

## OUTRAGEOUS BEHAVIOUR—A POSTSCRIPT

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In his interesting article on order and disorder in church,<sup>1</sup> Paul Barber cited *Abrahams and Ors v. Cavey*.<sup>2</sup> The case is also cited by others writing on related matters.<sup>3</sup> It has both social and legal aspects which it was not germane to Barber's purpose to develop, and this note is intended to remind readers of an event which may have attracted their attention and interest at the time.

The tale is simply told. On the eve of the 1967 Labour party annual conference at Brighton, a conference service was held at which the then Foreign Secretary, George Brown, read the first lesson (Micah iv. 1–5,6,8). He was interrupted from the balcony of the church by one Nicholas Walter, who shouted protestingly the words, 'Oh, you hypocrites; how can you use the word of God to justify your policies?' Walter was then escorted from the church and took no further part in what was still to come. After the singing of a hymn, the second lesson was to be read by the Prime Minister, Harold Wilson. Several persons interrupted the reading by standing and addressing the congregation from their pews, to such effect that the lesson could not be read. In the general disturbance the other defendants, Susan Abrahams, Andy Anderson, Bernard Ralph Miles, Jim Radford, Derek William Russell, Heather Russell and Megan Walsh were removed from the church. The theme of the interruptions was a protest against Government members' active participation in the service against a background of alleged support for United States policies in Vietnam. The minister of the church, the Reverend Leslie Newman, dissociated himself from the prosecution and characterized the conduct of the defendants as 'improper' rather than 'indecent'. The justices were of opinion that the interruption of divine service by the defendants was an act that offended against recognized standards of propriety and accordingly convicted them. After hearing their previous records, the defendant Walter was sentenced to two months' imprisonment, while each of the other defendants was fined £5. The defendants appealed, the question for the opinion of the High Court being, did the interruption of divine service by the defendants amount to 'indecent behaviour' within the meaning of Section 2 of the Ecclesiastical Courts Jurisdiction Act, 1860?

Before turning to legal aspects of the case, it is noteworthy that the incident made a marked impression on Harold Wilson himself:

'On the Sunday morning, as usual, I was due to read the lesson at the pre-conference service . . . Just before I left the hotel I was tipped off by a friendly television employee that there would be trouble in church from anti-Vietnam demonstrators. Not for the first time television was involved in situations where demonstrators—in this one gaol sentences were in the event imposed—had sought its aid for publicity purposes. (We had not yet reached the position where telegenic situations were planned in advance between a television authority and the demonstrators, or where television crews were to be seen invoking trouble in the course of some public ceremony. I was to learn more of these practices later.) As I reached the pulpit to read the second lesson, pandemonium broke loose. The minister vainly appealed for quiet. I decided to carry on with the lesson though, despite the public address system, little could be heard by the congregation, whose attention was, in any case, distracted by the arrest

<sup>1</sup> Barber, 'Outrageous Behaviour', 4 *Ecc L J.* (July 1996), 584.

<sup>2</sup> [1968] 1: QB 479.

<sup>3</sup> Bursell, *Liturgy, Order and the Law*, Oxford, 1996, 249, note 100. Doe, *The Legal Framework of the Church of England*, Oxford, 1996, 40, 307. Robilliard, *Religion and the Law*, Manchester, 1984, 15–16, 18, 33, but, interestingly, not cited by Bradney, *Religions, Rights and Laws*, Leicester, 1993, a work paying considerable attention to blasphemy.

by uniformed police of the men and women demonstrators. It was one of the most unpleasant experiences of my premiership.<sup>4</sup>

It may have been a sign of the deteriorating relations between Wilson and Brown that the former made no mention of the earlier interruption to his colleague. I have not traced any record made by Brown himself of the incident. Perhaps he was made of sterner stuff than his leader.

The link between the social and legal aspects of the case is provided by two facts I have hitherto suppressed. The building in which the service took place was the Dorset Gardens Methodist Church, Brighton; while an 'expert witness' called by the defence was The Reverend Lord Soper, of Speakers' Corner fame.

In keeping with Harold Wilson's own denominational allegiance, the service was held in a Methodist church and according to a Methodist pattern of worship. This raises a number of interesting points. The first is that the Ecclesiastical Courts Jurisdiction Act, 1860, under which the prosecution was brought, protects against '[a]ny person who shall be guilty of riotous, violent or indecent behaviour . . . in any place of worship duly certified under the provisions of the 81st chapter of the statute passed in the session of Parliament of the 18th and 19th years of the reign of her present majesty . . . whether during the celebration of divine service or at any other time . . .' The justices found the following facts. Dorset Gardens Methodist Church was a place of worship duly certified under the Places of Worship Registration Act, 1855. At the material time, divine service was being celebrated in the church.

Lord Soper, well-known publicist of the Christian faith and related matters, offered evidence that the political nature of the occasion and the personalities and policies of those who read the lessons provoked intervention of a robust kind, that the spirit of the Christian religion and Methodism in particular comprehended active and contentious disputation in church and that the defendants' behaviour was in the circumstances understandable and not indecent. Leaving aside whether Donald Soper would as happily have tolerated the rowdy interruption of a sermon in the Methodist Central Hall as he undoubtedly would have done in Hyde Park, his pleading was in vain, convictions and sentences being as already described.

On appeal, the question before the High Court was whether the interruptions amounted to 'indecent behaviour' within the meaning of the Act. That issue is not debated here, though the appeal court finding is compelling. The *ratio* is interesting in one respect, in that a question asked and answered was, 'What difference does it make that it [the incident] was in a church?' Answer—'. . . it makes all the difference'. 'All' sits uneasily with the use made by Lord Parker CJ, of a passage in the judgment of Baron Parke in *Worth v. Terrington*<sup>5</sup>, when he said '. . . it is clear that an act done in a church during divine service might be highly indecent and improper, which would not be so at another time.'<sup>6</sup>

Section 2 of the Ecclesiastical Courts Jurisdiction Act, supports Lord Parker, rather than Baron Parke, in stating that it is the sanctity of the place, irrespective of what is or is not happening in it at the time, which creates the offence. The use of the term 'improper', both by Baron Parke and, in the case presently under discussion, by the Methodist minister, but nowhere appearing in the legislation, suggests an uncertainty as to the appropriateness of the term 'indecent'. Most of the writers cited above are only concerned to show that 'indecent' in this context need have no sexual or obscene connotation in order to condemn certain conduct, and this is clearly so.

All in all, the case may have been, at the time, of minor significance, but the

<sup>4</sup> Wilson, *The Labour Government 1964–1970: A Personal Record*, (1971), 288.

<sup>5</sup> (1845) 13 M & W, 781.

<sup>6</sup> *Ibid.* 795.

growing interest in the protection of Christian beliefs and practices, particularly through the law of blasphemy<sup>7</sup> and its alleged lessened relevance or justification, gives some point to this rehearsal and its possible application to further discussions.

## LONDON MEETINGS

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Dr Norman Doe, LL.M., M.TH., PH.D.,  
Barrister-at-Law  
Director, LLM (Canon Law), Cardiff

Wednesday 14 May 1997

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N. Mark Hill, Esq., LL.B., LL.M., A.K.C.,  
Barrister-at-Law  
Deputy Chancellor, Diocese of  
Winchester

Wednesday 9 July 1997

To be announced

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*Members and non-members are all welcome*

for further details, contact Paul Barber (0181-299 4380)

<sup>7</sup> Routledge, 'Blasphemy', *1 Ecc. L.J.*, (1987-89), (4) 27.