Nicholas of Cusa, a key medieval conciliarist, has until now been a relatively neglected political thinker. His philosophical and mystical writings are more popular, especially among those who see his "coincidence of opposites" as a salutary antidote to the imperialism and enframing of Western metaphysics. Yet, there have been only two book-length studies of his political thought written in English, although more recent writings have drawn upon his philosophical and mystical writings to shed light on very contemporary problems of religious tolerance and interreligious dialogue. Writing in the 1940s, however, Voegelin seemed to find a soulmate in his own quest for order when he described Nicholas’ understanding of history as the "open horizon of a mankind ever growing in faith and intellectual penetration of faith.... [T]he mystical faith in the concordantia of mankind was still extended over them as the eternal arc, far outreaching the discord of the times." Without explicitly referring to the German cardinal in his later writings, Voegelin seems to have adopted numerous themes of his into his own writings, as one could read the chapter on Nicholas and see in general outline major themes that Voegelin would incorporate into his own writings. The Donovans also recently judged *De concordantia catholica* as "an indispensable aid to grasping an important and neglected relationship in the history of modern political thought: between democratic liberalism and Christian mysticism." Even so, the relative lack of attention to Nicholas by political scientists is likely the result of him being perceived as a second-rate political thinker whose political ideas have more to do with ecclesiastical concerns than with politics per se, and whose political ideas are largely drawn from the deeper well of Marsilius of Padua. He is also an ambiguous figure whose views on cosmology were seen as instrumental in convincing Giordano Bruno, Descartes, and Kepler to proclaim the infinity of space, a key turning point in the development of modernity and technology; his Neoplatonism is seen as a transition between medieval and Renaissance worlds (Cassirer); his Neoplatonism is combined with the kind of uncertainty about essences that gives his thought a modern, Pascalian hew; his Neoplatonic conception of political order and essences contrasts with a quasi-Hobbesian understanding of law wherein law’s essence includes coercion; his Neoplatonic mysticism contrasts with the heightened importance he gives to human creativity and human convention; finally, his open-ended view of history, which provides the basis for his teachings on global religious pluralism, contrasts with his attempt to resuscitate the ideal of the *sacrum imperium* where he advocates moving the imperial center from Rome to Arles and the creation of a centrally controlled army. The paradoxical tone of this thinker, for whom the contradiction of opposites is central to his thought, was captured well by...
Paul Sigmund, who concludes his book by observing that he arranged to have his body to be buried in Rome but to have his heart kept in his hometown of Trier.

While these paradoxes are interesting in their own right, I wish to focus on a general problem that runs throughout Nicholas’s thought that is highly pertinent to our own times: the meaning of interreligious harmony and globalization. One of the problems of discussing religious tolerance within the context of liberalism and globalization is that the liberal need to "relativize" religious meanings and rituals for the sake of toleration leads them to get swamped by materialist culture, leaving them impotent and cloistered into the private sphere. The Madisonian argument that a multiplicity of sects promotes religion, just as a multiplicity of factions promotes liberty and the overall public interest, gets turned around by modern culture whereby those sects must excessively water down their message to offer a homogenous "Bud Lite" religion; this watering down occurs because all end up agreeing that their rituals are merely conventional and thus untrue in any meaningful and public sense. As we shall see, Nicholas too advocated a competition among religions along lines similar to those of Madison, but he anchored the glory that it would give to God in ideas of interreligious harmony, mixed constitutionalism, and a nuanced account of convention. His ideas about constitutionalism, when virtue is fused with law, suggests that such competition would be guided by virtue as much as possible.

II. GLOBALISM OR RELIGIOUS/CIVILIZATIONAL PLURALISM: NICHOLAS’S PROBLEM AND OURS

Nicholas faced a crisis slightly more complex than our own situation because he faced the simultaneous problems of raw power imperialism as well as a corrupt Roman Catholic Church that had fused spiritual and temporal powers that lent its weight to imperial evocations of order. Our problem is slightly less complex because globalization usually refers simply to the primacy of economic relations over political ones, which makes religious toleration serve simply to facilitate the evacuation of any moral content from the public sphere that does not conform to economic rationality. Conversely, globalization, which can be compared to the global rule of technology and what Alexandre Kojève called the universal homogeneous state, assumes profound claims regarding the rearrangement of God, man, world, and society, in the modern world, which would offer grounds for comparing our situation with the fusion of spiritual and temporal power that Nicholas complained about. Even so, Nicholas addresses an age when understandings of God and man, world and society, were in transition, which serves as the context for his writings on religious toleration.

Nicholas wrote his *On the Peace of Faith* as a response to religious persecution in Constantinople. In it, he develops a teaching of natural faith that is meant to be communicable to all nations, and his political proposals include fostering a Madisonian type competition among religions to inspire various religions to strive for the greater glory of God:

This rivalry [between nations] comes about simply because each group seems to worship you in all that they appear to adore. No one really wants as his way of worship something that is common practice for all. To want what everyone else wants is imitation. In all those things that
man seeks after, that alone is really sought which is the good, and that is You Yourself. ... You, therefore, who are the giver of life and of being, are that one who seems to be sought in the different rites, and who are designated with different names.  

The main problem that this paper addresses is how such competition is to be judged. How is God’s judgment to be known? By the number of believers? In *De concordantia catholica*, unanimity and majority rule play crucial parts in manifesting God’s judgment. However, in *De pace fidei*, Nicholas Christianity would have failed by that same measure because he has the representative of Persia observe that "except for a few in Europe," the majority of humanity rejects the Trinity (DPF 9). The contrast is striking between the Persian’s statement, and Nicholas’ own statement in *De concordantia catholica* that the Holy Roman Empire is closest to God because of its size (DCC 3.5.342-3.6.343-47). Further, the number of believers could be wrong, as they may be seduced by sects that offer shallow religious teachings rather than deeper ones that also place greater demands on people. If the majority of people are fools (DCC 2.138), as Nicholas observes despite his commitment to consent, then judgment cannot be found here.

Nicholas expressed deep worries about the fate of the empire, and its moral status, and he seems to have foreseen the moral vacuum that might ensue if the empire did not get its moral act together. The sense of adventure and conquest of sea-borne explorations also gave him the opportunity to reflect on the massive expansion of imperialist power. For instance, he uses the example of a cartographer, who receives his knowledge of the world from seafaring messengers, to illustrate the way a human being receives knowledge about the world through his senses. His reflections on the infinity of space also lead him to consider the possibility of wide scale human rule (which his Christology would reject):

For when we take note of a very small grain of mustard and behold its power and might with the eye of our intellect, we find a vestige [of God], so that we are aroused unto marveling at our God. For although the grain is so small in physical size, nevertheless its power is endless. In this piece of grain there is present (1) a large tree with leaves and branches and (2) many other grains in which, likewise, this same power is present beyond all numbering. Likewise, with my intellect I see that if the power of a grain of mustard were actually to be unfolded, then this sensible world or, indeed, ten worlds or a thousand or as many worlds as are countable would not suffice [therefor]. What individual who reflects upon these points will not marvel when he adds (1) that the intellect of man encompasses all this power of a grain, (2) that it apprehends that the foregoing is true, and (3) that thereby in its apprehension it thus excels the whole capacity of the entire sensible world not [the capacity] of one world [only] but [that] of infinite worlds?

Nicholas’s musings about the possibility of a single grain of mustard unfolding to take up numerous worlds has important implications for his understanding of *explicatio*, the key concept central to his understanding of humanity’s action in history. If a single grain could unfold to take up numerous worlds, and the human mind could perceive it, then Nicholas seems to have considered planetary rule a possibility in the *explicatio* of humanity’s historical unfolding.
III. MIXED CONSTITUTIONALISM, CONSENT, AND CUSTOM

At least until the millennium, which Nicholas thought would not occur until about the twenty-first century (DCC 1.12.54), the world religions would have to interact peaceably through dialogue on a level intelligible to all of them. Failure to do so would result in economic and religious imperialism that undermines all religious and moral precepts. Cary Nederman recently showed how Nicholas's understanding of the inequalities of political life and the historicity of religious and political culture, as presented in On the Peace of Faith, anchored his argument for toleration. My paper pursues this line of thought further by exploring the philosophical anthropology that underlies this inequality and by suggesting that it must be understood within the context of Nicholas's constitutionalism and not because he was so enamored with the prominence in the Middle Ages of "experts." The next section will examine the historicity of those rituals by showing how Nicholas's constitutionalism prevents his understanding of the conventionality of rituals from sliding under forces of homogenization because people cannot worship according to rituals of their own design.

A look at Nicholas's constitutionalism will assist us to see the background of his political solution for interreligious harmony. Voegelin calls De concordantia catholica "practically a handbook of parliamentary procedure" and many have commented on Nicholas's anticipation of modern constitutionalism, as seen in his ideas of consent and his attention to procedure. Nicholas's conciliarism was based on Christ's saying that the church exists whenever any two meet in my name: "we should believe that God is present in a council when church matters are concluded with care and in peace" (DCC 2.23.198; see also 2.3.77, 2.19.101, 3.10.369; Matthew 8:20 and Acts 15:25). Unanimity, or at least harmonious majority rule, was a sign of Christ's presence in council proceedings. Thus, the council's proclamations constitute the wisdom of the Holy Spirit, which allows him to use canon law and council decisions as expressions of the church's explicatio in De concordantia catholica. Even so, the explicatio's manifestation was not haphazard, nor was it comparable to a kind of populist popular will, as Nicholas attended to just procedure to ensure a just outcome. The procedures of just constitutionalism are as much a part of God's presence as unity over what is deliberated about. He attends to procedure such as for voting and debate to ensure the mechanics of consent. However, legal procedure is meant always to be infused with, and not a replacement for, virtue, as he lists three conditions required for a peaceful assembly: freedom of speech, just participants, and divine inspiration (DCC 2.3.76). Freedom of speech is the most important legal procedure that Nicholas discusses. It protects participants from threats, and is a part of Nicholas's broader understanding of constitutionalism, whereby leaders and the led obey common laws (including pope and emperor). The requirement for just participants reflects his admonition to virtue for every participant but it also reflects his view that participants must be qualified in one sense or another. On that point, Nicholas weaves together the need to have church or imperial officials (depending on whether he is speaking of ecclesiastical or imperial councils) as well as lay persons who are there by virtue of their expertise. Thus, the universal council of the church includes bishops, but Nicholas also advocated including lay persons, not merely as witnesses, but as legislators and signatories to documents "if they are at least qualified and knowledgeable" (DCC 2.138).
includes the necessity of including just people in council (drawn from various social ranks), and those with sufficient expertise to deliberate.

While all human beings are equal in power (*potentates*) and equally free, the wisdom, reason, and prudence given to rulers by nature gives them to knowledge to draw up just laws (DCC 2.14.127): "by a certain natural instinct, the rule of the wise and the subjection of the ignorant is harmonized through common laws that have the wise as their special authors, protectors, and executors, and the concurrent agreement of all the others in voluntary subjection" (DCC 3.275). In *De concordantia catholica*, Nicholas declares that "Almighty God has assigned a certain natural servility to the ignorant and the stupid, so that they readily trust the wise to help them preserve themselves.... The ignorant could not govern themselves and so become servile to the wise out of necessity" (DCC 3.271, 274). Thus, on matters needing only majority vote, the level of virtue and expertise becomes more important, as "discretion and prudence and authority ought rightly to lead us to consider whether the judgment of fools whose number is infinite might not outweigh the votes of the wise" (DCC 2.138; see also 137). Nicholas' concern for parliamentary procedure was not simply a concern for "proceduralism" that one finds in much of contemporary liberal theory, that of Rawls for example. Rather, his concern is closer to that of a John Stuart Mill who thought that representative democracy also required the weighty input of the educated (though what counts as wisdom differs between the two). Thus, Nicholas thought that legislators should be characterized by their wisdom and prudence in crafting laws, though their powers were to be subject to the free consent of the people (*rudes*), who lack ruling abilities and the leisure to contemplate eternal wisdom. As a result, legislation would have to be consistent with the customs and mores of society.

At times, however, the importance of custom for Nicholas is heightened to the extent that it constitutes, not only the basis of his consent theory, but he regards it as the surer sign of Holy Spirit's explicatio than even legislation by councils. Just as councils provide for more stable deliberation and wisdom than a single pope, customs appear to be surer manifestations of explicatio than legislative decrees. Usage is the surest sign that legislation has been consented to (DCC 2.14.130), although silence is also considered a sign of tacit consent (DCC 2.32.239; see also 2.11.105): "Hence laws are confirmed in usage and approved by the custom of those using them. And it is also true of the statutes of the Roman pontiff that they lose their force through nonusage" (DCC 2.10.103). Thus, the validity of a law depends on three factors: the authority of the legislator, publication and promulgation, and approval of the statute through usage (DCC 2.11.105). Further, customs are prior to legislation, as Nicholas states that "where a legal authority is lacking, the customs of the people and the practices of one's ancestors are observed as the law" (DCC 2.13.126). The force of custom is stronger than that of legislators: "[W]e respect what has been introduced by custom even when it is not known whether it had the consent of any ruler with the power to legislate" (DCC 2.12.110) even when a particular custom contradicts general binding laws. The reason for this is that usage is not only a sign of consent, but is the only thing that gives all-important efficacy of the law: "consent is given through usage, it is obvious that its efficacy comes from consent" (DCC 2.13.120). The consent that is signaled through usage corresponds to Nicholas' principle that Christ is present whenever two or more meet peacefully in His name (and with unanimity or at least a majority).
The external appearance of the law is the law, so much so that Nicholas departs from the medieval scholastic tradition by including consent and coercion into his understanding of the essence of law. St. Thomas Aquinas defined law as "nothing else than the ordinance of reason for the common good, made by him who has care of the community, and promulgated," and he excluded both consent and coercion as its essential properties, although both play crucial roles in the realization of law's effectiveness in society. Nicholas' principle of explicatio, with its emphasis on the manifestation of the Holy Spirit in history through the form of councils and customs, leads him to include coercion and consent in the essence of law. Commenting on the crisis of the Church, empire, and the crisis caused by the neglect of the law, Nicholas comes closest to articulating a definition of law when he states: "Unless a law retains its sanction and its punitive force it becomes blunted and falls into disuse. Man's appetite for evil must be controlled by the bridle of the law and restrained by its limitations. Law without coercion has no sanction and loses its effectiveness. It no more merits to be called a law than a corpse should be called a man" (DCC 3.26.486). While this statement is not a formal definition of law, one cannot simply dismiss it as rhetorical flourish because the image of body politic is central to Nicholas' understanding of political order (see DCC 3.41.567-98). Comparing the effectiveness of law with the soul, as opposed to the body, brings Nicholas closer to an empiricist understanding of law, like that of Hobbes than to the traditional scholastic understanding. This interpretation is supported by another statement, where he characterizes laws as resting places amidst a chaotic universe: "and it should be known that church laws [constitutiones] are like common resting places [stationes]" (DCC 2.10.104). Whether this somewhat empiricist understanding of law can be reconciled with his Neoplatonic mysticism is unclear, but it appears consistent with his view that peace is a sign of God's presence. In the case of law, its effectiveness and harmony with natural law is a sign of God's presence. It is unclear whether Nicholas took the next step in reasoning by asking whether imperial and ecclesiastical disorder is a sign of God's absence or of His punishment of the wicked in His flock. Nicholas' advocacy of legal, political, and coercive means to bring peace to the empire, as opposed to preaching patience amidst tribulations, suggests the difficulty in reconciling Neoplatonic mysticism, the Holy Spirit's action in history, and his constitutionalism. Even so, his position is important because it reflects the importance of custom, and how it is formed by just procedures and virtuous human beings acting within them, and the creative role Nicholas gives them as historical agents of the Holy Spirit, which becomes important when we turn to consider interreligious harmony and the nature of convention. However, it also shows the difficulty of reconciling a politics of consent with a politics of virtue even when the mechanics of consent are supposed to be woven together with the rule of the virtuous.

IV. NICHOLAS' PROPOSAL FOR INTERRELIGIOUS HARMONY

Nicholas' constitutional ideas provide the context for his proposals for interreligious harmony as well as his thoughts on the conventional nature of rites. Nicholas bases his proposals for interreligious harmony on a mysticism that maintains the Augustinian-Thomistic harmony of faith and reason. It is up to philosophical mystics to guide the nations' plurality of rituals in such a way that the one universal faith, latria (DPF 6), which provides the basis for all of them, prevents those rituals from ossifying and becoming the cause of war among various nations and
religions. While Nicholas "privileged" Christianity as the one true faith, he also saw it as the most rational and it was on the basis of the interpenetration of reason and faith that he could call for mutual toleration. For instance, he quotes Ambrose by stating that the church, a "rational harmony," is "one body made up of all spirits of a rational nature [that] adheres to Christ, their head" (DCC I.preface). The coincidence of reason and faith in the church is rooted in an organic relationship between the two, whereby reason unfolds from the experience of faith, and where reason explicates and forms that very experience: "For faith implies in itself all that is intelligible, and the intellect is the explication of the faith. Hence, the intellect is directed by faith, and faith is extended by the intellect. Where there is no sound faith, there is no true intellect." Thus, for Nicholas, there are no separate truths of faith and truths of reason because faith and reason are interpenetrated by each other. This notion gets borne out in his doctrine of the coincidence of opposites by which human knowledge ascends to wisdom through dialectic negative theology, and which he expressed symbolically as a cloud and as the darkness that stands between God and man: "when we endeavor to gaze upon Him with the eye of the mind we fall into darkness, knowing that in that very darkness is the mount in which He is pleased to dwell for the sake of all those who live a life of the spirit" (DDI III.11). The opposites are the darkness and their coincidence that lies beyond opposites is the infinite that structures the ascent:

The end, then, which is its own end, is infinite, and every end which is not its own end is a finite end. Thou, Lord, who are the End ending all things art the End whereof there is no end, and thus an end without an end, or infinite. This eludeth all reason, because it implieth a contradiction. Thus, when I assert the existence of an end without an end, I admit darkness to be light, ignorance to be knowledge, and the impossible to be a necessity. Since we admit the existence of an end of the finite, we needs must admit the infinite, or the ultimate end, or the end without an end. Now we cannot but admit the existence of finite beings, wherefore we cannot but admit the infinite. Thus, we admit the coincidence of contradictories, above which is the infinite.

Infinity and finitude are relative indices of experience. The symbol infinity presupposes our being finite creatures, and the symbol finitude presupposes our experience of infinity. However, because Nicholas symbolizes the infinite as lying beyond the darkness, seekers must possess necessary existential virtues to preserve the uncertainty of existence that is undergirded by the deus absconditus. These existential virtues of the few enable them to serve as guardians for the nations, and form the backdrop to the way he applies his understanding of the mixed constitution to interreligious harmony.

"Wise men perceive that there is a marvelous combination in nature" (DCC 1.2.12), and their experience in these combinations and oppositions enable them to serve as guardians for the nations. Nicholas explicates these ideas in his De pace fidei, which consists of a dialogue between representatives of various nations and the Lord. He uses the dialogue to explore the various principles of the one religion that Nicholas thinks forms the basis of the world's major religions. It expresses his natural faith, as it were. Nederman observes that "the division between the wise and the ignorant shapes the whole course of De pace fidei," and he points to the characteristic philosophic wisdom and political prudence of the wise that is meant to lead the various people to concord. Nicholas's understanding of inequality, however, is attenuated by
his commitment to constitutionalism, not aristocracy, and by his understanding of what philosophic wisdom consists.

Nicholas provides hints of what that philosophic wisdom consists at the outset of *De pace fidei*. Consistent with the symbiotic account of faith and reason summarized above, Nicholas presents the dialogue as a report of a vision by "a certain individual, fired with the love of God," who had recently visited Constantinople, the location of atrocities due to religion" (DPF 1). This is an autobiographical allusion, but in the treatise the anonymity of the reporter directs the reader toward the content of the vision itself, as well as the reader's participation within that vision, which unites reporter and reader together into a spiritual community where the reporter's "authority" consists of nothing more than one who evokes such participation in the reader. This provides a clue for understanding the way Nicholas understands the inequality between the wise and the ignorant because the reporter simply evokes a vision in the reader, who, by virtue of his being human, possesses some darkened but preexistent knowledge of it. The reporter's action, like that of the prophets, is fundamentally more of one who evokes experience than as one who transmits authoritative doctrine. The reporter receives his vision by being "lifted up to a certain intellectual height where, as though in the company of those who had already departed life, a discussion of this matter was held in the presence of these distinguished individuals" (chap. 1). The experience of dying to the world, a common theme in Augustinian mystical writings, compares with Nicholas's discussion of the seeker who finds himself faced by the darkness that surrounds God, the coincidence of opposites that resides beyond opposites. By prefacing the dialogue with an evocation of the experience of unknowing, Nicholas directs our attention to the importance of such existential virtues for leaders, which he contrasts with the led who depend on customs that become ossified and for whom such customs become "gradually accepted and defended as immutable truths," which causes dissension and religious conflict (DPF 1). Whereas someone like Alexis de Tocqueville would later warn about the constant danger that the dizzying existential uncertainties of modern freedom would tempt modern man to grasp onto despotic ideologues, Nicholas appears aware of this problem and applies his understanding of constitutionalism to it by providing a role for these guardians to form and lead national religious rituals.18

The reporter will then report how the King turns the nations' representatives into prophets (ch. 2). The reporter says of his vision that the representatives of the various nations paid proper obeisance to the King as a prelude to their actual discussion (DPF 2), which sets the dialogue within the context of the symbiotic relationship of faith and reason outlined above. Such people are prophets because they have been provided leisure "to enable them to proceed to a knowledge of themselves by using their own freedom of judgment." By contrast, "[b]urdened and preoccupied with the cares of the body [the vast multitude] cannot seek you, the hidden God" (DPF 1). As with the anonymity of the reporter of the dialogue, Nicholas presumes a fundamental equality between leader and the multitude despite their spiritual differences. His inequality may or may not be rooted in nature, but his is a nature that is shot through with the experience of grace, as the reporter and the prophets received their visions. Thus, Nicholas can synthesize their superior existential virtue with equality, as he does in *De concordantia catholica* (DCC 2.14.127).
In addition to mysticism, Nicholas’ understanding of interreligious harmony is rooted in a recognition of the historicity, or a kind of conventionalism, at the root of all religious rituals. This is a kind of conventionalism because his understanding of intelligence and freedom indicates that human conventions are not simply conventional, as it were, but are natural as well; they are a kind of second nature. This attenuated sense of conventionalism places Nicholas between dogmatic religiosity that views all rituals as divinely mandated and a postmodern-like celebration of human creativity that feeds into homogenizing forces of globalism.

Nicholas viewed prophets for national religions as transmitters of the universal faith into particular nations, and the rudes trust the wise to teach them the one truth faith through the media of diverse national religions and rites. Nicholas regarded rites, not simply as conventional, simply as products of human will, but as having their nature residing between pure convention and acts of divine will. He did so by understanding rites as sensible signs of religious experiences. Such rites "have been instituted and received as sensible signs of the truth of faith. But signs are subject to change; not however that which is signified." Rites and especially the ritualistic descriptions of eternal life that accompany them, are to be understood figuratively. Nederman points to an especially interesting example in which Peter explains to the German that the Islamic conception of eternal life, which Europeans would reject, must be understood figuratively:

It says, for example, in the Koran, that many beautiful black damsels are to be found, who have large and white eyes. Now certainly no German in this world, even if he were given over to the vices of the flesh, would care for women of this description. Consequently, it ought to be clear that this has to be understood in a kind of allegorical way, for in another place the Koran forbids the presence of concubines in churches and synagogues.... [F]or because these things are generally desired in this world it is presupposed that in the next world there will be an equal desire, and that then they will be found more exquisitely and abundantly, otherwise, without this simile, it would be impossible to explain that this life will be the completion of all desires (DPF 15).

Peter tells the German that the author of the Koran expressed spiritual truths in a direct and sensible manner, and he goes on to explain, with reference to Avicenna, that the fulfilment of desires would consist of "intellectual happiness of the vision or fruition of God." Thus, Nicholas could see equivalences of experience that get expressed through a diversity of languages and other "sensible signs."

Another key example is his affirmation of the baptism of desire, which shows how sacraments necessary for salvation can be seen as signs of experiences. He has Paul tell the Armenian that all religions have rituals consisting of religious ablutions or washings, and goes on to state that "Faith is a matter of necessity for adults, who can, nevertheless, be saved without the sacrament when it is impossible to receive it. When, however, they are in a position to receive the sacrament, we can hardly call them believers if they refuse to act as believers in rejecting the sacrament of regeneration" (DPF 17).
The Eucharist is also a sign: "Since we believe that Christ is the food of our mind, then we believe also that we receive Him under the appearance of eating. And since it is necessary that we be of one mind in this belief, that we obtain the food of eternal life in Christ, why not demonstrate this by our belief in the sacrament of the Eucharist?" (DPF 18). Paul's seeming flippancy toward the Eucharist ("why not (cur non)?") alarms the Armenian who worries that Paul's figurative treatment of the Eucharist reduces it to simply a human creation. The Armenian shows the same concern that critics of Madisonian pluralism have: severing the necessary link between sign and signified reduces all signs and rituals to mere preferences that get swamped by utilitarian and materialistic nonreligious forces, and ultimately, leads to a homogenous and impious culture.

Paul responds that he is not as flippant as he seems to be, by pointing out that nothing is impossible for God, so belief in transubstantiation is easy if one already believes that Christ redeems one. If Christ transforms the slime of the earth into rational and redeemed beings, and "if nature herself does this in the case of animal life" (Nicholas seems to have the combination of body and soul in mind), then transubstantiation makes sense. In the case of bread, Paul states that the substance, "which is the farthest removed from what is perceptible to the senses," changes but the accident (bread) remains intact. The Armenian responds that the multitude will not accept his qualification because it removes the mystery of faith too far from what is perceptible. In other words, Paul's explanation fails to transmit the universal faith into sensible, particular idiom. Paul's response is intriguing and illuminates how Nicholas understood the application of his idea of interreligious harmony to his constitutionalist argument for consent. Paul concedes that the Eucharist is a sign for a deeper reality, and that the actual rite is unnecessary for salvation as long as faith is present. Thus, its observance should not be obligatory and authorities should rely on expediency on whether to use it. So far, Paul cannot seem to satisfy the worry of the Bohemian, who speaks up, that the particular rite of Eucharist is simply a product of human fabrication. However, Paul adds that "hence it is that if anyone who believes and yet at the same time judges himself unworthy to approach the table of the great King, I would prefer that this humility be rather praised" (DPF 18).

This answer appears as inadequate to the Armenian's objections as Paul's previous responses. However, it also brings together, in compressed form, Nicholas understanding of rituals, consent, and his understanding of the way nations "compete" in their rituals. On the surface, Paul's response appears inadequate because, even though the action of an individual who imaginatively places himself before God's judgment may be sincere, Paul still has not explained why doing so in a rite involving bread and wine differs from one involving human sacrifice, for example. So far, all he seems to say is that the only thing that matters is that the individual participant believes the rite to be true regardless of the truth of the rite. Paul does not state the source of the rite's validity. In the context of the dialogue, the particular national tradition could simply bestow validity. However, he does not appear to indicate anything more than that, other than the prophets' politico-religious statesmanship that will renovate the particular national religion on the basis of universal latria. But prophetic statesmanship is a vertical relationship between prophet and nation, and does not address the problem of competition among rites and how believers are to understand their particular rites as true. In order to determine how Nicholas intended us to understand the competition among rites, where
rites are something between being absolute and being simply conventional, a closer examination of his understanding of human being as creative is necessary.

V. CREATIVITY AND CUSTOM

A consideration of Nicholas’s conception of human being as creative sheds light on the problem because it shows how the individual’s belief in the Eucharist, and in rituals in general, is more than just a salutary facade for the rudes. The rudes participation in rituals is a crucial part of God’s providential plan. Earlier in De pace fidei, Nicholas has the Word explain the Trinity in such a way that the triune Christian God gets understood as the productive essence of the simple divine essence (DPF 8-9), which satisfies the non-Christians who can see analogues of this fecundity in their prophets. The human soul is an analogue of the productive or "fecund" divine essence: "Observe that since in the essence of the rational soul there is a certain fecundity (quaedam fecunditas) - the mind - wisdom, and love or will, in that the mind exercises the intellect or wisdom from which comes the will or love, it has this threefold fecundity in the unity of the soul in the likeness of the uncreated Trinity. So every created thing produces an image of the creative power and has in its own way a fecundity in a close or distant likeness to the fecundity of that Trinity which is the creator of all." In short, the soul as the image of God, in which the mind and intellect are sovereign over the will, is "fecund."

Nicholas provides two examples in other works that extend the analogy of fecundity to human creativity. The first example is found at the conclusion of De Ludo Globi II.114-121, where Nicholas compares God to a minter of coins and human beings as bankers. God creates coins and human beings give them value in their use:

Cardinal: If you consider [the matter] deeply, [you will see that] the value of the intellectual nature is the supreme value after the value of God. For the value of God and of all things is present conceptually and discernedly in the intellectual nature’s power. And although the intellect does not give being to value, nevertheless without the intellect value cannot be discerned not even the fact that it exists. For if the intellect were removed, there could be no knowledge of whether there is value. If the rational and proportioning power did not exist, then appraising-judgment would cease; and if this latter were not to exist, then surely value would cease. Hereby the mind’s preciousness appears, since without the mind all created things would be devoid of value. Therefore, if God willed that His own work should be esteemed to be of some value, it was necessary that He create among these works the intellectual nature.

For Nicholas, human beings’ act of discerning value - giving praise - to God’s creation is an appropriate act of the created intellect, and it is not simply an act of will. Further, God’s creation already has value, but human being’s praise of it enables that value to become manifest, and existent in a very real sense in terms of Nicholas’ understanding of history. One sees resemblances here of Nicholas’ understanding of the church as existing wherever two meet in Christ’s name, and of law whose essence includes usage through custom. If we apply this
thought to the problem of rite in *De pace fidei*, God would be the minter of *latria* and salvation, and human beings would be the bankers who give value in history through their praise. One could extend the analogy by viewing the means by which bankers settle on value as analogous to the way that prophets and the *rudes* settle on ways to praise God, by understanding praise as something they both do, and as involving human creativity from both sides. Understanding creativity as praise - whereby praise involves using historical materials to understand God in the particular manner of a historical and national setting - allows us to view Nicholas' conventionalism as rooted in the intellect and will acting together.

Such praise takes on a more active role in another work, *De Mente*, where Nicholas argues that it is the proper role of the intellect to realize itself as the image of God, going so far as to speculate that a work of art that could be imagined to complete itself is superior to one that was made complete by the artist:

And because no matter how nearly perfect an image is, if it cannot become more perfect and more conformed to its exemplar, it is never as perfect as any imperfect image whatsoever that has the power to conform itself ever more and more, without limit, to its inaccessible exemplar. For in this respect the image, as best it can, imitates infinity. [The situation is] as if the painter were to make two images [of himself], one of which was dead but seemed actually more like him, and the other of which was less like him but was alive i.e., was such that when stimulated-to-movement by its object, [viz., himself, the original], it could make itself ever more conformed [to the object]. No one doubts that the second image is the more perfect qua imitating, to a greater degree, the art of the painter. In a similar way, every mind even ours, too, although it is created as lower than all other minds has from God the fact that, as best it can be, it is a perfect and living image of the Infinite Art. Therefore, mind is three and one having power, wisdom, and the union of both in such a way that it is a perfect image of the Art, i.e., in such a way that it can conform itself, when stimulated, ever more and more to its Exemplar. In this way, even though our mind at the outset of its creation does not have the *actual* reflection of the Creative Art in terms of trinity and oneness, nevertheless it does have the concreated power through which it can make itself, when stimulated, more conformed to the actuality of the Divine Art. Hence, in the one-ness of the mind's essence there is power, wisdom, and will. And master and mastery coincide in the essence as in a living image of the Infinite Art an image which, when stimulated, can make itself always more conformed to Divine Actuality, while the preciseness of the Infinite Art remains always inaccessible.22* (http://www.cla.umn.edu/jhopkins/DeMente12-2000.pdf)

No image is as perfect as the one that has the power to conform itself "ever more and more, without limit, to its inaccessible exemplar." The "concreated" art is not as perfect nor precise as the divine Art. However, Nicholas attempts to situate human autonomy and creativity within a paradigm of imitation that, in a sense, completes what the divine artist started. Understood as "concreative" rather than as creative, Nicholas' understanding of human action prevents his understanding of the historicity of religious rites from slipping into pure conventionalism. It also prevents his recognition of limitless (and self-directed, in an attenuated sense) imitation from
transforming into the limitless acquisition of power, which was the possibility he recognized in the above-mentioned example of the grain of mustard.

In this regard, human beings would regard their particular rites as situated responses to the master plan, and not simply as products of their own making. These ideas about human creativity tie together Nicholas's account of people's complex motivations towards particular rites with his understanding of the logic of consent. People will not accept rites or changes to rites that they themselves do not believe to be divine; they must believe themselves as standing in judgment when they participate in them but also as concreative partners. In this sense, the interaction of prophets and *rudes* resembles not so much rulers and ruled, but the interaction among various types and talents of participant-rulers in councils whose deliberations - guided by just procedure and just people - get recorded as the wisdom of the Holy Spirit.

Nicholas's Madisonian-sounding advocacy of a competition of rites is situated within a complex theological and philosophical understanding of the warp and woof of various human capabilities and inclinations. Nicholas's ideas about concreativity suggest that he wanted to harness the *rudes's* instincts to love their own customs to universal *latria* by having them take pride in their customs but as contributors to a larger historical process where nations simultaneously acknowledge the truth of their rituals but also the contingency of their place within that larger process. Nicholas indicates that a diversity of rites is important and natural, and that common rites would hinder worship insofar that people would think that they are worshiping according to a pattern that someone else had established. This means that any innovations introduced by elites to push national rites toward universal *latria* must draw from the national traditions themselves in order for this practice to remain within the bounds of Nicholas's theory of consent. Thus, Nicholas has Paul state at the end of the dialogue that a great deal of latitude should be allowed for the diversity of rites, and "provided that faith and peace are preserved, the various nations should be permitted their own devotions and ceremonies. As a matter of fact, I think that this diversity would bring about an increase in devotion. For each individual nation will endeavor to make its own ritual more splendid, that they might surpass others and, in this way, they will achieve greater praise from both God and man" (DPF 18). Nicholas thought that a diversity of rites would be a spur to virtue for people, as they would take pride in their own national rites and strive to make them more splendid than those of other nations. Nicholas's weaving together of national rites with universal history is based on a social ontology similar to that of Augustine's *Confessions* where an individual life has individual and cosmological significance, and serves as a kind of cosmos of the whole. National rites for Nicholas constitute a similar kind of cosmos because they enable people to take particular pride in their particular rites; they recognize both the contingency and truth of their rites.23

VI. CONCLUSION

Nicholas bases his ideas of religious toleration on an understanding of rituals that sees them standing between universal *latria* and pure conventionalism. His mixed constitutionalism provides the basis for viewing rituals as a mixture of prophetic transmission of universal *latria* and a people's lived religious experience, where the competition among rites serves as a kind
of analogy, for the *rudes*, for the philosophizing conducted by prophetic mystics. Nicholas's medieval political and religious ideas are thus more contemporary, more conducive to the spirit of liberalism, than current ideas that force religious expression to the public sidelines and that view religious expression simply as backward and unsophisticated, merely as "conventional." Nicholas's ideas allow us to see interreligious dialogue under the eternal arc rather than as predetermined by the corrosive end of history by providing us with a thoughtful account of wisdom, constitutionalism, and custom.