**“Not ‘A Daniel Come to Judgment’” American Sentinel 2, 10.**

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The State of Louisiana has, in common with many other States, been doctoring its Sunday laws, and now has a law requiring that, with certain exceptions, all places of business shall be closed from 12 o’clock on Saturday night until 12 o’clock on Sunday night. A case recently came before the Supreme Court of Louisiana, in which the law was claimed to be unconstitutional. The court held the law to be valid, and the following is a portion of the opinion delivered by the Judge:- {AMS October 1887, p. 75.1}

“We take occasion promptly to say that if the object of the law were to compel the observance of Sunday as a religious institution, we would not hesitate to declare it to be violative of the above constitutional prohibition. It would violate equally the religious liberty of the Christian, the Jew, and the infidel, none of whom can be compelled by law to comply with any merely religious observance whether it accords with his faith and con-science or not. With rare exceptions, the American authorities concur in this view.... The statute is to be judged of precisely as if it had selected for the day of rest any day of the week, other than Sunday; and its validity is not to be questioned, because in the exercise of a wise discretion, it has chosen that day which a majority of the inhabitants of this State, under the sanctions of their religious faith, already voluntarily observe as a day of rest.” {AMS October 1887, p. 75.2}

The New York *Independent* quotes this, and adds the following words of approval:- {AMS October 1887, p. 75.3}

“This is an exceeding lucid statement of the theory which underlies all legislation that requires the suspension of ordinary labor on Sunday. The object is not to enforce religious observances of any kind, but simply to establish a uniform day of rest for the general good of the whole people; and this is no interference with the religious rights of anybody.” {AMS October 1887, p. 75.4}

It may seem very presumptuous for a non-professional man to criticise the opinion of so great a person as a Judge of a Supreme Court, but nevertheless we have no hesitation in saying that the opinion quoted is nothing but sophistry, and such sophistry as could be dealt out only by an adept in the art. This we think can easily be made apparent; and it is the more necessary that this should be done, because the Sunday-law mania has now become quite prevalent, and just such sophistical arguments as those quoted above will he relied on in securing the enactment of those laws. These arguments will be used for the reason that they are the best that can be offered in favor of an unjust law, and also simply because they have been used before. Even the Louisiana judge himself did not pretend to originate them, but contented himself with giving the view in which nearly all “American authorities concur.” If American legal business were not becoming more a matter of precedent than of common sense, Sunday laws could never be enacted; but the idea seems to be that whatever has been done ought to be done; and precedents for oppressing people under the guise of charity are not wanting. {AMS October 1887, p. 75.5}

The claim is made that the Sunday law does not compel the observance of Sunday as a religious institution, and that therefore it cannot be contrary to a Constitution which forbids religious tests for office or citizenship. But the fact is, Sunday is primarily a religious institution, and its observance cannot be enforced except as such. It cannot be separated from its religious (not sacred) character for the purpose of special legislation concerning it. It matters not what such legislation is called, whether a police regulation, or a law in the interests of the workingman, it is legislation concerning an institution of the church. {AMS October 1887, p. 75.6}

To make it evident that Sunday laws are laws in behalf of religion, three things only need to be borne in mind: 1. Sunday rest originated in the church. Catholics universally claim the church as the sole authority for Sunday observance, and many Protestants agree with them in this. The *Christian at Work* says: “We rest the designation of Sunday solely on the church having set it apart of its own authority.” But if the claims of those who say that Christ and the apostles set the day apart as a day of rest, were true, that would make it emphatically a church institution. 2. The observance of Sunday is generally considered by church people as the essence of religion. In the Sunday-law contest in California five years ago, the *Christian Advocate* spoke of Sunday as “the foundation of our holy religion.” Regarding Sunday rest as the memorial of the resurrection of Christ, they think that without it there would be no evidence of the truth of the gospel. 3. The churches and the churches alone are at the bottom of all Sunday legislation. No one ever heard of such a thing as 1 Sunday law being proposed by anybody except a zealous churchman or a deputation of ministers. It is true that, by pretending that Sunday laws are in the interest of labor, they are inducing labor and socialistic organizations to clamor for such laws, but these organizations come in only as allies to the church. Everyone who knows anything of the history of Sunday legislation, knows that it is always instigated by the churches. {AMS October 1887, p. 75.7}

Now in the face of these things, to say that Sunday laws do not compel men to observe Sunday as a religious institution, is not only sophistry, but it is positive untruth. Since the day as a day of rest is nothing else but a religious institution, how can it be enforced as anything else but a religious institution? It cannot be enforced as something which it is not. True, it is said that when the State enforces the observance of Sunday, it makes it a civil institution, merely a legal holiday. Well, nobody contends that the State law makes Sunday a religious institution; it is that already. We freely admit that the State law in its behalf is only a civil ordinance, for the State could make nothing else but a civil ordinance; but, mark it well, what we do claim, and what all candid minds must admit to be the truth, is that a State Sunday law is a civil ordinance enforcing the observance of a religious institution. {AMS October 1887, p. 75.8}

Some years ago the city of San Francisco had a notorious mayor, who engaged in certain transactions that were inconsistent with his official position. His defense was that he did those things as an ordinary citizen, and not as mayor. It requires no argument to show the absurdity of such a statement. The man was mayor, and he could not separate himself from his office within the time for which he was elected. But this is just on a par with the argument that Sunday legislation is not the enforcement of a religious institution. If the friends of so-called National Reform admit such a plea, they must be prepared to see it carried out to its legitimate conclusion. They must expect to see the vilest fakes elected to office in their model government, under the plea that they are not bad citizens, but are simply bad men. {AMS October 1887, p. 76.1}

If anything further were needed to show the flimsy character of the arguments by which Sunday-law advocates attempt to make it appear that they are not working for an ecclesiastical establishment, it may be found in the last sentence of the judicial opinion first quoted. Said the judge:- {AMS October 1887, p. 76.2}

“The statute is to be judged of precisely as if it had selected for the day of rest any day of the week, other than Sunday; and its validity is not to be questioned because, in the exercise of a wise discretion, it has chosen that day which a majority of the inhabitants of this State, under the sanctions of their religious faith, already voluntarily observe as a day of rest.” {AMS October 1887, p. 76.3}

“A wise discretion,” indeed! The State has chosen the day which a large majority of its inhabitants, under the sanctions of their religious; faith, voluntarily observe as a day of rest, and, at the instigation of that majority, has undertaken to enforce its observance as a day of rest, and yet this is no more in the interest of religion than if Monday or Thursday had been chosen! Such a monstrous assertion needs but to be quoted to be refuted. A man must be sadly blinded to put such a statement forth as a sober legal argument; and men must be pre-determined to have Sunday laws, or they could not be deceived by it. Suppose that the State had, in the exercise of its “wise discretion,” chosen Saturday instead of Sunday; would there not have been protests without number? Indeed there would. People would call it a law in the interests of the Jews and other Sabbatarians, and no argument could convince them to the contrary. “But” says one, “such a law would really be unjust to the great majority who observe Sunday as a day of religious rest.” Indeed! Then by the same token a law enforcing Sunday observance is unjust to those who observe Saturday, or who do not choose to observe any set day. The discriminating reader can see that it is the word “majority” which catches the judicial fancy. It seems to be the idea that Sunday legislation cannot be wrong, because the majority favor it. As much as to say that a thing is necessarily right if it is proposed by a majority of the people. But no majorities can ever make a wrong right, and State laws in behalf of an establishment of religion are always wrong. The question whether or not Sunday ought to be observed as a day of rest, does not enter into the case at all. We believe in the God of the Bible, as the majority of people in this country profess to do, but we should emphatically protest against a State law to compel all people to recognize him as such. {AMS October 1887, p. 76.4}

Here is a point that should not be lost sight of: If Sunday laws are not for the purpose of compelling the observance of Sunday as a religious institution, for what purpose are they? The claim is that they are in the interest of humanity, so that laboring men may have the rest which their physical nature imperatively demands. Very well, then we suppose it will be admitted that it is within the province of the State to compel men to observe the laws of their being. Now it is just as certain that man’s physical nature requires that he should take a definite amount of sleep every twenty-four hours, far more imperatively than it demands that he shall rest one day in seven. Will our Sunday-law friends admit that the State has any right to decide how many hours a man ought to sleep, and to enact a law compelling every man to sleep at least seven hours out of every twenty-four? Unless they are ready to advocate such a measure as this, let them say nothing more about enforcing Sunday rest on the basis of the necessity of man’s physical nature. We have presented this view of the case before, but we do not expect ever to see Sunday-law advocates attempt to meet it. {AMS October 1887, p. 76.5}

Now one word concerning the *Independent’s* statement that Sunday legislation “is no interference with the religious rights of anybody.” We say that it is a positive and unjust interference with the religious rights of everybody who conscientiously observes any day other than Sunday. Here are laboring men who believe that when the fourth commandment says, “The seventh day is the Sabbath of the Lord thy God; in it thou shalt not do any work,” it means just what it says. They are conscientious in their observance of the seventh day of the week; and the needs of their families demand that they should spend the other six days in labor, as the commandment allows. According to the fourth commandment, it is their religious privilege to labor six days of the week, just as much as it is their religious duty to rest on the seventh. Therefore if the State steps in and compels them to rest on another day also, no matter on what grounds the rest is enforced, their religious rights are interfered with. And if those men shall be punished for continuing to make Sunday one of their six working days, their punishment will be an act of religious persecution. No assertions to the contrary can change the trust of this. {AMS October 1887, p. 76.6}

From the very nature of the case, Sunday legislation must interfere with the religious rights of some. For, Sunday as a day of rest is beyond dispute a religious institution; legislation enforcing its observance is legislation enforcing an establishment of religion; and when any religious tenet is enforced, the religious rights of all who do not hold that tenet must be interfered with, and oppression must result. {AMS October 1887, p. 76.7}

We hope that the people in those States that still allow full liberty of conscience, will take the time and trouble now to become well informed concerning the arguments used in behalf of Sunday laws, and will learn how to expose their fallacy, so that when the Sunday-law mania shall seize their State, as it surely will, they will not allow their liberty to be taken away without making a well-directed intelligent protest. E. J. W. {AMS October 1887, p. 76.8}