

John Calvin on Marriage and Family Life

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John Calvin transformed the Western theology and law of sex, marriage, and family life. Building on a generation of Protestant reforms, Calvin constructed a comprehensive new theology and law that made marital formation and dissolution, children's nurture and welfare, family cohesion and support, and sexual sin and crime essential concerns for both church and state. He drew the Consistory and Council of Geneva into a creative new alliance to guide and govern the reformation of the intimate domestic sphere.

Under the inspiration of Calvin and his fellow reformers, the Genevan authorities outlawed monasticism and mandatory clerical celibacy, and encouraged marriage for all adults who had the freedom, fitness, and capacity to marry. They set clear guidelines for courtship and engagement and firm restrictions on pre-marital sex and consortium. They mandated parental consent, peer witness, church consecration, and state registration for valid engagement and marriage promises. They truncated the impediments to engagement and marriage and streamlined and opened up the procedures for annulment. They made public church weddings mandatory and prepared a new marital liturgy heavy with biblical instruction and congregational participation. They reformed the laws of marital property and inheritance, dowry and dower rights, guardianship and adoption. They created new rights and duties for fiancées before their weddings, for wives within the bedroom, and for children within the household. They introduced absolute divorce on grounds of adultery and malicious desertion, and allowed innocent husbands and wives alike to sue for divorce, custody, and alimony. They encouraged the remarriage of divorcées and widow(er)s. They punished adultery, rape, fornication, prostitution, sodomy, and other sexual felonies with growing severity. They put firm new restrictions on dancing, sumptuousness, ribaldry, obscenity, and dissolute songs, literature, and plays. They put firm new stock in catechesis and education of children, and created new schools, curricula, and teaching aids for boys and girls. They provided new sanctuaries and opportunities for illegitimate, abandoned, and abused children. They created new protections and provisions for abused wives, impoverished widows, and ravished maidens. Many of these reforms introduced by Calvin and his colleagues in sixteenth-century Geneva were echoed and elaborated in numerous Protestant communities, eventually on both sides of the Atlantic. A good number of these reforms found their way into modern civil law and common law traditions as well.¹

¹ This is the main thesis of John Witte, Jr. and Robert M. Kingdon, *Sex, Marriage and Family in John Calvin's Geneva*, 3 vols. (Grand Rapids, 2005-) [hereafter SMF]. See also Robert M. Kingdon, *Adultery and Divorce in Calvin's Geneva* (Cambridge, Mass., 1995); John Witte, Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville, 1997); Cornelia Seeger, *Nullité de mariage divorce et séparation de corps a Genève, au temps*

What made this Calvinist reformation of marriage and family life so resolute and resilient was that it was a top-to-bottom reformulation of ideas and institutions, theology and law, learning and living. Calvin set out many of these reforms in new statutes that he drafted on his own or with others -- the 1541 Ecclesiastical Ordinances, the 1542 Marriage Liturgy, the 1543 Ordinance on Civil Offices, the 1546 Marriage Ordinance, the 1546 Ordinance on Child Names, and more than 150 other amendments and new statutes on point issued before his death in 1564.² Calvin and his colleagues applied and adapted these statutes in hundreds of marriage and family cases that came before the Geneva Consistory each year.³ He set out his theological reforms in rich sermons, commentaries, and systematic writings that were echoed and elaborated by a whole army of Reformed preachers and theologians in succeeding decades. He set out his pastoral advice in hundreds of public consilia and private letters that ultimately catalyzed a whole industry of later Protestant household manuals. And Calvin did not work and write alone. He had brilliant allies in Theodore Beza, Germain Colladon, Guillaume Farel, François Hotman, Pierre Viret, and others, who were indispensable to the enduring success of the Calvinist reformation of marriage and family life.

The Covenant of Marriage

In his early years, Calvin set out many of these reforms in piecemeal fashion, laying particular emphasis on the legal aspects of these reforms. Only in the last fifteen years of his life did he begin to weave these piecemeal reforms into a more comprehensive theology and jurisprudence of marriage, many parts of which his successor Theodore Beza helped to complete and systematize in the later 1560s.⁴

The doctrine of covenant provided the organizing idiom for much of Calvin's reformation of marriage and family life. Particularly in his later years, Calvin noted how often the Old Testament uses the term "covenant" to describe marriage. Yahweh's covenantal relationship with Israel is frequently analogized to the special relationship between husband and wife. Israel's disobedience to Yahweh, in turn, is frequently described as a form of "playing the harlot." Idolatry, like adultery, can lead to divorce, and Yahweh threatens this many times, even while calling his chosen people to reconciliation. This set of images

de Calvin: Fondements doctrinaux, loi et jurisprudence (Lausanne, 1989); Walter Köhler, *Zürcher Ehegericht und Genfer Konsistorium*, 2 vols. (Leipzig, 1942).

² In CO 10/1:5-153; *Les sources du droit du canton de Genève*, ed. Emile Rivoire and Victor van Berchem, 4 vols. (Aarau, 1927-1935).

³ See *Registers of the Consistory of Geneva in the Time of Calvin*, 21 vols. gen. ed. Robert M. Kingdon, trans. M. Wallace McDonald (Grand Rapids, 2000-); *Registres du Consistoire de Genève au Temps de Calvin*, gen. ed. Robert M. Kingdon gen. ed. (Geneva, 1996-), with unpublished transcription in the Meeter Center, Calvin College and Seminary. See also *Registres de la compagnie des pasteurs de Genève au temps de Calvin*, ed. Jean-Francois Bergier and Robert M. Kingdon, 2 vols. (Geneva, 1964).

⁴ See esp. Theodore Beza, *De repudiis et divortiis* (Geneva, 1569), reprinted in id., *Tractationum Theologicarum*, 2d ed. (Geneva, 1582), 2:50-103.

comes through repeatedly in the writings of the Prophets: Hosea (2:2-23), Isaiah (1:21-22; 54:5-8; 57:3-10; 61:10-11; 62:4-5), Jeremiah (2:2-3; 3:1-5, 6-25; 13:27; 23:10; 31:32), and Ezekiel (16:1-63; 23:1-49). Between 1551 and 1564, Calvin preached, commented, or lectured on every one of these texts (except Ezekiel 23), and drew from them many modern day lessons for marriage and divorce.⁵

Proverbs 2:17 and Malachi 2:14-16 also speak about marriage as a covenant in its own right.⁶ Analyzing these two passages, Calvin used the doctrine of covenant to describe not only the vertical relationships between God and man but also the horizontal relationships between husband and wife. Just as God draws the elect believer into a covenant relationship with Him, Calvin argued, so God draws husband and wife into a covenant relationship with each other. Just as God expects constant faith and good works in our relationship with Him, so God expects connubial faithfulness and sacrificial works in our relationship with our spouses.⁷ "God is the founder of marriage," Calvin wrote. "When a marriage takes place between a man and a woman, God presides and requires a mutual pledge from both. Hence Solomon in Proverbs 2:17 calls marriage the covenant of God, for it is superior to all human contracts. So also Malachi [2:14] declares that God is as it were the stipulator [of marriage] who by his authority joins the man to the woman, and sanctions the alliance.... Marriage is not a thing ordained by men. We know that God is the author of it, and that it is solemnized in his name. The Scripture says that it is a holy covenant, and therefore calls it divine."⁸

God participates in the formation of the covenant of marriage through his chosen agents on earth, Calvin believed. The couple's parents, as God's "lieutenants" for children, instruct the young couple in the mores and morals of Christian marriage and give their consent to the union.⁹ Two witnesses, as "God's priests to their peers," testify to the sincerity and solemnity of the couple's promises and attest to the marriage event.¹⁰ The minister, holding "God's spiritual power of the Word," blesses the union and admonishes the couple and the community of their respective biblical duties and rights.¹¹ The magistrate, holding "God's temporal power of the sword," registers the parties, ensures the legality of their union, and protects them in their conjoined persons and

⁵ Comm. Isaiah 1:21-22; 54:5-8; 57:3-10; 61:10-11; 62:4-5 (1551); Serm. Deut. 5:18, 22:22 (1555); Comm. Harm. Gospel Luke 1:34-8 (1555); Comm. Ps. 16:4, 45:8-12, 82:1 (1557); Lect. Hosea 1:1-4, 2:19-20, 3:1-2, 4:13-14, 7:3, 9-10 (1557); Lect. Zec. 2:11, 8:1-2 (ca. 1560); Lect. Mal. 2:13-16 (ca. 1560); Lect. Jeremiah 2:2-3, 25; 3:1-5, 6-25; 13:27; 23:10; 31:32, 51:4 (1563); Comm. Harm. Law Deut. 11:26-32 (1563); and Lect. Ezek. 6:9, 16:1-63 (1564).

⁶ Lect. Mal 2:14-16; Calvin did not preach or comment on Proverbs, but he referred to this text several times in his other writings.

⁷ Comm. Eph. 5:22; Serm. Deut. 5:18.

⁸ Serm. Eph. 5:22-26, 31-33.

⁹ Comm. Harm. Law Lev. 19:29; Serm. Deut. 5:16; Comm. and Serm. 1 Cor. 7:36-38; Comm. and Serm. Eph. 6:1-3. See detailed analysis of parental consent cases in SMF 1:164-201.

¹⁰ Comm. 1 Thess. 4:3; Comm. 1 Peter 2:9; Institutes (1559), 4.18:16-17.

¹¹ Serm. Eph. 5:31-33. See detailed analysis of the new wedding liturgy in SMF 1:445-480.

properties.¹² This involvement of parents, peers, ministers, and magistrates in the formation of the marriage covenant was not an idle or dispensable ceremony. These four parties represented different dimensions of God's involvement in the marriage covenant, and were essential to the legitimacy of the marriage itself. To omit any such party in the formation of the marriage was, in effect, to omit God from the marriage covenant.

The doctrine of covenant helped Calvin to integrate the marital formation rules set out in his 1546 Marriage Ordinance -- mutual consent of the couple, parental consent, two witnesses, civil registration, and church consecration. It also provided his standing response to the centuries-long problem of secret marriages that Calvin and his colleagues worked hard to stamp out in Geneva. Marriage was, by its covenantal nature, a public institution, a communal undertaking. To marry secretly was to defy the very nature of marriage.

God participates in the maintenance of the covenant of marriage not only through the one-time actions of his human agents, but also through the continuous revelation of His natural or moral law. The covenant of marriage, Calvin argued, is grounded "in the order of creation," "in the order and law of nature."¹³ By nature, the man and the woman enjoy a "common dignity before God" and a common function of "completing" the life and love of the other.¹⁴ Before marriage, they stand at arms length, each entitled to give, withhold, or condition their consent to move forward, each expected to bring property and purpose to the budding union, each responsible for the costs and consequences of any premarital experimentation. Through marriage, husband and wife are "joined together in one body and one soul," but then assigned "distinct duties" and "different authorities."¹⁵ God has appointed the husband as the head of the wife. God has appointed the wife, "who is derived from and comes after the man," as his associate and companion -- literally his "help meet."¹⁶ "The divine mandate" of creation, said Calvin, "was that the husband would look up in reverence to God, the woman would be a faithful assistant to him, and both with one consent would cultivate a holy, friendly, and peaceful intercourse."¹⁷

Calvin grounded various rules against illicit sexual unions in this created structure of the marital covenant. Marriage was created as a heterosexual monogamous union presumptively for life -- a permanent joining of two opposites, "male and female," who have the physical capacity and natural inclination to unite in love. Calvin condemned as "monstrous vices" sodomy, buggery, bestiality, homosexuality, and other "unnatural" acts and alliances -- arguing cryptically that

¹² See detailed texts in SMF, 1:399-413.

¹³ Letter, CO 10/2:258; Comm. and Lect. Gen. 2:18; Serm. Deut. 24:1-4; Lect. Mal. 2:14-15; Comm. Harm. Gosp. Matt. 19:3-9; Consilium, CO 10/1:239-241.

¹⁴ Comm. and Lect. Gen. 1:27-28.

¹⁵ Comm. and Lect. Gen. 2:18, 22.

¹⁶ Comm. and Lect. Gen. 2:18; Comm. and Serm. 1 Cor. 9:8, 11:4-10.

¹⁷ Comm. and Lect. Gen. 2:18.

to "lust for our own kind" or "for brutes" was "repugnant to the modesty of nature itself."¹⁸ He condemned marriages between older men and younger women, and vice versa, fearing that the younger party would materially exploit the older, and the older party sexually defraud the younger.¹⁹ He condemned at length incestuous unions between various blood and family relatives proscribed by the Mosaic and natural law -- arguing that God had prohibited such unions to avoid the discord, abuse, rivalry, and exploitation among those who were "too close" and adducing all manner of Old Testament stories to drive home his point.²⁰

Calvin condemned, at even greater length, the traditional Hebrew practice of polygamy, which had again become fashionable again in a few quarters of Protestant Europe. To allow polygamy, Calvin argued, is to ignore the biblical story of creation and redemption. God could have created two or more wives for Adam. But he chose to create one. God could have created three or four types of humans to be the image of God. But he created two types: "male and female he created them."²¹ In the law, God could have commanded his people to worship two or more gods, but he commanded them to worship one God.²² In the Gospel, Christ could have founded two or more churches to represent him on earth, but he founded one church.²³ Marriage, as an "order of creation" and a "symbol of God's relationship with his elect," involves two parties and two parties only. "[W]hoever surpasses this rule perverts everything, and it is as though he wished to nullify the very institution of God," Calvin concluded.²⁴ Beza later elaborated Calvin's thoughts in a book-length diatribe against polygamy.²⁵

Calvin saved his greatest thunder for the sin of adultery, which he saw as the most fundamental violation of the created structure of the marital covenant. He read the Commandment against adultery expansively to outlaw various illicit alliances and actions, within and without the marital estate. Within marriage, the obvious case of adultery was sexual intercourse or any other form of lewd sexual act with a party not one's spouse. Calvin regarded this form of adultery as "the worst abomination," for in one act the adulterer violates his or her covenant bonds with spouse, God, and broader community.²⁶ "It is not without cause that

¹⁸ Comm. Gen. 19:4-9; Comm. Harm. Law Ex. 22:19, Lev. 18:22, 20:13-16, Deut. 27:16; Serm. Deut. 22:13-24.

¹⁹ Letter CO 11:130-132; Comm. Harm. Law Ex. 21:13; Comm. Gen. 25:1-2. See also letters and cases in SMF, 1:280-309.

²⁰ Comm. Gen. 20:18, 26:1-11, 29:15-30; 34:1-31, 35:22, 38:8-11, 12-30; Comm. Harm. Law Ex. 2:1, 6:14-30, 18:6-18, 20:11-24; Serm. Deut. 27:16-23; Serm. 2 Sam. 13:1-4; Comm. Harm. Gosp. Matt. 22:23-33, Mark 12:18-27, Luke 20:27-40; Serm. and Comm. I Cor. 5:1-4; Consilia, 10/1:231-238, with detailed analysis of these and other documents in SMF 1:310-353.

²¹ Comm. and Serm. Gen. 1:27, 2:18-24.

²² Serm. Deut. 21:10-14; Comm. Harm. Law Ex. 20:3-6.

²³ Comm. and Serm. Eph. 5:31.

²⁴ Lect. Mal. 2:14-16.

²⁵ Theodore Beza, *Tractatio de Polygamia, et divortiis: in qua et Ochini apostatae pro polygamia ... refutantur* (Geneva, 1568), reprinted in *Tractationum Theologicarum*, 2:1-49.

²⁶ Comm. Harm. Law Lev. 20:10, 22:22-27.

marriage is called a covenant with God," Calvin thundered from his Geneva pulpit. "[W]hen a husband breaks his promise which he has made to his wife, he has not only perjured himself with respect to her, but also with respect to God. The same is true of the wife. She not only wrongs her husband, but the living God."²⁷ "She sets herself against His majesty."²⁸ Calvin advocated harsh punishment for adulterers, even execution in notorious cases, but also sought to balance any punishment with the ongoing needs of the innocent spouse and children if the parties were later divorced.

Calvin regarded the separation of husband and wife to be tantamount to adultery as well. Husband and wife "must live together and stay together till death," he wrote.²⁹ Any separation, beyond what was necessary for a spouse to carry out family, work, or military duties, "is close to the appearance of adultery," particularly "if it is prompted by caprice or sexual desire."³⁰ Any abandonment of one's spouse is doubly suspect, especially if it is done angrily or maliciously. Calvin pressed this argument not only because virile spouses, left on their own, might be tempted to adultery. He was also concerned that such separations violated God's literal command that husband and wife unite together in soul, mind, and body. "If the nature of marriage is such, ... a married man is only half a person, and he can no more separate himself from his wife than cut himself into two pieces."³¹

Calvin thus opposed the traditional legal remedy of separation from bed and board, and he built this into his 1546 Marriage Ordinance and his rulings on the Consistory bench. He stood even more firmly opposed to the new Genevan fashion of couples separating to avoid enmity or to enhance convenience.³² He ordered separated couples to reconcile with each other, deserting spouses to return their homes and marital beds, abandoned spouses to forgive the desertion. And he included elaborate procedures in his 1546 Marriage Ordinance to facilitate the same. Where reconciliation proved impossible, Calvin regarded the marriage as dissolved by reason of the presumed adultery of one party, rather than perpetuated without the cohabitation of both parties.³³

For Calvin, the Commandment against adultery was equally binding on the unmarried, and equally applicable to both illicit sexual activities per se, and various acts leading to the same. Calvin condemned fornication sternly -- sexual intercourse or other illicit acts of sexual touching, seduction, or enticement by non-married parties, including those who were engaged to each other or to others. He decried at length the widespread practice of casual sex, prostitution,

²⁷ Serm. Deut. 5:18.

²⁸ Serm. Eph. 5:22-26.

²⁹ Comm. 1 Cor. 7:11.

³⁰ Consilium, CO 10/1:242-244.

³¹ Serm. Deut. 24:1-4.

³² Comm. 1 Cor. 7:11; Consilium, CO 10/1:242-244.

³³ Ibid.; Comm. Harm. Gosp. Matt. 19:9.

concubinage, pre-marital sex, nonmarital cohabitation and other forms of bed hopping that he encountered in modern day Geneva as well as in ancient Bible stories. All these actions openly defied God's commandment against adultery and should be punished by spiritual and criminal sanctions. Calvin preached against fornication constantly and portrayed everything from an individual case of syphilis to a community's encounter with pestilence as God's retribution for the offense. He often led the Consistory in rooting out fornicators and subjecting them to admonition and the ban, and to fines and short imprisonment. And, if a couple's fornication led to pregnancy, he pressed hard for a shotgun wedding, assuming no impediment stood in the way of their marriage.³⁴

Calvin stretched the Commandment against adultery far beyond the sin of actual fornication. He tended to treat all manner of mildly sexual activities -- lewdness, dancing, bawdy gaming, sexual innuendo, coarse humor, provocative primping, suggestive plays and literature, and much more -- as forms of adultery, punishable by church and state.³⁵ He was especially eager to stamp out such sexually-charged conduct at wedding feasts, which were notorious in his view for their excessive food, drink, dancing, and seductive games.³⁶ Calvin would certainly not tie the dapper dancer and the swarthy whoremonger to the same stake for flogging or execution. He viewed these more attenuated forms of adultery as violations of milder criminal laws against sumptuousness, punishable by admonition and fines.

The Goods and Goals of Marriage

Marriage serves three main goods or goals, Calvin argued. It fosters the mutual love and support of husband and wife. It enables the licit procreation and nurture of children. And it protects both husband and wife from sexual sin and temptation.³⁷ Calvin and his colleagues drew a number of lessons from this core teaching -- for courting and married couples alike.

First, Calvin introduced a number of prudential norms for courtship. Citing the many biblical examples of hastily entered marriages gone bad, Calvin counseled against entering marriage with undue levity or lust. "Marriage is a thing too sacred to allow that men should be induced to it by the lust of their eyes," he wrote. We "profane the covenant of marriage" when "our appetite becomes brutal, when we are so ravished with the charms of beauty, that those

³⁴ Comm. Harm. Law Ex. 20:14, 17, 21, Lev. 18:20, Num. 5:11-31, Deut. 5:18, 21, Deut. 25:11-12; Serm. Deut. 5:18, 21; Serm. Deut. 21:15-17, Serm. Deut. 22:13-30; Serm. 2 Sam. 11:1-27; Lect. Comm. Hos. 3:2; Lect. Ezek. 16, 18:5-9; Comm. Harm. Gosp. Matt. 5:27-8; Comm. John 8:1-5, 11; Comm. 1 Cor. 6:13-19; Serm. and Comm. Eph. 5:3-7, 6:19-20; Comm. 1 Thess. 4:4-5.

³⁵ Serm. Deut. 22:5-8, 25-30; Serm. Eph. 5:3-5; Comm. 1 Pet. 3:3; Serm. Titus 2:3-5.

³⁶ Comm. Harm. Gosp. Matt. 22:1-4, Mark 6:17-29, Luke 14:1-24; Comm. John 2:1-11. See also statutes and cases in SMF 1:449-463.

³⁷ Comm. and Lect. Gen. 1:27-28, 2:18, 21-22; Comm. and Serm. 1 Cor. 9:11; Comm. and Serm. Eph. 5:22-31.

things which are chief are not taken into account."³⁸ Calvin laid out "those things which are chief" in his account of what he sought in his own wife: a woman of piety, modesty, and virtue, of comparable age, status and education. Physical beauty and virginity could certainly enter the calculus of courtship and marriage, Calvin allowed, but these attributes were not for him the most important.³⁹

Second, Calvin counseled fellow Reformed Christians strongly against courting or marrying unbelievers. Such unions were ill-advised, he insisted, for they jeopardized all three goods and goals of marriage. The unbeliever could not know the true meaning of love reflected in Christ, would not know how to raise children in the love of God, and might not resist the temptations to lust which marriage was supposed to remedy. Calvin did not regard differences in religion as an absolute bar to marriage -- let alone a ground for divorce. Reformed Protestants could marry Lutherans, Anabaptists, and other Protestants, as Calvin himself did in marrying Idelette de Bure, an Anabaptist. Reformed Christians should not, however, marry Catholics, Orthodox, Jews, Muslims, or unbelievers. Those who sought to enter such mixed marriages should be strongly dissuaded, though they could not be prevented from going forward. Parties who were already in mixed marriages, or whose spouses lapsed from the Reformed faith after the wedding, should remain together unless the unbelieving spouse became notoriously abusive.⁴⁰ Absent mortal peril to body or soul, believers should view such marital conditions as an opportunity for Christian evangelism, since "the piety of the believer sanctifies the marriage more than the impiety of the nonbeliever pollutes it."⁴¹ But if the non-believing spouse deserts the other, the abandoned spouse has no obligation to pursue or encourage that spouse to return.

Third, Calvin regarded sexual dysfunction as a serious impediment, for it vitiated all three purposes of marriage. Thus arranged engagements and marriages of young children, not yet capable of sexual function let alone marital love, were void, at least until the child reached maturity.⁴² Unions with eunuchs and others with permanent sexual injuries and disabilities were void, for such unions "completely obviate the nature and purpose of marriage."⁴³ Similarly unions with those suffering from permanent contagious diseases were void, for such conditions precluded safe sexual contact and endangered any children born of the same. The Geneva authorities annulled engagements and new marriages

³⁸ Comm. and Lect. Gen. 6:2.

³⁹ Ibid. and Comm. Gen. 29:18, with analysis of Calvin's courtship and matchmaking activities in SMF 1:94-118.

⁴⁰ See many examples in his letters analyzed in Charmarie J. Blaisdell, "Calvin's Letters to Women: The Courting of Ladies in High Places," *Sixteenth Century Journal* 13 (1982): 3; Nancy L. Roelker, "The Appeal of Calvinism to French Nobleswomen in the Sixteenth Century," *Journal of Interdisciplinary Studies* 2 (1970-71): 405.

⁴¹ Comm. and Serm. 1 Cor. 7:12-16.

⁴² Consilium CO 10/1:231-233. See further letters and cases in SMF 1:202-219.

⁴³ Consilium, CO 10/1:231.

where one party suffered from such a major impediment to normal sexual function, even if both parties wanted to remain together. It was a different matter, however, when one spouse in a longstanding marriage became sexually dysfunctional because of age, frailty, impotence, injury, or disease. In these cases, Calvin urged understanding and patience on the part of the other spouse, even if that party wanted out. Citing the oath that spouses remain together "in sickness and in health," he would hear nothing of concubinage, separation, or divorce as a remedy or a result of this later onset of sexual incapacitation.⁴⁴

Fourth, Calvin counseled married couples to retain a healthy sex life, even after their child-bearing years. "Satan dazzles us ...to imagine that we are polluted by intercourse," said Calvin. But "when the marital bed is dedicated to the name of the Lord, that is, when parties are joined together in his name, and live honorably, it is something of a holy estate."⁴⁵ For "the mantle of marriage exists to sanctify what is defiled and profane; it serves to cleanse what used to be soiled and dirty in itself."⁴⁶ Husband and wife should not, therefore, "withhold sex from the other" or "neglect or reject" one another after intimacy or intercourse.⁴⁷ Couples may forgo sex for a season, said Calvin echoing the traditional position on the "Pauline privilege." But such abstinence should occur only by mutual consent and only for a finite period -- lest one party be tempted to adultery by too long a wait.⁴⁸

If a couple proved barren, Calvin urged them to accept this as an opportunity to love otherwise. "We are fruitful or barren as God imparts his power," he wrote. Those who are barren should sponsor or adopt orphans, nurture and care for their nephews and nieces, or find other ways of serving the next generation.⁴⁹ Calvin would hear nothing of concubinage or surrogate motherhood as a viable alternative to sterility, despite the example of Abraham and other Old Testament figures. In taking Hagar as his concubine, "Abraham took a liberty" which God had not countenanced, Calvin believed, and his reward was the perpetual strife between Sarah and Hagar, Isaac and Ishmael, and their many descendents. This, for Calvin, was proof enough that concubinage was no viable option for the modern day.⁵⁰ Calvin would also hear nothing of divorce on grounds of sterility or barrenness. Procreation was only one created purpose of marriage, he counseled. Where it could not be achieved, a couple had to double their efforts to achieve the other purposes of mutual love and mutual protection

⁴⁴ Lect. and Comm. Gen. 2:22-24; Comm. and Serm. 1 Cor. 6:16; Consilia 10/1:231-233, 241-242; Comm. Harm. Gosp. Matt. 19:12. See analysis of statutes and cases in SMF 1:270-309.

⁴⁵ Serm. Deut 5:18.

⁴⁶ Ibid. and Serm. 1 Cor. 7:6.

⁴⁷ Serm. Deut. 22:13-18, 24:5-6.

⁴⁸ Ibid.; Comm. and Serm. 1 Cor. 7:3, 5; Comm. Harm. Gosp. Matt. 19:3-9, Mark 10:2-12.

⁴⁹ Lect. and Comm. Gen. 1:28; Comm. Ps. 127:3, 128:3; Comm. and Serm. 1 Tim. 5:14.

⁵⁰ Comm. Gen. 16:1-6; Comm. Harm. Gosp. Matt. 19:9.

from lust -- "treating each other with chaste tenderness" even where God would not bless them with children.⁵¹

Finally, Calvin used this understanding of the goods of marriage to deal with the hard questions of divorce on grounds of adultery and malicious desertion. While marriages should be stable and presumptively indissoluble, this presumption was overcome if either party betrayed the fundamental good of marital love by committing adultery or maliciously deserting the other. "Christ has allowed" the innocent spouse in these cases to seek divorce, and remarry thereafter if so inclined, said Calvin. If possible, the innocent spouse should try to reconcile with the wayward spouse -- following the example of St. Joseph's indulgence of the Virgin Mary when he first learned of her pregnancy.⁵² "Though God does not punish those who divorce on reasonable and lawful grounds, He meant that marriage should always remain inviolable."⁵³

Calvin believed that either the husband and the wife should be able to sue for divorce, and he made ample provision for this in his 1546 Marriage Ordinance: "[T]he right to divorce belongs equally and mutually to both sides for both have a mutual and equal obligation to fidelity. Though in other matters the husband is superior [to the wife], in matters of the marriage bed, the wife has an equal right. For he is not the lord of his own body; and therefore, when, by committing adultery, he has dissolved the marriage, his wife is set at liberty."⁵⁴ Whoever initiates the divorce action has to be innocent; any evidence of encouraging or condoning the fault of the other would be fatal to the divorce suit. But where an innocent plaintiff prevailed and was granted a divorce, the guilty spouse faced severe sanctions -- at minimum, payments of property, alimony and where apt child support, often times coupled with imprisonment, whipping, or banishment.⁵⁵

Calvin and his Consistory colleagues showed surprising solicitude for both parties after the divorce. For the innocent party, Calvin countenanced remarriage, and insisted that the guilty party continue to pay alimony and child support as an ongoing sanction even if the remarried spouse and children were now cared for. Calvin insisted further that the guilty party should eventually be allowed to remarry, too. "[I]t would be harsh to prohibit a man from marrying during his whole lifetime if his wife has divorced him for adultery, or to prohibit a woman who has been repudiated by her husband, especially if they have difficulty with being sexually continent; one indulgence necessarily brings the other along with it." Calvin would not allow the guilty party "to fly off immediately

⁵¹ Ibid.

⁵² Comm. Harm. Gosp. Matt. 19:3-9; Serm. Deut. 24:1-4.

⁵³ Ibid.

⁵⁴ Marriage Ordinance in CO 10/1: 41-44. See also Comm. Gen. 29:27; Lect. Mal. 2:14-16; Serm. Deut. 24:1-4.

⁵⁵ See detailed analysis of cases in Seeger, *Nullité de mariage divorce et séparation*, 375-435.

to another marriage. The freedom to remarry should be put off for a time, whether for a definite period of time or until the innocent party has remarried."⁵⁶

⁵⁶ Consilium, CO 10/1:231.