'The Consent of the Faithful' from *1 Clement* to the Anglican Covenant

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ABSTRACT

The origins of the term *consensus fidelium* lie in the rhetorical tropes of pagans who exhorted unity between friends and within cities – tropes supporting the hierarchy of imperial elites. The earliest Christians adapted this language for the same purpose within churches: to speak of unity and lay involvement in support of Church hierarchy. After the Reformation, Church of England writers used this rhetoric to enforce conformity to church polity and morality. The Tractarians and their successors employed a rhetorical 'voice of the laity' as a bolster for episcopal power. While the early twentieth century saw some in the Church of England and Anglican Communion use this same rhetoric to bring the laity into actual decision-making processes, the rhetoric of recent statements by the Communion has left power firmly with bishops.

KEYWORDS: *consensus fidelium*, Anglican Communion, laity, Church Fathers, Reformation, Oxford Movement

Introduction

Regardless of what becomes of the proposed Anglican Communion Covenant, it is important to consider what its drafters regard as the 'live' terminology in theology today. Two Latin terms stand out, laden as they are with theological freight going back before the Reformation. Both appear in Section 3.1.4 on the Communion-wide 'instruments' of unity, where the Archbishop of Canterbury is described as 'first

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amongst equals (*primus inter pares*)' of the bishops of the Communion. The second Latin term is the focus of this article. Translated in the Covenant as 'the common faith of the Church's members', *consensus fidelium* has a long history as a phrase used to claim unity where in fact unity was lacking. No wonder this term is as alive today as when the early Christians borrowed it from the pagans.

This article seeks to explain that the term '*consensus fidelium*' is derived from the unity rhetoric of the classical world that signified – and continues to signify – no observable thing in history. Rhetoric, in this sense, is the 'art of public speaking as it developed in deliberative assemblies' in Greek cities first and then, I would add, in the church assemblies dotted around the Mediterranean.[2] It is with the unity language of Mediterranean antiquity that this article begins. Rhetoric was one of the seven liberal arts studied in medieval schools and universities, and therefore practiced in England after the Reformation, when unity rhetoric was used in defence of the Church of England. Oxford University in the nineteenth century taught its students rhetoric. Through the Tractarians' re-imagining of the Church of England in patristic terms, division arose over whether the early church's *consensus fidelium* was rhetorical or described actual church practice. In each of these periods, *consensus fidelium* was a means of persuading people that the speaker or writer was on the side of reason, unity and stability. This term has a complex history, therefore, that means it should be defined and used with considerable care in contemporary theological discussions.

Early Christian writings

It was in the early era that a family of terms related to *consensus fidelium* began to be used: first 'mind of the Church' (from the Greek ἐκκλεσιαστικὸν φρόνημα, rendered in Latin as *sensus Ecclesiae*), and secondly the 'consent' (συνευδοκησάσης in Greek, *consensus* in Latin) of the 'whole Church' or of 'the faithful,' which implies the voice of the laity – the *fideles* – assenting to church teaching. This section will argue that the earliest uses of these phrases show church leaders at work trying to impose unity on the laity. The leaders' claims to have brought about *consensus fidelium* were less a case of hearing the faithful's collective voice than of putting words into their mouths.

2. George A. Kennedy, *A New History of Classical Rhetoric* (Princeton, NJ: Princeton University Press, 1994), p. 3.

One word of apology is needed before beginning explorations. In describing *consensus fidelium* as a rhetorical strategy, I could be accused of ignoring the reality of decision-making by the laity in the earliest councils mentioned in Scripture and in Eusebius – instances that could be described as consensus-building events. But who comprised the 'whole assembly' (πλῆθος) at the Council of Jerusalem in Acts 15.12 (cf. 15.22) or the assemblies of Asian 'believers' opposing Montanism in an anonymous account from the second century is unclear.[3] By the time of Cyprian's councils in the third century, however, it is clear that consulting the laity at a council in order to seek their 'consensus' was a strategy designed to exclude those whom Cyprian deemed 'wicked'. Nor will councils involving mainly bishops appear much in what follows, including the so-called Ecumenical Councils, at which the unity of the bishops' decisions was said to be the work of the Spirit. Indeed the Spirit will receive little attention in what follows, largely because all sides of any debate claimed the Spirit's guidance.

New Testament Times. The New Testament does not contain the phrase 'mind of the Church' (ἐκκλεσιαστικὸν φρόνημα) but Paul certainly wrote to encourage the church at Philippi to be 'of one mind'. It has been suggested that in Philippians Paul deliberately deployed Greek friendship language to bring Christians to the same mind (3.15). Paul used the idea of coming to a common 'mind' or 'feeling' (φρόνημα) to exhort unity where there was division, for example between Euodia and Syntyche (4.2). Other tropes of friendship language were that friends should be of the 'same mind' (τὸ αὐτὸ φρονῆτε) and of 'one mind' (τὸ ἓν φρονοῦντες) (2.2). In the same vein, Paul exhorted the Philippians to stand together 'in one spirit' and to strive side by side with 'one soul' (1.27). Such 'instances illustrate Plato's insistence that friendship is a matter of ὁμόνοια, of being of the same mind and thus in harmony and concord'.[4]

Scholars recall that these tropes were originally deployed among aristocrats, especially in Aristotle's theory of three kinds of friendship.

3. Eusebius, *Historia Ecclesiastica*, 5.16.10 (trans. G.A. Williamson, *The History of the Church from Christ to Constantine* [Harmondsworth: Penguin, 1965, repr. 1983]).

4. John T. Fitzgerald, 'Philippians in the Light of Ancient Friendship', in John T. Fitzgerald (ed.), *Friendship, Flattery, and Frankness of Speech: Studies on Friendship in the New Testament World* (Leiden: E.J. Brill, 1996), pp. 141–60, at p. 146 citing Plato, *Alcibiades*, 126–27.

Book VIII of the *Nicomachean Ethics* distinguishes friendships of utility, of pleasure and of perfection. Only the aristocratic males of the Greek *polis* could attain this last and highest form of friendship because, as equals, they grounded friendship in virtue not in pleasure and were not bound to each other in patronage. Aristocrats ran the *polis* and kept the lower orders in check, and by the time of the Roman Empire this friendship language sustained the Greek nobility and gentry who ran affairs in the provinces under Rome's minimal rule – men like Dio Chrysostom (c. 40–120), a magistrate in Prusa, a mid-sized town in the province of Bithynia-Pontus. Using the language of friendship and unity of mind, first Dio and then slightly later in Smyrna, Aelius Aristides, 'extolled a narrative where the Romans brought unity and solved the problem of *stasis* [strife] for the Greeks … Underlying these unity rhetorics are claims to superiority, empire, and elite status, seeking an accompanying obedience, conformity, and subjugation.'[5]

Paul's 'unity of mind' language is not used to subjugate the Philippians but to make them friends.[6] However, other early Christian writers, even Paul elsewhere,[7] did use unity language to establish authority within the community. For instance, the author of 1 Pet. 3.8-9, probably written around the same time and place as Dio, encouraged harmony or 'unity of mind' (ὁμόφρονες) within the household to bring wives into submission to their husbands.[8] Given that they were writing to churches whose members were a tiny minority in the cities of the Roman Empire, and who daily faced religious prejudice, it is unsurprising that the letter writers wanted to avoid their communities' further fracturing. This it seems was the motivation for Christians in Rome to write to the church in Corinth at the end of the first century, using another expression for 'unity of mind'. According to *1 Clement* 44.2, the successors of the apostles should not be deposed

5. Joseph A. Marchal, *Hierarchy, Unity, and Imitation: A Feminist Rhetorical Analysis of Power Dynamics in Paul's Letter to the Philippians* (Atlanta, GA: Society of Biblical Literature, 2006), pp. 96–98.

6. Here I disagree with Marchal, while recognizing these friends were not equals.

7. Marchal is right that Paul exhorted the Corinthians to be 'unified in their submission' to their leaders (*Hierarchy, Unity, and Imitation*, p. 97 quoting Margaret Mitchell on 1 Cor. 16.15-16, *Paul and the Rhetoric of Reconciliation: An Exegetical Investigation of the Language and Composition of 1 Corinthians* [Tübingen: Mohr Siebeck, 1991], p. 179).

8. David L. Balch, *Let Wives Be Submissive: The Domestic Code in 1 Peter* (Chico, CA: Scholars Press, 1981), pp. 88–89, compares with Dio Chrysostom's four speeches 'On Concord'.

from office because they were chosen by the 'consent of the whole Church' (συνευδοκησάσης τῆς ἐκκλησίας πάσης). In deposing their leaders, the letter said, the Corinthians had brought disharmony to their community.[9]

Pre Nicene Writers. By the late second century, Christian spokesmen (coming from higher social classes than the writer of *1 Clement*) began deploying this letter's idea of apostolic succession to exclude opponents from church membership (which *1 Clement* had opposed).[10] Henceforth the people's 'consent' would be sought in the deposition of church leaders. In the third century, new aristocratic church leaders could become powerful people in urban affairs. As men of status, bishops and their spokesmen would use unity language in the same manner as politicians like Dio – to end perceived strife and promote submission. Such is the earliest recorded use of the term 'mind of the Church' (ἐκκλεσιαστικὸν φρόνημα), dating from Rome in c. 230, in an anonymous tract called the *Little Labyrinth* often ascribed to Hippolytus, which deployed the phrase to exclude someone named Artemon from the community. The tract defends the legitimacy of the apostolic teaching of Victor (bishop of Rome 189–199) from Artemon's criticism. Artemon, together with his followers, claimed to teach what 'all earlier generations, and the apostles themselves, received and taught … [and] was preserved till the times of Victor'. But, the tract retorts, given that the theology pre-dating Victor also agreed with the bishop – 'works by Justin, Miltiades, Tatian, Clement, and many more' – 'How then can it be true that when the mind of the Church [ἐκκλεσιαστικοῦ φρονήματος] has been claimed for so many years, Christians up to the time of Victor preached as these people say they did?'[11] If everyone submitted to the *one* mind, unified through time, then the community would be preserved from error. While Artemon claimed apostolic teaching was on his side, the tract argued that he

9. Balch notes that *1 Clem*. 22.5 uses the same quotation (Ps. 34.14) as 1 Pet. 3.11, but seeking harmony among Christians not in the household (*Let Wives Be Submissive*, p. 88).

10. E.g., Tertullian, *De praescriptione*, 21. T.D. Barnes argues that Tertullian (c. 160–c. 220) was of the Equestrian class; 'Aspects of the Severan Empire II: Christians in Roman Provincial Society', *New England Classical Journal* 36 (2009), pp. 3–19, at pp. 4–5. For evidence of the class of *1 Clement*'s author, see Peter Lampe, *From Paul to Valentinus: Christians at Rome in the First Two Centuries* (Minneapolis: Fortress Press, 2003), pp. 86–87.

11. Eusebius, *Historia Ecclesiastica*, 5.28.6 (trans. Williamson, *History*).

disagreed with the 'mind of the Church'. This explains why, by the fourth century, the 'mind of the Church' stood as shorthand for apostolic teaching that only the perverse contradicted.[12]

Another third-century writer, Bishop Cyprian of Carthage (d. 258), provided a Latin version of *1 Clement*'s phrase, 'consent of the whole Church', and used it to exclude those who threatened his notion of unity. Cyprian, elected bishop by popular acclaim in opposition to the clergy's wishes, wrote to his priests and deacons: 'I can make no reply on my own, for it has been a resolve of mine, right from the beginning of my episcopate, to do nothing on my own private judgment without your counsel and the consent of the people [*sine consensu plebis*].'[13] As an aristocrat and former rhetor, Cyprian here used the elite rhetoric of unity in the face of controversy.[14] The context for his seeking the consent of the laity was the dispute concerning the readmittance into the church of those who had lapsed during the imperial persecution. There were also practical reasons why Cyprian involved the laity as well as the ordained at the Council of Carthage in 251: lay people could act as witnesses against those who had sacrificed during the persecution, whom Cyprian only wanted readmitted at their deathbed after due penance.[15]

The situation became more complex, however, when those who were indignant that the lapsed were readmitted at all founded a rigorist church in Rome, led by Novatian, which began to win

12. In Athanasius's account of various fourth-century councils, the fathers at Nicaea (325) had ἀποστολικὸν … τὸ φρὸνημα (*De Synodis*, 5); those meeting at Antioch (345) ended the so-called 'Macrostich' Symbol with the 'ecclesiastical mind in the Lord, to which the divinely inspired Scriptures bear witness without violence, where men are not perverse' (*De Synodis*, 26 [trans. Nicene and Post Nicene Fathers (henceforth NPNF) series ii, vol. IV]).

13. *Letter* 14.4 (trans. G.W. Clarke, *The Letters of Cyprian of Carthage*. I–IV. *Ancient Christian Writers* [New York/Mahwah, NJ: Newman Press, 1984–86]).

14. For the role Cyprian's pagan past as a rhetor played in shaping his (and future) ecclesiology, see Allen Brent, *Cyprian and Roman Carthage* (Cambridge: Cambridge University Press, 2010). For an account of the class structure at work in the controversies during Cyprian's episcopate, see J. Patout Burns Jr, *Cyprian the Bishop* (London: Routledge, 2002). For the role of *plebs* in episcopal elections such as Cyprian's, see Alexander Evers, *Church, Cities and People: A Study of the* Plebs *in the Church and Cities of Roman Africa in Late Antiquity* (Leuven: Peeters, 2010), pp. 97–111.

15. *Letter* 55.17.3. Admitted immediately were those who had obtained certificates of compliance but without sacrificing, and who were now practising penance; as Burns points out, this moderated Cyprian's original position, yet in this letter he defended the confusion under which the certified had acted, *Cyprian the Bishop*, p. 182 n. 59.

converts in North Africa. When some Novatianists sought to join Cyprian's church, he insisted that new converts be rebaptized – against Stephen, the bishop of Rome, who was admitting them without rebaptism. The resulting bitterness of Cyprian's relations with Stephen was reflected in a letter the former wrote on behalf of the African bishops. The recipients in Spain were reminded that their one-time bishop, Basilides, had been deposed during the persecution 'following the verdict of the whole congregation and in conformity with the judgement of the bishops who had convened with the congregation … [Basilides showed] his guilt simply by going off to Rome and there hoodwinking our colleague Stephen, who is far removed from the scene and unacquainted with what has in truth transpired'.[16] Inverting *1 Clement*'s attempt to secure church leaders in position based on apostolic succession, Cyprian claimed apostolic roots for his teaching that a bishop should not be chosen in the first place 'without the cognizance and attendance of the people [*populi adsistentis conscientia*], so that in the presence of the people [*plebe*] the iniquities of the wicked can be revealed and the merits of the good proclaimed'.[17] During the crisis of the lapsed, therefore, Cyprian consulted the laity to testify against 'wicked' members of the church – even against bishops.

The Constantinian Church. With Constantine's conversion, and the general granting of toleration to Christians, debates between rigorists and laxists in North Africa became a matter for the Emperor to adjudicate. When the rigorists appealed to Constantine for vindication of Donatus's election as bishop of Carthage, the Emperor set up a commission of bishops in 313 who judged in favour of Donatus's laxist opponent Caecilian. Another commission rejected the Donatists' appeal in 314, and in 317–21 Constantine conducted a campaign to suppress them. The so-called 'Sermon on the Passion of Sts. Donatus and Advocatus' dates from this period of imperial persecution. It gives an account of how 'Catholic' unity language appeared to these enemies of the empire: ' "Christ," [Satan] said, "is the *lover of unity*." … Those people who were already fawning on and were deserted by God came to be called "Catholics." By prejudice in favor of the name, those who refused to communicate with them were called "heretics".'[18] The Donatists'

16. *Letter* 67.5.2 (trans. Clarke, *Letters*).
17. *Letter* 67.4.2 (trans. Clarke, *Letters*).
18. Trans. Maureen Tilley, *Donatist Martyr Stories: The Church in Conflict in Roman North Africa* (Translated Texts for Historians, 24; Liverpool: Liverpool University Press, 1996), p. 54–5; my italics.

counter-rhetoric, therefore, made the Deceiver the one claiming that unity was better than schism. God had deserted the Catholics, they said, and those whom the Catholics named heretics were the saved.

The imperial administration became increasingly Christian and, conversely, those who began as politicians (Ambrose), lawyers (Alypius), and teachers of rhetoric (Augustine) became church leaders, using their rhetorical skills to win and then maintain the laity's loyalty and obedience.[19] Three such elite 'friends', bound together in patronage, brought to the church the friendship/unity language of their secular careers,[20] fulfilling within the church the implicit threat in Dio Chrysostom's language of harmony described above: 'Underlying these unity rhetorics are claims to superiority, empire, and elite status, seeking an accompanying obedience, conformity, and subjugation.'[21]

Augustine of Hippo (354–430) was the inheritor of Dio Chrysostom's rhetoric of unity. In Augustine's doctrinal disputes we see the language of *consensus fidelium* used to exclude those unwilling to come into conformity. Augustine claimed that the Donatists were 'setting forth a view which has neither been started in any regionary Council of the Catholic Church nor established in a plenary one'. Against them he claimed to assert only 'what has been confirmed by the consent of the universal Church [*universalis Ecclesiae consensione*], under the direction of our Lord God and Saviour Jesus Christ'.[22] Against the Manichees he asserted: 'the testimony of the Catholic Church is conspicuous, as supported by a succession of bishops from the original seats of the apostles up to the present time, and by the consent of so many nations [*et tot populorum consensione*]'.[23] According to Yves Congar, with these quotations from two doctrinal disputes,

19. For Ambrose's ability to leverage lay support against the emperor, in comparison to Cyril of Alexandria's inability to get the people to consent to his monks' violence, see H.A. Drake, 'Intolerance, Religious Violence, and Political Legitimacy in Late Antiquity', *Journal of the American Academy of Religion* 79 (2011), pp. 193–235.

20. Augustine wrote that friendships 'out of many … forge unity', *Confessions*, 4.8.13 (trans. Henry Chadwick in St. Augustine, *Confessions* [Oxford: Oxford University Press, repr. 1998]).

21. Marchal, *Hierarchy, Unity, and Imitation,* p. 98.

22. *De baptismo*, 7.53.102 (trans. NPNF, ser. i, vol. IV). Latin in Yves Congar, 'Reception as an Ecclesiological Reality', in Guiseppe Alberigo and Anton Weiler (eds.), *Election and Consensus in the Church* (Concilium, 77; New York: Herder and Herder, 1972), pp. 43–68, at p. 49.

23. *Contra Faustum*, 11.2 (trans. NPNF, ser. i, vol. IV).

Augustine 'enunciates a general principle' of the reception of doctrine by the *consensus fidelium*.[24] However, Augustine enunciated not so much a principle of doctrine strictly understood, as a general rhetoric that had been used first by pagan and then by Christian elites.

The Reformation and its Aftermath

The Reformation caused a rethinking of rhetoric among Protestant writers. The late-medieval rhetoric of disputation, in which a position was taken on controverted doctrinal questions, was in many ways more appropriate than unity rhetoric to churches breaking from Rome. Certainly Martin Luther's Ninety-Five Theses and the Church of England's Forty-Two and then Thirty-Nine Articles were instances of such disputation.[25] English Reformers still used unity rhetoric, however, to stifle the Roman practice of adoring the Eucharistic elements in the so-called Black Rubric of the 1552 Prayer Book, for instance, 'for that were Idolatrye to be abhorred of all faythfull christians'. Again, in rhetoric but not in practice, 'all [the] faithful' gave their consent to the hierarchy's teaching, in this case to the hierarchy of the new Church of England. The consent of the faithful could also be used in polemics to legitimize the English Church against the Roman Church. John Jewel (1522–71), in his *Apology of the Church of England* (1562), wrote that while Rome only allows bishops and abbots to 'give consent; yet in old time, when the church of God (if ye will compare it with their church) was very well governed, both elders and deacons, as saith Cyprian, and certain also of the common people, were called thereunto and made acquainted with ecclesiastical matters'.[26] Laying claim to continuity with Cyprian's views on church unity and involvement of the laity, Jewel argued that the English Church was old and the Roman Church new. Cyprian proved a crucial authority for post-Reformation polemicists because of his opposition to the bishop of Rome.

24. Congar, 'Reception as an Ecclesiological Reality', p. 49.

25. This point is made by Gillian Evans, 'Rome's Response to ARCIC and the Problem of Confessional Identity', *One in Christ* 28 (1992), pp. 155–67, at p. 166. Evans makes a contemporary point: 'Between the two positions, that there must be complete unanimity in the faith; and that each Church ought to hold the faith in its own distinctive way as constitutive for its being that Church [i.e. through disputation], stands a third: that variations in matters of faith at least in some matters may be ''legitimate'' ' (p. 166).

26. Trans. Ann Bacon (1564) in Jewel, *Apology of the Church of England* (ed. John Booty; New York: Church Publishing, 2002), p. 105.

The late-Reformation churchmen who used an English version of *consensus fidelium* were, like their late-antique predecessors, elite males schooled in rhetoric and tied to one another in friendships of patronage (Aristotle's 'utility') or equal social rank ('perfection').[27] Friendship continued to motivate the use of consensus language in this period. Most famously, Richard Hooker (1553/4–1600), a family friend of Bishop Jewel, wrote *Of the Laws of Ecclesiastical Polity* using the unity rhetoric of consent to support conformity to such bishops.[28] While *Laws* was written in the last decade of the sixteenth century, under the patronage of Archbishop Whitgift, conformists who wrote after the British civil wars of the 1630s–40s had seen their patronage ended and their friends killed. Unity rhetoric needed to be repurposed. With Church and Crown abolished, Herbert Thorndike (1598–1672), ejected from his living and his Cambridge fellowship, invoked *consensus fidelium* as an aid to settling disputes about Scripture. In contrast, Jeremy Taylor (1613–67), whose patron Archbishop Laud was beheaded by Parliament, expressed suspicion concerning popular consent in moral matters.[29] At the restoration of Charles II, however, both churchmen received preferment for their loyalty. At the end of the tumultuous seventeenth century the puritan Richard Baxter (1615–91) gave testimony to the changeable nature of consent – and *consensus* rhetoric.[30] As a youth Baxter was under the patronage of the Master of the Rolls but in the interregnum became

27. For more on schooling in rhetoric in this period, see Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press, 1996), ch. 1.

28. Richard Hooker, *The Works of That Learned and Judicious Divine Mr Richard Hooker. Arranged by John Keble, Seventh Edition Revised by R.W. Church and F. Paget* (Oxford: Clarendon Press, 1870). Because of widespread availability, I will quote from the Keble edition rather than the more authoritative Folger Library edition; henceforth Hooker, *Laws*.

29. Here I will use Charles Page Eden, *The Whole Works of the Right Rev. Jeremy Taylor, D.D.* (10 vols.; London: Longmans etc., rev. edn., 1847–54). Eden, a Fellow of Oriel, was a contributor to the *Tracts for the Times*, and editor of two volumes of the Library of Anglo-Catholic Theology, who 'revised and corrected' the Evangelical Bishop Heber's edition of Taylor. *The Theological Works of Herbert Thorndike* (ed. Arthur W. Haddan; 6 vols.; Oxford: J.H. Parker, 1844–56) in the Library of Anglo-Catholic Theology was also Tractarian; henceforth Taylor, *Works* and Thorndike, *Works*.

30. Here I will use *The Practical Works of Richard Baxter: With a Life of the Author and a Critical Examination of his Works by the Rev. William Orme* (23 vols., London: James Duncan, 1830); henceforth Baxter, *Works*.

leader of the English Presbyterians; at the restoration, he turned down the offer of a bishopric, was deprived of his living, and between 1662 and 1687 was persecuted as a Nonconformist. No wonder he bemoaned: 'it is no rare thing for the common prejudices, self-conceitedness, or corruption of the weaker and greater number of good people, which needeth great repentance and a cure, to be mistaken, for the ''communis sensus fidelium,'' the inclination and experience of the godly.'[31] Baxter's counter-rhetoric claimed that while the 'godly' puritans remained the true *fideles*, his opponents' 'common sense of the faithful' signified merely the opinions of the majority – opinions as changeable on matters of church governance as on hairstyles!

Richard Hooker. Seeking unity in the English Church-State, Hooker used 'public approbation' as an alternative to *consensus fidelium* – a rhetorical term to criticize both puritans for ignoring customs long received and Roman Catholics for not seeking lay consent.[32] Writing as a Reformed theologian,[33] Hooker was clear that the revealed laws of Scripture could be interpreted without the Roman lens of tradition.[34] But on matters

31. *A Treatise of Knowledge and Love Compared* (1689), Pt. 1 ch. 6.15 (Baxter, *Works*, XV, p. 58). Baxter elaborated: 'In my time, the common sense of the strictest sort was against long hair, and taking tobacco, and other such things, which now their common practice is … In Poland and Bohemia, where they had holy, humble, persuading bishops, the generality of the godly were for that Episcopacy, as were all the ancient churches, even the Novatians; but in other places otherwise. So that it is hard to be certain of truth or error, good or evil, by the mere consent, opinion, or experience of any.'

32. Hooker, *Laws*, I.10.8, a passage on the laws of human society that may originate with Aquinas, *Summa Theologica*, I-II.97.3: 'if they are free, and able to make their own laws, the *consent of the whole people expressed by a custom* counts far more in favor of a particular observance than does the authority of the sovereign, who has not the power to frame laws, except as representing the people' (trans. Anton C. Pegis (ed.) *Basic Writings of Saint Thomas Aquinas* [Indianapolis, IN: Hackett, 1997]); my italics.

33. For later interpreters of *Laws*, see Diarmaid MacCulloch, 'Richard Hooker's Reputation', *English Historical Review* 117.473 (2002), pp. 773–812. See also Michael Brydon, *The Evolving Reputation of Richard Hooker: An Examination of Responses, 1600–1714* (Oxford: Clarendon Press, 2006), p. 78, although n. 159 citing Thorndike's quotation of Hooker in *An Epilogue to the Tragedy of the Church of England* should read 'Book III, 69' (cf. Thorndike, *Works*, IV.1, p. 174).

34. W. David Neelands has convincingly argued that, for Hooker, ''tradition'' is a word with negative connotations, usually associated with what is taken to be the Roman Catholic attempt to erect something ''merely human'' as an authority independent of and alongside Scripture and reason'; 'Hooker on Scripture, Tradition and Reason', in *Richard Hooker and the Construction of*

where Scripture gave no positive law, and much to puritan dismay, Hooker drew upon the natural law theology of Thomas Aquinas (c. 1225–74) to express confidence in the ability of humans – with God's 'perpetual aid and concurrence'[35] – to discern by reason, among other things, laws for the Church–State. It was reasonable to follow custom in lawmaking. 'For in all right and equity', he wrote, 'that which the Church hath received and held so long for good, that which public approbation hath ratified, must carry the benefit of presumption with it to be accounted meet and convenient.'[36] Following one's forebears was supported by Aristotle: 'It is therefore the voice both of God and nature, not of learning only, that especially in matters of action and policy, ''The sentences and judgments of men experienced, aged and wise, yea though they speak without any proof or demonstration, are no less to be hearkened unto''.'[37] Hooker also quoted Augustine: 'For in these things, whereof Scripture appointeth no certainty, the use of the people of God or the ordinances of our fathers must serve for a law.'[38] Therefore, quoting two of the authorities discussed in the section 'Early Christian Writings' above, Hooker defended the right of the Church of England to follow the customs to which the faithful consented – unless that custom was unreasonable or incompatible with Scripture.

On the basis of such consent, *Laws* sought to oppose the Presbyterian polity favoured by puritans. As the preface put it: 'the [episcopal] government against which ye bend yourselves be observed every

(F'note continued)

Community (ed. A.S. McGrade; Tempe, AZ: Medieval and Renaissance Texts and Studies, 1997), pp. 75–94, at p. 89. Cf. Jean-Louis Quantin, *The Church of England and Christian Antiquity: The Construction of a Confessional Identity in the Seventeenth Century* (Oxford: Clarendon Press, 2009), p. 90.

35. Hooker, *Laws*, I.8.11. On such a view of reason, see Edmund Newey, 'The Form of Reason: Participation in the Work of Richard Hooker, Benjamin Whichcote, Ralph Cudworth and Jeremy Taylor', *Modern Theology* 18 (2002), pp. 1–26.

36. Hooker, *Laws*, IV.4.2.

37. Hooker, *Laws*, V.7.2 quoting Aristotle, *Nicomachean Ethics*, 6.11. See William H. Harrison, 'Prudence and Custom: Revisiting Hooker on Authority', *Anglican Theological Review* 84 (2002), pp. 897–913. For Jewish and Christian authorities, see Hooker, *Laws*, V.8.3.

38. Hooker, *Laws*, 36.1.2, trans. at Hooker, *Laws*, III.11.13. Hooker quoted Augustine's original letter rather than following Aquinas (*Summa Theologica*, I-II.97.3) in adding the extra sentence found in Gratian, *Decretum*, I.11.7: 'And, as violators of the divine ordinances are to be corrected, so too are those who scorn ecclesiastical customs' (trans. Augustine Thompson, *The Treatise on Laws* [Washington, DC: Catholic University of America Press, 1993]).

where throughout all generations and ages of the Christian world, no church ever perceiving the word of God to be against it.'[39] Although Hooker conceded that the office of bishop was no part of the positive law of Scripture, the consent of the historic Church showed episcopacy to be compatible with reason.[40] The puritans were wrong to object to some customs that the Church of England shared with Rome. But so were Roman bishops wrong to govern without the laity's consent. Hooker states that although 'the pastors and bishops' devised 'laws in the Church' – mentioning the Prayer Book and Thirty-Nine Articles – yet those laws required 'consent of the whole Church' or else 'well might they seem as wholesome admonitions and instructions, but laws could they never be'.[41] Here the role for the laity is a passive one, though without their consent the laws remain like the unheeded 'counsels of physicians'. Such rhetoric was specifically in service of the Elizabethan Settlement, for church laws in England could not be made without the 'consent as well of the laity as of the clergy', given respectively in Parliament and Convocation, 'but least of all without consent of the highest power', the Crown.[42]

Herbert Thorndike and Joseph Butler. While Hooker was writing *Laws* a new phrase appeared, 'common sense', a notion that not only brought a paradigm shift in intellectual inquiry but also provided churchmen with a new rhetoric of unity.[43] 'By the end of the seventeenth century, most English thinkers, no matter what their field of inquiry, had ceased to believe that their labors would produce the certitude or ''science'' that had for centuries been the goal of the philosopher.'[44]

39. Hooker, *Laws*, Preface, 4.1.

40. For a discussion of the relevant passages of *Laws*, see Kenneth A. Locke, *The Church in Anglican Theology: A Historical, Theological and Ecumenical Exploration* (Farnham, UK and Burlington, VT: Ashgate, 2009), pp. 51–58.

41. Hooker, *Laws*, VIII.6.11; my italics.

42. Hooker, *Laws*, VIII.6.8 [Folger edition 6.7]: 'till it be proved that some special law of Christ hath for ever annexed unto the clergy alone the power to make ecclesiastical laws, we are to hold it a thing most consonant with equity and reason, that no ecclesiastical laws be made in a Christian commonwealth, without consent as well of the laity as of the clergy, but least of all without consent of the highest power'.

43. The *OED* refers to Edmund Spenser, *The Faerie Queene* (1596): 'That all the cares and euill which they meet, May … Seeme gainst common sence to them most sweet' (IV, canto 10, stanza 2).

44. Barbara Shapiro, *Probability and Certainty in 17th Century England: A Study of the Relationships between Natural Science and Religion, History, Law, and Literature* (Princeton, NJ: Princeton University Press, 1983), p. 4.

The Cambridge scholar Herbert Thorndike was true to his age when reasoning from the data of 'experience and common sense', or when speaking in terms of likelihood, rather than certainty: 'Matter of faith is evidently credible, but cannot be evidently true.'[45] But in their redeployment over the seventeenth century from rhetoric to empirical reasoning, the words 'credible' or 'probable' did not lose their rhetorical usage – what was credible or probable continued to depend upon persuasion – and 'common sense' was also used rhetorically. For instance, Joseph Butler (1692–1752) would argue from the rhetorical tropes of analogy and probability for the truth of revelation: 'That which chiefly constitutes probability is expressed in the word likely, i.e., like some truth, or true event', citing the classical term *verisimile*.[46] On this basis, Butler held that 'common sense' could recognize the evidences of revealed religion.[47] Butler's rhetoric was still that of an elite male, loyal to his patron-friends, seeking in a stratified and divided society the conformity of 'common men'.[48]

An important difference between Hooker and churchmen who came later, then, lay not just in their experience of civil war and its memory, but also in using new words to express old unity language. In English debates among the 'three parties, papists, prelatical and puritans'[49] that

45. *Epilogue*, I.3.20 (Thorndike, *Works*, II.1, p. 46), I.1.5 (p. 17). I.4.15 argues for the reasonable probability of revelation at the Council of Jerusalem (p. 70). Charles Miller has argued from phrases such as these for Thorndike's 'common sense' ecclesiology in *The Doctrine of the Church in the Thought of Herbert Thorndike* (DPhil. dissertation, Oxford, 1990), ch. 1.

46. *Analogy*, Intro[2] (1736) in *The Works of Bishop Butler* (ed. David E. White; Rochester, NY: University of Rochester Press, 2006), p. 151; henceforth Butler, *Works*.

47. *Analogy*, ii.6[.16]: 'Common men, were they as much in earnest about religion as about their temporal affairs, are capable of being convinced, upon real evidence, that there is a God who governs the world; and they feel themselves to be of a moral nature; and accountable creatures. And as Christianity entirely falls in with this their natural *sense* of things; so they are capable, not only of being persuaded, but of being made to see, that there is evidence of miracles wrought in attestation of it [i.e. Christianity], and many appearing completions of prophecy' (Butler, *Works*, p. 270); my italics.

48. Bob Tennant, lays stress on the rhetorical nature of Butler's work, which was often written to be preached (*Conscience, Consciousness and Ethics in Joseph Butler's Philosophy and Ministry* [Woodbridge: Boydell Press, 2011]). Regarding patronage, Samuel Clarke and Edward Talbot provided 'the Butler circle's entire patronage' (p. 31). Tennant comments on two of Butler's published sermons, which refer to God as 'friend': 'God is the friend of people in the same way as the master of a household is a friend of the domestic servants in the household' (p. 60).

49. *Epilogue*, Book I, Preface, 10 (Thorndike, *Works*, II.1, p. 7).

intensified during the interregnum – when there was neither Church of England nor Prayer Book – Thorndike used 'common sense' as a conservative term. *An Epilogue to the Tragedy of the Church of England* (1659), as has recently been shown, was among the first Anglican works to make 'the case for tradition'.[50] Here Thorndike argued that any ecclesiastical reform claiming the words of Scripture as its foundation must be judged by the same standard as the fathers used: 'Owning, therefore, my obligation to the *whole Church* – notwithstanding my obligation to the Church of England – I have prescribed the *consent thereof*, for a boundary to all interpretation of Scripture, all reformation in the Church.'[51] To accept the sense of Scripture to which the whole Church consents was, for Thorndike, literally to adopt the 'common sense', the one mind of the Church. (When writing in Latin he used the term *consensus fidelium*.)[52] The common-sense interpretation was, he claimed, what the fathers called apostolic tradition or the rule of faith,[53] in which 'the succession of pastors' through 'daily intercourse and correspondence between Churches' brought into unity 'particular Churches by consent of the whole' to the exclusion of error.[54] Through communion with such a pastor, therefore, the individual Christian was 'neither putting trust in man, which God curseth, nor in his own understanding, for the

50. This is the title of ch. 6 in Quantin, *The Church of England*.

51. *Epilogue*, Book I, Preface, 9 (Thorndike, *Works*, II.1, p. 7); my italics. Thorndike published a condensed form of the argument of *Epilogue* in 1662 called *Just Weights and Measures* writing in ch. 7.4: 'go no further, than the consent of the Church will bear us out. For if we make new and private conceits of the Scripture, and the sense of it, [or] law to the Church, which we reform; we found a new Church upon that Christianity, which the only Church of God never owned' (Thorndike, *Works*, V, p. 125).

52. 'For inasmuch as the consensus of the faithful hands on the certain testimony of the Apostles concerning Christ, on the basis of the faithful let the Church for its part stand firm. It is manifest that it is with the Church as [their] author, and on the Church's authority, that the Scriptures are accepted as the Word of God'; Thorndike, *De ratione ac iure* (London: Thomas Roycroft, 1670), p. 80 (I owe this translation to Christopher Bryan and Christopher McDonough).

53. *Epilogue*, I.6.16-21 (Thorndike, *Works*, II.1, pp. 120–24), citing Irenaeus, Tertullian, Origen, Cyril of Jerusalem, Vincent of Lérins and Thomas Aquinas. Although Thorndike gave Tertullian less authority because of his Montanism, nevertheless 'common sense must needs tell' against those who would reject Tertullian's witness to a factual matter; *Epilogue*, I.7.32 (Thorndike, *Works*, II.1, p. 132).

54. *Epilogue*, I.8.17 (Thorndike, *Works*, II.1, p. 150).

sense of the Scriptures, *but trusting his own common sense*, as well for the means of conveying to him the matter, as the motives of Christianity'.[55] Notice how the rhetoric works here: the individual should take the 'common sense', not his personal understanding, to be his own. Moreover, his appeal to the succession of 'pastors' (not 'bishops' whose office had ceased in the interregnum) may have been an attempt to divide puritans, separating Presbyterians from Thorndike's greater enemies, the Independents, who rejected a visible Church and promoted private interpretation of Scripture.[56] Calvin had, after all, regarded the office of 'pastor', 'presbyter' or 'bishop' as all the same in the New Testament.[57]

On matters of polity, Thorndike's 'common sense' approach reiterated Hooker's resort to custom in the two-pronged attack on puritans and Romans. Thorndike used the canon of Vincent of Lérins (d. c. 450) against Independents, saying their congregational polity added more to the rule of faith than Rome did at the Council of Trent: 'matter of faith is *to the world's end the same, that the whole Church hath always from the beginning professed*. If you impose more, the Church of Rome will have a better pretence than you can have; namely, a better claim to the authority of the Church.'[58] Labeling the Independents as 'fanatics' he presented them with a double argument – one from the law of Scripture as interpreted by tradition and one from consensus. On the one hand, those who read Scripture by the 'tradition of the faith' recognized episcopacy to be God's law. On the other hand, if fanatics considered 'episcopacy no part of God's law, but introduced by consent of the whole Church', then to reject bishops in the face of

55. *Epilogue*, I.8.17 (Thorndike, *Works*, II.1, p. 150); my italics.

56. Miller explains: 'In the late 1640s and throughout the 1650s even the Presbyterian establishment increasingly felt the challenge posed by a burgeoning Independency … Thorndike's discussion of conciliarism, his attempt to articulate a view of the church as a ''standing synod,'' seem to have been developed largely in response to the claims of Congregational ecclesiology'; *The Doctrine of the Church* pp. 301–302.

57. Calvin, *Institutes*, IV.3.8. Another instance of Thorndike's rhetorical approach to Calvinists came when naming the *Epilogue*, Book II, *Of the Covenant of Grace*. According to Michael McGiffert, Thorndike aimed 'to wrench the substance of the covenant from Puritan custodians, to get an Anglican grip upon its practicum and to represent both, newly and powerfully forged, to his once and future Church'; 'Herbert Thorndike and the Covenant of Grace', *Journal of Ecclesiastical History* 58 (2007), pp. 440–60, at p. 442.

58. *Just Weights and Measures*, ch. 7.1 (Thorndike, *Works*, V, p. 122); my italics highlight Vincent, *Commonitorium* 2.6.

such consensus made one schismatic.[59] With respect to Rome, Thorndike argued that the pope had rightful headship over the Western Church, including the Church of England, but that he needed to govern by council and consent.[60]

Jeremy Taylor and Richard Baxter. Rather than employing *consensus fidelium* to defend doctrine and existing church polity, the Caroline divine Jeremy Taylor and the puritan Richard Baxter used the concept on questions of morality. Both writers held that the plethora of opinions extant in the aftermath of the civil war made moral decision-making hard for lay people. In their respective books on decisions of conscience, they tried to prioritize the various authorities that guided decision-making; both included popular consent, although recognizing that it had to be evaluated carefully. Taylor quoted the same letter of Augustine as Hooker to argue that 'custom is to be allowed … [as] the best argument we have when we have no better'.[61] On the basis of consent, moreover, Taylor argued against treating the fathers as moral authorities: 'no company of men will consent that in all cases the fathers are rather to be followed than their successors'.[62] But, for Taylor, each individual's conscience had to judge which authority to follow, and ultimate knowledge was to be found not in scholarly learning but in holy living.[63]

59. *Just Weights and Measures*, ch. 6.8 (Thorndike, *Works*, V, p. 117).

60. *Just Weights and Measures*, ch. 6.7 found patristic evidence that the English Church owed Rome the 'respect which was owed to their mother-Church; but that they either owed it or shewed it the respect of a subject to a sovereign … none at all' (Thorndike, *Works*, V, p. 116).

61. *Ductor Dubitantium*, II.3 Rule 19.3 (Taylor, *Works*, IX, p. 693). Cf. n. 38 above, for, unlike Hooker, Taylor takes this quotation straight from Gratian.

62. *Ductor Dubitantium*, I.2 Rule 10.1 (Taylor, *Works*, IX, p. 205): 'Ancient writers are more venerable, modern writers are more knowing. They might be better witnesses, but these are better judges.' His suggestion in the sermon 'Via Intelligentiae', that 'the great learning of the fathers was more owing to their piety than to their skill' (Taylor, *Works*, VIII, p. 390), is the opposite view from Thorndike's, for whom the fathers' authority came from 'the position they obtained in the hierarchy of the Church in their time' through their learning; Thorndike, *De ratione ac iure*, p. 489 (trans. Quantin, *Church of England*).

63. 'The conscience must be confident, and it must also have reason enough so to be: or at least, so much as can secure the confidence from illusion; although possibly the confidence may be greater than the evidence, and the conclusion bigger than the premises. Thus the good simple man that about the time of the Nicene council confuted the stubborn and subtle philosopher by a confident saying over his creed: and the holy and innocent idiot, or plain easy people of the laity, that cannot prove christianity by any demonstrations, but by that of a holy life, and

Baxter was more open to following the 'common sense … of the faithful' than Taylor. Regarding worship, he wrote: 'prefer not the judgment of a sect or party, or some few godly people, against the common sense of the generality of the faithful; for the Spirit of God is more likely to have forsaken a small part of godly people, than the generality, in such particular opinions, which even good men may be forsaken in.'[64] But, he warned, 'use the advice of men in a due subordination to the will of God, and the teaching of Jesus Christ'.[65] Baxter saw the importance of the laity's submission to the pastors, whose office is 'to bear and exercise the keys of Christ's church'.[66] However, 'in the case of extremity [the people] may cast off heretical, and impious, and intolerable pastors, and commit their souls to the conduct of fitter men; as the churches did against the Arian bishops and as Cyprian declareth it his people's duty to do',[67] referring to the action described by Cyprian above, Basilide's deposition 'following the verdict of the whole congregation'.[68] Both Taylor and Baxter represent an English tradition of moral reasoning that included *consensus fidelium* among the ways of discerning moral action, which flourished in the work of Joseph Butler mentioned above.[69] But Hooker and Thorndike represent an English tradition of unity rhetoric in matters of doctrine and discipline that would re-emerge in the nineteenth century.

The Tractarians and their Successors

Although phrases derived from the Latin *consensus fidelium* were used in the English Church after the Reformation, the word 'consensus' entered

(F'note continued)
obedience unto death', *Ductor Dubitantium*, I.2 Rule 2.5 (Taylor, *Works*, IX, p. 52); Taylor also used the legend of the 'simple good man' and the Nicene Creed (from Sozomen, *Hist. Eccl*. 1.18; Socrates, *Hist. Eccl*. 1.8; Rufinus, *Hist. Eccl*. 1.3) in the sermon 'Via Intelligentiae' (Taylor, *Works*, VIII, p. 385).

64. *A Christian Directory: or, A Sum of Practical Theology and Cases of Conscience* (1673), Pt. 3, ch. 2, Direct. 3.2 (Baxter, *Works*, V, p. 21).

65. *Christian Directory*, Pt. 3, ch. 2, Direct. 4 (Baxter, *Works*, V, p. 21).

66. *Christian Directory*, Pt. 3, Qu. 62, Ans. 1 (Baxter, *Works*, V, p. 403).

67. *Christian Directory*, Pt. 3, Qu. 62, Ans. 10 (Baxter, *Works*, V, p. 404).

68. Cyprian, *Letter* 67.5.2 (trans. Clarke, *Letters*).

69. This tradition is traced in Michael R. Prieur, *The Use of Consensus Fidelium as a Source of Moral Judgment: A Study of Anglican Moral Theology with Special Reference to Kenneth E. Kirk, 1886–1954* (PhD dissertation; Rome: Pontifical Institute of S. Anselm, 1970). I thank Fr Prieur for sending me a copy of his dissertation.

the English language only in the 1850s.[70] John Henry Newman used the Latin in his article 'On Consulting the Faithful in Matters of Doctrine' (1859), which sought to make the hierarchy of his adopted Roman Church aware that 'the body of the faithful is one of the witnesses to the fact of the tradition of revealed doctrine … their *consensus* through Christendom is the voice of the Infallible Church'.[71] Newman's rhetoric of 'consulting' the faithful was also pertinent in an English Church that had, around this time, started to admit a few active laymen into new church bodies, the first diocesan synods and (with the revival in 1852 of Convocation prorogued since 1717), a new House of Laymen for Canterbury (1886) and York (1892). Charles Gore (1853–1932) and W.J. Sparrow Simpson (1859–1952), two Anglo-Catholics steeped in patristic learning, used evidence from Newman's article for a fourth-century *consensus fidelium* to argue on different sides in debates concerning the House of Laymen's role in church governance.[72] All Anglo-Catholics agreed that doctrine was the Church's truth, upheld by bishops and their clergy, to which the people consented. But what was the laity's role in matters of discipline (or church governance)?

These Anglo-Catholics, bound together as friends by family and university ties, debated what *consensus fidelium* in the early church meant for the English Church. The original Tractarians had coalesced in opposition to a series of parliamentary reforms (1828–32) that increased the freedom of Nonconformists to participate in government, which they saw as ending the claim of Parliament to be the lay synod of the Church of England. In the opinion of the Tractarians, lay involvement by means of Parliament in Church affairs should come to an end. Conversely, when the parliamentary franchise widened through the

70. One of the first references in the *OED* came in a church context: 'Bishop Colenso is … decidedly against what seems to be the consensus of the Protestant missionaries'; *Saturday Review* (London) 637, 21 December 1861.

71. Newman, *On Consulting the Faithful in Matters of Doctrine* (ed. John Coulson; London: Collins, 1961, repr. 1986), p. 63.

72. Gore noted 'all through the Nicene troubles the informal influence of the faithful laity who would not accept bishops or teachers who represented alien doctrine' ('General Lines of Church Reform' in Douglas Eyre [ed.], *Reform in the Church of England* [London: John Murray, 1915], p. 13), before proposing that 'the House of Laymen … would sit at least side by side with the Houses of Convocation' (p. 20). Sparrow Simpson *et al.*, *The Place of the Laity in the Church* (London: Robert Scott; Milwaukee, WI: Young Churchman's Co., 1918), gave a précis of Newman's article at ch. 6 before proposing at p. 132 that 'the House of Clergy alone possesses decisive authority while the House of Laity has only advisory and consultative [Newman's word] position'.

Reform Acts of 1867, 1884 and 1918, the question of representation for lay churchmen in Church affairs pressed upon the Tractarians' successors. The shifts in rhetoric that resulted will be traced across roughly four generations: those of the *Tracts for the Times* authors, of William Bright (1824–1901), of Charles Gore and of Jack Rawlinson (1884–1960). As in the previous sections, these were debates among elite friends – although now some were laymen.[73] Many from the first three generations discussed here were friends with, or received patronage from, the Tractarian layman and later Liberal prime minister, W.E. Gladstone (1809–98); even those who did not share his politics – as in the case of Bright – were on friendly terms.[74] Gladstone voiced the Tractarians' call to increase the faithful's active participation in the Church, through synods, in support of their bishops.[75] Some in the younger generations would push beyond Gladstone, considering *consensus fidelium* in the early church to provide warrant for a more 'democratic' Church. Yet, what has been said of Rawlinson applies to many of these so-called Liberal Catholics, that 'although he taught a liberal theology of authority he exercised episcopal authoritarianism'.[76]

The Tractarians. The Tractarians' nostalgia for early Christianity set the bar by which they could measure the downfall of contemporary England. In the face of the Whig government's reforms, Newman wrote in 1833: 'Hitherto the English Church has depended on the State, *i.e.* on the ruling powers in the country – the king and the aristocracy; and this is so natural and religious a position of things

73. E.g. Barrister-at-law Douglas Eyre re-edited *Reform in the Church of England*, which included 'The Principles and Conditions of the Scottish Establishment' by layman (and former prime minister) Arthur (Lord) Balfour, pp. 73–91.

74. For Gladstone's ecclesiastical friendships, see Jonathan Parry, *Democracy and Religion: Gladstone and the Liberal Party, 1867–1875*, pp. 182–91, who describes Gladstone's vision for the Liberal party thus: 'while the natural leaders, the propertied classes, would assume political command, the pressure for the maintenance of moral government would come from the common man', p. 171. This vision drew from Joseph Butler's moral teachings on ''common sense''.

75. Gladstone wrote in a letter of 1842 of 'those great Catholic principles which distinguish our Church from many other Protestant bodies: such … as … universal or Catholic consent'; quoted Geoffrey Rowell, *The Vision Glorious: Themes and Personalities of the Catholic Revival in Anglicanism* (Oxford: Clarendon Press, 1983), p. 7.

76. Mark Chapman, 'Rawlinson, Alfred Edward John [Jack] (1884–1960), bishop of Derby and theologian', *Oxford Dictionary of National Biography*, accessed online 23 October 2011.

when viewed in the abstract.' But the ruling powers had let the Church down in admitting Nonconformists to Parliament, so instead 'we must *look to the people'*, seeing in the example of Ambrose (c. 339–97) 'how a Church may be in ''favour with all the people'' [Acts 2.47] without any subserviency to them.[77] Newman recognized in Ambrose's rhetoric the power to leverage the laity in support of the clergy against the secular power. Newman and his friends tried to emulate Ambrose with rhetoric suited to the laity of their own day in *Tracts for the Times*. Of the first ten *Tracts* in the autumn of 1833, although the first and third (by Newman) were specifically 'addressed to the clergy', the fourth (by Keble), fifth (by John Bowden), sixth (by Newman) and ninth (by Froude) were specifically addressed to the laity ('*ad populum*'). The laity were there to uphold the doctrine and discipline of 'apostolic tradition' as a bolster against heresy and Nonconformity – indeed Newman invoked the orthodoxy of the early church's laity against the heresy, as he saw it, of Oxford clergy in 1836.[78]

For precedent on matters of discipline (or church governance), the Oxford Movement often focused on Cyprian's councils. These were lionized because, unlike bishops in Parliament, Cyprian and his fellow bishops governed authoritatively and, unlike the House of Commons, the lay faithful in attendance were orthodox and did not include Nonconformists. Based on their contemporary concerns, the Tractarians raised the historical question of how involved were the laity in early councils of local churches? Edward Pusey (1800–82) claimed:

> The maxim accordingly of S. Ignatius for the people, 'to do nothing without the Bishop,' finds in S. Cyprian the counterpart for the Bishop, 'do nothing without the Presbytery and the concurrence of the

77. Newman, *The Church of the Fathers* (ed. Francis McGrath; Leominster: Gracewing and Notre Dame, IN: University of Notre Dame Press, 2002), pp. 340, 348. Peter Nockles shows that Newman's politics continued to be Tory rather than, as some have argued, populist; '''Church and King'': Tractarian Politics Reappraised', in Paul Vaiss (ed.), *From Oxford to the People: Reconsidering Newman and the Oxford Movement* (Leominster, UK: Gracewing, 1996), pp. 93–126.

78. During the controversy over R.D. Hampden's appointment as Regius Professor of Divinity in July 1836, Newman looked to the fourth century and 'the witness of the Christian people for the orthodox truth … One or two of the great cities were corrupted as time went on, but the mass of the laity was decided and fervent in its maintenance of the sacred truth that was in jeopardy. The population of Alexandria, Antioch, Edessa, Cæsarea, Rome, and Milan, were even patterns in their profession of the dogma to the distressed, menaced, and hardly-used ecclesiastics' – i.e. the ancient equivalents of Hampden. Newman, *Essays Historical and Critical* (new imp.; London: Longmans, 1919), I, p. 130.

> people;' … If possible, he [Cyprian] abated from his right [described by Ignatius], in order to gain the more loving concurrence to what he saw to be right.[79]

According to Pusey, Cyprian sought 'concurrence' (his translation of '*consensus*') with the people when by right bishops could have decided alone – a rhetoric that left church government in the hands of bishops.[80] John Keble (1792–1866) agreed, writing to suggest that Gladstone's 1852 proposals for lay involvement in the Episcopal Church of Scotland, which 'so carefully guarded the Episcopal Prerogative, that I really think St. Cyprian (e.g.) would have allowed it as consistent with his principles', should become the standard for English diocesan synods.[81] Keble used *consensus fidelium* rhetoric to accept lay representation in diocesan synods as long as the governing power rested with bishops: 'the voice of the laity, in one form or another, has always been a most essential part of the voice of the whole Church', even in doctrine, in which, based on the evidence of other early councils, the faithful's acceptance of a council's teaching was required for it to 'become Oecumenical'.[82] The 'voice of the laity' was, for Newman, Pusey and Keble, a bolster to episcopal power against the power of Parliament. Evangelicals recognized this in their counter-rhetoric, the *Record* describing 'the ever-lengthening chain which is fast binding on the neck of the Church of England the autocratic government of the Bishops under the name of Diocesan Synod' and J.C. Ryle (1816–1900) wanting synods 'confine[d] … to their proper work' of 'consultation, deliberation, expression of opinion, discussion, comparison of views, – and not action'.[83]

79. Preface, *The Epistles of S. Cyprian with the Council of Carthage on the Baptism of Heretics* (Library of Fathers XVII; Oxford: John Henry Parker, 1844), p. xiv quoting Ignatius of Antioch, *Letter to the Smyrnaeans*, 8 and Cyprian, *Letter* 14.5.

80. Pusey wrote of Cyprian's councils concerning the lapsed: 'there is not the slightest trace of any wish of the Laity to assume to themselves any part of the legislation, which our Lord had entrusted to the Bishops'; *The Councils of the Church from the Council of Jerusalem* A.D. *51, to the Council of Constantinople* A.D. *381,* (Oxford: John Henry Parker, 1857), p. 90.

81. Keble, *Letters of Spiritual Council and Guidance* (ed. R.F. Wilson; Oxford and London: James Parker and Co., 3rd edn, 1875), p. 297; this undated letter to an unnamed recipient cited approvingly Gladstone's *A Letter to the Right Rev. William Skinner, D.D. on the Functions of Laymen in the Church* (London: John Murray, 1852), pp. 34–35.

82. Keble, *Letters of Spiritual Council*, pp. 296–97.

83. *Record*, 18 August 1871 and Ryle, *A Churchman's Duty about Diocesan Conferences* (1871); quoted in M. Wellings, Introduction to 'J.C. Ryle' in M. Smith

The Generations of Bright and Gore. Later in the nineteenth century, some Anglo-Catholics used *consensus fidelium* as rhetoric to proclaim conformity to historic Christianity when faced with opposition from Church and State, including from bishops. For instance, in 1899, 220 Ritualist priests in London supported resolutions to defy their bishop in cases where the 'whole Catholic Church' has spoken, specifically 'the reservation of the Blessed Sacrament in parish churches and for the *bona-fide* purpose of communicating the sick and dying, and the ceremonial use of incense'. Notice that the Ritualists justified reserving the Eucharistic elements using consensus rhetoric, one of the practices the Prayer Book's Black Rubric had used consensus rhetoric to forbid (see 'The Reformation and its Aftermath' above). The resolutions aimed *consensus fidelium* rhetoric at bishops who, in prosecuting Ritualists, failed to conform to the 'laws, usages, customs and rights of the Church'.[84]

Non-ritualist Anglo-Catholics also challenged bishops' authority. Political progressives such as Richard Belward Rackham (1863–1912) and Gore argued: 'From St. Cyprian's letters we gather that the presence of the laity was an accepted feature of the councils of the third century.'[85] Rackham charted the change in meaning of 'brethren' from Cyprian's 'the whole body of his fellow-Christians' to 'fellow-bishops'; in Rackham's rhetoric, the golden age of *consensus fidelium* was replaced by episcopal autocracy.[86] George Bayfield Roberts (1847–1937), a Ritualist from the English Church Union, challenged

(F'note continued)
and S. Taylor (eds.), *Evangelicalism in the Church of England c. 1790–c. 1890: A Miscellany* (Bury St. Edmund's: Boydell Press, 2004) pp. 296–7. Bishop Phillpotts of Exeter set up the first diocesan synod in 1851 in response to the Gorham Judgment, in which a secular court upheld an Evangelical clergyman's appeal against Phillpotts. Evangelicals responded by pressing for greater lay involvement, e.g., 'the *Record* encouraged the Exeter laity to ''*claim* their rightful share in this proposed synod'' by electing representatives'; Arthur Burns, *The Diocesan Revival in the Church of England c. 1800–1870* (Oxford: Clarendon Press, 1999), p. 229.

84. Quoted in Louise Creighton, *The Life and Letters of Mandell Creighton, D.D.* (London: Longmans, Green and Co., 1904), II, p. 353. Montague Villiers, vicar of St Paul's, Knightsbridge, who led these clergy, was a member of the 1898 Joint Committee of the Convocation of Canterbury examining church reform.

85. R.B. Rackham, 'The Position of the Laity in the Early Church', in Douglas Eyre (ed.), *Reform in the Church of England* (London: John Murray, 1915), pp. 28–72, at pp. 28–29. Rackham was a member with Gore of the Community of the Resurrection.

86. Rackham, 'The Position of the Laity', p. 29.

this claim, concerned about Rackham's attempt to downsize the role of bishops (which the Oxford Movement had done so much to magnify) in order to upgrade the laity. Roberts replied, regarding the councils on rebaptism, 'in the six epistles which deal with the subject, there is absolutely no mention at all of the laity from beginning to end … when [Cyprian] describes the composition of these later Councils, it is … ''that you may know what several of us, fellow-Bishops, with the brother presbyters who were present, lately determined in council''.'[87] An allied concern was any downsizing of the role of priests (who, according to the Oxford Movement, participated in their bishop's apostolic authority); hence Roberts saw a difference between Cyprian's seeking 'council' from clergy and 'consent' from the laity.[88] *Consensus fidelium* was less important to Cyprian than the *consilium* of priests, Roberts claimed, for then as now, the laity's views were not as important as the priests' views.

The debate between Rackham and Roberts reflected divisions in later generations over the legacy of the Tractarians. The same dispute can be seen in the writings of Charles Gore and William Bright. The radical Gore assumed *consensus fidelium* to have been a fact in the early church, and thus to fulfill the Tractarians' exhortation to follow primitive times led him to use *consensus fidelium* as rhetoric to propose lay participation in a more 'democratic' Church of England. A conservative opponent such as Bright, the Regius Professor of Ecclesiastical History at Oxford, who was appointed to a Joint Committee of the Convocation of Canterbury examining church reform, would argue – like Roberts – that evidence was lacking of lay participation in early councils.[89] Although Bright died before the

87. G. Bayfield Roberts 'The Position of the Laity in the Early Church', in W.J. Sparrow Simpson *et al.*, *The Place of the Laity in the Church* (London: Robert Scott; Milwaukee, WI: Young Churchman's Co., 1918), pp. 35–57, at p. 46 quoting Cyprian, *Letter* 71.1. For more on Roberts, see Charles H. Dant, *Distinguished Churchmen and Phases of Church Work* (London: Anthony Treherne and Co., 1902), ch. 6, in which he describes the E.C.U. as 'governed by an aristocracy [of clergy and laity] which derives its authority from the democracy', p. 131.

88. Roberts, 'The Position of the Laity', pp. 48–49.

89. The 1902 report, it seems, responded to Rackham: 'It was by natural process that the phrase ''meetings of the brethren'' grew into the form ''meetings of the bishops,'' without any necessarily sweeping change in the facts, certainly without any abandonment – far less deliberate reversal – of the original idea. The efforts of Cyprian to secure the co-operation of the laity, however interpreted in detail, seem to us to have their real strength in their correspondence with the original idea. But the attempt to include the laity, without any machinery of

Committee concluded, its 1902 report testified that he upheld his Tractarian mentors' position.[90] From Bright's perspective, the Tractarians defended the rights of laity, so it was wrong (for Evangelicals and Anglo-Catholics alike) to claim that Pusey 'contended for the autocracy of bishops'.[91] The Tractarians were nevertheless right to assert that no laity were involved in legislating at early church councils, Bright argued, for Pope Leo I was only using rhetoric when he claimed that the Chalcedonian Definition received 'general acceptance … in the Catholic world' (*universo iam mundo consentiente*).[92] While Bright correctly identified *consensus fidelium* as rhetoric, of course, this served his own rhetorical purpose by showing that 'the average laic is not by right on the same footing with the ordained pastors'.[93]

Gore, on the other hand, considered lay participation in the early church to be real, pushing for more lay representation in the Church of England by interpreting the *consensus fidelium* with his own rhetoric of representative democracy. Writing in 1898 on behalf of the Church Reform League, Gore said that the early church's 'popular election or approbation of clergy' showed that the 'Church was in fact the very nursery and home of the principle of representative government'.[94] Gore viewed the Tractarians' true legacy as 'the revival of this corporate consciousness on the part of the Church', and rather than invoking

(F'note continued)

representation, was not likely to be permanently successful … The more autocratic development of episcopacy may itself, no doubt, represent some very valuable aspects of truth'; *The Position of the Laity in the Church: Being the Report of the Joint Committee of the Convocation of Canterbury (1902)* (repr. with intro. by Norman Sykes; London: Church Information Board, 1952), p. 17.

90. *The Position of the Laity*, p. 15 n., quoting Keble in William Bright, *Some Aspects of Primitive Church Life* (London: Longmans, Green and Co., 1898), pp. 94–95) n. 1. See n. 81 above.

91. 31 March 1900 to Prebendary (Villiers?) in B.J. Kidd (ed.), *Selected Letters of William Bright, D.D.* (London: Wells Gardner, Darton and Co., 1903), p. 313. The recipient is anonymous except for his title, but it would make sense if the recipient were his fellow Committee member at n. 84 above.

92. 31 March 1900 to same, quoting Leo, *Letter* 102 (Kidd, *Selected Letters*, p. 316).

93. 26 April 1900 to same (Kidd, *Selected Letters*, pp. 325–26).

94. 'General Lines of Church Reform', in Eyre (ed.), *Reform in the Church of England*, pp. 12–13. Ancient democracy was rather different from 'representative government'; see Ramsay MacMullen, *Voting About God in Early Church Councils* (New Haven, CT and London: Yale University Press, 2006), ch. 2.

Pusey's exhortation that it was enough for bishops and priests to 'pay regard … to the feelings of their parishioners and communicants', Gore argued that the New Testament and early church witnessed to a 'hierarchy largely tempered by spiritual democracy'.[95] Like his Tractarian forebears, Gore claimed that representative government in the Church required freedom from the State, but unlike the Tractarians he demanded therefore a House of Laity, elected by lay women and men, to supplement the Houses of Convocation.[96]

The Liberal Catholics. Many influenced by Gore's 'Liberal Catholicism' also upheld his contrast between a real *consensus fidelium* in the early church and the more authoritarian rule of later bishops. In 1884, Gore had opposed the early church's 'consentient witness' to the Roman Catholic view that the Church was 'an open organ of continuous revelation': 'the strength of [the latter's] promulgative authority is centrality; the strength of witness is the consent of independent and distinct voices'.[97] Putting aside the obvious polemic (in a book called *Roman Catholic Claims*!), Gore's own claim that 'consentient witness' is the basis for church authority represented a shift in *consensus* rhetoric that others would adopt. For the Liberal Catholics who contributed to *Essays Catholic and Critical: By Members of the Anglican Communion* (1926), Gore's 'consentient witness' was said to determine what the church's doctrine and discipline should continue to be, embracing the notion (that Gore himself rejected) of development in the church's teaching. Thus Wilfred Knox (1886–1950) wrote of 'the general Christian consciousness', which upholds pronouncements that 'have come to be regarded as expressing the voice of the whole Church. Those which have been found in practice inadequate, or have been shown to be untenable by the advance of human knowledge, have been relegated to the rank of temporary and disciplinary pronouncements, or else … held not to have been spoken in the name of the whole Church.'[98] Equally open to development, Jack Rawlinson's

95. 'General Lines', pp. 4, 16, 9.

96. See Benjamin J. King, 'Seeking Consensus within the Anglican Tradition: The Example of Charles Gore', in Charles M. Stang and Zachary Guiliano (eds.), *The Open Body: Essays on Anglican Ecclesiology* (New York: Peter Lang, 2012), pp. 79–100.

97. *Roman Catholic Claims* (London: Longmans, Green and Co., 11th edn, 1920), p. 40.

98. 'The Authority of the Church', in E.G. Selwyn, (ed.), *Essays Catholic and Critical: By Members of the Anglican Communion* (London: SPCK, 3rd edn, 1929), p. 113.

essay on ecclesial authority argued that consensus is the opposite of forced conformity. Invoking an authority based upon 'free consensus of competent and adequately Christian minds', Rawlinson rejected 'unanimity … secured only by methods of discipline'.[99] Gore's and Rawlinson's emphasis on the freedom of 'consentient witness' opposed both the post-Reformation Church of England's requirement of conformity and the Tractarians' promotion of episcopacy.

Ultimately, Knox's 'general Christian consciousness' and Rawlinson's meeting of 'adequately Christian minds' seem as unitary (and as rhetorical) as the post-Reformation language of 'common sense'. The Liberal Catholic 'mind' was an eminently reasonable one that opened tradition up to scientific discovery and historical criticism – yet it was a rhetorical construction that presented as unified and stable what was neither of these things. These Liberal Catholics remind us that, since the seventeenth century, Anglicans have claimed for themselves the rhetoric of 'common sense' or 'reason'. This rhetoric continues today, for instance in *The Virginia Report* (1998), which holds 'common' sense to be 'the mind of a particular culture'[100] – as if such a 'mind' were either unitary or stable. This article has shown the dangers of such unity language in suppressing disagreement. Of those examined above, only the Liberal Catholics, by involving the laity in pursuit of 'free consensus', represent some way out of the dangers of 'mind of the Church' rhetoric, including their own. In conclusion, it will be seen that the Liberal Catholics' view of authority has contributed to the best Anglican Communion discussions of authority and consent.

Conclusion: Anglican Communion Documents

The first section, 'Early Christian Writings', showed that the fathers employed unity language to persuade others to conform to their teaching. The next section showed that this patristic unity language emerged in the Church of England after the Reformation, not least in the rhetoric of 'common sense'. The third section compared the trajectory of Anglo-Catholics in the nineteenth century who used the patristic *consensus fidelium* to bolster the position of bishops in the Church of England, with those in the twentieth century who used it to increase lay involvement. In concluding with an examination of four Anglican

99. 'Authority as a Ground of Belief', in E.G. Selwyn, (ed.), *Essays Catholic and Critical: By Members of the Anglican Communion* (London: SPCK, 3rd edn, 1929), p. 96.

100. *The Virginia Report: The Report of the Inter-Anglican Theological and Doctrinal Commission* (1997), 3.9.

Communion documents, it will be seen that of the two trajectories – the Tractarian and the Liberal Catholic – *The Virginia Report* (1997) and the Anglican Covenant follow one, the 1948 Lambeth Conference and *The Kuala Lumpur Report* (2008) follow the other. The first trajectory emphasizes the role of bishops and works to suppress discord; the second emphasizes the voice of the laity and the positive contribution of conflict alongside communion.

The Liberal Catholic use of consensus language to encourage lay involvement in church governance entered the documents of the Anglican Communion at the 1948 Lambeth Conference. The report of the Committee on the Anglican Communion declared: 'Authority … is single in that it is derived from a single Divine source … [but] distributed among Scripture, Tradition, Creeds, the Ministry of Word and Sacraments, the witness of saints, and the *consensus fidelium*, which is the continuing experience of the Holy Spirit through His faithful people in the Church.' In a key phrase, the report continued: 'It is thus a dispersed rather than a centralized authority having many elements which combine, interact with, and check each other.'[101] Here 'dispersed authority' expressed the same idea as Gore's 'consentient witness' but now explicitly included the *consensus fidelium* as part of that authority. Such a view of authority could be called 'consensual' in the modern sense of emerging from both discord and accord among voices – lay and ordained. The recognition of the positive role of discord in debate (when one position 'checks' another) is a vital corrective to the consensus language seen so far, which, with the exception of Rawlinson's, operated to bring about conformity. The report also reiterated Rawlinson's stress on liberty: ' ''the weight of this *consensus* [depends on] … the extent to which the *consensus* is genuinely free'' '.[102]

Instead of the trajectory of consensus rhetoric used in 1948, more recent Anglican Communion documents resemble the Tractarians' rhetoric. Following the lead of the Virginia Report,[103] the Covenant

101. *The Lambeth Conference 1948: The Encyclical Letter from the Bishops; together with Resolutions and Reports* (London: SPCK, 1948), Pt. 2, pp. 84–85.

102. *Lambeth Conference*, Pt 2, p. 85; quoting the report of the Archbishops' Commission on Christian Doctrine (of which Rawlinson was a member), *Doctrine in the Church of England* (London: SPCK, 1938), p. 35.

103. *Virginia Report*, 1.2: 'From the earliest time in the history of the Christian community, an admonishing voice has been heard exhorting believers to maintain agreement with one another and thereby to avert divisions.… Nevertheless the controversies themselves were stages on a road towards greater consensus.'

Design Group ended up with a document that promotes consensus in the face of Communion-wide division. Section 3.1.4 of the proposed Anglican Covenant holds that while apostolic authority is diverse – synodal, episcopal, local – it 'interprets and articulates the common faith of the Church's members (*consensus fidelium*)'. Here the *fideles*, even when involved at the national and local level, let the apostolic authority do their interpreting and speaking for them, much as we saw in Cyprian's councils. This is not the Liberal Catholic vision of Cyprian's councils, found at the end of the section 'The Tractarians and their Successors', in which the voice of the laity existed alongside other authoritative voices. Instead the Covenant's model of episcopally promoted consensus comes from *The Virginia Report*. That report stated: 'The episcopate is the primary instrument of Anglican unity, but episcope is exercised personally, collegially and communally.'[104] An instance of the episcopal orientation of the report's unity rhetoric can be seen in its interpretation of the Archbishop of Canterbury's words to the Lambeth Conference in 1988: ' ''to bring their dioceses with them'' … [Thus a] resolution did not just express the mind of the bishops acting entirely alone, but as spokespersons who reflected the mind of their Provinces and were together expressing the mind of the Communion.'[105] This is unity rhetoric in the patristic mode that the Tractarians reclaimed: when bishops (elite friends) speak for their dioceses and provinces, the entire Communion is of one mind. Just as with the pagan friendship language that preceded the Christian rhetoric, the people are given little opportunity to speak for themselves.

By contrast, *The Kuala Lumpur Report* prepared for Lambeth 2008 represents a return to the language of sixty years before, acknowledging lay involvement as well as the necessity of discord in Anglican decision-making. Lambeth 1948's 'dispersed authority' is cited as a counterthrust to proposals for greater 'centralisation' of Anglican authority.[106] Seeking

104. *Virginia Report*, 3.51, which continues: 'The emergence of the Lambeth Conference and more recently, the Primates' Meeting and the Anglican Consultative Council, together with the primacy of the Archbishop of Canterbury, have become effective means … of binding the Anglican Communion together.' *The Windsor Report* (2004), 98, called these four the 'Instruments of Unity'; the Anglican Covenant calls them 'Instruments of Communion'.

105. *Virginia Report*, 6.18. See also the bold claim at 6.20: 'The bishops at Lambeth are to represent those who have no voice.'

106. *Communion, Conflict and Hope: The Kuala Lumpur Report of the Third Inter-Anglican Theological and Doctrinal Commission* (2008), 18. My thanks to Christopher Wells for bringing this report to my attention.

a 'fresh understanding' of dispersed authority, the Commission produced a discursive report of many voices: 'Each [statement in the report] includes an initial comment from the Commission and responses from the people of the church.'[107] In the report, 'the people' (*fideles*) express discord as well as accord in their own voices. Bishops are reminded that the 'purpose of ''dispersed authority'' is to draw to itself the *consensus fidelium*'.[108] Thus bishops speak *to* the faithful, rather than *for* them. If this report were followed, then 'consensus' might be less rhetorical today than ever before.

107. *Communion, Conflict and Hope*, 17, 61.

108. *Communion, Conflict and Hope*, 113; also 123 rightly recognizes that 'Talk of broken communion has often been a form of exchange to gain rhetorical advantage.'