

relief constitutes a small fraction of their budgets with a certain amount set aside for transient relief. Most of their funds are allocated to non-local Jewish agencies and causes.

Until recently these Federations were controlled by the leadership of virtually one group in the community. The last few years have brought about many changes so that in some cities the writer found even Arbeiter Ring members active workers in Federation and Welfare Fund campaigns. The Arbeiter Ring leader's interest in the Ort brought him closer to participation in general Jewish communal projects.

The needs of Jewish youth for leisure-time activities under Jewish auspices is not met in many cities in the South.

There is a fine Y.M.H.A. in Nashville that has done more to unite the Jewish community than any other agency in that town. In its activities it is the Jewish Center for the entire Jewish group.

There is a Y.M.H.A. in New Orleans that has a long history to its credit. In more recent years, for various reasons, it has not received adequate financial support and its program of activities has become somewhat curtailed. Besides, many of the Temples have developed Centers of their own.

Birmingham has a Y.M.H.A. that utilizes its limited facilities to the fullest extent, although its program among juniors is somewhat restricted. Through economical administration it is proud of a balanced budget.

Chattanooga, Tennessee, has allowed its Y.M.H.A. to become run down in physical facilities as well as in professional personnel.

Memphis has a non-sectarian Jewish Neighborhood House, and a Menorah Institute which is a part of the facilities of an orthodox congregation. It has no organized recreational and educational activities for Jewish youth under Jewish auspices. The Jewish young men and young women are members of the Y.M.C.A. and Y.W.C.A. and Elks Club.

Atlanta has a Jewish Progressive Club that is open to young men 18 years of age and older. It carries on a limited athletic program and general social activities.

The Jewish Educational Alliance has developed general activities and endeavors to carry on a Jewish Center program. It is limited by an old building and inadequate physical facilities.

Savannah, Georgia, has a Jewish Educational Alliance. Its leadership has suffered a set back in the last few years.

Montgomery, Alabama, has no Y.M.H.A. or Jewish Center. Neither has Mobile.

Jacksonville, Florida, has a Jewish Center as part of a Congregation.

Tampa, Florida, has a Y. M. H. A. that is run without professional guidance by a janitor. The same is true of the Jewish Center in Knoxville, Tennessee.

The foregoing general resume of the status of Y. M. H. A.'s or Jewish Centers in the South is not intended as criticism against any individual institution but is stated as a means of pointing out how great is the need and how inadequate are the facilities and programs.

Jewish Youth in the South is drifting away from the Jewish group in spite of the fact that Hitler has made many of them "Jew Conscious" for the first time.

They are ignorant of Jewish traditions and Jewish cultural values. The rate of inter-marriage is not on the decline. Zionism, as a movement, has not had much influence in the South.

Jewish Youth organizations, such as Junior Hadasah, Southern Young Judaea Association, and A.Z.A. are doing fine work throughout the South.

National Agencies

National Agencies that send into the South their solicitors find it fertile territory for collection of funds beyond any possible service that these agencies may render to these communities.

The recently organized National Council of Jewish Federations and Welfare Funds has aroused considerable interest among the Jewish communal Agencies throughout the South. Federation Boards have been set to thinking in terms of widening the base of participation and interest in Jewish activities.

The Council has stimulated interest in the organization of Jewish Welfare Funds. Memphis has organized such a Welfare Fund. New Orleans and Atlanta are giving serious consideration to the organization of Jewish Welfare Funds.

Under the auspices of the National Council, a Regional Conference was held in Memphis of Jewish communal agencies. It brought together for the first time Jewish lay as well as professional leadership in a discussion of local community, regional, and national Jewish problems. Voluntarily representatives came from the far southwest—Texas. These delegates traveled two days to get to the conference.

The Conference has been made an annual affair. The Second Conference is scheduled to be held in New Orleans during the early part of 1935.

The fear, which has dominated large sections of Southern Jewry, and which has minimized those elements of Jewish life which expressed the positive as-

pects of Jewishness, is beginning to disappear under the stress of recent events.

In their attitudes toward race relations and toward racial minorities the Jews in most southern communities react primarily as Southerners. But even here there is a growing liberal minority.

As yet of course the negro still supplies the bulk of cheap servile labor so that relief clients of Jewish agencies can afford to hire colored help to do their washing and cleaning because they can get domestic help for anywhere from \$1.50 to \$5.00 a week.

Liberal or even radical views as to the ultimate reorganization of society are to be found among ministers, bible teachers, schoolmen, professionals and even business men. But these views are totally divorced from any application to existing social conditions or to their immediate surroundings.

Recent social changes and the participation of the Federal Government in numerous experiments and

projects that are visible to the man on the street are certain to have some effect on their thinking. The T. V. A. in its social and economic program is likely to have far reaching influence on the lives and habits of whole Southern communities.

The immediate future is fraught with great possibilities for the development of the South but also with great dangers; dangers that those powers that are determined to perpetuate the status quo, with all that it implies in the traditions of low standards of living, differentials in the education and development of whole peoples, a narrow outlook on life guided by illiteracy and bigotry, may unleash the demon of hatred and violence, and under the guise of myths and superstitions may destroy the benefits of any New Deal that aims toward social security and ultimate social justice.

The courage to abandon traditional romanticism and to face the real issues of to-day is needed in the South more than anywhere else in the country.

The Status of Jews in the American Sunday Laws¹

By JACOB BEN LIGHTMAN

I INTRODUCTION

SINCE the inception of the United States government, Jews, as members of a religious minority group, have come in conflict with the Sunday laws as they existed in the various states of the Union. Such Sunday laws were usually legislative provisions prohibiting the pursuit of labor or business or both on the first day of the week, Sunday, commonly known as the Christian Sabbath.

Altho the Federal Constitution provides against legislation infringing the religious liberty or conscience of any group, or of preferring one religion as against another,² there have, nevertheless, been statutory enactments from time to time, providing for the observance of the Christian Sabbath, Sunday.

1) Based on a thesis entitled, "A Study of Reported Judicial Opinions of the American Courts Regarding the Status of Jews with Respect to the Sunday Laws," submitted for the M.S.S. degree of the Graduate School for Jewish Social Work, June 1933, (constituting a monograph in its series on Social Institutions and the Community) and brought up to date.

2) *Constitution of the United States*, First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

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

It was the latter who brot the issue to the fore. To observant Jews the Sunday laws were obnoxious because of their religious conviction that Sunday was not the Sabbath, and because they felt such laws to be economic discriminatory measures. This, because they were virtually forced to refrain from persuing their trade or business two days a week; that is, Saturday and Sunday. Yet the Constitution of the United States provides against the undue deprivation of one's property.³

3) *Ibid.*, Fifth Amendment: "No person shall . . . be deprived of life, liberty, or property, without due process of law; . . ." —, Fourteenth Amendment: Section 1: ". . . nor shall any state deprive any person of life, liberty, or property, without due process of law; . . ."

If, then, the Sunday laws were to be reconciled with the Constitution, it became necessary, from the point of view of judicial opinion, to clarify the position of the Jews with regard to the Sunday laws. This was attempted in a number of cases that were argued before the American Courts. The question that then presents itself for consideration is, what status, generally speaking, has the Jew had, as a member of a religious minority group, in the eyes of those courts of high resort to which he has permitted his stand with regard to the Sunday laws to be brot for adjudication? The answer to this question was the aim and object of an investigation which consisted of a search for and an analysis of the reported decisions of American law cases concerned with the Sunday and Sabbath problem in which at least one of the points at issue was raised because of the Jewishness of one or more of the parties at issue or otherwise involved in a matter at issue, and a search for and an examination of other cases, treatises, and law articles throwing light on the history and development of judicial opinions regarding Sunday laws, with particular reference to the Jews.⁴

II

THE HISTORICAL BACKGROUND OF THE AMERICAN SUNDAY LAWS

There is generally attributed to the American Sunday laws, as they are known today, a civil significance. This with, in many instances of legislative formulation and judicial interpretation of the Sunday laws, an unawareness of, altho quite frequently, a mere assumed unconcern for, the ante-religious motivation incident to their historical development. The English legislative pattern, which is so definitely the basis of American jurisprudence, was itself, with respect to providing for a day of rest, a mere embodiment of Church Council decrees concerning the observance of Sunday. It was not until quite late in English history,—the Seventeenth Century, in fact, as shall be seen later,—that, as far as English law is concerned, Saturday was conclusively divested of its Sabbath aspects, which latter, in turn, were engrafted onto the pagan Sunday,—only until then, really a civil holiday. The Roman-Christian heritage of a Sabbath-Sunday only then came into its own. But in the early Hebrew Sabbath it had found its germination. That

4) The law cases treated in this article are limited to those that constituted the primary material of the investigation; that is, cases in which at least one of the factors was the Jewishness of a party directly or indirectly concerned.

is, as a religious institution,—long before its neo-interpretation as civil.

The repository of the earliest references to the Hebrew Sabbath has ever been the Bible. Here it is found as having experienced its first observance by the alleged Creator of the Universe. The expressed purpose is that the seventh day be considered a day of rest. This evidently became strong precedent, for it resulted in stringent injunctions looking toward the compulsory observance of the day. From an historical point of view the Hebrew Sabbath has as its background, what in all probability was, a Babylonian origin.⁵

But it was not until the Babylonian exile, in the Sixth Century, B.C.E., when the Jews became divorced from the soil, that they transcended the earlier lunar, and its outgrowing agricultural, connotation of the Sabbath, and prescribed for it, along with others of their institutions, a rigid religious observance. Many centuries were yet to pass before it was to become the prototype for the observance of a day of rest by others.

When Christianity first appeared on the scene as the religion of a minority sect, it early retained, it is interesting to note, an overt symbol of the Jewish people,—the observance of the Sabbath, the seventh day of the week. But with the gradual decrease in the numbers of Judæo-Christians, and the spreading growth in the numbers of non-Jewish Christians, there crept into the fold of the new religion the influence and, in some instances, the actual practice of, some pagan institutions. Among these was the Sunday; that is, the day of worship or celebration, in one form or another, of the sun, which day, it is contended, was early borrowed from the cult of Mithras.⁶

5) It has been suggested that the Hebrew for "Sabbath" comes from the Babylonian "Shabbathon" or "sab(p)atti," which meant the fifteenth day of the month, when there was certain to be a full moon, whereby desert travellers might be guided by night. Its quarterly appearance then took on significance, and in time it became the Hebrew Sabbath, in all likelihood, a day, at first, of agricultural thanksgiving, what with theories of agricultural fertility in all probability, being attached to the appearance of the moon, when the Hebrew people first settled in Palestine as a people of the soil. See Alfred Bertholet, *A History of Hebrew Civilization* (1926), pp. 134-135; Morris Jastrow, *Aspects of Religious Belief and Practice in Babylonia and Assyria* (1911), p. 338; W. Lotz, Article, "Sabbath," *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, Vol. X, pp. 135-136.

6) See James George Frazer, *The Golden Bough*, (Abr'd Ed'n, 1930), pp. 356-362.

7) A possible rationalization for the celebration of the Sunday came to be the alleged Resurrection of Jesus on Sunday, so that it was looked upon as the "true day." A more potent reason, perhaps, was that the Roman attitude

When Constantine became Emperor of Rome, in the early part of the 4th Century, the Christians were occupying the position of a strong, aggressive, politico-religious party. Christianity, however, was not yet a state religion, and the Jews are found to have been enjoying a comfortable amount of toleration and liberty. But, in a decaying Rome, it soon became politic for Constantine to become converted to Christianity; to place himself at the head of the Christian party. In doing so, Constantine, as the first Christian Emperor, made Christianity the state religion, and departed from his earlier attitude of tolerance by making the lot of non-Christians a most trying one. In his efforts to convert Jews to the state religion he legislated oppressively against them.

Christians in Rome had been placing greater and greater emphasis on the observance of the first day of the week as a day of rest, as against the seventh. It is therefore not difficult to understand why an official decree, in the year 321, declaring Sunday a holiday, a day for the cessation of work, coming as it did from one who was both Roman Emperor and Pontifex Maximus, should have found a ready acceptance among the Christians, whose composition, in the 4th Century, was extensively non-Jewish.

As Christianity became more intrenched as a State religion, as a social unifying force, with the gradual absorption of the Jewish-Sabbath observing Christians by the Sunday-Sabbath observing Christians, there came to be less and less State recognition of the Jewish Sabbath. The Sunday law, then, had come to stay. And with its subsequent spread over Europe, its prohibitions and rigors increased.

In Saxon England in the period preceding the Norman Conquest, the ecclesiastically framed Sunday laws may be said to have been rather strictly enforced. A laxity of observance, however, characterized the few centuries immediately succeeding the advent of William the Conqueror. But with the increasing avidity for power by the Church, there began a series of ecclesiastical protests, in the form of canonical decrees

toward the Jews was becoming more and more hostile. Hadrian, on becoming Roman Emperor in the early part of the 2nd Century, remembering well the Jewish spirit of revolt in the earlier Parthian resistance to the Emperor Trajan, was quick to attempt a stamping out of Judaism. The peculiar indicia of the Jew were, of course, his Jewish religion, his Jewish institutions. The non-Jewish Christians, not wishing to be mistaken for Jews, or of being in sympathy with them, found it, therefore, expedient to place a maximum of emphasis on the observance of Sunday as against Saturday. Especially so, when Hadrian prescribed penalties for the observance of the Jewish Sabbath. (See Emil G. Hirsch, Article, "Sabbath and Sunday," *The Jewish Encyclopedia*, Vol. X, pp. 603-604; Heinrich Graetz, *Popular History of the Jews* (Rhine Trans.), (1919), Vol. II, p. 323.

regulating Sunday activities. It was, however, only with the growing influence in England, in the 15th Century, of the reforming Lollards, who were strict Scripturists, that a seriousness about Sabbath observance began to manifest itself. That, however, preceded the Reformation which marked the real turning point,—tho only barely recognizable at first,—in the nature of authority for, and observance of, the Sunday laws.⁸

With the coming to the throne of Edward VI, it may be said that there came about the first State legislation in England with regard to Sunday, as differentiated from the heretofore Church legislation, altho there is no denying that its basic ground, was still, actively, the authority of the church. The specific law in question was the Act of Uniformity of 1551. Nevertheless a state of laxity in observance set in, which was in no wise lessened by a proclamation under James I, in 1618, permitting Sunday recreation, with the exception of some violent forms. This, perhaps, is one of the earliest evidences of non-ecclesiastical, that is, of civil, regulation of Sunday recreation. Behind this, however, lies a conflict-story of extreme religious reformism, of the attempt on the part of the State to divorce itself from the Church, and of its later maintaining the union, but with heretofore Church legislation now emanating from the State, and of the rise of protest groups. Chief among these latter was a sect called, sometimes, "Precisians," but more frequently, "Puritans". It was they, in England, who definitely termed Sunday the "Sabbath", with all its Biblical connotations. Feeling discriminated against, a group of them quit England, to seek a land where they might worship in freedom; that is, where they might enforce their religious injunctions, and especially their Sabbath, with all the rigors to which they subscribed. It was for that reason, then, that they came to America, in 1620, to found the Colony of New Plymouth, where, among other things, they might practice their austere Sunday-Sabbath.

From then on, the various colonies that settled in America introduced varying forms of the Sunday laws. Generally speaking, however, the century preceding the American Revolution was marked by a Sunday law in England that was little different from those that exist today. The Act in question appeared in 1676, in the reign of Charles II, and is frequently referred to as the Act of the 29th of Charles II, chap. vii. Con-

8) See James Gairdner, Ch. VIII, "Sundays Ancient and Modern" in James Gairdner and James Spedding, *Studies in English History* (1881), pp. 295-306.

taining, as it did, the usual prohibitions against labor or business on Sunday, it formed the precedent for, and standard on which were based, subsequent American Sunday laws.

III

THE SUNDAY LAWS IN COLONIAL AMERICA

The Colonial period in the history of American institutions may, in its inception, be said to have possessed only the barest elements of homogeneity. It was only ultimately, with the American Revolution, that an appreciable sense of uniformness,—if not altogether as to practices, certainly, as to values,—became part of the consciousness of the greater portion of the inhabitants in the various colonies. Any just appraisal, therefore, of that period preceding the Revolution, must necessarily, be in relation to the various leading colonial groups, rather than to the colonies as a whole.

Perhaps of primary consideration ought be the Plymouth Bay Colony. Primary, because the English tradition was destined to become the American tradition. Because the English Sunday laws, transplanted in Puritan soil, were destined to become the pattern for the American Sunday laws.

Once they were settled in their new home, the Puritans set up a more or less autonomous government, somewhat primitive in its nature, in that its guide-book and constitution for virtually all purposes, was, like that in early Christianity, the Bible; especially, the New Testament.⁹ Whatever regulations were made, from time to time, were more in the nature of by-laws. Thus, the Pilgrims had, for their major concern, morals rather than doctrine, and legislated accordingly, with the chief emphasis on the regulation of individual conduct. Sunday they observed rigidly, in the Biblical manner of Sabbath observance,—and, whether foreplanned, or post-rationalized, yet certainly, as a protest against the alleged laxity which had characterized the observance of Sunday in England, at the time of the emigration.¹⁰

Because of the "theocracy" that the early Plymouth Colony constituted, there were no express statutes, particularly with regard to the Sabbath. But in 1650 there appeared a general court enactment which specified that "whosoever shall profane the Lord's day by

doing any servile work, or any such like abuses, shall forfeit for every such default ten shillings, or be whipped."¹¹ From time to time, there were enactments of a similar tenor, until, in 1691, the Plymouth Colony united with the Massachusetts Bay Colony, under the name of which legislation thenceforth emanated.

There were, of course, always the "elders" to resort to, when, from the outgrowth of custom to the establishment of civil government, questions of law and procedure arose. There was, thus, a most certain tie-up between Church and State. An interesting example of this is among "answers" to "questions" propounded the elders, wherein it is declared that:

"The striking of a neighbor may be punished with some pecuniary mulct, when the striking of a father may be punished with a high hand, as the gathering of sticks on the Sabbath-day, may be punished with death, when a lesser punishment might serve for gathering sticks privily, and in some need."¹²

The enactments that followed did not vary considerably from those first ones, and, in somewhat modified form, particularly where the method of punishment was set out, were, in fact, later to be incorporated in the laws of the various states.

A somewhat similar state of affairs existed at the time in the New Haven Colony. Here, too, there was early no specific Sunday legislation, the tradition occupied a primary place. But there soon followed express Sunday legislation, favoring highly of religious content, and increasing the punishments for violations. Thus, in the law on the "Profanation of the Lord's day," punishment by death was provided for "wilful, flagrant, violations of the 'Lord's Day'."¹³

The situation was changed very little when the New Haven Colony united with the Colony of Connecticut in 1665. In the latter, the situation had early been very much the same as that in the former. But in the burglary provision of a general code of 1650, the abuse of the "Lord's day" came in for novel punishment. It provided that:

"... if any person shall commit (such burglary, or) rob, in the fields, or houses on the Lord's day, beside the former punishments, he shall, for the first

11) Abram Herbert Lewis, *Sunday Legislation* (1902), pp. 160-161, and quoting from *Plymouth Colony Records*, Vol. XI, pp. 57, 58.

12) *Ibid.*, p. 186, and quoting from *Records of Massachusetts Bay*, Vol. II, p. 93.

13) *Ibid.*, p. 186, and quoting from *New Haven Colony Records*, 1653-1655, p. 605.

offense, have one of his ears cut off, and for the second offense in the same kind, he shall lose his other ear in the same manner, and if he fall into the same offense the third time, he shall be put to death."¹⁴

The rigidity of the laws increased, and although there was a slow, but growing recognition of the meaning of liberty,—it still meant, liberty circumscribed by the traditions of the dominant group. However, the situation appears to have eased somewhat about 1770, when a law was passed permitting those who conscientiously differed from the established worship in the Connecticut Colony to freely conduct their own meetings.¹⁵ There was evidently seeping in some of the liberty-loving influence of the neighboring Colony of Rhode Island. But at that, the change was only in method. Sunday was still to be observed.

When Roger Williams came on the scene, it was to protest, from time to time, against the union of Church and State. He is, perhaps, the earliest known opponent to Sunday laws in America, for, in 1631, Governor Winthrop is known to have written that Roger Williams "had declared his opinion that the magistrate might not punish a breach of the Sabbath, nor any other offense (that was religious)....."¹⁶

In Williams' newly founded liberal colony in Providence (1636), which was shortly thereafter expanded into the Colony of Rhode Island, there were, of course, early, no severe Sunday regulations. But in 1673, there did appear an enactment of the General Assembly, which, in almost apologetic fashion, provided against employment on "the first day of the week", and, in the event the offense were committed, fines were to be paid "to the use of the poor of the town or place in which the offences are committed".¹⁷

Then Pennsylvania became the land of religious liberty. But as yet, for Christians only, as was evident from the Great Law of 1682, which guaranteed that every one "shall freely and fully enjoy his or her Christian liberty . . ."¹⁸ Because of the heterogene-

14) *Ibid.*, pp. 186-187, and quoting from *Public Records of the Colony of Connecticut prior to 1665*, p. 514.

15) *Ibid.*, p. 195, citing *Acts and Laws of Connecticut*, 1750 to 1772, p. 351.

16) William Addison Blakely, *Legislative-Executive-Judicial American State Papers Bearing on Sunday Legislation*, Rev'd Ed'n (1911), p. 60.

17) Abram Herbert Lewis, *Op. Cit.*, pp. 197-198, quoting *Rhode Island Colonial Records*, 1675-1706, Vol. III, p. 30.

18) See Henry Kalloch Rowe *Op. Cit.*, p. 41.

ity of the Pennsylvania population (Mennonites, Quakers, German Dunkards, Pietists, etc.) the early Sunday laws were not as severe as those of Massachusetts and Connecticut. But in 1700-01, a Sunday law of a general prohibitory nature was passed. It was subsequently repealed and replaced by one not so very different, in 1794,¹⁹ which, with very little change, existed down thru the ensuing century and a third.

The colonists that settled Virginia, altho they came from England, were in no wise akin to the Puritan emigrants to New England. They were of both the working-class and the leisure-loving strata, who had little better than a nominal adherence to religious tenets. But with the process of standardization and uniformness setting in, they too, came to accept the Sunday injunctions as a matter of course.

The earliest Sunday law in America was a supposed Virginia enactment of 1617,²⁰ altho there is some authority to the effect that there was a Sunday law in Virginia, in 1610.²¹ Be that as it may. What is of more significance is that the rigor of the Sunday laws increased from time to time, with the provision almost always present for the option of paying fines in so many pounds of tobacco. Yet this was to be one of the first states to take the lead at about the time of the American Revolution in the separation of Church and State.

The early history of New York, when, as a Dutch colony, it was known as New Netherlands, reveals a consistency in religious dominance on the part of the Dutch Reformed Church, which, however, was to give way with the influx of peoples of various creeds and nationalities, and eventually lead to New York's emerging, on the horizon of American statehood, as a quite liberal member of the newly formed Union.²² There was no real Sunday legislation in the Colony, however, until the coming of Peter Stuyvesant. And one of the first conflicts to be experienced by a member of the newly-arrived Jewish group, was that involving a violation of the Sunday-Sabbath so zealously enforced by Stuyvesant.

19) Abram Herbert Lewis, *Op. Cit.*, pp. 202-203, and citing *Acts of the Assembly of the Province of Pennsylvania*, (Folio Ed'n, 1762), Vol. I, pp. 19-21; *Laws of Pennsylvania*, (Folio Ed'n), Vol. III, ch. 297; and *Laws of Pennsylvania*, (8 Mo Ed'n, 1803), ch. 1746, sec. 1.

20) See Abram Herbert Lewis, *Op. Cit.*, quoting *Sabbath Doc. No. 45* (N. Y.), p. 15.

21) See William Addison Blakely, *Op. Cit.*, p. 33.

22) See Frederick J. Zwierlein, *Religion in New Netherland* (1910), pp. 136-142.

It appears that among the Jewish arrivals, one Abraham de Lucena was, in 1655, arraigned for having kept his shop open and made sales at retail, on Sunday.²³ For this it was recommended that he be deprived of his business and that he be fined. The incident came near being an excuse for expelling the Jews.²⁴ This is, perhaps, the first recorded instance of the Jews coming in conflict with the Sunday laws in what is now the United States.

Concerning the same period, it is also of interest to note the spirit of tolerance that characterized the colonial Dutch,—from an incident again involving the Jewish religion. It appears that in 1658, one Jacob Barsimson had failed to respond to a summons requiring him to make an appearance in court on Saturday. From the entry in the case, it is clear that the

23) See Samuel Oppenheim, "The Early History of the Jews in New York, 1654-1664": *Pub. Am. Jew. Hist. Soc.*, Vol. 18 (1909), p. 7.

24) See Frederick J. Zwiernin, *Op. Cit.*, p. 258.

Court recognized it as his Sabbath, when it said: "Though defendant is absent yet no default is entered against him as he was summoned on his Sabbath."²⁵ And this, perhaps, is the first recorded instance of judicial recognition of the Jewish Sabbath in what is now the United States. When representative English government was ultimately established in New York, it brought into being, in 1691, its first Sunday law, which was, in affect, of a general prohibitory nature concerning activity on "the Lord's day", and which virtually remained in force until after New York had become a state.²⁶

These, then, were the colonies that are especially significant as having shaped the pattern of the American Sunday laws.

25) See Samuel Oppenheim, *Op. Cit.*, pp. 23-24, citing *Records of New Amsterdam*, Vol. II, pp. 396, 397.

26) Abram Herbert Lewis, *Op. Cit.*, pp. 200-201.

(To Be Continued)

Departments of Home Economics in Family Welfare Agencies

By ROSE F. LANDIS

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THE last few years have witnessed an important change in the structure of most family case work agencies. From not having any place or status in the make up of these organizations, the Home Economics Department now emerges as one of the most important in the task of rehabilitating families. With this in view, it is essential that case workers should have more than a rudimentary understanding of the functions of a Home Economics Department. In order to convey these functions to the case worker in concise practical and non-technical language, this article has been prepared.

Historical Survey

The history of Home Economics shows with great clarity that the progress of this comparatively new science has been based entirely upon studies not only within the household, but of price movements and tendencies in the general market. Studies conducted in the past, present for the Home Economist of today, the basic technique of procedure, and the successful

Home Economist is the one who applies the tested technique of yesterday to the problems of today. It seems strange that after thousands of years in which incomes of various sorts were utilized for family support, it was only in the middle of the last century that this question of how to spend wisely received scientific attention. And so we have Frederic LePlay, the French engineer and economist, perhaps the first one to make a study of budgets of workmen's families. His Monographs were the basis for future work by other economists, the outstanding one being Ernst Engel of Saxony, who promulgated the famous "Engel's Laws of Consumption." These laws basicly are sound in theory and practice today. The scene of activity then shifted to Vienna where Ottilie Bondy, during the latter part of the last century made an intensive study of the income of middle class families for the purpose of finding out "how to maintain the equilibrium in domestic expenses, without which neither dignity nor peace of mind can be preserved." The trend of income studies during the latter part of the

last century and the early years of the present century confined itself to middle class families, and so we find in the United States Mrs. Ellen H. Richards busily engaged in the study of an ideal budget for a normal family whose income varies between \$2000. and \$4000. yearly. Her division of income for rent, food, running expenses, clothing, recreation, health, etcetra, remained for a long time one of the most useful generalizations on the American family budget. At approximately the same time, the United States Bureau of Labor Statistics made budget studies and estimates for budgets that would be sufficient to maintain "a standard of health and decency" among government employees. It is interesting to note that in these studies special emphasis was made on the possibility of saving through various economies. Somewhat later the Savings Division of the United States Treasury Department in conjunction with the Department of Agriculture made a budget estimate for a normal family based on an income of \$2400. yearly. This budget because of the thoroughness with which it was prepared was a basis for budget making for many years.

The beginning of the present century witnessed a shift in emphasis in the study of family incomes. Instead of budgets for normal families, studies of income and budgets based thereon of dependent family forged to the front. In 1906 Caroline Goodyear of the New York Charity Organization Society studied the income and dietary habits of families living in slum sections. The New York State Conference of Charity and Corrections undertook a study of the standard of living of workingmen's families in New York City whose report was presented in 1907. Florence Nesbitt in 1912 made a study of adequate minimum budgets for dependent families living on a minimum of subsistence standard. These budgets were based upon a study upon current neighborhood prices in the particular locality where the dependent families resided.

During the past twenty years the study of minimum and normal budgets have undergone great revision and amplification caused by increased earning capacity, rise in living costs based on family composition, and a finer appreciation of the needs of dependent families. One of the great advances in the field of Home Economics was made in the study of children's needs. Intensive studies by the Children's Bureau, United States Department of Labor, and the United States Department of Agriculture, Bureau of Home Economics, have been made and various bulletins published dealing with the question of children's

needs within the family. The following studies have been published:—"The Suggested Budget for Families of Small Incomes of the Cleveland Associated Charities" 1918; "Studies conducted by the Boston Budget Council" 1920; "Good Nutrition at Minimum Cost," New York Nutritionists, 1922; "St. Louis Budget for Dependent Families" 1923; "Study of a Minimum Standard of Living for Dependent Families in Los Angeles" 1927; "Chicago Standard Budget for Dependent Families" 1929. Continued interest in this field has been shown by the Government in 1932 and 1933 featuring budgets to provide for families whose children vary in ages.

The element of budget making represents only one angle of home economics. The studies in the past, mentioned in this brief review, have confined themselves to the attempt either to establish a normal budget or a minimum standard for dependent families. The theoretical establishment of such budgets is one thing, and the endeavor to effectuate these budgets presents an entirely different aspect of the work of a Home Economist. In the latter the Home Economist is dealing with human emotions, psychologic reactions, and with established mores. In the attempt to place a dependent family on a minimum budget it often requires the breaking down of resistance, change of standard of living, a new plan of home-making. Together with this comes the problem very often of a deficiency of funds at the command of the agency endeavoring to put into effect these standard budgets. This entails a reallocation of funds omitting many items which though essential in a minimum budget cannot be supplied. So the Home Economist is placed in the position where a minimum budget is minimum as to some items and non-existent as to others. Being cognizant of these factors in the rehabilitation of families, and in recognition of a long felt need in the case work of the organization, the United Jewish Aid Societies established a Home Economics Department September 1929, under the direction of a worker trained in family case work and home economics. This Department functions under the direct supervision of the Executive Director and the Senior Case Supervisor. Frequent conferences are held with either or both, and policies are decided upon and work directed in conference with them. Living on a minimum income as the majority of our families must do, requires a maximum of skill in management which few of them possess. The result is that many families whose income we were certain were adequate to maintain a decent standard of living, were failing to maintain this