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The Marital Covenant in John Calvin's Geneva

John Witte, Jr.*

Abstract

This Article analyzes John Calvin's reformation of Western family law in sixteenth century-Geneva. Calvin depicted marriage as a sacred and presumptively enduring union, but also a conditional and breakable covenant with distinct and discernible goods and goals that couples and communities alike had to support. This covenantal framework gave Calvin new rationales for old rules concerning marital and non-marital sex and cohabitation, courtship and weddings, procreation, nurture, and education of children, and the punishment of adultery, polygamy, and "unnatural" sex within and beyond the marital bed. But Calvin also set out new teachings on the proper communal formation and maintenance of the marital covenant, and introduced into Genevan law the rights of husbands and wives alike to divorce and remarry in cases of hard fault.

Keywords: John Calvin; Geneva; covenant theology; marriage and family law; Consistory; weddings; sex; polygamy; weddings

Introduction

Genevan Reformer John Calvin (1509-1564) transformed the theology and law of sex, marriage, and family life. Building on a generation of Protestant reforms before him, 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 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. They mandated parental consent, peer witness, and state registration for valid engagement and marriage promises. They truncated the impediments to engagement and marriage and streamlined the procedures for annulment. They made public church weddings mandatory. 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 post-marital support. 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 Genevan reforms 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

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. Calvin set out many of these reforms in more than

*Robert W. Woodruff University Professor of Law; McDonald Distinguished Professor; and Director of the Center for the Study of Religion at Emory University.

¹ This is the main thesis of John Witte, Jr. and Robert M. Kingdon, *Sex, Marriage and Family in John Calvin's Geneva: Courtship, Engagement and Marriage* (Grand Rapids, MI: Wm. B. Eerdmans, 2005) [hereafter SMF 1]; id., *Sex, Marriage, and Family in Calvin's Geneva 2: The Christian Household* (Grand Rapids, MI: Wm. B. Eerdmans, 2019) [hereafter SMF 2]. See also John Witte, Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*, 2d ed. (Louisville, KY: Westminster John Knox Press, 2011), 159-216 [hereafter FSC]; John Witte, Jr., *The Western Case for Monogamy over Polygamy* (Cambridge: Cambridge University Press, 2015), 241-74 [hereafter, Western Case].

150 statutes that he drafted on his own or with others.² He and his colleagues applied and adapted these statutes in hundreds of marriage and family cases that came before the Geneva Consistory each year, with Calvin sitting as Moderator of the Company of Pastors.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.⁴

In his first years of work in Geneva, with many other topics occupying him, Calvin set out many of these family reforms in piecemeal fashion, laying particular emphasis on the legal aspects of these reforms. In his later years, he began to weave these piecemeal reforms into a more comprehensive theology and jurisprudence of marriage, many parts of which his handpicked successor in Geneva, Theodore Beza (1519-1605), helped to complete and systematize.⁵ The organizing idiom for this systematization of marriage and family lore was the biblical idea of covenant, which Calvin and Beza applied in creative new ways.

The Covenant of Marriage

The Bible speaks of covenants many times – 286 times in the Hebrew Bible (as *berit*), 24 more times in the New Testament (as *diatheke* or *foedus*). Christian theologians had long emphasized two main covenants at work in the

² Collected in *Les sources du droit du canton de Genève*, ed. Emile Rivoire and Victor van Berchem, 4 vols. (Aarau, 1927-1935) and excerpted in *Ioannis Calvini opera quae supersunt omnia*, ed. G. Baum, et al., 59 vols. (Brunswick: Schwetshcke, 1863-1900), 10/1:5-153 [hereafter CO].

³ See Robert M. Kingdon, et al., eds., *Registres du Consistoire de Genève au Temps de Calvin* (Geneva: Droz, 1996-); Jean-Francois Bergier and Robert M. Kingdon, eds., *Registres de la compagnie des pasteurs de Genève au temps de Calvin*, 2 vols. (Geneva: Droz, 1964) [hereafter RCP].

⁴ Most of Calvin's writings are in CO and in Erwin Mülhaupt, et al., eds., *Supplementa Calviniana* (Neukirchen-Vluyn: Neukirchener Verl. der Buchh. des Erziehungsvereins, 1936-), with multiple editions, translations, and excerpts available. See guidance in W. de Greef, *The Writings of John Calvin*, trans. Lyle Bierma (Grand Rapids, MI: Baker Books, 1993). Given all these editions, I provide abbreviated pin cites to the passage in Calvin's work (e.g., Comm. 1 Cor. 7:3), rather than the pagination of any one edition.

⁵ See esp. Theodore Beza, *De repudiis et divortis* (Geneva: Vignon, 1569), reprinted in id., *Tractationum Theologicarum*, 3 vols. (Geneva: Vignon, 1582), 2:50-103.

Bible: (1) the covenant of works whereby the chosen people of Israel, through obedience to God's law, are promised eternal salvation and blessing; and (2) the covenant of grace whereby the elect, through faith in Christ's incarnation and atonement, are promised eternal salvation and beatitude. The covenant of works, they argued, was created in Abraham, confirmed in Moses, and consummated with the promulgation and acceptance of the Torah. The covenant of grace was created in Christ, confirmed in the Gospel, and consummated with the confession and conversion of the faithful Christian. Calvin knew these traditional covenant teachings and wove them into his doctrines of sin and salvation, law and Gospel, humanity and God.⁶

Calvin took further special note of the Old Testament Prophets' repeated use of the term "covenant" to describe marriage. Many of these prophetic passages analogized Yahweh's covenantal relationship with Israel to the marital relationship between a husband and wife.⁷ The Prophets further described Israel's infidelity to the covenant as a form of "playing the harlot." Idolatry, like adultery, can lead to divorce, and Yahweh threatens this many times in these prophetic writings, even while calling his chosen people to reconciliation. This metaphor runs through several chapters in Hosea, Isaiah, Jeremiah, Ezekiel, and Malachi.⁸ Between 1551 and his death in 1564, Calvin preached, commented, or lectured on every one of these texts (except Ezekiel 23), and drew from them lessons for marriage and divorce.⁹

Proverbs 2:17 and Malachi 2:14-16 also speak about a human marriage as a covenant in its own right, Calvin pointed out.¹⁰ And God's actions in his

⁶ Peter A. Lillback, *The Binding of God: Calvin's Role in the Development of Covenant Theology* (Grand Rapids, MI: Wm. B. Eerdmans, 2001).

⁷ See generally Gordon P. Hugenberger, *Marriage as Covenant: A Study of Biblical Law and Ethics Governing Marriage Developed From the Perspective of Malachi* (Leiden: Brill, 1994); Sharon Moughtin-Mumby, *Sexual and Marital Metaphors in Hosea, Jeremiah, Isaiah, and Ezekiel* (Oxford: Oxford University Press, 2008).

⁸ 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; Ezekiel 16:1-63; 23:1-49; and Malachi 1-4

⁹ Comm. Is. 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. Jer. 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).

¹⁰ 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.

metaphorical marital covenant with Israel are instructive for how to form and maintain faithful human marriages. Just as God chose to give up his divine freedom to bind himself to his chosen people of Israel, so a man chooses to give up his natural freedom to bind himself to his wife, to become “two in one flesh” (Gen. 2:24) with her. Just as Israel chose Yahweh out of all the other gods of the ancient pantheon to be its God and to make sacrifices only to this God, so a woman chooses her husband from all the other men in the universe to be her only husband, and to sacrifice and dedicate herself to him alone. Just as God and Israel joined in public ceremony and swore to bind themselves together by a special covenant of mutual fidelity and obedience, so a husband and wife join in a public wedding and swear vows to be faithful and obedient to the other in accordance with the terms of their covenant and the laws of God. Just as breach of the divine covenant between God and his chosen people will hurt the parties and have devastating consequences upon later generations, so breach of a marital covenant between husband and wife will harm the innocent spouse and have devastating consequences for each of them and for the children of that union.¹¹ “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.¹²

Indeed, “marriage is called a covenant with God” as much as it is called “a covenant between a husband and wife,” Calvin emphasized. Malachi makes clear that God is not only the creator of the institution of marriage. God is also

¹¹ Lect. Mal. 2:14-16; Comm. Eph. 5:22; Serm. Deut. 5:18. See further John Witte, Jr., “The Covenant of Marriage: Its Biblical Roots, Historical Influence, and Modern Uses,” *INTAMS Review on Marriage and Spirituality* 18 (2012): 147-165.

¹² Serm. Eph. 5:22-26, 31-33; Lect. Mal. 2:14; Serm. Deut. 22:25-30.

the “witness” to each marriage; his presence and testimony legitimates the formation of each new marital covenant that follows prescribed forms and norms. God is also the guarantor of the marriage, on whom the couple can call in prayer to ensure that the terms of the marital agreement are fulfilled. And God is the exemplar of a faithful covenant husband as he shows in his metaphorical covenant marriage with the bride of Israel. To enter into a human marriage is to enter into a new relationship of fidelity and love not only with one’s spouse but also with God.¹³

Forming the Marriage Covenant

Given its divine origin and sanction, a marital covenant is more than a mere contract Calvin insisted. But it is also not less than a contract. Like the jurists under whom he trained as a law student, Calvin described marriage as a “sacred contract” that depends in its essence on the mutual consent of both the man and the woman. “While all contracts ought to be voluntary, freedom ought to prevail especially in marriage, so that no one may pledge his faith against his will.” When a woman wishes to marry, she must not “be thrust into it reluctantly or compelled to marry against her will, but left to her own free choice.” When a man “is going to marry and he takes a wife, let him take her of his own free will, knowing that where there is not a true and pure love, there is nothing but disorder, and one can expect no grace from God.”¹⁴

A properly formed marital covenant begins with a proper courtship, Calvin insisted, and a proper courtship begins with a man and a woman being physically attracted to each other. It was “not wrong for women to look at men.” Nor was it “wrong for men to regard beauty in their choice of wives.” For natural sexual attraction helped to induce that “secret kind of affection [that] produces mutual love.” It was thus essential to Calvin that couples spend some time together before considering marriage so that their “natural disposition” towards each other “could be ascertained.” If there was no attraction, there was no use for a couple to go forward toward marriage. Accordingly, Calvin opposed the late medieval tradition in some quarters of arranged or child marriages between some couples, sight unseen.¹⁵

¹³ Lect. 2:14-16.

¹⁴ Serm. Deut. 22:25-30; Comm. Josh. 15:14; Comm. Gen. 24:57; Serm. Deut. 25:5-12.

¹⁵ Comm. Gen. 6:2, 29:18; 39:6; CO 12:360-61, 392-94, 514-15, 586-87.

“A covenant marriage is a thing too sacred, however,” Calvin continued, “to allow that men should be induced to it by the lust of their eyes.” We “profane the covenant of marriage” when “our appetite becomes brutal, when we are so ravished with the charms of beauty that those things which are chief are not taken into account.” More important and enduring than good looks and sexual attraction are picking a person of ample piety, modesty, and virtue especially, of comparable social, economic, and educational status, of well-matched intelligence, ambition, and experience – a person with whom one “could commune and communicate freely and fully” about all aspects of life. Matchmakers could be helpful in locating the right mate and facilitating the match. Calvin and his colleagues served as matchmakers a number of times, a role which he thought pastors should play discreetly, given their knowledge of the needs and relationships of so many in their church communities.¹⁶

Far more important than matchmakers in courtship, however, were the parents, peers, ministers, and magistrates who participated in the formation of the marital covenant. For Calvin, each of these parties represented God’s interest in the marital covenant, and each was essential to ensuring that this covenant was properly formed. The couple’s parents, as God’s “lieutenants” for their children, instructed the young couple in the mores and morals of Christian marriage and gave their consent to the union along with their dowry and gifts. Two witnesses, as “God’s priests to their peers,” testified to the sincerity and solemnity of the couple’s promises, and provided counsel and commodities for their new life together. The minister, holding “God’s spiritual power of the Word,” blessed the union and admonished the couple and the community of their respective biblical duties and rights. The magistrate, holding “God’s temporal power of the sword,” registered the parties, ensured the legality of their union, and protected them in their conjoined persons and properties. This involvement of parents, peers, ministers, and magistrates in the formation of the marriage covenant was not an idle or dispensable ceremony. For Calvin, these four parties, given their divinely appointed offices and responsibilities in society, represented different dimensions of God’s involvement in the marriage covenant. Their involvement was thus essential to the legitimacy of the marriage itself. To omit any such party in the steps of marital formation was, in effect, to omit God

¹⁶ Comm. Gen. 39:6; Comm. 1 Thess. 4:1-5; SMF 1, chap. 3.

from the marriage covenant.¹⁷ Covenant theology thus helped Calvin integrate what became standard requirements of valid marriage formation in the Western legal tradition after the mid-sixteenth century -- mutual consent of the couple, parental consent, two witnesses, civil registration, and church consecration.

Calvin underscored this public covenantal quality of marriage by requiring a public church wedding. Marriages without weddings were invalid in Calvin's Geneva, and this became the rule in many later Christian communities as well that outlawed the medieval toleration of private or secret marriages. For Calvin, weddings were essential confirmations and communications not only that the couple privately consented but also that parents and peers, pastors and political leaders all publicly consented to the formation of this new marital covenant. In Calvin's Geneva, all weddings had to be announced in advance by the publication of banns that set out the names and families of the betrothed couple and the wedding date and venue. These banns were signed by a local magistrate and declared by a local minister for three successive Sundays before the wedding. Weddings took place in the church where the banns were pronounced – at the start of a Sunday (usually the dawn or afternoon service) or on a weekday worship service. Weddings could not be held on the four Sundays a year when the Lord's Supper or Eucharist was celebrated lest "the honor of the sacrament" be impugned. The local church minister presided over the wedding following a detailed liturgy that Calvin drafted for Geneva.¹⁸

The publication of banns was an ancient practice of the church. What was new in Geneva, as compared to late medieval Catholic practice, was that the publication of banns was mandatory for every wedding. Marriages were not valid without weddings, and weddings could not proceed without banns. What was also new in Geneva, as compared to some other Protestant communities, was that banns were to be announced in the church, not in the public square or the city hall. A city official, called a syndic, had to sign the banns after the parties

¹⁷ Comm. Harm. Law Lev. 19:29; Serm. Deut. 5:16; Comm. 1 Cor. 7:36, 38; Serm. 1 Cor. 7:36-38; Serm. and Comm. Eph. 5:31-33, 6:1-3; Comm. I Thess. 4:3; Comm. I Peter 2:9; Inst. (1559), 4.18:16-17.

¹⁸ CO 6:203-08, translated in SMF 1, ch. 13. See Elsie Anne McKee, *The Pastoral Ministry and Worship in Calvin's Geneva* (Geneva: Droz, 2016), 250-57, 354-90, and appendices with detailed records on Genevan marriage services and Calvin's leadership of them in *ibid.*, 734-53, 813-18. In SMF 1:452-53, we used the *Annales Calviniani* to count "at least 275 weddings over which Calvin presided. McKee's closer review of the Genevan records shows that between 1550-1563, Calvin presided over 211 wedding services with 299 couples. McKee, *Pastoral Ministry*, 817.

registered their betrothal in the local town hall. But the minister had to pronounce these signed banns in the church where the parties intended to be married. This underscored a central point of Calvin's marriage theology: that covenant marriages were at once public and private, spiritual and temporal matters, in which church and state both had responsibilities.¹⁹

The permission to celebrate weddings on any day, save on a Sunday when the Eucharist or Lord's Supper was celebrated, was also new. Prior to the Reformation, no weddings could take place on any of the five dozen holy days on the medieval religious calendar, as well as throughout the forty days of Lent. But when church weddings were celebrated, the Eucharist had to be included in the wedding liturgy. Calvin and his colleagues eliminated most holy days and softened considerably the Lenten restrictions, freeing up days for weddings. But, more to the point, they allowed weddings on any days that the congregation gathered to hear biblical exposition, whether the Sunday or weekday service -- except on the one Sunday, every fourth month, when the Eucharist or Lord's Supper was celebrated.²⁰ This underscored Calvin's emphasis that weddings were congregational church events that featured exposition of the Bible. They were not celebrations of a sacrament, and could not be confused with the true sacraments of Eucharist or Baptism.

For Calvin, the wedding liturgy played an important communicative role, both for the couple and the wider community supporting the marriage. The wedding liturgy that he crafted for Geneva moved in three phases. First, the minister offered the couple a rich mosaic of biblical teachings on marriage, citing and paraphrasing a dozen passages on the meaning of the marriage covenant. Man and woman were created for each other. The two shall become one flesh. Their voluntary union shall be presumptively permanent in imitation of the enduring covenant between God and his chosen ones. The wife shall subject herself to her husband. Both husband and wife shall surrender their bodies to each other. Marriage protects both parties from lust. Their bodies are temples of the Lord to be maintained in purity. Interestingly, nothing is said here about procreation of children.²¹ Second, the minister then asked the man and the woman separately whether each fully and freely consented to the marriage. The minister also asked the congregation whether they consented to the union or

¹⁹ See Marriage Ordinance (1546), paras. 20-23, in RCP 1:30-38 and SMF 1:51-61.

²⁰ See McKee, *Pastoral Ministry*, 250-57, 354-90.

²¹ CO 6:203-08.

knew of any impediment. With all confirming their consent to go forward, the minister then administered the separate vows for the husband and wife. The third phase of the liturgy combined blessing, prayer, and further biblical exhortation. The minister called on God to bless the new couple in the “holy estate” and “noble estate” to which “God the Father had called” them “for the love of Jesus Christ his Son.” The minister quoted the familiar passage of Matthew 19:3–9, with its solemn warning “what God has joined together, let no man put asunder.” He enjoined the couple to live together in “loving kindness, peace, and union, preserving true charity, faith, and loyalty to each other according to the Word of God.” He then led the couple and the congregation in a lengthy prayer, that repeated much of the biblical exhortation and called upon God and the community to help the couple live together in holiness, purity, and uprightness, and to set good examples of Christian piety for themselves and their children. The parties and congregation were then blessed with the final peace.²²

Compared with other Christian wedding liturgies of the day, Calvin’s liturgy was long on instruction and short on ceremony. The liturgy was amply peppered throughout with choice biblical references, quotations, and paraphrases. The liturgy began and ended with lengthy biblical teachings on the respective duties of husband and wife. More biblical instruction was offered in the regular sermon for the day that followed immediately after the marriage liturgy. The lengthy vows again confirmed each party’s godly duties in marriage as did the concluding prayer. There was no Eucharist, no kneeling at the altar, no ritualistic clasping of hands, no lifting of the veil, no kissing of the bride, no exchange of rings, no delivery of coins, no music or singing – all of which were featured in other wedding liturgies of the day. During the marriage liturgy, unlike the rest of the church service, the presiding minister stood with the couple on the same level, not on the pulpit. His head was uncovered. He faced the couple and congregation throughout the ceremony. He made no turn to the altar as had been customary in medieval liturgies. And the entire liturgy was in the vernacular language, so that all could understand. The Genevan wedding liturgy was to proceed, the preamble insisted, “respectably, religiously, and properly in good and decent order,” so that the couple can “hear and listen to the holy Word of

²² Ibid.

God that will be administered to them” and the whole congregation be drawn into this fundamental religious and public occasion and institution.²³

Living the Marital Covenant

Calvin believed that God participates in the maintenance of the covenant of marriage not only through the one-time actions of his human agents who participate in its formation, but also through the continuous revelation of God’s natural or moral law, which is written on the hearts of all persons and rewritten in Scripture and its ministerial exposition and communal implementation. The covenant of marriage, Calvin argued, is grounded “in the order of creation,” and “in the order and law of nature.” 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. Before marriage, they stand at arm’s 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 exercise “different authorities” in the marital household.²⁴

Calvin sketched out a robust covenantal marriage ethic for Christian couples. He urged them to maintain a healthy sex life, even if they could not or could no longer bear children. “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.” 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.” Husband and wife should not, therefore, “withhold sex from the other.” Nor should they “neglect or reject” one another after

²³ Ibid. For comparative liturgies, see Kenneth W. Stevenson, *Nuptial Blessing: A Study of Christian Marriage Rites* (New York/Oxford: Oxford University Press, 1982); Jean-Baptiste Molin, Protais Mutembe, and Pierre Marie Gy, *Le Rituel du mariage en France du XIIe au XVIe siècle* (Paris: Beauchesne, 1974); and Mark Searle and Kenneth W. Stevenson, *Documents of the Marriage Liturgy* (Collegeville, MN: Liturgical Press, 1992). See comparative analysis in Bryan D. Spinks, “Conservation and Innovation in Sixteenth-Century Marriage Rites,” in Karin Maag and John Witvliet, eds., *Worship in Medieval and Early Modern Europe: Change and Continuity in Religious Practice* (Notre Dame, IN: University of Notre Dame Press, 2004), 243-80.

²⁴ CO 10/2:258; Comm. and Lect. Gen. 1:26-28; 2:18, 22; Serm. Deut. 24:1-4; Lect. Mal. 2:14-15; Comm. Harm. Gosp. Matt. 19:3-9; CO 10/1:239-241.

intimacy or intercourse. They must instead remain in “constant loving,” “endearing contact,” and retain “candid communication” about all matters, including sex. Couples may forgo their sexual obligations 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. The traditional option of maintaining a sexless “spiritual marriage”²⁵ was anathema to Calvin. Sex was a sine qua non of marriage and one of the most sublime expressions of trust and forms of communication between husband and wife.²⁶

While sexual intimacy was a marital good in its right and could be practiced without procreative capacity or intent, sex was also the means created by God to live out the command to be “fruitful and multiply” (Gen. 1:28). Calvin encouraged married couples to have children if and when they were ready – although not before. He was much more tolerant than most Catholics and Protestants in his day of a marital couple’s prudent decisions and actions to avoid pregnancy. But he denounced abortion, infanticide, child abandonment, neglect, and abuse as well as non-marital procreation, and he marshaled the Consistory and council of Geneva to punish such offenses. Like other Protestants and Catholics, Calvin emphasized procreation as a “natural good” of marriage, which God made available to humans from the start. Children were a “heritage of the Lord,” Calvin wrote, to be baptized, named, clothed, fed, educated, disciplined, catechized, and supported in their budding vocations not only by parents, godparents, siblings and kin, but also by churches, schools, charities, and indeed all able members of the community. For Calvin, the community’s strong covenantal responsibilities for the marital couple eventually extended to the couple’s children and broader marital household as well. While the household had presumptive privacy, family members could also seek out and count on intense involvement of church, state, and community members in the event of sickness, poverty, injury, abuse, violence, need, or violation of the terms of the marital covenant.²⁷

²⁵ See Dyan Elliott, *Spiritual Marriage: Sexual Abstinence in Medieval Wedlock* (Princeton, NJ: Princeton University Press, 2003).

²⁶ Serm. Deut. 5:18, 22:13-19; Comm. 1 Cor. 7:3-6; Serm. Deut. 22:13-19, 24:5-6; Comm. Harm. Gosp. Matt. 19:3-9 and Mark 10:2-12; CO 7:212.

²⁷ See, e.g., Comm. Ps. 127:3; SMF 2, chaps. 3-6. See Barbara Pitkin, “‘The Heritage of the Lord’: Children in the Theology of John Calvin,” in *The Child in Christian Thought*, ed. Marcia J. Bunge (Grand Rapids, MI: Wm. B. Eerdmans Publishing, 2001), 160–93; Karen E. Spierling,

If a married couple proved barren, Calvin urged them to accept this reality and not take it as an indication that they now had an incomplete or second-class marriage. “We are fruitful or barren as God imparts his power,” he wrote. Those who are barren and are eager to be with children can sponsor or adopt orphans, teach children in churches and schools, support their nephews and nieces, or find other ways to serve the next generation in covenant love. Calvin would hear nothing of concubinage or surrogate motherhood as a viable alternative to childlessness, 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 descendants. This, for Calvin, was proof enough that concubinage or surrogacy was no viable option for the modern day. Calvin would also hear nothing of divorce on grounds of sterility that was discovered well after the wedding day. 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 from lust – “treating each other with chaste tenderness” and “endearments” that might otherwise come from having children in the home.²⁸

If, after a time, the husband or wife become incapable of sexual performance because of frailty, impotence, or sickness, Calvin again urged understanding and patience on the part of the other spouse. Here, too, he would hear nothing of concubinage, separation, or divorce as a remedy. Similarly, if one party contracted leprosy, or some other form of contagious disease, Calvin again urged “Christian patience” by the healthy party and sexual restraint by the afflicted party. He again flatly prohibited concubinage or divorce as options. But he did allow for separation in the case of serious contagion that endangered the

Infant Baptism in Reformation Geneva: The Shaping of a Community, 1536–1564 (Louisville, KY: Westminster John Knox Press, 2009); McKee, *Pastoral Ministry*, 391-440.

²⁸ Comm. and Serm. Gen. 1:28, 16:1-6; Comm. Ps. 127:3, 128:3; Comm. 1 Tim. 5:14; Comm. Harm Gosp. Matt. 19:9.

other spouse or children, or where a man contracted a disease that rendered him utterly incapable of sexual or physical constraint. It would be “cruel,” said Calvin, “to obligate the woman to share a home and marriage bed with a husband who is forgetful of all the laws of nature. We feel that she must be allowed to live as a widow, after a legal investigation by judges has intervened. Meanwhile, she should continue to attend her husband and perform any duties she can, provided that he does not require of her anything virtually unnatural.”²⁹

Ideally, a couple who properly enter and exercise a Christian covenant marriage will live faithfully and lovingly together in imitation of God’s sacrificial and enduring love for his elect. They will remain in open communication with each other in all matters – especially in matters of sex, money, faith, and children. They will remain jointly invested in the loving care and nurture of their children until their children are mature and ready for their own marriages and then give their children the consent and support they need to start their new life together. They will take care of each other as they grow decrepit and die, and make ample provision for each other and their children in their last wills and testaments. Both the Bible and the Christian tradition were filled with examples and admonitions toward such ideal Christian covenant marriages, and Calvin expounded on these at great length in his many sermons, formal consilia, and pastoral letters. The laws of Geneva, which Calvin helped draft, provided further detailed instruction on the ideals of Christian covenant marriage. And the Consistory of Geneva, which Calvin helped lead, worked assiduously to encourage and support couples in their effort to live up to these covenantal ideals of marriage.³⁰

Violating the Marital Covenant

Calvin grounded various rules against illicit sexual unions in the created structure and purpose of the marital covenant. At the beginning of the world, he argued, God had created marriage as the union of “male and female,” “two in one flesh,” united in love and in hopeful fulfillment of God’s command to “be fruitful and multiply” (Gen. 1:28; 9:1). After the fall, marriage had also served as a mutual protection of both parties from sexual sin and temptation; it was “better to marry than to burn” (1 Cor. 7:9).³¹ Given these structures and purposes of the

²⁹ Comm. 1 Cor. 7:11; Lect. Mal. 2:14; Beza, *De repudiis et divortiis*, 71-73.

³⁰ SMF 2: chaps. 4-6.

³¹ Comm. and Serm. Gen. 1:28; Comm. 1 Cor. 7:7.

marital covenant, Calvin regarded sexual dysfunction as a serious impediment to a new engagement or marriage. Thus putative 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. Similarly, engagements or marriages of eunuchs and others with permanent sexual injuries and abilities were void, for such unions “completely obviate the nature and purpose of marriage.” Marriage with those suffering from permanent contagious diseases were also void, for such conditions precluded safe sexual contact and endangered any children born of the same.³²

The marital bed was the proper site of heterosexual intimacy, Calvin believed, and he condemned as “monstrous vices” sodomy, buggery, bestiality, homosexuality, and other “unnatural” acts and alliances -- arguing cryptically that to “lust for our own kind” or “for brutes” was “repugnant to the modesty of nature itself.”³³ He further condemned as “unnatural” 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.³⁴ 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.³⁵

Calvin condemned, at greater length, the Old Testament practice of polygamy, which had become fashionable again in a few quarters of Protestant

³² 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; CO 10/1:231; SMF 1, chap. 8.

³³ 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.

³⁴ CO 11:130-132; Comm. Harm. Law Ex. 21:13; Comm. Gen. 25:1-2; SMF, vol. 1, chap. 8.

³⁵ Comm. Gen. 19:4-9; 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, 21:13 and Lev. 18:22, 20:13-16; Comm. and 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; CO 10/1:231-238, 11:130-132. See further SMF 1, chap. 9, but also John L Thompson, “Second Thoughts about Conscience: Nature, the Law, and the Law of Nature in Calvin’s Pentateuchal Exegesis,” in Herman J. Selderhuis and Arnold Huijgen, eds., *Calvinus Pastor Ecclesiae: Papers of the Eleventh International Congress on Calvin Research* (Göttingen: Vandenhoeck & Ruprecht, 2016), 123-46, offering a different reading of Calvin’s natural theory of incest.

Europe.³⁶ 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.” In the law, God could have commanded his people to worship two or more gods, but he commanded them to worship one God. In the Gospel, Christ could have founded two or more churches to represent him on earth, but he founded one church. 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.³⁷

Calvin drove home this argument against polygamy by appealing to the biblical idea of marriage as a covenant. Malachi 2:14 defined marriage as a presumptively permanent covenant between a husband and wife, symbolizing the enduring covenant between God and his chosen people. Malachi 2:15-16 then provided, rather opaquely, as the King James Version captures it: “Because the Lord hath been a witness between thee and the wife of thy youth, against whom thou has dealt treacherously; yet she is thy companion, the wife of thy covenant. *And did not he make one? Yet he had the residue of the Spirit. And wherefore one? That he might seek a godly seed.*” Calvin read this passage as a confirmation of monogamy and as a condemnation of polygamy. The point of this passage, said Calvin, is that at creation God “breathed his spirit” of life into “one” woman, Eve. God had plenty of spirit left to breathe life into more women besides Eve. But God chose to give life to Eve only, who alone served to “complete” Adam, to be “his other half.” Only this monogamous union could produce “godly seed,” that is, legitimate children.³⁸

Both divorce and polygamy are deviations from this primal command of life-long monogamy, Calvin recognized. But when compared, “polygamy is the worse and more detestable crime” -- and this shows in how the children of each were to be treated according to God’s law. Divorce for cause was allowed by Moses (Deut. 24:1-4), and even recognized by Christ and St. Paul (Matt. 19:9; 1

³⁶ See John Witte, Jr. *The Western Case for Monogamy over Polygamy* (Cambridge: Cambridge University Press, 2015), 196-240.

³⁷ Comm. and Serm. Gen. 1:27, 2:18-24; Serm. Deut. 21:10-14; Comm. Harm. Law Ex. 20:3-6; Comm. and Serm. Eph. 5:31; Lect. Mal. 2:14-16.

³⁸ Lect. Mal. 2:14-16; Comm. 1 Tim. 3:2; Comm. Titus 1:6; Comm. Harm. Gosp. Matt. 19:3-9.

Cor. 7:15). Polygamy enjoyed no such explicit biblical license. Children of divorce remained legitimate heirs; indeed, the Mosaic law protected their inheritance against unscrupulous fathers who might be tempted to favor the children of their second wife (Deut. 21:15-17). Children of polygamy, however, were illegitimate bastards who deserved nothing. Indeed, Mosaic law barred such bastards “from the assembly of the Lord ... until the tenth generation” (Deut. 23:2). Later passages ordered that bastards be “cast out” of their homes -- just like Abraham had cast Ishmael out into the wilderness (Gen. 21:10).³⁹ For Calvin that was the end of the matter, and he left it to Beza to work out a fuller argument in a book-length argument against polygamy.⁴⁰

Calvin saved his greatest thunder for the sin of adultery, which he saw as the most fundamental violation of the created structure and purpose 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 core case of adultery was sexual intercourse or other 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. “It is not without cause that marriage is called a covenant with God,” Calvin argued. “[W]henever 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.” “She sets herself against His majesty.”⁴¹ Calvin advocated harsh punishment for adulterers, even execution in notorious cases, but (as we shall see in a moment) he also sought to balance any such criminal punishment with the ongoing needs of the innocent spouse and children.⁴²

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

³⁹ Comm. Harm. Law Deut. 21:15-17; Comm. Harm. Law Deut. 23:2; Serm. Deut. 23:1-3; Comm. Gen. 21:8-18; Comm. Gal. 4:21-31; SMF 1, chap. 7. On biblical texts on polygamy and their interpretation by others, see Witte, *Western Case*, 34-64, 223-38, 278-82, 330-47.

⁴⁰ Theodore Beza, *Tractatio de Polygamia, et divortiis: in qua et Ochini apostatae pro polygamia* (Geneva: Vignon, 1568), and analysis in Witte, *Western Case*, 254-74.

⁴¹ Comm. Harm. Law Lev. 20:10, 22:22-27; Serm. Deut. 5:18; Serm. Eph. 5:22-26.

⁴² SMF 2, ch. 11.

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, concubinage, pre-marital sex, non-marital cohabitation and other forms of bed hopping that he encountered in Geneva of his day as well as in ancient Bible stories. All these actions openly defied God's commandment against adultery and risk the production of bastard children who never fare well and often impose costs on church, state, and neighbors alike. Calvin preached against fornication constantly and portrayed everything from an individual case of syphilis to a community's encounter with pestilence or force majeure as God's retribution for the grave offense to his laws of marital covenant. 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.⁴³

Ending the Marital Covenant

Sin was a perennial reality in all human lives, Calvin realized, and even once loving married parties sometimes became estranged, delinquent, despondent, wastrel, drunken, abusive, violent, or even homicidal towards each other or their children. In such cases, the Genevan pastors and Consistory worked hard to try to deter such ill conduct, recompense the victims, and reconcile the parties to each other, using the spiritual sanctions of admonition, public confession, temporary bans from the Lord's Supper, or excommunication altogether for the unduly recalcitrant. In serious cases of abuse, violence, or crime, the Consistory also removed cases to the city council, which had power to impose criminal and civil sanctions on the guilty party and offer protection against further abuse.⁴⁴

It was different when one party committed adultery or maliciously deserted his or her spouse in body and/or soul.⁴⁵ Adultery was a grave offense, indeed a

⁴³ 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; SMF, 2, chaps. 11-12.

⁴⁴ SMF 1, chap. 2; SMF 2, chap. 9.

⁴⁵ See detailed sources in Cornelia Seeger, *Nullité de mariage divorce et séparation de corps a Genève, au temps de Calvin: Fondements doctrinaux, loi et jurisprudence* (Lausanne: Méta Ed.,

capital crime, in Geneva given the strong biblical sanctions against it, starting with the Ten Commandments. Calvin recommended that brazen and repeated adulterers be executed or banished from the city, and a number of them were so punished during his tenure.⁴⁶ But Calvin also understood that execution or banishment could sometimes leave the innocent spouse and the dependent children in dire straits and even more heavily dependent on church, state, and community. Except in extreme cases, he thus recommended that the fate of the adulterer be left in the hands of the innocent spouse. The innocent spouse had the power either to forgive the fault and restore the marriage or to condemn the fault and confirm its dissolution, with the state left to impose appropriate sanctions for the crime and support payments to the family.⁴⁷

Calvin impressed on both the guilty and innocent spouse the high stakes involved. A true believer, he insisted, should seriously consider reconciliation with the adulterous spouse -- following the example of St. Joseph's indulgence of the Virgin Mary when he first learned of her pregnancy, and God's own example in reconciling with his chosen bride of Israel despite her habit of "playing the harlot." But sometimes the adultery caused too deep a breach, especially when coupled with other abuses. When forgiveness and reconciliation proved dangerous or impossible, said Calvin, "Christ has allowed" the innocent spouse to "shake the dust" from their feet and move on, as "a concession" to the realities of human sinfulness. Divorce is allowed "within the common civil order, which serves to bridle men here below," though not within the higher spiritual order "where the children of God ought to be reformed by the Holy Spirit. Though God does not punish those who divorce on reasonable and lawful grounds, He meant that marriage should always remain inviolable."⁴⁸

1989); Robert M. Kingdon, *Adultery and Divorce in Calvin's Geneva* (Cambridge, MA: Harvard University Press, 1995).

⁴⁶ *Ibid.*

⁴⁷ SMF, vol. 2, chap. 13.

⁴⁸ Comm. Matt. 19:3-9 and Mark 10:2-12; Serm. Deut. 21:15-17, 24:1-4; SMF 2, chaps 11-12.

Either the husband or the wife could sue for divorce, Calvin insisted, contrary to sexual double standards of the tradition that had long privileged the husband in various family matters. "[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, 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." The same is true in reverse for the husband whose wife commits unforgiveable adultery.⁴⁹

Once divorced, the parties were free to remarry, Calvin insisted, contrary to traditional teachings. The Catholic tradition taught that marriage was an indissoluble sacrament, modeled on the eternal mysterious union of Christ the bridegroom and his church the bride, described by St. Paul in Ephesians 5. Even if a couple divorced on grounds of adultery, Catholics taught, the sacramental bond between them remained intact. They could not remarry until the death of their first spouse, and even then the church encouraged them to remain single.⁵⁰ By contrast, Calvin taught that marriage was a divine covenant, modeled on Yahweh's relationship with his chosen people of Israel, described by the Old Testament Prophets. A marital covenant demanded unwavering fidelity from both parties, and unforgiveable infidelity like adultery broke the covenant leaving the parties free to enter into a new marital covenant. Indeed, Calvin encouraged divorcees to remarry, since their deprivation of sex and support would severely tempt them to seek comfort and consortium with another. It was better to remarry after divorce, which the Bible allowed, than to fornicate with others, which the Bible always condemned. For the innocent spouse, Calvin countenanced remarriage even, if necessary, before issuance of the magistrate's final divorce decree: "[I]f adultery is proven, even if no sentence is passed, a Christian church may proceed to marry those who can produce such hearings." The wayward 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

⁴⁹ Comm. Gen. 29:27; Lect. Mal. 2:14; Serm. Deut. 24:1-4; SMF 2, chap. 14.

⁵⁰ FSC, 77-112; and more fully Philip Reynolds, *How Marriage Became One of the Sacraments: The Sacramental Theology of Marriage from its Medieval Origins to the Council of Trent* (Cambridge/New York: Cambridge University Press, 2016).

guilty party “to fly off immediately 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.”⁵¹

Calvin considered various other acts within the marital estate -- besides sexual intercourse with a third party -- to be tantamount to adultery. On one extreme, he regarded sexual perversity with one's own spouse as a violation of the spirit of the Commandment: “Thou shall not commit adultery.” “We know to what end marriage was ordained -- that persons should live honestly together, and that there should be no beastly looseness and or coupling themselves together like dogs and bitches, or bulls and cows.” Married couples “should show that they do not bear God's image in vain.” And again: “If married couples recognize that their association is blessed by the Lord, they are thereby admonished not to pollute it with uncontrolled and dissolute lust.... For it is fitting that a marriage, once covenanted in the Lord, be called to moderation and modesty.” Calvin saw this more as a spiritual law of prudence than a civil law against marital prurience, and he did not support any action for divorce on these more attenuated grounds of adultery. But he did occasionally press the Genevan council to reprimand couples who proved too sexually raucous and adventuresome in hearing of their servants or neighbors, to punish spouses who performed “unnatural” and “perverted” sexual acts with each other, and issued several stern admonitions on sexual modesty to parishioners and correspondents alike.⁵²

On the other extreme, Calvin regarded one spouse's desertion of the other, or both spouses' voluntary separation from each other, as virtual forms of adultery. Husband and wife, he said flatly, “must live together and stay together till death.” Any undue separation from bed or board, beyond what was necessary for a spouse to carry out normal civic and vocational obligations, “is close to the appearance of adultery” -- particularly “if it is prompted by capriciousness or sexual desire.” Any abandonment of one's spouse is doubly suspect -- especially if done angrily or maliciously. Calvin pressed this logic not only for the simple reason that virile spouses, left on their own, might be tempted to adultery -- in mind, if not in fact. He was also concerned that such separations violated God's literal command that husband and wife be joined together permanently in soul, mind, and body. “[I]t is the law of marriage that when a man joins himself to a

⁵¹ CO 10, 231, 255-258; CO 10:231.

⁵² Serm. Deut. 22:13-19; Inst. (1559), 2.7.44.

wife, he takes her to be a companion to live with her and die with her. 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.” 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.⁵³ He ordered separated couples to reconcile with each other, deserting spouses to return their homes and marital beds, and 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 because of the presumed adultery of one party, rather than perpetuated without the cohabitation of both parties.⁵⁴

If either the husband or the wife maliciously deserted the other for a long enough period, however, Calvin allowed the remaining spouse to file for divorce as well and the right to remarry – though in practice, the Genevan laws of desertion that Calvin drafted forced women petitioners to wait much longer and take many more procedural steps before they could divorce their deserting husband.⁵⁵ Theodore Beza, was more insistent and consistent than Calvin in treating desertion either of body or soul as a ground for divorce and remarriage to the innocent party whether husband or wife. An innocent wife or husband who is deserted “in soul,” through the other’s abandonment of the faith, or “in body,” through malicious abandonment of the home, is like the innocent spouse in a case of adultery, said Beza. The innocent party has power either to forgive the fault and restore the marriage, or to condemn the fault and confirm its dissolution. The innocent party should seek reconciliation with the wayward spouse “only so long as conscience allows.” Thereafter, he or she can abandon the dissolved marriage by filing for divorce, and contract a new marriage if so desired. That, said Beza, is the lesson of I Corinthians 7:15.⁵⁶

⁵³ Comm. 1 Cor. 7:11; CO 10/1:242-244.

⁵⁴ Ibid.; Comm. Harm. Gosp. Matt. 19:9.

⁵⁵ SMF 1, chap. 1; SMF 2, chap. 12.

⁵⁶ Beza, *De Repudiis et Divortis*, 88-99.

Summary and Conclusions

Calvin's covenantal understanding of marriage mediated both the sacramental and the contractual models of marriage that pressed for recognition in his day. On the one hand, this covenant model confirmed the sacred and sanctifying qualities of marriage -- without ascribing to it sacramental functions. Calvin now held a far more exalted spiritual view of marriage than he had started with. He described marriage in sweeping spiritual terms as "a sacred bond," "a holy fellowship," a "divine partnership," "a loving association," "a heavenly calling," "the fountainhead of life," "the holiest kind of company in all the world," "the principal and most sacred ... of all the offices pertaining to human society." Conjugal love is "holy" when "husband and wife are joined in one body and one soul." "God reigns in a little household, even one in dire poverty, when the husband and the wife dedicate themselves to their duties to each other. Here there is a holiness greater and nearer the kingdom of God than there is even in a cloister."⁵⁷ Calvin had come a long way from the glum description of marriage in his 1536 *Institutes*: "a good ordinance, just like farming, building, cobbling, and barbering."⁵⁸

With this more exalted spiritual view of marriage, Calvin also described more fully the biblical uses of marriage to symbolize the relationship of God and humanity. He analyzed at length the Old Testament image of Yahweh's covenant of marriage with Israel, and Israel's proclivity for "playing the harlot" -- worshipping false gods and allying with Gentile neighbors, much as a delinquent spouse abandons faith in God and faithfulness to the marriage and family. He returned repeatedly to the New Testament image of Christ's marriage to the Church -- holding up Christ's faithfulness and sacrificial love toward the church as a model to which spouses and parents should aspire. He went so far as to say that "marriage is the holiest bond that God has set among us," for it is "a figure of the Son of God and all the faithful," "a symbol of our divine covenant with our Father."⁵⁹ But then, almost in self-chiding, Calvin reiterated his earlier position that marriage, though symbolic of God's relationship with persons, is not a

⁵⁷ Comm. and Serm. Gen. 2:18-24, 6:2; Serm. Deut. 21:10-14; Lect. Mal. 2:14, 16; Comm. Matt. 19:11; Serm. and Comm. 1 Cor. 7:14, 9:11; Serm. 2 Tim. 5; CO 7:212ff.

⁵⁸ Inst. (1536), 1.19, 1.22.

⁵⁹ Serm. Eph. 5:28-30; Lect. Ezek. 16:9, 17; Lect. Hosea 2:2; Serm. Deut. 21:10-14.

sacrament for it does not confirm a divine promise. "Anyone who would classify such similitudes with the sacraments ought to be sent to a mental hospital."⁶⁰

On the other hand, Calvin's covenant model confirmed the contractual and consensual qualities of marriage -- without simply subjecting it to the personal preferences of the parties. "It is the mutual consent of the man and the woman that ... constitutes marriage," Calvin insisted, echoing traditional views. Lack of true consent -- by reason of immaturity, drunkenness, insincerity, conditionality, mistake, fraud, coercion, or similar impairment -- perforce breaks the marriage contract, just as it breaks any other contract.⁶¹ But marriage is more than a contract, and turns on more than the voluntary consent of the parties. Marriage is also a covenant to which God is a third party participant. "Other contracts depend on the mere inclination of men, and can be entered into and dissolved by that same inclination." Not so the covenant of marriage. Our "freedom of contract" in marriage is effectively limited to choosing which party to marry -- from among the mature, unrelated, virile members of the opposite sex available to us. We have no freedom to forgo marriage -- unless we have the rare gift of natural continence -- for else we "spurn God's remedy for lust" and "tempt our nature" to sexual perversity. We also have no freedom to abandon marriage without real cause, "for otherwise the whole order of nature would be overthrown." "Consider what will be left of safety in the world -- of order, of loyalty, of honesty, of assurance -- if marriage, which is the most sacred union, and ought to be most faithfully guarded, can thus be violated," Calvin thundered. "In truth, all contracts and all promises that we make ought to be faithfully upheld. But if we should make a comparison, it is not without cause that marriage is called a covenant with God," for it cannot be broken without grave sin. Sometimes grave sins by one party, like adultery and desertion, do break a marriage, which can be confirmed by divorce. But reconciliation with a wayward spouse, in imitation of God's reconciliation with idolatrous Israel, is the better course.⁶²

The reformation of marriage introduced in sixteenth-century Geneva did not die with John Calvin in 1564. Calvin and his followers worked hard to preserve the new theology and law of marriage and family in commentaries, sermons, catechisms, ordinances, consilia, private letters, and more. This rich material was translated and circulated widely in multiple languages. The new

⁶⁰ Inst. (1559), 4.19.34.

⁶¹ Comm. Gen. 29:27.

⁶² Comm. 1 Cor. 7:11; Inst. (1559), 2.8.42; Serm. Deut. 22:25-30; CO 7:212ff.; Serm. Deut 5:18.

family ordinances were often duplicated in other communities that accepted the Reformation. And the new family theology was taught in the Geneva Academy and other Protestant academies that produced new leaders in the increasingly diverse and far-flung Reformed world – Swiss Reformed, French Huguenots, Dutch Pietists, Scottish Presbyterians, English and New England Puritans, and various smaller communities in Germany, Poland, Czechoslovakia, Hungary, and eventually South Africa. Among the hallmarks of these later Calvinist communities was their preservation and their pluralization of Calvin's theology and law of marriage. Covenantal theologies of marriage sprung forth in ever greater varieties in these early modern Calvinist communities. Genevan laws governing marriage formation, maintenance, and dissolution gave rise to a variety of local legal progeny in both civil law and common law lands that remained part of the Western legal tradition until the twentieth century.

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