

(Address given by the Rev. Theodore M. Hesburgh, C.S.C., President, University of Notre Dame, at the final banquet celebrating the Centennial of the Notre Dame Law School, February 8, 1969)

It is with great gratitude, and some relief, that one comes to the end of one hundred years of legal education at Notre Dame, and to the end of a sprightly weekend celebrating this happy occasion.

We have had a marvelous mix of historical, academic, legal, and cultural affairs, and a heartwarming reunion of many Notre Dame lawyers - of past, present, and those in the process of qualifying for this great fraternity of those who teach and judge and practice law.

My theme in this final talk of the celebration is the future of the Law School. Rather than add to all the wonderful principles, plans, and policies that we have been discussing these past three days, I would like to attempt to embody them all in a person, a real person, who lived four hundred years ago, Sir Thomas More. He is a prototype of the kind of person that we would hope to produce during the next century at Notre Dame's Law School. Saints, like stars, are points of reference. They guide us on our way, although few reach them.

Richard Bolt characterized Thomas More as a "Man for all Seasons". For my purposes tonight, I would like to project him as a "Man for all Time", a man whose life is relevant to legal and human endeavor across all the ages of man. There is a contemporaneity to the legal and human cast of his career that makes it highly relevant today -- for lawyers and for law schools, especially one like Notre Dame.

One can easily make the necessary transpositions of time and circumstance to picture him starving his way through Oxford and his early legal education at the Inns of Court. One can imagine the penury of his first years of practice, his enthusiasm at those first triumphs of justice, and the growing maturity of the man and the lawyer as he rose in importance from post to post until he had been named by the king to be Chancellor of the realm, the highest legal position in the land. His life was full of the familiar political tensions at home, the pressure of international crises abroad, the long conferences to settle high policy, the hurried trips and successive triumphs, the friendship of kings and emperors, and, with it all, the inner hunger for a few quiet moments at home with his wife and children.

Yes, here is a lawyer's lawyer, a judge's judge, a politician's politician, a diplomat's diplomat, and, with it all, the saint whose sanctity was part and parcel of all these activities for all of these years. If his sanctity was, in the providence of God, crowned by martyrdom, that martyrdom merely confirmed the achievement of his life, for Sir Thomas More spoke these last words from the scaffold: "I die the good servant of the king, but God's first."

I would speak to you of this lawyer-saint tonight instead of another who practiced for a few months and came to the conclusion that he could not remain a lawyer and save his soul. This one retired to the desert where he found his sanctity, not in the busy mundane life of a lawyer, but amid the vast silent expanse of sand and sky -- where he passed a solitary life in the contemplation of things eternal and divine.

I am not denying this man his vocation, but there must also be models in our day for the vast majority of lawyers who must find their way to eternity through all the very temporal byways of this world and for whom the divine must become incarnate in the opportunities that face them, in a truly Christian response to the very human problems that face the lawyer as he pursues justice in the practice of the law.

There must be those who are in the world, as all of you are in the world, to face the same crying need for justice in the affairs of men, for the rearing of Christian families, for order in the legislative process, for the maintenance of true liberty against all that would unjustly hinder it, for the promotion of peace on earth, at home and abroad.

Sir Thomas More did all of these things superlatively as a lawyer. His memory remains today, highly cherished in his native England and throughout the English-speaking world, because he did all of these things as only a saint could do them: measuring each successive problem with the charity and justice of Christ, His Lord.

More was born to greatness as the sparks fly upwards. But like all the saints, his inner spirit differentiates his greatness from the other greats of all times. As a young man, he thought of becoming a monk. After much reflection and prayer, he decided that his strongest yearning was for marriage, family, and professional life. There is a homely tale of More taking his young wife back to her home in the country to cure her homesickness and to seek her father's advice as to how he might stop her crying and make her a good London housewife. "Use your

rights and give her a good beating," advised her father. "I know what my rights are", said More, "but I would rather you used your authority." More's gentleness as a father was evident later when he used to whip his unruly children with a peacock feather. More's young wife died after their four children were born. To provide them with a mother, he married a widow. In due time, with the marriage of his children, the household numbered twenty-one children and grandchildren. Here was his delight. We are told that, like a loving father today, he always brought each one home a gift from his many official travels, and insisted that they write to him every day while he was abroad as the king's ambassador. He chides the girls not to say there is nothing to write about, because girls have always been gifted in writing at length about nothing. Because of his wit and brilliant conversational ability, the king and queen would keep him with their court for dinner after the Royal Council meetings. More would, on occasion, act purposely dull, so that he might steal home and be with his family.

Under his influence, it was both a holy and happy household. More himself used to rise at two each morning to pray and study until seven. Each day began for the family with Mass and Holy Communion. Even an urgent call from the king could not budge him from his chapel until the Mass was finished.

Visiting European scholars would spend months at a time in his household. His children were the best educated in the land because he took a hand in educating them. They truly grew in wisdom, age, and grace. Family prayer closed each day for the whole household.

Only his favorite daughter, Margaret, knew that under the velvet gown, Thomas More wore a hair shirt to curb his unruly flesh. She knew it because he entrusted to her the task of washing it. It did nothing to curb his infectious laughter which rang throughout the house like music. His family was naturally proud of his success and prosperity. Like the good father, he warned them against the evil days ahead:

"If you live the time that no man will give you good counsel, nor no man will give you good example, when you will see virtue punished and vice rewarded, if you will then stand fast and firmly stick to God, upon pain of my life, though you be but half good, God will allow you for whole good We may not look to our pleasure to go to heaven in feather beds: it is not the way, for Our Lord Himself went thither with great pain and by many tribulations."

We may hope that his family remembered these words when his property was confiscated and he himself was locked up in the Tower of London while men rigged a trial to condemn him to death.

The portrayal of More as a family man has been captured best by Notre Dame's Laetare Medalist, Phyllis McGinley, in her poem, "Pater Familias", the father of a family:

"Of all the saints who have won their charter--
Holy man, hero, hermit, martyr,
Mystic, missionary, sage or wit--
Saint Thomas More is my favorite.
For he loved these bounties with might and main:
God and his house and his little wife, Jane,
And the four fair children his heart throve on,
Margaret, Elizabeth, Cecily, and John.

"That More was a good man everybody knows.
He sang good verses and he wrote good prose,
Enjoyed a good caper and liked a good meal
And made a good Master of the Privy Seal.
A friend to Erasmus, Lily's friend,
He lived a good life and he had a good end
And left good counsel for them to con,
Margaret, Elizabeth, Cecily, and John.

"Some saints are alien, hard to love,
Wild as an eagle, strange as a dove.
Too near to heaven for the mind to scan.
But Thomas More was a family man,
A husband, a courtier, a doer and a hoper,
Admired of his son-in-law, Mr. Roper,
Who punned in Latin like a Cambridge don
With Margaret, Elizabeth, Cecily, and John.

"It was less old Henry than Anne Boleyn
Who haled him to the Tower and locked him in.
But even in the Tower he saw things brightly.
He spoke to his jailers most politely.
And while the sorrowers turned their backs,
He rallied the headsman who held the axe,
Then blessed, with the blessing of Thomas More,
God and his garden and his children four.

"And I fear they missed him when he was gone--
Margaret, Elizabeth, Cecily, and John."

Now a word about More's professional life. His extraordinary success was due to a happy combination of pleasing personality, intellectual talent, absolute integrity, and hard work. The latter quality is best illustrated to this gathering by mentioning that, with the Chancellorship, he inherited a neglected backlog of untried cases, some pending for twenty years. Within a year, he had cleared the docket to the last case.

We get the best glimpse of More's personality and intellectual talents from Erasmus, the wandering scholar who was the forerunner of

humanism and classical culture in Europe. Erasmus calls More one of the two most educated men in England. England recognized this by making him the High Steward of the Universities of Oxford and Cambridge. Erasmus tells us that More dresses simply, avoids wearing the chain of his office, loves equality and freedom, and shuns the high society of the royal court whenever possible. Especially Erasmus stresses that talent of More's that he himself had experienced so often. More has a gift for friendship. He will take over his friends affairs, though careless of his own, his gentle and merry talk cheers the low spirited and distressed; he loves to jest with women, especially his own wife, and quarrels are unknown in the household of More where Erasmus spent so many happy months.

Another great contemporary scholar-friend of More's, the Spaniard, Vives, gives this thumbnail sketch of the saint's virtues -- More is characterized by "the keenness of his intelligence, the breadth of his learning, his foresight, his moderation, his integrity".

There are many highlights of his career that might be noted -- the publication of his book Utopia which added a new word to the English language and presented startlingly prophetic concepts to political theory; his history of Richard III, which so influenced Shakespeare's play of the same title; his career as the king's ambassador abroad, the important role he played in negotiating peace between the Emperor Charles of Spain and King Francis of France in the Treaty of Cambrai; his offices as Under-Treasurer, Speaker for the House of Commons; his knighthood and, finally, his succeeding Cardinal Wolsey as Lord Chancellor

of England. In all of this, from the day he began his legal work at Lincoln's Inn to the day he resigned as Chancellor, the striking virtue we find throughout his professional life is his personal integrity, his deep consciousness of the sacredness of his own conscience.

In his early legal practice, he was disinterested enough to urge litigants to avoid expense by making up their quarrels. If they would not, he showed them how to keep down costs. As a judge and public official, he never accepted gifts. Once at New Years, however, he did take a pair of gloves to avoid hurting a lady's feeling -- but only after he had emptied into her hands the many gold pieces stuffed inside the gloves. After a long career of public office, he was characterized as "a worthy and uncorrupt magistrate", "a holy and righteous judge".

But amid the highest plaudits of success, More awaited the day when he would pay the price of conscience and integrity. He was not unduly impressed with the favor of princes or his own importance. After King Henry had visited his home one evening and walked arm in arm with him in the garden, More remarked to his family, "If my head could win him a castle in France, it would not fail to go."

It was not the castle in France that caused the break, but Henry's "great matter": the dissolution of his marriage to Catherine so that he might marry Anne Boleyn. At first, the king counseled with Thomas More about the great matter. After much study and advisement from the best authorities in the land, More decided that here was a matter which he had to decide with the king or with his conscience. He could not

satisfy both the king and his conscience, for the answer that the king wanted was not the answer that would satisfy More's conscience.

The king asked him pointedly where he stood soon after he became Chancellor. More tells us that he fell to his knees and told the king that he would gladly give one of his limbs if he could serve the king in that matter with a safe conscience. But he could not. The king promised to respect his freedom of conscience. Yet, as the months passed, the pressure increased. When the Pope gave a negative answer to Henry's request, Henry decided that he could ease the matter by declaring himself the Supreme Head of the Church and Clergy in England.

The yes-men began to fall in line. The universities bowed their heads. The Parliament approved Henry's action. The final blow came the day that the official defenders of orthodoxy, the clergy and all the Bishops, save one, Fisher of Rochester, took the oath. The following day, Sir Thomas More resigned his office as Chancellor and gave up the Great Seal.

There as an interval during which his successor tried to convict him of treason, but so loyally and so discreetly had he conducted himself that the case failed for utter want of any evidence.

More made no public demonstration, as was popular then and now, but neither would he compromise his position in any way. When the bishops presented him with a magnificent collection of \$350,000 to repay him for his services to the Church, he politely refused their money, even though his family was, at the time, burning garden ferns in the fireplace for lack of money to buy firewood. When three of

Henry's bishops invited him to be their guest at the coronation of Anne Boleyn, again he politely declined. Finally, Henry lost patience with this one layman who was a living, though silent rebuke, to the action of the king. He was asked to take the oath or to take the consequences. Who was he to hold out against the universities, the bishops, the Parliament? Who was he to forfeit his position, to jeopardize his family and his property, to incur the wrath of the king to the point of being hanged, drawn and quartered at Tyburn -- all for a point of conscience.

More's response to the judges was a summary of his life-long integrity: "You must understand, Sirs, that in things touching conscience, every true and good subject is more bound to have respect to his said conscience and to his soul than to any other thing in all the world beside I do nobody any harm, I say no harm, I think no harm, but wish everybody good. And if this be not enough to keep a man alive in good faith, I long not to live".

The trial wore on. There was no question about the ultimate sentence, but somehow it had to be justified. When in desperation, a key witness, one Richard Rich, perjured himself to fabricate a suspicious conversation with More, the accused replied:

"If I were a man, my Lords, that did not regard an oath, I needed not, as it is well known, in this place, at this time, nor in this case, to stand here as an accused person. And if this oath of yours, Master Rich, be true, then pray I that I never see God in the face; which I would not say, were it otherwise, to win the whole world".

During his long months of imprisonment in the Tower, More meditated on the Passion of Christ and prayed that he would be granted the strength to bear his own passion. Henry commuted the sentence of disembowellment to beheading. More joked that he hoped such kingly mercy would not be extended to any other of his friends.

It is said that as a man lives, so does he die. More died cheerfully, bravely, and with all the urbane courtesy that had characterized his life. Before he left for his execution, clad in somber costume, he was reminded that the executioner would receive his clothing, whereupon he changed into his best velvet and ermine garment. He leaned on the Lieutenant of the Guard as he climbed the scaffold, "I pray you, see me safe up," he said, "and as for my coming down, let me shift for myself". He embraced the embarrassed executioner, gave him a gold coin, and asked him to spare his beard since surely it had committed no treason. His last words from the scaffold were few, as the king had requested, but they rang throughout Europe, and must have thundered in Henry's ears. He asked the bystanders to pray for him in this world and he would pray for them elsewhere. He then begged them to pray earnestly for the king that it might please God to give him good counsel, protesting that he died the king's good servant, but God's first.

On yet another tower, that of our Law School at the University of Notre Dame, there is a niche which is occupied by the figure of St. Thomas More. It is our prayer every day in the Mass that, through our

efforts here, God may raise up other lawyers of the stature of St. Thomas More, who carried the mind and heart of Christ from the courts of the poor to the palaces of kings, who so cherished the ideal of human law and human justice under God that he gladly gave his life rather than betray them. As he died for justice and conscience and the right as God gave him to see it, may God give all Notre Dame lawyers the courage to live for these same things, and, in this, may we too be sanctified in Christ and may peace and justice be maintained in our times.

[1 Nov 1953]

[8 Feb 1969]

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Date _____

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please prepare reply for my signature

please answer direct

please send copy of reply

please advise me

please read and return

Remarks:

Pls clip on to
Thos. More talk

+

Need for models =

Cynicism re: lawyers =

Statue on Corner of Bldg = Thos More =

Too far back - not really = Virtue ^{is ignorance} as Virtue

Trajectory = ^{lowest} Oxford ^{highest} → Chancellor

Atmosphere - Tensions - intell, Conf, trips, Kings ^{hunger}

Withd - lives - live, etc. Shorten process - Matings put -
Kings, great servants
God's 120

Home life

Born to greatness - on - monk - married - prof. life - ^{humorous}

Father - father - wife dies - unmarried - 22 ^{Gifts} children - ^{Write} Golden ^{death}

2 or 7 - mass - visiting scholars - best educ children - ^{How} ^{shit}

* If you have the time ^{stomach} ^{stick to God} ^{Outgo here} ^{fun} ^{laughter} ^{father}

Professional life

Intelligent - Erasmus ^{2 most. educ} ^{High Standard} ^{Friendship} ^{Ox-Cam}

Wagris - Rich III, ^{about} ^{Chas} ^{Cambray} ^{Warden Treas} ^{Speaker} ^{Knight} ^{Chanc.}

Early proache - judge (20 yrs) - no gifts - glours

Course - integrity - not imp. self for Kings - Henry - least - Castle

Not Castle - but Henry's "Great Matter"

King Convinced - more conscience - ^{it} would respect Con

Presume increased - { after Pope's NO
th. became head of Ch.

Gessen { univ.
Parliament took oath
Chry-Bps - x Peter -

Treason - No
No demonstra. - NO compromise
Next day - more put - gave up Great seal

Bp 350 k - rev. to Ch. - no dies - fms

3 Bps must Anne B. - No

Henry loses patience - ^{who does he think he is} other br dig. of Ty.

* Max's response -

* How to frame - Richard Rich - perjured himself

In the Tower - Passon - work -

Sentence Commuted - John M.

at turn - dies - Clock - up - down - space heard.

embroidered executioner - gold coin -

Pray for him in this world.

Pray for King - good name.

He is King's good servant - God's First.

"If you live the time that no man will give you good counsel, nor no man will give you good example, when you will see virtue punished and vice rewarded, if you will then stand fast and firmly stick to God, upon pain of my life, though you be but half good, God will allow you for whole good We may not look to our pleasure to go to heaven in feather beds: it is not the way, for Our Lord Himself went thither with great pain and by many tribulations."

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