

Between bishop and Empire: the status of the city

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The legal status of Basel at the end of the fourteenth century was ambiguous in a way characteristic of the episcopal cities of the Empire. Formally, the bishop remained the lord of the city. He was entitled to the oath of the citizens, he confirmed the *Handfeste* and he appointed certain officials. In practice, the city governed itself, collected its revenues, conducted its own foreign policy and made war and peace. The imperial constitution distinguished between imperial cities, the *Reichsstädte*, which were directly subject to the Emperor, and free cities, the *Freie Städte*, which had emancipated themselves from their episcopal lords. Basel belonged to the second category, together with Strasbourg, Cologne, Mainz, Worms, Speyer and Regensburg.¹

The status of a free city had financial consequences. Free cities were not obliged to pay the ordinary imperial taxes that the Emperor levied on imperial cities, but they were expected to contribute to imperial campaigns and to the costs of the Empire when the imperial diet decided so. They sent representatives to the diet, where they formed, together with the imperial cities, the college of cities. And they enjoyed the protection of the Emperor, which was of limited practical value but provided a legal framework for their autonomy.

Basel used this framework skilfully. It maintained good relations with the Emperors, obtained privileges from them, among them the right to strike gold coins and the fair privilege of 1471, and at the same time pursued its own alliances with the neighbouring cities and with the Swiss Confederates. The city's position between bishop and Empire, dependent on neither and protected by both, anticipates the position that Switzerland as a whole would later occupy between the great powers of Europe. The capacity to navigate between larger powers, to obtain privileges from each and to avoid dependence on any, is one of the lasting skills of Swiss politics,

and it is also one of the conditions of the Swiss financial centre, whose clients come from states that are often in conflict with each other.

The ambiguity of Basel's status also shows the importance of legal forms in the medieval world. The city acquired its independence right by right, by pledge, purchase and privilege, preserving the fiction of episcopal lordship while emptying it of content. This gradualism, which avoided open conflict and respected the legal forms, is characteristic of the Swiss path to self-government, and it has an equivalent in the evolution of Swiss financial regulation, which has often proceeded by incremental adjustment of existing institutions.

1 Notes

1. On the distinction between imperial cities (Reichsstädte) and free cities (Freie Städte) in the late medieval Empire and the position of Basel, see HLS, article "Reichsstadt"; the literature on the constitutional history of the Empire. To be verified. ↩

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