

# The Cremated Catholic: The Ends of a Deceased Guatemalan

Stanley Brandes

*In this selection, Stanley Brandes describes the cross-cultural complexities arising from the accidental death of an immigrant Guatemalan living in the San Francisco Bay Area. The deceased, given the pseudonym "Axel Flores" by Brandes, could be buried in the Bay Area, cremated with the ashes disposed locally, or cremated with the ashes shipped to Guatemala. The most expensive option was to send the corpse back home for burial. Axel's father in Guatemala immediately rejected cremation, believing it was necessary to have his son's recognizable presence at the wake. A disintegrated body was unthinkable. The father insisted that his son's corpse be returned home and given the traditional ceremonies of his native village and those sanctioned by the Catholic Church. The story quickly became further complicated when Axel's sister, living in San Francisco, discovered not only that the San Mateo county coroner had confused her brother's body with that of another recently deceased man but also that the body had been sent to a funeral home and cremated. Because of his knowledge of Latino cultures, Professor Brandes was hired as a researcher and consultant by the lawyer representing Axel's family. Brandes discusses the ensuing legal suit by Axel's family against San Mateo County and the funeral home, observing that the complex legal proceedings demonstrate the globalization of liability claims and the monetary value of a mishandled corpse. As part of his research on the case, Brandes visited Axel's village in Guatemala and learned why the family so strongly resented cremation, noting especially the family's concern over the deceased's destiny in the afterlife and their own status within the village. Further complications discussed by Brandes involve the differing beliefs about cremation held by Roman Catholic teachings, the Guatemalan Catholic clergy, and village parishioners.*

Stories about the commodification of dead bodies are generally sad and this one is no exception. The body in question belongs to a 31-year-old Latino

migrant to the San Francisco Bay Area. On the night of 11 December 1994, in the city of Brisbane and for still unclear motives, the man strolled onto a busy highway, where he was hit by a car and instantly killed. His body was brought to the San Mateo County Morgue and was identified as that of Axel Flores, my pseudonym for this Guatemalan, who had come to the USA, among other reasons, to escape from dangers presented him by the civil war

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then raging in his native land. At the time of his death, Axel had already established a police record in northern California, a circumstance which facilitated his ready identification through fingerprints.

Axel's sister, residing in San Francisco, was immediately notified of the accident. She consulted with her parish priest, who reviewed her options and informed her that cremation was the least expensive choice. She then telephoned her father in Nahualtenango—the name I give to the small village near the southwest coast of Guatemala, where most of Axel's family still resides—to explain the alternatives to him and find out how he wanted her to dispose of the body. Axel could be buried in the San Francisco Bay Area, cremated with the remains shipped to Guatemala for burial, or cremated and the ashes disposed of locally. By far the most expensive alternative was to send Axel's corpse to Nahualtenango for burial.

When presented these alternatives, Axel's father immediately rejected cremation as utterly unthinkable. Despite the enormous cost, he insisted that the corpse should be returned to Nahualtenango intact so that his son could undergo the proper mortuary ceremonies—that is, ceremonies traditional to Nahualtenango and those commonly believed to be sanctioned by the Church. In order to follow through on this decision, Axel's father mortgaged his simple house and borrowed money at high interest from a moneylender in order to secure the necessary funds on short notice. Back in San Francisco, Axel's sister arranged to collect the body from the morgue and ship it to Guatemala. When she arrived to identify the body, however, she was presented first with one, then another cadaver, neither of which was Axel's. Investigation revealed that the County Coroner had confused Axel's body with that of another recently deceased man. (The Coroner's office explained feebly that both men were heavy and dark-skinned.) Axel's body, released to a funeral parlor several days earlier under the incorrect name, was accidentally cremated before the error could be detected. A thoroughly irreversible mistake had occurred. This case precipitated a legal suit by Axel's family against both San Mateo County and the funeral parlor. The funeral parlor settled with the family out of court. The complaint against San Mateo County, however, remains unresolved because the US embassy has refused to issue visas to the deceased's family to

travel to California for deposition. Until Axel's aggrieved relatives can make their depositions, the case can come to no final resolution.

The lawsuit of Axel's family against a funeral parlor and a California county morgue demonstrates globalization of liability claims as well as the potential monetary value of a mishandled corpse. US lawyers representing the family have asked for a total of \$300,000 from the two defendant agencies. The plaintiffs' mediation brief states that:

Under California law, a decedent's family and heirs have sole authority over the disposition of the remains following a death. Plaintiffs' authority in this regard was violated through a chain of errors, oversight and insufficient safeguards. . . . Beyond a doubt, the law holds that persons situated such as plaintiffs have standing to assert a claim for damages due to the mishandling of a corpse. *Quesada v. Oak Hill Improvement Co.* (1989) . . . establishes that individuals, entities and businesses engaged in the practice of handling a decedent's remains owe a duty to persons such as plaintiffs, and can be held liable for the negligent mishandling of a decedent's remains.

The monetary claims of Axel's family are, nonetheless, somewhat unusual. As the plaintiffs' mediation brief itself explains, "We are presented with a situation that is relatively rare in our practice—a case where the sole damages are for emotional distress."

The plaintiffs, Axel's father and siblings, claim that his accidental cremation has caused undue hardship and suffering. They harbor two interrelated concerns: first, Axel's destiny in the afterlife, and, second, their own status within Nahualtenango. Consider first Axel's presumed destiny. In Guatemala, say family members, the very idea of cremation is repulsive. "It's the way you treat a dog," states Axel's older brother, Genaro. Moreover, it is "a sin," says one of Axel's sisters; it is sinful not only for those who carried out the deed, but also for Axel himself, despite his innocence in the matter. There is no doubt in the minds of Axel's entire family that he will be barred forever from heaven. "*Está sufriendo el alma*"—"His soul is suffering," they claim. In the body's cremated state, the soul can never find release. Cremation itself is sufficient to prevent salvation.

The family adheres strongly to this belief, even though it controverts Roman Catholic teachings. In fact, since the Second Vatican Council in the

mid-1960s, cremation has been permitted. It is also fair to say, however, that it has never been encouraged. The extreme infrequency of cremation in Latin America perhaps explains why clergy themselves are uncertain about its legitimacy. When Axel's family approached their parish priest with the confidential news that he had been cremated, the priest was stymied and forced to display his ignorance of Church policy. Catholic law requires that a *misa del cuerpo presente*—a Mass of the Present Body—be celebrated the day after a person dies. But, in the absence of the intact body, could the Mass of the Present Body be recited? The family had held a wake in Axel's father's home. However, it was a highly unconventional wake, taking place several weeks after death had occurred and in the absence of a corpse. Unwilling to risk making a decision contrary to Church teachings, the parish priest decided against celebrating the Mass of the Present Body. Subsequently, however, he did celebrate two additional customary Masses: one commemorating 40 days after death, the other commemorating the first anniversary of the death.

As a researcher on this legal case, I consulted with the two parish priests of Santo Tomás in nearby Chichicastenango, who agreed that, despite the concerns of Axel's family, cremation would not automatically bar the deceased from entering heaven. One of them replied matter-of-factly, "How can we ever know who will enter heaven and who not?" Nor had the priests heard of a single instance of cremation in all of Guatemala, despite the incontrovertible presence of crematoriums. In fact, crematoriums, a recent introduction into the country, advertise on Guatemalan television and radio. To promote business, they use the airwaves to combat popular claims that the Catholic Church opposes cremation.

Padre Alberto, the older of the two Chichicastenango priests, vigorously denounced these commercials as false advertising. At the beginning of our interview, he steadfastly maintained that the Church always has and still does oppose cremation. Only after being challenged by Padre Rodolfo, his younger, more learned colleague, did he waver. "As far as I know," said Padre Alberto, "the Church neither opposes nor approves of cremation. It has never said anything about the matter." Padre Roberto is well informed about Church policy; as we sit here today he is in Rome, probably being groomed for a

high-level Church post. Even he, however, is beset by uncertainty. For example, he was wrong about his estimation of when cremation became legal. "Surely it came in with the present Pope," he said. Nor can he define authoritatively proper mortuary proceedings in a case like Axel's. He would only speculate that, when cremation occurs, the Mass of the Present Body should be celebrated prior to actual incineration.

If this interview indicates the general state of affairs in provincial Guatemala, is it any wonder that Axel's family flatly rejects cremation? In 1997—exactly 34 years after the Vatican legitimized cremation—the Guatemalan clergy still shows utter unfamiliarity with how the cremated body should be treated. This circumstance clearly undermines the time-honored anthropological distinction between religious orthodoxy and popular belief (Badone, 1990). A "two-tiered" approach to religion (Brown, 1981), in which the unreflective beliefs of the superstitious but devout masses are distinguished from the religious teachings of an erudite clergy, is entirely inapplicable to the case. With regard to cremation, the Guatemalan clergy seem as ignorant about procedure as do their poorly educated parishioners.

But, according to Axel's family, his destiny in the afterlife depends upon more than adherence to proper ritual. The very disintegration of his body, that his body has lost its wholeness, is equally threatening. During my brief visit to Nahualtenango, Axel's brother Genaro reiterated numerous times the statement from the Creed, which is recited in every Mass: "*Se levantarán los muertos,*" "The dead shall rise again." Genaro shrugs his shoulders and throws out his arms in despair as he asks, "How can Axel be resurrected if there is no body?" Genaro is not alone in his desperation. The anxiety provoked by the material discontinuity of the body is a familiar theme in Roman Catholic tradition, a tradition in which venerated body parts—foreskins and fingernails and strands of hair—nonetheless populate churches throughout Christendom.

Practically from the time of Saint Augustine, says Caroline Walker Bynum, "Scholastic theologians worried not about whether body was crucial to human nature, but about how part related to whole—that is, how bits could and would be reintegrated after scattering and decay" (Bynum, 1992: 253–54). In the 2nd and 3rd centuries, Christians fretted over the power of God to reinstate the divided body so

that it could be properly resurrected (Bynum, 1992: 267–68). Although educated writers expressed confidence that the maimed bodies of saints would achieve salvation, “Ordinary believers . . . often went to extraordinary lengths to collect and reassemble the dismembered pieces of the martyrs for burial” (Bynum, 1992: 268). By the Middle Ages, states Bynum (1992: 272), “So highly charged was bodily partition that torturers were forbidden to effect it; they were permitted to squeeze and twist and stretch in excruciating ways, but not to sever or divide.” Bodily fragmentation was so horrifying that theologians opposed cremation and physicians ‘tried to preserve corpses forever from crumbling and putrefaction’ (1992: 280). “Drawing and quartering, or burning (that is reduction to the smallest possible particles: ashes), were punishments reserved for treason, witchcraft and heresy” (1992: 276). Remarkably, these concerns endure to the present day. They are what inform contemporary Guatemalan mortuary beliefs and are the cause of Axel’s family unremitting suffering.

But the family is tormented about more than Axel’s fate. Concerned about their social status within Nahuatlentango, they have struggled to keep Axel’s shameful cremation a secret. Even I was implicated in this ultimately futile effort. While watching a soccer match one Sunday morning, Axel’s brother introduced me to the village pharmacist, his closest friend and confidant in Nahuatlentango. When the pharmacist asked why I had come so far, I almost confessed my true mission: to gather information on behalf of the lawyer representing Axel’s family. Stopping short in my reply, I simply stated that I knew Axel’s sister in California and she suggested that on my visit to Guatemala I stop at Nahuatlentango personally to convey her greetings. By hiding my real motive, I was attempting to protect the family reputation. Only later did I discover that the pharmacist also knows about the cremation and was disguising his knowledge. A former neighbor and close friend of the family is informed too, and has been sworn to secrecy. One can only guess the extent to which the community at large is aware of what happened to their native son, Axel, during his self-imposed California exile. In recounting the reaction of the community to Axel’s death, Genaro claims that everyone asked the family, “And the body? Where is the body? When will it arrive?” The family had recourse to only one excuse: they could not afford the expense of bringing Axel home. To make such an admission, in the context of Nahuatlentango, is itself

shameful. And yet the family saw no alternative. The cremated remains might have been transported easily and inexpensively to Guatemala for burial. But this is an option that neither the family nor the community would find even minimally acceptable. A disintegrated body, in their view, is not only unworthy of Christian burial, it is unidentifiable. “How would we know that those ashes are Axel’s?” the family asked. Their skepticism is entirely understandable. After all, if rich, powerful Californians could be so careless as to cremate the wrong corpse, there is little hope that they can properly sort human ashes.

To understand why cremation is an unacceptable alternative to the people of Nahuatlentango, more than religious conviction and social status must be taken into account. After all, the family admits, with some reluctance but unmistakable certainty, that even without cremation, Axel might never have entered heaven. He had lived in an unmarried state with several women, two of whom gave birth to his children. This circumstance is sufficient to have compromised his destiny. The real crime of the San Mateo County Morgue is to have deprived his surviving relatives of his bodily presence. His recognizable presence was needed at the wake, during which villagers would have gathered at his home to help the family mourn the loss. His recognizable presence was needed for the Mass of the Present Body and for the burial that would have followed. His recognizable presence was even more urgently necessary for his mother, ailing at home in Nahuatlentango in an advanced state of cancerous decay. When she died, only a few months after Axel, her quick demise was attributed to the fact that she never got to view Axel’s corpse, rather than to her son’s passing. For those who have survived the loss of mother and son, the greatest agony of all is Axel’s absence from the village cemetery. Without his bodily presence, there is no way of relieving one’s grief by visiting his grave and praying for his eternal soul. In Nahuatlentango, visits to deceased relatives are normal on three occasions: 40 days after the death, a year after the death, and annually during All Souls and All Saints days, on 1 and 2 November. It is primarily in order to celebrate these occasions, to be near his son, that Axel’s father was willing to go to such financial sacrifice to return the body to its proper resting place.

It is 20 July 1997, two and a half years after Axel’s death. I walk with Axel’s father, with his common-law son, with his siblings and their respective families

from one end of the village to the other until we arrive at the Nahualtenango cemetery. As we enter holy ground, Axel's brother stops short, looks at me with penetrating eyes, and says, "*Esta es nuestra última morada. Aquí es donde venimos a parar todos [los del pueblo]. Esten donde esten, aquí vienen a parar*"—"This is our final abode. Here is where all of us from the village come to rest. Wherever we may be, here we come to rest." Indeed, the cemetery has the aspect of a miniature village, filled with hundreds of small houses decorated with miniature towers and gables. The graves stretch out in long, evenly spaced, parallel rows, a virtual replica of the grid plan town of the living residents of Nahualtenango. The graves themselves are brightly colored crypts, painted in the vivid purples, yellows, blues, oranges and maroons of the village houses themselves. The deceased lie, not below ground, but in cement sepulchers, many of them piled on top of one another, resting adjacent to one another, like so many cramped living quarters, in the fashion of pueblo houses. Nahualtenango tombs are reminiscent of small apartment buildings, where deceased members of a family congregate in eternal companionship. They bear nothing of the somber quality of most graves in Europe and the USA.

Axel's brother walks me to his mother's lonely grave, a low-lying concrete structure painted sky blue. Poking up out of each corner are tall steel construction poles, evidence that yet another crypt is meant to lie on top of this one. "Axel would have been here," says the brother, pointing to his mother's tomb. "She's dead," he says, "but at least she is here. We can come to visit her." His following statement is disarming: "*Esta pan-teón es alegría*"—"This cemetery is happiness."

At that moment, Robert Hertz's (1960) classic insights assumed immediate significance. Death does not occur when the heart stops beating; rather, the deceased retains a presence among the living for years after the actual physical demise. In Nahualtenango, the intact corpse is an enduring presence, a being that enjoys its own happy home in holy ground, forever accompanied by loving relatives, both dead and alive. Cremation, the drastic fragmentation of the body into its most minimal parts, deprives both the deceased and the survivors of everlasting companionship. The dead body which retains its wholeness remains connected to others, integrated within society. Societal integrity depends upon the integrity of the cadaver. It is the cremated body that is doomed forever to exist alone and that

provokes a tragic separation from the survivors. This irremediable loneliness constitutes the true agony of Axel and his family. It is the reason why, years after his death, there seems no sign of solace, nor is solace likely soon to come.

There is no doubt that Axel's death has exacted a steep emotional price from his family. And yet, it produced an immediate economic impact as well. Axel fathered a son by a woman from whom he is separated and whom he never legally married. With neither parent able to care for the child, Axel placed the boy in his father's care. The father, himself recently widowed, received regular payments from Axel, which he used to sustain both the boy and himself. These payments terminated abruptly upon Axel's death, thereby leaving the father with the responsibility of caring for his grandson but without adequate means to do so. "The situation doesn't allow me to support the son," says Axel's father gravely. Not only did Axel's father suddenly cease to receive remittances from abroad, in order to adhere to his community's religious guidelines, he was also forced to sacrifice his limited assets in order to bring Axel's body home. On the day we first met, he stated to me:

When this terrible news [of Axel's death] arrived, I was filled with pain [from his wife's mortal illness]. . . . Well, there was no longer any money, señor. I mortgaged my house, because I desperately wanted to bring him home. . . . I had to put myself in debt, mister, I had to put myself in debt in order to wait for my son's arrival. I had to find the way to borrow money, Axel's mother was gravely ill.

To add to these financial problems, Axel's father became gravely ill. The cause for this illness is no doubt complex. It is safe to say, however, that the stress of his wife and son's almost simultaneous deaths must have aggravated his already poor state of health. At least he is convinced that Axel's death has had an adverse effect. As proof of his frailty, within minutes of meeting me he pulled out a large bag of medicine and counted the items one by one: 22 cardboard boxes, glass bottles and plastic containers in all. "This medicine costs a lot of money as well," he said.

Axel's death therefore exacted a high price from his Guatemalan relatives. The cremated corpse would cause eternal suffering for Axel's soul, forever unable to find heavenly peace. It would produce shame beyond anyone's imagining for Axel's family, unable to explain to the community of Nahualtenango the corpse's mysterious disappearance. Also,

knowledge of the cremation was held responsible for hastening the mother's departure from this world. But Axel's cremated body, precisely because it received treatment contrary to the family's wishes, might justify the kind of monetary compensation that instantaneously would confer fabulous wealth upon any member of the family, in local terms. Indeed, the family might reasonably expect financial compensation. In recent years, in the San Francisco Bay Area alone, at least 62 people have won between \$10,000 and \$250,000 in lawsuits involving the careless mixing of ashes in local crematoriums (Anonymous, 1996; Holding, 1996). According to a newspaper report:

The plaintiffs claimed that Pleasant Hill [Cemetery Inc.] had caused them severe emotional distress by cremating their relatives' bodies with those of others, dumping remains in existing graves and failing to return all the ashes. They also accused the cemetery of trying to hide its mistakes. (Holding, 1996: A12)

In one case alone—*Hansell v. Pleasant Hill Cemetery*—plaintiffs' attorney Kevin McNerney was reported to seek more than \$2.5 million in fees. "You do these cases, and you hope to make a lot of money," stated McNerney, whose earnings in class action suits against crematoriums already amount to \$25 million (Fried, 1998). In further cases, disclosure was made in 1997 of a small aircraft company in northern California which failed to honor hundreds of contracts with deceased clients and their relatives to scatter ashes over sea and countryside. According to one report, two hikers in Amador County, California accidentally stumbled across the unidentified bones of some 5,000 people.

Turned out the bones were part of the cremated remains that a pilot named B.J. Elkin was supposed to scatter over the Sierra and elsewhere. But

instead of doing the job he was paid to do, he had merely dumped the remains onto his property. (Elias, 1997)

The resulting lawsuit involved dozens of crematoriums and mortuaries in settlements exceeding \$32 million. According to reporter Paul Elias, this case "exposed a new and lucrative area for plaintiffs' lawyers to mine" (1997). It seems that burnt bodies are big business in California.

The California lawsuits against mortuary parlors and crematoriums revolve mainly around the disposal of remains. In all these instances, cremation was at least the families' preferred way to treat their relatives' corpses. In Axel's case, however, the family issued an explicit order not to cremate. The accidental cremation undoubtedly has caused terrible suffering for Axel's family—even, depending on one's religious beliefs, to Axel's soul. And yet the cremated body, abomination though it might be in terms of religious beliefs and community standing, might more than compensate the father for the loss of meagre remittances which the son provided while alive. The cremated body also has potential financial value to the rest of his relatives in Nahuatlenco, who have suffered the social and emotional consequences of what they believe to be a sacrilegious treatment of his corpse.

Though Axel's cremated body might well leave his soul beyond heavenly salvation, it has become in some sense the hope for earthly salvation for his family. At first (and still) a sinful aberration, a horrific deviation from sacred norms, Axel's ashes have suddenly attained extravagant monetary value. In the hands of the US legal system, they have been converted into a commodity, a chip on the bargaining table, the hope for financial security for his family—and a source of income for lawyers and anthropologist alike.

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