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“HOW OLD IS MAN?”

The antiquity of man is discussed in an article recently contributed by Theodore Roosevelt to the *National Geographic Magazine*.¹⁾ The article purports to give a brief summary of that which has been ascertained by anthropological science in answer to the question, “How old is man?” and by reason of the distinguished name of its author has received wide attention. Mr. Roosevelt intends to trace the prehistory of man, “the history of his development from an apelike creature struggling with his fellow-brutes.” He refers to a past geologic age, when “man was slowly developing from the half-human to the wholly human,” “from a strong and cunning brute into a man having dominion over all brutes, and kinship with worlds lying outside and beyond our own,” and intends to summarize “all that has been discovered and soundly determined” since Darwin wrote his *Descent of Man*. Mr. Roosevelt refers with undisguised disdain to those who once “disbelieved in the antiquity of man,” and his article leaves no doubt in the reader’s mind that in the opinion of Mr. Roosevelt this disbelief in the evolutionistic thesis concerning the origin and ancestry of man has been amply proven unfounded by the facts. His assertions are made with a calm emphasis, which cannot fail to impress the unsophisticated reader. We are invited to consider “man as he was up to the end of paleolithic times.” “*The records show that man has lived in France for at least 100,000 years.*”

The illustrations which accompany the article add to the

1) February, 1916: “How Old Is Man?”

BETROTHAL AND MARRIAGE.

If the Bible is to be considered as the Word of God at all, it certainly must be considered as the *eternal* truth. (John 17, 17.) It is not only the norm of doctrine, but the rule of life for all stations and conditions of mankind until the end of time. When, therefore, the statement appeared in a recently published pamphlet: "Sofort nach dem Verloebnis sind die Verlobten vor Gott Ehemann und Ehefrau. Ihre Ehe ist nach

der Schrift eine geschlossene, aber noch nicht vollzogene Ehe" (Kretzmann, *Keuschheit und Zucht*, p. 76), it never entered the author's mind that this statement would be objected to as a "Missourian conception of betrothment," and therefore as something strange and unusual. The fact that a "rightful and valid betrothal is, *in foro ecclesiae*, tantamount to a marriage," was held, not only in the Church of the Old Testament, but also in the Church of the New Testament at all times.

From the many testimonies concerning this doctrine we select only a few at random. Siricius (Pope, 384—398) writes: "Nemini licet alterius sponsam uxorem ducere." (Migne, *Patrologiae Latinae*, 13, 1136.) Leo Magnus (Pope, 440—461) uses almost the same expression: "Nemo alteri desponsatam ducat uxorem." (Migne, *op. cit.*, 54, 557.) Fulgentius, in his *Breviatio Canonum*, states the doctrine of the Church as follows: "Ut sponsatae puellae, si ab aliis raptae fuerint, sponso priori reddantur." (Migne, *op. cit.*, 67, 957.) Isidor Hispalensis, in his collection of *Decreta Conciliorum*, has the following resolution of the Concilium Ancyritanum: "Desponsatas puellas et postea ab aliis raptas placuit erui et his reddi, quibus fuerant antea desponsatae." (Migne, *op. cit.*, 84, 106.) In the *Decretum Gratiani* we find the following passages: "Puellam alii desponsatam alter accipere non valet. Quod autem post parentum sponsonem aliis nubere non valeant. . . . Ecce, quod non licet parentibus sponsalia filiorum suorum frangere." (Migne, *op. cit.*, 187, 1412. 1462.)

In the Lutheran Church this Scriptural doctrine has therefore always been held. Luther himself writes: "Da siehest du, dass eine vertraete Braut eine Ehefrau heisst in der Schrift. . . . Es ist ebensowohl eine Ehe nach dem oeffentlichen Verloebnis als nach der Hochzeit." (X, 922 ff.) For the statements of the faculties at Jena and Wittenberg see Baier, Ed. Walther, III, 752 f. This doctrine of Holy Scripture was plainly expressed in some of the old Lutheran marriage rituals. In the Brandenburg-Nuremberg *Agenda* that portion reads: "The marriage vows which ye have pledged

one to the other in the presence of God and His holy congregation I here confirm." In the *Eisleben Manual* of 1563 we read: "This marriage, ordered and ordained by God Almighty between you, I confirm." In the *Lower Saxon Agenda* of 1585 it is said: "The persons here present have, in the customary manner, with the knowledge of their parents on both sides, . . . entered into the holy estate of matrimony." Cf. Schaff-Herzog *Encyclopedia*, VII, 199; also Kliefoth, *Liturgische Abhandlungen*, I, 36 ff.

In the American Lutheran Church the Scriptural doctrine concerning betrothals has, in general, been upheld. In the *Lutheran Cyclopedia*, edited by Jacobs and Haas, the following statement regarding betrothal was entered: "According to the maxim that *consensus, non concubitus, facit matrimonium*, betrothal is the very essence of marriage, and is, therefore, binding upon the parties, making them essentially husband and wife before God." (p. 49.) Other testimonies are the following: "Weil sie verlobt waren, darum nennt der Engel Maria das Gemahl Josephs. Daraus sehen wir, dass Verlobte Eheleute sind. Die Ehe wird geschlossen durch die Verlobung oder das Verloebnis." (Mezger, *Entwuerfe zu Katechesen*, p. 48.) "Wenn ein Mann und ein Weib, die zur Ehe tuechtig sind und nicht in zu naher Verwandtschaft stehen, sich mit Einwilligung ihrer Eltern verlobt, sich die Ehe versprochen haben, so sind sie vor Gott zur Ehe verbunden." (Schmidt, *Katechismuspredigten*, p. 72.) "The fundamental maxim governing all cases of breach of betrothal is that valid betrothal is, *in foro ecclesiae*, essentially marriage." (Dr. Graebner, in *THEOL. QUART.*, IV, 458.)

Keeping all this in mind, it seems strange that exception should be taken to this definition in Lutheran circles of our own country. The statement of the *Kirchenblatt* of the Iowa Synod that this exposition of the doctrine concerning betrothal is "not the conception of betrothal which is found in wide circles of the Lutheran Church," and that of the *Wachende Kirche* of the Buffalo Synod that "all experience is opposed

to it and also the practise of the Church," may both be dismissed as arguments without validity, not being based upon Holy Scriptures. Another statement by the *Kirchenblatt*, however, contains an element of danger, since we read: "To assume that every other conception but that defended by the author be wrong and sinful would mean binding the Church of Jesus under the Jewish yoke." If the statement that a valid betrothal is, in the sight of God and the Church, tantamount to a marriage was merely a part of the Jewish church law, then there certainly would be reason for objecting to "being entangled again with a yoke of bondage." Let us see what evidence the Bible offers.

There are three passages in the Old Testament which would tend to corroborate the idea that the validity of a rightful betrothal, as stated above, was in force for the Jews only, besides the account in the Book of Tobith. The passage Deut. 22, 23, 24 reads: "If a damsel that is a *virgin* be betrothed unto a *husband*, and a man find her in the city, and lie with her, then ye shall bring them both out unto the gate of that city, and ye shall stone them with stones that they die; the damsel, because she cried not, being in the city; and the man, because he hath humbled *his neighbor's wife*." We find almost the same statement Deut. 28, 30: "Thou shalt *betroth a wife*, and another man shall lie with her"; *i. e.*, Thou shalt give the usual engagement presents, and thereby make a woman thy wife. The passage Hos. 4, 13 has been translated: "Your spouses shall commit adultery." The word "spouse" here means "espoused wife," in spite of the suggestion of Gesenius to translate "daughters-in-law," for קָנָה undoubtedly means "betrothed wife" in other passages, such as Jer. 2, 32; Is. 49, 18; 61, 10; Jer. 7, 34; 16, 9, and elsewhere. Luther is correct in translating: "Und eure Braute zu Ehebrecherinnen werden," as is also the Vulgate: "Et sponsae vestrae adulterae erunt." The manner of betrothal is described in the Book of Tobith, 6, 19; 7, 15, 16.

If we, then, for the present, grant the contention that

these passages as they stand may be considered merely as a part of the Jewish church law, the Jewish account of the manner and the validity of betrothal should prove interesting. The *Jewish Encyclopedia* says of this: "The first step toward marriage was betrothal, involving the consent of the parent or guardian of the girl and the payment of a price. The act of betrothal is expressed by the Hebrew word 'aras'; the price paid, by 'mohar.' The 'mohar' may be in the form of service in the field or in war. Probably it was customary, even in early times, to give the bride some portion of the 'mohar,' or, at least, to give her presents. After betrothal the bride might be taken to her husband's house, and the nuptials celebrated either immediately or later. The initial steps, it appears, were customarily taken by the parents of the suitor, who formally made the proposal. Not infrequently, however, in the comparatively free social intercourse of those days, the young man and woman had met and formed a mutual attachment resulting in a love-match. *After betrothal* the bride was subject to the *same restrictions as a wife*. Of the marriage ceremonial little is known; it is not mentioned at all in the story of Isaac, while in that of Jacob a marriage feast and a nuptial week are spoken of. The central features in later times were the wedding-procession and the wedding-feast. The bridegroom in festive attire, and accompanied by his friends, went to the home of the bride, whence she, likewise in bridal garments, veiled and accompanied by her companions, was led to the house of his parents. The procession was enlivened by songs by, or in praise of, the bride and bridegroom, and was lighted, if in the evening, by torches or lamps. There followed the nuptial feast in the house of the bridegroom, and the subsequent festivities sometimes continued for several days." This description is based principally upon Bible passages. There is another account, however, which describes the Jewish betrothment according to its nature, term, form, etc., and is based upon the Rabbinical Law. It is by Mielziner, in his book *The Jewish Law of Marriage and Divorce*, from which

we quote (p. 75 ff.): "A betrothment is termed, in Rabbinical Law, *kiddushin*, or, also, *arusin*. The former of these two terms refers especially to the act of betrothing, while the latter indicates the state of being betrothed. The betrothed parties are called, respectively, *arus* and *arusa*. The meaning of a betrothment, according to Rabbinical Law, differs essentially from the idea usually connected with that term in our day. In modern Law betrothment is defined to be 'a contract between a man and woman by which they agree that at a future time they will marry each other.' Such a contract is of a purely civil nature. It may be dissolved by either party, or both, at pleasure. The nature of betrothment, according to the Rabbinical Law, is quite different. There a *betrothal* is not a mere promise to marry, but it is the *very initiation of marriage*. The betrothed parties are in some respects regarded as married, though not yet entitled to the marital rights, nor bound to fulfil any of the mutual duties of conjugal life, as long as the marriage was not consummated by the nuptials. The betrothment could be dissolved only through death or a formal bill of divorce. Faithlessness on the part of the betrothed female was treated as *adultery*. Without having been formally divorced, she could not enter a marriage contract with another person; if entered upon, it was void." It will be seen from this account that the Rabbinical Law agrees exactly with the Bible.

To return, however, to the passages quoted above: Do these really concern the Jews only, and are their commands not binding upon the people of our day? A simple way to determine whether a law given to the Jews specifically has validity for all times is to see if it is also found outside of the police and church regulations of the Jewish code. And here we readily find statements which prove that the Biblical law concerning valid betrothals is in force to this day. When Lot was urged to make haste out of the doomed city, he went out to speak to his "sons-in-law that would marry his daughters," who were betrothed to them and wanted to consummate this marriage later on. (Gen. 19, 14.) When Jacob, with the

consent of the parents on either side (Gen. 28, 2; 29, 18. 19), was betrothed to Rachel, the daughter of Laban, he spoke of her as his "wife" before the marriage had taken place. (Gen. 29, 21.) Both of these events took place before the Jewish church law was in existence. A similar case is recorded in the New Testament. When Mary was "espoused to Joseph, before they came together," Joseph is called her "husband," and she is called his "wife." (Matt. 1, 18—20.) And in Luke 2, 5 Mary is called Joseph's "espoused wife." (Cf. Luke 1, 27.)

In addition to these clear and unmistakable passages we have another reason for considering a rightful betrothal tantamount to marriage, and that is by analogy from the parts of Holy Scriptures, both of the Old and New Testaments, in which the union of Christ and His Church is spoken of. We find throughout these passages that the terms "espoused" or "bride" and "wife" are used as synonyms and altogether indiscriminately. The great "mystery" concerning Christ and the Church (Eph. 5, 32) would lose its meaning if betrothal and marriage, as spoken of in the Word of God, were not identical. "For thy Maker is thy Husband; the Lord of Hosts is His name." (Is. 54, 5.) "Thou shalt no more be termed Forsaken; neither shall thy land anymore be termed Desolate; but thou shalt be called Hephzibah, and thy land Beulah; for the Lord delighteth in thee, and thy land shall be married. For as a young man marrieth a virgin, so shall thy sons marry thee; and as the bridegroom rejoiceth over the bride, so shall thy God rejoice over thee." (Is. 62, 4. 5.) "Thus saith the Lord: I remember thee, the kindness of thy youth, the love of thine espousals." (Jer. 2, 2.) "Turn, O backsliding children, saith the Lord; for I am married unto you." (Jer. 3, 14.) Luther translates: "Ich will euch mir vertrauen"; the LXX: *καταχωρεύσω ὑμῶν*. "I will betroth thee unto Me forever; yea, I will betroth thee unto Me in righteousness, and in judgment, and in loving-kindness, and in mercies." (Hos. 2, 19.) "Come with Me from Lebanon,

My spouse." (Song of Solomon 4, 8—12.) "He that hath the bride is the bridegroom." (John 3, 29.) In connection with this passage it is worth while to study Luther's remarks, X, 754 ff., and III, 1095, §§ 182. 183. "And I, John, saw the holy city, new Jerusalem, coming down from God out of heaven, prepared as a bride adorned for her husband. Come hither, I will show thee the bride, the Lamb's wife." (Rev. 21, 2. 9.) Compare with these passages also the following: "The marriage of the Lamb is come, and His wife hath made herself ready" (Rev. 19, 7); "Husbands, love your wives, even as Christ also loved the Church" (Eph. 5, 25); and the many statements in which lack of loyalty and faithlessness is compared to adultery.

In view of all these facts there can be but one conclusion: that the *Kirchenblatt* is wrong in its surmise that the regulations concerning betrothal in the Bible were binding upon the Jews only, just as Kliefoth (*op. cit.*, p. 18) merely states his own opinion when he writes: "Der gegenseitige Wille zweier Menschen, einander zu ehelichen, bildet nur das Verloebnis; aber das Verloebnis bildet nach christlicher und kirchlicher Anschauung eine Ehe erst dadurch, dass Gott sein Stiftungs- und Segenswort durch seine Kirche ueber die Verlobten spricht und an ihnen vollzieht." On the other hand, the sainted Dr. Graebner is undoubtedly correct, because standing on Scriptural ground, when he states: "A valid betrothal, the lawful and unconditional mutual consent of a marriageable man and a marriageable woman to be husband and wife, makes the parties to such compact essentially husband and wife before God." (THEOL. QUART., II, 350.) "The rescission of lawful espousals or valid betrothal is unlawful desertion from the marriage bond as truly as after the consummation of marriage." (III, 408.) "Valid betrothal is, *in foro ecclesiae*, essentially marriage." (IV, 458.)