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Sunday Closing Law Exemption Limited to "Poppa-Momma" Stores

Defendants, employees of a corporation operating a chain of stores, were charged with violation of the Sabbath law for conducting business on Sunday. In finding the defendants guilty, the New York City Criminal Court *held* that the legislative exemption for those who had closed their stores in observance of a day other than Sunday as their Sabbath was intended to apply only to small, family-operated stores, and in the absence of a clear legislative intent, should not be extended to multiple-store operations. *People v. Korman*, 47 Misc. 2d 945, 263 N.Y.S.2d 511 (N.Y.C. Crim. Ct. 1965).

The New York Penal Law provides that Sunday, the first day of the week, shall be set aside as a general day of repose for the community.¹ This statute is the culmination of a long history of restraints imposed by the sovereign upon his subjects.

During the reign of Emperor Constantine, the Romans made the observance of the Sabbath a legal duty owing to the God of the Sun.² This legislation was "the product of that pagan conception, so fully developed by the Romans, which made religion a department of the state."³ This edict also provided for the first exemption from the Sabbath law, viz., the farmer was allowed to sow his grain or

plant his vines on that day.⁴

In England, although initially there were some general statutory prohibitions against working on Sunday, these were later restricted to the prevention of marketing on that day.⁵ It was not until the English Reformation that laws requiring the observance of the first day of the week as the Sabbath were promulgated.⁶ The Sunday law of Charles II was enacted in 1678 with the avowed purpose of enforcing religion in England.⁷ This act is regarded as one of the immediate historical antecedents of present-day Sunday legislation in the United States, and was the law in the colonies until the American Revolution.⁸ Although by the time of the first amendment to the Constitution nearly all statutes requiring church attendance had been repealed,⁹ the policy of the early statutes,¹⁰ viz., regarding the observance of Sunday, as a religious obligation, continued after the Revolution.¹¹ Each of the colonies had its own Sabbath law prohibiting Sunday labor.¹²

⁴ Johnson, *supra* note 2.

⁵ *Id.* at 134-35.

⁶ Lewis, *op. cit. supra* note 2, at 516.

⁷ 29 Car. 2, c. 7 (1678) as cited in Johnson, *supra* note 2, at 134-37.

⁸ *Id.* at 135-37. Two early exceptions to this law were the selling of meat in inns, and the selling of milk at certain hours on Sunday. Lewis, *op. cit. supra* note 2, at 520.

⁹ Note, 73 HARV. L. REV. 729 (1960).

¹⁰ Before this act Virginia had issued the first colonial Sabbath law in 1610. Like subsequent colonial Sabbath legislation, it provided for compulsory attendance at church on Sunday. *Ibid.* Punishments for Sabbath violation included fines payable in tobacco, imprisonment or public punishment in the stocks. Johnson, *supra* note 2, at 137-39.

¹¹ JOHNSON & YOST, SEPARATION OF CHURCH AND STATE 229-31 (1948).

¹² *Supra* note 9, at 729-30.

¹ N.Y. PEN. LAW § 2140. This general prohibitory section is subject to certain exceptions set forth in the succeeding sections of Article 192.

² Johnson, *Sunday Legislation*, 23 KY. L.J. 131, 133-34 (1934); Lewis, *An Historical Summary of Sunday Legislation*, in AMERICAN STATE PAPERS ON FREEDOM IN RELIGION 515, 516-20 (4th ed. 1949).

³ Lewis, *op. cit. supra* note 2, at 515.

The religious orientation of the Sabbath law is apparent in the case of *Stockden v. State*,¹³ wherein the court, in affirming a conviction for card playing on Sunday, emphasized that the playing of cards on that day was the gist of the offense, the object of the statute being to prohibit the desecration of the Sabbath. In another case, an Arkansas court declared that Sunday was "the Lord's day, and is one amongst the first and most sacred institutions of the christian religion."¹⁴

By the end of the eighteenth century, nonreligious arguments in support of the Sunday laws began to appear, and state statutes began to lose some of their totally religious flavor.¹⁵ It was argued that Sunday laws had as their "object the preservation of morals and the peace and order of society . . . [rather] than enforcement of the religious significance of the day."¹⁶

It was this attitude which served as the basis for the evolution of Sunday laws into secular statutes. The United States Supreme Court has stated that "laws setting aside Sunday as a day of rest are upheld, not from any right of the government to legislate for the promotion of religious observances, but from its right to protect all persons from the physical and moral debasement which comes from uninterrupted labor."¹⁷

This idea was reiterated in 1951 by the New York Court of Appeals, which declared that although the

Sunday laws may be said to have had a religious origin, our statute since 1881 . . . has also recognized that the first day of the week by general consent is set apart 'for rest,' in accord with the general experience of mankind that it is wise and necessary to set apart such a day at stated intervals for both the physical and moral welfare of the members of a State or community.¹⁸

In 1961, the United States Supreme Court, employing this rationale, upheld the constitutionality of the Sabbath laws.¹⁹ The Court reasoned that since both the federal and state governments have oriented their activity toward the improvement of the health, safety, recreation and general well-being of their citizens, Sunday closing laws have become part of government concern wholly apart from their original purposes.

The present purpose and effect of most of them is to provide a uniform day of rest for all citizens; the fact that this day is Sunday, a day of particular significance for the dominant Christian sects, does not bar the State from achieving its secular goals. To say that the States cannot prescribe Sunday as a day of rest for these purposes solely because centuries ago such laws had their genesis in religion would give a constitutional interpretation of hostility to the public welfare. . . .²⁰

¹³ *People v. Friedman*, 302 N.Y. 75, 79-80, 96 N.E.2d 184, 186 (1950), *appeal dismissed*, 341 U.S. 907 (1951).

¹⁴ *Supra* note 15. On that day the Court rendered two other decisions which upheld the constitutional validity of Sunday closing laws. These laws were attacked by the petitioners as violative of the first amendment, viz., that they prevented the free exercise of religion and that they tended to establish religion in the name of the state. *Two Guys v. McGinley*, 366 U.S. 582 (1961); *Braunfeld v. Brown*, 366 U.S. 599 (1961).

¹⁵ *Supra* note 15, at 445. The New York Court of Appeals in upholding the constitutionality of

¹³ 18 Ark. 186 (1856).

¹⁴ *Shover v. State*, 10 Ark. 259, 263 (1850).

¹⁵ *McGowan v. Maryland*, 366 U.S. 420, 433-34 (1961).

¹⁶ *Johnson*, *supra* note 2, at 151.

¹⁷ *Soon Hing v. Crowley*, 113 U.S. 703, 710 (1885).

The history of Sunday legislation in New York followed the established pattern. In 1695, the first major Sabbath law was enacted—"An Act against profanation of the Lords day, called sunday."²¹ Under this statute there was to be no traveling, servile laboring, shooting, fishing or sporting on Sunday. Among those exempted from the statute were physicians, midwives, those going to and from church and all free Indians within the province who were not of the Christian faith.

An early indication of the changing attitude toward the Sabbath law was the substitution in 1788 of "the first day of the week commonly called Sunday" for the term "Lords day."²² However, as late as 1861 a New York Court could still state that

every act done maliciously, tending to bring religion into contempt, may be punished at common law, and the christian sabbath, as one of the institutions of that religion, may be protected from desecration by such laws as the legislature, in their wisdom, may deem necessary to se-

its Sunday law stated that "it is not a law respecting an establishment of religion or prohibiting the free exercise thereof . . . it does not set up a church, make attendance upon religious worship compulsory, impose restrictions upon expression of religious belief, work a restriction upon the exercise of religion according to the dictates of one's conscience, provide compulsory support, by taxation or otherwise, of religious institutions, nor in any way enforce or prohibit religion." *Supra* note 18, at 79.

²¹ 1 Colonial Laws of New York 356 (1894). The earliest religious law was the "Conditions of the Burgomaster of Amsterdam of 1656" which required that the city furnish the colonists a schoolmaster who should read the holy scriptures in public. *People v. Hoym*, 20 How. 76, 79 (N.Y. 1860).

²² Laws of New York, 1788, ch. 64, at 766.

cure to the community the privilege of undisturbed worship . . . and this is not a duty to God, but . . . a duty to society and the state.²³

A major exemption from the present New York Sabbath law, and one that is common to other states, is that persons who consistently worship on a day other than Sunday are not, in general, subject to prosecution under the statute.²⁴ In this state, prior to 1957, this defense was held to extend to neither Section 2146 of the Penal Law, which prohibits trades and manufactures on Sunday,²⁵ nor to section 2147, which generally prohibits public selling on Sunday.²⁶ This statutory protection was to be utilized only as a defense to a prosecution for violating section 2143 by *laboring* on Sunday.²⁷ Thus, one who uniformly observed another day as his Sabbath was held to violate the act when he conducted business in his shoe factory,²⁸ sold uncooked meats²⁹ or operated a store.³⁰ However, the court, in *People v. Binstock*,³¹ formulated an exception to the general rule. There, the defendant operated a meat market in a Jewish community on Sunday. Upon a showing that

²³ *Lindenmuller v. People*, 33 Barb. 548, 567 (N.Y. 1861).

²⁴ N.Y. PEN. LAW § 2144. See also IND. ANN. STAT. § 10-4301 (1956); MASS. ANN. LAWS ch. 136 § 6(8) (1964); OHIO REV. CODE ANN. 37, § 3773-24 (Baldwin 1964).

²⁵ *People v. Adler*, 174 App. Div. 301, 160 N.Y. Supp. 539 (2d Dep't 1916).

²⁶ *Supra* note 18.

²⁷ *Ibid.*

²⁸ *Supra* note 25.

²⁹ *Supra* note 18.

³⁰ Anonymous, 12 Abb. N. Cas. 455 (N.Y. Sup. Ct. 1882); cf. *Commonwealth v. Has*, 122 Mass. 40 (1877).

³¹ 7 Misc. 2d 1039, 170 N.Y.S.2d 133 (Sup. Ct. 1957).

defendant kept Saturday as his Sabbath, and that there was not a single church in the area, the court held that the religious repose and liberty of the community could not have been disturbed. Thus, the statute was held inapplicable.³²

The prohibition against selling goods on Sunday, regardless of whether the seller kept another day as his Sabbath, led to hardship for many. In *People v. Finklestein*,³³ the operator of a small neighborhood grocery store, who uniformly kept Saturday as his Sabbath, was convicted for violation of the Sunday laws for selling goods not within the statutory exemptions,³⁴ even where it was shown that he could not survive economically if he were closed both Saturday and Sunday. The conviction was affirmed despite the fact that there was evidence that the opening of the store on Sunday did not offend the religious beliefs of those in the community.

In 1963, the New York Legislature reacted to the need for reform in this area by amending section 2147 to allow New York City to enact a law allowing those who observe another day as their

Sabbath to sell goods on Sunday. On September 19, 1963, the City Council enacted such a provision as part of the Administrative Code.

[I]t shall be lawful to conduct a trade or public selling or offering for sale of any property on Sunday, provided that the person who conducts such trade. . .

(1) . . . uniformly keeps another day of the week as holy time . . .

(3) That such labor, trade or business will be conducted . . . by the proprietor and members of his immediate family as the sole means of occupation of the proprietor, and

(4) So conducts such trade . . . on Sunday in such a manner as not to interrupt or disturb the repose of religious liberty of the community.³⁵

In *People v. Schwebel*,³⁶ the first appellate case decided under the new law, the court applied a broad interpretation when it reversed a conviction for violation of the Sunday closing laws. Defendant, owner of all of the stock of a corporation which sold lumber supplies, uniformly kept his business closed on Saturday, his Sabbath, but remained open and, with the aid of four employees who were not members of his immediate family, sold lumber on Sunday. Although it was evident that this was not a small proprietary store, the court held that defendant was

³² The mere fact that one conducts a private transaction with another without attracting the attention of other parties does not constitute a violation of the Sabbath law. *Eberle v. Mehrbach*, 55 N.Y. 682 (1874). Nor does the mere fact that one is an officer of a corporation bar his prosecution for violating this section. *People v. Oser*, 9 Misc. 2d 585, 170 N.Y.S.2d 277 (Magis. Ct. 1958).

³³ 38 Misc. 2d 791, 239 N.Y.S.2d 835 (N.Y.C. Crim. Ct. 1963), *aff'd*, 14 N.Y.2d 608, 198 N.E.2d 265, 248 N.Y.S.2d 889, *cert. denied*, 377 U.S. 1006 (1964).

³⁴ The sale of certain items is permitted on Sunday; such goods include milk, eggs, ice, soda, fruit, newspapers. N.Y. PEN. LAW § 2147(4).

³⁵ N.Y.C. ADMINISTRATIVE CODE § E51-1.0 (1963). (Emphasis added.) See *Krieger v. State*, 12 Okla. Crim. 566, 160 Pac. 36 (1916) for an early state decision in agreement with this policy. *But see Commonwealth v. Has*, 122 Mass. 40 (1877), where the court stated the general rule that the fact that defendant conscientiously kept the seventh day of the week as his Sabbath was no defense to the charge that he kept his workshop open on Sunday.

³⁶ 44 Misc. 2d 1035, 255 N.Y.S.2d 760 (Sup. Ct.), *aff'd*, 16 N.Y.2d 724, 209 N.E.2d 724, 262 N.Y.S.2d 107 (1965).

within the new statutory exemption. In reply to the People's argument that "family" does not include employees, the court declared:

The construction urged by the People would result in an unjust determination in favor of fruitful proprietors blessed with a large family as against those who are not so blessed, or against a woman proprietor of a store in competition with a man in a business which entails lifting heavy objects in a store.³⁷

In order to bring the defendant within the exception of the new law, the court broadly interpreted the phrase "to conduct a business" to mean to supervise, direct or manage others; the employees were thus under the supervision of the defendant who conducted the business. Thus, the statute did not proscribe the employment of others so long as the proprietor conducted the business. The opinion dismissed the People's second contention that the exemption only applied to individual proprietorships and not to those conducting a business in corporate form, since this interpretation of the statute might have been declared violative of the due process clause of the fourteenth amendment.³⁸

The dissent argued for a more limited interpretation of the statute. "The exception provided for . . . which permits certain trade or business on Sunday by a 'proprietor and members of his immediate family' who uniformly keep another day of the week as holy time, does not appear to be applicable to the facts of this case."³⁹

When the decision was affirmed by the

Court of Appeals,⁴⁰ it was hailed by many as providing relief to several thousand businesses operated by those who observed Saturday as their Sabbath.⁴¹ The decision also provoked some expression of skepticism. The prosecutor of the action stated that, in fact, the defendant operated a large business not intended to be within the coverage of the statute. Under the Court's ruling, it was felt that it would be difficult to determine which businesses would fall within this new exemption to the Sunday closing laws.⁴²

The problem raised by the prosecutor was partially answered by *People v. Korman*.⁴³ The facts were similar to those in *Schwebel*, except that here the corporate employer owned and operated three separate furniture stores. The defendants observed Saturday as their Sabbath, and the three stores were closed on that day. In finding the defendants guilty of violation of the Sabbath law, the Court refused

⁴⁰ 16 N.Y.2d 724, 209 N.E.2d 724, 262 N.Y.S.2d 107 (1965).

⁴¹ N.Y. Times, July 20, 1965, p. 35, col. 8.

⁴² *Ibid.* A few days before the *Schwebel* decision was affirmed, the state legislature enacted Section 2154 of the Penal Law, which took effect in August of 1965. This statute is substantially the same as the New York City law. However, § 2154 omits the language "as the sole means of occupation of the proprietor." In signing this measure into law, Governor Rockefeller vetoed a second measure passed by the legislature that would have extended the local option under § 2147-a on a statewide basis. N.Y. Times, July 21, 1965, p. 39, col. 8.

⁴³ 47 Misc. 2d 945, 263 N.Y.S.2d 511 (N.Y.C. Crim. Ct. 1965). Defendants here were charged with five separate violations. The last violation concerned an event which occurred after the effective date of § 2154 of the Penal Law. The court was thus interpreting both this new section and its immediate antecedent, N.Y.C. ADMINISTRATIVE CODE § E51-1.0 (1963).

³⁷ *Id.* at 1039, 255 N.Y.S.2d at 765.

³⁸ *Id.* at 1040, 255 N.Y.S.2d at 766.

³⁹ *Id.* at 1040, 255 N.Y.S.2d at 766 (dissenting opinion).

to extend the legislative exemption to a multiple store operation. Noting that the legislative history of the enabling statute was devoid of any mention or consideration of multiple or chain-store operations, the Court found that the legislators were concerned with bringing relief to the small neighborhood store described by the Court as the "poppa-momma" store.⁴⁴ The Court went on to declare that it is not the judiciary which should extend legislative policy. The heritage of the Sabbath and "the formulation of a fair and comprehensive law to safeguard its observance is but one of many social problems wherein the judiciary might well exercise restrained discretion by remanding all such social issues to legislative study and solution."⁴⁵ The question might well be asked, however, whether the Court, in *narrowly* construing the statutory exemptions, is not itself formulating legislative policy.

With the decisions in *Schwebel* and *Korman*, the courts are providing the guidelines as to what types of business operations will fall within the new legislative exemption. While a single store, under either a corporate or proprietary owner, may be exempt from the Sunday closing law if there are non-family employees at work, so long as the proprietor is conducting the business, the exemption will not apply to multiple or chain-store operations. These decisions still leave unresolved the determination of how large a business must be before it will be subject to prosecution under the statute. In addition, it would appear that the courts may have put themselves in an unusual

position inasmuch as the single store which they permit to fall within the exemption may do a volume of business several times that of a small chain-store operation.

The Court in *Korman* refused to extend the statutory exemptions declaring: "more appropriate means of achieving an orderly and comprehensive resolution of policy issues, for hearing and considering the views of *all* interested parties as well as all disinterested experts, are available in the legislative process."⁴⁶ However, the feasibility of broad legislative amendments is questionable. It is difficult to envision the legislature extending this defense, for example, to the manufacturing industry. If such an exemption were enacted, thousands of workers in New York City would be affected. If section 2154 were to extend to manufacturing, the repose and religious liberty of the community might well be seriously interrupted.

The Sunday closing laws have been criticized because they have a tendency to induce religious conformity by dissuading persons from practicing religions which observe a day other than Sunday as the Sabbath. The main basis for attacking such laws is, however, the contention that they represent an establishment of religion in contravention of the first amendment to the United States Constitution. Those who would justify these laws have stressed the secular benefits arising from one day of rest in a complex industrial age.⁴⁷ Those who do not accept this argument have offered few alternatives to

⁴⁴ *People v. Korman*, 47 Misc. 2d 945, 946, 263 N.Y.S.2d 511, 512 (N.Y.C. Crim. Ct. 1965).

⁴⁵ *Id.* at 948, 263 N.Y.S.2d at 513.

⁴⁶ *Id.* at 947, 263 N.Y.S.2d at 513.

⁴⁷ Note, 73 HARV. L. REV. 729, 735-36 (1960). *Cf.* note, 10 KAN. L. REV. 440 (1962).

the present legislation in New York. Certainly, total abandonment is not desirable since, without such laws, individuals might be motivated to work seven days a week in order to reap economic benefit. On the other hand, a law allowing people to choose their day of rest would be too difficult to enforce since violations would not be readily apparent.

New York, by broadening its exemption to include the small retail business whose proprietor uniformly observes a day other than Sunday, has progressed in treating businessmen equally. This exemption will extend to thousands of small businesses that were previously compelled, because of religious conviction, to remain closed on Saturday and, because of law, to remain closed on Sunday.

PSYCHOLOGY

(Continued)

4. sex: most studies have employed male subjects, although older accounts of drug addiction indicate greater incidence among women and current studies indicate sex differences in relapse behavior.

5. age differences: adolescents and men in their twenties and thirties have been listed as addicts despite the recognized phenomenon of "maturing out," and a possible distinction in the use of drugs by adolescents as a fad or symptom of rebellion.

6. different drugs and their different effects: for example, heroin has a derealizing effect as opposed to the stimulating and aggressive reactions to cocaine.

7. "abysmal" failure of treatment procedures and notorious relapse records: there is a sparcity of volunteers even for free psychotherapy.

Some clues for the psychologist working with the young narcotic user may be gleaned from this review of research. First, use of narcotics, especially marijuana, may be symptomatic of the adolescent's rebellion and search for identity,

in which case the psychologist should attempt to promote growth, and divert them from dangerous involvements. Secondly, use of drugs may point to dependency, immaturity, and poor sex identification. Thirdly, addicts' lack of constructive goals and vocational skills may suggest urgent need of vocational counseling and continual support during training. Finally, the psychologist should be wary of the manipulations and subterfuges of the narcotic addict, his proclivity to uncover too soon and his efforts to intellectualize, and help him assess the motivation behind his choice of narcotics, instead of, for example, alcohol.

In conclusion, the increased amount of study and improved quality of research in drug addiction in the last decade point hopefully to a discovery of solutions to the many unanswered questions about drugs, addicts, and addiction. Special attention should be directed to the patterns and factors associated with recovery and relapse. Increasing success in the treatment of mental illness should assist in reducing the number of persons susceptible to addictive drugs.

PHARMACOLOGY

(Continued)

Legislation now being formulated suggests that a statewide rehabilitation program be established. This may take care of the current addict—if a well-defined treatment is provided and if after-treatment supervision is rigidly enforced. But, again, it will not deter new addicts if they are still permitted easy access to the source of their pleasure. Neither will it prevent the high relapse rate, if the addict is only using such a system to reduce his physiological requirement.⁶ In addition, as Mr. Leon Brill has aptly pointed out:

⁶ See DRUG ADDICTION IN YOUTH (Harms ed. 1962).

too much emphasis cannot be placed on . . . the establishment of small experimental units carefully designed to learn answers to a wide variety of questions regarding drug addiction as against large service units, which, while serving an important humane purpose, invariably fall subject to public recrimination because of their fairly total lack of success.⁷

Finally, a program of basic research should be encouraged in this area to determine the biochemical mechanisms of addiction. In this way it would be possible ultimately to develop a treatment for the disease and perhaps to develop drug substitutes which would not have these insidious addicting properties.

⁷ *Id.* at 191.

LEGISLATION

(Continued)

an extension to study this new and growing menace of hallucinogenic drugs. In its report of March 31, 1966, the Committee had requested such an extension of its life. In its request, the Committee noted that much investigation remained to be done in two main areas—education and penology. The Committee report indicated:

In the field of education alone, there are many provocative and far-reaching proposals that merit intensive investigation. The Committee believes that an attempt should be made to answer these significant questions:

(1) Could a state-wide program in the schools, beginning on the junior high school level, of instruction against the evils and deleterious effects of experi-

mentation with, and addiction to, narcotics and drugs, produce a major breakthrough on the problem as a whole?

(2) Could a detailed survey on selected college campuses throughout the state, of the growing fad of smoking marihuana and experimenting with LSD and hallucinogens, furnish the proper authorities with an insight into why supposedly intelligent young men and women, few if any of them underprivileged, are exposing themselves to these admittedly dangerous, addiction-inducing narcotics and drugs?

In the matter of the punitive approach to the addict, there are many facets of such treatment which are worthy of a fresh and exhaustive exploration by a joint legislative committee such as this.

In its study thus far, the Committee

has been informed by qualified authorities that, on the whole, the incarceration of an addict in a penal institution for a time rarely leads to a permanent cure. In fact, testimony at public hearings held by the Committee repeatedly brought out the fact that many addicts voluntarily institutionalize themselves—which, to them, is in effect a form of self-incarceration—to kick their habits during the commitment, and then return to the world of addiction but on a smaller, less expensive level of dosage.

The Committee strongly believes that these two areas—education and penology

—call for a continuing investigation, which, with the inquiry the Committee has already accomplished, will produce not only a rounded evaluation of the problem, but suggest additional areas for study and possible legislation.

This, then, in summary, is an account of the various pieces of legislation that have been considered at the 1966 session of the legislature. Also, an attempt has been made here to indicate what lies ahead in the field of legislation relating to the problem of narcotic and drug addiction.

NATURAL LAW

(Continued)

ficient in-depth exposition or application.

Some scattered efforts by Catholic authors in the field of natural law do, nevertheless, provide a realistic hope for future renewal. We might mention, in particular, the groundbreaking endeavor of Josef Fuchs in his *Natural Law. A Theological Investigation*. This work has been regarded as a source book of contemporary theology since the German original appeared in 1955. This long overdue English translation of the 1960 French edition, marred though it is by inaccurate renderings and a stilted style, will provide valuable insights into both theology and natural law for readers who desire greater acquaintance with recent thought. Louis Monden's *Sin, Liberty and Law*,⁹ likewise

represents a step in the right direction, though the author sketches his themes only in broad outlines. Finally, three rather recent French works offer important contributions: Philippe Delhay's *Permanence du droit naturel*, Edouard Hamel's *Loi naturelle et loi du Christ*,¹⁰ and Jean-Marie Aubert's *Loi de Dieu. Lois des hommes*.¹¹ Although the latter two works depend heavily upon Fuchs, they do develop some of his points at greater length and add other material.

Reflection upon these works and incorporation of their insights will contribute much to the future renewal of moral theology, so urgently required. Other studies by specialists in natural law doctrine must, however, complement these achievements.

¹⁰ HAMEL, *LOI NATURELLE ET LOI DU CHRIST* (1960).

¹¹ AUBERT, *LOI DE DIEU. LOIS DES HOMMES* (1964).

⁹ MONDEN, *SIN, LIBERTY AND LAW* ch. 3 (1965).