

Iuxta temporis qualitatem: Ecclesiology and ‘Innovation’ in the Polemics of William Woodford O.F.M. (Oxford, 1370s) and Nicholas of Cusa (Basel, 1433)*

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Introduction

[...] sumendo sacram scripturam pro multitudine veritatum in canone biblie contentarum vel per textum secundum intencionem auctoris, et simul ponendo quod in illa sacra scriptura omnis veritas continetur tamquam pars in toto, oportet concedere illam sacram scripturam infinicies in hoc instanti variatam et mutatam, et quod infinicies mutabitur in omni instanti futuro. Nam in hoc instanti infinite veritates incipiunt esse et infinite desinunt esse, et numquam pars auferri potest a toto sine ipsius mutacione, nec nova adquiri toto sine eius mutacione.

Thus argues William Woodford, a Franciscan opponent of John Wyclif, in a set of determinations written in 1370s Oxford in defence of the so-called ‘private religions’, that is, the fraternal and monastic orders with their own rules.¹ Woodford critiques the centrality to Wycliffite anti-establishment polemic of two widespread and intensifying late-medieval emphases: the first, on the near-exclusive primacy of Holy Scripture, and the second, on the *ecclesia primitiva* as normative for the contemporary institution and its practices.² As we see in the passage quoted above, Woodford wishes to dismantle the Wycliffite attempt to locate an unchanging and absolute truth in a text and an institution which are, in theory, held to transcend time and change:³ instead, ‘truth’ is conceptualised as temporally variable and ever-developing, and therefore resistant to being located in a fixed text and an unchanging institutional ideal.

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¹ “[...] taking sacred scripture for the multitude of truths contained in the biblical canon or in the text according to the intention of the author, and in simultaneously postulating that all truth, as a part of the whole, is contained in that sacred scripture, it is necessary to concede that sacred scripture to be in this instant varied and changed to an infinite extent, and also that it will be infinitely changed in every future instant. For in this instant an infinitude of truths begins to be and an infinitude of truths ceases to be, and a part cannot be deducted from, or a new part added to, the whole without its changing.”: William WOODFORD, *Quattuor determinaciones in materia de religione*, Oxford, Bodleian Library, Ms. Bodley 703, fols 69r—102r, at fol. 99v. All translations from Woodford’s Latin are mine.

² Classic studies on these key discourses include Hermann SCHÜSSLER, *Der Primat der Heiligen Schrift als theologisches und kanonistisches Problem im Spätmittelalter*, Wiesbaden 1977; Brian TIERNEY, ‘Sola scriptura’ and the Canonists. In: ID., *Church Law and Constitutional Thought in the Middle Ages*, London 1979 (Variorum Reprints), Article IX, p. 345—366; Glenn OLSEN, The Idea of the ‘ecclesia primitiva’ in the Writings of the Twelfth-Century Canonists. In: *Traditio* 25 (1969), p. 61—86; Gordon LEFF, The Apostolic Ideal in Later Medieval Ecclesiology. In: *Journal of Theological Studies* N.S. 18 (1967), p. 58—82; ID., The Making of a Myth of a True Church in the Later Middle Ages. In: *Journal of Medieval and Renaissance Studies* 1 (1971), p. 1—15; Scott H. HENDRIX, In Quest of the *vera ecclesia*: The Crises of Late Medieval Ecclesiology. In: *Viator* 7 (1976), p. 347—78.

³ For the larger context, see Ian Christopher LEVY, *Holy Scripture and the Quest for Authority at the End of the Middle Ages*, Notre Dame IN 2012; Kantik GHOSH, *The Wycliffite Heresy: Authority and the Interpretation of Texts*, Cambridge 2002.

The inherited tension between—to borrow Hans Martin Klinkenberg’s binary—a static and a dynamic hermeneutic and ecclesiology, or, in medieval terms, between mobile and immobile prescriptions in matters of faith and their relative weighting,⁴ becomes particularly acute in the late-medieval period, especially in the context of the papal Schism (1378-1417) and the conciliar negotiations which followed,⁵ at a time of sustained challenges offered by various dissident movements labelled as ‘heresy’, preeminently those headed by John Wyclif in England and Jan Hus in Bohemia.⁶ I will look at two debates from this period, the first between Wyclif and Woodford, from 1370s Oxford University, when the Wycliffite critique of the contemporary Church as a deviation from and corruption of its ideal original state was beginning to attract hostile attention,⁷ and the second, between Nicholas of Cusa and the Bohemians, from the Council of Basel in the 1430s, when the Hussite challenge had gathered such momentum that the Roman Church was forced to negotiate with the dissidents about fundamental matters of belief and practice, especially in relation to the sacrament of the eucharist.⁸ On the one hand—and this will form the focus of the following article—we have a foregrounding of the *necessitas, varietas, qualitas, and mutabilitas* of time requiring novel responses, and *novas formas*; on the other, we have a notion of renovation or reformation which is in theory nothing other than a *restauracio*, a return to a *nudus textus, primaeva ecclesia, and pristina veritas*.

A diffuse and somewhat imprecise vocabulary related to change and renewal, both of the individual *viator*,⁹ and, in a slowly deepening emphasis, of the Church and its institutions and discourses, is visible from an early date: relevant verbs, not always clearly distinguished from one another, would include *renovare, innovare, restaurare, reformare, restituere, corrigere, emendare* etc.¹⁰ Furthermore, from early medieval times onwards, thinkers had

⁴ See Hans Martin KLINKENBERG, Die Theorie der Veränderbarkeit des Rechtes im frühen und hohen Mittelalter. In: Lex und Sacramentum im Mittelalter, ed. by Paul WILPERT, Berlin 1969 (Miscellanea Mediaevalia 6), p. 157—188. Klinkenberg, p. 179, cites Ivo of Chartres, ‘Prologus in Decretum’: *Praeceptiones [...] et prohibiciones, alie sunt mobiles, alie immobiles. Precepcones immobiles sunt quas lex eterna sanxit [...]. Mobiles uero sunt quas lex eterna non sanxit set posteriorum diligencia ratione utilitatis inuenit non ad salutem principaliter obtinendam set ad eam tucius muniendum*. In: Ways of Mercy. The Prologue of Ivo of Chartres: Edition and Analysis, ed. by Bruce C. BRASINGTON, Münster 2004, p. 120—121; also see PL 161, 50AB.

⁵ For a conspectus, see A Companion to the Great Western Schism, ed. by Joëlle ROLLO-KOSTER/Thomas M. IZBICKI, Leiden 2009; Die Konzilien von Pisa (1409), Konstanz (1414—1418) und Basel (1431—1449): Institution und Personen, ed. by Johannes HELMRATH/Heribert MÜLLER, Ostfildern 2007; A Companion to the Council of Basel, ed. by Michiel DECALUWÉ/Thomas M. IZBICKI/Gerald CHRISTIANSON, Leiden 2017.

⁶ For a recent intervention, see Wycliffism and Hussitism: Methods of Thinking, Writing, and Persuasion, c.1360—c. 1460, ed. by Kantik GHOSH/Pavel SOUKUP, Turnhout 2021, and further bibliography therein.

⁷ See Jeremy CATTO, Wyclif and Wycliffism at Oxford 1356—1430. In: The History of the University of Oxford vol. 2: Late Medieval Oxford, ed. by Jeremy CATTO/Ralph EVANS, Oxford 1992, p. 175—261; Mishtooni BOSE, The Opponents of John Wyclif. In: A Companion to John Wyclif: Late Medieval Theologian, ed. by Ian Christopher LEVY, Leiden 2006, p. 407—455.

⁸ See Ernest F. JACOB, The Bohemians at the Council of Basel, 1433. In: Prague Essays, ed. by R. W. SETON-WATSON, Oxford 1949, p. 81—123; František SMAHEL, Die Hussitische Revolution, 3 vols, Hannover 2002, vol. 3, p. 1560—1591; Thomas A. FUDGE, The Hussites and the Council. In: Companion to the Council of Basel (see n. 5), p. 254—281; Gerald CHRISTIANSON, Church, Bible, and Reform in the Hussite Debates at the Council of Basel, 1433. In: Reassessing Reform, ed. by Christopher M. BELITTO, Washington D.C. 2012, p. 124—148.

⁹ In the traditional Pauline sense of the *novus homo*: see 2 Corinthians 4.16; Ephesians 4.22—24; Colossians 3.9—10.

¹⁰ For a recent corpus-linguistics approach to the valences and distribution of these and other terms (especially *reformatio*) and their collocations, and the broad contours of their development over the period up to the 13th

an acute and widespread sense of the historical development of the Church. This was generally understood in terms of the role of God’s providence in producing variety over time in the Church, often with reference to Daniel 12.4: *plurimi pertransibunt, et multiplex erit scientia*.¹¹ Such change and development, in theory aligned with a benign soteriology presided over by God, were acknowledged to require a creative and flexible responsiveness on the part of human society, its institutions and discourses. Over the centuries, this responsiveness amounted to nothing less than a sustained, rich, and diversely innovative impulse, especially prominent in the foundational and overlapping domains of law and scriptural exegesis, within what was held to be the larger, capaciously immutable framework afforded by a *fides* and an *ecclesia* guiding postlapsarian man to salvation.

Scriptural hermeneutics therefore played a key role in conceptualisations of a developing Church and associated innovations relating to doctrine, observance, and regulation. Indeed, as Gilbert Dahan points out, “l’exégèse chrétienne de la Bible se situe constamment dans une tradition mais qu’elle est vouée à l’innovation, du fait même des présupposés herméneutiques qui la gouvernent”.¹² Equally importantly, developing legal discourses, both civil and canon, engaged pervasively with the notion of change and innovation. Justinian’s constitution *Tanta* had famously recognised that *multas formas edere natura novas deproperat* (“nature hastens to produce / promulgate / enact many new forms”); and Gratian’s ‘Decretum’ underlined the necessary variability of legal interpretation *ex tempore et loco et persona et causa*.¹³ An inevitable tension that arose from this pronounced and

century, see Nicolas PERREAUX, *Après la chute, reformer le monde: Réflexions sur la sémantique du lexique dit ‘réformateur’*. In: *Reformatio? Les mots pour dire la réforme au Moyen Âge*, ed. by Marie DEJOUX, Paris 2023, p. 29–73. See also the older studies by Gerhart B. LADNER, *Two Gregorian Letters: On the Sources and Nature of Gregory VII’s Reform Ideology*. In: *Studi Gregoriani: Per la storia di Gregorio VII e della riforma Gregoriana*, ed. by G. B. BORINO, Roma 1956, p. 221–242; *Id.*, *Gregory the Great and Gregory VII: A Comparison of Their Concepts of Renewal*, *Viator* 4 (1971), p. 1–31.

¹¹ On the reception of Daniel 12.4, see J. R. WEBB, ‘Knowledge will be Manifold’: Daniel 12.4 and the Idea of Intellectual Progress in the Middle Ages. In: *Speculum* 89 (2014), p. 307–357; Robert E. LERNER, *Pertransibunt plurimi: Reading Daniel to Transgress Authority*. In *Knowledge, Discipline, and Power in the Middle Ages: Essays in Honour of David Luscombe*, ed. by Joseph CANNING/Edmund J. KING/Martial STAUB, Leiden 2011, p. 7–28. Also see also see Beryl SMALLEY, *Ecclesiastical Attitudes to Novelty*. In: *EAD.*, *Studies in Medieval Thought and Learning. From Abelard to Wyclif*, London 1981, p. 97–115; Klaus SCHREINER, ‘Diversitas temporum’: Zeiterfahrung und Epochengliederung im späten Mittelalter. In: *Epochenschwelle und Epochenbewusstsein*, ed. by Reinhart HERZOG/Reinhart KOSELLECK, München 1967, p. 381–428.

¹² Gilbert DAHAN, *Innovation et tradition dans l’exégèse chrétienne de la Bible en occident (XII^e–XIV^e siècle)*. In: *Id.*, *Lire la Bible au Moyen Âge: Essais d’herméneutique médiévale*, Genève 2009, p. 393–408, at p. 393. Also see Edward M. Peters, *Transgressing the Limits Set by the Fathers: Authority and Impious Exegesis in Medieval Thought*. In: *Christendom and Its Discontents: Exclusion, Persecution and Rebellion 1000–1500*, ed. by Scott L. WAUGH/Peter D. DIEHL, Cambridge 1996, p. 338–362. Webb points out that influential thinkers as varied as Jerome, Rupert of Deutz, Abelard, Aquinas, and others associated Daniel 12.4 with a positive and incremental diversity of opinions and doctrines, and hermeneutic innovations: WEBB, *Daniel 12.4 and the Idea of Intellectual Progress* (see n. 11), p. 312, 326–327, 338 and *passim*.

¹³ D. 29, c. 1-3: 1) *ex tempore, et loco et persona et causa, regulae canonum intelligantur*, 2) *pro varietate rerum temperantur regulae sanctorum*, 3) *pro diversitate locorum, temporum et hominum scripturae intelligendae sunt*. See *Corpus iuris canonici*, ed. by Emil FRIEDBERG, 2 vols, Leipzig 1879–1881, vol. 1, cols 106–107. On Justinian, see Donald R. KELLEY, *Clio and the Lawyers: Forms of Historical Consciousness in Medieval Jurisprudence*. In: *Mediaevalia et Humanistica N.S.* 5 (1974), p. 25–49, at p. 29; Ian MACLEAN, *Interpretation and Meaning in the Renaissance: The Case of Law*, Cambridge 1992, esp. p. 50–59. Justinian’s formulation would be reprised in the *Glossa Ordinaria* on the ‘Decretum’: see TIERNEY, ‘Sola Scriptura’ (see n.

pervasive consciousness of change and novelty, exegetical, legal, and otherwise, habitually negotiated via a flexible and endlessly innovative hermeneutics,¹⁴ was that between the prerogative of the pope or the Roman Church to *abrogare et derogare* a law *pro persona, causa, loco, tempore*, and the need to support and maintain what was conceptualised as the *status generalis ecclesiae*, a rather nebulous discourse recently described by Thomas Turley as a “delicately balanced set of rights and privileges” arising out of “a complex web of precedents” considered to be the foundation of ecclesiastical order.¹⁵

This tension became especially salient with regard to the vexed and much-debated issue of the papal right to ‘dispense against the apostle’. The key text here was ‘Decretum’, C. 25 q. 1 c. 6: *Sunt quidam dicentes*.¹⁶ As Ian Levy has clarified, this text gave rise to interpretations both in favour of and against papal dispensations when they were, or appeared to be, in conflict with scripture, with ambiguous formulations such as the thirteenth-century canonist Tancred’s ‘*praeter* but not *contra apostolum*’ being required to be devised.¹⁷ Johannes Teutonicus, a preeminent glossator from roughly the same period, influentially offered this conclusion in the ‘Glossa Ordinaria’: *Papa contra Apostolum dispensat: non tamen in his quae pertinent ad articulos fidei. Eodem modo dispensat in Evangelio interpretando ipsum*.¹⁸ Johannes’ view was undergirded by a strong sense of the historical development of the Church, and he went so far as to say (in the sensitive matter of clerical disendowment), that insisting on the precepts of the early Church would amount to *deformare* the *statum ecclesiae universalis*.¹⁹

However, when, in the second half of the fourteenth century, Wyclif came to critique the contemporary Church as a degenerate and concupiscent institution far removed from an originary God-given purity, he argued that the status of the Church then and always must be dictated *secundum statum primaeve ecclesiae*. Neither historical change nor papal dispensation is sufficient to authorise a deviation from the demands pertaining to that ideal institutional form: *ideo nec temporis variacio nec papalis dispensacio excusat sacerdotes*

2), p. 359. Webb points out that thinkers such as Hincmar of Reims applied Daniel 12.4 specifically to the increase of knowledge in canon law: WEBB, Daniel 12.4 and the Idea of Intellectual Progress (see n. 11), p. 321.

¹⁴ See Jean-Marie Salgado, La méthode d’interprétation du droit en usage chez les canonistes: des origines à Urbain II. In: Revue de l’Université d’Ottawa 21 (1951), p. 201—213; 22 (1952), p. 23—35; KLINKENBERG, Theorie der Veränderbarkeit (see n. 4); Pier Cesare BORI, L’interpretation infinie: l’herméneutique chrétienne ancienne et ses transformations, Paris 1991.

¹⁵ Thomas TURLEY, History and Legitimacy in the Dominican Responses to John of Pouilly. In: Inventing Modernity in Medieval European Thought, c.1100—c.1550, ed. by Cary J. NEDERMAN/Bettina KOCH, Kalamazoo, MI 2019, p. 53-70, at p. 54; see also John H. HACKETT, State of the Church: A Concept of the Medieval Canonists. In: The Jurist 23 (1963), p. 259—290.

¹⁶ Corpus iuris canonici, ed. by Friedberg (see n. 13): vol. 1, col. 1008.

¹⁷ Ian Christopher LEVY, Dispensing Against the Apostle: John Wyclif and the Canonists. In: Inventing Modernity, ed. by NEDERMAN/KOCH (see n. 15), p. 213—229; see also Stephan Kuttner, Pope Lucius III and the Bigamous Archbishop of Palermo. In: Medieval Studies Presented to Aubrey Gwynn, S.J., ed. by John WATT/John B. MORRALL/F. X. MARTIN, Dublin 1961, p. 409—453, at p. 421; Tierney, ‘Sola Scriptura’ (see n. 2), p. 355—357.

¹⁸ “The pope does dispense against the apostle, but not in matters that pertain to the Articles of Faith. And in the same manner, he dispenses with respect to the Gospel, by interpreting it.”: Corpus iuris canonici emendatum et notis illustratum. Gregorii XIII pont. max. iussu editum, 3 parts in 4 vols, Roma 1582, 1899. For citation, translation and discussion, see LEVY, Dispensing Against the Apostle (see n. 17), p. 220, 227.

¹⁹ LEVY, Dispensing Against the Apostle (see n. 17), p. 222, 228.

Christi ab isto debito.²⁰ The corruptions of the present therefore require an intransigent response: nothing less than a ruthless cutting away of all accretions, novelties and innovations, conceptual as well as institutional, not openly grounded in Scripture.²¹ Only thus would a renovation be achieved so that an evangelically reconstituted Church might once again be able to approach the condition of the *ecclesia primitiva*, and a scripturally saturated human society eschewing *profanas vocum novitates* (1 Timothy 6.20) once again be oriented towards salvation.²²

William Woodford's 'Quattuor determinationes in materia de religione'

In his defence of the contemporary church and its sacramental, ritual, and institutional forms, including the so-called 'private religions' which constituted Wyclif's abiding *bête noire*,²³ Woodford displays a pronounced sense of temporal variation and historical development, and mounts a defence of novelties and accretions in faith as enhancing and improving it in accordance with the times, even when such innovations clearly go against scriptural precept. Woodford's argument in the 'Quattuor determinationes', structured in the form of a university *determinatio*, proceeds on several planes simultaneously: what informs his polemic is a defensive imperative, and therefore diverse justifications of change and innovation—e.g., in terms of legal, institutional, exegetical history—are compiled, not necessarily in a linear argumentative sequence with a clear logic of progression. A comprehensive account of this substantial work is beyond the scope of this article;²⁴ I will instead examine a few representative selections especially relevant to the topic of change and innovation in what follows.

Since one of Woodford's main theses is that the extra-scriptural is not to be dismissed out of hand, he points out that the Church may and does ordain customs, regulations and observances which go against Scripture. For example, various impediments to marriage considered legitimate now are nevertheless not sanctioned by Holy Scripture:

²⁰ John WYCLIF, *De veritate sacrae scripturae*, ed. by Rudolf BUDDENSIEG, Wyclif Society, 3 vols, London, 1905—1907, vol. 1, p. 153/8-9; for discussion see LEVY, *Dispensing Against the Apostle* (see n. 17), p. 223. Also see Ian Christopher LEVY, *John Wyclif and the Primitive Papacy*, *Viator* 38 (2007), p. 159—189; Anne HUDSON, *The Premature Reformation: Wycliffite Texts and Lollard History*, Oxford 1988, p. 314—358.

²¹ On the primary importance of scriptural foundation in Wycliffite discourse, see Anne HUDSON, *A Lollard Sect Vocabulary?*. In: EAD., *Lollards and Their Books*, London/Ronceverte, p. 165—180, at p. 171—172.

²² For comparable Hussite emphases on these subjects, see Dušan COUFAL, *Key Issues in Hussite Theology*. In: *A Companion to the Hussites*, ed. by Michael VAN DUSSEN/Pavel SOUKUP, Leiden 2020, p. 262—296, at p. 264—276.

²³ The foundational study of Woodford is the unpublished doctoral dissertation by Jeremy CATTO, *William Woodford O.F.M. (c.1330—c.1397)*, Oxford 1969; also see Eric DOYLE, *William Woodford OFM, His Life and Works*. In: *Franciscan Studies* 43 (1983), p. 17—119.

²⁴ For differing assessments of Woodford's 'Quattuor determinationes', see GHOSH, *Wycliffite Heresy* (see n. 3), p. 67—85, 230—237; LEVY, *Holy Scripture and the Quest for Authority* (see n. 3), p. 109—116, 262—264; also Eric DOYLE, *William Woodford on Scripture and Tradition*. In: *Studia historico-ecclesiastica: Festgabe für Luchsius G. Spätling*, ed. by Isaac VAZQUEZ, Roma 1977, p. 481—502; Alastair MINNIS, *Tobit's Dog and the Dangers of Literalism: William Woodford O.F.M. as Critic of Wycliffite Exegesis*. In: *Defenders and Critics of the Franciscan Life: Essays in Honour of John V. Flemming*, ed. by Michael F. CUSATO/Guy GELTNER, Leiden 2009, p. 41—52.

[...] *a tempore quo ecclesia decrevit dirimere matrimonium contractum solummodo propter [...] consanguinitatem in 3^o vel in 4^o gradu [...] vel solummodo propter cognacionem spiritualem et legalem, vel solummodo propter affinitatem in eisdem gradibus [...] fecit expresse ecclesia contra evangelium et evangelicum Christi preceptum et per consequens a tempore illo ecclesia fuit heretica. Nam Christus precepit in evangelio quod homo non separaret quod Deus coniunxit, loquens de matrimonio. Separans ergo iudicialiter et diffinitive matrimonium contractum debite, facit contra evangelium et evangelicum Christi preceptum cum ergo omne matrimonium sit contractum debite quod non habet legitimum impedimentum. Et nullum predictorum est impedimentum legitimum matrimonii cum iuxta opinionem [of Wyclif], nullum est impedimentum legitimum matrimonii nisi impedimentum contentum in sacra scriptura [...]. Sed constat quod impedimentum [...] non est impedimentum ex sacra scriptura sed ex constitutionibus ecclesie [...]. Ergo sequitur quod ecclesia a tempore quo sic decrevit dirimere matrimonia contracta [...] fecit expresse contra evangelium.*²⁵

Woodford is here presumably drawing on Gratian's discussion of marriages within the prohibited degrees of consanguinity. Gratian provides an anthropological-church-historical explanation in C. 35 q. 1 c. 1, *Cum igitur*: in brief, such marriages had been allowed to the Hebrews as they were surrounded by unbelieving peoples, and the primitive church therefore had continued to permit them. Once Christ, shunned by his own people, chose his wife, the Church, from an alien people, such marriages no longer had any purpose and were prohibited. As Glenn Olsen summarizes: "The Apostles were able to define what the Gospels had not provided for, and the Church was able to add counsels of perfection to the apostolic institutions."²⁶

In further support of his argument that truth is not necessarily to be aligned with scriptural text, Woodford invokes the patriarchs; after all, they held firmly to the catholic faith in accordance with their times even though there was no canon of scripture established then: *Adam et filius eius Seth, ac illi ex eis qui dicuntur filii Dei in Genesis [...] Noe etiam et filii eius [...] fidem catholicam temporibus suis congruentem firmiter tenuerunt.*²⁷ As we shall see, this notion of a fitting and suitable faith congruent with or adequate to the times, *temporibus suis congruens*, would play a notable role in the Hussite debates too.

²⁵ "[...] from the time when the Church decided to dissolve a contracted marriage solely because [...] of consanguinity in the 3rd or 4th degree [...] or solely because of spiritual and legal kinship, or solely because of a relationship in the same degrees [...] the Church expressly acted against the gospel and the evangelical precept of Christ, and therefore the Church has been heretical from that time. For Christ commanded in the gospel, speaking of marriage, that man should not separate those whom God had joined. Therefore, in judicially and definitively separating a duly contracted marriage, it acted against the gospel and the evangelical precept of Christ since every marriage which does not have a legitimate impediment is contracted duly. And none of the beforesaid factors is a legitimate impediment to marriage according to the view [of Wyclif], since no impediment to marriage is legitimate unless contained in sacred Scripture [...]. But it is certain that these impediments [...] are impediments arising not out of sacred Scripture but out of the ecclesiastical constitutions [...]. Therefore it follows that the Church from the time that it dissolved contracted marriages [...] acted expressly against the gospel." WOODFORD, *Quattuor determinationes* (see n. 1), fol. 78v.

²⁶ C. 35 q. 1 c. 1: *Corpus iuris canonici*, ed. FRIEDBERG (see n. 13), vol. 1, cols 1262—1263; OLSEN, *The Idea of the 'ecclesia primitiva'* (see n. 2), p. 79—80.

²⁷ "Adam and his son Seth, and those of them who are called the sons of God in Genesis [...] Noah too and his sons [...] firmly held to the catholic faith as befitting their times". WOODFORD, *Quattuor determinationes* (see n. 1), fol. 81v.

Faith, that which we should *firmiter credere*, is a developing construct which encompasses scriptural truth and apostolic tradition at one end, through patristic writings and conciliar determinations, to the truths of natural experience and natural reason at the other:²⁸

*Notorium est quod Athanasius condidit symbolum 'quicumque vult'. Notorium est quod sancta 4 concilia generalia determinaverunt circa catholicas veritates et quod 4 doctores fidem catholicam docuerunt contra hereticos. Et sic ex illa vel illis contenta vel contentis in scriptura sacra, vel in tradicionibus apostolicis [...] sequuntur iste veritates et alie quam plures eis consimiles; ideo est firmiter adherendum. Et consimiliter est de illis veritatibus que ex solis veritatibus contentis in scriptura non sequuntur, nec ex aliqua tradicionem apostolica sed ex illis vel aliqua illarum cum experientia naturali et racione naturali secuntur. Ideo est illis firmiter a peritis adherendum.*²⁹

Woodford then segues into a defence of miracles as a continuous revelation of the new through time and supports his reasoning with a range of references to canon-legal texts and chronicles;³⁰ indeed, he provides a defence, on the authority of Augustine's 'De doctrina christiana', of the *ars historiagraforum gentilium* as necessary for the clarification of the catholic faith.³¹ This is a markedly diffuse cultural-historical understanding of the development of faith sensitive to temporal novelty and geographical variation, and is far removed from the Wycliffite textual understanding focussed on the biblical canon and on the unchanging normative centrality of a monolithically conceived 'apostolic church'.

Woodford therefore makes a basic distinction between ecclesiastical truths and catholic truths;³² the former need not be contained in the biblical canon, but are nevertheless of compelling authority *sub pena peccati*. This plurality of truths—e.g. in the Sarum rite etc.—

²⁸ This sequence of the acceptable sources of faith is likely based on Ockham's 'Dialogus' (which Woodford knew: see, e.g., 'Quattuor determinationes', fols 98v—99r), Part 1, Book 2, c. 1—5. For Ockham's 'Dialogus', see the online edition by John KILCULLEN/John SCOTT/George KNYSH/Volker LEPPIN/Jan BALLWEG/Karl UBL/Semih HEINEN, The British Academy (Auctores Britannici Medii Aevi).

<<https://publications.thebritishacademy.ac.uk/pubs/dialogus/ockdial.html>> (5.08.2024)

²⁹ "It is well known that Athanasius composed the creed 'quicumque vult'. It is well known the four sacred general councils issued decisions around catholic truths, and that the four Fathers taught the catholic faith against heretics. And thus from that or their contents or the contents of sacred scripture or apostolic traditions [...] follow these truths and many others like them; therefore they are to be firmly adhered to. And similar is the case with those truths which do not follow exclusively from truths contained in scripture, nor from some apostolic tradition, but follow from those or some of those, along with natural experience or natural reason. Therefore such truths must be firmly adhered to by the learned." WOODFORD, Quattuor determinationes (see n. 1), fol. 82v.

³⁰ WOODFORD, Quattuor determinationes (see n. 1), fols 82v—83r. In particular, Woodford refers to 'Decretum', D. 3 De cons. c. 21 (*Non nisi die dominico sanctum Pasca celebretur*) to make the point that the divine disposition includes ongoing, 'miraculous' revelations regarding appropriate ecclesiastical practice: see Corpus iuris canonici, ed. by Friedberg (see n. 13), vol. 1, col. 1358. On early scholastic theories of miracles, see Lydia SCHUMACHER, 'Beyond, 'Above' or 'Against' Nature? Early Scholastic Debates on the Status of Miracles, Archivum Franciscanum Historicum 116 (2023), p. 3—33; for a standard Franciscan account of the genesis, role and significance of miracles, see the synthesis traditionally ascribed to ALEXANDER OF HALES, Summa theologia, ed. by Collegium S. Bonaventurae, 4 vols in 5, Quaracchi, 1924—1948, vol. 2.1, p. 279—304.

³¹ WOODFORD, Quattuor determinationes (see n. 1), fol. 83v.

³² Ockham, in the 'Dialogus', Part 1, Book 2, c. 13 (see n. 28), discusses 'catholic truths'. Also see SCHÜSSLER, Primat der Heiligen Schrift (see n. 2), p. 78—91.

pertains directly to divine worship and ecclesiastical office and governance. Nevertheless, these are not catholic truths but instead particular truths of particular churches, and not universal truths requiring faith from all catholics:

Multe sunt veritates proprie ecclesiastice, que non sunt veritates proprie catholice, nec contente in canone biblie; et tamen multi ecclesiastici tenentur sub pena peccati illis adherere. Patet hec de veritatibus rubricalibus ecclesie Romane, ecclesie Ambrosiane, et ecclesie Sarum, et aliarum ecclesiarum magnarum cathedralium et magnorum monasteriorum. Ille enim veritates rubricales sunt proprie ecclesiastice que pertinent immediate ad cultum divinum et officium ecclesiasticum; et per illas ecclesie gubernantur in officiis precipuis ecclesiasticis, et pro ecclesia recta gubernacione in cultu divino instituuntur. Ergo sunt proprie veritates ecclesiastice. Et ille non sunt proprie veritates catholice, que sunt particulares veritates particularium ecclesiarum, et non universales veritates ab omnibus catholicis credende.³³

Indeed, Woodford's defence of geographical and temporal variety and mutability in ecclesiastical mores goes further, and he offers, in the course of his defence of the private religions, what amounts to a remarkable *laus* of human initiative and innovation (though he does not use the word 'innovare'). Wyclif's critique of human additions to what has been divinely instituted is described thus:

Omnis ritus humanus superadditus ordinacioni divine, sequitur ad perfectionem sicut forma artificialis superaddita naturali. Sed omni forma artificiali est naturalis forma substrata perfectior, ymmo totum aggregatum ex artificiali et naturali non est perfectius naturali. Ergo omnis pura ordinacio divina est perfectior quam ordinacio humana [...]. Si adinvenio humana crescendo, daret complementum ordinacioni divine, tunc homo ordinans in huiusmodi religione foret architector et dominus nudus artifex predisponens, quod est [...] impossibile, cum omnis lex Christi sit indefectibilis, omnis humana invencio in aliquo defectiva.³⁴

³³ "Strictly speaking, there are many ecclesiastical truths which are neither catholic truths nor contained in the biblical canon, and nevertheless many clerical office-holders are required, under pain of sinfulness, to adhere to them. This is true of truths pertaining to the rules of the Roman church, the Ambrosian Church, and Salisbury cathedral, and of other great churches, cathedrals, and monasteries. For these truths pertaining to rules are, strictly speaking, ecclesiastical truths which pertain directly to divine worship and church offices; and by them churches are governed in the great ecclesiastical offices, and they have been instituted for correct governance in divine worship. Therefore they are properly ecclesiastical truths. And they are not, strictly speaking, catholic truths, as they are particular truths pertaining to particular churches, and not universal truths to be believed by all catholics." WOODFORD, *Quattuor determinationes* (see n. 1), fol. 83r—v. For a wide-ranging collection of papers on the subject of ecclesiastical diversity, see *Unity and Diversity in the Church*, ed. by R. N. SWANSON, Oxford 1996.

³⁴ "Every human rite successively added to divine ordination leads to perfection like artificial form added to natural. But the substratum of natural form / underlying natural form is more perfect than any artificial form; rather, the whole aggregate / entire combination of artificial and natural is not more perfect than the natural [on its own]. Therefore every purely divine ordination is more perfect than human ordination. [...] If human invention, by growing / burgeoning / expanding, were to grant a complement to divine ordination, then, man, ordaining in such [matters of private] religion, would be the master-builder and God merely the craftsman / handyman making arrangements beforehand, which is [...] impossible, since all law of Christ is indefectible, and all human invention defective in some way." WOODFORD, *Quattuor determinationes* (see n. 1), fol. 94v. For Wyclif's derogation of the 'artificial' in his tract on the prelapsarian state of man, see *Tractatus de mandatis divinis et tractatus de statu innocencie*, ed. by J. LOSERTH/F. D. MATTHEW (Wyclif Society), London 1922, p.

Woodford's main argument against Wyclif is that the latter is wrong in saying that any human addition or admixture to 'divine law' is imperfect and therefore to be eschewed. Amongst other justifications, he points to the novel elaborations of the worship of God by David in 1 Chronicles 15.16—28;³⁵ the foundation of universities and colleges,³⁶ and the work of academic theology.³⁷ Developing the same general line of thought, he defends the acquisition of the demonstrative knowledge of any particular conclusion via human effort as superior to the 'enigmatic knowledge' which may be vouchsafed by divine revelation or infusion.

[...] *habeat Petrus noticiam conclusionis demonstrativam per scienciam humanam: Paulus vero habeat noticiam conclusionis enigmaticam per solam revelacionem divinam et noticiam infusam. Dicere tunc quod ista noticia Petri demonstrativa, que est humana ab humana adquisicione, non est perfeccior noticia conclusionis quam noticia enigmatica Pauli a solo Deo infusa de eadem conclusione, est dicere errorem manifestum. In natura, noticia enim demonstrativa conclusionis, licet non sit semper magis meritoria, est tamen perfeccior noticia conclusionis quam cognicio enigmatica eiusdem quamcumque sit a solo Deo.*³⁸

Woodford's defence of universities, of the wisdom acquired by theology, and of the value of human intellectual endeavour draws on various medieval discourses which had their own internal tensions and contradictions,³⁹ many of which were seized upon by Wyclif and his followers to attack what were considered to be the products of postlapsarian corruption,

496/27, 497/29—498/4, and *passim*. For discussion, see Kantik GHOSH, *Logic and Lollardy*. In: *Medium Aevum* 76 (2007), p. 251—267.

³⁵ WOODFORD, *Quattuor determinationes* (see n. 1), fol. 95r: [...] *scriptura* [1 Chronicles 15.16—28] *recitat hoc esse factum in ampliacionem divini cultus et in commendacionem David*. On the use of this scriptural passage in defences of novelty, see SMALLEY, *Ecclesiastical Attitudes to Novelty* (see n. 11), p. 102.

³⁶ WOODFORD, *Quattuor determinationes* (see n. 1), fol. 95r, argues that to claim *quod ordinaciones humane circa statum universitatis et collegiorum nihil perfeccionis addunt ad ordinacionem pure divinam in scriptura repertam de magistris et scolariibus* is a manifest error.

³⁷ WOODFORD, *Quattuor determinationes* (see n. 1), fol. 95r, argues that to claim *quod completa theologia melioris doctoris in terris non est perfeccior quam fuit theologia sua in ultimo instanti sui baptismi* is a manifest error.

³⁸ "Let Peter have demonstrative knowledge of a conclusion via human *scientia* / learning; and on the other hand, let Paul have enigmatic knowledge of a conclusion solely through divine revelation and infused knowledge. Then, to say that this demonstrative knowledge of Peter's, which is human because acquired humanly, is not a more perfect knowledge of a conclusion than the enigmatic knowledge of Paul of that same conclusion solely infused by God is an evident error. For in nature, the demonstrative knowledge of a conclusion, even if not always more meritorious, is nevertheless more perfect than knowledge of that conclusion as the enigmatic cognition of the same insofar as such knowledge comes solely from God." WOODFORD, *Quattuor determinationes* (see n. 1), fol. 95v. Woodford's phrasing would suggest that 'Peter' and 'Paul' function here primarily as argumentative counters; however, the association of 'Paul' with 'enigmatic knowledge' is provocative: see the discussion of the conflicted reception of St Paul's vision by Csaba NÉMETH, *Paulus raptus to raptus Pauli: Paul's Rapture* (2 Cor 12:2—4) in the Pre-Scholastic and Scholastic Theologies. In: *A Companion to St Paul in the Middle Ages*, ed. by Steven R. CARTWRIGHT, Leiden 2013, p. 349—392.

³⁹ Some key studies in this vast area: Ian WEI, *Intellectual Culture in Medieval Paris: Theologians and the University, c. 1100—c. 1330*, Cambridge 2012; Elsa MARMURSZTEJN, *L'autorité des maîtres: Scolastique, normes et société au XIII^e siècle*, Paris 2007; Catherine KÖNIG-PRALONG, *Le bon usage des savoirs. Scolastique, philosophie et politique culturelle*, Paris 2011.

intellectual concupiscence, and the desire for unjust *dominium*.⁴⁰ Especially notable here is the emphasis on *humana sciencia* and *noticia demonstrativa*, with Woodford’s vocabulary being centred around ‘perfection’. Julie Brumberg-Chaumont, in her studies of the different models of the ‘anthropology of logic’, aligns such vocabulary with the Peripatetic-Arabic tradition. She discusses what she describes as ‘une theorie de l’auto-perfectionnement de la raison par la logique et d’un perfectionnement des arts et des sciences par la logique’;⁴¹ in particular, she invokes the Averroist tradition and cites the ‘Proemium Averrois in libros physicorum’: *It must be said that [...] what it is to be a man according to his ultimate perfection and his perfect substance is being perfected by speculative science, and this disposition is felicity and everlasting life for him.*⁴²

Woodford thus gives expression to an optimistic vision of human intellectual ability in the ‘Quattuor determinationes’, and he sums up his line of argumentation in the following fashion:

[...] *multipliciter testatur scriptura quod Deus voluntate precepti et approbacionis vult multa fieri et ordinari per homines, et non vult ea fieri et non vult illa ordinare se solo. Numquam Deus sic vellet talia fieri et ordinari ab homine, voluntate precepti et approbacionis, nisi talia fieri et ordinari esset perfeccionis.*⁴³

All this amounts to an unapologetic celebration of human endeavour and achievement as complementing God’s ordination of the religious life of man; the defence of innovation, albeit conceptualised as in the service of what is held to be a divinely endorsed ‘perfection’, but nevertheless couched in notably humane, sceptical, and laxist terms, may be implicit but clear.

Nicholas of Cusa (Cusanus), ‘De usu communionis ad Bohemos’

Cusanus writes at the other temporal end of these debates at the Council of Basel in 1433, seeking to dissuade the Hussites who wished to receive communion under both kinds on the premise that such was the divinely sanctioned observance in Scripture and in the *ecclesia primitiva*.⁴⁴ His argument is historicist and de facto relativist, and displays an uneasy

⁴⁰ See Olivier MARIN, ‘Les universités sont de fondation païenne et sont aussi peu utiles que le diable à l’Église’: Sens et fortune d’une proposition wycliffiste. In: *Universitas scolarium: Mélanges offerts à Jacques Verger par ses anciens étudiants*, ed. by C. GIRAUD/M. MORARD, Genève 2011, p. 123-147; GHOSH, Logic and Lollardy (see n. 34); Luigi CAMPI, ‘Puri philosophi non est theologizare’: Reflections on Method in John Wyclif’s and His Bohemian Followers’ Discussions of the Eternity of the World. In: *Wycliffism and Hussitism*, ed. by GHOSH/SOUKUP (see n. 6), p. 117–137.

⁴¹ Julie BRUMBERG-CHAUMONT, ‘Raison et logique au Moyen Âge’. In: *La Raison au Moyen Âge*, ed. by Dominique POIREL, Paris 2023, p. 40–75, at p. 54.

⁴² Julie BRUMBERG-CHAUMONT, The Rise of Logical Skills and the Thirteenth-Century Origins of the ‘Logical Man’. In: *Logical Skills: Socio-Historical Perspectives*, ed. by Julie BRUMBERG-CHAUMONT/Claude ROSENAL, Cham 2021, p. 91–120, at p. 108.

⁴³ “Scripture provides multiple witness that God freely wishes through precept and approbation many things to be done and ordained by men and not done or ordained only by himself. God would never thus freely wish through precept and approbation such things to be done and ordained by man unless it would pertain to perfection”. WOODFORD, Quattuor determinationes (see n. 1), fol. 95v.

⁴⁴ For background, see the key studies by Paul DE VOOGHT, La confrontation des thèses hussites et romaines au concile de Bâle (Janvier—Avril 1433). In: *Recherches de théologie ancienne et médiévale* 37 (1970), p. 97–

approach to novelty or innovation, both accepting, and even celebrating, their inevitability, and simultaneously trying to put them in a neat, pro-Roman and anti-Hussite polemical box, a process which results, as we shall see, in what Erich Meuthen describes as an “*offensichtliche Inkonsequenz*” in Cusanus’s thought.⁴⁵

*Potuitne tunc ecclesia errare? Certe non. Quod si non, quomodo id hodie verum non est, quod tunc omnium opinione affirmabatur, cum non sit alia ecclesia quam illa? Certe hoc te non moveat quod diversis temporibus alius et alius ritus sacrificiorum, etiam sacramentorum stante veritate invenitur; scripturasque esse et ad tempus adaptatas et varie intellectas, ita ut uno tempore secundum currentem universalem ritum exponerentur, mutato ritu iterum sententia mutaretur. Christus enim [...] praesidens miro ordine angelorum hominumque mysteria pro temporum varietate dispensat, et quae singulis temporibus congruunt vel occulta inspiratione vel evidentiori illustratione suggerit.*⁴⁶

Cusanus argues that even though the early Church, by the force of Jesus Christ’s precept, held communion under both kinds necessary for salvation, and even though that is no longer held to be necessary *hodie*⁴⁷, the implication is not that the early Church was in error. ‘Truth’ stands fast but scriptures are *ad tempus adaptatas et varie intellectas*, which is a notably direct acknowledgement of the role played by an innovative biblical hermeneutics in the negotiation of changes in doctrine and observance.⁴⁸ Indeed, Christ himself ‘dispenses’⁴⁹

137, 254—291; Hermann HALLAUER, Das Glaubensgespräch mit den Hussiten. In: Nikolaus von Cues als Promotor der Ökumene: Akten des Symposions in Bernkastel-Kues vom 22. bis 24. September 1970, Mainz 1971, p. 53—75; Thomas PRÜGL, Urkirche und frühchristliche Praxis als Legitimationsstrategie im Basler Konziliarismus. In: *Archaeologia Verbi* 9 (2012), p. 136—160; Dušan COUFAL, Nikolaus von Cues und der Hussitenkelch in den Anfängen des Basler Konzils, *Bohemia* 58 (2018), p. 343—362; Thomas WOELKI, Theological Diplomacy? Cusanus and the Hussites. In: *Wycliffism and Hussitism*, ed. by GHOSH/SOUKUP (see n. 6), p. 409—431; Alberto CADILI, Gli hussiti come (mancata) minoranza conciliare al Concilio di Basilea (1431—1433). In: *Annuarium historiae conciliorum* 49 (2018/2019), p. 322—351.

⁴⁵ Erich MEUTHEN, Kanonistik und Geschichtsverständnis: Über ein neuentdecktes Werk des Nikolaus von Cues: *De maiori auctoritate sacrorum conciliorum supra auctoritatem papae*. In: *Von Konstanz nach Trient: Beiträge zur Geschichte der Kirche von der Reformkonzilien bis zum Tridentinum*. Festgabe für August Franzen, ed. by Remigius BÄUMER, München 1972, p. 147—70, at p. 165.

⁴⁶ “Could the Church have been in error at that time? Certainly not. If not, how is what was then universally affirmed not true today, since this Church is the same as that one? Certainly it should not disturb you that the rite of sacrifices—and even of the sacraments—is found to be different at different times, while the truth stands fast. The Scriptures are both adapted to the times and understood in various ways, so that they might be expounded at one time according to the current universal rite, but when that rite changes, the [scriptural] *sententia* itself also might be changed. For Christ [...] ruling by means of a wondrous order of angels and men, dispenses mysteries according to the changing of the times; and he supplies what fits particular times by hidden inspiration or clearer illumination.”: CUSANUS, *De usu communionis ad Bohemos*. In: *Nicholas of Cusa. Writings on Church and Reform*, trans. by Thomas IZBICKI, Cambridge, MA 2008, p. 1—85, at p. 20—21; Izbicki’s translation is based on and accompanied by the Latin text from the following edition: Nicolai DE CUSA, *Opera Omnia*, vol. 15.1: *Opuscula Bohemica*, ed. by Stephan NOTTELMANN/Hans Gerhard SENGEL, Hamburg 2014. The translations offered here are based on Izbicki; however, I have silently made occasional modifications as required in the interests of a more literal translation.

⁴⁷ Kelley comments that “the insidious though largely unconscious device of *hodie* was applied frequently in the Digest [...] and it was very liberally resorted to by the Glossators as well as the Commentators” when discussing legal change over time: KELLEY, *Clio and the Lawyers* (see n. 13), p. 34.

⁴⁸ Woodford too devotes much attention to the affordances of reading according to the spiritual senses in countering the theoretical Wycliffite emphasis on scripture ‘literally’ understood: see GHOSH, *Wycliffite Heresy* (see n. 3), p. 69—78; MINNIS, *Tobit’s Dog and the Dangers of Literalism* (see n. 24). Later in his career, Cusanus would develop a notably complex discourse of flexible exegesis vis-à-vis Islam which he labelled as *pia*

mysteries *pro temporum varietate*, and he supplies what is congruent with particular times whether by occult inspiration or revelation or ‘clearer illumination’. Ambrose and Augustine are cited as authorities.⁵⁰ Scriptural interpretation therefore varies over time and Cusanus plays numerous variations on the theme of ‘temporal congruence’ according to which an interpretation which is valid at one time becomes invalid at another. However, all such interpretations conduce to salvation *secundum temporis congruentiam*.

Indeed, Cusanus goes so far as to invoke the authority of Augustine’s ‘De civitate Dei’, c. 18 to argue that the divine authorisation of the Septuagint’s textual variations from the *hebraica veritas* shows how variations and novelties can be divinely sanctioned. This is because novelties and departures can be authorised by the Holy Spirit itself; and this idea, says Cusanus, is at the root of the universal councils.⁵¹

*Quare, si etiam hodie alia fuerit interpretatio ecclesiae eiusdem praecepti evangelici quam aliquando, tamen hic sensus nunc in usu currens, ad regimen ecclesiae inspiratus uti tempori congruus, ut salutis via debet acceptari. Legimus [...] divinum praeceptum [...] interpretationem tempori congruentem absque errore recepisse uno tempore currente usu validam, alio invalidam.*⁵²

This pronounced temporal consciousness leads to a deep awareness, as in Woodford, of the contingency of hermeneutics. Significantly, Cusanus also takes his hermeneutic thought in the direction of probabilism, by gesturing towards the Aristotelian *endoxon*, that is, an

interpretatio: see Jasper HOPKINS, The Role of *pia interpretatio* in Nicholas of Cusa’s Hermeneutical Approach to the Koran. In: *Concordia discors*: Studi su Niccolò Cusano e l’umanesimo europeo offerti a Giovanni Santinello, ed. by Gregorio PIAIA, Padova 1993, p. 251—273.

⁴⁹ Note that meanings of *dispensare* may include ‘to distribute’; ‘to administer a sacrament’; ‘to allow by special dispensation’. In: Dictionary of Medieval Latin from British Sources Online, ed. by Ronald E. LATHAM/David R. HOWLETT/Richard ASHDOWNE, Turnhout, 2015—, senses 1a, 1c, 3a. <<https://clt.brepolis.net/dmlbs/Default.aspx>> (2.08.2024)

⁵⁰ Ambrose, in Letter 26 to Irenaeus, says that Christ adapted his discourses *secundum qualitates locorum in quibus docebat famulos suos*. In: PL, vol. 16, col. 1043A. Augustine, in Letter 102 to Deogratias, defends the adaptability of sacraments in the interest of temporal and geographical fitness (*pro diversa temporum locorumque congruentia*). In: PL, vol. 33, col. 374. Cusanus would re-invoke this Augustinian passage in his ‘De concordia catholica’ and comment: *Et haec varietas pro hominum salute a deo facta et praecepta existit, qui nunquam iustitiae pietatique mortalium deficit*. For citation and discussion of this last passage, see Anton G. WEILER, Nicholas of Cusa on Harmony, Concordance, Consensus and Acceptance as Categories of Reform in the Church in *De concordia catholica*. In: Conflict and Reconciliation: Perspectives on Nicolas of Cusa, ed. by Inigo BOCKEN, Leiden 2004, p. 77—90, at p. 80.

⁵¹ Cusanus’s conciliar theories are a large area and cannot be broached here: see, e.g., Nicholas of Cusa on Christ and the Church: Essays in Memory of Chandler McCuskey Brooks for the American Cusanus Society, ed. by Gerald CHRISTIANSON/Thomas M. IZBICKI, Leiden 1996. Note that Woodford too devotes much attention to scriptural textuality, and to conciliar authority: see GHOSH, Wycliffite Heresy (see n. 3), p. 71—72, 80—81. Relevant in this context is the tradition of thought which held that beginning with the *ecclesia primitiva* the Holy Spirit had led the Church to form new and varied orders or forms of life in order to renew itself constantly. Olsen cites Anselm of Haverberg: OLSEN, The Idea of the ‘ecclesia primitiva’ (see n. 2), p. 79.

⁵² “Hence, even if today there may have been an interpretation by the Church of the same gospel command differing from that of any other time, nevertheless, the understanding now currently in use, [divinely] inspired for the governance of the Church to use in accordance with the time, must be accepted as the way of salvation. We read that [...] divine commands [...] have taken on without error an interpretation befitting the times that was valid usage at one time, invalid at another.”: CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 22—23.

opinion which may be considered probable if it seems true to everyone or to most people or to the wise.⁵³ The following passage is worth looking at in detail:

Videmus etiam in scripturarum intelligentia varia hominum ingenia varios sensus explicare variamque auctoritatis scripturarum opinionem exsistere possibileque fore aut in auctoritate earundem aut intellectu inextricabilem dubiositatem hominum mentes suspendere. Ubi tunc erit solidum refugium peregrinantium? Certe in alio nullo quam in militantis ecclesiae usu atque approbatione, sive hoc sit circa scripturam et eius auctoritatem atque intellectum sive extra scripturam in consuetudine accepta per ecclesiam. [...]
Si vero circa praecepti intellectum et eius expletionem diversitas concurrat aut ex loco aut tempore, hic intellectus laudatus intelligitur, que maior vel sanior pars verbo aut opere approbat, non obstante quod aliquando alius intellectus in practica viguit. [...] mutatio ista interpretationis a Christi voluntate ita nunc volentis et inspirantis dependet, sicut praeceptum ipsum quondam iuxta illius temporis convenientiam aliter practicum [...].⁵⁴

Scriptures may be physically destroyed while the Church lasts forever, and authority or the capacity to receive ‘truth’ resides in those who make up of ‘the greater and sounder part the church’ (*maiores sanioresque ecclesie partes*).⁵⁵ Scripture itself is explicated in various ways by various people; a variety of opinions pertaining to scriptural authority exists; and men’s *ingenia* can be ‘suspended’ in ‘inextricable doubt’ about their authority and understanding.⁵⁶ A reliable refuge for *viatores* is therefore in the ‘use and approbation’ of

⁵³ See Peter VON MOOS, ‘Introduction à une histoire de l’*endoxon*. In: ID., *Entre histoire et littérature. Communication et culture au Moyen Âge*, Firenze 2005, p. 511—524; Rudolf SCHUESSLER, *Probability in Medieval and Renaissance Philosophy*. In: *The Stanford Encyclopedia of Philosophy* (Winter 2023 Edition), ed. by Edward N. ZALTA & Uri NODELMAN.

<<https://plato.stanford.edu/archives/win2023/entries/probability-medieval-renaissance/>> (18.08.24)

⁵⁴ “We see in the interpretation of the scriptures the various *ingenia* of men explicating various meanings; we see various opinions existing about the authority of the scriptures; we see it is possible for there to be inextricable doubt about their authority or their interpretation, leaving the minds of men hanging. Where then will there be a reliable refuge for pilgrims [i.e. *viatores*]? Surely it is to be found in nothing else than in the usage and approval of the church militant, whether the doubt is about scripture, its authority and interpretation, or, outside scripture, about a custom accepted by the church. [...]

If however disagreement arises concerning the interpretation of a command and its execution on account of time or place, the commended meaning here is understood according to what the greater or sounder part approves by word or deed, notwithstanding that at some time another interpretation prevailed in practice. [...] the change of interpretation depends on the will of Christ, now thus willing and inspiring, just as once this very precept was practised otherwise, according to what was convenient for or relevant to that time.” CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 24—29.

⁵⁵ On the ubiquity of the *maior et sanior pars* tag in medieval discourses to do with *endoxa* and probable argumentation, see Rudolf SCHUESSLER, *The Debate on Probable Opinions in the Scholastic Tradition*, Leiden 2019, *passim*. While beyond the scope of this article, it may be worthwhile to point here to Cusanus’s later interest in *coniectura* in matters relating to the apprehension of divine truth: see Helmut MEINHARDT, *Konjekturale Erkenntnis und religiöse Toleranz. Der Mutmaßungscharakter menschlichen Erkennens als Begründung für den Frieden im Glauben*. In: *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 16 (1984), p. 325—332; Clyde Lee MILLER, *The Art of Conjecture: Nicholas of Cusa on Knowledge*, Washington D.C. 2021.

⁵⁶ On *dubiositas* and *perplexitas* in the deliberations at the Council of Basel, see WOELKI, *Theological Diplomacy* (see n. 44), p. 412; on the general theme of late-medieval uncertainty, see Rudolf SCHÜBLER, *Moral im Zweifel*, 2 vols, Paderborn 2003—2006; Kantik GHOSH, *Radical Certitude or Radical Perplexity? Ecclesiology, Hermeneutics, and Conscience in Later Medieval England*. In: *Radical Thinking in the Middle Ages: Acts of the XVth International Congress of the SIEPM*, Paris, 21–26 August 2022, ed. by Monica BRINZEI/Irene

the militant church.⁵⁷ This is followed by a clear hierarchy: one comes to the Scriptures via the Church, and not the other way round, and one must not rely on Scripture according to one's own interpretation in cases where the Church *cum scriptura non concordat*. The locus classicus for this view was Augustine's famous dictum, referred to in the 'Decretum', 'I would not believe the gospel if the authority of the Church did not move me to do so', with a complex reception history.⁵⁸

The Church may and does defend itself *ex scripturis per ipsam acceptis et approbatis*, and Cusanus suggests that their authority lies more in their acceptance by the Church and not per se. The Church's authoritative understanding may change over time, and may diverge from earlier interpretations; our fidelity must be not to the words but to their meaning as experienced in the lived life of the Church (*non ad verba sed ad experimentalem sensum ecclesie obligor*).⁵⁹ Christ's commands are filtered through the interpretation of the Church, and if hermeneutic conflicts arise on account of time or place, one must follow the probable

CAIAZZO/Christophe GRELLARD/Aurélien ROBERT (Rencontres de Philosophie Médiévale 29), Turnhout 2024, p. 139–166.

⁵⁷ Cusanus's vocabulary here is suggestive: a standard polarisation was between *ingenium* and novelty on the one hand, and *usus* and *consuetudo* on the other: see Patricia Clare INGHAM, *The Medieval New: Ambivalence in an Age of Innovation*, Philadelphia PA 2015, p. 36–42. *Usus* and *consuetudo* were also frequently opposed to *veritas*. For example, Ivo of Chartres, 'Decretum', IV, 213 has the following text: *usum qui veritati contrarius est abolendum esse* (ascribed to Gregory VII), with the proof-text of Christ's words in John 14.6, *Ego sum veritas et vita*, being glossed thus: *Non ait: Ego sum consuetudo, sed veritas*. In: PL, vol. 161, col. 311C. For discussion, see LADNER, *Two Gregorian Letters* (see n. 10), p. 225. Webb highlights the contribution of the Victorine tradition; he points in particular to Richard of St Victor who, in his 'In visionem Ezechielis', c. 10, insisted that one should only consider if something is true and not be concerned whether or not it is new (*attende ergo non utrum dicam aliquid novum sed verum*): PL, vol. 196, col. 562B. See WEBB, *Daniel 12.4 and the Idea of Intellectual Progress* (see n. 11), p. 329.

⁵⁸ D. 11 c. 9. In: *Corpus iuris canonici*, ed. by FRIEDBERG, vol. 1, col. 25. For the reception of Augustine's dictum, see Jeffrey C. WITT, *Tradition, Authority, and the Grounds for Belief in Late Fourteenth Century Theology*. In: *Augustine in Late Medieval Philosophy and Theology*, ed. by Jeffrey C. WITT/John T. SLOTEMAKER, *Papers Presented at the Seventeenth International Conference on Patristic Studies Held in Oxford 2015*, ed. by Markus VINZENT, 24 vols, Leuven 2017, vol. 13, p. 147–160. It is possible that Cusanus was also aware of the arguments of Thomas Netter who was widely consulted in Basel. One of Netter's fundamental arguments in his *Doctrinale antiquitum fidei catholicae ecclesiae*, written before 1430 for a pan-European learned readership as a comprehensive rebuttal of Wycliffism, and especially of its emphasis on the foundational and supreme authority of scripture, was that the Church and the Holy Spirit are one, with Acts 15.28 cited as proof-text. For discussion, see GHOSH, *Wycliffite Heresy* (see n. 3), p. 174–208, at p. 183–184; also see Santiago MADRIGAL, *The Place of the Doctrinale of Thomas Netter of Walden in the History of Ecclesiology*. In: *Thomas Netter of Walden: Carmelite, Diplomat and Theologian (c.1372–1430)*, ed. by Johan BERGSTRÖM-ALLEN/Richard COPSEY, Faversham 2009, p. 201–230; LEVY, *Holy Scripture and the Quest for Authority* (see n. 3), p. 117–149. On the use of Netter at Basel, see Margaret HARVEY, *Netter Manuscripts and Printings*. In: *Thomas Netter of Walden*, ed. by BERGSTRÖM-ALLEN/COPSEY, p. 137–177, at p. 139–141.

⁵⁹ The formulation *ad experimentalem sensum* is suggestive of wider currents of thought in fifteenth-century hermeneutics and ecclesiology. Compare Jean Gerson's stress on the realm of praxis, i.e., the sphere of ethical and political considerations outside of unchangeable truth that he foregrounded via his conceptualisation of *epikeia* as the *lex superior interpretens aliarum*. *Varietas temporum* is closely related to *epikeia*, described in a recent study as the "clé des innovations ecclésiologiques": see the discussion in: Bénédicte SÈRE, *Les débats d'opinion à l'heure du Grand Schisme: Ecclésiologie et politique*, Turnhout 2016, p. 297–308, at p. 303. Cusanus himself coined the neologism *epieikeizare*: "[...] si ecclesia divinum praeceptum limitaret aut interpretaretur epieikeizando ex causis, quas rationabiles iudicaret et quae veritati subessent, impune is dispensatione ecclesiae tunc utitur." CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 44–45; for discussion, see WOELKI, *Theological Diplomacy?* (see n. 44), p. 418.

path which the greater or sounder part approves by words or deeds (*quem maior vel sanior pars verbo aut opera approbat*).⁶⁰ The change in interpretation is in conformity with the will of Jesus Christ as the Church is the body of Christ and is informed by his spirit.

Cusanus gives some examples including changing views regarding prohibited degrees of consanguinity in matrimony; clerical celibacy; priestly property—all, especially the last, topical issues, much debated in the Wycliffite and Hussite context. Recurrent phrases in this context include: *in temporis successu opportunitate superveniente* (“as occasions arose with the passing of time”); *iuxta temporis qualitatem* (“according to the quality / circumstances of the time”); *iuxta temporis convenientiam* (“according to the consent / conformity of the time”); *secundum rationabilem temporis congruentiam* (“according to a reasonable sense of temporal fitness”).⁶¹ Furthermore, there is a clear implication that temporal change and variation are sanctioned by developing concepts of the ‘rational’: *iudicamus deum per quaecumque praecepta non aliud praecipere velle, quam quod ecclesia iuxta temporis condicionem rationabile iudicaverit verbo vel opere*.⁶² As Klaus Schreiner remarks of Cusanus, “Vernunft und Geschichte bildeten seiner Ansicht nach keine Gegensätze”.⁶³

However, this temporal consciousness is taken so far and no further since, like other controversialists of this period such as Netter,⁶⁴ Cusanus ends up in practice ascribing normative value to the Fathers, and to the Church’s assertions ‘from the beginning’. Augustine and Jerome—frequently, given Cusanus’s training as a lawyer, filtered via canon-legal compilations—are often cited as unquestioned authorities. One of Augustine’s dicta is described as *infallibilis nostrae salutis regula*.⁶⁵ The unexamined assumption seems to be that their writings somehow escape the hermeneutic fluidity ascribed to Scripture. *Ecclesia a principio* is said to have asserted / taught / preached important proof-texts relating to the institution of the Church by Christ, e.g., Matthew 16.18.⁶⁶ As a trained lawyer, Cusanus would of course have been well aware of the vast body of legal theoretical writings examining valid principles of the interpretation of legal texts and judgments, so one might

⁶⁰ Cusanus is here choosing to ignore the many, increasingly intractable, conflicts which arose over the identification of the ‘greater or sounder part’, and the associated issue of legitimate representation in the Church. See the study by Alexander RUSSELL, *Conciliarism and Heresy in Fifteenth-Century England: Collective Authority in the Age of the General Councils*, Cambridge 2017. The issue was a point of particular contention in Basel from 1436 onwards; see Thomas WOELKI, ‘Papst plus eins’: Eine kanonistische Lehre zur Verteidigung der pro-päpstlichen Minderheit auf dem Basler Konzil. In: *Annales historiae conciliorum* 50 (2020), p. 49–68. For a roughly contemporary account of an English attempt by a mid-fifteenth-century bishop to think in probabilistic terms to negotiate ecclesiological flashpoints, see Kantik GHOSH, *Reginald Pecock’s moral philosophie* and Robert Holcot O.P.: Faith, Probabilism, and ‘Conscience’. In: *New Medieval Literatures* 22 (2022), p. 260–300.

⁶¹ For these and similar phrases, see CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 28–33, and *passim*.

⁶² “[...] we judge that God via commands of whatever sort wishes to command only what the Church shall judge by word or deed to be reasonable according to the condition of the time”. CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 32–33.

⁶³ SCHREINER, ‘Diversitas temporum’ (see n. 11), p. 421.

⁶⁴ See n. 58. Indeed, fifteenth-century Oxford ecclesiological thought after Wyclif tends to be notably (and polemically) patristic in its orientation: see R. M. BALL, *The Opponents of Bishop Pecok*. In: *Journal of Ecclesiastical History* 48 (1997), p. 230–262, at p. 242–249. Also see PRÜGL, *Urkirche und frühchristliche Praxis* (see n. 44).

⁶⁵ CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 82–83.

⁶⁶ CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 32–35.

be right in suggesting that he is being polemical here and deliberately glossing over a basic inconsistency in his thought.⁶⁷ As Erich Meuthen points out:

Ferner erscheint nicht nur die Autorität der Canones, sondern das Alter schlechthin als Argument für die Beibehaltung des römischen Primats, nämlich *ex primitivitate urbis*. Damit stellt sich Nikolaus gegen die Realität geschichtlicher Wandlungen. Der Punkt wird erreicht, wo die historische Motivation überhaupt in Frage gestellt ist.⁶⁸

This context may go some way to explaining the knotted and compressed account that Cusanus offers in defence of the primacy of the Roman Church. Cusanus holds that the see of Peter is united to the holy catholic Church and was in its earliest form—i.e. in Peter and Paul—*sub Christo immediate*, and this primacy has flourished *per singulos successores in ecclesia*. Infallible truth arises *ex mutua adherentia* of this see and the catholic Church just as a human being arises out of the union of soul and body. This ineluctable and incontrovertible primacy was given to Peter *vitandi schismatis causa* (this on the authority of Jerome's 'Adversus Jovinianum'). This is followed by a compressed and allusive account, in which Cusanus seeks to defend this unity via a number of what appear to be metaphysical analogies:

*Unde—etsi in ecclesia quaedam appareat materialitas, in quantum subjective consideratur ad regimen principum, et in primatu formalitas, ut ex ipsis tamquam materia et forma constituatur infallibilis illa ecclesia catholica quasi ex utroque consurgens—, tamen in parte ecclesiae quaedam prioritas videtur, ut Hieronymus ait '95. di Olim' et '93 di. Legimus', sicut et in aliis naturalibus, ubi forma educitur de potentia materiae. Unde de potentia ecclesiae educitur ille primatus, qui eo ipso quod eductus est, respective se habet ad ecclesiam, propter quam est, et divino gaudet praesidentiali privilegio ex successione. Et iam ista sufficientiam quam breviter, ut sciamus ex mutuo complexo ecclesiae et primatus veritatem ecclesiae persistere infallibiliter, sicut individua veritas ex unione naturali et concordanti materiae et formae de eius potentia eductae et in ipsa inchoatae.*⁶⁹

The Church, considered as a subject with respect to its leadership (*in quantum subjective consideratur ad regimen principum*), gives rise to the primateship in much the same way that matter gives rise to a form to which it is subjected, and thus there is a sense in which the Church is prior to the primateship. But the primateship also has a divine injection of presiding privilege that comes from the line of succession, because it originated with Peter

⁶⁷ For Cusanus's legal career, see the collected papers in: Nikolaus von Kues als Kanonist und Rechtshistoriker, ed. by Klaus KREMER/Klaus REINHARDT, Trier 1998.

⁶⁸ MEUTHEN, *Kanonistik und Geschichtsverständnis* (see n. 46), p. 164—165.

⁶⁹ "Hence, although a certain material character is manifest in the Church, insofar as it is considered as a subject with respect to its leadership, and [since] the primacy has a formal character, with the result that the infallible Catholic Church is constituted of these like matter and form, as though arising from both, there nevertheless seems to be a certain priority on the part of the Church, as Jerome says D. 95 c. Olim [c. 5] and D. 93 c. Legimus [c. 24], just as in the case of other natural things, where the form is educed from the potency of matter. Hence that primacy is educed from the potency of the Church, which, from the very fact that it is educed from it, exists relative to the Church on account of which it exists, and enjoys the divine privilege of presiding by succession. And now let these brief remarks suffice for us to know that the truth of the Church persists infallibly from the mutual embrace of the Church and its primate, just as the undivided or whole truth persists from the natural union and concord of matter and form and is educed from its potency and founded upon / has its origins in it." CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 40—43.

and Paul who were ‘immediately’ under Christ. And since the primacy of the Petrine see is as ‘form’ educed from the ‘matter’ of the Church, infallibility arises—*quasi*—out of this education. The idea here appears to be Aristotelian: the nobler the matter is, and the more harmonious complexion it has, the nobler and ontologically superior is the form educed from it. Therefore, the nobler the church is, the nobler and superior is the form educed from it; if we assume that the noblest church is the closest to that of the origin, i.e., Jesus Christ, then its presiding and organising principle must be the closest to the primacy exerted by Peter.⁷⁰

However we may attempt to interpret this elliptic argument in terms of the larger contours of Cusanus’s thought,⁷¹ it would likely, as phrased here, have required a great deal of goodwill on the part of the Bohemians to be accepted! The various qualifications with which it is hedged—*in quantum subjective consideratur, quasi ex utroque consurgens, tamen in parte ecclesiae quaedam prioritas videtur, sicut individua veritas ex unione naturali*—suggest that Cusanus is in part unsure of the polemical plausibility of this metaphysical defence of the Petrine see, in practice identified with Rome.

Cusanus’s apparent historicism ultimately, and necessarily, cannot fully accept its own implications, for such a historicist approach—by its very nature accommodating change and defending innovation, even when these are not marshalled into a vision of unequivocal ‘progress’⁷²—cannot be reconciled with an assertion, however subtle and metaphysically freighted, of the unquestionable and abiding authority of the Petrine-Roman church. He therefore has to proffer what come across, in this tense polemical context, as clotted and implausible metaphysical justifications of a Church which may vary its judgment *secundum locum et tempus* but yet remain an infallible conduit of divine truth, the implication being, as Cusanus admits, that God’s judgment too changes in line with that of the Church:

[...] *nesse erit iudicium ecclesiae in illis conforme esse iudicio dei remunerantis ita ut, sicut quondam coniugium praeferebatur castitati per ecclesiam, ita et apud deum remunerantem, et postea mutato iudicio ecclesiae mutatum esse et dei iudicium. [...] ecclesia aliquem actum*

⁷⁰ I am much indebted to Mark Thakkar and Luigi Campi for their comments on the interpretation of this passage from Cusanus in private communications. See also Hans Gerhard SENGEL, *Renovatio und unitas als cusanische Leitideen in der literarischen Auseinandersetzung mit den hussitischen Böhmen*. In: *Renovatio et unitas: Nikolaus von Kues als Reformator*, ed. by Thomas FRANK/Norbert WINKLER, Göttingen 2012, p. 19–36, at p. 24–25.

⁷¹ Thomas Prügl’s analysis of the subtleties in Cusanus’s conceptualisation of infallibility would be relevant here: Thomas PRÜGL, *The Concept of Infallibility in Nicholas of Cusa*. In: *Cusanus: A Legacy of Learned Ignorance*, ed. by Peter J. CASARELLA, Washington D.C. 2006, p. 150–177. Clyde Lee Miller comments on Cusanus: “His thought has to be viewed as a whole, for it works more by correspondences and parallels between the domains he is interested in expounding than in a linear fashion or by direct argument. What is noteworthy are the flexible metaphors he uses as he moves across what we designate today as ontology, philosophy of mind and epistemology, and philosophical theology.” Clyde Lee MILLER, *Cusanus, Nicolaus [Nicolas of Cusa]*. In: *The Stanford Encyclopedia of Philosophy* (Winter 2021 Edition), ed. by Edward N. ZALTA. <<https://plato.stanford.edu/archives/win2021/entries/cusanus/>> (3.08.2024). See also ID., *Reading Cusanus: Metaphor and Dialectic in a Conjectural Universe*, Washington D.C. 2003.

⁷² See WEBB, Daniel 12.4 and the Idea of Intellectual Progress (see n. 11).

*ob causas tunc temporis existentes iudicat actum magni meriti et alio tempore alium maioris [...].*⁷³

The expression is convoluted and the line revealingly doubles back on itself. Indeed, Cusanus goes on to argue, Christ's commands are phrased in such a way—e.g., in relation to the sacraments of baptism and the eucharist—that changes are anticipated and accommodated:

*Hinc esse videtur quod ait, 'hoc facite in meam commemorationem', non ait 'hoc modo facite' [...]. Quare insinuasse videtur circa modum mutationem ex causis rationabilis accidere posse, sicut haec experientia in multis comperimus [...]. Alius est rite hodie conficiendi, alius fuit quondam.*⁷⁴

The insistent point is that what is considered as pertaining to faith will change over time and according to place. Of course it is in theory assumed and asserted, as ever in such discussions, that the core of faith is unchanging;⁷⁵ however, legitimacy and reasonableness are pervasively shown to be not absolute, and therefore necessarily open to the accommodation of novelties and reinventions. The Hussite attempt at *renovatio* via the restoration of communion under both kinds can therefore be criticised, as Senger points out, as an attempt to restore what has become historically obsolete.⁷⁶ This is an entirely persuasive way to approach both law and reason as well as ecclesiological and sacramental matters, but does not sit well with Cusanus's political imperative to justify to the Hussites, in what could be described as primitivist-positivist terms, the authority of the Roman see above all else: his "römischer Optimismus"⁷⁷ dictates an uneasy compromise which repeatedly threatens to fall apart.

Conclusion

⁷³ "[...] it will be necessary for the judgment of the Church to be conformable in these things to the judgment of the God who rewards us, so that, just as marriage once was preferred to chastity by the Church, and so too by the God who rewards, yet afterwards, when the judgment of the Church changed, God's judgment too changed. [...] the Church judges some act of great merit on account of the causes existing at that time and a different act of greater merit at another time [...]." CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 48–49.

⁷⁴ "It seems to be for this reason that he says, 'do this in remembrance of me', not 'do it in this particular manner' [...]. He seems to have implied that changes in the mode [of the sacrament] could occur for reasonable causes, as we learn from experience in many cases [...]. The rite of preparing the Eucharist is different today from what it once was." Izbicki notes that Cusanus here is in part reliant on Ernulf of Beauvais, Bishop of Rochester, 'Epistola de Sacramento Altaris'. CUSANUS, *De usu communionis*, trans. by IZBICKI (see n. 46), p. 54–55, 603.

⁷⁵ See Walter Andreas EULER, *Una ecclesia in rituum varietate: Unity and Diversity of the Church According to Nicholas of Cusa*. In: Nicholas of Cusa and Times of Transition: Essays in Honor of Gerald Christianson, ed. by Thomas M. IZBICKI/Jason ALEKSANDER/Donald F. DUCLOW, Leiden 2019, p. 3–14; Senger, *Renovatio und unitas* (see n.), p. 27–29.

⁷⁶ SENGER, *Renovatio und unitas* (see n. 70), p. 31.

⁷⁷ The phrase is Meuthen's: see Erich MEUTHEN, Nikolaus von Kues und die Geschichte. In: Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft 13 (1978), p. 234–252, at p. 246. On the complex and conflicted history of the claim to Roman primacy, see Michael WILKS, *The Apostolicus and the Bishop of Rome I [and] II*. In: *Journal of Theological Studies* 13 (1962), p. 290–317; 14 (1963), 311–354.

The question of how to negotiate change, variety and innovation in the domains of law, exegesis, religious observance, and ecclesiology elicited richly conflicted responses in the context of the late-medieval crisis surrounding the true location and definition of the Church.⁷⁸ In one direction, as in Woodford, we find expansive quasi-sceptical positions built on a notion of ever-mutating truth; in the other, after half a century of heresy and schism, an incipient authoritarianism and centralisation. Cusanus shares with Woodford, at least in part, a defensive-celebratory rhetoric of innovation deployed against a reformation or renovation conceptualised as a soteriologically urgent return to an originary purity; however, we already see in his early polemic against the Hussites the seeds of certain political positions that he would later adopt.⁷⁹ For Cusanus would go on to be a fervent papalist, known to his opponents as the ‘Hercules of the Eugenians’, while his coevals such as Juan de Torquemada, and above all Pope Eugenius IV himself, would increasingly articulate an absolutist papal ecclesiology.⁸⁰ Theorisations, critiques, and defenses of ‘renovation’, ‘innovation’, and ‘reformation’ would therefore continue to play a central role in ever more violent debates over the meanings, whether static or dynamic, mobile or immobile,⁸¹ of *fides* and *ecclesia*.

⁷⁸ See David Zacharin FLANAGIN, *Extra ecclesia salus non est—sed quae ecclesia?* Ecclesiology and Authority in the Later Middle Ages. In: *Companion to the Great Western Schism*, ed. by ROLLO-KOSTER/IZBICKI (see n. 5), 333—374.

⁷⁹ On the development of Cusanus’s anti-Hussite polemic in the decades following the debates at Basel towards an emphasis on unconditional obedience to the ecclesiastical hierarchy, see Hans Gerhard SENGER, *Ecclesia mathematica: Essai zu einem ekklesiologischen Kampfbegriff im 15. Jahrhundert*. In: *Nomina essentiant res*, ed. by Georgi KAPRIEV, Sofia 2011, p. 379—396.

⁸⁰ See Morichibi WATANABE, *Pope Eugenius IV, the Conciliar Movement, and the Primacy of Rome*. In: *The Church, the Councils and Reform: The Legacy of the Fifteenth Century*, ed. by Gerald CHRISTIANSON/Thomas M. IZBICKI/Christopher M. BELITTO, Washington D.C. 2008, p. 177—193.

⁸¹ See n. 4.