

LAWYER OF THE MILLENIUM

From the Law Society of Great Britain's *Gazette* of December 1999:
Gazette survey feature: **Lawyer of the millennium**

Sir Thomas More has topped the lawyers' poll as the most significant legal figure of the second millennium. Rebecca Towers looks back on the life of the man for all seasons.

Enlightened Renaissance man and Roman Catholic martyr Sir Thomas More is the legal profession's choice for Lawyer of the Millennium. Sir Thomas received 33% of votes cast - but faced stiff competition from one of this century's most distinguished lawyers, Lord Denning, who gathered 27% of votes.

Lord Mishcon of Mishcon de Reya acknowledges his place in history: 'This result leaves no doubt that Sir Thomas More is still the idol of many lawyers. Especially when celebrating the millennium it is appropriate that we have honoured the man for all seasons.'

Thomas More was born in 1478 Milk Street, London, the eldest son of John More, an eminent lawyer and judge of the King's Bench. The young Thomas was educated in London and was page to John Morton, the Archbishop of Canterbury and Chancellor of England, who sent him to Oxford University to study Latin and formal logic.

Bowing to his father's wishes to become a lawyer, More returned to London to study common law. In February 1496 he was admitted to Lincoln's Inn, one of the four legal societies, to prepare for admission to the Bar, becoming an 'utter Barrister' - a full member of the legal profession - in 1501. More, already a profoundly religious man, followed a monk's way of life as far as was practicable, residing for four years in a monastery adjoining Lincoln's Inn. For the rest of his life, More never discarded the practices of his formative years of prolonged prayer, fasting and wearing a hair shirt.

More was soon immersed in legal London. He held the post of Under-Sheriff of London - the Sheriff's legal adviser - and engaged in private law practice as representative of a number of London companies in negotiations with Antwerp merchants. An account by his son-in-law William Roper confirms More's dedication to his profession: 'There was at that time in none of the Prince's courts of the laws of this realm, any matter of importance in controversy wherein he was not with the one part of Counsel.'

In May 1515 More was appointed as a delegate to a conference and given the task of revising an Anglo-Flemish commercial treaty. The conference was held in Bruges, and its long intervals gave More the opportunity to visit Belgium's other cities. It was during this year that he began writing *Utopia* - an account of a fictitious paradise which became his most celebrated work. Published in December 1516, the book was an immediate success and gave birth to a new literary genre.

In *Utopia* More covered a huge range of moral and legal issues which included euthanasia, the marriage of priests, consensual divorce on the grounds of incompatibility and the morality of capital punishment. 'This method of dealing with thieves is both unjust and socially undesirable. Petty larceny isn't bad enough to deserve the death penalty and no penalty of earth is going to stop people from stealing if it's their only way of getting food.' In *Utopia* More professes it was better 'to provide everyone with some means of livelihood, so that nobody's under the frightful necessity of becoming first a thief and then a corpse.' More's Utopian legal system was based on good citizenship and was one in which thieves paid their debt to society with service to the community.

In More's perfect society every citizen was counted a legal expert. And since Utopians needed so few laws, the simplest interpretation would always be the right one: 'They think it better for each

man to plead his own cause... the point at issue is less likely to be obscured... for if nobody's telling the sort of lies that one learns from lawyers, the judge can apply all his shrewdness to weighing the facts of the case.'

More's advocacy of women's rights is contradictory. In Utopia 'there is nothing to stop a woman becoming a priest' - yet Utopian wives must kneel down before their husbands and 'confess their sins... and ask to be forgiven.' Despite going to great lengths to educate his own daughters, More did not challenge the orthodoxy of Tudor England with his views of the worth of women's opinions. His friend Erasmus revealed that in conversation with women, including with his wife, More confined himself to making jokes. His other works confirm this interpretation. In *Epigramata* (1520) More wrote: 'If you let your wife stand on your toe tonight, she'll stand on your face first thing tomorrow morning.'

Some commentators believe *Utopia* was never intended to represent an idealised society, but was instead an attack on heathen Europe. In this view, Utopia was a humanist vision based not on a socialist manifesto but on a society constructed on a strict religious and moral code.

Utopia translator Paul Turner rejects attempts to dismiss Utopia's socialism as metaphor. 'I am simple-minded enough to believe, with certain qualifications, that the book means what it says, and that it does attempt to solve the problems of human society.'

More's career took him into the service of Henry VIII as his intellectual courtier, secretary and confidant. More welcomed foreign envoys, delivered official speeches, drafted treaties and read dispatches exchanged in the king's name. In 1529 More was appointed Lord Chancellor of England. More was ultimately forced to resign from office in 1532 when he refused to denounce papal supremacy and declare Henry VIII head of the Church of England. For this betrayal, Henry had More tried, found guilty of high treason and sentenced to death. In July 1535, Sir Thomas More was beheaded at the age of 57.

As a humanist, scholar and an impartial judge, More endeared himself to many Londoners and was hailed 'Patron of the Poor'. But the man eulogised in Robert Bolt's play *The Man for All Seasons* was not without his flaws. Libel lawyer Peter Carter-Ruck said: 'What may be described as a stain on [More's] character as a judge was the harshness of his sentences for religious opinions.' He views Lord Denning's contribution to the law 'as a distinguished mark of progress for humanity and for succeeding generations.'

But he regards Sir Thomas's contribution to the legal profession as 'outstanding' and describes him as 'a most distinguished lawyer'.

THE RESULTS:

- Sir Thomas More 33%
- Lord Denning 27%
- Nelson Mandela 11%
- Gandhi 10%
- Henry II 5%
- Sir Edward Coke 4%
- William Blackstone 4%
- William Wilberforce 3%

The *Gazette's* Lawyer of the Millennium poll elicited many expected and obvious responses, but there were also a few surprises.

For example, in a rush of Welsh patriotic pride, Anthony Jenkins and his three partners at Ungoad-Thomas & King in Carmarthen voted for a renowned thorn in the side of the English, Owain Glyndwr. According to Mr Jenkins, Glyndwr 'was a man of great learning and an eminent

lawyer. He had the vision of a unified independent Wales with a codified system of Welsh law based on the laws as promulgated by Hywel Dda in the 9th and 10th centuries'.

In a similar vein, Craig Verdon of Morgan Stanley in Hong Kong put forward the 18th century Irish nationalist, Wolfe Tone. Mr Verdon cites him for having 'organised the French invasion of Ireland in 1798' and for being the 'orchestrator of the first significant challenge to British Empire'.

Nicholas Hall of London helped to boost Sir Thomas More's to the top of the poll with his first vote. But his second choice would have gone to Cicero.

There were surprisingly few votes for Abraham Lincoln. But one anonymous reader gave 16th US president a big plug, describing him as 'an icon for every struggling lawyer who from time to time doubts why he should bother to continue providing quality for the ungrateful'.

And back to Hong Kong where Robin Egerton of Hampton Winter and Glynn voted for the 'unknown lawyer'. Explaining, he said: 'Probably the most valuable contribution to law for the public as a whole is the lawyer who is only known to his or her clients, who does not necessarily bring matters to trial but by careful advice and consideration assists his clients through the complexities of the legal system, or systems.'