



Andrea Bregno, "Cardinal Nicholas [left] before Saint Peter," Basilica S. Petri ad Vincula, 1465, polychrome relief, Rome
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Concord or Inharmony? Searching for Democracy in Nicolaus Cusanus's *De Concordantia Catholica*

Kevin Treadway

Introduction

IN 1428, THE RECENTLY ESTABLISHED Old University of Leuven sent a letter to Niklas Krebs, then the private secretary of the archbishop of Trier, offering him employment as the first chair of their canon law department. Krebs, who was establishing a reputation for himself as a proficient researcher, turned down the offer. When the university sent him another letter with a similar offer in 1435, Krebs, then calling himself "Niclas von Cuße," again declined, seemingly intending to avoid restricting his

intellectual pursuits to the domain of academia alone. In this intention, von Cuße — known to history as Nicolaus Cusanus — arguably succeeded.

Cusanus (c. 1401-1464)¹ had an extensive career in the Catholic Church and, consequently, many assignments which earned him a complicated set of interests and relationships. He was a doctor of canon law at age 22, a prebendal dean (church administrator) at 26, a papal delegate to the Council of Basel at 30, a papal legate and arbitrator in the Hussite conflict in Bohemia at 36, a delegate to the Council of Florence with the Byzantines at 38, a cardinal

¹ For biographies of Cusanus see: Erich Meuthen, *Nicholas of Cusa: A Sketch for a Biography*, trans. David Crowner and Gerald Christianson (Washington, D.C.: Catholic University of America Press, 2010); Christopher M. Bellitto, Thomas M. Izbicki, and Gerald Christianson, eds., *Introducing Nicholas of*

Cusa: A Guide to a Renaissance Man (New York: Paulist Press, 2004); Morimichi Watanabe, *Nicholas of Cusa: A Companion to His Life and His Times* (Burlington: Ashgate Publishing, 2011).

with the titular church of Saint Peter in Chains in Rome at the age of 47 or 48, and was appointed the bishop of Brixen and a papal legate to Germany shortly before his fiftieth birthday in late 1450. Throughout this long career, Cusanus authored over thirty works that addressed philosophical, political, mathematical, scientific, and theological subjects.²



Cusanus as depicted in the Nuremberg Chronicle (1493)
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For all this work, however, Cusanus did not enjoy great acclaim in his lifetime. His lifelong interest in the mystical nature of the divine treaded a fine line between tacit orthodox approval and accusations of heresy and pantheism by his peers. Indeed, he was briefly excommunicated at least once — albeit for political reasons.³ Since the publication of French theologian Edmond Vansteenberghe's seminal study in 1920, however, research into Cusanus has greatly expanded, and his influence on later philosophers has received significant scholarly attention in its own

right. Jasper Hopkins, an important contributor to Cusanus research of the past half-century, wrote in 2002 that Cusanus “has been viewed as a forerunner of Leibniz, a harbinger of Kant, a prefigurer of Hegel, indeed, as an anticipator of the whole of German idealism.”⁴ Cusanus's most fervent appreciators have acclaimed him as “the first modern thinker.”⁵ The first scholar to identify Cusanus as such was the German philosopher Ernst Cassirer, who awarded him that title in 1927 along with praise for his position on the “problem of knowledge.”⁶ The influence of Cusanus's works has been the subject of continued debate among scholars, however.

This debate operates on a kind of spectrum. Some scholars, such as Cassirer and Vansteenberghe, argued that Cusanus's writings anticipated significant modern philosophical developments and were known by and influential on later philosophers like Kant and Hegel.⁷ Antony Black, Professor Emeritus of Politics and International Relations at the University of Dundee, identified certain passages from Cusanus's *On Catholic Concordance* (*De concordantia catholica*) that arguably promoted relatively democratic ideas. However, Black also observed that because Cusanus later recanted these views and the *Concordance* as a whole, the overall significance of these passages was probably negligible.⁸ The late Morimichi Watanabe, another major figure in recent Cusanus scholarship, took a similar position. He acknowledged Cusanus's rejection of geocentrism as an important precedent to Copernicus and Kepler, but also believed, like Black, that Cusanus's writings were “rather modest” in their influence on later philosophers.⁹ Similarly, Hopkins argued that those who called Cusanus the first “modern philosopher” were reading far too enthusiastically into certain isolated statements from his works, which altogether fit well within medieval tradition and were furthermore

² The website www.cusanus-portal.de includes among other things a digital collection of Cusanus's *Opera Omnia* (complete works); the original Latin version of *De concordantia catholica* that I use is provided there.

³ Meuthen, *A Sketch for a Biography*, 52. This excommunication was due to Cusanus's association with Ulrich von Manderscheid, which I discuss below.

⁴ Jasper Hopkins, “Nicholas of Cusa (1401-1464): First Modern Philosopher?” *Midwest Studies in Philosophy* 26 (2002): 13-14.

⁵ Hopkins, “First Modern Philosopher?” 13.

⁶ *Ibid.*

⁷ Hopkins, “First Modern Philosopher?” 13-15.

⁸ Antony Black, *Political Thought in Europe, 1250-1450* (Cambridge: Cambridge University Press, 1992), 179-181. Cusanus's later dismissal of the *Concordance* is discussed below.

⁹ Watanabe, “An Appreciation,” *Introducing Nicholas of Cusa*, 6, 15.

“meager” in their overall influence on later thinkers.¹⁰

This paper expands on this discussion. It is based primarily on an examination of the *Concordance* concerning the question of to what extent Cusanus’s early political philosophy can be seen as compatible with modern conceptions of democracy.¹¹

Historical Context

The relationship between church and state in the late medieval period is far removed from modern expectations. The Christian monarchs of Europe drew their authority from a belief in divine sanction of their rule — a belief that Cusanus supported.¹² They portrayed themselves as benevolent lords of their fiefs and as good shepherds to their subjects. A notable characteristic of this ideology was the formal recognition as their superior that most European monarchs gave to the pope, considered the *vicarius Christi* (“Vicar of Christ”) on Earth. The pope provided legitimacy to rulers and, in return, received tributes of various material and diplomatic kinds. The sole continuous exception was the eastern emperor in Constantinople. In the time of Justinian and shortly thereafter, the eastern emperors had enjoyed dominion over the papacy.¹³ By Cusanus’s time, however, the emperors of the ailing Roman Empire in the east had lost most of their temporal power. In the aftermath of numerous conflicts — such as the iconoclast controversies, the schism of 1054, and the infamous Fourth Crusade of 1204 — the eastern emperors had been forced to abandon their claims to authority over the papacy. The emperor instead proclaimed himself as Christ’s representative on Earth, supported by the Ecumenical Patriarch of Constantinople.

The pope never relinquished his claim to supreme authority over ecclesiastical and other matters in the east, however. Indeed, one of the earliest significant breaks in post-classical Christendom’s unity

occurred on Christmas Day, 800, when Pope Leo III crowned Charles, King of the Franks, as *imperator Romanorum* (“Emperor of the Romans”) — the first in the west since 476/480. In doing so, the pope rewarded King Charles, known to history as Charlemagne, for expanding papal hegemony over central Italy in the nascent *Status Ecclesiasticus* (“Church State,” usually the “Papal States”). Legally, the pope justified Charlemagne’s coronation by asserting that the office of Roman Emperor had been vacant since 797 upon the death of Constantine VI. Empress Irene was recognized in the east as his successor, but the pope argued that women were ineligible for the position, thus enabling Charlemagne’s coronation. This was an early example of the rivalry between western Catholic and eastern Orthodox emperors that would follow Charlemagne’s successors without much exception all the way to Cusanus’s time (though by that time, the eastern empire had waned significantly in temporal power, as mentioned).

Additionally, at this time in Europe, a feverish debate over the ultimate religious authority in Catholicism was approaching its apex. On one side were the papalists, who supported the established role of the pope as the supreme religious authority over all other bishops and Christians in general. This view was based primarily on interpretation of the authority of Saint Peter over the other apostles given to him by Christ as recorded in the canonical New Testament. Opposed to this view were reformists known as the conciliarists, who advocated that the ecumenical councils — large assemblies of the learned Christian fathers and other senior clergymen — should hold supreme authority separate from or even against, if need be, the powers of the pope. This view was based on the formative role that the councils had played in the development of the early Christian church in antiquity and the early medieval period. The Council of Basel was called in 1431 to address this and other major issues of the church at the

¹⁰ Hopkins, “First Modern Philosopher?” 29.

¹¹ I rely primarily on Paul Sigmund’s English translation of the *Concordance*, rather than the original Latin edition. This may prove problematic with certain words and phrases considered more ‘loaded’ today, such as “freedom of speech,” “public good,” and “people.” Where such issues might occur, I have provided the corresponding phrase used in the original Latin edition.

¹² Nicolaus Cusanus, *The Catholic Concordance*, trans. Paul E. Sigmund (Cambridge: Cambridge University Press, 1991), 11 (I, ch. III, para. 13): “[God] through whom kings reign...”

¹³ During the period known as the “Byzantine papacy,” c. 537-752.

time, including the Hussite movement in Bohemia — a proto-Protestant reformist movement.

When he began writing the *Concordance* in the early 1430s, Cusanus — as a learned, ambitious young clergyman — certainly understood its importance as his first major text. It began as a document explaining the authority of the Council of Basel over the pope. It would become one of the most important European political treatises of the fifteenth century.

Prelude: The Manderscheid Case

When the Archbishop of Trier, Otto von Ziegenhain, died in 1430, a conflict arose over the succession to his influential position. The majority of the local cathedral chapter in Trier elected the canon Jakob von Sierck, but two votes also went to Ulrich von Manderscheid. When both candidates went to Rome to seek Pope Martin V's confirmation, the pope chose neither and instead appointed the bishop of Speyer, Raban von Helmstatt.¹⁴ Von Manderscheid, spurning the pope, returned to Trier and seized control over the diocese by force. He subsequently appointed Cusanus as his chancellor.

In this capacity, Cusanus, a young and determined scholar, defended von Manderscheid's claim with arguments that would later be developed in greater detail in the *Concordance*, centering around the principle of consent and the importance of native German authority over their national clergy.¹⁵ This position earned him, along with von Manderscheid and his supporters, an excommunication.¹⁶ Shortly thereafter, in early 1432, Cusanus went to Basel to present von Manderscheid's case to the recently convened council, taking the opportunity to formulate his arguments that favored the conciliarist movement while accusing the pope of trying to override the authority of the German emperor.¹⁷ But the council decided in favor of Raban von Helmstatt in May 1434, and von Manderscheid and Cusanus were defeated. (Von Manderscheid's aggressive mil-

itarism and “human and political failure” are generally considered more responsible for this than Cusanus's abilities as a lawyer.¹⁸)



A stamp from the German Federal Post Office commemorating “500 years [of the] *Cusanus Stift*”, a building in Kues which houses among other things the St. Nicholas Hospital that Cusanus founded

Source: [Wikimedia Commons](#)

Yet Cusanus emerged from the ‘Manderscheid case’ in a better position than he had had going into it. Because of the council's prominence, he was able to mingle with theologians, humanists, and intellectuals of all kinds from across western Christendom.¹⁹ He had been assigned to work on the Deputations ‘on the Faith’ and ‘on Bohemia’ in 1432 and 1433 respectively and in these capacities, as the relationship between the council and the pope worsened, he began synthesizing his views on the need for reform of both the church and the empire.²⁰ He presented these collected thoughts to the council in late 1433 as *De concordantia catholica*, which I shall now summarize before beginning my reading of it.

Book I

The *Concordance* is divided into three books that broadly discuss the Catholic faith (Book I), the Catholic church (Book II), and the Catholic — i.e.

¹⁴ Meuthen, *Sketch*, 35.

¹⁵ Donald Duclow, “Life and Works,” in *Introducing Nicholas of Cusa: A Guide to a Renaissance Man*, Christopher M. Bellitto, Thomas M. Izbicki, and Gerald Christianson, eds. (New York: Paulist Press, 2004), 29.

¹⁶ Meuthen, *Sketch*, 35.

¹⁷ Meuthen, *Sketch*, 37. His assertions resemble some found in the *Gravamina* that would emerge from the Protestant Reformation nearly a century later.

¹⁸ Duclow, “Life and Works,” 29. Meuthen, *Sketch*, 38.

¹⁹ Duclow, “Life and Works,” 29.

²⁰ Watanabe, *Companion*, xiv.

Holy Roman — Empire (Book III). Cusanus took inspiration from myriad prior scholars and thinkers — sometimes without acknowledgement²¹ — as well as from the Christian scriptures, the decrees of the ancient councils, and other sources; some were uniquely available at Basel, others were taken from “ancient cloisters” across Germany.²² The *Concordance* in its final version²³ represents Cusanus’s attempt to “synthesize and harmonize many different and apparently conflicting strands in ecclesiological and political theory.”²⁴ It thus offers great insight into Cusanus’s early thoughts on many of the most pressing political and philosophical issues of his time, some of which he originally had no intention to discuss therein. As Erich Meuthen, a twentieth-century Cusanus historian and biographer, wrote:

What [Cusanus] had undertaken as a special examination of the superiority of the council grew, as he wrote, into a general examination of the societal issues of his day. At first he turned his attention only to the structure of the church. ... It was probably the arrival of the [Holy Roman] emperor at the council in October 1433 that motivated him to investigate reform of the [Holy Roman] empire.²⁵

Some of Cusanus’s views expressed in the *Concordance* helped establish his reputation, discussed earlier, among some scholars as an anticipator of later philosophical developments. In the *Concordance*, these are mainly found in his thoughts about practices and reforms that might be considered democratic; he arguably endorses some conceptions about freedom of speech, transparent government, and the consent of the governed that are somewhat relatable to modern understandings of such concepts. Such views are considered by some to be of a proto-Enlightenment disposition. Not all Cusanus scholars share this view, as discussed earlier, and Cusanus himself calls democracy — grouped with tyranny and oligarchy — one of the three “intemperate systems” of government.²⁶ I desire here to show that Cusanus’s views are more nuanced than those that can be safely and easily categorized.

In the opening of Book I, Cusanus discusses, for example, his belief in a truly divinely inspired, hierarchical ordering of the world,²⁷ similar to the conception of ecclesiastical hierarchies developed by the late antique theologian Pseudo-Dionysius, whose work strongly influenced Cusanus. This belief is, to Cusanus, justified by a continuous decline in human morality²⁸ that will accelerate until the end of the world.²⁹ In isolation, this view situates Cusanus well

²¹ Paul Sigmund, introduction to Cusanus, *The Catholic Concordance*, xvii. Sigmund notes Cusanus’s references to ideas from Marsilius of Padua’s *Defensor pacis* — an important treatise on popular sovereignty from the fourteenth century — without credit; he suspects this was common at the time due to *Defensor*’s influence but public infamy because of its condemnation of the pope’s power.

²² Sigmund, introd., *The Catholic Concordance*, xv-xvi.

²³ There were several drafts of varying lengths. See Sigmund, introd., *The Catholic Concordance*, xv-xviii.

²⁴ Sigmund, introd., *The Catholic Concordance*, xviii.

²⁵ Meuthen, *Sketch*, 43.

²⁶ Cusanus, *Concordance*, 209 (III, prae., para. 279): “...thus three types of government arise opposite to the temperate ones ... tyranny, oligarchy, and democracy.” Cusanus supposedly references Aristotle’s *Politics*, but Sigmund, the translator, cites Marsilius’s *Defensor* and notes in his footnotes that some of the concepts that Cusanus says come from Aristotle actually came from Marsilius’s own additions to Aristotle’s philosophy.

²⁷ Cusanus, *Concordance*, 8 (I, ch. II, para. 9): “...nothing in the whole hierarchical order...” *Concordance*, 10 (I, ch. II, para. 12): “...the church ... is made up of the rational spirits and men who are united with Christ — although not all in the same way but hierarchically...” *Concordance*, 11 (I, ch. III, para. 13): “[God] disposes and directs [the world] in its various orders ... In accord

with the needs of the times he assigns duties to angels and men in a wondrous order...” *Concordance*, 14 (I, ch. IV, para. 19), quoting Leo IX: “...there are many members in one body but they do not all perform the same functions. ...in accordance with his will, God has assigned to each of the individual members of the body their proper function. ...a member that ... desires to take over another [position] disturbs the total order of the body...”

²⁸ Cusanus, *Concordance*, 8 (I, ch. II, para. 9): “...the last member of that order ends in darkness.” *Concordance*, 12 (I, ch. III, para. 14), quoting Augustine: “Although there have always been bad men, there will be many more as we approach the end. ...evil men now abound among us, and after this they will be even more in evidence and they will be everywhere when the end is at hand...”

²⁹ Cusanus, *Concordance*, 36 (I, ch. XII, para. 53), quoting Jerome: “the whole Roman empire must be destroyed and all its subjects withdraw from it.” *Ibid*: “Hence in view of the present situation in the papacy and the empire, the wise man will conclude from this prophecy that there is not much time left.” *Although (Ibid)*: “...although today we see persecution and many of the evils that are to precede the end, we know that the end is not in the immediate future ... the name of the Lord and the church must be first spread throughout the whole world.”

within a medieval philosophical mindset. However, mixed in with these eschatological beliefs is his strong conciliarist position that the universal councils, which are supposed to support the “public good,” can and should oversee the pope when warranted.³⁰ He argues that the pope cannot have absolute, supreme power because he could be a heretic³¹ — although, as Cusanus mentions later, this is not the only potential disqualifier.³² Though Cusanus acknowledges the primacy of Peter and his papal successors, he insists on the importance of consent to legitimate rule.³³ Cusanus identifies “consent” as present only when there is majority — though preferably unanimous — consensus of the council fathers.³⁴ The necessity of the councils having authority over the pope, whom Cusanus believes is by himself more fallible than a universal council, as well as the importance of consent existing within these councils to legitimize their actions will, later, lead Cusanus to emphasize the importance of rulers being elected.³⁵ In sum, Book I, which is notably shorter than the succeeding Books II and III, offers some opening thoughts from Cusanus about the need for church reform, mixed in among theological discussion, that would be developed in more detail in the other books.

³⁰ Cusanus, *Concordance*, 3 (praefatio, para. 2): “...the great power of the universal councils — so long dormant, to the detriment of the public good and the orthodox faith...” “Public good” here is “*publicae utilitatis*.”

³¹ Cusanus, *Concordance*, 43 (I, ch. XV, para. 61): “...a matter of faith is not always defined by the arbitrary will of the Roman pontiff alone for he could be a heretic.”

³² Cusanus, *Concordance*, 116 (II, ch. XVII, para. 151): “...the pope can also be judged by the council concerning other crimes besides heresy.” *Concordance*, 123 (II, ch. XVIII, para. 161): “[The pope’s] subjects in common council can cease to give obedience ... when he is guilty of misrule.”

³³ Cusanus, *Concordance*, 42 (II, ch. XV, para. 61): “Although Peter was set over the others by divine grant, ... this was done with the concordant agreement of the apostles.” This is significant to Cusanus because (Ibid) “the special privileges of the chair [of Peter] are the same now as then.” So the principle of consent was as important to the selection of Peter (Ibid), “prince of the apostles,” as it is to the pope (Ibid), “prince of the bishops.”

³⁴ Cusanus, *Concordance*, 29 (I, ch. VIII, para. 43), quoting Cyprian: “Although every man is a liar, God is still truthful. ... Hence the greater and better part of the confessors stand firm in the faith and the truth of the Lord’s law and teaching.” Cusanus summarizes (Ibid): “From this I deduce ... that the majority

Book II

Book II of the *Concordance* deals much more thoroughly with the reforms that Cusanus believed were necessary for the survival of the church, which at that point was in great crisis owing to issues partly arising from the largely autocratic nature of the papacy and the incapability of many popes (which, of course, would eventually lead to the Protestant Reformation a century later). Principally discussed in this book are the importance and authority of the universal councils. Consequently, a sizeable portion of Book II addresses the powers and responsibilities of the councils at length in the context of the wider church hierarchy. Most of Cusanus’s comments that we can potentially call democratic are found in this book.

Cusanus acknowledges, for example, that a patriarchal council is subject to its patriarch and relates the argument that Rome, as the last active (i.e. Catholic-controlled) patriarchate, and its bishop, the Pope, could thus represent the entire faith — making even “universal councils” subject to the pope.³⁶ But he counters that a “contumacious” pope can always be overridden by a unanimous council, although it is preferable that the pope and the council agree.³⁷ In the case that they do not agree, however — as was the

of the priests always remains in the [true] faith and law.” To Cusanus, so long as the majority of a body are in agreement, they are legitimate. However, this requirement of consensus is also defined later in the *Concordance* as unanimity, rather than simple majority. This is an example of why it is difficult to evaluate the *Concordance* as a whole. Its numerous revisions might have left holes in the unity of its philosophy.

³⁵ Cusanus, *Concordance*, 48 (I, ch. XVII, para. 67): “...when we say that the Roman church can never err, this is true of the whole universal church. ... And after that it is also true of the patriarchate of Rome. ... But these possess the truth in varying degrees.” *Concordance*, 122 (II, ch. XVIII, para. 161): “...a universal council if properly assembled ... is always of greater authority and less fallible than is the pope alone.”

³⁶ Cusanus, *Concordance*, 71 (II, ch. VII, para. 95): “...the universal or general patriarchal council is under, and subject to, the Roman pontiff...” *Concordance*, 72 (II, ch. VII, para. 95): “But today alas, the universal council of the Catholic church and the patriarchal council of the Roman see are the same...” *Concordance*, 84 (II, ch. XI, para. 106): “...the pope ... with the cardinals as well ... act today as the representatives ... even of the universal church.” See also *Concordance*, 102, 146.

³⁷ Cusanus, *Concordance*, 74 (II, ch. VII, para. 96a [Basel codex only]): “...a properly assembled council can legislate with universal force against a contumacious pope.” *Concordance*, 76

case at Basel — Cusanus suggests that the relevant council should legally bar the pope from “[taking] action on difficult cases” without consulting his cardinals, whom the councils should appoint.³⁸ He also suggests that a council may convene itself without the pope’s involvement if he is indolent.³⁹



Central Italy and the Papal States in particular in the mid-15th century. Source: [Wikimedia Commons](#), cropped.

But for such power, these councils must, according to Cusanus, conform to certain principles. He stresses that a council must be unanimous in its decisions whenever possible; to this end, he interchangeably uses the term “synod,” which draws its

name from the Greek terms σύν (*sún* or *sýn*, “with,” “together”) and ὁδός (*hodós*, “way,” “path”) that together connote the “same path” or “union” of all involved participants.⁴⁰ Unanimity is preferred because if such a council is to have authority over the pope himself in certain matters, then it must be undeniable that such a council and its decisions had been guided by the divine, as the ancient ecumenical councils were and as the Council of Basel is, so Cusanus believed.⁴¹ This is relevant to the consideration of democracy because Cusanus bases a council’s legitimacy on the consent of its members — or, more accurately in this case, their “concord.” Black noted this distinction and its importance to Cusanus:

[Cusanus’s] basic idea was that “concord” confers authority. Concord means consent, but [Cusanus] uses this word deliberately because he is thinking not in purely legalistic terms, but in terms of spiritual reality as well. Concord cannot be measured solely by numbers, it requires also “liberty, and oneness of heart” (*unanimitas*).⁴²

Such concord is therefore not a goal, but a prerequisite for any synod that intends to be authoritative, such that the existence of a dissenting minority invalidates any actions taken by the majority — although this assertion is made in the context of synods concerning matters of Christian doctrine in particular, and so there might be some leeway for councils considering more secular matters.⁴³ Further, the

(II, ch. VIII, para. 97): “The authority of councils does not depend on its head but on the common consent of all.” *Concordance*, 104-105 (II, ch. XV, para. 137): “It is not true ... that the legal authority of a synod which has been properly called ... is ... so dependent on its head that unless he consents to a decision, no decision can be made.”

³⁸ Cusanus, *Concordance*, 144 (II, ch. XX, para. 189): “...cardinals should be appointed by this sacred council as the representatives of the provinces...” *Concordance*, 146 (II, ch. XXI, para. 191): “...this holy council could adopt a law — or more accurately revive the ancient law that provides that the pope cannot take any action on difficult cases...”

³⁹ Cusanus, *Concordance*, 158 (II, ch. XXV, para. 204): “...if the need to convene the council were made known to the one appointed to do so and he did not care to call it or ... to take action on the urgent need, who would doubt that ... those present could provide for the difficulties of the church ... ?”

⁴⁰ Cusanus, *Concordance*, 49 (II, ch. I, para. 69): “A synod is a meeting of bishops and priests who strive to come to agreement as one. Those that disagree do not constitute a council.” *Concordance*, 59 (II, ch. IV, para. 80): “Although many things are necessary for universal synods, the common decision of all ... is the most important.” See also *Concordance*, 73, 80, 83, etc. As noted, this is a shift from the demand for a majority.

⁴¹ Cusanus, *Concordance*, 58 (II, ch. IV, para. 79): “...agreement is particularly required on matters of faith and the greater the agreement the more infallible the judgement. Hence, as appears in the Council of Chalcedon, ordinarily the majority always rules and its decision is presumed more certain.” *Concordance*, 139 (II, ch. XX, para. 182): “...the universal Council of Basel...”

⁴² Black, *Political Thought in Europe*, 180.

⁴³ Cusanus, *Concordance*, 49 (II, ch. I, para. 69): “[A synod’s] distinctive characteristic is concord. ...those who disagree among themselves do not form a council.” *Concordance*, 80 (II, ch. IX, para. 101): “...where there is dissent there is no council.”

more provinces that are represented in a synod, the more infallible that synod's decisions are, because the concord will be more universal.⁴⁴

Cusanus also supports the public declaration of synodal decisions because they naturally affect all the people under their jurisdiction.⁴⁵ And on jurisdiction, he argues that the "universal national councils" of Spain, Gaul, Germany, etc., should be reestablished as part of a decentralization effort.⁴⁶ He says some level of decentralization to the church is acceptable because, for example, the standards of the administration of the sacraments among the various provinces have been relaxed since the time of the early church.⁴⁷ He further says that if the pope truly accepted the decrees of the Council of Nicaea — one of the most important ecumenical councils of antiquity that addressed numerous issues of early Christianity — he would give power back to the diocesan metropolitans (essentially regional religious authorities, bishops administratively above other bishops).⁴⁸ He also contends that within the councils, freedom of speech⁴⁹ is necessary to enable "free

hearings."⁵⁰ And such councils are not made universal by the simple presence of the pope.⁵¹

The passages not directly commenting on the councils also offer important examples to consider regarding Cusanus's potential democratic leanings. For example, discussing the laws, Cusanus argues that statutes, even those properly legislated, are only validated by their actual usage in everyday life, not simply by their decree.⁵² This also applies to the authority of the bishops, including the pope.⁵³ Again, Cusanus emphasizes the importance of consent to legitimate government — in this case by the governed themselves, rather concord than among the rulers. Perhaps the most famous passage from the whole of the *Concordance* appears in Book II discussing this very topic:

All legislation is based on natural law. Since by nature we are all equally free, all coercive power is derived from the election and consent of the subjects. The jurisdiction thus created is not valid in itself unless it is in accordance with the law and canons. ...any law which contradicts

In the former context Cusanus speaks about assemblies of the "bishops and priests" and in the latter about the adoption of new canons; both are thus religious councils, and so dissent is infeasible to Cusanus there because they concern matters of truth.

⁴⁴ Cusanus, *Concordance*, 97 (II, ch. XIII, para. 125): "...a synod of many provinces has more authority than that of one..."

⁴⁵ Cusanus, *Concordance*, 55 (II, ch. III, para. 75): "...for a universal council to be valid it must be celebrated in public, not secretly..." See also on 56 where he relates Pope Leo's plea to Emperor Theodosius for assistance against the Second Council of Ephesus, which Leo argues was conducted in secret.

⁴⁶ Cusanus, *Concordance*, 159 (II, ch. XXV, para. 205): "...these [universal national] councils should be reestablished out of zeal for the preservation of the commonwealth..." One could consider this similar to Gallicanist perspectives.

⁴⁷ Cusanus, *Concordance*, 161 (II, ch. XXVI, para. 209): "...it was always possible for the priest to vary the manner of administering the sacraments which was strict in ancient times for the sake of discipline and later relaxed."

⁴⁸ Cusanus, *Concordance*, 169 (II, ch. XXVIII, para. 218): "...if the pope wishes to exercise his power in accordance with the canons of Nicaea, then he will give back their rights to the metropolitans and permit each church to have the freedom to govern its own diocese."

⁴⁹ Cusanus speaks of the need for "*liberta[s] loquendi*" in the councils on pp. 55 and 58. See next footnote.

⁵⁰ Cusanus, *Concordance*, 55 (II, ch. III, para. 76): "Likewise everyone in [a council] should be able to speak freely... the number of the fathers together with freedom of speech confer

great authority [on a council]..." *Concordance*, 58 (II, ch. IV, para. 78): "...it is not human but divine that various men brought together in complete freedom of speech should come to agreement as one..." *Concordance*, 59 (II, ch. IV, para. 81): "...if these conditions are not observed, especially a free hearing for all, ... it is proper to issue a protest and to appeal to a future council."

⁵¹ Cusanus, *Concordance*, 66 (II, ch. VII, para. 87): "...it does not follow that a universal council of the whole church takes place whenever the pope or his legate presides over a council."

⁵² Cusanus, *Concordance*, 82 (II, ch. X, para. 103): "General statutes never bind particular provinces unless they are accepted. The force of statutes depends rather on acceptance through usage and consent." *Concordance*, 86 (II, ch. XII, para. 110): "...the force of a law comes from the concordance of the subjects who are bound by it..." See also his observations on how this has affected the power of the Roman pontiff "beyond the holy ancient observances," *Concordance*, 87 (II, ch. XII, para. 110). *Concordance*, 96 (II, ch. XIII, para. 124): "...decrees that have been ignored lose their binding power and they acquire it again when they have been accepted once more. ...long-standing customs approved by the consent of those who observe them are similar to law."

⁵³ Cusanus, *Concordance*, 181 (II, ch. XXXII, para. 232): "...it is evident that if a bishop is assigned to unwilling subjects he can be rejected ... [a chapter] should not be afraid to refuse those whom they consider to have been forced upon them..." *Concordance*, 183 (II, ch. XXXII, para. 234), quoting Cyprian: "The people have the power to elect worthy priests and to refuse unworthy ones."

[natural law] cannot be valid. ... Hence since natural law is naturally based on reason, all law is rooted by nature in the reason of man. The wiser and more outstanding men are chosen as rulers by the others to draw up just laws by the clear reason, wisdom, and prudence given to them by nature and to rule the others by these laws and to decide controversies for the maintenance of peace. ... From this we conclude that those better endowed with reason are the natural lords and masters of the others but not by any coercive law or judgement imposed on someone against his will. For since all are by nature free, every governance whether it consists in a written law or is living law in the person of a prince ... can only come from the agreement and consent of the subjects. For if by nature men are equal in power and equally free, the true properly ordered authority ... cannot be naturally established except by the election and consent of the others and law is also established by consent.”⁵⁴

This emphasis on consent extends to elections. Cusanus relates the statements of Pope Anicetus, namely that “one who is to be over all should be chosen by all,”⁵⁵ and those of Pope Hormisdas, that “the weighty decision of the people is the judgement of

God.”⁵⁶ (The question, of course, is what Cusanus’s conception of “subjects,” “all,” and “the people” actually was — which cannot be answered here, but is worthy of further study.) He believes that divine law demands elections, because to him God’s truth emerges through the elective process, which conveys authority upon the elected through the will of God above and the consent of the people below.⁵⁷ He applies this principle not just to the pope through the cardinals but throughout the church hierarchy.⁵⁸ He also references the opinion of some of the ancient councils that kings should be elected by at least the nobility — which in Germany was, *de jure*, the case in Cusanus’s time (to say nothing of the republican cities of northern Italy who elected their immediate leaders — but not their kings).⁵⁹ He additionally suggests that legislative power should not be restricted to the bishops, and further that the more learned of the laymen could be beneficial contributors to this process.⁶⁰ Secrecy in elections is also important to him.⁶¹

The pope himself is also addressed throughout Book II. Cusanus finds, for example, that the pope’s legislative power derives from the consent of his councils, which are more than advisory in nature; the pope, or any patriarch for that matter, cannot legislate against the explicit opinion of these councils.⁶²

⁵⁴ Cusanus, *Concordance*, 98 (II, ch. XIV, para. 127).

⁵⁵ Cusanus, *Concordance*, 124 (II, ch. XVIII, para. 163): “...as Pope Anicetus has said, it is proper that the one who is to be over all should be chosen by all ... no one should be set up over unwilling subjects.” The direct implication of this is difficult to ascertain because Cusanus does not seem to support direct or even wholly representative democracy — and this (*Concordance*, 124) quote is made in the context of the election of bishops specifically.

⁵⁶ Cusanus, *Concordance*, 127 (II, ch. XIX, para. 167), quoting Pope Hormisdas: “...the weighty decision of the people is the judgement of God. For God is present where there is genuine consent...” *Concordance*, 128 (II, ch. XIX, para. 167): “...all power, whether spiritual or temporal and corporeal, is potentially in the people...”

⁵⁷ See Cusanus, *Concordance*, 127-128 (II, ch. XIX, para. 167), also *Concordance*, 182 (II, ch. XXXII, para. 233): “...divine law commands that an election should take place...” See footnote 55 above, *Concordance*, 183 (II, ch. XXXII, para. 234), quoting Cyprian: “The people have the power to elect worthy priests...” *Concordance*, 194 (II, ch. XXXIV, para. 249): “...the power of the Roman pontiff as to preeminence, priority, and rulership, is from God by way of man and the councils; namely, by means of elective consent.”

⁵⁸ Cusanus, *Concordance*, 125 (II, ch. XVIII, para. 164): “...parish priests and curates are [to be] elected or at least some convenient provision is [to be] made for consent to their appointment.”

⁵⁹ Cusanus, *Concordance*, 154 (II, ch. XXIV, para. 200): “...many solemn decrees were issued [in those councils] providing that the king should be chosen by election...” Additionally, Cusanus was aware and approved of such cities as Venice’s methods, at least concerning elections: see *Concordance*, 307 (III, ch. XXXVII, para. 550).

⁶⁰ See Cusanus, *Concordance*, 106-107 (II, ch. XVI, para. 139). He may contradict himself in Book III, discussed later.

⁶¹ See Cusanus, *Concordance*, 189-192 (II, ch. XXXIII, para. 245a [Basel]) for an explanation of his new election method.

⁶² Cusanus, *Concordance*, 80-81 (II, ch. IX, paras. 101-102): “...church canons can only be adopted by the church gathering called a synod or meeting. ...if anyone whether he be pope or patriarch, promulgates decrees that are not in accordance with the church canons, those statutes cannot be called canons...” *Concordance*, 87 (II, ch. XII, para. 111): “...the Roman pontiff does not have the power to adopt general statutes ... alone...” *Concordance*, 128-129 (II, ch. XX, para. 169): “...although the pope ... says he is over the council and ... says that he is above the laws, this is true only of his own general council over which

This includes the College of Cardinals — the assembly of all cardinal-ranked bishops whose most well-known function is to elect the pope — which in Cusanus's mind needed its own reforms.⁶³ Cusanus contests the idea that the power of the pope comes solely from God, and instead argues that the faithful also grant him power over them by consenting to his authority (by reasoning similar to that concerning elections).⁶⁴ Cusanus does not challenge the hierarchical supremacy of the pope related to other bishops, but does maintain that the pope, as bishop of Rome, is no more fundamentally powerful than the other bishops; he thus cannot interfere in the purely internal matters of another bishopric.⁶⁵ The pope thus rules over the other bishops by their consent, just as with Peter and the apostles, by Cusanus's understanding.⁶⁶ The pope is subject to all the same laws that apply to the lower clergy and to the people, and he is further bound to all the decrees of the universal councils (which, as mentioned earlier, to Cu-

sanus included Basel).⁶⁷ He furthermore can only relax statutes; he cannot abolish them entirely by himself.⁶⁸

Book III

In Book III, Cusanus carries over many of the principles that he had developed regarding papal and conciliar authority in Book II into a more worldly context. Though imperial politics were naturally more temporal, it was not possible to completely separate the influence of the church from the empire, and this is reflected in Cusanus's writings. But he does specifically discuss secular rule at length and offers his thoughts on reforms to imperial governance here; some such thoughts, like in Book II, could be understood as democratically minded.

To Cusanus, the consent of the governed is as important to the legitimacy of secular authority as it is to religious authority.⁶⁹ Indeed, he asserts approvingly that the Roman rulers going back to the time of

he presides as patriarch, and of the laws adopted there..." *Concordance*, 130 (II, ch. XX, para. 171): "...the rules and canons of the ecumenical councils have been issued for our moral betterment ... and the pope is obliged to obey them... Therefore the Universal Council of Constance also added that if he did not obey them he could be punished..." See also *Concordance*, 85 (II, ch. XII, para. 108), all of chapter XIII, etc.

⁶³ Cusanus, *Concordance*, 101 (II, ch. XV, para. 132): "...just as the bishop should not legislate without his chapter nor the metropolitan without his suffragan bishops, so the pope should not issue universal statutes affecting all his subjects without his cardinals." *Concordance*, 102 (II, ch. XV, para. 132): "...this power belonging to the cardinals ... needs to be reorganized so as to enable them to act as representatives..." See also *Concordance*, 146-147 (II, ch. XXI, para. 191).

⁶⁴ Cusanus, *Concordance*, 88 (II, ch. XIII, para. 112): "...arguments that maintain that the pope has the plenitude of power from God and similar points are invalid. ... The exercise of administrative power by superiors is based on the submission of those under them so that the power of superiors depends on their inferiors. ... Papal administrative power has the same basis." *Concordance*, 92 (II, ch. XIII, para. 117): "...administrative rank which is derived from the possession of jurisdiction is established in part on the basis of the consent of the subjects."

⁶⁵ Cusanus, *Concordance*, 83 (II, ch. XI, para. 105): "...although we must admit that the Roman pontiff has legislative power from God..." *Concordance*, 91-92 (II, ch. XIII, paras. 116, 118): "...all the bishops are equal in power and the higher offices such as that of archbishop, patriarch, and pope are administrative in character. ...while the Roman pontiff is the principal successor of St. Peter, we cannot deny that all the bishops are also his successors." *Concordance*, 94 (II, ch. XIII, para. 120): "...canon law

gives the pope no power to violate the jurisdiction of bishops, since this would be a disturbance of order..."

⁶⁶ Cusanus, *Concordance*, 112-114 (II, ch. XVII, paras. 146-150). See also *Concordance*, 42 (II, ch. XV, para. 61), noted above ("Although Peter...").

⁶⁷ Cusanus, *Concordance*, 94 (II, ch. XIII, para. 119): "...whatever is understood to apply to the pope, e.g. that he cannot be judged by his subjects, also applies to the bishops. Similarly if a text says that the pope has the plenitude of power and others are called in an advisory capacity, we can also say this concerning any archbishop or patriarch..." *Concordance*, 139 (II, ch. XX, para. 182): "...the universal Council of Basel..." *Concordance*, 140 (II, ch. XX, para. 183): "Thus the conclusion is that [the pope] is bound to obey it. Therefore he is subject to it. Therefore he cannot abrogate or change it." See also *Concordance*, 130 (II, ch. XX, para. 171), 133 (II, ch. XX, para. 174), 146-148 (II, ch. XXI, paras. 191-193).

⁶⁸ Cusanus, *Concordance*, 131 (II, ch. XX, para. 171): "...the pope cannot repeal the statutes that concern the universal state of the church." *Concordance*, 186 (II, ch. XXXII, para. 238): "...[the pope] can not totally abolish laws..." See also *Concordance*, 80-81 (II, ch. IX, paras. 101-102), 146-148 (II, ch. XXI, paras. 191-193).

⁶⁹ Cusanus, *Concordance*, 208 (III, prae., para. 275): "...the rule of the wise and the subjection of the ignorant is harmonized through common laws and the concurrent agreement of all the others in voluntary subjection..." *Concordance*, 230 (III, ch. IV, para. 331): "...all legitimate authority arises from elective concordance and free submission..." Ibid (para. 332): "...the Roman Pontiff ... has no authority to give any region in the world a king or emperor without its consent." *Concordance*, 233 (III, ch. IV, para. 339): "...the Roman people can take the power to make laws away from the emperor because he derives his power from

the ancient monarchy — “first the kings then the senate and consuls and also the emperors”⁷⁰ — established their “temperate” rulership “by voluntary consent for the public good.”⁷¹ He believes this principle applied to the successive (Holy) Roman emperors of Germany from Otto I onwards.⁷² In discussing the imperial councils — which he supported reinstating⁷³ — Cusanus emphasizes that they should legislate on a basis of mutual consent, just like the universal ecumenical councils.⁷⁴ He summarizes that “all legitimate authority arises from elective concordance and free submission” because the “divine seed” present “in the people”⁷⁵ gives them the power to justify their ruler’s authority by means of election.⁷⁶ (Again, it must be noted that what Cusanus understood as “the people” might not line up with modern conceptions.) Ever the reformer, he also offers a new method for electing officials “without fear and in complete freedom and secrecy,” which he says will

be particularly useful for contentious subjects, such as the election of the emperor.⁷⁷

As in the church,⁷⁸ Cusanus believes that there should be only one ultimate ruler within a polity for the sake of stability.⁷⁹ But the importance of the monarch being elected is not diminished.⁸⁰ In fact, Cusanus contends that hereditary succession in any system, including monarchy — the best of the “tempered regimes”⁸¹ — is prone to produce disaster the longer it continues, because any good qualities of the establishing ruler will eventually be so diluted in his descendants as to have totally disappeared, leading to misrule.⁸² Cusanus also advises that the monarch “avoid great inequality” between his subjects in order to maintain stability.⁸³ (Although he also writes in Book II that the church’s hierarchy is naturally unequal.⁸⁴) Further, in the interest of stability, he says that laws must “first be directed towards the public

the people.” *Concordance*, 287 (III, ch. XXVI, para. 487): “...a legal sanction had impartial effect on the basis of common agreement.” *Concordance*, 298 (III, ch. XXXIV, para. 517): “...this law should be adopted by the common consent of all and signed and sent to the provinces to be received...” *Concordance*, 314 (III, ch. XLI, para. 569): “...one who is supreme is supposed to minister to the others, not dominate them by his rule...”

⁷⁰ Cusanus, *Concordance*, 210 (III, prae., para. 281): “...*reges primo, deinde senatus ac consules et etiam imperatores...*”

⁷¹ *Ibid.*: “for the public good” — “*pro communi utilitate.*”

⁷² Cusanus, *Concordance*, 226 (III, ch. III, para. 322): “...[the Romans] gave their consent that Otto should be emperor. The power to direct the empire comes from the consent of the Romans. ...this had been confirmed by the consent of the synod, clergy, and people...”

⁷³ Cusanus, *Concordance*, 283 (III, ch. XXV, para. 469): “The chapter discusses the imperial council ... which has met in the past and is very useful for the government of the commonwealth [*re[s] publica*] if it is properly organized and meets regularly.”

⁷⁴ *Ibid.*: “At this point we should discuss the imperial council... This will be easy for us since the universal council [*synodus*] of the priests is properly organized along similar lines...”

⁷⁵ “*populo.*” See next footnote, *Concordance*, 230 (III, ch. IV, para. 331).

⁷⁶ Cusanus, *Concordance*, 229 (III, ch. IV, para. 328): “Who, I ask, gave the Roman people the right to elect the emperor, if not divine and natural law?” *Concordance*, 230 (III, ch. IV, para. 331): “...all legitimate authority arises from elective concordance and free submission. There is in the people a divine seed by virtue of their common equal birth and the equal natural rights of all men [*omnium hominum*] so that all authority — which comes from God as does man himself — is recognized as divine when it arises from the common consent of the subjects.”

⁷⁷ Cusanus, *Concordance*, 303 (III, ch. XXXVII, para. 535). See the *Concordance*, 303-308 (III, chs. XXXVII-XXXVIII, paras. 535-551) for a general discussion of this new electoral system.

⁷⁸ Cusanus, *Concordance*, 24 (I, ch. VI, paras. 35-36), 92 (II, ch. XIII, para. 117), etc.

⁷⁹ Cusanus, *Concordance*, 210 (III, prae., para. 282): “There are many reasons why there should be only one ruler... Otherwise confusion would arise when several compete in ruling and good order would be destroyed when the subjects do not know whom to obey.”

⁸⁰ *Ibid.*: “But every monarchical or aristocratic regime, since those regimes must be established over willing subjects, should be established by election.” *Concordance*, 211 (III, prae., para. 283): “...although there are many good reasons for a hereditary monarchy, if the best man is always to rule the commonwealth by the will of all for the public good, the best method is to have a new election, by all or a majority or at least by those nobles who represent everyone with their consent.”

⁸¹ Cusanus, *Concordance*, 210 (III, prae., para. 283): “Among all the types of tempered regimes monarchy is the best.”

⁸² Cusanus, *Concordance*, 210-211 (III, prae., para. 283): “...a monarchy that is established by consent without agreeing on the succession is to be preferred... although illustrious, wise, and noble men, we read, often have been elected as kings ... the initial offspring of such men are of less quality than their parents’ natures and their successors are still less able, [such that] the illustrious qualities of the parents die out.”

⁸³ Cusanus, *Concordance*, 212 (III, prae., para. 286): “The ruler should take special care to avoid great inequality among his subjects.”

⁸⁴ Cusanus, *Concordance*, 103 (II, ch. XV, para. 135): “...the church contains a hierarchical concordance of inequality on the model of the heavenly army...”

good” and that the monarch should “direct all [his] things to the public good” as well.⁸⁵ The king should also always govern with the consent of his council — which should be meritocratic and representative of his entire realm⁸⁶ — just as the pope should with his cardinals; like the pope, the king cannot abolish a law unilaterally, but can only rule whether its “spirit” applies in individual cases.⁸⁷ As in the religious councils, freedom of speech is also important in these royal councils.⁸⁸ Cusanus further warns that the desire for supreme authority in a person grows as his power increases and cautions against the unchecked accumulation of power.⁸⁹

Cusanus also discusses the church in Book III, although he focuses more on its worldly affairs in general than on the councils specifically. His views are mixed here, especially concerning the church’s relationship with the empire. He argues that the greatest reason for the decline of the church is due to

the intimate involvement of its clergy in secular affairs and their subsequent neglect for spiritual matters;⁹⁰ he offers here the Fourth (Catholic) Council of Constantinople’s statement that “no one who works for God is involved in secular affairs.”⁹¹ He says this neglect occurs all the way “from the pope ... down to the lowest rank of the metropolitans.”⁹² He accuses the secular princes of greedily plundering the commonwealth⁹³ but also denounces the worldly wealth of the church, its obsession with temporal power, and its simony (the selling of ecclesiastical offices and privileges).⁹⁴ He condemns the abuses of subordinate priests and secular subjects by the bishops and calls for the abolition of payments for church services and, somewhat ironically, the practice of holding multiple benefices.⁹⁵ (Cusanus was a ‘pluralist,’ a clergyman who received many benefices, and was known for ambitiously seeking out additional dispensations.⁹⁶) He also blames corrupt nobles for the peasant revolts⁹⁷ and explains how the current

⁸⁵ Cusanus, *Concordance*, 309-310 (III, ch. XXXIX, para. 558): “For the government of all temporal things must first be directed toward the public good.” *Concordance*, 313 (III, ch. XL, para. 566): “In brief [kings] should direct all things to the public good.”

⁸⁶ Cusanus, *Concordance*, 249 (III, ch. XII, para. 378): “...the ruler should have the best qualified of his subjects chosen from all parts of the realm to participate in a daily council with him. These counsellors ought to represent all the inhabitants of the realm...”

⁸⁷ Cusanus, *Concordance*, 249 (III, ch. XII, para. 376): “And the king should execute what is enacted with the agreement of the council... the king [cannot] abolish a law which [his council] has enacted, but ... he has the right to declare that the spirit of a law does not apply in a particular case.”

⁸⁸ Cusanus, *Concordance*, 286 (III, ch. XXV, para. 481): “...when the princes are present, let each one speak out freely and openly when asked...”

⁸⁹ Cusanus, *Concordance*, 290 (III, ch. XXVIII, para. 492): “...[a subject] might seek to achieve the supreme power — the desire for which grows as one acquires more — and weaken the empire through rebellion and disturbance.”

⁹⁰ Cusanus, *Concordance*, 171 (II, ch. XXIX, para. 221): “The greatest abuses result from the fact that prelates are so involved in secular concerns.”

⁹¹ Cusanus, *Concordance*, 180 (II, ch. XXII, para. 231).

⁹² Cusanus, *Concordance*, 172 (II, ch. XXIX, para. 222): “...if involvement in secular concerns and decisions is completely contrary to the canonical precepts for a metropolitan, how little the canonical precepts are observed by anyone from the pope ... down to the lowest rank of the metropolitans, as it were!”

⁹³ Given from “re[s] publica[.]”

⁹⁴ Cusanus, *Concordance*, 174 (II, ch. XXX, para. 225): “...the avarice of the Roman curia must be ended.” *Concordance*, 175

(II, ch. XXX, para. 226): “...the whole church is scandalized by the avarice of its rulers...” *Concordance*, 291 (II, ch. XXIX, para. 496): The Roman curia is responsible for the “emptying of the public treasury” and “disorder in the administration of the temporal power of the church [that] also hurts the commonwealth.” *Ibid* (para. 497): the good brought by the temporal possessions of the church is “little or none.” *Concordance*, 293 (II, ch. XXX, para. 502): “If the empire comes to nothing because all are trying to increase their holdings, what will follow but the destruction of everyone?” See *Concordance*, 174-177 (II, chs. XXX-XXXI, paras. 225-227), 292-293 (III, ch. XXX, paras. 500-503) in general.

⁹⁵ Cusanus, *Concordance*, 174-77 (II, chs. XXX-XXXI, paras. 225-227). Also *Concordance*, 175 (II, ch. XXX, para. 226): “Let everything done at the Roman curia and in the other metropolitanates be done without payment. If a superior lacks money, let a charitable contribution be made without objection when his extortion ceases.” *Concordance*, 189 (II, ch. XXXIII, para. 245): “...let commendations and pensions be taken away since they interfere with proper church administration, as well as dispensations permitting incompatible offices and a plurality of benefices. Let each one carry out his church duties on the basis of one suitable benefice. ... At present, the number of petty benefices and consequently of ignorant priests disgraces the church and makes the laity hostile to the clergy when they see so many priests living in a state of idleness and vice. For this reason the holy office of the priesthood is the object of great hatred.”

⁹⁶ Meuthen, *Sketch*, 23. Duclow, “Life and Works,” *Introducing Nicholas of Cusa*, 28.

⁹⁷ Cusanus, *Concordance*, 293 (II, ch. XXX, para. 503): “...when the nobles are fighting among themselves, the people will rise up to seek justice through their own arms.”

legal system treats the poor unfairly,⁹⁸ which also hurts the empire as a whole,⁹⁹ and argues that special interests have corrupted the imperial electoral process.¹⁰⁰ So would it seem that Cusanus had some issues with the current system.



The Holy Roman Empire around the time of Cusanus's birth
Source: Wikimedia Commons

⁹⁸ Cusanus, *Concordance*, 302 (III, ch. XXXV, para. 530): "...the simple poor are often most unfairly led astray by the quibbles of lawyers over the use of the wrong legal forms, and so lose their whole case, since 'he who omits a syllable loses the case,' as I have often seen happen..."

⁹⁹ Cusanus, *Concordance*, 294 (III, ch. XXXI, para. 504): "The empire is in serious decline because justice no longer reigns..."

¹⁰⁰ Cusanus, *Concordance*, 293 (III, ch., XXX, para. 500): "...[the emperor] often acquires his office through agreements with electors who seek their own interest..." *Concordance*, 303 (III, ch. XXXVI, para. 533): "... shamefully corrupt elections are often carried out involving iniquitous agreements."

¹⁰¹ Extensive discussion of the role of the temporal king in Cusanus, *Concordance*, 242-250 (III, chs. IX-XII, paras. 362-378). Charlemagne as an ideal Christian monarch is given in 240-242 (III, ch. VIII, paras. 359-360), although the source of the quotations that Cusanus ascribes to Charlemagne is not provided.

¹⁰² Cusanus, *Concordance*, 257 (III, ch. XV, para. 399): "Convocation [of a council] by the emperor can acquire the force of a command if the church is in urgent need and the pope neglects to do anything." *Concordance*, 258 (III, ch. XV, paras. 401-402): "...the council should not proceed quickly unless the necessity of the church — which has no law — should demand quick action. ...if the Roman pontiff opposes a meeting called by the emperor, it is customary to obey the Roman pontiff unless

Cusanus further laments that the church and the empire no longer work together in harmony — unlike, as he asserts, in the time of Charlemagne.¹⁰¹ To him, the emperor is as much of a protector of the church and its faithful as the pope is, perhaps more so. He remarks that the emperor can call a council himself if the pope is oblivious to the needs of the church (we are reminded of a similar provision for an ecumenical council): if the pope "neglects to do anything," then the emperor must intervene, for the "necessity of the church ... has no law," Cusanus says.¹⁰² Additionally, Cusanus argues, citing the example of Emperor Marcian, that the emperor can and should weigh in on spiritual matters so that the fathers are influenced to decide in such a way that benefits the entire commonwealth.¹⁰³ At the same time, papal legates should again serve as counsel to kings on their royal councils.¹⁰⁴ Cusanus also argues that appeals directly to the Roman curia should cease and be replaced by a process that sends complaints to the reestablished imperial councils instead.¹⁰⁵

In general, Cusanus was adamant, especially towards the end of Book III, that most of his suggested reforms were not new practices, but were instead elements of old canons that had fallen into obscurity.¹⁰⁶ Ultimately, he desired a reorganization of the

the necessity of the church demonstrates persuasively that it is rather the emperor who is to be obeyed. ...the responsibility to keep the faith has also been entrusted to the holy empire..."

¹⁰³ Cusanus, *Concordance*, 270-271 (III, ch. XXI, para. 431): "The emperor can and should give the council his opinion as to what is necessary for the church. This should be discussed in the synod, as was done in the case of Emperor Marcian. ...he should suggest what the council should do and press for its adoption."

¹⁰⁴ Cusanus, *Concordance*, 285 (III, ch. XXV, para. 478): "The legates of the Roman pontiff used to come for ... difficult matters arising in ... kingdoms. ...nothing could be more useful for public order than the reintroduction of this holy practice."

¹⁰⁵ Cusanus, *Concordance*, 310 (III, ch. XL, para. 560): "...appeals of unimportant cases beyond the provincial level to the Roman curia should be prohibited. Those that are of interest to the commonwealth should be decided in the imperial council, even when they involve religious matters..."

¹⁰⁶ Cusanus, *Concordance*, 185 (II, ch. XXXII, para. 237): "If therefore the church is to be reformed it is necessary that the divine and natural law and the regulations of the canons ... be reaffirmed and more fully observed." *Concordance*, 271 (III, ch. XXI, para. 433): "These chapters were praised, approved, and decreed by the holy council, although, alas, they are not observed today." *Concordance*, 314 (III, ch. XLI, para. 570): "Let us return to the old views." See also *Concordance* 291 (III, ch. XXIX, para. 496), 312 (III, ch. XL, 563), etc.

responsibilities of both the church and the state — a rebalancing of their power — so that they might again engage in “harmonious collaboration” to support the public good.¹⁰⁷

The Legacy of the Concordance

When Cusanus first refused the Old University of Leuven’s invitation in 1428, he was a young lawyer and an archbishop’s secretary, unknown to all of importance bar some Italian humanists who appreciated his aptitude for manuscript hunting. Seven years later, when he received their second letter, Cusanus sat on the most consequential ecumenical council of the fifteenth century. He had presented the *Concordance* to the Council of Basel two years earlier at the height of the conciliarist movement and as his declaration of support for their side. It is arguably the most important political treatise of the fifteenth century and won Cusanus acclaim from many scholars — some in his own time, but more after. But the specific philosophical influence and historical significance of the *Concordance* is debatable.

The problem in evaluating the *Concordance* comes not just from issues with its internal consistency — which I will elaborate on in a moment — but also from Cusanus’s own later changes in beliefs and allegiances. For in the period immediately following the *Concordance*’s publication in the late 1430s, Cusanus began to shift to the papalist faction at Basel and away from the conciliarists, culminating in him joining the papal minority and departing the council entirely near the end of the decade. This seemingly rapid departure from the strong conciliarist attitudes that Cusanus demonstrated in the *Concordance* has been the subject of much commentary by scholars, and is actually more significant for that

subsequent historiographical debate than for the immediate effects that Cusanus’s shift in allegiances had on the council.¹⁰⁸ But this development also arguably endangers the true significance of the *Concordance*. For although Cusanus denounced the church’s worldly ties, admonished the nobles for plundering the empire, and asserted the common dignity of “all men” to legitimate their government — or not — by their own consent, difficulty remains in identifying the proper place of the *Concordance* in the corpus of Cusanus’s works and philosophy. Donald Duclow, another Cusanus scholar, provided a significant observation:

...the most striking changes [after Cusanus’s decision] occurred in his writings. He never again wrote on church government with anything approaching the passion and detail of *The Catholic Concordance*; he even excluded this work from the manuscripts of his works that he commissioned in his last years.¹⁰⁹

Within the *Concordance* is a truly strange mixture of what could be considered democratic sentiments combined with late medieval Catholic philosophy. To Cusanus, the need for universal consent, for example, did not imply a need for direct representation.¹¹⁰ Further, inequality — in the church at least — was to him based on a “heavenly model” of the universe and was thus not only inevitable but natural.¹¹¹ Additionally, from his work on the Deputation on Bohemia, Cusanus was brought to disagree with the Bohemian Hussites who argued, among other things, that laymen could administer the sacraments — a prototype of the “priesthood of all believers” concept that would emerge during the Reformation — and instead defended the existence of an institutionalized, hierarchical priesthood.¹¹² He also did not support

¹⁰⁷ Cusanus, *Concordance*, 314 (III, ch. XLI, para. 568): “...the first and most important effort of all orthodox men will be to preserve from harm the hierarchy of the two powers in continued harmonious collaboration.”

¹⁰⁸ Several viewpoints have been presented. For just a few, see Joachim W. Stieber, “The ‘Hercules of the Eugenians’ at the Crossroads: Nicholas of Cusa’s Decision for the Pope and Against the Council in 1436/1437 — Theological, Political, and Social Aspects,” in *Nicholas of Cusa in Search of God and Wisdom: Essays in Honor of Morimichi Watanabe by the American Cusanus Society*, eds. Gerald R. Christianson and Thomas M. Izbicki (Leiden: Brill, 1991), 221; Black, *Political Thought in*

Europe, 179; Meuthen, *Sketch*, 49-50; Watanabe, “An Appreciation,” 12; Duclow, “Life and Works,” 34-35.

¹⁰⁹ Duclow, “Life and Works,” *Introducing Nicholas of Cusa*, 35.

¹¹⁰ Cusanus, *Concordance*, 96 (II, ch. XIV, para. 124): “...those who are present [in the council] are considered to act as the representatives of all.” Yet is this not similar to the concept of representative democracy?

¹¹¹ Cusanus, *Concordance*, 103 (II, ch. XV, para. 135): “...the church contains a hierarchical concordance of inequality...”

¹¹² Cusanus, *Concordance*, 162-163 (II, ch. XXVI, para. 211). Essentially, although some local changes to the sacraments can

the involvement of the laity in the election of bishops or in the synods, although he provided a caveat to that latter point such that it should apply only to the non-princely laity; i.e., if their rule would be affected by a synodal decree, the secular princes deserve to at least be present at the relevant synod.¹¹³ This exception was probably made because Cusanus placed responsibility on the princes themselves to enforce the decisions and authority of the synods.¹¹⁴ And as mentioned earlier, Cusanus labeled democracy an “intemperate” system of governance — comparable to tyranny and oligarchy — and supported monarchical rule.¹¹⁵ Rebellion against lawful rule was also intolerable to him, as were “disturbances” at the councils.¹¹⁶ Cusanus offered a revealing summary of his views on the law and perhaps rulership in general near the end of Book III:

Unless a law retains its sanction and its punitive force it becomes blunted and falls into disuse. Man’s appetite for evil must be controlled by the bridle of the law and restrained by its limitations. Law without coercion has no sanction and loses its effectiveness. It no more merits to be called a law than a corpse should be called a man.¹¹⁷

Conclusion

Nicholas of Cusa won more acclaim in the twentieth century than he enjoyed in his own

lifetime. Indeed, no other fifteenth-century thinker — indeed no other medieval cardinal — is honored today, as is Cusanus, by societies specifically devoted to the study of his life and works..¹¹⁸

—Joachim Stieber

Fifty-seven years ago, Watanabe wrote that “all conjectures and guesses... concerning the motives behind [Cusanus’s] change of front [in Basel] remain open to question.”¹¹⁹ Conclusions about Cusanus and the *Concordance* also remain open to question. Meuthen wrote an impassioned connection of Cusanus to the progression of society towards democracy:

...history does not happen overnight. What is growing now will unfold one day in full blossom. Powerful blows battered the age of hierarchical thinking. The democratic, pluralistic principle that no longer constructed the social order like one hierarchical pyramid demanded to be heard, even if the future was not to belong to it until much later. The democratic principle proceeded from equality, equal rights, and the equal worth of all, this worth being endowed as a natural right. ... In the history of political theory the democratic principle found its first practical formulation in the principle of the consent that subjects give to their ruler and his government.¹²⁰

be made for the health of the church, as discussed earlier (see *Concordance*, 161 [II, ch. XXVI, para. 209]), in principle the administration of the sacraments must still be done by ordained clergymen in Cusanus’s mind.

¹¹³ Cusanus, *Concordance*, 178-179 (II, ch. XXXII, para. 228), quoting Constantinople IV: “...no lay prince or potentate may involve himself in the election or promotion of a patriarch or of a metropolitan or any bishop ... especially since it is not fitting that any secular power or layman should have power in such matters.” *Concordance*, 240 (III, ch. VIII, para. 357): “Laymen should speak at councils when they must defend themselves but otherwise they should only listen.” See the example of Charlemagne on 241-242 (III, ch. VIII, paras. 359-361). *Concordance*, 256 (III, ch. XIV, para. 395): “...laymen, monks, and clergy, especially those who do not have the permission of their bishops, should not be present at universal councils.” *Concordance*, 260 (III, ch. XVII, para. 407): “Laymen may not speak in the council when church matters are discussed...”

¹¹⁴ Cusanus, *Concordance*, 243 (III, ch. IX, para. 364): “It is the office of princes to enforce and protect what has been decided in the councils...”

¹¹⁵ Cusanus, *Concordance*, 209-211 (III, prae., paras. 279-283).

¹¹⁶ Cusanus, *Concordance*, 214 (III, prae., para. 290): “...true rule over the one uncorrupted church or congregation of men should result from the purest consent, not from violence...” *Concordance*, 256 (III, ch. XV, para. 396), quoting the Council of Chalcedon: “You should permit no disturbance to take place concerning what may be decided by the holy council... ..if you see anyone trying to injure the holy faith through disagreement or disturbance you ought to place him in custody...”

¹¹⁷ Cusanus, *Concordance*, 287 (III, ch. XXVI, para. 486). See also *Concordance*, 308 (III, ch. XXXIX, para. 552): “The strength of a law lies in its coercive force...”

¹¹⁸ Stieber, “Cusa’s Decision for the Pope,” *Nicholas of Cusa in Search of God and Wisdom*, 221.

¹¹⁹ *Ibid.*

¹²⁰ Meuthen, *Sketch*, 44.

But Hopkins also made an especially important observation about Cusanus's writings in general:

Nicholas commands our respect — though for reasons less pronounced than Cassirer himself gives. ...we find in [Cusanus's] corpus of writings certain ideas that were developed by his Modern successors, without his having directly influenced most of those successors through his own writings, of which they had scarcely any firsthand knowledge. ...he does not help “legitimate” the Modern Age, ... Instead, the reverse is true: the Modern Age helped “legitimate” certain of his ideas.¹²¹



Epitaph on Cusanus's tomb in Rome

Source: [Wikimedia Commons](#)

From this study alone I cannot authoritatively relegate the early Cusanus wholly to late medieval

thought or bring him into modernity. More study of the *Concordance* — especially its drafting, revisions, and sources — is needed. Certain ideas presented in the *Concordance* that have been discussed above and by scholars in greater detail should liberate Cusanus from being bound to the legacy of the Middle Ages in his entirety. But as far as I can say at this time, the underdeveloped nature of these ideas and their ultimate abandonment by Cusanus in his later years precludes him from being a true anticipator of the likes of Thomas Paine. It is especially hard to reconcile Cusanus's oftentimes vivid and even fiery polemic against the worldly church and the ruinous princes found in the *Concordance* with his complete disavowal of the text itself and many ideas expressed therein in his later life, as he rose to the highest levels of the Catholic church.

Yet this kind of rapid shift in allegiance is not unique to Cusanus; throughout history, we find democratic reformists and supposed champions of the people become reactionaries or dictators in short order. (A particular comparison might be made with the writings of Martin Luther, leader of the Protestant Reformation in Germany, against the great peasant uprisings that occurred during the “Radical” Reformation of the sixteenth century.) Even today, we are seeing democratic backsliding and rising authoritarianism around the world, often brought about by leaders who came to power on the winds of campaigns against corruption, entrenched authority, and the detachment of politicians from the visceral realities of the masses. Yet as the Cusanus of the *Concordance* wrote:

O how blind they are! The princes should not think that they can become rich from the goods of the empire and possess them for long. ...increasing envy and greed will produce wars and divisions and then like every kingdom divided against itself, what has been brought together unjustly will collapse.

When the nobles are fighting among themselves, the people will rise up to seek justice through their own arms. Then, as the princes destroy the empire, the people will destroy the princes.¹²²

¹²¹ Hopkins, “First Modern Philosopher?” 29.

¹²² Cusanus, *Concordance*, 293 (III, ch. XXX, paras. 502, 503).

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