

Authority in the Church II

ANGLICAN/ROMAN CATHOLIC JOINT PREPARATORY COMMISSION

Introduction

1. In our conclusion to our first Statement on Authority in the Church we affirmed that we had reached 'a consensus on authority in the Church and, in particular, on the basic principles of primacy', which we asserted to be of 'fundamental importance' (para. 24). Nevertheless we showed that four outstanding problems related to this subject required further study since, if they remained unresolved, they would appear to constitute serious obstacles to our growing together towards full communion. The four difficulties were the interpretation of the Petrine texts, the meaning of the language of 'divine right', the affirmation of papal infallibility, and the nature of the jurisdiction ascribed to the bishop of Rome as universal primate. After five years of further study, we are able to present a fresh appraisal of their weight and implications.

Petrine Texts

2. The position of Peter among the apostles has often been discussed in relation to the importance of the bishop of Rome among the bishops. This requires that we look at the data of the New Testament and what are commonly called the Petrine texts.
3. While explicitly stressing Christ's will to root the Church in the apostolic witness and mandate, the New Testament attributes to Peter a special position among the Twelve. Whether the Petrine texts contain the authentic words of Jesus or not, they witness to an early tradition that Peter already held this place during Jesus' ministry. Individually the indications may seem to be inconclusive, but taken together they provide a general picture of his prominence. The most important are: the bestowal on Simon of the name Cephas, his being mentioned first among the Twelve and in the smaller circle of the three (Peter, James and John), the faith which enabled him to confess Jesus' Messiahship (Matt. 16:16; Mark 8:29; Luke 9:20; and John 6:69), and the answer of Jesus (Matt. 16:18) in which he is called rock, the charge to strengthen his brethren (John 21:16-17) and the special appearance to him of the risen Lord (e.g. Luke 24:34; 1 Cor 15:5). Although the author of Acts underlined the apostolic authority of Paul in the latter part of his book, he focused in the first part on Peter's leadership. For instance, it is Peter who frequently speaks in the name of the apostolic community (Acts 3:15; 10:41), he is the first to proclaim the Gospel to the Jews and the first to open the Christian community to the Gentiles. Paul seems to have recognized this prominence of Peter among the apostles as well as the importance of James (Gal 1:18-19). He appears also to have accepted the lead given by Peter at the Council of Jerusalem (Acts 15), even though he was prepared to oppose Peter when he held Peter to be at fault (Gal 2:11).

4. Responsibility for pastoral leadership was not restricted to Peter. The expression 'binding and loosing', which is used for the explicit commission to Peter in Matt 16:19, appears again in Matt 18:18 in the promise made by Christ directly to all the disciples. Similarly the foundation upon which the Church is built is related to Peter in Matt 16:18 and to the whole apostolic body elsewhere in the New Testament (e.g. Eph 2:20). Even though Peter was the spokesman at Pentecost, the charge to proclaim the Gospel to all the world had previously been given by the risen Christ to the Eleven (Acts 1:2-8). Although Paul was not among the Twelve, he too was conspicuous for the leadership which he exercised with an authority received from the Lord himself, claiming to share with Peter and others parallel responsibility and apostolic authority (Gal 2:7-8; 1 Cor 9:1).
5. In spite of being strongly rebuked by Christ and his dramatic failure in denying him, in the eyes of the New Testament writers Peter holds a position of special importance. This was not due to his own gifts and character although he had been the first to confess Christ's Messiahship. It was because of his particular calling by Christ (Luke 6:14; John 21:15-17). Yet while the distinctive features of Peter's ministry are stressed, this ministry is that of an apostle and does not isolate him from the ministry of the other apostles. In accordance with the teaching of Jesus that truly to lead is to serve and not to dominate others (Luke 22:24ff), Peter's role in strengthening the brethren (Luke 22:32) is a leadership of service. Peter, then, serves the Church by helping it to overcome threats to its unity (e.g. Acts 11:1-18), even if his weakness may require help or correction, as is clear from his rebuke by Paul (Gal 2:11-14). These considerations help clarify the analogy that has been drawn between the role of Peter among the apostles and that of the bishop of Rome among his fellow bishops.
6. The New Testament contains no explicit record of a transmission of Peter's leadership; nor is the transmission of apostolic authority in general very clear. Furthermore, the Petrine texts were subjected to differing interpretations as early as the time of the Church Fathers. Yet the church at Rome, the city in which Peter and Paul taught and were martyred, came to be recognized as possessing a unique responsibility among the churches: its bishop was seen to perform a special service in relation to the unity of the churches, and in relation to fidelity to the apostolic inheritance, thus exercising among his fellow bishops functions analogous to those ascribed to Peter, whose successor the bishop of Rome was claimed to be (cf. para. 12).
7. Fathers and doctors of the Church gradually came to interpret the New Testament data as pointing in the same direction. This interpretation has been questioned, and it has been argued that it arose from an attempt to legitimize a development which had already occurred. Yet it is possible to think that a primacy of the bishop of Rome is not contrary to the New Testament and is part of God's purpose regarding the Church's unity and catholicity, while admitting that the New Testament texts offer no sufficient basis for this.

8. Our two traditions agree that not everything said of the apostles as the witnesses to the resurrection and saving work of Christ (Acts 1:21-22) is transmitted to those chosen to continue their mission. The apostles are the foundations precisely because they are the unique, commissioned witnesses to the once-for-all saving work of Christ. Peter's role is never isolated from that of the apostolic group; what is true of the transmissibility of the mission of the apostolic group is true of Peter as a member of it. Consequently though the sentence, 'On this rock I will build my church', is spoken to Peter, this does not imply that the same words can be applied to the bishop of Rome with an identical meaning. Even if Peter's role cannot be transmitted in its totality, however, this does not exclude the continuation of a ministry of unity guided by the Spirit among those who continue the apostolic mission.
9. If the leadership of the bishop of Rome has been rejected by those who thought it was not faithful to the truth of the Gospel and hence not a true focus of unity, we nevertheless agree that a universal primacy will be needed in a reunited Church and should appropriately be the primacy of the bishop of Rome, as we have specified it (Authority I, para. 23). While the New Testament taken as a whole shows Peter playing a clear role of leadership it does not portray the Church's unity and universality exclusively in terms of Peter. The universal communion of the churches is a company of believers, united by faith in Christ, by the preaching of the word, and by participation in the sacraments assured to them by a pastoral ministry of apostolic order. In a reunited Church a ministry modeled on the role of Peter will be a sign and safeguard of such unity.

Jus Divinum

10. The first Statement on Authority poses two questions with respect to the language of 'divine right' applied by the First Vatican Council to the Roman primacy: What does the language actually mean? What implications does it have for the ecclesial status of non-Roman Catholic communions (Authority I, para. 24b)? Our purpose is to clarify the Roman Catholic position on these questions; to suggest a possible Anglican reaction to the Roman Catholic position; and to attempt a statement of consensus.
11. The Roman Catholic conviction concerning the place of the Roman primacy in God's plan for his Church has traditionally been expressed in the language of jus divinum (divine law or divine right). This term was used by the First Vatican Council to describe the primacy of the 'successor in the chair of Peter' whom the Council recognized in the bishop of Rome. The First Vatican Council used the term jure divino to say that this primacy derives from Christ^[1]. While there is no universally accepted interpretation of this language, all affirm that it means at least that this primacy expresses God's purpose for his Church. Jus divinum in this context need not be taken to imply that the universal primacy as a permanent institution was directly founded by Jesus during his life on earth. Neither does the term mean that the universal primate is a 'source of the Church' as if Christ's salvation had to be channeled through him. Rather, he is to be the sign of the visible koinonia God wills for the Church and an instrument

through which unity in diversity is realized. It is to a universal primate thus envisaged within the collegiality of the bishops and the koinonia of the whole Church that the qualification *jure divino* can be applied.

12. The doctrine that a universal primacy expresses the will of God does not entail the consequence that a Christian community out of communion with the see of Rome does not belong to the Church of God. Being in canonical communion with the bishop of Rome is not among the necessary elements by which a Christian community, is recognized as a church. For example, the Roman Catholic Church has continued to recognize the Orthodox churches as churches in spite of division concerning the primacy (Vatican II, *Unitatis Redintegratio*, para. 14). The Second Vatican Council, while teaching that the Church of God subsists in the Roman Catholic Church, rejected the position that the Church of God is co-extensive with the Roman Catholic Church and is exclusively embodied in that Church. The Second Vatican Council allows it to be said that a church out of communion with the Roman see may lack nothing from the viewpoint of the Roman Catholic Church except that it does not belong to the visible manifestation of full Christian communion which is maintained in the Roman Catholic Church (*Lumen Gentium*, para. 8; *Unitatis Redintegratio*, para. 13).
13. Relations between our two communions in the past have not encouraged reflection by Anglicans on the positive significance of the Roman primacy in the life of the universal Church. Nonetheless, from time to time Anglican theologians have affirmed that, in changed circumstances, it might be possible for the churches of the Anglican Communion to recognize the development of the Roman primacy as a gift of divine providence in other words, as an effect of the guidance of the Holy Spirit in the Church. Given the above interpretation of the language of divine right in the First Vatican Council, it is reasonable to ask whether a gap really exists between the assertion of a primacy by divine right (*jure divino*) and the acknowledgment of its emergence by divine providence (*divina providentia*).
14. Anglicans have commonly supposed that the claim to divine right for the Roman primacy implied a denial that the churches of the Anglican Communion are churches. Consequently, they have concluded that any reconciliation with Rome would require a repudiation of their past history, life and experience which in effect would be a betrayal of their own integrity. However, given recent developments in the Roman Catholic understanding of the status of other Christian churches, this particular difficulty may no longer be an obstacle to Anglican acceptance, as God's will for his Church, of a universal primacy of the bishop of Rome such as has been described in the first Statement on Authority (para. 23).
15. In the past, Roman Catholic teaching that the bishop of Rome is universal primate by divine right or law has been regarded by Anglicans as unacceptable. However, we believe that the primacy of the bishop of Rome can be affirmed as part of God's design for the universal koinonia in terms which are compatible

with both our traditions. Given such a consensus, the language of divine right used by the First Vatican Council need no longer be seen as a matter of disagreement between us.

Jurisdiction

16. Jurisdiction in the Church may be defined as the authority or power (potestas) necessary for the exercise of an office. In both our communions it is given for the effective fulfilment of office and this fact determines its exercise and limits. It varies according to the specific functions of the episcopate concerned. The jurisdictions associated with different levels of episcopate (e. g. of primates, metropolitans and diocesan bishops) are not in all respects identical. The use of the same juridical terms does not mean that exactly the same authority is attributed to all those exercising episcopate at different levels. Where a metropolitan has jurisdiction in his province this jurisdiction is not merely the exercise in a broader context of that exercised by a bishop in his diocese: it is determined by the specific functions which he is required to discharge in relation to his fellow bishops.
17. Each bishop is entrusted with the pastoral authority needed for the exercise of his episcopate. This authority is both required and limited by the bishop's task of teaching the faith through the proclamation and explanation of the word of God, of providing for the administration of the sacraments in his diocese and of maintaining his church in holiness and truth (cf. Authority I, para. 5). Hence decisions taken by the bishop in performing his task have an authority which the faithful in his diocese have a duty to accept. This authority of the bishop, usually called jurisdiction, involves the responsibility for making and implementing the decisions that are required by his office for the sake of the koinonia. It is not the arbitrary power of one man over the freedom of others, but a necessity if the bishop is to serve his flock as its shepherd (cf. Authority Elucidation, para. 5). So too, within the universal koinonia and the collegiality of the bishops, the universal primate exercises the jurisdiction necessary for the fulfilment of his functions, the chief of which is to serve the faith and unity of the whole Church.
18. Difficulties have arisen from the attribution of universal, ordinary and immediate jurisdiction to the bishop of Rome by the First Vatican Council. Misunderstanding of these technical terms has aggravated the difficulties. The jurisdiction of the bishop of Rome as universal primate is called ordinary and immediate (i.e. not mediated) because it is inherent in his office; it is called universal simply because it must enable him to serve the unity and harmony of the koinonia as a whole and in each of its parts.

The attribution of such jurisdiction to the bishop of Rome is a source of anxiety to Anglicans (Authority I, para. 24d) who fear, for example, that he could usurp the rights of a metropolitan in his province or of a bishop in his diocese; that a centralized authority might not always understand local conditions or respect legitimate cultural diversity; that rightful freedom of conscience, thought and action could be imperilled.

19. The universal primate should exercise, and be seen to exercise, his ministry not in isolation but in collegial association with his brother bishops (Authority I, paras. 21 and 23). This in no way reduces his own responsibility on occasion to speak and act for the whole Church. Concern for the universal Church is intrinsic to all episcopal office; a diocesan bishop is helped to make this concern a reality by the universal jurisdiction of the universal primate. But the universal primate is not the source from which diocesan bishops derive their authority, nor does his authority undermine that of the metropolitan or diocesan bishop. Primacy is not an autocratic power over the Church but a service in and to the Church which is a communion in faith and charity of local churches.
20. Although the scope of universal jurisdiction cannot be precisely defined canonically, there are moral limits to its exercise: they derive from the nature of the Church and of the universal primate's pastoral office. By virtue of his jurisdiction, given for the building up of the Church, the universal primate has the right in special cases to intervene in the affairs of a diocese and to receive appeals from the decision of a diocesan bishop. It is because the universal primate, in collegial association with his fellow bishops, has the task of safeguarding the faith and unity of the universal Church that the diocesan bishop is subject to his authority.
21. The purpose of the universal primate's jurisdiction is to enable him to further catholicity as well as unity and to foster and draw together the riches of the diverse traditions of the churches. Collegial and primatial responsibility for preserving the distinctive life of the local churches involves a proper respect for their customs and traditions, provided these do not contradict the faith or disrupt communion. The search for unity and concern for catholicity must not be divorced.
22. Even though these principles concerning the nature of jurisdiction be accepted as in line with the understanding which Anglicans and Roman Catholics share with regard to the Church's structure, there remain specific questions about their practical application in a united Church. Anglicans are entitled to assurance that acknowledgment of the universal primacy of the bishop of Rome would not involve the suppression of theological, liturgical and other traditions which they value or the imposition of wholly alien traditions. We believe that what has been said above provides grounds for such assurance. In this connection we recall the words of Paul VI in 1970: 'There will be no seeking to lessen the legitimate prestige and the worthy patrimony of piety and usage proper to the Anglican Church ...'[\[2\]](#).

Infallibility

23. It is Christ himself, the Way, the Truth and the Life, who entrusts the Gospel to us and gives to his Church teaching authority which claims our obedience. The Church as a whole, indwelt by the Spirit according to Christ's promise and looking to the testimony of the prophets, saints and martyrs of every generation, is witness, teacher and guardian of the truth (cf. Authority I, para.

18). The Church is confident that the Holy Spirit will effectually enable it to fulfil its mission so that it will neither lose its essential character nor fail to reach its goal^[3]. We are agreed that doctrinal decisions made by legitimate authority must be consonant with the community's faith as grounded in Scripture and interpreted by the mind of the Church, and that no teaching authority can add new revelation to the original apostolic faith (cf. Authority I, paras. 2 and 18). We must then ask whether there is a special ministerial gift of discerning the truth and of teaching bestowed at crucial times on one person to enable him to speak authoritatively in the name of the Church in order to preserve the people of God in the truth.

24. Maintenance in the truth requires that at certain moments the Church can in a matter of essential doctrine make a decisive judgement which becomes part of its permanent witness^[4]. Such a judgement makes it clear what the truth is, and strengthens the Church's confidence in proclaiming the Gospel. Obvious examples of such judgements are occasions when general councils define the faith. These judgements, by virtue of their foundation in revelation and their appropriateness to the need of the time, express a renewed unity in the truth to which they summon the whole Church.

25. The Church in all its members is involved in such a definition which clarifies and enriches their grasp of the truth. Their active reflection upon the definition in its turn clarifies its significance. Moreover, although it is not through reception by the people of God that a definition first acquires authority, the assent of the faithful is the ultimate indication that the Church's authoritative decision in a matter of faith has been truly preserved from error by the Holy Spirit. The Holy Spirit who maintains the Church in the truth will bring its members to receive the definition as true and to assimilate it if what has been declared genuinely expounds the revelation.

26. The Church exercises teaching authority through various instruments and agencies at various levels (cf. Authority I, paras. 9 and 18-22). When matters of faith are at stake decisions may be made by the Church in universal councils; we are agreed that these are authoritative (cf. Authority I, para. 19). We have also recognized the need in a united Church for a universal primate who, presiding over the koinonia, can speak with authority in the name of the Church (cf. Authority I, para. 23). Through both these agencies the Church can make a decisive judgement in matters of faith, and so exclude error.

27. The purpose of this service cannot be to add to the content of revelation, but is to recall and emphasize some important truth; to expound the faith more lucidly; to expose error; to draw out implications not sufficiently recognized; and to show how Christian truth applies to contemporary issues. These statements would be intended to articulate, elucidate or define matters of faith which the community believes at least implicitly. The welfare of the koinonia does not require that all the statements of those who speak authoritatively on behalf of the Church should be considered permanent expressions of the truth. But situations may occur where serious divisions of opinion on crucial issues of

pastoral urgency call for a more definitive judgement. Any such statement would be intended as an expression of the mind of the Church, understood not only in the context of Its time and place but also in the light of the Church's whole experience and tradition. All such definitions are provoked by specific historical situations and are always made in terms of the understanding and framework of their age (cf. Authority I, para. 15). But in the continuing life of the Church they retain a lasting significance if they are safeguarding the substance of the faith.

The Church's teaching authority is a service to which the faithful look for guidance especially in times of uncertainty; but the assurance of the truthfulness of its teaching rests ultimately rather upon its fidelity to the Gospel than upon the character or office of the person by whom it is expressed. The Church's teaching is proclaimed because it is true; it is not true simply because it has been proclaimed. The value of such authoritative proclamation lies in the guidance that it gives to the faithful. However, neither general councils nor universal primates are invariably preserved from error even in official declarations (cf. Authority Elucidation, para. 3).

28. The Church's judgement is normally given through synodal decision, but at times a primate acting in communion with his fellow bishops may articulate the decision even apart from a synod. Although responsibility for preserving the Church from fundamental error belongs to the whole Church, it may be exercised on its behalf by a universal primate. The exercise of authority in the Church need not have the effect of stifling the freedom of the Spirit to inspire other agencies and individuals. In fact, there have been times in the history of the Church when both councils and universal primates have protected legitimate positions which have been under attack.
29. A service of preserving the Church from error has been performed by the bishop of Rome as universal primate both within and outside the synodal process. The judgement of Leo I, for example, in his letter received by the Council of Chalcedon, helped to maintain a balanced view of the two natures in Christ. This does not mean that other bishops are restricted to a merely consultative role, nor that every statement of the bishop of Rome instantly solves the immediate problem or decides the matter at issue for ever. To be a decisive discernment of the truth, the judgement of the bishop of Rome must satisfy rigorous conditions. He must speak explicitly as the focus within the koinonia; without being under duress from external pressures; having sought to discover the mind of his fellow bishops and of the Church as a whole; and with a clear intention to issue a binding decision upon a matter of faith or morals. Some of these conditions were laid down by the First Vatican Council^[5]. When it is plain that all these conditions have been fulfilled, Roman Catholics conclude that the judgement is preserved from error and the proposition true. If the definition proposed for assent were not manifestly a legitimate interpretation of biblical faith and in line with orthodox tradition, Anglicans would think it a duty to reserve the reception of the definition for study and discussion.

30. This approach is illustrated by the reaction of many Anglicans to the Marian definitions, which are the only examples of such dogmas promulgated by the bishop of Rome apart from a synod since the separation of our two communions. Anglicans and Roman Catholics can agree in much of the truth that these two dogmas are designed to affirm. We agree that there can be but one mediator between God and man, Jesus Christ, and reject any interpretation of the role of Mary which obscures this affirmation. We agree in recognizing that Christian understanding of Mary is inseparably linked with the doctrines of Christ and of the Church. We agree in recognizing the grace and unique vocation of Mary, Mother of God Incarnate (Theotokos), in observing her festivals, and in according her honor in the communion of saints. We agree that she was prepared by divine grace to be the mother of our Redeemer, by whom she herself was redeemed and received into glory. We further agree in recognizing in Mary a model of holiness, obedience and faith for all Christians. We accept that it is possible to regard her as a prophetic figure of the Church of God before as well as after the Incarnation^[6]. Nevertheless the dogmas of the Immaculate Conception and the Assumption raise a special problem for those Anglicans who do not consider that the precise definitions given by these dogmas are sufficiently supported by Scripture. For many Anglicans the teaching authority of the bishop of Rome, independent of a council, is not recommended by the fact that through it these Marian doctrines were proclaimed as dogmas binding on all the faithful. Anglicans would also ask whether, in any future union between our two Churches, they would be required to subscribe to such dogmatic statements. One consequence of our separation has been a tendency for Anglicans and Roman Catholics alike to exaggerate the importance of the Marian dogmas in themselves at the expense of other truths more closely related to the foundation of the Christian faith.
31. In spite of our agreement over the need of a universal primacy in a united Church, Anglicans do not accept the guaranteed possession of such a gift of divine assistance in judgement necessarily attached to the office of the bishop of Rome by virtue of which his formal decisions can be known to be wholly assured before their reception by the faithful. Nevertheless the problem about reception is inherently difficult. It would be incorrect to suggest that in controversies of faith no conciliar or papal definition possesses a right to attentive sympathy and acceptance until it has been examined by every individual Christian and subjected to the scrutiny of his private judgement. We agree that, without a special charism guarding the judgement of the universal primate, the Church would still possess means of receiving and ascertaining the truth of revelation. This is evident in the acknowledged gifts of grace and truth in churches not in full communion with the Roman see.
32. Roman Catholic tradition has used the term infallibility to describe guaranteed freedom from fundamental error in judgement^[7]. We agree that this is a term applicable unconditionally only to God, and that to use it of a human being, even in highly restricted circumstances, can produce many misunderstandings. That is why in stating our belief in the preservation of the Church from error we have avoided using the term. We also recognize that the ascription to the bishop of

Rome of infallibility under certain conditions has tended to lend exaggerated importance to all his statements.

33. We have already been able to agree that conciliarity and primacy are complementary (Authority I, paras. 22-23). We can now together affirm that the Church needs both a multiple, dispersed authority, with which all God's people are actively involved, and also a universal primate as servant and focus of visible unity in truth and love. This does not mean that all differences have been eliminated; but if any Petrine function and office are exercised in the living Church of which a universal primate is called to serve as a visible focus, then it inheres in his office that he should have both a defined teaching responsibility and appropriate gifts of the Spirit to enable him to discharge it.

Contemporary discussions of conciliarity and primacy in both communions indicate that we are not dealing with positions destined to remain static. We suggest that some difficulties will not be wholly resolved until a practical initiative has been taken and our two Churches have lived together more visibly in the one *koinonia*.

Notes

1. 'ex ipsius Christi Domini institutione seu iure divino' (Pastor Aeternus, ch. 2).
2. 'There will be no seeking to lessen the legitimate prestige and the worthy patrimony of piety and usage proper to the Anglican Church when the Roman Catholic Church?this humble "Servant of the servants of God" 'is able to embrace her ever beloved Sister in the one authentic communion of the family of Christ...' (AAS 62 (1970), p. 753).
3. This is the meaning of indefectibility, a term which does not speak of the Church's lack of defects but confesses that, despite all its many weaknesses and failures, Christ is faithful to his promise that the gates of hell shall not prevail against it.
4. That this is in line with Anglican belief is clear from the Thirty-nine Articles (Article 20): 'The Church hath ... authority in Controversies of Faith'.
5. The phrase 'eiusmodi...definitiones ex sese, non autem, ex consensu ecclesiae irreformabiles esse': 'such definitions are irreformable by themselves and not by reason of the agreement of the Church' (Pastor Aeternus, ch. 4) does not deny the importance of reception of doctrinal statements in the Roman Catholic Church. The phrase was used by the Council to rule out the opinion of those who maintained that such a statement becomes 'irreformable' only subsequently when it is approved by the bishops. The term 'irreformable' means that the truth expressed in the definition can no longer be questioned. 'Irreformable' does not mean that the definition is the Church's last word on the matter and that the definition cannot be restated in other terms.

[6.](#) The affirmation of the Roman Catholic Church that Mary was conceived without original sin is based on recognition of her unique role within the mystery of the Incarnation. By being thus prepared to be the mother of our Redeemer, she also becomes a sign that the salvation won by Christ was operative among all mankind before his birth. The affirmation that her glory in heaven involves full participation in the fruits of salvation expresses and reinforces our faith that the life of the world to come has already broken into the life of our world. It is the conviction of Roman Catholics that the Marian dogmas formulate a faith consonant with Scripture.

[7.](#) In Roman Catholic doctrine, infallibility means only the preservation of the judgement from error for the maintenance of the Church in the truth, not positive