

Revising the compact: the Geschworene Briefe of 1373, 1393, 1489 and 1498

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A distinctive feature of Zurich's constitutional history is that the city never adopted a constitution once and for all. It revised its sworn letter at intervals, generally after a crisis, and had each revision sworn again by the citizens. The Staatsarchiv counts seven Geschworene Briefe between 1336 and 1713. The list of constitutional documents records the dates of the first three with precision: 16 July 1336, 3 December 1373 and 26 July 1393.¹

1 The second Geschworener Brief of 1373

The first revision dismantled the personal regime Brun had created. The second Geschworener Brief of 1373 restricted the powers of the mayor and limited his tenure to half a year, so that from then on two mayors alternated in office, each presiding over one of the half-yearly councils.² It extended the influence of the craftsmen, especially in the selection of the council, and made the oath the foundation of the constitution: each year the citizens swore to the magistrates, who swore in turn to protect the guilds and the citizenry.³ The reciprocity of this oath is the key to the Zurich understanding of government during the ancien régime. Authority was a trust held by the councils on behalf of a sworn community. Each year the Schwörtag, the day of oath-taking, renewed that trust in a public ritual.

2 The third Geschworener Brief of 1393 and the Schöno affair

The third revision followed a political crisis over foreign policy. Rudolf Schön, known as Schöno, a Constaffel councillor from 1374 and mayor from 1390, was one of the principal authors of an alliance between Zurich and Austria concluded on 4 July 1393. The alliance never took effect: the Confederate party in the city removed Schöno and banished him, together with other supporters of Austria, for a period. The episode is known as the

Schöno-Handel.⁴ The third Geschworener Brief, sworn on 26 July 1393, followed within weeks.⁵ It sanctioned the election of guild members as councillors and made the Great Council sovereign alongside the Small Council.⁶

The rise of the Great Council is the most important structural development of the period. Having emerged in the middle of the fourteenth century as an advisory body without any formal act of foundation, it had become by the sixteenth century the legislative authority, deciding on taxation, treaties, war and peace and the coinage.⁷ By the late fifteenth century it had reached the composition that it kept, with minor adjustments, until 1798: the two mayors, the forty-eight members of the Small Council, 144 *Zwölfer*, twelve from each guild, and eighteen *Achtzehner* from the Constaffel, making 212 members in all, though it continued to be called the Council of the Two Hundred.⁸ The composition of this body shows how the guild principle structured the whole state: every councillor, except the mayors, was either a guild master, a guild representative or a delegate of the Constaffel, and only citizens of the town were eligible.

The Schöno affair also illustrates a theme that runs through this chapter. In a trading city, foreign policy involved more than dynastic loyalty, since it decided which roads, markets and tolls would be open to Zurich's merchants. Both the Austrian and the Confederate options had their commercial advocates. The constitutional answer of 1393 was to widen the circle of those who decided: a larger council, rooted in the guilds, was less easily captured by a party of the elite that pursued its own alignment abroad.

3 The fourth and fifth Geschworene Briefe, 1489 and 1498

The next major revisions followed the fall of Hans Waldmann, discussed in section VII below. The fourth Geschworener Brief, of 1489, turned the Constaffel into a political guild with electoral rights like the others. The fifth, of 1498, introduced the freedom of merchants, goldsmiths, rentiers and independent craftsmen to choose their guild.⁹ This apparently technical change had large consequences. No longer confined to the Constaffel, merchants could enrol in any guild, plan their political careers accordingly and, through large family networks, accumulate seats in the councils.¹⁰ The Historisches Lexikon observes that the free choice of guild undermined the traditional guild structure. This is the decisive point: from 1498 the guilds were political constituencies in which wealthy merchants and rentiers could obtain representation without belonging to the trade the guild nominally represented.

The seventh Geschworener Brief, of 1713, lies well beyond this chapter's period, but it shows the persistence of the model. The first printed constitution of Zurich, it introduced the secret ballot for the election of guild masters in response to oligarchic tendencies and emphasised the sovereignty of the civic community alongside the councils.¹¹ Otto Sigg remarks drily that the hopes placed in the secret ballot were disappointed.¹² The method of reform nevertheless remained the same across almost four centuries: a crisis, a negotiated revision, a new oath.

4 Notes

1. Verfassungen.ch, “Verfassungen Zürichs”, <https://www.verfassungen.ch/zuerich/leiste.htm>; Staatsarchiv des Kantons Zürich (ed.), *Kleine Zürcher Verfassungsgeschichte 1218–2000* (2000), which refers to the revision of 1713 as the seventh Geschworener Brief, https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/politik-staat/recherche-im-staatsarchiv/z%C3%BCrcher-geschichte/zh_verfassungsgeschichte.pdf. ↩
2. HLS, “Zürich (Gemeinde)”, section “Kommunale Verfassung und städtische Institutionen”, <https://hls-dhs-dss.ch/de/articles/000171/2015-01-25/>. ↩
3. Staatsarchiv des Kantons Zürich (ed.), *Kleine Zürcher Verfassungsgeschichte 1218–2000* (2000), https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/politik-staat/recherche-im-staatsarchiv/z%C3%BCrcher-geschichte/zh_verfassungsgeschichte.pdf. ↩
4. HLS, “Schön, Rudolf” (Martin Lassner), <https://hls-dhs-dss.ch/de/articles/018100/2011-08-25/>. ↩
5. Verfassungen.ch, “Verfassungen Zürichs”, <https://www.verfassungen.ch/zuerich/leiste.htm>. ↩
6. HLS, “Zürich (Gemeinde)”, <https://hls-dhs-dss.ch/de/articles/000171/2015-01-25/>. ↩
7. Staatsarchiv des Kantons Zürich (ed.), *Kleine Zürcher Verfassungsgeschichte 1218–2000* (2000), https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/politik-staat/recherche-im-staatsarchiv/z%C3%BCrcher-geschichte/zh_verfassungsgeschichte.pdf. ↩
8. HLS, “Zürich (Gemeinde)”, <https://hls-dhs-dss.ch/de/articles/000171/2015-01-25/>; Otto Sigg, “Zunft Herrlichkeit” (1986),

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<https://www.zuerich-geschichte.info/pdfs/Zunft Herrlichkeit.pdf>;
HLS, “Zürich (Kanton)”,
<https://hls-dhs-dss.ch/de/articles/007381/2017-08-24/>, which
describes the regime of mayors, Small and Great Council “mit
insgesamt 212 Ratsherren”. ↩

9. HLS, “Zürich (Gemeinde)”,
<https://hls-dhs-dss.ch/de/articles/000171/2015-01-25/>; HLS,
“Konstaffel” (Martin Illi),
<http://www.hls-dhs-dss.ch/textes/d/D10249.php>. ↩
10. HLS, “Villes corporatives” (Anne-Marie Dubler), <https://hls-dhs-dss.ch/textes/f/F9917.php>. ↩
11. Staatsarchiv des Kantons Zürich (ed.), *Kleine Zürcher Verfassungsgeschichte 1218–2000* (2000),
[https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/
politik-staat/recherche-im-staatsarchiv/z%C3%BCrcher-geschichte/
zh_verfassungsgeschichte.pdf](https://www.zh.ch/content/dam/zhweb/bilder-dokumente/themen/politik-staat/recherche-im-staatsarchiv/z%C3%BCrcher-geschichte/zh_verfassungsgeschichte.pdf). ↩
12. Otto Sigg, “Zunft Herrlichkeit” (1986), <https://www.zuerich-geschichte.info/pdfs/Zunft Herrlichkeit.pdf>. ↩

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