

THOMAS MORE, AS A PUBLIC FIGURE.

*Lecture delivered by Sir Peter Rawlinson
during the Thomas More Congress in Angers
Thursday 14 April 1977.*

When the Duke of Norfolk, Lord Treasurer of England, visited Chelsea Parish Church he saw his colleague the Lord High Chancellor of England singing at Mass in the parish choir.

“God’s body”, he exclaimed, “God’s body, my Lord Chancellor... A parish clerk! A parish clerk!”

The words express, probably, the genuine bewilderment, as well as reproach, felt by a pragmatical down-to-earth self-seeking fellow Minister at the humility and simplicity of the greatest man ever to bear the Great Seal of England.

Some four years later the same nobleman, sitting upon the Commission to try his former colleague in Westminster Hall (and probably equally bewildered by Thomas More’s refusal to obey the King’s demand to accept the King’s new title of Supreme Head, and at his defence) commented : “We now plainly see that ye are maliciously bent”.

What is plain to us to see is that Norfolk did not “see” and did not understand, as he had never understood, the man who was once his colleague. To the very end the colleagues, even friends, of Thomas More still failed to understand that for Thomas More there existed a loyalty superior to that which he and they owed to Caesar.

One week ago this morning, I passed that Church where the Lord Chancellor sang as that “parish clerk”, which so offended the Duke. One week ago this evening, I passed on my way from the Debating Chamber in the House of Commons through the great Hall at Westminster (built some eight hundred years ago) and I stopped at the plaque which marks where Thomas More stood over 440 years ago when he faced his judges, and doubtless smiled

sadly at Norfolk's comments.

Above my head was the great roof with its hammer beams, timber hewn from the New Forest where William Rufus died from the mysterious assassin's arrow. Before me, rose the great west window on either side, the stone walls rising to the wooden roof. Because it was night, and empty, and silent, and only partly lit, around me I could feel the spirits of many remarkable Englishmen, including a King, who had passed through that place to their deaths. For at night that Hall is a sinister place.

But my thoughts were only for that day of July 1st 1535, when the two Courts of Chancery and King's Bench were flung into one and a Lord Chancellor was tried, a precedent for the trial of that King one hundred years later. I thought of how the one Court formed on that day perhaps covered the spot where the prisoner, Thomas More in happier times as Lord Chancellor on his way to his Court of Chancery knelt to receive the blessing of his father, a Judge of the King's Bench.

Above all I seemed to hear what passed that day in that Court 400 years ago, and seemed to hear the voice of Richard Rich and the cross-examination by the prisoner -- a cross-examination so deadly to the honour of that most vile of Solicitors General. I seemed to hear those great words spoken by More in rebuttal of the indictment :

"For as much, my Lord, this indictment is grounded upon an Act of Parliament directly repugnant to the laws of God and His Holy Church, the supreme government of which, or any part thereof, may no temporal prince presume by any law to take upon him, as rightly belonging to the See of Rome, a spiritual pre-eminence by the mouth of Our Saviour himself, PERSONALLY present upon the earth, only to Saint Peter and his Successors, bishops of the same See by special prerogative granted. It is therefore in law amongst Christian men insufficient to charge any Christian Man".

Then, later, the uneasy, but shrewd, reply of Lord Fitzjames the Lord Chief Justice to Lord Chancellor Audley :

"I must confess that if the Act of Parliament be not unlawful, then is not the Indictment in my conscience insufficient".

Finally those last words, words which even those venal Commissioners appointed to try him can surely never have forgotten -- those Commissioners whose names sound like the roll of English chivalry called by Henry V upon the eve of Agincourt , only *they* were a roll of honour and not, as here, a roll of infamy:

Lord Chancellor Audley ;
The Dukes of Norfolk and Suffolk ;
The Earls of Huntingdonshire,
of Cumberland,
of Wiltshire ;

Lords Montague,
Rochford
and Windsor ;
The 2 Chief Justices ,
The Judges,
and Thomas Cromwell.

These were the Commissioners who two weeks earlier had condemned John Fisher, and among whom were numbered the father, uncle and brother of Anne Boleyn whose Coronation the prisoner had so demonstratively ignored.

And those final words, which they heard from More, will surely forever haunt the stones and beams of Westminster Hall :

"So I verily trust and shall therefore right heartily pray, that tho' your Lordships have here in earth been Judges to my condemnation, we may yet hereafter in heaven merrily all meet together to our lasting salvation".

As I stood there in that mysterious place amid the dark

shadows cast by the twentieth century lights in that dramatic hall, through which twentieth century Ministers and MPs daily pass, I could imagine the bent, bearded frail figure, moving slowly and courteously out to the river, the Tower, and to martyrdom. Perhaps that worldly Duke of Norfolk, when he lay some twelve years later a prisoner in the Tower (doubtless praying for, and being granted, unworthily, the death of the King) he remembered the "Parish Clerk" Lord Chancellor, and understood what Thomas More sought to teach to all public men then and thereafter, -- that a power exists superior to the State they serve.

Those words I have repeated this morning are well-known to all of you. But they can never be repeated too often. They epitomise the public man of whose public life I speak today. For Thomas More is the especial Saint, not only of all Englishmen and of all lawyers, but of all public men whose lives take them into the service of the State. But you must forgive a particle of chauvinistic pride, when I emphasise that he was, in essence, the most English of men who ever played a major part in the public affairs of our Nation.

What then does he teach us, his disciples and his followers? To some, public service is a desire and a need -- a fulfilment, the only fulfilment of restless ambition and spirit. It is, however, a worthy and honourable pursuit, that of the leadership of the community in which a man lives. To others, public service is a duty, a hard duty that everyone, in any society, must for some part of their lives perform if they are to justify the reason for their lives.

Certainly in the 16th century, and for long thereafter, public service brought with it the chances of truly glittering prizes -- position, title, wealth, land. But with the prizes went the attendant risks of abrupt turns in the wheel of fortune. In place of banqueting hall and musicians gallery, came very swiftly the stench of imprisonment in the Tower, the scaffold, or worse -- Tyburn tree.

Nowadays the circumstances of public life are obviously very different in form and degree, at least in what remains of free Christendom and the Great Republic across the Atlantic. Yet even in those societies the shifts of fortune can still today be abrupt.

Even the greatest in position can, in so short a time, find themselves wandering along a Californian beach, dishonoured and despised, close servants or ministers, in prison -- although, apparently, awaiting a rich reward in royalties, and books, and fees for cosy chats on Television! Such are the "mores" of today.

In totalitarian countries, the consequences of fall more closely resemble the 16th century.

Whatever the rewards of public life, the dangers and hardships remain, even today, even in the Western World. How easy, then, the rôle of author or even of a literary or political or religious controversialist, snug in his library or in his study. Not for him personal, physical confrontation. Not for him, nowadays, even the contest of the modern hustings. Rarely will he receive abuse from fellow commentators, and certainly no physical insult. For that is ever the more comfortable, more safe rôle, -- the rôle enjoyed by the Observer, or the armchair critic throughout the ages. Not for him discomfort, not for him danger. Not for him exposure to all the direct temptations of power, that most insidious of weapons in all the devil's armoury. Some controversialists have power, but it is power without responsibility -- "the prerogative of the harlot throughout the ages". But to some, who sit or dispute or criticize in the comfort of home or office and never venture into the lists, there perhaps sometimes may come the memory of the parable of the man who buried his talents in the ground: and they may reflect and wonder if their reluctance has come from cowardice, or timidity, or idleness. They are the men who, in every age, turn their backs upon the burdens of public duty and shrink from the rigours of effort and responsibility in public service. As Edmund Burke said: "All that is necessary for the triumph of evil is that good men do nothing."

What in modern times is true was much more true in the 16th century, when the temptation to shrink from the real terrors and dangers of public service was far greater. How easy, how attractive, to settle for the life of historian, of academic, safe, surrounded by friends and family, discussing and disputing and composing, comforted, of course, by great devotion to religion; but hiding

from the gales of the revolutionary 16th century world ; feeling, even expressing, sorrow at the new styles ; but ultimately accepting the New Order ; and so surviving amid the joys of family and bodily comfort and ease !

Or, alternatively, how easy to settle for the mere practitioner of the law, applying, learning, following professional standards with high integrity, and justly applying the statute and the law made by King, Council and Parliament, be it what it may. Although certainly a degree or two more "public" than the study and the library, yet more tranquil than the terrors and fierceness of the public political forum.

For, in every age, there is a wide distinction between engaging in rational argument, in sensible debate, oral or written, between observers or philosophers of equal intellectual integrity, affording opportunity for the application of learning and scholarship, dealing in controversy conducted in conditions of gentlemanly differences ; and participation in the field where men's very lives are the stakes, amid public affairs, ever shifting and changing, managing the others, persuading, cajoling them to follow causes to which few are inclined, but from which (it is believed) many will advantage.

The practise of politics, the Art of the possible, is ultimately the most real of all human activities in every age and in every time. And in any age, the most difficult. According to a distinguished modern journalist :

Politics is not a prize-giving or a garden fête. It is the attempt to reconcile the all too discordant appetites, wills, interests and aspirations of men -- whether men in mass or individual men in the closets of power -- in no more than the hope that any decision will at least be in the direction of the people's good.

To illustrate what that means, even in modern, respectable times, a modern English Prime Minister, in a speech to the members of the Royal Academy 40 years ago, jocularly remarked in comparing the artist with the statesman in the 20th century :

Your instruments by which you work are dumb pencils or paints. Ours are neither dumb, nor inert. I often think we rather resemble Alice in Wonderland who tried to play croquet with a flamingo instead of mallet.

For in great issues of State, again throughout the ages, men who seek to serve the public must always be conscious that the task to which they have set their hands will always be the most dangerous. But if men like More had in his time played the academic, the pamphleteer, alone, what hope can there ever be for the Good and for the Just ?

One, therefore, of the reasons why Thomas More will always remain the exemplar for all Englishmen who seek public service, is that he forbore his natural inclination and subdued his personal taste to study, to teach, to reflect, to pass his time in agreeable intellectual and spiritual pursuits ; and, instead, he chose the heroic path and went out into the storms of the world.

But if he forbore much that his natural inclination led him to, one thing he never ever forbore : and that was to pray, Just because he knew that he must resist the temptation to settle for a life of quiet reflection and give his talents to public work, so he also knew how much that life needed the strength afforded only through prayer, -- so the singing in the parish choir !

This is one important facet of this remarkable human being that makes him still so relevant, still so immensely relevant, to modern man. For he teaches us all the lesson that, especially in times of great trouble, of present or threatening revolution, no man should flinch from duty to serve.

Before, then, we even contemplate what he taught those who followed him in the public life of England, it is worth studying the mundane and worldly (in best sense) example that his life affords, of how he bore himself in the world and in the transaction of public business in Council, in embassy, in office.

He certainly taught public men the importance of style and poise, of how to walk with kings and not lose the common touch. He taught the need for good humour even in moments of extreme

seriousness, and with that good humour ease of address, after which many an Englishman subsequently has sought, thus in a sense founding a tradition. He taught the importance of facility in debate, upon which the English tradition (with that of law) again has so greatly turned, perhaps over much, - so that skill in debate is too great a significance !

Also, he taught the need for the acceptance of the authority of the State, although we shall come to the limits which his death taught must be imposed upon the authority of any state. So, in this fashion, a gentleman although not noble, he moved among the grandees of the time, among the natural counsellors of a dictator-king, with the ease of a man sure in himself and in the standards he set himself.

How distant it all is to us, and yet how close ! The education in manners, affairs, and debate : University, the Inns of Court, Parliament, the Privy Council... The issues, stakes, and dangers may be dissimilar and were far graver, and yet they mysteriously seem the same. Witness the threat of Christendom :

- the division of Christendom
- the new thinking, which would, by apparently liberating men, enslave them.

Is it all so very different from what we in our time have faced and must yet face ?

Then, apart from style and manner, the acceptance of the responsibility to exercise power, although power by its nature has to be exercised by some, in itself its possession spells danger even for the righteous. For it enjoys the most terrible and facile influence to corrupt, and not only in its evil demonstrations. A public man must accept the obligation to wield power. But the power to help or favour, to befriend or assist, even to promote what is thought to be good and excellent, can also corrupt. Once exercised, its possession can so easily become enjoyable : its absence would be painful, like withdrawal symptoms during Lent ! And with its constant application, so easily marches Pride.

So the Parish Clerk Lord Chancellor tried to teach his contemporaries (with singular lack of success with his ducal critic) of

the essential triviality of what the World calls greatness. But that did not mean that Thomas More did not recognise the necessity of men exercising power over others. He shewed that the proper use of power required the greatest personal self-discipline. For Thomas More knew the value to men of ceremony. He knew that Caesar was entitled to his eagles, and to his standards, and to his brass trumpets. He recognized that the State, and the officers of the State, must work amid the trappings of greatness, - that men need to see that the authority under which they live has the outward representation of power, so that the more readily they can recognize and acknowledge not only what is owed to authority, but also what authority owes to them. Thus the King his Crown and Sceptre : the Lord Chancellor his Seal and Chain, and the priest his vestments. How foolish it is to deny men these manifestations. How rash of State, or nowadays, alas, Church to refuse man the colour, the music, and the mystery. The "ceremony that surrounds the King" : the ceremony that surrounds the Mass. So Thomas More, as he moved ever higher in the hierarchy of the society in which he lived and worked, accepted this duty, acknowledged this need. And yet, so as ever to be reminded of the triviality of this worldly necessity, he, for himself, wore next to his skin, mentor to any chance of pride, disguised beneath his finery, the bloodstained shirt of hair beneath the velvet robe and golden chain. To any Catholic who, centuries later, vastly more humbly, intensely less wisely, greatly less honourably, without his grace, his courage, his saintliness, treads some of the paths which he trod, he is ever present.

He is the apt example for every public man. But particularly for the Englishman who four hundred years later follows in the professions he practised, because the institutions (what Isaiah Berlin called "the plinths of civilisation") in England which nourished him, or which he served, remain very much the same. So, as you join your Inn of Court, the face of the Reader is his ; as you plead your first case, in Courts of King's Bench or Chancery, the face of the Judge is his ; as you take your seat in the House of Commons, the face of the Speaker is his ; as you swear your oath on joining the Privy Council (an oath now amended for Catholics

so that offensive reference to foreign prelates is eliminated) your voice is the voice of him.

He is the example non-pareil, the man who demonstrated with his life and his death that no Parliament, no law, no sovereign, no office, no wealth, no position, no title, subverts the prime loyalty to principle, to faith, and to God.

In England, the practise of the law has ever been the honourable pursuit of men whose intellectual and temperamental bent leads them towards public service. Long before the 16th century the English put greater store than other parts of Europe upon the pre-eminence of law.

In the 18th century, François Marie Arouet (better known as Voltaire) remarked that :

To be free implies being subject to law alone. The English love their law in the same way as a father loves his children because they created it themselves, or are at least under the impression they created it.

The law, which the English loved because they believed they had created it, had not developed very greatly by the 16th century as it did thereafter. But the common law existed. It was a significant and vital influence governing the lives of Tudor Englishmen. Save the law of Treason which, as we shall see, was arbitrarily applied by King and his Council.

We can thank heaven that old Sir John More, and the natural physical inclination of Thomas, led him away from the contemplative life of the religious, and he became the lawyer and not the priest. Thomas More's early skill in debate, his charm (so attractive to the king), his command of language, must have made him into a remarkable advocate.

When he became a judge, as the Lord Chancellor is a judge, he brought to the law that wider Christian compassion that led him into the use, and thus the development, of the new Chancery injunctions, the use of Equity, which means the application of what the judge feels is right and just over the forms and precedents, often over rigid, of the Common Law. Thus his use of injunction to bring judgments into his personal jurisdiction, over-

riding the jurisdiction of the judges whose objections and claims to apply the law he had to assuage with charm at dinner.

The just judge knew, before the phrase was coined, that "justice delayed is justice denied". So he dealt with the accumulations of work, built-up by the preoccupations of the Cardinal of York, Thomas Wolsey, preoccupations with affairs of State to the detriment of humbler people's disputes and troubles. Thomas More became "the righteous judge, and true friend to the poor".

In his short Chancellorship, over which hung the threat of the King's Great Matter and the conflict with the Church, it is this emphasis upon the professional as opposed to the political aspects which prevailed. It was as though the Lord Chancellor (who had received the king's promise to be allowed to abstain from close involvement in what had then become the prime, central issue facing the king's Government or Council, in which the Lord Chancellor was the first counsellor) thrust himself into this part of his duties conscious of the conflict, by then much larger than a man's hand, which threatened the realm, and upon which he knew he would eventually have to make his stand.

Lord Chancellor More did not sign the letter of 1530 urging the Pope to declare the marriage of Henry and Catherine void. The Lord Chancellor did introduce to Parliament the King's Great Matter in 1531, but in words and form which could have left the Parliamentarians in little doubt where stood the first subject in the realm.

When the resignation and withdrawal from public service followed in the next year (after the consent of the clergy to the articles before Canterbury depriving it of the power to enact constitutions without the king's consent) there can have been little doubt in his mind of what shortly he would have to face. I cannot believe that when he wrote to Erasmus in June 1532 of his hope to enjoy being freed of public business so that he might have some time to devote to God and himself, he felt he would have much time. If the "field" had not yet "been won", he knew that the joust was soon to begin.

Thus as the short respite commenced, and the interrogations were imposed upon him, there remained for him as the

lawyer and the public man two tasks :

first : at any trial to demonstrate any distortion of law and justice, and to reveal to those then alive who had ears to hear and opportunity to learn, the tyrannical application of the law of Treason by King and Council as a political exercise by the State of the weapon of judicial murder ;

and second : when the inevitable result had been, however unlawfully, perpetrated to give his testament, and to demonstrate and reveal the real threat to Christendom posed by the king, and the destruction of the admittedly frail, but still subsisting, unity of Christendom under the papacy, - and Thomas More would do this despite the unworthiness of the men who so recently wore the Triple Crown.

Thus, then, he set out to accomplish his final public tasks. First, to show the unlawfulness and distortion of the process under which he was to be condemned. To do this he employed, as he was indeed entitled to do, and as he was indeed well fitted to do, his skills and learning as a lawyer. For he wished to shew to the England of his day and the England of tomorrow, what manner of men, what lack of legal principle, what use of tyranny, were being employed against him and others, and against the nation itself.

So, his silence upon the oaths, claiming, justly, that in accordance with the Common Law "he that holdeth his peace seemeth to consent". If his judges denied that in the course of any lawful trial, then the law was being aborted. Just as he knew that no defence would be accepted of any claim that no act by him had been "malicious" (as he correctly advised John Fisher), so he knew that, to condemn him, his judges would be, and must be seen to be, distorting the Common Law of England. Tyranny must not be permitted to disguise itself in law.

So Thomas More, the common lawyer, son of a Judge, Bencher of Lincoln's Inn, one time Lord Chancellor, was determined to strip away the pretence of "justice" as applied to those arraigned for treason, because they could not accept the Supremacy.

Law, that of Man as well as that of God, was (as it is today) the fabric of all civilized society. Therefore strip the trial of all

Law, and the naked face of royal policy could be seen for what it was.

Thus, he dealt with the first three counts of the indictment. Those he must have anticipated. They concerned his "silence" and his correspondence in the Tower with his friend, John Fisher, this last so trivial that it was easily swept aside. Fisher was less experienced in the affairs of the world than More, as befitted a bishop compared to a Lord Chancellor. So Fisher's conversation with Chapuys, so bluntly avoided by More ; yet Fisher was a man of uncompromising courage whose strength must have sustained More as did More's Fisher.

Then, in the trial, More was confronted with the testimony of Richard Rich, Solicitor General.

When I was Attorney General of England (having some years previously served in the administration of Mr. Harold Macmillan as Solicitor General : the Attorney General is the senior of the two law officers of the Crown), I caused to be sought out a collection either of portraits, prints, or photographs of all the Attornies and Solicitors General of England since the first record of the offices in the early 14th century. When collected, these portraits were hung upon and lined the corridors of the chambers in the Royal Courts of Justice used by the two law officers of the Crown. So when, over some four years, I passed to and fro, I passed between the pictures of my predecessors. Among them were those of Sir Mathew Hales, Attorney General, the Counsel who prosecuted Thomas More, and of Richard Rich who perjured himself and betrayed Thomas More. The face of Rich matched his conduct, and I can say nothing worse about him.

Yet when Rich gave his evidence in support of the fourth and last count, and so "undid" all that Thomas More had done to rebut the first count, More knew that in the context of this so-called trial all was lost, for technically here was evidence of More's repudiation of the Supremacy. In furtherance of the purpose which he had set himself, namely to reveal the illegality, there only remained the opportunity to demonstrate how false was this alleged testimony and how unworthy it was of credence.

So there followed the cross-examination of Richard Rich, an angry, effective, biting cross-examination of a witness whose testimony Southwell and Palmer refused to corroborate, and which effectively destroyed the credibility of the witness. What then was left of this so-called indictment in this so-called trial? Only the discredited testimony of a sole witness which no doubt, if it were a Court, no Court would ever have accepted. And the final consequence for the Crown (if this had been a valid trial) was great. For the Crown had taken a great risk. It had placed into issue its own credibility, because it had risked producing the testimony of one of its own law officers. If he were discredited, the Crown was discredited. There was, of course, no risk of rejection. The Commission would see to that. There was only risk of discredit, and that was what happened.

Thus Thomas More, lawyer, executed the first of his final purposes. To what end? Little in his lifetime because of the strength of the tyranny: much for posterity.

His second purpose was to shew what truly was the king's purpose, and where it must lead, and to give his own testament. For one moment it appeared that no opportunity would be given as Lord Chancellor Audley moved to give judgment. Again the lawyer intervened:

"My Lord, when I was toward the law
(what a wonderful description of More's great career!)
the manner in such case was to ask the prisoner
before judgment why judgment should not be given
against him."

The gentle, but magisterial rebuke, again calling the so-called Judges to some form of legal order.

Finally, the great speech expressing the principle of the limits set by divine law, so that when the State trespass beyond those limits, a Christian must put God, conscience, and Church first.

Thus he delimited in modern terms, for all times, the duties of the subject or citizen. Thus he demonstrated one king's tyrannical purpose. Thus he shewed to all men of his time, and of

all time thereafter, the duty a man owes to God, be the temptation of power, position, wealth, family, ease, never so great.

When that frail figure (which I saw in my imagination last Thursday in Westminster Hall) had spoken those last graceful words of forgiveness upon his judges, saluting them with the hope that they would meet merrily in heaven, and turned and left Westminster Hall, he left behind words and a spirit to guide and uplift all who follow in any age in the service of Crown or State.

Sometime, somehow, in matters less immense than those with which he had to face, every public man may have to face a similar choice. Then he will have to make his own decision when interest conflicts with principle. The consequences, to history and to his own life (certainly in the West if not the East) will be less great than the consequences to Thomas More. The alternative may or may not be the scaffold, or its modern equivalent, and it may or may not be the Tower, or its modern equivalent. He may, or may not have been a First Minister with a name honoured throughout the civilised world. But the decision he faces will be in principle, though not in degree, the same. It may present the alternative between advancement, security, wealth, safety; and demotion, worldly disgrace, poverty, ridicule. It will present the choice between the world and the spirit.

Thomas More was the first in modern times to shew the way. He taught us that the State is not all. He taught all men, and public men especially, that be the cost never so dear, that be the consequences to position, ease, wealth, worldly honour, even family, never so great, a man must choose the spirit. Each man, to be a man, must be God's good servant first, and always.

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