

Three powers and a margin of freedom

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

At the end of the Middle Ages, authority over Geneva was shared between three principal actors. The first was the bishop, temporal lord of the city, who held high justice, minted coin at certain periods and collected part of the revenues. The second was the House of Savoy, which had gradually extended its domination over the territories surrounding the city and which, since the end of the thirteenth century, had held the office of vidomne, that is to say the lay officer charged with exercising certain judicial functions in the name of the bishop.¹ The third was the community of citizens, which organised itself from the thirteenth century onwards, elected syndics and met in the General Council.

These three powers coexisted in permanent tension. The counts of Geneva, whose dynasty died out at the end of the fourteenth century, long disputed control of the city with the bishop; Savoy then took up their ambitions on its own account. The bishops, often drawn from the regional nobility, wavered between the defence of their rights and alliance with the dukes of Savoy. The citizens, finally, relied at times on the bishop against Savoy and at times on external allies to extend their liberties.

The decisive step in this communal self-assertion was the promulgation, in 1387, of the franchises granted by Bishop Adhémar Fabri.² This text, which codified older usages, guaranteed the citizens the right to elect their syndics, regulated the administration of justice and protected property and persons. For merchants, these guarantees were of considerable value. They limited arbitrary power, ensured a certain predictability of procedures and protected foreigners passing through against unjustified seizures. In modern terms, one would speak of legal certainty and protection of property.

The coexistence of several powers produced an effect that recurs at other periods of Geneva's history: a margin of freedom. None of the actors could impose its will alone. A merchant wronged by a Savoyard officer could

appeal to the bishop; a contested episcopal decision could be debated before the syndics; the citizens could negotiate their support. This plurality was not always synonymous with efficiency. It slowed decisions and fed conflicts. But it made expropriation difficult and obliged the powers to treat with care those who kept the city alive.

The financial interests of each power converged, moreover, on one point: the prosperity of the fairs. The bishop drew revenues from them, Savoy tolls on the roads it controlled, the citizens rents, sales and employment. Each had an interest in the merchants continuing to come. This convergence of interests explains the relative stability of the institutional framework within which the fairs developed in the fourteenth and fifteenth centuries.

In the fifteenth century, however, the balance tilted in favour of Savoy. The episcopal see was on several occasions occupied by members of the ducal house or by prelates close to it, which led the citizens to fear a de facto annexation.³ This pressure explains the search, at the beginning of the sixteenth century, for alliances with the Swiss cantons, which would lead to the co-burghership with Fribourg and Berne and then to independence and the Reformation. The chapters of Part B return to this turning point.

Caution. The image of a Geneva that was “free” from the Middle Ages onwards belongs in part to the patriotic reconstruction of the nineteenth century. The medieval city was an episcopal lordship within the Empire, subject to strong Savoyard influence. The communal liberties were real but limited. It was the conjunction of these liberties and the rivalry between powers that created, for merchants, a relatively safe environment.

It would be tempting to establish a direct lineage between this medieval plurality and contemporary Swiss federalism, with its distribution of powers between the Confederation, the cantons and the communes. Caution is called for. Modern institutions proceed from profound ruptures: the Reformation, the Revolution, the Federal Constitution of 1848. One constant may nevertheless be noted: financial centres prosper where power is limited by rules and by other powers. Medieval Geneva offers an early illustration of this.

1 Notes

1. Dictionnaire historique de la Suisse (DHS; Historical Dictionary of Switzerland), art. “Genève (diocèse, évêché)”: “in 1288, he [the count of Savoy] appropriated the bishop’s vidomnat; in 1290 Bishop Guillaume de Conflans accepted the fait accompli and granted the fortress and the

office in fief to the count of Savoy”; DHS, art. “Genève (commune)”: the castle of the Bourg-de-Four obtained as security in 1250. ↩

2. Dictionnaire historique de la Suisse (DHS), art. “Genève (commune)”: “In 1387, Bishop Adhémar Fabri solemnly confirmed the franchises granted to the citizens”; Wikipedia (fr), “Histoire de Genève”. ↩
3. Dictionnaire historique de la Suisse (DHS), art. “Genève (diocèse, évêché)”: “Duke Amadeus VIII of Savoy, elected pope under the name of Felix V in 1439, took the opportunity to reserve the bishopric of G. for himself in 1444”; bishops from the House of Savoy: Pierre de Savoie (1451–1458), Jean-Louis de Savoie (1460–1482), François de Savoie (1484–1490); Wikipedia (fr), “Amédée VIII”: died in Geneva on 7 January 1451. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/geneva-three-powers-and-a-margin-of-freedom