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## ARTICLE I.

### A BRIEF IN THE CASE OF THE MARRIAGE WITH A DECEASED WIFE'S SISTER.

[by L.G. Barbour]

I. Is the law recorded in Leviticus xviii. and xx. directed against fornication, adultery, or incest? Answer: Leviticus xviii. 6-17, and the similar verses in Leviticus xx., are unquestionably levelled specially at incest. (1) This has been the judgment of the vast majority of the Church, both Jewish and Christian. There is hardly a dissenting voice. (2) If incest is not meant, the Jews had no written law against incest, which is wholly un-supposable when we consider the commonness and enormity of the crime. (3) The preamble to the law is, "None of you shall approach to any that is near of kin to him, to uncover their nakedness." "Near of kin" is in the Hebrew **שָׂאֵר בְּשָׂרוֹ** — "flesh of his flesh." The verse reads literally, "Man, man to the flesh of his flesh ye shall not approach."

The margin of King James' Version renders **שָׂאֵר בְּשָׂרוֹ** by "remainder of his flesh;" and this gives substantially the same meaning to the passage. It is accepted by Prof. Bush in his Commentary. But Gesenius in his Thesaurus, as in Dr. Robinson's translation also, clearly makes out that "flesh of his flesh" is the true rendering. One of the most learned of the English Hebraists coincides with Gesenius. **שָׂאֵר** is rendered flesh in

Ps. lxxiii. 26; Micah iii. 3; Jer. Li. 35; Ps. lxxviii. 20; "body" in Prov. v. 11; "food" in Exod. xxi. 10. But the kindred word  $\text{שְׂאִיר}$  is properly translated "remainder," or "remnant," Is. xi. 11; Zeph. i.4. The same occurs in the Chaldee in Ezra and Daniel. The Septuagint paraphrases by πάντα οἰκεῖα σαρκὸς αὐτοῦ, all the kindred of his flesh. The Vulgate also, *proximum sanguinis sui*, next of his blood, next of kin; which is followed by the English Version. In this, as in so many other cases, the more closely we adhere to the original, the more accurately and the more fully shall we get at the inspired meaning. This preamble shows conclusively that it is incestuous intercourse that is specially aimed at, and not fornication or adultery; while yet all sexual intercourse is forbidden. (4) This view is confirmed by the fact that, besides the multitude of condemnations of adultery elsewhere, the law in Lev. xviii., after finishing up the subject of incest, adds a prohibition of adultery along with other abominations in verses 19-23, and chap. xx. 10. See also xix. 20-22.

#### II. Reasons for the law against incest.

(1) The preservation of the beneficent affection of kindred, which is incompatible with marital affection proper.

(2) The conservation of domestic purity.

(3) Augustine "held that the design of all these prohibitory laws was to widen the circle of the social affections." (Hodge's Theol., Vo. III., p. 409.) This may be a subsidiary benefit, but can hardly be placed in the front rank.

(4) Recondite reasons drawn from physiology as ascertained by recent scientific inquiries. For instance, that the reason why a man should not marry his brother's widow is that the widow has incorporated into her own body part of the substance of the body of her first husband, or else that at least her own physical condition has been permanently altered by the previous union. The objections to this are, 1st. The reasons for a law are not concealed four thousand years to be revealed at last only by science. 2d. Third, fourth, or fifth cousins would be prohibited from intermarriage on the same ground with a step-mother, an aunt, or an aunt-in-law.

### III. Is the law binding on the New Testament Church?

Affirmative: Because (1) The sins forbidden were the sins of Gentile nations, "the doings of the land of Egypt . . . the land of Canaan;" not of the Jews particularly.

(2) The relations of the parties are race relations, not national; the relations of man to man, not of Jew to Jew. So the law is not a ceremonial or ritual law, having reference, like the law of sacrifices, to the coming Christ; and it is not a law of the Hebrew commonwealth, like the laws of inheritance, jubilee, etc., all which are done away; but a law concerning the permanent relations of mankind, and thus binding like the Ten Commandments, being in fact a corollary of the seventh.

(3) It is recognised in the New Testament. (See 1 Cor. v. 1.) Also John the Baptist said unto Herod, "It is not lawful for thee to have thy brother's wife." Mark vi. 18. Not another man's wife, but *thy brother's*. Herod, as well as John, knew what the Mosaic law was.

(4) The conscience of the heathen has always, though dimly and incompletely, acknowledged the sinfulness of incest. Cicero cries out against it. If the heathen knowledge has been incomplete on this subject, it has been so in other departments of morals also.

(5) Incest is as wrong now as it ever was, and is condemned in all Christian countries. If the law recorded in Leviticus is not binding upon us, there is no law written in the Bible against incest that does bind us, except the scattered recognitions before mentioned.

### IV. Is the bearing of the law to be confined to the specified cases?

No. (1) The reasons for the law extend more widely, and hence the extent of the law must be determined by parity of reasoning. It is idle to say that we cannot understand the reasons for this law now after thirty-five or forty centuries of study, experience, and New Testament teaching. God always encourages a reverential study of the reasons for his laws. Indeed, his laws cannot be understood unless we learn the reasons for them.

(2) A servile verbal interpretation would lead us into the wild-

est blunders. A woman is forbidden to be married to her son, or even step-son, but a man might lawfully be married to his own daughter. A woman may not be married to her brother's son, or her sister's son, or even her husband's brothers' son, in which last case there is affinity only, and no consanguinity at all; yet a man might be lawfully married to his own brother's or sister's daughter. It is impossible that this should be the intent of the law. Is it less absurd that a woman should be forbidden to be married to her deceased husband's brother, and yet be allowed to be married to her deceased sister's husband?

(3) Well nigh universal consent of Jews and Christians, even of the lax Talmudists, much more of the stricter Karaites, confirms this view.

V. A kindred question is whether by "nearness of kin," or "flesh of his flesh," consanguinity was meant, to the exclusion of affinity. This is easily answered:

(1) About half of the specified cases are cases of affinity. This alone settles the question.

(2) In the beginning God chose to make woman out of the substance of man, that so he might in the most impressive way teach the coming race that husband and wife "shall be one flesh." וְהָיוּ לְבָשָׂר אֶחָד; "and they shall be to one flesh," *i.e.*, become one flesh. The whole tendency of unbelief is away from this primæval scripture. The Church will take lessons from ill masters, if it shall forsake the oracles of God for infidel teachers. According to Holy Scripture, both Old and New Testaments, husband and wife are one flesh. The kindred of the one become the kindred of the other.

VI. It seems hardly worth while seriously to consider that flimsiest of all sophisms: that when one's wife dies the bond of connexion with her family is broken, and her family are no more or other to the surviving widower than any other family whatsoever. Answer: Then if my father dies after a second marriage, his widow, not my own mother, occupies no nearer relation to me than any other woman does, and I may lawfully marry my step-mother! Fortunately this is expressly forbidden, and the prohibition should teach us how to interpret the law generally. So,

too, one may not marry his father's brother's widow, nor his own son's widow, nor his deceased wife's daughter, etc. But the sophism does not deserve a refutation.

VII. Some English readers may be honestly puzzled by the fact that similar phrases in the law need to be taken in a somewhat dissimilar sense. Thus in Lev. xviii. 8: "The nakedness of thy father's wife thou shalt not uncover: it is thy father's nakedness." Of course the two clauses cannot be literally applied in precisely the same way. Hence it might be suspected that sexual intercourse was not meant by the phrase. It has been urged that the Septuagint employs the word ἀσχημοσύνη, shame. This reasoning, however, is wholly unsound.

(1) Whatever definite meaning we attach to the original phrase, it is plain that the transgressor *dishonors the bed of his father*, and inflicts a particular kind of shame upon his father's name.

(2) The Greek euphemism ἀσχημοσύνη, cannot be pressed unreasonably into signifying any sort of shame. The whole context forbids this; especially the words οὐκ ἀποκαλύψεις, thou shalt not uncover. The LXX. plainly understood the passage just as we do.

(3) The repetition of the phrase in a slightly altered, yet kindred meaning, is entirely consistent with the terseness of the Hebrew, and the paucity of their vocabulary. Every Hebrew scholar feels the force of this.

(4) Since husband and wife are one flesh—not in the letter which killeth, but in a true scriptural sense—it is to be expected that the nakedness of the one should be the nakedness of the other also. Of course, if marriage were a mere partnership, the whole scriptural theory would fall to the ground, and the inspired phraseology become meaningless.

(5) Gesenius explains the phrase as it has always been understood.

VIII. What is meant by "a wife to her sister" in verse 18? The literal rendering of the verse is: "And a woman to her sister thou shalt not take, to vex, to uncover her nakedness upon her in her life." There are two interpretations of this verse. We propose to give them both, and the arguments by which they are defended. But either one of the two interpretations will answer

our purpose. It is agreed that to “take a woman” in the Hebrew sense of the phrase, is to take her in marriage, to wed her. Again, a slight variation is found in those cases in which one man is said to take a woman to or for another man. Thus 2 Chron. xxiv. 3, Jehoiada took for Joash two wives. The word “marry” in our own tongue is applied to the bridegroom, the bride, or the officiating minister. So there need be no trouble about his. Then the preposition *לְ* upon, like prepositions in all languages, has considerable latitude of signification growing out of the primary one. Gesenius gives as synonyms, Lat., *ad apud*; German, *an, bei*; English, *at, by, near*; and still others, *as near, at the side of, within, to, against*. All who have considered the Greek prepositions will understand the need of circumspection in translating this part of speech. Instead of the primary *upon*, the secondary meaning of *beside* seems appropriate; *by, at the side of*.

In favor of taking the word *sister* literally here, Dr. Hodge says: “(1) The words in question never mean ‘one to another,’ except when preceded by a plural noun, which is not the case in Lev. xviii. 18. (2) If this explanation be adopted, the passage contains an explicit prohibition of polygamy, which the law of Moses permitted. (3) It is unnatural to take the words ‘wife’ and ‘sister’ in a sense different from that in which they are used throughout the chapter. (4) The ancient versions agree with the rendering given in the text of the English Bible. The Septuagint has *γυναῖκα ἐπὶ ἀδελφῆ αὐτῆς* the Vulgate ‘*sororem uxoris tuæ*.’” Dr. Hodge adds that “In this interpretation the modern commentators almost without exception agree;” and quotes from Maurer, Baumgarten, Rosenmüller, and Keil.

Prof. Geo. Bush, in his Commentary on Leviticus, handles the question at considerable length, and arrives at the conclusion that the text of the English Version is the correct translation, “a wife to her sister.” He adds, “It is not a matter of small weight in confirmation, that all the ancient versions, as the Chaldee Targum of Onkelos, the Samaritan, the Syriac, and the Arabic, adhere to the literal construction.”<sup>1</sup> Referring to the idiomatic ex-

<sup>1</sup>The Targum of Onkelos renders Lev. xviii. 18, “And a wife with her

pressions, "a man to his brother," and a "woman to her sister," he says, "Of these phrases the former ... occurs twenty-five times in the Hebrew Scriptures, and the latter ... ten times. Neither of the phrases are (*sic*) confined to persons; they are both frequently, and in fact generally, spoken of inanimate substances." The following instances will suffice: Gen. xxxvii. 19, "And they (the brothers of Joseph) said one to another;" literally, a man to his brother. Exod. xxxvii. 9, The cherubim stood with their faces one to another (a man to his brother). Gen. xxvi. 31, Abimelech and Isaac swear one to another. Lev. xxv. 14, Ye shall not oppress one another  $\text{לְאָחִיךָ אִתְּךָ לֹא תִכְרֹם}$ ; a man his brother). Joel ii. 8 (of the plague of locusts), Neither shall one thrust another (a man his brother). Similar phrases are, "a man as his brother," *i.e.*, "one as much as another," English Version; "a man upon his brother," rendered "they shall fall one upon another," etc.

The other phrase, "a woman to her sister," occurs ten times. Thus Exod. xxvi. 3: "The five curtains shall be coupled together, one to another" (a woman to her sister). "And other five curtains shall be coupled one to another" (a woman to her sister). So of *loops* in Exod. xxvi. 5; of *curtains* again in Exod. xxvi. 6; of *tenons* in Exod. xxvi. 17; of *wings* in Ezekiel i. 9, 11, 23, and in iii. 10. "The wings of the living creatures touched one another" (a woman to her sister). The only remaining place is this, Lev. xviii. 18: "Thou shalt not take a woman to her sister." The simple, literal interpretation is, that a man is forbid-

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sister thou shalt not take to cause her tribulation by uncovering her nakedness over her in her life (time)."

The Targum of Palestine, commonly entitled Targum of Jonathan Ben Uzziel, gives, "Neither shalt thou take a wife in the life time of her sister, to aggrieve her by dishonoring her nakedness over her, all the days of her life." Dr. Etheridge's "Targums on the Pentateuch, Vol. II. London, Longman, Green & Co., 1865." This translation is supposed to be quite reliable. I have no portions of the Targums in Chaldee except the extracts in a Chrestomathy. Dr. E. translated the New Testament from the Peschito Syriac also. The non-clerical reader will bear in mind that the Targums are free translations from Hebrew into Chaldee—Chaldee paraphrases, as they are styled. Onkelos is closer to a literal translation than the others.

den to marry a woman in addition to her own sister; *i.e.*, to have at one and the same time two sisters as his wives. the idiomatic interpretation, following the other thirty-four cases, is that a man is forbidden to marry one woman in addition to another; *i.e.*, the passage forbids bigamy.

In favor of the literal, and against the idiomatic interpretation, Prof. Bush alleges: 1. In every *other* of the ten instances the things to be added to each other are inanimate objects. 2. In all the nine cases, the subject of discourse is first mentioned as curtains, loops, and wings. 3. If we introduce the idiomatic rendering here, the passage will read, Thou shalt not take one to another. Query: One what? If we say *one woman*, we abandon the idiom, and have no right to understand the word *sister* idiomatically. 4. In the other nine cases the phrase has a *reciprocal* import. Things are so and so, *one to another*. But there is nothing of this in the woman and her sister in this verse. It is only taking one object in addition to another. His conclusion, therefore, is, that in this one instance the phrase cannot be taken idiomatically, but as *woman* means literal woman in the passage, so *sister* means literal sister.

It will be seen that the writer is not here stating his own views, but those of learned men, and in a concise way, for the benefit of English scholars as well as Hebraists. That there is force in the arguments of Hodge and Bush, all must admit; and even those who prefer the idiomatic rendering found in the margin of this English version.

IX. If the views just presented be adopted, it may be asked, Why is there a specification of the brother's wife, and not of the wife's sister? Ans.—1. Because in the Bible the male is almost always made prominent. "*He* that believeth." But surely woman is not to be overlooked. If a man marry his deceased brother's wife, the woman sins too. So of all the other cases. When the man sins, the woman sins. God did not take woman from the foot of man, but from his side. Woman's position is secondary, but it is only secondary. So that our conceptions are precisely scriptural. 2. In those days the wife went to the home of her husband, and would be thrown with his brothers. Ps. xlv.

10. “ ... O daughter ... forget thine own people and thy father's house.” The husband would not be apt to meet his wife's sisters in the domestic circle. In our day and country all this is changed.

X. Is Lev. xviii. 18 intended to show that a wife's sister is an exception to the general law? This is the only foothold left to the advocates of a repeal of the article in our Confession. The weight of the foregoing arguments, derived from more than one source, seems to the writer irresistible, unless it can be made out that this verse indicates an exception to the rule. Against which it may be urged that,

(1) An exception here ought to be very plainly expressed. It ought to be as explicit and as unmistakable as the provision that if a man died childless, his brother should marry his widow and raise up seed unto his deceased brother. This is a manifest exception, and its purpose was manifest, viz., to keep the inheritance of real estate to the proper descent. In all such cases of general law an interpretation sustaining an exception ought to be the *only* fair and reasonable interpretation. Otherwise laws most salutary, and even necessary, might be frittered away by alleged exceptions. This is so plain that we surely need not dwell upon it. If there is any other fair and just understanding of this passage—this *single* passage, mark it, nowhere repeated—that will keep it in harmony with the body of the law, every jurist would say that it must be preferred. This is common sense applied to law. If there be offered an interpretation of this one clause, which throws obscurity upon all the rest of the law, and tends to overthrow the reason of many of the specifications of the law, and indeed the reason of the law as a whole, that interpretation must be rejected.

(2) Now is it thus *plain* that an exception is intended in Lev. xviii. 18? If so, the great majority of readers and interpreters in the Christian Church would have adopted that view. There is nothing in unrenewed human nature to keep men from adopting it; on the contrary, unrenewed human nature is in great danger of so doing. A man thrown into intimate domestic relations with his deceased wife's sister at and after his wife's death, sharing

with her the tenderness of a common grief, observing her sweetness of behavior toward his children, and for some time debarred from the society of other women, is in imminent peril of interpreting Scripture to suit his tastes and wishes.

Is, then—we repeat it—the exception so plain as to command the assent of the great mass of the Christian Church? Has there been a general agreement in the Church of the past nineteen centuries in favor of the intermarriage of a man with his deceased wife's sister? So far from it, the fact is notoriously the contrary. "In the whole extent of the Greek and Russian Church, and all the bodies which in the whole East bear the name of Christ, even those involved in heresy, these marriages with a wife's sister are wholly unknown and abhorred as incest, as in the time of St. Basil, and those before him. Whatever may be the decay in practice, the mind of the three great portions of the Church [Romish, Greek, and Anglican] is in accordance with that of the Apostles, as attested by the universal practice of the whole Church, wherever she was planted in all lands, and which, until a late unhappy period, remained unimpaired." (THE LAW OF MARRIAGE, by Pusey, Palmer, and Badeley.) "The first precedent in favor of the infringement of what up that time, had been by the deliberate judgment of the Church, century after century, accounted the law of God, took place through the judgment of a man stained with almost every crime by which human nature has been disgraced, [Pope Alexander VI., the infamous Borgia, father of Cæsar Borgia,] and that to conciliate the favor of princes." This dispensation was given to Emmanuel, King of Portugal, in 1500 A. D. A bad paternity, surely, for a Presbyterian law. Alexander Borgia! And he not daring to deny that God's law forbade the marriage, but avowedly dispensing with that law.

Some of our readers may like to have individual facts. Let us begin, then, with the Apostolic Canons, not indeed enacted by the Apostles, but eighty-five ecclesiastical rules or laws describing the customs and institutions of Christians, particularly of the Greek and Oriental churches in the second and third centuries. It is an Ante-Nicene collection. In Canon 19, one who had married a wife's sister or a niece was forever excluded from the clergy.

Next we give the testimony of St. Basil, Archbishop of Cæsa-rea in Cappadocia (329-379), one of the most eloquent and godly of the Greek fathers, and of nearly as great influence in the Greek Church as St. Augustine wielded in the Latin. St. Basil wrote a letter to one Diodorus (Epis. 160, *ad Diodor.*), who, says Basil, “having been asked by some one whether, his wife being dead, he might marry her sister, shuddered not (ἐφριξε) at the question, but meekly endured to hear of it, and in a truly noble way [irony of course] defended and abetted this impure (ἀσελγέε) desire.” He speaks of “the practice established among us having the power of a law, and these laws (θεσμούςς—*instituta*) have been delivered down to us by holy men. . . . The practice has been, if any one at any time, overcome by an unclean passion, falls off into a lawless union with two sisters, that this be not accounted marriage, nor that they be received at all into the congregation of the Church before they be parted from one another. . . . I pray that either our exhortation may prove stronger than passion, or that this incest spread not into our diocese, but may be confined to the place where it was ventured upon” (ἐτολήθη).

It will be born in mind that the point here is not whether St. Basil's indignation was or was not well founded; but what was the well-nigh unanimous judgment of the Church in the earliest centuries, and whether they thought Lev. xviii. 18 was meant to introduce an exception to the general law of incest. The Council of Eliberis “annexes the same penalty to this marriage as to an aggravated case of repeated fornication, or of once falling into adultery, to be kept from communion for five years.”

When the Emperors of Rome became Christian they conformed the laws of the realm to those of the Bible and the Church. Thus a law of Constantius and Constans, A. D. 355, reads: “Although the ancients (*i.e.* the old Romans) thought it lawful, when the marriage of the brother was dissolved, to marry the brother's wife; and also after the woman's death or divorce, to contract marriage with her sister, let all abstain from marriages of this sort, nor think that legitimate children can be born of this union; for it is agreed that the children are spurious.” The

penalty, as perhaps all would hold at the present day, was extremely severe; most persons would regard it as not warranted by the offence. But the promulgation of the law to heathen, Jew, and Christian subjects alike proves our point for the fourth century.

Marriage with a wife's sister was forbidden by the Council of Epaon (A. D. 517, Can. 30); of Clermont i. (A. D. 535, Can. 12); quoted in the second Council of Tours (A. D. 567, Can. 21); and forbidden by the third Council of Orleans (A. D. 538, Can. 10).

The seventh general Council, composed chiefly of Oriental Bishops, and numbering over 200, was held in Constantinople in A. D. 692 in a hall in the imperial palace, called Trulus. Hence it is called "the Council in Trullo." This Council solemnly acknowledged and reënacted the discipline of the Canons of St. Basil. But the 68th Canon of St. Basil appointed for marrying two sisters successively the same penance as had been appointed for bigamists, that is, a penance of seven years' excommunication after the separation of the parties. This continues to be the Canon law of the whole Eastern Church to the present day, without change or modification.

John de Turrecremata, an eminent theologian and canonist, was in the confidence of Pope Eugenius, who (cir. A. D. 1431) referred to him for decision the application of the Dauphin (afterward king) of France, to be allowed to marry his deceased wife's sister. The decision was that the Pope himself could not dispense in such a case—*quod non poterat Papa dispensare.*" That the marriage was prohibited by the Levitical law, or that the Levitical law was still binding on the Church, does not appear to have come into question.

Four old mnemonic lines sum up the prohibited degrees—

Nata, soror, neptis, matertera, fratris et uxor,  
Et patrum conjunx, mater, privigna, noverca,  
Uxorisque soror, privigni nata, nurusque,  
Atque soror patris, conjungi lege vetantur.

Daughter, sister, granddaughter, mother's sister, and brother's wife,  
And father's brother's wife, mother, step-daughter, step-mother,  
And *wife's sister*, step-sons's daughter, and daughter-in-law,  
And father's sister are forbidden by law to be married.

This is from one of the volumes of the *Decreta*. (See Poole's synopsis also.)

So that when the monster of iniquity, Alexander VI., wished to allow the King of Portugal to marry his deceased wife's sister, he boldly took the ground, not that it was not a forbidden degree—he was not audacious enough for that—but that as Pope he had the right to dispense with the law of God. It had been taught by Thomas Aquinas and others that the Pope could not dispense with divine law. If Alexander VI. could have decided, or gotten a number of canonists to decide, that marriage with a wife's sister was not forbidden by the divine law, it would have suited his purpose exactly. But he was far too shrewd to take such a position. (The same saintly Father (Papa) gave a dispensation to Ferdinand II., King of Sicily, to marry his aunt. It has been said in palliation of this that she was "half-blood," *i. e.* half-sister to one of his parents. A sorry defense!)

Julius II., "who obtained the pontificate by fraud and bribery . . . and possessed, besides other vices, very great ferocity, arrogance, vanity, and a mad desire for war," gave Henry VIII. of England a dispensation to marry the widow of his brother Arthur. A plain setting aside of God's law, admittedly so, but no more intended to be a denial of the divine law than the previous dispensation of Alexander VI. had been. Julius was probably emboldened by Alexander, of whom he was the almost immediate successor, the intervening Pope having lived in office only twenty-six days.

More might be said, but it is sufficiently manifest that the Greek Church, the Romish Church, and the Anglican Church have always forbidden this marriage as incestuous.

And now in addition to all these bodies, may we not especially cite the Westminster Assembly of Divines, those wonderfully sound theologians, so deeply read in divinity and Church history, whom, as the years roll on, we admire more and more? There is Selden, the profound orientalist, and Lightfoot and Coleman are little behind him. This learned and judicious and painstaking Assembly in the Jerusalem Chamber of Westminster Abbey did not regard Lev. xviii. 18 as an exception to the law. They

have laid down the only principle that can be consistently carried out. "The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own." Niemeyer appends our Confession of Faith, and the Larger and the Shorter Catechisms to the Continental symbols, as the symbolical Books of the Puritans. That European scholars unacquainted with English may read them, he gives the Latin as in most of the other Confessions. "Non licet viro e cognatione uxoris suæ ducere, quam si æque seipsum attingeret sanguine, ducere non liceret; sic uti nec fœminæ licet viro nubere a mariti sui sanguine minus, quam a suo liceret, alieno." Is it credible that any Presbyterian body can be found willing to mutilate this noble testimony? And above all, one that claims to be, and I trust *is*, a testifying Church? This great principle of LAW that has undergone the scrutiny and received the endorsement of church fathers, of councils, of canons, of schoolmen, of the Greek Church, the Romish Church, the Anglican Church, and the Presbyterian and the Independent branches of the Puritan Churches?

Above all, is it credible that the Southern Presbyterian Church in the United States, a body hitherto so conservative, so zealous for maintaining the old landmarks, so proud of its orthodoxy of the genuine Westminster type, should take the lead in this unhappy business? Dear brethren of our beloved Church, before this wretched blunder is perpetrated, forgive an uninfluential minister of her communion if he cries out against the step. Alas! we have *boasted* of our orthodoxy. The writer has quoted but too often the vehement assertion of a learned theologian of the Northern Presbyterian Church, "the hope of sound Calvinism on this continent is in the Southern Presbyterian Church." Pride comes before a fall. If the mutilation is effected, let our Assembly send on to Dr. Niemeyer, or the present editor of his *Collectio Confessionum*, or else to Dr. Schaff, for insertion in the 3d Vol. of his *Creeks of Christendom*, a certified minute in English and Latin, that the above clause, after standing for two centuries and a third, has been abrogated by a sect hitherto noted for its conservatism and orthodoxy, the Southern Presbyterian Church in the United States of America. Woe is me if this day should come.

XI. Has there, or has there not, been dissent from this Church doctrine in former ages?

Dr. Pusey says, in his evidence before the Queen's Commissioners: "There was no doubt whether the degrees were forbidden; the only question was, whether the authority of the Church replaced the Levitical Law, or whether it was binding as being moral." Thus he goes on to explain that Scotus (A. D. 1301) regards all prohibitions except that of the direct ascending and descending line, parent, child, grandchild, etc., to be no part of the law of nature, but of the Church only; he teaches that Christ did not go beyond this law of nature. "In the evangelic law," says Duns Scotus, "there is not found any prohibition by Christ beyond the prohibition of the law of nature; nor did he explicitly confirm the prohibition made hereon in the Mosaic law; but the Church made persons unlawful, at one time in a remoter degree, afterwards in the fourth. . . . Of *all* affinity, there is no reason, except the statutes of the Church, making connexions unlawful." Duns Scotus was not without followers, but the great body of the authorities is against him. Observe: he did not deny that Lev. xviii. and xx. forbade marriage with a deceased wife's sister, but that the Levitical law was binding on Christians—which has been answered some pages back.

XII. Did not the Romish Church (and the Greek) prohibit many degrees not prohibited in the Bible?

Answer: Unquestionably. But they distinguished between what was forbidden by the divine law and what was forbidden by the Church's sole authority. Thus the followers of Thomas Aquinas divided the prohibited degrees into three classes, viz., those prohibited, 1. By the law of nature, as parents and children. 2. By the divine law, as in Lev. xviii. 3. By the canon law of the Church. The schoolmen and canonists said that the Pope could dispense in the third class with the laws of the Church, but not in the two first, "because it would be to dispense with a law not his own, but another's, who expressly forbids it." This point could be abundantly substantiated, but it will suffice to give the canon of the Council of Trent, which may be found in Streitwolf's Collections, Vol. I., p. 90, or in Schaff's second volume

Creeds of Christendom: “Si quis dixerit eos tantum consanguinitatis et affinitatis gradus qui (in) Levitico exprimuntur posse impedire matrimonium contrahendum, et dirimere contractum; nec posse ecclesiam in nonnullis illorum dispensare, aut constituere ut plures impediunt, et dirimant, anathema sit.” “If any man shall have said that those degrees only of consanguinity or affinity which are expressed in Leviticus, can hinder from contracting a marriage, or dissolve it when contracted, and that the Church cannot dispense in some of them, or ordain that more (degrees) shall hinder or dissolve, let him be anathema.” This translation is almost identical with Dr. Schaff’s, being a trifle closer to the Latin. Thus he renders, “*plures*” *others*, which is perhaps smoother English than *more* (degrees). We prefer the more literal here. In this canon the Council of Trent emphasises the distinction between the scriptural and the ecclesiastical degrees, and affirms the right of the Church to add to the scriptural prohibitions, and a right to annul even *some* of them.

This was in Session xxiv., Nov. 11, 1563, sixty years after Alexander de Borgia had given a dispensation to Emmanuel to marry another daughter of King Ferdinand. The Romish Church has never pretended that the prohibition of marriage with a wife’s sister was a mere ecclesiastical law. It forbade first cousins, second, third, possibly fourth cousins to marry. But St. Augustine distinctly maintains that the prohibition in the case of first cousins even, is non-Levitical. And so others taught. So ill-formed is the assertion that the prohibitions of our Confession were a mere matter of canon law.

One hardly knows which to be most astounded at, the infinite daring of the Council of Trent, or its infinite shrewdness and tact. It dares to claim the right to dispense with God’s laws, but only with *some*. Pray, which ones are dispensable, most excellent prelates œcumenical? Did you mean to shield Julius in his allowing Henry VIII. to marry his brother’s widow? Or Borgia, in allowing the king of Portugal to marry his wife’s sister? Dr. Pusey thinks the former, because there had recently been a quarrel over the Henry VIII. case. Who can tell what the *nonnullis* (some) means?

It is remarkable, however, that after affirming under anathema the Church's power of dispensation, it insists on the necessity of using this power very rarely even in the second degree. "Let a dispensation never be granted in the second degree, except between great princes and for a public cause." *A fortiori*, then, the Council discouraged (if it did anything) a dispensation to marry the sister of a deceased wife, which is an affinity of the first degree. "Fagnan, 'the most esteemed of the Italian canonists,' regards these marriages as absolutely prohibited by the Council of Trent." He says that this is evidently implied by the Council's decrees, as just stated. In fact, only seven such dispensations were given in more than a century; in one of these the first wife fell dead on leaving the church; in two others the dispensation was given after the marriage of the parties to prevent trouble. In others still, something else was the matter, and so the practice which Basil shrank from with horror, gradually slid into use.

XIII. How are we to account for the special prohibition of marriage to a wife's sister during her life-time? Does that not *imply* that such a marriage would be permissible after the death of the first wife?

Answer: 1. An English bishop has wisely said, "The silence of Scripture is inspired." To which it may be added, the silence is often as hard to interpret as the speech. The passage nowhere *says* that after the first wife's death it is lawful to marry her sister. In such a case the devout student of Holy Scripture ought to have had a plain affirmation, and not a dubious implication. Details, too, are frequently difficult of interpretation when the general principles involved are abundantly clear. This is true of parables; and in the interpretation of a parable how absurd it would be to insist on understanding some minor specification in a way which would run counter to, or even overthrow the manifest intent of the passage as a whole? A truly dangerous method! So in the interpretation of a law. For instance: in the tenth commandment the wife is introduced, Thou shalt not covet thy neighbor's wife. In the fourth she is omitted, Thou shalt not do any work, thou, nor thy son, nor thy daughter, thy man servant, nor thy maid servant, etc. It will be remembered by all

Hebraists that the Hebrew verb has both a masculine and a feminine form; also the pronoun thou (אַתָּה) is masculine. Both the verb and the pronoun are masculine in this fourth commandment. Now it might be asked, Why is the word *wife* included in the specifications of the tenth and omitted in those of the fourth? Particularly when daughter and maid-servant *are* mentioned? Imagine a man's seriously requiring his wife to work all day Sunday on the strength of this omission! And demanding of her a satisfactory reason why the wife's name was omitted in the fourth commandment before he shall excuse her from toil on that day!

Whether we can or cannot explain the prohibition of marriage to a wife's sister during her life-time to our own or other people's satisfaction, is a secondary question. Surely *no explanation can be right* that brings this clause into flat contradiction to other requirements of the law. One reason for the specification may have been the fact, recorded in Genesis, that Jacob had married two sisters. If you will marry two wives, do not take sisters. Again, the temptation to marry a wife's sister, while not so common in the Oriental family circle as in ours of the present day in Europe and America, was more frequent than that of marrying entirely outside of the family. Jealousies, strifes, animosities before as well as after the new alliance, were likely to spring up, and the purity of domestic intercourse to be endangered. Therefore never marry your wife's sister at all, under any circumstances; *least of all*, during her life-time, to vex her, to uncover her sister's nakedness beside her.

(2) An illustration may set this in a clearer light. The writer once heard it said, in a debate on secret societies, that the Free Masons bound their members never to violate the person of a Free Mason's wife or sister. The inference drawn, or strongly hinted at, was that this fraternity did not disapprove of unchastity towards the wives of other men, not Masons. Now, whether the premise were true or not, does not matter. As an inference, it was most unjust and most illogical. Any of the ordinary Masonic manuals for sale in the bookstores would correct the mistake. What would St. John the Baptist and St. John the Evangelist,

their two patron saints, say to such a charge? That it is simply preposterous. "Every well governed lodge is *furnished* with the *Holy Bible*, the *square*, and the *compass*; the *Bible* points out the path that leads to happiness, and is dedicated to *God*; the *square* teaches us to regulate our conduct by the principles of morality and virtue, and is dedicated to the *Master*; the *compass* teaches us to limit our desires in every station, and is dedicated to the *craft*." (Webb's "Free Mason's Monitor.") This is set forth in the very first degree. In the charge at initiation into this first degree, the Entered Apprentice is directed to esteem God as the chief good, and to follow the golden rule in dealing with his neighbor. "The all-seeing eye of God . . . pervades the inmost recesses of the human heart;" which might have been said by good old Bishop Ken. In a word, numberless teachings by word and by symbol, confute the charge of any connivance at lewdness. But since fellow Masons are required to nurse sick members, and to sit up with them at all hours of the night, if Masonry *does not*, Masonry *ought* to throw around the wives and daughters of the brotherhood a sacredness similar to that with which our Creator has girded about the family circle. So that its teaching would be like this: Be pure to all; but especially be on your guard, on your honor, on your conscience, toward those to whom your relations may be most intimate and confidential. I am informed that the Odd Fellows have a similar injunction. This is as it should be.

(3) As we have largely shown, the deliberate judgment of the immense majority of students of the Bible in all the leading communions has, until perhaps these last days, uniformly been that Leviticus included marriage with a wife's sister in the prohibited degrees. Even the handful of Scotists held this, while they denied that the Levitical law was binding on Christians. Only an unwarranted inference makes it an exceptional case. Prof. Bush pronounces it "a gross *non sequitur*. The expression 'in her lifetime' is too slight to be allowed to vacate the force of all the considerations which we have before adduced in proof of the *implied prohibitions* contained in the preceding verses." Dr. Hodge says "the inference . . . is very precarious." Then let us hold fast to the steadfast faith of the Church against all precarious novelties.

(4) Prof. Bush says that “the whole law concerning incest closes with the 17th verse. The prohibition in the 18th respects altogether another subject, and is as distinct from incest as any of the other crimes mentioned and forbidden in the remaining parts of the chapter. It might indeed appear from the use of the word ‘neither’ at the commencement of the verse that it was intimately connected with the foregoing. But this rendering is not borne out by the original. It is the simple particle *and* which we find in the Hebrew text, and is precisely the same word which in the three subsequent verses, is translated respectively ‘also,’ ‘moreover,’ and ‘and,’ and the usual paragraph distinction might very properly have been introduced here.” (Every chapter of Leviticus but two begins with “and.” The 7th with “likewise,” which also is ו, *and*, in the Hebrew.) So, too, Dr. Hodge: “All that the passage teaches is that if a man chooses to have two wives at the same time, which the law allowed, they must not be sisters; and the reason assigned is, that it would bring the sisters into a false relation to each other. This leaves the question of the propriety of marrying the sister of a deceased wife just where it was. This verse has no direct bearing on that subject.”

XIV. It was intimated near the beginning of this article that the writer would discuss the second general interpretation of Lev. xviii. 18, which construes it as a direct prohibition of polygamy. We have been so fortunate as to find in the Landis Library a copy of S. E. Dwight’s now rare little volume, “The Hebrew Wife.” Prof. Bush styles him *Rev. S. E. D.*, but he subscribes himself at the end of his preface, “A Lawyer.” An able one he must have been, for he advocates the cause of Old Testament monogamy with great power. In fact, at times he seems almost unanswerable. Then, too, he is supported by Turretine, briefly indeed, but very decidedly.<sup>1</sup> But this article has

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<sup>1</sup>The following is the translation in Junius and Tremellius’ noted Latin Bible, referred to by several writers: “Item mulierem *unam* ad alteram ne assumito: angustia affecturus hanc retendendo turpitudinem illius *ductae* super hanc in viti ipsius.” (Hanover, A. D. 1624. Likewise, do not take one woman to another, to affect her with anguish by uncovering the nakedness of the former brought upon the latter in her life.

spun out to such a length—notwithstanding the omission of much matter which we would fain have introduced—that we cannot enter into the discussion now. We merely state that at present we incline to our long held opinion, that polygamy was tolerated by the Almighty in the Old Testament times; but it must be admitted that there is much force in the argument adduced for the contrary opinion. “Thou shalt not covet thy neighbor’s *wife*,” singular number. This seems to have been overlooked by Dwight; it is not at all favorable to polygamy.

But as to our present discussion, suppose that polygamy *was* forbidden by the Old Testament throughout, and that Lev. xviii. 18 means, Thou shalt not have two wives at the same time. Then the inference, against which we have been contending, utterly falls to the ground. The sacred writer is not treating of a wife’s *sister* at all. “One woman (or wife) to another;” not “a wife to her sister.” If this was what Moses intended, the inference vanishes in the air.

XV. A respected brother told us not long ago that he was once travelling in a private conveyance with Dr. Nathan L. Rice, and they discussed this question by the way. Dr. Rice warmly maintained the view advocated in this article. At last his companion said to him: “We are going to dine to-day with a Presbyterian elder, who has married his deceased wife’s sister. Now would you go to his house and accept his hospitality if he had married his own sister? And Dr. Rice was silent!” Dr. Rice surely needed not to be silent. There are *degrees* of impropriety in human actions. No one would like to go and dine on social terms with a man just out of the penitentiary, where he had been confined for a term of years for grand larceny, embezzlement, or burglary. But if we are never to dine with a man who has ever driven a sharp bargain, or asked or received more for a piece of property than he conscientiously thought it was worth, or pleaded usurious interest on a note, or bought property, real, personal, or mixed, for less than he believed to be its value, or taken all the law allowed him, when it allowed more than was just, our dining list will have to be curtailed. And if we are never to dine with any man who daily sins against God, we shall never dine out at all, and nobody can ever dine with us. But does any one propose, therefore, that we shall obliterate the answer to Q. 142 in the Larger Catechism, “What sins are forbidden in the eighth commandment?”

We should not judge harshly of laymen who have not thoroughly examined the subject, and who are told, alas! it may be by authorised teachers of the word, that the Scriptures do not for-

bid this kind of union.<sup>1</sup> All such persons,, too, may take what comfort they can get out of the well known fact that the Talmudic party, far the most numerous sect or school of the Jews, allow this marriage. Yet the strict constructionists, the Karaites, forbid it. The Talmud is the body of Jewish tradition (the Mishna), and the commentaries thereon (the Gemaras). Our Saviour said: “Full well do ye reject the commandment of God, that ye may keep you own tradition. Laying aside the commandment of God, ye hold the tradition of men.” This very mass of tradition was in existence and in high esteem among the Pharisees in our Saviour’s time, though the Mishna was not formally completed by Rabbi Jehuda until toward the close of the second century. If this gives any aid and comfort to the opposers of almost the whole Christian Church, let them have it. Another lamentable encouragement has been found in the civil laws. We live in the day and (we blush to say it!) *the land* of divorces. Whom God hath joined together man now puts asunder. The same general laxity might be reasonably looked for in the civil law of incest. It is notorious that such laxity does exist in the laws of our States; and this will, thought it should not, affect the judgments and the conduct of Christian people. Let all these circumstances mitigate our condemnation as much as they ought; but let them not determine our organic law.<sup>2</sup>

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<sup>1</sup>For instance, from the Synopsis Criticorum Sacrorum: Fagius says: “The sense, therefore, is, do not take any woman for a wife together with her sister to afflict her by lying with her sister, she, the sister of (thy) wife, being present or alive; for the sister of a dead wife it was lawful to marry. As if he had said, Do not take two sisters at the same time (*simul*) for wives. The wife being dead, however, you will be able to take her sister.” Vatablus agrees with this.

<sup>2</sup>Perhaps the following incident may throw some additional light on

XVII. To remove this passage from our Confession will be to open a flood-gate that we may never be able to close. The first step is to license intermarriage with a wife's sister; the next, intermarriage with a niece. Why not? It is so often said that a wife's sister is the very woman to put as a step-mother over one's motherless children. Now the same argument has been actually employed to recommend marriage with one's niece. Who will be kinder to a sister's defenceless child than her dear uncle? Marriages of this sort, it is stated, are very common in some parts of Germany. Ah! whither do we tend?

Is it the special *rôle* of the Southern Presbyterian Church to open this gate? Is this our mission? Have we, "come to the kingdom" for such miserable work as this? In the years before the war the orthodox men of the North felt that they could always trust in the genuine Presbyterianism of the Old School Presbyteries and Synods of the South, while the advocates of a modified Calvinism stigmatised us as "the most straitest sect: of Augustinians. Out of the bosom of our Church sprang such theologians as John H. Rice, Baxter, and Speece, Nathan

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this part of the subject: In 1836 Dr. Wm. B. Sprague visited Berlin and saw a good deal of Neander. In the course of the conversation Neander said he had no doubt that the King of Germany was a truly pious man. "I expressed some astonishment at that, from having seen it stated in a French newspaper that I had taken up, that he attended the theatre on the Sabbath. 'But,' says Neander, 'I suppose you know that the same views of the Sabbath are not entertained in Germany as in England and America. I do not entertain the same myself.' I replied that I was aware of that; but that I did not suppose that those who professed to be evangelical Christians would attend the theatre on the Sabbath. To which he replied, "I would not go to the theatre any day of the week; but there is nothing that I would do at any time, that I would not do on Sunday, if convenience required it.'" So far, Dr. Sprague. Now we all admire the great Church historian, Neander, so learned, so philosophical, so humble, so generous. But are we ready to expunge from our Confession what it says concerning the Christian Sabbath? Yet the Lutheran, and most of the Reformed Churches of the Continent of Europe, are a much better paternity for a church doctrine or usage than Alexander Borgia; and their arguments, thought wholly unsatisfactory to us on the Sabbath question, are weighty when compared with any *we* have seen adduced for marriage with a wife's sister.

L. Rice, Breckinridge, and Thornwell, with other good men and true. Help, Lord, for the godly man ceaseth; the faithful fail from among the children of men. Our Southern Church has been a separate organisation for less than twenty-five years. Can we not stand alone for one-quarter of a century, and without tinkering at the Confession of Faith? Grand old symbol! May some humble members of our communion be gathered to their fathers in peace ere thy hallowed doctrines are set aside by her sons! And may a communicant of full forty years standing, to whom the honor of his Church is very dear, be pardoned, if what was began as a brief, has expanded into argument, or warmed into expostulation.

The subject might be discussed to much greater length if need were; and it would give the writer pleasure to quote largely from the able argument of Edward Badelay, Esq., in the case of *The Queen vs. St. Giles-in-the-Fields*, in the Court of Queen's Bench, June 15th, 1847. The following points and facts may interest readers of this article. Long before the Canon Law found its way into England the marriage under discussion was positively prohibited, as by a Canon of King Ethelred, "a Statute or a Canon among the laws of Canute," by a canon submitted to (and accepted by) his English clergy, by Egbert, Archbishop of York, by the council of Oenham A. D. 1099, by the council of London in the time of Lanfranc and William the Conqueror, by a Council at Westminster in the time of Henry I., by the Constitutions of Salisbury, in the time of Archbishop Stephen Langton, by the Constitutions of Richard, Bishop of Durham, and by the Constitutions of the time of Henry III.

In fact, the writer of this article does not happen to know of any Council of the Christian Church, on any continent, or in any age, that has ever upheld marriage with a deceased wife's sister. If the General Assembly of our Church should uphold this marriage, it will be, of all Church Councils, œcumenical or provincial, orthodox or heretical, the first to do so, to the confusion and sorrow of some that greatly love that honored branch of the Church universal. It is true that scattered individuals have maintained the lawfulness of the union; but look at some names on

the other side, such as John de Burgh, Professor of Theology, and Chancellor of the University of Cambridge; Bishop Jewell, most fully and argumentatively; David Paræus, the distinguished Professor at Heidelberg; Lord Coke, and other eminent Judges; the profound Hebraist and Orientalist, Dr. John Gill, and the learned Dr. Hammond; High-church Pusey and Presbyterian Bonar; besides the great scholars of the Westminster Assembly—that Assembly, too, agreeing with all other Councils of ancient and modern times, so far as we know. Such things “must give us pause.”

L. G. BARBOUR

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ARTICLE II.

THE SABBATH.<sup>1</sup>

I. THE ORIGINAL INSTITUTION OF THE SABBATH LAW.

“Thus the heavens and the earth were finished and all the host of them. And on the seventh day God ended his work which he had made, and he rested on the seventh day from all his work which he had made. And God blessed the seventh day and sanctified it, because that in it he had rested from all his work which God created and made.” Gen. ii. 1—3.<sup>2</sup> Here are three facts with their logical and moral connexion:

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<sup>1</sup> This article was the basis of a sermon preached before Fayetteville Presbytery by the Rev. K.M. McIntyre, and is published at their request.

[EDS. S. P. REVIEW.]

<sup>2</sup> The textual theme of this passage is the seventh day. As a sermon develops the truth contained in a particular passage of Scripture, giving the sense and causing the people to understand it, therefore what now devolves upon the preacher, in reference to this passage of Scripture, is to cause the people to understand what it is that God says, in this passage, concerning the seventh day.

What is said of the creation is by way of introducing the subject of the seventh day, and of indicating the connexion of the seventh day with the fact of the creation.

One thing that is said is that “God blessed the seventh day and sancti-