SUNDAY OBSERVANCE IN SCOTLAND 1560-1606

A THESIS

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the Faculty of Divinity
in the University of Edinburgh
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THE DEGREE OF DOCTOR OF PHILOSOPHY (Ph. D.)

By

JOHN K. CARTER, M.A.
(John Henley Carter)

15th May 1957
S U M M A R Y

of

Thesis

entitled

SUNDAY OBSERVANCE IN SCOTLAND 1560-1606

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15th May 1957
On the basis of an attempt to define what in the Fourth Commandment is permanent and what temporary, the thesis classifies five main theories of Sunday observance, and deals in some detail with Thomas Aquinas's exposition of the Roman Catholic position and with John Calvin's teaching. Traditional, Catholic teaching and Calvin's teaching were, indirectly, the predominant factors which went to the shaping of the Scottish 1560-1606 Sunday observance.

John Calvin set forth one theory in his earlier teaching, and another in his later teaching. His former teaching came to Scotland by way of the 1556 catechism; and represented the radical Scottish Sunday observance position during the first post-1560 years. His later teaching became increasingly known in Scotland after 1572 or thereby; and may be reflected in John Craig's 1581 catechism. It becomes impossible to distinguish between a Sunday observance policy which may have been based on the 1556 catechism's teaching and a policy which may have been based on the 1581 catechism. The present work brackets, after 1572, the teaching of the two catechisms; and calls the accompanying Sunday observance position the Catechetical. It was anti-Sabbatarian.

Parallel to the radical and Catechetical views on Sunday observance from 1560, there were views which were predominantly traditional and Sabbatarian. From 1560 to 1606, except for the first year of Moray's Regency, that Sabbatarianism, in one modified form or another, was a factor in the Scottish Sunday situation. It increased as the radical and Catechetical views lost their original force and declined. The Catechetical and the traditional views also interacted.

The result was a hybrid which was akin to, but not necessarily derivable from, the Elizabethan compromise Sunday observance teaching in England.

That resultant Sabbatarianism was not the Sabbatarianism which the Westminster Confession was later to incorporate in its teaching.

The thesis offers three distinctive contributions to the subject of Sunday observance in general, in addition to its conclusions concerning Sunday observance in Scotland from 1560 to 1606.

John K. Carter.
"Giffen mair to be superficiall nor solid, circumferentiaall nor centrik, desyring to heire and haiff the names of manie things, bot never weill degesting nor ryping out the nature of anie".

(1) Diary of Sir James Selvill, p. 22.
DEDICATION

To these seven, "undistincted" -

T.E.C.
H.E.C.
F.B.
J.R.L.C.
D.J.K.C.
H.J.C.
A.E.A.C.
ACKNOWLEDGMENTS

My uppermost impression, as I put this Thesis to bed, is that a man could toil at the Sunday question until the candle of his life spluttered in its socket and yet could succeed in doing no more than interject a diffident whisper into an interminable and too often ungracious debate. He might even end by doubting whether through the tangled skein of argument he had contrived to follow the thread of the debate.

How I made it I don't know, but I did make the mistake of assuming that the sixteenth century teaching about Sunday would lack the amorphous character of the twentieth century's, and that the first Scottish Protestants would know where they were going and would plot their Sunday route with precision and clarity. I now think that, on the contrary, I have had to try and read a graph which is made up of wiggly and discontinuous lines of several colours.

The present work is, alas, correspondingly tortuous and its contribution modest. Its contribution is two-fold. First, it shows how conglomerate and tangled was the sixteenth century Scottish situation in relation to Sunday observance. That discovery should at least serve the purpose of calling for a re-assessment of those hypotheses which have assumed that the sixteenth century Scottish Sunday observance was either Sabbatarian or anti-Sabbatarian. Second, it traces, with varying success, the blue of the old Sabbatarianism and the red of the new anti-Sabbatarianism until, at the close of the century, the two colours run (blue being the dominant colour).

If I have been able to make anything at all of the subject of my choice, that is largely because I have had the use of the resources of the following libraries and repositories:—

New College Library, Edinburgh.
Edinburgh University Library.
Church of Scotland General Assembly Library, Edinburgh.
Scottish Central Library, Edinburgh.
Register House, Edinburgh.
St. Andrews University Library.
St. Andrews Presbytery Safe, Holy Trinity Parish Church, St. Andrews.
Kirkcaldy Public Library.
Innerpeffray Library, near Crieff.
British Museum Library, London.
Cambridge University Library.
Library of St. John's College, Cambridge.
Library of Trinity College, Cambridge.
Bodleian Library, Oxford.
Library of Balliol College, Oxford.
Library of Corpus Christi College, Oxford.
John Rylands Library, Manchester.
Manchester Central Library.

I would like to make due acknowledgment to their governing bodies; express my sincere thanks to the keepers or staffs for their memorable courtesy and ready assistance; and make special mention of Rev. John A. Lamb, B.D., Ph.D., Librarian of New College, and Miss E. R. Leslie, M.A., B.Com., of New College Secretarial staff.

How to express my indebtedness to my supervisors — Rev. Principal John H. S. Burleigh, B.Litt., D.D. and Rev. Professor William S. Tindal, O.B.E., D.D. — is beyond my wit to know. Their kindliness, patience and helpfulness are, in my eyes, stars in their crowns. I only wish that for their generous bestowal of some of their incredibly crowded time they had received the satisfaction of seeing a more attractive result.

As for my wife, when in the future I read a writer's reference to his wife's contribution to his work or working conditions, I could find myself wondering whether that was also his crowning understatement.

DYSART
Fife
15th May 1957
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### ABBREVIATIONS

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<td>BUK</td>
<td>Acts and proceedings of the General Assemblies of the Kirk of Scotland from the year M.D.LX. Three volumes (Hannatyne Club) and Appendix (Maitland Club).</td>
</tr>
<tr>
<td>C.T.S.</td>
<td>Calvin Translation Society.</td>
</tr>
<tr>
<td>EBR</td>
<td>Extracts from the records of the burgh of Edinburgh. Scottish Burgh Records Society. Edinburgh. Volume indicated by number, as given in &quot;Works and Records cited&quot;.</td>
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THE FOURTH COMMANDMENT

"Remember the sabbath day, to keep it holy".  
(1)

"Keep the sabbath day to sanctify it".  
(2)

"Tak gud tent to ken and keip this command".  
(3)

"Ces choses qui te baillent occasion d'estre esbahi ... te doyvent bien donner à entendre qu'il y a quelque plus haut mystère & secret en ce Commandement-cy, qu'il ne semble de premiere entrees".  
(4)

(1) Exodus xx.8.  
(2) Deuteronomy v.12.  
INTRODUCTION

The present work's title is, *Sunday Observance in Scotland from 1560 to 1606*. The period begins at the overthrow of Roman Catholicism and ends with that consolidation of Episcopacy in Scotland which continued until 1633. (1)

The treatment of the subject will include three chapters which do not handle Scottish material. There is a chapter on the Fourth Commandment's moral and ceremonial aspects. It is based on Thomas Aquinas's treatment of the distinction between what in the Commandment was moral and what ceremonial. There is a chapter on the main theories of Sunday observance. The classification of the theories is based on the distinction between the moral and ceremonial aspects. And there is a chapter which sets out John Calvin's teaching.

The chapter on the main theories serves a purpose which may not be obvious in advance. Without it, one of the Scottish Sunday observance theories could appear too extremely anti-Sabbatarian to be true. Seen against a classification of the contemporary theories, however, it becomes credible.

The chapters on the Fourth Commandment and John Calvin's teaching could seem to be of disproportionate length and, in their treatment of their respective subjects, too meticulous by far. The writer would offer the following justification of the thoroughness with which he has attempted to deal with those two subjects.

The distinction between the moral and ceremonial aspects of the Fourth Commandment has nowhere, apparently, been given thoroughgoing consideration in print since the days of Thomas Aquinas.

---

(1) By an Act of Council the calendar year 1600 began on 1st January. Prior to that the year had begun, in Scotland, on 25th March. — Extracts from the records of the burgh of Glasgow. A.D. 1573-1642 (Scottish Burgh Records Society, Glasgow, 1876), p. 201. That means that up to, but not including, the year 1600, the contemporary dating of 1st January to 24th March inclusive was a year earlier than that which corresponds to the modern calendar. Wherever applicable, the present work will throughout convert Scottish dates to make them correspond to the modern calendar. Thus, 1st January to 24th March 1559 in the sources would in the present work read 1st January to 24th March 1560. See Register of the Minister Elders and Deacons of the Christian Congregation of St. Andrews — hereafter, St. Andrews Kirk Session Register — ed. David Hay Fleming (Scottish History Society, 1889), II, p. 918, margin, "Mutatio anni".
Thomas's understanding of the distinction provides the basis of the Roman Catholic view of Sunday observance. If his treatment of the distinction is accepted, discussion is foreclosed: the case goes, by default, to the Roman Catholics: Roman Catholic theory holds the field, and conflicting theories, including those which emerged in Scotland, represent little more than a guerilla warfare, from an uncharted base. Intricacies beset the distinction. A telescoped discussion of it could easily fail to help towards a focussing upon what is involved. And yet a grasp of the distinction would seem to be quite indispensable for an appreciation of the sixteenth century views of Sunday and its observance. Those views - all of them - are, in a last analysis, traceable back to different interpretations of the Fourth Commandment's moral and ceremonial aspects. Not less important is the fact that in dealing with Thomas Aquinas's treatment of the distinction, the chapter is virtually dealing with the Roman Catholic teaching of how Sunday came to be the Lord's day or the Christian Sabbath day. And the length of the chapter, and the happy necessity which makes the chapter the opening chapter, provide a vivid reminder that behind all the radical Reformation views of Sunday and of the Fourth Commandment there was all the time the weight of the traditional theory of Sunday. It would be possible to make out a fair case for the submission that the Protestant return to Sabbatarianism could in large part be explained as the reassertion of traditional theory of Sunday observance. To deal with Scottish Sunday observance in isolation from Roman Catholic teaching on the ground that in post-1560 Scotland the Roman Catholics became a negligible minority, (2) would be to give the Scottish reformation a de novo character which, in the perspective of the generations, it could barely merit. The good ship of Protestantism was a newly-constructed barque; but it had perforce to sail on the ground-swell of history, and through currents which no skipper or crew could neutralise.

The giving of a chapter to John Calvin's teaching springs from reasons of a different kind. The 1560-1606 Scottish Sunday observance was indebted to Calvin's teaching. For example, the

(2) The only Scottish Roman Catholic references to Sunday observance, known to the writer, are those of John Hay, John Hamilton, Adam King, and Ninian Winzet, in, respectively, Catholic tractates of the sixteenth century, 1573-1600, ed. T. G. Law (Scottish Text Society, Edinburgh, 1901), p.37; Maister Jhone Hamilton, A facade tractise (Louvain, 1600), p.173; Catholic tractates, p.210; Certain tractates (references hereafter).
official catechism of the Scottish Kirk subsequent to 1560 was called "The Catechism of M. Calvin", and purported to be a translation of John Calvin's 1545 catechism. But the pre-1606 period was by no means indebted to John Calvin in the way which might commonly be assumed. The common assumption among writers seems to be that John Calvin's teaching was consistent. Writers have treated his teaching as a unity. Some have deduced, from certain passages, that he was a Sabbatarian. Others have deduced, from different passages, that he was anti-Sabbatarian. All, it would seem, have been guilty - inevitably, on the assumption that his teaching was consistent - of selecting those parts of his teaching which illustrated their respective theses. To the present writer it seemed that the only answer to that situation was to give John Calvin's teaching as a whole, with its apparently Sabbatarian and anti-Sabbatarian elements. That involved a treatment of John Calvin's teaching more lengthy than appears to be anywhere else available in print (or typescript). It is meant to achieve two things. First, it should demonstrate that the Scottish catechism which was based on Calvin's earlier teaching set forth views on Sunday which were not necessarily those which Calvin expounded in the closing years of his life. Second, the chapter on Calvin seemed necessary to answer those who have assumed that Scottish Sabbatarianism is necessarily Calvinistic, and that the Scottish Sunday which followed the Westminster Confession of Faith was a "Calvinistic Sunday". The evidence of the present work would seem to point in a different direction. In particular, it would appear to say that Scotland's 1560-1606 Sabbatarianism was not derivable from John Calvin.

A brief post-script on the Westminster Confession is in large measure an appendix to the chapters on the Fourth Commandment's *moria* and *ceremonialia* and on John Calvin's teaching. It will read the Confession in the light of the distinction between the *moria* and the *ceremonialia*. It will also set the so-called "Calvinistic Sunday" of the Confession over against the 1560-1606 Scottish Sunday, including what was "Calvinian" in that Scottish Sunday observance of the sixteenth century.

That must not convey the impression that the 1560-1606 Scottish observance was uniform, or clear and constant as a lone star in an indigo sky. The Kirk then as now was liable to halt
between two opinions on the subject. Christians, including Christian teachers and leaders, then as now could hold an earlier view and a later view of how Sunday should be observed; and, unwilling or (more probably) unable to be dogmatic, could come to approve of a measure of Sabbatarianism on pragmatic rather than theological grounds. The subject's complexity and perplexity are not of recent vintage. That gives due notice that the present work is—inescapably, as the writer thinks—tortuous. The writer nevertheless believes that, while the discussion of Sunday observance in Scotland from 1560 to 1606 does not distil the complexity into a simple solution, it may help to focus the issues involved.

SCOPE

The aim and scope of the work are limited. The aim is to discover the trends in the period's Sunday observance which had significance of more than a fleeting, parochial character.

The material is selected. Here is no search for the ways in which Sunday may have been observed throughout Scotland from John o' Groats to the Mull of Galloway. The work will make some use of records belonging to scattered localities; but will rest mainly on those which show how it was sought to have Sunday kept in Edinburgh and St. Andrews. The reasons for that selection are three in number. For the Edinburgh and St. Andrews situations respectively there exists, more than for any other locality, material which seems capable of being interpreted in relation both to the underlying theories and to those who applied them; that material is sufficiently continuous to make it appear possible to discern in the Sunday observance of the period not merely a mosaic but a movement; and that movement apparently belongs together with the period's Sunday debate as a whole. The selecting of the material could thus strengthen and not weaken the present work.

The work's general aim, within its limits, is to discover who prescribed the period's Sunday observance and what were the underlying theories. It aims particularly at enquiring into the apparent contrast between the Kirk's teaching on Sunday observance as set forth in the 1556 catechism (3) and in John Craig's catechism.

(3) "The catechisme or maner to teache children the Christian religion .... Made by ... John Calvin", The forme of prayers and ministration of the Sacraments, &c., used in the English congregation at Geneva (John Crespin, Geneva, 1556).
of 1581, (4) and, on the other hand, the teaching which the Kirk adopted in 1647 and 1648.

The enquiry will have a bearing on the general debate about the nature and observance of the Lord's day; and will also, as a by-product, offer a contribution to it by submitting that the key to the understanding of the issues involved is the distinction between what in the Fourth Commandment may be moral and what may have been ceremonial.

SETTING

As a setting to the Scottish observance, this introduction will now give, in bold outline, a brief impression of the wider, contemporary debate.

That debate cannot be appreciated apart from the distinction, which has been reiterated, between the moral and ceremonial aspects of the Fourth Commandment. The opening chapter is to define the distinction at some length—moral and ceremonial are, in the present context, technical words; but for the purposes of this introductory chapter it is possible broadly to give the meanings of the two words, indicate the distinction's importance, and pin-point the nerve-centre of the entire debate. That will be done on the basis of a limited definition of the two adjectives; which will follow Thomas Aquinas's use of them in his classification of precepts as moral and ceremonial.

Moral precepts are of divine appointment; are from the beginning of the world; and are to be continued to the end of the world. They derive their name from the moral law, and provide principles of conduct which teach man what the Lord requires of him. They are "for ever—simply and absolutely"; (5) and are the only precepts which are unchanging and for ever binding on all people everywhere. Ceremonial precepts are so called because they pertain to ceremony, meaning, worship in accordance with prescribed modes. The ceremonial precepts prescribe the modes. In so doing they express the principles which moral precepts embody. They translate the general principles into particular rules or observances. Ceremonial precepts may be either of divine


or of human appointment; but whether human or divine they are temporary, and are applicable only to those with whose worship they are integral and for whom they were instituted.

Broadly, the distinction between what in the Fourth Command may have been moral and what may have been ceremonial is the distinction between that aspect of the Commandment which embodies an obligation which is permanent because it belongs to universal law and that aspect which was temporary because it belonged to the Old Law of the Old Testament and to the worship of the Jews. In this introductory chapter permanent will, wherever possible, be used instead of moral; temporary or Judaical instead of ceremonial - always on the understanding that moral and ceremonial have, when used in their full and precise meanings, no synonyms.

The nerve of the debate lay in defining what is permanent and what was temporary in the Fourth Commandment. (It should be recalled that those who set forth the sixteenth century theories proceeded from an acceptance of the assumptions that the Genesis Creation story was an historical narrative; that the events which it recorded preceded the patriarchal era; and that the giving of the Decalogue on Mount Sinai belonged to a still later period).

The initial, basic positions were two in number. They agreed that the Fourth Commandment, as a whole and as written, was a temporary precept, and was for the Jews alone. They differed on whether, implicit within the Commandment, there resided a permanent element which obliged Christians to institute an observance corresponding to the Sabbath day of the Jews. The traditional view was that the Commandment contained a permanent element of that kind. The radical, reformation view was that the Commandment laid no compulsion upon the Christian Church.

The adherents of the two views were agreed that there was no necessity which obliged Christians to observe the Lord's day, in the beginning. The Catholic view was, however, that the Fourth Commandment embodied, for Christians as for Jews, the obligation to set apart, for the worship of God, the proportion of one day in seven. That seventh day could, in theory, be for Christians any day of the week. But, substituting the authority of the Church for the direct divine authority which the Fourth Command had had for the Jews, the Roman Catholic view transferred the religious observance of the Jewish Sabbath to Sunday. The
Catechism of the Council of Trent, which was completed in 1564, stated that "the Church of God has in her wisdom ordained, that the religious celebration of the Sabbath should be transferred to 'the Lord's day'." (7) The authoritative Roman Catholic writer, Robert Bellarmine, writing about 1580, explained that the Apostles had changed the Sabbath to the Lord's day because the retention of the Saturday was inexpedient. (8) The Roman Catholic Church thus arrived at a doctrine of the sabbatical nature of the Lord's day. John Calvin, on the other hand, in his catechisms and Institutes, pursued to its logical conclusion the contention that the command to keep a weekly Sabbath day belonged to the Jews alone, and was temporary in character. He did not acknowledge, with the Roman Catholics, that the abrogation of the Jewish Sabbath allowed a permanent element in it - namely, the proportion - to remain operative. Calvin stated that if Christians still kept one day in seven, that was not because they regarded such an arrangement as obligatory; and although they kept Sunday they did not attribute sanctity to it. They kept it as "a politic and ecclesiastical arrangement". (9) That his ideas were distinct, at that stage in his thinking, from the Catholic, seems plain from the following reference in the Institutes to the Roman Catholic ideas:

In this way we get quit of the trifling of the false prophets, who in later times instilled Jewish ideas into the people, alleging that nothing was abrogated but what was ceremonial in the commandment (this they term in their language the taxation of the seventh day), while the moral part remains - viz. the observance of one day in seven. But this is nothing else than to insult the Jews, by changing the day, and yet mentally attributing to it the same sanctity; .... And of a truth, we see what profit they have made by such a doctrine. Those who cling to their constitutions go thrice as far as the Jews in the gross and carnal superstition of sabbatism. (10)

The Catholic position was thus anti-Judaical but Sabbatarian: John Calvin's position, at his time of writing, was anti-Judaical and anti-Sabattarian.

The Roman Catholic position remained unchanged. It is conceivable that there may have been, however, non-Roman Catholics

(9) Institutes, Bk.II, Ch.VIII, c.33. (10) C.34. "Their constitutions" and "the taxation" make clear that Calvin was thinking of the Roman Catholics. See Aquinas, Summa theologiae, Ia, IIae, q.100, a.3, ad.2: "...Non autem quantum ad taxationem tempus: quia secundum hoc est caeremoniale."
who held Sabbatarian views which were different from the Roman Catholic, and may have approximated to those of the Westminster Confession. Theirs may have been of a Judaical kind, in that they may have accepted the Fourth Commandment in its totality as a moral precept, and therefore as directly applicable to Christians. Also, they may have maintained that it was God, and not the Church, who appointed the Lord's day for Christian observance. If there were Sabbatarians in sixteenth century Scotland who held either of those views, there is no evidence for their existence. 1560-1606 Scottish references to the Fourth Commandment are capable of being explained in accordance with the Roman Catholic teaching that the Command's relevance for Christians rests in its moral element alone.

John Calvin's position underwent change. Although he could not accept the view that the Fourth Commandment obliged Christians to observe the proportion of one day in seven, he looked elsewhere in Scripture for authority for the observance, as a Christian obligation, of every seventh day; for example, Genesis ii, 2, 3. The Knoxians adhered to Calvin's initial position: they had committed themselves to it, in print. Later in the century, in Scotland, there were those who, in some measure, adjusted themselves to Calvin's more developed teaching.

John Calvin's change of position reflects a general trend among the reformers. The forces of reformation did not at once arrive at a state of equilibrium; and when they did achieve comparative stability that state was the resultant of forces which pulled from different quarters. In the field of Sunday and its observance there were at least two influential factors. One was the pull of traditional or Roman Catholic theory and practice. The other was the desire to bring the reformed doctrine into agreement with the Bible's teaching. The former exerted a pull in the direction of some form of Sabbatarianism. The latter eventually supplemented it. The anti-Sabbatarianism which the reformers had introduced into the situation lacked the force to resist tradition and the appeal to Biblical authority. There was accordingly a general trend back towards Sabbatarianism of a kind which was in some way connected up with the Fourth Commandment.

Take Germany.
Martin Luther was, to begin with at least, anti-Sabbatarian. In his *Table Talk* he seems to have stressed that Christians are not bound to observe, after the Jewish fashion and in accordance with the Fourth Commandment, a weekly holy day. Speaking of the good by itself, and the good for its expediency alone, Luther instanced the observance of the Christian day of rest; and said:

Keep it holy ... for its use' sake, both to body and soul! But, if any where the day is made holy for the mere day's sake, - if any where any one sets up its observance upon a Jewish foundation, then I order you to work on it, to ride on it, to dance on it, to feast on it - to do any thing that shall reprove this encroachment on the Christian spirit and liberty. (11)

The writer, of the present work, has failed to trace this reference to its source. But it rings true. Chapter Two will bear out that statement.

By 1539 Germany had produced, on the other hand, what may well have been the earliest Sabbatarian catechism of the reformed churches. It was the Brandenburg catechism; and it gave a detailed list of those activities which were prohibited on Sunday, and stated that it was a grave sin to profane the Sabbath by indulging in such activities. (12)

Take Geneva. The chapter on John Calvin will quote him as saying that "it is true that we be not bound to the seventh day". It will also quote him as saying that "God dedicated every seventh day to rest, that his own example might be a perpetual rule". He would seem to have begun by teaching that Christians were not obliged to keep every seventh day, and to have ended by teaching that they were so obliged. Also, he began by teaching that Christians were, in two ways, to observe the Lord's day - which the Church had "legitimately selected". The first way was by means of public worship in accordance with "the legitimate order of the Church". The second way was by giving a day of relaxation to subject workers. He ended by teaching that all were to cease from work on the Lord's day; and that any man who refused to comply was

(11) Specimens of the Table Talk of the late Samuel Taylor Coleridge (London, 1835), II, pp. 315-16.
(12) The Brandenburg catechism is in Varii catechismi (in Edinburgh University Library strong-room). *Hunc cogitate illioli, quam grave peccatum sit, quando Sabbatum non sanctificamus. Sabbatum ... violatur, quando prophanis, impulis operibus homines dant operam, ... quando osciosis, ignavis de ambulationibus, choreis, alea, lusibus, symposiis tempus teritur, cum exzrietati, libidini, rixis, aliis foedis cupiditatibus indulgent homines*. The catechism has also a shorter but similar passage.
thereby insulting God publicly and showing open contempt for the Christian religion.

Take England. The traditional English teaching about Sunday observance from at least 1201 was Sabbatarian. With the sixteenth century came a tension between the traditional Sabbatarianism and the new anti-Sabbatarianism.

Chapter Two will give the pure anti-Judaical, anti-Sabbatarian views of John Frith and William Tindal. The former died in 1533; the latter in 1536. They had their successors who may have been prepared to compromise, as they had not been prepared, but who nevertheless accentuated the anti-Sabbatarian note. John Hooper was one. He was moderate in his views, but recognised that "ye may not think that God gave any more holiness to the Sabbath than to the other days". The Sabbath possessed no inherent holiness. "That day is always most holy in the which we most apply and give ourselves unto holy works". (13) By 1550 John Calvin's 1545 catechism was in circulation in an English translation. Its teaching was anti-Sabbatarian. (14)

The authorities made concessions to the anti-Sabbatarian teaching, on the level of theory, but adhered to the traditional Sabbatarian practice. The "King's Book" appeared, in Henry VIII's reign, in 1543. (15) In its "exposition of the fourth commandment of God" it observed "a notable difference" between this Commandment and the other nine: the other nine are moral, simply, and belong not only to the Jews but to all people; the Fourth Commandment, on the contrary, in so far as it required rest from bodily labour on the seventh day, was ceremonial and pertained only to the Jews. Nevertheless, the precept binds Christians to cease from bodily labour "at certain times", "which the church hath ordained ... not because that one day is more acceptable to God than another, but because the church hath ordained, that upon those days, we should give ourselves wholly without any impediment, unto ... holy works". At the accession of Edward VI, an injunction which set out the official status quo as at 1547 made a similar concession to the

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(15) A necessary doctrine ... for any chysten man .... (1543).
view that the Fourth Commandment set forth a Jewish institution, and was at least partly ceremonial. The injunction's reference was apparently to the Creation narrative. It stated that the observance of holy days was based on the godly institution and ordinance of "the holy day at the first beginning". Nevertheless, it similarly adhered to the Sabbatarian practice. Its requirement was that "the people should that day give themselves wholly to God", and that "all the subjects should "celebrate and keep their holy day according to God's holy will and pleasure", using, among other things, "all soberness and godly conversation". (16)

By 1552 it had become apparent that an effort had to be made "to root out the discord of opinions, and establish the agreement of true religion". (17) The 1547 injunction gave place to an Act of 1552; and in the same year a Convocation of bishops and other learned and godly men drew up Articles of Religion and a catechism for the instruction of children. (18) The Act, in its preamble, unmistakably shows the influence of anti-Sabbatarian teaching:

Forasmuch as at all times men be not so mindful to laud and praise God, ... as their bounden duty doth require; therefore, to call men to remembrance of their duty, and to help their infirmity, it hath been wholesomely provided, that there should be some certain times and days appointed wherein the Christians should cease from all other kind of labors, and should apply themselves only and wholly unto ... holy works, ..............

and because these be chief and principal works wherein man is commanded to worship God, and do properly pertain unto the first table: therefore, as these works are most commonly, and also may well be called God's service, so the times appointed specially for the same are called holy days; not for the matter or nature either of the time or day, ... (for so all days and times considered are God's creatures, all of like holiness), but for the nature and condition of those godly and holy works, wherewith only God is to be honored, and the congregation to be edified, whereunto such times and days are sanctified and hallowed; this is to say, separated from all profane use, and dedicated and appointed, ... only unto God and his true worship; neither is it to be thought that there is any certain time or definite number of days prescribed in Holy Scripture, but that the appointment both of the time and also of the number of days is left, by the authority of God's word, to the liberty of Christ's Church, to be determined and assigned orderly in every country, by the discretion of the rulers and ministers thereof,


(17) In the title of A short catechisme, or playne instruction, conteynyng the summe of Christian learning ... (1553).

(18) Adjoined to the catechism in foot-note 17.
as they shall judge most expedient. (19)

The Act thereupon prescribed what days were to be kept; beginning with "all Sundays in the year".

The preamble's concessions to the new teaching were considerable. But the concessions did not extend to the terms of the Act. The new teaching had not budged, an inch, the old Sabbatarian practice. (20)

Archbishop Thomas Cranmer's is an extraordinary case. It Cronner's is an extraordinary case. It / admirably epitomises, nevertheless, the English situation of his time. His teaching - which may have been early teaching - includes the following anti-Sabbatarian views:

There be two parts of the Sabbath-day: one is the outward bodily rest from all manner of labour and work; this is mere ceremonial, and was taken away with other sacrifices and ceremonies by Christ at the preaching of the Gospel. . . . . . .

That the outer observance of the Sabbath is mere ceremonial, Saint Paul writeth plainly, as that the holy days of the new moon and of the sabbath-days are nothing but shadows of things to come.

And that the outward bodily rest is a mere ceremonial precept Saint Austin also affirmeth, saying that among all the ten commandments this only that is spoken of the Sabbath is commanded figuratively, but all the other commandments we must observe plainly, as they be commanded, without any figure of speech. (21)

On the other hand, when he commissioned Justus Jonas to produce a catechism - the catechism which was to become known as "Cranmer's Catechism" - the result was an English version of the Sabbatarian Brandenburg catechism. The Archbishop's chaplain, Thomas Becon, agreed with that catechism's teaching. He could set forth the following Sabbatarian definition of how the Sabbath-day was to be sanctified:

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Not to spend that day idly in wicked pastimes, banquetting, cardin, dancing, pleasures of the flesh, etc.; nor yet in bargaining, buying and selling, as they do which run to fairs and markets on the Sabbath-day; but, all such madnesses and wickednesses laid aside, and the mind utterly sequestered from all worldly things, and the body free from all servile works, to address ourselves, and to apply our whole mind and body unto godly and spiritual exercises. (22)

(19) Revised statutes, 1235-1685 (London, 1870), pp.555-57. Jean Alasco's influence is the probable explanation of the phrase, "by the discretion of the rulers and ministers". Thus: "Le Magistrat en l'Église de Christ ... ordonne les loix des cérémonies au service de Dieu; mais à fin que touchant les choses divines, il suyve & s'enquiere des ministres,... " - Toute la forme & manière ... (1556), pp.223a-23b. (20) Catechism - of Foot-note 17 - is anti-Sabbatarian in the main; but is ambiguous, possibly, concerning whether the Fourth Commandment is altogether ceremonial, or partly moral. (21) Remains, IV, p.233. (22) Writings, p.416n.
Thus, in England, prior to Mary's accession to the throne in 1553, there had been "discord of opinions" on the question of Sunday and its observance, but no displacement of the traditional Sabbatarian practice with respect to Sunday.

Mary's accession put an end, for the time being, to even the discord. The teachings of the Reformers were outwardly suppressed, and the uniformity of Roman Catholic doctrine reigned. Worthy of note is a comment, on the year 1554-55, by the editors of the Ninth Report of the Historical Manuscripts Commission. "Sabbath-breaking", they comment, "was for the first time made a penal offence". (13)

With Elizabeth's reign, from 1558, the uniformity came to an end: Sabbatarian and anti-Sabbatarian views were again at liberty to live side by side. Such a situation could not but result, at the level of formularies, in the emergence of teaching which was a blend of Sabbatarian and anti-Sabbatarian views. It emerged in the 1562 edition of the Homily of the Place and Time of Prayer. (14) It would be difficult to name any statement which, for Sunday observance in Britain, exerted more influence than the two parts of that Homily. It would be impossible to name one which would be more laborious to analyse by reason solely of its very complexity. A masterpiece of compromise, it incorporated Sabbatarian teaching and anti-Judaical views, yet wove together the contrary elements in a Tudor tapestry as though with the set purpose of delighting all and giving offence to none. It will be examined in the body of the present work. Only one point falls to be noted here; namely, that such compromise teaching may have placated anti-Sabbatarians, but it cannot but have had the effect of safe-guarding the English Sabbatarian practice.

That means that by approximately 1562 Germany, Geneva, and England had met the challenge of the new teaching; but the new teaching had been unable permanently to dislodge the old Sabbatarianism. It does not follow that in those three places Sabbath observance was in keeping with the Sabbatarian theory, in all respects. But by 1562 Germany, Geneva and England were agreed

(15) Sermons or homilies, appointed to be read in churches in the time of Queen Elizabeth, etc. (London, 1817), pp.313-19.
in accepting what may be called "practical Sabbatarianism". That is to say, they had adjusted their thinking and their practice to the traditional view that of the Lord's day at least to the extent of teaching that Christians were obliged to observe every seventh day; that the Christian seventh day was Sunday; that Sunday was to be observed as a day of rest; and that the day's resting was for more than public worship in church and physical relaxation for servants. They were also agreed that Sunday observance in this fashion not only was in keeping with the Genesis Creation narrative, but was also in accordance with a permanent factor contained in the Fourth Commandment of Almighty God. Martin Luther, for example, taught that the Fourth Commandment was inapplicable to Christians "in respect of its outward and original meaning"; but that it was possible, nevertheless, for Christians to derive from it "some Christian understanding of what God requires" from them. (16) And Philip Melanchthon taught that there was in the Fourth Commandment a permanent divine intention; and that, while the Decalogue's particular expression of that intention had been abrogated, it was incumbent upon Christians to give Christian expression to that permanent intention. (17) John Calvin eventually taught that while the Fourth Commandment was ceremonial, he "must not be supposed to mean that it had no other different objects also". (18) And the Anglican homily stated:

Albeit this commandment of God doth not bind Christian people so straitly ... as ... the Jews, .................... yet, notwithstanding, whatsoever is found in the commandment appertaining to the law of nature ... ought to be retained and kept of all good Christian people. (19)

If, in short - in Germany, Geneva, and England - they did not agree with Roman Catholic teaching at all points, they had reverted to what was substantially the traditional practice; and, at the same time, gave no indication that they supplemented the Roman Catholic teaching to the extent of maintaining that God had appointed the Lord's day, or that the Resurrection of the Lord had automatically and forthwith caused the Lord's day to take the place, for Christians, of the Jewish Sabbath.

(16) Catechismus major (1544).
(17) "Catechesis puerilis", Opera omnia (1580), I, 6a.
(18) Commentary on The last four books of Moses, tr. C. W. Lingham (Calvin Translation Society, Edinburgh, 1852), Exodus xx:8.
(19) Page 314.
Scotland was a late starter.

It recapitulated the reformed pilgrimage back to the traditional Sunday practice. The Knoxians, by their adoption of the 1556 catechism – the "Catechism of M. Calvin" – were committed to John Calvin's earlier anti-Sabbatarian, anti-Judaical teaching. Simultaneously, the civil authorities had a care for the traditional views of Sunday observance and for maintenance of some continuity with the past. Progressively, the old absorbed the new, and the new came to terms with the old. The final result was a Sunday observance which had the appearance of being in accordance with the traditional teaching and with what in the Fourth Commandment was relevant to Christians, but which was reinforced by Protestant emphasis on the kind of church assemblies which Christians ought to attend on the Sabbath day. The Scottish compromise looks akin to that which the Anglican homilies incorporated. It did not teach that the Lord's day was of divine appointment. That view would seem to have entered Scotland with the Westminster Confession. Also, the view that there was a necessary connection between the Lord's Resurrection and the Lord's day would appear to be not earlier than 1615. (20)

SOURCES

The Scottish sources are the records of Church and civil courts; Church publications; and brief passages in the works of several writers. The only writer who dealt specifically with the Fourth Commandment and Sunday observance would seem to be Patrick Sharp, Principal of Edinburgh University.

There will be no attempt to be comprehensive in the use of the records of Church and civil courts. Where, for example, insufficient is known about the doctrinal allegiance of a particular Kirk Session, and the unknown factor annuls the minutes' potential significance, that Session's minutes will not be used to further the argument. The reason for this will be made apparent in the explanation of the principle which is to be followed in the interpretation of the sources.

It would seem advisable to seek a principle which would, as

(20) John Malcolm, Commentarius in Apostolorum Acta
(Richard Schilders, Middelburg, 1615), p.11.
far as may be, make interpretation independent of those Sabbatarian and anti-Sabbatarian prejudices, pre-suppositions and predilections which, in the absence of adequate knowledge of the sources, have inevitably beset the work of those who have ventured an opinion on the 1560-1606 Sunday observance. Few writers or committees have given evidence that they possessed knowledge of the Scottish 1560-1606 sources. (Of the scores of pamphlets, published from the year 1700 to the year 1872, in the National Library of Scotland, only six show any acquaintance with them). (21) The select few include Peter Heylin, James Durham, Matthew Crawford, Rev. Dr Lee in his evidence in 1832 before a Select Committee of the House of Commons, Duncan Macfarlane, Hugh Barclay, James A. Begg, George Macaulay, Norman Macleod, Hay Fleming, Professor Mitchell, Henry Stevens, Robert Cox, James Gilfillan, the Church of Scotland’s Church and Nation Committee in 1946 and 1947, and the British Council of Churches in an appendix to a report, in 1955, on Sunday observance and legislation. (22) In these there is nothing which is not in Heylcn, Cox, Crawford, and Gilfillan. These four also expressed confident opinions about the period’s theories; and belong to two sharply defined groups, namely, the Sabbatarian and the anti-Sabbatarian. Peter Heylcn and Robert Cox represent the anti-Sabbatarian school: Matthew Crawford and James Gilfillan represent the Sabbatarian.

(21) The six are Hugh Barclay, James A. Begg, George Macaulay, Norman Macleod, Professor Mitchell, and Henry Stevens. The pamphlets are in twenty-nine volumes under the general title, Sabbath question. Volumes 24 and 26 are undated. Also, there are a further two volumes entitled, Pamphlets on the Sabbath. Macfarlane’s pamphlet, published at Glasgow in 1832, is A treatise on the authority, ends, and observance, of the Christian Sabbath. Duncan Macfarlane and Dr Lee gave evidence before the House of Commons’ Committee. — Evidence ... before the Select Committee of the House of Commons on the observance of the Lord’s-Day. (Ordered by the House of Commons to be printed, August 6, 1832). Correction: Begg’s is a separate pamphlet.

James Durham, A practical exposition of the Ten Commandments, etc. (Glasgow, 1676), p.119. Reports to the General Assembly, for 1946 and 1947. Printed for the Church of Scotland by William Blackwood & Sons Ltd. and T. & A. Constable Ltd.

Hay Fleming was the editor of the St. Andrews Kirk Session Register.

(22) 10 Eaton Gate, London, S.W.1.
The opinions of the anti-Sabbatarians are based on slight evidence. Of Sunday in Scotland, Heylyn in 1636 wrote:

As for the Lords day, in that Kingdom (of Scotland), I finde not that it had attained unto the name or nature of a Sabbath day, untill that doctrine had beene set on foote amongst us in England. For in the booke of discipline, set out ... in (1565), they call it by no other name then Sunday; ordaining, that upon four Sunrdayes in the yeere, which are therein specified, the Sacrament of the Lords Supper should bee administr’d to the people; and in the yeere 1592, an Act of King James the third about the Saturday, and other Vigils to bee kept holy from Evensong to Evensong, was annulled and abrogated. Which plainely shewes that then they thought not of a Sabbath. But when the Sabbath doctrine had beene raised in England, Anno 1595, as before was said, it found a present entertainment with the Brethren there; who had before professed in their publicke writings to our Puritans here, that both their causes were most mearely linked together, and thereupon, they both took up the name of Sabbath, and imposed the rigour: yet so, that they esteeme it lawfull to hold fasts thereon, quod saepissime in Ecclesia nostra Scotticane factum est; and use it often in that Church; which is quite contrary unto the nature of a Sabbath. And on the other side they deny it, to be the weekly Testivall of the resurrection, Non sunt dies Dominici festa Resurrectionis as they have resolved it; (23) which shewes as plainely that they build not the translation of their Sabbath on the same grounds, as our men have done. In briefe by making up a mixture of a Lords day Sabbath they neither keepe it as the Lords day, nor as the Sabbath. And in this state things stood untill the yeere 1618. what time some of the Ancient holy days were revived againe, in the assemblie held at Perth. (24)

Heylyn's book, is ill-informed about the Scottish situation. It contains two fundamental errors. (25) The first is in its opinion that Sunday was neither known as the Sabbath nor observed as a sabbath day in Scotland prior to the establishing of corresponding doctrine in England. James A. Hessey, in his Bampton Lectures, seems partly to agree with Heylyn. He confidently asserts that the influence of the English Puritans

(23) Quotation from David Calderwood, Altare Gamascenwm, or

The altar of Damascus (1621).


(25) A third proceeds from the assumption (which noone seems to have questioned) that David Calderwood's views on the Lord's day in 1636 were the same as he had held almost two decades earlier. In 1618 Calderwood's view was: "The resurrection of Christ, and beginning of his triumph ... was a greater reason for making choice of the first day of the weeks, then resting from the works of creation was for the seventh day before. The first day of the weeks succeeded in the roome of the last day of the weeks, and hath beene observed in the Christian Church from her infancy to this day, without any change or contradiction". - A re-examination of the five articles enacted at Perth anno 1618 (1636), pp.162-5.
carried Sabbatarian doctrine into Scotland, and that "in Scotland it found congenial soil, took root and became eventually the predominant view". (26) The thesis will submit that Hessey's generalisation about the "influence" of English Puritans is an over-simplification; and will make Heyligh's error plain. The second error of Heyligh's arises from his apparent unawareness that subsequent to 1595 those in Scotland who may have corresponded with English Puritans were not in a position to "impose the rigour" of a Puritan Sabbath upon Scotland.

Robert Cox, like Heyligh and Hessey, appears to have seen the issues with clarity. His work on the 1560-1606 period lacks completeness and fails, as a result, to carry weight. Some of his points may be sound; but he neglects to present a solid case in their support. Likewise, he makes no attempt to account for the apparent Sabbatarianism of certain General Assembly and burgh enactments anent the keeping of the Sabbath day which would seem to be at variance with his contention that from 1560 until 1647 the Kirk's official position was not Sabbatarian. (27) Consequently, he leaves room for Sabbatarians to interpret his facts according to their own predilections; with the result that the verdict on the facts remains non proven.

He divides the Scottish Protestants as at 1560 into two groups. To the first belonged "John Knox and his coadjutors". (28) To the second group belonged "the more austere Reformers". (29) Joseph Robertson agrees with the grouping. (30) How Cox arrived at the conclusion that some of the Reformers were more austere he does not attempt to indicate. What he does is simply to state that the 1560 Scots Confession represented the opinions of John Knox and his coadjutors, and to proceed thereafter not only to say that the Confession incorporated opinions which were not Sabbatarian but also to affirm that from 1560 to 1647 it set forth the Kirk's official teaching. He deprives his statements of value by not going far enough. That the Kirk emerged in 1647 with an austere Sunday observance does not seem to have caused him to ask what, during the years 1560 to 1647, happened, on his own assumptions, to the "more austere" views of those whom he did not number among John Knox and

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his coadjutors. In particular, he did not enquire whether the Westminster Confession may have represented the full flowering of 1560 Sabbatarian views; and did not attempt to explain how it came about that Sabbatarianism ultimately triumphed over the anti-Sabbatarianism which was, in his view, the Kirk's official position from 1560 until 1647.

He makes much of his interpretation of the 1560 Confession and of its significance for the period 1560-1647:

> From the date of the Reformation in Scotland, to the year 1647, when the Westminster Confession was adopted, THE STANDARD OF THE CHURCH OF SCOTLAND WAS SILENT AS TO THE DUTY OF KEEPING HOLY THE SABBATH-DAY! For proof of this statement I refer to the original Confession prepared by John Knox in 1560.

But he weakens his case by concentrating on that solitary "proof", and by making from its inferences which he may have believed to have been necessary consequences but which he took no pains to elucidate. His argument is based on two submissions. First, the Confession did not regard the sanctification of the Sabbath as a "good work". Second, it set forth the view that, because it has "no assurance but the invention and opinion of man", it is an "evil work". (31) He argues that if the compilers had regarded the sanctification of the Sabbath as a good work, they would have specified it among the good works which they listed. But that type of argument could not but be inconclusive and unconvincing. Thus, Norman Macleod in 1861 preached a sermon, with Cox's work in mind, which touched off a fiery debate on the subject. The sermon, published as a pamphlet, with an appendix, contained Cox's reasoning about the Confession. George Macaulay replied:

> I do not, and I dare not, trust myself to characterise the audacity that would find, in these words, support, in argument for ... the abrogation of the Fourth Commandment .... John Knox, in the Confession said to be his - that is, in the first Confession of Faith of the Church of Scotland - summarises the duties of the two tables of the law. He does not elaborate them into details; but the duties under each of the commandments are so stated as to imply the permanent and universal obligation of every precept of the Decalogue. (32)

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(That is the kind of stalemate, arising from conflicting private interpretations of the same set of facts, with which the Sunday debate abounds).

The conclusion must be that, if Cox had a case, he lost it by default.

The opinions of the Sabbatarian school are more broadly based; and constructed, on the face of it, with more scholarship and care.

Matthew Crawford leads the group. There was in his mind no question but that the 1560-1648 observance in Scotland was in accordance with the "commonly received doctrine" of all the Reformed Churches". (33) In this he has the support of Patrick Fairbairn who, among Scottish writers, gives the most fair-minded and penetrating analysis of the teachings of Continental Reformers and their disciples. Fairbairn, in considering the implications of Continental writings on the Sabbath and Sunday observance, perceived that the issue was not as simple as Crawford made it out to be and as James Gilfillan (whose book was then in the press) was to make it appear. After an acute discussion of the main points commonly in dispute, he came to the conclusion, however, that the opinions and practices of the Continental Reformers were substantially those of the Westminster Confession. His conclusion concerning "the Reformers and the most eminent divines, for about a century after the Reformation", was:

Amid some mistaken and inconsistent representations, they still, for the most part, held that the Fourth Commandment strictly and morally binds men in every age to set apart one whole day in seven for the worship and service of God. They all held the institution of the Sabbath as the creation of the world, and derived thence the obligation upon men of all time to cease every seventh day from their own works and occupations. Finally, they held it to be the duty of all sound Christians to use the Lord's day as a Sabbath or rest to Him, withdrawing themselves not only from sin and vanity, but also from those worldly employments and recreations which belong only to a present life, and yielding themselves wholly to the public exercises of God's worship and to the private duties of devotion, excepting only in so far as an urgent call of necessity or mercy might come in the way to interrupt them. We avow this to be a fair and faithful representation of the sentiments of those men upon the subject, after a patient consideration of what they have written concerning it. We trust we have furnished materials enough from their writings, for enabling our readers to concur intelligently in that representation. (34)

(33) Exercitio apologetica, p. 35.
Principal Fairbairn's conclusion is a shrewd paraphrase of the teaching of the Westminster Confession. It is certainly not outrageous, and is probably not unfair, to say that it could have been written by a Sabbatarian who had read none of the works of the Reformers and the most eminent divines, but was aiming at affirming that their teachings agreed with the Westminster Confession. Fairbairn's conclusion would have been more impressive if it had deviated from the Confession on even one small point: as it stands it leaves the impression that, if he is right, the interminable debate about what the Reformers really taught about the Sabbath and the Lord's day has been a storm in a teacup. It is nevertheless possible that his conclusion is in accordance with the facts. It suffers, however, from a weakness which runs through much of what has been written about Sunday observance; namely, the neglect to define terms. The section of this introduction which deals with questions of terminology will show that, at a crucial stage in his argument, Patrick Fairbairn fell into the common error of assuming that when John Calvin referred to the Sabbath day he was speaking about Sunday or the Lord's day. He thereby applied to Lord's day observance what John Calvin was applying to the "spiritual Sabbath".

Returning to Matthew Crawford, it can be stated that he had no doubt but that the "commonly received doctrine" of all the Reformed Churches was the Westminster Confession doctrine; and that no Christian had felt that it was contrary to Scripture, no temperate person had taught that it was contrary to reason, and that no peaceable person had joined issue on it with the Church's teachers. (35) In giving full-length quotations to illustrate it, he preferred to the Westminster Confession's statement the even more patent Sabbatarianism of the Directory's definition "Of the Sanctification of the Lord's Day" and the Larger Catechism's answers to the questions, "What is required in the Fourth Commandment" (36) and "How is the sabbath or the Lord's day to be sanctified". (37)

Crawford submits that that same doctrine was held by the Reformed Churches of Germany, France, Switzerland, Belgium, Bohemia, and Zealand; (38) that since 1615 Ireland had adhered to it; (39) and that from the dawn of the Reformation to the rise of the "innovator Laud" the Church of England had held and professed the
same doctrine almost without controversy. In support he quotes The Institution of a Christian Man (which he says was published in Henry VIII's reign in 1543), (40) and the Book of the Homilies, "commonly called the 'doctrine of the Church of England', " (to which he gives the date 1551; in Edward VI's reign). (41)

Crawford's book - Exercitatio Apologetica, published in 1669 - is a mine of references to publications which give Sunday theory and practice in Britain and the Continent prior to 1648; and, except for some in the appendix - (42) which deals with matters arising out of the main issue - he cites all but one in support of his position. The exception is D. Gomarus; who was, Crawford reports, the only member of the Synod of Dort in 1618 who attacked the "morality" of the Fourth Commandment. (43)

Crawford claims that J. Calvin's commentary on Genesis ii.2,3 supports the Westminster Confession's teaching. (44) It is nevertheless possible that he was aware that Calvin's teaching in that place differed from the teaching of the Institutes; and that he was aware that many in the Reformed Churches had noted that difference. It seems difficult to account otherwise for his dating, in the following passage, the Genesis Commentaries as 1563 and the Institutes by the date, 1536, of the first edition:

In Gallie, nobis suffragium [dat] Calvinus in Comment. in Genes. 2.2,3 (sic) annos 27. post Institutiones scripto. edidit enim institutiones An. 1536 at Commentaria in Gen. A. 1536. (45)

That John Knox held the Westminster doctrine Crawford did not doubt. (46) He seems to have accepted without question a testimony that for about fifty-four years subsequent to 1560 the Church of Scotland was a unity (46) and that its doctrine was the purest of any Church in the world. (47) He was of the opinion that the doctrine which was held anent Sunday throughout those fifty-four years was the Westminster Confession's; and gives a list of relevant Acts of General Assembly - 1565, 1575, 1589, 1591, 1596, and 1602. In connection with the 1575 Act, which required that holy days dedicated to saints be abolished, and the Lord's day alone observed, he added the significant parenthesis, "utpote Juris divini" - thereby expressing his opinion that the 1575 Act proceeded from the theory that observance of the Lord's day was based on the

divine law. (48)

James Gilfillan’s mind was similarly unclouded by any doubt that the "commonly-received doctrine" of the Westminster Confession was in operation in Scotland from 1560. Professor Mitchell agreed with him (and thereby disagreed with the opinions, given above, of Heylman and Hessey). Mitchell was sure that the General Assembly had "fully ... come up to our present Sabbath doctrine, before they were brought into intimate relations with the English Puritans". He quotes in support Acts of the Assemblies of 1590 and 1596. (49) Writing in 1862, in the second edition of his book, James Gilfillan gives his opinion in the following words:

The popular belief and feeling of the country have, from the period of the Reformation down to the present time, been eminently Sabbatical. (50)

In support he refers to Acts of the 1566 and 1575 Assemblies and to action which the Assembly of 1596 took anent Sabbath-breaking and Sabbath-breakers; and claims that Scotland’s "Welch, Boyd, Forbes, Dury, Andrew Melville ... with others, exemplified, and in some instances publicly defended, their principles in reference to the weekly holy day, in various parts of the Continent". (51) If Gilfillan had consulted such sources as would make that a responsible statement, he was more fortunately placed than the present writer. (52) The present writer has been unable to trace John Welsh’s catechism; (53) has contrived to trace only one reference, and that barely relevant, to the Sabbath in Zachary Boyd’s works; (54) has come across, in John Dury’s tracts, no mention of the vexed Sabbath question; (55) and has failed to find any hint that Andrew Melville may have been a Sabbatarian. It is unfortunate that Gilfillan does not supply precise references.


(52) This sentence may sound strange. Gilfillan similarly quoted other writers, in a way which could cover the reader with dismay and confusion. He referred to the Exposition of the Laws of Moses, by John Weemse of Lathocker; and dates the book 1632. If this is the same book as Weemse’s Explication of the Judicall Lawes of Moses (1632), it has nothing about the Sabbath. He refers to William Cowper’s Holy Alphabet. This is a commentary on Psalm cxix; and makes no mention of the Sunday, the Sabbath, or the Lord’s day. It was published in 1623 as A holy alphabet for Sions scholars. Gilfillan reference is to page 162, The Sabbath.

(53) Memoirs of ... Robert Blair, I, p.9. (54) Grace and Glory, pp.37-38. (55) In Edinburgh University Library. Also, A copy of Mr John Duries letter ... to ... Lord Forbes (London, 1643).
That concludes the survey of the representative opinions of those who have written about the Sunday observance in Scotland from 1560 to 1606. Seeing that the facts in their possession for the Scottish situation of the period were so scant, to give a further critical appraisement of them would be unprofitable. The present work itself must answer them. The survey illustrates, however, the problem of interpretation to which earlier reference was made; namely, that it seems possible for both Sabbatarians and anti-Sabbatarians to interpret the sources in accordance with their respective doctrinal pre-suppositions. For example, Cox interpreted the 1560 Confession as an anti-Sabbatarian formulary: Macaulay interpreted it as Sabbatarian. Also, Heylyn interpreted Sabbath observance in Scotland in isolation from the Scottish historical situation: Crawford and Gilfillan presented an imposing array of names and books, and claimed that those men and writings set forth the commonly-received doctrine of the Westminster Confession; but did not feel obliged to demonstrate their claim.

What is probably the present work's central witness - namely, the St. Andrews Kirk Session Register - epitomises this problem. Hay Fleming, the Register's editor, knew that numerous cases of Sabbath-breaking in St. Andrews rested on charges which unambiguously were related to "time of sermon" and to "time of sermon" alone. His conclusion was that "closely allied with Sabbath profanation, regarded indeed as a form of it, was non-attendance at church". (56) It seems possible, on the other hand, at certain periods, so to interpret the sources that the above conclusion could be re-worded to read that "closely allied with non-attendance at church, regarded indeed as a form of it, was Sabbath profanation". The point is whether the emphasis is rightly to be placed, at such periods, on Sabbath or sermon, on the day or on the exercise; and whether the placing of the emphasis has doctrinal significance. The issue is that of determining which of the two was the "generic ordinance". (57) The problem is not occasional; and it is not only the cause of some doubtful but expendable interpretations: it runs through the text and is integral with the interpretation as a whole. It

(56) Preface, p.xlvii.
therefore appears desirable that the interpretation of the period's sources should be lifted as much as possible out of the sphere of irreconcilable, private interpretations. If only that could be done, that method of interpretation would further avoid the danger of missing the possible Scottishness of the period's Sunday observance. In connection with the possible distinctiveness of Scottish teaching and practice, John Hamilton's exaggeration is salutary. His estimate - from a Roman Catholic view-point - of the Scottish situation towards the end of the sixteenth century was:

Thay of scotland and England hes not unittie of religion; mekil les have thy unitie of religion with the Ltherians in Germanie; with the Zwinglians in Sweisland; with the Anabaptists in Holand and Freisland; or with ony of the uthers sectes of protestants: (58) ....

It is mair nor manifest that thair is nather king nor kingdome in al the world of the Calvinian sect, except the king and kingdome of Scotland. (59)

PRINCIPLE OF INTERPRETATION

The Scottish debate about Sunday throughout the defined period has two features which seem capable of being of decisive importance in relation to that problem of interpretation.

The first feature is that, alike on the level of theory and on the level of practice, the main weapon was direct action. Few assumptions could be more in error than the assumption that the 1560-1606 Scottish Sunday observance **davirs** was the **zax** centre of the "scimachy or umbratilous skirmish" of the English debate. (60) The Scottish 1560-1606 period did not provide a seed-bed for "the opinions and practises of Antitrinitarians, Arrians, Socinians, Antiscripturists, Antinonians, Anabaptists, Arminians, Familists, Brownists, Separatists, Independents, Libertines, and Seekers". (61)


(60) Gilbert Ironside, Seven questions of the Sabbath (1637), after Preface. The English debate may have come out into the open just prior to 1580. Cf., A sermon preached at Pawles Crosse ... November 1577 ..., by T.W. (London, 1578); John Northbrooke, A treatise wherein dicing, dancing, vaine plaies or Enterludes with other idle pastimes ... are ... reprooved (London, 1579). But the publication of Nicholas Bound's Sabbatum Veteris et Novi Testamenti in 1595 marks the beginning of the sustained, intensive, well-informed debate. See Robert Low, Effigatio very sabbathismi (1605); John Dod and Robert Cleaver, A plaine and familiar exposition of the Ten Commandements (1610).

(61) A declaration of the Commissioners of the General Assembly (1648), p.11.
Scottish opinion was shaped by means of instruction in the catechism. The most effective action of those who adhered to a theory about Sunday, and wanted to propagate it, was simply to expound the catechism accordingly. The catechisms - especially Craig's - were so worded that it was sufficiently possible to expound the Fourth Commandment diversely. Likewise, Scottish Sunday practice was shaped by means of direct action. The effective reply of those who adhered to a policy which was contrary to the existing policy was simply, when the opportunity came, to proceed to have the former practice replaced by the Sunday observance which they favoured.

The second feature of the Scottish "debate" is that the Sunday policy of both the civil and ecclesiastical courts was discontinuous. The power of effective action anent Sunday in both civil and church courts frequently changed hands; and the regulations for Sunday observance tended to alternate accordingly. The result could be called a "silent debate". The same court could proceed upon one policy in one year and upon a different policy for Sunday observance in the following year. This discontinuity is discernible at all levels. It is discernible in civil enactments as power passed from the Preachers to the Queen, and passed back to them for a period during part of Moray's Regency. It is discernible within the General Assembly when from the winter of 1564-65 the Preachers' influence within the Assembly began to mount. It is discernible within the Kirk Session of St. Andrews as a minister with episcopalian leanings succeeded a Presbyterian Preacher. It is also there, in both church and civil courts, during the period of struggle between Presbyterianism and Episcopacy in the last three decades of the sixteenth century: Sunday practice then registered fluctuations which corresponded to the ebb and flow of Presbyterian influence.

The two features affect the interpretation of those sources which embody the 1560-1606 Sunday theory and practice. For forty years from 1560, Sunday practice in Scotland moved like the needle of a graph. It is possible to read the graph in terms of causes, and to trace a certain consistency in the variations. Such a situation, when it persists through forty years, can hardly be fortuitous. Interpretation will proceed on the assumption that it was not fortuitous, but that it provides a principle which helps towards conclusions which are not dependent upon Sabbatarian or anti-Sabbatarian prejudice; and which will thereby provide a reply, if any such reply be possible, to those problems which could
thwart threat stalemate. (62)

TERMINOLOGY

Finally, there are three questions of terminology. They have to do with "time of sermon"; with the use of the word Sabbatarian, and kindred words; and the word Sabbath itself.

Time of Sermon. - The term, "time of sermon", runs through the 1560-1606 records. Sometimes it means "time of church service". At other times it carries another meaning. The context alone can determine the meaning. Frequently the context is insufficiently detailed. In such cases, the present work takes "time of sermon" to mean "time of church service".

"Time of church service" seems to have been the pre-1560 meaning. (63)

"Time of sermon" continued to have that meaning subsequent to 1560; and could have described the period of Sunday which began with the ringing of the first bell (which announced that the day's services were about to begin) and ended with the benediction which concluded the service which the ringing of the third bell announced. (64) It thus included both the preaching part of the services and the other parts of the services. (65)

But it had four other meanings.

1. It could mean the church service minus the preaching of the sermon. (66)

2. It could mean the church service's preaching part only, (67) including that which followed the preaching and was concluded by the benediction.

3. It could mean the part of the church service which began with the ringing of the second bell. (68)

4. It could mean the catechising. (69)

In short, "time of sermon" was used loosely. It came to be synonymous with the appointed times of assembly in church, or with any sub-division of those times. (70)

(62) The present work does not take up the problems connected with the 1567 Gaelic version of the 1556 catechism.

Sabbatarian. — The use of the term Sabbatarian in connection with the 1560-1606 Scottish period is proleptic. It will be used in the present work as a convenient term to describe those who regarded Sunday as the Christian Sabbath day.

Those non-Roman Catholics who, outwith the 1560-1606 Scottish period, believed that the Fourth Commandment obliged Christians to observe a Sabbath day belonged to two classes. The first class took Saturday, the primeval seventh day, to be, for Christian and Jew alike, the only divinely appointed Sabbath day. The first in Britain to take to themselves the name of Sabbatarians, (70) prior to 1648 they represented an inconsiderable minority in England; and were of no consequence in Scotland. The second class thought it legitimate to interpret the primeval Sabbath as the permanent institution of one day in the week, and at the same time believed that God had, for Christians, altered that day to the Lord's day. Their theory was included specifically under the general heading of Sabbatarian by 1636: (71) by 1637 a reference to Sabbatarians was about them and not those who thought that Saturday should be the Christian Sabbath day: another 1637 reference suggests that the latter were beginning to be thought of as (72)

(70) Theophilus Brabourne, A defence of ... the Sabbath Day ... Undertaken against all anti-Sabbatharians (1632). Brabourne had written a Discourse upon the Sabbath Day in 1628 to maintain, among other things, that the Seventh-day Sabbath is still in force. He did not use the name Sabbatarian in the earlier book. John Traske in A treatise of libertie from Judaisme (1620) had maintained the same doctrine; but had not used the name. Sabbatarians would seem to have come into use in England between 1628 and 1632. Cf. White, Dedicatory, 24th page, 25th page.

(71) Francis White in 1635 published A treatise of the Sabbath-Day. Containing a defence of the orthodoxall doctrine of the Church of England, against Sabbatarian-noveltie; which was directked against Brabourne's "Sabbatarian errorr, or ... some other of like quality". — Third edition, 1636, page 24th of Epistle Dedicatory.

Robert Sanderson & in 1636 published A soveraigne antidote against Sabbatarian errors: his concern was not with Brabourne's Sabbatarianism only.

(72) Gilbert Ironside in his Seven Questions of the Sabbath (1637) referred to "Sabbatarian tenents" (eighth page of The Epistle Dedicatory) and did not have Brabourne in mind: he described as "our late Sabbathrians" those who had "squared in all proportions to the Jewish Sabbath". (Proeme, p.2). Concerning the new "Sabbatarian tenets", he wrote, significantly: "Miloes w/ sickeling is become an Oxe; and the twig that might have been snapt in sunder, is grown a sturdy Oake". (Nineth page, Ep. Ded.)
virtually a defunct class: nevertheless, prior to 1648 the name of Sabbatharians or Sabbatarian was not given exclusively to those who held the theory of the Lord's day Sabbath. As at 1648 the use of the name was balanced, apparently, between the "old" and the "new" Sabbatarian. (73) James Durham, who died in 1658, in an undated work, refers solely to "old Sabbatarian" and "Anti-Sabbatarian" (74) in such a way as to suggest that by then the use of Sabbatarian in Scotland described the "new" Sabbatarian; and his use of the adjective "old" and of "anti-Sabbatarian" conveys the impression that he was not ashamed to be called a Sabbatarian. Durham was licensed in 1647: his work may therefore be dated between 1647 and 1658. (75) Ten years thereafter, some at least of these "new" Sabbatarian had accepted the name as well-suitied to the doctrine which they professed; (76) and six years later still the stigma attached, in their view, not to the name Sabbatarian but to the name anti-Sabbatarian. (77)

Anti-Sabbatarian had begun by using Sabbatarian as a nick-name. John Ley in 1641 was concerned to maintain that the reproach was by then removed which, as a result of Brabourne's "old" Sabbatarian, had attached to the use of the word Sabbath for Sunday; (78) but his concern would of itself imply that the usage had not fully been rehabilitated, and that the noun Sabbatarian was uncomplimentary. In an explicit reference to the transfer of the nick-name from the "old" to the "new" Sabbatarian, he indicates that the name was meant to be unkind:

(73) Edward Fisher, A Christian caveat to the old and new Sabbatharians. The fourth edition was published in 1652.
(75) Respondet Petrus (1658), quoted by Robert Cox, The literature of the Sabbath question (Edinburgh, 1865), I, p.262.
(77) John Brown wrote in 1674-76 "the bulkiest of all the books on the Sabbath controversy". - Cox, Literature, II, p.448. His first volume bears the title, De causa Del contra anti-Sabbatarios tractatus. Ley, espec. his 21st chapter.
(78) In 1621 the House of Lords required that, in the title of a Bill anent the Sabbath, the words, "the Lord's Day", be used instead of the "Sabbath-day", "because divers incline now to Judaism". Consent was given, "because the very words used in the New Testament". - Journals of the House of Commons (1803), I, 522.
The Christian Church hath ... called a sort of Heretickes, by way of contempt and censure [Sabbatarii: ] and it is a ready reproach, in the mouths of many, to call them, as in disdaine, Sabbatharians, who put the name Sabbath upon Sunday. (79)

On the offensive, he continues:

... Though Heretickes have been so entitled from the name Sabbath, and some (who are not Heretickes) be too forward to cast that termes in contempt upon their Orthodox brethren; yet the word is never the worse, or less honourable for that. (80)

Unmistakably, Ley would have preferred that people had not been so "forward" in their contemptuous use of the word; and equally, recognising that the name had come to stay, was attempting to make a virtue of necessity. He also quotes the phrase, "a perverse disposition of novell Sabbatarians"; and adds in parenthesis that he did not approve of the words but was only quoting. (81)

The year was 1641, and Sabbatarians were "novel". The doctrine was not novel. Gilbert Ironside, in 1637, comments that they "have filled the eares of our people these many years". (82) It was the nick-name which was novel. A Sabbatarian member of the Westminster Assembly would seem to have been not acquiescing in that use of Sabbatarian when in 1652 he described as a Sabbatarian Anabaptist one who, subsequent to 1645, had pleaded for the Saturday Sabbath. (83)

Although, therefore, the name Sabbatarian had not appeared in pre-1606 Scotland, and although the period ending 1648 was one of transition in respect of the name, for convenience' sake the term will, without prejudice, be used to designate those who accepted the Sabbath day as a permanent institution and observed the Lord's day as the Christian Sabbath. Similarly with the adjective and with Sabbatarianism. But the use of these words, in connection with the 1560-1606 period, will not imply the Sabbatarianism of the Westminster Confession.

(81) Page 149. (82) Seven questions, To the Reader, fifth p.
(83) Dan Cawdrey, and Herb. Palmer, Sabbatum redivivum (1652), To the Christian reader, first page. Both men were members of the Westminster Assembly. - George Gillespie, Notes of debates and proceedings of the Assembly of Divines and other Commissioners at Westminster, February 1644 to January 1645. Ed. David Meek (Edinburgh, 1846), pp.xiii, xiv.
Sabbath. - The word Sabbath is a persistent source of ambiguity. The basic causes of the ambiguity are traceable in three steps.

Sabbath initially meant Saturday. Roger of Hoveden, the English chronicler, who wrote between 1192 and 1201, consistently used Sabbath (Sabbatum) for Saturday. (84) Boece's uncertain testimony is that Scotland at that date had the same usage. (85) The 1222 Council of Oxford, according to the records, had a canon to the effect that "in Martio prima hebdomada jejunandum est feria quarta, & sexta, & sabbato"; in which, "sabbath," since it was to be a fast day, cannot mean Sunday. The apparent numerical sequence of the days to be observed would make the sabbath the Saturday. A Council record for 1260 required that in the Octave of Pentecost the observance of Sunday should begin from Sabbath Vespers. (87) The Synod of Exeter in 1287 called Saturday the Sabbath day. (88) The Council of Mayfield in 1332 called the day before the sacred Lord's day the Sabbath. (89) The Council of Avignon in 1337 ordained that clerics should keep a Saturday fast, out of reverence for the Blessed Virgin. The Council of Lavour in 1368, incorporating letters from the Pope to the Archbishop of Narbonne, reiterated this. The word used for the Saturday in these cases was sabbath. (90) The Council of Constance, 1414-15, held ten of its


(85) H. Boethius, Scotorum historiae, Lib.xiii, fo.ccl.xxivii.


(87) XI, 2364.

(88) "Unde Judaei secundum litteram, diem Sabbatum, nos secundum litterae intellectum, Dominicum, a manu all opere custodimus". - XI, Part II, 1288A. "The Jews keep the Sabbath day according to the letter; we, according to the intention of the letter, keep the Lord's day".

(89) XI, Part II, 1790A.

sessions on the Sabbath. (91) The Convocation of Canterbury met on the Sabbath day in 1425; (92) and again in 1428. (93) The Council of Florence in 1438 held its second, eighth, tenth and twelfth sessions on the Sabbath. (94)

But another meaning of the word sabbath was coming into use. In 1291 a mandate of the Archbishop of Canterbury referred to the observance of the sabbaths; (95) and was referring to the "solemnities" of the Church, and especially the Lord's day. (96) Sabbath, that is to say, was becoming also a general term. (To Aquinas, who died in 1287, the solemnities were the holy days). (97) In 1332 the Council of Mayfield deplored the fact that men were not "sabbatizing" (sabatizant), and meant that they were not observing any of the days of rest. (98) The Archbishop of Canterbury in 1401 said that the sabbaths, and especially the Lord's day, were to be kept holy. (99) There were, so to speak, the Sabsbaths of the Lord's days and also the sabbaths of the other holy days. In Scotland in 1426 the Saturday before Easter day was called the holy Paschal sabbath. (100) The probability is that that day of preparation for Easter was there being described as a sabbath rather than that Saturday was being named the Sabbath: the day before Easter day was the Sabbath in a sense which conveyed much more than that it was the Saturday. (101) Heylin, dating the usage "before King Henry the eight" - that is, before 1509 - refers to the word Sabbath being used to entitle "every day appointed for God's publicke service, ... because in them wee are to rest from all servile works". (102)

(93) Page 500. (94) Labb., XIII.
(95) Pro sabbatis observandis.
(97) Summa, I, IIas, qu. c, art.3, ad.2.
(101) On the other hand, for Sabbath meaning Saturday, see St. Andrews A.S. Reg., II, p.804 and n. 1595 is the year.
That second use of the word Sabbath was inevitable so long as men were required to sabbatize on holy days without there being any clear distinction made between the sabbatizing which was proper to the Lord's day and that which was proper to the other holy days.

Henry VIII in 1536 prepared the way for the usage, whereby the Sabbath day would mean Sunday only, when he wrote to Archbishop Cranmer about the "great superfluity of holidays", with the purpose of abolishing some of them. (103) The King's letter reveals that holy days had for many ceased to be sabbaths; also, it recalls a constitution of the Archbishop of Canterbury's in 1362 which suggested that the State did not welcome the multiplication of holy days. (104) Henry VIII's letter submitted that

the number of holidays was so excessively grown, and yet daily more and more, by men's devotion, yea rather superstition, was likely further to increase.

This state of affairs prejudiced the commonwealth by being the occasion

of much sloth and idleness, very nourish of thieves and vagabonds, and of divers other unthriftiness and inconveniences, as of decay of good mysteries and arts, utile and necessary for the commonwealth, and loss of man's food, many times being clean destroyed through the superstitious observance of the said holidays, in not taking the opportunity of good and serene weather offered upon the same in time of harvest; and also pernicious to the souls of men, which, being enticed by the licentious vacation and liberty of those holidays, do upon the same commonly use more excessive riot and superfluity than upon any other days; and sith the Sabbath day was ordained for man's use, and therefore ought to give way to the necessity and behoof of the same, ... much rather any other holiday instituted by man. (1045)

"Sabbath day" in that context can mean only Sunday. That would appear to be the first usage of Sabbath day to mean Sunday or the Lord's day, in Britain. Thereafter it was adopted by some Sabbatarians; as, for example, Thomas Becon. (106)

Concurrently, there were those to whom the Fourth Commandment's Sabbath day spoke primarily of a "spiritual" Sabbath.

(103) Wilk., III, p.824. (104) The constitution "enjoined abstinence from all 'popular' works (popularium operibus), even although useful to the State (etiam Reipublicae utilibus)" on the sacred day of the Lord. - Concilia, decretal, leges, constitutiones (1664), ed. Sir R. Spelman, II, p.609.


(106) The 1567 Gaelic adaptation of the 1556 catechism took the precaution of emphasising that the Sabbath of the Fourth Commandment was Saturday. - Foirm na marrnuidheadh, ... le M. Seon Carsuel.
Cranmer, expressed the view in these words:

This spiritual sabbath, that is, to abstain from sin, and to do good, are all men bound to keep all the days of their life, and not only on the sabbath day. (107)

Manifestly, ambiguity was inevitable. The first recorded use of the Sabbath day in Scotland indicates a further complication, namely, that there were those to whom sabbath meant simply rest, and the sabbath day of the Decalogue, day of rest (that is, day of physical rest or relaxation). At the same time, there were those who understood Sabbath day to mean holy day, or the Sabbath day to mean Sunday (kept holy). Thus:

It is statut and ordanit that in all tyme cumin the halie day callit the Sabbaethe day or day or rest commonlie callit [the] Sounday be ... kepit. (108)

The date was 30th October 1560.

The occasions of ambiguity are of two kinds:

(a) A reference to keeping the Sabbath does not necessarily mean that the Sabbath day is to be kept.

(b) A reference to the Sabbath day does not always mean the day of the week which some called the Sabbath day.

The explanation is that a person might use the terms of the Fourth Commandment - for example, "Sabbath day" - without being committed to a Sabbatarian interpretation. Christopher Goodman, John Knox's colleague and life-long friend, would seem to provide a case in point:

Art thou commanded by men to dishonour the Sabbaethe day in worshipping of Sainctes and abstayning upon their dayes and evens from thy lawfull busines? (109)

Saints' days and evens represented, in other words, transgression of the Fourth Commandment. And that kind of breaking of the Commandment was taught in Scotland as late as 1599. (110)

This ambiguity in the use of the terms Sabbath and Sabbath day - when the reference could be to the spiritual Sabbath; or to another day than Sunday - is the most subtle of the
ambiguities with which the present work has to seek to cope.

Having in mind what happened in the case of Principal Fairbairn, the present writer expects to cope only very imperfectly.

If it were not so devastating for Patrick Fairbairn's work, the example which he provides could offer one of the very few occasions for humour in a debate which seems to continue from generation to generation with almost unrelieved grimness. Fairbairn had, in dealing with the opinions held concerning the views of the Reformers, been refreshingly reasonable in his treatment of those who held views contrary to his own. But he may have been sustained by the knowledge (as he thought) that his conclusion was secure. He builds up to his conclusion. He announces it by saying that in regard to one great man at least, the venerable Calvin, he can "appeal to a case which will put the matter... beyond a doubt".

Previously lax in the matter of references, he gives in detail the references for this case; and quotes Calvin as follows:

They who profess Christianity have always understood that the obligation by which the Jews were bound to observe the Sabbath-day was temporary. ... I grant (the Sabbath), indeed, as the bark of a spiritual substance, the use of which is still in force, of denying ourselves, of renouncing all our own thoughts and affections, and of bidding farewell to one and all of our own employments (operibus nostris universis valedicendi), so that God may reign in us, then of employing ourselves in the worship of God, learning from His word, in which is to be found our salvation, and of meeting together for making public profession of our faith, - all of which differ from the Jewish shadows; for it was so servile a yoke to the Jews, that they were bound on one day of each week to abstain from all work. (111)

Fairbairn understood that to mean that John Calvin was unwittingly conceding that the Sabbath day of the Fourth Commandment is still in force and that Christians are bound to observe one day of every week as in terms of the Westminster Confession. What Calvin was granting was, surely, that the Sabbath-day is the bark of a spiritual substance. His definition of that refers not to the "bark" but to the "spiritual substance". His definition of it is two-fold. To begin with, he follows a common method of the time (as, above, Cranmer did) and described the "spiritual" Sabbath or Sabbath-day. Thereafter - from the word, then - he

(111) **Typology**, II, p.523. Translation as given by Fairbairn. Note the translation of *operibus* as "employments" and not "works".
describes outward observances. He names these as "the worship of God, learning from His word ... and ... meeting together for making public profession of our faith". He proceeds to say that, on the contrary, the Jew was "bound on one day of each week to abstain from all work".

Patrick Fairbairn thought that John Calvin had made an admission concerning the Sabbath-day which warranted a stronger conclusion than Calvin offered. Fairbairn's comment is:

It is singular that this great man did not here perceive the full force of his own argument, and is another proof that the subject had not, in all its bearings, been fully weighed by his masterly mind. (112)

Fairbairn it was who had not fully weighed up the situation. The present writer desires whether anyone else has, or will...

The case illustrates the baffling nature of the subject.

It could discourage a writer from adhering to his purpose of trying to make some sense of the Scottish 1560-1606 Sunday observance.

It could discourage a reader from even attempting to follow such a will o' the wispish trail.

But it admirably illustrates the need for the chapters on the Fourth Commandment's moralia and ceremonialia, and on John Calvin's teaching.

And it delightfully lights up the unconscious humour in a pamphlet published in Scotland a century ago. To minds distraught by the attempt to get a grasp of the issues, and frustrated by their elusiveness, the writer then offered the "whole doctrine" of the baffling subject at a cost of twopence.

CHAPTER ONE

THE MORAL AND CEREMONIAL ASPECTS OF THE FOURTH COMMANDMENT

Surprisingly, perhaps, the present work - on Sunday observance in Scotland from 1360 to 1606 - begins three centuries earlier, with Thomas Aquinas; with, in particular, his treatment of the technical distinction between the moral and ceremonial aspects of the Fourth Commandment. The distinction is of incalculable importance for an appreciation of Sunday observance in the sixteenth century.

It probably should be stressed that the adjectives moral and ceremonial are, in this context, technical words. The use of moral, in particular, is a source of possible confusion to such an extent that a writer might almost be pardoned if he were to drop the word altogether and substitute an algebraic symbol or some such term as pre-ceremonial. The present work will retain the word on the understanding that it is in no place (except where otherwise plainly stated) to be taken as "pertaining to morals": not less does it pertain to religion. With a view to avoiding confusion and achieving clarity in the use of the two words, this chapter will first summarise the pertinent features of the way in which Thomas Aquinas used them to classify precepts as moral and ceremonial; and from that summary will pass to his treatment of the distinction between the Fourth Commandment's moral and ceremonial aspects. (1)

Aquinas's teaching will accordingly be set forth in the following six steps: -

1. Moral precepts.
2. Ceremonial precepts.
3. Jewish ceremonial precepts.
4. The distinction between moral and Jewish ceremonial precepts.
5. The relation of ceremonial and Jewish ceremonial precepts to the New Law.
6. The distinction between the moral and ceremonial aspects of the Fourth Commandment.

(1) The present work's references to the "Third Precept" and to the "Fourth Commandment" refer to the same Command of the Decalogue. The former is Roman Catholic practice.
Moral precepts. (2) - Moral precepts are principles; and are the only precepts which are unchanging and for ever binding on all people everywhere. Not only are they in accordance with the Divine Law, but they are indispensable to the Divine Law's chief aim.

The Divine Law's chief aim is to direct man to God. Man is directed to God by means of the general virtues of faith, hope and love. These general virtues are "interior acts of the mind". (3) That they may issue in external acts of virtue they require to be translated into specific principles of conduct and, through the latter, into set rules of conduct. The principles are moral precepts (in the technical meaning of moral). The set rules are not moral, in that technical sense.

Moral precepts are of a primary character, in that they teach men what they are to do or are not to do, but do not proceed to specify the ways in which men are to conform with the prescription or prohibition. For example, they teach men to honour their parents; but they do not set forth the ways in which men are to honour their parents. Precepts of another kind serve that latter, secondary or auxiliary, purpose; and are not technically described as moral. These secondary, auxiliary precepts pertain to "contingent matters" and "descend to matters of detail". (4) Moral precepts pertain to...

(2) This whole section on moral precepts is based on the Summa theologica of St. Thomas Aquinas, trans. Fathers of the English Dominican Province (London, 1915), Part II (First Part), Third Number, QQ. xci, xciv, xcviii, xcix, c, cii, ciii, cviii.

Latin quotations in the present chapter are from the Latin of Thomas Aquinas, Summa theologicae, ed. De Rubeis, Billuart, P. Faugher, et. al. (Rome, 1948).

(3) Q. xcix, A.3, Answer.

(4) Q. xciv, A.4, Answer.
"necessary things" (5) and do not descend to detail. They can be neither defective nor approximate. They are not arguable. Moral precepts issue in three ways from the Divine Law and from the general virtues of faith, hope, and love.

Firstly, every man is able to recognise in the general virtues certain broad principles; such as, "Thou shalt honour thy father and thy mother".

Secondly, wise men are able to recognise in the broad principle certain finer distinctions; such as the principle, "Thou shalt honour the person of the aged man". From the general virtues wise men can also deduce principles which not all men are able to discern on their own initiative. Aquinas gives no example of that; but Scotland possibly provides an example in the 1564 form of Prayers' version of the Fifth Commandment. Its Communion Exhortation's allusion to it extends its applicability to include "father or mother, Princes or Magistrates, Pastors or Preachers". (6)

Thirdly, the Divine Law prescribes positive precepts which even wise men have failed to distinguish in the principles or to derive from the general virtues. "Thou shalt honour the Lord thy God by not taking his name in vain" could be an example of that.

The principles arrived at in these three ways are contained in the Decalogue; and principles not contained in the Decalogue are not moral precepts.

Moral precepts are contained in the Decalogue in four ways. They are explicitly set down among the Ten Commandments; or they are inherent in them; or they are derived from them; or they are conclusions drawn from the Divine Law's general virtues of faith, hope and love. In every case the precepts can be related, in one of these four ways, to the Decalogue and to the Divine Law's chief intention.

The Decalogue is not, however, wholly composed of moral precepts; and not all precepts derived from the Decalogue are moral (in the technical sense). The Protestant First and Second Commandments - which together form the Catholic First Precept - provide an illustration of this (which is not

(5) Q.xciv, A.4, Answer.

(6) The forme of prayers ... approved and received by the Churche of Scotland (1564), p.116.
Thomas's). The Second Commandment is not a moral precept, in that it descends to detail and prescribes how the principle of the First Commandment is to be applied. The First Commandment provides the principle, "Thou shalt have no other gods before me": the Second Commandment determines the principle by specifying, "Thou shalt not make unto thee any graven image, or any likeness of anything". The Third Precept is in part moral, and in part it is not moral. It is moral in so far as it provides the principle that a time is to be kept: it is not moral in so far as, for example, it prescribes the duration of the time or how that time is to be kept. The precepts which, on the other hand, are wholly moral are those which provide principles only; such as "Thou shalt not kill", and "Thou shalt not steal". ("Thou shalt not covet ... anything that is thy neighbour's" would seem to be for the same reason the moral part of the Tenth Commandment.)

To describe such precepts as moral, technically, provides adequate adjectival description of them. They are neither new nor old, Christian or Jewish, moral precepts; but simply moral precepts. They are not applicable to a particular people or time only. They are not peculiar to the Old Law or to the Jews. They are, by their very nature, universal and "for ever - simply and absolutely".

Summing up, with this work's purpose in view, their characteristics are:

(a) They are primary.
(b) They are principles; not prescribed rules.
(c) They are of a permanent character, and of universal application.
(d) They belong to the Divine Law.

Ceremonial precepts. - There are, on the other hand, precepts of a secondary character. They are secondary in that they are of the nature of deductions from - or, more technically and precisely, determinations of - the Divine Law, the general virtues, and those precepts which are called moral. (7)

(7) Section is based on Part II (First Part), Third Number, QQ. xcix, c, cl, cii, ciii, cviii.
Secondary precepts are not principles: they are set rules or regulations; and, whether written or unwritten, belong to positive law in that they issue in the form of words from an instituting authority.

Ceremonial precepts are secondary precepts and prescribe explicit rules which may or may not have been explicit in the first instance. So called because they pertain to ceremony — meaning, external worship as distinct from interior devotion — they prescribe "instruments of worship". (8) The instruments of worship include mode of life, mode of dress, and modes of private and common prayer. Observance of the Lord’s day is thus an instrument of worship; an act of external worship; a ceremony.

Such instruments of worship are institutions by those to whom properly belongs the prerogative of institution, and who have prescribed them by means of positive ceremonial precepts. Some have been instituted by God; and incorporated in a divine, ceremonial precept. Thus, the part of the Third Precept is ceremonial which names the Saturday as that day which the Jews were to observe as a sabbath day; and it was written, on a table of stone, by the finger of God. Others — such as the sacrificing of specified animals or the wearing of prescribed priestly vestments — are of human appointment: and the corresponding ceremonial precepts are formulations, not by God, but by a human agency. Such formulations, whether divine or human, original or auxiliary, are ceremonial.

To define any particular ceremonial precept's authority to bind men it is accordingly necessary to know first who instituted it and the extent to which the instituting authority intended it to be obligatory. In the case of a human agency, Protestants — this is not Aquinas's — would also want to examine its claim to authority. It is necessary also to know who were the subjects for whom the precept was prescribed. Whether the institution is divine or human, it is not necessarily applicable to all men, in the first instance; an instrument of worship which is efficacious for the worshippers of one religion could be alien and barren to the faith and

(8) Q.ci, A.4, Answer.
devotion of those of a different religion.

Hence an adequate description of this kind of precept would specify the instituting authority and the scope of the precept's application; and a general title for ceremonial precepts would require a further adjective, such as, "Jewish" ceremonial precepts.

Summing up,
(a) **Ceremonial** precepts are secondary or derivative.
(b) They are set rules.
(c) They are "instruments of worship".
(d) They are efficacious instruments only as they are integral with the faith and devotion of the worshipper who is using them.
(e) To understand their purpose and significance, and to discover whether they are obligatory or permissive, it is necessary to know who or what was the instituting authority, what was the institution's intention, and for whom it was intended.

**Jewish ceremonial precepts.** (9) - The Jews had precepts of that kind.

To understand their character, it is necessary to presuppose that the Jews were God's peculiar people and that Jewish ceremonial precepts were, as a result, of a distinctive kind. The Jewish people were "specially chosen for the worship of God". And there needed to be "certain special things befitting the divine worship" which the Jews were to give to God. That necessitated that certain things should be "marked in some particular way so that they (might) be worthy of the worship of God"; that priests should be "specially set apart" for the worship of God; and that in the Jewish people's mode of life, and specially in the Jewish priests' mode of life, there should be "certain special things befitting the divine worship". For example, "Remember the Sabbath day", in so far as that precept conveyed to the Jews the exhortation or obligation to remember Saturday, was a Jewish ceremonial precept. Such precepts were binding on Jews alone. Those

(9) Based on Part II (First Part), Third Number, QQ. xcix, c, ci, cii, ciii, cviii.
precepts for Jews were explicitly instituted by the Divine Law, or were auxiliary to those Divine positive precepts; and for that
reason had, for Jews, the force of absolute duty. (10)

Those Jewish ceremonial precepts included two kinds which
manifestly belonged to that particular time.

The first kind could be related to circumstances which were
within the experience of the Jews as a people or to their view of
God or to stories which were told among them concerning what God had
done for them or their fathers. For example, the precept x could
specify certain animals, and not others, to be offered up, simply
because among the Jews the animals were clean or in plentiful supply.
Or the precept, according to the version in Exodus, could specify the
Sabbath as the day to be kept holy because it was the day which set
before the Jews a reminder of the Divine benefits in Creation. Or
Aquinas does not introduce Deuteronomy v.12-15 in this connection
according to another version of the Fourth Commandment, the Sabbath
day could be named as appropriate for the Jews' observance because
it set before them a weekly reminder of the deliverance from Egypt.
Because they are to focus upon greater benefits than those of
Creation, and upon another deliverance, Christians could not, in
these two senses, take over the Jewish Sabbath as it is set forth
in the Third Precept. The most that Christians may, as Christians,
derive from that ceremonial aspect of the Jewish Sabbath, they
derive from its intention (a moral aspect, in the technical meaning).
The intention could be interpreted, in accordance with the Precept,
as obliging men to express to God their gratitude for all his
benefits towards them.

The second kind of ceremonial precept pointed beyond the Jewish
experience, in that it foreshadowed Christ. Such precepts owed their
significance to a future which could not, in the very nature of the
case, belong to the Jews, as Jews. For example, the sacrifices of
the Old Law were "offered in order to foreshadow (the) one
individual and paramount sacrifice - the imperfect forecasting the
perfect". (11) When the perfect was come, then that which was in
part was done away.

Summing up,

(a) Jewish ceremonial precepts were for a peculiar people,

(10) This paragraph's quotations are from Q.cii, A.6, Ans.
(11) Q.cii, A.3, Ans.
and for the peculiar worship which that people were to offer to God. Some of the corresponding institutions—including the Sabbath day—belonged to the Old Law, while others of them were a foreshadowing of the New Law: but alike they belonged to that particular time of the Jews.

(b) Christians, that is to say, could not be the natural heirs of Jewish institutions; and Jewish ceremonies were not necessarily appropriate instruments of Christian worship. Christians inherited no Jewish ceremonial precepts; and no Jewish "days".

Jewish institutions could, however, conceivably be suitable to express Christian faith and devotion. But a Jewish obligation could not become a Christian obligation: among Christians, ceremonies and ceremonial precepts other than those pertaining to the sacraments are left to the discretion of the individual or to the authority to whom the individual owes obedience.

That Christian position is to be seen in the light of an assessment of the distinction between moral precepts and Jewish ceremonial precepts.

The distinction between moral and Jewish ceremonial precepts. — Appreciation of the distinction proceeds from the distinction between moral and ceremonial precepts. (12)

"The ceremonial precepts are distinct from the moral precepts". (13) The two kinds of precept are as distinct from each other as concepts are distinct from thoughts, or as thoughts are distinct from pictures. Both moral and ceremonial precepts are with a view to externalising man's devotion to God. The former oblige men to externalise their devotion, and supply the principles which such externalisation must incorporate: the latter supply the modes in which that externalisation is to be bodied forth in terms of that worship which Aquinas calls ceremony. There is, however, no necessary connection between the latter and the former: before the externalisation has taken one form, there exists at least the theoretical possibility that it may instead assume another form. For example, there were those Christians who held that it was open to the Apostles to have chosen another day than the first day of the week to be kept as the Lord's day.

(12) Based on the same QQ. as are given in foot-notes 2 and 7; also, on Part II (First Part), Third Number, Q. cvii.
(13) Q.xcix, A.3, Reply Objection 2.
Towards discerning the sometimes subtle distinction between them, Aquinas gives two valuable clues. The first is that the determination of the Law into Jewish ceremonial precepts belongs to a kind of science. The second is that moral and ceremonial precepts stand, respectively, in different relations to their end.

The first provides a three-fold differentiation of Jewish ceremonial from moral precepts. The "science" involved questions of method—in presentation, exposition and application: such methods are irrelevant to moral precepts.

Firstly, it is necessary to give a reason why a moral precept should be kept. The reason is inherent in the precept itself. It was, on the other hand, sometimes thought necessary to provide a reason for the observance of a ceremonial precept. Where the reason for the observance of a ceremonial precept is not explicit, there is an implied reason which could be given in explanation of why the ceremonial precept was in such and such a form, and not in some other.

Secondly, moral precepts teach men that they are to worship God. Ceremonial precepts teach men how they are to worship; and for that purpose they set forth the things of God by means of similitudes of "things set before the eyes". (Such "things" could include days). (15)

Thirdly, moral precepts have in themselves a necessary connection with inward grace. There is in the ceremonial precept itself, on the other hand, no necessary connection with that inward grace wherein the Law consists. Accordingly, the form of a ceremonial precept must, to that extent, be but an approximation to the Law.

The second clue rests in the nature of the precepts' relations, respectively, to their end.

Despite their being figurative and approximate, Jewish ceremonial precepts seem to have been pre-eminently "rules of salvation" (14) by reason of their participation in the work of directing men to God. That participation gave to ceremonial precepts of the Old Law, during the period of their validity

(14) Q.ci, A.1, Reply Obj.3.
(15) Q.xcix, A.3, Reply Obj.3; Q.ci, A.4, Reply Obj.5.
and within the scope of their application, a common end together with moral precepts; and thereby made them as binding upon the Jews for the time being as moral precepts are binding upon all people for all time. The two kinds of precept were nevertheless related to the end differently.

The end, in respect of the moral precept, resides in its very nature: while the moral precept serves the Divine Law's aim of directing men to God, it is itself included in the aim. In other words, there is a sense in which men, when they are being motivated by those principles which are called moral precepts, have already arrived at God or have become one with the Divine aim. Moral precepts have their abiding sanction in the chief intention of the Divine Law and are immutable as faith, hope and love; and even although in certain circumstances these precepts were to be without formulation, they could, as by a "natural instinct", (16) or "heavenly instinct", (17) operate among men to guide them in their relations to God and to one another. Thus, before the giving of the Decalogue, men obeyed the unwritten commands of the Divine Law through the general virtues and moral precepts. Therefore, moral precepts though unwritten were effective before the Old Law was promulgated and were not subject to change when the New Law supplanted the Old; because they are principles of that Law of Nature which is the Law of Him who may be worshipped under the varying forms of different religions but Who is Himself one, and for ever the same.

In respect of ceremonial precepts, on the contrary, the end and the precept are separate: the precept is formulated with a view to serving an end which has been established before the formulation of the institution, and from which the ceremonial institution derives its raison d'être. The end provides the ceremonial precept with its remote cause: the precept expresses the end by means of similitude. And because it is of the nature of such precepts to be formulated, and to be to that extent static, an alteration in the end affects the precept's relevance and efficacy. Jewish ceremonial precepts were so affected when Christ became the end of the Law: "other

(16) Q.c, A.11, Reply Obj.2.
(17) Q.ciii, A.1, Ans.
ceremonies had to be introduced which would be in keeping with Christian worship. (18)

Summing up,

(a) Moral and ceremonial precepts are two distinct kinds of precept. The former tell men what to do: the latter tell them how to do it.

(b) The precepts may be distinguished with the help of two clues. The first clue is that ceremonial precepts are arrived at by means of a kind of "science". The second is that the two classes of precept are related differently to their end.

(c) If there is an alteration in the end which ceremonial precepts have been serving, the precepts become dead letters: the new end calls for ceremonies appropriate to it. Thus, the ceremonies of the Old Law do not belong together with the New Law. The New Law needs its own ceremonies.

These Christian ceremonies - the questions which arise are, what was their place in Christian worship, and whence came the ceremonial precepts which prescribed them.

An answer to these calls for an enquiry into the relation of ceremonies and ceremonial precepts to the New Law.

The relation of ceremonies and ceremonial precepts to the New Law. (19) - The saints in heaven can dispense with ceremonial worship: "In the state of future bliss, the human intellect will gaze on the Divine Truth itself. Wherefore the external worship will not consist in anything figurative, but solely in the praise of God, proceeding from inward knowledge and affection". In the present state of life, however, men need "the ray of Divine light to shine" upon them "under the form of certain sensible figures".

Under the Old Law, the external worship needed to be figurative; and in so far as it was figurative of Christ, it is no longer necessary in that Christ has now been revealed: the New Law, since it has the very image of Christ, has no need of the Old Law's shadow of him.

Faith in Christ under the Old Law was, indeed, the same faith in Christ which men have under the New Law; but under

(18) Q.ciii, A.3, Ans.
(19) Based on Part II (First Part), Third Number, QQ. ci, cii, ciii, cvii, cviii.
the New Law that same faith is "expressed in different words". (20) Not only so, but a believer under the New Law who expressed his faith in the words of the Old Law would be guilty of mortal sin. Aquinas writes:

Just as it would be a mortal sin now for anyone, in making a profession of faith, to say that Christ is yet to be born, which the fathers of old said devoutly and truthfully; so too it would be a mortal sin now to observe those ceremonies which the fathers of old fulfilled with devotion and fidelity. (21)

Ceremonies set forth, in terms of external worship, interior faith. If, therefore, a Christian professes his faith by means of Jewish ceremonies, he thereby makes a false declaration and sins mortally. For a Christian, Jewish ceremonies, in so far as they are taken to set forth Christ, are thus dead and deadly (mortua et mortifera).

For Christians, ceremonies and ceremonial precepts are of two kinds. There are those which are obligatory; and there are those which Christians are, if they are so minded, free to adopt. The only ceremonies which are obligatory for Christians are the sacraments; and the only precepts which are binding upon Christians are those which pertain to the sacraments. Apart from these, the New Law prescribes no order for the public worship of God, and no forms of worship; that is, no ceremonies apart from these, and no additional ceremonial precepts. "They do not come under a precept of the New Law, but are left to the decision of man". (22)

That is to say, institutions other than the sacraments are, under the New Law, not of God but of man; and precepts which pertain to them do not carry the force of eternal law. In so far as they operate, they do so for no other reason than that the worshippers accept them as being in accordance with their own will and devotion. External acts other than the sacraments follow from inward promptings. Some of these acts are in opposition to inward grace. The New Law prohibits such. Some are in keeping with inward grace or are not necessarily opposed to it:

Such works are not prescribed or forbidden in the New Law, by virtue of its primitive institution; but have been left by the Law-giver, i.e. Christ, to the discretion of each individual. And to each one it is

(20) Q.ciii, A.4, Ans. The earlier quotations in this section are from Q.ci, A.2, Ans.
(21) Q.ciii, A.4, Ans. (22) Q.cviii, A.2, Ans.
free to decide what he should do or avoid; and to each superior, to direct his subjects in such matters as regards what they must do or avoid. Wherefore also in this respect the Gospel is called the law of liberty. (23)

Converts from Judaism present a special case. Jewish Christian worshippers may decide that Jewish ceremonial institutions are in accordance with their will and Christian devotion; and may wish to adhere to them. Such Jewish Christians may, under certain circumstances, receive a dispensation. It was possible for Jewish Christians of the first century to be excused, during their period of transition from having been Jews to becoming mature Christians, for adhering in some measure to ceremonies by which they had as Jews been accustomed to worship God. That was, nevertheless, a dispensation and represented a concession. The position under the New Law is

(a) that Jewish ceremonies are both dead and deadly;
(b) that the only ceremonies which the New Law prescribes are the sacraments;
(c) that the only Christian ceremonial precepts prescribed by the New Law are those which pertain to the sacraments; and
(d) that the observance by Christians of any other ceremonial acts or precepts is left to the discretion of the individual or to the authority to whom the individual owes obedience.

Against that background and the background of all that has been summarised of Aquinas's teaching is to be considered now his distinction between the moral and ceremonial aspects of the Third Precept.

The moral and ceremonial aspects of the Fourth Commandment. (24) - The history of the 16th-17th century debate shows that it was precisely at this point that a writer was liable to lose the thread and in consequence find himself on a well-beaten track which to many of his readers must seem to lead through ambiguity and over-simplification to frustration. Yet hereabouts is what would appear to be the crux of the whole matter. A writer

(23) Q.cviii, A.1, Ans.
(24) Based on all the QQ. to which reference has already been made; particularly Q.c, AA.3,5,7,8, also Q.ci, A.4, also Q.cii, A.4, also Q.ciii, A.3, and, above all, Part II (Second Part), (London, 1922), Q.cxxii, A.4.
in a work dated 1639, recognising that there was a plurality of moral and ceremonial aspects respectively, added that the ceremonialia in the Precept must be distinguished from the moralia with accuracy. (25) Too many of the protagonists in the contemporary debate were failing to bring sufficient accuracy to bear upon the subject because of a tendency to telescope the moral and ceremonial aspects of the Fourth Commandment and thereby reduce them to one moral part and one ceremonial part. They may thereby have missed the detail which mattered most. Thomas Aquinas recognised that the moral and ceremonial aspects are manifold. Nevertheless, to the best of the present writer's knowledge and belief, that did not prevent the master himself from going astray. The point at which he may have done so would seem to be the needle point of the whole Lord's day debate. It has to do with the Commandment's purpose. Aquinas teaches that its purpose cannot be the same for Christians as it was for the Jews. For the Jews the purpose was wedded to the letter of the Commandment: for Christians it is derivable from the spirit of the Jewish purpose, in so far as the Jewish purpose aimed at acknowledging God's mighty acts. When, however, Thomas comes to define what the purpose involves for Christians he would seem to do so in terms of the letter of the Precept.

In view of all this, the present section will seek to separate out and to define the Precept's moralia and ceremonialia before proceeding to Aquinas's treatment of the distinction.

It seems possible to discern the following five relevant aspects of the Fourth Commandment:—

1. The moral aspect.
2. The Jewish ceremonial precept itself.
3. The moral factors in the Commandment's purpose.
4. The ceremonial factors in the Commandment's purpose.
5. Christian fulfilment of the Commandment's purpose.

The moral aspect is the first parent from which in due course, directly or indirectly, issue the other four. It embodies the principle that men are to worship God. When men proceed to apply that principle by means of instruments of worship, or ceremony,

(25) Johann Gerhard, Locorum theologicorum ... tomus 3, liber I.
in order that they might offer a united worship, they do so in accordance with ceremonial precepts.

All worship of God is not, however, united worship. Men may obey the parent principle in one or other of two ways. They may obey it by observing a regular, stated time for the worship of God. Or they may obey it without stating when they will worship God. The latter way is individualistic. It does not involve a separate aspect; because it is virtually the immediate application of the moral aspect. The former way of obeying the parent principle may involve either Jewish worship (that is, Jewish ceremonial); or it may involve non-Jewish worship (that is, non-Jewish ceremonial). The corresponding non-Jewish ceremonial precepts are legion, in that every non-Jewish religion is competent to formulate its own non-Jewish ceremonial precepts. Non-Jewish ceremonial precepts are distinct from Jewish ceremonial precepts in that they are in no way derived from the latter. Jewish ceremonial precepts were the expressions of a particular purpose which was to serve the Jews, and them alone. The Fourth Commandment - as written on a tablet of stone - is an example. It stated how the Jews were to keep the Sabbath day and why. That Commandment's purpose contained both moral and ceremonial factors. The moral factors are applicable to Jews and Gentiles alike in that they stated no more than that the Jews should express their acknowledgment of God's mighty acts and should show compassion towards servants. The ceremonial factors, on the contrary, gave the purpose a peculiarly Jewish character. When that Jewish aspect of the purpose became formulated the result was a Jewish ceremony; namely, the Saturday-Sabbath.

Christians may not take over an observance which was distinctively Jewish. Their starting-point could not be the Jewish ceremonial itself. Simple adaptation of a Jewish ceremony could but result in a modified Jewish ceremony. If a Christian counterpart of the Jewish Sabbath is a possibility, it must proceed from an adaptation of the Fourth Commandment's purpose. It will eschew the purpose's ceremonial factors. The resulting ceremony can be truly Christian only if it receives its shape from a purpose which it is possible to define as a Christian fulfilment of the moral aspects of the Commandment's purpose.

The five aspects may now be defined in more detail.
1. The moral aspect is without formulation in the Commandment itself; but is implicit within it. The Fourth Commandment presupposes it. It is the parent principle — a general principle. From it issue the Fourth Commandment and all kindred precepts. This parent aspect embodies the principle that men are to worship God. It is binding for all time upon all men. It is obligatory upon men whether they choose to worship God privately at a time or times which they themselves as individuals may choose to observe or whether, on the other hand, they worship God along with other people in accordance with a common order which appoints a time of assembly or a time (such as a day) for common observance.

The principle is primeval or original. In the beginning it stood, so to speak, alone and unwritten. Antecedent to the issuing of the Decalogue, it is not peculiar to the Fourth Commandment. Those who, for example, like John Calvin, have read the Genesis Creation narrative as setting forth the Creator's example of contemplating his works on the seventh day have discerned this primeval principle in Genesis ii.2,3. Also, Christians have it in the New Testament in, for example, the precept, "Thou shalt worship the Lord thy God".

Such worship requires "some" time. That time may, or may not, be a regular, stated time. Individualistic interpretations of the first principle would state no regular time. Ceremonial interpretations would state a time in order that men might unite regularly in the worship of God.

Individualistic interpreters decline, in theory at least, to acknowledge any authority which would issue a common order to institute an observance based on the general principle. They acknowledge, in theory, no compulsion other than that which issues directly from the general principle and conveys a sense of obligation to the individual. That is to say, they regard themselves as bound by no common order which would set out a manner in which men are unitedly to apply the general principle. Their contention is that private and undeclared and undisclosed and spasmodic worship of God are alike permissible and adequate responses to the basic principle that men are to worship God. The contention lights up the essentially indeterminate character of the moral aspect's command to all men of whatever religion.

Common orders which apply the general principle issue in
ceremony. Such ceremonies are not all definable with reference to the Fourth Commandment. Thus, it is unnecessary that non-Jewish observances should specify a day to be observed, or even that they should specify observances which come in progressions of seven. A timeless principle does not specify the number seven – or any other number. The non-Jewish ceremonial is a particularisation of the general principle.

The parent principle inevitably begets either a Jewish or a non-Jewish ceremony as soon as men unite to act upon it. This they do when they apply the principle in terms of ceremony or worship by stating when or how men are to worship, or by stating why men are to observe a particular form of worship or time for worship. The Fourth Commandment is an example of how men thus apply the principle; or, alternatively, how God determined or applied the primeval principle on men's behalf by instituting a particular observance which man might otherwise have instituted, conceivably, on his own initiative if he had been sufficiently perceptive and responsive. But the Fourth Commandment is not the moral aspect's sole expression. All religions formulate a parallel to the Fourth Commandment in so far as they require their adherents to unite in a recurring act of worship.

The compulsion of the non-Jewish ceremony for the individual thus depends upon the individual's view of the instituting authority. If he regards the Church, for example, as the direct mediator of the law of God, the Church's observance will for him have the force of divine law. If he does not so regard the Church, the Church's observance will in his view be of human and not of divine appointment. But in either case, the non-Jewish ceremony will proceed from the parent aspect of the Commandment and not from the letter of the Commandment itself.

2. The Precept which names a time which the Jews are to observe will give a Jewish ceremony and be a Jewish ceremonial precept. It will represent, for Jews, an application or a particularisation of the primeval or parent or general principle. The Jewish ceremonial precept which is relevant to the present work is the Fourth Commandment. (To describe it as "Jewish" is not to question that God formulated it for the Jews. The sense in which God may have done so is not, in this place, a point at issue). That Commandment was a precept given to a particular people; and it is ceremonial in so far as it prescribed
that the Saturday-Sabbath was the "certain" time which was to be devoted to the worship of God and stated why and how the Jews were to keep that seventh day. Its detailed prescriptions and explanations were, in the first instance at least, for Jews and for Jews alone.

The particular precept which Thomas Aquinas reviews dates from Sinai, is the Exodus xx.8-11 version of the Fourth Commandment, and reads:

Remember the sabbath day, to keep it holy.
Six days shalt thou labour, and do all thy work:
But the seventh day is the sabbath of the Lord thy God:
in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates:
For in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the Lord blessed the sabbath day, and hallowed it.

The Deuteronomy v.12-15 version of the Precept reads differently. Thus:

Keep the sabbath day to sanctify it, as the Lord thy God hath commanded thee.
Six days thou shalt labour, and do all thy work:
But the seventh day is the sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thine ox, nor thine ass, nor any of thine cattle, nor thy stranger that is within thy gates; that thy manservant and thy maidservant may rest as well as thou.
But remember that thou wast a servant in the land of Egypt, and that the Lord thy God brought thee out thence through a mighty hand and by a stretched out arm: therefore the Lord thy God commanded thee to keep the sabbath day.

The two versions agree that the ceremony was to have three aspects. First, it was to be the keeping of a day. Second, the day was to be a day of rest. Third, the rest was to be, whatever else, a holy rest.

They differ in their reasons why the day was to be observed.

3. That leads on to a consideration of the Fourth Commandment's purpose. This purpose provides Christians with their only legitimate point of contact with the letter of the Fourth Command.

That purpose contained both moral and ceremonial factors. Consideration will be given first to the moral factors in the Commandment's purpose. They are two in number. The Command had the purpose, first, of expressing acknowledgment of God's
mighty acts; and second, of showing compassion towards servants. (The second is peculiar to the Deuteronomy version). Giving expression to the second, in so far as it stipulated bodily rest only, did not involve an act of worship and was not, therefore, ceremonial. 

4. The Commandment's purpose contained also ceremonial factors. It did so in so far as it explained why and how the Jews were to worship. They were to give a worship which was not only in response to God's mighty acts but was in response to his particular mighty acts in Creation and in the deliverance from Egypt. Both of those directives necessarily involved not only ceremonial but also Jewish ceremonial in that the one was linked to the Jews' version of the work of Creation and the other was linked to an event in Jewish history. The purpose also stipulated the form which the Jewish ceremonial was to take. It was to consist in the keeping of the seventh day of the week. The reason for that was, according to the Exodus version, that God rested on the seventh day of the primeval week of the Jews' Creation narrative. It was to consist also in the keeping of the day by means of "holy resting". That aspect of the Fourth Commandment's purpose, in that it involved the keeping of a day "holy", was to that extent giving directions for an act of worship; and was thereby ceremonial.

5. The formulation of a Christian fulfilment of the Command's purpose proceeds from the purpose's moral factors.

In so far as the Christian formulation involves the expression of compassion towards servants no difficulty arises because the giving of a time of rest to servants is not an act of worship or ceremony. Likewise, there should be no difficulty in discerning the Christian fulfilment of the moral factor which involved the acknowledgment of God's mighty acts: Christians may not restrict such acknowledgment to the Jewish versions of God's mighty acts - because that would issue in Jewish ceremonial - but they may acknowledge what God's mighty acts mean in Christian terms. Incorporation of such acknowledgment in an act of worship gives Christian ceremony.

The difficulty is to decide whether Christians may take over from the ceremonial factors of the Commandment's purpose the observance of one day in the week to be a day of "holy" rest. The obvious answer is that Christians may not do so. Aquinas
gives a different answer. He was able to do so without contradicting himself only if he was assuming two things. His first necessary assumption is that the Commandment's purpose fixed the proportion of one-seventh of the week but did not fix the day. (The fixing of the day would, on his view, have made that aspect of the Precept's purpose ceremonial.) His second indispensable assumption has to do with the Sabbath's figurative aspect. His underlying assumption would seem to be that Christians may reject what was Jewish in the figure, but retain the figure itself, and give it a Christian character.

Aquinas does not state the two assumptions explicitly. Whether his exposition of the Fourth Commandment and Christian fulfilment of the Commandment's purpose requires them will be seen in the following summary of his exposition. (Unavoidably, the exposition will cover ground which has already been covered.)

Aquinas's Exposition

Thomas Aquinas submits that the Third Precept has a moral part which obliges men to set aside some time to those things which pertain to Divine worship. But the principle so expressed was given in order that men might act upon it; and as they act upon it unitedly they do so in terms of a common order. That is to say, the things which pertain to Divine worship imply corresponding precepts which tell men how and when they are to express their devotion to God in terms of external worship. One of these necessary precepts must prescribe a time for such worship, if the worshippers are to know when to assemble together or if they are in any way to coordinate their worship. A ceremonial precept which specifies a "certain time" to be set aside is, that is to say, an inevitable corollary of the parent moral part of the Commandment. Precepts of that kind are indispensable to external worship, whether it be Jewish or Christian; and follow naturally upon the First and Second Precepts of the Decalogue. Those First and Second Precepts remove the obstacles which stand in the way of that true religion whose first and common principles are interior, in that they operate within man and direct him to God. Obedience to the First and Second Precepts having produced the necessary conditions for true religion, it remains that man become established in that true religion. That calls for external worship. But, for any
religion, external worship or ceremony is true only as it is an expression of the faith and devotion of the worshipper. That means that Christians may not use peculiarly Jewish ceremony; and of that the Saturday-Sabbath is a particular example.

That brings in Aquinas's explanation of how the Fourth Commandment - which instituted the Saturday-Sabbath - was a Jewish ceremonial precept in two respects. And it was not on their account that the Precept about the hallowing of the Sabbath day was placed among the precepts of the Decalogue - if the Fourth Commandment had contained those aspects only, it would have had no more right to inclusion in the Decalogue than had those precepts which promulgated other Sabbatic institutions. In these two respects the Fourth Command was applicable to Jews alone.

The first respect in which the Precept was ceremonial and also applicable to Jews alone - that is, Jewish ceremonial - was in respect of the fixing of the time ("taxatio temporis"): "It is placed among the precepts of the decalogue ... not as to the fixing of the time, in which respect it is a ceremonial precept". (26) The naming of the Sabbath or seventh day was of the nature of a particular application of a principle. As such, it was one with the other Jewish ceremonial precepts - including those which prescribed other days as sabbath days - which belonged together with the Third Precept; and it applies to Christians no more than they apply to Christians. It was for the time of the Old Law only; and for Jews alone.

Writer's comment:-

At the same time, it is important to note that the "fixing of the time" has two possible meanings. It can mean the naming of the Sabbath day to be the time fixed upon. It can also mean the fixing of a stated proportion of the week to be kept. Aquinas would seem to have included the former, but not the latter, in his taxatio temporis. In other words, taking the requirement that the proportion of one-seventh of the week should be kept, he was regarding it as distinct from, and prior to, the requirement that the Sabbath day should be that one-seventh; and, on the basis of that distinction, was regarding as moral the requirement that the proportion should be kept and was regarding as ceremonial the requirement that the Saturday should be kept.

The present writer regards that distinction as untenable.

(26) Q.c, A.3, Reply Obj.2.
For two main reasons. The first is that the Jews were not to start out from a neutral "proportion" and invest that proportion with a character by hallowing the Sabbath day. Their starting-point was to be the Sabbath day precisely because it was already a day which the Lord had hallowed. It was the Sabbath day which determined the proportion; not the other way round. The second reason for regarding the distinction as untenable is that, even on the assumption that the proportion came first, the naming of the proportion would have been as ceremonial as the naming of the day. This means that the Third Precept was Jewish ceremonial whether taxatio temporis is taken to be the fixing of "the" time (namely, the fixing of the Saturday-Sabbath) or the fixing of "a" time (namely, the fixing of a prescribed proportion of the week). On that view, Christian fulfilment of the Fourth Commandment's purpose would not necessarily institute the observance of every seventh day.

The second respect in which the Precept was ceremonial and for Jews alone - Jewish ceremonial - was in respect of the character which the Sabbath had as a figure. It was figurative in three ways; namely, in its allegorical, its general, and its analogical significations respectively. The allegorical represented Christ's rest in the tomb on the seventh day: the general represented cessation from all sinful acts, and the mind's rest in God: the analogical foreshadowed the enjoyment of God in heaven. This figurative Sabbath or Saturday, in the context of the Old Law, is not, and could not be, applicable to Christians, in that it pre-figured that of which Christ and the Gospel are now the embodiment.

Writer's comment:

It is unnecessary to enlarge upon the allegorical and analogical significations, seeing that, for the period under review, they do not having continuing relevance. They are included simply because Aquinas includes them in his exposition, and because writers, outwith the 1560-1606 Scottish period, make reference to them.

But it is important to note that Aquinas's references to the Sabbath as a figure are restricted to the figure's Jewish character. He does not suggest that the use of a day as a figurative ceremony is necessarily a Jewish ceremony. That means that Christian fulfilment of the Fourth Commandment's purpose could legitimately incorporate the use of a figure, provided that the figure was not given any of the above Jewish characteristics.

With that the present writer would agree; on two conditions. The first condition is that it would have to be demonstrated that the Jewish Sabbath was intended to be a figure and that the description of it as a figure is not an interpretation imposed upon the Commandment's original intention. That is
a conceivable reading of the Commandment's purpose. It is also possible that the figurative significance of the Sabbath included more than the three-fold significance which Aquinas sees in it and describes as Jewish ceremonial. That is to say, the requirements that the Sabbath should be a figure could have incorporated a general significance or principle. That aspect of it would then properly fail to be added to the moral factors in the Commandment's purpose. The second condition on which the present writer would agree with that is that the figure as a moral factor could not specify an observance involving a particular length of time (such as a day), in that specification of that kind would automatically make the factor ceremonial.

A Christian attempt to fulfil the Commandment's intention might approach the figurative aspect after the following fashion. (This paragraph is an attempt to explain Aquinas's position rather than a reproduction of his reasoning). The Sabbath day of the Jews represented Creation. The fixing of the day had reference to the Creation narrative. It was, for the Jews, a fitting day for the purpose it was to serve. But Christian worship focusses on the New Creation. Now, Saturday would not aptly represent the New Creation: not only does Aquinas think of the Sabbath as being a figure of Christ's rest in the tomb, but Christians think of Christ as having lain in the tomb the day (a Saturday) before his Resurrection. If, therefore, Christians were to continue to observe Saturday with a figurative significance, they would thereby be observing a day which represented the very negation of what they believe. Thus the fittingness of the Third Precept cannot, for Christians, rest in the ceremonial aspect which specified the Saturday-Sabbath as a memorial of the first Creation. That is, the Fourth Commandment does not oblige Christians to keep Saturday. That does not mean, however, that for Christians the ceremonial aspect thereby passes out of the reckoning altogether. In that it represented Creation, it takes exit: but in that it was a representation, it remains. In short, the Jewish Sabbath's character as a representation is of universal application. (It is moral, in the technical sense.) It is thus applicable to Christians. But not in the same sense as it was applicable to the Jews. The New Creation has made it inept that Christians represent the first Creation by itself. They must, if they may, express the principle - but with reference to the
New Creation. The very purpose of the Third Precept would require the Christian to celebrate the greater rather than the less.

Writer's comment:--

The question of the proportion of the one-seventh of the week re-enters at this point.

Allow the possibility that the Christian representation may involve the setting apart of a stated proportion of time. The problem is whether Christians are obliged to adhere to the same proportion as the Jews; namely, a day of twenty-four hours in every week. That proportion was fitting in the case of the Jewish observance, in that it corresponded to the seventh day of their Creation narrative. On the contrary, it is difficult to see how the Lord's day could have, for Christians, a similar fittingness.

There are two possible objections to the suggestion that Christians should choose a day of twenty-four hours as a counterpart to the Sabbath day of the Jews.

For one thing, if the Lord's day should be chosen because it represented, or corresponded to, the Lord's Resurrection, strictly speaking the time to be represented would be a time "very early in the morning, on the first day of the week."

For another thing, if the time which Christians are to observe is to commemorate or represent not only the Resurrection but all the benefits of the New Creation, it is puzzling to see why the representation should be restricted to one day. Thinking in terms of proportions, the greater should be celebrated, presumably, by a bigger proportion than the less.

That completes the consideration of the two respects in which, Aquinas maintained, the Fourth Commandment was applicable to Jews alone.

There was, however, one respect in which the ceremonial aspect of the Precept was applicable, but in different ways, to both Jews and Christians. The weekly Sabbath day was, according to the Precept's wording (in the Exodus version), established in order to recall the primeval seventh day, on which the Lord rested after he had, in the preceding six days of that first week, completed the work of Creation: it was to recall to men's minds that seventh day and all that the day implied. This looks like an extension of the general significance already mentioned. It merits being placed in a distinctive category, however, because it enjoys a "peculiar excellency". (27) The other ceremonial precepts of the Old Law represented particular Divine works which had relevance for Jews

alone: the observance of the seventh day, on the other hand, was the representation of a general boon which concerns all men. "This universal boon was the work of the Creation of the world, from which work God is stated to have rested on the seventh day: and in sign of this we are commanded to keep holy the seventh day - that is, to set it aside as a day to be given to God". (28) Theoretically, that is to say, that aspect of the ceremonial part of the Commandment obliges both Jews and Christians - "us" - to set aside the seventh day to be given to God, as a representation of a boon; a general boon. This aspect applies differently to Christians, however, than it applied to the Jews. The intention, as applicable to the Jews, was that they should worship God as Creator: the seventh day so spoke to them of Him. Seeing, however, that distinctive Christian worship is not worship of God as Creator in that sense, or in that sense alone, the question arises as to how the intention can be applicable to Christians. The answer in a nutshell is that Christians act upon the spirit of the Fourth Commandment's purpose. Thus: - While, proleptically, the letter of the Commandment applied to Christians to the extent of obliging them to acknowledge the general boon of Creation, by the time there were Christians to obey it Christ had supplemented the boon of Creation and had thereby caused the seventh day representation of it to be out-dated and inoperative: the seventh day had become an inadequate representation because the boon which it represented was a lesser boon than that which Christ's coming and work bestowed upon men. Nevertheless, the seventh day observance contained a principle; and principles do not become anachronisms: they are "for ever - simply and absolutely". Therefore the principle or intention which was, for the Jews, expressed by reference to the Creation of the world, and incorporated in a Jewish ceremonial precept about the observance of the seventh day, remains binding - as to its spirit upon Christians, and obliges Christians to express its spirit in an institution which will have reference to the blessings of the New Creation. Christians inherit the principle in the spirit, not in the letter. (Aquinas does not use the Deuteronomy version of the Third Precept. The "boon" which that version specified - namely, deliverance from the bondage of Egypt - could not be interpreted as a "general boon which concerns all men". But Christians could think

(28) Part II (Second Part), Q. cxxii, A. 4, Reply.
of the way in which their faith speaks of a counterpart deliverance from bondage.)

That completes Aquinas's treatment of the Jewish ceremonial precept. He dismisses the naming of the day and the Jewish Sabbath's three-fold figurative character. They are inapplicable to Christians. But he sees, implicit in the ceremonial precept, a three-fold abiding purpose. Accordingly, he retains, for Christians, the naming of the proportion of one day in seven, the figurative use of the day of rest, and the obligation to set apart that day as a representation of the blessings of the New Creation. It is "the seventh day" in its entirety which Christians are to observe as they seek to fulfill the Fourth Commandment's purpose.

His explanation of the Christian institution of the Lord's day makes plain that he interprets the Commandment's purpose as obliging Christians to designate a day; that is, the Precept's prescribed proportion: "As to the sabbath, which was a sign recalling the first creation, its place is taken by the Lord's Day, which recalls the beginning of the new creature in the Resurrection of Christ". (29)

Although Thomas thereby accepted the proportion of the week and the obligation to name a day, he did not intend that quotation to read as meaning that there is a causal connection between the Lord's day and the Commandment: he retained for Christians freedom to choose the day which they would observe.

The last point is Aquinas's account of how Christians came to fix upon the Lord's day. There would seem to be a connection of some sort between the Resurrection and the choosing of the Lord's day to be the stated day: after explaining that the Lord's day has taken the place of the Jewish Sabbath, Thomas explains that "in like manner" the other holy days supplanted "other solemnities of the Old Law". (30) And these other holy days were in order to celebrate the days of the Christian Year other than the day of the Resurrection. His position may be that the Third Precept obliged Christians to appoint some one day of the week to supplant the Jewish Sabbath: that there was no necessity which obliged Christians to institute the first day of the week to be the Lord's day: but that the Resurrection so put its stamp on the first day of the week

(29) Q.ciii, A.3, Reply Obj.4.
(30) Q.ciii, A.3, Reply Obj.4.
that, for the queen among holy days, it is a natural choice. Nevertheless, the fixing of the first day of the week to be the Lord's day did not follow upon an acceptance of an obligation incorporated in the Fourth Commandment. This is borne out by his teaching that the Lord's day was not to be described as a fulfilment of the Jewish Sabbath and its observance was not to be regarded as resting upon the Divine Law or the Law of Nature. The Lord's day took the place of the Jewish Sabbath "not by virtue of the precept but by the institution of the church and the custom of Christian people." (31)

Thomas Aquinas thus interprets the Third Precept as a Jewish ceremonial application or determination of the moral precept which obliges all men in all religions and in all ages to give some time to the worship of God. In so far as the Third Precept was Jewish ceremonial it could not be applicable literally to Christians. Implicit within the Precept, however, were certain moral factors. These moral factors comprised the Precept's purpose, pruned of those factors which were applicable to the Jews alone. It is possible to think of them as principles which were prior to the formulation of the Fourth Commandment. They were accordingly as applicable to Christians as to Jews. Thomas took the moral factors to be the following:

(a) The proportion of one day in seven was to be set apart for the worship of God.

(b) That worship was to be a representation of the blessings which men have received from God.

For Christians, the blessings were those of the New Creation.

(c) The stated day would represent those blessings by having a figurative character. It would be a "holy" day; a Sabbath.

This became substantially the Council of Trent's position. Certain of the Reformers found it unacceptable, and set forth their own interpretations of the Fourth Commandment. That situation gave rise to five main theories about Sunday observance.

(31) Q.cxxii, A.4, Reply 4.
CHAPTER TWO
CLASSIFICATION

It is now possible to classify into five groups the different theories about Sunday observance.

The first is the theory which was based on the purely moral part of the Fourth Commandment; the parent part; the primeval or general principle.

Those who belonged to this class thought that the Precept was partly moral and partly ceremonial, regarded the latter as Jewish and inapplicable to Christians, and regarded the former as expressing the abiding principle that men ought to give some time to worship. According to this theory, the Fourth Commandment obliges Christians to give some time to worship; but does not bind them to a certain or stated time. The theory is not an attempt to discover what the principle in practice involves for the world Church's organising of its worshippers. It is an attempt to define the obligation which the Commandment lays upon the individual as an individual, or upon the particular church in an independent capacity. Its disregards the implications which the Commandment might have for the individual as a member of a community or for the particular church as a member of a general, catholic Church. It will be called the Individualistic theory.

The second theory is that which applies the purely moral part of the Commandment with a view to having a certain or stated time; for common, public worship. There were two versions of it. According to one, men make a public confession of faith at such worship. According to the other, the very act of attending public worship in itself constitutes a confession of faith.

Those who belonged to this class took into account the consideration that the principle that men are to give some time to God must, in practice, involve organised assemblies for worship. The theory agrees in principle with the Individualistic theory; but expresses the view that human nature is such that if men did not observe a stated time for worship they would be liable to observe no time. That consideration makes it useful to name, for public worship, a stated time on a stated day. The stating of the time is not in accordance with the letter of the fourth
Commandment. Christians could, in theory, choose any day - not necessarily one day in every seven - to serve that purpose; but as Sunday is the traditional day, there is no compelling reason why Christians should depart from it. Prudence would indicate the acceptance of Sunday as the day already established. Also, seeing that Sunday is a weekly day of leisure, Sunday is an obvious choice for people assembling to worship: they have the time on that day, and the freedom, to come together. This theory will therefore be called the De Facto theory. It does not go beyond the more obvious necessities of the case; and thus does not regard the observance as the observance of a day. It is the keeping of a stated hour; or of stated hours.

The third theory adheres to the moral aspect of the naming of a day; that is to say, the principle which the naming of the Saturday-Sabbath expressed. It eschews all that was Judaical in the purpose of the Saturday-Sabbath. Accordingly, it accepts the obligation to observe one day in seven, but rejects the view that such observance is necessarily to be the observance of a Sabbath day. In other words, it accepts the obligation to cease from toil on the seventh day, but not the obligation to observe a "holy resting" on that day in the sense of attributing to the day's resting an inherently holy or sacrosanct character.

This theory agrees with the De Facto; with two differences. The first is that every seventh day is to be observed because it seems to follow Divine or Apostolic example or to be in accordance with a Scriptural intention. The example, however, did not necessarily imply or lay down, and the intention did not necessarily imply, that Sunday is the special day on which Christians are to worship. They are to worship on one day in every seven: but the day is of man's choosing. The second difference is that neither the example nor the intention obliged Christians to observe the twenty-four hours of Sunday, or of any other day, as a sabbath day. The obligation is to observe every seventh day as a day of bodily rest. The faithful may wish to make use of their leisure on the seventh day, outwith the hours of public worship, in accordance with the spirit of the Saturday-Sabbath's intention - instead of being merely idle or slothful. But that use of the seventh day's leisure is a matter for the individual. One version of the theory went further. It taught that the very act of resting,
corporately, constituted a Christian witness; a confession of faith. The theory embraces, that is, the individual's participation in the day of leisure by not working; but does not dictate the manner in which he must privately observe the seventh day in terms of devotions. Its general emphasis is that the keeping of Sunday consists not in the observance of a day which God has hallowed, but consists in what the individual and the Church do, in terms of public worship and external order, on that day. The theory will, for that reason, be called the functional theory. Those who held the more advanced version of the De jure theory believed that the general public were involved. Their full aim was to get all to attend church on Sunday and at least to behave decorously on Sunday; thereby to provide a token of their respect for God and the Christian religion. The keeping of the external order of the seventh day, by the whole community, was tantamount to a confession of faith.

The De facto and functional theories tended to coalesce.

The fourth theory was based on the view that the Fourth Commandment's naming of the Saturday was subsequent to the giving of the principle that men were to keep the proportion of one day in every seven as a Sabbath day. This theory teaches that while the Precept does not oblige Christians to observe the Jewish Sabbath it does oblige them to observe the same proportion of the week as the Jews had kept. It will therefore be called the proportion theory. Apart from its view that it was obligatory upon Christians to set apart that proportion to be a figurative Sabbath day, the proportion theory agreed with the functional. It taught that Christians are bound to observe a day in every week, but are free to choose which day: that the proper authority to fix the day is the Church: and that the Church has, in accordance with the Third Precept, appointed the Lord's day.

The fifth theory is purely ceremonial. It is of that kind because, in effect, its adherents did not recognise the distinction between what in the Fourth Commandment is moral and what ceremonial. They interpreted the ceremonial as moral; and thus took the Commandment as a whole to be a moral precept. This view makes the ceremonial aspects of the Commandment's purpose to be perpetually binding on Christians.

The theory teaches that the observance of the Lord's day is to be derived from the Jewish Sabbath; that the Fourth Commandment
was a Divinely authoritative expression of that Jewish institution; and that the Lord's day - the Christian Sabbath - is in accordance with the Fourth Commandment. This theory does not, nevertheless, take over Jewish ceremonial: it substitutes the Christian counterparts of the ceremonies of the Old Law. How those who held this theory were able to treat even the ceremonial aspects as moral is a question. The answer may be that they believed that as the Jews had been God's peculiar people under the Old Covenant, so Christians are now the people of the New Covenant: that presupposition makes it necessary to set up, within that Covenant relationship, the Christian counterpart of the Jewish Sabbath. The theory will be called the Covenant theory.

The five main relevant theories were, therefore, the Individualistic, the De Facto, the Functional, the Proportion and the Covenant theories.

Such classification has its limitations. It could give the impression that all the theories of the time could be set neatly and completely into one or other of the above five groups. The fact is that the theories shaded off into one another. It is impossible to do full justice to that aspect of the situation. But a modest attempt will be made to take note of marginal cases and indicate movements within the classes.

With fairness and with clarity, what is perhaps the period's most slender publication on Sunday observance provides, as an introduction to the classification, a summary of the conflicting theories. It was published in 1636 by "a Reverend, Religious, and judicious Divine", who is generally taken to have been Robert Sanderson. (32) It is worthy of being quoted at some length:

... How farre forth, the words of the fourth Commandement are to be taken as a Law binding Christians, and by what authority they have that binding power, is the maine difficulty.

For the resolution whereof, it may suffice every sober-minded Christian ... to beleive these few points following, which ought to be taken as certaine, and granted, amongst Christians: viz.

1. That no part of the Law, delivered by Moses to the

(32) Soveraigne antidote.
Jews, doth binde Christians under the Gospell, as by vertue of that Delivery, no not the 10. Commandements themselves: but least of all, the Fourth, which all confesse to be (at least) in some part, ceremoniall.

2. That the particular determination of the time, to the seventh day of the weeke, was ceremoniall; and so the obligation of the fourth Commandement in that respect (though it were Juris Divini positivi to the Jew) is ceased, together with other legall Ceremonies since the publishing of the Gospell, and binds not Christian conscences.

3. That the substance of the fourth Commandement in the generall, viz. that some certaine time should be set apart from secular employments, to be sanctifie to an holy rest for the better attending on Gods publick and solemne worship) is Morall and perpetuall; and of Divine Right, as a branch of the law of Nature, whereto Christians under the Gospel are still bound.

4. That, de facto, the Lords-day or Sunday, is the time appointed to us, for that purpose, by such sufficient Authority, as we stand bound in conscience to obey: Absque hoc, whether that Authority be immediately Divine, or mediately, through the power of the Church.

He thinks the above sufficient to regulate the judgement and conscience of every "ordinary" Christian; and proceeds to make his classification of the prevalent theories:

Touching the observation of a weekly Sabbath, there are these three different opinions: viz.

1. That it is de jure Naturali, as a branch properly of the Law of Nature.

2. That it is properly and directly de jure Divino positivo, establisht by Gods expresse positive ordinance in his word.

3. That it is meerely de jure Humano & Ecclesiastico, introduced by Authoritie, and establisht by the custome and consent of the Catholicke Church.

He thinks the third contains a possible threat to the proportion of one day in seven; and that the two former stand on such weak grounds that, although they would safeguard the proportion, they are much more improbable than the third. His own suggestion is for a fourth or middle way: it seems, to him, more probable and less dangerous than the above three. His via media is:

That the keeping of one day in seven, is of Divine Positive Right; taking jus Divinum in a large signification, not for that which is primarily, properly, and directly such, according to the tenour of the second opinion: but including withall, that which is secundarily, consequently, and analogically such.

This "large signification" of the jus Divinum he defines thus:
... For a thing to be de jure Divino in the ... larger sense, it sufficeth, that it may be by humane discourse upon Reasons of congruity, probably deduced from the Word of God, as a thing most convenient to be observed by all such as desire unfainedly to order their wayes according to Gods holy will. (33)

If, then, Sanderson's jure Divinum is taken in both a strict or primary or proper signification and also in a large or secondary or consequential signification, the above gives a five-fold classification. The first three opinions would, in their order, represent the individualistic, the Covenant, and the De Facto theories respectively. The position based on the larger signification would represent the Functional. The strict signification would represent the Proportion theory.

The five theories may now be described.

The Individualistic theory. - The individualistic theory leaves the individual or the particular church free to give some time to worship without any corresponding obligation to observe a time on a day common to all Christians or to all churches.

Richard Bernard refers to the theory when he rejects "the loose opinions of the Familists, Anabaptists, and wicked Libertines" who would be "free from any time of set solemn dayes, for Gods publicke service and worship". (34)

Ulrich Zwingli's theory, as given in the following quotation, embodies those "loose opinions":

The sabbath, in so far as it is ceremorial, has been abolished, and nowise pertains to us, for Christ having freed us from the sabbath Matth. 12. we are bound to no time .... Although we are not bound to a certain time, yet we are bound to set forth the glory of God, to his word, to his praise, and to charity towards our neighbours. (35)

(33) Pages 9-15.
(35) Works, IV, p.515, note on Colossians ii.16.
Francis White did not himself hold the individualistic theory, but did in 1635 supply its adherents with an argument. His submission was that the setting apart of a whole day could hardly be of universal application, seeing that "in many Regions of the World ... there are no ordinary weekes, containing seven particular daies, distinguished each from other by morning and evening, and by the rising and setting ... of the Sunne". (36) He had in mind, in particular, the Arctic and Antarctic; and thereby suggests that it is not possible to tie down to a stated day individual Christians or particular churches who habitually have to contend with abnormal conditions; and that therefore the obligation to observe a "certain time" cannot issue from the Divine Law.

The De Facto theory. - The De Facto theory appoints a stated time on a stated day for worship. The appointment proceeds not from a sense of obligation but from the realisation that it serves an indispensable purpose.

Martin Luther's version of this theory appears in his Larger Catechism statement about the Fourth Commandment:

... This precept, in respect of its outward and original meaning, is not applicable to us Christians .... But in order that from it we may for simple folk derive some Christian understanding of what God requires from us in this precept, we keep feast days - not, note, for the sake of intelligent and educated Christians, for these have no need of ferial days. We keep them, really, first of all for the sake of a certain bodily necessity. Nature teaches and undoubtedly requires it, having in view the large number of men-servants and maid-servants in the community who have worked at their labours throughout the whole week. Nature's purpose is that they might have a day to be an interval from their works, so that they might recover from the effects of their toil and be able quietly to strengthen their wearied bodies. Next, ... chiefly that, on the day of the Sabbath, - since leisure is not allowed at another time for that purpose - the leisure time may be employed for the purpose of attending divine worship; that thus we may assemble to hear and meditate upon the Word of God and... praise God with hymns, Psalms, and spiritual songs. But among us, this, I say, is not bound to particular times precisely as it is among the Jews, that this or that day be stated or appointed for it. For no day is better or more excellent than another. These ought, indeed, to be done daily. (37)

(37) Catechismus major (1544).
But some one day in the week requires, in the circumstances, to be selected to serve this purpose. Since, further, our fathers appointed the Lord's day to this end, this harmless custom of the ancients, now established by use and wont, is not rashly to be changed, lest anyone by unnecessary innovation throw all things into disorder. Luther proceeds to ask wherein, then, consists the sanctification of the Sabbath (and in his answer possibly inclined towards the functional theory). Not, to be sure, in this - that you might sit twiddling your thumbs (so to speak) in front of a fire, or do no outward work, or pick flowers, or dress in finer clothes. It consists in meditating upon the Word with a view to amendment of life. What you do on the Sabbath does not sanctify the day; the day does not require to be sanctified: its own creator sanctified it from the beginning of creation. His intention, moreover, was not directed towards himself but towards you, that the day might be holy to you. The sanctification of the day is for your sake and it is in your hands. The day is holy according as you, by your works, sanctify it or profane it. And its holiness consists in nothing else than in terms of holiness in speech, works, and life. (38)

Just as the 1531 and 1540 Augsburg Confessions were scornful of attempts to observe the Lord's day in terms of a distinction between what in the Third Precept was _juris divini_ and what was quasi _juris divini_, (39) so Martin Luther made no use of the scholastic distinction between the _moral_ and _ceremonial_ aspects of the Commandment. Antonius Walaeus comments that Philip Melanchthon at this point parted company with Luther. (40)

Melanchthon explains his view of the De Facto theory by means of his distinction between what in the Third Precept is the _genus_ and what the _species_. (His distinction corresponds to that between the _moral_ and _ceremonial_ parts of the Fourth Commandment: the _species_ is the _ceremonial_ part; the _genus_ is the _moral_.) The _genus_ is the Precept's main intention or meaning. It cannot be abrogated. The _species_ is abrogated. xx

(38) *Catechismus major* (1544).
(40) *Dissertatio de Sabbatho, sive De vero sensu atque usu quarti praecepti* (1628), pp.67-68.
It specifies the ceremonies which serve the Precept's intention; and it is traceable back to the genus as to its first cause. When a species is abrogated, however, another and different species must replace it; because the divine intention in the Precept must continue to be given expression, with a view to that worship of God which the genus makes obligatory upon man. For Christians this involves the desirability of having stated days for worship and the ministry of the word. It does not oblige them to fix a seventh day.

Philip Melanchthon is not explicit about how the stated day is to be chosen. The 1531 Augsburg Confession may be taken to supplement his teaching at that point. According to that Confession, Christians are to think of the choosing of a day after the following fashion:

What, then, is to be thought of the Lord's day? ... Bishops or pastors may make ordinances with a view to things being done orderly in the church. These ordinances are not, however, with a view to binding our consciences: they may be violated when no offence to others is involved. Thus Paul ordains that in church women are to cover their heads ....

... Of this kind is the observance of the Lord's day. Because it was necessary to appoint a fixed day, in order that the people might know when they were to assemble, it seems that the Church named the Lord's day for that purpose. The very naming of that day appears to have added to its acceptability: it provided men with an example of Christian freedom, and gave them the knowledge that the observance neither of the sabbath nor of an alternative day is a necessary observance. (42)

The main emphasis in the De facto theory seems to be that the operative factor is not the stated day but the stated time; and the significance of the time is that it is the time appointed for worship and preaching. Martin Luther's reference, roundly, to the holiness of the day as consisting in holiness in speech, works and life might appear to some to modify the De facto theory as he held it, (43) and to represent a movement in the direction of the Functional theory. It may be noted, however, that Luther makes no reference to obligatory or even corporate observances on the stated day beyond those involved in attending divine worship.

(41) "Catechesis puerilis", Opera omnia (1580), I, 6a. See also I, 7b and II, 254-55.
(42) "Confession Augustana", Sylloge, pp.155-56.
(43) Cf. Specimens of the Table Talk of the late Samuel Taylor Coleridge (London, 1835), II, pp.315-16.
The 1540 edition of the *Augsburg Confession*’s modification of the original, 1531, formulary may be taken as a commentary on that. Both editions of the *Confession* agreed that "those who hold the opinion that the observance of the Lord’s day has, on the authority of the Church, been instituted as a sabbath, as though a sabbath were necessary, are wide of the mark". At that point the 1540 Confession diverges from the original. The 1531 Confession had proceeded: "The Scripture, which teaches that, now that the gospel has been revealed, all the Mosaic ceremonies may be set aside, has abrogated the sabbath". The later *Confession*, in altering that, moved towards a less emphatic position by teaching that the ceremonies are not now necessary; and that the observance of a sabbath is now a matter of free choice.

That seems to say that among those who in 1540 subscribed to the *Confession* – which by the alteration had presumably been brought up-to-date at that point – it was by no means agreed that a stated day ought to be kept as a sabbath throughout its length: if Christians kept the Lord’s day, that was not because they were observing it as a sabbath day, but because they were making, on their own initiative, godly use of a day of leisure.

No doubt appears possible concerning the form which the *De Facto* theory assumed in the teaching of two Englishmen, John Frith and William Tindal: theirs was a pure form of it.

John Frith, who was burned to death in 1533, states that Christians are in no way bound by the institution of the Jewish Sabbath, and are completely free to choose which day, if any, they will keep; and to the Christian choice of Sunday he attaches no reason other than the practical consideration that, if the people are to assemble to hear the word of God, that calls for the designating of a commonly agreed-upon day. His view was:

... As concerning the abrogation, or alteration of ceremonies, we have a godly example of the Sabbath. The Sabbath was instituted and commanded of God to be kept of the children of Israel.

Because... all ceremonies and shadows ceased when Christ came,... our forefathers, which were in the beginning of

the church, did abrogate the Sabbath, to the intent that men might have an example of Christ's liberty, and that they might know that neither the keeping of the Sabbath, nor of any other day, is necessary .... Howbeit, because it was necessary that a day should be reserved, in the which the people might come together to hear the word of God, they ordained in the stead of the Sabbath, which was Saturday, the next day following, which is Sunday. And although they might have kept Saturday with the Jews, as a thing indifferent, yet did they much better to overset the day, to be a perpetual memory that we are free and not bound to any day .... We are in a manner as superstitious in the Sunday as they were in the Saturday, yea, and we are much madder. For the Jews have the word of God for their Saturday ...; and we have not the word of God for us, but rather against us. (47)

William Tindal is clear:

As for the Sabbath, a great matter, we be lords over the Sabbath, and may yet change it into the Monday or any other day as we see need; or may make every tenth day holy day only, if we see a cause why, we may make two every week if it were expedient, and one not enough to teach the people. Neither was there any cause to change it from the Saturday, then to put a difference between us and the Jews, and lest we should become servants unto the day after their superstition. Neither needed we any holy day at all, if the people might be taught without it. (48)

That completes the exposition of the De Facto theory.

The Functional theory. - Christopher Dow, whose work was published in 1635, may be chosen as spokesman for the Functional group. He presents their case as follows:

There are three things considerable in the Sunday, or Lord's day.
1. A Day.
2. That Day.
3. The manner of celebrating it.

The first is God's immediate precept. God mediates the second and third through his Church.

First, God commanded some time wherein men setting aside all worldly business and thoughts, should apply themselves to the duties of his solemn and publique worship, and this is the substance, or that which is Morall, in the fourth

(48) II, 101.
Commandment.

Secondly, the Custome or Constitution of the Church, warranted by the Apostles practise, and the honour vouchsafed unto it by our Saviour himselfe, determined that time or day to the Sunday, or first day of the week; and

[Thirdly] prescribed how and when, for the decent time and manner of performing those duties.

These limit in two ways that Christian liberty which must not (without necessity) be extended. The first limitation is, that neglect to set apart some time for God is a violation of God's immediate precept (in the Fourth Commandment; the moral part; the principle which the Commandment expressed). Such neglect is, therefore, sin. The second limitation is that, similarly, failure to observe Sunday in accordance with the Church's injunction is doubly a sin. It is sin because it is a violation of God's mediate command, mediated through his Church. To flaunt the Church's authority in this matter is to flaunt God. It is sin also because there is a sense in which a precept of the Church is an immediate Divine precept, namely, in so far as God has left it to the Church to define and determine what in an immediate Divine precept is indefinite. "The immediate Precept of God is wrapt up in the Precept of the Church". (Dow's precept of the Church has thus to do with the time, but not with questions such as proportion and the manner of observance).

In respect of the manner of celebrating the day, however, those limitations of Christian liberty are themselves limited thus: "That liberty either for ordinary labours, or honest recreations, which may stand with the observation of these Precepts, no man can justly account sinful". (49)

That is to say, the Church properly prescribes, in virtue of the Fourth Commandment, only what is implicit in the moral part of the Fourth Commandment; the part, namely, which embodies the principle that "some" time is to be given to worship. When the Church goes beyond that point, and names Sunday, it bases its choice on distinctively Christian grounds. Since, therefore, the Church's purpose - in proceeding upon the moral part of the Commandment - is, of necessity, practical only;

(49) A discourse of the Sabbath and the Lord's day, pp.74-75.
any question relating to the ceremonial proportion of a whole day is simply not on the agenda, and therefore does not come up for decision.

Gilbert Ironside provides a peroration for this statement of the case. That the Fourth Commandment is not a moral law but was given to the Isráélites only is, he says "to some men as clear as the day it selfe, and to be a point of that high consequence in religion, as that we ought rather to suffer as Martyrs, then to quit this truth." (50) The intensity of these men's scruples is, in some cases, to be traced to a concern lest there might enter into the Church's practice what they called "will-worship". Will-worship could proceed from even their desire to serve God - "wil-worship even in the integritie of man". (51) Accordingly, lest they might unawares introduce, into their Sunday observance, unnecessary ceremonial of their own devising, they focussed on the function which Sunday was to fulfil. White gives expression to the common view when he maintains that the Apostles began by observing the Sabbath day or Saturday along with the Jews not out of any regard for the "perpetuall morality" of the seventh day but for the practical reason that it provided them with an opportunity of winning the Jews. (52) They used their common-sense. That, together with "common and natural equity" and the consideration that the designating of one day in the week for worship and rest is an age-long custom, is a sufficient guide for the observance of the Lord's day. White states the position thus:

The common and naturall equity of that Commandement is morall: to wit, that God's people are obliged, to observe a convenient and sufficient time, for publike and soleane divine worship, and for religious and Ecclesiasticall duties: And abstinence from secular labour ... (etc.) ... is very agreeable both to naturall, and religious equity, and ... is grounded upon the ancient custome and practice of Gods people in time of the Law. (53)

But the Evangelicall Law imposeth no Commandement of totall abstinence, from secular labour, or from civill actions, during the space of a naturall day .... (54)

(50) Seven questions of the Sabbath (1637), p.47.
(51) Propositions and principles of divinitie (1596), p.123. Otherwise known as Beza's principles.
(52) Pages 68-69. (53) Page 90. See also p.135.
(54) Page 216.
To those who thought that the Lord's day should be a Sabbath day, White seems prepared to concede almost everything, provided that it does not in any way involve his resiling from this three-fold position:

First, the Fourth Commandment does not oblige Christians to keep a prescribed proportion of the week.

Second, Christians could have chosen a day other than the Lord's day.

Third, the Christian observance of the Lord's day is to be understood not in relation to any theory about the nature of the day but in relation to the Christian's duties on that day.

The weekly observance by Christians "is not superstitious, but an holy and godly practice". (55) The Church, he says, /y prohibits the doing of certain things on the Lord's day "not because of the letter of the fourth Commandement. It prohibits them

so far forth onely, as the same is an impediment, to such religious & ecclesiastical duties, as are commanded to be performed, upon the Lord's-day, by the precept of the Church: and so far forth also, as labour or secular actions doe hinder Christian people, or withdraw them, from the service of Christ, and from spiritual actions, necessary to their religious edification. (56)

White, like Dow, thinks of Lord's day observance as proceeding from the parent moral part of the Fourth Commandment by way of a precept of the Church. Clearly he will not accept it as proceeding in any sense from the Jewish ceremonial aspect of the Fourth Commandment: he will not accept the position that Christians are obliged to observe a twenty-four hour Sabbath. He reduces it to absurdity:

... Amongst a multitude of people, few are to be found, who morally are able to apply themselves the space of so many hours of the day to spiritual and religious exercises, and to divine meditations onely, and such as our Novell Sabbatarians require: and then, after all this is

(55) Page 91.
(56) Page 217. See also p. 265.
finished on the day-time, when darke-night commeth, to command their fancie to dreame of nothing, but of Chapters, Lectures, Collations, Questions, and Answers. (57)

Gilbert Ironside, Thomas Broade and Franciscus Gomarus also examine the teaching which would see in the Fourth Commandment an obligation upon Christians to set apart one-seventh of the week, as though the Commandment's naming of the day expressed a moral aspect, namely, the naming of the proportion. Ironside divides the Command into the two parts, the seventh day and the sanctifying of the day. The former he names the matter of the Commandment; the latter, its form. And he is at a loss to understand the process whereby the Jewish Sabbath may be changed into the Christian Lord's day and yet remain the seventh day of the Commandment. "Whatsoever hath being", he says, "whilest it hath being, must necessarily be that which it is". (58) Thomas Broade underlines that the time factor is not of the esse of the Fourth Commandment. He argues that the setting apart of a time has, for Christians, no warrant in the Fourth Command. His view is that the Commandment is made up of that which is moral and that which is circumstantial. (59) "Time", he says, "as place, is a Circumstance; & therefore I cannot like, that a commandement, whereby the observation of any time is required, should be termed moral". (60) There is, for Christians, no morality (in the technical sense) in the proportion of one-seventh of the week. Gomarus quotes Simler with approval as saying that whether the day to be observed should be the seventh - and not the eighth, or the ninth, or the tenth - does not belong to the divine law but is a question of ceremonial. (61)

Hugo Grotius thinks that the question is to be decided on grounds of utility. He distinguishes between what is moral and what is useful. (62) The danger to be watched is lest there might be set up as a divine commandment an observance which man has instituted because of its usefulness. (62)

(60) Three questions answered (1621), p.22.
(62) Opera omnia theologica (London, 1679), II, 298, commentary on Mark xi.27.
The Functional theory allowed, that is to say, for the observance of the Lord's day; without allowing that there was any necessity which compelled Christians to "pitch" on that day or to observe a whole day. Edward Brerewood gives the general position when he maintains that "the celebration of the Lord's day hath warrant that it may be done, warrant of commandment it hath not, that it must be done". (63) The question which arises is, on what grounds are Christians to "pitch" on Sunday. In other words, how are they to fulfil the spirit of the intention incorporated in the naming of the Saturday-Sabbath.

They begin from the moral part of the Fourth Commandment; and from the necessity - the practical necessity - to give expression to that moral part, in order to have regular, public worship. The obligation which the moral part of the Commandment imposes - to observe "some" time - provides the first part of a three-fold framework. David Primerose gives the second part when he says that "the stinting of a day for Gods publike service, is a point of order, and of Ecclesiastical government". (64) John Prideaux, quoting Suarez, completes the framework of the case when he states that the Lord's day is "absolutely" alterable, but not "practically". (65) The third part tended to modify the second.

Here enters the necessity to give expression to the moral aspect. Prideaux, for example, teaches that the Lord's day does not depend "barely" upon a Civil or Ecclesiastical ordinance; but on the practice and express tradition of the Apostles - "who (questionlesse) were ledde into all truth by the Holy Ghost". (66) Prideaux does not, however, state that there was any connection between the guidance of the Spirit and the intention of the Fourth Commandment or of the Jewish Sabbath. William Perkins in 1592 by a reference to the Creation did so. He says that the Lord's day was, for Christians, an "apt" day; and he explains its "aptness". It had been constituted by the Apostles; became neglected; and was re-established as a day "most apt" to "celebrate the memorie of the creation of the world, and to the serious meditation of the redemption of mankind". (67) That meditation was not to be restricted to the time spent in

(63) A second treatise, of the Sabbath (1632), p.9.
(64) A treatise of the Sabbath and the Lord's day (1636), p.1.
(65) The doctrine of the Sabbath (2nd ed., 1634), p.34.
church: after the public meetings of Sunday were dissolved, the remainder of the day was to be spent "in the meditation of Gods worde, and his creatures". (68) Perkins' teaching echoes, all along the line, the Roman Catholic teaching; and the Sunday observance which he favoured was, for all practical purposes, akin to the traditional Sabbatarianism. He illustrates how nearly the 

**Functional** theory could approximate, in outward appearance, to the **Proportion** theory. His was an extreme version of it. Brerewood's version of the application of the spirit of the Commandment's intention is to the effect that the Primitive Church kept **one day in seven** "in imitation" of the Fourth Command. (69) That was a different kind of emphasis from the Roman. Such imitation was not tantamount to recognition of a Divine obligation to keep one day in seven. And it did not oblige Christians to keep the Lord's day.

That did not prevent some of those who held the **Functional** theory from referring to the Lord's day as "the Sabbath day". Perkins called the "apt" day the "Sabboth". (70) Sanderson explains that ambiguous use of the word. He says that the word Sabbath is the proper word "when we speake of a time of Rest, indeterminate, and in generall, without reference to any particular Day": **Sunday and the Lord's day** are the proper words "when we speake determinately of that Day which is observ'd in the Christian Church". (71) (Of the last two, **Lord's-day** is fitter for Theological and Ecclesiastical use; **Sunday** for Civil, Popular, and common use.) (72) Jean Alasco so uses the word Sabbath in his **Toute la forme**. His word for Sunday there is consistently "Dimanche". (73) His only uses of the word Sabbath were in connection with a day of public fasting (which was not Sunday) (74) and in explanation that the Lord's Supper could be on a day other than Sunday. (75) In the first instance, Alasco seems to have used the word Sabbath with reference not to the day but to the fasting: he explained that under certain circumstances the fasting could be relaxed - "because the Sabbath is for man, and not man for the Sabbath". The emphasis was on the "action", and not on the occasion. In the second case, he seems virtually to have made "the Sabbath" synonymous with the Lord's Supper: in place of Sunday, each particular church had liberty to appoint, for the celebration, "some

other times, when circumstances require. For all things are ours, and the Sabbath itself was made for man, and not man for the Sabbath". (76) Alasco could have meant that the Sabbath was moveable, because what made a day a Sabbath was not something inherent in the nature of the day but what happen on it.

That completes the outline of the functional theory; except for Christopher Dow's conclusion. In reply to those who allege that this theory is not sufficiently strict and in accordance with the Divine Precept, he asks that there be produced either the relevant Divine precept or, alternatively, a precept of "those whom God hath commanded us to obey". He ends:

And this alone is sufficient to terminate this Dispute, upon which wee will joyne issue with those that are contrary mandated, being nor more confident that they can shew no binding Precept for the restraining of Christian liberty in this case then willing to retract if they shall prove themselves able to doe it. (77)

By a "binding Precept" he means a moral precept.

The Proportion theory. - The Proportion theory was the Catholic. Bonaventure held it; (78) as did also, in 1560 Scotland, Ninian Winzet. (79) It was the view also of some who were not Roman Catholics. The Anglican Richard Hooker, for example, gave a masterly exposition of it. Hooker would seem to have introduced a new element when he said that it had pleased God "to exact some parts (of time) by way of perpetuall homage never to be dispensed withall nor remitted". (80) On the one hand, Hooker may in this have been unintentio original: it may have been his translation of taxatio temporis. On the other hand, his translation provides the best commentary on the Roman Catholic acceptance of the proportion of one whole day in every seven: if God in the beginning intended that man should give him the tribute of one-seventh of the week, that proportion was inherent in the ceremonial part of the Third Precept (as well as being explicitly stated, for the Jews). It indicated a moral factor in the Precept's naming of the Saturday-Sabbath, and therefore obliged Christians as well as Jews to observe a Sabbath day.

The standard treatment of the Proportion theory must, however, be regarded as that to be found in the Catechism of the Council of Trent. (81) And since that Catechism is in agreement with Thomas Aquinas's teaching as set out earlier in this chapter, it is unnecessary to do more than reiterate that the Catechism, like Bonaventure, made it plain that the authority for the observance of the Lord's day is the Church.

Laurence Vaux describes the manner in which, according to the Proportion theory, Sunday is broken. He had been warden of the Collegiate Church in Manchester, but at the time of his writing - 1567 - he was Canon Regular and Sub-prior of St. Martin's Monastery, Louvain; and, at Louvain, produced a catechism which taught that a person breaks the Sunday if on that day he talks, walks, gazes, or occupies himself idly at Mass; misuses the church or churchyard; takes part in plays, pastimes or gaming; spends the day in unthrifty games, such as cards and dice; out of covetousness or when he should be at Divine service; dances wantonly; strays idly about when he ought to be at church; frequents taverns or bowling alleys; or uses any unhonest place or company. He sums up by saying that the "holy daye" is broken in four manner of ways, namely, "by servile worke, by omitting the worshipping of God, by unreverence of holy things, by wanton or unlawful playes". (82)

For Scotland, corresponding teaching was set out most devoutly in Archbishop Hamilton's Catechism; which issued from a Church Council of 1552 and appeared in print in the summer of the same year.

The teaching of the Catechism on Sunday observance may thus be summarised:-

The Third Precept of the Decalogue deals with how the body is rightly to worship God; and is based on experience - which shows that idleness, sloth (sweirnes), and carnal lusts cause men to be neglectful in God's service.

The Jewish Sabbath was nothing else than a day of rest for men and beasts. It had a ceremonial and a moral aspect. The


(82) A catechisme or Christian doctrine, edit. T. G. Law (Chetham Society, Manchester, 1885), p.35. For an unsympathetic account of R.C. practice, see John Sprint, Propositions tending to proove the necessarie use of the Christian Sabbath (1607), p.4.
former, which obliged the Jews to keep the seventh day of the week, is not applicable to Christians. The Sabbath to the Christian is not in itself holier than any other day of the week: Christian men should account every day holy. It is the moral aspect of the Jewish Sabbath which has been carried over into Christian practice; and this means that Christian people are to keep Sunday holy, as the Jews kept the Sabbath day holy, by resting from all labours. As the Jews rested in remembrance of the rest with which God rested after he had created the world, so Christians rest in remembrance of the Saviour's resting in the tomb and his resurrection. The Jewish rest from all labours signifies for Christians rest in their consciences by faith in Christ Jesus here in this world and finally rest eternal in the world to come. Rest from carnal works and the mortification of fleshly desires assist this rest in conscience. And concerning this rest of the conscience, all days should be alike.

Sunday is to be kept in the following five ways:

1. To those whose work prevents them from assembling for worship on the other six days of the week, Sunday gives an opportunity of coming to Church.

2. The father of the house should on Sundays teach his children, and the master should teach his servants, the articles of the faith and the Lord's Prayer, to know and fear God and to "ken and keip" the commandments.

3. The only valid excuse for a man not ceasing from his daily work on Sunday is work - for himself, his neighbour or the common weal - which could not well be postponed.

4. Above all, men and women not only should refrain from vice and sin on the Sunday and other days but also should eschew, on the Sunday especially, idleness, vain talking, backbiting, slander, blasphemy, contention and all occasions of sin.

5. Men should, on Sunday more than on any other day, offer to God of their substance, by almsgiving.

Other holy days are to be kept after the same manner; but keeping them will not leave guiltless those who do not also observe the Sunday. The fifteenth chapter of the book of Numbers teaches how God detests the breaker of the Third
Precept. The breaking of the Sunday and other holy days was one of the special causes of the Church's gathering calamities: many men, through wickedness and covetousness, had openly shown contempt for all holy days, all church ceremonies and all ministers.

But some there were who kept the Commandment in sincerity. They had their reward; tongue cannot express the grace and spiritual gifts a Christian gets by those spiritual exercises which constitute true worship in church and include diligent "hering and leiring" the word of God. (83)

That completes the summary of the Scottish, Catholic Catechism; and the exposition of the Proportion theory.

The Covenant theory. - The Covenant theory shaped an epoch. It stood apart from all other theories. Concerning those who held it, Christopher Dow maintains that they have the support of neither the Ancient Fathers nor the Reformed Churches (to omit the Church of Rome, whose doctrine though in this case not to be condemned is of little credit with those whom I dissent from) .... For whereas in other things which they dislike among us, they have for Patrons the principal Authors of the Reformation abroad ....: In these Sabbatarian Paradoxes, they are singular and left alone, without the Patronage of those whom otherwise they so much admire, and without the example of any Church in Christendome. (84)

The theory would seem to have proceeded from the desire, at least, to safeguard Sunday observance by settling it on an unshakable foundation. John Bramhall voices his misgivings concerning the foregoing theories - all of which refused to accept that the Lord's day was of direct Divine appointment - and indicates what he would substitute for the apparent weakness which was common to them all:

... The opinion of some eminent Divines had sprouted up higher than formerly it used to doe in our Coasts; who have asserted a power and liberty to the Catholick Church, or to any particular Church, to translate the publick Assemblies of the present Church ... to any other day in the week, and to make that to be their Lord's day. Yea

(83) The catechisme ...: set furth be ... John Archbishop of sanct Androus ... Prentit MD.lii; The catechism of John Hamilton, ed. T. G. Law (Oxford, 1884), pp. 66-70.

(84) Page 2.
with such a latitude as not to bind the Church to the Septenary Number, which if it thought fit, might set apart one day in eight or ten for the service of God. And although none of these did ever actually change the day, nor ... go about to change it, ..., yet I feared least this bold licentious Age ... might produce some such new monster: and according to my suspicion I applied my discourse to the establishing of the perpetuall necessity of observing the Lord's day by all christians, and the immutability of it. (85)

Bramhall was a contemporary of the Westminster Divines.

The distinctive features of the theory which he supports are two. First, it seeks to establish Lord's day observance as an institution which issued directly from Divine authority. Second, in pursuance of this aim, it teaches that the Lord's day is the Christian Sabbath and is to the New Covenant as the Jewish Sabbath was to the Old Covenant. In theory, the Lord's day observance which this theory requires is no stricter than that required by the Proportion theory; but in practice it was stricter.

Its hall-marks are:

1. The Lord's day is of Divine appointment.
2. The observance is of the whole day of twenty-four hours.
3. Strict rest throughout the twenty-four hours is obligatory. Dispensations were reduced to a minimum.
4. The day is a Sabbath.

The theory may be said to date from the publication in 1595 of Nicolas Bownd's epoch-making book, Sabbatum Veteris et Novi Testamenti.

Bownd's impression was that no point was more in controversy among the learned of all sorts than the question of the Sabbath; "wherein many friendes doe disagree". (86) He perceived that the issue depended on the distinction between the moral and ceremonial aspects of the Fourth Commandment; but expressed the opinion that to maintain that the Commandment was altogether ceremonial would be to open a wide door to all kinds of looseness and atheism. His reply to that possibility is his submission that no precept of the Decalogue may be abrogated; and that, further, to apply the Fourth Commandment strictly to Christians is not to bring the Church of God into the intolerable bondage of the Jews but, instead, "to challenge them with that ancient

(85) Page 907, in John Bramhall, The controversies about the Sabbath and the Lord's day (Dublin, 1676), in Works.
(86) Published 1606, page 60.
obedience, which God alwaies required ..., and from which they were never free". (87)

His position may be summarised as follows:— (88)

Bownd's general standpoint is that the Fourth Commandment is moral. He reaches it by discarding the technical meaning of ceremonial; and supports it, initially, with three arguments.

First, we must not question God's arithmetic.

All the ten commandments were introduced with the same words, namely: "Then the Lord declared unto you his covenant, which he commanded you to doe, even the ten Commandments".

Second, the Sabbath was appointed in Paradise.

That is, it was appointed before there was either sin or a Saviour. How then can it be a ceremony?

Third, God himself placed the Fourth Commandment into the category of moral commands.

God gave Moses a two-fold direction, as recorded in Deuteronomy, chapter 4, verse 13. The covenant and the tables of stone belonged to the first part of the direction: the promised land and the laws which Moses was himself to frame belonged to the second part. God in his own person gave the precepts of the first part. They were therefore moral precepts. The precepts of the second part he gave by Moses. They were therefore ceremonial laws. (The word "ceremonial" will not be underlined in this section which deals with the Covenant theory. In some places it can bear the technical meaning; but at the material points it does not have that meaning).

Bownd now takes up the suggestion that the Fourth Commandment may be partly moral and partly ceremonial — although he has already pointed out that that is impossible "unlesse wee will mangle the commandements, and cut them in smaller pieces than the Lord himselfe hath done". The teaching that the precept is partly moral and partly ceremonial he ascribes to Aquinas "and other Divines more sound than he". His best point in this connection is that if the Fourth Commandment is to be regarded as only partly moral, there is no reason why the other nine commandments ought not similarly to be modified.

(87) Page 36.

(88) The summary and quotations, where they are without reference, are from pp. 36-47. The summary is consecutive.
Proceeding to examine the alleged ceremonial part, he disdains even to consider the **individualistic** position of the Family of Love; and passes to a consideration of the **Proportion** theory of the Roman Catholics. He understands that theory to imply the substitution of the authority of the Church for the authority of the Decalogue; and, on that ground, sees little difference between the **individualistic** and the **Proportion** theories. With that comment he passes to consider what the Roman Catholics call the ceremonial parts of the Commandment. These he specifies as the naming of Saturday to be the Sabbath and the rest which was to be observed on the Saturday. Concerning the naming of the Saturday, he reports a great diversity of opinion; but thinks the opinion of the Roman Catholics to be most in error in that they hold that the Scriptures do not bind men to any one day, and that the appointment of the day belongs to the Church. The second erroneous opinion is that which says that the day to be observed could lawfully be the ninth, the tenth, or any other. His answer is: "To them ... we oppose the sounder Divines". Those "sounder Divines" constantly affirmed that the seventh day is **moral** and belongs to the substance of the law. Bownd then takes up the question of the naming of the day, in the Fourth Commandment. Naming the day did not make ceremonial the institution of the Jewish Sabbath. The Jewish seventh day was not ceremonial; and the reason is definite. It was not ceremonial because it was a sign of something past, not of something to come. The importance of that for the Lord's day he states thus:

And so in that sense may the Lords day ... be still called a Signe, namely, of the redemption of the world, that is, a thing to put us in mind of it. And so the cause of the abrogation and change of that seaventh day might be, not that there was any ceremonie in it, but something else, as namely that the first world was ended.

Concerning the unsound teaching that the rest which the Commandment prescribed was ceremonial, Bownd says that both Jews and Christians are under, as it were, "one and the same longitude and latitude of this commandement". "Under the Gospell the words are not changed, therefore they must carry the same sense still". That means that the prescription of rest to the Jews not only was addressed to the Jews but ...
now addressed to Christians.

That rest was a Document to teach the Jews about their sanctification. It was a sign - but morally, not figuratively or ceremonially. ("For though it be called in the Scriptures a signe, and every ceremony and figure is a signe, yet every signe is not a figure").

Bownd at that point passes straight to a consideration of what the Sabbath as a sign of past blessings means for Christians:

The Sabbath is a signe, that is, a pledge of God's good will unto us, whereby we should learne and know what he is unto us, and what we should be unto him: ... And therefore the Sabbath though it be a signe of our dutie to God, it may well stand with the performance of it unto him: ... therefore ... this signe once set up by God himselfe to this end, should never be pulled downe, even ... because it is his signe ... Therefore to conclude, I doe most willingly acknowledge, that this was one principall end, for which the Sabbath was ordained; even that thereby we might be sanctified through the pure use of God's worship upon that day; and that this should be the fruit of our resting, & sanctification of the day; without the which, all that we do is to no purpose.

Bownd is thus equating the ceremonial part of the Fourth Commandment with its moral aspect. Discarding the technical meaning of ceremonial, and giving it a meaning of his own, he thereby obliterates the secondary character of the ceremonial part. As a result, he places in the primary intention of God the purpose that the Sabbath day should be sanctified and set apart; and that this sanctification and observance of the Sabbath day was as applicable to Christians as it was to Jews. That means that the setting apart of a whole day becomes, on that view, of the "substance" of the Commandment; and Christians need no longer, to that extent, interpret the spirit of the Precept's intention. The intention remains, in effect, the one intention, under the Old Law and under the New Law. It was primeval; moral; perpetual.

Bownd sums up his position in fourteen points. They may be reduced as follows:— (89)

1. The observation of the Sabbath is not a bare ordinance of man, or a mere civil or ecclesiastical constitution: but an immortal commandment of almighty God.
2. The Sabbath was from the beginning of the world.
3. It was revived on Mount Sinai.
4. The commandment of the Sabbath abides still in full force, in that it is moral and perpetual. It therefore binds

(89) Epistle dedicatory.
for ever all nations and all sorts of men.

5. The Apostles "by the direction of God's spirit (leading them into all truth) did change that day, which before was the seventh from the creation, ... into the eight; ... in honour of the Redemption."

6. In respect of keeping a day holy, we are precisely bound to the number seven.

7. Every man is bound, on that day, to rest strictly from the ordinary works of his calling. The reason is that the seventh day is "sanctified and separated" for the public service of God.

8. Every kind of lawful recreation and pastime is to be renounced on that day.

9. Yet in cases of necessity God hath given great libertie unto us, to doe many things for ... preservation and comfort ... both in the works of our callings, and also of recreations.

10. In the exercise of that great liberty, Governors of the Church and Common-wealth have more power than have individuals.

11. The day of rest ought ordinarily to be spent altogether in God's service.

12. Every man ought to spend alone, or with others, in all private exercises of religion, that part of the day which is not taken up in frequenting the public assemblies.

13. All who have others committed to their charge are bound, in terms of the commandment, to compel them at least to observe the Rest outwardly.

14. No man can perfectly keep this commandment, any more than he can so keep any others; yet he must aim at a perfect observance.

Bownd's successors interpreted the Sabbath's holy resting more strictly, and inclined to establish between the Christian Sabbath and the Resurrection a closer connection than Bownd allowed when he taught that the Apostles changed the day to the eighth day under the guidance of the Holy Spirit. Joseph Mede, who died in 1638, seems to take a step towards that closer tie with the Resurrection when he suggests that the Jews chose the seventh day because of what God had done for them "in the morning-watch of that very day". Mede discerns in the
Commandment a distinction — a *quotum* (the proportion of one-seventh) and the *designation* of the particular day. The former is a constant: on the latter the Jews and the Christians differ. His view includes, however, the necessity of translating, into Christian terms, the spirit of the Commandment's intention: Christians, he says, choose which day is to be their holy day — and the reasons he gives have an unmistakable Jewish colouring. His position in this respect is, in effect, identical with that of the *Proportion* theory. It was not sufficiently far advanced to represent the full *Covenant* position that the Lord's day is not of human appointment. Hamon L'Estrange and George Walker, by removing from Christians the burden of choice, expressed the view which was congenial to those of the *Covenant* theory. L'Estrange's view is that the Lord's day automatically took the place of the Sabbath at the Resurrection. His strange version of the change reads thus:

There was no interregnum, no vacancy at all, no cessation of a Sabbath; No, not the first week: No sooner was the old Sabbath abolished then the new established and installed. The Jewish Sabbath, that slept (we all know) its last in the grave with our Saviour: Its ghost (according to County dialect) or the shadow of that shadow walked indeed a while after, but it self, the old Sabbath, expired then, and immediately entered the Lords day. (91)

Walker's version was less imaginative. It is dated 1638. None of his contemporaries gave a more reasonable summing-up. He stressed that none but Christ the Son of God may decide which day is to be the Christian Sabbath: he is the Lord of the Sabbath. The day appointed is to be observed, however, not because of his "bare will & commandement" but because the holy Sabbath is "founded and builded upon him". He maintains that the due observance of the Lord's day as a holy Sabbath day is "the first speciall Sabbath duty of all Christians under the time of the Gospell untill the last resurrection". (92)

(91) God's Sabbath before the Law, under the Law, and under the Gospel (1641), p.71.
(92) Doctrine of the Sabbath (1638), pp.136-37.
Daniel Cawdrey and Herbert Palmer, members of the Westminster Assembly, express the later view concerning the other aspect of Bownd's teaching, namely, the obligation of holy resting on the Lord's day. They proceed from two points. One is that the Rest was not the principal in the Sabbath, with Sanctity but an accessory: Rest was the accessory. (93) The second is that the "morall naturall" part of the Commandment, which requires that "some sufficient Time" must be set apart for God, expands rather than narrows down the time factor, in as much as "it is not possible that man should sanctifie that sufficient Time when it comes, unlesse he be mindfull of it, and careful in due time to lay aside his worldly businesses, before it comes". (94) For Christians they define the Rest by setting out a conclusion which "carries its prove in the very forehead of it". (95) They regard it as a necessary consequence from two premises which, if received and digested, would make much labour on the question unnecessary. The first premise is that the morality of the Fourth Commandment is for a whole day for continuance, and for one day in seven for frequency, to be a Sabbath to the Lord. The second is that the Lord's Day is of Divine Institution. But it is "wonderfull strange" how the wit of man fails to see the conclusion's inevitability. The author's' comment is:

For that, some time is morall, and to be sanctified to God, is easily granted by all that are not profane, and wickedly Atheisticall; That it be one day in seven for frequency ... is yielded also by moderate men, as equitable and fit .... But when we challenge, and call for a whole day, once in a week; we are declaimed against, and decryed for Judaising, for Sabbatizers, or Sabbatarians. (96)

Some are lax and loose: they hold that the morality of the commandment requires public worship only. (97) Others go further and allow that it is meet that on the Lord's day Christians should abandon all worldly affairs, and dedicate the day wholly to the honour of God. This is the Roman Catholic view: it is "something fair": but it is not fully satisfactory. Its weakness is that it is given as counsel, and is not set down

as a divine precept. (98)

These two Westminster divines come to the conclusion that "Christians under the Gospel are to observe as precise a rest upon the Dominical day, as the Jews did upon the legal Sabbath". (99) They stress that their theory's distinguishing marks are two in number. The first is the strictness of the rest and sanctity which they regard as obligatory. The second is that the rest and sanctity are to be for a whole day, with total cessation from labour and pastimes. Unnecessary labour and needless recreation are forbidden. (100) These are in accordance with the commandment's mandate. The mandate consists in the time to be observed and the observation of that time. The time to be observed has two aspects, namely, an indefinite and a definite. The indefinite aspect requires that there be a Sabbath or time of rest. The definite aspect asks, first, *quandiu* - how long? - and answers, a Day; and asks, second, *quoties* - how often? - and answers, one day in seven. (101)

If men will so observe the Lord's day their faces will thereafter shine as Moses' face shone. A man who will wholly converse with God on the Lord's day, not only in public worship but also in private prayer and meditation, "shall find a sensible *spiruall vigour*, and unexpected strength, to carry him through all occasions of the whole week following; and a kind of glorious lustre". (102)

The presentation of the Covenant theory may now end with two sympathetic comments upon it. The first is Thomas Shepard's - of New England - who died in 1649. He wrote:

Divers of [the first Reformers in Germany] did not (as well they might not) see all things with ... [day-star] clearness, whereof this of the Sabbath hath seemed to be one: their chief difficulty lay here; they saw a Moral command for a seventh day, and yet withal a Change of that first seventh day, and hence thought that something in it was Moral in respect of the Command, and yet something Ceremonial, because of the Change: and therefore they issued their thoughts here, that it was partly Moral and partly Ceremonial, and hence their observation of the day hath been (answerable to their judgements) more lax and loose; whose arguments to prove the day partly Ceremonial, have (upon narrow examination) made it wholly Ceremonial; ...
and hence ... they have ... unawares laid the corner stones of some grosse points of Familisme, and strengthen'd hereby /a the hands of Arminians, Malignants, and Prelats, as to prophan the Sabbath ... under the name and shadow of the Church ...: and therefore ... those vessels of glory in the first beginnings of Reformation ... stept a little beside the truth; and it is to be charitably hoped and believed, that had they then foreseen what ill use some in after ages would make of their Principles, they would have been no otherwise minded then some of their followers and friends, especially in the Churches of Scotland and England, who might well see a little farther ... when they stood upon such tall mens shoulders. (103)

In the mid-nineteenth century Lyman Coleman, also of America, added his testimony:

The Divine authority of the Sabbath neither was recognised by the ancient fathers, nor by Luther or Calvin, or by the early Reformers. It was reserved for the Puritans, to their immortal honour, first to expound and enforce the law of the Christian Sabbath, based on the authority of God's word. They better read the law of the Lord our God on this subject, and ... like some priceless gen disinterred from the rubbish of many generations, presented it to the gaze and admiration of the world radiant with heaven's own lustre. The influence of the sun in the heavens is not more clear or genial than is that of the Christian Sabbath upon the whole English race wherever found. They and they alone have a Sabbath, a Christian Sabbath, holy unto the Lord, by God's command. (104)

The next chapter agrees with Coleman that John Calvin did not recognise the Lord's day as the Christian Sabbath.

The views about the Fourth Commandment and Sunday observance which John Knox and his colleagues brought from Geneva to Scotland were embodied in a catechism known as M. Calvin's.

(103) Theses Sabbaticae (1655), preface, sixth-seventh pp.
CHAPTER THREE
JOHN CALVIN

John Calvin's teaching on the Sabbath and on Lord's day observance would seem to have passed through three phases. (1)

(1) Sources:

1. Institutes of the Christian religion. Editions - Basle, 1536; Rihel, 1539; Giraud, 1545 (French); Rihel, 1545; Stephan, 1559; Crespin, 1560 (French).


Catechismus ecclesiae Genevensis, hoc est, formula erudiendi pueros in doctrina Christi (Geneva, 1550). Also, the French translation of it in Les Cl. Pseaumes de David (Pierre Haultin, Paris, 1567). And the English translation by H. Beveridge in Calvin's Tracts (Calvin Translation Society - C.T.S. - Edinburgh, 1849), II.

John T. M'Neill, History and character of Calvinism (New York, 1954), p.204, refers to a 1541 catechism in French. The present writer has been unable to trace such a catechism. On the other hand, see Tracts, II, p.36 - where Calvin refers to his "brief summary of religion, under the name of a Catechism", published seven years prior to 1545; and p.35 - where he reveals that he first wrote his 1545 catechism in Latin.

3. Commentaries.

(a) Those published not later than 1549.

The Epistles to the Corinthians, tr. J. Pringle (C.T.S., Edinburgh, 1849).
The Epistles to the Galatians and Ephesians, tr. W. Pringle (C.T.S., Edinburgh, 1854).
The Epistle to the Hebrews, tr. J. Owen (C.T.S., Edinburgh, 1853).

(b) Those published between 1549 and 1559.

Isaiah, tr. W. Pringle (C.T.S., Edinburgh, 1853).

(c) Those published after 1559.

The four last books of Moses, tr. C. W. Bingham (C.T.S., Edinburgh, 1852).

4. The sermons of John Calvin upon the fifth book of Moses called Deuteronomy, trans. A. Golding (1583).
In the first phase his teaching was based on the moral aspect of the Fourth Commandment – which requires men to give some time to the worship of God – and also on that inference from the Fourth Commandment which requires that servants should be given a day of relaxation in the week. The former was applicable to the Church and to Church order: the latter to the civil authorities and to "external order". In the second phase his teaching included the moral aspect of God's resting, according to the Genesis Creation narrative, on the primeval seventh day; and maintained that men were thereby obliged to observe a weekly day of rest and that their use of that day of rest included worship of God. That worship should be, at least, united worship; and that united worship was a confession of faith. In the third phase his teaching extended the use of the day of rest to make it figurative of the community's confession of faith. Cessation from toil on the Lord's day was to that extent an act of worship. Calvin called upon the magistrates to take action against offenders in terms of the Fourth Commandment's obligation that men should worship God.

The initial phase began to end in 1549. Up to that year John Calvin appears to have been arguing in favour of having one day in the week observed as the stated day for public worship. He would seem to have had to contend with those who were maintaining that the only obligation upon Christians was the obligation of the moral aspect of the Fourth Commandment – namely, that they should give some time to the worship of God. They were upholding the Individualistic theory, and maintaining that there was no obligation to state a day and time for regular, weekly worship. And they were apprehensive, in particular, about using the day of rest as the stated day for Christian worship. Adoption of the day of rest as a stated day for worship might tend to invest the day's resting with religious significance. John Calvin seems to have been resisting that Individualistic view. Up to 1549 his main contention appears to have been to the effect that private meditation upon God was not enough. Christians would, of course, engage in such private meditation. They would do so on any day when they had the leisure and opportunity; and would therefore certainly employ the leisure of the Lord's day for that purpose. But such private meditation upon God required to be supplemented. Men not only ought to give an indeterminate time to worshipping God but also ought to give
a certain time. The Word of God enjoined men to hold religious meetings: and experience sufficiently demonstrated their necessity. "We ought to assemble in church on some day". But unless those meetings were stated, and were on fixed days, they could not be held. The Church had chosen the Lord's day for that purpose. Assembling in church on the Lord's day was not a moral obligation. It belonged to Church order only. That is to say, it was of a ceremonial character. But Christians could be easy in their minds on that point. Calvin was not betraying the principle — the moral aspect of the Fourth Commandment. He was, to that extent, setting forth no more than the De Facto theory. Assembling on the Lord's day did not involve Jewish ceremonial. Apprehension concerning the possibility that the leisure of the Lord's day might appear to be "holy resting" could be allayed. The Church had not instituted an observance of the whole day. The institution of the Lord's day as a day of rest was a civil institution. It was in accordance with an inference from the Fourth Commandment; but was for a civil purpose. The "external" order which involved the observance of the whole day was a civil observance. Such a civil observance contributed to agriculture, to matters of politics, and to ordinary life. But the Church also might use the day's leisure. It was not thereby distinguishing the Lord's day from the other six days on religious grounds, or regarding its use of the day's leisure as part of its ceremonial. No, the Church's view was severely practical. It was recognising in the day's leisure an opportunity for Christians. The leisure afforded the time for "sacred study and meditation". But private study and meditation of that kind on the Lord's day was only a partial fulfilment of the moral aspect of the Fourth Commandment. It was a minimum. Christians should use to the maximum the freedom which the Lord's day gave them from their workaday employments. They would do so if they went on to accept the Church's order and assembled together in church on that day— to divine prayers and praises, to the hearing of the word, and to the use of the sacraments.

Calvin's definition of the "external order" of the Lord's day seems to exclude the church assembly aspect. The Church was doing no more than adjust its practice to the existing civil order. On that view, the Church had no "external order" for the Lord's day throughout the initial phase. The theory of that first phase
was thus a version of the *De facto* theory.

The second phase was transitional and extended from approximately 1550 until approximately 1560. It is doubtful whether in that phase there was anything which could accurately be described as a Church external order for the Lord's day. A strict description of the position would seem to give three characteristics. First, there was an order which required all work and play to come to a standstill during "sermon time" on the Lord's day. Second, an external order for the whole day with an ecclesiastical as well as a civil function would seem clearly to have been taking shape in Calvin's mind: he had advanced to the position where he maintained that God obliged men to observe one day in seven as a day of rest. Third, he had not advanced beyond the point of maintaining that some accompanying external order would be advisable: he was leaving the use of the day's leisure, outwith church hours, to the individual's own discretion.

By 1550 - the beginning of the transitional stage - it seems generally to have been accepted that Christians might legitimately assemble for worship every Lord's day. Calvin's interest thereafter until 1560 centred on getting the people to do three things - to assemble; to regard Sunday's assembly as a corporate, public confession of faith; and, possibly, to consider individually how far they might use the day for private meditation to supplement the worship of the sanctuary. (The last-named depends largely on the weight which may be given to the teaching in two sermons which Calvin did not himself edit for publication).

To be idle throughout the length of the Lord's day was not in keeping with the intention of the day's leisure. The minimum which could be expected of a Christian on the Lord's day was that he should not neglect meditating on God's works; and thereby become trained in piety. Moreover, the particular application of the moral obligation - namely, with a view to observing certain times - did not abrogate the general principle or exhaust its implications. The stating of certain times was not intended to cause men to give less time to God. Calvin countered the tendency to interpret the stated times in that fashion - as though church attendance was in itself a perfect response to the Fourth Commandment's abiding principle. He found a new way of defining the moral obligation which safeguarded the position by ensuring that Christians
would not interpret attendance at church as their total duty on
the Lord's day or their total fulfilment of the moral obligation
to give some time to worship. He began to teach that the moral
obligation was seen not only in the Fourth Commandment but also
in the "special law" by which God distinguished the seventh day
from the other six when he himself rested on the seventh day of
the Creation week. God himself thereby particularised the primeval
principle by applying it to the day itself. That special selection
of the seventh day was for the purpose of supplying what was
wanting in daily meditation. God's selection of the seventh day
elevated the observance of every seventh day to the category of
those observances which were in accordance with a moral precept
or principle. God's purpose in so doing was to be held fixedly in
mind. His intention was that men, being released from all other
business on one day of the week might "employ themselves in the
worship of God". Being released on that day from all other
business, men would be able the more readily to apply their minds
to the Creator. What precisely men were to be able to do "the more
readily" is the point.

John Calvin thought that the principle involved the keeping
of one day in seven by means of a two-fold observance - of rest;
and of meditation. Thus, "God claims for himself the meditations
and employments of men on the seventh day". That set forth a
"perpetual rule". It entailed the observing of every seventh day
by means of rest; bodily rest. That seems clear. To what extent
it may also have involved continual meditation, private as well as
public, the present writer would not care to say with any show of
confidence. The difficulty is that again and again Calvin, in
referring to the meditations of the Lord's day, seems to focus
them upon the church assembly. The point requires detailed
consideration.

Taken in isolation, certain of his sayings are ambiguous and
could be taken to mean that he was advising whole-time Lord's day
meditation. Thus, he says we must "omit all other things that we
may the more freely serve God" (Acts xii.14): that the Law
enjoined men to "abstain from their own works" in order to "keep
all their senses free for considering the works of God" and "allow
a free course and reign to the works of God" (John v.17): that
"by sanctifying themselves to God, (men) might be employed in
true and spiritual worship" (Mark ii.24): that "being released from all other business, (men) might the more readily apply their minds to the Creator of the world" (Genesis ii.3): and that the day is to be holy "in the sense of separating ourselves from all other occupations, to engage in meditating upon the Divine works (Psalm xcii.1). In two published sermons, which he did not edit - sermons on Deuteronomy v. - he says that the order for the keeping of the Lord's day is "to dedicate that day wholly unto (God), so as we may be utterly withdrawn from the world" and that we may "intend wholly to the minding of God's works".

The question is whether John Calvin was teaching that the whole day was to be given to meditation, private and public, or whether he was teaching that men should cease from all distractions on the Lord's day in order that together they might engage in meditating upon the Divine works. The question is, in other words, whether he was aiming at the removal of all impediments to the public worship of God on the Lord's day or whether he was aiming at the removal of all Lord's day occupations other than meditating upon God. The answer depends in part on whether God rested on the seventh day and contemplated his works or whether he rested by so contemplating - whether, that is to say, his resting and his contemplation were not only coterminous but the one activity. A full answer requires, however, the total impression which John Calvin's references to the question convey.

On the one hand, Calvin appears to equate the Divine resting and the Divine contemplation. The end which God had in view "in the appointment of his own rest" was "the consideration of his works". (Genesis ii.3) On the other hand, Calvin's references to Lord's day meditation convey a different impression. In the Genesis passage in which he refers to "the ceasing off from earthly works" and "omitting all other things that we may the more freely serve God" on the Lord's day, he seems to equate "heavenly exercises" with "holy assemblies". Likewise, in the Mark passage, he seems to take the day's freedom from all worldly occupations to be for the purpose of giving more liberty "to attend the holy assemblies". Likewise, in connection with God's claiming for himself the meditations and employments of men on the seventh day, he explains that ideally men should so exercise themselves daily but that "every seventh day has been especially selected for the
purpose of supplying what was wanting in daily meditation". This was the argument he had used in the 1536 Institutes and in the 1537 and 1545 catechisms to explain why Christians should assemble in church on the Lord's day. Somewhat similarly, in the Genesis passage and at Psalm xci.1 he was arguing against the view that the day of rest was to be for nothing but the purposes of holiday. To infer that he was asking that the day of rest should be for nothing but meditation would appear to be straining his argument beyond reasonable limits and to be giving no significance to the context. Again, the first of the Deuteronomy sermons was not asking that the people might supplement their meeting together by being utterly withdrawn from the world, but was stressing that their withdrawal from the world should be used to "meet together ... to make open confession of (their) faith". The Lord's requirement was that the stated day should be bestowed "in nothing else" than "in hearing of his word, in making common prayers, in making a confession of faith, and in having the use of the Sacraments".

At the same time, the second of the Deuteronomy sermons seems to be exhorting the people that after their meeting together they should use "the residue of the day" to consider God's blessings. Individuals were, however, to dispose of the "residue" at their own discretion. The exhortation in that respect would appear to have been based on the assumption that Christian people would want to use their leisure - on the Lord's day or on any other day - to think upon God. But that use of leisure was not a subject for legislation or "order".

Although, therefore, God's rest and meditation may have been one and the same, and set before men "the design of the institution" of every seventh day, (Genesis ii.3) it would seem that for the observance of the Lord's day God does not place upon men more than they can bear. John Calvin did not regard private meditation as part of the appointed day's order. The individual had liberty in the matter. But it was "expedient" that he should spend "the residue of the day" after that fashion.

The second Deuteronomy did call, nevertheless, for an addition to the external order of the first phase. Shop windows should be shut. Making good cheer, playing and gaming should be ruled out. John Calvin may have meant that such activities should be prohibited and that shops should be shut throughout Sunday.
What is definitely known is that there was a Geneva proclamation which required that shops should be closed and that playing should cease during "sermon time" on Sundays. And the furthest that John Calvin could go, in the circumstances, was to exhort the congregation in a sermon to retain the outward order - throughout the day - "so far as it (was) meet for (them)". By that he meant that they should forbear from engaging in their own affairs and worldly businesses on the Lord's day, in order to concentrate on the works of God. But he did not teach what God required of them in respect of their use of the day's total leisure or in respect of private meditation. His considered opinion was that the "general doctrine" was that "in order that religion may neither be lost nor languish among us, we must diligently attend on our religious assemblies, and duly avail ourselves of those external aids which tend to promote the worship of God". The religious assemblies were the all-important factor. They constituted a public confession of faith. "It is not enough for us to think upon God and his works upon the Lord's day every man alone by himself: ... we must meet together upon some day certain to make open confession of our faith".

Thus, John Calvin from 1550 to 1560 was still stressing the duty of attending church on Sunday. He may also have been pleading for supplementary, positive, devotional use of the day's leisure. But, if so, there was no compulsion of any kind concerning how the individual was to use the day's leisure outwith church hours. It was a matter for the individual's own discretion. The church's order still consisted solely of assembling together in church on the Lord's day - to divine prayers and praises, to the hearing of the word, and to the use of the sacraments. Towards 1560 the civil authorities reinforced that order by issuing a proclamation that during church hours all work and play were to halt. Calvin had a sermon, however, which maintained that the civil external order which required the day to be kept as a day of rest corresponded to a Christian obligation. Making good cheer, playing or gaming on Sunday were not in keeping with that Christian obligation. It was an obligation to rest and meditate. But there would seem to be no suggestion that every Christian was obliged to observe day-long meditation.

The purpose of the suggested use of the day was practical
throughout. The underlying theory of the 1550-1560 phase was thus a version of the Functional theory.

The third phase, from about 1560, extended the Church's "external order" for Sunday to include the people's behaviour during the whole day. That aspect of the "external order" was a minimum. Calvin's teaching removed the element of the liberty or discretion of the individual in the matter. The "external order" should be safeguarded by means of compulsion. All the people should observe one day in seven by observing the external order, and should so keep that day whether they wanted to keep it or not. That total observance of the external order would be tantamount to a confession of faith by the community. Calvin explained it. "It was ... a general profession of God's worship, when (the Jews) rested on the seventh day .... There was ... in the violation of the Sabbath a public defection". As in so many places, where John Calvin is expounding the Jewish Sabbath, there is in this place room for difference of opinion concerning whether he is applying his teaching to the observance of the Lord's day. The present writer is inclined to think that in this place Calvin has the Lord's day in mind to the extent of teaching that as the Jews' cessation from work had a figurative significance for them so the Christians' cessation from work had for them a figurative significance of a different kind. Those who did not attend church could at least keep the external order. Such an observance was a small thing to ask of anyone, whether believer or unbeliever. (Exodus xx.8) If, however, a person refused to conform, that would signify not only a denial of the faith but an insult to it. The keeping of the external order was in accordance with a "perpetual rule" and was intended to set forth a general profession of faith. That suggests that all were to observe the Lord's day as a day of rest - employers as well as servants - and thereby share in a corporate witness. The general profession by means of resting and the public profession by means of attendance at church may
have been complementary. It was desirable that all the people should meet in the sanctuary and also observe the day as a day of rest. If, however, there were those who did neither, failure to observe the day as a day of rest assumed for them the character of a heinous offence. It became the impiety of disturbing the "external sanctity" of the Lord's day.

The "external sanctity" was not synonymous with the Jewish Sabbath's "external ceremony of rest" (Exodus xx.8). Even the resting of brute animals - which could not be a spiritual resting - had contributed to the total purpose which the Jewish Sabbath had figured. There had been a "mutual connection between the sanctuary and the Sabbath". And the aspect of physical resting on the Sabbath day had had "the direct object" of "the honouring of God, the One God" (Exodus xx.10). It was a type. In being jealous for the "external sanctity" of the Lord's day Calvin retained "the spiritual substance of (that) type" (Exodus xx.8). He tethered it to the Fourth Commandment; but defined it with reference to the primeval seventh day.

The observance of the Sabbath day was probably prior to the Law. "But what in the depravity of human nature was altogether extinct among heathen nations, and almost obsolete with the race of Abraham, God renewed in His Law" (Exodus xx.11). Thereby, in Calvin's thinking, the moral obligation which the primeval day set forth would seem to have merged with the moral obligation of the Fourth Commandment. Consequently, the Fourth Commandment obliged men not only to worship God but to observe a weekly day of rest. John Calvin accordingly called upon the magistrates to act upon the authority of the Fourth Commandment and be an instrument for the vindication of the worship of God; and was, in the context, asking them to take action against those who worked on the Lord's day. The latter by their working disfigured the day in its function as "mark and symbol". They were guilty of showing gross contempt towards what the symbolic aspect of the Lord's day set forth. (Numbers xv.32).

The symbolic aspect for Christians was not the same as the symbolic aspect of the Jewish Sabbath. The observance of Sunday as a day of rest did not involve attributing to the day a holy character. The day's "sanctity" was "external". It did not set forth a representation of God's character and purpose; it
set forth a representation of man's response to God. Its character was the character of a confession of faith towards God.

That would seem to have been the theory from about 1560. The present writer takes it to be a version of the functional theory reinforced by a modified aspect of the Proportion theory. The Proportion theory incorporated a view of the fourth Commandment which accepted as moral only one aspect of that Jewish ceremonial precept; namely, that aspect to its purpose which specified the proportion of the week which was to be kept and taught that the resting on the one day in seven (the prescribed proportion) should have a figurative significance. John Calvin, from 1560, also gave the resting a figurative significance. His latest theory at that point touched the Proportion theory. Calvin attributed to the figure, however, a different character than did the Proportion theory. The Proportion theory gave it a "holy" character which was based on God's hallowing of the day. John Calvin, on the other hand, gave it a significance which was wholly dependent upon man's use of the day; in particular, to be a confession of faith. Thus, even in so far as the theory resembled the Proportion theory in having a figurative aspect, it was essentially functional in character and purpose.

That completes the summaries of the three phases.

That, if he had had the power, or if circumstances had been favourable, John Calvin would from the beginning have stipulated that Sunday observance should be in accordance with his latest theory, is a possibility. There is a sense in which it must remain a moot point. On the other hand, if interpretation is to be at the mercy of such unsubstantiated hypotheses, it would make a mockery of what John Calvin actually wrote and taught. That is to say, it would virtually contend that Calvin was not setting forth his actual position and would presume to set forth what John Calvin would, under different circumstances, have taught. The present chapter will avoid, as far as may be, such "psychic" interpretations. The writer's opinion is that if any weight is to be given to John Calvin's published statements of his earlier positions, the conclusion must be that his teaching showed a development from a version of the De Facto, through a version of the Functional, to a a more fully developed version of the Functional theory.
The material for the three phases will now be set out in some detail.

INITIAL POSITION

John Calvin adhered to his initial position from 1536 until 1549. His teaching about the Lord's day and its observance was uniform throughout that period. And there is no evidence before 1551 of any tendency to depart from that uniform teaching.

1536 Institutes. – The 1536 edition of the Institutes set forth the De Facto theory. A summary of its teaching follows.

The precept about the hallowing of the Sabbath day was shadowy or figurative; was given to the Jews for the time of ceremonies (that is, for the time of the Old Law); and was with a view to providing the Jews with a representation of the spiritual worship of God. The representation was in terms of an external rite or ceremony. (2) The Sabbath was, for the Jews, of supreme importance: it epitomised their religion.

For Christians, the external rite or ceremony, which the Sabbath was, is abolished. Nevertheless, there resides in the precept a truth which the Lord intended to be perpetual and to be common to Jews and Christians. That truth is that men are to fear and love God, in order that they may find in him their rest. This they will find according as they cease from servile works, meaning, the unworthy works of their own flesh and those works which are not of the spirit of God.

That is the true sabbath of which the Jewish Sabbath was the type or shadow. (3) The Jewish Sabbath was the seventh day because the seventh day had a figurative significance. The seventh day of the Creation week was not a day of twenty-four hours: it was a day which had no end. (4) It was the true, or eternal, Sabbath. Of that Sabbath the Jewish Sabbath was a type and, so to speak, a shadow. It is to the Sabbath of the last, unending, seventh day that Christians are diligently to aspire.

Although the ceremonial aspect of the Jewish Sabbath day has, for Christians, been abrogated, the precept about the Sabbath day has something to say about the Lord's day.

(2) Page 60.   (3) Page 61.
But first Calvin makes clear that the Lord's day has not been instituted in order that Christians might sanctify it more than other days; or, that they should esteem it to be holier than other days. No, the Lord's day has been instituted in order that we may assemble in church on that day - to divine prayers and praises, to the hearing of the word, and to the use of the sacraments. (5) And if on the Lord's day we cease from those employments which belong to the day-to-day ordering of the common life, that is only in order that we may concentrate on our church assemblies and get the maximum benefit from them. That purpose is one with that sabbath which Christians are to keep every day. The overall purpose is, in accordance with the Fourth Commandment, with a view to their beginning to keep the transcendent sabbath. ("Quod hic iubemur, celebrare incipimus sabbatum ex sabbato").

In brief, all days are alike: none of them has a religious character. The prescribing of days is a matter of policy: we ought to assemble in church on some day. And that all things may be done according to order and without confusion the fixing of a settled day is important.

This answers those who say that while the ceremonial part of the Commandment has been abrogated the proportion of one day in seven is permanent. (The Introductory chapter reasoned that the reference was to Roman Catholics). They take that proportion as belonging to the moral part of the precept. But to keep the proportion and change the day from the Saturday to another day has no significance beyond offering an insult to the Jews. (6) Further, it retains the very basis of Jewish sabbatism.

Calvin then deals with the equity and usefulness of rest for servants and beasts. There was no obligation in the matter. Christians nowadays decide such questions in accordance with charity. (6)

That concludes the summary. There is in the Fourth Commandment a moral part and a ceremonial part. The ceremonial part was Jewish ceremonial. It was a ši type or figure; and was for Jews alone. The moral part was common both to Jews and Christians. It consisted in the truth that men are to fear and

love God. In so far as it may be spoken of in terms of a Sabbath, the reference is to the eternal, spiritual Sabbath. The Church, as a matter of policy, applied that moral part by fixing a day for church assemblies - "because we ought to assemble in church on some day". (7) Cessation from toil on that day had no religious significance whatsoever.

1537 Catechism. - The 1537 catechism likewise set forth the De Facto theory.

The ceremonial part of the Commandment - which was a figure of spiritual rest - is inapplicable to Christians. [The catechism's version of the Fourth Commandment names the Sabbath day "le jour du repos" - "the day of (the) rest"; and says that the seventh day "is the rest of the Lord thy God".] (8)

The catechism sees in the Fourth Commandment a three-fold divine intention.

Firstly, by means of the rest of the seventh day, the Lord intended to provide the Jews with a figure of spiritual rest. That part of the divine intention is inapplicable to Christians. For one thing, it incorporated a superstitious use of days. For another thing, Christians have no need of the figure seeing that in Christ they have the truth which the Sabbath day figured.

Secondly, the Lord intended that the Jews should have a day stated and appointed; on which the faithful might assemble to hear his Law and perform his worship.

Thirdly, he intended that subject workers should be allowed a day of rest in order that they might have some abatement of their labour. This third intention is more of a secondary than of a primary kind.

The second and third intentions belong equally, in substance, to the faithful of all ages. Stated days still have their place among Christians, for assemblies (because human infirmity makes it impossible to have assemblies every day) and to give servants and labourers relaxation from labour. Therefore, to retain and maintain order and peace in the Church, a day other than the Saturday (to avoid superstition) has been appointed or fixed.

The applicability of the Commandment for Christians may thus

be summed up: —

Firstly, Christians aim at a constant rest from their own works, in order that the Lord may work in them by his spirit.

Secondly, for the hearing of the word of God, for the administration of the sacraments, and for the public prayers, Christians observe the legitimate order of the Church.

Thirdly, Christians observe the Lord's day in order that they may not — inhumanely — oppress with work those who are subject to them.

1539 institutes. — The 1539 edition of the institutes also set forth the De Facto theory and focussed upon using the Lord's day for the purpose of assembling for sacred study and meditation.

Christ undoubtedly abolished the ceremonial part of the Fourth Commandment. But in the Commandment there remains for Christians another truth, namely, the "reason", or "rule", or intention of the Precept. That reason or rule calls for observances on stated days. Theoretically it does not make them obligatory. But in practice such observances are necessary and inescapable as men seek to obey the Commandment's reason or rule.

The Fourth Commandment teaches that God appointed means whereby men may become dead to their own affections and works, and meditate on the Kingdom of God. The means which are applicable to Christians are not, however, identical with those which were applicable to the Jews.

God, in giving the Fourth Commandment to the people of Israel, intended that their observance of it should be three-fold. The first aspect of their observance related to the Sabbath day as a figure of spiritual rest. The second stated the Sabbath day as the day on which they were to assemble to hear the Law and perform religious rites. The third was with a view to giving a day of bodily rest to servants and to those who were under the authority of others.

Early Christian writers were wont to teach that the Fourth Commandment was altogether ceremonial, and that accordingly it has, for Christians, been wholly abolished. That is, in a sense, true; but there is a sense in which the second and third aspects of the Commandment are applicable to Christians.

There is no question but that the first aspect — which was,
for the Jews, primary - has been abrogated. It was an "adumbration"; it figured "mysteries"; it was a "sign", a "delineation", and "emblem". (9)

Still, there can be no doubt, that, on the advent of our Lord Jesus Christ, the ceremonial part of the commandment was abolished. He is the truth, at whose presence all emblems banish; the body, at the sight of which the shadows disappear. He, I say, is the true completion of the Sabbath. (10)

The truth which he embodies calls for not one day but the whole course of our lives. "Christians, therefore, should have nothing to do with a superstitious observance of days".

That concludes the 1539 edition's treatment of the first aspect of the Commandment.

The second and third aspects are, on the other hand, "adapted to every age".

Christians adapt them to their use, first, for the purpose of assembling on stated days for the hearing of the word, the breaking of the mystical bread, and public prayer; and, second, to give their servants relaxation from labour.

Who can deny that both are equally applicable to us as to the Jews? Religious meetings are enjoined us by the word of God; their necessity, experience itself sufficiently demonstrates. But unless these meetings are stated, and have fixed days allotted to them, how can they be held? (11)

Accordingly, to retain decency, order, and peace in the Church, "another day was appointed". (12) This appointing of a day is no more than a "politic arrangement". Nevertheless, its dissolution would instantly lead to the disturbance and ruin of the Church. (12)

The arrangement represents the application by Christians of the Precept's intention, or "reason", or "rule".

Some "restless spirits" refused to accept the view that the Fourth Commandment was in any way applicable to Christians: their complaint was that the observance of any day is Judaical. Calvin saw that they had a point. He proceeds to distinguish between the right and the wrong use of stated days. The wrong view is that which regards them as a kind of religious observance - a ceremony, for the cultivation of mysteries which have been handed down

through the generations. The right view is that which recognises
that cessation from labour on those days is simply with a view to
employing the time in sacred study and meditation. (13) He
concedes that there is nothing sacrosanct about the arrangement
that there should be, among Christians, one stated day in every
seven. The enemy is, indeed, the attaching of superstition to
the chosen days. And the safeguard lies in regarding the days as
having been stated "merely for the observance of discipline and
regular order". (14)

Reverting to the three aspects of the Commandment from which
he set out, John Calvin makes three things clear in his summing-up.

First, he repeats that for Christians the Jewish Sabbath, in
so far as it was figurative, is irrelevant. Christians are to aim
at resting from their own works in order that the Spirit of God may
work in them. This they are to do not on one day but unceasingly.

Second, the purpose of having stated days for Christians is
that there may be an order, appointed by the Church, for the
hearing of the word, the Sacraments, and public prayer.

Third, the further purpose is to provide subject workers with
equitable relaxation.

He concludes by reproducing the passage of the first edition
which submitted that to interpret the moral part of the Commandment
as obliging Christians to observe one-seventh of the week gives the
stated day a typical character; that thus to retain the character
of the Jewish Sabbath but to alter the day is to insult the Jews;
and that that interpretation of what was moral in the Commandment
leads inevitably to "the gross and carnal superstition of
sabbatism". (15)

Romans. - The same views would appear to underly Calvin's
commentary on the Romans, which was published in 1539. At Romans
xiv.1-6 he recognises that the churches of the time were composed
of both Jews and Gentiles; and that whereas the former had from
childhood been accustomed to Jewish rites and therefore found it
difficult to renounce them, the latter were under no constraint to
incorporate Jewish rites into their Christian practice. The

(13) C.343. (14) C.34. (15) C.34.
situation gave rise to differences of opinion on such questions as the observance of days. Calvin's comment is that the Apostle admitted that the Jews were at fault but were for the time being excusable.

From that general standpoint, says Calvin, the Apostle proceeded to the question of the regarding of days. The question arose from Judaism, and from the Jewish Christians' unwillingness to lay aside their life-long custom of reverencing days. Calvin comments:

That they were imbued with these notions, was an evidence of their weakness; they would have thought otherwise, had they possessed a certain and clear knowledge of Christian liberty.

He nevertheless draws the important distinction between the Jewish "notion" of a sabbath day and the observance of such a day: the "notion" could be in error, and yet the observance itself could be a good practice. The Jew, who had not yet made such progress as to be delivered from "scruples about days", was under the impression that in observing days he was acting on obedience to a law contained in the Scriptures. "Its abrogation was not clearly seen by him".

What was under fire was the position which stood for a superstitious use of days which was derived from the view that the observance of the days was an obligation imposed by Divine Law. Christian use of days did not belong to that realm of scruples.

1545 Catechism. - The 1545 catechism agrees with all the above, except that it introduces the point that the consideration that the Creator devoted the seventh day of the Creation week to contemplation of his work of the preceding six days should carry weight with Christians and urge them to follow their Creator's example. (This imitation of the Creator would, however, seem to be with reference to the contemplation and not to the setting apart of a day: the catechism immediately adds that for that purpose of meditation one day in seven is not enough for us and that it was the Church which, out of regard for human weakness, had specially appointed one day. The appointment of the day was with a view to emulating the Creator. But the contemplation on that day, by Christians, still centred on the contemplation in which Christians engage unitedly in church.)

The catechism's version of the Fourth Commandment is that of Exodus xx.8-11. It retains the name, "The Sabbath day"; but avoids the word "hallowed" by translating the closing words, "He
separated it to be holy to himself" ("eum sanctum sibi segregavit"). The holiness of the primeval seventh day was thereby with reference to God. The translation could have been an attempt to avoid the "notion" that by hallowing it God invested the day with a holy character.

Rest on the seventh day, in so far as it was a ceremonial observance, has reference to the Jews alone. It was a temporary part of the Commandment: the advent of Christ abolished it.

The Precept nevertheless contains the three aspects which Calvin had already detailed in the 1539 Institutes; namely, "to figure spiritual rest; for the preservation of ecclesiastical polity; and for the relief of slaves".

(a) We rest spiritually when we "keep holiday" from our own works - by crucifying our flesh - that God may perform his own works in us and govern us by his Spirit. This keeping holiday is a matter not of the seventh day of the week but of a life-time. The significance of the number seven is that it implies perfection, perpetuity, and the perfect rest of heaven.

It remains that the Lord set us an example when he devoted or dedicated the seventh day of the primeval week to the contemplation of his works. That has a bearing upon what his rest means for Christians. God's seventh day contemplation does not, however, tie to one day the significance which his act has for men. Men's meditation upon the works of God is not a weekly meditatio meditation. Such meditation ought to be a daily meditation.

(b) Because of our weakness, which prevents us from meditating daily, one day is specially appointed. This refers to "the preservation of ecclesiastical polity".

On that specially appointed day "the people meet to hear the doctrine of Christ, to engage in public prayer, and make profession of their faith".

(c) Relaxation of labour also tends to the common weal: "for when one day is devoted to rest, every one accustoms himself to labour during the other days".

Summing up the Command's relevance for Christians, the catechism says:—

First, that the ceremonial part of the Commandment is abolished: Christians have, in Christ, the reality of which the
Sabbath day was but a figure. Yet Christians have to give heed to the figure's intention, namely, that we are to cease from our own works, and resign ourselves to the government of God.

Second, that Christians are not to neglect "the holy ordinances which contribute to the spiritual polity of the Church; especially to frequent sacred assemblies, to hear the word of God, to celebrate the sacraments, and engage in the regular prayers, as enjoined".

Third, that some relaxation might be given to those under the power of others.

Only one comment seems called for. Meditation upon God meant frequenting the assemblies and engaging in regular prayers. That safeguarded what otherwise would tend to be lost if meditation were left to private initiative. Private meditation was supplementary to it. So far as the catechism was concerned, it was uncharted meditation.

The catechism thus agrees with all the foregoing of Calvin's expositions in giving no exhortation to the individual to meditate in private on the Lord's day, and in regarding the leisure of that day - outwith the hours of worship - as having reference solely to bodily rest. Private meditation on the Lord's day was in the same category as private meditation on other days: it was assumed that Christians would so meditate, whatever the day, according as they had the time and opportunity.

1545 Institutes. - The 1545 Latin edition of the Institutes elaborates that point. It introduced four passages which were in neither the edition of 1543 nor the 1545 French edition; and may therefore be taken to date from 1545.

Two of the passages seem to show Calvin on his guard against possible criticism of the kind of Lord's day observance which was being advocated either by himself or by others. This could imply that he was advocating a stricter observance; but there is no way of telling - he had in mind those who wanted no observance at all. His reply was that Christians do not observe the Lord's day "with most minute formality", (16) and that it was not ... without a reason that the early Christians substituted what we call the Lord's day for the Sabbath.

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(16) 0.33.
The resurrection of our Lord being the end and accomplishment of that true rest which the ancient Sabbath typified, this day, by which types were abolished, serves to warn Christians against adhering to a shadowy ceremony. (17)

He at the same time enlarged upon the second aspect of the Fourth Commandment, both as it had applied to the Jews and as it now applies to Christians. Concerning the former, he writes:

(The Divine Lawgiver) meant that there should be a stated day on which (the people of Israel) should assemble to hear the Law, and perform religious rites, or which, at least, they should specially employ in meditating on his works, and be thereby trained to piety. (18)

The words from "rites" were new; and express a second-best method of fulfilling the Divine intention.

The corresponding passages for Christian practice include one which was new. It translates the second-best into Christian terms, thus: "That every individual, as he has opportunity (quoties vacat), may diligently exercise himself in private, in pious meditation on the works of God". (19) The old passage, which the 1545 edition retained, gave the Christian duty which corresponded to the major duty which God had laid upon the Jews. It reads: "That all may observe the legitimate order appointed by the Church, for the hearing of the word, the administration of the sacraments, and public prayer". That seems to say that the second-best way of fulfilling the Commandment's second aspect was by means of private meditation at the individual's convenience on an unspecified day, but that the prime way was by means of attendance at church. Even if Calvin was referring to private meditation on the Lord's day, the emphasis on the Church order remains.

That completes the consideration of the 1545 edition.

There remain, for the initial phase, the other commentaries which were published not later than 1549.

Other Pre-1549 Commentaries. - Those here to be considered are the commentaries on 1 Corinthians, Galatians, Ephesians, Colossians, and Hebrews.

At 1 Corinthians xvi.2 John Calvin repeats his view - which he had introduced into the 1545 Institutes - of how the Apostles discontinued their use of the Jewish Sabbath and adopted the Lord's

(17) C.34. (18) C.28. (19) C.34.
day. That edition of the Institutes and the 1560 French edition make it clear that, for the collecting of their contributions for the relief of the brethren at Jerusalem, the Corinthians kept, according to Calvin, the Jewish Sabbath. Their use of the Jewish Sabbath involved no doctrine of days but only a "legitimate selection". But if the Corinthians could risk keeping the Jewish Sabbath and could hope to avoid the superstition which was attached to it, Christians now could take the risk of keeping the Lord's day. (20) Seeing that 1 Corinthians is, for Sabbatarians, a "golden text", it is well to set down some of John Calvin's Commentary. That is the more advisable in that the standard English translation of the Institutes (Beveridge's) is misleading in the section which refers to this verse. John Calvin writes:

The probability is, that the Apostles, at the beginning, retained the day that was already in use, but that afterwards, constrained by the superstition of the Jews, they set aside that day and substituted another. Now the Lord's day was made choice of, chiefly because our Lord's resurrection put an end to the shadows of the Law. Hence the day itself puts us in mind of our Christian liberty.

The succeeding words are well worth adding:

We may, however, readily infer from this passage, that believers have always had a certain day of rest from labour - not as if the worship of God consisted in idleness, but because it is important of importance for the common harmony that a certain day should be appointed for holding sacred assemblies, as they cannot be held every day.

Referring to Paul's forbidding, in Galatians iv.10, that any distinction should be made between one day and another, he reiterates the point he made in the Institutes that that prohibition was directed against the associating of any religious notions with the day and was not directed against the using of the day "with a view to polity and or external order".

In Galatians, Ephesians and Colossians he is concerned to stress that Jewish ceremonies have, for Christians, been abrogated. "Ceremonies", he says (Ephesians ii.15) "have been abolished through Christ". The main point at issue in Colossians ii.14 was, he submits, whether the observance of ceremonies was necessary under the reign of Christ. His answer is incisive. Paul's way, he
he explains, of demonstrating that ceremonies had been abolished was by comparing them to a hand-writing, and saying that "even the hand-writing is blotted out, that no remembrance of it might remain". It follows, argues Calvin, that "all those who still urge the observance of ceremonies ... restore to the hand-writing its freshness, so as to hold us still under obligation". He goes a step further at Galatians iv.9 when he says that the Apostle viewed the ceremonies as being not only "out of Christ" but, what is more, "opposed to Christ". The Jewish ceremonial of the Fourth Commandment is, that is to say, blotted out. The figurative aspect of the Jewish Sabbath is opposed to Christ. His treatment of ceremonies in all these cases was linked up with the question of the observance of days. At Colossians ii.16,17 he says that while the setting up of a partition between days was suitable to the Jews' religion religious or strict celebration of days, among Christians such a division of days has ceased. He anticipated the objection that Christians still keep up some observance of days, with this answer:

... We do not by any means observe days, as though there were any sacredness in holidays, or as though it were not lawful to labour upon them, but ... respect is paid to government and order - not to days. (The resting on the Lord's day was without religious significance: it was not in accordance with a divine obligation but was a human expedient. - Writer's comment).

At Galatians iv.10 he elaborates this point by referring to the observance of days as one of the "beggarly elements" which are "opposed" to Christ; and by adding that the "civil observation" of days contributes also to agriculture, to matters of politics, and to ordinary life. It was not that "civil observation" which Paul was reproving, but that observance of days which "would bind the conscience by religious considerations, as if it were necessary to the worship of God, and which ... would make a distinction between one day and another". Calvin states his position unambiguously:

When certain days are represented as holy in themselves, when one day is distinguished from another on religious grounds, when holy days are reckoned a part of divine worship, then days are improperly observed.

Christians in the present age do not regard the observance of
stated days as a necessary observance: such observance is separate and distinct from worship and belongs "merely" to the preservation of order and harmony. Merely ....

At Hebrews iv.8 he seems to take God's rest, on the completion of the Creation of the world, not as having lasted for a day but as continuing for ever. At verse 3 it appears that that is the kind of sabbathizing, or spiritual rest, which is reserved for God's people; and to which God daily invites them. The Apostle, in thinking thus of the rest which remaineth to the people of God, separates the shadow from the substance; and his reason for so doing was that he had to do with the Jews, and they were too much attached to external things. His concern was to teach them that Christ does not "extend his hand to us that he may conduct us by the circuitious course of types and figures". Calvin, at verse 10, after explaining that the text gives a definition of the perpetual Sabbath, adds that he has no doubt but that the Apostle alluded to that Sabbath for the express purpose of reclaiming the Jews from the external observances of the Sabbath by teaching them what was the Sabbath day's "spiritual design". Calvin continues:

He then ... shows us in passing what is the true design of the Sabbath, lest the Jews should be foolishly attached to the outward rite. ... by teaching them that the rite had a reference to something else, he gradually withdraws them from their superstitious notions.

The date was 1549; and Calvin's next utterances on the subject could not have reached England in time to influence the Sunday debate in that country prior to Queen Mary's accession. The above exposition of his interpretation of the Fourth Commandment and of the observance of the Lord's day was, that is to say, that which was available to those in England prior to 1553 who contended for Protestant theory and practice; and was what the Marian exiles who left England for the Continent knew of Calvin's position.

Among them was John Knox.

They cannot but have believed, without question, that John Calvin held the De Facto theory. The marks of his theory, from 1536 to 1549, were:

1. The Jewish Sabbath day has, for Christians, been abrogated.
2. The Fourth Commandment nevertheless contains a principle which is of permanent and universal applicability. It obliges men to worship God. That God himself contemplated his works on the seventh day of the Creation week reinforces the Commandment's principle: it should stimulate Christians to follow the Creator's example. Every Christian should (or would) meditate privately on the works of God as often as he had the leisure. But such private meditation was a secondary issue. It was not in the forefront of John Calvin's thinking from 1536 to 1549. His references to private meditation may have been a way of stating the principle that men are obliged to give some time to worship, but his contention was that the obligation to give some time to worship leads of necessity to united worship on stated days. Experience teaches the necessity.

The Commandment has continuing relevance in another respect. Its purpose suggests that servants should be given an opportunity for leisure and relaxation. Such an arrangement is also in keeping with equity and Christian charity.

3. The appointment of the stated days for worship rests with the Church. To emphasise that the stated, seventh day for Christians is not a Christian Sabbath, the early Church chose the Lord's day. It spoke of the Resurrection and the banishing of shadows. Calvin's argument for the continued use of that day for Christian public worship was based on the fact that the Lord's day had been established by use and wont as the day of leisure. It was for that reason the obvious choice. The Church could have chosen any of the other six days. Indeed, the stated day need not have been a weekly day.

The leisure of the Lord's day served a variety of purposes. The Lord's day was not peculiarly a Church or religious day.

4. In stating the day the Church did not intend that Christians should regard the Lord's day as a day set apart to be observed: the Church's sole purpose was that there might be observances - sacred assemblies - on that day.

5. On the stated day Christians assembled for worship in accordance with Church order; and the working classes enjoyed bodily rest in accordance with civil order.

Such was John Calvin's version of the De Facto theory.
The next period - from 1550 to 1559 - was one of transition. The sources used for the present chapter are commentaries on Isaiah, Acts, John, Matthew, Mark, Ezekiel, (21) Genesis, and Psalms - all of which give 1550-59 teaching; two sermons on Deuteronomy; acts and statutes of the city of Geneva; and the 1559 edition of the Institutes. (22)

From 1550 to 1559 John Calvin developed a new attitude towards the Jewish Sabbath and, out of that, a new theory concerning the seventh day and its observance by Christians.

(21) Ezekiel will be taken as giving John Calvin's teaching as at the time when he preached on that book. The sermons were preached - sixty-five of them - from 1552-54. (For the preaching dates for Ezekiel and Jeremiah the chapter is indebted to T. H. L. Parker, The oracles of God, London, 1947.) The unfinishing commentary of sixty-five lectures was published in 1555; posthumously. The editors claim that Calvin died while in the act of producing the commentary; and, indeed, that he contrived to complete the sixty-fifth lecture just before breathing his last breath.

Seeing that Calvin preached once a week from 21st November 1552 to 21st February 1554 he would seem to have given sixty-five lectures on Ezekiel. Moreover, he had at that time a secretary who took down his lectures as he delivered them. If John Calvin when he died was in process of editing his Ezekiel lectures for the press, it would seem - from a reading of the closing pages of the commentary - that he had not yet reached the stage of deleting from the later of them such phrases as, "We said in yesterday's lecture", and, "For, as we said yesterday". Seeing, therefore, that the Ezekiel reference to the Sabbath belongs to the sixty-second lecture, the present chapter will assume that that lecture was unedited, and thus gives 1552-54 teaching.

(22) The chapter has been using Henry Beveridge's translation of the institutes, where possible, and will do so in connection with the 1559 edition; but only in so far as Beveridge's work is a translation of the original text. The original text of the 1559 edition incorporated certain abridged verses of Scripture, and gave the biblical references in the margin. Beveridge enlarges the text by incorporating the verses in full. [John Calvin, Institutes of the Christian religion, trans. H. Beveridge (London, 1949), Bk. Ii, Ch. viii, cc. 29, 32, 42.] The present chapter will adhere to the original abridgements. Also, Beveridge in one place - it concerns the interpretation of 1 Corinthians xvi.2 - translates Calvin's text to read, "the first day". The text had referred to "the Sabbath", and referred back to it as "illum omim diem". (The 1560 French edition reads, "ce jour-la"). This chapter will take that as a reference to the Saturday and not as a reference to the first day of the week. Thus: "He tells the Corinthians to set [the Sabbath] apart for collecting contributions for the relief of their brethren at Jerusalem". "That" day was "retained". The church at Corinth retained the Jewish Sabbath or Saturday.
The period was one of transition. Its teaching is not as consistent and clear-cut as that of the initial phase. General statements about it in the present chapter will describe the position towards which Calvin was moving and which he had reached by 1559. Thus it may be said that the new teaching which emerged was to the effect that Christian observance of every seventh day was not merely a question of civil or church order: it was in accordance with an obligatory principle derivable not only from the Creator's example of resting on the primeval seventh day but also from the Creator's separating of that day from the other six by means of a "special law". Such teaching made it inevitable that Calvin should adjust his teaching concerning the external order of the Lord's day. The full adjustment appeared after 1560.

The transitional phase prepared the way. Whereas previously he had stressed that the figurative character of the Jewish Sabbath was primary, and had been abrogated, he began to emphasise that there were two very practical reasons why God had required the Jews to rest on the Sabbath day. The one was that they might as a people be free to attend the "holy assemblies". The other was that, having their minds set free from workaday pressures, they might be at liberty to concentrate on their meditation upon the works of God. Christians would make their seventh day – which they derived from the Creator's "special law" – fulfil a counterpart two-fold function. Attendance at the holy assemblies was obligatory. Additional meditation on the works of God would depend upon the individual's circumstances and desires.

Isaiah lvi.4 and lviii.13 in his commentaries provide straws to show the way the wind was blowing in 1551; but it was in 1552, at Acts xii.14, that more substantial evidence began to emerge. In Calvin's reference at that place to the early Christians' custom of assembling themselves together upon the "Sabbaths" is noteworthy, in this connection, for three reasons. First, he is careful to say that the plural "Sabbaths" is to be taken to mean "the Sabbath". Thereby he is accenting the one day in seven. Second, he hints that the rest on the stated day should not be "unprofitable and sluggish". Third – and most significant – he relegates the spiritual Sabbath to an addendum, thus: "The institution of the Sabbath had another end also, that it might be a figure of the spiritual rest". His conclusion points the
possible significance of so relegating the spiritual Sabbath:

The old figure is past. But God had respect also unto the politic use, that the Jews, being free from all other cares and businesses, might keep their holy assemblies; so that the ceasing off from earthly works did give a place to their heavenly exercises. So, even at this day we must use holy days; for we must therefore omit all other things that we may the more freely serve God.

John Calvin is there thinking not of the Jewish Sabbath as an observance which was a figure of spiritual rest but as an observance which used physical resting for the purpose of increasing the effectiveness of united worship.

At John v.17 he seems to give an opening for an oblique insight into the beginnings of the development in his thinking concerning the desirability of establishing the stated day as a permanent, obligatory institution which would serve the same purpose. Conceding that Christ by his coming put an end to the ceremony of the Sabbath, there he stops short. "The present question", he explains tersely, "does not turn on that point". Earlier, on the same verse, he had made a point out of the fact that Christ, in defending himself against the charge that he was breaking the Sabbath day, had not replied that the Law about the keeping of the Sabbath was temporary. Calvin himself says that he is not now to argue at greater length concerning the use of the Sabbath and its reasons, but is content to ask: "For why does the Law enjoin men to abstain from their own works, but in order to keep all their senses free ... for considering the works of God?" To that he gives meaning when he adds: "Consequently, he who does not, on the Sabbath, allow a free course and reign [ascendancy] to the works of God, is not only a false expounder of the Law, but wickedly overturns it". This would seem to point back to his own exposition of the Sabbath's "politic use". It is possible that, just as Martin Luther came to see that some of his utterances concerning the Mosaic Law could encourage antinomianism, so John Calvin was discerning the necessity of maintaining a continuity between the Old and the New Law. "Let us ... learn", he advised in 1554, in his commentary on Matthew v.17, to maintain this sacred tie between the law and the Gospel, which many improperly attempt to break. For it contributes not a little to confirm the authority of the Gospel, when we learn that it is nothing else than a fulfillment of the law.
Equally there is little doubt but that someone competent to write about the development, from the time of the 1536 Institutes, of Calvin's doctrine of the visible Church and of his concern for church discipline, would be able to discern some connection between these and his transition to a more developed theory of Lord's day observance and to the emphasis that the leisure of that day should serve the purpose of united worship. Alternatively, the times may have seemed to favour a move towards a stricter discipline. At Mark ii.24 (the year was 1554) he advances his position by omitting, in dealing with the Sabbath, all reference to that aspect - the figurative aspect - of the Sabbath which had been abrogated, and by stressing thereby that the only reason for keeping the Sabbath had been that the Jews might fulfil the intention which Christians equally were obliged to fulfil. He states the principle: "Now the only reason for keeping the Sabbath was, that the people, by sanctifying themselves to God, might be employed in true and spiritual worship". He then applied the principle by saying that the reason was that "next, ... being free from all worldly occupations, they might be at more liberty to attend the holy assemblies". Lastly he indicates that Christians are similarly obliged to apply the original design or principle in like fashion: "The lawful observation of it, therefore, must have reference to this object; for the law ought to be interpreted according to the design of the Legislator". He is speaking the same language as when he described the "politic use" of the Jewish Sabbath and, correspondingly, of observed days among Christians.

That was only the first step, however, towards the position which he was to adopt. The latter involved his going beyond Mount Sinai to the world's beginning. His focal point became the primeval seventh day. By the example of what he himself did on that seventh day the Creator gave to all men a perpetual rule. That rule did more than oblige men to worship him. It obliged them to worship him on the seventh day. They were to keep the seventh day by setting it apart as a day of rest. Further, that rest was not - as Calvin had formerly taught it was - for bodily relaxation only: it was with a view to increasing the effectiveness of the worship of the seventh day by enabling all men, with undistracted minds, to follow the Creator's example
by meditating upon the works of God.

From 1554 to 1556 Calvin was to preach on Deuteronomy. Prior to that – 1552 to 1554 – he had been preaching on Ezekiel; and in 1554 he was to publish his commentary on Genesis. The contrast between these two – Ezekiel and Genesis – would seem to suggest that this may have been the period during which he finally moved, in his own thinking, from the De Facto theory to a modified version of the Functional theory of Sunday observance by regarding the choice of the Lord's day for the stated day as having been not merely arbitrary but in accordance with an obligation to choose one day in seven; and also by developing a theory about how united worship on the seventh day could have functional value in terms of Christian witness.

At Ezekiel xx.12 he submits that whoever compares the Ten Commandments one by one will at a glance perceive more weight in others than in the Fourth. (Significantly, this was virtually a quotation from Aquinas). The Fourth was shadowy; the Sabbaths were "shadows”; and the Sabbath day was "the symbol of sanctification", was but an "outward symbol", contained a "spiritual mystery", was a "sacrament" – a "visible figure of an invisible grace" – was, in short, a perpetual "symbol", or "pledge", or "mark" of God's promise. "The Sabbath was given for a sign".

His treatment of the subject at Genesis ii.3 is markedly different. In a historic passage he states the general principle implicit in God's contemplation on the primeval seventh day:

Besides ... this is to be the common employment not of one age or people only, but of the whole human race.

Afterwards, in the Law, a new precept concerning the Sabbath was given, which should be peculiar to the Jews, and but for a season; .... Therefore, when we hear that the Sabbath was abrogated by the coming of Christ, we must distinguish between what belongs to the perpetual government of human life, and what properly belongs to ancient figures. ... So far as the Sabbath was a figure of (spiritual) rest ... it was but for a season; but inasmuch as it was commanded to men from the beginning that they might employ themselves in the worship of God, it is right that it should continue to the end of the world.

Calvin was not here maintaining that all men in all ages were obliged to keep the seventh day. He was speaking of nothing beyond the general principle – corresponding to the moral aspect of the Fourth Commandment – that all men in all ages are obliged
to "employ themselves in the worship of God".

But he wanted, in his exposition of the Genesis passage, to go further than that. His concern was to extend the general principle to make it include a reference to the seventh day. (He sedulously avoids, in this passage, the use of the word Sabbath.) In so doing, he had perforce to have a care to keep to the level of principles and avoid descending to the level of ceremonial. Here he shows his Achilles heel.

John Calvin found it necessary to introduce "a special law". He engages in special pleading which plays ducks and drakes with the distinction which previously he had scrupulously respected — namely, the distinction between the moral and the ceremonial; between the principle and determination of the principle. How precisely he was applying the principle would seem to leave room for difference of opinion. What is clear is that Calvin was naming the seventh day. It is also clear that the day was to be a day of rest. The ambiguity concerns whether the rest was to be synonymous with meditation, or whether the day of rest was to be a day of bodily rest with a view to the "politic use" of enabling men "the more readily" to apply their minds to the sacred assemblies. The present writer, as explained in this chapter's opening summary, holds the latter opinion. The seventh day was not to be a day of mere leisure. Men were to use the leisure "for the purpose of supplying what was wanting in daily meditation". Private meditation could not take the place of united worship.

God, says John Calvin, sanctified the seventh day by distinguishing it from the other six "to the end that the excellence and dignity of his works (might) therein be celebrated". It was by means of "a special law" that God did this. "Wherefore, that benediction is nothing else than a solemn consecration, by which God claims for himself the meditations and employments of men on the seventh day". Ideally, men should so exercise themselves daily. That was the general principle. Calvin reinforces that principle in this important passage:

First, therefore, God rested; then he blessed this rest, that in all ages it might be held sacred among men: or he dedicated every seventh day to rest, that his own example might be a perpetual rule.

God reinforced the perpetual principle by means of his own example. "Succession of time" was secondary to "the consideration
of his works".

The principle that men are obliged to worship thus becomes
the principle that they are obliged to worship every seventh day.
They are to do so not because of any aspect of the Fourth
Commandment but because they perceive a rule for their practice
in the Divine example:

The design of the institution must always be kept in
memory: for God did not command men simply to keep holiday
every seventh day, as if he delighted in their indolence;
but rather that they, being released from all other business,
might the more readily apply their minds to the Creator of
the world.

[Calvin had defined the "politic use" of holy days as being
dependent upon men "being free from all other cares and businesses",
"ceasing off from earthly works", and "(omitting) all other
things". To take his latest definition of "the design of the
institution" to mean private and public meditation throughout the
seventh day would involve an abrupt change in his thinking, and
would seem to divorce his thought from the developing situation in
Geneva. He had pleaded first of all for public, united worship.
From that he went on to plead for united worship on the Lord's day,
seeing that the Lord's day was a day of leisure. Now he has
reached the stage of teaching that men should worship unitedly on
the Lord's day because they were obliged to worship on every
seventh day. The operative word in his Genesis commentary was that
which numbered the day as the seventh. That was the new element in
his teaching.]

This is John Calvin's first version of the Functional theory.
By distinguishing between the primeval seventh day and the Jewish
Sabbath he has outstripped the shadow of Jewish ceremonial which
has previously been besetting his thinking about Lord's day
observance. And in thinking in terms of all men keeping the
seventh day by employing themselves in the worship of God, he has
side-tracked the bogey of superstition. At Psalm xcii.1 (published
1557) he expresses his theory succinctly:

That day is not to be holy, in the sense of being devoted
to idleness, ... but in the sense of our separating ourselves
from all other occupations, to engage in meditating upon the
Divine works. As our minds are inconstant, we are apt, when
exposed to various distractions, to wander from God. ... We
need to be disentangled from all cares if we would
seriously apply ourselves to the praises of God.
The day of rest was not a "holy" day. The Genesis ii.3 commentary had explained that God's rest on the seventh day was sacred but only in that it spoke of that "sacred rest which withdraws men from the impediments of the world, that it may dedicate them entirely to God". The sacred rest belonged not to the observed day but to that sanctification which is the end which worship serves. John Calvin thereby issued a warning against the danger of thinking of the Lord's day as a Christian Sabbath. He did not define - except in the most general way - what the new theory involved in practice. It would, on the one hand, seem indisputable that he ceased to think of the seventh day of the Creation week as being an unending day and began to think of it as having been a day like the other six. It would equally, on the other hand, seem beyond dispute that he did not teach that that invested the twenty-four hours of the Lord's day with a holy character; and that he did not guide Christians as to how they ought to (or might) extend their holy meditation beyond the hours of the assemblies. He may have suggested that Christians ought to avail themselves of the opportunity which the remainder of the Lord's day afforded them of meditating upon God and his goodness. But he placed the accent on the exercises of the sanctuary, on the undivided mind which Christians were to bring to the common worship, and on the worship due from the community as a whole.

Two of the sermons - fifth and sixth - which John Calvin preached in 1555 on the fifth chapter of Deuteronomy provide, together with the Geneva city statutes and the 1559 edition of the Institutes, a commentary on the preceding paragraph. Calvin disowned published works which he himself had not edited. He did not edit the Deuteronomy sermons. (23) Two views might be taken of that. On the one hand, it might be thought that the sermons could, for that very reason, be expected to give an uninhibited expression of John Calvin's mind on Lord's day observance. On the other hand, if theologians were to be judged on the basis of the theology contained in their prayers and in their sermons, the result might be unfair in isolated instances. Without doubting the preacher's sincerity, it possibly may be said that the

Theology of the pulpit may at times be less exact than the theology of the study. If it should be objected that John Calvin's published commentaries give his pulpit work, reference can only be made to his own protestation in the matter.

His two sermons on the fifth chapter of Deuteronomy would seem to introduce a new emphasis on the desirability of using the leisure of the Lord's day, outwith church hours, for private meditation.

The fifth sermon states that the ceremony of the Sabbath is past, and Christians must not crave for its counterpart. They are nevertheless to have an eye to its "substance" or "principal"; (24) because what was commanded concerning the day of rest belongs, of necessity, to Christians as it did to the Jews. From the principle contained in the Jewish Sabbath day Christians derive "an everlasting rule of righteousness", and learn from it that covetousness, envy, rancour, ambition, cruelty, and guile are nothing else than a breach of the "Sabbath day". (25) Christians should therefore go forward with the endeavour of keeping God's spiritual Sabbath. That involves two things. The one is "to mislyke of our selves". The second is that we assemble in the name of God. The reason for the latter is that owing to our infirmity, or slothfulness, it is "requisite that some one day should be chosen out". (26) Yet, there is a third thing, namely, refraining from our own business. Making good cheer, playing, and gaming on the Lord's day are a mockery of God's name. To give more leisure and liberty for assembling, shop windows should be shut and men should not work. But great numbers even of the Christians in Geneva did not so keep the Lord's day; and "most folke (had) no regard at al of the using of that day, which was ordayne to withdrawe us from all earthly cares and affaires, that wee might give our selves wholy unto God". (At Acts xii.14 he had derived from the Jewish Sabbath "the politic use" - "that the Jews, being free from all other cares and businesses, might keep their holy assemblies.

As for Christians, they were to regard that common keeping of the Lord's day as a minimum: the Lord's day was not appointed only for the hearing of sermons, "but to the ende wee should apply the rest of

the time to the praysing of God". (27) We are not only to go to
some Sermon: we are to digest the instructions given and "bende
all our wittes to consider the gratious thinges that God hath done
for us".

Calvin then explicitly sums up the general order for the
keeping of the Lord's day:

Thus ye see what order it is which we must kepe at this
day. ... It serveth to call us together, that we may be
inured according to our infirmitie, to apply our selves the
better to the serving of God, and to dedicate that day wholly
unto him, so as we may bee utterly withdrawn from the worlde....

This would seem to have referred to public worship. [Cf., at
Mark ii.24 - published 1554: "Being free from all worldly
occupations, (the Jews were) at more liberty to attend the holy
assemblies".]

Calvin then referred to the place which private meditation
might have on the Lord's day. But note his conclusion:

Yea and wee have to marke also, that it is not enough for
us to thinke upon God and his works uppon the Lordes day every
man alone by himselfe: but that wee must meete together uppon
some day certeine to make open confession of our faith. (28)

That seems to be the general, practical issue for which John Calvin
was contending: "It is true that we bee not bound to the seventh
day: .... But yet must wee observe the same order of having some
day in the weeke, be it one or be it two". If a people are to
assemble for worship and "to shewe one agreement and union of
faith", it is "convenient to have some one day certeine for that
purpose". (29) All superstitious notions and popish opinions are
to be banished. What the Lord requires is that the stated day
should be bestowed "in nothing else" than

in hearing of his worde,
in making common prayer,
in making confession of our faith,
and in having the use of the Sacramentes.

Those are the thinges that wee bee called to.

That was the "generic ordinance" which the "outward order" served: (30)

Againe let us reteine still the outward order, so farre
as it is meete for us, that is to wit, of forbearing our owne

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(30) At Leviticus xix.30: xxvi.2.
affaires and worldly businesses, that we may intend wholly
to the minding of God's workes, and occupy our selves in the
consideration of the goode thinges that hee hath done for us.

(31)

That completes the consideration of the fifth sermon.

In his sixth sermon on the fifth chapter John Calvin expresses
moreplainly than he does anywhere else his view of what individuals
may do on the Lord's day in addition to attending church:

It is expedient that there be a day of rest for us to meete
together ...: and that therewithal the residewe of the days be
spent in considering the benefits that wee receive from time
to time at Gods hand, that he may be the better glorified for them. (32)

John Calvin, that is to say, offers no guidance for the private use
of the Lord's day beyond the general exhortation to "consider".
Such an exercise - like the use of the day of rest for worship
in church - was expedient. In the leisure of the Lord's day some
men will see an opportunity for private meditation on the works of
God and possibly for further reflection on the day's preaching.
The extent to which the individual may avail himself of that
opportunity will depend on his own will and capacity. Calvin
did not plan discipline to enforce that private use of the Lord's
day. But that he regarded it as ideal may appear from the
following purple passage which he preached "off the cuff" (so to
speak) and also "off the record": "The Lord his day ... must
serve us for a tower to mount up into, to vewe Gods workes a farre
of, as a time wherein we have nothing to let us ...." (33)

But his main concern would seem to have been with what the
people were to do unitedly on the Lord's day. Following the
passage just quoted, he emphasises that private meditation is not
enough: men must meet together to make open confession of their
faith. They were not bound to observe the day. But they were
bound to observe the assembling of themselves together.

John Calvin appears not to have felt that the movement in his
thought during the transitional phase called for any modification
in his exposition, in his institutes, of the Fourth Commandment.
If he had left the text untouched, that would have signified
little or nothing. He did, however, make one contribution to the
section on the Fourth Commandment. In the 1559 edition he
rounded off that section with these words:

We must be careful, however, to observe the general doctrine — viz. in order that religion may neither be lost nor languish among us, we must diligently attend on our religious assemblies, and duly avail ourselves of those external aids which tend to promote the worship of God.

A feature of that is that Calvin did not, in such a general statement, incorporate any exhortation about private meditation on the Lord's day. That in itself provides a commentary on the fact that he nowhere unambiguously defined private seventh day meditation. He was content to say that an idle day is not a holy day. To the end of his days his considered opinion would seem to have been that the observance of the Lord's day involves for all men an observance which has two features which are connected by "an indissoluble tie"; (34) namely, rest from the labours of the week, and worship. The "reverencing of the sanctuary" was "the generic ordinance". Impediments having been removed, people had no excuse for absenting themselves from the sanctuary. (35)

Geneva city statues provide a commentary on the early 1560 situation. (36) Sabbath-breaking is not included among those crimes which were utterly intolerable in an evangelical minister or among those vices which ought not to be found in him: (37) Sabbath-breakers are not mentioned in the list of the types of people whom inn-keepers were not to lodge: (38) and a list of the things which were not lawful and were contrary to the holy word of God and his commandments makes no mention of the observance of the Lord's day. (39) The last of those may be explained by the fact that there was a specific requirement, in a proclamation, that all were henceforth "to haunt and come diligently to the sermons of the word of God". (40) But people were despising, contemning, mocking, and setting at naught the Magistrates, the Ministers of the word, and "the holy worde of God it selfe". (41) A further proclamation was made, "hopynge for better god willing". It was in these terms:

(34) At Leviticus xix.30, xxvi.2. (35) At Lev.xix.30, xxvi.2.
(38) Pp. 77b, 78-78b.
(39) Page 68a.
(40) Page 68a.
Let it be known to you ... that every one ought, & is bound to come to heare the worde of God, principallye upon the Sundayes, and the dayes of prayer, and other dayes, when they maye have time and leysure ....

Item, that all men oughte and are bounde, to sende their children to the Cathechisme .... (41)

Item, that none shal playe, or run yeilye in the streates, duryng the tymes of sermons on Sundayes, nor daies of praier, nor to open their shoppes duryng the sermon tymes, under payne withoute anye favour, fyve shyllinges. (42)

The marks of John Calvin's version of the Functional theory during the transitional phase were, that is to say, after the following fashion:-

1. According the Fourth Commandment men were to employ themselves in the worship of God.

2. According to the Creation narrative, men were to employ themselves in the worship of God on the seventh day.
   Attendance at public worship on the seventh day was obligatory.
   Private meditation on the seventh day was a matter for the individual's own discretion.

3. The purpose of public worship on the stated day was "to show one agreement and union of faith" or "to make open confession" of faith.

4. Other activities were to halt during the time of public worship.

5. According to the Creation narrative, the seventh day was also to be a day of rest. This requirement was in accordance with a "special law" or "perpetual rule". Resting on the Lord's day was no longer, that is to say, in accordance solely with an inference from the Fourth Commandment, equity or charity.

That gave a new significance to the seventh day's resting. It obliged men to use their leisure on that day in one or both of two ways. Some would meditate privately. That is clear. All would use their leisure circumspectly by engaging in no activities and by behaving in no way which would be in contradiction to the purpose which ideally belonged to the seventh day - namely, the two-fold purpose of rest and meditation. That is not so plainly stated. The unedited Deuteronomy sermons provide the only

(41) Page 69a. (42) 70a.
possible evidence for it. It may indicate a tentative reaching-out of John Calvin's mind. No compulsion would seem to have attached to that second way of observing the "residue" leisure of the Lord's day.

6. There is also doubt as to whether the Creation narrative, in obliging men to observe the seventh day, obliged them to keep the twenty-four hours of the day. It is an altogether open question.

7. "To show one agreement and union of faith" by means of assembling together on the Lord's day may have had a symbolic function.

**FINAL POSITION**

Post-1559 Commentaries. - Calvin's post-1559 commentaries indicate what was his final position. He bases on Numbers xv.32-36 - the story about the stoning to death of the man who gathered /f sticks upon the Sabbath day - the magistrates' duty in connection with Lord's day observance. He sums up the story by saying that the purpose of that one man's death was that thenceforth the Sabbath might be held in greater reverence; and from the severity of the punishment he infers that the "criminal" had not erred through inadvertence, but was expressing gross contempt of the Law. He concludes:

This case shows us in general that the magistracy is appointed no less for the maintenance of the First Table, than the Second; so that, if they inflict punishment upon murder, adultery, and theft, they should also vindicate the worship of God. (43)

It is noteworthy that in the above submission Calvin asks for no more than that the magistracy should "vindicate the worship of God". His previous comment would seem to suggest that such a duty would involve taking action against those who displayed "gross contempt". At Jeremiah xvii.21-22 he elaborates that theme, and gives the impression that his concern was with "external sanctity". The Jeremiah passage referred to the hallowing of the sabbath-day by doing no work, bearing no burden, and carrying no

(43) The commentaries used in this section were published in 1563. John Calvin preached on Jeremiah from 1549 to 1550. The commentary is, nevertheless, taken here as giving 1563 teaching. The choice, while not wholly satisfactory, is not altogether arbitrary: it rests on Calvin's own testimony that before publishing them he edited his sermons thoroughly.
burden in by the city gates. It was a fertile text for a Sabbatarian. What John Calvin takes out of it is that God had sent the prophet to charge the people with "gross and base contempt of the law". The charge was that they refused to make even the slightest concession towards the observance of the day. The absence among them of even an external piety as to the Sabbath was adequate proof of their impiety. That was the burden of the Prophet's message. What he was asking from the people was a duty which was easily performed. The required observance was a "slight matter". But most shamelessly they refused to conform. The Prophet was concerned about the public effect of this. "It was as though one was not content privately to do dishonour to his neighbour or brother, but must show his ill-nature openly and in the light of day". It might, on the face of it, seem strange that the Prophet "insisted so much on a thing of no great moment"; but the reason was that "the gross impiety of the people was thereby plainly detected, for they despised God in a matter that could easily be done". Calvin sums up:

Now, when they carried their burdens and did their work on the Sabbath as on other common days, it was, as it were, designedly to shake off the yoke, and to show openly that they wholly disregarded the authority of the law.

The end to be served gives meaning to the issue involved. "God had no doubt chosen the seventh day", says Calvin, "that men might devote themselves wholly to the consideration of his works". The external order comprised the carrying of no burdens and the doing of no work. And the purpose was that the seventh day might be a day of worship. Observance of the external order may have been tantamount to a general confession by the whole body of the people. Calvin himself explains what this view of the seventh day meant in practice:

However this may be, we see that the principal thing on the seventh day was the worship of God. ... It was, in short, a general profession of God's worship, when (the Jews) rested on the seventh day. ... There was then in the violation of the Sabbath a public defection.

He labours the point concerning the violation of the general-profession-aspect of the day; and his point centres on "extreme impiety". His utterance bears tones of concern to an extent which would seem to be understandable only if his
concern was not about how the Jews of Jeremiah’s time "wantonly" violated their Sabbath but was **stark** stimulated by the Geneva situation. The question is whether he was concerned primarily about the observance of the Lord’s day in Geneva. His concern proceeded from the conviction that "the whole law of God and the whole of religion fell to the ground through the violation of the Sabbath". The reason for that was that

the end, which was spiritual, was connected with the outward rite; for God commanded the people to keep holy this day, that they might have a manifest symbol ... of their own sanctification. ..................................................

(God) ... had doubtless ... a regard to a true observation of the day, which consists not in the naked rite, but included something greater and more excellent, even that they might learn by self-denial to render themselves up to God to be ruled by him. ..................................................

In the observance of the Sabbath, therefore, is briefly included the whole of religion.

This is Calvin at his most elusive and exasperating. One exegete might maintain that Calvin was giving straight exposition. Another exegete might argue that there break through suggestions that he was speaking to the Geneva situation. Thus:

Men often excuse themselves on the ground of difficulty, - "I could wish to do it, but it is too onerous for me". They could not have alleged this as to the sanctification of the Sabbath; for what can be easier than to rest for one day?

The total impression is that John Calvin was pleading for the observance of every seventh day as a day of rest, but that he keeps relating that day of rest to spiritual rest and gives insufficient evidence of how he meant Christians to define the resting of the Lord’s day and, in particular, whether he meant that resting on the Lord’s day to be "a manifest symbol".

His commentary on the Fourth Commandment therefore assumes decisive importance.

**Exodus xx.8-11.** - Calvin's commentary on Exodus xx. 8, 10, 11 gives his latest exposition of the Fourth Commandment.

The Fourth Commandment's purpose is "that believers should exercise themselves in the worship of God". The purpose would seem to include the use of a stated day; "for we know how prone men are to fall into indifference, unless they have some props ...
or some stimulants". There was an admitted connection between the observance of the Jewish Sabbath day and worship. Nevertheless, the observance of the stated day was an observance in its own right, "that ... the people might be encouraged to maintain the unity of the faith and to preserve the harmony of the Church".

Christians are to remember "the spiritual substance" of which the Jewish Sabbath was the type. The Jewish Sabbath had two purposes. The first was "the holding of assemblies". The second was that it might provide a visible representation of "the perfection of sanctity". That sanctity consisted in men's ceasing from their works. Such ceasing from their works meant that "they should divest themselves of their reason, counsels, and all the feelings and affections of the flesh". The Jews were not forbidden to do anything whatsoever on the Sabbath day: certain activities were legitimate. "But they were only called away from their own works, that, as if dead to themselves and to the world, they might devote themselves wholly to God." Thus there was a sense in which the Fourth Commandment was a ceremonial precept; a shadow. Equally, the outward rest of the Sabbath day was more than a ceremony. Christians have to interpret that something more in terms of Christ. Thereby they interpret the "peculiar excellency" or "substance" of the Jewish Sabbath. The "substance" was the spiritual rest which the Sabbath typified. And "that true rest is brought to us by the Gospel". Thus "the genuine reason of the Commandment [is] that we should rest from our works 'even as God from His'." That explains why God assigned every seventh day - and not the sixth or tenth - to be the Sabbath. "God created the world in six days and rested on the seventh, that He might give a manifestation of the perfect excellency of His works". Thereby he signified that "he calls His own people to the true goal of felicity". The number seven represents perfection.

All the preceding paragraph pertains to the spiritual Sabbath. The "ordinance of rest" was "a type of a spiritual and far higher mystery".

From the passage as a whole it would, however, seem to be a reasonable inference that Christians are to use the seventh day as a "prop" or "stimulant" to maintain them in their care and zeal for the Sabbath's "spiritual substance" and its excellency and also to preserve the unity of the faith and the harmony of the
Church.

Two comments must accompany the inference. Together they seem to stress that in accepting the seventh day for Lord's day observance John Calvin was not regarding the seventh day as sacrosanct. Likewise, if John Calvin attributed some kind of figurative significance to the observance of the seventh day he was at the same time safeguarding himself against subscribing the Catholic view that it was the "proportion" of one-seventh which was figurative. He would seem to have contrived to accept the day as a day to be observed without accepting the day as a day of twenty-four hours. The first comment underlines his teaching that to Christians Lord's day observance was no more than a "prop". One of the last things he must have written was his preface to the Harmony of the Four Last Books of the Pentateuch. There, concerning the Ten Commandments, he wrote:

The outward Exercises of Worship ....... 

have [the object of] .... merely to aid in the observance of the Moral Law; and it is not a little important, that we should understand that the Ceremonies .... neither change nor detract from the rule laid down in the Ten Commandments; but are only helps, which, as it were, lead us by the hand to the due Worship of God .... 

Therefore, God .... pronounces all External Rites but vain and trilling, if the very least value be assigned to them apart from the Ten Commandments. Whence we more certainly arrive at the conclusion to which I have adverted, viz., that they are not, to speak correctly, of the substance of the law, nor avail of themselves in the Worship of God, nor are required by the Lawgiver himself as necessary, or even as useful, unless they sink into this inferior position. In fine, they are appendages, which add not the smallest completeness to the Law, but whose object is to retain the pious in the Spiritual Worship of God. (44)

(44) Page xvii. (45) C.32.
decency, order, and peace, in the Church". (46)

Such considerations must restrain, it would seem, any tendency to think that John Calvin unduly exalted the seventh day in Christian observance or that the observance of the "residue" of they day by means of rest was of the substance of the Fourth Commandment.

At Exodus xx. Calvin proceeds to be explicit. The Fourth Commandment, he says, had three different objects.

(a) First, it was with a view to clearing a space in the week in order that there might be unimpeded and uninterrupted worship of God.

Men should, indeed, be worshipping God every moment of their lives. Men don't, as a matter of fact, so worship God. They are remiss. God, therefore, makes the following provision to ensure that men will at least have the opportunity of worshipping him, without let or hindrance, once a week:

Since our minds are so fickle, and apt therefore to be forgetful or distracted, God, in his indulgence providing against our infirmities, separates one day from the rest, and commands that it should be free from all earthly business and cares, so that nothing may stand in the way of that holy occupation.

(b) Second, it was with a view to men occupying that cleared space by assembling for worship. Calvin states the purpose thus:

On this ground He did not merely wish that people should rest at home, but that they should meet in the sanctuary, there to engage themselves in prayer and sacrifices, and to make progress in religious knowledge through the interpretation of the Law. In this respect we have an equal necessity for the Sabbath with the ancient people, so that on one day we may be free, and thus the better prepared to learn and to testify our faith.

(c) Third, it was with a view to there being a day of rest, for the relaxation of servants.

This object was "an accidental one, as it were", "an extrinsic advantage". (47)

There was nothing in the character of the day which made it heinous that the resting should, for necessary purposes, be broken: "for this reason Christ declares that 'the Sabbath was made for man,

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(46) C.33. (47) Exodus xxiii.12 - Calvin describes it as "incidental".
and not man for the Sabbath", since God does not require more than was useful or necessary for keeping the people in the exercise of piety.

Among the Jews there was, nevertheless, more to the relaxation for servants than mere equity. "The honouring of the One God" was involved. The repose of man and beast on the Sabbath day was a lesson to incite men to observe the spiritual Sabbath. Calvin maintains, however, that for Christians the third object of the Commandment "pertain to the rule of charity" and that therefore "it has not properly any place in the First Table". At the same time, the Sabbath was possibly hallowed before the time of the probable Fourth Commandment of the First Table. Yet the Commandment at least reaffirmed the observance for the Jews. Any Christian counterpart to "the honouring of the One God" by means of the leisure of the Lord's day would seem to be derivable, if at all, from that possible, prior hallowing of the Sabbath. The Lord's probable day would seem to have been for the purpose of assembled worship. Private meditation, relaxation of servants, and any figurative significance to the day's resting were, so to speak, by-products.

The features of Lord's day observance in the last, brief phase of John Calvin's thinking were:

1. Calvin can hardly have attributed to the Lord's day anything of the character of a Christian Sabbath or of a sacrosanct proportion of the week.

At Exodus xxxi.13 he seems to indicate that in Geneva he and his adherents did not in their private lives appear to keep the Lord's day as a Sabbath day: they were calumniated because they seemed to disregard the Sabbath. Calvin's defence is: "There is nothing which more completely confirms (the Sabbath's) reality and substance than the abolition of its external use".

2. The Lord's day was to be a day of rest.

3. The resting had a two-fold direct purpose.

First, it was to give men the chance to unite in worship in church, by being free to do so.

By so uniting in worship they both learned the faith and confessed it. That is clear. The united confession may have been regarded as a corporate witness. That is open to question.

Second, it was to give servants relaxation.
4. The resting may have had a two-fold indirect purpose.

Firstly, it provided individuals, who were so minded, with an opportunity for private meditation.

Whether Calvin taught that Christians were more obliged to use the leisure of the Lord's day, for that purpose, than they were obliged to use the leisure of any other day, is debatable.

Secondly, it may have been for the purpose of supplementing the church assembly by itself being an act of worship in that it testified to what Christians believe about spiritual rest. The magistrates were to take action against those who offended against this rest-as-worship aspect of the day. Offenders were those who refused to rest and thereby committed a "breach of the peace". Their behaviour expressed contumacy and signified a public affront to all that worship stood for. It disrupted the "wholeness" of the act of resting. Such behaviour was an offence against that aspect of the Lord's day which may have corresponded to that aspect of the Jewish Sabbath which could be described as a "manifest symbol" or as a "general profession of God's worship". It may have been a corporate acknowledgment of Christ's "yoke"; and may have constituted, together with the church assembly, a weekly witness to the faith. But, if so, it was the resting in itself - the quiet; the repose - and not some spiritualised view of the day's leisure, which constituted the silent witness or confession of faith without words. That is put forward, namely, as a possibility.

There ends the story of the three phases; except for the following appendix.

It must be emphasised, in conclusion, that the writer has had diffidence in putting forward one of the suggested features of the theory which Calvin set forth in the transitional phase and one which he set forth as his final position. Concerning the former, it is possible that the weekly assembly may not have had the purpose of being a public, corporate witness to the faith, but may have had the purpose only of providing the individual with an opportunity of confessing his own faith. Concerning the latter, it is possible that the resting of the seventh day may not have had the figurative aspect of a corporate witness but may have had no figurative or quasi-figurative significance beyond being a reminder of the perfect spiritual rest which is to be found in
Christ and in unbroken contemplation of God.

The present writer adheres, with a full measure of modesty, to his assessments of what were the theories which John Calvin held. They incorporate a concession to the cumulative impression which two features of John Calvin's writings make. The first is his reiteration of certain features of the Jewish Sabbath. The second is his apparent selection of those features from other possible aspects of the Jewish Sabbath. That John Calvin unfailingly kept relating those features to the spiritual Sabbath and kept emphasising that they were Jewish ceremonial does not dissipate the impression that he must have had a reason for selecting those features which could be made to appear relevant to Lord's day observance and that when he kept emphasising the sense in which those relevant features were inapplicable to Christians he must have had in mind some sense in which they were applicable. In short, John Calvin's way of writing about the Jewish Sabbath would appear to have justification only on the assumption that his selective version of the Sabbath's purpose was with a view to pointing in the direction of a Christian counterpart observance of a seventh day.

The present writer freely admits, at the same time, that a strong case could be made out for the contention that John Calvin did not at any time move far from his original De Facto position; and that all that he added in the transition phase was the obligation upon Christians to observe the seventh day in accordance with God's "special law", and that all that he added in the final phase was the obligation upon all citizens to observe the seventh day as a day of rest from labours and from distracting occupations. Thus one of John Calvin's latest words on the subject was to the effect that among the Jews it would have been "mere mockery to rest without any ulterior object"; and he there defined the ulterior object by saying that its purpose was "that the people might understand that all impediments were removed which are wont to withdraw them from the service of God". And it so happens - a rare occurrence - that in that place it is plain that by "the service of God" John Calvin meant the service of God in the sanctuary. (48)

Fortunately, the ambiguity of the second and third phases does

(48) At Leviticus xix.30; xxvi.2.
not cripple the attempt to discover what was the Scottish Sunday observance of the sixteenth century, and its manifest indebtedness to John Calvin. Doubtless there would be those in sixteenth century Scotland who would study Calvin's Commentaries in a comprehensive way, and would try to get a grasp of his total teaching about Sunday observance. And such study would, on the long view, make its own impact on Scottish thinking on the subject. But what is definitely known is that in the 1560-1606 period John Calvin's teaching on Sunday observance was passed on to the Scottish people mostly by way of two catechisms. The first was that which John Knox and his confreres used. It was known as Calvin's Catechism. (49) The second was Craig's Catechism. Its influence dates from 1581. Craig's Catechism may have incorporated something of John Calvin's later emphases. The earlier Scottish catechism gave Calvin's pre-1545 teaching. These two catechisms give what was understood in Scotland to be John Calvin's teaching on the Sunday question; or, alternatively, what the compilers had extracted from his teaching.

Calvin's Catechism was the undisputed catechism in Scotland from 1560 to 1581. It was heavily indebted to William Huycke's catechism. (50) Huycke's book was published in 1550 - that is, before John Calvin had departed from his version of the De facto theory. It was - with the help of the 1545 Latin original - a translation, into English, of a French translation of Calvin's 1545 catechism. (51) That made a channel by which John Calvin's De facto teaching could flow into Scotland and be regarded by the Scottish catechumens as John Calvin's teaching on Sunday observance.

That does not mean that all the Scottish reformers were willing to accept Calvin's teaching. It would seem, however, that John Knox and the Preachers adhered to what they believed to be John Calvin's teaching about Sunday and the keeping of Sunday; or, alternatively, what they regarded as the cream of his teaching.

(49) The forme of prayers and ministration of the Sacraments (John Crespin, 1556). The list of contents in the following editions also contains "The Catechisme of M. Calvin" or "The Catechisme of M. Calvin":-
Printed for Benjamin Allen in Papes-head Alley, London, 1643.
Printed first at Geneva, 1558.
Also, Durand, 1561; Lekprevik, 1564 and 1565; No place or printer's name, 1584; Andro Hart, 1611.
Likewise, in the following editions of the CL psalmses of David in meter:- Schilders, 1594; Smyth, 1599; Schilders, 1602.
(50) "The Catechisme of Geneva ... by John Calvine", in The forme of common praieres ... frenche into Englyshe (London, 1550).
CHAPTER FOUR
JOHN KNOX AND THE PREACHERS
1560-1572

The present work carves the 1560-1606 Scottish Sunday observance into periods; of which the first is 1560-1572. February 1572 was the date of the Articles of Leith. The Articles symbolise the ascendancy of those who had resisted the more radical and truculent elements within the Scottish reformation movement. Those elements, whose leaders were John Knox and the "Calvinian Preachers", (1) will here be called Knoxians. On the Sunday question they were a small minority; but made an impression which was out of all relation to their numbers. Their views issued both directly and indirectly. The present chapter's concern is with the former method. It consists in the publication of views which were manifestly Knoxian; and it operated through two main channels. One was by way of a 1566 General Assembly publication. The other was by way of 1556 and 1560 publications. The Knoxians will include, inevitably, those furth of Scotland who assisted in the preparation of the 1556 books. But that need not compromise the findings concerning the view of Sunday observance which John Knox and the Preachers held from 1560.

It should be helpful to recall at the outset two things about the Knoxians; and add a third. To suggest the measure of their importance, they will be set down stark. They are:

1. The Knoxians were men of independent mind.
2. They were in the prophetic tradition.
3. They did not preach against profanation of Sunday.

Those three statements, if approved, should help to explain the radical character of the Knoxian view of Sunday observance and of those modified versions of it which began to emerge in December 1568 and persisted in Scotland to the end of the sixteenth century. It was a version of the De facto theory.

THE KNOXIANS

There follows an attempt to substantiate the three statements, in so far as they are relevant to the present study. (2)

(1) Winian Winzet, Certain tractates (Edinburgh, 1888), I, 56.
(2) Where references are omitted, the chapter will subsequently make good the omissions.
1. The first was that the Knoxians were men of independent mind.

Four instances demonstrate that they had a mind of their own and the courage of their convictions. From the Communion Service they excluded a recital of the Ten Commandments. Further, their version of John Calvin's exposition of the Fourth Commandment— in his 1545 catechism — removed two possible causes of ambiguity: it made it clear that Christian use of Sunday was not in accordance with a divine obligation to keep the seventh day; and it gave a sabbatical colouring to no word which referred to the seventh day. (3) Further, when they abolished all holy days they also ceased to keep Easter day and Whitsunday. And, further, their 1556 service book made no mention of Sunday, the Sabbath day, or the Lord's day.

(3) (The presence of the first ambiguity in Calvin's 1545 catechism may indicate that even by 1545 Calvin was beginning to move in the direction of the position which he set forth unambiguously in his Genesis commentary. The presence of the second suggests that he had not reacted in an iconoclastic manner against the use of holy days — provided the use was not tied up with superstitious notions. The 1556 catechism's removal of those two possible ambiguities does not, however, mean that the compilers were of set purpose diverging from Calvin's text: the French translation had diverged from it at those points; and Huycke's translation of the French had diverged, more widely).

Of the Sabbath day and of the one day in seven respectively, the 1556 catechism had followed Huycke when he avoided transliterating "segregavit" and "destinari". Likewise, where Calvin used the term "the Sabbath day" (with capital letter), the 1556 book used the French version, "the day of rest". Concerning the primeval seventh day, it followed Huycke's translation of Calvin's Latin and said simply that God had dedicated it "peculiarly to himself". The French had said simply that God "sanctified" the day. Again, Calvin had used the words "teriamur" and "teriandi" (which were tinged with Catholic sabbatism in that they had meaning only in the context of holy days) to describe what the Jewish Sabbath's spiritual rest means for Christians. It seems a harmless enough use of the Latin words. But the French translation had at those two points taken special care to avoid giving the impression that it meant keeping holiday on a particular day. The 1556 book took even greater care to ensure that there would remain no doubt about its teaching that the Commandment does not oblige Christians to observe a "certain", stated day, and that the use of a stated day in the week is no more than a "politic use". (The 1556 version of the Commandment suggests that the editors did not use Calvin's 1545 catechism in its standard, Latin form, but that they probably knew the French translation of Calvin's earlier catechism; and that they were following Huycke's translation. A comparison of the 1556 version of the Commandment with Huycke's, and its omission of the word "utterly" from Huycke's explanation that labour was "utterly" prohibited on the Jewish Sabbath day, provide two illustrations that the 1556 editors followed Huycke's translation closely but not slavishly. Huycke's paraphrase of the Commandment's concluding words evidences acquaintance with the Latin text.)
Not only so, but to be thus out of step with the main body of the
reformers caused them, apparently, no undue sense of embarrassment:
they were persuaded that it was the others who were out of step.
At Frankfurt, for example, no suggested order for the ministration
of the Lord's Supper — not even John Calvin's — had measured up to
their standards of godliness. They drafted an order of their own,
fully aware that its "singularity" might cause some perchance to
"marvel". A note "To the Reader", however, explained why they
preferred their own order to any other. (4) Again, no other
catechism wholly coincided with their views. With the help of
William Huycke's translation of a French translation of John Calvin's
1545 catechism, they produced a catechism which conformed
meticulously with their position. Later they maintained that their
own catechism was "the most perfect that ever yet was used in the
church". (5) Again, concerning holy days, Easter day and Whit Sunday,
through the 1566 General Assembly the Knoxians explained why on
that particular issue they felt bound to remain singular. (6)

It would be premature to give their justification for not
mentioning Sunday, the Sabbath day, and the Lord's day in their 1556
Form of Prayers. Yet the omission does at once spotlight their
general attitude towards such customs or usages as in their view
were based not on the Bible but on "unwritten" tradition. Admitting
final authority to no traditions which had not "the expressed
commandment of God's word", (7) they proceeded in the conviction
that they were competent to dispose of "men's" traditions. The
Form of Prayers placarded their general attitude towards any form

(4) The 1558 edition of the Form of Prayers may have removed
the note; but, if so, the 1562 (Lekprevik) edition restored it.
What purports to be a reprint of the 1558 edition - The form of
prayers, etc., printed first at Geneva, MDLVIII; London, 1643
omits it. But that reprint would seem to be nowhere catalogued or
recognised. This may mean that the experts either are unaware of
its existence or regard it as unreliable).

(5) The works of John Knox, ed. David Laing — hereafter called
"Knox, Works" - (Edinburgh, 1895), II, p.239. The Knoxian catechism
resembled Calvin's so closely that it was very properly called
"Calvin's". The differences, however, though subtle, are several,
and consistently safeguard the purity of the De facto position.
The 1556 book also increased the number of marginal references,
apparently for the same purpose. See the catechisms given in
footnotes (50) and (51) of Chapter Three; John Calvin, Catechismus
ecclesiae Genevensis (Geneva, 1550); and the 1556 catechism.

(6) Knox, Works, VI, pp.547-48; Acts and proceedings of the
General Assemblies of the Kirk of Scotland — hereafter called DUR —
(Maitland Club, Edinburgh, 1839), I, p.90. "Hamratyne am

of worship which seemed to rest only on "laws and common consent" (8) - its end page set out, like a motto text, *this:

MATTH. XV.
They worship me in vayne tea
chinge doctrine, which
is mens tra
ditions.

Small wonder that their opposite numbers in the Frankfurt debate charged them with "newfangledness and singularity". (9) The choice of nouns may have been pardonable: John Knox later knew that his attitude towards the Edwardian book, in particular, would be adjudged "extreme and rigorous". (10)

The extremity and rigour were characteristically Knoxian.

A supplementary reason for this trait could at heart have been a simple one. The Knoxian exiles from England were reformers in their own right. Extremity, moreover, had tested the strength of their convictions. Thereafter, at Frankfurt, debate with moderates from England had further sharpened their wits and fixed more firmly than ever their principles concerning the issues which had been at stake in England. Such men do not subsequently change their declared views overnight, and do not pass from one theological position to another merely because they happen to proceed from, say, England to Frankfurt, or from Frankfurt to Geneva, or from Geneva to Scotland.

The prime and main cause of their independence of mind is, however, beyond dispute. It was rooted in a form of utter loyalty to those books of the Old and New Testaments which they accepted as canonical. Their loyalty to the Bible should be stressed. The Knoxians were prepared to enter into disputation only if the disputants were first agreed "that the plain and written Scriptures of God should decide all controversy". (11) The "inviolable preservation of God's religion" required that no human authority should alter "the least one jot" of it. (12) Deviation from the Scriptures could result in pollution, and in what was " execrable, and accursed". (13)

That adherence to the Bible led John Knox to the conviction that in religion there could be no middle positions: religion must be either of God or of the devil. It threatened to become the

(12) V, 515. (13) VI, 14.
latter as soon as, "in the least a jot", (14) it deviated from God's word and turned aside to what, by so much as one iota, belonged to "custom, consuetude, will, consent, and determinations of men". (15) On the "very point" of his departure from England for the Continent, and again in 1561, he showed the temper of his mind. On the former occasion, he testified that his conscience had been "certified by the infallible, and plain word of God", and that from it he was not "one jot removed". (16) On the latter occasion, he rejected out of hand a malicious rumour that John Calvin had modified his teachings. (17) To Knox, deviation from the declared positions was unthinkable in his own case, inconceivable in John Calvin, and inadmissible in any of the faithful. His parting exhortation to "the small number of the Faithful in England" was that they be not "moved with any wind". (18)

The Knoxian viewpoint towards religious issues in general was thus, fundamentally, based on a determination to adhere immovably to the word of God. Further, the Knoxians proceeded from an assurance that they were competent to interpret that Word and to judge contrary interpretations. Accordingly, towards that "mother to all mischief, and nurse most favourable to superstition" (19) - the traditional which was not at the same time Biblical - they were vigilant as hawks, poised in the conviction that, in the event of unscriptural practices becoming a cause of superstition, they could do no other than attempt to bring them to an abrupt end.

Their view of Sunday observance was in keeping with this set of their minds. The Knoxians had to come to a decision about four things. The first concerned the right interpretation of the Fourth Commandment. The second was whether the institution of Sunday to be a Sabbath day rested on human or on divine authority - whether, in other words, it was of divine appointment or belonged to the category of "men's traditions". The third was whether the observance of a Sabbath day, if unscriptural, tended to engender a superstitious attitude towards Sunday. The fourth was whether, if Sunday was tending towards superstition, it was legitimate to keep Sunday to any extent at all. Having arrived at a decision, the Knoxians proceeded to set forth their view of Sunday with thoroughness, and with the directness of an Old Testament prophet.

2. The second statement of the three also helps to explain the independent and radical character of their views. It was that the Knoxians were in the prophetic tradition.

They were allergic to anything which savoured of the priestly and, in particular, to the very appearance of superstition. This set up in them an acute reaction to ceremonies. The Frankfurt description of them as newfangled and singular may have carried a special significance. To answer those who had been agitating against ceremonies, the 1552 English prayer book had an introduction entitled, "Of ceremonies, why some be abolished, and some retained". It referred to those of that time who were "so new fangled, that they would innovate all thing". (20) The critics of the Knoxians at Frankfurt may have been echoing those words. The implication would not distress the Knoxians. On the contrary, their preface to the 1556 Form of Prayers included an unrepentant defence of their known attitude to ceremonies and the accompanying danger of superstition. They explained:

For as much as there are some, which ..., rather delighting in custom than knowledge, can not suffer that men should once open their mouths against certain old and received ceremonies, we thought good in this place somewhat to touch that scrupulosity.

Ceremonies which are "grounded upon God's Word, and approved in the New Testament" are commendable. Those which men have invented, on the other hand, ought indiscriminately to be abolished "if they be once abused, import a necessity, hinder God's Word, or be drawn into a superstition". (21) It would seem, therefore, that the Knoxians could not but ask themselves whether the observance of days - and in particular the keeping of Sunday as a Sabbath day - might be among the ceremonies which ought to be abolished.

John Knox was second to none at Frankfurt in his opposition to ceremonies; but may have had no part in the final draft of the 1556 preface. To its substance, however, the Knoxians in Scotland


manifestly subscribed: they avoided describing as "ceremonies" the ordinances which they used. (22)

But their reaction to ceremonies was not merely negative. Hotly concerned to set forth a reformation which would be in accordance with the Word of God and the moral law, they exalted the preaching of the Word, and regarded preaching as the antidote to the superstition which ceremonies viciously tended, in their view, to beget. With the help of the preaching, therefore, they sought to safeguard from superstition such ordinances (ceremonies) as they regarded necessary. Their safeguard in connection with public, common prayer was two-fold. Firstly, they explained that it was unnecessary to use the prayers in their service book as set prayers. (23) Secondly, they would seem not to have disciplined those who absented themselves from church when the service consisted of common prayer alone. (24) Their safeguard in respect of the ordinances of Baptism, the Lord's Supper, and Marriage was to stipulate that they were to be annexed to the preaching. (25) Similarly, they would seem to have required that public repentance should be at the time of the preaching; (26) and to have absolved the penitent "according to the promises annexed with the preaching of (God's) word". (27) Presumably no safeguard was necessary in respect of catechising, seeing that the catechism was an exposition of the Word and that catechising was therefore of the same nature as preaching.

Observed days could not so be safeguarded, and were thus a prey to superstition. To have a sermon preached on such days was not enough. The preaching could safeguard "time of sermon" only. The observance of a day, on the other hand, was applicable to hours when people were not in church, and carried a significance which was not integral with the Gospel. The keeping of a day holy was a self-contained ceremony which had no warrant from the New Law. The observing of days accented a holiness which was not synonymous with the holiness of God. For one thing, his holiness belongs to...
equally to every day. The setting apart of certain days signified, on the contrary, that those days were to be regarded as holier than other days. That involved a "doctrine of days" which "distected" certain days. To the Knoxians such a doctrine was man-made and devilish. (28) It set forth not the religion of God according to the teaching of the Bible, but a religion of "time" according to a teaching about "days". Its "text" — as the preacher might say — was a prescribed proportion of time, and not a "place" of Scripture. Further, it sought to convey a message by means of an "image" or "type", and was therefore and to that extent other than Christ himself. It was a "figural ceremony". The Knoxians would have no truck with it. They abolished all holy days. Because those days which were dedicated to Christ were being kept in the same manner as holy days, and were causes of the same superstition, the Knoxians ceased even to give any recognition to such days of the Christian Year as Easter day and Whitsunday. (29)

And their opposition to the keeping of such days would seem, initially at least, to have been militant. Ninian Winzet, the contemporary Roman Catholic apologist, writing — to the Edinburgh Town Council — probably of the situation which obtained in Edinburgh prior to October 1561, averred that the Knoxians encouraged citizens to chalk the doors of those Roman Catholics who closed their booth doors at Easter. The Knoxians did this, he said, because they regarded such observance of Easter as idolatrous and punishable. He wrote:

I se the seditioun amangis zou and zoure citizanis, for the celebratioun of the solennitie off Pasche, and quhou ze command to calk the closit buith durris, at this tyme of certane nocht disionit fra the haly Kirk universale with zou, and haldis the samyn men idolatouris and worthy of punisment. (30)

The Knoxians would appear to have protested because Roman Catholics were observing Easter by means of resting. The offence of so keeping Easter did not consist in the simple act of ceasing from work in order to enjoy bodily rest. The resting conveyed a religious significance. It was idolatrous — that was the crux of the matter. That meant something more specific than that it was Roman Catholic. It was, within the present context, a "holy"

resting - there was the rub. In other words, the Roman Catholics in question were regarding Easter day as a Sabbath. And to the Knoxians, as to John Calvin, such sabbatism was a "gross and carnal superstition".

That is probably the kind of background against which the Knoxian view of Sunday observance should be seen. There appears to be not one instance of a manifestly Knoxian publication referring to Sunday as the "Sabbath day".

This helps to explain why, apparently, the Knoxians did not think in terms of the profanation of Sunday.

3. They did not preach against profanation of Sunday.

The silence which John Knox and the Preachers maintained on the subject of Sabbath day profanation was as articulate as it is possible for such a silence to be. Had they to any degree been Sabbatarian in outlook they would hardly have maintained unbroken silence: for one thing, their view of the nature of preaching made it well-nigh impossible for them not to denounce a public transgression of the law of God; (31) for another thing, the situation would have provided them with an abundance of occasions for preaching against the breaking of the Fourth Commandment.

(31) Their conception of their function led them to preach to the times, and to relate their sermons not to generalities but to particular events and issues, and to particular follies, faults, vices and crimes; and by its teaching that judgement in this world follows sin, as effect and cause, their theology impelled them so to preach. Woe to the preacher who did not "discharge his conscience"! - Knox, Works, II, p.418.

The Knoxian view of preaching, which held that a sermon should be based on a prescribed text or passage of Scripture, was thought of as including the following five characteristics:

First, a preacher who preached in general terms was not doing his duty.

Second, the preacher was to apply his text to the time or state of the people as a medical practitioner prescribes for a particular condition or individual.

Third, there is a suggestion that if a preacher did not name the condition, he was still failing in his duty - even although no hearer needed to be told what the preacher specifically had in mind. He was to call "a feg, a feg, and a spead, a spead".

Fourth, this was the function of a preacher's office and it could not be qualified.

Fifth, the preacher could not but so preach; seeing that he believed that nemesis follows sin in this world and the sin of the individual is visited upon the nation.

- Based on Richard Bannatyne, Memoriales of transactions in Scotland, I.D.LXIX-I.D.LXXII (Printed for private circulation, Edinburgh, 1636), pp. 71, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106; and Knox, Works, II, 427r, 498, VI, 553-54, 582-83, 586-92, 594-95, 624, 629, 635.
The Anoxian Preachers believed that public denunciation of public transgressions of the law of God was part of their bounden duty. A critic could maintain that preaching of that sort caused religion to be evil spoken of, and the whole ministry to be hated and abhorred; and could submit that such preaching not only led to meddling of civil and profane matters with the Word of God but was dividing the Church into contrary factions. (32) The Preachers were impervious to such criticism. John Knox could, in reply, state their case by claiming that the Bible gave to them the same "sentence and power" which God had given to his prophets. (33) It may therefore reasonably be assumed that they "discharged their conscience" in respect of the Fourth Commandment.

Over against that conception of their prophetic function and their duty to pin-point public transgressions of the divine law is the fact that at no time does any one of the Preachers seem to have raised his voice in reproof of Sabbath profanation. In their exercise of the prophetic function in this matter their kinship may have been not with a prophet like Ezekiel but with a prophet of the stamp of Amos. The Preachers could at times direct their preaching against the habits of the palace and of the courtiers and be "wondrous vehement against all manner of vice", vanity, and profanity (34) - but not against the profanation of the Sabbath day. And this silence concerning Sabbath profanation they consistently maintained right through John Knox's life-time.

What makes the more noticeable the omission by John Knox and the Preachers of any reference to Sabbath day profanation is that as at 1560 the condition of Sunday observance in Scotland was notorious; and Roman Catholics humbly confessed that it was so. (35) Knoxians passed no comment. The occasions for comment in the following decade were there in plenty, if there had been the eye to see and the mind to tell. In Edinburgh and neighbourhood, for instance, the Queen bestowed knighthoods on a Sunday. (36) The

Provost of Edinburgh could convene an emergency meeting of the Town on a Sunday; (37) the Town Council could receive a letter on Sunday; (38) and even Communion Sunday was regarded as a possible day for secret political conferences. (39) People journeyed, (40) walked abroad, (41) and entertained visitors on Sundays. (42) Sunday did not bring the week's business to a halt: (43) goods were carted, (44) markets and fairs were held, (45) taverns were open, (46) and soldiers were recruited. (47) The poor at the kirk door caused a breach of the peace; (48) as did a Roman Catholic during pre-Communion examination of the people. (49) People engaged in games, (50) pastimes, (51) and sports. (52) Masques, (53) and banquets (54) - including a civic banquet (55) - were held on Sundays. Customs such as the Abbot of Unreason and the holding of Robin Hood plays on Sundays were adapted to suit rowdy youths, or those who saw in such customs an opportunity for "sedition" and "tumult". Thus the streets could be filled with banners and armed.


(39) Knox, Works, VI, 552. (40) II, 561n; Bannatyne, I, 135.

(42) Pages 504-505.


(44) EBR, III, p.276.


(48) EBR, III, p.194.

(49) Criminal Trials, I, Part 2, p.417.

(50) Sprott, p.150.


(52) Knox, Works, II, 313n; Robert Aech, History of the affairs of Church and State in Scotland (Spottiswoode Society, Edinburgh, 1844), I, pp.119, 120, 123, 125.


(55) Page xxxvii; Diurnal, 66-67; EBR, III, 189, 189, 119, 121.
men, and the general impression could be that of bedlam - all on Sundays. (56)

Yet no Preacher protested. The Preachers as a class would appear to have ignored such profanation of the Sabbath day. They supported the magistrates' attempts to bring the common life into conformity with the commandments of God - but withheld, apparently, their support of any attempted reformation on a sabbatarian-based interpretation of the Fourth Commandment.

Concerning John Knox himself, in this respect, evidence is slight. Of his Sunday habits little is known. There are instances which show him attending to his correspondence on Sundays; (57) conferring with an English ambassador and a Scottish Lord on a Sunday; (58) journeying on a Sunday. (59) But more telling than any of these is the absence in his Works of reference to any aspect of Sabbath day profanation; and, in particular, the nature of his account of the wedding festivities which followed the marriage, on a Sunday in 1562, of the future Regent, Moray. Knox wrote that the banquet and the vanities offended many of the godly. He did not express his own disapproval, and did not report disapproval by any of the godly, that the "offences" were committed on a Sunday. That the banquet and vanities took place on a Sunday would seem not, in John Knox's eyes, to have added to their offensiveness. (60)

An appendix to the present section all but articulates the silence which John Knox and the Preachers thus maintained. It deals with three instances where Knox failed to mention Sunday and its observance when mentioning it would seem to have been easier than avoiding mention of it, and when such avoidance possibly indicated nicety concerning a principle involved.

(56) EBR, III, pp.106, 112, 113, 134; Criminal trials, I, Part 2, pp.409, 410.


(58) Selections from unpublished manuscripts, 1543-1568 (Maitland Club, Glasgow, 1837), p.106.

(59) Diurnal, p.94.

His reporting of the 1558 Band or Bond would appear to provide one instance. The purpose of the Bond’s subscribers - which included the Earl of Morton - was that in Scotland there might be "the face of a reformed kirk". (61) Their resolutions primarily concerned common prayers "on Sunday and other festival days". (62) John Knox reported the resolutions in such a way as to include the mention of common prayers but to omit mention of the Sunday or the holy days. For "Sunday and other festival days" he substituted "certain times". (63) The omission could in itself testify to nothing more than Knox’s aversion to holy days, and to his reluctance to falsify his narrative blatantly by omitting the reference to the holy days without at the same time omitting the reference to Sunday. Such reluctance would hardly, however, have been in character. Moreover, the substitution of "certain times" has a distinctive ring. It recalls the distinction between the moral and the ceremonial aspects of the Fourth Commandment. Its use suggests that John Knox was consciously adhering to the principle which the Fourth Commandment embodies but was refusing to apply the principle specifically to Sunday. He was virtually protesting against the view that Sunday was a festival day.

1553 provides the second instance. The instance would seem to give some credibility to the foregoing interpretation. The question asked at what times Christians should engage in public and common prayers. John Knox's answer, complete, was: "At all times". (64)

A sermon of his in 1565 provides a third instance of his apparent diffidence to name Sunday when there was the possibility that thereby he might seem to be ascribing to it something of the character of a Sabbath day. The sermon was on "How man doth visit God". In it John Knox referred to the people of Israel’s observance of their Sabbaths and their daily oblations; but would appear to have been content to refer to them parenthetically. The Jewish parallel which, on the contrary, he quoted to illustrate his point, was attendance at the tabernacle three times a year. To get his

(63) I, pp.299-300. (64) III, p.103.
emphasis, and to safeguard against taking liberty with his parenthesis, his words are worth quoting:

Man doth visite God ... as the people of Israel, besides the observation of their Sabbothes and dayly oblations, were commanded thrice a year to present themselves before the presence of the tabernacle, and as we doe, as often as we present ourselves to the hearing of the worde.

For John Knox's sermon, that seems to say, the Jewish Sabbaths were beside the point. The tabernacle was, for Knox, the significant ordinance; and among Christians the hearing of the word corresponded to the manifold Jewish observance. Thus his conclusion was:

For there is the footstool, yea, there is the face and throne of God himself, whersoever the gospell is truly preached, and his sacraments rightly ministred. (65)

These words could hardly fail to echo the words, "the face of a kirk". Knox was in effect defining the marks of the Kirk. These did not for him include the observance of a counterpart to the Jewish Sabbath.

That completes the background picture of the Knoxians.

The Knoxians aimed above all things at being in alignment with the Scriptures. Accordingly, they did not shrink from taking an independent line and adhering to it unswervingly. In particular, they were antipathetic towards unscriptural ceremonies, and uninhibited in expressing their views concerning any such ceremony which seemed to be a breeding-ground for superstition.

Observed days had become, in their view, such ceremonies: they involved a "religion of time", and were idolatrous in that they proceeded from a doctrine (of days) which did not belong together with the Biblical religion of God. The Knoxians abolished all holy days and ceased to keep Easter day and Whitsunday. They adopted, on one recorded occasion, a militant attitude against those who kept Easter by means of a "holy" resting.

In a variety of circumstances which make it difficult to account for their reticence, they kept silent on the subject of profanation of Sunday. Moreover, they did not call Sunday "the Sabbath day".

All this encourages a strong presumption that their view of

(65) Knox, Works, VI, pp.253-54.
Sunday was not that which the 1558 Bond's subscribers expressed when they bracketed Sunday with "other festival days", and was not that which regarded Sunday as the Christian counterpart of the Jewish Sabbath. Further, with the Anoxians the preaching of the word was central and - common prayers and catechising apart - gave ordinances their essential character. This could encourage the anticipation that the preaching would similarly give any Anxian observance of Sunday its character - among days Sunday would not be the "holy" day but would be, whatever else, the "preaching" day, or a "preaching" day.

THE ANXIAN VIEW

It is now possible to proceed to a consideration of those publications which give manifestly Anxian views. Those comprise the 1560 Scots Confession; the personal contribution which John Knox and his colleague John Craig made to the arrangements for the 1566 General Fast; the 1556 Form of Prayers; the First Book of Discipline; and the 1556 catechism.

They give the Anxian position, broadly, as follows:

The Law of God requires men to give God continual, daily worship. Because human nature is incapable of offering this perfect, continual worship, the Church seeks to approximate to the divine law's purpose by arranging that men should engage in public worship at a stated time. This public worship is by means of the ordinances of prayer and preaching. The ordinances were called "exercises". The preaching is primary in importance and includes those ordinances which are to be annexed to the preaching and derive their character from it. Together with public, common prayer and public catechising, those ordinances or exercises give the Kirk its "face". By the act of attending the exercises, men confess their faith.

The Law of God does not require men to worship God pre-eminently on Sunday. There is no necessary connection between Sunday and the public worship of God. The Anxians did not tie the above exercises inalienably to Sunday. They did perceive some significance in assembling for worship every seventh day. But theoretically the significance would have justified the choosing of every seventh month or every seventh week instead of every seventh day - the significance lay in the number. If the Anxians held ordinances
or exercises on Sunday that was because Sunday was, for practical reasons (seeing that it was by use and wont the day of leisure) the most suitable day. Sunday is not the Christian Sabbath.

The Anoxians acknowledged that the observance of Sunday as a day of rest was in keeping with the principle which the Law of God embodied and that it was in the interests both of the individual and of the civil aspects of the community's life, in that one weekly day of relaxation would contribute to the individual's physical well-being and would also react beneficially on the work done on the other six days of the week. But they perceived in the observance of such a weekly arrangement no religious significance.

The publications would seem to agree in those points, wherever they make mention of any of them.

1560 Confession of Faith. (66) - The 1560 Confession of Faith did no more than set down - both positively and negatively - the Fourth Command's bare principle (its moral aspect). Basing on the Decalogue its treatment of those works which are reputed good before God, it paraphrased the Fourth Commandment thus: "To heare (God's) word, to believe the same, (and) to communicate with his holy Sacraments". (67) It could be unwise to regard that paraphrase of the Fourth Commandment as intending more than to set forth the "sum", or general principle, of the Commandment. It is remarkable, nevertheless, that the paraphrase should make just no mention at all of the observance of a day or even of a stated time. Seeing that the statement was part of a confession of faith and that some reformers were rejecting the view that the Fourth Commandment obliged Christians to observe a divinely-appointed proportion of the week, the Confession's failure to mention the keeping of a certain time has the appearance of having been intentional. In setting out the Decalogue's "contrary", moreover, the Confession conveys an identical impression. "Not to hear (God's) word with reverence, to contemne and despise it; ... to prophane, abuse, or contemne the Sacraments of Christ Jesus" (67) - that seems to have been the intended contrary of the Fourth Commandment. The profanation which the breaking of the Command involved was apparently not primarily the profanation of a day: the Confession

(67) Art. XIV.
defined it in terms of exercises.

It is worth noting in this connection that the catechism which was attached to *The Liturgy of Compromise used in the English Congregation at Frankfort* had similarly paraphrased the Commandment without making mention of the keeping of the Sabbath day or its equivalent. That Frankfort catechism had paraphrased the first four commandments thus:

My duty towards God is, to believe in Him / to serve Him, and to love Him with all / my heart, with all my mind and with all my / soul and with all my strength, to worship / him, to give him thanks, to put my whole / trust in him, to call upon him, to honour / his holy name and his word, and to serve / him truly all the days of my life. (68)

The words down to "strength" were frequently given as a summary of the commandments of the First Table. The remainder of the above paraphrase refers to the commandments of the First Table in turn. Thus the Fourth Command's principle had reference to all days.

The paraphrases in the catechism and the Scots Confession could suggest that the compilers in both instances were of set purpose side-stepping any mention of Sunday. They may have been aiming at avoiding giving offence to those of their number whose reaction to anything which savoured of a *ceremonial* interpretation of the Fourth Commandment was known to be "heady". (69)

The General Fast, 1566. - The situation at the time of the General Fast of 1566 had within it a similar "heady" element. Schism was a possibility. That the Fast was to be observed with extraordinary strictness would in itself appear to have caused the General Assembly no undue concern: there seems to have been general agreement that the Kirk was competent to require its members to comply with the strictness of the observance. There were two possible causes of dissension; and both were connected with the fact that the Fast was to be observed on two stated days.

Dissension was possible, in the first instance, if the stating of the two days should appear to involve "distinction of days" - by causing the people to regard the stated days as holy days. Schism was a possibility, in the second instance, because the chosen days were Sundays and because, apparently, the requirement that two Sundays should be observed with extraordinary strictness carried

(68) Edited by George W. Sprott, in *Motherspoon, The second prayer book of King Edward the Sixth*, p.244.

two causes of apprehension - it could be taken to indicate that the Assembly regarded Sunday as a Sabbath day; and it could encourage people to regard Sunday as a special kind of day. To placate those who were known to have an aversion to holy days in general, the preface to the Order of the Fast made it clear that the choice of the two days was based solely on practical considerations, and that the Assembly did not intend that the corresponding two days should be observed annually. Future Fast days would be on different dates (not necessarily Sundays). To appease those who had an aversion to Sunday being regarded "superstitiously", the preface explained that the reason for the choice of the Sunday was simply that on that day people had the necessary leisure to enable them to attend to the requirements of the observance.

The General Assembly met in Edinburgh on Christmas day - Christmas day, 1565. On 27th December, "after deliberation", it agreed that there should be a General Fast on the last Sunday of February and the first Sunday of March, 1566. The precise significance, if any, of that "deliberation" is a matter for conjecture. It could have centred on whether there ought to be a public Fast. Alternatively, it could have centred on whether it was possible to appoint Fast days without appearing to be guilty of "distincting" days, or on whether it was possible to have the Fast on Sundays without giving Sunday the appearance of a Sabbath day. At its session on 28th December the Assembly unanimously commissioned John Knox and John Craig "to set out the form thereof, with the exercise to be used in the same". (70) Two points in that aspect of the two Knoxians' work call for passing comment. The first is that they made provision for "the Reading of the Law", and prepared a table of Lessons for the purpose; but did not include, in the table, the Ten Commandments. (71) The omission may gather significance as the chapter proceeds. The second is connected with their explanation that the period of the humiliation was to be the week beginning at the morning of the first Sunday and ending at night on the second Sunday, and that in towns preparation for the Fast should begin on the afternoon of the Saturday preceding the first Sunday. Apparently they did not think it necessary to

(70) Euki., I, p.76; Knox, Works, VI, p.391.
(71) VI, pp.418-21.
explain that this use of the Saturday did not involve the "distincting" of the Saturday and that the setting apart of a whole week for a modified observance did not involve the "distincting" of that week. A possible explanation is that the setting apart of a week and of a Saturday, in that modified manner, did not recall a custom which had been abused, whereas, on the contrary, the setting apart of the two Sundays did recall a manner of observance which the Knoxians regarded as "superstitious" and sought to abolish.

The significant thing is that Knox and Craig appear to have considered it necessary to do more than the Assembly had asked them to do, in that they prefaced their form and order with explanations to the effect that the appointing of the two days involved neither the distinction of days nor any sabbatical view of Sunday. (72) Their preface was in two parts. One part explained how the Fast was to be observed. That was in direct line with the duty which the Assembly had delegated to them. The two compilers did not argue the case for the manner in which the Fast was to be observed. They simply set it down as "the just commandment of the Church". The other part was a work of supererogation. In it they explained how the days came to be chosen and why the chosen days were Sundays. That could be significant: it could mean that Knox and Craig regarded as potential flash-points the stating of the days and, in particular, the choice of Sunday.

The preface's opening paragraph took up the general question. It said: "First, it is to be observed, that the two dayes ... are not appointed for any religion of tyme". The writers emphasised that people were not to regard those two days as "precise" or "precised" days for yearly observance: the Assembly had chosen them solely because the Estates were due to meet shortly thereafter. The Church retained its liberty to appoint different days in other years.

The second paragraph dealt with the particular question as to why the Assembly had chosen Sunday. Knox and Craig appear to have felt obliged to submit a separate defence of the choice of Sunday, and to anticipate the objection that the proposed manner of observance could give to Sunday a "superstitious" character. This suggests that there were those who held that that kind of Sunday

(72) Knox, Works, VI, p.416.
would be a form of idolatry. Knox and Craig therefore explained that the choice of Sunday was in turn based on a practical consideration. "The Sondayes", they said, "are appoynted not of superstition, neither yet to bring in any schysme within the Church, but because that upone the Sonday the people (especially that dwell a landwart) may best attend" to the exercises of the Fast. The exercises by which the people were to observe the two Sundays with extraordinary strictness would appear to reflect the strictness with which Knox and Craig thought that Sunday was not normally to be observed. The exercises were attendance upon Prayer "and the rest of the Exercises that ought to be joyned with publict Fasting". That seems to say that the other exercises were additional to the ordinary Sunday observance - according to the Knoxian view - and were peculiar to Fast days. The "rest of the exercises", in so far as they were applicable to the Sundays alone, were divisible into two kinds, namely, those which were to be observed strictly, and those which were to be observed not so strictly. The latter involved the length of the church services and the abstinence from food. The ministers were to have liberty to decide how lengthy the church services should be; and the individual was to enjoy liberty as to the extent to which he would abstain from food (but was exhorted that any relaxation of his abstinence should be in secret). The strict observances were that the ministers were to follow a prescribed service; that there should be no games; and that following the "public exercise" the people should spend the time "in private meditation with their God", or, "in private meditation by every family apart". The general plan for the Sundays thus included prescribed forms of service, abstinence from food by the generality of the people, no games, and private meditation in the available leisure hours. There would seem to be nothing of substance in the prescribed services which would cause the worship to be essentially different from the ordinary worship of Sunday; and Knox and Craig give no suggestion that the fasting itself was a possible stumbling-block. If the intention for the ordinary Sunday was that it should be a Sabbath day with no games and with private meditation, the prescribed services and the fasting would do no more than heighten that intention and add to its
effectiveness. If, therefore, there had been agreement among the Protestants that Sunday was normally to be observed as a Sabbath day of no games and with private meditation, it is difficult to understand why John Knox and John Craig should have considered it necessary to handle delicately the proposal that two Sundays should be observed with that kind of strictness. It would seem possible that there were those who did not view as normal or desirable an observance of Sunday which prohibited all games and stipulated that the people should employ the day's leisure in private meditation. So to observe the two stated Sundays could, in their view, single out two Sundays from the other Sundays of the year. If, that is to say, there were those who were opposed to two Sundays of the year being so "distanced" from the other days of the year, it would seem probable that the same people must have been opposed to the Sunday being so "distanced" from the other days of the week. Accordingly, it appears, to avoid schism John Knox and his colleague went out of their way to explain that the linking up of the purpose of the Fast with the two Sundays did not imply that, for that kind of strict observance, Sunday was a specially suitable day – except in so far as it was the people's most convenient day. No "superstitious" reason, such as might split the Kirk, had led to the appointing of the two Sundays.

1556 *Form of Prayers.* (73) – This nervous concern to avoid even appearing to invest the stated days with extraordinary sanctity helps to explain certain uncommon features of the 1556 *Form of Prayers* and, in particular, the absence from its pages of any reference to Sunday, the Sabbath day, or the Lord's day.

The Confession of Faith which was incorporated in the book (and which the 1560-72 Scottish editions retained) referred to the duty of purging the Church of God "from superstition and idolatry". This duty appertained to Christian Magistrates. The latter were to "root out all doctrine of devils and men as ... distinction of ... days". (74)

The relevant features of the book itself are:-

1. Its sole list for ecclesiastical discipline does not include Sabbath-breaking. (75)

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(73) The forme of prayers and ministration of the Sacraments, etc., used in the English Congregation at Geneva (John Crespin, 1556).

(74) Sprott, p.11; The forme of prayers ... used in the English Church at Geneva (Edinburgh, Robert Lekprevik, 1562), p.92.

(75) Page 92.
The explanation may be that it was thought that Sunday observance belonged to the Magistrate's province.

2. The words Sunday, Sabbath, and Lord's day do not appear in the pages of the book. Where, for example, John Calvin gives to his Forms of Prayer for the Church an opening rubric which explains that "the following Form is generally used on the Morning Caps. of the LORD's Day", (76) the 1556 book's corresponding rubric refers solely to "the hour appointed".

The 1556 Form of Prayers did not, that is to say, explicitly describe the prayers as prayers which were to be used on Sunday.

3. The book names the day for baptisms as "The day appointed to comen prayer and preachinge". (77)

The First Book of Discipline (below) contains the view that concerning the day for baptism the operative factor was not that any particular day or time was appropriate for Baptism but that Baptism was to be annexed to preaching.

4. Likewise, for the Lord's Supper the rubric reads simply, "The day when the lordes supper is ministred". (78)

Chapter Two noted that John Alasco did not think of Sunday as being necessarily the day for the Lord's Supper. There may have been some in Scotland whose view was akin to his: the 1574 General Assembly directed the Bishop of Dunkeld to have the ministration of the "holy supper" on Sabbath days, and not on "work" days. (79)

5. The Order for the Lord's Supper omits the Ten Commandments. It differs in that respect from the Orders in John Calvin's book, apparently, and in the English book. (80)

The 1556 publication contained the Ten Commandments in metrical form, in a song whose author is said to have been William Whittingham. Its verse for the Fourth Commandment reads:

The lordè from worke the seventh day ceste,
and broadt all things to perfitt ende:
So thou and thyne that day take reste,
that to gods heastes ye may attende. (81)


Two points are worthy of mention in connection with the verse. The first is that it refers simply to the Lord's "ceasing from work" on the seventh day: it does not refer to the Lord's meditating upon that day, or to his hallowing of the day. The second point is that the song did not appear in the Scottish edition of the Form of Prayers which was published after the "split" in June 1564 had given the General Assembly a Knoxian character.

Nothing, that is to say, in the 1556 Form of Prayers is prescribed for use on Sundays. Whether the Form of Prayers was in practice used on Sundays does not affect the impression that the appointing of the day or days for its use was apparently, in the Knoxian view, a separate issue. The Form of Prayers was originally for use on the appointed day — whatever might be the day appointed.

First Book of Discipline. (82) — A similar view of Sunday runs through the book of policy which is known as the First Book of Discipline. It was compiled in 1560. The compilers (or some of them) would seem to have been at pains to avoid giving the impression that Sunday was a divinely-appointed day which the Church was bound to keep or that Sunday observance was other than the keeping of certain ordinances on Sunday "to reteane the Churche in gude ordour".

The Books of the Old and New Testaments contained and sufficiently expressed all things necessary to instruct the Kirk and to make the man of God perfect. Whosoever Laws, Councils or Constitutions had, without the expressed commandment of God's word, imposed upon men's consciences, represented contrary doctrine.

Accordingly, the keeping of certain holy days was utterly to be abolished. (83) And the undoubted implication was that all holy days were to be abolished.

It may be noted in passing that the list of faults which called for discipline did not include Sabbath-breaking; (84) and that the list of crimes in a minister which provided grounds for his suspension did not include Sabbath-breaking. (85) The explanation may be that the disciplining of Sunday offenders, and the defining of Sabbath profanation, were being recognised as the Magistrate's province. But that could be a too facile explanation. All along the line it seems to be necessary to ferret out buried

reasons why the Knoxians appear to have studied to avoid mention of Sunday. For example, in the Book of Discipline Sunday was not clearly the stated day for church discipline. For Ecclesiastical discipline, the case of an impenitent offender was to be brought before the Church "the next day of public assembly". (86) (That day would not necessarily be a Sunday). Also, if an excommunicate applied to be re-admitted to the Church's fellowship, the Minister was to intimate accordingly to the church on "the next day of public preaching". (87) (That day would not necessarily be a Sunday).

The "Ninth Head" in the Book of Discipline may help to explain the omission of any reference to Sabbath profanation and the apparent reluctance to link public discipline explicitly with Sunday. It explains that there are two kinds of policy. One is utterly necessary. The other is profitable, but not necessary. To the latter category belongs the question as to whether the church should assemble "this day or that day, few or many in the weeke". "Some churcheis may convene everie day; some thrise or twice in the weeke; some perchance bot onis." Every particular church was to appoint its own policy in such a matter.

It may, in the then situation, have been unrealistic to appoint a general policy, even for Sunday, for rural churches. Fully three years later Ninian Winzet could allege that in many of the kirks pertaining to the reformers prayers were said "noch anis in the moneth". (88) Town churches were, however, to keep Sunday, without fail, by means of both forenoon and afternoon services. The Book of Discipline stated: "The Sunday must straitlie be kelpit, both before and efter noon, in all tounis". The order was to be, at a minimum, this:

Before noon, must the word be preached ...: After noon must the young children be publictly examinated in their Catechisme in audience of the pepill, in doing whairof the Minister must tak gret deligence, alsweill to cause the Pepill to understand the questionis proponed, as the ansueris, and the doctrine that may be collected thairof.

It is also to be observit, that prayeris be used at after noon upoun the Sunday, whair thair is neathir preching nor catechisme.

(88) Tractates, I, p.129.
There is some ambiguity about when the sacraments were to be ministered and marriage solemnized. One place says that on Sunday sacraments were to be "ministered, as also Mariage solemnissed, if occasioun offer". A later place seems to open up the whole question of the times for the sacraments. It sets down what looks like a general introduction; in these words: "It apperteaneth to the Policie of the Churche to appoint the tymes when the Sacramentis shall be ministered". There follows the woolly explanation that "Baptisme may be ministrat whensoever the word is preached; but we think it more expedient, that it be ministered upoun the Sunday, or upoun the day of prayeris, onlie after the sermon". The principle seems to be that Baptism was to be annexed to the preaching, but that the profitable policy was to minister Baptism either on Sunday or on the day of Common Prayers - but in either case in conjunction with the preaching of the word. The explanation about the Lord's Supper reads:

Four tymes in the yeare we think sufficient to the administratiioun of the Lordis Tabill ... that the superstitioun of tymes may be avoided so far as may be. 

We do not deny but that any severall churche, for reasonable causes, may change the tyme, and may minister ofter; but we study to supprese superstitioun.

The "superstition of times" was the bogey. The four Communion Sundays were stated, with a view to avoiding the superstition. Particular churches were, however, at liberty to adjust the times and the frequency to suit themselves - provided always that they avoided the danger of causing any day or time to appear "holy" or sacrosanct.

The manner in which other days of the week were to be kept is also to the point.

It was considered expedient that in great towns there be either Sermon or Common Prayers every day, and that in "notable" towns "one day besydis the Sunday, be appointed to the Sermone and Prayeris". And the keeping of Sermon and the keeping of Common Prayers respectively appear to have been separate and distinct in character. In connection with the Sermon, it was required, in notable towns, that neither masters nor servants work during the time of weekday Sermon. In connection with Common Prayers the policy was two-fold. On the one hand, it was thought expedient
that there be Common Prayers morning and night in private houses. On the other hand, the particular kirk would, in the more populous districts, appoint a certain day or certain days for Common Prayer in church. Of the use of the Common Prayers in church, the Book of Discipline has this important passage:

What day the publict Sermon is, we can neithir require or gretlie approve that the Commoun Prayeris be publictlie used, lest that we shall eathir fostar the peple in superstitioun, wha come to the Prayeris as they come to the Messe; or ellis give thame occasioun to think that those be no prayeris whiche ar maid before and after Sermon.

(The prayers before and after the Sermon were not set prayers: they were of the preacher's own conceiving - according to the Knoxian view incorporated in the passage quoted). The searching question is whether the same two reasons for discouraging the use of Common Prayers were not equally applicable to Sunday's preaching service.

There was no suggestion that masters and servants should not work during the time of Common Prayers. This could imply that there was no obligation to keep Common Prayers strictly. That is, the attendance at Common Prayers was not obligatory upon all. What was - by implication - obligatory was attendance at church, on Sunday and other days, when the church service included the preaching or exposition of the Word.

If the above be in the main reliable, the Book of Discipline reveals the following salient points in the teaching of the Knoxians about Sunday and its observance:—

(a) The appointment of stated days for worship belonged, in theory, to the particular kirk.

(b) Where particular kirks were able to assemble at least once a week, Sunday was in practice the common day for worship.

(c) In all towns Sunday was to be kept strictly by means of the holding of a church service both in the forenoon and in the afternoon.

(d) The forenoon worship was for the "sermon and prayers". To regard the prayers as a liturgical service it is necessary to attribute to the compilers of the Book of Discipline a glaring inconsistency: for two reasons they sought to discourage the use of Common Prayers in conjunction with preaching; and the two reasons would seem to be as applicable to the Sunday's preaching
service as to the weekday preaching service.

(e) The afternoon service was for the public catechising of children in the 1556 catechism, in the presence of the people. It was for the instruction of the adults as well as the children.

(f) There was the following addendum:

It is also to be observit, that prayeris be used at afternoon upon the Sunday, whair thair is neathir preching nor catechiisme.

This could mean one of two things. It could mean that where a particular kirk was unable to follow the given order – preaching in the forenoon and catechism in the afternoon – it ought to have a service of prayers in the afternoon. It could also mean that the catechising sometimes gave place to a preaching service; and that sometimes the order for Sunday was preaching in the forenoon and Common Prayers in the afternoon.

(g) All work was to halt during the preaching.

Cessation from labours was, so to speak, annexed to the preaching.

(h) Baptism was to be annexed not to a day but to the preaching. The Lord’s Supper was to be four times a year; and care was to be taken that the stated days for the Lord’s Supper should not be regarded as holy days.

(i) Church discipline did not include the profaners of Sunday.

Such was the theory. How far it may have been the post-1560 Scottish practice is not a concern of the present chapter.

1556 Catechism. – The 1556 catechism clarifies the position which is reflected in the Scots Confession, the General Fast situation, the 1556 Form of Prayers, and the First Book of Discipline. A summary of its teaching follows:

The Fourth Commandment embodied a two-fold purpose. The purpose was partly physical and civil in character, and partly religious. The physical and civil part of the Commandment’s purpose had two aspects.

First, it appointed the seventh day to be "for the refreshyng of servantes, that they myghte have some reliefe of theyr travaile". The catechism expresses that aspect of the Commandment’s purpose thus:
It was partly ordained for the recreation and ease of servauntes ... to thintente that they whiche be under the authoritye and power of others myght be released somewhat and lyghtened of their paynful labours, the whiche thynge also serveth to the furtherrance of the common wealthe: for somuch as every man hath just cause to be readyer willynglye to travayle the other sixe days, when they consider, that they may take their rest in the seventh.

This aspect of the Commandment's purpose has continuing relevance. The catechism hardly makes it clear, however, whether men are to continue the Commandment's purpose because the Fourth Command obliges them to do so or whether they will do so because they perceive that it involves a sensible arrangement. What seems clear is that servants are still to have a day in the week for "recreation and ease"; and that the sole purpose of that arrangement is that men might be refreshed physically and that the common weal might thereby benefit. There is no obligation upon men to use the leisure of the seventh day in any manner other than by bodily relaxation; and the leisure had, in itself, no figurative significance.

Second, the association of the "outwarde bodely reste" with the seventh day sets forth a reminder that men are to rest in a spiritual sense. This spiritual resting consists in ceasing from the works of the flesh and from self-will; and is unending. That men are to rest physically every seventh day has no religious significance except that the number seven emphasises the unending and perfect character of the spiritual rest. The catechism deals with this point thoroughly. Thus:

M. - Howe happeneth it then that there is but one daye appointed to represent & figure unto us a thinge that dureth our whole lyfe?

C. - It is not necessarype that the figure or shaddowe of a thynge doe resemble throughly in all pointes the thinge it is ordeined to represente: it is to be thought suffyciente, if they agree & be lyke in some pointes.

M. - And wherfore was the seventh daye appointed rather than any other?

C. - The numbre of seven doth signifie and importe a certayne perfection in the holye scripture, wherfore the seventh daye was most meete to sette out unto us a thinge that should stil continue: moreover it putteth us in remembrance that our spirituall rest or quietnes is not full nor perfecte, whyles we lyve in this world, neyther shall it be absolutely broughte to perfection untill we departe thys lyfe.
The religious part of the Commandment's purpose also had two aspects. The religious character of the Jews' resting every seventh day embodied one aspect of the purpose: the example of God's resting on the original seventh day embodies the other. The latter is still applicable to men; the former has been abolished. In the first place, the religious character of the Jews' resting gave the observance of the Jewish Sabbath day a ceremonial character, and to that extent made the Jewish Sabbath one of the ceremonies which Christ's coming abolished utterly.

Yea verely, as touching the ceremonie (of the Commandment), and the outwarde bodely reste to be observed therein . . . . . . (Christians) have nothing to do with (the fourth Commandment): for the use of all ceremonies ceased at the cumming of Christe, who was the ende and substance of them.

For Christians, resting on the seventh day was to have, in itself, no religious significance.

In the second place, there remains in the Commandment the reminder that God rested on the original seventh day. Christians are to interpret, in terms of Christian worship, what that divine example calls upon them to do on all days and on the seventh day. The Commandment describes God's resting on the day after the six Creation days in these words:

When God had created all his works in six days, he dedicated or appointed the seventh to the view and beholding of his workmanship. And to the intent we might be the more easily induced to the consideration thereof, he bringeth forth his own example, for that there is nothing of so muche worthines to be desyred, as to become lyke unto him.

The catechism asks what is involved, for Christians, in resting as God then rested. Christian duty, as based on the example which God set before men on the original seventh day, is two-fold: to follow that example daily; and to follow it on one particular day of the week. (Writer's comment:— If men could fulfil the first duty, the second would have no meaning and the Commandment's reference to the seventh day would be a dead letter. Any arrangement for the fulfilling of the second duty could not therefore belong to the realm of first principles or of self-evident duties. The second, approximate duty can hardly be part of the divine law). The catechism states the first part of the duty thus:

Verely our bound duty is to have bothe the daylye & hourley a reverent consideracion of (God's) merveilous workes.
Because, however, men cannot aspire to the fulfilment of that duty, the divine example is scaled down to suit man's capacity:

But for that we are through frailtie so negligent & forgetful, there is one certain daye, peculiarye appointed, to renew from time to time the remembraunce of this our duety.

This appointment of a day belongs to a "politique ordre", or "a comely order to be used in the church or congregation". The church or congregation "peculiary" appoints the day to remind men of what is their constant duty and ought to be their continual occupation. This appointment of "one certain daye" would seem to be with a view to having a stated time at which the people would assemble in their particular churches. The catechism twice defines it. Its first definition is of a general character, and is:

The people are bounde that daye to come together, and to geve diligente care to the woord of God, to make theyr prayers unto God, and finallye to make open profession of their faith and religion.

Its second definition, which states particularly what the Commandment means for Christians, reads:

We are bounde to observe the politique ordre appoynted in the churche for the hearyng of Goddes woorde, for cumming together to make common prayers, and for the ryghte use of the sacramentes.

The catechism, then, teaches that such an order requires a "certain" day; but it does not name the day. It teaches that the order refers not to the day as a whole but to stated times on that day. And it teaches that the stated times are for acts of public worship. That is to say, the Christian's duty is not to observe a day, but to attend church on that day and make public profession of his faith. Beyond that, the "sabboth day" of the Fourth Commandment is for Christians but a "figure" which is not itself applicable to them but leads them to the truth that "being made the true members of Christe", they "ought to leave of (their) owne will, & to commit (them) selves wholly unto his tuicion & governance". (89)

(89) "The catechisme or manner to teache children" (John Crespin, Geneva, 1556), in 1556 Form of Prayers.
**Summing-up of the Anoxian Position.** - The Anoxian position may be summed up as follows:—

1. The Knoxians were anti-ceremonial. This affected their attitude to the use of the Ten Commandments, Common Prayers, holy days and Sundays.

They omitted the Ten Commandments from their order for the Lord's Supper; and discontinued the use of the metrical form of the Decalogue in their 1564 edition of the Form of Prayers.

They neither required nor greatly approved of the use of Common Prayers on the day of public preaching.

They looked to the civil authorities to root out that doctrine of devils and men, namely, the doctrine of the distinction of days.

They rejected the ceremonial part of the Fourth Commandment.

Their opposition to anything which savoured of ceremony proceeded from their fear lest it might engender superstition or idolatry. They were vigilant against the possibility that there might be among the Protestants "distinction of days", any "religion of time", "precised days", Sundays appointed "of superstition", observation of Sabbaths, "the superstition of times".

"The over-ruling principle (was) the suppression of superstition".

2. During the Preachers' period, instances abounded of what to a sabbatarian would have been flagrant profanation of the Sabbath day and therefore a breaking of the Fourth Commandment. No Preacher protested. This could be significant. The Knoxian Preachers regarded part of their function to be the public and precise denunciation of public transgressions of God's laws; and regarded part of the Magistrate's function to be the establishing of God's laws in the common life. They supported the civil authorities to this end - with the one exception, namely, that they did not manifestly support them when the authorities aimed at having Sunday observed in accordance with a Sabbatarian interpretation of the Fourth Commandment. (This sentence anticipates the next chapter).

The positive side to that Preachers' silence is seen in the consistent witness of those printed works which set forth their views. Their total testimony is that the Knoxians held a pure version of the De Facto theory of Sunday observance. In accordance with this theory, the church appoints the stated day
which is to be observed; and the purpose of the appointment is that the people might assemble for worship.

To the Knoxians the definitive factor in worship, and in the keeping of Sunday, was the preaching.

3. The Sunday afternoon assembly in church was normally for the public catechising of children.

Knoxian policy included instruction in the 1556 catechism. If the policy was effectively carried out, the children (and the people; who were also required to attend) would thereby be schooled in the De Facto theory. The only available evidence of such catechising is, however, limited to Montrose. James Melville recalls, seemingly for the year 1565-66, that certain of the children of Montrose and neighbourhood "lerned to reid the Catechisme, prayers, and scripture, to reheres the catechisme and prayers par ceur". (90) He recalled that in the year 1570 the minister

... desyrit (him) ever to rehearse a part of Calvin's Catechisme on the Sabothes at eternoone, because he hard the peple lyked weill of the cleirnes of (his) voice and pronuncing with sum feilling. (91)

To make from this any deduction that the practice in Scotland at that time in any way corresponded to the use intended for the catechism would be precarious. What may be said is that the Knoxian purpose included indoctrination of the children (and, concurrently, of the people) in the De Facto theory of Sunday observance and the corresponding interpretation of the Fourth Commandment.

Well might Ninian Winzet, in connection with the Protestant observance of Sunday, ask the Preachers in 1563 how they could justify their practice of celebrating their Sabbath day with Catholics on the Sunday, and not with the Jews on the Saturday. The Preachers admitted no unwritten tradition. (92) Winzet submitted that their practice was accordingly in flat contradiction to their teaching. (93)

His mistake was pardonable. On the one hand, the then Protestant practice was of "celebrating their Sabbath day" on the Sunday. On the other hand, he was assuming that the Protestant view of Sunday was uniform; that the Preachers' view was in

(90) The diary of Mr James Melvill 1556-1601 (Bannatyne Club, Edinburgh, 1829), pp.13-14.
(91) Page 18.
(93) Tractates, I, pp.26-34.
accordance with presumably Protestant policy as it was being embodied in Edinburgh burgh enactments; and that therefore the Preachers' view of Sunday could be expected to belong together with that policy.

The position was that the flat contradiction was between the Preachers' De Facto theory of Sunday observance and the different theory which was inherent in the Sunday policy of the then civil authorities.
Knoxian theory was, according to the preceding chapter, anti-Sabbatarian; and centred on the preaching. It was essentially positive in character. By contrast, civil enactments for most of the 1560-72 period contained Sabbatarian emphases which centred on prohibitions. They introduced a negative character into the observance. That sets the problem – how to account for the co-existence of Sabbatarian and anti-Sabbatarian elements in the 1560-72 Scottish Sunday observance.

Two answers would seem to be possible. One is that the Sabbatarian and anti-Sabbatarian manifestations were facets of the one policy. That would mean that the Scottish Protestants held a common view of Sunday and were unanimous concerning how Sunday ought to be observed; that the policy was bilateral; and that the Kirk's proper concern was of course with church attendance whereas the proper concern of the civil authorities was of course with the behaviour of the citizens outwith church hours on Sundays (and therefore with prohibitions). The other answer is the one which the present work offers as a contribution to the subject. It is that from 1560 to 1572, in the first instance, the Magistrate and the Kirk expressed two distinct kinds of view on Sunday and its observance; namely, the traditional and the radical; the Sabbatarian and the anti-Sabbatarian. (The "Magistrate" here means, in effect, civil enactments; including political. The "Kirk" means, in effect, the General Assembly). It does not follow that the Magistrate consistently set forth one view while the Kirk consistently set forth a different view. The situation had a certain fluidity; and this resulted in an intermingling.

The method is to analyse civil enactments, General Assembly minutes, and Assembly publications. Civil enactments come first.

THE MAGISTRATE

In so far as it came within the Magistrate's province, the period's Sunday observance shows four phases – the initial phase from August 1560 to August 1561; the Catholic or traditional phase from then until December 1567; thereafter, for almost a year, the pro-Knoxian or radical; and after that, the Anglo-Papistical.
Initial Phase. — The initial phase was from August 1560 until Queen Mary's arrival in Scotland in August 1561.

A prudent magistrate as at 1560 would presumably take into preliminary consideration four things.

1. First, the Protestant slogan for a general reformation in accordance with the Scriptures and the Law of God.

2. Second, the clamant and admitted need for the better observing of the Sabbath day or Sunday.

3. Third, precedents to supply the terms in which the requisite enactment might be framed.

4. Fourth, the centrality which some of the Protestants gave to preaching.

A review of those four things follows.

1. The Protestant slogan was for a general reformation in accordance with the Scriptures and the Law of God.

The Protestants had made it clear that they regarded the Bible as their text-book and that the Reformation which they desired was a Reformation in accordance with its plain, written, infallible, most blessed word. The Decalogue thus provided a plain and written basis for reformation of the common life. The Kirk Session of Aberdeen in 1562 stated the position with clarity when they affirmed that in God's most holy Ten Commandments, given to Moses on Mount Sinai, is contained all that God wills his people to do and all that he would have them leave undone. (1) The Kirk Session maintained that legislation should be based on the Decalogue. They exhorted all within the town "to gif attendans and gud care" to the Session's own acts, seeing that they were "agreeabil and consonant to the Commandementis off God (upoun the quhilk all actis and statutes aucht and suld be groundit)". (2) Edinburgh Town Council as at 1560 by their actions demonstrated that they concurred. They showed a general concern to establish the common life on the basis of the Ten Commandments. (3)

But they dealt first with the Fourth Commandment.

(1) Selections from the records of the Kirk Session ... of Aberdeen (Spalding Club, Aberdeen, 1846), p.4.
(2) Page 5. (3) Knox, Works, II, p.227; EBR, III, pp.91-92; p.86.
2. This could have been of set intention. There was a clamant and admitted need for the better observing of the Sabbath day or Sunday.

On the one hand, the Roman Catholic Kirk in Scotland had recognised that grievously the Sunday was being profaned and the church neglected. (4) On the other hand, there would seem to have been a general awareness that for the maintenance of religion Sunday observance was a key-stone. Archbishop Hamilton's Catechism had expressed the view that the breaking of Sunday and other holy days had been one of the special causes of the Church's calamities. (5) And the Kirk in its 1560 book of policy had stipulated that in towns the Sunday was to be kept strictly. It would seem understandable, therefore, if the Edinburgh Town Council felt constrained to make a start on their work of reformation by considering the issuing of an enactment at least partly in accordance with the Fourth Commandment, with a view to the better observing of Sunday. If so, they would thereby inevitably reveal how they interpreted the Commandment.

The Aberdeen Kirk Session's approach is beyond doubt. The preamble to a 1562 resolution of theirs indicates that they were basing their Sunday policy on the Fourth Commandment and on Scripture. The grounds of their "statute" were that

\[\text{the sevint day, qhilk is Sunday our Sabboth day, is commandit be God to be sanctifeit and keepit haly, and the brekaris thai\text{\textsuperscript{a}}pf, as the Scriptur schawis, war puneist with deth.} \]

That Aberdeen minute, in its entirety, is important. It would seem to demonstrate two things. One is that reference to the Fourth Commandment and to the "Sabbath day" did not necessarily imply a Sabbatarian interpretation of the Commandment or a Sabbatarian view of the Sabbath day. The other is that in Aberdeen

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(4) David Patrick, Statutes of the Scottish Church, sec.245.

(5) Edited by T. G. Law, p.69. Cf. Winzet, Tractates, I, p.30 - He expanded the view to include the prevalent abuse of all holy days. He asked the then Edinburgh Town Council whether people were forgetting, by 1561, that God's anger towards them derived from, among other faults, the abusing of the dominical holy days and Lent; and suggested that the right course was to lament their impiety and return to God and to the right use of those solemnities. The context shows that he had in mind at least certain Sundays - such as Easter day - as well as other holy days.

at that time the Kirk's interpretation of the Commandment took obedience to the Command to refer solely to "time of prayers and preaching". Following the preamble, the minute reads:

Herfor it is statute and ordanit, that upone the Sabboth day all craftsmen and laubouraris, and all utheris within this toun, desist and cease fra all lauboring and handewark, namely, in tyme of prayeris and preching, ... pane of tua schillings .... And that all servandis within this toun be at the leist ilk uther Sunday at the mornyng prayeris, and att the preching, gife thair maister or maistres will gife tham licyens. And quha of the elderis or deaconis beis absent fra the owkly prayeris and prechingis, and frae the prechingis on the Sunday, thai beand present in the toun, and hawing helht of body, ... twa schillingsis. And quha of utheris honest personis of the toun beis absent upone the Sonday frae the prechingis, sall pay ... sex d. .... (7)

If, therefore, the Edinburgh Town Council proceeded upon the Fourth Commandment but expressed a traditional interpretation of it, that could be significant.

3. Edinburgh Town Council would, indeed, seem to have inclined towards the traditional in that they appear to have had - understandably (in their capacity as magistrates) - a desire to maintain continuity with the past and, accordingly, to have searched for precedents to support their actions. The vexed question of Robin Hood plays provides an eloquent example of this. Edinburgh Town Council took action against some who had taken part in a Robin Hood play on a Sunday. The minutes which relate to the case are ambiguous. The reason for the ambiguity is that the Council were concerned to appeal both to precedent and to the word of God. The precedent had served not a religious but a civil or political purpose. (8) One of the minutes, dated 23rd April 1561, reads:

Understanding that the prentissis and servandis of merchanttis and craftsmen and utheris within this burgh ar of mynd upoun Sounday nixt to mak convocatioun and assemblie after the auld wiikit maner of Robene Hude, nocht regarding the punishmet thretnit in Goddis word upoun the braikaris of the Saboth, nor having feir of the temporale punisment


content in our Soverane actis upoun the usurparris of sic vane pastymes ....

The Council's motives may have been as mixed as their references; but their purpose seems primarily to have been civil. At the same time, they used the precedent to cover a reference to "vain" pastimes. That was in line with their reference to Sabbath-breakers. They were using the precedent to re-inforce, by way of a particular offence whose character was of a different kind, a general policy anent Sabbath-breaking. Apparently the Council were more in their element when referring to precedent that they would have been in restricting themselves to the otherwise adequate reference to God's word.

Scots canon and civil law could have supplied them with ten possible precedents anent Sabbath-breaking. They dealt with the following:-

i. Prohibition of markets or fairs on holy days. (9)
The prohibition was understood as applying to Sundays. (10)

ii. Closing of booth doors on at least certain holy days. (11)
The holy days which were affected in this way were probably the great solemn feasts; of which Easter was one. (12) This prohibition may also have been understood as applying to Sundays. (13)

iii. Prohibition of all kinds of trading in church porches and churchyards in time of mass or sermon on the Sundays. (14)
"Time of sermon" sometimes referred to the church service, and not to the preaching only. (15)

iv. The prohibition that no wares were to be exposed for sale or openly displayed "near the precincts of churches during the sacrifice of the mass". (16)

v. The obligation to attend church, with "strict inquisition against those who (refused) to attend". (17)

(14) Statutes of the Scottish Church, trans. David Patrick, p.139.
vi. Avoidance of profane labours - including "worldly" business and worldly errands - and all occasions of sin, on Sundays. (18)

viii. Prohibition of football, golf, and "uthir sic unprofitable sports" on Sundays (applicable to those of military age only). (19)

These prohibitions were not with a view to Sunday observance; but could have been turned to that end. One was understood as applying to "vain pastimes" on certain Sundays. (20)

ix. Imposition of fines in respect of Sabbath-breaking.

x. Prohibition of all work on the Sabbath day.

The two last-named point to an enactment of which no copy seems to be extant, but which provides the earliest known use in Scotland of the term "Sabbath day", with the meaning of "Sunday". (21)

(18) Catechism of John Hamilton, p.68.
(19) APS, II, p.226 (c.13). Cf. II, p.48 (c.6).
(21) The enactment is known only in its having been used by the burghs of Peebles, Dysart, Arbroath and Kirkcaldy. - Charters and documents relating to the burgh of Peebles 1165–1710 (Scottish Burgh Records Society, Glasgow, 1872), p.289; W. Muir, Gleanings from the records of Dysart, from 1545 to 1796 (Edinburgh, 1862), p.17; G. Hay, History of Arbroath (second edition, printed locally, 1899), p.127; L. Macbean, The Kirkcaldy burgh records (printed locally, 1908), p.68.

Its dating is uncertain. On the one hand, it could have been issued in November or December, 1560: whereas a Peebles enactment of 20th December of that year was based upon it, an enactment, dated 30th October of the same year, of the burgh of Edinburgh, made no manifest use of it. On the other hand, it could have been issued prior to August 1560. A royal proclamation of August 1561 cancelled out enactments which had been made during the preceding twelve months and were not of "universal" applicability. This apparently made the Edinburgh enactment of 30th October 1560 a dead letter. It would presumably have made the undated enactment similarly inoperative, if that enactment had been issued subsequent to August 1560 and if it had likewise been of limited application. Nevertheless, Dysart, Arbroath and Kirkcaldy used it subsequent to the Royal Proclamation. That could mean that the enactment had remained valid. Certainly, its widespread use (for example, from Peebles to Arbroath) suggests that it was applicable to the country as a whole. The aim of the proclamation was, however, to cancel out innovations. The conclusion concerning the enactment must therefore be that whether it was issued pre-1560 or towards the end of 1560, it was allowed to remain operative because it did not add to what was already in Catholic precedents.
The above decalogue of precedents were thus available to the civil authorities who had the duty of framing Sunday enactments subsequent to August 1560. It must be certain that the authorities did not have chapter and verse for them. They may nevertheless have been given to understand that there existed that kind of background for any action which they might want to take for the better observing of Sunday. Alternatively, the precedents may have been aspects of a traditional or Catholic theory of whose general intention the civil authorities were aware even although the prevailing practice by no means corresponded to the theory.

4. Also, they were aware of the centrality which some Protestants gave to preaching and to time of preaching. Among the Protestants were those who belonged to a special class known as "Preachers". Making provision for the emphasis on preaching or time of preaching did not involve the 1560 civil authorities in the making of an altogether novel departure from pre-1560 ways of thinking. The Roman Catholic Church in Scotland had set out an ambitious blue-print which aimed at giving the preaching of the sermon a new status. (22) Further, the pre-1560 Kirk had regarded church attendance as obligatory. What was new in 1560 was the Protestant determination to make the preaching both central and effective.

An Edinburgh enactment of 23rd April 1561 suggests that the Edinburgh Town Council were having regard to the Knoxian concern for preaching and attendance at church. The Council took order "for compelling of the stubburne and abstinat inimeis to the treuth to cum to the prayerris and preiching of the worde of God". (23) Noone, not even "enemies to the truth", was to be exempted from attending "the prayers and preaching".

The civil authorities as at 1560 can hardly have failed to take into consideration any of the above four things. They must have been aware that it was desirable that they should take action to improve Sunday observance and that it was prudent that they should bring any Sunday enactment into line with, if possible, the Fourth Commandment, Scottish precedent, and the emphasis on preaching and church attendance.

(22) See the records of the church councils in the decade preceding 1560, in Statutes of the Scottish Church, ed. D. Patrick.
(23) EBR, III, p.107.
The action which Edinburgh Town Council took on 30th October 1560 would seem to have been along those lines. They issued a comprehensive enactment which aimed at making Sunday a holy day; but with a difference. It reads:

It is statut and ordanit that in all tyme cuming the halie day callit the Sabbetae day or day of rest commonlie callit the (sic) Sounday be in all tyme cuming kepit commonly be all maner personis, induelleris of this burgh or resortand within the samyn, swa that nane, of quhat estait that ever thai be of, mak merkatt or merchandice, oppin buthe durris, or exerce ony kynd of warldie operatioun thairin, but that upone the said day all personis be astrictit to be present at the ordenarie sermonis alsweill etter as befoir none, and that fra the last jow of the bell to the saidis sermonis to the finall end thairfoir thair be nather meit nor drink sauld in oppin tavernes or hostillareis, bot that induring the said tyme thai be closit; and siklyk that the flesche merkatt usit to be upone the Sounday be now and in all tyme cuming upone the Setterday, and that the merkatt of bestiall at the Hous of the Sure quhilk hes bene in tymes past on the Sunday be in all tyme cuming on the Thursday, that sufficient provision of flesche may be had aganis the said Setterday affixt and assignit to the said merkatt of flesche, under the pane of punisment of the personis that sail happin (to) contravene the premisses or ony poynt thairof at the counsaillis will.

The enactment indicates an apparent intention to press forward with a reformation in accordance with, at least, the written law of God as contained in the Fourth Commandment. First, there is the use of a religious term ("the holy day called the Sabbath day") as the principal term of a civil document. The term was not traditionally Scottish, or Knoxian, or in common use. It could have been taken from the last of the ten precedents. Or it may have been taken straight from the Scriptures; and possibly straight from the Decalogue. Its description of Sunday as "the halie day" introduces an unmistakable, traditional element; and also indicates that it was being used with a Sabbatarian meaning. Second, cessation from work was made applicable to all classes, and to the strangers who happened to be within the gates as well as to the residents. There would appear to have been no precedent which was equally strict and equally comprehensive. The enactment's scope of application corresponds, on the other hand, to the Fourth Commandment's. It may not be mere coincidence.

Similarly, the Edinburgh enactment gives a fairly firm impression that the Town Council were drawing upon precedent. It is unlikely if not impossible that they had before them printed copies of the precedents. They may nevertheless have proceeded
on the basis of their general knowledge of what had been the old teaching and aim concerning Sunday observance. Such a suggestion could seem to be nothing but speculation. And admittedly, seeing that most of the precedents were derived from an interpretation of the Fourth Commandment's intention, it is bound to be difficult and at times impossible to discern whether the civil authorities may have been basing an enactment directly upon the Fourth Commandment or may have been showing diligence towards either the letter or the spirit of Scottish precedents. To discard all reference to the precedents because of the difficulty of presenting a convincing case would appear, nevertheless, to be unwise. For one thing, it would be difficult otherwise to account for the similarities which run through the precedents and the enactments - for example, in this case, the middle part of the enactment, from "mak merkatt" to "closit", resembles the above decalogue of precedents; Archbishop Hamilton's Catechism allowed for such a relaxation as that in favour of taverns and hostelries; (24) and the enactment's "warldlie operation" could be an approximate reproduction of the catechism's "warldlie business". For another thing, it would seem unlikely that the Town Council could have started out de novo on the basis of the Fourth Commandment alone and yet could have happened to specify for prohibition activities which the Commandment does not specifically name but which the Church or State had traditionally forbidden to take place on Sunday or on certain Sundays - for example, the prohibition of markets and the closing of booth doors and, more especially, the making of the Fourth Commandment's prohibitions applicable to the day as a whole (the Aberdeen Kirk Session had proceeded upon the same Commandment but had not so understood its applicability). Further, the Fourth Commandment does not show specific concern for the keeping of time of sermon on Sunday. But there was a precedent which did.

Likewise, the Edinburgh 1560 enactment gives the impression that the authorities were contriving to incorporate the Knoxian view of Sunday and its observance. There is the alternative term for the Sabbath day, namely, "the day of rest commonly called the Sunday". This is pure Knoxian. Also, while the authorities could have been drawing upon precedent for the emphasis which they gave

(24) The catechism of John Hamilton, ed. T. G. Law, p.68: "On the sunday men said rest fra bodily labouris in getting of temporal geir, except sum greit necessite or utilite of him self or his nyghbour or of the common weill, qhilmk may nocht be weil postponit may excuse thame."
to the time of the church service, their precise naming of "the last jow of the bell" as the moment from which taverns and hostelries were to be closed carries its own significance. It testifies to the new concern for the preaching part of the church service. (The last - that is, the third - bell announced that the preaching was about to begin).

For these reasons it is submitted that the Edinburgh ordinance appears to have incorporated a literal understanding of the Fourth Commandment in its applicability to Christians, the Knoxian emphasis on Sunday as a day of rest and of preaching, and - with one exception - those precedents which the Town Council had perforce to follow in their framing of a civil enactment. The exception related to the flesh market and the cattle market. And the abolition of those Sunday markets could be interpreted not as an innovation but as the discontinuance of an exception to the Act of 1503 which was understood as having prohibited all Sunday markets. (25)

It cannot be pretended that the reasons are of equal cogency or that the picture as a whole is so clear and unambiguous that no scope exists for differences in interpretation. The above attempt, for example, to see the Fourth Commandment and Scottish precedents reflected in the October 1560 enactment could appear in places to be strained to the point of being far-fetched. But the ambiguity is itself a possible factor to be weighed. It may be a reminder that

(25) AFS, II, p. 314 (c.3); p. 378 (c.43). The authorities may have been prohibiting Sunday markets on principle or in accordance with the 1503 Act of Parliament. At the same time, there were very practical considerations why such markets should be prohibited. Simon Islip, Archbishop of Canterbury, in 1359 wrote to the Bishop of London a letter in which he complained of a "perverse, nay, undoubtedly damnable abomination, of long usage". This he described as "the holding markets on the Lord's day, everywhere and without distinction ... for the sale of divers articles, among which victuals were not even to be found, but other transactions were carried on". - Spelman, Concilia, II, p. 599; translation by E. V. Neale, Feasts and Fasts (London, 1845), p.120. He was referring to extreme abuse of the practice of Sunday markets. Even a more moderate kind of Sunday market could, however, present a "thrang" of markets. - EBR, III, p. 105; Extracts from the Records of the burgh of Glasgow A.D. 1573-1642 (Scottish Burgh Records Society, Glasgow, 1876), p.60. Temporary stalls were erected; and they dismantled the same day. This meant a full day's work - "so specially withdrawing ... from divine service". - Neale, p.123. General higgling, hub-bub, noise and stridency were the inevitable accompaniments; and disturbed worshippers who were engaged in divine service in the adjacent church. - Labb., XI, Part Two, 1584 BCDE. Cf. 1759 ABCDE, 1790 ABCD.
1560 was a time of transition, probably of improvisation, and certainly of compromise. One fact is unambiguous; namely, that the Edinburgh Town Council were not adhering strictly to Knoxian views. Their enactment not only contained Knoxian or radical emphases but also incorporated emphases which were not radical.

The Edinburgh Council minutes of the initial phase unite to give the following picture:—

(a) They named Sunday "the holy day called the Sabbath day".

(b) Sabbath-breaking was contrary to the Bible and the Fourth Commandment, was a grievous sin, and was punishable.

(c) All the people, without exception, were to refrain from breaking the Sabbath day (meaning, Sunday) at any time of the day.

(d) Accordingly, there were to be no Sunday markets or fairs. Business premises were to be both shut and idle – there was to be neither Sunday trading nor Sunday working. Worldly business was forbidden. It would appear that the Council were seeking to suppress "vain pastimes". Robin Hood plays came under the heading of vain pastimes.

(e) The Sunday flesh market – a retail market – was to be discontinued. The Sunday market for the bulk selling or auctioning of beasts was likewise to be transferred to another day of the week.

(f) All the people were to attend the forenoon and afternoon church services.

(g) The Council would inflict the penalties.

(h) The enactments did not specify the penalties.

There was nothing distinctively Knoxian or radical about those eight features. And they contain traditional or Sabbatarian elements which are contrary to the Knoxian teaching set out in the preceding chapter.

There were also four features which could have owed something to the Knoxian view of Sunday and the Knoxian interpretation of the Fourth Commandment.

(i) Sunday was "the day of rest". This was a new emphasis; radical.

(j) The operative part of the church service, for purposes
of discipline, tended to be the preaching part.

This was new.

(k) Taverns and hostellries were to be closed from the time of the ringing of the third bell — that is, the bell which announced the preaching.

The closing of such places of refreshment during the time of the church service was possibly not an innovation. The closing time — from the third bell — introduced a new note. (26)

(1) There was no exemption for taverners and hostellers in respect of their attendance at the kirk. They had to be present in the kirk to hear the preaching and were to remain in the kirk thereafter until the benediction.

Compulsory attendance at church was not new. Compulsory attendance at the preaching was.

It was a mixture of an observance; partly anti-Sabbatarian, but mostly traditional; partly radical, mostly Sabbatarian.

Such was the situation when Queen Mary set foot in Scotland in August 1561.

Catholic Phase. — Her Majesty’s Sunday observance policy reduced the mixture. She extracted what was radical, and retained the traditional. Further, during her time the radical did not react with the traditional to purify the latter by, for example, giving new meaning to “the holy day”. Mary’s Sunday regulations were not only in accordance with pre-1560 precedents but were also in accordance with Catholic interpretation of them.

Queen Mary’s term of power manifestly was a Catholic phase. Requiring that the status quo in religion as at the date of her arrival in Scotland be conserved until final order could be taken, on 25th August 1561 she proclaimed:

That none ... privatlie or openlie ... mack alteratioun or innovatioun of the staite of Religioun, or attempt any thing against the form quhilk hir Majestie fand publictlie and universallie standing at his Majesties arrivell in this hir Realme, under the pane of death. (27)

Precedents, already congenial to the civil authorities, became imperative. And the prescribed standard — that the accepted form

(26) Hector Bocce, Scotorum historiae (Jodocus Badius, 1526), lib.XIII, fo.cclxxxvii has, on the other hand, a reference to the calling of the people to church by means of the sounding of a bell. "Idque campanae sono populo indicatur ac postes sacris rebus operam darent, conscientibus interessent, ...".

was to be that which was "universally standing" — ruled out any Sunday observance bye-laws of the initial phase and thereby made the civil authorities' precedents those which belonged to pre-1560; in other words, the Catholic precedents listed above, or their equivalents. This did not necessarily rule out the Knoxian emphasis on the preaching; but it could have had the effect of modifying it in the interests of a more balanced view of divine service as a whole. There is no evidence of such modification beyond any reference to "time of preaching" on Sunday and a reference to the church being open all day. The latter was presumably with a view to encouraging private devotions. And the extension of the hours during which the church was to be open could have had the effect of modifying the dramatic place which the preaching had held during the initial phase — when the church doors were closed except during the hours of church service only. (28)

Anent the violation of the Sabbath day Queen Mary passed Acts of which there appears to be no trace. (29) Evidence is available, however, which shows what was her attitude to the following:

1. The extension of Sabbath days to include Lent and other days.
2. Sunday markets.
5. Pastimes, including Robin Hood plays, on Sunday.

The available evidence follows, under the five headings.

1. Holy seasons and days.

The nature of the reaction, after Moray became Regent, to saints days will provide sufficient evidence that his predecessor as Magistrate had required the "idolatrous" observance of "superstitious" times, including days. She had also required the observance of Lent. An Edinburgh Town Council proclamation of 24th January 1565 prohibited the eating, cooking or selling of flesh throughout the Lenten season.

(28) EBR, III, p.97.
(29) BUK, I, p.58.
2. Sunday markets.

The Privy Council on 11th December 1564 ordained, on the basis of the 1503 Act of Parliament, that there be no Sunday markets or fairs and that any ordinary Sunday fairs should be transferred to the Monday. The Council minute reads:

The quhilk day, the Queenis Majestie and Lordis of hir Secret Counsel, understanding that their was ane Act of Parliament maide be umquhile King James the Fird, of worthie memorie, ordaining that their shoulde be na marcattis nor faires holdin on Sundaysis, nor yit within Kirkis or Kirkyardis, undir the pane of escheting of the gudis, as in the said act at mair lenth is contentit, quhilk act, thix mony yeris bigane, hes bene contravenit be the liegis of this Realme. For remeild of the quhilk abuse hir Majestie ordanis lettres to be direct, chargeing all and sindry hir Hienes liegis, alsweill to burgh as to land, that none of thame tak upoun hand to hald marcattis or faires on the Sonday, or yit within kirk or kirkyardis, r/

i/ undir the pane abone-specifiit contenit thairin, and that the Provestis and Baillies within burgh, Shereffis, Stewartis, Baillies, Lordis of Regaliteis, and utheris our Soverane Ladiis ordinar Officilars to landwart, put the said Act of Parliament to dew executioun and punelis the contravenaris thairof, according to the tennour of the samyn, and that thai put the prices of the gudis to be confiscat be thame in boxis to be disposnit ad pios usus, as the Queenis Majestie and Lordis of hir Secret Counsel sail command; and to that effect that thai be redde to gif compt of thair intromissioun quhen thai salbe requirit, and gif ony ordinar faires sail fall on the Sonday, that the samyn be delayit quhill the nixt day thaireftir.

Common markets, at any time of Sunday, had previously been forbidden. (30) The Privy Council were to that extent but reaffirming existing policy. They did so without equivocation. Their prohibitions extended the existing policy and represented a complete shut-down on every type of common market and on every type of great market or fair, whether in burghs or in landward areas, on Sundays. There was to be, that is to say, no manner of organised marketing of a general kind on Sundays.


Some necessary Sunday trading may, however, have been allowed. But, if so, such trading was reduced to a bare minimum.

Her Majesty's 1561 proclamation had ruled out the Edinburgh Town enactment of October 1560 which, among other things, had prohibited the Sunday wholesale and retail flesh markets. Whether,

(30) W. Muir, Gleanings from the records of Lysart, p.17 and G. Hay, History of Arbroath, p.127 imply this.
during the Catholic phase, there was no official opposition to the Sunday flesh markets, is not known. It is probable, however, that a proclamation of 11th November 1562 implies that the authorities sanctioned at least a limited amount of trading by butchers. It charged the lieges that from that day no flesh be dressed or eaten in their houses on Friday and Saturday. (31) The proclamation could have been addressed to a time of dearth: it was probably naming two weekly days of abstinence. (32) Thus, in either case, seeing that to Roman Catholics Sunday was not a fast day but a feast day, it would seem that the Roman Catholic Magistrate's proclamation about Fridays and Saturdays points to the possibility that there would be official indulgence towards the selling and buying of meat on Sundays. (33) If the Sunday trading bye-law was thereby abrogated or relaxed or unenforced, it appears that the authorities may nevertheless have approved of no more than a minimum of Sunday trading. That the permitted Sunday trading implies not a common market but a strictly limited victual market would seem to be embodied in an Edinburgh Town Council minute of 4th July 1563. The Council ordained, "conform to their auld ordinances", that "woll, hyde, skyn, butter, cheise" be not sold on Sundays, "oppinlie nor privatlie". (34) A penalty now reinforced this Sunday policy. The words "openly nor privately" recall the same phrase in the Queen's proclamation of 1561. That could indicate that the Edinburgh municipal authorities were consciously adhering to the Queen's policy of rejecting innovations. Together with the penalty — penalties are attached to all this phase's enactments about the observance of Sunday and other holy days — the prohibition against such private trading represented an increase in effective determination to abolish all inessential Sunday trading. The particular and detailed prohibition of the selling of wool, hide, skin, butter and cheese would seem to suggest, nevertheless, that some essential trading was allowed. There may have been more than one class of victual markets. (35) The Edinburgh Town Council enactment of 1560 suggests that there may have been at least two. It is just possible, therefore, that the Council's singling out of the above market for prohibition may indicate that they were being indulgent towards Sunday trading.

(34) Cf. BBR, V, p.73. (35) BBR, WXXI, pp.15-16. /\
which involved the retailing of flesh on the feast day which was Sunday. Otherwise, the omission of reference to butchers would seem to be unaccountable - when eventually the flesh market was unambiguously forbidden in Scotland, the fleshers were among the most notorious and persistent of the offending Sunday traders. Seeing that the Queen on 11th November 1562 reduced by two the number of their trading days in the week, it would seem that the reason why retail fleshers were not included among the recalcitrant Sunday traders is that the Catholic Magistrate did not regard their class of trading as a Sunday offence.


The Catholic phase also seems to have shown concern that there should be no "worldly business" on Sundays. In October 1565 the Edinburgh Town Council arranged to meet for business daily, "Sounday and tyme of preaching except". It may be significant that they chose that phrase to a phrase such as "time of preaching on Sunday and other days". Sunday may have been excepted not because it was a preaching day but simply because it was Sunday and was to be kept as a holy day. The following references to the kind of activities which took place on Sundays provide a commentary on that. They show that it was the day and not the preaching which the Magistrate was seeking to have kept. They further show that in her view it was legitimate to keep holiday on Sunday after church, and that her interpretation of the keeping holy of the Sabbath day left room for Sunday pastimes.

5. Pastimes.

To please the Queen the Town of Edinburgh had arranged to celebrate her arrival in Scotland with "ane honorable banquet". The banquet took place on a Sunday. (36) The Queen herself seems to have approved of Sunday banquets which a Sabbatarian would regard as dishonourable. (37) What happened on her wedding day - Sunday, 29th July 1565 - is doubtful. "During the space of three or four days, there was nothing but balling, and dancing, and banquetting". (38) But whether the festivities were delayed until the Monday is a matter for conjecture. It is extremely probable that they began forthwith on the Sunday. (37)

Concerning pastimes, a letter dated 7th December 1561 reads:

We fell in talk of the pastimes that were the Sunday before, where the Lord Robert, the Lord John, and others rang at the ring, six against six, disguised and appareled, the one half like women, the other like strangers, in strange masking garments. The Marquis that day did very well; but the women, whose part the Lord Robert did sustain, won the ring. The Queen herself beheld it, and as many others as listed. (39)

It was not a solitary occurrence. The same writer referred to a subsequent Sunday as being "another day of mirth and pastime ... upon the sands of Leith, where the Queen will be herself". (40) The Queen's marriage to Darnley on a Sunday provides another instance. The Queen went forthwith to Mass. The bridegroom went to his "pastime". (41)

Such instances encourage caution concerning the action which the Privy Council, Edinburgh Town Council, and Aberdeen Town Council took in connection with Robin Hood plays. Aberdeen Town Council on 14th May 1565 issued a proclamation

that none ... tak upone hand to mak ony conventione, with taburne plaing, or pype, or fedill, or have anseinges, to convene the quenis legis, in chusing of Robin Huid, Litill Johnne, Abbot of Ressounne, Queyne of Maii, or sicklyk contravene the statutis of parliament.

A previous proclamation of theirs, on 4th May 1562, had defined the statutes as "the actis and statutis of the quenis grace and lordis of consell", and had indicated that the offences related to the bringing in of the summer on the first Sunday of May. The Edinburgh Town Council on 30th April 1562 reproduced the royal proclamation anent those activities, thus:

I command ... that na maner of persoun ... attempt or tak upoun thaim ony sic office or power as Robene Hude, Litil Jhonne, Abbat of Unressoun or the like office ... to mak convocationoun or beir armour.

The proclamation professed to be directed against any person who "under colour of Robene Hudis play purpoissis to rais seditione and tumult within our ... burgh". (42) The Queen was adhering strictly to the terms of her pre-1560 precedent. It was an Act of Parliament of 1555. The severity of that Act's penalty in respect of towns as compared with country districts suggests that the Act was against the

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(40) Bishop Keith, History of ... Scotland (Spottiswoode Society, Edinburgh, 1844), I, pp.119, 120, 123, 125.
possibility that those May Sunday occasions might be turned to purposes which could threaten the peace. It would therefore seem that the Privy Council's action anent such activities related to one Sunday of the year only, and is not to be taken to mean that during the Catholic phase the Magistrate sought to suppress all such activities - in so far as they were no more than "vain pastimes" - on all the Sundays of the year.

The rest of the picture for the Catholic phase is sketchy; but it does give the general impression that the Queen was aiming at an increase of piety and prayers and an increased use of the church premises after a fashion which was not Knoxian. On the one hand, her participation in Sunday pastimes in the open air in winter must have conflicted with the afternoon preaching on Sunday. And there would seem to have been preaching on Sunday afternoons. (43)

On the other hand, John Knox had to concede to the Queen at least "the guise of piety". (44) October 1561 had brought a trial of strength between the Queen and the Edinburgh Council on the issue which her Majesty's prompt proclamation had raised. The Council in that month made a proclamation which Mary judged to be at variance with, or in defiance of, her August proclamation. John Knox's version of the sequel is that the Sovereign had the provost and bailies warded in the Castle and that she ordered that others be elected to take their offices. "And so", adds Knox, "gatt the Devill fredome againe". (45) Defining that freedom, other than in terms of liberty to say Mass and to set forward what to Knox were un-Biblical, Sabbatical, ceremonial, superstitious, or idolatrous developments, would be difficult. (46) (John Knox himself describes ostensibly "godly" actions as "a newe schift" which had the purpose of pleasing the "godly"). (47) More care was, for example, taken

(43) EBR, III, p.131.
(44) Works, VI, p.134.
(45) II, p.290.
of the burgh kirk of Edinburgh and facilities provided for its
daily use for private devotion. Edinburgh Town Council directed
the bellman and the "keepers" of the kirk

to caus soupe and dicht the said Kirk ilk oulk anis and to
paint it ilk moneth anis, and to keipe the durris thairof the
tyme of sermound prayaris and exercys, as us hes bene in tymes
past, and to oppin the durris of the said Kirk at sevin houris
in the morning in wynter and fyve in somer, and to steik the
saidis durris at four houris in wynter and sex in somer. (48)

The general picture for the Catholic phase is that the
prevailing Sunday observance theory corresponded to that which
was embodied in the traditional views of the initial phase in so far as
the latter were based on pre-1560 precedent. The Catholic phase
preferred the traditional word Sunday to the Fourth Commandment's
term "the Sabbath day", made no manifest use of the Fourth
Commandment, and kept Sunday holy only in the sense that it kept
it as "a holy day". Thus:–

(i) The Magistrate was referring not to the Fourth Command
but to Scottish precedent or Catholic usage.

(ii) Sunday was to be kept throughout its length as holy days
had been meant to be kept prior to the Reformation.

(iii) Every kind of market and fair was prohibited, such as
offered a centre for miscellaneous trading.

(iv) The Sunday flesh market is a possible exception.

(v) Although there was a ban on general Sunday trading, an
exception may have been made to allow of the sale of necessary
(possibly perishable) victuals.

1/ (vi) Wordly business was apparently to be suspended.

(vii) Pastimes were allowed on Sunday afternoons.

(viii) Penalties were attached to the violation of Sunday.

(ix) The Sabbatical principle was extended to include the
observance of holy days and Lent.

Except for the penalties, the enactments conformed with "auld
ordinances" or were understood to be in accordance with traditional
practice or theory.

(48) EBR, III, p.221.
Pro-Anoxian Phase. - The pro-Anoxian phase which followed the Catholic phase was abruptly discontinuous with it. It was a fleeting phase and its facts are inevitably few. That handicaps their interpretation. Reading between the lines is unavoidable. There is the danger of reading too eloquently between the lines. But concerning one fact it would seem impossible that there could be two reasonable opinions; namely, that whatever may have been the pro-Anoxian Magistrate's view of Sunday it was not the traditional view.

The scant, disjointed facts will be set against a three-fold background.

1. First, the traditional view of Sunday - as a "holy day" - had in practice been found wanting. The traditional Sabbatarianism had gone to seed, and had come to produce results which were the opposite of those which it was intended to produce. Civil and ecclesiastical records in both Scotland and England provide abundant evidence of that. Those days which had been set apart as holy had in practice become the most unholy of days. A 1362 English commentary sums up the situation:

What was intended for devotion is converted to lewdness, forasmuch as the tavern on these days is more frequented than the church, and there is greater abundance of junkets and drunkenness than of tears and prayers; and men spend their leisure in debauchery and quarrels more than in devotion; ... nor do they sabbatize in honor of God, but to the scandal of Him and Holy Church, as if these solemnities were intended for the exercise of profaneness and mischief, which increase in proportion to the number of these days. (49)

Similarly, two hundred years later, Ninian Winzet had argued that in Scotland people had misspent holy days by indulgence in gross sins. (50) Sabbatizing was not enough. Satan found mischief for those hands which on the Sabbath days were merely idle. Sabbatizing was meant to produce the fruits of righteousness. It was in fact producing the fruits of idolatry and superstition. Ninian Winzet was aware that the Anoxians' root objection to Sabbath days was precisely that.

(49) Concilia Magnae Britanniae, ed. David Wilkins (1737), III, p.68. Cf. Sacrosancta Concilia, ed. Phil. Labeus and Gab. Cossartius (1671), XI, Part 2, 1789 ABCDE, 1790 ABCD, 1933 ABCDE, 1934 ABCDE, 1287 DE, 1288 ABCDE; B. V. Neale, Feasts and Fasts, pp.133-35; Wilkins, III, p.827. In Scotland there had been an attempt to limit the observance of holy days, because of abuse. - APS, II, p.97 (1469, c.15); cf. c.10.

(50) Tractates, p.30.
2. Second, Parliament made answer to the prevailing idolatry and superstition in general by explicitly rejecting precedents which were not wholly in agreement with God's word and were contrary to the 1560 Confession of Faith.

3. Third, Parliament was professedly getting back to the first principles of the Reformation.

Parliament did not single out Sunday observance precedents for special mention among those precedents which it abolished. Taken together, nevertheless, those three considerations could point to the possibility that it regarded the Sunday situation as unsatisfactory; aimed at an observance which would rest on a right understanding of Scripture and be in line with the Confession of Faith's position; and therefore cut adrift from the traditional view of Sunday as a holy day. In the 1557 situation Parliament was beginning at the beginning. Its starting-point was opposition to idolatry and superstition. Thus it would seem probable that it would have in mind idolatrous use of days and that kind of Sabbatarianism which tended to produce superstition. Further, Parliament was working in close liaison with the Kirk. And the Kirk's official catechism - the 1556 - flatly contradicted the traditional view of Sunday. Moreover, that catechism was known as "Calvin's catechism". Thus, if it discarded the "auld ordinances" and substituted "Calvin's catechism" as its reference book, Parliament could have been under the impression that it was thereby proceeding in accordance with the first principles of the Reformation. It would seem to have been prepared to be radical in dealing with the situation. Its concern was not with the superstructure but with the foundations; or, not with ecclesiastical proprieties, but with offences against the law of God. That was the spearhead of its purpose.

The available evidence will now be set against that background.

Kirkcaldy - which lay outwith the field of the Queen's immediate vigilance - anticipated the pro-Knoxian development which later took place in Edinburgh. On 7th October 1566 "the fensit heid cort, haldyn in the tolbuicht of Kyrcaldy" enacted "that nayne man us the mercat on the Sonday after the thrid bell". (51) This

(51) Macbean, Kirkcaldy burgh records, p.68.
would appear to testify that the Kirkcaldy interest was not in the Sabbath day but in what happened after the ringing of the bell, namely, the preaching. The market could proceed provided that it did not interfere with the preaching. (Incidentally, the Kirkcaldy court used the enactment ament the Sabbath day which Peebles, Dysart and Arbroath had used, accepted its penalties, but - unlike Peebles and Arbroath - rejected its term "Sabbath day"). This gives the shape of the things which were to come as from the First Parliament of James VI, of 15 December 1567, which constituted the Earl of Moray Regent.

A Commission of that Parliament's (with a remit which included Sunday observance) and the Parliament itself made known the Magistrate's mind on two fundamental issues.

The first concerned precedents. Parliament made it clear that it was not thirled to them. It expressed the view that in "tymes bypast" (including the Catholic phase) the Magistrate's policy had been based on "auld ordinances" and had not been wholly in agreement with God's holy word. Parliament "abolished for ever" all such Acts in the Statute Book as were contrary to the Confession of Faith. (52) The Commission's proposal ament Sunday observance - which Parliament accepted - was for the ratification of ordinances made for "keping of the Saboth day". (53) Parliament accordingly passed "ane act anent the keiping of the Sabaoth day". (54) Both the Commission and Parliament would seem to have had in mind the Fourth Commandment's opening phrase, "Remember the Sabbath day to keep it holy". But they omitted reference to the word "holy". That is, they were referring to the Fourth Commandment of the law of God but may have been eschewing the traditional interpretation of it - which classified Sunday with holy days.

The second fundamental issue was whether Sunday observance was to carry a positive or a negative emphasis. The substance of the Commission's proposal and of the consequent legislation for the keeping of the Sabbath day is missing. The question therefore is what the term meant. Theoretically the Commission and Parliament could have meant one or both of two things. They could have used the term "the Sabbath day" as the Edinburgh Town Council had used it, with a Sabbatarian meaning, in 1560; or they could have used

it as the Aberdeen Kirk Session had used it, in 1562, with an anti-Sabbatarian meaning. That is to say, the Act meant the keeping of the Sabbath day could have been with a view to safeguarding the day from profanation or, alternatively, with a view to having the day kept by means of attendance at church. Or it could have had both ends in view. The use of the term "the Sabbath day" does not automatically disclose how those who take that term over from the Fourth Commandment interpret the Command itself. What the 1567-68 Magistrate meant by "keeping the Sabbath day" is to be gleaned from what were the Magistrate's views as a whole towards "days".

Parliament contended that the policy which had been based on "auld ordinances" had brought into the Kirk of God idolatry and superstition. (55) The words recall, for Sunday observance, the Knoxian opposition to the "idolatry" which the observance of Easter involved and to the "superstition of times". The proceedings of the Commission would seem to confirm that the idolatry and superstition which had been brought into the Kirk included the "distinction of days". They showed a concern to suppress Lent, the old saints days, and (among Sundays which had been distincted) at least Whitsunday. A session - whose sederunt does not include ministers (56) - suggested the exclusion of the old saints days from those days which were to be holidays for the legal profession. Sunday was normally to be a holiday (the harvest season and Whitsunday were in a special category). Thus:

ITEM that the lords of sersioun and all utheris Judges within realme sall sit and minister Justice to the liageis thair of all the dayis of the oulk except upon the sounday and the auld sanctis dayis callit non sederunt to be dischargit frathynedurth. (57)

The Commission also refused to observe Lent and Whitsunday; but may have conceded that Palm Sunday, Holy Week and Easter day were in a special category. Its view was thus not identical with the Knoxian. At the same time, it agreed with the Knoxians in so far as it seems to have had a concern lest the observance of those Sundays might have the appearance of being the observance of Sabbath days. Thus it took care to dissociate Palm-Sunday-even

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from Palm Sunday, and expressly stated that the Lords of Council
and Session were to sit on Shrove Tuesday and Whitsunday. The
Lords were to sit daily from 7th January except on Sundays

but any vacance at Fastings evin, quhil Palmesunday evin
inclusive. And than to ryse, and have vacance, quhill the
next Monunday eiter law Sonunday exclusive ... without any
vacance at Witsunday. (58)

All this coheres with the more radical views of the times. It
would suggest that Parliament and its Commission, in cutting adrift
from idolatrous and superstitious precedent, were referring for
guidance not only to the Confession of Faith and the Fourth
Commandment but also to the Knoxian 1556 manual of teaching. That
1556 catechism spoke of the keeping of the Sabbath in a sense which
is applicable to every day and not specifically to Sunday. The
keeping of the Sabbath meant two things. Primarily it meant the
keeping of a spiritual Sabbath. Secondly it involved the attempt
- by using the opportunity of Sunday, the day of leisure - to
approximate to the spiritual Sabbath by producing in the people a
character which is congruous with the Divine law and with that
"rest" which God gives.

If the Commission and Parliament were in sympathy with the
1556 catechism, they could speak of the keeping of Sunday as the
keeping of the Sabbath day and mean no more than that Sunday
observance was to be with a view to the keeping of the Fourth
Commandment. Their use of the term in that context by no means
necessarily denoted Sabbatarianism. Equally, it did not mean
that by using the term "the Sabbath day" instead of Sunday they
were describing the twenty-four hours of Sunday as a Sabbath day.
To speak of the keeping of the Sabbath day could, on their view,
mean the keeping of an operative part of Sunday - to be precise,
that part of the day which was to be kept by attendance at church.
That was, essentially, the 1556 catechism's position. To speak
of the keeping of the Sabbath day, on the basis of the catechism's
teaching, need have meant no more than to refer to Sunday observance
against the background of the spiritual Sabbath, and to have meant
that Sunday legislation was to have in view the practical, positive
end of leading the people "to come together, and to give diligent
care to the word of God, to make their prayers unto God, and

(58) APS, III, p.32 (c.29).
finally to make open profession of their faith and religion".

Supplementary evidence for what was the Magistrate's mind is tenuous but has nevertheless some weight. It comes through two channels; namely, through what the Commission of Parliament did and through Edinburgh Town Council enactments.

The Commission bracketed the keeping of the Sabbath day with "the punishment of fornication adulterie incest swering and banyng". (59) That would seem to say that the Commission were reverting to the 1560 policy - as reflected, for example, in the Edinburgh municipal enactments - of specifying transgressions of the moral law and placing the keeping of the Sabbath day in the forefront of concern. The juxtaposition of Sabbath observance and those moral offences would suggest that it was the expression of the view that the keeping of the Sabbath day of the Fourth Commandment and the keeping of the moral law belonged together. That view of the keeping of the Sabbath day was thus of a different kind from the view which thought in terms of the profanation of the day or described the day as a "holy day". Whereas the latter expressed concern about the character of the day, the former manifested concern about the characters of the people.

The few available Edinburgh Town Council enactments agree with that non-Sabbatarian emphasis. And seeing that the Council were represented on the Commission the agreement would seem to enhance the value of the Council's enactments as commentary on the Commission's views and on the subsequent Act of Parliament. By 8th May 1568 it would appear to have become unmistakable that by Sunday observance the Edinburgh Council meant at least compulsory attendance at the preaching and prayers (which in the initial phase had been the Preachers' distinctive contribution to the Edinburgh Town Council's October 1560 enactment, and in 1562 had represented the Aberdeen Kirk Session's interpretation of sanctifying and keeping holy the Sabbath day). The Edinburgh Council on that day unanimously discharged a deacon from the office of the deaconship because he had confessed that he was not "adiunit with the kirk of God, nother to hant nor frequent preaching nor prayer". (This sounds like the Geneva City Statute which required all "to haunt and come diligently to the sermons and the word of God"). The Council were acting in

(59) AFS, III, p.38 (c.17).
accordance with the same policy on 7th January 1569 when they made a proclamation about the closing of taverns on Sundays and greatly increased the penalty against offenders. The proclamation required taverns to close during the "time of preiching on the Sabbath day". (The "Sabbath day" may well have been the term used when the offence related to church hours). On the other hand, the Council evinced no interest in the profanation of the day in November 1568 when they considered the case of some men who "upoun Sounday at evin last, within silence of nycht", destroyed a dyke: the Council made no reference to Sabbath profanation having been involved together with the act of destruction. They called the day, in that instance, "Sunday"; not "the Sabbath". That may mean that only the operative part of the day was called "the Sabbath" — namely, the time of preaching and prayers — and that keeping the Sabbath meant the keeping of that time; and that Sunday observance, on their view, may have had no other meaning.

That completes the evidence for the pro-Knoxian phase.

One thing stands out boldly. The pro-Knoxian general approach was radical; and its view of Sunday was not the traditional view of the Catholic phase. That alone is sufficient to further the present chapter's argument.

It is necessary to coax from the available evidence what may have been the additional features of the pro-Knoxian Sunday observance. The total picture could have borne some resemblance to the following:

(a) The Magistrate cut adrift from precedents or "auld ordinances" which expressed a Sabbatarian principle and distinguished days.

(b) He sought agreement with the word of God, and took action simultaneously to have the Sabbath day kept and to have the moral law kept.

(c) He may have called Sunday "the Sabbath day" when he was referring to the time of preaching and prayer. Otherwise the term used was "Sunday".

(d) The Edinburgh Town Council's Sunday emphasis was on attendance at the preaching and prayers and on "time of preaching". It is possible that the Edinburgh Council were in possession of
Geneva City Statutes and modelled an enactment upon them.

(e) Taverns were to be closed during "time of preaching" on Sunday.

(f) Worldly business, other than at least certain kinds of trading, may have been prohibited. Sunday was to be a day of leisure.

(g) The Magistrate showed no concern for the profanation of the Sabbath day. The Edinburgh Town Council were apparently blind to "profane" behaviour on a Sunday evening.

Kirkcaldy provides a possible parallel. The town allowed some Sunday trading, provided that the time of preaching was respected.

(h) The Magistrate was not opposed to the observance of Holy Week, Palm Sunday, and Easter day. He was opposed to the observance of Whitsunday.

(i) He took precaution to ensure that the observance of special Sundays would not have the appearance of being the keeping of "holy days".

In short, the observance was Knoxian but with two differences. The first difference was in the acceptance of the term "the Sabbath day" to designate Sunday - at least in the context of keeping the day when that meant keeping time of sermon. The second was in the recognition of Holy Week, Palm Sunday and Easter day.

Anglopiscopapistical Phase. - The pro-Knoxian phase continued for approximately a year. Thereafter, as Knoxian influence waned, it gave place to the Anglopiscopapistical phase. This phase led up to the Convention of Leith. The Convention set up a hierarchy which was partly Episcopal after the English style and partly Papistical. It was a landmark on the road which led to those conclusions which Andrew Melville called "Anglopiscopapistical". The Convention symbolises the ascendancy of those - including Maitland of Lethington and the Earl of Morton - who had shown that they were antipathetic towards the radicals but sympathetic towards a policy of amity with England. There is no evidence to demonstrate that that sympathy extended to the Anglican view of Sunday observance. The available evidence for the Anglopiscopapistical phase gives, nevertheless, the general impression that the Privy Council were in line with the teaching of Queen Elizabeth's two homilies "Of the Place and Time of Prayer". That teaching set forth a
masterly compromise, in that it moved together, expertly, the traditional and the reformed views of Sunday and its observance. A subsequent chapter will summarise that compromise teaching. (60)

The Anglopiscopapistical phase would seem to record a movement towards it. The few available enactments of this phase resumed the emphases of the Catholic phase, in so far as they were related to fairs, markets of a general kind, and worldly affairs on Sundays; except that during this latest phase Sunday was called "the Sabbath day", as well as being called "Sunday". Also, this latest phase did not resume the practice of holy days, and did not think of the Sabbath day as being a "holy day".

Concurrently, like the English homilies, the Privy Council in 1569 thought in terms of assemblies of the "people of God" - "to hear the Word of God and resave the Sacramentis". The Anglican homilies' references had included references to "all good Christian people", "the godly Christian people", "God's people", "O ye people of God", and "God's people"; and had stressed the importance of receiving the sacrament of the Lord's Supper. Their conclusion was:

Forasmuch as ye perceive it is God's determinate pleasure ye should resort unto your churches upon the day of holy rest; ....... Almighty God ... will be worshipped in the due receiving of his Sacraments, and sincere preaching and hearing of his holy word, and practising the same by godly conversation. (61)

The Privy Council on 15th July 1569 expressed their mind on Sunday observance in a revealing fashion. The sederunt is also revealing. There were present:

Adame Bischop of Orknay,
Robert Commendatare of Dunfermling,
Johnne Commendatare of Balmerynoch
Maister of Requeistis to our Soverane Lord, Sir Johnne Bellenden of Auchnowle Anycht Justice Clerk Sir Johnne Wischert of Pittaro Anycht; and als in the presence of the Provest, Bailies, and ane part of the Counsell of the burgh of Dunde.

A pronouncement from such a sederunt could hardly be of a radical character. The Council minute reads:

(60) Sermons or homilies, appointed to be read in churches in the time of Queen Elizabeth ... (London, 1517).

Forsamekill as be ane Act of Parliament maid in the tyme of unquhile King James the Fird, our Soverane Lordis granspiry of worthie memorie, it is statute and ordanit that their be na marcat nor fairis haldin on haly dayis, nor yit within Airkis or Airkyairdis on haly dayis, nor ony uther dayis, under the pane of escheting of the gudis. And albeit the same Act hes bene diverse tymes ordanit to be put to executioun and sindry proclamationis maid to that effect; nevirtheless the abuse and contempt of God and gude ordour continewis in sic sort, that albeit God of his mercy hes grantit the lycht and knawlege of his Word in this last aige, yit the malice and obstinacy of the people continewis in thair wonted disordour, and wilfullie violattis the Sabaoth day, usand the same prophanelie in marcat making and utheris wardlie effaris; and alsua prophanand and abusand the Kirks and Airkyairdis quhair the people of God aucht to convene to heir the Word of God and ressave the Sacramentis; sa that na obedience sawe to law, nor na gude ordour follow in tyme cunning gif tymous reseed be nocht proviidit. Thairfoir my Lord Regentis Grace, with avise of the Lordis of Secret Counsale, ordanis lettres to be direct, to mak intimatioun and publication of the said Act, yit as befoir, be oppin proclaimatioun at the marcat croces of the heid burrowis of sherefdomes of this realm, and all utheris places neidfull to all and sindry our Soverane Lordis liegis; and to command and charge thame in thair Hienes name and authoritie, that name of thame tak upon hand to hald marcat or fairis on Sunday, nor yit within Airkis or Airkyairdis, nowther on Sundayis nor na uther dayis, under the pane of escheting of thair gudis; and in caise thai failye thairin, ordanis the Shereffis of the schyres, Provestis and Baillies of burrowis, and officiersis of armes Shereffis in that part, to pas and confiscat and escheit all the gudis of the personis that salbe apprehendit doand in the contrair; and inbring and deliver the samyn to our Soverane Lordis Thesaurare to be applyit to his Hienes use for thair contemptioun according to justice.

It is a formidable document: the Council were, in an impressive manner, announcing that they would not countenance Sunday markets or fairs, Sunday trading, or other worldly affaires on Sundays. But the more significant points are, first, that the Privy Council were returning to the old precedents and that they were in possession of a copy of the 1503 Act of Parliament; second, that they interpreted the Act's reference to "holy days" as a reference to Sunday; and third, that here emerges in Scotland the term "profanation" of the Sabbath day.

A subsequent Privy Council minute refers to an attempt to suppress Sunday markets at Elgin. (62)

The only other enactment for this phase was not necessarily of the same character as the Privy Council enactment. It was by

the Edinburgh bailies and Council on 23rd August 1570. They then
decreed and ordained a certain Patrick Porteous to pay forty
shillings "for brekin of the Sabbath in kairting of two polkis of
woll send to Leyth on Sounday last", and put Porteous's carter in
ward. This is the first recorded instance, in Scotland, of a man
being charged with carrying a load, or having a load carried, on
Sunday. The offence consisted in the carrying of the load at any
time of the day and was not necessarily an offence against time of
sermon. Carrying the load could have been an offence against "the
day of rest". Or it could have been an offence because it
corresponded to the Scriptural injunction in Jeremiah xvii.21-22
(which John Calvin cited) to "bear no burden on the sabbath day".
Or it could have been an offence because it constituted profanation
of the Sabbath. In other words, to the adherents of the De Facto,
Functional, and Proportion theories — but for different reasons —
the carrying of loads was a Sunday offence.

The features of the Angloiscopapistical phase appear to have been:

(a) The appeal was to precedent.
(b) Sunday markets and fairs, Sunday trading, and other
worldly affairs on Sundays were taken to be contraventions of the
(c) In thus contravening the Act, the people were being
guilty of "profanation".
(d) Penalties were prescribed and imposed.
(e) Church-going was defined in a two-fold way: "the people
of God ought to convene to hear the Word of God and receive the
Sacraments". This may not be taken to indicate that there was
weekly Communion. It suggests acquaintance with English homilies.
(f) If the Scottish authorities were using the English
homilies they were meeting a compromise view of Sunday which could
not but, in practice, issue in a Sabbatarian observance.

The above features belong to the observance which the Privy
Council set forth.

(g) Edinburgh Town Council regarded as an offence the
carrying of a load on Sunday. (63)

The Canongate burgh officers were not to carry their swords on
Sundays.
Thus civil enactments from 1560 to 1572 would seem to have embodied two kinds of anti-Sabbatarianism and three kinds of Sabbatarianism. One set of anti-Sabbatarians opposed, without exception, the observance of holy days. The other set allowed the observance of certain Sundays, in a special manner, which formerly had been observed as holy days. One set of Sabbatarians (in the Catholic phase) regarded Sunday as a holy day and observed Sunday in accordance with Catholic practice. A second set of Sabbatarians (in the initial phase) regarded Sunday as a holy day but aimed at an observance which would get back to the Catholic ideal of observing holy days as "solemnities". The third set—the Anglo-Papistical—ceased to regard Sunday as a holy day in the Catholic sense but agreed, in effect, with the Sabbatarian ideal of the initial phase.

That concludes, meantime, the consideration of the Magistrate's Sunday observance. A consideration of the Kirk's minutes and publications follows.

THE KIRK

The date 25th December 1565 divides the 1560-72 General Assembly into two parts. That was the date of the Queen's reply to certain Articles which had been maturing since the Assembly of June 1564 had tentatively proposed that "Chrysts religioun be de novo established, ratified and approved". (64) The Assembly of June 1565 had presented the Articles to her Majesty. (65) The Queen's Majesty's answer, which the Assembly received on 25th December 1565, dealt plainly with the issue, and stated unambiguously that her Majesty neither might nor would leave the religion in which she had been nourished and brought up. (66) The Assembly interpreted that reply as signifying that there was no longer any hope that the Queen might establish the Protestant religion by an Act of Parliament. The Assembly's commentary was:

Esperance (or at least some opinion) had men before that God shulde move the Queinis Majesties heart, ...: But now she hath given answer in plaine wordes, that that Religion in which she hath bene nourished ... she will manteane and defend. And in declaratioun thereof, of laite dayes, there is erected a displayed baner against Jesus Christ. (67)

The Assembly called upon the godly to consider deeply the implications of the situation arising out of the Queen's retort. (68) Protestants saw that they must align themselves either with the Queen or with John Knox; and during the period beginning 25th December 1565 Knoxian influence within the Assembly reached its zenith. It would thus be expected that Knoxian views might begin to emerge subsequent to June 1564, and would predominate from December 1565 until the dawning of the phase which culminated in the Leith Convention of 1572.

Minutes. — The Assembly's minutes will first be considered. They may not, with assurance, be regarded as verbatim records. (69) Of the earliest recorded action which the Kirk took anent Sunday observance there are apparently two versions. On 4th July 1562 the "Convention of the Kirk of Scotland, gatherit in Edinburgh", agreed "that supplication be made to her Hienes for punishing of all vices commanded be the law of God to be punished, and yet not commendit to be punished be the law of the realme". The list of vices includes "breakers of the Sabbath day in keepint of commoun mercatts". (70) The other version gives David Calderwood and John Knox as its sources. It purports to be the framing of the above resolution into a supplication for presentation to the Queen's Majesty and the Privy Council. It omits all reference to Sabbath-breaking. (71) It could have been the word of a drafting committee; and the omission could give the impression that in the view of the committee or scribe Sabbath-breaking was not a sin against the law of God or that such legislation lay outwith the Kirk's proper concern. According to David Calderwood, the Kirk made good the omission at its earliest convenience. On 31st December 1562 the General Assembly, he reports, commissioned Superintendents Erskine, Spottiswoode, Willock and Winram, together with David Forrester, to conier with the Privy Council and "travell for abolishing of mercats holding upon the Lord's day throughout the realme". (72) (John Knox was commissioned to make supplication to the Queen for support of the poor). Calderwood may have been giving the substance of the original minute. He was beyond all doubt not giving the original wording. (73)

(68) Knox, Works, VI, p.402. (69) BUK, II, pref. i-xvi. (70) I, p.19. (71) Page 21. (72) Page 30. (73) Throughout his History David Calderwood was liable to disregard contemporary usage and to call Sunday "the Lord's day". — e.g., History of the Kirk of Scotland (Wodrow Society, Edinburgh), I, pp.193, 228, 456, 462, 463, 472, 483.
Two references from the Assembly records of June 1565 may reflect a somewhat similar situation; say, at committee level. Assembly ordained that certain Articles be sent to the Queen's Majesty. The first of the points which were to be included concerned the violation of the Sabbath day. It reads:

The haill kirk present for the tyme humblie requyreit the nobilitie present to be humble suters at her Hienes for the executiou of the law and actis latelie made agains violaters of the Sabboth day. (74)

This requirement appeared in the Articles themselves in two forms; in the First and Fifth Articles respectively. The Fifth Article would seem to have expressed the Assembly's intention; the First Article has the appearance of an addendum. The Fifth Article refers to "sick horrible crymes as now abounds in the realme, without any correction, to the great contempt of God and his holie word, sick as ... manifest breaking of the Sabboth day". (75) The apparent addendum has a different emphasis; and, by a putting of the cart before the horse, was set down in the First Article. & Thus:

That the peiple be astrictit to resort upon the Sondayes at least unto the prayers and preaching of Gods word, lykeas they were astricted befor to resort to the idolatrous messe. (76)

The addendum's interest was in compulsory church attendance on Sunday; with the recognised minimum of attendance at the prayers and preaching. There may have been within the Assembly, at least by 1565, those who were content to accept the Magistrate's definition of Sabbath violation and sicklymes also those, on the contrary, who had decided that the time had come for them to make plain what they understood Sunday observance primarily to mean (namely, prayers and preaching, with all the people present).

The only other minute which deals specifically with Sunday observance in the 1560-72 period is dated March, 1570. A case of alleged Sabbath-breaking came before the Assembly, by way of complaint. According to the somewhat ambiguous minute which records the case, the Assembly would seem to have upheld the complaint apparently because the alleged offence was committed on a parish where was neither preaching nor prayers on the Sunday in question.

(74) EUK, I, p.58. (75) Page 60. (76) Page 59
The case concerned a Thomas Smith of Ochiltree who had on a certain Sunday afternoon in Ochiltree removed a shoe from a horse. The parish minister had taken the view that Thomas Smith had thereby broken the Sabbath day; and had debarred Smith from the Lord's Table. It was divulged that on the Sunday of the alleged fault there was neither preaching nor public prayers at Ochiltree; and the Assembly, after long reasoning, ordained that Smith be received to participation of the Lord's Table and to the other benefits of the Airk. (77)

It may also be worthy of mention that, subsequent to the General Assembly's definition in July 1569 of its sphere of discipline, the cases which appear in the records refer public repentance not to Sundays but to "thrie severall days of preaching" (78) and to "every preaching day". (79)

Concerning holy days, the Assembly of December 1566 expressed its attitude when it approved of the "latter Confession of Helvetia", but only on condition that there would be entered a marginal note which would make plain that the Assembly would not allow the days dedicat to Christ, the circumcision, nativitie, passion, resurrection, ascension and pentecost days". (80) At the Assembly of July 1570, on the contrary - that is, after Moray's death and when Knoxian influence was on the wane - the question was put, "Whither the Communion may be ministred upon Pasch day, or not"; and the answer was, "Why not, where superstitione is removed". (81)

The overall impression is that within the Assembly the position was after the following fashion:—

1. Knoxian influence was against any compromise in connection with holy days; and, in connection with Sunday observance, it emphasised not the breaking or the violation of the Sabbath day but the keeping of the preaching and prayers on the Sunday.

2. Within the Assembly were also those who thought in terms of the violation of the Sabbath day and were content to accept the Magistrate's definition of what constituted the breaking or violation of the day. There were also those who did not react pathologically to holy days; and who were ready, as soon as Knox was no longer to be feared, to incline towards a recognition of some of the days which had traditionally been observed.

(77) BUK, I, 7±x 159. (78) Page 159. (79) Page 160.
(80) Page 90. See Knox, Works, VI, 547-58. (81) BUK, I, 180
Publications. — Three Assembly publications appear to harden that impression of what may have been the Knoxian element within the Assembly.

The first was the new edition of the Psalm book which was prepared, received the Assembly's imprimatur on 26th December 1564, and was distributed the following year. The edition had two relevant characteristics - namely, the collection of psalms did not include the 1556 edition's "Psalm" which was based on the Ten Commandments; and the book wholly discarded the Edwardian prayer book's Communion Exhortation (which had been incorporated in previous editions) and substituted an Exhortation, manifestly modelled on the Ten Commandments, which excommunicated from the Table of the Lord

all blasphemers of God, all Idolaters, all Murtherers, all adulterers, all that be in malice or envie, all disobedient persons to father or mother, Princes or Magistrates, Pastors or Preachers, all theves, & disseivers of their neighbours: & finally, all such as lyve a lyfe directly fighting against the wil of God. (82)

"All disobedient persons to father or mother, Princes or Magistrates, Pastors or Preachers" is based on the Fifth Commandment; and by the extension - "Pastors or Preachers" - would seem to indicate where lay the compilers' sympathies. More important still is the following analysis of the Exhortation, on the basis of the Decalogue:

I. "All such as lyve a lyfe directly fighting against the wil of God"; "all Idolaters".
II. "All Idolaters".
III. "All blasphemers of God".
IV. 
V. "All disobedient persons to father or mother", etc.
VI. "All Murtherers".
VII. "All adulterers".
VIII. "All theves".
IX. "All disseivers of their neighbours"; "all that be in malice".
X. "All that be in envie".

The one omission - of the Fourth Commandment - could be due to Knoxian intention or be a concession to the Knoxians.

(82) The forme of prayers (Robert Lekprevik, Edinburgh, MD.LXIII) and (Robert Lekprevik, M.D.LXV), p.116.
The second Assembly publication is *The Order and Doctrine of the General Fast*, published before the last Sunday of February 1566. (83)

The course of events and, in particular, the Queen's "answer in plain words, that that Religion in which she (had) been nourished ... she (would) maintain and defend", had seemed to vindicate the Preachers in respect of the "fearful threatenings" which they had uttered; and had made it seem, in retrospect, that God had made "few in number fearfull to many, fooles before the world to confound the wyse". This interpretation of events had enhanced Knoxian reputation with the Assembly, now depleted, and chastened those who thithero had not been in conformity with them. (84) The Assembly, on 28th December 1565, decided that the situation was such as to call for a Public Fast; and issued an explanation of why the Fast was being held and why on two stated days. (85) But although the authors of the explanation, in detailing the causes of the situation which called for the Fast, all but ran through the gamut of the Ten Commandments and also compared their list with a list of Ezekiel's, they made no mention of Sabbath-breaking. (86) That their Biblical reference should have been to Ezekiel is interesting in this connection - a Sabbatarian, compiling a comprehensive list of sins and referring to Ezekiel, could hardly fail to include in his list "pollution" of the Sabbath, "profanation" of the Sabbath. They set down another list of sins and vices based on every commandment of the Second Table of the Decalogue. That could have been their reason for omitting Sabbath-breaking - they were not, in that place, dealing with the First Table. (87) Nevertheless, while they called on every man to examine his own conscience "according as God commandeth in his hole law" (88) - their failure to make mention anywhere of Sabbath-breaking involved the risk of laying themselves open to the charge that their Decalogue did not include the Fourth Commandment.

They may not have been concerned to calculate such a risk: part of their concern seems, on the contrary, to have been to avoid the possible charge of "Sabbatizing". Not only the proposing a Fast but the stating of two Sundays for the Fast could, they were aware,
be misconstrued. They were accordingly at pains to state that their starting-out position was that "the ceremonie and the certane statute day" were "abolished at the coming of Christ Jesus, together with the rest of the figurall ceremonies". (89)

Solicitude about the naming of the Sundays is noticeable. Two main arguments supported their case for the stating of the two Sundays. The first was that Private Fasting could "be prescribed no certane tyme". As the causes and occasions of private fasting are divers so are those who fast privately at liberty to elect the time when they will fast. Protestants had not discontinued private fasting; "albeit with the Papistes (they blew) no trumpets, to appoynt thereto certane dayes". (90) The second argument was that Public Fasts are different: they are special remedies prescribed to deal with special occasions and extremities involving the common weal; and the common nature of the purpose necessitates the prescribing of a common time. An Old Testament case was quoted of people presenting themselves together before the Lord "upon a statute daye". (91) A second example provided an opportunity for reiterating this Old Testament characteristic of "a day, statute and affixed". (92) The stating of a day for a common purpose of that kind was an example which ought to be followed. (93)

Why the authors should apparently have been so nervously apologetic about the naming of two Sundays is the question. If they had been aiming at commending fasting alone, there would have been no need for them to raise the issue of "distinction of days". Likewise, seeing that for Roman Catholics Sunday was not a fast day but a feast day, the authors did not require to prove that in proposing a Sunday fast they were not conforming with Roman Catholic usage. This would seem to indicate that "distinction of days" was in itself an issue. If, further, all Protestants had regarded Sunday as a day to be kept as a Sabbath day, Sunday would already have been a "distincted" day. Consequently, to name the two Sundays would not have been to give them a new, figural character but only to intensify their use — and the issue there involved would have been fasting, not "distinction of days".

That is to say, the apologists who wrote the introduction were aware that their task included the taking of the edge off possible

criticism that the Fast was to be held on "certain statute days" and that the two Sundays could thereby appear to be holy days. They would seem to have been addressing themselves to Protestants among whom were those to whom the observance of Sunday as the Sabbath day was equivalent to making Sunday a "figural ceremony". Such Protestants might in consequence have been expected to be opposed to Sunday being nominated as a day to be kept strictly, throughout its length, for whatever cause and in whatever manner.

The naming of the appointed days for the Fast - even although those days were Sundays - may have exercised the consciences of some within the Assembly itself: it was only "after deliberation" that the Assembly had appointed the two Sundays and their strict observance. John Knox and John Craig's precautionary elaboration (which has been detailed elsewhere) of the introduction, looks like a continuation of that "deliberation".

It is significant that, with a view to avoiding "schism" on the issue, they should have felt it advisable to assume the invidious role of supplementing the Assembly's lengthy explanation by underlining that the naming of the two Sundays was not to be interpreted as embodying "any religion of time".

The third publication was The Order of Excommunication and of Public Repentance which the General Assembly commanded to be printed in June 1569. It may perhaps best be described as an Order compiled by John Knox, following John Alasco, and revised and edited by John Willock, John Craig, John Row, Robert Pont, James Gray, William Christison, and David Lindsay. (94) Nothing of Alasco remains except extensive quotations in prayers and their prefaces in "the form of Public Repentance" and in the latter half of "the form of Excommunication". There is nothing of Alasco in the section which is relevant to the present work, namely, the "Order". That John Knox should draw freely upon Alasco's prayers and prefaces but should show no indebtedness whatsoever to his Order is noticeable. It prompts speculation as to whether the work of revision and editing of Knox's draft was an important work. That the revision committee should number seven would convey the impression that the committee were to be more than glorified proof-readers, but were, on the contrary, to sit in judgement on the substance of Knox's

(94) BUK, I, p.131.
Order. Whether anything of John Knox's original order remains is probably unanswerable.

The Order of Public Repentance sets forth a two-fold list of offences. The "more haynous" are given as "fornication, drunkennes used, swearing, cursed speaking, chyding, feighting, brawling, and common contempt of the order of the Church, breaking of the Sabbath, and such like". (95) That seems to describe "breaking of the Sabbath" as belonging to the order of the Church; (as in the De Facto theory and the 1556 catechism's version of that theory). In that case, "breaking of the Sabbath" would mean "breaking of the Sabbath day". And if Superintendent Winram's contemporary disciplining of Sabbath-breakers at St. Andrews represented applications of this Order, "the breaking of the Sabbath" is here to be equated with failure to attend the preaching and prayers.

Assembly publications thus set forth a radical view of Sunday observance.

The St. Andrews minutes follow forthwith. They introduce the attempt to bring together all the foregoing in a synthesis which will make sense of the present chapter's treatment of the available material for the Sunday observance of the period 1560-72.

SYNTHESIS

This synthesis is the chapter's apex.

The St. Andrews minutes admirably set forth the problem which is to be solved. They are of two kinds. First come the minutes of those meetings at which the Superintendent is known to have been present. Second come the minutes of those meetings at which he appears not to have been present. The former meetings showed concern solely for attendance at the prayers and the preaching. The latter showed no such exclusive concern. That does not mean that they were not concerned that the people should attend church. It does seem to mean that in their disciplining of Sunday offenders they were acting in accordance with civil enactments and were refraining from taking independent action or from supplementing the civil enactments by setting forth the Kirk's own view of how Sunday should be observed. Accordingly, they were content either to exact x the penalties which the civil enactments prescribed or to remit

(95) Knox, Works, VI, pp.453-54.
the offenders to the magistrates.

The meetings at which the Superintendent was present were responsible for the following minutes:

3 March 1568. - [Two "travellaris"] "ar monesit be the Superintendent and seat to abstein ... fra going to merkattis and makking of merchandice on the Sabbat day, undir paine of excommunicatioun".

By "going to" the markets the men were unable to attend their own parish kirk.

The minute could, however, be regarded as ambiguous. It was earlier than the Assembly's decision to issue *The Order of Excommunication and of Public Repentance*.

The subsequent minutes were later than the Assembly's decision. The threatened penalty was excommunication, except where otherwise stated.

29 December 1568. - "(I.B.) ... for nocht cuming to the kirk to heir the Word of God upon the Sunday, is monesit to cum to the kirk upon the Sunday ..., she being in hir heal."

29 December 1568. - "Barbouris, ... for using of thair craf upon the Sabbat day, ar monesit to abstein".

The reason for the action against the barbers is not given. It could have been the same as that given in connection with the fleshers, in the following minute.

30 March 1569. - "(T.W.) ... for using of the fleschear craft in slaying and selling of flesche upon the Sabbat day, quhilk geviss hyme occasion to abyde fra hering of the Word of God, is admonesed to desist and ceas".

There was no threat of excommunication in this case.

14 June 1570. - "(R.G.) is decernit in alk tyme cuming to observe and keip his paris kirk, for heryng of the Word of God and public prayeris".

14 June 1570. - "(A.P) and (J.G.) decernit to keip the kirk on the Sabbat day in tyme cuming".

15 November 1570. - "(G.S.) spous to(G.U.) baxter, decernit to desist and ceas in tyme cuming fra selling of candil and braed on Sundays, ...; and lykwys dilatit for ... selling of bread tyme of sermon on Sunday". (96)

This minute of 15th November may embody two charges - selling on Sundays, and selling during time of sermon on Sunday. But it does seem that the latter was the specific charge which the woman

(96) The marginal heading is, "Decretum sessionis".
was to answer; and that that charge required her to appear before another court.

13 December 1570. — "Maister Robert Hammiltoun, minister of the citie of Sanctandros" was exhorted "moest gentelye" that he would "keip Sunday and Wensday". It was not to be imputed to him "as ane offence" that "the ordinarie dayis be hym war nocht kepit".

The minister's "keeping" of Sundays and Wednesdays meant that he would preach the Word on those two days: his failure to keep the other days had been his failure to preach in those days.

The minutes seem to express a radical view of Sunday. "Keeping" Sunday meant "keeping" the kirk. If it had meant more than that, the minutes would have read differently. Thus, there would have been no need to relate the offences of the baker's wife and of the flesher to "time of sermon on Sunday" and to "hearing of the Word of God" if their offences had been regarded as offences against the Sabbath day. That does not necessarily mean that Superintendent Winram was not relying upon the civil authorities to supplement the Kirk's action in Sunday observance. Nevertheless, it does seem that he was scrupulously avoiding any overlapping. His scrupulosity is so marked that it gives the impression that he regarded the civil authorities as the guardians of Sunday as a day of rest, but did not interpret that weekly resting in religious terms. Those, that is to say, who offended against the Sunday rest or leisure were not, in his view, subjects for church discipline. In other words, he was adhering to the Kirk's proper sphere of jurisdiction in accordance with the Assembly's unilateral action in issuing The Order of Excommunication and of Public Repentance.

If he had wished, he could simply have acted in cooperation with the civil authorities and concentrated on the violation of the Sabbath day. The minutes of those meetings at which he was not present illustrate that. Those minutes are as follow:-

13 September 1570. — "The sessioun hes ordanit ane supplication to be direct to the magistratis of this citie for guid ordour to be takin in tyme cuming, for reformation of the grite abuse usit be new mareit personis in violatioun of the Sabbath day; and in spetial quhen, the day of thair mareage eftir nune, they resor [t]ocht to hering of the doctrine, and at evin eftir supper insolentlie, in evil exemple of utheris, perturbis the town wytht rynning thair throw in menstralye and harlatrye".

This minute seems to be an expression of a different view of Sunday and its observance. The Session noted the absence from the
hearing of the "doctrine", but did not make that aspect of the
offence their primary concern. "Brekking of the Sabbat" meant for
them, in this instance, "violation of the Sabbath day". They did not
themselves discipline the offenders in respect of absence from
church but made approach to the magistrates with a view to having
the disturbance of the day suppressed.

Likewise, their concern with the offences of fleshers would
appear to have been a concern for the respecting of the Sabbath day
in accordance with the views of the civil authorities. The following
minute displays that kind of concern.

16 July 1571. - "The fleschearis of this citie being attachit
and warnit ... to heir them accusat for brekking and selling of
flesche upon the Sabbat day, and to resave discipline thairfoir,
comperit (M.L. and J.A.), fleschearis, and confessit that thai. /r
servandis sauld sum smal fleschis and drawchitis to puir folkis
on the Sabbat day. Comperit lykmys (J.H.) and confessit hym to
have doin the sam be hymelef. (J.W.) confessit selling of flesche
in litle quantitie upon Sunday, tyme of prayeris and nocht of
preaching. ... The seat ordenis the saidis personis to be offered
up to the majestratis be supplication, that ordour may be takin
according to actis of Parliament and statutis of this citie".

J.W.'s case seems to carry special significance. He was under
the impression that the selling of flesh on Sunday was in order
provided that it did not take place during time of preaching. (Only
a church court could have given him that impression - and it was not
the session of 18 July 1571). J.W. pleaded accordingly. But the
"Seat" dismissed his plea, and remitted him, together with the
others, to the magistrates. (97)

26 March 1572. - "(J.M.), walcar, dilatit and accusat for
violating and brekking of the Sabbat day, and nocht resorting to
the sermoun and praieris, is decernit be the seat that, gyf he beis
fund committing siclike in tyme cuming, he sal pay xls. to the
collectour of the puiris almes". (98)

("Not resorting to the sermon and prayers" could refer to
"work" days.) In the event of a recurrence of his apparently
two-fold fault, J.M. was to be fined.

When the Superintendent was (apparently) not present, that is
to say, the Session or Seat relied upon the effectiveness of civil
penalties and did not use the threat of excommunication. It is
possible that, in the absence of the Superintendent, they were not
competent to excommunicate. Nevertheless, if they had concurred

(97) The marginal heading reads: "Decretit of the session
ament fleschearis". (98) Margin: "Decretum sessionis".
with the view which the Superintendent had applied, their minutes would have told a different story. That they apparently dispensed with the Superintendent's approach to the keeping of Sunday would seem to imply that they were not prepared, as the Superintendent had been prepared, to proceed upon the assumption that the Kirk's unilateral action was competent when in 1568 it had decided to issue The Order of Excommunication and to that extent had sought to define the Kirk's sphere of jurisdiction in matters which required discipline.

In differing from the Superintendent on this point, the Session or Seat were setting forth views of the civil authorities and were thereby proceeding from a view of Sunday observance which was contrary to the radical view in that its primary emphasis was not on the time of preaching but on the character of the day.

That St. Andrews two-fold situation would seem to mirror the overall picture for the 1560-72 situation.

The clue to an understanding of it lies in a recognition of the tension which was liable to exist between the civil authorities and certain of the Protestants. Some Protestants seem to have been content to accept the order which the civil authorities laid down for the observance of Sunday. Others among the Protestants, on the contrary, were not prepared to accept unconditionally the civil form of Sunday observance or to concede that the last word in the matter rested with the Magistrate.

During the initial phase the civil authorities contrived to maintain a balance between the two groups. They did so by means of a compound observance which incorporated both the traditional and the radical views of Sunday and its observance.

During the Catholic phase the Magistrate discontinued the radical emphases.

Concurrently, the situation within the General Assembly was roughly parallel to that. The Kirk began by looking to the civil authorities to take action concerning Sunday observance, and regarded the latter as the proper authority to define Sunday observance. Within the Assembly from the beginning, however, were those who, without defying the civil authorities, revealed that their view of Sunday and its observance was not identical with the Magistrate's. When the Catholic Magistrate discontinued the
radical emphases, it became a matter of time before those in the Assembly who disagreed with the traditional view set forth their view of Sunday observance. The time came when Queen Mary defied the Assembly and revealed that she had no intention of resiling from her Catholic position. (99) Those within the Assembly who were violently and irreconcilably anti-Catholic thereafter felt themselves at liberty to reject the Catholic emphases and to set forth their own emphases. The result was the emergence of an uncompromising, radical view of Sunday.

There followed a brief period during which the radicals enjoyed the Magistrate's sympathy. The latter then defined Sunday observance not in accordance with his predecessors' views but, in the main, in accordance with the radical views. The Assembly was content to concur in the action which the then Magistrate took anent Sunday.

Lastly, as Knoxian influence waned, the civil authorities and the Kirk set forth different views. The former reverted to a traditional form of Sunday observance. The latter adhered to the radical form. The former did not adopt the traditional form simpliciter but may have inclined towards English views.

The Assembly, on the other hand, took action which demonstrated that it was impatient to have its sphere of jurisdiction defined; and it showed that it claimed the right to define Sabbath-breaking at least in so far as the breaking of the Sabbath was the breaking of church order. Superintendent Winram may have been aligning himself with this action of the Kirk's. Those who differed from him at St. Andrews may have been refraining from acting in accordance with the Kirk's claim to independent jurisdiction.

If the above is at all a true picture of the situation in Scotland from 1560 to 1572 it explains why the Magistrate and the Kirk did not consistently set forth an agreed, uniform observance and why there were variations in the observances which the Magistrate and the Kirk respectively set forth at different times.

There is, however, an underlying reason for the compound observance of 1560, for the subsequent variations, and for the oscillation between traditional and radical emphases. The key to an understanding of the very complex situation would seem to be the Knoxian doctrine of the "godly Magistrate".

(99) For a picture of the mounting opposition to the Queen, see Knox, Works, II, pp.418, 421-23, 424, 425, 427, 454, 460, 461.
The doctrine proceeds from an interpretation of the Fifth Commandment. That Commandment provides a factor which is tantalising in its elusiveness but paramount in its importance during the 1560-72 period and beyond. On it more than on any other single factor rests the present chapter's attempt to separate the different views of Sunday observance and to see them as self-contained views.

The Scottish Kirk from 1560 understood the Fifth Commandment as requiring men to honour the magistrate or civil authority. The above-quoted excerpt from the 1564 Form of Prayers shows that that was the position. The Knoxians, however, held that the obedience which they owed to the Magistrate was conditional upon the latter's being "godly". (100) This doctrine of the "godly Magistrate" would seem to be quite decisive for an understanding of the Scottish 1560-72 Sunday observance. It affected the situation in two ways.

The first way in which it affected the situation was the way in which it affected the Knoxians' attitude towards the Magistrate. Their own doctrine obliged the Knoxians to concur in the civil enactments anent Sunday at least for so long as they nourished the hope that the Magistrate would be godly; but, equally, it gave them liberty to act independently as soon as they had abandoned that hope. That could explain two things. It could explain why as at 1560 there was no apparent difference of opinion among the Protestants concerning Sunday observance enactments; and it could explain why there was an abrupt and clear difference of opinion subsequent to the open breach between the Queen and the Knoxians in 1564. In 1560 - in the First Book of Discipline - presupposing that the Magistrate would be godly, the Knoxians had subscribed the view that to the Magistrate appertained the duty of proceeding against certain "oppin transgressouris of Goddis lawis". (101) That could possibly account for their apparent acquiescence at the outset in the Magistrate's policy anent the Fourth Commandment - even although that policy differed from the 1556 catechism's positions. After the open breach between them and the Queen, on


the contrary, the Knoxians no longer were by their own doctrine obliged to acquiesce, and were correspondingly at liberty to set forth their own views about Sunday and its observance. That could account for the emergence at that juncture of a view of Sunday which agreed with the 1556 catechism.

The second way in which the doctrine of the godly Magistrate affected the situation was the way in which it affected the Magistrate's attitude towards the Knoxians, in so far as the Magistrate was disposed to cooperate with the Knoxians. That in turn could explain two things. It provides a possible explanation of why from August 1560 to August 1561 Edinburgh Town Council enactments included Knoxian emphases. With understandable prudence, the Town Council may have been contriving to make their policy as comprehensive as possible in the hope of giving general satisfaction to the adherents of the different views. It could further explain why, during the first year of Moray's Regency, Sunday observance as embodied in civil enactments underwent a sea-change; and, in particular, why the Magistrate acted out of character by professedly making a clean break with the immediate past and discontinuing allegiance to precedent. That extraordinary situation would seem to imply that the then Magistrate was giving ear to the Knoxian definition of godliness as applied to the godly Magistrate.

The first year of Moray's Regency is invaluable for the sorting out of the complexities of the situation anent Sunday observance. While the preceding Magistrate's traditional emphases were obviously not the emphases which the Knoxians favoured, there could lurk the suspicion that the Scottish Protestants had accepted the two sets of emphases as complementary to each other. But the traditional emphases disappeared entirely in the first year of Moray's Regency; and the Magistrate's and the radical positions all but coalesced. That would seem to testify that the Knoxians had tolerated but had not approved of the traditional aspects of the earlier Magistrates' positions.

The classification of the period's material into different groups would thus, on the basis of the above suggested explanation, be neither artificial nor wholly arbitrary. It would point to there having been at work both radical and traditional views of Sunday and its observance.
Radical Views. — The original version of the radical position was the Knoxian. Its features were:

(a) The keeping of Sunday meant the keeping of the kirk.
(b) The keeping of the kirk meant pre-eminently attendance at the preaching.
(c) Attendance at the preaching was to be compulsory upon all the people.
(d) The above features belonged to the Church's order.
(e) Sunday was also to be a day of rest or relaxation. The resting was for physical purposes only. It was in the interests of the individual and of the State. It belonged to the civil order. The civil authorities prescribed it and were responsible for seeing that it was kept.
(f) The keeping of Sabbath days was thus foreign to the Knoxian mind. Accordingly, the Knoxians were opposed to the observance of special Sundays in ways which were additional to the normal Sunday observance. That ruled out the observance of such days as Easter day and Whitsunday. But they made an exception in favour of Fast days.

There was also a modified version of the above radical position. It agreed with the Knoxian except on two, and possibly three, points. These were:

(i) The keeping of the kirk on the Sunday was the keeping of the Sabbath day of the Fourth Commandment.
(ii) The observance of Easter day and Palm Sunday were approved. The passage of time, by reducing the danger of there being a superstitious attitude towards them, was deemed to have made it possible to observe these Sundays.
(iii) There is a suggestion of possible Geneva influence.

Traditional Views. — Traditional views were incorporated in three different versions of Sunday observance.

The first version was that of the initial phase. It called Sunday "the holy day" and seemed to have the aim of lining up both with the Catholic ideal of "the holy day" and also with the Fourth Commandment, literally understood. Its distinctive features were that the people were not to engage in "vain pastimes" or in any
kind of trading on the Sabbath day.

The second version was that of the Catholic phase. It called the day "Sunday" and seemed to be in line with Catholic practice for the observance of Sunday as "the holy day". Its distinctive features were that it allowed pastimes after noon on the Sabbath day and a limited amount of trading.

The third version was that of the Anglo-Piscopapistical phase. It did not name Sunday a holy day after the Catholic manner, in that it referred to "Sundays and other days" and not to "Sundays and other holy days". Its distinctive features were its apparent affinity with Anglican teaching, its total prohibition of Sunday trading, and its view that Sunday had a character which could be profaned.

The features common to the three versions were:

1. Sunday was to be kept as a Sabbath day.
2. There were to be no Sunday markets or fairs, no Sunday trading of a general kind, no worldly business, and no Sunday work.
3. The people were to attend church on Sunday.
4. It appertained to the civil authorities to define and to safeguard the observance of Sunday as a Sabbath day.

If those who set forth the observance of the Anglo-Piscopapistical phase were indeed drawing upon the Anglican model, that means that they were thus making acquaintance with teaching which stressed that the Sunday resting was to be a "holy rest". (The radicals would have excised the word holy).

The next chapter will open with an exposition of that Anglican teaching; and will show that the radical and traditional - the anti-Sabbatarian and the Sabbatarian - views of Sunday observance continued in Scotland beyond 1572, but that the Anglo-Piscopapistical view progressively became dominant.
CHAPTER SIX
THE CIVIL AUTHORITIES AND THE GENERAL ASSEMBLY
1572 - 1598

Sabbatarian and at-hi-Sabbatarian views of Sunday observance persisted in Scotland throughout the remainder of the sixteenth century. They assumed various forms; but were of two main types. The additional forms represented anonymous positions which could have been resultants from the tensions which the two main types produced. Study of foreign models and of John Calvin's later teaching could also have been factors in the total situation. The present chapter's concern is with the two main types. Their features are discernible in the records of the civil authorities, the General Assembly, and St. Andrews Kirk Session. The present chapter's interest is in the civil authorities and the General Assembly from 1572 to 1598. The civil authorities are, for the present chapter, Parliament, the Privy Council, and Edinburgh Town Council. Other records will also be used; but for commentary only.

No single body of teaching anent Sunday and its observance may be expected wholly to account for either of the two main positions. "Clement Little's Collection" in Edinburgh University Library strongroom shows that concurrently various catechisms were circulating in Scotland. Some Scottish churchmen must have studied Continental and English models. But just how far their study may have modified their thinking about Sunday and its observance is undisclosed. Without suggesting the extent of their indebtedness to them it is possible, however, to associate the two positions with three, and possibly four, bodies of teaching.

The first position is reminiscent of the 1556 catechism and John Ca'rig's 1581 catechism.

Chapter Four summarised the 1556 book's teaching. It purported to be John Calvin's teaching; and was a version of the De facto theory.

John Craig supplemented it by publishing in 1581 a catechism which gives a version of the Functional theory. Its treatment of the Fourth Commandment is so brief that it may be given in full: (1)

(1) "A shorte summe of the wholle catechisme", Catechisms of the Scottish Reformation, ed. Horatius Bonar (London, 1866).
Q. What craveth this fourth Commandement?
A. That we keepe the Sabbath holy to the Lord.
Q. When and how is this done?
A. When we bestow it only in Gods service.
Q. Why is Gods example added?
A. To moove us more earnestly to followe him.
Q. When and how is this done?
A. when we bestow it only in Gods service.
Q. Why is Gods example added?
A. To moove us more earnestly to followe him.
Q. Is there anie holinesse in that day above the rest?
A. No for the holines is onely in the exercise.
Q. What if the exercise be not kept?
A. Then it is made the divels owne feast day.
Q. May we worke uppon all other dayes?
A. Yes for God hath given us free libertie.
Q. Wherefore was there one day appointed?
A. To maintaine the true Religion in the Church.
Q. For what other cause was it given?
A. For the ease of servants and beasts.
Q. Was it to the Iewes a sacrament of their spirituall rest.
A. Yes, but that ceremonie is taken awaye by Christ.
Q. Wherefore was it taken away?
A. Because we have spirituall rest by him.

The points to be noted are:

1. The Sabbath day does not possess a holy character.
   The day's resting is for practical purposes only.

2. The keeping of the Sabbath day is for a two-fold purpose.
   Firstly, it is for the purpose of maintaining the true religion.
   Secondly, it is for the purpose of giving relaxation to servants
   and animals.

3. The keeping holy of the Sabbath day refers solely to what
   people do on that day. The catechism twice described the people's
   duty. They are to "bestow it only in God's service". And they are
   to engage in "the exercise". These two belong together and comprise
   the one activity. The question is, what was the activity.

   There are two possibilities. It could mean that the day was
   holy according as the people used the day solely for religious worship
   and good works. That would involve a use of the term "the exercise"
   with a meaning which was not contemporary. Or it could mean that
   the day was holy according as the people attended "the exercise"
   and made "God's service" in church the only business of the day.
   The "exercise" customarily involved an assembly of people, usually
in church. (The 1556 catechism described it as coming together to give "diligent ear".) As other days may be "work" days (and may not be "holy" days), so the Sabbath day is the "exercise" day.

The answer is possibly to be found in a combination of both possibilities. The times of the Sunday exercises varied slightly; but in Edinburgh for most of the 1572-98 period it would seem that the first exercise began at 9 a.m. and the last exercise ended at 4 p.m. The period 9 a.m. to 4 p.m. was the time on Sunday when the Edinburgh faithful were concentrating on the "exercise". The holiness of the day consisted in the manner in which the people kept 9 a.m. to 4 p.m. There were exceptions to accommodate particular cases - such as taverners; but that was the basic discipline.

It seems possible to discern a difference in emphases in the earlier part of the 1572-98 period as compared with the later part. An exact exposition would require the earlier position to be described as, say, post-A Knoxian (De Facto); and the later to be described as, say, neo-Calvinian (Functional). The present work will, at the appropriate places, attempt to give some indication of the distinction. But the differences between the emphases are slight; the post-A Knoxian and neo-Calvinian positions seem progressively to merge; and it is impossible to give a date to their final merging. The present chapter will therefore classify both positions together as the Catechetical position. It was anti-Sabbatarian.

The adherents of the Sabbatarian position would probably have admitted that they were in substantial agreement with the teaching of the two English homilies, "Of the place and time of Prayer". Certain of them seem also to have been acquainted with the "King's Book". (2) (The King was Henry VIII).

The teaching of the homilies was a brilliant compromise between the traditional and radical views of Sunday. Thus, here and there, it incorporates the following radical, anti-Sabbatarian emphases:

... Albeit this commandment of God doth not bind Christian people so straitly ... as touching the precise keeping of the seventh day, ... yet, notwithstanding, ... by this

(2) A necessary doctrine and erudition for any chrysten man, set furth by the kynges maieyestye of Engleandy. &c. (Imprinted at London in Flete strete by Thomas Berthelet ... M.D.XLIII).
commandment, we ought to have a time, as one day in the week, wherein we ought to rest, yea, from our lawful and needful works ... to declare ourselves to be loving children, in following the example of our gracious Lord and Father.

This example ... the godly Christian people began to follow, immediately after the ascension of our Lord Jesus Christ, and began to choose them a standing day of the week to come together in; ... Sithence which time God's people hath always, in all ages, without any gainsaying, used to come together upon the Sunday; ... Wherefore, O ye people of God, ... be not disobedient to the godly order of Christ's church, used and kept from the Apostles' time until this day.

At the same time, the homilies contrived to incorporate the following traditional, Sabbatarian emphases:

As concerning the time, which Almighty God hath appointed his people to assemble together solemnly, it doth appear by the fourth Commandment of God: Remember, saith God, that thou keep holy the Sabbath-day .... For, ... God hath given express charge to all men, that upon the Sabbath-day, which is now our Sunday, they should cease from all weekly and work-day labour, ... use the Sunday holily, ... and also give themselves wholly to heavenly exercises of God's true religion and service. ... So, if we will be children of our heavenly Father, we must be careful to keep the Christian Sabbath-day - which is the Sunday - ... for that it is God's express commandment ....

Wherefore, O ye people of God, ... stand in awe of the commandment of God.

The points here to be noted from the homilies are:-

1. Christians keep the first day of the week because that was the day of the Resurrection of their Saviour Christ.

2. Christians retain from the fourth Commandment that which appertains to "the law of nature". Therefore they "ought to have a time, as one day in the week", for rest.

3. God not only rested on the seventh day, but "consecrated it to quietness and rest from labour". "Even so God's obedient people should use the Sunday holily, and rest from their common and daily business, and also give themselves wholly to heavenly exercises"; and thereby follow the divine example. Sunday is "the Christian Sabbath-day".

4. The keeping of the Christian Sabbath-day is in accordance with "God's express commandment".

"God's will and commandment was to have a solemn time and standing day in the week, wherein the people should come together". The observance of that day is also in accordance with "the godly order of Christ's church".
5. The Sunday is to be kept in "holy rest and quietness", as "the holy restful day", as a "most conveneint time for God's people to cease from bodily and worldly business, to give themselves to holy rest and godly contemplation, pertaining to the service of Almighty God".

6. "Forasmuch as ye perceive it is God's determinate pleasure ye should resort unto your churches upon the day of holy rest, ... take heed that ye suffer nothing to let you hereafter to come to the church". The true religion requires that Almighty God be worshipped "in the due receiving of his Sacraments, and sincere preaching and hearing of his holy word, and practising the same by godly conversation".

7. Writer's comment:-- Anti-Sabbatarians cannot allow their views to be intertwined with Sabbatarian views without giving away their whole position. Sabbatarians, on the other hand, can afford to allow their views to be intertwined with anti-Sabbatarian views. They lose nothing. The resulting observance from a common document of that kind is bound to be a Sabbatarian observance.

For Sunday observance the English homilies provide an historic document.

They were indebted to the "King's Book".

The "King's Book" perceived a difference between the Fourth Commandment and the other nine. It claimed that St. Augustine described the nine commandments as "merely morall commandemente" which not only belonged to the Jews but "belonge nowe to all christen people"; and that he described the "precept of the Sabbot, as concernynge reste frome bodily labour, the seventh day" as ceremonial, and applicable to the Jews only. Nevertheless, the Fourth Commandment is moral; is applicable to all men, in respect of "the spirituall rest, which is figured and signified by this corporall reste".

The "King's Book" then proceeds, without giving adequate explanation of how the moral part could so be applied to Christians, to add:

Furthermore bysesides this spirituall rest, whiche chiefly and principally is requyred of us, we be bounds by this precept, at certayne tymes, to cesse frome bodily laboure,
and to gyve our mindes entierly and holly unto God, to here the dyvine service approved, used, and observed in the church, and also the worde of god, to acknowledge oure owne sinfulnes unto god, and his great mercye and goodnesse unto us, to give thankes unto hym for his benefites, to make publyke and common prayer for all thinges nedefull, to visite the sicke, to instruct every man his chyldren and family in vertue and goodnesse, and suche other like workes. Which thynges although al christen peple be bound unto by this commaurxdement, ...

... An accompt with them selves, how ... bestowed the weke past, ... than let them humbly knowledge their fautes unto god, and aske forgvenesse ..., with unfayned poupose in theyr hartes, to convert ... to amend .... Than let them fall unto prayer, .... And when they be wery of prayer, than let them use readynge of the worde of god, or some other good or hevenly doctrine, so that they do it quietly withoute disturbance of other, that be in the churche, or els lette them occupie theyr myndes, with holsome and godly meditations, ... and they that can reade, maye be welle occupied upon the holy day, yf in tyme and place convenient, they rede sobrely and quietly unto other, such as they have charge of, such good bokes as be allowed, whyche maye be unto them in stede of a sermon: for all thynges that edifye mans soul in our lord god, be good and holsome sermons.

It also describes those who offend against the Fourth Commandment. They include those who, "havyng no laufull impedymt", fail to attend church or to "exercise suche holy workes, as be appointed", but instead pass the time in idleness, gluttony, and the like.

And lykewyse do all those whyche in such tyme as the common prayers be made, of the Word of God is tot, not onely them selves do gyve non attendance therunto, but also by reeding, walkyng, talkyng, and other evyle demeanour, let other that wolde well use themselves.

The "King's Book" is, in short, well fitted to take its place alongside the Westminster Confession of Faith and the Larger Catechism; also, The Directory for the Public worship of God agreed upon by the Assembly of Divines at Westminster. (3)

The Scottish 1572-98 Sunday observance which showed kinship with the positions set forth in the homilies and in the "King's Book" will be called the Angloiscopapistical.

(3) The Confession of Faith, etc. (Edinburgh, 1941), pp. 34, 82-85, 155-56.
The Catechetical and Anglo-Papistical views are seen at work in civil enactments.

CIVIL ENACTMENTS

Two Acts of Parliament provide nuclei around which the two sets of views revolve. They are the Acts of 1579 and of 1594.

Recalling the relevant Act of 1503, the 1579 Act ordained "that their be na mercattis nor fairs holdin upoun the sonday". The Act added:

And siclike that na handy lauboring or wirking be used on the sonday nor na gamyng and playing passing to tavernis and allhousses and selling of meitt or drink And wilfull remanyng fra thair paroche kirk in tyme of sermone or prayers on the sonday be used undir the panes following That is to say ... handy lauboring and wirking commounlie used be the payrest sort x s And for gamyng playing passing to tavernis and allhousses selling of meit and drink and wilfull remanyng fra the paroche kirk in tyme of sermone or prayers on the sonday ... xx s .... And incaise of [the refuisers or of] inhaabilitie to pay ... the stokkis or sic uther ingyne devysit for publict pwnisment ... xxiiij hours. (4)

The Act thus provided:

1. That there be no Sunday "markets or fairs".
2. That there was to be no manual work on Sundays.
3. That during the time of church service on Sunday there be no gaming, playing, frequenting of taverns and alehouses, and no selling of meat or drink.
4. That there be no wilful absence from the parish church services on Sunday.

The 1579 Act was thus in accordance with the Catechetical position.

The 1594 Act was of the nature of an addendum to the 1579 Act. It reaffirmed the former Act but extended it to define punishable defaulters thus:

That quhasoevir prophanis the sabbath day be selling or presenting and offering to be sauld upoun the said day ony guidis or geir or quhatsumevir uther merchandise be thame selfis or ony uther in thair name and beis thre several tymes lauchfulie convicth thairof ather befoir the provest (5)

(4) APS, II, p.211 (c.1).
and baillies within burgh quhair the prophanatioun salhappin
to be commitit or befoir certane commissioneris and
iustices in everie prebiterie to be appointit be the kingis
maiestie with avise of his privie counsell Thair haill guidis
and geir salbe escheatit to his hienes use and their personis
punist at the will of his maiestie with avise of his secret

counsell.

The additional features were three:

1. An attempt was being made to safeguard the Sabbath day
against "profanation".

2. To this end, Sunday trading in merchandise was prohibited.

3. The prohibition of all Sunday trading whatsoever, in
merchandise, removed even the possibility of ambiguity from the
prohibition of Sunday "markets or fairs". Thenceforth every kind
of market and marketing of merchandise came under the ban.

Like-wise, defining the prohibition in terms of Sabbath profanation
without reference to the church services made it clear that the
prohibition referred to the day and not to the time of preaching only.

The 1594 Act was, to that extent, in accordance with the
Anglo-Papistical position.

It is clear that if the Edinburgh Town Council had had in mind
to express the 1594 Act's intention, they were competent to do so,
even prior to 1594. Two of their proclamations seem to make that
plain. Both record the Town Council's action to have Public Fasts
kept.

The first is dated 18th March 1586. It reads:

That na maner of merkats be haldin upoun the Sondayes
induring the tyme of the said fast, ..... Siclyke that at na
tyme upoun the haill Sondayes, and in tyme of precheing and
prayeris in the owlk dayes of the said fast, that na handy
lawboring and working be uset, nor na gammyng or playing,
passing to tavernis and aill howssis, or selling of meitt and
drink, or wilfull remayning fra the said sermoun and prayeris.

The Town Council were reproducing the 1579 Act and were making its
prohibitions applicable to "the whole Sundays".

Their second proclamation is dated 3rd November 1587; and
expressed the same intention. It required that

... All persouns, indwellers ... or ressortand and repayrand
... keip and observe the public fast inioynet be the sessioun
... swa that upoun the Sondayes thairof and in tyme of the
sermones and prayers in the owlk dayes nane be absent
thairfra, and that nane pas to thair gammis and pastymes or be fund in the tavernis the said tymes, and that na hoistlares, commoun cwiks, taverneris or topsteris, dres meitt or sell and vent thair wyne and aill the said tyme.

The two proclamations would appear to testify that if the Edinburgh Town Council had wanted every Sunday to be kept after the manner in which they required the Public Fast Sundays to be kept they could have worded their enactments accordingly. No question of jurisdiction stood in their way. That they did not, prior to 1589, require Sundays normally so to be kept would seem to indicate that their view of Sunday observance did not call for that kind of whole-day observance. Their policy accorded, in short, with the Catechetical view.

That provides a commentary on their enactments anent the keeping of ordinary Sundays and on the moment which their enactments show, subsequent to 1589, in the direction of a Sunday observance which corresponded to the kind of observance which earlier the Town Council had reserved for Fast Sundays. It provides, at the same time, a commentary on the different – Anglopiscopapistical – emphasis of some of the Privy Council's enactments throughout the 1572-98 period.

The 1572-98 civil enactments fall into two groups. October 1589 provides a pivotal point.

I. There follow the enactments prior to 1589.

There is an ugly duckling among the Edinburgh Town Council's pre-1589 bye-laws. It reads:

*For suppressing of the greitt insolence and profanatioun of the Saboth day, (the Town Council) ordanis proclamatioun ... dischairgeing all kynd of gentlis and playis now commonly usit the said day, sic as bowling in yairdis, dansing, playing, rynning throw the hie streittis of hussis, bairnis, and boyes, with all maner of dissolution of behaviour, with command to all maisteris of houssis to gif dilligent attendance on thair servandis, bairnis, and famelis that thai keip the preicheing be exercet [sic] in all godly conversatioun, and refrayne fra the wantones before rehersit, ... and for the better execution heirof Willis the baillies to owersey the streittis and houssis thaij owlk about ... als weill Sounday as tyme of service.*

It is dated 4th August 1581. The date is probably of more than usual importance. It may help to explain what looks like the intrusion of an alien element into the Edinburgh Town Council's otherwise consistent witness to a catechetical observance. The 1581 minute has the appearance of being Anglopiscopapistical.
Its requirements resemble those which the Town Council normally set out for a Fast Sunday. And the instruction about being "exercised in all godly conversation" – its resemblance to the corresponding phrase in the Anglican homilies can hardly be mere coincidence.

There is what would appear to be an obvious explanation of the Town Council's temporary deviation from their usual line. The royal household, together with the King's Majesty, had in that year subscribed a Confession which made it appear that the King was in sympathy with those who favoured radical, Protestant views. (6) The latter could for that reason accept the royal lead as being that of a godly Magistrate. Moreover, the Second Book of Discipline had newly taken final shape; and the Assembly would be hoping for royal approval for it. To risk disturbing an apparently favourable turn of events by failing to cooperate with the King's declared Sunday policy would, for those two reasons, have displayed a lack of prudence.

The 1581 Parliament reflected the King's diligence and have /4 to his Confession an appearance of sincerity. Parliament had thoroughly overhauled the statutes pertaining to religion. (7) In particular, it had, among other things, ratified the 1579 Act anent Sunday, (8) and had altered the Dalkeith Sunday market from the Sunday to the Thursday. That market had "bene haldin ouklie in tymes bygane past memor of man one the sonday, quhilk is the saoboth day". And Parliament's expressed motive for seeking the better observance of "the Sabbath day" must have appeared sound to the radicals. The Act explained that the people's resorting to that market was "gretumlie" stopping "the hering of the word of God". (9)

That manifest diligence could be reflected in Edinburgh Town Council's ugly duckling of 1581. The 1581 enactment would not properly be an expression of the Town Council's own, settled policy.

On that understanding, the situation prior to 1589 would seem to have been after the following fashion. The 1579 Act provides a full explanation of the Edinburgh Town Council's position. The Privy Council, on the other hand, while adhering to the terms of the Act, give a suggestion that they were at the same time using an Anglican vocabulary.

(8) II, p.211 (c.1).  (9) II, p.238 (c.57).
The Privy Council enactments were few, but seem to indicate that they differed from the Edinburgh Town Council enactments on three points. The first is that the Privy Council reinforced the prohibition of Sunday markets by stressing that the markets militated against "the godly exercises of the Sabbath day". The Edinburgh Town Council did not speak that language. The second possible difference between the two is that the Edinburgh Council laid stress on compulsory attendance at the preaching. The Privy Council omitted that note. The third and chief point of difference is that the Edinburgh Council restricted to 9 a.m. - 4 p.m. the applicability of certain prohibitions. The Privy Council may have agreed with the Town Council on this point; but nowhere does the Register give a hint that they may have thought that the keeping of the Sabbath day could mean the keeping of part of Sunday. To them the keeping of the Sabbath day would appear to have involved the observance of the whole day.

**Sunday Markets.** - Both the Privy Council and Edinburgh Town Council appear to have prohibited the holding of those Sunday markets which were called common markets. The Privy Council prohibited the holding of "any markets or fairs". (That may not mean what it seems to mean). They differed from the Town Council in the vocabulary which they used.

The Privy Council in 1574 refused permission for an Aberdeen market upon the Sabbath day. They described it as a market "quhairby the people may be withdrawin fra the serving of God"; (10) and probably meant that it was an occasion which encouraged the people to absent themselves from the church service. The Privy Council's description fitted the Aberdeen situation. To have required the good people of the North-east to desist from profaning the Sabbath day by the holding of the market would have been to speak to them in a foreign language. They simultaneously required the Aberdeen authorities to inhibit and punish "the superstitious keepig of festvall dayis". The corresponding minute of the Aberdeen Kirk Session, dated 16th February 1574, referred to the

... inhibition made to the decanis of the cordinars, vobstars, telyers, and baxteris, to remoif all superstition and occasion theirof, in keeping of ony holy day, or ony wther festvall dais quhilk wes usit of auld tyme befor; bot to keip only the Sabat day, callit the Sounday, to be keipit in preiching and prayers.

It shows indubitably how the Aberdeen Kirk Session pin-pointed Sunday observance. The then Privy Council's view may have been identical with the Aberdeen Kirk Session's; and not for the Aberdeen situation alone. (11) Whether the Privy Council or the Aberdeen Kirk Session took the initiative in the above matter is not clear.

The 1580 Privy Council, over against a Lowland situation, prohibited all Sunday markets or fairs. And while they made reference to church attendance, it could seem that for them the prohibition of such markets or fairs had a sufficient reason in the fact that they took place on the "Sabboith dayis". The minute is dated 10th April 1580. Its preamble reads:

The Kingis Majestie and Lordis of Secret Counsel (understand) that, notwithstanding the Acts of Parliament maid . . . . . . that na marcattis nor fairis sould be haldin upoun the Sondays appointit for heiring of Godis Word and godlie exercises . . . , yit their ar within the boundis of the diocie or province of Louthiane . . . . . . . . . . . . . . . . . . . . . . . divers fairis and marcattis . . . haldin and mantenit . . . upoun Sundays appointit for the service of God, quhairby the people, especialie to landwart, ar drawin fra thair awin paroche kirkis, and resortis to na uther, and sa ar becum neglectaris and contemptaris of all religioun, quhilk may turne finalie to ane atheisme amangis thame gif spedie remeid be not providit.

His Majesty therefore ordained letters

chargeing all and sindrie personis, baith in burgh and land . . . . that none of thame tak upoun hand to hald ony marcattis or fairis or resort thairunto upon the Sondays, . . . and that notwithstanding ony pretendit dispensatioun, licence, or privie letters, purchest or to be purchest in the contrair, . . .; quhilkis our Soverane Lord annullis, revoikis, and dischairgis be thir presentis, ordaning thame to have na strength, force, effect nor execution in tyme coming.

The Council also decided that there should be a Public Fast and Humiliation within the bounds of Lothian and the Merse. (12)

The Privy Council, in prohibiting markets and thinking of attendance at the parish kirk, were manifestly seeking to implement the 1579 Act. But instead of using the Act's terminology they were using Anglopiscopapistical terms; namely, "hearing of God's Word", "the service of God", (Craig's catechism also used this term), and "godlie exercises". The last-named recalls the "King's Book's"

(11) Selections from the records of the Kirk Session of Aberdeen, p.19.
"godly meditations", and the English homilies' "heavenly exercises", "godly contemplation", and "godly conversation". These, according to the homilies, pertained to the service of "serving" of Almighty God upon the Sabbath-day. The Privy Council's reference to the "godly exercises" on Sunday may not witness to an avowed concern, at that stage, for the observance of Sunday in ways which were additional to the hearing of God's Word. Nevertheless, together with the other Anglicopiscopapistical terms, it would seem to betray at least an English way of thinking which owed something to the homilies.

The Edinburgh Town Council came at the subject of "markets or fairs" from a different angle; and their minutes may accrue the implication that failure to attend the parish kirk constituted "the breaking of the Sabbath day". Also, the minutes reveal that they allowed certain Sunday markets.

The Town Council followed the lead which Parliament and the Privy Council had given, to the extent of enacting that "na nychtbouris of this burgh hau or repair to ony Sunday mercatis at Tranent, Missilburgh, Dalkyth, or utteris". That was on 17th April 1583. Two days later they discharged all Sunday markets within Edinburgh itself; and seem to have done so under the common heading of "doing ony thing that may tend to the breking of the Sabboth day". Earlier, on 26th May, 1581, they may have allowed certain Sunday markets. Thus, they ordained

... for policie and honesty of the towne upoun the Sabbath day, ... the pudden mercat and beir mercatt to be removit of the calsay and placeit in the flesche mercat placis, and that ... officiaris ... se the said place be in the meane tyme kepit clene from filth.

It is possible that the Town Council allowed some marketing outwith those times which marked the beginning and the end of the Sunday church services. On 11th February 1586 they expressed their policy in the following minute:

... For better observatioun of the Sabboth day, . . . . . . . . . . .

that nane hald market or be found hanting or repairing thairto fra nyne houris in the morning quhill four houris afternoone, and that ... na commoun cuiks be selling thair meits in tyme of preaching and prayers within or without thair howsis.

The more radical among the Protestants would not have demurred, so long as the Council safeguarded the time of preaching and prayers.
It is possible, moreover, that the Privy Council and the Edinburgh Town Council were, in effect, subscribing the one policy in connection with Sunday markets. The position may well be that the markets which the Town Council allowed did not come within the Privy Council's definition of "any markets or fairs". The permitted markets may have been victual markets; or, alternatively, markets which dealt in perishable commodities. The Aberdeen Kirk Session minutes suggest this possibility. Thus, on 24th November 1575 the Session excluded from all the benefits of the Kirk "all persons makand mercatt merchandese on Soneday within the town", until such time as the offenders made reparation - and yet, only a year and a half later (on 27th June 1577) the Session minutes read that

... the haill skippare of butye ..., is ordanit, of ther awin free motive will, to forbair selling of fishe on Soneday in tyne of preching or prayaris.

The prohibition of markets would seem to have been directed against common markets and the like, and against such great markets as would include all the fun of the fair. Markets of that kind could not be held without exerting an adverse effect on church attendance and also disturbing the worship in the church. (12)

Sunday Work. - The Privy Council and the Edinburgh Town Council were probably in entire agreement on the subject of Sunday work. It was prohibited.

The Privy Council had nothing to say on the subject apart from their attempt, immediately following the 1579 Act, to execute the Act anent "Dischargeing of ... laboring on Sonday". (13)

The Town Council were specific. On 11th February 1586 they gave the ruling that na warkmanis buithis be holdin oppin or any wark wrocht at any tyme the (Sabbath) day".

Wilful Absence from the Parish Kirk. - The Privy Council and the Town Council likewise agreed that there should be no wilful absence from the parish kirk. The minute of 10th April 1580 (which

(12) In 1577 the Glasgow Town Council were apprehensive, as the fair approached, lest merchants might not only open their booths on that day (which was to be on a Sunday that year) but might also set up stalls on the street. "Because the fair days ... fallis upone Sondaye nixt, the qihilc na mercatt aught to be keepit, ... na merchandis craze on the gait nor yet opin thair buithis for selling." - Extracts from the records of the burgh of Glasgow, p.60.

was given at some length above) provides the only instance of the Privy Council's diligence in that connection. Edinburgh Town Council had that 1580 minute in mind when on 12 March 1585 they also expressed at some length their concern that people should attend their own parish kirks. The minute reads:

Haveand sufficientlie provydet for ministers in the twa kirks, and foresaying the misbehaviour and indiscretioun of certane men and women within this burgh quha can nocht be content to heir the Ministers appoyntet for their instruction but ather upoun malice or in contempt of guid ordour absents thameselfis in their bowssis, going to their pastyme or ellis passis to uther kirks about and adjacent this burgh, quhairupoun can nothing insee bot confusion and contempt unles spedie remeud be provydet in tyme to cum. Quhairfore ... thatt all friemen and friemenis wyffes in tymes cuming be found in their awin paroche kirks everie Sonday, ... unlaw .... And na excuse to be admititet heirupoun except onelie to be tryet seik and diseaset or ellis sex myle of the toun. ... publicationoun ... 

1/ that nane pretent ignorance.

The Town Council had had the same end in view, probably, when on 17 April 1583 they forbade the citizens of Edinburgh to attend Sunday markets at Tranent, Musselburgh, Dalkeith, or elsewhere. Similarly, their action on 29th May 1588 against a man who had attended the May plays at Kirkliston may testify to, whatever else, their insistence that the man was obliged to attend his own parish kirk.

**Compulsory Church Attendance.** - The Edinburgh Council went further than the Privy Council, in that they took steps to compel the people to attend. The Privy Council sought to remove the impediments which prevented people from attending, but there is no indication that they thought in terms of compulsory church attendance.

The excerpt, on this page, of the Town Council minute, dated 12th March 1585, is the best instance of the Council determination. On 10th June 1586 they arranged that bailies would take turn to search the town "in tyme of sermoun" every Sunday with a view to geeting "all persouns to hant and repair to the sermones upon the Sondayes, and be nocht fund absent thairfra". On 24th March 1587 they required that "name be absent fra preicheings on the Sonday"; and on 12th May of the same year they ordered "all persouns to resorte to the preicheings" on the Sundays. (14) Allied to that policy

was their concern to have "time of sermon" or "time of preaching and prayers" kept inviolate. The purpose of that unquestionably was that the people should be in church during that time. (15)

**Sunday Opening of Taverns.** – Sunday opening of taverns was involved.

The Privy Council took no action beyond drawing attention forthwith to the 1579 Act's clause anent "drinking in tyme of sermon", with a view to its being implemented throughout the country. (14) The reference to the Act gives the Privy Council minute that meaning. Otherwise it could have seemed to be prohibiting drinking in time of weekday sermon.

Edinburgh Town Council, on the other hand, gave repeated and independent expression to the Act's intention. They allowed taverns and alehouses to be open on Sunday except during time of preaching and prayers. On 19th April 1583 they forbade "drinking and taverning ... in tyme of sermoun on Sunday"; on 11th February 1586 they enjoined "that nae hald oppin tavernis of wyne or aill ... in tyme of preacheing and prayers" on Sunday; and on 10th June 1586 they arranged that a bailie should "visie ... tavernis ... in tyme of sermoun" on Sunday and directed "that na tavernis ... be frequentet or haldin oppin the said tyme".

**Pastimes on Sunday.** – Partly allied to the opening of taverns was the question of pastimes on Sunday.

Again the Privy Council did nothing more explicit than to draw attention to the reference to "playing ... in tyme of sermon" which the new 1579 Act had carried. (14) Their only reference to "Robene Hude and uther vane and unlesum gammis" was in connection with the 1580 Public Fast. They forbade these throughout the time of the Fast, "and specialie upoun the Sabboith dayis thairof". It is not possible to draw from that an undoubted inference concerning what may have been their attitude towards the playing of such games on ordinary Sabbath days.

Edinburgh Town Council took action against such pastimes as Robin Hood plays. On 1st May 1579 they issued a proclamation

... that na inhabitant ... presume to accompany any sic as ar of mynde to renew the playes of Robene Hude, or assist the defence or persute of ony catt hoillis within this burgh common mylnis or ony uther pairtis thairabout.


On 29th April of the following year they took more effective action in that they appointed bailies to see that their instructions were obeyed. The minute reads:

For staying of the awld superstitioun and insolencie commounly usit in the tyme of May, and in the somer seasoun, ordanis the bailies ... to gif diligent attendance at every Sunday at evin throw the streitsis of this burgh that na sic superstitioun or insolence be done.

The same policy may have led them on 29th May 1588 to order the "toun swescheour to be wairdet and put in the irnis for passing on the Sundayes at his awin hand to the May playis in Kirklistoun". Their ban was against such activities taking place at any time on the Sunday. The ban on "bickering" was of the same kind. No children, stated the Council on 22nd January 1584, were to be "fund disording or trubling the streits or passing to bikring, at na tyme" on the Sundays. The Town Council could have banned all such activities for one or both of two reasons. They could have held the view that they should not take place at any time, any day: the Robin Hood plays and suchlike were "superstitious" and disrespectful to authority; and the bickering was a form of gang warfare. Or they could have held the view that they disturbed Sunday's peace and rest: they were of a rowdy nature, disorderly, and provocative.

The Town Council allowed other pastimes - the pastimes of the people which were lawful on other days - ou with the times of prayers and preaching. Their independent action would seem to leave no doubt about what was their policy in respect of Sunday recreations. On 19th April 1583 they prohibited "all catchpulling, rolling, playing, ..., and siclyk, in tyme of sermoun on Sonday". On 12th March 1585 they referred to people going "to their pastyme" instead of going to "heir the Ministers". On 11th February 1586 they required that "in tyme of preicheing and prayers ... none be fund in the caitchepulles or at the aillay bowlis or exercerd any playes or pastyme". On 10th June 1586 searchers were instructed to see to it that "in tyme of sermoun (ilk Sonday) ... na ... caitchpules, nor aylaye bowlis, be frequentet". On 24th March 1587 they required that "name be ... vagand on the hie gaitt in the tyme (of the preicheingis on the Sonday), and that all ... catchpules, yairdis and feyldis be discharget the said tyme". On 12th April 1587 they stipulated that no children "be fund vagand in the streitts on the Sondayes in tyme of sermone, bayth before and after none, and that sic as may repair to the said sermones". A month later, to the day, they stated that all persons were to "resorte to the preichings" and that none
was to "pas to the feylde or playes the tyme of the sermones afoir or afternone on the Sondayes". It seems a consistent witness. Pastimes were in order on Sunday provided that they did not conflict with the preaching and prayers. The Town Council were not Sabbatarians. The King requested them to entertain some ambassadors from the Netherlands. He may have named Sunday as the suitable day; but probably not. The record, dated 29th May 1589, is to the effect that the Town Council resolved to give "ane honest moderatt bankett to the iambassadouris come from certane townis in Holand, in Nicoll Udderts new howse, on Sunday, at evin nixtocum, or soner gif the cause requyre".

The ugly d̄eckling among the Town Council minutes stands in marked contrast to those which have been quoted in connection with pastimes on Sunday. Those who inspired it held a view which was manifestly Sabbatarian, and therefore contrary to the Edinburgh Town Council’s. The minute refers to the "profanatioun of the Saboth day" and to the discharging of "all kynd of gemmis and playis now commonly usit the said day, sic as bowling in yairdis, dansing, playing, rynn throw the hie streittis". The specified games and plays were of a specially outrageous character. Such behaviour on the Sabbath day was wanton. The bailies were to suppress not only it but "all kinds of games and plays" - "als well Sounday as tyme of service".(17)

That seems as clearly Sabbatarian as the Town Council's other minutes were anti-Sabbatarian.

That brings the present survey of civil enactments up to October 1589. The earlier and later parts of the 1572-1598 period swivel on that year. The Edinburgh burgh records give two versions of a bye-law dated 22nd October of that year. One may represent an initial draft. The other looks like an improved version of the draft; or a supplement to it. The first reads like an anti-Sabbatarian product: the second expressed a Sabbatarian point of view.

The preamble to the initial draft reads:

The quhilk day for swamekill as ... sindry persouns ... swagevin to their privatt lucre and avantage that thai half nane or verray small regairde to serve God bot haldis their buithis oppin in the tyne of the sermones and otheris absenting thameselfis alluterlie thairira and sum contemning and brekking the sabbath day and passing to landwart markets to the greitt dishonour and sclaxider of thair professiouns.

It contains three points:-

1. Sundry persons were holding their booths open during "time of sermon".
   It is not stated whether this referred to the weekday sermon only, or whether time of sermon on Sunday was at least included.

2. Others were absenting themselves from "time of sermon". Again, no explicit mention is made of Sunday.

3. Some were "contemning and breaking the Sabbath day and passing to landward markets".
   If this means that they were going to the markets and thereby breaking the Sabbath day, it become probable that the first two points also had reference to time of sermon on Sunday. Otherwise the Town Council would be restricting themselves to making mention of only one way of breaking the Sabbath day. That would be explicable only on the unlikely assumption that people were not absenting themselves from the Sunday services.

The proposed action corresponds to the three points of the preamble. Thus:

That all ... resort to the sermones and be nocht fund or notet absent thairfra without ane verray necessar impediment, and that na merchants presume to hald thair buith durris oppin fra the ceissing of the greitt bell under the payne of xviijs. ilk persoun ...: And siclyk that nane ... pas upoun the sondayes to the upland mercatts or ... to thair pastymes and unnecessser effairis speciallie in the tyne of preiching and prayeris.

The fine in the last-mentioned instance was to be xls.

That is to say -

(a) Merchants were to close their booths from "the last jow of the bell" which announced the preaching.

(b) All were to attend the "sermons", unless prevented by "a very necessary impediment".
(c) Noone was to go to the landward markets on Sundays or engage in pastimes or unnecessary affairs on Sundays "specially in the time of preaching and prayers".

The emphases throughout were on the time of preaching and prayers and attendance at the preaching. Allowing that the first two requirements may have had reference to weekdays, it remains clear that for Sunday observance the Council's special concern was with the preaching and prayers. Their emphases were of a Catechetical kind.

The amended draft's emphases were of a different kind. Its reference to markets is revealing in two ways. The first is that the markets were those which were being held on Sundays in Edinburgh's main street. It prompts the question as to how the first draft could make mention of markets and yet omit referring to the Edinburgh Sunday markets. It suggests that those who were responsible for the first draft regarded such markets through different eyes from those who drew up the second draft; and that it is possible that they were prepared to be content so long as the traders closed shop during the times of the sermons. The second way in which the reference is revealing is that those responsible for the amended draft or supplementary enactment thought of Sunday markets in terms of profanation.

The amended draft's preable reads:

Item, because the Sabbath day is prophanet and malitiously contemnit be holding mercattis ... of sundry sortis of geir, and alsua be tavernaris, tapstarris and browstaris and sic as repairis unto thame, haifand mair respect to thair filthie [ ] and bellies than to Goddis service and the well of thair awin saules.

This manifestly breathes a different spirit entirely from the initial draft. It contains three points:

(1) The Sabbath day was being "profaned".

(2) The profanation consisted in the "holding" of markets, and in the opening and the frequenting of taverns and alehouses.

(3) Some people were preferring so to profane the Sabbath day than to attend to "God's service" and "the welfare of their own souls".

The proposed action is noteworthy as an expression of feeling
rather than for its clarity of thought. It is unintelligible. It was:

... Na kynd of merkett ... on the his gaitt on the Sabboth day at any tyme of day ..., alswa that na tavernis or all houssis be fund oppin in tyme of preiching or prayeris the said day and none be fund eiting and drinking within the samyn at any tyme or hour the said day.

That is a hotch-potch. The taverns were not to be used at any time on the Sabbath day; but could open outwith the time of preaching or prayers. Confusion mounts. The enactment stipulated "that na tavernis be usit nor oppinit at ten houris at nicht efter the bell be rung nor wyne sauld". It would seem that that represents a regulation of a general character, applicable to all days of the week, and not to Sundays only. Sellers and buyers on Sunday, in taverns and alehouses, were to be punished "at the sicht of the counsell ..., besyde the censowris of the Kirk". Forty shillings was named as a fine. (18)

The proposed action, in so far as it corresponds to the preamble's three points, would seem to be as follows:-

(i) There was to be no market on the High Street on the Sabbath day at any time of the day.

(ii) No person was to be found eating and drinking in taverns or alehouses at any time or hour on the Sabbath day.

(iii) Taverns and alehouses were to be closed "time of preaching or prayers".

The penalties of the bye-law as amended were more severe than those of the original draft. And the original draft seems to have had the aim of removing impediments to attendance at church, whereas the amended draft or addendum was directed against profanation of the Sabbath. The latter's emphases were Anglopiscopapistical.

A feasible explanation of the two 1589 documents is that there were in the Town Council those whom the original wording failed to satisfy. Such a division within the Edinburgh Town Council would provide an important bit of evidence in support of the possibility that the Council prior to 1589 were not restricting their sphere of responsibility in connection with Sunday observance, but were, on the contrary, acting in accordance with their total view of how Sunday ought to be observed. It suggests that when those

in the Town Council who are not radical in their views became sufficiently confident, they sought to get the Council enactments worded in accordance with Anglopiscopapistical views instead of Catechetical views.

With the King's help, the adherents of the Anglopiscopapistical position ultimately prevailed.

The post-1589 enactments would seem to support that conclusion.

II. There follow the enactments subsequent to October 1589.

The situation subsequent to 1589 would seem to have been something like the following. The 1594 Act gave expression to what was the Privy Council's Sunday policy, namely, the Anglopiscopapistical. Within the Edinburgh Town Council, on the other hand, there are signs of possible tension between the 1579 Act's policy (the Catechetical) and the Anglopiscopapistical.

Edinburgh Town Council. - The situation within the Edinburgh Town Council will be dealt with first.

A minute of 19th May 1591 would seem to record the swan song of those who championed Catechetical views. It reads:

Understanding that the Sabbath day is many wayis prophanit be sundrie godles persouns dwelland and repayrand within this burgh, bot speciallie be sic as abyding fra the sermones vaigs throw the streitts, makand all kynd of mysordour, ... proclamatioun to be maid ... all persouns bot speciallie the inhabitants of this burgh to hant and repair to the preiching and prayers at all tymes upoun the Sabbath day, swa that none be fund vagand up and don the streitts.

Offenders were to be fined xxs. or imprisoned.

The minute continues:

And that all maisters of houssis and parentis sall be ansuerabill for their childrein and servands; forther that na merket be keipt of herbs, beir and fowlis upoun the Sabbath day fra viij houris in the morning quhill fyve houris at evin.

The penalty was a fine of xxs. and confiscation of the goods.

This is an unusually interesting minute. The points of interest are two.

1. It incorporates the Anglopiscopapistical way of speaking about Sabbath-breaking, namely, "the profaning of the Sabbath day". The Anglopiscopapistical words - such as the adjective "profane", the noun "profanation", and the verb "to profane" - were infiltrating into the Scottish Sunday observance vocabulary.
Edinburgh Presbytery in September 1586 had references to "prophaning of the Sabbath" and "prophaner of the Sabbath". (19) The Presbytery minutes lack the details which would indicate how the words were being understood. The Presbytery of Glasgow in May 1594 gave notice that they would discipline those who gave themselves to pastimes and "profane gaymes" on the Sunday "fra the sunne rysing quhill the sunne goinge". (20) And it will be seen, later in the present chapter, that from 1590 the word "profanation" (in connection with Sunday offences) began to appear noticeably in the minutes of the General Assembly.

It does not follow that all those who used the words were using them with a precise, technical meaning. They were at the stage, some of them, of learning to speak the new language. The present Edinburgh Council minute provides an illustration of that.

2. It uses the new vocabulary but anchors it to the old offence. Thus the Sabbath day was profaned "bot speciallie be sic as abyding fra the sermones vaigs throw the streitts". And the people were to "hant and repair" to the preaching and prayers "swa that nane be fund vagand up and doun the streitts".

Not everybody used the new vocabulary. The next chapter will show that there were those in St. Andrews who seem to have avoided it. And on 5th September 1593, in dealing with two men who had committed an offence "upon the sonday before none in tyme of sermont", the Presbytery of Haddington required the offenders to make "publick repentance for the breaking of the Saboth day". (21)

But in Edinburgh the Anglopiscopapistical words had by 1591 broken through the defences of even some who had been accustomed to think in terms of a Catechetical observance of Sunday.

The position would seem to be that among their colleagues on, for example, the Town Council, were those who held a Sabbatarian view of Sunday observance. To them the keeping of the Sabbath day, which was Sunday, meant that all should abstain from all work, and "that na aill tavernis, aill sellares or yairds be oppynet, na merkatt haldin of aill, coillis or ony other stufe". (22) The Council had on 2nd October 1590 forbidden attendance at Sunday

(19) Records of the Presbytery of Edinburgh, April 1586 - March 1593, (MS.), I.
(20) Miscellany of the Maitland Club (Edinburgh, 1840), I, 67-68.
(21) Presbytery records of Haddington, 1587-96 (MS.), I.
(22) EBR, V, p.25.
In 1592 the Sabbatarians on the Council had unmistakable evidence that the King agreed with their position. On 19th April the Town Council issued, in the King's name, a proclamation which could have been a harking back to the teaching of the "King's Book". It reads:

... Seing the Sabboth day being the Lords day, it becumis everie Cristiane to dedicate him selff, his hous hald and famelie to the service and worshop of God in hering the word, meditating thairrupoun and reding the sam, instructing thair famelies and otherways in the exercise of prayer; thairfore... in our Soverane lordis name and in name of the provest, [etc.] ... that na inhabitants ... be sene at ony pastymes or gammis ... upon the Sabboth day, sic as golf, archerie, rowbowllis, penny stane, kaitchpullis or sic other pastymes; and that thai nor thair saids servands occupy ony kynd of handie laubour or wark ..., and als that thair dochters and women servands be nocht fund playing at the ball nor singing of profayne sanges upon the sam day.

Punishment would be at the magistrates' discretion.

For the Town Council of Edinburgh that could not be other than a crossing of the Rubicon. On 1st September of the same year they proclaimed "that na baxters baik ony meitt upon the Sabboth day fra this time furth". Two months later – on 3rd November – to safeguard the Sabbath day from profanation they prohibited people from travelling into Edinburgh for the Monday market. This action was in response to repeated requests by the General Assembly. The Assembly had argued that to get to the Monday market the landward people had to travel on the Sunday and were thereby unable to attend the kirk. The Town Council minute reads:

... Dyvers tymes [it has been] complenit ... be ... the generall assembly of the Kirk that ... the Monenday merkatt ... is the principall occasioun of profanatioun and brekking of the Sabboth day be sic as dwellis to landwart, quha spaier ay nocht to abstract thameselffis fra Gods service and to travell ... the haill Sonday that thai may repair to the said Monenday merkatt, to the greitt offence of God and sclander of our professioun, and will on na wayes absteyne ...; and, seing the sam can nocht be done without ... taking away the occasiouns movand the landwart pepill to transgres the Sabboth, ...

(23) EBR, VI, p.69. 

markets. (23)
... bring the samyn within this burgh ... upoun the Sunday or ... present the sam to the Monenday merkatt .... And becaus the Wednesday ouiklie is grantet to be ane merkatt of all sorts of drye skynnis and woll tayne fra the Monenday as the maist commoun waeries that gaif grittest occasioun of violatioun of the Sabboth, that thairfore na merkatt be keipit or haldin of the saids wayris upoun ony other day bot upoun the said Wednesday.

If such goods were sold on a day other than Wednesday, the offenders were to suffer forfeiture of their goods and punishment "of their persons" at the will of the magistrates.

Last, as to sic persouns, quha, for distance ..., behoveth to tyne the Monenday merkat without thai travell upoun the Sunday, ... the provost [etc.] ... grantis unto thame full libertie ... to hald ... the said Wednesday ... for ane merkat day to thair accustomat wayris and merchandise ... als frelie as thai haif' had the Monenday merkat in tymes past, swa that thai travell nocht upoun the Sunday.

(The word travel normally meant, earlier in the century, work. In the above minute it would seem to mean journey.)

That minute, in so far as it sought to fulfil the Assembly's intention, was not necessarily Anglopiscopapistical in character. The same could be said of a minute of 20th April 1593 in which the Council referred to the Session of the Kirk's regret "that divers ... repaires upoun the Sabboth day to the toun of Leyth and in tyme of sermonis, and ar sene vagand athort the streitts, drynkning in tavernis or other wayis at golf, archerie or other pastymes upoun the Lynks". The Council described such behaviour as "profaning the Sabboth day and gevand evill exampill"; and accordingly issued a proclamation "dischargeing all maner of persouns ... to be fund upoun the Sabboth day in the toun of Leyth". The offenders would be warded until they had paid forty shillings and "otherwayes ... punist in thair persons".

Nevertheless, it would seem - especially against the background of the proclamation of 19th April 1592, and its prohibition of golf, archery, and similar pastimes on the Sabbath day - that the Edinburgh Town Council were by April 1593 thinking in terms of the profanation of the day itself and not of a so-called profanation which had reference to "time of sermon" or to attendance at the preaching and the prayers. They had thrown away their catechisms of 1556 and 1581 and were on the Anglopiscopapistical road.

It was the King's road, and Parliament's, and the Privy Council's.
Parliament and the Privy Council. - Subsequent to 1589

Parliament had in 1587 ratified the Act of 1581 anent the Dalkeith Sunday market (24) and had altered Crail's "fre mercat" from Sunday to Saturday and prohibited the holding of any rival market "beuix the ... mid watter of levin and the burne of putekin". (25) In 1593 they ratified the Acts made "Anent the dischargeing of fairis and marcattis haldin on sondayis". They appointed an officer to see that the Act was obeyed, and associated with him "all utheris quhome it sail pleis everie particuler presbiterie to nominat within thair awin boundis". (26) Also in 1593 they decreed that Forfar was to have a Friday market weekly instead of the former weekly Sunday market, and allowed the Friday market to retain all the privileges which had pertained to the Sunday market. (27) In 1594 the Bathgate fair was permitted to continue provided that it was not on the Sabbath day. (28)

The Bathgate fair was an annual event. The Crail market may also have been occasional. The Dalkeith and Forfar markets were weekly and were presumably of a general or common character. The Acts anent all these markets did not indicate, necessarily, a total prohibition of Sunday trading. Their significance could be that Parliament were catching up on markets which came within a special category. Existing legislation may have been adequate to meet the case of ordinary Sunday markets. Parliament's post-1589 action may have been of the nature of a mopping-up operation.

Then came the 1594 Act which sought to safeguard the Sabbath day from profanation by prohibiting the selling and buying of any kind of merchandise whatsoever on the Sabbath day.

The Privy Council records contain numerous references to Sunday observance which reveal nothing of the Council's own view of Sunday in that they were doing no more than reproduce the terms of the relevant Acts of Parliament. Thus in 1589 they referred to an Act "for keeping the Sabbath day". (29) In 1592 they gave a list of Acts of Parliament which included one for "Alteratioun of the mercat-days frome the Sabboth-day". (30) In the same year

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they resolved "that the lawsis and actis alreddy maid for breking of the Sabaoth be put to execution". (31) On 20th January 1595 the King authorised

commissions ... to such persons within every parish as shall be nominated by the minister making them his Majesty's justices, with full power to execute the Acts ... viz., ... "Discharginge of mercattis and labouring on Sunday, and playing and drinking in tyme of sermone". (32)

Into a like category may fall an Order, dated August 1590, anent "all brekaris of the Sabaoth day", (33) in that it may have been in response to an approach, in those terms, and in that same August, by the General Assembly. (33)

Two complaints which came before the Privy Council possibly ought to be regarded similarly. They dealt with the "prophaning of the Sabboth day", "oppin and avowit prophanatioun of the said Sabboth", and "prophane exercisais is upoun that day". (34) It is not clear, in these instances, whether the language was the Privy Council's or the complainers'. Either way, however, the minutes witness to the fact that in the country there was a view of Sunday observance which was not the Catechetical.

The first complaint was at the instance of the minister at Scone. It is dated 1590, and reads:

(T.O.) ... hes, thir divers yeiris bigane, maist insolentlie and sklenderouslie behavit himselff towards the Kirk be his wilfull remanings fra the Kirk in tyme of preicheing and prayaris, ... prophaning of the Sabboth day, using of handie labour, teilling, harrowing, and sawing of his landis upoun the same day, ... and, by his gnsolence, sklenderous and contemtus behaifeiour, alluris and intysis utheris to the lyke dissobedience, insolencie and contempt of the Word. (35)

That case dealt with an individual and his failure to keep the 1579 Act in that he wilfully absented himself from the kirk on the Sunday, and worked on that day. The case introduced the "profaning of the Sabbath day"; which was not in the Act.

The other case dealt with markets, and was subsequent to the Act of 1594. It came before the Privy Council on 5th February 1596; by complaint from the ministers of the Presbytery of Meigle; and reads:

Despite the divers gude and godlie Actis ... thair is and grite noumer of personis within the boundis of the said presbiterie quha, nather be admonitionis, censuris of the Airk, nor na uther meane, can be reduceit from thair oppin and avowit prophanatioun of the said Sabboth, wilfullie refuselie to repair to preicheing or prayaris, but usis thair marcheandice in bying and selling and all uther prophane exercelis usoun that day.

The complainers had aobtainit a commission for one of their numero to enable him to execute the said Acts. He had called to account five merchants, three fleshers, five "catours", ten cordiners, three cadgers, three meal-makers, and three "soutaris". All these "specialie were gilite of this fact, ... bot persistit in keepin oppin mercatt upon the said day". The minute makes this further comment upon the offenders:

Thay can not yit be f'oirbidain and dischaigeit fra this unlauchfull trade of keepin of mercattis on the Sondai, ... alluring and perswading, sa far as in thame lyis, all utheris to do the lyke. (33)(36)

The phraseology of the two complaints would nevertheless seem to have been congenial to the Frivy Council of 1597 and 1598. Two minutes give clear evidence of that. In the former year some armed people had caused a disturbance followin the Sunday afternoon service. The Frivy Council charged them with "prophaning the halie sabboth". (37) This is the first recorded instance of what was to be, for years, their stock formula. (38)

The other minute, dated 29th June 1598, is lengthy and is virtually a reproduction, in part, of an Act of Parliament of the same month. It was a thoroughgoing attempt to have Sunday kept as "the Lord's holy Sabbath" by appointing Monday to be "a weekly pastime and exercising day over the realm". The Act was passed to avoid profanation of the Sabbath day - "quhilk suld be allenerlie bestowit and imployet in Godis service and na utherwyis". (39) Those words are all-important. The Act's purpose was also stated to be that "the hail Leiges within this Realme may ... bestow the ... haill (Sabboth) day ... to Godis service".

It must have been of set intention that Parliament incorporated John Craig's teaching, that "we keep the Sabboth holy to the Lord ... when we bestow it only in God's service".

(38) XII, pp.44, 216, 268, 383; XIII, pp.174, 358, 367. The last-named instance is dated 1623. It described Tarves parishioners who "prophane the Lordis holie Sabbothe by drinking", etc.
(39) V, p.462; APS, IV, p.160.
If, however, due weight is to be given to the Edinburgh Town Council's manifest indulgence towards Sunday pastimes, the Sunday opening of taverns and alehouses, and certain forms of Sunday trading, and if justice is to be done to the 1581 catechism's teaching that the holiness of the Sabbath day is "only in the exercise", Parliament's use of the 1581 catechism's wording does not imply that it was aligning itself with what had been, all along, the commonly accepted interpretation of the Catechetical position. What it seems to have been doing was to emulate the homilies by setting forth a policy which would, in part, satisfy those who favoured the teaching of the 1556 and 1581 catechisms, but which did at the same time safeguard the view that the Sabbath day was to be set apart for religious purposes, was to be used in no other ways, and was to be "the Lord's holy Sabbath".

The law of the realm had, in short, arrived at the Anglopiscopapistical position.

THE GENERAL ASSEMBLY

The General Assembly ultimately arrived at the same position. The Assembly 1572-98 minutes fall into three periods. The first period began at the 1572 Convention of Leith and with the "Tulchan" bishops and ended with the 1575 Assembly which challenged the Leith Convention's "forging of Bishopries". The third period ended with the fateful Assemblies of 1598 which disclosed the King's "AngloPiscopapistical conclusions", sounded the knell of Presbyterianism for the time being, and tolled the bell which ushered in James's "new forging of Bishopries". The year 1589 divides the second and third periods as it divided the civil enactments.

The Assembly 1572-98 records are in places jumbled and confused. But one thing seems tolerably clear. It is that during a middle stretch of years the Assembly proceeded upon Catechetical views.

Unsettled Period. - 1572 to 1575 was an unsettled period. As early as August 1572 "the haill Assemblie in ane voyce, asweill they that were in Commission at Leith as uthers" solemnly protested against the Anglopiscopapistical offices which the Leith Convention had introduced into the Kirk. And just as Queen's Mary's

(40) BUK, I, pp.340, 342, 342-43.
(41) BUK, Appendix (Maitland Club, 1845), p.999.
(42) BUK, I, p.246.
erection, in 1565, of "a displayed baner against Jesus Christ" had disposed the Assembly to respect radical views, so in 1573 the Council of Trent created a similar situation within the Assembly.

The first period's Sunday observance was not of a consistent character. But the needle of the compass was being drawn towards the Catechetical position.

The Kirk may at the outset have been content to proceed as though Sabbath day observance belonged to the sphere of civil jurisdiction; and as though it appertained to the civil authorities both to define Sabbath offences and also to take action against Sabbath offenders. The first of certain Articles which the Kirk on 20th October 1572 submitted to the Regent, Nobility, and Council was lengthy and had, as its tail, this request: "And that the Actis of Parliament and Counsaillis maid againis the brekaris of the Sabbath day may be ... execute". (43)

There followed the interlude in 1573 which played into the hands of the radicals. The Assembly had the fear that the implementing of the Council of Trent might threaten the reformed religion in Scotland and England alike. It was a time for the submerging of differences on relatively minor issues, in the interests of a broad, united front, "in mutuall amitie and societie". (44) In October 1572 a meeting in Edinburgh of the Barons, Gentlemen and "utheris professouris of Christis Evangell" approached the Regent and the Privy Council to urge them to take the appropriate steps to defend the Kirk "fra the furious rage and lawlis creweltie of the bludy and tressonable papistis, executouris of the decreis of the said devillishe and terrible Counsell of Trent". The meeting suggested to the Regent that full libertie, licence, protectioun and assurance [be given to all Commissioners of kirks] howsoever, in tyme bygane, they may have bene inobedient to his Hienes authoritie, That thay may saulflie and frelie hant and resort and cum to the day and place appointit, ... for this purpose; quhair alsua thay salbe admittit to have frie speche and vote. (45)

Consequently it is possible that in the Assembly of August 1573 the radicals may have enjoyed a new lease of liberty of expression and that the minutes of that Assembly may have contained echoes of the views of John Knox and the Calvinian Preachers.

Whatever the explanation, the August 1573 Assembly manifested diligence against superstitious practices; (46) proceeded in accordance with the Form and Order of Excommunication and Public Repentance and annexed discipline to "time of preaching on Sunday"; (47) and apparently re-opened the question of ecclesiastical jurisdiction anent Sunday observance. It asked the question, whether the Assembly might lawfully impose fines on those who committed a "breach of the Sabbath"; and gave the answer, that the Assembly was competent to exact the fines which the Acts of Parliament specified. (47) The Assembly would seem thereby to have been maintaining its right to exercise jurisdiction over Sabbath-breakers. It was not manifestly, however, claiming for the Church the right to define what constituted Sabbath-breaking. That matter was sub iudice. (48)

Two later minutes embody points which have some substance. The first shows that the Assembly regarded the Sabbath day as the day for the ministration of "the holy supper". The Assembly did not, however, convey the impression that the Sacrament was to be weekly. The second minute shows that the Assembly prohibited playes, comedies, and tragedies of all kinds on the Sabbath day.

The first of the two minutes involved the Bishop of Dunkeld. The eighth session of the August 1574 Assembly considered a complaint against the Bishop, concerning his ministration of "the holy supper" on "worke dayes". It resolved that the Bishop should

forbeare the ministratioun of the said sacrament upon worke dayes, and caus it to be ministrat upon the Sabboth dayes, according to the ordour of the rest of the kirkis within (the) realme. (49)

The Bishop's practice may have represented an appendix to what had been a less isolated practice in an earlier period in Scotland; and may have been prohibited because the Assembly was viewing it in relation to the distinction of days. Alternatively, it may have reflected an earlier view of Sunday - the radical view - which did not "distinct" Sunday to be the stated day for the Lord's Supper.

The second of the two minutes - of the same Assembly - concerned the presenting of a play, based on the Parable of the Prodigal Son, on a Sunday; a Fast Sunday. It affected St. Andrews.

The Assembly summoned the Ministers, Elders and Deacons of St. Andrews to answer "why the Fast was not kepted among them according to the Act of ... Assembly"; and, in particular, to answer for "the violation of the Sabbath day by profane plays". (50) (According to the succeeding chapter, it was a Knoxian Kirk Session who gave permission for the presenting of the play). The Assembly of March 1575 followed up the St. Andrews case by giving a general ruling. David Calderwood provides the preamble:

Forsanikle as it is considered, that the playing of Clerk playes, comedies or tragedies upon the Canonical parts of the Scripture, induceth and bringeth with it a contempt and profanation of the same; therefore ...

The Assembly thereupon resolved "that no Clerk playes, comedies or tragedies be made of the Canonical Scripture, alswell new as old, neither on the Sabboth day nor worke day, in tyme comeing." But it referred the Sunday observance aspect of the question to the Committee which were at that time formulating what they were to submit as the church's policy. The Assembly's remit to the Committee reads:

Ordaines ane article to be given in to sick as sitts upon the policie, that, for uther playes, comedies, tragedies, and uthers profane playes as are not made upon authentick partes of the Scripture, may be considerit befor they be proponit publickle, and that they be not playit upon the Sabboth dayes. (51)

That plays were not to be based on Scripture was in itself clear, and did not require to be incorporated in the Church's policy. The Assembly instructed the Committee to clarify the position in respect of other plays, and to make it plain that it was the Church's policy that such plays should not be presented on the Sabbath days. By "Sabbath days" the Assembly was understood to mean Sundays, and not only Fast days.

The compass needle was by no means in a settled position during the 1572-75 period. The Assembly was discontented with the existing discipline and was taking steps to remedy it. There was by August 1574 a clear purpose to establish "a perfect reformed Kirk ... conform to the order taine and agreed on in the Book of Discipline"; (52) and a Commission would seem to have been "sitting upon the policy". (53)

(50) BUK, I, p.312. (51) Pp.322-23. (52) Page 312. (53) Page 323. Cf. pp. 294, 307. By 24th October 1576 the Assembly already had "things ... penned". Except for the Diaconate, the Assembly's policy was in final shape by October 1577.
By March 1575 the Assembly was of opinion that the time was ripe for matters concerning "the jurisdiction and policy of the Kirk" to "come to open reasoning", and submitted Andrew Melville's name among seven from which the Regent was to be invited to choose two with whom he would confer about matters of policy. (54)

Catechetical Period. - The needle began to swing in a recognisable direction from the outset, in August 1575, of the second period. That was a Catechetical period. It was a period during which the Assembly questioned the existing establishment of bishops and the Articles of Leith. (55)

The Assembly's determination to uproot superstition provides the general background to the period's Sunday observance. The background has four aspects. First, there was in January 1581 the "King's Confession". It expressed detestation of all "wane allegories, rites, signes, and traditionis brought in the Kyrk, without or agaynst the Worde of God, and doctrine of (that) true reformed Kyrk". (56) Second, there was the emphasis on "time of preaching". (57) Third, there was opposition to "superstitious days" (58) and other superstitious practices. (59) And fourth, there was drastic action against those who ministered the Communion - "to retain the people in blindness" - "at such tymes in Lentron, or upon Saints dayes as they call them, as Zule and Pasche and such superstitious times". (60)

The August 1575 minutes suggest that the observance of superstitious days and Easter Communion were immediate concerns of the Assembly as it moved away from the position which the Leith Articles had embodied. The 1575 Assembly received sympathetically two complaints. The first session considered a complaint which concerned the Aberdeen diocese. The complaint reads:

That the Readers and Ministers in the countrey keep certain patron and festival dayes, and on these dayes conveen, pray and preach, and foster the people in superstition. (61)

The second session considered the keeping of Christmas-tide in Dumfries. The minute reads:

That the Toun of Dumfrie, on Zuile daye last by past, seeing that neither (the complainer) nor the Reader would read nor

use doctrine upon these days; brought a Reader of their own with tabron and whistle, and caused him read the prayers; which exercise they used all the days of Zuile. (62)

The sixth session addressed itself to the question:

Whereas great inconveniences follow upon the refusal of certain Ministers, to administrat the Sacrament of the Lords Supper on Pasche day, such as the profanation of the same by privat persons, in profane houses, If it be lawfull for any Minister to satisfie the peoples appetit thereinto.

It answered:

Where the day is superstitiously keeped, it is not thought meet that the Communion be ministred that day. (63)

The Assembly's general position towards such "superstitious" issues appears in one of a number of Articles which the fourth session decided to present to the Regent. The Article reads:

That all dayes that hirtofoir hes been keipit holie, besydes the Sabboth day, sick as Zoole day, Saints dayes, and sick uthers, may be abolischit; and a civill penaltie against the keepers therof be ceremonies, banquettung, playing, fasting, and sick uthers vanities. (64)

The Sabbath day alone was to be "kept holy"; and transgressors were to be liable to a civil penalty. By the latter the Kirk was seeking no more than the cooperation of the civil authorities. It was not abdicating its rights of jurisdiction anent Sunday observance. By Question and Answer it made plain that it reserved full rights both to define Sabbath day observance and violation and to take all necessary action to try and see to it that the people kept the Sabbath day. David Calderwood gives the Question thus:

Questio. Whither if the Kirk, be the law of God, hath power to cognosce and decern upon ... violation of the Sabbath day, especially upon the quietie thereof. (65)

The Answer was:

A. The Kirk hes power to discernne and cognosce upon ... violation of the Sabboth day, not prejudice and the punishment of the civill magistrate. (66)

The Assembly would seem to have been content that the Kirk and the civil magistrate should alike and equally enjoy liberty both to decide what constituted a Sunday offence and also to punish the

(62) BUK, I, p.334. (63) Page 346. Calderwood is the source. Private ministration of the Sacrament constituted the "profanation". Cf. the way in which, 1630-40, those who were opposed to the prayer book regarded its use on Sunday as a profanation of the Sabbath day; and how the King accused those who did not read their prayers of being profaners of the Sabbath. (64) Page 339. (65) Page 343. (66) Page 344.
offender. (The minute, taken in isolation, could seem to read that the Kirk was allowing the civil authorities to do no more than punish. But subsequent minutes show that the Kirk relied on the civil authorities to issue Sunday enactments. Presumably the Kirk's position was that the enactments would be in agreement with the Church's definition of Sunday observance, as well as being for the purpose of safeguarding Sunday as the day of rest from labour.) Further, the Assembly held the view that the Sabbath day alone was to be kept holy.

The question is how the Kirk defined the keeping holy of the Sabbath day; or, interpreted the "quiddity" of Sunday observance.

The Second Book of Discipline had nothing to say about Sunday observance. It did not include Sabbath-breaking in the list of causes of deposition of Pastors, Doctors, and Elders. (67) Likewise, the Assembly detailed the grounds upon which the Kirk would deprive Bishops of their office; but did not include Sabbath-breaking. (68) Again, the Assembly detailed the faults which Presbytery was to censure, but made no mention of Sabbath-breaking. (The list of faults included "contempt of the Word, not resorting to the Word"). (69) Assembly may, however, have thought that the disciplining of Sunday offenders appertained not to Presbytery but to the Eldership.

What Assembly may have understood by keeping the Sabbath day holy is therefore to be extracted from the minutes themselves.

The Assembly of October 1576 agreed with the 1575 ruling anent Sunday plays. The 1575 ruling had been unambiguous. The town of Dunfermline nevertheless may have thought it possible that the 1576 Assembly might think differently from that of 1575; or may have thought that it was ambiguous as to whether "Sabbath days" (in the 1575 ruling) meant Fast Sundays and may not have been applicable to an ordinary Sunday afternoon. Dunfermline asked permission "to play upon a Sunday afternoon, a certain play which (was) not made upon the Canonical parts of the Scripture". The Assembly's reply was:

The Assemblie refuses to give libertie to the Bailzie of Dumfermling to play upon the Sonday afternoone, a certaine play quhilk is not made upon the Canonicall parts of the Scripture, in respect of the act of the Assemblie past in the contrair; exhorting the Baillie of Dumfermling, presenter of the bill, to request the town to keep the ordinance of the Assemblie. (70)

The Kirk also expressed its attitude towards "plays" such as those of Robin Hood. It was quite clear that such "plays" ought not to take place on Sundays. In April 1577 the Assembly asked the Regent to "discharge playes of Robin Hood, King of May, and sick uthers, on the Sabboth day". (71)

References to Sunday markets may suggest what had become the Assembly's effective reason for wanting certain activities prohibited on Sundays. The Assembly of April 1578 considered the question of "the observation of the Sabbath, taking away of the mercats, and such lyke", and resolved to make an approach in the matter to the Privy Council. (72) The Assembly was relying on the civil authorities to take action. In an earlier approach to them - in August 1575 - it had given its reason why markets should be prohibited; namely, because they were impeding the church's Sunday activities. The minute reads:

That sick impediments be removit away as makes hinderance to the progresse of the doctrine, sick as ... marketts upon the Sabboth day, and Ministers troublit in the execution of thair office. (73)

The interference with Ministers probably does not refer to Sunday, does not refer to Sunday alone, but reinforces the impression, nevertheless, that the Assembly, in its approach to the Council, was thinking about the practical aspects of the Church's work, and not about the dignity of the ministerial office or about any inherent holiness in the Sabbath day. The same Assembly seemed to express its mind in a kindred manner when, by means of Question and Answer, it expressed its mind towards organised working on Sundays. It did so in a manner which could suggest that its opposition to such Sunday work did not involve the view that Sunday possessed a character which could be "profaned". David Calderwood supplies the question:

Q. Whether if salt pans, mylnes, and other labouring, which draws away innumerable people from hearing of the word of God, should be permitted to goe on the Sabbath day; and, Whither the Assembly should not oppone themselves (thereunto), and make strait acts in the contrair.

(71) HUK, I, p.388. Assembly requested, a year later, that the civil authorities should prohibit all such "insolent playis", whether played by children at the schools or by others, during a general fast. - II, pp., 407, 410.

There seems to have been room for such a question. The point to be cleared up may have concerned whether appropriate action came within the sphere of ecclesiastical discipline. In its answer the Assembly kept strictly to the question:

A. Salt pannes, mylnes, and other labouring, quhilk drawes away innumerable people from the heirling of the word of God, could not be permitte, and the violaters to be debarrit from the benefites of the Kirk, quhill they make their repentance, and the continuers therin to be excommunicat. (74)

The Assembly gave the impression at least, that insofar as it prohibited working in general on the Sabbath day it did so on practical grounds; namely, that working on Sunday in the same way as on other days, and in an organised fashion, caused people to absent themselves from church on Sunday.

A minute of April 1578 conveys the same impression: (Calderwood is the source)

That the Sabbath day be universally observed; mercats, playes, and all other impediments, which may hinder the people to conveen to hear the word, be discharged. (75)

This was an Article which the Assembly had submitted to his Highness' Council.

That may not represent the Assembly's total concern for the keeping of the Sabbath; but the available evidence goes no further than to suggest that the Assembly from 1575 to April 1578 opposed Sunday plays, Sunday rowdyism, Sunday markets, and Sunday work because such activities were "impediments" and drew people away from the hearing of the Word of God.

The Kirk's primary concern was with the "exercises". A minute dated July 1580 reads:

Forsameikle as through a great part of all this countrey, the afternoones exercise and doctrine upon the Sabbath days is unusit, and speciallie in landwart, and therfor the peiple are not dewlie instructit in the Catechisme and rudiments of religiou: The Kirk hes [statute and] ordainit, That all Pastors and Ministers sail diligentlie and zealouslie travell with their flockes, to conveine to the afternoones sermons, asweill they that are in landwart, as they that are in burgh, as they will answer to God. (76)

The 1579 Act of Parliament was now on the Statute book. And the Privy Council in 1580, over against the Sunday markets situation,

had proclaimed a Public Fast within "the boundis of Louthiane ... and of the Mers". The Synodal Assembly of Lothian, with the Privy Council's action and phraseology before their minds, overtured the General Assembly in the following words:

Seing ane Act of Parliament is made anent discharging of mercatts upon the Sunday, and no executioun hes followit therupon, quherthrow the peiple absenting themselves from the Kirk, and waiting upon the mercatt, continues in ignorance, and be this meanes atheisme does increase: Desyre that some ordour may be takin in this Parliament for the executioun of the said act; [and] that some punishment may be appointit againis the magistrates that puts not the same in executioun, notwithstanding any privat dispensatioun in the contrair. (77)

The Assembly agreed to proceed "against the violaters of the Sabboth day, and mantainers of the same". (78)

The Kirk was becoming increasingly aware of the need for effective action to back up the Sunday legislation. The Assembly went further than the Lothian overture had asked. The next Assembly - April 1582 - took action which called upon certain church courts to reinforce magisterial diligence anent Sunday markets. It issued to "every Eldership" the following injunction:

Forsameikle as the Sabboth day many wayes is profaned [and violated] to the great dishonour of God, and speciallie be holding of mercatts asweill in burgh as in landwart upon that day: The Assembly of the Kirk injoyes straitlie to every Eldership within their awin bounds, to take ordour therwith as they may of the Law of God, as they will shew their zeale towards God, and obedience to the Kirk. (79)

(The delation of that duty to the Eldership could explain why Sunday offenders were not included, in 1586, among those whom Presbyteries were to censure.) (80)

Taken in conjuction with the Edinburgh Town Council's October 1581 enactment which arranged that searchers should work towards the "suppressing of the great insolence and profanation of the Sabbath day", that represented formidable action in favour of Sunday observance. Marked diligence was being shown on a broad front; by Parliament, by the Privy Council, by magistrates, the General Assembly, and the Elderships. There was what may have looked like a unity of concern. That could in itself have encouraged the use of a common vocabulary; in particular, the use of the term

profanation. It is unlikely that all used the term with a common meaning. Equally, the common concern for Sunday observance may have been a composite concern. It does not follow that the Assembly subscribed every aspect of the common concern or regarded it as complementary or necessary to its own.

The vagueness of the above injunction clouds the character of the Assembly's concern. It specified a special instance of Sabbath violation, but did not give the Elderships a definition which would guide them in their interpretation of their new function over against the "many ways" of profanation. The only guidance which the Assembly appears to have given the Elderships for the fulfilment of their duty anent the profanation (and violation) of the Sabbath day is dated 17th June 1889. Thus:

Violaters of the Sabbath (under which are comprehended parishoners absenting themselves from the sermons of their own parish, without a just cause,) ... are ordained to be tryed and censured by the particular Sessions of the parish: and who shall be convict ..., shall be denied of the benefits of the Church, with further censure, as the Word of God will allow. (81)

In short, for the Catechetical period - from 1575 to 1589 - strict adherence to the evidence of the minutes gives the following features of the General Assembly's position. The presenting of plays on Sunday, and the indulgence in such ploys as Robin Hood "plays" on Sunday, were prohibited simpliciter, except in one general request to the Privy Council. The Assembly supported its request by explaining that the plays were impediments which could discourage the people from attending church. The Assembly's resolutions, together with one overture which came before the Assembly, anent Sunday markets and Sunday work invariably associated the prohibition of such activities with their possible effect on church attendance.

Post-1589 Minutes. - The Assembly minutes or records for the post-1589 period do not inspire confidence in their accuracy. David Calderwood gives two versions of the minutes of the Assembly of March 1590. The first says that the Assembly issued one act against the keeping of fairs and mercats on the Lords day, to be execute generally, and, in speciall, against certain persons nominate therein, who may stay the same. (82)

(81) BUK, II, p.746. (82) II, p.748.
The second calls upon Presbyteries as well as Sessions to take action. It reads:

Presbyteryes and Particular Sessions to proceed against the violaters of the Lords day, by keipng of mercats and fairs therin, with the censures of the Kirk; and, in speciall, against the persons that may stay to be holden within their bounds. (83)

The records of the Assembly of 4th August 1590 are similarly confused.

The Assembly appears to have proceeded against the Earl of Angus. The records give two versions of the proceedings. The first is under the heading of the Fifth Session; and reads:

My Lord Angus his excommunicioun reduceit be reasoun of informalitie; and because ther is sufficient cause of such censure agains my Lord in the said offendar sentence, if the processe had been formalie led, therfor the Kirk hes instantlie desyr his Lordship to remove the cause; and to that effect most diligentlie care that the Sabboth be not violatit be faires or mercatts within his awin bounds; that no labouring nor carriage be usit within the samein, and that his vassalls compells not his tennent to use carriage on the Sabboth; and lykewayes to travell with them, that they give some day of the weik to thair tennent, as to sheare and lead thair cornes, that they be not abstractit from the kirk on the Sabboth: Whose ansuer was, That with all the diligence he could, he sould travell to that effect; and, at the rysing of the Lords, sould ryde home himselfe to Dowglas, and hold a court, and make laws and penalties for restraining of violatioun of the Sabboth. (84)

The second version of the proceedings is under the heading of the Eleventh Session; and reads:

The excommunicioun of William Earle of Angus, for the informality therof, was reduced, and John Liverance, for his rasch excommunicatioun of the Erle of Angus, was ordainit to confesse his offence to God and to the said Nobleman, in presence of the congregatioun on a Sabboth day, at the kirk quher the said sentence was pronouncit; .... Yet because there was just cause of offence in the said Lord, the Assembly desired him to have a care that the Sabbath day be not violated within his bounds, be faires or mercats, labouring or cariage, and that his vassalls compell not thair tennent to carie leads on

(83) BUK, II, p.749. The two minutes seem to anticipate the use of the Lord's day to describe Sunday in Scotland, at least in Assembly minutes. But it would be impossible to prove that. Cf. what may have been the first appearance in print in Scotland of the Lord's day - Holy Bible, "The New Testament of our Lord Jesus Christ" (Thomas Bassandyne, Edinburgh, M.D.LXXVI), 1 Corinthians, xvi.1, marginal commentary: "Upon the first day of the weke which the Scripture calleth the Lords day, others Sunday ...".

(84) II, p.769.
the Lords day; and that they grant to their tennands some week day to shear and lead their corns. The Earle promised, at the rising of Session, to hold a court in Douglasse. (85)

That is Calderwood's version. It ommits the Assembly's reason - "that they be not abstractit from the kirk on the Sabboth"; and it calls the Sabbath the Lord's day. It also introduces the formula about the carrying of loads.

Another minute of the Fifth Session also made a move towards the granting of a second day of leisure in the week, with a view to the discontinuance of Sunday working. It is as follows:

Ament the lament made be the brether of the manifold kynds of violatioun and profanatioun of the Lords day, as ganging of mylnes, salt pannes, shearing and leading of cornes, carieing of victuall and furnishing to and from burowstounes: The Assemblie, as of befoir, declares the same to be unlaufull, againis the Law of God and acts of Parliament, and ordaines the violatours therof to be punished according to the ordinance made of befor; discharging the borrowstounes for recieving of the loads and cariages brocht unto them on the Sabbath day. Ordaines the Presbyteries to travell with the gentlemen within their bounds, to grant some weik day unto their tennents to that effect, to lead and shear their own corns. (87)

The same Session had "travelled" with Lord Somervell. He claimed that he had a title for the holding of a market which gave him immunity from the Acts anent Sunday markets or fairs. He nevertheless agreed to comply with the Assembly's wishes. The minute reads:

My Lord Somerwaill being present, alledgit the priveledge of his infeftment for haldin the mercatt of Carnwath on the Sabboth; notwithstanding he condiscendit that no mercat nor faire could be keiped ther on the Sabboth: and in case of his failzie, the Presbytrie ther was commandit to proced against him according to the act of the Kirk. (88)

For good measure, the last minute of the Fifth Session adds:

And farther, for better observatioun of the Sabboth, ordaines the haill pastours that are present to give in a roll of the names of the persons quhilk may best stop the holding of mercatts within their bounds, upon the Lords day; to the effect his Majestie may be reqeustit to interpone his authoritie, to command the samein to them, or utherwayes to call them in case of refuseall. (86)

The Eighth Session of the same Assembly resolved to petition the King and the Privy Council to make "Ane law and ordinance for

(85) BUK, II, p.774. (86) II, pp.769-70.
breaking of the Sabboth". (89) There is nothing in the minutes to indicate whether the Assembly had detailed what it would like to be incorporated in the Act. And the Register of the Privy Council lists the King's apparent response simply as an Act anent "all brekaris of the Sabboth day".

The Fifteenth Session of the same 1590 Assembly heard Edinburgh Town Council's reply to an approach which the Assembly had made to them. The Town Council's version of many such approaches to them by the Assembly contained a reference to those "who (spared) not to abstract themselves from God's service and to travel ... to the ... market". Their reply to the 1590 Assembly apparently omitted that emphasis. The reply is recorded in the Assembly records thus:

According to the directioun of the Kirk for restraining of the mercatts, and profanatioun of the Sabboth day, within Edinburgh, be ganging of thair mills, receiving of loades within thair portes, selling of floure and fructuages, and such other violation of the said day: The Bailzies of the said brugh having directioun from the Counsell, declarit that the mynd of the Counsell is, notwithstanding of quhatsumevir difficulties, to doe quhat may ly in thair power for removeing therof, that all the rest of the burghs sall take no slander by them. (90)

The Second Session of the same Assembly questioned Commissioners concerning their diligence in connection with "the executioun of the last act made against ... mercatts and uthers profanatiouns of the Sabboth day"; (91) and the Assembly of a year later petitioned the King and the Privy Council that certain Acts of Parliament might be put into execution, including acts anent "publick mercatts upon the Sabboth day" and "profaners of the Sabboth day be Robein Hoodes playis". (92)

1590-91 was thus, according to the records, a year of extraordinary diligence in the Assembly; and the diligence has the appearance of having been, in the main, a reaction to "profanation of the Sabbath day".

The Assembly's diligence, and its emphasis on profanation, could have been prompted by what concurrently caused Edinburgh Town Council to show, with a like inconsequence in relation to their antecedent policy, similar diligence and a similar emphasis. The Assembly records supply, however, a special cause in the Kirk's case. From various parts of the country reports had come to the

(89) BUK, II, p.772. (90) II, pp.776-77.
(91) II, p.768. (92) II, p.784.
Assembly which told of the religious situation. They made a melancholy story, calculated to grieve those who had "any spunk of the love of God and his Kirk". (93) The situation reports appear to have been undated; but the records have inserted 20th February 1588 as the date. The report concerning the Presbytery of Stirling was, among other things, to the effect that "the Sabbath ther (was) everie quher abused and profained". (94) David Calderwood's version of the report concerning the Ayr Presbytery reads:

What parte of this land is there that is not with a spaitt overwhelmed, ... with profaning of the Sabbath day with merkats, gluttonie, drukness, fighting, playing, dancing, &c. (95)

There were throughout the country, in short, those who could report on Sunday observance, omit any reference to church attendance, and speak only of profanation of the Sabbath day.

The post-1589 minutes, and the reports to which has been given 1588 as a date, are thus a conglomeration. What weight may be given to them, one by one, the present writer is altogether incompetent to say.

It would appear that the Assembly was impressed with the need to do something to improve Sunday observance. It did not confine to the Elderships the duty of exercising the appropriate discipline. Presbyteries were to supplement the work of the Elderships (and of the Kirk Sessions where the Sessions were the "Elderships"). The General Assembly itself dealt with cases involving the observance of the Sabbath. The Kirk had very much become an interested party, from the executive point of view, in the Sabbath profanation question. Its references to Sabbath-breaking ceased to be coupled inevitably with church attendance.

The only other 1589-98 minutes which deal with Sunday belong to the record of the 1596 Assembly.

The Moderator of the Assembly arrived for the meeting under the impression that he was to preside over an in hunc effectum meeting about the Spaniards. Manifestly on the basis of a prepared document, the Assembly in fact proceeded to deal comprehensively with the whole Church situation with a view to eradicating laxity and corruptions. Ministers were enjoined that Sessions were to

exercise discipline in respect not only of gross sins but also of such sins as "profaning of the Sabbath day". (96) Presbyteries were to depose "simpliciter" ministers who were "profaners of the Sabbath day". (97) Among all estates there was evidence of

profanatioun of the Sabbath, and speciallie in seid tyme and harvest, and commoun journeying on the Sabbath, and trysting on wardlie turnes, exerciseing of all kynd of wanton gamis, keiping of mercatts, dancing, drinking, and such like. (98)

SUMMING-UP

The summing-up of the 1572-98 period, with respect to the civil authorities and the General Assembly, may be brief.

During the Catechetical period - 1575 to 1589 - the Assembly had prohibited Sunday plays and rowdyism simpliciter, but had otherwise tended to think of Sunday observance in terms of attendance at church. The Edinburgh Town Council's 1572-89 position had been akin to that, except that the Town Council had prohibited working and trading from the time when the first "exercise" on Sunday began until the time when the last "exercise" ended.

The Assembly had now, by 1598, arrived at the position where it viewed Sabbath profanation as being in itself sinful. That position was akin to the position which the civil authorities occupied at the close of the 1572-98 period.

The situation at St. Andrews also shows two main views of Sunday observance in operation. Strong, radical personalities there, however, clung to the Catechetical position more tenaciously than had been the case in the Edinburgh Town Council and the General Assembly.

St. Andrews Kirk Session Register gives the position at St. Andrews from 1572 to 1598. (1)

The Kirk Session functioned continuously throughout the 1572-98 period. The Session's resolutions anent Sunday were, however, of a discontinuous character. This discontinuity seems to make it possible to distinguish the two main views of Sunday and its observance; namely, the Anglopiscopapistical and the Catechetical, or, the Sabbatarian and the anti-Sabbatarian.

The years 1572 to 1598 at St. Andrews may be divided into three eras; the era of Archbishops, the Presbyterian era, and the Anglopiscopapistical. Sunday observance in the first of the three eras zig-zagged from one view to another. In the Presbyterian era it incorporated versions of the Catechetical view. The third era's name is self-explanatory.

ERA OF ARCHBISHOPS

The first two eras respectively showed different phases. The first phase of the era of Archbishops was a Sabbatarian phase.

Sabbatarian Phase. - John Douglas was Archbishop of St. Andrews throughout the first phase. Its emphases were mixed; but were probably traditional in the main. They included these three:—

1. Those engaged in at least certain occupations were to observe the Sabbath day by abstention from Sunday work and labour. The requirement applied to masters and servants alike, and prohibited work at any time of the day, including the early hours of the morning. It also prohibited work done privately as well as work done openly.

(1) Register of the Minister Elders and Deacons of the Christian Congregation of St. Andrews ... 1559-1600, ed. David Hay Fleming (Scottish History Society, Edinburgh), Part First 1559-1582 (1889), Part Second 1582-1600 (1890). "St Andrews Kirk Session" is here used as an omnibus term for the "seat", the "haill seat", the "session", the "haill sessioun", the "ministry", the "session of the ministry", the "assembly", the "brethren", and the "session-ecclesiastical". It describes the local church court or courts at St. Andrews (including those who acted on the Session's authority) which, in respect of Sunday observance, either exercised ecclesiastical discipline or remitted offenders to the magistrates.
2. Fleshers and their employees were forbidden to engage in "public market".

3. The prohibition was in accordance with the Fourth Commandment. (This is significant: anti-Sabbatarians tended to refer not to the Fourth Commandment but to elsewhere in the Bible — for example, to Jeremiah's injunction that no loads were to be carried on the Sabbath day.)

The three emphases have been culled from the following:

Certain fleshers compeared before the "ministry" on 30th April 1572. In disregard of yearly admonitions they and their servants had continued to violate the Sabbath day by cutting up carcases and selling flesh on Sundays in public market. The "ministry" had the "auld actis" read out to the fleshers. The Acts admonished them "to keip the Sabbat day haly, according to the fourt commandemand of almychty God". The "ministry" proceeded thereafter, in the fleshers' presence, to command and charge all the city's fleshers and fleshers' employees, to abstain in the future from violating the Sabbath day. They were not to slaughter beasts, cut up carcases, or sell butcher meat, "privatlie nor opinlie", on Sundays.

The fleshers were not the only persistent Sunday offenders. (2) On 21st January 1573 the "session" decided to approach the magistrates of the city for the purpose of asking that the latter, "in general and particular", should put into execution the Acts against breakers of the Sabbath day. To help see that the Acts were obeyed, the Session also called for the cooperation of the dean of guild "[as well as] utheris magistratis and maisteris of howsis".

A minute of 18th February of the same year — that is, only a month after the Session's approach to the magistrates — testifies to one aspect of what the "seat" understood by "the breakers of the Sabbath day". The "seat" on 18th February committed to the magistrates for punishment a man whom they accused of threshing corn from 4 a.m. until 4 p.m. — and the "seat's" charge against him was that he had been 'brekking of the Sabbat day'. On 2nd September of that year the "session" accused two men of "brekking of the Sabbat day"; one of the men for "leading of his cornis",

(2) Marginal heading: "Nota. Statutum sessionis penes ... contumaces violatores Sabbati". (Page 373).
the other - a maltman - for "binding of benis". But they did not on that occasion send the two men to the magistrates. Each of the accused confessed his fault: the session were satisfied: the matter proceeded no further. The session were regarding Sunday work as an offence which lay within their competence, and not as being a civil offence only.

The first phase ends hereabouts. The minute of Sunday, 27th January 1574 - of what was apparently Archbishop Douglas's last attendance at the "session" as Archbishop - could be taken to register the beginning of a movement towards a different position. The then session began to show diligence against the "distinction of days". Into their minute book was inserted - for future reference - a note to the effect that a "lorymar", a "culteller", and a "blaksmytht" showed penitence and "maid opin satisfactioun" for having observed "superstitious dayis"; in particular, "Zwil-day" or Christmas day. The minister - "at command of the assemblie" - publicly announced on the same "Sunday" that any parishioners who superstitiously observed Yule day should similarly be punished "gyf they abstenit fra thair wark and lawbour that day, mair than ony uthir day except Sunday, quhilk onlyould be kept haly day".

Keeping a day holy thus meant, whatever else, abstention from work and labour; and Sunday, and Sunday alone, was so to be kept.

An important and significant emphasis enters at this point. It seems to intimate the surging of Knoxian views within the Session; and does introduce a view of Sabbath-breaking which makes it difficult at times to decide whether a reference to "keeping the Sabbath day holy" or "violating the Sabbath day" meant the observance of a day or the recognition of a principle. Thus, the Session on the same day charged two men with having abstained from their work and labour on Yule day and with having thereby been guilty of "violating of the Sabbat day be superstitius keping of Zwill-day haly day". That is to say, the "Sabbath day" could be violated by something which happened on another day of the week.

Anti-Sabbatarian Phase. - After Archbishop Douglas's departure, the Session which had "commanded" the minister to make intimation against the superstitious keeping of days would seem to have proceeded to set forth post-knoxian views on Sunday observance.
The phase will be named an "Anti-Sabbatarian" phase. Its features were:

1. "Sunday" was the favourite term. But "the Sabbath day" was also used. The precise form was "Sabbat-day". (3)

2. Sunday observance was with a view to "good order"; and the good order required nothing beyond attendance at the preaching. The latter may have been, but was not necessarily, the same as attendance throughout the whole church service.

3. To present or to attend on Sunday an approved comedy based on Scripture was in order; provided that this did not interfere with attendance at the preaching.

4. Searchers were to arrest absentees from the Sunday preaching.

5. The Kirk would itself deal with the absentees in accordance with its own acts.

The relevant minutes follow.

On 30th June 1574 the "seat" resolved that groups of "captouris" be chosen to "vesy" or search the whole town on Sundays and apprehend any inhabitant who was absent from the preaching. (4) The searcher groups had severally a district allotted to them; had the support of two officers "inarmit wytht thair halbartis"; and, if the need arose, the searchers and armed officers of all districts were to combine their forces to apprehend transgressors who were resisting arrest. The "seat" took this action with a view to "gude ordour" being observed "in convening to heir the Word of God upon the Sabbat-day" (meaning, Sunday). Transgressors were to be punishable in accordance with the "actis of the kirk".

There was before the same "seat" or "sessioun" (5) on 21st July 1574 an application which would seem to bear out the impression that the post-anoxian church court focussed on the preaching. It was for a licence to present, on a stated Sunday, a comedy based on the Parable of the Prodigal Son. The Session or Seat remitted the application to a committee with power, subject to two provisos, to issue the licence. The first proviso was that the script should meet with the committee's approval. The second proviso was that the

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(3) Page 394. (4) Marginal heading: "Nota. Ordour anent persons convening to sermon".

(5) This minute would seem to say that the "brethir" could sometimes mean the "session" and that the "seat" could mean the "session"; but that the "wall ... seat" was another court.
playing of the comedy "be nocht occasioun to withdraw the pepil fra heryng of the preaching, at the bowre appointed alsweill eftir nune as befoir nune". (6)

Catechetical Phase. - A Catechetical phase followed. It may have been approximately co-terminous with the short span of James Boyd's influence as Archbishop. He became Archbishop in the autumn of 1574. But by the beginning of 1576 the situation appears to have been out of joint.

During Archbishop Boyd's attempts to bring order into the St. Andrews religious situation, the features of Sunday observance at St. Andrews appear to have been as follow:-

1. There was to be no work on the Sabbath day.
2. Certain games and plays were to be prohibited on the Sabbath day.
3. The Kirk was to punish the offender with its own penalties, but was to remit the offender, if contumacious, to the magistrates.
4. Sabbath-breaking was a breaking of "the comely order".

This Sunday observance may have represented an attempt to set forth an observance which would broadly be in keeping with the kind of observance which the General Assembly had desired to see established. (The General Assembly had cited Robert Hamilton to appear at the bar as a result of the permission which the St. Andrews session or seat had given for the presenting of the "comedy" of the Prodigal Son. That could in itself have caused the Kirk Session to be unwilling to give cause for a further intervention by the General Assembly).

The four features of the St. Andrews Sunday observance during this first Catechetical phase are discernible in the minutes which follow.

The "seat" had before them on 17th November 1574 a "cordonar" and a "walcar" for not keeping the Sabbath day. The seat admonished the former; but, because the latter was contumacious, they required the bailies to punish him in accordance with the relevant civil statute. The minutes do not indicate the precise

nature of the men's transgressions. It may have consisted in working on the Sabbath day; the men are described in the margin not as "breakers" but as "violaters" of the Sabbath. A third man who worked on the Sabbath day was on 1st December 1574 required to discontinue that practice or to suffer the Kirk's highest penalty.

The minute of 2nd March 1575 shows the "seat's" attitude towards certain games and plays on the Sabbath day. They resolved that the minister should command and charge all and sundry the inhabitants of the city - young men in particular - to desist from violating the Sabbath day by their custom of plays and games, such as Robin Hood plays. The "seat" would administer the highest penalty they could impose.

On 15th February 1576 twenty-four persons were due to comppear before the Session to answer the charge of "using merchandice upon the Sunday in Carrail againis Goddis Word, and brekking of the cumlye ordour of this citie". The reference to "comely order" recalls the "comely order" of the 1556 catechism. The catechism also called it a "politique ordre" and, in the margin, a "politique ordre for dayes". The order called for attendance at church on the appointed day. For a subsequent offence against the comely order of St. Andrews the twenty-four offenders were liable to a two-fold penalty; namely, to be excommunicated and also to be handed over to the magistrates for punishment in accordance with the penalties specified in the Acts of Parliament. (7)

Second Sabbatarian Phase. - Patrick Adamson became Archbishop in October 1576. A second Sabbatarian phase began about that time. On 9th December 1576 the Session warned a woman about the punishment which they would visit upon her if she did not "cum to the sermon on the Sabbat day". It would be twenty-four hours of the "gok stule". Otherwise the features of the Sabbath day observance during the second Sabbatarian phase would seem to have been the following:-

1. Fleshers and all other merchants or traders were forbidden to trade in markets, whether at St. Andrews or elsewhere, on the Sabbath day.

(7) The offenders included a "walcar", a "cultellar servand", five fleshers, two chapmen, one "chaeplen", a "merchand dochtir", a "tailyeour dochtir", and a "cordonar".
2. The prohibition was in accordance with the Fourth Commandment. (This is important).

3. Taverns were to be closed on the Sabbath day.

4. Offenders were to submit themselves to the "will of the Kirk"; and church discipline included the possibility of public repentance on the penitent stool.

The phase is being regarded as essentially Sabbatarian because the Session required the closing of taverns, and not for time of sermon only; because they appealed to the Fourth Commandment, and not to comely order; and because their Sunday prohibitions were with a view not only to the local church or trading situation but to the keeping of the Sabbath day everywhere.

The Session on 2nd January 1577 threatened a woman with both a xls. fine and the penitent stool if she did not "desist fra keping of taverine upon the Sabbat day in tyme coming". The Session's chief concern, with reference to Sunday, during this phase was, however, according to the minutes, with Sunday markets and trading. The passing of the 1579 Act of Parliament would give impetus to this concern in much the same way as it quickened the Privy Council's diligence.

On 11th April 1582 the "sessioun of the ministrie" summoned all the fleshers "and utheris mercheandis" within the city to answer for having travelled to Crail market on the Sabbath day. The full charge against them was two-fold; namely, "keping of the mercat of Craill on the Sabboth day" and "violating of the said day aganis the fourt commandiment of Almychtie God". The latter part of the charge was the 1582 Session's own addition. The Kirk Session of the Catechetical phase at St. Andrews had described a similar offence as being "against God's Word and a breaking of the comely order of St. Andrews". A week later thirteen fleshers compared, and nine other traders. The "auld gude and godlie actis of (the) sessioun ... anent the keping holie the Sabbath day" were read over to them, including the Act of 1572 relating to fleshers. The fleshers undertook to abide by the Act. All twenty-two - "the saidis flescheouris, and the hail remanent personis mercheandis" - were obliged to keep holy the

(8) Contrast Aberdeen burgh records, II, p.38 (7th October 1580): "... That the ... fische merkat nor yit flesche merkat be on na way ... on the Sabbeth day, fra the ringing of the first bell afoir nune and efter nune qhill the sermun be done".
Sabbath day. "The ministrie and sessioun" provided the terms of the undertaking. The fleshers were "decernit according to the Word of God to keip holy the Sabboth day in all tymes cuming". (9) That involved for the fleshers more than the 1572 Act had required. Neither they nor their employees were in any place within the realm on the Sabbath day to "slay brek nor sell flesche". The other traders were given a similarly comprehensive prohibition. It was to the effect that neither they nor their employees would travel to Crail market or to any other market on the Sabbath day, and that they would "sall na kynd of geir, in na mercat within this realme, on the Sabboth day". The undertaking obliged the fleshers and the other merchants to keep the Sabbath day holy with an observance which was "according to the Word and commandiment of the eternall God". Failure to abide by their undertaking would put them liable to be excluded, together with their households, from all the benefits of the Kirk and to excommunication. This was stern action. Further, it aimed not so much at the keeping of St. Andrews "comely order" as at the observance of the Sabbath throughout Scotland.

The fleshers seem indeed to have been persistent offenders. Three of them confessed on 8th May 1583 to having been at the Crail market; and submitted themselves to church discipline. (10)

That concludes the second Sabbatarian phase.

The years 1572-1584 may have been transitional. The designations of its phases are approximate. For example, the phases connected with the names of Archbishops Douglas and Adamson have been called Sabbatarian, not Anglo-piscopapistical: to give the impression that they were Anglo-piscopapistical would be unwarranted. The situation was unstable.

Transitional Phase. - The three years from the summer of 1584 may, however, have been a transitional phase in a more sustained sense. John Rutherford took his seat as minister and pastor on 22nd July 1584, and promised to be faithful to those acts and statutes /u of the St. Andrews Kirk Session which had been formulated for good order and discipline in the parish. Forthwith the Session passed a

(9) See the "particular actis and ordinances concerning the ministerie and sessioun" on pp.369-70 and the recurring phrases, "contrar to the Word of God", "conform to the Word of God", "devisit be the ... word of God".

(10) The Crail market may have been not a weekly but a "great" market: offenders appeared before the Session annually at the same time of the year.
resolution which embodied factors which appear to indicate that there were in the Kirk Session those who were versed in John Calvin's later teaching. The Session as a whole, however, still regarded Sabbath-breaking as a contravention of the Fourth Commandment. The minute of 29th July 1584 reads:

The quhilk day, the sessioun, haiing respect to the outsetting of Godis glory and keping of the Sabbaeth day conforme to the fourt commandiment of Almychtie God, hes, all with a voce, tocht gude [that] na leadis of victuall, collis, peatis, turffis, hedder, nor na uther geir, be cariiit nor brocht in within this citee on the Sabbaeth day; and that na craftsman, flescheouris nor utheris, work on the Sabbath; but that the samyn be kept puir and holie, according to the commandiment of God; and that supplication be direct be the minister to the majestratis of this citie, for gude ordour to be takin heiranent.

The minute may well have been a compromise with a view to unanimity. On the one hand, its phrase about "the outsetting of God's glory" provides an interesting parallel to a phrase in the Edwardian prayer book's introduction; and its reference to the Fourth Commandment and its description of the Sabbath day as a "pure" day are Sabbatarian. On the other hand, it introduces two points which may intimate a movement in favour of neo-Calvinian views; namely, the detailed instructions anent the carrying of loads, and the decision to approach the magistrates "for good order to be taken". The first of the two recalls John Calvin's latest teaching. The second recalls both Calvin's latest teaching and the 1556 catechism.

The minute leaves no doubt, however, on several points. First, there is no doubt concerning which day of the week was involved in the "keeping of the Sabbath day". Sunday was the day. Second, there is no doubt about what was the sanction for Sabbath observance: reference is twice made to the Fourth Commandment. Third, there is no doubt that the Kirk Session were persuaded that it was their duty to see to it that Sunday was kept as a Sabbath or "pure" day. Fourth, the plan for the keeping of Sunday as a Sabbath day was thoroughgoing and was set out in all detail. And fifth, in the sphere of Sabbath observance the fleshers were manifestly a thorn in the Kirk's body. The minute makes particular mention of them. They presented a special problem. (The baxters or bakers were likewise a special case). (11)

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One question remains. If the references to the carrying of loads and to good order were neo-Calvinian, and if the Session spoke "all with one voice", it is at least possible that the Sabbatarian emphasis was of the same kind. The answer to that lies in asking what happened to the emphasis on the "purity" of the Sabbath day during the Presbyterian era (which set forth undoubted Catechetical views).

**PREBETYERIAN ERA**

For almost seven years subsequent to the transitional phase the Kirk Session used, like a formula, phrases such as "the holy Sabbath day of the Lord", (12) "keip holy the Sabbath day", (13) "to keip holy the Sabbath day", (14) "nocht keiping of the Sabbath day holy", (15) "to keip the Sabbath holy", (17) "nocht keeping the Sabbath holy", (18) "keip holy the Sabbath day", (19) "keip ... the Sabbath o/day holy", "keip holy the Sabbath". (20)

The list reads like the vocabulary of a Sabbatarian court. It is also possible, in many of the instances, to construe the minutes in such a way as to submit that the Kirk Session were setting forth Sabbatarian views. The present writer is nevertheless persuaded that it would be a mistake to conclude that by the use of the above list of terms the Session were necessarily subscribing the view that the entire day on Sunday was to be observed as a "holy Sabbath day" or even that the Session were taking their stand by the letter of the Fourth Commandment. In two cases it is probable that the Kirk Session intended that Sunday or part of it should be kept outwith church hours by abstention from work and play; (21) and that interpretation has the support of other minutes which, while not using a term such as "keeping the Sabbath holy", required cessation from toil on Sundays. (22) Special circumstances may, however, surround the two cases: they fall within what was apparently an interim phase during which the minister had withdrawn from the Session. Moreover, it is at least possible to read the remaining minutes as meaning that "keeping the Sabbath day holy" described, in so far as it referred to Sunday, "keeping the exercise"on Sunday.

The first phase which this ambiguity touches is here being called the second Catechetical phase.

**Second Catechetical Phase.** - The Session on 2nd August 1587 initiated a reformation of the parish "up on land" by setting out

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"godlie and guude artiklis and heidis", and inviting the parishioners to suggest additions which would be to the glory of God and the common weal. (23) On the last day of November in the same year the "ministrie, with consent of the majestratis" resolved that on Sunday forenoons and afternoons searchers should

await in the kirk yaird and streitis of (the) citee, that nane be vagand idill furth of the kirk tyme of sermone, nather in the kirk yaird, streitis nor feildis, nor in the tavernouris drinkand, bot that all personis be in the kirk to heir and learne the Word of God, undir the panis contenit in the actis maid thairanent.

The searchers were to report transgressors to the Session, who in turn would advise the magistrates. The operative time was, that is to say, "tyme of sermone". Also, the "ministry" acted "with consent of the magistrates"; and the magistrates were to take action after the session had passed on to them the searchers' information.

On 1st January 1589 the Session sought further lay support with a view to having the "holy Sabbath day of the Lord ... kept holy". They invited the cooperation of the Dean of Guild and the deacons of the baxteris, smiths, tailors, cordiners, fleshers, and "wobstaris"

that the holy Sabboith day of the Lord may be kepit holy, and the sermonis at all tymes may be frequentit be the pepill.

If the Kirk Session had wanted the Dean of Guild and the deacons to do more than try to arrange that the people should attend church on Sunday and at all stated times, they would presumably have /other explained what they wanted the Dean and deacons to do. The minute as it stands suggests that the Session were seeking to have the craftsmen and guild brethren attend church both on Sundays and on other days; and that accordingly the keeping holy of the holy Sabbath day means, in this context, the keeping of "time of sermon".

On 22nd April 1590 the Session so defined Sabbath day observance for the purposes of their requirements in connection with Sunday games and pastimes. The civil authorities were to assist towards effective action in the matter. (25) The Session - "with consent of the haill sessioun and majestratis of (the)

to attend ilk Sunday, for visiting of the kirk yaird, the
haill town, and feilds thair about, that nane be fund vagand
in the kirk yaird, streittis, browstarhoussis, taveronis,
cachpellis, nor feild, tyne of sermon [on] the Sabboith day;
and to noit ilk personis name that beis fund that tyne, and
signifie the samyn to the session and majestratis. (26)

Twice, that is to say, the Session had issued carefully worded
instructions for the guidance of the searchers; and in both there
was the tacit acceptance of open taverns on Sunday, provided that
the people did not frequent them during church hours; and in the
second set of instructions there was an apparent acquiescence in
Sunday games and pastimes, on the understanding that these would
not interfere with "time of sermon on the Sabbath day". This does
not prove that the Session did not regard such Sunday activities
with disfavour. It could indicate, however, that, at the very
least, their prohibition was not, at that time and in the then
situation, in the forefront of their concern; and that they did
not seek to persuade the magistrates to treat their abolition as
an urgent issue.

On the other hand, the Kirk Session made no such compromise
(if compromise it was) in connection with the carrying of loads.
A minute of 4th November 1590 suggests that the Session were
concerned that no loads should be carried on Sunday. Five "burne
ledderis" were charged with "breking of the Sabboth, and leading
of burn thairon". It could be that there were two charges; the
first being absence from church, and the second being the carrying
of the water (which was for the purpose of brewing). The men got
off with an admonition.

The Session of the second catechetical phase showed concern
for no more than the observance of "time of sermon" and the
prohibition of the carrying of loads on the Sunday or Sabbath day.

Third Catechetical Phase. — When David Black became one of
the St. Andrews ministers, (27) that marked the beginning of a
third Catechetical phase. According to the minute of 20th
January 1591 he would seem to have been at that time the only
minister. Andrew Melville became a member of Session on that date.

(26) The report may have been to the one meeting; at which
both Session and magistrates may have been present.

(27) Pages 687, 687-88n.
243
The minute

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the first

meeting oi Session, with David Slack

presiding, which dealt with Sunday observance,

is dated 12th march

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and sermon, and to keip the sermone on Weddinsday.
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sermon.

and that, further, they were to attend the Wednesday

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and mariners

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The Session

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An Aberdeen Town Council

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the Sabboth and vlk dayes, bering that all
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thair paroche kirkis, keip and obserue the sermones on the
Sabboth day, als weill aiternone as aioirnone, arid also the
sermones on the vlk dayes,
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on the Sabbath day, . . . . . . . . . . . . . . . . . . . . . .
and lykwyis, following the exampill of vther weill reformit
congregations of this realme, ... that the wyffis of all
burgessis of gild, and of the maist honest and substantious
craftisman of this burght, sall sitt in the middest and bodie of
the kirk in tyme of sermone, ..., and not in the syd ilis, nor
behind pilleris, ...; and siclyk ... that the women of the
rankis forsaid, sall ... (have) a clock, ...; and ... stuillis,
...; and that the brether of gild salbe answerabill for thair
servandis, anent the keping of the kirk on the Sabbath day". (28)

It must be virtually certain that in March 1591 the St. Andrews Kirk
Session were proceeding upon a similar policy and that their
requirement for the keeping holy of the Sabbath day meant no more
than the keeping of the kirk on the Sabbath day.

A subsequent minute of the same sederunt tells that three pipers
were "to keip holy the Sabbath day, the sermonis on Sonday and
Weddingsday". (29) The Session were dealing with the question of when
piping was permissible; and seem to have informed the pipers that
they were to keep the "Sabbath day" holy by not piping. Piping at
the wrong times was "filthy" playing. If the pipers should fail to
comply, they would come under church discipline. The reference to
the "Sabbath day" could mean Sunday; or, as the present writer is
inclined to think, it could be a reproduction of the formula which
related to time of sermon. It is curious that the Kirk Session did
not forbid Sunday piping (if that was their intention) as explicitly
as in the same minute they forbade "ony pyping in the midst tyme".
The Catechetical Kirk Sessions tend to be unaccountably reluctant to
name and describe prohibitions anent Sunday, other than the
prohibitions against the carrying of loads and servile work.

A case relating to a baker provides another such instance. A
minute of 5th May 1591 deals with the case of a baker who, when later
before a Session who were proceeding upon a different view of Sunday
observance, was before the Session for having violated the Sabbath
day by trading on Sunday. (30) Whether it was for a like reason that
he appeared before the Session in 1591 is not known. The minister on
5th May 1591 made no reference to "the Sabbath day" or to Sunday
trading, but simply admonished the baker "to keip the kirk and
sermonis on Sunday and utheris precheing dayis, under pane of
censouris of the kirk".

(29) The "Sabboth day" could there be referring equally to the
Sunday sermons and the Wednesday sermons.
(30) Page 835. The baker may have belonged to "Newtoun".
See minute of 15th January 1592.
Thus the Kirk Session of the third Catechetical phase gave no clear indication of having any interest in Sunday observance beyond an interest in the keeping of the kirk.

**Interim Phase.** - What makes the more curious this apparent reluctance of the Catechetical Kirk Sessions to refer their prohibitions to Sunday and not to time of sermon only, is that the Kirk Session at other times did not share the reluctance. That is true to a limited extent true of the Session during an interim phase.

The Session about a year later - on 12th March 1592 - charged a "servitour" "ffor breking and violating of the Sabboth day last wes, in delving and sawing of lint, aganis the law of God"; and required him to make public humiliation by sitting on "ane stuile lauche" (a low stool) in the kirk on a Sunday forenoon. The minute presents a clear case of labouring on Sunday, and of the Kirk Session treating such a case as their proper concern.

David Black was not at that time exercising the function of his ministry at St. Andrews. (31) He had asked leave to resign from the St. Andrews charge. One of his reasons was that the Session had been showing that they were not of one mind with him. Another was that Black felt that the charge was too big for one man: he wanted the St. Andrews parish delimited so that he would have a manageable parish of his own in which he could effectively administer discipline. When he had accepted the charge in the first place it had been

in houp that sic a portion suld be allotit to him of the parochin as he mycht be abill to deal with in conscience, in administratioun of the Word and sacramentis and exercis of discipline. (32)

He duly consented to resume his ministry in St. Andrews on certain conditions. His first sipulation was "that ordour be takin for keping of the Sabboth day". (32) That would seem to indicate that he held strong views on the subject. When he returned to his charge at St. Andrews, on 28th April 1593, he had as colleague Mr Robert Wallace. (33)

In the interim, the Session, knowing the conditions upon which Black was agreeable to return and be their minister, dealt with the


(33) Pages 749-750n, 751-752n.
following four cases anent Sunday. That, with the 12th March 1592 case, makes five in all.

On 4th October 1592 - a month after they had official knowledge of Black's stipulation that order should be taken for the keeping of the Sabbath day - they seem to have equated failure to keep the Sabbath day holy with failure to attend church on Sunday. They charged a man with "nocht keiping of the Sabboth day holy and nocht frequenting the sermonis" - that is, the weekday sermons - and required him to give the single undertaking "to keip the precheing or ellis to schaw ane resonabill caus". If he should in future be out of the town on a Sunday he was to be answerable to the Session for "quhair he wes on the Sabboith day tyme of sermone".

The Session's resolution on 3rd January 1593 was not so unambiguous. Three persons were answering to three common charges. The first was that of keeping Christmas day holy. The second was that of failing to keep the sermons. The third was that of playing on the Sabbath day. If - as the customary use of the phrase "keeping the sermons" would suggest - the second charge referred to the weekday sermons, the third charge could mean that the three accused had been playing instead of being present in church on Sunday; and that the substance of the charge against them was that they had failed to attend church on Sunday. The Session obliged them, however, to give a corresponding four-fold undertaking - namely, never to observe any superstitious days; to be present at the sermons and prayers on the "Sabboith" day; to keep the Sabbath day holy; and not to play on Sunday in future. It could appear that the playing on Sunday was an offence in itself. On the other hand, the three men gave their undertaking "under panis contenit in the Actis of Parliament maid their anent": it was the first time the Session during this Presbyterian era used reference to the Acts... the Acts did not prohibit playing on Sunday but only during time of sermon on Sunday.

A minute of the same month deals with a similar case. The Session on 12th January 1593 obliged a smith

of his awin fre will to keip holy the Sabboith day, and to keip prayaris and sermonis, and nocht to work labour nor play thairon; and also ... nevir to keip idoll dayis, sic as Zuill day, nor uther superstitious dayis holy, but only the Sabboith day.

That is to say, he was to keep the Sabbath day or Sunday by not working, labouring, or playing.
The last instance of Kirk Session action in the interim before David Black's return is dated 18th April 1593. The Session on that date admonished two men "not to hald thair buith durris oppin, nor to work on the Sabboth day".

The interim Kirk Session would thus seem to have been regarding prohibition of Sunday work and play, and of Sunday trading in booths (or, regular business premises) as falling properly within the sphere of church discipline.

Fourth Catechetical Phase. - The next phase may be called the fourth Catechetical phase.

David Black had returned to his charge at St. Andrews in 1593; since the date of the last minute recorded above. (34) New elders and deacons were elected in November 1593. The election produced more sweeping changes than had ever taken place at the annual election. Of the eleven landward elders, four had previously been on the Session. Of the twenty deacons, only three had previously served. Of the six elders elected from the University, only two remained; namely, Andrew Melville, Rector of the University, and Robert Wilkie, Principal of St. Leonard's College. Of the twenty-two Town Elders only one had previously been an elder and three had formerly been deacons. (35) Virtually a new Session came into being.

The Kirk Session resolutions thereafter may have reflected the character of the sweeping alterations in personnel.

On 9th January 1594 the Session charged a woman with, firstly, "non keping of the kirk"; and, secondly, "selling of all upon Sunday and uther dayis tyme of sermone". She gave a two-fold promise, "under the panis contenit in the Actis" (of Parliament). He promise was, firstly, "to keip the Sabboth holy"; secondly,"to abstain". If the latter means that she undertook to abstain from selling ale, it would appear that "keeping the Sabbath holy" corresponds to "keeping the kirk" - and looks like a formula.

A man was charged the same day with "playing on the Sabboth". The minute is virtually sandwiched between two other minutes of the same sederunt which dealt with "playing" on Sunday but described the playing explicitly as playing "in time of sermon". The earlier

(34) On 9th May 1593 the Session were arranging for the settlement of Mr Robert Wallace as colleague to David Black.

(35x) Pages 760-61.
minute concerns five men against whom the Session brought a two-fold charge; firstly, of "absenting of thame selfis fra the sermone" (which presumably referred to the weekday preaching), and secondly, of "playing on the Sabboth day tyme of sermone". The men gave the three-fold promise - firstly, "to keip the Sabboth"; secondly, "to keip ... the sermonis"; thirdly, "nocht to play on the Sabboth day tyme of sermon". That minute clearly brackets the playing with time of sermon on Sunday. The other minute of the same sederunt tells that the Session called five men and two women to answer "for nocht keping of the Sabboth holy, and for playing thairon tyme of sermone". Thus two out of the three minutes make it clear that the "playing" was an offence because it took place during church hours on Sunday.

The same two minutes carry an additional point of some importance. The offenders were to keep the Sabbath and not to play during the time of the Sunday sermon. If the former phrase intended that the Sabbath should not be profaned, that would give rise to an incredible and intolerable situation. It would, for one thing, mean that the Session wanted Sunday kept as a Sabbath day but were declining to give even a hint as to what profanation involved. It would, for another thing, mean that while they wanted no play on Sunday at any time, they were weakening their case by doing no more than feebly specify that the offenders were not to play during a particular time on Sunday. No, the minutes as they stand can hardly be interpreted otherwise than to mean that "keeping the Sabbath" referred to time of sermon and was stating the general principle, and that "playing during time of sermon" on Sunday stated the particular breach of the principle. One of the three minutes suggests that those who attended the sermon on Sunday could still be guilty of the particular breach by "passing furth of the kirk befoir the blessing (was) gevin eitir sermone" (and playing?)

The same point applies to a minute of 23rd January 1594, and involves the use of the same formula. The Session had previously required a man and woman to obey a three-fold injunction. Firstly, they were to "keip holy the Sabboth day". Secondly, they were "nocht to sell aill tyme of sermone" (meaning, presumably, the weekday sermon). Thirdly, they were "to be in the kirk to heir Godis Word". The charge against them was two-fold. In the first place, they had been "ira sermone Sunday last wes eitir none". In the second place, during that time they had had "cumpanie with
thame in their awin hous drinkand". If in a comparison between their former undertaking and their present fault, the references to drinking cancel each other out, that leaves the keeping holy of the Sabbath day (the formula) and being in the kirk to correspond to the charge that the man and woman were absent from afternoon kirk. Moreover, their drinking offence was, according to the minute, in terms of the Act of Parliament which forbade drinking in time of sermon on Sunday. The total impression therefore is that the undertaking that they were "to keip holy the Sabboith day" laid upon them no obligation which was additional to the keeping of time of sermon. "Breaking" the Sabbath day there meant failure to keep the kirk and the stated times of assembly, forenoon and afternoon.

The Session likewise, on 23rd January 1594, charged a tailor, a brewer, a flesher, a coadiner, a cadger, and five others with breaking the Sabbath day and not attending the kirk. Presumably they had worked or traded. But to the Session the head and front of the offence was that they had done so in time of sermon: they were required solely "to abstein fra breking thairof". That is, the Session treated as one fault their breaking of the Sabbath day and their non-attendance at church.

On 6th February 1594 the Session for the second time enjoined a man, firstly, "that na aill be sauld in his hous Sonday", and, secondly, that no ale should be sold in his house on "uther dayis tyme of sermone". The question is whether the injunction's first part referred to all of Sunday or only to time of sermon on Sunday. The Act of Parliament required no more than the latter. The sole undertaking which the Session required of the offender - and of three others who were charged along with him, and appear to have been involved in the one situation - was that he should "keip holy the Sabboith". That seems to say that the Session were treating the offence as one offence, namely, the selling of ale (and the drinking of ale) during time of sermon; and that keeping holy the Sabbath involved, in that context, the observance of that time, and of that time alone. Keeping holy the "Sabboith" meant keeping "Sonday" and "uther dayis tyme of sermone". The Act of Parliament applied to the Sunday offence: a city statute or bye-law had reference to "thame that keipis nocht thair ordinar houris in the owk dayis to sermon". (35) The marginal heading which described the application of the fines which the Act and the bye-law

(35) Page 778.
respectively specified, reads: "Nota. Penalties to be uplifted upon brekeris of the Sabboith day, and utheris dayis fra sermone". That seems to mean that the offenders broke the Sabbath day (meaning, Sunday) by being "fra sermone" on Sunday.

The minute of 25th May 1595 possibly provides a further case where reference to the Sabbath day conveys the impression that it referred to time of sermon only. A man was "to keip his hous clein from drunkettis and cumpanie in drinking, on the Sabboith day, and utheris dayis tyne of sermone". If the Session intended that that drinking was of such an intemperate kind that, whereas other drinking was forbidden during time of sermon on Sunday, it ought to be prohibited at any time on Sunday, the inference must be that the Session were not opposed to such intemperate drinking on other days provided that it did not take place during time of sermon. In short, the Session's intention would require the recurring formula to be punctuated thus: "the Sabbath day, and other days, time of sermon".

Several weeks earlier - on 16th April 1595 - the Session had a woman before them for an offence; but limited their description of it to "abstracting hir persoun fra the kirk and hering of God his Worâ". The fine - xxs. - to which she was to be liable in the event of a repetition of her fault would seem to indicate that the offence was a Sunday offence: the fine was that which the 1579 Act of Parliament specified.

The evidence so far would thus appear to be consistent and to equate the Sabbath day of the minutes with no more than the time of the church assemblies, or to what the Kirk Session regarded as the kernel part of that time.

It does not give the whole picture: the same Session, in dealing with three special cases, show that they related certain offences to Sunday as a day and not merely to time of sermon on Sunday.

The first concerned bakers. On 15th February 1594, four bakers, together with their deacon, were required "nocht to occupie thair baikhoussis upon the Sabboith day". It is to be noted that the Session did not manifestly prohibit the bakers from Sunday trading. Occupying the bakehouses would necessarily conflict with time of sermon: limited Sunday trading would not necessarily do so.

The second case concerned three millers. The Session on
4th May 1595 made them pay xxs. to the poors box "for caring leidis on the Sabbath day".

The third case - dated 17th March 1594 - concerned a "burn-ledar' whom the Session banished from the city forthwith for "flying baning and swereng and breking of the Sabboith". His breaking of the Sabbath probably points back to the nature of his occupation and consisted in the carrying of water on Sunday.

"Carrying of loads" was another formula. The Kirk Session were not dealing with the three cases, in accordance with the Fourth Commandment, under the general heading of Sunday work. They were dealing with the carrying of loads, in accordance with their reading of Jeremiah xvii.21, 22:

Thus saith the LORD; Take heed to yourselves, and bear no burden on the sabbath day, nor bring it in by the gates ...; Neither carry forth a burden out of your houses on the sabbath day.

Similarly, they did not prohibit the bakers from doing any work. They prohibited them from doing that which would constitute an offence against church hours on Sunday.

A fourth case - dated 26th February 1594 - is insufficiently described to indicate the nature of the offence. It concerned two "servitouris" (servants) who had broken the Sabbath. The offence would, however, seem to have been Sunday working by servants: the minute names the two employers; and an addition to the minute reports that "all" made public humiliation. The 1556 catechism and Craig's 1581 catechism alike taught that Sunday should be a day of relaxation for servants.

**Fifth Catechetical Phase.** - A fifth Catechetical phase still further sought to safeguard this chaste form of Sunday observance.

A new Session was elected in October 1595. Forthwith they set themselves the task of defining what they understood by the relevant Acts and Statutes. (36) On the basis of these, they set down in a body their Sunday regulations. (37) The year was 1595. In 1594 an Act of Parliament had provided against the profanation of the Sabbath day. It would seem that the Kirk Session were, nevertheless, proceeding along the lines of the 1579 Act and not of the 1594 Act.

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(37) The minute of 26th October 1595 was dated "Die Sabbath", "The day of the Sabbath". D. Hay Fleming in a footnote suggests that "Die Sabbath" may be a mistake for "the Lord's day". It would seem equally probable that it designated Saturday.
The relevant features of the 1595 regulations were:

1. The discipline was to be "conforme to the Word of God". This is not necessarily the same as being in conformity with the Fourth Commandment.

2. The elders and deacons of the several quarters (that is, districts) were in turn to go through the town during "tyme of precheing and sermone" on Sundays, forenoon and afternoon; search for absentees— in taverns, alehouses, "caichpellis", and other places; and report the transgressors to the Session.

The Sunday search party would comprise the two elders and a deacon; and may have had the support of an officer whom a bailie would detail for duty.

The searchers— or, at least, the elders and deacons who were on duty for that week— were to return to the kirk "about the end of the sermone", take up position at the doors to ensure that no person left the kirk before the minister had given the blessing, and report the transgressors to the Session.

These first two regulations are dated 26th October.

3. The Sunday regulations dated 12th November referred not to transgressors "of" the Sabbath day but to transgressors "upon" the Sabbath day and transgressors "on" the Sabbath.

4. The first of the November regulations dealt with those who absented themselves from hearing of the Word. The second dealt with "the brekaris of the Sabboth".

The first of the two required "that diligent triall be takin owkli of sic as (abstractit) thame selfis from the sermonis, Sunday, and utheris dayis tyme of sermone, and from the catichisme". After the ringing of the third bell— which announced the preaching— no person "of lawfull age" was to loiter outside the kirk, do any temporal business, play, or engage in games. No child who was "without discretioun" was to be brought to the kirk at time of sermon.

Transgressors on the Sabbath day were to be liable to the penalties specified in the Act of Parliament. Transgressors on other days were to incur the penalty— a fine of 6/8d— specified in the

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city's statutes; and were also to be censurable by ecclesiastical discipline.

The clause relating to ecclesiastical discipline must also, it would seem, have been applicable to transgressors on Sundays. (45)

5. The second of the two November regulations could be ambiguous, in that it defined the operative time for certain purposes as being "Sunday, (or) other days time of sermon, after the ringing of the last bell to sermon". That could mean that the operative time could have included "Sunday". Alternatively, it could have included "Sunday ... after the ringing of the last bell".

The writer takes the latter meaning. For three reasons. Firstly, subsequent Kirk Session resolutions seem to have proceeded from that understanding of the regulation. Secondly, the marginal heading reads, "Anent the brekaris of the Sabboth" – and most of the paragraph not only follows upon the ambiguous phrase but details what was "then" prohibited. Thirdly, the penalties were to be those of the Act of Parliament; and for most of the paragraph's offences the relevant infringements of the Act were related to time of sermon on Sunday.

On the basis of that interpretation, that paragraph relates "the breaking of the Sabbath" to time of sermon except in one instance. The exception reads: "That nane leadis be cariit on the Sabboth day". (46)

6. No loads were to be carried on Sunday.

The special mention, here as elsewhere, of Sunday "loads" must carry special significance. The question which arises is why the Kirk Session were not content to give the general ruling that no work was to be done on Sunday.

Three answers seem possible. The first is that, like the fleshers, those who carried loads were persistent and dour offenders. That would account for the repeated references to them. It hardly accounts for the absence of a reference, in the regulations, to other Sunday workers. The second possible answer is that the Kirk Session held the view that the prohibition of servile work on Sundays, in accordance with the Fourth Commandment's intention, appertained to the magistrates and to civil, not church, order.

The present writer is persuaded that it would be difficult to overestimate the influence which that Catechetical view exerted on the 1572-98 Sunday observance regulations. It was not that those who adhered closely to the 1556 catechism's teaching were in favour of Sunday work. On the contrary, they explicitly favoured Sunday relaxation for servants. The position was (if the present writer has understood it) that they refused to regard Sunday's resting as a religious issue. Sunday's resting, as such, did not come within the orbit of the Kirk's concern. In particular, they did not include it among those moral and religious obligations which the Decalogue laid upon the Christian Church and on Christian people. That leads to the third possible answer. The Bible's references to the Sabbath day were not confined to the Fourth Commandment. There was Jeremiah's reference to the carrying of burdens. Those who accepted the 1556 catechism's teaching as authoritative could, without undermining the catechism's authority, supplement it with the Jeremiah teaching. But that gives rise to a further complication.

Following the Jeremiah teaching about the carrying of burdens, there comes immediately the following: "Neither do ye any work, but hallow ye the sabbath day, as I commanded your fathers". Also, at Numbers xv.32-36 is the story about the man who gathered sticks upon the sabbath day, and was in consequence stoned with stones, and died. It seems inexplicable that those who held the Catechetical position should stop short at the acceptance of the prohibition against the carrying of loads. It would seem that the answer must be that their declared exposition of the Fourth Commandment dictated their exegesis of such awkward Scriptural passages. For example, the 1553 edition of Luther's People's Catechism would seem to have negotiated the story in the book of Numbers to the satisfaction of its publishers. A woodcut, which heads the catechism's section on the Commandment, shows the interior of a church, the minister preaching, and the people listening. But the significant feature of the picture is that through the church window a man is to be seen gathering sticks. The pictorial reference is unquestionably to the story in Numbers xv. The man's offence, according to Numbers, was that he gathered sticks upon the sabbath day: the People's Catechism would seem to be putting the emphasis on the time of the sermon, thereby teaching that working during the preaching constituted the offence. It is not suggested that in /

(47) Ed. W. Harry Rylands (Holbein Society, Manchester, 1892).
Scotland those of the Catechetical school so understood that particular story. The point is that it appears to have been possible in those days, for those who were opposed to what was Judaical, to read a Scripture reference to the Sabbath day and interpret it in terms of time of sermon. Similarly, if in Scotland there were some who read the Jeremiah passage but stopped short at the carrying of burdens, that could witness to a determination not to make such a concession to the Fourth Commandment as would have been involved in the acceptance, literally, of the injunction to do no work on the sabbath day, but to hallow it, as had been commanded to the "fathers". On the other hand, the explanation of the singling out of the carrying of loads may not require to be so tortuous. The reason for it may be that John Calvin had made special mention of that particular prohibition in his Jeremiah commentary.

Whatever be the reason, the 1595 Kirk Session regulations prohibited the carrying of loads on the "Sabbath day"; and did not similarly prohibit any other activities on the Sabbath day.

7. The other prohibitions refer to "after the ringing of the last bell".

The remaining part of the paragraph requires that no merchant or craftsman— that is, presumably, no freeman trader or tradesman— was to have his booth doors open after the ringing of the last bell on Sundays or weekdays. Similarly, after the ringing of that same bell on Sundays and weekdays alike, all "caichepullis" were to be closed; "topperis of wyne nor aill" were neither to "prepair ony disjunnis" nor to sell wine or ale; no person was to be found drinking in tavern or alehouse; and no merchant "dreipar, fleschour, fischeour, or hukstar" was to sell merchandise, fish, or flesh. (This type of trader would seem to have been of an irregular or casual kind; or— like fleshers and fish merchants— may have enjoyed special dispensation to engage in a limited form of Sunday trading. Otherwise it would appear odd that the Session should add such an addendum to the opening regulation anent the closing of the premises of merchants and all other craftsmen after the third bell. The drapers, fleshers, fishers, and hucksters may have been unfreemen traders or pedlars). (48)

(48) There is no evidence that St. Andrews allowed a Sunday market of a limited kind such as was allowed, at least during certain periods, in Edinburgh and Aberdeen.
All classes of offenders were liable to civil penalties and also to be censured by ecclesiastical discipline.

8. Any person who kept Yule day or Peace day - Christmas or Easter - or any other such days, was to be regarded as a Papist and was to undergo the appropriate punishment. Such holy days were described as "superstitious" days. (49)

9. All godly men and brethren were to report those who committed any notorious crime. The Session would punish the guilty in accordance with "the Word of God, his Majesty's laws, and the acts of the Kirk". (50)

(Sabbath-breaking was not specifically named as one of the crimes so to be reported. That gave the impression that the reporting of Sabbath-breakers was left to those who were to search the town while the church services were in progress. Seeing that the godly men and brethren were themselves to keep the sermon, they could not be in a position to see and report those who by not being in church at the appointed time were not keeping the Sabbath day holy. Incidentally, the Session later found it necessary to make special arrangements for the purpose of being informed of those who carried loads on Sundays.)

10. Those who hoped to attend the Communion service were to be able to repeat the answers to the questions in the "Little /Little Catechism". This seems to have been the popular name for the Knoxian manual, "The Maner to Examine Children, before they be admitted to the Supper of the Lord". (51)

Such were the regulations which the Kirk Session of St. Andrews collated, ratified and approved in October and November 1595.

Apart from the use of the "Sabbath day" as applied to those who carried loads on Sundays, the operative terms for the present purpose were "time of preaching and sermon", "absentees", "time of sermon", "catechism", "preaching", and transgressors "on" or "upon" the Sabbath day.

This was either partial or partisan legislation. As soon as he succeeded David Black as minister at St. Andrews - on 19th July 1597 - George Gladstones proceeded to apply a different view of Sunday observance. Incidentally, seeing that he forthwith

(49) Page 808. (50) Page 811. (51) Page 809n; Catechisms of the Scottish Reformation, p.93, ed. Horatius Bonar.
manoeuvred - against the Session's wishes (52) - to get Andrew Melville off the Session, he may, in the first flush of his arrogance, have been able to influence the Kirk Session to accept his view and deal with Sunday offenders accordingly. The Kirk Session resolutions anent Sunday under George Gladstones were in marked contrast to those under David Black.

Unfortunately, David Black did not continue at St. Andrews for a long enough period after November 1595 to have the opportunity of providing a comprehensive commentary on the 1595 Sunday regulations. In the five months following the issuing of the regulations, the Kirk Session under him dealt with Sunday offences on six occasions. The succeeding four months provide only one case.

It is possible to interpret all seven instances in such a way as to have the impression that the Kirk Session under Black were focussing solely on "time of sermon". The offences were:—

(i) "Nocht keping of the kirk and sermonis, Sunday Weddingsday and Friday". (53)

The marginal heading refers only to "nocht keping of the kirk".

(ii) "Nocht keping of the kirk and catichesing". (54)

In these two cases the Session applied church discipline.

More significantly, perhaps, the Session dealt by means of ecclesiastical discipline only, with the following offences.

(iii) "Drinking on the Sabboth day tyme of sermone". (55)

(iv) "Passing furth of (the) citee to Luicheris on the Sabboth day, and ... drinking thair tyme of sermone". (56)

(v) "Breking of the Sabboth in passing to Luicheris". (56)

Journeying to Leuchars involved the offender's absence from his own parish kirk. The two instances which were connected with Leuchars probably embodied offences against time of sermon.

(vi) "Breking of the Sabboth". (57)

The regulations had defined those who transgressed "time of sermon after the ringing of the last bell" (by being otherwise occupied, instead of attending church) as "breakers of the Sabbath".

(vii) "Being absent Sounday befoir none". (58)

The apparent interest was that the people should "keep the kirk". If there was a supplementary interest, it is concealed.

**Anonymous Minutes.** - From the date of the last of the minutes associated above with David Black until the date of George Gladstones' settlement in St. Andrews there are three minutes which are probably best described as anonymous. The first is dated 16th August 1596 and records that three men were disciplined "for slaying flesche on the Sabbth day". They may have been Raderny parishioners. (59) In the other two cases the xxs. fine was imposed, in addition to church discipline. The first - dated 17th October 1596 - related to parishioners of Grange and Balrymonth respectively (landward); and involved "leading of thair cornis on the Sabbth day". The other - dated 26th October 1596 - involved "travilling on the Sabbth day to Fakland mercat". What may be said of those three minutes is that they may have been in line with the general intention of the 1595 regulations, but that two of the cases marked a departure from recent practice in that the Session not only threatened but exacted the 1579 Act's fines. Concerning their further implications, the present writer is in the dark. For one thing, it seems to have been possible for any one of four men to have been moderator of the Kirk Session. (60) For another thing, at least two of the three instances belong to the landward parish; and the writer is ignorant of what part, if any, the Session as a whole took in passing judgement, in the first instance, on landward parishioners. It seems possible that there were occasions when the elders and deacons of the several districts had powers to "privalie tak triall". (61) It would also appear that it was possible for the clerk to supplement what purport to be the minutes of one sederunt. (62) The question thus arises whether the clerk minuted action which elders and deacons independently took, or whether the Kirk Session subsequently homologated their action. Such independent action would seem to have been particularly convenient in relation to offenders in outlying districts who could not easily attend the regular meeting of the Kirk Session in St. Andrews. Further, David Black had insisted that his parish should be manageable; and part of his reason for wanting a manageable parish was that he might be able to administer discipline effectively. His parish

(59) See minute of 13th August 1600. (60) Page 823.

was the North Parish. He may therefore not have been involved in the disciplining of the above landward parishioners. (63)

The Sunday observance of the Presbyterian era may thus be summed up as follows.

The Session's interest in the Catechetical phases was two-fold. First, keeping the Sabbath day holy meant keeping the kirk. To that end all activities were to halt during time of sermon. The 1595 regulations defined time of sermon, for this purpose, as beginning with the ringing of the third bell. Second, servants were not to work on Sunday, and loads were not to be carried.

There was an interim phase during which the Session may have been without a minister. The Session then required that there should be, on Sunday, no working, labouring, or playing. Booth doors were to be closed on the Sabbath day.

And there were the above anonymous minutes. Their clear addition to the Presbyterian era's concern was the prohibition of slaughterings beats on Sunday. This corresponds to the Fourth Catechetical phase's prohibition against the use of bakehouses on Sunday. These two prohibitions represent the Presbyterian era's only actions anent fleshers and bakers respectively. The Session gave no indication that they required fleshers and bakers to be altogether idle on Sunday.

ANGLOPISCOPAPISTICAL ERA

George Gladstone's arrival in St. Andrews marks the beginning of an Anglopiscopapistical era. The minutes speak for themselves. Speculation is unnecessary. From the moment — on 19th July 1597 — when Gladstone took over as moderator, the Session's resolutions anent Sunday observance embodied different emphases. Incidentally, on 14th August of that year the Session resolved that in future in St. Andrews common prayers would be read publicly in the kirk every morning and evening "as in uther townis of (the) realme".

A minute of 17th August 1597 may give initial indication of George Gladstone's different approach to the subject of Sunday observance. The Session on that day resolved that the transgressors "of" the Sabbath should be summoned to appear before them on the

(63) David Black's parish is detailed on page 804.
Sunday afternoon. The 1595 regulations had referred to the transgressors "on" or "upon" the Sabbath day. The 1597 minute's marginal heading reads: "Anent the punishement of thame that transgressis againis the Sabboth".

On 13th October the Session dealt with three cases which involved Sunday work and one case of the selling of fish on Sunday. Three marginal headings describe the cases as dealing with "Sa."; that is, Sabbath.

The woman's case carries a point of special interest. Seeing that she was not a freeman but a woman, she would fall within the category of casual workers. Under the 1595 regulations her fault would presumably have been that she sold fish during time of sermon.

The first man's offence was in respect of working. The Session described his fine as "for travelling on Sabboth day, conforme to /c the Act of Parliament". It was xxs.; and was payable to the magistrates, it would seem. The wording of the minute is enigmatical. He was "decernit be the magistratis". The size of the fine itself calls for comment. The Act did not specify a xxs, fine in respect of Sunday working. The fine which it prescribed was xs.; and was applicable to "the poorest sort" of workers.

The other two men were charged with "travelleng on the Sabboth". For so working the two men were, three days later, "ilkane decernit to pay to the magistratit xxs., to the use of the puir, and to mak publict humiliatioun Sonday nixtocum".

The woman had failed to appear along with them "to ansuer for selling of fishe on the Sabboth". The Session both "remittit (her) to the magistratis" and also "warnit (her) agane to Sonday".

On 19th October the Session dealt with three cases which involved either the "carrying of leads" or the receiving of loads on the Sabbath day. This was in line with the 1595 regulations. One of the three involved a baker whom the Session further charged with having displayed bread for sale on the Sabbath. The Session were probably proceeding in accordance with the 1594 Act of Parliament; which forbade all marketing. The baker seems to have displayed his bread as though at a market stall or stance on the street. The Session appear to have been determined to clear the streets of every vestige of the Sunday market.

A more detailed description of the three cases follows.

The first case involved a woman who was accused "for causing
lead corns on the Sabboth day". Her servant had done the actual work.

The second case involved a baker who was found guilty of 
"ressaving of ane leid of flowir and travelling on the Sabboth day". While he had not carried the load, taking delivery of it had caused his action to be accessory after the fact. He had also worked. The baker was "decernit be the magistratis to pay ten s. to the box of the puir". The words, "be the magistratis", would seem to be a later addition, recording what action the magistrates had taken subsequent to the meeting of Session.

The third case involved another "baxter". His offence, like the preceding case, related, according to the margin, to "Sa."; the Sabbath. He was cited to appear before the Session "for hinging furth of his casar (64) with breid and ressaving of ane leid of flowir on the last Sabboth". Four days later, the Session required him to pay ten s., and to make public humiliation "for halding furth his casar with breid and ressaving of flowir in the Sabboth day". That minute also has the marginal heading, "Sa."

The Session, at the same sitting, passed the following resolution:

That the minister adverteis the minister of St. Leonardis that none of the milleris of thair parroche send in leidis to this citee on the Sabboth.

The Session under George Gladstones were bent on showing diligence in the matter; and deemed it necessary to stimulate the St. Leonard's minister's diligence.

That throws light on a minute dated three days thereafter. The Session had brought before them a man who was charged with "ressaving of leidis on the Sabboth". The minute adds that the man pleaded ignorance of the law; and was let off with an admonition. George Gladstones was apparently breaking new ground.

The same day - 26th October 1597 - the Session redefined the Sunday regulations anent tavern-keepers. The 1595 regulations had done no more than describe what they were not to do during time of Sunday sermon. The Session now told baxters and tavern-keepers what they were not to do "on the Sabboth". The minute reads:

The quhilk day, it is ordanit that in all tymes cuming na baxter nor tavernour hald furth juigis of wyne aill nor bread on the Sabboth, under pane of ten s. for ilk falt, and of publict humiliatioun.

(64) A wooden, box-like container.
That was not necessarily at variance with the 1595 regulations. It could have been supplementary to them. The 1595 Kirk Session may have been referring to indoor trading, while the 1597 Session may have been prohibiting out-of-doors trading. If, however, the marginal heading correctly describes it, the 1597 minute was contrary to the 1595 regulations. The heading reads: "Anent wyne and bread nocht to be sould on the Sabboth".

The 1597 Session would seem to have been determined that the people should observe Sunday as a Sabbath. On 6th November 1597 they cited two men "for violating of the Sabboth", and three days later they resolved "that the magistratis apprehend (one of the two men, or his son), and present him to justice, for violating of the Sabboth tua sindry tymes". On the same dates the Session cited a woman to appear before them "for selling fisches"; and duly required her to make public humiliation "for sending of hir dochter to sell fische on the Sabboth".

It would seem that such selling of fish, and trading and working generally, were in themselves offences, quite apart from whether the offences took place "time of sermon" or whether the offenders attended church on that day. On 23rd November 1597 certain /e landward inhabitants petitioned the Session to be allowed to remain parishioners of the St. Andrews parish. The Session granted their petition providing, among other things,

that every maister be oblist to pay the penultie of the Act of Parliament, for sic as brekis the Sabboth day, workis thairon and cummis nocht [to] sermon.

The issue was that the Sabbath day was not to be violated or profaned. George Gladstones' Kirk Session would seem to have defined playing on Sunday in the same terms as Sunday working; that is, with reference to the day and not only with reference to the church services. On 29th March 1598 a "pewderar" and a "tailyour" undertook "with thair awin consentis ... to pay fourtie s. ilk ane of thame" if ever again they should be guilty of "violating the Sabboth day". They had on that occasion confessed to "prophaning of the Sabboth day in playing at the gouf efitir nune". "For prophaning of the Sabboth day" a woman was sent shut up in prison on Wednesday 5th April until 8 p.m.

Her case ended a chapter - a chapter which tells, not of attempts to get the people to attend church on Sunday and to
bring the life of the community to a standstill during church hours on Sunday (there was only one reference to "coming to sermon") but of attempts to have Sunday observed as a Sabbath day by punishing, with the help of the civil authorities, those who engaged in pastimes or games, work or trading, at any time on the Sunday.

That was not, however, for St. Andrews, the conclusion of the story; at least, not yet.
CHAPTER EIGHT

ANGLOPISCOPAPISTICAL CONCLUSION

1598 - 1606

The year is still 1598. The chapter will trace the final steps during the years 1598 to 1606 which led to the Anglopiscopapistical conclusion which became the official Sunday observance position in Scotland and remained the official position until the Westminster Confession's teaching displaced it.

Up to 1598, according to the present work, two main views of Sunday observance emerged at every level, except one, in Scotland - at Kirk Session level (St. Andrews), in the Edinburgh Town Council, in the General Assembly, in the Privy Council, and in Acts of Parliament. The two views were the anti-Sabbatarian and the Sabbatarian; the radical and the traditional. The exception is found in those publications which were Knoxian, or the Kirk's, or had the Kirk's approval. The publications consistently set forth anti-Sabbatarian views. Chief among the publications were the catechisms of 1556 and 1581. The different versions of the anti-Sabbatarian position have therefore been called Catechetical. The Sabbatarian view began by showing affinities with the traditional, Catholic views but culminated in the adoption of a position which approximated to the compromise position of the English homilies. It was a hybrid. Also, it seemed to begin to emerge in Scotland about the same time as the Leith Convention; which established an episcopal hierarchy whose character was, in appearance, partly Anglican, and partly Roman Catholic. For these reasons the Sabbatarian position has been called the Anglopiscopapistical.

By 1598 the civil authorities, the General Assembly, and the St. Andrews Kirk Session had arrived at a version of the Anglopiscopapistical position.

But that does not mean that that was all Scotland's position - or even that the position had been stabilised in those civil and ecclesiastical courts which had begun to set forth Anglopiscopapistic views.

The St. Andrews Kirk Session Register suggests that the position at St. Andrews had not been stabilised.
A new chapter opened at St. Andrews when on 2nd April 1598 the bellman was

ordinit to pas throught the townes and publishe that Act, maid the xij of November jmv lxxxxv yeiris, anent the keipping of the kirk in tyme of preching on the Sabboth and wark dayis.

The Session minute's marginal heading reads: "Anent the keipping of sermon".

Who may have been the instigator of this action is not known. It could have been David Kindmakk Lindsay; who became George Gladstone's'colleague on 17th August 1597. The present writer is inclined to think that it probably was. The two colleagues apparently belonged to different schools and were not of one mind concerning the working of the parish. Gladstone's's scheming to oust Andrew Melville from the Session has been noted. David Lindsay seems, on the other hand, to have been in agreement with Andrew Melville. Two years after his induction to the St. Andrews charge, indeed, it was rumoured that Andrew Melville and he were conspiring together to "mak division" in the kirk at St. Andrews. (1) The rumour suggests at least the possibility that when David Lindsay presided at a Kirk Session meeting the operative view of Sunday observance could have been different from the view which informed the resolutions when George Gladstones presided. David Lindsay based his teaching, at the catechising, on the 1556 catechism and (for the "bairnis") on the "Commoun Cathechise". (2) His view of Sunday may have been the Catechetical.

If there was any such divergence of views between George Gladstones and David Lindsay on Sunday observance, that would help to explain three interesting minutes. The first provides the last instance of the disciplining of Sunday offenders before the day when the bellman went through the town proclaiming the 1595 Act. It is dated 25th November 1597. The Session then reproved three women for their "absens fra sermone [on] Sunday"; and required them to "kep the Sabboth and sermone heireftir". If the latter meant – as it probably did mean – that they were to attend the weekday sermon, it would seem that the Session were obliging them to keep the Sabbath similarly by not absenting themselves from the

(1) Page 903n, from Register of St. Andrews Presbytery.
(2) Page 848.
Sunday sermon. This recalls the Presbyterian era's predominant emphasis. Both David Lindsay and George Gladstones were present at the meeting. The Session's action may indicate that David Lindsay was beginning to assert himself, and that he was initiating the movement which culminated in the employment of the bellman to publish the 1595 regulations.

The second minute is dated 5th April 1598. Following the bellman's announcement, the city's craftsmen lost no time in seeking to have the position clarified "ament keiping of preaching on wark dayis". They did not dispute the keeping of the preaching on the Sabbath days.

Out of the tension of the situation came, for the bakers, what looks like a compromise between the adherents of the two views of Sunday; or, alternatively, represents a concession which the bakers were able to gain on the strength of the publication of the regulations anent time of sermon on Sundays (and conveyed the impression that it might be possible to have a measure of liberty on Sundays outwith time of sermon). The third interesting minute is dated 12th April, seems to take up this point, and reads:

The quhilk day, the baxteris of this citie ar dischargeit be the sessioun, with advyse of the magistratis, fra all furth putting of caseris, for selling of their bread, at any tyme upon the Saboth day; and that thair buith aurris be nocht oppynit the said day at any tyme, except betuix the preichingis, and fra fyve houris eftir nune furth.

The bakers could trade indoors during the permitted hours; but were not to extend their trading into the street.

A week later the Session received the confession of a certain Patrick Brown's son to the effect that he had "l'payed in the feildis on the Saboth day". The Session told him not to do it again, and to be obedient to his parents, "undir pane of punishment in strait maner". The Session were there acting in accordance not with the 1595 regulations but with George Gladstones' views.

The same day the Session passed a resolution which was in keeping both with the 1595 regulations and with the view of the Sabbath which George Gladstones had been setting forth. It embodied, nevertheless, a peculiarly Catechetical emphasis. The resolution prohibited the carrying of water for brewing; and reads:
The quhilk day, it is concluded that intimatioun be maid publiklie the nixt Saboth day, that na brouster nor litister in (the) citie leid, nor caus be led nor brächt in, ony burn, to mask their fattis, nor fill their leadis upon the Saboth day at na tyme of the day.

That was clear and firm. No work at all was to be done on Sundays in connection with such loads.

The same day possibly gave intimation of the change of emphasis which the 1595 resolutions could bring. Two landward residents made petition to be received as St. Andrews parishioners. When others had presented a similar petition the preceding November, the Kirk Session had required them not only to attend church but also not to engage in Sunday work. The Session in April made no mention of the undertaking not to work on Sundays; but granted the petitioners' crave "provyding that thai and thair tenentis repair to (the St. Andrews) kirk on the Saboth dayis". This could have been an oversight on the Session's part. if so, it was virtually repeated on 20th June 1599. A Raderny man was then made answerable for himself, his family, and his cottars that they should keep the kirk on the Sabbath day.

Accordingly, it does seem possible that two views of Sunday and its observance were at work. The problem is to separate them.

The problem appears one of insuperable difficulty, because of two unknowns. It is not known who was presiding at the Kirk Session meetings; and it is not known who was responsible for the disciplining of landward parishioners. Accordingly it is forlorn to hope that it might be possible to distinguish between the two views of Sunday observance with any degree of precision. Approximate results are unavoidable. For the same reasons, the results will not be attached to any names, such as George Gladstones and David Lindsay. Further, the two views may have tended to coalesce - particularly in the summer of 1599 when, according to James Melville, there was in the city a purpose of agreement and concord, and all professed friendship and brotherly love. (3) The method will be two-fold. First, there will be an attempt to discern how the Kirk Session interpreted the 1595 regulations. Second, there will be an attempt to discern whether the Kirk Session at times seem to have proceeded in accordance with views which were contrary to the 1595 regulations.

To divide up the minutes according to that plan is not to assume that the minutes' apparent interpretation of the 1595 regulations set forth a total view of Sunday. All that it is meant to show is that the anti-Sabbatarian views of the 1595 regulations were still to a certain extent active in St. Andrews subsequent to 1598.

1595 Focus. — The 1595 focus brought the regulations anent Sunday observance under the following heads:

1. Searchers during "time of preaching and sermon".
2. Absentees from the sermons.
3. After the third bell — no loitering, no playing, and no engaging in games.
4. Taverns and ale-houses to do no business after the third bell.
5. No booth doors to be open after the third bell.
6. No casual trading after the third bell.
7. No leads at any time of the day.

Following the reaffirmation, in April 1598, of the 1595 regulations, the Session minutes provide the following commentary on the above seven heads.

1. Searchers were to scour the city during "time of preaching and sermon" to discover those who were playing truant from the kirk and spending their time in such places as caterers' premises and "recreation grounds".

There are two instances; and both focussed on the observance of time of sermon. On 28th March 1599 the Session requested the bailies to have their officers attend on the searchers every preaching day "for the better trying and punishing of refusararis to heir the Word". On 5th July 1598 the Session had called the searchers' attention to two points which called for special vigilance. One was that they should keep a watchful eye for people who on Sunday proceeded to the fields when they should have been moving in the direction of the kirk to "keep the preaching". The other asked the searchers to extend their usefulness by helping to see to it that people not only attended church but attended their own parish kirk. They were to watch out for such parishioners as were proceeding to St. Leonard's, instead of to "thair awin
There was no attempt to establish a system of information concerning profanation of Sunday outwith church hours, except in connection with the one special type of case - the carrying of loads.

2. The 1595 Sunday regulations had concentrated on absentees from the sermons; that is, absentees from church.

On 5th July 1598 the Session "sharplie rebuikit" a man who had confessed to the double fault of "braking of the Saboth day" and "nocht resortand to the kirk in tyme of preching nor prayeris". If the latter part of his fault referred to weekday services (as the present writer would hold) it would seem that his "breaking of the Sabbath day" consisted in not resorting to the kirk on Sunday. The immediately preceding paragraph of the same minute probably bears that out. It refers to the searchers' duty of keeping strict watch for those who were not proceeding to their parish kirk on Sunday. The minute dated the last day of May, 1598, provides further support for that interpretation. It gives a striking case - involving the use of the very word "profaning". The Session had before them two men "for prophaning of the Saboth day". The Session defined the profanation as "nocht keeping of the kirk". Similarly, on 21st February 1599 the Session fined a man 6/- and required him to make public repentance "for violating the Saboth day in byding fra the kirk wilfullie". (5)

That is to say, not only did the Kirk Session make provision to try and see that people attended the kirk on Sunday, and made no corresponding provision to try and see that they did not profane the day (in a Sabbatarian sense), but they defined the profaning of the Sabbath in terms of failure to attend church on Sunday.

3. Likewise, there were to be no loitering, no playing, and no engaging in organised games - after the third bell.

The Session on 25th April 1599 charged five men with "vagand in tyme of sermone on the Sabath day"; and on 6th May 1599 they required a cooper to make humiliation, "for being vagand on the Saboth in tyme of preching". And the searchers were, as has been noted, to look out for those who went to the fields on Sunday at church time.

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(4) Cf. minutes dated 28th March 1599 and 16th March and 31st August 1600.

(5) Concerning attendance at Communion services, see 2nd August, 1598; 21st March 1599; 12th July, 1598.
Children playing, or hanging around the streets, constituted a kindred offence. Such behaviour was classified as the one offence. And the offence was defined in relation to time of sermon. This could have a significance all of its own. The Kirk Session were ostensibly teaching the children to respect not Sunday as a whole but time of sermon on Sunday. A reasonable explanation of that could be that they were seeking to bring up the rising generation to respect that restricted part of the day on account of the exercises which then took place. A child's offence did not necessarily consist in its being a disturbance. It was enough that it took place during the forbidden hours. Thus, on 7th February 1599 the Session made the parents and masters of children answerable in the event of the children under their care being found in the kirkyard or in the streets "in tyme of preaching" on the Sabbath day or other days.

Two minutes which record a Sunday disturbance provide a border-line case. On 17th January 1599 the Session required a tailor and a smith to

mak repentance in sek clai th, bear futtit and bair heidit, thrie Sabath dayis in the porche dur, betuix the second and thrid bell, and thaireftir on the penitent stule.

The men's offence was that they "had trublit the kirk the last Sabath day, in fechting togidder the tyme of preching". On 21st February 1599 one of the men made his repentance "for fechting in the kirk in tyme of preaching on the Saboth day". The interest in this case lies in the contrasting way in which the offence would have been described in the early sixteenth century under the Episcopal regime. The offence would without doubt have been described at least as an offence against "the Lord's holy Sabbath". An extended description would possibly have referred, for example, to "that reverent respect quhilk they aucht to have careyd to the Lordis holie Sabboth", (6) to respect to "the Lordis hollie Sabbothe or to the place being the house of God", (7) to "respect for the law, the sabbath, the place, or the ... person", (8) or to respect to the day or place. (9)

The 1599 Kirk Session did not elaborate after that fashion: they stated simply that the offence took place "in the kirk in time of preaching on the Sabbath day."

The point is by itself of little or no consequence. Its significance, if any, lies in the fact that it hangs together with so many other offences which the Kirk Session described with a similar economy of words, and which a Sabbatarian Kirk Session would have tended to brand as offences against the Sabbath day itself.

4. Taverns and alehouses were to do no business after the third bell.

The prohibition was manifestly limited to church hours.

The refrain, "tyme of preaching", or "time of sermon", appears, in this connection, from 13th September 1598. The Session on that day required a woman to make repentance "for violating the Saboth day"; and they defined the violation as "selling of aill in tyme of preching, befoir nune and eftir nune". The following week they dealt similarly with a tailor who had been "drinking the tyme of preching" and had thereby been guilty of "violating the Sabath day". On 8th November a man confessed to "drinking upon the Sabath day in tyme of preching". On 5th May of the following year a woman was cited "for selling of aill on Sunday the tyme of preching". Together with another woman, she satisfied the Session on 13th May 1599 "for selling of aill on the Saboth day in tyme of sermones".

If the offence in such cases had consisted in a failure to keep to the terms of a Sunday licence which restricted the hours of Sunday business, the magistrates would have been the proper authority to deal with offenders. As the minutes stand, however, it was the Kirk which was the interested party. And St. Andrews Kirk Session were not concerned that all such business should be prohibited on Sundays. They may not have been thinking, strictly speaking, in terms of the restriction of Sunday hours of business. Their interest was that the offenders should, in future, attend the kirk.

5. No booth doors were to be open after the third bell.

This regulation affected the city's merchants and craftsmen who occupied permanent premises or belonged to the recognised association of merchants or craftsmen.

The bellman's announcement came to the latter as a bolt
from the blue. Without delay the craftsmen took up the matter with the Session. Their difficulty was that they considered it impossible to close their booths on weekdays. While they themselves were prepared to attend the kirk on the weekdays, they could not promise that their employees would attend. Part of their difficulty may have been that someone had to continue in charge of the booth.

The craftsmen's argument in connection with weekdays would have been as applicable to Sundays, if they had been accustomed to have their booths open on Sundays.

The Session met within three days of the proclamation; and came to two decisions. First, merchant booth doors were to be closed during the preaching. That is, there was to be no trading during that time. Second, the question of the closing of the craftsmen's booths was remitted to a better attended meeting of Session. The Session's resolution reads:

"The Session ordinis that Act maid the xv of November 1595 to be keipit be the hail maisteris of houssis in this citie, and the merchandise buith durris to be closed tyme of preaching; and the visitouris to note all maisteris of houssis absent fra the kirk, or utheris out of the kirk playing at games drinkand or vagand ydill; ... and referris their ansuer anent the closing of the craftismenis buith durris to one mair frequent meeting of the brethren. (10)"

The minutes do not record what happened at the subsequent meeting of Session. They do give the Session's ruling in connection with a special case; namely, the baxter's. The bakers' booth doors were, on the Sabbath day, to be open only between the church services and from 5 p.m. (The ruling was given in full above).

The position concerning Sunday working is obscure: the Kirk Session's references are to working during church hours. On 5th July 1598 a "wobstar" confessed to "the braking of the Saboth day". The Session admonished him "to keip the kirk better". There is nothing to indicate whether his offence involved nothing beyond absence from the kirk, or whether he had been working instead of attending church. The case of a cordiner who was before the Session on 14th February 1599 is free from that ambiguity. The cordiner was fined 6/8d "for suffering his servandis wirk in his buith bayth on wark and Sabath dayis in tyme of preaching". On Wednesday,

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(10) The closing of the craftsmen's booth presented a difficulty: the closing of the merchants' apparently did not. They may have been different types of booths: the latter could be locked; some of the former could not. Also, the type of work was different. Some craftsmen had to do rushed, repair jobs - their customers may have wanted to collect after church.
20th June 1599 a smith confessed that he "wrocht in his buith (that) day in tym of preaching" and promised not to repeat the fault but to "keip the kirk better ... bayth on the wark and Saboth dayis". On the same day a tailor's employee admitted "wirking (that) day in tym of preaching, bot at his maisteris command". The master pleaded that the work was urgent. He became "bund of his awin consent to pay xls. to the pure, if he or ony of his servandis [should] be fund with the lyik fault ... ather on the wark or Saboth dayis". (11)

The Kirk Session apparently restricted their interest in Sunday work to a concern that work should not take place to the detriment of attendance at the preaching.

6. There was to be no casual trading after the third bell. No recorded cases came before the Session under this head.

7. No loads or burdens were to be carried on the Sabbath day. One minute referring to loads has already been quoted. It forbade work in connection with the bringing of water for brewing; and it made the prohibition applicable to any time on Sunday. On 9th May 1599 the Session took the further step of requiring that the receiver of any Sunday deliveries should inform the appropriate bailie, or be punished as though he had himself carried the loads. The minute reads:

The quhilck day, it is ordinit that na inhabitant of (the) citie sail resave any cariage nor leidis, inbroocht upon the Saboth day, quhill the bailie of thair quarter be advertesit /l be the resaver thairof, that the inbringar may be punist civille and be the kirk also; and of the baillie of the quarter be nocht advertesit be the resaver, as said is, he to be punished as is said of the inbringar.

That completes the commentary on the 1595 regulations.

Summing up, it may be said that the above minutes show that the Kirk Session followed the regulations to the letter; but that the question of Sunday trading and working is obscure.

A feature of the terminology of the above, and other contemporary, minutes may throw some light on the question. The Session's proclamation by way of the town crier was "ament the keiping of the kirk ... on the Saboth and wark dayis". The masters offered to attend church on "wark" days. On 15th November 1598 two men confessed that they had not kept the kirk on "wark" days; and on 14th February 1599 a man was admonished [11]

(11) Cf. minutes of 27th June 1599 (tailor whose appropriate fine was to be xls.); and, similarly, 20th June 1599 (smyth).
to keep the kirk better on the "wark" days. On 7th June 1598 a "cultellar servand" confessed that he had been attending church neither on the Sabbath nor on the "wark" days. On 1st November 1598 the Session admonished a "wobstar" to keep the kirk on the "wark" day; and on 14th February 1599 a cordiner was fined for an offence which related to "wark" days and Sabbath days. The children were to be orderly during the church service both on Sunday and on "wark" days. (12)

This is impressive; and should convey some significance. The obvious inference is that the kirk Session were regarding the Sabbath as a day of rest and could therefore speak of the other days as "work" days. A less obvious implication is at least possible. It could be that the kirk Session did not themselves show diligence towards having Sunday observed as a rest day because they regarded that aspect of Sunday observance as the responsibility of the civil authorities. If so, their view in that matter would be in keeping with the teaching of the 1556 catechism.

The minutes given above would therefore seem to set forth a Sunday observance with four main features:—

(a) All the people were to attend church, forenoon and afternoon.

(b) Accordingly, during church hours secular activities of every kind were to halt.

The church hours covered 9 a.m. – 5 p.m.; with a break between the services. (A minute of 12th July 1598 explains that a Sunday Fast was to end at 4 p.m.)

(c) No loads were to be carried.

(d) Sunday was to be a day of rest. But this aspect of Sunday was not the Church's concern. The Church, for its part, may have been prepared to acknowledge such Sunday work as was rooted in the customs of the people by necessity. St. Andrews Kirk Session seem to have allowed the selling of food and drink (for consumption on the premises) outwith church hours; and may have countenanced work done indoors by some craftsmen (like "wobstars" and cordiners) outwith the specified church hours. Bakers were permitted to trade between the church services and after 5 p.m.
The above minutes bring the period under review up to the early summer of 1599.

A Different Focus. — From the summer of that year the Kirk Session seem to have tended to view Sunday observance in a different focus.

The Kirk Session was becoming increasingly different in composition; (12) and was manifesting an increasing concern about the profanation of the Sabbath day. And by the profanation of the day the Session ultimately came to concentrate on something other than failure to keep the kirk.

The relevant minutes begin at 4th April 1599. Landward cases predominate.

Numerous minutes refer to a special case; which concerned Trinity Sunday in certain landward areas. It would hardly be legitimate to use the details of the case to illustrate what was the normal policy of those who dealt with it. But one point stands out; namely, that the term profanation appears in the minutes bearing a meaning which it did not have in the St. Andrews minutes at any time up to 29th March 1598 - which was immediately prior to the proclamation of the 1595 regulations - and which it did not have during the period when the Kirk Session were seeing the Sunday observance question in the 1595 focus. A minute of 7th June 1598 possibly illustrates the way in which the Kirk Session appear to have understood the term during the period which followed the proclamation. A farm servant had on that date "confest his fault in profanation of the Saboth day, nevir keiping the kirk, nather Saboth nor wark dayis". That minute could by itself be ambiguous. But the man's fault would seem to have been that of three men to whom reference had already been made. On 31st May 1598 a certain David Matthew and a certain Thomas Morris were "callit and accusit

(12) The Session elected on 8th October 1598 showed considerable changes in personnel. Eleven of the ordinary elders (that is, excluding ex officio members - bailies, Dean of Guild, treasurer, "commissar") severed their connection with the Session, and only four remained; and the new elders (ordinary) comprised those four together with eight new men. Of the eleven deacons appointed on 9th October 1597, seven remained, and were joined by eleven new men. The Session appointed on 28th September 1599 was even more altered. Only three of the 1597 elders remained and only six deacons (out of a 1599 total of nineteen deacons) only four of the ordinary elders of 1598 remained. Of the nineteen deacons appointed in 1599, nine had served on the previous Session.
for prophaning of the Sabboth day in nocht keeping of the kirk";
and on 21st February 1599 a certain Patrick Dempsterton was before
the Kirk Session "for violating the Sabboth day in byding fra the
kirk wifillie". That echoed the 1579 Act of Parliament. The
Kirk Session which, on the other hand, dealt with the observance
of Trinity Sunday, were thinking of a profanation of the Sabbath
day which involved an issue which was separate from church
attendance; and was thus, even if incidentally, more in line with
the 1594 Act of Parliament.

1/ 1599 was the year when the Kirk Session determined to try and
stamp out the "evil custume of pyping dancing drinking and
misordour" on Trinity Sunday in landward areas. (13) They chose
Raderny as a test case; and on 31st May instructed the "Kirk master"
to proceed that very day to Raderny

and command the fewaris thairof, in the name of God and
session, that thai suffer nocht the lyik ryot and prophanation
of the Sabboth to be usit, bot that thai stay the samin.

The Session's action was not wholly effective. On 6th June two
women admitted to "thair dancing and ryot on the last Sabboth"; a
man and woman, charged with "dancing on the Sabboth day", promised
to abstain in future, "and specialie on Trinity Sonday"; and a
collier, who was charged with "allowing the dancing drinking and
ryot usit in the towne of Raderny on Trinitie Sonday last" was
imprisoned in the steeple for insolence. He seems to have been a
ring-leader or organiser. (His case reveals that "the session had
send sum of thair number for staying" of the Trinity Sunday custom.
That is, the deputation had gone to Raderny for one specific
purpose. That could explain why the Raderny minutes refer only once
to church attendance.) The two Raderny women who were first
mentioned appeared before the kirk on 10th June "for prophaning of
the Sabboth day", and were absolved; and three days thereafter the
collier "confest his fault in dancing and prophanatioun of the
Sabboth day and his allowing thairof". On 17th June he appeared
before the kirk "for prophanatioun of the Sabboth day"; and was
absolved.

It seems possible that the above transgressors were not
charged in terms formulated by the deputation of elders who had

(13) Page 892.
visited Raderny. Their offences consisted of "dancing", "riot", and "drinking"; and were not in the first instance described as "profanation". It was after the transgressors had appeared before the kirk, and the clerk had drawn up the appropriate minute, that the offence was described, in the records, as the "profaning" of the Sabbath day or as "dancing and profanation of the Sabbath day". The minute of 11th July 1599 provides an interesting commentary on that. When three Raderny men appeared in person before the Session in connection with their part in the Trinity Sunday offences, the Session admonished them and their families to "keep the kirk better on the Saboth day, nor thai war wont to do, and specialie the Trinitie Sonday, qhilk day they war in use to abuse in dancing and drinking". That seems to say that the issue of profanation was not, in the summer of 1599, wholly isolated as a Sabbatarian offence: in 1599 the Kirk Session accented church attendance at least in that one instance. In the Session itself, the Catechetical emphasis had not utterly been abandoned.

The Kincaple situation in the following year reveals the "profanation" view of Sunday more fully developed. (14)

The tenants of Kincaple camepared on 26th May 1600, and were u/ charged with "abasing of the Saboth day upon Trinitie Sonday". They admitted that "sum prophanation was usit in that towne" on the Sunday in question; but maintained that they themselves had neither taken part in it nor consented to it. Strangers had been /C responsible. Four Kincaple men on 4th June 1600 confessed, on the other hand, to "thair violatioun of the Saboth day callit Trinitie Sonday ..., in playing at the futball and uther pastyme"; and by 18th June had made repentance "for braking of the Saboth day", That is to say, pastimes in general were included in the charge of violation or profanation; and "violating" and "breaking" were interchangeable terms. Sabbath-breaking did not necessarily connote failure to keep the kirk. On 25th June a tailor denied "prophaning of the Saboth day, qhilk wes Trinitie Sonday ..., in the towne of Kincapill, in dancing and ryiotus usage thair"; but evidence was led to the contrary.

Among the strangers were a Leuchars piper and men from Ardeth, Earlshall, and Leuchars; and a sailor. The Leuchars piper

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(14) See minute of 25th June 1600 for the appointment of elders to "owersie the maneris" of the Kincaple parishioners. These were additional elders.
confessed on 11th June 1600 that he "violat the Saboth day in playing [that is, his pipes] upon Trinitie Sunday last wes in Kincapill"; and on 9th July two men of Ardeth admitted that "thai prophanit the Saboth day callit Trinitie Sunday last, being ... at thair pastyme". They were required to make repentance and also to pay fines of xxs. to the poor. Four days later a sailor, and three men from Ardeth, Earlshall, and Leuchars respectively made humiliation "for violating the Saboth callit Trinitie Sunday last in Kincapill".

The common charge against the Kincaple transgressors was thus one of "abusing", "violating", or "profaning" the Sabbath day; and the charge consisted solely of taking part on profane activities upon the Sabbath day. The activities consisted of playing games or making merrièmthn - in one case, at least, dancing (probably to the accompaniment of the playing of the pipes) and in the same case or another, to the accompaniment of noise and the making of "whoopee". All the other people of Kincaple who had taken part in the fun and games were similarly to be "tryit and chargeit literallie", together with the rest of "uther townes thairabout, that committit the lyik fault the said day". (15)

Other landward offences anent Sunday throw more light on the general question concerning whether the Kirk Session were applying a Sabbatarian view of Sunday to landward areas. Sunday work is the most eloquent issue. Two minutes show what had been the extent of the Kirk Session's earlier diligence in the matter, landward. On 25th October 1598 the Kirk Session had imposed a fine of xxs. on a Lambelathan parishioner and required him to make humiliation "for violating the Saboth day [by] his servandis leding corn thairupon". That had been the one form of violation of the Sabbath day which the 1595 regulations had mentioned. But on 31st August 1598 those responsible for the oversight of the landward area of Strathkinnes had got a man and woman to admit to "thair wirking on Sonday". The Session's diligence towards the offence of Sunday working quickened, however, in 1599.

The Session's overall diligence, subsequent to the above two minutes, has the following features:-

(15) Page 926.
1. The Kirk Session were manifestly trying to eliminate Sunday working of all kinds.

On 4th April 1599 the Session required a woman, who may also have been a Strathkinnes parishioner, to make repentance "for causing his servand thrash corn on the Saboth day". On 23rd May 1599, two women - bleachers - were charged with "wirking their claiith on the Saboth day". On 2nd April 1600 a woman "confest that she played woier on the Saboth day upon necessitie, it being on perrell and danger of tinsell". (That is, she added yeast to "wort", having no option if she was to avoid the danger of losing it altogether by its going sour). As evidence of the kind of Sabbatarianism which was infiltrating into the Scottish situation, no minute is of more importance than 2nd April's. According to a minute of 12th December 1599 the Kirk Session had referred separately to the faults of working on Sunday and failing to attend church. They admonished a maltman, a gunner, a smith, and a fourth man, "for travelling on the Sabath day and nocht keiping of the kirk". But the "keeping of the kirk" had become, in connection with the disciplining of Sunday offenders, a muted note. On 8th August 1600 a man, "alias Wobstar", was fined xxx. "for the fault maid be his servand, in laying out skynnis to dry the last Saboth on the calse". The Session regarded his as an ecclesiastical fault: it was "to the sclander of (the) congregatioun". On 13th August a flesher, accused "for laying furth of skynnis upon the calse on the Saboth day", admitted the charge but with the plea that "the fault wes done be his servand by [that is, 'without'] his knowlege". And on Sunday, 24th August 1600 it (was) thocht meit that the elderis of landwart advert that none of the landwart brak the Saboth in shearing, leading or labouring of their cornes in (the) harvest season approching, requesting the maisteris of tenentis to lat them have tyme to shear their cornes on the wark dayis, and that the saidis elderis report and delait the contravenaris of (the) Act.

The marginal heading describes the Act as being "Anent the shearing, &c., on the Saboth day".

2. The Kirk Session also took action with a view to the discontinuance of casual trading on Sundays.

On 27th June 1599 a packman admitted to "his travelling on the Saboth day with his pak". The Session fined him xld. and required him to make humiliation on the following Sunday - which he did.
On 31st October the Session dealt with a woman for "selling fishe on the Saboth day". Her fault consisted in "abusi[ng] of the Saboth day." (16) On 21st May 1600 three cadgers were found guilty of "braking of the Saboth day".

3. Allied to the question of casual Sunday trading was that of journeying on Sunday.

On 19th December 1599 two cadgers confessed "thair travelling on the Saboth day, and that the storme of wether stayit thame over lang in Dundie upon Sattirday"; and on 7th March 1600 a merchant and four of his servants confessed to "thair travelling with thair pakkis from the cost syid on the Saboth day". The merchant and his employees were severally fined xxs., and required to make humiliation. The Kirk Session modified the merchant's humiliation, however, "seing that the braking of the Saboth day wes nocht be him self in pers[oun], bot onlie be his servand at his command". (17)

4. The Session also prohibited Sunday pastimes; and disturbances.

On 11th April 1599 they required a man to make repentance "for playing and casting the hammer on the Saboth day", and similarly disciplined another man "for trubling the town on the Saboth day". The two men may have been landward; but seem to have been disciplined at the same sederunt as a landward parishioner. On 11th July of the same year the "bretheren" directed the Kirk master "to hauld the bairnes and utheris fra the kirk durris and kirk yard, upon the Saboth days" during church hours. They described the prohibited time, not as time of sermon, or time of preaching and prayers, but as "tyme of divyne service". On 31st October 1599 the Session similarly described the prohibited time on Sunday. They announced that

the parentis and maisteris of sic bairnis and utheris as trubillis the kirk and kirkyard in tyme of divyne service ... salbe cited and censurit for thair faultis.

5. The Session's action in connection with Sunday drinking suggests that the different terminology may have had significance. On 27th June 1599 they dealt with a man who "confest that he had brokin the Saboth day, in drinking ... the haill tyme of preaching". There are two ways of interpreting that "haill tyme". It could

(16) Minute of 7th November 1599.
(17) Minute of 13th April 1600.
refer to the whole time of a service which included more than the preaching of the sermon. Or it could mean that the man had been drinking during both the forenoon and the afternoon preachings. (18) The latter may be the more probable.

The Session's attitude towards Sunday drinking seems to have agreed with that of the Kirk Session who had been acting in accordance with the 1595 regulations. It was prohibited during time of preaching. A woman who had sold ale to the man who had been drinking the whole time, appeared before the kirk on 8th July "for violating the Saboth day", and was received and absolved. She had "sauld aill to him, upon Sonday wes aucht days in tyme of preaching". (19) And on 20th February 1600 three men were found to have been "drinking on the Saboth day in tyme of preaching", and were required to appear before the kirk on the following Sunday.

The minutes as a whole carry an unmistakable Sabbatarian colouring.

Other minutes of the same period lack the detail which would show the character of the offence. On 4th July 1599, for example, the Session resolved that a woman should make humiliation and be admonished "for prophaning of the Saboth day"; and on 8th July the woman appeared "for violating the Saboth day". Also on 4th July the Session resolved that there be made a pulpit declaration to the effect that a cook was "ane person nocht worthie of Christian societie". His offences were "his oft violating of the Saboth day, and uther enormities". It is unlikely that the enormity of the violation consisted solely in failure to attend church. Likewise a man and woman were on 21st November 1599 ordained to make humiliation "for violating the Saboth day".

That, except for one minute, completes the picture of the St. Andrews situation. The minute is dated 19th July 1598. It concerns Thomas Morris. He confessed "the violating of the Saboth day". The Kirk Session's decision reads:

He is admeoneist that if he be tryit heireftir to be a brakar of the Saboth day, a drunkard, a fechter, or a nycht

(18) Cf. p.805, "the haill day, tyme of sessioun". The fine for being absent "the whole day" was double; and seems to have involved absence from two meetings.

(19) The clerk for the period shows a unique consistency in spelling. His word is the "Saboth", except in two instances — this one; and the minute of 12th December 1599 which referred to failure to attend church.
walkar, disobedient to magistratis, or doing sic thingis as becummis nocht a Christian, that he salbe declarit publiklie ane onworthie member of this congregatioun, and punished thatairfuir condignely.

Less than two months previously, the charge against him had been "profaning of the Sabbath day in not keeping of the kirk". It would seem that in the summer of 1598 the Kirk Session regarded Sabbath-breaking and Sabbath profanation as synonymous, and took the offence to mean failure to attend church. From the summer of 1599, on the contrary, by Sabbath profanation the Kirk Session seem to have understood much else, and to have concentrated on those ways in which people were profaning the Sabbath other than by wilful absence from the parish kirk.

The Kirk Session were, of course, as concerned as ever that the people should attend their parish kirk. (20) But their "searching" on the Sabbath day was no longer limited to time of sermon: (21) they were looking for Sabbatarian offences.

Prior to the summer of 1599, that is to say, the Kirk Session may have been concerned that the people should keep the Sunday outwith church hours, but they did not declare such a concern (except in connection with the carrying of loads); while subsequent to the summer of 1599 the St. Andrews Kirk Session's Sabbatarianism was manifest. Even a woman who added yeast to wort was, in their eyes, guilty of profaning the Sabbath day.

ABERDEEN

The kirk in Aberdeen had favoured the Catechetical position; and the Town Council there would appear to have been in agreement with the Kirk Session. Like St. Andrews, Aberdeen was slow to relax its hold on the radical view of Sunday and its observance.

Radical views in general had taken root in Aberdeen. Aberdeen Presbytery in 1602 were still concerned to maintain, for example, the Knoxian emphases that baptism and marriage should be annexed to the preaching, and that the teaching of the catechism should be attended to with diligence. (22) The 1556 catechism was still in use in the North-east in 1604. (23) (This chapter does not enter into the question about how widely such views may have been held in

(20) Page 938. (21) Even in the "Anglopiscopapistical Ear" the searchers' duties were described as "Anent the keping of the Sabboth". - page 829.
(22) Selections from the records of ... the Presbytery of Aberdeen, pp.189, 190. (23) Page 194.
The 1598-1606 requirements anent Sunday included, at the outset of the period, the Knoxian emphasis on the sermon as well as the emerging Sabbatarian emphases.

The Town Council minute of 5th October 1598 has been given at some length in the preceding chapter in connection with the Third Catechetical Phase. It called for the keeping of the sermons on the Sabbath by all citizens of standing, together with their wives and, where applicable, their apprentices and employees. On 20th July 1599 the Aberdeen Presbytery sent a visitation committee to Kintore. Arising out of that, the Kintore parishioners were enjoined "that all keep the sermon on Sunday" and that no one "beis fund drinking or playing in tyme of service". (24) Likewise on 24th July 1601 Presbytery charged a man with "non-observing on the Sabbath dayis, at his awin kirk of Methlik, heiring of publik doctrine their". (25) On 8th May 1603 Aberdeen Kirk Session's concern would seem to have focussed on those who were absent from the sermons. Searchers were to

pas throw the towne everie Sabbath day, and nott sic as they find absent fra the sermons ather afoir or eiter none; and for that effect ... pas and sersche sic hous as they think maist meit, and pas ahort the streittis; and cheifie, ..., during the summer season, ... attend, or caus ane attend, at the ferrie boat, and nott the names of sic as gangis to Downie, that they may be punischt conforme to the act sett downe aganis the brackaris of the Sabbath. (26)

25th May 1605 gives a fascinating minute. Its required attendance was manifestly attendance at the preaching of the sermons. The minute reads:

The skipperis of Puttie ... wer ordanit ... to convene, in tyme cumming, at the chapell of Puttie, at the secund bell, and then the absentis to be notit; quhilk being done, the skipperis, with their wyffis and equipages, to cum to the kirk in all diligence, for heiring of the word. (27)

Presbytery on 29th September 1603 were concerned that worshippers should remain in the kirk until the pronouncing of the blessing. To remedy the "abuse of Godis service" which premature departure from the church involved, they arranged that the town's officers and the kirk officer should stand at the church door "during the tyme of

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(24) Selections from ... the Presbytery records, p.169.
divine service".

But a new emphasis was emerging. On 26th August 1604 the Aberdeen Kirk Session seem to have made it clear that church attendance was only one aspect of Sunday observance. "Brackeris and prophaneris" of the "Lordis Saboth" were causing them concern. "Over mekill libertie" was enticing servants to folly or to "lowse and inordinat leving", and tending towards general profanation of the Lord's Sabbath. The Session caused the masters of all the crafts, with their apprentices and employees, to compear before them, one craft at a time; and charged them not only to attend church on Sunday forenoons and afternoons without fail, but also to desist from profaning the Sabbath day by engaging in games or pastimes. On 19th May 1605 they appointed a man "to attend this day aucht days, at either none, on the ferrie bott" in order that users of the ferry might be punished "for their brak and prophanatoun of the Lordis Saboth".

The Kirk Session's was an all-round diligence.

All those in Aberdeen who were responsible for Sunday observance came to share the all-round vigilance; but increasingly they concentrated on Sabbath profanation (in the Sabbatarian sense).

1. The Town Council on 13th April 1602 prohibited the carrying and also the sale of fuel and peats. Here is the minute:

The quhilk day, for the better observing and keping of the Sabboth day heireafter one prophanit, [that is, "now profaned"] be the vngodlie custome that hes bene in tymes bygane visit, be inbring of fewall and peittis within this burgt one the Sabboth day, nocht onlie be the seruandis of the inhabitantis of this burgt, but lykewayis be extranearis dwelling to landwart, and rownd abowt this burgt, selling and disponing of the said fewall and peittis to the inhabitantis ...; for the restrenning of the quhilk vngodlie vse, it wes statu* and /t ordanit ... that the peittis and fewall ... salbe escheitt ... and the bye or ressager ... sall pay fyve schillingis for [ilk] hore lead ... on the Sabboth day. (28)

2. Markets and trading were progressively prohibited.

The Town Council on 5th October 1598 forbade the holding of the fish and flesh markets in time of sermon on Sunday. "Na mercatt, nather of fische nor fleische" was to be "on the Sabboth day in tyme cuming, in tyme of sermon". Two years later

(28) Extracts from the Burgh records of Aberdeen.
the Council altogether prohibited these markets, of fish. Such marketing on the Sabbath day was "expres against Goddis commandement". The inhabitants of the town of Futtie were "maist /o ungodlie" profaning the Sabbath day "be hauing of the fische mercat within the burght ... expres against Goddis commandement and the louabill ordinance" of the burgh. The Council therefore ordained

that all the inhabitantis of the said towne of Futtie, baith men and wemen, sall repair to the paroche kirk of the said burght, to the hering of Goddis word, on everie Sunday befoir and after none ... and that their sall be na fische sauld be tham, nor na mercatt of fisches hauing or haid be tham or thair servandis .................. on the Sabboth day in tyme cuming ..................

The Kirk Session forbade the holding of both the fish and flesh markets. The only exception which they allowed was in favour of the selling of kail and herbs after 4 p.m. on Sunday. Their minute is dated 14th August 1603, and reads:

The magistrattis and sessioun, considering that the Sabboth day is grytlie prophanit and brockin within this burt be a gryt numer of people within the same, be hauing of ane commoun mercat of flesche, fische, peattis, grass, kail, and herbis on the Sabboth day; as also, be bearing of burne be a gryt numer of theas that brewis, ... ... statutis and ordanis that thair sall be na maner of mercatt, nather of flesche, fishe, peattis, grass, kail, nor herbis, ... within this burght, fredome, nor teritorie thairof, on the Sabboth day in ony tyme cuming, nor na burne carreit on the Sabboth day to brew with. ...; And the seas of sic as sal be fund careing burne on the Sabboth day, ather afoir or after nune, to be brockin. And ... the bailleis to caus attend everie Sunday, ...: Provyding alwayes, that fra four howris after nune furth on the Sabboth day, it sal be lesum to sell kaill and herbis, and na uther kynd of waris nor vivaris.

"Scharp execution" was to be visited upon defaulters.

Aberdeen Presbytery incorporated in their minutes of 29th September 1603 a reference to the Town Council's promise "that thair salbe na mercat on the Sabbaoth, neither of fische nor flesche". Special provision had previously been made to allow these two markets to operate outwith church hours on Sundays. (29) That indulgence was now withdrawn.

3. Working was also prohibited.

(29) Burgh records, II, p.38.
On 22nd May 1600 the Town Council declared "that in na fische boitt within ... Futtie, nather maister nor servand pass on <linebreak> Sunday to fische on the Saboth day". The Kirk Session on 27th July 1604 set out regulations which enjoined, among other things, "abstinence from ... corporall labour" on the Sabbath day. On 21st September 1606 they publicly admonished a cordiner "for his prophanatioun of the Lordis Saboth ... in sewing of schone in his buith".

The prohibition of Sunday fishing proved to be a vexed and stubborn question. The moderator on 9th March 1606 drew the Kirk Session's attention to the fact that na ordour is tane with the brak and prophanation of the Saboth day, within this burgh, namelie, with these quho hes salmond fischingis quha, be thameselfis and thair servandis, oppinlie and manifestlie, but controlment, workis and labouris thair salmound fischingis on the Saboth day.

He therefore asked the provost and six others, "being all present in the sessioun hous"

gif thay wald absteine ... quha all willinglie agreit ... except (W.L.), quha promest onlie to abstene in his awin persoun, and wald nocht promeis for his servandis.

The Session summoned to appear before them "the haill remanent awnaris and titularis of the salmond fischingis" of the burgh, "as /t ansuer for thair prophanatioun of the Lordis Saboth". All except two agreed "to sanctifie the Lordis Saboth, in abstening and desisting from" the fishing. One of the two would not promise that his servants would not fish. The other promised to abstain for a year only, "till he wer farder advysit".

The proviist and the others had promised to abstain in order to show a good example.

4. The Town Council, the Presbytery, and the Kirk Session likewise prohibited Sunday pastimes.

This may have been, in the summer of 1599, a departure from their accustomed policy. The Presbytery committee who visited Kintore had forbidden the parishioners to play "in tyme of service". That wording would seem to be a relic of the customary phraseology of the past; because, concerning playing, the committee's full intention was "that thair be na play Sondayes heireitir". (30)

(30) Page 169.
Somewhat similarly, the Town Council on 5th October 1598 had ratified the byelaw "maid aganis the playeris in the linkis, and at the kyillis, during the time of the sermones"; whereas on 27th July 1604 the Kirk Session issued a regulation which required all to abstain from "play" on the Sabbath day, and a month later made particular mention of "gouff, bowllis, kyillis, or ony uther pastyme".

5. It is not clear whether the attitude of the civil and ecclesiastical authorities towards Sunday drinking underwent a like change.

The Town Council in October 1598 had decreed that "na tavernar sell nor went any wyne nor aill in tyme cumming in tyme of sermone, ather on the Saboth day or vlk dayes". The only subsequent reference to Sunday drinking facilities appears to be contained in a Kirk Session minute of 12th October 1606. And it deals with dereliction dereliction of duties rather than with the "drining which accompanied it. The minute reads:

The ordinar officieris and seriandis [that is, "serjeants"] of this burt kepis not the sermones, bot drinks both Saboth day and vlk day in tyme of sermone ..., thairfor ... the townis officieris in tyme of sermone, both on the Saboth and vlk dayes, sall stand ilk officier besyd his awin baiillie, and not ... depart furth of the kirk till the end of the sermone, unles thay be directit.

It is probable that the officers and serjeants had been drinking in taverns; yet the Kirk Session did not charge the tavern-keepers with supplying the drinks in time of sermon. That would seem to be noteworthy. The apparent implication is that the Session were not averse to such places being open on Sunday for essential and legitimate trade.

A minute of 27th August 1604 crowns the records which show the movement in the North-East towards Sabbatarianism. The Kirk Session on that day set forth "Certane heidis and articles of reformatioun". Every family was to conform. Thus:

First, The haill familie sail keip halie the Saboth day, and that by abstinence from play and corporall labour thairon; sail resort to thair awin paroche kirk, heir all the sermones thairin, and quha can Reid sail lerne to sing and prais God publictlie. . . . . . . . . . . . . . . . . . . . . . . . . . . .
Secundlie, All the saidis familie sall daylie twis humble thame sellis privatlie or opinlie thairin befoir God, using divine wirschip, namelie, fervent prayeris.

A Town Council minute of 10th March 1606 indicates that there had been taking place a movement away from the general radical position. It announced arrangements for the keeping of Lent; and reads:

The said day, publicatioun and intimationoune wes maid be Abraham Cuik, belman, at command of the prouest and baillies ..., that na inhabitant ... presume nor tak vpon hand to eat onie flesche during the tyme of Lent, nather yit on Wednesday, Tryday, nor Seterday thaireiter, in na tyme cuming, ...; and that na fleschar nor bucheour ... presume to sell onie flesche duering the tyme of Lentrone; and that na tavernar nor hostiliar ... mak onie flesche reddie during ... Lentrone, nather yit on Weddinsday, Friday, nor Seterday, in na tyme thaireiter.

This represented a re-emergence of Catholic practice.

The minute contains the first reference in Scottish records to the English equivalent for flescher; namely, butcher. (28)

A last Council minute suggests how gravely, under exceptional circumstances, Sabbath profanation could be regarded in Aberdeen by 1st April 1606. The Council warned an apparently troublesome type of man that in the event of his being found "culpable" of "braking of the Sabboth day" he would be fined ten pounds and would be "brint on the cheik, and baneist" from the town.

Such was the situation in Aberdeen from 1598 to 1606.

GENERAL ASSEMBLY

The General Assembly records for the years 1598 to 1606 contain few references to Sunday observance.

There were still in the Assembly those who regarded as a "corruption" practices such as "the keeping of Christmas, and the idle Munday". (29) At the same time, "Christmass was solemnly keeped be the Court, upon the 25 December, [1600] with shooting of cannon out of the Castle of Edinburgh, and other signs of joy". (30) But the King was master of the situation. The Synod of Fife expressed the view that the absence of the Pastours of Edinburgh, [and the] alterationoun of the Ministrie therof, quhilk was the cheife

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(29) Appendix to BUK (Maitland Club), p.977.
(30) Page 1066.
That was in 1602. The Assembly of November of that year gave instructions for "the triall of the Congregatiouns". The inspection was to find out, among other things, "if the Sabboth be profaned be keiping of mercatts, or labouroing, speciallie in the tyme of harvest". (32) The Assembly itself appears to have given thought to the question of Sunday observance. The 1602 minutes are uncertain; but the records would seem to express the Assembly's mind after the following manner:

The Assemblie, considering that the conventiouns of the peiple, especiallie on the Sabboth day, are verie rare in many places, especiallie be distractioun of labour, not only in harvest and seid tyme, bot also every Sabboth, be fisching both of whyt fisch and salmon fisching, and of ganging of mylnes [the Assembly dischargeth, and inhibiteth all such labour of fishing, as well white fish as salmon fish, and going of mylnes] of all sorts upon the Sabboth day, under the paine of incurrreing the censures of the Kirk; and ordaines the Commissioners of this present Assemblie to meane the samein to his Majestie, and to desyre that ane pecumiall paine might be injoynit upon the contraveiners of this present act. (33)

David Calderwood adds:

Motion was made when his Majestie was present, for keeping of the Sabbath day; and mention was made in special of the salt pannes. Mr John Knox and Mr David Black took occasion to propone, that Mr John Davidson should be sent for to give his advice, what order should be taken with the falters. No, says the King, he shall not come here; if I knew there were six of his judgement in the Assembly, I should not byde in it, more than in Sodom or Gomorrah. (34)

The radicals had had their day: the King had control. "Now", says Calderwood, "it was the custom, that the King appointed the Assemblies, when and where he pleased, by proclamations at the Mercat Crosses". (35)

The King had likewise curbed a protest in 1599 against his giving permission to certain English actors to play in Edinburgh. The minutes of Edinburgh Presbytery and of the Privy Council deal with the matter at a fair length; but do not suggest that Sunday observance was an issue. David Calderwood, or his source for the record of the 1599 Assembly, goes the length of saying that the

profanity of the English plays was "specially the profanation of the Sabbath day". (36) He goes further and avers that "they had indeed committed several abuses, specially upon the Sabbath at night before". It is possible that Calderwood or his source gives a true record of the 1599 Assembly at that point. But the present writer cannot but think it probable that the narrator at that point added what to him would seem a safe assumption; namely, that those who were opposing the King in 1599 on the issue of the English actors and their plays were Sabbatarians, while the King would not have their concern for the keeping of the Sabbath day. The present work, if it is at all reliable, is all against that facile assumption. At no time throughout the 1560-1606 period does Parliament or the Privy Council appear to have been second to the Kirk in concern for the keeping of Sunday as a Sabbath day. According to the available evidence Parliament and the Privy Council would seem to have been the prime movers, together with the civil authorities as a whole, in the direction of some form of Sabbatarianism in Scotland subsequent to 1560.

The Assembly records for the 1602 Assembly may show a like prejudice against the King. That Assembly ordained that it should be lawful to celebrate marriage on the Sabbath day; and added "that no riotousnes be used at the same upon the Sabbath day". David Calderwood's parenthesis reads: "The King was earnest to have this liberty granted to celebrate marriage upon the Lords day". (37) There he stops short. Thereby he gives the impression that it was the Assembly which appended the condition that there be no riotousness. The Assembly could, indeed, have been responsible for the addendum: it was probably Sabbatarian in outlook in 1599. But the King may equally have been concerned that the Sabbath should not be profaned. Patrick Hamilton, the minister of the King's Household, in 1604 sent to Edinburgh Presbytery a letter which gave an outline of the results of the Conference which was held at Hampton Court in January 1604. The King's approved version of "such things as shall be reformed" included the injunction "that the Sabbath be looked to, and kepted better, through all Diocies". (38)


(37) BUK, Appendix, p.1003. (38) Original letters relating to the ecclesiastical affairs of Scotland (Bannatyne Club, Edinburgh, 1851), I, pp.3-4.
Admittedly, Patrick Hamilton's letter can hardly by itself be taken to show what was the character of the King's concern for Sunday observance in Scotland. According to him an earlier chapter, however, by 1598 Parliament, the Privy Council, and Edinburgh Town Council together were converging upon a Sabbathian position.

The 1598 Act of Parliament, in appointing Monday to be a weekly pastime day throughout the realm, crowns all the 1560–1606 period's concern to have Sunday kept as a Sabbath day. And it is inconceivable that the Act should have been a concession to the influx of "puritan" ideas from south of the Border. For one thing, the King was not kindly disposed towards those from England who were seeking to propagate their teaching in Scotland. (39) For another thing, those who are known to have come from England at that time were anti-Sabbatarian, not Sabbathian. There would seem to be no indication that Scots gravitated towards the English type of Sabbathianism prior to the Perth Assembly of 1618. The implicit Sabbathianism of the 1598 Act of Parliament was the result, not of a precipitate acceptance of a foreign Sabbathianism, but of a development within Scotland itself which is discernible from 1560.

The Act is dated June 1598. Its preamble reads:

OURE SOUERANE LORD and Estaittis preestlie convenit /e CONSIDERING Ane of the gritest caus[is] 'quhilk hes procureit Godis Judgment fra tyme to tyme to fall upoun this Realme ... Hes bene the prophanatioun of the Sabboth day quhilk suld be allannerlie bestowit and imploiet in Godis service and na utherwyis Quhair be the contrarie the saemn hes bene abuisit be the hail leigis of this Realme be hanting and using of gaimis and pastymes upoun the said day pretending ane lauchfull excuis for thame in the said mater that na day in the oulk wes grantit to thame for thair Releif fra thair lawbo' except the /s said Sabboth quhilk upoun necessitie thay wer forceit to brek and abuse.

Accordingly, no courts were to sit on Mondays. The purpose was "that the hail Leigis within (the) Realme (might) the better observe and keip the said Sabboth and bestow the samyn haill day alsweill befoir none as eternene to Godis service". They might "the mair willinglie bestow the haill Sabboth day in Godis service

(39) **Buchanan** supra [by James VI] (1599), Authro's preface: "As to the name of Puritaines, ... the Anabaptistes, ... the Famile of love; ... Browne, Penrie, ... borrowe also their name"
haifing that day for Relaxatioun fra thair lawbouris And the haill rest of the oulk await upoun thair awin vocatioun". Schools were to have holiday.

Monday was to be a day for games and pastimes. People were not, however, to engage in "unlauchfull and unnecessar gaimes" or pastimes on Monday. Lawful recreations were those which involved the "useing and handling of ... armour", and those "quhairby all personis myndis and bodyis may be recreate".

Some work was permitted at harvest time. Certain classes were obliged to harvest their superior's land; and that was the prior call on their time. When Sunday was the only weekly day of rest, it tended, in consequence, to be necessary for them to use Sunday to ingather their own harvest. Permission was granted them to ingather their own harvest on Mondays. The Act reads:

AND ... in tyme of harvest ... all cottaris tennentis & fermoraris quha ar astrictit and bund to scheir thair maisteris cronis salbe exemit fra thair said maisteris service that day To the effect they may Imploy the samyn in scheirings and wyning of thair awin cornis Qhilk of befoir be ressoun of the hard deilling of thair maisteris they wer forcit to do upoun the Sabboth and brek the said day qhilk suld haif bein consecrate to Godis service. (40)

The Act's intention represents a notable step in the direction of effective Sabbatarianism.

All the Privy Council's references to Sunday were consonant with the Act's intention and outlook. Gratuitously, it would seem, the Privy Council described as Sabbath-breaking such actions as were in themselves criminal. (41) They fined the Council and Session of Dysart, in 1601, for profaning the Sabbath day "be using of work thatairon". (42) In 1602, Sunday fishing in the North-East was, in their eyes, a profanation of the holy Sabbath. Their minute in that connection suggests that they were thinking of the keeping of the Fourth Commandment. Their action proceeded upon information "that the Sabboth day, qhilk be the lawis of God and be divers guid Actis of Parliament is commandit to be keipit holy" was, notwithstanding, being "verie fer prophanit and violat in the north pairtis" of the realm. The guilty parties were "the awnairis and possessouris of the fischeingis upoun the watteris of Dee, Done,

(40) APS, IV, p.160 (c.2). Cf. Reg.Fray.Counc., V, p.462./1
(42) VI, p.325.
Dovirne, Spey, Finderne, and Nes". The charge against them was that they were using

a frequent and commoun fischeing within the saidis Watteris upoun the Sonday, not sparing and forbeiring the ordinair appointit tymes for publict preiching and prayeris, — quhairthrow as God is dishonnourit, his halie Sabbath prophanit, and the Kingis Majestie his authoritie and lawis contempnit and misregairdit, sua with that utheris prophane personis, be thair example, oursicht, and impunitie, takis occasioun to use all kynd of handy laboure upon the Sonday.

Sunday fishing was encouraging other kinds of Sunday work. The Council's conclusion was:

The King and Council prohibit all the lieges ... to fish in the said Waters upon the Sabbath day, under pain of £40 toties quoties.

The fine was severe. (43)

The Privy Council also received sympathetically in 1605 a complaint about "prophane playis on the Sabboith day ... and ... divers utheris offenceis contempnit be the Word of God". (44) Significantly, it was a Roman Catholic sympathiser who brought the complaint; and it was against a minister.

Thus Parliament and the Privy Council were manifesting a concern about Sabbath profanation which in no way appears to have lagged behind any Sabbatarian thrust by the Kirk.

There are only three Edinburgh Town Council enactments anent Sunday observance subsequent to 1598. On 21st December 1599 the Town Council issued a proclamation "dischairging ony tavernis to be opinit upone the Sonday in tyme of sermones before none and efternone". The fine was to be heavy — five pounds. On 8th April 1601 they allowed foodstuffs to be brought into the town and sold on the Sabbath day; but after 4 p.m. only. Traffic in other commodities was prohibited. The town's "porters" were not to suffer "any paks or layds to cum within the toun at thair ports upoun the Sabboth day except vivers allanerlie, quhilk sail be permitted fra foure howris furth allanerlie". And on 15th July 1603 they instructed "the officeris and serjands ... to await on thair bailyesis on the Sondayes with thair halberts".

The general picture from 1598 to 1606 would appear to be the following.

In St. Andrews and Aberdeen there was a movement in the direction of prohibitions against the profanation of the Sabbath day.

The General Assembly records are of doubtful authenticity, but seem to witness to a Sabbatarian General Assembly.

But the records which most clearly and consistently testify to a Sabbatarian concern are those of Parliament and the Privy Council. Theirs had been, from 1560 to 1606, the sustained Sabbatarian policy in Scotland.

CONCLUSION

The conclusion must be that by 1606 Sabbatarian views prevailed in Scotland over a broad front.

James had not included Sunday observance among those points of policy which in 1599 Andrew Melville nicknamed "Anglo-piscopapisticall conclusiones". (45) It was probably unnecessary for James to state his Sunday policy. There was in Scotland no open conflict of views such as was beginning to beset the Sunday observance question in England. (46) That there would still be different view-points in Scotland is probable. But it would seem that such disagreement as persisted in Scotland was courteous disagreement. Andrew Melville's may not have been a lone case. He recognised that the Law of Moses contained that which was moral, and also that which was ceremonial. The former is permanent; the latter has perished. (47) He saw that the recognition of this distinction raises the question, whether the Sabbath may be regarded as having been a primeval institution; and the further question, how far Sunday work is to be prohibited on Sunday. (48) The present writer knows that Andrew Melville raised these questions; but is not in possession of any answers he may have given to them. Melville did, however, deal with the question of the distinction of days. His treatment of that question is reminiscent of John Calvin's, and agreed with that of his own contemporary, Charles Ferme, a Regent of Edinburgh University.

(45) James Melville's Diary, p.294.
(46) Scholastica diatriba de rebus divinis (Edinburgh, 1599).
(48) Scholastica diatriba.
Christian liberty, said Andrew Melville, had removed the distinction of days. Those "strong" in the faith might realise that, although the "weak" might not. Consequently, the latter might feel that the ancient observance has the force of a divine command; while the former might maintain that it was no longer obligatory. Every man had to be faithful to his own conscience; and had at the same time to avoid malice and superstition. In a nutshell, all were everywhere and always servants of Christ, and ought to have his glory in view; therefore, whether they observed a day as a distinguished day, or neglected to keep it, they ought to have in view the glory of God in Christ. (49)

Charles Perme said that Paul had taught the Galatians that he who is "strong in faith", and is persuaded of Christian liberty, "estems every day alike", and gives no preference, "on account of the ceremonies of the law", to one day over another. (50) He quoted the Apostle's exhortation, "Let every one be fully persuaded in his own mind"; and added:

This is an admonition given by the apostle to both parties in common; both to him who esteems one day above another, and to him who esteems every day alike: the admonition is this: 'that every one of either party should act according to his measure of faith; and in such a way, that what he does shall be what he believes to be pleasing to God'.

The apostle wished "that both the strong and the weak should do what they do, according to their measure of faith"; and that they should do it in such a way

that neither he who esteems one day above another, should do so any longer, than until such time as he may be taught the liberty of Christ, and that every day is to be esteemed alike; not he who esteems every day alike, should so esteem it, unless, having been taught the liberty of Christ, he be sure in his own mind, that in esteeming every day alike, he is acting rightly. (51)

The apostle dealt with a difficulty. "Some might say: 'that in controversies concerning religion, it is impossible for both the opposing parties to be sure that they are pleasing God, the one in doing, and the other in not doing'.

To this ... the apostle ... replies:-

(49) A logical analysis ..., and a commentary on the (Romans) epistle by Andrew Melville, in the original Latin (Wodrow Society Edinburgh, 1850), ed. W. L. Alexander; p.502.

'that the antecedent of the argument is false; ... the things remain indifferent'. ... and he establishes his reply ... by two arguments. The first is borrowed from the end:-

'He who ... esteems one day above another, from weakness of faith, as well as he who ... esteems every day alike, because he is strong in faith, does or omits, whatever he does or omits, to the Lord, that is, so that the Lord may be glorified in his doing or omitting.'

The second argument is borrowed from the effect of assurance of faith, both in him who regards, and in him who does not regard, ...; which effect is - 'the giving of thanks':-

'Therefore each is sure in himself, that he is pleasing and serving God, whether in doing or omitting'. (52)

The main thing was that, whatever view a man held, he should be fully persuaded in his own mind, observe the day accordingly, and allow that others, equally persuaded, might observe the day in a different way or even not keep it at all.

That suggests that at the close of the sixteenth century in Scotland there may have been a measure of tolerance on the Sunday observance question. John Welsh in 1602 inveighed against the Roman Catholics for worshipping God in vain, "teaching for Gods Lawe ... mens precepts", (53) "joyning the Ceremonies of the Lawe with grace", (54) and violating every commandment of the First and Second Tables. (55) He lists twenty-six such violations. They correspond to nine of the Ten Commandments. He has nothing to say about the Fourth Commandment. Robert Blair, writing his memoirs, gives the impression that up to 1616, indeed, it had been impossible to discern one kind of Sabbatarian from another, or one form of Sunday observance from another, in Scotland in his day. He was twenty-three years of age in 1616; and could reliably have recalled the pre-1616 situation. "Hitherto", he writes, "I observed little controversy about religious matters in Scotland". (56)

The position would seem to have been that, after the force of the Calvinian Preachers and their successors had spent itself, Scotland had no original thinking to offer on the subject of Sunday


(54) Page 26. (55) Page 261f, especially, "what commandment is there ...".

and its observance. The only writer who appears to have dealt specifically with the subject of Sunday observance was Patrick Sharp, Principal of Edinburgh University.

He referred to the traditional teaching that God was to be worshipped at a stated time, and certainly, in accordance with the Fourth Commandment, on the seventh day. (That was the scholastic teaching; based on the distinction between the moral and ceremonial aspects of the Fourth Commandment). Private worship was not enough. From the beginning God had required men to worship him in public assembly; and for that purpose had instituted the seventh day. That observance of the seventh day was a distinctive mark of the Christian Church.

The Command contained two parts; namely, the precept (or the particular, Jewish, injunction) and the precept's "suasio". The latter, together with the Genesis Creation narrative, directed men to think of the manner in which they ought to observe a Sabbath.

First, men ought to rest on the seventh day and cease from all their work.

Second, the resting of the seventh day was not to be an idle, lazy, or slothful resting. It was to be consecrated and devoted to the worship of God. The sanctification of the day consisted in nothing else than in its being separated from the other six days of the week and devoted to the sacred worship of God. The day's observance consisted, to begin with, in assembling for worship. Thereafter, people should converse about the Word, meditate together on the doctrine, and join in prayers. The contrary was neglect or contempt of the public profession. That took many forms. People neglected to observe the day's resting. They engaged in human affairs. Also, while attending church, they failed to give their minds to the worship. Thereby they did not help others by their example. What was more serious, frequently they were proving a hindrance to other folk.

Third, the other positive aspects of the keeping of the precept's "suasio" were, engaging in works of mercy and in the work of reconciliation on the Sabbath day.

The following were to be prohibited on the Sabbath day:
1. The daily works of ordinary callings.
2. Journeys other than those which belong to the category of "holy necessity".
4. Working and the carrying of loads. (The prohibition extended to ploughing time and to time of harvest).
5. God's Sabbath was openly profaned by jests, games or pastimes, by banquets, entertainments, and dancing. (57)
   That completes Principal Sharp's teaching. It was the teaching of a moderate; of one who favoured a via media, or modus vivendi.

Polemical writing in Scotland, such as was being offered to England's reading public, would probably have cleared up one point on which there could be dubiety; namely, whether in Scotland the Sabbatarians took the keeping holy of the Sabbath day to mean the keeping of a day of twenty-four hours. It is unlikely that they did: "bounding the Sabbath from midnight to midnight" would have been an innovation in Scotland as late as 1643. (58) At the same time, the probability is that by 1606 the keeping of the Sabbath day had come to mean the keeping of virtually the whole of Sunday. The Presbytery of Glasgow in 1594 had emphasised that there were to be no playing of the pipes and no indulging in "pastymes and profane gaymes" from sunrise to sunset on the Sunday. (59) And the Presbytery of Haddington on 8th July 1601 resolved that on the Lord's day mills were not to work after 8 p.m. in summer and after 6 p.m. in winter. (60) That seems quaint - presumably the mills were unlikely to work after 6 p.m. in winter; and, if they had tended to do so, doubtless the summer limit of 8 p.m. would have been imposed.

That is to say, during the hours of Sunday when people were abroad - during the hours of daylight; or, from the beginning of the day's stir until curfew - the day was to be a day of rest and of no profane activities. People were required to attend church on Sunday forenoon and afternoon (in certain localities, searchers went through the town to winkle out absentees); and the people were expected to spend the remainder of the day quietly, and not "play the loun". (61) More positively, they were being encouraged to use the day's leisure, or part of it, to supplement

(59) Miscellany of the Maitland Club, I, pp.67-68. (60) MS.
(61) James Melville's Diary, p.53, "pleying the loun".
the service of God in church, by talking over together what they had heard in church and "the doctrine", and by praying together. But there is no indication whatsoever that this supplementary activity was to be a protracted, day-long meditation.

Patrick Sharp's renowned predecessor as Principal at Edinburgh, Robert Rollock, died on a Sunday in 1599. Aware that his end was near, and that it was likely to take place on Sunday, 8th February 1599, he is reported to have said:

May this Sabbath, Lord, begin my eternal Sabbath! may my eternal Sabbath receive its hallowed commencement from thy Sabbath! (62)

The "Sabbath" which was to provide the "hallowed commencement" to his eternal Sabbath was that Scottish Sunday whose observance as a Sabbath day became, for the first time since 1560, stabilised as Presbyterianism gave place to James's "new forging of bishopries". The timing could have been sheer coincidence. More probably, it was not by chance that the re-establishment of Episcopacy in Scotland coincided with the rehabilitation of a Sunday observance which was, in theory, essentially Catholic in character and which had, in practice, come to terms of peaceful co-existence with that radical teaching of the catechisms which had laid emphasis on attendance at the kirk and on the keeping of "time of sermon". The result was an undoubted Sabbatarianism concerning which there was no debate. It was thus acceptable equally to "practical Sabbatarians" who were opposed to the view that the Sabbath day possessed an inherently holy character and to those Sabbatarians who regarded the Sabbath day as a "holy day".

There is a fog surrounding the adherents of the Catechetical position. What precisely happened to them, and how their thought was developing, through the years, is obscure. The present writer would not care to give the impression that he has the picture well-delineated in his own mind. If the conclusion appear woolly, that is because it is wooly; and for the reason just stated. It pretends to being no more than the result of some rough hacking of a way - a first path - through virgin country which abounds in very tough undergrowth. Some day, a "more judicious divine" (63)


may follow the pioneer path, and make it more easily traversible.

Three things, however, seem clear. One is that the catechisms were falling into disuse and giving place to other catechisms. (64) A second is that by the end of the century the adherents of the anti-Sabbatarian view were not in a position to set forth their view by way of civil and ecclesiastical action. The third deserves a chapter to itself. It should be entitled, "The Missing Chapter". It is based on conjecture. The present writer regards it, nevertheless, as a certainty. It is that by the end of the sixteenth century there must have dawned in Scotland, by way of Calvin's commentaries, the realisation that "The Catechism of M. Calvin" did not set forth John Calvin's teaching in its totality; and that, on the contrary, John Calvin's later teaching contained elements which **were** set forth a modified form of "practical Sabbatarianism". Not only so, but it must have been at least possible in the sixteenth century for some readers to extract from John Calvin's commentaries something approaching the Calvinistic Sabbatarianism which later generations understood him to have held and expounded.

It is possible that there had progressively been taking place a merging of the Sabbatarian and anti-Sabbatarian positions which was producing a generally acceptable position akin to the Elizabethan compromise in England. Individuals there would doubtless be, who adhered to the radical, anti-Sabbatarian position. But they had become a minority of no consequence, with no champion, and no means of propagating their view by way of civil or ecclesiastical enactments, and with no urge to publicise their views.

From 1560 there had been two positions, the Sabbatarian and the anti-Sabbatarian. Both show variations. There were two versions of the anti-Sabbatarian position. To begin with, there was the Knoxian. Later, the anti-Sabbatarian policy incorporated Calvinian emphases which the 1556 catechism did not embody. The Knoxians had shown no interest in the keeping of Sunday apart from the keeping of the kirk. They regarded the other aspects of Sunday observance as belonging to the civil authorities' province. The

(64) Robert Blair referred to Walsh's catechism. (See Introduction). The 1611 edition of the Psalm book appears to have been the last to incorporate the 1556 catechism. - Andro Hart, 1611. By 1615 the Kirk of Edinburgh had its own catechism. - The CL psalms (Andro Hart, 1615).
latter had, according to the Knoxians, the duty of seeing to it that servants had a weekly day of relaxation.

Then came the Calvinians - or, **Max-Calvinians**. They also concentrated on church attendance, but seem to have had an interest in the keeping of Sunday in other ways. Evidence which would define that interest in detail is wanting. It would seem that they may not have been prepared to quote the Fourth Commandment as prohibiting all work, or even to think in terms of a "comely order" which would suppress all work: they may not have been averse to some trading taking place, outwith certain hours on Sunday. But they taught that the Bible prohibited the carrying of loads at any time on Sunday. They also appear to have followed John Calvin in prohibiting certain activities. They prohibited, for example, plays. (65) But otherwise their interest would seem to have centred on the observance of that part of Sunday which began with the first church service and ended with the last church service on Sunday. This was to them, in effect, the Sabbath day; and during that time they sought to ensure that the people were free from any distractions which would prevent them or their neighbours from attending church. Whether, initially, they believed the Kirk had also a stake in the observance of the remainder of the day is doubtful. But their prohibition of the carrying of loads was the thin end of the wedge, and opened the way to an acceptance of prohibitions which the 1556 catechism would have regarded as belonging to "comely order" and as being devoid of religious significance. Patrick Sharp suggests that there may have been in the situation a factor which would encourage the acceptance of such prohibitions as an integral part of the observance of the Sabbath day. Following, possibly, John Calvin's later teaching, he had described Sabbath-breaking as contempt of the "public profession". It is thus possible that in Scotland towards the end of the sixteenth century there grew up the view that the observance of rest on Sunday - or, on the operative part of Sunday (for those who held the Catechetical position) - constituted a "public profession".

The present work grouped together, from 1572, the adherents of the Knoxian (or, post-Knoxian) and of Calvinian (or, neo- /n Max-Calvinian) views; and called their joint position

(65) As late as September 1599 a Synodal Assembly held at St. Andrews was calling on Presbyteries to take order "against prophanation of the Sabboth by May playis". - Minutes of the Presbytery of St. Andrews (MS), I.
the Catechetical. The occupants of that position were one in rejecting the view that there was any holiness in the Sabbath day or Sunday.

Those who held the Catechetical view of Sunday were not, however, living in a cloister. They were open all the time to the influences of the general Church and Sunday situation. Especially as the practice of using the 1556 catechism waned, they could not but assimilate something of the Sabbatarian viewpoint which was incorporated in the Sabbatarian practice which was progressively becoming consolidated. Those who remained true to the post-Calvinian position would seem to have prohibited on Sunday, outwith church hours, only the carrying of loads, and activities which were in themselves profane or rowdy, and activities which militated against church attendance. They did not regard the day as possessing a character which could be profaned. Their emphasis was on what people were to do on Sunday. The holiness of the day was in the "exercise". To begin with, they thought of the "exercise" as being the church assembly. Latterly, as John Calvin's later teaching became widely known, they may have extended their definition of the holiness of the day to mean that the day was holy according as people devoted it to the "serving of God" in ways which were additional to attending church. But there would seem to be no evidence which would suggest that any such accretion to their original teaching issued solely from their own premises or from Calvin's teaching. It may, in part at least, have been a concession to the parallel position which was gaining in strength, namely, the Sabbatarian. It is likely that some who were, in theory, anti-Sabbatarian, but came to favour the view that Sunday's resting was to be invested with a religious significance (by being regarded as tantamount to a confession of faith) received that supplementary view partly from the Sabbatarian practice which had been established, in varying degree, in Scotland from 1560. They would approve of the Sabbatarian practice; but give it a Calvinian, instead of a traditional, interpretation. Also to be reckoned with is the increasing transference of sympathy from the general position which the Preachers represented to the position which the King symbolised. Such transference presumably encouraged the King in his intransigence, and provides part of the explanation
of his mounting confidence. Thus an increasing number of churchmen came to be unwilling to oppose the King; and as they accepted the King's general claim to authority in Church matters, so they can hardly have done other than adopt his Sabbatarian position in practice. Inevitably, this would lead to the modification of radical views, and, eventually, to their termination as an effective alternative to the official Sabbatarianism. And those of them who became reconciled to the official Sabbatarian practice may have acted as a blood transfusion to the official Sabbatarianism; and transformed a largely formal, theoretical Sabbatarianism into a more dynamic, practical Sabbatarianism. With the passing of time they could come to think of themselves as being the true, spiritual guardians of the Sabbath day. But that development belongs to beyond 1606.

Scotland at 1660 had not said goodbye to the traditional, Catholic Sabbatarianism. Except for the brief period of Mary's power, that Sabbatarianism was in accordance with, in a general sense, the Fourth Commandment; but not wholly, or only, in accordance with the Commandment. There were two versions of it. To begin with, the civil authorities set forth a Sabbatarianism which looks like a continuance of traditional emphases. Later, they set forth a Sabbatarianism which was a mixture of the traditional and the reformed emphases. The latter could have been the result of a native, Scottish compromise between the traditional and the radical views of Sunday and its observance; a marriage of the old and the new. There are indications, however, that the civil authorities were acquainted with the already formulated compromise, of a similar kind, which England had set forth in print. The English formularies may have provided Scotland with a model which encouraged the Scottish authorities to work towards a compromise Sunday observance which was as suited to the Scottish situation as the English compromise had been suited to the English situation. Whatever the explanation, Scotland by 1606 had arrived at just such a hybrid Sabbatarianism. It was congenial to those who favoured Sabbatarianism of the traditional kind. Equally, it was acceptable to those who opposed traditional Sabbatarianism but had come to adopt a "practical Sabbatarianism".
The conclusion could be called, vaguely, "Sabbatarian"; and left at that. Seeing that Sabbatarian carries several meanings, and seeing that the 1606 Sabbatarianism was not that of the Westminster Confession, the present writer has preferred to call it Anglopiscopapistical. The composition of the word suggests its hybrid genealogy. Also, the word's very sound has something to commend it, as a description of the compromise position. It conjures up a picture of someone proceeding on stilts over uncertain ground—ill-matched stilts; doomed, sooner or later, to topple.
The Westminster Confession’s teaching about Sunday and its observance was absent from pre-1606 Scotland. It will here be read in conjunction with the teaching of the "Larger Catechism", "Shorter Catechism", and "Directory of Public Worship". (1)

The Confession reads:

As it is of the law of nature, that, in general, a due proportion of time be set apart for the worship of God; so, in his word, by a positive, moral, and perpetual commandment, binding all men in all ages, he hath particularly appointed one day in seven for a sabbath, to be kept holy unto him: (1) which, from the beginning of the world to the resurrection of Christ, was the last day of the week; (2) and, from the resurrection of Christ, was changed into the first day of the week, which in scripture is called the Lord's Day, (3) and is to be continued to the end of the world, as the Christian Sabbath. (4)

This sabbath is then kept holy unto the Lord, when men, after a due preparing of their hearts, and ordering of their common affairs before-hand, do not only observe an holy rest all the day from their own works, words, and thoughts about their worldly employments and recreations; (5) but also are taken up the whole time in the publick and private exercises of his worship, and in the duties of necessity and mercy. (6)

The foot-notes, which are the Confession's own, are important.

They are:

(1) Exod.xx, 8,10,11. Isa.lvi.2,4,6,7.
(2) Gen.ii.2,3. 1 Cor.xvi.1, 2. Acts xx.7.
(3) Rev.1.10.
(4) Exod.xx.8, 10 with Matt.v.17,18.
(5) Exod.xx.8; xvi.23,25,26,29,30; xxxi.15,16,17. Isa. lviii.13. Neh.xiii.15,16,17,18,19,21,22.

The footnotes' importance is three-fold:—

1. They stress the fact that the Westminster Confession's teaching claimed, in every detail, to have Scriptural authority.
2. They emphasise that the Lord's day is the Christian fulfilment of the Sabbath day of the Fourth Commandment, and retains its nature as a day sanctified by God.

3. The observance of the Lord's day was in accordance with "a perpetual covenant".

John Knox, John Calvin, and the Roman Catholics would have differed from the Westminster Confession on points two and three. The Anglo-piscopapistical position - the 1606 Scottish position - differed from it at the same points.

The Confession's teaching differs from the De facto theory of the Knoxians - that is, from that earlier teaching of John Calvin's, which became the teaching of the 1556 catechism.

The Knoxians kept the kirk on Sunday. They did not feel obliged to devote the "whole time" of Sunday to "the publick and private exercises of God's worship". Also, the Knoxians regarded Sunday as a day of rest, but they did not feel obliged to "observe an holy rest all the day from their own works, words, and thoughts about their worldly employments and recreations". To them Sunday was a day of rest in the sense of being a day of physical relaxation. And they so kept it because the civil authorities appointed it to be such a day.

The Confession's teaching differs from John Calvin's later teaching about Sunday and its observance (Functional theory).

John Calvin came to the view that men were obliged - on the basis of the Creation narrative in Genesis - to observe one day in the week. He did not teach that there was a divine necessity which made the Lord's day the Christian seventh day. Neither did he teach that Christians were obliged to observe the day's resting because God had invested the day with a sanctified character. Men, on their own initiative, observed Sunday by means of worship in church and cessation from toil. That Sunday observance represented man's response to God by witnessing to his faith in God. People were under no obligation to employ their leisure on the Lord's day in meditating, or in refraining from worldly thoughts. At most, the leisure gave to those who were so minded an obvious opportunity for further meditation upon God and his works. But if they were not so minded, they did not thereby profane the Sabbath day. Likewise, cessation from toil was a question of "external order". John Calvin latterly came to think of this external order as constituting a corporate confession of faith, or acknowledgment of God. Refusal to conform showed contempt of the faith or even
denial of God; and was, in either case, heinous. But the offence was definable in relation to the faith, not in relation to any holiness inherent in the day. There is, further, no indication that the "external order" extended to the twenty-four hours of Sunday. The Westminster Confession, on the other hand, called for cessation from toil throughout the day, and for day-long unworldliness in thought and deed, in obedience to a divine commandment, and in accordance with the day's character as a Sabbath. The day was, according to the Larger Catechism, to be "sanctified by an holy resting all the day". God had, according to the Shorter Catechism, a "special propriety" in the Lord's day.

The Westminster Confession of Faith differs also from the Roman Catholic view (the Proportion theory).

The Roman Catholic teaching accepted from the Fourth Command the obligation to observe one day in seven: it maintained that the Fourth Commandment's naming of the day was somehow subsequent to, and distinct from, the naming of the proportion which was to be kept. The Roman Catholic view was, nevertheless, that the Church had appointed the Lord's day. The Church could have appointed another day to be the seventh day. It was the proportion which was given; not a particular time. The Church's institution of the Lord's day to be the Christian Sabbath day wasfitting, but did not proceed from the acceptance of a divine obligation to observe that day. Christians observed that particular seventh day in obedience to the Church's institution and in conformity with established custom. The Westminster Confession, on the other hand, was understood to call for the observance of the Lord's day because it was the day of the Resurrection of the Lord, and because the Lord's day, from the Resurrection, had forthwith supplanted the Jewish Sabbath. God had appointed it in his word. The Larger Catechism states that with more clarity. It says that "the fourth commandment requireth of all men the sanctifying or keeping holy to God such set times as he hath appointed in his word". The Confession itself refers to 1 Co.xvi, 1,2; Acts xx.7; and Rev. 1.10. The purpose of the references was presumably to prove that the Christian Church had, from the beginning, kept the Lord's day. The references do not go as far back as the Resurrection. But the Confession would seem clearly to teach that there was a causal or dynamic connection between the
Lord's day and the seventh day. The Christian Sabbath day was necessarily the Lord's day. It could have been no other.

TWO POINTS OF DEPARTURE

The Westminster Confession departed from its predecessors at two points.

1. It used old terms but gave them new meanings.

Two terms are involved.

The first is "the law of nature". That points back to the Anglican homilies. All good people were to retain and keep, said /, the homilies, whatsoever appertained to "the law of nature". The "law of nature" taught them that they "ought to have a time, as one day in the week". In accordance with that "law of nature", Christians assembled on the Sunday "as a most convenient time". The Westminster Confession, on the other hand, understood that "the law of nature" taught the general principle that "a due proportion of time be set apart for the worship of God". The Confession thereby begged the question – the all-important question – by setting out from the conclusion which is to be proved. It transfers to the realm of general definition the inference – concerning the proportion of time to be kept – which the Roman Catholics gathered from that particular precept which instituted the Saturday-Sabbath. The Confession's compilers thereby removed the question from the realm of discussion.

The second term is "moral". That points back to Thomas Aquinas. He taught that a moral precept or commandment is a precept which sets forth a principle, "binding all men in all ages". The Confession departs from that classic, scholastic definition. Its use of the adjective "positive" in conjunction /, with "moral" gives intimation of that departure: a "positive" law does not set forth a principle. The particular positive law to which the Confession is referring "particularly appointed one day in seven". According to the foot-note that positive law was the Fourth Commandment of Exodus xx.8,10,11. The scholastic teaching had been that that Commandment was a particular application, for the Jews, of an abiding, universal principle. The difference between the scholastic teaching and that of the Confession is that the latter also regards the Fourth Commandment as a particular precept but regards it at the same
time as a "perpetual commandment". It does not distinguish between the perpetual principle and the particular commandment. That is to say, the Roman Catholics saw behind the Fourth Command to a principle which it embodied and which is not set forth in the Commandment's very words. The Westminster Confession, on the other hand, regards the Commandment itself as "moral, and perpetual": it is a divine, positive Commandment; written by the divine finger. And what is binding is not some principle which it may or may not embody, but the particular setting apart of the Saturday-Sabbath. The Confession's compilers could thereby, as in their use of the term, "the law of nature", remove the whole question from the realm of discussion - but for one thing. They supplemented the Fourth Commandment by associating with it Genesis ii.2,3 - where God "blessed the seventh day, and sanctified it: because that in it he had rested from all his works". The institution of the Saturday-Sabbath is thereby made to appear to have been primeval. The Confession says it was "from the beginning of the world". The connection between the original hallowing of the day and the subsequent "positive" Commandment of the Decalogue, the Confession fails to make clear. Consequently, how God could, by means of a positive precept, institute an already established institution, gives rise to a real difficulty, if that precept was intended for all men and not for Jews only. It is possible, while disagreeing with it, to see some reason in the Roman Catholic submission that the Sabbath day of the Fourth Commandment was but one particular expression of an antecedent principle which remains operative (2) although the particular precept which provides the evidence for the principle has been abrogated. But, on the contrary, it would seem that the Westminster Confession is unreasonable when it teaches simultaneously that the Sabbath day was instituted for all men at the beginning of the world and then subsequently, in the Fourth Commandment at Sinai, "particularly appointed" for all men. The explanation would seem to be that the Confession's compilers were not even beginning to think of the possibility that the Sabbath day of the Jews could have been in accordance with a Jewish ceremonial precept. They had, in effect, obliterated the distinction between the moral and ceremonial aspects of the Fourth Commandment. All was moral.

(2) The principle, that is, which specifies that the proportion of one day in seven is to be kept.
They were using *the* old words; but a new language.

One thing was necessary to make their system of thought consistent. They adopted it. That introduces the second point.

2. The Westminster Confession gave the Old Covenant a new significance.

It seems clear that God hallowed the seventh day from the beginning of the world, so that the Sabbath was a holy day from the Creation itself; and similarly, God appointed the first day of the week to be the seventh day's counterpart for Christians, from the Resurrection of Christ. The Shorter Catechism says that from the resurrection of Christ "God appointed ... the first day of the week". In the first instance, under the old Covenant, for the Jews, the Sabbath was the Saturday. Now, under the new Covenant for Christians, the Sabbath is the Lord's day. But it was essentially the same Sabbath; the Sabbath of the Fourth Command. It would appear that God's appointment of the Christian Lord's day was of the same kind as his appointment of the Jewish Sabbath day; and that his appointment was, in each case, in accordance with his "positive, moral, and perpetual commandment". It seems a clear case of his appointing one day for his peculiar people under the Old Law and, in like manner and in fulfilment of the Old Law, appointing a different day for his people under the New Law.

The Confession's foot-note provides an integral, indispensable part of the argument to support this kind of correspondence between the Jewish Sabbath day and the Christian Sabbath day. It sets the Christian Sabbath in the context of the "covenant".

The foot-note refers to Isaiah lvi.2,4,6,7:

_Blessed is the man ... that keepeth the sabbath from polluting it, ..._

_For thus saith the Lord unto the eunuchs that keep my sabbaths ... and take hold of my covenant;_

_Also the sons of the stranger, that join themselves to the Lord, to serve him, and to love the name of the Lord, to be his servants, every one that keepeth the sabbath from polluting it, and taketh hold of my covenant;_

_Even them will I bring to my holy mountain, and make them joyful in my house of prayer._

Thus Christians become the true successors of the people of the Old Covenant, and the Lord's day becomes the true counterpart...
of the Jewish Sabbath day; and it becomes natural to coin a new language in order to avoid the heresy of even suggesting that the Fourth Commandment, as written, may not be as applicable to Christians under the New Covenant as it was to the Jews under the Old Covenant.

Pre-1606 Scotland had nothing in its teaching, about Sunday, which corresponded to that.

**TWO POINTS OF DIFFERENCE**

The 1606 Scottish Sunday observance was not the Westminster Confession's Sunday observance. There were two main points of difference.

1. The Westminster Confession's teaching contained the above Judaical element - concerning the Covenant-Sabbath.

That facilitated the acceptance of the Lord's day as the Sabbath day which, as from the Resurrection, God had appointed for Christian observance.

There is, on the other hand, no indication prior to 1606 of any Scottish teaching that God had, in any sense, appointed Sunday to be the day which Christians were to observe; or that there was any necessary connection between the Resurrection of the Lord and the Lord's day. The prevailing view was the Roman Catholic view that, theoretically, the day which Christians are to observe could have been any of the other six days. The Scottish 1556 catechism agreed, to that extent, with the Roman Catholic view.

2. The Westminster Confession's observance contained a quasi-Roman Catholic element - a factor which can be described as being akin to the way in which the Roman Catholic Church had required "red letter" holy days to be kept; namely, by means of "evens".

This was a post-1606 development in Scotland. It called people to "a due preparing of their hearts, and ordering of their common affairs before-hand". The Larger Catechism reads:

> We are to prepare our hearts, and with such foresight, diligence, and moderation, to dispose and seasonably dispatch our worldly business, that we may be the more free and fit for the duties of (the sabbath or Lord's day).

This factor's main significance is that it underlines what was also a post-1606 development; namely, that the observance
of the Lord's day meant the keeping of the twenty-four hours of
the day. The Confession teaches that men keep the sabbath holy
unto the Lord when they

not only observe an holy rest all the day from their own
works, words, and thoughts about their worldly employments
and recreations; but also are taken up the whole time in
the publick and private exercises of his worship, and in the
duties of necessity and mercy.

The "whole time" ....

The Larger Catechism is even more explicit. It states that
the day is to be "sanctified by an holy resting"; that that holy
resting is applicable to "all the day"; and that it involves
resting "not only from such works as are at all times sinful, but
even from such worldly employments and recreations as are on other
days lawful". We are to make it our "delight" to spend "the whole
time" as a Sabbath day ought to be spent. The catechism adds:

The sins forbidden in the fourth commandment are, all
omissions of the duties required, all careless, negligent,
and unprofitable performing of them, and being weary of them;
all profaning of the day by idleness ....

The Directory likewise emphasises that the Lord's day is to
have its "evening" and that its observance is a whole-day observance.
It reads, concerning Saturday evening:

The Lord's day ought to be so remembered before-hand, as
that all worldly business of our ordinary callings may be so
ordered, and so timely and seasonably laid aside, as they may
not be impediments to the due sanctifying of the day when it
comes.

As for the day itself, "the whole day" was to be "celebrated as
holy to the Lord, both in publick and private, as being the
Christian sabbath". Sunday's meals were so to be ordered that no
person might be "hindered from the sanctifying that day". The
Directory gives this concluding instruction:

What time is vacant, between or after the solemn meetings
of the congregation in publick, be spent in reading,
meditation, repetition of sermons; especially by calling
their families to account of what they have heard, and
catechising of them, holy conferences, prayer for a blessing
upon the publick ordinances, singing of psalms, visiting the
sick, relieving the poor, and such like duties of piety, charity, and mercy, accounting the sabbath a delight.
It was a meticulous observance of an unbroken, twenty-four hour Sabbath, involving the quasi-Roman Catholic factor of a Sabbath even and constituting the fulfilment of the Judaical Covenant-Sabbath.

Such emphases were foreign to the Anglopiscopapistical conclusion of the 1560-1606 Scottish Sunday observance.
CHAPTER TEN

SUMMARY AND RESULTS

The following summary sets forth the present work's main argument.

On the basis of an attempt to define what in the Fourth Commandment is permanent and what temporary, the thesis classified five main theories of Sunday observance, and dealt in some detail with Thomas Aquinas's exposition of the Roman Catholic position and with John Calvin's teaching. Traditional, Catholic teaching and Calvin's teaching were, indirectly, the predominant factors which went to the shaping of the Scottish 1560-1606 Sunday observance.

John Calvin set forth one theory in his earlier teaching, and another in his later teaching. His former teaching came to Scotland by way of the 1556 catechism; and represented the radical Scottish Sunday observance position during the first post-1560 years. His later teaching became increasingly known in Scotland after - incidentally - John Knox's death; and may be reflected in John Craig's 1581 catechism. It becomes impossible to distinguish between a Sunday observance policy which may have been based on the 1556 catechism's teaching and a policy which may have been based on the 1581 catechism. Neither of the catechisms attributed to Sunday an inherent character of holiness. The present work bracketed, after Knox's death, the teaching of the two catechisms; and called the accompanying Sunday observance position the Catechetical. It was anti-Sabbatarian.

Parallel to the radical and Catechetical views on Sunday observance from 1560, there were views which were predominantly traditional and Sabbatarian.

From 1560 to 1606, except for the first year of Moray's Regency, that Sabbatarianism, in one modified form or another, was a factor in the Scottish Sunday situation.

It increased as the radical and Catechetical views lost their original force and declined. The Catechetical and the traditional views also interacted. Tolerance on the Sunday question assisted, towards the end of the sixteenth century, the merging of the
Sabbatarian and anti-Sabbatarian views. The King's growing ascendency in ecclesiastical affairs also provided a peaceable encouragement towards uniformity.

The result was a hybrid which was akin to, but not necessarily derivable from, the Elizabethan compromise Sunday observance teaching in England.

That resultant Sabbatarianism was not the Sabbatarianism which the Westminster Confession was later to incorporate in its teaching.

RESULTS

The above summarises what has proved to be a complicated story - from the writer's point of view, disappointingly so: there would, somehow, have been more satisfaction in presenting a shapely record which would have been easier to follow.

The story's complexity may have been unavoidable: the complexity may reside in the 1560-1606 situation itself. The writer thinks that to a certain extent that is the explanation. If that is the case, the work serves a purpose in drawing attention to the fact that the situation was of that kind; and in thereby warning against too facile readings of the situation. No writer appears to have shown that he suspected that the situation, in respect of Sunday observance, was complex.

The complexity may be due partly to the fact that the sources have been brought together for the first time. Had they been sufficiently familiar, that might have allowed a different lay-out for the thesis. It might then have been possible even to omit certain of the sources, in the interests of a stream-lined argument - without running the danger of giving the misleading impression that the thesis was supplying the whole picture. As it is, the inclusion of some details has blurred the edges somewhat. But their inclusion may nevertheless have been justified as a precaution against suppressing those very details which could supply important modifications of the general argument and impression. And if the writer's interpretation of the material is in error, he has at least supplied the ammunition for the demolishing of it.

The complexity accounts for the tiresome multiplication of labels. The latter seemed to the writer to be a necessary annoyance. An attempt to read the thesis without the help of the labels would probably demonstrate their necessity.
Despite the complexity, the work as a whole would seem to have produced some worthwhile results.

The writer believes that the work offers the following distinctive contributions to the subject of Sunday observance:

(a) The emphasis on the distinction between the *moralia* and the *ceremonialia* of the Fourth Commandment.

The words *moral* and *ceremonial* pepper the Sunday debate of the sixteenth century and the first four decades of the seventeenth; and represent a real and continuing issue. Yet it would seem that no writer of that time or since has attempted to define the distinction, or to use it as an aid towards arriving at what in the Fourth Commandment was for the Jews alone and what was of abiding and universal applicability.

The present writer feels strongly that any treatment of the Sunday observance question, on a scholarly level, should come to terms with it, and that a rich reward would follow a sound and agreed analysis of the Fourth Commandment on the basis of the distinction.

(b) The classification of the theories.

No writer hitherto would seem to have attempted such a classification. That has tended to lead to an oversimplification of the Sunday question by reducing it to the alternatives of Sabbatarianism and anti-Sabbatarianism. It would be profitable to focus attention on, instead, the possibility that there may be - in well-thought-out theory as well as in by-guess-and-by-God practice - more than one kind of Sabbatarianism and more than one kind of anti-Sabbatarianism.

In particular, the classification - together with the distinction between the *moralia* and *ceremonialia* - has demonstrated that others than cranks have found it possible to maintain that the Christian counterpart to the Jewish Sabbath day is not necessarily a septenary institution and that the day which Christians observe could have been other than the Lord's day.

(c) John Calvin's teaching.

The present work would appear to be the first to expound the view that John Calvin's teaching about Sunday was not uniform throughout. If the thesis is reliable on that point, the consequence would seem to be that any attempt to relate John Calvin's teaching
to the Scottish 1560-1606 Sunday observance - or to any other Sunday observance - ought to include care to make clear whether the operative part of John Calvin's teaching belonged to his earlier or to his later period. In particular, any such attempt ought not loosely to use John Calvin's earlier references to the Sabbath to illustrate his teaching concerning the Lord's day. There is among writers a need to make sure that Calvin's reference was not to the Jewish Sabbath only; or to the spiritual Sabbath.

Those three contributions are distinctive; and could - developed by scholars with the necessary gifts - be substantial.

The thesis also offers the following conclusions concerning the Scottish 1560-1606 observance:-

1. From 1560 in Scotland there were, among the Protestants, Sabbatarians and anti-Sabbatarians.

2. The main stream of the Scottish Sabbatarianism had its source in traditional teaching and practice.

3. The guardians of Scottish Sabbatarianism from 1560 were those who were opposed to the more radical elements within the Scottish reformation movement.

4. Scottish anti-Sabbatarianism took its rise in John Calvin's teaching.

5. Scottish understanding of John Calvin's teaching about Sunday was different during the last thirty years or so of the sixteenth century from what it had been earlier.

The 1556 catechism incorporated the earlier understanding of Calvin's teaching. It taught that there is no obligation upon Christians to observe one day in seven for purposes of worship: Christians worship on Sunday because Sunday is the day which the State allows as a weekly day of leisure.

John Craig's 1581 catechism may reflect something of the later understanding of Calvin's teaching. Christians were obliged to observe a seventh day. The Christian seventh day was not, however, a Christian Sabbath day. The day was not sacrosanct: God had not endowed it with a quality of holiness; the day derived its character from the use which men made of the seventh day of their choice.

It is not clear how the Calvinians may have interpreted the full Christian function of the seventh day in Scotland. But,
according to the available evidence, their practice was that Christians were not obliged to observe the whole day; and the observance of the day did not require people to do more than attend church, to avoid impeding other people from attending church, and to rest in a physical sense. The individual was not directed how he was to use the "residue" of the day's leisure, beyond being forbidden to take part in certain "unlawful" activities. Some lawful recreation was in order, and a limited amount of trading; provided that these did not conflict with the hours of the church services.

6. There was, towards the end of the century, an intermingling of Sabbatarian and anti-Sabbatarian views; but it seems impossible to trace its development. Likewise it seems impossible to assess the extent to which anti-Sabbatarians may have surrendered to Sabbatarianism when they surrendered their general radical position.

7. By 1606 in Scotland Sabbatarianism was virtually undisputed. It was not the result of the kind of Sunday debate which began to brew in England during the last quarter of the sixteenth century. It represented, in the main, a natural unforced reassertion of the old, Catholic sympathies, in a situation of increasing submission and uniformity in church matters.

8. The 1606 Sabbatarianism was a mixture of the old Sabbatarianism and the new anti-Sabbatarianism (in particular, the Scottish versions of John Calvin's) which the sixteenth century Reformation had produced.

The Sabbatarian element, by accenting the sin of Sabbath profanation, gave the Scottish 1606 observance a negative character. It appears to have prohibited all secular activities on the Lord's Sabbath with the possible exception of necessary catering of food and refreshments. There is no suggestion that at 1606 the Scottish Sabbatarians thought of the Lord's holy Sabbath as being a day of twenty-four hours. Simultaneously the Sabbatarians tried to cultivate the positive use of the day's resting by means of private meditation outwith church hours. The anti-Sabbatarian element's contribution was positive, in that it accentuated the obligation to attend church on the Lord's day. The latter emphasis contained, however, nothing which was distinctive: it was doing no more than single out for special emphasis an aspect of Sunday observance.
which Sabbatarians had always regarded as obligatory. It would appear well-nigh certain, nevertheless, that the cumulative effect of the post-1560 anti-Sabbatarianism had been to quicken men's awareness of the obligation and of its centrality.

9. It would be possible in the 1606 situation for some Scots to be anti-Sabbatarian in theory but to become "practical Sabbatarians".

10. The 1606 observance was not the Westminster Confession's in embryo. The latter's genealogical line did not pass through Scotland, 1606; or through 1560 Scotland; or through any part of the Sunday observance in Scotland from 1560 to 1606.
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