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Publisher citation:

OpenAIR citation:

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(ISSN _____; eISSN _____).

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Cremation in Modern Scotland: History, Architecture and the Law

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Stephen R.G White, Birlinn Ltd., 2017

At the outset of *Cremation in Modern Scotland: History, Architecture and the Law*, the authors note that ‘funeral rites frequently serve as windows upon the culture of their societies’.¹ By the time that one has finished reading the volume, the truth of this statement is readily apparent. With that said, the topic of cremation, much like the wider *genus* of funerary rites, has received little treatment in academic discourse. This may be because of the subject’s perceived morbidity, or it may be rooted in the instinctive fear of mortality common to humanity, or perhaps, to use the umbrella term offered by Sir Kenneth Calman, the author of the foreword to this book, it may be because cremation has long been viewed as ‘a slightly negative subject...not something to write about or discuss’.² Whatever the explanation, the authors are to be commended for opening a dialogue on the topic; particularly so as, throughout the text, the authors consistently highlight areas which would benefit from further study.

In terms of content, the text is obviously well-researched. The first chapter is impressive in scope, starting with a consideration of the effect that the political and social upheaval of the Reformation had with regard to funerary rites. The change from Catholicism to Protestantism fundamentally altered the way in which the dead were laid to rest in Scotland – particularly as the Scottish Reformation was a ‘decidedly Calvinist movement’³ – and the text provides an excellent account of the impact that the enforced lack of intercession by the clergy had on the rise of private cemeteries. The problems surrounding the complete lack of clarity in the law as it pertains to the death of the person during the period prior to the 19th century (and for a while thereafter) is explained well within the context of Scotland’s mixed legal system. The declining influence of Roman law is noted, the increasing influence of English Common law is commented upon and the authors highlight the similarities, as well as the differences, between Scots and English law on the subject of the law of burial and cremation.⁴

¹ p.3.

² p.xi.

³ p.9.

⁴ p.24.

The second chapter covers a shorter time period than the first, but it does so in greater depth. Examining the period between 1830 and 1886, the text considers the problems pertaining to public health which ultimately drove the movement to reform funerary rites in Scotland. Naturally, given the time which this chapter covers, the book also considers the impact that stories surrounding ‘resurrection men’, such as the infamous Burke and Hare,⁵ had on the development of the Anatomy Act 1832 and the impact that this legislation had on attitudes to the body.⁶ This chapter serves as a primer for the third chapter, which itself provides a background to the formation of the Scottish Burial Reform and Cremation Society (SBRCS) and the opening of Scotland’s first crematorium at Maryhill. The text makes the interesting note that, although the Cremation Society of England (CS) had been extant for approximately a decade at the formation of the SBRCS, the latter organisation was ostensibly a ‘separate initiative’ from that of the CS.⁷ The authors provide an excellent analysis of the work of Doctors Charles Cameron and Ebenezer Duncan, noting the role that they each played in popularising cremation by their highlighting of the fact that contemporary burial practices were, themselves, disrespectful towards the dead.⁸

The fourth chapter covers the ‘early years’ of cremation in Scotland. The consideration of the case of *H.M Advocate v Coutts*⁹ – the last recorded case involving the crime of violation of sepulchres prior to the desecration of Lord MacKenzie’s tomb in 2004¹⁰ – is particularly interesting, as the book offers not only a comment upon the case, but an analysis of the impact that this case had upon wider society.¹¹ The remaining chapters are concerned with cremation as it has existed in Scotland throughout the 20th century to the present day. Chapter six focuses on the ‘Aberdeen Scandal’ which gave rise to the 1945 case of *Dewar v H.M Advocate*;¹² a case which anyone with more than a passing interest in the law of the dead will be familiar with. Again, as with the treatment of *Coutts*, the consideration of the social impact of *Dewar* makes for very interesting reading.¹³ Chapters seven and eight cover the same time period, differing in geographic scope. The former is concerned with Glasgow and the West, the latter

⁵ Who, it must be said, were not resurrectionists, strictly speaking.

⁶ p.34-35.

⁷ p.59.

⁸ p.61-63.

⁹ (1899) 3 Adam 50.

¹⁰ See F. Leverick and J. Chalmers, *The Criminal Law of Scotland*, 4th edition, Vol. 2 (Edinburgh: W. Green, 2017), para.51.01.

¹¹ p.85-87.

¹² 1945 J.C 5.

¹³ p.141-146.

with Edinburgh and the East. The ninth chapter provides an excellent sociological consideration of cultural change from the period of 1967 to the present day, noting that although few new crematoria were built throughout the latter half of the 20th century, Scottish attitudes towards cremation, and Scottish funerary practices, changed considerably in this time period.¹⁴ In this chapter, more than any other, it is clear that the text does not shy away from controversy. The book provides a detailed consideration of Dame Elish Angiolini's recent report into the cremation of foetuses, infants and the stillborn at Mortonhall and offers a sociological analysis of the impact that this controversy has had on Scottish society.¹⁵

Although the book may be regarded as somewhat macabre, given its consideration of a rather 'grim' subject, *Cremation in Modern Scotland* is ultimately an accessible and eminently readable book. Notably for a scholarly work of this kind, produced by a diverse range of academics, the writing style remains remarkably consistent throughout. Even as a relatively compact volume, the work contains an impressive range and depth of information. Hopefully, this book is not the last word on the topic of cremation in Scotland, but rather that the opportunities for further scholarship, which were noted by the authors periodically, are given the same amount of due care and attention which this book itself so evidently received.

¹⁴ p.214.

¹⁵ p.239-245.