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# THE MORAL DILEMMA OF ST. THOMAS MORE\*

RT. REV. MSGR. THEODORE E. MCCARRICK†

The words of the Gospel, so familiar and so powerful, leave us no doubt that the Lord's mission of truth and salvation was very clear indeed. It was prophesied in the Old Testament and lived out fully in the context of His own life in the Palestine of 20 centuries ago. Yet, there is still a deeper meaning in the prophetic fulfillment of the words of Isaiah. For every *Christian* is also sent by the power of the Lord's Spirit to do the Lord's work in his own time and to proclaim the good news of the coming of God's kingdom.

Therefore, as we reflect for a few moments this evening on this lesson in the Scriptures, we are conscious of the special fittingness this year of a Mass to ask God's blessing on those who are sent to proclaim the kingdom through the practice of the Law. We are celebrating in 1977, not only the fiftieth anniversary of the founding of the Guild of Catholic Lawyers, but also the five hundredth anniversary of the birth of a man truly sent in the power of the Spirit, the Patron Saint of Lawyers, the extraordinary man for all seasons, St. Thomas More.

Born in 1477 and educated at Oxford for the law, he married and raised a family of a son and three daughters. His correspondence with his children, especially with his beloved daughter Margaret, must be rated among the exquisite gems of religious literature—not only or even principally for the depth of faith which it reveals but even more for the warm and remarkable portrait which it paints of the saint as loving father and gentle guide. With Erasmus, he was a towering figure in the contemporary world of Philosophy and Letters, and his *Utopia* reveals the brilliance of his mind as well as the penetration of his wit.

In 1529, he was named Lord Chancellor of England, the highest judicial post in the realm, and in those years of almost absolute monarchy, perhaps the second most powerful post in England. In 1532, as the determination of King Henry VIII to rid himself of one queen and marry another became the focus of political life and court policy, he retired from the Chancellorship. It is possible that Sir Thomas hoped to escape taking a public stand against his royal friend by remaining in quiet seclusion at his

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country estate, but history—and the Will of God—would not have it so. Forced to choose between the truth as he knew it in his heart, the law as he perceived it in the clarity of his mind, and the understandable but misguided pressure of the man who was his king, Thomas More came down on the side of truth and the executioner's ax came down on him.

But the choice of fidelity to the Divine Law, which he recognized as the choice of martyrdom, did not come to the saint without painful reflection, and, indeed, not without human scruple. Even from his letters to his daughter Meg, we seem to become conscious of the palpable struggle of a good man, on the one hand trying to be true to his convictions, while at the same time hoping that these convictions would not force him to take a public stand at the risk of honor, family, reputation, property, and even life itself. The fact that he hesitated—or better, that he hoped it would pass him by—not only makes St. Thomas a more human and more understandable figure to us, but in a special sense it makes him all the more the apt patron for our times. For do not so many of us, as we look at the legal and social crises of our nation today, often hope that we may be spared the necessity of taking a stand; that it will all go away without us having to enter the lists and do battle for truth, for justice, and indeed in the defense of life itself.

And so this year, the calendar—and the Holy Spirit— present us all with the figure of St. Thomas More to inspire us, to challenge us, and to call us away from looking at the world as we would like it to be, so that we might see it and our responsibilities in it as they truly are. In a most personal and particular way, I believe that this applies to lawyers.

For Thomas More has not been presented to us as the patron saint of Chancellors, writers, humanists, or even politicians; he is adopted as the patron saint of lawyers. Therefore, our focus on the lesson of his life and his times is *not* on his devotion to morality in the exercise of statecraft nor on his insight in perceiving the values of the classical humanistic experience and helping to inject them into the Renaissance in Europe. Our emphasis is *not* on More as an accurate and truthful literary critic of his times nor even on his dedication to integrity in the political process, but on Thomas More the Barrister, the man of the Law.

It is thus that we hail him at this Red Mass today, as a lawyer in the highest and most perfect sense and as a man who understood that society in this fallen state of nature needs the support of law to survive, that society in this state of nature redeemed by grace needs a law which recognizes man's inherent new dignity as a child of God and an heir of heaven. Finally, we hail him as a man who understood that lawgivers in human society must ensure that their laws are consistent with the laws of God from Whom ultimately they must derive their authority and in Whose Justice they find their final sanction. The mark of a true lawyer, as St. Thomas More teaches us by his life and his death, is that he must recognize the primacy of God's law. Right order in society, and truth itself, demands this fidelity to that fundamental principle. On this consistency

depends the validity of all law, that the enactments of men shall be in keeping with the law of the Creator. On this stark reality, Thomas More, once Chancellor of England, one day had to take his stand: that no man, however exalted, no court, however respected, no law, however powerful, can ever presume to decide in favor of what is against the law of God.

How difficult this was in a society where the word of the king was law. How difficult, too, in a pluralistic society like our own where the complex interpretations of law may sometimes ignore the law of God or pretend to reason it out of existence. Yet, Thomas More is our patron and our example. His was not an easy decision, but it was the right one. We are not all called to be lawyers, but we are all called to be saints, and the road to sanctity for a man of the law is clearly fidelity first to the law of God.

And so we pray this evening to the heroic and wise patron of lawyers. In the challenges and the difficult decisions that you in the legal profession are called upon to render, you have his prayers—and all of ours—that you be true to your calling. And if the swirling waters of political and social whirlpools cause you for a moment to lose your breath or even your courage, listen to the words of your patron, as he saw the day coming when he would lose even his life. “My dearest Meg,” he wrote his daughter, “I will not mistrust the Lord though I feel myself weakening and on the verge of being overcome with fear. I shall remember how St. Peter at a blast of wind began to sink because of his lack of faith, and I shall do as he did: Call upon Christ and pray to Him for help. And then I trust He shall place His holy Hand on me and in the stormy seas hold me up from drowning.”

May this kind of faith and this kind of courage be the mark of the Catholic lawyer of New York.

St. Thomas More, Patron of Lawyers, pray for us now and when we stand before the Judgment Seat. Amen.