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https://biblicalstudies.org.uk/articles_jts-os_01.php

pdfs are named: [Volume]_[1st page of article]

THE POSITION OF THE LAITY IN THE CHURCH.

THE Report of the Joint Committee of the Convocation of Canterbury on the Position of the Laity has been before the public now for many months without any serious attempt at independent criticism of it, as a whole.

The Report is constructed to support a scheme of Church bodies in which the laity are to be represented by laymen, and their representatives would not materially differ from the lay elders of the Scotch establishment. The theory of the Church of England is that the clerical Convocations are that 'Church by representation' (Canon 139 A. D. 1604), which implies that her clergy represent her laity. That theory rests on the primitive fundamental fact, that in the choice of their clergy of all orders the laity are entitled to a substantial suffrage.

The theory seems to involve the further assumption that, by the action of the Crown or other patron, public or private, and by virtue of the appeal or challenge conveyed in the 'Si quis' document, the demand of that suffrage is adequately met.

As regards lay suffrage in the election of a bishop, the Report contains the following remarks :—

'The bishop *was* emphatically the chosen representative of the brotherhood. It is obvious that, *when this is a reality*, bishops, as such, represent churches in a very special sense. *When it is not a reality*, there is the more need of other modes of touch with the brotherhood, if the brotherhood is to be represented by them, not by fiction but in fact' (p. 12).

The suffrage of the laity in the election of all church officers, if it ever existed in fact, must have existed as a right, fundamental and indelible. That it *did* exist in fact, at any rate as regards bishops, is attested by the Report itself, a few lines above those just quoted, recognizing 'their (the laity's) position in the

election of bishops as a *fact of primary importance*, &c. The words which I italicize in these extracts shew that the Committee regard it as an open question whether the layman's oldest right in Church government is to be treated as a reality or not.

On p. 7 we read, 'When a Church is addressed, the address is to the brethren corporately'—apparently in total forgetfulness of Him who, 'walking in the midst of' the Churches of Asia, addresses each by and through its individual 'angel' (Rev. i—iii). Interpreters differ as to the meaning of the term 'angel'; but whatever else it may mean, it cannot mean 'the brethren corporately'. Yet His words addressed to those angels are to be received as what 'the Spirit saith *unto the Churches*'. Again, to descend to the level of human agency, can any one read the whole narrative of St Paul's last recorded visit and parting charge to the 'elders' of Ephesus, without feeling that he treats them, not merely as office-holders, but as actual representatives of 'the brethren corporately' (Acts xx, especially vv. 20, 31, 35)?

Nor does the Report shew an adequate grasp of what in apostolic and sub-apostolic history may be taken as an elementary fact, viz. that where any choice of any official person is concerned, from the highest to the lowest, even there where the office might seem, to our notions, to be perfunctory only, the lay voice finds its natural and necessary utterance.

This function is so strongly marked in the two conspicuous and decisive precedents of the early apostolic ministry, that it might seem as though they were selected by the Holy Spirit's action as types to be stamped on all Church history from the beginning. They are, the choice of the twelfth Apostle (Acts i 15 *ad fin.*), and the selection of the seven assistants or deacons (vi 1-6). In the former case the 'one hundred and twenty' were parties to whatever was done in the final selection of St Matthias; although *what* the exact mode of procedure was, may perhaps be uncertain. Indeed, to place this unmistakeably on record is probably one reason why that total of brethren is definitely stated. In the second case the whole procedure is clear. Popular election from below concurring with apostolic sanction and commission from above, authority setting thus its seal upon the suffrage of the multitude concerned, gave the surest omens for the harmony of all.

The latter alone of these instances, as 'likely to be typical and exemplary', is briefly touched in the Report, p. 11. Both together should have guided discreet commentators in Acts xv 22. There the R. V. corrects an error of the A. V. by rendering 'Then it seemed good to the Apostles and Elders with the whole Church to choose men out of their own company¹ and send them', &c. Why is it that 'the whole Church', including the entire unofficial brotherhood, here first comes in for a share in the proceedings? *Not*, as the Report suggests, to share in authorizing the decree, but because the function exercised is elective here—that of choosing official persons to convey and attest it. And to this the words which follow in v. 25 seem to recur, 'It seemed good to us *having come to one accord* to choose out men,' &c. The choice of the envoys had the 'accord' of the united assembly behind it. Viewed in this light the earlier examples of ch. i and ch. vi coincide with that of xv 22, 25, and all cohere in one triple context of precedent. The same principle speaks out in St Paul's claiming for the brethren who were on their way to Corinth (2 Cor. viii 16-24), the status of 'envoys ('apostles') of the Churches,' not like Titus (v. 16) personal legates of his own. Of one in particular, 'whose praise is in the Gospel throughout all the Churches', he adds, 'and not that only, but who was also chosen of the Churches to travel with us' on this very errand (vv. 18, 19); and adds emphatically of the entire company that 'they are the messengers of the Churches, the glory of Christ'—Christ's own dignitaries or order of merit, we might render this phrase of startling emphasis. What made them so? Nothing but the one principle of popular choice in the Apostolic Church. They have the suffrage of Christ's Body, and that conveys a patent of nobility. The *vox populi* was on this behalf, when unanimous, the *vox Dei*. St Paul's language flashes out with new life and force when this is recognized. But this is what the Report slurs over in Acts xv 22, in order to ascribe to the laity a *quasi*-share in authorizing the decree, which is a wholly separate matter, and is therefore not conveyed in the narrative until we reach v. 28. 'It seemed good to the Holy

¹ The Greek here is ἐξ αὐτῶν, 'out of themselves', and rendered simply so is more forcible than by the more vague phrase 'their own company'—a curious expression for the whole Church met representatively.

Ghost and to us', i. e. the Apostles and Elders to whom the appeal had been carried. Plain as is the force of this majestic grouping, it is again the supreme point which the Report exactly misses; for it says 'the whole body in general was present and concurred', relying on v. 22, which, as shewn above, has a wholly different reference, viz. to the choice of envoys. In support as it seems of the same error, we further read that—

'There was much argument before St Peter spoke. The effect of his speech was that "all the multitude kept silence"¹ . . . "Kept silence" in this context (especially when compared with the much disputing of v. 7), seems to mean "desisted from disputing". The indications then are against supposing that the brethren were excluded either from presence or from utterance at the meeting.' (pp. 7-8.)

There is an ambiguity in the phrase quoted 'The whole body concurred'. The stranger in the gallery and the public out of doors may 'concur' with the debater in the House; but voice and vote belong to the latter only. To think 'that the brethren were excluded' by any formal regulation 'from utterance' would probably be false; nevertheless, that the discussion was in fact shared by those only who framed the decree, viz. the Apostles and Elders, lies on the face of the narrative. But as the sense attached to ἐσίγησε in v. 12 by the Report rests on a linguistic idiom overlooked, it is proper to shew by a few examples why that sense seems unwarrantable. St Luke for 'desisted from disputing' uses a different verb, ἡσυχάζω not σιγάω; see e. g. Acts xi 18, where the circumstances are very similar, only the occasion less public. The very same speaker, St Peter, is there pleading virtually the very same cause, but on more personal grounds, and to an audience of Jewish believers only (ib. v. 2), not mixed, as here. See, again, St Luke xiv 3, where our Lord puts a question to the Pharisees, who 'were watching him', and who, it is implied, should or might have answered, but did not. In both cases St Luke says the persons concerned ἡσύχασαν. See further Acts xxi 14, where he says of himself and company, being unable to dissuade St Paul from his rash venture (as they deemed it) to Jerusalem, ἡσυχάσαμεν—which might be rendered by the exact phrase of the Report, we 'desisted from

¹ Ἐσίγησε πᾶν τὸ πλῆθος, Acts xv 12.

disputing¹. It is worth notice also that except once by St Paul², with whom St Luke has many analogies of language, its use in the New Testament is limited to the latter writer. It is not only his favourite word in this sense, but it is all but peculiar to him.

On the other hand, *σιγάω*, the verb here found (Acts xv 12), bears in St Luke a different shade of meaning. It is used, with its noun *σιγή*, to express a hush in some outbreak of exclamations; see Acts xii 17, where the inmates' evident outcry, startled by St Peter's sudden appearance, is by him checked with a motion of hand—*σιγάω*, a motion repeated by St Paul in Acts xxi 40, where the effect is 'a great hush'. In St Luke xviii 39 the best editors prefer to read the same word, expressing that the shouting of the blind man after Jesus should be hushed³. Now this exactly represents what took place in the Council of Jerusalem in Acts xv 12⁴. The habits of ancient public assemblies are best exemplified in those of the Athenian *Ecclesia*. To follow favourite speakers or approved sentiments with cheers, sometimes vociferous, was an ancient custom⁵ and is still a custom.

Probably in no popular assembly of the ancient world were these demonstrations of sympathy wholly unknown; and certainly among Asiatic Greeks or Syro-Greeks they would not be wanting. This is the natural meaning then of the 'hush' which came upon the 'multitude', when St Barnabas and St Paul began to speak (Acts xv 12). The hum or buz of applause which had followed St Peter's address was arrested. The same is probably to be understood in v. 13, where 'after they were hushed' introduces St James's summing up of the debate—'they' including probably

¹ The word is found in this exact sense in the LXX Version; see Neh. v 8, where Nehemiah says of his opponents, they *ἠσύχασαν καὶ οὐχ εἴροσαν τὸν λόγον*, 'desisted and could not find anything to say'; also Job xxxii 6, where Elihu explains his backwardness in taking up the argument against his seniors by the same word.

² 1 Thess. iv 11 'to be quiet', A.V. and R.V.

³ The only exceptional use by St Luke is in ix 36, where 'said nothing about it' (the Transfiguration) or, as we might familiarly render 'hushed it up', is the meaning.

⁴ It is worth notice also that the tense of *ἠσύχασε*, denoting the action of the moment, is strictly proper to this sense, in contrast especially with *ἤκουον* following.

⁵ See Liddell and Scott's *Lex.* under *θορυβέω*, *θόρυβος*, and the references there given.

all present, speakers and applauding hearers together. Having suppressed the real lay function in the election of the envoys, the Report thus finds room for an imaginary lay function in sharing the debate; instead of which what the words convey is that the laity were interested and approving, even applauding, listeners only.

No doubt the emotion proper to a great crisis would pervade the whole brotherhood, and in some such emotional overflow of assent as is here supposed, their feelings would find vent. Such escapes of enthusiasm, although formally superfluous, and adding nothing of authoritative weight, are not therefore valueless. In them the flush of spontaneous emotion seems to pervade the entire body and vibrate even to the extremities.

The principle of elective suffrage in the choice of presiding officials is attested by the epistle of St Clement to the Church of Corinth, and indeed is strongly claimed for that document in the Report itself, which also cites, but hardly with adequate fullness, the Teaching of the Twelve Apostles (sect. 25)—a document which strongly founds upon this fact the duty of highly respecting those thus elected. These are followed at no long interval by the testimony of St Ignatius, the martyred Bishop of Antioch, urging St Polycarp of Smyrna¹ to convene his council and elect a nuncio (*θεεδρομος*) to Syria, to assure the Antiochene Church of their unflinching love. By the stress which he lays on election in this inferior and occasional office, he in effect substantiates the case for the whole hierarchy. Amidst much that is obscure, intricate, and fluctuating in title and function, as regards apostles (in the secondary sense), prophets and teachers, bishops, presbyters and deacons, the fact which stands out bold and broad is that, wherever in the apostolic and sub-apostolic age we meet with a permanent ministry, there the elective voice of the laity finds its place, and the representative character thence arising is primary and indissoluble. St Paul in 1 Tim. iii 7 appears to assume it, in his directions about his bishop-presbyter; for he who must have a good report of 'them which are without' (the Church) could not dispense with the supporting voice of them which were within.

¹ *Ad Polycarp.* 7; cf. *ad Smyrn.* 11, *ad Philadelph.* 10.

This highly representative system, in which the clergy were merely the cream of the laity, seems to be the ecclesiastical ideal of the first and following ages; which ideal the Report seemingly fails to grasp in remarking (p. 16) that 'the attempt to include the laity without any machinery of representation' (meaning in Cyprian's time) 'was not likely to be permanently successful'. Cyprian is as clear with regard to the basis of the presbyterate lying ordinarily in lay franchise (although with occasional and rare exceptions, noticed in the Report itself p. 12, par. 2), as he is with regard to that of the episcopate. He is also positive in tracing this custom to apostolic practice: see *Ep.* lxxvii 4, 5 'nec hoc in episcoporum tantum *et sacerdotum*, sed et in diaconorum ordinationibus observasse apostolos animadvertimus. . . . Propter quod diligenter de traditione divina et apostolica observatione servandum est', &c.

He had indeed just above (*ib.* 3 end) reminded the laity that they should withdraw from the sinful *praepositus* and sacrilegious *sacerdos*, because the laity itself 'maxime habeat potestatem vel eligendi dignos sacerdotes vel indignos recusandi'. The words '*et sacerdotum*', interposed between *episcoporum* and *diaconorum*, can only refer to the presbyterate, and shew that the *sacerdos* is intended to be similarly distinct from the *praepositus* in the passage just before. Thus the representative system was complete; and not only so—it seems conscious of its completeness. This explains canon 139, as cited above. Amidst whatever shortcomings of fact, the Church of England recognizes its ideal as the apostolic norm to which Cyprian refers.

But there is and always was one lay function which, in the nature of things, it seems impossible to depute even to the most effective and sympathetic representatives—that of giving practical effect to a sentence of excommunication by authority. 'With such an one no not to eat' remains *a brutum fulmen* unless the actual 'thousands of Israel', the men who have doors open and tables spread, take action upon it by closing the door and banning from the board. This was felt by St Paul as much as by St Cyprian—to whom we shall next come—and therefore the Apostle speaks of it (2 Cor. ii 6) as a 'sentence inflicted by the majority' (τῶν πλειόνων). The position of affairs under

Cyprian, owing to certain special difficulties, tasked to the utmost his mixture of winning persuasiveness and weighty authority. But before touching upon those difficulties, one should point out that the Report, where it claims (p. 9) that 'at the councils of bishops the laity were present, not in silence but for active discussion and effective influence' (with references to *Cyp. Ep.* xx 3, lv 6, lxiv 1, xvii 3, xiv 2, xxxiv 4) and that 'they could and did oppose and contradict' (with reference to lix 15 'obnitente plebe et contradicente'), seems to misjudge and misrepresent the real facts of the case. A 'council' of African 'bishops' must mean the council of the province or of some large area of it; e. g. thirty-seven bishops led by Cyprian address *Ep.* lxvii as a reply to certain clergy and laity who had written to consult them. We might fairly assume this to be a provincial council. How any significant portion of the laity of thirty-seven dioceses could meet for 'active discussion and effective influence' in or about 250 A. D. in Africa, it is not easy to imagine. Nor is this what Cyprian means when he speaks of his original plan of 'doing nothing without your (the clergy's) counsel and the consent of the laity' (*Ep.* xiv 4); or when he speaks of a 'process to be fully gone through in detail, not only with my colleagues' (the bishops), 'but with the whole lay body itself' (xxxiv 4).

The title of the letter lxvii above referred to, suggests his method in general. He and his thirty-six colleagues there reply to a letter received from 'Felix a presbyter, and the *congregations localized* at Legio and Asturica, and to Aelius a deacon and a *congregation* at Emerita'. The phrases *plebibus consistentibus . . . et plebi* are not otherwise intelligible. These local bodies of laity under their pastors had written to consult Cyprian and the bishops. Obviously therefore, it would be equally easy for these latter to consult each such local body under pastoral leading; and the sequel will shew that this, and not any presence of the laity in council, is what he means when he speaks of obtaining the consent &c. of the *plebs ipsa universa*, because the parts would equal the whole.

The force of excommunication depending, as shewn above, in the last resort upon the general community sympathizing with the sentence, and the laity forming everywhere the vast

majority, caused unusual difficulties in the case of the *lapsi*¹ in the African Church.

Here we have a highly exceptional, perhaps unique, concurrence of circumstances. And to deduce from the steps taken to meet them an argument for the normal state of relations in Church government seems highly hazardous. And the hazard is the greater when we remember that the entire aspect of the case as presented by Cyprian is not deliberative, but judicial. He calls it a *iudicium*, a *cognitio singulorum*. The latter term is well known in Roman law and history, from Cic. *Verr.* ii 2, 25;

¹ This term was applied to those who in various degrees had given way under the persecution which is connected with the name of the Emperor Decius, but considerably outlasted his short reign. We learn that

(1) These *lapsi* constituted the major part of the laity themselves in, probably, every diocese and local congregation; 'plebem nostram ex maxima parte prostravit' (*Ep.* xiv 1, cf. xi 1):

(2) A portion of the clergy, but probably a minority, had shared the defection; 'per lapsum quorundam presbyterorum nostrorum' (*Ep.* xl, cf. xiv 1):

(3) A series of attempts had been made to overbear all discipline by the mere weight of numbers; 'ut pacem . . . extorquere violento impetu niterentur' (*Ep.* xx 3, cf. xv 3, lviii 13):

(4) Among the clergy a party had, unadvisedly and without observing the rules of discipline, granted readmission to communion—'the peace of the Church'—to many of these *lapsi* on too easy terms, against the counsel of Cyprian (*Ep.* xv 1, xvi 1, 2):

(5) A seditious faction led by Novatus and Felicissimus were on the watch to form a schism out of the discontented and impatient among the *lapsi* (*Ep.* lii 2, lix 1):

(6) A promiscuous and unscrupulous use had been made of the letters of intercession (*libelli*) on behalf of these *lapsi*; 'confessores quoque importuna . . . deprecatione corrumpere, ut sine ullo discrimine atque examine singulorum darentur cotidie libellorum millia contra evangelii legem' (*Ep.* xx 2, cf. xxii 2, xxvii 1, 2).

(7) Cyprian also was, as he confesses to Cornelius, bishop of Rome, personally compromised, by having granted 'peace' to some whose subsequent conduct had shewn them unworthy of his lenity, indulged in opposition to the popular voice which favoured severity; 'unus atque alius obnitente plebe et contradicente, mea tamen facilitate suscepti peiores exstiterunt quam prius fuerant' (*Ep.* lix 15); and another bishop, Therapius, had taken a similar course (*lxiv* 1) to the embarrassment of discipline.

(8) But the gravest feature of all the complication was that, whereas the *ultima ratio* of discipline depends so largely on the action of the lay body in enforcing sentence, here we find that laity divided against itself—a minority of *stantes* against a majority of *lapsi*. The minority were strong in the moral power gathered from constancy unflinching under trial; the majority had only the strength of numbers and noise. The minority were disposed to the extreme of severity, but in the face of numbers this was not easily maintained. The majority were clamouring for concessions, on terms which, it was felt, were likely to compromise Christian character, and depress the spiritual standard of the whole Church.

also Livy i 49 mentions *cognitiones capitalium rerum*¹. If the lay share in the decisions reached were even larger than appears, no conclusion regarding their share in general Church government, or in general conciliar action, could safely be founded on the fact. But I think it will also appear that the Report has transferred to action in Council what really took place elsewhere, and formed a wholly distinct function there.

It becomes of the greatest importance to trace from Cyprian's letters what the process of discipline actually was, what were the exact steps taken by which reconciliation was effected, and the 'peace of the Church' assured.

Cyprian (*Ep.* lv 4) states his resolution to postpone judgement on the *lapsi* until Divine mercy restored quiet and respite to the persecuted so far as to allow the bishops to meet. Then (*ibid.* 6) he states that accordingly a *copiosus episcoporum numerus* had met, and concluded that the causes, inclinations, and exigencies of individual cases (*singulorum*) should be examined. Again, to Cornelius, then lately chosen Bishop of Rome, he writes (*Ep.* lix 14): 'It was agreed by all of us (bishops), and is equally just and right, that the cause of each individual lapsed should there be heard where his fault was committed', and 'there each should plead his cause where he may have the accusers and witnesses of his delinquency'. Now the notion of this being carried out by a panoramic 'panel' of the lay body of the province of Africa is of course absurd. Such a *levée en masse* was never seen since the Day of Pentecost; and lay representatives—except the clergy—there were none. But take Cyprian's words in their simplest sense and no difficulty is possible. He means to empanel each delinquent among and before what we should call his fellow parishioners. In the above quotation from *Ep.* lix 14 a link was skipped designedly, to be adduced now. Its effect is that 'each pastor has a part of the flock assigned to him, for him to guide and govern, and to give account for to the Lord'. So then every parochial congregation, the local *plebs* under its parish priest was for this purpose a 'Court Christian', as our own forefathers used to call it. Here in detail the *cognitio singulorum* went on. Here the *causae singulorum* would be tried,

¹ It is also the term by which Pliny in his well-known epistle to Trajan describes the process which he pursued against the Christians of Bithynia.

where every face was known on the spot, and every fact was indeed recent and notorious. Here the dwindled flock of the *stantes laici* were disposed on the whole to maintain a stern front of severity; while in Rome, only just across the water, a schismatic party was forming under Novatian, on the sternest lines of puritanic rigour, having for its watchword 'no peace for any once lapsed'. St Paul's golden words in Gal. vi 1 'Brethren, if a man be overtaken in a fault, ye that are spiritual restore such an one in the spirit of meekness', &c., were in danger of losing their power in the headstrong fumes of party-strife. The fewer the *stantes* left, the more numerous obviously the *lapsi*, and the greater, we may be sure, the tendency to be severe. A body of delinquents, outnumbering probably the jury which sat to try them as five to three on the average, would knock at the door of the local church¹, and be introduced as penitents, presenting any letters of confessors, and accompanied doubtless in some cases by actual confessors, pleading on their behalf; nay often, we must suppose, tendering those unauthorized *libelli* by which 'peace' had been, as it were, by connivance or even collusion, unadvisedly granted already—in some instances even by Cyprian himself (see the passage 'mea tamen facilitate suscepti' &c., lix 15, as already quoted in a note above). Here we may be sure the hot African temperament would shew itself in the *obnitente plebe et contradicente* (*ibid.*)—in hostile murmurs and perhaps angry shouts, expressing the scandalized sense of the local *plebs* at Christian principle compromised. No wonder it taxed to the utmost the long experience and personal influence of Cyprian to retain and enforce an ascendancy over such elements of repugnance and discord. There can be no doubt that, with this burden on his back, he had to go round in person to each *plebs*—holding in fact an exhaustive visitation, or at any rate omitting none where feelings ran high and peace was in jeopardy. This one may infer from his words to Cornelius (lix 15) expressing the extreme difficulty he found in wringing such concession from the exasperated laity: 'plebi vix persuadeo, immo extorqueo, ut tales patiantur admitti' (*ibid.*). What an instructive and memorable series of local struggles we have before us here!

¹ 'Ad ecclesiam pulsant, ut recipi illuc possint ubi fuerunt' *Ep.* lxxv 5; cf. 'Ne pulsetur ad ecclesiam Christi' lix 13 (end).

How the function of the laity, including that of witness with that of juror (as so often instanced in our own older forms of trial), stands out supreme and indisputable, whether incriminating or compurgating and condoning. Now this is exactly what the Committee in their Report have entirely mistaken. For lack of insight into the spirit of the age, they transfer to some provincial Council what went on in the local congregations. It is as if in the Scotch Establishment one were to confound the parochial Kirk Session with the General Assembly. But lastly, there *was* a Council held to confirm and ratify the conclusions arrived at all round. And here all the elements were rallied, united, and consolidated, in a guarantee for the durability of 'the Church's peace'—bishops, presbyters, deacons and *stantes laici*, viewed as for this purpose the equivalent of the *plebs universa*, which in their voices had given its verdict; and of course pledged by their presence to that effective support of the Church's discipline, which, as above contended, must ever in the last resort lie absolutely and unreservedly in the power of the laity. But beyond this no ground appears for the claim advanced for them in the Report (p. 15)—one of a 'very large and real, though secondary, place in the whole guidance and government and practical administration of the Church of Christ'¹.

The remaining four chapters of the Report may be dealt with in lesser detail, as they all, in a clear march of development, involve the same principle—that of (p. 16) 'the long ambiguity between

¹ In the Allocution which appears in *Ep.* xxxiii the Church is said to be constituted 'in episcopo et clero et in omnibus stantibus' (cf. xix 2); more fully in *Ep.* xxxi 6. Certain clergy address Cyprian, echoing, it seems, his advice to them for settling such questions, 'consultis omnibus episcopis presbyteris diaconibus confessoribus et ipsis stantibus laicis'; and the words of the Roman clergy to him (*Ep.* xxx 5) are identical. Thus the concord of all ranks by free expression was established and the *Pax Ecclesiae* secured for and by each and all—but not without exceptions, although the amnesty was general, as may be gathered from lix 15 (already in part quoted): 'quibusdam ita aut crimina sua obsistunt, aut fratres obstinate et firmiter renituntur, ut recipi omnino non possint'. This exactly illustrates the principle, that in a sentence of excommunication the laity have the last word.

But in Cyprian's day we trace nothing of the morbid distrust and supercilious suspicion which pervades the attitude of laity and clergy in our later period. Therefore at a Council the laity might be present not only without any sense of intrusion, but were probably welcomed with open doors; thronging the 'galleries', or their ancient analogues, as in our own Houses of Parliament, as eager and interested listeners.

the corporate brotherhood (the laity proper) and the Christianized State-power'. The form of that State-power was an absolute despotism, in which all constitutional checks were lost; besides which 'a kind of divinity attached to his (the emperor's) person investing it with an influence which perhaps transcended all the rest' of those various authorities and offices, which once tended to balance each other, but were now all lodged in his hands with a prescription of over three centuries (p. 19). Now the constitution of the Church never had been one of absolutism, but rested on a broad basis of democratic election under strict discipline. A total loss of symmetry, balance, and harmony was the result of such a Church fusing itself with such a State-power. Here we have the origin of 'prelacy' in its proper sense. The bishops were almost forced to become Church monarchs, while laxity of discipline made the lay suffrage unmanageable. The State-power, if it included in any degree the corporate brotherhood, could not express it as a spiritual entity, but only as a political one; and, moreover, included with it the vast unsifted mass of semi-pagan half converts who 'worshipped the rising sun'—the *sol invictus* borne upon Constantine's coins with his effigy. Niebuhr has remarked how—

'Entire cities became Christian with the same frivolity with which they proclaimed a new ruler, the population remaining as thoroughly bad as it had been before. It was the greatest misfortune for the world and for Christianity that Constantine made the latter become so quickly the universal religion; the hierarchy grew worse and worse; there still existed indeed popes like Leo the Great, but at the same time many bishops were worthless.'¹

The Church in effect took over the old pagan conception of a quasi-deified despot, veiled, of course, under certain decencies of outward reserve. We are dazzled by the scene of Theodosius a penitent at the gate of Milan Cathedral, but we make a false assumption if we take it to represent the norm. A civil power so headed, as soon as it entered into relations with the spiritual, began necessarily to intrude and usurp; but the gravest fact was that it perpetuated the confusion between the Christian laity and the gross licentious proletariat of the Empire.

¹ Niebuhr's *Lect. on Hist. of Rome*, edited by Dr. L. Schmitz, 3rd ed. 1870, p. 793 (b).

It is, however, of the conditions existing between Church and State within the Roman Empire that the Report proceeds to say:

'We have assumed that the Church was guided by divine Providence into its acceptance of the alliance with the State, and particularly into its acceptance of the opportunity, thereby provided, of meetings for counsel on a large scale.'¹

Indeed, there is no plainer fact on the face of history than that the Oecumenic Councils of the fourth and fifth centuries were organized to represent *both* Church and State; and that, by consequence, to view them as representing the Church only, is a capital error. Yet this is what the Report actually does. Its supposed lay members (of whom more presently) were there as representing the State. To treat them as Christian laymen, voicing the lay element there, is to reproduce in its most mischievously deceptive form 'the ambiguity', stigmatized as such in the above quotation from the Report itself (p. 16).

This confusion indeed between the laity as churchmen and the grandee personages attending Church Councils, presiding in Church Courts (or those which should have been such), and exercising other intrusive functions in the body spiritual, taints every instance alleged in the following and far larger portion of the Report. These personages were chosen, either for their important secular position, or through the favouritism of a despot to whom they had become necessary agents in all affairs of state. They are betrayed by their very titles as *optimates*, as *palatii*

¹ Qualifications certainly follow:—How the result 'on the one side enlarged and on the other obscured the functions of Christian laymen': how to the Emperor was allowed a halo of prerogative, 'like that of Jewish monarchs of the House of David': how 'it became almost impossible for the brotherly corporate spirit of co-operation between clergy and laity . . . to continue in its old simplicity': how the 'conversion' of Constantine 'became much less beneficial than enthusiasts at the time hoped it would be': how 'over and above the absorption of the powers of Christian laymen, there was a gradual assumption by the Emperors of much that belonged to the clerical office': how the arrangements for keeping good order at a council 'obviously gave the secular power enormous influence over the issue': how the resulting position, as summed up in a quotation from Archbishop Bramhall, went to vest in the Emperors all functions except those of actual worship, sacraments, and preaching, so that each could virtually say '*l'Église c'est moi*': how 'the "divinity" constantly ascribed to their letters is at the same time a survival of heathen imperialism' (pp. 18-21).—These large deductions in effect confirm the wise words of Niebuhr quoted above.

seniores, as *principes*, *comites*, *duces*, *viri illustres*, &c. In one (a Spanish) instance, 'it is implied that they (the laymen so present) will be chosen by the Council; but as a matter of fact . . . they seem to have been generally chosen by the king' (p. 30). In short, however chosen, they were there for political reasons. The adoption of the Church by the Empire was a political measure. The best title of Constantine to the title of 'the Great' lay in his political insight into the essential demoralization of all the elements of Roman grandeur, and his recognition of the fact that nothing but Christianity could purify and regenerate it. Agreeably to this we read (p. 24):

'The imperial conception of Councils was probably always that which Constantine had in his mind when he summoned bishops to Arles and Nicaea, that they were assemblies of divinely aided experts fit to advise him how to treat a difficult controversy. Hence his relation to a Church Council was, in his opinion, not so much a matter of principle, as one dictated by his own sense of expediency.'

This view prevailing in the cabinet of empire all along, the state officials present at Councils have no connexion with the laity as a spiritual entity, and only represent certain interests present to the mind of the master of the legions. The same is the real character of those present at the Spanish and other Councils, in kingdoms which arose later from the empire's wreck. In short, by the above quotation the whole case for the lay-presence at Councils is effectively given away. But these Court officials, by their presence there, gave a guarantee more or less effectual for the confirmation and maintenance of the Conciliar decisions by the secular authority. At the same time, being laymen still, although as it were *per accidens*, they were the means of diffusing among the general public both the decisions reached and the reasons why. An age like our own, crammed with newspapers and reporters, can ill estimate the value of such channels of information in a period barren of those useful agencies.

From the pre-Norman English Church the Report cites the case of Bishop Wilfrid of York as evincing 'the powerful, we may almost say the conclusive intervention of laity, and . . . the treatment of ecclesiastical affairs of the very highest importance in the great councils of a kingdom of the Heptarchy' (p. 33).

It seems strange that the Committee should fail to see that because they are so plainly the latter, therefore they cannot be the former. Only by themselves perpetrating the confusion of which they complain, between the laity of the Church and the political organization of the secular State, can they sustain their contention. If 'the decree of the king and his counsellors', by which 'Wilfrid was sent to prison', does not represent that State, there is nothing in history which can; and 'the consent of the bishops to their act' shews that the authorities in Church and State acted concurrently (p. 34); but as to any lay right as such it proves nothing at all. Again we read (p. 36) that—

'The Legatine Councils of A. D. 787, which in their very nature were entirely ecclesiastical, were attended by kings and ealdormen, as well as by bishops and abbots, and must therefore be numbered among true Witenagemots.'

It is remarkable that the late Earl of Selborne has expended over twenty pages in disproving exactly that which the Committee here assert (*Ancient Facts and Fictions* ch. III). Among his lordship's remarks is the following on p. 159 (ed. 1888):

'In these proceedings there seems to be nothing inconsistent with the nature of legatine synods, at which the active part was that of the Pope by his legates, others who were present being passive, and merely promising dutiful obedience. For such a purpose, bishops who were strangers to the province might very well be present. . . . But how could these strange bishops take part in an act of civil legislation for the Kingdom of Northumbria? How could bishops of Kent, East Anglia, and Wessex take part in a Witenagemot passing secular laws for the kingdom of Mercia?'

And he concludes thus:

'I think I have established by the simple process of shewing what the form and substance of these Injunctions, from beginning to end, really is, their true nature and character; and that further argument against the proposition that they or any of them were legislative enactments by kings and Witenagemots of any Anglo-Saxon kingdom or kingdoms would be superfluous' (p. 167).

The authority of the late Earl of Selborne stands deservedly high as an acute investigator with a highly trained legal intellect. One would suppose from the way in which the above subject is dealt with in the Report that he had never touched it, or else that the Committee had never heard of him.

But again, assuming for argument's sake that his lordship was wrong, the argument then stands thus: 'because these were the acts of the Witenagemots, therefore they were the acts of the laity of the Church present in its councils by traditional lay right.' But that is exactly what their being the acts of a Witenagemot would exactly *not* prove, but *disprove*. Indeed, the mutual interpenetration of Church and State in this pre-Norman period was so complete, that our historians, from Soames and Turner to Bishop Stubbs, find it impossible to draw a line between them. But, the fusion being thus complete, to resolve the blended elements into clerical and lay, is obviously a false analysis.

The net result reached is: (1) the evidence in favour of the *elective* rights of laity and clergy, for the period down to the conversion of Constantine, is overwhelming; and (2) for the same period any alleged evidence for the presence of laymen as effective members of Church councils disappears before investigation. But with the converted Empire, a change gradually sets in: (*a*) the Emperor and his officials, later the king and his magnates, intrude into positions of influence in Councils; and, having a lay *status* only, yield a pretence to the claim of lay suffrage there, which resolves itself, when examined, into a representation of the secular power; and (*b*) the Emperor and, later, the kings usurp into their hands the nominations to all the important, and sometimes to absolutely all, the sees of their dominion.

This latter process was necessarily a slow and gradual one, for the roots of free election were deep in the soil of Christendom. Several of the Roman bishops of the fifth century attest the tenacity of the right. It may suffice to quote Celestin *Ep.* ii ch. 5: 'Nullus invitis detur episcopus. Cleri, plebis et ordinis (sc. episcopalis) desiderium requiratur.' A capitulary of Charles the Great is cited as prescribing the same condition, which is echoed by the voice of not a few canons of Councils and *dicta* of distinguished fathers. Yet in all the leading kingdoms of the West that voice became gradually stifled by royal usurpation, or by the intrusion of such oligarchies as the chapter of a cathedral or the members of a monastery into the functions of clergy and laity at large.

Thus the Bishops of the Church of England remain to this day

severed organically from their natural root in the clergy and people, as on the whole do the clergy of the parishes from theirs; and this in spite of the overwhelming attestation of all Christian antiquity to the vigour and tenacity of that organism of the 'threefold cord not quickly broken'. On the other hand it is sought to introduce a new factor of laymen representing laymen into the official mechanism of the Church in spite of the total silence of all the ages regarding it. On the wisdom or unwisdom of that introduction it is foreign to the purpose of this paper to raise any question. It is enough to have exposed the illusory character of the support sought in Scripture and Church History for the 'idea of real lay partnership in government' (p. 16).

The Report (p. 11) seems to misrepresent an incident given by the Church historian Socrates as prelude to the Council of Nicaea—'When he (Socrates) says that there came with the bishops a number of lay dialecticians ready to join in argument on both sides, it seems fair to infer that ante-Nicene precedents and assumptions are rather illustrated than contradicted by the fact.'

These 'lay dialecticians' were one of those numerous professional classes which the favourite study of 'rhetoric' had evolved in Greek and later Roman society. They were in fact practitioners looking out for business. Socrates adds that shortly before the bishops assembled at Nicaea they gave public exertitions in the arguments (*προαγώνας τῶν λόγων*), no doubt on either side. They found public interest lively on the question awaiting discussion, and probably netted fees from their audiences. This went on until a layman, one of the 'confessors', a man of much simplicity of character, rebuked the dialecticians, by contrasting their standards and methods with those of Christ and the Apostles. This turned public opinion against them and led them to abandon their argumentations. But all this took place outside the Council doors, and indeed before they were opened. The words of the Report would seem to regard it, not as a piece of professional advertisement, which it really was, but as a proposed medium for conducting the discussions in the Council. This is only so far true as that the dialecticians were ready to 'hold a brief' for the bishops and clergy on either side. To regard it as somehow maintaining a claim of the lay voice to be heard there seems a rather grotesque mistake. Of course they were classed as 'laymen', in the negative sense of having no clerical *status*, although they had accepted the imperial religion.

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