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SAINT THOMAS MORE
(1478-1535)
THOMAS MORE — A LAWYER MARTYR

A READING of Dean Wigmore's article, "St. Ives, Patron Saint of Lawyers," published in the American Bar Association Journal, must have left with each reader a more profound sense of duty which we, as lawyers, owe to the public as well as to our associate members of the bar. It is undoubtedly true that for most of us it was the first time Saint Ives had been commended as a special intercessor to the members of our profession, as well as a model who "lived consistently an ideal life of service and sacrifice in the cause of Justice."  

This great lawyer, however, is not the only saint who chose the law as his profession or who sought through the opportunities so afforded to lay up for himself great treasures in heaven, and who now graces the Calendar of Saints. Several others who also were once prominent members of our noble profession and who honored it with their mastery of the law, coupled with a consideration of their own dignity, have similar claims to our entreaties for guidance and comfort in discouragement and lack of confidence which frequently surround us.

1 18 Am. Bar Ass'n Jour. 157.
2 18 Am. Bar Ass'n Jour. 160.
One of the most learned members of our profession, and an active practitioner, was Saint Alphonsus Mary De Liguori (1696-1787). This great Saint took his degree as Doctor of Laws at the age of sixteen, although twenty was the age fixed by the statutes. At the age of nineteen he began active practice in the courts. In the eight years of his career at the bar, years crowded with work and fast spreading and deserving reputation, he is said never to have lost a case. At the age of twenty-seven he was a leader of the Neapolitan Bar. His decision to give up a brief but renowned career came as a result of his defeat in a lawsuit in which a Neapolitan nobleman and the Grand Duke of Tuscany were engaged in a dispute over property of the value of approximately 500,000 ducats, or about $500,000. When the time arrived for the trial Alphonsus made a brilliant opening speech and rested, confident of victory. Before he had called a witness, however, the adversary said to him curtly: “Your arguments are wasted breath. You have overlooked a document which destroys your whole case.” “What document is that?” asked Alphonsus. The exhibit was handed to him. He had read it and reread it numerous times, but always in a sense contrary to that which it now seemed to bear. Promptly admitting his defeat, he left the court, saying, “World, I know you now. Courts, you shall never see me more.” After having witnessed a miraculous apparition, he thereupon placed his sword before a statute of Our Lady, making a solemn resolution to enter the ecclesiastical state. His work there, it is reported, greatly exceeded his brilliance at the bar.

Several others who likewise engaged in the practice of our profession, and who are also included in the Calendar of Saints with Saint Ives and Saint Alphonsus, were Saint Fidelis of Sigmaringen (1577-1622) and Saint Francis of Sales (1567-1622). The former, we are told, took the doctorate in canon and civil law and at once entered into active practice. He took such an interest in the poor that he was called the
"Advocate of the poor." The open corruption which found place in the law courts determined him to relinquish the profession and to enter the Church. This he did and shortly after was ordained a priest, whose saintliness made itself evident during his brief clerical ministrations.

Saint Francis of Sales was born in the Duchy of Savoy. He was admitted as a lawyer before the Senate of Chambery and was about to be appointed Senator. After a sharp struggle with his father, who had selected one of the noblest heiresses of Savoy to be his future wife, Francis declared his intention of entering the ecclesiastical state. Subsequently he received a high post in the patronage of the Pope and thereupon received Holy Orders. A frequent saying for which he was noted was, "If we must fall into some excess, let it be on the side of gentleness."

Some time ago Monsignor Ceretti surprised the Paris bar. He presented to them a picture of Pope Clement IV and recalled to the members of the profession that this Pope once practiced law in Paris.

The recent canonization, however, of Thomas More, former Lord Chancellor under Henry VIII, placed accrued emphasis on the duty which is the share of each member of our profession, as well as the beneficent providential recognition which necessarily results from the performance of a boundless charity and the attainment of the ideal of justice in real life. After four hundred years, his canonization took place on May 19th, last, the day and month of the canonization of Saint Ives. There appears little comparison between these two Saints in the form or method of practice which each chose. We are told that Saint Ives had the epithet "Advocatus pauperum" applied to him, due to his humane sympathy.

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3 Over forty thousand persons witnessed the canonization ceremony in St. Peters, Rome. Two thousand pilgrims from England attended the ceremony. All of the members of the English and Welsh hierarchy who could possibly go to Rome were in the procession of more than 100 Bishops. See The Universe (May 21, 1935).
for the poor, which gradually brought him fame throughout the country. The office he held in public life was confined to a judgeship which he occupied for a period of nineteen years. Most of his time was spent in leading an austere life, the performance of services gratis—which his humble charity dictated. His life in several respects was closely akin to that led by Thomas More. A comparison of the life of Saint Thomas More with that of Saint Ives indicates that the former similarly subjected his body to severe austerities. His son-in-law, Roper, thus writes of him:

“This Lord Chancellor, albeit he was to God and the world well-known of notable virtue (though not so of every man considered) yeat, for the avoiding of singularity, wold he appeare none otherwise then other men in his apparell and other behaviour. And albeit he appeared honorable like one of his callinge, yeat inwardly he no such vanityes esteeming, secretly next his body ware a shirte of heare; which my Sister Moore, a young gentlewoman, in the sommer, as he sate at supper, singly in his doublet and hose, wearing thereupon a plaine shirte, without ruffe or coller, chauncing to spye, began to laughe at it. My wife, not ignorant of his manner, percevinge the same pryvily told him of it, and he, beinge sorry that she sawe it, presently amended (it). He used also sometymes to punishe his body with whippes, the cordes knotted, which was knowen only to my wife, his eldest daughter, whom for (her) secrecy above all other he specially trusted, causing her, as need required to wash the shirte of heare.”

Saint Thomas More, honored by the highest office in England next to the King, that of Lord Chancellor, is likewise a patron of laymen. He was a model husband and father, a loyal servant of the King and of his country, and moreover, unwavering in his fidelity to God and the Church. It is, however, with respect to his attainments in the law with which we are presently concerned and of the splendid example of unselfishness to duty which he portrayed in his long and brilliant service in public life. He was born Friday, February 6, 1478, in London. His father, Sir John More, at the

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5 Various biographers place his birth on February 6, 1478; others on February 7, 1477. See: Hollis, Thomas More; Sargent, Thomas More. The most
time was a butler at an inn of court. This post, however, was not a menial one, but on the contrary was a stepping-stone to the higher elevation of practicing at the bar, for in 1517 he became a Judge in the Court of Common Pleas, and in 1520 was elevated to the King's Bench. In 1490 Thomas More was placed in the household of Cardinal Morton, Archbishop of Canterbury and Lord Chancellor. He attended Oxford in 1492, and several years later returned to London to study law. In 1496 he was admitted to Lincoln's Inn, and subsequently became a barrister. While his life began as a simple lawyer, his legal talent and attainments soon carved out for him a career seldom equalled. Shortly after being elected a Member of Parliament, he married Jane Colt. Of this marriage were born three daughters and one son, "in vertue and learning brought upp from their youtehe, whom he wold often exhorte to take vertue and learning for their meate, and play for the sawce." In 1510 he was made Under-Sheriff of London. He was a Bencher of Lincoln's Inn, 1511-1515. It was in 1516 that Thomas More was urged by the King to give up his legal practice in the City and come to Court. He accepted, although against his will, for he wrote later: "Into the Court and the Royal service, as the King himself often states, I was drawn against my will. With the greatest possible reluctance did I accept this new dignity."

It was about this time that he published his book called "Utopia." The book, in the form of a story of two books, was a short treatise beginning as an interesting account of
Thomas More's meeting with Raphael Hytholoday, a Portuguese traveler. It is a fascinating narrative, full of subtle irony, in which a careful analysis is given of the wrongs existing in England immediately prior to the author's obedience to the King's urge to give up his legal practice and come to Court. To many readers this work is the only one of the Saint that they know. Regardless of how the book is to be taken, it is clear that Thomas More believed that human society in general could be much more reasonably ordered if only money was not regarded as the only important commodity or worldly position as alone deserving honor. Communism, he maintains, leads to the destruction of all authority and reverence. He wrote later that the plea "that all lands and all goods ought by God's law to be all men's in common" was an "abominable heresy." It is interesting to note that the author's words find much support in the reasons put forward by Pope Leo XIII and Pope Pius XI in condemning socialism and communism.

In his "Dialogue of Comfort Against Tribulation," written while waiting for the message to summon him to execution, in speaking of money and riches he says:

"If a man keep riches about him for a glory and royalty of the world (in consideration whereof he taketh a great delight and liketh himself theretofore the better, taking the poor for the lack thereof as one far worse than himself) such a mind is very vain, foolish, proud, and such a man is very naught indeed." 8

Once attached to the Court his rise became rapid. He was soon made Privy Councillor, and in 1521 he was knighted by the King. Made Speaker of the House of Commons in 1523, on the recommendation of Cardinal Wolsey, Lord Chancellor, he was presented to the King, Henry VIII, for the necessary royal approbation. Upon his appointment as Lord Chancellor, Thomas More immediately applied himself to the vast amount of cases with diligence and im-

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8 Hollis, op. cit. supra note 5, at 75; Chambers, op. cit. supra note 5, at 313.
partiality. So expeditious was he that on one occasion all the outstanding cases were finished. “Thanks be to God” cried the Lord Chancellor, “that for once this busy tribunal is at rest.” A punning rhyme recalls the fact:

“When More sometime had Chancellor been
No more suits did remain.
The like will never more be seen
Till More be there again.”

His indefatigable zeal to see justice done caused certain persons apparently anxious to please the King, after royal favour had been lost, to charge the Lord Chancellor with corrupt practices. In no case, however, could the charge be substantiated. His religious adherence to duty as he saw it is illustrated by complaints of his own relatives that they found no favour at his hands, for, as he said, “If the parties will at my hand call for justice, then were it my father stood on the one side and the devil on the other side (his cause being good) the devil should have the right.”

It was during his speakership that Thomas More gave added indication of his great devotion to duty as a public servant. In his history of the Speakership, entitled, “The Speaker of the House,” Michael MacDonagh, former Chairman of the Press Gallery of the House of Commons, referred to Sir Thomas More as “the greatest man that ever sat in the Chair of the House of Commons.” One of the most historic parliamentary scenes occurred during his speakership. The King had demanded the enormous sum of £800,000, to be raised by a heavy tax on all men’s lands and goods, for the prosecution of the war with France. Anticipating the opposition of the independents in the House, Cardinal Wolsey attended the meeting of the Commons and in so doing committed a tactical error which contributed to his subsequent defeat (caused by numerous failures to accomplish the King’s desires), and in that defeat Thomas More’s well-

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earned honor in successfully “meeting the challenge.” After having made a masterful address, the Cardinal, in answer to questions put to various outstanding members, received only a resentful silence in return.

The Cardinal then began to speak to one Master Marney (afterward Lord Marney): “Howe say you,” quoth he, “Master Marney?” There being no answer forthcoming he severally asked the same question of others “accompted the wisest of the companye.”

“To whom when none of them all wold geene so much as one word, being before agreed, as the costume was, by their speaker to make awneswer: ‘Maisters,’ quoth the Cardinal, ‘unless it be the manner of your house, as of likelihood it is, by the mouth of your speaker, whom you have chosen for trusty and wise, as indeed he is, in such cases to utter your mindes, here is without doubte a mervailous obstinate silens.’”

Upon being addressed by the Cardinal, the Speaker, reverently falling on his knees, “excusinge the silence of the house, abashed at the presence of so noble a personage, able to amase the wisest and best learned in a realme, and after by manye probable arguments proving that for them to make awneswer was it neyther expedient nor agreeable with the auncient libertie of the house, in conclusion for himselfe shewed that though they had al with their voices trusted him, yeat excepte every one of them could put into his one head all their severall wittes, he alone in so waigtye a matter was unmete to make his grace awneswer.”

The Lord Chancellor departed in a rage. That evening, after parliament ended, the Lord Chancellor encountered the Speaker in the former’s gallery at Whitehall in Westminster.

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10 Roper, op. cit. supra note 4, at 18, 19.
11 Roper, op. cit. supra note 4, at 18, 19.
"Wold to God you had bine at Rome, Master More, when I made you Speaker." "Your Grace not offended, so wold I too, (my Lorde)," replied the Speaker.\textsuperscript{12}

In revenge for the displeasure which the Lord Chancellor had suffered that day he counselled Henry VIII to send the Speaker as Ambassador to Spain and commended to his highness the "wisdome, learning and meetness of that voydage." Upon being notified of his possible appointment the Speaker pleaded with the King that if his grace sent him there "he should send him to his grave." The King, however, "bore him great favor" and instead made him Chancellor of the Duchy of Lancaster. At the same time Thomas More gradually realized the insecurity of kingly favor. Not infrequently did the King come to his home at Chelsea, and after dinner walk with him "holdinge his arme aboute his necke." Roper, who witnessed much of this kingly favour, says he told "Sir Thomas More how happy he was, whom the king so familiarly entertayned, as I never had seen him doe to any (other) excepte Cardinal Wolsey." To which Thomas More replied, "Howbeit, sonne Roper, I may tell thee I have no cawse to be proud thereof, for if my head (could) winne him a castle in France, (for than was there warre betweene us) it should not faile to goe."\textsuperscript{18}

Upon the resignation of Wolsey as Lord Chancellor the King sent to him a message that he was not displeased with him. Lord Chancellor More received the same message on his resignation. It is unlikely says one of his biographers that the Lord Chancellor expected to meet with any greater reality of favour than his predecessor. "What men call fame," Lord Chancellor More afterwards wrote, "is after all but a very windy thing."\textsuperscript{14} The expression is indicative of two things—the want of confidence in himself, and of the placing of hope in God. Indeed, Thomas More was not so-

\textsuperscript{12} \textit{Roper, op. cit. supra} note 4, at 19.
\textsuperscript{13} \textit{Roper, op. cit. supra} note 4, at 21.
\textsuperscript{14} \textit{Holles, op. cit. supra} note 5, at 151.
licitous for the shadow of a great name or for the familiar friendship of many, or for the particular affection of men—matters which frequently distract and darken the heart. Realizing that he need not answer for others but only give an account of himself, why therefore need he meddle with them? His attitude toward the tinsel offered by the world is expressed beautifully in a Godly meditation written by him while he was prisoner in the Tower of London in 1534.\(^\text{15}\)

Sir Thomas More succeeded Cardinal Wolsey as Lord Chancellor in October, 1529, and three years later, his resignation, due to the conflict between Henry VIII and the Church, he as Lord Chancellor in the meantime having stood firm, was sent to the King. His resignation was not without thought. He knew what results would attend his action, but choosing rather to suffer death than accept the supremacy of the King in things spiritual he voluntarily and in obedience to his God, his love of devotion to an honest duty, welcomed the end which followed three years later. His imprisonment in the Tower followed his refusal to take the Oath of Supremacy in 1534.\(^\text{16}\) About the first of July, 1535, he was tried for high treason and sentenced to death. On July 6th of the same year he was beheaded on Tower Hill.

With all his important duties even while Lord Chancellor, Thomas More found time through apparent miraculous

\(^{15}\) "Give me Thy grace good Lord.
To set the world at naught,
To set my mind fast upon thee.
And not to hang upon the blast of men's mouths.
To be content to be solitary,
Not long for worldly company
Little by little to cast off the world,
And rid my mind of all the business thereof.
Not to long to hear of any worldly things,
But that the hearing of worldly
Phantasies may be to me unpleasant.
Gladly to be thinking of God,
Piteously to call for His help,
To lean unto the comfort of God,
Busily to labour to love Him."

\(^{16}\) CHAMBERS, \emph{op. cit. supra} note 5, at 301-4.
means to devote much of his energy to written expressions of his religious devotion. Of him, more truly than of the Greek dramatists, can it be said that he “saw life steadily and saw it whole.” He seemed to vision also the higher, more genuine and most lasting reality of what ought to be and of what can be. The very fact that after four hundred years he is remembered and honored as the complete and representative Catholic lawyer speaks to us both in warning and encouragement. Knowledge of the law, we are told, is something spiritual, and the use of that knowledge accomplished by the work of the body.\footnote{ST. THOMAS AQUINAS, SUMM. THEOL. Part II (Second Part) Q. 71, Art. 4.}

In this Thomas More appears to have been twice blessed. His genuine Catholicity, an ever-increasing devotion to the spiritual coupled with an indefatigable zeal accomplished only by superhuman efforts, enabled him to excel in his profession for the public good. His example is an excellent ideal for all lawyers to strive towards. The centuries that have elapsed since his martyrdom have but enhanced his fame. “No one,” wrote Erasmus in a letter in praise of Thomas More, “is less led by the opinion of the crowd, yet no one departs less from common sense.”\footnote{EPIST. ERASM. 447.} He was honored for his wisdom in every court abroad and esteemed and loved by the common people at home for his even-handed justice.

It has been well-said that the law is in a great measure a Catholic heritage. The fundamental principles are those of Catholic morality. Undoubtedly, much of the zeal of Thomas More to excel in his profession and in the tempering of the law to the cases presented to him was derived from his understanding of the teachings of Saint Thomas Aquinas. That he was more than ordinarily familiar with that saintly character and majestic intellect is accounted for by one of his biographers\footnote{HOLLS, op. cit. supra note 5, at 13.} who quotes from Thomas More’s work “Confutation of Tyndale,” wherein he says:
"That holy doctor, St. Thomas, a man of that learning that the
great excellent wits and the most cunning men that the Church of
Christ hath had since his days, have esteemed and called him the
very flower of theology and a man of that true perfect faith and
Christian living thereto that God hath Himself testified his holiness
by many a great miracle and made him honored here in His Church
in earth as He hath exalted him to great glory in Heaven; this glorious
Saint of God." 20

In his treatise on The Effect of Law, Saint Thomas Aquin-
as says, "A law is nothing else than a dictate of reason ..." 21
Again, "the force of law depends on the extent of its jus-
tice." 22 The end of law is for the common good and should
be framed, not for any private benefit or gain, but for the
common good of all citizens. Its enforcement, it likewise fol-
lows, should be applied alike to all. Its very traditions are
the Catholic concepts of justice and charity, to each man
shall be rendered his just desserts, the protection of every
individual in his God-given right of life, liberty and the
pursuit of happiness; the ample protection of his property
rights in his labors, as announced in the Encyclicals of Pope
Leo XIII and Pope Pius XI, and to guard these sacred
rights against unjust aggression.

It would appear to be appropriately as well as remarkably
fitting for all Catholic lawyers to foster and perpetuate the
教学 of the Church and of its influence on the civil law,
legislation and the administration of government, and of
equal importance to listen to the Angelic Doctor, Saint
Thomas Aquinas, patron of schools, discoursing on the true
meaning of liberty, on laws and their force, in obedience
to the highest orders.

20 Sargent says of Thomas More's familiarity with the teachings of Saint
Thomas Aquinas: "Although he is not usually thought of as a Thomistic theo-
logian, he knew St. Thomas Aquinas so well that he said when he heard the
argument of some opponent of his: 'That is merely the objection which St.
Thomas at such-and-such a chapter quotes in order to refute it.'" SARGENT, op.
cit. supra note 5, at 165.
21 SUMM. THEOL. Part II (First part) Q. 92, Art. 1.
22 Ibid. 2. Art. 95, 2.
The canonization of Thomas More comes as a most apposite reminder of the vital importance of admitting the signs of the times and of taking vigorous action before it is too late. May his prayers and his high example prove more potent amongst the members of the bar of the twentieth century than did his heroic martyrdom among his contemporaries of the sixteenth. May he also pray for us that we may be not too unworthy followers of the high example he has set for us.

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