submitted that the judge in *Forstater* erred by widening the definition of belief to include actions. This, it may be argued, was only appropriate at a later hearing.

Notwithstanding, the judge does appear to regard what might be described as Ms Forstater's core belief (that is, being 'absolutist in her view of sex') as unacceptable in a democratic society. This belief is of course shared by many people within conservative religious traditions, albeit for different reasons. As has been seen, in the decision in *Mackereth*, the logical consequence of the tribunal's stance is to declare beliefs in portions of sacred texts, such as the Bible, as incompatible with human dignity and therefore, applying *Grainger*, unworthy of respect in a democratic society.

Such a decision has wide-reaching implications, suggesting, inter alia, that what were recently mainstream religious (and non-religious) views about gender are now beyond the pale of what is acceptable belief in twenty-first-century Britain. *Forstater*, like *Mackereth*, is a non-binding first instance decision. It is to be hoped that a higher court, if and when given the opportunity, might take a rather different approach.

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The Caroline Divines and the Church of Rome: A Contribution to Current Ecumenical Dialogue – A Review Article

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INTRODUCTION

Readers of the *Journal* will recall the Ecclesiastical Law Society's long tradition of serious ecumenical engagement, embodied in the biennial Lyndwood Lecture with the Canon Law Society of Great Britain and Ireland, and recall that a

1 This comment is an extended review of *The Caroline Divines and the Church of Rome: A Contribution to Current Ecumenical Dialogue* by Mark Langham (Routledge, 2018, 252pp (hardback £105.00) ISBN: 978-1-47248-981-4). Monsignor Mark Langham was co-secretary of the third phase of the Anglican–Roman Catholic International Commission (ARCIC III) from 2009 to 2013 and Bishop Christopher Hill was an Anglican member of the commission from 2009 to 2018 and a consultant to it from 2019, having been Anglican co-secretary to the first two phases of ARCIC.

number of members of the Society are regularly engaged with the Colloquium of Anglican and Roman Catholic Canon Lawyers. Moreover, ecumenical agreement and disagreement have canonical consequences, as, for example, in the debate about Anglican orders. In moral theology, particularly Roman Catholic moral theology, the relation between moral teaching, the confessional and canon law is obvious to any practitioner. My own interest in the Ecclesiastical Law Society was a direct consequence of my involvement in Anglican–Roman Catholic dialogue as successively co-secretary, member and consultant of the various embodiments of the Anglican–Roman Catholic International Commission (ARCIC) from 1974 onwards. An ecumenical conversation with Canon Graham Routledge, a founder member, led me to seek membership of the Society in its early days.

Mark Langham's book is therefore not tangential to ecclesiastical lawyers, and for Anglicans his serious research into the Carolines is both impressive and moving. The book is the fruits of research conducted largely while he was in Rome as co-secretary of ARCIC at the Pontifical Council for Promoting Christian Unity (PCPCU). This book is coincidentally a persuasive argument for the existence of the Anglican Centre (and Library) in Rome as a place of ecumenical encounter and research. Langham offers a delightful dedication: 'To the Anglican Centre in Rome where I conferred with the Caroline Divines under a Roman sun.'

THE CAROLINES AND ANGLICAN IDENTITY

The Caroline Divines (approximately the Laudian High Church theologians of the seventeenth century) did not write in an ecumenical climate. Developing the theology of Jewel and Hooker (not themselves Carolines), they championed a liturgical, sacramental, episcopal Anglicanism in the teeth of both Puritan and Recusant dissent. It can be well argued that the English Reformation was not just a matter of the break with Rome in the sixteenth century but rather an evolving debate, including the conflict of the Civil War, the Commonwealth and Restoration periods, as to the identity of the 'English Church' separate from Roman jurisdiction and wider catholic communion. No ecclesial identity is fossilised in any age but the classical identity of what became Anglicanism is arguably to be found as much in the seventeenth century as the sixteenth. Langham is therefore not pursuing mere ecumenical archaeology and his genuinely sympathetic study of the Carolines does touch on Anglican identity today. He laments the fact that their story is not better known by both (Roman) Catholics and Anglicans. This reviewer, who was a bishop with jurisdiction in part of Lancelot Andrewes' old diocese of Winchester (Guildford), concurs. With Langham I believe we have to take seriously the re-imagining of Anglican identity throughout the sixteenth and seventeenth centuries and

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indeed to recognise that all churches continue to evolve. Tradition is not to be understood as fossilisation. Newman and the Second Vatican Council (to use theological shorthand) illustrate this on the Roman Catholic side.

Yet to re-visit the Carolines is *not* to accept the romantic Tractarian reading of the Carolines as precursors of Anglo-Catholicism. Langham helpfully shows how they were definitely reformed as well as claiming to be part of the one, holy catholic and apostolic Church. He also highlights the exchanges between Bishop Lancelot Andrewes and Cardinal Robert Bellarmine, 'chief controversialist of the Roman Curia' (p xiii). These and other exchanges in the seventeenth century were not ecumenical in the modern sense. Nevertheless, as Langham shows, they were profoundly scholarly on either side and remarkably civilised in their tone. The Carolines did not (generally) go in for calling the Bishop of Rome the Anti-Christ, nor did they deny (generally) that Rome was a true church (even if they taught that she had erred). Langham quotes both Cardinal Kasper and Cardinal Koch, past and present presidents of PCPCU, on encouraging a revival of Anglican interest in the Carolines. I suspect that he had a hand in encouraging or even drafting these admirable sentiments, also made by this reviewer and by Archbishop Rowan Williams in a debate on ARCIC in General Synod in 1994, with particular reference to the moral theology of Bishop Jeremy Taylor. It was not without significance that the first ARCIC Anglican co-chair was the Archbishop of Dublin, Harry McAdoo, one of the greatest modern interpreters of the Caroline Divines, appointed by Archbishop Michael Ramsey to ARCIC for that very reason. I have argued elsewhere that McAdoo's last book, *The Eucharistic Theology of Jeremy Taylor Today* (note the contemporary reference in his title) was an indirect response to the negative reaction of his own Church of Ireland to the early ARCIC agreements, largely due to the more Protestant flavour of Northern Ireland Anglicanism.[2]

ANGLICANISM REINVENTED

Langham begins with a balanced introduction on the historical context, concentrating on John Jewel's apologia for the Church of England and, of course, Hooker's magisterial *Laws of Ecclesiastical Polity*, which (it will be recalled) was only partially published in his lifetime. These works defended Archbishop Parker's 'golden' (not leaden) 'mediocrity'. Hooker's 'measured tranquillity' was expounded recently in Diarmaid MacCulloch's Lyndwood Lecture in the Temple Church.[3] MacCulloch's title is supportive of the thesis that Anglican

2 C Hill, 'Ecumenical Agreement and the Caroline Divines: Archbishop Harry McAdoo and an irenic response to controversialism' in J Barton and P Groves (eds), *The New Testament and the Church: Essays in Honour of John Muddiman* (London, 2016), pp 120–131, on H McAdoo, *The Eucharistic Theology of Jeremy Taylor Today* (Norwich, 1988).

3 D MacCulloch, 'Richard Hooker: invention and re-invention', (2019) 21 Ecc LJ 137–152.

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identity was never static: *Richard Hooker: invention and re-invention*. He describes the emergence of what he calls 'avant-garde conformism', which evolved as a development of Hooker's teaching.

Hooker's stress on the importance of the sacraments was implemented by the Carolines. Although they were not 'successful' at the time, notoriously with the abolition of Anglicanism under the Commonwealth, Langham judges that the eventual 1662 Prayer Book enshrined 'much of the teaching of the Divines' (p 5). Some historians and liturgists may disagree with this, but G J Cuming's *The Durham Book* shows how time and time again the Carolines had influence on the minute revision of the 1662 Prayer Book.[4] Only a few of their suggestions were accepted by a Cavalier Parliament which was devoted to Charles, King and Martyr, and simply wanted the old book. Nevertheless, I think that Langham is substantially right about the Caroline ethos of 1662; most demonstrably, the ordinal reflects the Caroline view of episcopacy and three distinct orders of ministry. For a different take on this, Bishop Colin Buchanan is critical of a reading of the 1662 Communion service other than through Cranmerian eyes.[5]

Langham succinctly describes the ARCIC dialogue, listing and describing its agreed statements. But he also notes that early hopes were to be dashed (with hindsight they were never realistic) when, on the one hand, the ordination of women came to be inevitable in the Church of England and, on the other, the Catholic position against came to be more defined. After this came the very different question of a 'practising gay' bishop in the USA.

CAROLINE THEOLOGY

Langham describes features of Caroline theology: not only their civility and appeal to moderation but also their espousal of Scripture, reason and tradition. Caroline appeal to reason, which developed Hooker's use of St Thomas Aquinas, emphasised natural law and is therefore somewhat different from some contemporary Anglican arguments from reason. The appeal to antiquity was central, and here the extraordinary scholarship of the Carolines is noted and praised. The Puritans were suspicious that a 'little skill in antiquity inclines a man to Popery' (p 21). Langham at this point picks up the ARCIC notion of 're-reception' as found in its statement *The Gift of Authority*, but also in the original method of ARCIC 'to go behind' the language of the past which emerged in controversy. The Carolines also used typological or symbolic readings of Scriptures, more familiar to Catholics exegetes than Anglicans today.

4 G Cuming, *The Durham Book* (Oxford, 1961).
5 See C Buchanan, *Did the Anglicans and Roman Catholics agree on the Eucharist? A revisit of the Anglican–Roman Catholic International Commission's agreed statements of 1971 and related documents* (Eugene, OR, 2018).

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Importantly, the Carolines developed Melanchthon's theory of non-essentials or *adiaphora* as deployed by Hooker. Here some things defined by the Council of Trent or the Papacy were not seen as necessarily untrue but unnecessary to be defined as of faith. But Langham rightly raises the inherent problem with the appeal to *adiaphora*: who in the Church decides and how does the Church decide which matters are *adiaphora* or otherwise. How does the Church judge which modern doctrinal, ministerial or ethical developments break communion or alternatively should be judged as non-communion-dividing? These questions are precisely the ones behind the agenda of ARCIC III: the church as communion, local, regional and universal and the discernment of right ethical teaching. Current debate and a tendency towards schism in the Anglican Communion over questions of human sexuality emphasise the topicality of this agenda, a debate from which the Roman Catholic Church itself is not entirely immune. ARCIC III published its first instalment on these questions in 2018: *Walking Together on the Way*.[6] This agreement incidentally cites *The Principles of Canon Law Common to the Churches of the Anglican Communion*, the work of the Anglican Communion Legal Advisers Network.[7]

THE EUCHARIST

Langham then moves into seven chapters covering all the agreements of ARCIC I and II (1971–1995), a considerable corpus. On the eucharist he notes the development from the earlier Cranmerian stress on 'real partaking', through Hooker's stress on a 'real presence' located in the faithful communicant, to a Caroline belief in the reality of the sacramental presence, yet without severing the essential link between such a presence and the faithful believer. Langham notes that Counter-Reformation theology remained suspicious of mere Zwinglian symbolism. He shows, convincingly in my view, that ARCIC stressed the true presence of Christ and the inseparable role of faith in worthy reception of the eucharist. The Carolines were articulately agnostic about the mode of the presence. So also ARCIC in its footnote on transubstantiation (drafted as a matter of fact by the Anglican Henry Chadwick). Langham also touches on worship of the eucharistic elements – an area where ARCIC recorded continuing disagreement by some but not all Anglicans. The Carolines rejected the term 'transubstantiation', Andrewes arguing that even in the Incarnation Christ's true humanity remained. Langham's discussion of this is particularly good, including his exposition of what Aquinas really meant by 'transubstantiation', the

6 ARCIC, *Walking Together on the Way* (London, 2018).

7 Anglican Communion Office, *The Principles of Canon Law Common to the Churches of the Anglican Communion* (London, 2008). See also C Hill, 'Ecclesiological and canonical observations on *The Principles of Canon Law Common to the Churches of the Anglican Communion*', (2012) 14 Ecc LJ 400–407.

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change in the meaning of the word 'substance' in the modern period and the correct interpretation of Trent (not a physical change).

Langham tells of the Carolines' cautious use of the word 'sacrifice' as applied to the eucharist, based largely on carefully researched patristic usage. They rejected any notion that the priest sacrifices Christ afresh. Jeremy Taylor's nuanced sense of the eucharistic memorial as application, even 'an instrument propitiatory' of the sacrifice, is argued to anticipate ARCIC. In view of Archbishop McAdoo's magisterial work on the eucharistic theology of Jeremy Taylor, this is no accident. Langham believes that ARCIC could do more work here, using the Carolines as a resource. Though not all Anglicans (I have already cited Bishop Colin Buchanan) would so champion them; the question arises as to whether the sixteenth century is absolutely definitive for Anglican identity or *identities*.

MINISTRY

On ministry and ordination Langham expounds the ARCIC material and also notes that the Congregation for the Doctrine of the Faith itself developed its critique of ARCIC in a positive direction between 1982 and 1992. Obviously, the ordination of women was not a topic that the Carolines dealt with at all and was only on the horizon when ARCIC began its work on the ordained ministry. He outlines the Caroline re-statement of ministry, with its emphasis on the threefold order of ministry and episcopal succession. But he also notes the Caroline reluctance to 'unchurch' the Continental Protestant Churches which per force abandoned either episcopacy or its unbroken transmission; in this, modern ecumenical concords such as the Porvoo Agreement with the (episcopal) Nordic and Baltic Churches follow the Carolines. On the validity or otherwise of Anglican orders, Langham relates the robust Caroline defence of their orders, especially their use of Patristic and Orthodox liturgies in relation to later exclusively Western additions to the Latin ordination rite. Above all, the Carolines saw episcopal succession as the preservation of the Church in apostolic faith – a contemporary theme of Roman Catholic ecclesiology.

AUTHORITY

On authority, Langham recognises with Cardinal Ratzinger (writing before he became Pope Benedict XVI) that this is the fundamental question. ARCIC never claimed complete agreement on authority, but it has called for an ecumenical recognition of the universal primacy of the Bishop of Rome. On the Bible and the Carolines, he notes their insistence that Scripture needs interpretation by the Church, while they condemned what they attributed to the Council of Trent: a so-called 'dual source theory' of Scripture and Tradition. He argues

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that the interpretation of the Second Vatican Council, which avoided this, would have been acceptable to the Carolines. For the Carolines, the bishops' role of ordaining and governing was central. They taught the indefectibility of the Church but not papal infallibility or that to be a true church was to submit to Rome (Bellarmine). The Carolines favoured a general council as the supreme authority, in which indeed the Bishop of Rome would play his part. Councils also needed to be received.

Here, and elsewhere, Langham is ecumenically troubled by the fate of the Anglican Covenant proposals and disturbed by the current apparent failure of the Anglican Instruments of Communion to effectively prevent schism. He also touches on more local or regional synodality and how a 'sense of faith' and the 'sense of the faithful' as a whole are rightly discerned. Since Langham wrote *The Caroline Divines and the Church of Rome*, ARCIC III has elaborated this question but he is right in saying that there is still an unfinished agenda here and that the largely irenic tone of the Carolines still has much to teach us. He was Catholic co-secretary of ARCIC at the beginning of this phase of its work from 2011 to 2013.

JUSTIFICATION

Langham notes that justification by faith was not a major issue at the English Reformation. Some evangelicals would disagree with this assessment, but in any case ARCIC put justification and the Church together, where they indeed belong.[8] The Carolines taught a moderate view of predestination – as indeed did Hooker, the Articles and the Prayer Book – which allowed space for good works. The Carolines rejected an absolute assurance of salvation, which would negate human freedom. So too did ARCIC. They also taught that the divine imputation of righteousness by virtue of Christ's atoning work must lead to a transformation of the interior life: righteousness must also be imparted. Justification and sanctification are thus intrinsically distinct but never separate. ARCIC teaches that they are two aspects of the same divine act. The Carolines, however, disagreed with the Council of Trent on the technical formal cause of justification, which for Trent was through the grace of Christ which has become ours through baptism. For the Carolines this put too much emphasis on inherent human righteousness. ARCIC did not resolve this either, but Trent had already ruled out any merit 'earning' a reward. Good works for both Trent and ARCIC (and the Articles and Prayer Book) arise from our gratitude to God. Nevertheless, for both Anglicans and Roman Catholics – as well as the Epistle of James – faith without works is a fiction.

8 ARCIC, *Salvation and the Church: an agreed statement* (London, 1987).

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THE CHURCH

Related to the question of justification is that of the instrumentality (or otherwise) of the Church in salvation. Protestantism has generally denied any such instrumentality, Catholicism the contrary. The Carolines did not explicitly deal with this but they did ask (frequently) what the Church was *for* and defended the visibility of the Church as against the more Reformed position of an invisible 'elect'. ARCIC in *The Church as Communion* (1991) (and the Second Vatican Council) spoke of the Church as communion (*koinonia*). This is a largely twentieth-century ecclesiology but based on the New Testament and on the teaching of the Patristic Church. Nor was the language of the Church as itself sacramental found in the seventeenth century, though it is found today ecumenically in terms of the Church as a sign, instrument and foretaste of the Kingdom. Nor for the Carolines was wider catholic communion ecumenically on offer. A consequence of this was their inability to think of unity in terms other than conformity (to the Prayer Book as interpreted by Laudian dignity and ceremonial). However, the contemporary exploration of communion offers a tool to embrace diversity. Trent of course encouraged a Counter-Reformation uniformity as much as did the English Act of Uniformity. The Caroline view of ecclesial unity was coloured by the experience of division and disunity in the Church of England. As to communion with Rome, the Carolines took a merely theoretical view of its possibility because Rome was also a true and catholic church, as seen in, for example, George Herbert's *The British Church*. But they did reintroduce a moderate notion of the communion of saints and the bond between the living and the departed, to this effect restoring a guarded expression of this in the 1662 Prayer Book.

MORALS

In comparing the Carolines with ARCIC on Christian morality,[9] Langham admits that the difference in time, culture and ethical questions make only a partial comparison possible. Nevertheless, it is surprising that the ARCIC statement did not make more explicit the considerable corpus of Caroline teaching here. In fact, there was considerable agreement between the two Churches at this time and Anglican moral theologians more than occasionally refer to Catholic manuals. Langham rightly devotes much space to Bishop Jeremy Taylor, who stressed the liberty of the Christian and also attention to the circumstances of moral cases. Equally, the Carolines commended private confession, while Catholic manuals were largely written for confessors.

9 ARCIC, *Life in Christ: morals, communion and the Church* (London, 1994).

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Reason is a thread common to both Churches. Langham raises the central question as to whether moral norms are aspirational or prescriptive. *Life in Christ* was very much overshadowed by Pope John Paul II's *Veritatis Splendor*. I would have liked something here on the changing emphasis in Roman Catholic moral teaching. *Life in Christ* is more compatible with a stress, based on Vatican II (*Gaudium in Spes*), on conscience and charity. But this approach was criticised by some Catholic philosophers and moralists who have championed a revival of natural law morality, which reaffirms moral absolutes. *Veritatis Splendor* added a Christian anthropology to this debate and ARCIC was left in the cold. ARCIC III will need to address the question of method in ethics, as well as particular teaching and practice. Certainly the Carolines and Anglican moral theology generally have been closer to earlier Catholic methodology than some post-*Veritatis Splendor* teaching.

THE BLESSED VIRGIN MARY

The final ARCIC topic that Langham addresses via his Caroline lens is the Blessed Virgin Mary.[10] Apart from government-sponsored iconoclasm in the destruction of Marian and other shrines, the English Reformers seemed to circumscribe rather than eradicate Mary's role. Indeed, reforming Catholics such as Thomas More and Erasmus expressed some concerns about the Marian cult. The Council of Trent later said that images were not to be worshipped 'as if they had some divinity or power in them'. Five Marian feasts were named in the Prayer Book calendar. Some Reformers and Carolines accepted the perpetual virginity of Mary; opinions on the Immaculate Conception varied. The Carolines preferred the Orthodox Dormition to the traditional Western Assumption of Mary on 15 August, which was not included in the Prayer Book.

For the Carolines, Mary was an illustrative exemplar or model of salvation history. Her free co-operation was essential to the Incarnation, but this did not make her a co-redemptrix. Lancelot Andrewes drew on both the Early Church and the East in encouraging a deep devotion to Mary, whose prayers were the key that 'accompanied' the prayers of the faithful. Neither of the Marian dogmas (Immaculate Conception and Assumption) had been promulgated in the seventeenth century. After this the question became not only whether they are true but also whether should they be binding on all believers; they became questions of authority as well as right belief in Mary. Are they *necessary* to salvation? ARCIC argued that they could be interpreted as consonant with scriptural witness. Langham acknowledges (with many Catholics) that popular Marian piety has often been excessive and unsound. But he equally asks whether Mary

10 ARCIC, *Mary: grace and hope in Christ* (Seattle, 2004).

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had not been unnecessarily displaced initially in the Reformed Church of England and whether the Caroline inheritance can redress the balance.

CONCLUSION

Langham's particular reading of the Carolines and his comparison with the whole corpus of the Anglican–Roman Catholic dialogue (except the very recent statement of ARCIC III, *Walking Together on the Way*) serves three important purposes. First, it is a very useful compendium of the current dialogue. Second, it is an excellent way of rediscovering the riches of Caroline theology – for both Anglicans and Roman Catholics – as an affirming background to the dialogue. Third, it may have something to say to Anglicans in our own quest for communion within the impaired communion of the Anglican Communion. For these things we should be grateful.

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