July 1948

Disposal of Amputated Members

Catholic Physicians' Guild

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Recommended Citation
Available at: http://epublications.marquette.edu/lnq/vol15/iss3/13
problem can be solved this way: Pour water over the entire monstrosity, or immerse it (moving it in the water), and pronounce the words of baptism with the intention of baptizing as many persons as are present. For example: a nurse immerses the monstrosity in water and, while moving it in the water, she says: "I baptize you (meaning 'all of you, if there be more than one') in the Name of the Father, and of the Son, and of the Holy Ghost."

DISPOSAL OF AMPUTATED MEMBERS

What is the duty of hospital authorities with regard to the disposal of amputated members of the body?

This question could be answered rather briefly. Yet I have been asked frequently about the disposal of amputated members; and correspondence and consultation with several other moralists show that they have had a similar experience. It seems, therefore, not only that the question is practical, but also the material for answering it is not readily available to hospital authorities. For this reason I believe that a rather thorough discussion of the problem is in order.

The General Law

The only general law of the Church pertinent to the present topic is succinctly stated in canon 1203, the first of the canons on Christian burial: "The bodies of the faithful deceased must be buried: and their cremation is reprehended."

This law expresses an ancient Christian custom. From earliest times the Christians buried their dead because they considered this the most respectful way of treating the human body, especially a body that had been a temple of the Holy Ghost. Cremation was looked upon as unbecoming. Moreover, at various times cremation acquired anti-Christian and heretical connotations. For instance, some of the early persecutors had the bodies of martyrs burned to express contempt for the hope in the resurrection; hence Christian burial acquired the opposite connotation, namely, of profession of faith and hope in the resurrection. In more recent times, according to a strong statement of the Congregation of the Holy Office, the enemies of Christianity have praised and propagated the practice of cremation in order to pave the way to the acceptance of materialism.

This law, commanding burial and forbidding cremation, is the ordinary rule. The cremation of bodies is permitted when the public welfare demands it, for example, in time of pestilence—an exception which is explicitly mentioned in the instruction of the Holy Office just referred to. It is understood, of course, that in such cases cremation is divested of its anti-Christian and heretical connotations.

The law refers primarily to entire bodies. However, in the sources of canon 1203 we are referred to a reply of the Holy Office which dealt specifically with the disposal of amputated members. Since we shall be particularly concerned with this reply during the remainder of our discussion, it will be well to consider
carefully both the circumstances that occasioned it and the wording of the response itself.

**Reply of Holy Office**

The reply was given more than fifty years ago to the Superior General of the Sisters of the Sor­rowful Mother, a papal congrega­tion with motherhouse in Rome and with many hospitals in the United States. The Superior General presented this problem to the Holy See: In many of the hos­pitals conducted by her Sisters in North America amputations of arms or legs are of frequent occur­rance. In the past, the Sisters’ practice has been to bury these amputated limbs in a corner of the hospital grounds that is not blessed, or sometimes, on the advice of the doctors, to burn them. Some of the persons who undergo these amputations are Catholics; others are baptized non-Catholics; and still others are unbaptized. The Superior General is disturbed about these practices and seeks an official directive from the Holy See. That the case may be per­fectly clear, however, she adds that the burial of such amputated members in a cemetery would very often be morally impossible, and not infrequently physically impos­sible.

An accurate, though somewhat rough, translation of the reply of the Holy Office, as recorded in the *Fontes Codicis* (IV. 494-95) and in the *Acta Sanctae Sedis* (XXX. 630-31) runs as follows:

"With regard to the amputated members of non-Catholics, the Sis­ters may safely continue their present practice. They should try to have the amputated members of Catholics buried in blessed grounds; but if serious difficulties stand in the way of such burial the Sisters need not be disturbed about their present practice. As for the burning of members, if the physicians demand this, the Sisters may keep a tactful silence and carry out their orders. And note: the mind of the Sacred Congrega­tion is that, if it can be done, a small part of the hospital garden should be blessed and set aside for the burial of the amputated members of Catholics."

This reply was drawn up by the Holy Office on August 3, 1897, the date under which it is ordi­narily cited. On August 6, Pope Leo XIII gave it his official ap­proval.

**Manuals and Periodicals**

The approved manuals of moral theology and canon law and the comments in ecclesiastical periodi­cals usually help us to understand the pronouncements of the Holy See. In the present instance this is hardly true of the manuals. Many of them do not even men­tion the disposal of amputated members. And most of those that do treat the subject are content with a brief reference to or perhaps citation from the response of the Holy Office; and they do this in such a way as to make the reply seem much more rigorous than a careful study of the text and background seems to justify.

The periodicals are slightly more helpful. One Italian periodical (*Il Monitore Ecclesiastico*) expresses the view that only notable parts of the body need to be buried. The theoretical distinc­tion between notable (or major) and minor parts of the body seems quite rea­sonable; yet it is not easy to deter­mine a practical norm for applying the distinction. Perhaps the dis­tinction lies in this: a major part is one that retains its "human quality" even after the amputation. An arm or a leg usually retains this characteristic; whereas internal organs, even though very impor­tant, usually lose it after removal.
The Homiletic and Pastoral Review (XXXIV, 291, 92) makes two useful observations. First, it calls attention to the fact that the very tenor of the response makes it clear "that the Church does not urge the burial of amputated limbs in consecrated ground in the same manner as the burial of the bodies of the faithful." This is an important point, and one that the manuals tend to obscure. As a matter of fact, we should naturally expect a certain modification of the law, even with regard to cremation, for amputated members are quite likely to be so diseased as to require cremation; and the practice of cremating them would seldom, if ever, have the anti-Christian connotation which makes the cremation of bodies particularly odious.

Another opinion expressed by Father Woywood in the Homiletic Review is that limbs that are so crushed as to be simply a mass of flesh and bones may be burned without hesitation. I imagine that theologians in general would agree with this opinion; and I believe that the same may be said with regard to limbs that have been greatly distorted by disease.

The Review for Religious (VI, 247) also stresses the fact that the response of the Holy Office is quite moderate in tone; and it ventures the opinion that the Church is not opposed to the saving of amputated parts for scientific purposes.

Difficulties

In her petition to the Holy See the Superior General stated that the burial of amputated limbs in a cemetery is often impossible, at least morally. The Holy Office did not question this statement; rather, it seemed to assume the frequent existence of such difficulty and for this reason suggested the setting aside of the small plot of blessed ground in the hospital garden.

What are the difficulties? For the Sisters themselves, one excuse for burning members is mentioned in the reply itself: namely, when the doctors insist on it the Sisters may quietly acquiesce. The implication here, it seems to me, is that even when doctors are not justified in their demand the Sisters need not oppose them. This relieves the consciences of the Sisters; but one might ask: What about the doctors? In other words, we should like to have a norm that can be conscientiously followed, not only by the Sisters, but by all others who wish to observe the law of the Church.

One difficulty often mentioned in questions concerning the disposal of amputated members has to do precisely with the suggestion made by the Holy Office that a small plot of ground be set aside in the hospital garden. Some urban hospitals do not have a garden. And in some places the sanitary codes would not permit this procedure. And as for burial in a cemetery, it is often alleged that the formalities to be observed make this a practical impossibility. For example, at least in some places, an undertaker must be procured, a burial permit obtained, and a grave opened. Collectively, such formalities impose a financial burden that is too much for many patients; and in large hospitals the repetition of the formalities for numerous amputations would be a great drain on time and personnel.

I am not prepared to say how common the foregoing inconveniences are; I have merely cited them as examples of the difficulties that have at various times been called to my attention.

Diocesan Solutions

Before setting down any conclusions, it may be well to see how this problem is handled in various places. One diocesan hospital code
saying, "Every major portion of the body must be buried. Arrangements must be made with the local Catholic cemetery." Another such code prescribes: "Notable parts should be buried in a cemetery, when it is reasonably possible to do so. Where health, sanitation, or direct prescription of the doctor demands it, then other means of suitable disposal can be tolerated."

Since those solutions are taken from approved diocesan codes, I take it that they are official and that they apply to all the hospitals of the respective dioceses. The first statement seems to indicate that burial has been found feasible; the second is non-committal so far as existing facts are concerned.

In many places the custom seems to be to ask the patient or his relatives to see to the decent burial of the amputated limbs. But the customs of the hospitals when the patients or relatives show indifference seem to vary considerably. My impression is that burning is the more common procedure in such cases; but I am not sure of it.

These various items, vague as they are, are at least "straws in the wind." They show us that conditions vary greatly from place to place; and they warn us against making sweeping generalizations. I think it is important to insist on this point: the judgment of excusing causes concerns actual facts, and facts (that is, the existence of actual difficulties) are not the same in all places. Some hospitals seem to have found that they can arrange for burial without much inconvenience; others have found it too difficult.

Conclusions

In the preceding discussion I have compiled all pertinent information that I have been able to gather from ecclesiastical documents, textbooks, periodicals, correspondence, and discussion with other moralists and canonists. We are now ready for some definite conclusions, but before giving them I wish to say that they are presented here only for the benefit of those hospitals which do not already have official diocesan directives, and as a possible aid to diocesan authorities who wish to establish some definite and workable procedure which is in harmony with the mind of the Holy See. The conclusions are as follows:

1. The ecclesiastical law commanding burial and forbidding cremation applies only to the bodies and amputated members of Catholics. However, the general tenor of ecclesiastical documents indicates that even in the case of non-Catholics the burial of amputated members (in unblessed ground) is preferable to cremation when the latter is not necessary.

2. Even with regard to the amputated members of Catholics, the law applies only to such portions of the body as are reasonably considered notable or major. Perhaps the question — does the amputated member retain its "human quality"?—may be of service in determining what is a major part.

3. The duty of seeing to the decent burial of major amputated parts falls primarily on the patient or his family; when these are willing and able to fulfill this duty the hospital authorities have no further obligations in the matter. It does not seem necessary, however, or even advisable to urge this duty on patients or their families when it is known that the prescribed legal formalities or the expense would be a source of great inconvenience to the persons involved. And certainly hospital authorities are excused from even suggesting
this procedure when there is a well-founded fear that it would prejudice people against Catholic hospitals.

4. When the patients or their families are unwilling or unable to see to the decent burial of the amputated members, the hospital authorities should provide for the disposal of the members according to the principles already explained. If arrangements can be made for burial without much inconvenience, this should be done. Cremation of such members is permissible when health or sanitation demands it; also when burial is not feasible because of expense, inability to observe prescribed formalities, inability to provide a suitable place, and so forth.

(Note: It might help everyone concerned if those hospital authorities who have found a convenient way of providing for the burial of amputated parts of the body would send us the information. Also, if some have problems that do not seem to be covered by the preceding discussion, we should like to know of these.)

References

Besides the references given in my text, hospital authorities might be interested in the following:

1. The Instruction of the Holy Office on cremation (June 19, 1926), though not directly concerned with amputated parts, is well worth reading. The English text is in *Canon Law Digest*, I, 564-66.

2. English tests of moral theology and canon law that treat the subject are: Augustine, *Commentary*, VI, 101-02; Ayrinhac, *Administrative Legislation*, n. 50; Bouscaren-Ellis, *Canon Law*, 602-03.