

CHAPTER 4

The trials

4.1 *The trial in Vienne*

The publication of Servetus' book, *Christianismi Restitutio*, led the Roman Catholic leaders to arrest and condemn him in the town of Vienne. It has been charged to Calvin that he was the occasion of Servetus' trial, but it is clear that this allegation is not based on facts. Before looking at the allegations, it is important to understand what happened before and during the arrest in Vienne, a city under jurisdiction of the district of Lyon. The Cardinal of Vienne, François de Tournon, was elected the Lieutenant General for religion in South-Eastern France. He was a strict Roman Catholic and persecuted reformers, innovators, and heretics (Willis 1877:239). He "was responsible for the murder of thousands of Valdensians and Albigensians during the many years of his rule" (Hillar 1997:265). Matthieu Ory, the Roman who was to become inquisitor of France, was not only trained by de Tournon, who called him from Rome, but "penitentiary of the Apostolic See, and general inquisitor of the kingdom of France and all Gale" (Audin, 429). Servetus was living in their territory and would suffer under them.

4.1.1 De Trie's Letters

A copy of *Christianismi Restitutio* came into the hands of Guillaume de Trie (Macdonell 1983:131).¹⁶⁹ He was a close friend of Calvin, and was living in Geneva as a converted Protestant. De Trie had been a sheriff and a French noble in Lyon before moving to Geneva in 1549. He became a member of the Council of Two Hundred of Geneva.¹⁷⁰ While living in Geneva, his cousin, Antoine Arneys, an ardent Catholic, corresponded with him, hoping to persuade him to return to Roman Catholicism. Considering de Trie's letter of February 26, 1553, it can be seen that Arneys criticised "the lack of church discipline and order at Geneva, and the general abuse of liberty among Protestants" (Wilbur 1972:151). De Trie clarifies the matter, saying that the Genevan church was consistently based on the Word of God and had better discipline than the Roman Catholic Church. As an example, he informs him of Servetus' presence in Vienne. De Trie also tells his cousin about Servetus' heresy. The letter was enclosed with the first eight pages of Servetus' book,

¹⁶⁹ De Trie was surprised that the Roman Catholic authorities of France "tolerated such a blasphemer as its author, Servetus" (Killen 1843:10).

¹⁷⁰ "He was son-in-law of Guillaume de Budé, the noted French humanist and founder of the Collège de France" (Wilbur 1972:150).

Christianismi Restitutio (title page, contents, and the first four pages) (*Opera*, 835-6, Hillar 1997:271-2):

My dear cousin, I express my sincere thanks for your beautiful admonishments which you made trying to brief me on the situation here. I do not doubt that they came from your feelings of deep friendship. Through I am not as versed in letters as you are I would like to clarify the points and articles which you put forward. God gave me enough knowledge that I could answer you this: I am not so ignorant not to know that Jesus Christ is the head of the Church from whom she cannot be separated for her life and prosperity, and that she should be based only on the God's truth contained in the sacred Scripture. Therefore I shall consider all your arguments about the Church a fantasy if they do not have Jesus Christ as the whole authority and the word of God as their foundation and substance. Without this all your statements amount to nothing. I draw your attention to the liberty which use in our correspondence and it is not for the purpose of maintaining my cause, but also give you the occasion to rethink your own. But to make it short I wonder how can you reproach me, among other things, that we do not have here either ecclesiastic discipline or order and those who teach us have introduced a license to bring confusion to everything I see, however, (thank God) that the vices are corrected better here than by your regulations. And as far as doctrine and religion are concerned, though we have more freedom here than you do, nevertheless we would not suffer that the name of God be blasphemed and that the wrong doctrines and opinions be spread without repression.¹⁷¹

Opera, 836-8, Willis 1877:236-8:

And I can give you an instance, which I must say, I think tends to your confusion. It is this: that a certain heretic is countenanced among you, who ought to be burned alive, wherever he might be found. And when I say a heretic, I refer to a man who deserves to be as summarily condemned by the Papist, as he is by us. For through differing in many things, we agree in believing that in the sole essence of God there be three persons, and that his Son, who is his Eternal Wisdom, was engendered by the Father before all times, and has had [imparted to him] his Eternal virtue, which is the Holy Spirit but when a man appears who calls the Trinity we all believe in, a Cerberus and Monster of Hell, who disgorges all the villanics it is possible to imagine, against everything Scripture teaches of the Eternal generation of the Son of God, and mocks besides open-mouthed at all that the ancient doctors of the Church have said—I ask you in what regard you would have such a man? ... I must speak freely: What shame is it not that they are put to death among you who say that one God only is to be invoked in the name of Christ; that there is no service acceptable to God other than that which He has approved by His word and that all the pictures and images which men make are but so many idols which profane His majesty? What shame, say I, is it, not, that such persons are not only put to death in no easy and simple way, but are cruelly burned alive? Nevertheless, there is one living among you who calls Jesus Christ an idol; who would destroy the foundations of the faith who condemns

¹⁷¹ De Trie sent three letters to Arneys, which were discovered by Abbé D'Artigny in 1749. They are written in Calvin's *Opera*, 835-8, 840-4 and in the appendix of Dyer's book, (1850) 545-50; Weiss (1908:23) assumes that the letter was sent when the Genevans were sorry about five French young men who had been condemned by the French inquisitors and burned at the stake on February 18, 1553.

the baptism of little children, and calls the rite a diabolical invention. Where, I pray you, is the zeal to which you make pretence; where are your guardians and that fine hierarchy of which you boast so much? The man I refer to has been condemned in all the Churches you hold in such dislike, but is suffered to live unmolested among you, to the extent of even being permitted to print books full of such blasphemies as I must not speak of further. He is a Spanish-Portuguese, Michael Servetus by name, though he now calls himself Villeneuve, and practises as a physician. He lived for some time at Lyons, and now resides at Vienne, where the book, I speak of was printed by one Balthasar Arnoullet. That you may not think I speak of mere hearsay I send you the first few leaves as a sample, for your assurance. You say that our books, which contain nothing but the purity and simplicity of Holy Scripture, infect the world; yet you brew poisons among you which go to destroy the Scriptures and all you hold as Christianity. I have been longer than I thought; but the enormity of the case causes me to exceed. I need not, I imagine, go into particulars; I only pray you to put it somewhat seriously to your conscience, and conclude for yourself, to the end that when you appear before the Great Judge you may not be condemned. For, to say it in a word, we have here no subject of difference or debate, and ask but this: That God himself may be heard. Concluding for the present, I pray that He may give you ears to hear, and a heart to obey, having you at all times in His holy keeping.

(Signed) Guillaume Trie.

Geneva, this 26th of February [1553].

De Trie could have commenced his letter with an answer as to why he should not return to the Roman Catholic Church. Instead, he immediately brings up how the Roman Catholic Church was lay in the matter of the heretic in their midst. De Trie accuses Servetus as a certain heretic who should be burned alive. Servetus calles the Trinity a three-head watchdog, Cerberus, Jesus Christ an idol, and infant baptism a diabolical invention. He divulges Michael Servetus' real name, that he was using an alias, Villeneuve, and that he came from Spain. Just as his cousin attacked the reformed church of Geneva, so de Trie embarrasses the Roman Church.

Arneys passed the letter from his cousin, along with the pages of Servetus' book, to the authorities of Lyon. De Trie' letter was thus the direct, unsuspecting, cause of Servetus' arrest, having unconsciously supplied information to the court, revealing who Servetus was, what he had done, and where he lived. Arneys divulged "that this was not only a detestable heresy, but that it tended to subvert Christianity itself" (Ford 1860:50). One of the authorities conveyed the letter and attachments to the Inquisitor of Lyon, the Dominican friar, Matthieu Ory, and to Bautier, Vicar-General, who immediately proceeded with the case.

Ory wrote a letter to a subordinate of Cardinal Tournon, sieur de Villars on March 12, 1553. In the letter he asked him to act secretly on the writings (*Opera*, 838-9, Hillar 1997:274):

I want to inform you in a high secret about certain books that are being printed at Vienne and which contain execrable blasphemies against the divinity of Jesus Christ and the Holy Trinity whose author and printer are in the region. The Reverend Vicar and I have seen the book and we have agreed that one of us or we both should go and talk to the Monseigneur in order to give the full account of the affair and on our way back to give the proper orders by Monseigneur de Maugiron, Vice bailiff and the Judge. The Reverend Vicar writes to you about this in such a secret that your left hand should not know what your right hand is doing. We ask you only to ask orally Monseigneur the Cardinal if he knows a certain physician named Vilanovanus and a printer Arnoullet, because the matter concerns them both.

The subordinate of the Cardinal, de Villars, sent for the Vicar-General of Lyon, Bautier and Louis Arzellier, the General Vicar of Archbishop of Vienne, asking for a meeting to proceed on the issue. They determined to proceed with the case secretly after a long conference. They sent a letter on March 15, 1553 to Monsieur de Maugiron, the Lieutenant General¹⁷² of the Dauphiné, who commissioned Arzellier to investigate the case (*Opera*, 839-40, Hillar 1997:274-5):

Monsieur, I have called the vicar of Vienne, the carrier of this letter, to come here and discuss the matter which, as you will see, is of great importance, and I have instructed him to inform you so you could give proper orders which the case merits. And I am convinced, as I have indicated to the vicar, that you should call the vice bailiff so he also would do, from his side, everything what you order and consider necessary. And I have no doubt that he will perform well his duty. And since I have amply discussed the matter and explained my opinion to the vicar, what he will report to you, there is no need for me to make a long discourse, so I will tell only that the matter requires chiefly two things: one is that it requires extreme diligence and the second is that the matter should be kept under the strictest possible secrecy. I am sure of the zeal which you have and that you will not spare even your own son in this matter for the honor of God and his Church, I need say no more.¹⁷³

4.1.2 Servetus suspected

In order to provide all the evidence to the Royal Prospector, Bautier, the Vicar General of Lyon collected Ory's letter, the letter of Cardinal de Tournon, along with the four pages of the *Christianismi Restitutio*. On March 16, 1553 Louis Arzellier and Anthony de la Court,

¹⁷² Its functions "were military, political, administrative, and, on special occasions, judicial also" (Guizot 1868:n. 1, 305).

¹⁷³ The title of this letter is "Lettre du Cardinal de Tournon à Monsieur de Maugiron Lietenant Général en Dauphiné."

Vice Bailiff, of de Maugiron, called upon the Peyrollier, chief official. The Royal Prospector, Bautier, gave him his deposition, saying therein that a certain Michael Servetus, also called Villeneuve, should be detained in Vienne. Furthermore it was expressed that Ory had examined the heretical four pages, and that the Cardinal de Tournon appraised Monsieur de Maugiron to treat this case with secrecy and promptness (Audin 1850:438-9):

That about fifteen days since, certain letters had been received from Geneva, addressed to a person at Lyons, from which it appeared that, at Geneva, they were greatly surprised, that a certain M. Michael Servetus, alias, de Villeneuve, a Portuguese Spaniard, was here tolerated, in face of reasons more fully specified in said letters: that from said Geneva had been received four leaves of a book composed by said Villeneuve; that M. Ory, inquisitor of the faith, having examined them in the presence of himself, (Bautier), had become assured that they are heretical, and had written, in consequence, to the sieur de Villeneuve, auditor of his lordship, cardinal de Tournon; that said deponent was also there present, when the cardinal, having sent for the general vicar of Vienne, recommended to him charged him to give orders for the verification and correction of the above, and wrote concerning it to his lordship, de Maugiron, to aid therein, and send for the vice bailiff, in order that consultation might be had, and measures taken, the most promptly possible.

The judges were ordered to meet at the house of Monsieur de Maugiron. Simultaneously, Louis Arzellier, the General Vicar, and Anthony de la Court, the Vice Bailiff, and the secretary of Monsieur de Maugiron, the Lieutenant General of the Dauphiné, sent a message to Michel de Villeneuve, that they had something important to say to him. They informed him that they had been suspecting him of heresy and ordered him to destroy all his books, documents, and notes. When he was summoned before the Inquisition of Vienne, Servetus, using the name Villeneuve, “replied that he had lived long in Vienne on good terms with the clergy and professor of theology, and had never until now been suspected of heresy” (Willis 1877:243). They gave him two hours to appear and this gave him enough time to destroy all suspicious evidence – books, documents, and notes (*Opera*, 749). Then Servetus allowed Louis Arzellier, Anthony de la Court, and the secretary of Monsieur de Maugiron to search his room. Although they searched his lodging, it was in vain.¹⁷⁴ They could not connect Michel de Villeneuve to Servetus.

The next day, on March 17, the judges summoned the corrector, Guérout, instead of Arnoullet, the printer, who at that time was on business at Toulouse. They asked Guérout

¹⁷⁴ They could only find two copies of *Apologetica Disceptatio pro Astrologia*. See Hillar (1997:275) & Mattison (1991:31).

what sort of books they printed in the last eighteen months. He denied all charges, and after some long interrogations they could not gain sufficient evidence from him. They searched his house and the printing house, but with no success. The servants and their families in the employment of Arnoullet were examined next, but to no avail. Even the workmen of the printing house and their families denied that the four leaves shown to them had been printed there.

The following day, on March 18, Arnoullet, who had returned from Toulouse, was instantly summoned to appear before the judges. He denied that he had printed the pages. Based on the testimonies, “the material supplied did not yet satisfy the inquisitor, because there was no proof that Villanovanus was Servetus, nor that he was the author of the *Restitutio*” (Bainton 1953b:157). The judges queried Pierre Palmier about Servetus, his physician, but he had no idea of his book and identity except his name and profession and suggested Ory travel to Vienne. Palmier invited Ory to discuss the heresy issue and they agreed on the need for more evidence against the physician Villeneuve.

Ory, the inquisitor of Lyon, did not give up the investigation, but demanded that Arneys submit the complete book, which was with his cousin in Geneva. Arneys informed de Trie of this request,¹⁷⁵ De Trie was surprised by the letter of inquiry and must have been confused. He asked Calvin for the complete copy, but Calvin not only refused, but also could not give it to him. Calvin had earlier sent it to Peter Viret in Lausanne two years previous (*Opera*, 843). On March 30, de Trie wrote a third letter, enclosing a copy of Calvin’s book *Institutio Religionis Christianae*, which had Servetus’ notes written in the margins.

De Trie forwarded several autographed letters of Servetus on March 26, adding his thoughts as follows (*Opera*, 840-2, Hillar 1997:275-6):

My dear cousin. When I wrote to you the letter which you communicated to those who are in charge, I did not expect that the matter should go so far. My intention was only to demonstrate to you the zeal and devotion of those who call themselves pillars of the Church in spite of the fact that they suffer such a disorder among themselves and yet persecute so harshly the poor Christians who simply wish to follow God. Since the example was well known and I was aware of it, it seemed to me that the occasion merited mentioning it in my letter and to treat the matter accordingly. Perhaps, since you declared publicly what I intended privately, God wants that it serve to purge Christianity of such trash,

¹⁷⁵ Willis (1877:245), Mackinnon (1962:138) & Bainton (1953b:156) suggest that Ory dictated the letter to Arneys. Unfortunately, it was not extant.

or mortal plague. If the intention is to use the case as you say, it seems to me that the matter should be still easier than to provide you with a copy of the printed book which I cannot give you, since I will place in your hands, to convince you, two dozen pieces of writings by the same person in question where a portion of his heresies is contained. If you put before him the printed book, he could deny its authorship, which he will not be able to do with his own hand written writings. Thus the people you mention, after having the matter proved, will have no excuse if they conceal or differ in providing the evidence. All the rest is proven by the book as well as by the other treatises written by the same hand of the author. But I have to confess that it was with big trouble that I obtained from Monsieur Calvin the material which I am sending. And it is not because he does not wish that such blasphemies were not repressed, but because it seems to him that his duty as one who does not have the sword of justice in his hands, is rather to convince heretics by the doctrine than to persecute them by such a means. But I insisted on him reproaching him for the neglect which he could impart to me if he did not aid me. So in the end he agreed to give what you see. Besides, I hope in the future when the case makes progress, to recover from him a bale of paper with what the fellow had printed. For the time being, however, I think you are well provided with pretty good evidence and there is no need for anything more in order to be able to seize that person and submit him to a trial. As for me, I pray God that he would open the eyes of those who discourse wrongly so that they might learn to judge better the desire by which we are moved. I gather from your letter you do not wish to enter into a discourse on the above matter. I leave it in order not to anger you, hoping nevertheless that God in the end will show you that I did not take lightly the part which I took. Recommending myself to your good grace, and praying that God may have you in his.

Geneva, March 26.

De Trie was surprised that the private correspondences had gone so far. He never intended for his personal letter to be used to arrest Servetus.

There have been several allegations that involve Calvin. It has been argued that Calvin handed over to de Trie the two dozen letters of Servetus which were crucial evidence in the trial of Vienne, in spite of the confidentiality between Calvin and Servetus (Dyer 1850:317-8).¹⁷⁶ Porter sharply criticises Calvin for providing pages 421-424 of *De Baptismo* with the letters (Porter 1854:13). However, Calvin did not break the confidentiality without permission. Killen concludes as follows on the blame directed against Calvin for revealing the private letters (Killen 1843:12):

The letter which passed between such parties must, verily, have been exceedingly confidential. But this is not all. Mr. Porter cannot deny that the very letters which Calvin gave to Trie had been ALREADY PRINTED BY SERVETUS HIMSELF with a view to publication. What then becomes of the

¹⁷⁶ Dyer (1850:317-8) introduces some information in the letters in his book and is in favour of Calvin. But Porter (1854:13) stands against Calvin, exactly introducing the number of letters sent by Servetus as twenty-seven.

charge of betraying ‘the *secret trust* of a private correspondence?’ when Servetus, without the permission of Calvin, published these letters, was not Calvin at liberty, without the permission of Servetus, to make what use he pleased of the autographs? If there was any breach of faith, it was undoubtedly committed by the Spaniard heresiarch.

The reluctantly sent published letters were not confidential. Besides, the letters conveyed were sent to Calvin after he had requested to terminate the communication with Servetus. Calvin did not divulge that the author of the heretical book, *Christianismi Restitutio*, was Servetus or Villeneuve, even though he had published the copy that had been given to Calvin seven years earlier. Calvin also knew that he was in Vienne. It is hard to believe that he was bent on disclosing his identity. He did not intend to reveal the author at all.

Another allegation states that de Trie was not the author of his letters, but Calvin. Willis asserts that Calvin, as the supposed author of the letters, dictated them on the assumption that de Trie had shown him his letters (Willis 1877:235-8):

“Trie would seem to have been in the habit of showing his letters to Calvin, and of having said and advice from him in answering them; Calvin, it was said, upon occasion even dictating the epistles in reply. But now he could use the neophyte in his own as well as the general behalf, and set about the business forthwith under cover of a letter from the convertite Trie to his relation Arneys.”

Wright also imagines that “Trie communicated Arney’s letters to Calvin, who dictated answers to them, so that they are, and Mr. D’Artigny, who published them from originals, calls them, Calvin’s letters under the name of William Trie. By the means of this Trie, Calvin raised a persecution against Servetus at Vienne” (Wright 1806a:132). Another scholar, Tulloch (1860:138-9), also speculates on Calvin’s possible authorship:

The special blame of Calvin in the whole matter is very much dependent upon the view take of his previous relation to the accusation and trial of Servetus by the Inquisition at Vienne. If the evidence, of which Dyer has made the most, were perfectly conclusive, that the Reformer, through a creature of his own of the name of Trie, was really the instigator, from the beginning, of the proceedings against Servetus,—that from Geneva, in short, he schemed, with deep-laid purpose, the rule of the latter, who was then quietly come into his possession, furnished the Inquisition with evidence of the heretic’s opinion,—if we were compelled to believe all this, then the atrocity of Calvin’s conduct would stand unrelieved by the sympathy of his fellow-reformers, and would not only not admit of defence, but would present one of the blackest pictures of treachery that even the history of religion disclose. The evidence does not seem satisfactory, although it is not without certain features of suspicion. There can

be no doubt, however, that Calvin was so far privy, through Trie, to the proceedings of the Inquisition, and that he heartily approved of them.¹⁷⁷

As to Calvin's authorship Dyer (1850:314) examines another aspect of it as follows:

On the other hand, the Abbé d'Artigny¹⁷⁸ goes farther than the evidence warrants, in positively asserting that Trie's letter was written at Calvin's dictation, and in calling it Calvin's letter in the name of Trie. It is just possible that Trie may have written it without Calvin's knowledge; and the latter is therefore entitled to the benefit of the doubt. He cannot be absolutely proved to have taken the first step in delivering Servetus into the fangs of the Roman Catholic inquisition; but what we shall now have to relate will show that he at least aided and abetted it.

However, it was de Trie who started the private correspondence with his cousin Arneys. It is highly improbable that Calvin dictated de Trie's private letter from personal hatred and to have revenge. De Trie did not require Calvin's aid. He was a French noble, intelligent, and a member of the Council of Two Hundred. There is no physical proof that Calvin dictated the letter. Nobody can prove the dictation, except with great presumptions. This is based on the fact that de Trie was a close friend of Calvin, and knew that Calvin knew Servetus' identity.

As Cunningham (1989:322) says, Calvin willingly did what he believed and thought was lawful but did not hide like Servetus:

All that Calvin ever said or did in the case of Servetus, is fully explained by his conviction of the lawfulness and duty of putting heretics and blasphemers to death; and by his uncompromising determination to maintain, in every way he reckoned lawful, the interests of God's truth, and to discharge his won obligations, combined with the too prevalent habit of the age to indulge in railing and abuse against all who were dealt with as opponents.

This is why Guizot (1868:308-9) clearly concludes that the allegations were without proof and are vain as well as erroneous:

His hesitation as to whether he ought to give up the papers and allow them to be sent to Lyons, shows that he had some doubt as to the moral rectitude of his conduct; but it shows an extraordinary misapprehension of his character to imagine that this hesitation was an act of hypocrisy, and that the surrender of the papers was a piece of premeditated perfidy. There are no errors, or rather no vices, with which it is so impossible to charge Calvin as with untruth and hypocrisy. During the whole course of his life he openly avowed his thoughts

¹⁷⁷ Wilbur (1972:153-6) also charges Calvin for dealing with de Trie as Jacob had deceitfully dealt with Esau.

¹⁷⁸ He first found letters of de Trie and texts of the trial of Servetus at Vienne from the Records of the Court in the archives of Vienne in 1749 before the French Revolution on November 21, 1793. He contends that Calvin took materials for Servetus' life from the undoubted archives of the Archbishop of Vienne. See Drummond (1848:31-2).

and acknowledged his actions; he left his native country for ever, and the country of his adoption for a long period, just because he was resolved to assert his opinions, and to act according to his opinions.

Such conjectures result from the premature judgement that Calvin was the direct cause of Servetus' exposure by providing the crucial evidence to the Roman inquisitor. Bolsec argues that Calvin wrote a letter to the Cardinal of Vienne, François de Tournon to report that Servetus was Villeneuve. Castellio also contends that Calvin informed the Cardinal Tournon, who "went through Geneva on September 19, 1552," that Servetus should be burned because he was a heretic (Castellio 1935:n., 38, 283; see *Opera*, vol. XIV, 355). In addition, Wallace alleges that the proofs accusing Servetus were found in the writings of De la Roche, Allowerden, Mosheim, Bock, and Trechsel (Wallace, d.a.:433). Cunningham (1989:324) discharges the allegation against Calvin as follows:

He [Wallace] says that abundant proofs that Calvin was the author and originator of the whole proceedings against Servetus at Vienne, may be found in the accounts of De la Roche, Allowerden, Mosheim, and Bock, and Trechsel. We have not read Mosheim and Trechsel, but we are confident that the proofs to be found in the other three authors are not abundant, and are not even sufficient. De la Roche and Allowerden published before Trie's three letters to his friend at Lyons, which Calvin is alleged to have instigated and dictated, were given to the public, and therefore were scarcely in circumstances to judge fairly on this question.

Allwoerden (1772:45-6) also argues this allegation, but admits that there is no proof.¹⁷⁹ Tulloch, who stands against Calvin, admits: "The special blame of Calvin in the whole matter is very much dependent upon the view we take of his previous relation to the accusation and trial of Servetus by the Inquisition at Vienne," but there is no satisfactory evidence (Tulloch 1860:139). They do not have any direct testimony to prove their assumptions. They are the imaginations that may possibly come from Servetus' petitions at the trial of Geneva, in which he boldly insults Calvin without logical explanation. Cunningham (1989:322; Gibbon, 314) writes against the allegations saying: "Calvin was mainly or largely influenced by personal and vindictive feelings towards Servetus, is destitute of all proof or even plausibility. There is no ground to believe, or even to suspect, that Calvin was connected with originating or instigating the proceeding, which ultimately led to Servetus' apprehension by the popish authorities at Vienne." Cunningham (1989:326) clearly writes concerning the allegation against Calvin:

¹⁷⁹ Allwoerden (1772:45) quotes Bolsec's assumption in the footnote: "In vita CALVINI cap, III. p. 8.: *Nam omnes postea modes perueftiganuit (scilicet CAVINIUS) quibus homini nocere, necemque procurare posset, et scripsit idcirco ad Reuerend. Dominium Cardinalem TURNONIUM....*"

Trie's letters not only afford no evidence, but do not even furnish any plausible ground of suspicion, that Calvin was, in any way, connected with, or cognisant of, the origin of this matter,—that is, it was at his instigation that Trie conveyed information to his popish friend about Servetus, and the book which he had recently published. So far as appears from the correspondence, Trie's statement about Servetus and his book seems to have come forth quite spontaneously, without being suggested or instigated by any one ... In short, there is no ground to believe, or even to suspect, that Calvin was connected with originating or instigating the proceeding, which ultimately led to Servetus' apprehension by the popish authorities at Vienne.

Moreover, Calvin makes it clear in his *Opera* that he was not responsible, denying the accusation that he supplied materials to the Roman Catholic inquisitor in order to destroy Servetus (*Opera*, 479, Willis 1877:502-3):

Nothing less is said of me than that I might as well have thrown Servetus amid a pack of wild beasts into the hands of the professed enemies of the Church of Christ; for I have the credit given me of having caused him to be arrested at Vienne. But why such sudden familiarity between me and the satellites of the Pope? Is it to be believed that confidential letters could have passed between parties who had as little in common as Christ and Belial? Yet why may words to refute that which simple denial from me suffices to answer! Four years have now passed since Servetus himself spread this report. I only ask why, if he had been denounced by me, as said, he was thereafter suffered to remain unmolested for the space of three whole years? It must either be allowed that the crime I am charged withal is a pure invention, or that my denunciation did him no harm with the Papists.

4.1.3 The trial in Vienne

On April 4, 1553, Matthieu Ory, the Inquisitor General, submitted the new materials to de Tournon:¹⁸⁰ a few pages of Calvin's *Institutio*; several of Servetus' autographed letters to Calvin; and further evidence, based on de Trie's latest information. De Tournon summoned a conference with the archbishop of Vienne, Palmier, at the cardinal's palace Château in Rossillon. He sent for the inquisitor Ory, Arzellier, the ecclesiastics, and theologians of the church. The evidence, including the letters of de Trie, two dozen letters of Servetus to Calvin, and a few pages of *Christianismi Restitutio* with Servetus' notes, was sufficient to lead to imprisonment of Villeneuve, known as Servetus, and his printer, Arnoullet.

The archbishops of Vienne and of Lyon agreed to arrest them. On returning back to Vienne in the evening, Palmier and his vicar, Arzellier, called Anthony de la Court,¹⁸¹ Vice Bailiff, to archbishop's palace. In compliance with the command, de la Court arrested the printer,

¹⁸⁰ He was the cardinal at the Chateaux de Rossillon near Vienne.

¹⁸¹ He was a friend of Servetus (Ford 1860:54).

Arnoullet, and ordered him to bring the latest copy of the New Testament, just printed, to his palace. Knowing that Servetus was attending on Madam de Montgiron, de la Court informed him that there were wounded and sick prisoners in the palace of Dauphiné. While visiting the prison, Servetus was told about the charge of heresy against him and was taken to prison immediately. But, de la Court allowed Servetus his servant, Benoit Perrin, who was fifteen year-old, as well as other visitors, ordering them to treat him with respect (*Opera*, 844-5; Wallace, d.a.:434; & Willis 1877:254).

4.1.3.1 The First Interrogation

The next day, April 5, the first interrogation against him¹⁸² was announced in Vienne. The Archbishop Palmier sent for the inquisitor general, Ory, to open the interrogation, notifying him that the judges had confined Villeneuve and his printer. The trial took place in the evening and was presided over by Ory. Bainton (1953b:159-60, *Opera*, 844-5) describes it as follows:

On April 5, 1553, we, Matthieu Ory, Doctor of Theology, Penitentiary of the Holy Apostolic See, Inquisitor General of the Faith in the kingdom of France and for all Gaul, and Louis Arzellier, Doctor of Laws, Vicar General of the Most Reverend Monsignor Pierre Palmier, the Archbishop of Vienne, and Antoine de la Court, Lord of Tour de Buys, Doctor of Laws, Sheriff and Lieutenant General for the district of Vienne, we went to the prisons of the palace at Vienne, and in the criminal chamber caused Michel de Villeneuve to be brought before us Monsieur Michel de Villeneuve, the sworn physician, who was imprisoned by our ordinance in prison of Palace of Delphinal and interrogated him as follows.

After taking the oath, Servetus gave a brief account of his life. He omitted all references on his interactions with the reformers and gave no acknowledgement of knowing any theological writings.¹⁸³ He initially claimed to be Michel de Villeneuve, aged forty-two, a medical doctor, and that he came from Tudéla of Navare (*Opera*, 845). He confessed that he had left Spain twenty-seven or eight years previous, and served under Quintana, the confessor of the emperor, at the age of fifteen or sixteen. He continued, stating that, after serving Quintana, he had gone to Paris where he entered the Collège de Calvi and the Collège de Lombards, majoring in mathematics. Afterwards he went to Lyon and Avignon, but left at once, staying for two or three years in Charlieu, practising his medical skill. He then lived in the house of archbishop, Pierre Palmier, in Vienne. He acknowledged that he had printed *Leonhardum Fuchsium in defensio apologetica pro Symphoriano Campeggio*

¹⁸² It is recorded in *Opera*, 844-7.

¹⁸³ It is likely that the initial trial of Vienne focused on Servetus' personal life rather than his theological views (Osler 1909:16).

(1536), *Syropporum Universa Ratio* (1537), and had commentated on Ptolemy's Geography (1535 and 1541) (*Opera*, 846). He swore that he never printed any other book besides these. He boldly tried to prevent himself from being identified with Servetus. He denied that he had lived in Toulouse, where he had been known under his real name and never admitted to being the author of the heretical book. In the afternoon of the same day, the examination proceeded before the inquisitors. Despite pretending that he was not the author of the heretical book, it was difficult to deceive the inquisitor. What could he say when the inquisitor showed him pages 421-424 of *De Baptismo*, with angry marginal notes? (*Opera*, 847, 849). The inquisitor then asked him several questions about infant baptism (*Opera*, 846-7, Willis 1877:256-7):

If he understood the words that to say that infants had not by their regeneration [through baptism, understood] received the perfect grace of Christ and so were acquitted of Adam's sin, this would be to condemn Christ. He was therefore required to declare how he understood the words. He replied that he firmly believed that the grace of Christ, imparted by baptism, overcome the sin of Adam, as St. Paul declares (Rom. v.): 'Where sin abounds there doth grace more abound;' and that infants are saved without faith acquired, but through faith then infused by the Holy Ghost.

How would infants be saved and overcome Adam's sin without their regeneration? His answers to the question did not satisfy them. His knowledge of infant baptism and his handwriting convinced inquisitors that he was the author. Soon it became apparent that he had to succumb under the weight of the obvious evidence. In the end he admitted that it might have been his handwriting. The inquisitors had found some evidence for heresy in his writings, and decided to report them for the attention of the Church (Dyer 1850:320):

A great part of this deposition is undoubtedly false, and a little reflection on the prisoners' situation will enable us to pronounce pretty confidently what is so. His main object was to prevent himself from being identified as the archheretic, Servetus; and with this view he forbore to mention his residence at the University of Toulouse, where he had passed by his real name of Serveto, or Reves, both of which he had put in the title-page of his first work.

After examining his answers in the first interrogation, the court of the inquisition charged him as "a persistent liar" (Odhner 1910:23), and had proof that he was an Anabaptist.

4.1.3.2 Second Interrogation

For the second interrogation on April 6, 1553, Servetus again swore to tell the truth on the Gospels.¹⁸⁴ When Servetus noticed that two dozen letters from him to Calvin were before

¹⁸⁴ "... lequel apres le serment par luy fait sur les Saintes Evangeles de dire la verité, a esté par nous interrogé comme s'ensuyt." The second interrogation was recorded in *Opera* (847-9).

the inquisitors, he lost all courage and in order to free himself from the dilemma, invented a falsehood, which was as foolish as it was dastardly. The inquisitors asked him the first question based on letter xv (*Opera*, 848, Willis 1877:258):

How he understands a proposition in an epistle numbered xv., wherein the Living Faith and the Death Faith are treated of in terms that seem perfectly Catholic, and opposed to the errors of Geneva, the words being these, *Mori autem sensim dicitur in nobis Fides quando tolluntur vestimenta* – now faith dies perceptibly in us when its vestments are thrown off? To this he answered that he believed the vestments of faith to be works of charity and mercy [*vestimenta fidei sunt Opera charitatis et virtutis.*]

The second question on Free Will – *De libero arbitrio*, coming from the epistle, number xvi, asked how he understood it? Shedding tears he lied although he swore that he was telling the truth – *Messieurs ie vous veulx dire la verité* (*Opera*, 848-9,. Bainton 1953b, 160-1; see Henry 1849:189-90):

My Lords, I tell you the truth. When these letters were written at the time that I was in Germany about twenty-five years ago [they were written from Vienne], a book was printed in Germany by a certain Spaniard called Servetus. I do not know where he came from in Spain, nor where he lived in Germany, except that I have heard it was at Hagenau, where it is said his book was printed. This town is near Strassburg. Having read the book in Germany, when I was very young, about fifteen to seventeen, it seemed to me that he spoke as well or better than the others. However leaving all that behind in Germany, I went to France without taking any books, merely with the intention of studying mathematics and medicine as I have done since. But having heard that Calvin was a learned man, I wanted to write to him out of curiosity without knowing him otherwise, and in fact I did write, requesting that the correspondence should be confidential, and for brotherly correction, to see whether he could not convince me, or I him, for I could not accept his say so ... When he saw that my questions were those of Servetus he replied that I was Servetus. I answered that although I was not, for the purposes of discussion, I was willing to assume the role of Servetus, for I did not care what he thought of me, but only that we should discuss our opinions. On those terms we wrote until the correspondence became heated, and I dropped it. For the last ten years there has been nothing between us and I affirm before God and you, sirs, that I never wished to dogmatize or assert anything contrary to the Church and the Christian religion.

He did not know where Servetus came from, though he looked like Servetus; and acted like Servetus in disguise. Besides, Calvin misunderstood that he was Servetus but he pretended that he wrote to him. The confessions were full of untruths and bold-faced lies. Although he tried to make it clear to the inquisitors that Villeneuve and Servetus were two different persons, he was soon to be revealed as the heretic Michael Servetus and the author not only of the heretical books, *De Trinitatis Erroribus* and *Dialogorum de Trinitate libri Duo* but also of a third book, *Christianismi Restitutio*. Such lying and untruths would continue

throughout this trial and at the trial of Geneva, too. This made the inquisitors treat the trial far more seriously and insisted on him remaining in prison (Guizot 1868:310).

The third question was on Infant Baptism, and was based on epistle xvii. This letter was about infants, mere fleshy beings, that were incapable of receiving the gift of the Spirit – “*Parvuli carnis non erant capaces doni spiritus*” (*Opera*, 849). It was nothing new compared to the last question. When asked the meaning of this sentence, Servetus replied that they were unable to receive the gift of the Holy Spirit.

The fourth question from epistle xviii, regarding the Trinity and the Generation of the Son of God – “*de Trinitate et generatione Filii Dei*”, was, he said, written in the midst of discussions with Calvin (*Opera*, 849). The fifth question was “*de carne Christi glorificata, quae absorbetur a gloria divinitatis,*” of the glorified body of Christ that was carried out of the Glory of the Deity – more fully than it was at the Transfiguration (*Opera*, 849). Although Servetus thought he presented his opinions well to them, he was regarded by his judges as a cunning liar. He did not admit to what was found to be heretical in these writings, but only to what his judges and the church would approve (*Opera*, 849). Eventually he confessed that the writings were his. After hearing his confession the inquisitors adjourned the interrogation until the next day.

Realising how at risk his life was, Servetus resolved to escape. He asked the grand prior to send for his servant, Perrin, to get 300 *écus* from the monastery at St. Pierre. An hour earlier, Ory had ordered the guard to forbid any one from talking to Servetus. However, the cell door of the prison had been left open. Servetus had been free in the prison and was treated with consideration and respect (Dyer 1850:319).¹⁸⁵ During that evening he pretended to take a walk in the garden, searching for a way of escape.

4.1.3.3 Escape and Third Interrogation

On April 7, 1553 he was up at four o'clock, early in the morning and escaped through a window. During the previous day's walk he found a terrace overlooking the courtyard of the palace. He asked the unsuspecting jailer for the key to the garden so that he could take a walk. The Jailer did not suspect him as he was dressed in a bathrobe. Servetus was fully dressed underneath. He went up to the terrace, jumped over to the courtyard, and reached

¹⁸⁵ Guizot (1868:311) tells us that a daughter of Anthony de la Court, Vice Bailiff, was cured by Servetus and he then became one of his friends. Monsieur de Maugiron was another friend.

the Rhône River outside. At about 9 o'clock he was outside Vienne, according to his own confession later at the trial of Geneva (Bainton 1953b:160-1 & Gaberel 1858: vol. II:248.). The jailer's wife was the first to discover his escape, two hours later. She felt that her life was in danger, and thus tore her hair, and beat her children, servants and the other prisoners. The authorities reported the escape, and ordered the town gate be shut down and guarded, but it was too late.

Despite Servetus' escape the third interrogation (*Opera*, n., 850-3) against him and his printer, Arnoullet, proceeded. The trial took ten weeks of examining his books and letters to Calvin. Ory collected new information about the place that printed the books. Thus Ory, Anthony de la Court, and Arzellier met three workmen – Jean du Bois, Calude Papillion, and Thomas de Straton – who confessed that they had printed *Christianismi Restitutio*. They were not aware of the heretical doctrines in the book, because it was written in Latin (*Opera*, n., 852). Straton, one of the workers, revealed that Villeneuve had covered the cost of printing with his own money and had dispatched five bales of the printed books to Pierre Merrin at Lyon (*Opera*, n., 853).

Ory and Arzellier hurried off to Lyon to examine Merrin. He admitted that he had received five bales of books from Michel de Villeneuve of Vienne through a priest of Vienne, a certain Jacques Charmier. He confessed that he did not know of contents of the book. They ordered him to unpack the packages and took them to the palace of the archbishop at Vienne. Ory and Arzellier met with Charmier in Vienne and put him into prison for three years because of his friendship with Villeneuve, although Charmier insisted that he did not to know of the contents of the book. Ory then convinced the judges that the *Christianismi Restitutio*, printed secretly in Vienne, was heretical. Servetus was found to be guilty of heresy and of threatening the public peace. The inquisitors were witnesses to these crimes, as they themselves had heard Servetus' denials and confessions. The civil tribunal added to the sentence a fine of a thousand livres to be given to the king Dauphiné from whose prison Servetus had escaped. The following sentence, containing the names of the inquisitors, was read on June 17, 1553 (*Opera*, 784-7, Allwoerden, 1727:55-7, Wright 1806a:148-51):

Between the Procurator of the King Daupine, pursuer for the crime of scandalous heresy, dogmatisation, composition of new doctrines, of heretical book, sedition, schism, disturbance of union and public peace, rebellion and disobedience to the ordinances made against heresies, breaking and escaping from the royal Dauphineal prisons on the one part, and Mr. Michael de Villeneuve, physician, formerly detained prisoner in the prison of the

Dauphinal palace of Vienne, and at present a fugitive accused of the aforesaid crimes, on the other part.

Having seen the pieces vindicating the said heresies, and even the letters and writings of the said Villeneuve, addressed to Mr. John Calvin, preacher at Geneva, acknowledged by the said Villeneuve, his answers, confessions, and denials; the answers and other procedures concerning Balthazard Arnollet, printer; certain bales and printed books, entitled, *Christianismi Restitutio*; the witnesses examined upon the said Villeneuve's having composed, and caused to be printed, the said book at his own charge; the reports of the Doctors of Divinity and other notable persons upon the errors contained in the said book and epistles; which errors and heresies are evident from the bare reading of them; acts made upon the said Villeneuve's escaping from prison, and diligence used to apprehend him; adjournment for three days, and defaults obtained upon them; re-examination of witnesses, definitive conclusions of the said Procurator of the Daupine King, and every other thing which has been remitted to us; the whole being considered, we have declared, and do declare, the said defaults to have been well and duly obtained for the confirmation whereof, we have debarred, and hereby do debar the said Villeneuve, from all exceptions and defences, declared, and do declare that he is attained and convicted of the crimes laid to his charge; for reparation whereof, we have condemned, and do condemn him as to a pecuniary fine, to pay the sum of a thousand livres tournois of fine to the Dauphin King: and immediately upon his being apprehended, he shall be carried upon a dung-cart together with his books, the first opportunity, from the market at the gate of the Dauphinal places, through the several streets and customary places, to the place called Charneve, and there to be burned alive at a slow fire, until his body be reduced to ashes. And in the mean time the present sentence shall be executed in effigy, with which the said books shall be burned. And we have condemned, and do condemn him to pay all expense and charges of process, the tax whereof we reserve, declaring all the every part of his goods fortified, and cindiscated to the profit of whom it may appertain, the said expense of justice and fine being preferably delivered and paid out of the said goods. De la Court Vice Bailiff, and Judge Dauphinal, Granter assessor, Carier assessor, Pietod assessor, Duprat assessor, A de Bais assessor, Beraud assessor, Philip Morel assessor, De Court assessor, Loys Merd assessor, Christofle assessor; the said sentence published in open court, and hearing of the said Procurator, of the King of Dauphine. We, the Vice Bailiff and Judge of the said session in the hall of the Dauphinal palace of Vienne, the seventeenth day of the month of June, one thousand five hundred and fifty three years. Present Mess. Phillebert Gollin, Alexander Rolland, Claude Margnin, Charles Verency, Peter de Vignes, and a great many other persons of quality of Vienne, being present there and I he underwritten.

Chasalis.

At noon of the same day Servetus was slowly burnt in effigy by a fire built by Francis Berodi, the executioner, at de Charnève along with the five bales of *Christianismi Restitutio*, found at Lyon (Mackinnon 1962:141; Wright 1806a:151-2). His effigy was open to public view. Any book of his found, anywhere, was to be burnt to ash. Arnoullet

was confined in the prison for four months, but because he made it appear that he was assured by Guérout that *Christianismi Restitutio* was a harmless book, and that he did not know Latin, he was set free to go to Lyon. Guérout probably saved himself by fleeing to Geneva, because he was involved in the fraction of Geneva (Henry 1849:191).

The rest of the investigation was continued through until Saturday the 23rd, two days before the Christmas of the 1553. Servetus started life as a wanderer. There are no official records of anything concerning Servetus' escape until his arrest at Geneva, three months and six days later. Guizot thinks that Servetus was wandering about near Vienne until the verdict appeared on June 17, after which he tried to find a safe haven in France or Switzerland (Guizot 1868:311).

4.1.4 The arrest in Geneva

4.1.4.1 Arrival in Geneva

Since his escape from the custody, Servetus may have hidden in different places in France, Italy or Switzerland, before he went to Geneva.¹⁸⁶ He could not find any safe place to live. He thought that the best place to live was Naples, not only because “there was a large settled population of his own countrymen among whom he could find a sufficient field for the exercise of his calling”, but because he found a friend in a certain Anabaptist there (Willis 1877:281-2).¹⁸⁷ Benedict conjectures why Servetus went to Naples: “Being thus hunted by his enemies, this persecuted man next determined on going to Naples, in hope of settling there in the practice of his profession. It is supposed that he was induced to this measure by a Spanish nobleman, named John Valdesius, who was then secretary to the king of Naples, and who had embraced the principles of the Anabaptists” (Benedict 1813:185-6). In his testimony at the trial of Geneva, he said that he stopped in Geneva for a night on his way to Naples. He was supposedly going to study medicine, and wanted to hire a boat to cross the lake, but his confession is hardly to be believed (*Opera*, 770, 782).

¹⁸⁶ Ford (1860:68-9) conjectures a couple of his wanderings after escaping from Vienne. One is that he went to the Pyrenees, the old Waldenses in Spain. Another is that he was seeking a kind shelter in Venice.

¹⁸⁷ At that time that a lot of Spaniards settled in Naples led Servetus to meet the more medical practising opportunities (Dyer 1850:326).

There have been a few suggestions as to why he stopped at Geneva.¹⁸⁸ The best leading proposal of them is that he might have harboured in his heart a kind of conspiracy to overthrow Calvin. Therefore allying himself with Calvin's opponents, the Libertines, through Guérout (Guizot 1868:313). Servetus likely had a personal animosity toward Calvin, because he figured that Calvin had betrayed him to the inquisitors of Vienne. Regardless, he really desired a victory over Calvin in the theological controversy (Lecler 1960:326), which would arise during the course of the trial. He heard that Calvin was experiencing little popularity in Geneva because of political changes. He was informed that the Libertines fostered hostility towards Calvin and intended to act against him (Lingle 1900:11; Holtrop 1993:174). I believe this is why Servetus went to Geneva, even though he had first planned to go to Naples.

When Servetus arrived in Geneva Calvin was midst in a critical, spiritual and political conflict between the Libertines and himself. A specific topic was excommunication. Servetus' trial raised the question on the authority to control excommunication. Was it the Council's or the Consistory's power to excommunicate? (Monter 1967:84). The issue of annulling Philip Berthelier, one of the leaders of Calvin's opponents, who had been debarred by the excommunication of the Consistory was causing a heated controversy. The Council dominated by the Libertines desired to restore him against the Consistory's resolution.

Berthelier, whose trial was still impending, was supposed to appear as an advocate for Servetus. The decision to excommunicated him had happened only three weeks before Servetus was arrested in Geneva. The Libertines, who dominated the Council, were opposed to Calvin, and now tried to use Servetus' affair fully to their own advantage. Thus, the excommunication issue would be argued again by the Libertines during Servetus' trial. Although there is no clear evidence of *co-operation* between the Libertines and Servetus in an effort to weaken Calvin's position, there is no doubt that a conspiracy between the Libertines and Servetus had been agreed upon. Roland Bainton believes: "1) that Servetus plotted with the Libertines for the overthrow of Calvin's régime; 2) that the Libertines

¹⁸⁸ Calvin mentions in a letter to Farel on August 20, 1553: "He intended perhaps passing through this city; for it is not yet known with what design he came" (*Letters*, vol. II, 417). Several reasons have been suggested: Did he want to interview Calvin personally as he had planned to meet Calvin in Paris in 1534? Or, as he maintained at the trial at Geneva, did he merely intend to pass through Geneva on his way to Naples? Or did he intend to conspire to remove Calvin's power at Geneva, siding with his opponents, the Libertines?

endeavoured to bring about the acquittal of Servetus; and 3) that they communicated with him to that end during the course of his trial” (Bainton 1936:141).¹⁸⁹

Guizot (1868:313) is certainly “convinced that Servetus, defeated at Vienne, went to Geneva, relying on the support of the Libertines, whilst they on their side expected to obtain efficacious help from him against Calvin.” Servetus desired to join the party against Calvin so as to not only defeat him but also “propagate his errors in Geneva” (Boettner 1954:416). Besides, Geneva was not on the way to Italy. There is no other reason that he came to Geneva, after he had escaped from Vienne, but the conspiracy with the Libertines. During the entire trial he was consistently supported by and in contact with the Libertines. He was in particular contact with Perrin and Berthelier, as he confronted his judges and Calvin in a very insolent and impolite manner. Lacking the support of the Libertines he would not have dared to go to Geneva, since he himself was a coward, as can be seen in his avoiding Calvin in Paris. The Libertines helped him because they “perceived the advantage they might derive by playing Servetus off against the Reformer” (Wylie 1899:323). At the same time, Servetus might have intended to take over the leadership of Geneva from Calvin (Smyth 1856:103).

Regardless, everyone (*Opera*, 590)¹⁹⁰ agrees that Servetus stayed for roughly one month in Geneva before he was arrested (Dyer 1850:327, Wileman, s.a.:103 & Henry 1849:192).¹⁹¹ The following is from Shields’ play, and focuses on the issue of when he arrived and the conspiracy that transpired (Shields 1898:49):

Colladon. Why came he hither?

Tissot. (*Reads*.) ‘He hath been leagu’d with other heretics, In Frankfurt, Venice, and in Gernoa, And hither comes to sow his heresies.’

Servetus. A trav’ler I was passing through your city, And meant next day to sail across the Lake.

Du Pan. Ha! ha! You spent a month in passing through!!

Colladon. What was he doing at the Inn-of-the-Rose?

Tissot. (*Reads*.) ‘While at the Inn he air’d some vile amours, Which are the natural fruit of heresy.’

¹⁸⁹ Collins 1968:180 also points out that the proposal to consult the Swiss Churches was drawn up by Perrin with some Libertines.

¹⁹⁰ Schaff with several writers observes that Servetus stayed for a month and hired a boat before leaving for Zürich. See Schaff (1993:765-783), Willis (1877:282) & Tulloch (1860:141). When Perrin failed to release Servetus after messages arrived from the Swiss churches, he left the court with a few Libertines; Killen (1843:13) annotates on his conspiracy with the Libertines. “His own statement, that he came to Geneva almost immediately before his arrest, is worthy of little credit, as he evidently wished to conceal his correspondence with the Libertines.”

¹⁹¹ Even apologists of Servetus agrees (Ford 1860:70). A certain Genevan historian from the 18th century stated that Servetus entered and hid in Geneva one month before his arrest (see Killen 1843). The historian John Foxe (1926:187) implies that Servetus stayed several weeks in Geneva before he was arrested.

Servetus. Oh, that was all the merest pleasantry. I could not be a libertine if I would, And have liv'd purely as a Christian should.

Tissot. (*Reads*.) 'With certain traitors here he hath conspir'd; Chiefly that outlaw'd fornicator, Gueroult, the printer of his book'.¹⁹²

According to Willis' description, "the windows of the room he occupied at the Rose *had been nailed up!* What interpretation can possibly be put on this? The nailing up could not have been done to keep anyone *out* of a place of public entertainment. It was therefore to keep someone *in*" (Willis 1877:284). The description presumes that in this boarded up room Servetus and his companies had been secretly planning Calvin's overthrow for an entire month.¹⁹³ It is interesting that though he was a foreigner, he knew the Genevan law well, and tried to be his own attorney throughout the trial.

The one unsolved question that remains in this narrative is how it was that Servetus actually was involved in the conspiracy with the Libertines, or how he became known to them. Servetus had been living in Geneva for one month. Even though Servetus explicitly denied that he had communicated with anyone in Geneva since he had arrived there, including Guérout, the confession was totally untrue, revealing again his blatantly false actions (Shields 1898:10.). Guérout possibly had been informed of his escape from Vienne his sentence, and his arrival in Geneva. We know that Guérout, as one of the Libertines and a native citizen, must have informed the Libertines of Servetus' arrival in Geneva (Willis 1877:381-2).¹⁹⁴ This would be why Rigot interrogated Servetus closely on his relationship with Guérout. He tried concealing the relationship as long as possible during the trial (*Opera*, 731, 734). Osler (1909:16) describes the conspiracy between Servetus and the Libertines as follows:

At that time the Liberals, or 'Libertines', as they were called because of their hostility to Calvin, fully expected to triumph. 'One of their leaders, Ami Perrin, was first Syndic: a man of their party, Gueroult, who had been banished from Geneva, had been corrector of the press at the time when the Restoration of Christianity was published, and thanks to the influence of his patrons, the

¹⁹² During the entire interrogation, it is said that Judges questioned Servetus on his arrival in Geneva.

¹⁹³ According to Shields' drama (1898:9-10), Berthelier informs of Servetus' presence in Geneva and tries to conspire to banish Calvin once more: "*Perrin*. What! Would my lord turn preacher them [Calvin] then? You speak a riddle. *Berthelier*. No:—a simple secret; And a state-secret, if you keep it well. Know you, there is a preacher come to town, Not reverend in title, but disguised, A gallant like ourselves and hidden safe At the Inn-of-the-Rose, across, the Lake,—One Michael Servetus, the physician, Known as a sower of great heresies Through Christendom. *Perrin*. Well? More of this state-secret. *Berthelier*. He much hath writ against our famed divine."

¹⁹⁴ "*Berthelier*. Why, better, then, for us; and worse For them—Dissensions in the folds themselves By two reformers—Power in our hands To drive one at the other or send both Of them where they can never plague us more. *Perrin*. Bravo! Bravo! Not that I care a sou For either doctrine. Anything to put This upstart alien down and keep intact Our civic rights and ancient libertines." Guérout leads Servetus to attend the service of August 13 (Shields 1898:10, 13-5).

Libertines, he had returned to Geneva, and would naturally be the medium between them and Servetus. Taking a comprehensive view of the whole case and the antecedents of all those concerned in it, I am convinced that Servetus, defeated at Vienne, went to Geneva, relying on the support of the Libertines, whilst they on their side expected to obtain efficacious help from him against Calvin.’ He seems to have been nearly a month in Geneva before his arrest on the morning of August 14.

4.1.4.2 Arrest of Servetus

Servetus found his way to Geneva. He lodged for one month at the tiny inn, the Rose d’Or, known probably as the most comfortable inn in Geneva.¹⁹⁵ He travelled like a wealthy man with six gold rings and a golden chain, and ninety-seven gold crowns in his pocket (*Opera*, 735, 831).¹⁹⁶ On Sunday August 13, 1553, weary of hiding for a month in the nailed-up room he decided to do something secret in Geneva. First he would attend an afternoon church service in the cathedral of St. Pierre, where Calvin was supposed to preach. He tried not to attract attention, but was soon recognised by certain people – *par quelques frères*¹⁹⁷ – who knew him from Vienne.

According to Wilbur’s detail description, “Rumor had it that while standing in church, concealed by his cloak and cap, as he listened to the preacher, he was recognized by some whom he had once attended to as physician at Vienne” (Wilbur 1972:162). Realising that he had been recognized, he attempted to leave Geneva for Zürich and then Naples by boat. On the point of departing, however, he was arrested by the sheriff in the name of the Council (Henry 1849:192).¹⁹⁸ Calvin’s secretary, Pastor Nicolas de la Fontaine,¹⁹⁹ went to the prison at the Rue de l’Évêché to see on what charge he could be brought in. He report-

¹⁹⁵ Most inns in Geneva were named by heraldic symbols, for example, stars. The little inn where Servetus lodged was notorious for foreign visitors on less official visits (see Monter 1967:8; *Opera*, 770, 782).

¹⁹⁶ His money and valuables were deposited in the hands of jailer.

¹⁹⁷ According to an extract from the Registers of the Company of Pastors on August 13, he was recognized by certain brothers (see *Opera*, 725, Wilbur 1972:n. 11, 162).

¹⁹⁸ Lyncurius (1965:203-4) accounts about a certain minister or servant [de la Fontaine] who “went to the magistrate and disclosed that the heresiarch Servetus was there, he who denied the most holy Trinity and called it a three-headed Cerberus, and who was continuously contemptuous of Geneva and of its ministers. He persuaded the magistrate of many other things about the man, demanding that he be given the office of summoner that Servetus might be immediately arrested lest he be able by any means to escape; and he offered himself to be sent to prison with until judgement should be passed on each.” We have nothing about Alphonsus Lyncurius who identifies himself as coming from Taragona in the title. Villanova. This work first appeared in 1555 shortly after Calvin’s *Defensio* contained in *Opera* (453-644) was published.

¹⁹⁹ He was a French cook of Mousier de Fallais as well as religious refugee. He was also a student of theology. He had been six years with Calvin and was grounded in theological knowledge. many religious refugees came to Geneva in about 1550.

ed back to Calvin. In accordance to the law, Calvin reported Servetus to one of the Syndics. Calvin was mainly responsible for Servetus' arrest in matters of the Criminal Edicts: "When any complaint shall come, let each one of Syndics have power to call those to whom it appertains, and cause imprisonment, if it is meet."²⁰⁰ It was his civil and ecclesiastical duty. What he did was attest that the accused was the heretic, Michael Servetus.

On the arrest, Calvin says in a letter to Sulzer on September 8, 1553 (*Letters*, vol. II, 428):

"He escaped from it some way or other, and wandered in Italy for nearly four months. He at length, in an evil hour, came to this place, when, at my instigation, one of the Syndics ordered him to be conducted to prison. For I do not disguise it, that I considered it my duty to put a check, so far as I could, upon this most obstinate and ungovernable man, that his contagion might not spread farther."

It is clear that Calvin confessed this without any disguise. It is perfectly evident that Calvin felt it his duty to inform the council that Servetus was in the city. Not only his love for the truth, but also, the civil law of the city, which had come down from the previous rule of law of the emperors,²⁰¹ required the infliction of the same punishment upon heretics as imposed on those guilty of high-treason. Thus, he made it his duty to convey this information to the Council. Nicolas de la Fontaine charged him, as we see in this letter from Calvin to Farel on August 20, 1553 (*Letters*, vol. II, 417):

It is as you say, my dear Farel, ... We have now new business in hand with Servetus. He intended perhaps passing through this city; for it is not yet known with what design he came. But after he had been recognized, I thought that he should be detained. My friend Nicolas summoned him on a capital charge, offering himself as security according to the *lex talionis* ... Of the man's effrontery I will say nothing; but such was that his madness that he did not hesitate to say that devils possessed divinity; yea, that many gods were in individual devils, inasmuch as deity had been substantially communicated to those, equally with wood and stone.

Calvin wished only to prevent the evil from taking root and had no malicious designs upon the life of his enemy (Henry 1849:193-4):

"Calvin had no intention to expose Servetus to capital punishment; he only wished to render him harmless, to make him recant his blasphemy, and so preserve Christianity from injury; but we shall see how the Spaniard opposed

²⁰⁰ It was issued as 'Criminal Edicts of January 28, 1543' (see Rilliet 1846:87).

²⁰¹ If the edicts and constitution of Frederick II or the Code of Justinian were in force at Geneva, then heresy was a crime by law in that city, cognisable and punishable by the civil courts and with death (see Henry 1849:194; Minton 1909:219).

himself by his mischievous, obstinate spirit to all the representations of reasons, and thereby excited most men of Christian feeling against him.”

Calvin's ruling motive was neither the lust for power nor the love of strife or personal malice. It was religious belief. Moreover, though Calvin looked like he was taking the whole responsibility upon himself, it can be discerned from the Registers of the Company of Pastors that he shared it with all his colleagues, and he did not act out of personal hatred (Rilliet 1846:80). An extract of the Registers of the Company of Pastors in Geneva states (*Opera*, 725-6, Rilliet 1846:86):

The 13th of August, year aforesaid.—M. Servetus having been recognised by some brethren, it was found good to cause him to be imprisoned, to the end he might not further infect the world (or people) with his blasphemies and heresies; for that is known (to be) wholly incorrigible and desperate. Upon that, there was one who was made criminal party (accuser) against him; the which proposed certain articles, containing a selection of the most notable errors of said Servetus. Some days after, it was commanded by the Council that we should be present when they examined him; the which being done, his impudence and obstinacy were more and more discovered and known; became he maintained, for a principle, that the name of Trinity had not been in use but since the Council of Nice, and that all doctors and martyrs before had not known what it was. But when one produced quite evident testimonies, as well from Justin Martyr as from Irenæus, Tertullian, Origen, and others, so far was he from being ashamed, that he broke out into all absurdities, with injuries and outrages. At last, my Lords seeing that the procedure would be endless if means were not found to shorten it, commanded that an extract should be made of the erroneous and heretical propositions contained in his books, and that he having replied by writing, we should show in brief the falsity of his opinions, with the purpose of seeing the whole to the neighboring Churches to have their advice.

In compliance, both Servetus and de la Fontaine were imprisoned by the order of the Lord-Lieutenant,²⁰² Pierre Tissot. Their prison had once been the residence of the bishops of Geneva and was near the Church of St. Pierre. The Council formulated the accusations as follows (*Opera*, 626, Shields 1983:362):

Upon the application of Nicolas de la Fontaine against the said Servetus, prisoner, bearing that he is a sower of great heresies, and for these already imprisoned and a fugitive; and inasmuch as he, having become party against him, has supplicated justice—it is resolved that they give in writing to the lord lieutenant the errors and passages which they profess to prove against him, to the end that he may reply, to be further pursued.

²⁰² The Lieutenant, known as the General Prosecutor, was implemented in 1529 and was in charge of early questioning. The Lieutenant was elected by the Small Council once a year. See Kingdon (1995: 23-30).

Before proceeding further with the trial, the Council was supposed to examine its justification for the arraignment for the next day. Servetus was allowed only paper and ink to defend himself. His valuable property was left in the care of Pierre Tissot (*Opera*, 735, 831, Rilliet 1846:102-3):

After this, “the said Fontaine and the said Servetus were committed as criminals to John Grasset, the keeper of the prison, to be detained, under pain of death. And the said Servetus has declared that he has entrusted to the said Grasset ninety-seven crowns, a chain of gold, weighing about twenty crowns, and six gold rings.” This sliver, and these trinkets, which consisted of a large torquoise, a white sapphire, a diamond, a ruby, a large emerald of Peru, and a single ring of coralline,” were afterwards deposited in the hands of Pierre Tissot, who rendered an exact account of them when the process was concluded.

The trial commenced and would last for more than two months.

4.2 *The trial in Geneva*

4.2.1 First Phase

4.2.1.1 Arrangement

According to criminal law of Geneva, any case was to be examined by the Council twenty-four hours before the case proceeded.²⁰³ Nicolas de la Fontaine was appointed the accuser and Servetus, his opposite, the accused (defence). In accordance to another law, called *pœna tallionis*, both the accuser and the accused were to be kept under private lock and key, so that the accused could be judged fairly (Rilliet 1846:94-5):

“Let the Lieutenant have power of imprisoning, at the request of every one who will make himself a formal party against another, by becoming a prisoner along with him.”—*Edict of November 12, 1542*. “*Item*.—That in a case demanding corporeal punishments, if a party pursue, the said pursuing must become a prisoner himself, and subject himself *ad pœnam tallionis*, &c., according to the text of our Franchises.”—*Ordonnances of 1529, No. 8*.²⁰⁴

²⁰³ The Edict of January 28, 1543. See Rilliet (1846:95-6) & Willis (1877:304-5). (a) The grounds for an arrest had to be declared within twenty-four hours, failing which the person accused was released. (b) All criminal charges had to be made at the instance of someone aggrieved. (c) The prosecutor had to be bound over to prosecute. (d) He also had to go to prison with the person accused and in conformity with the *Lex Tallionis* agree, if the charges were not made good, to undergo the penalty which would befall the accused, if found guilty” (Macdonell, 1083:136).

²⁰⁴ According to Carolinian law promulgated in Germany during the reign of Emperor Charles V, any accuser had to be a prisoner for the truthfulness of his accusation. If the charge proved false, the accuser might have to undergo punishment in the place of the accused. If Servetus were found innocent, Fontaine would have to suffer the punishment by the law (Wilbur 1972:163, and *Opera*, 461, 479).

The trial of Servetus began just and fair (Lyncurius 1965:204). With the official approval of the Company of Pastors, de la Fontaine took on the responsibility of accuser (Rilliet 1846:86). On the afternoon of August 14, 1553, the Lord-Lieutenant, Pierre Tissot, went to the prison where the accused Servetus and the accuser were residing. The initial examination by Tissot was officially recorded as follows (*Opera*, 731, Rilliet 1846:97):

The year 1553, and on Monday, the 14th day of the month of August, pursuant to the criminal action raised at the instance of the Hon, Nicolas de la Fontaine, of St. Gervais au Vixen, a Frenchman, an inhabitant of this city, against M. Servetus of Villeneuve, in the kingdom of Arragon, in Spain—the said de la Fontaine requests that the said Servetus should reply to the questions written below, declaring that he has raised the said criminal action, in his own proper and private name;—the which Servetus has sworn to speak and answer the truth, upon pain.

Then de la Fontaine, brought forward the thirty-eight indictments, which Calvin had prepared, in order to reveal his heresy and to establish conclusively that *Christianismi Restitutio* was authored by Servetus (*Opera*, 479).²⁰⁵ Although, originally, de la Fontaine and Calvin had selected forty articles (*Opera*, 727-31, Whitcomb n.d.:12-6), only thirty-eight articles were presented because “two of them [VI and VII] contained only direction for procedure, and not grounds of charge...”, and were withdrawn (Rilliet 1846:96-7).

The accuser, de la Fontaine, first proposed that Servetus should answer truly to thirty-eight articles of impeachment against him (*Opera*, 727). The main charge against him was that Servetus had published heretical, blasphemous opinions concerning the Trinity and Infant baptism. The formal questioning of Servetus on the thirty-eight articles was initiated by Nicolas de la Fontaine. Servetus replied to each of them. The first and second questions claimed that Servetus fled because of his heresy and errors and that he had experienced trouble with the churches of Germany for twenty-four years. They stated that the first two books – *De Trinitatis Erroribus* and *Dialogorum de Trinitate libri Duo* – infected many people. Servetus answered the preliminary questions as to his name, age, and previous history more truthfully than he had done at the trial at Vienne. However, he denied that had not infected anyone. He also insisted that he had never fled from any country (*Opera*, 727).²⁰⁶

²⁰⁵ “Nec infitior meo concilo dictatam esse formulam.”

²⁰⁶ Servetus’ reply to it is: “Respond estre vray quil a faict ung petit livre [*De Trinitatis erroribus*, 1531], mais quil na point trouble les eglises quil saiche. Et nye avoir este condemme. Respond avoir faict ung petit livre [*Dialogorum de Trinitate libri Duo*, 1532] mais ne scant quil aye infecte personne” (*Opera*, 731-2).

He was then examined on the third and fourth questions (*Opera*, 727-8), concerning the books –*Christianismi Restitutio* and *Ptolemy's Geography* – which he had printed stealthily, and which had countless blasphemies in them. Servetus admitted that he wrote annotations to the Bible of Santes Pagnini and also Ptolemy's *Geography* but insisted that they contained nothing but good.²⁰⁷ He further maintained that he fled from the prison of Vienne because the priests there desired to burn him alive. When the seventh article on the Trinity was met with opposition, he professed to believe in a 'Trinity', but understood by the term 'Person' something different from the contemporary doctrine.²⁰⁸ He insisted that he followed the teaching of the ancient Fathers of the Church after Christ and the Apostles – *premiers docteurs apres Jesus Christ et ses apostres* – from whom his book was adduced, but that he disagreed with modern theologians who made the concept of 'Person' of the Trinity (*Opera*, 728).²⁰⁹

The eighth item concerned his insults against the ancient Fathers, St. Ambrose, St. Augustine, Chrisostome, and Athanasius and even calling Melanchthon, a human being without faith and a son of the evil one, Belial, and Satan. He avoided a direct reply on the pretext that he had not insulted Melanchthon in public but in a private letter (*Opera*, 732, 738).

The ninth to the twenty-third questions and the twenty-sixth question were on his theological systems: the Trinity; the relationship between the Son of God, the Word, and Christ. He contended that he followed John in the matter of the Word and Christ to be God or man in a certain respect. Servetus maintained that Jesus Christ was not the Son of God, except as born by the Holy Spirit in the womb of the Virgin Mary and did not exist before his Incarnation by which he became the Son of God (*Opera*, 733, 739). The pre-incarnation of the divine Christ was totally denied by him. Furthermore, the term 'Person' should refer not only to image and form but understood as dispensation, mode, or manifestations of the invisible God. Trinitarians are atheists (*Opera*, 733, 739). The twenty-fourth, fifth, sixth and the thirty-fifth questions (*Opera*, 729-31, 733) were focused

²⁰⁷ "Mais quil ne pense avoir rien faict qui ne soyt bon ... Et que sil luy monstre les blasphemes il est pres a emender." *Ibid.*, 732.

²⁰⁸ "Such a division in the being of God makes him into a tripartite God; that is, into a devil with three heads, like Cerberus, which the old poets have called a hell-hound, a monster" (*Opera*, 728, Henry 1849:195) & see Rilliet (1846:234). Servetus' reply to it is "Respond comme dessus prochain et quil cofesse la trinite et troys personnes" (*Opera*, 732).

²⁰⁹ Servetus answer: "Et dict quil est verite quil a declaire ce nom de personne aultrement que nen escripvent les modernes ... et quil confesse la trinite et troys personnes" (*Opera*, 732).

on his view of the meaning of the term Deity. He replied that it should not be simply regarded a hypostases but a number of dispensations or dispositions. As in pantheism, in God there are all creatures in whom He breathes life by air, the Spirit.

In answer to the twenty-seventh, eighth, and ninth questions he denied the allegation of insisting that soul of man was mortal after the Fall but said that the soul was dressed in perishable clothes and was not itself perishable (*Opera*, 730, 733, 739-40). In the thirtieth, thirty-first, and third questions he insisted that infants were not responsible until the proper age. Infant baptism, he claimed, was the main element of destroying Christianity. He answered that not only was infant baptism a diabolical invention—*invention diabolique*—but that none should be baptised until a reasonable age (*Opera*, 733, 739-40). This question was a very dangerous one because the Anabaptist at that time were regarded with dread and suspicion.

To the first thirty-six articles, Servetus answered freely that he was indeed the author of *Christianismi Restitutio*, but he boldly adhered to his opinion that he did not think that he had uttered anything blasphemous. If it could be shown that he had, he would retract this. Then he accused Calvin as the cause of the prosecution at the trial of Vienne.

The most interesting question was the thirty-seventh question about Servetus' personal attack against Calvin. We quote his words here: "37. XXIX. *Item*, that in the person of Msr. Calvin, minister of the word of God in the Church of Geneva, he has defamed with printed book the doctrine which he preached, uttering all the injurious and blasphemous things which it is possible to invent." Servetus said further "that M. Calvin had, before that time, injured him and many printed books; that he had answered him, when accused of writing like one intoxicated ... and repeated that Calvin erred in very many passages."²¹⁰ There remained a last question about Servetus' relationship with Guillaume Guérault, the man who had printed Servetus' last book, *Christianismi Restitutio*, and who was even a member of the Libertines of Geneva (*Opera*, 731, 734, 740).

²¹⁰ "Item quen la personne de Mrs. Calvyn, ministre de la parolle de Dieu en ceste Eglise Geneve, il a difamé par livre imprimé la doctrine que s'i presche proninçant toutes les injures et blasphèmes quil set possible dinventer ... 37. Respond que Mr. Calvin la pardevant iniurie par beaucoup de liveres imprimes et quil luy a respondu, et monstrant que Calvin erroit en quelques passages. Et que ledict Calvin quant il escaripvoit quil estoit yvre dolphin, il luy rescripvoit le semblable. Et que ledict Calvin erroit en beaucoup de passages" (*Opera*, 730-1, 734, Rilliet 1846:101).

The books of Servetus were now presented before the court to support the indictments. In addition he admitted that he had called infant baptism an unpleasant invention and infernal falsehood destructive of Christianity, as the seditious opinion of the Anabaptists.

4.2.1.2 First Interrogation

The first interrogation of Servetus before the Council was on the morning of Tuesday August 15, 1553. Servetus had lied the previous day, denying that he was the author of the book *Christianismi Restitutio*. To refute Servetus' denial of the previous day, de la Fontaine now presented his two writings, *Christianismi Restitutio* and a manuscript, which had been sent to Calvin by him. He now had no alternative but to confess to the truth. When he also presented Ptolemy's Geography and the Bible of Santes Pagnini in Latin, Servetus could not help admitting that he was the author. After this examination, de la Fontaine and Servetus were again detained by John Grasset, the keeper of the prison (*Opera*, 735).

The abstracts on the case show how the Council was to be presented with arguments spelling out the legality of the trial (*Opera*, 736-7). With the Lord Lieutenant, Pierre Tissot, presiding, the questions and answers were to be completed.²¹¹ After recording everything he turned it all over to the Syndics (Kingdon 1995:24-5) and the Council for further investigation.²¹² According to the abstracts, the Council appointed Perrin and Vandel to proceed with the questioning and make a deposition of their proceedings. In the meantime, de la Fontaine presented himself to the Council as accuser, addressing his charges with these words (*Opera*, 735-6, Rilliet 1846:103-5):

In your presence, Magnificent, Powerful, and most Redoubtable Lords, Nicolas de la Fontaine declares that he has been constituted prisoner in a criminal prosecution against M. Servetus, for the grave scandals and troubles which the said Servetus has already occasioned in Christendom for he space of twenty-four years, or thereby; for the blasphemies which he has spoken and written against God; for the heresies with which he has infected the world; for the wicked calumnies and false defamations which he has published against Mr. Calvin, whose honour the said *Proposant* is bound to maintain as that of his pastor, if he would be reckoned a Christian; and also in account of the blame and the dishonor which might accrue to the Church of Geneva, seeing that the

²¹¹ In Shield's drama (1898:47), Tissot questions him on his writings: "Some years ago in Germany there was a book of dreadful blasphemies condemn'd ... Again in Strasburg and in Italy there was another execrable book, which caused no end of trouble."

²¹² The Syndics consisted of four members who were elected by the Small Council once a year, on the first Sunday in the new year. They controlled the whole affairs of Geneva, including the Consistory and government. The four members during the time of the trials were: Amy Perrin, Estienne de Chapeaurouge, Domaine Darlod, and Pernet Desfosses (*Opera*, 737).

said Servetus specially condemns the doctrine which is preached there.²¹³ And inasmuch as the said Servetus was examined yesterday, and did not answer to the purpose, but instead of replying pertinently by Yes or No, stated what he pleased, so that the greater part of his answers appear like frivolous stories, may it please you to constrain him to reply formally upon each article without digression, that he may no more mock God and your Lordships, and also that the said *Proposant* be not frustrated of his right. And when the said *Proposant* shall have verified his charge, so that the said Servetus shall be proved to have written and taught the heresies contained in the Interrogatories, the said *Proposant* humbly supplies, that if you judge the said Servetus to be guilty, and deserving to be prosecuted by your Procurator-Fiscal, it may please you to emit a declaration to that effect, and entirely free the said *Proposant* from all expense, injury, and risk; not because he shuns or refuses to prosecute such a cause and quarrel, which all Christians and children of God ought to maintain even unto death, but because he understands that the usages and customs of your city warrant that, and because it belongs not to him to undertake the duty and office of another.

One notes here that de la Fontaine points out that Servetus' cunning avoided direct answers to questions "and did not answer to the purpose, but instead of replying pertinently with Yes or No, stated what he pleased, so that the greater part of his answers appear like frivolous stories." Such an attitude indicated by him continued during the whole trial. The Council considered his address and decided that this accusation was supported by the evidence. As Servetus' crimes were revealed in the sentence of the trial of Vienne, de la Fontaine also charged that he was a scandalous troublemaker who infected the world by his heresy.

Servetus and Fontaine were brought before the Council once more. Several citizens were present.²¹⁴ When de la Fontaine was asked if he desired to proceed with the suit he answered that he did.²¹⁵ As at the first interrogation,²¹⁶ the Council had to confirm the thirty-eight articles before them.

When asked his name, Servetus answered that he was a Spaniard, an Arragonese of Villeneuve, and a physician whose name was Michael Servetus. To the same charges, the thirty-eight questions, that had been presented the previous day, Servetus' answer was

²¹³ Allwoerden (1727:66-7) also records it up to this point.

²¹⁴ The attendance consisted of Aymé Arts, Perrin, Vandel, some citizens, the Lieutenant, and some members of the Small Council. Every year nine citizens chosen from the Council of Sixty and Two Hundred were allowed to sit and hear the proceedings of any trial. See *Opera* (737) for the names of those attending the meeting.

²¹⁵ "Est este demande a maistre Nycolas sil veult persoster a linstance par luy faite contre Michel Servet daragon, il a respondu que puy." (*Opera*, 737).

²¹⁶ The answers are recorded in *Opera* (737-41).

almost the same. He still accused Calvin of saying that the prisoner should be punished (*Opera*, 740). When Servetus was then asked about the issues of the Trinity, the natures of Jesus Christ, and the relationships between the essence of God and created things, he spoke with the same attitude as he had before. He denied that he had taught that sin was mortal but he admitted that no one committed mortal sin before twenty years of age. He denied the practice of infant baptism, declaring it a diabolical invention (*Opera*, 730, 740). When he was questioned about his attacks on the Genevan Church by insulting Calvin he replied (*Opera*, 740, Rilliet 1846:106):

“what he had formerly written against Calvin in his own defence, had not been with the intention of injuring, but to show him his errors and his faults, which he undertook to demonstrate in full congregation, by dives reasons, and authorities of the Holy Scriptures.”²¹⁷

He boldly challenged Calvin in public, in order to gain support from Calvin’s opponents and the public, but the Council did not accept the proposal, although Calvin accepted it.²¹⁸

The reason why the Council refused Servetus’ offer is suggested by Rilliet (1846:107-8):

The Council feared, no doubt, that it would thus dispossess itself of the cognizance of an affair which stood connected with the prerogatives of which it had recently appeared so jealous. On the other hand, the friends of Servetus among the magistrates might fear to see their protégé defeated by Calvin, whose word was much more powerful, and thus have their own hands fettered in the final judgement, by the result of the public discussion.²¹⁹

Thus, Servetus’ bold act of lying about the questions and avoiding the answers resulted in him loosing the confidence and trust of the court members (Cuthbertson 1912:45). Although the issue of the Trinity was beyond the Council’s comprehension, the issue of Infant baptism was different (Willis 1877:316):

What he had said on Infant Baptism in particular was greatly calculated to prejudice him in the minds of his Judges; the doctrine he held being one among the dangerous moral, social, and political principles of the Anabaptists. Throughout all the writings there appears to be nothing in common with the dreaded sect, Anabaptist, but his opinion that Baptism should not be performed

²¹⁷ “Sus le trente sept, Respond que Calvin par devant le premier la iniure et plusueyrs fiys et par liveres publiquement impromes et que ce que luy a escript maintaennat contra Calvin pour sa defence, na point este a intention de liniurier, mais pour luy monstrier ses erreurs et faultes comme il Servetus offre de luy monstreer en pleine congregation par vives raisons et autorite de la saincte excripture” (*Opera*, 740).

²¹⁸ “respondi quod verum erat et initio praefatus eram, nihil mihi fore gratius quam si in tempo et toto populo audiente disceptaretur” (*Opera*, 500).

²¹⁹ Rilliet and Tweedie mainly stand against Calvin, but try to introduce full documents and investigate the full facts of the trial impartially. Guizot has the same opinion (Guizot 1868:315).

until years of discretion, was held, and that furthermore the rite should be solemnised by immersion or affusion, not by merely sprinkling the face with water.

It is likely that the Council's greatest concern was the social trouble these doctrines would cause. This issue was to be treated in the second phase by the public prosecutor, who had been appointed by the Council. At the end of the day the Council decided that this trial should proceed further because of Servetus' criminality.

4.2.1.3 Second Interrogation

During the second interrogation on the next day, Wednesday, August 16 (*Opera*, 741-2), a small change was made to the composition of the court. Two judges, Germain Colladon²²⁰ and Philip Berthelier,²²¹ were added. Colladon was appointed advocate for de la Fontaine. Berthelier looked like "Servetus' champion" (Wilbur 1972:169), being Servetus' attorney, and was "blinded to more remote contingencies" (Willis 1877:318) by his hatred of Calvin. It was as if the two opposing parties at Geneva – the enemies, the Libertines, and friends of Calvin attended the trial (Wylie 1899:329):

"These two—Berthelier and Colladon, were representatives of the two parties into which Geneva was divided, and their appearance indicated that the affair was tending to wider issues than that of Servetus' guilt. In short, it was becoming the battle-ground on which the question was to be determined whether Libertines Pantheism or the Protestant faith should hold possession of Geneva."

Colladon, de la Fontaine's lawyer, was permitted to read the various writings of Melanchthon and the letters of Oecolampadius, whom Servetus criticised and cited from. Servetus was then given opportunity to prove the accuracy of the quotations from Ptolemy, the Bible of Santes Pagnini, and *Christianismi Restitutio* (*Opera*, 741-2). The thirty-eight indictments and answers were reviewed once more.

²²⁰ He was born in Berry, France and studied at the University of Bourges Law School. His brother was Nicolas de la Fontaine, pastor of Geneva, the accuser of the trial. He came to Geneva for religious refuge unlike Berthelier (Kingdon 1995:26-7).

²²¹ He was a patriot, the son of one of the political martyrs of Geneva, who acted against the Duke of Savoy in 1521, leader of the Libertines, and the attorney for the state. On the death of his father for liberty of Geneva in 1521, see Wylie (1899:243-4). In *Opera* (741) his title is "Lieutenant", because he replaced Tissot. He was smarting under the sentence of excommunication by the Consistory and was awaiting the verdict that would reverse this excommunication. He was debarred the Lord's Supper for a year and a half. But at that time he was under excommunication by Calvin. He said of Berthelier, "In truth, I should rather die a hundred times, than subject Christ to such foul mockery" (*Letters*, vol. II, 425).

Then Colladon questioned Servetus in order to ascertain a more accurate meaning of the term ‘Person’ of the Trinity as it was used in *Christianismi Restitutio*.²²² When Colladon and de la Fontaine had gone through the first eleven articles, Berthelier suddenly intervened this discussion, not wanting to see Servetus brought into trouble (*Opera*, 742). The Syndics had to adjourn the court until afternoon. Servetus was confident of his friends among the magistrates.

On the morning of the fourth day, August 17, the Syndics decided that the accusations were substantiated and determined that there had been sufficient proof adduced by de la Fontaine against Servetus. The Court decided to gather more evidence on Servetus’ heresy, and requested to present it and “to visit the prisoner, the better to show him his *errors-affin que myeuz luy puyssent estre remonstrées ses erreurs*: to assist him, *à assister luy*, and to do what he could with him in respect of the interrogatories put to him, *et qu’il voudra avec luy aux interrogatories*” (*Opera*, 743, Willis 1877:323). In compliance, the Council authorised Calvin with a few pastors to visit Servetus in prison and appear during the midday court.

4.2.1.4 Third Interrogation

The third interrogation took place Thursday afternoon, August 17, 1553 (*Opera*, 743-9). Calvin was allowed to appear as a member of the audience. The Council allowed him to “bring with him whomsoever he wished to assist in the investigation in order that the errors of the said Servetus might be the better demonstrated” (Shields 1983:365). The Court now ordered Servetus to swear on the Holy Bible that he was to speak the truth ‘under painful penalty of sixty *solz*’ and commenced the trial (*Opera*, 743-4).

Servetus repeatedly accused and boldly criticised Calvin, desiring to debate him in public (*Opera*, 500). It looked like two opponents were facing each other. This might have “strengthened the impression already received by the majority of the members of the Court, regarding the theological culpability of Servetus, it was of new resolved to persevere in the prosecution, and to endeavour, either to release him, or render his heresies manifest to all” (Rilliet 1846:114). Colladon emphasised the continuance of the previous debates, which had been interrupted by Berthelier. In answer to his severe condemnation of the two German reformers, Melanchthon and Oecolampadius, Servetus replied that their opinions were not a judicial trial upon him in Germany (*Opera*, 744-5). When Colladon

²²² Colladon mentions two pages – 22 and 578 of *CR* (see *Opera*, 742).

turned to the question of the authorship of *De Trinitatis Erroribus*, Servetus indignantly replied that “it was *Iohannes Cessarius de Aganou – Joannes Secerius de Hageunau*” (*Opera*, 745). Once again, Berthelier interrupted the debate, but Colladon continued to question the previous indictments. Now discussions turned to Servetus’ view of Ptolemy’s Geography and his interpretations on the biblical account of Judea. Calvin says in his *Refutatio Errorum* (*Opera*, 496-7, Beza 1836:188-9 & Mackinnon 1962:144-5):

The volume of Ptolemy’s Geography was introduced; in the preface to which, Servetus had admonished his readers, that the scripture account of the great fruitfulness of the land of Judea, was mere boasting; as the testimony of travellers proved it to be uncultivated, barren, and destitute of every pleasant thing. He first said that this was written by another. So bold a cavil was promptly refuted, and by this means he was demonstrated to be a public impostor, reduced to this strait, he defended it as correctly written. He was asked if he was vain enough to suppose any authority was superior to Moses. He said others had written besides Moses. — It was replied, certainly, and they all agree with Moses, who was the most ancient. How great is the crime of the man who would deceive posterity by falsehood? Who was it that said, it was a land that flowed with milk and honey? And it was added, that the land was now a testimony of the righteous judgement of God, formerly threatened against the Jews, as is described in Psalm cvii.33, 34. The senate and many other distinguished persons witnessed, that when he was convicted of impiety against the Scriptures, he slyly rubbed his face and said, there was no evil in all this; and though convicted he made no acknowledgement. Entrusted by the printer of the Bible in Latin, at Lyons, with revising the proof-sheets, he cheated the printer out of 500 francs, adding his polluted notes, &c.

Servetus’ declaration of Moses’ false representation in the Pentateuch, in reference to the fertility of Canaan, was also brought before the Court.²²³ At first, he not merely denied that the expression in Ptolemy’s Geography was from him, but quoted by another writer, he also insisted that there was nothing reprehensible in it, which encouraged Calvin to debate with him.²²⁴ When Calvin criticised the dishonesty of using the works of another without credit, he angrily replied that if he were the author of the passage in question, there was nothing wrong in it. Servetus characterised Judea as “no land flowing with milk and honey, but as meagre, barren, and inhospitable, necessarily inculpated Moses; and that to use such language was egregiously to outrage the Holy Ghost” (*Opera*, 497, Willis 1877:325).

The next grounds for heresy was based on Servetus’ annotations on the Latin Bible of Santes Pagnini, where Servetus says that in the fifty-third chapter of Isaiah the servant of

²²³ He said in his book that the ‘Promised Land’ was anything but a ‘promising land’, and instead of flowing with milk and honey, and being a land of a corn, olives and vineyards, it was inhospitable and barren, and the stories about its fertility nothing but boasting and untruth.

²²⁴ According to the Declaration, 1354, it was stated that Calvin took this question (*Opera*, 745).

God does not refer to Jesus Christ, but to Cyrus. “He [Servetus] perverted most wickedly the 53d chapter of Isaiah, stating that the sufferings described - *were the mournings for Cyrus, who had died to take away the sins of the people.* - I omit that when Servetus pretended to have the suffrage of Nicholas Lyranus, (in favour of his false glosses upon Isaiah) the book was brought; and though convicted of falsehood, he did not blush” (*Opera*, 497, Beza 1836:189).²²⁵ Servetus answered, “The ancient doctors have attached a double sense to the Old Testament ... the principal should be understood of Jesus Christ; but the history and the letter must be understood of Cyrus” in chapter fifty-three of Isaiah (*Opera*, 745, Allwoerden, 1727:167, & Rilliet 1846:116). Calvin answered “that never would Servetus have had the hardihood so wretchedly to corrupt a passage so noble, had he not lost all sense of shame, while taking a diabolical pleasure in suppressing the Christian faith” (Rilliet 1846:116; *Opera*, 745-6).

The principal charges against Servetus, however, were based on what he said about the Trinity in *Christianismi Restitutio*.

Servetus’ false interpretations of the Scripture, especially the Messianic portions of the Old Testament, his blasphemous language in reference to the Trinity, his heresies in reference to baptism, his pantheistical views, all passed in review before the tribunal and the consequences of such dogmas were expounded by Calvin and shocked those in attendance.

In Servetus’ opinion Calvin’s doctrine of original sin, total depravity, and determinism reduced man to a ‘log’ and a ‘stone.’ Calvin in turn was convinced that Servetus’ doctrine of the elevation of humanity degraded God and made him subject to vices. The deification of humanity meant for Calvin the extinction of all Christian doctrines, which Calvin could not endure. Regarding Servetus’ pantheistic doctrine Calvin wrote:

“When he asserted that all creatures are of the proper essence of God and so all things are full of gods (for he did not blush to speak and write his mind in this way) I, wounded with the indignity, objected: ‘What, wretch! If one stamps the floor would one say that one stamped on your God? Does not such an absurdity shame you?’ But he answered, ‘I have no doubt that this bench or anything you point to is God’s substance.’ And when again it was objected, ‘The devil then will be substantially God?’ He broke out laughing and said, ‘Can you doubt it? This is my fundamental principle that all things are a part and portion of God

²²⁵ Nicholas Lyranus was one of the most distinguished commentators in the fourteenth century.

and the nature of things is the substantial spirit of God'..." (*Opera*, 496, Bainton, 1953b:186).²²⁶

Colladon presented the thirty letters to Calvin, printed in *Christianismi Restitutio*, a copy of Servetus' offensive notes in the margin of *Institutio*, and also a letter, written in Latin a couple of years earlier by Abel Poupin, a pastor of Geneva, which could divulge his conspiracy with Guérout (*Opera*, 748-9). It showed that Servetus boldly attacked the doctrines of the Genevan clergy calling God a three-headed Cerberus (*Opera*, 750-1, Willis 1877:359):

Your Gospel is without the One God, without true faith, without good works. For the One God you have a three-headed Cerberus; for faith a fatal dream, and good works you say are vain shows. Faith in Christ is to you mere sham, effecting nothing; Man a mere log, and your God a chimæra of subject – will. You do not acknowledge celestial regeneration by the washing with water, but treat it as an idle tale, and close the kingdom of heaven against mankind as a thing of imagination. Woe to you, woe, woe!²²⁷

Servetus had no choice but to admit that the letter was his.

On the fourth day of the examination, August 17 after proving the validity of the prosecution against Servetus, Colladon requested that Nicolas de la Fontaine be discharged. The judges agreed with Colladon. He had sufficiently proved his case against Servetus. The petition on August 15 granted Nicolas de la Fontaine his release (*Opera*, 749).

De la Fontaine was replaced by Calvin's brother, Antoine Calvin, and Servetus was kept under even stricter guard (*Opera*, 741, Killen 1843:15 & Henry 1849:197). Before the Court adjourned that day a last question was raised regarding his escape from Vienne: The possibility that his flight from the prison in Vienne resulted from his intimacy with de la Court. This then was why de la Court did not order his recapture (*Opera*, 749). The session was over.

²²⁶ The following sentence is the last one in Latin. "ex tradue Dei orta esse omnia, et rerum naturam esse substantialem Dei spiritum."

²²⁷ "Evangelium vestrum est uno deo, sine fide vera, sine bonis operibus. Pro uno deo habetis tricripitem cerberum... .Vae vobis, vae, vae." Castellio thought that Servetus did not call God the Trinity Cerberus but misunderstood: "The people were persuaded that Servetus called the Trinity a Cerberus, which is, in the Trinity, but he interpreted it differently from them. This interpretation was invidiously exaggerated before the people until they thought that Servetus" (Castellio 1935:286).

Servetus began to realise that the trial would have an unfavourable outcome for him. He recognising that the session was not definitive, “understood that he must now change his system of defence, and recede from his position of aggressor. His policy is no more to cope with Calvin, but only to save his own life. Now aggressiveness yields to moderation, finesse replaces arrogance, and Servetus is about to put forth all his ingenuity to prove himself innocuous” (Rilliet 1846:121). The trial of Servetus was to have a new basis and was handed over to the public prosecutor, the Attorney General.

4.2.2 Second Phase with Rigot²²⁸

4.2.2.1 Fourth Interrogation

The trial was resumed on Monday, August 21. In the morning the Council decided on the following resolution (*Opera*, 751-2, Rilliet 1846:122-3):

“Inasmuch as the case of his trial of heresy of M. Servetus vitally affects the welfare of Christendom, it is resolved to proceed with his trial; and also to write to Vienne to know why he was imprisoned, and how he escaped; and after that, when all is ascertained, to write to the magistrates of Berne, of Bâle, of Zürich, of Schaffhausen, and other Churches of Swiss, to acquaint them with the whole.”

It was a fair resolution (Wileman, s.a.:103). The determination to finalise a decision as well as the further proceedings of the trial was not influenced by Calvin, but was made dependent on the opinion of all the Swiss Churches. The idea of consulting the different churches did not come from Calvin but from his opponents. The proposal to consult with the Swiss Churches was probably adopted because Servetus and the Libertines were in conspiracy (Collins 1968:180).²²⁹ Who now had devised a new way to save Servetus’ life? Willis says of the Council’s resolution that it “suffices to show that Servetus”, who desired to change the mode of the trial, “had really had a chance of escape from the grip of his pursuer at this particular moment” (Willis 1877:339). Calvin’s opponents must have perceived that the Council of Berne had been against Calvin, insisting previously on toleration in the matter of Bolsec.²³⁰ The Council of Berne had reported on the trial of Bolsec (Willis 1877:341-2):

²²⁸ Naturæ (1892:22) contends that he was a friend of Calvin as well as an enemy of Servetus, so that he was in favour of him, but Bainton (1953b:188 & 1953c:147) calls him “a Libertine” and “a Perrinist.”

²²⁹ Guizot (1868:317) says that Servetus with their advice demanded the consult.

²³⁰ Bolsec was, Calvin’s bitter enemy. He was a Carmelite monk but left the Roman Catholic Church in about 1545. He married and settled down in Geneva during 1550. He denounced Calvin’s doctrine on the predestination. When the Genevan Council consulted the Council of Berne on the case of Bolsec, the church in Berne was tolerant. The Genevan Council was under the jurisdiction of Bernese. Due to their request, the Genevan Council acted graciously, although Bolsec’s obstinacy deserved harsh corporal punishment. “Pour

None are reprobate by the eternal decrees of God, save those who of their own choice refuse the election freely offered to all. How shall we believe that God ordains the fate of men before their birth; foredooming some to sin and death, others to virtue and eternal life? Would you make of God an arbitrary tyrant, strip virtue of its goodness, vice of its shame, and the wicked of the reproaches of their conscience?

This sentiment must have been used to their own advantage. Willis suggests that Servetus must have read it so he could use the same words to charge, inculcate and discredit Calvin (*Opera*, n. 1, 342).

A new prosecutor, Attorney General Claude Rigot, and Sheriff, Darlod, were appointed to proceed with the case in stead of Lord-Lieutenant Tissot. The prosecutor represented the city of Geneva. The case changed from a private affair to one of public interest: “there is no mere personal grievance of a theologian that is charged, but grave offences against the public good” (Shields 1983:366). Because he was not ready for new indictments in the first part of the sitting, Rigot resumed the trial by examining a letter of Arnoullet, the printer of *Christianismi Restitutio*, which had been sent to one of Servetus’ friends, Bertet on July 14, 1553 (*Opera*, 752-7). The letter connects Servetus to the authorship of *Christianismi Restitutio*. Through it the relationship between Servetus and Guérout became known. Servetus denied that he knew Arnoullet on the pretext that he could not recognise his handwriting, although they had been imprisoned together in Vienne. The letter that Arnoullet would be released the next week but that he had been deceived by Guérout, corrector of the book, who asked to translate the heretical book into French. Arnoullet forced Bertet to go to Frankfurt and stop selling and exterminate *Christianismi Restitutio*. The letter was read before the Council (*Opera*, 754-7, Willis 1877:342-4):

I asked him whether it was all according to God? And he replied that it was; and further, that it contained a number of Epistles addressed to Mons. Calvin, which he was minded to translate into French. But this I forbade without the permission of the author, which was refused. When last in Geneva, Geroult saw and informed M. Calvin that I had lately been there, without having waited on him. The truth is, that I did not think he would have me in such friendship now as in times past—by reason of my having had anything to do with such a monster, whom God look after! Geroult was in fact in league with the writer, and never let fall a syllable to me until after your departure – for Frankfurt [in charge of the – Bale of the “Christianismi Restoratio” among other book

cela tu ne l’as voulu confesser mais en demeures en ton obstination cas digne de grieve punition corporelle” (*Opera*, 247). As a result of their response, Bolsec was banished from Geneva on December 23, 1551. He returned to the Roman Catholic Church. In his book, *Vie de Calvin* (21-2), published in 1557, he contends that Calvin wrote a letter to the Cardinal de Tournon and Viceroy in France, accusing Servetus of heresy, but this was only his imagination (see *Opera*, 173 197).

merchandise]. This as you know, gave occasion to your speaking to me so seriously as you did about the book in question

... As to what you say about my sending someone else to Frankfurt,—understand me, that I will have no one go but yourself, and that you are to see every copy of the book destroyed, so that there shall be left of it neither a leaf nor half a leaf. Understand, too, that this is to be done without prejudice to anyone. I am only sorry that we have all been so grossly deceived in the business; but if God, our Father, leave us the other goods we possess—more by far than those we shall destroy—it will be well

... As to what you say of my having known that Villanovanus had been rejected by the Christian Churches, and that avarice had something to do with my having undertaken the work, let it suffice that I deny this; and our long intimacy must have made you so well acquainted with me, that you will not doubt I now speak the truth. How the Inquisitor came to have your name, I cannot tell. I can only assure you that in all the interrogations to which I have been subjected by him I never named a living soul; nor indeed was there ever mention made of you in my hearing ...

... Be good enough to say to Mons. Calvin that I shall not be in Geneva again without seeing him; and that if I have not done my duty towards him in all respects, beg him to find some excuse for me. He who is the cause of this [meaning Geroult, doubtless] is now there; and when Monsieur Calvin shall have spoken with me, he will understand the reason of my saying nothing more at present. Make my respects to him mealtimes, and forgive me if I do not now write more particularly of our affairs.

On the afternoon of August 21 the second part of the sitting was commenced with a debate between Calvin and Servetus on his quotations of the Fathers. It was the second encounter between them after August 17. Servetus maintained that he advocated the same doctrine in respect to the Trinity held by the Church Fathers.²³¹ Not only did he declare that there was a real distinction in each essence of the Trinity, whose Persons he believed in, but he also claimed that Tertullian talked only about a 'disposition' of the Trinity. Calvin answered that Tertullian indeed believed in the existence of a real distinction between the persons of the Trinity. Servetus said that the oldest teachers of Church, before the Nicene Council, did not teach the Trinity nor use the term 'Trinity' (*Opera*, 498, 759; Rilliet 1846:125). Calvin took note of these quotations as well as those from Justin Martyr, Tertullian, and Origen. When Servetus referred to the Latin translations and the original Greek texts of Justin Martyr, Calvin remonstrated with him about his quotations and his knowledge on Justin

²³¹ The following numbers referring to the Church Fathers were used in his books: Irenæus 108 (*CR*, 34, 52, 687); Tertullian 68, Augustine 54, Clement of Rome 34, Clementine Recognitions 8, Ignatius 36, Athanasius 22, Clement of Alexandria 22, Hillary of Poitiers 16, Basel the Great 10, Origen 14, Justine Martyr 9 (*CR*, 402, 671, 677, 692); Cyprian 7, Cyril 7, Jerome 7, Gregory 6, Periphery 5, John of Damascus 3, Ambrose 3. See Friedman (1978:103).

(*Opera*, 498, 759, Henry 1849:201-2).²³² These arguments were supposedly based on a fragment in Latin not on Greek, although Servetus knew Greek well, and had managed to publish the Greek version in Paris in 1551. Calvin indicated that there was no Latin translation of Justin Martyr.²³³ Calvin demonstrated to the Council that Servetus had not read Justin Martyr closely. He based it on a spurious citation. He judged that Servetus did not know Greek. Calvin says of Servetus' attitude on citations of Justin Martyr (*Opera*, 498, Beza 1836:189-90):

He magnificently boasted, that Martyr, in his *Golden Age*, had not mentioned the fables of the Trinity and persons. I immediately ordered the volume to be brought, and pointed out with my finger certain places, in which that holy man had as openly asserted our faith, as if he had written at our request. But he could no more read the Greek language than a boy learning his A, B, C. Finding himself basely caught, he peevishly asked for the Latin translation to be handed him. How happens this, said I, since there is no Latin translation extant, and you cannot read Greek, that you should yet pretend yourself to have read so familiarly the works of Justin? Whence then did you obtain those testimonies which you indulge yourself in quoting so liberally? He, as he was accustomed, with a brazen front, passed quickly to another subject, without the least sign of shame.

The more significant issue between Calvin and Servetus, was on the Son of God. Servetus did not admit that Jesus Christ was the Son of God from eternity, but only from his appearance on earth. The Son of God was not called Jesus Christ until he was born into the world. Calvin attributed Jesus' deity to the Word before its incarnation in Jesus Christ, as based on the first chapter of John. Servetus replied that "the common interpretation of the language of John was mistaken; the Son, as he declared, having only existed *formally* or as an idea, dispensation or mode in the mind of God previous to the Incarnation and Birth of Christ, not as an entity – a *person*, in the usual acceptation of the word, possessed of distinct individual existence" (Willis 1877:348-9). His interpretation of 'the Word' was based on philosophical thinking. Moreover, "the Word, not being a separate reality in the essence of God, could not unite himself as such to the person of Christ, but that the body of Christ was founded of the very substance of the Divinity; so that the human elements and

²³² In fact, Justin Martyr used the term Trinity before the Nicene Council. See "The First Apology of Justin" (vi, 164 & xiii, 166-7): "And we are confessed that we are atheists, but not with respect to the most true God, the Father of righteousness and temperance and the other virtues, who is free from all impurity. But both Him, and the Son (who came forth from Him and taught us these things, and the host of the other good angels who follow and are made like to Him), and the Spirit, we worship and adore, knowing them in reason and truth, and declaring without grudging to every one who wishes to learn, as we have been taught ... and that we reasonably learned that He is the Son of the true God, Himself, and holding Him in the second place, and the prophetic Spirit in the third, we will prove." Servetus cited Irenæus' *Against Heresies* (IV, xi.2, 474) in *CR* (34) and *Against Heresies* (IV, iii) in *CR* (52 & 687). For Justin, see *CR*, 402, 671, 677, 692; Bainton (1953b:187-8) explains that Servetus' knowledge on Justin came from Irenæus' *Against Heresies*.

²³³ "Quum nulla exstet latina translatio" (*Opera*, 498).

the divine were not distinct, but intimately mingled in a single unity” (*Opera*, 760, Rilliet 1846:127).

Servetus felt victorious over Calvin in the debate, and thought that he positively influenced the Council. Confident that the outcome of the trial would be favourable to him (Kingdon 1995:25), Servetus requested a few books, so that he could prove his assertions, and some paper and ink to formulate a petition. Porter mentions that the Council gave him no more than a single sheet of paper, but that it was enough for him to write a petition on (Porter 1854:22; Killen 1843:15). Calvin consented to give him some books.²³⁴

4.2.2.2 Fifth Interrogation

On August 23, Claude Rigot, drafted thirty new indictments (*Opera*, 763-6)²³⁵ for the fifth interrogation of Servetus. Rigot maintained that some of the doctrines, from a theological and practical point of view, tended to have the effects of heresies. Rigot proposed to accuse Servetus for heresy, blasphemy, and disturbing the peace of Christendom.²³⁶ The new indictments marked a shift in emphasis from the theological issues to the disturbances of the civil peace.²³⁷ They were very different from the last thirty-eight theological charges drawn up by la de Fontaine. Their aim was to demonstrate sedition (Shields 1883:367-8):

“They referred to his personality and former suspicious life; to his conflicts with divines; to his clandestine book and its injurious consequences; to his calumination of the Reformed Churches; his alleged want of chastity; to his revolutionary aims in Christendom; to his seditious designs in coming to Geneva and his secret connections with parties there and elsewhere.”

In looking at his personal history, the Court suspected Servetus of living an impure and immoral life and of making a seditious attempt to disturb the peace of Geneva by intentionally spreading his heresy and going to Geneva. What impressed the members of the Council more than the questions related to his suspect life, was that he was connected to spreading heresies into the entire world. The new indictments “were devoted to the more practical purpose of showing the dangerous effects of such heresies in leading him into a

²³⁴ Calvin brought him Tertullian, Irenæus, Ignatius’ epistles, and Policarp (*Opera*, 760).

²³⁵ N. Chabod, the new Lord-Lieutenant, was not present at the previous examination. He was replaced by Pierre Tissot, the old Lord-Lieutenant (see *Opera*, 766).

²³⁶ “Ce sont les interrogatz er articles sir lesquelz le procureur general de ceste cite de Geneve requiert interrogeur Michel Servet, prisonnier criminel pour blasphemés, heresies et perurbation de la Chrestiente” (*Opera*, 763, Willis 1877:351). “The conduct of the council towards Servetus is easily understood, when it is recollected, what was the then state of affairs, and how involved the very existence of the civil policy was with that of the church” (Henry 1849:194).

²³⁷ “Now the strategy of the court was shifted from the theological debates of little importance to its lay members to the private life of the accused and to the repercussion of his ideas so as to imply a charge of sedition and subversion of the social order” (Hillar 1997:291).

criminal and dissolute life, encouraging the young in crime and immorality, favouring the teaching of Jews and Turks, and reviving ancient heresies long since condemned by the Church” (Wilbur 1972:171 & *Opera*, 765).²³⁸

The Court regarded Servetus as a socially dangerous and turbulent criminal because of his immoral doctrine, his rebellious life, and the publication of his heretical writings (Willis 1877:353).²³⁹ The Court no longer dealt with the theological matters, as Calvin and de la Fontaine had charged. Theology was not a sufficient civil ground for prosecution. Moreover, at this examination, Calvin was excluded from the court proceedings. Shields comments: “It is no mere personal grievance of a theologian that is charged, but grave offences against the public good. It is not even the orthodoxy of the Church so much as the safety of the State that is to be maintained” (Shields 1983:366). The direction the trial was taking was bringing it closer to politics than to theology.

Before Servetus’ arrest, two other heresy trials had taken place in Geneva: Rebert le Moine, who came from Normandy and asserted that God approved of prostitution and fornication had been banished merely three days before Servetus’ arrest. Jean Baudin, who came from Lorraine, argued that “Jesus was a phantom and the Bible was a book like any other” (Naphy 1994:183). The Council was sensitive to Servetus spreading heresies. Therefore, the initial character of the trial was theological and “wore a political aspect only in the broader sense that heresy was always regarded as socially subversive” (Bainton 1953b:178).²⁴⁰ The Court now seemed to be interested in the matter of whether Servetus was a seditious or not.

Furthermore, the judges suspected that there was a conspiracy between Servetus and Calvin’s opponents to disturb the peace in Geneva. Therefore, from the twenty-eighth to thirtieth question they focused on questioning him about how he came to Geneva and what relationship he had with Guérout. In their minds “the questions of heresy will be quite subordinate to that of sedition and conspiracy” (Shields 1983:367). It is necessary to recognise that Servetus’ condemnation did not result from Calvin’s personal grievance and opposition at all but was the consensus of the majority of the Court that considered politics

²³⁸ “Vita autem Serveti magis fuit dissoluta, quam ut suspicari liceat, errore ad turbendam ecclesiam fuisse impulsam” (*Opera*, 496).

²³⁹ Rigot did not understand “how a heretic could be anything else than a profligate” (Rilliet 1846:134).

as more important part than theology throughout Servetus' trial (Rilliet 1846:131).²⁴¹ The trial of Servetus now took on a civil aspect.

The thirty indictments were followed by the Attorney General's interrogation of Servetus to see if he was ever involved in a brawl or if he had wounded anyone while he stayed in Charlieu, where he was imprisoned (*Opera*, 765-6, 769-70, Bainton 1953b:190-2):²⁴²

Had he not been arrested for wounding someone in a brawl?

Servetus in reply related the incident at Charlieu.

Had he ever been married and, if not, how could he refrain so long?

Servetus replied that he was physically unfit because of an *Operation* and a rupture.

Seeing that he had lived a dissolute life and had not had the grace to live chastely as a true Christian, what had led him to write on the fundamentals of the Christian religion?

Servetus answered that he had studied the Holy Scripture with a desire for the truth and that he had lived as a Christian. (The prosecutor reverted to these charges in the second hearing.)

How old was he when he was *Operated* on and ruptured?

Servetus said that he could not remember, but he was probably about five.

Had he contemplated marriage at Charlieu?

Yes, but had refrained because of his incapacity.

He had remarked, had he not, that there were enough women in the world without marrying?

Servetus replied that he did not remember having said it, but he might have done so in jest and to conceal his impotence.

Had he not lived wantonly at Charlieu and elsewhere?

Servetus answered No.

There is no doubt that the prosecutor suspected him of living an immoral life. As to attacking the two respected reformers, Oecolampadius and Capito, Servetus claimed that just as Luther and Melachthon had criticised Calvin about the sacraments and free will, so he too debated with these reformers. He also claimed that he did not tell his ideas to anyone but to the reformers. His correspondents only included Oecolampadius, Calvin, Abel Poupin, and Peter Viret (*Opera*, 764-70 *passim*). Rigot asked Servetus if his doctrines

²⁴⁰ Servetus' trial was now to focus on his conspiracy with the Libertines (Osler 1909:17). "They turned the trial over to the public prosecutor and shifted the accent from heresy to subversion of religion and the general welfare" (Grimm 1973:284).

²⁴¹ According to Shields' drama (1898:50-1, 53), Rigot says to Servetus: "What need of words? He hath condemn'd himself In open court, and to his other crimes, Sedition, blasphemy, conspiracy, Now addeth perjury to cap his guilt. A troubler throughout Christendom; long A secret foe of our republic; here He hides, a lurking spider, with his web Of heresy through Italy and France. Let web and spider both be swept away, As with the avenging besom of the Law ... We charge him with a crime as well as sin: No subtle heresy of thought alone, to rend the minds of men apart; nor yet Mere blasphemy to shock the highest Heaven And jar the base of order here on earth, But that dire scourge alike of Church and State, – Sedition, with wild eyes and flaming torch, And riot, rapine, ruin in its train."

were the truth, and if he thought they would be universally received. He replied that they would be accepted universally, although they were being rejected at present (*Opera*, 765, 767-8). Rigot continued the interrogation of Servetus with the following questions (*Opera*, 764-5, 768-9, Bainton 1953b:192):

Did he not know that his book would greatly disturb Christendom?

No. He thought that Christendom would profit, and the truth would be worked out little by little.

What truth did he think was not already worked out?

Calvin's doctrine of predestination, he retorted, and of the descent into hell.

Did he then think that his doctrine would be accepted and that it was true?

He answered that he did not know whether it would be accepted, but he thought it true, for things often at first reprov'd which are afterwards received. If, then, he thought he would offend God in concealing his opinions why did he not proclaim them in France?

Because, he answered, we should not cast pearls before swine, and there was great persecution among the papists.

Up to this time he had not disowned his own logic. Servetus continued saying that the Reformation of Luther had not reached the point of perfection and it lacked something important he did not completely explain. But he would "enlighten the Court by a reference to the Bible and the Fathers, or explain himself more fully than he had done in his book if they would grant him a conference, in their presence, with one or more men of learning" (Willis 1877:377). This resulted in a worse situation. The Court examined him about why he quoted from the Koran in his book (*Opera*, 765). He replied that he had quoted from it in order to glorify the Lord Jesus Christ more and had selected the good from it. He continued explaining, "even though that book be bad, he might employ the good which it contained" (*Opera*, 770, Rilliet 1846:149).

A next question concerned, *Christianismi Restitutio* about which he stated that his aim in publishing it was to bring back primitive Christianity which had been perverted because of some errors written after the Nicene Council (*Opera*, 764, 768-9). When the Court charged him with having condemned and insulted their doctrines, Servetus claimed that the Churches of Geneva and Germany held mistaken doctrines. He had written about it in a letter to the pastor of Abel Poupin (*Opera*, 769, Rilliet 1846:133-4):

And that he had never thought that either the Churches of Geneva or of Germany would go to perdition for that, but that those who had written might have erred upon certain points; for the epistle produced by M. Abel contains scholastic disputations, in which one uses very vehement language, the better

²⁴² He was imprisoned for three days because of a physician's relatives, driven by jealousy (Hillar 1997:227).

to persuade his opponent—not that he believes, for all that, they have uttered many greater injuries against him, in terms publicly printed, both in Latin and French; and that what he had written to the said Abel, was more that six years ago, while he had written it only to discover the truth, not to publish it, nor to defame him, and still less the Republic of Geneva, and other cities and Churches.

His audacious and deceiving replies were apparently divulged before the Court by a letter to Abel Poupin of an unknown date (*Opera*, 750-1 & Allwoerden, 1727:47-9, Willis 1877:358-60):

Monsieur Abel! – Although it is most plainly shown, in my twelfth letter to Calvin, that the Law of the Decalogue had been abrogated, I shall add a few words that you may the better understand the innovation brought about by the advent of Christ. If you turn to Jeremiah xxxi., verse 31 *et seq.*, you will find it stated distinctly that the law of the Decalogue was to be annulled. The Prophet teaches that the Covenant entered into with the Fathers, when they left Egypt, was to be no longer in force. But this was the Covenant of the Decalogue. For in 1 Kings, chapter viii., it is said that the Covenant or Testimony—the Decalogue, to wit—was in the Ark with the Fathers at their exodus from Egypt, whence the Ark is called the Ark of the Covenant, that is of the Tables, or Ten Commandments of the Law. Now this was the form of the Covenant: God promised the Israelites that they should be his people, if they did according to the words of the Law, and they on their part engaged that they would obey them. Such was the Covenant. And it is of this Covenant that Jeremiah (chapter xviii.) speaks as being repealed, as does Ezekiel (chapter xvi.), and Paul likewise in his Epistle to the Hebrews. If God took us for his own under that Law, we should lie—under the curse, and perish by its pressure. The Law therefore was repealed. God does not now receive us as his children but by faith in his beloved Son, Jesus Christ. See then what becomes of your Gospel when it is confounded with the Law. Your Gospel is without the One God, without true faith, without good works. For the One God you have a three-headed Cerberus; for faith a fatal dream, and good works you say are vain shows. Faith in Christ is to you mere sham, effecting nothing; Man a mere log, and your God a chimæra of subject—will. You do not acknowledge celestial regeneration by the washing with water, but treat it as an idle tale, and close the kingdom of heaven against mankind as a thing of imagination. Woe to you, woe, woe!

This, my third Epistle, is addressed to you with the wish that you may be brought to better thoughts, and I mean not to admonish you any more. It offends you, perchance, that I meddle in those battles of the angel Michael, and seek to bring you into the strife. But study the part I refer to carefully, and you will see that there are men who do battle there, exposing their lives for Christ's sake. That the Angels speak truth is proclaimed by the Scriptures. But see you not that the question is of the Church of Christ fled from Earth these many years? Is it not of division, of difference that John himself makes mention? And who is the Accuser challenging us with transgression of the Law and its precepts? Accusation and seduction of the world, he says, were to precede the battle; the battle therefore was to follow, and the time is at hand, as he also tells us. And who are they who shall gain the victory over the Beast? They who do

not accept his mark. I know for sure that I shall die in this cause; but my courage does not fail me because of this; I shall show me a disciple worth of my master.

I much regret that, through you, I am not allowed to amend some places in my writings now in Calvin's hands. Farewell, and look for no more letters from me. I stand to my post and mediate, and look out what may further come to pass. For come it will, surely it will come and that without long delay.

In the above letter, we can see how Servetus condemned and slandered those who did not agree with his view and how he interpreted the term 'Church' eschatologically, although he insisted that he did not defame either pastors or Geneva. He had no scruples in saying that God was Cerberus and the Beast, and he volunteered, like Michael the angel, to fight against the world's accusations to his own death: "I shall die in this cause."

The next question asked where he had wandered in Italy before arriving in Geneva, and what he had been doing since arriving. In order to gain some credibility before the judges, Servetus told them that he did not intend "to disseminate his doctrines and trouble that Church" but only wanted to pass through to proceed to Naples because of the police in France (*Opera*, 770). The Court called the landlord of the inn, la Rose, where Servetus lodged but without much result (*Opera*, 770). The last question of the fifth interrogation concerned Arnoullet, the printer, and Guillaume Guérout, the editor (*Opera*, ⁷⁶⁶, 771). Despite Arnoullet's letter to Bertet he flatly denied communicating with Guérout, even indirectly, and denied that Guérout had talked to him. Servetus was lying. On his denial the following could be said (Rilliet 1846:147):

"The perseverance of Servetus in denying that fact distinctly proves its reality; and his conduct cannot be explained, except by the fear which he felt lest they should establish between his connection with the Genevese corrector and his own subsequent visit to Genevese an agreement which might disclose the motive of his coming."

He must have thought that he had affected the judges favourably and that they would free him from the dangerous civil charges because of his consistent denial. He might have hoped that his influence would be strengthened by his first petition (Shields 1983:369). Servetus, who was more sure of himself when questions concerning his personal life arose or even regarding his knowledge of Greek, was now trying to avoid portraying himself as a seditious and quarrelsome person. Thus, he aimed at showing them that he was harmless and by no means a disturber of the peace in Geneva. He also offered as a pretext for his behaviour as follows (*Opera*, 768, Rilliet 1846:132-3):

He thought he would offend God, if he did not do it, and that he had published with as much zeal as if it had been to save his soul; for our Lord has command us in St. Matthew, 10th chapter, that what has been revealed to us in secret should not be concealed, but imparted to others; and has also said, in the 5th chapter, that we should not put the light which He has given us under a bench or stool, but in a place where it might enlighten others; and thus, according to God and his conscience, he thought he had accurately followed all the passages of Holy Scriptures which speak of such questions, and also the chief among the ancient doctors of the Church. He wished to say and to do what was right, and still thinks he has not done ill, but good, with an upright intention, as our Lord says in the 5th [6th]²⁴³ chapter of St. Matthew: ‘If eye be good, the whole body is full of light; if the intention be good, the whole deed will be reputed good.’ And that he had never been seditious or turbulent, but had acted with the design of aiding the good.

4.2.2.3 The First Petition of Servetus

On August 24, 1553 the written petition Servetus handed to the Court two days previously was presented to the Council (*Opera*, 771). The petition raised three questions. The petition read thus (*Opera*, 762-3 & Allwoerden, 1727:74-5, Willis 1877:362-4. See Audin 1850:446-7 & Wright 1806a:173-5):

To the most honourable my Lords, the Syndics and Councillors of *Geneva*.

The Petition of Michael Servetus, now lying under a criminal charge, humbly showeth – That it is a thing new and unknown to the Apostles, Disciples, and ancient Churches, to make the interpretation of the Scriptures, and questions thence arising, grounds of criminal accusation. This is clearly seen from Chapters xviii. and xix. of the Acts of the Apostles, where accusers are referred to the Churches, when the matters in question bear upon Religion only. So too in the time of Constantine, when the Arian heresy was broached, and accusations were brought on the part both of Athanasius and Arius, the great Emperor, by his Council and the Councils of the Churches, decided that, according to the old doctrine, suits of the kind could not be entertained by civil tribunals not even in the case of such notorious heresy as that of Arius, – but were to be taken into consideration and decided by the Church. Further, that heretics were either to be brought to reason by argument, or were to be punished by banishment, when they proved refractory and refused to amend. Now that banishment was the award of the ancient Churches against heretics can be proved by a thousand histories and authorities. Wherefore, my Lords, in consonance with Apostolic teaching and the practice of the ancient Church, your petitioner prays that the Criminal Charge under which he lies may be discharged.

Secondly, my Lords, I entreat you to consider that I have committed no offence within your territory; neither, indeed, have I been guilty of any elsewhere: I have never been seditious, and am no disturber of the peace. The questions I discuss in my works are of an abstruse kind, and within the scope and ken of men of learning only. During all the time I passed in Germany, I never spoke

²⁴³ “S. Mathieu, 6 chapitre, Si locuil est bon tout le corps scra lumineux” (*Opera*, 768).

on such subjects save with Oecolampadius, Bucer, and Capito; neither in France did I ever enter on them with anyone. I have always disavowed the opinions of the Anabaptists, seditious against the magistrate, and preaching community of goods. Wherefore, as I have been guilty of no sort of sedition, but have only brought up for discussion certain ancient doctrines of the Church, I think I ought not to be detained a prisoner and, made the subject of a criminal prosecution.

In conclusion, my Lords, inasmuch as I am a stranger ignorant of the customs of this country, not knowing either how to speak or comfort myself in the circumstances under which I am placed, I humbly beseech you to assign me an Advocate to speak for me in my defence. Doing thus, you will assuredly do well, and our Lord will prosper your Republic. In the City of Geneva, the 22nd day of August, 1553.

Michael Servetus, in his own cause.

Servetus gave a close instance that the Arians in the time of Constantine the Great were not handed over to civil trials, and questions were not decided by the civil trial, but by the church alone. Further, the only possible punishment for 'heresy' was banishment. On the basis of these precedents and the doctrine of the apostles and the ancient church, he demanded to be set free from the criminal accusations, saying: "It is a thing new and unknown to the Apostles, Disciples, and ancient Churches, to make the interpretation of the Scriptures, and questions thence arising, grounds of criminal accusation," according to Acts 18 and 19 (*Opera*, 762-3, Willis 1877:362).

Second, he tries to make clear that he did not commit any sedition or disturbance in Geneva. He was aware of being seen as a seditious or disturber. He claims that the theological questions he raised in Germany with Oecolampadius, Bucer, or Capito concerned only scholars. He never talked about them in France, either. As to the question of being like the seditious Anabaptists, he says he had always disapproved of them. He realised that he was suspect of being an Anabaptist and he knew that this was regarded as serious sedition at that time (Miller 1980:1034):

But under all this heresy, like Anabaptists—the celestial prophets—he was seditious and revolutionary. Such men generally aim at the overthrow of existing governments, as well as Christianity. This was the great sin, and the real cause of the persecution of the Anabaptists in those days. They followed the Reformers into every country, and sought to upset their work by affirming that they only went half way, and that Christians—like themselves—should rule the state as well as the church—that the time was come for the saints to take the kingdoms of this world.

Third, he demanded legal counsel since he was a foreigner in the country and did not know its customs or the law. Calvin's enemies tried publicly to take advantage of these petitions and to help him.

4.2.3 Third Phase

4.2.3.1 Rigot's Response and Sixth Interrogation

On August 28, for the sixth interrogation, Rigot replied to the petition with thirty-eight new indictments prepared between August 23 and 27.²⁴⁴ It is necessary that we should evaluate these requests from several points of view. With the above petition Servetus sought a new way of winning the trial because he knew that he was suspected of being a seditious.

Servetus claimed that the basic position of the Council was that the early Church had persecuted the heretics and banished them. He tried to discharge the criminal charge against him: "Wherefore, my Lords, in consonance with Apostolic teaching and the practice of the ancient Church, your petitioner prays that the Criminal Charge under which he lies may be discharged" (*Opera*, 762). However, Rigot claimed that Servetus was wrong about the early Church, since emperors had been executing heretics for dogmatic and doctrinal deviations from the time of Constantine the Great. It was only pagan judges and officials who had said this because they did not care about Jews and their religion and the questions of heresies and blasphemies, and were interested only in preventing defamation of their idols (*Opera*, 772).

Rigot perceived that Servetus had already been condemned by his conscience, because he was trying to annul the punishment of the heretic, and that, although he pretended to recant the wrong doctrines of the Anabaptists, he actually never took this position in any of his books. Rigot could not understand how Servetus did not know the contemporary laws and constitutions in light of his law studies in Toulouse (*Opera*, 773). Regarding this cunning attempt to avert him from the heretical punishment Rigot says of him (*Opera*, 774, Hillar 1997:293):

It is quite manifest that Servetus is one of the most audacious, presumptuous, and pernicious heretics that had ever lived. Moreover, not being content with the evil he has wrought, he wants to subvert every order and justice and to deprive the magistrate of the right to punish by the sword, the right given to him by God. But one should not be mistaken for his conscience condemns him

²⁴⁴ It consists of two parts: one is Rigot's despondence to Servetus' petition of August 22 and the other contains the thirty-eight articles (*Opera*, 771-82).

and argues for death. And in order to avoid this punishment he wanted to propound such a false doctrine that the criminals should not be punished by death.

In the second petition Servetus insisted that he was never involved in any turbulence nor violence, anywhere. He was very aware that he was suspected of disturbing the peace in Geneva: “I have never been seditious, and am no disturber of the peace” (*Opera*, 762). Rigot, appealing to Servetus’ conscience, charged his audacious untruthfulness as follows (*Opera*, 774-5, Rilliet 1846:142):

An evident untruth; for he himself has said, under the tenth question, that he had concealed, and not communicated to others, what God had revealed to him. How could any one believe that he had not spoken to a single person during the thirty years that had elapsed since he commenced to discuss and print his horrible heresies? Consider also, his age of twenty when he began, at which period the young are not on their guard against communicating to their companions what they know and study. By this one may easily judge with what kind of conscience the said Servetus has attempted in his answer to pervert justice, and whether he has repented of his horrible misdeeds; for in some replies he says that he offers to be corrected, and cries ‘mercy;’ and afterwards, in many other places, he is confident, and audaciously maintains that he has never spoken or acted amiss.

Servetus had made trouble with the respectable German reformers – Capito and Oecolampadius – and defamed them, as was revealed in Rigot’s questions. Rigot also examined his relationship with the Jews and Turks (*Opera*, 777). In the fifth interrogation, Servetus testified that he had communicated with the Jews and Turks and had read the Koran, which was an evil book, full of blasphemies. He claimed that he had quoted the Koran for the glory of Christ and that the Koran abounded in what was good, and that even in a wicked book one could find some good things (*Opera*, 765, 769-70).

On the third question, in which Servetus claimed to be a stranger in Geneva, and therefore requested an advocate to represent him: it would not be easy to justify the trial if the request were true. Even if Servetus were a heretic, which authority could charge and judge him? Could the Court of Geneva charge a stranger in bounds of the contemporary law?

Servetus was already charged with blasphemy, based on the letter to Abel Poupin (*Opera*, 750-1 & Allwoerden, 1727:47-9). Dyer says that the trial of Servetus was legal because “he adduced the laws of the church which required that heretics should be punished, wherever they might be found” on the basis of the jurisdiction of the Holy Roman (Dyer 1850:333-4 & *Opera*, 773). Because Servetus was condemned by the Roman Catholics in

France and attempted to spread his heresy to Geneva, “it cannot be questioned but that one who from one country, either by himself or his agent, introduces into another country a paper written or printed, is liable for any crime committed by its circulation therein. The crimes charged and proved were against the laws of Geneva and the court of Geneva had the right to try Servetus” (Prime 1910:9). The main reason why Servetus was arrested in Geneva was because “the civil authorities found cause enough for his arraignment, and the trial soon brought to light his connection with turbulent factions in the city. Moreover, even if Servetus were a foreigner he could have been charged with having defamed Calvin, and the Genevan church under the Genevan law.

The Court of Geneva practised the rule of not surrendering any prisoner who was apprehended in its territory, according to the French King’s request in 1550, and the Senate of Chamberry in 1552 (Rilliet 1846:150-3, Bungener, 244-5). Rigot, wearied again with Servetus’ consistent insolence and artful lying, according to the criminal edicts,²⁴⁵ now censured Servetus’ saying (*Opera*, 775, Rilliet 1846:143-4 & see Shields 1983:369-70):

Item, seeing that he knows so well how to lie, there is no need that he should ask a procurator; for who is there that could or would aid him in such impudent falsehoods and horrible purposes? Add to this, that it is forbidden by law, and was never seen that such seducers spoke by council, and the interposition of an attorney. And yet more; there is not one jot of apparent innocence which requires an attorney; wherefore he ought to be instantly denied such a request, as inept and impertinent, and to reply pertinently to the following articles.

Thus, the three points of Servetus’ petition were entirely rejected.. Servetus could not gain the desired credibility through his petition, but again revealed his total dishonesty before the Court. The Attorney General, Claude Rigot, reported to the judges on Servetus’ untruthfulness as follows (Wright 1806a:177; see *Opera*, 772):

Servetus varied in his answer; that they were full of lies, that he made a mock of God and his word, by alleging, corrupting and wresting the passages of the holy scriptures to conceal his blasphemies, and avoid being punished. He added, that Servetus had made a wrong choice of the examples quoted by him, out of the Acts of the apostles; and that what he had said of the emperor Constantine was false. Besides, he alleged against the prisoner the law of those emperors, who condemned heretics to death. He further said that Servetus was condemned by his own conscience, and sensible that he deserved death; and that like the anabaptists, he deprived the magistrates of the right of the sword. Lastly, he concluded, that since Servetus knew so well how to tell lies he should nor have an attorney, as he desired: that such a thing was forbidden by the civil law, and never granted to such seducers.

²⁴⁵ It is written in Ordinances de 1543: “Si le criminel demande setre admis a ses justifications, que le Conseil regarde sil est de raison ou non” (see Rilliet 1846:n. †, 143).

Rigot was aware of his intentions. Subsequently, Rigot presented him another thirty-eight questions (*Opera*, 775-82, especially 777 - questions 26-9, 781 -answers 26-29, & see 771). It looked like an appendix to the seeming bravado of Servetus' petition. First of all, through the first to the third, Rigot questioned him, what was his judgement of who were heretics and he answered 'Constantine the Great.' The rest of the questions were based on the thirty indictments from August 23, on *De Trinitatis Erroribus* and *Christianismi Restitutio*, quotations from Oecolampadius, Capito, Bucer, his relations with Arnoullet and Guérout, and his personal life.²⁴⁶ After two parts of the sixth interrogation, the court adjourned and "the two main charges of sedition and conspiracy appeared to have been proved by the prosecutor, the charge of heresy being still on the hands of the theological experts to whom it was referred" (Shields 1983:371).

4.2.3.2 Seventh Interrogation

A request to the jailer in Vienne had been sent on August 22. On August 31, the seventh interrogation took place with the prosecutor interrogating Servetus on the correspondence from Anthony de la Court, the Vice Bailiff of Vienne. An interlude followed. Servetus was recognised by the jailer from Vienne who said that he had been in their custody for two days (Wilbur 1972:172). He was asked how Servetus could escape from their custody and he explained how it happened. A letter from Vienne expressed appreciation to the magistrates of Geneva for apprehending Servetus. It did not contain the acts of the trial but a copy of the warrant of arrest and the sentence of death against Villeneuve (*Opera*, 783-7).²⁴⁷ It also contained a request that the death sentence might be executed on the living man as it had already been executed on his effigy and on his books. The inquisitor of Vienne begged the Council of Geneva to send him back to France, but the Council refused to surrender Servetus. It seems that not only did the inquisitor of Vienne desire to find "fresh charge against him" (Dyer 1850:335), but the Council determined not to give him up, but for justice to prevail over him. Rigot responded by asking the inquisitor to let Servetus remain with them. The precedent Rigot cited was based on previous cases from April 18, 1550 and July 22 1552: although the King of France requested to extradite a prisoner who have abstracted from the public treasury the Court refused the proposal in 1550; the same refusal was made to the Senate of Chambery in 1552.²⁴⁸ The Council did

²⁴⁶ His two books are dealt from the tenth to fourteenth; questions of reformers from fourth to ninth; the questions of Arnoullet and Guérout from fifteenth to twenty-fifth; his life from twenty-sixth to the end.

²⁴⁷ The record of sentence of Vienne is contained in *Opera*, 784-7.

²⁴⁸ For more detail see Rilliet (1846:150-3).

not intend to save him from the hands of Vienne but wanted to conduct the trial based on the law of Geneva (Smyth 1856:106-7):

The magistrates refused to surrender their prisoner. Not that they had any wish, probably, to carry out the trial; it would have saved them much trouble to have resigned him into the hands of those from whom he had fled; but by the laws of Geneva, often, and even recently acted upon, the magistrates were not entitled to surrender an accused prisoner, even though the crime were committed beyond their territory. They were bound to try the case for themselves.

On being given the option to choose, Servetus fell on the ground in tears and begged to be judged in Geneva (Willis 1877:380). Several reasons could be suggested for this choice: he would have been burned in Vienne if he went back; he still hoped for acquittal on the grounds that he had committed no offence within the Genevan territory (*Opera*, 788); he was still sure that he was supported by the Libertines.

As Servetus continued to deny all the facts regarding his escape from Vienne, the reasons for his coming to Geneva and the facts regarding his relations with people in Geneva, the Court started suspecting him all the more. He did not hesitate to ascribe his sufferings to the personal hatred of Calvin. He thought that Calvin's instigation through de Trie caused him to be apprehended and accused in Vienne.

4.2.3.3 Eighth Interrogation

On September 1, another letter from Monsieur de Maugiron, the Lieutenant General of the Dauphiné, was delivered to the Council of Geneva. It said that Servetus had debtors in Vienne, and the amount of 3,000 or 4,000 *écus* had been forfeited by the king of France. It stated the names and sums of those indebted to Servetus.

On the day of the eighth interrogation, the Council again arranged for Servetus to meet with Calvin, because the Council might not have been able of itself to convict Servetus or confirm his crime (*Opera*, 157). They also decided to confer with the pastors, concerning Servetus and through these discussions to arrive at a conclusion on the case.

The manner of debate was changed from oral to written in order to enable Servetus to defend himself more effectively. Calvin's enemies' conspired with Servetus to this effect. They reasoned that there was an easier way of defending him against Calvin. The principal enemies, the leaders of the Libertines party, Perrin and Vandel, were present along with Berthelier. The communications, exchanges and replies were conducted in Latin. These

documents were collected and forwarded to the Swiss Churches for their Judgement (Rilliet 1846:162-3 & Hillar 1997:294).²⁴⁹ This procedure took about a fortnight (Beza 1836:169). By such changing the mode Calvin's enemies attempted to let Servetus defeat Calvin and show his opinions favourably to the Swiss Churches. Furthermore, "Perrin and Berthelier undoubtedly feared that a public disputation with so able a debater as Calvin would mean a popular victory for the reformer,—a result highly displeasing to them; and the preparation of such documents would afford material. Servetus could make the best statement of his case possible for presentation to the Swiss cantons, the advice of which it had been decided to ask" (Walker 1969:336).²⁵⁰ This written argumentation would prove to be crucial and decisive for the trial of Servetus.

4.2.3.4 Final Thirty-eight Articles

While preparing the extracts from Servetus' writings, Calvin met with another issue rising before the Council. Berthelier (still excommunicated) attempted to influence the Council. He boasted that he would be attending communion on the Lord's day. Calvin requested the Council to resist this, saying that such a resolution was contrary to the Consistory. On September 2 the Council held a meeting, during which Calvin appealed to the Council to uphold Berthelier's excommunication, saying that this was the sacred duty of the Church. The Council made no decision and advised Berthelier not to be present at Communion (Rilliet 1846:165). On Lord's day, September 3, Calvin, who did know of his attendance, preached at the Temple of St. Peter (Rilliet 1846:166-7):

As for myself, while God shall keep me here, since he has given me constancy, and I have taken it from him, I will use it, whatever may occur. I will govern myself only according to the law of my master, which is altogether clear and notorious. As we are now about to receive the holy supper of our Lord Jesus Christ, if any one who has been debarred by the Consistory shall approach this table, it is certain that, though it should cost my life, I will show myself such as I ought to be.²⁵¹

We can see Calvin's determination not to yield. An important issue was on the table, the independence of religious matters from civil government. In the afternoon of the Lord's day, Calvin wrote a letter to Viret (*Letters*, vol. II, 425 on September 4, 1553):

I need not record what I said yesterday in both assemblies, as you will get an oral account of it from many. The wicked and the abandoned may now obtain, therefore, what they have eagerly sought. The calamity to the Church grieves

²⁴⁹ The decision to consult the Swiss Churches about this trial, as was the case of Jerome Bolsec two years previously must have come from Berthelier, who was familiar with the case of Bolsec (Shields 1983: 374).

²⁵⁰ Perrin and Berthelier, who desired to beat Calvin, attempted to change the mode of debating between Calvin and Servetus (Wylie 1899:326).

²⁵¹ It was drawn from the unpublished History of Geneva by Gantier.

me, as indeed it ought. But if God yields so much power to Satan, as to strip me of the liberty of my ministry by his violent commands, I am satisfied. Certainly, he who has inflicted the wound, will himself find a remedy. And, indeed, seeing that so much wickedness has now passed with impunity for many years, perhaps the Lord is preparing some judgement which I am not deemed worthy to see. In fine, whatever may happen, it is our duty to submit to his will. Farewell, most worthy brethren. May the Lord be ever present with you, to guide and protect you. Pray him, on the other hand, to look down upon this unfortunate Church.

Calvin extracted thirty-eight propositions from the books of Servetus, adding a reference:

“Articles extracted from the books of M. Servetus, which the ministers of the Word of God in the Church of Geneva produce, being prepared to maintain that these propositions are in part blasphemous, and in part full of errors and profane reveries. Further, that they are utterly repugnant to the Word of God, and the common consent of the universal Church.”²⁵²

The propositions, almost the same as the thirty-eight ones that had been submitted for the arraignment on August 14, were delivered to Servetus requesting him to reply to them on the same day. See Appendix 3 for Calvin’s questions and Servetus’ answers.

Servetus first declared the summary of his theological system before answering to them, offending Calvin as follows (*Opera*, 507, Willis 1877:403):

It is impossible not to admire the impudence of the man, who is nothing less than a disciple of Simon Magus, arrogating to himself the authority of a Doctor of the Sorbonne, condemning everything according to his fancy, scarcely quoting Scripture for ought he advances, and either plainly not understanding me or artfully wresting my words from their true significance. I am therefore compelled, before replying to his *Articles*, to say, in brief, that the whole purpose of my book is to show, *first*, that when the word Son is met with in Scripture it is always to the man Jesus that the term is applied, he having also the title Christ given him; and, *second*, that the Son or second Person in the Trinity is spoken of as a *person*, because there was visibly reluctant in the Deity a Representation or Image of the man Jesus Christ, hypostatically subsisting in the Divine mind from eternity. It is because this *rationale of the Person* is unknown to Calvin, and because the whole thing depends thereon, that I refer as preliminary to certain passages from the ancient Doctors of the Church on which I rest my conclusions.

The main issue between Calvin and Servetus in these thirty-eight articles concerned his views on the Trinity and on the Church Fathers – Tertullian, Irenæus, and Clement of Rome. Servetus asserted that Tertullian never talked about a real distinction between the

²⁵² “QUAS MINISTRI GEVENSIS PARTIM IMPIAS AC IN DEUM BLASPHEMAS, PARTIM PROFANIS ERRORIBUS ET DELIRIIS REFERTAS ESSE ASSERUNT: OMNES VERO A VERBO DEI, ET ORTHODOXAE ECCLESIAE CONSENSU ALIENAS” (*Opera*, 502, Rilliet 1846:163).

Persons of the Trinity (See ET, 29a. 45). Tertullian says of the distinction and the unity of the Trinity (Tertullian, ii, 598 and ix, 603):

Only God in any other way than by saying that the Father, the Son, and the Holy Ghost are very selfsame Person. As if in this way also one were not All, in that All are of One, by unity (that is) of substance; while the mystery of the dispensation is still guarded, which distributes the Unity into a Trinity, placing in their order the three *Persons*—the Father, the Son, and the Holy Ghost: three, however, not in condition, but in degree; not in substance, but in form; not in power, but in aspect; yet of one substance, and of one condition, and of one power, inasmuch as He is God, from whom these degrees and forms and aspects are reckoned, under the name of the Father, and of the Son, and of the Holy Ghost. How they are susceptible of number without division, will be shown as our treatise proceeds ... the Father, and the Son, and the Spirit are inseparable from each other, and so will you know in what sense this is said. Now, observe, my assertion is that the Father is one, and the Son one, and the Spirit one, and that They are distinct from Each Other. This statement is taken in a wrong sense by every uneducated as well as every perversely disposed person, as if it predicated a diversity, in such a sense as to imply a separation among the Father, and the Son, and the Spirit.

To Servetus the term ‘Person’ differed from the term ‘Person’ of Tertullian. Tertullian says that all are of One and the three persons are the Unity in degree, form, and aspect, where Servetus asserts that only “the Father is the whole substance and the one God from whom these degrees and personations proceed” (ET, 29a. 45). He entirely misunderstood Tertullian’s views on the Trinity.

Although it seems that Servetus believed in the Trinity in the first four replies, his understanding leads to the possibility that there could be more than three persons in God. This is because he did not understand the concept of ‘Person’ and ‘hypostasis’ theologically. His own understanding of ‘Person’ and ‘hypostasis’ says that they are no other than modes or manifestations of God, which was influenced by Neoplatonism.

A further misunderstanding was the denial of the incarnation and the divinity of Christ, which resulted in him distinguishing between the Word, the Son of God and Jesus Christ. Servetus did not believe in the eternity of Jesus before the incarnation.

With the Libertines support and defence before the Council, and with the changed mode of debate with Calvin, Servetus was again intoxicated with the hope of victory. He directly accused Calvin as if he had no longer any terms to keep with him (Rilliet 1846:171):

“You do not know what you say – you are a wretch, if you persist in condemning what you do not understand. Did you think to stun the ears of the

judges by your barking? You have a confused intellect, so that you cannot understand the truth. Wretch! Perverted by Simon Margus,²⁵³ you are ignorant of the first principles of things—you make men only block of wood and stone by establishing the slavery of the will.”

Although the replies of Servetus did not impress the Court favourably, Servetus thought the victory was on his side. Servetus’ replies were not only shorter than Calvin’s but “with jottings on the margins and between the lines of Calvin’s elaborate refutation! The remarks he makes, moreover, being rarely in the way of answer or explanation” (Willis 1877:425). Later Servetus addressed the additional reply to the twenty-first article to the Council on September 15 (*Opera*, 799-800, Willis 1877:423-4):

To John Calvin, health!—It is for your good that I tell you are ignorant of the principles of things. Would you now be better informed, I say the great principle is this: All action takes place by contact. Neither Christ nor God himself acts upon anything which he does not touch. God would not in truth be God were there anything that escaped his contact. All the qualities of which you dream are imaginations only, slaves of the fields as it were. But there is no virtue of God, no grace of God, nor anything of the sort in God which is not God himself; neither does God put quality into aught in which he himself is not. All is from him, by him, and in him. When the Holy Spirit acts in us, therefore it is God that is in us—that is in contact with us, that actuates us.

In the course of our discussion I detect you in another error. To maintain the force of the old law, you quote Christ’s words where he asks: ‘What says the law?’ and answers himself by saying: ‘Keep the commandments.’ But here you have to think of the law not yet accomplished, not yet abrogated; to think further, that Christ, when he willed to interpose in human things, willed to abide by the law; and that he to whom he spoke was living under the law, Christ, therefore, properly referred at this time to the law as to a master. But afterwards, all things being accomplished, the newer ages were emancipated from the older. For the same reason it was that he ordered another to show himself to the priest and make an offering. Shall we, therefore, do the like? He also ordered a lamb and unleavened bread to be prepared for the Passover: Shall we, too, make ready in this fashion? Why do you go on Judaizing in these days with your unleavened bread? Ponder these things well, I beseech you, and carefully read over again my twenty-third letter, Farewell....

What is evident in this petition is that he thought he could defeat Calvin by himself and influence the judges.

²⁵³ Servetus calls Calvin ‘Simon Margus’ about sixty times. See *Opera* (806). “You [Calvin] unclothe God in a corner: I say that He is all in all and that all beings are held up in God” (*CR*, 548).