

Neutral citation number: [2022] ECC Ely 2

Faculty application – Grade I listed Cambridge College Chapel – College applying to remove the C 17th Rustat Memorial from the west wall of the Chapel to a specially created exhibition space within the College – Pastoral and missional concerns due to Rustat’s involvement in the slave trade –DAC not objecting – 68 objectors becoming parties opponent – Removal causing considerable or notable harm to significance of Chapel – College not demonstrating a clear and convincing justification

The following cases are referred to in the judgment:

Re All Saints, Hooton Pagnell [2017] ECC She 1

Re Jesus College, Cambridge [2022] ECC Ely 1

Re St Alkmund, Duffield [2013] Fam 158

Re St John the Baptist, Penshurst (2015) 17 Ecc LJ 393

Re St Lawrence, Wootton [2015] Fam 27

Re St Luke the Evangelist, Maidstone [1995] Fam 1

Re St Peter, Shipton Bellinger [2016] Fam 193

Re St Peter & St Paul, Aston Rowant [2019] ECC Oxf 3, (2020) 22 Ecc LJ 265

Re St Peter & St Paul, Olney [2021] ECC Oxf 2

Re St Saviour, Nottingham [2022] ECC S & N 1

JUDGMENT

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Decision and summa	

2. I have conducted two procedural hearings on this petition. These took place remotely, using the Zoom video platform, on Monday 15 November 2021 and Saturday 8 January 2022. At the second of those hearings, I refused an application by the parties opponent for an adjournment of the substantive hearing of this petition for at least four months for the reasons I set out in a written judgment handed down on 18 January 2022 (under neutral citation number [2022] ECC Ely 1) to which reference may be made for additional background details to this petition. I undertook a site visit, accompanied by representatives of the College and the parties opponent, on the afternoon of Sunday 30 January 2022 during the course of which I inspected the whole of the Chapel,

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his death on 15 March 1941, the continued presence of his memorial in such a prominent position, high up on the west wall of the chapel, causes a serious obstacle to the College's ability to provide a creative Christian ministry and witness to the College community and a safe space for secular college functions and events and that its removal will enable the pastoral, and missional, life of the College to thrive. The College says that it does not seek to erase Rustat's name, or his memory from the College, but merely to re-locate his memorial to a more appropriate, secular space, where it can be properly conserved and protected, and become the subject of appropriate educational study and research.

4. The parties opponent contend that the court should give the support afforded to the petition32 s(it)-4232 8eW* nBT/F3 12 Tf1 0 0 1 426.19 631.66 Tm0 g0 G[(po)-9 Tm0 gs6871 0 -0 g0 G[(pe

QC (in the Diocese of Sheffield) explained at paragraph 20 of her judgment in *Re All Saints, Hooton Pagnell* [2017] ECC She 1:

churches, particularly listed churches, constitute a tangible and spiritual history which touches everyone including the people of the past, the present and the future including those from within and from outside our church communities and from within and outside their geographical area. They connect us to each other and to those who went before us and to those yet to come by our mutual and continuing appreciation and enjoyment of their beauty and history. These buildings need and deserve to be preserved, renewed and improved, expertly, professionally and within a process open to public scrutiny. That is my understanding of the purpose of the strict law which applies to listed buildings generally and within the Faculty Jurisdiction as applied to listed churches generally and Grade 1 and 2* listed in particular. Within the church the preservation and development of beauty and history is undertaken to the glory of God.

In determining an application for a faculty permitting works to a church building, the consistory court will have permitting

impoverishment of our planet. I acknowledge that this may take time, and that it may not prove easy

monument with the courtier s portrait in an oval medallion, two asymmetrically posed putti holding up draperies, and garlands below the inscription. Made c. 1686, almost certainly by the studio of Grinling Gibbons, from whom Rustat commissioned royal statues for Windsor and elsewhere; probably carved by A. Quellin. A fuller description of the memorial reads:

white marble wall monument with inscription cartouche bordered by garlands of fruit and flowers and surmounted by two cherubs holding aside draperies to reveal an oval medallion containing a portrait-bust carved in high relief, and with a crowning cartouche containing the carved arms of Rustat . Rustat commissioned the memorial in about 1686 and, for the last eight years of his life, it resided at his house in Chelsea. Apart from the final lines, with details of Rustat s death (according to the old calendar), he was responsible for the inscription, which reads:

TOBIAS RUSTAT YEOMAN OF THE ROBES
TO KING CHARLES THE SECOND,
WHOM HE SERVED WITH ALL DUTY AND FAITHFULLNESS,
IN HIS ADVERSITY, AS WELL AS PROSPERITY;
THE GREATEST PART OF THE ESTATE HE GATHERED,
BY GODS BLESSING, THE KINGS FAVOUR, AND HIS INDUSTRY
HE DISPOSED IN HIS LIFE TIME IN WORKES OF CHARITY,
AND FOUND THE MORE HE BESTOWED
UPON CHURCHES, HOSPITALLS, UNIVERSITIES, AND COLLEGES,

Rustat's elder brother, Robert, whose son (and Tobias's nephew), also called Robert, and his family are said to have been the principal beneficiaries of Tobias Rustat's estate. The Registry have also received a number of emails from students of the College strongly supporting the removal of the Rustat memorial from the Chapel and its relocation in an educational space within the College. In July 2021 189 College alumni sent an open letter to the Master, which was copied to the Registry, also expressing their full support for the College's efforts to remove the memorial from the Chapel and relocate it to a place where it could be understood in its full context. It is clear from these documents that feelings about the future of the Rustat memorial run high on both sides of this dispute. It is a powerful tribute to their maturity and integrity that throughout the hearing of this petition everyone concerned has displayed a remarkable degree of dignified restraint and mutual tolerance and respect, appropriate to the College's standing as one of this nation's foremost academic institutions for the advancement of education, learning, research, and religion (as provided in the College's charitable objects and governing statutes). Typical of this dignified restraint was the fact that on the mornings of the second and third days of the hearing, my arrival in the College was welcomed by about a dozen members of the College Chapel Community politely displaying hand-written, home-made placards reminding me that Churches are people not marble and that this case is about Moving not erasing. I have had regard to all the written representations received by the Registry, irrespective of whether or not the makers of those representations have elected to become a party to these proceedings.

Consultation responses

15. Historic England, the Church Buildings Council (the **CBC**), the local planning authority and interested amenity societies have all been consulted on the removal proposals as they have developed with the following results:

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Historic England

16. Historic England's initial advice was contained in a 12-page letter, dated 18 December 2020, from Mr John Neale, the head of

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The College's recognition of the implications of the monument in slavery forms part of the wider process by which we, as a society, are coming to terms with one of the most shameful parts of our collective past. Historic England understands the importance of this undertaking and shares in it. In respect of monuments of historic and artistic importance, though, we consider that it will best be advanced through re-interpretation rather than removal.

17. Historic England's letter proceeds to consider Sir Tobias Rustat, his wealth and its connection to Jesus College noting that: Rustat profited knowingly from the enslavement of people. As the College states in its application, profiting from enslavement, trafficking, and exploitation is unambiguously wrong. It then describes the memorial, its significance and its relation to that of the Chapel:

The significance of the monument is of historic interest. Both are very high, and the monument itself may be described as having high significance. The place of the monument within the Chapel reinforces its significance, while also contributing to that of the Chapel to the richness of the building. The monument's unique character contrasts with the Gothic of the medieval building and its 19th century re-imagining. The monument also adds to the historic interest of the Chapel, notably as a representation of one of the principal benefactors.

The letter considers the impact of the proposed removal of the memorial. It assesses that this would be a loss of significance and a notable degree of harm to the significance of the Chapel. Historic England understands the College's reasons for seeking to remove the memorial but it believes that we should respond to the legacy of slavery not by removing monuments of artistic and historic importance, but by interpreting their full meaning. Historic England proceeds to develop its position with reference to the *Duffield* questions. The harm to the significance of the Chapel would be notable, while leaving the Chapel a building of exceptional significance. Historic England states:

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it agrees that the College should respond to the legacy of slavery. It considers, however, that this could be done without the harm entailed by monument from the Chapel.

Despite its artistic accomplishment, Rust monument has, at its heart, words. The right words, writt he right words, speaking what the monument le

The high aesthetic and historic significance of this memorial has been clearly set out by Historic England in their thoughtful letter of the 18 December 2020. The Group cannot meaningfully add to this authoritative assessment, and we do not therefore intend to repeat it here. We do however agree with [redacted] and the particular interest encompasses the broad historic interest of Rustat [redacted] and the particular interest of his contribution to Jesus Coll [redacted]

to be read without having to look up in deference. This new perspective enables a kind of interplay possible in its current location. The question remains as to whether its overall legibility as an artwork will remain when viewed in such a tight space. That said, the Council accepts the impact on the significance if it the Chapel is relocated. The Council also notes that if the memorial is moved, there will still be a marker of a Christian burial to Rustat in the floor of the Chapel.

The Church Monuments Society (the CMS)

24. On 30 December 2020 the CMS wrote expressing its total opposition to the

(4) A new memorial should be placed on the wall of the Chapel noting the burial of Tobias Rustat and his dates, together with separate interpretative material.

(5) Further details concerning any conservation works found to be necessary should be submitted to the DAC for recommendation.

26. The NoA records that in the DAC's opinion, the work proposed is likely to affect the character of the Chapel as a building of special architectural or historic interest. It notes that Historic England, the local planning authority, the Society for the Protection of Ancient Buildings, the Ancient Monuments Society, and the Church Buildings Council

should best be addressed, not on whether an individual deserves to be expunged from the historical record.

It is recognised that while building consensus and reaching a shared understanding may be the aims when addressing contested heritage, this is an iterative process, and consensus may not be reached. It is hoped that open, honest and gracious discussion, listening and learning happens, with people being able to disagree well and with kindness and ultimately to respect the decisions made

2c Legal and historical considerations [page 13]

The framework for considering contested heritage set out in this guidance is not an alternative to or substitute for the process of obtaining formal permission under the Faculty Jurisdiction or the Care of Cathedrals Measure ...

In terms of attempting to justify a physical intervention such as altering or removing a memorial what needs to be proven is not principally that a memorial is to somebody (or perhaps donated by somebody) whose views or actions we would now condemn, but *rather that the presence of the memorial*

heritage would, as always, be a robust Statement of Significance, founded on an appropriate level of research into the object in question and its physical and historical context, and a Statement of Needs, considering the need for change from liturgical, theological, missional, and community perspectives. Insufficient understanding of the significance of the object and the need for change, if the research is deficient in depth and quality and/or the interests of any party are ignored or not given appropriate weight, is likely to lead to distress and recriminations, as well as the possibility of the refusal of any proposed interventions.

3e What are the options for change? [page 21]

Broadly speaking, from the perspective of the ecclesiastical permissions process, the greater the level of intervention, the greater the potential harm to significance and thus the more compelling the justification that will be required to implement it. In blunt terms this means that it is generally easier to gain approval for works to objects of low significance than of high significance, and for works that will have a low impact on the significance of the object than for works that will have a high impact. This is true of all works to historic buildings, particularly when the building is listed, and not only works associated with contested heritage.

Some may feel that where an object causes **any** degree of pain or offence then [it] should be removed without delay, just as others might believe that present-day feelings could never justify the removal of an historic monument. The public interest in ensuring the sustainability of our historic buildings, embodied in the historic
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everything else. My goal has been to document and interpret Rustat the context both of his life and of the wider politics and society of late seventeenth-century England. In this paper I have attempted to balance presenting the key archival evidence with brevity; there is much more information available if needed.

However, as the parties opponent pointed out at the substantive hearing, Dr Edwards s witness statement in fact focuses almost exclusively on Rustat s involvement in the slave trade; it does little to undertake any assessment of his life as a whole, despite Dr Edwards s acknowledgment (at paragraph 20 of his witness statement) that this would be appropriate.

30. The service of Dr Edwards s witness statement provoked the application by the parties opponent which led to my judgment of 18 January 2022, refusing them an adjournment of the substantive hearing of this petition (since I considered that this would have been contrary to the overriding objective of dealing with the case justly and, in particular, expeditiously) but giving them permission to call their own historical expert, Dr Aaron Graham, a lecturer in early modern British economic history at University College, London, to respond to the statement of Dr Edwards. Dr Graham s particular field of study is the economic, social and political history of Britain and its empire between 1660 and 1850. In the event, Dr Graham was able to produce his expert statement on 18 January 2022.

31. Dr Edwards and Dr Graham were able to meet remotely via Zoom on the afternoon of Friday 21 January 2022 for around one and a half hours to discuss their respective research findings and expert reports on Tobias involvement with the slave trade. The object of that meeting was to identify areas of agreement and any remaining areas of disagreement. There was a high level of agreement on the involvement with companies that had traded in enslaved people. In his expert report, Dr Graham had detailed several areas where, based on their reports, it seemed that the experts held different views. These were: corporate governance in the late 17th century; the exact nature of participation in both the Royal Adventurers and the Royal African Company; the activities of the Gambia Adventurers; wider attitudes towards slavery in late 17th century Britain; and the significance of Rustat the financier, Edward Backwell. The experts discussed each of the areas of potential disagreement and, in most cases, they identified areas of common ground. These are listed in section 1 of their joint statement. Remaining areas of disagreement were listed in section 2. For ease of reference, and to avoid extending the body of this judgment more than is strictly necessary, I have set out relevant extracts from the expert historians joint statement at the end of this judgment, together with extracts from Dr Edwards s witness statement where this is now agreed and is necessary to an understanding of the joint statement.

32. The College wish to emphasis that: (1) Rustat: (a) was involved, as an investor, a lender, and a member of the Court of Assistants, with two companies (the Royal Adventurers and the Royal African Company) that had traded in enslaved people; and (b) was fully aware that these companies were involved in trading enslaved people; (2) this involvement both pre-dated and post-dated Rustat s gifts to Jesus College, and he was involved in the Royal Adventurers at the time he donated to the College; and (3)

33. However, it is also clear that Rustat: (1) amassed little of his great wealth from the slave trade and (2) used no moneys from that source to benefit the College. By about the time of his gifts to the College, far from generating any financial returns, his involvement in the Royal Adventurers had probably cost him £1,044, equivalent to some £172,980 today; and this loss must be set against the equivalent net profit figure of between £923 13s 10d and £1,595 13s 10d (equivalent to between £137,300 and £237,200 today) which he and his estate together earned from the Royal African Company. Dr Edwards does not beli

that follow, I am grateful to Mr Gau s pupil, Ms Ruba Huleihel, for her notes of the hearing, which have assisted me in deciphering, correcting, and supplementing my own handwritten notes.

The Dean

35. At paragraphs 4 and 5, the Dean expresses his

conviction as a priest and as the Dean of Chapel that the Chapel should be a space that all members of College, without exception, feel is accessible, safe, and welcoming, and that exhibits hospitality to all members. It is my conviction that the retention of the large memorial trestle wall: (a) is incongruent with the message of the Christian gospel; (b) frustrates the ability to realise a

in since. They reported speaking to other postgraduate students, who were surprised
the memo its relocation contested, which had
f n back

The Dean cites the views of two choral scholars and he comments:

15. Such views evidence that the retention of the memorial in its current location is
damaging bility as a place of Christian ministry and witness within
College and the accessibility of Christian worship and prayer to all College members.
They demonstrate consensus with my own experience that, given what is now more
widely known lvement and investment in the slave trade, his
memorial carries a difficult significance that stands

40. At paragraphs 28 to 30 the Dean explains that

email sent to all College undergraduates on 19 December 2020 by an undergraduate member of the LSWP. It included the following statement:

The JCSU and MCR are supportive of the College's efforts to remove this problematic memorial of Tobias Rustat. As you may recall, Tobias Rustat was one of the College's largest benefactors before the 20th century. Rustat amassed much of his wealth from the Royal African Company that captured and shipped more enslaved African women, men and children to the Americas than any other single institution during the entire period of the transatlantic slave trade. The College has clearly denounced its bequest from Rustat as morally repugnant and is taking steps to critically contextualise the memorial's financial support.

This was said to have established the false narrative that Rustat had amassed much of his wealth from the Royal African Company. The Dean accepted that that was untrue,

42. In his introduction to the faculty application in May 2021, the Dean had written:

Boleyn to be lawful; three years later he pronounced it null and void
confession before her execution in May 1536, knowing full well that she was innocent of the
crimes laid against her. Cr b a stain on
reputat ty was uct. In short, Professor Goldman
contends that it would be easy indeed to build an unanswerable case against Thomas Cranmer
and to campaign for the removal of his memorial from the Chapel. Why, he asked, were the
fellows of Jesus College not doing so? Why tolerate such behaviour, which runs counter to all
modern principles and practice? Is a man who invested indirectly in the slave trade worse
than a man who sent soldiers to kill communities that wanted freedom to worship as they
wished, and who was instrumental in the execution of three defenceless and essentially
innocent young women? If the answer to these questions was that we must recognise that
political and religious beliefs, and attitudes to women, were different in the 16th century, then
the same argument should apply to Tobias Rustat: in his case, he was engaged in perfectly
legal investment in a perfectly legal trade (even though it is abhorrent to us today). Religious
persecution, murderous misogyny, and profiting

48. Mr Doku emphasised that, in terms of numbers, the supporters of the petition listed in the alumni letter outnumber the parties opponent by more than two to one. There is said to be a clear and articulate majority amongst former alumni in favour of the proposal to remove the memorial from the chapel. The signatories make it clear that, far from erasing history, this action is about facing up to the C s colonial past and taking the necessary action to put that history into context. Mr Doku also introduces a personal note:

7. On a personal note, I had the privilege of being a choral scholar in Jesus College Chapel during my time as a student. I spent many hours in the Chapel rehearsing and contributing to Chapel worship. Not once during my time there was it pointed out that a plaque of Tobias Rustat was in the Chapel, though I must have walked by it on more occasions than I could now recount. I was oblivious to the significance of Rusta history. Now it has been brought to the attention of the College by Dr Michael Edwards and others, the association of Tobias Rustat with the slave trade, which was not previously known or understood, is now too well known to allow the memorial to go unremarked. That knowledge cannot be undone or hidden, and it must bear on the question of whether retention of the memorial in the sacred space of the Chapel is appropriate.

8. It is impossible to reconcile veneration oBT.5 5h -9(e)4F3 12 Tfnf0 0 0.000008871 0 595.32 841.

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would not want anything to detract from Christ's promise to all humankind. Founding upon evidence provided by Professor Goldman, Mr Gau referred the Bishop to the site of the former shrine of Little St Hugh in Lincoln Cathedral as an example of 'retain and explain'. The boy's murder, in the mid-13th century, had been falsely attributed to members of the local Jewish community; and his shrine had become the focus for antisemitic attacks. In the 1950s the Cathedral had put up an appropriate explanatory notice which (as photographed by Professor Goldman in 2009) stated:

Trumped up stories of ritual murders of Christian boys by Jewish communities were common throughout Europe during the Middle Ages and even much later. These fictions cost many innocent Jews their lives. Lincoln had its own legend, and the alleged victim was buried in the Cathedral in the year 1255. Such stories do not redound to the credit of Christendom, and so we pray:

Lord, forgive what we have been, amend what we are, and direct what we shall be.

The Bishop confessed that he had not previously known about Little St Hugh, and he promised to find out more about him. His response to Mr Gau's point was that the Church of England was involved in combatting antisemitism; and it was coming to term with its own collusion in racism. The Church was concerned to understand that history better. The Rustat memorial would be well understood and interpreted in its new home. The Bishop commended the prayer Mr Gau had repeated; it was a common prayer among Anglicans as we confess our sins. The Bishop's concern was about the implicat.0 g4[(b)] TJETQq0.00pr

not written up until November 2021, and it was then disclosed in the form of his statement dated 6 December 2021. Towards the end of her cross-examination by Mr Gau, Dr Mottier reiterated her view that the money Rustat had given to the College was tainted by 30 years of investment in the slave trade; and whether or not his investments had been profitable did not affect the moral issue.

53. At paragraph 26 of her witness statement, Dr Mottier explains that:

tion on the relocation of Rustat rial from the College Chapel was not therefore part of a drive to deny the historical existence of Rustat or to remove any trace of him from the College. The memorial in Chapel is, however, more than just a record of loudly self-congratulatory, proclaiming Rustat as a model of Christian charity and piety. We find the tone of the memorial inconsistent with the purpose of the Chapel, particularly now involvement with the slave trade is public knowledge. The LSWP recognise that to current and future members of the College, the presence of the memorial in Chapel is repugnant. Furthermore, if left in position, it is not unlikely that it will become a distraction from the Christian services and College events which take place in the Chapel. We accordingly recommended the memorial be removed to a location where it can be properly contextualised and studied by those with a genuine interest in Rustat or in art history.

Dr Mottier concludes (at paragraph 29) as follows:

The College C to petition for the removal of the Rustat memorial from the chapel has been reached after both extensive consultation with the College community and after detailed re ife and his involvement in the slave trade. The view of the LSWP and of the current College community is that it is no longer appropriate to display the memorial in the chapel, given what is now known about Rustat. The memorial is inconsistent with the sacred nature of the chapel, and with the Christian mission of the building, which has a history of over 900 years.

Dr Mottier explained that the LSWP had excluded modern slavery from their remit, focussing upon the contemporary effects of the transatlantic slave trade. (The first of the LSWP s terms of reference had been to explore how the College may have benefitted historically from slavery and coerced labour through financial and other donations and bequests .) Dr Mottier was unable to provide any assistance to Mr Gau when he inquired about whether the College might have benefitted from contemporary slavery and coerced labour through its he

would suggest, unfounded criticism. It has been suggested that the College is trying to somehow wipe out, remove or rewrite the [redacted] regarding Tobias Rustat in such a way that we fail to advance education, learning and research. That is not the case.

17. The fact of Tobias Rustat [redacted] n to the College cannot be wiped out. Indeed

has driven much of the racism that continues to impact our world. I believe that such views need to be faced up to, even now, so that our own and future generations can pull free of both conscious and unconscious racism.

21. I am an essentially optimistic person and I believe that we are all in this world together, trying to move towards a fairer society. Though some of our problems are deeply engrained, I sense a willingness from so many people from so many backgrounds across so many walks of life to make things better. That is why, at Jesus College, I believe that the way we see and practise religion and equality of opportunity at the centre of our community must be part of the way we move towards a more just and fair society. Jesus Chapel is a place of religion, steeped in religion. It must welcome all who enter its door in search of a pathway to God and/or knowledge of their own spirituality. No one must feel excluded. Everybody must know that the fabric and space of the Chapel exist for them. No one, in their hour of religious or personal need, should feel that there also exists in the Chapel a memorial that venerates the horror of slavery. No one should have to try to make sense of their own faith or need for sanctuary in the Chapel while trying to come to terms with the fact atlantic slave trade, is venerated there. That is why for me, and the Fellowship of Jesus College, the removal of the Rustat Memorial is of such importance. We need to take away what might be an impediment for those in our community who come to the Chapel in moments of religious or personal spiritual need.

22. I am the Head of House of a diverse and modern Cambridge college which has clarity over where it stands on this issue. Throughout this process, Jesus College has proceeded with due care and good governance. It has patiently waited for the Court to decide whether this memorial to Rustat remains fitting and acceptable within the context of t and the community it serves. Personally, I believe that the what the Gospels and teachings of Jesus Christ stand for. Whilst we are welcoming to all faiths, it is Anglican Christianity that stands at the foundation of the College and is part of our charitable objective.

23. The moral question that the Fellowship engaged with regarding Rustat is a simple one. The presence of the Rusta

without causing any harm to the Chapel. In fact, in its current position it blocks a deeper architectural truth, a window that once gave previous Masters a view into the Chapel from the Col Wing.

25. To my mind, the fact that the memorial has already been moved several times means that it is not inappropriate to move it again. Throughout this process we have investigated the very best way to achieve this with a team of experts. I believe that it can be removed safely without damaging the fabric of the Chapel, or of the memorial, which would benefit from the opportunity for some conservation work. However, if the Court rejects the petition, my fear is that potentially it will send out several problematic messages to our students. It will be saying that Rustat involvement in slavery has to be accepted in a religious context by current and future students. It might imply that the Church of England suggests that historical sins are inconsequential and that the perpetrator of those sins deserves a place of veneration within its sanctified space. I fear that some or indeed many of our students, who desire and campaign for greater racial and social justice in the world, will find the continued presence of the Rustat Memorial incompatible with being able to worship God, or to spend time in personal reflection in the Chapel.

26. We may find ourselves in a situation where increasing numbers of students or Fellows, in the future, avoid the chapel because they believe the veneration of slavery in the memorial acts as a form of religious exclusion to their own core

objects and ideas that previous generations may have accepted, failed to notice or did not question in the same way. It was through this curious critical thinking that our Fellows reappraised Rustat and his involvement in the slave trade through the Legacy of Slavery Working Party. The results of their rigorous academic investigation cast Rustat in ways that were, in subsequent discussions with the Fellowship, recognised as contravening the beneficiaries.

29. Our current Fellowship and students do both individually and collectively - see the world differently in many ways from their predecessors. Ideas and social norms that were widely held in the past are often not held or practised today. Our wider society changes. Our wider society adjusts. This, I believe, is a natural process. Each generation seeks to make the world a better place in ways that may differ from those who came before them. The proposal to move the Rustat Memorial is not a judgement on the parties opponent or how they spent their time at Jesus College.

30. If the Rustat Memorial remains in the Chapel our education and learning t events subjects Blues may also be affected. The Chapel is a concert and social space used for music and performance and for many regular fixtures in the College calendar. Students may attend events such as Blues and Chill and The Snowman as well as the wonderful Jesus College Music Society concerts. The Chapel is an integral part of a rounded educational experience the College has to offer.

31. At the moment, I think a number of students are quietly asking if this is what is expected of them in order to be part of the College. Those questions gain in significance and become more heightened for the growing numbers of People of Colour who join Jesus College each year and for whom the continued presence of the memorial is a barrier to engaging with the 580-2321-0106 events such as Blues case, Rustat Chapel. If so, we will be failing our beneficiaries

might exist for me to find my way back to God in that space. Currently at Jesus College Chapel I feel I am denied racial dignity of worship. I had thought that I could ignore the memorial and fulfil all my duties as Master in this space. However a truth once known cannot be unknown. I am not able to put the truth of Rusta industry back in a box and continue as if I had never learned of it. I recall attending, on 10th July 2021, the admission and dismissal of choristers. On what should have been a joyful occasion, as the choir is such a key part of our community. I was one of two black people reading that day and, due to Covid protocols, we had to read facing the memorial. It is not easy to fully describe what I felt in relation to the presence that day. I was reading from a bible that, at its heart, at least from my memory of bible studies at the Seventh Day Adventist church, is about equality before God. I was standing next to the crucifix but having to look up at the Rustat Memorial. Instead of concentrating on the meaning of the words I was saying, I found myself thinking about the 150 years of slavery and the actions. I thought about those lives and souls for whom no history or even the most basic burial memorial remains. That was the day I decided to only attend Chapel for memorial services for Fellows and the Seventh Day service. On these occasions I will not pray in the chapel. My father who art in heaven. I cannot do it.

33. I am patiently waiting for this process to be completed. I know the memorial has been moved before. If this petition is refused then I personally feel that the Church of England, which holds a pivotal place in the Anglican Communion, will be formally saying that even though we know this particular memorial has been moved before that you, you People of Colour, must lose every shred of your racial dignity and pray under the watchful eye of a slaver in this revered space.

34. If the average Anglican in this modern age is a 30 year old African woman then I find it seriously and deeply disturbing, when we find ourselves in a position where we could remove a barrier to mission and worship and still maintain the fabric and feel of a building, that we would choose not to do so. My disquiet grows. This is very personal and I know people are at different places with respect to their feelings about the Chapel. I believe our Dean of Chapel, James Crockford, has navigated this situation with grace and fortitude.

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the moral aspect of it is very important. The memorial is designed to be looked up to. You cannot just

The evidence of the parties opponent

63. At the start of the hearing Mr Gau indicated that the parties opponent had elected not to call the Reverend Canon Professor Nigel Biggar, the Professor of Moral and Pastoral Theology at the University of Oxford, as a witness. The court therefore heard from four witnesses (in the following order):

(1) Mr Alastair Farley, a distinguished qualified solicitor, who graduated from the College with a degree in law in 1968. He gave evidence in place of Mr Martin Emmison, who had been advised not to attend the hearing to give evidence for medical reasons.

(2) Mr Andrew Sutton, a chartered accountant and a former partner in Price Waterhouse (and then PwC), who graduated from the College with a degree in natural sciences, also in 1968.

(3) Dr Roger Bowdler FSA, a former director of listing at Historic England, and a member of the London Diocesan Advisory Committee. He has extensive knowledge of, and experience in, the assessment of heritage significance and listing criteria. He gave evidence on the significance of the Rustat memorial and its contribution to the overall significance of the College Chapel. He also addressed the *Duffield* guidelines.

(4) Professor Lawrence Goldman, one of the parties opponent, who was not represented by Mr Gau. He is an Emeritus Fellow of St Peter s College, Oxford, a former lecturer in that University s History Faculty, and (between 2004 and 2014) he was the editor of the *Oxford Dictionary of National Biography*. He has extensive knowledge of, and experience, in three relevant fields: the history of slavery, British biography, and the aesthetics of Jesus College Chapel.

64. It is unnecessary for me to recite in detail the evidence of the parties opponent. Much of it is directed to what the objectors view as

became known no attempt was made by the College to correct the factual misrepresentations previously made by these student representatives to its students.

The parties opponent note that there has been

by other College personnel about the nature and extent of their involvement in companies associated with the slave trade;

(3) The expenditure by the College on the legal costs of this case, and (if the petition were granted) the costs of the removal and rehousing of the memorial is an inappropriate use of the charitable funds; and

(4) Throughout they have favoured a proposal for compromise, namely that an explanatory plaque be displayed permanently on the Chapel wall, beneath the memorial and readily visible.

Mr Farley adds the following personal commentary (at paragraph 7):

I admire and value history enormously, and in particular the history of this country, its people and the physical evidence it has left for subsequent generations. I strongly believe that what we have been left with should be preserved and not interfered with. To the extent that it reflects something that is considered unacceptable today but was not when it was created should not cause its disruption but that piece of history should be moderated by explanation.

principles differ from those of the 21st century: clearly, in terms of his involvement with the Royal African Company and Royal Adventurers Company, they do. But there are wider issues to consider from a heritage perspective, including the contribution of the monument to its setting in the chapel and its sculptural quality as a product of the leading carver/sculptor of his day, Grinling Gibbons. As a work of art it is notable, and as an historical artefact it is of equal importance. In Historic words: the significance of Rusta monument is due to its artistic and historic interest. Both are very high, and the monument may be described as having high significance. As a monument it invites contemplation: in a questioning climate, it can still be a prompt for more challenging contemplation than old-fashioned hagiographic attitudes were wont to stimulate. Overall, having assessed all the relevant issues, the clear response to the question whether the removal of the monument would cause harm to the significance of the chapel must be a negative one. In the words of Historic England: the monument would harm both its significance and the chapel.

In the light of Dr Bowdler's answer to the first of the *Duffield* questions, the second question does not arise.

70. As for the third question (the seriousness of the harm), Dr Bowdler is of opinion that because of the

presents a series of propositions founded on a mind-set which is determined to see the most negative aspects of Rustat and which has failed to assess the heritage significance of the memorial at [redacted] desire to create an atmosphere of welcome and inclusion is evident and hard to fault: but at what price? The approach to the monument is akin to scapegoating, and the proposal lacks the rigour and balance necessary in this process to reach a balanced outcome.

72. As for the fifth question, Dr Bowdler does not find the public benefits set out clearly in the application, which makes it difficult for him to reach a view as to the overall balance. The alleged public benefits appear to Dr Bowdler to be:

- (1) The creation of a sacred space of a welcoming and inclusive character through the removal of a controversial and prominent monument with links to the slave trade;
- (2) Addressing directly an uncomfortable chapter in the C [redacted] demonstrating commitment to issues of race and equality;
- (3) The possible display of the Rustat monument in a more educational context, which uses the monument as a means of widening public awareness of the slave trade.

Against these Dr Bowdler sets a number of disbenefits:

- (4) The removal of a memorial of evidently high significance, which both deprives the Grade I Chapel of one of its key fixtures and deprives the memorial of its context as a sepulchral tribute;
- (5) The exposure of the monument to a delicate dismantling process;
- (6) Its translation to a low display space which destroys its former context and exposes it to a much higher risk of damage;
- (7) Its uncertain long-term future, once it falls outside the protection of the faculty system. (As will appear below, I do not regard this as creating any real difficulty.)

Dr Bowdler summarises his conclusions on the fifth question thus:

In weighing up the impact of the proposals, it is necessary to consider whether the chapel as a place of Christian worship is hindered by the presence of the object under consideration. Here it needs to be remembered that the memorial is located some distance away from the high altar, the liturgical focus of the chapel. The stress in the application is one of preference, rather than necessity. The stakes have been raised through the coll [redacted] very agenda, and demands have therefore be2t41.92 1 0 595.32 841.92 re8 Tc[(avBT/t69(e)4(nda)4(,)-329(a)4(ndi g0

In terms of impact, it has been demonstrated that the harm likely to be caused to the significance of the chapel interior by this proposal is substantial. Compromises such as screening or curtaining off the monument have been rejected, in pursuit of what in English terms would be an unparalleled move: the removal from a place of worship of a notable memorial to an interesting figure, executed by a leading late Stuart artist, from its original context.

Although he recognises that this is ultimately a matter for the court, Dr Bowdler's conclusion is that the proposal will cause substantial harm to the Chapel, and that the public benefits would not outweigh this harm.

73. In cross-examination by Mr Hill, it was put to Dr Bowdler that he had used the phrase 'considerable harm' whilst Historic England had used the phrase 'notable harm'. Dr Bowdler could see no difference between the two forms of words; both he and Mr Neale, in his thoughtful submission, had been saying the same thing. Dr Bowdler accepted that his expertise lies in assessing historical significance in listing matters rather than in matters of worship (a point Dr Bowdler had acknowledged at page 21 of his report, where he had said that as his document was concerned with matters of heritage significance, he would avoid comment on the pastoral and missional context). Mr Gau described the manner of Mr Hill's cross-examination, with some justification, as 'unhelpful hair-splitting'. I suspect that the reason for this was because it was very difficult to challenge Dr Bowdler's reasoned opinions.

Profes

nor honest. I

I hope I have shown why the application to remove the Rustat memorial is counter to the principles of historical scholarship and thus comes ill from a university institution that should value and conserve its high intellectual reputation. I hope I have suggested another way of seeing Rustat in his own specific context as a royalist courtier, loyal to his king. Finally, I hope that my comparison with Thomas Cranmer has alerted the Church of England to the grave problems it will face if it sets a precedent here and grants the faculty applied for. Other figures from the past, equally bad or even worse, will also have to be removed and cancelled, and the disputes will multiply and intensify. If the Church supports the removal of monuments, it will rightly stand accused of adding to cultural division and social discord.

76. Professor Goldman submits the following as his suggested solution:

(1) That the Rustat memorial remains where it is in the chapel, but an explanatory plaque is placed accurately and honestly, for Thomas Cranmer). He submits by way of example the explanation hung by what remains of the shrine to Little St. Hugh, a supposed martyr to Jewish murderers, in Lincoln Cathedral. In Jesus College Chapel such a notice might also direct people to the College website for more information.

(2) That the College publishes a full and scholarly account of its investments, associations with the slave trade, and benefactions, as an enduring feature on its website.

(3) That instead of removing monuments, the College uses some of its great wealth to adorn the Chapel with a new monument, statue, or other artefact, which embodies the values held currently by the whole Jesus College community. Leave a legacy yourselves that will beautify, sanctify and add holiness to the Chapel and represent your view of the world. Do not interfere with another beautiful legacy that has been passed down to you by your predecessors for safekeeping.

77. Perhaps unsurprisingly, there was no real cross-examination of Professor Goldman. Mr Gau commended his evidence and submissions.

The legal framework

78. Since the College Chapel is a Grade I listed building, this faculty application falls to be determined by reference to the series of questions identified by the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 87 (as affirmed and clarified by the later decisions in the cases of *Re St John the Baptist, Penshurst* (2015) 17 Ecc LJ 393 at paragraph 22 and *Re St Peter, Shipton Bellinger* [2016] Fam 193 at paragraph 39). These questions are:

(1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

(2) If not, have the petitioners shown a sufficiently good reason for change to overcome the ordinary presumption that, in the absence of good reason, change should not be permitted?

(3) If there would be harm to the significance of the church as a building of special

However, the application of the *Duffield* guidelines does not involve any exercise of the consistory court's discretion but rather a multi-factorial evaluation of the facts, as found by the court

(2) The monuments in relation to which a power to grant a faculty under this section is exercisable include a monument erected under or affected by a faculty, whenever granted.

(3) If the court is satisfied that the matter is of such urgency that it would not be reasonable to require the petitioner to seek the consent of the owner of the monument or to take the steps referred to in subsection (1)(b), it may grant the faculty (even though the consent has not been obtained and those steps have not been taken).

(4) Monument includes a tomb, gravestone or other memorial, and any kerb or setting forming part of it; and a reference to a monument includes a reference to a monument erected after the passing of this Measure.

(5) Owner, in relation to a monument, means

(a) the person who erected the monument, or

(b) after that person's death, the heir or heirs at law of the person or persons in whose memory the monument was erected.

83. Until 1926, real estate devolved (in the absence of other testamentary provision) upon the heir at law of the owner, that being his nearest surviving relation under a system of primogeniture.

unimportant. It is for this reason we describe it as notable . In support of his submission, Mr Hill relies on the following matters:

(1) The Chapel (which predates the creation of the College) dates from the 12th century. The memorial was introduced only af

(4) The questions Dr Bowdler had been asked to address in his report did not follow the clear text of the *Duffield* framework, and the omissions in relation to questions 1 and 5 were

92. In a powerful oration, Mr Hill submitted that the Bishop's evidence was clear: the dominance of the memorial in the Chapel is concerning and troubling to all Christians using the Chapel and particularly to those with a heritage different to his own. Mr Hill invited me to take particular care when reading the Bishop's statement by way of supplementing his oral evidence. There is also the evidence of the Dean, the priest licensed by the Bishop to serve the College community, comprising th

(3) Members of the College, across the complete range of diverse backgrounds, will no longer feel excluded;

(4) A barrier will be removed for Christians, and for the College community generally, who strive for racial justice and are serious about the Church's response to racism and its legacy. The last thing any responsible Christian-led community would want to feel is that it should be in any way portrayed as having an attitude that is casual towards racism.

(5) The relocation of the memorial will allow a clear historical nexus with both the slave trade and the College to be properly understood. Its proposed new location, which, importantly, is not consecrated nor a place of Christian worship, will facilitate the process of contextualising Rustat outside the sacred space which the memorial currently occupies.

(6) The proposed location in East House will positively assist in the process of education and contextualisation, assisting in the process of learning more about Rustat's life in all its various facets – something which both Mr Sutton and Professor Goldman are keen to encourage.

(7) The memorial does not mark a burial. Rustat's remains lie elsewhere in the Chapel (in the chancel) and are already marked by a separate tablet which will remain.

(8) The works are entirely reversible and it would be open to the Court to direct the reintroduction of the memorial at a future date. To my observation that in the real world, if the court were to allow the memorial to be removed from the Chapel, with all the labour and costs associated with its relocation, it is most unlikely ever to be returned to the Chapel, Mr Hill's response was that we simply cannot know. When it was first erected in the Chapel, wherever that might have been, it was probably thought that it would occupy that space in perpetuity. All Mr Hill would say is: Never say never. One cannot predict what may happen in future generations.

(9) The Ancient Monuments Society originally supported the petition in its current form: Re-siting the monument and in effect reinventing it as a museum exhibit is an intelligent response, worthy of an academic institution. It will allow much closer inspection than is possible now and allow measured interpretation. However, it withdrew its support, apparently following the receipt of certain documentation from one or more of the parties' opponent. At the time it adopted its neutral stance, the AMS did not have the benefit of the expert evidence of Dr Edwards and Dr Graham or their Joint Report.

(10) The Society for the Protection of Ancient Buildings thought that relocation to a new archive room constituted an acceptable compromise to which it would not object.

(11) The Church Buildings Council raised various points of detail, which have now been addressed by the College, and they do not object to what is now proposed. Indeed, the CBC goes further: "The College's commitment to its mission and the benefits of its educational and missional activities outweigh the impact of the relocation if it is relocated. Mr Hill submits that particular weight should be given to the fact that the relocation is made in the light of its guidance on *Contested Heritage*, which gives particular consideration to religious, rather than heritage, matters."

both the LSWP's recommendation to relocate the memorial to an interpretative space and the College Cou

(3) The fact that students wrote to the Registry in similar terms is no more surprising than the many striking similarities between the Form 5s lodged by the objectors, many of which are framed in standardised terms. (It is a matter of which I can take judicial notice that objectors to applications for planning permission frequently adopt standard, suggested forms of wording to express their objections.)

(4) The fellowship proceeded with care and caution in proceeding on the advice of the LSWP. Its reports were announced and circulated to all College members. Information was accurate. The College cannot be held responsible for an

it dominates the space within the Chapel yet so small that it could be removed without causing

evidence that establishes a much fuller picture of who Tobias Rustat actually was, but they have chosen to share onl

process of contextualising the memorial. If it offends viewers of the memorial, the inscription needs to be put into context. The memorial was created in about 1686. This pre-dated the sale of Rustat's investment in the Royal African Company. By that time, he had realised only a net loss from his total investments in the Royal Adventurers and the Royal African Company. It may be of

the Southwark DAC that there must be considerable uncertainty as to the extent to which the missional impact of the Chapel will actually be enhanced in net terms by removing the memorial; and that the Colle

College, and yet there is no evidence submitted in its support, nor has there been any

views of Rustat s collateral descendants into account, even though I cannot assume that they are his heirs at law.

118. Mr Gau invites the court roundly to reject the College s submission that it has proved uneconomical to trace Rustat s heirs at law, in view of the College s resources and the evidence served by Rustat s claimed heirs. He points to the fact that nearly 30 years ago the College invited Mrs Dorothy Hodgkin, and then Mr Sebastian Payne in her place, to attend the Tercentenary Rustat Feast as a representative of their branch of descent from Rustat s father. The parties opponent succeeded in tracing some of Rustat s collateral descendants with no difficulty, and they encouraged them to contact the College and make their views known; and they have attempted to assist the College b3 12 T3.bt4(d)-mons7nrQc71 0 5958-42(the)] TJET

121. I therefore turn to the *Duffield* framework. In addressing the *Duffield* questions, I consider it important to bear one consideration firmly in mind. This faculty application concerns a college chapel and not a parish church. That inescapable fact seems to me to have considerable relevance when addressing, in particular, the fourth and fifth of those questions. A college chapel stands at the heart of its college, and its role extends and permeates far beyond its use as a place of Christian worship and mission in a way that even the most active parish church is likely to find it difficult to achieve. In one sense, the cong

and Professor Goldman, in my

125. I accept that the justification that the College advances for the removal of the Rustat memorial is clearly expressed; essentially, it is founded upon considerations of pastoral well-being and lost opportunities for mission. The College asserts that the continued presence of the memorial to Tobias Rustat, in its prominent and elevated position on the west wall of the College Chapel, is compromising the worship and mission of the Chapel and frustrating its ability to realise and host a credible Christian witness and ministry to all who are concerned about the Chapel.

the past by the standards of the present, but about how such memorials affect the ability of the church to serve all of us who live in this diverse, multi-cultural, and multi-ethnic 21st century. I acknowledge the need for robust, inclusive research to understand as much as possible about the heritage in question . Regrettably, I find that in this case the LSWP moved to judgment without undertaking the fuller and more complete assessment of Rustat s precise involvement in companies engaged in the slave trade which is now available to the court from the historical experts; that seemed to be acknowledged by Dr Mottier when (in cross-examination, but not in her witness statement) she told the court that the College had been unable to produce the evidence of Dr Edwards until 6 December 2021 because he, in turn, had been

the more compelling the justification that will be required to implement it. In blunt terms this means that it is generally easier to gain approval for works to objects of low significance than of high significance, and for works that will have a low impact on the significance of the object than for works that will have a high impact. (Section 3e)

I further agree that:

The basis of any consideration of change regarding contested heritage would, as always, be a robust Statement of Significance, founded on an appropriate level of research into the object in question and its physical and historical context, and a Statement of Needs, considering the need for change from liturgical, theological, missional, and community perspectives. Insufficient understanding of the significance of the object and the need for change, if the research is deficient in depth and quality and/or the interests of any party are ignored or not given appropriate weight, is likely to lead to distress and recriminations, as well as the possibility of the refusal of any proposed interventions. (Section 3a)

129. This present case provides an object lesson in the potential dangers of failing to
possible about the heritage in
om the introduction to Contested Heritage) before reaching any
decision on a proposed course⁹

appreciate the reluctance to condescend to matter 0 0-c

College, its witnesses, and Mr Hill could not have done, or said, any more than they have done in support of the College's petition.

Alternative or less harmful means

135. The CBC/CFC's guidance on Contested Heritage makes it clear (in section 2c at page 13) that in terms of attempting to justify a physical intervention, such as removing a memorial

what needs to be proven is not principally that a memorial is to somebody (or perhaps donated by somebody) whose views or actions we would now condemn, but rather that the presence of the memorial has a demonstrable negative impact on the mission and ministry of the church or cathedral; and, in the case of a proposed course of action that may be considered harmful to the heritage of a building, that substantially the same benefits

136. The numerous objections to this petition have led to much additional work for the Registry. Since my appointment to determine this petition, there have been two remote interim hearings via the Zoom video platform, a site inspection, and an attended, contested hearing at the College Chapel in Cambridge which lasted three days. My provisional view is that it is appropriate that the College, as petitioner, should be responsible for the additional costs thereby incurred as well as the judgment, fee, as specified in the applicable *Ecclesiastical Judges, Legal Officers and Others (Fees) Order*; but, if necessary, I would be prepared to receive written representations on this issue. Whilst in no way encouraging any such application, I am also conscious that issues may arise as to the incidence of the legal costs of these faculty proceedings. If such issues do arise, I would encourage the parties to agree that they should be disposed of by way of written representations, and upon a mechanism for achieving this. Should these become necessary, I would hope to receive any written representations on the issue of costs by 4.00 pm on Friday 8 April and any counter-representations by the same time on Friday 22 April 2022.

Postscript

before the chancellor whose continuance in office beyond the age of 70 depends upon the goodwill of that bishop. A similar appearance of bias might arise in any case where a bishop has already publicly expressed views on the outcome of a particular faculty application pending before the consistory court of his diocese, or has publicly expressed views about issues, such as the presence of contested heritage in churches, that may fall to be determined by his

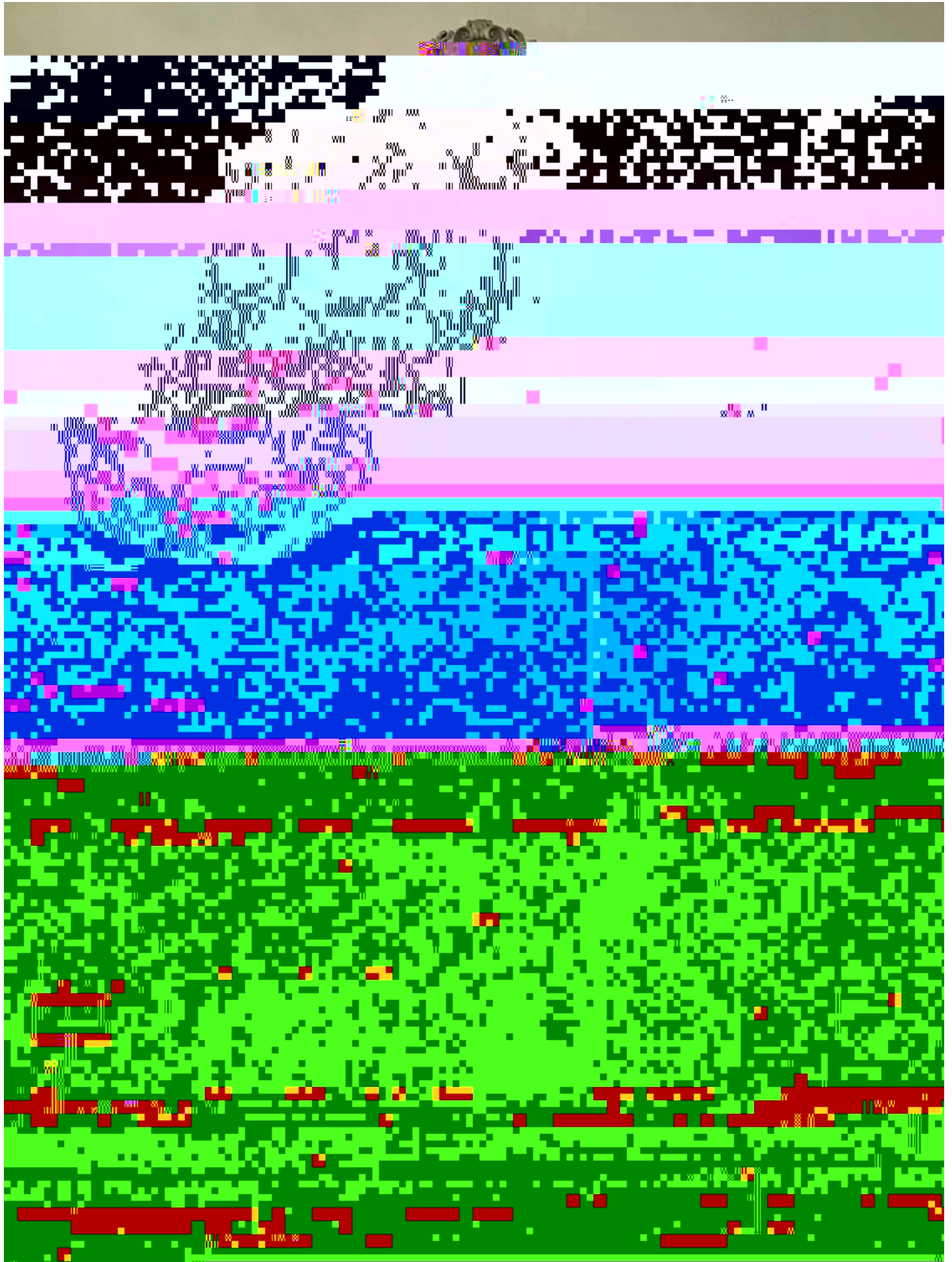
Tobias Rustat (bap. 1608, d. 1694)

by Sir Godfrey Kneller, 1682

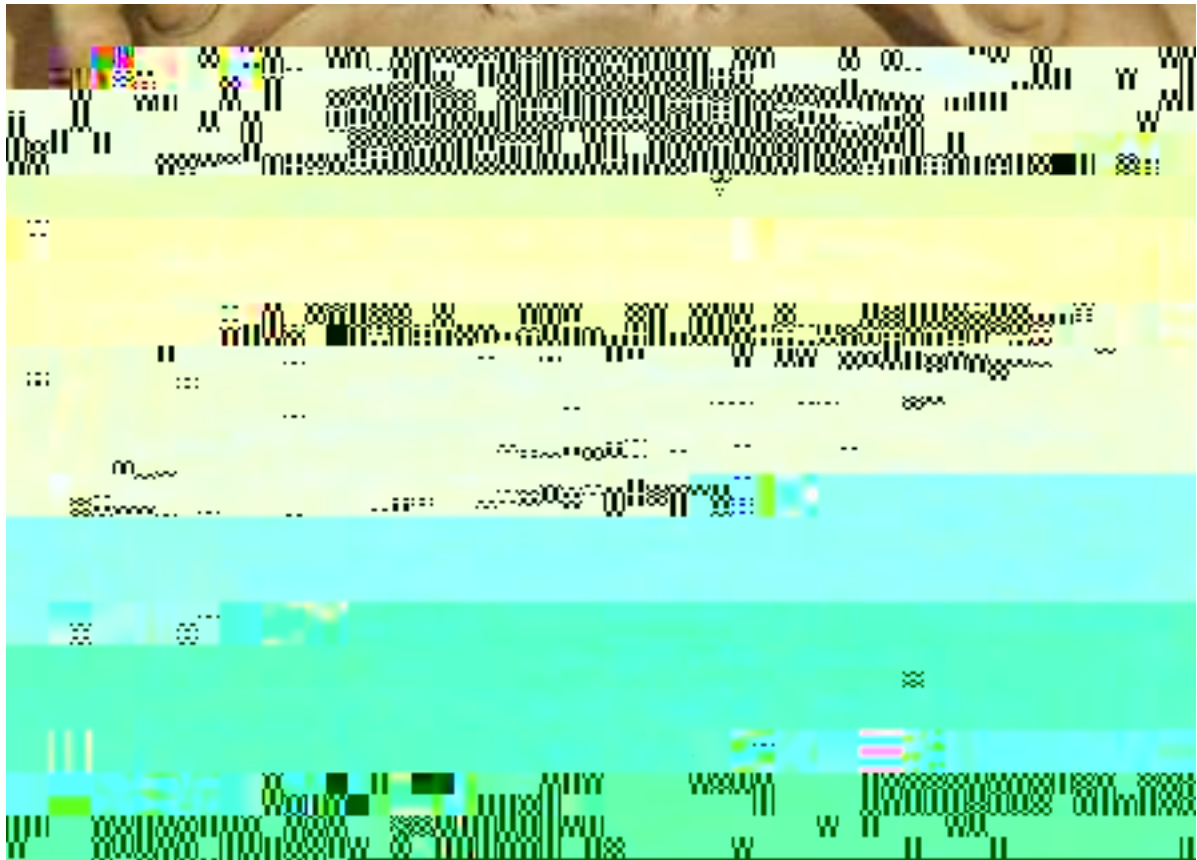
Jesus College, Cambridge; photograph © National Portrait Gallery, London



View of the Rustat Memorial



View of the Rustat Memorial Inscription



View of the Chancel Screen from the West Wall



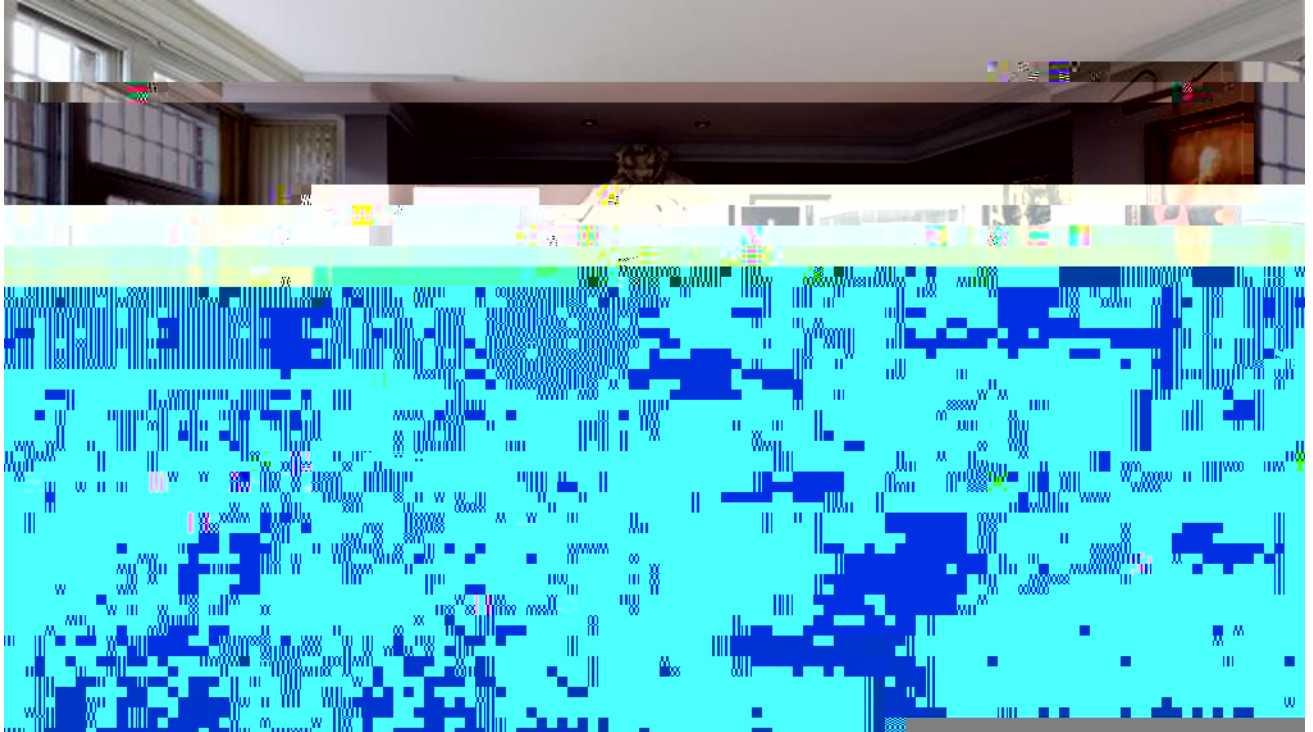
View of the north transept from the tower crossing



The Cranmer Monument



Artist s impression of the proposed exhibition space



Extracts from the expert historians joint statement

Section 1: Areas of agreement

1. It is beyond dispute that, between 16

8. Rustat appears to have been more active than the average shareholder in the governance of the Royal African Company, but this cannot be stated definitively without a quantitative study comparing his level of participation against other shareholders.

9. There may have been multiple factors leading to investment in the Royal Adventurers and the Royal African Company and to service in their Courts of Assistants, just as there were for investors in most early modern trading companies: profit, political motives, loyalty, and the possible economic and social benefits that came from membership. The surviving evidence does not rule out any of these possibilities.

10. Rustat was involved in the Gambia Adventurers.

11. The surviving records concerning the Gambia Adventurers are limited. There is circumstantial evidence that the Gambia Adventurers intended to trade in slaves, and that their forts and factories in west Africa were in fact used to trade in slaves and commodities during the period of Rustat's involvement. Further work would be required to establish whether any direct evidence exists of this trade.

12. Corporate governance in the late 17th Century: A comparison between the Court of Assistants of the Royal Adventurers and the Royal African Company on the one hand, and College Councils or boards of directors on the other has value, but it can only be an approximate comparison. A better way to reconstruct the role of individual Assistants is to look at their actual participation in the

may still have supported the Royal Adventurers in ways not recorded in their minute book and other examined records.

14. _____ involvement in the Royal African Company: Rustat attended the General Court of the Royal African Company regularly and over a long period of time. He attended very few meetings of the Court of Assistants when he was elected in 1676, 1679, and 1680. Most stockholders were not elected to the Court of Assistants: women investors were not able to serve, nor generally did stock-jobbers, who bought and sold Royal African Company stock in large volumes, or stockholders whose holdings did not meet the minimum threshold. In the sense that he was part of a smaller group that was eligible for election to the Court, Rustat was probably more active than most other investors, although more research would be needed to quantify this precisely, and to establish how large a proportion of the total shareholders this group was, and their own patterns of participation. Of those who did serve on the Court, Rustat was not a regular attendee. It is agreed that the minute books do not necessarily capture all participation by Assistants: this is relevant given R _____ ement in the Court of Assistants during the Exclusion Crisis in 1679/80, when his connections to the royal court may have been important, but not captured in the minute book.

15. Wider attitudes to slavery in Britain: Within elite circles in Britain, the majority opinion was more likely to support or accept the institution of slavery than to criticise it. Within Rustat _____ te Anglican and royalist circles, he could have had access to anti-slavery opinion, although the majority of views in his immediate circle were very likely to be pro-slavery, of the ki

16. The implications of _____ lings with Edward Backwell: _____ bank account with Edward Backwell demonstrates his connections to the merchant community. It also suggests that Rustat had a greater level of financial sophistication than the majority of the English population at the time. The available evidence (Backwell's records do not extend beyond 1672, and Rustat may have closed his account by 1671) suggests that Rustat was not as sophisticated financially as someone like Sir Stephen Evance (who is discussed in Dr Edward's report), who traded stocks in high volume and used other financial instruments. The record of Rustat's _____ nsactions in Backwell's _____ dgers nevertheless shows that he had a similar financial profile to other courtiers and merchants who invested in the Royal African Company.

Section 2: Areas of disagreement

17. Wider attitudes to slavery in Britain: In terms of early modern attitudes to slavery, and the question of its morality and acceptability (stemming from Dr _____ s report), the experts still disagree over the best context in which to situate Rustat. Dr Graham emphasises the importance of the context of R _____ immediate circles in the court and the Church of England, with whom the evidence of Ru _____ espondence and patterns of philanthropy show he was closely connected. Dr Edwards emphasises the importance of a broader context so that, in addition to Rustat's _____ circles, other elites, and voices critical of aspects of slavery, like Thomas Tryon and George Fox, there should be included the opinions of non-elite people in Britain and ensETQq0.000008/F1i55,871 0 595.32 841.92 reW*/F3 12 Tf1 0 0 1 306.65 137.9 Tm

the extent to which the existing sources can allow access to non-elite opinion about slavery and the opinions of enslaved people. They agree that there is little direct evidence that speaks to the opinions of non-elites in Britain on slavery. Whilst agreeing that historians have usually accepted the grassroots anti-slavery campaigns of the early 19th century described by Dr Graham as evidence of widespread popular anti-slavery attitudes, the experts differ on the extent to which an absence of written evidence, or silence in the sources, about the views of non-elites in Britain on slavery in the late 17th century indicates indifference to, or approval of, slavery. Dr Edwards also maintains that it is possible to reconstruct some of the responses of enslaved people to slavery through sources like the State Papers and the records of the Royal Adventurers, in cases where resistance or rebellion occurred; but the experts agree that there is a broader difference of historical opinion on the subject, and resistance by enslaved people has a complex historiography. The experts' differences of opinion in this area reflect their different views of how much weight should be given to Rust when compared to the broader global context of the early modern world.

18. Rusta oyal Adventurers: In terms of R ent attendance at meetings of the Court of Assistants of the Royal Adventurers in the late 1660s, the experts continue to differ over how far this was linked to the formation of the Gambian Adventurers. Dr Graham argues that this may have been an important factor, even if this was not necessarily reflected in the minutes, though agreeing with Dr Edwards that there may also have been other reasons be this period.