

## Concerning the burial of dissenters and sectarians, gentiles, the unknown, non-Christians and suicides

I. **Dissenters** make the burial of their dead according to their ceremonies<sup>1</sup> (see the Visochaishe utverzhdennoe mnenie Gosudarstvennoye Sovieta [Imperial ratification of the opinions of the State Council], May 3, 1883) and at this burial they are permitted: 1) the carrying of an icon before the dead man accompanied to the cemetery, and 2) the creation of prayers in the cemetery according to the ceremonies accepted by the dissenters, with singing, but without the use of church vestments<sup>2</sup> (Ustav o p. i p. prest. [Ustav on the Prevention and Suppression of Crime], art. 49, publ. 1890).

Separate places in general cemeteries are taken for the burial of dead dissenters<sup>3</sup> (ibid.).

It is not forbidden for those in schism to bury and in general cemeteries with burial service by priests, by the established rules<sup>4</sup> in the assumption that either they repented of the delusion before death, or their relatives will ask about that, it agrees with the desire of the departed to join the Church, warned by death<sup>5</sup> (Visoch. povel. [Imperial Order] 3 Nov. 1838; see T. Barsov, *Sbornik deistv. i rukovod. tserk. i tserk-grazhd. postan.* [Collection of actions and rules of church and church-civil decisions], vol. 1, p. 220).

The above-stated legislation has in view radical or regular dissenters. As for irregular dissenters, but equally and evaded sectarianism, but numbered among Orthodox Christians, then, according to one, baptized and well-mannered in Orthodoxy, but then willingly falls from the Holy Church and evades participation in its sacraments, equally and concerning what authentically will be known that they, though started the holy sacraments, but completely in spirit were alien to the Orthodox Church and were full of sectarian delusions<sup>6</sup>, - all such if they before death not only visibly for others did not return back to Orthodoxy, but also had no sincere desire to do so, to deprive the right for Orthodox burial (for more information see the Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1896, 30, 32); according to others, all specified persons registered as Orthodox Christians, need to be buried in an Orthodox ceremony<sup>7</sup> (see Tserkovnyi Viestnik [Church Messenger], 1893, 3, 45; 1894, 1; 1897, 19; refer to note 3 for p. 1198 and note 2 for p. 1205 above). Thus the issue of burial of designated persons in our church and practical literature is not equally resolved, and this places priests in difficulties. But recently, in elimination of these difficulties, local diocesan authorities published corresponding guide instructions, which must guide priests through which the local diocesan administration gave these instructions<sup>8</sup>. In the same dioceses where there are no such instructions, it is all the more expedient for priests to turn to the diocesan administration for the corresponding explanations. But in any case, persons who repented their falling away from the Church before death must be buried in an Orthodox ceremony (for more information see the Chernigovskiiia Eparkhial'niia Vedomosti [Chernigov Diocesan News] 1898, 19), and the parish

priest is obligated to take great pains, so that leaning to schism and sectarianism at least before death they were directed to the true way and in such case after death are awarded Christian burial<sup>9</sup> (see Tserkovniia Vedomosti [Church News] 1895, 50), but therefore it also has to take every opportunity for an explanation gone astray, especially to visit them during their illness and to cause a belief in Christian love in them, although on the deathbed, repentance and preparation for the reception of the Holy Mysteries (for more information see the Chernigovskiiia Eparkhial'niia Vedomosti [Chernigov Diocesan News] 1898, 19); thus, of course, nobody has the right not to allow the Orthodox priest to those dying, when he wishes to confess and give the Holy Mysteries according to the rules of the Holy Church (see Ulozheniie o Nakazaniikh [Code of Laws on Punishment], art. 191, publ. 1885), and all authorities, as the volost boards and district police officers, if they understand, properly, their duties, not only should not interfere, but are also in every way obliged to promote this (Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1888, 37).

**II. Burial of non-Orthodox** according to the rites of the Orthodox Church is forbidden<sup>10</sup>; but if a non-Orthodox of Christian confession dies and there is no priest or pastor of that confession or other for his burial in which the dead belonged, then the Orthodox priest not only can, but he also is obligated to carry out the body of the departed from the place to the cemetery in vestments and stole and to lower into the grave while singing "Holy God"<sup>11</sup> (Ukaz Sv. Sinoda [Decrees of the Holy Synod], Jul. 20, 1727; May 22, 1730; Aug. 24, 1797; Feb. 20, 1880; Svod Zakonov [Code of Laws], vol. XIII, Ustav Vrachebnii [Physician's Charter (Ustav)], art. 709, publ. 1892).

Participation of the priest in the burial of non-Orthodox, agrees with the law, has to be limited only to the following actions: the priest, having come to the place where the body of the departed lies, has to vest in sacred clothes (stole and vestments) and not to sing the requiem Litiya, but to begin the carrying out with the singing of "Holy God"; with singing of the same hymn to carry out, without bringing into the Orthodox church<sup>12</sup>, to the grave<sup>13</sup> and to lower the body into the grave without the exclamation of eternal memory<sup>14</sup> (Izlozhenie Tserkovno-Grazhdanskikh Postanovlenie [Statement of the Church-civil government Regulations] p. 151; Iaroslavskiiia Eparkhial'niia Vedomosti [Yaroslavl Diocesan News] 1873, 19).

Church canons forbid Christians to have prayerful communication with those separated from the Church (for a grave sin or for persistence in any un-Orthodox opinion), so especially with persons of other religions (Apostolic Canons, 10, 45, 46, 65; Council of Antioch 2, Council of Laodicaea 6, 33). By this prohibition the Church does not express religious intolerance, but has only the purpose to protect Orthodox Christians from seduction into heresy or schism, so to also keep them from religious indifference which can easily result in close communication with non-Orthodox. However, although they did not belong to the Church, but were disposed to it and hoped for union with it, pastors treated people with some indulgence.

"Good outlook and philanthropy," says Philaret, Metr. of Moscow, "demanded that such were not too strictly removed from the Church but that, having some access to it, could learn its advantage better and come to its relation. These expressly justify before the rules of the present custom of the Orthodox Church, on which it peacefully does solemn prayers for the tsar and the fatherland, without turning a strict look on those people of other Christian confessions who sometimes come to participate with Orthodox Christians as children of the father-tsar. At this time it is content with the unification in the name of Christianity and in love for the tsar and the fatherland and in hope of more completely unified church. In this spirit of a good outlook on the church, St. Basil the Great also acted when he accepted a gift from the Arians and allowed it to be present during the liturgy".

On this basis and the decree of the Holy Synod of August 24, 1797, it is authorized for Orthodox priests to do burials of Roman Catholic, Lutherans and Reformed, if there is no pastor of their confession and if the dead before death did not say anything against the invitation of the Orthodox priest. But in these cases the priest, vested in a stole and vestment, has to limit his participation to only the escort of the body of the departed from the house to the cemetery while singing "Holy God", without doing a Litiya and without proclaiming eternal memory.

"By the canons of the church (observes Metr. Philaret) it would be correct if the Holy Synod also did not resolve this. Resolving this, he used indulgence and rendered respect to the soul, having the seal of baptism in the name of the Father and the Son and the Holy Spirit on this. There is no right to demand more. However, those present who wished to sing a psalm or a spiritual concert before the escorted body and if the priest would allow this: there is no need to challenge this, as this is unopposed to the spirit of the instruction of the Holy Synod".

If thus the burial of a Roman Catholic is done, the priest has to report that to the Catholic priest for saying the prayers for the deceased under the charter of its Church.

Behind all that, Orthodox priests on the basis of church canons cannot read the burial service over dead non-Orthodox (even though Christian) according to the rites of the Orthodox Church, not to bring the non-Orthodox body before burial into an Orthodox church, nor to do after this home or church memorial services.

"It must be admitted that cases may be met, which are convincingly asking more indulgent orders. For example, if, during the non-availability of a Roman Catholic priest, he must do the burial of a Roman Catholic, who abandoned his Orthodox Christian wife and children, because there are persons interested to pray for them according to the rites of the Church; if thus it is known, that he honored the Orthodox Church, had awe for its holiness and rendered an arrangement to join it, but was preceded by an unintentional death: in this special and exceptional case the bishop, to whom this matter probably would be presented would be inclined to adhere somewhat to the above-stated example of Basil the Great. But such exclusive

acts, in which through faith and conscience the power of the active general laws is partly softened, cannot make the rules and enter into law"<sup>15</sup> (for more information see the *Sobranie Mnenie* (Collection of Opinions and Excerpts), suppl. vol., pp. 182-188).

They are taken to a cemetery for the burial of non-Orthodox in a nearby city, where an Orthodox Church is found (*Svod Zakonov* [Code of Laws], vol. XIII; *Ustav Vrachebnii* [Physician's Charter (Ustav)], art. 696, publ. 1892).

The Holy Synod decree No. 2359 of 27 Jun. 1890 explained that non-Orthodox cannot be buried in enclosures of rural churches and that concerning the burial of the dead persons by churches the decrees of 1833 and 1882 remain in force (see pp. 1233-1234 above).

III. Burial of bodies **of unknown people** who died on police premises or found dead outside of dwellings, is assigned to the police (*Svod Zakonov* [Code of Laws], vol. XIII, *Ustav Vrachebnii* [Physician's Charter (Ustav)], art. 705, publ. 1892); the priest, in the reasoning about committing such bodies of the dead to the earth, when there are no visible occasions or reason for doubt into the account of the departed becoming Christian, needs to be guided by those rules, decided in the 20 Feb. 1800 decree of the Holy Synod concerning the maintenance of bodies of departed non-Orthodox by Orthodox priests from the place to the cemetery (see above, 1245 p.), without doing the burial service according to the Orthodox Church rite<sup>16</sup> (*Ukaz Sv. Sinoda* [Decrees of the Holy Synod] addressed to the Taurian Bishop on May 17, 1873; *Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei* [Practical Manual for Church Servers], p. 274; see the *Tserkovniia Vedomosti* [Church News] 1897, 5; 1898, 14-15; see also the *Rukovodstvo dlia Sel'skikh Pastyrei* [Manual for Village Pastors] 1893, 20; *Tserkovnyi Viestnik* [Church Messenger] 1894, 23).

The Lithuanian Theological Consistory concerning the burial of unknown persons (in 1883) offered such an instruction to the management of the diocesan clergy:

a) Those unknown persons, about which, at the police inquiry, the hearing, as declared about Orthodox Christians, or those found in districts with a completely Orthodox population to bury in an Orthodox cemetery according to an Orthodox ceremony, - the priest of that parish, where the dead man is found, remembers in ektenias and other prayers: "this servant of God, or this handmaiden of God", and enters the act of burial in the metrical books on the basis of the police memorandum;

b) those persons, about whom nothing at all was heard, or died in districts with a prevailing non-Orthodox population, if at the police inquiry no doubts were declared that the unknown dead were Christians, are buried in the cemetery by the rite of burial of non-Orthodox

with the singing of "Holy God" and with the entry of the record about the burial in the metrical books, based on the memorandum of the police;

c) abandoned babies, whose origin are not known, but equally there are no sufficient signs in the form of notes and so forth of their baptism, giving the possibility to bury such in a Christian ceremony, but found near settlements and villages with a considerable Christian population and with external boundaries peculiar to the Christian population, are buried in a cemetery with the singing of "Holy God" and with a record in the metrical books, based on the memorandum of the police.

The Samarskoi Dukhovnoi Konsistorii [Samara Theological Consistory] explained to the clergy of the diocese that in the case of the memoranda of the police or hospital authorities about committing to the earth of the dead without the aforesaid concerning their name, for the Orthodox Christians, it is necessary to do the burial service according to an Orthodox ceremony and in ektenias to speak: "this servant or this handmaid of God"; if the memo says that the departed was of the Orthodox faith, then such are buried only with the singing of "Holy God", as Christians of non-Orthodox confessions; must enter in the metrics of such as it appears in the memos, that is, without the aforesaid name or other data (refer to note 2 on p. 1247 above), demanded under similar circumstances. (Kalen. d. dukh. 1884; Svod. Uk. i Zam. [Code of Ukases and Remarks]; see also the Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1888 44).

The Poltava Theological Consistory informed all clergy of the diocese that in the matter of burial of unknown persons found in fields and the forest, the priest and clergy need to act on the basis of police inquiry and their own careful and reasonable discretion (Poltavskiiia Eparkhial'niia Vedomosti [Poltava Diocesan News] 1891, 20).

**IV. The non-Christian stillborn**, even though after their betrothal name, or **incorrectly baptized** children **are** not buried in a ceremony of the Orthodox Church and **are not remembered**<sup>17</sup>. In cases of doubt one must apply to the diocesan power for permission (Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], 275 p.).

To do a burial in a Christian ceremony over the baby whose baptism is done by a midwife or generally a layman, but is not added by the priest in the case of death of the child soon after birth, and his baptism by the midwife is legal if the baptism is done correctly as through such baptism children become true members of the Church, and therefore even after death does not lose the right to be buried in an Orthodox Church ceremony<sup>18</sup> (Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1885, 47), and the priest, under fear of the strict

responsibility, should not refuse doing the burial service of the specified baby (Tserkovnyi Viestnik [Church Messenger] 1893, 9). If the baptism was done by the midwife incorrectly (without water, e.g., or without triple immersion or pouring, or by an incorrectly said baptism formula, etc.), the baby loses the right to burial according to the custom of the Church, as not entered, owing to the wrong baptism in Christ's Church<sup>19</sup> (Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1885, 47; refer to 1863, 11).

It is possible to bury children, baptized incorrectly or absolutely non-Christian and stillborn, in general cemeteries<sup>20</sup> (*Kr. kur. tser. prava [Short Course on the Rights of the Church]*, I. S. Berdnikov, p. 430; Tserkovniia Vedomosti [Church News] 1898, 17).

V. Premeditated suicides **are deprived of Christian burial**<sup>21</sup> (Timothy of Alexandria, 14; Nomocanon 178), (robbers) killed during a robbery (Art. of the Decree of Patr. Adriana, item 21) or killed in a duel<sup>22</sup> (Izlozhenie Tserkovno-Grazhdanskikh Postanovlenie [Statement of the Church-civil government Regulations], p. 154; Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 276). According to our operating Code of civil laws, those who lost their life intentionally, and was not insane, mad, unconscious, or temporarily lost memory from some kind of painful illness, if he belongs to one of the Christian religions, is deprived of Christian burial<sup>23</sup> (Ulozheniie o Nakazaniiah. [Code of Laws on Punishment], art. 1472, publ. 1885). Concerning the burial of those who suddenly died from excessive use of wine, the Ruling Senate, according to the opinion of the Holy Synod, decided (10 Jul. 1881), that burial cannot be carried out for persons who intentionally lost their life, accidentally perishing from the abuse of hard liquor<sup>24</sup> (drank to excess) (see Tserkovnyi Viestnik [Church Messenger] 1881, 41). Bodies of suicides the civil authority previously examined, then become buried according to the ceremonies of the Orthodox Church<sup>25</sup>, or lose Christian burial.

Modes of operation in similar cases are the following: 1) when there is a corpse that suddenly died, and therefore a suicide, then an inquiry into it is required, and the burial of the corpse is forbidden before this inquiry is completed (704 Art. Ustav Vrachebnii [Physician's Charter (Ustav)]; see pp. 1208-1211 above). 2) The police begin the investigation and in certain cases terminate it, but in others it is followed as a judicial - medical examination<sup>26</sup> (in the same place). 3) After research, the suicide may be unconscious and morally deranged or conscious and morally responsible. In the first case the suicide (if he belongs to one of the Christian religions) receives a Christian burial<sup>27</sup>, but in the second case loses such burial<sup>28</sup> (see the Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], pp. 276 - 277; Tobol'skiia Eparkhial'niia Vedomosti [Tobolsk Diocesan News] 1895, 6).

In the case of **suicide from insanity of mind known already** to the commissary of rural police, who verifies that, allows the burial of the body<sup>29</sup> (Svod Zakonov [Code of Laws], vol. II, Obshch. Uchr. Gub. [General Establishment of Provinces], art. 752, publ. 1892; refer to note 2 on p. 1209).

In the just specified case only a police inquiry is required. But in other cases of suicides it is impossible to bury without preliminary medical - police investigation (art. 704 of the Ustav Vrachebnii [Physician's Charter (Ustav)]), and, therefore, in these cases the existing civil law is applied to the solution of the question, the suicide may or may not be buried according to a Christian ceremony, - depending on the response of the doctor and police<sup>30</sup>; therefore, if the doctor points to an abnormal mental condition of the suicide, but in view of this the police reports to the clergy that from its side obstacles to burial of such is not available, then the priest needs to bury the suicide in a Christian ceremony (Tserkovniia Vedomosti [Church News] 1892, 38; Tserkovnyi Viestnik [Church Messenger] 1898, 2); the civil law, which would grant to the priest the right to refuse Christian burial of the suicide and after the receipt of the certificate from the police (after the judicial-medical investigation) has nothing about the impediment of its funeral<sup>31</sup> (Tserkovniia Vedomosti [Church News] 1898, 23); but in the case of any extreme doubt, the priest should ask instructions from his Bishop<sup>32</sup> (Tserkovnyi Viestnik [Church Messenger] 1898, 2). Thus it must be kept in mind that, in the metric record of burial of the suicide, it is necessary to make a reference to that document on the basis of which it is made, according to an Orthodox Church ceremony, burial of the suicide.

According to our operating Code of civil laws, "it is necessary to pull the body of the deliberate suicide away from the disgraceful place to the government official and there to bury"<sup>33</sup> (vol. XIII, Ustav Vrachebnii [Physician's Charter (Ustav)], art. 710, publ. 1892).

The order to bury the deliberate suicide belongs to police without participation of the priest (Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 277).

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<sup>1</sup> Bodies of dead dissenters are not buried differently than by their non-use of the priestly burial service, as after **investigation** of them by their **local police**, i.e. in the cities by the city, but in the villages by the rural, and under its supervision so that the burial was done not before the legal time (Visoch. povel. [Imperial Order] 3 Nov. 1838, item 1). This investigation simply consists in that it comes to whether there are not visible signs of violent death, and only in the case of thorough suspicious denunciation about that, the order, on the basis of the general laws, about the result of the judicial medical investigation (Visoch. povel. [Imperial Order] 28 Nov. 1839).

The duty of the inspection of bodies of the dead dissenters in settlements of peasant owners and temporarily the Saratov Province is to assign this to the local volost and village administration, with a presentation to extend this measure, in case of need, to the Minister of Internal Affairs and in other provinces (Visochaishe utverzhdennoe mnenie Gosudarstvennoye Sovieta [Imperial ratification of the opinions of the State Council] Polozhenie Komiteta Ministrov [Position of the Committee of Ministers], 26 Apr. 1863; see Barsov, T., *Sbornik deistv. i rukovod. tserk. i Tserk.-Grazhd. postan.* [Collection of actions and rulings of the church and church - civil decisions], vol. 1, p. 221).

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<sup>2</sup> **Record of death** of dissenters is made by the police in metrical books (see about this on p. 1168), but to the statement of departed relatives, or strangers, confirmed with indications of not less than two witnesses (Svod Zakonov [Code of Laws], vol. IX, Zak. o sost. [Law of Circumstances], appendix for art. 1093, item 24, publ. 1876).

<sup>3</sup> Owing to this article dissenters are forbidden to have special cemeteries; but if so, then they have to bury dead relatives in general **parish cemeteries**, though in places specially allocated to them, and therefore should not refuse participation, together with Orthodox parishioners, in the reduction in improvement of designated cemeteries (Tserkovniia Vedomosti [Church News] 1896, 37).

<sup>4</sup> Dissenters should not be pursued if they, having baptized the children born to them by the rules of the Orthodox Church, then bury them in a **dissenting cemetery**, from the desire to turn the body of the departed to the earth near the remains of his ancestors (Imperial Order 24 Apr. 1840; see Barsov, T., *Sbornik deistv. i rukovod. tserk. i Tserk.-Grazhd. postan. [Collection of actions and rulings of the church and church - civil decisions.]*, vol. 1, pp. 220 - 221).

<sup>5</sup> Orthodox priests should not bury **unrepentant** dissenters (Opr. Sv. Sin. [Decisions of the Holy Synod], Apr. 13 – May 2, 1806; Apr. 2-17, 1812; see Tserkovniia Vedomosti [Church News] 1896, 41; refer to 1895, 27).

<sup>6</sup> It is impossible to deprive someone of such Christian burial in the case that if there is only one thing unproven in the **suspicion of belonging to a sect**, so that, on the one hand, instead of the imagined sectarian not to deprive the Orthodox person of burial, though infirm in faith, with his other rashness and haste not to tempt the flock. It is better and more useful for persons, only suspected of sectarianism, to be buried according to the church rites, but to inspire these tempted Orthodox Christians that it is impossible to approach, as with pagans and publicans, with the subject about which it is impossible to say truly definitely, that they do not belong to Christ's Church; that in similar cases the trial of reposed persons, if they really were enemies of the Church, it is best of all to stand before the God to whom all hearts are open, knowing all the secrets of man (Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors], 1896, 32).

<sup>7</sup> Being their entire life "in the church", **Spasovtsy**, who before death already refused to accept the holy parting word, ask that they not be buried according to church ceremony, and the relatives of the dead also strive and take great pains burying according to their own practice and at most not to lay a nimbus on the departed. The issue concerning the burial of Spasovtsy is resolved canonically in the sense that everyone has not broken ties with the Church during their lifetime and were not separated by the church authority has to and must be buried in the usual order, according to the church rites; the unwillingness to confess and receive communion before death may be explained by many reasons and influences and therefore one can hardly form the basis for direct entry into schism for the few, maybe, hours before death (About the content of missionary conference at the 3rd Missionary Congress, - see Tserkovniia Vedomosti [Church News] 1897, 40; see also Tserkovnyi Viestnik [Church Messenger] 1893, 39).

<sup>8</sup> So e.g. the following **order of the diocesan authority** is known concerning the burial of dissenters and sectarians.

In the case of burial of the Khlysty, in the Samara Theological Consistory magazine on July 20, 1895 the resolution of the bishop followed, for the witness and management of the clergy of the diocese, as such: "Deprivation of Orthodox burial of imaginary Khlysty is one of the strongest measures against this heresy. Khlysty by all means need to be buried in a dissenting cemetery. In relation to concessions for them from the church authority should be: we specify the means for them to reconcile with the Church, the renunciation of the evil God heresy through oath, through whatever means not only to remove from them the suspicion of their evil, but also to grant the right to use all useful means for their salvation in Christ, by the true Son of God, once incarnate, for the sake of our salvation. If they do not wish to use the designated means, in a healthful or diseased state, then, naturally, we have to walk with them as with dissenter heretics both in life and after death. The Apostle Paul gives the instruction to his beloved disciple: "the heretic after the first and the second punishment (instruction, explanation) is denied". This rule is also for us, especially in the relation to the Khlysty, in view of their evil persistence, has obligatory meaning, that, if not through formal excommunication, then, at most, through their visible deviation from the Church as angry heretics, to inspire fear in Orthodox children which would keep them from enthusiasm for the Khlysty" (Samskiiia Eparkhial'niia Vedomosti [Samara Diocesan News] 1895, 20).

One of the resolutions approved at the congress of missionaries of the Kherson diocese (had been in October, 1896), the Most Eminent Archbishop of Kherson offered to the clergy of the diocese to watch the exact sectarian observance of Art. 49, vol. XIV, of the Ustav o p. i p. prest. [Ustav on the Prevention and Suppression of Crime], concerning burial of sectarians and their children; thus the sectarians, who repented before death, as reunited children of Church, have to be buried according to the rites of the church, and priests have to use all measures not to permit sectarians to their unauthorized burial; as for those cases, when relatives of dead sectarians ask priests about their burial, then, if they are baptized, priests may accompany them to the cemetery, as this is permitted for the burial of the non-Orthodox (Khersonskiiia Eparkhial'niia Vedomosti [Kherson Diocesan News] 1896, 24).

The Kazanskoi Dukh. Konsistorii [Kazan Theological Consistory] explained to the clergy of the diocese that dissenters, who have not reunited to the Church and did not express agreement with that, have to be deprived of Christian burial and their burial has to be transferred to the police department; however, if the Orthodox priest was invited, according to whatever case that would be, for the

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burial of the dissenter, who peacefully died, then he has the right to carry out the departed body in vestments and stole and to lower this body into the earth, while singing: "Holy God" as this is lawful concerning non-Orthodox (see Svod. Ukaz. i Zamet. [Code of Ukases and Remarks]).

The Kostromskiiia Dukhovnoi Konsistorii [Kostroma Theological Consistory] defined (see the decree of the designated Consistory, 27 January. 1895, for No. 1071), in the clarification of the doubt, met while burying irregular dissenters and to prevent complaints of the police to the Orthodox clergy concerning their refusal to bury dissenters, by circular decrees to declare to the management, to the clergy of the Kostroma diocese the following:

1) Those of them who were born from parents of dissenters have to be considered as radical or regular dissenters and were not baptized in Orthodox Church; those of them who after baptism belonged to the Orthodox Church and subsequently fell from it are not regular dissenters or leaning to schism. Both those and others, because they live within the bounds of parishes, are certainly shown in the latter lists, according to the circular decree of the Consistory of 1894, No. 577.

2) Persons, born and baptized in the Orthodox Church, and after that renounced or seduced into schism, but not excommunicated from the Church as the legal authority, after their death have to be buried by Orthodox priests, according to the church rites, especially, if there is an inquest that showed the sick wished to reunite to the Church before their death, and only were not allowed to do this by the dissenters surrounding them. Over the same dead who during lifetime of the constantly evaded from Church, before death did not wish to receive the Holy Mysteries and died with obvious hostility to Church, with extreme, obvious and hostile neglect of the Holy Mysteries, it is not necessary for priests to do a full funeral service, but it is only necessary for the priest, in vestments and a stole, to carry out the departed body to the cemetery and to lower it to the earth with the singing of: "Holy God";

3) Orthodox priests are forbidden to do the rite of burial or other prayers on graves of the persons born and baptized in Orthodoxy and then apostatized or seduced into the schism, and, after death buried by their dissenters;

4) those guilty of burial of Orthodox Christians (but, therefore, even those persons leaning to schism) without doing the appropriate ceremonies, in cases, when the invitation of the Orthodox priest for burial of the departed was possible and also not interfaced with special difficulties, are subject to arrest from three weeks to three months, about which cases, for the initiation of prosecution, clergy also have to immediately inform the diocesan administration with the appendix of an extract of the baptism and burial of the departed, generally, - documents on his Orthodoxy and with the indication of the persons guilty of the burial;

5) about the death of those leaning to schism, in case of burial by their Orthodox priests, therefore, and in Orthodox cemeteries, certainly, it is necessary to enter this immediately in the 3rd part of metrical books in the Orthodox Church; about the death of those leaning to schism, buried without the invitation of the Orthodox priest, in special places in Orthodox cemeteries, or in special dissenter cemeteries, the clergy should make record only according to the police message about the person (i.e. the calling, first name, middle name and surname) and the age of the departed, the cause of his death and the place of burial; e.g., in such form: "died 5-th of November, burial 9-th of the peasant village of Ryapolov, N - district, by N - volosts, N - parish, Ivan Andreev, 76 years of age, inflammation in the lungs; he is buried in the dissenter cemetery by his neighbors, without invitation of the Orthodox priest for commission of the burial according to the ceremony of the Orthodox Church, as verified by the police enclosed herewith November 15 of this year for No.". As for those called "wanderers" or "runners", then not to commit to the entry in metrical books of the death of such persons, because in the spirit of this sect it is impossible to certify with certainty: whether the follower died of it or from travels.

In view of this: 6) besides the presentation to Orthodox clergy of the above (item 5) of the relation of police about the death of the unwritten dissenter and its causes, there is no need to present in medico legal terms every time of the opening of the bodies of dead dissenters, which in necessary cases (i.e. openings) are precisely designated in the law (the 704th Art. of vol. XIII of the Ustav Vrachebnii [Physician's Charter (Ustav)], publ. 1892)".

<sup>9</sup> If efforts of the priest in this regard remain vain and the burial of the departed parishioner, leaning to the schism, will be done without his permission, then of course, the priest does not have the duty and to make an **entry about the death** of such person in the parish metrical books (Tserkovniia Vedomosti [Church News] 1895, 50; refer to note 4 on p. 1243).

<sup>10</sup> Before death **the non-Orthodox who became Orthodox** (see p. 959 above) have to be buried "according to all our rites of the Church" (Ukaz Sv. Sinoda [Decrees of the Holy Synod] 20 Feb. 1800), as Orthodox Christians (refer to note 1 on p. 1053 above).

<sup>11</sup> The Holy Synod decision of 10-15 Mar. 1847, decided:

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1) During the burial of military ranks of **Roman Catholic, Lutheran and Reformed confessions**, the Orthodox clergy can, by invitation, only do what is said in the decree of the Holy Synod of 24 Aug. 1797;

2) the Orthodox clergy have no right to read the burial service over such dead according to the rites of the Orthodox Church;

3) the body of the departed non-Orthodox of Christian confession cannot be brought for burial in the Orthodox church;

4) the regimental Orthodox clergy in such ranks cannot make house memorial services and include them in the church commemoration (Matter of the Archives of the Holy Synod 1847, No. 2513; see *Sobranie Mnenie* (Collection of Opinions and Excerpts), suppl. vol., p. 188).

What is said and decided concerning the burial and commemoration of military ranks of non-Orthodox Christian religions, then, it is clearly understood, has application also to all non-Orthodox Christians who are not in the military service; the diocesan administration cannot allow burial of the non-Orthodox in an Orthodox ceremony (*Tserkovnyi Viestnik* [Church Messenger] 1896, 23).

**Burial of Armenians** in the specified case (see Ukaz Sv. Sinoda [Decrees of the Holy Synod] 17 Jun. 1818) the Orthodox clergy does the same way, as well as burial of non-Orthodox generally, i.e. with a once singing of "Holy God", without the singing of a Litiya and without exclamation of eternal memory (*Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei* [Practical Manual for Church Servers], p. 274; see also the *Tserkovnyi Viestnik* [Church Messenger] 1896, 51-52).

It is self-understood that if burial of persons of the Armenian-Gregorian confessions is done by the Armenian-Gregorian clergy, then the Orthodox priest should not take part in such burial (see *Rukovodstvo dlia Sel'skikh Pastyrei* [Manual for Village Pastors] 1883, 50; 1885, 49; *Tserkovnyi Viestnik* [Church Messenger] 1888, 27, 49; 1894, 51-52; refer to 1888, 49).

<sup>12</sup> Carrying out the coffin with a deceased non-Orthodox to any **room in the temple** and the decision there of this coffin also are not necessary (for more information see the *Pskov. Eparkhial'niia Vedomosti* [Pskov Diocesan News] 1899, 15).

<sup>13</sup> It is self-understood that while a similar burial should not take place, **neither should the nimbus nor the prayer of absolution should be used** (*Tserkovnyi Viestnik* [Church Messenger] 1889, 7; refer to note 3 above on p. 1198).

<sup>14</sup> Foreign (but equally also Russian) citizens of other Christian confessions buried by Orthodox priests (while singing: "Holy God", during the carrying to the grave), have to be (with an appropriate mark about religion of the buried and the way of burial) **entered in the metrical books** of that Orthodox parish where the burial of specified persons was done (*Opr. Sv. Sin.* [Decisions of the Holy Synod], 29 Oct. 1882, No. 2282; refer to *Tserkovniia Vedomosti* [Church News] 1898, 15).

<sup>15</sup> The question of legality from the point of view of the canons of public prayer of Orthodox clergy **for dead Lutherans** was also offered with the permission of the Metropolitan of Moscow Philaret, and here is how the prelate answered the question: This question "is not really proper for permission. You want to have the basis for permission that Macarius the Great even prayed for the pagan who died. The audacity of the wonderworker to turn what is inconvenient into the general rule. Gregory Diologos also prayed for Trajan: also received the notice that his prayer is fruitful but that he did not ask such audacious prayers from then on. It is blessed about the faithful husband and faithless wife; - it is said about cohabitation and child-bearing, but not about the rights of pagans in Christ's Church.

In St. Petersburg one boyar widow undertook the building of a church under which she and her Lutheran husband was buried. The master Seraphim (Metropolitan of St. Petersburg) was asked about this.

"Good people convinced me to tell the master the word for the achievement of indulgence, and I presented that the church is not yet consecrated and that the Lutheran husband also was allowed in the consecrated church during marriage ceremony. The master did not deign; my petition was announced, and the jealousy about Orthodoxy I much condemned. To do the matter not according to the rule for the consolation of one, but without temptation for the many, I think, would not be blessed. About the living Lutheran it is possible to sing a molieben and to ask God's grace for him, attracting to unity of the true Church, but about the dead is another matter. We do not condemn him; but he wished to remain up to the end outside the Orthodox Church. Knowing some Lutherans who had faithful respect for the Orthodox Church, but died out of unity with it: I permitted them the prayer which is not opened in Church in the consolation of eternal truth, with which they did not openly unite in life, but in the commemoration in the liturgies of preparation,

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and memorial services in the house. The Synod rule allows for such single church action, - that the Orthodox priest in vestments led the non-Orthodox departed to the grave, with the singing of "Holy God". I cannot say more on the question" (Sobranie Mnenie [Collection of Opinions and Excerpts], suppl. vol., p. 186; Tserkovniia Vedomosti [Church News] 1898, 5).

<sup>16</sup> As for **record according to metrical books**, then (according to the same decree of the Holy Synod addressed to Taurian Bishop, on May 17, 1873), with the uncertainty of the calling, name and surname of the departed, a similar record not having practical value, cannot be recognized as also corresponding to the goal before entry into the metrical books (ibid.).

<sup>17</sup> **The woman, guilty** in this with shame or fear, though will not destroy her illegitimate child, but will leave him unaided, and the baby will lose life from this, is sentenced to deprivation of all special, personal and according to the appropriate condition, the rights and advantages for this and exiled for life to Siberia or to an imprisonment for a while from one and a half to two and a half years; if once it is proved that the child was born dead and the mother, excited with shame or fear only, hid his body instead of declaring this as followed, then she is exposed only to imprisonment from four to eight months for this (Ulozheniie o Nakazaniakh [Code of Laws on Punishment], 1460 Art., publ. 1885).

<sup>18</sup> According to the instruction of the "Tserkovnyi Vestnik [Church Messenger]", the dead child of Orthodox parents but **who is correctly baptized by the Lutheran midwife** should be buried in an Orthodox ceremony (Tserkovnyi Viestnik [Church Messenger] 1894, 28).

<sup>19</sup> According to one explanation, children should not be entered into **the metrical book**, who are either baptized incorrectly or not baptized at all (Tserkovniia Vedomosti [Church News] 1898, 17); but, according to other indications, the dead without baptism must be written down in the first and third parts of the metrical book, but the first part of the metrical book is for those born (Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 353; refer to the metrical books for persons of the Evangelical Lutheran confessions in vol. IX of the Svod Zakonov [Code of Laws], art. 1064 and 1070, publ. 1876).

<sup>20</sup> In the capitals and the cities preliminary presentation **of the doctor's certificate** of the stillborn to the police is required (Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 275).

<sup>21</sup> **The suicide committed after careful consideration and consciously**, but not in an insanity attack, the Church recognizes as so grave a sin as if it were the life of another (murder). Life for each person is the most precious gift of God; therefore, whoever self-consciously loses his life, blasphemously rejects this gift. This in particular must say something about the Christian, whose life doubles as a gift of God and by nature is also the grace of atonement. The Christian imposing on himself the hand of murder doubly offends God: both as Creator and as Propitiator. It is self-understood that such an act can only be the fruit of full disbelief and despair in the Divine Providence, without Whose will, by the evangelical word, "not even a hair falls from the head" of the faithful. And whose alien belief in God and hope in Him is also alien to the Church. She looks at the willful suicide as the spiritual descendant of Judas the traitor who, having renounced God and was cast out by God, "hung himself". Thus it is clear that in our church and civil legislation the conscious and willful suicide is deprived of church burial and commemoration (Pavlov, A., *Nomokanon pri Bol. Trebnike [Nomocanon in the Great Book of Needs]*, pp. 320 - 321).

<sup>22</sup> Catholics at the Tridentate Council decided on the rule forbidding burying **those killed in a duel**, or single combat with a church ceremony. The Eastern (Greek) Church does not have such a canon in its canonical codex as this event was not presented to it in its edition (in the middle ages duels were not in custom among the Greeks). But something similar to the western duels is present in the ancient Russian "field" of a judicial duel between litigants. Our spiritual hierarchy quite equated murder cases "in the field" to cases of voluntary suicide, i.e. refused those killed from church burial (Russian Istor. Bibliot. vol. VI, pp. 276 - 278). In the existing Russian criminal code duels are forbidden (Ulozheniie o Nakazanakh [Code of Laws on Punishment], art. 1497-1519), but in it nothing is said about the burial of those killed in a duel (Pavlov, A., *Nomokanon pri Bol. Trebnike [Nomocanon in the Great Book of Needs]*, pp. 323-324). Published in 1894, the duel in certain cases is even permitted by rules about duels of military ranks, as "the only decent remedy for the offended honor of the officer" (see Prik. po voen. vedom. 1894, No. 118, 119); but also in these rules nothing is said about the burial of those killed in duels which took place according to these rules. The absence of explanations in our operating civil legislation concerning the burial of those killed in duels; there are no corresponding instructions for the management for priests, and in the existing resolutions of our higher church authority. In view of this, if the priest, in his pastoral practice, needs permission concerning the burial of the person killed in a duel, then he must be guided by the local Bishop's instructions in that case.

<sup>23</sup> The premeditated **suicide stopped by an outsider**, not depending on him by circumstances, is turned over, if he is a Christian, to church repentance according to the rite of the spiritual administration (Ulozheniie o Nakazaniakh. [Code of Laws on Punishment], p. 1473).

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The diocesan authority not only has the right, but also should accept under its supervision matters about attempted suicides before a preliminary investigation of these matters by the secular department (for more information see the Tserkovniia Vedomosti [Church News] 1892, 19).

Attempting suicide, after his death, of course, does not deprive him the right for Christian burial (Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], pp. 277-278). Generally it must be kept in mind that whenever there was a crime of a member of the Orthodox Church, but if he repents, Church gives him Holy Communion before his death (see pp. 1061, 1064-1065 above), but consequently also the Christian burial service and burial (Nicodemus, Bishop of Dalmatia, *Pravosl. tser. Pravo [Orthodox Church Rights]* p. 496).

<sup>24</sup> Those who died from hard drinking, - drank vodka to excess, - cannot be placed in the category of suicides, but therefore burials according to the ceremony of the Orthodox Church have to be awarded. It would seem that drinking to excess would be possible to place in the category of deliberate suicides, at least then, when the inquest positively stated that he drank to lose his life, and that he gave birth to the thought of suicide and it ripened while in a sober state; but also in this case it is impossible to compare the fault of the suicide - poisons the fault of any other deliberate suicide, because death from excessive drinking is preceded by the obscuring of the mind, that does not happen while using other means for a conscious suicide, e.g., shots, a knife and so forth, but the absence of the criminal's consciousness at the moment of death, at least before that even the thought to lose one's life, appears the circumstance depriving such suicide of a criminal character; if one is to assume that while drinking to excess the thought **of suicide** is already **in the state of intoxication**, under its influence, then such suicide obviously must consider as having raised against himself hands outside himself, out of mind (canon 14 of Timothy of Alexandria), in temporary unconsciousness (art. 1472 of the Ulozheniie o Nakazanakh [Code of Laws on Punishment]). Such opinion on those who drank to excess was expressed in 1877 by the Don Theological Consistory. Having taken this opinion into account and having quite agreed with it, the Tobolsk Theological Consistory in 1894 recognized as worthy of Christian burial of one who hanged himself from intoxication, as it appeared in the medical examination, declared this in a note to the clergy of the Tobolsk diocese with the prevention that upon receipt of the corresponding letters from the civil power, the priests have no right to evade the burial of specified persons according to the rites of the Orthodox Church, under the fear of being called to account (Tobol'skiia Eparkhial'niia Vedomosti [Tobolsk Diocesan News], 1894, 6; refer to p. 1211 above). But the Samara Theological Consistory in 1894 recognized as correct the refusal of one of the clergy of the diocese in the burial in an Orthodox ceremony of a woman who hung in a state of intoxication; and the local Bishop posited such a resolution in relation to this woman to this decision of the Consistory: "I only allow to do a commemoration with charity in her memory, but have decided not to allow her burial service according to the rites of Orthodoxy" (see Kishinevskii Eparkhial'niia Vedomosti [Kishinev Diocesan News], 1894, 10; refer to the Tserkovnyi Viestnik [Church Messenger] 1894, 23).

<sup>25</sup> If the suicide is done in an attack of crazy madness, then the body of such suicide for burial service is brought into church and at the burial and commemoration of such suicides the full Orthodox ceremony is observed (Tserkovnyi Viestnik [Church Messenger] 1891, 31; see also the Kurskiia Eparkhial'niia Vedomosti [Kursk Diocesan News] 1872, 9); but only in such cases, as Metr. Philaret recognized, more appropriate is to have a "humble burial"; the named Archpastor strictly criticized the **solemnity at the burial of the suicide** and considered such burial seductive for others. "If you wish to adorn the unfortunate death with burial," - he spoke concerning one suffering hypochondria and having fallen to an attack of this infirmity is shot, "you prepare an insult for the pious death, equally for the unfortunate with it. Whether your subordinate can instructively see from your orders that the thin death may be also adorned as well as pious? Whether this is also temptation for the stranger? Whether it will be pleasing to God to be magnified when God sent the humbling event?"

"The Providence of God is not incidentally allowed by a shocking event, but either in punishment or in instruction. What instruction may we borrow from what happened? Do you ever know in light of hypochondriacs and those with mental damage which troubles their life transfer and if they do not protect themselves, Providence protects them? Why is this? Whether therefore that there were a few good thoughts and feelings in them before inculcation and the good matters were in their former life, owing to what does not remain protecting all their grace? If the enemy of souls is allowed to play with human life, then whether or not there was therefore enough confirmation in him before the beginning of good with which the protection of grace will be connected?" (Letter of Metr. Philaret to Archbishop Alexei of Tver, pp. 7-9). This wise judgment of the Moscow Archpastor is especially valuable today with the multiplication of suicides strengthens a favorable attitude towards them (Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1894, 36; refer to. Acts of 3rd All Russian Missionary Congress, p. 218).

<sup>26</sup> If the priest exactly knows that the known person committed suicide, then he is obligated **to insist on the strict observance of the law**, in which the suicide can be buried according to a Christian ceremony only after a judicial - medical examination, with the issue of the police certificate to such burial is that it does not meet obstacles (Ustav Vrachebnii [Physician's Charter (Ustav)] Art. 704), which certificate is issued only in the case that it is established that the suicide lost his life in an attack of insanity, madness, or

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temporary unconsciousness from any kind of painful attacks(art. 1472 Ustav o nakazaniiax [Ustav about the punishment], publ. 1885). For non-compliance with this order the priest can be subject to responsibility according to art. 860 of the same Code (see note 1 on p. 1208). In view of this, the invitation of the administration for the burial of these latter suicides according to a Christian ceremony, for the priest cannot have any obligatory meaning, or for doing a solemn memorial service for one, is if along with this invitation the priest doesn't also receive the mentioned police certificate (Tserkovniia Vedomosti [Church News], 1898, 41).

<sup>27</sup> The civil power is not competent to solve the question of **what the necessary church order is to do the burial service over this or another suicide**, for the burial which does not meet obstacles from police or forensic medicine. Therefore the presentation of requirements of this sort for it from the clergy is presented as excessive, especially, as there are cases of suicide of persons "not known at all", and whose religion is sometimes difficult to define. In all similar cases the solution of the question of the rite of burial has to belong to the clergy obligated to the management through these indications of the church authority (Tserkovnyi Vestnik [Church Messenger] 1888, 14). - See pp. 1247 - 1218 above.

<sup>28</sup> Such cases of suicides concerning which there are no certain explanations in the existing statutes can, of course, be met in the practice of the priest. In such **doubtful cases** priests should turn to the local Bishop on whom the discretion for this or that decision met in difficult pastoral practice depends.

The most eminent Isidore, Metropolitan of St. Petersburg, to one of local archpriests, who was finding it difficult to do a burial of suicide (who threw himself from a fourth floor window) in an Orthodox ceremony (concerning which suicide it seems was definitely not established that it was done in a conscious state), gave such an answer: "I was told that one of the former Petersburg Metropolitans who argued in similar cases with me so: if the devil swore over the suicide's body, we will not allow that he swore also over the soul of the unfortunate departed"; after such an answer the memorable archpriest did not find it difficult to do the ceremony of Christian burial over the suicide (Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 277). But other Archpastors ordered priests differently to approach cases similar to the above (see note 1 on p. 1250 and note 3 on p. 1252).

<sup>29</sup> By the explanation of the "Tserkovnyi Vestnik [Church Messenger]" if a careful police investigation is not found, whether the death was intended (suicide), or **the death followed from his carelessness**, then the priest can refuse to read the burial service over such person as under the law he is obliged to read the burial service in an Orthodox ceremony, only after a certain and exact notice of police that the death followed from carelessness (Tserkovnyi Vestnik [Church Messenger] 1894, 38; refer to note 1 above, and to note 1 on p. 1250).

<sup>30</sup> By an explanation of one, those suicides who die of violence to themselves, but **after the violence to themselves they lived some time until their death** and repented the attempt at suicide, received Christian burial without judicial - medical examination of their bodies (Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1894, 36; Tserkovnyi Vestnik [Church Messenger] 1892, 18). By an explanation of others, the priest, who buried the suicide without a judicial - medical examination, at least for them and who received the Holy Mysteries before death, is exposed to responsibility as in this case such investigation is necessary for the definition of whether it was possible to bury the suicide in a Christian manner (Tserkovnyi Vestnik [Church Messenger] 1893, 45; 1894, 10; refer to 1891, 15). But that basis on which the second explanation leans, it is hardly possible to consider having a relation to the case specified in this explanation. In this case the worthiness or deprivation of Christian burial of the suicide depends on his repentance of the crime and if he received the Holy Mysteries before death, then it is recognized, as he repented, he is worthy of both this parting word and Christian burial (see note 5 on p. 1249 above ). As for the need for the priest to have in this case generally the certificate from police about the absence, from its side, of obstacles in committing the body of the stated suicides, then, according to the sense of the operating civil legislation, bodies of similar persons are interred without the specified police certificate (see p. 1209-1211 above), delivery of which the very fact, by the way, serves also as the certificate of the execution of the police inquiry on this occasion, turning on whether in circumstances of this case any crime of other persons is hidden, whether the departed was inclined to suicide, whether the authorities who prompted him by their abuse over him, and so forth (see Ulozheniie o Nakazanakh [Code of Laws on Punishment], art. 1475 and 1476, publ. 1885).

<sup>31</sup> The Samara Theological Consistory declared to the clergy of the diocese that **police permission** to bury the suicide does not still make the instructions obligatory for execution (excluding, of course, that case of suicide about which it is spoken of in art. 752. vol. II of the Svod Zakonov [Code of Laws], - see p. 1251 above) but only that the notice from police does not present obstacles to burial of a famous person, but that the medical - on the basis of an investigation of the corpse this certificate that the famous person lost his life by an abnormal condition of spiritual powers, makes a committing to the earth of a body of such suicide obligatory for the clergy as the certificate for that in this case the death had no reason due to despair or unbelief (see Kishinevskii Eparkhial'niia Vedomosti [Kishinev Diocesan News] 1894, 10).

The Warsaw Chief of Police received the circular proposal of the Minister of Internal Affairs to observe that at the police delivery of certificates of permission for the burial of suicides in a Christian ceremony accurately observed the requirements of the

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law. This circular is provoked by the circumstance that the Holy Synod from having the data in its instruction saw that burial of suicides quite often is done in a Christian ceremony contrary to church and civil legislation on the basis of which Christian burial of the persons who lost their life is allowed only in that case where there are certificates of the physician that the suicide is done in madness, or temporary insanity, from some kind of painful attack or unconsciousness (Litovskiiia Eparkhial'niia Vedomosti [Lithuanian Diocesan News] 1887, 42). - Refer to note 1 on p. 1251 above.

<sup>32</sup> By an explanation of some, after the judicial - medical examination (whoever did the later - although by a Lutheran or even by a Jew), - the parish priest, upon receipt of the necessary certificates about this, does not have the right to refuse commission of the burial of such departed; the civil authority, reporting that "the famous suicide does not meet obstacles to burial", thereby exempts the clergy from legal liability before the judicial authority for the consequences of burial of this person; **the priest is not granted the right to enter into similar research of the facts of the matter** and the legal analysis of the motives, which the civil power administered in its official statement (Tserkovnyi Vestnik [Church Messenger] 1888, 5, 14; also see 1897, 4).

But the 14th canon of St. Timothy of Alexandria stipulates that the priest in each separate case of suicide personally verified the valid reason of the suicide, but would not rely on the certificate of persons, close to the suicide, who, wishing to deliver a church burial and commemoration to the suicide, often lie, claiming that the unfortunate: lost his life, being "out of mind".

At the present time, when suicides occur, it is possible to say, epidemic in our public life (about the reasons of suicide and a moral assessment of this contemporary public illness see for more information Bogoslovskii Vestnik [Theological Messenger] 1898, 3), such an untruth is usually covered by the formal medical certificate that the suicide is committed to a condition of unconsciousness and insanity, and on the basis of this document priests consider themselves not only in the right, but even obligated to bury suicides in a church ceremony without any research and objections from their side.

In recent times Bishop Macarius of Tomsk rose up against such an anticanonical practice which is clearly favoring an increase in the number of suicides (Pavlov, A., *Nomokanon in the Great Book of Needs*, pp. 321-322).

The Tobolsk Theological Consistory issued an order to the diocese according to its proposal that

1) priests be guided by the law with all accuracy and persistently in all cases of suicides (see pp. 1249-1251 above) by statutes and church canons;

2) buried in a Christian ceremony in Orthodox cemeteries, complete with church burial services and memorial services, only those suicides about whom the judicial - medical investigation certified and is known to each and all, that they lost their life in clearly obvious madness, insanity or unconsciousness, but conscious suicides, not having mental diseases, were refused burial;

3) in other cases of doubtful or obviously not conscious suicides they did not interfere, on the basis of judicial - medical certificates, without the priests refusing to bury the body to specified place, to following orders of the diocesan administration on this subject, to carry out the body to a grave with singing only "Holy God" and doing a short Litiya outside the church, that is provided for their personal discretion;

4) previously explained to relatives of such suicides, that the burial according to church rites and then the parting memorial services and commemorations can be done only with the special order of the diocesan administration, about what they, the relatives, have to petition, with the submission of all data able to cause the favorably desirable solution of the matter (Tobol'skiia Eparkhial'niia Vedomosti [Tobolsk Diocesan News] 1895, 6; Tserkovniia Vedomosti [Church News] 1895, 29).

This order of the Bishop of Tobolsk ordering priests of the diocese that they, on the basis of the precise meaning of the 14th canon of Timothy of Alexandria, certainly did not rely on memory of the medical certificate, but would be guided by their personal data on the physical and mental condition of their parishioners, unexpectedly impressed on his hand, quite as Prof. A. Pavlov says, correct but concordant with the essence of the matter. In the purely church matter (what kind of burial and commemoration service of the deceased), of course, must also execute the law of the church, and besides is in its valid force, but not only in the form, ordered for its execution in the civil law. The civil legislator can at all refuse the view on the suicide, as on a crime which is subject to this or that punishment (as also really accepted in the entire West - European criminal codes). But the Church, of course, will never cease to look at the same action as one of the heaviest sins, and the issue of the attitude of Church towards suicides has to be resolved on the basis of church law, i.e. the 14th canon of St. Timothy of Alexandria. It is self-understood that priests in the management during the execution of this church law and in the prevention of misunderstandings possible from their side, need the edition of special rules on this subject from the higher spiritual authority (Pavlov, A., *Nomokanon pri Bol. Trebn. [Nomocanon in the Great Book of Needs]*, 322 - 323 p.). Really, as the "Tserkovnyi Vestnik [Church Messenger]" claims, several years ago, on an initiative of one of the hierarches of the Russian Church was brought the question of granting in similar cases to Orthodox priests a larger role in the decision in each separate

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case of that suicide, it follows, or it is not necessary to bury the suicide according to a Christian ceremony; but this question remains open and priests need to submit to the operating order, i.e. in all those cases to bury when it is given the notice of the no obstacles to the funeral which is subject to the secular authority (Tserkovnyi Vestnik [Church Messenger] 1897, 19). However this does not exclude the right and the priest's duty, as noticed above, in difficult cases to turn to the local Bishop for instructions, especially only from its side when the police notice about the absence of obstacles to the burial of the suicide is submitted to the priest, but meanwhile the priest knows that suicide was apparently committed in a conscious state. In the same dioceses where the local diocesan administration issued special administrative instructions on the relatively given subject, the local clergy, of course, also has to come to agree with these instructions.

<sup>33</sup> The Tobolsk Theological Consistory explained to the clergy of the diocese that suicides deprived of Christian burial should be entered into the **metrical books**, with designation that such is a conscious suicide, buried without the burial service if, of course, the official certificate about such suicides is received from the subject authority; because the metrical record, besides the statistical data taken from them, are important for each member of society in different circumstances of life (Tobol'skiia Eparkhial'niia Vedomosti [Tobolsk Diocesan News] 1894, 6).

"The Tserkovnyi Vestnik [Church Messenger]" also explained that the third part of the metrical book has to note the suicide deprived of Christian burial and exactly what the matter was, i.e. died such death and not awarded Christian burial because of this, but is interred (Tserkovnyi Vestnik [Church Messenger] 1895, 21; see also 1897, 4).

*S. V. Bulgakov, "Handbook for Church Servers", 2<sup>nd</sup> ed., 1274 pp. (Kharkov, 1900) pp. 1242-1253.  
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