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## **APPENDIX**

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Although Sunday laws blossomed into their intolerant maturity during American colonial times, they date from a much earlier period. Over sixteen centuries ago, in A.D. 321, a political opportunist named Constantine proclaimed certain constraints on Sunday activity.

Traditions about Constantine are abundant. Eusebius, bishop of Caesarea and a contemporary of Constantine, wrote in glowing terms of the spiritual factors motivating the life of this Roman emperor. Subsequent observers have bestowed upon him the title, "The First Christian Emperor."

Modern church historians are not so generous. Schaff charges that Constantine "did not formally renounce heathenism, and did not receive baptism until, in 337, he was laid upon the bed of death." In support of the argument that Constantine's "progress in the knowledge of Christianity was not a progress in the practice of its virtues," Schaff cites Constantine's order to execute "his conquered rival and brother-in-law, Licinius, in breach of solemn promise of mercy (324) . . . He caused soon afterward, from political suspicion, the death of the young Licinius, his nephew, a boy of hardly eleven years. But the worst of all is the murder of his eldest son, Crispus, in 326, who had incurred suspicion of political conspiracy."<sup>1</sup>

[237] Milman describes Constantine as "outwardly, and even zealously pagan" up to 313 and subsequent to 326 as one whose mind "appears to have relapsed in some degree to its imperfectly unpaganized Christianity. His conduct became ambiguous as before, floating between a decided bias in favour of Christianity, and an apparent design to harmonise with it some of the less offensive parts of Heathenism."<sup>2</sup>

Even "his coins bore on the one side the letters of the name of Christ; on the other the figures of the Sun-god, and the inscription, 'Sol Invictus,' as if he could not bear to relinquish the patronage of the bright luminary which represented to him, as to Augustus and to Julian, his own guardian deity."<sup>3</sup>

## *The Background*

To resolve the riddle of this man one must view him against the backdrop of prevailing political and religious conditions.

Political turbulence and unrest greeted Constantine when he ascended the throne. The throne itself was shaky enough, and barbarian hordes threatened invasion. The iron monarchy slowly rusted, though until his death in A.D. 337 the emperor attempted in every way possible to restore stability and strength.

Paganism predominated. Not more that “a twentieth part of the subjects of the empire had enlisted themselves under the banner of the Cross before the important conversion of Constantine.”<sup>4</sup> Nonetheless, Christians were a vocal and influential minority which held a certain appeal for Constantine. A union of church and state existed, in which religion played a subordinate, departmental role. Constantine directly concerned himself with religious affairs only as a lesser segment of his political sphere. However, he was “the first representative of the imposing idea of a Christian theocracy, or of that system of policy which assumes all subjects to be Christians, connects civil and religious rights, and regards church and state as the two arms of one and the same divine government on earth . . . [238] Christianity appeared to him, as it proved in fact, the only efficient power for the political reformation of the empire, from which the ancient spirit of Rome was fast departing.”<sup>5</sup>

Constantine's political motives were showing when he strove it “not so much for the cause of God, as for the gratification of his own ambition and love of power.”<sup>6</sup>

For three centuries Christianity had flourished in a hostile environment, though persecution and suppression had been punctuated by moments of comparative tolerance. The brutal persecutions of the Emperor Diocletian had marked the opening of the fourth century of the Christian church.

Constantine's concern for Christianity was reflected in an Edict of Toleration, A.D. 313, which granted “to Christians, and to all, the free choice to follow that mode of worship which they may wish.”<sup>7</sup> A new day had dawned for a dedicated religious minority.

## *The “Venerable Day of the Sun”*

In a quest for additional devices of unity, Constantine noted the significance attached to the first day of the week by Christian and pagan alike. Many Christians had for a long time attached the “Lord's Day” label to the first day of the week and marked it for a weekly festival in celebration of Christ's resurrection. The Mithraists worshiped the sun as a deity, so the day of the sun was sacred to them also. Constantine found it politically expedient,

therefore, to please these two diverse segments of his realm by honoring the “venerable day of the sun” through governmental edict in which “he expresses himself, perhaps with reference at once to the sun-god, Apollo, and of Christ, the true Sun of righteousness; to his pagan and his Christian subjects.”<sup>8</sup>

The retention of the old pagan name of “*Dies Solis*,” or “Sunday,” for the weekly Christian festival, is, in a great measure, owing to the union of Pagan and Christian sentiment with which the first day of the week was recommended by Constantine to his subjects, Pagan and Christian alike, as the “venerable day of the Sun.” [239] His celebrated decree has been justly called “a new era in the history of the Lord's Day.” It was his mode of harmonising the Christian and Pagan elements of the Empire under one common institution.<sup>9</sup>

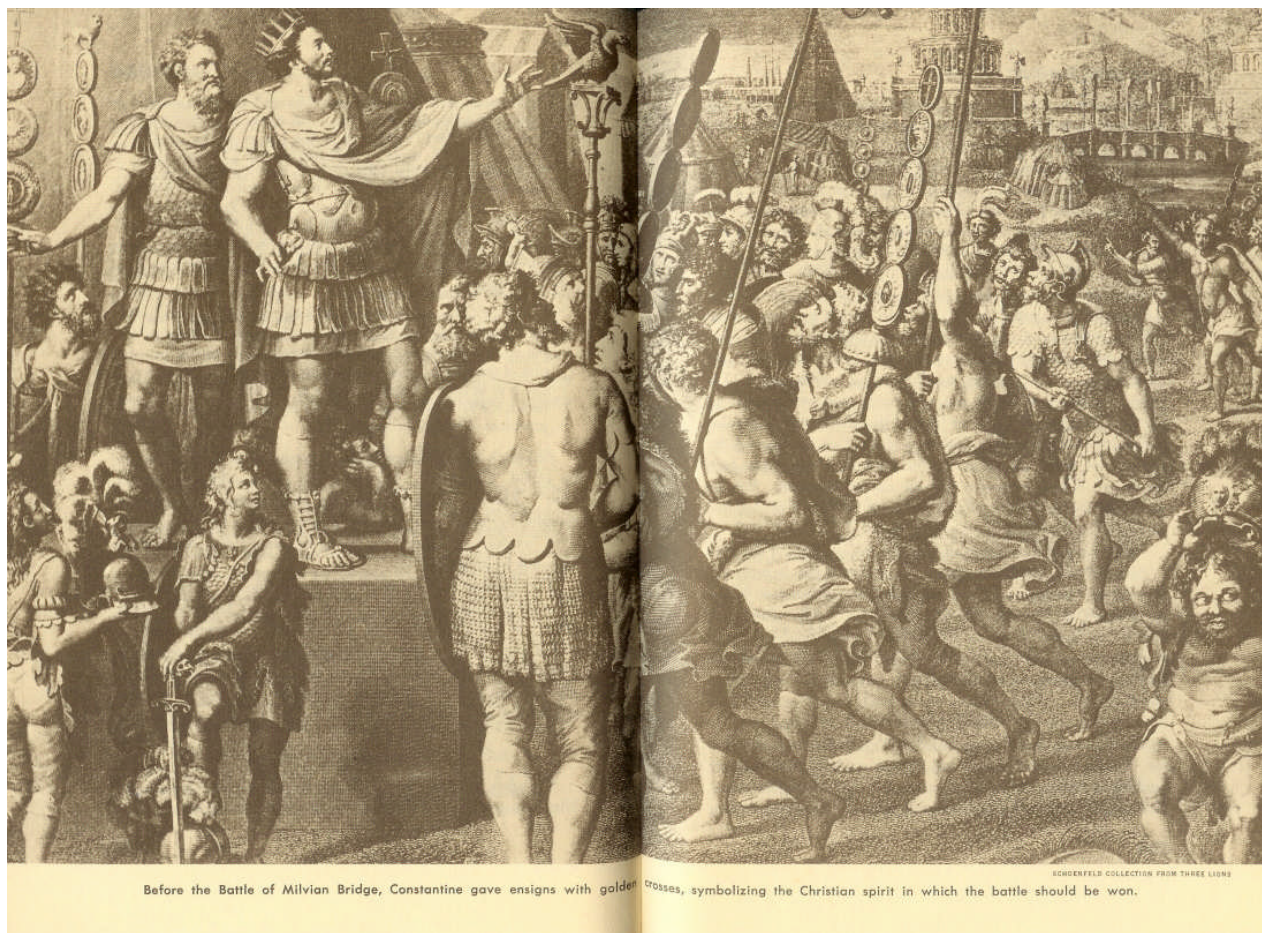
At a time when forces were already at work which would tear the empire into shreds, the first Sunday law did provide a common denominator of unity. The law, promulgated on March 7, A.D. 321, ordered:

Let all judges and all city people and all tradesmen rest on the venerable day of the sun; but let those dwelling in the country freely and with full liberty attend to the culture of their fields, since it frequently happens that no other day is so fit for the sowing of grain or the planting of vines; hence, the favorable time should not be allowed to pass, lest provisions of heaven be lost.<sup>10</sup>

Although the law carried religious overtones, it could hardly be called “Christian.” The edict did not invoke the “Lord's Day.” The day after the Sunday proclamation, Constantine revealed his pagan inclinations in a decree calling for consultation with “soothsayers” when “the palace or other public works shall be struck by lightning.”<sup>11</sup>

The Sunday law exempted the rural Roman. It carried no criminal penalties on its face. But, mild as it seemed, it set a precedent for a succession of political and theological conflicts which were to mark sixteen subsequent centuries. Constantine himself found five more occasions, ranging from a law concerning the emancipation of slaves on Sunday to provision for the celebration of Easter, to enhance the legal status of the day.

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### *The Council of Nicaea*

Christian church leaders assembled for the Council of Nicaea in A.D. 325 at the call of Constantine. [242] The “venerable day of the sun” edict issued four years previously had not solved the doctrinal battle between churches of the East and the West with regard to Sunday and Easter observance.

The assembled delegates were survivors of a ten-year physical battle waged against the church by Emperor Diocletian, commencing about A.D. 303. The atrocities of Diocletian's rule marked and maimed the bodies of many churchmen in attendance at the council. Some had suffered physical loss of an eye or an ear. All had felt the sting of a government intent upon persecuting a religious philosophy out of existence. No wonder the delegates welcomed the official favor offered by Constantine.

The attention of the church now focused on a battle from within – the necessity for interpretation and formulation of church dogma. Of concern to all was the establishment of a proper memorial to mark the crucifixion and resurrection of Christ. Churches of the West favored the observance of Sunday as the day of resurrection. Churches of the East emphasized the significance of the crucifixion on the fourteenth day of the Jewish month

Nisan, irrespective of the day of the week. For his part, Constantine was intent on pursuing his policy of national unity and harmonizing the disputing factions.

What were the backgrounds for the disputations at Nicaea?

Some church historians claim that early in the second century Sixtus, bishop of Rome, had called for observance of the resurrection on Sunday. Another tradition claims that while Pius I was bishop of Rome, his brother Hermes went so far as to claim that an angel had instructed the church to commemorate yearly the resurrection on the first day.

### *East Versus West*

Christians in the East and in the West differed on the matter. When Anicetus was bishop, Polycarp, bishop of Smyrna, paid him a visit in Rome. This encounter, described by Irenaeus Bishop of Lyons, took place in an atmosphere of calm and respect:

[243] When the blessed Polycarp went to Rome, in the time of Anicetus, and they had a little difference among themselves likewise respecting other matters, they immediately were reconciled, not disputing much with one another on this head. For neither could Anicetus persuade Polycarp not to observe it, because he had always observed it with John the disciple of our Lord, and the rest of the apostles, with whom he associated; and neither did Polycarp persuade Anicetus to observe, who said that he was bound to maintain the practice of the presbyters before him.<sup>12</sup>

In a letter to the emperor, written about A.D. 155, Justin Martyr supported the views of Anicetus. What had started as merely an annual observance and continued as such until the time of Sixtus, had eventually become a weekly “assemblage” for the reading of “the memoirs of the apostles, or the writings of the prophets.” Then a leader gave admonition and “exhorts to the imitation of these good things.” Justin referred to prayers offered and voluntary offerings collected for orphans and widows.

He continued:

Sunday is the day on which we all hold our common assembly, because it is the first day in which God, having wrought a change in the darkness and matter, made the world; and Jesus Christ our Saviour on the same day rose from the dead. For He was crucified on the day before that of Saturn (Saturday); and on the day after that of Saturn, which is the day of the Sun, having appeared to His apostles and

disciples, He taught them these things, which we have submitted to you for your consideration.<sup>13</sup>

But the amiable spirit that pervaded the meeting of Anicetus and Polycarp faded. Late in the second century, Victor, bishop of the church in Rome, sought to cut off from the common unity the parishes of all Asia for their failure to agree on observing the resurrection on Sunday.<sup>14</sup>

[244] Polycrates, bishop of Ephesus and a chief object of Victor's pronouncement, defended his position by citing the example of Philip and John (two of the twelve apostles). Polycarp, "who was a bishop and martyr," Traseas (also a "bishop and a martyr") from Eumenia, Sagaris of Laodicea, Papirius, and Melito – all of whom "observed the fourteenth day of the passover according to the gospel, deviating in no respect, but following the rule of faith. Moreover, I, Polycrates, who am the least of you all, [do] according to the tradition of my relatives, some of whom I have closely followed. For there were seven, my relatives bishops, and I am the eighth; and my relatives always observed the day when the people [the Jews] threw away the leaven."<sup>15</sup>

Irenaeus, bishop of Lyons, embraced the theology of the West and maintained that the "mystery of the resurrection of our Lord", should be observed "only on the day of the Lord." But, "in the name of those brethren in Gaul over whom he presided," he admonished Victor "not to cut off whole churches of God, who observed the tradition of an ancient custom."<sup>16</sup>

### *Church Foundations Shaken*

Despite these efforts at conciliation, the Easter controversy shook the foundations of the early Christian church. And just as certainly, the position of the Quartodecimans in the East (who celebrated Easter on the fourteenth day of the month Nisan) began to lose ground. The ultimate triumph of the Sunday resurrection observance advocated by the West hinged in part on the aggressive efforts of Christian church leaders in the city of Rome.

In primitive Christianity there had been no strong central church power structure. Local leaders assumed all administrative responsibilities. Members of the clergy who served several congregations in metropolitan areas were designated "bishops." Later, although bishops from diversified geographic centers were theoretically equal in rank, the bishop of Rome gradually acquired greater prestige and authority than the rest.

There were tangible reasons for his influential role which gave the victory in the Easter controversy to the churches of the West. [245] Rome was the communications center. A succession of able men had led the church in the empire's capital. The apostolic succession theory, coupled with the fact



that Paul and probably Peter had been in Rome, was not without effect. Repeated interference with other bishops, such as the action of Victor; the right of hearing ecclesiastical appeals; and continuing orthodoxy – these forces and events united to lend strength and prestige to the supremacy of the Roman bishop.

While the Easter observance controversy was at its height, the church organization structure was embryonic at best. There was not as yet a firmly codified New Testament Scripture to use as a test for doctrine. Thus the church was susceptible to the dynamic influence of the Roman church leadership.

Where Sixtus, Anicetus, Pius, and Victor had favored the Sunday resurrection festival during the second century, Sylvester, who had the ear of Constantine, helped bring victory to the Western theologians. Sylvester urged the changing of the calendar names for the days of the week, so that the seventh day be called “Sabbath,” and the first day, the “Lord's Day.” As early as the third century the church had referred to Sunday as the “Lord's Day,” to be observed concurrently with the Sabbath, since “we have said that the Sabbath is on account of the creation, and the Lord's day of the resurrection.”<sup>17</sup>

### *Victory for the West*

The subsequent involvement of Constantine opened the door to final victory for the Western point of view. In 314 the Council of Arles ruled that all Christians must keep the same day for Easter. Eleven years later the Council of Nicaea fixed Sunday as that day. Thus Sunday resurrection observance came into its own as an integral component of Christian church doctrine, while the celebration of the crucifixion on the fourteenth day of Nisan went into eclipse. [246] This left the church with two significant weekly worship events: the “Sabbath” memorial of creation, on the seventh day; and the “Lord's Day” resurrection observance on the first day.

However, already certain aspects of traditional Sabbath observance were under attack. The focus of theological conflict now shifted to the elevation of one observance and the concurrent decline of the other. Just as the arm of the state had reached into the Easter controversy, government continued to strengthen the dominant position of Sunday observance long after Constantine's historic proclamation of A.D. 321.

Actually, Constantine relaxed some aspects of his law in July of that same year, 321:

As it seemed unworthy of the day of the sun, honored for its own sacredness, to be used in litigations and baneful disputes of parties, so it



is grateful and pleasant on that day for sacred vows to be fulfilled. And, therefore let all have the liberty on the festive day of emancipating and manumitting slaves, and besides these things let not public acts be forbidden.<sup>18</sup>

### *Sunday Observance Strengthened*

But in the century that followed, a succession of decrees was issued which commanded soldiers to worship on Sunday; freed Christians from tax collection on Sunday; forbade circus spectacles, horse races, and theatrical shows; and prohibited Sunday lawsuits.

Although some Christians had called Sunday the “Lord's Day” possibly as early as the second century, the terminology did not appear in Roman law until late in the fourth century, when it was connected to Sunday observance in a decree of the three co-emperors Gratianus, Valentinianus, and Theodosius:

On the day of the sun, properly called the Lord's day by our ancestors, let there be a cessation of lawsuits, business, and indictments; let no one exact a debt due either the state or an individual; let there be no cognizance of disputes, not even by arbitrators, whether appointed by the courts or voluntarily chosen. [247] And let him not only be adjudged notorious, but also impious who shall turn aside from an institute and rite of holy religion.<sup>19</sup>

Earlier, in 380, Theodosius had established Christianity as the official religion of the empire; now the union of church and state was absolute. Emperors were free to punish religious heretics, for under a monolithic church-state power, theological dissent could also be interpreted as a criminal act against the state.

In A.D. 538 the Third Council of Orleans forbade rural work such as “plowing, cultivating vines, reaping, mowing, threshing, clearing away thorns, or hedging,” and promised punishment to violators “as the ecclesiastical powers may determine.”<sup>20</sup> The Second Council of Macon in A.D. 585 threatened advocates with the loss of their “privilege of pleading the cause” if done on the “Lord's Day,” and the countryman was to be “soundly beaten with whips” if he placed a “yoke on the neck of his cattle” on the Lord's Day.<sup>21</sup> The A.D. 813 Council of Mayence under Charlemagne decreed that “Lord's Days shall be observed with all due veneration, and that all servile work shall be abstained from, and that buying and selling may be less likely to happen.”<sup>22</sup>

### *State-sponsored Religion Precedes Decline*

Increased public clamor for a state-sponsored religion accompanies a decline in social morality. The anemic (sic) spiritual condition of a nation's religious experience is tacitly admitted where the church looks to government to codify religious practice.

The decline and fall of the Roman Empire and the subsequent headlong plunge of civilized social order into an age of stagnation is mute testimony that a monolithic church-state government failed to save either the purity of the church or the political power of the state.

In succeeding centuries the pattern continued. Whenever the Christian church united with the secular government, Sunday laws blossomed as the tangible symbol of this alliance. [248] The dissenter felt the sting of intolerance as new penalties were added. There was no alternative to "ultimate truth." "Error" had to be eliminated, by persecution if necessary. The independent church functioning freely within the independent state did not exist.

### *Constantinople Versus Rome*

The road from Rome to Constantinople seemed long and treacherous to Cardinal Humbert, bishop of Candida Silva. It was A.D. 1054. Threatening clouds of doctrinal dissension hung low over the cardinal and his two companions, Frederick, deacon at Rome, and Peter, bishop of Amalfi, as they began their journey. These churchmen carried with them a stern directive from Leo IX, bishop of Rome, to Michael Cerularius, patriarch of Constantinople. Leo demanded that the Greek Church give immediate recognition and obedience to the authoritative declarations of the pope.

A letter from Michael Cerularius, written to Leo the previous year, had inspired this firm action. Cerularius had challenged doctrinal interpretations fostered by Roman church leaders.<sup>23</sup> Specifically, he argued with the Roman custom of fasting on the seventh-day Sabbath. This was more than a simple disagreement in interpretation of disputed doctrine. Traditional strongholds of church authority were suffering a frontal attack, and no one realized the gravity of the battle better than Pope Leo.

Cerularius and his Eastern followers argued thus: Since the councils of the church had attacked the custom of fasting on the Sabbath, and since there was no mandate for the custom either from apostolic practice or from the Bible, the whim of a Roman bishop was insufficient justification for such a radical departure from established belief.<sup>24</sup> He later declared, "We are commanded also to honor the Sabbath equally with the Lord's [Day], and keep and not to work on it."<sup>25</sup>

[249] The Western Church rejected both the challenge to its leadership and the doctrinal thesis upon which it was based. Humbert's Roman advocate accused the Greeks of following the example of the Hebrews:

[They keep] holiday on the Sabbath by neither plowing nor reaping, and by reason of custom do not work, but they hold a festivity and a dinner and their menservants, maidservants, cattle, and beasts of burden rest . . . They certainly observe the Sabbath, and you observe; they dine, and always break the fast, on the Sabbath . . . They have a twofold reason for observing the Sabbath, obviously (1) by reason of the precept of Moses, and (2) because the disciples were saddened and heavy on this day on account of the death of the Lord, whom they did not believe to be about to be resurrected. Wherefore, because you observe the Sabbath with the Jews and with us the Lord's day, you appear by such observance to imitate the sect of the Nazarenes, who in this manner accept Christianity that they might not give up Judaism.”<sup>26</sup>

### *Humbert Defends Sunday Observance*

Humbert strongly denounced the Eastern attitude, and as positively justified Western practice. He cited the “compassionate regard for the Lord in suffering and death” by the Latin Church's rejoicing in the “resurrection on the Lord's Day, when concern much troubled the Jews as they were seeking to corrupt the guards of the sepulcher by means of money. Wherefore we, holding unto the present time the apostolic tradition concerning the Sabbath, and desiring to hold unto the end, are careful to subscribe to that which our ancient and venerable fathers declared and confirmed.”<sup>27</sup>

At this juncture in the treatise, Humbert pointed to the leadership of Sylvester, bishop of Rome and contemporary of Constantine. He cited Sylvester as having declared:

In every Lord's Day on account of the resurrection is to be kept in the joy of Christians, then every Sabbath day of the burial is to be estimated in execration of the Jews. [250] For all the disciples of the Lord had a lamentation on the Sabbath, bewailing the buried Lord, and gladness for the exulting Jews. But for the fasting apostles sadness reigned. Let us, therefore, be sad with the saddened on account of the burial of the Lord, if we would rejoice with them on account of the resurrection of the Lord. For it is not proper that we should observe an account of Jewish custom, the subversions of the foods and ceremonies of the Jews.<sup>28</sup>

### *Authority the Principal Issue*

The issue between East and West was not primarily theological. Rather, it had become a conflict over the authority exercised by the bishop of Rome. It was here that the churches of the East refused to yield.

Cerularius resented the pope's demands that his decrees be recognized as *the* authority of the church. A public debate on June 24, 1054, between Humbert and Nicetas only widened the breach. Finally, on the morning of July 16, the papal legates in Constantinople publicly attacked the position of Cerularius at the church of St. Sophia and presented to the church the pope's written excommunication of the churches of the East. Local church leaders retaliated by publicly destroying the papal pronouncement.

Before Humbert completed his return journey to Rome, he received a communique from the emperor urging him to make one more attempt at church unity. But the damage had been done. Subsequent attempts at reconciliation failed, and more than nine centuries of separation between Christians of East and West followed. Seventh-day Sabbath observance in Western Christian worship went into virtual eclipse, as the majority of Christians believed Sunday had been sanctioned as the essential day for Christian worship. Ultimately Christian thought went the full circle and attached the "Sabbath" title to Sunday, the first day of the week.

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