

## SABBATARIANISM IN THE AGE OF JACKSONIAN DEMOCRACY

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During the Age of Jackson, when Americans zealously debated traditional notions of "liberty" and "democracy," the so-called "Sunday Laws" evoked a heated and bitter controversy. This controversy extended to national, state and local levels of government, calling to issue the limits of legislative and judicial powers. In addition to the jurisdictional issues at stake, the Sunday Laws, according to both their champions and opponents, had other vital implications for society. It is tempting to assume that the Sabbatarian movement, which sought to enforce a traditional moral standard through law, was motivated solely by a conservative impulse, consistent with the interests of Northern Whiggery. At the same time, one might characterize the opposition to such legislation as a purely progressive, liberal response to a challenge to individual liberties. In examining the Sunday Law controversy of the Jacksonian Era, it becomes clear that such simplistic generalizations do not adequately account for the diverse and complex set of interests, individuals, and ideas that played vital roles in the Sunday law debate.

The American origins of Sabbatarian legislation can primarily be found in Puritan New England. Puritans on both sides of the Atlantic

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sought to enforce stringently the Sabbath restrictions of British common law. Winton Solberg suggests that the emphasis on Sabbath observance "was a common denominator and unifying element in Anglo-American Puritanism, perhaps the leading one."<sup>1</sup> In Britain, Parliament played its role in enforcing Sabbath regulation of the late seventeenth century by paying informers to reveal the identity of Sabbath-breakers, who would then face the wrath of the Society for the Reformation of Manners. The society directed its members to "smash shops found open on Sundays and see that all violators of the Sabbath were put in jail."<sup>2</sup> New England Puritans relied heavily on local censure of Sabbath breaking in order to enforce "appropriate" Sabbath observance, which often required church attendance as well as abstention from worldly pursuits.

While Puritan New England provides the most obvious example of enforced Sabbath observance, Sunday Laws were not limited to New England. At the adoption of the federal Constitution, nearly all of the confederating states had laws prohibiting certain activities on Sundays.<sup>3</sup> These laws continued to stand following the adoption of the federal Constitution and the Bill of Rights.

The Constitution itself includes few important religious references. It prohibits religious tests as qualification for offices, and explicitly excepts Sunday as a day counted in the ten-day limit allowed for presidential vetoes.<sup>4</sup> The guarantee of religious freedom in the first article of the Bill of Rights insures that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."<sup>5</sup>

These restrictions referred to federal jurisdiction and did not explicitly interfere with the rights of the individual states to maintain

1. Winton U. Solberg, *Redeem the Time: The Puritan Sabbath in Early America*, (Cambridge, Mass., 1977), 300.

2. Charles I. Foster, *An Errand of Mercy: The Evangelical United Front, 1790-1837*, (Chapel Hill, 1960), 29.

3. *American State Papers: Documents, legislative and executive of the Congress of the United States*, class vii, 234.

4. *The Constitution of the United States*, Art. VI; Art. I, sec. vii.

5. *First Amendment to the Constitution of the United States*.



established religions, which was indeed the case in Massachusetts until 1833. Religious conservatives held Thomas Jefferson responsible for the conspicuous lack of religious references in the Constitution, yet Jefferson himself did not exclude state powers in relation to religious affairs. Jefferson wrote in 1808:

I consider the government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline or exercises. This results not only from the provision that no law shall be made respecting the establishment of religion, but from that also which reserves to the States the powers not delegated to the United States. Certainly no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the General Government. It must then rest in the States, as far as it can be in any human authority.<sup>6</sup>

Thus even Jefferson, the author of the Virginia Statute for Religious Freedom, did not deny to the individual states the "power to prescribe any religious exercise, or to assume authority in religious discipline." In fact, he implied that they had the clear right to exercise that power.

As a manifestation of the relationship between Church and State, the issue which sparked the Sunday Law controversy on the national level seems "hardly a matter to shake the foundations of the republic."<sup>7</sup> The controversy primarily revolved around the Post Office, which was directed by a federal statute of 1810 to provide services on every day of the week.<sup>8</sup> Congress further expanded these services in 1825.<sup>9</sup> Opponents of the congressional extension of

6. Thomas Jefferson, *Writings of Thomas Jefferson*, XI, 428-430 as quoted in Anson Phelps Stokes and Leo Pfeffer, *Church and State in the United States*, (Westport, Conn., 1975), 88.

7. Bertram Wyatt-Brown, "Prelude to Abolitionism: Sabbatarian Politics and the Rise of the Second Party System," *Journal of American History*, 58 (1971), 328.

8. *United States Statutes at Large*, II, 592, section 9 (1810).

9. *Ibid.*, IV, 102, sect. 11 (1825).

Sunday postal services immediately petitioned for repeal, and by 1828 had founded the General Union for Promotion of the Observance of the Christian Sabbath. While the actual issue at stake may have lacked the urgency that Sabbatarians assigned to it, it was their chosen battleground against the rising tide of secularism they saw as a leading component of Jacksonian democracy. As Bertram Wyatt-Brown suggests, the battle resulted in consequences "far out of proportion to the issue."<sup>10</sup>

The General Union found most of its support in New England and New York, where members organized boycotts of Sunday postal services, which included the transport of both mail and passengers.<sup>11</sup> The General Union flooded Congress with over 467 petitions in favor of the repeal of Sunday postal services. John R. Bodo, in reviewing the signers of those petitions notes the "absence of the names of any clergymen," who he claims "were conspicuously refraining from direct participation in the political consequences of an issue which they had brought to the attention of the American people."<sup>12</sup> If Bodo's assertion is accurate, it suggests that the clergymen were sensitive to the public's distaste for any hint of clerical meddling in political affairs; but Lyman Beecher's primary role in the foundation of the General Union seems to challenge Bodo's claim. Other significant features of the General Union were its inter-denominational membership (although its Congregational and Presbyterian members were in the majority), and its use of petitions, rallies, the popular press and other vehicles of modern mass politics. Wyatt-Brown points out that the Sabbatarians in the General Union "used techniques alien to the rural culture they were defending," and while their petition effort later proved "a total failure, it gave experience in political lobbying."<sup>13</sup>

10. Wyatt-Brown, "Prelude to Abolitionism," 328.

11. John R. Bodo, *The Protestant Clergy and the Public Issues, 1812-1848*. (Princeton, 1954), 41.

12. *Ibid.*

13. Wyatt-Brown, "Prelude to Abolitionism," 329.



The Congressional petitions of the Sabbatarians varied greatly in their emphasis and approach. The sometimes overbearing religious rhetoric of the memorials tended to obscure the secular arguments that often lay beneath the religious allusions. One characteristic memorial from Philadelphia began by labelling Sunday mails as "directly opposed to the law of God, expressed in the fourth precept of the decalogue, and as thereby exposing our nation to the just judgements of the righteous Savior of the Universe."<sup>14</sup> The memorial then rejected the union of Church and State as a "violation of the federal compact" and argued in terms of the "equal rights" denied to Sabbath observers in their exclusion from postal service employment when true to their consciences. Finally, the memorial dealt with the question of states' rights, citing the existence of state regulations which were "prohibiting such acts as constantly take place in the conveyance of the mail, and the transaction of business at the post office on Sunday."<sup>15</sup> The memorial continues:

...nor has the power of repealing these laws ever been surrendered to the Federal Legislature. Yet they are in effect repealed: for they are completely set aside by that part of the Post Office law to which your memorialists refer. The example...renders impracticable the effectual execution of any of the state laws by which a due observance of the Lord's day is enjoined.<sup>16</sup>

Thus the position of the Sabbatarians did not solely rest on religious tradition. In the process of supporting a restoration of earlier observance, the Sabbatarians adopted arguments that were more often associated with the Democrats than with conservative Northern Whigs.

A Sabbatarian memorial from the State of Kentucky posed an interesting question: "Can Congress, by one or two sentences in

14. *American State Papers*, class vii., 234.

15. *Ibid.*

16. *Ibid.*

regulating her Post Office Department, virtually appeal and annul all these state laws? If they come into collision, which is to yield?"<sup>17</sup> In the case of the Sunday mails, it was clearly the state laws which would be forced to yield.

Many of the arguments opposed to Sabbatarian legislation can be found in the January 19, 1829 speech of Richard M. Johnson, a prominent Jacksonian from Kentucky. While conceding both the need for a respite from commercial pursuits, and the general acceptance by the majority of Americans of Sunday for this purpose, Johnson believed that "the proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another, or esteem all days alike holy."<sup>18</sup> Thus, in keeping with the Jacksonian notion of "equality of opportunity," Johnson challenged the traditional American notion of religious toleration which James T. Ringgold explains as an "act of condescension" which "implied superiority."<sup>19</sup> Johnson implied that religious liberty was a question of "equality of opportunity" as opposed to one of mere toleration. Believers in the dominant faith were granted the privilege of having their religious observance recognized by the General Government when Sunday Laws were in force, while the minorities of differing faiths who deemed the Sabbath to be a day other than Sunday (the most obvious examples being the Jews and Seventh-Day Baptists), were forced to accept an inconvenience and, according to Johnson, a restriction of their Constitutional rights.

Other arguments opposed to Sabbatarian legislation pointed to the commercial benefits of postal services operating seven days of the week, stressing that it could be considered a "necessity" which was excepted from state regulation. Additionally, they encouraged fears of a clerical conspiracy which sought in the end "the worst of all

17. *Ibid.*, 235.

18. *Report on Sunday Mails*, 20th Cong. 2nd. sess., (1829), in *American State Papers Bearing on Sunday Legislation*, William Addison Blakely, (Washington, D.C. 1911), 233.

19. James T. Rengold, *The Legal Sunday*, (Baltimore, 1899)



tyranny, 'an ecclesiastical hierarchy.'"<sup>20</sup> Frequent references to the "lessons of history" can be found in anti-Sunday Law arguments. William Blakely, in *American State Papers Bearing on Sunday Legislation*, correctly noted the influence of the British historian Gibbon, who portrayed the Church as the primary corrupting influence responsible for the ultimate decline of Rome. Gibbon's *Decline and Fall of the Roman Empire* was one of the most widely read books of the late eighteenth and early nineteenth centuries, and helped to shape the views of men who feared the "logical conclusion" of religious legislation—the formation of a state church.<sup>21</sup> An 1830 report of the House of Representatives warned that an "arrogant and domineering clergy" would thus "enslave the consciences of the free citizens."<sup>22</sup> It is not clear to what extent such exaggerated warnings were used for primarily rhetorical effect.

These arguments were echoed in the memorials opposed to Sabbatarian legislation sent to Congress in response to the hundreds of Sabbatarian memorials previously presented in the House and Senate. The arguments assumed that a repeal of the Sunday mails extension would ultimately lead to a union of Church and State, the culmination of a longstanding clerical plot. Once again, a memorial from Philadelphia dramatically stated the case, but this time of the opposing viewpoint:

The countless evils that must flow from the least interference of the General Government with the view of favoring a religious party are such as, in their consummation, would prove destructive to our national existence. It is impossible, on an occasion like the present, not to avert to the misery which has flowed from the assumption of ecclesiastical dominion in other countries. There are regions where persecution even now erects her blood-stained banner, and demands unnumbered victims for her unholy

20. *Report on Sunday Legislation: An Anti-Republican Union of Church and State*, 21st Cong., 1st sess., (1830), in Blakely, *American State Papers on Sunday Legislation*, 283.

21. *Report on Principles Involved in Sunday Legislation*, U.S. Congress, House, 21st Cong., 1st sess., (1830).

22. *Ibid.*

service.... There is no language which can adequately describe the abuses which have been perpetrated, and the immense amount of suffering which has been inflicted under the plea of defending the cause of religion. The beauty of youth, the venerable decrepitude of old age, and the power of rank, were equally incompetent to relax the iron grasp of the church.<sup>23</sup>

Johnson's speech, which for the most part avoided such excessive emotionalism, ultimately held the day in Congress, resulting in the maintenance of the Sunday mails statute. While Sabbatarians argued that the statute caused the General Government to overstep its bounds in repealing state laws, Johnson argued that without such a statute the General Government would in effect "force men to violate their own consciences," an issue that concerned "man's relation with his God" which was "above human legislation."<sup>24</sup> Thus both sides made use of arguments that presumably sought the limitation of federal power. Just as the Sabbatarian argument in this case appeared inconsistent with the dominant Whig conception of a powerful Federal Government, which would address the nation as a whole in the interest of unity and prosperity, Johnson's nationalistic arguments in favor of Sunday mails ran up against certain aspects of Jacksonian Democratic thought which tended to discourage the action of the General Government in matters of internal improvements. Johnson argued:

The advance of the human race in intelligence, virtue, and religion itself, depend, in part, upon the speed with which a knowledge of the past is disseminated. Without the interchange between one country and another, and between different sections of the same country, every improvement in moral or political science, and the arts of life, would be confined to the neighborhood where it

23. *American State Papers*, class vii. 240.

24. *Ibid.*, 229-230.



originated....The mail is the chief means by which intellectual light irradiates to the extremes of the republic. Stop it one day in seven, and you retard one-seventh the advancement of our country.<sup>25</sup>

Thus the limited conception of the General Government professed by Jacksonian Democrats did not prevent the operation of Federal Post Offices even in states where commercial activity was restricted on Sunday, and where the operation of the Post Offices on Sunday met with popular disapproval. Such issues were apparently subordinated to the "advancement" of the nation, which Johnson maintained depended on the development of improved national systems of communications and transportation.

Perhaps as a response to Johnson's claim that the Sabbatarian petitioners had not "requested Congress to suppress Sunday mails upon the ground of political expediency, but because they violate the sanctity of the first day of the week," Representative William McCreery from Pennsylvania submitted a minority report to Congress on March 5, 1830, in which he stressed that it was "both expedient and a duty" to grant the repeal of the Sunday mails statute.<sup>26</sup> McCreery relied on a secular approach to uphold the prohibition of Sunday mails, and in this sense was an early representative of the secular defense that would later be more commonly used to uphold Sunday Laws in general. McCreery spoke of the "good of society" which required the "strict Observance of one day in seven."<sup>27</sup> He supported his argument not with religious authority, but with "moral philosophy" which he claimed had shown "that the resting of men every seventh day; their winding up of their labors and concerns once in seven days; their abstraction from the affairs of the world...have a direct and powerful tendency to improve

25. *Ibid.*

26. *Ibid.*, 231.

27. *Ibid.*

the morals and temporal happiness of mankind."<sup>28</sup> Despite McCreery's defense of Sunday Laws in regard to the Post Office, the Johnson Report had already marshalled the support of the majority in both the House and the Senate. Sunday mails would not be prohibited. Although some public condemnation of the Sunday mails continued, the political battle on the national level had been fought and lost by the Sabbatarians.

Clifford Griffin, who characterized the Sabbatarians as "trustees" of public morality, explains that the "trustees" did not disappear after 1830. "What actually happened was that after the defeat on the national level, the trustee turned to local work."<sup>29</sup> State laws restricted commercial activity on the first of the week in observance of the Sabbath. Exceptions to the prohibitions characteristically included innkeepers, druggists, keepers of restaurants, and "any act, or thing, done in cases of necessity or charity."<sup>30</sup> Various state and local court cases raised the issue of whether the state and local legislatures possessed the power to enforce commercial restrictions, or restrictions of any kind, on the Sabbath.

State laws regarding Sunday restrictions were not successfully challenged in the courts until 1858, when the California "Act for the Better Observance of the Sabbath" was ruled to be in conflict with the State constitution's prohibition of religious discrimination.<sup>31</sup> The court battles over Sunday Laws in the years preceding the California case, while consistently ruling in favor of maintaining Sabbath restrictions, tended to give greater emphasis in their arguments to secular concerns with the passage of time. While religious references continued to appear in court opinions through the 1850's, their role was generally eclipsed by secular, jurisdictional arguments. While the later cases considered below postdate what is traditionally understood as the Jacksonian Era, they reflect the

28. *Ibid.*

29. Clifford Griffen, *Their Brothers' Keepers: Moral Stewardship in the United States, 1800-1865*, (New Brunswick, 1960), 123.

30. California, *Statutes*, ninth session (1858), ch. 171, section 2, 125.

31. *Ex Parte Newman*, 9 Cal. 502 (1858).



direction toward which the events and ideas of that era would lead.

Albert Friedenberg writes, "From the earliest times, American legislation favored regulations of Sabbath observance. The courts have invariably traced the origin of Sunday Laws to the Jew's legislation for the Sabbath, but have calmly transferred the 'holy time' from the seventh day of the week to the first."<sup>32</sup> It is important to point out, however, that the courts did not invariably view Sabbath legislation in relation to the Sabbath's role as a "holy day," but progressively viewed the Sabbath in terms of its role as a "holiday."<sup>33</sup>

In 1834, an Ohio court argued that parties entering into a contract on Sunday "partook of the sin of violating the Sabbath," and thus forfeited state recognition of such a contract.<sup>34</sup> By 1853, the attitude of the Ohio court toward Sunday legislation had radically changed. In *Hiram Bloom v. Cornelius Richards*, the court stated that "a contract entered into on a Sunday, was not for that reason void at common law."<sup>35</sup> The court went on to say that "English common law may be said to constitute a part of the common law of Ohio so far as it is reasonable in itself."<sup>36</sup> The courts characterized their Sunday Law as a "mere municipal regulation" which prohibited "common labor" without excluding contractual agreements on Sunday. While maintaining the Sunday restrictions of "common labor," the court asserted, "Neither Christianity nor any other system of religion is a part of the laws of this state."<sup>37</sup>

In *Bloom v. Richards* a reference is made to an important South Carolina case of 1846, *The City of Charleston v. S.A. Benjamin*, in which the Sunday Law in question was deemed a "mere question of

32. Albert M. Friedenberg, "The Jews and The American Sunday Laws," *Publications of the American Jewish Historical Society*, 11 (1903), 101.

33. James T. Ringgold, *The Legal Sunday*, (Baltimore, 1899), 129.

34. *Swisher v. Williams*, Wright 754 (Ohio, 1834).

35. *Bloom v. Richards*, 2 Ohio State 388 (1853).

36. *Ibid.*

37. *Ibid.*

expediency.”<sup>38</sup> Benjamin, the defendant accused of selling a pair of gloves on Sunday, argued that the City Ordinance for the Better Observance of the Lord’s Day was in violation of the South Carolina constitution which insured the “free exercise and enjoyment of religious profession and worship, without discrimination or preference.”<sup>39</sup> One justice asserted that the Christian religion was a part of the common law of South Carolina, while the majority opinion held that the law was “in a political and social point of view, a mere day of rest.”<sup>40</sup> This case pointed out the distinction between conceptions of the Sabbath as a holy day and those that considered civil Sabbath observance as a holiday. The case pointedly raised the question:

If, the legislature, or the city of Charleston, were to declare that all shops within the state or city should be closed, and that no one should sell or offer to sell goods, wares, or merchandise on the Fourth of July or the Eighth of January in each year, would anyone believe such a law was unconstitutional?”<sup>41</sup>

Two Pennsylvania cases provide examples of the arguments used in the later and immediate post-Jacksonian periods in defense of Sabbatarian legislation. In the first case, *Specht v. The Commonwealth* (1848), Specht, a Seventh-Day Baptist, challenged the constitutionality of state Sabbath restrictions which imposed upon him a four dollar fine for hauling manure on Sunday. Specht’s defense claimed that the Sunday Law gave “a preference to other modes of worship.”<sup>42</sup> Justice Bell, in defending the constitutionality of the law, pointed out that the “motives of the legislature are

38. *City Council of Charleston v. S.A. Benjamin*, 2 Strob. 508, (So. Car., 1846).

39. *Ibid.*, 509.

40. *Ibid.*, 521; 529.

41. *Ibid.*, 521.

42. *Specht v. The Commonwealth*, 8 Barr 319 (Penn., 1848).



irrelevant to constitutionality” and there is “nothing to prevent the unrestrained expression of an adverse belief” in the law.<sup>43</sup> Thus Bell did not ask why the laws were codified, but rather if such legislation reflected a constitutional exercise of legislative power. Additionally, Bell pointed out that the law resulted in merely a “worldly disadvantage” which “doesn’t bind anyone’s conscience.<sup>44</sup> Bell’s colleague, Justice Coulter, agreed with the affirmation of the law’s constitutionality, but chose to formally dissent from Bell’s secular argument. Coulter’s justification for constitutionality in this case rested on the premise that the law “guarded the Christian Sabbath from profanation...not because of the mere usefulness of the day as a day of rest and cessation from worldly labor.”<sup>45</sup>

The second Pennsylvania case is that of *Johnston v. The Commonwealth*, (1853). The case involved the operation of public conveyance on Sunday which was prohibited by an act of 1794. Once again, the decision favored the legislation’s constitutionality. Justice Woodward argued: “Running omnibusses is a mere secular employment, established and maintained for private gain; ministering and intending to minister, not to the absolute wants of our common nature, but to the convenience of the public for a price.”<sup>46</sup> Perhaps in an overzealous attempt to present the secular argument behind the constitutionality of the Sunday Laws, the court argued that “these statutes were not designed to compel men to go to church, or to worship God in any manner inconsistent with personal preferences; but to compel a cessation of those employments which are calculated to interfere with the rights of those who choose to assemble for public worship.”<sup>47</sup> In contrast to Justice Bell’s claim that legislative motive was irrelevant, the court in this case attempted to reveal the “real and substantial interests which the legislature

43. *Ibid.*, 324.

44. *Ibid.*

45. *Ibid.*, 327.

46. *Johnston v. The Commonwealth*, 22 Penna. 109, (1853).

47. *Ibid.*, 115.

sought to secure by this enactment.”<sup>48</sup> According to the court, the legislative intentions included the preservation of the “right of the poor to rest from labor without diminution of wages or loss of employment,” and the right of “beast of burden to repose one-seventh of their time from their unrequited toil.”<sup>49</sup> Following the suggestions of humanitarian motivation behind Sabbatarian legislation, the opinion asked, “When has legislation aimed at higher objectives?”<sup>50</sup>

The final case to be considered, the 1858 California decision, *Ex Parte Newman*, was significant in that it represented the first major decision which found state Sabbath regulations unconstitutional on the state level. The court found that the state constitution’s prohibition of religious discrimination did “not merely guarantee toleration, but religious liberty in its largest sense, and a perfect equality without distinction between religious sects.”<sup>51</sup> The court judged that the state legislature thus had no constitutional right to prohibit lawful activity on any day of the week. The right to possess property was stretched to include the “right to acquire property” which was made impossible on Sunday by legislative restrictions. Justice Terry argued that “free agents must be left free...to regulate their own behavior.”<sup>52</sup>

This decision of the California court was by no means unanimous. Justice Stephen Field dissented, arguing that the act itself, despite its title reference to the Christian Sabbath, was in effect “a civil regulation, a day of rest from secular pursuits,” and this was “its only scope and purpose.”<sup>53</sup> Field also challenged the court’s jurisdiction in reviewing legislative motives and policy, which, he claimed, should be checked by the electorate rather than the court. He additionally pointed to the statute’s intention to help laborers by

48. *Ibid.*

49. *Ibid.*

50. *Ibid.*

51. *Ex Parte Newman*, 9 Cal. 502 (1858).

52. *Ibid.*, 503.

53. *Ibid.*



providing a needed respite from their daily toil. It was indeed the case that some California labor unions had utilized the Sunday Laws to advance their claims to management. A bakers' union, in 1852, successfully demanded a prohibition "forbidding the sale and vending of bakers' goods on Sunday."<sup>54</sup> Field's views were of course not without precedent. In fact, his views largely parallel the positions adopted earlier by other state courts, as well as the underlying arguments forwarded three decades earlier by the Whig opponents of Sunday postal services. Interestingly, Field was a loyal Democrat who would later be appointed to the United States Supreme Court by Abraham Lincoln. Although Field was the son of a Connecticut Congregationalist minister, he does not offer any religious defense of Sunday Laws, addressing only their expediency and constitutionality.

In considering some of the most notable ante-bellum court decisions involving Sabbath regulations, it appears that a greater secular emphasis emerged in the arguments favoring Sabbatarian legislation in the later 1840's and 1850's. As secular arguments had been offered by the Whig opponents to Sunday mail extension, religious references and arguments insisting that the Sabbath be kept a holy day continued to crop up in several of the later state court cases, although the appearance and emphasis of such arguments greatly declined in the Jacksonian years. It is important to keep in mind that these court cases were not decided in a vacuum. They reflected and reacted to current and earlier trends of thought and interpretation. Thus in order to more fully understand changing judicial attitudes, one must look to the broader social, economic and political forces behind them.

The secular arguments in favor of Sabbatarian legislation were encouraged by the notion that a uniform day of rest was beneficial for men and thus served a useful social purpose. William Clebsch suggests that by the mid-eighteenth century, "Sabbatarianism still served the useful purpose of binding new members into social traditions. Moreover, it punctuated the drudgery of labor. When men

54. Ira Cross, *A History of the Labor Movement in California* (Berkeley, 1935), 21.

pitted themselves against the natural wilderness lying westward, new advantages arose from Sunday rest."<sup>55</sup> In addition to its value as a taming influence on an unruly, frontier society, Sabbath observance was considered to have had other practical benefits as well. According to Clebsch:

On overland routes to the Pacific at mid-century, wagon trains which lay over every Sunday were thought by experienced travelers to reach California much sooner than trains traveling seven days each week. While religious observance of Sundays was a constant undercurrent of concern of pious pilgrims, the real intent of Sabbath rest was to refresh the animals.<sup>56</sup>

Disapproval of the secular form that many defenses of legislated Sabbath observance had taken was not limited to dissenting justices. As early as 1831, Eleazer Lord, a Northern Protestant minister, commented on the state of Sabbatarian policies:

The public measures adopted within two or three years for promoting a better observance of the Lord's day, having been directed too exclusively to the attainment of civil and secular aids instead of relying on the appropriate aids and sanctions of scriptural instruction and example, have failed to occasion the benefits anticipated by their zealous patrons; and the attention which was awakened to the subject, has, it is to be feared, in a great measure disappeared.<sup>57</sup>

Curiously, while the Sabbatarian arguments seem to progressively retreat from religious arguments and allusions, the

55. William A. Clebsch, *From Sacred to Profane America: The Role of Religion in American History*, (New York, 1968), 157.

56. *Ibid.*, 157.

57. Daniel Wilson, *The Divine Authority and Perpetual Obligation of the Lord's Day Asserted in Seven Sermons*, intro. by Eleazer Lord, (Boston, 1831), v.



anti-Sabbatarians who gathered in Boston in March of 1848 for the Anti-Sunday Law Convention included in their third resolution that "all classes should be united in demanding a repeal of the enactments alluded to, on the ground of impartial justice and Christian charity."<sup>58</sup> They sought "liberation from the bondage of Sabbatical law; for where the Spirit of the Lord is, there is liberty."<sup>59</sup> William Lloyd Garrison's speech at the Anti-Sunday Law Convention also contained conspicuous references to the New Testament and the teachings of Jesus.<sup>60</sup> Audiences were addressed as Christians. Garrison and his followers adopted a radical notion of the rights of the individual and quoted scripture in their defense.

Neither the Sabbatarians nor their opponents composed an homogenous interest group, and the complexity and variety of their arguments suggest that simple party associations have limited explanatory value in this case. Still, in order to better understand the Sabbatarian movement in its historical setting, it is helpful to consider certain generalizations about who the Sabbatarians were and why they sought to enforce Sabbath restrictions. Griffin characterizes the "benevolent trustees" of public morality as wealthy northern Whigs of primarily Presbyterian and Congregationalist stock. They derived their wealth most often from business, finance and the law. They saw legislated morality as more than a means of saving souls; according to Griffin, it was a means to "stability and order, sobriety and safety."<sup>61</sup> Thus Sunday Laws, for these "eastern establishment" Sabbatarians, meant the maintenance of a desirable status quo. It has also been suggested that the anti-Jacksonian Sabbatarians had a clear interest in portraying the Democrats as un-Christian. Griffin's characterization of the Sabbatarians suggests that economic opportunism was the primary incentive in the fight against commercial activity on Sunday. A prominent exception to

58. Blakely, *American State Papers*, 334.

59. *Ibid.*

60. *Ibid.*, 335.

61. Griffin, *Their Brothers' Keepers*, x-xiii.

Griffin's generalization is Lewis Tappan, a wealthy New Yorker, who in response to the initiation of Sunday postal service, financed, against better business judgement, the economically doomed Pioneer Line in upper New York State. In addition to substantial financial loss, Tappan suffered public ridicule for his efforts to enforce public morality with a coach line operating only six days each week.

Two extreme schools of thought can be outlined which suggest distinct motivations for Sabbatarian activity. In the first case, Sabbatarian legislation is viewed as championed by entirely self-interested individuals who saw in the Sunday Law crusade an opportunity to extend their social control. In the opposite view, Sabbatarianism is seen as a purely idealistic, religious response to an external challenge to a highly esteemed and elevating religious observance. While few rely exclusively on either extreme view to explain the complex motivation behind the Sabbatarian movement, there has been a tendency among scholars to look primarily at the interests of the parties concerned rather than at professed ideals. Any satisfactory approach to understanding the Sabbatarian impulse must take into account the interplay of ideas and interests, and not exclusively look to one or the other for the roots of the Sabbatarian movement.

Charles C. Cole argues that "the protestant sects were rapidly losing their favored position of influence over affairs of state, and the Sabbatarian movement was, in a sense, the last counteroffensive of a theocracy rooted generations before."<sup>62</sup> James Bodo traces in the Sabbatarian movement, as well as in other Protestant crusades for the betterment of society, what he terms a "theocratic pattern" which included a "well articulated plan to remold the nation in the likeness of the Massachusetts theocracy of the seventeenth century while taking into account the changed condition, especially the separation of the church and the state."<sup>63</sup> Bodo goes on to identify the origins of such a pattern: the Calvinist distrust of the nature of man. While

62. Charles C. Cole, Jr., *The Social Ideals of the Northern Evangelists, 1826-1860*, (New York, 1954), 106.

63.. Bodo, *The Protestant Clergy*, 52.



theocrats distrusted the nature of man, Jacksonian democracy with its egalitarian implications threatened to set loose the uneducated masses in positions of political power. Yet, the reaction of many "theocratic" Whigs was to form voluntary, inter-denominational societies aimed at training the character of the people, not a concerted effort to forge a union of Church and State. The voluntary societies included those devoted to temperance and the proliferation of scriptural writings as well as Sabbath observance, which were all deemed essential for the progress of the nation. In attempting to encourage the proliferation of scripture, the American Tract Society had the democratizing effect of encouraging and aiding individuals in their initial attempts to read.<sup>64</sup>

Lois Banner rejects the "theocratic self-interest" arguments of Foster, Bodo, Griffin and Cole.<sup>65</sup> She cites two important features of the thought of participants in religious benevolence societies: millennialism and "Christian republicanism," which she describes as "central to the humanitarians' conception of their role in America, and one cannot completely understand their motivations and their actions without taking these concepts into account."<sup>66</sup> Millennialism referred to the hopeful anticipation of a Christian utopia on earth. Despite their Calvinistic understanding of the base nature of man, millennial hopes for the thousand year reign of Christ encouraged an optimistic view of the future progress of society. The religious trustees deeply distrusted the political party system and believed that the fate of the nation depended on the moral character of its citizens. "Religious humanitarians saw themselves as the last survivors of that slowly dying American who acted according to universal and time-honored standards who did not adopt current fad and fashion as his guide. Religion made men republicans...."<sup>67</sup>

While it is tempting to assume that the Sabbatarian Whigs simply aimed to preserve the righteous standards of the past, the

64. *Ibid.*

65. Lois Banner, "Religious Benevolence as Social Control: A Critique of an Interpretation," *Journal of American History*, 60 (1973), 25.

66. *Ibid.*, 35.

67. *Ibid.*

motivations and impact of their conservative crusade was neither a mere nostalgic attempt to imitate an idealized past, nor a simple effort to maintain the status quo. Consistent with their political ideology, the Sabbatarian Whigs professed a concern with society as a whole as opposed to the growing tide of individualism which characterized the age. Yet in their response to the rapid political and social changes of the Jacksonian Era, the "theocratic conservatives" revealed intentions, adopted methods and had an impact marked by contradictions. Wyatt-Brown, in reference to the "trustees" of public morality, remarks:

Though they spoke of the need to reach all sections of the land, they confined themselves to spreading the sectional culture of New England. In spite of their general appeal to the great mass of common people everywhere, a strong and none too pleasant smell of elitism of the old Federalist variety clung to their efforts. While loudly approving the constitutional injunction against a national religious establishment, they tried to impose their ideas and their regulations upon common schools, post offices, and other public agencies."<sup>68</sup>

In some respects, the Sabbatarian movement can be seen as progressive. While not abandoning the Calvinist dogma of human inability, the Sabbatarians sought a purified society, which resulted in the basic contradictions of the "puritan dilemma." The zealots who looked forward to a Christian utopia where men would freely choose the path of righteousness, demanded conformity in their search for the ideal. Like their motivations, the Sabbatarians' method of attack on inadequate Sabbath observance looked as much to the future as to an idealized past. Their voluntary societies evidenced a degree of inter-denominational cooperation, and perhaps a suggestion of ecumenism. The evolution of the arguments in support of Sabbath restrictions toward a more secular orientation, as well as

68. Wyatt-Brown, *Lewis Tappan and the Evangelical War Against Slavery*, 60.



the adoption of states' rights arguments by professed Whigs, suggests that characterizations of the movement as a case of religious reaction or the predictable response of Whig ideologues are entirely inadequate. The Sabbatarian movement would also prove to have a future impact that some conservative founders of the movement had certainly never directly intended. Experience in the Sabbatarian controversies revealed to participants new organizational and popularizing techniques that would serve well in other reform movements. Men like Lewis Tappan would carry their early experience in the Sabbatarian movement with them into the battle against slavery. Thus to characterize Sabbatarianism as a traditional Whiggish movement, tied to religious reaction, certainly obscures the complexity of that movement.