

The Christian Roots of The 'Ideas of 1776'

by William F. Wertz, Jr.

In 1991, Cambridge University Press published the first English translation of *The Catholic Concordance*, a book written in 1433 by Nicolaus of Cusa (1401-64). The significance of this book, translated by Paul Sigmund, is that in it Nicolaus of Cusa puts forward the idea, based on natural law, that in both religious and political affairs the authority to govern rests upon the "consent" of the governed.

With the publication of this work in English, the political and ecclesiological theory of one of the most profound thinkers in Western civilization will now have a broader influence on our own times, than the largely unacknowledged influence it has already exerted through those few who previously had access to it. In the religious sphere, the wider availability of this work will strengthen the reform of the Roman Catholic Church, which was launched during Vatican Council II, and contribute to the restoration of unity among Christians. In the political arena, Cusa's work, which contributed to many of the concepts reflected in the U.S. Declaration of Independence and Constitution, will revitalize our commitment to human equality and freedom and to the rule of law.

This book is particularly important today, as we search for sound principles upon which to establish peace in a world threatened with economic depression in the advanced sector nations, genocidal conditions among the vast majority of the world's population, and social disintegration in the former Soviet Union. In opposition to those who advocate a New World Order based upon the lawless concept that "might makes right," Cusa provides us with an alternative conception

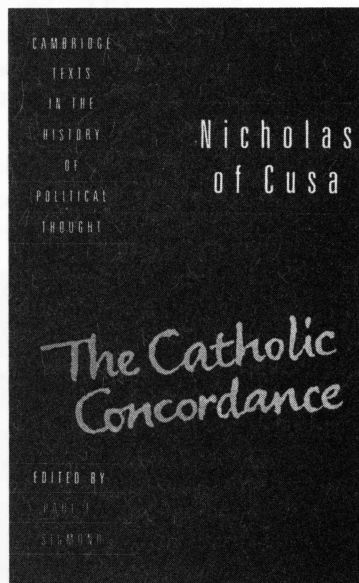
consonant with our own republican Constitution and with the true principles of Christianity.

Who was Nicolaus of Cusa?

In order to understand the context in which Nicolaus of Cusa wrote *The Catholic Concordance*, we begin with a short biographical sketch.

Nicolaus of Cusa was born in 1401 in the city of Cues, in the diocese of Trier, Germany. In his very early years he reportedly received educational training from the Brothers of the Common Life. In 1416, he attended the University of Heidelberg, which he left in 1417 with a bachelor's degree in philosophy, in order to begin the study of canon law in Padua, Italy. He completed this study, and in 1423, received a doctorate degree. In 1425, he returned to Germany and enrolled at the University of Cologne, where he studied philosophy and theology. In 1426, he became the secretary to the Archbishop of Trier and in 1427 dean of the Church of St. Florin in Koblenz.

In 1430, the Archbishop died, and a struggle ensued over his replacement. An election was held, the results of which were contested and appealed to the Pope, who named the Bishop of Speyer as the new Archbishop. In 1432, one of the original contestants, Ulrich von Manderscheid, represented by Nicolaus of Cusa, brought his claim to the Council of Basel, which had begun in July 1431. Although Cusa was eventually to lose this case, shortly after arriving in Basel, he was incorporated into the Council and made a member of the Committee on the Faith. During the



Nicolaus of Cusa:
The Catholic Concordance,
edited and translated by
Paul E. Sigmund,
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course of 1433, as a member of the Committee on the Faith, he wrote the *Catholic Concordance*, which he submitted to the council at the end of 1433 or the beginning of 1434.

In this book, the central, revolutionary thesis which Cusa develops is that, since by nature all men are created equal in power and freedom, and are endowed by God with reason, all authority over them can only be established by election. Since all legislation is based on natural law, and natural law is based on reason, all legislation, to be valid, must be rooted in the reason of man. Therefore, all legitimate governance and all true religious and political peace can only come from the agreement and consent of the people, and not from any coercive law imposed on someone against his will.

Cusa, however, was not unaware of the dangers of pure democracy. Since in his view, "the number of fools

is infinite," in order to avoid a situation in which ignorance might outweigh the vote of the wise and the majority might become tyrannical, he insisted that true freedom must be subject to reason.

The Crisis

The situation which compelled Nicolaus of Cusa to propose reforms based on this concept of natural law was as disastrous as that facing us today.

In the year 1433, the division in Christendom between the Roman Church and the Eastern Orthodox Church, which had occurred in 1054, was still in effect. The Ottoman Empire, which was to seize Constantinople twenty years later in 1453, was already a military threat.

In the West, the Roman Church was itself divided. The Council of Constance (1414-18) had only recently succeeded in ending the schism created by the simultaneous existence of three rival claimants to the papal throne.

The Council of Basel began to meet in July 1431. However, the new Pope, Eugene IV, urged the relocation of the council to a site in Italy, so that he could attend, and because the Greeks, with whom reunification was to be negotiated, preferred an Italian city. The Council refused to relocate, insisting on conciliar supremacy, a doctrine which the Pope condemned as heretical.

At the same time, in Bohemia (modern Czechoslovakia) the Hussite heresy continued to threaten further internal division.

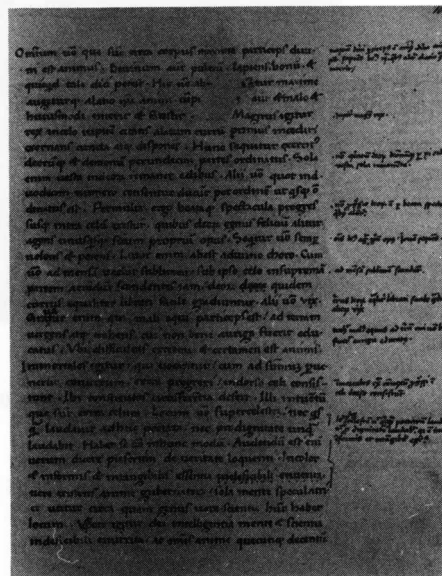
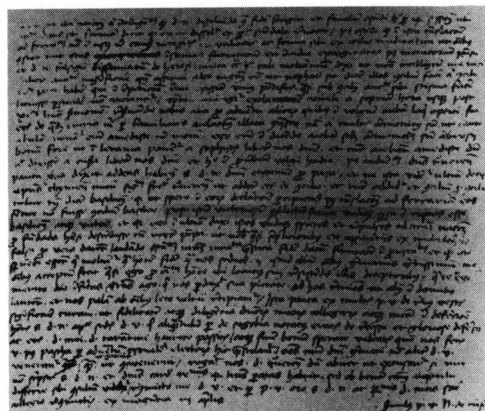
Moreover, the level of corruption within the Roman Church was so pervasive as to cry out for reform. One example of this was the practice of the Roman curia avariciously consuming the income of subordinate churches. In regard to this situation, Cusa writes:

Observe that those who use some pretext to burden their subordinate churches are guilty of sacrilege. This is why this world cries out at the acquisitiveness of the Roman curia. If simony is in a way a kind of heresy, if it is a sacrilege and according to the great

Photographs of historical material which appears in this article are reprinted from Nikolaus von Kues, 1401-1464: Leben und Werk im Bild, by Dr. Helmut Gestrich, Cusanus-Gesellschaft, Bernkastel-Kues, by the kind permission of the author.



Nicolaus of Cusa manuscripts: Left: sketches of Plato, Socrates, Aristotle, and Anaxagoras. Bottom, right: marginal notes to a Platonic dialogue. Bottom, left: letter to Cardinal Cesarini.



Apostle idolatry to burden subordinate churches, a reform is necessary which will take away all these profits—in particular since the whole church is scandalized by the avarice of its rulers, and by that of the Roman curia more than of the other churches.

The state of the Holy Roman Empire was no better. As Cusa writes:

A mortal disease has invaded the German empire and unless an antidote is found at once, death will surely follow. You will seek the empire in Germany and will not find it. As a result others will take our place and we will be divided and subjected to another nation.

Contributing to the threat of invasion and subjugation, was the threat of internal rebellion because of the prevailing degree of injustice. Cusa reports:

And where there is no order, there is confusion. And where there is confusion, no one is safe. And so 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.

The One and the Many

Although the conditions described above are no different in many respects from those cited by the Protestant Reformation a century later, the reform Nicolaus of Cusa proposed in the *Catholic Concordance* was designed to bring about a solution *within* the Catholic Church. In fact, what this book makes clear is that an alternative route to reform of the church did exist, which would have addressed the legitimate grievances of the Protestant Reformation, while avoiding its destructive excesses.

In Book I, Cusa emphasizes that a “divine harmony” underlies the church. “Concordance is the principle by which the Catholic Church is in harmony as one and many—in one Lord and many subjects.” For Cusa, the paradoxical relationship of the one and the many is solved through the conception of the Catholic Church as the body of Christ and of each member as the adopted son of God through imitation of Jesus Christ. According to Cusa, as members of the one body of which Christ is the head, all spirits of a rational nature are capable of participating in various gradations in that most infinite concordance, which is the Triune God.

Since, as Cusa says, “all created things demonstrate the Trinity,” universal harmony is to be achieved on earth by men to the extent that they act as the adopted sons of God. In the infinite concordance, which is the



Frontispiece, *De Concordantia Catholica* (The Catholic Concordance).

Triune God, there is difference but no opposition. Among men, concordance also requires difference or diversity, but it does not endure if men sin by acting in opposition to the rule of reason upon which it is founded. Joined in “rational harmony with the Word” through faith, the many become capable of increasing charity, “so as to produce one temple and one spiritual dwelling-place for all.” Moreover, the more we adhere to Christ, who is “justice itself” and also the “highest truth itself,” the more just and wise we ourselves become. Cusa concludes:

In summary, therefore, we may say 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.

Stressing the same point later on, Cusa writes:

And this is our fundamental premise—that the Word is the wisdom of the Father, and wisdom is life (Proverbs 8). 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 among the angels and men was contrary to the wisdom of God.

Natural Law

In Book II, Cusa further develops his concept of natural law:

All legislation is based on natural law and any law which contradicts it 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 them by nature and to rule the others by these laws and to decide controversies by 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 judgment 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—by which subjects are compelled to abstain from evil deeds and their freedom directed towards the good through fear of punishment—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 of one common ruler who is their equal in power cannot be naturally established except by the election and consent of the others and law is also established by consent.

Cusa, therefore, concludes:

The canons are based on natural law. Even the ruler has no power to violate natural law, and therefore he also has no power over a canon based on, or incidentally following from, natural law.

The State

In Book III of the *Catholic Concordance*, Cusa directs his attention to the state. In a preface to the third book Cusa advances the fundamental principles of his political theory. He writes: “From the beginning men have been endowed with reason which distinguishes them from animals.” As a result of a “divine law infused in all men,” they knew that “associating together would be most beneficial to them and that social life would be maintained by laws adopted with the common consent of

all—or at least with the consent of the wise and illustrious and the agreement of the others.”

Throughout the preface Cusa explicitly refers to Aristotle’s *Politics*. However, as Paul Sigmund points out, he transforms Aristotle by attributing concepts to his *Politics* which do not appear in that work.

First, Cusa argues that Aristotle concluded that “the weightier part ought to act for the remainder of the polity.” Aristotle, in fact, refers to the “stronger part,” a term which does not denote superiority based on reason, but rather simply on power.

Second, while Aristotle argues that some are slaves



Far right:
Nicolaus of Cusa,
1460.

Right: The
Council of Basel,
by Hartmann
Schedels
Weltchronik.

Above, from left:
Cardinal
Bessarion,
Pope Pius II
(Piccolomini),
Anti-Pope
Felix V.



by nature, Cusa says that “nature does not make a slave, but rather ignorance, nor does manumission make one free, but learning.” From this same standpoint Cusa argues that “servitude can be by choice.” Thus, he transforms Aristotle’s advocacy of slaves as physical property into an argument in behalf of the “voluntary subjection” of the governed to the wise.

And third, Cusa attributes to Aristotle the idea that the ignorant consent to being governed by the wise for the common good, a concept not present in the *Politics*. “And when government is so organized, then ‘it is impossible for an aristocracy, that is a city governed according to virtue’ by the wise with the consent of the

others for the common good, 'not to be well ordered,' as Aristotle says. . . ."

Thus, in opposition to Aristotle, Cusa argues that "the common good only comes from the consent of all or of a majority." Therefore, "every monarchical or aristocratic regime, since those regimes must be established over willing subjects, should be established by election. . . ."

Cusa then derives the notion of government based on the consent of the governed from the figure of Christ himself. He writes:

But besides what is said above, the most important requirement is that every ruler who is a faithful

Christian should model himself on the figure of Christ whom he represents and succeeds. And so let him look to Christ who is truth itself. And let him consider first that he is Lord and master, God and man, and thus every government is composed of human and divine elements.

From the fact that Christ is God and man Cusa concludes that on the one hand rulership comes from God and on the other hand from man, "just as Christ was the true son of the Virgin Mary." Cusa then argues that Mary's decision to give birth to

Christ "by her own free consent when she said 'Be it done unto me according to thy word,' " is proof of the fact that rulership is derived both from God and from the consent of the governed.

Moreover, since Christ came not to destroy the law, but to fulfill it, the ruler, like Christ, is under the law and should do nothing contrary to the laws.

Cusa summarizes his political theory as follows:

[A]ll 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 so that all authority—which comes from God as does man him-

self—is recognized as divine when it arises from the common consent of the subjects. One who is established in authority as representative of the will of all may be called a public or common person, the father of all, ruling without haughtiness or pride, in a lawful and legitimately established government. While recognizing himself as the creature, as it were, of all his subjects as a collectivity, let him act as their father as individuals. This is that divinely ordained marital state of spiritual union based on a lasting harmony by which a commonwealth is best guided in the fullness of peace toward the goal of eternal bliss.

On the same natural law basis, Cusa argues that since the power of the Holy Roman Emperor derives from the consent of the people, if the Emperor abuses that power, this power can be taken away. "It is the common opinion of all the experts on the subject that the Roman people can take the power to make laws away from the Emperor because he derives his power from the people." He writes further: "When they order something contrary to a divine commandment it is evident that the command does not share in the divine rulership, and so one should not obey it. . . ." Finally, "no one is obliged to observe an unjust law, and no living person is exempt from a just one."

Separation of Powers

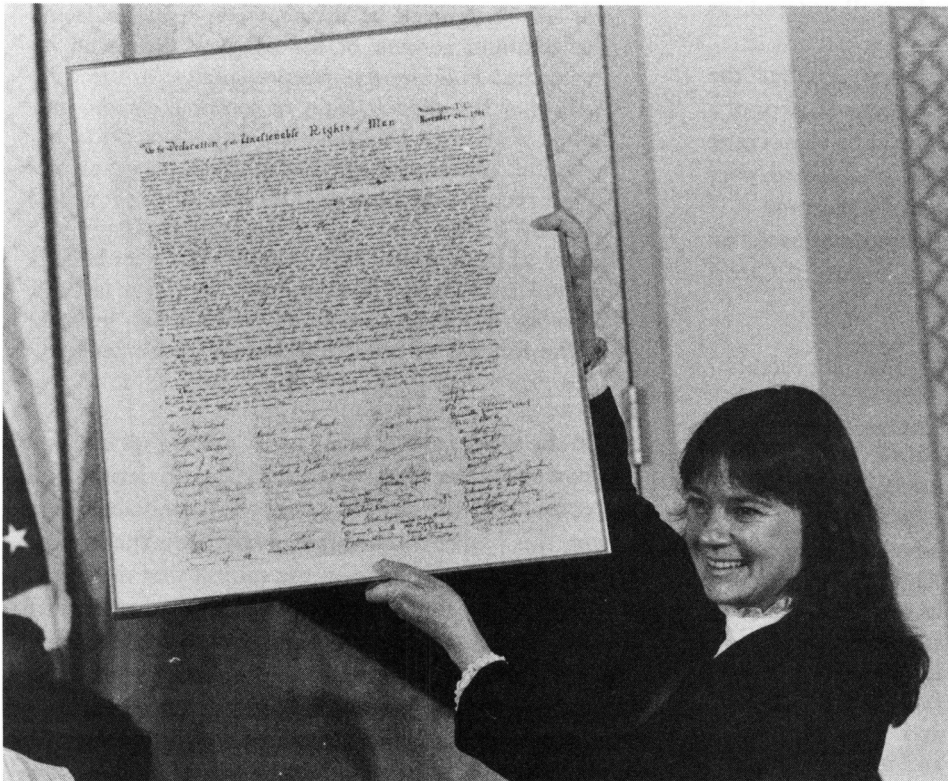
In the *Catholic Concordance*, Cusa argues that the powers of the church and state are "independent and distinct." He condemns both the involvement of the church in temporal affairs and the efforts on the part of the Empire to subordinate the church to its authority. However, as should be clear from the above, Cusa does not advocate the conception which is prevalent today, that the state, in order to be separate, should in effect be atheistic.

For Cusa, the very purpose of rulership cannot be divorced from the precepts of religion:

For every king and emperor holds public office for the public good. The public good consists in peace, the goal towards which justice and just wars are directed. 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.

Cusa derives the responsibility of the ruler "to act as universal guardian of the faith" neither from his dependency on the Roman pontiff nor from the succession of believing Emperors, but rather from "the basic transfer of power from the Christian Roman people." He elaborates: "Once the Roman people became Chris-





EIRNS/Philip Ulanowsky

Institute founder Helga Zepp-LaRouche displays the Declaration of the Inalienable Rights of Man, modeled on the U.S. Declaration of Independence, in January 1985. The Declaration echoes Cusa's assertion that "since all are by nature free, every governance . . . can only come from the agreement and consent of the subjects."

tian, they chose as their rulers Emperors of the same faith as the people. Therefore I believe that it is true . . . that it is the intention of the people only to transfer power to a ruler if he has the faith. . . ."

In addition to advocating this concept of the separation of church and state, Cusa also proposed a wide-ranging reform of the state designed to increase its capacity to re-establish the rule of law based on the consent of the governed. Pointing to the fact that Constantine had established a judicial system and had provided for annual imperial councils in Gaul, he argues that "it was after the imperial courts and meetings ceased, that nearly all the abuses were introduced." Therefore, to restore the Empire to its original healthy state, he proposes the appointment of a judiciary in each of the provinces and the convoking of an annual council.

As to the former, Cusa proposes the creation of twelve or more courts throughout the provinces subject to the Empire. Each court should be composed of three judges corresponding to each of the three social classes—nobles, clerics and people.

As to the latter, Cusa proposes that this month-long meeting be attended by the Emperor, who should preside, all the judges and electors of the Empire, represen-

tatives from each city and metropolis, and from the imperial fortified towns. That Cusa conceives of such a council as a means of establishing checks and balances through the separation of powers is evident from the following: "No one doubts that a universal council that acts by agreement of the head and members, functions as a limit on the power of the executive for the good of the commonwealth."

In addition, Cusa proposes that, with the agreement of his universal council, the ruler should have a daily council of the

best qualified of his subjects from all parts of the realm. These counsellors ought to represent all the inhabitants of the realm. . . . These counsellors ought constantly to defend the good of the pub-

lic which they represent, giving advice and serving as the appropriate means through which the king can govern and influence his subjects and the subjects on proper occasions can influence him in return. . . . The counsellors should be appointed to this task by agreement in a general meeting of the kingdom, and they should be publicly bound legally by oath to speak out openly for the public good.

The reforms that Cusa proposed in the *Catholic Concordance* were not implemented at the Council of Basel. Nor were they fully realized in the aftermath of the Council of Florence, in the context of the decade-long division of the Western church, the military defeat at Varna in 1444, and the seizure of Constantinople by the Turks in 1453.

Nonetheless, the underlying philosophical principles which his reforms reflect did have a significant impact upon the Golden Renaissance which followed the Council of Florence. Moreover, his conception of government as regards both the church and the state is one that we are still striving to realize today. Thus, although conditions are now different, Cusa's conception of natural and divine law remains the equally valid basis for universal concordance today.