

Sunday Laws in America

BY: KEN MCFARLAND

An exchange on a blog site. . .

MY WORK INVOLVES, among other tasks, editing and preparing for publication materials for a wide variety of clients. At the moment, I'm working on a book setting forth the history of so-called Sunday "blue laws." The very first such law was enacted in the colony of Virginia in 1610, and read as follows:

"Every man and woman shall repair in the morning to the divine service and sermons preached upon the Sabbath day, and in the afternoon to divine service, and catechising, upon pain for the first fault to lose their provision and the allowance for the whole week following; for the second, to lose the said allowance and also be whipt; and for the third to suffer death."

Get that? Attend services both morning and afternoon—or face the early-American version of "three strikes and you're out." Strike one: lose your food allowance for a week. Strike two: lose your food allowance for a week and be whipped. Strike three: kiss your life goodbye. And this was not some totalitarian country, some atheistic dictatorship such as China or North Korea or Cuba. Nor was it some theocratic regime such as Iran. It was America.

Other colonies besides Virginia had their own Sunday laws, requiring attendance at services and forbidding everything from working to sports and recreation to swearing and "tippling" at the taverns. Punishments included fines of money and up to 200 pounds of tobacco, being locked in the public stocks, jail time, and again, in "grievous" cases, death.

Captain Kemble of Boston, Massachusetts, was in 1656 locked in the public stocks for two hours for kissing his wife on the Sabbath (Sunday) after spending three years at sea. The charge? "Unseemly behavior."



Even newly elected president George Washington was not exempt from punishment under Sabbath laws. As he traveled from Connecticut to a town in New York to attend worship service one Sunday in 1789, Washington was detained by a tithingman for violating Connecticut's law forbidding unnecessary travel on Sunday. Washington was permitted to continue on his journey only after he promised to go no farther than his destination town.

While this early religious legislation in America may sound inflexible and harsh, it's the natural and inevitable result of removing the wall of separation between church and state—between religion and government. It's the sure end when some attempt to force the consciences and moral behaviors of others.

And some of us believe that as that wall of separation continues to crumble in the United States, the likelihood is great—should that effort fully succeed—of an America where once again the state could exact penalties for religious violations—penalties up to and including death.

The intolerant militance of America's Religious Right should give anyone pause who prizes true religious freedom. Many leaders and jurists of the Religious Right either deny the religious-freedom protections intended by the First Amendment or hope to change or abolish that amendment.

As government increasingly strips away the rights of its citizens and intrudes into their privacy, and as the religio-political Right becomes increasingly aggressive in attempting to legislate personal morality and behavior, the likelihood also increases that at some point, mandatory church attendance—and on a day incompatible with the beliefs of many—could easily come up for a congressional vote.

America once imposed the death penalty for those in violation of compulsory Sunday church attendance. All signs point to the strong possibility that history could be repeated, even here in the land of the "so-far" free.

Even were I a Sunday-keeping Christian, I'd find this use of state legislation to enforce religious observance troubling or even appalling. As a Saturday-Sabbathkeeping Christian, my concern and watchfulness is understandably even greater.

Responses to "Sunday Laws in America"

Brian Hanley *On December 18, 2007 at 6:33 am*

You are trying to take the worst example and pretend that was the normal punishment given for a Sunday-closing law violation—however, the punishment for most was a small fine (most of the time it was a

warning). You may be unaware of this but our first President, George Washington, was stopped for excessive travel on Sunday and was merely asked to stop at the next town— which he did.

When you are going back that far—all punishments were harsh in those days. The death penalty was given for several crimes including rape—does this mean we should run away from all laws forbidding rape? Your argument does not hold water—and I know you are smarter than that.

There is another way to look at this and I hope you stop to consider it. That is Sunday-closing laws were the first labor laws of this nation whereby the rich were forced into giving labor a break. That is right—the blue-collar workers worked 12-hour days, 6 days a week, and if these laws were not in place they would have worked them 7 days a week. Many a slave would have been worked to death if it were not for the mandatory Sunday-closing laws.

Sunday-closing legislation has been on the books for many states for two hundred years and have been supported by blue-collar workers, and churches. On the other hand, it has been secularists (that are not in retail) that already have Sunday off and big business that supported the removal of Sunday-closing laws.

One of the main arguments given to discontinue the blue laws is that they are out of date for today's society. However, nothing is further from the truth. Like all of God's laws, blue laws are timeless. If anything, they are more compatible and necessary today than at any other time in history. Sunday-closing laws are compassionate legislation that is pro-God, pro-family, pro-environment, and pro-labor.

You may be surprised to read that Sunday-closing laws are pro-environment—but that's obvious. In 1682 Pennsylvania law stated "that, according to the example of the primitive Christians, and for the ease of the Creation, Every first day of the week, called the Lord's day, People shall abstain from their usual and common toil and labour." What people do not understand as they open more businesses on Sunday [is] they are burning more fuel and putting more pollutants into the air. An enlightened society would be concerned about this and seek the reduction of pollutants one day a week.

Also, according to a recent study in New Mexico after lifting its ban on Sunday sales of packaged alcohol, there [were] an additional 543 alcohol-related crashes and 42 alcohol-related crash deaths during five years after the ban was lifted. Second, from a study from a MIT professor, the lifting of blue laws has been linked to withdrawal from church and a higher level of drinking and doing drugs.

Many older adults in America remember fondly the blue laws from when they were children. They remember the empty store parking lots and the church's lots being fuller. Sundays evoke memories of spending quality time at home with the family and also having at least one pause each week to reflect upon the important things in life. Looking back, many lament when they reflect on what has been taken from them by big businesses.

Ken *On December 18, 2007 at 7:30 am*

Thanks much, Brian, for your thoughts. I hope at least some of my blog visitors will click on your name so they can see your extensive pro-blue laws website. I'm impressed by your work there!

While I don't see eye-to-eye with you on everything you've noted, one purpose of my blog posts is to stimulate discussion and explore varying viewpoints.

One area where I see things differently is on this statement you made: "Like all of God's laws, blue laws are timeless."

I personally agree that God's laws . . . as set forth in the Bible, and especially in the Ten Commandments . . . are timeless. But I don't agree that blue laws are a part of God's eternal law. As I view it, those are extra-biblical and post-biblical legal constructs developed by government entities, not set forth by God.

And if it's believed that blue laws are implicit in the fourth commandment, then the question remains as to which day the "seventh day" in this commandment actually is. Millions around the world are convinced that the seventh day is indeed Saturday, not Sunday the first day . . . that the attempted and largely successful "change" from Saturday to Sunday was predicted in the Bible . . . and that the seventh-day Sabbath of the fourth commandment is still in effect today.

And though blue laws may indeed have some salutary effects, I personally oppose any effort by government to legislate when it comes to matters of worship and how one practices his/her faith. I am even more inalterably opposed to such legislation when it attempts to force me to violate my conscientious convictions

of what I understand the Word to be telling me to do.

Some may see this matter differently than I and my church do, and I honor their freedom to live according to their own convictions. I only ask that others honor my freedom to do the same without legal force or sanction. Freedom of conscience dies when the state intrudes to legislate religious belief or practice.

Alex - aka Appointed *On December 19, 2007 at 9:20 am*

Great post again Ken. And, Brian, you pose some interesting points in your argument. But like Ken, I also must disagree in certain areas. Since Ken already made some strong counter points, I would like to add just a few more.

Brian, you made a nice point about the increase in drinking, accidents involving drinking, and lower church attendance on Sundays as a result of removing blue laws. Though I have not personally verified those details, I can see how that is completely possible and I think most likely true. While it is good to keep church attendance up and drunk drivers off the streets, there is still no reason to enforce religious observances or regulations on anyone. Especially regarding church attendance I ask—of those people who left the churches after the blue laws were dropped, how many of them were truly going to church because that's where they preferred and desired to be?

Now regarding the labor and economy aspect of the situation. While I agree it is good for everyone to take one day off per week, both from work (both public and private) and unnecessary travel (to reduce pollutants if you want to word it that way), I must disagree that Sunday blue laws are the answer. They are not in fact the answer. While they would accomplish this goal, it would be a violation of both God's Word and the conscience of millions of people! It is also against our Constitution.

Brian, you also made a very weak point when you argued that because the old laws were especially harsh, in comparison to laws of today for similar crimes, should we thus avoid "all" laws regarding those crimes. That is an unfair statement as that is not what Ken was implying, nor does it make any sense to do such a thing. There is a big difference between rape and not keeping Sunday holy. Rape violates another person. Not keeping Sunday is only going to irritate people who believe in keeping Sunday (a day instituted by man and not God).

Brian, in your argument you pointed out several reasons why blue laws are good and that as a result of those good points that we should not only keep existing blue laws but also implied more would be beneficial. My biggest point is this: it is not a good nor safe idea to suggest or support a law simply because of some good points when there are at least equally bad points!

Here's an example: God told Adam (and thus Eve), (essentially) "Don't take from the tree of the knowledge of good and evil. If you do you will surely die!" But Satan persuaded Eve (and thus Adam) to take the fruit on reasons that were considered good. . . . "Don't you see the fruit is good for food, and it is desirable because it will make you wise! Surely God would not keep such a good thing from you. Go ahead and take it, surely you will not die."

Brian, while I agree that it would be good for action to be taken to ensure all people have the freedom to take one day off per week to abstain from work, I must insist that any legislation regarding such a thing be void of specifying any particular day. When specifying a particular day it violates not only the conscience but also the religious beliefs of millions of people.

Religious freedom/liberty is extremely important, and our government should not establish any laws that dictate what an individual believes or practices. As much as I'd like everyone else in the world to believe the same as I believe and to practice the same religious observances as I do, I at the same time respect the right of each individual to choose for themselves what they believe and what they practice, and that freedom is highly valuable to all individuals. If it were not so valuable, then God would not have given it to Adam and Eve, and sin would have never reached mankind. God values free will.

Anyway, I wish both of you, Brian and Ken, the best and may the Lord bless you! . . . Alex

Brian M. Hanley *On February 28, 2008 at 6:19 pm*

You Wrote: "As I view it, those are extra-biblical and post-biblical legal constructs developed by government

entities, not set forth by God."

My Response: Not so—the Bible sets forth a change in the day which the Sabbath is to be observed. My main source is not the works of man (even though there are early church fathers which indicate that Sunday [was] the day [on] which they worshipped)—no it is the Bible alone.

As everyone that studies the Bible knows there are two methods that God employs to teach. One is a direct command and the other is an approved example. In John 20:19 we have an approved example as to which day we are to observe the Sabbath day in the New Testament dispensation. The apostles did not assemble on Saturday, but Sunday, and this is shown to be approved by God, in the appearance of Jesus Christ.

While I do not know the source of your argument—however many of those (the so-called millions) which observe Saturday as the Sabbath are following an extra-biblical vision of Ellen White. Not a source I would give any credence to.

You Wrote: ". . . oppose any effort by government to legislate when it comes to matters of worship and how one practices his/her faith"

My Response: A nation has a responsibility to honor God (Psalm 2.) This is why God has given the government authority to uphold the public good. They are to be as a nursing father (Isaiah 49:23) and allow the FREEDOM for people to honor the Christian Sabbath. To not allow this is to bind the conscience of people and to violate their faith. Again the government should also be concerned with the raping of the environment and the condition of the family.

The way to enact Sunday-closing laws is to do as Nehemiah did (Nehemiah 13); he contended with the nobles, he closed the gates so that there would be no trading done on Sunday. Nehemiah did not allow the businesses to open shop on Sunday and that is what we should do. According to your logic (which is not biblical) you would have stood against Nehemiah for what he did in honoring the Sabbath.

Most business men in all times and places have the concern of the love of money (1 Timothy 6:10), where they were tempted to press people into working long hours, seven days a week. The only thing that kept and protected the common worker and the slave from working seven days a week was the Sunday-closing laws. Business owners as we know have used child labor, unsafe working conditions, and a six-day work week, and it can easily be shown that they placed their love of money before their fellow man. As posted before the Sunday-closing laws were the first labor laws of this country.

Where I grew up, we had Sunday-closing laws and I did not see or hear of anyone complaining that they were off on Sunday. Do you realize that almost all governmental agencies are closed on Sunday. Are you saying that we should have them opened seven days a week? Are you saying we are morally wrong for closing Wall Street and a majority of businesses on Sunday? What businesses are open? Mostly retail workers and restaurant workers. That should be [a] telling sign. There is no movement to open government offices. There is no movement to open Wall Street. We have two layers of society—one is the ruling class, which is off on Sunday, and the other are our servants waiting on us. I don't see any high or middle level management working on Sunday—do you? This argument is not about making everyone work on Sunday, but is about making those that serve us work.

If all we did was allow people the freedom not to work on Sunday (Yes—employers can make "coerce" people to work on Sunday), there would be a significant closing of businesses around the country. You may remember two years ago, when the state of Virginia mistakenly enacted an allowance to not working on Sunday—big retail businesses went berserk, [and] the senate quickly changed the legislation (this was reported in Time magazine) because all the requests they started to receive from the workers. One news source reported:

"If it sticks, it will be the answer to my prayers," said Eugene Garner, who works at a Home Depot in Richmond. He said he has asked for Sundays off previously so he can attend church, but he has been forced to share weekend duties with his co-workers.

Ken On February 28, 2008 at 7:51 pm

Hi again, Brian . . . welcome back, and thanks much for your added comments here.

I choose in this life to believe that my most personal responsibility as a Christian is to account myself to God alone for the truth He has revealed to me, using the mind He gave me and the sovereign power of choice . . .

. also from Him.

When it comes to my Christian responsibility (I prefer privilege) to others, I choose to believe that is primarily to share with them the Jesus I have come to know, much as one beggar shares with another where to find bread.

Secondarily, it is my privilege to share with others the various truths God has shared with me, as I have come to understand them. It is not my duty, as I see it, though, either to condemn their own understandings or to pressure them to abandon theirs in favor of mine. I may share my understandings and invite them to be fairly considered, but my own experience with God is that though He may invite or appeal, He never pushes or uses force on me.

Assuming this, then, I can hold my own convictions, yet welcome yours even though they differ from mine. My view of ultimate truth, I've set forth the best I can in my post of today entitled "Truth Is Like a Camcorder."

Though I'm sure I could enjoy . . . without using so much bandwidth here that WordPress would throw me offline . . . debating back and forth my points and yours, I'd rather for now in this limited forum simply express my genuine appreciation for your choosing to add to the discussion. It is possible that some of my other readers may wish to address the many questions and issues you raise. Did I have sufficient space here . . . and more important, sufficient time, I'd do so myself.

Others who believe as I do, however, have focused on just the questions you've raised here, and perhaps more lucidly than could I. So I'd be happy at your request to direct you to published or online sources that could give you in-depth answers from my own perspective to the issues you've raised.

I know that even though we don't see in exactly the same line of sight on perhaps many things, we likely share a great deal of common belief on such priority fundamentals of truth as God, His love, Christ's provided salvation, and perhaps a host of other things.

Thanks again!

Ken McFarland, a well-published author and longtime editor, is president of Page One Communications in Las Vegas, Nevada.