

Thomas More: Patron Saint of Politicians*

Michael Tate**

Thank you for the opportunity to offer some remarks on Thomas More and as to why it is fitting that he be the Patron Saint of Politicians. It is certainly fitting that you are the host of this evening's function as you are, in parliamentary terms, a descendant of Thomas More who was Speaker of the Commons before he became Lord Chancellor.

Let me read an extract from a letter, which More wrote in 1516, penned in an early stage of More's public life. He had already been elected to Parliament as a representative of the City.

Most of my day is given to the law, pleading some cases, hearing others ... I have to visit this man because of his official position ... and so almost the whole day is devoted to other people's business; and what is left over to mine own; and then for myself ... there is nothing left. For when I come home I must talk with my wife, chat with my children, and converse with my servants ... and this has to be done unless one wants to be a stranger in one's own home. (U 4)¹

More: the Realist in Politics

This would be enough to make Thomas More a saint sympathetic to the plight of Politicians, particularly in a State as large as Queensland with so much time spent a great distance from home base. How many of you have to really work at ensuring that one does not become 'a stranger in one's own home.'

Yet, that was the only way of life which could satisfy More's nature. He was a *thinker*, but was always at his best when gearing up for concrete situations, and he was truly at his very best when attempting to combine the moral and expedient in public life. This is a test which, in one form or another, confronts us all, and which confrontation in the end led to More's execution.

More clearly pursued politics as his vocation — a vocation that required the skills he was blessed with: the keenest mind, the power to move people with words,

wedded to the desire to improve things insofar as he could. How's this for political strategy?

If you cannot pluck up bad ideas by the root, or cure longstanding evils to your heart's content, you must not thereby abandon the Commonwealth. Don't give up the ship in a storm because you cannot direct the winds. (*U 36*)

That is a quotation from *Utopia* written about 1515. This is not the occasion to dwell on that surreal portrayal of a well-ordered society. The word *utopia* is derived from the Greek for No - Where (*ou – topos*). As a Tasmanian, I am attracted to King Utopos who dredged a canal between the island of Utopia and the mainland to ensure Utopia's security and to prevent the contamination of its communal life! As a blueprint for society, it is not attractive ... a drab uniformity prevails. But it was a protest against the huge inequalities of ostentatious wealth and status and power which marked England of the early 16th century.

Its enduring worth is that it was 'the first book of the modern era to depict social and political arrangements as plastic, not as a given part of the natural order.'² You are the inheritors of that view which allows you to envisage and plan for different futures, sometimes very different futures and certainly not fatalistically bound to the past ways of structuring society.

Utopia was written a year or so before More joined the King's Council in 1517. He never did finish the book begun in 1513 on Richard III, the most tyrannical of Princes accused of murdering his nephews, the rightful claimants to the throne. More was constantly conscious of the dangers of tyranny, but with the prospect of entering the Council of the King perhaps he thought it prudent to leave that history unfinished and to make his political point talking about 'No - Where'!

Henry VIII used to visit More at his Chelsea home from time to time. This greatly impressed More's son-in-law, William Roper who said as much to More one day. In words which are still chillingly appropriate to those who have depended on the patronage of a Premier or Leader of the Opposition or Faction Leader, More replied: '*Son Roper, I may tell thee I have no reason to be proud thereof, for if my head could win him a castle in France ... it should not fail to go.*'

Speaker of the House of Commons

More had been elected to the House of Commons as early as 1504 under Henry VII, but as a favourite of Henry VIII and as the protégé of Cardinal Wolsey, his role in that chamber became even more influential.

In 1523, More was elected Speaker. This was a particularly onerous and perilous position for not only was he expected to speak up for the members, but he was also Manager of Government business in the House. It was as though Tony McGrady

and Robert Swarten were one and the same person. I will leave it to you to decide whether that is a frightening thought not to be long entertained.

More was tested early in that dual role. Following a calamitous war with France, More had to commend heavy war taxation to the House. It took him 100 days to get the Commons to agree to part of the King's request. Ironically, Thomas Cromwell, later to be More's nemesis, did speak openly against the tax measure proposed and suffered no penalties thanks to More's championing of the liberties of the House. More successfully pleaded that the King not prosecute those who spoke openly in Parliamentary debate. As Parliamentarians you can be grateful for that.

Lord Chancellor

The Lord Chancellor, Cardinal Wolsey, fell from the King's favour in 1529. He failed to secure what Henry VIII had most wanted: the annulment of his marriage to Catherine of Aragon. The office was invariably held by a high-ranking member of the clergy, but More was appointed to succeed Wolsey. It may be supposed that Henry was signalling Rome that his new Lord Chancellor was a layman and might be expected to be less confused in his allegiances and ambitions than was Wolsey!

More immediately launched a vitriolic attack on Wolsey — his patron and mentor for many years. Perhaps the King required him to do so but it is a shadow on More's character that he engaged in such an attack on one who had so successfully promoted his career. (It may remind one of contemporary Australian politics where a prominent former leader of a political party launched a scathing attack on those who had supported his rise to political eminence.)

More held the office of Lord Chancellor for a mere 31 months. I haven't looked at the list of occupants, but imagine his was one of the shorter tenures. The Lord Chancellor was, amongst other things, Speaker of the House of Lords. You will know that under recent UK legislation³ the Lord Chancellor will no longer be Speaker. The Lord Speaker, who can be either male or female, will be elected by Members of the House of Lords and assume a role which clearly differentiates it from the much reduced role of the Lord Chancellor who can come from either the House of Commons or House of Lords.

As members of the Queensland Parliament, you have already gone to the limit in reforming your other Chamber. As the Americans would say, it was 'terminated with extreme prejudice' by your Constitution Amendment Act 1922.⁴

Of course, as Lord Chancellor, More held the highest judicial office in the land which gives me the opportunity to say a few words about More as a lawyer.

More had held the highest reputation as an impartial judge. He agreed with Cicero that '*extreme justice should properly be called extreme injury*'. As Lord Chancellor,

he had no hesitation in issuing injunctions overruling common law judgements where he judged that a more equitable outcome was desirable. In *Utopia* he had argued against the application of the extremely harsh penalties of the criminal law for minor crimes. He once likened the criminal law to '*cobwebs, in the which the little nits and flies stick and hang fast, but the great bumble bees break them and fly quite through.*'

(I think of the Companies and Securities Legislation in that light. I remember the task of trying to spin a national cobweb in the early 90s and now, at last, some of the great bumblebees are being caught).

Given this attitude to the general run of penalties in the criminal law, More's extremely harsh punishment of heretics is an aspect of his '*statesmanship*' which we today find difficult to comprehend. Wolsey was Chancellor for 17 years and had never had a person put to death for his religious beliefs. Thomas More was Chancellor for 31 months during which time 6 heretics were burned at the stake. He seems to have played a real and not merely titular role in their detection and punishment.

To consign heretics to the torment of a fiery death can never be justified and must stand as a blot on the exercise of the powers of state entrusted to More. Even the Pope in his Apostolic Letter proclaiming Thomas More as Patron Saint of Statesmen and Politicians notes that: '*... in his actions against heretics he reflected the limits of the culture of his time.*'

Adversary of the King

We now come to the fate of this great parliamentarian and therefore the heart of the reason for the late Pope's proclamation of More as your Patron.

Karol Wojtila had survived as a labourer under the Nazis, and as a Priest and Bishop had asserted the right of public space for the Church independent of the control of a regime functioning according to Communist ideology. He may be taken to have had a very good understanding of the attempt by the political power to displace all competing centres of power including the ecclesiastical or religious. Hence, we read in one part of the Apostolic Letter:

Thomas More did not allow himself to waiver, and he refused to take the oath requested of him, since this would have involved accepting a political and ecclesiastical arrangement that prepared the way for uncontrolled despotism.

It was Thomas More's misfortune to be caught up not merely in the King's Great Matter (namely the annulment of his marriage to Catherine of Aragon in order to marry Anne Boleyn), but also the final stages of the break up of Christendom, as nation states were forming and asserting their self sufficient sovereignty. Their rulers sought to exercise political power without any supranational restraint on that

power, or to be more specific in this case, without regard to the complementary competing legal system of the Catholic Church which included of course the regulation of marriage as a state in life.

Henry VIII started to put pressure on the church. In 1531 he had the Clergy of England charged with exercising jurisdiction direct from the Pope. They begged pardon, paid a massive fine and acknowledged Henry as ‘Supreme Head of the Church in England *so far as the Law of Christ allows.*’ (Italics added). On the 15th May 1532, the Convocation of Clergy submitted to Henry’s authority without the proviso.

The following day Thomas More handed the Seal of Office to Henry VIII on the grounds of ‘not being up to the work’. His resignation from public office was an admission of political defeat.

Anne Murphy in her wonderful book on Thomas More describes the next stage well.

Henry and Anne Boleyn were secretly married in January 1533. Henry was granted an annulment in an English Church court by Cranmer, now Archbishop of Canterbury, and on Whit Sunday 1533 Anne was crowned Queen of England. More, living in impoverished retirement at Chelsea, refused to attend her coronation, even though Tunstall and others had begged him to do so. In his reply to them, he cited an old story about an emperor bound by a law which prevented him from carrying out a death sentence on a virgin. It did not take long to find a way around the law ‘by first deflowering her and then devouring her’. More pointed out that by attending Anne Boleyn’s coronation, the bishops were compromising their integrity. ‘Now my Lords it lieth not in my power but that they may devour me. But God, being my good Lord, I will provide that they shall never deflower me.’⁵

On the 12th April 1534, More was summoned to Lambeth Palace to swear an oath of allegiance to the new Act of Succession. More declined to swear an oath. Though he declined to give reasons for his refusal it may be supposed that in conscience he could not subscribe to the preamble to the Act which implied Royal Headship of the Church in England.

On the 28th of June 1535, More was formally indicted for treason and a few days later was subjected to a show trial at Westminster Hall. His defence was that he had never disclosed to anyone the reason for his refusal and could not be tried for his thoughts. Nevertheless, he was found guilty, condemned to death, and beheaded on the 6th July 1535. His famous quip facing death was that he died ‘the King’s loyal servant, but God’s first.’

A Higher Law

The irony is that today the big picture for which Thomas More died is becoming a reality. Despotism is being brought to court to answer to a higher universal law which does not recognize the autonomy of national jurisdictions.

Consider this visual contrast. First, Hans Holbein's portrait of a swaggering, utterly self-confident Henry VIII, the embodiment of uncontested sovereignty. Secondly, the television screen showing Slobodan Milosevic in the seat of the accused at the War Crimes Tribunal in The Hague. Through the Security Council, the world community negated sovereign immunity in order to subject to trial a person who allegedly committed crimes against humanity whilst Head of State.

Mr Speaker, I commend your Chamber in this Queensland Parliament for enacting such laws as were necessary to support Australia's ratification of the Treaty establishing the International Criminal Court.⁶ Thomas More would have approved. There is a higher law than that of individual nation states and its dictate in conscience cannot be ignored under the guise of moral chauvinism. This Parliament has proved itself worthy of the Patronage of St. Thomas More. May he continue to inspire your deliberations and law-making. ▲

Endnotes

* An Address given by Rev. Prof. Michael Tate AO, Former Senator (1978-1993) and Federal Minister for Justice (1987-1993).

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¹ I have taken this quote and reference from Ann Murphy. *Thomas More* (London: HarperCollins 1996).

This is an excellent small book from which I have taken the quotations to be found in this talk. The talk itself is far from a work of any original scholarship and draws on the studies of others.

² Damian Grace. *A Patron Saint for Politicians?* Unpublished paper delivered at Parliament House, Sydney at a presentation which I attended in November 2003.

³ Constitutional Reform Act 2005

⁴ His Majesty's Assent was proclaimed on 23 March 1922

⁵ Ann Murphy *ibid.*, p. 55

⁶ eg. *Cross-Border Law Enforcement Legislation Amendment Act 2005*, Section 12.