

*REUSING OLD GRAVES: A Report on Popular British Attitudes*, DOUGLAS DAVIES and ALASTAIR SHAW. Shaw & Sons Ltd, 21 Bourne Park, Bourne Road, Crayford, Kent DA1 4BZ, 1995, 175 pp inc appendices (paperback £24.95), ISBN 0 7219 1470 5.

A review by Stephen White

*Reusing Old Graves* is a fascinating examination of attitudes not just to the reuse of graves but to many matters connected with death, the disposal of corpses and memorialisation. It is a response to the anxiety of managers of municipal cemeteries that their local authorities are running out of land in which to bury the dead. Reusing graves is a possible solution. Of course graves are reused already. Most graves in municipal cemeteries are subject to exclusive rights of burial and so usually contain or will eventually contain the remains of several members of the same family. Even if there were no limit to the number of bodies that could be placed in a grave, new land will almost certainly be needed for burial. This anxiety of cemetery managers was crystallised in 1993 by a paper delivered to the Joint Conference of Burial and Cremation Authorities by the IBCA's present secretary (Ian Hussein, 'Graves for the Future' (1993) 61(4) *IBCA Journal* 30). The paper reported a survey and made a proposal. The survey was of space for new graves in existing cemeteries in London: three boroughs had none, six would exhaust what they had in five years, seven would do so in ten, and eight within thirty. The proposal was for the reuse as new of graves last used over seventy five years ago containing only skeletal remains. The remains would be reburied deeper in the graves from which they had been excavated. This can be done lawfully in municipal cemeteries in London, but not elsewhere. The Conference welcomed the proposal but many felt it would be useful to know the public's likely reaction to schemes to implement it.

Through the mediation of the University of York Cemetery Research Group, whose report on *The Management of Old Cemetery Land* was reviewed in the last issue of this Journal, Professor Douglas Davies was commissioned to carry out the research. This was a most discerning choice, for it has meant that the questions the public have been asked have been informed by his experience as Director of both the Rural Church and Cremation Research Projects. The sample whose responses form the basis of the report consisted of 1,603 persons over eighteen from Glasgow, Sunderland, Nottingham and the London boroughs of Barking and Dagenham. It was constructed so as to achieve a spread of age, occupational status and sex. It actually achieved a spread of other characteristics such as, for example, religious affiliation.

The primary inquiry of the research was put in a leading way. Respondents were not asked 'Do you think graves should or should not be reused?'. Instead they were asked what period of time should elapse before a grave could be used for new burials by a different family. Despite the form of the question 35 per cent of respondents said they never should be reused. As against this 62 per cent were willing to countenance the reuse of graves after varying periods (3 per cent were undecided). The periods given ranged from one year to two hundred, the most popular being 100, 50, 20, 30, 75, 150 and 10 in that order. Respondents were also asked for their reactions to three methods of dealing with remains in a grave and to four of dealing with old headstones: reburying in the same grave, and photographing and removing the headstones were the most favoured methods. For those who have to decide how cemeteries are to be managed these will be useful findings, but the real fascination of the survey comes when the authors relate these findings to respondents' views about the advantages and disadvantages of, their personal preferences for, and what they consider would lead others to favour or spurn, burial and cremation: to

respondents' personal and social characteristics; to their beliefs about the purposes of the two modes of disposal, about the significance and importance of memorialisation, and about the fate of the individual after death; to their experience of death within their families, their family structure, and to where the members of their family lived; and to where they themselves lived. It seems, as the authors suggest, that inquiring about people's attitudes to the reuse of graves taps into very important conceptions of self and family identity.

Even if many of the findings are what one might predict, they are none the less fascinating for that. A selection can give a flavour of what readers will find in the report. The young were less inclined to support the reuse of graves than the old. In London, Nottingham and Scotland respondents tended to be more in favour of reusing graves the further they lived from their parents, although in Scotland, where cremation is less favoured than in England, the level of support for reusing graves was markedly less than in England. In Sunderland, however, those who lived with and furthest away from their parents were much more likely to support reuse than those who lived close to, but not with, their parents. Although spouses or partners were roughly twice as likely to have had their dead companions cremated as to have had them buried, this pattern was reversed when they arranged the funerals of their children. Whereas, when asked why others might prefer cremation to burial, nearly 20 per cent said either that it avoided the necessity of the family having to tend a grave, or that it left no permanent resting place or memorial, or that it gave no opportunity for the vandalism of headstones, when asked why others might prefer burial to cremation, 50 per cent said that families could visit graves—women gave this response markedly more than men—and that burial provided a final resting place and allowed for a memorial. About 8 per cent of respondents gave the possibility of being reunited with a loved one as a reason why people might prefer burial to cremation, but none gave it as a reason why they might prefer cremation to burial. Respondents were more likely to know whether their maternal grandmother had been buried or cremated than to know the type of funeral their paternal grandfather had had. They were also more likely to know whether maternal grandparents had a memorial than whether paternal grandparents had one. Family members who had been buried were more likely to have been memorialised than those who had been cremated, and the memorials of those who had been cremated were visited less frequently than the memorials of those who had been buried, with one exception: the memorials of grandparents were equally likely to be visited whether they had been buried or cremated. Only 4 per cent of Anglicans believed in resurrection of the original body and as many as one-third believed that death is the end of life in all senses. Atheists, Agnostics and Anglicans were most and equally in favour of reusing graves. About a third of respondents claimed to have sensed the presence of someone after their death. One could go on.

J H G Sunnucks remarked in his review of *The Management of Old Cemetery Land* that that report is likely to be of little direct interest to canon lawyers but is of importance to them nonetheless. This survey also is not concerned to any large extent with legal issues, but it provides very valuable insights for those who are concerned with churchyards, especially where faculties are sought for such matters as removing remains from consecrated land or levelling headstones. The questionnaire did contain two questions specifically touching on legal issues. One was 'who do you think generally possesses ownership rights over a grave space in a cemetery?' Two thirds of respondents, and a higher proportion of women than men, said the family. Asked who should be mainly responsible for the upkeep of graves in local authority cemeteries, just over a third (and a higher proportion of women than men) said the family.

In addition to presenting the results of the questionnaire (which is done helpfully by summarising and highlighting particular features of them in the main text and

presenting full details in statistical tables in the appendices), the report relates them to the academic writings of social scientists and cultural historians, a guide to which is provided in a short but discriminating bibliography. The report ends with an account of the reuse of graves in one of the most traditional Christian churches, the Greek Orthodox, and an examination of the place of the body in contemporary sensibility. At its price I cannot say 'buy it and read it'. But I do say 'get a library to buy it so that you can read it'.

*CANON LAW IN LATE MEDIEVAL ENGLAND: A Study of William Lyndwood's Provinciale with particular reference to Testamentary Law*, BRIAN EDWIN FERME. *Studia et Textus Historiae Iuris Canonici* 8, LAS Rome (1996) x+164 pp. ISBN 88-213-0329-2.

A review by Robert Ombres OP (Blackfriars, Oxford)

Maitland estimated that Lyndwood's *Provinciale* had often been cited, often lauded, sometimes read. He also believed it capable of yielding more if it fell into the hands of one deeply read in foreign law-books.

Almost a century after Maitland wrote this, Mgr Brian Ferme has used the canonical expertise he has acquired in England and continental Europe, currently as professor of canon law and its history in Rome, to write a scholarly yet readable study of Lyndwood. The bibliography shows the depth and range of the research embodied in Ferme's volume, which has a similar title but surpasses by far Arthur Ogle's *The Canon Law in Mediaeval England* (London 1912), the nearest there was to a book on Lyndwood.

The initial three chapters situate Lyndwood (c.1375–1446) in his world, by sketching the state of canon law in medieval England and then outlining Lyndwood's life and his canonical masterpiece.

It was a life full of different responsibilities and varied achievements at home and abroad, almost a microcosm of an entire legal and administrative world as experienced by a learned man close to its centre. It requires a whole appendix just to list the benefices and offices held by Lyndwood. Let us simply note that he was appointed Official of the Court of Canterbury in 1417, became Keeper of the Privy Seal in 1432, and from 1442 was the bishop of St David's (Wales).

Lyndwood's wide experience as judge, administrator and diplomat must have been a preparation and an incentive to compile the *Provinciale*, at the urging of Archbishop Chichele. The outcome was an outstanding canonical work, combining a collection of the constitutions of the province of Canterbury from 1222 to his day with an elaborate Latin commentary. The texts of the chosen constitutions were arranged along the lines of the five books of Gregory IX's *Decretals*.

It was by means of this gloss, completed in 1430, that Lyndwood attempted to explain provincial law and its relationship to the *ius commune* of the Church and its chief European commentators. His references to decisions of the Roman Rota placed him in an already established tradition of involvement by English canonists with this papal court. Later lawyers and scholars, even after the Reformation, have had frequent recourse to Lyndwood's collection and to his gloss. The *Provinciale* was reprinted as recently as 1968.

At this point, Ferme turns from the general to the particular. The remaining four chapters are devoted to the English testamentary law of the period, concentrating on Lyndwood's approach to it. Close study is given to the restrictions placed on testamentary freedom (*'legitim'*) and to the testamentary rights of married women. As regards the latter, whatever the position according to Common Law, Ferme defends Lyndwood's favourable treatment of married women as