

Cemeteries & the Control of Bodies

By

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ABSTRACT

Cemeteries & the Control of Bodies

There has been a substantial change in cemetery administration over the last century. Where once cemeteries were predominantly run by religious organizations, now they are mostly run by local municipalities. This thesis examines the change in cemetery administration, using the cemeteries in the city of Hamilton, Ontario as a case study, drawing on material taken from an inventory of Hamilton cemeteries. The Ontario Cemetery Act of 1913 is examined to see how it helped to consolidate municipal power over cemeteries.

In addition to secularization theory, relevant concepts are also applied from the works of Talcott Parsons, Max Weber and Michel Foucault. The analysis suggests that the laicization of cemeteries is part of ongoing rationalizing trends in the larger society. The connection between cemeteries and changes in how we think about human bodies and death is also investigated. Rationalization is linked to a marginalization of the meaning of death as death itself moves from a religious understanding to the control of professionals and bureaucracies like hospitals and funeral homes.

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DEDICATION

This thesis is dedicated to my Opi,
Rev. Arthur Drewitz.

Words cannot express
the depths of my gratitude.

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Chapter 1: Introduction

In the summer of 2004, I began volunteering at the Flamborough Archives, a small community based, non-profit organization specializing in local history. That summer, my project was to complete an inventory of all of the cemeteries within the “New” (amalgamated) City of Hamilton. This study looked at roughly 113 still maintained cemeteries. The inventory included information on the size of the cemetery, on the responsible agency, and on the date when the cemetery was opened. The following summer (2005), I continued this research, adding to the existing information a more detailed history of each cemetery, including information on the earliest owners and the date at which institutional changes took place. From this work, I became interested in issues of cemeteries and the bureaucratization of death as part of the process of modernity.

There has been a change in the way that cemeteries have been administered over the past 100 years. Where at one time cemeteries were primarily run by religious organizations, now they are primarily under the control of local municipal authorities. What prompted this shift? Was it part of the process of secularization of society? Are municipally controlled cemeteries managed in the same fashion as other municipal facilities, such as hospitals? Is something deeper going on? While the administration of death may be part of larger secularizing trends, is there at the same time a reconceptualization of death?

In Canada, the region of Wentworth (now known as the city of Hamilton) provides an interesting case. It was in Hamilton in 1850 that the first municipally run cemetery in Canada was created. This cemetery, known at times rather confusingly under the different names of York Street Cemetery, Burlington Cemetery and Hamilton Cemetery, is also unique as an early example of other trends. It was begun as a cemetery for the city’s Anglican community, whose

downtown church was running out of space. In 1847, land was purchased on the community's boundary from Sir Allan MacNab, former Governor General of Upper Canada, across from his Dundern property. The following year, part of this property was sold to the city, for the creation of a municipal cemetery, meant for those whose church had no cemetery or for those with no formal religious affiliation. In 1872, more of the Anglican property was sold to another church. By 1892, the upkeep became too great for the churches to maintain, and the responsibility for these adjoining cemeteries was transferred to the city. It is one of the only sites where the institutional secularization and control of cemeteries can both be seen as initiated by the municipality and as being part of the transfer from a church. It was also the site of an important case highlighting the problems experienced by these cemeteries.

On Saturday, July 16, 1938, an article entitled "Cemetery Charges are Denied" appeared on the front page of the Toronto Globe and Mail (see Appendix A). The article examines in detail a controversy involving burial practices in Hamilton Cemetery across from Dundern Castle. The controversy concerned accusations of an employee who believed that the cemetery was cutting corners in the hopes of making more money, ignoring the 1913 Cemetery Act, which guarantees certain rights for those buried. In the article one can see a shift in the conceptualization of the cemetery, from an eternal burial place of the dead, where remains are safe, to the commercialization and bureaucratization of remains, where human dignity becomes tied to the payment of a cemetery fee. This shift in thinking was in many ways far removed from the practices of small church cemeteries that once serviced the entire area.

Practices attendant to death have changed. Where once people died in their beds at home, they now predominantly die in a controlled hospital environment. By the same token the way the dead are treated has changed. At one time death was viewed as "an intensely personal

experience”, with families preparing bodies, digging graves, constructing coffins, and creating grave markers. By the beginning of the 20th century most of these things were handled by “professionals”, such as the undertaker or cemetery grounds crew (Sloane, 119).

Burial is, in Christian society, the most common form of body disposal. European settlers of Canada would have viewed burial as an expected outcome of death. The sacredness of the dead body, and the care taken in its disposal, either through burial, cremation, or mummification, was connected to symbolic understandings of the body.

For these European settlers, the cemetery was ultimately meant to be an eternal resting place. The Anglican Prayer of Consecration, recited during the dedication of cemetery land for that purpose, states in part:

And we do pronounce, decree and declare that the said land shall remain so consecrated, set apart and dedicated forever.... (Stuart, 2001-2002: 17)

The “forever” of the consecration was at the time seen as tied to the “forever” of the Anglican church, including its influence, and power to administer burials.

The permanence of cemeteries has come under question with their transfer from church control. As Canada has become institutionally less religious and more secular, churches no longer seem as permanent as they once were. Neither is their capacity to look after the dead to the end of temporal time. Therefore the transfer to the state could be a sign that a shift has occurred in the popular consciousness suggesting that the church is no longer eternal but that the state is, and that the state will outlast the religious institution. There are some exceptions to this shift, notably, the continued operation of Catholic and Jewish cemeteries. Both of these religions remain separate from secular society, with their own schools and continuing to create cemeteries under their own control. The Catholic Church, which has survived for over two

millennia, and Judaism, which has survived for over three millennia, are seen by their congregations as eternal.

And yet, even these Catholic and Jewish cemeteries are more bureaucratic than the religious cemeteries of the 19th century. Where the cemeteries created in the 19th century were smaller, reflecting a smaller population and decentralization, the cemeteries of the 20th and 21st century are predominantly larger, most often with burials in excess of a thousand.

In what follows I will attempt to look at the issues of cemeteries as related to theories of secularization and modernization and how these affect an understanding of death.

Hypothesis

a) The shift in control of cemeteries relates to modernization in relation to the concept of differentiation as described by Parsons in his model of evolutionary process. That is, the municipal control of cemeteries reflects a shift from a more homogenous society to a more heterogeneous, bureaucratically oriented society.

b) The trend towards institutional secularization (laicization) in cemeteries reflects a reconceptualization of death. That is, the dead are physically controlled and efficiently disposed of by the state, becoming part of a process of rationalization reflected more generally in advanced capitalist societies.

The work will be divided into two main parts. The first part will examine various theories, including secularization theory and the modernization thesis in terms of how these relate to municipal control of cemeteries in Canadian society. More specifically, the Ontario Cemetery Act will be examined since it is the body of legislation that placed the responsibility for cemeteries under municipal control.

The second part will look at how the transfer of cemeteries reflects a reconceptualization of death in Canada related to various aspects of advanced capitalist societies. The works of Max Weber on rationalization, Parsons on modernization and of Foucault on power and knowledge will be examined, particularly in terms of conceptualization of the body.

Chapter 2: Literature Review

In understanding the relation between cemeteries and modernization it is important to look at various theoretical frameworks, such as theories of secularization and modernization.

Secularization is important in the study of cemeteries since they have been deeply embedded in religion. Death is one rite of passage attached to most religions. As such, the relation of religion to and within modern society is an important one in the study of the cemetery.

Secularization Theory

Within the sociology of religion, secularization is an important topic. What is meant by secularization can vary depending on the theorist using the term. Some see it as the process by which secular institutions have taken over functions from sacred institutions, while others understand it as a process of the rationalization of religion, using the work of Max Weber. Secularization as a concept was originally developed by humanists who saw religion as merely a series of human made superstitions, which prevented individuals and the human race from taking control of their own destiny. This understanding was not known as secularization at the time. The term secularization was coined by Max Weber in 1930, and was used by others in sociology, coming into North American sociology in the 1950s. By the late 1960s secularization had come to be seen as a social fact and as a universal inevitability. That is, all societies would one day witness the elimination of religion. Weber saw secularization as part of a process of “intellectualization.” Intellectualization is the notion that people are less likely to believe in religious ideas because they have lost intellectual credibility, or the backing of reason (Swatos & Christiano, 1999). The belief and certainty that humanity would outgrow religion with all of its assumed negatives, its perceived prevention of creating a better world,

excited many intellectuals for centuries, from Voltaire to Comte to Feuerbach to Marx (Stark, 1999).

Secularization is a process thought to be, “driven by economic development, industrialization, urbanization, and institutional differentiation, which are all components of the broader process of modernization” (Bowen, 2004: 5). As such, it is driven by various processes, and affects various aspects of culture. Some secularists point to observed trends, but mostly they look at the longitudinal decline that has occurred over the course of the last 100 years, showing decreased participation and influence of religious institutions in the “developed world” (Chaves & Gorsky, 2001:271). According to Rodney Stark, secularization includes the following five assumptions:

1. An agreement that secularization is driven by modernization. This assumes that modernization is not only a natural process, but that secularization is an inevitable by-product of modernization.
2. Secularization is not simply the separation of church and state, but the decrease in religious belief amongst the general population. The secularizing of people contradicts the so-called macro interpretation of secularization, which sees the process of secularization as only being related to this separation of church and state.
3. The secularization thesis claims that the death knell for religion is science.
4. Secularism is permanent. It cannot be reversed or reduced.
5. The secularization thesis implies a global inevitability. That is, the modern Western world is seen as the most advanced stage of a universal social process, which all societies will one day follow and achieve. It ties into theories of western supremacy over other cultures. Although

studies of secularization have primarily focused on Christianity, the theory applies to all religions. (Stark, 1999: 250-253)

The secularization thesis as argued by Stark is one where religion is replaced by positivism and science. That is, the five senses are given primacy, and any other possible reality outside these senses, including the supernatural, is then discounted. This “new religion of reason” offers to create a virtual paradise on earth through advances in science and technology, as well as through the power of the dialectical process (Swatos & Christiano, 1999). While this technological promise may now seem relatively quaint in a science-fiction kind of way, as recently as the 1950s the promise of an earthly technological paradise seemed a very real possibility.

Stark’s understanding of secularization is rooted in a certain view of reality that is based in the supremacy of intellectual understanding over that of the average person. In this understanding, little attention is given to common sense understandings. It also reflects a point of view that sees religion and science as being at odds, which in itself shows little understanding of what the potential of either science or religion can have in people’s lives in the creation and maintenance of a life-world.

Not that secularization is so clearly defined. There are those who disagree with Stark’s definition of secularization, claiming that not all of the elements listed above are needed:

At the purely descriptive level, secularization may be said to refer to the process of the separation of state and church in Europe, which was much more complex than it was in the United States (Swatos & Christiano, 1999).

The term “secularized”

...is used...to describe institutions that were once controlled by a religious organization and now are not; thus a school or hospital may be said to have been “secularized in 1983” meaning that in that year it went from being under the formal ownership of a

religious organization to control by an independent board of trustees or a for-profit corporation (Swatos & Christiano, 1999).

As such, there are as many definitions of secularization as there are secularization theorists.

Thus, what is meant by secularization is not always clear.

An American sociologist, Peter Berger, became well known for his work The Sacred Canopy published in 1967. In the late 1960s, Berger became one of the most well known advocates of secularization theory. In 1968 he told the New York Times “by the 21st Century, religious believers are likely to be found only in small sects, huddled together to resist a worldwide secular culture” (Stark, 1999).

In The Sacred Canopy Berger lays out the notion that secularization was an inevitable by-product of the Protestant Reformation. In contrast to the dogmatic nature of Catholicism, with its set ritual and hierarchy, Protestantism developed through an underlying rationality, which included the rise in individual literacy¹ leading to the elimination of supernatural understandings in favour of the textual. Protestant Christians relied on sacred texts, which in turn led to a rationalism that went on to undermine the very ideas supposedly fundamental to Christianity.

If compared with the “fullness” of the Catholic universe, Protestantism appears as a radical truncation, a reduction to “essentials” at the expense of a vast wealth of religious contents. This is especially true of the Calvinist version of Protestantism, but to a considerable degree the same may be said of the Lutheran and even the Anglican Reformations. ... If we look at these two religious constellations more carefully though, Protestantism may be described in terms of an immense shrinkage in the scope of the sacred in reality, as compared with its Catholic adversary. The sacramental apparatus is reduced to a minimum and, even there, divested of its more numinous qualities (Berger, 1967: 111).

¹ Martin Luther’s translation of German language Bibles was still in use among German speakers as the most common German language Bible into the mid-20th century. Luther believed that it was important for people to read the sacred texts in their own language. It is an interesting question as to whether or not most Germans could read the language at the time, or if these Bibles as well as the availability of other material from printing presses, etc., led to an increase in literacy.

Ideas of an omniscient and all-powerful God, or a possibly physical resurrection, were called into question by the lack of empirical support. There was in the early years of Protestantism a questioning of various aspects of religion, where very little in Christianity was viewed as essential, and all aspects were questioned. However, given this context, the questioning of the authority of foundational sacred text would be likely, and this did indeed occur. With this kind of background, it hardly seems odd that it would be Protestants who would eventually call into question the very nature of the supernatural, ultimately leading to a more rational understanding of the supernatural.

If commentators on the contemporary situation of religion agree about anything, it is that the supernatural has departed from the modern world (Berger, 1969: 1).

The rationalization of the supernatural is part of the so-called “secularization of consciousness” (4).

[Secularization] affects the totality of cultural life and of ideation, and may be observed in the decline of religious contents in the arts, in philosophy, in literature and, most important of all, in the rise of science as an autonomous, thoroughly secular perspective of the world (Berger, 1967: 107).

With this understanding of secularization, we see an abandonment of belief; that is, the loss of any belief not supported by science. Science based on experience and sensual perception, is often perceived as highly successful in explaining the world, and the explanations provided have led to many of the technological advances over the past hundred years. The rise of rationalism, it is argued, has pushed spiritual matters into the background.

Talcott Parsons, the well-known structural functionalist, developed a thesis regarding the process of modernization, particularly in relation to changes in rationalization. Parsons was a positivist in the tradition of Comte and Spencer, believing that society was progressing in a linear fashion (Wallace & Wolf, 1991: 48).

Much like biological evolutionary theory, social evolution expounds the notion that society progresses from simple forms of organization to more complex forms. The Durkheimian notions of organic and mechanical solidarity are important to this understanding. Mechanical solidarity is a kind of solidarity that requires strong social bonds based on customs and obligations (Morrison, 1995: 331). These bonds discourage autonomy and are most often based on religious practices (like religious controlled burial of the dead). These types of societies are homogenous in nature, with little in the way of occupational specialization and laws based on justice.

Organic solidarity on the other hand occurs in a society where bonds are developed through a dependency on others to perform the allotted roles (Morrison: 332). This occurs because occupations become more specialized and it is necessary to believe that others will fulfill their roles, in order for the society to continue to function as a whole. The function of law is restitutive justice, an attempt to correct wrongs that are committed. These types of societies are heterogeneous in nature, with large, dense populations.

Parsons believed that a society evolved by moving from a homogeneous culture that was religiously based, to bureaucratic, rationalist culture. Parsons argued that societies evolve by first developing language, religion and rudimentary technology, which allows them to leave the so-called “primitive stage”. He even theorized six universals required for “progress”, which are “social stratification, cultural legitimation, *bureaucratic organization*, money economy and markets, generalized universalistic norms, and democratic associations.” (Italics added, Wallace & Wolf: 49).

For Parsons the social evolutionary process involves four phases: “differentiation”, “adaptive upgrading”, “inclusion” and “value generalization” (50). “Differentiation” is the

breaking down of societal roles in specialized areas. “Adaptive upgrading” is the ability to exert control over one’s environment. “Inclusion” is required for societal evolution so that all groups are included, in the way that municipal cemeteries accept all people for burial regardless of religious affiliations (51). To this is also added “value generalization” where the values can be applied to all within the society, not just various segments.

Parson’s work on the social evolutionary process is rooted in the structural functionalist framework. While not assigning any fixed societal chronology (that is that one thing will follow another within a certain amount of time), Parsons does view societal evolution as equivalent to progress, seen as a positive endeavour, and stabilizing force, stabilization being essential to the structural functionalist view.

Of the four phases in Parsons evolutionary model, the most important will be differentiation, which was meant to refer to the breaking down of societal roles, with people being assigned to specialized roles. On an institutional level this can be understood in institutions being broken up into various spheres, under the control of separate bureaucracies. The period of industrialization/modernization in Canada has seen just such a shift, as cemeteries fall under the control of specialized municipal bureaucracies.

In a similar way, the nature of the understanding of death also changed during this period. Where once death was “an intensely personal experience”, with the family preparing the body, digging the grave, constructing the coffin, and creating a marker, by the end of the 19th century, most of these tasks and rituals were handled by “professionals”, such as the undertaker or cemetery grounds crew (Sloane, 1991: 119). In a similar way, the nature of dying had changed from taking place in the home to taking place in the hospital.

Another aspect of secularization theory is the belief that religion was created by humanity, rather than humanity created by god(s), an idea often associated with Ludwig Feuerbach. Feuerbach's most well known work, The Essence of Christianity published in 1841, was a reaction to Hegel's concept of the dialectic. Hegel argued that ideas ruled over the physical world, the primacy of thought over matter (Morrison, 1995, 89). For Feuerbach, such a philosophical belief was similar to religious belief, which placed supernatural ideas and Manichean conflict as factors controlling the material world. To Feuerbach, this notion was backwards. It was not that humans applied concepts coming from the divine or supernatural, but rather it was in studying humanity that religion could be understood.

Feuerbach...therefore proposed reducing theology to anthropology, that is, explaining religion in terms of its underlying human reality (Berger, 1969: 57).

If religion was a conversation between man and god under traditional theology, Feuerbach viewed religion as a conversation between humans and their own creation. Philosophy in the same way was viewed as a construct of humanity (Morrison, 89). Therefore to study religion was to study society, even if this contradicted the understanding of religious authority.

Feuerbach's understanding of religion as a means of studying society was based on positivist assumptions about the nature of reality that suggested that the world apprehended by the senses was all that existed. Even so, there is a certain amount of authority attributed to a pre-existent power or ancestral understandings that gives religions legitimacy for people, outside of creating and maintaining existential meaning on an individual level. The impact of tradition is called into question by rationalists who view it as blocking the course of progress.

In recent years, Berger has come to question his predictions regarding the demise of religion. While religious institutions have lost a certain amount of stature in the world, there has continued to be an important community of believers. As well, the United States has seen

little in the way of religious retreat, particularly in the so-called heartland where church attendance remains strong.

The key idea of secularization theory is simple and can be traced to the Enlightenment: Modernization necessarily leads to a decline of religion both in society and in the minds of individuals. It is precisely this key idea that turned out to be so wrong (Berger, 1997: 3).

While he has not refuted the increase in secularization of institutions, he has recognized that individual religious belief remains strong.

Berger explains that the value-free statements of secularization theory were not what they were thought to be. That is, the secularization thesis itself adheres to a set of values associated with positivism, rationality and the belief that religion is a hindrance to the fulfilment of human potential. There is a world where people no longer rely on any deity or sacred text but on their own sense perception. This understanding becomes especially interesting if one views religion in a Feuerbachian way, with religion as a reflection of human understanding, or a human creation. By stating that people over rely on religion would be to say that they over rely on themselves, albeit without realizing it. By the strength of humanity individually and collectively, people can try and create a better world, instead of waiting for one to be given in the afterlife.

The Roman Catholic Church provides an interesting view of secularization. The Catholic Church, after the Enlightenment, simply rejected many of the ideas of the industrializing modern era. Instead of modernizing, the church continued along a traditional path. During the Papal reign of Pope Pius IX (born 1792, died 1878, reigned as Pope 1848-1878) many tenets were enacted to challenge the modernization trend in Europe. These include the Syllabus of Errors and the doctrines of Immaculate Conception and Papal Infallibility. The Syllabus of Errors, created by Pope Pius IX in 1864 stated: “the Roman

Pontiff can, and ought to reconcile himself, and come to terms with progress, liberalism and modern civilization”. With this stroke, he put himself as head of the church against all of the modernist impulses in Europe at the time. Also in 1854, Pius IX introduced the doctrine of Immaculate Conception. This deals with issues related to historical divine intervention, in this case the conception of the Virgin Mary without the stain of original sin, a stain that is passed at the moment of conception upon every person born, except for Mary and her son Jesus.² This doctrine in no uncertain terms contradicted modernist tenets that questioned any sort of divine intervention in human affairs, especially as there was little in the way of empirical proof. At the first Vatican council in 1870, key Catholic doctrines were adopted, including the doctrine of Papal infallibility (Berger, 1997: 4). Papal infallibility posed even more problems as it gave supreme authority to the Pope in all matters related to Catholic dogma. This in turn can be seen as a rejection of any scientific theory that contradicts Catholic teaching. In the twentieth and twenty-first centuries many of these prescriptions were retracted or softened, especially with the Second Vatican council of the 1960s, which attempted to modernize the church in some ways, most notably allowing for church service in the vernacular. However, Roman Catholicism remains staunchly traditional in such areas as birth control and abortion. Nevertheless, in some areas of the world such as Latin America, Catholicism has gained over time, though North America and Europe have seen a decrease in adherents.

Contradictions to Stark’s characterization of secularization theory have been found globally in the cases of the “Evangelical upsurge” and Islamic fundamentalism (7). Both of these movements fall in the category known as “fundamentalism”, which denotes a

² The argument behind the idea of immaculate conception is that in order for Jesus to be free from the taint of original sin, believed to be passed on at moment of conception, it was necessary for Mary to be free of original sin. Therefore Mary was conceived free of sin, by the will of God.

conservative understanding, commonly adhering to strict literalism of sacred texts and a rejection of the modern world as constructed by the west (6).

The most well known exception to the idea that secularization is retreating (de-secularization) is Western Europe. In Western Europe, the number of people participating in regular church services is very small. “There is now a massively secular Euro-culture” (Berger, 1997: 7) which has a fairly significant impact on North America as well. This secularization mainly occurs amongst adherents to more traditional/older forms of Christianity, while more recent denominations such as Pentecostals and Baptists enjoy a large number of supporters (Bibby, 2004: 26).

A less often realized “exception to the de-secularization thesis” is the subculture of intellectuals of the Western social sciences and humanities (including sociologists). This subculture has a belief system which is “remarkably similar all the world over”, a system based on rationality (Berger, 1997: 8).

Bryan Wilson provides an alternative understanding of secularization based on rationalism. Wilson argues that secularization is a continuing process that has a direct effect on both societal institutions and individual understanding of religion. Wilson’s work focuses mainly on Britain and the United States, and predominantly on Christianity. He differentiates the two countries early on in his 1966 work, Religion in a Secular Society. Britain, according to Wilson, was until recently dominated by the Anglican Church, which was the official church of state. Individuals were given special status for belonging to this church. Non-conformist churches were those Protestant churches not affiliated with the Church of England (Wilson, 1966: 54). In contrast to the state church of England, post-revolutionary America decided it

would have no state church. Instead there would be a separation of church and state (58). This is not to say that America was a purely secular society.

Wilson defines secularization as:

...not only a change occurring in society, it is also a change of society in its basic organization. ... Some secularizing changes have been deliberate and conscious, as in the divestment of the power of religious agencies, or in the laicization of church properties – to describe which the term (secularization) was originally used (Wilson, 1982: 148).

The ending of state support of a particular religion or denomination does not create a secularized society, as America remained largely religious. However, a different type of society was created whereby religious affiliation and support were voluntary. Religion resembled a free market system.

For Wilson, a key factor in the rise of secularization is the Protestantism documented by Max Weber:

The Puritans represented what Max Weber called a “this-worldly asceticism”, and created an ethic which was pragmatic, rational, controlled and anti-emotional. The destruction of works of art, hitherto employed in religious worship, was not a consequence of a mere theological conviction; it was the manifestation of a less emotional and a more disciplined and calculated religious spirit. The *Enzauberung der Welt*, of which Weber wrote, led to a heightened control of imaginative excess, of romanticism and aesthetic appreciation. It was the process by which men came to terms with hard empirical facts, cut through mysteries and superstitions, mere “feelings”, whether evoked by art or fancy, and sought in hard-and-fast terms to know in a matter-of-fact way just what the truth was (Wilson, 1966: 22-23).

Wilson emphasizes the rationalizing effects of Protestantism, particularly Puritanism. This rationalization created circumstances where the beliefs of a particular religion could be called into question as not fitting into the logic of the new understanding.

As well, Wilson believes that secularization is evidence of a long-term and ever-occurring change in societal organization from a communal order to a rationalist-based society (1982: 156). The society in which secularization occurs must be one of an advanced state of

economic and technological development, of the bureaucratic organization of cities rather than the commonality of a village, where the end is emphasized over the means and control is exercised through the bureaucracy.

Ultimately, Wilson presents a view of secularization influenced by Weber, where secularization is seen purely as an outcome of rationalization brought in part by the questioning of the Protestant churches. It created a secular world where, based on their own stressing of the importance of the text and reason, it became difficult to reconcile the religious and positivist understanding. However, there are various problems with this understanding of secularization, particularly with how it relates to data that show that religion is not declining, particularly in the United States.

Mark Chaves is a more recent entrant to the secularization debate. His idea of secularization as one of a declining scope of religious authority is in reaction to the claims that secularization has no basis (Chaves, 1994). While some of his arguments have been discussed above, he does introduce a significant one in the problem of history.

In Rodney Stark's article "Secularization R.I.P.", Stark outlines what he calls the "myth of religious decline" (Stark, 1999: 252). Stark shows that the earliest arguments for secularization were largely "ideological and polemical, rather than theoretical", and were contradicted by the social facts of the time. Quoting Alexis de Tocqueville, Stark points out that one of the most modern countries of the 19th century (America) was also one of the most religious (253). Stark also questions the notion of the pious past, an era when all people were deeply religious. Instead, he along with others, points out that church membership today is higher than it has ever been in North America (254). Similar trends are said to hold for England, where in 1800 12% of the population were church members, compared with 17% in

1990 (256). This implies that the Western world is more religious now than it was 200 years ago. However, the influence of the religious institution, says Chaves, has waned over this same period (1994: 749-774).

Chaves believes that secularization theory is still serviceable, depending on how it is examined.

Secularization is best understood not as the decline of religion, but as the declining scope of religious authority. ... This proposed focus on religious authority (1) is more consistent with recent developments in social theory than is a preoccupation with "religion"; (2) draws on and develops what is best in the secularization literature; (3) reclaims a neglected Weberian insight concerning the sociological analysis of religion; and (4) suggests new and promising directions for empirical investigations of religion in industrial societies (750).

Chaves substitutes in the secularization debate the concept of religious authority for that of religion. Religious authority is the authority and power that religious institutions have over the general population. Again, drawing from Weber, Chaves looks at the nature of authority. Political authority draws on "actual or threatened use of force", whereas religious authority uses "psychic coercion", a term which is not clearly defined by Weber (755). Chaves re-defines religious authority as "a social structure that attempts to enforce its order and reach its ends by controlling the access of individuals to some desired goods, where the legitimation of that control includes some supernatural component, however weak." (755-756). Key here is that religious authority calls on some form of supernatural intervention.

Chaves cites Dobbelaere who believes that secularization can be broken down into three categories. The first is "laicization", which is the process whereby educational, scientific, political and other institutions gain autonomy from religious institutions. The second part is "internal secularization", a process whereby religious institutions become integrated and reflective of the secular world around them. The third part is "religious disinvolvement",

which is the degree to which individuals are disassociated from religion. In relation to the control of cemeteries it would seem that the notion of laicization is most appropriate.

The Cemetery, Body and Mortality

The cemetery is ultimately a place where the bodies of the dead are kept. As such it is important to look at understanding the connections of the cemetery and the body.

Michel Ragon in The Space of Death, attempts to trace the practices related to the disposal of the dead in a utilitarian manner. Ragon claims that the aim of primitive burial was to “get rid of the dead body in the most effective way possible” (5) which included rites of cannibalism, as well as incineration, exposure to the elements either on a platform or at ground level, burial in the ground, burial in a cave or in a house, depositing in water, in a tree, in a smaller position or in a burial niche. While this function does fit a utilitarian need, it does not address the symbolic importance (meaning) that was given to burial, especially evident in the leaving behind of grave goods in early cultures. Burial was not simply the disposal of bodies, but served other, more important personal functions.

Over time, simple burial rituals developed into grander enterprises such as tombs. The existence of tombs and other forms of burial led to the notion of the mirror community; that is, the idea that the community of the dead was an extension and mirror of the community of the living (25). For example, at Giza in Egypt, a researcher could get an understanding of the social hierarchy by viewing the contents, examining placements as well as looking at the settlements and nearby graves of the workers. Through the mirror community, it is argued, one can trace the changes, beliefs and transformations of a society.

Prior to the Protestant Reformation, Western Europe had only Catholic cemeteries in operation. These cemeteries excluded pagans and Jews as well as the excommunicated. The

outside groups were often forced to bury their dead in fields, and in the floors of houses (52). As well, much of Europe had little in the way of free space since land was scarce. For this reason, many European countries did not have permanent burials, but rather temporary ones, where the body would decompose in the ground, exhumed when only bone remained and put into a charnel house.

Burials were positioned very close to, and often in the floors of the church, as this was thought to guarantee access to heaven.

Let us consider this conquest of individualist, and later of individualism, from the point of view of the grave, from the Middle Ages to our own time. First there is the simple, open burial of the early Christian period. Only martyrs and saints were given a tomb. Around them spread the anonymous community of bodies. Then the flat grave (with its stone) appeared: this had no antecedent in antiquity, where a monument, if only an inconspicuous stela, always rose above the level of the ground to mark the grave. The flat grave, a medieval creation, is a sort of compromise between the open grave and the timid desire to affirm one's identity. The flat grave also corresponds to the ideology of humility that spread from the early Christian period. Integrated into the ground, the flat grave was walked over by the living. Better still, it was always situated in places of passage: in the courtyard in front of the church, the porch, the nave. By the late fifteenth century the paving stones of churches were composed entirely of juxtaposed gravestones (Ragon, 84).

The North American cemetery was initially built on the European model. A major difference was that issues of space were not as important in North America. For this reason, burials were more permanent in North America. The dead when buried would stay buried. The individual was preserved through a carving of name and date into the wood or stone marker.

With the rise of industrialization, cemeteries came to be seen as tying the community together. In The Last Great Necessity, David C. Sloane examines the changes in American cemeteries. The title was taken from a speech given in Syracuse, New York by 19th century Mayor Leavenworth, who referred to the cemetery as the last great necessity of a city. The

timeline sketched in the book follows thusly: First there were the early cemeteries, which predated the American Revolution. These were graveyards in the towns, attached to churches, which by the mid-1800s were often abandoned or completely emptied and moved to town outskirts. This in turn led to the creation of the memorial park; that is, a rural graveyard, which allowed mass graves in a non-urban setting.

Through this period, burial remained the most common method of body disposal, although there were many who argued for cremation, which was seen as both sanitary (it would not spread pestilence), and as economically effective as it did not use much needed land (155).

Cremationists were:

“the first group to view the cemetery as a purely wasteful expenditure. The land was unproductive, the monuments were overpriced, and the funerals were a drain on life insurance”(155).

Essentially the cemetery was part of a customary practice, which marked the deceased’s social status. The cemetery was useful for certain religious denominations in a way that cremation could never be. In the 19th century, the belief in the physical resurrection at judgment day was a common one. At the end of the world, the saved would have their bodies restored to them, and they would walk the earth as living beings once again. Cremation, in actively destroying the body, limited one’s chance of being physically resurrected. Many church groups opposed cremation for this very reason.

The sacredness of the dead body, and the care taken in its disposal, either through burial, cremation, or mummification, is connected to symbolic understandings of the body.

The Body

There are many ways of thinking of the body: as a machine, as a building, or as a vehicle. Understandings of the body in the pre-industrial age involved the metaphor of the

body as architecture. For Christians, the body was a house for the soul (Synnott 1993: 9). Following the age of Reason and the rise of positivism, the body came to be seen as a machine, as a mechanism that could be dissected and understood mechanically, through medical biology. This led to the medical model of the empirical age. In order to understand the body, a careful, physical examination of actual bodies was required, and an abstract conception of the body was created through this mapping out of the body (Lacquer, 1990: 164).

The desire to learn overrode any taboo against grave-robbing that had existed in the previous century with many reports of the theft of bodies for the purposes of study (Ragon: 275-276). The fear of medical grave-robbers in part led Mary Shelley to write her novel Frankenstein, in which the doctor constructs and gives life to a human machine composed of the body parts of dozens of dead people, most notably executed criminals and derelicts.

The conceptualization of human beings as machines led to the view of humans as a resource whose utilitarian use was primarily in mechanical and intellectual work. Death can then be viewed as the inevitable outcome of the wearing down of a machine over time. The machine as well was only to be used so long as it was useful. The human-machine conception has far-reaching effects.

The anatomo-politics of the human body centred on the body as a machine: its disciplining, the optimization of its capabilities, the extortion of its forces, the parallel increase of its usefulness and docility (Foucault, 1980: 139).

The human body was seen to have a limited amount of usefulness. Indeed, there has been some debate about how large this window is, and how long people remain useful members of society.

In 1969, in Great Britain, a bill was proposed intended to legalize social euthanasia on the grounds that no useful purpose was served by prolonging human life beyond a certain age. The legislators fixed the “useful age” at eighty. The bill was not passed (Ragon, 195).

The existence of such a Bill shows the problem of the understanding of the body and the issue of conceptualizing human beings as machines. This type of understanding of humans as machines, led to studies of birth and death rates, migration, housing and economics, among others. These demographic studies in turn allowed for the greater control over “the relationship between resources and inhabitants” (Foucault, 1990: 140). Society, like individuals, is a social body to be controlled. The human machine is to be controlled at a macroscopic and a microscopic level, again the equation of power and knowledge (Synnott, 216). The use of demographics and census taking facilitated control by obtaining and controlling the statistical information regarding the individual place of residence, income, and the necessity of controlling the flow of population.

The relation between the works of Max Weber and Foucault is in the understanding of how so-called “rationality” has come to objectify life (Dreyfus & Rabinow, 1982: 165). That is, rationalism leads to a view of life that is almost tyrannically utilitarian, with a rejection of all points of view that do not fit in with so-called rationality. Questioning traditional methods of thought allows for a change in conceptions of the sacred, which is rejected in favour of the profane. The commodification of life itself becomes imaginable.

With the control of the body, came an understanding of life as akin to the working machine and the dead as the non-working human machine, one that no longer fulfills its utilitarian function. Death is then a termination of work, a stoppage of labour, which bears no resemblance to the notion that with death comes something better, and an afterlife. The purpose of life is to work as long as one can, and then one day to stop.

The Relationships Between the Living and the Dead

Prior to the Age of Reason, death was a mystery, a fundamentally unknowable phenomenon. Its meaning could be debated, but it could never truly be known or understood. Death was “regarded as a wholly superstitious, obscure phenomena, outside the limits of rational analysis” (Bondeson, 2001, 23). It was a state understood as being of great spiritual importance because, like sleep, this was a stage when the soul left the body. The soul was the most important part of the individual as it was the part that survived in the afterlife. But it was also the aspect that housed consciousness or the individual’s awareness of the world. The body itself was seen as profane, but with certain supernatural properties. For instance, there were stories of corpses and skulls that spoke, of the ability for the body, empty of the soul, to wander the earth, to grow finger nails and hair, and even to give birth (23-25). However, as time went on these occurrences were relegated to the realm of superstition or were resolved scientifically, demystifying death, though the ideas linger(ed) in the realm of horror films and literature. In this genre, the plausibility of the living dead is viewed as a given, in that without the possibility of this type of supernatural activity, there would be no reason to be afraid. Also, more fundamentally is a rejection of the positivist reality, where everything can be explained. In most horror stories, there is always some underlying, and eternal mystery behind the event, individual, or universe. This mystery is a comfort for some people in that it leaves a certain amount of the unknown left to the world, as well as providing a method of telling allegorical tales relating to the reality that they know, rather than the imaginary one they have created.

Understanding death is still problematic today, as instances of death become more rare in people’s lived experience. The greatest increase in life expectancy occurred between the 17th and 18th centuries, when average life expectancy increased by 20 years. Now one is

considered elderly at the age of 70, whereas in the 17th century one was old at the age of 50. Little has changed in death rates since the 18th century, except for a marked improvement in infant mortality rates. The lowering of rates of death has created a situation where death has come to be considered an event separate from daily life (Ragon: 198). The priest has been replaced with the physician. The family-run wake has been replaced by the funeral home. All traces of the dead are eliminated within days, save for a marker, and for many of the cremated, not even a marker is left. Instead, the ashes can be thrown into the air, leaving no visible trace of the deceased's body. The cemetery itself has been moved to the periphery of society, now placed on the outskirts of cities and towns (202). Where death was once a central focus of life, both practically and ritualistically, it is now banished from our lives, and indeed the dead are left to themselves or to those whose business death has become. Death is now one more spoke in the wheel of commerce (291). The organs of the dead, no longer productive members of society, are "harvested" by medical professionals and placed into others to maintain the living (199). The afterlife is no longer portrayed culturally as any different from life. Hell is often seen in movies, television and in literature (Kafka) as an administrative bureaucracy, much like the everyday world (294). The hell produced is then ordinary life, while heaven is a world that represents leisure activities, particularly those associated with the wealthier social classes.

The cemetery ultimately serves a purpose in the lives of those that use it. In The Living and the Dead (1959), Warner suggested that the rituals associated with the dead are projections of the living; that is, people give the same reverence to the departed that they would want upon their own demise.

Warner also raises the major issue regarding the transfer of bodies. First, people were transferred to a new cemetery because they could afford to give their relatives the burial they

would have wanted if they could have afforded it. The second reason was that people moved their dead upon changing religious affiliation. The changing of denominations affects where the dead are placed. This change is interesting because the dead initially lie in the denomination to which they held affiliation in life. However, if the family changes their religious denomination, they take the dead with them. The physical movement suggests a belief that where one is buried is important for the living. This importance is both overtly social and also somewhat spiritual. The social assumption is that the family would not want their ancestor left behind in a community to which the living no longer belong. The second is that where one is buried has an effect on their spiritual well being. In some Anglican churches and for Catholics there is the belief in the idea of sacred or hallowed ground. This is ground that has been blessed by priests and is acceptable for burial (297). It is believed that only those buried in hallowed ground can enter heaven.

The cemetery is ultimately meant to be eternal, to last forever, or depending on the religious belief, until the end of this type of life, world, etc. The eternity of cemeteries may relate to the transfer of cemetery responsibility, and the physical moving of cemeteries. As Canada becomes more laicized institutionally, churches seem less permanent than they once were, and their capacity to look after the dead for eternity has been called into question, both by outsiders, and by members of the religious communities themselves. This questioning suggests a possible shift in the rationalization of what is eternal. With this shift it is perceived that the church is no longer eternal but the state is, and that the state will outlast the religious institution. There are some exceptions to this, notably, the continued operation of Catholic and Jewish cemeteries. Both of these religious groups are separate from secular society in some ways including having their own schools and continuing to create cemeteries for themselves.

The Catholic Church, having already survived for over two millennia, and Judaism for over three millennia, sees no reason why they will not continue to survive.

The cemetery is meant to be eternal and as such it is a physical embodiment of the intersection of time and space. It is a place that connects the present to the past geographically, by having the living and the dead in close proximity.

Time and Space

The concepts of time and space have been linked in the minds of many for a long time. Even today, distance is often measured in time. A drive is often measured in minutes/hours rather than in kilometres (Bauman, 2000: 111). As well, time and distance are often understood, especially in the modern (Western) world as being linear. That is, both are expressed as movements in one direction. One keeps going down the road of conquest (space) and progress (time).

As well, both time and distance are viewed in terms of units. While time is viewed in terms of hours, days, and months, distance is measured in terms of centimetres, metres, kilometres, and light years. And yet both sets of units are relatively arbitrary, as time units vary depending on speed, and distance measurements can also vary. A nautical mile is not the same as a land mile. The speed of light varies depending on whether or not the light is travelling in a vacuum. The units that may seem fairly straightforward are, in actuality, fairly arbitrary (McKerrow, 1999:273). Without these units of time and distance, the modern era could not exist. Along with these measures of distance have come new ways of conquering time and space, improved machines which get people farther distances in less time, from the locomotive to the automobile, from steamship to jet airplane (Bauman, 2000: 112). As well,

the precision of the clock enabled the industrial revolution, as the clock aided in creating the working day, and regulated factory labour (Giddens, 1979: 18).

In the past, religious communities held a certain amount of influence reliant on tying themselves to a long ago past. That is to say these religions were seen as being more sacred by having a longer ancestry. For this reason, the dead were joined to the “living community” by providing space for the dead adjacent to the living community. Through the close geographical proximity the living and dead are connected. This can be compared with the present wherein community can be seen as being based on other factors, such as geography. If we can view the cemetery as a reflection of the community within which it was built, then the sheer number of municipal cemeteries and municipal cemetery activity in comparison to religious would indicate a change in the understanding of community from religious oriented to a “modern” one that is based more on geography/locality.

The impact of *conceptions* (ideas) of time and space are somewhat controversial, but are often linked to the rise of modern capitalism, as outlined by Weber in The Protestant Ethic and The Spirit of Capitalism. Weber examines the Calvinists as important conveyors of the so-called spirit of capitalism. Part of this spirit is the belief that work shows that one is part of God’s elect, and that work should be done for its own sake, to accumulate money, which would be used to work more efficiently, etc. Therefore, time was treated as an important commodity that could not be wasted. All of one’s time was to be spent working, much like the life of members of various monastic orders (Loiskandl, 2001: 361). In fact, Calvin was so enamoured with the notion of better-organized time, he pursued the creation and implementation of a practical and fully functioning portable watch (365). As the inheritor of this work ethic, Benjamin Franklin, put it, time was money.

There are relatively few theories of time and space in the social sciences (359); amongst the most important are those of Anthony Giddens, and post-modernist Zygmunt Bauman.

Anthony Giddens is one of the most well known social scientists of the present day. Best known for his theory of structuration, which is said to bridge the micro/macro theoretical gap, he also has ideas about the importance of time and space. Giddens views the problem of time as central to social science (Craib, 1992: 161).

I regard as a fundamental theme to this chapter, and of the whole of this book, that social theory *must acknowledge, as it has not done previously, time-space intersections as essentially involved in all social existence* (Giddens, 1979: 54. Italics original).

Giddens explains that in all cultures, there is some understanding of time, although previous to the modern age, this understanding was related to the place where people were located. Societies were tied to the area where the communities existed, and relied on known geographical markers in their understandings of time, and of cosmology (Giddens, 1990: 17). That is, until the introduction of the mechanical clock which could separate time from space, by creating an understanding of time that was consistent within larger geographical areas, and, as technology improved, came to dominate the world over.³ Indeed, not only did clock time become consistent the world over, but so did the calendar. Thanks to the imperialism of Western Europe, much of the world would be integrated as colonies into the Gregorian calendrical system, and Christian dating system (BC/AD).⁴ Some cultures continue to use their own systems as well, but in order to conduct global business one needs to be integrated with

³ Today time is synchronized the world over, with the only relative element being time zones, which are constructed in relation to degrees of longitude and Greenwich Mean Time (GMT). The use of GMT is fairly arbitrary, and serves merely as a reference point.

⁴ Only recently has the differential of BCE and CE been introduced, and it is commonly used amongst academics, not among the population at large.

the European dating (and to a lesser extent the English language, now the global lingua franca) (Giddens, 1990: 18).

With these changes in mind, time has become disconnected from space, at least in the way it once was envisioned. Space has come to be understood, not in terms of particular places, but in terms of the whole. Giddens refers to the difference between “space” and “place”.

“Place” is best conceptualized by means of the idea of locale, which refers to the physical settings of social activity as situated geographically. In pre-modern societies, space and place largely coincide, since the spatial dimensions of social life are, for most of the population, and in most respects, dominated by “presence”-by local activities. The advent of modernity increasingly tears space away from place by fostering relations between “absent” others, locationally distant from any given situation to face-to-face interaction (Giddens, 18).

That is, a major component in modernization is the communication and relations of people with little or no physical contact. Time as well comes to rely less and less on local custom and tradition, and is instead imposed through a created “universal” measurement of time. This kind of time has little to do with the changing of the seasons, and more to do with the process of change (linear). The understanding of linear time seems to date to the advent of writing, which enabled a direct relationship between the present, the past and the future through documents, without the use of intermediaries (Giddens, 1979: 201). Time passes now because things are different than they were yesterday, progress is made. For Giddens, this way of understanding time means that “timelessness” is to be equated with “social stability”, that is stasis, and ultimately from the modern point of view, stagnation, which is also ultimately culturally relative (Giddens: 198).

Giddens believes that the separation of time and space is necessary for modernity for three reasons.

1. It is useful for “disembedding” institutions. Disembedding removes the direct connection of interaction to the specific context. That is, it makes possible interaction with other groups, through what Giddens refers to as “symbolic tokens and expert systems” (Giddens, 1990, 22). “Symbolic tokens” are items that are useful in many different areas and places, i.e. money. “Expert systems” allow people to use items even when they do not understand the mechanical aspects. That is, a specialization of labour (Craib, 1992: 99).
2. It allows for the rise of organisations, which exist across space that would have been unfathomable at an earlier period of history.
3. It has led to the creation of a “universal history”, which could not have existed previously with groups separated by time and space. There is now a roughly universal dating system, which allows for easier comparative history (Giddens, 1990, 20-21).

There are of course other understandings of the time-space relationship, particularly within post-modernism.

Post-Modernism and Liquid Time and Space

Many post-modernists view the time/space relationship in a similar way to Giddens, although ultimately they emphasize different things.

As was stated above, time and space can be defined in various ways. Time commonly can be seen as linear or cyclical. Space can be seen as either to be controlled by surveillance, by mapping and measuring, or by being placed in a higher position; that is, given greater status by tradition (McKerrow, 1999: 276). There are also those who suggest that this type of conception of space is no longer valid.

Space is socially produced, and different societies, groups and individuals act out their lives in different spaces. Space in itself no longer becomes a meaningful term. There is no space, only spaces (Tilley, 1994: 10).

Zygmunt Bauman presents a different view of space and time, as more a “liquid” than a “solid”. That is to say that time and space change and shift, not in a fixed way, but in a liquid way. As well, he views the changing to liquid as a major part of the modernist project.

If the ‘spirit’ were ‘modern’, it was so indeed in so far as it was determined that reality should be emancipated from the ‘dead hand’ of its own history – and this could only be

done by melting the solids (that is, by definition, dissolving whatever persists over time and is negligent of its passage or immune to its flow) (Bauman, 2000: 3).

Previously time and space were both seen as solid and fixed entities, things that could be easily defined, relatively impervious to change. The modernist project was attempting to change older solids into newer, and better solids.

Modern times found the pre-modern solids in a fairly advanced state of disintegration; and one of the most powerful motives behind the urge to melt them was the wish to discover or invent solids of – for a change – *lasting* solidity, a solidity which one could trust and rely upon which would make the world predictable and therefore manageable (Bauman: 3).

However, by creating an atmosphere where older solids were questioned, newer solids could not be formed, and traditional life ties were loosened.

Their fateful departure laid the field open to the invasion and domination of (as Weber put it) instrumental rationality, or (as Karl Marx articulated it) the determining role of economy; now the ‘basis’ of social life gave all life’s other realms the status of ‘superstructure’ ... (Bauman, 4).

This can be related directly to the discussion of cemeteries. With cemeteries, time is integrated into a space. That is, one can enter a cemetery and find many gravestones that are virtually unchanged from the time of burial. The place itself often endures in unchanged form, except for the growing of plants, the widening of pathways, and more burials over time. It is in some ways representative of static time and place. It has become liquid, as its meaning and function have changed, from being a communal common place, to a fringe area, which has little to do with the surrounding community. Death, which was once solid, has become fluid, less regular, and difficult to define as it becomes seen as more of an aberration.

Having looked at various theoretical elements, relating to secularization and rationalization, of studies of death to understandings of space and time, we come to see the cemetery as a place that is an aspect and reflection of the society and community in which it

exists. We see that the shift in control of cemeteries can be seen in part by looking at differentiation in Parson's evolutionary model, and also at laicization as understood by Chaves. In turn we have seen how the way death is treated, and the circumstances surrounding it, have also undergone a differentiation. The question now becomes: What impact does this have? The change of cemeteries from religious to municipal control will be explored using the city of Hamilton as a case study.

Chapter 3: Methodology

Data & Methods

The data used consist mostly of material collected in my research for the City of Hamilton. The project required the collection of information on every known cemetery in Hamilton.

Using the Hamilton area as a case study, we will examine if the data reflect a change in cemeteries from religious to municipal control and whether this indicates a move towards further rationalization.

The research involved combing through the Flamborough Archive for information and histories of cemeteries, as well as the Special Collections department at the Hamilton Public Library's Main Branch. The data gathered relate to the following categories: names and locations of cemeteries, cemetery type and responsible agency, physical characteristics of the cemetery and the cemetery's history (see Appendix C).

The name of a cemetery is important as it provides an identity for the community attached to the cemetery. However, these names often change over time. Sometimes alternate names refer to different groups that were connected to the site, or are related to an official renaming of the site that took place later. An example of this latter type of renaming could include Wilfrid Laurier University, formerly known as Waterloo Lutheran University, a change that occurred following the change of the University from a Lutheran seminary to a secular university.

The location of cemeteries consists of addresses, the property location, that is the lot and concession number and former township. This information is of interest because it allows comparison of locations of cemeteries in former townships, and one can find where certain

religious groups were centered. Generally older cemeteries are grouped where former settlements were or in the case of family cemeteries, where there were no settlements. These family cemeteries were often constructed because the locally appropriate denominational cemetery was a great distance from the family home.

The cemetery type falls into a number of categories. Most notable are the municipal, religious, private and family types. Each of these types has a different social purpose that, in turn, provides different ramifications for the research. A municipal cemetery like Hamilton Cemetery is one that is run and maintained by the city. A religious cemetery like Resurrection Catholic Cemetery is one where the cemetery is owned by a religious denomination or organization, which controls burials and other operations. A private cemetery like White Chapel Memorial Gardens is one where the operators consider the cemetery to be a business venture, and is in no way affiliated with any particular religion, municipality or family. A family cemetery like the Shaver Family Burial Ground is one operated by a single family who are the sole users of the cemetery.

The responsible agency is the group that currently administers the cemetery. This group is most commonly municipal, although it can also be religious, profit-oriented or family. This often is different from the original agency, and usually reflects a change from religious to municipal control.

The cemetery contains certain physical features, such as gravestones and other types of markers, as well as boundary markers like a fence. The gravestones are of interest because these indicate where people are buried, and in some cases, serve as memorials to the existence of the person. In the 19th century there was a trend towards larger memorials for the bourgeoisie. This class wanted to be remembered, and social status was often reflected in the

size of the monument. For those that were very wealthy, there was the desire to make a lasting impression. However, by the 20th century, memorial modesty was the rule, and most monuments tended to be fairly standard, the only differentiating factors being the engraving contained on the marker.

The year opened refers to the year in which the cemetery is known to have first been used. Knowing this year provides a good indication of the layout of cemeteries at certain times as well as the general age of individual cemeteries.

The current status refers to whether or not the cemetery stills allows burials, or if it has been closed.

The size of the cemetery refers to the number of monuments that exist within the cemetery. I will be using the categories of small, medium and large created in the Flamborough Archive study. A small cemetery is one with less than 250 markers, a medium sized cemetery consists of between 250 and 1000 markers, and a large cemetery is one with over 1000 markers.

* * *

With the above information I will first attempt to catalogue the cemeteries (an interesting move which in itself shows the power of rationalism in that it can be used in order to document and critique the items so ordered). This will involve the creation of a simple chart detailing the name of the cemetery, the year it was opened, the original type (religious, family, etc) and denomination if applicable, the current administration and associated denomination (if applicable), whether or not it is in active use, and if not what year it closed, and its size. The table will look something like this:

Table 3.1: Example of Format for Cemetery Catalogue

Cemetery Name	Original Administration	Year Opened	Current Administration	Current Status	Size
Bethel Church Cemetery	Bethel Methodists	1844	City of Hamilton	Closed for Burials	Small, 70
Bethesda United Church Cemetery	Bethesda Baptist Church	1795	Bethesda United Church	Open for Burials	Small, 210
Book Cemetery	Book Family	1815	City of Hamilton	Closed for Burials	Small, 50

With this information I will sort the cemeteries into categories, paying attention to which cemeteries are currently municipal, religious or private. I will then examine these cemeteries in greater depth using various archival sources. With the data concerning the cemeteries themselves as well as the contemporary literature, I will attempt to analyze this data to answer my questions. The data are not meant to be universalized; they only truly apply to this case study.

This data will indicate the extent to which I can say that the laicization process has occurred. That is, without resorting overly to quantitative methods, I can look at the data and see which cemeteries are A) municipally run and B) still operational. This in turn would provide a basis to examine rationalization in relation to death, which is understood in relation to the administrative/legislative mechanism with which it is influenced: the Cemeteries Act.

Cemeteries Act

The Ontario Cemeteries Act as a piece of legislation provides the blueprint for the change of cemeteries from religious to municipal. By looking at the Cemeteries Act, in its earliest and most recent incarnations (See Appendix B), I will attempt to understand what changes have taken place within the administration of cemeteries, which will allow me to

understand the forces behind them. This will involve looking at the Globe and Mail coverage of the Cemetery Act (See Appendix A), as well as looking at the minutes of the Ontario Legislature.

The information will be organized in Table 3.2.

Table 3.2: Example of Table Comparing Cemeteries Act 1913 and 1990

An Act Respecting Cemeteries and the Interment of the Dead (1913)	Cemeteries Act (Revised) 1990

Expectations/Anticipated Outcomes:

I expect to see a change in cemeteries from predominantly religious to municipal over the last 150 years. I also expect this change to relate to a number of factors, such as changing cultural climate, fear of cemetery contamination, and a shift in the general understanding of death, from something that was considered to be somewhat sacred, to something that has little or no impact on everyday life.

In this research I am using Parson’s evolutionary model, particularly in relation to differentiation, as a means of understanding the change in cemetery administration. In conjunction with this, I am using Chaves’ notion of laicization as a specific form of differentiation. Coupled with this I will be using the ideas of Weber regarding the Protestant work ethic as well as bureaucratization and rationalization to understand the bureaucratization of cemeteries. And finally I will be using the critical ideas of Foucault, who argued for a connection between rational based knowledge and power. In this, I am using a macro-sociological approach, taking into account the whole institution of cemeteries, rather than a micro approach. I have done so partly because of an interest in the effects of rationality and

how these relate to power over those deemed irrational, but also because my data set lends itself to a macro sociological focus.

Chapter 4: Ontario Cemeteries Act & Hamilton Cemeteries

The cemetery can be seen as an area that is connected to the greater society that surrounds it on a macro-level. Even so, cemetery research tends to be done by genealogists, who are often only looking for their own ancestors. By acknowledging their importance, genealogists attempt to establish a connection with their ancestors. The study of cemeteries within the social sciences has been limited, even with an understanding that cemeteries reflect the larger society. In this chapter I examine the Ontario Cemeteries Act, through some of its many incarnations. I will also present findings on cemeteries in Hamilton.

Ontario Cemeteries Act

The Consolidated Statutes for Upper Canada (1859) contains legislation entitled “An Act Respecting Companies for the establishment of Cemeteries in Upper Canada”. This act details what was expected of cemeteries at the time, and is not concerned with companies in the current legal sense. Rather, a “cemetery company” referred to a group who came together to form a cemetery for their community (often religious in nature). The Act contains 30 sections dealing with the following areas:

- Addresses how many people can form a cemetery company (the answer is no less than 20), and how, following certain steps, the company comes into existence (c. 67. s. 1-3).
- How the cemetery is to be run.
 - The cemetery shall be enclosed “by walls or other sufficient fences of the height of eight feet at least” (c. 67. s. 4).
 - The cemetery shall be kept in good repair, with adequate drainage (c. 67. s. 5-9).
 - Bodies are not to be buried “in a vault or otherwise under any chapel or other building in the cemetery, nor within fifteen feet of the outer wall of any such chapel or building” (c. 67. s. 10).
 - All burials within the cemetery must be “conducted in a decent and solemn manner” (c. 67. s. 11).
 - Burials will be provided to the poor free of charge, with a certificate signed by a member of the clergy of the denomination to which the poor belongs, stating that next of kin cannot afford a burial (c. 67. s.12).
- On the ownership of lots.
 - Selling of lots exempt from taxation and bankruptcy seizure (c. 67. s. 13).
 - Sale does not require legal registration (c. 67. s.14).
 - Form for deeds (c. 67. s. 15).
 - Lots are indivisible (c. 67. s. 16).
- Management of cemetery.
 - Money to be spent in paying for land, and to preserving the site as a cemetery. No profit shall be given to any member of the cemetery company (c. 67. s. 17).
 - Anyone who has purchased a lot of 100 feet, and paid at least 25% of price shall be made a shareholder (c. 67. s. 18).
 - Any shareholder who has paid \$8.00 for a lot is eligible to be a director (c. 67. s. 19).

- Lots may be of any size, but no one with a lot smaller than 100 feet can be a company member (c. 67. s. 20).
- All cemeteries shall be run by nine directors (c. 67. s. 21).
- First directors elected by the 20 subscribers. The remaining shall be elected third Monday in January of every year (c. 67. s. 22).
- One vote/share up to ten shares, and must have paid \$2 for each share (c. 67. s. 23).
- Directors shall elect a president, cast tie-breaking vote on board (c. 67. s. 24).
- Directors shall create by-laws in dealing with erection of monuments, etc (c. 67. s. 25).
- Register of purchased lots and layout to be kept and shown to any requesting free of charge (c. 67. s. 26).
- Directors set up installment plans, and when must be paid, etc. (c. 67. s.27).
- Criminal action and responsibilities.
 - Directors liable for any crime the cemetery is found guilty of (c. 67. s. 28).
 - Any destruction or mischief in cemetery constitutes a misdemeanour (c. 67. s. 29).
 - Misdemeanours must pay for the repair of the cemetery (c. 67. s.30) (C.S.U.C., 1859: 775-779).

This legislation shows the bureaucratization of cemeteries occurring at an early date.

Cemeteries were legally required to provide graves for the poor, to be non-profit, and self-sufficient. At the time, cemeteries were run by lot-holders, that is people responsible for the cemetery. Although they received no financial compensation, they probably did receive a certain amount of prestige for their work. There is no clear reference in this legislation to who can run a cemetery (municipality, church, etc)

There is no mention in the Act regarding family burial grounds, which leads me to assume that many family burial grounds were operated with little to no legal support. The most likely explanations for the family burial ground was the assumption that limited burial on private property either presented little danger, or would simply not be noticed.

There is also in the Statutes of Upper Canada a section on municipalities, which states that they have the right to create and administer cemeteries. That is, municipalities had the right to purchase land from outside the municipality for municipal cemetery use, and the right

to sell lots to local people (c. 54. s. 266. ss. 3-4). At this early date, the legal right (and duty) of municipalities to establish cemeteries was established.

The first Revised Statutes of Ontario provide similar information in terms of acts regarding cemeteries. In the first book of Revised Statutes of Ontario, published in 1877, the same sections remain, although some are slightly altered. For instance, the height of the enclosing wall was now “as the Municipality may by by-law direct” (s. 4. R.S.O. 1877, 1575), giving more power to the municipalities that have cemeteries. It should be noted that, while cemetery walls may have had a mandatory height of eight feet, few of these barriers remain, having been removed or fallen into disrepair. Apart from this, the structure of cemeteries remained the same, at least according to the Ontario legislation.

The only other major change was added to the 1887 Municipal Act. Section 13 of chapter 184 stated that it was the responsibility of the municipality:

...for preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred (s. 13, 1887, p. 1912).

It was not until 1913 that the “Cemetery Act” was passed. This Act seems to have caused little debate (Ontario Legislature Journals, 1913). It was introduced to the legislature on Wednesday February 26, 1913 by the Ontario Conservative government. It would be read again on Monday, March 10, Wednesday, April 23, and finally passed on May 6, 1913. There is little evidence of debate of this act at this date, at least in the newspapers of the day.

Minutes of the Ontario legislature are not available until 1945!

This Cemetery Act defines a cemetery as “any land which is set apart for the interment of the dead, or in which human bodies have been buried.” (S.O. 1913. c. 56, s. 2, ss. 1). This was a new addition to the existing Acts, which had no such definition, assuming that the understanding of what was a cemetery was common knowledge. This was different from the

previous acts regarding cemetery companies and municipalities, in that it takes into account the pre-existing burial of individuals. Among many other new responsibilities outlined in the cemetery act (see Appendix B), there is the new duty of the municipality to care for abandoned/uncared for cemeteries.

When the owner of a cemetery cannot be found or is unknown, or is unable to maintain it, the council of the local municipality in which the cemetery is situated may undertake the duty of maintaining it, and where a council so undertakes the corporation shall for the purposes of this Act be deemed to be the owner of the cemetery (S.O. 1913 c. 56 s. 24).

This is of interest because this section of the Act forces a municipality to take control of cemeteries, formerly controlled by other individuals (family plots) or groups (churches).

Another interesting section of the Act deals with the interment and Removal of Remains. According to this section, precautions should be made to prevent the escape of noxious or unhealthy gases:

Every body interred in a cemetery which is not placed in a private vault so constructed as to prevent the escape of noxious or unhealthy gases therefore shall be buried so that the outside cover or shell of the coffin or other receptacle shall be at least four feet beneath the natural surface of the ground and the coffin or other receptacle shall be immediately covered with at least four feet of earth (1913 c. 56 s. 29).

This precaution shall be looked at further in chapter 5.

While the above section appeared in the 1913 Cemetery Act, it seems to have been ignored in some parts of the province. A minor article in the March 6, 1929 issue of *The Globe and Mail* entitled "Pioneer Graves to be cared for" provides some of the background.

Dr. T.E. Kaiser, M.P. of Oshawa, reported to a meeting of the ten historical and patriotic societies that recently initiated action regarding the neglected and forsaken pioneer graveyards of Ontario that a large number of County Judges had replied favourably to the suggestion that they act on a county commission to bring into activity the dormant clauses of the Cemetery Act.

At this time, the issue of abandoned cemeteries was tied in with historical preservation of “pioneer graveyards”. While the municipal responsibility of cemeteries was recognized, legislation was not enforced until the Cemetery Act was amended in April 1931 with the creation of a county Cemetery Commission (1931 S.O. c. 68. s.1). In a *Globe & Mail* article of November 3, 1931 entitled “New Cemetery Act to Check Neglect”, the new system and council are described as being intended to make sure that all cemeteries are properly maintained (Globe & Mail, Nov. 3, 1931: 1, 14). The council consisted of two members appointed by the county, and a member appointed by the Lieutenant-Governor (S.O. c. 68 s. 1a). The commission had a certain amount of power.

Where the council of a municipality neglects or refuses to properly maintain a cemetery under the provisions of this section, the commission shall give notice in writing to the corporation directing the corporation to do whatever in the opinion of the commission should be done by the owner for the proper maintenance thereof, and in case of disobedience to any such order the commission may cause the necessary work to be done and treasurer of the municipality shall pay the cost of such work, upon the order of the chairman of the commission, to the persons entitled thereto (1931 S.O. c. 68 s. 4(2)).

The municipality is directed to undertake control of cemeteries because it is better able than other government levels (provincial, federal) to administer cemeteries since they are located locally. This better enables municipalities to monitor cemeteries, as well as being monitored themselves, in the interest of keeping the area of the cemetery protected. The municipal control of cemeteries can be seen as a control of bodies, as modern governments now view the control of large populations as their ultimate aim. Foucault, in Discipline and Punish suggests that to govern is to control and maintain large populations. This is often accomplished through the concept of “disciplinary power”, where the goal is to make humans docile, so that they could be controlled without using coercion (Dreyfus & Rabinow, 1982: 134-135).

In many ways very little has changed since the 1931 revisions (See Appendix B) save the current statements concerning consumer protection (R.S.O. 1990) and the increased bureaucratic procedure involving abandoned cemeteries. It seems that in the past few decades the number of lost cemeteries has increased, as locations are not passed along, and the population is more mobile. There is now an increased likelihood of finding a burial ground on one's property, either a "pioneer" burial ground or an aboriginal burial ground. If a burial ground is discovered, descendants are contacted. If these cannot be found, then a religious representative or a First Nations representative is summoned (1992 S.O. c. 133, s. 1). From there a report is made with the co-operation of the group representative which attempts to determine if the body(ies) should be removed, or remain (s.2). If no foul play is suspected (s. 3), then the property owner, with support from the deceased's representative(s), may decide if the body(ies) should be removed, or if the property should be designated as a cemetery, to be cared for by either the owner or the municipality (s. 4). If the owner and representatives disagree, then arbitration is needed (s. 11-13). The Cemeteries Act works as a piece of legislation because it addresses concerns about the care of the dead, while doing so in a bureaucratic way, that is supposed to be just for all involved. The Act represents a shift in control reassuring us that we are being taken care of, the government as parent reassuring us that everything is all right.

Cemeteries of Hamilton

The first known burial ground to exist in the Wentworth region is the Cemetery of Bethesda Church in Ancaster, which began in 1795 (Hamilton, 2005: 22). This cemetery was first used for the burial of one John Shaver, a German who immigrated to the Colonies, before coming to Upper Canada following the American Revolution. Its use by the Shavers was as a

family plot, until the early 1800s when local Methodists met at the house, and began using the burial ground. The cemetery has remained in constant use since the late 18th century, and is still cared for by the church.

The first municipal cemetery in the current city of Hamilton is West Flamborough Municipal Cemetery, begun in 1805. This small, rural cemetery, which rests next to Christ Church at Bullock's Corners, was uncared for an unknown length of time, when in 1973 the municipality was forced to take control. In 1999, this cemetery was transferred to the care of Christ Church, which had no previous ties to the cemetery, save its close geographical proximity.

There were a number of community oriented, non-religious cemeteries in the area, particularly Sheffield (1810), Stoney Creek Municipal (1811), Waterdown Union (1830), Dundas Old Union (1831), and Millgrove Municipal (1837). Many of these cemeteries were simply the coming together of communities. People of different denominations could build a local cemetery, very close to the community, which would then supersede the necessity to travel to a local church of the proper denomination. Even so, of the 75 cemeteries created in the area between 1795 and 1850, only six were municipal. While geography would sometimes play a part in the creation of cemeteries, at this time they tended to be more contingent on religious affiliation or familial connections. The majority of these municipal cemeteries were so only in the sense that they were open to the entire municipality although they were not created or run by municipal councils, save for Hamilton Cemetery. It was in 1847, with the creation of Hamilton Cemetery in Hamilton, that a new conception of municipal cemetery came into being.

It should be noted that there is a difference between a municipal cemetery, and a non-denominational public cemetery. A municipal cemetery is one run by the local municipal government for the use of the entire municipality. A non-denominational public cemetery is one that is created by the community residents for the community, with no official input from the local municipal government. That is, they are created by groups of independent citizens rather than the local government. In Wentworth, these cemeteries are now predominantly administered by the city of Hamilton, except for Millgrove Municipal Cemetery, which is administered by a locally appointed cemetery board.

In 1847, fearing overcrowding in the downtown area, Christ Church Anglican Cathedral purchased a tract of land opposite Dundern Castle on York Street, on the site of earthworks from the War of 1812. In 1848, the City purchased land from the Church, in order to build its own cemetery. At this point in time, Hamilton had only been incorporated as a city for two years. The cemetery that the city began was, in fact, the first municipally administered cemetery in what is now Canada.

On December 17, 1849, the city council of Hamilton met to create the Cemetery Regulations. In this document we find that the individual plots were to be relatively autonomous, but that the cemetery board would co-ordinate improvements. For example, the headstones were to be no more than nine inches in height (Hamilton City Regulations Vol. 5, 1849: 112). The cemetery was for the use of all, and, as was the custom for all graveyards, provided for the poor. As well, there were provisions for visitation, including the statement that children “will not be admitted unless with their parents or with persons having them officially in charge”, and that “no refreshments of any kind will be permitted to come within the grounds” (113).

The cemetery created was a model of the new type of burying ground, the rural cemetery. These are not simply cemeteries in rural areas but are instead city cemeteries that exist outside the city limits in rural areas. An earlier example of a Rural Cemetery is Mount Auburn in Cambridge, Massachusetts (Sloane, 1991: 4-5). There were a number of reasons for the creation of Rural Cemeteries. Among them was the desire to free space within the city, to prevent the spread of diseases related to cadavers within the city and lastly, the desire to make the cemetery more permanent. As Sloane explains:

Rural cemeteries represented society's desire for stability. A prime characteristic of the cemeteries, touted by their boosters as superior to the old graveyards, was their permanence. The desire that led...communities to found rural cemeteries: to ensure the security of the grave sites for generations (80).

There was little risk of the Rural Cemetery becoming lost or of it falling into a state of disrepair, as its sheer size ensured it would remain both in view and in use for years to come. To ensure this even further, in 1899, a fee was charged to lot owners of 50 cents per year for perpetual care. The security and future of the cemetery was regarded as very important.

The rise of the Rural Cemetery was a means of rationalizing the problems associated with the maintenance of cemeteries, problems connected with the issue of health and public safety, as well as with responsibility and securing the cemetery for the future. A new focus is placed on the empirical shift towards the understanding of disease as being biological in nature, as outlined by Foucault in The Birth of the Clinic. There was "a return...to the modest but effecting level of the perceived" (Foucault, 1973: xii). At the same time, there is a move towards differentiation, as social roles are created and the ceremonies of the dead fall into the hands of specialists. The rationalization of all of these concerns is combined in the municipal authority.

From 1850 until 1900, 28 cemeteries were created, of which only Grove Cemetery in Dundas was both municipally administered and part of the Rural Cemetery style. Dundas was, at the time, a fairly sizable urban area. The remainder were either family or religious graveyards. The decrease in number of burial grounds established certainly seems to indicate that the area was fairly well settled. The Hamilton Cemetery was the only cemetery near the downtown core of the city, and served it well during this period.

In 1850, the Catholic Diocese of Hamilton created a large cemetery of its own for the use of the city's Catholic community. The cemetery, known as St. Mary's Roman Catholic Cemetery was in operational use from 1850 until 1874, when a larger cemetery in Aldershot (Burlington) was created known as Holy Sepulchre Cemetery. This prompted the abandonment of St. Mary's. All of the remains were reinterred at Holy Sepulchre.

Between 1900 and 1950, there were only four cemeteries created within Wentworth. Of these four, two were created by the city of Hamilton because the Hamilton Cemetery was running out of space. The city acquired land in Burlington for this purpose, and created in 1921 Woodland Cemetery. This cemetery was in the same Rural Cemetery style. Due to local pressure, the city would also create a cemetery at the other end of the city, in 1930, naming it Eastlawn.

Of the two other cemeteries, one was Jewish, and the other was the first strictly profit-oriented cemetery in the area, White Chapel Memorial Gardens and Crematorium. This cemetery follows a style known as the Memorial Park, which requires flat markers close to the ground made of bronze or brass. The cemetery itself is broken up into various sections. There is a section for various religious groups, clubs and other organizations. The sections are differentiated by the presence of various, often specialized, statues. These statues are meant to

be the focus of the visit to the Memorial Park (Sloane, 181). By having the markers flat on the ground, a visitor was supposed to believe that they were in a grass field, rather than a cemetery (183). By being buried at a Memorial Park, one was purchasing some of the serenity implied by the naturalistic, but manmade landscape. White Chapel was opened in 1929 and is currently owned by the Memorial Gardens of Canada Company, based in Toronto.

Since 1950 eight cemeteries have been built in what is now the city of Hamilton. Of these eight, four are municipal. These include Mount Hamilton, which is on Hamilton Mountain, Mountainview Gardens of Stoney Creek, Garden Lane of East Flamborough and Glanbrook Cemetery of Binbrook. Three of the remaining four cemeteries are Roman Catholic: Mount Mary Immaculate Convent Cemetery in Ancaster, Resurrection Catholic of Ancaster and Glanbrook cemetery in Binbrook. The last is a private for-profit cemetery known as Chapel Hill Memorial Gardens in Binbrook. This last cemetery is owned by Memorial Gardens of Canada.

In the past one hundred years 12 cemeteries were created in what is now Hamilton. Of these 12, none were Protestant, six were municipal cemeteries, three were Catholic cemeteries, two were private/for-profit cemeteries and one was a Jewish cemetery. Compare this to the previous 105 years when 101 surviving cemeteries were created (this does not include cemeteries that have since been abandoned or lost). There has certainly been a shift in practices where once people created cemeteries when and where needed, now cemeteries are created sparingly.

Municipal Cemeteries within the City of Hamilton

Currently, the municipality operates the majority of cemeteries. See Table 4.1.

Table 4.1 Distribution of Known Hamilton Cemeteries By Administration

CEMETERY TYPE		TYPE TOTAL
Family		6
Municipal		69
Privately Owned Memorial Gardens		2
Religious		
	Anglican	8
	Baptist	2
	Jewish	2
	Presbyterian	5
	Roman Catholic	7
	United Church of Canada	11
	Total	35
Other		2⁵
TOTAL		113

As can be seen in Table 4.1, within Hamilton there are presently 69 out of 113 cemeteries run by the city. However, in the past hundred years there have only been five cemeteries⁶ created by Hamilton. The remaining seven were created by other communities or municipalities, and were integrated with amalgamation. Table 4.2 shows current municipal cemeteries, what they were originally, as well as a numerical breakdown.

⁵ There are two cemeteries in the other category. One is Webster Family Burial Ground, which is run by the Wentworth Region Conservation Authority. The second, Millgrove Municipal Cemetery, is still run by a local cemetery board, and has no administrative connection to the City of Hamilton whatsoever.

⁶ Stoney Creek is technically within the border of Hamilton, but serves the people of Stoney Creek.

Table 4.2: Current Municipal Cemeteries, Listed By Original Type

ORIGINAL CEMETERY TYPE		TOTAL
Family	Book, Burkholder, ⁷ Cline, Dymont, Felker, File-Patterson, Harcor Lyons, Henry Binkley, Hopkins, Marx Binkley, Myers-Bradshaw, Nisbet-Vansickle, Ryckman, Smith, Stenabaugh, Swayze, Vanduzen, Vansickle, Young	19
Municipal		
Beverly	Flamborough-Rockton, Sheffield	2
Binbrook	Glanbrook,	1
Dundas	Dundas Old Union, Grove	2
East Flamborough	Garden Lane, Waterdown Union	2
Glanford		
Hamilton	Eastlawn, Hamilton, ⁸ Mountainview, Mount Hamilton, Stoney Creek, Woodland	6
TOTAL		13
Religious		
Anglican	Christ Church Woodburn, Lamb, St. Alban's, St. George's, St. George's Hannon, St. Paul's, St. Peter's ⁹	7
Baptist	Binbrook Baptist	1
Congressional	North Glanford	1
Methodist	Auld Kirk, Bartonville, Bethel, Binbrook United, Bowman, Carlisle Anglican, ¹⁰ Carlisle United, Copetown, Free Methodist, Fruitland, Garner's Corners, Jerseyville, Lynden, Mount Zion, Salem, Tapleystown, Trinity, Troy, Tweedside, Westover United, White Church, Winona The Fifty	22
Presbyterian	Barton Stone, ¹¹ Blackheath, ¹² Mount Albion, West Flamborough Presbyterian	4
TOTAL		35

⁷ The Burkholder family established the cemetery in 1817. By the 1830s, the site was in use by the surrounding community for use as a public cemetery.

⁸ What is now known as the Hamilton Cemetery, was formerly known as Burlington Cemetery, and was composed of three cemeteries: a municipal cemetery, a cemetery for Christ Church Anglican, and a cemetery for the Church of the Ascension.

⁹ This site served three religious communities simultaneously, a Presbyterian community, a Lutheran community and an Anglican community. It was the Anglicans that were there the longest, and named the site St. Peter's.

¹⁰ While the cemetery is named Carlisle Anglican, the cemetery was in use by a community of Wesleyan Methodists from 1858 until 1870, after which it was purchased by an Anglican community who based on available evidence did not use the cemetery.

¹¹ This cemetery was affiliated with a Presbyterian Church, which joined with Methodism to form the United Church of Canada in 1925.

¹² This cemetery was affiliated with a Presbyterian Church, which joined with Methodism to form the United Church of Canada in 1925.

Other	Burlington Heights Cholera, ¹³ Smith's Knoll ¹⁴	2
TOTAL		69

Lost & Abandoned Cemeteries

Within the study area there were 31 cemeteries that either no longer existed or could not be found. Of these 31 cemeteries, 17 have been lost and may still exist. Of the remaining 14 cemeteries, 12 were transferred to municipal cemeteries, and the rest were transferred to religious cemeteries. Therefore, out of 127 accounted for cemeteries (active and abandoned, where the final resting place is known), 81 are now under the responsibility of the City of Hamilton.

More information on these cemeteries can be found in Appendices 2 and 3.

The Cemeteries Act as a piece of legislation can be understood using Foucault's ideas about the importance of demography in the development of modern governments, particularly in their maintenance and control. Similarly the rise of the rural cemetery can be seen as part of the path of differentiation outlined by Parson. In the following section I will examine the change from religious to municipal cemeteries using Weber's ideas regarding rationalization, Parson's evolutionary model, Chaves concept of laicization and Foucault's work on the interconnection between forms of knowledge and power.

¹³ Burlington Heights is the site of a number of mass graves built during the Cholera epidemics of 1831 and 1854. Burial at this remote location was used to prevent cholera from spreading within the city.

¹⁴ Smith's Knoll is the site of a small cemetery where some casualties of the War of 1812's Battle of Stoney Creek were buried.

Chapter 5: Analysis

Having examined the literature surrounding secularization, rationalization, cemeteries, and the body, as well as the Ontario cemeteries act and Hamilton cemeteries, it is now time to bring it all together. It is important now to look at how this study works in conjunction with rationalization.

Cemeteries, Laicization and Rationalization

As was stated in the literature review, secularization theory is multifaceted and often implies different things to different people. Some see it simply as the gradual disappearance of religion. Others view it as the narrowing of religion's scope from encompassing many social activities, to being merely personal, held by a few, with little impact on institutions. Reginald Bibby conceptualizes secularization as being when "religion loses control over areas such as politics, economics, health care, and education...Religion's role becomes increasingly specialized and is relegated to matters of meaning, morality as well as to the performing of rites of passage." (Bibby, 2002: 8). I would argue that even within the realm of rites of passage the priest's role has decreased, although it still remains. For Mark Chaves, secularization is akin to laicization, that is the "declining scope of religious authority"(Chaves, 1994: 750).

Related to Chaves' notion of laicization is the Parsonian idea of the social evolutionary process, particularly in relation to differentiation. While laicization looks at the declining religious authority via the transfer of institutions formerly under religious control, differentiation looks at the breaking up of so-called simple, homogenous social forms to more complex, heterogeneous forms. Here it would be related to the movement from religious cemeteries to municipal, bureaucratically controlled, larger cemeteries, as was shown in the previous chapter. While early cemeteries in Wentworth were created by families and religious

organizations, the creation of the first true municipally governed cemetery in 1847 and the Cemetery Act in 1913 saw the creation of more bureaucratic oriented undertakings, with clear role allocations, policies and procedures (as well as a substantial increase in size). The movement towards laicized cemeteries reflects a reconceptualization of death in relation to the rise of modern bureaucratic institutions.

In relation to the rise of bureaucracy, it is important to look at the work of Max Weber. His study of the Protestant Ethic in particular is integral to understanding the changes in cemeteries and the current situation.

In The Protestant Ethic & the Spirit of Capitalism Weber attempted to show how the cultural values created by some forms of Protestant theology, particularly the idea of predestination, led to modern capitalism. Weber argued that the doctrine of predestination and the concept of the Elect, led to capitalism because the accumulation of wealth and diligent work were seen as signs that one could be assured salvation.

Protestantism as a movement began with Martin Luther, who challenged the supremacy of the Catholic Church, and argued that the average person did not require the Church's intervention in order to attain salvation. People were encouraged to study the Bible on their own. It was a rationalist's argument, which led to further Protestant denominations rejecting the need for any inclusion of magic or ritual in religious ceremonies or in church. Salvation was a matter of faith, not of rites. As Weber put it:

The overarching process in the history of religion - the elimination of magic from the world's occurrences - [*can be*] found here, with the doctrine of predestination its final stage. This development, which began with the prophecy of ancient Judaism in the Old Testament, rejected, in conjunction with Greek scientific thought, all magical means to the quest for salvation as superstition and sacrilege. Even at funerals the genuine Puritan scorned every trace of magical ceremony and buried his loved ones without song and ceremony. He did so in order to prevent the appearance of "superstition" in

any form, that is, a trust in the efficacy for salvation of forces of a magical-sacramental type (60).

The elimination of magic destroyed the physical power that rituals were supposed to have.

Concepts of magic were connected to cemeteries, most notably being the notion that if a grave is disturbed, the dead will in turn disturb the disturber. However, such was the rejection of magic that for Puritans and other Protestants there was little ceremony and ritual at a funeral. Great care was taken in burying the dead in close proximity to the church, demonstrating the importance of burial even if traditions and other rituals associated with “superstitious” Catholicism were rejected.

The elimination of magic in religion illustrates the trend towards a “methodical rationalization of life”. This rationalization led not only to the rejection of anything not related to the religious, but also to the rise of bureaucracy, along with the rational organization of society (Morrison, 296). For Puritans, any part “of culture devoid of any direct relevance to religious matters was also one of suspicion and strong hostility”(Weber, 113).

Weber defines rationalization as “the process by which nature, society, and individual action are increasingly mastered by an orientation to planning, technical procedure and rational action” (Morrison, 344). It can be divided into 6 different aspects:

(i) the principle of development inherent in the process of civilization and Western society; (ii) the stress on the rational containment of everyday life; (iii) the widespread use of calculation as a strategy of social action; (iv) the freeing of social action from all magical thought; (v) the emphasis on a practical orientation to empirical reality; and (vi) the reliance on technical procedure as a way of controlling practical outcomes and mastering everyday life (Morrison, 345).

This understanding of rationalization is based on an interconnection between empirical oriented and bureaucratic oriented thought. The Reformation can therefore be understood as a rise in rationality oriented towards bureaucratization. By the time of Benjamin Franklin this

had changed to a concern only for those things related to capitalism; that is, an obsession with business and utilitarianism (123). Weber quoted Ben Franklin as an ideal type of the spirit of capitalism, stripped of the religious justification of the work ethic. In the late 19th century, roughly a century after Franklin's writings, only about 6% of Americans were unaffiliated with a church. Religion lingered (127) although often for economic reasons, as those in a church had better connection to various economic opportunities (128).

The embrace of rationality is understandable in that it eliminated the unknown, essentially claiming that the unknown did not exist. There was only the known and that which would soon be known. Everything was understandable, allowing for a possible mastery of one's environment embodying Parsons' "adaptive upgrading". This environment can be understood as being composed of both the so-called natural world, and the social world. It was important to exert mastery over the social world, and the key discovery of this was the discipline of demography.

In the middle of the seventeenth century, the systematic, empirical investigation of historical, geographic and demographic conditions engendered the social sciences. This new knowledge was unmoored from older ethical or prudential modes of thinking and even from Machiavellian advice to the prince. Instead, technical social science began to take form within the context of administration (Dreyfus & Rabinow: 134).

In earlier times, the body was understood as the tomb of the soul. That is, it was merely a place for the soul to rest before going to the afterlife. The soul was the most important aspect of the person, the essence, while the body was little more than its vessel. This view influenced Christianity, where there has long been a conflict between the evil, secular world and the spiritual life beyond this world (Synott, 1993: 9). Death is understood in different ways in different cultures, from the end of one's existence to the beginning of one's travel to the

afterlife. However, in all cultures, the dead are treated with a certain amount of respect, save for extenuating circumstances such as criminals and the ostracized.

Once cemeteries were commonly administered and cared for by churches. In Wentworth County, the number of cemeteries that were originally understood as religious in nature constituted 70 out of the 113. Of these, only 35 remain under the care of the religious organization. The remaining 35 are administered by the city of Hamilton.

The city created its first cemetery in 1847, as a means of providing a service to the community, and as a replacement for those cemeteries within city limits, that were deemed health hazards. It was believed that having a large number of graves crowded together increased the chances of the spread of disease through dangerous vapours seeping out of the ground. This scientific practice was first undertaken in France where, in the early 1800s, burial within towns and urban areas was forbidden (Ragon, 1983, 202).

The case of revolutionary France is of interest because it is here that we see the movement towards the use of social science as a means of control and creation of a new kind of politics, as well as a new understanding of death.

By the time of the 1804 regulations, the country had gone through the revolution, the terror of Robespierre and the official replacement of Catholicism with the cult of the Supreme Being, Thermidor, and the Directory. It was now under the control of Napoleon Bonaparte. France was, at least officially, a very secularized state where the church had little official influence. With the creation of the First Republic of France early in the French Revolution, it was understood among some radicals that to last, the Republic would need to create new rituals and ways of honouring the new order (Censer & Hunt, 2001:92). This in turn led to a belief

that an active campaign against Christianity was required. Christianity, particularly Catholicism, was tied to the old ways. As one revolutionary official put it:

“Since the beginning of the Revolution, the Catholic cult has been the cause of many troubles. Under the cloak of religion, the progress of civic-mindedness has been much hampered. Disastrous wars have taken place. Would it not be appropriate to authorize only the cult of the Revolution?” (Sutherland, 1985: 211).

The elimination of the Church, known as “de-Christianization”, was to have a great effect on the remainder of the revolution, and was in turn to leave a legacy on much of Europe. Initially begun at the macro level, de-Christianization saw the destruction of churches and cathedrals, and the pressured renunciation of various priests, who were often to marry afterwards, leaving much of France without priests for many years (Censer & Hunt, 92). By 1793, various people attempted to create a cult of Reason, whose festival was held with much pomp in Paris, presided by an opera singer portraying the personified Liberty. One revolutionary, Joseph Fouche, deconsecrated cemeteries, ordered that funerals be secular, and had the slogan “Death is an eternal sleep” inscribed over the gates of cemeteries (93). This attempt at secularization was strictly enforced, as it was not entirely supported by the general population.

Much like today, the politicians worried that de-Christianization would alienate the rural folk, who it was thought clung to the church. Therefore, Maximilien Robespierre denounced the de-Christianization movement in late 1793. In June 1794, Robespierre tried to implement the cult of the Supreme Being. The Supreme Being was akin to the Catholic God, and was a deity that was thought to be without the superstitious trappings of Catholicism, while filling the need for religion (94). At its premiere ceremony, Robespierre described the new deity thusly:

He (the Supreme Being) did not create kings to devour the human species. Neither did he create priests to harness us like brute beasts to the carriage of kings, and to give the world the example of baseness, pride, perfidy, avarice, debauchery, and falsehood. But

he created the universe to celebrate his power; he created men to help and to love one another, and to attain happiness through the path of virtue (92).

Robespierre attempted to continue the role of religion in France by creating a deity, whereas previously people had attempted to destroy the need for gods and the afterlife. The attempt to create a purely secular institution with regards to the dead, cemeteries and cemetery rites was a part of the greater attempt to destroy the old power relations, which had, it was believed, led to the necessity for the French Revolution in the first place. As stated by Robespierre, the previous order, the monarchy and Catholicism, had been filled with “baseness, pride, perfidy, avarice, debauchery, and falsehood.” The new France was to be based on the ideals of Liberty, Equality and Fraternity. It was a particularly humanist understanding and creation, rooted in an understanding of humanity that saw little need for the divine. Death was simply death, the end. The deceased would gain immortality by the preservation of memory and would lose it by the destruction of record. This understanding would be used by other anti-religious countries, and would be most emphasized in Stalin’s Soviet Union, where the arrested were said to have not existed, and all record of them was to be destroyed.

After Robespierre was deposed, Thermidor, and his cult of the Supreme Being disappeared. However, many of the attitudes of the Revolution persisted within the reign of Napoleon. Napoleon was an example of the meritocracy that post-revolutionary France was supposed to embody. Napoleon was a man who had risen through the ranks to eventually become a general, and then eventually Emperor. Napoleon attempted to create a society that reflected both the old and the new. He first re-opened the dialogue with Rome, and then reinstated Catholicism within France (Censer and Hunt, 145). He believed in rising by ability rather than through financial or hereditary means. At the same time, he created the Legion of Honour in 1802, which was followed by the re-creation of the aristocracy. Only in this case,

the Napoleonic aristocracy was composed of engineers, generals, and civil servants (Sutherland, 366-367). These positions were purchased, in the belief that the acquisition of capital came not from inheritance but from one's own industriousness.

The creation of the secularly administered cemetery in France is not so surprising then, as in many ways it shows something of a merger of both the Ancien Regime and the innovations under Revolutionary France. The secularly administered cemetery remained separate from religious authority, but still saw the need for established religion such as Roman Catholicism, for its functioning. The need of secular authority to look after the cemetery for the purpose of control will be further explored when I examine the works of Foucault and how these can help illuminate this issue.

Southern Ontario was a far cry from revolutionary France. The earliest known burial in Hamilton dates to 1795. This burial was for John Shaver (name anglicized from Schaefer), a native of High Germany who first came to New Jersey. Following the American Revolution, he came to Canada as a United Empire Loyalist. Shaver, a Methodist, was buried at the age of 56. John Shaver was part of the first wave of Europeans to settle the area. These people were predominantly Protestants who were either born in the 13 Colonies, or were emigrants to the area. Following the conclusion of the revolutionary war, Britain offered free land to officers and loyalists, primarily to prevent the acquisition of what would be Canada by the Americans.

While there were local Aboriginal groups in the area, it seems that the settlers were largely left to their own devices. At death, the family "cleaned the body, built the coffin, and sometimes carved the gravestone." (Sloane, 119). The cemetery that was created with the burial of John Shaver contains a gravestone with what appears to be the work of a professional carver. It was not completed by one with little understanding of carving, unlike many early

Ontario grave markers (Hanks, 1974: 42). It would seem that either the area was fortunate enough to have a professional stone carver, or the area was significantly settled. It is however most likely that Shaver was not the first to be buried in the area.

By the end of the first quarter of the 19th century, much of Hamilton was settled. Churches were being created and towns came into being to serve the local agricultural community. Close to Lake Ontario were the growing centres of Dundas and Hamilton, providing ports for import and export. And during this time, a flurry of cemetery creation began. As people settled, they needed to build more cemeteries, and they would generally align these with the community that was deemed most important, the religious community.¹⁵

The rapid growth of Hamilton, which was known as the “ambitious little city” as early as the mid 1800’s, was attended by various urban problems. By the middle of the century, the two biggest issues concerning burials were the dangers of corpses to health and the fear of grave robbing.

Corpses were thought to be dangerous. As they decomposed, they would spread certain vapours. Having cemeteries in the middle of urban areas was tremendously dangerous, as this would increase chances of epidemics. In Hamilton, the first cholera epidemic occurred in 1831. Originating in one of the many ships that docked in Hamilton, and then quickly traveling through the city’s slums, the cholera victims would eventually be treated on the Burlington Heights, a strip of land between Hamilton and Burlington. It was here that in 1831, 142 people would be buried, at the time roughly 1/20th of Hamilton’s population of 3000, far from the city, in order to prevent the possibility of further contamination. In 1854, a second outbreak occurred, which saw 524 people die, at a rate of roughly 11 per day. The fear of

¹⁵ On a related note, there are reports of early settlers buying certain plots of land so that they could be near people of similar religious belief.

vapours was such that the 1913 Cemetery Act contained a provision concerning “Precautions to prevent escape of noxious or unhealthy gases”(1913, c. 56, s. 29). These precautions involved the stipulation that burials be made either in a secure vault or “at least four feet beneath the natural surface of the ground”. The fear of death spread by the dead was one that was taken very seriously at the time.

A lesser concern in Hamilton was that of grave robbing. In older graveyards, of which there were surprisingly many, as older cemeteries were abandoned, or forgotten, there was a fear that the grave would be robbed, and the corpse would turn cadaver for the purpose of medical learning. With a shortage of bodies, it was difficult for students to learn basic anatomy. In Montreal there were laws in place that stated that those who died “in the streets, jails, hospitals, or other institutions” would be delivered to the local medical school for student practice, although they would eventually be buried in unmarked graves (Young, 2003: 13).

An important religious development of the time was that of Arminianism, an older idea derived from Jacobus Arminius, a Dutch theologian of the 17th century. Arminianism was a movement that placed hopes for salvation in the doing of good works.

...the Arminian doctrine of God’s infinite love and mercy for all sinful men, which was being presented by the burgeoning Methodist denomination. If God’s plan of salvation extended to all men then all men ought to have the opportunity to accept it. (Olmstead, 1960:265)

Having sway amongst the influential Methodists, the Arminian ideas replaced the doctrines of Calvin as the dominant theological paradigm for a time.¹⁶

Arminianism lessened the fear of death and brought the world of the dead closer to that of the living. By placing emphasis on the deeds of life and lessening the specter of damnation, evangelicals imparted optimism about eternity to the faithful. Many people felt assured of a happy eternal life. The grave of a loved one became the site of somber celebration as Reverend Farley of the Church of the Savior in New York City

¹⁶ Methodism in Canada was among the most popular of denominations. Of the 68 religious cemeteries that existed in Hamilton, 32 of them were affiliated with Methodism.

suggested, “I would have [at the grave] words full of hope, and confiding faith, and cloudless trust, and filial submission, and a serene, cheerful piety”. (Sloane, 72)

While particularly strong in America, Arminian thought did have some influence in Canada, although the degree to which this was the case is unknown. It is certainly true that during this period, the churchyard cemetery was used for church functions such as picnics. The area was generally treated as a public space that was for the use of all, while still sacred and in need of preservation. The change in attitude, from dreading death to celebrating it was part of the rural cemetery movement. It is interesting that this shift occurred at roughly the same point of time as the movement towards municipal run cemeteries began (mid 1800s). Arminianism lessened the fear of death, as being saved was no longer for the elect but for any who chose salvation. The introduction of choice allows for a further rationalization of Christianity, wherein through free will one can be saved, rather than merely by the whim of God.

In the Hamilton area there were two cemeteries that reflect the period in which religious and municipal cemeteries co-existed as contemporary institutions. These were rural cemeteries in the growing centres of Dundas and Hamilton. Hamilton’s cemetery located on York and Grove Cemetery in Dundas were two large cemeteries, some distance from the downtown area, and provided a park-like, rural atmosphere and the safety of distance. These were also cemeteries administered and controlled by local councils. These cemeteries were following a cemetery trend in North America, which also occurred in Montreal and the United States.

...the cemetery’s founding coincided with the pre-Confederation period in which state activity – in taxation, education, public health, and in the collecting of information about citizens dramatically increased. The cemetery provides a good example of how elite groups were charged by the state to carry out public functions, often through organizations based on religion and with roots in the old world¹⁷. (Young: liii)

¹⁷ The groups creating the cemetery, whether connected to the municipality or to a religious organization were often composed of the same upper-middle class individuals who were the most successful entrepreneurs and professionals in the area.

The trend of collecting information and of controlling by means of this information was transferred in the way new cemeteries were run. By being at the edge of the community, they were easily monitored.

The burial ground was on the fringe of the city – a new semi-public space open to the public for visits but subject to rules drawn up by the trustees. Its regulations spoke to the trustees' concerns for order and decorum; the clergy were reminded of their obligation to maintain authority in the grounds, to control burial ceremonies, and to keep accurate statistics (Young, 8).

The use of cemeteries as methods of control will be further examined in the following section.

Apart from the rise of Arminianism, there were other changes in the conceptions of death. Most notable was the changing role of the priest, as physicians overshadowed priests in the understanding of death. As Michel Ragon explains:

The physician had therefore, in two centuries, replaced the priest, once a necessary witness of death. The priest, who was supposed to have the benefit of dialogue with God, was called to the deathbed to help the dying person prepare his journey into the beyond. As in all traditional societies, he fulfilled the role of ferryman (Ragon, 1983: 198).

The priest was replaced by the physician, particularly in societies where issues of health were seen in a more positivistic light, with physician holding the ability to control disease.

The thanatocratic physician, on the other hand, is merely an admirable mechanic, a sort of superior watchmaker who tries to get your machine to keep time. The rationality of our culture has inevitably included illness and death in its system, even if illness and death still seemed irrational (Ragon: 198).

The change in understanding of death as being related to the mechanized man rather than the spiritual being is tied in with a positivistic understanding, which seeks to understand, control and eliminate the irrational.

It is this irrational, unseemly element that one tries to eliminate. The men of industrial societies die alone (Ragon: 198).

The switch to physicians from the all-purpose role of priests is a sign of the effect of Parsonian differentiation, as the physician as specialist represents a different type of knowledge control than what existed previously. This also shows a different understanding of the body, which will be addressed in the next section.

Cemeteries in the present day are predominantly run by secular agencies (69 out of Wentworth's 113 cemeteries are municipal). While the religious elements still exist in death, they have less of an impact on the physical cemetery. Whereas once people preserved cemeteries out of a sense of duty to their religion, it is more likely in this era for the cemetery to be defended by the need to preserve it under the Cemeteries Act or as an historical site, as is evidenced by the case of the Cooley Cemetery in Ancaster. The preservation is often done, or at least understood as the need to retain the knowledge contained therein, particularly on the grave markers.

The cemetery was once seen as the site of religious activity. It was thought to provide suitable symbols to represent immortality, to reduce one's fear and anxiety concerning death (Warner, 1959: 285). Of the cemeteries in Hamilton, 70 were once or are still connected to religious institutions.

On another level cemeteries serve as the place of disposal of the corpse, so one does not have to witness decomposition. It is here that the living interact with the dead, albeit in a symbolic way, by reading gravestones, and in some cases talking to the deceased (286). However, this understanding is not important in the administrative function of cemeteries, except in the form of providing service. In funerals, the eulogy is an important rite, as it is thought to transfer the dead from the profane world to the sacred world. This too is a service provided for a price.

In some ways, death has always been a site of commerce. In the Middle Ages, the grave digger needed to be paid, and there were also the fees required by the church, not to mention supernatural fees like the tradition of placing coins over the dead person's eyes. However at one time most of this was done by those close to the deceased. These personal acts have been replaced by large-scale impersonal commerce, embodying the rationality of markets. That is not to say that religion does not enter into discussions of death, but that death is not untainted, and that it has become a large industry. Death has become an area of specialization, with the rise of funeral homes as multi-million dollar businesses, and private cemetery companies. As Michel Ragon put it:

In a society of rational production and consumption, there was obviously no reason why death should not become as profitable as anything else (Ragon, 291)¹⁸.

North American consumerism is a life affirming undertaking where to buy is to be alive. The dead cannot enjoy this. The only way to confirm life, we are told, is by spending money. Death has no official role in this rationalized view of society. Funeral homes specialize in making the dead resemble the living. Death is treated as an aberration, rather than as natural.

Ragon cites a study by Roger Callois:

... "A society describes itself very well," he writes "in the way it represents the passage to the next, and that other world itself." When the American cinema represents the otherworld, there is nothing terrifying about it. In their Christian, or antique, mythology, there is no skeleton, no devil, no boiling cauldron, no heaven and no hell. The survival which it invents is a negation or the sacredness of death" to the advantage of "an administrative beyond" (294).

That is, the afterlife reflects this life, an administrative and bureaucratic realm, without the existence of the explicitly supernatural.

¹⁸ While the municipality still provides burial for those who cannot afford it, these are very low cost, with few amenities seen as being necessary for proper burial.

There are many factors involved in the shift from religious to municipal regulation. Ultimately it was a movement towards bureaucratization, prompted by the fear of losing control of the dead, and the need to control through new, rationalizing methods.

On the one hand, it was important to protect the body, and protect the living from the dead. At the same time death was viewed as a comfort to people, a state where most were guaranteed a spot in paradise. Certain modern cemeteries, particularly those following the park-based model, reflect our understanding by not mentioning death at all. Death is ignored. In previous decades, cemeteries were places for social gathering. Now they are merely depositories for the dead.

The cemetery itself is now in the command of the secular world. The administration of the cemetery is no longer thought to be religiously important, as religious understanding is not seen to be important on the societal level that it once was. Not to say that everyone has become atheistic, but the attitude reflects a certain theological understanding, that says that death sees the end of the body's use, contradicting the former belief that the body will be needed in the coming of the apocalyptic and post-apocalyptic age. If one's essence resides in one's soul, then what need is there of a body? And what use does religion have over this body that is nothing more than a shell? In the Middle Ages it was believed that the second coming was imminent, and with it, the reanimation of corpses, much like the resurrection of Christ. Therefore the priest is only required for the funeral rites, but religious interference is no longer needed in the actual maintaining of burial. Within those influenced by Arminianism, the cemetery was a happy place, where one was reminded of their heavenly destination. Success in the afterlife was assured. The willingness of churches to relinquish cemeteries could be seen as either a negative in that they could no longer afford the upkeep due in part to dwindling

attendance, (as was the case with many cemeteries including West Flamborough Presbyterian Cemetery at Christies Corners), or that the cemetery served as an inconvenient reminder of the modern conception of death, which is no more reassuring than it once was. Death is seen on television and in movies in great numbers, and yet it has little impact on our daily lives. Few people attend burials or visit cemeteries on a regular basis (Kalish, 1986). Death has become marginalized within daily life. Although it is inevitable, we are encouraged to ignore it. The understanding of death, which was once relatively clear, has now become ambiguous, fluid even. Death can only be declared by the empirical judgment of a doctor, while events such as keeping people alive people who are brain dead provide a certain amount of uncertainty as to what constitutes medical death.

Institution, Rationalization, and Foucault

This second part of Chapter 5 will examine the problem of the rationalization of death, and the role of the cemetery in an advanced capitalist society. First we must look at the role and understanding of death, particularly in homogeneous cultures. For this I will briefly examine Antigone by Sophocles.

The play Antigone deals with the aftermath of the war between the two sons of Oedipus of Thebes, Eteocles and Polynices. During this conflict, Eteocles fought on the side of Thebes, while Polynices had attacked the city. For this reason, the new king Creon, nephew of Oedipus, buried Eteocles honourably within the city, while issuing a threat of death to anyone who buried Polynices. Creon was attempting to show his disrespect for Polynices by refusing him burial. Oedipus had two daughters, sisters to Eteocles and Polynices, named Ismene and the main protagonist Antigone. It is Antigone who undertakes a duty to bury the dead.

O Ismene, what do you think? Our two dear brothers...
Creon has given funeral honours to one,

And not to the other; nothing but shame and ignominy.
Eteocles has been buried, they tell me, in state.
With all honourable observance due to the dead.
But Polynices, just as unhappily fallen – the order
Says he is not to be buried, not to be mourned;
To be left unburied, unwept, a feast of flesh
For keen-eyed carrion birds (Antigone, 23-31).

Antigone believes that to not give her brother Polynices a burial is an affront to decency. She therefore decides to bury Polynices, which she does even under threat of death. If she were to refuse to bury her brother, this would cause his disrespect, and she would die of shame. While much has changed surrounding death, such as the commercial aspects of it, the issue of the respect for the dead, and the shame in improper burial remains.

Currently there are issues related to the respect of the dead, most prominently in the case of rediscovered cemeteries, which are in the area of valuable construction developments. In the case of Hamilton, this would specifically relate to Cooley Cemetery, a cemetery begun in the late 1700s, and in use until the mid-1820s. By 1989, having long been out of use, the cemetery location was no longer known. In 2004, a construction crew found the cemetery while working on a subdivision. This crew found approximately 100 bodies. The construction crew decided to leave many of the bodies where they lay, but there has been some controversy into whether or not some bodies underneath a proposed roadway could be moved. Local historical groups, and others claiming familial ties, believe the bodies should remain where they are claiming that to move them would be disrespectful. However, the contractors believe that the movement of the proposed road would be a financial and practical inconvenience. The historians and family members cling to a different understanding that contradicts the value generalization that is supposed to be in effect within modern capitalist society. The values that they cling to are values of a more homogeneous society, while the developers embrace a more

reason based approach, which follows a more “practical orientation” towards making profits in a heterogeneous society.

Much like in Antigone, the respect for the dead can be seen as clear-cut, but is in actuality problematic. For Creon, the burial of Polynices is an act of treason, and as an enemy of Thebes, his burial would be an affront to the state to which Creon belongs. To bury an enemy would undermine the very battle during which he died. By the same token, to stop progress, that is to stop the modus operandi of the capitalist state, and forbid the completion of the construction of the highway in deference to the buried bodies would be to act irrationally.

Foucault’s understanding of the control of the body is of paramount importance here. For the state, the control of population is key, much like for Creon. The rational state views burial as merely a means to an end, to be used for purposes of control, while for Polynices, who represents more of a traditional understanding of death, burial is a right, and it is part of an ongoing dialogue between the past and the present.

Foucault’s views of power relate to cemeteries as the control exercised over the dead relates to the relationship between knowledge and power over the body.

Foucault’s major contribution to social science has been to describe the ordering of the body politic in and through and over the body physical. Power originates in power over the body (bio-power) and in every microscopic, miniscule activity of the body (micro-physics, in his term), in every institution of the body politic (Synnott, 232).

He undertook various studies, which he referred to not as histories but as genealogies. Of these one could easily add to Foucault’s genealogies of madness (Madness and Civilization), sexuality (The History of Sexuality), sickness (The Birth of the Clinic) and the criminality (Discipline and Punish) a study of the treatment of the bodies of the dead.

In Discipline and Punish, Foucault traced the development of the European prison system from one that saw as its goal the punishment of criminals, to one that saw as its aim

rehabilitation. Rehabilitation was designed to control, and force the individual to control him or herself. People were not to behave simply on whims or tradition. Motivation of both individual and the state required a rational basis. The knowledge of what people were doing was connected to the power to control them (217). Therefore physical and visual access (the panopticon) to the condemned was restricted to those in authority; in this case, those employed by the prison.

In The History of Sexuality, Foucault connected understanding of sexuality to conceptualization of the body. In the age of traditional absolutism, the ruler had ultimate power because s/he (and it was usually a he) had the ability and authority to take away the lives of others. The power over life and death was the power to “take life or let live” (Foucault, 1990: 136). This power was transferred from the despot to the elected government, and the power over life and death became based more on knowledge. In this world: “One might say that the ancient right to *take* life or *let* live was replaced by a power to *foster* life or *disallow* it to the point of death” (138). The changes that occurred in cemeteries arguably followed a similar line of reasoning. Many cemeteries were created out of concerns for public safety, most notably the notion that decomposing bodies could endanger the living through the spread of disease. Therefore, cemeteries were moved from town centres to town outskirts. This movement led to the centralization of cemeteries under one authority, as the municipality often set up the cemeteries outside of town. The dead body was, in the interest of public safety, put under further and further institutional control. This control over the dead mirrors a greater control of authority over the living. The living are controlled by the ability of power to take away their life, or to “disallow” that life.

For Foucault, control was maintained through the visual sense (Synnott, 215). People would watch the behaviour of others, either as a spectacle, as was the case of those dubbed insane (Foucault 1967: 68-70) or through surveillance as was the proposed role of the panopticon. Foucault saw the current world as one of “surveillance... We are neither in the amphitheatre, nor on the stage, but in the panoptic machine” (Foucault, 1979: 217). The change in administration of cemeteries is similar because it allowed for surveillance of the dead by the government. It is their role, according to the Cemeteries Act, to care for cemeteries, and to make sure that the diseased remain undisturbed. The division between criminal and good citizen, sick and healthy, insane and sane, dead and living is one of power over the former by the latter. In the understanding of death, those with biological-medical knowledge argued for a better control of the burial of the dead, a control rooted, they argued, in concern for public safety, and with no concern for any ritual function that cemeteries might have.

Cemeteries are understood as places for the dead. They are where the dead are laid. At the same time, they are seen as reflecting the world of the living. There is an understanding of the cemetery as the city of the dead, mirroring the city of the living. The change in the control of cemeteries seems to mirror changes in societal control. For the longest time, much power was religious. In Europe the church dominated the lives of most people, that is until very recently. Now, while people remain religious the dominant institutions of society reside in the secular sphere, in the worlds of politics, academia, business, etc. In much the same way, cemeteries have become part of the secular sphere, through the control and management of cemeteries by municipalities.

Using Foucault's idea that control is maintained through the visual sense, one can look at the change of cemetery administration. The explicit reasons for the change of control were for the protection of the cemetery, as well as for the establishment of cemeteries for those with little in the way of religious affiliation. However, the Foucauldian implication is that the control of cemeteries by the municipality is one of exerting control. This is understandable as the need to protect the cemetery and the need to protect the living from the ailments associated with contact with the dead certainly show a struggle for power, and an attempt to create a docile body, who believed s/he was cared for by the state, and thus was kept under control.

The creation of municipal cemeteries is related to demography, and is an attempt at control through the power of the gaze. Demography is the cataloguing of populations, a counting of members of the population, and an attempt at exerting a Foucauldian gaze upon the masses. Among the earliest censuses are those undertaken by churches, which included the names of those who died and were buried by the church. The demographic mechanism was in place within European religious institutions, only to be improved by secular authorities. In a similar way, the cemetery is created so that the gaze of the city can protect it. The religious institutions can no longer protect the dead, and it is up to the social science informed secular authority to do so. It is the secular authority of the state that has more permanence.

The control of populations, as is shown in the case of Revolutionary France, is somewhat difficult. It cannot be accomplished simply through force, but instead requires the belief that what is being done is for the common good. The Cult of the Supreme Being was created in order to provide service for what was believed to be a fundamental need, some type of religious belief system. The Revolutionary French government was concerned with adaptive upgrading. However, power only succeeds "on condition that it mask a substantial

part of itself”(Foucault, 1990: 86). That is, it is successful if it can be seen as being beneficial, and not an exercise of coercive power. The control of cemeteries by municipal authority is certainly seen as masking the power over the body exercised in the endeavour. Indeed, it succeeds because no one realizes that there is some gain for the state in this control, as part of the control of bodies and populations. As it is today, the municipality controls most of the cemeteries in Hamilton, with the support of the general populace.

This may soon change. Since opening in 1929, White Chapel Memorial Garden has made huge strides toward becoming a permanent fixture. It was the first, for-profit cemetery in the city and was joined by Chapel Hill Memorial Gardens in 1952. These institutions arguably provide private sector initiative (better run, more efficient bureaucracies) as well as better maintenance and service. There are many services associated with death, from funeral to burial, and these services are important in how the dead are presented to the living, and how they are remembered. The impact of private cemeteries has not been great. But as the struggle between the public and the private sectors continues, it seems reasonable that cemeteries may fully enter the private sector. At the moment there is a great distaste for the thought of people making a profit on death, to the extent that one is more likely to see an issue concerning funeral home monopolies than seeing monopolies addressed in any other sphere. Although municipalities are forced now to maintain public burial grounds under the Ontario Cemetery Act, the private sector is creating a two-tier cemetery, where those who can afford to are given better service, mostly in the form of staff clergy and better grounds maintenance.

Chapter 6: Conclusion

What this endeavour has attempted to show is the processes and social spheres that impact cemeteries and the understanding of the dead. By looking at cemeteries in the city of Hamilton, I have attempted to show that these cemeteries have been part of a process of laicization, which is a process of rationalization wherein religious spheres of influence are transferred to secular spheres, in this case the state.

The data used, while in part chosen because of necessity, was useful in understanding the change that occurred in the maintenance and administration of cemeteries in the City of Hamilton. In answering the questions why and how rationalization took place, I looked at the rationalization work of Max Weber, the evolutionary model of Parsons and most important the theories of Foucault in relation to the control of institutions.

The change from religious to municipal control of cemeteries has been brought about by a rationalist approach that viewed cemeteries as only a means to an end rather than an end in themselves. The state control of cemeteries allows for the easy cataloguing of people in the society, the control of people being akin to specialized tools, or parts of the machine.

Foucault, by combining the concepts of power and knowledge, attempted to show that claims to knowledge are never simply for their own sake. Rather, they raise issues concerning control and the nature of power. Foucault attempted to change the nature of discourse concerning all forms of power. In the case of the transfer of cemeteries to municipalities, the state can be looked at as attempting (and succeeding) in controlling the bodies of the dead and the living. By relating control of cemeteries to health and to the preservation of cemeteries, the power exerted is, to paraphrase Foucault, made tolerable. Death in this way becomes partly an

end in itself, but also a means of defining health as well as providing an understanding of death as the end of said health.

In understanding knowledge as a tool of power, the work of Foucault is unique because it allows for reflection on all forms of knowledge including the social sciences. Ultimately the works of Parson and Weber are part of the cataloguing and understanding of modern transformations of society, while offering no significant challenge to underlying assumptions about power/knowledge. Weber particularly viewed modernity as being somewhat destructive, and yet his work reinforced the project of modernity. On the other hand, Foucault, by understanding the nature of power-knowledge, and by questioning it challenges its foundation and shows how the social sciences are implicated in the control of bodies, particularly the crucial role played in further developing tools for demography. In order to resist this it is necessary not to simply look at death in terms of numbers, but in terms of what meaning death has on lived experience.

The research looked at the changes in the cemeteries at the administrative level, attempting to understand the rise of the Cemeteries Act, and the bureaucratic constructs that surrounded the creation and maintenance of cemeteries. While the institutional level was useful in understanding institutional change, the research did not look at the effect and understandings of people at the micro/lived experience level. Instead, it looked at a level that was larger in scope in order to understand institutional rather than personal changes.

The research also examined the notion of cemetery control. The cemetery is a reflection of the way society is understood. Cemeteries were once religiously administered, were then secularly administered by municipalities, and now operate on something like a two-tier structure. The municipality controls the cemetery, in a similar way to the control of the

diseased by the medical doctor. It is the institution with the knowledge that has the power to control.

In terms of secularization, many argue that there is no great decline in religiosity or spirituality amongst people in industrial societies. However, there is a growing sense of distrust of religious (and other) institutions. Take the great success of the Da Vinci Code as an example. This book questions the basis for much of the institutional nature of Christianity by questioning both Papal authority as well as the dominance of sacred texts over other possibly sacred works. The book has proven to be very popular, and is to some very serious, with one media based poll stating some 53% of respondents claimed that the book has had an effect on their “personal spiritual growth and understanding” (Maclean’s May 22, 2006: 61). The immense popularity of the book, despite denunciations and questionable literary value, shows the hold that religious subject matter has over many people, and shows that differentiation may not be total. Places of worship may or may not be the site of religious experience, but many have religious experiences by themselves.

In the 1940’s, the majority of Canadians (roughly 60%) attended religious services on a regular basis (Bibby, 1995: 124). In his study conducted on the diversity of Canadian religious belief Bibby stated:

It also is true that widespread secularization has led to a decline in individual participation and organizational influence. Nonetheless, the vast majority of Canadians in the 90s continue to “think” they are Catholic or Protestant, and “think” that they are raising “Catholic” and “Protestant” children (Bibby, 2000, 239).

A belief in the need for religion seems to remain strong in Canada, even though this belief does not reflect the belief of people of other times, nor is it often reflected in daily life. Religion, while offering a connection to the supernatural, is also looked at as an ancient collection of rational values and rules with which one is to live life.

The change in cemeteries is still continuing from religious to municipal to a two-tier approach, which allows for a public and a private for profit structure. This understanding is reflective of a society where the power of the business/profit sphere has come to be seen as natural/inevitable for all areas of life, even those associated with life's end.

The research undertaken was an attempt to widen the understanding of sociology by looking at the topic of cemeteries, an area not given much attention. By examining the cemetery as an embodiment of the living society surrounding it, and by looking at the changes of attitude concerning death as it mirrors changes in society, it provides an alternate point of view with which one can examine the values and structure of societies. It also provides an area of researching that is relatively unexplored, and open to many possibilities.

Limitations & Further Study

The research presented here is limited in terms of its scope. The cemeteries looked at were only those in Hamilton, which comprises various unique situations, from early European settlement, to modern North American cemeteries, and from urban to rural to suburban. The sample chosen was odd in that there are in Hamilton no collective modern mausoleums, where people can purchase plots, much like cemeteries. There are instead older, family mausoleums, but these have limited access, and are no longer in active use. It would seem, based on observing other cemeteries, that the lack of mausoleums in Hamilton is an oddity, and the reason for their non-existence a bit of a mystery.

As well, the research was limited by time and resources. Much of what was found was based on the available material, but this is not to suggest that there is not more, contradictory primary material, or in fact material that could deepen the research. I have instead undertaken to do the best job I could do, within self-imposed time and information limits.

It would be interesting to see further research done on this topic, particularly to see how the change from religious to secular based cemeteries was understood at the time. It would be interesting to know how these were understood on a case-by-case basis, while also seeing how closely they match the arguments presented. As well, it would be interesting to look at a full study of historical attitudes towards death and to see that compared with a possible survey of data collected from the present as a comparison.

I briefly touched upon the notion of the marginalization of the meaning of death, as death becomes more professionalized, whether it be through medical control, lack of contact or the funeral industry. It would be interesting for further study to look at the understanding of the meaning of death, particularly looking at lived experience.

As 35 of the 113 cemeteries looked at fall under some form of religious control, it is important to consider why these remain religiously administered. Are these remaining cemeteries part of a resistance by the churches responsible for them? Are the churches merely lagging behind? Or have these churches become as bureaucratic as the municipality? This remains an unexplored area ripe for further research, possibly involving interviews with members of some of the churches responsible for the care of cemeteries.

Closing Remarks

As I write this June 8, 2006, I notice the front-page story of today's Hamilton Spectator, which shows a picture of a boy walking his dog through the toppled grave markers of the Hamilton Cemetery. The article "Graveyard Desecration: More Than 230 tombstones vandalized at Hamilton Cemetery", written by Paul Morse details the destruction of some 230 gravestones on Tuesday evening. It is stated to be amongst the worst cemetery vandalisms

ever to occur in Ontario. The article describes the protection and function afforded municipal cemeteries.

Patrol officers keep an eye on many of the city's municipal cemeteries to discourage drug dealing or partying, but graveyard prowling is not a priority call for police. Hamilton's municipal cemeteries are open public places where people walk their dogs, seek solitude or hang out. (A7)

The mayor of Hamilton, Larry Di Ianni was quoted as saying

"A civilized society is judged on how it treats its dead. I feel very bad for the families...What sort of mind frame must you be in to vest this devastation on tombstones?" (A7)

Damage is estimated at over \$30,000.

Appendix A: Globe and Mail p. 1 Saturday, July 16, 1938

Cemetery Charges are Denied

Hamilton Board Votes Confidence in Superintendent Gibson.

No Irregularities. Old Bones Buried in New Graves, Former Employee Claims.

Hamilton, July 15 (Staff)-Confidence was voted in Superintendent James Gibson and it was agreed that there had been nothing irregular in connection with burials in Hamilton Cemetery, as charged by Reginald Kingdon, former employee, when the Cemetery Board held a special session late this afternoon to hear the suspended worker.

The board ruled that there was nothing in Kingdon's accusations to warrant investigation, after he had charged that the strips designated as paths had been sold as graves, that burials had been made in sites where human bones were found during excavation, and that a fee was levied for "lowering" bodies, when such work was not done.

Human bones were taken from beneath paths, when these areas became part of cemetery proper, were interred beneath the remains of the new burial, Kingdon declared.

In some of the older parts of Hamilton Cemetery, where lots had been "seized" for non-payment, human bones were found when new graves were dug and these were placed below the casket before it was lowered into the freshly opened grave; he continued. This, he said, was contrary to the Cemetery Act.

Superintendent explains:

Although the cemetery office charged for "lowering" caskets to deepen a grave so a second burial could be made, in some cases there was no lowering, but the remains were merely covered and the casket levelled off, added Kingdon.

Complete explanation of the various points to which reference was made came from Superintendent Gibson, who said that the path property was claimed for burial plots by order of the board and the authorities approved.

As for bones being found in abandoned lots, these plots were taken over by the cemetery in 1924 and authority had been obtained from the courts, it was pointed out. In a few of the old graves remains had been found, but this was because there had not been a reliable record of interment before 1900. Remains found were from interments around 1885, it was explained.

When Kingdon had completed his statement he said that would be all "for the present", but the members informed him they wanted a complete report of anything he might know. Then he announced there was nothing to add to what he had already said.

"He has not established any charge detrimental to the superintendent or this board," declared Herbert Naylor, Chairman, when discussion closed. The motion of confidence was then proposed by William Snyder and William Hazell. It was adopted unanimously.

Asked for recommendation

Opinion was expressed that the former worker had made "veiled insinuations" as to what he would do if Mr. Gibson did not transfer him from Woodland to Hamilton Cemetery staff as he requested. Refusing to accede to the request, the Superintendent brought that matter to the attention of the board, when he learned of certain statements Kingdon had made.

Appendix B: Comparing Cemetery Acts of 1913 and 1990

An Act Respecting Cemeteries and the Interment of the Dead (1913)	Cemeteries Act (Revised) 1990
Introductory	
Section 1 -Name of Act	
Section 2 -Definitions: Cemetery, local board, owner, provincial board, regulations	Section 1 -Definitions: Burial Site, By-Laws, Cemetery, Cemetery services, cemetery supplies, columbarium, commercial cemetery, crematorium, director, equity share, human remains, income, inter, interment rights, interment rights holder, land registry office, lot, marker, mausoleum, Minister, municipality, owner, person, plot, pre-need supplies or services, prescribed, Registrar, sales representative, Tribunal, trust fund
PART I-PROVISIONS APPLICABLE TO ALL CEMETERIES	
Establishment and Enlargement of Cemeteries	Consent to Establish Cemetery or Crematorium
Section 3 -Approval of provincial board Section 4 -Application Section 5 -Transmission to provincial board Section 6 -Approval Section 7 -Penalty for non-compliance Section 8 -Expenses of Provincial Board	Section 2 -Consent for cemetery Section 3 -Application for consent and prior approvals --Approval required Section 4 -Public Hearings Section 5 -Decision on request for appeal --Public interest --Notice of decision --Appeal --Representation Section 6 -Board Decision Section 7 -Certificate of Consent --Notice of refusal to issue --Appeal --Order by tribunal --Registration --Effect of registration
Powers of Boards and Officers	
Section 9 -Power to make regulations Section 10 -Powers of certain officers	
Powers and Duties of Owners	Cemetery and Crematorium Operation
Section 11 -Lots to be indivisible but may be held in undivided shares Section 12 -Conveyance need not be registered Section 13 -Repurchasing lots in cemetery Section 14	Section 44 -Maintenance by cemetery owner --Exception Section 45 -Operating with funeral establishments Section 46 -Good order Section 47

<ul style="list-style-type: none"> -Owner may accept devise gifts, etc. --Owner may accept devises, gifts, etc. --Taking lots in cemetery by gift or devise --May agree to keep lots, etc. in good condition --Payment over bequest --Investment of funds Section 15 -Power to acquire additional lands, etc. -How proceedings to be instituted Section 16 -Powers to make regulations Section 17 -Power to borrow Section 18 --Maintain fences --Buildings and fences to be kept in good order --Conduct of Burials -Penalty Section 19 -Sewers and drains Section 20 -No offensive matter to be allowed into rivers, etc. Section 21 -Interments not to be within 15 feet of church wall, etc. -Penalty Section 22 -Owners name to be recorded -Penalty Section 23 -Default of owner Section 24 -Absence or Inability of owner Section 25 -Graves to be provided for strangers and indigents free of charge 	<ul style="list-style-type: none"> -Interment in cemetery only Section 48 -Repairing markers Section 49 -Mortgage on cemetery --Restriction Section 50 -By-laws --Owner's By-laws --When effective --Prescribed by-laws --Notice of by-laws --Approval by registrar --Revocation of by-laws --Notice of disallowance or revocation --Delay in revocation --Where no appeal Section 56 -Cremation --Prohibitions --Right to refuse Section 57 -Good order Section 58 -Deposit re. Disposal --Held in trust --Refund --Owner's compensation Section 59 -Neglected Cemetery --Repairs Section 60 -Abandoned Cemeteries --Application --Notice of application --Costs --Declaration --Municipality becomes owner --Exemptions --Maintenance --Dual interest
<p><u>Shareholders in Cemetery Companies</u></p>	
<p>Section 26</p> <ul style="list-style-type: none"> -Lots to contain not less than 100 superficial feet 	
<p><u>Interment and Removal of Remains</u></p>	
<p>Section 27</p> <ul style="list-style-type: none"> -Body not to be disinterred for 5 years in certain cases -Transport of dead body by railway, etc. Section 28 -Disinterment of dead body -Certificate of Medical Officer of Health -Penalty Section 29 -Precautions to prevent escape of noxious or unhealthy gases 	<p>Section 51</p> <ul style="list-style-type: none"> -Disinterment --Where consent not required --Compliance with regulations Section 52 -Consent of registrar --Notice of intention --Objections --Conditions for consent --Notice of decision --Delay

<p>Section 30 -Order for disinterment by court -Order therefore by the Attorney-General Section 31 -Disinterment for inquest</p>	<p>--Where no appeal Section 53 -Attendance by medical officer --Diseases Section 54 -Certificate Required Section 55 -When burial certificate not required</p>
<p><u>Closing Cemeteries</u></p>	<p><u>Closing Cemetery</u></p>
<p>Section 32 -Closing cemetery for defective drainage, etc. Section 33 -Removal of bodies and reinterment in another cemetery --Notice of application --Notice of order to be published --When may be removed --When ss. 28, 29, and 30 to apply --Removal of County or District Judge as to removal and registration of -Effect of certificate</p>	<p>Section 8 -Closing cemetery --Notice Section 9 -Order --Substitution --Notice --Coming into force Section 10 -Appeal Section 11 -Certificate -Registration --Effect of Registration Section 12 Maintenance fund Section 13 Pre-need assurance fund</p>
<p><u>Misconduct in Cemetery</u></p>	<p><u>Burial Sites</u></p>
<p>Section 34 -Preservation of property -Penalty for offences -Animals -Liability to section</p>	<p>Section 68 -Disturbing burial site prohibited Section 69 -Unmarked burial sites Section 70 -Investigation Section 71 -Declaration --Interpretation --Definition Section 72 -Site disposition agreement Section 73 -Arbitrated settlement Section 74 -Irregular burial site -Charges Section 75 -War graves Section 76 -Regulations Section 77 -Interfering with cemetery Section 78 -Cause of action Section 79</p>

	<ul style="list-style-type: none"> -Offence -Limitation -Restitution Section 80 -Certificate as Evidence Section 81 -Municipal powers --Definition Section 82 -Tribunal --Order --Conditions --Parties Section 83 -Service Section 84 -Appeal Section 85 -Surrender of license Section 86 -Transition Section 87, 88, 89 -Act prevails
<u>Offences and Penalties</u>	
Section 35 -Application of 10 Edw. VII c. 37 to prosecutions	
PART II-POWERS OF MUNICIPAL CORPORATION	<u>Licenses</u>
Section 36 --For making annual grants --Regulating funerals, etc. --For acquiring land --On selling plots --For maintenance, regulation and control of cemetery Section 37 -By-laws prohibiting the interment of the dead Section 38 -Owner may sell to municipal corporation	Section 14 -License required Section 15 -License to own --Requirements --Issue of license --Conditions attached to license --Refusal to issue license Section 16 -Revocation of owner's licence --Where no appeal --Exception to licensing requirement Section 17 -Appointment of manager --Powers of manager --Effect of appointment Section 18 -Selling interment rights and supplies -Selling supplies, etc. -Exception for owners Section 19 -License to sell --Requirements for license --Past conduct --Conflict of interest --Issue of license --Conditions attaching to licence --Refusal to issue licence

	<p>Section 20 -Revoking, suspending or refusing to renew sales licence --Immediate suspension --Where no appeal Section 21 -Application Section 22 -<u>Continuation</u></p>
PART III-TRUSTEES OF CEMETERIES	<u>Trust Funds</u>
<p>Section 39 -When lands for cemetery may be vested in trustees -Trustees to hold in perpetual succession -Limitation to 19 acres Section 40 -Election of trustees when no other provision made Section 41 -Owners of plots may call meeting -Date of meeting Section 42 -Chairman and secretary of meeting -Three trustees to be elected Section 43 -Certificate of election -Registration and filing of certificate Section 44 -Effect of registration -Trustees deemed owners Section 45 -Vacancies among trustees Section 46 -Trustees and companies holding adjoining cemeteries may appoint one board of trustees -And convey cemeteries to board Section 47 -Repeal</p>	<p><u>Section 35</u> -Care and maintenance trust funds --Payment into fund --Payment out of fund --Useful money --Capital portion --Municipal owners Section 36 -Pre-need assurance trust funds --Payments into fund --Trust funds --Prior cancellation --Payment to purchaser --Municipal owners Section 37 -Restrictions on trust agreements -Same Section 38 -Marker installation -Payment into fund Section 39 -Trust funds held by owner Section 40 -Providing information Section 41 -Passing accounts Section 42 -No compensation to owner Section 43 -Use of Public Trustee</p>
	<u>Consumer Protection</u>
	<p>Section 23 -Interment Rights Section 24 -Pre-need services or supplies --Prohibition --Application Section 25 -Contract requirements --Refund with interest Section 26 -Public information Section 27 -Price list --Approval of list --Notice of disallowance</p>

	<ul style="list-style-type: none"> --Repayment Section 28 -Advertising --Compliance with order Section 29 -Soliciting prohibited --Regulations Section 30 -Abandoned Interment Rights --Inquiry --Declaration Section 31 -Right to sell abandoned rights Section 32 -Right holder's protection Section 33 -Markers Section 34 -Assisted Burials --Cemetery --Crematorium --Exception --Payment --Welfare Administrator
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Appendix C: An Annotated List of All Hamilton Cemeteries

Cemetery Name	Location	Original Administration	Year Opened	Current Administration	Current Status	Size	Monument #
Bethel Church Cemetery	Ancaster	Church (Methodist, United)	1844	City of Hamilton	Closed	Small	70
Bethesda United Church Cemetery	Ancaster	Church (Methodist, United)	1795	Bethesda United Church	Open	Small	210
Book Cemetery	Ancaster	Family (Book, Parkin)	1815	City of Hamilton	Closed	Small	50
Bowman Cemetery	Ancaster	Church (Methodist, United)	1803	City of Hamilton	Open	Medium	250
Copetown Cemetery	Ancaster	Church (Methodist, United)	1826	City of Hamilton	Open	Small	116
Dyment Cemetery	Ancaster	Family (Dyment)	1832	City of Hamilton	Open to Family	Small	17
File-Patterson Cemetery	Ancaster	Family (File, Patterson, Irwin, Vanderlip)	1829	City of Hamilton	Closed	Small	48
Garner's Corners Cemetery	Ancaster	Church (Methodist, United)	1842	City of Hamilton	Open	Small	130
Henry Binkley Family Cemetery	Ancaster	Family (Binkley)	1854	City of Hamilton	Closed	Small	34
Jerseryville Cemetery	Ancaster	Church (Methodist, United)	1818	City of Hamilton	Open	Medium	375
Lynden Cemetery	Ancaster	Church (Methodist, United)	1832	City of Hamilton	Open	Small	230
Marx Binkley Cemetery	Ancaster	Family (Binkley)	1803	City of Hamilton	Closed	Small	69
Mount Mary Immaculate Retreat Center	Ancaster	Convent (Catholic)	1957	Sister Servants of Mary Immaculate	Open for Order	Small	29
Myers-Bradshaw Cemetery	Ancaster	Family (Myers, Bradshaw)	1822	City of Hamilton	Closed	Small	22
Pepper Family Burial Ground	Ancaster	Family (Pepper)	1846	Private (Family)	Closed	Small	2
Red Brick Cemetery, Carluke	Ancaster	Church (Presbyterian)	1855	St. Paul's Presbyterian Church	Open	Small	130
Resurrection Catholic Cemetery	Ancaster	Church (Catholic)	1984	Catholic Diocese of Hamilton	Open	Large	1000
Shaver Family Cemetery	Ancaster	Family (Shaver)	1830	Private (Family)	Closed	Small	68
St. Andrew's Presbyterian	Ancaster	Church (Presbyterian)	1832	St. Andrew's Presbyterian Church	Open	Medium	300
St. John's Anglican Cemetery	Ancaster	Church (Anglican & Presbyterian)	1823	St. John's Anglican Church	Open	Medium	734
Stenabaugh Cemetery	Ancaster	Family (Stenabaugh, VanSickle)	1837	City of Hamilton	Open	Small	240
Vansickle Cemetery	Ancaster	Family (Vansickle), Church (Baptist)	1817	City of Hamilton	Open	Small	97
White Brick Cemetery	Ancaster	Church (Methodist, United)	1845	White Brick United Church	Open	Medium	420

Cemetery Name	Location	Original Administration	Year Opened	Current Administration	Current Status	Size	Monument #
White Church Cemetery	Ancaster	Church (Presbyterian)	1831	St. Paul's Presbyterian Church	Open	Small	200
Zion Hill Cemetery	Ancaster	Church (Methodist, United)	1806	Zion Hill United Church	Open	Medium	320
Camp-Skinner Burial Ground	Beverly	Family (Camp, Skinner)	1822	Private	Closed	Small	22
Flamborough-Rockton Cemetery	Beverly	Municipal	1862	City of Hamilton	Open	Small	40
Kirkwall Presbyterian Cemetery	Beverly	Church (Presbyterian)	1842	Kirkwall Presbyterian Church	Open	Medium	430
Lamb Cemetery	Beverly	Church (Anglican)	1855	City of Hamilton	Closed	Small	12
Mount Zion Cemetery	Beverly	Church (Methodist)	1861	City of Hamilton	Open	Medium	600
Nisbet-Vansickle Cemetery	Beverly	Family (Nisbet, Vansickle)	1878	City of Hamilton	Open to Family	Small	16
Rous-Howard Cemetery	Beverly	Family (Howard, Rous)	1834	Private (Family)	Open to Family	Small	45
St. Alban's Anglican Church Cemetery	Beverly	Church (Anglican)	1869	City of Hamilton	Open	Small	30
Shaver-White Family Cemetery	Beverly	Family (Shaver, White)	1855	Private	Closed	Small	2
Sheffield Cemetery	Beverly	Municipal	1810	City of Hamilton	Open	Medium	340
Troy Cemetery	Beverly	Church (Methodist, United)	1836	City of Hamilton	Open	Medium	300
Westover Baptist Church Cemetery	Beverly	Church (Baptist)	1845	Westover Baptist Church	Open	Small	160
Westover United Church Cemetery	Beverly	Church (Methodist, United)	1857	City of Hamilton	Closed	Small	100
Auld Kirk Cemetery	Binbrook	Church (Presbyterian)	1853	City of Hamilton	Open	Small	90
Binbrook Baptist Church Cemetery	Binbrook	Church (Baptist)	1855	City of Hamilton	Open	Small	100
Binbrook United Church Cemetery	Binbrook	Church (Methodist, United)	1818	City of Hamilton	Open	Medium	280
Blackheath United Church Cemetery	Binbrook	Church (Presbyterian, United)	1855	City of Hamilton	Open	Small	200
Chapel Hill Memorial Gardens	Binbrook	Privately Own Corporate	1952	Memorial Gardens of Toronto	Open	Large	2000
Christ Church, Woodburn	Binbrook	Church (Anglican)	1838	City of Hamilton	Open	Small	200
Glanbrook	Binbrook	Municipal	2003	City of Hamilton	Open	Large	
Knox Cemetery	Binbrook	Church (Presbyterian)	1846	Knox Presbyterian Church	Open	Small	130
St. Joseph's Roman Catholic Cemetery	Binbrook	Church (Catholic)	1843	Catholic Diocese of Hamilton	Open	Small	90
Swayze	Binbrook	Family (Swayze)	1817	City of Hamilton	Open	Small	50

Cemetery Name	Location	Original Administration	Year Opened	Current Administration	Current Status	Size	Monument #
Grove Cemetery	Dundas	Municipal	1852	City of Hamilton	Open	Large	3200
Harcor Lyons Family Cemetery	Dundas	Family (Lyons)	1817	City of Hamilton	Closed	Small	12
Hopkins Family Cemetery	Dundas	Family (Hopkins)	1816	City of Hamilton	Closed	Small	25
St. Augustine's Roman Catholic Cemetery	Dundas	Church (Catholic)	1858	Catholic Diocese of Hamilton	Open	Medium	800
The Old Union Cemetery	Dundas	Municipal	1831	City of Hamilton	Closed	Small	30
Carlisle Anglican Cemetery	East Flamborough	Church (Methodist, Anglican)	1863	City of Hamilton	Closed	Small	3
Carlisle United Cemetery	East Flamborough	Church (Methodist, United)	1836	Carlisle United Church	Open	Medium	750
Carmel Cemetery	East Flamborough	Church (Methodist, United)	1865	Freelton United church	Open	Small	115
Garden Lane Cemetery	East Flamborough	Municipal	1995	City of Hamilton	Open	Small	40
Grace Anglican Church Cemetery	East Flamborough	Church (Anglican)	1847	Grace Anglican Church	Open	Medium	370
Mountsberg Baptist Church Cemetery	East Flamborough	Church (Baptist)	1852	Mountsberg Baptist Church	Open	Small	110
Mountsberg Methodist Church Cemetery	East Flamborough	Church (Methodist, United)	1839	Mountsberg Methodist Church	Open	Small	130
St. Thomas Roman Catholic Cemetery	East Flamborough	Church (Catholic)		Catholic Diocese of Hamilton	Open	Small	175
Waterdown Union Cemetery	East Flamborough	Church (Methodist, Protestant), Municipal		City of Hamilton	Open	Large	1010
Case United Cemetery	Glanford	Church (Methodist, United)	1867	Case United Church	Open	Small	200
North Glanford	Glanford	Church (Congregational), Private	1845	City of Hamilton	Open	Medium	300
St. Paul's Anglican Cemetery	Glanford	Church (Anglican)	1850	St. Paul's Anglican Church	Open	Medium	300
Salem Cemetery	Glanford	Church (Methodist), Family (Smoke)	1834	City of Hamilton	Closed	Small	37
White Church Cemetery	Glanford	Church (Methodist, United)	1831	City of Hamilton	Open	Medium	350
Bartonville Cemetery	Hamilton Downtown	Church (Methodist)	1842	City of Hamilton	Open	Medium	400
Burlington Heights	Hamilton Downtown	Municipal (Epidemic Pit)	1812	City of Hamilton	Closed	Small	
Christ Church Cemetery	Hamilton Downtown	Church (Anglican)	1837	Christ Church Cathedral	Open	Small	

Cemetery Name	Location	Original Administration	Year Opened	Current Administration	Current Status	Size	Monument #
Eastlawn Cemetery	Hamilton Downtown	Municipal	1930	City of Hamilton	Open	Large	3900
Hamilton Cemetery	Hamilton Downtown	Municipal, Church (Anglican)	1847	City of Hamilton	Open	Large	21500
St. Mary's Roman Catholic Church	Hamilton Downtown	Church (Catholic)	1856	St. Mary's Roman Catholic Church	Closed	Small	2
St. Paul's Presbyterian Church	Hamilton Downtown	Church (Presbyterian)	1810	St. Paul's Presbyterian Church	Closed	Small	28
Stoney Creek Municipal Cemetery	Hamilton Downtown	Church (Methodist), Municipal	1811	City of Hamilton	Closed	Large	1255
White Chapel Memorial Gardens	Hamilton Downtown	Privately Own Corporate	1929	Memorial Gardens of Toronto	Open	Large	16000
Woodland Cemetery	Hamilton Downtown	Municipal	1921	City of Hamilton	Open	Large	38000
Anshe Sholom	Hamilton Mountain	Church (Jewish)	1834	Anshe Sholom Temple	Open	Medium	380
Barton Stone United	Hamilton Mountain	Church (Presbyterian, United)	1852	City of Hamilton	Open	Small	240
Burkholder United	Hamilton Mountain	Family (Burkholder), Municipal	1817	City of Hamilton	Open	Medium	580
Hess Family Burial Ground	Hamilton Mountain	Municipal	1820	Church of the Resurrection	Closed	Small	1
Mount Hamilton Cemetery	Hamilton Mountain	Municipal	1964	City of Hamilton	Open	Large	3000
Ohev Zedeck	Hamilton Mountain	Church (Jewish)	1912	Adas Israel Synagogue	Open	Medium	400
Ryckman Family Cemetery	Hamilton Mountain	Family (Ryckman)	1824	City of Hamilton	Closed	Small	18
St. George's Anglican, Hannon	Hamilton Mountain	Church (Anglican)	1835	City of Hamilton	Open	Small	250
St. Peter's Cemetery	Hamilton Mountain	Church (Anglican, Lutheran, Presbyterian), Municipal	1812	City of Hamilton	Open	Small	250
Smith Family Cemetery	Hamilton Mountain	Family (Smith)	1825	City of Hamilton	Closed	Small	
Trinity Cemetery	Hamilton Mountain	Church (Methodist, United)	1819	City of Hamilton	Open	Medium	400
Young Family Cemetery	Hamilton Mountain	Family (Young)	1832	City of Hamilton	Closed	Small	8
Cline Cemetery	Stoney Creek	Family (Cline)	1819	City of Hamilton	Closed	Small	31
Felker Cemetery	Stoney Creek	Family (Felker)	1825	City of Hamilton	Closed	Small	41
Free Methodist Cemetery	Stoney Creek	Church (Methodist, United)	1893	City of Hamilton	Open	Small	60
Fruitland Cemetery	Stoney Creek	Church (Methodist, United)	1862	City of Hamilton	Open	Small	200
Mount Albion	Stoney Creek	Church (Presbyterian), Municipal	1847	City of Hamilton	Closed	Small	141

Cemetery Name	Location	Original Administration	Year Opened	Current Administration	Current Status	Size	Monument #
Mountainview Gardens Cemetery	Stoney Creek	Municipal	1976	City of Hamilton	Open	Medium	800
Our Lady of Angels Roman Catholic	Stoney Creek	Church (Catholic)	2000	Catholic Diocese of Hamilton	Open	Large	
St. George's Cemetery	Stoney Creek	Church (Anglican)	1862	City of Hamilton	Closed	Small	100
Smith's Knoll Battlefield Cemetery	Stoney Creek	Battlefield Cemetery	1813	City of Hamilton	Closed	Small	
Tapleystown Cemetery	Stoney Creek	Church (Methodist, United)	1817	City of Hamilton	Open	Medium	400
Tweedside Cemetery	Stoney Creek	Church (Methodist, United)	1837	City of Hamilton	Open	Small	130
Van Duzen	Stoney Creek	Family (VanDuzen)	1873	City of Hamilton	Closed	Small	0
Winona "The Fifty" Cemetery	Stoney Creek	Church (Methodist), Municipal	1820	City of Hamilton	Open	Medium	820
Betzner Family Burial Grounds	West Flamborough	Family (Betzner)	1848	Private (Family)	Open	Small	4
Brock Road Cemetery	West Flamborough	Church (Methodist, United)	1879	Strabane United Church	Open	Small	38
Christ church Anglican Cemetery	West Flamborough	Church (Anglican)	1864	Christ Church Anglican	Open	Small	160
Glenwood Cemetery	West Flamborough	Church (Methodist, United), Family (Durkin, Binkley)	1859	Glenwood	Open	Small	64
Millgrove Municipal Cemetery	West Flamborough	Municipal	1837	Millgrove Municipal	Open	Medium	700
Our Lady of Mount Carmel	West Flamborough	Church (Catholic)	1845	Catholic Diocese of Hamilton	Open	Small	240
Rock Chapel United Church Cemetery	West Flamborough	Church (Methodist, United)	1838	Rock Chapel United Church	Open	Small	100
Strabane United Church	West Flamborough	Church (Presbyterian, United)	1845	Strabane United Church	Open	Medium	430
Webster Family Burial Grounds	West Flamborough	Family (Webster)	1863	Hamilton Region Conservation	Closed	Small	6
West Flamborough Municipal, Bullock's	West Flamborough	Municipal, Family (Tunis, Morden)	1805	Christ Church Anglican	Closed	Small	115
West Flamborough Presbyterian, Christie's	West Flamborough	Church (Presbyterian)	1826	City of Hamilton	Closed	Small	210

Abandoned/Lost Cemeteries

Cemetery Name	Location	Original Administration	Year Opened	Year Removed	Remains Now Reside	Current Status
Anne Morden Farm Cemetery	Dundas	Family (?)	1832?	1950	Grove Cemetery	Lost/Abandoned
Barlow Family Cemetery	Binbrook	Family (Barlow)	1847	1984	Binbrook Baptist	Abandoned
Barton Street Jail	Hamilton Downtown	Jail Burial Ground	1876			Lost
Beasley Family Cemetery	Hamilton Downtown	Family (Beasley)	?			Lost
Biggar Family Cemetery	Ancaster	Family (Biggar)	?			Abandoned
Case Burial Ground	Hamilton Downtown	Family (Case)	1848	1952	Hamilton Cemetery	Abandoned
Cooley Farm Cemetery	Ancaster	Municipal	1790s			Lost
Crooks Family Cemetery	West Flamborough	Family (Crooks)	1825	1900	Grove Cemetery	Abandoned
Depew Family Plot	Hamilton Downtown	Family (Depew, Stipes)	1825	1930	Hamilton Cemetery	Lost
Dundas Roman Catholic	Dundas	Church (Catholic)	1831	1910		Abandoned
Elijah Forsyth	Ancaster	Family (Forsyth)	1829			Lost
First United	Hamilton Downtown	Church (Methodist)	1829?			Lost
Fletcher	Binbrook	Family (Fletcher)	1840	1901	Hamilton, Woodburn, Auld Kirk	Abandoned
Francis Stout	Binbrook	Family (Stout)	?			Lost
Gage Burial Ground	Hamilton Downtown	Family (Gage)	?	1927	Hamilton, Woodland	Abandoned
George Rolph Farm Cemetery	Dundas	Family (?)	1829?	1950	Grove	Lost/Abandoned
Hamilton Family Plot	Hamilton Downtown	Family (Hamilton)	1836	1890s	Hamilton	Abandoned
Jones Family Plot	Hamilton Downtown	Family (Jones)				Lost?
Lee Family Plot	Stoney Creek	Family (Lee)				Lost
Lottridge Plot	Hamilton Downtown	Family (Lottridge)	1858?	1926	Hamilton	Abandoned
MacNab Family Burial Grounds	Hamilton Downtown	Family (MacNab)	1830s	1909	Hamilton, Holy Sepulchre	Abandoned
Menzies Family Plot	Binbrook	Family (Menzies)	1854?		Blackheath	Abandoned
Norris Family Plot	Stoney Creek	Family (Norris)				Lost
Peter Hess Cemetery	Hamilton Downtown	Family (Hess)				Lost
Pettit	Hamilton Downtown	Family (Pettit)				Lost
Phillips Family Burial Ground	Ancaster	Family (Phillips)	1873			Lost
Robert Land Family Burial Ground	Hamilton Downtown	Family (Land)	1818	1853	Hamilton	Abandoned
St. Mary's Roman Catholic Cemetery	Hamilton Downtown	Church (Catholic)	1850	1874	Holy Sepulchre	Abandoned
Sharpe Family Cemetery	Ancaster	Family (Sharpe)	1872			Lost
Shaver-Hitchcock	Beverly	Family (Shaver, Hitchcock)	1841			Lost
Shaw Family Plot	Glanford	Family (Shaw)				Lost
Waugh	Ancaster	Family (Waugh)	1822			Lost

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