

## CHAPTER ELEVEN

# THE LAW OF COMMON CONSENT (D&C 26)

MATTHEW O. RICHARDSON

In Latter-day Saint sacrament meetings, time may be allotted for ward business. Part of the procedure with items of business is an invitation to the congregation to sustain fellow Church members in their callings by raising their right hand. If members are opposed to the proposed action, they can also make it known in the same manner. This practice, formally known as the law of common consent, is not only a noticeable part of our meetings but also an essential principle in proper gospel government and personal progression.

Unfortunately, the law of common consent is viewed by many members as nothing more than an accompaniment to a business agenda. Perhaps because of the frequency of the event, application of the law of common consent may become an automated raising of a hand in mechanical approval. Some might say that the law of common consent is too common and therefore feel that it is a commonplace occurrence in the Church that signifies more tradition than actual function. Although common consent is familiar to Church members, it is anything but common. President J. Reuben Clark Jr. taught, "It is clear that the sustaining vote by the people is not, and is not to be regarded as, a mere matter of form, but on the contrary a matter of the last gravity."<sup>1</sup>

Perhaps this important gospel principle has become a matter of form to some not because of familiarity with it but because of a lack of familiarity. For example, some members may understand the

---

Matthew O. Richardson is associate dean of Religious Education at Brigham Young University.

*The Law of Common Consent (D&C 26)*

135

proper procedure but have never learned, or have forgotten, the purposes of the principle. Others may be acquainted with the purposes and practices of common consent but have failed to see the doctrinal significance as emphasized in the Doctrine and Covenants and throughout Church history. As the Saints learn about the law of common consent, it becomes anything but common. Obviously it requires more than raising a hand on Sundays to become familiar with the law of common consent. To develop a deeper familiarity with this practice, it is helpful to obtain a basic understanding of Christ's government in His kingdom. Next, a historical overview of common consent reveals its historical precedence and underscores its importance and necessity. With this background, it is easier to understand the proper practice or procedure of this principle. Finally, the deep meaning of common consent is found in its intended purposes. When understood correctly, common consent becomes a meaningful rite of worship for the Saints, which ultimately brings them closer to the Savior.

**THE GOVERNMENT OF THE CHURCH**

To better understand common consent, it is important first to understand the workings of the government of God. Elder Harold B. Lee described the government of the kingdom of God as a theocracy but also "something like a democracy."<sup>2</sup> This description is a simple clarification of a seemingly complex and often misunderstood organization. Elder Lee highlighted two significant pillars in the Lord's government: theocracy and democracy. The first pillar, theocracy, accents Christ's undeniable position as head of the kingdom—the sole proprietor. The second pillar, democracy, emphasizes the people's opportunity to participate in their government. This combination of terms, however, immediately raises questions from traditional political sciences. How can a theocracy also be described as a democracy? On the surface these terms not only seem incompatible but provoke a jealous power struggle. A democracy doesn't seem to fit with a theocracy because of the world's understanding and definition of democracy. But thankfully, when this term is properly understood, the powerful second pillar not only fits but is seen for the essential principle in gospel government and doctrine it is.

The pillar of democracy that Elder Lee described in the Lord's king-

dom was something *like* a democracy. In a traditional democracy, power is vested in the people and they hold participatory rights. The role of the people under a conventional theocracy, on the other hand, is being part of the kingdom rather than of its governmental process and procedure. The Lord's kingdom, unlike a conventional theocracy, allows the members to participate in its government. This unique combination in which all power is vested in the Lord (theocracy) with the participation of the people (democracy) has thus been called a theodemocracy,<sup>3</sup> which is a form of government in which the decisions for the kingdom of the Lord are His decisions but in which His people have been given the opportunity to exercise their presence in that kingdom. Members of the Lord's kingdom exercise their democratic presence through the principle of common consent.

#### THE HISTORICAL PERSPECTIVE OF COMMON CONSENT

The unique relationship between Christ and His disciples in divine government is found throughout religious history. A glimpse into the past reveals the precedence, patterns, and practice of common consent as it underscores its vitality and importance. This principle was practiced in one form or another during the lifetimes of Moses (Exodus 24:3), Joshua (Numbers 27:19–22), Peter (Acts 1:26), and Mosiah (Mosiah 29:25–26). According to Elder Bruce R. McConkie, the law of common consent “has been operative in every dispensation.”<sup>4</sup> Thus, this principle is of necessity part of modern Church government. Common consent is another of the many witnesses that the Church of Jesus Christ has been literally restored.

The law of common consent in the modern dispensation was first revealed to Joseph Smith and Oliver Cowdery in Peter Whitmer's home in June 1829. At that time, Joseph and Oliver were instructed to ordain each other to the office of elder and then to ordain others as it was made known unto them. Their ordination was deferred, however, until “such times as it should be practicable to have our brethren, who had been and who should be baptized, assembled together, when we must have their sanction to our thus proceeding to ordain each other, and have them decide by vote whether they were willing to accept us as spiritual teachers or not.”<sup>5</sup>

Because priesthood ordination is of obvious doctrinal importance, that historical event also teaches the relative importance of common

*The Law of Common Consent (D&C 26)*

137

consent and its necessity to God's kingdom. Elder Orson F. Whitney explained the significance of that event as follows: "What!—exclaims one. After these men had communed with heavenly beings and received from them commandments for their guidance; after receiving divine authority to preach the Gospel, administer its ordinances, and establish once more on earth the long absent Church of Christ! After all this must they go before the people and ask their consent to organize them and preside over them as a religious body? Yes, that was precisely the situation. Notwithstanding all those glorious manifestations, they were not yet fully qualified to hold the high positions unto which they had been divinely called. One element was lacking—the consent of the people. Until that consent was given, there could be no church with these people as its members and those men as its presiding authorities. The Great Ruler of all never did and never will foist upon any of his people, in branch, ward, stake or Church capacity, a presiding officer whom they are not willing to accept and hold."<sup>6</sup>

Further instruction concerning ordinations and the "vote" of brethren was later revealed to Joseph Smith in early April 1830. Joseph was instructed to organize the Church and kingdom of God. Included in those specific instructions was the "law of common consent," which reemphasized that "no person is to be ordained to any office in this church, where there is a regularly organized branch of the same, without the vote of that church" (D&C 20:65–66).

On April 6, 1830, Joseph Smith, Oliver Cowdery, and members of the Smith and Whitmer families gathered in Peter Whitmer's home in Fayette, New York, to organize the Church of Jesus Christ. It was anticipated that at this gathering Joseph and Oliver would be ordained elders. Before that ordination, however, Joseph and Oliver needed to receive a sanctioning vote from those present. "According to previous commandment [given in June 1829 and recorded in D&C 20:65–66], the Prophet Joseph called upon the brethren present to know if they would accept himself and Oliver Cowdery as their teachers in the things of the kingdom of God; and if they were willing that they should proceed to organize the church according to the commandment of the Lord. To this they consented by unanimous vote."<sup>7</sup> Joseph then proceeded to ordain Oliver an elder, after which Oliver likewise ordained Joseph.

The early emphasis of common consent seems centered upon the

selection of ecclesiastical leadership; however, doctrinal and procedural issues were also presented before the people for their “vote.” Also during the organizational meeting on April 6, 1830, those at Peter Whitmer’s home were to consent to organizing the Church according to the commandments of the Lord. Three months later, in July 1830, Joseph was instructed that “all things shall be done by common consent in the church, by much prayer and faith, for all things you shall receive by faith” (D&C 26:2). This revelation has become a foundation to the government of the Lord’s kingdom and defines the order of proper Church procedure.

After the events leading to the establishment of the doctrine of common consent in July 1830 (D&C 26), instructions for its operation, reemphasis of it as a principle, and evidences of its practice can be found throughout the other revelations in the Doctrine and Covenants. Some examples include the role of revelation and common consent, which was revealed in September 1830 (D&C 20:13, 63, 65, 66). Members who were appointed to service to give relief to the poor and needy or to leadership positions within the Church organization were appointed by “the voice of the church” (D&C 38:34–35; 41:9–10; 51:4, 12; see also 104:64, 71–77, 85; 124:124–44). In February 1831 the “law of the Church” (D&C 42) reemphasized that anyone possessing authority must be “known to the church” (D&C 42:11).<sup>8</sup> One final example found in the Doctrine and Covenants comes from the minutes of the organization of the first high council of the Church on February 17, 1834, in Kirtland, Ohio (see D&C 102:9) and neatly sums up the law of common consent as practiced by the Saints over the previous five years. A “voting” took place to acknowledge those called by revelation in their administration “by the voice of the church” (D&C 102:9). Evidences of the law of common consent are found throughout other journals, histories, and records of the restored Church. Although there is ample historical precedent, instruction, and evidence of common consent in early religious history, some of the early Saints, like some modern Saints, still misunderstood exactly how to practice the law properly.

#### **PRACTICE AND PROCEDURE**

Many early members of the Church felt that common consent meant they would be involved in making decisions and policies and

*The Law of Common Consent (D&C 26)*

139

in determining the course of the Church. In other words, some of them felt that the Church would follow the standard of parliamentary procedure. After all, many of the revelations and instructions concerning common consent described this procedure as the members' opportunity to *consent* or *vote* for all things in the Church (see D&C 20:63, 65, 66; 26:2; 28:13; 102:19; 104:21, 72, 85; Official Declarations 1 and 2). These words generally summon the images of electioneering and all the trappings of politics. It was revealed that there is an "order" (see D&C 28:13; 43:3–6) that common consent follows. Members' participation according to the order of the Lord's kingdom is clearly described by President Clark, who said, "In the Church the nominating power rests in a group, the General Authorities, but the sustaining or electing power rests in the body of the Church, which under no circumstances nominates officers, the function of the Church body being solely to sustain or to elect. . . .

"The sole function of this constituent assembly today, is, as already stated, to accept or reject the General Authority or other officers proposed to them. This assembly may not propose others to be voted upon.

"Furthermore, the actual procedure for voting is normally by the uplifted hand of those present. No electioneering, no speech-making, no stating of objections, no proposing of candidates, no vocal demonstration of any kind is in order. Anyone seeking to do any of these things would not only be out of order as a matter of procedure, but would be likewise breaking the peace of the State by interrupting and disturbing a public assembly, would be subject to arrest as a disturber of the peace, and if necessary, would have to be so dealt with as a matter of public order. This assembly might be called the 'voting booth' of the Church. This will be clear to all our listeners."

It is clear that the principle of common consent distinctly defines the practice and procedures of participation within Church government. Limited to "the voice of the church," or members of the Church of Jesus Christ (D&C 38:34; 41:9; 51:4; 58:49; 102:9), practice of the law of common consent is a privilege given to every member of the Church in good standing. This privilege of voting is more an act of ratifying leadership callings and decisions rather than actually making those decisions. Such decisions are left to the Lord and His anointed servants. Because politicking is not part of the process

of voting within the Church, members signify their approval of a proposed action by raising their right hand. The method of manifesting a vote was a little different in earlier times. For example, Peter and the original Apostles “cast lots,”<sup>10</sup> and earlier procedures in the latter-day Church required members to cast their votes by standing rather than by raising their hands. Today, however, it is common practice to raise the right hand in approval or disapproval of proposed actions.

Some members are concerned whether it is appropriate for them to vote when visiting a ward or branch other than their own. Generally, members called to most Church positions are sustained by a vote of those belonging to the organization in which they will serve. For example, a stake president is sustained by his stake members, a bishop is sustained by his ward members, and an elders quorum president is sustained by those in the elders quorum rather than by the entire ward. Thus, the vote of members of a given organization (whether a deacons quorum, members of a Beehive class, or the entire Church, as at general conference) manifest their approval of the Lord’s will concerning them and their governance.

#### CONCLUSION

When we become more familiar with the law of common consent, we understand the uncommon blessing it is in Church government and in our lives. We become more like Christ through common consent because it affords us the opportunity to recognize Christ as the sovereign King, make our will like His, sustain our fellow Saints, bind ourselves to Him through solemn covenants, and exercise our agency by choosing as He would choose. Elder Boyd K. Packer taught that “there is an obedience that comes from a knowledge of the truth that transcends any external form of control. We are not obedient because we are blind, we are obedient because we can see.”<sup>11</sup> As Saints exercise common consent, they are in a better position to see as Christ sees.

The exercise of common consent would never be considered common by those who can see in its purpose doctrinal necessity as well as the example of the Savior. As Saints become familiar with the law of common consent, they cannot help but become more familiar with Christ. When we exercise our privilege to consent to Christ, “we

*The Law of Common Consent (D&C 26)*

141

shall be like him; for we shall see him as he is" (1 John 3:2). The day will come that because of this perspective, we consent to Christ's will because we have become like Him in every way.

## NOTES

1. J. Reuben Clark Jr., in Conference Report, April 1940, 73.
2. Harold B. Lee, "The Place of the Living Prophet, Seer, and Revelator," in *Charge to Religious Educators*, 2nd ed. (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1982), 105.
3. Hyrum M. Smith and Janne M. Sjodahl, *Doctrine and Covenants Commentary* (Salt Lake City: Deseret Book, 1965), 131–32.
4. Bruce R. McConkie, *Common Consent* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, n.d.), 4.
5. Joseph Smith, *History of the Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2nd ed., rev. (Salt Lake City: Deseret Book, 1980), 1:61.
6. Orson F. Whitney, in Conference Report, October 1930, 45.
7. B. H. Roberts, *A Comprehensive History of The Church of Jesus Christ of Latter-day Saints* (Provo, Utah: Brigham Young University Press, 1965), 1:196.
8. The first revelation concerning proper authority was revealed in September 1830 and is recorded in Doctrine and Covenants 28. At the time, Hiram Page professed to receive revelation concerning the order of Church through a stone and thereby deceived many members. Section 28 established the order of revelation for the Church. Later, in February 1831, a Mrs. Hubble went to Kirtland, claiming to receive revelation, and confused many of the newly converted Saints. The Lord again reminded the Saints of the proper order of revelation for the Church (see D&C 43). Both incidents of deception were preceded by revelations to the Prophet of the proper procedure and the role of common consent regarding revelation and authority (see D&C 26; 42).
9. J. Reuben Clark Jr., in Conference Report, April 1940, 71–72.
10. Elder McConkie described "casting lots" as "sustaining votes" (see Bruce R. McConkie, *Doctrinal New Testament Commentary* [Salt Lake City: Bookcraft, 1971], 2:32).
11. Boyd K. Packer, "Agency and Control," *Ensign*, May 1983, 66.