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Devoted to the Science of Religion, the Religion of Science, and the
Extension of the Religious Parliament Idea

Founded by EDWARD C. HEGELER.



NORMAN SHIP.
(From the Bayeux tapestry.)

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FIELD-MARSHAL PAUL VON BENECKENDORFF AND
HINDENBURG.

By Rumpf.

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SOME OLD BLUE-LAWS.¹

BY PRESERVED SMITH.

IF a "blue-law" be defined as the regulation from religious motives of purely private actions, it was not, as many people suppose, an invention of the Puritans, particularly of those who settled in Connecticut. On the contrary, the further back human history is traced the more cerulean does the tint of its jurisprudence become. In primitive societies the whole life of every individual is controlled with minuteness and rigor by a code considered divine. The only criterion of conduct, and therefore of laws governing it, which ever occurs to a savage, is the placation of supernatural powers; the rational motives of protecting public health and order were at first totally wanting. For the hardness of our hearts have the legislators divorced public law and private morality, for in the beginning it was not so. Not only in primitive times, but as late as the formation of the Jewish, Greek and Roman codes, the religious element is preponderant. In the Middle Ages, too, many vexatious ecclesiastical and sumptuary laws carried on the traditions of earlier times.

And yet, after all, there is something in the popular idea connecting the "blue-law" with the Reformation. That movement, by arousing the conscience without proportionately enlightening the understanding, by applying to an old method a new and intensified moral purpose, caused the statute-books to blossom with a whole set of regulations for the conduct of private life,—the "blue-laws" properly so called. This development is one of the many in which

¹ The principal sources for this paper have been the English and Scotch *Statutes of the Realm*, the French *Catalogue des Actes Royaux* (in the *Catalogue de la Bibliothèque Nationale*), Doumergue's life of Calvin, the *Calendars of State Papers*, Baum's *Capito and Butzer*, Egli's *Aktensammlung zur Geschichte der Züricher Reformation*, Firth and Raith's *Acts and Ordinances of the Interregnum*, and the author's *Luther*.

the Protestant revolt for a time accentuated the tendencies it was destined eventually to undermine. There is no doubt in my mind that the total effect of Luther's movement was progressive and rationalizing; and yet there are in it quite enough returns to the past to give Nietzsche, for example, at least specious reasons for calling it reactionary, "a reduplication of the medieval spirit." As an example of this curious tendency, and also for the part similar statutes have played in American colonial history, it may not be uninteresting to set forth some of the more important "blue-laws" found in European codes during the century between the beginning of the Reformation and the foundation of the English settlements in the New World.

It is not always easy to determine in what class any given law may belong. At times motives of finance and public policy entered into the enactment of measures primarily private and religious. The sumptuary statutes prescribing dress, for instance, were certainly inspired by mixed purposes, and were not uncommon in the Middle Ages. The intention of *An Acte for Reformacyon of Excesse in Apparayle*, passed in 1532, was stated to be "the necessarie repressing and avoydyng and expelling of the inordynate excesse dailye more and more used in the sumptuous and costly araye and apparell accustomedlye worne in this Realm, whereof hath ensued and dailie do chaunce suche sondrie high and notorious detryment of the common Weale, the subvercion of good and politike ordre in knowledge and distincion of people according to their estates, preëminences, dignities and degrees, to the utter impoverishment and undoyng of many inexpert and light persones inclined to pride, moder of all vices." The tenor of the act shows that its main object was to distinguish the various classes by their clothes; the garb appropriate to the royal family, to nobles of different degrees, to citizens according to their income, to servants and husbandmen, to the clergy, doctors of divinity, lawyers, soldiers and players, was all fixed. The law was so often re-enacted that it was apparently unsuccessful. The passion for finery, so characteristic of Tudor England, evaded all supervision, and prompted the citizens of either sex to dress above their class in one way when another was forbidden. About 1560 Roger Ascham complained that people at court appeared in "huge hose, in monstrous hattes, in gaurishe colours," and that even "the rabble of mean and light persones," were dressed "in apparell against law, against order, for facion, namelie in hose so without all order as he thought himself most brave that was most monstrous in disorder."

The first Scotch edict on the subject that I have noticed is of 1567, "That it be lauchfull to na wemen to weir [clothes] abone [above] their estait except howris." This bill was not only "ap-previt" by King James VI, but was endorsed in his own royal hand with the words: "This act is verray gude."

The contemporary French code is crowded with enactments on the subject of dress, the first promulgated in 1543 forbidding all persons except members of the royal family to wear cloth of gold or silver or embroidery or velvet. This was repeated in 1549, and in a fuller form in 1561, forbidding also "satin, silk, taffeta and all other superfluities" save to a privileged few. But evidently *la superfluité* was *chose très nécessaire* as much in the sixteenth century as in that of Voltaire, for the sumptuary laws had to be repeated with great frequency showing that their spirit, at least, was not obeyed. One of these, of 1564 was for the reform of *grosses chausses*, the "montrous hose" of Ascham's French contemporaries.

It is noticeable that none of these laws were aimed at anything but the expense of dress, and yet the fashions of the sixteenth century was not unobjectionable in other ways. Readers of Rabelais will remember what a vast amount of indecent fun the garments of his fellow-citizens afforded him. Montaigne was probably quite right in saying that the nudity of American savages was far less indecent than the clothing of men in France. Though not so bad, the dress of women, too, was not always modest. The fashion of low-necked dresses, which originated, like so many other styles, in the demi-monde, was just making its way from Italy north of the Alps, where it produced various impressions. Rabelais jestingly proposed that it be enforced by law; when the fashion reached Wittenberg in 1545 it received a scathing, and, for the time being, effective rebuke from Luther. In England it was at once adopted by the upper classes, and was sometimes, at least, carried to excess. The vanity of Queen Elizabeth prompted her to go to such an extreme that once the Spanish ambassador at her court reported that at a reception her Majesty's gown was cut *jusqu'au nombril*.

Such styles were soon taken up by the lower classes, and in 1594 a "Mrs Tomison Iohnson," although a pastor's wife, was reproved for the following things:

"First the wearing of a long busk after the fashion of the world contrary to Romans xii. 2; 1 Timothy ii. 9-10. Wearing of the long white breast after the fashion of young dames, and so low she wore it that the world call them codpiece breasts....Whalebones in the bodies of peticotes, contrary to the former rules, as also against nature.... A copple crowned hatt with a twined

band, as yong Merchants wives and yong Dames use. Immodest and toyish in a Pastor's wife....The painted Hipocritical brest, shewing as if there were some special workes, and in truth nothing but a shadow...."

In the seventeenth century the low cut of the dress was retained but a guimpe was worn by modest women, the kerchief that plays so large a rôle in the tender passages of early novels.

All civilized nations have found it necessary to supervise inns and other places of public resort, and this police power may easily be used to correct private vices. Thus in France before a breath of the Reformation had penetrated, Francis I in 1526 issued letters patent empowering the governor of Paris to appoint a lieutenant and twenty archers to visit "streets, cross-roads, taverns, cabarets and other dissolute houses where vagabonds, idlers and evil livers are wont to resort, and to arrest and imprison people without calling, players of cards and dice and other forbidden games, blasphemers of God's name, ruffians and sturdy beggars." The preamble of this ordinance sets forth as the reason for this strictness the fact that the streets of Paris had lately become unsafe by reason of murders, robberies, ravishments and other "great insolences." Among the disorders within the taverns gaming occupied the first place. This was entirely forbidden in public houses on the establishment in 1539 of a public lottery. The real reason for this measure was undoubtedly the financial one, for the profits were large, but the law itself only mentions moral considerations, the evils of private gambling, the general desire of the public for honest games, in default of which they were driven to vicious courses. The example of Venice, Florence, Genoa and other cities is cited to show the advantages of a public lottery. The system has worked so well, at least from the fiscal standpoint, that it is maintained to-day in many European states. In 1577 Henri III passed another edict forbidding dice and cards for "minors and other debauched persons" in public houses, and this was followed six years later by a crushing impost on cards and dice. This act is particularly interesting as being one of the first experiments in checking undesirable pursuits through the taxing power, which is to-day the chief method of such regulation. That such was really the object of the excise is set forth in the preamble which declares that experience has shown that games of chance, far from giving the innocent pleasure intended by their inventors, only give rise to "cheating, fraud, deceit, expense, quarrels, blasphemy, murder, debauch, ruin and perdition of families," especially on holidays and Sundays which ought to be left free for the service of God.

Whereas the chief preoccupation of the French laws was the preservation of public order, neighboring Geneva, under the sway of John Calvin, dealt with the same problem in the most drastic spirit of Puritanism. There, in 1546, the inns were put under the direct control of the government and strictly limited to the functions of entertaining—or rather of boarding and lodging—strangers and citizens in temporary need of them. Among the numerous rules enforced within them the following may be selected as typical:

"If any one blasphemes the name of God or says, 'By the body, 'sblood, zounds [*par le sang, par les playes*]' or anything like, or who gives himself to the devil or uses similar execrable imprecations, he shall be punished....

"If any one insults any one else the host shall be obliged to deliver him up to justice.

"If there are any persons who make it their business to frequent the said inns, and there to consume their goods and substance, the host shall not receive them.

"Item the host shall be obliged to report to the government any insolent or dissolute acts committed by the guests.

"Item the host shall not allow any person of whatever quality he be, to drink or eat anything in his house without first having asked a blessing and afterwards said grace.

"Item the host shall be obliged to keep in a public place a French Bible, in which any one who wishes may read, and he shall not prevent free and honest conversation on the Word of God, to edification, but shall favor it as much as he can.

"Item the host shall not allow any dissoluteness like dancing, dice or cards, nor shall he receive any one suspected of being a debauché or ruffian.

"Item he shall only allow people to play honnest games without swearing or blasphemy, and without wasting more time than that allowed for a meal.

"Item he shall not allow indecent songs or words, and if any one wishes to sing Psalms or spiritual songs he shall make them do it in a decent and not in a dissolute way.

"Item nobody shall be allowed to sit up after nine o'clock at night except spies."

Touring Switzerland in Shakespeare's time was evidently not without its disadvantages.

Merry England, too, became infected with the Puritan spirit at the end of the century. Unlawful games, such as "tennis, play, bowles, cloyse, dysing and carding" were indeed forbidden as early as 1541 but the sole object thereof was to encourage the practice of archery, "for the mayntenance of artyllarie." Again in 1555 the licences of public houses in which "bowlyng, tenyse, dysyng, White and Black, Making and Marryng" were allowed, were made void, because it was alleged that they became the resort of conspirators. A very different motive inspired the "Acte to re-

straine the inordinate hauntinge and tiplinge in Innes, Alehouses and other Victuallinge Houses," passed in 1603. Here it is written: "Whereas the ancient true and principall use of Innes, Alehouses and Victuallinge Houses was for the Receipte, Reliefe and Lodginge of wayfaring people travellinge from place to place, and for such Supplie of the wants of such people as are not able by greater Quantities to make their provision of Victuals, and not for the entertainment and harbouringe of lewde and idle people to spende and consume theire time in lewde and drunken manner," therefore it is forbidden to any person "to contynue drinkinge and tiplinge in the said Inne, Victuallinge House, Tiplinge House or Alehouse, other than such as shalbe invited by any Travailer," or to any other man for more than one hour after dinner. Three years later it was thought necessary to pass "An Acte for repressinge the odious and loathsome synne of Drunkennes," which is stated to be on the increase and to be the cause "of enormous [*sic*] Synnes, as Bloodshed, Stabbinge, Murder, Swearinge, Fornicacion and Adulterye." This testimony of the statute-book is particularly interesting when we remember that Shakespeare was accused of being addicted to extreme conviviality, and even that his death in 1616 was attributed to the effects of a hard carouse. The act was repassed in stricter form twice by James I (1609, 1623) and by Charles I in 1625. In this connection it may be remembered that James I wrote a book against the use of Tobacco and that Urban VII (1590) excommunicated patrons of the weed. Under the Commonwealth it was ordered that ministers and schoolmasters commonly found haunting taverns should be ejected.

In 1617 Scotland was also obliged to enact a law "for the restraint of the vyild and destable vyce of drunkenes daylie Increasinge to the heigh dishonor of god." All persons who "haunted taverns" after ten p. m. were to be fined or imprisoned. In 1621 the Scotch parliament also forbade betting large amounts on cards, dice or horse-races. "Honest men," the statute affirms, "ought not expect that anye wyninge hade at anye of the games abowen-written can do thame gude," and in order not to belie this maxim all winnings of more than one hundred marks (\$26) within twenty-four hours were confiscated. In England all money won in gambling was declared forfeit by an act of 1657. In 1654 cock-fighting and horse-racing were prohibited.

Another amusement which fell under the ban of some of the Reformers was dancing. There was doubtless something objectionable in many of the dances, and the most scandalous thing

about them was that the Catholic clergy frequently patronized them to the great peril of their professional celibacy. One of the funniest satires in the *Epistolae obscurorum virorum* (1515) is the account sent by Mammotrect Buntmantel, Master of the Seven Liberal Arts and professor at Heidelberg, of the dance—evidently a sort of “bunny-hug”—which he had attended, and the disastrous results thereof. That this sarcasm was not without foundation is abundantly proved. Roger Ascham, for example, wrote from the Netherlands in 1550: “I saw nuns and papists dance at a bridal. . . . It is lawful in that Babylonical papistry to serve Bacchus with what dishonesty they will, so they meddle not with Christ and his word.” A little later the Council of Trent, at its twenty-fourth session, forbade all ecclesiastics to hunt, dance, frequent taverns or gamble.

The opinion of the Reformers on the advisability of permitting this recreation was divided. Luther, the broadest as well as the greatest of them all, was in favor of allowing it, properly chaperoned, because he believed the opportunity given to the youth of both sexes to know each other would lead to happy marriages. He even went so far as to say that the Pope condemned dances because he was hostile to marriage. That great Puritan, Milton, saw no harm in “tripping the light fantastic toe.” But few prominent Protestants agreed with them. Luther’s friend Bugenhagen, parish priest of Wittenberg, denounced the amusement harshly. It was forbidden at Zurich in 1500 and again in 1519 on the advent of Zwingli. Calvin, as usual, was the most austere in this regard. It must be allowed, in estimating his severe ideas, that Geneva appears to have been a particularly licentious city. The dances there were accompanied by embraces and kisses. They were accordingly denounced from the pulpit and then suppressed by law.

The drama, too, has always been considered a proper subject for legal regulation. In this case also Luther showed himself broader than many of his followers, for when the clergy of Magdeburg objected to the plays of Joachim Greff, Luther was in favor of their continuance. Far otherwise was the feeling of Calvin, averse by nature and conviction to all frivolity. At first he was not strong enough to forbid all plays at Geneva. “I see,” he sighed, with evident regret, “that we cannot deny men all amusements, so I devote myself to suppressing the worst ones, but plays are not given with my approval.” The ire of his colleague Cop was aroused afresh by the introduction of the new Italian habit of giving the women’s parts to actresses instead of to boys. Ac-

according to his view, "the women who mount the platform to play comedies are full of unbridled effrontery, without honor, having no purpose but to expose their bodies, clothes and ornaments to excite the impure desires of the spectators." "The whole thing," he added, "is very contrary to the modesty of women who ought to be shame-faced and shy." With such sentiments as these on the part of the leaders there could be no doubt as to the outcome, and in 1572 the Book of Discipline of the Reformed Church forbade members of that communion to go to any plays whatsoever.

The Latin countries had no such scruples. In 1541 Macchiavelli's *Clizia*, one of the most objectionable pieces of the Renaissance, was acted before the Pope and cardinals. Indeed even the "reforming Popes," Paul III and his immediate successors, maintained a strong troop of musicians, comedians (*improvisatori*), female singers, dancers and buffoons. It is true these diversions did not pass without censure within the church. The Memorial of the Reform Commission of cardinals, drawn up in 1536, proposed forbidding all the clergy to go to the theater, as well as to visit taverns, to gamble and to blaspheme. Another of the public recreations of the Vatican was bull-fighting. Erasmus saw one of these contests presided over by Julius II in 1509, but his protest against it passed unnoticed for nearly a century, when the sport was at last forbidden.

In France there was little supervision of the drama, which was, throughout the century, regarded as a legitimate means of religious instruction. One is rather surprised in reading a patent of Francis I entitled "Licence to the King's Comedians," to find that these comedians were the monks of certain cloisters, who were permitted to give morality plays on stated occasions. Some dramas were distinctly tracts in favor of, or against, the innovating religion. Those not agreeable to the party in power were of course forbidden. Finally in 1641 Louis XIII passed the first act, a much needed one according to modern standards, forbidding the representation of indecent acts, or the utterance of immodest words on the stage.

The tendency to use the drama for partisan purposes was also strong in England. The fashion was set by the court, for on St. Martin's Eve, 1527, Henry VIII attended a play given by the boys of St. Paul's school, representing "the heretic Luther like a party friar in russet damask and black taffety, and his wife like a frow of Almayn in red silk." Fifteen years later the tables were turned when Richard Morison petitioned the king that the plays of Robin

Hood and Maid Marion be forbidden "and others devised to set forth and declare lively before the people's eyes the abomination and wickedness of the bishop of Rome, monks, nuns, friars and such like."

Such "matters of divinity and state" were carefully regulated by the government, which also forbade blasphemy on the stage, but which overlooked almost any amount of indecency. The Puritan spirit protesting against this first made itself felt in the ordinances of the city of London, which in 1559 appointed a censor to eliminate all "unchaste, uncomely and unshamefaced speeches." Again in 1574 the City Council passed an interesting by-law, beginning:

"Whereas heartofore sondrye greate disorders and inconvenyences have beene found to ensewe to this Cittie by the inordynate haunteynge of greate multitudes of people, speciallye youthe, to plays, enterludes and shewes; namelye occasyon of frayes and quarrelles, eavell practizes of incontineneye in greate Innes....withdrawinge of the Quenes Majesties subjectes from dyvyne service on Soundaies & hollydayes, at which tymes such playes weare chefelye used, unthriftye waste of the moneye of the poore & fond persons, sondrye robberies and cuttinge of purses, utteringe of popular, busye and sedycious matter...."

Plays are therefore considered a "great provoking of the wrath of God, the ground of all plagues," and are forbidden within the city limits. They continued to flourish elsewhere, however, and in places so near the city, such as Southwark and Shoreditch, that the citizens of the metropolis could easily attend them. The literature of the times is full of ferocious denunciations of the theater by Puritans, whose triumph in 1642 meant the end of the Elizabethan drama. On September 2 of that year the Long Parliament passed an act forbidding plays during the present distracted state of England, "instead of which are recommended to the people of this land profitable and seasonable considerations of repentance, reconciliation and peace with God." This reduction of the staple of English recreation to meditation and prayer was made perpetual in an act of 1648 which set forth the extreme Puritan view with the greatest severity of language.

Among the matters on the border-line between public and private, the endeavors of the French and Scotch governments to suppress duelling may be considered. On February 9, 1566, Charles IX issued an "Ordinance forbidding all gentlemen and others to give the lie to each other, and, if they do give the lie, not to fight a duel about it." The extraordinary wording of this proclamation, providing for its own violation, reminds one of the mother who said to her son: "Now, Johnnie, don't go out under any circumstances,

but if you do go out, put your overshoes on." Another feature of the edict of Charles IX is said to have been imitated in the notice displayed in a rural railway station: "Gentlemen will not spit; others must not." In 1609 Henri IV was obliged to reinforce his predecessor's command by a more rigid prohibition of duels, and this was repeated by Richelieu in 1626.

James VI of Scotland was also obliged to deal with the subject in 1600. His Majesty and the Estates, "considering the great Libertie that sindrie persones takis I provoking utheris to singular combattis upoun suddan and frivoll querrellis, qlk [which] has ingenderit great Inconveniencies within this Realm; Thairfoir statutis and ordinis that na persone in tyme cumming without his hienes licence fecht ony singular combatt Under pane of dead and his moveable geir escheat." One is reminded of the statement made by one of Dickens's characters, to the effect that duelling was a royal prerogative wrung by King John from the barons at Runnymede.

It is with no intention of suggesting that marriage is a kindred subject that it is taken up next. The matter which most exercised the governments of Continental Europe in this regard, was the question of the validity of betrothals without the parents' consent. The practice of allowing young people to select their own consorts, now universal in Anglo-Saxon countries, and apparently prevalent in England for centuries, deeply shocked continental opinion. "Secret engagements," according to Luther, "never have been in the world, but are the invention of the powers of evil. Parents should give their children to each other with prudence and good will, without their own preliminary engagement." Betrothal was a more solemn matter than it is now, and a girl who entered into an engagement with a young man might suffer for it if the promise was later declared invalid. So when, in 1543, a young woman sued her swain who had broken their engagement on the ground of his father's non-consent, the Wittenberg consistorial court condemned him to pay damages for breach of promise. Luther, thinking that immorality was likely to arise from allowing secret engagements—as indeed was sometimes the case—took the matter up with passion, and in a sermon declared:

"I, Martin Luther, minister of this church of Christ, take you, secret troth, and the paternal consent given to you, together with the Pope, whose business you are, and the devil who invented you, tie you all together, and cast you into the abyss of hell in the name of the Father and of the Son and of the Holy Ghost."

His further intervention with the Elector was successful, for the Saxon government shortly thereafter passed a law forbidding betrothal of young persons without their parents' knowledge and assent.

Almost at the same moment Rabelais was attacking the same dangerous innovation in France. Pantagruel declares that he would rather have God strike him stark dead at the feet of his father Gargantua, than that he, the son, should be found married alive against his parents' wishes. "For," he declares, "I never yet heard that, by any law, whether sacred or profane, it was allowed and approved that children may be suffered and tolerated to marry at their own good will and pleasure." French legislators certainly did not allow this, for in 1556 Henri II proclaimed that, having heard "that marriages are daily contracted by children of good family at their own carnal, indiscrete and disordered will, to the deceit and against the wishes of their parents, without the fear of God," such children may be disinherited (which was otherwise forbidden by French law), and this rule applies to sons up to the age of thirty and to girls until they are twenty-five.

The rights of children on the other hand were guarded in a singular edict of Francis II (1560) forbidding widows who marry a second time to prefer their second husbands or their relatives to children of the earlier marriage.

As the great age of religious controversy, the sixteenth century codes are full of provisions about religion. "An Acte for the Advancement of true Religion and the suppression of the contrary," or its equivalent, is a common occurrence, though precisely what the true religion was no two acts agreed, all contradicting each other, each commanding what the others anathematized, and prohibiting what the others declared the kernel of Christianity. The natural result of this condition of things in provoking doubt is one of the most fascinating and least investigated sides of the Reformation. The essence of Montaigne's skepticism is that where all religions give each other the lie, they may all be wrong. Particularly, he argued, it is setting a high value on our own ideas to put men to death for them. Unfortunately few of his contemporaries shared this modest diffidence. That is one of the most instructive as well as one of the saddest passages in the story of our race which tells that the men who were willing to die for their own faith were equally ready to put other men to death for theirs. Well may Lord Acton say that the greatest achievement of modern times is the emancipation of the individual conscience from the bondage of authority.

However much public opinion still needs further enlightenment in this regard, the laws at least are now thoroughly tolerant.

Though perhaps the lines of investigation just suggested are the most interesting to the philosophical historian of religion, they are not within the scope of the present paper. Here, not the great statutes enforcing faith and conformity, but only the petty regulations of daily life in accordance therewith, can be noticed. In this respect, as in so many others, the German Lutheran movement is found to be the most liberal of all. Attendance at church was enforced by public opinion, but very leniently, if at all, by law. Sunday was regarded as largely a day for recreation and pleasure. In the *Catechism* Luther, with his habitual reckless and winning candor, stated that the strict observance of the Sabbath, or Saturday, enjoined by the Ten Commandments, was a bit of ceremonial law binding on no Christian, and that the setting aside of a part of one day in seven for public worship was a matter of convenience only, not of divine right. After the closing of church service he thought the time might properly be spent in what work or pleasure the individual chose. It was Calvin who first carried through the identification of the Christian Sunday with the Jewish Sabbath that was to produce the English and American observance of that day. At Geneva complete absence from labor and attendance on church was compulsory. Five sermons were offered to the devout every Lord's day; whether hearing all of them was compulsory or only some of them, I have not been able to ascertain. Another innovation of Calvin was the prohibition on pain of fine and imprisonment of all observance of Christmas. Swearing of course was forbidden, in the same class with masks, disguises and gambling.

The French kings contented themselves with punishing "swearing, cursing, blaspheming, imprecations and other villainous oaths against the honor of God," (in 1550 and again in 1574). In 1561 Charles IX felt obliged to forbid all persons "entering into debate, quarreling, or reproaching each other on any religious matter, on pain of death."

England was far more Puritan, though it was the Catholic Bishop Bonner who in 1542 started the ball rolling by prohibiting, with the approval of the government, all the London clergy from frequenting taverns and other evil resorts at time of divine service on Sundays and holidays, and from blasphemy and swearing. In the same year it was enacted that no person "shall take upon him openlie to dispute and argue, to debate and discusse or expounde Holye Scripture." In 1548 the Protestant Edward VI forbade the

eating of meat on Fridays and in Lent, partly because "due and godlye abstynence ys a meane to vertue," partly to save cattle and to give fishermen a livelihood. In 1559 Elizabeth began to enforce attendance on church. In 1624 the Puritan Parliament passed a severe act against swearing and cursing, and in the immediately following years forbade all work on the Lord's day, as well as profanation of the same by "Bearebaiting, Bullbaiting, enterludes, common Playes and other unlawful exercises and pastimes." So far was Sunday observance carried that in 1638 Richard Braithwaite, in the verse often quoted but usually wrongly attributed to Hudibras, satirized it as follows:

"To Banbury came I, O profane one,
There I saw a Puritane one
Hanging of his cat on Monday
For killing of a mouse on Sunday."

Scotland outdid her sister. In 1540 James V ordained that "nane commune or despute of the haly scriptour without thai be theologis apprevit be famous universities." Two years later Mary's Parliament, in an act allowing all men to have "the haly write baith in the new testament and the auld in the vulgar tounge," made the extraordinary proviso that "na man dispute na hald oppuneonis" about it. In 1551 were forbidden "grevous and abominabill aithis sweiring execratiounis and blasphematioun of the name of God, sweirand in vane be his precious blude body passion and woundis." An act first passed in 1551 and frequently repeated thereafter was aimed at "all persounis quhilkis [who] contempnandlie makis perturbation in the Kirk...and will not desist and ceis thairfra for na spirituall monitioun that the Kirkmen may use." All labor was of course forbidden on the Sabbath, as was "gamyng, playing, passing to tavernis and ailhouses selling of meit and drink and wilfull remaining fra the parochie kirk in tyme of sermone." In 1600 it was commanded that all men should communicate at least once every year. It may seem strange to us that in 1587 the followers of Knox also forbade eating flesh in Lent.

The repression of vice hardly lies within the scope of the present paper, and its adequate treatment would require more space than is here available. Nevertheless as the subject is kindred to those dealt with by the "blue-laws," and as it is interesting in itself, particularly in view of the recent efforts of American cities to deal with the social evil, some closing words may sketch the experience of the sixteenth century in the same matter. The ascetic spirit of the Middle Ages of course regarded prostitution with horror, and

yet the disparagement of marriage by the church and the creation of a large class of celibates certainly fostered the evil and connived at it as a necessary one. The concubinage of the clergy became a recognized condition. The same attitude towards prostitution in general was maintained in Catholic countries even after the Protestant Revolt; there was no thought of suppressing it, though men like Loyola might here and there found homes for the reclamation of fallen women.

When the attitude of the church was so lenient that of the state was even more so. Lorenzo Valla defended the institution, proclaiming that a prostitute was a more useful member of society than a nun. The Italian word *cortegiana* or "courteous lady," indicates as tolerant an attitude toward the profession of courtesan, as *bravo* or "brave man" does toward that of assassin. Most cities, not only in Italy but elsewhere, maintained public brothels. At Geneva in the fifteenth century, for example, the women were organized under a queen who was obliged to swear on the Gospels to perform her office faithfully. At the court of Francis I one of the salaried officials was the *gouvernante des filles publiques*.

The Reformation brought in a new spirit of ruthless hostility to the social evil as such. Houses of ill-fame were suppressed at Wittenberg as early as 1521, and this example was followed by many other Protestant towns. Luther was strongly in favor of this course, which he was the first to advocate in his *Address to the German Nobility* of 1520. Twenty years later he wrote a friend: "Have nothing to do with those who wish to reintroduce evil resorts. It would have been better never to have expelled the devil than having done so to bring him back again stronger than ever. . . . We have learned by experience that regulated vice does not prevent adultery and worse sins, but rather encourages and condones them." Melancthon held a similar opinion, believing that the magistrate had a right to suppress harlotry, though he apparently thought it not always wise to exercise this right, and pointed out that even if there were no law against it, the conclusion that the magistrate condoned it would not be valid. At Zurich under the influence of Zwingli the houses of ill-fame were allowed to remain, but were put under the supervision of an officer whose duty it was to see that no married men frequented them,—surely the strangest compromise ever made with the world, the flesh, and the devil. It is interesting to note that the economic factor, recently made so much of, was prominent four centuries ago. When the Reformers Bucer and Capito cleansed the city of Strassburg, the women drew up a

petition stating that they did not exercise their calling for the gratification of their wicked passions but solely as a means of earning their bread. Efforts were made to get honest work for the girls, and even to marry them, but how successful these were cannot certainly be told. As in other matters so in this Calvin's Geneva was the most uncompromising of all the Reformed cities. There the government, served by numerous officers and spies, was extremely efficient, and not only made laws against prostitution but strictly enforced them. The results of their efforts cannot honestly be called encouraging; notwithstanding the severe penalties inflicted for all kinds of immorality, the number of cases which came before the magistrates was appalling. The cities of London (1546) and of Paris (1565) and the realm of Scotland (1567) all made efforts to deal with the same evil, but they were not so drastic as those of the Germans and Swiss, and in all countries they were sooner or later abandoned. The suppression of the social evil has been found impracticable by all those governments which have tried it, and yet in no land can the present condition of things be regarded as anything but bad. Of all the problems at present facing the civilized world, none is more urgent and yet none more difficult than this.

As a whole the "blue-laws" have failed. It is true that there are still, in England and America, statutes forbidding deeds of a purely private nature because they are "to the high displeasure of God," rather than for the protection of the public. The law still prohibits certain acts because they are wicked rather than because they are likely to hurt others than those who do them. But, historically considered, these are abnormal survivals. Whether it is regretted or approved no candid student can deny that the tendency of modern jurisprudence is toward that maximum of individual liberty set forth by Mr. H. C. Wells in *The Modern Utopia* as the ideal. This of course does not mean anarchy, but the restraint of those actions only by which one man infringes on the liberty of another.