6. Before and After Wyclif: Consent to Another’s Sin in Medieval Europe

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In this essay I will trace the history of an idea: that one person might be guilty of another person’s sin because he or she has consented to it. I call this social consent: consent that goes beyond the interpersonal consent of a contract between people, in which mutual responsibilities and obligations are usually fairly explicitly spelled out, to a more nebulous web of relationships between people in larger groups (the realm, the city, the university, a monastery, a guild, even a household) in which some obligations and responsibilities may never have been explicitly articulated, let alone agreed. Indeed, the theory that one person might be guilty of another person’s sin through consent lays bare a fairly basic difficulty in thinking through the relationship between persons and the groups to which they belong—one that continues to trouble us in the present day. While individuals may be held responsible for their actions, within larger groups wrongful actions may be the result of complex interactions between persons who do not agree at all on how to apportion responsibility.

Tracing the history of this idea requires us to investigate how ideas move, and what changes when they do. I first encountered social consent in lollard writings, then discovered that their distinctive formulation of it is drawn from Wyclif. In what follows I will suggest that Wyclif’s extremist position on consent was fundamental to his thought, and to that of lollards and Hussites, in ways that have not yet been explored. Yet Wyclif’s version of social consent was influenced by scholarly interchange in Europe at least as much as it influenced that interchange in turn in the fifteenth century. Wyclif drew heavily upon consent theory’s development in canon law and its commentaries, an intellectual debt that has occasionally been remarked but never explored in depth. But he did not merely adopt consent theory; he also adapted it to new purposes.
My interest began with lollard writings that present the social dimensions of consent as an important element of moral teaching. I take the example that follows from a late fourteenth-century commentary on the Decalogue that draws heavily on Wyclif’s exposition of the Ten Commandments in his *Sermones*. There are twenty-seven known versions of this commentary, and they vary widely in scope and tone; many are not overtly polemical.\(^2\) This particular version, extant only in Oxford, Bodleian Library MS Bodley 789, is one of the most outspoken:

> As clerkis seyn, upon sixe maneris is þis consent doon, and men schulden wel knowe it. He consentit to þe yuel þat wirchiþ wiþ þerto [participates]; he þat defendiþ and conseiliþ þerto [advises]; he þat bi whos auctorite is þe yuel don; or he þat wiþdrawiþ his helpe or scharp repreunge [does not help to prevent it or sharply reprove the sinner], whanne he miȝte don it [he is able to do this] and schulde bi Godis lawe. And among alle synnes bi whiche þe feend bigiliþ [beguiles] men, noon is moore sutil þan such consent. And þerfor þe prophetis of þe olde lawe tolden men hire periles [the danger they were in], til þei suf- friden deþ; and in þis cause þe apostilis of Crist weren martrid, and we schulde, þif we weren trewe men. But cowardise and defaute of [fol. 115v] loue of God makiþ us sterte abac [step back], as traytours don.\(^3\)

As clerks say, there are six kinds of consent, and men should know them well. You consent to sin if you work with the person who commits a sin; or if you defend him, counsel him, authorize his action, fail to help stop him, or fail to speak out against him when you can and should do so according to God’s law. For lollard writers, this set of injunctions gives concrete shape to one of their core ideals, central to their self-definition and their descriptions of what they and others should do. The minimal, yet sometimes most powerfully effective, means of opposing sin is to speak the truth rather than remaining silent. True men, as lollard writers like to call the group they belong to, are men who speak the truth (or aspire to do so, amid fear and doubt) even under threat of martyrdom.\(^4\) For otherwise they would consent to the sin they see around them.

This commentary does not cite him, but this six-fold definition of consent comes from Wyclif: a mnemonic verse on the six types of consent listed in this Decalogue commentary, or references to one or another of these six types of consent, show up over and over in Wyclif’s writings.\(^5\)
Wyclif himself sometimes comments on how famous the verse is, and how very frequently he has repeated it in his writings. It is added in the lower margin of Wyclif’s short polemical treatise De novis ordinibus in Prague National Library MS XI.E.3, an early fifteenth-century Bohemian manuscript containing writings by Wyclif, Hus, the Englishman Richard Wyche, and other Hussites:6

Nota sex sunt species consensus:
Consentit cooperans, defendens, consilium dans
Ac auctorisans, non iuuans, non reprehendens.
[Note that there are six kinds of consent:
One consents by cooperating, defending, giving counsel
And authorizing, not helping, nor reprehending.]7

This annotation adumbrates the evidence for Wyclif’s influence in Bohemia that I will survey later, demonstrating that consent theory was important to Hussites as well as lollards. But what it should also suggest is that it is only by paying close attention to the extant books and institutional settings through which this idea moves (indeed, by looking closely at where and how and in what forms this verse moves) that we can understand how it changes as it does so.

Where, then, did Wyclif get this verse, and these ideas? It turns out that he is drawing on canon law—a source that may explain why the topic was not pursued in depth by nineteenth-century Protestant historians.8 In what may be his earliest and is certainly one of his lengthiest expositions of consent theory, in De officio regis, Wyclif cites the Glossa ordinaria by Bernard of Parma on the first book of the Decretals, 1.29.1. Consent is six-fold, Wyclif says, as saints and the laws of the church tell us: the gloss on “De officio delegate,” “Quia quesitum est” cites many laws about such consent.9

Indeed it does, in a gloss on the words “pari pena,” and Wyclif, like many others, seems to have studied this gloss and its cited sources carefully. But in many manuscripts, and in the version printed in the 1582 edition of the Corpus Iuris Canonici, the Glossa ordinaria by Bernard of Parma is annotated in turn by a verse on consent—one that varies considerably, as it turns out, in both its content and its placement, across the transmission and reception of the Decretals.

The title surveys the duties and powers of papal judges delegate, who were prelates commissioned on an ad hoc basis to adjudicate appeals to the
pope in their own locales. “Quia quesitum est,” its first chapter, quotes a letter by Alexander III written in response to an inquiry about how a judge should behave when he knows that justice is being impeded through bribes or threats that compel a complainant to keep silent:

Sic tibi respondemus, quod sicut agentes et consentientes pari poena (scripturae testimonio) puniuntur, sic tam eos qui trahuntur in causam, quam principales eorum fautores (si eos manifeste cognoueris iustitiam impedire) distriictione ecclesiastica poteris coercere.

[Thus we respond to you, that just as agents and consenters are punished with equivalent punishments (“pari poena”) according to the testimony of Scripture, so you should use your ecclesiastical jurisdiction to coerce both those who are involved in a case, and their principal helpers (if you know that they have clearly impeded justice).]

If it is clear to the judge delegate that the helpers of the accused have impeded justice, then their actions are culpable and lie within his jurisdiction. The quoted portion of Alexander’s letter seems unconcerned by the equivalence or parity in punishment he attests in citing Romans 1:32, “Qui talia agunt, digni sunt morte: et non solum qui ea faciunt, sed etiam qui consentiunt facientibus” / “they who do such things, are worthy of death; and not only those that do them, but those also that consent to the ones that do them.” In this excerpt, Alexander III is more anxious to establish his judge’s jurisdiction over those who might help a defendant to escape justice. The same cannot be said of the glossators of the Compilatio prima, in which Bernard of Pavia had first included this quotation circa 1190, or of the Decretals. In explaining “pari poena” and its troubling implications, the commentators distinguish different types of consent in an effort to reconcile conflicting cases that had been presented in the Decretum.

Here is the version of what had become the standard gloss on “pari poena,” printed in the 1582 edition of the Decretals, complete with an added verse on consent, labeled here as an “Additio” to the gloss. The Glossa ordinaria as printed here is largely consistent in its content, although often annotated in turn by more layers of glossing, across the extant copies of the Decretals where it appears. The verse mnemonic is anything but consistent:

Consensus spernit, suadet, iuuat, atque tuetur.
Hic minus, hicque minus luit, hic aequaliter, hic plus:
As is obvious, this is not Wyclif’s verse, and these are not Wyclif’s six types of consent, although they do bear some resemblance to them. Nor are they cited for the same purpose. Like Alexander III’s letter, Wyclif’s verse and his discussions of consent implicitly or explicitly assert parity in culpability for various kinds of action and consent. In contrast, the first two lines of this verse support the Gloss in its effort to reconcile conflicting treatments of consent in the Decretum through a fourfold distinction between negligence (spernit or elsewhere spectat), counsel (suadet), cooperation (iuuat), and authorization or defense (tuetur). They provide a mnemonic summary: the second line pithily differentiates levels of blame, reinforcing the Gloss where it assigns lesser blame to negligence and counsel, equal blame to cooperation, and greater blame to authorization or defense. In some manuscripts, as for example Brno, Moravian Regional Library MS 1161, where negligit replaces spernit, the verbs in the first line and different valuations in the second are numbered for easy cross-reference. The third line of verse, however, in either this manuscript or the printed version, pulls in a different direction—and uses four of the same verbs, and in the same order, as Wyclif’s verse. “Consentit operans, defendens” lacks Wyclif’s “consilium dans, / Ac autorizans, non iuuans” but like his version finishes with “nec reprehendens.”

My investigation of these verses and their development is ongoing, but the third line seems to be a later addition. Manuscripts of the Compilatio prima contain a version of the standard gloss passage but no verse; early manuscripts of the Decretals from Italy do likewise; verse mnemonics on consent first appear in later thirteenth-century Italian manuscripts but both their content and their placement within the Decretals vary; none, however, include the third line. In the Smithfield Decretals, produced like the Brno manuscript in the fourteenth century, the third line appears first, not last. “Consentit operans defendens ut reprehendens. / Consensus negligit suadet iuuat atque tuetur. / Hic minus hicque minus luit equaliter hic plus.” The variance in this version seemingly includes two fairly obvious copying errors, ut for nec in the first line and an omitted hic before equaliter
in the third; yet placing the third line first was presumably a deliberate decision, whenever it occurred.

Each of the three-line versions of the verse we have examined differs in wording and order, then, and only the line added later closely resembles the content of Wyclif’s verse. Wyclif may have adapted a version of the three-line verse by dropping its two earlier lines, or adapted or adopted a verse that discards the differential valuations of consent found in the two-line verse. In either case, the contrast between the variance found in the canon law verse glosses and the remarkably consistent verse found in Wyclif’s and Wycliffite manuscripts is striking. In these contexts, the verse is surprisingly stable, even as it moves between languages, centuries, and realms: operans may substitute for cooperans in the first line, and nec for non in the second, but the six types of consent remain consistent within Wycliffite and (as I will show shortly) Hussite writings, as do the reasons for their deployment.

Wyclif may have consulted a copy of the Decretals as he was first formulating his ideas about consent; but it is just as likely that he encountered a version of the verse that he may then have modified, as well as the key concepts that underlie it, in a heavily annotated and cross-referenced canon law commentary, compilation or textbook. The copy of Gratian’s Decretum that we know Wyclif owned at one point, British Library MS Royal 10 E ii, is one sample of such a book, like the Smithfield Decretals first copied in the earlier part of the fourteenth century. Into its margins has been copied the revised Glossa ordinaria on the Decretum by Bartholomew of Brescia, and it includes nearly all the paleae, that is, the added materials accreted to the Decretum as it was used in legal teaching in Bologna. The opening pages contain an index that cross-references the Decretum with passages cited in the various successive collections of decretales; the margins and flyleaves are replete with notes on canon law, mnemonic verses, and additional materials including a purported papal letter, poems, and a miracle story. Clearly this book passed through several hands and acquired annotations and apparatus of various kinds as it did so. There are many canon law books like it: the clean copy of a single compilation that we find in the Smithfield Decretals is by no means the most common kind of book from which students and scholars learned, consulted, and quoted canon law. It is easy to imagine how a heavily used and multiply repurposed book like Royal 10 E ii was conducive to the fluid adaptation and repurposing of mnemonic verses, rather than their stabilization.
More to the point, however, the citation of versions of this mnemonic verse in glossed canon law books is one end product of a much longer process in which the theory of social consent was developed, in genres ranging from exegesis, penitential writings, and legal commentary to public letters, sermons, and political treatises. As John W. Baldwin, Brian Tierney, Philippe Buc, and Peter D. Clarke have shown, one key setting in which concepts of consent and representation were intensively developed and influentially deployed was late twelfth-century Paris, in the circle of Peter the Chanter. His student Stephen Langton (and his probable student Lothario dei Segni, the future Innocent III) then brought these concepts to the papal curia, where they profoundly influenced new legislation on heresy and the papal interdict in the early thirteenth century, as well as the papal reforms of Lateran IV more broadly. My story is not only about Europe after Wyclif, then, but about Wyclif after Europe. Wyclif in his theorizing about social consent consciously looks back to the early thirteenth century for models for the kind of reform he wants to promote.

While these ideas about consent and representation were widespread and much discussed in late twelfth- and early thirteenth-century Europe, Philippe Buc has claimed that they more or less went underground in the mid-thirteenth century as their revolutionary potential became evident, coming into their own again only with Wyclif and Hus as well as their opponents. Ockham’s extended treatment of consent through silence in his *Dialogus*, one of the political works he wrote after his break with Pope John XXII in 1328, might be presented as the exception that proves the rule. But even if it was only opponents of the papacy who were deploying consent theory in poetry and prose that sought wider audiences, consent theory remained broadly current in canon law. It became a rule of law in the legal maxim “Qui tacet consentire videtur,” presented as the forty-third of eighty-eight legal principles drawn from Roman law in the *Regulae Iuris* that conclude a new supplement to the *Decretals* compiled under Gregory IX. Like Ockham, and indeed like many Wycliffite or (as we will see) Hussite commentators, this maxim focuses on the last of the six types of consent, *nec reprehendens*, interpreted here as keeping silence rather than speaking out. From one perspective, speaking out might be seen as the most minimal refusal of consent; from another, the most disruptive possible.

Even if the prominence (or absence) of ideas about social consent in public discourse between the mid-thirteenth and mid-fourteenth century
remains under-researched, what is already clear is that Wyclif gave this theory of consent a particular kind of boost, heightening and sharpening some of its claims. He did so in a way that lollards and Hussites were intellectually prepared to receive, that they found nothing short of electrifying in its potential, and that they deployed to new ends in their own work. Certainly Wyclif himself presents the theory of social consent as having fallen into desuetude. Rather than a principle for determining responsibility and administering justice, it has become business as usual in a church whose affairs are everywhere tainted by the sale of spiritual services:

Hodie namque sunt plures fautores partis diaboli ad defendendum Dei iniurias vel serviliter tacendum iusticiam quam sunt ex parte iusticie, in tantum quod ad tantum invaluit pars adversa quod aput multos non reputantur isti consensus esse peccata: sed sunt aput alios approbata, aput ypocritas colorata, et aput plurimos pretermissa. Ymmo peccatum symonie ad tantum invaluit quod comissione omissione vel consensus maiorem partem ecclesie maculavit. Et cum illud sit peccatum gravissimum non mirum si ecclesia sit adeo rethi diaboli intricatum.27

[For today there are more supporters on the side of the devil intent on defending injuries to God or servilely keeping quiet about justice, than there are on the side of justice. So much so that the opposing part prevails, and among many these kinds of consent are not reputed to be sins. Instead, they are among some approved, among hypocrites colored, and among many passed over. Indeed, the sin of simony prevails to such a great extent that by commission, omission, or consent the greater part of the church has been stained. And since that is the gravest of sins, no wonder if the church is so much snarled in the devil’s snare.]

As elsewhere in his references to consent, whether or not he articulates this point explicitly, Wyclif separates himself from the consent he deplores here by speaking out. The moral corruption and pastoral failure of the clergy are the reasons why his instruction on consent is needed. With some instruction, his readers will recognize their culpability, or the culpability of Wyclif’s target—often both. Wyclif sometimes moves from a description of a general state of moral corruption to specific suggestions about how to combat it. But his main emphasis is on pointing fingers: at a person or group that needs to take responsibility for another group, at a group that needs to
take responsibility for its own members, or at everyone for doing nothing. Unlike the lollard quotation I began with, his favorite pronoun is they, or isti, rather than we.

The discussion of consent in De officio regis may be one of Wyclif’s earliest extended treatments of the various forms of consent to another’s sin. This is the only work in which Wyclif lists five rather than six manners of consent: he folds non reprehendens into his discussion of authorizing and of defending—a strategy that makes sense in this case, for as he shows, any social superior who fails to blame a sin implicitly authorizes and defends it by virtue of his social role. In contrast with the verse he so often quotes, here Wyclif treats the five kinds of consent he discusses more or less in reverse, as follows: authorizing, counseling, defending, cooperating, and not helping. This is also the only extant work in which he cites several precise canon law sources for each of his claims, even if in concluding he comments that he has done so many times before. While in this quotation he addresses simony, his broader target in De officio regis is the endowment of the clergy, a sin that corrupts them all. The king should take charge and seize their possessions, “quia aliter consentiret [because otherwise he would consent]” (87/17). It is the king’s responsibility for bringing an end to clerical endowments that concerns Wyclif most, but the theoretical discussion of consent tends, here as elsewhere, to drag him off course.

As well as the idea that one person might consent to the sin of another, Wyclif is fascinated by the common medieval idea that an individual person might be said to consent to his or her own sin, in a moral psychology of the human faculties where the will consents to poor arguments offered it by the reason, or to urgings offered by the passions in response to the senses, imagination, or memory. The twelfth chapter of Augustine’s commentary on the Sermon on the Mount is one of the most famous and earliest of these moral psychologies: Wyclif quotes and comments on it at great length in De mandatis, in his commentary on the ninth commandment, and also returns to it in his last work, the Opus evangelicum. This account of individual human action is significant to Wyclif’s theory of social consent because like many medieval writers on this topic, Wyclif bridges the gap between individual and group culpability through frequent analogy. A convent of friars or a realm is like an individual body, for example, in that the head must take responsibility for its members, just as the intellect must for the whole person’s wayward impulses. Thus, even though Wyclif
has far more to say about culpability for consent between or among persons than he does about consent within the person, he does often revert to accounts of individual culpability in order to explain group culpability.

What is fascinating about analogies of this kind is how poorly they work. A person is not a social group writ small, nor is a realm a person writ large, nor can either of them adequately explain or justify an argument made about the other. Some medieval writers play up this difficulty in order to demonstrate just how difficult these ethical questions are, as Wyclif’s contemporary Geoffrey Chaucer does in his Clerk’s Tale. Others seemingly want to override it, as Stephen Langton does in his letter to the English people, or indeed as Wyclif does in his Sunday gospel sermon on Luke 7:11 (printed in Sermones vol. 1 as Sermon 48). While in De officio regis Wyclif seems to be working out ideas that are relatively new to him, in close conversation with their development in canon law commentary, Sermon 48 in contrast seems to provide a retrospective summary and further development of many of his previous claims.

Sermon 48 may indeed have been composed to provide just this sort of overview and development of Wyclif’s previous claims about both individual and group culpability. The table in Appendix 1 (at the end of this essay) surveys Wyclif’s references to social consent in his published works, subdivided into extended treatments, shorter treatments, and brief citations. It includes works in Wyclif’s monumental twelve-volume Summa Theologiae; short polemical works, all but one aimed at the friars; the four volumes of collected sermons; De officio pastorali, a short work on the pastoral office extant in many Bohemian manuscripts, and the Trialogus, a late summa of Wyclif’s ideas that attempts to address an audience beyond the schools—as indeed in a different way do the Sermons and the late polemical tracts.

Those who are familiar with Wyclif’s writings will notice right away that his references to consent are clustered in the writings that he produced or revised most heavily in his final years, at Lutterworth, after he had left Oxford. Anne Hudson has argued that the writings that make up the Summa Theologie underwent extensive revision in this period, to the point where one cannot disentangle their intended order or mutual relationships. She has also shown that the first three volumes of sermons in particular were probably composed or revised from notes in the wake of Wyclif’s departure from Oxford. The Trialogus dates to this period, as do the vitriolic short tracts against the friars. The De officio pastorali is cross-
referenced in the *De officio regis* and refers to the friars as *pseudofratres* in Wyclif’s characteristic late polemical idiom, so it was probably also revised in this period. It may be the case, then, that most, if not all, of the references to social consent across this corpus were added after Wyclif’s retreat to Lutterworth: many of them take the form of shorter or longer theoretical excurses, where they are not brief citations of a kind that would have been even easier to insert. In the products of Wyclif’s wide-ranging revisions to his written oeuvre in these years, many of which may have aimed more fully to document his oral teaching and preaching now that he was no longer engaged in these activities, we can see that social consent theory was something of an obsession for Wyclif at the end of his life. He seems to have been well aware of this, and to have thought of it as something he was known for, and wanted to be known for.

More than anywhere else, the systematic explanation of the six kinds of consent in Wyclif’s Sunday Gospel Sermon 48 seems to provide the consolidated and further extended account of social consent that Wyclif wanted to be remembered for. And by a happy accident of history—or perhaps through someone’s careful planning—this in fact is the discussion of consent through which Wyclif’s ideas on this topic were remembered. The whole of Wyclif’s discussion of consent in Sermon 48 is included, lightly redacted or else in a previous recension, in the Wycliffite alphabetical encyclopedia known as the *Floretum*, compiled in England (probably in Oxford) but widely distributed in Bohemia as well as in England. In Sermon 48, the six-fold discussion of consent is tacked on at the end, with a brief introduction that presents it as the third thing to be noted about sin, for among all the sins of the church it is more dangerous, more hidden, and less attended to. It may be, as with many components of the sermons, that this exposition started life as a separate tract, though it is not extant in that form.

What is most striking about the systematic exposition in Sermon 48, though, is how far it reaches, especially in its treatment of the first three kinds of consent: this is not an introductory exposition designed to convince new readers, but an illustration of how far the consequences of these claims can be made to stretch. Stephen Lahey has shown us how Wyclif’s metaphysics undergirds his political thought. Here in this exposition we see metaphysics run riot, not so much explaining and justifying Wyclif’s thought on consent as upping the ante to make his claims invincible—yet only, I think, for those who already accept the underlying theory. Wyclif
reinforces each of his claims with a similitude of parts and wholes, an image to fix them in the mind. What he does not do, however, as we might expect in a practical moral guide, is to explain what each of these consenting actions might consist of, or how persons of various kinds might avoid them in particular situations.40

I will begin with Wyclif’s expositions of the first three kinds of consent, through cooperating, defending, and giving counsel.

First, consent by cooperation: “omnis prescitus vel predestinatus operans viciose consentit omni peccato mundi . . . existens in crimine cooperatur cum alio criminoso ubicunque fuerit, quia omnes illi sunt unum corpus cooperans cum patre mendacii” (321/17–18, 28–31). The foreknown or presciti, in Wyclif’s parlance, are those who will be damned. The predestined will be saved. Only God knows which is which, but his knowledge does not infringe upon human free will. Regardless of this future outcome, Wyclif insists here that anyone, whether foreknown or predestined, who commits any sin, consents to and participates in all sin in the world. There is such a huge hill of it, Wyclif says; every one of us is part of it. Anyone sinning cooperates with any other wherever he may be, for we are all one body cooperating with the father of lies.

Second, consent by defense: “Sicut enim multorum navem trahencium quilibet eorum trahit ipsam et quamlibet eius partem, sic multorum trahencium currum peccati in iugo peccati dyaboli quilibet eorum trahit ipsum et quamlibet eius partem. . . . tam mali quam boni faciunt participitative tam opera bona quam mala, cum tam boni quam mali sunt ambo una persona, que promovet opera suarum parcium” (322/7–11, 21–24). Everyone participates in both good works and bad, since we are all one person who promotes the work of its own parts. Just as when a group of people drags a boat, each one drags the boat and whatever part of it, so do the many dragging the chariot of sin in the yoke of the devil.

Third, consent by counsel: “cum quelibet creatura dicit se ipsam, patet quod posicio cuiuscunque operis mali dicit cuicunque malo per modum consilii quod est taliter operandum, ut medicus secundum Anselmum dicit efficacius hanc herbam esse salutiferam, dum avide ipsam edit quam diceret asserendo verbis ipsam esse pestiferam, et sic de contrario, quia minus verbis quam operibus est credendum” (322/26–33). Any evil act is itself, in a sense, a counsel to perform that evil, since every created thing bespeaks itself simply by existing and acting as it does, and actions speak
louder than words. (Here Wyclif is relying on his realist understanding of propositional logic, according to which arrangements of words [“Peter is sitting”] and states of affairs in the world [that Peter is sitting] have the same kind of reality.41) Just as a doctor more effectively says that a particular herb is healthful by avidly eating it than by asserting in words alone that it is harmful, so our works are more to be believed than our words alone.

We might read the extremity of these claims as the product of Wyclif’s prolonged frustration that his theoretical development of an imperative toward reform had fallen on so many deaf ears. Be that as it may, these sweeping claims build cumulatively to a larger point. Whenever we sin, we cooperate with all sinners and partake in all the sin in the world. All of us, regardless of our own personal virtue, partake of all the actions of other human beings in the world, both good and bad. We all influence others to imitate our own personal sins simply and most powerfully by committing them, even if we do not also recommend them in words. How then is there any hope of not participating in sin—of refusing social consent? Only in a world without sin, it seems, could any of us be without sin, and such a world is not possible.

How can this account promote any kind of reform, rather than simply despair? Let us contrast it, before going on to the final three conclusions, with the more case-based, rhetorically persuasive discussions of the six modes of consent in two of Wyclif’s other works that were widely distributed and influential in both England and Bohemia. Here is Wyclif’s De simonia, a work that Jan Hus translated, adapted, and expanded into his own treatise against simony. Wyclif’s version refers to consent repeatedly throughout, but its most extended treatment of the topic is in chapter 8:

[O]mnis symoniace heresi consenciens symoniacus est censendus. Consentit enim homo sex modis et modis compositis resultantibus ex ipsis, sicut alias diffuse exposui ex sentencii sanctorum et legum ecclesie; continentur autem in istis versibus:

Consentit operans, defendens, consilium dans
Ac auctorians, non iuvans nec reprehendens.

Ille autem qui cooperatur cum symoniaco vel medians vel mercando est symoniacus ex consensu, sicut ille qui defendit symoniam scolastice vel contenciose, sicut tercio ille qui consulit ad pravitatem symoniacam et
Fiona Somerset
quarto potentatus qui auctorisat homines ut suos vel facta sua que debet
cognoscere esse symioniaca. Sicut enim quilibet fidelis racionis capax
debet cognoscere peccata mortalia ut evitet ipsa, sic quilibet racionis ca-
pax et specialiter secularis dominus debet cognoscere symoniam . . .
Quinto modo et sexto symonia comittitur, quando homo habens a deo
opportunitatem et noticiam datam mutescit non reprehendens taliter vi-
ciosos. Et in isto casu sunt maior pars fratrum vel omnes et speculativi
cuiuscunque status, etatis vel sexus fuerint, qui propter timorem servilem
vel comodum temporale tacent in causa dei atque ecclesie.42

[(A)nyone who consents to simoniacal heresy must be regarded as a si-
moniac. For a person consents in six ways and in compound ways that
result from these six, as I have explained in much detail elsewhere, relying
on the opinions of saints and church law; furthermore, they are con-
tained in these verses:]

The person who acts, defends, gives counsel and authorizes,
the one who does not resist and does not reprehend, all give consent.

The person who cooperates with a simoniac either as an intermediary
or by directly doing business with him is a simoniac by consent, just as
the person is who defends simony in a scholastic or public dispute;
thirdly, the one who gives counsel to simoniacal corruption, and
fourthly, the powerful man who authorizes his own people or their ac-
tions which he should recognize as simoniacal. For just as any Chris-
tian with the use of reason should recognize mortal sins in order to
avoid them, so anyone with the use of reason, particularly a secular lord,
should recognize simony. . . . In a fifth and sixth way simony is commit-
ted when a person has the opportunity and knowledge given by God,
but keeps quiet and does not reprehend such vicious people. And in this
category are the major part of or all the friars, and thinking people of
every state, age, or sex who are silent in God’s and the church’s cause
because of servile fear or for their own material advantage.]43

Here we see consent theory applied to a specific case, demonstrating spe-
cifically what actions might constitute consent to simony in daily life.
Associated with each of the consent verbs familiar from Wyclif’s verse are
activities carefully differentiated and associated with particular social
roles. Businessmen cooperate; scholars defend; ecclesiastical administrators give counsel; powerful men authorize. Any Christian with the use of reason should recognize simony; any thinking person who keeps quiet when they see it commits simony along with its perpetrators. Yet this anatomy of participation in sin is also a practical guide to reform, if the participants were to recognize and then refuse their participation.

The rather different emphases in *De novis ordinibus* may help us to see what impels the metaphysical impulses behind Sermon 48, for this work similarly strives to convince those who might think that they are not participants in sin that they are in fact implicated by their consent. *De novis ordindibus*, I noted earlier, has the consent verse copied into its lower margin in one Bohemian copy. At its beginning and end a polemical tract against the friars, it includes a long theoretical digression on consent to sin and soteriology in the middle, from which this quotation comes:

> [P]redestinati in via communiter, licet insensibiliter, consenienti crimini bus aliorum, ut alii cooperando cum illis, alii defendendo et alii consulendo. Et sicut hoc fit communiter in sacerdotibus sive religiosis, sic quartus consensus, qui fit auctorizando, est communiter in dominis secularibus et prelatis. Quintus autem consensus et sextus sunt faciles et communes, ut quidam consenienti differendo adiutorium quod debent intendere. Et sic consenienti homines peccatis presentibus proximorum quantumcumque distantes fuerint, dum differunt spiritualiter adiuvare. Et sic iusto dei iudicio puniuntur tam presciti quam predestinati, qui videntur esse iusti et omnino immunes a crimine perpetrato, et tamen propter desidiam sui spirituali adiutorii peccant cum principali ter peccantibus plus vel minus. Sexto vero et ultimo consenienti qui differunt reprehendere sicut debent, sicut Eli consensit criminibus puerorum, et ita ex fide capimus, quod non est possibile quod aliqui temporaliter vel eternaliter pro aliorum criminibus puniantur nisi propocionaliter consenserunt.[44]

>((T)he predestined in life all together, although without sensing it, consent to the crimes of others, some by cooperating with them, others by defending them, others by counselling them. And just as these come about commonly among priests or religious, so the fourth kind of consent, which happens through authorizing, is common among secular...
lords and prelates. The fifth kind of consent and the sixth are easy and common to all, as when some consent by deferring the help that they ought to offer. In this way men consent to the present sins of their neighbors, however far off, while they put off helping them spiritually. And thus by the just judgment of God are punished both the foreknown and the predestined who seem to be just and in every way innocent of the crime that has been perpetrated, and nonetheless because of their apathy in spiritual help, they sin with the principal sinners, more or less. Sixth and last, they consent who put off blaming as they should, as Eli consented to the crimes of [his] boys. Thus, from faith we understand that it is not possible that anyone should be temporally or eternally punished for the crimes of others unless they have consented in proportion to that punishment.

Recall that the predestined (although only God knows who they are) are those who will attain salvation; the foreknown are those who will be damned. Yet even the predestined who seem in every way innocent are participants in the sin they fail to prevent through their apathy toward spiritual help. However, *De novis ordinibus* is seemingly much more sympathetic and reassuring than *De officio regis* or Sermon 48 about the sin of consent in which we all consequently find ourselves. While the predestined as well as the foreknown are punished for their consent to the sin of others, a sin nobody can entirely avoid, nonetheless the predestined are punished only temporally, as for example by plagues and their consequent decimation of the population (331). Only the foreknown are punished eternally for the sins of others; the predestined receive what Wyclif presents as an equivalent punishment, but it does not last forever.

Like *De simonia*, *De novis ordinibus* divides up the kinds of consent according to the three estates: priests and religious cooperate, defend, and counsel; lords and prelates authorize; common people and of course others too refuse help and fail to reprehend. These and other associations between kinds of consent and social position are common in Wyclif’s writings, although they do not always associate the same kinds of consent with the same social groups. What is consistent across his writings, though, as in both these examples, is that he is characteristically most interested in commenting at length on the final three modes of consent (authorizing,
withdrawing help, and not reprehending), rather than the first three (cooperating, defending and counselling). Let us now turn to consider what he does with these remaining three kinds in his extended discussion of consent in Sermon 48.

Wyclif continues, in Sermon 48, to develop his exposition through similitudes illustrating the distribution of parts within wholes, through analogies between corporate and individual action, and through assertions of universal corporate personhood—all of them seeming a bit elephantine in proportion to the discussion as a whole. In his discussion of the final three kinds of consent, however, it becomes clearer what this is all for: he aims to make untenable one particular kind of objection to his theory. He articulates this objection in his exposition of the fifth kind of consent, withdrawing help:

Stulte locuntur quidam inscii quod non faciunt nec consenciunt tali-bus malis sed preservant se in persona sua nec admittunt subditorum regimina. (323/31–33)

[Some ignorant people say foolishly that they do not commit, nor consent to, such evils, but look out for themselves, within their own persons; nor do they admit to their governing roles over their own subjects.]

Wyclif sets this argument up for a fall by the way he poses it, of course—he characterizes it as stupid, and makes it seem more so by assigning it to a group, each of whom speaks in the plural for his individual insistence on looking out for himself and refusing the responsibilities of community. He has chosen the right moment, too, for raising this objection: of all the kinds of consent, refusing help to those in peril most obviously infringes upon the demands of ordinary Christian charity, as Wyclif has in fact just pointed out. Wyclif has also set this argument up as stupid in advance, by dismissing it while treating the fourth kind of consent, authorizing:

[L]icet omni peccatori conveniat, principaliter tamen convenit perversis magnatibus et prelatis cum robore et defensione eorum fiunt multe inui-rie. Nec capiit excusacionem quod non faciunt illas in persona sua propria, cum principali consensus ipsas efficint et consencientes ac agentes (ut patet ad Rom. I) sunt pariter puniendi. Quam ergo excusacionem habe-bit prepositus qui capit regimen de subjectis et vendicat retribucionem
Although it pertains to every sinner, it is especially associated with perverse magnates and prelates, for many injuries come about with their defense and support. Nor can any defend himself that they do not do these things in their own proper person, for theirs was the principal consent that brought them about, and consenters and doers, as is clear in Romans 1, are to be punished equally. What excuse will he have then, a superior who exerts control over his subjects and seeks retribution for the good things they have done/made, and nonetheless does not expect to be a participant in the evils they have perpetrated because of his misrule? Such an adversary of reason no doubt blasphemes against God. In just the same way, the soul of a foreknown person will be damned by the sin perpetrated by of any of his sensible parts in this life because of his misrule.

Rulers who think they are not responsible for the actions of their subjects, even while they have authorized or at the very least failed to properly govern them, are as foolish as foreknown individuals who will not take responsibility for the actions of their own bodies. Similarly, ignorant fools who refuse to acknowledge any mutual responsibilities between themselves and others are wrong to think they have no responsibility for governance even if they refuse to look beyond their individual human persons.

Here, then, Wyclif condenses the analogies between corporate and individual claims that are common in consent theory, and the specific practical conclusions that follow from them, in an especially useful way. He may even rescue his readers from despair at his previous evocations of the huge hill of sin, the yoked chariot, the bad counsel their own sins unwittingly perform, their failure to govern their own impulses or to help others as unstintingly as they should, through his concluding exposition of the sixth kind of consent, consent through remaining silent. However, he may also unravel the participatory relationships between parts and wholes that he has worked so hard to establish, where parts are distributed through wholes and shared among all rather than easily separated:
Sextum genus consensus est quando quicunque prelatus vel alius videns quod clamore vel reprehensione posset detegere vel destruere peccati maliciam et tacet recorditer. Et licet prelatis et regibus peccatum istud ut priora conveniant, tamen nimis realiter convenit cuilibet peccatori. Quilibet enim debet se ipsum reprehendere secundum illam partem qua sic peccat, et per consequens consentit peccato, correccionem dissimulans. Et sic si fidelis servus Domini ex integro non consenciens dyabolo fovent partem suam, non multiplicarentur in ecclesia tot hereses, sed pars dyaboli habet maiores et plures pro parte sua contra Dominum procurantes. (324/3–14)

[The sixth kind of consent occurs when any prelate or other person sees they could deter or destroy sin through clamor and blame, but foolishly remains silent. Although this sin pertains especially to prelates and kings, nevertheless really it pertains to each sinner. For anybody ought to blame himself, in that part in which he sins in this way, and consequently consents to the sin, dissembling correction. And thus if the faithful servant of the Lord, not consenting to the devil as a whole, would sustain his own part, so many heresies would not be multiplied in the church. But the part belonging to the devil has greater and many agents for its part, against the Lord.]

Here, Wyclif seems instead to assert an easier partitive understanding where each of us, in something very like the individualistic account he has just rejected, is responsible only for his or her own part (of a larger whole) or parts (within himself). But what size are these parts, and what do they consist of? “Secundam illam partem,” “partem suam,” “pars dyaboli,” and “pro parte sua”: are these parts of a person? Parts the same size as a person who is part of a larger whole? The larger whole itself? Or a part of that whole? It is not clear. Wyclif may think he is being consistent here, but at the very least he has mightily confused the issue he seems to have been trying to elucidate.

What Wyclif presents here is a difficult lesson, even if in his sermons he claims, and perhaps attempts, to make it more accessible to a wider audience.46 Perhaps it is not at all an accident that although the Floretum incorporates the whole of this exposition into its entry on consent, nevertheless the Floretum version does not include the more troubling analogies to individual consent and talk of parts and wholes that I have focused on here.
The Rosarium, a redacted, much shorter version of the Floretum, goes further: it centers its exposition around Wyclif’s six kinds of consent, leaving only a tiny stub of the discussion of individual consent based on Wyclif’s use of Augustine’s commentary on the Sermon on the Mount in De Mandatis that had also appeared in the Floretum. But it grounds each of the six kinds of consent in a biblical quotation rather than in Wyclif’s exposition, cutting out all of the material also found in Sermon 48. While these widely circulated versions of Wyclif’s teaching on consent may have been easier for their intended audiences in England and Bohemia to accept, they still demonstrate the wider spread of the theory through Bohemia as well as England. They also suggest that in moving between audiences and genres, some of the more radical implications of Wyclif’s particular spin on consent theory may have been especially prone to modification.

Here there is only room for a sketch of where and how Wyclif’s theory of consent travelled in the late fourteenth and fifteenth centuries. Even a sketch is worth providing, if it may foster the collaboration between fields of study that the present volume aims to promote. I have written, and will write more, about how Wyclif’s views on consent were received among English writers ranging from the compilers of the Floretum and Rosarium to the authors of The Fyve Wyttes and Book to a Mother to Mum and the Sothsegger.47 Edwin Craun, too, has addressed the implications of consent theory through his work on Wyclif’s and Wycliffite justifications of sharp speech, contrasting them with previous, less extreme theories of fraternal correction.48 Hostile responses in England and beyond deserve attention too: one fertile ground for exploring them is the lists of condemned propositions drawn from Wyclif’s and Hus’s writings presented at the Council of Constance. These drew out the more radical implications of Wyclif’s theory and its development by Hus—even as the debate over how to justify deposing the rival popes generated writings that drew deep upon the very same theories of political representation and culpability.

Perhaps most in need of further study, though, and least familiar to most scholars of medieval western Europe, is how Wyclif’s consent theory was received in Bohemia. Czech scholars are certainly aware that Hussite writings frequently discuss consent, but as in English scholarship on Wyclif, the topic has not been a focus of interest. The development of consent theory in Bohemia was far from slavish. It is worth emphasizing again that
social consent was not a new topic, and it was by no means unfamiliar to any European with academic training, especially if they had spent much time with moral theology, canon law, or political exegesis. I think we have some compelling evidence, though, that readers of Wyclif’s writings in Bohemia found his particular take on consent theory highly engaging. Shaped by their own discussions and the particular political pressures they faced, Bohemians developed Wyclif’s spin on consent into a central tenet of their own reform movement and its defense and justification.

That the Wycliffite Floretum and Rosarium were widely copied and distributed is one kind of evidence for Bohemian interest in Wyclif’s take on consent; that the alphabetical indexes to Wyclif’s works in Bohemian manuscripts often include an entry for consent is another. More informative and revealing, however, is the plethora of marginalia about consent in the Bohemian copies of Wyclif’s works. I have found forty-eight separate annotations about consent in manuscripts of Wyclif’s writings. Of those, thirty-seven appear in twelve Bohemian manuscripts, while other Bohemian manuscripts have none. Negative evidence in this form is difficult to interpret: a manuscript with clean margins may variously be a byproduct of design, ownership, or use, rather than simple disinterest. Positive evidence, on the other hand, gives us a great deal of information, especially since most of the annotations are far more closely engaged with the text than the simple numbering or labelling of points in the margin common everywhere in manuscript culture (and here too) or else the sort of post-Reformation political marginalia common in English manuscripts. Most of these manuscripts can be more or less securely dated to between 1400 and 1420, and most of the annotations are either by the scribe, or in a similar rather than a later hand. Four manuscripts copy in the consent verse at the end of shorter works that make use of it. Others do not merely repeat or summarize the text, but engage with it, noticing for example that each person is obliged to help his neighbor; that a person acting sinfully consents to all the sin of the world; that there are two ways something is done, either in the strict sense of doing it oneself or through participation; that someone who stays silent betrays truth; that someone is punished for another’s sin. None revives the differential evaluation of guilt by consent that assigned lesser culpability than direct action to some kinds of consent, in the versions of the consent verse that we examined first. But some
do weigh one or another kind of consent even heavier than direct action: defense of error is worse than error; counsel toward sin is graver than the sin itself; those who do not prevent sin, sin equally or more than those who commit it. What these marginal comments demonstrate is deeply engaged interest among a group of people who were very probably in conversation with one another as well as with Wyclif’s writings on consent.

Another compelling piece of evidence for the reception of Wyclif in Bohemia is, of course, Jan Hus’s treatise on simony, which engages closely with Wyclif’s *De simonia* but also extends and adapts it. In chapter 9 in particular, Hus gives a lengthy exposition of how persons should beware of participating in simony through their consent:

From this discourse a spiritually discerning person may perceive that he who himself commits simony and defends others committing simony along with him is a heretic above heretics and a prince of heretics. Next to him are his underlings, who in turn defend him; and of such there are very many. For a better recognition of this type, let me cite an example: Suppose that a king owns a town which he himself had built; and when he had lost it, he won it back from his enemies at the risk of his own life. If then someone should, without the king’s consent, turn over that city to another for money, he who bought it would be guilty equally with the intermediary who arranged the sale; likewise the scribes of both the seller and the buyer; also the messengers of both parties and the hostages; also the negotiators; equally guilty would be the person who did not oppose it when he could, and he who would defend one or both although he could reprove them; likewise he who would counsel one or both of them, or who would loan money for the transaction; he also who would submit voluntarily, along with the town crier who would not oppose it, and anyone else who would voluntarily aid in the surrender of the town against the king’s will. Similarly in simony, as when a bishop desires to be and is installed in a simoniacal manner in a town... Those who alienate the city from the king receive very severe punishment; but they care not about Christ’s city when thieves and robbers scale it in order to plunder not only the goods but the souls as well.

Everyone who has consented to simony committed by another person sins, and is an accomplice. Such consent takes six forms: abetting, defense, counsel, approval, neglect of duty, and failure in correction. In this passage Hus
develops at length an analogy with secular governance that lays out in detail (I might even say, far more compelling and useful detail about everyday life than any of Wyclif’s attempts) all the roles and institutions of daily life that might place a person in the position of consenting to any such transaction.

Jan Jesenic, too, seems to have been keenly interested in Wyclif’s take on consent, as we learn from his 1409 determination on the question of whether a judge, who decides in favor of a party he knows has presented false testimony, sins more gravely than the false witness. Jesenic says that the judge does indeed sin more gravely, for he consents to the sin of lying and also sins himself by giving false judgment. Wyclif too had set himself against the ruling that a judge must not let his personal knowledge about the falsity of testimony influence his judgment, but much more briefly, in *De mandatis*. What might not be apparent to anyone but a canon law specialist or a lawyer, however, is that in making this affirmative judgment, Jesenic, like Wyclif, is deploying consent theory in opposition to what had been perceived as an even more fundamental principle of legal ethics: that judges may not allow their personal knowledge of the veracity of witnesses to affect their decisions on evidence presented in court, for otherwise they would act as witnesses themselves, rather than as judges. This is an issue of considerable importance, indeed, for papal judges delegate, whose duties and powers were the topic of the title in the Decretals where consent theory first becomes an intensive focus of commentary. Jesenic was the most talented legal thinker among the first generation of Hussites, and a key player in the establishment of their movement: he was at least as knowledgeable about canon law as Wyclif, probably more. Wyclif may have provided the spark here, but Jesenic develops the point in his own terms, in response to the power struggle between Czech and German scholars at the University of Prague.

Finally, the Four Articles of Prague of 1420 include under the fourth article a discussion of consent, and citation of the key passage on “pari poena” from Romans 1:32. One version containing an expansive interpretation of the fourth article asserts:

> Quod omnia peccata mortalia et specialiter publica alieque deordinaciones legi dei contrarie in quolibet statu rite et racionabiliter per eos, ad quos spectat, prohibeantur et destruantur. Que qui agunt, digni sunt morte, non solum qui ea faciunt, sed qui consenciunt facientibus. (Rom. 1:32)
That all mortal sins and especially public ones and other disorders contrary to the law of God, in whatever estate, rightly and reasonably should be prohibited and destroyed by those who look upon them. Those who engage in any such sins are worthy of death, and not only those doing them, but those who consent to those doing them.]

The Four Articles were a common statement of core belief between the various strands of Bohemian reform, and went through many recensions. In 1433, a later version was the basis of the defense of their religious practice presented by the Bohemians at the Council of Basel. Nicholas of Pelhřimov and Ulrich of Znojmo, assigned to speak second and third in defending the Four Articles, not only dispute the justice of Hus’s condemnation at Constance; they also quote and discuss the *Sermo de pace* that Hus had not been permitted to deliver, in which Hus contrasted the false peace of conformity through consent to the sins of others with the true peace of war on sin. There is much more to be learned about the Bohemian reception of Wyclif’s particular take on consent theory. But we can already see how much the results will have to tell us about Europe after Wyclif, as well as Wyclif after Europe. I want to conclude, though, by returning to two of John Van Engen’s observations about institutional and religious change in fifteenth-century Europe that my research on consent seems to bear out. First, his observation about the importance of locales in the fifteenth century. Academics become less mobile, he suggests, in part because there are more universities. But perhaps at the same time texts, especially very short texts, become more mobile. They move very fast from one locale where they have a set of local meanings, to another, where that context may be lost, and their significance and impact may develop in very different ways. Second, let me recall Van Engen’s comment about fifteenth-century tensions between the community of the parish on the one hand, and on the other, forms of elective or imagined religious community within and between parishes and other forms of locale. I think that it is very clear in Wyclif’s Sermon 48 in particular that one reason why consent theory rose to new prominence in the early fifteenth century is that it gave people a way to address, if not resolve, these tensions. Consent theory was a potent tool for them in thinking about wholes and parts of various sizes, the relationships between them, and the parts they might play in them.
APPENDIX 1: CONSENT IN WYCLIF’S PRINTED WORKS

Works marked ST are from Wyclif’s Summa theologica; works marked PW are late polemical writings.

Lengthy systematic discussion of the kinds of consent:

De officio regis\(^{64}\) (ST) WT 33
Sermones 1: 48 WT B.2.I

Shorter discussions of consent that develop the theory significantly:

De officio pastorali\(^{65}\) WT 53 B1
De simonia\(^{66}\) (ST) WT 35
Sermones 1: 42 WT B.2.I
De novis ordinibus (PW) WT F8
De oracione et ecclesie purgatione\(^{67}\) (PW) WT A.21
De septem donis spiritus sancti\(^{68}\) (PW) WT A.25

Citation of the six kinds or mention of one or another to develop another point:

Speculum secularium dominorum\(^{69}\) (PW) WT E.5
De religionibus vanis monachorum\(^{70}\) (PW) WT F.20
De fundatione sectarum\(^{71}\) (PW) WT F.17
Purgatorium sectae Christi\(^{72}\) (PW) WT F.14
De perfectione statuum\(^{73}\) (PW)
De ordinatione fratrum\(^{74}\) (PW)
De civili dominio\(^{75}\) (ST)
De mandatis\(^{76}\) (ST)
De blasphemia\(^{77}\) (ST) (several times)
De apostasia\(^{78}\) (ST)
De ecclesia\(^{79}\) (ST)
De officio regis\(^{80}\) (ST)
Trialogus\(^{81}\)
## Appendix 2: Marginalia about Consent in Wyclif’s Extant Oeuvre

<table>
<thead>
<tr>
<th>Shelf Mark</th>
<th>Title of Annotated Work</th>
<th>Transcription of Annotation or Buddensieg’s Transcription (B)</th>
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<td>De novis ordinibus</td>
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<td>Punitur quis pro peccato alterius</td>
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<td>Boh. 1410</td>
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<td>Versus de consensu</td>
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<td>359n17</td>
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<td>De religionibus vanis monachorum</td>
<td>Deo gracias, Nota 6 species consensus: Consentit cooperans, defendens, consilium dans / Ac autorizans, non iuvans nec reprehendens</td>
<td>208v</td>
<td>Boh. 1409</td>
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<td>Discussed in text fol. 166c</td>
<td>Boh. 1412</td>
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<td>Sermones 1:317–324</td>
<td>321n14</td>
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<td>Vienna, ONB MS 3934</td>
<td>Sermones 1</td>
<td>De generas consensus. Declarat subtiliter sex generas consensus (and in another hand)</td>
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NOTES


5. For a list, though scarcely an exhaustive one, see Appendix 1 at the end of this essay.


7. My translation; all translations are my own unless otherwise noted. In transcriptions, I silently expand abbreviations and impose modern punctuation, capitalization conventions, and word division, but do not normalize spelling.


12. I quote the Vulgate, and provide the Douay-Rheims Bible translation.


14. For this verse, see col. 327 at [http://digital.library.ucla.edu/canonlaw/librarian?ITEMPAGE=CJC2_B01&NEXT](http://digital.library.ucla.edu/canonlaw/librarian?ITEMPAGE=CJC2_B01&NEXT).

15. On *spectat* see, for example, Vatican Library, MS Chigi E.VIII.237.


17. The most recent argument on the dating and provenance of the Smithfield Decretals concludes that they were copied in Toulouse, and their images finished in England: see Alixe Bovey, “A Pictorial *Ex Libris* in the Smithfield Decretals: John Batayle, Canon of St Bartholomew’s, and his Illuminated Law Book,” *English Manuscript Studies, 1100–1700* 10 (2002): 60–82.


20. In what follows I draw upon the description of the manuscript published on the British Library website: to access it, search for the shelf mark at [http://searcharchives.bl.uk/primo_library/libweb/action/search.do?vid=IAMS_VU2](http://searcharchives.bl.uk/primo_library/libweb/action/search.do?vid=IAMS_VU2).

21. Scholars do not agree on the stages or some aspects of the process by which the *Decretum* was revised; they do agree that the text as we have it was...
multiply revised and that many of the accretions were the byproduct of its use in teaching at Bologna. For introductory remarks, see Helmholz, *Spirit of Canon Law*, 1–32; for more detailed discussions, see, for example, Anders Winroth, *The Making of Gratian’s Decretum* (Cambridge: Cambridge University Press, 2000) and Hartmann and Pennington, *History of Canon Law*.


23. Baldwin, *Masters, Princes, and Merchants*, suggests that Innocent III had been influenced by Peter the Chanter and his circle (see esp. 1:342–343); Peter D. Clarke develops the suggestion in “Peter the Chanter, Innocent III and Theological Views on Collective Guilt and Punishment,” *Journal of Ecclesiastical History* 52, no. 1 (2001): 1–20. As his argument reveals, however, what is truly startling is the number of learned thinkers who passed through or taught in Paris or Bologna and who deployed consent theory in a wide array of genres, beginning with its widespread use in legal and theological commentaries in the late twelfth century. The line of influence between Peter the Chanter and Innocent III need not have been direct.


26. This was the Liber Sextus compiled under Boniface VIII and completed in 1298: see V1.5.12.43, and Clarke, Interdict, 38n82.

27. Wyclif, De officio regis, 89/6–16.

28. On tacit authorization and defense see Wyclif, De officio regis, 83/28–30, 88/20–28. Unusually too, Wyclif allows (perhaps because of the social prominence of these offenders) that for any of the types of consent, they may sometimes sin not equally, but more gravely, than those doing the deed: “in quolibet istorum quinque generum contingit consensientes peccare gravius quam ipso principaliter delinquentes.” 83/21–23.


33. This list is derived from biblical and topical indexes of these and other works and from editorial annotations, as well as from searches on digitized texts; there may well be yet more references to be discovered. Each work is followed by a WT number: these refer to the numbers assigned them in Williell R. Thomson, The Latin Writings of John Wyclif: An Annotated Catalog (Toronto: Pontifical Institute of Mediaeval Studies, 1983). Works not provided with full bibliographical details in Appendix 1 are cited earlier in this essay.


35. Anne Hudson, “Wyclif’s Latin Sermons: Questions of Form, Date and
Before and After Wyclif


38. On components in Wyclif’s sermons that circulated as separate tracts as well, or may originally have done so, see Hudson, “Wyclif’s Latin Sermons,” 13–15.


40. Such analyses are found everywhere in Baldwin, Masters, Princes, and Merchants.

41. I thank Stephen Lahey for a helpful discussion of this point.


45. Here is how Wyclif introduces the fifth kind of consent: “Quintum genus consensus consistit in negacione iuvaminis, dum subtrahens iuvamen teneatur ex mandato Dei ad subsidium apponere vires suas. Et sic quilbet committens vel omittens culpabiliter consentit omnibus malis mundi . . . Unicuique enim mandavit Deus de proximo ut mutuo se iuvarent [The fifth kind of consent consists in denying help, while the one withdrawing help is obligated by the commandment of God to apply his powers to aid. And anyone committing or
omitting in this way culpably consents to all the evils in the world. . . . For God
commands each person with respect to his neighbour that they should help one
another)” (323/27–35).

46. As Hudson notes, the preface to the first set of sermons extant in some
manuscripts describes them as “sermones rudes ad populum,” yet their content,
as well as their language, is not particularly suitable to uneducated laymen; it
seems most likely that the primary audience was clerics in need of materials that
might be suitably redacted for lay instruction. Hudson, “Wyclif’s Latin Ser-
mons,” 5, 16–17.

47. Fiona Somerset, *Feeling Like Saints: Lollard Writings after Wyclif* (Ithaca,


49. Twelve Bohemian copies of the *Floretum* and twenty-six of the *Rosarium*
are extant. On topical and biblical indexes to Wyclif’s works, as well as lists of
his works and chapter-by-chapter summaries, see Anne Hudson, “Accessus ad
auctorem: The Case of John Wyclif,” *Viator* 30 (1999): 323–344, repr. in Hudson,
*Studies in the Transmission*, VII.

50. A spreadsheet of these results appears in Appendix 2. In some cases, as
noted, I rely upon editors who have noted marginal annotations.

51. For samples of this kind of annotation see the apparatus to the “Dialogue
between a Clerk and a Knight” in Fiona Somerset, *Four Wycliffite Dialogues*,
EETS o.s. 333 (Oxford: Oxford University Press, 2009), 54–67, and Helen L.
Spencer, “The Fortunes of a Lollard Sermon-Cycle in the Later Fifteenth

52. “Quilibet obligatur adiuvarre proximum”; “Operans viciose consentit omni
peccata mundi”; “Dupliciter intelligitur aliquid fieri vel proprie et per se vel
participative”; “tacens veritatis est proditor”; “punitur quis pro peccato alterius.”

53. “defensio erroris est peior errore”; “consilii peccatum est gravius quam
facte”; “non impedientes peccatam peccant equaliter cum commitentibus aut
grauius.”


55. For an extended paraphrase of Jesenic’s argument see Howard Kaminsky,
*A History of the Hussite Revolution* (Berkeley: University of California Press,
1967), 63–66. As Kaminsky explains on 63n23, the question is edited and its legal
implications discussed by Jiří Kejř, “Husitská kritika soudobé theorie soudních
důkazů,” in *Dvě studie o husitském právnicvtví* (Prague: ČSAV, 1954), 19–52, text
on 53–65.


Des Richters im Gelehrtten Prozess Der Frühzeit: Index secdum allegata non
also notes the contrast with classical canon law.
58. For Jeseník’s later determination on a related question about corrupt judges, and his conclusion that the recent banishment of the German masters from the university was rightful, see Kaminsky, *Hussite Revolution*, 69–70.


68. Ibid., 1:208–30.
71. Ibid., 1:3–80.
72. Ibid., 1:293–316
73. Ibid., 2:443–82.
74. Ibid., 1:83–106.