The Relevance of St. Thomas More

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THOMAS MORE WAS the contemporary man. I mean this not in the sense Winston Churchill had in mind when he wrote, "More stood forth as the defender of all that was finest in the medieval outlook." Rather, Thomas More was our man.

He worked for a salary and met a payroll. Long before urban sprawl, More was a city man—Reynolds calls him the greatest of all Londoners. He was born in the city and lived in the heart of it for nearly 50 years. Then he became a suburbanite—opening up Chelsea. He invested in land, leasing farmland to tenant-farmers or holding it on speculation.

He was a politician, probably the only canonized saint who ever ran for public office and won. And when Parliament elected him Speaker, he petitioned and received from the King immunity for the members of the House to express their opinions freely on the matters submitted to them.

He was legal counsel for the Mercers' Company, those early international traders. He was an educator who believed deeply in the lasting rewards of the mind—and who filled his home with students, boys and girls. Or, at least he would have filled it with students had the house not already been so full of friends and servants. When one is tempted to think of Dame Alice More as that "hooked nose harpy" as one ungracious fellow seems to have written to Erasmus about her, remember that she ran a home which at times had as many as 150 people in it. Such a job can ruffle anyone.

Thomas More was a very busy man, and, as Robert Bolt remarks, "an almost indecently successful one." There is a letter in the preface to *Utopia* which says what most of you have said about your own schedules:

While I am constantly engaged in legal business, either pleading or hearing, or giving an award in arbitration, or deciding a matter as judge; while I am paying a friendly visit to one man or going on business to another; while I devote almost the whole day to other men's affairs, and what remains of it to my family at home, I leave to myself, that is to writing, nothing at all. For when I have returned home, I must converse with my wife, chat with my children, and talk to my servants. All this I count as business, for it has got to be done—and it is quite necessary unless you want to be a stranger in your own home. . . .

In these occupations . . . the day, the month, the year slip away. When then can we find time to write? . . . I only get for myself the time I can filch from sleep or food.

When you advert to More's reputation as a writer, whose published works run to well over a million and a half words, who knew what a deadline was—writing his answers to Tyndale in the dead of night against time and the devil—you know More was a modern man.

In a world in turmoil, he was at the center of the storm. Before Luther's name was known, More was urging internal reform in the Church and pointing out its weaknesses and abuses. It was only when the appeals for reform turned to protest and then to schism or revolt that More chose unity.

It is almost as if the Fathers of Vatican II were writing with More in mind when they say in the Constitution of the Church in the Modern World that the true Christian by his very faith is obliged more than ever to measure up to his earthly duties, because there is no true opposition between professional and religious life.

In a lecture delivered 30 years ago, Professor Chambers compared More's relation toward Henry on the King's Matter to Antigone's burial of her brother contrary to Creon's orders. Certainly More agreed with the theory of Antigone's act. In the great dialogue letter written by Margaret Roper to Alice Alington, she quotes her father to say:

As for the law of the land, though every man being born and inhabiting therein, is bounden to the keeping in every case upon some temporal pain, and in many cases upon pain of God's displeasure too, yet no man is bound to swear that every law is well made nor bound upon God's displeasure to perform any such point of the law as is in deed unlawful.

The question remains whether More acted as Antigone did. And since this looks at first blush strikingly like a modern American phenomenon, I would like to dwell on it further.

Revolutions generally occur only when progress does not keep pace with the hopes and expectations of the people. We live in a time of great hopes and great expectations. All over the world men are awakening to the value of their humanity. This occurred also in More's time with the spread of Humanism, which was helped by Saint Thomas' own work. And when Henry VIII succeeded his father in 1509 his accomplishments, physical, social, intellectual, seemed to
promise a golden age. Just as in our
country, in our time, this is not a revolu-
tionary period—at least not yet, neither
was England's even in 1535. Revolution
is war against illegitimate government—a
concept radically distinct from that of civil
disobedience, which is but one of many
responses of the citizen towards legitimate
government.

At no time did More consider Henry
anything other than his gracious and
legitimate sovereign. This is clear from
his letters written from Chelsea on March
5, 1534, to Henry and to Cromwell, and
from his many letters written during his
imprisonment to his daughter Meg where
he calls himself the King's true faithful
subject and daily bedesman who prays
for His Highness and all the realm. "I
do nobody harm, I say none harm, I
think none harm."

More did not think himself a revolu-
tionary and would have been angered
at the thought. So, to legitimate his
acts by too easy comparisons, such as
to George III and the Boston Tea Party,
is wide of the mark.

Can More be called a civil disobedient
in any true sense? For the sake of
brevity—if not agreement—let us accept
a definition proposed a number of months
ago. Civil disobedience is an illegal,
public, non-violent protest against some
governmental activity and done for a
moral purpose. It takes two general
forms: direct, in which the law objected
to is the only law disobeyed; indirect, in
which trespass laws, fire laws and other
such needed and obviously just laws are
disobeyed to call public attention to the
alleged injustice of some other govern-
mental act.

Obviously More did not engage in any-
thing remotely like indirect civil dis-
obedience. But what of the other, direct
disobedience? Certainly what he did or
did not do was non-violent. And we
all know the nobility of his purpose—
simply to save his soul.

In the sense that everyone knew of his
position, it was certainly public knowl-
dge. But was it public in the deeper
sense of appealing for public consensus
and action? He wrote Meg in April,
1534, from the Tower:

My purpose was not to put any fault
either in the Act [of Succession] or any
man that made it, or in the oath, or any
man that swear it, nor to condemn the
conscience of any other man. . . . As
for myself. . . . though I would not deny
to swear to the succession, yet unto the
oath that was offered me I could not
swear without the jeopardizing of my
soul to perpetual damnation.

These are not the words of a man
trying to start a public movement. And
they are repeated again and again,
especially in a remarkable note to a fel-
low prisoner, Dr. Nicholas Wilson:

Our Lord be your comfort and where
as I perceive. . . . that you have promised
to swear the oath, I beseech our Lord
to give you thereof good luck. I never
gave any man counsel to the contrary
in my days nor never used any ways to
put any scruple in other folk's conscience
concerning the matter. And where as I
perceive that you would gladly know
what I intend to do, you know well that
I told you when we were both abroad
that I would therein neither know your
mind nor no man else's, nor you nor no
man else should therein know mine, for
I would be no partaker with no man nor,
of truth, never will I— but leaving
every other man to their own conscience,
my self will with good grace follow mine.

This scarcely sounds like a man bent on direct action—or any other action for that matter.

With every power at his disposal, More wished to show that he had violated no law. It was only at the end when death was certain that he revealed his true stand: "Since I am destined to die, . . . the matter demands that before I depart I declare unequivocally what I think about the decree of Parliament." He did not wish that anyone should think that in remaining silent during those long months, that he was consenting to his accusers' madness. Finally he says:

I would be greatly perturbed were I condemned to die because of some personal crime, because of some treasonable act against the King. . . . I die now defending piety and religion and the doctrine of the Catholic Church.

Real civil disobedience cannot succeed in a reign of terror. It is simply destroyed. And Thomas Cromwell's England was a reign of terror. I do not think that More was a precursor of latter-day political actionists in any real sense, save possibly one.

Belloc has said that More's great glory was his free and lonely dedication to one small strict point of abstract truth. Long practice in seeing both sides of any question made him a sort of skeptic. As any lawyer, he knew that most human problems have more than two honest answers. He lived in the world of the relative—the harsh, practical matters of governmental affairs—yet he devoted seven years to study this one small absolute matter for which he would die; and die for a reason not understandable to most Englishmen of his time—or since—and absurd to his many friends and to his family. And the final loneliness was that he died with no hope of having his example bear fruit.

We can hope that the destruction of such a man could not happen here. We live at a time which would be scandalized by the rules of his trial. No presumption of innocence; no help in proving innocence; no reading of the indictment before trial; no opportunity to offer evidence, call witnesses, cross-examine witnesses. And no assistance of counsel.

A long way we have come. In some vague sense we know that democracy is open public debate to achieve a working consensus. We have erected structures to protect and foster that debate. Our procedures, we would claim, are less barbaric. But men are men and easily influenced by the moving mood of the times. Chesterton has said that Thomas More died for defying the heresy of absolute monarchy and the Divine Right of Kings. I do not believe this because More believed in the Divine Right of Kings. Nor was his death a protest against change—for he was all for change. His was the probing, free mind which is strong and calm when the world goes mad.

This can happen again, as many times it has since 1535. The entire nobility and all bishops in England save John Fisher—all More's dear friends—had thought it only common sense to swear the oath. Faced with this more deceptive

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before the public eye would be subject to even a greater privilege, perhaps even an absolute one, protecting statements about him which might otherwise violate his right of privacy. Thus, even on a showing of actual malice, no redress would be afforded a public official in a right of privacy action.

As noted, many questions concerning defamation and privacy actions remain unanswered. Answers will come; *Time, Inc. v. Hill* is but one of the building blocks as the Supreme Court measures the communication torts by the guarantees of the first amendment.

**DEFINING OBSCENITY**

(Continued)

be debated. Presently, the *Wisconsin Statutes* uses "lewd, obscene and indecent" without defining them, leaving the definition to the courts. By its decision in *State v. Chobot*, 12 Wis. 2d 110 (1960) and *McCauley v. Tropic of Cancer*, 20 Wis. 2d 132 (1963), the Wisconsin Supreme Court has defined the statutory term "obscenity" as equivalent to the *Roth* definition and has required the *Roth* standard for judging materials obscene. Thus, obscenity is defined in accordance with the United States Supreme Court’s view of a constitutional definition.

The prevailing view of the United States Supreme Court is based on the *Roth* decision. The present majority interpretation is that the *Roth* standard includes 3 specifications: 1) the dominant theme on the whole appeals to the prurient interest, 2) it is patently offensive to present community standards, and 3) it contains no redeeming social value.

**ST. THOMAS MORE**

(Continued)

tyranny, More said: "You must pardon me from passing as you pass, but if I thought in the matter as you do, I dare not in such a matter pass for good company. For the passage of my soul passes all good company.”

In the final analysis, More is the contemporary man because he is the type of man we need. A man willing to make his own frightening judgments. A man.