

REV. JAMES O'KANE

Notes on the Rubrics of the Roman Ritual

New York, New York: P. O'Shea,
1883, 3rd ed., ch. V, § XIII, n. 457-458, p. 166-168.

Summary: Although almost all Protestants use valid rites, theological errors concerning baptism led to habitual carelessness in its administration. There is sufficient reason to doubt that the prescribed Protestant rite was followed. Therefore, the general rule is to follow the safer course: baptize conditionally.

“The class whose baptism is doubtful, embraces almost all sects that go under the general name of Protestants. Most of them, it is true, in their rituals, prescribe all that is essential to Baptism, and if we had sufficient security that it is always administered by them in exact accordance with their rituals, we should have no reason to doubt its validity. As a matter of fact, the validity of baptism by Protestants at first was generally admitted; and when a doubt was raised in France regarding that conferred by the Calvinists, St. Pius V decided in favour of its validity. **But their errors regarding the efficacy and necessity of the sacrament, gradually led to habitual carelessness and frequent substantial defects in its administration, so as to leave reasonable ground for doubting in any given case whether it was rightly conferred.**¹ Hence the practice, now so extensively received, of baptizing *sub conditione* converts from the various sects of Protestantism, though inquiry should be made in each case, as is done in Rome, according to a decree of the Inquisition. Kenrick, who enters fully into this question in reference to the various sects in America, thinks no doubt ought to be entertained about the validity of the sacrament as conferred by the Baptists; but

yet, seeing that it is questioned by some whether they do not separate the immersion too much from the form, he does not quite condemn the practice of re-baptizing converts from amongst them. Having given his own opinion against it, he concludes by saying ‘rem sapientiorum judicio relinquimus’. [‘We leave the matter to the judgement of wiser men.’] It is usual, then, and it is the safer course, to confer conditional baptism even on these converts, unless there be satisfactory evidence that the rite was duly performed.”

458. “If we could have sufficient certainty about the baptism conferred in any Protestant sect at the present day, it would be about that conferred by the Anglicans, for the *Book of Common Prayer*, which contains their ritual, prescribes all that is essential to the sacrament, and moreover seems to convey the Catholic doctrine respecting its efficacy and necessity. **Yet there is always sufficient reason to doubt, in any particular case, whether it has been actually conferred in the manner directed by the prayer-book.**”

“A great many, probably the great majority, of the Anglican ministers repudiate the Catholic doctrine. A considerable authority

¹ Fr. Lehtoranta mentions the fact that St. Pius V decided in favor of the validity of Calvinist baptisms. However, he fails to note that after this decision, the Calvinists became habitually careless in conferring the sacrament, which gave reasonable grounds for doubting their validity.

amongst them, Wheatly, in his work on the Book of Common Prayer, denies the validity of baptism by laics, and says that the sanction given to it by the first reformers was founded on 'the error they had imbibed in the Romish Church concerning the impossibility of salvation without the sacrament of baptism.' Many of them simply ridicule the supposition that the salvation of a child depends on whether or not it has been washed with water. The prevalence of this error amongst them was very clearly brought out by the Gorham controversy; and the decision of the privy council on that occasion, leaves it free to every minister to maintain or reject the Catholic doctrine as he pleases. Since, then, the validity of the rite depends on the application by the minister of the proper matter and form with the intention of doing what the Church does, it cannot be surprising that a doubt should be entertained whether it may not have been invalidly performed by men who confessedly think it of little importance."

"Again, as a matter of fact, it is very often administered in a manner which leaves its

validity doubtful. It is admitted that baptism by aspersion or sprinkling is valid; but if the water which is sprinkled falls merely on the dress, it is certainly null; if it falls only on the hair, and does not touch the skin, the baptism is at least doubtful, and the same is to be said if not more than a drop or two should touch the skin. Now it is well known that very frequently the minister contents himself with dipping his finger in the water, and throwing one or two drops on the child, without much anxiety as to whether they may touch the skin, or merely fall on the dress. No doubt there are some ministers who are scrupulously exact in performing the ceremony as prescribed in their prayer book; and if it could be ascertained in any particular case that a convert had been baptized by one of these, he certainly should not be again baptized; **but as this can be very rarely known so as to leave no reasonable doubt, it is not surprising that, as a general rule, converts from the Anglican establishment, as well as those from other Protestant sects, are baptized conditionally.**" [emphasis added]

DOMINIC M. PRUMMER, O.P.

Manuale Theologiae Moralis

Freiburg im Breisgau, Germany: Herder & Co.,
1936, 8th ed., vol. III, n. 137, p. 105.

"Cum baptismus sit sacramentum tam necessarium, cumque defectus fidei tam late grassetur inter ministros haereticos, qui proinde non multum curant de recte applicanda forma ad materiam et de formanda intentione faciendi quod facit Ecclesia, saepe erit melius et securius, condionate baptizare illos, qui ex haeresi redeunt."

Translation:

"Since Baptism is so necessary a sacrament, and since the defection from the Faith is so widespread among heretical ministers, who, for this reason have little care about correctly applying the form to the matter and of forming the intention of doing what the Church does, it would often be better and safer to conditionally baptize those who are returning from heresy."

A. VERMEERSCH S.J. & J. CREUSEN S.J.

Epitome Iuris Canonici

Mechelen – Rome: H. Dessain,
1934, 5th ed., vol. II, n. 38, p. 23.

“[...] si examen fieri nequeat, baptismus sub condicione iterandus est; nam quia magis in dies crescit infidelitas vel, etiam apud bonae fidei acatholicos, incuria, baptismus ab acatholico collatus, practice saltem regulariter repetendus est « nisi proferatur testis omni fide dignus, qui de baptismo rite peracto, singulatim testari possit. »”

Translation:

“If an investigation cannot be done, the baptism must be repeated conditionally; for because infidelity increases from day to day, or, even among non-Catholics of good faith, carelessness, a Baptism conferred by a non-Catholic, at least in the practical order must be ordinarily repeated, 'unless a witness is produced who is entirely trustworthy, who can testify by himself concerning the Baptism correctly performed.'”

REV. JOSEPH G. GOODWINE, A.B., S.T.B., J.C.L.

The Reception of Converts

Washington, D.C.: The Catholic University of America Press,
1944.

Summary: *Inquiry not only into the fact, but also the validity of baptism received in heresy must be made. If the reasonableness of a doubt is uncertain after an investigation, it is to be resolved in favor of conditional baptism. Further investigation is necessary even if the heretical rite is valid to ascertain whether or not the minister followed the rite. Even the slightest doubt concerning the fact or validity of a baptism suffices to licitly confer it sub condicione. Priests cannot act on general presumptions alone, but must examine every case.*

“In this canon [Canon 2314] the penalty of a *latae sententiae* excommunication is levied against apostates, heretics and schismatics, and the absolution in the external forum is reserved to the Ordinary. In the interpretation of the phrase *servatis de iure servandis* authors generally refer to an Instruction of the Holy Office, issued July 20, 1859. Thus, Augustine, Cappello, Cerato, Coronata, Salucci and Wernz-Vidal clearly

state that this phrase must be interpreted exclusively according to the norms of the Instruction. Other authors such as Vermeersch-Creusen, De Smet, Cocchi, Mothon, Genicot-Salsmans, Merkelbach and Lydon explicitly indicate that the procedure outlined in the Instruction is still to be followed in receiving converts, except for the abjuration and the absolution from the

censure which must take place in accordance with the law of Canon 2314, § 2."

"The authors who form the latter group seem to indicate that in receiving converts, the direct obligation is to follow the procedure outlined in the Instruction, but the law of canon 2314, § 2, is to be observed insofar as it interprets the Instruction. The former group point to canon 2314, § 2, as binding directly, though it is to be interpreted in the light of the Instruction. Both groups concede a mutual interdependence between the law of the Code and the Procedure outlined in the Instruction, and thus advocate universal application of the Instruction in receiving converts into the Church. This general consensus of the authors as to the applicability of the Instruction indicates that it is not merely a particular response to an individual doubt, but that it embodies the general practice of the Church and is an application of the general law of the Code.

"The Instruction reads:

"To the doubt proposed by the Most Reverend Bishop of Philadelphia concerning the Profession of Faith and the Absolution of heretics when they are converted, on Wednesday, July 20, 1859, the most eminent cardinals decreed that an instruction be given as follows.

"In the conversion of heretics there must first be an inquiry into the validity of the Baptism received in heresy. After a diligent examination has been made, if it is found that no baptism was conferred, or that it was conferred invalidly, they are to be baptized absolutely. But if, when the investigation is completed there still remains a probable doubt concerning the validity of the Baptism, then Baptism is to be repeated conditionally. Finally, if it is established that the Baptism was valid, they are to be received only to the Abjuration, or Profession of Faith." (*Ibid.*, ch. I, p. 2-3)

"From the text of the Instruction it is evident that in itself it is an answer to a particular doubt of the Bishop of Philadelphia, and therefore, is of obligation only in that particular diocese for which it was intended. However, from the fact that the Instruction embodies the general law and practice of the Church, it can be said that a certain universal obligation to follow the procedure set forth, at least substantially, does arise. It is the nature of an instruction to explain doubtful points in the law and to set forth certain norms whereby the law may be observed in practice. When, however, an instruction such as the instruction of the Holy Office under discussion intends to recall the common law, a real obligation to obey its prescriptions does arise. **Thus it seems that the necessity of an investigation into the fact and validity² of the convert's baptism, and the procedure outlined for the results of that investigation must be adhered to universally.**" (*Ibid.*, ch. I, art. 1, p. 6-7) [emphasis added]

"In the United States by reason of the legislation of the Plenary Councils of Baltimore, the Instruction has the status of particular law. The II Plenary Council of Baltimore (1866) decreed:

"In receiving converts from heresy into the faith we desire that that procedure be exactly followed which is contained in the form given by the Sacred Congregation of the Holy Office, July 20, 1859, and which is already printed in several ritual books. That it may be known to everyone, we shall take care to incorporate it in the Appendix. For there it is explicitly stated when Baptism is to be conferred absolutely, when conditionally, and when not at all.

"From the text of the decree it may be argued that no strict obligation to comply with the Instruction arises, even though it was the mind of the Fathers of the Council to institute

² SGG investigates whether or not someone coming from the Novus Ordo underwent a baptismal ceremony. However, they do not investigate the validity of the minister's administration, instead relying on a general presumption of validity.

a uniform practice in this country. From the text of the decree of the III Plenary Council, which repeated the recommendation of the former council, no such latitude of interpretation is allowed.

"That due veneration for Baptism be preserved, and that all appearances of its illegitimate repetition be removed, the Church has prescribed that when one is converted to the faith from error, there must always be a diligent inquiry as to whether he has been baptized before, and whether the Baptism received in heresy was valid. **A mere general investigation of the custom or practice of certain sects, from which can be had a presumption as to whether or not the Baptism was conferred, or as to its validity or nullity, is not sufficient; but, as far as it shall be possible, there must be an inquiry into the Baptism of the individual converts, so that the certitude or probability that they were or were not validly baptized may be obtained.** When the investigation has been completed, the convert must be received according to the manner described in the Instruction of the Holy Office of the year 1859, which is to be seen in the Appendix of the II Plenary Council of Baltimore and in most ritual books." (*Ibid.*, ch. I, art. 2, p. 7-8)

"[...] **if after a conscientious investigation it remains uncertain whether the doubt is reasonable or not, it should be resolved in favor of conditional baptism.**" (*Ibid.*, ch. V, p. 97)

"In the event that with further investigation there cannot be established a certainty concerning the validity or invalidity, baptism is to be administered conditionally. **If the ritual prescribes all that is essential for the valid conferring of the sacrament, as is usually the case, further investigation is necessary to ascertain whether the heretical minister actually used the ritual of his sect in this particular instance, and whether he carried out all the prescriptions or perhaps**

"In several provinces of France, in view of the grave doubts as to the validity of

inserted interpolations which vitiated the sacrament. In this point there is need of careful inquiry, because the erroneous notions of the majority of sects concerning the nature, efficacy or necessity of baptism have led to much carelessness and disregard for the essential elements of the sacrament.

"In any case, an investigation of the ritual of a sect must be accompanied by further inquiry to ascertain whether the ritual was faithfully adhered to in practice. **If after this investigation a reasonable doubt remains, or if a satisfactory investigation is impossible because of the circumstances of time, place, and persons involved, or if the investigation revealed nothing for the validity and nothing for the invalidity, conditional baptism is to be conferred.**

"As often as there is a rational and prudent doubt about the fact of baptism or about its validity which cannot be resolved by a diligent investigation, it is licit to baptize conditionally. **Even the slightest doubt suffices, provided that is based on solid reasons.**" (*Ibid.*, ch. V, p. 99-100)

"According to the tradition of the Church an investigation of the convert's previous baptism must always precede his reception into the Church. The V Council of Carthage (401) was the first to outline a definite procedure when the convert could not recall being baptized. In this instance, witnesses, including the one who had performed the ceremony, were to be called; if these were not available a further investigation was to be made in an effort to find someone who could testify under oath that baptism had been administered. This was insisted upon by Pope Leo I (440-461) in a letter to Leo, Bishop of Ravenna, written in 458. If there were absolutely no signs to indicate the previous baptism of the convert, he was to be admitted to baptism." (*Ibid.*, ch. V, p. 111-112)

Protestant baptisms, the bishop was to be consulted in each case. In Ireland all converts

were to be conditionally baptized, unless it was plainly evident from trustworthy testimony that the heretical baptism was valid. In England the I Provincial Council of Westminster (1852) renewed the rule that all converts born of and baptized by Protestants after the year 1733 were to be baptized conditionally³, 'nisi ex indubiis probationibus certissime constet in ipsorum baptismo omnia rite fuisse peracta, quoad materiae et formae applicationem.' ['unless from indubitable proofs it is most certainly a fact that in their Baptism all things were correctly performed, with regard to the application of matter and form.']

"The II Plenary Council of Baltimore (1866) accurately summed up the teaching of the

Church and the practice that was followed in the last century: since Baptism imprints an indelible character on the soul, one who would rashly presume to rebaptize a convert would be guilty of the gravest crime; since, however, heretics were accustomed to neglect the most essential ceremonies in their administration of Baptism, it became a necessity to rebaptize conditionally practically all converts from heresy. **Notwithstanding this condition of affairs an intelligent and diligent investigation of each case was required.** If a priest acted on mere general presumptions rather than on the results of an accurate individual examination of the baptism in heresy, he incurred an irregularity for presuming to rebaptize without sufficient reason." (*Ibid.*, ch. V, art. 3, p. 114-115)

JOHN A. MCHUGH, O.P.

The Casuist

New York, New York: Joseph F. Wagner, Inc.,
1917, vol. V, art. XL, p. 108.

"It may happen, though, that a *ratio dubitandi* [reason for doubt], while real, is yet very slight. Such a doubt does not impose itself on the judgement of a prudent man, yet is he not obliged to reject it, especially in a matter of such vital import as the validity of Baptism.

Hence some grave authorities hold that a troublesome scruple of which the conscience cannot rid itself, provided it be not altogether unreasonable, is a sufficient reason for repeating *sub conditione* a necessary sacrament such as Baptism.

³ Here is found a precedent for setting a specific date after which baptisms are presumed doubtful, which the RCI applies to Baptisms done in the Novus Ordo after January 1, 1990.

REV. FRANCIS J. SCHENK, A.B., S.T.B., J.C.L.

The Matrimonial Impediments of Mixed Religion and Disparity of Cult

Washington, D.C.: The Catholic University of America Press,
1929, ch. X, art. III.

Summary: An investigation does not end with forming an initial presumption for or against a sect's baptisms. Each case must be examined to determine whether or not the minister actually followed the prescriptions of their sect. The investigation concerns the ritual, the actual administration and the intention of the minister. Positive reasons for or against validity trump presumptions. Lack of evidence producing moral certitude is a positive reason for doubt.

“The term 'initial presumption' is used advisedly, for the Church does not permit the investigation to stop with a presumption regarding a sect. Each individual case must be examined to determine the value of the initial presumption. The norm of the investigation prescribed by the Holy Office in the instruction sent to the Bishop of Nesqually centered on two points: '1. Utrum ritus administrandi sacramentum Baptismi, ab ista secta in istis regionibus retentus, aliquid contineat quod illius nullitatem inducere valeat. 2. Utrum talis sectae ministri de facto sese conforment praescriptionibus in propria eorum secta sancitis.' [*translation*: '1. Whether the rite of administering the sacrament of Baptism maintained in that sect in those regions should contain something which could induce the invalidity of it. 2. **Whether the ministers of such a sect actually conformed themselves to the prescriptions which are prescribed in their own sect.**'] The ritual of the sect together with the actual administration of the minister represents the extent of the investigation, though an inquiry should also concern the intention of the minister. The Holy See has constantly insisted that each individual case must be examined.” (p. 129)

“As a summary of the discussion of non-Catholic Baptisms, the following conclusions seem to be fully warranted. A Baptism bearing the initial presumption of validity must continue to be regarded as valid until a positive reason is found for regarding it as doubtful or invalid. If nothing positive is found to upset this presumption, the intention of doing what the Church does must be presumed. An initial presumption of doubt concerning a Baptism retains its character of doubt until a positive reason demands that it cede to the presumption of certain validity or invalidity. A Baptism bearing the initial presumption of invalidity cedes to the presumption of doubt or validity only on the ground of positive reasons. Those individual cases that bear some evidence for the fact of Baptism, but which for various reasons cannot be examined in the light of an initial presumption, must be judged according to the evidence afforded by the individual investigation. **As long as evidence is wanting to produce moral certainty either of the fact of its administration, or of the use of a valid rite, this lack of evidence forms a positive reason for regarding the Baptism as doubtful.**” (p. 130-131) [emphasis added]

Summary of the foregoing: No uniformity of teaching and practice exists among heretics concerning baptism. Each particular case must be examined. In some religious denominations with valid rituals, the likelihood that they actually validly baptize, in practice, is more than doubtful. If the validity of the baptism is uncertain, it must be done again conditionally. In England, adult converts are to be baptized privately with holy water. Converts in the United States are almost invariably baptized absolutely or conditionally. Even in cases where a ceremony had certainly been performed, reasonable doubt of validity will generally remain, on account of either the intention of the administrator or the mode of administration. Protestants who deny the necessity of baptism are presumed to baptize inaccurately and carelessly.

WILLIAM H. W. FANNING

The Catholic Encyclopedia

New York, New York: The Encyclopedia Press, Inc.,
1913, vol. II, art. "Baptism", § VII "Conditional Baptism", p. 264.

Summary: In some religious denominations with valid rituals, the likelihood that they actually validly baptize, in practice, is more than doubtful. If the validity of the baptism is uncertain, it must be done again conditionally. Protestants who deny the necessity of baptism are presumed to baptize inaccurately and carelessly.

“From the foregoing it is evident that not all baptism administered by heretics or schismatics is invalid. On the contrary, if the proper matter and form be used and the one conferring the sacrament really 'intends to perform what the Church performs' the baptism is undoubtedly valid. This is also authoritatively stated in the decree for the Armenians and the canons of the Council of Trent already given. The question becomes a practical one when converts to the Faith have to be dealt with. If there were one authorized mode of baptizing among the sects, and if the necessity and true significance of the sacrament were uniformly taught and put in practice among them, there would be little difficulty as to the status of converts from the sects. But there is no such unity of teaching and practice among them, and consequently the particular case of each convert must be examined into when there is question of his reception into the Church. **For not only are**

there religious denominations in which baptism is in all probability not validly administered, but there are those also which have a ritual sufficient indeed for validity, but in practice the likelihood of their members having received baptism validly is more than doubtful. As a consequence converts must be dealt with differently. If it be certain that a convert was validly baptized in heresy, the sacrament is not repeated, but the ceremonies which had been omitted in such baptism are to be supplied, unless the bishop, for sufficient reasons, judges that they can be dispensed with. (For the United States, see the First Council of Baltimore.) **If it be uncertain whether the convert's baptism was valid or not, then he is to be baptized conditionally.** In such cases the ritual is: 'If thou art not yet baptized, then I baptize thee in the name', etc. The First Synod of Westminster, England, directs that adult converts are to be baptized not publicly

but privately with holy water (i.e. not the consecrated baptismal water) and without the usual ceremonies (Decr. xvi). Practically, converts in the United States are almost invariably baptized either absolutely or conditionally, not because the baptism administered by heretics is held to be invalid, but because it is generally impossible to discover whether they had ever been properly baptized. Even in cases where a ceremony had certainly been performed, reasonable doubt of validity will generally remain, on account of either the intention of the administrator or the mode of administration. Still each case must be examined into (S. C. Inquis., 20 Nov., 1878) lest the sacrament be sacrilegiously repeated.

“As to the baptism of the various sects, Sabetti (no. 662) states that the Oriental Churches and the 'Old Catholics' generally administer baptism accurately; the Socinians and Quakers do not baptize at all; the Baptists use the rite only for adults, and the

efficacy of their baptism has been called into question owing to the separation of the matter and the form, for the latter is pronounced before the immersion takes place; **the Congregationalists, Unitarians and Universalists deny the necessity of baptism, and hence the presumption is that they do not administer it accurately;** the Methodists and Presbyterians baptize by aspersion or sprinkling, and it may be reasonably doubted whether the water has touched the body and flowed upon it; **among the Episcopalians many consider baptism to have no true efficacy and to be merely an empty ceremony, and consequently there is a well-grounded fear that they are not sufficiently careful in its administration.** To this may be added, that Episcopalians often baptize by aspersion, and though such a method is undoubtedly valid if properly employed, yet in practice it is quite possible that the sprinkled water may not touch the skin. Sabetti also notes that ministers of the same sect do not everywhere follow a uniform method of baptizing.”

ALFRED B. SHARPE

The Catholic Encyclopedia

New York, New York: The Encyclopedia Press, Inc.,
1913, vol. V, art. "Doubt", p. 143.

Summary: Practical doubt is incompatible with right action. The doubt must be removed before any action is justified. Only the safer course may be followed concerning doubtful baptisms.

“Practical doubt, or doubt as to the lawfulness of an action is, according to the teaching of moral theology, incompatible with right action; since to act with a doubtful conscience is obviously to act in disregard of the moral law. To act with a doubtful conscience is therefore, sinful; and the doubt must be removed before any action can be justified. It frequently

happens, however, that the solution of a practical doubt is not attainable, while some decision is necessary. In such cases the conscience may obtain a 'reflexive' certainty by adopting an approved opinion as to the lawfulness of the action contemplated, apart from the intrinsic merits of the question. The question has been much discussed among different schools

of theologians whether the opinion so followed must be of greatly preponderating authority in favour of liberty in order to justify an action the lawfulness of which appears intrinsically doubtful, whether it must be merely more probable than the contrary one, or equally probable, or merely probable in itself, even though less so than its contrary. The first, however, is the theory now generally accepted for all practical purposes; and the principle that *lex dubia non obligat*--i.e. that a law which is doubtful in its application to the case in hand does not

bind--is universally admitted. It must be observed, however, that where the question is one not merely of positive law but of securing a certain practical result, only the 'safer' course may be followed. **No opinion however probable, is allowed to take precedence of the most certain means of securing such ends; e.g. in providing for the validity of the sacraments, in discharging obligations of justice, or in avoiding injury to others. Thus doubtful baptisms and ordinations must be repeated conditionally."**

JOHN CANON MCCARTHY D.D., D.C.L.

Problems in Theology

Westminster, Maryland: Newman Press,
1956, vol. I "*The Sacraments*", § II.

Summary: The capability and responsibility of the minister is to be taken into account when investigating a lay baptism. Lesser reasons suffice to give rise to a prudent doubt. If the validity of a baptism is not morally certain, it must be done again.

"It may well be asked, in this context, when is there prudent doubt in regard to the validity of the first (*in casu lay*⁴) Baptism? **To answer that question a number of factors naturally must be taken into account—in particular, the capability of the person conferring the sacrament and the circumstances in which it was conferred. Since Baptism is so vitally important, all will agree that lesser reasons will suffice to give rise to a prudent doubt regarding its validity and to justify its conditional repetition than would suffice in the case of the other less necessary sacraments.** But if it be asked, in the light of the foregoing agreed principle, whether there is always a prudent doubt in regard to the validity of lay

Baptism, we would answer: certainly not. Parish priests are reminded in the general law and in the Maynooth Statutes of their obligation to see that the faithful, particularly nurses, doctors and surgeons should learn properly the correct method of conferring Baptism in case of necessity. When Baptism has been conferred by those who have been instructed duly in this matter there can be, rarely enough, room for prudent doubt as to the validity of the sacrament—provided, of course, the ministers acted in a responsible manner. The presumption in these cases would be certainly in favour of validity. But presumption always cedes to fact; and just as we cannot adopt and act upon the principle that there is always a prudent doubt in

⁴ i.e., in the case of lay Baptism

regard to every lay Baptism, neither, of course, can we assume that there is never a prudent doubt. There might well be such a doubt when the sacrament is given by one who is poorly instructed or mentally under average, or as the Code suggests, in certain circumstances of difficult childbirth or in other difficult conditions, for example, in darkness, in very great haste, etc. Diligent investigation into the circumstances of each case that arises will often help the inquirer to form a morally certain judgment in favour of –or even against–the validity of the lay Baptism. There need be, there should be no hesitation in acting in accordance with this judgment. **Sometimes, as a result of this diligent investigation, it will be really doubtful, for one or other of the reasons mentioned above, whether the lay Baptism was valid—in which case, if the doubt cannot be solved, the sacrament should be repeated conditionally.** These conclusions are contained in two replies given by the Congregation of the Council. We quote from Cappello: Die 19 Dec. 1682 declaravit (Congregatio): ‘infantes ab obstetricibus baptizatos, posse rebaptizari sub conditione in casibus particularibus, ubi *rationabile dubium* oritur circa validitatem Baptismi prima vice collati. Et die 27 mart. 1863 proposito dubio: ‘An infantes domi in casu necessitatis baptizati sint sub conditione rebaptizandi?’ respondit: ‘Negative, nisi adsit *dubium probabile* invaliditatis Baptismi.’” (*Ibid.*, p. 54-55)

“The general principles governing the repetition of doubtfully valid sacraments are familiar to our readers. It is unlawful, *per se* gravely unlawful, to repeat a sacrament if there is no reasonable or prudent basis for the doubt regarding its validity. On the other hand, whenever there are prudent reasons for this doubt, whether it be of law or of fact⁵, the sacrament *may* be repeated conditionally. **If the sacrament, the validity of which is**

prudently doubtful, is necessary for the salvation of the recipient or if grave spiritual issues for others depend upon its validity—then this sacrament *should* be repeated conditionally. It seems to follow as a corollary from all this that the more necessary a sacrament is for the salvation of the recipient or for the spiritual good of others, the lesser the degree of doubt which will be regarded as prudent, and which, accordingly, will allow or even may demand the repetition of this sacrament. ‘Quo magis autem est sacramentum necessarium, eo minor causa sufficit ut licite iteretur.’ [Vermeersch—Creusen, *Epitome Juris Canonici*, ii, n. 17.] The Code singles out the sacraments which confer a character and which, therefore, cannot validly be received more than once. Of them we read: ‘Si vero prudens dubium existat num revera vel num valide collata fuerint, sub conditione iterum conferantur.’ [Canon 732, § 2.] The same principle would apply, we think, when the prudent doubt has reference to the validity of absolution in the case of a dying sinner, the anointing of a sinner who is unconscious or the consecration of the Blessed Eucharist—in this last case to prevent the danger of material idolatry. It is often said that in all these cases the sacrament should be repeated conditionally unless there is moral certainty that the prior conferring was valid. ‘Quaedam (sacramenta) iterari debent scilicet ea quae suscipienti ad salutem sunt necessaria vel quorum defectus in grave damnum religionis vel proximi cedat . . . Et haec quidem sacramenta repetenda sunt, quamdiu eorum valor non moraliter certus est. . . .’ [Noldin, *De Sacramentis*, n. 27. Cf. Cappello, loc. cit.] The axiom, *sacramenta propter homines*, has peculiar application here.” (*Ibid.*, p. 55-56)

“It is laid down in canon 749 that foundlings are to be baptized conditionally unless it has been certainly established, by diligent

⁵ A *doubt of fact* (whether the baptism was actually conferred) is distinguished from a *doubt of law* (whether the baptism actually conferred was valid).

investigation, that they have already been validly baptized. It is true that the evidence of one witness who is above exception suffices to prove that Baptism has been conferred. But the mere leaving of an anonymous note cannot be equiparated [sic] to the evidence of an unexceptional witness and, therefore, cannot, of itself, be regarded as a certain proof of Baptism. The Code requires that diligent investigation be made. But, in the circumstances, investigation will be delicate and difficult and very often fruitless. It is only in very exceptional cases that it will be possible to have adequate proof of the Baptism of foundlings. Those who have abandoned the infants will be anxious and careful to conceal their identity and movements. The Baptism will not be registered. It is mostly unlikely that they will have brought the infants to any priest for Baptism. At most, then, only lay Baptism will have been conferred. We do not for a moment

suggest that lay Baptism must always be regarded as doubtfully valid. But it will sometimes. And, in the circumstances we are considering, it can well be said that there is, in the absence of adequate evidence, doubt regarding the fact as to whether Baptism was conferred at all as well as, perhaps, doubt regarding its validity, even if it were conferred. There is good reason, then, for conferring conditional Baptism on these foundlings. **It is a clearly stated principle of law that Baptism which is so necessary for salvation may, and should, be repeated conditionally whenever there is a prudent doubt as to whether it was already conferred or was conferred validly.** It would be well that priests should inform their people regarding this obligation to have foundlings baptized conditionally in the circumstances mentioned in the query." (*Ibid.*, 58-59)

JOHN A. MCHUGH O.P. & CHARLES J. CALLAN O.P.

Moral Theology

New York, New York: Joseph F. Wagner Inc.,
1958, vol. I, pt. I, q. 4, art. 3, n. 661.

Summary: *The safer course must be followed in the administration of the Sacraments.*

"661. In the above cases negative doubt was solved generally in favor of non-obligation as against obligation. But there are two cases in which negative doubt must be settled in favor of obligation, according to the rule: 'In doubt follow that which is safer.' The two cases are:

"(a) Negative doubt must be settled in favor of obligation, when the doubt is about a matter of such importance that it does not permit the taking of risks in its performance,

as when there is question of laws that safeguard the supreme rights of man, or of laws that prescribe the essentials to be used in the administration of the Sacraments. Example: Sempronius adopts a newly-born infant abandoned at his door. As there is nothing to indicate whether the baby has been baptized or not, Sempronius takes the safer course and has it baptized.

"(b) Negative doubt must be settled in favor of obligation when it persists because no

reflex principle is found, or none that seems to be suitable for the case. Example: Titus wavers between uncertainties about the existence of a law; he can discover no reasons pro or con, and he knows no principle or presumption to guide himself by in his difficulty. He does not know or even think that he may act as if the law were non-existent, and hence he must inquire further, or else act as if the law did exist."

Editor's note: This is important because Fr. Lehtoranta referred to n. 659 of this source in his paper, but does not include n. 661 which provides two exceptions "in which negative doubt must be settled in favor of obligation"—one of which is baptism. "To settle a negative doubt about the

quality, or validity, of an act performed (such as Baptism), it may be settled from general presumptions or principles. When the act was according to law, and the doubt concerns its validity or sufficiency, one may take it that all was rightly done, for it usually happens that he who complies with the substance, also complies with what is accessory. Moreover, the welfare of the public and of individuals requires that an act done outwardly according to law should be deemed as rightly performed unless the contrary can be proved. Hence the rule: 'In doubt decide for the validity of what was done.'"—Fr. Lehtoranta, *The Correct Use of Conditional Baptism*, pt. 3.b. "Matter and Form", p. 7.

NICHOLAS HALLIGAN, O.P.,

Administration of the Sacraments

Staten Island, New York: Alba House,
1963, ch. II, n. 65, p. 70.

"When diligent investigation uncovers solid reasons for doubting either the administration or the validity of a previous baptism, there is a sufficient basis for a conditional rebaptism; **where there is further doubt whether the reasons themselves for doubting are sufficient for rebaptism, resolve the doubt in favor of conditional rebaptism.**"

Ibid., Page 33.

"Unless the skin is washed the baptism is invalid or at least doubtful and thus must be conferred again conditionally. Baptism is at least doubtful if the water touches only the hair; the hair should be separated to allow the water to flow on the skin, or across the forehead or temples."