

Thomas More and the Restraint of Power

JAMES McCONICA*

The State's absolute end is to safeguard (or to change) the external and internal distribution of power; ultimately, this end must seem meaningless to any universalist religion of salvation. . . . The state is an association that claims the monopoly of the *legitimate use of violence*, and cannot be defined in any other manner.¹

Thomas More is known to history as the consummate Englishman, and his career as a man of affairs—particularly as a lawyer—is part of the reason for this tradition. No profession is more dear to the English than that of the common lawyer who gives himself to the service of his country in Parliament and in the royal service. More did this. He was a Member of Parliament and a Speaker of the House of Commons. As Speaker, his brief office was marked by a plea for the rights of this House that has become part of the legacy of constitutional freedom. He was also Lord Chancellor, one of the first laymen to hold the highest office open to a commoner. It is scarcely surprising, therefore, that from the first, it has been taken for granted that More was a man given to public service. Even his humanism reinforced this conviction; he seems a classic example of the civic humanist in the North, and his service in England has almost defined the *vita civile* in a nation state.

It is perhaps worth observing, therefore, that there is no book or essay known to me on More as a philosopher—or theologian—of public service. His *Utopia*² is constantly cited along with Machiavelli's *Prince*³ and Erasmus' treatise on the Christian Prince⁴ as one of

* Senior Fellow, Pontifical Institute of Mediaeval Studies, Toronto, Canada. B.A., University of Saskatchewan, 1951; M.A., 1957; D. Phil., Oxford University, 1962; M.A., Toronto University, 1962.

1. M. WEBER, *Religious Rejections of the World and Their Directions*, in FROM MAX WEBER: ESSAYS IN SOCIOLOGY 334 (H. Gerth & C. Mills trans. 1946).

2. T. MORE, *UTOPIA* (London 1516); *id.*, in 4 THE COMPLETE WORKS OF ST. THOMAS MORE (1965) [hereinafter cited as WORKS].

3. N. MACHIAVELLI, *IL PRINCIPE* (Florence 1532).

4. D. ERASMUS, *INSTITUTIO PRINCIPIS CHRISTIANI* (Basel 1516).

the classic statements of Renaissance political philosophy. Yet the greatest modern student of the *Utopia*, Father Surtz, makes no mention of More's attitude to the service of the prince in his two volumes on *The Praise of Pleasure*⁵ and *The Praise of Wisdom*,⁶ even though both of them are recognized as erudite essays on the philosophy of this immortal work. Only recently have we had a careful examination of More's career in the royal service.⁷ Its author, Professor Elton, has concluded that More was a man who "fits none of the standard categories of royal officers."⁸ His career appears to have been highly idiosyncratic and nothing like a conventional pursuit of the *cursus honorum* designed to lead to the highest lay office in the realm.

These conclusions have in effect been confirmed by the recent re-examination of Dr. Elton's work by Professor J.J. Scarisbrick.⁹ I find these views very interesting because they seem to verify certain ideas that are apparent in some of More's most important early writings, and they amplify in an important manner our understanding of this very complex and remarkable personality.

From 1529 to 1535 in England, there transpired certain events, ultimately enshrined in Statute, that mark a turning point in the development of the English Constitution.¹⁰ During these years, something that qualified for description as a sovereign national state was established. One reason for thinking this to be so is the dilemma it posed for Thomas More. Dr. Elton describes this remarkable Englishman as one of the two men in England "who genuinely grasped the import of events."¹¹ The other man was Thomas Cromwell, to whose administrative and political genius Elton attributes this "Tudor revolution."¹² The ensuing opposition between More and Cromwell on the great matter of the King's divorce and the royal supremacy is a classic confrontation between the advocate of the national state and the loyalist of an international supra-political order. It invites us now to reflect on certain views on the nature of political power expressed by More before he became involved in the momentous developments surrounding the royal divorce.

5. E. SURTZ, *THE PRAISE OF PLEASURE* (1957).

6. E. SURTZ, *THE PRAISE OF WISDOM* (1957).

7. Elton, *Thomas More, Councillor*, in *ST. THOMAS MORE: ACTION AND CONTEMPLATION* 85 (R. Sylvester ed. 1972).

8. *Id.* at 97.

9. Scarisbrick, *Thomas More: The King's 'Good Servant,'* 52 *THOUGHT* 249 (1977).

10. The most important modern account is that of G. ELTON, *THE TUDOR REVOLUTION IN GOVERNMENT* (1953).

11. G. ELTON, *ENGLAND UNDER THE TUDORS* 167 (1955).

12. See note 10 *supra*.

More's views show a continuing preoccupation with the responsibilities and legitimation of power. More's concern was shared in different ways by other thinkers of the day, including Machiavelli, Claude de Seyssel, and Erasmus. All these men, as Myron Gilmore has written, "recognized that monarchies like France, Spain, and England disposed of the decisive power in the world of the sixteenth century, and they recognized further that that power was being arbitrarily used, unchecked by the moral laws of the Christian tradition."¹³ Although their emphasis differed with circumstance, the question of the legitimation of princely power was always fundamental. Seyssel and Machiavelli were both concerned to increase the effectiveness of princely authority.¹⁴ Seyssel was, however, persuaded that one of the conditions essential to the vitality of the French monarchy was that it submit to the three reins of religion, justice, and *la police*. A distinguished authority has recently written of the "basic presumption" in all of Machiavelli's relevant political writings that a ruler must govern within a firm institutional framework to retain the support of the aristocracy and the populace.¹⁵

For More and Erasmus, the first priority was the evangelical restoration of a Christian conscience in Europe, and their attitude to princely power is at once more traditional and, in certain respects, more radical. Thus, Erasmus' chief political treatise, the *Institutio principis Christiani*,¹⁶ while in form a humanistic elaboration of the medieval Mirror of Princes, in fact describes hereditary monarchy as only the best of the available polities. It is elective monarchy that is first discussed and implicitly preferred, where selection of the ruler is bestowed upon the people.

Both these men, especially in the early years of their close familiarity, shared political principles that are something like republicanism. It was some time in the first two decades of the century, for example, that More wrote his epigram on the bestowal of sovereignty (*regnum*) by the consent of the people: "Any one man who has command of many men owes his subjects this: he ought to have

13. M. GILMORE, *THE WORLD OF HUMANISM* 137 (1952).

14. See, e.g., the discussion by Major, *The Renaissance Monarchy as Seen by Erasmus, More, Seyssel and Machiavelli*, in *ACTION AND CONVICTION IN EARLY MODERN EUROPE* 19 (1969).

15. *Id.* at 28.

16. D. ERASMUS, *INSTITUTIO PRINCIPIS CHRISTIANI* (Basel 1516).

command not one instant longer than his subjects wish. Since kings, not their own masters, rule on sufferance, why are they proud?"¹⁷

It is evident that such epigrams—and there are at least a dozen of them—were not merely conventional exercises in classical *genre*. It should be recalled that in his translations from Lucian, written with Erasmus, it was the dialogue *Tyrannicida*¹⁸ that attracted More's most explicit interest, and that it was he who proposed that they both write replies to it in which they would reflect on the position of the tyrant in the community. More informative yet is the *History of King Richard III*,¹⁹ whose editor has noted More's constant return in these years to the contrast between the good king and the tyrant.²⁰ In fact, this contrast is the artistic frame of the whole because Rastell's version opens with the idyllic account of the last years of the "good king" Edward IV:

He was a goodly parsonage, and very Princely to behold, of hearte couragious, politique in counsaile. . . . In whych tyme of hys latter daies, thys Realm was in quyet and prosperous estate: no feare of outwarde enemyes, no warre in hande, nor none towarde, but such as no manne looked for: the people towarde the Prynce, not in a constraigned feare, but in a wyllynge and louynge obedyence: amonge them selfe, the commons in good peace.²¹

These are the benefits bestowed by the rule of a virtuous prince: peace and order in both outward and domestic affairs. In the rest of *Richard III*, Richard's contrary example, his deceit and his selfish ambition, sow the seeds of internal discord and finally of his own downfall, and the commons emerge as the witnesses, the victims, and also the judges of his abusive rule. They are the repository of political conscience and moral order, and their comment helps to demonstrate "the rational man's incipient moral victory over the tyrant's minion,"²² just as their loving obedience to Richard's predecessor had been the validation of his virtuous rule.

There is no evidence to suggest that More's ideas of constitutionalism departed at all significantly from the views of Fortescue, whom he certainly knew. He presumably believed in the *dominium politicum et regale*, and there is never any suggestion that for him, hereditary right plays any part in the legitimation of royal power. More's characteristic concern is with the abuse and the restraint of power, and this concern is accompanied by an icy vision of the prac-

17. T. MORE, *The Latin Epigrams No. 103*, in *THE LATIN EPIGRAMS OF THOMAS MORE* 175 (1953).

18. LUCIAN, *Tyrannicida*, in *LUCIANI OPUSCULA* (London 1506).

19. T. MORE, *History of King Richard III*, in *2 WORKS*, note 2 *supra* (1963).

20. Sylvester, *Introduction to 2 WORKS*, *supra* note 2, at xvii, xcix (1963).

21. T. MORE, *History of King Richard III*, in *2 WORKS*, *supra* note 2, at 4 (1963).

22. Kincaid, *The Dramatic Structure of Sir Thomas More's History of King Richard III*, in *ESSENTIAL ARTICLES FOR THE STUDY OF THOMAS MORE* 379 (1977).

ticalities of statecraft that yields nothing to Machiavelli. For example, it is that same populace in *Richard III* that provides the most famous single comment on politics to be found in More's writings, that the public pretenses and deceits of the rulers are

[k]ynges games, as it were stage playes, and for the more part plaied upon scaffoldes. In which pore men be but y^e lokers on. And thei y^t wise be, wil medle no farther. For they that sometyme step up and playe w^t them, when they cannot play their partes, they disorder the play & do themself no good.²³

In *Utopia*, the natural and immediate sequel to this work, we find this vein of radical scepticism about the moral credentials of kingship vastly enlarged to a profound and almost startling pessimism. At the same time the commonalty, the passive repository of political virtue in *Richard III*, emerges in *Utopia* as the sovereign people. Donald Kelley has recently written that More's "vision of politics," like that of Erasmus but unlike that of Seyssel or of Machiavelli, draws on private values and morality rather than on practical statecraft or institutional traditions.²⁴ I hesitate to agree because I think it draws heavily on his political experience and because *Utopia* is misdescribed as a vision of politics of the same order as *The Prince* or even the *Institutio principis Christiani*. It is a static world—indeed, one out of time—which is meant to illuminate and to judge, as a parable would do, the realities of society and state in More's day. It reveals an individual and extremely passionate conviction of sweeping moral disorder, a disorder that discredits by implication many of the traditional structures of restraint, including his own profession of the law. We find here the key to More's luminous yet eccentric career as a public servant and to the intellectual developments that would lead to his final stand.

The best of the modern work on More has made clear something that could always be perceived in his spiritual writings: More's tendency always to stand outside the sphere of practical activity even while deeply immersed in it. It is impossible not to connect this tendency with the deep crisis in his life when he seriously contemplated his vocation as a Carthusian. The More who lived in the London Charterhouse for some four years while qualifying for admission to the bar, reading at Furnivall's Inn and lecturing on August-

23. T. MORE, *History of King Richard III*, in 2 WORKS, *supra* note 2, at 81 (1963).

24. Kelley, *The Conscience of the King's 'Good Servant,'* 52 THOUGHT 293, 298-99 (1977).

tine's *City of God*, always felt the full appeal and authority of the traditional religious values for which the Carthusian vocation stood. At the same time, he was formed by his intellectual training in the preoccupations of the world of humanism, with its strong impulse toward a lay vocation in the expanding enterprise of urban Europe. In the midst of his vocational decision, More wrote to his spiritual advisor, John Colet: "For in the city what is there to move one to live well? . . . [W]hen a man is straining in his own power to climb the steep path of virtue, it turns him back by a thousand devices and sucks him back by its thousand enticements."²⁵ In the end, More decided to make his own the problem of "living well" in the city of man, the problem which was also the chief concern of the Christian humanists who looked to classical culture for a fresh sense of the European community in their own day. More looked there, too, but the models that gripped him most seemed always to be Christian and medieval.

Let us return to Utopia. As a mirror to Europe, it is an elective polity which is secure from the hazards of hereditary monarchy and dynastic wars. It is urban rather than rural, without the privileges and attendant problems of a landed aristocracy. Constitutionally, it is a federation of city-states, like the Burgundian Netherlands in which the work was written. The head of the state is a governor, chosen for life by a senate representing an electorate of families, from a short list of four men directly nominated by the people. In this and in all other respects, the society of Utopia is democratic, communal, and patriarchal, and it is not so remote from institutional traditions as Donald Kelley has perhaps implied.²⁶ A recent analyst²⁷ has pointed out how nearly it resembles the familial and elective polities of the European monastic tradition, and he sees behind Utopia the dim outlines of the Charterhouse. At the foundation of More's ideal community, however, is the family itself, nurtured by the peculiar institutions and customs of Utopia. The citizens are brought up in a life of perfect probity and virtue, and the health of the polity ultimately resides only in the people.

In recent years, following J.H. Hexter's important discussion²⁸ of the different circumstances surrounding the composition of the two books of *Utopia*, scholars have tended to look to Book I and the "Dialogue of Counsel"²⁹ to find More's comment on practical politics.

25. ST. THOMAS MORE: SELECTED LETTERS 4 (E. Rogers ed. 1961).

26. See Kelley, *The Conscience of the King's 'Good Servant'*, 52 THOUGHT 293 (1977).

27. Fenlon, *England and Europe: Utopia and Its Aftermath*, in 25 TRANSACTIONS OF THE ROYAL HISTORICAL SOCIETY 115 (1975).

28. Hexter, *The Composition of Utopia*, in 4 WORKS, *supra* note 2, at xv.

29. *Id.*, at xix-xx.

Book II, the account of Utopia itself, is commonly seen as an essay on a natural law society, or a polity of reason untouched by the Christian revelation. In the words of Father Surtz, "the Utopian temple with all its accouterments stands ready as if waiting for the Christian liturgy to begin."³⁰ In one form or another such an opinion has been held ever since the work of R.W. Chambers.³¹

While I do not think it is wrong, I think that More would be surprised by such an emphasis. When *Utopia* was written, More was on the verge of accepting a place in the royal council. This decision was implicit in his early decision to live in society as a married layman. The debate must have called up the emotions of the earlier crisis, however, as well as the fundamental issues he debated at that time. In *Utopia* he made these issues universal—a comment on the Christian vocation of the whole of Europe. It was a brilliant personal effort to move the educated classes of Europe toward the enlightened moral perspective of Utopia's citizens. It appears that education was to More the bottom line in the restraint of power and the rectification of the social order. We have long taken seriously his passionate denunciation of social injustice in Book I; we must now acknowledge in the work an equally radical judgment on government.

It is important to recall that in Book I, the essential condition for a truly just and moral society is impossible of attainment: It is the symbolically difficult abolition of private property, which (we are told) exists in only one place—Nowhere. I do not find this an optimistic work. I think, on the contrary, that it shows that More's scepticism about the effectiveness of traditional institutions and remedies extended even to secular positive law and to courtly society. The traditional institutions for the restraint of royal power were rooted in the interests of those propertied classes whose abuse of wealth and power he so unmistakably and bitterly attacked, and in the proceedings of the law he so much distrusted. Because of this scepticism, More, like so many before him but with more poignancy and outward desperation than any, saw the character of the Prince and his advisors as the central issue, the fulcrum of any attempt to curb tyranny and to reform the social order through the state. After the publication of *Utopia*, his further contribution was to accept the role of advisor to those in power, especially the King, whose character he knew so well. He had little choice; his conscience drove him to

30. E. SURTZ, *THE PRAISE OF WISDOM* 308 (1957).

31. R. CHAMBERS, *THOMAS MORE* (1935).

take the risk. His conclusion is expressed by the More of the dialogue, who argues that "you must not abandon the ship in a storm because you cannot control the winds."³² It is staunch, but less than a clarion call to action.

This less familiar view of More makes better sense of his life. A man who held the views I have described could not be a careerist, and now we know that More was not. He could be, as he was, a philosopher and man of letters who from personal conviction worked hard and brilliantly at particular tasks set for him by the King. As Henry's trusted friend he had an opportunity to affect one of the two polar extremes of English society where he thought there lay hope of renewal—the court and the commons. A condition for the evangelical education of the latter, of course, was peace, and it is suitable that More should have found his role in government in the twin services of private counsel to the King at home and of diplomatic service abroad. He lived in a spirit of Christian hope, and he was an ironist. His view of human nature was far less sanguine than that of most of his humanist cronies. He was neither the first nor the last to combine a low estimate of the human condition with a profound belief in human worth.

Consider, then, the changing circumstances of the country during his career in office. The Treaty of Cambrai, which he helped to negotiate, brought Europe peace on terms that were a defeat for English interests as commonly conceived, though not as More conceived them. The spread of the Lutheran heresy threatened the moral foundation of the social order to which he attached so much importance and in a way he had never foreseen. These events led him to a reappraisal of the nature of the Christian church in which the papacy emerged as the indispensable and even divinely sanctioned center of unity. The King's use of Parliament and state to disrupt this unity further toppled one of the barriers to disorder that the traditional constitution provided and did it in a way consistent with the theory of this constitution. It is not surprising, then, that More's last weeks in office were so much devoted to the protection of the clerical estate despite the fact that he had never been a clerically minded layman. It was natural that it was the Submission of the Clergy in May of 1532³³ that precipitated his resignation.

We must assume that More was not greatly surprised at the inability of the traditional institutions to correct the policy of a king obstinately set upon what More regarded as a fatal course for the nation. It is in keeping with all we know about More that he would

32. T. MORE, *Utopia*, in 4 WORKS, *supra* note 2, at 99.

33. J. SCARISBRICK, HENRY VIII 297-300 (1968).

have defined the great issue so carefully, and that his opposition between an Act of Parliament and the universal law of Christendom still obtains as the ground of all debate on the King's Great Matter. His decision to die for his conviction was, like the *Utopia* itself, a decision to instruct the commonalty with the best means at his disposal. It was a gesture admonitory, inspiring, and superbly achieved. It is fitting therefore to leave the final words on More's stand in restraint of power to the present Dean of Westminster, Dr. Edward Carpenter, who wrote as follows in the London *Times* of February 7, 1978, the 500th anniversary of More's birth:

In making his stand "on a narrow base", More claimed to represent the vast majority of Christian men present as well as past yet basically he was asserting the final right of the individual conscience to authenticate itself, even when this meant to "defy power which seemed omnipotent". In this he links himself up with Socrates before him and prisoners of conscience after him. On the courageous witness of such men the preservation of liberty must finally depend.³⁴

34. THE TIMES (London), Feb. 7, 1978, at 6, col. 4.

