

From the J-Vault: Sunday Laws

Posted At : October 26, 2011 1:03 PM | Posted By : Seth Chalmer

Related Categories: law, democracy, jewish-christian relations, J-Vault, history, civil rights, religion and state



This week, from the J-Vault: *The Status of Jews in the American Sunday Laws* (1934)

"Altho the Federal Constitution provides against legislation infringing the religious liberty or conscience of any group, or of preferring one religion as against another," wrote Jacob Ben Lightman in the Jewish Social Service Quarterly (predecessor to the **JJCS**), "there have, nevertheless, been statutory enactments from time to time, providing for the observance of the Christian Sabbath, Sunday." (Spelling geeks take note: "Altho" above is not a typo -- it's spelled that way in the journal.)

There is no Federal Sunday law. But the policy of Anglo-American law has been to retain the status quo of any and all existing laws of any state at the time of its entrance into the Union and to permit such state to formulate what laws it will, provided they are not in conflict with the Federal Constitution. Under such Anglo-American policy, the Sunday laws were permitted in the various states, practically unchallenged, until found obnoxious by certain religious minority groups ; namely, Christian Sabbatarians and Jews.

It was the latter who brot the issue to the fore. To observant Jews the Sunday laws were obnoxious because of their religious conviction that Sunday was not the Sabbath, and because they felt such laws to be economic discriminatory measures. This, because they were virtually forced to refrain from persuing their trade or business two days a week; that is, Saturday and Sunday. Yet the Constitution of the United States provides against the undue deprivation of one's property.

If, then, the Sunday laws were to be reconciled with the Constitution, it became necessary, from the point of view of judicial opinion, to clarify the position of the Jews with regard to the Sunday laws. This was attempted in a number of cases that were argued before the American Courts.

Lightman goes on to review the history of Christian sabbath law from Constantine to the American colonies.

[Read the whole publication here.](#)

