

## Church Buildings Council

HJ Dellar  
Registrar  
Diocese of Ely  
By email: [Susan.Black@1TheSanctuary.com](mailto:Susan.Black@1TheSanctuary.com)

Janet Berry  
Head of Conservation  
Our Ref: CARE 814005  
Your Ref: 7152/HJD/SKMB/F2021/50  
(2020-056751)

9 July 2021

Dear Mr Dellar,

### **Chancellor Special Notice: Cambridge, Jesus College Chapel (Diocese of Ely) Proposed removal of Tobias Rustat memorial, c.1686**

Thank you for consulting the Church Buildings Council on the proposed removal of the Tobias Rustat memorial (*d.1694*) from the Chapel at Jesus College, Cambridge.

The Chancellor has directed Special Notice in respect of the above be served on the Council in accordance with 9.3 of the Faculty Jurisdiction Rules 2015. When responding the Chancellor has requested the Council confirms whether it is content to leave the Chancellor of the Diocese to take its submission into account as he considers the petition; or whether the Council wishes to enter a formal opposition and become a 'party opponent'.

The Council thanks the Chancellor for the opportunity to comment on this proposal for the Rustat memorial. This was considered at the Council's meeting of 8 July 2021, and its advice is set out below.

The proposal is to remove the memorial from the chapel, conserve its stonework, paint and metal fixings, and place it in the ground floor room in East House where it will become a significant and accessible exhibit amongst the College's existing archives. The wall the memorial is currently hanging on will be made good with bricks, three coats of lime plaster, and paint.

**The Council does not wish to enter a formal opposition to the proposal and will not become a 'party opponent'.**

The Council does not advocate a particular position on the removal of monuments for reasons of contested heritage, as it understands that these decisions need to be made on a case-by-case basis taking into account local situations and considerations. The Council advises a thorough process including an options appraisal is undertaken, as discussed in its Contested Heritage guidance [Contested Heritage in Cathedrals and Churches.pdf](#) ([churchofengland.org](http://churchofengland.org)).

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Relocation of a memorial with contested heritage to a different building can bring the potential of fresh engagement with communities, the ability to acknowledge the different values represented by the memorial, and to increase knowledge and understanding through research, consultation, interpretation and education.

The potential issues of relocation include the impact on significance of the memorial by its removal, the resources required, the question of what will go in the memorial's place, and the practicalities of its relocation and access to it in its new location.

Taking each of these benefits and issues in turn, the Council offers the following comments.

The Council notes that the proposal keeps the memorial within the College, and that resources are being committed to providing a location where it can be studied and interpreted. This presents opportunities for the College to increase its research, interpretation and education activities, and for the Chapel to further its missional activities, and the Council supports these.

As per the 2014 Appeal re: St Lawrence, Oakley with Wootton St Lawrence (para 33), the Council's understanding is that the memorial will remain under faculty jurisdiction after the relocation. The Council asks that future management of the memorial is clarified by the Chancellor if he is minded to grant a faculty.

As a memorial with high aesthetic value created specifically for the chapel, relocation outwith the chapel will undoubtedly impact on its significance. Its relocation to the expanded archives and display at eye level will change the aesthetic and communal values of the piece, changing its imposing stance, and enabling the text to be read without having to look up in deference. This new perspective enables a kind of interpretation that isn't 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 College's arguments that the benefits to the Chapel's missional activities outweigh the impact on the object's significance if it 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 Council notes that the expanded archive will be open by appointment only. It advises that access to the memorial is open, to ensure it is as physically accessible as it currently is in the Chapel.

The Council remains concerned about the lack of wider consultations beyond the College. The focus of consultations has been on the major stakeholders of the Chapel and College communities, and their views are well expressed. However, the Chapel and College are open to members of the public, and their views need to be taken into account.

It is also unclear whether the heirs-at-law have been consulted. The proposal states that the memorial was erected by the Society, which has been consulted throughout the process. However, it is not made clear whether the Society is indeed the heir-at-law.

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The Council would expect a conservation and rehousing proposal to be accompanied with details including a conservation report, method statements for the handling, packing, transport, and remounting, and display conditions for the memorial. The Council asks to be consulted further once this detailed information is made available.

The Council notes that a timescale for this project has not been provided. It requests that a timeframe is set by the Chancellor for the undertaking of these works if he is minded to grant a faculty, to ensure that they are undertaken in a timely manner. The Council asks that the memorial is not taken down from the wall until the new space is refurbished.

In summary, whilst the Council does not wish to enter a formal opposition, it advises that there are still a number of areas of the application that require further consideration.

Yours sincerely



Janet Berry  
Head of Conservation

Cc: Geoffrey Hunter, DAC Secretary and Head of the Church Buildings and Pastoral Department

<b>DAC SITE VISIT NOTES</b>
<b>Church: Jesus College Chapel Cambridge</b>
<b>Date: 21 July 2021</b>
<b>Subject: Tobias Rustat Monument</b>

### **Building Details**

The Chapel is the oldest part of the College buildings, dating from the C12 and C13. It has been almost entirely refaced in the C19 and C20. Restored by Augustus Welby Northmore Pugin 1846-9. The tower has 3 stages, the top one of circa 1500 with a C19 embattled parapet. The Chancel roof of 1847-9 was designed by Pugin; the other roofs are of circa 1500 but restored by Pugin, those of the crossing have paintings by the Morris firm. Glass, lectern and communion table all designed by Pugin 1847-9. Organ by John Sutton 1847. Screen and stalls both by Pugin 1847-9. Fine carved bench ends of circa 1500. Listed Grade I.

### **Present at meeting:**

Sunita Alleyne (Master), The Revd James Crockford (Dean), Paul Vonberg (project architect), The Very Revd Mark Bonney, Neil Birdsall, Stephen Brooker, The Revd Lynne Broughton, Philip Orchard, Geoffrey Hunter

## **1. Background**

The future location of the Tobias Rustat memorial in Jesus College Chapel had been in discussion by the DAC since July 2020. Due to ongoing Covid restrictions, the DAC had not been able to visit as a group at the times when the case was under discussion. On 29 January 2021 the DAC issued a notification of Not Object to the proposals to temporarily remove the memorial for up to one year. On 24 June the Diocesan Registrar wrote to the DAC Secretary, seeking the DAC's advice on a revised proposal, including the re-location of the memorial to East House in the grounds of the College. The opportunity was therefore taken to undertake a group visit to Jesus to see both the chapel and the proposed new location for the memorial in East House.

The DAC's previous reports detail its general views on the proposal to remove the memorial from the wall in the chapel. These views remain unchanged.

## **2. Discussion on site**

- A. Scaffolding was provided to enable closer inspection of the memorial. This confirmed that the memorial has sustained some knocks in the past, and that given the opportunity, some appropriately specified conservation works would be beneficial.
- B. Part of the rear of the wall on which the memorial was currently mounted was inspected via a room abutting the west wall of the chapel. Being able to access the memorial from both sides may make it simpler and less risky to remove the memorial from the wall.

*All views expressed on DAC site visits are informal and not binding on the DAC until this record of the meeting has been ratified by a formal meeting of the DAC.*

<b>DAC SITE VISIT NOTES</b>
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- C. Members inspected the room in East House where it is proposed to reinstall the memorial, permanently. It was noted that the false ceiling being removed would provide more height; but there would still be limited clearance above and below the monument.
- D. The monument would dominate this space - far more so than it does the chapel - as well as any exhibitions taking place in the space on whatever subject. Rustat's permanent presence in the exhibition space would give his contribution to College history disproportionate prominence.
- E. Members enquired whether the monument would remain under the Faculty Jurisdiction were it moved to East House, noting that East House is not itself a listed building.
- F. Members took the opportunity to informally review two other possible locations for the memorial. One in the cloister outside the chapel, but this location might leave the memorial vulnerable to the weather and also casual vandalism. A better alternative appeared to be the stairwell in East House, where the monument could be mounted high up on the wall adjacent to the Bursar's office.
- G. The visiting party would encourage the College to undertake a feasibility review of placing the monument in the stairwell at East House.

**Geoffrey Hunter, DAC Secretary**

**From:** James Darwin <James@georgiangroup.org.uk>

**Sent:** 19 August 2021

**To:** Susan Black <Susan.Black@1thesanctuary.com>

**Subject:** Your ref: F2021/50 – Proposed relocation of the stone memorial to Tobias Rustat from the College Chapel, Jesus College, Cambridge.

His Hon. Judge Anthony Leonard QC

The Bishop of Ely's Registry ,  
1 The Sanctuary, Westminster ,  
SW1P3JT

Dear Sir,

Thank you for email of the 23<sup>rd</sup> of July giving the Georgian Group the opportunity to comment on a proposal to remove the memorial to Sir Tobias Rustat from the grade I listed chapel of Jesus College, Jesus Lane, Cambridge. I must apologize for my delay in responding.

The Georgian Group has not previously been involved with this scheme, for whilst parts of the chapel were remodelled or repaired between 1762-1765 and between 1789 and 1792, the memorial to Sir Tobias Rustat itself is a work of sculpture which was created c1686. It thus falls outside of our normal 1700-1840 date remit. We therefore fully understand the DAC's decision not to recommend that we be placed on the initial list of consultees.

We understand that the present proposal to relocate the memorial to an educational exhibition space was arrived at by the College after an earlier round of consultations undertaken during December 2020 and January 2021. Having now had the opportunity to read the available documentation and the arguments put forward by other consultees the Group wishes to forward the following brief comments.

Sir Tobias Rustat was one of Jesus College's principal benefactors prior to the twentieth century, giving monies for the support of its clergy and to help fund its general activities. In the following centuries these funds were used for varied activities including the repair and enlargement of its buildings. Much of Rustat's wealth came from his service to Charles I and Charles II, however he was also associated with the Royal African Company from its incorporation in 1663 and is thought to have invested in at least one other slave trading company. Rustat therefore was clearly knowingly complicit in the enslavement and trafficking of human beings, and a man who profited from this abhorrent activity.

The Rustat Memorial is however of considerable historic and artistic significance in its own right and is also a commemorative work of art which contributes to the significance of the chapel as a whole. Although it has been moved in the past, it is thought to now reoccupy the prominent position at the west end of the chapel in which it was originally erected. Rustat is also believed to be buried within the chapel's confines. The memorial is an important work from the studio of Grinling Gibbons and has an inscription which is believed to have been composed by Sir William Dugdale.

The high aesthetic and historic significance of this memorial has been clearly set out by Historic England in their thoughtful letter of the 18<sup>th</sup> 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 Historic England that 'its historic interest encompasses the broad historic interest of Rustat's life and the particular interest of his contribution to Jesus College, as well as the monument's interest of

seventeenth century sculpture in Britain.’ The Georgian Group is supportive of the well-argued case made by Historic England within this letter and of their recommendations.

Historic England’s carefully considered letter has however acknowledged that whilst the memorial is of high aesthetic and historic significance (or value) its ‘communal value’ is now a strongly negative one, as the memorial is viewed as a barrier to the chapel fulfilling its role as a welcoming space for all at the heart of college life. The College’s submission has rightly made clear that the memorial is seen as an inappropriate celebration of the life of a man who, although a major college benefactor, profited from one of the most abhorrent episodes in the history of this nation. In discussing consultations with students and other users of the chapel it reports ‘that the Chapel was perceived to be the heart of welfare and pastoral support to the College community, and that the memorial’s presence was incongruous with this, and a barrier to the sense of inclusion the Chapel and the College more widely seek to foster.’

Whilst the Georgian Group has considerable sympathy with the College’s thoughtful and powerfully articulated reasons for wishing to remove the memorial from the chapel. We agree with Historic England that in the case of funerary and commemorative monuments of high aesthetic and historic significance the most appropriate way of addressing the very real injustices that they can represent, is by interpreting them in their original context. A response of this nature is likely to avoid causing harm to the significance of the artistic work itself, and harm to the significance of the host building for which it was designed.

We must respectfully suggest that the College has not given this option the thorough consideration it deserves within their submission documents. The written word can be one of the most powerful weapons against injustice open to all of us, and in this context, it could be used to challenge both Rustat’s legacy and the continued legacy of the slave trade on the cultural and economic life of this nation. We agree with Historic England that a ‘powerful reinterpretation’ does not necessarily have to be a dramatic or an obtrusive one.

Whilst relocating the memorial to a new location within the chapel would cause a degree of harm to the memorial’s significance, it would arguably cause a lesser degree of harm than removing it entirely. We agree with Historic England that the supporting documentation provided to date does not sufficiently explore the practicalities of this option.

Whilst we are mindful that neither of the two options discussed in the previous two paragraphs would fully address the pastoral concerns which are at the heart of the college’s submission, we would respectfully suggest that these are options which need further careful consideration given the degree of harm to both the monument and the grade one listed chapel that this proposal would cause. We must respectfully argue therefore that these two options need to be thoroughly explored before any decision to remove the memorial from the chapel is made.

The Georgian Group is fully supportive of the College’s desire to acknowledge and respond to the legacy of the slave trade; however, we believe that it should be possible to reinterpret the memorial in situ in a way which effectively confronts both Rustat’s engagement with the slave trade, and how the college historically benefited from his legacy. We do not in any way however mean to suggest that this will be an easy task.

Yours Faithfully

James Darwin (Senior Conservation Adviser)

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Historic England

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Direct Dial: 01223 582719

Our ref: E00237383  
Your ref: 2020-056751 (F20  
21/50)  
14 July 2021

Dear Mr Dellar

**Notification under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Orders 2010**

**LOCATION: JESUS COLLEGE CAMBRIDGE CHAPEL, CAMBRIDGE**

**PROPOSED WORK: The Removal of the Rustat Monument**

Thank you for consulting Historic England about Jesus College's petition for faculty to remove the monument to Tobias Rustat from the College Chapel to a new archive in East House, within the College.

Historic England asks that its letter of 18 December 2020 to Mr Hunter, Secretary to the Ely Diocesan Advisory Committee, in response to the proposals as they were when submitted for pre-application consideration, be taken as providing our advice on this petition, as modified or supplemented by the brief points below.

The serious questions to which the petition gives rise are substantially the same as those which were raised by the initial form of this proposal. Our position, therefore, remains substantially as it was, except in one respect.

In response to the College's petition we make the following additional observations.

- (i) The principal difference between the final petition and the earlier version of the proposals is that it is now proposed to create a new space within East House in which Rustat's monument would be displayed, fixed to a wall, as part of an exhibition of material from the College's archive, which is housed in this building.

Historic England considers that what is now proposed would provide an appropriate way of preserving and displaying the monument as a part of the College's heritage, should the principle of removing it from the Chapel be accepted. It would allow the historic and aesthetic interest of the monument to be examined, although it would not, of course, be the same as experiencing the



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monument in its present position within the chapel.

This conclusion does not bear upon the assessment of the impact of the removal of the monument from the chapel on both the significance of the chapel and that of the monument itself set out in our substantive letter. It does, however, answer the subsidiary point about the inappropriateness of what was previously proposed, set out in section (iv) d of that letter.

- (ii) We note that the College has further developed and refined aspects of the arguments submitted in support of the proposed removal of the monument from the Chapel. As this has not added substantive new points to the College's case, we do not wish to add to our previous advice in response.
- (iii) We note, too, the publication by the Church Buildings Council and the Cathedrals Fabric Commission for England in May this year of "Contested Heritage in Churches and Cathedrals". The College refers to this new guidance in the Introduction to the petition (page 2). While the new guidance was published since our substantive letter was written, we believe that the advice given in that letter is consistent with the approach set out in the guidance, and do not, therefore, provide detailed consideration of the petition in the light of the guidance here.

Historic England recognises that this petition deals with matters which are very difficult both for the College and for society at large. While acknowledging the care with which the College has considered the problems raised by the Rustat monument, and the thoughtfulness with which this petition has been made, we continue to consider that the removal of the monument from the College Chapel would harm the significance of both the Chapel and the monument, and that the College's justification for this harm is not clear and convincing.

Yours sincerely

**John Neale**

Head of Development Advice

e-mail: [john.neale@HistoricEngland.org.uk](mailto:john.neale@HistoricEngland.org.uk)

Documents received: letter of 24 June 2021 from the Diocesan Registrar with links to full application documents on Jesus College website



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**From:** Christina Emerson <christina.emerson@spab.org.uk>  
**Sent:** 30 June 2021 22:01  
**To:** Susan Black <Susan.Black@1thesanctuary.com>  
**Subject:** RE: The Rustat Memorial – Jesus College Cambridge - (2020-056751) F2021/50

Dear Mrs Black,

Thank you for your email and accompanying documentation. The Society was interested to learn of the revised proposals for the relocation of the Rustat memorial and thought that relocation to a new archive room constituted an acceptable compromise to which it would not object.

With best wishes

Christina Emerson  
Head of Casework  
020 7456 0910

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