

Theology as Foundation for Political Thought in Nicholas of Cusa's *De concordantia catholica*

JOVINO G. MIROY

In 1962, Paul Sigmund published the article 'A Re-Interpretation of Nicholas of Cusa's *De concordantia catholica*,'¹ which he followed up the year after with his full-length study entitled *Nicholas of Cusa and Medieval Political Thought*.² Together with Morimichi Watanabe's book *The Political Ideas of Nicholas of Cusa with Special Reference to his De concordantia catholica*,³ Sigmund's study stands as a complete study of Cusanus' political thought, both as a conciliarist and a papalist. In the twenty years following the publication of his work, Sigmund would translate the entire *De concordantia catholica*.⁴ This translation finally came out in 1991 as part of the 'Cambridge Texts in the History of Political Thought'.⁵ The inclusion of the *DCC* in such a series is significant in the face of the fact that Cusanus is still not included

¹ Paul Sigmund, 'Cusanus' Concordantia: a Re-Interpretation,' *Political Studies* 10 (1962): pp. 180-97.

² Paul Sigmund, *Nicholas of Cusa and Medieval Political Thought*, (MA: Harvard University Press, 1963).

³ Morimichi Watanabe, *The Political Ideas of Nicholas of Cusa with Special Reference to his De concordantia catholica*, (Geneva: Librairie Droz, 1963).

⁴ Nicolai de Cusa, *De concordantia catholica libri tres Opera Omnia*, vol. XIV, ed. Gerhard Kallen (Hamburg : Adjuvante Societate Studiorum Provehendorum Germanica, 1964). Henceforth *DCC*.

⁵ Nicholas of Cusa, *The Catholic Concordance*, (Cambridge: Cambridge University Press, 1991).

in any standard textbook on medieval political thought.⁶ Such neglect is inexplicable in the face of the DCC's relevance to the history of political thought in general. We echo the lament of Ewart Lewis that Cusanus is still not as well read as Aristotle's *Politics*. Indeed, it is to remedy this situation that Sigmund translated the entire conciliar tract despite as he says the 'length of the work, and the considerable linguistic problems arising from Cusanus' awkward style and defective knowledge of Latin.'⁷

In the Introduction to the English translation, Sigmund, however, has revised some of his positions on the nature of the conciliar tract and its position in the history of political thought. He belongs to the tradition of scholars who asserted that modern political thought found its origins way back in the Middle Ages. They took Conciliarism in general and the Conciliar Movement in particular as one of the direct ancestors of modern constitutional democracy. Among these are Otto Gierke, John Neville Figgis, Harold Laski, Charles Howard McIlwain, George Sabine, Quentin Skinner. They all have mentioned in passing the significance of Cusanus in the formulation of democratic notions of consent and representation during the Middle Ages.⁸ It was up to people like Sigmund to apply

⁶ Cf., for example, Cary J. Forhan Nederman and Kate Langdon, *Medieval Political Theory: A Reader: The Quest For The Body Politic 1100-1400*, (London: Routledge, 1993).

⁷ Sigmund, *Catholic Concordance*, p. vii.

⁸ Otto Gierke, *Political Theories of the Middle Ages*, trans. By F.W. Maitland (Cambridge: Cambridge University Press, 1900); John Neville Figgis, *From Gerson to Grotius*, (New York: AMS Press, 1960 Reprint of 1916); Quentin Skinner, *The Foundations of Modern Political Thought* (2 vols., Cambridge: Cambridge University Press, 1978); Francis Oakley, *Politics and Eternity: Studies in the History of Medieval and Early-Modern Political Thought* (Leiden: Brill, 1999) Cf. also Constantin Fasolt, 'Voluntarism and Conciliarism in the Work of Francis Oakley,' *History of Political Thought* Vol. XXII. No. 1 Spring 2001: pp. 41-52. On discussions on the relation of conciliarism and modern constitutionalism: Cary Nederman, 'Conciliarism and Constitutionalism: Jean Gerson and Medieval Political Thought,' *History of European Ideas*, 12 (1990): pp. 189-209; 'Freedom, Community, and Function: Communitarian Lessons of Medieval Political Theory,' *American Political Science Review*, 86 (1992): pp. 977-86; 'Constitutionalism—Medieval and Modern: Against Neo-Figgisite Orthodoxy (Again),' *History of Political Thought*, XVII (1996): pp. 179-94; 'The Puzzling Case of Christianity and Republicanism: A Comment on Black,' *American Political Science Review*, 92 (1998): pp. 913-18;

and verify the intuition of those earlier historians of political thought, as he sought to explain the ideas in the *DCC* on consent, representation, and relations between ecclesiastical and secular powers. He also wanted to use such analysis to provide possible explanations for the change of allegiance effected by Cusanus in 1437 when he abandoned the Council of Basle in favor of Eugenius IV's desire to transfer it to Ferrara.⁹ It would not be amiss if one said that his initial studies stemmed mainly from the history of political thought and that it looked at *The Catholic Concordance* in view of understanding its possible causal relationship with latter day modern liberal democracy and constitutionalism. By 1991, however, Sigmund would rethink this assumption: 'A reading of the original text with its heavy burden of references to canon law and theology, and its considerable emphasis on tradition and authority, should correct the mistaken impression, fostered by modern commentators that Nicholas of Cusa was a precursor of modern liberal democracy.'¹⁰ This signals a considerable development in Sigmund's understanding of the place of the *DCC* in the history of political thought for he no longer sees it as propounding a mainly democratic position but one containing what he called 'anticipations' of ideas which modern day democratic theorists would still delineate and fight for.¹¹ This is because he no longer looked at the *DCC* with the eyes of political philosophy but also with those of theology and ecclesiology. In the least, he calls *The Catholic Concordance* 'the theoretical expression of one stage in the process of transition to modernity.'¹²

Francis Oakley, 'Nederman, Gerson, Conciliar Theory and Constitutionalism: Sed Contra,' *History of Political Thought*, XVI (1995): pp. 1-19; Antony Black, 'Christianity and Republicanism: A Response to Nederman,' *American Political Science Review*, 92 (1998): pp. 919-21.

⁹ On the life of Cusanus, cf. Edmond Vansteenberghe, *Le Cardinal Nicholas de Cues*, (Paris: Minerva, 1920); on his political career during and after the Council of Basle: J. Stieber, 'The Hercules of the Eugenians' at the Crossroads: Nicholas of Cusa' Decision for the Pope and Against the Council I 1436-1437 – Theological, Political, and Social Aspects' in Gerald Christianson and Thomas Izbicky, *Nicholas of Cusa: In Search of God and Wisdom*, (Leiden: Brill, 1911): pp. 221-55.

¹⁰ Sigmund, *Catholic Concordance*, p. ix.

¹¹ *Ibid.*, p. xxviii.

¹² *Ibid.*, p. xxxvii.

Despite such a change in view, Sigmund's reading has remained largely the same since the writing of his book on the DCC. He has not disabused himself of the idea that the DCC looks at consent as 'basis of the legitimacy of law and government.'¹³ He, however, no longer sees *consensus* as crucial in the over all arguments of the conciliar tract.¹⁴ He has also regarded the DCC as a balancing act, insofar as it tries to 'combine'¹⁵ – or 'synthesize'¹⁶ – opposing views; namely, 'Christian neo-Platonism concerning the origin and structure of order and equalitarian and corporationist theories of consent and representation derived from Roman and canon law.'¹⁷ In his latter view, however, this attempt at reconciliation is seen mainly as arising from the theological outlook of the work.¹⁸ It is for this reason that the work is aptly called the Universal Harmony – as Skinner translated *concordantia catholica*.¹⁹ It is 'a coincidence of opposites' that sought to see harmony between monarchy and representation; between absolute rulers and rule of law and sharing of powers.

It is not, however, the desire of this rereading to prove or disprove the claims of Sigmund on the notions of consent and representation in the DCC nor its ultimate place both in the history of political thought and Catholic ecclesiology. Without necessarily invalidating Sigmund's political reading of the work (or reading it with the notions propounded mainly by liberal democracy and constitutionalism) this study would attempt to outline the conciliar arguments of the DCC mainly from a *theological* point of view. We take theological not only to mean that body of knowledge derived

¹³ Sigmund, 'A Re-Interpretation,' p. vii. Moricimichi Watanabe agrees largely with Sigmund. His study, on the other hand, provides a highly faithful exegetical discussion of the work. Unlike Sigmund, he has expressed trepidation in seeing the identity of the theory of consent in the DCC and that of liberal democracy; cf. Watanabe, *Political Ideas*, p. 187.

¹⁴ Sigmund, *Catholic Concordance*, p. xxiii.

¹⁵ Sigmund, *Nicholas of Cusa*, p. 8.

¹⁶ Sigmund, *Catholic Concordance*, p. xviii.

¹⁷ Sigmund, *Nicholas of Cusa*, p. 8, cf. also 10.

¹⁸ Sigmund, *Catholic Concordance*, p. xviii.

¹⁹ Skinner, *Foundations*, p. 39.

mainly from Sacred Scriptures and Tradition but also that derived from medieval metaphysics.

Such a rereading would reveal a different set of foundations of the political thrust of the DCC. Rather than with latter day political philosophers, the first part of our study discloses his definite links with fellow Basle conciliarists. The Basleans have sought to provide theological and metaphysical justifications to their own brand of Conciliarism that has radically veered from the one formulated in the Documents of the Council of Constance. The second part shows that the DCC bases its moderate brand of conciliarism on a Theory of Concordance which does not only wish to synthesize opposing elements of hierarchy and consent but to provide means of conciliating the opposing parties, i.e. Eugenius IV and the Council.

I.

Cusanus and the Council of Basle

The long tradition of Canon Law has always been clear about the supremacy of the Bishop of Rome not only over other Patriarchies but also over the Council. The Conciliarists have naturally known the fundamental responsibility to demonstrate the orthodoxy of their position *vis-à-vis* the overwhelming canonical evidence against it.²⁰ For this reason Conciliarists, especially Basle conciliarists like Heimericus de Campo (Heimerich Van de Velde) and Juan de Segovia, going against the dominance of canon law, began to refer to theology and metaphysics. Cusanus himself used Scriptures, the metaphysics of the Fathers of the Church, and the documents of the early Universal Councils in the DCC. This would prove that he shared the theological project of Basle.²¹

The Conciliarism of the Council of Basle could be pared down to three basic tenets: a) The council is infallible; b) it possesses full-

²⁰ For the view of the Council of Basle as a 'revolutionary synod,' cf. Antony Black, *Council and Commune, The Conciliar Movement and the Council of Basle*, (London: Burns and Oates, 1979).

²¹ Black considers Cusanus as outside the mainstream of Basle Conciliarism: 'As a conciliarist Cusa was *sui generis*; he does not conform to the pattern of Basle conciliarism either in his general conceptions or in his specific conclusions about immediate questions' (*Ibid.*, p. 52).

ness of power, which includes judicial and executive power; and c) it is the supreme judicial tribunal in the church.²² The majority in the Council supported the idea of a sovereign egalitarian priestly congregation. Underlying these basic tenets is a general political principle which Antony Black calls *communal sovereignty*. This means that the council, as a community and as a whole, possesses absolute sovereignty. Part of the Baslean conciliar character is 'the ever-increasing reliance on the holistic argument, that the church is a real whole, body or thing, capable of self-expression and self-determination solely through a general council, which as a consequence wields the unique 'total power' of the whole church.'²³ Through this concept the Basleans redefined the notion of *plenitudo potestatis* from one ascribing ultimate authority to the Bishop of Rome to one ascribing it to the Universal Council.²⁴ Basle did not consider this principle as optional on the part of the Pope but as one divinely ordained and legally stipulated. Such a principle meant that the Council saw itself as a whole by which it considered itself superior to the pope, who was simply an individual part of the whole. Not only did the notion of communal sovereignty assert the Council's superiority over the pope as an individual but also that the Council is not a sheer gathering of individuals. As a whole, the council has the right of superiority over the pope. Consequently, the Council emphasized Christ's true headship over the whole Church, thus redefining the papal function as ministerial.²⁵

The use of the phrase 'communal sovereignty,' however, obscures the highly theological character that is at work in the Baslean conciliar project. Black himself has paradoxically declared: 'One must not forget that most of the thinkers discussed here, including Velde and Segovia, saw themselves as primarily theolo-

²² Not all the major participants of the Council shared these principles, however; cf. *Ibid.*, p. 113.

²³ *Ibid.*, p. 113; also Anthony Black, *Monarchy and Community: Political Ideas in the Later Conciliar Controversy 1430-1450*, (Cambridge: Cambridge University Press, 1970): p. 47.

²⁴ He also calls this 'majority principle' (Black 1970, 49); Lecler calls this *majorité de l'assemblée*, (J. Lecler, *Le Pape ou Le Concile*, (Lyon: Le Chalet, 1973): p. 117.

²⁵ Black, *Council and Commune*, p. 141.

gians.²⁶ The political notion of communal sovereignty could also be taken in terms of the Baslean notion of the Church as *corpus mysticum*. This ecclesiology subverts the definition of the Church in terms of the Petrine inheritance the Bishop of Rome possesses, putting the papacy directly under the headship of Christ. For this end, they utilized and re-interpreted certain scriptural passages, such as Mt 16 and 18. The conciliarist interpretation of the Petrine commission found in Mt 16: 13-20 was reinforced by the passages in Mt 18, especially verses 15-21, which emphasized the priority of community in the Christian's life: '*Ubi enim sunt duo, vel tres congregati in nomine meo, ibi sum in medio eorum.*' This, then, led them to believe that the power of binding and loosing couldn't belong only to one person but must belong to the Church as a whole. Although the keys were given to Peter, ecclesial administration belongs to the collective church since those words from Scripture indicate the necessary 'unity of the church.'²⁷ Furthermore, in Mt 18: 17-18, the Lord repeated to the community the same formula he first spoke to Peter, wishing, therefore, that the divine authority be in the community as a whole (*ecclesia*). As such, one cannot disobey the Church without incurring the appellation 'heathen and publican.'²⁸

The Baslean argumentation offense lay in the redefinition of church as mystical body and in recasting Church headship from the pope to Christ. It is truly interesting to see how the conciliarists unabashedly *interpreted* the passages of indefectibility in Sacred Scriptures from their own position. Black's thesis that the Council of Basle generally banked on the notion of organic holism as a basis of their interpretation of the indefectibility passages can be said to follow quite logically from the promise of indefectibility found in Mt 18, which reveals that Christ doesn't only promise it to the pope alone, but rather mainly to the 'community.' The Conciliarists of Basle extended the meaning of 'mystical body,' and added sovereignty to the notion of wholeness found in it.²⁹ This body taken

²⁶ *Ibid.*, p. 208.

²⁷ C. Andersen, 'History of the Medieval Councils in the West,' in *The Councils of the Church, History and Analysis* (PA: Fortress Philadelphia, 1971): p. 210.

²⁸ *Ibid.*

²⁹ Black, *Monarchy and Community*, p. 5.

as a whole was put in opposition to the other one called 'political body.' As *corpus politicum*, the Church is taken as a conglomerate of separated individuals over whom the Pope is supreme head.³⁰

Christo-centric and Biblical Conciliarism

Cusanus follows the main line of argumentation strategy of the Council of Basle in basing his Conciliarism on metaphysics and basic Christian doctrine. Cusanus wanted to show that the articles of faith themselves ascertained the limits of papal power and the superiority of the Council. For this reason, Cusanus revised the priority of canon law as principal source of how church government would be decided by referring instead to Sacred Scriptures and Tradition. Cusanus adhered to orthodox theology that stated that human beings attained salvation through adherence to Christ, who was made visible by the One True Church through its sacraments and consistent body of law. In the first part we will show how his Christological ecclesiology and use of Sacred Scriptures are shared by other Basle conciliarists, such as Heimerich Van de Velde and John of Segovia, to further demonstrate that this same theological project is shared by the Council itself.

One striking characteristic of the theological conciliarism of the DCC is its Christo-centric character. It believes that the Church's concordance is founded on the union with Christ: 'that Christ is the way, the truth, and the life, and the head of all creatures, the husband or spouse of the church, which is constituted in a concordance of all rational creatures – with him as the One, and among themselves, the many – in various (hierarchical) gradations'³¹ This is based on the fundamental belief that Christ is the First Principle from which all that is flows, and that He is, therefore, the end to which everything returns.³² Going beyond a cosmological

³⁰ *Ibid.*, p. 14.

³¹ *quod Christus est via, veritas et vita et omnium creaturarum caput, maritus sive sponsus ecclesiae, quae per concordantiam creaturarum omnium rationabilium ad eum unum et inter se plurium constituitur secundum varias graduationes* (8, cf. also 247; 565). The numbers refer to paragraph numbers in both the Latin and English editions.

³² Cf. 9.

Christ, Cusanus never loses track of the Christ who was crucified on the cross: 'And this is the essential truth – nothing else is shown in signs and sacrifices in all the scriptures but God and the Word made flesh which was crucified for us.'³³ For him, Christ too is *Verbum*: 'And this is the fundamental premise – that the Word is the wisdom of the Father, and wisdom is life. Thus every rational creature that has been or will be on earth must adhere to the Word, and sin which was the cause of death both among the angels and men was contrary to the wisdom of God.'³⁴ Therefore, the spiritual regeneration of the body is in everlasting union with Christ.³⁵ This means that regeneration is achieved by becoming a member of the Church, which is the bride of Christ.

Christ's intimacy with the Church is such that it is his Spirit that flows throughout the Church and creates its profound concordance. For this reason, *regnum ecclesiae* and the power of the priesthood are one, for that power is nothing but Christ's: 'since it is not man but Christ who acts through the Holy Spirit and a human agent.'³⁶ The Church's work of evangelization, consecration, and regeneration is a continuation of Jesus' earthly ministry that he performs through the Church and its priests. This way, the Church is directly connected to the priesthood of Christ.³⁷ What this means in the overall import of Cusanus' conciliarism is that Christ, rather than the pope, stands as the true head of the Church.

Clearly, Cusanus has used a fundamental tenet of faith as a buttress for his political philosophy. Christ's Lordship serves to put the papacy in its proper place within the hierarchy of the church.³⁸ This notion is crucial, for by the notion of Christ's headship, he is

³³ *Et illa est summa huius veritatis, quod nihil aliud per cunctas scripturas nisi deus et verbum caro factum crucifixum propter nos ostenditur* (15).

³⁴ *Et haec sit radix vera nostrae intentionis, quia Verbum est sapientia Dei Patris, estque sapientia vita, tunc omnis rationalis creatura, quae in vita remansit et remanebit, necessario verbo adhaerebit* (16).

³⁵ Cf. 21.

³⁶ *quoniam non homo, sed Christus hominis ministerio per Sanctum Spiritum hoc agit* (28).

³⁷ Cf. 101.

³⁸ Cf. 32.

able to say that all power in the Church (as well as in the Empire) comes *immediately* from Christ: '*sit immediate a Christo*.'³⁹ This means that no power is derived from the pope for 'because there is no master but Christ himself.'⁴⁰ Cusanus goes on to declare that no bishop is found to be true because only Christ is the true pastor. Only those who adhere closely to him possess the truth of the priesthood. Not only does power in itself descend immediately from Christ, but also he chooses the individual who sits on the throne of power. Christ is the one who assigns duties to angels and men according to the needs of the times.⁴¹

The DCC's Christo-centric ecclesiology is similar to the ecclesiology of Cusanus' teacher, Heimerich Van de Velde who accounts for the unity of the Church through what is called *connexio fidelium ad Christum*.⁴² Connection with Christ *comes* before any other aspect of the church (e.g. its hierarchical order) or to any individual member of the church (e.g. the pope). As unity, Van de Velde says, the church is catholic; as hierarchically ordered, it is apostolic. For Van de Velde, the church is primarily 'the extension of the Incarnation in time and space.'⁴³ Believing that the assumption of human nature by Christ creates the Church,⁴⁴ it is through the Church as the 'continuation' of the Body of Christ that Christians are united to God. This union with the Church leads to union to Christ; and this union with Christ leads to union with fellow Christians. This union of all Christians, however, takes place at the moment of Baptism, implying that being a Christian is to be in union with the Church *through* the individual's union with Christ.⁴⁵

³⁹ 116; cf. also 342: *Unde sicut Christus est rex regnum, ita omnes reges in potestate regnantis dominii quid divini qui habent. Quapropter reverentia et oboedientia eis debetur.*

⁴⁰ *non est aliud magisterium quam ipse Christo* (257).

⁴¹ Cf. 13. In 248 he speaks of the infallibly directed assistance of Christ.

⁴² Black, *Council and Commune*, p. 65. Van de Velde was Cusanus' mentor at Cologne when he matriculated there between 1424-26.

⁴³ Antony Black, 'The Realist Ecclesiology of Heimerich Van de Velde' in *Facultas S. Theologiae Lovaniensis 1432-1797*, ed. J. van Eijl, (Leuven: Leuven University Press, 1977): p. 279.

⁴⁴ Black, *Council and Commune*, p. 65.

⁴⁵ *Ibid.*

He, therefore, views the notion of '*corpus mysticum*' as a literal embodiment of Christ's human nature. Those who are part of the Church partake in a single *esse* or *substantia*; namely, Christ's.

Van de Velde bases his argument on St. Paul's ecclesiology in I Cor. 12: 12-27 that says: 'just as such limbs are joined up to one root principle of life, which is the heart so all the members of the Church are coordinated in one original or root principle of mystical life, which is Christ';⁴⁶ for this reason, the Christian community is the body of Christ. At the root of this unity is the unifying principle of faith, that by which Christians gain the *being* of Christian. Van de Velde quotes Romans 1: 17: 'faith, as the same apostle testifies, is the spirit of life unifying universally all the limbs (members) of the Church in the same way that the life of the heart flows into the other parts of the human body to give them life.'⁴⁷ Thus, faith is the *spirit of life* – it is the 'form of the church.'⁴⁸

In Cusanus, on the other hand, ecclesial unity becomes the essence of the church due not mainly from its structure but from the Church's being that emanates from union with Christ. The DCC begins: 'From the beginning we have been predestined for that marvellous harmonious peace belonging to the adopted sons of God through Jesus Christ who came down from heaven to bring all things to fulfillment.'⁴⁹ The Christian (or as it were, the citizen of the Church) is predestined to enjoy 'a harmonious peace,' that comes through Jesus Christ. The essence of the Church is its adherence to Christ: 'that the one universal church is made up of all rational spirits adhering to Christ.'⁵⁰ This union is the means

⁴⁶ *Ibid.*, p. 65.

⁴⁷ *Ibid.*, pp. 64-65: 'Velde defends this collectivist interpretation of the organic analogy by appealing to Aristotle's doctrine that functions such as understanding or anger should be ascribed to the whole man and not to the soul alone; we should not say 'the soul of the man understands' but 'the whole man understands through the soul.'

⁴⁸ *Ibid.*

⁴⁹ *Sumus enim ab initio ad hanc supermirandam harmonicam pacem in adoptionem filiorum Dei per Iesum Christum praedestinati, qui ideo descendit, ut adimpleret omnia* (4); cf. also 176.

⁵⁰ *ex omnibus rationabilibus spiritibus Christo adhaerentibus ipsa universorum unica constituatur ecclesia* (247).

by which human beings could attain that harmonious peace they have been destined. The true church is that which is united in Christ through the beatific vision (mystical union).⁵¹ Only when in the state of grace are Christians, therefore, true members of the church.⁵² For this reason, the hierarchical ordering of the members of the church is according to their purity and the act of purification they perform.

Union with Christ, from whom the church has received everything it needs for its salvation, undergirds the unity and concordance that is the church itself: 'Thus, the church exists in a concord.'⁵³ This unity is achieved by a common baptism in Christ, and by the act of believing in Him: 'It is joined together by a common belief.'⁵⁴ This means that faith, and not perfection, is the condition for membership in the Church militant;⁵⁵ for the perfected and those being perfected are the truest members of the church.⁵⁶

His favorite figure for this adherence to Christ by faith is the sacrament of marriage, which only takes place when there is

⁵¹ Cf. also 22 where he says that *corpus ecclesiae* is the gathering of the saved as opposed to the Institution.

⁵² This is an idea Cusanus will hold even as a papalist; cf. Cusanus' 'Epistola ad Rodericum de Trevino, archidiaconum, oratorem regis Castellae (1442),' in *De Auctoritate Praesidendi*, ed. G Kallen, Cusanus-Texte 2: Traktate 1, (Heidelberg, Carl Winter, 1935), pp. 106-12; English translation is found in T. Izbicki, 'The Church in the Light of Learned Ignorance,' *Medieval Philosophy and Theology* Vol. 3 (1993), pp. 186-214.

⁵³ *Igitur ex concordantia subsistit ecclesia* (233). Cf. also 32. But in 31 he says, *Et quia Christus est omnia, ut praehabitu est, tunc ex Deo, angelis et hominibus per Christum Deo unitatis est ecclesia radicali consideratione.*

⁵⁴ *Nam licet fides una sit funiculus colligantiae....* (27).

⁵⁵ In this context, faith is taken to be a subjugation of the intellect: *Et sic homo se secundum spiritum intellectivum subiciens et credens in Christum, quod ipse sit via, veritas et vita, de ecclesiae dicitur, licet nondum spiritus subiecerit sibi animam nec per animam corpus* (24). Faith is the Christian's connection to the Godhead: *non est praescisio durante fide, sed adhuc est conexio ad instar membri aridi* (25).

⁵⁶ Cf. 22. Faith as a spiritual reality is heard by angelic spirits. It is by faith that the individual is connected to the spiritual realm.

obedience and fidelity.⁵⁷ The analogy of marriage, effected only by an expressed consent of the betrothed, also points to the need for concord and consent in the life of the church. He continues the same theme in the paragraph 27 where he defines the church as a) a gathering together in unity and concord, b) characterized by a spirit of fraternity, and c) which is the opposite of division or schism. Here *fides* means the object of faith (*fidei* or matters of faith). Therefore unity of faith also refers to what is believed.⁵⁸ At this point Cusanus moves from the notion of church as merely having *faith* in Christ to a notion that takes church as that which has *the faith*⁵⁹: 'the faith is like a continuous spiritual line connecting all Christian to the Head.'⁶⁰ In the DCC, the unity of church is a unity of faith in both its subjective and objective senses.⁶¹ In the DCC, adherence to God in faith ultimately means obedience to the authority and precepts of the faith.⁶²

This kind of discourse is constantly at work in the DCC. Cusanus defines the priority of faith and the spiritual in the nature and end of human life, and in so doing, he defines the locus of political primacy. No clearer example of this phenomenon than this passage: 'But the foundation of peace is to direct subjects to their eternal end, and the means to reach that end are the holy precepts of religion.'⁶³ Sacerdotal pre-eminence is hinged on the fact that human beings seek 'eternal bliss,'⁶⁴ which they only find in Religion.

⁵⁷ *constans in fide* (26). Although requiring humble obedience (faith), unity does not mean the absence of difference of opinions, cf. 259. This is akin to the notion found in other conciliarists like Van de Velde who said that the church is a unity in faith.

⁵⁸ There is also a sense that unity means also 'continuity (of laws for example),' cf. 477.

⁵⁹ The Faith is the *cathedra* and its laws (58-59); we know this because when we want to mean the Church we say 'The Faith' (71, 125, 140, 169).

⁶⁰ *fides est una linea spiritualis continua penetrans cunctos Christo unitos usque in caput* (29).

⁶¹ Cf. 140.

⁶² Cf. 37, 56.

⁶³ *Principatum autem pacis est ad finem aeternum dirigere subditos, et media illum pertingendi sunt sacra instituta religionum* (348).

⁶⁴ *summa pax*, 331.

The supremacy of the church and the priesthood is tied to man's goal of salvation. The human need for salvation, however, also serves as a limit to the exercise of power by both the pope and the emperor. The monarch can only wield his power in order for his subjects to attain heaven. For this reason, he must adhere to the rule of natural and positive law.⁶⁵

Sacred Scriptures

Cusanus, despite being a canon lawyer, insists that the structure of government must be based on Scriptures, especially the Gospels: 'We should examine the words of Christ that are to be applied to the church and the successors of the apostles; so as to establish in this way the basis of ecclesial power.'⁶⁶ Some aspects of medieval political philosophy hinges on the interpretation of the words Jesus uttered to Peter and whether these words were meant also for the Apostles. Cusanus' redefinition of papal powers, for example, corresponds point by point to his reinterpretation of the Peter passages. Interestingly enough, the DCC always takes the Scriptures not by itself but in relation to the canons of the Ancient Councils. In the conciliar tract, we find three kinds of law: Eternal law, natural law, and the canons. The first two are the laws expressed in the scriptures and the Ancients that serve as basis of canon law.⁶⁷ Sacred Scriptures is never taken out of the context of the canons and the rule of Law.⁶⁸

⁶⁵ Cf. also: *hoc est illud ordinatum spiritualis colligantiae divinum matrimonium in radice durative concordantiae assitutum, per quod ista res publica optime ad finem aeternae felicitatis summa pace dirigitur* (331).

⁶⁶ *Oportet investigare, quae verba Christi ad ecclesiam et apostolorum successores trahi debent, ut in illis fendetur radix ecclesiasticae potestatis* (49).

⁶⁷ Cf. 103, 170.

⁶⁸ This is Cusanus' criticism of Marsilius of Padua who wished that the Doctors be followed only when their proposition were also found in Scriptures: *tantum possit defendere opinionem, resolvendo solutionem omnium argumentorum in contrarium ad hoc, quod auctoritatibus doctorum credere non artamur, nisi inquantum se in canone Bibliae fundatur* (265). He says this is a 'perniciosa opinio' since 'sanctae ecclesiae approbationem probabiliū doctorum' (265).

Cusanus views the Bible as inseparable from a certain tradition of interpretation.⁶⁹ He proposed that instead of from the Decretalist tradition, which was the practice then, Scriptures should be interpreted from the tradition of the Fathers of the Church and the Ecumenical Councils, or those whom he called the Ancients.⁷⁰ The stand was that the canon of the Ancients was greater than the Decretals of the Pope.⁷¹ Cusanus' return to the Ancients was conciliarism at work. The continued adherence to the Decretals affirmed the papalist view that only the Roman Pontiff had apostolic succession. Adherence to the Ancients meant that apostolic succession was in the Council and the Fathers, who succeeded the whole band of apostles.⁷² Thus, the DCC would argue not from the precepts but also from the practice of the Ancient Church.⁷³ Departure from the forms handed down by Fathers led to disorder, Cusanus declares.⁷⁴ For this reason, the DCC does not wish to propose new laws, but wished to revive the ancient ones.⁷⁵ What is important is to return to the canons of the ancients. Law being eternal, what was true then should be true in their time.⁷⁶ The novel interpretations of the *moderni* were taken as a kind of vanity. Quoting St. Ambrose, he says: 'One's own writings deceive. They are heard with delight like ill formed offspring, and thus his shameless words please their author.'⁷⁷

This way he shares something in common with another Basle conciliarist, John of Segovia.⁷⁸ Segovia asserts a conciliarism

⁶⁹ Cf. Sigmund, *Nicholas of Cusa*, p. 160, where he says that like the *Decretum*, Sacred Scriptures was open to the interpretive use of different positions.

⁷⁰ Cf. 180, 186.

⁷¹ Cf. 177.

⁷² Cf. 213, 308, 407, 565, 570, 598.

⁷³ Cf. 480, 507.

⁷⁴ Cf. 208, 238, 246.

⁷⁵ Cf. 191.

⁷⁶ Cf. 180; 213.

⁷⁷ *Unumquemque enim fallunt sua scripta et aurem praetereunt atque ut filii deformes etiam delectant* (265).

⁷⁸ They would unfortunately become enemies when Cusanus shifts positions in 1437. For a short biography of John of Segovia, cf. Black, *Council and Commune*, pp. 118-25.

marked not primarily by philosophy but by the Bible and sacramental nature of the church. Segovia, like other Basle conciliarists, defined the church as 'the mystical body, animated by the faith of Christ, associated in unity of the Spirit'.⁷⁹ This reveals that for him, conciliarism is neither a philosophical nor a canonical position, but rather one whose precepts, forms of argumentation, and fundamental bases are theological. Black, who considers Segovia as the mouthpiece of the Council of Basle, says that 'what is peculiar to Segovia and some of his colleagues is the overlaying of juridical conceptions of conciliar sovereignty with a spiritual meaning'.⁸⁰ This spiritual meaning is nothing but notions at the core of Christian teaching: *communitas* and *caritas*.⁸¹ If this is what it means to be Christian, then, other than by an individual papal monarch, the Church must be governed by a 'group of persons ...bound together by mutual love and their pursuit of the knowledge of God'.⁸² In the same vein, for Segovia, ecclesiology cannot be based on philosophy, especially Aristotle's. Segovia considered the Catholic Church as an organization *sui generis*; for this reason, secular political ideas cannot be applied to it. He also believed that church constitution must be revealed and therefore should be teased out from theology.⁸³

II.

Cusanus' theology, however, is uniquely characterized by a Trinitarian and an emanation cosmology and by a Christo-centric notion of Church Unity. *Concordance*, or the harmony among diverse and unequal parts, constitutes the Church. Within the Theory of Concordance, the consent of the governed is seen as necessary in the creation of governmental authority. The theory would require

⁷⁹ *corpus mysticum, fide Christi animum, in unitate Spiritus sociatum*; cf. *Ibid.*, p. 141.

⁸⁰ *Ibid.*, p. 153.

⁸¹ Segovia is poles apart from Ockham's quasi-individualist notion of the Church as a mere 'aggregate of the faithful' (*collectio fidelium*) (*Ibid.*, p. 153).

⁸² *Ibid.*, p. 153.

⁸³ *Ibid.*, p. 129. Segovia read Aristotle more carefully and reproduced his ideas more faithfully than other Basle conciliarists.

the Pope not only to see his own position within the Church but also for him to acknowledge the place of consent of the governed in the exercise of authority. At the summit of his theological conciliarism is the identification of the Church with the notion of the *cathedra* by which he is able to abstract the Church from the individual members and attach it to a truly indefectible locus of concordance and unity.

Emanation Discourse

A theological reading of the DCC would show that Cusanus' conciliarism is built primarily on a Theory of Concordance. Cusanus believes that harmony would be achieved in the Church because of the adherence to the underlying harmony God placed in the Universe. In this way, metaphysics and cosmology are not incidental but central to the argumentation of the DCC. Such a metaphysics can be said to be emanationist and Trinitarian. In paragraph nine, he says: 'All things from creation flow from one eternal and perfectly simple God and reflect him in varied ways and in different degrees of perfection'⁸⁴ Like a magnetic stone, God holds the universe by a transmission of power in grades of succession, and yet his power remains uniformly undiminished all throughout the succession.

Through the emanation discourse, Cusanus wants, firstly, to establish the source of the hierarchical nature of the universe (and thus of the Church); and secondly, to explain the unity that runs through that hierarchy due to the identity of God's presence in all the grades: "Thus, I think of the Word from above as like a magnetic stone the power of which extends through everything down to the lowest being. Its infinite power is not lacking down through the ranks, but there is a marvellous order of interconnection among

⁸⁴ *sicut a Deo unico, aeterno, simplissimo fluunt per creationem cuncta in quadam diversa varie et diversitate distanti imagine* (9). The critical edition cites Pseudo-Dionysius (*De coelesti hierarchia* 4, 3) and Albert the Great (*De causis et processu universitatis* I, 4, 5). The source of Pseudo-Dionysian elements of the DCC is at once interesting and problematic. Interesting for it serves as one link to the rest of the Cusan works; problematic for Cusanus has not read Pseudo-Dionysius at this point. It would be after he has gone to Constantinople that he will be able to furnish a copy for himself. Possible sources are, the Fathers of Church, including Augustine, but also Heimerich Van de Velde and Ramon Lull. A separate study is necessary to attempt to solve this problem.

finite and limited creatures.’⁸⁵ The undiminished divine presence that angels, heavenly bodies, men, and material objects possess demonstrates the interconnection among them. Both their being ordered in a hierarchy and the unitary thread of God’s spirit in them put them in a beautiful concordant relation to each other. He says the same thing in paragraph forty-one: ‘since God is infinite light, every light outside of God, being created and finite when it is compared to God, is considered reflection of the Infinite Light. And the more distant it is from God, the darker it is, although in heaven the eternal divine Light embraces every spirit with a radiance that completely fulfills the desire of each.’⁸⁶ The grades are created by the varying degrees of reflection of creatures through their being. Some beings reflect God more closely, while others are more distant, becoming mere shadows of Him. We see here two tendencies in the Cusan use of the emanation discourse: firstly, he tends to emphasize the *plurality* of ways by which the contents of the universe mirror the Infinite Light, and, secondly, he leans towards reiterating their *unity* in God. He seems to be saying that the unity only makes sense because they are a multiplicity. Thus, even though they all express one and the same divine reality, the members of the whole express that reality in a unique way.

Trinitarianism

In the *DCC*, the universe is as Augustinian as it is Pseudo-Dionysian, for he tends to see it also as trinitarian: ‘all created things demonstrate the Trinity, since they are either spiritual, corporeal, or mixed.’⁸⁷ By spiritual things he means the angels whose nine choirs have three divisions: ‘so that throughout the heavenly choirs of angels there is a hierarchical unity and the sign

⁸⁵ *Sic verbum supernum lapidem imaginor, cuius virtus penetrat cuncta usque ad ultimum, non quod gradatim deficiat virtus infinita, sed ut finitis et terminatis creaturis insit mirabilis conexionis ordo* (10).

⁸⁶ *Quia Deus est lux infinita, tunc omnia lux extra deum creata finita comparative ad Deum umbra infinitae lucis censetur. Et tanto plus umbrae habet, quanto a Deo distat, licet in patria lumen aeternum divinum sufficientissime iuxta omne desiderium quemlibet spirituum irradiando complectatur* (41).

⁸⁷ *Hoc generali ordine trinitatis figuram gestant cuncta creata, quae aut spiritualia aut corporalia aut mixta sunt* (11).

of the Trinity – a unity in trinity and trinity in unity.⁸⁸ He describes the corporeal things next: there are nine spheres, which are divided into three, with the earth as the lowest sphere. Apart from pure spirits and pure matter, there is man who is a mixed type of creature who has rational, sensate, and vegetative powers.⁸⁹

The trinitarian quality of the universe implies that ‘there is a marvellous combination in nature, the whole world shares in a mutual spherical interaction, and everything is ordered to a single end.’⁹⁰ Cusanus sees the triadic ordering of nature as a cue for the order, relation, and unity of all creatures in the universe. That each creature bears the mark of the Trinity means that there is *concordance* in the universe no matter how discordant, hateful, or schismatic it appears to be. Each being participates in the same Principle that preserves all of them, and at the same time, each of them has a position in a hierarchy based on their resemblance to that Principle.

This trinitarian-hierarchic quality of the universe has logical priority in the ecclesiology of Cusanus. For from it, he will say that there are three churches: triumphant, sleeping, and militant.⁹¹ In another place he says that the ‘*body of the church*’ signifies the Trinity since three great orders are found to be marvellously linked to a single head, Christ.⁹² These three orders are the sacraments, the holy priesthood, and the faithful. He couples here the trinitarian metaphysics with the emanation discourse for these orders are all *subordinated* (*subalternatur*) to heavenly orders. The sacraments, he says, are subordinated to the Trinity; the priesthood to the angels, and the faithful to the blessed. Their ordering is based on their purity and powers of purification: ‘the sacraments enlighten

⁸⁸ *Ut per omnes caelestium angelicorum spirituum choros sit unitas hierarchica et signaculum trinitatis et unitatis in trinitate et trinitatis in unitate* (11).

⁸⁹ The realm of the elements is the shadow of the hierarchy of man. Cusanus says he will discuss this elsewhere. But he does not say where, cf. 11.

⁹⁰ *quanta ibi miranda naturarum combinatio, quanta orbicularis et influentialis mutua participatio quantusve in hiis ad unum finem ordo invenitur* (12).

⁹¹ Cf. 247.

⁹² *Est autem in hoc corpore ecclesiae concordantia investiganda in signaculo trinitatis, quoniam reperiatur tres ordines magni in una mirabili conexione ad unum caput Christum* (32).

and purify, the pastoral priesthood purifies and is purified, and the faithful are purified and do not purify.⁹³ The trinitarian character of the church seeps even through the sacraments, which are composed of the sacrament itself, the signification it performs, and the thing by which it signifies.⁹⁴ Finally, the church has three powers that correspond to man's tripartite nature of reasoning, sensation, and vegetation. As man possesses spirit, soul, and body, the church too has three elements that correspond to the threefold character of man: namely, the church itself, which is its spirit, the priesthood, which is its soul, and the empire, which is its body. We see in these passages that numbers have more than an accidental significance in the DCC. The trinitarian cosmology enables Cusanus to divide the church into different parts, and as it were into different powers. The theory enables him to demonstrate how the church is both a unity and a hierarchy, and therefore, a concordance of equality and inequality.

Concordance

From its title alone, we can be sure that, rather than consent, *Concordantia*,⁹⁵ is the single most important concept in the entire work. In the DCC we realize that *concordantia* has multifarious significances. Understanding all of them is the key to getting at the heart of the conciliarism and political philosophy of DCC. The need for consent (tacit and explicit) of the governed merely follows the logic of the theory of concordance.

⁹³ *sunt sacramenta illuminantia et purgantia, est sacerdotium pastorale purgatum et purgans, est fidelis populus, qui purgatur et non purgat (Ibid.)*

⁹⁴ Cf. 33.

⁹⁵ According to Paul Sigmund, Cusanus gets the term from Augustine and Ramon Lull, (Sigmund, *Nicholas of Cusa*, p. 123). Augustine spoke of *concordia ordinata* (and not of *concordantia*), which points to an attempt at getting to a unity based on order and harmony. Morimichi Watanabe, on the other hand, traces the first appearance of *concordantia* to the *Summa Pariensis* written around 1170 (Watanabe, *Political Ideas*, p. 183 n. 72). People like Hugucio, Vincentius Hispanus, and Tancred cited the term. This view is more likely as the title resembles Gratian's *Concordantia Discordantium Canonum*, which signifies an effort to bring coherence to inconsistent laws. It is to be remembered that Cusanus was a canon lawyer. Antony Black, in his turn, says that he derived it from Ramon Lull through his teacher Heimerich Van de Velde (Black, *Council and Commune*, p. 52).

An emanation metaphysics like Cusanus' would naturally make God the source of the concordance in the church. God is the source of concordance for we find infinite concordance in Him: 'and therefore life is everlasting where there is no opposition.'⁹⁶ Life abounds in the Divine Essence for in him life and being are in highest equality. The same concordance is found in creatures: 'every living being has been created in harmony';⁹⁷ in this way God is found in all.⁹⁸ We see here that finite beings as creatures resemble God in terms of the concordance in their beings. In the logic of the DCC, the greater the concordance, the closer the being is to God.

Rather than mere unity (*unitas*), Cusanus speaks of concordance because the term allows him to speak of differences also: 'But every concordance is made up of differences. And the less opposition there is among those differences, the greater the concordance and the longer the life.'⁹⁹ He signifies that although difference is unavoidable, it is, nonetheless, the source of opposition in finite creatures. Consequently, the more the oppositions are resolved, the more the creature has being, and the more it gets closer in reflecting God. We know that in God, the differences of three persons find no opposition. As Trinity, he is unity in three, and trinity in unity: 'Behold the ineffable concordance that exists in a God who is three-fold and unitary.'¹⁰⁰ For this reason, the various divine attributes are integrated into the concordant person of God. In various other passages, we find this use of concordance to signify the coming together of multiplicities into one.¹⁰¹ The very same idea is con-

⁹⁶ *ibi nulla contrarietas locum habere potest, ubi aeternitas vita est* (6).

⁹⁷ *omne esse et vivere per concordantiam constitui*, cf. 581, which says that concordance is necessary in living beings: *rupta vero harmonia ac naturali concordanti proportionem in quolibet vivente segregatur, anima a corpore, praecedente mortali febre et incurabili infirmitate*.

⁹⁸ Cf. 4.

⁹⁹ *Omnis autem concordantia differentiarum est. Et quanto minor contrarietas in differentiis, tanto fortior concordantia et longior vita*. (6).

¹⁰⁰ *Ecce inexpressibilem concordantiam in deo trino et uno* (6).

¹⁰¹ Cf. 48: *unus episcopatus multorum concordie numerositate diffusus*; the French translates that as: 'un l'episcopat à travers la multiplicité concordante de nombreux eveques' (*De la docte Ignorance*, tr. L. Moulinier, (Paris: Librairie Félix Alcan, 1930). While the English translates it as: 'one episcopate divided into many

veyed when he refers to the concordance of the 'harmonious unity created by hierarchy.'¹⁰²

In another sense, concordance too is what makes the Church what it is: 'Concordance is the principle by which the Catholic Church is in harmony as one and many – in one Lord and many subjects.'¹⁰³ Concordance is what Christ, the King of Peace, sweetly breathes into his apostles: 'Flowing from the one King of Peace with infinite concordance, a sweet spiritual harmony of agreement emanates in successive degrees to all its members who are subordinated and united to him.'¹⁰⁴ This means that a church in schism is not a true Christian Church. Concord (*concordia*) is also the distinctive characteristic of the council.¹⁰⁵ In this case, the term would carry with it the significance of consent and agreement (*consensus*): 'concordant agreement of the apostles'¹⁰⁶ As that which gives the council its unique power to decide on matters of faith, concordance as consent is the source of the force of law: 'the force of a law comes from the concordance of the subjects who are bound by it.'¹⁰⁷ Thus,

bishoprics in a harmonious plurality'; in 233 this notion is echoed: *vera concordia ex diversitate contexeretur*.

¹⁰² *unitatem concordantiae, sine qua hierarchia non subsistit* (20). Cf. also 35, 40, 135. Therefore, he also uses it to mean the way a polity is arranged; cf. 340. This means that the right order is through harmony of diverse elements.

¹⁰³ *Concordantia enim est id, ratione (principle) cuius ecclesia catholica in uno et in pluribus concordat, in uno domino et plurius subditis* (4).

¹⁰⁴ *ab uno concordantiae rege pacifico fluit dulcis concordantialis harmonia spiritualis gradatim et seriatim in cuncta membra subiecta et unita, ut sit unus deus omnia in omnibus* (4). This reminds me of paragraph 580 where in he speaks of pacified spirit (possibly through the participation in the sacraments).

¹⁰⁵ Cf. 69.

¹⁰⁶ *concurrente tamen electione apostolorum* (61). Cf. also 275 and 328. Thus, in 363 it means the absence of disagreement (*dissentiunt*). Concordance is also related to unanimity (92, 190). For the extensive explanation of the notion of Consent in the DCC, cf. Sigmund, *Nicholas of Cusa*, pp. 137-57; Watanabe, *Political Ideas*, pp. 45-58.

¹⁰⁷ *vigor legis ex concordantia subiectionali eorum, qui per eam ligantur, subsistat* (110). In 328 the notions of concordance as both adherence to law and consent converge; thus, concordance is related to the consent expressed through election.

the councils find their harmony in the continuity of laws.¹⁰⁸ What this all adds up to is the notion of concordance as *consistency of laws*. Laws should not contradict each other because they all come from the same source, the Holy Spirit.¹⁰⁹

Hierarchy in the Church

In the conciliarism of the DCC, concordance finds its expression in the notion of *hierarchy*, which is also the *primary manner* by which the church is ordered. We will find that hierarchy in the DCC is not limited to the hierarchy of priests, but is applied to all aspects of church life. Principally, he means by 'hierarchy' the harmonious unity of diverse members or, in other words, 'the concord of one and many, in one head and many members.'¹¹⁰ Hierarchy is the best expression of the concordance of one and many.¹¹¹ The notion of hierarchy comes from both the Pseudo-Dionysian foundation of the DCC and the longstanding experience of the Church itself. In the experience of Cusanus and his contemporaries in the fifteenth century, this very hierarchy was the source of turmoil and dishonour in the church. Thus, in line with the spirit of the Council of Basle, Cusanus wanted to effect change in the Church without necessarily going against its hierarchical, or even its monarchical, structure.¹¹² One of the fascinating aspects of his conciliarism is how it weaves a communal theory of government

¹⁰⁸ Cf. 125, which in turn is also related to the unity of the *cathedra*; concordance is also the singularity of sacramental powers 209; 563 refers to the agreement of laws with canons or that they shouldn't contradict each other.

¹⁰⁹ Obliquely concordance may also mean *corroboration* (295).

¹¹⁰ *concordiam illam esse in uno et pluribus* (20).

¹¹¹ Cf. 30, 35.

¹¹² No doubt Cusanus envisioned the church government in no other way but a monarchy (cf. 282-283, also 294), albeit a monarchy limited by expressed or tacit consent. In 191 he says: '*Nomine enim cleri Romanae ecclesiae, in quantum monarchicum significat Romana ecclesia, cardinales veniunt, ut superius quodam loco dicitur.*' (191) This is a strange formulation because he seems to be describing an aristocracy more than a monarchy. The status of the cardinals *vis-à-vis* the papacy and the council is one of the least clarified aspects of the DCC. The notion of monarchy limited by consent of the nobles (the council) is further enhanced by the odium against tyrants (329).

with a highly graded one. Sigmund's reading of the DCC saw this as an inconsistency in the system; for hierarchy was taken in opposition to the egalitarian project of the conciliarism.¹¹³ One could not, however, agree with this for the whole text makes it clear that the Cusan notion of concordance is not merely the coming together of equals, but the agreement among unequals, of the so-called, '*pluribus* (diverse members).'

The primordial hierarchy in the Church is the hierarchy of churches: 'And this is a marvellous continuity through the disparate intermediaries, since the whole church sleeping is subordinated to the church triumphant, the higher part of the church sleeping is subordinate to the church triumphant, the higher part of the church militant is subordinate to the lowest part of the church sleeping.'¹¹⁴ We see here the summary of the logic of his Theory of Hierarchy: a) there is a *continuatio* in the various unequal grades, and b) the inferior has a subordinated relation to its superior. By *subordination*, Cusanus does not mean primarily subjection but rather *reflection*; such that the lower grade draws its being from the higher, thereby becoming a copy of it, obscurely mirroring its superior's being.¹¹⁵ Therefore, each grade, except the lowest, influences, communicates or shares its being, thus producing the lower grade.¹¹⁶

We find that the sacraments are also ordered as if in a ladder of religious mysteries: 'And so the sacraments are communicated by God in a hierarchical order, for there are so many sacraments.'¹¹⁷ Conceding that the details of such a hierarchization lie hidden to the human mind, Cusanus, nonetheless, says that since the object of the sacraments is to direct the faithful to Christ, the highest of the sacraments is the Eucharist. Christ himself is naturally '*sacra-*

¹¹³ Sigmund, *Nicholas of Cusa*, p. 40.

¹¹⁴ *Et haec est miranda continuatio per disparia media, nam tota dormiens est sub tota triumphanti, altior dormientis immediate sub infimo triumphantis et altior militantis sub infimo dormientis* (30).

¹¹⁵ Cf. 32.

¹¹⁶ Cf. 40-41.

¹¹⁷ *Et talis divina sacramentalis communicatio habet hierarchicum ordinem, quoniam tot sunt sacramenta* (33).

mentum sacramentorum.' Finally, we find that the priesthood is ordered in a hierarchy in terms of 'responsibility for government and rule.'¹¹⁸ Priestly powers, therefore, come in two forms: a) in terms of orders and b) in terms of jurisdiction. Both refer to the same priesthood that comes from Christ, but both could be ordered for purposes of rule.¹¹⁹

What is the purpose of the hierarchical orders in the Church? Cusanus states quite clearly that it is not for power and subjugation but *pro conservatione universi*.¹²⁰ Obviously, the DCC does not maintain hierarchy in order to ensure papal headship but to accentuate the intermediary ranks. This meant that the pope should respect the power of metropolitans and bishops and that direct appeals to Rome on judicial matters were annulled.¹²¹ Thus, it becomes clear that hierarchy tied with concordance has more than an accidental function in the conciliarism of the DCC. Its use is not a concession. Redefined in terms of the unity of the many, hierarchy becomes a potent instrument in limiting the powers of the pope.

Cusanus also draws up a hierarchy of Councils: 'There are different conciliar gatherings ranking from the lowest through various intermediate grades up to the highest universal synod.'¹²² There are the synods of a parish, diocesan synod, the metropolitan and provincial synods in the kingdom or a nation, and then the patriarchal council, the council of the universal church. Just like in the other hierarchies, the higher councils have powers over the lower one; and in the case of the councils, the lower one could be corrected (that is, its laws could be abrogated) by the higher councils, especially by the Universal Council.¹²³ Laws too form a

¹¹⁸ *cura regitiva praesidentiali*, 35.

¹¹⁹ For an extensive discussion on how the Church is to be constituted, Sigmund, *Nicholas of Cusa*, pp. 158-87 and Watanabe, *Political Ideas*, pp. 61-97.

¹²⁰ Cf. 42.

¹²¹ Cf. 220. The same hierarchized judicial system is proposed for secular courts (511).

¹²² *Sunt autem synodicae congregationes differentes gradatim a minima per media varia usque ad universalem maximam* (71).

¹²³ Cf. 178, 202-203.

hierarchy in the DCC. The canons have priority over law when contradiction arises; which in turn follows after the hierarchy that exists between the church and the empire.¹²⁴ The latter being below the former.¹²⁵ But a clear statement of independence of jurisdictions qualifies such subordination. The Church through the rule of the pope has *cura fidei* (responsibility of faith) while the Emperor has *cura custodiae* (responsibility of guardianship).¹²⁶ In the Empire, hierarchy is related to social order.¹²⁷ The hierarchy in the empire points to its head (the Emperor) who gives clarity in leadership and avoids confusion; confusion, on the other hand, leads to lack of safety (*tutus*), so that when the people do not feel safe, nothing will stop them from doing away with the princes altogether.

IV.

Sacramental Nature of the Church

The concordant and hierarchical natures of the church point, however, to something just as fundamental in the ecclesiology of the DCC: namely, the sacramental nature of the church.¹²⁸ This idea refers to the idea that through the Church, human beings are able to experience and encounter God. As sacrament, the church 'makes the invisible visible,' for which reason, it is often described as the spouse of Christ. The sacrament of the marriage is often designated as a sign-within-the-sign for the relationship between Christ and his Church.¹²⁹ This union with Christ enables the

¹²⁴ Cf. 563.

¹²⁵ Cf. 568.

¹²⁶ Cf. 349.

¹²⁷ Cf. 503.

¹²⁸ Unlike other conciliarists who have divested the church qua *corpus mysticum* of its sacramental nature, Cusanus by appealing to the Fathers rediscovers the identity of the *corpus politicum* with the *corpus mysticum* qua sacrament, cf. F. Oakley, 'Natural Law, The Corpus Mysticum, and Consent in Conciliar Thought from John of Paris to Matthias Ugonius,' in *Speculum* 56 (1981): pp. 786-810.

¹²⁹ Cf. 164; 232. The use of this figure will enable Cusanus to discuss the necessity for consent in the life of the church (233). Cf. also 236 where he says Christ is related to the church in the same way Eve is related to Adam. The

church to *give* Him to its members. *Ecclesia* is nothing but the union with Christ through the sacraments. For members, their relationship with the Church is spiritual *qua* sacramental. It is through the sacraments that they are united with Christ: 'when the soul feeds on the food of wisdom it becomes a sharer in the divine nature. For the Son is the wisdom of the Father.'¹³⁰ In this sense, the church is *primarily* sacramental in its life: 'God is a spirit who is joined by grace to the body, that is the faithful people by means of the sacraments, administered by the priests of the Lord, as their souls, so that man is in God.'¹³¹ The passage states in no uncertain terms the fullness of the ecclesiology of the DCC. Through the sacramental life of the church, man is reborn into spiritual life: 'Whoever wishes to have God as his father can not be born again to life except through the Church, mother of all living men – as in Cyprian.'¹³² This way, the body, the Church, is joined to God's spirit.

Cusanus uses the body-soul discourse to explain how the different parts of the Church are related to God for he defines the 'body of the Church' as the sacraments, the priesthood, and the faithful. Each of these spheres of the ecclesial body is subordinated (*subalternatur*) to a heavenly reality: 'First, the sacraments are subordinated to the divine concordance of Trinity and Unity. Secondly, the holy priesthood is subordinated to the divine concordance of the angels, the ministers of the Holy Trinity, since the priests are the ministers of the sacraments. Thirdly, the faithful on pilgrimage on earth are subordinated to the blessed spirits in heaven. The sacraments enlighten and purify, the pastoral priesthood purifies

same image is used to describe the concordance in any commonwealth, be it the church or the empire: *Hoc est illud ordinatum spiritualis colligantiae divinum matrimonium in radice durative concordantiae assitutum, per quod ista res publica optime ad finem aeternae felicitatis summa pace dirigitur* (331).

¹³⁰ *quoniam per hoc quod anima cibo sapientiae pascitur, tunc divinae efficitur consors naturae. Filius enim est Patris sapientia* (14).

¹³¹ *Deus enim spiritus est, qui per medium sacramentorum, quorum ministri sunt domini sacerdotes, tamquam per animas corpori, id est fideli populo, gratiose coniungitur, ut homo sit in Deo* (580).

¹³² *Qui Deum patrem habere vult, non potest in vitam regenerari nisi per matrem viventium, scilicet ecclesiam* – Cyprian (7).

and is purified, and the faithful do not purify at all.'¹³³ In paragraph 580, he takes the faithful to be the body, and the priests as the spirit; such that the faithful, in order to live, must eat of the body of Christ, which the priests alone can distribute.¹³⁴

From this core spiritual life of the church, Cusanus draws a political philosophy wherein the Church is superior to the Empire, and more importantly, where the sacramental power is higher than the jurisdictional. This identification of the Christian life and of the Church with sacramental life enables him to argue not only the superiority of the sacerdotal class both in the Church and in the Empire, but also to argue for the superiority of the entire priesthood – taken as a whole – over the pope. For from the notion of individual priests, Cusanus derives the notion of The Priesthood whose sacramental power is one.¹³⁵

The Priesthood

The Priesthood is characterized by its sacramental power: 'The rank of priests follows. It is characterized by its power to administer the sacraments so that there is continuity in the whole church without any intervening rank. The priesthood thus wears an indelible sacramental sign of its harmonious ordering towards divine things above. And in this priesthood there is a hierarchical order from the highest pontiff down to the laity.'¹³⁶ The sacramental

¹³³ *Primo divinissimae concordantiae trinitatis subalternatur sacramentorum connexio. Secundo divinae sanctum sacerdotium, quoniam sacerdotes sunt ministri sacramentorum. Tertio subalternatur beatis spiritibus in patria homines fideles in via. Et sunt sacramenta illuminantia et purgantia, est sacerdotium pastorale purgatum et purgans, est fidelis populus, qui purgatur et non purgat.* (32). Cf. also 47.

¹³⁴ Cf. 34, 208, 212. Cusanus uses body to refer to different aspects: i.e., the church itself, the faithful, or the empire.

¹³⁵ Cf. 257.

¹³⁶ *subsequitur ordo sacerdotii, qui per sacramenta characterizatur, ut sit continuatio absque omni discissione media totius ecclesiae; et sic gestat sacerdotium signaculum sacramentalis indelibilis communionis ordinis sive concordantiae ad superiora divina. Et in hoc sacerdotio hierarchia est ordinata a pontificatu summo usque in laicum* (34).

power itself is the *continuous line* that permeates all the parts of the church. The priesthood is the intermediary (*medium*) between the spirit (God) and the body (the church itself and the faithful). But the radical and unique conceptual move we find in the DCC is the derivation Cusanus makes of the notion of *the priesthood as a whole* from the fact of individual priests: 'therefore the priesthood is like a single soul of the one body of the faithful.'¹³⁷ The whole of the priesthood is like one soul in the one body of the faithful. He abstracts the notion of the *totum sacerdotium* from the individual priests and takes that to be one soul of the faithful.¹³⁸ As soul, the priesthood performs the same functions the soul does to the body: 'Ruling, life-giving, and illuminative power is given to the priesthood because it is the light of the world and the salt of the earth.'¹³⁹ This means that, like the soul, the priesthood has the power of ruling, life giving, and illuminating. And as soul, the priesthood is one and complete throughout the grades and the members: 'the priesthood is like one soul in the whole church.'¹⁴⁰ Cusanus will be able to argue his conciliarism from this notion of the priesthood as a whole; for by it he would be able to subordinate the papacy to something more primordial. The Pope in this sense is taken as an individual priest whose sacramental power is the same as the one an ordinary priest has. This unicity of orders, however, does not at all negate the sacerdotal hierarchy existing in the Church. Insofar as the priesthood itself is subordinated to the angels, priests serve a function of intercession (*officium intercessionale*), which is the combination (*permixtim*) of the powers of orders and rulership.¹⁴¹ According to this distinction, the pope has power over individual priests, in terms of rulership; while he is subsumed under the priesthood, in terms of sacrament.

¹³⁷ *quare totum sacerdotium est ut anima una in corpore uno fidelium* (34).

¹³⁸ As though lay christians didn't have souls except through the priesthood!

¹³⁹ *Quare sacerdotio convenit virtus regitiva, vivificativa, et illuminativa, quoniam sunt lux mundi et sal terrae.*

¹⁴⁰ *de ipsa ecclesia sacerdotali, quae est ut anima una totius ecclesiae* (156). Cf. 580, 583.

¹⁴¹ Cf. 46.

The Chair of St. Peter

Furthermore, Cusanus identifies the unicity of the priesthood with the *cathedra*, which he calls *unitas cathedrae*.¹⁴² The unity of the *cathedra* is the first of the endowments of the Church and one of the most important graces of the Church to its members.¹⁴³ It is the basis of Christians' sense of belongingness to their church. A church that is integrated assures its members that inclusion rather than exclusion can be found there.

As Cusanus says: 'on the subject of the unity of the whole of *cathedra* it should be noted that the whole priesthood constitutes the church as one body.'¹⁴⁴ Here he says that the priesthood makes the Church one; wherein the Spirit flows to the body through the soul, the priesthood. Continuing, he says: 'because the Holy Spirit performs the actions of the priests through the imprint received at ordination, the priesthood is holy.'¹⁴⁵ The priesthood has power because it is made holy by the Holy Spirit. That spirit transmitted and received by the faithful through the priesthood is the Holy Spirit itself. When we speak of ecclesiastical holiness, we refer to the authority of absolution and teaching. In Cusanus, only a whole abstracted from individuals is holy and, thus, bears fullness of teaching authority. In this sense, the priesthood is subordinated to the angels insofar as the *cathedra* is connected to this power.¹⁴⁶

Cusanus' ecclesiology looks at the church rulership as constituted by the concordance of the angelic spirit, its *cathedra*, and body (the faithful). The Priesthood receives their power from the Trinity itself, and the same power is used to minister to the faithful. The point of connection is the *cathedra* wherein the angel

¹⁴² Cf. 36.

¹⁴³ Cf. 56.

¹⁴⁴ *in tota etiam cathedrali unitate hoc est advertendum, quod totum sacerdotium ecclesiam et corpus unum constituit* (42).

¹⁴⁵ *spiritus sanctus per characterem ordinis sacerdotalia perficit, tunc sanctum est sacerdotium* (42).

¹⁴⁶ Cf. 44.

resides: 'this holy guardianship is exercised by the angelic spirits through the *cathedra*.'¹⁴⁷

The *cathedra* whose holiness is guarded by an angel is to be differentiated from the occupant (i.e., the pope who may be a pernicious person (*pestilentialis*). Only as holy can it be said that truth adheres to the *cathedra*: '*veritas cathedrae assit*'¹⁴⁸ And so: 'Hence in its power to rule, the priesthood has the soul of its rulership in the *cathedra*, and its spirit in an angel, on the model of the example above.'¹⁴⁹ This means that the angel gives the *cathedra*, the soul, and its power. And what is the *cathedra* but the whole of the priesthood – or that which is differentiated from the individual priest, especially the pope.

At this point, we take the veil off of Cusanus' theoretical strategy. He is working out his conciliarism based on the argument that it is in the priesthood as a whole that the promise of indefectibility is fulfilled and not in an individual priest, though he might be pope.¹⁵⁰ He needed to establish the holiness (*infallibilis*) of the priesthood by *abstracting* it from the body (the one who sits on the *cathedra*). This way too he could identify the *cathedra* with the angels, ensuring its deep connection with God. This *cathedra* is the source of what Christians seek from the church: teaching and absolution. By it priests can perform their teaching responsibility, which in the DCC means the powers to define and legislate on what pertains to the orthodox universal Christian faith.¹⁵¹ In effect, what Cusanus is saying is that the *cathedra* is what rules in the church.¹⁵²

Furthermore, that *cathedra* is the chair of Peter,¹⁵³ and as such it is not found only in Rome, but also in Alexandria (where

¹⁴⁷ *praelationem istam sanctam angelicis spiritibus coneciti per medium cathedrae.* (45)

¹⁴⁸ Cf. 45.

¹⁴⁹ *Quare sacerdotium ita ad praesidentiam relatum habet suae presidentiae animam, scilicet cathedram, et spiritum, scilicet, angelum, ad instar prioris* (45).

¹⁵⁰ Cf. 58.

¹⁵¹ Cf. 351, 410.

¹⁵² Cf. 57.

¹⁵³ *cathedra Petri* (57).

Peter sent Mark the Evangelist) and Antioch (where Peter presided for seven years before arriving and dying in Rome). The successors of those other patriarchates are successors to the same *cathedra*.¹⁵⁴ This means that all bishops and not only the Bishop of Rome succeed to the *cathedra*: 'so there is one cathedra for one episcopate made up of all the bishops, in which the Roman bishop sits in the first place.'¹⁵⁵ But what this means too is that, like the priesthood, there is only one *cathedra*, found not only in the pope but in all the bishops, found not only in Rome but in all Christian churches.¹⁵⁶ Membership in the Church, then, is in terms of the being united to the See of Peter. But what that means is union with the *cathedra* (the true teaching) and not merely to the Bishop of Rome: 'that whoever does not adhere to the unity of the *cathedra* is outside the unity of the Church' or 'And these are the church: the people united to the priest and the shepherd to his flock'¹⁵⁷ In no uncertain terms, he defines ecclesiastical membership in terms of union with Peter and his chair: 'Therefore the true church of the faithful is made up of those who consider themselves to be in the faith of Christ and constitute a majority in union with their pastor and with Peter and his chair.'¹⁵⁸ Far from being a papalist argument, this sentence is thoroughly conciliarist; since at this point Cusanus has already redefined the meaning of the Chair as the priesthood united as a whole to the true teachings of the Church.

Cusanus' identification of the Church with the *cathedra* (qua the priesthood as a whole) makes the DCC a truly interesting piece of political work. Through such a conceptual manoeuvre it becomes apparent that Cusanus had a theory of the community as a whole. This, however, is not strictly speaking what Anthony Black calls

¹⁵⁴ Cf. also 61.

¹⁵⁵ *sic est omnium episcoporum unius episcopatus una cathedra, in qua primo sedet Romanus* (57).

¹⁵⁶ Cf. 56.

¹⁵⁷ *quod non adhaerens unitati cathedrae extra unitatem ecclesiae est* (56); *illi sunt ecclesia, plebs sacerdoti et pastor gregi adunata* – Cyprian (58).

¹⁵⁸ *Quare illi ecclesiam veram fidelium constituunt et se suo pastori Petro coadunant et eius cathedrae* (59).

'communal sovereignty,' for the notion of whole here is that which is abstracted from particular or individual members of the community (of priests) and is identified to the Seat protected by the angel who keeps the true teaching of the Church unsullied and pure. The notion of *cathedra* refers to the holiness of the Church that is only found in the Triumphant Church whose members are fully united in God. The notion of the *cathedra* states that the perfect communion of the Blessed is the true sovereign in the Church. Such a notion, however, opens for us new possibilities in understanding the political thought of Cusanus, insofar as it makes us ask how the notion saying that indefectibility lies in the priesthood as a whole squares off with the much celebrated idea of *consensus*, the unanimity which the Holy Spirit effects in the Council. What is the relationship between the historical unity effected through the consensus of the individual members of a particular Universal Council and the universal and eternal unity of the *cathedra* as expressed in the canons? Furthermore, the notion of the *cathedra* makes us see why for Cusanus the True Church, rather than the imperfect and struggling Church on earth, is ultimately the one found in the holy peace of Heaven. This ecclesiology is found not only in the conciliar tract but also in the *De Docta Ignorantia*¹⁵⁹ and his later political thought. The subordination of the Militant to the Triumphant Church, more than any other idea, serves as the regulative idea underlying his whole political thought, both as a conciliarist and a papalist.

Conclusion

Our theological rereading of the *De concordantia catholica*, far from invalidating Sigmund's political reading, serves to complement it. Through the notion of concordance, both hierarchy and consent find their place in the early political thought of Cusanus,

¹⁵⁹ Nicolai de Cusa *De Docta Ignorantia Opera Omnia* I ed. Ernestus Hoffman and Raymundus Klibansky (Lipsiae: Felix Meiner, 1932; *De la docte Ignorance*, tr. L. Moulinier, (Paris: Librairie Félix Alcan, 1930); *On Learned Ignorance*, tr. J. Hopkins, (Minneapolis: The Arthur Banning Press, 1985); 'On Learned Ignorance' in *Selected Spiritual Writings* tr. By Lawrence H. Bond, (Mahwah: Paulist Press, 1997), pp. 85-206.

for *concordantia* refers also to the right relation between what is above and what is below, between the spiritual and the material. It is the harmony between the subject and ruler that consent achieves.¹⁶⁰ Eventually what Cusanus means by this kind of harmony is the obedience by everyone concerned to their duties as prescribed by the canons of the Fathers.¹⁶¹ Disconcordance, on the other hand, results when rulers and subjects refuse to perform what their status demands.¹⁶² Fullness of concordance in the Church results from following Christ who has made friendship and voluntary consent the norm of social order.¹⁶³ Consent, therefore, as the willing acceptance of the inferior of the ruling authority of the superior, requires the continued upholding of hierarchy.¹⁶⁴ Concordant hierarchy is nothing but the harmony that exists among the graded parts. Thus, there is neither inconsistency nor opposition in the DCC between hierarchy and consent; since both are hinged on the notion of concordance that at once means harmony and agreement. Cusanus truly had an intermediate position,¹⁶⁵ for by proving how concordance can be achieved, he didn't take a position that would have further ossified the division between the opposing parties. The theory of universal concordance precedes the conciliarism. One can also posit, however, that his conciliatory and intermediate position also allowed him to swing easily to the side of Eugenius IV.

Nevertheless, we don't think that a sheer analysis of Cusanus' conciliarism as expressed in the DCC would completely explain his transfer of allegiance. We have only sought to take up the DCC

¹⁶⁰ Cf. 164. Their right relation is achieved by reverence and love, cf. 233.

¹⁶¹ Cf. 213.

¹⁶² Cf. 266.

¹⁶³ Cf. 442; There is also a use wherein concordance refers to the people as a whole (collective harmony) – '*quod bases in colligantia concordiali populum sustineant*' (330). Crucial to this is 242 because this paragraph summarizes all the requirements for concordance in terms of agreement and adherence to the canons.

¹⁶⁴ Cusanus' *consensus* should be compared to Segovia's use of trust; Black, *Council and Commune*, pp. 176-83.

¹⁶⁵ Cf. 34.

again and read it from the point of view of Basle's over all theological project. Such a theological reading would be confirmed by some of the remarks Sigmund makes in the 'Introduction' of his translation where he talks about the resemblance of Cusanus' political thought to present day Catholic ecclesiology.¹⁶⁶ He also traces at least two religiously inspired attitudes in Cusanus' political thought: a) its pessimism towards the uneducated masses and b) its great faith in the harmony of the universe. Sigmund interprets the natural tendency of human beings towards evil as arising from Cusanus' strict adherence to original sin that justifies the use by Wise Rulers of coercive authority. Yet this tendency is offset by Cusanus' confidence in God's providence, especially in Christ: 'there is another religious-inspired attitude in his thought that makes him more optimistic – his belief in the harmonious order of the universe as created by God, and in the continuing action of Divine Providence to assure that that harmony can make itself known.'¹⁶⁷ This conviction is exemplified by the design of the Chapel of the Hospital in Kues, wherein one can find a single column running from the Library down to the middle aisle of the Chapel. This column symbolizes Christ who is both the Unity and the way to Union.

Moreover, Sigmund thinks that the two religious tendencies in Cusanus point to the tendency in the history of political thought to choose between authoritarianism and constitutionalism. Through these statements, however, he has implied the religious underpinnings of Cusanus' political philosophy. For this reason, it behoves us to see the DCC not only in the light of the conciliarism of the Council of Basle but also in the light of the more properly theological and metaphysical works of Cusanus. Sigmund has described the political theory of the DCC as a 'coincidence of opposites,'¹⁶⁸ an expression which Cusanus would use only ten years after the DCC came out. Such an off hand remark prods us to investigate the relationship between Cusanus' political work and his first major metaphysical one, the *De Docta Ignorantia*.

¹⁶⁶ Sigmund, *Catholic Concordance*, p. xxxvi.

¹⁶⁷ *Ibid.*, xxxvii.

¹⁶⁸ *Ibid.*, xxxviii.

Since Cusanus has already become a staunch papalist at the writing of the DDI, scholars have taken the two works to be either unrelated or opposed. If, however, it could be established that the metaphysics and theology are neither distant nor opposed, we can assert that the Conciliar Tract is part and parcel of Cusanus' philosophical project. It is truly a stunning preamble to the whole oeuvre of Nicholas of Cusa. Finally, the relevance of the DCC to the History of Ideas is not only in its possible anticipations of the democratic theories that still have to be born in the West, but also in its anticipations of the Vatican II definition of 'collegiality.' The conciliar tract's enduring importance is not so much in the answers it provides but the questions it makes us ask. The DCC makes us ask question whether our desire for eternity has something to do with the way we choose and act politically in the here and now. It makes us ask that thorny question in political theory whether politics and religion can mix. □