THE FOUNDED HOPE THAT AN INFANT WILL BE BROUGHT UP IN THE CATHOLIC RELIGION AS A CONDITION FOR BAPTISM

TOMASZ JAKUBIAK

SUMMARY — In the everyday life of the Church community, the application of CIC c. 868 §1, 2° not infrequently contributes to tensions between the faithful and their pastors. The primary goal of this article is to explain how this canon is to be interpreted in light of a variety of human and family situations, including the adoption of children by homosexual couples and a growing number of couples living in irregular marriages. May the infants of such parents be baptized in light of the condition of the canon that there must be a founded hope that the child will be raised in the Catholic religion?

RÉSUMÉ — Dans la vie quotidienne de la communauté ecclésiale, l’application du canon 868 §1, 2° contribue souvent aux tensions entre les fidèles et leurs pasteurs. L’objectif principal de cet article est d’expliquer comment ce canon doit être interprété à la lumière de diverses situations humaines et familiales, notamment l’adoption d’enfants par des couples homosexuels et le nombre croissant de couples vivant dans des mariages irréguliers. Est-ce que les enfants de ces parents peuvent être baptisés compte tenu de la condition du canon selon laquelle il doit exister un espoir fondé que l’enfant sera élevé dans la religion catholique?

Introduction

Holy Baptism is the basis of the whole Christian life, the gateway to life in the Spirit (vitae spiritualis ianua), and the door which gives access to the other sacraments. Through Baptism we are freed from sin and reborn as sons of God; we become members of Christ, are incorporated into the Church and made sharers in her mission.…¹

¹ The article was translated by Małgorzata Wójcik CCC, no. 1213.
This is how the Catechism of the Catholic Church describes the effects of the sacrament of baptism, indicating that this sacrament is of fundamental importance for the entire Christian life. Therefore, it might seem that the church legislator would make it mandatory for all infants to be baptized or, at least, that no conditions would be imposed for the administration of the sacrament. However, this is not the case, as canon 868 §1, 2° CIC clearly articulates a condition which, if not satisfied, makes it necessary to delay an infant’s baptism. A decision to delay baptism is not an easy one, for both religious and formal reasons. Firstly, it entails responsibility for another person’s salvation. Secondly, there are certain difficulties in the interpretation of the norm stipulated in canon 868 §1, 2° CIC.

The purpose of this article is to explain and discuss the condition which impacts the decision on whether to baptize an infant or to delay the baptism, that condition being the existence of a founded hope that the infant will be brought up in the Catholic faith. However, before we discuss this issue, it should be noted that, as regards the sacrament of baptism, in accordance with the legislator’s decision expressed in canon 852 §2 CIC, an “infant” is a person who is not responsible for himself (non est sui compos). To understand the expression non est sui compos, reference should be made to canons 97 and 99 CIC. According to the norm stipulated in canon 97 §2 CIC, a minor before the completion of the seventh year is an infant and considered not responsible for himself (censetur non sui compos). With the completion of the seventh year, a minor is presumed to have the use of reason. Therefore, as far as baptism is concerned, a person who has completed the seventh year of age and has reached the use of reason must be treated as an adult (cf. c. 852 §1 CIC). Whoever habitually lacks the use of reason, despite having completed the seventh year, is considered not responsible for himself (censetur non sui compos) and is equated with an infant (c. 99 CIC).

It should also be noted that, in many official translations of documents published by the Holy See in English concerning the administration of the sacrament of baptism to infants, the “infant” (infans) is substituted with the word “child.” Consequently, the meaning of the word “child” as used in this text is equivalent to the legal definition of the term “infant,” unless the context requires otherwise.


3 For more on the distinction between an infant and an adult, see T. Jakubiak, Problem ważności przyjęcia sakramentu święceń w prawie Kościoła katolickiego, Płock, Płocki Instytut Wydawniczy, 2018, 223-255; idem, “Intencja przyjęcia chrztu u dorosłego,” in Annales Canonici, 9 (2013), 95-103.
CATHOLIC RELIGION AS A CONDITION FOR BAPTISM

1 — Consent

The existence of a founded hope that an infant will be brought up, or educated (educatum iri), in the Catholic faith is related to the requirement that the minister obtain the consent for the infant’s baptism either from the parents or from their legal representatives. By giving consent, the parent or guardian agrees that the infant to be baptized will be brought up in the Catholic faith. Apart from danger of death, an infant may not licitly be baptized without this consent of the parents or their representatives.

When the infant is not in danger of death, the pastor administers baptism to the infant with the consent (not necessarily at the request) of at least one of the parents or their legal representatives (cf. c. 868 §1, 1º CIC). The sacrament is never administered without the actual knowledge of the parents or legal guardians or against their will. In practical terms, this means baptism may be administered at the request of a person other than the parents or guardians, so long as there is no explicit objection by the parents or legal guardians. In such a case, it is advisable that the person requesting the baptism present a letter to attest to the fact that neither parent raises any objection to the baptism, and this document should be retained in the parish archive; a copy may be issued to the person requesting the baptism. As noted by Pastuszko, the parents’ consent may be expressed orally or in writing, as long as it is given. It is not necessary that the consent be given explicitly, but it is sufficient that it may be known implicitly (implicite). Such implied consent may be inferred from the lack of the parents’ explicit objection to their child being baptized at the request of another person.

Clearly, such a situation requires a thorough analysis by the pastor who chooses to admit an infant to baptism, perhaps even in consultation with the local ordinary. When the parents or guardians (or one parent or guardian) give(s) indirect consent to the baptism of their infant, the pastor should carefully consider whether the person guaranteeing the child’s Catholic upbringing will be able to fulfill the obligations imposed on them in view of the infant’s baptism. It is advisable that those who give indirect consent be aware of how the guarantor intends to ensure the child’s Catholic upbringing.

As regards the baptism of infants in danger of death, canon 868 §2 CIC stipulates: “An infant of Catholic parents or even of non-Catholic parents is baptized licitly in danger of death even against the will of the parents.”

Pursuant to canon 867 §2 CIC, such an infant should be baptized immediately, in view of his or her spiritual benefit. Even though the legislator stipulates that an infant may be licitly baptized contrary to his parents’ explicit will, it does not—according to Hart—make such act mandatory. Thus, some dioceses suggest that, if the parents object to their infant being baptized in danger of death, then baptism should not be administered until particular extenuating circumstances arise.

2 — Founded Hope of Catholic Upbringing

When the infant is not in danger of death, for baptism to be administered licitly, aside from the consent of the parents or legal guardians, it is required that there be a founded hope that the infant will be brought up Catholic (cf. c. 868 §1, 2 CIC). A founded hope (spes fundata) is not the same as certainty. For such hope to be “founded,” it must be based on reasonable premises. The lack of any grounds for assuming that such hope exists means that it is altogether lacking and baptism should be delayed, according to the prescripts of particular law. The parents should be advised about the reason for such delay.

12 Cf. M. PASTUSZKO, Prawo o sakramentach, 148.
The condition of Catholic upbringing results from the Church’s concern for ensuring that the child can grow in faith. It should be most emphatically stressed that this condition is subordinated to another principle taught by the Church, namely, that “baptism is necessary for salvation.” This is why infant baptism should only be delayed on rare occasions. As pointed out by Krzywda, in many cases it is quite difficult, if not altogether impossible, to obtain certainty about the actual lack of a hope that the infant will receive a Catholic upbringing.

In order to understand the expression “founded hope of Catholic upbringing,” reference may be made to Instrukcja duszpasterska Episkopatu o udzielaniu sakramentu chrztu świętego dzieciom (Pastoral Instruction of the Episcopate on the Administration of the Holy Sacrament of Baptism to Infants) in which the Polish bishops explained how “education in faith” should be understood. In accordance with this document, it means the child is to be introduced to a deliberate relationship of friendship with Christ.

[This] … is achieved by communicating the fundamental truths of faith and the principles of morality taught by the Catholic Church, and above all by teaching the children how to pray, introducing them to the life of the Catholic community (Sunday Mass), enrolling them in religion classes, introducing them to a full participation in the Eucharist and receiving the sacrament of confirmation, as well as helping them lead a mature and responsible Christian life.

Another explanation of the term “education in faith” is provided in the Introduction to the Rite of Baptism for Children. “Christian formation, which is their due, seeks to lead them gradually to learn God’s plan in Christ, so that they may ultimately accept for themselves the faith in which they have been baptized.” The Fathers of the Second Vatican Council taught:

A Christian education does not merely strive for the maturing of a human person …, but has as its principal purpose this goal: that the baptized, while

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14 Ibid., no. 28.
16 KONFERENCJA EPISKOPATU POLSKI (POLISH EPISCOPAL CONFERENCE), Instrukcja duszpasterska, no. 2.
gradually introduced to the knowledge of the mystery of salvation, become ever more aware of the gift of Faith they have received, and that they learn in addition how to worship God the Father in spirit and truth (cf. John 4:23), especially in liturgical action, and be conformed in their personal lives according to the new man created in justice and holiness of truth (Eph. 4:22-24); also that they develop into perfect manhood, to the mature measure of the fullness of Christ (cf. Eph. 4:13) and strive for the growth of the Mystical Body; moreover, that aware of their calling, they learn not only how to bear witness to the hope that is in them (cf. Peter 3:15) but also how to help in the Christian formation of the world that takes place when natural powers viewed in the full consideration of man redeemed by Christ contribute to the good of the whole society.\(^{18}\)

Many suggestions concerning the upbringing of children in the family can also be found in Pope Francis’s apostolic exhortation *Amoris laetitia*.\(^{19}\)

The desire for the baptism of an infant, just as the assurance of authentic education in faith and Christian life, should be sincere.\(^{20}\) Normally, the sincerity of intention is expressed through one’s own practice of the faith and the fact that the decision to baptize an infant is not motivated merely by social convention.\(^{21}\) If the parents only wish to follow custom or avoid an unfavourable opinion in the eyes of society, they may not be embracing their obligation to educate the infant in the Catholic faith.\(^{22}\) The sincerity of their desire for baptism provides greater certainty that the child will be raised in the faith.

Baptism should be administered if the parents or guardians give assurances that, by education in the faith and the Christian life, the true meaning of the sacrament will be fulfilled. The assurance of Catholic education does not need to be based solely on “the parents’ religious life” or on their guarantees.\(^{23}\) According to the Congregation for the Doctrine of the Faith, such guarantees may be given by the parents or close relatives.\(^{24}\) As pointed out by Janczewski, if such guarantees are given by persons other than the parents or guardians, it should be established whether these persons will have any

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\(^{18}\) *Gravissimum educationis*, no. 2.


\(^{20}\) Cf. SCDF, *Pastoralis actio*, no. 28.


\(^{24}\) Cf. SCDF, *Pastoralis actio*, no. 28.2.
real influence on the child’s education (e.g., grandparents who live with them). If the person giving assurances of Catholic education lives elsewhere, there may be lacking a founded hope that they will have any real influence on the religious education of the children.25

Assurances which are unsatisfactory may be supplemented in various ways within the community of the Church.26 Sufficient assurances include, among others, “the choice of godparents who will take sincere care of the child, or the support of the community of the faithful.”27 According to the Congregation for the Doctrine of the Faith, “any pledge giving a well-founded hope for the Christian upbringing of the child deserves to be considered as sufficient.”28 This indicates that varying circumstances may exist in individual cases, which may permit a finding that there is a founded hope for the Catholic upbringing of an infant.29 It should be emphasized that, before the Code of Canon Law was published in 1983, documents issued by the Holy See referred to the condition of a well-founded hope that the infant would be provided a “Christian” education. Only since 1983 has reference been made to a “Catholic” education.

Hart observes that, in the ideal situation, both parents or guardians would share a willingness to have the infant baptized. He adds, however, that the willingness of just one of the parents or guardians suffices. Therefore, it may be concluded that a founded hope offered by only one of the parents or guardians that the infant will receive a Catholic education is sufficient.30 Finally, it should be noted that, when admitting an infant to baptism, it is incorrect for the parents or guardians to be required to meet the conditions which the legislator requires of godparents. Thus, the parents do not need to be Catholics who have been fully initiated sacramentally and are not bound by any canonical penalty. The legislator does not require them to lead a life of faith, unlike godparents. The difference in requirements made of parents and godparents results from the fact that, while one may choose godparents, the same does not apply to parents. The only thing that the legislator expects for baptism to be licitly administered to an infant in normal circumstances is the existence of a founded hope that the infant will receive a Catholic upbringing. Naturally, the parents’ attitude to faith is not without significance.

26 Cf. SCDF, Pastoralis actio, no. 28.2.
27 Ibid., no. 30.
28 Ibid., no. 31.
30 Cf. K.T. HART, in CLSA Comm1, 1055.
in raising the child. Nevertheless, the fact that they live a life which is not compliant with the requirements of faith does not need to result automatically in a decision to delay the baptism of their infant. A person’s potential disqualification as a godparent by the legislator does not automatically entail the obligation to delay the baptism of that person’s child.

The pastor is usually able to ascertain whether there is a founded hope of the Catholic upbringing of the infant after talking to the parents. More difficult cases should not be decided mechanically; every case should be considered on its own merits. 31

3 — More Difficult Cases

A founded hope is not necessarily lacking in the case of assurances made by parents who have little faith and practice their religion only occasionally, or even by non-Christian parents who request baptism for reasons that deserve consideration. In such cases, the choice of appropriate godparents or the support of the community of the faithful are very important factors lending credence to assurances given by the parents. In such cases, the infant may be baptized without delay, just like the children of parents who practice the Catholic faith. 32

In the opinion of the Polish bishops, the infants of parents who live in a civil partnership may be licitly baptized irrespective of whether there are any obstacles to regularizing their parents’ sacramental situation or not. Before the baptism, the parents and godparents should make a written statement that they will bring up the infant in the Catholic religion. 33 Moreover, until it is legislated otherwise, a similar procedure seems to be justified in a situation when the child’s parents are not bound by any legal relationship. The reason for this is that, pursuant to the norm stipulated in canon 19 CIC, if a custom or an express prescript of law is lacking in a certain matter, the case must be resolved in light of laws issued in similar matters, general principles of law applied with canonical equity, the jurisprudence and practice of the Roman Curia, and the common and constant opinion of learned persons. It should also be noted that Polish bishops do not make the decision on baptizing an

31 Cf. Konferencja Episkopatu Polski (Polish Episcopal Conference), Instrukcja duszpasterska, no. 2e.
32 Cf. SCDF, Pastoralis actio, no. 30; BLANCO, in Exegetical Comm, vol. 3/1, 469.
33 Cf. Konferencja Episkopatu Polski (Polish Episcopal Conference), Instrukcja duszpasterska, no. 2b.
infant raised in a non-sacramental union conditional on the parents’ decision concerning regularization of their non-sacramental situation. 34 However, it should be remembered that the motives behind a couple’s failure to regularize their sacramental situation may contribute to the emergence of justified doubts as to whether the child will receive a Catholic education. 35

If only one of the parents is a believer, this is also not an obstacle to the infant’s baptism. 36 The procedure to be followed by pastors is such circumstances is usually regulated by particular law.

As for the baptism of an infant of parents living in a homosexual relationship, this matter is not explicitly regulated by universal law. Pursuant to the above-cited canon 19 CIC, legal solutions in such cases should be sought in general principles of law. Since the parents or guardians of an infant live in a relationship which the Church does not recognize as a valid marriage, regulations issued in similar cases may be helpful in discerning the situation, in particular those which apply to the baptism of infants raised in so-called “irregular” situations. Irregular situations involve those of persons who are only married civilly, are divorced and remarried, or are only cohabiting. 37 The similarity between homosexual relationships and “irregular” situations consists in the fact that the persons concerned are living together in a situation which is objectively sinful (and are raising a child together), not because they can be compared to marriage. As Pope Francis points out in the Exhortation Amoris laetitia, no. 251: “as for proposals to place unions between homosexual persons on the same level as marriage, there are absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God’s plan for marriage and family.”

When admitting infants raised in homosexual unions to baptism, particular attention should be paid to the motives behind the baptism and to the proper choice of godparents. It appears that baptism should not be delayed only because the parents or guardians live in a homosexual union, since “general rules set forth a good which can never be disregarded or neglected, but in their formulation they cannot provide absolutely for all particular situations.” 38 A decision to delay the baptism of an infant of a homosexual union in normal circum-

36 Cf. Konferencja Episkopatu Polski (Polish Episcopal Conference), Instrukcja duszpasterska, no. 2c.
37 Cf. Francis, Amoris laetitia, no. 78.
38 Ibid., no. 304.
stances may only be made if there is certainty about the lack of a founded hope of a Catholic education. However, the rite of baptism in such cases should be administered with prudence, making sure it can be done without public scandal to the faithful. It is also advisable to consult the local ordinary.

In the case of parents or guardians whose sacramental situation is irregular, the pastor discerns the existence of a founded hope of a Catholic upbringing and makes a decision based on general principles of canon law. This is done following a conversation with the parents, guardians, godparents and other persons willing to support the infant’s parents. The pastor should guide the conversation so as to allow him to form an impression on the existence of a founded hope. In doubtful cases, the decision should be in favour of baptizing the infant.

According to Huels, infants who are the children of parents who seldom attend church may be baptized if there exists a founded hope that they will be brought up in the Catholic religion. In his view, the sole fact that the parents are not registered in the parish and do not attend Sunday Mass does not provide sufficient grounds to justify a delay in baptizing their infant. 39

Interesting comments on the baptism of the infant children of non-Christian parents and of “irregular” Christians are found in the advisory opinion issued by the Congregation for the Doctrine of the Faith for the bishop of the Diocese of Dapango in Africa in 1970. Although it was issued before the promulgation of the Code of 1983, it can be helpful in resolving difficult situations. Having first explained the term “irregular” Christians as referring to polygamous Christians, couples who are cohabiting without the benefit of marriage, lawful spouses who have abandoned their faith, or who request the baptism of an infant solely for social propriety, the dicastery provides guidelines. In the case of baptism requested by the above-mentioned parents, pastors should: 1) make them conscious of their responsibilities, 2) pass judgment on the sufficiency of the guarantees regarding the Catholic education of the infant—guarantees given by some member of the family, or by the godfather or godmother, or by support on the part of the community of the faithful; 3) if the pastor believes the conditions are met, baptism may be administered, as the infant is baptized in the faith of the Church; 4) if the conditions are not met, parents may be offered the opportunity to enroll the infant for baptism at a later date and to continue pastoral contacts to prepare for a later reception of baptism.40

Even though the legislator allows for baptism to be administered without at least one godparent when it is not possible to have one (c. 872 CIC), such a situation is the exception. In some cases, particularly if the parents’ sacramental situation is irregular, the presence of a Catholic godparent may give a founded hope of the infant’s Catholic upbringing.

4 — Exception to Canon 868 §1, 2° CIC

As has already been mentioned, by way of the motu proprio De concordia inter Codices of 31 May 2016, Pope Francis amended the provisions of canon 868 CIC. He added a third paragraph which provides that “infants of non-Catholic Christians are licitly baptized if their parents or at least one of them or the person who legitimately takes their place request it and if it is physically or morally impossible for them to approach their own minister.”

However, considering the issues discussed here, another amendment introduced by the Supreme Legislator is even more important. In canon 868 §1, 2° CIC, the Bishop of Rome included a reference to canon 868 §3 CIC (firma §3). Consequently, from the effective date of the motu proprio De concordia inter Codices, the norm stipulated in canon 868 §1, 2° CIC allows for infants who are not in danger of death to be baptized without the existence of a founded hope of Catholic upbringing, provided that the conditions stipulated in canon 868 §3 CIC are duly met. In its new wording, canon 868 §1, 2° CIC provides: “For an infant to be baptized licitly: there must be a founded hope that the infant will be brought up in the Catholic religion, with due regard for §3 ….” The purpose of the amendment made by Pope Francis is to conform the legislation of the Latin Church to that of the Eastern Catholic Churches. As a result of these amendments, the norms stipulated in

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41 Cf. Franciscus, De concordia inter Codices, arts. 4-5, 604.
43 C. 868 §1 CIC: Ut infans licite baptizetur, oportet: 2° spes habeatur fundata eum in religione catholica educatum iri, firma §3; quae si prorsus deficiat, baptismus secundum praescripta iuris particularis differatur, monitis de ratione parentibus.
canon 868 CIC have been coordinated with the norms in canon 681 §§1, 4, 5 CCEO.

In this situation, the existence of a founded hope that the infant will be brought up in the Catholic religion by non-Catholic parents is not required. This results from the fact that, through a baptism administered in the circumstances referred to in canon 868 §3 CIC, the infant is ascribed to the Church of its parents or their legal representatives, not to the Catholic Church. The infant may be received into the Catholic Church only when the parents or the persons taking their place request it.⁴⁴

5 — Pastoral Challenges

The condition stipulated in canon 868 §1, 2° CIC is related to the provisions of canon 851, 2° CIC. The legislator makes it mandatory that the parents of an infant to be baptized and those who are to undertake the function of sponsor are to be instructed properly on the meaning of this sacrament and the obligations attached to it, particularly on the duty to provide the child with a Catholic education.⁴⁵ Gerosa considers the parents’ instruction to be so essential that he makes the licit baptism of an infant in normal circumstances conditional on: 1) the consent of parents or guardians to the infant’s baptism; 2) the existence of a founded hope that the infant will receive a Christian upbringing; and 3) proper instruction about the sacrament. The importance of such instruction results, in his opinion, from the fact that baptism given without prior evangelization contributes to de-Christianization.⁴⁶ An even firmer view is taken by Janczewski, who believes that “if the parents deliberately refuse to participate in instruction on the sacrament of baptism, this may suggest they are not prepared to perform their tasks—which justifies and makes a delay in baptism advisable, particularly if other factors come into play, such as failure to fulfill religious practices.”⁴⁷

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⁴⁷ Z. Janczewski, Dopuszczenie do chrztu, 124-125.
Responsibility for compliance with the provisions of canon 851 **CIC** rests on the parish priest, who should take care that parents are properly instructed through both pastoral advice and common prayer, bringing several families together and, where possible, visiting them. The wording of canon 851, 2° **CIC** reflects a norm the *Rite of Baptism for Children.*

In the opinion of the Polish bishops, “to provide appropriate instruction on the mystery of baptism, education in faith, the role of the apostolic example of godparents, and the liturgy of the sacrament, immediate preparatory catechesis should be provided.” The type and length of instruction provided to parents or guardians should be adjusted to the particular “religious situation of the family” in which the child is to be raised. Aside from the “immediate preparation” referred to in no. 6 of the Bishops’ Instruction, parents and guardians should also be included in “remote” preparation long before the child is born. This kind of preparation includes pastoral care of engaged couples and young spouses; reminding the parents of their responsibilities in awakening their children’s faith and educating them, and active participation in religious congregations and secular communities.

As noted by Woestman, preparation is not identical to instruction. Rather, it should consist in formation and prayer. According to this canonist, in observing the norm of canon 868 §1, 2° **CIC**, two extremes are to be avoided: on the one hand, making no effort to prepare the parents and, on the other, misguided zeal that makes demands of the parents that are unreasonable in the concrete situation. An inflexible enforcement of norms smacks of legalism and can drive the weak in faith from the Church.

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48 *Praenotanda*, no. 5.1, in *Rite of Baptism for Children*.

49 *Konferencja Episkopatu Polski (Polish Episcopal Conference), Instrukcja duszpasterska*, no. 6.


51 Cf. SCDF, *Pastoralis actio*, nos. 32-33.


53 Ibid., 47.
“Immediate” preparation of parents for the sacrament of baptism should usually not last more than several weeks. Number 29 of the Instruction of the Congregation for the Doctrine of the Faith *Pastoralis actio* stipulates, *inter alia*, that when setting the date of baptism “the first consideration is the salvation of the child, that it may not be deprived of the benefit of the sacrament; [secondly], the health of the mother must be considered, so that, as far as possible she too may be present.” Only as a third factor on which the date of baptism is made dependent does the Congregation list the preparation of parents as long as this does not “interfere with the greater good of the child.” At the end of the norm, the dicastery has provided that “if the child is in danger of death, it is to be baptized without delay.” Otherwise, as a rule, “an infant should be baptized within the first weeks after birth.”

According to Blanco, given that an infant should be baptized as soon as possible after birth (cf. c. 867 §1 *CIC*), it would be inadmissible to deny or delay indefinitely the baptism of a child only to prepare better the parents or godparents. Such an approach would deny the exercise of fundamental rights, if there are grounds for hoping that the infant will be educated in the Catholic faith.54

In theory, one can imagine a situation where the parents or guardians do not participate in immediate preparation for baptism, give their consent to the baptism of their infant only indirectly, and where guarantees of Catholic education are provided by godparents or family members, or by other members of the Church community. In the case of infant baptism, when only one parent or guardian gives consent, it is possible for immediate preparation only of the parent or guardian who gives guarantees of the infant’s Catholic education.

Finally, it should be noted that a conversation with parents who wish to have their infant baptized offers an opportunity for pastors to provide help in addressing any religious neglect in the family where the child will be raised.55 If there is a founded hope of Catholic upbringing, the acceptance of such help may not be made a condition for baptism. In such a situation, the way the pastor communicates this should not give the impression that, unless the parents and guardians follow his suggestions to address any existing neglect, the infant will not be baptized. According to Pope Francis, preparation for a child’s baptism is an excellent opportunity to remind married

couples who have drifted away from the community of the Church after the wedding “of the beautiful ideal of Christian marriage and the support that our parishes can offer them.”

Preparation should strengthen the faith of the parents. However, as pointed out by the Polish bishops in the Pastoral Instruction of 1977, “care should be taken to ensure that no disputes affect baptism or are settled directly before it, so that this joyful and solemn celebration is not disturbed.”

The concern of the community for the infant’s growth in faith should not be cut short after the baptism. It should be continued by the community, by giving an example of Christian life and participation in various forms of catechesis. After the infant is baptized, pastors should assist parents with their care and advice, particularly during pastoral visits at home.

6 — Delay of Baptism

If a founded hope of Catholic upbringing is lacking, the pastor should delay the baptism. This delay should be aimed at “helping the family to grow in faith or to become more aware of its responsibilities.” The pastor should not leave the family to its own resources but should “keep in contact with the parents so as to secure, if possible, the conditions required on their part for the celebration of the sacrament. If even this solution fails, it can be suggested, as a last recourse, that the child be enrolled in a catechumenate to be given when the child reaches school age.”

Gerosa points out that, to prevent arbitrary delays in a matter as important as an infant’s baptism, in canon 868 §1, 2° CIC, the legislator has “stipulated three conditions which make such delay possible and legally valid.” These are: the requirement to ascertain that there is no hope the child will be brought up in the Catholic religion; the need to advise parents of the reasons

56 Cf. FRANCIS, Amoris laetitia, no. 230.
58 KONFERENCJA EPISKOPOAT POLSKI (POLISH EPISCOPAL CONFERENCE), Instrukcja duszpasterska, no. 8.
59 Cf. SACRA SONGREGATIO PRO DOCTRINA FIDEI, Pastoralis actio, nos. 32-33.
60 KONFERENCJA EPISKOPOAT POLSKI (POLISH EPISCOPAL CONFERENCE), Instrukcja duszpasterska, no. 8.
61 SCDF, Pastoralis actio, no. 31.
62 Cf. ibid., no. 30.
for the delay; and compliance with the particular laws which regulate this matter.63

As an example of a situation in which baptism should be delayed in view of there being no founded hope of Catholic upbringing, Huels says that this occurs when non-Catholic parents want to baptize their infant only so that the child can later be enrolled in a Catholic school in view of the fact that the level of education there is higher than offered by other educational institutions. Another example of circumstances when the decision to delay baptism is justified involves non-practicing Catholic parents who want to have their child baptized only so that they can please their parents and believe that the child itself will later decide whether or not to pursue religious education. In such a situation, according to Huels, baptism should be delayed at least until one parent consents to provide the infant with a Catholic education or permits someone else to fulfill this obligation.64

It should be emphasized that unlike before the promulgation of the 1983 Code, if a hope of education in the faith of the Church is entirely lacking, baptism is no longer to be “denied” but “delayed.”65 After a decision is made to delay baptism, in compliance with particular regulations, the time for the baptism is determined by the parish priest.66

It should again be noted that, when children complete the seventh year of age, for the purposes of baptism they are treated as adults. From then on, their own intention to be baptized is necessary for the sacrament to be validly received. In the case of a person who has attained the use of reason, it is no longer canon 868 that applies but canon 865 CIC (cf. c. 852 CIC).67

Conclusion

Even though the conditions provided in canon 868 §1, 2° CIC are necessary for the sacrament of baptism to be administered licitly (except in danger of the infant’s death), this does not impair their obligatory nature.68 When

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63 Cf. Gerosa, Prawo Kościoła, 190-191.
64 Cf. Huels, in RR 1995, 68.
66 Cf. Introduction, no. 8.4, in Rite of Baptism for Children.
admitting an infant to baptism, the conditions should be taken into consideration by the pastor.

While the former does not entail any major difficulties in pastoral ministry, the latter unfortunately does more and more frequently. It is often difficult to discern whether there is a founded hope of the infant’s future Catholic upbringing, particularly in the case of an irregular sacramental situation of the parents or guardians. As Vatican II taught: “Since parents have given children their life, they are bound by the most serious obligation to educate their offspring and therefore must be recognized as the primary and principal educators. This role in education is so important that only with difficulty can it be supplied where it is lacking.”

On the other hand, documents of the Holy See and a number of canonists emphasize that a founded hope of Catholic education exists also when such education is guaranteed not by the parents or guardians, but by third parties. This means that, in the case of baptism, the lack of education provided by the parents may be supplied by Catholic education provided by other persons, even though, according to the Council Fathers, this is particularly difficult to achieve.

When making the decision whether or not to admit an infant to baptism, it is necessary to find a delicate balance between the necessity of baptism for salvation and the necessity of establishing some assurances so that the gift of baptism may be recognized as such and the life of grace may develop in an appropriate environment. It should also be remembered that canon 868 §1, 2° CIC—to the extent its provisions restrict the free exercise of rights—is subject to strict interpretation (cf. c. 18 CIC). Strict interpretation means that the wording of a regulation is construed as narrowly as necessary for the words to remain meaningful. If reasonable doubts arise as to whether a hope of the Catholic upbringing of an infant is lacking, considering the importance of baptism, the decision should be made in favour of the sacrament. In difficult or doubtful cases, pastors may request the assistance of the local ordinary in making a decision.

69 Gravissimum educationis, no. 3.
71 Cf. Wellens, in RR 1997, 64.
This text does not take into consideration the provisions of diocesan law.\textsuperscript{74} In giving precision to general laws and regulations passed by the episcopate, such provisions may differ from one another.

\textsuperscript{74} For example, the statutes of the 4\textsuperscript{th} Synod of the Archdiocese of Warsaw (2003) on the matter under consideration provide as follows.

\begin{itemize}
  \item Statute 245. Before baptizing an infant, the parents and godparents should participate in preparatory catechesis introducing them to the mystery of the sacrament and its liturgy.
  \item Statute 246. Infants of non-sacramental unions are baptized in the parish of the mother’s place of residence. Before baptism, a conversation should be held with the parents and candidate’s godparents in order to ascertain whether the infant will be brought up in the Catholic religion. If there is a founded hope of such upbringing, the parish priest admits the infant to baptism, and takes written guaranties from the parents and godparents on a predefined form. In the case of parents who make light of their own participation in holy sacraments, the baptism of their infant should be delayed (see Annex 11).
  \item Statute 249. Persons who have attained the use of reason but are under 14 years of age may be baptized with the written consent of their parents or legal guardians. In the case of an explicit objection from one of the parents or guardians, the opinion of the local ordinary should be sought.
\end{itemize}