Introduction to Ethics – Justice and the State in Christian Ethical Reasoning

HPRS4092

Sunday

In this section we will be taking a brief look at the relationship between Church and State through the lens of Sunday. I find this subject interesting because it has been a hot topic throughout Christian history, appears repeatedly in important in the post-Reformation history of England and still has a legacy today. I Hope you find it interesting too.

The limited space in this presentation means that I will be painting some very broad brushstrokes, but the reality of these matters is that they are not usually as neat and tidy as we would like them to be. However, the points raised here should be relatively non-contentious and should be a good spring-board to read further if you're interested. Ultimately, I hope this presentation helps you to think about what role 'Sunday' should play in the modern week, if any at all!

Richard Stanton

The First Law Against Christians

Prior to Constantine the Great, who reigned from 306-337 AD, The Roman Empire had legislated for sacrifices to be made to Roman gods or else suffer imprisonment and execution. This was obviously problematic for the early Christians but was not solely aimed at them.

However, in 303 AD Diocletian specifically legislated against Christians with the publication of his 'Edict against the Christians'. This called for the burning of scriptures and the sacking of churches. This was the beginning of a legislated persecution against Christians known as the Great Persecution. Nevertheless, the Church continued to grow throughout the Roman Empire.

The First Law For Christians

With the reign of Constantine came a slew of changes that benefitted Christianity. One was the abandonment of an eight-day week in favour of a seven-day week in 321 AD, which Christianity was well accustomed to owing to its Jewish heritage. Another was the legislation for Sunday as an official day of rest. The text of this edict can be read in the quote to the right. Historians such as Eusebius hailed the victory of Christianity over the Pagans.

Imperial legislation soon mandated that on Sunday courts would close, although slaves could be emancipated, non-agricultural work would cease and all soldiers should say a prayer.

"On the venerable day of the Sun let the magistrates and people residing in the cities rest, and let all workshops be closed. In the country however persons engaged in agriculture may freely and lawfully continue their pursuits because it often happens that another day is not suitable for grain-sowing or vine planting; lest by neglecting the proper moment for such operations the bounty of heaven be lost"

(Codex Justinianus 3.12.3)

Constantine the Christian?

Since early in its history, Sunday had become the day of Christian worship because the resurrection of Jesus occurred on the day after the Jewish sabbath, what we would call Saturday.

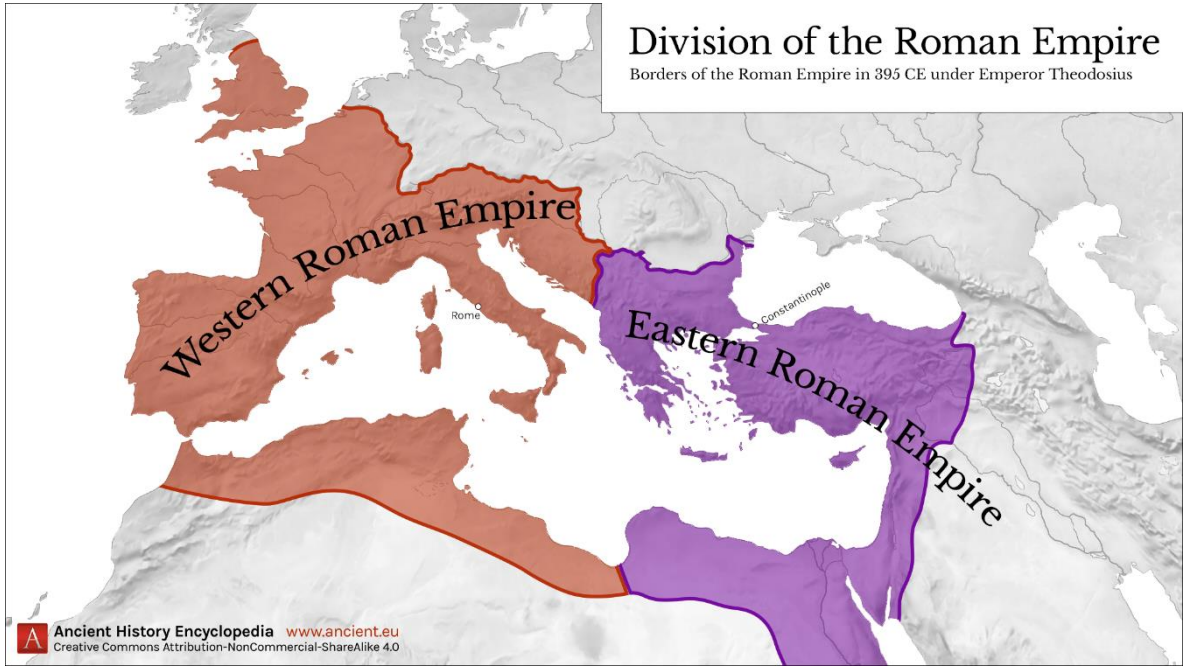
However, Constantine's edict lacks the expected Christian language of 'the Lord's Day' or 'the first day of the week'. There is evidence that Constantine followed a monotheistic strand of Roman paganism which worshiped the Unconquered Sun and wanted to show the supremacy of the Sun over Saturn, the supremacy of Sun Day (Sunday) over Saturn Day (Saturday). Nevertheless, he denounced the Unconquered Sun and was baptised on his deathbed.

The impact of the edict on Christianity was enormous. Previously Christian gathering were inconvenient because of people's daily duties but now church gatherings were easy to attend on the day of rest.

The Rise of Ecclesiastical Legislation

It was not until the sixth century, with the fall of the Western Empire and the waning of imperial rule, that the church was pushed to introduced its own legislation on what was permissible on Sunday .

However, there is little evidence for the punishments enacted for breaking the legislation in this transitional period of civilization.



Sunday as the New Sabbath?

With the growing legislation regarding rest on Sundays, Christianity began to reflect on the relationship between this rest and the sabbath of the Old Testament in a way that had, surprisingly, not occurred before.

Sabbath Law in the Old Testament

The sabbath was instituted in the Old Testament by divine command that linked it to God's resting on the seventh day of creation. It became a shorthand for the wider Sinatic covenant between Israel and YHWH and was appealed to repeatedly by Israel's prophets in the process of social reform.

In the intertestamental period there grew a large body of literature on what activities were allowed or banned on the sabbath. This literature was particularly important to the Ancient Jewish people who were not within traveling distance to the Temple.

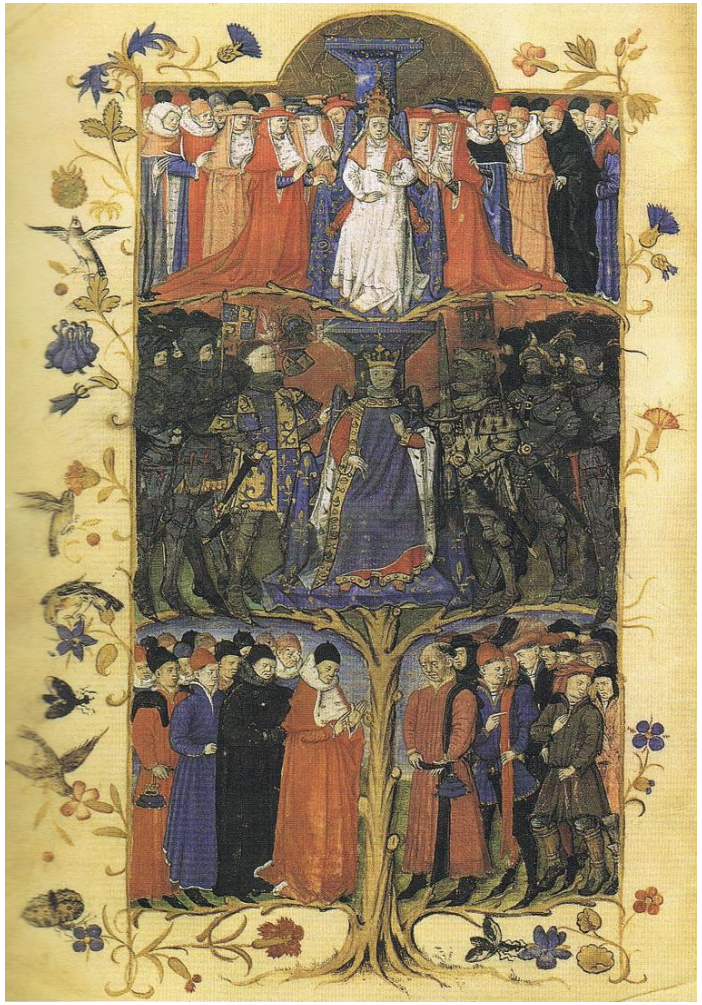
Each of the four Gospels records a controversy regarding Jesus and the sabbath but despite this the first Christians continued to observe the sabbath. By the second century, Sunday had become the main focus of the Christian week.

Church and State in the Middle Ages

The Middle Ages was an important time in the relationship between the Church and the State. With the rise of the of university and the developing fields of law and theology, the power struggle began between secular and ecclesiological authority.

Cases could be tried in either a secular or ecclesiastical court but the punishments in the latter were physically less severe: it was often better to receive a church trial than a secular one.

Towards the end of this period the authority of the State was in ascendancy, owing largely to Aquinas' emphasis on the dignity of civil power.

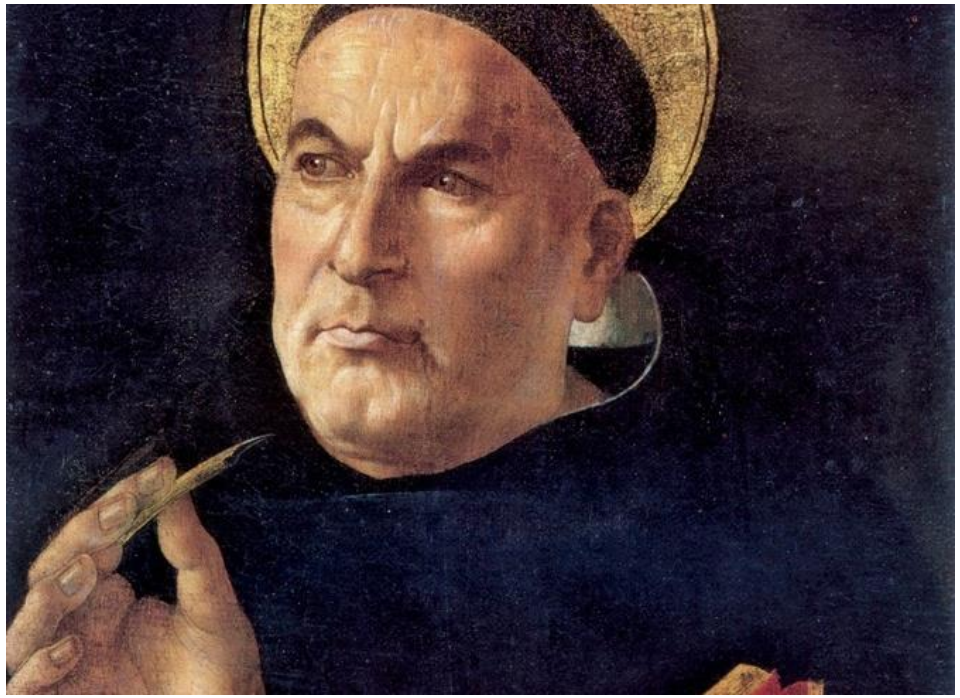


Aquinas: Moral Vs Ceremonial Law

In the Middle Ages Thomas Aquinas (1225-1274 AD) made use of the distinction between the moral law and the ceremonial law of the Old Testament to reinterpret the sabbath command. He argued that it was both a moral and a ceremonial command.

The sabbath as ceremonial law that pointed towards Jesus' death and, therefore, was no longer applicable to Christians. However, it was moral in the sense that God wanted his people to rest and focus on him.

This theological language would provide the basis for discussion of sabbath and Sunday hereafter in the West.



Church and State during the Reformation

During the Reformation, the authority of the Church, surprisingly, dwindled further.

The Church in this period was in a fractured condition. It was simply unable to enforce a coherent oversight of ecclesiastical legislation.

The reformers understood that if change was to last then it needed to be enforced at a civic level. They had a significant impact on civil authorities and these authorities responded positively by codifying into law the changes brought about by the Reformation.

This allowed the reformers to avoid any hint of legalism, which they feared was a route back to salvation through work instead of justification through faith, by not focusing on ecclesiastical legislation regarding Sunday.

Sunday During the Reformation

A few interesting development occurred during this period.

A group called the Anabaptists, possibly the most extreme reformers, shifted the focus of their Christian worship from Sunday to Saturday. This would pave the way for denominations such as the Seventh Day Adventist.

The discussion on the sort of rest that God required of people had started to gain a justice implication. People were not to be exploited and should, therefore, be allowed a break from working.

The English Reformation

The result of the English reformation was creation of the Church of England, which split from the Catholic Church. The reigning monarch, then Henry VIII, became the head of the church cementing the church/state relationship. In 1558 the Act of Supremacy mandated that anyone holding an office in the CofE must pledge elegance to the monarchy. This stood until the 19th century.

One of the unresolved issues of the Reformation was how Christians should interpret the sabbath. This created a vacuum for a group of reformers, who were largely followers of the Swiss theological John Calvin, to push for religious and social reform using, amongst others, the issue of sabbath and Sunday. They were called Puritans because they wanted to purify the English Church from Catholic practices.

The Puritan Sabbath

As a result of the English Civil War (1642-1646), the Puritans came to power in England. This represents the high-point (or low-point, depending on your perspective!) of the relationship between Church and State.

England was essentially a theocracy under their rule. This was most obvious in their attitude to Sunday. In most European countries, the word for Saturday resembled the word sabbath (e.g. sábado in Spanish) but not in English. This allowed the Puritans to insist on naming Sunday as the sabbath in England that was not possible on the continent.

Civil obedience was linked with Sunday sabbath observance and harsh penalties were instituted. Frivolity and sport were not allowed on the English Sunday.

Legislative Example

"that no person or persons whatsoever, shall publickly cry, shew forth, pr expose for sale, and Wares, Merchandises, Fruit, Herbs, Goods or Chattels, whatsoever, shall without reasonable cause for the same, travel, carry burthens, or do any worldly labours, or work whatsoever, upon the Lord's day, use, exercise, keep, maintain, or be present at any Wrestlings, Shootings, Bowling, Ringing of Bells for Pleasure or Pastime, Masque, Wake, otherwise called Feasts, Church-Ale, Dancing, Games, Sports or pastime whatsoever."

1644 Parliament legislation recorded in H. Lewis, *A Critical History of Sunday Legislation from 321 to 1888* (New York: Appleton, 1888), 115.

Secularization of Sunday

"due at first to British colonial expansion, then to British and American missionary work, and finally to the development of a global economy, the practice of setting aside Sunday as a day of rest was expanded geographically. Hence the anomaly that, even in countries where Christians are a small minority, Sunday ciontinues to be a day of rest: China, India, Indonesia, Mongolia, most of Africa, Pakistan, Turkey, Thailand, and many others…

…Such expansion of Sunday as a day of rest, however, was paralleled by a process of secularization of the meaning of that day. IN many of the countries named above, Sunday was a day of rest not so much because of any religious significance as because it was the day when banks, markets, and governments were closed in the former lands of Christendom."

J. Gonzalez, *A Brief History of Sunday: from the new testament to the new creation,* (Grand Rapids, MI: Eerdmans, 2017), 139.

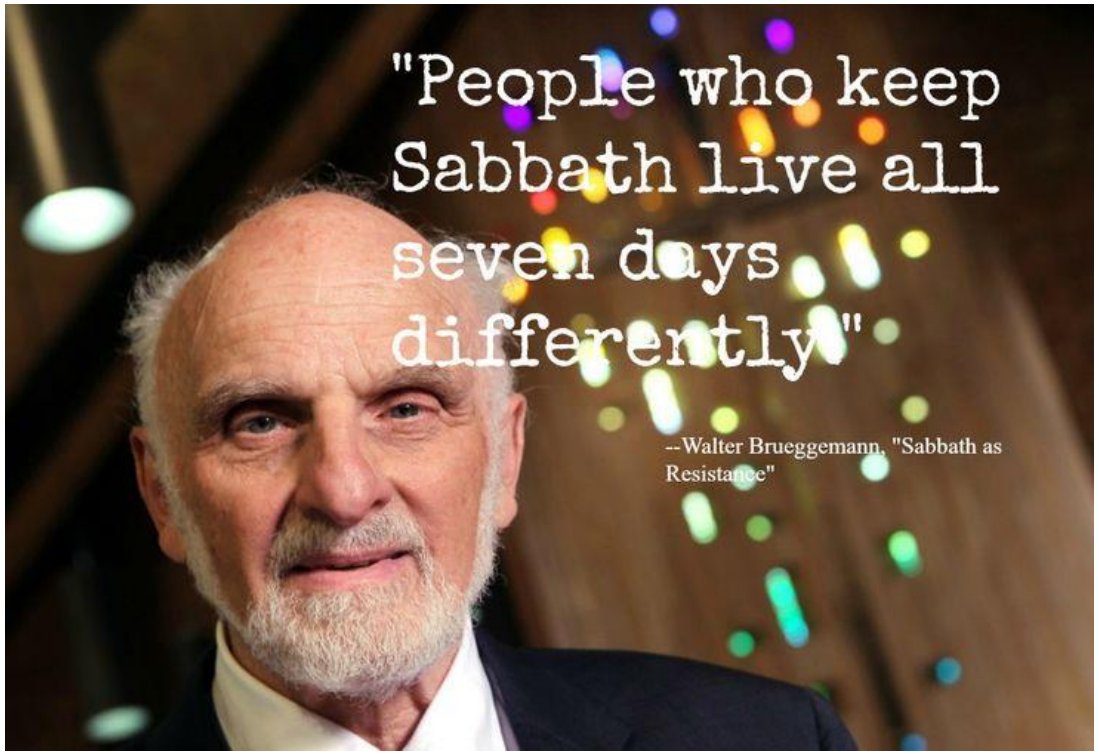
Sunday Trading Acts 1994 and Beyond

In 1994 the Sunday trading laws were relaxed in the England and Wales, allowing shops to open on Sunday. Under this act, large stores and shops (280 sq m/3,000 sq ft) can open for six continuous hours between 10am and 6pm. They must also close on Easter Sunday. There are no restrictions for smaller shops.

In 2012, emergency legislation was introduced to allow shops to open on Sunday over the course of the Olympic which were held in London.

The current Sunday trading laws might be addressed by Parliament in the wake of the economics affects of the COVID-19 pandemic. For more information see https://commonslibrary.parliament.uk/research-briefings/sn05522/

Sabbath as Resistance

Although writing in from an American context, Walter Brueggemann has offered an ethical vision of the Christian understanding of sabbath that is very interesting. Essentially, he understands it as an act of resistance again the negative effects of capitalism. He outlines the nature of sabbath as resistance to Anxiety, Coercion, Exclusivism and to Multitasking.

It's a short book of 80 pages or so, and I wholeheartedly recommend reading it. The question that rolls around in my head though is, in light of the Puritan sabbath, whether this sort of things that can be legislated for or not? What do you think?