

Nicolaus Cusanus as Prince-Bishop

of Brixen (1450-64):

Historians and a Conflict

of Church and State

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The impressive accomplishments of Nicolaus Cusanus (also called Nicolaus Treverensis, Nicolaus Cancer, Nikolaus von Kues and Nicholas of Cusa) make him one of the most important personalities of the fifteenth century.¹ Scholars have long been drawn to his successful clerical career, which Cusanus combined with noteworthy achievements as a humanist scholar and philosopher. Yet the historical evaluation of

1. The body of literature on Cusanus is quite large; see the useful listings in the "Cusanus-bibliographie" in *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 1 (1961), 3 (1963), 6 (1967), 10 (1973), 15 (1982). I have concentrated on examining the many works on his biographical and political history and not those on his philosophical thought. On the latter see Rudolf Haubst, "Aktuelles aus der Cusanus-Forschung," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 15 (1982): 29-42; and Paul E. Sigmund, "Das Fortleben des Nikolaus von Kues in der Geschichte des politischen Denkens," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 7 (1969): 120-128. The standard biography of Cusanus remains Edmond Vansteenberghe, *Le Cardinal Nicolas de Cues (1401-1464): L'Action—la pensée*, Bibliothèque du XV^e Siècle, vol. XXIV (1920; reprint ed., Frankfurt am Main, 1963). A recent, and rather impressionistic, biography is Heiner Martini, *Der Krebs in der Reuse: Nikolaus von Kues* (Trier, 1986); also Helmut Gestrich, *Nikolaus von Kues 1401-1464: Leben und Werk im Bild* (Mainz, 1990), is the companion volume to a recent travelling exhibition which tried to inform the general public about Cusanus and his work.

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his reign (1450-64) as prince-bishop of Brixen, or Bressanone, remains controversial. Since Cusanus remains an example of the contention between church and state, this article provides a comprehensive survey of the main points of the Brixen controversy and hopes to sensitize historians to the complexities of the scholarly disagreements about Cusanus in Tyrol.

Cusanus rose from modest beginnings to the highest ranks in the Western Church. He was born in 1401 as Nikolaus Krebs, the son of a wine shipper in the town of Kues (or Cusa, part of today's Bernkastel-Kues in the Mosel valley). His ecclesiastical career began with studies in Heidelberg, Padua and Cologne; then he served the archbishop of Trier in the 1420s, where he began to collect church benefices.² He first gained international prominence at the Council of Basel (1431-49), when he unsuccessfully defended his archbishop against a papal provision to the see of Trier. At first a proponent of conciliarism, he soon shifted his allegiance to the papacy. Leaving Basel behind, he went to Constantinople to help organize the unifying Council of Ferrara-Florence for the pope. In the following years Cusanus promoted papal interests at imperial diets and princely courts in Germany; a grateful pope named him Cardinal-priest of San Pietro in Vincoli in 1448. As papal legate, Cardinal Cusanus attempted to reform the German churches in 1451-52. And in the last years of his life he led the college of cardinals, represented the pope during papal absences, and administered the papal temporalities in Italy south of the Po.³ In addition to these manifold duties and activities, Cusanus was one of the most important German humanists of the fifteenth century. He discovered classical manuscripts and wrote important philosophical and scientific works, such as *De Concordantia Catholica*, upon which his modern reputation is largely

2. Erich Meuthen, "Die Pfründen des Cusanus," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 2 (1962): 15-66.

3. See Erwin Iserloh, *Kirchenreform bei Nikolaus von Kues*, Institut für Europäische Geschichte, Mainz, Vorträge, no. 38 (Wiesbaden, Germany, 1965); and Erich Meuthen, *Die letzten Jahre des Nikolaus von Kues: Biographische Untersuchungen nach neuen Quellen*, Wissenschaftliche Abhandlungen der Arbeitsgemeinschaft für Forschung des Landes Nordrhein-Westfalen, vol. III (Cologne, 1958).

based.⁴ It is his reign as bishop of Brixen, however, that most provokes disagreement among historians.⁵

In the literature concerning his role as prince-bishop, historians generally agree about the events of Cusanus's episcopal tenure, but disagree sharply when trying to divine the motivations or significance of them.⁶ Conflicting viewpoints, which crystallized in the nineteenth century, have usually been divided between the advocates of Tyrolean statehood and partisans of the Roman Catholic Church. Originally, local scholarship was dominated by the views of historians like Albert Jäger, who approved of a strong, centralized, secular government. In this view, the Habsburg dynasty's historical mission was to consolidate dominion in the Tyrolean Alps. Since Cusanus sought to dispute the Tyrolean prince's monopoly of power, historians of this persuasion regarded him as a troublemaker.⁷ In the other view, Roman Catholic historians, such as Ludwig Pastor, believed that the papacy's reforming aims and the political influence of the Catholic Church would generate

4. Nicholas of Cusa, *The Catholic Concordance*, ed. and trans. Paul E. Sigmund, (Cambridge, 1991).

5. Erich Meuthen, *Nikolaus von Kues 1401-1464: Skizze einer Biographie*, 5th ed. (Münster, 1982), p. 95; Anselm Sparber, "Aus der Wirksamkeit des Kardinals Nikolaus von Kues als Fürstbischof von Brixen (1450-1464)," in *Niccolò Cusano agli Inizi del Mondo Moderno. Atti del Congresso internazionale in occasione del V centenario della morte di Niccolò Cusano*, Bressanone, 6-10 Settembre 1964, Facoltà di Magistero dell'Università di Padova, vol. XII (Florence, 1970), pp. 524-525.

6. The basic work on the conflict and still most detailed account is Albert Jäger, *Der Streit des Cardinals Nikolaus von Cusa mit dem Herzog Sigmund von Österreich als Grafen von Tirol: Ein Bruchstück aus den Kämpfen der weltlichen und kirchlichen Gewalt nach dem Concilium zu Basel*, 2 vols. (Innsbruck, Austria, 1861). For criticisms of Jäger's work see: Hermann Hallauer, "Eine Visitation des Nikolaus von Kues in Benediktinerinnenkloster Sonnenburg," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 4 (1961), p. 112; Nikolaus Grass, "Review of Wilhelm Baum, *Nikolaus Cusanus in Tirol*" in *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 17 (1986), p. 281; or Wilhelm Baum, "Enea Silvio Piccolomini (Pius II), Cusanus und Tirol," *Der Schlern* 56 (1982), p. 189. A brief summary of the conflict in English, without comparison of the historical opinions, is Pardon E. Tillinghast, "Nicholas of Cusa versus Sigmund of Habsburg: An Attempt at Post-Conciliar Church Reform," *Church History* 36 (1967): 371-390.

7. For example Nikolaus Grass, "Cusanus als Rechtshistoriker, Quellenkritiker und Jurist: Skizzen und Fragmente," in *Cusanus Gedächtnisschrift: Im Auftrag der Rechts- und Staatswissenschaftlichen Fakultät der Universität Innsbruck*, Nikolaus Grass, ed., *Forschungen zur Rechts- und Kulturgeschichte*, vol. III (Innsbruck-Munich, 1970), p. 134.

a more virtuous community.⁸ These historians saw the lay princes subverting Cusanus's legitimate authority as bishop and cardinal. Since the Tyrolean prince persecuted Cusanus in his Christian efforts to improve society, they considered the bishop a martyr. More recent historians often have continued to portray Cusanus from one of these two perspectives: either as the adversary of Tyrolean/Habsburg national unity or the protagonist of Vatican/Christian righteousness. These differences reveal the historiographical difficulty in writing about issues concerning both religion and nationalism. Even with the enrichment of our understanding of Cusanus's rulership through the recent work of Wilhelm Baum, and the discovery of new documents and writings by Cusanus in Italian, Austrian, German and even Yugoslavian archives, judgments remain ambivalent.⁹

Cusanus's difficulties as prince-bishop originate in the changing demands of church and state in the fifteenth century. Especially the status of the German imperial prince-bishops led to conflicting claims of jurisdiction between the Roman Church and the Holy Roman Empire. The conflicts between pope and emperor were mirrored at the local level

8. Ludwig von Pastor, *Geschichte der Päpste seit dem Ausgang des Mittelalters*, vol. II (Rome, 1955 [1894]). Cf. Andreas Posch, "Nikolaus von Cusa, Bischof von Brixen, im Kampf um Kirchenreform und Landeshoheit in seinem Bistum," in *Cusanus Gedächtnisschrift*, p. 227; see also Hubert Jedin, "Zur Aufgabe des Kirchengeschichtsschreibens," *Kirche des Glaubens*, vol. II (Vienna, 1966), p. 27.

9. Wilhelm Baum, while generally critical of Cusanus's intentions and capabilities, has been diligent in finding and then publishing documents, usually in the South-Tyrolean cultural journal, *Der Schlern*, which is not widely accessible. Wilhelm Baum, "Cusanus als Anwalt der Brixner Kirche in Kärnten und Krain (mit einer Edition eines unveröffentlichten Cusanusbriefes) gewidmet meinem Innsbrucker Lehrer Nikolaus Grass," *Der Schlern* 55 (1981): 385-399; "Nikolaus Cusanus und Leonhard Wiesmair: der Kardinal und sein Gegenspieler, Kanzler von Tirol und Bischof von Chur--mit Edition von unveröffentlichten Cusanus-Texten," *Der Schlern* 57 (1983): 433-442; "Nikolaus Cusanus und die Grafen von Görz: Neue Dokumente zum cillischen Erbfolgestreit und Cusanuskonflikt," *Der Schlern* 58 (1984): 63-85; "Nikolaus Cusanus wird Bischof von Brixen (mit Edition unveröffentlichten Cusanus- und Kaiserurkunden)," *Der Schlern* 60 (1986): 379-388; "Eine Denkschrift des Nikolaus von Kues über die Rechtsgeschichte von Buchenstein: die historische Argumentation des Cusanus im Lichte der historischen Quellen: Ein Beitrag zur Geschichte von Buchenstein," *Der Schlern* 61 (1987): 92-113; "Nikolaus von Kues und der Konflikt Herzog Sigmunds von Österreich mit den Schweizer Eidgenossen," *Zeitschrift für Schweizerische Kirchengeschichte* 82 (1988): 5-32. See also his book, *Nikolaus Cusanus in Tirol: das Wirken des Philosophen als Fürstbischof von Brixen*, Schriftenreihe des Südtiroler Kulturinstituts, vol. X (Bozen, Italy, 1983), pp. 7-10, which briefly reviews the important literature. The assertion by Gunther Hödl in his review of Baum's *Sigmund der Münzreiche* in *Mitteilungen des Instituts für österreichische Geschichtsforschung* 97 (1989), p. 489, that Baum goes too far to blame Cusanus for most of the "lies and falsifications of history," first sparked my interest in this entire controversy.

by disputes between the territorial princes, secular and religious. Prince-bishops were clerical leaders, responsible for the spiritual welfare of their diocese; at the same time, they were secular rulers, responsible for order and justice in their principalities. The Holy Roman Empire contained numerous such princes--from the powerful archbishops of Salzburg down to the provosts of Berchtesgaden--who alternately competed or cooperated with neighboring dukes and counts.

The "Prince-bishops" of Brixen (as they titled themselves until the 1950s) ruled both an extensive church diocese (covering most of the Tyrol in Austria and the South Tyrol, or Alto Adige in Italy) and a much smaller temporal state. Grants by the German emperors in the eleventh century had made Brixen, situated along the Brenner pass, powerful in temporal possessions and princely prerogatives. In the twelfth century, however, real authority was increasingly appropriated by the counts of Tyrol. They had begun their rise to power as the bishop's vassals and advocates, carrying out secular administration, justice and warfare on his behalf. But by the thirteenth century, the energetic counts, supported by most of the local nobles, had surpassed the bishops in real authority. Rights once delegated to the counts were increasingly, by custom and practice, considered as inviolably their own. And once the Habsburgs took over the county of Tyrol during the fourteenth century, the bishops gradually became the count's chief minister.¹⁰ In reality, then, the prelates were dependent upon their advocates, the counts of Tyrol, whom they recognized as temporal lords; but as imperial princes and feudal lords they were also technically superior to them. Further, until 1803 the bishops maintained some independent dominion (in the areas around the cities of Brixen, Klausen along the Etsch [or Adige] river, Bruneck in the Puster river valley and a few outlying districts), creating a curious relationship between the enclave of the Principality of Brixen and the County of Tyrol surrounding it.

As Prince-bishop of Brixen, Cusanus struggled with the contemporary count of Tyrol, Sigismund "der Münzreiche" (1439-90), over the privileges of his acquired principality.¹¹ Sigismund, from the

10. Josef Riedmann, "Mittelalter," in *Geschichte des Landes Tirol*, vol. I, *Von den Anfängen bis 1490*, 2nd ed. (Innsbruck-Vienna, 1990), p. 489; Walter Göbel, "Entstehung, Entwicklung und Rechtsstellung geistlicher Territorien im deutsch-italienischen Grenzraum, dargestellt am Beispiel Trients und Aquileias," Ph.D. dissertation, Julius-Maximilians-Universität zu Würzburg, 1976, p. 164.

11. Jäger, *Der Streit*, vol. I, pp. vii, 75; Baum, "Cusanus als Anwalt," p. 386; Wilhelm Baum, *Sigmund der Münzreiche: Zur Geschichte Tirols und der habsburgischen Länder im Spätmittelalter*, Schriftenreihe des Südtiroler Kulturinstituts, vol. XIV (Bozen, Italy, 1987). Sigismund (born 1427, died 1496) actually gained the rule of Tyrol from his uncle Frederick

Tyrolean branch of the Habsburg dynasty, ruled over Tyrol and territories ranging from Alsace and Swabia on the upper Rhine and Danube rivers to Lower Austria. Indeed, he used as his most prestigious title that of "Duke of Austria," which he gained in 1446. Rivalry with his Habsburg relatives, especially his uncle, the King and Emperor Frederick III (1440-93), involved Sigismund in long absences from his lands early in his reign. When present, Sigismund and his advisors worked to consolidate his rule, turning the nobles into subjects, rounding out the territory and even influencing church affairs. Sigismund met resistance from Cusanus, whose agenda included implementing a policy of religious reform. His service for the powerful prince-archbishop of Trier had probably taught him the possibilities and responsibilities of the office of prince-bishop, both temporal and spiritual. When he saw his efforts for spiritual reforms contested, Cusanus asserted his temporal independence.¹² He sought then to restore and even increase the lost *de jure* power and prestige of the prince-bishops of Brixen.¹³

The conflict began as soon as the pope appointed Cusanus bishop in 1450 in an attempt to check the increasing secularization of the see.¹⁴ The local cathedral chapter, however, had already elected Sigismund's chancellor, the canon Leonhard Wiesmair. Papal and imperial pressure soon brought Cusanus an uneasy victory and reluctant acceptance by Sigismund and the Tyroleans. Once resident, Cardinal and Bishop Nicolaus initiated reforms to make his see an exemplary diocese. He

in 1446, six years after his own father's death. On the end of his reign, see below.

12. Göbel, p. 161. Cf. Paul E. Sigmund, *Nicholas of Cusa and Medieval Political Thought* (Cambridge, MA, 1963), p. 289. On his use of excommunication and interdict for both, see William Kurtz Gotwald, *Ecclesiastical Censure at the End of the Fifteenth Century*, Johns Hopkins University Studies in History and Political Science, no. 3 (Baltimore, 1927), pp. 12-23.

13. Harald Zimmermann, "Der Cancer Cusa und sein Gegner Gregor-Errorius: der Streit des Nikolaus Cusanus mit Gregor Heimburg bei Thomas Ebendorfer," in *Harald Zimmermann: Im Bann des Mittelalters: Ausgewählte Beiträge zur Kirchen- und Rechtsgeschichte: Festgabe zu seinem 60. Geburtstag*, Immo Eberle and Hans-Henning Kortüm, eds. (Sigmaringen, Germany, 1986), p. 137; Vansteenberghe, p. 167; Jäger, *Der Streit*, vol. I, pp. 14-20. On Trent and Chur see *ibid.*, vol. I, pp. 81-82, 101-104; vol. II, pp. 41-43.

14. The actual rights about who chose the Bishop of Brixen were unclear. Tillinghast, p. 377; Sparber, "Wirksamkeit," p. 525; Morimichi Watanabe, "Duke Sigmund und Gregor Heimburg," in vol. I, *Festschrift Nikolaus Grass zum 60. Geburtstag dargebracht von Fachgenossen, Freunden und Schülern*, Louis Carlen and Fritz Steinegger, eds., 2 vols. (Innsbruck-Munich, 1974), p. 562. Cf. Albert Jäger, "Regesta und urkundlichen Daten über das Verhältnis des Cardinals Nikolaus von Cusa, als Bischof von Brixen, zum Herzoge Sigmund von Oesterreich und zu dem Lande Tirol von 1450 bis 1464," *Archiv für Kunde österreichische Geschichtsquellen* 4 (1850), pp. 299, 309.

called synods, issued detailed regulations and preached regularly. In administration his interests lay in supervising church property, ordering finances and enforcing tithes.¹⁵

Differences between Sigismund and Cusanus soon escalated from legal arguments to open warfare. As will be discussed in more detail below, Cusanus's personality provoked opposition and his policies challenged the interests of noble patrons, including those of the duke.¹⁶ Conflicts over the temporal authority and religious jurisdiction (discussed further, below) soon focused on the Abbey of Sonnenburg and culminated in the so-called "Battle of Enneberg" in 1458. Also, the "Wiltan Affair" in 1457 led Cusanus to accuse Sigismund of threatening his life and to bring into play excommunication and interdict. After the cardinal's return in 1460 from a stay in Rome, disputes over the lands of the murdered count of Cilli, a silver mine, and Cusanus's refusal to confirm the privileges of his cathedral chapter widened the rift.¹⁷ Subsequently, in April 1460, several priests going to an Easter synod at Bruneck were accosted by ducal troops, and Cusanus believed that the attacks were directed against him. He therefore renewed an interdict against Sigismund (despite papal restrictions), refused to bless the holy oil from parish churches whose priests did not follow the interdict, and threatened to confiscate Sigismund's fiefs held from Brixen and grant them to the duke's uncle, Emperor Frederick III. Upon hearing of these acts from priests sent by Cusanus to the duke, Sigismund reacted by dispatching an army, which without warning attacked Bruneck on Easter Sunday, April 13.¹⁸ By Tuesday the city fell to attacking ducal troops,

15. Sparber, "Wirksamkeit," p. 524; Baum, *Cusanus in Tirol*, pp. 8, 99; Anton Lübke, *Nikolaus von Kues: Kirchenfürst zwischen Mittelalter und Neuzeit* (Munich, 1968), pp. 161-162, 164; Meuthen, *Skizze*, pp. 98, 100.

16. Vansteenberghe, p. 174; Jäger, *Der Streit*, vol. I, p. 137. See Johann Martin Düx, *Der deutsche Cardinal Nikolaus von Cusa und die Kirche seiner Zeit*, vol. II, 2 vols. (Regensburg, 1847), p. 126, concerning a difficulty about patronage over one parish, and Tillinghast, p. 377 n. 20, where the two compromised over another parish.

17. Jäger, *Der Streit*, vol. I, pp. 345-349, 358-359. The Cilli lands lay east of Tyrol and were claimed by several Habsburg family members; in the warfare over them Sigismund suspected that Cusanus had made an alliance with Frederick III to invade Tyrol using Brixen's castles. The silver mine of Gernstein, near Klausen, had been seized by episcopal soldiers, but was claimed by Sigismund.

18. See Nikolaus Grass, "Cusanus und das Fehdewesen: dargestellt am Beispiel der Gradner und Brunecker Fehde und des Thurgauer Krieges," in *Arbeitsleben und Rechtsordnung: Festschrift Gerhard Schnorr zum 65. Geburtstag*, Oswin Martinek and Gustav Wachter, eds. (Vienna, 1988), pp. 793-795; Georg Mutschlechner, "Tiroler Burgen im Leben des Nikolaus Cusanus," in *Cusanus Gedächtnisschrift*, p. 295; Hans Hörtnagl, "Der

and Sigismund himself arrived to lead the siege of the city's castle where Cusanus still resisted. After negotiations, Cusanus capitulated on Wednesday. The duke occupied Cusanus's castle in Bruneck, making Cusanus either a prisoner or, according to Sigismund, a sheltered guest.¹⁹ On April 24, Cusanus signed a capitulation which included an account of the conflict, a renunciation of his own claims to temporal rule, the order to open episcopal castles to the duke's men and administrators, the forgiving of the duke's debts, and the commitment to pay an indemnity to the duke. Cusanus even excused Sigismund's actions in a letter written to the pope. When released, however, Cusanus repudiated the agreements and renewed his interdict before leaving his diocese on April 27, 1460, never to return.²⁰

With Cusanus's exile, the controversy expanded beyond the borders of the Tyrol and inflamed the conflict between the Roman Church and the Holy Roman Empire. The papacy intervened on Cusanus's behalf, defending the immunity both of a cleric from secular persecution and church business from temporal interference. The Church tried to break Sigismund through various means, from diplomatic pressure to a crusade. Yet, by and large both secular and spiritual princes supported Sigismund's prerogatives. In the end the papacy was further excluded from imperial affairs and Cusanus died in exile, while Sigismund preserved, if not expanded, his authority over the principality and its churches.²¹ Further, the Bishopric of Brixen was left spiritually desolate; all of Cusanus's efforts toward reform had been wasted. The

Brunecker Überfall des Herzogs Sigismund und sein Ritt an die Etsch zu Ostern 1460," *Der Schlern* 7 (1926), pp. 467-468.

19. Historians are uncertain whether Sigismund took control of the castle with or without Cusanus's permission; Jäger, *Der Streit*, vol. II, p. 13; Baum, *Cusanus in Tirol*, p. 388. Paul Joachimsohn, *Gregor Heimburg*, *Historische Abhandlungen aus dem Münchener Seminar*, vol. I (Bamberg, 1891), p. 185, agrees with Jäger, *Der Streit*, vol. II, p. 26 n. 64, that Cusanus was not a prisoner, since Sigismund made every attempt to prevent the appearance of force.

20. Meuthen, *Skizze*, p. 105. Georg Voigt, *Enea Silvio de' Piccolomini: der Papst Pius der Zweite und sein Zeitalter* (Berlin, 1856-63), vol. III, p. 363, criticizes Cusanus here for not rushing to the pope (according to Guido Kisch, *Enea Silvio Piccolomini und die Jurisprudenz* (Basel, 1967), p. 4; Voigt is the leading nineteenth-century biographer of Pius II; see also Baum, *Cusanus in Tirol*, p. 392; and Grass, "Cusanus als Rechtshistoriker," p. 198.

21. Baum, *Sigismund*, pp. 240-243. An agreement was finally sealed near Vienna on August 25, 1464, two weeks after the death of Cusanus and eleven days after the death of Pope Pius II. In this agreement relations were restored to the status quo of 1460, except that an administrator was to have carried out church business for Cusanus in Tyrol, and Sigismund did not have to ask for forgiveness; Frederick III apologized on his behalf to the next pope.

conflict demonstrated that the chief prelates of the Roman church could hardly resist determined German territorial princes of the mid-fifteenth century.

When analyzing this controversy, historians often emphasize the personalities involved, rather than the tensions between reform and territorial expansion. For example, Cusanus is generally recognized for his intellectual genius, sincere piety, ascetic demeanor and reforming spirit.²² Despite these virtues and his successes as papal legate and cardinal, some historians have portrayed him as unsuited for the office of bishop: he supposedly administered the diocese poorly, abandoned it for long periods, and neglected the special needs of Tyroleans.²³ To take one case, although Nikolaus Grass acknowledges Cusanus's success in collecting the tithes owed the see, he criticizes the bishop for wringing every last penny from the hard work of poor mountain farmers.²⁴ Others argue that Cusanus became preoccupied with petty details and small tasks. This last criticism is acknowledged by some of his admirers, but excused since the exactitude of rules and regulations was intended to further his spiritual reforms.²⁵ The most common criticism concerns Cusanus's uncompromising stubbornness.²⁶ Baum

22. Sparber, "Wirksamkeit," p. 527; Lübke, pp. 400-404. Posch, p. 234; Meuthen, "Die letzten Jahre," pp. 87-109.

23. Georg Mutschlechner, "Itinerar des Nikolaus von Kues für den Aufenthalt in Tirol," in *Cusanus Gedächtnisschrift*, p. 533. Grass, "Cusanus und Fehdewesen," p. 794; or Grass, "Cusanus als Rechtshistoriker," p. 198.

24. Grass, "Cusanus als Rechtshistoriker," pp. 167-170, 175, 180.

25. Georg Mutschlechner, "Nikolaus Cusanus und Eleanore von Schottland," in *Cusanus Gedächtnisschrift*, p. 260; Tillinghast, p. 390; Baum, *Cusanus in Tirol*, p. 348. Grass, "Cusanus als Rechtshistoriker," p. 190, defends Cusanus on this point; see also Heinz Hürten, *Cusanus-Texte V. Brixener Dokumente, Erste Sammlung: Akten zur Reform des Bistums Brixen*, *Sitzungsberichte der Heidelberger Akademie der Wissenschaften, philosophisch-historische Klasse*, 2. Abhandlung (Heidelberg, 1960), p. 65.

26. Erich Meuthen, "Neue Schlaglichter auf das Leben des Nikolaus von Kues," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 4 (1964), p. 49; Meuthen, *Skizze*, p. 101; Hermann Hallauer, "Eine Denkschrift des Nikolaus von Kues zum Kauf der Ämter Taufers und Uttenheim in Südtirol," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 1 (1961), p. 82; Mutschlechner, "Cusanus und Eleanore," p. 253; Edward Winter, "Das geistige Profil von Nikolaus von Kues im Widerstreit der Zeit," in *Nikolaus von Kues: Wissenschaftliche Konferenz des Plenums der deutschen Akademie der Wissenschaften zu Berlin anlässlich der 500. Wiederkehr seines Todesjahres: Referate und Diskussionsbeiträge*, *Deutsche Akademie der Wissenschaften zu Berlin: Vorträge und Schriften*, vol. XCVII (Berlin, 1965), p. 10; Leo Stern, "Nikolaus von Kues als Kirchenpolitiker und Diplomat," in the same volume, p. 47.

attributes his ultimate failure to an unyielding personality which forced everyone, even the pope, to choose either for him or Sigismund.²⁷

Charges concerning Cusanus's personality often focus on accusations of hypocrisy. To take one case, he argued against pluralism but collected numerous benefices.²⁸ Some historians criticize his switching sides to the papacy early in his career.²⁹ At the Council of Basel he protested against a papal provision and then became the beneficiary of one.³⁰ To make matters worse, Cusanus reportedly put temporal politics before the care of souls.³¹ When necessary, this scrupulous cleric, who disliked bloodshed, encouraged known criminals and robber-knights to use thievery, murder and "all the horrors of offensive warfare."³² Cusanus even allegedly abused the confessional by blackmailing people in order to use their testimony against Sigismund.³³ Further, a reputedly "machievellian" Cusanus was willing to injure other spiritual

27. Baum, *Cusanus in Tirol*, pp. 102, 212, 349; Anselm Sparber, "Wie kam es zur Gefangennahme des Fürstbischofs und Kardinals Nikolaus von Cues in Bruneck?" in *Brunecker Buch: Festschrift zur 700-Jahr-Feier der Stadterhebung*, Schlern-Schriften vol. CLII (Innsbruck, 1956), p. 100; Vansteenbergh, p. 456; Jäger, *Der Streit*, vol. I, pp. 147-148, 308.

28. Meuthen, "Pfründen," pp. 62-63; Brigide Schwarz, "Über Patronage und Klientel in der spätmittelalterlichen Kirche am Beispiel des Nikolaus von Kues," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 68 (1988), p. 307.

29. Cf. Felice Battaglia, "Politica e religione in Nicolò da Cusa," in *Nicolò Cusano agli inizi del Mondo Moderno. Atti del Congresso internazionale in occasione del V centenario della morte di Nicolò Cusano*, Bressanone, 6-10 Settembre 1964, Facoltà di Magistero dell'Università di Padova, vol. XII (Florence, 1970): 39-72.

30. Sparber, "Wirksamkeit," p. 525; Baum, "Cusanus wird Bischof," p. 379; Tillinghast, p. 375.

31. Baum, "Cusanus als Anwalt," p. 387, complains that all Cusanus's letters concerning the see's eastern possessions concerned only money and politics, not religious life. Cf. in general Gerd Heinz-Mohr, "Nikolaus von Kues und der Laie in der Kirche," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 4 (1964), p. 312. See also Grass, "Cusanus und Fehdewesen," p. 789, who criticizes Cusanus's attitude toward the Bishop of Trent.

32. Grass, "Cusanus und Fehdewesen," p. 802. Grass declaims that Cusanus objected to bloodshed against the Gradner brothers (see below), but encouraged the Gradners to set the Swiss against Sigismund; he does not note, however, that Cusanus explicitly told one of the brothers not to shed blood. Cf. the document in Baum, "Nikolaus und der Konflikt Sigmunds mit den Schweizer," pp. 26-27. See also Grass, "Cusanus und Fehdewesen," p. 786.

33. Hartmut Boockmann, *Laurentius Blumenau: Fürstlicher Rat-Jurist-Humanist (ca. 1415-1484)*, Göttinger Bausteine zur Geschichtswissenschaft, vol. XXXVII (Göttingen, 1965), p. 167.

institutions for his own benefit.³⁴ In a dispute over the mine of Fursil he asserted his own episcopal rights against a neighboring power, Venice, ignoring its true owner, Neustift, a collegiate foundation near Brixen. Finally, although a ruler responsible to uphold the law, he supposedly twisted outdated and outmoded legal rights to suit his political purposes.³⁵ As a scholar, he studied old documents and records in order to compose numerous *Denkschriften*, or memoranda, trying to establish the see's claims to properties in Tyrol. This research encouraged several attempted acquisitions: mortgaged fiefs from the powerful Freundsberg family³⁶ (which would have doubled the size of his temporal jurisdiction); the old rights of the church of Brixen³⁷ (which would have strengthened Cusanus's independence); and the renewal of the *Bergregal*,³⁸ rights for mining salt, silver and other metals.

In his political writings Cusanus wrote of promoting harmony and cooperation between the political state and the universal church.³⁹ He further argued that bishops should not become involved in worldly matters. In exile Cusanus even once suggested that he should have given up temporal power. In an oft-quoted letter of June 4, 1460 to the bishop of Eichstätt, he wrote: "I recognize my mistake; the bishops

34. Baum, "Denkschrift," p. 105, who draws on a dissertation by Peter Hofer, "Nicolaus Cusanus in seinem Verhältnisse zum Kloster Neustift," Ph.D. dissertation, University of Pavia, 1978. See also Baum, *Cusanus in Tirol*, p. 171. Cf. Hermann Hallauer, "Cusanus und Neustift," in vol. I, 2 vols., *Festschrift Nikolaus Grass zum 60. Geburtstag dargebracht von Fachgenossen, Freunden und Schülern*, Louis Carlen and Fritz Steinegger, eds. (Innsbruck-Munich, 1974), p. 312.

35. Posch, p. 234; Grass, "Cusanus als Rechtshistoriker," p. 188; Baum, *Sigmund*, pp. 131-132.

36. Jäger, *Der Streit*, vol. I, pp. 76-80; Posch, p. 235; Vansteenbergh, p. 173. Baum, *Cusanus in Tirol*, pp. 293, 298, 348, sees the action against the Freundsbergs as a test case before taking on the more powerful duke.

37. Baum, "Denkschrift," p. 103; Riedmann, p. 493; Grass, "Cusanus als Rechtshistoriker," pp. 130, 165; Posch, pp. 231-232.

38. Grass, "Cusanus als Rechtshistoriker," p. 165; Jäger, *Der Streit*, vol. I, p. 76, and Posch, pp. 231-232. Esp. note Baum, *Sigmund*, pp. 140-141; and cf. Baum, *Cusanus in Tirol*, p. 319. Salt and silver mines made Sigismund's Tyrol one of the richest areas in Europe by the late fifteenth century.

39. Johannes Bärmann, "Cusanus und die Reichsreform," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 4 (1964), p. 87; Morimichi Watanabe, *The Political Ideas of Nicholas of Cusa with Special Reference to his De Concordantia Catholica*, *Travaux d'Humanisme et Renaissance*, vol. XVIII (Geneva, 1963), pp. 185-186; Paul E. Sigmund, *Nicholas of Cusa and Medieval Political Thought* (Cambridge, MA, 1963), p. 122; Baum, *Cusanus in Tirol*, pp. 90-91; Posch, p. 231.

should not gather treasures, but only keep what is sufficient and give the excess to the poor. God has ordained that we should dedicate ourselves to our spiritual office and our pastoral duties."⁴⁰ Certainly Sigismund and his supporters argued that the church should have little or no secular jurisdiction. The idea of ecclesiastical rule was outmoded in Tyrol and other regions with strong secular territorial governments. In other regions, though, contemporary spiritual principalities, such as Cusanus's homeland of Trier, endured and even expanded their authority.⁴¹

Whatever his personal shortcomings, a large share of Cusanus's failure can be attributed to the resistance of powerful interest groups in Tyrol: the local estates of the clergy, nobility, and commoners.⁴² The clergy only reluctantly accepted their new leader who was imposed by papal provision. And Cusanus's reformist inclinations and zeal to enforce regulations alienated many. Local clerics strongly resisted his efforts against concubinage and simony. Resistance among his own cathedral chapter found its most concrete form in 1456, when Cusanus's earlier rival for Brixen, Wiesmair, was elected bishop of the neighboring diocese of Chur. When Cusanus forced the Brixen chapter to fill the vacancy with his own nephew, he promptly excommunicated four canons who openly disapproved of the appointment.⁴³ This action reputedly alienated the entire chapter of Brixen and a large part of the diocesan clergy. Undeniably, quite a few of his clergy, whether through

40. A German translation is printed in Baum, *Cusanus in Tirol*, pp. 393-396. See also Josef Gelmi, *Die Brixner Bischöfe in der Geschichte Tirols* (Bozen, Italy, 1984), p. 106; Grass, "Cusanus als Rechtshistoriker," p. 177; Posch, p. 242.

41. Grass, "Cusanus als Rechtshistoriker," p. 136.

42. Some historians also focus on native Tyrolean resistance to Cusanus based on his being a "foreigner" from the Rhineland. See Jäger, *Der Streit*, vol. II, pp. 6, 8; Nikolaus Grass, *Cusanus und das Volkstum der Berge*, Studien zur Rechts-, Wirtschafts- und Kulturgeschichte, vol. III, Veröffentlichung der Universität Innsbruck, vol. XXV (Innsbruck, 1972), pp. 44, 100; Josef Koch, *Der deutsche Kardinal in deutschen Ländern: die Legationsreise des Nikolaus von Kues (1451/2)*, Kleine Schriften der Cusanus-Gesellschaft 5 (Trier, 1964); Watanabe, *Political Ideas*, p. 170; Kolumban Spahr, "Nikolaus von Cues, das adelige Frauenstift Sonnenburg OSB und die mittelalterliche Nonnenklausur," in *Cusanus Gedächtnisschrift*, p. 324. Cf. Pastor, p. 139; Anselm Sparber, "Vom Wirken des Kardinals Nikolaus von Cues als Fürstbischof von Brixen," *Veröffentlichungen des Museums Ferdinandeum in Innsbruck* 26-29 (1946/49), p. 378; and Lübke, p. 155. Even Baum, *Cusanus in Tirol*, p. 212, sees a certain xenophobia in most Tyrolean historians' treatment of Cusanus; cf. Grass, "Review of Baum," p. 285.

43. Baum, "Cusanus und Wiesmair," p. 437; Sparber, "Wirksamkeit," p. 525; Meuthen, *Skizze*, pp. 101-102.

dislike of Cusanus, xenophobia, sinfulness, or fear of Sigismund, refused to support either his reforms or his position.

Cusanus also had problems with the local nobility.⁴⁴ His attempts to reassert episcopal power threatened the privileges of powerful families such as the Freundsbergs and Gufidauns. Further, both townspeople and peasants, who in Tyrol were part of the estates, found grounds for opposition. Historians unsympathetic to Cusanus have censured him for taking too little account of local circumstances and conditions, particularly when he tried to enforce the Church reformers' stricter guidelines of behavior.⁴⁵ He determinedly sought to limit what most Renaissance humanists considered superstitious abuses: overused pilgrimages and holidays, false veneration of relics and eucharistic blood miracles. These acts, however, were popular forms of religious expression. Other reforms, equally unpopular, limited dancing, card playing and fairs. Concerning the requirement that unmarried mothers perform public penance before being readmitted into the church, Baum describes Cusanus as positively "unchristian," since the poverty of many Tyroleans made marriage difficult.⁴⁶ Grass imputes to Cusanus, in his effort to strengthen the observation of fasts, a "near draconian harshness" for trying to insist that the mountain peasants give up milk, cheese and eggs during fasting periods.⁴⁷

44. Perhaps contributing to these poor relations was another alleged flaw in Cusanus's character: an inferiority complex aggravated by pride. The dynastic nobility of Austria and Tyrol supposedly looked down on the bourgeois son of a wine-merchant. See Meuthen, *Skizze*, p. 99; Jäger, *Der Streit*, vol. I, pp. 161, 190; Grass, *Cusanus und Volkstum*, p. 49; Gelmi, p. 100; Baum, *Sigmund*, p. 137; Baum, "Cusanus als Anwalt," p. 386. Also cf. Lübke, p. 159, who comments on Cusanus's affection for florid titles. On the other hand, the Tyrolean nobles supposedly encouraged one brief period of cooperation between Sigismund and Cusanus when they forced Sigismund to disavow his "foreign" advisors, the Gradner brothers. See Albert Jäger, "Die Fehde der Gradner gegen den Herzog Sigmund," *Denkschriften der kaiserl. Akademie der Wissenschaften, philosophisch-historische Klasse* 9 (1859): 233-301, 255; and Baum, *Cusanus in Tirol*, p. 352. For criticisms of Cusanus's relations to the brothers see Grass, "Cusanus und Fehdewesen," pp. 782-783, 786, 802; and Baum, *Sigmund*, p. 165.

45. Grass, *Cusanus und Volkstum*, pp. 44, 46-47; Spahr, p. 310. Cf. Hermann Hallauer, "Zur Gewerbepolitik des Nikolaus von Kues," in *Cusanus Gedächtnisschrift*, pp. 499-500; Meuthen, *Skizze*, p. 111.

46. Baum, *Sigmund*, p. 137.

47. He goes further to suggest that Cusanus, either from willful ignorance or religious haughtiness, dismissed the hardship this would cause the peasants: Grass, *Cusanus und Volkstum*, pp. 44, 47-49. See also Riedmann, p. 492; Baum, *Cusanus in Tirol*, p. 242. Grass, "Cusanus als Rechtshistoriker," p. 191, also laments poor farmers hurt by Cusanus's excommunications and interdicts. Other comments on excommunication are Sparber, "Wie

Whatever Cusanus's failings, the conflict was sustained by the other key figure in Tyrol, Sigismund. Clearly, from the Christian moral perspective, Sigismund's pursuit of food, drink and women was less admirable than Cusanus's asceticism.⁴⁸ And Sigismund's supporters, who berate Cusanus for his apparent shortcomings, rarely criticize the duke's illegal or questionable actions, and they frequently excuse his deviousness.⁴⁹ Accusations against the cardinal, such as the breaking of agreements (the Salzburg treaty) or violations of safe conduct (Blumenau in Rome), find parallels with the duke.⁵⁰ In the most glaring example of harshness and interference in church affairs (comparable to Cusanus's oppression of the nuns of Sonnenburg, discussed below), the duke also persecuted religious women. He had the Poor Clare nuns in Brixen (who had been reformed by and supported Cusanus) bodily driven from their nunnery.⁵¹

One controversial confrontation with Sigismund, the so-called "Wilten Affair" of June 1457, illustrates the confusing nature of these issues. Named after the abbey outside Innsbruck where Cusanus resided during a visit to Innsbruck, the affair led to a serious break in relations

kam es," p. 107. Baum, *Cusanus in Tirol*, p. 383; Grass, "Cusanus und Fehdewesen," p. 796. Cf. Grass, "Cusanus als Rechtshistoriker," p. 151, where he approves of Cusanus's excommunicating a man who charged usurious interest to Duke Sigismund.

48. Criticisms of Sigismund come from Düx, vol. II, p. 108; Pastor, p. 140; Lübke, p. 175; Sparber, "Wirksamkeit," p. 533; Anselm Sparber, *Die Brixener Fürstbischöfe im Mittelalter: ihr Leben und Wirken* (Bozen, Italy, 1968), pp. 150, 157; Joachimsohn, p. 241. In contrast to his relations with Sigismund, Cusanus was able to cooperate in monastic reform with Duke Albert III "the Pious" of Bavaria-Munich (1438-60); see Erich Meuthen, "Nikolaus von Kues und die Wittelsbacher," in *Festschrift für Andreas Kraus zum 60. Geburtstag*, Pankraz Fried and Walter Ziegler, eds., *Münchener Historische Studien, Abteilung Bayerische Geschichte*, vol. X (Kallmünz, Germany, 1982), pp. 104-105.

49. Hödl, p. 489. Cf. Baum, *Sigmund*, pp. 87, 199, 226; Tillinghast, p. 380.

50. For Sigismund's breaking of agreements (especially those of 1451 and 1454 by supporting Abbess Verena of Sonnenburg, see below) with Cusanus, see Düx, vol. II, p. 124; for violation of safe conduct see Baum, "Nikolaus und der Konflikt Sigmunds mit den Schweizer," pp. 18-19; for expelling nuns see Baum, *Sigmund*, p. 238. See also Jäger, *Der Streit*, vol. I, p. 188.

51. Hermann Hallauer, "Nikolaus von Kues und das Brixener Klarissen Kloster," *Mitteilungen und Forschungsbeiträge der Cusanus-Gesellschaft* 6 (1967), p. 92. Baum, *Sigmund*, p. 238, mentions it without comment. For defenses of Sigismund on church reform see Posch, p. 232; Robert Gismann, "Die Beziehung zwischen Tirol und Bayern im Ausgang des Mittelalters: Herzog Sigmund der Münzreiche und die Wittelsbacher in Landshut und München von 1439 bis 1479," Ph.D. dissertation, University of Innsbruck, 1976, p. 78; Tillinghast, p. 380. Cf. Baum, *Sigmund*, pp. 321, 510-511, on Sigismund's mixed religious motives.

between the two men. It began when Sigismund discovered from Duke Albrecht III of Bavaria (1438-60) that Cusanus had contemplated resigning his bishopric and passing it on to a prince of the Wittelsbach family.⁵² Such a move would have gravely threatened Tyrol by establishing an alliance between a powerful Bavaria and the well-situated Brixen on the Alpine passes. As a result, Sigismund invited Cusanus to Innsbruck for important consultations, to which Cusanus reluctantly came.⁵³

Conflicting descriptions and evidence only allow a general outline of events after Cusanus's arrival. First, Sigismund was not even present when the consultations were scheduled to begin; he was instead escorting the duchess of Bavaria back to Munich. Then, during the night of June 24th, armed men apparently surrounded and tried to gain entry to the Wilten monastery. Cusanus feared he would be taken prisoner: he soon heard that the duke himself had intended to capture him and had only been prevented from doing so by an accidental fall from his horse. In any case, the duke delayed meeting the bishop until the 26th and in the ensuing discussions Cusanus felt insulted. During his return to Brixen he narrowly avoided a capture by the ministerial Gufidaun family.⁵⁴ He soon left the city of Brixen (forever, as it turned out) on July 4th and retreated to his castle Andraz (or St. Raphaelsburg as he called it) in an isolated part of the diocese on the Venetian border.

Subsequently Cusanus indicted Sigismund for using the trip to Innsbruck and Wilten as an opportunity to threaten his life. Cusanus's price for reconciliation was the return of certain castles and judicial districts, or even the elevation of the episcopal principality to a position

52. Baum, *Cusanus in Tirol*, p. 340; Baum, *Sigmund*, pp. 145-152; Meuthen, "Nikolaus und die Wittelsbacher," pp. 95-113. Jäger, *Der Streit*, vol. I, pp. 140, 188, 195-199, sees this attempted deal with a foreign prince as causing the final break with Sigismund; cf. Gismann, pp. 97, 624-625 n. 78.

53. Baum, *Cusanus in Tirol*, p. 356; and Joachimsohn, p. 175 n. 1; and Josef Koch, *Nikolaus von Kues und seine Umwelt, Untersuchungen zur Cusanus Texte IV/1, Sitzungsberichte der Heidelberger Akademie 1944/48, philosophisch-historische Klasse, 2. Abhandlung* (Heidelberg, 1948), pp. 73-74, somewhat justifies Cusanus's general apprehension because of previous assassination attempts.

54. The Gufidauns, judges of the district Rodeneck, hoped to capture or harm Cusanus because he had restricted their role in maintaining order at fairs on church holidays; Grass, *Cusanus und Volkstum*, p. 63.

of equality with Tyrol.⁵⁵ Late in 1457, in a report to his cathedral chapter, Cusanus pushed his temporal claims further, saying he would reclaim old fiefs, have true temporal superiority, and make the count his vassal again.⁵⁶

Supporters of the duke, both contemporaries and modern historians, have frequently dismissed the threats surrounding the "Wilten Affair," denied Sigismund's role, or suggested that they were only to warn or intimidate Cusanus. Some have used the incident to characterize Cusanus as cowardly and therefore unworthy of rulership.⁵⁷ Grass argues that Sigismund's actions were only theater. Yet he also admits Sigismund was ready to have Cusanus hanged.⁵⁸ For his part, Jäger compares Cusanus's version of events, which was set down shortly after the incident (in which he stated he was threatened six times) with Sigismund's version from three years later, written under the influence of, if not by, the Franconian lawyer and humanist scholar Gregory Heimburg.⁵⁹ Still, Jäger largely dismisses Cusanus's version as a product of fear, suspicion and hearsay; he discounts, as well, later substantiation, dismissing it as mere rumor.⁶⁰ In contrast, others clearly implicate the duke. Zani suspects that Sigismund used his chancellor's escort of Cusanus and his own trip to Munich as an alibi. Gismann thinks Sigismund used the Gufidauns to threaten Cusanus, but

55. Jäger, *Der Streit*, vol. I, pp. 235-238; Sparber, "Wirksamkeit," p. 529; Baum, *Cusanus in Tirol*, p. 191. These were the castles of Rodeneck, Velthurns and Gufidaun. Cusanus also offered to have complaints discussed at an imperial court mediated by the sympathetic Duke of Bavaria, but Sigismund declined.

56. Nevertheless, Cusanus soon moderated his position as he delayed pronouncing or enforcing the papal interdict until February and even restricted its full effects and enforcement until mid-March (and again until July and yet again until September); Margarete Köfler, "Eleonore von Schottland," in *Die Beiden Frauen des Erzherzogs Sigmund von Österreich-Tirol*, by Margarete Köfler und Silvia Caramelle, Schlern-Schriften, vol. CCLXIX (Innsbruck, 1982), p. 33; Posch, p. 237.

57. Mutschlechner, "Cusanus und Eleanore," p. 260; Baum, *Sigmund*, p. 178; and especially Jäger, *Der Streit*, vol. I, pp. 368-369, 373, and 212. Meuthen, *Skizze*, p. 102, says Sigismund purposefully exploited this weakness.

58. Grass, "Cusanus als Rechtshistoriker," p. 194.

59. On Heimburg, who had worked against Cusanus at the Council of Basel and became one of Sigismund's chief advisors after Cusanus's exile, see Joachimsohn. Interestingly, most historians agree that Heimburg worsened the conflict: e.g. Baum, *Cusanus in Tirol*, p. 348; Pastor, p. 138; Posch, p. 248; and even Jäger, *Der Streit*, vol. II, pp. 91-94.

60. Jäger, *Der Streit*, vol. I, pp. 210-226, 253-255. Mutschlechner, "Cusanus und Eleanore," p. 260.

then things went too far. Finally, Baum judges that the only ascertainable fact is that the Gufidauns and others waited to attack Cusanus on his return trip; Sigismund's complicity in the incident remains unknowable.⁶¹

In the short term Sigismund won a personal victory against Cusanus and the Church, reaching the apex of his power and gaining recognition throughout Europe. Later, through profitless wars, his incompetence and a profligate court (including pensions for his more than forty illegitimate children), he ran himself seriously into debt. His heavy borrowing from the Bavarian Wittelsbachs and the lack of legitimate heirs troubled the Tyrolean estates and his Habsburg relatives. He himself was deposed in 1490 in favor of his cousin Maximilian (king and then emperor from 1493 to 1519). Ironically, Sigismund's grounds for war against Cusanus, the possible loss of the small bishopric of Brixen to either a Wittelsbach from Bavaria or the Austrian Habsburg emperor, found their fulfillment in his loss of Tyrol to the main Habsburg dynasty.

Another incident that has provided controversy about Cusanus's role as a prince-bishop concerns his attempted reform and enforced enclosure of the nuns in the Abbey of Sonnenburg. Cardinal Cusanus professed that renewal of the Church began in the cloisters; he accordingly made monastic reform a major goal, one already apparent during his trip as papal legate in 1451-52. But he encountered difficulties even in asserting minimal episcopal supervision over many abbeys in his diocese.⁶² The foundations repeatedly appealed to their leading patron and territorial lord, Sigismund, who listened to their complaints and more often than not supported them against Cusanus.

The most famous case concerned the Benedictine abbey of Sonnenburg, which controlled surrounding villages and lands, and received its support from Tyrolean noble families as a refuge for their unmarried, or unmarriageable, daughters. Although not particularly

61. Baum, *Cusanus in Tirol*, pp. 363-368. Cf. Karl Franz Zani, "Mordplan gegen Kardinal Nikolaus Cusanus (1457)," *Der Schlern* 56 (1952), p. 224; Gismann, p. 108.

62. Tillinghast, p. 381. On his reforms and motives see, for example, Nikolaus Grass, "Das Hochstift Brixen, die Abtei Disentis und Nikolaus von Kues," in *Cusanus Gedächtnisschrift*, pp. 127-137; Hans (Hermann) Lentze, "Nikolaus von Kues und die Reform des Stiftes Wilten," *Veröffentlichungen des Museum Ferdinandeum in Innsbruck* 31 (1951): 501-527; Adalbert Mischlewski, "Die Auseinandersetzung des Nikolaus von Kues mit den Antonitern," *Innsbrucker Historische Studien* 9 (1986), pp. 25-26. For a successful reform, see Hallauer, "Nikolaus und das Klarissen Kloster."

corrupt or dissolute, the abbey was not a center of monastic spirituality.⁶³ Supervision was divided among a number of persons, in a typically late-medieval-German network of jurisdictions. First, the abbess, Verena von Stuben, held jurisdiction for petty crimes over villages around the abbey (she also claimed a place in the counsels of the Tyrolean court).⁶⁴ Second, the bishop of Brixen was both spiritual supervisor and temporal judge of the areas around the abbey. Next, the count of Görz (in whose territory some of the lands lay) and the bishop of Trent were the nominal temporal advocates. Last, the count of Tyrol claimed the advocacy from the bishop of Trent and welcomed the abbess's petitions for support. Cusanus viewed the matter as one of proper order. Both as the diocesan ordinary and a cardinal equipped with papally authorized powers (a fact often ignored by his opponents), he had the right to reform the abbey spiritually.⁶⁵

The matter was complicated by temporal economic interests. The peasants of the village of Enneberg grazed their livestock on an alpine meadow which Abbess Verena claimed for the abbey. As bishop, Cusanus had stepped in as temporal advocate and judge for the village, but his right to judge in this matter was disputed by the abbey, which appealed to Sigismund. Some have criticized the cardinal for switching his jurisdiction from temporal advocacy to spiritual obedience, since he had more rights over the abbey according to canon law than through imperial or Tyrolean secular law.⁶⁶ In any event, he enforced enclosure on the nuns (forbidding them to leave the abbey and limiting contacts with outsiders). Although a commonly used tool of contemporary

63. Posch, p. 230; see Gelmi, p. 63, on its rather comfortable life.

64. Abbess Verena has had two different pictures of her painted by historians. Admirers of her "manly" qualities include Spahr, p. 325; Jäger, *Der Streit*, vol. I, pp. 95, 325; and Posch, p. 234, who supports her defense of the see's temporal rule (although on the same page he criticizes Cusanus's mixture of temporalities and spiritualities). Detractors include Sparber, "Wirksamkeit," p. 528; Vansteenbergh, p. 152; and Tillinghast, pp. 382-383. Baum, *Cusanus in Tirol*, pp. 210-212, warns about personifying the conflict too much, since the Sonnenburg case began long before and continued long after Cusanus, Verena and Sigismund.

65. Hallauer, "Eine Visitation des Nikolaus," p. 106. Sparber, "Brixener Fürstbischöfe," pp. 156-157, considers that such a small matter for the diocese, involving no serious moral problem, wasted too much of Cusanus's effort. Tillinghast, p. 382, however, explains that Cusanus could not yield since the abbey's resistance had gained so much attention.

66. Jäger, *Der Streit*, vol. I, p. 60; Spahr, p. 311; and Baum, *Cusanus in Tirol*, pp. 171, 191, deplores Cusanus's attempt to promote "the kingdom of God with political tricks." Cf. Hans Liermann, "Nikolaus von Cues und das deutsche Recht," in *Cusanus Gedächtnisschrift*, p. 212, who admires Cusanus's cleverness at this juncture.

monastic reformers, enclosure had the effect of hindering the nuns' political rule. They decried Cusanus's action as a ruse to keep them from asserting temporal authority over their villages and to take it for himself.⁶⁷

The conflict over Sonnenburg involved two jurisdictions, secular and spiritual, which led to the so-called "Battle of Enneberg" on April 5, 1458.⁶⁸ Cusanus's patience ran out when his demands for reform were repeatedly frustrated through delays with the visitations, quibbles with the exact regulations, requests by Duke Sigismund, or appeals by the nuns to the pope. After the last had unsuccessfully run their course, Cusanus--taking advantage of Sigismund's absence--in April 1455 laid Verena under interdict, in June deposed her, and in September finally excommunicated her and laid the whole abbey under interdict. This gave the Enneberger farmers justification to follow their bishop. They refused to render any more dues to the excommunicated abbess. The nuns were reduced to the bare minimum of victuals. Since Sigismund had signed a peace agreement, finally allowing Cusanus his way, the nuns sought help on their own. Verena hired mercenaries in early 1458 to force the farmers to pay their dues. After these soldiers attacked and plundered several villages, the vengeful peasants, perhaps in cooperation with episcopal troops, trapped them in a gorge, killed about fifty, and captured their commander. Fearing retribution, the nuns fled the abbey. Cusanus appointed a replacement abbess who occupied the abbey for a short time, until ducal troops reinstalled Verena.

The battle supposedly ruined Cusanus's reputation at that time, and unsympathetic historians have used it to attack his moral credibility ever

67. Liermann, p. 219. These charges are echoed by Spahr, p. 313, and Jäger, *Der Streit*, vol. I, pp. 55-57, 73, 95; but denied by Hallauer, "Eine Visitation des Nikolaus," p. 118. Gismann, pp. 97, 608 n. 95, defends Verena against Hallauer's assertion that she slandered Cusanus in this respect, since she actually believed in her false accusations. Baum, *Cusanus in Tirol*, pp. 171-172, argues that Jäger and others misinterpret Cusanus: he did not want to be advocate of Sonnenburg itself, but did insist on his due advocacy of the surrounding districts.

68. The best review of the events is by Hermann Hallauer, "Die 'Schlacht' von Enneberg 1458: Neue Quellen zur Biographie des Nikolaus von Cues," *Nicolò Cusano agli Inizi del Mondo Moderno. Atti del Congresso internazionale in occasione del V centenario della morte di Nicolò Cusano, Bressanone, 6-10 Settembre 1964*, Facoltà di Magistero dell'Università di Padova, vol. XII (Florence, 1970), pp. 447-469; Anton Schwingshackl, "Die Enneberger Schlacht 1458," *Der Schlern* 44 (1970): 265-269, offers a few corrections as to the exact location of the battle, but otherwise tendentiously reasserts the old anti-Cusanus view (see below) and accuses Hallauer of trying to clean up Cusanus's reputation. Schwingshackl's article is indicative of the continuing difficulty of handling the "hot iron" of Cusanus and Tyrol.

since.⁶⁹ Hallauer, however, considers the battle hardly worth mentioning, except for its use by modern biographers to criticize Cusanus.⁷⁰ He corrects the misinformation put out later by the duke's propagandists, who distorted the facts to portray the bishop as callous and cruel. In their presentations which lacked any foundation in the earliest sources, the nuns had been starving, and the episcopal captain, Prack, had massacred and left to rot fifty peasants, driven the nuns from their abbey, had been rewarded by Cusanus with a silver cup.⁷¹

One last point of controversy remains, namely how the election of the famous humanist Aeneas Sylvius Piccolomini as Pope Pius II (1458-64) further changed the situation. Pius and Cusanus were well acquainted, and after Cusanus's exile the pope convinced the cardinal to work for him in Rome. Indeed, at the time of his elevation to the cardinalate, Aeneas wrote and tried to convince Cusanus to come to Rome and not let his talents "dissipate while buried in snow and dark narrow valleys."⁷² Vansteenberghé has suggested that Pius wanted to work with Cusanus. Others, however, believe Pius wanted Cusanus safely under supervision in Rome, to keep him from making more trouble in Tyrol, for Aeneas' former patrons, the Habsburgs, or for papal plans to lead a crusade against the Turks (promoted at the Congress of Mantua held from June 1459 to January 1460).⁷³

Whatever his attitude towards Cusanus, after the capitulation at Bruneck in April 1460, Pius became Sigismund's main opponent. A propaganda campaign began with Sigismund and the clergy of Tyrol appealing to a future "better-instructed" pope and council. Pius' ready answer to these appeals was the famous bull *Execrabilis*, which was

69. Sparber, "Wie kam es," p. 101; Jäger, *Der Streit*, vol. I, p. 296. See also the equivocation of Baum, *Cusanus in Tirol*, pp. 200-201.

70. See Hallauer, *Die "Schlacht,"* pp. 461, 466, and esp. p. 448. Franz Klein-Bruckschwaiger, "Um die rechtliche Bewertung der Enneberger Schlacht im Jahre 1458," *Der Schlern* 47 (1973): 300-309, offers a fine analysis of the mutual legal claims and jurisdictions.

71. Baum, *Sigismund*, p. 183; in his biography of Sigismund, Baum is more equivocal about Cusanus's role than in his biography of Cusanus. For other misleading legends concerning Prack and the aftermath of the "Battle," see Baum, *Cusanus in Tirol*, pp. 387, 391, 399; Sparber, "Wirksamkeit," p. 534; Baum, "Cusanus als Anwalt," p. 395.

72. Cited from Baum, *Cusanus in Tirol*, p. 189. See also Guido Kisch, "Nicolaus Cusanus und Aeneas Sylvius Piccolomini," in *Cusanus Gedächtnisschrift*, pp. 35-43.

73. Sparber, "Vom Wirken," pp. 364-365; Tillinghast, p. 388 n. 54; Jäger, *Der Streit*, vol. I, pp. 230-231, 308, asserts that Pius was perceptive enough to see that Cusanus would only "add oil to the fire" of the problems between German princes and the papacy and therefore tried to lure him away from Tyrol; cf. Vansteenberghé, pp. 188-189.

issued at the end of the Congress of Mantua and forbade all such appeals.⁷⁴ On August 8, Pius excommunicated Sigismund, his officials and his allies and laid Tyrol under interdict. Many princes, however, basing their case on Heimbürg's widely read manifestos and pamphlets, supported Sigismund's appeal and ignored the papacy. To make the excommunication effective, the Roman Curia tried to incite foreign princes and even common ruffians either to attack Sigismund or at least to support a trade embargo. Only the Swiss responded to these exhortations, although largely for their own reasons and to conquer one small province.⁷⁵ The papal efforts on behalf of Cusanus came to nothing.

How should historians evaluate the reign of Prince-bishop Nicolaus Cusanus of Brixen?⁷⁶ The problems go beyond the personalities, or the behaviors provoking specific affairs or battles. I would argue that Cusanus's conflict with Sigismund illustrates the difficulties faced by many fifteenth-century European rulers. The Roman Church was recovering from the strains of the Great Schism, while the papacy was asserting itself against conciliarism, finding its place in the Renaissance, and trying to maintain the respect and discipline of princes. These princes, meanwhile, were building stronger territorial states, expanding their institutional authority, turning their inferiors into subjects, and competing with their neighbors. Ostensibly the Christian faith united the community. As seen in Cusanus's example, however, too many vested interests were involved. The Roman clerics insisted on "the liberty of the church"; princes sought a clergy malleable to their rulership; territorial nobles defended their patronages, dominated the local clergy and loosely interpreted the demands of monastic life; the local clergy resented outsiders and the imposition of religious reforms;

74. Watanabe, "Duke Sigismund," p. 568. The bull was actually published (January 18, 1460) to forestall any resistance to the tax for the crusade against the Turks; Zimmermann, p. 138. Grass, "Cusanus und Fehdewesen," p. 795, ignores the long patience of the papacy before it enforced the punishments which technically followed automatically from the duke's acts. The pope actually arrested Sigismund's envoy, Blumenau, for heresy, but he managed to escape; Boockmann, pp. 170-175.

75. Erich Meuthen, "Pius II. und die Besetzung des Thurgaus," *Festschrift Nikolaus Grass zum 60. Geburtstag dargebracht von Fachgenossen, Freunden und Schülern*, vol. I, 2 vols., Louis Carlen and Fritz Steinegger, eds. (Innsbruck-Munich, 1974), pp. 67-90.

76. On problems of interpretation, see the comments of Klein-Bruckschwaiger, p. 309; Gerhard Kallen, Review of Karl Jaspers, *Nicolaus Cusanus*, 1964, in *Historische Zeitschrift* 203 (1966): 394-396, who takes Jaspers to task for applying his twentieth-century, free-thinking standards against Cusanus's fifteenth-century, Christian beliefs; and Meuthen, "Die letzten Jahre," pp. 16-17, who cautions against the simple "schoolmaster" criticisms of Cusanus.

the peasants often disliked changes in their manner of worship. And a confusing tangle of legal jurisdictions complicated all disputes. The complex and changing political situation in Germany, where many of the rival territorial princes were prince-bishops, only further intensified the conflicts. No wonder that the religious reforms advocated by so many humanists and mystics fell by the wayside until the cataclysm of the Reformation.

Ironically, the Renaissance humanist Cusanus had the opportunity to put his theories into practice as he pursued the goal of spiritually reforming his diocese. To succeed, however, he needed wealth and influence. Since the local prince, Sigismund, was not prepared to reform the church on Cusanus's terms, the bishop tried to obtain the authority to do it on his own, employing the temporal power of the principality of Brixen. Sigismund, however, continued his opposition and had the power to defeat Cusanus. Frustrated in the temporal sphere, Cusanus was reduced to appealing to a higher authority. Perhaps noting the growing secularization of the age, Cusanus once wrote that while many others feared the duke more than God, he did not.⁷⁷ He insisted upon Sigismund's capitulation because he believed the Roman Church necessarily supervised moral issues.

While people fought and died for their state or church in the fifteenth century, historians today should try to avoid the simple dichotomy between loyalty to Tyrolean nationalism represented by Sigismund or Catholic religiosity embodied in Cusanus. They should instead try to explain how Sigismund succeeded in his aims and Cusanus failed in his. The main issue of conflict, on which neither side was ready to compromise, boils down to the secular Habsburg prince's domination of the Tyrolean territorial principality versus the religious prince's attempted revival of the Brixen territorial principality.⁷⁸ Clearly both men sought power, and both twisted opportunities to their own advantage. Yet Cusanus's twelfth-century views of episcopal independence were incompatible with Sigismund's fifteenth-century practice. Moreover, as duke and count, Sigismund considered it natural to interfere in church matters, especially if temporal jurisdictions were

involved. The legacy of prince-bishoprics such as Trier, and their combination of church and state power, had encouraged and enabled Cardinal and Prince-Bishop Nicolaus Cusanus to turn to secular force. For all the personality conflicts, the theoretical disputations, the overlap of legal jurisdictions, the treaties and promises, only power could decide whose conception would shape the future.

Cusanus would have been a successful prince-bishop if the cardinal and the duke had been able to establish a basis of cooperation. Since a mutual understanding was not forthcoming, Cusanus had to find the means to defeat Sigismund. His inability to do so doomed his efforts. First, Cusanus, despite his diligence and organization, lacked enough wealth and power to raise sufficient military forces. Unlike other prince-bishoprics Brixen had fallen too far behind in political resources to compete with the principality of Tyrol. Additionally, perhaps regretting deaths and bloodshed as a churchman should, Cusanus showed a real reluctance to use physical violence. Second, Cusanus never convinced the local nobles or clergy to oppose their prince. In organizing any opposition, Cusanus was perhaps a generation too late, since numerous Tyrolean nobles had been eager to challenge Sigismund's father. Third, Cusanus, although well-connected and famous throughout the empire, could not entice neighboring powers to threaten Tyrol. Not even the power of the papacy could turn the tide, since it also lacked military means, while excommunication and interdict had long since lost their sting. Thus, without sufficient armies or weapons at his command, Cusanus's political--and hence spiritual--aims remained unfulfilled. Regardless of the virtues of either side, as long as the spheres of interest between church and state remained so confused and neither party was prepared to submit to the other, conflict was inevitable. And so was the failure of Cardinal Nicolaus Cusanus as prince-bishop of Brixen.

77. Vansteenbergh, pp. 185-186; Jäger, *Der Streit*, vol. I, pp. 272-273.

78. Riedmann, p. 493; Grass, "Cusanus als Rechtshistoriker," p. 134, also noting Jäger, *Der Streit*, vol. I, p. 107, and II, p. 118. See also Otto Stolz, "Zur Entstehung und Bedeutung des Landesfürstentums in Räume Bayern-Österreich-Tirol," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanische Abteilung* 71 (1954): 339-353; Baum, *Cusanus in Tirol*, p. 305. Joachimsohn, p. 248, notes how Cusanus was one of the last to assert the independence of the Church against the growing dominance by territorial princes.