church Committee and the PCC, as Secretary of the PCC and the Finance Committee and as Churchwarden.

7. The main part of Miss Elkin’s objection is as follows:

\textit{The original purpose of candles was to provide light. They are wholly justified for this purpose or for decoration eg at the Carol service etc. The gift of a candle at a Christening to signify that the recipient should “shine as a light in the world” is also}

\textsuperscript{1} Miss Elkin in her objection (see paragraph 7 below) does raise the point but “places it right at the bottom of my concerns”. I think that she will be reassured by an understanding of the assessment of the position by the Church’s insurers.
valid. Candles on the altar are there because originally they were necessary before the days of gas or electricity (and they still are in some country churches which lack these) and they do look nice but surely that is all. I daresay some have attached a ritual significance to them but I cannot believe that the validity of any service is in any way affected by whether or not they are there and are or are not lit.

It is argued that the gesture of lighting a candle in a Church is in lieu of a prayer for the inarticulate. Why is a prayer, whether articulated or not, made valid by putting a coin in a box and lighting a nightlight? It smacks of superstition and should be discouraged rather than the reverse. Why is lighting a candle in Church more significant or “effective” than lighting one anywhere else? We should be doing all in our power to encourage and help people to feel welcome to sit quietly in our Church and to have an opportunity to reflect and pray. Just being there quietly can be a prayer in itself. When a candle goes out does God cease to notice? Presumably he is supposed to notice when it is lit. Do we really want to encourage people to believe this? This is not the faith into which I was confirmed and I believe it is wrong to promote it in the Anglican Church. I know that there are some who are in some way “comforted” by the act of lighting a candle, but is that a justification for encouraging superstition? It does not seem to me to have anything to do with faith. I am becoming increasingly troubled by the tendency in some Anglican Churches to embellish worship with rituals which are not core to why we are there and simply distract.

8. In accordance with rule 16 (3) of the Faculty Jurisdiction Rules 2000, the Registrar wrote to Miss Elkin on 10 January 2012 asking her whether she wanted formally to become a party opponent in the proceedings or simply for her objection to be taken into account by me in reaching my decision. By an e-mail dated 22 January 2012, Miss Elkin elected to take the latter course.

9. Mrs Bide has responded to Miss Elkin’s objection as follows:

Over the years there have been many occasions when a visitor has asked whether there was anywhere in the church where they could light a candle. This has usually been because someone close to them had recently died or was seriously ill. We therefore explored the idea of introducing a votive candle stand. There was huge enthusiasm for the idea – far more than I had anticipated. Only one person expressed any reservations and that was Sonia Elkin.

I would like to address her concerns. For many people, the simple act of lighting a candle expresses better than words their concern for their relative or friend and their hope or desire that God’s love may surround them. Is this superstition? I cannot see that this is any more superstitious than repeating a particular form of words. Of course, for many people not used to praying there may be an element of “bargaining” (if I do this, God may act), but this is true whether prayers are spoken, thought or
implicit in a symbolic action. All are a starting point for communication with God and about God. I am always happy to encourage people to pray in this church in whatever way they find most useful. Once they have discovered the wonder of prayer, then we can teach ways of extending this two way communication with God. Denying the validity of a person’s prayer does not seem to me to be a good start to mission.

I have had extensive conversations with Sonia Elkin about this and we have agreed to differ. Fortunately it has not caused any ill feeling on either side and we remain on very good terms.

10. I am pleased to note the last sentence of Mrs Bide’s response, which of course reflects how disagreements within a church ought to be addressed.²

11. In considering this matter I think that it is helpful to begin by recognising that historically the positioning and use of candles within a church of the Church of England was a matter of great controversy. Cripps on The Law relating to the Church and Clergy (8th edition: 1939) records The lighting of candles for the purpose of giving light is lawful, but the use of candles or any other lights for ceremonial or superstitious purposes in any part of the church is forbidden³. I have little doubt that historically the use of a votive candle stand would have been regarded as a superstitious use.⁴ However I am not aware of any authority to this effect, and the Court of Ecclesiastical Causes Reserved in 1985 in In re St Michael and All Angels, Great Torrington⁵ saw no objection to granting a faculty for an icon and candle stand. Although it is fair to say the intrinsic acceptability of a candle stand was not argued, the significance of this decision is the fact that this Court is specifically constituted

² In my recent decision in I indicated that in cases where there is an objection, I would normally ask that, before I consider the matter further, the parties meet to see whether the disagreement can be resolved – even though there is likely to have been consultation within the parish at an earlier stage. In the present case I have not done this because, there evidently has been discussion between Mrs Bide and Miss Elkin and they have evidently “agreed to disagree”.
³ See pp229 -230 and the authorities there cited.
⁴ I am not concerned in the present case with the ceremonial use of candles but it should be noted that the law as regards the ceremonial use of candles has changed since 1939: see Bursell Liturgy, Order and the Law (1996) at pp75 – 76.
⁵ [1985] Fam 81.

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under the Ecclesiastical Jurisdiction Measure 1963 to consider matters relating to
doctrine, ritual or ceremonial and consists of two Lords Justice of Appeal and three
Bishops. If there had been a concern about the intrinsic lawfulness of a candle stand,
one would expect it to have been raised at this time. It seems to me that what had
changed between the nineteenth century and 1985 is that use of candles was no longer
regarded as necessarily superstitious. In In re St Edward, King and Confessor, Castle
Donington\footnote{Unreported: 18 May 1994} again it was not argued that a votive candle stand was unlawful, but
Chancellor Seed, following In re St Michael and All Angels, Great Torrington held
that it was not unlawful. The lawfulness of votive candle stands was further
considered in In re St John the Evangelist, Chopwell\footnote{[1995] Fam 254.}
In that case, Chancellor Bursell QC said:

\begin{quote}
I now turn to the matter of the votive candle stands, or prickets. I am aware that such
stands have been introduced into a number of cathedrals, including the cathedrals of
Durham and St. Albans; nevertheless, such an introduction does not prove their
legality. Such items are equally legal or illegal whether introduced into a cathedral,
church or chapel. Nevertheless, I am unaware of any reported case dealing with such
legality save In Re St. Edward, Castle Donington (1994) 3 Ecc LJ 349. The report of
that case, however, is unfortunately short although the relevant part reads as follows:

"A votive candle stand could be seen in many Church of England cathedrals and parish churches
and the fact there might be none in a particular geographical area was not a reason for not allowing the
introduction of one such into one of the churches in that area. Traditions within a particular church
change as congregations and their attitudes change and provided there was sufficient support for such
a change after consultation, the introduction of the votive stand, which a majority of the worshipping
congregation supported, and which the diocesan advisory committee approved, was to be allowed."

Seed Ch's more detailed reasoning is unfortunately not reported.\footnote{I have had the benefit of reading Chancellor Seed’s judgment in full. As I indicated above, on the lawfulness of votive candlestands he relied on In re St Michael and All Angels, Great Torrington.}

It is therefore necessary to look at the votive candle stands in the light of other
authority. On the one hand, to adopt the words of the Judicial Committee of the Privy
Council in Westerton v Liddell (1857) Moo Spec Rep 132, 156, such stands would not be "used in the performance of the services and rites of the church." On the other hand, neither would they be "subsidiary to the services" and, for that reason, legally
permissible: see Martin v Mackonochie, LR 2 PC 365, 390. Indeed, they are not even "articles the use of which is required in the services and ministrations of the Church:"

\end{quote}
see Westerton v Liddell Moo Spec Rep. 132, 156 and In Re St. Thomas, Pennywell [1995] Fam. 50. 69A-C.

However, as Father Wray tells me in relation to the present case, such stands are used solely to aid private devotion and, save in relation to the one matter to which I will advert at the end of this paragraph, the ecclesiastical law does not seek to limit, or impinge upon, the private devotions of its members: see Read v Bishop of Lincoln [1891] P 2, 89. Indeed, to adopt the words of Sir Robert Phillimore, Dean of the Arches, in Martin v Mackonochie (1868) L.R. 2 A & E 116, 133 such matters are "wisely left to every man's discretion." (See, too, the comment of Sir Lewis Dibdin, Dean of the Arches, in Rector and Churchwardens of Capel St. Mary, Suffolk v Packard [1927] 289, 298 where he stated in arguendo: "It is repellant to me to be asked to inquire into the private devotions of the rector.") Items that assist private devotions may in my view, therefore, be admitted into a church as long as they do not detract from the devotions of others nor, more particularly, from the actual services and ministrations within the church itself. The votive candle stands will, therefore, be permitted by faculty, although only "until further order" so that the court may retain control in the unlikely event that they become used for what are called in the old cases "superstitious uses." see Newsom and Newsom, Faculty Jurisdiction of the Church of England, 2nd ed. (1993), pp. 125-126.

12. Chancellor Bursell thus held that the use of a votive candle stand is not necessarily superstitious and that one should not be astute to detect superstition in the use of it. I find this generally convincing and on the question of intrinsic lawfulness compelling. In subsequent cases, the issue has been not whether a votive candle stand is lawful but whether it is **appropriate** to permit them in the particular circumstances of the case: see In re St Oswald King and Martyr, Oswestry⁹, In re St John the Baptist, Greenhill¹⁰ and In re St Nicholas, Arundel¹¹.

13. In deciding the appropriateness of permitting a votive candle stand it is evident highly relevant to consider the views of parishioners. In this regard, the Oswestry and Greenhill cases contain an instructive contrast. In the former, Chancellor Shand held that the use of votive candles was **indicative of a Catholic theology which is alien to**

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⁹ (Unreported: 12 December 1998) (Consistory Court of the Diocese of Lichfield). It is fair to say that in this case Chancellor Shand was concerned about the lawfulness of votive candlestands but the case did not turn on this point. He had In re St Michael and All Angels, Great Torrington before him but not In re St John the Baptist, Chopwell.


¹¹ (Unreported: 26 June 2001) (Consistory Court of the Diocese of Chichester).
St Oswald’s, and a faculty did not issue. In the latter, in which a faculty did issue, Chancellor Cameron noted *that there has been wide publication of the proposal by means of the parish news sheet, and this produced no objection but three letters of support. This is in addition to the support from both churchwardens and the majority of the PCC, which has considered the matter in depth.*

14. In the Greenhill case the Chancellor was also impressed by, and gave weight to, the pastoral case:

*Many people come into the church during the day seeking support and comfort. The Petitioners will testify that requests are often made by bereaved and lonely people to light a candle as an aid to help them remember and reflect. Such people frequent the church for a variety of reasons: sometimes they are seeking God and some purpose to their confused lives, often at a time of crisis. The symbolism of a candle, even without prayer, can be a great source of strength, just to reflect upon the life of a friend or relative or sick person. It can also aid their prayers and remind them of the Light of Christ.*

This of course reflects, in its own language, what is said in the present case in the Statement of Need.

15. The facts that:

- there is no legal impediment to the grant of a faculty;

- Miss Elkin is the sole objector;

- there is a pastoral case for the provision of a candle stand

all point strongly to the grant of a faculty in this case. Nonetheless I am conscious that these factors do not engage with Miss Elkin’s objection, which discounts the pastoral case and is really good or bad regardless of the number of people who articulate it.

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12 On this numbers are relevant but evidently should not always be viewed as decisive. In the Oswestry case, Chancellor Shand observed *Even now only 13 of a total of PCC of 25 have voted in support if this petition.* In Greenhill case (out of a PCC of 24 where the incumbent, as Chairman, did not vote) the voting was 10 for 2 against 5 abstentions and 6 absent.
16. I think that, with respect, one may safely discount part of it. I am sure that the Petitioners do not consider that the validity or efficacy of a prayer depends upon lighting a candle or putting a coin in a box. But Miss Elkin’s point is that, in her view, the provision of a votive candle stand encourages such superstitious use. She expressly acknowledges that lighting a candle may be comforting to some people, but she considers that this benefit is outweighed by the disbenefit.

17. On the other hand, as was the case in *In re St John the Baptist, Greenhill*, the Petitioners emphasise the pastoral benefit. It may be that Mrs Bide does not feel that there is any risk at all of encouraging superstition, but evidently she considers that, if there were, it would be outweighed by the benefits.

18. The views of both Miss Elkin and Mrs Bide seem to me reasonable ones and, needless to say, both are held conscientiously by believing Christians. It seems to me that it is not for the Chancellor of a diocese to decide between the intrinsic merits of these competing views. It seems to me that in these circumstances the matter is one where the feeling in the parish is what is decisive. Given the justification for the proposal set out in the Statement of Need and the overwhelming support that it has received in the parish, it seems to me that a faculty should issue, and I so direct.

19. In the *Greenhill* case the Chancellor directed that, in accordance with her usual practice, a notice should be displayed in a position close to the candle stand in a position where it could be easily seen and read:

*The usual notice invites the lighting of a candle and refers to the fact that “Every Christian at his baptism passes from darkness to light and is called to shine as a light*
in the world." It goes on to point out that "saints and martyrs have shown as lights in
every generation and continue to do so in our time. as do prisoners of conscience".\textsuperscript{13}

I think that there may be practical problems with notices, and one can see that there
may be many forms of appropriate words. I do not require a notice as a condition of
the grant of this faculty, but I commend the idea of a notice to the Petitioners as
something to be looked at.

PHILIP PETCHEY
Chancellor

21 February 2012

\textsuperscript{13} There was already an "Amnesty" candle in the church, so the Chancellor in the Greenhill case held that it was
not necessary to include in that case a reference to prisoners of conscience.