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THE CAREER OF CHRISTOPH VON UTENHEIM,
BISHOP OF BASEL, 1502-1527

DISSERTATION
Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By
John Patrick Higgins, A.B., M.A.

The Ohio State University
1974

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INTRODUCTION

Lewis Spitz has recently noted that the polymorphous Renaissance and the Reformation Era took place in an "age of movement, a time of accelerated transition."\(^1\) To some extent, every historical period can be called an age of transition, but the transformation of societal structures in their ecclesial and social expressions which took place most dramatically during the Reformation of the sixteenth century had an impact that is relevant to the situation of twentieth-century man. It is no accident that the poet and social critic Paul Goodman in surveying the contemporary American scene at the end of the turbulent 1960s found the experience of the Reformation Era to provide a valid analogy for the contemporary scene.\(^2\) In the preface to *New Reformation*, Goodman notes:

> By 'Reformation' I mean simply an upheaval of belief that is of religious depth, but that does not involve destroying the common faith, but to purge and reform it. (Of course, such a religious reform may be politically revolutionary.) ... although I see lots of troops, I don't see any Wiclif,


Hus, or Luther to lead them. But being myself an Erasmian skeptic, I probably wouldn't recognize them anyway.  

If publicists like Goodman see the "relevance" (to use an overworked word) of the Reformation crisis for the situation in which contemporary man finds himself, scholars for their part have been putting new conceptual wine into the old skins of Reformation studies.

Bernd Moeller, a German scholar, has recently stated:

"We need the spiritual and intellectual energies that the Reformation has to offer. Moreover, the Christian life, the church, and contemporary theology have so many ties to the Reformation that for our own self-knowledge we should always be aware of this relationship, and should continually examine it and test its relevancy for today. We will be lost, however, if we think this can be done without effort at historical understanding."

In another essay, Moeller explores the complex relationship between humanism and Reformation, and states bluntly, "No humanism, no Reformation." Moeller comes to this conclusion by noting that the humanists who hailed the appearance of the Wittenberg nightingale, "unlike Luther, stood on the foundations of medieval Catholicism."

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3Ibid., p. xi.


6Ibid., p. 36.

7Ibid., p. 29.
Furthermore:

It was a constructive misunderstanding that made the humanists into supporters of Luther, and it is not too much to say that this misconception raised the Reformation from the concern of one man to a revolution in world history.®

As Luther's evangelical doctrines began to crystallize after his excommunication in 1521, and the forces of Catholicism and Reformation came to increasing confrontation, "humanism was unable to establish a third popular rallying cry. . . . As an independent movement humanism fell apart, and a true humanist tradition survived through the centuries at only a few specially favored places such as Basel or in the Netherlands."®

Catholicism, Reformation, Humanism: these words remain hollow skeletons in the boneyard of the past unless they come alive in human beings who are fallible creatures of flesh, bone, and spirit. There were indeed giants in the sixteenth century, but one is reminded of Goodman's comment on contemporary society that he sees "lots of troops but no Wyclif, Hus or Luther to lead them." Perhaps the late Mr. Goodman should have scrutinized the troops more carefully.

In the Reformation era there were many so-called "lesser figures" who have been overshadowed by magisterial figures like Luther and Zwingli or Erasmus and More but who are still worthy of study. For if we can come to appreciate the contributions of

®Ibid.
®Ibid., pp. 30-31.
supporting characters to the drama of the Reformation, we will not only have a better understanding of the sixteenth century, but perhaps through a discovery of the human dimensions of events of over four hundred years ago come to a clearer understanding of our contemporary situation.

One such "minor character" was Christoph von Utenheim (c. 1450-1527), bishop of Basel, 1502-1527. It will be the purpose of this study to examine the threads of medieval piety, humanistic interest, reforming concern, and pastoral responsibility that made up the fabric of his life.

The name of Christoph von Utenheim is not exactly a byword, even among Reformation historians. This is in part due to the fragmentary nature of the records concerning his life and activity; even the date of his birth can only be approximately ascertained. Nothing of substance has appeared about him since Herzog's study in the early nineteenth century. But his reputation has not lost its luster down through the centuries. The approval of Catholic historians at finding that pearl of great price, a decent priest, in the Germanies on the eve of the Reformation, might be expected. But Christoph has elicited the respect of Protestant historians as

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10 J. J. Herzog, "Christoph von Utenheim, Bischof von Basel zur Zeit der Reformation," in Beiträge zur vaterländischen Geschichte, I (1839), pp. 33-93. Reference might also be made to M. Vautrey, Histoire des Eveques de Bâle (3 Vols.) (Bâle, New York, Cincinnati and St. Louis, 1886), II, pp. 57-82, which deals with the episcopate of Christoph in a quasi-hagiographical way. There are annoyingly vague references to archival materials, but the author has included much valuable information.
Two American Protestant Reformation scholars have had kind words for the bishop. George H. Williams has praised Utenheim for "his reforming zeal and humanistic patronage," while John T. McNeill eulogizes him as "the one good bishop among the Swiss prelates." There is an obvious need for a study of this complex figure who was born in the late autumn of the Middle Ages and who died a broken man in the spring of 1527 as the Reformation spread through his episcopal city.

This study will attempt to show that Christoph von Utenheim was a Janus-like figure, looking back to the intricate spiritual Weltanschauung of the medieval church in his reforming activity (Chapter III) while at the same time being open—to his ultimate cost—to the insights of humanists like Wimpeling and Erasmus (Chapters II and IV). An opening chapter sets the bishop in the context of the complex historical development of Basel as city and bishopric down to its entry into the Swiss Confederation in 1501—a little more than a year before Christoph became bishop.

Chapter II, a Lebenslauf of Christoph von Utenheim, will attempt to sketch a portrait of the man from the available historical records. Chapters III and IV, seek to set the "medieval" and "early modern" sides of Christoph's personality in the perspective


of his concern for medieval Catholic reform and his openness to the *Philosophia Christi* of Erasmus. A concluding chapter, based on archival materials, will survey Christoph's exercise of his spiritual and secular responsibilities as bishop of Basel with reference to similar conditions in the neighboring diocese of Strasbourg.

The conclusion contains a tentative assessment of Christoph von Utenheim in his times. Although not the Hus or Luther whom Goodman seeks as a leader for today's "New Reformation," Christoph can perhaps be viewed as a sign of things past and, modest though his actual accomplishment was, as a promise of things to come.
The beginnings of the history of Basel go back to Roman times.  \(^1\) The city is mentioned as far back as 374 A.D. on the occasion of a visit by Emperor Valentinian I.  \(^2\) Important for the future growth of the city was the fact that the diocese of Augst was transferred to Basel after the former had been sacked by the Alemanni. Before the seventh century the area had been won for Christianity, and the first church, that of St. Martin, had been erected. The city grew around this area \(^3\) and close by was built

\(^1\) There are a number of works on the history of Basel. The best study (which has become a classic) is Rudolph Wackernagel, Geschichte der Stadt Basel, 3 vols., (Basel, 1907-1924). Hereafter cited as Wackernagel. This beautifully written history is richly annotated and has a full bibliography. Of particular value for its illustrations and emphasis on social history is D. K. Gauss, Dr. L. Freivogel, Dr. O. Gass, Dr. K. Weber, Geschichte der Landschaft Basel und des Kantons Basel Landschaft, 2 vols. (Idestal, 1932). The work is without footnotes or bibliography. A good brief summary which draws heavily on Wackernagel's work and is also without footnotes or bibliography but contains some interesting illustrations is Andreas Heusler, Geschichte der Stadt Basel, 5th ed. (Basel, 1957). Much older and containing a large amount of uncritically arranged information is Peter Ochs, Geschichte der Stadt und Landschaft Basel, 7 vols. (Basel, 1801-1821). Hereafter cited as Ochs.

\(^2\) On the origins of the name "Basilea" see Heusler, p. 5.

\(^3\) See the map tracing the chronological growth of the city of Basel in Heusler between pp. 8-9.
the residence of the bishop and related buildings, all of which were surrounded by a wall.

During the next centuries, the history of the city is obscure. Basel was sacked by the Magyars in 917. Recovery was slow, but by a century later, Emperor Henry II again raised it to a significant bishopric. It was through this emperor that the authority of the bishop over the city was firmly established. Henceforth, it was the bishop, as lord of the city, who named civil officials and controlled matters like coinage and customs collection. Basel was growing into a commercial center, as should be expected from its position along old Roman roads and location at the navigable head of the Rhine. At certain periods of the year, markets and fairs took place, and merchants and craftsmen built their residences under episcopal license.

The eleventh century, especially its latter half, saw further expansion of the city. The disturbances brought about by the Investiture Controversy added to the population of cities throughout the empire. The most famous bishop of Basel in the eleventh century was Burchard, a staunch partisan of the emperor, who accompanied Henry IV to Canossa. Bishop Burchard added to the walls

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of Basel and also founded the first monastery in the city of Basel, St. Alban’s in 1083, which was under Cluniac administration. The monastery was outside the city walls and served the double purpose of adding to the spiritual life of the city and opening up wasteland to settlement with the consequent further expansion of the limits of the city. A few decades later (1118) St. Leonard’s Church, an Augustinian foundation in 1135, made its appearance on the opposite side of the city.

At this time, two groups of inhabitants may be distinguished in the city of Basel, first the clergy consisting of the canons of the cathedral along with their chaplains, the monks. Next are the knights in the service of the bishop. By the thirteenth century the knightly families like the Schaler, the Münch, the Ramstein, the Reich, the Bärenfels, the Eptinger, the zer Kinden, the zu Rhein, and the Marschalk began to present a challenge to episcopal dominance. These military servants of the bishop intermarried with merchant families whose commercial activities extended across Lake Constance to Augsburg, down the Rhine to Cologne, and over the Alps to Italy, and who were in need of military protection.

Among the bishops of Basel in the twelfth century, two stand out, the first, Adalbero (1134-1137), and, more importantly, Ortlieb (1137-1164). The latter accompanied King Conrad to Palestine and on other expeditions. St. Bernard preached the Crusade in the Münster at Basel in 1146, and Ortlieb was the first to take up the

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5 On Bishop Ortlieb von Froburg cf. BS, pp. 197-208, and Rück, pp. 76-111.
cross. Basel's entry into the affairs of the empire, in which its bishops played a notable part, led naturally to the growth of a civil administration within the city.

The origins of the Council (Rat) in Basel are obscure but, as elsewhere, it appears that the citizens lent the bishop money, especially in the case of the extension of the walls undertaken by Bishop Burchard. For this and other needs (for example market police) there was probably a town council, perhaps the members of the village mayor's court. There was, as Heusler notes, no question of direct opposition to the bishop. The council of the twelfth century was an episcopal one, under the control of the bishop, his chapter, and knights. But by the thirteenth century, when the council attempted to assert itself, it was struck down by the bishop with imperial assistance.

In 1212, Frederick II, "Stupor Mundi," made his appearance across the Alps and won the allegiance of Basel (September, 1212). Frederick granted the city a council independent of episcopal election or approval which immediately proceeded to level a municipal

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6 On the origins of the Council (Rat) in Basel, Wackernagel, I, pp. 17-18 and 22-23.

7 Heusler, p. 15.

tax (Ungeld) for its own and not episcopal ends. The bishop's power appeared to be in eclipse.

But in 1215 Heinrich von Thun ascended the throne of the bishops of Basel. Bishop Heinrich was not unaware of the new forces emerging among the citizenry, but there was one thing he would not tolerate, and that was an independent council.

In 1218, Frederick II held an imperial diet in Ulm and, because of his difficulties with Innocent III, he needed episcopal support. Frederick II accordingly recalled the privilege he had given to the city Council of Basel in 1212, and stated that it was now only the bishop who had the right to levy taxes. Bishop Heinrich went even further: he demanded to know if anyone—including the emperor—could establish a council in the city without the bishop's consent. The emperor yielded to Bishop Heinrich and dissolved the council he had granted. The bishop allowed the continued existence of the council, but as an episcopal one, under his officials and supervision. This is seen in the seal of the council of 1225 which bears a picture of the Minster.

It was in this period also that the building of a bridge over the Rhine was undertaken, a step that aided contacts with Freiburg and the Breisgau. It was also during the reign of Heinrich von Thun that a second parish church, St. Peter's, was

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built, as well as the convent of St. Mary Magdalene, and that the Dominicans and Franciscans first established themselves in the city.

In the twelfth century the number of craftsmen in the city also increased. They worked under episcopal supervision, but there also took place the organization of guilds (again under episcopal supervision). The first of these was that of the furriers, licensed in 1226 by Bishop Heinrich von Thun. At this time, the craftsmen were not eligible for membership in the council, despite the fact that they were responsible for the upkeep of the walls and the military defense of the city. Bishop Heinrich died in 1238. Conflict between Pope and Emperor broke out in 1239. It found Bishop Lißtold von Röteln on the papal side and the citizenry on that of the emperor. The citizens attacked and sacked the bishop's residence (1247). Imperial fortunes, however, reached a low ebb in 1248, and the citizenry, faced with interdict, was forced to yield under certain conditions but retained its rights and customs. The diocese, however, had also suffered much. It was in these circumstances that Bishop Heinrich von Neuenburg am See ascended the throne of the bishops of Basel in 1262. Heusler states that he occupied a "tragic position" in the history of the

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11 For the guilds and the other inhabitants of Basel, ibid, pp. 67, 98-109.

12 Re. Lißtold and his struggle with the Hohenstaufen, ibid, pp. 25-28.
bishops of Basel.  

Neuenburg assured for the bishopric its dominance over Breisach and Rheinfelden, but in the process gained the enmity of the Dukes of Habsburg. The results were unfortunate, for in the process divisions broke out among the knights in the city which limited episcopal freedom of action. Among the knights, the Münch and the Schaler had attained a dominant position, since they had for decades occupied the positions of bailiff (Vogt) and mayor (Schultheiss) and thus held a leading position in episcopal administration. There quickly grew up episcopal and Habsburg parties among the knights, and for the bishop the risk was that this would spread to the populace at large. The bishop attempted to forestall this event by granting to the council a burgomaster and council to be chosen annually by eight electors of whom the resigning council would name two knights and four citizens. The six of these would then take two cathedral canons to their number. The council would thus be a municipal one. The episcopal concession is silent about the assembly of the council. The total number of councillors seems to have been left open. The norm gradually established was that of four knights and eight citizens. And so, there came about the official designation of the citizen families united with the knights in the High Chamber (Hohe Stube). The name Achtbürger came into use to describe this because the citizens could be elected to eight council seats in contrast to the guilds.

\[13\] Heusler, p. 20. On Bishop Heinrich, BS, pp. 237-242 and Wackernagel I, pp. 31-34.
But Bishop Heinrich went further. He began to involve the craftsmen in the city government. He was pleased when the electors also elevated guildsmen to the council, and thus managed to gain the loyalty of the citizenry when he was faced by the disloyalty of the knights in service to him.

With the consequent sharpening of rivalries in the city, the Psittich faction overwhelmed their rivals, the Sterner, who joined the great force with which Duke Rudolf of Habsburg was threatening the bishop. Basel was besieged. With the news that Rudolf had been elected to the imperial throne, Bishop Heinrich made peace, and Basel, Rheinfelden, Neuenburg, and Breisach again entered the empire. The Sterner family re-entered Basel, and Bishop Heinrich died a year later.

The immediate result of Basel's re-entry into the empire was that the office of bailiff (Vogt), until then occupied by the Münch family, became an imperial one (Reichsvogt), and was given to a Habsburg nobleman named Hartmann von Baldegg. Disputes continued within Basel, however, until as late as 1286 when the emperor had to forcibly impose peace upon the town. Basel fared well under Rudolph, playing an important role in imperial politics.

Relations with the Austrian Habsburgs did not long remain

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14 On the Psittich see Wackernagel, I, p. 35.


16 Baldegg, ibid.
friendly. Bishop Peter von Aspelt, who was to rise in the service of Duke Rudolf, was directly appointed by the pope in 1297 and alienated himself from King Albert on account of territories in Sisgau, Liestal, and Homburg. The result was a new schism of the Basel knighthood into episcopal and Austrian parties. As a result of a complicated series of developments, Austria gained territories in the neighborhood of Basel. The citizenry stood on the side of the bishop. This time, the Münch and the Schaler families aligned themselves with Austria, thus increasing the crisis. As war threatened, Peter von Aspelt was raised to the See of Mainz, and the bishopric of Basel reverted to the papacy which, without reference to the cathedral chapter, appointed the young, inexperienced Otto de Granson, bishop of Toul, who spoke no German at all and had no insight into the serious political crisis in Basel. But he was from the first an enemy of Austria and King Albert therefore refused to invest him with the regalia. The bishop hatched a plan for the assassination of the king which miscarried due to the bishop's inability to understand German. King Albert found it prudent to depart Basel immediately.

Matters came to an open feud between the Austrian and episcopal parties both within and without the city. The upshot of these

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17 On Bishop Peter see BS, pp. 256-261, and Wackernagel, I, p. 222. Events in the Empire in this time, Bryce, pp. 215-221 for a narrative and p. 499 for a chronology.

events was the murder of King Albert by his nephew John in 1308, and the Münch and the Schaler families were once again allowed to enter the city. In the decades following these dramatic events, internal constitutional developments of some importance took place within the city. It was during the years beginning about 1300 that city and bishop began to come into open conflict, one which was to be reflected in Utenheim's reign. The cathedral chapter was hostile to the attempts of the Avignonese papacy to place its French favorites in the See of Basel. 19 It was at this time that the bishops of Basel began to reside in the Jura in Forrentruy, 20 St. Ursanne, and especially Delsberg (Delemont) 21 which Bishop Peter Reich in 1289 had praised as reclinatorium deliciosum. 22 The non-residence of the bishops in Basel naturally strengthened the independence of the citizens and council. Basel suffered under Avignonese excommunication and interdict. The city supported Lewis of Bavaria in his struggle against John XXII, and the roots of the anti-papal sentiment which were to surface at the Council of Basel and later during the Reformation may be traced to this period. During the Babylonian Captivity, the cathedral chapter had nominated anti-bishops. A papal emissary

19 For the Baslers' feud with the Avignonese papacy, Wackernagel I, pp. 228-240.

20 Forrentruy (Pruntrut), see A. Quiquerex, Ville et Chateau de Forrentruy (Delemont, 1870), passim.

21 Delsberg (Delemont), Arthur Daucourt, Histoire de la Ville de Delémont (Forrentruy, 1900), passim.

22 Quoted in Heusler, p. 28. On Bishop Peter Reich, see BS, pp. 250-253, and Wackernagel, I, p. 220.
who attempted to publish a papal decree against one of the members of the chapter (Canon Hartung Münch) was thrown from the episcopal residence into the Rhine by a mob. When he tried to swim away, he was fished out and killed. It was only with the election of Emperor Charles IV that Basel was definitely absolved. Previously the cathedral chapter had obtained papal sanction for the election of Johann Senn von Münsingen who was able to win popular approval.

The reign of Bishop von Münsingen is important in that it saw the guilds obtain a permanent representation on the council. Now for the first time, in addition to citizens and knights, craftsmen were to have representation as well. They were to be elected by the guildsmen (not merely the masters) so that the council now consisted of four knights, eight citizens, and fifteen guildsmen (representing fifteen guilds).

The emergence of the guildsmen into a majority position, (un-like Nürnberg, for example, where the guilds were crushed by the patricians in the mid-fourteenth-century) took place without evident

23 Heusler, p. 28. Münch was the anti-bishop of the chapter.

24 Emperor Charles IV who issued the Golden Bull of 1356 setting the number of the electors for the Empire, see Bryce, pp. 233-251.

25 For Bishop von Münsingen, see BS, pp. 270-275 and Wackernagel, I, pp. 249-258.

26 In the process whereby the guilds obtained membership on the Council, see Wackernagel, I, p. 262. Ibid., for a discussion of the position of the knights.
opposition. That the knights were angered by the triumph of the guilds appears from the statute of the cathedral chapter of 1337 which stipulated that its members be drawn chiefly from the equestrian class, a factor which was to be later a problem for Christoph von Utenheim. But they were in no position to offer any real opposition: the time of the dominance of the knights had passed. Now they turned to seek feudal tenures, offices in the service of princes, and so forth. For example, the Münch and the Schaler families let themselves be represented by under-bailifs and under-mayors, while they themselves took service under the Austrians or Charles IV. Thus we have a rise of a patrician merchant class in Basel and secondarily the members of the various guilds. Economic life on the left bank of the Rhine was now dominated by families like the Rot, zem Angen, Helbling, and Iselin. But the prosperity of the craftsmen also increased as did their alliance with the citizenry.

Two natural disasters struck Basel in the fourteenth century. The first, of course, was the Black Death and, following hard upon that, a disastrous earthquake on October 18, 1356. Rebuilding proceeded apace and the damaged cathedral was re-dedicated on June 25, 1363.

After the death of Bishop Johann Senn von Münsingen on June 30, 1365, the cathedral chapter could not agree on a successor, so the pope appointed a Burgundian, Jean de Vienne. He was not a popular choice and through maladministration left the bishopric under a great burden of debt. Once again the council feared the specter of Austrian domination. The ensuing pattern was not unusual. In return for money and troops, the bishop surrendered important episcopal privileges. The most significant of these were the customs and coinage rights for which the council paid 1,000 gulden (1373) and in 1385 the office of mayor (Schultheiss) for which it disbursed 1,000 Florentine gulden. All that remained for the city to gain was the office of bailiff (Vogtei) which it was not in the bishop's power to give because he had not held it since the time of Rudolph of Habsburg. In short, for all practical purposes, the bishop's power over the city was at an end, a fact which Christoph von Utenheira was to be later clearly made to see.

But the citizenry soon reasserted itself. In 1382, the guild corporation was again received into the council which now consisted in four knights, eight citizens, fifteen guildsmen, and fifteen guildmasters. The chairman of the guild corporation (Oberzunftmeister) was, next to the burgomaster, the second head of the city.

At this time, Bishop Jean de Vienne died. After a disputed election, Imer von Ramstein won with the support of the pope, the city, and the majority of the cathedral chapter. His opponent was

28 Concerning Bishop Jean de Vienne, see BS, pp. 275-280, and Wackernagel, I, pp. 277-278 and pp. 282-283.
the favorite of the Austrian party.

The old links between Basel, Alsace and the Swabian cities were cemented by an alliance in 1334 which was extended to the Swiss cities. There was a strong reaction against Austria and the nobility. Since the burgomaster was charged with being a secret ally of Austria, it was decided to put a strict limit on his powers. Therefore the council decided to establish the chief magistracy (Amneistertum), an institution borrowed from Strasbourg. The chief magistrate was to be at the side of the burgomaster (who was bound to the Austrian Duke by feudal ties) and as such, not being bound to duke, bishop, or nobility, he would witness the opening of all letters. He was supposed to be elected annually by the council from the councillors, citizens, or guilds and have all military forces at his disposal. The first chief magistrate, elected in 1385, was Heinrich Rosegg, the master of the wine merchants guild.

The times were favorable for a resurgence of the citizenry of Basel since Duke Leopold was otherwise engaged in Swabia and Italy. Leopold's campaign against the Swiss which led to his death at the battle of Sempach (July 9, 1386), removed the threat of Austrian domination from Basel. The nobility of Basel, fighting at Leopold's side, was decimated. The city council quickly took advantage of the situation. A few days after the battle of Sempach, a representative of the council journeyed to Prague to Emperor Wenzel and at the beginning of August brought back a document, dated August 1, whereby

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29 For the alliance, see Wackernagel, I, p. 306.

30 Regarding the office of Ammeister, Wackernagel, I, p. 305.
the Vogtei over Basel was again granted to the city. A payment of a thousand Gulden was to be made. At last, Basel was its own master.

The death of the sons of Duke Leopold at Sempach now permitted Basel to gain Kleinbasel on the other side of the Rhine. 31

At this time Kleinbasel was little more than a village built around its parish church of St. Theodore and the episcopal castle which lay between it and the Rhine. Episcopal control of manorial sovereign rights which were obtained through royal loan, was complete. With the founding of St. Alban's monastery by Bishop Burchard, manorial rights devolved upon the monastic foundation without influencing episcopal sovereignty. Thus there was the distinct possibility that the manorial complex of the monastery would be included in the greater development of which Kleinbasel became a part through the building of the bridge across the Rhine. What was intended by the construction of the bridge and the consequent traffic across the river was the foundation of a walled city to link the bridge with the main road lying further inland. Kleinbasel naturally prospered. St. Alban's manorial rights, however, were limited and the bishop maintained basic political control. A council stemming from the mayor's court grew up and gradually extended its control over the city with a new Rathaus at the Rhine bridge. Prosperity was further assured by the foundation of the convent of St. Clara, and the transfer of the convent of Klingental from the Wehra valley to Kleinbasel.

31 On Kleinbasel's location, see the map in Heusler cited above, n. 3, also Wackernagel, I, p. 323.
The Austrian problem was solved for the time being, but the difficulty was that the bishop could at any time remove the guarantee from Basel. The bishopric was, as usual, in financial straits and so in 1392 Bishop Friedrich von Blankenheim gave up all his rights to Kleinbasel to the city Council of Basel for 7,300 gulden. The citizens of Kleinbasel were received into the guilds of Basel and became eligible for membership on the Council. The Council of Kleinbasel also ceased to exist, only its mayoral court (Schultheissengericht) continuing to function.

A few years after these events, Basel began its expansion into what was to become Basel-Land. In 1400 it obtained the city and fortress of Waldenburg, the fortress of Homburg, and the city of Liestal through mortgage from Bishop Humbert for 22,000 gulden.

Thus the council was now in complete control of the city through the mortgaged acquisition of governmental rights, a fact which was later to be crippling for Christoph von Utenheim's policy. It also now dominated both sides of the Rhine as well as an important part of the old Sisgau. The expense was great; that Basel was able to pay is evidence of its gains from the indirect mill and wine taxes and the prosperity of the guilds and craftsmen.

But Basel was not out of the woods yet. There was the problem of the bishopric. Since Jean de Vienne it had faced the continual danger of bankruptcy and was burdened by debts. Succeeding bishops strove to ameliorate the situation, but the diocese had already

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32 Bishop von Blankenheim, see Wackernagel, I, pp. 318-319. For the expansion of Basel ibid., pp. 329-335.
lost its finest possessions to Count Diebold von Neuenburg at the time when Basel was threatened by Austria. The city of Basel could not look on the situation with satisfaction, for there was the omnipresent danger that neighboring principalities like Burgundy and naturally Austria would take advantage of the weakened state of the bishopric for their own territorial aggrandizement. To protect itself the Basel city council lent the bishop 2,000 gulden in 1407 in return for the episcopal city of Olten (which had been mortgaged to Duke Frederick) whose citizenry it took under its protection and alliance. Where redemption of mortgaged episcopal property was impossible, Basel extended the rights of citizenship. Thus in 1407 the council took the inhabitants of the city and valley of Delsberg (Delemont) and of the Munster valley as citizens and promised to treat them equally with citizens dwelling in Basel as well as to protect them in their rights. The only obligation was that they provide manpower for Basel's military expeditions. Such measures were practiced by other cities and energetically opposed by the princes. The bishop not only tolerated such extension of citizenship; he wished it.

Such extension of citizenship encouraged the enmity of the nobility of the surrounding area. Peasants left their lords, flocked to the city, and, as soon as they had made a military expedition, received the rights of citizenship. The first years of the fifteenth century were not peaceful anywhere, and in Basel itself dissension broke out.

External and internal crises drove the guilds to renew the office of chief magistrate (Ammeister) in 1410 which had been moribund since the disposal of the Austrian threat. The Ammeister was elected only by the guild masters and from the guilds and again had the office of controlling the burgomaster and chief guild-master, as well as (along with the guild masters) being comptroller of city accounts--this last to insure that the rich did not fill their pockets. Immediately, a punitive judgment was entered against the knight Ludman von Batperg and chief guild-master Brenfels, and they were banned from the city.

The re-institution of the office angered both the nobles and the citizens. Authority, previously shared by both in the council was broken up. Bürgermeister and Oberzunftmeister now stood under the tutelage of the Ammeister. Despite this, the citizens tolerated it at first, hoping that the office would be removed. Seeing that this did not happen, the nobles left Basel for Rheinfelden, placing themselves in Austrian territory and under Habsburg protection. In addition, they yielded their rights as citizens in Basel to the council until such a time as they would be reinstalled in their old positions and power. Outside of a few knights there were mainly city councillors from the middle class (over a dozen) who wanted Basel to yield through such a secession. They took a gamble and succeeded. For the Baslers realized what the loss of such powerful and rich families would mean at such a critical time. So Basel accepted the offer of mediation by Strasbourg and Margrave Rudolf von Hochberg. A compromise was
reached and the noble families who had withdrawn returned to Basel and the council after making a few concessions to the city. The office of Ammeister was set aside upon complaint of the bishop by the Emperor at the Council of Constance. Thus it permanently disappeared from the constitution of Basel. The old constitution was re-established.

The perpetual feuds with the nobility proved to be a severe burden for the citizenry because of the interconnection of all of Basel's business and commercial traffic and produced a paranoia about mutual intentions which came to include the once willingly tolerated disadvantages of the government in the city itself. Merchants of Basel were attacked in Austrian territories, and in revenge the citizenry sallied forth to lay waste the villages and castles of enemy nobility. The useless conflict finally came to an end in 1412 by peace and alliance with Duke Frederick of Austria. 31 But the Duke now met his Waterloo on another side. The anti-pope John XXIII decided to flee the Council of Constance and to combat it from France. He succeeded with Frederick's help, for which the emperor placed the latter under the ban of the empire, and charged the Swiss Confederation to confiscate his lands for the empire. Bern immediately attacked and confiscated the best part of the Aargau. Basel received a similar demand from the emperor and sent forth an expedition of fifteen hundred men which returned without having accomplished anything. The probable

31 For the alliance with the Austrian duke, see Wackernagel, I, p. 391.
reason for this was that many of the leading families in Basel were pro-Austrian and thus worked to prevent a decisive move against the Duke. In any case, the guilds did not prove themselves capable of an overall political strategy which would have led to a different direction in Basel's development. Thus Basel lost the opportunity to carve out for itself an area in the Sundgau that would have suited the geographical situation of the city.

What of the bishopric? It had, as has been seen, fallen on hard times insofar as its sovereignty in the city itself was concerned. In 1422 Johann von Fleckenstein from a baronial family of Alsace and Abbot of the Benedictine monastery of Selz in lower Alsace ascended the episcopal chair. His election took place through Pope Martin V to whom the former Bishop Hartmann Münch had given up the diocese without the knowledge of the cathedral chapter whose petty family intrigues did not touch him. Fleckenstein, like Christoph von Utenheim, was a man of great personal integrity, and much was expected of him. The council offered him gifts and hospitality on the occasion of his entry into the city, and an escort of council members when he left for the Jura to accept the submission of his subjects and take the necessary steps for a restoration of his temporal authority. The first step which he had to take was to redeem the mortgages of the finest areas of the bishopric which had been frittered away since the time of Jean de Vienne. The principal creditor was Count Diebold von

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On Bishop von Fleckenstein see ES, pp. 298-306; Wackernagel, I, pp. 417; 432-433.
Neuenburg, who held St. Ursanne and the castles of Spiegelberg, Kallenberg, Goldenfels, and Flütschhausen in pawn. The bishop offered the count the amount necessary and deposited it with the court in Basel. Diebold refused the offer. Fleckenstein, who had foreseen this, got the help of lords from the Rhine as well as troops from the city of Basel, and within a few days won back the castles together with St. Ursanne.

Count Diebold had been taken by surprise, but assembled his forces and enlisted the aid of the Duke of Burgundy who sent threatening letters to Basel. Nothing happened at first and the council made preparations for the war which soon came. The citizens of Basel fought a campaign that ultimately led them to invest and besiege the castle and city of Hericourt,36 the prize possession of Count Diebold. In the end, Basel won a great victory: both the city and castle of Diebold were captured. The latter was razed to the ground, while the walls of the former were torn down. Not surprisingly, peace ensued between count and bishop in the latter's favor. The city of Basel gained nothing directly from these events. All the castles mortgaged to Diebold remained in his hands with the proviso that he pay the bishop 10,000 gulden. The city of Basel lost its common citizenship with Delsberg (Delémont) through a decision of the imperial court in 1434. Ironically, this came about not through the bishop's complaint, as might be expected, but from one filed by a group of Delsberg (Delémont) citizens. The imperial

36 For the expedition to Hericourt, see Wackernagel, I, pp. 428-431.
court of justice (Hofgericht) stood under the influence of the decisive powers in the Empire which were hostile to the extension of the rights of citizenship.

Basel had paid dearly for the war, but gained something in return. The bishop undertook new mortgages, for example that of the chief guild master whereby the council obtained the right to elect this official itself. Previously, he had been appointed by the bishop. But in all these dealings, Basel fell short of its main goal which was to gain a firm foothold in the Jura against Burgundy.

The restoration of the episcopal territory as a buffer state against the development of French speaking power was problematic and the (perhaps contemplated) hope of making the bishopric subject to Basel by guarantees to the subjects of the diocese was based on a chain of expectations that were not fulfilled. The situation of Basel, then, around 1430 was one of insecurity and constant minor quarrels that served to create a sense of unease in the city itself.

Basel entered the center of the stage of European history with a papal brief of April 10, 1429 which instructed the Basel City Council to do its best to prove itself a good site for a church council. The Council of Basel (1431-1449) has been treated elsewhere, and need not detain us here. Its opposition to the

Council of Ferrara-Florence dominated by the pope and the subsequent election of Felix V (Nov. 5, 1439), last of the anti-popes, by the Council of Basel represented the death throes of the early fifteenth-century conciliar movement. As far as Basel itself was concerned, anti-papal sentiment, which we have seen extended in the city back to the days of the Avignonese papacy, was destined to linger on and find its fullest expression in the Reformation of the 1520's.

During the meeting of the council, Basel's political fortunes remained unsettled. The Armagnacs were partisans of the faction of Count Bernard of Armagnac, their first leader in the old Franco-Burgundian feud dating back to the murder of the Duke of Orleans, youngest brother of King Charles VI of France (1407) by Duke John the Fearless of Burgundy. The Armagnacs, originally partisans of Orleans, invaded Alsace in 1439. Basel, spurned by Strasbourg, found in Bern an alliance and promise of help. The alliance was renewed a year later, with the addition of Solothurn, for twenty years (1441). It was directed against Austria with whom the relations of Bern and Basel were tense, Basel because of harassment of its trade and merchants among other things. Finally, in 1444, after many requests by Austria, France came to her aid and sent

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the Dauphin to lead combined forces against the Swiss Confederation. Because of the ongoing church council, Basel had reason to see the Dauphin's forces directed against itself, since Pope Eugenius IV had enjoined France to disband the Council. Gradually members of the knighthood of Basel like Burchard Münch and Hermann von Eptinger joined the Dauphin in the neighborhood of Basel on August 21. After successful preliminary skirmishes, the forces of Basel and its Swiss allies, outnumbered as they were, were forced to yield on August 26. An attack on the city itself lay in the offing.

The city council as well as the church Council sent representatives to the Dauphin. The citizens of Basel found themselves unable to assent to French demands. The same happened at a second conference in Basel itself, when the French threatened the city with destruction. Negotiations continued at the Dauphin's residence in Ensisheim, between France and Austria on the one side, and Basel, Bern, and Solothurn on the other. Impressed by the resistance of Basel and the Swiss at St. Jakob on August 26, the later "Spider King" drew back from an assault on Basel whose representatives resisted all French pretensions. In addition, Louis' relations with Austria had worsened, since the Armagnacs had run amuck throughout the Sundgau. The nobility had turned against the Armagnac bands and Emperor Frederick demanded that the Dauphin leave the territory. Through the mediation of the Duke of Savoy and the Count of Valengin, peace was finally concluded between France on the one side and Basel and the Swiss on the other. The peace was at first mistrusted by Basel but in the end it was ratified. The Dauphin retreated,
leaving a trail of devastation through Alsace.\textsuperscript{38}

The next important step in Basel's expansion was the acquisition of Rheinfelden. At the beginning of 1445, the latter entered a protective alliance against Austria whose mortgage claims it was unwilling to recognize, wanting instead to remain a free imperial city. But the strong castle overlooking Rheinfelden was in the hands of Basel's most bitter enemy, Baron Wilhelm von Grünemberg to whom the fortress was mortgaged by Austria. To make matters worse, the common enemy of Bern and Solothurn, Baron Hans von Falkenstein, was also in the castle. Therefore Basel, Bern, and Solothurn undertook a common campaign with 5,000 men against the fortress. The siege dragged on and Duke Albert of Austria found time to form a relief expedition that was without success. Meanwhile, the allied forces had been strengthened and the castle yielded.

Duke Albert's weak performance around Rheinfelden showed Austria's exhaustion, but Basel was also tired. War was an economic drain on the city. In Constance an assembly of princes and cities met. At the suggestion of the Cardinal of Arles, president of the assembly, they decided to begin negotiations. Basel joined in, but Bern and Solothurn protested that Basel was not to conclude a separate peace since it was in alliance with them.

Peace was finally concluded on May 7, 1449. The sealed document, the Breisach Turn (Breisacher Richtung), was a definite landmark in Basel's quest for security. Pfirt, Landser, and Altkirch,\textsuperscript{51-104}

\textsuperscript{38}For Basel's position in the conflict see Wackernagel, I, Part 2, pp. 51-104.
which were in Austrian jurisdiction, and whose present mortgage holders had made innovations in mercantile and escort matters whereby Basel was bound, should abolish such restrictions. The old situation would be restored. Tolls and tithes which were directed to Basel from the Sundgau were to pass toll free, and the open route between the nobility's adherents and the citizens of Basel remain as of old. Individuals who moved to Basel could be demanded back by the lord within a year. Officials of the nobles should insure the collection of debts owed to Basel in noble territory upon presentation of a collection letter.

The Breisacher Richtung showed that this destructive and costly war was economic and not political in character, and thus affected the very basis of Basel's existence. Had Basel lost the struggle she would have been economically dominated by Austria and eventually undermined as Freiburg-im-Breisgau had been a hundred years earlier. The long struggle between Basel and Austria had terminated in the city's favor. Basel had allied itself with Solothurn and Bern in the past years. The fact that it took another fifty years for it to formally join the Swiss Confederation shows how close were the ties that bound Basel to Alsatian cities like Strasbourg and Colmar.

An indirect result of the spiritual and intellectual ferment stirred up by the Council of Basel was the opening of the university
on April 4, 1460, \(^{39}\) a few years after the city had a chance to recover from the struggle with the nobility. Those in favor of the project included the burgomaster Hans von Flachsland, the Achtbürger Bernhard Surlin who had studied in Heidelberg, the learned councilor of the keymakers' guild, Heinrich Ziegler, the official of the episcopal court and promoter of the council (which had honored him with a doctorate in canon law), Heinrich von Beinheim, and finally the cathedral chaplain, Peter von Andlau. The last became professor of canon law at Basel and is still renowned for his work on German civil law. The practical spirit of the average guildsman saw the economic advantages in living off a student population drawn to the University, especially since the conclusion of the Council of Basel had cut off a profitable source of income for the city.

But to found a university the sanction of pope or emperor was needed. The papal election of 1458 raised Basel's hopes. Pius II, who had of course been present at the council, was friendly to the city. Burgomaster Flachland congratulated Pius on his election on behalf of the council and also made the request for a university. The Pope issued a bull on November 12, 1459 establishing the university, citing, among other things, Basel's favorable location at the boundary of different nations. As noted above, the university opened festively on April 4, 1460, the

\(^{39}\) On the University of Basel from its beginnings to the Reformation see Edgar Bonjour, Die Universität Basel von den Anfängen bis zur Gegenwart 1160-1960 (Basel, 1960), pp. 1-120.
the feast of St. Ambrose. The bishop was chancellor, the city
council its founder, and Georg von Andlau was named its first
rector. There were, however, difficulties to surmount. First of
all, there was the problem of financing the new foundation. This
was in part solved by giving the professors a number of benefices
in churches inside and outside the city, although there was
naturally stiff competition for the ones available. In addition,
it was necessary to define the disciplinary role and jurisdiction
of the university, for example, of the rector's role with regard
to the city administration of justice, and any conflicts which
might arise between town and gown. The calling of professors was
the council's responsibility. The professors were learned in law, 
theology, and the study of classical literature. Their work
raised the cultural consciousness of Basel even though at this
time teaching and academic research were contained within the
limits of scholasticism. But fertile ground was being prepared
for the seeds of Humanism which in the sixteenth century was to
make Basel one of the leading centers of the Northern Renaissance
as well as a hub for the spread of the Reformation through its
printing presses.

Basel was now the lord of the greatest part of the Sisgau
and areas not gained by the purchase were quickly annexed. The
last gain of Basel in the Sisgau was the purchase of the castle
of Ramstein and two villages from Baron Christoph von Ramstein
for 3,000 gulden in 1518. Ramstein was the ancestral home of
Christoph von Utenheim.
Basel risked nothing by such annexations, but once again trouble arose in the city with the bishop. The nub of the problem was an attempt by the bishop to take over the city. Bishop Johann von Vennigen had become bishop in 1458. He was jealous of his rights, kept order in the administration of the bishopric, and was experienced in municipal affairs. It should be remembered that in 1462, the Archbishop of Mainz, Adolph von Nassau, had deprived the city of Mainz of its independence and status as an imperial city, and made it an episcopal possession. The example must have been a tempting one for Vennigen.

The chief source of the split between bishop and city lay in the quarrel between the bishop's court of justice (Hofgericht) and the city's village mayor's court (Schultheissengericht) concerning the proper boundaries of their respective rights. The court of the episcopal official held jurisdiction over prosecution of lay offenses against the Church and in civil affairs insofar as such matters concerned Church competence for example, marital legal questions and testaments leaving goods to the Church. From this arose the situation that the episcopal official was the witness sought for the making of bonds which undoubtedly belonged before the city court, for example, gifts to churches, donations at the moment of death to churches, inventories of deaths, and so forth. Since the office of village mayor (Schultheiss) was mortgaged to

the city council and by that the village mayor's court
(Schultheissengericht) had become a city court, conflict arose
between the two courts, and the council had to fight hard to pro-
tect the rights of its court against the attacks of the episcopal
official. Now Johann von Vermigen opened the struggle by claiming
that according to the diocese the village mayor (Schultheiss) had
authority to judge about debt, money, and illegality. Instead,
the city council had set up a new authority, the Unzüchter, for
prosecution of debt, and there it took fines from people to the
curtailment of the office of Schultheiss which had belonged solely
to the diocese and only been transferred to the council. Accord-
ingly, the bishop could ascertain its competence also over against
the court of the official. The bishop therefore demanded that the
council remove all the novelties it had permitted to the
Schultheissengericht and recognize testaments, wills, gifts, bonds,
and so forth, to occur in the province of a spiritual court just
like the agreements entered before a secular court. The city
council retorted that the office of Schultheiss had at one time
been mortgaged to the city and that therefore it would have no
one interfere with its jurisdiction in secular matters. The
Unzüchter, it noted, had already existed before the mortgaging of
the office of Schultheiss.

The above negotiations took place before a court of arbi-
tration in 1466. To the episcopal complaints, newer ones were
added which would have amounted to a restoration of episcopal
control over the city as it had been set in writing by Bishop
Heinrich von Neurenburg. Venningen demanded adjudication of the rights of law in the city, of minting money, and raising taxes—totally anachronistic demands. The city council referred to its imperial privileges and drove the point home by saying that Basel would not have been able to help the bishop out of his past financial predicament had it not had the right to mint money and levy taxes, a fact of which it was later to remind Christoph von Utenheim.

In 1471 the court of arbitration finally concluded its proceedings with an attempt at reconciliation which was favorable to the existing situation in the city of Basel, and which the bishop refused to accept. The dispute was quickly overshadowed by the Burgundian war. Venningen's successor, Bishop Kaspar zu Rhein was the next one to take up the struggle.

Throughout the seven-year struggle of the Burgundian War in which it did not play a major role, Basel had stood firm. With the end of the war the alliance of Austria, the Swiss and the Alsatian cities began to fall apart. Basel, despite its desire to maintain close links with the cities of Alsace, was once again isolated, and faced pressure from the new bishop Kaspar zu Rhein on the rights of sovereignty (Hobeitsrechte) as well as demands from the empire.

Bishop Johann von Venningen died at the end of 1178, and the cathedral chapter had elected the custos of the cathedral, Kaspar zu Rhein, to succeed him. Bishop Kaspar declared his intention of redeeming the mortgaged office of Schultheiss, and deposited 2,000 gulden in Basel for this purpose. The city of Basel refused the offer. Attempts at mediation failed, so the bishop brought the matter to the attention of the emperor. So did the city, which swore against the bishop that the latter wished to cancel Basel's obligations to the empire as a free imperial city and take it out of the empire. The imperial Kammergericht took the case under consideration. The city of Basel now undertook to get in the emperor's good graces. It surrendered the rights which it had as one of the seven free imperial cities to pay no imperial taxes to the empire and render it no services save for imperial coronations or military expeditions against unbelievers. Basel indicated its readiness to render military assistance to the emperor at his pleasure, provided such service did not go against the empire. In return, the emperor was to guarantee the privileges of the city; Basel obtained its desire in an imperial privilege dated August 19, 1188.

On the other hand, Basel's relations with the Swiss Confederation were not easy. Basel's connections with the Alsatian cities had to be considered. But added complications resulted

from differing approaches to the Burgundian affair and relations with France. There was added tension because control of the Austrian lands on the upper Rhine passed from the hands of Duke Sigmund to Emperor Maximilian who now pressed Basel with full Austrian and imperial power.

The sense of disquiet in Basel had several causes. The emperor made heavy demands for men and money in the name of the empire. The situation on the upper Rhine was confused, while France's intentions were unclear. Internally, there was the ongoing dispute with the bishop over the rights of sovereignty in Basel, and complaints about high taxation as well. This led to distrust of the council by many of the citizens. Popular discontent continued to fester with the discovery that public funds had been embezzled, and that haughty and self-seeking parvenues on the council had thereby enriched themselves. The opposition to this pro-imperial, oligarchic power in the council formed a pro-Swiss and anti-imperial party which after a criminal process had been concluded against the corrupt councilors, strove for good relations with the Swiss. At the head of them stood Peter Offenburg, nephew of the former chief guild master, Heman Offenburg.

This was the situation in Basel at the outbreak of the

Swabian War in 1499. The conflict broke out because Emperor

The conflict is known as the Swiss War or the Swabian War depending on whether one views it from the perspective of German or Swiss history respectively. On Maximilian's immediate predecessors as Holy Roman Emperors see Bryce, pp. 352-356.
Maximilian demanded that the Swiss submit to the demands of the Reichskammergericht, but the real reason, of course, was that the emperor wanted to forcefully clarify the relationship between the Holy Roman Empire and the Swiss once and for all. The imperial government demanded Basel's help in the project, and the majority of the Alsatian cities promised to come to Maximilian's aid. For their part, the Swiss requested that Basel help them.

In the city council of Basel, imperial and Swiss parties were divided, and there were a great number of neutrals as well. The latter won the day, and the majority of the council declared that Basel would be neutral. First, if they supported Maximilian, they would lose land to the Swiss and leave the Sundgau open to enemies of the empire. Secondly, Basel, since it was an imperial city,
could not honorably take up weapons against the empire on behalf of a party (the Swiss) to which it was under no obligation. Even when the Swiss were victorious over the imperial forces at Dornach and asked for the city's help in an invasion of the Sundgau, Basel remained neutral.

The defeat of Maximilian's forces led to peace negotiations in Basel under the mediation of Duke Lodovico Sforza of Milan. The ensuing peace led to the quiet dropping of the imperial demands. Although Basel was ostensibly included in the peace, it had earned the hostility of both sides. The Alsatian cities were angry at Basel for leaving them in the lurch. Although the old relationship between Alsace and Basel existed on paper, its spirit was gone. Bands of soldiers roamed through the Sundgau and Breisgau, sealing off Basel's lines of communications. They stirred up unrest in territories such as Rheinfelden against Basel's rule. The empire and Austria looked benignly on and were content to leave Basel to its fate. Basel-Land had already been drawing away from the city and now, egged on by Solothurn, was threatening to leave Basel in a parlous state indeed.

Under these circumstances, the Swiss party in the city stood on firmer ground. The few nobles who had still remained on the council were away or left freely. The burgomaster, Hans Imer von Gilgenberg, under suspicion of being secretly pro-Austrian, was dismissed. Then Hartung von Andlau resigned the office, and the last knight left the city hall with him. A knight could no longer
become burgomaster. The council named Lienhard Grieb to take his place. The following year, he was succeeded by Ludwig Kilchmann, the brother-in-law of Peter Offenburg. The latter took over the office of chief guild master in the same year. The gradual transition to membership in the Swiss Confederation took place under the guidance of Grieb, Kilchmann and Offenburg. True enough, membership in the Swiss Confederation placed Basel outside its natural geographical area. But the people of Basel had to consider the chaos of the empire as well as the impotence of its former Rhenish allies and the uncertain intentions of neighboring powers like France. Practically speaking, there was concern about Basel's inability to effectively control her subject territories: there was always the risk that she would lose them to the Swiss Confederation. So Basel entered into negotiations with the Swiss.

The question was whether the Swiss, for their part, would be now as willing to accept Basel into the Confederation as they had been during the Swabian war. There was reason to be doubtful about this. A case in point was the covetous eye which Sclothurn, Basel's old rival, cast upon Basel's territory. Basel did not want to run this risk, so it asked for a diet in Zürich for supervision of the forces threatening it. But the ensuing negotiations were wider in scope. The attitude of the Swiss was favorable, and the question of a perpetual alliance was brought up. Basel accepted the friendly overtures of the Swiss, and a conference on union between Basel and the Swiss Confederation took place in the city at the head of the Rhine on March 21, 1501.
The omens were indeed favorable, for the Swiss had just won an impressive victory over the empire. The path to the Sundgau and Breisgau was opened to them with the entry of Basel into the Swiss Confederation. The upper Rhine was now open to Swiss influence. The cities of Alsace and the Black Forest would now be held in check. The Swiss stated that there must be free access to the upper Rhine in a protocol of the diet to Basel. Basel agreed provided that it had an equal position with the eight old cantons, a condition which up to that point Fribourg and Solothurn had refused. Basel was now to take precedence over these two cities in the Swiss Confederation. Two other conditions of the agreement were noteworthy. First there was the so-called article of neutrality, by which Basel was obligated not to take sides in disputes between cantons. The eight old cantons had sworn to the same condition in 1191. Second was the article that when Basel came into conflict with anyone and the other side asked the Confederation for mediation, Basel would have to accept it. The Baslers were to have cause to regret this during their conflict with Bishop Jakob Christoph Blarer von Wartensee during the Counter-Reformation in the later part of the sixteenth century.

During the negotiations for a definitive version of the agreement between Basel and the Swiss, Emperor Maximilian sent the

43 Viz., Uri, Schwyz, and Unterwalden (1291), Lucerne (1332), Glarus (1351), Zürich (1351), Zug (1352), Bern (1352). Solothurn and Fribourg had entered the Eidgenossenschaft in 1191.
council of Basel letters mixed with threats and promises: they were of no avail.Ironically, Basel chose July 13, 1501, feast of St. Henry the Emperor, as the date for taking its oath to the Swiss Confederation.

The atmosphere in the city was festive. The ambassadors of the Confederates, the city councilors, and the leading clerics of the city entered the Münster in procession behind the relics of Henry and Cunigunde. High Mass was celebrated, and the scene then shifted down the hill to the Rathaus. After the reading of the letter of alliance by the Zürich city secretary, burgomaster Heinrich Roist of Zürich gave the oath in the name of the cantons. All the Basel councilors and citizens swore to it and the bells of the Rathaus and churches rang. At last, Basel was in the Swiss Confederation.

Basel was now the main center from which the Swiss Confederation could direct its energies toward the Sundgau and upper Rhine. But there were other factors as well. Ever since the Council of Basel, the city had gained an increasing reputation abroad and consciousness of its importance at home. The founding of the university helped the city to develop a sense of its own spiritual and intellectual independence. Professors of the faculty of Law became city secretaries and legal consultants for the council as well as private citizens. They also were advocates in the courts to which they brought their expertise in Roman law. The medical faculty supervised the examination and licensing of doctors, surgeons,
pharmacists, and midwives, and insured that the office of city physician was filled by a competent individual. The faculty of arts had a wide range of interests, ranging from philosophy and classical research to poetry and grammar. All things considered the university greatly added to the luster of Basel's international reputation, and made the city on the Rhine a mecca for the humanists, especially since there were other ancillary factors to consider such as Basel's pre-eminence as a publishing center.

The first printers in Basel were learned men as were their employees who had to be able to decipher the texts of classical languages which humanists like Erasmus submitted to them. In St. Alban's valley there were paper mills and printing presses in all parts of the city. The early printers like Berthold Ruppel, Michel Wensler, and Bernhard Richel were succeeded by giants like Johannes Amerbach, Johann Bergnian von Olpe and the greatest of them all, Johannes Froben, as well as Episkopius and others. Basel's fame

as a publishing center spread in direct proportion to the rise of the flood tide of Humanism in northern Europe late in the fifteenth and early in the sixteenth centuries.

The number of humanists attracted to Basel can be matched by few other places in the Germanies. First there was the towering figure of Johann Reuchlin who learned Greek in Basel when he was in his twenties. This set the basis for his later fame as a Hebraist. The tradition of Hebrew studies later flourished at the university under the aegis of Konrad Pellikan, the noted Hebraist and later reformer.

The chief humanist of Basel at the end of the fifteenth century was Johann Heynlin von Stein. He first came to Basel in 1464 to re-organize the faculty of arts at the university. He was busy at this endeavor for some time, went to Paris, and returned to Basel in 1474 as a priest at the Münster: Humanism had become too worldly, he thought, and so he entered the strict Carthusian monastery in 1487, and died in 1496 leaving behind an important collection of books.

There also was the Strasbourg native, Sebastian Brant, who came to Basel in 1475 where he lived happily until the city entered

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16 For a brief note on Stein and his activities, see McNeill, pp. 10-11.
Switzerland. While he was at Basel, Brant exhibited the talents of a true Renaissance Man. He was professor of Roman law, advocate before the episcopal court of the village mayor (Schultheiss), as well as the author of popularizations of legal works. In addition, he edited the works of Petrarch, of Felix Hemmerlin, and, finally, in his capacity as poet, praised the Holy Roman Emperor. His most famous work was The Ship of Fools.

Space does not permit a detailed consideration of the full flowering of Humanism in Basel in the sixteenth century. We shall later examine the relationship of the Prince of the Humanists, Erasmus, to the bishop of the city. The activities of the learned circle of citizens of Basel around Erasmus (for example, Bonafatius Amerbach) is worth the work in itself.

This period of the flourishing of culture in Basel was one of economic prosperity as well. Great merchants, like Heinrich Halbysen and Lienhart Grieb, came to prosperity as far back as the mid-fifteenth century. Thus as Christoph von Utenheim ascended the throne of the Bishops of Basel in December 1502, Basel was at the height of its fame.


CHAPTER II

A PORTRAIT OF CHRISTOPH VON UTEHEIM

Christoph von Utenheim was born of a lower Alsatian noble family of Ramstein origins at Strasbourg about 1450. 1 His father, Hans von Utenheim, was the house master (Hofmeister) of the bishop of Strasbourg. 2 Although Herzog says that it is not known where he received his education, 3 the editor of the Matrikel of the University of Basel states that he was at Erfurt in 1460, and it appears likely that Christoph completed his studies at this center.

1 The exact date of Christoph's birth is difficult to ascertain. BS under the year 1519 notes, "... Christophoro Episcopo emerito jam septuagenario" which would make the date 1449. The chronicle of the Basel Carthusian George Brugg, "Narratio rerum, quae reformationis tempore Basileae et in circumjacentibus regionibus gestae sunt," in Basler Chroniken, Vol. 1, eds. Wilhelm Vischer and Alfred Stern (Leipzig, 1572), pp. 309-429. (Hereafter "Basler Chroniken," notes on p. 414 for March, 1527, "Et tandem, cum fere octogesimum attigisset, amnum post diutinam podagrae vexationem vivis excessit. . . ." Herzog gives no date of birth. From the evidence it thus seems quite wrong for Vautrey to state that Christoph "avait soixante-dix ans d'age," at his death in 1527, (p. 82). It seems best to set the date of birth at 1450 or even earlier. Vautrey states that Strasbourg was Christoph's "ville natale" p. 57.

2 Wackernagel, III, p. 87.

3"Wo er die Würden eines Magisters der freien Künste und eines Doktor des kanonischen Rechtes erlangt, wird nicht gemeldet." Herzog, p. 35.
of nominalism. He enrolled at the University of Basel on May 1, 1473 during the rectorate of George Fuchs. 1 Immediately following Fuchs's tenure, the Matrikel notes that on October 18, 1473, "the noble and famous scholar of pontifical law, master of liberal arts, the lord Christoph von Utenheim in Ransstein, provost and canon of the collegiate church of St. Thomas in Strasbourg was elected and likewise called as rector of this famous Basel university of liberal studies." 5 Christoph was rector of the university from October 18, 1473 to April 30, 1474. While sixty others enrolled with him under Fuchs, some seventy-six persons enrolled while Christoph was rector.

On September 10, 1473, the provost of the chapter of the collegiate church of St. Thomas in Strasbourg died, and Christoph was named to take his place. This was not an extraordinary step, for the fifteenth century at St. Thomas was a period during which many of the canons were skilled jurisconsults and canonists. Utenheim was a doctor in civil and canon law. For example, Johann Sinler, a knowledgeable jurisconsult, was an official under Bishops Robert and Albert of Strasbourg. In 1482, under Bishop Albert, he was chosen together with his colleagues of St. Thomas, Christoph von Utenheim and Melchior Königsbach, to make a visitation of the diocese of Strasbourg for the purpose of inquiring into the morals

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5 Ibid.
of the diocesan clergy. Christoph's via dolorosa on this unsuccessful reforming effort did not stop him from trying to reform the diocese of Basel at a later time. Utenheim had been resident in Strasbourg in 1480, as is evidenced by the testament of Canon Paul Munthart of May 6 of that year. Munthart left his library of books on canon and civil law and theology to the chapter, and Christoph witnessed the will.

6See Charles Schmidt, Histoire de Chapitre de Saint-Thomas de Strasbourg pendant le Moyen Âge (Strasbourg: C. F. Schmidt, Libraire, Rue des Arcades, 1850), p. 192. Hereafter noted as "Chapitre." Geiler von Kaysersberg, concerning whom more will be said below, was also along on this visitation, as Wimpfeling reports. The party met with stiff opposition in this reforming effort which had been enjoined by a synod at Strasbourg in 1482. See Jakob Wimpfeling/Beatus Rhenanus, Das Leben des Johannes Geiler von Keysersberg, ed. by Otto Herding (München, 1970). (Hereinafter "Herding," pp. 81-82, where Wimpfeling speaks of Geiler as follows: "Nec solum a monasticae sed etiam a nostrae professionis hominibus injurias et persecutiones passus est. Dum enim cum aliis integerrimis praestantissimisque viris Christofero * munec Basiliensium episcopo *, Johanne Symler iureconsultis et Helchiore Kunigsbachio theologo iussu et auctoritate praesulit Alberti episcopatus visitationem coepisset, unus sibiipsi conscius * multis praebendis sed pluribus spuris operatus * ilia sua sequine se confosurum sancte iurabat, alius se praebendam suam (cu num contionatoris annexum est) * Romae * apud primam sedem impetraturum minabatur. Passus est etiam insidias usque ad sanguinem a cogitatis cuiusdam magni iureconsulti, cuius ultimam voluntatem constantissine tueri * contra episcopi communiam * moliebatur." Wimpfeling goes on with a catalogue of the trials visited on this hardy band of reformers. Concerning Bishop Albert of Bavaria who reigned in Strasbourg from 1478-1506, and who had sent this group of Daniels into the clerical lions' den of the diocese of Strasbourg, see L. G. Glockler, Geschichte des Bisthums Strasbourg, 2 parts (Strasbourg: X. H. Le Roux, 1879), Part I, pp. 333-344. On his reforming synod of April, 1482 which doubtless made a strong impression on the young Christoph, see ibid., pp. 334-336. Hereinafter referred to as "Glockler."
Christoph resigned the position of provost of St. Thomas in 1494 in favor of his nephew, Melchior von Baden. Utenheim probably resigned the position because in the same year Jacques d'Amboise, abbot of Cluny, made him vicar-general of the Cluniac monks in Germany, "with special charge of the monastery of St. Alban's until an administrator should be appointed." Utenheim was also administrator of the priory of St. Ulrich and of the convent of Salden in the Breisgau at this time. Christoph took his position as head of the Cluniac order in Germany seriously. Amid all the burdens of the bishopric of Basel, Christoph found time to exercise his responsibilities as monastic superior for Cluniac foundations.

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7 Melchior in turn resigned the post in 1499.


9 See Vautrey, p. 58.

10 See George F. Duckett ed., Visitations and Chapters-General of the Order of Cluni, in Respect of Alsace, Lorraine, Transjurane Juracond (Switzerland), and Other Parts of the Province of Germany from 1269-1529 with Notices of Early Cluniac Foundations in Poland and England (London, 1893), pp. 371-372 where there is the Latin text of a letter from Christoph of March, 1517 nominating a prior to the convent of Feldbach in the diocese of Basel. See also P. Bonaventura Egger, Geschichte der Cluniazenser-Kloster in der Westschweiz bis zum Auftreten der Cisterzienser (Freiburg/Schweiz: Verlag der Universitäts Buchhandlung Otto Gschwend, 1907), for general information on the Cluniac monasteries in Switzerland.
Utenheim also had another reason for resigning his position at St. Thomas's: in the same year, 1194, he was named custos of the cathedral at Basel, a position in which he distinguished himself for his frugal administration of the financial affairs of the hard-pressed diocese of Basel. A contemporary observer, chaplain of the cathedral at Basel, sketched a portrait of Christoph von Utenheim at this time:

His bearing in manner and appearance is that of a true prince. He is of handsome stature, and in the assemblies of princes surpasses his colleagues in his stature, manner and stance. Doctor of canon law, skilled in sacred and profane letters, he has a marvellous partiality for knowledge and men of learning. Of excessive humility, he cannot bear to wear garments of silk. He is not acquainted with either the sloth or display or the delights of the world: he spends his time in meditations and study. Sweet, affable, welcoming to all, of a grand severity of manners, he gives to the clergy and people the example of a holy and pure life. At the hours of celebration, he usually chants the divine office; when his physical powers began to give out because of old age, he had himself brought and supported at the altar by assistants.12

With Christoph's life centered upon such a profoundly liturgical piety, it should be no surprise that when the reformers returned ad fontes of Scripture, Utenheim would (and did) remain oriented

11 Herzog, p. 35.

12 Quoted in Vautrey, p. 58. ES also notes Christoph's deep devotion to the liturgy of the Roman Catholic Church, a type of piety which was unusual for the time: "Solemn habuit festis diebus rem divinam facere, moris sui & pietatis ad extremam usque senectam retinentissimus, ad aram deductus, quia prae virium defectu pedibus niti non valebat, familorum humeris sustendandus." P. 346.
TWO PORTRAITS OF CHRISTOPH VON UTHENHEIM

Figure 1
Figure 2
to the time honored *lex orandi, lex credendi* principle which anchored him to the liturgical practice and therefore the belief of the Roman church even when the storms of Reformation blew their hardest. Suffice it to note at this point that Christoph's contemporaries singled him out for his liturgical and devotional practices.

If the life of any man may be said to center upon a particular crisis, as Luther's did upon his crucial insight into St. Paul's epistle to the Romans, Christoph's "identity crisis" (if it is fair to use a twentieth century term in reference to a sixteenth century personality) may be said to have begun in 1498 or 1499 when, while contemplating the ruinous state of the church, he began to toy with the idea of a complete withdrawal from the world. The men whom he tried to interest in the venture, the Strasbourg humanist, educator, and sacerdotal reformer, Jakob Wimpfeling, and the fire-eating and equally reform-minded cathedral preacher at Strasbourg, Johannes Geiler von Kaysersberg, tell us much


11 For Geiler, see E. Jane Dempsey Douglass, Justification in Late Medieval Preaching. A Study of John Geiler of Kaysersberg (Leiden, 1966), especially pp. 1-63; L. Bacqueux, Un Reformatore Catholique a la Fin du XVe Siecle. Jean Geiler de Kaysersberg. Predicatore a la Cathedrale de Strasbourg, 1178-1510.
about Christoph von Utenheim through their own lives and characters.

A study of this episode and the personalities involved, an episode which ended with Christoph's elevation to the see of Basel, is suf­
cie...
their work, their reading after lunch, and
other things of that nature. I was instruct-
ed quite thoroughly.15

But nothing came of the project for in 1199, Christoph was named
administrator of the diocese of Basel, and in 1502 he was raised to
the dignity of coadjutor to the bishop of Basel, Caspar zu Rhein.
Caspar died on November 8, 1502, and the see of Basel became vacant.
The subsequent course of events made Christoph's cherished
project of withdrawal from the world an impossible dream, and, by
the fact that it involved him in worldly affairs to a profound
degree, led to personal tragedy.

The increasingly sharp struggle in Basel between city and
bishop for the rights of sovereignty (Hoheitsrechte) during the
late fifteenth century has already been considered (Chapter I).
Relations between Bishop Caspar zu Rhein and the city were bitter.
For example, in his will Caspar recommended that his successor

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15 This work of 1511 is reprinted in Riegger, pp. 112-126.
Reference is to p. 122. On the Dominican Lamparter see Jading,
pp. 23 and 27 have reference to the project. In a letter of
July 1507 to Jean de Hegneville, Wimpeling elaborates on the
contemplated withdrawal from the world into the Black Forest:
"Itaque firmiter apud me decreueram, cum paucis eiusdem propositi
comitibus, sub optimo quodam patrono & tanquam nostro patre-
familias, qui locum delegerat vitae necessaria pollicitus, saepe
litteris suis me vocauerat, reliquit beneficiis, in abstruse
herciniae silue remeritior, (fortassis ad S. Blasii) peccata mea
multa & magna residuis vitae diebus deplagere. At cum patronus
ille /Christoph von Utenheim/ ad alteriora vocatus, nobis inter-
ciperetur, spe mea frustratus sum," quoted in Riegger, pp. 305-306.
carry on the struggle with the city. In addition, when the cathedral chapter notified the Basel city council officially of Caspar's death, the council refused to guarantee the security of episcopal castles and lands during the vacancy in the diocese. This calculated insult did not bode well for the next bishop. It is therefore not surprising that during Christoph's reign the bishops of Basel lost the last vestiges of their secular authority in the bishopric of Basel.

The city of Basel, as has been seen, attempted during the fifteenth century "to place all inhabitants under the same obligation." All that remained when the city entered the Swiss Confederation in 1501 was to set aside the libertas ecclesiastica. The strongest center of opposition to the encroachments of the city council was the cathedral chapter which represented the entire clergy of the city and bishopric of Basel. Outwardly at least, the etiquette of relations between council and chapter had been set by custom. But there were tensions also concerning the council's inventory of the legacies of the clergy, the role of clerics in military service, and so forth.

These tensions naturally found expression in the politicking which took place before the new bishop's election on December 1, 1502. The cathedral chapter strove for a definite share in the

16Wackernagel, III, p. 86.
17Ibid., p. 81.
18Ibid., pp. 81-82.
governing power of the new bishop. The city of Basel, for its part, was also conscious of the excitement caused on the upper Rhine by the Swabian War and Basel's subsequent reception into the Swiss Confederation. Austria wanted to insure its influence in the Rhenish and Alsatian domains of the bishopric, so it had a definite interest in who the new bishop would be.  

Caspar's death in November, 1502, after a twenty-three year reign marked the end of a period of intense struggle between Basel and its bishop, a conflict which dated back to the Burgundian War. In addition, Bishop Caspar had come into conflict with Bern, the county of Valendin, and Solothurn. Although the Swabian War had had favorable results for the Swiss Confederation's expansionist policies, it was rather a mixed blessing for the bishopric. Through continued mortgages, episcopal territories were frittered away to Basel, which was, however, still almost surrounded by episcopal territory and itself concerned about the expansionist aims of Bern and Solothurn (see map in Chapter II). The sad state of the bishopric after the Swabian War led a few canons in 1500 to seek the resignation of Caspar zu Rhein. The latter had incurred some eighty thousand gulden in debts. They proposed that Christoph von Utenheim, who was at that time the administrator of the diocese, should take over control of the bishopric in tandem with the chapter.

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19 Ibid., pp. 86-87.
MAP OF THE DIOCESE OF BASEL

Figure 3
This was the state of affairs on the day of the election, December 1, 1502. The election took place in the Münster. The representatives of the city of Basel, Meyer, Kilchmann, and Rusch, were faced by the representatives of Emperor Maximilian, Leo Freiherr zu Stauffen, and many knights and lesser figures. The Austrian candidate was Johann Werner von Morsberg, son of the Austrian provincial governor, Freiherr Caspar. But Christoph was already administrator and coadjutor, had a good personal reputation, and, in short, held the advantage that incumbents always do.

On December 1, 1502, the nine canons assembled in the chapter hall for the canonical election. The chapter was eager to gain as much power for itself as possible in the governance of the diocese, and sought to attain this aim by an electoral capitulation.

However, the chapter was not united in its desire to curb the power of the bishop: four of the canons protested some of the

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20 See Ochs V, p. 255.
21 Wackernagel III, p. 87.
22 Cathedral provost Hartmann von Hallwil; Dean Hieronymus von Deiblingen, Christoph von Utenheim, custos, Johann von Hatstat, Scholasticus, Rudolph von Hallwil, Cornelius von Lichtenfels, Rudolph von Rinach, Dr. Bernolt, and Dr. Oglin, official. For this list and the citations concerning the electoral capitulation which follow see Paul Kubick, "Die Wahlkapitulation des Basler Bischofs Christoph v. Utenheim vom 1. Dezember 1502," in Zeitschrift für Schweizerische Kirchengeschichte, vol. XII (1918), pp. 58-54. Hereinafter noted as "Kubick."
articles on the day of the election. Among those signing the protest on that day were the two candidates within the chapter for the post of bishop, Johann von Hattstatt, scholasticus, and Christoph von Utenheim, custos. Most of the articles had to do with sacred administration, but Christoph knew well the difficulties which Caspar zu Rhein had faced particularly with regard to the position of the bishop of Basel vis-a-vis the emperor and the pope, and also the difficulty of supervising the lives of the loose-living nobility in the chapter. The ruin of Christoph's hopes for diocesan reform may be traced to the resistance of the canons expressed at the very beginning of Christoph's career. It is a measure of the ambiguity that so often afflicts human affairs that Christoph wondered whether the bishopric was worth having after all. Utenheim could easily have sworn to the articles limiting his authority, and then (supported by canon law) reneged on them after his election. It is indicative of his integrity that he made his opposition to the majority of the canons clear from the very beginning, despite the danger that this might create hostility to his candidacy among the majority of the chapter.

On December 1, 1502, after Dean Hieronymus von Weiblingen had celebrated Mass in the cathedral, the election was supposed to

23 On the first ballot, Hattstatt had four votes and Utenheim three votes (undecisive). Hattstat then withdrew in favor of Christoph von Utenheim who was elected by the chapter. Kubick, p. 60, n. 5.
take place. But the electoral capitulation was first laid before the nine canons so that they could swear to it. Both Halwils, Doctors Bernolt and Giglin, as well as Dean Weiblingen swore to the whole capitulation, while custos Utenheim, scholasticus Hatstat Rinach, and Lichtenfels swore to it under protest and only conditionally. The majority had added a few articles to insure their influence upon the episcopal administration, and to place the newly elected bishop under their tutelage.

The capitulary articles in dispute were glossed by Utenheim, and his comments show that he desired to "undertake the administration only under really favorable conditions." The first, article three, reads:

Item. Should a bishop wish to have a council at Basel or elsewhere, two canons appointed by the chapter for that purpose should sit at that, and whether a lord would wish or hear or negotiate any affairs having to do with the city, (that) then he should negotiate concerning that in the presence of and with the knowledge and consent of those assigned by the chapter for that purpose.

Utenheim's gloss on this is:

The first article in German is limited in new concepts in the end, 'and negotiate with their counsel and help what might be most useful to the diocese,' in place of those words 'and should negotiate with their knowledge and consent'.

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24 Kubick, p. 62.

25 Item ein her soll ein rot zu Basel oder anderswo haben, darin zwen Thuiribhern, vom Capitel darzu geordiniert, sitzen sollent, und ob ein her uswendig der stat treffenlich sachen hören oder handeln wöllt oder würd, das dan darzu die vom Capitel geordneten beschickt und in irem bysin und mit irem wissen und willen handeln sülle. Quoted in Kubick, p. 62.
would follow others, 'a bishop might negotiate nothing without their will' which would be absurd.26

In the official protest the minority wrote that the article was agreeable. The minority asked that "and consent" be removed since it should be negotiated despite their consent, else there would be no need of counsel.

Article six of the capitulation states that a bishop should not hire or fire any servant such as vicar, official, house steward, chancellor, bailiff, and steward of the same in castle and city without the knowledge and consent of the chapter.27 In his gloss to this, Christoph says that the article as presented is against free administration and also against custom; furthermore it would be a seedbed of many controversies scandalous for the bishop, nor is it placed among those cases in which the consent of the chapter should be required. Wherefore, there should be an honest limitation, that is to say, a lord (the bishop) should accept the expressly appointed servant just as he holds something to administer with advice or knowledge of those who have been so appointed for him by the chapter. Should there then be the case that a chapter may have cause to make

26Primus articulus in novis in vulgari conceptis limitetur in fine "und mit ieren rot u. hulf handlen, das der stift das mitzlichest sin mag" in locum illorum verborum "und mit ieren wissen und willen handlen soll" alias sequeretur, ein her on jeren willen nit handeln möcht, quod esset absurdum. Quoted in Kubick, p. 62.

27Kubick, ibid.
a citation in that matter, that a servant would not be useful or honorable, that in that case the bishop should and would be willing to change him.

The protesting minority stated that article six appeared to be unreasonable, and that it was necessary for Christoph's modification to be adopted lest someone of scandalous or dubious reputation might gain a position. Article seven of the capitulation states that the bishop should not lend the office in spiritualibus as well as the other offices of the notary which have become vacant through the death of Bishop Caspar without the knowledge and consent of the chapter or their deputies. Utenheim's response was as before, namely, that there should be a limitation imposed because the bishop bestows offices of this sort, and reserves them in accordance with the convenience, advantage, and utility of the church, and of necessity insofar as he is held to this. The protesting minority of the canons agreed with Christoph.

Article eight, proposed by the majority of the chapter, states that the bishop should swear and obligate himself to pay and release all the tithes with their principal property because of the chapter having set the condition for the sake of the bishopric, and for its security he should pledge as a suitable guarantee to the chapter the castle and city of Porrentruy with all revenue and

28Ibid.

29Ibid., pp. 62-63.
and appurtenances thereto in the best condition. This is to be the case, just as the administration of said castle and city presently and in perpetuity, whether the aforementioned tithes and principal property are paid or not and released or not, should be determined by the bishop and chapter in common, and be able to be used with much or little income by the chapter or its deputies (with believing credence of the chapter), that both bishop and chapter should act in their administration as one lord. The bishop is to bind his servants to uphold the principles of this dual administration.

Utenheim agrees with the first part. Until the tithes are paid and the principal property is released, the castle and city of Porrentruy should belong to the bishop and chapter in common. But the mortgage relationship should halt subsequently, for it would be against episcopal dignity. Christoph notes:

I indeed confess that all the property of the church of Basel is common to bishop and chapter but they are divided as to administration and so to episcopal as to capitular property, wherefore this little clause of this sort should be removed.\(^{30}\)

In conclusion, referring to the free reception of money by bishop and chapter in Porrentruy, Christoph remarks that it should be added

\(^{30}\)Ibid., p. 63.

\(^{31}\)Fater quidem omnia bona ecclesie Basiliensis esse communda episcope et capitulo, sed sunt divisa quo ad administrationem et ad mensam tam episcopalem quam capitularem, quare huiusmodi clausula tollatur. Quoted in Kubick, p. 63.
but with the security that it not damage bishop, diocese, and castle. The minority of the chapter state that the castle and city should not now and hereafter remain in the common administration of bishop and chapter, but instead remain as they have been traditionally.

In general, article nine treats of feudal tenures becoming vacant which the bishop should not further lend out, but keep fiefs for the diocese. Christoph only objects to the end of the article which says that such tenures should be granted with the counsel, knowledge, and consent of the chapter. Utenheim and the minority object to the chapter having to give its consent.

Article ten lists the names of a number of foresworn fiefs which should be specially reserved to the diocese. Utenheim and the minority of canons on his side give the same reply as to article nine.

Article eleven states that the chapter has reserved some things to the bishop and the canons, and that should they in the future wish to change or mitigate some of the articles, they should not do so forcefully, and that the changed articles should not cause the bishop to violate his oath. Utenheim notes that he has helped to write the article. 32

Christoph and the minority of canons conceded article twelve which says that the episcopal seal should be attached to the documents for the validity of the sworn articles. Article thirteen

32 Ibid.
states that the bishop should not seek from the apostolic see or any other ecclesiastical authority a dispensation from the articles to which he has sworn, and to admit that were he to do so, his oath would be changed. Christoph only notes that the Holy See's will is to be respected. At the conclusion of this series, Christoph states that he has sworn to the capitulation under the above conditions.

Before he could become bishop in fact as well as name, however, Christoph had to pay the annates to the Holy See. Negotiations between Rome and Basel dragged on. Christoph borrowed part of the money from the Fuggers in Augsburg and the Ingolts in Strasbourg. He also received financial assistance from the local bishops, and the Swiss representatives in Rome. Finally, on March 8, 1503, Christoph von Utenheim received the requisite papal provisions from Rome. On May 2, he swore on holy relics in the Münster to a revised capitulation which limited the powers of the chapter. The text of the capitulation cited above shows Christoph's fine-honed legal mind, and his desire to safeguard proper episcopal freedom of action.

But Utenheim's difficulties were not only with the corrupt and intransigent chapter. He also went through a profound inner personal struggle as to whether he should accept the burden of the bishop's staff. An insight into Christoph's frame of mind about the time of his election is provided by a letter of Wimpfelting to Utenheim. Christoph's letter to the Strasbourg humanist has not
survived, but Wimpfeling's reply to Christoph is extant. Utenheim wrote to Wimpfeling asking whether he should accept the bishopric of Basel which had been offered to him. The latter starts his reply to Christoph by sourly noting Christoph's opposition to him, as a result of which he has lost all his benefices. As has been seen, Christoph was a frugal administrator of the diocese of Basel, and in his opposition to the curse of non-residency and pluralism was entirely even-handed. Wimpfeling's complaint illustrates that not even Christoph's friends were immune from his reforming zeal.

Wimpfeling notes that Geiler had advised Christoph against accepting the office of bishop, since all reform was hopeless. He goes on to say that, "if there should be need for you to recover church lands, then you would be put in the position of giving an opportunity to your successors to live in excess." But Wimpfeling

33 See G. Knod, "Neun Briefe von und an Jakob Wirpfeling," Vierteljahrschrift für Kultur und Litteratur der Renaissance, Vol. 1, pp. 233-236, for the Latin text of Wirpfeling's letter to Christoph. Hereinafter "Knod." The letter is undated; Knod offers 1501 as a possibility. In the light of the electoral capitulation of 1502 with its expression on the chapter's side of a desire to limit episcopal authority, and Christoph's point by point rebuttal of the canons' pretensions, it would appear that Wirpfeling's letter should instead be dated sometime in 1502, probably after Christoph became coadjutor (and thus a logical candidate for the episcopal succession) and Caspar zu Rhein's death in November of that year. The parties in favor of reform on the one side and maintenance of the status quo in the chapter, had probably drawn their respective lines before Caspar's death. Thus mid or late 1502 seems a better date for the letter.

34 Knod, p. 234.
assures Christoph that he will enter on his office canonically elected and in a pious frame of mind. Utenheim should not worry about this because he would be a bishop of known virtue, "as you have been in the past and I trust that you will be in the future."

Wimpfeling then goes on to catalogue the men with whom the new bishop should surround himself. First is the officialis who interprets the law and exercises judicial power. Second is the suffragan who confers orders, consecrates, and so forth. The third is the preacher who sows the word of God, and the fourth, the vicar for spiritual matters, who resolves all doubts in ecclesiastical affairs, crises in the forum of the soul, and corrects the clergy. Upright men must be found to fill these offices, and "there will be times that you yourself will have to confer orders and admonish and test the principles of rural deans, even if your curates be fit."

Wimpfeling goes on to say that he considers the business of supervision to be extremely important. For canons and vicars are perfectly capable of doing enormous harm to the church:

How can they so exhort /the laity/ when they are the first and the last in the taverns; when they roll dice all day; when they brawl and blaspheme; and when they support notorious prostitutes at home? How are they going to deter the laity from fornication, adultery, and concubinage?35

As Lewis Spitz points out, Wimpfeling's writings often sound like a broken record on the subject of the scarlet letter of concubinage, 36

35 Ibid.
36 Religious Renaissance, p. 53.
and his remarks here are no exception.

Although Christoph's motivation for calling the reform synod of Basel in 1503 may be traced back to his youth in Strasbourg, the proximate cause might lie in Wimpfeling's mention here of yearly synods such as those in Speyer, Worms, and Mainz, "the transactions of which are sooner or later stripped of all useful meaning."

Utenheim's friend goes on to say that his being called to the episcopacy is of God, but notes that Geiler "does dissuade you because you are a devout man and the best of men." But he sensibly points out that were Kaysersberg's advice to be accepted, "then no one would dare assume any bishopric because Kaysersberg's concerns apply everywhere."

Wimpfeling then begs Christoph not to abandon him lest he be driven to mendicancy. After this momentary lapse into special pleading, the Strasbourg humanist reports a bit of gossip concerning a mysterious personage who is a candidate for the bishopric:

I understand concerning whom you write, him whom you would not be afraid to see enter into service. He who was with us, Kaysersberg, said to me that this man, mentioned right above, said to him, 'I have heard that the bishopric of Basel has been offered to Christoph von Utenheim, and that he is of two minds about

37 The person referred to is probably not Johann von Hatstat, the other candidate within the chapter, because he was in favor of reform, and, as has been seen, not only withdrew from the episcopal election in Christoph's favor, but also supported the latter's reservations concerning the capitulation. Wimpfeling might possibly be referring to Johann Werner von Hörnberg, the Austrian candidate for the bishopric. But this is conjecture. The mysterious individual might be someone else.
the offer, and is hesitant about it. If it were thus offered to me, I would accept it.\textsuperscript{38}

Wimpfeling then says that this person is to be feared, "because he is cunning and full of craft." He might contrive to gain the support of the pope, "whom he has eating out of his hand," and, should he gain the support of others of the Alpine population, a schism or his election might be the result.\textsuperscript{39}

Christoph's friend now turns his attention to the problem of the reform of religious, "and most especially the non-reformed mendicants," who are engaged in the cure of souls and are of course exempt from episcopal jurisdiction. He goes on to discuss the reform of the mendicants, and concludes by stating, "I am about to write more on the subject in the future." Here the author is referring to his "Reconciliation of Curates and Mendicant Friars.

An Elegiac Poem Soothing the Discord and Dissension Among Christians of Whatever State, Dignity, or Occupation."\textsuperscript{40} Wimpfeling dedicated

\textsuperscript{38}Knod, p. 235.

\textsuperscript{39}Et profecto timendum est, quoniam homo est versipellis, plemus astu, qui si inniti volet potestati rhomani pontificis, quem ad manum habet, et forte possit etiam pro se inducere aliqus de popularibus alpinatibus. Tum revera aut scisma futurum esset: sicut olig in Constancia aut homo voti sui compos efficeretur. Knod, p. 235.

\textsuperscript{40}Concordia curatum et fratum mendicantium. Carmen elegiacum deplangens discordian et dissensionem christianorum cuincuncum status, dignitatis, aut professionis," of which the dedicatory epistle is in Riegger, pp. 219-221. Riegger says, "No year or place of publication. But it seems that it was edited at Strasbourg in quarto." From the evidence of Wimpfeling's epistle in Knod and the fact that the dedicatory epistle of Wimpfeling in
this work to Christoph. His opening epistle is quite fulsome.
The author addresses Christoph as one exercising the responsibili-
ties of a bishop. He expresses the hope that the bishop is
seriously pursuing his pastoral responsibilities while not indulg-
ing himself in worldly pursuits. In this way, "you would be seen
to be pursuing the venerable paths and quite proven ways of the
bishops of old." After this there follows a whole galaxy of
patristic luminaries, in addition to hagiographical comments on
past individuals who have held the sees of Regensburg, Bamberg,
Worms, Magdeburg, Freising, Trent, Speyer, and Strasbourg: Basel
is conspicuous by its absence from the list.

Wimpfeling then addresses himself to the problem presented
by the mutual bickering of curates and mendicant friars. He states
that he has received a sermon from Rome dealing with this very
topic, and that he will share its wisdom with Utenheim. It is of
course appropriate that Wimpfeling dedicated this work on monastic
reform to Christoph, since the latter already had the responsibility
of being provincial of the Cluniac order in Germany, a position which,
as has been seen, he continued to exercise after he became bishop of
Basel. Wimpfeling concludes his dedicatory epistle with the follow-
ing comments:

If in these and all the other many duties of
a bishop (who does not will to be or be said
to be negligent), which duties are known
clearly to you from long and frequent reading,

Riegger speaks of Christoph as bishop of Basel, 1503 seems to be
the date of the "Concordia curatorum." The date given at the end
of the epistle in Riegger is the Ides of February MCCXXXIII (sic).
you will vigilanty look after the honor of God and the salvation of souls (especially your own), then you will in no small way increase the splendor and eternal glory of your family Utenheim. By no means will you be like those bishops who are now with us and who love arms, suits of mail, missiles, spears, comely boys, and the thrill of girls, while they neglect sacred learning, synods, meetings, visitation, the cure of souls, the supervision of the clergy (especially of curates), church music, the unity of sacred orders, honest clerics, and useful theologians. And thus, when these bishops lie dead, their miter, codex, and pastoral staff (which they rarely or never used in life) will be carved among the relieves on their statues and images. May God, our great and good Lord keep you safe and mercifully aid you in the happy government of the church.  

In the light of Wimpfeling's passing reference to synods above, it is not surprising that one of Christoph's first tasks upon becoming bishop was to call a reform synod (which is treated in this study). The report in most of the authorities that the city of Basel had the synodal statutes printed at its own expense is incorrect. Instead, the city council voted to Christoph and his clergy a vat of wine: perhaps they knew what the Basel clergy really wanted. Wimpfeling and Utenheim were the joint authors of the statutes. In a letter dated October 30, 1503, from Engental, Wimpfeling wrote to his friend Johannes Amerbach concerning the publication of the statutes. As the nature of the undertaking

\[^{1}\text{See Hartmann I, p. 198, n. 1.}\]

\[^{2}\text{Ibid., pp. 197-198.}\]
presented difficulties, Wimpfeling asked the Basel publisher that at
least Christoph's oration at the synod be printed, saying that it
would give Christoph peace of mind to know that his remarks had cir-
culated among the clergy in four or five hundred exemplars. The
statutes were printed by Froben in cooperation with Amerbach and
Petri. At the end of the published text of the statutes, the
physician Theodore Ulsenius addresses Basel in verse:

Seeing the majestic statutes of Basel's
bishop Christoph, you can justly say to the clergy:
Learn, priests, by what example
the hero Utenheim teaches
and by what devoutness he leads.
The fierce power of arms,
the haughtiness that comes with pomposity,
and foolish passion
motivate other leaders.
But the chasuble is greater than the coat of mail,
the tiara than the helmet,
and oh how the pastoral staff
is above the sword.
Therefore, the synod asks
with devout reverence that
all the virtues
of the devout prince live on.

But despite the high hopes for reform with which Christoph
entered upon his career as bishop, the course of events was designed

Regia Christophori cernens Basilea statuta
Frasulis, ad clerum dicere iure potes:
Discite presbyteri quo vos Ostenheimus heros
Admonet exemplo, qua pietate praefit:
Sollicitent alios armorum saeua potestas,
Pomparum fastus, stulta libido duces:
Casula loricam superat, galeamque thyara,
Huic pastoralis pro gladio baculus:
Vivere tranquilli virtutes principis ergo
Quaque roget synodus religiosa pia.
Quoted in Riegger, p. 232. The geographer Matthias Ringman,
of whom more is said below, also wrote a poem commemorating the
synod.
to frustrate his plans, and make him a tragic and lonely figure in the end. In the Austrian parts of the bishopric, the clergy was dependent on the nobility, while in the parts of the diocese belonging to the Swiss Confederation, there was outright insubordination among the clergy. In the city of Basel itself, the canons of the cathedral, as has been seen, were loathe to reform, the urban clergy was rebellious, and the exempt orders refused episcopal control. However, Wackernagel's report that a Basel theologian transformed the synodal statutes into a satirical musical sequence is incorrect.

The root of this clerical hostility may be found in the well-nigh universal malaise that afflicted Christendom at the time, the complete lack of enthusiasm for reform. But there was also personal animosity toward Christoph, and above all toward Wimpfeling who in his writings had mocked the Scots of Germany, the Swabians, and, as Wackernagel has it, "slandered the Swiss." To be sure, Wimpfeling had made many enemies through his writings. He was in Basel in 1503 and wrote a Flugschrift (broadside) on the bad German of the Swabians and the forward to the Amerbach Bible of 1504 while he was a guest in Christoph's palace. Even as late as May, 1518, Wimpfeling was trying to ingratiating himself with the Swiss. In a letter of

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45 Wackernagel, III, p. 88.
46 Ibid., pp. 88-89.
47 See Knepper, Histoire littéraire, and Spitz, passim.
May 11 from Sélestat, he wrote to Bruno and Basilius Amerbach and Johannes Froben saying, "I love Basel where I have been called by the bishop to come. I would wish to live and die there," if he had first answered the many libellous pamphlets printed against him.

But Christoph could not publish synodal statutes and attempt to bring his clergy to a consciousness of their spiritual responsibilities without dealing with the harsh realities of the tensions built up over the years between the city and the bishopric of Basel. There were other factors which also worked against the reform of the church. There was an atavistic desire to raise the prestige of the clergy, and to infuse new life into the episcopal power which, as has been seen, had been eroded in Basel during the course of the past century. "Strengthening of this power seemed to be the best means for improvement of ecclesiastical life in general." In working toward the goal of improving the position of the bishop with regard to the city, Christoph von Utenheim naturally ran into stiff opposition from the secular authorities.

The city council had allowed itself to be represented by deputies at both the election of Christoph (December, 1502) and his formal taking over of the see (May, 1503). It continued to honor him on festive occasions, but beneath the surface politeness, the harsh realities of a possible renewed struggle (like that waged

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48. The text is in Hartmann II, pp. 115-116.

49. Wackernagel, III, p. 89.
by Caspar zu Rhein) between bishop and city lay hidden. Christoph's personal integrity and high reputation for piety and learning were not supplemented by a willingness to engage in the dreary details of a struggle for raw political power. But if the events of the Reformation years in Basel up to Christoph's death in 1527 prove anything, it is that the bishop had lost control of the course of events. As has been seen, Christoph was also occupied by the concerns of the Cluniac order in German lands. In addition, as the new dawn of the Reformation broke upon Basel, Christoph faded into the twilight of old age.

Christoph had his disputes with the cathedral chapter, his chancellor, and his coadjutor. But above all, Christoph, though not temperamentally suited to be a prince-bishop in the grand style of his predecessors at Basel, attained more lasting renown by his relationship with Erasmus, "Prince of the Humanists," as well as in his patronage of the arts, and encouragement of young humanists like Beatus Rhenanus, Wolfgang Capito, Johannes Oecolampadius, Konrad Pellikan, and the geographer Matthias Ringmann. The latter, professor of cosmography at the University of Basel, gave Christoph private lessons in geography. Pellikan, a noted Hebraist and later reformer, speaks of daily conversations that he had with Christoph in 1505 during the course of which the latter asked him to give a short summary of Catholic doctrine which the bishop might then communicate to

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50 On Ringmann see Histoire littéraire, II, pp. 87-132. For Ringmann and Christoph see ibid., p. 115, n. 78.
his flock. Pellikan complied with Christoph's request, and wrote a three-part work which he admits basing on Franciscan and Dominican scholastic sources. Study of the fathers persuaded Pellikan that teachings like indulgences, purgatory, and confession did not have Augustinian or other patristic foundation. He states that Christoph was greatly pleased with the work and planned to publish it soon at a diocesan synod under his own name (Pellikan being after all younger than Christoph) for the study of his clergy. The project was abortive, for as Christoph explained to Pellikan, the priests in the Austrian domains of upper Alsace were adherents of the nobility, while the Swiss were unruly and resisted any reform. The canons of the cathedral were exempt from Christoph's authority, being immediately under the pope and their dean. If they could not be reformed, what hope was there for the lower clergy?

Pellikan's account tells us much of Christoph's burning zeal for reform, a zeal which blinded him to the harsh reality that to carry through a successful reform, moral persuasion was not sufficient in the face of the naked realities of power politics. This was something which Pope Clement VII recognized too late as he surveyed the havoc wrought by the Sacco di Roma in May, 1527, some two months after Christoph's death. To reform successfully, political power is needed to undergird spiritual or prophetic insight. Clement VII had neither a politician's power nor a prophet's insight, and was ruined. Christoph had spiritual insight and a

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51 Riggenbach, pp. 36-37.
prophet's zeal but, as will now be seen, lost jurisdictional power in the city of Basel. Although the practical result was that the city of Basel became evangelical, Christoph was left as a lonely witness to the Catholic tradition which could serve as his legacy to generations yet unborn.

In its relations with Christoph, the city council recognized that the period of intense struggle with a figure like Caspar zu Rhein had come to an end. The initiative lay entirely in its hands, and it proceeded to strip the bishop of his last rights of secular sovereignty (Hohseitsrechte) within the city. From the middle of the fifteenth century, the nobility and the aristocratic Achtbürger had occupied an increasingly minor role in the affairs of Basel.

But as long as the last knights, Hartung von Andlau and Hans Imer von Gilgenberg, belonged to the council, an occupation of the position of burgomaster (Bürgermeister) by the nobility in an emergency situation was still possible. Both men retired from the council in 1499. Council and bishop helped themselves in 1500 and 1501 through the election of the Achtbürger Ludwig Kilchman and Peter Offenburg as representative governors of the office of burgomaster. But when in 1502, Peter Offenburg (who meanwhile had become a knight) was appointed by the council as burgomaster, Bishop Caspar zu Rhein objected. He refused to recognize the knighthood of Offenburg and demanded that the council let "its supposed burgomaster" drop.

52 Wackernagel III, p. 91.
Caspar died on November 8, 1502, after this last protest, and the city council at once went on the attack. Even before Christoph's election, the council decided to discontinue swearing the usual oath of loyalty (Handveste) to the new bishop since their words and application no longer conformed to each other. Its intention was to remove the names of the old bishops in a revised oath. Instead of naming members of the council itself as electors of the burgomaster, the city councillors wished to give the council the right of being able to make members of the guilds (in the face of the lack of knights and Achtbürger) the right of being electors. They further wished to no longer pay taxes to the bishop, and from the side of the city, make special reservations for Basel's membership in the Swiss Confederation. These demands went against both the bishop and the high chamber (Hohe Stube) of the council.

Negotiations began right after the election of Christoph and dragged on for years. In 1503, 1504, and 1505, the city's decision was renewed, and protested by the bishop. Finally, the parties came to an agreement, and on May 26, 1505, the parties met. The bishop and all his councillors appeared before the city council, and the bishop's views were expressed in a long speech by the cathedral provost. Christoph hoped for a postponement of the final decision by the council. Finally, on May 8, 1506, Christoph gave the oath in a new and revised form which still included some of the expressions of the old oath of loyalty.

New provisions in the oath stated that electors from the guilds could be accepted if knights and other citizens were lacking
for that purpose, and that the city was to make requisite provision for its relations with the Swiss. The one formal new condition which gave to the bishop (and not the electors) the election of the burgomaster on the basis of the pre-election by the council, included previous practice. The new oath of loyalty says nothing about the chief guildmaster and his election by the bishop. The whole agreement was a compromise by which the council's basic control of the city was made clear. The oath was festively renewed in 1506.

But the struggle over the oath of loyalty was not an isolated event. Since the victory of the opposition party in the council in the 1490s (See Chapter I), thought had been given to a basic change in the civic constitution. A special commission of nine (the Neuner) had been set up for this purpose, and had continued its work.

Specific examples of continued strife between city and bishopric are found in the debates concerning the occupation of the cathedral prebends, privileges of the clergy, and so forth. A typical example is the dispute of the bishop with the wine guild over the freedom of his wine tavern from taxation (1510). In the same year, the bishop had to give the council feudal tenure over the county of Sisgau. Shortly after that, Christoph had to defend himself in Rome against the pretensions of the city council. He sought to show his power by refusing the council feudal tenure

53 Ibid., p. 92.
over Bettingen and objected to violations of his rights of sovereignty over Riehen.

Despite these sporadic gestures, episcopal power was gradually eroded. The source of Christoph von Utenheim's weakness was clear. The cathedral chapter bitterly complained that he had not kept the promises made in his electoral capitulation and that there was no order in the episcopal chancery and fiscal administration. It further charged that there was insufficient visitation of the clergy and that the bishopric was neglected and abandoned. Then too Christoph did not pursue a foreign policy in harmony with that of the city of Basel. For example, Basel and its Swiss Confederates complained in 1513 that the bishop had sent more than a hundred soldiers from episcopal territories like Porrentruy and Delsberg to fight on the French side at the battle of Novara, thereby helping to slaughter Basel's own citizenry. There were other examples of episcopal diversion from Swiss foreign policy.

Finally the time came for a resolution of the vexatious problem of the oath of loyalty of the city to the bishop. When the crisis was resolved, the actual acting episcopal authority in the city was Nicholas von Diesbach. A native of Bern, Diesbach spent

54 Ibid.

55 Ibid., p. 93.

56 On Diesbach see BS, pp. 358-361. The canons of the cathedral who elected Diesbach were Johan Wernher, baron of Nörsperg (Christoph's rival in the 1502 election), provost, Diesbach, Philip Jakob von Andlau, Johann Rudolph von Reinach, Arnold zum
his early career in Rome where he became a vice-chancellor of Pope
Alexander VI. In 1499, he became provost of St. Peter's in Basel
and choir canon (Chorherr) of St. Peter's in Solothurn. He also
held various other posts, and in 1510 had prospects of becoming
bishop of Lausanne. Diesbach had received a doctoral degree in
Siena in 1509, and in Rome became a papal chamberlain and proto-
notary. From 1511, he was canon of the cathedral of Basel and
after 1516 its dean. Nicholas von Diesbach was a more forceful
personality than the ironic and aged Christoph von Utenheim. He was
not overly preoccupied with the concerns of church reform—his suc-
cessful career at the Roman Curia being sufficient evidence of that—
and was desirous of restoring the old power of the bishops of Basel.*

On May 28, 1519, the aged Christoph named Diesbach as his co-
adjutor with the consent of the cathedral chapter. He was also
named as Christoph's successor and obtained the assent of Pope
Leo X to this provision on August 8, 1519 after, it should be men-
tioned, he had paid high fees to the Roman Curia. Christoph re-
tired to his castle at Porrentruy, and although he continued to
take an interest in the welfare of the church of Basel, the new
authority dealing with the city of Basel on a continuing basis was
Nicholas von Diesbach. One of Christoph's last active functions
as bishop was to consecrate the suffragan of Speyer on June 10,

Luft, Jodocus von Reinach, Philip von Gundelsheim (later bishop
of Basel), Jakob von Ferrette, and Thomas von Falkenstein, baron
of Heyd burg. Cited in Vautrey, p. 79.
1520. The ceremony took place in the choir of the Münster. Nor was Christoph leaving for a restful place of retirement; his episcopal city of Porrentruy was devastated by a conflagration on October 8, 1520. Meanwhile, there were problems for Diesbach in Basel. The nobility of the bishopric and the Austrian vassals said that as a native of Bern and therefore a Swiss, Diesbach was incapable of being bishop of Basel and lord of the bishopric. Diesbach resigned his functions as coadjutor pro pace sua on February 21, 1527.

At this critical moment, with Christoph in retirement, the suffragan, Telamonius Limpurger, leaning increasingly toward the evangelical movement, and Diesbach in a difficult position, the Reformation began its turbulent development in Basel. It should be obvious that with the vacuum of episcopal authority, the seeds of Reformation would sprout quickly and grow rapidly. After Limpurger's apostasy (1525), the chapter appointed Augustinus Marinus who had already been suffragan of Freising to take his place.

The course of the turbulent decade of the Reformation in Basel is associated with the person of John Huszgen, called Oecolampadius, more than any other individual. This is not to minimize the contributions of persons like Wolfgang Capito and Konrad Pellikan to the ultimate triumph of the evangelical cause in Christoph von Utenheim's episcopal city in 1529. But Oecolampadius was the house-lamp both literally and figuratively who guided the path of the

57 Wackernagel, III, p. 401.
new teaching to ultimate victory about two years after the aged Utenheim's death.

Christoph was in retirement after 1519 and thus out of the mainstream of events in Basel. Therefore this study does not propose to survey the complex history of the evangelical movement in Basel save insofar as it touched Christoph von Utenheim, which was very little. But an understanding of the first stirrings of the evangelical movement in Basel will provide an insight into Christoph's generally ironic attitude toward the early reformation of Luther, an attitude which is borne out in his correspondence with Erasmus.

On March 30, 1518, Elector Frederick the Wise of Saxony wrote to John Reuchlin asking him to recommend two individuals who might teach Greek and Hebrew at Wittenberg. On May 7, Reuchlin replied that he had intended to send Oecolampadius, "but those of Basel have snatched him from my hands." Christoph von Utenheim and the


chapter had called him as penitentiary to Basel at the instigation of Wolfgang Capito. 60 Capito in his life of Oecolampadius writes:

I really left no stone unturned until I might draw this companion of studies and religion to me even here at Basel. I thought it a shame that so great a hope of public piety should be shut up in so obscure a corner of his native land. Accordingly, I arranged it that he should be called and set over the parish of the cathedral. 61

In his role as penitentiary, Oecolampadius took care of all matters relating to the sacrament of Penance in the diocese. We know little of Oecolampadius' activity in the post save for a polemical remark by John Faber, the former Basel officialis and cathedral canon who became a Catholic polemicist against the reformers in Basel (and was later to rise to other controversial heights as bishop of Vienna) who asked the Basel citizens in 1528:

How many of you when he [Oecolampadius] was penitentiary, confessed sins which he heard (as they say) in auricular confession, which [seal of confession] he has now altogether broken with his change of heart. 62

In connection with his activities as penitentiary, Oecolampadius published four translations from the fathers in November, 1518. The last work of the four, De ligandi et solvendi potestate nicephori

60 See ibid., n. 4, pp. 65-66 for a discussion of Oecolampadius' exact role at this time in Basel.


62 Quoted in Stashelin, p. 89.
chartophylacis constantinopolitani archiepiscopi epistola, stated that the power of binding and loosing should be given only to worthy men.

Oecolampadius was led to his decision to translate this work by a conversation which he had had with his closest co-worker in the episcopal curia at Basel, Telamonius Limpurger. Limpurger had been auxiliary bishop of Basel since 1501 and remained in that position until he had a metanoia, deserted the aged Christoph, and went over to Oecolampadius and his associates in 1525.63

It appears that by the end of 1517 Luther's ninety-five Theses were reprinted in Basel by Adam Petri. Reprints of his other works continued. Capito was writing to Luther as early as September, 1513, and in October of the same year Johann Froben brought out a 488-page selection of the German Hercules' writings.64 Capito wrote a preface to the Froben edition of Luther's works.

In a letter dated February 11, 1519 to Luther, Johann Froben wrote to the Wittenberg reformer telling him of his progress in publishing the reformer's works. He had sent copies to France, Spain, Italy, Brabant, and England—an indication of the role which this nerve-center on the Rhine was to play in the spread of Reformation ideas through its printing presses. Froben mentions

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63 For Limpurger see Riggenbach, p. 23 and Basler Chroniken, I, p. 390.

64 Staehelin, p. 105.
how everyone of importance at Basel favors Luther and, "Our bishop above all favors you, as does his suffragan, the bishop of Tripoli." 65

In a letter of possibly the same date to Luther, Capito writes, "In Switzerland and the Rhenish area even to the ocean, those of us who are influential and not altogether strange to good studies," favor Luther. He then goes on to say:

Cardinal Schinner, Count von Gerolseck, a certain learned bishop also of prime integrity [probably Christoph] and not a few others (of us), when they had recently heard that you were in danger, and labored under the most severe hardship, were promising not only to protect you and offer safe places in which you could live either concealed or openly. 66

There is no evidence other than Capito's statement that Christoph was prepared to offer Luther asylum from enemies such as those being marshalled by Eck and assorted other curial jackals. But Capito had known Christoph at least since 1515 when the latter appointed him cathedral preacher. In August, 1517, Capito dedicated to the bishop a work of the Paris theologian Joost Clichthoven, the *Elucidatorium ecclesiasticum* on liturgical matters. Capito's dedication of the work to Christoph was a wise choice, and shows

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66 WA, p. 336.
that the young preacher, soon to shed his Erasmian humanist skin for that of an evangelical reformer, understood the bishop's devotion to the liturgy of the Roman Catholic Church. In his letter, Capito condemns clerical abuses in much the same tenor as Christoph von Utenheim and Jakob Wimpfeling do in their edition of the synodal statutes of 1503. He praises Christoph for his reforming zeal and upright life. Capito also indulges in an almost self-conscious display of eruditio trilinguis as he urges Christoph to make Clichthoven's ideas available to his clergy. The fact that Capito left for Christoph's old collegiate church of St. Thomas at Strasbourg a few years after writing this dedicatory epistle points to a continuing good relationship between the aging prelate and his young humanist friend.

Like Capito and Christoph, Oecolampadius was naturally drawn into the circle of Basel cognoscenti who favored the early protests of Luther. Mention of Luther's name begins to crop up in Oecolampadius' letters beginning in early 1519. In March, 1520, Pellican wrote to Luther from Basel and mentioned Oecolampadius while the latter was in Augsburg as cathedral preacher. It is not known whether Luther and Oecolampadius met when Luther went to Augsburg for his hearing before Cardinal Cajetan. 67

In September of the same year, with the storm clouds of Luther's case quickly gathering, Wimpfeling wrote to Christoph. He sent Erasmus' epistle to Albert of Mainz whose corrupt bargain

67Stachelin, p. 107.
with the Roman curia had triggered the Reformation crisis. In his letter, "Erasmus expressed his solicitude for Luther's cause." 68

Wimpfeling says:

May the German bishops as well as the German and Swiss authorities urge our most holy and pious lord Leo [the excellent supreme pontiff] to mildness toward Luther, so that he does not allow Luther to be ruined for he acts not only in his teaching but in his whole life like a Christian and evangelical man. May the representative of Christ show the mildness of Christ! For if Luther had hallucinations in a number of things, he had not thereby denied his human nature and would let himself be taught better by those who are free from pride and hypocrisy. (I know him to be respectful and obedient to his superiors. I was supported by this truth, and once wrote the 'Soliloquy for the Swiss' for them to be drawn to the imperial and German parties). I know, too, that among the heathens fathers punish their children lightly for the greatest misdeeds. Why should that not be the practice also among Christians and above all in the case of the honorable and highest princes of the faith, the leaders in Christian piety? 69

Typically, Wimpfeling concludes the letter by praying for help to the selfsame princes of the faith against his enemies who make bold to calumniate him. He prays in closing that God keep Christoph in good health and—yes—assist him against his enemies.

68 Religious Renaissance, pp. 57-58.

69 Spitz's translation. I have supplied the omitted parts in Spitz. The full text is cited in Riegger, pp. 540-541.
Oecolampadius returned from Augsburg to Basel in November, 1522, where he stayed with the publisher Cratander, and began in 1523 to lecture on Isaiah. In June of the same year, Pellikan and Oecolampadius were appointed to vacant chairs in theology at the University of Basel. In August, Oecolampadius took part in a public disputation by defending four theses of evangelical teaching. He did this despite a plea from the coadjutor Diesbach that he withdraw. From this time, Oecolampadius was also active as vicar of St. Martin's, "the inner citadel of the Basel Reformation."

While events flowed along their tortured course, Christoph was thinking of other things. On June 8, 1523 he made his last will and testament. The document opens with the bishop reminding the reader that he has taken to heart "the quick surprise of the bitter death that waits for all men who in dying have fallen like water."

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70 Rupp, p. 20.
71 Wackernagel III, p. 259.
72 Rupp, p. 20.
73 Christoph's will is in a manuscript in the Archives de l'ancien Évêché de Bale in Porrentruy, Switzerland. It is catalogued as Bas. episc. obitus no. 1A 12/1. It is seventeen unnumbered pages long, all recto.
74 "... und zu hertzze genomem haben den schnellen uberfal, des Bitterm tods des alle mennischen warten umnd sterbend hinfallen sinden als das wasser." P. 1 ms.
Man knows not the day or the hour of the judgment which will snatch him from this life, and so Christoph says he is making his will. He begins by recalling and making null and void all previous testaments, and then guarantees any provisions which he has made for ecclesiastical foundations in the diocese. The bishop then asks God's pardon for his sins as well as the intercession of "the highly placed Queen and Virgin Mary, protectress and patroness of our diocese." The bishop then ordains that his body be buried in the church of St. Martin in Colmar (a provision which was not carried out). The dean and the chapter, together with Christoph's heir, Hans von Utenheim, zu Ramstein, his nephew, are to see that his title and coat of arms are engraved on his tombstone.

A votive picture of the Virgin with Christoph kneeling before it is also to be erected in the cathedral of Basel. The picture

75... als wir im verschenen iare umd zytenn umb umnser und unnser vordermn umd nachkomen sollen treost umd hilff etlich gutz gabern an etlichen Collegiat kilchen oder stifften des gliechenn closter umd cappellen von unnser hamd yetzt freylich und gutwilliglich gegeben umd was vnn solicher umnser vergabungen wengen zuch und zubeschehner durch uns verordnet angeschenn umd beschribenn ist auch alle ierlich legata ordmungen gemachten und stifftungen durch unns an solichenn collegiat kirchen spitaln clöstermn oder cappelln gethan ummd gemacht bestätigen umd benestigenn die alles zyt als vor umnd vor als yetzt umnd wollen das solichs alles gemztlich urstiglich ummd onnbreakenlicht gehalten werde on aller mennglichs hinderung ummd widdersprucher." PP. 2-3 ms.

76... der hochgelegten kunigin umnd jungfrawen marie umnsersa stifts schreinen umnd patronenn." Ibid.

77This provision may have been carried out. See figure three; but there is a discrepancy in dates.
is to be erected "as an everlasting memory of judgment and be stylistically in good proportion." After Christoph's death, twelve servants of the diocese or his vassals are to be dressed in black for his funeral. His heir is to see that this provision is carried out.

Christoph then thanks God for his protection in times of sickness, but that during his times of trouble

... we have in no way drawn away or fallen from the Christian faith, nor ought nor would be marked for that, but instead are willing in all things to live and die as a good, true, and utter believer in Christ.

The bishop now asks pardon of any whom he has in any way offended or hurt. At his death, his city, castle, and possessions are to be handed over to the chapter. As noted above, Christoph's heir is to be Hans von Utenheim. The latter is to take possession of Utenheim's "gold, silver, or money also our gilded and ungilded silver dishes," as well as all Christoph's household goods in Basel, Porrentruy, Delsberg, and Binzheim. Christoph's books are also included in this provision, namely, "mass prayer-books as well as all other books."
In addition, Utenheim's nephew also inherits the bishop's vines wherever they may be found. Interestingly enough, Christoph explicitly excludes his other relatives from the inheritance. He charges his brother, Walter von Utenheim, to help see that his nephew and heir Hans receives the inheritance. Utenheim then remembers the diocese of Basel, the Minster at Colmar, St. Ursanne, Rheinfelden, St. Thomas at Strasbourg, the churches at Bennfield, the Carthusian monasteries at Strasbourg and Basel, St. Ulrich in the Black Forest, Reuthingen, Obersteigen, and the hospitals at Delsberg and St. Ursanne. He leaves clothing to his household servants and makes provisions for his chaplain and household servants. There follow provisions for the safeguarding of the will.

82"Item unser obgenannter erb /Hans von Utenheim/ soll auch alle frucht als korn weyssen dunckel reben haben wein holz und anders an allen orten und emdenn wo die gefunden mogen werden, oder die amptluthenden inen ligenn habenn, es sey zu Basil, Telsperg, purmutrut, samt ursizen hegenberg, zwingenn, pfeffingen, umnheim, und allen andern ortenn, und gemeinlich alles das so war erfundenn werdenn mag umns zugehorig zu sinem nemenn." P. 8 ms.

83"Gemzlich erbenn und solich guter als sin eigentlich gut zu sinenn hamden nemenn on mennlichs irung unnd widderrredt als unser Rechter einigir testerior unnd gesetztter erb, damit aller annderer so unser natürlich erbenn sin mochten wir gar kein recht gerechtigkeit ansprach urch vorderung einicherley wy g hier innen zu erbenn vorbehaltenn allem das angezeigter unser rechter einiger testator unnd gesester erb Walther vom utenheim zu Ramstein unser pruder denselbign so unser natürlichehm erbenn sin möchten gebenn unnd uassruchten soll alles das so wir inen verordnet habenn." P. 9 ms.

84Ms., p. 11.
The document has several points of interest. First, the piety expressed is that of a devout medieval Christian. Secondly, Christoph's exclusion of his other relatives from the inheritance provides a tantalizing glimpse into his personal life which unfortunately cannot be further explicated. Third, his zeal for reform is clearly evinced by his bequests to the upright Carthusians, and he must have fondly recalled his days at St. Thomas in Strasbourg since he remembers the Church in his will. Nor should one pass over Christoph's asking the pardon of any whom he has offended or hurt. Though perhaps a standard sentiment for a last will and testament of the period, this sentiment stands in marked contrast to the frequent pettiness of Utenheim's humanist friends.

Wimpeling's fears about persecution and his sulfurous comments about corrupt clergy hardly made him the model of Christian charity. Wilibald Pirckheimer's well-night paranoid comments about his "enemies" and his bitter feud with the Nürnberg lawyer Christoph Scheurl hardly add glory to his escutcheon. And Erasmus' spiteful comments about his foes also stand in contrast to Christoph's irenicism, a desire for peace which may also be traced in his correspondence with the "Prince of the Humanists." It is through his correspondence with Erasmus that we can gain some glimpse into Christoph's thoughts in his last years, as well as his reaction to the ongoing Reformation in Basel.

Christoph was evidently of two minds about the Reformation. Negatively, there is the fact that he subscribed to the league of
many German bishops for the upholding of the Edict of Worms on July 10, 1521. Positively, there are two pieces of graphic evidence (the stained glass windows illustrated in this chapter), Christoph's will of 1523, and his correspondence with Erasmus.

Figure two illustrated above shows Christoph in a votive stance before a crucifixion scene. The inscription reads, "Christoph by the grace of God and the apostolic see, bishop of Basel. My hope is the cross of Christ, I seek grace not works, 1522." As Riggenbach has shown, this window from the former cloister of St. Mary Magdalene in Basel need not be taken as a pro-evangelical statement. But it need not be taken as anti-evangelical either, and instead should be considered to be the heartfelt sentiment of an orthodox Catholic who saw above the heated contemporary polemics on grace and free will to the center of the Christian faith. That Christoph was an orthodox Catholic is made clear by the strong tone of medieval piety which pervades his last will and testament.

Christoph von Utenheim, then, did not accept evangelical teachings in their most fully expressed form, but neither was he ready to indulge himself in the condemnations which were curial Rome's stock in trade. The fact that the two windows illustrated here survived the orgy of iconoclasm in Basel in 1529 may bear silent witness to Christoph's good repute among his flock even

85 See Berhard Riggenbach's biographical article in the Allgemeine Deutsche Biographie, p. 270.
after his death had passed, and religious world-views had been transformed.

Christoph's last years were darkened by the Peasants' War (1525) which ravaged his diocese and forced him to apply to Biel for protection. In June of the previous year Oecolampadius had dedicated his *In epistolam Ioannis apostoli catholicam primam Ioannis oecolampadis demagogiae, hoc est: homiliae una et xx*, to Christoph von Utenheim and Nicholas von Diesbach. He dedicated the work to the two bishops to show them that he did not shame the gospel of Christ in his teaching. Christoph's response (if any) is unrecorded.

On February 19, 1527, Christoph called to Porrentruy Nicholas, the abbot of Bellele, Johann Steinhauser von Feldkirch, his official, and Hans Heinrich Vorburger, canon of St. Ursanne. He charged them to carry his resignation to the cathedral chapter and asked them to provide a successor fit to govern the bishopric in such difficult times. The chapter accepted Christoph's resignation and granted him an annual pension of two hundred gold florins. Delsberg was named as his place of retirement. Christoph died on March 16, 1527. Wackernagel states that Christoph's last thoughts were, "Votis decipimur et tempore fallimur omnes, moris ridet curas anxia vita nihil." 88

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86 Vautrey, p. 81.

87 See Stachelin, p. 221.

88 Quoted in Wackernagel III, p. 80*. This is a footnote to p. 401.
Christoph von Utenheim is buried in the church of St. Marcel in Delémont (Delsberg). The inscription on his tomb reads:

Ann. MDXXVII die XVI martii, tumultuata
Germania, novo crescente seculo, celum
petit Christophorus ex Utenheim, Episcopus
Basileensis sincerus, doctus et pius, obit,
sepultus Telamontii.89

The funerary inscription may be correct in stating "novo crescente seculo." For some, the newly dawning age was that of the Protestant Reformation. For others, it was the Catholic Reformation which began to rise from the ashes of the Sacco di Roma two months after Christoph's death. It remains now to examine the specific areas of Christoph's activity which made him the morning star of the Catholic Reformation in Switzerland.

89Quoted in Vautrey, p. 82 n. 1.
CHAPTER III

CHRISTOPH VON UTENHEIM'S REFORM SYNOD OF 1503

As Christoph von Utenheim entered upon his career as Bishop of Basel in December, 1502, the universal church was filled with the crying need for reformation.\(^1\) This cry for reformation was nothing new. The idea ecclesia semper reformanda est had been a part of church tradition since the patristic era.\(^2\) The need for reform persisted despite the many frustrations which proposals and programs for reform had suffered. The brilliant Nicholas of Cusa, for example, suffered continual setbacks in his attempt to reform the diocese of Brixen during the fifteenth century.\(^3\) The similar episcopal reforms of Christoph von Utenheim, though doomed to meet a failure similar to Cusa's, were more ambitious in scope. But the reforms of both men floundered for similar reasons, not the least of which was the opposition of the bishops' own clergy. Nevertheless, it is here proposed to look at some of Christoph's schemes

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\(^1\) Johannes Janssen, History of the German People at the Close of the Middle Ages (New York, 1963), and Joseph Lortz, The Reformation in Germany (London, 1963), passim.


\(^3\) On Cusa, see Karl Jaspers, Nikolaus Cusanus (Munich, 1963), especially pp. 15-19.
for reform as expressed in the diocesan synod of 1503. They are 
expressive of much that is best in the medieval reforming tradition, 
and in many ways are suggestive of the reforms later carried out at 
Trent.

The Council of Basel (1431-1447) had among its numerous re-
forming decrees taken up the question of twice annual provincial 
and diocesan synods. It enjoined that this practice, commanded by 
the first ecumenical council of Nicea, should again come into use. 
This decree experienced the same fate which most of its other pro-
nouncements faced—not least perhaps because the Council of Basel 
by its direct opposition to papal authority invited schism and dis-
credit upon itself and all its works. But the reformist tradition of 
the council's decrees lingered on in the city which was its 
seat. It therefore seems hardly surprising that scarcely after 
his consecration, Christoph concluded that the old, neglected 
synodal order should again be called to life. He intended to use 
the means of a synod to serve to lift up the dignity of the ec-
clesiastical state. For synods were supposed to have the purpose 
of dealing with the training of the clergy, and of making an in-
quiry into the religio-moral situation of the people. As will be 
seen, Christoph's reform decrees were aimed at a renewal of the 
life of the Christian community in Basel in strongly medieval terms.

Utenheim did not intend to take up the work of reform on his 
own. In the fall of 1503, he invited his friend, the Strasbourg 
humanist Jakob Wimpeling, to come to Basel. Christoph was moti-
vated to do this by the full mutual understanding of both men with
regard to questions of reform. Utenheim and Wimpfeling went through the older synodal statutes of the diocese of Basel. They discarded a few statutes, found others worthy of preservation, and added a certain number of new articles. For Wimpfeling, this was a golden opportunity to attack the abuses which he had been combating for so long. This is shown in the statutes dealing with benefices and the vexatious problem of clerical concubinage. The completed work of Wimpfeling and Utenheim is not really an independent work; it is rather a compilation of existing statutes.

The bishop laid the completed work before the cathedral chapter and asked for its agreement to the calling of a diocesan synod at Basel to approve the statutes which had been drawn up. The proposed synod was intended to assure the reform of the diocese in head and members and help to restore the fame of the old churches of Basel. The cathedral chapter was composed largely of members to whom a reformation was repugnant. But they did not dare to forestall the desire of the newly elected bishop, the more so as it was based on the oldest church laws. The assembly was called for


6 Ibid.
October 23, 1503, therefore falling during the short pontificate of Pius III. On that day a large number of clerics from all parts of the far-flung diocese turned up in Basel. Clad in white surplices, surrounded by a crowd of onlookers, they proceeded in solemn procession into the Münster amidst the ringing of bells. Konrad Leontorius wrote a poem commemorating the synod and described the scene:

Quid hic tumultus pacificus sonat?
Senesque laeti cum puellis,
Quid iuvenes puereque currunt?
En aera celsis concava turribus
Pulsata crebro.
Nam cunctus ordo sacrificium venit.
Et longis obrutam querelis
Exhilarat Basilea frontem,
Cum festa sanctis aucta parentibus
Laetanter ad sint; cum synodalia
Indicta turmae candidatae
Annua percelebrant faventes.

After High Mass had been celebrated, an admonitory address was given. The Utenheim himself spoke. Much of his address is worthy

7 Herzog, p. 40, n. 9. Conrad Leontorius, the theologian and humanist was born about 1465 and died in Engelthal January 1, 1511. He came into contact with Basel and its publishers through his pupil Bonifacius Anerbach. His practice of writing laudatory letters or poems for works published in Basel is clearly followed here. He was also connected with the southern and western German circle of humanists including Schott and Wimpfeling in Strasbourg.

of quotation:

Our Pontifical requires that we have special care and singular respect for the life and manners of all the clergy, for their salvation and that of all our people. . . . It seems possible to accomplish this more conveniently in a sacred congregation which they call a synod. For as once before the time of Constantine the Great, Christianity was divided into different heresies, furthermore because liberty had not been given to the bishops to gather into one group, so it also should be feared that many difficulties of faults increase among ecclesiastics and laity because priests are not brought together by bishops and their other prelates. As long as synods are not celebrated by bishops in conjunction with their office; as long as there is no exhortation to virtues, no condemnation of faults, no examination of the life and conversation of the people, nothing concerning the state and disposition of churches and benefices, and inquiry into the state of divine worship: wherefore that it might more easily and happily be granted (with the Lord God cooperating) to us to restore the glory of the ancient churches of our diocese, to favor the honesty of the clergy, to renew ancient and thoroughly obliterated constitutions, we have decreed—with the advice and consent of the venerable brethren of our church, the dean and chapter—the celebration of a sacred synod that has now long been put off by the fault of the times, to the glory of God and particularly for the salvation of souls, and to publish the synodal statutes.9

No one of the clergy should seek the excuse that the statutes were not to be observed through ignorance or forgetfulness. The purpose of this edition of statutes, to which certain new things had been added, is clear:

so that from them any of our priests and clerics may obviously recognize what their function is, what the art of arts (viz., the cure of souls) requires, what may pertain to the life and honesty of the clergy, and what things may seem useful toward preserving now the temporal now the spiritual well-being of their churches. And so we now exhort you all and sundry who are subject to us (but especially curates) by our authority as ordinary to the virtue of holy obedience, to the eminent taking up of the priesthood piously in the Lord Jesus, and we urgently demand that you wish to use these constitutions of ours successively for synodal matters, to commend them to reading, and to observe them with all zeal as at once Christians and upright priests and humbly obedient sons. Let any deans in rural chapters eagerly study without excuse, publish them for their brethren, read, communicate, interpret, and work willingly. In this you will accomplish a matter pleasing to us, honorable for you yourselves, and salutary for your churches and benefices. And, finally, we paternally remit to those freed, or making use of their freedom, the end of the forty-second epistle of St. Bernard which he gave to the Archbishop of Sens, whose beginning is, 'it has pleased your excellence.' Given in our city Basel on the fifth Calends of October, of the year of Christ's bringing salvation the fifteen hundred and third.10

It is obvious from Christoph's sermon that the main thrust of the synodal statutes would be toward the ordinary parish clergy. He expected that local superiors (deans) would be the firm supporters of episcopal authority in this respect. It is well known that the ordinary parish priests were very often ill-equipped to fulfill their spiritual responsibilities in this period. The fact that many of them had only marginal incomes (the bulk of the income from the benefice going to a wealthy absentee) and were often

10 Statutes, pp. 2-3.
scarcely more literate than their parishioners, shows that the bishop in publishing the statutes had a keen recognition of the problem facing the universal church. Reform could be initiated from the top, but would have to take roots at the lowest levels.

Following the sermon cited above are the synodal statutes, thirty-three in number, which comprise Utenheim's reform program. It is proposed here to survey the contents of the statutes in order to arrive at a more accurate estimate of the scope of the reform intended for the diocese of Basel.

Title One is a brief statement of the nature of the Trinity and the Catholic faith. Sins contrary to the faith are to be firmly resisted. Those uninstructed in the faith are to be taught so that they may remain firm in it. The rationale here is that the Catholic faith is the basis of the whole Christian religion. Canonical statutes against idolatry and superstition are to be strictly observed, and sins of this nature are to be carefully controlled through skillful inquisition in confession, and, admonition failing, through episcopal compulsion. The reference to idolatry and superstition strikes a familiar note, for it was a serious problem in the pre-Reformation Church. As will be seen, it will be more specifically referred to later in the statutes.

Title Two concerns itself with the offices of dean, chamberlain, and those under oath. The names of benefices, beyond the time of the right of those vacating them, are to be made known to the bishop or his vicar. Rural deans are to do this within the space
of one month of the occurrence of such a vacancy. No one is to be
admitted to the administration of a benefice unless he shows a title
to it within the space of a month. If this is not done, the dean is
to issue a suspension.

Serious deviations are to be reported to the bishop, vicar,
oficial, or fiscal. Scandalous deviations include mutilation,
homicide, and fornication. Others involve a cleric under excommunication who continues to administer divine services, or an excommunicated cleric who after verbal or written admonition, involves himself in shops, games, houses of prostitution, etc., and whatever similar acts are forbidden by the dean. Two points may be noted here. Excommunication was, as shall be seen, not a rare occurrence, and the quality of suspended or excommunicated clergy was of such a low level that it had to merit specific episcopal regulation.

Suitable persons should be provided for vacant benefices with
the knowledge of the bishop or his vicar. The endemic late medieval problem of non-residence is touched on when the title states that non-resident rectors are to be reported to the episcopal vicar in spiritualibus. No dean may exercise his office without having sworn an oath before the bishop or his vicar. The form of the oath indicates more precisely what the duties of a dean are. He is to swear that he will faithfully execute the commands of the bishop, his vicar, and officials; that he will be faithful to the same and diligently exercise his office. He must also promise that he will publish synodal statutes to his confreres as often as rural chapters are held, and will cause them to be faithfully observed. In
addition, he must correct abuses and report those who are incorrigible to the bishop.

The visitation of churches and chapels is to take place in individual years (i.e., annually). For his part, the dean alone or together with a chamberlain where it is deemed necessary shall visit the churches and chapels within his deanery at least once a year. He must diligent inquire how the parish priests conduct themselves with regard to the administration of the sacraments and the celebration of masses, the welfare of the reserved Eucharist, the holy oil and Baptism, and must see if there is a light before the Blessed Sacrament. Should there be any defect, he must correct it by episcopal authority within a certain time. If anyone makes difficulties in this respect, he must be denounced to the episcopal vicar. In these regulations there is a hint of the liturgical decadence that pervaded many sectors of the late medieval church.

The dean must report those who are less suitable for administration or celebrating to the vicar. Such priests, especially curates, must be suspended and denounced to the episcopal vicar without delay. On Holy Thursday, deans and chamberlains are to send honest and discreet priests to the cathedral church to bring away the chrism or the holy oil. They are to know where the chrism and the holy oil are to be kept in a suitable place. In addition, priests, and not women or laymen are to distribute the holy oils.

The title now addresses itself to what was a serious problem for the late medieval church, viz., that of wandering clerics.
Attention is to be paid to apostates of certain orders or wandering clerics. Deans are to provide for such wandering clerics as monks by urging them to leave the diocese. If they refuse, they are to be referred to the bishop for suitable punishment.

It also specifies qualifications for deans. A dean is not to be chosen unless he has been invested and is resident. If he has been absent for more than a month without the license of the episcopal vicar, he is to be deprived of his deanship, and the chamberlain is to convene his capitular brethren for the purpose of electing another. If the chamberlain has been negligent in this respect he is to be suspended from religious functions. This section is obviously an attempt to deal with the severe problem of absenteeism. But one suspects that deans would not have had real difficulty in obtaining the necessary dispensation for their absence from their posts.

Title Three deals with constitutions. Statutes established without episcopal authority are invalid. One feature of late medieval ecclesiastical life was the plethora of religious organizations. This title ordains that in the churches and monasteries of the city of Basel and of the diocese societies which are commonly called fraternities or confraternities are not to be initiated or permitted to exist without episcopal license. This is obviously an attempt to curb the proliferation of such organizations, whose purposes ranged from that of mutual assistance to purely devotional expressions, and which provided an outlet for the religious energies of the laity.
Title Four is "on those directing the cure of souls." No new altars or chapels are to be transferred without special episcopal license. If anyone should attempt to do this, the curate must immediately prohibit it. Should prohibition and the threat of excommunication be unavailing, he must report the fact to the bishop, his vicar, or official. The title also strictly circumscribes the religious functions of laymen. No authority has been granted to the laity, "of ordaining concerning spiritual things whom the necessity of obedience holds." Therefore any attempts of laymen to organize processions during the time of divine service or to initiate any other religious functions is strictly forbidden unless it is done with the knowledge and permission of the bishop or his vicar. This narrowing of the religious functions of laymen was to come under direct attack on the part of the reformers. The first part of the title refers to the erection of altars and chapels by pious individuals who were usually of patrician background. Such votive offerings often were signs of prestige in the community, and it appears that the bishop is striving to exercise some control over this form of status-seeking on the part of the laity.

Reference is now made to the problem of superstition:

Recent concourse of the common people has taken place to certain images or profane places hidden in mountains or forests, not only of true visions, but also of false dreams, illusions of offensive fantasy or deceptions of the senses as vain or uncertain principles, as well as light and ridiculous ends.  

Statutes, p. 6.
The bishop is concerned that simple people not be deceived by easy credulity, deluded by fictitious or superstitious miracles, be worried in vain, suffer unnecessary travel, or fall into the danger of idolatry. Therefore, whenever there is a new rumor or event of an occurrence of this nature, it must be reported, under the penalty of excommunication, by the curate or dean of the place in question to the bishop or his vicar. Meanwhile, as much as possible should be done to insure that concourse to the place be rationally and discreetly restricted. Furthermore, no miracles shall be published unless they have first been examined or approved by the bishop. This reference to one of the excesses of late medieval popular piety marks an attempt on Christoph's part to deal with some of the elements of crisis present in this area of church life. The overripeness of much of late medieval piety, with its stress on anxiety about death, a desire to seek almost any escape from the harsh realities of a turbulent age, is also reflected in the bishop's recognition that superstition was a blot on the devotional life of his diocese.

As for the conduct of the laity, dancing is not to take place at the time of Mass, Vespers, or sermons. If violations occur, priests must impose a special penalty in confession. This is a clear recognition of the fact that liturgical and para-liturgical celebrations were often only an excuse for popular celebrations of only a tangentially religious sort. On Sundays, major feast days, and days of anniversaries, curates must celebrate Mass in their own
parish. In celebrating Mass, they are to read the epistle, the gospel, and the collects (except the secret which prayer is said in a low voice) in a high voice so that they can be heard. This is rubrically sound, but Christoph must have been concerned about the liturgical decadence that pervaded so much of the Church at the time.

With regard to the problem of pluralism, no curate may rule two parishes. Temporal vicars or coadjutors must not be accepted unless they have previously been examined. Curates are not to admit strangers who say that they are priests to the celebration of Masses in their churches without episcopal permission. Those ordained outside the diocese must not be admitted without the license of the bishop or his vicar, even if the clerics in question have benefices in their parishes without episcopal license. When taken with the previous comments on wandering clergy, it becomes clear to the reader of the statutes that there was indeed a surplus of clergy in the diocese of Basel, as well as many who came from outside the diocese and who were subject only in the most general way to episcopal supervision. The whole problem was aggravated by the abuse of pluralism which often lowered the quality of the parish clergy by allowing for ill-educated temporal vicars to perform the spiritual tasks of the actual incumbent of the benefice. Here Utenheim attempts to exercise his authority to bring some order to the situation.
The theme of liturgical decadence is once again struck when the statute says that the ornaments of the altars must be washed, and hosts or particles (communion wafers) are to be renewed. Curates are to have a calendar or breviary according to the use of the church of Basel. (There was as yet no universal breviary or missal in the Latin church). On Sundays, parishioners are to be in their parishes. With regard to the conduct of the service, parishioners at the time of the sermon are not to stand about in the cemeteries talking. If they insist on doing this (and one suspects that many did), they must be reported to the bishop or his vicar in spiritualibus. Curates must insure that on the processions on the day of St. Mark, the Rogation days and so on, the people conduct themselves with all devotion and contrition for their sins. Referring again to how liturgical events can be turned to quite different ends, Utenheim adds that inane conversation, revels, and other illicit things must be banned. From each home at least one suitable person must be present, and men are to be separated from women.

On Sundays curates must read the gospel in the vernacular. They are also to instruct their flocks in the vernacular for the Lord's Prayer, the Apostles' Creed, and the precepts of the Decalogue. Curates must exhort the people to devotion and contrition for their sins according to what grace has been given to each by God. Curates must also publish the indulgences of the feast of Corpus Christi. Monstrances, where there are none, are to be procured. In addition, indulgences of the feast of the Conception
and Visitation of Mary the Virgin are to be published. In the conduct of their parishes, curates should not receive outside parishioners who are suspected of disobedience or excommunication unless they have testimonial letters from the priest of the last parish in which they resided. Obsequies and anniversaries must never be held on festival days. During Lent, curates are to urge their flocks to go to confession. Curates must kindly hear the confessions of their parishioners, forcing nothing and betraying nothing. They are to use the Confessionals of Antoninus or Bartholomaeus de Chaymis. The first duty of a confessor is to the infirm.

On Palm Sunday, curates should urge their people to go to Communion at Easter time. The Eucharist should be brought to the infirm in a pyx. Referring again to the problem of superstition, Christoph adds that part should be given to the sick person, and part should be reserved in the pyx lest the people falsely adore an empty pyx as the priest is returning to church. On Holy Thursday, three hosts are to be consecrated. The names of those who have not confessed during the year must be sent to the bishop or his vicar so that they may proceed against them. Those curates who are inexperienced in administering the sacraments should seek to be informed by experts. As for the reservation of the Eucharist in church, a light is to be kept burning before it. In administering the sacrament of Baptism, care must be taken that the exact formula is used, and that old chrism or oil not be employed in its administration. Curates should be careful to teach the baptismal formula
to laymen and midwives so that they could baptize in an emergency situation. The sacrament of Confirmation should also not be neglected. In closing, Title Four provides that violators of the Sabbath should be warned or denounced, and that strangers who come and say that they are married should be admitted only after examination.

Title Five concerns itself with candidates or Stationarii. Here the only provision of importance is that the fabric (i.e., the physical structure) of the cathedral of Basel is to be faithfully improved, and care is to be taken that provisions to this effect are carefully carried out.

Title Six deals with the execution of citations and other processes and commands emanating from the episcopal curia. Mandates should be faithfully published with mildness. Foreign mandates should be examined by the ordinary. This includes mandates of the supreme pontiff or metropolitan. (Basel's metropolitan was Besançon). The execution of processes should be carried out after the bearer has gone away. When a curate is absent, one of the neighboring people (plebanus) or the rector may accept the processes from the bearer. There follow instructions on the execution of mandates and processes. Absence or impediment of those against whom action is to be taken is to be signified to the procurator who sent out the letters. Curates must not follow citations outside the diocese unless they have the permission of the ordinary. Those under interdict must be warned before it takes effect. Temporal lords must be notified that they are to force the cooperation of
the person under interdict within a certain time or force him to go outside the parish. Furthermore, the excommunication of a priest must be announced in his own parish. These provisions show that the bishop was still prepared to place reliance on the old medieval tools of excommunication and interdict but still wished to maintain some control over interference in diocesan affairs by ecclesiastical outsiders.

Title Seven simply provides that one must resign benefices into the hands of the ordinary. Title Eight's provision that those receiving benefices are to be ordained is not as simple as it seems, for many of those holding benefices in the late medieval church were not even clergy. Title Nine deals with the sons of priests and others born illegitimately. All those in the diocese of Basel who suffer a defect of birth, and who obtain an ecclesiastical benefice in the same, must make the bishop or his vicar more certain about their dispensations. Otherwise they are not to receive the fruits of the benefices but are to be sent under firm arrest to be guarded by the dean. The fact that many priests did suffer from illegitimate birth but could be dispensed from its impediments (as Erasmus was) would make this provision particularly difficult to enforce, and a very likely source of opposition for the diocesan clergy.

Title Ten concerns itself with the office of defenders and delegated judges. Defenders of rights and privileges from the Apostolic See or General Councils have been allotted throughout
the diocese of Basel, and they often exceed the bounds of their jurisdiction. They send forth citations, warnings, excommunications, and other processes against those over whom they have received no proper jurisdiction from defenders' letters. Through this many people in the diocese have been wrongly harmed and led to serious expense and losses. Christoph ordains that they are to make no such citations unless the jurisdiction is proper to them. This restriction holds for all cities, towns, and villages of the diocese. This title attempts to go to the heart of a very serious problem in the late medieval church, especially in the Germanies. The question of overlapping jurisdictions, and the consequent tyranny exercised by the venal Roman curia over internal diocesan affairs was a very serious one. For every impediment there was a dispensation, and for every dispensation there was a price. Here Utenheim attempts to create some order out of the chaos created by this situation in the spiritual lives of his flock.

Title Eleven is about superiority and obedience and is strongly medieval in tone. No one must take part in a deliberation against the bishop or his rights. The title renews what is also an old church law when it states that no cleric is to seek the aid of the secular power against the jurisdiction of the bishop or his prelate. The penalty for violation of the statute is excommunication. The exception is that clerics may assist laymen in legal matters when they are asked to do so in a friendly manner and in the interest of keeping peace. In conclusion, honor is to be devoted to prelates.
Title Twelve deals with judgments. Doubtful marriages are to be referred to the official. Those concerned who do not obey the summons within a month are to be denied the sacraments and Christian burial. Under penalty of excommunication, no one is to hinder judicial decision of marriages.

Title Thirteen is "Of the proper forum." No cleric is to appear before a secular judge under the penalty of excommunication. Those holding benefices are to treat cases concerning them only in the bishop's curia. These provisions attempt to maintain the special status of the clergy in a way that was coming under increasing attack at the dawn of the early modern period.

Title Fourteen briefly deals with trials by stating that opinions in a marriage case are not to be given credence unless they are sealed. Clandestine matrimony, intercourse before marriage, and similar offences are also prohibited by the statute. Title Fourteen goes into some detail concerning the life, modesty, and vesture of clerics. Clerics are to surpass laymen in knowledge and virtues. Clerics who are servants of Christ and who take precedence over laymen in rank and profession must excel in knowledge, carrying out of good works, virtues, and modesty of manners. In this way, they may show in themselves how it behooves laymen to live in the Catholic Church, which is the house of God. These pious hopes of Christoph are of course belied by the actual ignorance and loose lives of a considerable number of his clergy.

Liturgical decadence is once again the theme as Utenheim notes that the practice of conversing during divine services is
reprehensible. Priests are to read the canonical hours without intermingling vain colloquies. This is to be done under the penalty of suspension or judgment. During the time of divine service no one is to promenade or stroll about in church nor is a religious to approach a public place except in case of necessity. This once again reflects how liturgical celebrations were often only an excuse for all sorts of non-religious activity.

Clothing must reach to the ankles and no one must bear arms. Clerics may not wear silken or colored garments. Exception to this rule is made for cathedral canons or masters as long as their garments are decent in length and other qualities. Open cloaks must not be worn; cloaks are to be closed and cover the neck. Hats are to be modest: clerics are forbidden to wear horned hats like those of the laity. Those disobeying these regulations are to be suspended from the fruits of their benefices. Amices and albs are to be worn at the time of divine services, and chapters must not be held at this time without urgent necessity. Rings are not to be worn save by prelates and doctors. Shoes are to be modest and simple.

The next section of the statute is an interesting commentary on the mores of some of the Basel clergy:

Some clerics who are called to the funerals of laymen for celebrating the obsequies have very much indulged themselves in games and drinking bouts (sometimes all night long); others from excessive drinking vomit and sleep all night on benches, and notably go beyond all others into a reputation for ignominy, both to the contempt of the ecclesiastical state and the scandal of many.\[12\]
The bishop then sternly commands that clerics who involve themselves in games of dice and other gross and shameful acts and who frequent the inns and taverns of laymen are to be strictly punished. Deans, chamberlains, and those under oath who have warned the aforemention-
ed clerics and find their warnings unavailing are to denounce those clerics (especially ones who go beyond the proper limits in the obsequies of the dead) to the episcopal fiscal. Another social problem is the way clerics wore their hair. Many have long hair or have it changed by curling or coloring: this is strictly prohibited. Clerics are to wear their hair short and with the tonsure suitable to their order. The type of tonsure is then described. Legs are also to be covered during the time of divine services.

At the time of ordination and the marriages of laymen, clerics should abstain from dances and other vain spectacles. At the same time they must not permit the occurrence in their churches or cemeteries of dances and plays, especially representations of God and the saints. Mercantile and market business and the dispute of secular judgments are also forbidden in the places sacred to God. These provisions clearly show that there was very little to distinguish the Basel clergy from their parishoners in the manner of lives they led. They evidently liked parties, and even imitated their parishoners in clothing and tonsorial styles. The prohibition of plays in churches illustrates that the old medieval tradition of the mystery play by this time had changed to the extent that it incorporated many secular elements. In short, the Church, which served as the social focus for medieval man, was now in danger of
being submerged by the secularizing forces abroad in sixteenth century society. Christoph's attempt to reverse the trend was, in Basel's case, doomed to failure.

Those beneficed and initiated to sacred things are both held to the canonical hours. With regard to clerics involving themselves in the affairs of laymen, they should not hold offices from temporal lords because they may be compelled to render an account to them. Furthermore, clerics may not be inn-keepers or merchants. They must not hold wine, horses, or the like so that they might later sell them for a profit. The bishop's solution to the financial problems which some of his clergy face is not very satisfactory. If their benefices should be insufficient, they are to gain money by honest means, that is by writing, binding, or noting books so that they might gain nourishment for themselves. This appears to be a superfluous suggestion, given Basel's pre-eminence as a printing center. In addition, it can be safely said that a large number of the clergy, especially the temporal coadjutors mentioned above, did not have sufficient income from their benefices, and probably engaged in some of the professions expressly forbidden by the episcopal ordinance. There were simply not enough benefices to suit the large number of priests, and Christoph's lame remedy is a partial recognition of how impossible the situation had become by the beginning of the sixteenth century.

Clerics should not make demands in a secular court, not even for poor persons. Clerics should do nothing in the cause of blood, that is engage in violence. They are not to involve
themselves in practicing medicine or hunting. There is to be enough for benefices, and their returns are to be conserved. Beneficed clerics are to support the burdens incumbent on their benefices both in spiritual and temporal things. They are to fulfill the rights and returns and diligently guard their property. Clerics must not make pledges in the hands of laymen without specific, written episcopal permission. Furthermore, there is to be no conspiracy against superiors over anything. In addition, spoils are not to be bought by clerics. Otherwise, they are to be held to pay for the upkeep of the cathedral of Basel (episcopal church).

The statute then turns to the very serious problem of clerical concubinage. Clerics' lives should be chaste, continent, and modest. They should not have in their homes women who are suspected of incontinence. In this way, they will be able to minister with a pure and chaste body and a clean heart. They will not provide scandals to the people; they will not confess falsely. If they do so, they may never be judged truly contrite by God, and will approach the supreme sacrifice (the Mass) unworthily, thus dying in mortal sin. Such priests love a mortal creature more than their creator and redeemer. They put temporal joys before eternal ones, and risk scandal and worse. The bishop is therefore justified in proceeding against such persons even to the sentence of suspension and excommunication and the penalty of deprivation.

Title Sixteen deals with the problem of non-resident clerics. This was a serious problem for the Roman Church in the sixteenth century, and it manifested itself from the Roman curia itself down
to the very lowest levels. The problem of non-residence was closely connected with the problem of pluralism which is also dealt with in the statutes. The title states that residence is required for those seeking benefices. A cleric must begin to reside at his benefice within two months. The force of these statements is blunted however by the caveat that exemption is allowed by the license of the bishop or his vicar.

Title Seventeen, "of suitable sharing," exhorts all prelates to provide for themselves churches and vicars of suitable prebends from which they are to be sustained. All other agreements must be held null and void. Title Eighteen, "of institutions," states that dispensations concerning incompatibles, (that is when a cleric holds several benefices at the same time) are to be shown to the bishop or vicar within a month. Once again the vitiating nature of dispensations in the late medieval Church rears its head.

Title Nineteen deals with things not to be alienated from the Church. The property of benefices may not be alienated. Transgressors are to be punished. Benefices should not be conferred under agreement nor should they be so received by laymen. No cleric of the diocese of Basel should accept presentation under agreement by a lay patron to any benefice so that the patron may retain for himself a portion of the tenths (tithes) or the other revenues of the churches or benefices in which a patron holds the right. Those who were led by blind cupidity to seek presentation to a benefice in this manner are to be deprived of office and benefice. But once again there is the inevitable dispensation:
the only way that they can be admitted to an ecclesiastical office or benefice is through dispensation from the apostolic see. Indeed, Christoph cannot be blamed for the venality of the Roman curia which continued to undermine reform efforts like his with its willingness to sell dispensations for the right price.

The property of benefices should be listed. Through negligence the property of benefices is often scattered. Therefore the ornaments and books of churches and benefices, their returns and the types of estates held by the Church are to be fully listed under the seal of the prelate and chapter.

Title Twenty is about tenths (tithes). In many places in the diocese, the laity boldly deny the priests the tenth fruit. The tenth is to be taken of all the fruits of the earth, and even of bees and animals. Secular and regular priests must exhort the people to donations in their sermons and confessions. They are to show how it is approved by divine and human law, and how many evils arise on account of non-collection. But the motive for this is not to be cupidity or avarice.

Title Twenty-one briefly concerns itself with testaments. Those not executing testaments are to be denounced. It is the bishop's concern to see that testaments are carried out. Laymen who impede the testaments of priests do so at the peril of their souls.

Title Twenty-two is a rubric on the celebration of Masses. Chaplains are not to celebrate Masses against the will of the Rector. The statute now makes reference to having celebrations
after first fruits (ordination). No priest on the day in which he celebrates his first Mass may have a public feast. He is not to invite others to it as to a secular marriage. The probable implication here is that such celebrations were often the occasion for riotousness. The purpose of this is that the day of a priest's first Mass should be set aside for pure thoughts and devotion to God. It is worthy that his mind be free from cares and anxieties for temporal things with which the minds of laymen are distracted. Thus the new priest deservedly abstains from popular feasts which hardly ever seem to avoid empty spectacles, the obscenities of actors, and the impure uproar and insolence of dances. The bishop sourly notes that actors and female flute players, "and certain flighty and lewd people are accustomed to break into feasts of this sort, even if not invited." However, provision is made for a celebration of some sort when the statute decrees that eight days before or after the aforesaid ordination the newly ordained priest may have a celebration for his friends—without, of course, the aforementioned dancing and flute players.

The statute now decrees the way the creed is to be said or sung. No secular melody is to be used, especially the one favored by pilgrims on the way to St. James of Compostella. The hours

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13On pilgrimage in the medieval period see E. L. Guilford, Travellers and Travelling in the Middle Ages (London, 1924), especially pp. 241-29 "The Best Mode of Proceeding on a Pilgrimage" by William Hey (D. lli) who had been twice to the Holy Sepulcher and once to St. James of Compostella. With regard to Compostella in general see Walter Starkie, The Road to Santiago, Pilgrims of
of celebrating Mass are now stated. A clean linen corporal is to be used, not one of silk. The Eucharist is to be kept in safe custody along with the oil and chrism.

Title Twenty-three is concerned with the regular clergy. The essential vows are to be observed by religious. Abbots, prefects, priors, and deans must instruct their subjects in the observation of statutes and regulations, especially of the three vows of poverty, chastity, and obedience. They are to be sure to give good examples. Beneficed religious must conform themselves to secular clerics in obedience to the bishop and other prelates and things to be shown to officials. This applies even to exempt religious. Just as secular priests, they must obey episcopal and capitular orders, and are not to be admitted to the rule of any church without specific episcopal permission unless they hold a direct dispensation from the Holy See. This represents a brave attempt on Christoph's part to bring some kind of control to the

St. James (London, 1957). On the songs and hymns see pp. 196-197; 228-229, and especially pp. 63-64. On p. 63 the author notes "of the medieval hymns chanted by the pilgrims, especially by the Teutons, who were famed for their singing, there were two included in the Codex Calixtinus by Aymery Picaud: 'The Little Hymn' and 'The Great Hymn of St. James.'" The musical notation for one of these hymns is on p. 64.

frequently immoderate power and privileges held by the religious orders during this period.

Title Twenty-four is "of the procurators of churches." Such procurators are to render an annual account. Laymen who are procurators have turned ecclesiastical funds to their own accounts. In this way, the fabric of the churches can be sadly undermined. Procurators should at first be kindly asked about what they have done with the funds. If they are disobedient, they are to be publicly warned before the people. If they should still prove obdurate, they must be reported to the bishop or his vicar, and he will excommunicate them with a warning of fifteen days. Procurators are regularly to distribute books and ornaments. If they are unwilling to do this, they are to be denounced to the bishop or his vicar. At the time of divine services the sacristan is to don an alb. These reflections on the frequent depredations committed by the laity on the ecclesiastical property with which they were entrusted is part of the generally negative attitude taken toward the laity in the statutes. They were often poorly educated and in many cases saw nothing wrong in pilfering from an ecclesiastical organization that was already rich and privileged.

Title Twenty-five is an interesting illustration of a climate that was not peculiar to Basel in this period.\(^\text{15}\) It decrees restrictions against the Jews. The statute begins by saying that

the sons of a free woman are in bondage to the sons of a hand-
maiden. Therefore it is strictly forbidden for Christians, es-
pecially nurses, to be servants to Jews. Priests and others should
not presume to let homes or habitations to Jews or to others prac-
ticing usury publicly. Transgressors are to be punished by a fit-
ting penalty. Medicine is not to be taken up by the Jews nor is
intimate friendship to be made with them. No one may take medicine
from the Jews or seek medical advice. Neither may one eat with
them or make intimate acquaintance with them. The reasons for this
are rather vicious: Jews apply to their guests the old proverbs,
"The mouse in the wallet; the serpent in the bosom: the fire in
secret."

Under penalty of excommunication, lata sententia, all clerics
and laity of Basel must not mortgage ecclesiastical goods or orna-
ments of churches (regardless of cause) to Jews or presume to agree
to mortgages of this sort. The bishop decrees that such mortgages
have no validity or justification.

Jews of both sexes are to wear a badge to mark them out.
Masculine Jews are to wear a circular figure of yellow threads on
their outer garment over the heart. Women Jews are to wear two
blue stripes on their upper garments. They can be recognized by
Christians through these badges. Regents and secular officials
are to see that the Jews are compelled to do this. If there is
negligence in this respect, Christians are to be forbidden the
sacrament of the Eucharist, and Jews are to be banned from the
society of Christians and otherwise proceeded against. This
statute is to be brought to the attention of regents and secular officials in those places where Jews are accustomed to have their residence.

Title Twenty-six deals with adultery and fornication. Certain people dare to dwell in the same house in a state of adultery. Curates are ordered to require them to separate within fifteen days. If they refuse, they must be excluded from the sacraments for life. After death, unless they have shown penance, they are to be denied ecclesiastical burial. If they are living, they are to be remitted to the bishop or his vicar for absolution.

The problem of the state of the monasteries in the diocese is now considered by Christoph. Clerics are not to steal into monasteries of religious. Entry without legitimate cause and the license of a superior is then discussed. Curates must make prohibitions to their subjects, and especially warn women lest they frequent the precincts of monasteries. It is well known that in the early sixteenth century the rules of monastic enclosure were frequently only laxly observed. While most monasteries were not cesspools of vice, Christoph's suggestion for reform in this respect are well taken.

Title Twenty-seven is concerned with secular and religious priests giving a sermon to the people. In churches of the city and diocese of Basel, preachers, both secular and religious, sometimes preach against one another to the scandal of the people and a pernicious example. The bishop firmly forbids preachers to preach against one another. But if any one has
preached error, heresy, or anything against another's right, he is to be reported to the bishop or his vicar. This is to avoid that sort of public contention from which scandal and dangers to souls might arise. Those doing otherwise, the bishop warns, will not escape condign punishment. The rivalries of the religious orders, especially the Franciscans and Dominicans, in the late medieval period are a matter of record. Indeed, the Papal Reform Commission of 1537 went so far as to urge that they be abolished. It can here be seen that they were as much a problem in Basel as elsewhere.

It might be appropos here to consider the nature of the late medieval sermon and the need for reformation in homiletics. As Gregory Dix has noted:

Perhaps when it got to Church there was not enough preaching. The Reformers thought not, though there was certainly more than the reformers said there had been, particularly after the thirteenth century. But there is an aspect of the remains of mediaeval sermon literature which I have never seen mentioned, though it seems to stand out from every collection I have read. There is very little of this comparatively large class of literature which is concerned with instruction. In nearly all of it the note of moral exhortation is sounded clearly and continually. There are attempts to arouse the people's emotions by descriptions of the passion and various other incidents of the life of our Lord like the nativity, some of which are very moving. But always the end is to move the will to goodness, to moral endeavour. The good conduct inculcated is described plainly and practically enough. But there is hardly ever an attempt to make the people understand their religion, to instruct them 'apologetically,' so to speak, in the faith. . . . this lack of the element of instruction
in preaching meant that the mediaeval laymen's religion was necessarily a very ignorant religion.16

The fact that many of the clergy were ordained at a young age and were poorly educated meant that the quality of their sermons necessarily suffered. While scholasticism imposed a form on preaching, the German mystical tradition gave it emotional and personal content. The attempted reform of preaching suggested by the statutes suggests the rise of reforming and critical forces in the diocese of Basel, especially influenced by the cathedral preacher of Strasbourg and friend of Christoph, Geiler von Keisersberg. Geiler's historic importance is "that he used the sermon to scourge the church which he sought in vain to reform."17 Elmer Kiessling has called attention to the fact that collections of edifying sermons in southern Germany called Plenarien did much to elevate the religious consciousness of the people.18 As for the contents of the sermons, the stern voice of church authority and the use of allegory often made for a dubious mixture. Kiessling quotes the story of a priest who was wont to call upon the name of the Virgin before he made his visits to his mistress. One night, on his way there, he


17 Elmer Carl Kiessling, The Early Sermons of Luther and Their Relation to the Pre-Reformation Sermon (Grand Rapids, 1935), p. 15. Hereafter referred to as Kiessling.

18 Kiessling, p. 16.
fell into a brook and was drowned. The devil claimed his soul, but
the Virgin succeeded in getting her devotee into heaven. Even
Geiler was not immune from this sort of nonsense. In one of his
sermons he compares Christ with the various ingredients in ginger-
bread!

Christoph thus faced a difficult task when he urged the reform
of preaching. The statute states that preachers are frequently and
zealously to speak about the education of boys in good manners,
since it is from boys that the reformation of the church is more use-
fully commenced. In his remarks on the content of sermons, the
bishop strikes a positive note. In their sermons, priests are to
speak nothing irreverently and boldly against their superiors or
in any way detract from the prelates of churches. Preachers ought
to labor for obedience, edification, and charity. They are faith-
fully to advance alms, the rights of the poor, lepers, widows,
orphans, and other wretched people.

Religious are not to preach at the times of Mass at which
curates are supposed to publish episcopal mandates to the laity.
If parishoners are absent from the Mass, episcopal mandates might
not be carried out. Religious are to preach those gospels to the
people which occur for the time according to the breviary of the
cathedral church of Basel. For if there were dissimilarity, oc-
casion for murmuring might be given to the people.

Title Twenty-eight is concerned with the sentence of ex-
communication. Those excommunicated are to be signed into a register
which lists the name and date of the excommunication, and the cause for excommunication. The same is to be done for the relaxation of the excommunication. Liturgical celebration in the presence of an excommunicated person is strictly forbidden nor is he to receive church burial. It is also emphasized that excommunicates are not suitable for a public reward or office. An absolved excommunicate is not to be believed unless he has shown sealed letters of absolution.

Title Twenty-nine deals with the problem of interdict. Whenever a priest has been killed, attacked, or held captive, in that deanery where the attack has taken place or in those deaneries where the malefactor has fled, divine services must be suspended for three days. Such malefactors are excommunicated, and must be denounced before the people on individual Sundays until they have deserved absolution. Curates are to report such crimes to the requisite authority. When a bearer of letters is injured, interdict is also to be observed. Curates in these parishes shall at once cease from divine worship, and shall denounce those harming the bearer of episcopal letters as excommunicates.

Christoph's instructions for the form to be observed during interdict are remarkably specific. First, the doors of the church are to be shut. Mass or Vespers must be said as if reading, and without the ringing of bells. The people and others coming from public places are to be excluded, nor are there to be windows in the door of the church through which those outside can hear or see the liturgy and sacraments of the church. During the time
of interdict, priests may licitly administer the sacrament of baptism for children, penance for the well and the sick, and also the Holy Eucharist for the infirm. But at that time they are to refrain from administering the sacrament of Extreme Unction and the other sacraments unless the bishop is in the place who can administer the sacrament of Confirmation. They are also not to bury the dead in churches or cemeteries unless they have been clerics who have not given cause for interdict, and who have themselves observed ecclesiastical interdict. On four of the principal feasts from the first Vespers of the feast inclusive to Compline of the same feast exclusive, they may celebrate Mass and other divine offices with open doors, the ringing of bells, and other ceremony.

Title Thirty is "on avoiding excommunicates and the observation of interdicts." This statute follows that of the Council of Constance which states that it is not necessary to observe ecclesiastical interdict or avoid anyone unless sentence, prohibition, suspension, or ecclesiastical censure of this sort has been borne against a person, college, university, a certain church, or a certain place by a judge or has been published from his mandate or specially and expressly denounced. The only exception is for someone who has laid violent hands on a cleric.

The details concerning excommunication and interdict show that Utenheim placed great stock on this practice. Excommunication and interdict were used frequently in the medieval and early modern period, but by this time they were broken reeds. We should
remember the vast number of clerics in Germany at this time. From Christoph's condemnation of the immoral behavior of his clergy, it would appear that excommunication and interdict would necessarily be frequently invoked. But ever since the time of Boniface VIII the tools of excommunication and interdict proved to be ineffective against the secular power. The good old days of Innocent III who used these tools to great effect were now gone. And if Christoph von Utenheim had employed the tools of interdict and excommunication as vigorously as the statutes above seem to imply, ecclesiastical life in Basel would necessarily have come to a halt. Certainly the frequency of excommunication and interdict (for example, attacking a cleric) was one of the causes of the Reformation itself. Thus it can be seen that the reform the bishop was attempting in his diocese was one that was along essentially medieval lines.

To make excommunication and interdict effective, the bishop would have needed the help of an upright and vigorous clergy. And part of the reason for the failure of the statutes themselves was that Christoph was opposed by his own clergy.

Title Thirty One "on the disposition of the statutes" reflects the bishop's concern that the reforms he had in mind would be carried out. Deans, chamberlains, and those under oath shall strive under penalty of a fine to have the synodal statutes within fifteen days of publication. Religious, especially those presented to hearing confessions, also are to have the statutes. The reason for this is that religious are expressly forbidden to absolve excommunicates from sentences promulgated through provincial
statutes or synodal ones, and also in the case of the Apostolic See or sentences of places reserved to the ordinaries. If they do this, they set snares for themselves and the faithful. Therefore it is fitting that they have copies of the statutes.

Within the space of one month after the publication of the statutes, the dean shall summon all his brethren who were not present at the synod and go over the statutes word by word with them. In this way they will have no excuse for not having heard of the statutes. Each priest must obtain a copy of the statutes within a month. The dean must exhort them to faithfully observe them. If anyone is negligent or disobedient in obtaining the synodal statutes, the dean must denounce him to the bishop or his vicar. This is because the statutes are founded in the most sacred canons and most just opinions of the supreme pontiffs, and thus must be obeyed. Past judgments of Christoph's predecessors do not take precedence over the statutes. Epikeia (c.e., that is whereby the law is adapted to suit individual cases) of the statutes is reserved to the bishop as is interpretation of the statutes in special circumstances.

Title Thirty two concerns itself with the times at which the solemnization of marriage is forbidden, and with feasts and fasts. Solemnization of marriage is forbidden from the first Sunday of Advent to the Octave of Epiphany inclusive; from Septuagesima to the Octave of Easter inclusive; and from the three Rogation days before Ascension to the Octave of Pentecost. Effectively, this means that the solemnization of marriage is limited to the Summer
as well as brief periods of the other seasons.

There follows a list of feasts which must be celebrated, and on which all mechanical and servile work must cease. The list includes all Sundays, patrons of any church in their own church, and particular dedications of churches in their own parish. Other days include most Marian feasts, St. Henry the Emperor in the city of Basel (this despite the fact that Basel had entered the Swiss confederation in 1501), St. Gall and the feasts of the Apostles.

Title Thirty three deals with papal cases. A few examples would be the murder of a cleric, heresy, simony, forging of apostolic letters, the crime of an incendiary after denunciation, celebration of a Mass done in greater excommunication, changing of a vow to the Lord's Sepulcher, to the doors of St. Peter and Paul, and to St. James of Compostella, and of the vow of chastity. It can easily be seen that the corrupt and venal Roman curia had a lucrative source of income in these cases which were limited to papal jurisdiction. Episcopal cases (that is those crimes falling under the jurisdiction of Christoph) reserved by right or custom to the bishop follow next. These include homicide, burning before denunciation, sacrilege, perjury, and so on. These cases are reserved to the bishop or his vicar in penitentials. There is now an exhortation concerning the care of the infirm, and the encouragement of the dying.

There follows a list of books which priests should have.

The list is as follows:
The Sacerdotal tract whose beginning is
"Medice cura te ipsum"
The Maniple of Curates
The Little Work of John Gerson, and especially
its third part On the Art of Hearing Confessions
The Confessional of Antoninus
The Confessional of Bartholomew de Chaymis
The Summa of Faults and Virtues of those of Lyons
The Summa Angelica or Baptistiana
The Compendium of Theological Truth of Thomas de
Argentina
The Exposition of Canon Gabriel
The Resolving of Doubts of the Mass of John de
Lapide
The Praeceptorium of John Nider

Among the above titles Gabriel Biel's Exposition of the Canon of
the Mass stands out. It was a nominalist work but one that was also
completely orthodox in content. 19

With this list of books the synod statutes close. In a letter of
October 30 to Johan Amerbach, Wimpeling expressed his concern
about the publication of the statutes. As things turned out, how­
ever, the city of Basel had the statutes printed at its own ex­
pense, thus indicating its approval of the reform movement under­
taken by the bishop. As has been noted the statutes were not suc­
cessful in reforming the diocese of Basel. But it is important to
note that they represented a comprehensive effort to reform the
Church along medieval lines. Although he was bishop, Christoph had
virtually no voice in the government of the city of Basel, since,

19On Thomas of Argentina and Gabriel Biel, see Heiko A.
Oberman The Harvest of Medieval Theology, Gabriel Biel and Late
Medieval Nominalism (Cambridge, 1963), especially pp. 9-29 and
p. 114.
as was the case elsewhere, episcopal power had been gradually eroded for the past few generations. Then too there was the cathedral chapter to whom the idea of reform was repugnant. But there are bright spots in the statutes. The stress on the need for reform in preaching, the desire for decent liturgical rites, the stress on the need to educate young boys, the many statutes dealing with a reform of the lives of all his clergy, all these were to find a fuller expression at the Council of Trent as, for example, the Tridentine decree calling for the establishment of seminaries.

In the later years of his reign, Christoph turned increasingly to humanists like Erasmus and Capito to help him bring about a reform where the statutes had failed. With the advent of Luther, the bishop found that he had thus opened a Pandora's box in his diocese. Medieval reform ideals did not suit the increasingly urbanized society of his time. But Christoph von Utenheim deserves credit for at least attempting a thorough reform of the lives of his subjects.
CHAPTER IV
THE RELATIONSHIP BETWEEN CHRISTOPH VON UTKENHEIM AND ERASMUS

Erasmus, the Prince of the Humanists, was rapidly rising to the height of his fame when he journeyed to Basel in August, 1514. On his way there, he stopped at Strasbourg where he was cordially received by Wimpfeling and his circle. Likely as not, they informed him of the good work which Christoph was attempting at Basel. In a letter to Thomas More from Brussels dated June 3, 1516, Erasmus mentions how much Basel pleases him. The epistle contains the first mention of Utenheim in Erasmus' extant correspondence. He refers to Christoph as "a man very aged in years" and enthusiastically recounts the kindness with which the bishop has treated him:

He has entertained me, he has honored me, he has distinguished me by the testimony of his voice. He offered me money and fortune, and gave me a horse which, having scarcely left the gate, I could sell for fifty gold florins.2

1At this time Erasmus' base was in the Netherlands. He made other trips to Basel in March, 1515, August, 1515, September, 1516, May, 1518, and December, 1518 to oversee the publication of his patristic and biblical works. See Roland H. Bainton, Erasmus of Christendom (New York, 1969), p. 110. Hereafter cited as "Bainton."

Referring to the enthusiasm with which the Enchiridion had been greeted, Erasmus notes that "the bishop of Basel always carries it around." Similar sentiments are expressed in a letter to John Fisher dated June 5.³

The first letter from Christoph to Erasmus is dated July 13, 1517. Utenheim expresses his relief that Erasmus is well and recalls with affection his friendship with Erasmus during the previous year. He continues, "for as long as anything should further the ill health of Erasmus, there would be no doubt if all the Muses would agree to become silent, and thus the whole commonwealth of letters would be in danger." Christoph then urges Erasmus to revisit Basel. For "there would surely be nothing more in our prayers than that we should be granted the honor of gazing frequently on your person and be in the presence of your sweetest and indeed most learned discourse." If Erasmus would visit Basel again, "we and all we have should be yours." This warm letter concludes with a request that Erasmus write and tell something of his affairs. It also indicates that the friendship between Erasmus and the bishop was not merely flattery, but a product of mutual intellectual respect.

Erasmus' reply, dated about August 23, 1517, hails Christoph in the salutation as "the most famous prelate of Basel . . . the grace of nobility and of religion, an unparalleled bishop."¹


He expresses his gratitude for the bishop's friendly attitude evinced in his last letter. It is his hope that the exchange of letters between him and Utenheim will point out to posterity "the picture of a good prelate in you; in me the example of a diligent dependent." Erasmus regrets how much he has been distracted by so many cares, "now by my studies, now by the business of the court (or rather by trifles), now by the spite of certain theologians." He notes that he is now at peace with the latter, "save that a few little cows still cry out--but far away, and at most railing at someone who is absent especially where drinking vessels have made them eloquent." Here Erasmus refers to his appointment as a councillor to Charles, lord of the Netherlands, a position which became effective in January, 1516; but by Pentecost, 1517 the stipend had not yet been paid. 5 At this time, also, Erasmus was working on his edition of the letters of Jerome which was published by Froben in 1516. His amusing slap at drunken monks doubtless refers to Erasmus' role in the Reuchlin affair, immortalized in the Letters of Obscure Men. While he did not approve of Reuchlin's cabalistic interests, Erasmus had written to Cardinal Riario on Reuchlin's behalf. 6 In addition, Erasmus had earned the hostility of the theological faculty at Louvain somewhat earlier for his Praise of Folly and "his derision of divines and also his temerity

5 Bainton, p. 111.

in correcting the text of the New Testament."7 The tone of Erasmus' comments indicates that Christoph was probably in substantial agreement with the great majority of northern Christian humanists in the controversy. Erasmus feels that Louvain is a pleasant enough place in which to reside. Still, he has not given up all thought of returning to Basel. In closing, he thanks Utenheim for "the courtesy and humanity with which you attend Beatus Rhenanus." The latter is described as "a man of rare uprightness," and Erasmus feels that the courtesies of the bishop toward Rhenanus are as if they had been done toward him.8

Following this there was a five-year hiatus in the correspondence between Christoph and Erasmus. When the thread of correspondence between the two friends picked up again, the winds of Reformation were blowing through Basel, while the exhausted bishop was ensconced in his castle in Porrentruy. But contact between the two had not ceased entirely, for in 1522 Erasmus dedicated his work De interdicto seu carniun to the bishop. It was completed on Easter Monday.

It is well known that the beginnings of the Reformation at Zürich were marked by the open defiance of the Church's ban on the eating of meat during Lent. The same was the case at Basel. When


8Beatus Rhenanus had been in residence in Basel since 1511. He made Erasmus' acquaintance in 1515.
he was faced with this problem in his diocese, Christoph appealed to Erasmus to give his opinion concerning fasting and abstinence, the observation of saints' days, and the celibacy of the clergy. Erasmus responded to Christoph's request with the dedication of the aforementioned work to him.9

The *De interdicto esu carnium* of Erasmus cannot be separated from the themes which pervade the corpus of his work. As Lewis Spitz has noted:

> But Erasmus can be seen in yet another way, as a reformer with his own serious program for the renewal of the church and the improvement of society. Understood in this light Erasmus appears as a man with an integrated personality and a great unity of purpose directing his life.10

Whether Erasmus imbibed his strongly ethical emphasis from his early education with the Brothers of the Common Life is debatable.11

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9See Desideri erasmi roterodami, opera omnia (Leyduni Batavorum, 1706), t. 9, cols 1197-1211. Hereafter cited as "Leyden." The work appeared at Easter, 1522. Reference will be made to a contemporary translation: An epystell of ye famous doctor erasmiis of roterdam unto the reuerende father and excellent prince/ christopher byshop of basyle concernynge the forbidiynge of eatynge of flesche/ and lyke constitutyons of ren (London, n.d.). Hereafter referred to as "Godfray," see also Bainton, pp. 180-181.


11But the Brothers of the Common Life may not have had such a profound effect on Erasmus' education in 's Hertogenbosch. This is argued by R. R. Post in *The Modern Devotion. Confrontation with Reformation and Humanism* (Leiden, 1968), pp. 395-398.
It is in any case true that the strongly ethical emphasis of De interdito esu carnium can be traced to Erasmus' earliest writings. Eugene Rice puts it well:

Yet it was precisely in such ambiguities /the conflicts of the classical and Christian traditions in Erasmus/ that Erasmus achieved a modus vivendi with the religious tradition. By emphasizing common ends, diversity of allegiance became less harrowing; while secularism and a supranatural religious inheritance might be drained of practical antagonism if aims foreign to neither could be found and emphasized. Ethics was the area most suited for such adjustments. The ethical aspects of Christianity were consequently emphasized at the expense of its less worldly elements. At the same time nothing was rejected, nothing formally altered. Erasmus' very appreciation of worldly charms denied fanaticism. There is merely a shift in emphasis, a shift which nevertheless reflects a profound spiritual transformation. For in Erasmus one sees the emergence of a new ideal, the good life, the result of a synthesis of the Christian and antique differing in character from that accomplished by the Middle Ages. Its formulation is classical yet it is meaningless outside the context of Christian ethics.12

It is doubtless true that De interdito esu carnium is one of Erasmus' "serieux" works.13 To again set the work in the context of Erasmus' whole activity, it is possible to identify it negatively as part of Erasmus' whole polemic against "cerimoniae," stemming from his unhappy encounters with the rigors imposed by


monastic life, and the frequent necessity of eating the salt fish so characteristic of the contemporary European diet—a necessity made all the more stringent by the Church's laws on fast and abstinence. Positively, however, the epistle may be seen as an illustration of Erasmus' concern for the evangelical "libertas" of the Christian.14 These two aspects of the thought of Erasmus are united in the work dedicated to Christoph by a consciousness that reliance on outward ceremonies often cripples a truly Christian response to the liberating message of the philosophia Christi. And it is precisely this that is at the heart of Erasmus' spiritualistic concern.

The author immediately addresses himself to the situation at hand. He first expresses his concern over the turmoil which the question of eating meat on fast days has brought to Basel, ironically referring to it as unrest brought "by an household pigge." Erasmus goes on to state that

 Custome confirmed with long use/ is a very mighty and strong thyng/ whiche though it be neuer so folysche & unreasonable/ yet after it hath ones taken place & hath caught authorite . . . can it be put downe/ than by lytel & lytel after ye same maner as it crope in at the beginnyng. Nowe fastynge and choysse of meates are of such nature that if a manne use them right/ they are helping to good lyueing.15

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14 On the idea of "libertas" in the thought of Erasmus, see James D. Tracy, Erasmus: the Growth of a Mind (Geneva, 1972), pp. 12-13, 34-35, 18-31, 76-77, 96-98, 143-149, 166-170, and especially 188-195 where it is discussed in connection with De interdicto essu carnium (pp. 191-192). Hereafter "Tracy."

15 Godfray, A 3 r-v.
Erasmus cites the testimony of the Old and New Testaments to the effect that fasting is good for the soul. Fasting only became a church law when the charity of the people grew cold, and it became necessary "to pricke forward ye myndes of weke persons which than were fallyng to worse things."  

In the light of these opening comments of Erasmus, it might be appropriate at this point to review early Christian practice on fasting. Karl Baus notes:  

The ascetical enthusiasm of the third century also led to a considerable practice of fasting both in connexion with liturgical worship and in the private devotion of Christians. The weekly fasts on Wednesdays and Fridays that had descended from apostolic times became more firmly established and received a further development in the static of the North African Church. ^17

The practice of fasting can be dated back to apostolic times, and is referred to both in the Didache and the Pastor of Hermas. It also attained favor among early Christian ascetical circles where it gained special favor in monastic circles. The fact that it had degenerated to a merely external observance in these same circles by the time Erasmus was writing would explain his rather scanty comments on the sound patristic foundations for the practice of this type of asceticism in the Christian tradition. In addition, there is also the background of Erasmus' whole thrust against

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16 Godfray, A 5 r.

cereonies and for evangelical liberty which led him to insufficiently emphasize the historic place of fasting in the life of the Catholic Christian.

Erasmus goes on to say that tradition has its value, as Christ himself showed when he refused to condemn the trifling traditions which the Pharisees added to the burden of the law. Instead, there is the example of St. Paul who in refusing to eat the meat offered to idols was doing so for the sake of the weaker Brethren:

There is the example of these men also
(I meane the eaters offleshe in lente)
as I hearsays/ layeth for theym selue the
lybertie of the gospel of the which they
make Luther renewer and defender.

Erasmus feels that such people often cause needless scandal to the weaker brethren. The duty of the bishop here is to provide for the evangelical liberty of his flock--something which he states is not always done in contemporary times.

Erasmus' concept of the necessity of evangelical liberty for a more internalized Christianity has been explored by James Tracy and E. W. Kohls. As Kohls notes, for Erasmian Christology the

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18 Godfray, A 8 v.

19 Godfray, B 1 v.

20 See Tracy, above n. 14, and Ernst Wilhelm Kohls, Die Theologie des Erasmus 2 vols. (Basel, 1966). All references are to volume 1 and the work will be cited hereafter as "Kohls." But Kohls is to be treated with caution. Otto Schottenlocher concludes his review in the Archiv fuer Reformationsgeschichte (vol. 58 1967), pp. 250-257 with the following comments on p. 257: "Der
main content of Scripture is to find the division of "Flesh" and "Spirit" in the structure of "Littera" and "Spiritus": the letter of Scripture has no meaning for salvation.²¹ The law of the Spirit in Erasmus is closely connected with divine grace. By the fact that God imparts the Lex spiritus to believers he forms an innermost relation with them. The Lex spiritus thus is above all juridical categories and attains a character which is profoundly personal and in tune with the whole character of salvation history.²² Kohls


²¹Kohls, p. 129.

²²Kohls, p. 145.
goes on to say that Erasmus accuses his contemporaries of having fallen under the dominance of the letter and not the spirit.\textsuperscript{23} Such a bondage can hardly be conducive to the evangelical liberty which Erasmus here commends to the bishop. In the above comments of Kohls concerning the role of the \textit{Lex spiritus} in the \textit{Enchiridion}—a book which we have already seen was dear to the bishop—Erasmus had laid the foundations for the appeal here made to Christoph to guard the evangelical liberty of his flock.

Erasmus has not finished with the question of fasting, but now turns his attention to the problem of the observance of holy days. He feels that there are too many of them, mentioning the example of a bishop who had a concubine named Barbara and who consequently wished to make Barbara's day a holy day!\textsuperscript{24} He goes on to catalogue the plethora of holy days which are observed in the Church; all sorts of community ills and excesses stem from the idleness enforced on holy days. Erasmus feels that most of these observances, save Sundays and a few of the principal feasts, should be done away with entirely. Certainly, most would admit that the great number of feasts in Erasmus' time ill suited the needs of an increasingly urbanized and non-agrarian society. The Roman Catholic Church was to come to a recognition of this at the Council of Trent.

\textsuperscript{23}Kohls, pp. 146-147.

\textsuperscript{24}Godfray B6 r. Tracy notes that Bishop Briselot, suffragan of Cambrai, was particularly offended by Erasmus' treatment of Saints George and Christopher in a French translation of the \textit{Encomium moriae}. See Tracy, p. 174.
Erasmus now turns his attention to the question of clerical marriage. In the early church, he says, there were only a few priests and they kept themselves chaste. At a later date this was confirmed in law and extended to all grades of the priesthood by the bishops. But with the increase in the number of priests, the holiness of the early sacerdotal order waned. With the swarms of priests now in existence, there is very little chastity. This is evident to the common people:

And though we do know these thynges wel ymough/ yet are we in admyttinge & receyuing them to holy orders very easy & in the releasyng of the constitution/ which forbyddeth preestes to hauve wyves/ very harde and strayte/ when Paule teacheth clene contrariwise/ that no man is swiftly to be promoted to holy orders . . . but as concernyng lyueing sole without wyves/ neither Christe neyther the apostels hauve apoynted or sette any lawe in holy scripture.

The sentiments expressed here by Erasmus are, of course, completely contrary to the bishop's reform synod of 1503. He goes on to state that the shameful behavior of priests is a scandal, and proposes


26 Godfray B 7 v.
that they should be allowed to marry in order to avoid the current spectacle.

In this respect, Erasmus is not entirely original. John Gerson wrote a dialogue in which optional celibacy was favorably discussed. And Aeneas Sylvius was said to have favored optional celibacy before he became Pope Pius II. In addition, in a document connected with the Council of Constance, Cardinal Zabarella said that priestly marriage would be preferable to endemic concubinage. Erasmus may have been more directly influenced in his opinions concerning celibacy by a contemporary Flugschrift, a work of Andreas Bodenstein von Karlstadt, De coelibatu, monachatu et viduitate (1521). Erasmus goes on to say that candidates for ordination should not be received as rashly as they are nowadays, and then he turns to the role of bishops in this connection. Here he anticipates that if the bishops were to change the celibacy requirement, their officers and courts would object to it because of the profits

27 On these see Lynch, pp. 58-59.

28 Discussed in Ozment pp. 140-41. A petition of July, 1522 by eleven Swiss clergy to the bishop of Constance, "Petition of Certain Preachers of Switzerland to the Most Reverend Lord Hug, Bishop of Constance, that he will not Suffer Himself to be Persuaded to Make any Proclamation to the Injury of the Gospel, nor Endure longer the Scandal of Harlotry, but Allow the Priests to Marry Wives or at least would Wink at their Marriages" may in turn, I think, have been influenced by Erasmus' work. The clergy were under the leadership of Zwingli. See Ozment, pp. 141-46.
which they are currently making from priests' concubines. The income from fines would be cut off. Given the proverbial venality of the Roman curia itself at this time, Erasmus' insight has a great deal of truth in it.

The author returns to the subject of fasting. Here he complains about fasting requirements that stipulate that only one meal a day is permitted and that determines the type of food that may be eaten. To make matters worse, they threaten everlasting damnation to those who break the fast which, after all, is a custom brought about by men. Requiring people, for example, to eat specific foods on fast days is a purely secondary matter. Indeed it is reminiscent of the requirements of the Mosaic Law which Christians do not observe.

Erasmus then embarks on what is, for him, a curiously scholastic task. What, he asks, is the real distinction between fish and flesh? Porpoises, seals, and dogs after all have both land and water as their proper habitat. Then, too, the rich prefer to eat sturgeon or trout rather than smoked bacon or tough mutton. What is the point of eating artichokes or figs when one is fasting if they only serve to kindle carnal desire? Here it might be noted that these "scientific" observations of Erasmus necessarily

\[29\text{Godfray C 3 v.}\]

\[30\text{Godfray C 5 v.}\]

\[31\text{Tracy refers to the school books which Erasmus read as a boy with their nonsensical word derivations. In this Case, one is reminded of John of Garland's definition of the word "dog." See Tracy, pp. 24-25.}\]
depend on scholastic sources, because for all the progress made by Erasmus and his contemporaries in philology, they were still necessarily dependent on medieval sources for information concerning the natural sciences.

Then, too, fish is in many places hard to obtain, and is to some (presumably Erasmus is referring to those who are allergic to it) like a scorpion or a snake: Erasmus’ antipathy to fish is well known. The author then points out that dispensations from fasting may be obtained at the court of Rome so that rich men (who need to fast the most) can get by while the poor labor under the full burden of the law. Such dispensations should be relegated to the curates who know their flocks best. In Erasmus’ opinion, it is not the Pope’s will that the very young, the aged and the infirm observe the laws of fasting. The principle of epiekeia (whereby the law is interpreted to suit individual cases) should be applied.

Most of the regulations now in existence came about by custom.\(^\text{32}\)

The laws of God are to be observed more than the laws of men. The bishop is not the author and master but the steward of the New Testament. Here Erasmus distinctly opposes the role in which many

\(^{32}\)The modern code of canon law, though under revision, is still effective and obliges those over seven and under sixty years of age to observe the laws of fast and abstinence (Canon 125h). See Codex juris canonici pp.i-x pontificis maximi (Westminster, Maryland, 1957), Lib. III (De rebus), Tit. XIV, Can. 125h, p. 421. This edition reflects the Tridentine and post-Tridentine reforms which incorporate much of what Erasmus advocates in this work especially with regard to those who are not of the proper age to fast.
contemporary bishops see themselves. He goes on to say that the bishop should not have his personal wishes bind his subjects under the pain of hell-fire. Another example is taken from Paul:

Agayn the same Paule Straitley commanded/ that women shulde not speke in the church or company assembled/ lest that seve somewhat proud and highe mynded/ might chalenge to them selves any authorite in the presence of their husbands. And yet I do not thynke that he commanded that/ beynge of this mynde & wyl/ & if any woman through infyrm yte longing to that seve/ had spoken anythyng in the congregation for desyre to lerne/ forthwith she shulde be made bonde to ye fyre of hell.

Erasmus neither approves nor disapproves the theories of those theologians who say that no prelate may bind his subjects under pain of mortal sin unless his decision stems from the will of God. This is typical of Erasmus, caught up in controversy, unwilling to expose himself to the barbs of either side. He goes on to cite some of the excessive prescriptions of papal constitutions which many theologians hold to be invalid because they do not stem from the law of God. Here again Erasmus, cautious as always, refuses to take a stand. He cites the example of Italy where, even in Lent

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33Godfray, E 2 v. Kohls rightly notes that Erasmus soteriologically anchors the Lex spiritus in Christology. With this is connected spontaneous charity—for which Christ frees believers—, and thus we have the Erasmian concept of the primacy of the Lex spiritus over any kind of moralizing. Whether Kohls' strictly theological definition is completely suited to the whole corpus of Erasmus' thought historically considered is another question. In any case, when Erasmus observes that the laws of God are to be held to more than those of men, it is clearly a reference to the Lex spiritus. See Kohls, p. 1108.

34Godfray, E 3 r.
veal, kid, and lamb are openly sold for the benefit of the sick or those who need meat. Erasmus continues:

They call them Lutherians and heretykes which doth eate fleshe. Nowe this is not the eatynge of calves fleshe/ But it is the gnawynge & eatyng of thy brothers fleshe. Whether of these two thynges I besech you/ is the more greuous offence & synn?35

The author goes on to say that we are up in arms over this mere prohibition from eating meat. There are two difficulties: one of order, and the other of offending a neighbor’s conscience. Order is important, and even an unworthy bishop is to be tolerated for its sake. But the bishops should realize that their flocks belong to Christ rather than to the bishops personally. Taking his analogy from the New Testament, Erasmus states that the bishops are servants to their flocks seated at the banquet table of Christ. Bishops are to govern and rule, but in the same way as a father rules his children. They should rule their flocks with exhortation rather than threats.36

35Godfray, E 7 r–v. Sharply opposed to the Lex spiritus, as Kohls notes, is the Lex carnis. Erasmus does not totally dismiss the Old Testament and contemporary Christian ceremonial law. See Kohls, p. 119.

36Godfray, F 2 r. The concern about the role of bishops in the Church which Erasmus expresses here is reflected in Christoph’s reforming synod of 1503, and was to be a major concern of Catholic reformers like Gasparo Contarini, author of De officio episcopi (1516). On Contarini see John C. Olin, The Catholic Reformation. Savonarola to Ignatius Loyola. Reform in the Church 1495–1540 (New York, 1969), pp. 90–106. A model bishop akin in spirit to Christoph was Matteo Giberti of Verona. For his reform constitutions (after 1527) See ibid., pp. 133–148.
To be effective, laws must be approved by the people. The recent Lateran Council failed in this respect despite the large number of constitutions which it issued. Given the example of the New Testament where Christ and St. Paul freed men from Jewish dietary regulations, one should consider whether we are bound by such constitutions of men. One should not judge one's neighbor by such externals as abstinence from meat. Addressing Christoph directly, Erasmus asks why so many sentiments of this nature have been expressed:

Is it to disalowe the choise of meates which the use and custome of the churche hathe allowed/ and yet dothe alowe? To speke ye trueth playnly/ as I do thinke: I wolde fayne th a t a l thynges whiche are of this kynde and sorte or els at the

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37 Godfray, F 8 r - v. The fifth Lateran Council met from 1512-1517, and was attended mostly by Italian bishops. It was convoked by Julius II in opposition to the anti-papal, French-dominated Council of Pisa. Its only dogmatic definition was one concerning the immortality of the human soul in opposition to the teaching of the philosopher Pomponazzi. It promulgated a number of reform decrees in the form of papal bulls including one in the eleventh session concerning preaching which contained an attack on the mendicant orders' practices—also a target of Erasmus. As Jedin notes concerning the failure of the Council's decrees, "Not even the modest content of the Lateran decrees was quickened into life and reality, for there was no strong will to carry them through consistently, no firm purpose to prevent their being weakened by readily granted dispensations." See Hubert Jedin, Ecumenical Councils of the Catholic Church, an Historical Outline (New York, 1960), p. 111. Also ibid., pp. 138-140. There is an extremely detailed treatment of the Council in Carl Joseph von Hefele and J. Cardinal Hergenhöther Conciliengeschichte 9 vols. (Freiburg-im-Breisgau, 1873-1890), Vol. 8 (1887) pp. 392-809. For a translation of Egidio da Viterbo's prophetic opening sermon to the Council, see Olmes, pp. 10-53.

38 Godfray, G 5 r. Kohls' comments on the Lex spiritus again have relevance here.
lestwise/ the exaction of suche thynges were cleane out of the way/ so ye what so ever were abated or taken away from ceremo-
monyes/ shulde be added to the exercyses and workes of trewe holyness.39

But if simple people need ceremonies like fasting there should not be many of them. They should not be led to believe that they sinned mortally because of what they ate. At the same time, those practices which are endorsed by custom (like fasting) should not be despised. They should instead be gradually removed while the people are exhorted to do better things. Externals (for example, Jewish circumcision) do not lead us directly to salvation. Erasmus hopes that Christoph will do neither more nor less than the matter requires in the case of fasting.40

The main portion of his argument concluded, Erasmus turns to plead his own case. First, he did not encourage anyone to eat flesh without necessity; instead, the common custom should be followed and observed. Erasmus says that he would eat neither meat nor fish if he could live on vegetables. But each Lent he is in jeopardy "by the reason of weaknesse & of a certayne natural

39Godfray, G 8 v- G 9 r. Kohls notes that the ceremonial law of the Old Testament can only serve as a preparatory step for the real goal—the Lex spiritus. In addition, the ceremonial law of the Church can never distort the real goal the Lex evangelica. It is not that the Lex spiritus doesn't have praecepta: Paul's epistles are full of them. But these praecepta are not commandments but admonitions. And in talking of praecepta Paul does not mean ceremonial law at all. See Kohls, p. 149.

40Godfray, H 3 v. As Kohls says, external works (like fasting) for Erasmus not only do not fulfill the Lex spiritus, they are also the main block laid in the way of the Lex spiritus by the caro of fallen man. See Kohls, p. 151.
hated that I have towards fysshe." Erasmus recounts how he drank meat broth with egg yolks when he was near death in Italy. He did this without a papal license even though he had the requisite papal bulls at hand dispensing him from the obligation to fast. To support this, Erasmus mentions his sickness and infirmity as well as the burden of his many studies. Then, too, there is the omnipresent stone. He would have been "a murderer of myne owne selfe/" had he abstained from meat under the circumstances. Here again the example of Paul is cited. The Apostle rebukes those who judge their brother over the matter of meat or drink. And he judges them to be "most pestylent" who would prohibit the use of meats which God has ordained for the use of man. Typically Erasmian is the statement: "We do enclyne & leane altogether to ceremonyes/ hauynge no mynde or regarde of those thynges/ whiche alone dothe make us trewly vertuous & good lyners." Erasmus states that he sought the papal dispensation in the first place in order not to cause offense. He suggests that curates should approach the question of fasting with the souls entrusted to them by noting that the entire Christian life

1 Godfray, H 4 r.

2 Godfray, H 5 v. Erasmus had contracted the stone while he was in Venice. See Tracy, p. 127.

3 Godfray H 8 r. This statement is consonant with the whole Erasmian conception of the libertas of the Christian. "Libertas for Erasmus meant the state of a Christian man who is free from obligatory rules in the matter of cult and therefore free to fulfill the spirit of Christ's law voluntarily and with alacrity." Tracy, p. 115.
is, in a way, a fast. This is because it enjoins asceticism with regard to the pleasures of this world and the desires of the flesh. Such an idea is reminiscent of Erasmus' early work, De contemptu mundi (c. 1537), which Kohls believes expresses the young Erasmus' desire to place monasticism and its ideals on a much more interior basis.

Church authority and ancestral custom demand that those who are able should fast: "It is the lest parte of fastynge/ the abstynence of certayn meates: it is an unpleasant fast to god/ whereby peace & concorde is broken." Those who do fast should give thanks to God for their bodily strength; those who do not fast should give thanks to God for supplying so many meats to comfort our weak and feeble bodies. (These statements of course beg the whole question of the Church's right to enjoin fasting.)

For Erasmus the entire problem is not an essential one: above all he desires concordia. Bishops should exercise their authority against war, pestilence, and cruelty—three topics with which Erasmus himself was concerned. He then speaks to Christoph directly: "These thynges I thought best to write to you most worshipful man & most vertuous prelate/ not that I wolde teache you which are most lerned/ or plede my cause and defende my selfe before youre

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\(\text{144}\) See Kohls pp. 30-32. Kohls refers to this as "Mönchtum der Welt."

\(\text{145}\) Godfray I 2 r. This passage is indicative of Erasmus' profound desire for concordia in the Christian commonwealth—one of the major themes of Saintyon's book.
Concerning his own state of ill health he stated,

But that by you myght outher pacifye or heale other me/ if my deede happily hath offended any men/ or myne example hath drawn any to overmoche lybertie boldenesse. And that these thynges somewhat largely hath ben disputed of me: there was none other cause els/ But onely that I had very good opiniyon of your singuler wysedome and gentylnesse or pacience. For when I did consyder & cal to my remembraunce/ the noblenesse of your kynred/ your most pure and incorrupte maners and excellent lorrnyne/ fynally your synguler wysedome/ & other gyftes & vertu es/ semely for a byshop/ I dyd not feare/ lest you wolde take any thyng in to suspytion/ whiche were spoken somewhat boldly & largely of the office and dewtie of byshoppes. I pray god that wel might you highnesse fare/ most holy & vertu ous prelate.

The work, to which the above is the conclusion, drew attacks from the conservative Catholic side. Latomus of Louvain published an attack on it in 1525. In 1532, Erasmus published his scholia on De interdicto esu carnium to answer his critics.

Erasmus stated that he was publishing the scholia because the original work was misunderstood by his critics. His comments are directed to the rashness of some and do not concern the government of Basel, much less the bishop and his officials. The

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46 Godfroy, I 3 r-v.

47 Godfroy, I 3 r- I 4 r.

city council of Basel had not yet approved the violation of dietary laws. But the Bishop, "vir integer et plus," who had heard that violations had taken place, was following up the matter. During Lent of 1522, some people were eating lamb in public—even throwing bits of lamb bones out the windows onto the public thoroughfare. On Palm Sunday, they gathered near the city in the house of a surgeon named Sigismund and ate a roasted pig. Erasmus remarks that the physician was skilled in treating the stone. In any case the group was denounced to the bishop. There were those who also said that Erasmus himself also sometimes ate meat during Lent.

But he did this privately, and only in case of necessity. Furthermore, as we have seen, he also had a papal dispensation to do so.

Erasmus continues:

There was no danger to me from the bishop whom I always held as most devoted to me while he was alive: but nevertheless it seemed good to instruct him that he might have something to answer to those who were distorting my need to excuse their own boldness.49

He had no thought then of publishing the writing, but did so at Christoph's urging. Erasmus never dreamed that it would arouse such a hostile reception. He had only good intentions in publishing the work:

Someone might say that you could have more sharply criticized the violators of ecclesiastical law. Perhaps I could have, but I had to have an idea at what time and in what commonwealth I was writing. I preferred to remember these two things for this purpose---

49Coppens, p. 601.
That the Reformation was underway in Basel that I might not only restrain boldness but also warn the superstition of some who more than sufficiently allow importance to external observances [that is, the conservative Catholics].

It is in this way that Erasmus defends his own work and speaks warmly of Christoph about five years after the latter's death.

The correspondence of Erasmus and Christoph picks up again at the beginning of 1523, and the first letter shows Erasmus to be deeply absorbed in his studies and bouts with recurring sickness. He has nevertheless decided to take the time to skim over two books which the bishop has sent him. The first, interestingly enough, was a work entitled Of the State and Office of Bishops.\(^5\) In the light of Erasmus' comments one regrets that Christoph did not send him Contarini's De officio episcopi instead! Erasmus notes that "the simplicity of style and inelegance of language are perhaps offensive to many," since the standards of the age demand a fine style. But he considers the Carthusian to be "not without talent; the language, even if it is not altogether Latin, nevertheless is clear."

The second work\(^5\) is criticized for its paucity of scriptural quotations. Erasmus is also dubious about the wisdom of the approving

\(^5\)Allen, Vol. 5, p. 161, no. 1332, l. 6, n., considers the work to come from a volume containing two of the works of Dionysius Rikel, the Carthusian (11/02-11/1471), who is also known as de Leeuwis. The work referred to by Erasmus is De vita et regimine praesulum. The work cites the revelations of St. Bridget.

\(^5\)Perhaps the De vita et regimine curatorum.
quotes from the revelations of St. Bridget for "they would be a subject of ridicule to all learned men." A work of Bishop Briselot (none of whose works were ever printed) is commended for its learning, "but it tastes too much of pontifical laws," and is furthermore "both scanty and inelegant." The recurring criteria—scriptural content and style—for the utility of a work show a familiar side of Erasmus, a side which distinguishes him from Christoph who felt quite comfortable within the structure of medieval theology. Utenheim, though possessed of a fine Latin style, seems here not to be concerned with stylistic quality but with theological content. In any case, Erasmus refused to compose a preface to the work, something the bishop had apparently requested. He pleaded that the Lutherans would say that he is aiding the papist side, while the others would accuse him of wishing to reproach prelates and priests: "the zeal of both sides burns so that I do not wish to be joined to a troublesome business." This is yet another typically Erasmian statement showing his desire for concordia above all in the face of the troubled times. His remark that others would accuse him of wishing to reproach prelates and priests is a rather weak rejoinder to Christoph who, as a firmly Catholic prelate, had after all sent him the books in the first place. Erasmus appears to be conscious of this for he now turns his attention to the reform-minded Hadrian VI. Characteristically, Erasmus says that he is waiting to see where the zeal and spirit of the pope may turn itself. "If he will appear to truly look upon Christ, we will help
him with all our strength; if so little a man as I can do anything."
The Dutch humanist then tells Utenheim that he will linger on in
Basel until March. He has edited the books of Hilary and plans to
finish the work *On the Manner of Speaking*.

Erasmus then expresses his concern over the bishop's ill
health. In the spirit of offering consolation, he says that he is
sending Utenheim a copy of Luther's *Tesseractacas*, a work which was
intended to offer consolation in illness. Erasmus notes that it
has been very much approved even by those
who are in all ways opposed to his teach-
ing. For he wrote this before matters had
progressed to this fury. And would that
that man had been recalled to more moderate
things by the admonition of friends, just
as he was made wild by the hatreds of certain
people. But if there is anything bad in it
your prudence knows how to separate the gold
from the dung.

This statement, fraught with caution and apology, is sufficient
evidence that Christoph no longer sympathized with Luther. It
also indicates that Erasmus was distressed to see his dream of
*concordia* in the Christian Commonwealth disintegrating in the face
of increasing conflict between Evangelical and Catholic.

Erasmus concludes his letter with some remarks on church re-
form and Hadrian VI. He has no doubt that Hadrian would correct
many things in the morals of the church: for example the immoder-
ate license in dispensations and the immense number of priests:

"He ordains a reverence befitting for clerics; he will not publicly
tolerate criminals; he will enforce to frequent sacrificing
that is that clerics fulfill their sacerdotal responsibilities."
Erasmus further believes that Hadrian will re-establish the authority of the Roman See with imperial support. Even Erasmus, acquainted as he was with the corruption of the Church and the Roman bureaucracy, must have had his doubts as to whether Charles V's old tutor could do so much. He closes the letter on a critical note:

Nor is it plainly pleasing to me that the primacy of that see be removed, but I would desire that its teaching be such that it might shine forth to all struggling for evangelical piety: inasmuch as it has now taught for some ages by its own example those things which are utterly opposed to the doctrine of Christ.

It should be noted that Erasmus does not take a stand here on whether the authority of the papacy is of divine or human origin. Luther could have said as much in 1518.

The next letter of Erasmus to Utenheim dates from about November, 1523. Erasmus complains about his illness but hastens to add that he "would eagerly take enjoyment in the sight of your conversation and piety." He asks Christoph to criticize anything offensive in the Paraphrases on Matthew which he has recently published. The letter closes with a complimentary valedictory.

Erasmus' next communication to Utenheim is dated from Basel, June 20, 1524. The letter concerns Erasmus' De magnitudine misericordiarum domini concio, composed in honor of a chapel which

53 Ibid., pp. 475-476.
the bishop was building in Porrentruy. Erasmus requests Christoph to read it and note whether anything is to be added or omitted before he sends it to Froben for publication. He adds that he will in any case revise it, and render it "a little more polished, perhaps even more eloquent." Erasmus then suggests adding a little preface which shall make mention of the chapel planned by the bishop. He closes by noting that "insofar as we have freely submitted ourselves to that most sacred will of yours in this matter, we have so sought everything to be carried out from the sentiment of your spirit."

Utenheim's reply from Porrentruy is dated July 13, 1524. He asks Erasmus that nothing be added to the text which would provoke disagreement on the Catholic or Lutheran side and thus involve him "with this or that sect." Christoph finds some things in the sermon to be of this sort and begs Erasmus "to take away and rescind the same." Such a sentiment is typical of Utenheim's ironic spirit, and the published text of the sermon is evidence that it contains very little over which Catholic and Lutheran might quarrel. The bishop closes his letter, addressing it "to the incomparable man, most dear to us as a brother in Christ, the lord d. Erasmus of Rotterdam, theologian."

Erasmus' reply is dated from Basel, July 29, 1524. He announces that he is dedicating his work to the chapel which the

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54 Ibid., pp. 491-492.
55 Ibid., p. 409.
For no argument was more agreeable either to that piety of yours (with which you strongly desire all mortals to seek salvation through the mercy of God) or to this age that has long been so corrupt. For doubtless in so great a flood of miseries it was agreeable to encourage all to the refuge of divine mercy. For we have more willingly taken up this work at that command of yours because we were calculating that we would at once satisfy your most holy will and accomplish something not unpleasing to God. But may so great a zeal of each of us fare well among men, so that with our encouragement, very many men, casting away the roguery of old, may walk in the mercy of the Lord. May it always deign to favor your venerable old age.

The work to which this was the preface appeared in September, 1524.

What portrait of both men can be drawn from their correspondence and the works dedicated to Christoph by Erasmus? That both men were deeply concerned with the issues raised by the Reformation is clear. The letter from the beginning of 1523 cited above in which Christoph sends two works of medieval piety to Erasmus provides a clue to the difference between them. Although he had absorbed strong humanist sentiments from Wimpfeling and the Strasbourg circle, Christoph was firmly rooted in the traditions of medieval piety. This is evinced by the titles of the two works which he sent to Erasmus. It is significant that in his work De interdico eun carnium Erasmus addresses himself to the role of bishops in the Church. This was a subject which was on the bishop's mind in his retirement. Erasmus' refusal to compose a preface for one of the works on the grounds that this would force
him to take sides in the religious quarrel is typical of his desire to avoid controversy. Christoph seems to have been similarly inclined as is seen in his request to Erasmus to avoid putting anything into his work *De magnitudine misericordiarum dei* which might offend either side in the religious quarrel.

But Christoph's irenicism is not one of indifference to the theological content of Roman Catholic Christianity. As has been said, he was firmly rooted in the ground of medieval piety while Erasmus, though strongly biblical, was not. One thinks of Joseph Lortz's criticism:

> This was the essential Erasmus. His battle against scholasticism was wrong, for he knew too little about scholasticism, and had come directly into contact only with its soulless extravagances. . . . The deeply Christian and devout element was not the decisive element in Erasmus; and it does not indicate the real objective of Erasmus' effort and aspiration. . . . By his very evasion of clear decisions and essential commitment Erasmus did harm to Christianity. . . . In theology Erasmus was a born relativist.  

These harsh statements have recently been challenged by C. J. De Vogel. This scholar believes that Erasmus was primarily a theologian who learned Greek only in order that he might lay the foundations of a Christian theology. His opposition to scholastic

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method stems from its emphasis on logic which gave theology an overly intellectualist character. Erasmus' philological and historical method does create the possibility of giving an account of the grounds on which church dogma is founded and to this work of critical reflection (which is part of the theologian's task) Erasmus made quite an important contribution. De Vogel goes on to assert that Erasmus made a clear choice for the Roman Church at an early date in the Reformation. Evidence for this is found in his letters and other writings. For Erasmus, the very bases of the Church were Scripture and Tradition. Furthermore Erasmus believed that there are mysteries of the faith which no mind can penetrate. Belief in them is of no value unless they penetrate our whole being. Certainly, Kohls' conception of the role of Lex spiritus in Erasmus may also be applied here. Erasmus also had a strongly pastoral concern. This is seen not only in his edition of the New Testament, but also in works like the Method of Preaching which is five times larger than his Method of True Theology. Erasmus' meaning to Christianity today stems from "the fact that his message of spiritual freedom sprang from an attitude of firmly and unwaveringly sticking to the fundamenta ecclesiae."

In the letter of the beginning of 1523, Erasmus' reference to the fact that he is sending Christoph a copy of Luther's Tesseradecas and his subsequent comments show that the bishop was not a conservative hard-liner with respect to Luther's views. His

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50Coppens, p. 103.
closing comments where Erasmus states that he does not wish to see the authority of the papacy removed also indicate that the Dutch humanist was unwilling to detach himself from the Catholic camp. But Christoph was at one with Erasmus on this point when he pleaded in his letter of July 13, 1524 that he did not wish to be "involved with this or that sect."

The distinction to be drawn between the two friends is that Christoph for all his laudatory comments concerning Erasmus and his work remained rooted in a sacramentally oriented medieval piety. Erasmus, for all his concern for "the philosophy of Christ" was not dependent on medieval theological world views. If it is possible to agree with Lortz's stricures in this respect, his more severe comments about Erasmus (for example, that he died without the sacraments) would have to be modified by de Vogel's apology. The correspondence of Erasmus and Christoph shows a friendship based on mutual respect. Certainly Christoph retained his confidence in Erasmus to the end. And in his role as patron and friend of the "Prince of the Humanists" we discover a charitable and 陀nic attitude that gained for the bishop the respect which it so richly deserved.
CHAPTER V

DIOCESAN ADMINISTRATION IN BASEL EARLY IN THE SIXTEENTH CENTURY CONCLUSION

The acts of the provincial council of Cologne in 346 make mention of Justinianus, bishop of the Rauraci. His diocese lay within the boundaries of the Roman province of Raurica, and had as its metropolitan the bishop of Besançon. The seat of the diocese was the Roman settlement of Augusta Rauracorum.

The history of the diocese becomes obscure after Justinianus due to the grave social dislocations caused by the fall of the Roman Empire in the west and the barbarian invasions. In 618, there is reference to Ragnachaire, bishop of Basel, and the seat of the diocese was henceforth to remain in that city.¹ The internal division of the diocese was based on the boundary lines of districts named gau or pagi which had been established by the barbarian Franks and Allemanni toward the end of the fifth century. Thus,² there are the denominations of Sundgau (Upper Alsace),


²For this and what follows, see the map of the diocese of Basel in Chapter II.
Sisgau, Sornegau, Frickgau, Buchsgau, and Elsgau used to indicate the deaneries or rural chapters of the diocese before the thirteenth century. The Sundgau was divided into five deaneries in the fourteenth century. The deaneries of Sisgau and Frickgau were combined after the Reformation.

The diocese of Basel comprised the water basin of the left bank of the Rhine up to the confluence of the Aar with the basin of the two banks of the Ill up to the old Roman provincial boundary in the vicinity of Sélestat. These were the boundaries of the diocese of Basel with the exceptions of the parishes of the deanery of Buchsgau and certain churches of the Elsgau. To repeat, the boundaries of the diocese of Basel in the east were the left bank of the Rhine up to the confluence of the Aar toward the middle part of Alsace. To the north in Alsace, the boundary comprised a broken line from the left bank of the Rhine as far as the top of the Vosges, and passed by Kuenheim, Bischwihr, Holtzwihr, Guenar, Rodern, and Thannenkirch.

To the west, the boundary was the peaks of the chain of the Vosges and turned toward the southern part of Alsace. The western limit of the diocese of Basel was determined by a line of demarcation drawn between the basins of the Savoureuse and the Halle, and the basin of the left bank of the Ill. This line formed an arc passing by Sewen, Rougemont, Etenaffont, St. Germain, Phaffans, Chéremont, Petit-Croix, Novillard, Brebotte, Grosne, Froidefontaine, Suarce, Rédéchy, Pjfetterhausen, Courtavon, and Levoncourt, all of which lay within the boundaries of the diocese of Basel.
In the south, the boundaries of the bishopric of Basel were determined by an oblique line drawn from the landmark of the Esserdilles up to the rock of Mil-deux situated near the extreme western end of the valley of St. Imier. The line followed the peak of the mountain which bounded the valley in the north to Pierre-Pertuis. From Pierre-Pertuis, the boundary followed the top of the chain of Monto situated in the middle of the Tavannes valley, that of the Hassematt and Weissenstein up to Welschrohr. From Welschrohr, it turned to the southeast following the line of the Jura back again to the Aar up to the confluence of the Siggeren. The boundary was closed by the left bank of the Aar up to its confluence with the Rhine.

The dioceses bordering Basel were: Constance on the east; Strasbourg on the north; in the west, Toul and Besançon; and, in the south, Lausanne up to the confluence of the Siggeren into the Aar, and, following that, the diocese of Constance.

In the fifteenth century, the diocese of Basel was divided into eleven deaneries or rural chapters which existed independently of a certain number of parishes situated in the environs of the city and of certain chapters and churches established in Basel itself which were not comprised in any deanery. These are distinguished in the Liber Marcarum (1141-1169) of the diocese of Basel as the Vagantes extra civitate Basiliensi and the latter as the Vagantes in civitate Basiliensi.
The Decanatus ultra colles Ottonis composed the northermost part of the diocese. It comprised the present-day districts of Ribeauvillé, Kaysersberg, La Poutroye, and a portion of those of Colmar, Münster, Wintzenheim, and Andolsheim in the present-day département of Haut-Rhin. There were some sixty-two localities in the deanery. 3

The Decanatus citra colles Ottonis was situated to the south of the deanery Ultra colles and comprised the present-day districts of Rouffach, Guebwiller, Soultz, and a part of those of Wintzenheim, Ensisheim, Habsheim, Mulhouse, Cernay, Thann, and St. Amarin, all in Haut-Rhin. There were fifty-six localities in the deanery in the fifteenth century.

The Decanatus citra Rhenum followed the left bank of the Rhine from Kemps to Kuenheim. It comprised the present-day territory of Neuf-Brisach, and part of Colmar, Ensisheim, and Habsheim in the Haut-Rhin. In the fifteenth century, it consisted of thirty-one localities.

The Decanatus Sundgaudiae comprised in the fifteenth century the present-day territories of Massevaux, Altkirch, and Dannemarie, as well as part of St. Amarin, Thann, Cernay, Mulhouse, Hirsingue, Delle, Fontaine, Belfort, and Giromagny in the Haut-Rhin. It was the most important deanery of the diocese of Basel because of its population and number of churches and chapels, even though it comprised less than a quarter of the territory of the ancient

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3Trouillat, p. LXXVI.
pagus Sundgowe. It consisted of 106 localities in the fifteenth century.

The decanatus inter colles comprised the present-day district of Landser, a part of the districts of Mulhausen, Habsheim, and Huningue, and a small portion of Altkirch in the Haut-Rhin. In the fifteenth century, it consisted of thirty-five localities.

The decanatus in Leymenthal took its name from the village of Leymen situated to the north of the ruins of the castle of Landskron in the environs of Maria Stein. It comprised part of the modern districts of Ferrette and Huningue in the Haut-Rhin. There was also included part of present-day Switzerland, namely the district of Lauffon and some villages connected with Delémont in the canton of Berne, a portion of the canton of Solothurn consisting of the basin of the Prise and the Bersich, and some villages of the canton of Basel. In the fifteenth century, it comprised forty-four localities.

The decanatus Elsgaudiae (Elsgau) was a gerrymandered district taking portions of the present-day districts of Delle, Hirsinque, and Ferrette in the Haut-Rhin and, in present-day Switzerland, some localities in the districts of Porrentruy and the Franches-Montagnes in the canton of Bern. In the fifteenth century, it consisted of twenty-two localities including the abbey and chapter of St. Ursanne whom Utenheim remembered in his will (Chapter II).

The decanatus Sissgaudiae was formed from one part of the present-day canton of Basel-Land, and some localities in the canton of Bern situated on the northern face of the Jura near the left bank
of the Rhine. In the fifteenth century, it consisted in thirty-seven localities.

The decanatus Buchsgaudiae comprised the localities in the basin of the left bank of the Aar on the southern slope of the Jura from the confluence of the Siggeren to Attiswyl up to Lostorf opposite the Aarau. Its territory belonged to the present-day cantons of Bern and Solothurn. In the fifteenth century, it comprised twenty-three localities.

The decanatus Saliscandiae (Salsgau) comprised in the fifteenth century the basins of the Birse and the Sorne and its tributaries from Pierre-Pertuis to Sohière above Delémont inclusive. It is presently part of the canton of Bern. In the fifteenth century it consisted in thirty-one localities.

The Vagantes extra civitatem Basiliensen in the neighborhood of the city of Basel consisted in eight localities in the fifteenth century. The Vagantes in civitate Basiliensi in the fifteenth century were the cathedral church, the chapter of St. Peter, St. Martin's church, the hospital, the church of the Knights of Malta, the church of St. Alban, the church of Stein, the church of St. Ulrich, the chapter of St. Leonard, the church of Gnadenthal, and the priory of St. John.

The above named establishments were subject to episcopal jurisdiction. In addition to the usual rights of a bishop, in the fifteenth century the bishop of Basel had other prerogatives. Among them were the rights of the inheritance of the property of priests
and persons invested with benefices in the city and diocese of Basel, certain privileges in the dioceses of Lausanne and Constance, and the right of conferring the functions of cantor, archdeacon, and treasurer of the cathedral church of Basel, as well as privileges in other ecclesiastical establishments within and without the diocese.

The diocese of Basel began to assume an important role in European affairs around the time of Emperor Charlemagne under Bishop Haito (reigned 802-823). The Caesaropapism of Charlemagne was modified under his son Louis the Pious, and it was during the latter's reign that the election of bishops by the cathedral chapter and the community again began to take place.

The clergy belonging to an episcopal church had formed a closed corporation (presbyterium) since early Christian times. They supported and in many cases (for example, St. Augustine of Hippo) the bishop lived in community with his cathedral clergy. It was in the eighth century that the rule of St. Chrodegang (Bishop of Metz, 742-766) concerning common life for the clergy became the rule in the west. There are many examples of the introduction of this vita communis for cathedral clergy or canons.

For the specifics, see Trouillant, p. LXXVII.

For the specifics, see Trouillant, p. LXXVII.


A few are cited in ibid., pp. 3-4.
By the Carolingian period, a cathedral chapter (capitulum) could be defined as "the union of the clerics of an episcopal church."\(^7\) Canonical life was distinguished from monastic life. Canons were differentiated according to rank, and the right of the possession of private property was upheld. This latter fact was, of course, a source of later corruption of the original ideal of a \textit{vita communis}.

From Carolingian times, there existed choir bishops who had the functions of later suffragans. The archdeacon (archdiaconus) of a bishopric was responsible for discipline, legal matters, and the administration of church property. The last function was later taken over by the provost. The advocate's (advocatus, Vogt) role may be traced back to Roman times. He was the legally skilled representative of rich churches. His position was for the most part filled by a noble layman.

The canons of Basel lived the \textit{vita communis} from an early date. By the ninth or tenth century the custom had arisen of the necessity of the bishop to consult the chapter before taking a specific course of action. For example, in 1028 the bishop of Hildesheim had to renege on a decision to dispose of some property because he could not get the assent of his clergy.\(^8\)

\begin{itemize}
\item \(^7\)Ibid., p. 4. For the differentiations in rank of the canons, their life-style, clothing, and so forth, see ibid., pp. 4-5.
\item \(^8\)Ibid., p. 7.
\end{itemize}
The cathedral chapter of Basel had attained the position of being the sole councilors of the bishop by the beginning of the thirteenth century. The bishop needed the advice or consent of the chapter on a number of occasions.9

The frequent differences between bishop and chapter—Christoph von Utenheim's electoral capitulation is only one example—stemmed from varying interpretations of the relationship between bishop and chapter. The fact that canons could possess property led to increasing laxity in the vita canonica in many places from the tenth century, and appeared in Basel in the first half of the eleventh century. Above all, it led to the division of church property. The bishop began to reserve certain revenues for himself, and prebends were provided for the canons. The cathedral chapter existed as an autonomous corporation, and as such had the right to legislate regulations which would be binding on later generations. These regulations began to crop up in the thirteenth and fourteenth centuries. In a fifteenth century book of statutes of the Basel chapter, there is a list of six dignities (dignitates) and two offices (officia) which were to be held by the cathedral canons. The six prelates were the provost (praepositus), dean (decamus), cantor (cantor s. primicerius cantorum), archdeacon (archidiaconus), schoolmaster (scolasticus), and the two offices were those of cellarius and camarius.

The Basel cathedral chapter was made up of twenty-four members.

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9For the specifics, see ibid., p. 8.
Since the thirteenth century, most cathedral chapters had required that their members be of noble birth. Basel was no exception. As has been seen, many of the noble families attached to the bishop supplied candidates for the chapter, and it is therefore not surprising that the chapter took the side of the nobility on most occasions.

As a result of the aristocratic character of the chapter members, there were moves to exclude non-nobles from membership in cathedral chapters. In Speyer in 1309, for example, inhabitants of the city were excluded from the chapter. Thus, when the guilds became eligible for membership on the city council in the beginning of the fourteenth century, the cathedral chapter (with the agreement of the bishop) on March 23, 1337 declared that no citizen of Basel could become a canon unless he were of knightly family on his father's side.

The papacy, however, was concerned lest the cathedral chapters become the private preserve of the nobility, and accordingly stipulated that chapters must receive a definite number of university graduates as members. In Basel the number was five. To counter this, the noble canons devised the tactic of canonici studentes who were, of course, noble. During Christoph's reign, on December 15, 1516, the Basel chapter passed a statute concerning the canons who were studying at universities.

10Ibid., p. 15.

11For details see ibid., pp. 16-17.
Due to the fact that the bishops of Basel recklessly squandered church property, the cathedral chapter gradually forced them to swear electoral capitulations to insure that the rights of the chapter were protected. There was a further addition to the offices attached to the cathedral in 1455 when Bishop Arnold von Rotberg appointed a preacher of Scripture in the Basel cathedral (thumbprediger). One of the best known cathedral preachers in Basel was Johan Heinlin de Lapide whose sermons are cited in Christoph's reforming statutes of 1503. Christoph appointed Wolfgang Capito to the position in 1515.

From the Carolingian period, churches, monasteries, and other ecclesiastical establishments were the objects of royal patronage. The great wealth which the church came to possess made necessary the establishment of the office of advocate (Vogtei). At the same time, the emperors gave to the bishops the right of supervision of markets, coinage, and tolls. Already in the eleventh century, the diocese of Basel began to receive gifts of monasteries and churches from the royal authority. By the High Middle Ages, the diocese of Basel was well-off, although it was not among the richest bishoprics in German lands. The German kings were especially generous to Basel since its bishops from Adalbero I (898) to Peter von Aspelt (1306) stood firmly on the side of the emperor.

With the breakdown of the vita communis led by the canons with their bishop in the eleventh century, the need for a more rational economic organization of the diocese made itself felt.
Gradually, the bishop emerged as one corporate entity and the chapter with the cathedral provost as the other. They divided the property of the church between them. By the early fourteenth century (1319) the administration of the diocese had been divided as follows:

1. The episcopal administration (Organs: vicedominus, camerarius, and subcamerarius).
2. The cathedral provost's administration (Episcopal administration in a narrower sense, directorate of the praecositus eccl. Bas., who was the manager with care of the administration, procurator prepositure eccl. Bas., manager of the office of the cathedral provost).
3. The administration of the special property of the cathedral chapter (Organs: procurator dominorum de capitulo, the manager of the chapter).

As special administrations, there were in addition:

4. The Presence (praesentia chori). The role of this office was part of the chapter manager until 1300 after which it was divided and continued by the praesenciaritus chori, the manager of the presence.
5. The Cottidian (cottidiana distribucio in choro Bas. ecclesie) established by Bishop Peter Reich in 1296.12

The episcopal administration consisted in a number of individuals. The four officiati principales were held by noble Basel families. Hieronimus gives a list of the territories from which the bishop collected his income through these officials.13 The basic income of the diocese came from closed manors (Dinghöfen), public property, and land rights. These Dinghöfe (curtes) were

12 Ibid., p. 46.
13 Ibid., pp. 46-50.
the most important source of diocesan wealth. In the sixteenth century (until 1525), the diocese possessed twelve of these Dinghöfe. These were the episcopal estates of the bishopric of Basel. They were divided into hides, and each was managed by a steward (динховниор, вилликус). Conflicts over the administration of the estates between stewards and tenants could be appealed to the supreme Dinghof in Bubendorf, and from there to the office of the cathedral provost. The administration of the original property of the diocese was the exclusive province of the cathedral provost. To this belonged the landlord rights of the city of Basel, the Dinghöfe, offices of steward and tributary territories on both sides of the Rhine.

Owing tithes to the office of cathedral provost were all the territories of greater Basel on the left bank of the Rhine, as well as a great number of villages in the present-day canton of Basel-Land, the Sundgau, and the Breisgau (on the right bank of the Rhine). At the head of the administration of the office of cathedral provost stood the provost's syndic (Sindicus seu procurator domini propositi).

14 For a list see ibid., p. 51.

15 On legal administration of the Dinghöfe see ibid., pp. 52-53.

16 See Wackernagel I, p. 126 and II 2, pp. 659-660.

17 For an example of the income of the cathedral provost's office for one year see Hieronimus, pp. 54-56.
Parallel with the wealth of the office of cathedral provost, the chapter gained property and income which was included in the procuratio dominorum de capitulo. The wealth of the chapter came from tithes, ground rents, annuities, and rents of different sorts. The tithes were drawn from 168 localities in Alsace, Upper Alsace, and in the present-day cantons of Basel-Land and Solothurn in Switzerland.

The cottidian (cottidiana presencia) was brought into being by Bishop Peter Reich of Basel (died 1296), and was continued under his successors. It was an arrangement generally useful to the community of the Canons who regularly attended the canonical hours. These men received small amounts of money daily. The dean of the cathedral was in ultimate charge of the distribution of these monies, but they were administered by a priest. The source of the funds was a tax which had to be paid by the assistant priests at the cathedral according to their rank. By the end of the fifteenth century, pious bequests and other incomes came to the cottidian fund. The cottidian was not unique to Basel. Similar offices existed in Ghent, Cambrai, and Rouen.18

In the beginning of the fourteenth century, another office related to the chapter was erected in Basel. This was the officium presencie chori. Less is known about this particular office than the ones mentioned above. So far as is known, it was originally

18Ibid., p. 65.
occupied by assistant priests of the cathedral. After 1450, the master of the presence was appointed by the cathedral chapter. In the sixteenth century, this office disposed of taxes in money, produce, and tithes on fruit and wine.

Despite the elaborate structure for the economic administration of the diocese, the bishopric had been in dire economic straits for more than eighty years before Christoph von Utenheim became bishop of Basel (1502). In early 1423, the new bishop, Johann von Fleckenstein, found the diocese of Basel in such a dilapidated condition that Pope Martin V had to permit him to hold onto the income from his previous post as abbot of Selz. The other Rhenish dioceses were richer than Basel. The economy of the diocese of Basel was furthermore one which was based on wealth in kind (which could fluctuate from year to year) rather than cash. The progressive fiscal devaluation of silver which was being replaced by gold as the metal used in coinage could not help but have a deleterious effect on the diocese. But as has been seen, Bishop Jean de Vienne (1366-1382) had mortgaged customs and coinage rights to the city council of Basel.

Nor was the diocese of Basel alone in its need for money. In 1438, Bishop Reinhart II of Speyer imposed special taxes to attempt to resolve the financial shortages in his diocese. The

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19Tbid., p. 69.
cathedral chapter of Basel found itself in similar financial straits which led to frequent pluralism on the part of the canons since they desired to make ends meet.

The diocese of Basel whose internal economic organization has been surveyed above also had relations with a wider world. The principal surviving source for Christoph von Utenheim's administrative activities is the Missiven liber (Missivenbuch) which covers the years 1507 and 1509-1519 of his reign. The letters contained therein deal with matters concerning the management of episcopal estates. There are many letters to Biel, the abbey at Bellele, Delsberg, St. Ursanne, Porrentruy, and various other episcopal territories, most of which deal with the movements of bailiffs, stewards and the like. Of more general interest are the letters which show the relationship of the diocese of Basel to a wider world.

An example of this would be two letters written by Christoph in 1510, one to the burgomaster and city council of Strasbourg, and another to the Ammeister of this city. The first letter concerns a citizen of Delsberg named Dietschenat who sold some oxen to a citizen of Strasbourg for 320 gulden. The letter then goes on to discuss in some detail the necessary financial transactions which were to take place between Delsberg and Strasbourg

20 The manuscript is in the archives at Porrentruy. It is 1266 pages of Handschrift, hand writing, all recto.

21 For the text of the letters, see Missivenbuch, pp. 26-27.
concerning the sale. The covering letter to the Ammeister of Strasbourg reads:

Our friendly greeting first of all, honorable, dear, especial, and good friend. Humber Dietschenat, our subject and citizen of Delsberg, has currently before you at Strasbourg, before the Ammeister and council, a business to transact; that when you learn of it, it is our friendly request to you to retain and help the same our subject so that he may conclude his business most expeditiously and with a minimum of expense and receive payment since we have wished to have it for a long time from you. Given on the Friday after Trinity 1510.22

The letter was addressed to Peter Argern, Ammeister in Strasbourg.

The above is typical of most of the correspondence in the Missivenbuch. Insofar as the documents allow us a glimpse into diocesan administration in Basel in the early sixteenth century, they present a picture in general accordance with the financially pinched condition of the diocese outlined in other sources. Dietschenat, for example, had had difficulty in obtaining the money for the oxen which he had sold, and, since he was a citizen of the episcopal see of Basel, it was Christoph's duty

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22Umseren fruntlichen grus zuvor f d w lieben besonder unnd guter frundt humber Dietschenat umseren hundersass unnd burger zu Telsperg hat do midden by uch zu Strassburg vor Ammeister und Rat ein handel zuwoinfurenn als ir vernemenn werden da ist umser fruntlich beger uch den selbigen umsern bevelhenn zu habenn und verhelfen damit unnd er der sinenn zum furderlichstenn und Ringeasten costern bekommen unnd bezalung erlangen des wir umb uch altzit zu beschulden habenn wollen Geben uf fritag nach Trin. regen anno er demo.
as temporal lord to come to his assistance.

Two letters of more general interest also date from 1510. The first is to the cathedral chapter at Basel. Christoph has sought the advice of the chapter, and announces that he is sending Doctor Jacob of the chapter to represent him at the imperial diet in Augsburg. Financial arrangements are made for Jacob’s trip. The second letter, to the Holy Roman Emperor Maximilian, explains to the emperor why Christoph cannot attend the diet:

Most illustrious, all brightest, most mighty emperor, most gracious lord, our imperial majesty! let my pious prayer, obedience, and obliged service be for all time as willing counsel: most worthy lord, in January there arrived a letter and mandate sent from your imperial majesty. I have received then with the message that I am to appear in person on the thirteenth day as per the request of the mandate. I am commanded to render previously owed service in other business of your majesty in Burgundy with your representatives. I have obediently decided to fulfill that, and therefore am not able to travel to Augsburg in person on the appointed day. But so that I do not appear disobedient to your imperial majesty by not appearing at the diet, I have therefore appointed my worthy councillor, the dear, trusted Dr. Jacob, canon of my diocese of Basel (witness of this letter) to appear at the diet in my name, and treat what of importance is demanded of my office, also what is planned for me and my diocese. I humbly beg your imperial majesty that he would kindly excuse my personal appearance and graciously hear my representative, and believe him as myself to whom I have given

\[23\text{For the text see Ms. pp. 32-33.}\]
my full powers of acting and that his imperial majesty would provide well in grace for me and my poor diocese and where the opportunity arises and to hold it in kindly attitude. I wish to serve your majesty and the holy empire with my pious prayer and the same services humbly and with good will.

Given in our castle Delsberg on the Monday after Invocavit 1510.24

This letter provides yet another illustration of the fact that Maximilian's attempt to bring some order to the affairs of the
empire was not successful. The diocese of Basel, still part of the empire, even if the city of Basel was now in the Swiss Confederation, could not be represented at the diet by its bishop. But the warm tone of the letter shows the respect in which the aging emperor was held by his subjects. Christoph also puts in a plea for his "poor diocese," perhaps anticipating a tax levy by the diet, but also indicating the actual financial situation in which the diocese found itself.

Christoph von Utenheim had displayed his pastoral concerns in his reform synod of 1503. But, as has been seen, he was opposed by his own clergy. The Missivenbuch contains some examples of the bishop's pastoral concern as well as indications that the clergy of the diocese of Basel left a great deal to be desired in life and morals. One example is a letter of 1511 to the provincial assembly of the order of Augustinian Hermits at Strasbourg. The letter concerns a Brother Johann Weinkumb of the monastery of Klingenthal near Basel who had been prosecuted by the bishop, and gone to another house. Christoph wished to make sure that Weinkumb could not transfer back to Klingenthal, "so that he may have his house and residence again at Klingenthal as before, unhindered by you or your order," since the rebellious Weinkumb had come into conflict with episcopal authority. Christoph asks his Augustinian superiors to assure him that the brother will

not return to Klingenthal. Weinkumb had, after all, illegally bought a benefice at Klingenthal from the property of the Augustinians in Basel, and had been prosecuted by Christoph for this. The bishop closes the letter with an expression of regard for the Augustinians.

Although his diocese was in severe financial straits, Christoph von Utenheim made a conscientious attempt to administer the lands of the bishopric properly while fulfilling his obligations to outside authorities such as the Holy Roman Emperor as well as he could. The letter to the Augustinians in Strasbourg shows that he was also conscious of his pastoral responsibilities. But all of Christoph's attempts at reform were doomed to founder upon the opposition of his own clergy. The contumacious Augustinian monk, Johann Weinkumb, was only one of many Basel clergy who by their loose lives were to render the reforming bishop's efforts fruitless in the end.

One of the Basel chroniclers describes Christoph von Utenheim as "a learned, virtuous, spiritual, and wise lord," and, as has been seen, he enjoyed a fine reputation among his contemporaries. Utenheim stands out among the clerics of his day for his piety, learning, and zeal for reform. Because so few of his own words have survived, it is necessary, in making

26 ein geleuter, frommer, geystlicher und wyser her. Basler Chroniken VII, p. 430.
an estimate of the man and his importance, to depend upon what his contemporaries said about him.

Christoph emerges as a transitional figure in an age of transition. He is strongly medieval in some respects, but the full measure of the man is not that of a humanist like Wimpfeling who, some would say, lived indecently long into the sixteenth century. By age, Christoph certainly fits into the older generation of humanist reformers. But in temperament there is much in the man that looks forward to the vital forces which sprang from the Catholic Reformation of the sixteenth century.

The medieval Christoph appears readily. There is first his education at Erfurt and Basel by which he became steeped in the nominalism which ordained obedience to established ecclesiastical authority, but within whose tenets there lay the solvent for the carefully balanced Gothic structure of medieval Catholicism. For all his humanist interests, Christoph remained true to the positive dogmatic content of medieval Catholicism to the end of his days. Even his "identity crisis" of 1498-1499 led him to a medieval solution: he decided to withdraw in monastic fashion from the cares of this world for a life of prayer and study. But the crisis was resolved in a modern way: Christoph opted for the active life in the world, and took up the shepherd's staff of Basel.

But even in the exercise of his responsibilities as bishop of Basel, Christoph remained true to his medieval world view.
His synodal statutes of 1503 were a last attempt to reform the church of Basel along medieval lines. Items like the anti-Semitic legislation show Christoph to be a man of his times. Christoph's denunciations of clerical morality, and his priests' careless attitude to their sacerdotal responsibilities do not, however, display a desire to seek reformation along the lines of that ultimately advocated by Luther or Oecolampadius. The very beginning of the statutes contains a statement of Catholic doctrine. This was the "given" from which Christoph proceeded.

The fact that Utenheim remained true to medieval world views is also evinced by the list of books at the end of the statutes. Most of them are by nominalist authors, and thus reflect the bias of the bishop's early grounding in the via moderna. The books are geared toward building up a pastorally minded clergy in a medieval way.

But all of this evidence does not permit an easy classification of Christoph von Utenheim as one of the few to survive the shipwreck of the medieval church with his values intact. That he did do that is true: the rich liturgical life which was the very core of the Roman Catholic sacramental system animated Christoph heart and soul. He assisted with great devotion at the liturgical celebrations of his church even to advanced old age. But there is more to Christoph's character than the image of a medieval bishop continuing to function as such in an age when medieval values were losing their meaning.
Both the Protestant and Catholic Reformations wished to return ad fontes to find the living springs for the perennial task of *metanoia*, Christian renewal. The insights of the reformers into Scripture and the fathers of the Church led them to a rejection of the structure of medieval Catholicism. The Catholic reformers, who had much of the same humanistic training and zeal for pruning away abuses afflicting the *respublica christiana* as their evangelical counterparts, came up with a reforming program which saved the historical continuity of the Church as it had existed in the west for a thousand years. The evangelicals concluded that the structure had become so debilitated that new structures of the Church based upon Scripture were needed to replace what they regarded as the over-ripe form in which early sixteenth-century Catholicism expressed itself.

The whole thrust of Christoph's life was to put him on the side of the Catholic reformers. From his youth in Strasbourg, when he participated in a diocesan visitation for clerical reform, his life led logically to the reforming activities of the early years of his episcopate. In the early sixteenth century, humanists like Erasmus thought that Europe was entering upon an age of gold. But the Reformation changed all that utterly. Christoph linked himself with the forces of humanism as expressed in Erasmus, Wimpfeling, and Capito. As has been seen, his efforts to transform his diocese by traditional means proved to be a failure. It is therefore not surprising that he would
and did turn to humanists like Erasmus, Wimpeling, and Capito for help in reforming his diocese. Christoph's long friendship with Erasmus was, however, marked by a certain subtle strain. In the last years of his reign, he sent Erasmus some books of medieval piety which the latter more or less dismissed. Christoph welcomed all the new insights of humanism, and was thus early a supporter of Luther when the latter's cause seemed to be linked with that of bona studia and reform everywhere in the Germanies. But whereas humanists like Erasmus, Capito, and Pellikan rejected many of the theological expressions of medieval Catholicism, Christoph von Utenheim did not. Christoph broke with Luther; Capito and Pellikan embraced the reform, and Erasmus asserted his loyalty to the Roman communion in a highly ambiguous way.

Christoph could not help but be aware of the issues raised by the Reformation. He consulted Erasmus on the questions of fast and abstinence and so forth when the Basel reformers insisted upon making a point of it in public. And he did ask Erasmus to "take away and rescind" anything from his sermon dedicated to Christoph which might offend either evangelical or Catholic.

Christoph was basically an irect personality, but at one and the same time was concerned with preserving the peace and unity of the Church. By 1524, he had turned against Luther when he saw that Luther's evangelical doctrines had the practical effect of dividing the Church.
As has been seen, Utenheim was at a disadvantage with his own clergy. He had not only corrupt local clerics to deal with, but also an insensitive and intransigent cathedral chapter which had a great deal of power. In addition, the bishop's position vis-a-vis the city of Basel had been seriously eroded in the seventy years before Christoph's death, and when the day of reckoning with the evangelical reformers came, the bishop could exercise precious little leverage on the city council to insure a favorable outcome for the Catholic side. In addition, his diocese was hard-pressed financially and he was getting on in years. Therefore Christoph von Utenheim found himself in an impossible position.

His last words show that Christoph died a broken man. He had been in ill health for a number of years, but the tragedy of the doctrinal division of his diocese deeply affected him.

It is clear that the humanism of Erasmus was no match for the evangelical thrust of Luther. Erasmus rejected Luther and so did Christoph. But unlike Erasmus, Christoph's life was centered upon the foundations of medieval piety. The fact that these foundations began to give way toward the end of Christoph's life (a process abetted if not directly aided by Erasmus), and would have to wait for definite reassertion until the Tridentine decrees, makes him a lonely but prophetic figure in the end.

Christoph stood for a new expression of the traditional shape of Roman Catholic theology. He attempted this in his reforming statutes, and through his friendship with Erasmus tried
to give this goal of reform added polish and relevance. But the course of events dictated a different outcome, namely the triumph of the evangelical Reformation in the city of Basel.

The early Catholic response to the Reformation in the Germanies may be divided into those who fought for entrenched privilege, for example, the cathedral chapter in Basel, and those who spoke in defense of past customs and traditions without paying sufficient critical attention to the seriously deformed state of the contemporary Roman church, for example, Cochlaeus, Eck, and, in Basel, Johannes Faber. If humanism cannot be realistically considered a "third force" between Catholic and evangelical, it remains to ask from where could the old Church find sources for renewal?

That the rapid triumph of the evangelical cause in the Germanies was to have only limited success once the Jesuits like Peter Canisius and other shock troops of the Counter-Reformation marshalled their forces, is a fact. But the way for Canisius and others was paved by men like Christoph and women like the learned abbess of the convent of Poor Clares in Nürnberg, Caritas Pirckheimer, who by the example of their lives and courageous stand for the Catholic substance prepared the ground for later Catholic successes. Caritas Pirckheimer was defeated in her efforts to maintain the integrity of her convent, Christoph in his attempt to save his diocese for Catholicism. Both died seeming failures. But through the example of his life, his devotion
to the learning and worship of the past, he lived through the transition from the medieval to early modern period and gave the Roman Church spiritual resources upon which it could draw in order to present a model of the perennial Church to a new and changed world.
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