On 15 June 1415, in the thirteenth session of the Council of Constance, the assembled fathers formally ratified the custom of offering communion to the laity solely under the species of the bread to the exclusion of the wine. The council fathers freely admitted that Christ had administered the Eucharist to his apostles under both species, and that it was received by the faithful under both species in the early church. Nevertheless, custom had developed such that only those confecting the sacrament would receive the chalice. The decree states: “And because this custom was introduced for good reasons by the church and holy fathers, and has been observed for a very long time, it should be held as a law which nobody may repudiate or alter at will without the church’s permission. To say that the observance of this custom or law is sacrilegious or illicit must be regarded as erroneous. Those who stubbornly assert the opposite of the aforesaid are to be confined as heretics.”

Because Utraquism—lay reception of the Eucharist under the species of both bread and wine—possessed ancient and orthodox credentials, the practice itself could not be reckoned heretical. Heresy is a theological matter and the council was not primarily concerned with rendering a theological determination. The decree does assert that Christ’s body and blood are present beneath both species—a point on which all sides agreed—but makes no further attempt to clarify questions of sacramental presence or efficacy. Consequently, the condemnation was not directed at those who would deny some foundational principle of Eucharistic doctrine (cf. the Wycliffite condemnations of 4 May 1415). Instead, what evoked the threat of prosecution was any assertion that the custom ratified by the council was itself sacrilegious. For to claim that chalice withdrawal is an impious custom that perforce cannot be lawfully sanctioned amounts to declaring the
council’s decision invalid and thus nonbinding. And that, in turn, is to call the authority of the council itself into question.

It was only about a year before the Constance decree that the Prague master Jakoubek of Stříbro had begun publicly advocating for lay chalice reception. Focusing on Christ’s words and actions at the Last Supper, Jakoubek insisted that the exact form of this event had direct, perduring, and universal application. When Christ offered the bread to his disciples he specifically told them to eat, just as the chalice was offered for the express purpose of drinking. The Lord instituted the sacrament in exactly this way for the greater good of the faithful, with the result that those who only receive bread are not drinking Christ’s blood in a sacramental manner. Although Jakoubek did not question the doctrine of concomitance, whereby Christ’s body and blood are wholly present under both species, he still insisted that this metaphysical fact does not erase the essential sacramental value of the chalice. No text made this clearer than Christ’s admonition in the Gospel of John 6:53, “Unless you eat the flesh of the Son of Man and drink his blood, you have no life in you.” Christ has promised his body as food only to those who came to the species of the bread, and his blood as drink solely to those who received the chalice. That the whole living Christ is present under the species of the bread does not mean that his blood is consequently present there in a sacramental manner. The chalice is not a superfluous addendum, therefore, but is necessary for receiving the full salvific benefit of the Eucharist.

As important as these points of sacramental theology were to the Utraquists, the weight of their argument finally rested upon a historical foundation: Christ had personally instituted this Eucharistic practice and then, through the primitive church, had commanded (praecepit) what was to be done in future generations. It is because lay reception under both kinds constitutes a direct precept of Christ designed to unite the faithful with their Lord that it cannot be abrogated by subsequent custom. It was this assertion that drew the chalice debate into larger questions of law, and thus authority, which had deep roots in the medieval tradition.

The language of precept (praeceptio/praeceptum) traditionally bore the sense of an injunction or command, a writ, or an imperial rescript. The jurisprudential dimensions of the chalice debate must not be overlooked. The Constance decree had been precisely worded along the lines of canon law texts. In their discussions of rights and obligations, the medieval
canonists not only examined duties relative to positive law but also those falling under the category of custom. The canonists pointedly acknowledged that longstanding and widely accepted custom (consuetudo) could be taken as law (lex). Custom might even attain force against a previous written law if that custom could be shown to be both reasonable (rationabilis) and as having gained force through the passage of time (praescripta).

There were limits, however—limits which were directly applicable to the Utraquist debate: No custom, no matter how old, could stand if it derogated from either natural or divine law—the transgression of which induces sin, since both originate with God.⁶

The Constance decree seems to have been designed, therefore, to meet the aforementioned criteria outlined by canon law: this custom (consuetudo) has been introduced for good reasons (rationabiliter introducta), has been observed for a very long time (diutissime observta), and thus should be regarded as law (pro lege). The great question to be resolved, however, was whether the council had actually exceeded its authority by attempting to derogate from either natural or divine law—the transgression of which induces sin, since both originate with God.⁶

So it was that the controversy over lay chalice reception that ensued brought to the fore once again, here at the outset of the fifteenth century, the perennial search for the locus of authority. Yet this is not the well-worn tale wherein the authority of Holy Scripture is set against that of Holy Mother Church. For in the main, the Roman anti-Utraquists either tacitly acknowledged the principal authority of Holy Scripture or made a point of professing it, so that they could move the debate beyond this noncontested ground. The fundamental issue was development of doctrine; not whether doctrine develops, however, but the means to determine legitimate development. The Utraquists were not primarily attempting to prove that the early church had communicated the laity under both species; everyone already knew that. Rather, they contended that lay chalice reception remained an integral part of the sacrament that could not be lawfully altered. It was this claim that forced the Romanists to provide warrant for chalice withdrawal based upon the analysis of a set of mutually recognized authoritative texts: Holy Scripture, the church fathers, and canon law. The stage was set for a battle over access to, and ultimately control over, a shared tradition.

When the tradition is shared, and the authoritative sources are embraced by both sides, the debate is soon narrowed to questions of methodological
competence. Who possesses the hermeneutical skills requisite for the discovery, and subsequent application, of the intended meanings that rest within these sacred texts? Who, moreover, can rightfully claim to be guided by the Spirit which speaks throughout, and by means of, the tradition? In light of such questions it is not surprising to find that the Romanists consistently attempted, in one form or another, to delegitimize the Utraquists, casting them as unworthy participants in this exegetical quest. The Utraquists have not simply reached incorrect conclusions; they are incapable of grasping the truth. Having removed themselves from the society of the faithful, they can only misread key biblical and legal texts. In the case of Jakoubek of Stříbro the process of delegitimization was deeply personal. He could not be taken seriously as a proper master; lacking the appropriate academic degree, he based his authority on purported mystical visions. This is not to say that the Roman theologians employed such tactics to the exclusion of substantive arguments. Indeed, there was a strong case to be made against the Utraquists which takes into consideration not only important texts from the tradition, but also the very nature of tradition itself as organic and evolving. As we shall see, however, Roman attempts to fit central texts into this tradition, to demonstrate seamless conformity, could result in over-readings as texts were pressed to address a specific set of concerns that had only recently emerged. Indeed, it was the inherent ambiguity of so many authoritative texts relied upon by both sides that rendered the debate all but intractable.

**Andrew of Brod**

The Prague master Andrew of Brod was among the earliest and most persistent opponents of the Utraquists. For Andrew, the chalice question was most clearly framed in terms of obedience, which is the glue that holds Christendom together. As salvation depends upon obeying God in all things, by extension we must obey the prelates that God has constituted, not only in good and licit matters but even in those that are deformed and evil, since disobedience is the root of all discord. Jakoubek and his fellow Utraquists were thereby cast as destroyers of Christian peace and thus agents of the devil. By administering the cup to the laity they revealed themselves as heretics and seducers who extinguish the charity of God in the hearts of the faithful and sow hatred in its place.
Basic protocol was breached, moreover, as university masters, such as Jakoubek of Stříbro and Nicholas of Dresden, have taken the stuff of lecture hall disputation into the streets. A small cadre of renegade schoolmen has deceived the uncultured and the unlettered (rudes et simplices) into believing that under one species they receive only part of Christ. Offering the chalice to the laity was not merely a doctrinal error; it amounted to a destabilization of the social order. For Jakoubek was illicitly extending to the laity rules applicable to the confecting priest, thereby confusing the two estates. Yet these laymen, along with undereducated clerics, cannot be expected to grasp the subtle metaphysics at work in the Eucharist. Such simple people ought not to occupy themselves with questions of accidents without subjects. They should just believe devoutly and sincerely. Jakoubek was instead filling their heads with lofty ideas that they could scarcely understand and only creating scandal in the process.9

The lower clergy, it seems, were now taking it upon themselves to decide matters of sacramental practice. Andrew lamented that there were certain unlearned priests (presbyteri vere ydiotae) who in their “undisciplined zeal” (Romans 10:2) hold the rites and observances of the church in contempt. Believing that they are conforming themselves to the practices of the primitive church, these low-level clerics follow their own understanding rather than the sayings of the holy fathers. Andrew induced a series of texts from Augustine and Jerome to Bernard of Clairvaux, all to the effect that the general populace must be obedient to their ecclesiastical superiors in all matters that are not contrary to the sacred scriptures—which withdrawal of the chalice is not. Simple priests, therefore, have no such authority to confect the Eucharist outside the parameters of the divine office.10

Much to Andrew’s dismay, questions regarding precept and custom were no longer confined to the magisterial class, but were filtering down to the populace. And so Andrew feared that some unsophisticated layman (simplex laicus) would speak up and demand the chalice on the grounds that many maintain that it is necessary for salvation, since it is grounded in a precept of Christ (ex precepto Christi).11 Yet, according to Andrew, reception of the lay chalice is not actually a divine precept and therefore falls within the hierarchy’s competence to regulate. More to the point, Andrew contended that ecclesiastical authority itself bears divine sanction. Despite Utraquist claims to the contrary, this custom is no mere human precept (preceptum hominis). It is the practice of God’s beloved holy church, such
that whatever she does has received his approval. In other words, far from being contrary to divine law, chalice withdrawal has been sanctioned by it.

Andrew thereupon laid out his theory of doctrinal development: Although God is the supreme lawgiver who does not change, he has given laws to suit the needs of the times; first to man in the state of nature, then under the Mosaic law, and finally in the state of grace. All the while, though, there remains one immutable faith expressed through different sets of laws. God has, moreover, ceded to the church the right to change ceremonies and traditions over the ages. Thus even as the Lord of the church remains constant, his bride is free to alter some traditions for good reason. The church—which for Andrew meant the hierarchically constituted church—operates under the guidance of her Lord; nothing she does can ever be “merely human.” Her decisions, therefore, amount to divine precepts.

**PETER PULKA**

Peter Pulka, a master at the University of Vienna, was asked to review the debate between Jakoubek and Andrew, and then present his conclusions to the theology faculty at the Council of Constance for their final deliberation. In the document that he produced, Peter was determined to refute “that false preacher master Jacobellus,” charged with leading astray certain simple people and unlearned priests. In an effort to discredit Jakoubek as a reliable theological disputant, Peter seized upon—and indeed misunderstood—Jakoubek’s reference to a “revelation” (revelatio) that had led him to take up the cause of Utraquism. Although Jakoubek had been describing the understanding that he attained through careful study of biblical and patristic texts (cognitio ex lege et scriptis authenticis), Peter took this as a claim to some kind of private mystical awakening. Peter henceforth portrayed Jakoubek as a false prophet whose teaching has not been informed by a spirit of wisdom and understanding, nor of knowledge and piety; rather, his so-called revelation proceeded from a spirit of folly and blindness, ignorance and impiety. The point being that Jakoubek cannot be trusted to read the legal and theological sources correctly, precisely because he operates outside of the received tradition.

Hence when Jakoubek appealed to the Decretum canon Comperimus—in which Pope Gelasius had insisted upon reception of both species—his interpretation of the text was not simply revealed as erroneous, but it has
also unmasked his heretical pride. For this canon, according to Peter, clearly refers to the priest confecting the Eucharist; he alone is the one who must consume both species. Citing the Ordinary Gloss on the *Decretum*, as well as Thomas Aquinas’s reference to this canon as pertaining solely to the priest, Peter derided Jakoubek for claiming to understand this text better than the glossator and the saint. Charges of prideful ignorance aside, however, these texts are actually much less precise than Peter acknowledged. We should be clear that Pope Gelasius was responding specifically to reports of priests abstaining from the chalice; he made no reference to the laity one way or the other. As for the gloss, it could lend support to either side: While it affirms that Christ is entirely consumed under either species, it goes on to state that neither form of reception is superfluous, since the species of bread refers to flesh and wine to soul, thereby signifying the totality of our participation in Christ who assumed the fullness of human nature. The gloss too is silent on the question of lay reception. Thomas came closest to supporting Peter’s position, but he was principally concerned with securing the completeness, and thus the validity, of the sacrament rather than addressing lay reception as such. Thus, even were one to concede that Jakoubek could not effectively make his case on the basis the *Comperimus*, neither could Peter definitively refute the Utraquist position on the strength of these texts. This is quite simply because the texts were not designed to resolve the present dispute. To demand that they provide answers for questions that they had never been asked is to press them to the breaking point.

For all that, however, Peter wanted to raise the stakes beyond the typical magisterial dispute over the correct interpretation of ancient texts. It would come down to ecclesiastical authority—specifically the hierarchical church’s capacity to depart from old traditions and institute new ones. That, in turn, hinged upon determining which aspects of the received tradition remain fixed and which were subject to change. Peter conceded that Christ had not given the church the power to alter anything substantial in the sacrament of the Eucharist, but he did grant her the authority to determine various uses that are accidental, that is, nonessential to that immutable substance. When it comes to the rites surrounding the use of this sacrament, the church—inasmuch as she operates under the direct inspiration of the Holy Spirit—can make certain changes both to increase devotion and avoid irreverence. Christ, therefore, reserved to the apostles and
their successors a certain degree of latitude in the handling of nonessential features that do not affect the sacrament’s validity or effectiveness. As such, the church can establish or prohibit such accidental rites for reasonable causes (ex causis rationalibus). Peter’s emphasis upon the principal role of the Holy Spirit must not be missed: Christ promised the apostles that he would send the Spirit, who would instruct them in the truth (John 16:12). Withdrawal of the chalice from the laity is ultimately a divine precept, therefore, precisely because the bishops—in their unique role as successors of the apostles—have been led to implement this practice under the guidance of the Third Person of the Trinity.

NICHOLAS OF DINKELSBÜHL

Nicholas of Dinkelsbühl was a colleague of Peter Pulka at the University of Vienna and a member of the faith commission at Constance. At the outset of his address Nicholas located two central errors in Jakoubek’s “Conclusions” on lay communion: that communion under both species is necessary for salvation (de necessitate salutis) and a precept of Christ (de precepto Christi); and because it is a divine precept, the rite of communicating the laity under both species is not, and never was, subject to annulment by the pope or general council nor any custom of the universal church. Nicholas had immediately homed in on the fundamental question of determinative authority. Moreover, he too recognized the social ramifications of the Utraquist challenge and therefore sought to defend the legitimacy of this established practice lest simple and less learned folk (simplices ac minus docti) be led astray. As we have seen, the prospect of unsettling the lower orders of lay and clerical society was a persistent concern of the Roman anti-Utraquists. At all events, Nicholas set himself to demonstrate that these two Utraquist errors not only ran contrary to the holy doctors, saints, and the reasonable custom of the church; they directly contradicted the recent determination of the general council gathered at Constance.

Nicholas readily granted that nothing that proceeds from the truth of Holy Scripture, divine law, or a precept of Christ can be undone through a custom of the church, a statute of the pope, or that of a general council. It is telling that Nicholas frankly acknowledged the proximity of both sides on this central matter; no reason to debate this point, he said, for here we all agree. Where the Utraquists go wrong, however, is in their contention
that lay communion under both kinds proceeds from gospel truth and divine law. The rite of communicating the people under both species is something that the church is within her rights to change, according to Nicholas, for the very fact that it is not a precept of Christ. And because it is not a divine precept, the rules governing authoritative custom can be applied. As it stands, lay communion under one kind is “a custom that has been approved for the longest time and by all throughout the kingdom of Bohemia.” Echoing the canon law texts, Nicholas concluded that this practice has therefore obtained the force of law through longstanding public acceptance which cannot now be overturned by “some private person (privata persona) merely on his own whim and without sufficient evidence.” An outrider, not aligned with the faithful community, Jakoubek’s demand for the chalice—absent the support of a direct divine precept—was thus reduced to one man’s ravings.

Even as he made the case for authoritative custom, Nicholas never had any intention of subordinating the authority of Holy Scripture to that of the church. The task at hand was getting at the true sense of scripture—that meaning which the Holy Spirit has intended to convey. And so too, when it comes to interpreting the authoritative texts of canon law, one must look beyond the strict grammatical construction of the words (ad rigorem verborum) to the intention that underlies them if one is to grasp the authentic meaning of the text. The key here, though, is that the Spirit’s intended meaning remains dynamic; it unfolds in its fullness all the way into the present age. Thus whatever those decrees that seem to favor lay reception of the chalice might have meant in their own time, they were never presented as unalterable divine precepts. Christ granted to the church—which always operates under the guidance of the Holy Spirit—the power to make certain changes for reasonable cause in matters that are extrinsic and accidental to the sacrament. Development of practice, if not doctrine, is a process directed by the Spirit—the very Spirit who is also the author of Holy Scripture.

Applying this principle of normative interpretation, Nicholas was keen to expose the alleged subjectivity, and thus basic unreliability, of Utraquist exegesis. Again, therefore, in determining the correct reading one must not explicate texts based upon “the wishes of some private man (secundum voluntatem cuiuscumque privati hominis),” but instead according to “the authentic expositions of the saints and of the approved glosses (secundum
That is to say, one is not free to explicate authoritative biblical and legal texts as one chooses, but must follow the received commentary tradition found, for instance, in the Ordinary Glosses on both the Bible and the *Decretum*. What Nicholas neglected to mention, however, was that even those authoritative sources had never been uniformly interpreted throughout the later Middle Ages and often proved to be sources of further debate.

With regard to the central Utraquist biblical text, John 6:53, Nicholas would distinguish between two kinds of eating and drinking: sacramental and spiritual. The former refers to the consumption of the true body under the species of bread and true blood under the species of wine with the intention of consuming them as such. The latter, spiritual eating and drinking, is itself two-fold: There is spiritual consumption of the first reality (*res prima*) of this sacrament, namely the true flesh and blood of Christ, done devoutly in recognition of the body that was offered up in the passion. In this way the believer is incorporated into Christ through an act of love. Yet there is another form of spiritual eating that does not involve actual consumption of the species under which the true flesh and blood abide. This second form refers to what medieval theologians traditionally referred to as the ultimate reality (*res ultima*), that is, the mystical union with the body of Christ through faith and charity which unites the members to their head. And, according to Nicholas, this is the eating to which Jesus refers in John 6:53. Nicholas backed up this reading with citations of the Gloss on John 6:53 and 1 Corinthians 11:27. Spiritual eating, therefore, is a mystical consumption of Christ’s flesh which signifies union with the body of Christ. Hence when priests confect in the sight of the people and consume under both kinds, the people assist them in their devotion by eating and drinking spiritually the body and blood in sincerity of faith, through their pious meditations and by consuming with the mouth of their heart, and thus being united to Christ through the affection of love.

**Jean Gerson**

The Parisian theologian Jean Gerson produced a concise tract on lay communion in 1417 which remained free from *ad hominem* attacks and focused principally upon the means to achieve authoritative determinations. Gerson began the work with a meditation on scriptural authority and in-
interpretation, commending Holy Scripture as the rule of faith (\textit{regula fidei}) which, when correctly understood, cannot be contravened by any human authority or custom. In fact, Gerson admitted—as had Nicholas of Dinkelsbühl—that on this front the council fathers and the “heretics” all agree. It was not the unimpeachable authority of scripture that was at issue, therefore, but its correct interpretation. Arriving at such an interpretation of scripture requires that the exegete adhere to a rigorous methodology. By laying out such a system, Gerson hoped to show, by way of contrast, that the Utraquist hermeneutical program was hopelessly flawed. Now the first thing that one must recognize, according to Gerson, is that all the parts of scripture are interconnected and should therefore be read comprehensively. Only then can one begin to understand the intention of its divine author, the Holy Spirit. The exegete needs to compare one passage with another to weigh up the totality; he cannot isolate certain passages to make his case—the very thing that Gerson accuses the Bohemians of doing when they (supposedly) fasten upon only those portions that seem to support lay reception of the chalice. On the other hand, biblical exegesis is not simply a matter of harnessing a set of linguistic skills, as valuable as these may be. There is a subjective, even if not an individualistic, component to the exegetical process. Exposition of Holy Scripture relies upon learned men who are not merely operating by the strength of their own wits, but under the inspiration of the Holy Spirit. Thus when comparing the various expositions of the doctors, we must pay close attention to those that appear to exhibit certain spiritual gifts. It is not enough to cite any given doctor of the church in support of one’s case; one has to cite the right doctors. Beyond this, one must have respect for the interpretative authority of those expositions embodied in the glosses, the canons, and the decrees—all of which will assist us in making sense of the biblical text. Indeed, Holy Scripture receives its interpretation not only in the examination of the original words, but also as its meaning comes to light in later expositions. Where, then, does this layered interpretation reach its conclusion? Authentic reception and exposition, says Gerson, is finally resolved in the authority, reception, and approbation of the universal church, especially that of the primitive church (\textit{praesertim primitivae}), which received this interpretative acuity directly from Christ by the revelation of the Holy Spirit.$^{30}$

The problem for Gerson was that the Bohemians had specifically appealed to this same primitive church which they regarded as the uncorrupted
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guardian of Christ’s original intentions. This fact was not lost on Gerson as he sought to move the discussion from the patristic texts themselves to the Spirit that informed them. Who, then, will determine the genuine patristic sense which, in turn, unlocks the original meaning of scripture? For Gerson (as we shall see) that will ultimately fall to modern doctors who are themselves operating under the infallible inspiration of the Holy Spirit.

With regard to the specific question of lay communion, Gerson focused on the Bohemian claim that reception of the chalice is “necessary for salvation” (*de necessitate salutis*). Not unlike the Vienna theologians, Gerson argued that one must distinguish between those aspects of the sacrament that are regulated by divine law (*iure divino*) and those that fall under human law (*iure humano*). The precise form of the words of consecration fall under the former since they are essential components of the sacrament. Yet other matters such as vestments, lights, prayers, and fasting are human precepts subject to variation. The church can, for good reason, change these precepts such that what was once sinful for a man would now be meritorious. Lay reception of the chalice, according to Gerson, is one example of a practice that had never been a necessary precept of divine law (*de necessitate praecepti iuris divini*), but had been left up to the church to decide. But how can we know which practices fall under which rubric; which belong to immutable divine law and which to variable custom? That decision remains with the church; she is the best interpreter of laws. It is not for presumptuous factions—here the Bohemians are likened to the fifth-century Donatists—to take it upon themselves to disturb and scandalize the church. Thus they are advised to be obedient and to work for the common good (*bonum commune*).

In keeping with his broader discussion of the evaluation of sources, Gerson addressed the authoritative status of custom. When sacred authorities speak of communion under both species having the force of a precept with respect to the laity, such texts must be restricted to the specific time and custom of the church in which they were observed. Ecclesiastical custom which has its origin from a reasonable cause—whether throughout a nation, province, or diocese—has “the obligational force of law and precept (*vim habet obligativam legis et praecepti.*)” Hence it is unlawful to contravene such customs where they are commonly observed. At no point, however, was lay communion under both kinds mandated altogether for the
entire church. Custom may have indeed been taken for law (consuetudo pro lege habetur), yet such precepts were always restricted to a given locale; and when the custom came to an end, so then did the obligation. One must recognize, said Gerson, that genuine authority proceeds from cause; when the cause of its truth ceases, so too does the truth and its allegation cease. Here Gerson appealed to the rules governing time-dependent propositions. Consider the following: “Christ is going to become incarnate,” which was once true because the cause of its truth was some future time that had not yet arrived. But with the advent of Christ, when what was once future is now present, the cause of that truth has been removed. That original statement is now false, therefore, since it is no longer true that “Christ is going to become incarnate.”

Gerson concluded by emphasizing that no authoritative text or doctor can effectively present an authentic conclusion in some matter of faith or doctrine concerning the salvation of souls except to the extent that his determination is in keeping with existing ecclesiastical doctrine or has been formally approved by the church. For all the doctors rightly submit their teachings to the church’s judgment, even as the Apostle Paul—notwithstanding that he had received the gospel by revelation—sought authorization in Jerusalem where the primitive church principally resided (Galatians 2:1–2).

For Gerson, the conciliarist, the universal church gathered at Constance can render such infallible judgments under the guidance of the Holy Spirit—just like the church gathered in Jerusalem fourteen centuries earlier. Ultimately, Gerson put his trust in a general council which he regarded as a perfect representation of the hierarchy that had been instituted by God. It is the infallible council—under the aegis of the Holy Spirit who can neither deceive nor be deceived—that will render final determinations in matters of faith.

John of Ragusa

On 20 June 1432, the Bohemians were formally granted safe conduct to attend the Council of Basel and explain the Four Articles of Prague for which they claimed the support of “divine law, the apostolic practice of Christ, and that of the primitive Church.” The Dominican theologian John of Ragusa (Ivan Stojković of Dubrovnik) was chosen by the council to respond specifically to the article regarding communion under both species.
Despite the fact that Jakoubek of Stříbro had died in 1429, and the leader of the Bohemian cause at Basel was now Jan Rokycana, the Dominican nonetheless took aim at Jakoubek as the first to break the universal custom of the church; he was the inventor of this novelty which has spread throughout the kingdom of Bohemia. John was reviving an earlier tactic of personally discrediting Jakoubek and, by extension, the entire movement that he had engendered. John found that Jakoubek was bereft of all the essential qualities of the reliable exegete. Where was his skill, his understanding of divine matters, his personal holiness, and profound learning? Where were the miracles that attest to his sanctity of life as the saints possess? Where was his magisterial or doctoral grade (Jakoubek was only a master of arts); and where the writings to lend sufficient credibility to his claims? Jakoubek was thus maligned as an unstable and unqualified interlocutor with no rightful claims to anyone’s affections. This left John to muse that while there is nothing unusual about one man lapsing into such a reprobate understanding, it remains astonishing that so many otherwise faithful people might follow after him. Jakoubek’s errors now fill the university of Prague and have spread throughout the whole kingdom of Bohemia, which had once abided by the teachings of the illustrious schoolmen. Again we see that Utraquist arguments, and more fundamentally the men who advanced them, were not simply discounted as erroneous, but positively perverse.

John signaled the broader direction of his argument early on when he declared that among the articles of faith none is more important than the Creed’s affirmation of the Holy Catholic Church which is governed by the Holy Spirit. Indeed, all the other articles are ultimately grounded upon this ecclesial foundation. By this, John did not intend to minimize the authority of Holy Scripture in the determination of doctrine. Rather, as with Gerson, the question was not one of scriptural authority but its authoritative interpretation. John promptly admitted that we must turn immediately Holy Scripture when doubt arises regarding other articles of faith. Yet because scripture does not proceed as the natural sciences do—from rational proofs that bind the intellect—there must be further recourse to authority. For although it is the weakest proof among the human sciences, authority remains a mainstay of divine science which is founded upon divine revelation. Even as John conceded that scripture is the principal authoritative source to which we turn in matters of doubt, when it comes to its subsequent interpretation we must then turn to the church, in
keeping with Augustine’s maxim: “I would not have believed the gospel had not the church compelled me.” Well aware of all the difficulties that arise in scriptural interpretation, most notably the variety of opinions, there needs to be some single determinative standard, namely the Holy Catholic Church under the guidance of the Holy Spirit which cannot err in matters necessary for salvation.³⁸

As John proceeded to expound upon the different senses of scripture he echoed almost verbatim the teachings of his former master Jean Gerson. Suffice it to say that John equated the literal sense with the meaning of the Divine Author; when rightly understood this divinely intended sense stands as the infallible and sufficient rule of faith. The greater point, however, is that for all of its inherent authority, the authentic reception and exposition of scripture will ultimately be determined by the reception and approbation of the universal church guided by the Holy Spirit.³⁹

John maintained his consistent confidence in the Holy Spirit who will teach the church all truth (John 16:12) in matters necessary for salvation. The Utraquists had no quarrel with this principle, of course, but argued that it applied to the primitive church which had received the promise of the Spirit when she most truly imitated Christ in life and doctrine. Now that the church has fallen away from Christ, and has thus receded from the Spirit, she has fallen into all manner of errors and heresies. Once again, therefore, we seem to be at an impasse as the Bohemians held up the perfect model of the ecclesia primitiva by which to measure the corrupt state of the present church. Hence John would have to make the case for continuity: There are not two churches, but only one, which retains all that she had received during the apostolic epoch. Such confidence was grounded in Jesus Christ himself, who had promised his indefectibility to the church until the consummation of the age (Matthew 28:20). Christ never intended that his promise would apply only to the primitive church; he was speaking of the church as she endured forever. And what was promised to his apostles was thus guaranteed to their successors. Claims to such continuity hinge upon the veracity of Christ himself. For if the church could err at any time, and had erred in fact, then Christ’s promise to remain with her to the end would have been false, as would his promise of the assistance of the Holy Spirit. Furthermore, if the church could err in matters necessary for salvation, there would be no security, since there would be no assurance that any dogma was true. It is the true church that has correctly grasped
the meaning of Christ as intended by both his words and deeds recorded in the Gospels. Indeed, there would be no certitude of doctrine if the church were unable to discern Christ’s intended meaning. Here John recalled the Waldensians: They followed the literal sense (sensus litteralis) but missed its meaning because they did not possess Christ’s true meaning (sensus Christi). Only the church grasps the genuine signification of Christ’s words and thereby secures the Catholic faith; she alone is directed by the Spirit and thus cannot err (errare non potest).40

Thus while the Bohemians protested that they wish only to understand the scriptures according to the expositions of the holy doctors, John recognized that such debates over the interpretation of these authoritative sources would be interminable. Recourse must finally be had, therefore, “to the judgment of the church which stands as an infallible and divine rule (ad iudicium ecclesiae tamquam ad infallibilem et divinam regulam).” Christ and the church have entered into a spiritual marriage wherein he has conferred his own infallibility upon his spouse from whom he can never be separated. And under the guidance of the Holy Spirit she will never err in matters necessary for salvation.41

The very fact that withdrawal of the chalice has been widely accepted over some time now, and has been formally approved and declared by a general council, proves that it cannot be contrary to the divine will nor opposed to the precept of Christ. While coming very close here, John never explicitly bestowed the mantle of infallibility upon the Basel council. Nevertheless, he remained so confident in the assembled church’s inspired ratification of custom that (he says) even were the Utraquists to fend off all other arguments, a faithful Catholic could still rely completely upon the principle of the universal church’s indefectibility, which by itself can defeat all the other arguments.42 John’s final unwillingness to invest the Council of Basel with the sort of infallible authority that Gerson located at Constance is telling and even unsettling. For in the end John made his appeal to the very same universal church of which the Bohemians likewise regarded themselves full members.

NICHOLAS OF CUSA

Nicholas of Cusa was officially incorporated into the Council of Basel on 29 February 1432, and on 11 February 1433 he was assigned to the team that
would negotiate with the Bohemians. It was in this capacity that Cusanus composed *On the Use of Communion* in the second half of 1433, after the Bohemians had left Basel. Cusanus began his address in the sharpest terms: “You Bohemians, however, are cut off from the rest of the church’s body, rupturing its peace and unity.” He dismissed the Bohemians’ claim that they were committed first of all to obeying the precept of Christ (*praecpto Christi*) and thereafter the church, even to the point of disobeying the church when she commands otherwise. Herein lay, according to Cusanus, “the beginning of all presumption when individuals judge their own understanding of divine commands to be more conformed to the divine will than that of the universal Church.”

What follows is a full-throated, if not entirely cautious, exaltation of ecclesiastical authority, which can tend toward the sort of papalism notably absent from the oration of his Basel colleague, John of Ragusa. Of greater import, perhaps, is that whereas previous respondents had emphasized the continual guidance of the Holy Spirit, the thrust of Cusanus’s argument turned on the fundamental identification of Christ with his body the church. Against Bohemian appeals to the practice of earlier generations, Cusanus argued for a process of adaptation overseen by Jesus Christ himself: “The Scriptures are both adapted to the times and understood in various ways . . . as Christ dispenses mysteries according to the changing of the times.” Cusanus rejected out of hand, therefore, the Bohemian argument that would censure the universal rite of the church based upon the writings of earlier saints and doctors. Rather than focusing on the interpretation of sacred texts, Cusanus emphasized the living authority of the presently assembled church. He observed that the Apostles themselves transmitted the faith not only through writings, but also by the oral expression of a short creed wherein they emphasized that the communion of the Holy Church is necessary for salvation. It is the church herself who will endure forever even were all the scriptures destroyed.

Cusanus was thus keen to steer the question away from scriptural authority to the teaching authority of Christ manifested in his body, the church, which is enlivened by his Spirit and thus does only what Christ himself wishes. “And so the change of interpretation depends upon the will of Christ who now wills it so by his inspiration, just as once this very precept was practiced otherwise, according to the need of the time. And, therefore, this power to bind and loose is no less in the church than in
Christ.” Far from deviating from “this very precept of Christ,” as the Bohemians charge, the church is fulfilling it as he commanded. And here Cusanus went so far as to say: “There are no precepts of Christ (praecepta Christi) other than those accepted as such by the church.”49 For Cusanus, therefore, the actions and determinations of the hierarchically constituted church on earth amount to an extrapolation of Christ’s unique sovereignty and perfect will.

Although a committed conciliarist at this time (see his De concordantia catholica [1433–1434]), Cusanus nevertheless proceeded to locate the heart of the church’s authority in the Petrine office. Forestalling Bohemian appeals to the authority of the Catholic church at large, Cusanus argued that it is the See of Peter which is the guarantor of the truth of the church. The “refuge of infallibility” is to be found in union with the prince of the church who holds the power of universal spiritual rule. Here Cusanus designated the pope as sole legitimate successor of both Peter and Paul—the implication being that he embodies the fullness not only of jurisdictional, but also doctrinal, authority. This sort of language does have the ring of extreme papalism, and thus appears to be out of step with the young Cusanus’s conciliarist sympathies. It may be, however, that such statements had a wider scope: Against those whom he considered schismatics, Cusanus wished to emphasize the unique authority of the divinely constituted hierarchical church that can never fail and is thus worthy of obedience.50

When Cusanus returned to the Utraquist matter in 1452, his commitment to the hierarchical church’s authority had only grown stronger. His Letter to the Bohemians on Church Unity was written during his stint as papal legate to the lands of the Holy Roman Empire.51 Even as the Bohemians pointed to passages that would seem to promote lay reception of the chalice, Cusanus charged that they had given themselves over to a crudely literalistic reading of scripture. Such a charge would hardly be remarkable except for the fact that, as Cusanus pursued his point, he succeeded in driving a wedge between scripture and the church, thereby creating a division that the other respondents had assiduously avoided. For Cusanus contended that the Catholic church cannot be bound to the letter (ad literam) of Holy Scripture, but must instead follow the spirit (ad spiritum). Indeed, it is the church alone who can draw out the spiritual sense of the biblical text such that it does not remain a mere dead letter. Because Christ had not wished to constrain (astringere) future generations, he left it to the church
to interpret the text at different times in different ways: interpretation that conforms with good practice constitutes the life-giving spirit.52

Cusanus then proceeded to make a rather astonishing remark, the larger import of which repays more sustained analysis than we can grant it here. No doubt wearied with the Bohemian situation by this time, he wrote “The Scriptures follow the church which is prior to them and for the sake of which (propter quam) the Scriptures exist, and not the converse.”53 It seems that, for Cusanus, the sacred scriptures could be reckoned a collection of texts that have been assembled by, and are subject to, the church which subsequently authorized them. Cusanus has thereby set aside the classic medieval conception of Holy Scripture, extolled in countless magisterial inception sermons as the eternal font of Divine Wisdom according to which all human sciences are judged. Now the authority of Holy Scripture, precisely as a constructed text (litera), is determined to be derivative; it remains at the disposal of the church by which, and for which, it has been compiled.

CONCLUSION

That Nicholas of Cusa was willing to speak in such stark terms of scripture’s subordination to the church may be indicative of the hermeneutical impasse that had been reached—or at least the perceived impasse in the minds of the higher clergy—by the second half of the fifteenth century. Although Cusanus was not appealing to some separate extra-scriptural deposit of divine revelation, he was nevertheless attempting to forestall the authority of written texts, the debate over which seemed irresolvable. That the respective authority of church and scripture were diverging on the eve of the Reformation is almost a cliché, but we found no such divorce among the other Roman respondents to Utraquism. For Jean Gerson and his one-time student John of Ragusa, the authority of the church under the guidance of the Holy Spirit was never intended to be set over against Holy Scripture as though its judge. Rather, the church stood alongside scripture as its infallible interpreter, guided by the same spirit by which scripture itself had been authored. Yet one is still left to ask where, concretely, this infallible interpretation could manifest itself. Precisely where would the self-authenticating tradition of the church reveal the true and unfolding intention of Christ? According to Gerson, it remained for the general
council, “legitimately assembled in the Holy Spirit,” to render that final and infallible decree on the lay chalice. John of Ragusa stopped just short of saying the same in answer to the Bohemians at Basel. In the event, however, the council of Basel soon disintegrated, which led a disillusioned Nicholas of Cusa to turn his eyes to the unique authority of the Petrine office. History tells us, however, that even Rome failed to show the way forward. Soon again Christendom would be clamoring for a council—*Veni Sancte Spiritus*.

**NOTES**


6. See *Consuetudo autem*, D. 1, c. 5; *Corpus Iuris Canonici*, ed. Emil Friedberg, 2

7. See Jaroslav Kadlec, Studien und Texte zum Leben und Wirken des Prager Magisters Andreas von Brod (Münster: Aschendorff, 1982).

8. Tractatus contra communionem calicis (De obedientia), in Kadlec, Studien und Texte, 236–238.

9. Tractatus de sumptione venerabilis pretiosque corporis ac sanguinis domini nostri Iesu Christi, in Kadlec, Studien und Texte, 186.

10. Lectura de communione laicorum sub utraque specie, in Kadlec, Studien und Texte, 225–235. See the canon Si dominus, C. 11 q. 3 c. 93, in Friedberg, Corpus Iuris Canonici, 1:669.


12. Tractatus de sumptione venerabilis pretiosque corporis ac sanguinis domini nostri Iesu Christi, in Kadlec, Studien und Texte, 207.


17. Confutatio Iacobi de Misa, 245. For Comperimus, D. 2. De cons. c. 11, see Friedberg, Corpus Iuris Canonici, 1:1318; and the Gloss in Corpus juris canonici emendatum et notis illustratum, 1:2511–2512. See also Thomas Aquinas, Summa theologiae 3, q. 80, a. 12.


22. Ibid., 110.
23. Ibid., 34.
24. Ibid., 65–66.
25. Ibid., 35–38.
26. Ibid., 39.
27. Ibid., 40–43. See also Biblia Sacra cum Glosa Ordinaria novisque additionibus, 6 vols. (Venice, 1603), 5:1131–1132; 6:298. Both glosses have a decidedly ecclesiological emphasis, speaking of believers abiding in Christ and the unity of the church.
28. Tractatus contra errores Hussitorum, 57.
37. De communione sub utraque specie, 761–762.
38. Ibid., 713–715. Santiago Madrigal believes that Ragusa’s debate with Rocykana led him to articulate the specifically ecclesial dimensions of the Eucharist—the church as corpus mysticum Christi—which set the stage for his great work of systematic ecclesiology, the Tractatus de Ecclesia. See Madrigal, “Eucaristía e Iglesia en la ‘Oratio de Communione sub utraque specie’ de Juan de


40. Ibid., 780–785.

41. Ibid., 786–790.

42. Ibid., 864–868.


46. Ibid., 16–17.

47. Ibid., 20–21.

48. Ibid., 22–27.

49. Ibid., 28–29.


52. Ibid., 412–415.

53. Ibid., 415.