

CHRISTIAN BURIAL AND CREMATION.

Nouvelles Études sur les Catacombes Romaines. Par De Richemont.
Paris, Poussielgue, 1870.

De Angelis. Jus Canonicum, Romæ. 1879.

Le Cimetière au Dix-Neuvième Siècle. Par Mgr. Gaume. Paris.

THE fundamental reason for the discipline of the Catholic Church regarding the disposition of the dead is the dogma of the Apostles' Creed: "I believe in the resurrection of the body." Her philosophy is that the body is an essential part of the man, and that a religion which even partially ignores this fact is not universal, and, therefore, not true. Although she does not hold that there is nothing in the intellect which was not first in the senses, yet she recognizes the fact that they are necessary in the order of natural cognition as well as in the order of religious belief. Through the senses men's minds are corrupted, and through them they may be improved morally and elevated spiritually. Unphilosophic Protestantism began by ignoring the important role which the body and its senses play in the work of salvation. It made war on the religious pictures and statues through which spiritual ideas are conveyed to the mind, and attacked the old sacramental symbolism which, by the action of sensible signs and ceremonies on the body, conveys invisible grace to the invisible soul. To ignore the material and sensible in divine worship, to deny the sacramental system established by Christ, is indirectly to weaken faith in the mystery of the Word made flesh. To try to establish a purely spiritual system of religion for beings who have a mixed nature, a physical body as well as an immaterial soul connected with it, and dependent on it for reflex cognition as well as for outward expression of religious worship, is to attempt to build a steeple in the air without a church to put it on. Yet this is what Protestantism has tried to do in warring on the sensible devotions of the Catholic Church and abolishing her sacraments, in diminishing the number of religious ceremonies and the impressiveness of the Christian ritual. A Catholic has only to attend a Protestant funeral to feel the chill produced by the curtailing of the Catholic ritual. The Protestant dead is put away in a dark room; the corpse is shunned; it is carried in silence to the church, where pagan symbols in flowers, wreaths, and broken columns surround the coffin, where a few dry words of Scripture are read; and thence to a graveyard,

beautifully laid out, indeed, with gravelled walks, weeping willows, and evergreen trees, for there is sentiment still even where faith has ceased to exist, but a graveyard, almost without a cross and without the figure of the kneeling widow, or father, or child,—so often seen in the Catholic cemetery,—praying at the tomb for the repose of the soul departed. There is no heart in the Protestant funeral. There is a hurry to put the offensive corpse out of sight, and then forget all about it. The old Church holds on to her dead with eternal affection. The dead body is the body of her child. It is sacred flesh. It has been the temple of a regenerated soul. She blessed it in baptism, poured the saving waters on its head, anointed it with holy oil on breast and back, put the blessed salt on its lips, and touched its nose and ears in benediction when it was only the flesh of a babe; and then, in growing youth, reconsecrated it by confirmation; and, before its dissolution in death, she again blessed and sanctified its organs, its hands and its feet, as well as its more important members. Even after death she blesses it with holy water, and incenses it before her altar, amid the solemnity of the great sacrifice of the New Law, and surrounded by mourners who rejoice even in their tears, for they believe in the communion of saints, and are united in prayer with the dead happy in heaven, as well as with those who are temporarily suffering in purgatory. The old Church, the kind old mother of regenerated humanity, follows the dead body of her child into the very grave. She will not throw it into the common ditch, or into unhallowed ground; no, it is the flesh of her son. She sanctifies and jealously guards from desecration the spot where it is to rest until the final resurrection; and day by day, until the end of the world, she thinks of her dead, and prays for them at every Mass that is celebrated; for, even amid the joys of Easter and of Christmas, the memento for the dead is never omitted from the Canon. She even holds annually a solemn feast of the dead, the day after "All Saints," in November, when the melancholy days are on the wane, the saddest of the year, and the fallen leaves and chilly blasts presage the season of nature's death. Then are the graveyards filled with the living who go thither, "not as those without hope" to read inscriptions and curiously inspect stately and gorgeously carved monuments, or gratify a vain and pagan sentiment by hanging a wreath of immortelles around some favorite's tomb, but to kneel and to pray that the souls of the beloved dead and of all "the faithful departed through the mercy of God may rest in peace." The intense belief of the Church in the resurrection of the body is seen in all this solicitude and love. They are the expression of her conviction that a body, which has been repeatedly united with the flesh and blood of Christ through the reception of the Eucha-

rist, ought to be honored even in the grave, and that it will be a sharer in the glories of His resurrection.

"The resurrection of the dead gives confidence to all Christians,"¹ wrote Tertullian in the third century. Two general councils—that of Constantinople and the fourth Lateran—have defined the resurrection of the body as an article of faith. The Christian belief on this point is inherited from the Hebrews, for Job says: "I know that my Redeemer liveth, and in the last day I shall rise out of the earth. And I shall be clothed again with my skin, and in my flesh I shall see my God."² Daniel³ and the second book of Machabees⁴ bear similar testimony.

Martha's words to our Lord showed what was the common belief of the Jews in her time: "I know that he (Lazarus) shall rise again in the resurrection at the last day."⁵ Our Lord expressly taught this doctrine in refuting the Sadducees, a sect of Hebrew materialists, who denied both the immortality of the soul and the resurrection of the body: "And concerning the resurrection of the dead, have you not read that which was spoken by God, saying to you: I am the God of Abraham, and the God of Isaac, and the God of Jacob? He is not the God of the dead, but of the living."⁶ Although dead to men, they were alive to God, both body and soul. The central idea which runs through many of the epistles of St. Paul is that there are but two men in the world,—Adam and Christ. All our misfortunes come from the former, original sin and death, while from the latter come our restoration, our regeneration and resurrection. Christ is our spiritual head, who proved His divinity by His resurrection; we are united to Him, both to His soul and to His body, and by this union we share in the graces and privileges both of His soul and of His body. "For if the dead rise not again, neither is Christ risen again. And if Christ be not risen again, your faith is vain."⁷ Then again he writes, in a text so often quoted in the Ritual of the Church: "And we will not have you ignorant, brethren, concerning them that are asleep, that you be not sorrowful, even as others who have no hope. For, if we believe that Jesus died and rose again, even so them who have slept through Jesus will God bring with Him."⁸ Again, in words that remind one of Plato's arguments for the immortality of the soul, in "Phædo," the apostle writes: "So, also, is the resurrection of the dead. It is sown in corruption, it shall rise in incorruption. It is sown in dishonor, it

¹ Lib. de Resurrect. Carnis, n. 1.

³ Daniel xii., v. 2.

⁵ John xi., v. 24.

⁷ I Cor. xv., v. 16, 17.

² Job xix., v. 25, 26.

⁴ 2 Mach. vii., v. 9-14.

⁶ Matth. xxii., v. 31, 32.

⁸ I Thess. iv., v. 12, 13.

shall rise in glory. It is sown in weakness, it shall rise in power. It is sown a natural body, it shall rise a spiritual body."¹

This dogma of revelation is intimated even by the law of nature and its analogies. Nothing is annihilated. "Our bodies die to us, but not to God," says Tertullian in his treatise on this subject. "God is able to remake what He made. He gave life and can give it a second time."² There is restoration of all that perishes around us; life comes out of death. The winter is followed by the spring; the living bud and blossom come again on the same branch upon which they perished; and the green grass grows again where the frost and snow killed it. The juicy stalk and ripened ear spring from the soil in which the planted seed lies rotten and dead.

This is not only the argument of Tertullian, but even of the pagan Seneca.³ And why should not the body live again, since the soul lives forever? Why should not the partner of the soul's toils, the instrument of its mortifications, of its abstinence and fasting, as well as of its sensuality, rise again to share its bliss or its misery? The whole man, not merely a part of him, is destined for eternity; and man is not complete without his body, either in this life or in the next. St. Ambrose puts this argument as follows: "Since the association of soul and body is continual during this life, and the resurrection implies a reward for well-doing or a punishment for wickedness, it is necessary that the body should rise to receive its due. For how can the soul be called into judgment without the body, since the account to be rendered concerns the relations of the soul with the body?"⁴ The objections against this doctrine made by certain rationalists are all answered by the simple but profound philosophy expressed in the words of the *Catechism*: "Nothing is hard or impossible to God."⁵

¹ 1 Cor. xv., v. 42, 43, 44.

² De Resur. Carnis, C. 68, *et seq.* Here is the passage from Plato which expresses a thought similar to that of St. Paul and Tertullian:

"Ὅτι ἐναντίον μὲν φησὶ τῶ ζῆν τὸ τεθνήσκειν εἶναι; ἔγωγε." γίγνεσθαι δὲ ἐξ ἀλλήλων; ναί. Ἐξ οὖν τοῦ ζῶντος τί το γιγνόμενον; τὸ τεθνηκός, ἔρη. Ἐτι δέ, ἡ διὸς, ἐκ τοῦ τεθνήσκοντος; ἀναγκαῖον, ἔρη, ἀμολογεῖν, ὅτι τὸ ζῶν. Ἐκ των τεθνεωτων ἄρα, ὡ κέβρις, τὰ ζῶντὰ τε και οἱ ζῶντες γίγνονται φαίνονται, ἔρη. περιεώτος. Teubner's edition, Leipsic, 1879. (Cap. 16, line 24th, *et seq.*)

³ Ep. 36, v. ii., "Videbis nihil in hoc mundo extingui, sed vicibus descendere ac surgere." This is but an echo of Plato.

⁴ Lib. de fide resurrect., n. 52, *et seq.*

⁵ As no theological question is completely discussed without the authority of St. Thomas, we quote what he says:

"The gift of Christ is greater than the sin of Adam. But death was brought into the world by sin, for if there had been no sin there would have been no death. (Rom. v.) Therefore by the gift of Christ man will be restored to life from death. Moreover, the members ought to be conformable to the head. But our head lives, and will live forever in soul and body, because 'Christ, rising again from the dead, dieth now no more.' (Rom. vi., 9.) Therefore men who are his members will live in soul and

Therefore the Church claims the corpse. It has once been a holy tabernacle of the body and blood of Jesus Christ. She orders the civil power away from the bier and the graveyard. The funeral and requiem mass are hers. Her jurisdiction over them is supreme; and although it may not be always respected, it nevertheless exists, for the dead man was a Christian and has a right to Christian burial; and Christian burial is not a subject within the province of the civil magistrate. The Church, indeed, recognizes the right of the State to make sanitary regulations and order things of a purely civil character regarding funerals and cemeteries; but she considers interference with her ritual, or with property owned and consecrated by her, as intrusion and usurpation. Hence her Canon Law—and it holds good wherever the Church is untrammelled by the State—gives the right of burying the dead to the priest alone, and descends into the most minute details regarding funerals. It dictates the place and manner in which bishops, priests, novices, and monks, as well as laymen, should be buried; tells who should bury those who die in hospitals; gives to the pastor of a parish the right even to choose the road which the funeral procession should take in going to the grave, and leaves nothing to doubt from the very death to the inhumation of the faithful.¹ Indeed, if we follow the letter of the old Canon Law, the authority of the relatives over the funeral is confined to inviting the guests to the ceremony and determining the expense of the funeral. All other matters pertain to the clergy.

Nor is this legislation recent or arbitrary. Its reason is found in the Old Testament and in the writings of the Fathers. Tobias is repeatedly praised for his care in burying the dead,² and St. Augustine³ quotes the example of the Hebrew patriarchs to urge Christians to decency in funerals and care of the dead. "We should not despise nor reject the bodies of the dead," he writes; "especially should we respect the corpses of the just and faithful, which the Spirit hath piously used as instruments and vessels in the doing of good works. For if the coat of arms and ancestral ring are dear to children in proportion to their love of their ancestors, how much more are our bodies to be respected, which are nearer and dearer to us than any garments; for these bodies are not mere ornaments, but pertain to the very nature of man. Hence the funerals and burying of the patriarchs of old were cared for with officious

body; and therefore resurrection of the flesh is necessary." (3d part Sum., quest. 75, art. I., *et seq.*)

¹ See any Canonist, *e. g.*, Crai-son, *Jus Canonicum*, tom. II., p. 48, *et seq.*, or Grand-claude in *Lib. ter. Decret.* tom. II. (Paris, 1882), p. 387.

² 1 Tob., 20, 21, xiii, v. 12.

³ *De Civ. Dei* Cap. xiii., p. 27, tom. 41 of Migne's *Patrologia*.

piety. (Gen. xxv., 9;¹ xxxv., 29;² l., 2, 13, etc.³); and even while living they made provision for the burial or translation of their bodies. (Gen. xlviii., 29, 30; l., 24.) Our Lord Himself, about to rise on the third day, praises the good work of the woman who anoints His head, and says it will be told to future ages, because she poured ointment over His body;⁴ and those who took care to have His body properly buried are praised. (John xix., 38-42.) But these authorities do not mean or intimate that there is any feeling or sense in corpses, but that they live to God, and such offices of piety are acceptable to His providence as confirming faith in the resurrection of the dead."

Any one who desires to see at a glance the riches of patristic literature regarding funerals, cemeteries, and care of the dead, has only to read the Index of Migne's "Patrology," under the head of "Sepulture." Tertullian, Lactantius and Jerome, Chrysostom, Ambrose and Augustine treat of it; and tell us of the Requiem Masses, and the prayers offered for the souls of the departed; the hymns and psalms sung at funerals; the solicitude of the faithful to be buried in consecrated ground; and the avoidance of all vain pomp, or display, or extravagance in the funeral. Prudentius, the Christian poet, speaks of the custom of decorating the martyrs' tombs with flowers; St. Ambrose, in his funeral oration on the death of Valentinian, alludes to the same custom: "I shall not strew flowers on his tomb, but incense his spirit with the odor of Christ." St. Jerome⁵ also refers to the use of flowers at funerals. "Other husbands," says he, "scatter on the tombs of their wives violets, roses, lilies, and purple flowers."⁶ Baruffaldi⁷ also, treating of the rubric on the burial of children, speaks of the ancient usage of putting a crown of flowers, artificial, if natural ones could not conveniently be found, on the head, not only of dead children, but of all persons who died unmarried, no matter how old they might be, as a sign of their innocence and purity, real or supposed. This soon begot an abuse. Not satisfied with strewing flowers on the tombs of the dead, Christians began to bring them into the Church, and crown the coffin, not only of the child, whose well-known innocence deserved the tribute, but even of sinners who barely escaped damnation by a death-bed repentance. Some

¹ The burial of Abraham.

² The burial of Isaac.

³ The burial of Jacob. He was carried away from Egypt and buried in his own selected sepulchre in the land of Chanaan.

⁴ "For she in pouring this ointment upon my body, hath done it for my burial." (Matth. xxvi., v. 12.)

⁵ Ad Pammach. de obitu uxoris.

⁶ It will be noticed that these authorities speak of putting flowers on the graves, not of using them in the Church at funeral Masses.

⁷ Commentaria ad Rituale Romanum, p. 275. Venice, 1792.

of the early fathers, like Lactantius, reprov'd this abuse; and by degrees bishops were obliged to condemn it by diocesan laws.¹ It is indeed very bad taste to crowd the church aisle and load down the coffin with garlands and crowns, and enormous bouquets, symbols of joy, which are out of place among the dirge, the mourning altar, and the sombre vestments of the Requiem Mass.

It would be long to tell of the influence of this Christian respect for the dead, and of Catholic belief in Purgatory, upon the art-life of modern peoples. Dante's "Purgatorio" could never have been penned by a pagan or a Protestant. The requiems of Donizetti, Mozart, and Rossini, and the plaintive wail of the Gregorian dirge, as well as the words and music of the "Dies Irae," are blossoms of Catholic teaching regarding the fate of the dead and the cult that is due to them. Over the tombs of the martyrs were built some of the finest Christian churches. The crypt, often a masterpiece of art, in Romanesque and Gothic architecture, finds its reason of existence in the Christian tomb. The beautifully decorated sarcophagi of the Middle Ages; the "brasses" and enamels on the tombs of the great and illustrious buried in the walls, or under the pavement of the mediæval church, the cenotaphs of marble, of stone, or wood, with angels swinging censers, surrounding the sculptured figure of the deceased, reposing on the marble pillow; tombs like those of the dukes of Brabant, in Louvain, or of Bishop Evrard de Fouillay, in Amiens Cathedral, which he founded; or of Philippe le Hardi, and Jean *Sans Peur*, at Dijon; the tombs at St. Denis, in France, and of Edward III., at Westminster, and of the Black Prince, at Canterbury, England, as well as countless others throughout Christian Europe, attest the piety of the living, and the influence of the doctrine of the resurrection of the flesh, and the communion of saints, upon the art-life of the people. The beautiful chantries, or little chapels, built in the cemetery, or near the tomb, to insure the saying of masses for the souls of the departed, is another fruit of belief in purgatory.

No one who has seen these splendid evidences of Catholic faith on the other side of the Atlantic, and who has examined the beauty of their design and execution, can fail to recognize their superiority to the broken shafts, draped shafts, the senseless columns, topped with capitals and with statues of rich and vulgar nobodies, the pagan nymphs, half nude, modeled by inartistic hands, and the other pagan symbols which characterize the modern cemetery, since the "Reformation." Nor has the hand of the botcher always spared in modern Catholic cemeteries the tomb from the desecrating travesty of the

¹ The fourth diocesan synod of New York, held in 1882, condemns the custom of decorating the coffins of adults with flowers, and urges its abolition, as contrary to the spirit of the Church.

Madonna or the Saviour. The invading spirit of revived paganism and its morganatic sister, Protestantism, has intruded, with its pagan symbolism, even into the Catholic "*Campo santo*." Pagan vanity, a vulgar love of display, show themselves too often in the modern funeral and the modern cemetery, instead of the simple faith and modest hope of the Christian believer.

"Blest are they
That earth to earth entrust; for they may know
And tend the dwelling whence the slumberer's clay
Shall rise at last, and bid the young flowers bloom,
That waft a breath of hope around the tomb,
And kneel upon the dewy turf and pray!"¹

II. The ground in which the bodies of the faithful are to repose has ever been an object of the Church's special legislation. She has given it the sweet name of cemetery,² or dormitory, because, as St. Jerome says, "the bodies sleeping in it are one day to rise."³ "Lazarus, our friend, sleepeth; but I go that I may awake him out of sleep."⁴ So said our Lord of His dead friend; and, imitating her divine Founder, the Church employs the word "sleep" to designate the death of her children. "He fell asleep in the Lord," instead of "he died," is a common form of expression in her liturgy.

In the early ages, any decent place served for the burial of Christians; and during the ages of persecution it was difficult to set apart and bless special cemeteries for them. Yet, even when the cemetery was not specially consecrated, the early Christians, as indeed even the pagans, looked upon the place of burial with religious reverence, and put it beyond the pale of human commerce.⁵ But now, and for centuries, a Catholic cemetery is that place alone set apart, and solemnly blessed by the authority of the bishop, for the burial of the pious faithful.⁶ This blessing distinguishes and separates the graves of Catholics from the graves of heretics, infidels, and others specifically excluded by ecclesiastical law from the right of Christian burial. "No Christian," says the Roman Ritual, "dying in the communion of the faithful should be buried out of the Church, or cemetery properly blessed; but, if necessity compel, and for some reason the body should be temporarily buried elsewhere, care must be taken to have it transferred to a holy place as soon as possible ' (quamprimum) ' ; and, in the

¹ Mrs. Hemans.

² From *κοιμάω*, to sleep. We have the word and the idea in Homer: "Εἴθε πάρος κοιμαθ', ὅτε μιν γλυκὺς ὕπνος ἰκάνοι." II., book I., l. 610.

³ Ferraris' Biblioth., tom. ix., p. 27, Venice, A.D. 1770.

⁴ John xi., v. 11.

⁵ Grandclaude, tom. ii., p. 387.

⁶ "Cæmeteria sunt loca, auctoritate Episcopi benedicta in quibus cadavera Catholicorum pie decedentium sepeliuntur." Reiffenstuel, Jus Can., lib. iii., tit. 28, No. 3.

mean time, a cross should be erected at the head of the grave to signify that the departed rests in Christ."¹ Up to the ninth century, except in very rare cases, no one except bishops, abbots, priests, or pious laymen, could be buried in the church; but gradually this privilege was granted to others, as the clergy saw fit.² The ancient place of burial was in the yard or porch of the church, or in ground adjoining it.³ Most of the civil governments of Europe now forbid burials within the church. Hence, in France, even a bishop cannot be buried in his cathedral without permission of the government. Nor does the Roman Ritual favor the promiscuous burial of bodies in the church,⁴ for it says: "Where the ancient custom of burying the dead in the cemetery exists, let it be retained; and where it can be done, let it be re-established." Everything which canonically desecrates a church will desecrate the cemetery, if it be adjoining, and therefore no one should be buried in it after desecration until it has been "reconciled" by a new blessing. But if the cemetery be apart from the church, the desecration of the church does not carry with it the desecration of the cemetery; nor does the desecration of the cemetery, even when it adjoins the church, imply the desecration of the church, "for the less worthy, or the accessory, does not carry with it the principal."⁵ Where the same piece of blessed ground is divided into two parts by a wall, the desecration of one part does not carry with it the desecration of the other; the two parts, even though connected by a gate, are canonically considered separate and distinct cemeteries. In many Catholic cemeteries, however, there is no hedge or wall separating the consecrated portion from that set apart for the burial of the unbaptized children of Catholics.

The very important question now arises, who are excluded from Christian burial? The answer is clear in ecclesiastical legislation. Infidels, apostates, heretics, publicly and notoriously excommunicated or interdicted persons, suicides, duellists, public sinners who die impenitent, and sinners who die in the act of committing a crime, if the crime be certain and public. The words of the canon are as follows:⁶ "It is decreed in the sacred canons that we cannot

¹ St. Cyprian makes it a crime in Martial, a Spanish bishop, to have buried Christian children in profane sepulchres. Ep. 68.

² Grandclaude, tom. ii., p. 388.

³ Ferraris, tom. ix., p. 27.

⁴ Constantine was buried, according to his own wish, in the vestibule of the Church of the Holy Apostles, at Constantinople. This was contrary to the general usage of the Christians to be buried in catacombs or in cemeteries out of town (Eusebius in Vita Const., l. iv., 60). Theodosius and Honorius followed his example, and were buried close to churches; so that, in the 6th and 7th centuries, the custom of being buried near the church had become common. Hence the meaning of "church-yard."—Dictionnaire des Antiquités Chrétiennes—Martigny, Paris, Hachette, 1865, p. 610.

⁵ Cap. de Consecr. eccles., in 60 (Decretalium).

⁶ Cap. Sacris, 12 de Sepulturis (Libr. tertio Decret.).

hold communion with those dead with whom we could hold no communion while they were living, and that those who have been cut off from the unity of the Church, nor reconciled to her in the hour of death, should be deprived of ecclesiastical sepulture." The Roman Ritual enumerates those who must be excluded from Christian burial: "Pagans, Jews, and all infidels, heretics and their abettors, apostates from Christian faith, schismatics and persons publicly stricken with major excommunication, persons interdicted by name and those living in an interdicted place, while the interdict lasts; suicides, unless it can be shown that they were insane, or unless they give signs of repentance before death; duellists, even if they give signs of repentance;¹ public sinners who die unrepentant, children dying without baptism, and those who are publicly known to have neglected to receive the sacraments of penance and the Eucharist once a year, and who have given no signs of contrition before death." Where there is doubt the bishop or his representative should always be consulted.

There is no part of Church legislation which has been more bitterly attacked in modern times than this regarding the sanctity and exclusiveness of the cemetery. Monseigneur Gaume's pious and earnest book, the title of which is at the head of this article, was prompted by the bitter onslaughts made by French freethinkers on the sacred character of Christian burial. Modern French law, in great part, ignores it. The present "statesmen" of France, instead of trying to bring their country back to the greatness which it lost through infidelity and the last war with Germany, are degrading the name of liberty and of republic, by using them to minimize the influence of, if not actually to destroy, the Church, and are seeking every opportunity to trample on her laws concerning the sanctity of the cemetery. They have secularized and desecrated it everywhere, as they have the school. To such extent has this desecration gone that now, in French cities, it has become a practical necessity for the bishops to leave cemeteries unconsecrated, and for the priests to bless each individual Christian grave when made. In Belgium, also, the so-called "Liberals" have nullified canonical legislation on the subject. Any Belgian magistrate now, ordering a person unworthy of Christian burial to be interred in the unconsecrated part of a cemetery, is liable to be brought before the Civil Court, and fined or imprisoned. "Promiscuous burial" is the freethinker's cry, "and no exclusiveness;" *no "coin des reprouvés."*

It is but a short time since Baron Kervyn de Volkaersheke,

¹ The French theologians, following Gousset (Theol. Morale, tom. 2d, 636), permit ecclesiastical burial to the duellist who, before his death, publicly asks for the sacraments. This teaching, however, would be hardly approved at Rome.

burgomaster of Nazareth, near Ghent, for having ordered the corpse of a suicide to be buried in the unconsecrated part of the graveyard, was fined and imprisoned for eight days. But the Belgian Catholics, among the most gallant in Europe to fight for their religious rights, are organizing to abolish the present odious law and restore the ancient custom of Christian burial to its proper conditions.

It is with pleasure that an American Catholic turns away from these self-styled liberal governments in Europe,—not excepting England, whose judges in the Guibord case in Montreal gave a decision which overrides all canonical legislation regarding cemeteries,—to admire the good sense and natural equity which breathe through our State laws on this subject. The leading spirits who founded our republic were true rationalists, and believed in the natural law and the natural rights of man. No bitter hatred against Christianity characterized them. Even Paine, although a mere Deist, respected the belief of Christians, and was totally opposed to any interference with the rights and liberties of the churches. A European “Liberal” or “Rationalist” seems to become a demoniac the moment he finds a chance to persecute the Church. Not so with the fair-minded American rationalist. He respects Christianity, and of all the churches he respects most the one which holds to the supernatural in its entirety, and which is alone uncompromising in teaching and practice. It is hard to find a European liberal or rationalist who is not a priest-hater, while the most bitter American rationalist bows to the Catholic priest.¹ The reason of this is, perhaps, because the European freethinker is an apostate, while the American rationalist is simply in a state of negation; he never knew the truth. Be this as it may, American legislation is not anti-Catholic, although it may be sometimes un-Catholic. The rights of American Catholics are respected; their property put on a level with that of other denominations. The greatest amount of personal and corporate liberty is allowed; for it is the true American idea of government that the state shall interfere in nothing which is not absolutely necessary for the common weal.² To leave to citizens the largest individual liberty, civil and religious, to trust to their good sense and spirit of obedience to law, not to make them feel that a large standing army is necessary to keep them in order—this is the American way of ruling. This is clearly seen in the laws regarding cemeteries in nearly all the States of the Republic. Take those of the State of New York, for instance: “Every associa-

¹ We know that this is true of “Bob” Ingersoll. It was notoriously true of William Lloyd Garrison, “Thad.” Stevens, and is so of nearly all the “Transcendentalists.”

² There is one exception to this rule, and that is in education. The usurpation of the State in this matter is un-American.

tion (religious or other) incorporated may, from time to time, by its trustees, make such rules and regulations as it shall deem proper for the care, management, and protection of the cemetery lands and property, . . . the conduct of persons while within the cemetery-grounds, to exclude improper persons therefrom and improper assemblages therein, etc., . . . to prevent improper monuments, effigies, structures and inscriptions within the cemetery grounds." Further, the rules and regulations of the trustees bind the lot-owners.¹

Again, "the trustees shall from time to time make such ordinances as they shall think proper . . . and may enforce such ordinances by penalties not exceeding \$25."² Sanction is even given to the custom in Catholic cemeteries, of reserving a portion for unbaptized children, "the trustees shall reserve a reasonable portion of such ground (cemetery) for the interment of strangers and other persons."³ Such scandals as daily occur in Belgium and France, under sanction of law, in the burial of Freemasons, or persons otherwise under the ban of the Church, in consecrated ground against the will of the Church authorities, could not take place in the State of New York. No burial could be forced in a church here without the consent of its pastor. The scandal of Victor Hugo's funeral, and the consequent desecration of the Church of St. Genevieve, could not take place here. It was laid down as the law by the New York Court of Appeals, in the case of the Buffalo City Cemetery *v.* the City of Buffalo,⁴ "that a conveyance for burial purposes only confers upon the grantee a right to use for the purpose of interment. No such estate is granted as makes him an owner in such sense as to exclude the general proprietorship of the association. The association remains the owner in general, and holds that relation to the public. While subject to this, the individual has a right, exclusive of any other person, to bury upon the subdivided plot assigned to him. He holds a position analogous to that of a pew-holder in a house of public worship." He has a privilege, but is not absolute owner.

It was decided by the Supreme Court of New York, that the certificate of ownership of a plot or grave gives a right to use it for burial purposes "subject to and in conformity with the established rules and by-laws of the corporation;" and, "that where a party applies for a burial lot at a cemetery distinctively Roman Catholic, it is with the tacit understanding that he is either a Roman Catholic, and as such eligible to burial therein, or that he applies on behalf of those who are in communion with that

¹ Laws, 1874, chap. 245, § 4.

² *Id.*, § 5.

³ Laws 1874, chap. 209, § 4.

⁴ 46 New York Reports, p. 505.

Church."¹ Thus the State will not force the Church to bury in her cemetery any one whom she considers unworthy. Now contrast this legislation with that of France. "When the minister of religion, for any pretext whatsoever, refuses to bury a body, the civil authority, either as of right or upon the requisition of the family of the deceased, will call in a minister of the same religion, to fulfil those functions. In every case the civil authority is charged with the transfer and burial of bodies."² Thus, if a conscientious priest refuses to violate the laws of the Church, French liberty calls in some pliant tool to break them both at the funeral and in the burying-ground. This is a despotism of which even the most absolute and odious of the Bourbons was never guilty, and of which even Bismarck is not capable.

But although it would be a sin to bury in Catholic cemeteries any of those excluded by canon law, it does not follow that they are desecrated, and require "reconciliation" in the case of every such illegal burial. Those who knowingly bury in consecrated ground a person nominally excommunicated or interdicted, or a notorious heretic, are excommunicated. (Bull "*Apostolicæ Sedis*.") By burying others unworthy of Christian burial, sin is committed, but excommunication is not incurred.

If the party buried be excommunicated by name, the cemetery is desecrated.

But the burial of persons not excommunicated by name, or of heretics not denounced by name, does not desecrate a Catholic cemetery. The law is the same for the desecration of a cemetery as for the desecration of a church. "If notorious heretics be buried in the church, it is not considered to be desecrated, nor does it need reconciliation"³—re blessing or reconsecration. Notoriety no longer suffices to induce all the effects of excommunication. Since the Bull of Martin V., "*Ad evitanda scandala*," denunciation is necessary for that purpose. Hence, in places where Protestants and Catholics live together, the burial of the former in Catholic cemeteries, although illicit, does not desecrate them.⁴ Canonists

¹ Case of *Coppers v. The Trustees of St. Patrick's Cathedral*, reported in 21 Hun's Reports, page 184, etc.

² Art. 19 of 23d Decree of Prairial, year XII.

³ Ferraris, quoted by Craisson, *Jus Can.*, vol. iii., p. 481.

⁴ Grandclaude, vol. ii., p. 397. In the United States, the Second Plenary Council of Baltimore legislates, that where Catholic converts who own plots in non-Catholic cemeteries die, they may be buried ecclesiastically, and with a Requiem Mass, if their surviving relatives be non-Catholics. If the surviving relatives be Catholics, and have owned a plot in a Protestant or other non-Catholic cemetery, from the year 1853, their dead may be lawfully buried in it after a private burial service in the house; but no Requiem can be said for them without episcopal permission. Where Catholics own a family vault, they can bury their Protestant relations in it. (*Dec. S. Cong. Inq.*, 30th March, 1859, quoted in the decrees of II. Balt. Plenary Council, edition 1875, pp. 202, 203.)

are not agreed as to whether certain other persons, excluded by law from Christian burial, desecrate the cemetery so as to require its reconsecration. In this matter much must be left, especially in this country, to the judgment of the head of the diocese. If, even in the Catholic countries of Europe, it has been found necessary to modify very materially the old canonical requirements in regard to sepulture, as well as to many other subjects, certainly in a new country like the United States, where the Church has never had a true canonical status, much should be left discretionary with the bishop. For experience begins to show that the more of the old canonical legislation we introduce, the less does it agree with our surroundings, or prevent scandals from becoming public.

In concluding this part of the subject we call the reader's attention to the solution of two moral cases in Gury's "*Casus Conscientiæ*."¹ In the first, a priest goes to the death-bed of a man who for years had refused to receive the sacraments, and who dies unrepenting. No one knows it but the priest. Yet he acts wisely in permitting ecclesiastical sepulture in this case to avoid scandal, for we should not refuse Christian burial to an impenitent sinner unless his impenitence is publicly known.

In the second case, a pious man, but prone to melancholy, is found one morning hanging by the neck, dead. The priest is called in. He hides the fact of suicide, and gives the body Christian burial. He does well, because, as the suicide was secret, it should not be published to the detriment of the man's fame and that of his family. For the law of the Church does not bind in such cases. Besides, as the man was known to be a practical Christian before his death, his taking-off should be attributed to insanity; and when such is the fact, the Church does not exclude suicides from Christian burial.²

III. But how stands the Catholic Church in regard to the revival of the pagan system of disposing of the dead—cremation? Can she tolerate it? Is there anything in it contrary to Catholic dogma or the essential discipline of the Church? The answer to these questions is, that the Church could tolerate cremation if she wished. She has the right of eminent domain over her own discipline. There is, indeed, a portion of that discipline of divine origin, and it she cannot change; but all things purely ecclesiastical, having been made by the Church, and those things in which our Lord has not forbidden alteration, can be by the Church modified or abrogated. She has abolished the old system of public penances,

¹ Tom. ii., p. 471, Paris edition, 1881. Gury quotes Cardinal Gousset as sustaining his decision in the first case.

² Does the private burial of a freemason or of an unbaptized child in a Catholic cemetery necessitate its reconsecration? R. *Scinduntur theologi*.

which prevailed for centuries, and the "Discipline of the Secret," which was the direct opposite of her present mode of dealing with certain portions of the sacred deposit of truth. While the discipline of the secret lasted, the text continually on her lips was, "Neither cast ye your pearls before swine,"¹ while now she says, "that which you hear in the ear preach ye upon the housetops."² She repeatedly dispenses in vows, and in impediments of marriage arising from consanguinity. She has abolished the custom of baptism by immersion, which was common even up to the time of St. Thomas Aquinas; and has withdrawn the use of the cup from the laity, and again in certain cases conceded it, in the administration of the Holy Eucharist. In these changes she adapts herself to circumstances, and is prompted always by what is best for the salvation of souls.

As to modifications of the custom and law of inhumation, there are not lacking instances. In the Capuchin cemetery at Rome and at Einsiedeln, the desiccated bodies of the holy fathers are placed above ground and in plain view of whoever wishes to look at them. Is not this an infraction of the custom of inhumation? Again, in Catholic Naples the practice of putting the corpses each day into one of three hundred and sixty-five pits in the old "Campo Santo," and then throwing quicklime on them to burn away the flesh, does not seem to be a literal following-out of the law of inhumation. In case, therefore, a great epidemic should occur, or some extraordinary case might arise which would justify cremation, the Church could and might permit it. When a Catholic dies at sea, he is buried in the water; necessity sometimes abrogates a human law; and great difficulty in carrying them out is always a cause for which the Church grants dispensation from her enactments.

But, having said so much as to the right or power of the Church to permit cremation, the moral question now arises whether, if a dying Catholic wished to be cremated instead of inhumed, and insisted upon *post-mortem* incineration, a priest could give him the sacraments? No! Such a man would not have the proper dispositions for receiving them. He would be in a condition of wilful insubordination to Church law and discipline. He would be asking what the Church refuses to grant. He would be disobeying or asking some one else to disobey the requirements of her sacred liturgy in a very important matter. In a word, although the Church may modify her burial service in certain extraordinary contingencies, it is certain that cremation is contrary to all her traditions and to all her legislation regarding Christian burial.

¹ Matth. vii., v. 6.

² Matth. x., v. 27.

"The Christians never gave in," says Alban Butler,¹ "to the customs either of preserving the bodies of their dead, like the Egyptians, or of burning them with the Romans, or of casting them to wild beasts with the Persians; but, in imitation of the people of God from the beginning of the world, buried them with decency and respect in the earth where, according to the sentence pronounced by God, they return to dust till the general resurrection."

With the single exception of the cremation of the body of Saul and his sons by the men of Jabes Galaad,² to prevent them from further contumely by the Philistines, all the burials of Jewish history, most of which are alluded to in the text of St. Augustine, already quoted from the "City of God," expressly imply inhumation. Even after the cremation spoken of in the first book of "Kings," the men of Jabes Galaad inhumed the bones in the wood of Jabes.

Eusebius gives a reason for the Christian aversion to cremation, which still holds good, because "they (the Pagans) did this (cremated) to show that they could conquer God and destroy the resurrection of the bodies, saying, now let us see if they will arise."³ It is notorious that the modern revival of cremation as a mode of burial is due to pantheists, materialists and other unbelievers in the resurrection of the flesh.

Even when the pagan Greeks cremated, they deposited the ashes of the dead in a grave, and over it "heaped a high earth mound."⁴ Schliemann found at Mycenæ graves of the heroic age, with complete skeletons of both adults and children, showing that cremation was not universal. In early times inhumation was the rule. The grave was dug by the nearest relatives, and the corpse buried in it.⁵ Thucydides⁶ tells us that the bodies of Athenians who had fallen in battle were put in coffins and buried.

According to Cicero, inhumation was older in Rome than cremation.⁷ Some noble Roman families never permitted their bodies to be burned, and Sulla is said to have been the first Roman who ordered his body to be cremated after death, lest his bones should be scattered by his enemies.⁸ The pontiffs of pagan Rome would not acknowledge a funeral to be complete unless at least a single bone cut off from the corpse, or rescued from the flames, had been deposited in the earth.⁹ It was a pagan superstition that those whose

¹ *Lives of Saints*, vol. ii., note to life of St. Callixtus, pope and martyr. London edition, 1833.

² 1 Kings, xxxi., v. 12.

³ Hist. Eccl., v. 1.

⁴ Guhl and Koner's *Life of the Greeks and Romans*, p. 288, speaking of Homer's description of the burial of Patroklos.

⁵ *Ibid.*, p. 289.

⁶ Book ii., chap. 34.

⁷ *De Leg.*, ii., c. 22.

⁸ Pliny, *Hist.*, lib. vii., c. 54.

⁹ *Roma Sotterranea*, Northcote, vol. i., book 2, c. 1.

bodies were left unburied had to wander about for a hundred years. Horace alludes to this belief in the twenty-eighth ode of his first book of songs, in which he represents Archytas as begging the passing sailor for a few handfuls of sand for his unburied corpse.

“ At tu, nauta, vagæ ne parce malignus arenæ
Ossibus et capiti inhumato
Particulam dare.”

Virgil's lines on the subject are familiar.¹

The early Christians, like the ancient Jewish patriarchs, ever showed their anxiety to be inhumed according to the Christian liturgy. Sometimes the living Christians tore the bodies of the martyrs from the flames in order to give them proper burial. St. Fortunata gave twenty pieces of gold to the executioner for rescuing her body from the flames and having it put in the earth.² The Catacombs were specially dug out by the Christians for burial purposes; although they had also many graveyards in the open air, set apart from the pagan burying-grounds. The ritual of funerals and the consecration of cemeteries all suppose that the corpse is to be inhumed. All the Fathers, in explaining the resurrection of the dead, speak of inhumation as the only proper Christian mode of sepulture, as it was, in fact, the mode in which Our Lord Himself was buried.³ Boniface VIII. (in C. I., tit. Sep., Extrav. Comm.) forbade all violent modes of disposing of the dead as savoring of barbarism. “The respect due to the human body requires that it should be allowed to decay naturally, without having recourse to any violent system;” so says Grandclaude, but this reason would seem to hold good against the Neapolitan custom of using quicklime as well as against cremation. A forcible argument against cremation is also found in the Catholic custom of preserving and honoring the relics of the Saints and putting their bodies or portions of them in the altar. It would be no longer possible to have the most important relics of future Saints if their flesh were to be consumed by fire.

The chief arguments in favor of cremation are from sanitary considerations. The cremationists say that inhumation poisons the air, and that cemeteries injure the healthfulness of the neighborhood in which they exist. But if proper precautions are taken, if the bodies are buried deep enough in the soil, as they must be, no danger can arise to the public health from the practice of inhuming the dead. The immense sewers which run through our

¹ “ Centum errant annos, volitantque hæc littora circum,
Tum demum admissi stagna exoptata revisunt.”

—*Æneid*, 6th Book, v. 325, *et seq.*

² Dictionnaire des Antiquités Chrétiennes (Martigny, Paris), p. 608.

³ See Commentaries on I Ep. ad Cor. xv.

populous cities do not injure health if they are properly built, although decaying refuse and poisonous vapors fill them. Neither can cemeteries properly managed, in which the graves are deep, and which are generally remote from the town or city. Would not the public health be far more endangered if the reeking stench of burning bodies, arising out of crematories on every side, were to pollute the atmosphere? On a moist summer's day, when the winds are still, how long would it take to get the smell of the crematory out of the nostrils of the community? You may put the crematory in the country; but you have no more right to afflict the rustic than you had to incommode the citizen with your nuisance.

De Cavagnis, a Professor of Canon Law in Rome, gives against cremation another argument which is rather striking. "Humation," he writes, "renders it possible to inspect the corpse long after it has been buried, if suspicion of foul play should arise; whilst cremation would give testimony, and then only when carefully done, as to death by poison alone."¹

This affords, undoubtedly, a good legal argument against the new mode of disposing of the dead, but no such exceptional reason motives the Church's opposition to cremation. It is under her ban, because it is contrary to the letter and the spirit of her Liturgy, and to the universal custom of the Hebrew and Christian dispensation. "*Nihil innovetur nisi quod traditum sit.*"

¹ "Crematio ad summum venenii residua ostendit si rite fiat." *Institutiones Juris Canonici*—Can. Felix Cavagnis, Romæ, 1883, lib. iv., p. 162. As the difference between a medicine and a poison is frequently a mere question of dose, it is not always possible to detect criminal poisoning. Therefore De Cavagnis' exception is not medically correct. Many alkaloids are fatal in such exceedingly small doses that their separation by any process is frequently impossible.