

Anabaptists and the limits of reform

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The Reformation in Basel, as in Zurich and Bern, had a radical wing that the authorities suppressed. The Anabaptists, who rejected infant baptism, refused to swear oaths, to bear arms and to hold public office, and sought to form communities of true believers separated from the world, appeared in Basel and its territory in the mid-1520s. The council, like the councils of Zurich and Bern, persecuted them as a threat to the civic and religious order. Anabaptists were imprisoned, expelled and, in some cases, executed.¹

The persecution of the Anabaptists shows the limits of the reformed civic order. The Reformation asserted the right of the community to reform its religion according to scripture, but it did not grant this right to individuals or groups within the community. Because the civic community remained a religious community, dissent was treated as a threat to its unity. The refusal of the Anabaptists to swear oaths was particularly significant, because the oath was the foundation of the civic order: citizens swore allegiance to the city, officials swore to perform their duties, witnesses swore to tell the truth and parties to contracts swore to perform them. A person who refused to swear placed himself outside the legal order.

The oath has lost much of its significance in modern law, but the principle that the participants in a legal and financial order must accept its obligations remains. The financial centre depends on the enforceability of contracts, the truthfulness of declarations and the accountability of officers. The declarations that clients sign when they open bank accounts, confirming the identity of the beneficial owner or the tax compliance of their assets, are modern equivalents of the oath. Their falsity can be a criminal offence.²

1 Notes

1. On the Anabaptists (Täufer) in Basel and its territory in the 1520s and 1530s and their persecution, see HLS, article "Täufer". To be verified.
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2. On the declaration of the beneficial owner (Form A) under the CDB and the criminal liability for false declarations (e.g. forgery of documents, Art. 251 Swiss Criminal Code), see Part E. To be verified.
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