

THE 1983 CODE OF CANON LAW

in English translation

Prepared by the Canon Law Society of Great Britain and Ireland in association with the Canon Law Society of Australia and New Zealand and the Canadian Canon Law Society English translation
Copyright 1983

TITLE III: CHURCH FUNERALS

Canon 1176

§1. Christ's faithful who have died are to be given a Church funeral according to the norms of law.

§2. Church funerals are to be celebrated according to the norms of the liturgical books. In these funeral rites the Church prays for the spiritual support of the dead, it honours their bodies, and at the same time it brings to the living the comfort of hope.

§3. The Church earnestly recommends that the pious custom of burial be retained; but it does not forbid cremation, unless this is chosen for reasons which are contrary to Christian teaching.

Congregation for the Doctrine of the Faith

Instruction *Ad resurgendum cum Christo* regarding the burial of the deceased and the conservation of the ashes in the case of cremation, 25.10.2016

The following is the full text of the Instruction of the Congregation for the Doctrine of the Faith, "[*Ad resurgendum cum Christo*](#)", regarding the burial of the deceased and the conservation of the ashes in the case of cremation, published today and signed by Cardinal Gerhard Ludwig Müller and Archbishop Luis Francisco Ladaria Ferrer, respectively prefect and secretary of the dicastery.

1. To rise with Christ, we must die with Christ: we must "be away from the body and at home with the Lord". With the Instruction *Piam et Constantem* of 5 July 1963, the then Holy Office established that "all necessary measures must be taken to preserve the practice of reverently burying the faithful departed", adding however that cremation is not "opposed per se to the Christian religion" and that no longer should the sacraments and funeral rites be denied to those who have asked that they be cremated, under the condition that this choice has not been made through "a denial of Christian dogmas, the animosity of a secret society, or hatred of the Catholic religion and the Church". Later this change in ecclesiastical discipline was incorporated into the Code of Canon Law (1983) and the Code of Canons of Oriental Churches (1990).

During the intervening years, the practice of cremation has notably increased in many countries, but simultaneously new ideas contrary to the Church's faith have also become widespread. Having consulted the Congregation for Divine Worship and the Discipline of the Sacraments, the Pontifical Council for Legislative Texts and numerous Episcopal Conferences and Synods of Bishops of the Oriental Churches, the Congregation for the Doctrine of the Faith has deemed opportune the publication of a new Instruction, with the intention of underlining the doctrinal and pastoral reasons for the preference of the burial of the remains of the faithful and to set out norms pertaining to the conservation of ashes in the case of cremation.

2. The resurrection of Jesus is the culminating truth of the Christian faith, preached as an essential part of the Paschal Mystery from the very beginnings of Christianity: “For I handed on to you as of first importance what I also received: that Christ died for our sins in accordance with the scriptures; that he was buried; that he was raised on the third day in accordance with the scriptures; that he appeared to Cephas, then to the Twelve”.

Through his death and resurrection, Christ freed us from sin and gave us access to a new life, “so that as Christ was raised from the dead by the glory of the Father, we too might walk in newness of life”. Furthermore, the risen Christ is the principle and source of our future resurrection: “Christ has been raised from the dead, the first fruits of those who have fallen asleep [...] For as in Adam all die, so also in Christ shall all be made alive”.

It is true that Christ will raise us up on the last day; but it is also true that, in a certain way, we have already risen with Christ. In Baptism, actually, we are immersed in the death and resurrection of Christ and sacramentally assimilated to him: “You were buried with him in baptism, in which you were also raised with him through faith in the power of God, who raised him from the dead”. United with Christ by Baptism, we already truly participate in the life of the risen Christ.

Because of Christ, Christian death has a positive meaning. The Christian vision of death receives privileged expression in the liturgy of the Church: “Indeed for your faithful, Lord, life is changed not ended, and, when this earthly dwelling turns to dust, an eternal dwelling is made ready for them in heaven”. By death the soul is separated from the body, but in the resurrection God will give incorruptible life to our body, transformed by reunion with our soul. In our own day also, the Church is called to proclaim her faith in the resurrection: “The confidence of Christians is the resurrection of the dead; believing this we live”.

3. Following the most ancient Christian tradition, the Church insistently recommends that the bodies of the deceased be buried in cemeteries or other sacred places.

In memory of the death, burial and resurrection of the Lord, the mystery that illumines the Christian meaning of death, burial is above all the most fitting way to express faith and hope in the resurrection of the body.

The Church who, as Mother, has accompanied the Christian during his earthly pilgrimage, offers to the Father, in Christ, the child of her grace, and she commits to the earth, in hope, the seed of the body that will rise in glory.

By burying the bodies of the faithful, the Church confirms her faith in the resurrection of the body, and intends to show the great dignity of the human body as an integral part of the human person whose body forms part of their identity. She cannot, therefore, condone attitudes or permit rites that involve erroneous ideas about death, such as considering death as the definitive annihilation of the person, or the moment of fusion with Mother Nature or the universe, or as a stage in the cycle of regeneration, or as the definitive liberation from the “prison” of the body.

Furthermore, burial in a cemetery or another sacred place adequately corresponds to the piety and respect owed to the bodies of the faithful departed who through Baptism have become temples of the Holy Spirit and in which “as instruments and vessels the Spirit has carried out so many good works”. Tobias, the just, was praised for the merits he acquired in the sight of God for having buried the dead, and the Church considers the burial of dead one of the corporal works of mercy.

Finally, the burial of the faithful departed in cemeteries or other sacred places encourages family members and the whole Christian community to pray for and remember the dead, while at the same time fostering the veneration of martyrs and saints.

Through the practice of burying the dead in cemeteries, in churches or their environs, Christian tradition has upheld the relationship between the living and the dead and has opposed any tendency to minimise, or relegate to the purely private sphere, the event of death and the meaning it has for Christians.

4. In circumstances when cremation is chosen because of sanitary, economic or social considerations, this choice must never violate the explicitly-stated or the reasonably inferable wishes of the deceased faithful. The Church raises no doctrinal objections to this practice, since cremation of the deceased's body does not affect his or her soul, nor does it prevent God, in his omnipotence, from raising up the deceased body to new life. Thus cremation, in and of itself, objectively negates neither the Christian doctrine of the soul's immortality nor that of the resurrection of the body.

The Church continues to prefer the practice of burying the bodies of the deceased, because this shows a greater esteem towards the deceased. Nevertheless, cremation is not prohibited, "unless it was chosen for reasons contrary to Christian doctrine".

In the absence of motives contrary to Christian doctrine, the Church, after the celebration of the funeral rite, accompanies the choice of cremation, providing the relevant liturgical and pastoral directives, and taking particular care to avoid every form of scandal or the appearance of religious indifferentism.

5. When, for legitimate motives, cremation of the body has been chosen, the ashes of the faithful must be laid to rest in a sacred place, that is, in a cemetery or, in certain cases, in a church or an area, which has been set aside for this purpose, and so dedicated by the competent ecclesial authority.

From the earliest times, Christians have desired that the faithful departed become the objects of the Christian community's prayers and remembrance. Their tombs have become places of prayer, remembrance and reflection. The faithful departed remain part of the Church who believes "in the communion of all the faithful of Christ, those who are pilgrims on earth, the dead who are being purified, and the blessed in heaven, all together forming one Church".

The reservation of the ashes of the departed in a sacred place ensures that they are not excluded from the prayers and remembrance of their family or the Christian community. It prevents the faithful departed from being forgotten, or their remains from being shown a lack of respect, which eventuality is possible, most especially once the immediately subsequent generation has too passed away. Also it prevents any unfitting or superstitious practices.

6. For the reasons given above, the conservation of the ashes of the departed in a domestic residence is not permitted. Only in grave and exceptional cases dependent on cultural conditions of a localized nature, may the Ordinary, in agreement with the Episcopal Conference or the Synod of Bishops of the Oriental Churches, concede permission for the conservation of the ashes of the departed in a domestic residence. Nonetheless, the ashes may not be divided among various family members and due respect must be maintained regarding the circumstances of such a conservation.

7. In order that every appearance of pantheism, naturalism or nihilism be avoided, it is not permitted to scatter the ashes of the faithful departed in the air, on land, at sea or in some other way, nor may they be preserved in mementos, pieces of jewelry or other objects. These courses of action cannot be legitimized by an appeal to the sanitary, social, or economic motives that may have occasioned the choice of cremation.

8. When the deceased notoriously has requested cremation and the scattering of their ashes for reasons contrary to the Christian faith, a Christian funeral must be denied to that person according to the norms of the law.

The Sovereign Pontiff Francis, in the Audience granted to the undersigned Cardinal Prefect on 18 March 2016, approved the present Instruction, adopted in the Ordinary Session of this Congregation on 2 March 2016, and ordered its publication.

Rome, from the Offices of the Congregation for the Doctrine of the Faith, 15 August 2016, the Solemnity of the Assumption of the Blessed Virgin Mary.

DICASTERIUM PRO DOCTRINA FIDEI NOTE FOR THE AUDIENCE WITH THE HOLY FATHER 9 December 2023

The following is the full text of the [Two Questions About the Preservation of the Ashes of the Deceased Following Cremation](#).

In a letter dated 30 October 2023 (Prot. No. 2537), Cardinal Matteo Maria Zuppi, Archbishop of Bologna, addressed two questions to the Dicastery for the Doctrine of the Faith regarding the preservation of the ashes of the deceased following cremation.

In particular, His Eminence reported that he had formed a commission in the Archdiocese of Bologna to give a Christian response to problems arising from the increasing number of people desiring to cremate the bodies of the deceased and scatter their ashes in nature. The commission also seeks to ensure that economic motivations (due to the lower cost of scattering ashes) do not prevail, and it seeks, moreover, to give indications regarding what to do with the ashes once the term for their preservation has expired. To ensure correspondence not only with the requests of family members but, more importantly, with the Christian proclamation of the resurrection of the body and the respect due to it, the Archbishop of Bologna asked the following questions:

1. Taking into account the canonical prohibition against scattering the ashes of the deceased, is it possible to prepare a defined and permanent sacred place for the commingled accumulation and preservation of the ashes of the baptized, indicating the basic details of each person so as not to lose the memory of their names, similar to what occurs in ossuaries, where the mineralized remains of the deceased are cumulatively deposited and preserved?
2. Can a family be allowed to keep a portion of their family member's ashes in a place that is significant for the history of the deceased?

After giving due consideration to these questions, it was decided to answer them in the following way:

1) In paragraph 5 of the Instruction "[Ad resurgendum cum Christo: Regarding the Burial of the Deceased and the Conservation of the Ashes in the Case of Cremation](#)", published by the Congregation for the Doctrine of the Faith on 15 August 2016, the Congregation addresses the question of preserving ashes in special urns. It states that ashes must be kept in a sacred place, such as a cemetery, or in an area dedicated to this purpose, provided that it has been so designated by the ecclesiastical authority.

Pastoral reasons for this regulation are also given: “The reservation of the ashes of the departed in a sacred place ensures that they are not excluded from the prayers and remembrance of their family or the Christian community. It prevents the faithful departed from being forgotten, or their remains from being shown a lack of respect, which eventuality is possible, most especially once the immediately subsequent generation has too passed away. Also it prevents any unfitting or superstitious practices” (par. 5). This regulation still retains all its validity.

2) Our faith tells us that we will be raised with the same bodily identity, which is material (like every creature on earth), even though that matter will be transfigured, freed from the limitations of this world. The resurrection will be “in this flesh in which we now live” (Formula “*Fides Damasi*”); in this way, any harmful dualism between the material and immaterial is avoided.

This transformation, however, does not imply the recuperation of the identical particles of matter that once formed the human being’s body. Therefore, the body of the resurrected person will not necessarily consist of the same elements that it had before it died. Since it is not a simple revivification of the corpse, the resurrection can occur even if the body has been totally destroyed or dispersed. This helps us understand why, in many cinerary urns, the ashes of the deceased are conserved together and are not stored separately.

3) The ashes of the deceased person, moreover, come from the material remains that were part of the person’s historical journey—so much so that the Church shows particular care and devotion concerning the relics of the saints. This attention and remembrance also leads us to have an attitude of sacred respect toward the ashes of the deceased, which we conserve in a sacred place suitable for prayer, sometimes located near the churches visited by the family and neighbors of the deceased.

4) Therefore:

- a. For the reasons listed above, a defined and permanent sacred place can be set aside for the commingled accumulation and preservation of the ashes of deceased baptized persons, indicating the identity of each person so as not to lose the memory of their names.
- b. In addition, the ecclesiastical authority, in compliance with current civil norms, may consider and evaluate a request by a family to preserve in an appropriate way a minimal part of the ashes of their relative in a place of significance for the history of the deceased person, provided that every type of pantheistic, naturalistic, or nihilistic misunderstanding is ruled out and also provided that the ashes of the deceased are kept in a sacred place.

Víctor Manuel Card. Fernández
Prefetto

Ex Audientia Die 9.12.2023

Franciscus
