

God's Servant First

Sir Thomas More was beheaded for treason, which he was not guilty of. He remains a prototype of one who lost his life rather than overrule his conscience and risk his soul.



Paul Scofield starred on both stage and screen in *A Man for All Seasons*, Robert Bolt's play about Sir Thomas More and his stand for freedom of conscience and the integrity of the Catholic Church. The 1966 film won six Academy Awards, including Best Actor and Best Picture.

by Jack Kenny

There is, if you will, an arresting scene in *A Man for All Seasons*, Robert Bolt's magnificent play about Sir Thomas More. The scene concerns an arrest that does *not* take place at the home of More, the Lord Chancellor of England. An acquaintance named Richard Rich is acting suspiciously and members of the More household, and no doubt More himself, suspect he is spying on the Lord Chancellor and is prepared to betray him to his enemies — a suspicion borne out all too well by later events. Rich has no sooner left than More's wife, daughter, and son-in-law all clamor for his arrest, a request More might grant but for the inconvenient fact that the man had broken no law.

"Father, that man's bad," his daughter protests.

"There is no law against that," More points out. Whereupon his son-in-law, the volatile William Roper, accuses More of a willingness to give the devil himself the benefit of the law.

"Yes," More agrees. "And what would you do, cut a great road through the law to get after the Devil?... And when the last law was down and the Devil turned round on you — where would you hide, Roper,

the laws all being flat? This country's planted thick with laws from coast to coast — man's laws, not God's — and if you cut them down — and you're just the man to do it — d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake."

It is a marvelous bit of oratory, whether actually spoken by More or a product of the playwright's imagination. The lessons of Thomas More's life and death, in drama as in history, resonate across one ocean and five centuries, from More's 16th-century England to our 21st-century America, where both citizen and foreigner may be imprisoned, indefinitely without trial, on suspicion of being an "unlawful enemy combatant." More's high regard for the law "for my own safety's sake" was mocked by those who bent the law to their own devices to destroy More and thereby serve the insatiable appetite and ambition of their King.

A statement often attributed to George Washington holds that government is like fire, "a dangerous servant and a fearful master." Law is the fireplace. Rulers, as much as or even more than subjects, must themselves be ruled by law if liberty is to survive. Mankind is not disposed, our Declaration told the world, to break laws and

defy kings for light and transient causes. But More, in common parlance, lost his head to save his soul, because he could not obey an unjust law that put a secular ruler above God's law and set him over God's church. All power, temporal and spiritual, had been placed in the hands of a mortal monarch. Such consolidation of power, Madison wrote on the American continent more than 200 years later, is the very definition of tyranny.

The Iron Rule of Law

Yet More was not what we might call today a "card-carrying member" of anybody's civil liberties union. He lived, as the Common Man in the play tells us, in "an age less fastidious than our own. Imprisonment without trial, and even examination under torture were common." Sir Thomas insisted he never resorted to physical torments in his own examination of prisoners, but due process in Renaissance times was emphatically pre-Miranda. In composing his own epitaph, More described himself as "relentless towards thieves murderers and heretics." He prosecuted heretics, who were regarded as a threat to the peace and safety of the kingdom, as well as to the Catholic Church and the souls of the faithful. Their books were banned and they were forbidden by law

Not least in the King's consideration was his passion for Anne Boleyn, whom he wished to marry. She was younger, more attractive, and less intensely religious than Catherine, and Henry was confident she would bear him the male offspring that he and his kingdom required.

to publicly preach their doctrines. Those who persisted after warnings might leave the world in a blaze of infamy. Six heretics were burned at the stake during More's 31 months as Lord Chancellor. Of one who was reported to have recanted before the flames reached his body, More declared that God "of his endless mercy brought his body to death" but in the process saved the condemned man's soul.

"He approved of burning, therefore," biographer Peter Ackroyd wrote, "and in that respect was no different from most of his contemporaries." Yet in other and seemingly contradictory ways he turned out to be quite different from the men of his time and station in life. "He epitomized, in modern terms, the apparatus of the state using its power to crush those attempting to subvert it," Ackroyd wrote. Yet at the end of his life, he was a man standing alone against the power of the state, refusing to betray not only his own conscience but the church that had borne and nurtured the faith of Europe and was, he believed, the visible body of Christ on Earth.

Born in London, the son of a judge on the King's Bench, Thomas More became early in life a scholar and writer of renown, best known for his book *Utopia*, a dialogue that contrasts the fractious, warring Europe of More's day with a fictional, peaceful island governed wholly by reason. While the vision might suggest More held to an ideal-

ized humanistic view of society, the title he gave it suggests his own sense of the likelihood of such a society ever taking root in sinful humanity. The word he coined from the Greek language literally means "nowhere." His other writings included his *History of Richard III*, a source Shakespeare drew upon for his play about the same monarch.

At a time when England and all of Europe were Catholic, More was an exceptionally devout one, given to much prayer and fasting and the wearing of a hair shirt under his vestments to remind him of his sins. For many years, he struggled to find his vocation, being torn between the secular world and religious life. Following his father's wishes, he undertook the study of law, while at the same time liv-

ing among Carthusian monks and studying devoutly the writings of Saint Augustine and other fathers of the Catholic Church. The combination of legal studies and religious devotions shaped his view of the role of law in the social order. For More, wrote Joseph Clayton, one of his many biographers, "All human laws had but one end, the fulfillment among men of the laws of the Most High. All legal argument must be directed to one end: to establish the truth."

He was admitted to the bar and quickly achieved a reputation as an honest and brilliant lawyer. Appointed to the King's Council, he became a trusted advisor and valued friend of King Henry VIII, a promising yet perilous position. His son-in-law would recall, in his biography of Sir Thomas, how More regarded his standing with the King: "I thank our lord, son, I find his grace my very good lord, indeed, and I believe he doth as singularly favour

me as any subject within this realm: howbeit son Roper, I may tell thee, I have no cause to be proud thereof; if my head would win him a castle in France (for then there was war between us), it should not fail to go." Yet it was not a castle in France, but a prize more intimate and closer at hand that made More's head expendable.

Catherine of Aragon, of the royal family of Spain, had been married to Henry's elder brother Arthur, the presumed heir to the throne in England, in a marriage intended to solidify an alliance between the two nations. But Arthur took ill and died only six months after the marriage. Whereupon both Spain and England petitioned the pope for a dispensation permitting Henry to marry his brother's widow. Given the brevity of her marriage to Arthur and Catherine's claim that it had never been consummated, Pope Julius II accommodated the wishes of the two kingdoms.

But after 18 years, Henry became convinced the marriage was a disastrous mistake.



Sir Thomas More, called the "Socrates of England" by his friend Erasmus, protested that he had not a taste for hemlock.

For one thing, it produced no son to succeed him in the long line of kings. Thus he feared another civil war over succession to the throne. And he became convinced that his lack of a male heir was Divine punishment for the violation of a biblical command: “Thou shalt not uncover the nakedness of thy brother’s wife: because it is the nakedness of thy brother.” (Leviticus 18:16) And: “He that marrieth his brother’s wife doeth an unlawful thing ... they shall be without children.” (Leviticus 20:21)

Lastly, but surely not least in the King’s consideration, was his passion for Anne Boleyn, whom he wished to marry. She was younger, more attractive, and less intensely religious than Catherine, and Henry was confident she would bear him the male offspring that he and his kingdom required. All that was needed was an annulment from the pope.

But Pope Clement VII was in a difficult position, politically as well as theologically, to declare the 18-year marriage null and void. Charles V of Spain took it as an insult to his nation that his aunt, the Queen of England, should be tossed aside for one of Henry’s paramours. (He was reputed to have many.) The entreaties from London for such a decree were matched by those from Madrid opposing it. And Spain was in a better position to be heard, since Spanish troops had lately sacked and surrounded the city of Rome. After much equivocation, the pope ruled that Henry’s marriage to Catherine was valid and could not be dissolved.

By that time the British monarch was already well along in his efforts to, in effect, nationalize the papacy. Thomas Cranmer, whom he had appointed archbishop of Canterbury, declared the marriage to Catherine a nullity and crowned as the new queen Anne Boleyn, to whom the King had secretly been married by his court chaplain. The King pushed through Parliament the Act of Succession, to which loyal subjects were required to subscribe by oath, declaring Anne as his lawful queen and that future kings would be offspring and descendants of that union. And he compelled a convocation of clergy to accept the King as “supreme head of the Church of England as far as the law of Christ allows.” Whatever that fig leaf of a qualifying clause might have



Sir Thomas More: Arrested and tried for treason, More declared that he was “the King’s good servant, but God’s first.”

meant to the quavering clergy, Henry was convinced the law of Christ granted him a very generous allowance.

More, whom Henry had elevated to Lord Chancellor, resigned that lofty post and held his peace concerning Henry’s divorce and remarriage, insisting that he had privately answered the King’s questions about its legality and would tell no one else. He refused to take the oath required by the Act of Succession, since it included a repudiation of papal authority over the church in England. For his contumacy, he was imprisoned in the Tower of London. Soon after, Parliament passed the Act of Supremacy, stating unconditionally that “the King, his heirs and successors, should be taken and reputed the only supreme heads on earth of the Church of England.” More refused to take the oath required under that law as well, as did Bishop John Fisher, the only bishop in all of England who would not submit to the King’s new ecclesiastical order. “If I were to consent that the King is head of the English Church,” the bishop declared, “I should be guilty of tearing the seamless robe of Christ, the one Catholic Church.”

Refusing to take the oath exposed men to imprisonment and acts of attainder, whereby their property was seized and forfeited to the state. But to actually speak out against either the King’s mar-

riage or his claimed supremacy over the church was treason under the Succession and Supremacy acts and therefore punishable by a cruel and ignominious death. More was willing to suffer imprisonment and the poverty his silent dissent brought upon his home and family, but he refused to hasten his own death. He would not say why he would not sign the oath, either during his 15 months in prison or in the trial that followed. The temptation to give in, to, as we say now, “go along to get along” must have been excruciating. Not only the King’s men but More’s own family pleaded with him to do what nearly everyone of any standing in England had already done. He had only to take the oath and walk out of prison a free man.

“I marvel,” his wife told him on a visit to his cell, “that you that have been always hitherto taken for so wise a man, will now so play the fool to lie in this close, filthy prison, and be content thus to be shut up among mice and rats, when you might be abroad at your liberty, and with the favor and good will both of the king and his counsel, if you would but do as all the bishops and best learned of this realm have done. And seeing you have at Chelsea a right fair house, your library, your gallery, your garden, your orchard and all other necessaries so handsome about you, where you might be in the company

of me your wife, your children and household, be merry, I muse what a God's name you here still thus fondly to tarry."

To which he, mindful of the fate that awaited him, could only reply: "Is not this house as nigh heaven as my own?"

At his trial More, the highly skilled barrister, sought refuge in the law and in his silence. He had not spoken against the King's supremacy, he insisted, and if the court should construe anything from his silence on the matter, it must follow the legal maxim that silence implies consent, not opposition. But the court produced Richard Rich, who testified that More had confided to him, during a visit to the prisoner's cell, his belief that Parliament had no power to put the King over the church. Upon the slender reed of such doubtful testimony, which More vehemently denied, the jury, after deliberating all of 15 minutes, found Sir Thomas More guilty of the crime of treason.

The sentence of death then pronounced was the common punishment of the time for condemned traitors. More was to be hung by the neck until half-dead, then disemboweled, and, finally, drawn and quartered. But the King, being merciful, commuted the sentence to a mere beheading, as he had for Bishop Fisher, whom the pope had promoted to cardinal while Fisher was still in prison. Upon hearing the news, Henry is said to have declared that the pope could send Fisher the cardinal's red hat. But "he shall wear it on his shoulders, for head he shall have none to wear it on."

Other men of lesser note also lost their heads to the executioner's axe. So, too, did Queen Anne and one other of Henry's wives, who were six in number before his own death stilled his imperial appetite. While all the bishops but Fisher capitulated, priests and monks, as well as laymen, were among those whose allegedly traitorous heads were cut off and displayed on London Bridge. Churches and monasteries were seized and their property sold, with the revenues allotted to Henry's friends among the British nobility.



King Henry VIII had the mental and physical fortitude to "endure a lifetime of gratified greeds," wrote playwright Robert Bolt.

Subjectivity, Truths, and Oaths

The popular perception of More's martyrdom, so brilliantly portrayed in Bolt's play, is that of a man who died for the primacy of the individual conscience in any controversy, regardless of the truth of the matter. Bolt has More saying the following when speaking to the Duke of Norfolk about the Apostolic Succession and the primacy of the pope as successor to Saint Peter: "But what matters to me is not whether it's true or not, but that I believe it to be true, or rather, not that I *believe* it, but that *I believe* it."

But that portrays the man of faith as a skeptic or even a solipsist, believing that the ego, the self, is the source of all truth. There is, then, no objective truth, no standard of right or wrong applicable to all. There is only each man's subjective truth, which he finds in his own private conscience. Thus More, elsewhere in the play, suggests to Norfolk that Norfolk might go to heaven for following his conscience and More to hell for not following his if both committed the very same act — signing the oath affirming the King as head of the church.

But for More, biographer Anthony Kenny observed, "as for Thomas Aquinas before him, the human conscience was not

an autonomous lawgiver. Rather, a man's conscience was his belief, true or false, about the law made by God.... One had a duty to inform one's conscience correctly; perhaps by consulting the Scriptures, or the writings of the Saints, or by the authoritative documents of the Church. It was there that More tried to inform his own and the King's conscience in the difficult matter of the divorce."

"If there were no one but myself upon my side and the whole Parliament upon the other," More said, "I would be sore afraid." But, he insisted, "I am not bounden to change my conscience and conform it to the general council of our realm against the general counsel of Christendom." Whenever More appealed against the laws of England, Kenny noted, "it was never to some private soul or self within, but to 'the whole corps of Christendom' without.

And what he feared to incur, by taking the oath, was not a metaphysical spilling of self, but the everlasting loss of God."

There were also issues of human law at stake, including the independence of the church as guaranteed in both the Magna Carta and the King's coronation oath, as More pointed out when he finally broke his silence on the issue. His act of conscience was no mere matter of personal whim or choice, but was based on tradition and on laws and authority greater than the acts of a single Parliament.

In 1935, 400 years after losing their heads on Tower Hill, Thomas More and Bishop John Fisher were canonized saints by the Roman Catholic Church, which commends More as patron saint of lawyers and politicians. He remains a hero to non-Catholics as well and to all who see in his life and death the courage of a man who refused to put worldly honor and gain ahead of faithfulness to the God of his eternal salvation. At the end of a life centered on God and absorbed in prayer, More resisted with quiet fortitude the claims of an overbearing monarch upon a spiritual kingdom that did not belong to him. He was, he said before putting his head on the chopping block, "the King's good servant, but God's first." ■