Thomas More and the Inns of Court

Brian Butler
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Biographers of Thomas More have consistently underestimated, if not entirely ignored, the significant influence that the Inns of Court had upon More's scholarly inclinations. Biographers such as Chambers,1 Hexter,2 and Reynolds3 have stolidly maintained that More's education at the Inns of Court was peculiarly provincial, being limited to the study of English law and little else. It is the purpose of this paper to establish that this is not the case—that in fact More's education at the Inns of Court availed him of a great opportunity to realize fully his potentialities.

The four Inns of Court: Lincoln's Inn, Gray's Inn, the Middle Temple and the Inner Temple constitute what has been called England's "Judicial University."4 Although their origin is somewhat vague, it is clear that in the twelfth and thirteenth centuries, schools of law under clerical control existed in London. Faced with extremely independent English bishops and barons who based their opposition to royal and papal levies and decrees on the common law, the King of England and the Pope, each acted to reduce the Lord's familiarity with the vigorous spirit of the law and thus to stifle a growing sense of independence. This and a series of events resulted in the breaking up of these schools. One of these events was the issuance of a decree by the English King Henry III "prohibiting the holding of any schools of law in the City of London. Another was the promulgation of a Papal Bull forbidding the Clergy to teach the common law."5

Denied the benefit of clergy as teachers and faced with the extinction

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* B.A. St. Francis College (Bklyn), 1971.
1 R. CHAMBERS, THOMAS MORE 62 (1958) [hereinafter CHAMBERS].
3 E. REYNOLDS, St. Thomas More 17 (1958) [hereinafter REYNOLDS].
4 D. Barton, The Story of Our Inns of Court 9 (1928) [hereinafter BARTON].
5 Id. at 5.
of organized schools of law in England, the legal profession began to reorganize slowly. The Court of Common Pleas had its seat at Westminster Hall just outside London. As a result, judges and lawyers lived in the inns in that area. When the city law schools were turned adrift law students found new lodgings at Holburn, a village in the open country east of London and adjacent to Westminster. Gradually the judges, lawyers and law students began to live together in the same Inns. In time, the lawyers, through voluntary association, began to organize into groups, like the guilds of that period, and form closed organizations for practice in the courts. These Guilds of Law acquired some of the principal houses in the area. In the neighborhood were the manor houses of the Earl of Lincoln and the Baron Grey de Wilton, which in time became Lincoln’s Inn and Gray’s Inn. The former churches and quarters of the abolished Knights Templars, also in the area, were leased by two other legal societies. These came to be known as the Middle Temple and the Inner Temple.

These Guilds of Law were just four of a number of legal societies then in existence. The others were: Clifford’s Inn, Clement’s Inn, Lyon’s Inn, Strand Inn, New Inn, Thavie’s Inn, Staple Inn, Barnard’s Inn, Furnival’s Inn and another “of which even the name is forgotten.” By the middle of the fourteenth century, the Inns of Court had taken on a definite university flavor. Lincoln’s Inn, Gray’s Inn, the Middle Temple and the Inner Temple had become the four Inns of Court or Colleges of Law together forming what could be called a “London University of jurisprudence.” The other ten inns, mentioned above, for one reason or another, “fell into the second rank.” They became known as the Inns of Chancery and served as preparatory schools for the Inns of Court.

Behind a hedge of trustees it [Inns of Court] lived an autonomous life, unhampered by charters or statutes. There was a hall in which its members dined in common; there was the nucleus of a library; there were also dormitories or chambers in which during term-time lawyers lived celibately, leaving their wives in the country. Something of the college thus enters the constitution of these fellowships; and then something academical. The craft gild regulated apprenticeship; it would protect the public against incompetent artificers, and its own members against unfair competition. So the fellowship of lawyers. In course of time a lengthy and laborious course of education of the medieval sort had been devised. He who had pursued it to its end received a call to the bar of his inn. This call was in effect a degree. Like the doctor or master of a university, the full-blown barrister was competent to teach others, and was expected to read lectures to students. But further, in a manner that is still very dark, these societies had succeeded in making their degrees the only steps that led to practice in the king’s courts.

As time passed, the Inns of Court became a kind of aristocratic university— institutions for the training of the wealthier
classes. The expense of maintaining the students at the Inns of Court was so prohibitive that they became the fashionable colleges for young noblemen and gentlemen.

Lord Chief Justice Fortescue, writing about the Inns of Court, said:

The students are sons to persons of quality; those of an inferior rank not being able to bear the expenses of maintaining and educating their children in this way. As to the merchants, they seldom care to lessen their stock in trade by being at such large yearly expenses. So that there is scarce to be found, throughout the Kingdom, an eminent lawyer, who is not a gentleman by birth and fortune; consequently they have a greater regard for their character and honour than those who are bred in another way.11

The Lord Chief Justice gave an account of the schooling which the young men received from the Inns of Court. He asserted that education at the Inns of Court, in addition to an intensive in depth study of the English common law, included “singing, music, dancing and such other accomplishments and diversions as were suitable to their quality.”12

As the Inns were institutions for the training of the wealthier classes, the curriculum included anything conducive to a liberal education. The youth of the nobility attended “not so much to make laws their study, much less to live by the profession, having large patrimonies of their own, but to form their manners and preserve them from the contagion of vice.”13 These youths were sent to the Inns of Court to acquire the learning necessary for statecraft and the management of their lands, for as lords of the manors they would have to hold courts to hear and determine grievances among their people and to punish those who broke the customs and laws. Thus, the gentlemen were taught subjects ranging from mathematics and dancing, to military tactics and common law.14

“So general was the training, indeed, that the Inns became a source of English letters as well as of English law.”15 “During the sixteenth century the law schools sponsored liberal study of the classics as did no other places of learning in England.”16

At the great universities, at this time, the curricula were highly formalized, and, although they required the study of the classics, existing methods permitted little creative work. The universities were at a disadvantage, moreover, in that they were at a distance from the court, where taste in all the arts was determined. As gentlemen of the Inns of Court were usually of families of higher rank than the students at the universities, they were naturally more closely associated with the leaders of the realm. Moreover the Inns were the residence of the intellectual class of the great metropolis; hence they were often called upon to establish the criteria of taste even for the court. In addition, the obligation of the lawyers to entertain the royal family and the nobility required them to display great dramatic diversity and ingenuity in

11 J. Fortescue, De Laudibus Legum Anglie 188 (1942) [hereinafter Fortescue].
12 Id. at 189.
13 Id.
14 A. Green, The Inns of Court and Early English Drama 32 (1965) [hereinafter Green].
15 Wilkin at 42.
16 Green at 18.
providing such amusement. The Inns of Court were therefore a favorite rendezvous for poets and dramatists.\textsuperscript{17}

Thus, life in the Inns of Court was not as dreary and uninspiring as some have suggested. The fact is that the Inns of Court were, in many ways, the most colorful places in all London.\textsuperscript{18}

Although the Inns of Court were essentially places of study which maintained high standards of scholarship, they were also places of recreation where students found their pastime in social and intellectual, rather than athletic, pursuits.\textsuperscript{19} The curriculum of the Inns of Court stimulated writing, for many of the young lawyers thought that the law depresses the wonder of human experience while literature exalts it. “The placidity of the Inns rendered them an ideal rendezvous for poets, dramatists, and novelists, and many of the juvenilia, as well as many of the masterpieces, of authors were conceived within the four houses.”\textsuperscript{20} Students at the Inns of Court, besides having a solid basis in the study of law, were well studied in a broad range of disciplines.

It was not so in the universities, however: Oxford and Cambridge discountenanced any except the prescribed course of study. Thus the Inns provided a better background for literature than did the great universities, which for a long time confined to Latin and Greek and Mathematics. The Inns were, then, the center of literary activity in the nation.\textsuperscript{21}

The sixteenth and seventeenth centuries were ages of revels, masques, and plays. These relaxations were in fashion at the Royal Court of that time. They were encouraged by the benchers, the senior members and chief executive of the Inns of Court, who felt that these shows tended to elevate the literary tastes and cultivate the rhetorical powers of the students. The revels were commonly held at Christmas or at some other time of festival. They usually centered around a mimic court presided over by a mock king or prince, who was attended by a retinue of titular officers of court and a band of minstrels.

Among the titles which from time to time were assumed by the Chief of the Revels on these occasions, was “Prince of the Purpoole” at Gray’s Inn, because it was situated in the Parish of that name, “Prince de la Grange” at Lincoln’s Inn, “Prince d’Amour” at the Middle Temple.\textsuperscript{22}

Real kings and queens constantly came to see their mimickers.

Sometimes these “shows” had a political significance. Such was the case with the \textit{Triumph of Peace} organized at a cost of more than twenty thousand pounds by the four Inns of Court, in 1633-1634, as a protest against William Prynne’s \textit{Histriomastix} and as an expression of loyalty to Charles I. Sometimes they were given in celebration of some notable social event as was the \textit{Masque of Flowers}, organized by Sir Francis Bacon at Gray’s Inn, in honor of the marriage of the Earl of Somerset to Lady Essex. Famous artists and writers took pride in cooperating on these occa-

\textsuperscript{17} \textit{id.} at 35.
\textsuperscript{18} \textit{id.}
\textsuperscript{19} \textit{WILKIN} at 43.
\textsuperscript{20} \textit{GREEN} at 2.
\textsuperscript{21} \textit{id.} at 22.
\textsuperscript{22} \textit{id.} at 20.
sions with the lawyers. Sir Inigo Jones once planned scenery and decorations for Lincoln's Inn. Thomas Middleton composed a piece for the Inner Temple. Sir William Davenant did the same service for the Middle Temple; and Beaumont and Fletcher contributed to the production of a masque for Gray's Inn. "Shakespeare and Ben Jonson knew the Inns of Court well, and did not forget them in their writings. Ben Jonson dedicated his play, Every Man in his Humour, to 'the noblest nurseries of humanity and liberty in the Kingdom, the Inns of Court.' Shakespeare's Comedy of Errors was acted for the first time in Gray's Inn Hall in 1594, and his Twelfth Night was played in the Middle Temple Hall in 1602."23 Scenes from The First Part of King Henry VI and The Second Part of King Henry IV show that Shakespeare had a definite familiarity with the Inns of Court.

But while the Inns of Court became training schools for courtiers, they maintained a definite strictness in their training. Lord Chief Justice Fortescue said that "The manner and method how the laws are professed and studied in those places, is pleasant and exceedingly well adapted."24 The instructors were called Readers, and many of their readings, or lectures, were long remembered in the profession for their learning and influence. The great classics of English legal literature had their inspiration at the Inns of Court, for nearly all the barristers and judges of England were trained as lawyers by the Inns, and they in turn had their influence upon the instruction of succeeding students.25 "It may not be altogether easy to appreciate the position of the Inns of Court in [English] national life, since no other nation has any institutions quite like them."26

Although they were primarily concerned with the training of lawyers, the Inns of Court were able to bring together the cream of England's intellectual and social elite. "Perhaps nowhere in England could more urbane and complaisant young men be found than at the Inns of Court; certainly the great universities, which were at this time somewhat democratic, offered little competition."27 The members of the Inns of Court were the cultural spearheads of England. So broad was the cultural experience at the Inns of Court and so general was the training, that the Inns became a source of English letters as well as of English law. No literary history of England can overlook their influence. Chaucer, Beaumont, Hallam, More, Sidney, Cowper, Bacon, Dickens, Thackeray, Goldsmith, Lamb, Johnson, Boswell, de Quincy, Macauley and Lytton are just a few of the great personages of English literature that were members of the Inns of Court.28

Rather than being insular institutions limited to the study of the single discipline of law, the Inns of Court were institutions that maintained long established traditions of general scholarship. The Inns were not just professional schools—they were also social and intellectual centers; for contrary

23 Barton at 18-19.
24 Fortescue at 188.
25 Fortescue at xxv.
26 Bedwell, The Inns of Court, 51 Queen's Q. 1, 3 (1944).
27 Green at 41.
28 Wilkin at 43.
to the traditional stereotype of the Tudor and Elizabethan lawyer, it is apparent that a high degree of learning and cultural activity was demonstrable throughout the membership of the Inns. Lawyers had libraries that compared well with any learned group and the Inns of Court themselves were places of constant activity, for they were geographically situated in the political, social and intellectual center of the Kingdom. Interestingly enough, of the forty-odd members that joined together to form that first scholarly society, the Elizabethan Society of Antiquaries, over two-thirds were members of the Inns of Court.29

When Thomas More was admitted to Lincoln's Inn on February 12, 1496, the Inns of Court were in their golden age. It was not then a metaphor to call them an university: they had professors of law; they conferred the characters of barrister and serjeant, analogous to the degrees of bachelor, master and doctor, bestowed by universities; and every man, before he became a barrister, was subjected to examination, and obliged to defend a thesis.30

The day that More entered Lincoln's Inn, he began an association with the Inns of Court that would last for his entire life. The More family enjoyed a long tradition at the Inns of Court. Thomas More's paternal grandfather, John More, had served for a long time as butler and steward of the Lincoln's Inn and later he was admitted as a member of that Society. He held the office of Reader in 1489 and in 1495 and was ultimately appointed to the English judiciary. Thomas More's father, also called John More, was trained at Lincoln's Inn and served in a number of the Society's offices including that of butler. He became a serjeant-at-law in 1503, comparable to an academic doctor, and a Judge of the Court of Common Pleas in 1517; three years later he was raised to the high position of a Judge of the King's Bench.31 More's maternal grandfather, Thomas Granger, was also involved with the Inns of Court, for in his capacity as Sheriff of the City of London, he was continually involved with directing aspects of the city's process of justice. It is then clear that from his youth Thomas More had a personal familiarity with the Inns of Court.

Thomas More entered Lincoln's Inn at the age of eighteen. He had been born in London in 1478 and had entered St. Anthony's School in London at the age of seven. This school had two and one-half centuries of history behind it and was considered London's leading elementary school.32 At St. Anthony's, "the main subject was Latin both written and spoken, and the art of arguing (logic and rhetoric) found a place and prepared the pupils for those academic disputations that were a recognized part of their training."33 In 1490, John More arranged for his twelve year old son, Thomas, to enter the household of John Morton, Archbishop of Canterbury and Lord High Chancellor of England. As a page at the Archbishop's Palace at Lambeth, Thomas continued his formal education.

31 REYNOLDS at 8.
32 CHAMBERS at 56.
33 REYNOLDS at 12.
training under the chaplain while gaining experience in the manners and conduct of a gentleman. In 1492, Archbishop Morton sent the fourteen year old Thomas More to Canterbury College at Oxford.

Thomas More spent less than two years at Oxford and, thus, did not "go far beyond the trivium, or series of three subjects, grammar, rhetoric and logic, that formed the first stage of medieval studies. The system had not yet been greatly affected by the New Learning," the new devotion to Greek scholarship. "Towards the end of the fifteenth century, the universities were just emerging from a period of inertia. . . . The old conventional teaching [had become] stereotyped and out of date; Erasmus wrote that little was taught either at Oxford or Cambridge except 'antiquated and artificial studies.' Though it might be said that fresh forces were at work in the universities, the fact is that with little exception the universities were in the midst of a general depression. It is important to understand that contrary to the traditional view, Thomas More did not become a great humanist while at Oxford. More's Latin by this time was fluent but it is most doubtful that he learned any Greek at Oxford. At best he learned that such a language existed, and thus did not immerse himself in the great humanist disciplines at this time.

It was not until about seven years after he left Oxford, when he was a law student in London, that More first spoke of himself as making a serious study of Greek. Grocyn, Linacre and Colet have been christened "The Oxford Reformers," and a pretty and quite imaginary picture has been drawn of these dons all studying Greek together with young Thomas More, aged fifteen. But it was later, in London, that they all became close and intimate friends, and "London Reformers" would be a better name for the group than "Oxford Reformers."

Not yet sixteen, Thomas More was entered, by his father, at the New Inn and Inn of Chancery in London. "London, and not Oxford, was the place where a young man of birth and ambition might at this date best be brought up. Erasmus speaks of 'London, the famous City, where, among the English, it is held an honour to be born and educated.' It is safe to say that Thomas More, a native Londoner, was not immune from this municipal pride and that he well appreciated the difference between studying at Oxford and studying at London. For More the change from Oxford to London "was a change from democratic penury to aristocratic comfort." Roper quotes More as saying, "'I have been brought up', quoth he, 'at Oxford, at an Inn of Chancery, at Lincoln's Inn, and also in the king's court, and so forth from the lowest degree to the highest. . . .'"

After two years of preparation at the New Inn, Thomas More entered Lincoln's Inn and initiated the educational experience that was to influence his life most

34 Id. at 15.
35 E. ROUTH, SIR THOMAS MORE AND HIS FRIENDS 9 (1963) [hereinafter ROUTH].
36 Id.
37 CHAMBERS at 65.
38 Id. at 66.
39 Id. at 67.
40 W. ROPER, THE LIFE OF SIR THOMAS MORE KNIGHT 52 (1903).
significantly. The holding of “moots” was a part of the course of instruction at the Inns. Moots were basically practice law suits consisting of arguments of cases put forward by a professor, called the Reader. They were conducted quite realistically with prestigious members of the bench and bar sitting in judgment. At the Inns while there were definite grades and classes there was also a constant association of all members of the legal profession. Students attended the sessions of the nearby courts and had the opportunity to share the wisdom of their seniors. But besides this strict legal training, Thomas More, the law student, also had an opportunity to enjoy first hand the multi-faceted intellectual and social life of the Inns of Court. At the Inns, Thomas More found himself in the middle of everything that was happening in England.

It was at the Inns of Court that More became familiar with the New Learning and began to become familiar with the spirit of humanism. In comparison to Oxford and Cambridge, the insular training grounds for those who meant to take Holy Orders, the Inns of Court were academically broad-based schools to train England’s elite for the life and work of serving England’s King in high places. As a training ground for courtiers and the officers of the King, the Inns of Court necessarily had to be open to new trends. As places of constant intellectual activity, they abetted individual development in all disciplines.

After five years of study at the Lincoln’s Inn, Thomas More, at the age of twenty-three, was called to the bar. More’s relationship to the Inns of Court did not end here, however, for in that same year More was appointed a Reader (or Professor) at Furnival’s Inn and the Inn of Chancery. In 1507, he was appointed the Butler of Lincoln’s Inn. In 1510, More was appointed Marshal of Lincoln’s Inn and, in 1511, he was appointed the Autumn Reader of Lincoln’s Inn. In 1511 and 1512, Thomas More was elected not only as one of the four Governors of Lincoln’s Inn, but also the Inn’s Treasurer. The position of a Governor was comparable to a regent or trustee of a college and the position of Treasurer was comparable to that of a college presidency and the presidency of a bar association combined. The officers of Governor and Treasurer were positions of significant influence in the English legal profession. In 1514, Thomas More was appointed Lent Reader at the Lincoln’s Inn. Though it was considered to be a great honor to be selected as a Reader twice, it is perhaps more worth noting that in 1515 More was once again elected a Governor of the Lincoln’s Inn.

One year later, in 1516, Thomas More completed his best known work, *Utopia*. It is clear that More’s broad educational experience at the Inns of Court had an effect upon this work. Stylistically, the *Utopia* is “[a] balanced, two-sided dialogue . . . analogous to the proceedings of a court trial. . . .” Thomas More, of course, served as a lawyer and judge on many occasions and is renowned for his fairness. “As a lawyer, More learned to argue for a case; as magistrate, he learned to receive conflicting arguments and to

It is interesting to note that a real sense of impartiality permeates the *Utopia*. It is evident that More viewed “with detachment and fairness the presentation of both sides.” By training, Thomas More was inclined to give any worthwhile cause a hearing and arrive at the truth by the legal process of approaching every issue from two opposing viewpoints. This he does through the Raphael Hythloday and Thomas More personas. Thomas More as a professional attorney was a master of the art of ridicule, disliking and deriding vanity, pride and pretension. In the *Utopia* More demonstrates his flair for ridicule by tearing into his own legal profession, ridiculing the pretentious lawyer who was about to give a calculated disputation to Cardinal Morton.

“You have talked prettily for a stranger,” said he, “having heard of many things among us which you have not been able to consider well; but I will make the whole matter plain to you, and will first repeat in order all that you have said, then I will show how much your ignorance of our affairs has misled you, and will in the last place answer all your arguments. And that I may begin where I promised there were four things—” “Hold your peace,” said the Cardinal, “this will take up too much time.”

Topically, we consistently encounter Thomas More, the lawyer, in the various subjects of discussion in Book II. The nature of Utopian Magistrates, the various Utopian occupations, the Utopian family structure, the Utopian system of food distribution, the Utopian treasury, the Utopian legal system, the Utopian perspective on private property and the Utopian view on personal freedom are topics which, in their discussion, all carry the touch of a man with a legal background. However, in the *Utopia*, the influence of Thomas More’s legal background is most especially encountered in his preoccupation with the ethical basis of human society. Natural law, the ultimate and highest law to which man can appeal, is the subject of the *Utopia*. Thus, it is safe to say that the *Utopia* “is a reflection of More’s world, a drama of More’s mind. . . .” Thomas More’s work was immediately influenced by the intensity of his long association with the rational character of the law and the traditional impartial fairness of its processes.

Thomas More’s English writings fill nearly fifteen hundred double-column folio pages, most of which are devoted to various religious controversies. But in the famous 1557 volume of More’s English Works, the earlier writings most especially show the impact of More’s experience at the Inns. The very first work listed is a poem satirizing the pretentiousness of the serjeants-at-law. More’s general education at the Inns of Court gave him a definite opportunity to foster his sense of intellectual creativity.

The broad experience Thomas More

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42 Id. at 499.
43 Id.
received at the Inns of Court by living in the midst of England's social and political elite abetted his legal and political career. It was at the Inns of Court that Thomas More became familiar with the Spirit of the Renaissance and it was there also that Thomas More developed the skills of the Courtier. It was not at Oxford, where he spent less than two years, that Thomas More became a great humanist, but at the Inns of Court in London. At St. Anthony's School, Archbishop Morton's Palace and Canterbury College, Oxford, young Thomas More developed a proficiency in the basic elementary disciplines of grammar, rhetoric, logic and Latin. It was at the Inns, that the sixteen year old Thomas More began to make use of these basic academic skills. At the Inns of Court, "young More, of whom John Colet spoke as 'England's one genius'" found himself in the vortex of English life.

At the Inns of Court, "the center of literary activity in the nation," More was introduced to a sense of social and academic cosmopolitanism that brought to his ardent mind the conception of a wider intellectual life than any he had yet dreamed of. For Thomas More, the Inns of Court were the institutions that enabled him to best realize his full potential as a human being. Receiving a superlative legal education, Thomas More was able to realize a preeminent career in law and politics, rising to the legal and political heights as Lord High Chancellor of England. Nurtured in the midst of England's intellectual center, More was able to develop a profound love for learning.

It is clear that Thomas More continued as an active member of the Lincoln's Inn long after his rise to public office and royal favor. In fact, it is known that Thomas More was appointed alternate Master of the Revels in 1528-1529, a position comparable to a director of student activities at a college. And it is known that even after his appointment as Lord High Chancellor of England, Thomas More still attended Readings at the Inns. This is not the way of a man who regarded the Inns of Court as provincial institutions limited to the study of the English common law.

For Thomas More, who was associated with the Inns of Court for his entire life, the Inns were England's great social and intellectual centers—the institutions that constantly nourished and fostered the development of his intellect, thus helping him to attain the predominant position he held in his own time and still holds in England's legal and literary history.

47 ROUTH at 15.
48 GREEN at 3.

49 Schoeck, supra note 29, at 7.
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