

Comments on
Life in Christ: Morals, Communion and the Church,
(an agreed statement by ARCIC II, published in 1994)
by Germain Grisez

In the agreed statement's title and often in the text (e.g., ¶ 12, ¶ 20, ¶¶ 29-30, ¶ 49), *the Church* is used in a way that seems inconsistent with the RC principles of ecumenism articulated in Vatican II's *Decree on Ecumenism (DE)*, chap. 1. The latter document maintains that there is only one Church of Christ/God and identifies that one Church with what it calls "the Catholic Church"--by which it means nothing other than what the present ARCIC statement calls "the Roman Catholic Church/Communion." Vatican II teaches that the unity of the one and only Church of Christ "subsists in the Catholic Church as something she can never lose" (DE 4), and that other churches and ecclesial communities whose members are properly baptized Christians are both separated from and in imperfect communion with the RC Church. By contrast, the present ARCIC statement seems to use *the Church* to refer to something thought of as equally common to but divided among the Anglican Communion and the RC Church/Communion (and, by implication, other Christian churches/communions). Vatican II's teaching implies that the Church of Christ subsists in the (Roman) Catholic Church (see *Dogmatic Constitution on the Church*, 8); the present document's implicit view seems to be that the Church of Christ subsists as truly and perfectly (or more so) in some (or all) other of the various, divided Christian churches and ecclesial communions--or, perhaps, subsists in all of them collectively even in their disunity and despite it.

- p. v: The co-chairmen point out that this is the first official, ecumenical attempt to deal with the subject of morals. Given this fact, defects in the document, if not remedied, may affect badly subsequent attempts. So, a sound response to the document and thorough criticism of it will be very appropriate.
- p. v: The co-chairmen affirm "that authentic Christian unity is as much a matter of life as of faith." I would have put the point even more strongly: Christian faith is the acceptance of God's offer in Jesus of covenantal communion; such communion, presupposing hope for the heavenly kingdom, requires divine-human cooperation; therefore, faith includes obedience to the covenant's stipulations--love God with one's whole mind, heart, soul,

and strength, and love others as Jesus loves us. And these commandments implicitly include *all* moral responsibilities of Christians.

p. 1: "There is already a notable convergence between the two Communion in the witness they give, for example, on war and peace, euthanasia, freedom and justice, but exaggeration of outstanding differences makes this shared witness--a witness which could give direction to a world in danger of losing its way--more difficult to sustain and at the same time hinders its further development" (§ 1, middle). While it is true that the two Communion give convergent witness on some specific moral questions that also are important public policy issues, I would not want to commend this, focus on it, or say anything that might encourage it. For, in my judgment, both the Holy See and national conferences of RC bishops (and *perhaps* the leaders of the Anglican Communion, too) often err in addressing nonbelievers by trying to catechize them about specific moral questions rather than evangelize them--that is, communicate as powerfully and credibly as possible the central message of the gospel: repent, believe, be baptized. It seems to me that those who preach and teach in Jesus' name ought to evangelize nonbelievers and catechize only believers. Otherwise, they tend to support their positions on public policy issues by trying to build their cases entirely on grounds that nonbelievers can accept, and so fail entirely to give specifically Christian witness. Of course, there is a need for such work, and Christians certainly should contribute to it. But I think such work should be left to lay people, and its fruits should never be proposed as if they were Church teachings.

p. 1: "This being so, we question whether the limited disagreement, serious as it is, is itself sufficient to justify a continuing breach of communion" (§ 1, end). The word *justify* strikes me as odd; I would have said *require*. *Justify* seems to imply that the breach of communion is regarded by some Church leaders as a good thing and maintained purposefully, but recognized by members of the Commission as not only bad but silly and quite needless.

p. 1: "Questions of doctrine and of morals are closely inter-connected, and differences in the one area may reflect differences in the other. Common to both is the matter of authority and the manner of its exercise. Although we shall not here be addressing the issue of authority directly, nevertheless we hope that an understanding of the relationship between freedom and authority in the moral life may contribute to our understanding of their relationship in the life of the Church" (§ 2). This passage suggests that the moral life is

individualistic, and that the life of the Church is not itself an instance of moral life. The passage also seems to me to manifest a very important confusion between two sorts of authority. One is teaching authority--the authority with which Jesus taught, surprising his listeners, in communicating God's word. In response to that authority, people are free only to believe or not, to undertake the obedience of faith or flee into the darkness. The other is governing authority--the moral power of the directive content of certain acts of certain members of a community to obligate other members to cooperate for the sake of the community's common good. Such authority itself involves an exercise of freedom; the right response to it is loyal cooperation for the common good while the wrong response is disobedience.

- p. 3: "What has been entrusted to us through the incarnation and the Christian tradition is a vision of God" (§ 4). No doubt, this sentence can be interpreted so that it expresses a true proposition. But it suggests that Tradition delivers a particular view of God--*a* vision, not *the* vision. What God gives us through the incarnation and Jesus' death and resurrection is much more than that: the Holy Spirit, who brings about redemption, forgiveness of sin, new birth (John) or adoption (Paul) into the family of God; and who is the source of well-grounded hope of resurrection and life everlasting. What Tradition delivers is the faith and whole reality of the Church--the body of Christ animated by the Holy Spirit. What is entrusted to us is the Church's spiritual wealth and her entire mission.
- p. 3: "Life in Christ is the gift and promise of new creation (cf 2 Cor. 5:17), the ground of community, and the pattern of social relations. It is the shared inheritance of the Church and the hope of every believer" (§ 4, end). This formulation seems to me to presuppose a false individualism. Life in Christ *is* new covenantal communion, not simply the ground of community and pattern of (other) social relations. Rather than being the shared inheritance of the Church, it is constitutive of the Church. Insofar as it is a gift already received, it is the current wealth of believers; insofar as it remains to be perfected in heaven as the kingdom to be sought, it is the (object of the) hope of believers.
- p. 3: "We are created to glorify and enjoy God, and our hearts continue to be restless until they find in God their rest and fulfilment" (§ 5, end). Though Augustine's line is repeated by Vatican II in *Gaudium et spes*, I would not use it. For, though it has a true sense (fallen humans cannot escape sin, conflict, and death without redeeming grace), I think Augustine expressed by it neo-Platonic views implicitly inconsistent with Christian faith, namely, the views that human beings enjoy a natural kinship with the divine and so, were it not for sin, would naturally tend to intimate union with God.

- p. 3: "The true goal of the moral life is the flourishing and fulfilment of that *humanity* for which all men and women have been created" (§ 6, beginning). This is fine provided *humanity* refers to humanity renewed in Christ, and *the flourishing and fulfilment* refers to human participation in the heavenly kingdom, and it is assumed that such fulfillment indirectly includes the what-we-will-be of God's children referred to by 1 John 3.2. But I would want all that made clearer, and otherwise would not make the statement.
- p. 3: "True personhood has its origins and roots in the life and love of God" (§ 7, beginning). Well, yes, in the sense that *everything* either is God or is created by God. But qualifying personhood by *true* indicates that what follows is a morally normative argument, and I do not think specific moral norms can be derived from a theology of the Trinity.
- p. 3: ". . . we are affirming that the Being of God is a unity of self-communicating and interdependent relationships" (§ 7). Even on St. Thomas's theology of the Trinity, I do not think this affirmation would be correct (though I am not entirely sure). Anyway, I don't think this affirmation should appear in a document of this sort, because I do not think the relevant theology pertains to Christian faith.
- p. 3: "Human persons, therefore, made in this image, and called to participate in the life of God, may not exercise a freedom that claims to be independent, wilful, and self-seeking" (§ 7). I do not think this conclusion follows from the propositions that precede it.
- p. 3: "The freedom that is properly theirs is a freedom of responsiveness and interdependence" (§ 7). Human beings do depend on one another; they ought to cooperate; and they do have responsibilities to and for one another. But the intended conclusion in this paragraph suggests a mistake widely held by English-speaking philosophers: that all moral issues arise from the tension between egoism and altruism. I do not think that is true.
- p. 4: "Ignorance and sin have led to the misuse and corruption of human freedom and to delusive ideas of human fulfilment" (§ 8). Ignorance has no such consequences unless it either is itself sin or a consequence of prior sin. So: Sin and its effects *Corruption* is too strong a word for me, as a RC, to accept; freedom is impeded, even despite redeeming grace, but is not corrupted. So, I could not accept, later in the same paragraph, the phrase: *recalling them to their true freedom*. The freedom of the children

of God that grace bestows is liberation from sin (to which we cannot be *recalled*, since we did not have it prior to sin); Jesus does win that for us, but does not recall us to it.

- p. 4: "As God remains faithful and free, so those who are in Christ are called to be faithful and free" (§ 8). I do not think we are *called* to any freedom analogous to divine freedom. By grace God frees us from sin and calls us to imitate his faithfulness and, especially, his mercy.
- p. 4: "In seeking the common good" (§ 9) is unclear inasmuch as there is no indication of which society's common good is referred to. If it is the common good of one or more political societies, I do not think the Church should be seeking it, but rather the good of the kingdom, which is not of this world.
- p. 4: Paragraph 9 as a whole seems to be preparing the way for the inappropriate catechesis that I complain of in my first comment on p. 1, above.
- p. 4: "It is generally recognised . . . that *the integration of sexual instincts and affections into a lifelong relationship of married love and loyalty constitutes a uniquely significant form of human flourishing and fulfilment*" (§ 9, below middle, italics added). I doubt that the descriptive statement (that this is generally recognized) is true. Moreover, even if it is, I would not subscribe to it, because the proposition to which the part of the statement I have italicized refers seems to me to evade the relevant moral issues.
- p. 4: "Reflection on experience of what makes human beings, singly and together, truly human gives rise to a natural morality" (§ 9) seems to me to encapsulate a false theory of moral principles, namely, that they are derived from experience and from some antecedent conception of the "truly human." Even if true, that theory of moral principles surely does not pertain to faith.
- p. 4: "Christian morality is one aspect of the life in Christ which shapes the tradition of the Church, a tradition which is also shaped by the community which carries it" (§ 10, beginning). I do not know what it means to say that Christian morality shapes the tradition of the Church. I would say that Christian morality is *part of* the Church's Tradition. I also do not know what it means to say that the community [the Church?] which carries the tradition shapes it. I would not say that. I would agree that *members* of the Church develop what they receive, so that Tradition unfolds in the course of history,

but would say that the Church hands on intact all that she believes *and all that she is* from generation to generation.

- p. 4: "Christian morality is the fruit of faith in God's Word, the grace of the sacraments, and the appropriation, in a life of forgiveness, of the gifts of the Spirit for work in God's service" (§ 10). *Christian morality* is ambiguous. If it means upright actions, virtues, and a holy life, I agree. If it means specific Christian moral norms, I deny; for while knowing such norms depends on God's grace and his Word, they are principles rather than fruits of upright actions, virtues, and a holy life. And it seems to mean the latter, for the next sentence is: "It manifests itself in the practical teaching and pastoral care of the Church . . ."--something true of moral norms but not true of their fulfillment in practice.
- pp. 4-5: "At its deepest level, the response of the Church to the offer of new life in Christ possesses an unchanging identity from age to age and place to place. In its particular teachings, however, it takes account of changing circumstances and needs, and in situations of unusual ambiguity and perplexity it seeks to combine new insight and discernment with an underlying continuity and consistency" (§ 10). These two sentences, in the context of what precedes them, suggest that all the norms of Christian morality are generated by the Church's response to revelation. I deny that, for the RC Church teaches that God's Word *includes* moral principles and at least some specific moral norms (see John Paul II, *Veritatis splendor*). Moreover, the second sentence strongly suggests that all specific Christian moral teachings depend on an ecclesial process of *determinatio* very like that by which political societies make laws that are more specific than any moral norm. I think that all moral norms are true or false, and that no true Christian moral teaching whatsoever depends on a process of *determinatio*. Then too, the second sentence strongly suggests that the Church may change her moral teachings so as to bring them into line with changing circumstances and needs. I hold that, while some parts of canon law may be changed on that basis, no moral teaching whatsoever may be, and that all the counterexamples that might be alleged from history can be explained satisfactorily.
- p. 5: It seems to me that the five questions listed in paragraph 11 belong to disparate philosophical/theological inquiries, not all of which pertain to Christian morality in even a wide sense. At the same time, the questions the faithful think morality is about--fundamental normative questions of the form, "What must I (choose and) do, and what must I abstain from (choosing and) doing . . . ?"--are omitted. Still, "What are persons called to be . . . ?" though not about a moral norm, is a question of fundamental moral

theology. The second question falls in the same field provided *human dignity* refers to intrinsic human goods. But the third question raises, though somewhat ineptly, the more central theological question about the relationship between grace and the freedom of fallen persons. I'm not at all sure what the fourth question means, which leads me to suspect that it is not fundamental. As to the fifth question, it seems to me that the creatureliness of human beings as created persons has wide-ranging and important moral implications but that the creatureliness of human beings as creatures among others in the natural world has only quite limited and very specific moral implications.

- p. 5: "It will put in proper perspective any disagreements that may continue to exist in official teaching and pastoral practice on particular issues, such as divorce and contraception" (¶ 11). If *put in proper perspective* means, show the mutual tolerability of disagreeing positions, I deny. I am convinced that both issues concern truths of faith, and I believe that the Council of Trent's teaching on divorce makes it clear that this issue, at least, concerns a truth of RC faith.
- p. 5: "The crisis of the modern world is more than a crisis of sexual ethics" (¶ 11, near end). I would say that the crisis of the modern world concerns whether God exists and, if he does, whether he has revealed himself, and, if he has, whether he has revealed all (or even any) of the propositions affirmed in the ancient creeds (understanding their articles as *all* faithful Anglicans and RCs understood them in, say, 1700), and, if he has, whether he also has revealed the ten commandments (again, understanding them and their specific normative implications for sex ethics and innocent life as *all* faithful Anglicans and RCs understood them in, say, 1700).
- p. 5: "At stake is our humanity itself" (¶ 11, end). Strictly speaking, humanity cannot be lost and so is not at stake. The crisis of the modern world is one phase of the crisis of fallen humankind. The stake is our *souls*. So, if the sentence means that the stake is whether people considered as individuals will enjoy eternal life or suffer eternal damnation, I agree. Otherwise, I deny: Fallen humanity as a whole was saved definitively by the blood of Christ. The strife is o'er, the victory won; but, despite that and despite all God's mercy upon me, I can choose to sin in a way that is incompatible with the love of God poured forth in my heart by the Holy Spirit and be damned; similarly, the man next to me can be damned; and . . .
- p. 6: Fullness of life in Christ "is also the norm by which the tradition in all its varied manifestations is to be judged. Any manifestation that no longer has the power to nurture

and sustain the new life in Christ is thereby shown to be corrupt" (§ 12). This seems to me inconsistent with RC teaching, according to which *tradition* has two senses:

(1) Tradition with a capital *T*: the self-identity over time of the RC Church and everything essential to her--the word of God in sacred Scripture, integral faith in that word (which includes many moral truths, some of them specific norms), the sacraments of faith, and so on; (2) tradition with a small *t*: whatever else earlier Christians happen to have handed down. We cannot judge what *Tradition* refers to; we can judge what *tradition* refers to by appealing to what *Tradition* refers to. The text seems to propose judging both by applying indiscriminately a pragmatic test using the criterion of what nurtures and sustains new life in Christ. Even if that were acceptable in principle, I do not think the criterion is as clear as one might suppose and I do not think it easy to tell in interesting cases which deliverances of tradition meet the criterion and which do not.

- p. 6: Not having made the vital distinction between Tradition and tradition, in the previous paragraph, the statement goes on to say that "the shared tradition" among its many strands includes "the proscription of deeds that undermine the values of the Gospel and threaten to destroy the new life in Christ" (§ 13). *Proscription* suggests enacting a Church law or, perhaps, developing an ecclesial custom. While tradition no doubt includes laws and customs, Tradition includes moral truths about kinds of acts that per se are inconsistent with the values of the Gospel and continuing new life in Christ. The moral truths included in Tradition must not be confused with traditional Church laws and ecclesial customs that, having been enacted or developed by the Church, also can be changed or terminated by the Church.
- p. 6: "At the same time the tradition drew upon the inherited wisdom and culture of the world in which it was embedded" (§ 13, end). That is true of tradition, but Tradition used as material and transformed the inherited wisdom and culture rather than simply drawing on it.
- p. 7: "This openness to the world, which has characterised both our traditions, has shaped the pattern of life which these traditions have sustained" (§ 15, beginning). Openness to the world no doubt has shaped patterns of life sustained by traditions, but Tradition has shaped the pattern of life it sustains.
- p. 7: "Admittedly, this involvement with the world has from time to time led the Church into compromise and alliance with corrupt principalities and powers" (§ 15). I would not

admit that of *the Church* and doubt that one can verify it with respect to principalities and powers, which are wicked spirits, not bad human beings. But I would admit that involvement with the world quite regularly has led and still leads both Anglican and RC *bishops*, including some popes, into compromise and alliance with various bad earthly powers.

- p. 7: "Both our traditions draw their vision from the Scriptures" (§ 16). I would not say that Tradition draws its vision from Scripture, but rather that Tradition includes Scripture, among other things.
- p. 7: "The entail of sin has been broken . . ." (§ 18, last sentence). I am not sure what *entail* means in this context, and fear that this sentence is ambiguous and, in one of its meanings, false.
- p. 8: "The liberty promised to the children of God is nothing less than participation, with Christ and through the Holy Spirit, in the life of God" (§ 19). I do not think so. The liberty of God's children is freedom from sin, Satan, and the law. This freedom, a liberating gift of God through Christ, certainly is important, but it is something much less than the greater and central gift of participation in divine life.
- p. 8: "In so far as it [the Church] remains in the world, it too has to learn obedience to its living Lord, and to work out in its own life in community the matter and manner of its discipleship" (§ 20, end). Combining obedience to the Lord with working out its manner of discipleship is a coherent project only within narrow limits. Many elements and requirements of faithful discipleship are given, and these givens need not and cannot be worked out by the Church.
- p. 8: The striking example of the sharing of possessions in the early Christian community described in Acts 2:44-45 is said to have, down through the ages, prompted Christian social criticism and challenged Christians themselves to use their gifts and resources in service (§ 21). I doubt this is true. It seems to me that the striking example and some other features of that early Christian community have prompted something more specific, namely, the rather similar forms of radically evangelical life practiced through the ages by a small minority of Christians. Other scriptural sources, including many in the Old Testament, seem to me to have supplied the more specific norms by which Christians have criticized unbridled pursuit of wealth and power, and have been challenged to use gifts and resources in service.

- p. 9: The mind of Christ "is mediated through the remembered teaching of Jesus and the prayerful discernment of the body of Christ and its members, and gives shape and direction to the practical life of the Christian community" (§ 23). This account of how the mind of Christ is mediated seems to me inadequate and likely to mislead. If *mind of Christ* refers to the same as what Jesus refers to in Jn 14:26 by *all that I have said to you*, then the mind of Christ is mediated by the work of the Holy Spirit through Tradition, including the books of the New Testament; the constant and very firm teaching of the apostles and their successors, the bishops; and the faith of the Church as a whole. To say the mind of Christ is *mediated through prayerful discernment* seems to me to suggest a contribution by individuals' that is incompatible with the public character of God's revelation in Jesus--the same gift of God for all men and women.
- p. 9: "This teaching is expressed . . . (cf John 13:34)" (§ 23) sets out only part of what Jesus referred to by *all that I have said to you*--a sort of canon within the canon (the mind of Christ, narrowly conceived) within the canon (Tradition as a whole)! Whatever is not included in this small canon apparently is excluded from the "givenness within the Christian response, which the changes of history and culture cannot impair" (§ 23, end). I think the restriction is arbitrary, and that the body of Christian moral truth, no part of which can be impaired by any changes, is far more extensive than this paragraph suggests.
- p. 9: "The method of arriving at practical decisions may vary, but underlying any differences of method there is a shared understanding of the need to use practical reason in interpreting the witness of the Scriptures, tradition and experience" (§ 24, end). Three comments. First, diverse methods of arriving at practical decisions usually presuppose different fundamental principles. Second, I do not see how *practical* reason can be used in interpreting testimony. Third, experience cannot be a witness in the sense that Scripture is. (As I said above, *tradition* seems to be used in this agreed statement with systematic ambiguity.)
- p. 9: The progression described in § 25 from nondeliberate sinning to preferring darkness to light seems to me mistaken. I think that the preference for darkness presupposes deliberate sins. The conclusion, "So solidarity in sin threatens to disrupt the fellowship of the Holy Spirit" (§ 25, end), seems to me too weak. Preferring darkness to light does not just *threaten* to disrupt fellowship of the Holy Spirit but is *incompatible* with it. In other words, it seems to me that preferring the darkness involves or is involved in mortal sin, which must be deliberate.

- p. 10: "In the freedom of a faithful and obedient response the disciples of Christ seek to discern Christ's mind rather than express their own" (§ 26) does not say what is being responded to and, it seems to me, inappropriately introduces discernment. Disciples are to *put on* Christ's mind, which I take to mean accept the truths he taught and apply them, not of course mechanically, but rationally, which sometimes is deductively.
- p. 10: "In exercising its authority to remit and retain sins (cf John 20:23), the Church has a twofold task: of guarding against the power of sin to destroy the life of the community, and of fostering the freedom of its members to discern what is 'good and acceptable and perfect' (Rom. 12:2)" (§ 26, end). This seems to overlook the mission of the Church to call and encourage individual members to repent, reconcile them, and so prevent them from ending in hell. Also, what the Church needs to foster in its members is not *freedom* to discern (unless that means freedom from secularized public opinion, bad theology, rationalization, self-deception, and so forth) but the formation of conscience which is an *ability* to identify what is good, acceptable, and perfect. And, whichever it is that the Church should be fostering, I do not think doing so pertains to the authority to remit and retain sins, since that authority bears on violations of conscience rather than on the conditions for the formation of conscience.
- p. 10: "Christians are to continue in their secular roles and relationships according to the accepted social codes of behaviour, but are to do so as 'in the Lord' (cf Eph. 5:21-6:11; Col. 3:18-4:1)" (§ 28). I do not think that does justice to "Husbands should love their wives as they do their own bodies" (Eph 5:28), "Do not lie to one another" (Col 3:9), and many other Christian moral norms.
- p. 10: "Conscience is informed by, and informs, the tradition and teaching of the community" (§ 29). Conscience does not inform Tradition and so does not inform the teaching that belongs to Tradition.
- p. 11: ". . . the Church has . . . from time to time to determine how best to reconcile and support those members of the community who have" sinned (§ 30). True in a sense, but I could not accept this formulation, because it is likely to be taken as giving up or admitting the nondefinitive character of at least part of the Council of Trent's solemn teaching on the sacrament of penance.

- p. 11: "At the same time shared values are formulated in terms of principles and rules defining duties and protecting rights. All this finds expression in the common life of the Church as well as in its practical teaching and pastoral care" (¶ 31, end). This passage could express truth about the processes of enacting Church laws and developing ecclesial customs. But here it expresses an erroneous view of the specific moral norms that are part of the Church's teaching.
- p. 11: The "process by which individuals and communities exercise their discernment on particular moral issues" (¶ 32) significantly is said to lead to a *decision* rather than to a *judgment*: "they have then to decide what action to take in these circumstances and on this occasion" (¶ 32)--rather than *they have then to judge what action, if any, is morally obligatory or excluded, and, if two or more are permissible, to discern which to choose*. Apart from the phase in which what is perfect is distinguished from other morally acceptable possibilities, the relevant process is not discernment but judgment of conscience, which will be unsound if not consistent with relevant moral truths. At least with respect to instances in which one of the kinds of action being considered is excluded by an exceptionless negative moral norm--such as those excluding adultery, fornication, sodomy, and killing the innocent--the view articulated in this paragraph is inconsistent with RC teaching on conscience reaffirmed by John Paul II in *Veritatis splendor*, 54-64.
- p. 12: Christians of different communions "are more likely to disagree on the consequent rules of practice, particular moral judgements and pastoral counsel" (¶ 34, end). It seems that all specific moral norms are here being included within the reference of *rules of practice*. However, into the present century, Christians of all communions agreed on many specific moral norms, which all of them held to pertain to divine revelation. This consensus long survived the sixteenth-century separation of communions over disputes that still are regarded as essential by both sides.
- p. 13: While I agree with the final sentence in ¶ 36, the first two sentences suggest that *tradition of communion* and *web of shared experience* refer to the same thing--a suggestion that I consider false insofar as *tradition* here plainly refers to at least part of Tradition. Also, "Movements for reform could no longer be contained within the one Communion" (¶ 36) seems to me not an accurate description of what happened at the time of the Reformation, namely, a series of divisions among Christians over matters of faith and/or practice that those on both sides of each issue regarded as nonnegotiable.

- p. 13: The first half of ¶ 37 begins to articulate an account of whatever differences exist between Anglicans and RCs on matters of morality. Three comments. First, since some differences have longer histories than others--for example, the difference about divorce has a longer history than that about contraception--it seems to me unlikely that a single account will be sound. Second, while there no doubt are differences in the ways in which each Communion "has developed its structures of authority and has come to exercise that authority in the formation of moral judgement" (¶ 37, middle), I cannot accept the suggestion that the RC Church had a choice about how to exercise authority and opted to protect "fundamental values" in a certain way. Third, I doubt that differences in structures of authority will help explain real disagreements about specific moral norms--e.g., whether married couples sometimes may and/or ought to practice contraception. (Of course, if one confuses specific moral norms with Church laws and/or ecclesial customs--as those who agreed to this statement seem to have done--differences in structures of authority and modes of exercising it would seem to account for disagreements about specific moral norms.)
- p. 14: The last sentence in ¶ 40 seems to me to overstate the influence of the political situation on Vatican I's definitions of the pope's primacy and infallible magisterium. Rather than *provided the context for*, I would say *were among the many contextual factors that contributed to*. Also, *definition* should be *definitions*, because Vatican I distinguished between the issues of primacy and infallible magisterium, and dealt with them in four chapters, each ending with a canon, and some of those canons include several propositions.
- p. 15: "There has also been a significant development in the Roman Catholic Church in the ways by which the laity participate in the discernment and articulation of the Church's faith" (¶ 42) is ambiguous. True, many more lay people are on the Church's payroll today than were on it in 1950. And some of these have helped the popes and other bishops in ways formerly open only to priests. But there has not been (and I do not believe there *can* be) any change in this: the pope and other bishops can articulate the Church's faith authoritatively, while others cannot.
- p. 15: Paragraph 43 suggests that the chief significance of late medieval nominalism and voluntarism was to divert attention from the "controlling moral vision" and concentrate it "on the obligations of the individual will and the legality of particular acts" (¶ 43). But it seems to me the chief significance of nominalism and voluntarism was what I call

legalism--that is, the confusion of moral norms with positive laws (laws that have been enacted)--a confusion that I think vitiates the present statement (see comments on ¶¶ 10, 13, and 31, above). Legalism distorts not only casuistry but the controlling moral vision itself, which becomes an ideal, always subject in practice to so-called realistic qualifications and necessary compromises.

- p. 15: The first sentence of ¶ 44 is misleading insofar as the malign influence of nominalism and voluntarism has not been diagnosed accurately. Trent did have a real impact on moral theology: partly as a result of that Council's disciplinary decree mandating seminaries and its definitive teaching on the sacrament of penance, the purpose of most RC moral-theological writing was narrowed to providing manuals to teach priests part of what they needed to know to administer the sacrament of penance. This narrowing of purpose helps explain several of that moral theology's characteristics, including its effort to draw precise lines between grave and light matter.
- p. 15: On the first half of ¶ 44 as a whole: Both for some time before and for long after Trent--and not as a result of Trent's teaching--most RC theologians confused moral norms with divine positive laws, that is, laws enacted by God, rather than truths about what is good for human beings. This confusion did lead to both rigorism and laxism. Unfortunately, though the papal interventions set limits to pastoral abuses resulting from legalism, the popes took for granted and so failed to clarify the underlying confusion, and thus unintentionally perpetuated it.
- pp. 15-16: The second half of ¶ 44 oversimplifies and so misrepresents the complex developments in the moral theology produced by RCs since 1950. On the one hand, some authentic developments, with roots extending back into the nineteenth century, were in progress even before 1950. Vatican II called for renewal in moral theology involving several features (see *Optatam totius*, 16), only one of which was that it should draw more fully on the teaching of sacred Scripture. But as John Paul II's *Veritatis splendor* makes clear, authentic renewal has been greatly impeded by widespread theological compromise with secularist philosophies. The most obvious manifestation of that compromise has been dissent from exceptionless moral norms amongst both first-world and third-world (so-called liberation) theologians, despite the magisterium's reaffirmations of those norms.
- p. 16: Comparing what ¶ 45 says Anglican theologians did with what I think should be done, I agree with holding together morality and spirituality, treating specific moral issues

within the context of the Christian vocation to holiness, rejecting moral laxity, encouraging an integral spirit of genuine repentance and renewal, and setting forth the ideal pattern and character of Christian life (which Jesus both articulated and exemplified). I also agree with trying "to prepare Christians for making their own decisions how best to realise that ideal in their own circumstances" (§ 45, below middle) *provided* that means to help them find, accept, and faithfully fulfill their personal vocations. Casuistical analysis is bad if it is either logically unsound or motivated by bad intentions--e.g., the intention to minimize people's obligations and maximize their freedom to do as they please. But, I *perhaps* disagree by maintaining three things. First, there are true general moral principles and specific moral norms, and a judgment of conscience is unsound if it is inconsistent with any moral truth. Second, one cannot be reasonably confident that a judgment of conscience will be consistent with all moral truths without casuistical analysis detailed enough to make clear exactly what one will be intending if one deliberately does this or that, and to bring to attention morally relevant circumstances, not least foreseeable side effects for the goods of human persons. Third, I do not agree with trying "to prepare Christians for making their own decisions how best to realise that ideal in their own circumstances" *if* that means setting aside moral truths included in Tradition and/or encouraging people to adopt some sort of subjectivism--for example, a form of consequentialism or proportionalism, which disguises subjectivism as rational assessment.

- p. 17: The expression, *corporate sin* (§ 46, near end) is unfamiliar, and I cannot think of anything it might refer to that a liturgical ministry can "cover."
- p. 17: After Vatican II, a legitimate form of communal celebration of the sacrament of penance was introduced; it involves *individual* confession and absolution. But some RC bishops and priests think they have developed "the ministry of forgiveness and healing" (§ 47) by using the *Rite for Reconciliation of Several Penitents with General Confession and Absolution* outside the conditions for its legitimate use and in ways conducive to self-deception and obduracy in sin. I would want to take care to avoid seeming to condone that serious abuse.
- p. 17: The last sentence of § 47 is not false in what it says, but it could be misleading in two ways. First, "For centuries the discipline of the confession of sins before a priest" suggests, contrary to Trent, that the complete confession of sins was not instituted by the Lord and is not a requirement of divine law. So, I would amend it by saying instead: "For centuries, the practice amongst Roman Catholics of frequent, sacramental

confession" Second, the sentence suggests that the specific purpose of the sacrament of penance is to communicate the Church's moral teaching and nurture the spiritual lives of penitents. But its specific purpose is to forgive sins and reconcile penitents. So, I would amend it by replacing *means of* with *occasion for*.

- p. 17: Legalism--the confusion of moral truths with positive laws--is strongly suggested by several phrases in ¶ 48: "to foster the common good" (which is the purpose of law), "exercised Christian authority" (which is involved in making Church laws and in applying and enforcing Church laws and ecclesial customs), "the exercise of authority is for the protection and nurture of liberty" (which is a widely accepted though inadequate conception of the function of law). The exercise of authority that lapses into authoritarianism is the exercise of governing authority rather than of magisterium, and the exercise of liberty that lapses into individualism is the exercise of freedom to do as one pleases rather than of free choice, which is abused equally by authoritarians and individualists.
- p. 17: "All moral authority is grounded in the goodness and will of God" (¶ 49, beginning) is ambiguous. The statement is false if it means that all moral authority is a quasi-legislative power delegated to certain people by God. But it is true if it means that the normativity of all moral truths ultimately is grounded in God's wise and loving will by which, in creating humankind, he made man and woman in his image and likeness, with the result that even the consciences of people who do not possess revealed law have *what* it requires written on their hearts, so that they ought not to violate it and commit sin if do.
- p. 17: "Our Communion have diverged, however, in their views of the ways in which authority is most fruitfully exercised and the common good is best promoted" (¶ 49). Such a divergence in views plainly would affect Church *governance*, but it should not make any difference whatsoever to *teaching* on matters of morals.
- pp. 17-18: "Anglicans affirm that authority needs to be dispersed rather than centralised, that the common good is better served by allowing to individual Christians the greatest possible liberty of informed moral judgement, and that therefore official moral teaching should as far as possible be commendatory rather than prescriptive and binding. Roman Catholics, on the other hand, have, for the sake of the common good, emphasised the need for a central authority to preserve unity and to give clear and binding teaching" (¶ 49, end). Four comments.

First, making recommendations and issuing binding prescriptions are different ways of exercising the authority of governance. So (whatever one might think of the issues), it makes sense to say that an Anglican bishop would *recommend* that parishes in her diocese see to it that people of both sexes enjoy equal opportunities to carry out liturgical functions while a RC bishop would *prescribe* that parishes in his diocese employ both boys and girls as altar servers.

Second, making recommendations and issuing binding prescriptions are not ways of teaching truths at all, and so are not divergent ways of exercising teaching authority in regard to morals. So (again whatever one might think of the issues), it makes no sense to say that Anglican moral teachers would *recommend* while RC moral teachers would *prescribe* that fornication or sodomy is against God's will, bad for society, bad for those involved, a sin against one's own body

Third, people having authority and/or power can more or less limit others' liberty to do as they please and even their exercise of free choice. But communicating relevant truths, including moral truths, to people who have choices to make neither imposes obligations on them nor restricts their liberty. It seems to me that *liberty of informed moral judgement* would make sense only in a subjectivist framework.

Fourth, in directing the cooperation of a community's members toward its common good, its leader(s), if wise, will exercise authority in a way likely to be fruitful. If a community's common good can be effectively pursued by always-fully-voluntary cooperation and the community's members have no reason but their continuing interest and satisfaction for continuing to participate in it--as often is the case with, for example, clubs of hobbyists--a wise leader may regularly exercise authority by suggesting and commending appropriate courses of action and seldom if ever issue a binding directive. But if a community's common good requires that members cooperate when they would rather not and if the members have good reasons to obey binding directives even when interest and satisfaction flags--as generally is the case with, for example, political societies, athletic teams, academic faculties, military or naval combat groups--wise leaders may minimize binding directives and strongly commend those that are necessary but hardly will systematically avoid the prescriptive mode of exercising authority.

p. 18: "Both Anglicans and Roman Catholics are accustomed to using the concept of law to give character and form to the claims of morality" (§ 52). What *give character and form* means is not clear to me. I think certain uses of the word *law* in the Bible explain why Anglicans and Roman Catholics--and other Christians and Jews too--use it in referring to moral norms.

- p. 19: "In certain circumstances, they [Anglicans] would argue, it might be right to incorporate contextual and pastoral considerations in the formulation of a moral law, on the grounds that fundamental moral values are better served if the law sometimes takes into account certain contingencies of nature and history and certain disorders of the human condition" (§ 52, middle). On this account, Anglicans must suppose that the formulation of the moral law is a species of legislating and that those engaged in such legislating have some reasonable way of judging how different possible moral laws will more or less well "serve" fundamental moral values. I would like to know what these fundamental moral values are, how legislated moral law serves them, and how one can tell which possible moral law will serve them better. If this sentence is an accurate report of what Anglicans would argue, we may have here an important and deep disagreement, for it seems to me that this view is inconsistent with RC teaching summed up by John Paul II in *Veritatis splendor*.
- p. 19: "In so doing, they do not make the clear-cut distinction, which Roman Catholics make, between canon law, with its incorporation of contingent and prudential considerations, and the moral law, which in its principles is absolute and universal" (§ 52). Three comments to clarify the RC view. First, just as British and U.S. criminal laws proscribe and provide punishment for some kinds of acts that also are immoral in themselves, so canon law requires and forbids some kinds of acts that would be morally required or excluded even if there were no canon about them. Second, not only moral principles but moral norms are universal--always and everywhere true. Third, not all moral norms, nor even all negative norms, are exceptionless.
- p. 19: "In both our Communion, however, there are now signs of a shift away from a reliance on the concept of law as the central category for providing moral teaching. Its place is being taken by the concept of 'persons-in-community'" (§ 52) In RC teaching, especially that of John Paul II, there has been a shift away from legalism toward a clear awareness that morality is a matter of truth. The distinction and contrast between an ethic of response to persons and an ethic of obedience seems to me to presuppose a legalistic outlook. It also is a false dichotomy. When obedience is appropriate, it is the right way to respond to persons. When a certain definite response to persons is appropriate, a moral norm saying so is true and a legal norm requiring it hardly would be impersonal.
- p. 19: "It should be emphasised, however, that whatever differences there may be in the way in which they express the moral law, both our traditions respect the consciences of persons

in good faith" (§ 52, end). *Respect the consciences of persons in good faith* has many meanings. In some of them, it is true that the RC Church does it, or, at least, teaches that it is good and right to do it. But she also teaches that the consciences of persons in good faith can be erroneous, that all Christians and especially pastors often have an obligation to try to help people see that their consciences are in error, and that relevant authorities (public officials, parents, pastors, and so on, each within their proper sphere of authority) sometimes should prevent people in good faith from acting according to their erroneous consciences.

- p. 20: "There are other issues concerning sexuality on which Anglican and Roman Catholic attitudes and opinions appear to conflict, especially abortion and the exercise of homosexual relations" (§ 54). In RC teaching, abortion is always treated as a matter of life and death rather than of sexual behavior. Also, assuming the *teachings* on abortion and sodomy are being referred to, *attitudes and opinions* hardly is the appropriate phrase to use in referring to the Church's stance toward these kinds of acts. Of the teaching on procured abortion, John Paul II says (in *Evangelium vitae*, 62): "This doctrine is based upon the natural law and upon the written Word of God, is transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium (cf. Vatican II, *Lumen gentium*, 25)." The reference to *Lumen gentium*, 25, appended to the phrase, *taught by the ordinary and universal Magisterium*, makes it clear that the Pope believes that this point of moral teaching has been proposed infallibly--as *Lumen gentium*, 25, says such teachings of the ordinary and universal magisterium are proposed. As for sodomy, *Pastoral Care of Homosexual Persons* (published 1 October 1986 by the Congregation for the Doctrine of the Faith at the order of John Paul II) reviews the teaching on this kind of action and sums up (in section 8): "Thus, the Church's teaching today is in organic continuity with the Scriptural perspective and with her own constant Tradition."
- p. 20: "Human sexuality embraces the whole range of bodily, imaginative, affective and spiritual experience. It enters into a person's deepest character and relationships, individual and social, and constitutes a fundamental mode of human communication" (§ 55). The first sentence is ambiguous and seems false. If it means that sexual activity and experience involves a person as a whole, I agree; but if it means what it seems to say--namely, that *all* experience is specified by sexuality--I deny. And, even if I am mistaken, I do not think the point pertains to Christian faith. The second sentence also is unclear. I am not sure what *individual and social* modifies. More important, I don't think human *sexuality* constitutes a fundamental mode of human communication, though I do think that virtuous marital *intercourse* is, among other things, communicative.

- pp. 20-21: The drafters of the agreed statement seem (in ¶¶ 56-57) to be struggling to articulate a concept of chastity without saying that deliberate sexual activity is appropriate only in marriage and that chastity requires either the integration of sexual desire and activity with faithful marital love or the sublimation of sexual desire and complete abstinence from sexual activity, integrated with love of God and neighbor.
- p. 21: "Anglicans and Roman Catholics agree that the new life in Christ calls for a radical break with the sin of sexual self-centredness, which leads inevitably to individual and social disintegration" (¶ 57). I do not know what *the sin of sexual self-centredness* refers to. Perhaps to masturbation, but I do not see why that sin would be singled out. Perhaps the point is that sexual activity is sinful only if it is self-centered, with the consequence that altruistic fornication and sodomy can be chaste. But RCs cannot agree to that.
- p. 21: "The New Testament is unequivocal in its witness that the right ordering and use of sexual energy . . ." (¶ 57). None of the cited passages mentions sexual energy.
- p. 21: "Personal relationships have a social as well as a private dimension. . . . Both our traditions treat of human sexuality in the context of the common good, and regard marriage and family life as institutions divinely appointed for human well-being and happiness" (¶ 58). Both of our traditions see marriage "as a source of community, social order, and stability" (¶ 59). If the thought behind these passages is that marriage and family life should be subordinated to the common good of the nation, I think that is incompatible with RC teaching. If the point is that sexual sins adversely affect the common good of the nation, while chaste and permanent marriages in which the partners fulfill their parental responsibilities benefit the nation, I think that is true. But it pertains to sociology and is not an essential element of RC teaching.
- p. 21: "Nevertheless, the institution of marriage has found different expression in different cultures and at different times. In our own time, for instance, we are becoming increasingly aware that some forms, far from nurturing the dignity of persons, foster oppression and domination, especially of women" (¶ 59). These sentences could be read as conceding the claim that marriage is a form of oppression and domination for wives who, rather than working at paid employment, devote themselves exclusively to activities that do not produce income, including homemaking, caring for their families, and raising children. That position is inconsistent with RC teaching.

- p. 21: ". . . the 'goods' which marriage embodies include the reciprocal love of husband and wife, and the procreation and raising of children" (¶ 60). RC teaching is that the *goods* of marriage are fidelity, offspring, and the sacrament; the *ends* of marriage are the procreation and raising of children, mutual help, and remedy for concupiscence. Though many people suppose that Vatican II teaches that conjugal love is a good or an end of marriage, that is not so. Rather, the Council treats conjugal love, not as a good or end, but as the *source*--not merely as a necessary condition but as the dynamic principle--within marriage itself of all its benefits.
- p. 21: "When these realities are disregarded, a breakdown of family life may ensue, carrying with it a heavy burden of misery and social disintegration" (¶ 60). Three comments. First, this sentence shifts from a moral perspective to a sociological-explanatory one. Second, the concept of *breakdown*, which properly applies to machines, is out of place when talking about a husband and a wife who no longer fulfill their mutual responsibilities to live together in peace. Third, *a heavy burden of misery and social disintegration* seems to me to evade the moral significance of a so-called breakdown of family life for the couple themselves and any children they may have.
- p. 22: The meaning of ". . . and to God's will that marriage should be a means of universal blessing and grace" (¶ 61) is unclear inasmuch as *universal* could have several diverse meanings. In at least some of those meanings, the proposition expressed is false. For example, *Marriage is a means of every blessing and grace* is false.
- p. 22: "Marriage, in the order of creation, is both sign and reality of God's faithful love, and thus it has a naturally sacramental dimension" (¶ 61). This sentence seems out of place here. It would fit better at the end of the preceding paragraph, so that this paragraph would deal with the sacredness of marriage in the Old and New Testaments.
- p. 22: The explanation of difference in ¶ 62 seems to regard as crucial Anglican recognition of civil marriages as sacramental. But the RC Church also holds that any valid marriage between two baptized persons is sacramental, though she generally requires as a condition for the validity of the marriages *involving her own members* that they be solemnized before the local bishop or parish priest, or a priest or deacon delegated by either of them (see *Codex iuris canonici*, c. 1108, §1; the requirement admits of certain exceptions and can be dispensed by the bishop). Still, if Anglicans hold that marriages involving at least

one *nonbaptized* person are sacramental *in the same sense* as those involving two baptized persons, RCs disagree with that.

- p. 23: "The vision of marriage as a fruitful, life-long covenant, full of the grace of God, is not always sustained in the realities of life" (¶ 63) seems to suggest that the nature and properties of Christian marriage constitute only an ideal that sometimes happens, as if by mere chance, to be realized.
- p. 23: The notion of *breakdown* in ¶ 63 again seems to me inappropriate.
- p. 24: "Up to the middle of the nineteenth century divorce, with the consequent freedom to marry again, was available only to the rich and influential few by Act of Parliament" (¶ 65) suggests that the position, even before the mid-nineteenth century, was that the marriage bond *could* be dissolved. But did Parliament's practice in the matter determine (or constitute) the position of the Anglican Communion?
- p. 26: "For example, it was the problem of clandestine marriages, valid but not proved to be so, that prompted the Council of Trent to promulgate the decree *Tametsi* (1563)" (¶ 71). The problem was not that clandestine marriages were not proved to be valid, but that permitting clandestine marriages resulted in some married persons not being identifiable as such by other people--which was an occasion for sinful abuses, often with serious injustice to innocent parties.
- p. 26: "A partner to such a union [a RC's attempted marriage without canonical form], therefore, is not considered in Canon Law to be held by a marital bond and is free to contract a valid marriage" (¶ 71) is likely to mislead, inasmuch as it suggests that a couple who have made an invalid attempt at marriage are really in a marital union that Canon Law disregards by a legal pretense. Better: *Someone involved in such an invalid attempt at marriage, therefore, is recognized by the RC Church as not truly married.* Moreover, such a person is not free to contract a valid marriage unless the invalidity of that attempt is established by the appropriate canonical process and there is no other invalidating impediment to the proposed marriage.
- p. 26: It seems to me that what is said about the practice of annulment in ¶ 72 needs to be put more carefully and clearly. The RC teaching on invalidity and the possibility of annulment involves four points. First, there are several invalidating impediments to

marriage--including already being married to someone else, being too closely related, being too young, and being incapable of marital intercourse--and not all of these impediments can be dispensed. Second, merely uttering the words of consent in a wedding ceremony is not consent to marriage unless the words express a free and mutual commitment to undertake a relationship that will be a true instance of marriage. If, when the words expressing consent were uttered, one or both parties were incapable of consent to marriage or deliberately limited the object of consent so that they did not undertake real marriage, mutual consent to marriage was not given. Third, there can be no marriage if there is an invalidating impediment that cannot be, or in fact is not, dispensed, or if the couple fail to give *real* mutual consent to *real* marriage. Fourth, if it can be established that a putative marriage is not real, the putative marriage can be, and appropriately is, declared null.

- p. 26: "Some of the factors in our traditions are the result of responses to contingent historical circumstances: for example, the Roman Catholic Church's requirement of the 'form' for valid marriage" (§ 73). True, the requirement of "form" for validity is a legal requirement that did not always exist, has been modified slightly in the 1983 *Code*, and can be dispensed. But I do not think it is true that the requirement of form was introduced in response to a contingent historical circumstance. Rather, it was introduced to put an end to abuses that resulted from allowing clandestine marriages to be valid, and similar abuses would arise inevitably no matter what the historical circumstances.
- p. 27: "In accord with the western tradition, Anglicans and Roman Catholics believe that the ministers of the marriage are the man and woman themselves, who bring the marriage into being by making a solemn vow and promise of life-long fidelity to each other" (§ 74, beginning). Presumably, here and throughout this statement, *RCs* refers to members of churches in communion with the bishop of Rome (the pope), not exclusively to those of the Latin rite. If so, this statement is overly general, because *RCs* of Eastern rites think that the bishop or priest who crowns the bridegroom and bride thereby administers the sacrament. In any case, *believe* is too strong a word; the *Catechism of the Catholic Church*, 1623 (emphasis added), says: "In the Latin Church, it is *ordinarily understood* that the spouses, as ministers of Christ's grace, mutually confer upon each other the sacrament of Matrimony by expressing their consent before the Church." Moreover, among *RCs*, *solemn vow* is a technical expression not properly used of a couple's marital commitment. Indeed, strictly speaking, the marriage is brought into being, not by a promise of lifelong fidelity, but by mutual consent to marriage; though, of course, that

consent involves an implicit promise of life-long fidelity, and many rites of marriage require the couple to make that promise explicit at the same time they consent to marriage.

- p. 27: "Anglicans and Roman Catholics both regard this vow as solemn and binding" (§ 74). The RC expression is *irrevocable consent*. Strictly speaking, that consent is not a vow but mutual commitment to the good of marriage with and for each other.
- p. 27: "Anglicans and Roman Catholics both believe that marriage points to the love of Christ, who bound himself in an irrevocable covenant to his Church, and that therefore marriage is in principle indissoluble. Roman Catholics go on to affirm that the unbreakable bond between Christ and his Church, signified in the union of two baptized persons, in its turn strengthens the marriage bond between husband and wife and renders it absolutely unbreakable, except by death" (§ 74). The first statement is not precisely accurate with respect to what RCs believe, namely, that marriage in the order of creation is an unbreakable union (see *Catechism of the Catholic Church*, 1605). According to RC belief, the marriage of two baptized persons cannot accurately be said to be "in principle indissoluble." For, as the second statement says, such a marriage is a sacrament of the new law, which represents the indissoluble union of Christ and the Church, so that, if consummated, it is *absolutely* indissoluble.
- p. 27: "Further, its firm legal framework is judged to be the best protection for the institution of marriage, and thus best to serve the common good of the community, which itself redounds to the true good of the persons concerned" (§ 75). This statement suggests that the RC Church's law regarding matrimony and legal processes bearing on it are primarily directed toward protecting the institution and the common good of the community. Though some RC canon lawyers and theologians assert this view, I think it would be more accurate to say: *Its firm legal framework is meant to contribute to the salvation of souls by preventing what would be invalid attempts at marriage, providing ecclesial support for all valid marriages, and declaring the truth about invalid attempts at marriage.*
- p. 27: "Thus Roman Catholic teaching and law uphold the indissolubility of the marriage covenant, even when the human relationship of love and trust has ceased to exist and there is no practical possibility of recreating it" (§ 75). This statement, especially in its context, suggests that RC teaching and law insist on the bond's indissolubility as a matter of policy despite the actual dissolution of the marriage--a state of affairs assumed to be *empirically* verified. The position really is that the indissolubility of the marriage bond,

being accepted and affirmed as a truth of faith, cannot be falsified by the appearance that some marriages "break down" or "wither away."

- p. 28: "What is the right balance between regard for the person and regard for the institution?" (§ 76). This question involves the false supposition that regard for the true good, the salvation, of persons--*both* those directly involved and others--is not the single objective of RC canonical processes and *other* pastoral practice bearing on marriages.
- p. 28: ". . . in the Roman Catholic Church the institution of marriage has enjoyed the favour of the law. Marriages are presumed to be valid unless the contrary case can be clearly established" (§ 76). The allusion is to *Codex iuris canonici* (1983), c. 1060. But the subject of the canon is marriage itself, not the *institution* of marriage. So, the law does not favor the institution *against* persons, as is suggested when these two sentences are read in the context of the next sentence. Rather, the law favors the good of each particular marriage--which is the good shared in by the persons who have married--against conflicting interests and claims that cannot be proved legitimate.
- p. 28: "Since Vatican II renewed emphasis has been placed upon the rights and welfare of the individual person, but tensions still remain" (§ 76). The phrase, *the rights and welfare of the individual person*, manifests a presumption in favor of individualism that is at odds with RC teaching about human fulfillment in general and marriage in particular.
- p. 28: As a summary of what has been said, § 77 is adequate; but it is unacceptable insofar as what has been said is inaccurate.
- p. 28: "Both our traditions agree that procreation is one of the divinely intended 'goods' of the institution of marriage. A deliberate decision, therefore, without justifiable reason, to exclude procreation from a marriage is a rejection of this good and a contradiction of the nature of marriage itself" (§ 78). Four comments. First, the long theological tradition usually talks about procreating *and raising* children. Second, though the distinction is not always firmly maintained, the long theological tradition generally distinguishes the *goods* of marriage from the *ends* of marriage; procreating and raising children is one of marriage's *ends*, while offspring--the children themselves--are one of its *goods*. Third, the subject of discussion was *marriage*, not the *institution* of marriage. Fourth, according to the RC Church, if anyone contemplating marrying deliberately decides, regardless of the reason, to *exclude* procreation from the marriage and does not change his/her mind

before the wedding, that decision is incompatible with marital consent, and so invalidates the marriage (see *Codex iuris canonici* [1983], c. 1101, §2).

- p. 29: "Both Roman Catholics and Anglicans agree, too, that God calls married couples to 'responsible parenthood'" (§ 79, beginning). Since *responsible parenthood* means different things to different people, it should not have been used here. A RC stipulative definition is given by Paul VI in *Humanae vitae*, 10; it builds into the expression's very meaning the exclusion of contraception. However, no doubt there is in the neighborhood some agreement between Anglicans and RCs worth mentioning: roughly, that for any serious reason grounded in any genuine human good, whether of the couple, of the family as a whole, or of the wider community, couples may, and sometimes should, try to avoid bringing about conception.
- p. 29: "We are not agreed, however, on the methods by which this responsibility may be exercised" (§ 79, end). While there is a sense in which this is true, it is misleading insofar as it suggests that the disagreement is over a mere matter of technique. A more accurate way of putting the issue would be: *We are not agreed, however, on whether sexual intercourse can be truly marital--and so whether it can be morally acceptable--if at least one spouse chooses to do something so as to prevent a conception that he/she thinks might result from it.*
- p. 29: "Anglicans understand the good of procreation to be a norm governing the married relationship as a whole" (§ 80, second sentence). RCs don't deny that; they hold it to be necessary but not sufficient: if a couple intend at the time of consent *always* to prevent conception, they do not make a valid marriage.
- p. 29: "This teaching belongs to the ordinary magisterium calling for 'religious assent'" (§ 80, end). I disagree and have argued that--long before 1930--the teaching was infallibly proposed by the ordinary magisterium. RCs certainly *may* accept my view, and John Paul II seems to have affirmed it. He provided careful analyses of the relevant scriptural data and drew the conclusion that the moral norm excluding contraception "belongs not only to the natural moral law, but also to the *moral order revealed by God*: also from this point of view, it could not be different, but solely what is handed down by Tradition and the Magisterium" (General Audience, 18 July 1984, 4; *Osservatore Romano* [Eng. ed.], 23 July 1984, 1).

- p. 29: "Both our traditions agree that this involves the two basic 'goods' of marriage, loving union and procreation" (§ 81). In the RC tradition, loving union never has been listed among the goods of marriage; see comments above on p. 28, § 78. (My own theological view is that there is only one good of marriage, namely, marriage itself; that conjugal love is not part of this good but rather is its *actualizing* principle; and that the good of marriage includes, as its flowering, having and raising children.) Paul VI, *Humanae vitae*, speaks of two *meanings* of marital intercourse, the unitive and the procreative; and says that they may not be separated.
- p. 30: "Roman Catholics hold that there is an unbreakable connexion, willed by God, between the two 'goods' of marriage . . ." (§ 81). I know of no document of the magisterium that would support that. An unbreakable connection is asserted only between the two *meanings* of the marital act.
- p. 31: I disagree with the suggestion (§ 86) that a difference over whether there are absolute moral prohibitions is not itself fundamental but merely about the development and application of fundamental moral teaching. If there really is a difference about whether there are exceptionless moral norms, that difference seems to me to be as fundamental as any ethical difference can be.
- p. 32: If there really is disagreement about whether homosexual activity is always wrong (see § 87), that disagreement concerns more than the sort of moral and pastoral advice it is right to give.
- p. 32: "The differences that have arisen between them are serious, but careful study and consideration has shown us that they are not fundamental" (§ 88). Whether the differences can be called "fundamental" depends on how that word is being used. But since the RC Church holds that many, if not all, specific moral norms pertain to faith, differences about specific norms can be essential for us. See the comment above on pp. 4-5, § 10.
- p. 33: The claim in § 89 is that breach of communion has at least aggravated divergence on matters of practice and official teaching. Perhaps, but within both the Anglican Communion and the RC Church, very great divergence has occurred without breach of communion. While there no doubt are problems of "misperception, misunderstanding and suspicion," I doubt that these problems have contributed much to whatever real divergence exists.

- p. 34: "Moral responsibility is a gift of divine grace" (§ 92) seems to me false. Moral responsibility is a logically necessary implication of making free choices, whether good or bad, and bad free choices are not a gift of divine grace. Rather, insofar as they are bad, they are entirely our own doing. Acting in a morally responsible (i.e., upright) way, however, is a gift of grace.
- p. 34: ". . . he tells them also that they are to reflect in their own lives the 'perfection' which belongs to the divine life (cf Matt 5.48)" (§ 92). Though official Church documents often make similar use of Mt 5.48, I think such use is unsound and the moral ideal misleading. In context, the verse means that Christian love is to be *inclusive* as God's love is, extending not only to good people (and friends) but to bad ones (and enemies). If I am right, the reference to Lv 19.2 also is misleading. The context, I think, makes it clear that the verse means that, since God faithfully fulfills his covenantal promises, we should do the same. Christians' new responsibility under the new covenant is captured in Jesus' new commandment: Love one another as I have loved you.
- p. 34: ". . . and even by destroying it. However, there are ultimate limits to what is possible" (§ 94). I think one of the ultimate limits to what is possible is that human beings cannot, strictly speaking, destroy the natural environment. At worst, we might bring about environmental changes such that no human would survive.
- p. 34: "The moral task is to discern how fundamental and eternal values may be expressed and embodied in a world that is subject to continuing change" (§ 94, end). No! Fundamental and eternal values already are expressed and embodied *by God* in all the aspects of both creation in general and human persons in particular that cannot be affected by creatures' free choices and their consequences. Among these values are good possibilities that can be actualized by human actions--that is, free choices and their execution. (In other words, moral norms are truths, not human determinations--see the comment above on pp. 4-5, § 10.) The moral task is to discern with God's grace which among *such* actions constitute the life of good deeds he has prepared in advance for one to walk in, always to choose with his grace to do those actions, and with his grace always to carry out those choices.
- p. 34: "Law is enacted and enforced to preserve order and to protect and serve the common good" (§ 95) not only overlooks most of what needs to be said about situations in which

the "requirements of the moral order are uncertain" (§ 95), but also is false. Moral uncertainty calls for moral inquiry (and conscience formation)--that is, a serious effort to discover (and communicate) the moral truth about available options. Moreover, while law *should be* enacted and enforced to protect and promote the common good of political society, it often has no such end and generally is at least slightly perverted from that end. Preserving order is not of itself good, since any existing order is in some ways unjust.

- pp. 34-35: "Admittedly, it can perpetuate inequalities of wealth and power, but its true end is to ensure justice and peace" (§ 95). The true end of law is to protect and promote the common good of political society. That does not include *all* justice and peace; to suppose it does invites efforts to politicize all human relationships. At the same time, the true end of law does include providing for and regulating the use of certain commonly needed facilities, such as highways, that do not fall under justice and peace.
- p. 35: "At a deeper level, the moral order looks for its fulfilment to a renewal of personal freedom and dignity within a forgiving, healing and caring community" (§ 95, end). Paul puts the matter more accurately: "Who will rescue me from this body of death? Thanks be to God through Jesus Christ our Lord!" (Rom 7.24-25).
- p. 35: "The exercise of this authority will itself bear the marks of communion, in so far as a sustained attentiveness to the experience and reflection of the faithful becomes part of the process of making an informed and authoritative judgement" (§ 97). The mode of the authority referred to is unclear, but seems to include both bishops' teaching authoritatively and their law-making authority. So far as the statement concerns law-making authority, I have no problem with it. But so far as it concerns teaching authority, I think distinctions are needed. First, between when and how to teach, on the one hand, and, on the other, what to teach. Pastors must take into account the experience and reflection of the faithful in judging when and how to teach. With respect to what to teach, a further distinction is needed, between (1) moral norms already taught constantly and most firmly by the Church, (2) moral norms that must be derived and articulated, and (3) moral judgments that may presuppose but cannot be derived rationally from moral norms. With respect to (1), nobody's experience and reflection affects what is to be taught. With respect to (2), pastors should take the faithful's experience and reflection into account only insofar as it clarifies the elements of a moral problem and/or brings to light aspects of Tradition and rational considerations that contribute to the derivation and articulation of the relevant *truth*. With respect to (3), pastors should instruct the faithful about their duty to make

moral judgments and how to fulfill that duty, and they should call attention to relevant moral norms. But in public statements, bishops' personal moral judgments, even about political, social, and economic matters of common concern, may well be mistaken and should not be proposed to the faithful. Even in private counseling, bishops and priests should propose their own moral judgments only tentatively, not authoritatively.

- p. 35: "One such example . . . of the world" (§ 97, end). I think that certain pastoral letters issued by the National Conference of Catholic Bishops of the United States, including those on nuclear deterrence and the economy, contain examples of serious confusions between the three things distinguished in the latter part of my previous comment, with various bad results, among them that the bishops--having been advised by a committee that was advised by staff members who in some matters were advised by nonbelieving "experts"--offered so-called prudential judgments on matters outside their competence. I am convinced that at least one of those "judgments"--that the US policy of nuclear deterrence is morally acceptable under specified conditions--is inconsistent with revealed moral truth about the wickedness of killing innocents.
- p. 36: Though what is said in § 99 seems true, so far as it goes, the main reason for needing to resolve disagreements on specific moral norms is omitted: any such disagreement concerns a moral truth. At least one side must be mistaken, and that mistake is about how to follow the Lord Jesus. Only two gifts of the Spirit--knowing exactly and clearly how to follow Jesus and following him consistently and wholeheartedly--will bring us to full communion in the truth Jesus is.
- p. 36: ". . . while at the same time requiring us to develop a greater sensitivity to the different experiences, insights and approaches that are appropriate to different cultures and contexts" (§ 100). While we Christians must not be insensitive to people who are not Christians, the Lord did commission us to bring his Gospel to everyone. Our own culture and context are not alone in being distorted by sin and its consequences (see Rom 1-3). So, as the book of Acts and much of Paul's teaching make clear, rather than sensitivity, we need the wisdom and courage to evangelize other cultures and contexts, and then, in catechizing any who accept the faith, to help and encourage them to discriminate among their experiences, insights, and approaches *according to the mind of Christ*.
- pp. 36-37: "Painful and perplexing as they are, they do not reveal a fundamental divergence in our understanding of the moral implications of the Gospel" (§ 101, end). I hope this is

true, but I do not think *the present* agreed statement provides sound grounds for thinking so.

- p. 37: "They both appeal to a shared tradition, and they recognise the same Scriptures as normative of that tradition" (§ 102). RCs do not believe that the Scriptures are normative of Tradition but that divine revelation (the word of God), conveyed by Scripture and Tradition together, is normative of everything else (see Vatican II, *Dei Verbum*, 9-10).
- p. 37: "We propose that steps should be taken to establish further instruments of co-operation between our two Communion at all levels of church life (especially national and regional), to engage with the serious moral issues confronting humanity today" (§ 103). The proposal would be fine if it meant only joint *study* of current issues and mutual criticism of each other's drafts. But the explanation, "Moving toward shared witness . . . moral perplexities of human existence in today's world" (§ 104) strongly suggests it means making joint *authoritative statements* regarding current "moral perplexities." I think doing that almost always would be a mistake unless the content were limited to reaffirming points that the Church already taught before the rupture of communion. (Reflecting on the final sentence on p. 35, § 97, I fear that making joint authoritative statements would encourage those who produce and issue such statements among both Anglicans and RCs to continue and extend highly questionable practices.)
- p. 38: "Our working and witnessing together to the world is in itself a form of communion. Such deepening communion . . ." (§ 105). Working in evangelizing and witnessing *to the Gospel* together, insofar as we can, is a form of communion with and in Jesus--and that is the sort of communion we need. *Other* working and witnessing together might well generate fresh obstacles to authentic communion.