

An Insight into the History of the Engagement Institution

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ABSTRACT: The foundation stone of any society affirms on many occasions that it is the family, also called the basic cell of society, but before we can talk about the founding of a family, we consider it necessary to make a history for a stage that precedes the engagement. This institution, although it is an important element and often encountered in the history of many people, we can say that today it is gradually losing its essence. Moreover, we consider that the engagement term has undergone an intense process of metamorphosis, bearing in mind that initially, in many communities, this covenant first reflected a covenant belonging to the two families of which the two fiancées came from. Of course, this custom has been kept strictly, but only in certain communities. In addition, affirming the realization of such a ritual, if you wish, was a true event for which it was necessary to involve not only the two fiancées but the whole family. Also, this event has always been reported over time to another fundamental event – the marriage, and with the passage of time, it is interesting to note that the time interval has been incredibly shortened, but it is noteworthy that the engagement ring has preserved his sacred role in the whole process.

KEYWORDS: agreement, engagement, family, family law, habits

Introduction

Most dictionaries, globally, define the term engagement as a covenant that is intended to substantiate a future marriage. Moreover, we must note the distinction between the institution of engagement that precedes the institution of marriage, this latter institution having a legally ending path, and with much more problems in its abolition. Actually, engagement is the starting road that every couple has to go through in search of real-world finalization of their common feelings. Of course, depending on certain customs, we can say that the engagement term is changing its shape, but it essentially remains the same.

Since ancient times, the basic cell of any community was considered family (Emese 1997, 3). Practically, *pater familias*, meaning the head of the family, was entitled and also obliged to establish a fair marriage that at micro level represents the community at the macro level. Moreover, not only the role of *pater familias* was important, because the woman was the one who handled both children and the home. In addition, we can say that there is a merge between the responsibilities of the husband and wife, attributions that bring a fundamental element to any authentic home. However, we must bear in mind that before talking about marriage, an extremely important step has become remarkable throughout history - the engagement.

Regarding the moment when this proposal can be made, we should remind ourselves that, initially, this gesture was done with great fame by all family members, and there was a multitude of customs for this, depending on the geographic area we want to report to. Of course, there are some communities that have kept this custom of involving parents in substantiating the covenant between two people, but they will not make the subject of this study.

Turning nowadays, this moment is often marked by beautiful events like Christmas. So, in this regard, we can invoke a poll, according to which "Christmas is the most popular day of engagement, followed by Valentine's Day and Christmas Eve."

Another aspect worth noting is that nowadays it is being done in any place, more or less conventional, compared to the old traditions, according to which this event was held in a familiar setting in which the two fiancées could declare their desire to unite, and the presence of the family was a vital element for them. Regardless of where it is, this event is an extremely important moment for the two, and at the bottom it carries the veil of a love that goes from the Platonic plane to the tangible plane. The symbol of this union is, in most cases, in the engagement ring. Basically, this piece represents the eternal union of the two future spouses. The origin of this tradition has its origins in Ancient Egypt, where it was believed that wearing this ring on the fourth finger of the left hand represents the connection between it and the heart, which is done through a vein which later was called *the amoris vein*, name that remained until today (Nițescu 2010).

Of course, if in Prehistory it was believed that the binding of certain types of grass around the ankles or the waist of the partner would bring the spirit under its power, the custom of giving a ring was grounded in Egypt, and as all cultural elements and not only, this new object and new symbols in the Roman and Greek civilization, where the idea that it truly symbolized the pure love between the two, was grounded (Nițescu 2010).

Moreover, another aspect worthy of being noticed is the passage from perishable materials to some carefully crafted and made of precious materials (Șerb n.d.). In addition, another controversial aspect is the lack of these rings during the fourth century, when St. Augustine begs the priests to formalize the union between two people without a ring. Also, during this period, it was important the existence of an engagement period, a period that can be extended today and only within a few days (Nițescu 2010).

Another aspect worth noting is the demitization of this institution over time. In practice, if a couple agrees to appeal to this institution, in many cases, this decision does not imply the old rituals imposed by tradition, where gifts, family and myths played a fundamental role, but it may be more a confirmation in the public (often virtual) space of a love relationship between two people, a confirmation that, of course, involves their consent.

In addition, we can say that this institution actually translates in reality, a just research process of the metamorphosis of the relationship between the two, this period being extremely important in the completion or not of a link.

Engagement institution in the view of the legislator

Going beyond the symbolism of this institution, which is analyzed briefly, we can furthermore say that besides the fulfillment of certain legal conditions (for example, background and formal conditions), different from one country to another, it can be mentioned another controversial subject - breaking the engagement. In this case, we can state a few points to note, such as:

- The fiancés can break the engagement, not being constrained, to marry
- Does not require formalities in this sense
- Gifts received on engagement must be returned
- The party guilty of breaking the engagement may be required to pay damages

Thus, in doctrine, it has repeatedly been said that this institution, in the contemporary sense, does not generate too many legal effects, in the sense that although there are some situations where, for example, the wedding gift is returned, in many cases, we can say that this commitment is repercussions less. Moving on to a historical analysis of this controversial term, we can make a fair analysis of it legally, but the difference between the norms of some states over others is considerable, and for this reason we decided to make an analysis of the legal framework of a European country, in this case, Romania. Firstly, the engagement's legal characters assume 6 defining elements (Motica 2017, 25):

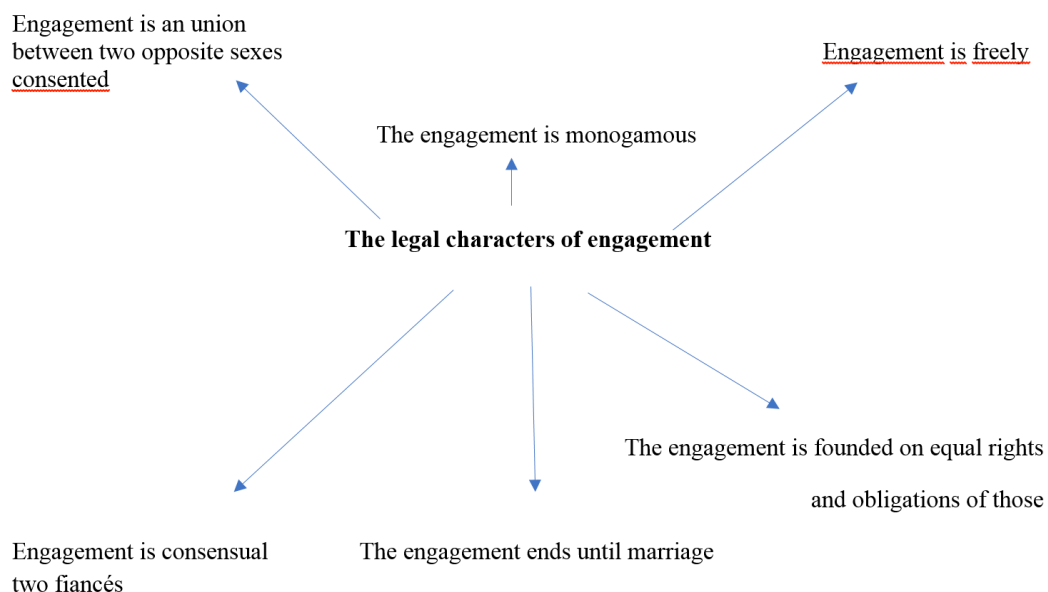


Figure 1. The legal characters of engagement

These characters are not just simple concepts, such as the seeds of what has been sown over time, as it is, in essence, even about certain customs that have separated from the common social values of several human communities.

Of course, in some states (such as those according to which the first principle in the top register of the above scheme is applicable), some elements are highly controversial. Moreover, some trends (such as those generating the last character in the lower register of the scheme above) are the expression of long-standing efforts at global level in terms of equal opportunities and non-discrimination. In addition, we can increasingly notice this transfer from adhering to fundamental principles of international law.

Moreover, when we relate to this term: engagement, we also need to take into account certain aspects that would conflict with a dissolution (Motica 2015, 27).

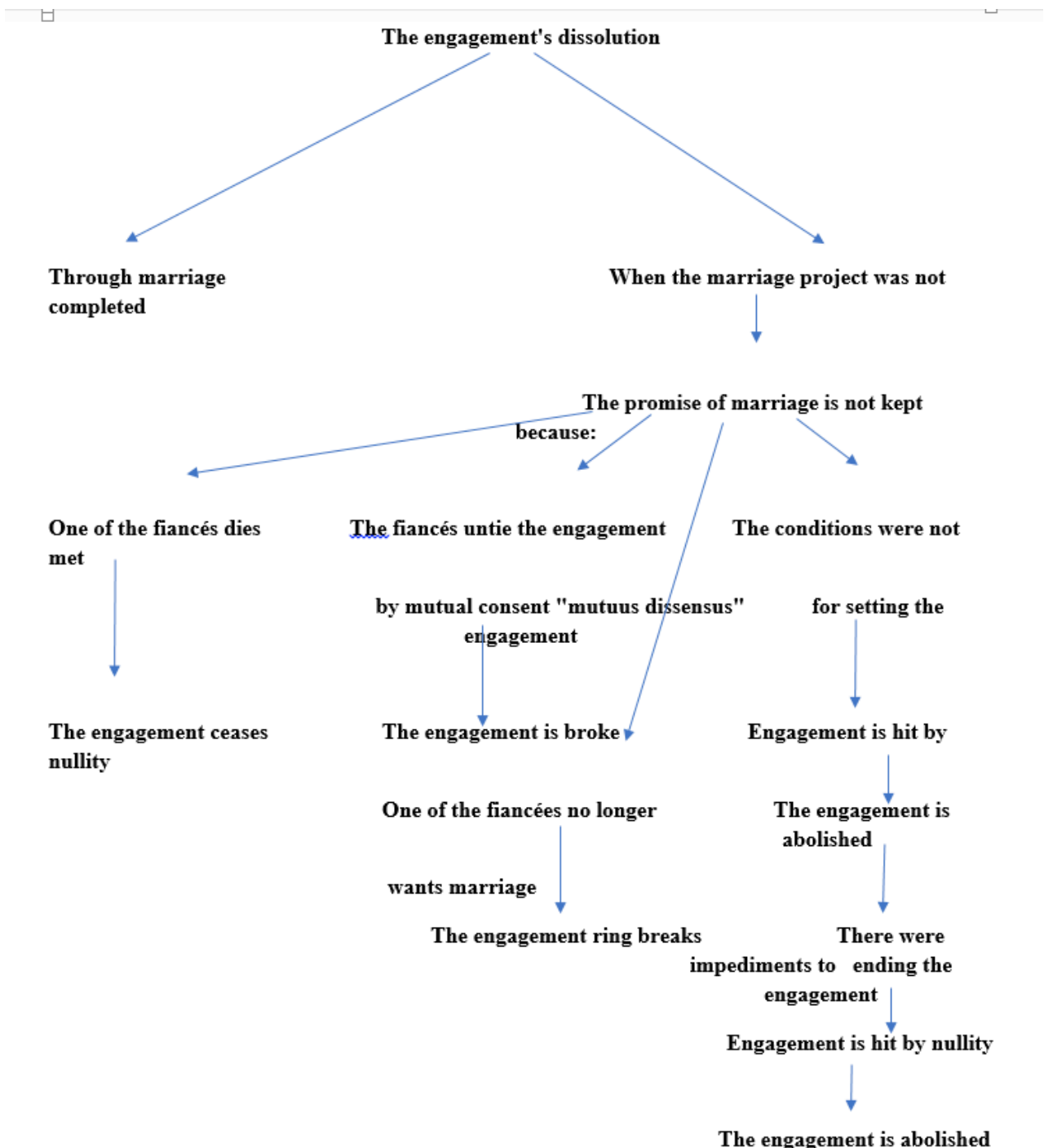


Figure 2. The engagement's dissolution

Conclusions

Therefore, engagement is a term that grows with the custom of every state and which, essentially, carries the desire of two people to be monogamous and consensual. Of course, there are cases where these conditions are forgotten, for other reasons, but we believe that over time they will fade, and that the relationship between two fiancées will have, in essence, a pure feeling.

Moreover, beyond the required conditions when talking about engagement regulation, it should be pointed out that this engagement institution has lost its significance over time, but we can not say that they have lost of all significance. Practically, this event is often the beginning of marriage (Macarovschi 2016, 9).

Finally, we consider this institution as a necessary ritual for any couple in which both partners wish to base their relationship in a just way, as the disciples learned from the masters the mysteries of the job they were to embrace. Moreover, this institution tends to believe that it cannot find by analogy a correspondent in the juridical world that has a solemnity so burdened by symbolism and custom. In addition, we tend to believe not only the implicit legal side, but also the mystical foundation of this approach. We also believe that this institution will have a long time to come from here, and with every writing in this sense, the real foundation of it can be built in an honest way.

“Love engages the cosmos with intimacy.” (Vasile Ghica 2018)

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