consensus

43rd Kölner
Mediaevistentagung
September 5–9, 2022

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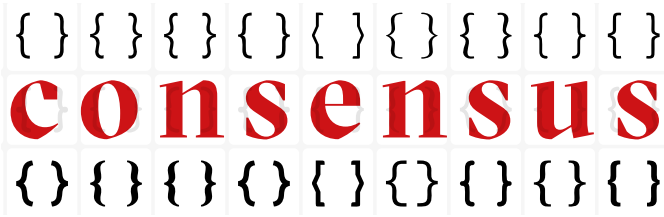
The 43rd Kölner Mediaevistentagung aims at a terminological archaeology from a historical and systematic viewpoint, which is focused on the concept itself as well as its multifarious subject area. The center of attention is a concept that is in great demand in contemporary debates of decision theory and economic theory, pragmatism and discourse ethics, political theory and contract law. It is the concept of consensus, whose terminological origin dates back to way before the officialese of the 15th century. Rather, it reaches back to Roman Antiquity.

From a philosophical perspective, the conceptual field of consensus refers to the domain of practical reason. A consensus is based on a common ground that is constituted by reasonable discourse. Epistemically, consensus and the underlying agreement are of the type of justified, acknowledged opinions (*endoxa*) and not evidence. In contrast to consent due to purely theoretical reasons (*assensus*), consensus is accompanied by a moment of volitional approval. To put it pointedly: consensus is intentional. In this sense, a consensus is brought about by the participants of the consensus-building process; it is negotiated. It is thus the expression of a volitional agreement, which may refer to a certain goal as well as to the means to reach this goal.

In contract law, consensus is of great importance. Collections of laws – such as digests, decretals and *consuetudines* – attribute a crucial role to consensus with regard to the formation of communities and their communal life, for instance, in the form of the *consensus fratrum* or the *consensus capituli*. Consensus requires legitimation; yet, it might as well be implicit. Communities as groups of individuals emerge and develop through consensus and contracts. An example of such a group that is based on consensual contract negotiation is the *coniuratio* or guild.

In Islamic law, the consensus (*iǧmāʿ*) of legal scholars is even considered an autonomous source of law, besides the Koran, prophetic conventions and analogical conclusions. Accordingly, the terminological and subject-related differences of consensus types developed in this field were quite elaborate.

It is quite interesting in this regard that in Jewish legal texts – especially in the *Mishnah* and the *Talmud* – the documentation of the disagreement between legal scholars mentioned by name takes up the majority of space, while the applicable legal opinion is characterized by its anonymous formulation. Moreover, "haskamah" (*consensus*) has a specific meaning regarding the publication and dissemination of books, which is comparable to the "imprimatur" of Latin works.

In the political realm, consensus – besides *consilium* – is the key notion for the concept of consensual rule. Since the Carolingian period, it had developed into a central functional element of kingship and it has survived into the late Middle Ages, despite undergoing substantial changes. Hincmar of Reims has emphasized that the consensus that was reached through mutual decision making was quite important for rulers. Talking about the consensus likewise becomes an instrument in the pursuit of power and influence.

Yet, the basis for the consensus of groups and communities are individual actions. Bernard of Clairvaux links consensus with the *liberum arbitrium*, due to the inalienable freedom of the will and the firm, unchangeable judgement of reason – a determination that has subsequently been cited often. Indeed, consensus is based on choice, and it is accompanied by a judgment of that in which the consensus consists. Consensus may refer to an internal approval as well as to an external action.

Another differentiation concerning the terminology of consensus is found, on the one hand, in matrimonial law, as consensus constitutes marriage ("*consensus facit nuptias*"). However, if marriage is grounded on consensus, what does this consensus consist in and what, in turn, constitutes it? Under which circumstances could such a consensus be invalid or lead to an implicit or explicit dissent? On the other hand, the field of penitential practice and the associated hamartiology further reveal a wide terminological differentiation. There is no sin without consensus, even if the consent is implicit or comes in various degrees, depending on the individual case. Yet, the more explicit and affirmative this consent is – for instance, in the form of pleasure that accompanies committing a sin –, the greater and deadlier the sin.

With this, only a few lexical and semantic fields and their scopes are addressed, although primarily from the perspective of Latin conceptualities. It is, however, the declared intention of the Cologne Mediaevistentagung to take into account the entire linguistic, cultural and geographical richness of the millennium that we – from a Western historiographic viewpoint – call the Middle Ages. This certainly also applies to the 43rd Kölner Mediaevistentagung. For it is apparent that many of the terminological and conceptual roots of consensus stem from a common ancient heritage, which has influenced not only the Latin, but also the Greek, Arabic, Hebrew and vernacular cultural environments. And thus we invite you to consider the many facets of the subject area that is introduced by the notion of consensus from an interdisciplinary perspective.

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1. An important starting point is the conceptual field of consensus. At first, the origin of the word and the investigation of its context of meaning are of interest; then, potential synonyms or complementary terms, such as the Latin *concordia, concordantia, convenientia, concentus, harmonia* or *unanimitas* may be considered. Furthermore, the conceptual field of consensus in Greek, Arabic, Hebrew and the vernacular should be taken into account. Does the meaning stay the same? Which possible shifts in meaning are recognizable? How do translations affect and influence terminology?

2. Philosophically, the question of the epistemic potential of consensus is of particular interest. What are possible modes of consent and according to which criteria may it be given? Here, the focus is on the differentiating terminology concerning specific forms of consent. What is the difference between consensus formulations such as „ut omnes dicunt / putant / nominant"? What distinguishes a *consensus verus* from a *consensus interpretativus,* a *consensus plenus* from a *consensus necessarius,* an tacit consensus (*consensus mutus* or *tacitus*) from an explicit consensus (*consensus expressus*) or a conditional consensus (*consensus conditionatus*)? In connection with *electio* and *iudicium,* the focus lies on consenting to a specific act: consensus is then a term that refers to one's own decisions and actions. In this regard, the question whether consent has its starting point in the will or in reason is often discussed in scholasticism. To what extent can consensus thus be considered 'battle term' in the dispute between 'intellectualists' and 'voluntarists'?

3. Which hermeneutical harmonization strategies does consensus presuppose? Which function does consensus have in the *Concordantiae* literature, which culminates in the concordances of the Bible and works such as Giovanni Calderia's *Concordantiae Poetarum, Philosophorum et Theologorum*? Moreover, concordance strategies are found in certain approaches to the philosophical tradition. Think of the various works concerning the "harmony between Plato and Aristotle" from al-Fārābī to Pico della Mirandola or of the "consensus among philosophers" or *consensus peripateticorum* that Albert the Great occasionally evokes as proof for their authority.

4. Yet, what are the limits of consensus? A possible determination may be found by means of the antonym: Dissent. But what constitutes a dissent? What are the possible reasons for dissent? Are there degrees and transitions from an tacit, subtle dissent to one that is explicit? How could such degrees and transitions be articulated? In his "Decisive Treatise", as is well known, Averroes denies the possibility of consensus regarding theoretical questions, while still considering the same questions to be decidable by argument. In this case, the communicative aspect of consensus, the tension between public and scientific discourse, explains the limit.

5. The political realm opens the possibility for a comparative look at the meaning of consensual forms of rule. To what extent is the legitimacy of leadership based on consensus? Who are the consenting parties and why? The senior ruler, for instance, is dependent on reaching a consensus with the intermediate leaders. What legitimizes or delegitimizes the consensus? Is there something like a forced consensus? In which way does consensus contribute to the resolution of conflicts? How does such a consensus come about? Which role do mediators play in this? Do concord (*concordia*) or peace (*pax*) presuppose a comprehensive consensus, a "consensus omnium"?

6. Closely connected to the political realm are social forms of consensus. What kinds of communities based on consensus are there? Besides *coniurationes*, such as guilds and universities, town councils and religious communities might classify as such. What distinguish such communities from others, and according to which rules are they organized? How is a consensus in the social realm negotiated? Which role do consensual procedures play in dealing with conflicts? Which rituals symbolize consensus in social or political practice? The Great Arbitration ("Großer Schied") from 1258, initiated by Albert the Great, may be cited as an example.

7. The intercultural perspective of consensus is of great interest in two respects. On the one hand, a comparative perspective with regard to the understanding of leadership and social models, of legal regulations and consensual practices in various language and cultural spheres is taken into account. Where are forms of consensus comparable, where are they possibly based on similar traditions, where are they incommensurable? On the other hand, the question of how consensus between different language communities and cultures was negotiated and which form this consensus had arises. Which role did religion play in the success or failure of consensual practice?

8. It may also be inquired which function consensual processes had within religious communities, for instance, with a view to the tension between revelation and exegesis, the approach to individual religious traditions (conciliar decisions, Mishnah, Hadith) or the doctrinal consensus-building within conciliatory processes. How are decisions negotiated and which entities are authorized to determine a consensus concerning matters of faith? Which consensual practices are effective in interreligious discourses?

9. The iconography of consensus is – literary and figuratively – linked to the Round Table. This does not only hold true for the legendary Round Table of King Arthur. If his biographers are to be believed, Charlemagne also possessed a round table. Taking part in a meal (as well as being barred from taking part in it) is a form of consensual social practice of participation, which enjoys great popularity in literature. Which other iconographies or literary subjects are there? Where is, for instance, the boundary between a constructed consensus and the pre-established harmony of the *locus amoenus*?

These questions are supposed to be seen as impulses and not to be considered exhaustive. They shall rather encourage a further engagement with this diverse subject, and we hope that this topic has many points of contact. From the beginning, the Cologne Mediaevistentagung aimed at covering a wide interdisciplinary spectrum. Thus, we would like to invite scholars from the fields of philosophy, theology, the history of science, from the philologies, literary and cultural studies, from the field of history, and from art history, as well as many more, to participate in the 43rd Kölner Mediaevistentagung with a question pertaining to their research field or an interdisciplinary issue addressing the topic of consensus. I explicitly invite everyone to go beyond the Latin conceptual and cultural context in order to discuss and reconsider common patterns and to thereby open new perspectives.

Let me conclude by kindly asking you to submit your topic proposals together with a short abstract (of about 1 page) by July 31, 2021 (direct via *upload* or via *email*).

It would be a great pleasure to welcome you personally again at the 43rd Kölner Mediaevistentagung next year. Please feel free to forward this invitation to colleagues who are not yet listed in our address file. Thank you very much!

I am looking forward to receiving your proposals and remain with best wishes

Cologne, March 2021

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