

## Burial of a Public Sinner

### Case:

*Sixto is well known by all in the community to be not canonically married to his present wife with whom he has six grown-up children. He has consistently refused to get married in Church, despite many visits by Legionaries and the parish priest himself. Sixto dies without bothering to receive the last sacraments.*

### Question:

- 1.— *Is Sixto a "public sinner"?*
- 2.— *If so, should he be denied a Catholic burial?*

### Answer:

1.— Certainly, Sixto is a public sinner. In fact, the case presented is the classical example authors are wont to propose in explaining what is meant by the term "public sinner": i.e., a person living publicly in concubinage.

*"Sixto is well known by all in the community to be not canonically married to his present wife. . . , he has consistently refused to get married in Church, despite many visits by Legionaries and the parish priest himself. . ."*

The case in question is not of a person simply negligent and lax or indifferent in the things which refer to the fulfillment of his religious duties. It is a case of an individual who is living publicly in the state of sin, and who stubbornly and obstinately refuses to change and get out from his present state of life.

2.— Ecclesiastical burial should be denied to Sixto. Materially speaking, ecclesiastical burial is the same as the place of internment. Formally, however, it is the burial or internment of a cadaver in a

sacred place together with the liturgical rites that should accompany the same. "Sepultura ecclesiastica consistit a) in cadaveris translatione ad ecclesiam, b) exsequiis super illud in eadem celebratis, c) illius depositione in loco legitime deputato fidelibus defunctis condendis (can. 1204)."

The faithful have a right to receive ecclesiastical burial according to the provisions of the canon just stated, except those who have been expressly deprived of the same by common law (Can. 1239, § 2).

Can. 1240 specifies those who, according to law, are to be deprived of ecclesiastical burial "nisi ante mortem aliqua dederint poenitentiae signa." And further, in one general formula it is stated thus: "alii peccatores publici manifesti."

Nevertheless, in the cases specified, if there should in any way exist doubt concerning the privation of ecclesiastical burial, the same should be given.

Of the case in question however, the condition of a "public sinner" is positively manifest as was observed. There was no sign of repentance or any manifestation of emendation before death. On the contrary, the opposite is true as is clearly shown in the case, namely, that "Sixto dies without bothering to receive the last sacraments."

There is therefore, no room to doubt that the person in question died non-repentant. For this doubt is not *of the supposition* that he repented before death; nor is it *a mere possibility* that he could have repented at least interiorly. A positive and external reason however slight, is necessary; and consequently, some action or external sign which could reasonably be interpreted as a sign or index of repentance.

The present case as it is proposed, does not contain any basis for creating reasonably such an opinion.

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