



# JOHN CALVIN THE REFORMER OF GENEVA AND THE MICHAEL SERVET'S LEGAL ACTION (1531-1553)

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## ABSTRACT

In 1554, Sebastian Castellio (1515-1563) published his „De haereticis an sint persequendi”, a work based on the trial and execution of Servetus. He became known as a defender of religious tolerance in Western European countries. He advocated persecution of heretics and religious freedom and interpreted religious tolerance. Sebastian Castellio, in his treatise "On Heresy", addressed the problem of religious freedom and the persecution of religious tolerance. In the work, he proclaimed that heresy should not be punished with either ecclesiastical or civil penalties. Faith and religious beliefs are free and should not be coerced. In making this statement, he referred to the Servet trial and its consequence. Who was right: Castellion or Calvin? Castellio was right, given the terrible jurisprudence. No one should have been condemned for the free expression of thought and opinion. As far as the teaching of the Church was concerned, Calvin was right. Michael Servetus was wrong in his opposition to biblical and ecclesiastical teaching. In the spirit of the 16th century, the spreading of his false teaching had to be stopped at all costs, and he had to be sentenced to death according to the legal custom of the time and the ecclesiastical laws.

**KEYWORDS** Religion freedom, persecution, inquisition, legal action, conviction and execution

## 1. Introduction

Polyhistor Michael Servet<sup>2</sup> fled Spain to France to escape the Inquisition, where he studied law. After completing his legal studies, he went to Switzerland. After

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<sup>2</sup> Miguel Serveto was born in Villanueva, Spain, on 29 September 1511. He used his name in the humanist customary form Michael Servetus. In my study, I use the form of Servetus Mihály, which is common in Hungarian academic circles. He began his academic career as a Protestant physician, studying medicine in Zaragoza (Spain) and law in Toulouse (France). He also visited Italy as secretary to J. Quintana. As was the custom of the time, he became acquainted with the doctrines of the Reformation, which he disapproved of. He began to study the theological teachings with the conviction that Christian doctrine had been misinterpreted and that he was called upon to restore it to its original purity. In 1530 he became involved in a trinitarian controversy with Ecolampadius. His theological view

a few months in Basel, he settled in Strasbourg, where he wrote his *De trinitatis erroribus* (Servetus, 1531) in 1531. The work forced him to leave Strasbourg. His second independent work was the *Dialogorum de Trinitate libri duo* (Servetus, 1532). This work was published in 1532 in the town of Hagenau. His third major work was *Christianismi Restitutio* (Servetus, 1553), published in 1553 in Vienne.

He had a thorough knowledge of rabbinic and cabalistic literature. He was also a naturalist. In Paris, he studied natural sciences and lectured in natural sciences at the university. One of his greatest discoveries was the description of the workings of the kidneys and the establishment of the small blood circle. He was convinced that blood does not stand still but circulates in the body (Kováts, 1911, p. 40).

Michael Servet came up with a well-developed theological theory for the Christian faith, which provoked stiff opposition from the Geneva reformer John Calvin (1509-1564) and his fellow theologians. Michael Servetus participated in the theological conference held in 1530, at which Ulrich Zwingli, Oecolampadius, Capito and Martin Bucer expounded their theological views. Organét did not consider them as equal, debating opponents, so he wrote to John Calvin, the reformer from Geneva.

The parties to the debate chose Paris as the venue. However, the scientific debate convened in 1534 did not take place due to the absence of Michael Servetus. During the period 1534-1545, Calvin corresponded intensively with Servetus. During this correspondence, he became acquainted with his doctrine and his intransigent nature. In his letters to Calvin, Servet called the Trinity of Father, Son and Holy Spirit the “three-headed Cerberus”.

Like John Calvin, the theologians Martin Bucer and Oecolampadius believed it was impossible to reason with Servet, who sent to Calvin his manuscript of *Christianismi Restitutio* (Servetus, 1553). He also included in the manuscript his thirty letters to Calvin and Calvin's *Institutio* (Calvinus, 1536)<sup>3</sup> with critical appendices (Németh, 2022, pp. 103-104). Calvin was astonished by Servet's action and his attitude towards his criticism.<sup>4</sup> He was not welcome in Geneva. In a letter to the French reformer William Farel (1489 - 1565), he criticized Servet harshly: “*You would gladly come here if I agreed. But I can in no way vouch for his safety: if he were to come here, I could not allow him to leave alive, provided my*

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was an antitrinitarian doctrine akin to that of Sabelios. In opposition to the official Christian Church teachings, he was prosecuted in the cities of Vienne and Geneva. In Switzerland, he was sentenced to death for heresy on 26 October 1553 and burnt at the stake one day later on 27 October 2023 (Magyar Katolikus Lexikon, n.d.b).

<sup>3</sup> This was the first major theological work in which Calvin systematized his doctrine.

<sup>4</sup> “If I wasn't used to your fever dreams, I wouldn't know what you want. Forgive me, but I must speak like this. I don't hate you, I don't despise you, and I don't want to persecute you more ruthlessly than I should, but I should be made of iron if I didn't shudder when I see how insolently you are violating sound doctrine [...]” (Kováts, 1911, pp. 33-34.)

*authority weighed anything against it.”* (van't Spijker, 2003, p. 86.; Németh, 2022, p. 116.)

Around the 1547-48, Michael Servet tried to recover the manuscript of the *Christianismi Restitutio* sent to Calvin. After unsuccessful attempts, he published a revised version of his work in 1552 in Vienne, together with 30 letters to Calvin. Because of the printed work, the Inquisition opened an investigation against Michael Servetus, who was accused of heresy. The Viennese Inquisition investigation was assisted by William Trie, a Huguenot refugee from France, who had obtained the Servet's letters from Calvin in Switzerland (Balázs, 2009).

The evidence sent to the confessor and inquisitor of the Holy See, Matthew Ory, was sent to the Inquisition. Based on the documents thus collected, charges were brought against Michael Servet and on 5 April 1553 he was arrested and imprisoned until the verdict was given (Cadier, 1994, p. 150). On that day, the interrogation of Michael Servet began. The first hearing took place on 5 April 1553.

The second and third interrogations took place in the morning and afternoon of 6 April 1553 (Gyenge, 1909, p. 24). Two days after his arrest, Servet escaped from Vienna prison and fled to Switzerland (Kónya, 1979, p. 150). The Inquisition continued its investigation in his absence. On 2 May 1553 it was discovered that the book *Christianismi Restitutio* had been printed in one of Arnoullet's houses. Eight days later, the Inquisitor took extracts from the work and delivered his verdict. On 17 June 1553, the Court of Vienne held a trial against him based on a charge by the French royal prosecutor (Kovács, 2003, p. 178). In his absence, Servet was sentenced to death at the stake “in effigie” and total confiscation of his property.<sup>5</sup>

## 2. The arrest and the indictment of Michael Servet

The arrival of Michael Servetus in Geneva on July 17, 1553, marked a pivotal moment in his contentious relationship with John Calvin, as he sought to exploit the city's political turmoil to challenge his rival and propagate his controversial theological views:

*“He arrived in Geneva on 17 July 1553, where he planned to stop for a few days on his way to Italy. The reason for cancelling his trip was that he had become aware of the conflict between Calvin and the libertines. The predominantly*

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<sup>5</sup> Judgment of the Court of Vienne: “[...] we sentence him, and also to pay a fine of 1,000 livres Tours to the Royal Crown Prince, and that, if arrested, he be taken with his books, on a trolley, during the fair, from the gate of the Crown Palace, through the crossroads and the busy places, to the market-place of the present city centre, and thence to the square called Chaernéve, and there be burnt alive in a small fire, so that his body may be reduced to ashes. The present sentence is to be carried out on his effigy for the time being, and at the same time his books are to be burnt.” (Gyenge, 1909, p. 24; Huszár, 2009, p. 103; Kováts, 1911, p. 70.)

*Libertine party, having gained the leading positions in Geneva, wanted to banish Calvin and his associates from the city. Servet saw the right opportunity to strike back at Calvin for the insults he had caused him. This is proved by a letter to Musculus from a pastor in Bern. Servetus has gone to Geneva to be consumed by the chief men who are the wicked enemies of Calvin. He thinks that there he will find a hut from which he can harass other churches. He has already begun to sow his seeds [...].” (Gyenge, 1909, p. 27)*

While at liberty in Geneva, he was recognised at a church service on 13 August 1553 and reported to Calvin. Because of his attacks on the Church, Calvin decided to have Michael Servet arrested.<sup>6</sup> What motivated Calvin to arrest Servet? In Michael Servet, who had appeared during a period of struggle against the libertines, he discovered one of his most dangerous and greatest enemies. Calvin feared that Servet, who had emerged in Geneva, would ally himself with the Libertines and increase their power and influence in the city council.<sup>7</sup> The political power of the libertines in Geneva was growing stronger by the day.

In contrast to Calvin and his followers, who represented the conservative line, the libertines became the majority in the city's governing and judicial bodies. Calvin and his fellow clergymen were excluded from the council of bicentennialists, who played an important role in the city's political life. Calvin and his followers were deprived of the right to bear arms and to participate in the General Council. They also claimed for themselves the right of excommunication from the church, the right of “excommunicatio.”<sup>8</sup> The city took full control of the judiciary. This right emphasised the power of the city magistrate and the independence of the city.

<sup>6</sup> “Part of the minutes of the Society of Ministers concerning the arrest of Servet and the opening of the trial. Fontenay 1553. Servet. The syndics of this year are present: Amy Perrin, Stephen Chapeaurouge, Domokos Darlod, Perrins des Fosses. Judge: P. Tissot. On 13 August of the present year, some of the brothers having recognised Michael Servet, they thought it good to imprison him, lest he should continue to torment the world with his blasphemies and heresies, and having found him utterly incorrigible and without hope. Someone was found who brought a criminal charge against him, and presented a summary of Servet's most striking errors. A few days later, the council ordered us to be present at his interrogation. This ended with his arrogance and insolence becoming even more obvious. He professed as a matter of principle that the name Trinity had been used only since the Council of Nicea, before which none of the scholars or martyrs had known of its existence. Then, when all the evident proofs of Justin Martyr, Irenaeus, Tertullian, Origines, and others were brought before him, he was ashamed, for he burst into all sorts of absurd invectives and insults. At last the Lords, seeing that the quarrel would never end unless some way could be found to shorten it, ordered that an abstract of the erroneous and heretical doctrines contained in his books should be made, and we replied to him in writing: we would show briefly the untenability of his opinions, and then send the whole to the neighbouring churches for their opinion.” (Kováts, 1909, pp. 5-6)

<sup>7</sup> “Calvin's most difficult year was 1553. The year 1553 was filled with such great turmoil, through the unbridled fury of the rebels, that not only the Church but the Republic was in a state of peril, and the evil ones had everything in their power, and one thought that they would now carry through their long-cherished plan.” (Servetus, 1553, p. 25)

<sup>8</sup> In the legal tradition of the Church, excommunication or “excommunicatio” meant exclusion from the ecclesial community, from church life and the prohibition to partake of the sacraments. In the Calvinist movement, it included a ban from sharing communion.

The city's leadership was very careful not to let the judiciary fall under the influence of any foreign power or person. The Messieurs de Geneve<sup>9</sup>, who played an important role in the city's political life, kept a close watch on the city's life and made sure that no foreign person held important positions or gained greater influence. This was also the case with Calvin. He was a simple "habitant".<sup>10</sup> He was not a full citizen of Geneva and was therefore completely excluded from the civil and criminal justice system (McGrath, 1996. p. 127). His sole jurisdiction was in disciplinary matters of the parish. He played an important role in the interdiction and punishment of church members accused of disciplinary offences. However, this did not absolve him from the charge of intolerance towards other theological views.

And from an ecclesiastical point of view, he was convinced that he took Servetus because to let him go unpunished would have meant betraying the cause of God and the Church without a fight. From the third point of view, if he were to let Servetus go free, he would be in public solidarity with him.

He informed the council and was arrested by order of one of the syndics and then taken to the bishop's residence. In accordance with the laws of Geneva, the same day he forwarded the case to the examining magistrate Peter Tissot, who initiated proceedings against and prosecuted Michael Servetus under the provisions of the 1542 Act.

### 3. Michael Servet's legal action in front of the Small Council of Geneva

According to the penal code of the German-Roman Emperor Charles V (1530-1558), Calvin, as the accuser, should have been detained together with the accused.<sup>11</sup> The code provided that a criminal investigation could only be initiated against anyone if a private accuser also appeared before the public prosecutor within twenty-four hours. Like the accused, he should be detained and held in custody until the end of the trial. If the accused is found guilty at trial, the private accuser could be released. Otherwise, the sentence that would have been imposed on the accused would have been imposed on the private accuser for false accusation.

The law also stated that if the guilt of the accused was proven in advance during the trial, the private accuser could be released. The private accuser had to remain

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<sup>9</sup> The council of Geneva.

<sup>10</sup> In Geneva they called him a refugee. He had no citizenship.

<sup>11</sup> See *Constitutio Criminalis Carolina*, the penal code adopted under Emperor Charles V at the Imperial Diet of Regensburg in 1532 (A Pallas nagy lexikona, n.d.).

at the disposal of the court and was not allowed to leave the city. Calvin was replaced by his secretary as the private accuser.

On 14 August 1553, Nicolas de la Fontaine submitted a 38-point theological indictment to the examining magistrate Peter Tissot. Based on the indictment submitted, the examining magistrate summoned Servetus for a preliminary hearing at the first hearing (Kováts, 1909, pp. 7-11). The remaining charges, based on the original record, were formulated on the basis of questions from Nicolas De la Fontaine and answers from Michael Servet (Gyenge, 1909, pp. 35-36).

During his trial, the fact that the accused polyhistor acted as an accuser during his interrogation and made Calvin appear as the accused became apparent. At the beginning of the trial, he accepted the charges with a calm spirit, because he had the support of the sympathetic prosecuting judges and the libertine camp. He denied some of the theological teachings attributed to him and admitted others. De la Fontaine, the private accuser, asked the examining magistrate to accept only 'yes' and 'no' answers from Organ during the preliminary hearing, to avoid unnecessary argument. He was asked to answer questions under Article 31 of the indictment, which he refused to answer.

After the theological issues were discussed, the personal grievances followed. Servet was asked the question: “[...] *is it true that in the person of the pastor of the Church of Geneva he has desecrated the faith which he preaches by his book, pointing out every injustice and blasphemy that can be invented?*” (Kováts, 1909, p. 37) In reply, Servet blamed Calvin for the situation. He accused him of personal offence. The last question concerned his book published in Vienne.

They wanted to find out the circumstances of the book's publication. Servet reported on the printing of his book and his acquaintance with the printer William Guerolt in Geneva. However, he denied everything during the next day's interrogation. De la Fontaine gave evidence to the examining magistrate to refute Servet's denial. One was a printed copy of the *Restitutio Christianismi* (Restoration of Christianity), the other a manuscript version. The other two were copies of Ptolemy's annotated geography book and the Latin Bible of Servet. He acknowledged the authorship of the evidence provided.

The Servet case was referred to the small council. Judge Berthelier presided over the trial. At the second hearing, he represented, together with Nicholas de la Fontaine's lawyer, Hermann Colladon, the case against Servet. Eleven of the charges were tried. The next morning, 17 August, the members of the small council met for a brief meeting before the hearing. Calvin protested against Servet's theological errors. He deplored the fact that Berthelier, in sympathy with Servet, had given him political and moral support and had intervened in the

trial. He intended to act as an accuser against Calvin during the trial. Citizens were summoned to the hearing to support Calvin's secretary, De la Fontaine. Calvin's name was not mentioned at the hearing. Calvin was present. Servet was heard in connection with his case. He put forward false doctrines written by Servetus and complained that Philibert Berthelier had interfered in the Servetus trial and defended the accused (Kováts, 1909, pp. 96-97).

Berthelier remained absent from the meeting. Colladon De la Fontaine's lawyer interpreted the items left out of the last questioning and justified them with evidence. During the hearing, Servet responded to all the evidence presented. After the evidence had been presented, Colladon asked Nicolas De la Fontaine to be exonerated and reimbursed for all the costs of the proceedings and to be compensated in moral damages. The request was partially granted. He was acquitted of the charges and the reimbursement of the costs was postponed until the end of the proceedings. In preparation for the new hearing, the Chamber asked the Prosecutor General to take over the role of the accuser, given that the accused Nicolas De la Fontaine had been deprived of his right to stand trial.

Before a new decision was taken to this effect, they went to the Viennese court to ask for the reasons for his arrest and the date of his escape. On 21 August 1553, the Geneva authorities wrote to the Viennese authorities. They tried to obtain a certified copy of the denunciation and the arrest warrant. At the same time, it was decided to inform the other Swiss churches of the Servet trial (Kováts, 1909, pp. 97-98). They examined Arnoullet's letter, which showed that Michael Servet's book had been corrected by Vilmos Guyrod.<sup>12</sup> He was also implicated in the case. His arrest and interrogation as a key witness was deemed necessary. On that day, Servet was interrogated for the fourth time.

Investigator Judge Berthelier was present during the hearing. Three citizens were present and were questioned about Arnoullet Boldizsár and his letter. Nicolas de Fontaine and the clergymen of Geneva were then summoned to refute Servet's references to the authors. John Calvin also attended this hearing. He refuted Servetus' quotations from the church fathers. Servetus acted as an accuser against Calvin and his fellow ministers. He testified about his dishonourable behaviour as follows:

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<sup>12</sup> Extract from the minutes of the small council. Monday, August 21st. They were discussing Michael Servet, who was arrested for heresy. If the matter was of great importance to the cause of Christianity, they decided to continue the matter. They write to Vienne to find out why he was arrested and how he escaped, and then they write all the data to the Lords of Bern, Basel and Schaffhausen, as well as to other Swiss churches, to inform them thoroughly of all this. They even looked at one of Arnoullet's letters, which mentioned that William Guyrod had corrected Michael's last book, and then spoke of him. It was decided to interrogate Servet again, to show him the letter, whether he acknowledged it, and to ask him about it. If they find that Guyrod has knowledge of the book, arrest him and arrest him for a statement (Kováts, 1909, pp. 36-37).

*"We went to prison as if we were the ones who had to give an account of our doctrines and were ready to answer his objections. But he spoke against me with his lips, so that the judges themselves were annoyed and shaken."* (Kováts, 1909, pp. 44-45)

During the interrogation, Calvin showed in his theological treatise that in his works, Servetus had erroneously referred to the teachings of the Church Fathers. He proved that Servetus' theological teachings on the Trinity were not true. The concept of "trinitas" was already in use before the Council of Nicea in 325.<sup>13</sup> The interrogation turned into a theological controversy. Servetus was promised that the theological books he had requested would be obtained and made available to him. At the end of the interrogation, Servet asked for stationery so that he could make his request to the city council. In his request, he demanded to be acquitted of the criminal charge. Among his reasons was the fact that the Bible's teachings and controversial issues had not been the subject of criminal charges in early Christian times. As a scholar, he had the right to contemplate and interpret biblical teachings freely. He also condemned the doctrines of the Anabaptists and considered them unacceptable. Finally, he asked for a lawyer to defend him in view of his unfamiliarity with the legal customs and laws of the city of Geneva.

On 21 August, prosecutor Rigot prepared a 30-count indictment, based on which he requested further questioning of Servet. Nicolas De la Fontaine's 38-point theological accusations were replaced by the charges he had formulated. In this completely different indictment, Servet linked the denial of the Trinity to Michael Servet's Israelite origin. He also linked his restless nature and his celibacy to his Italian connections. Finally, he explored the reasons that led Servetus to become involved in theological issues and to come to Geneva (Kováts, 1909, p. 101). On 23 August, the prosecutor's indictment was followed by a fifth hearing in which Servetus answered 30 questions. He denied being of Israelite origin. He claimed with conviction that he came from a Christian family and was in contact with religious scholars. He had theological discussions with them. He tried to excuse William Guerolt, with whom he had been in contact after his escape from Vienna. Guerolt had nothing to do with the publication of his book.

Servet confessed that he did not marry because of his physical infirmity. He objected to the allegation that he had a shabby life. He opposed only the death penalty for offenders under twenty. Based on the record of the interrogation, the prosecutor general prepared a new indictment. The prosecutor general

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<sup>13</sup> Cr. 325 AD. May. 20. – July 25. The First Ecumenical Council was held in Nicaea during the reign of Constantine the great. (Magyar Katolikus Lexikon, n.d.a).



highlighted all the points of the indictment. From the style of its wording, it is highly probable that the co-author of the indictment was the reformer John Calvin. He severely criticized Servetus for the shortcomings of his answers and allegations.

The Prosecutor General accused him of failing to answer the charges in substance. He falsified and misquoted Bible verses. He misinterpreted the teaching and case of the Apostle Paul. He made untrue claims about early Christian apologetics. He revealed with great care and detail, contrary to Servetus's claims, the laws and decrees of the rulers Constantine the Great, Gratian, Valentinian, Justinian and Theodosius in the history of the Church against those who sinned against the Trinity. His position was made worse by the fact that he had previously studied law. He must have known the severe penalties for heresy against the Trinity.

Finally, the Prosecutor General stated that Michael Servet was one of the most dangerous and reckless heretics, because he wanted to subvert the order of justice and deprive the authorities of the right to punish. Servet refuted two other arguments. One was the death penalty. Servet objected to the death penalty because he was motivated by his own conscience. The other rebuttal emphasised that Servetus had Anabaptist doctrines, because he had not spoken against them in any places in his books. Servet's request for a defence lawyer was rejected. The reason given was that a liar does not deserve a defence lawyer: „*The law forbids it and there has never been a case of such a seditious lawyer advising and assisting him.*” (Kováts, 1909, p. 64)

In the new indictment, the prosecutor added new items to refute Organét's arguments. On 28 August, Servet was interrogated for the sixth time because of the charges in the indictment. The examining magistrate instructed Servet to answer in the affirmative or in the negative to the questions put to him. The accused's cunning answer was to evade the instruction. He argued that he could only defend himself against the charges with long and detailed explanations. The prosecutor general responded to this argument with two indictments. The Geneva authority wrote to the Viennese authority on 21 August 1553.<sup>14</sup> It sought

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<sup>14</sup> Letter from the Lords of Geneva to the General Court of Vienne. “*To the noble, wise, respectable and Grand Viceroy and magistrates, and to the King's other men at the Court of Vienne, which is good for our neighbours and dear friends. Noble, wise, respectable, and noble gentlemen, we offer ourselves to you with all our heart. Your Lords! We have in our prison a man named Michael Servet, whom we have heard that you have captured and arrested in your city of Vienne. but he left prison without saying goodbye to you, he just broke it. Since we find him guilty and charged with sin, we cannot, in any case, sufficiently know from him or anyone else of the things for which you have rigorously arrested him. We think and see that this could not have happened without cause, and surely you have testimony and information against him that he really deserved to be punished, and if he had not escaped, you would have done your duty well. Since it is in our hands, and we desire that we may do our duty against the truth as against him, we present to you with our servant our present petition to ask you in this way, for, as you know, in such matters every justice must help the other,- you should give us copies of the evidence, information, and injunctions you have against him, in order that you may help us to settle the matter, just as you may wish that in a similar we would, more*”

to obtain certified copies of the indictment and the arrest warrant. On 31 August the Vienne tribunal replied by letter. They sent the death sentence against Servet and requested his extradition so that it could be carried out.<sup>15</sup>

At the seventh hearing, the Geneva Council gave to Servet a decision. He had two options to choose from. Return to the town of Vienne, where he would be burned at the stake, or leave his fate to the Geneva justice system. According to the record of the interrogation, Servet asked the small council to allow him to stay in Geneva and leave his fate to the Geneva tribunal. The hearing was attended by Calvin, who was taking part in the trial against Servetus for the second time. He refuted Servetus' claims against the divinity of Christ with theological arguments.

The small council ordered both Calvin and Servet to submit their theological arguments on paper to the judge. The written arguments were followed by an oral debate between Calvin and Servet. During the interrogation, the Libertine leaders Berthelier and Perrin launched an attack on Calvin and his associates in an attempt to improve Servetus' position. After the debate, Servetus asked for the opinion of other Swiss churches on the trial. Calvin summarised Servet's erroneous teachings in 38 theses under the title:

*"Assertions or propositions taken from the books of Michael Servetus, which, according to the ministers of the church of Geneva, are partly evil and blasphemous, and partly full of impious errors and mad doctrines, which are quite at variance with the word of God and the doctrine of the true church."*  
(Kováts, 1909, p. 58)

Calvin's 38 theses were answered by Servet. He proclaimed and proved with conviction that the name "Son" everywhere in the Bible means "son of man". He

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*than anything we can do. In anticipation of this, we ask God to bless you with happiness. Geneva, 1553. August 22."* (Kováts, 1909, pp. 47-48)

<sup>15</sup> Reply of the tribunal of Vienne to the gentlemen of Geneva. *"To the noble, learned, respectable, grand and respectable syndicalist Lords and the Council of Geneva, Geneva. Gentlemen! about one o'clock yesterday afternoon, we received the letter which you deigned to write to us, containing the notice of the capture of Servet Michael of Villeneuve in your prison. We would like to thank you very much for the notification. To this end, in addition to the letter which we are pleased to present to your envoy, we send to you the inspector and captain of the royal palace of Vienne, with our letter of authorization and a copy of the final judgment against Villen [...], to humbly ask you, since he was a resident of the King's country, and the crimes for which he was convicted in the King's lands and escaped from our prison, and thus still our prisoner, to hand him over. to carry out the sentence, the execution of which will punish him so much that there will be no need to press any other charges against him. Regarding what you have deigned to write: let us send you a copy of the dust to be executed there-given the judgment we believe you have not been aware of until now-we ask you to forgive us if we cannot allow or agree to a different judgment based on our files and procedures. Otherwise, if you would agree, we would be rebuked by the king, who, we are sure, would be very pleased if you sent Villeneuve back. By doing so, you would show that the judgment of his authorities is also effective in your opinion. You would also wish that your judgment be carried out in a similar case. I pray, we ask you again with this letter to listen to the inspector and to do what all justice is due to the other. Where, gentlemen, it will be possible for us, in such a case, or even more so, to reciprocate, we will do so willingly and with such a good heart, as we humbly offer our respects to you. We ask the creator to guard you. Vienne, 1553. on the twenty-sixth of August, Saturday evening. Due to the absence of the deputy governor, we could not send this Letterman first. Your neighbour, brothers and friends: deputy governor and Procurator of the king in the capital city of Vienne. At the behest of my lords, the deputy governor and the prosecutor, Chassalis is a court clerk."* (Kováts, 1909, pp. 73-74)

called Calvin an errant, a magician and a disciple of Simon the Magician. He called Calvin a murderer and a miserable beggar as a representative of paganism and the doctrines of the devil. In his rebuttal to Servet, Calvin called his opponent a liar and a cheeky liar. He submitted the three documents to the small council. At its meeting on 3 September, the small council decided to submit the Servet case to the Swiss churches and town councils for their opinion. On 21 September the letters were sent to the city councils and churches of Schaffhausen, Zurich, Bern and Basel. At the request of the Geneva Council, the other Swiss city councils and churches discussed the Servet case and the theological views it represented. The city councils of Schaffhausen and Zurich asked for the opinion of the pastors, who expressed their views as follows:

*"We are sure that you will use your wisdom to suppress Servet's efforts, lest his blasphemies continue to destroy the members of the body of Christ like cancer. Why do we tolerate his madness for a long time? We all sign the condemnation of the servants of the Church of Zurich, our beloved brethren in Christ [...]"*  
(Kováts, 1909, p. 100)

The Bern City Council consulted the clergy. In their response, the pastors expressed their opinion: *"We ask God to give you the spirit of his wisdom, counsel and strength to remove this pestilence from your churches and from other churches."* (Kováts, 1909, p. 112) The city council of Basel, together with the clergy, stated emphatically what our brethren in Zurich have clearly and scientifically stated, it is unnecessary to repeat, we fully agree. The Genevese were asked:

*"[...] to make us steadfast and unyielding in the face of Satan's attacks and terrible scandals." They were assured that Servetus should be persuaded to recant his doctrines, "and if he should be incorrigible in his destructive work, by your authority and by the power you have received from the Lord, restrain him, that he may no longer harm the Church of Christ [...]"* (Kováts, 1909, p. 115)

The councils and pastors of the towns were unanimous in their opinion that the attempt to subvert public order and the peace of the Church must be stopped.

#### 4. The conviction and execution of Michael Servet

The Servet trial also involved Calvin in the city council. Michael Servet's *Christianismi Restitutio*, published in 1553, was considered dangerous, denying the Trinity and rejecting infant baptism, and was accused of heresy by Calvin. His role in the Servetus controversy is mentioned in his *Defensio orthodoxae fidei de sacra Trinitate* (Calvinus, 1554).

Calvin proclaimed with deep conviction that the heretic, antitrinitarian Michael Servet was worthy of the death sentence. Calvin was invited by the city council

to participate as an expert witness in the theological debate. He later appeared as a witness during the trial. His views, which coincided with those of Thomas Aquinas on heresy, were considered in the death sentence:

*"[...] if he is yet stubborn, the Church no longer hoping for his conversion, looks to the salvation of others, by excommunicating him and separating him from the Church, and furthermore delivers him to the secular tribunal to be exterminated thereby from the world by death."* (Aquinas, 1947, p. 2755)

The Council of Geneva considered the doctrines preached by Michael Servet dangerous not so much from a theological point of view but from a political and social one. In particular, the rejection of infant baptism made them dangerous. Because of his anabaptist views, he maintained that no one could be held responsible for sins committed before the age of twenty. The question of the absence of moral responsibility and the idea of its illusory nature met with emerging libertine views. To legitimise all this in the church and in moral life would have had irreversible consequences.

The Servet case had an important legal element that contributed greatly to the creation and development of the Servet case. This was the *Constitutio Criminalis Carolina* and the imperial right it guaranteed. Sentenced to death and persecuted by the Inquisition, Servet was captured in Geneva. Under imperial law, the city of Geneva was also under the criminal jurisdiction of Emperor Charles V, which was in force from 1532 to 1870 (Oestmann, 2015). The citizens of Geneva were therefore obliged to bring a suit against the captured Servetus and to condemn him for the forbidden heresy (Huszár, 2009, p. 112).

After his arrest, the Roman Catholic and universal Catholic Church in Vienna, France, put great pressure on the Geneva Council to convict him of heresy. If he had not been condemned in Geneva, the Catholics could have been accused of having really unleashed heretics on Europe through the Reformation. Servet had entered into communion with the religious movement that had previously caused religious and social tensions in Zurich, Münster and Strasbourg. By preaching his doctrines, he threatened the economic and social order of the city-state of Geneva, as well as its public peace and law and order. Based on a joint opinion of the cities, the Geneva Small Council charged Servet with blasphemy and incitement to public disorder. They declared him worthy of death at the stake.

He was condemned to death at the stake by the tribunal of the Council of Geneva on 25 October 1553. At 11 o'clock, the condemned man was escorted by two officials and Farel to the town hall, where a syndic read out the

sentence.<sup>16</sup> He received the sentence with a broken heart. According to Calvin's recollection:

*"[...] when the news of his sentence of death was brought to his notice, he was said to have been beside himself several times, and then to have risen up, so that the whole hall echoed with him, sometimes shouting like a man in a frenzy. He behaved like a madman. His shouting increased. Beating his chest, he kept shouting in Spanish: Mercy! Mercy!" (Kováts, 1909, pp. 121)*

He spent his last hours in the company of William Farel, who was endeavouring to convince Servetus of the error of his teaching. Servetus stubbornly held fast to his theological convictions.

The lengthy judgment consisted of two parts. The first contained the facts, the list of crimes. The second part established the guilt. After a brief moral reasoning, it pronounced the sentence and the provision for its execution. Among his sins were his work against the Trinity, his anti-Trinitarian declarations, Christ not being the Son of God from eternity but only from his incarnation, his theological view contrary to infant baptism, his accusation of the churches of Geneva of being without faith and without God, his causing a schism of faith and church in Geneva, his spreading heresy in Switzerland and throughout Europe. On 27 October 1553, the city council of Geneva carried out the sentence and burned Michael Servet and his books at the stake on the highest hill of Champel (Selderhuis, 2009, pp. 161-162).

## 5. Conclusion

One of the most controversial cases of religious freedom in the history of the city of Geneva was the trial of Michael Servet. With the trial and execution of the Spanish polymath Michael Servet in 1553, the city of Geneva became a citadel

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<sup>16</sup> The verdict against Servet. *"We, the syndicates and criminal judges of this city, having seen, on the charge of our investigator, Michael Servet of Villeneuve, of Aragon, Spain, the dust brought against you and carried out before us, from which, as well as from your confessions which have been voluntarily presented to us and repeated several times, as well as from your books presented to us, it seems and seems that you, Servet, have for a long time spread false and quite heretical doctrines, setting aside all admonitions, chastisements, evil, ungodly with stubbornness, steadfastness, you spread them, even printed widely circulated books God, against the father, the son and the Holy Spirit, in short, against the true foundations of the Christian religion. By doing so, you sought to create a schism and confusion in the Church of God, so that more souls could be ruined and lost. It's a terrible, terrible, shocking and blinding thing! Have you not been ashamed, have you not shied away from turning completely against the divine majesty and the Holy Trinity? You have regretted neither the tiredness nor the obstinate reasoning that you have stained the world with your heresies and your stinking heretic poison. It is a grave, abominable heretical crime and transgression that deserves harsh corporal punishment. Based on these and other justifiably outrageous reasons, desiring to clean the kingdom of God from such a blight and to cut such a depraved member out of it: - after having consulted thoroughly with our fellow citizens and invoked the name of God to pass a just judgment, bearing in mind God and his Scripture, - we have sat law in the place of our ancestors. In the name of the father, the son, and the Holy Spirit, let us pronounce this final judgment, which we give in writing, that you, Michael Servet, may be bound, taken to the field of Champel, and there bound to a stake, and burned alive with your written and printed books, until your body becomes Ashes. This is how your days end, to give an example to others who would want to commit such a sin. And you, our judge of inquiry, are ordered to carry out our present sentence. Read by Darlod Syndic 1553. October 27."* (Kováts, 1909, pp. 123-124)

of intolerance. John Calvin played an important role in this (Pásztori-Kupán, 2009, p. 263).<sup>17</sup>

The conditions in Geneva and Calvin's role as a reformer are described by the British historian Henry Kamen when he says:

*“Calvin called the Reformation back to its true mission. In contrast to the practice of other reformers, he stressed the complete independence of Church and State, but also their interdependence. [...] After his return to Geneva in 1541, he persuaded the authorities to accept his Order as a form of religious government. [...] This theoretical autonomy of the Church was to some extent deceptive. The state still intervened in religious discipline through the lay members of the consistory, which governed the church but had no coercive power. [...] thus began, with the help of the state authorities, the [military] religious command which made Geneva a beacon of intolerance. [...] Despite their theoretical autonomy, the Church and the State obviously had to work closely together. [...] On one occasion, a nun was prosecuted for kneeling by her husband's grave and saying: 'Requiescat in pace'. Under Calvin's influence, the [city] council took numerous measures on church matters, such as making attendance at church services compulsory. The civil and ecclesiastical powers thus joined forces to crush religious nonconformism. [...] The severity of Calvinist discipline is shown by the number of excommunications, which rose from 80 in the four-year period from 1551 to 1554 to over 300 in 1559 alone.”<sup>18</sup>*

Calvin became a spokesman for the impatient Protestants of the 16th century with his *Declaratio Orthodoxae Fidei*, published in 1554 in both Latin and French. For the moment, the only example quoted from this work reflects the reformer's views and positions on religious freedom and religious tolerance.<sup>19</sup> In

<sup>17</sup> Pásztori-Kupán, István: *Teokratikus Tolerancia? A Tordai vallásbéke teológiai üzenete*, in *Keresztény Magvető*, Vol. 115. No. 2. 2009. p. 263.

<sup>18</sup> *“Calvin recalled the Reformation to its proper mission. In opposition to the practice of the other reformers, he emphasised the complete independence, and yet interdependence of Church and State. [...] On his return to Geneva in 1541 Calvin persuaded the authorities to accept his Ordinances as the form of government in religion. [...] This theoretical autonomy of the Church was in some measure deceptive. The State still intervened in religious discipline through lay members of the Consistory, which governed the Church but had no coercive jurisdiction. [...] So began, with the aid of the State authorities, a system of religious regimentation which turned Geneva into a by-word for intolerance [...]. There was clearly to be close cooperation between Church and State, despite their theoretical autonomy. [...] In one case a woman was prosecuted for kneeling by her husband's grave and saying, 'Requiescat in pace'. Under Calvin's influence the Council also initiated several proceedings touching religious matters, such as the enforcement of the rules about attending sermons. Civil and ecclesiastical authority therefore combined to crush religious nonconformity. [...] The rigour of Calvinistic discipline is illustrated by the number of excommunications, which rose from only 80 for the four years 1551-4, to over 300 in 1559 alone.” (Kamen, 1967, pp. 51-52)*

<sup>19</sup> *“Let our compassionate ones, who enjoy leaving heresies unpunished, see now how much their imagination does not conform to God's command. Out of fear that the church might not be criticized for its excessive severity, they would tolerate the spread of all kinds of error in the defence of one man. God, however, does not favour entire cities or peoples, but rather, as a sign of his utter contempt, fearing the spread of infection, he destroys the walls, erases the memory of the inhabitants, and turns everything upside down. It even tells us that by concealing sin, we become accomplices. This is not surprising, for it is a rejection of God and his Holy teaching, which corrupts and defiles all human and divine rights.” (Calvin, 1554)*

his work he develops the idea that tolerance is nothing more than the toleration of heresy. He is convinced that toleration of heretical teachings is a crime against God, because they are against God's teaching. He proclaimed that heresies must be eradicated because they corrupt and desecrate both human and divine law (Calvin, 1554).

From a political and legal point of view, Calvin could not intervene in the conduct of the Servet trial, given that the Council of the Church in Geneva did not have public authority in criminal matters (Magyar, 2012). Calvin himself formulated the powers of the Geneva Church Council in his collection of *Ordonnances Ecclesiastique* from 1541, according which:

*"[...] the pastors shall have no part in civil or criminal justice, and shall wield only the spiritual sword of the Word of God [...] and the consistory shall in no way diminish the authority and judicial power of the authority [...]"* (Nagy, 1959, p. 339).

However, he greatly influenced the outcome of the Geneva judiciary and the decision of the tribunal as a requested witness and theological expert. He supported the Michael's Servet dismissal and execution from a theological point of view and considered it justified.<sup>20</sup>

The stakes were very high because of the political, social and ecclesiastical controversies generated by the Servet trial. The trial against Servet, initiated by Calvin, was not only a defence of the Church of Geneva, but of Christianity as a whole (van't Spijker, 2003, p. 87). If Servet had not been condemned, there was a danger that the doctrines he was spreading would have spread throughout Europe. The town council used the *Corpus Juris Civilis*, the civil code of the Byzantine emperor Justinian (482-565), which made the dogma of the Trinity an important component of the Christian faith, to bring the case against Servetus (Glatz, 2000, pp. 382-383). The Code stated that anyone who preached doctrines contrary to this dogma was an enemy of the Christian community. The execution of the antitrinitarian Michael Servet became a necessity in the social and legal context of the 16th century. The acceptance of religious freedom and religious tolerance and their guarantee by the Geneva Laws was still to come.

In 1554, Sebastian Castellio (1515-1563) published his "*De haereticis an sint persequendi*" (Castellio, 1554), a work based on the trial and execution of Servetus. He became known as a defender of religious tolerance in Western European countries (van't Spijker, 2003, p. 87). He advocated persecution of

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<sup>20</sup> According to historian Alister McGrath, "*the sixteenth century knew nothing of the recent objections to the death penalty; they were still a legitimate and effective method of getting rid of undesirable persons and of deterring their followers sufficiently. The city of Geneva was no exception: since there was no institution capable of serving longer terms of imprisonment (for a shorter period before the trial the suspects were taken prisoner at their own expense), two major punishment options remained: exile and execution.*" (McGrath, 1996, p. 128)

heretics and religious freedom and interpreted religious tolerance. Sebastian Castellio, in his treatise “On Heresy”, addressed the problem of religious freedom and the persecution of religious tolerance.<sup>21</sup> In the work, he proclaimed that heresy should not be punished with either ecclesiastical or civil penalties. Faith and religious beliefs are free and should not be coerced (Cadier, 1994, p. 154). In making this statement, he referred to the Servet trial and its consequence.

Who was right: Castellion or Calvin? Castellio was right, given the terrible jurisprudence. No one should have been condemned for the free expression of thought and opinion. As far as the teaching of the Church was concerned, Calvin was right. Michael Servet was wrong in his opposition to biblical and ecclesiastical teaching. In the spirit of the 16th century, the spreading of his false teaching had to be stopped at all costs, and he had to be sentenced to death according to the legal custom of the time and the ecclesiastical laws. Before the sentence was pronounced, Calvin said to him: “*I hope he will be condemned to death, I wish to mitigate the cruelty of the punishment.*” (Pruzinszky, 1909, p. 263)

What happened in the Servet trial: justice or the free rampage of religious fanaticism? We can say that both combined to strike Servet and make him a martyr of religious intolerance. In answering this question, L. Feuerbach identified the second factor as the cause and result of the Servet trial. It was therefore in no way personal hatred, even if it might have played a part, but religious hatred that sent Servet to the stake, the hatred that springs from the essence of an unlimited faith (Feuerbach, 1961, p. 410). The famous work of the philosopher John Locke (1632-1704), “A Letter Concerning Toleration”, published in 1689, was only a philosophical approach to religious freedom (Locke, 1973). The issue of religious freedom was not put into practice. Achievements like religious freedom and religious tolerance in Transylvania and Poland were not made in Geneva until the late 18th century, because of the Declaration of the French Revolution on Human Rights.

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<sup>21</sup> Discussing tolerance, he argued that “*seeking and uttering the truth as we think it can never be a sin. No one can be imposed on a conviction, for the conviction is free the dogmas for which Christians mutually excommunicate and kill each other are quite indifferent in themselves and do not improve men. The judgment of the spiritual does not belong to men, but to God alone.*” (Guggisberg, 1997, p. 45)



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