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# Robert Bolt's *A Man for All Seasons* and the Art of Discerning Integrity

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ROBERT BOLT'S *A MAN FOR ALL SEASONS*  
AND THE ART OF DISCERNING INTEGRITY

by Randy Lee\*

INTRODUCTION

In his play, *A Man for All Seasons*,<sup>1</sup> Robert Bolt considered how it came to pass that Henry VIII divorced Catherine of Aragon to marry Anne Boleyn and what account those events took in the life and death of Sir Thomas More.<sup>2</sup> Cast in this light, the play seems an odd focus for a conference on ethics for twenty-first century government lawyers in Pennsylvania. The play, however, is more than that. Behind the screen of historical fiction, Bolt created a timeless study of integrity, and as this year's presidential campaigns attest, integrity is back in as a requirement for government service.<sup>3</sup>

The historical background for the play can be briefly stated. Henry VIII ascended to the throne of England in 1509, at a time when the Church in England was under the authority of the Pope.<sup>4</sup> Henry

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<sup>1</sup> ROBERT BOLT, *A MAN FOR ALL SEASONS* (First Vintage International ed., Vintage Books 1990) (1960).

<sup>2</sup> *Id.* at vii, vii-x.

<sup>3</sup> David Goldstein & Jodi Enda, *Gore Taps Lieberman: Senator Could Be Antidote for Clinton Shadow*, PATRIOT-NEWS (Harrisburg, Pa.), Aug. 8, 2000, at A1 (stating that "the Gore camp believed that Republican Presidential candidate George W. Bush's effort to present himself and running mate Dick Cheney as the candidates of integrity needed an antidote like Lieberman"); Charles Thompson, *Bush Fires 'Integrity' Salvo: Capitol Stop Includes Shot at Clinton's Sex Scandal*, PATRIOT-NEWS (Harrisburg, Pa.), Aug. 2, 2000, at A1 (quoting then-Presidential candidate George W. Bush as saying "We will swear to not only uphold the laws of the land, but we will swear to uphold the honor and the integrity of the office to which we have been elected, so help me God").

<sup>4</sup> MORE'S *UTOPIA* AND ITS CRITICS 173 (Ligeia Gallagher ed. 1964) [hereinafter *UTOPIA*].

subsequently sought to divorce his wife, Catherine of Aragon, a princess of Spain, so he could marry Anne Boleyn, but the Pope refused to approve.<sup>5</sup> Henry then challenged the Pope's authority both on this matter and over the Church in England generally.<sup>6</sup> Henry married Anne, and the Church in England became independent of Rome.<sup>7</sup> While most of England went along with Henry, Thomas More quietly refused to endorse the developments. More resigned as Lord Chancellor of England,<sup>8</sup> and was "conspicuously absent at the coronation" of Anne.<sup>9</sup> More's quiet refusals became even more conspicuous, however, when he refused to take an oath required under the Act of Succession (1534), which in part challenged the Pope's authority over the Church.<sup>10</sup> More was imprisoned for failing to take the oath, but could not be tried for treason because he refused to disclose his reasons for not taking it.<sup>11</sup> Ultimately, he was tried for treason, convicted with perjured testimony, and executed.<sup>12</sup>

Building on these events, Bolt examined the motivations and behavior of government actors who are called upon to "give in"<sup>13</sup> in the face of dire consequences or grand temptations.<sup>14</sup> As Bolt would say, the play is a story about how people in government respond when the issue is simple, but the choice can hardly be called easy.<sup>15</sup> By studying these responses in a historical context, Bolt sought to bring

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<sup>5</sup> BOLT, *supra* note 1, at viii.

<sup>6</sup> *Id.* at ix.

<sup>7</sup> *Id.* at ix-x.

<sup>8</sup> THERESE JOHNSON BORCHARD, AN HOUR WITH SAINT THOMAS MORE 5 (2000).

<sup>9</sup> UTOPIA, *supra* note 4, at 174.

<sup>10</sup> BORCHARD, *supra* note 8, at 6.

<sup>11</sup> *Id.* at 6-7.

<sup>12</sup> UTOPIA, *supra* note 4, at 174.

<sup>13</sup> BOLT, *supra* note 1, at 121.

<sup>14</sup> Robert H. Davis, Jr., a participant in today's symposium, refers to these issues as "big E ethics questions." Robert H. Davis, Jr., Address at the *Widener Journal of Public Law's Legal Ethics for Government Lawyers: Straight Talk for Tough Times* Symposium (Mar. 23, 2000). He reserves the title "little 'e' ethics questions" to those issues related to the meanings of ethics rules. *Id.* Mr. Davis is a former chief counsel of the Disciplinary Board of the Supreme Court of Pennsylvania and President of the National Organization of Bar Counsel.

<sup>15</sup> BOLT, *supra* note 1, at xiii.

both perspective and objectivity to his examination<sup>16</sup> of a dynamic that he felt was even more in crisis in our time than in More's.<sup>17</sup>

Whether Bolt is right about our time relative to More's is a topic for another day. For us, it is enough to acknowledge that given the government bar's recent struggles<sup>18</sup> and the political system's renewed fascination with integrity, we can benefit a great deal today from reflecting on Bolt's behavioral studies in *A Man for All Seasons*.

As we do so, we must understand what the play is and what it is not. In particular, Bolt did not intend for the play to be an endorsement of More's particular theology or even of More's zealotry in being guided by faith in a god. Though More was a Franciscan and ultimately was recognized as a Catholic saint,<sup>19</sup> Bolt, himself, was neither Catholic, "nor even in the meaningful sense of the word a Christian" when he wrote the play;<sup>20</sup> and Bolt was quite clear

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<sup>16</sup> *Id.* at xvii.

<sup>17</sup> *Id.* at x-xi, xiv. Accord RICHARD H. WEISBERG, *THE FAILURE OF THE WORD* 178 (1984) (warning that the legal system has become an ethical vacuum as lawyers demonstrate a willingness "to substitute wit for judgment, elegance for substance, words for values"). See also WILLIAM E. SIMON, *A TIME FOR ACTION* 13 (1980), stating that

there is no vision in Washington today. There is instead the aimless movement of vast machinery, a scramble for votes and cushy jobs, an endless parade of subsidy-seekers, tin cup in hand, in search of handouts. We are drifting in confusion, refusing to make the hard decisions that must be made, ignoring the signs of danger that proliferate around us. . . .

I believe the disorders of our times are, in several senses, the product of a spiritual as well as an intellectual crisis. The troubles we experience are the result of a contagion that affects the whole of our society—political leaders, intellectuals, businessmen, average workaday citizens. We are without direction, ultimately, because we have lost the compass bearings of religious faith and patriotic affirmation.

*Id.*

<sup>18</sup> Randy Lee, *Legal Ethics for Government Lawyers: Straight Talk for Tough Times*, 9 WIDENER J. PUB. L. 199, 200 (2000) (explaining that "during the 1990s the image of government lawyers was tarnished. In a series of high-profile legal confrontations from Los Angeles, California, to Washington, D.C., government lawyers found themselves characterized as inept, overzealous, and even unethical").

<sup>19</sup> Thomas More, *Letter to Erasmus*, in *UTOPIA*, *supra* note 4, at 80.

<sup>20</sup> BOLT, *supra* note 1, at xiii.

that he approached More on his own terms and not on More's.<sup>21</sup> For Bolt, the play represented a "collision," but not so much between people as within people: what did the characters do when forced to choose between what they valued and what they believed.<sup>22</sup>

More was an appropriate central character in such a play because Bolt saw More as "a man with an adamant sense of his own self. He knew where he began and left off, what area of himself he could yield to the encroachments of his enemies, and what to the encroachments of those he loved."<sup>23</sup> This certainty and resoluteness of character in More was not a result of "any incapacity for life."<sup>24</sup> Bolt described More as one who both had "a proper sense of fear"<sup>25</sup> and also "seized life in great variety and almost greedy quantities."<sup>26</sup> Yet, in spite of understanding what conviction could cost and what life had to offer, More "nevertheless found something in himself without which life was valueless and, when that was denied him, was able to grasp his death."<sup>27</sup>

For Bolt, More's integrity was a function of three attributes:

- 1) his primary motivation for what he ultimately did;
- 2) his understanding of the world; and
- 3) his attitude toward the law.

This piece will examine each of these attributes, but in the context of many characters in the play and not merely More. As Bolt rightfully pointed out, determining what a play is "about" can be a shifting and uncertain task,<sup>28</sup> and here, despite the traditional view that the play is about More, the play will be considered as about many characters, characters in whom even today we may all discover ourselves.

As quick as we are to agree that integrity is a good thing, it is not at all clear that we all agree about what constitutes integrity. By taking the approach described here and considering the relative virtues of all

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at xiii-xiv.

<sup>23</sup> *Id.* at xii. For a discussion of the meaning of the word "believe" and its significance here, see *infra* text accompanying note 77.

<sup>24</sup> BOLT, *supra* note 1, at xiii.

<sup>25</sup> *Id.* at xii.

<sup>26</sup> *Id.* at xiii.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at xii.

the characters in the play, we can confront both our understanding and our uncertainty about how one in fact comes to stand as "a man for all seasons."<sup>29</sup>

### A. Integrity and Motivation

Robert Bolt portrayed Thomas More as a man of integrity because there are things that More will not do because to do them would require More "to retreat from that final area where he located his self."<sup>30</sup> For More, the essence of that self is Christian. Bolt reflected this when he had More explain to his daughter, Margaret, that he has given up his wealth and office, subjected himself to imprisonment, and risked execution as "a matter of love" for God.<sup>31</sup>

The Christian nature of that essence, however, mattered little to Bolt. For Bolt, it is enough that there is something of More that is a "demanding conscience,"<sup>32</sup> that makes his behavior inevitable regardless of any consequence. Such "an absolutely primitive rigor"<sup>33</sup>

<sup>29</sup> *Id.* at v (quoting Robert Whittinton's description of a peer for More, who would have to be a "man of . . . gentleness, lowliness, and affability[.] And as time requireth a man of marvellous mirth and pastimes; and sometimes of as sad gravity: a man for all seasons.").

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 141.

<sup>32</sup> *Id.* More, in his own words, described his love for God when he said, "Let every man . . . in time learn, as we should, to love God above all other things, and to love all other things for His sake. And whatever love is not based on that purpose—namely, the pleasure of God—it is a very vain and an unfruitful love." BORCHARD, *supra* note 8, at 14.

As Bolt accurately represented, More lacked neither a love of England nor of his King. His actions, however, were driven by a love of God, which transcended his loyalties to country and King as his final words from the scaffold reflect:

"I die in and for the faith of the holy Catholic Church. Pray for me in this world, and I shall pray for you in that world. Pray for the King that it please God to send him good counsellors. I die as the king's true servant, but above all God's true servant."

BORCHARD, *supra* note 8, at 7-8.

<sup>33</sup> ROBERT COLES, *The Hero Without and Within*, in HARVARD DIARY: REFLECTIONS ON THE SACRED AND THE SECULAR 113, 115-16 (1988) [hereinafter HARVARD DIARY]. Coles stated that

places More in stark contrast to modern people for whom "[t]here are fewer and fewer things which, as they say, we 'cannot bring ourselves' to do. We can find almost no limits for ourselves other than the physical, which, being physical, are not optional."<sup>34</sup>

This, however, may well be an instance where the work and its author speak in different voices. This is so because the play says little about integrity unless its reader considers not only a commitment to a self but also an evaluation of what constitutes a better self. Certainly More would not take an oath that required him to attest to the validity of the marriage between Henry and Anne.<sup>35</sup> Yet, other characters in the play find themselves equally locked into behaviors out of commitments to other purposes. Not all of them, however, are perceived as heroically as is More.

One such character is Cardinal Wolsey, head of the Catholic Church in England as Henry is seeking permission for a divorce from the Pope. For Bolt, Wolsey is driven by the preservation of the public good.<sup>36</sup> His commitment to that is at his core, and he demands that

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[n]either Ruby nor Dr. King, nor, I believe, Dietrich Bonhoeffer, regarded themselves as "courageous," as "brave," as "heroic." They regarded themselves as, finally, with their backs to the wall—with no choice but to act in the way they did. These were individuals not only of high conscience (plenty of us talk a good line about our noble ideals and values) but of demanding conscience—a voice within that (at a minimum) said there is no pathway but *this* pathway, and a voice which was heard by the person in question.

*Id.*

<sup>34</sup> BOLT, *supra* note 1, at xiv.

<sup>35</sup> *Id.*

<sup>36</sup> In *Henry VIII*, Shakespeare alternatively portrayed Wolsey as a man who believed himself ruined by his ambition. WILLIAM SHAKESPEARE, HENRY VIII act 3, sc. 2. For his part, Wolsey said reflecting from his deathbed, "If I had served God as diligentlie as I have doone the King, he would not have given me over in my greie haire." THE RIVERSIDE SHAKESPEARE 1005 n.455-57 (G. Blakemore Evans ed. 1974) (citing Holinshed). Shakespeare drew on those words in constructing Wolsey's classic farewell speech, which contains this advice for public servants:

"Love thyself last, cherish those hearts that hate thee;  
Corruption wins not more than honesty.  
Still in thy right hand carry gentle peace  
To silence envious tongues. Be just, and fear not;

everything else in his life yield to it. Thus, Wolsey is willing to seek a dispensation from the Pope only because it will avert civil war in England. As Wolsey argues to More,

Let [Henry] die without an heir and we'll have [the Yorkist Wars] back again. Let him die without an heir and this "peace" you think so much of will go out like that! Very well then . . . England needs an heir; certain measures, perhaps regrettable, perhaps not—there is much in the Church that *needs* reformation, Thomas—All right, regrettable! But necessary, to get us an heir! Now explain how you as Councilor of England can obstruct those measures for the sake of your own, private, conscience.<sup>37</sup>

The Henry with which Bolt presented us is also a man committed to a good, he being the "Golden Hope of the New Learning throughout Europe."<sup>38</sup> It is a good falling somewhere between More's and Wolsey's, having both a worldly and a spiritual aspect. Unlike More, Henry's conscience is not accountable to any external or independent authority like a church. Instead, he trusts in his own logic. One finds that without that external accountability, however, Henry's conscience seeks "either Sir Thomas More to bless his marriage or Sir Thomas More destroyed."<sup>39</sup> The apparent paradox is explained, "If the King destroys a man, that's proof to the King that it must have been a bad man, the kind of man a man of conscience *ought* to destroy—and of course a bad man's blessing's not worth having."<sup>40</sup>

Signor Chapuys, the Spanish Ambassador to England at the time, has a related though slightly different loyalty to that of Wolsey. He

Let all the ends thou aim'st at be thy country's,  
 Thy God's, and truth's; then if thou fall'st, O Cromwell,  
 Thou fall'st a blessed martyr!"

WILLIAM SHAKESPEARE, HENRY VIII act 3, sc. 2.

<sup>37</sup> BOLT, *supra* note 1, at 22. More's response merits consideration, as it attempts to weigh the value of public good and personal conscience in the quest for integrity: "I believe, when statesmen forsake their own private conscience for the sake of their public duties . . . they lead their country by a short route to chaos." *Id.* For a discussion supporting the validity of More's view, see ALDOUS HUXLEY, *Politics and Religion*, in COLLECTED ESSAYS 268, 269-75 (1964).

<sup>38</sup> BOLT, *supra* note 1, at xxiv.

<sup>39</sup> *Id.* at 119.

<sup>40</sup> *Id.*



too is for good, but for him what is good for his country is necessarily good. Unlike Wolsey, who seeks to avert war as a good for those people who would have to fight it, Chapuys would invite war if war would serve his nation's interest.<sup>41</sup> Reminiscent of the cries of "my nation; right or wrong," or "my country; love it or leave it," Chapuys captures his view of goodness when he says, "In the long run, of course, *all* good men everywhere are allies of Spain. No good man cannot be, and no man who is not can be good."<sup>42</sup>

In Thomas Cromwell, who serves as King Henry's principle tool in dealing with More, Bolt gave us a man who seeks yet another good: the King's good. Cromwell is the boss's man. Cromwell embraces his boss's thinking,<sup>43</sup> employs his boss's methods,<sup>44</sup> does his boss's bidding,<sup>45</sup> and seeks his boss's "convenience."<sup>46</sup> One might see Cromwell as simply seeking his own interest,<sup>47</sup> but Cromwell is more complex than that. As Henry describes him, Cromwell is a "jackal[] with sharp teeth" necessarily tied to Henry, his lion.<sup>48</sup> He is to be distinguished from Richard Rich, a man who truly does seek only his own good. Rich begins the play by seeking More's help and friendship to advance himself<sup>49</sup> and ends the play by offering the false testimony that condemns More to death in exchange for the office of Attorney-General for Wales.<sup>50</sup> During the play, Rich focuses always on his own advancement, oblivious to the needs or concerns of others, while Cromwell understands his fate is a function of Henry's pleasure, and, thus, Cromwell's attention must always be on Henry's pleasure.<sup>51</sup>

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<sup>41</sup> *Id.* at 87-88.

<sup>42</sup> *Id.* at 106. The logic of this parallels that of Henry on what constitutes a good man. *See supra* text accompanying note 40.

<sup>43</sup> BOLT, *supra* note 1, at 119.

<sup>44</sup> *Id.* at 137.

<sup>45</sup> *Id.* at 38.

<sup>46</sup> *Id.* at 73-74.

<sup>47</sup> *Id.* at 70 (describing being drunk with success).

<sup>48</sup> *Id.* at 55.

<sup>49</sup> *Id.* at 4-9.

<sup>50</sup> *Id.* at 154-58.

<sup>51</sup> *See, e.g., id.* at 137 (Rich is focused on his possible promotion while Cromwell understands that the most immediate concern is resolving the problem More presents to the King.).

The behaviors of the Duke of Norfolk are dictated by yet another good, the benefit of friends. The constant for Norfolk is the preservation of friendships with the people in the here and now, and, thus, he cannot comprehend More's insistence on risking those friendships for his love of a heavenly God.<sup>52</sup> Norfolk could no more act to undermine a friendship, at least his understanding of it, than he could "change the color of his hair."<sup>53</sup>

One might question how deeply Norfolk's loyalty to his friends can run, given his participation on the panels that investigate his friend More.<sup>54</sup> The King obtains Norfolk's participation, however, only through pressure on Norfolk,<sup>55</sup> and, even at that, Norfolk still shows flashes of support for More.<sup>56</sup> In those moments where he is not supportive, Norfolk would say that the problem lies with More's obstinate refusal to stand with Norfolk in the place where all their other friends have already gone, rather than with Norfolk selling out a friend to protect his own interests.<sup>57</sup>

Finally, the actions of More's wife, Alice, are dictated by what she perceives as good for her family.<sup>58</sup> She is frustrated by her husband's actions because she cannot understand how anyone could reduce his family to bracken fires and parsnips<sup>59</sup> to make a moral gesture.<sup>60</sup> Yet, in the end, Alice is as staunchly committed to

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<sup>52</sup> *Id.* at 121-22.

<sup>53</sup> *Id.* at 121. More contrasts this level of commitment to his own inability "to change the color of his eyes." *Id.*

<sup>54</sup> *Id.* (Norfolk says to More, "[T]here's a . . . policy, with regards to you. The King is using me in it.").

<sup>55</sup> *Id.* at 103 (Cromwell tells Norfolk that the King seeks Norfolk's participation to "show that there is nothing in the nature of a 'persecution,' but only the strict processes of law," and informs Norfolk that the King will be made aware of Norfolk's acts of loyalty toward More.).

<sup>56</sup> *See, e.g., id.* at 101-02 (Norfolk thwarts a false bribery accusation.); *id.* at 120 (Norfolk allows himself to be seen with More.); *id.* at 132 (Norfolk appeals to More to take the oath out of fellowship.); *id.* at 136 (Norfolk asks that More be allowed to keep his books in prison.).

<sup>57</sup> *Id.* at 122, 132.

<sup>58</sup> The real Alice Middletown was in fact "a wonderful stepmother to More's children and looked after them as her own." BORCHARD, *supra* note 8, at 5.

<sup>59</sup> BOLT, *supra* note 1, at 109-10.

<sup>60</sup> *Id.* at 94-95.

preserving the intangible needs of her family, whether she understands them or not, as she is to preserving their tangible ones.<sup>61</sup>

One might well see each of these "core selfs" affecting the decision of a public servant today. Were, for example, Thomas More the governor of Pennsylvania and called to serve in a President's administration—as Pennsylvania's own governor, Tom Ridge, nearly was—he would seek God's direction in how to proceed.<sup>62</sup> A governor like Wolsey might consider whether he could best promote his pro-choice view of the social good by remaining governor or by influencing the new administration from within.<sup>63</sup> Were the governor like Chapuys, he might well accept the national office out of national loyalty. If he were like Cromwell, he might accept the post if he perceived it as a chance to follow his lion or if he felt obligated to the president. A Rich-like governor might examine his political position in Pennsylvania, recognize that he had no time left as governor and no other office in the state for which he could run, and decide his best interests rested in Washington. A Norfolk would weigh the political advantages to his friend the lieutenant governor (if the governor moved up, the lieutenant governor would step in as governor and be able to run as an incumbent governor in the upcoming election) and also weigh the opportunities and risks the job change might present to the governor's other friends on his staff. Alice would consult her

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<sup>61</sup> *Id.* at 145.

<sup>62</sup> Senator Joseph Lieberman apparently prayed with Vice President Gore after Gore asked Lieberman to be his running mate although the nature of that prayer was not disclosed. Susan Baer, *A Profile in Conscience*, THE SUN (Baltimore, Md.), Aug. 8, 2000, at 1A.

For an additional discussion of lawyers who seek God's guidance for their professional lives, see generally *Symposium: The Relevance of Religion to a Lawyer's Work: An Interfaith Conference*, 66 FORDHAM L. REV. 1075 (1998); *Symposium: Faith and the Law*, 27 TEX. TECH L. REV. 911 (1996).

In a theatrical context, actor Dean Jones never accepts a role without first seeking God's direction. DEAN JONES, UNDER RUNNING LAUGHTER 154-59 (1982).

<sup>63</sup> Governor Ridge has identified himself as pro-choice while Governor Bush, in whose administration Ridge would have served, is pro-life. Donald Lambro, *Bush Whittles List of Running Mates to Final Four: Governor 'Getting a Lot of Opinions'*, WASH. TIMES, July 7, 2000, at A7.

family and decide based on their welfare,<sup>64</sup> and, given his lack of a focused accountability, Henry might consider or do just about anything.

Like Bolt's More, all of these characters, or character-types, have things that they cannot "bring themselves to do."<sup>65</sup> A Wolsey cannot endanger the public welfare. A Henry cannot do "bad," in his perception of it. A Chapuys cannot undermine his country. A Cromwell cannot disappoint his boss.<sup>66</sup> A Rich cannot refrain from advancing himself at any opportunity. A Norfolk cannot betray a friend, and an Alice must protect her family. Thus, it is not a demanding conscience that distinguishes More from these other characters. Rather, it is that to which his conscience demands him that distinguishes More.

In this light, the play becomes paradoxical both to its audience and to its author. Why do so many find More the "hero" of the play<sup>67</sup> when his conscience is guided by a God, a church, and a body of teachings with which neither the play's author nor many in its audience feel akin?<sup>68</sup> Certainly the play offers other characters with whom its partakers could more easily sympathize.<sup>69</sup>

Bolt would explain that people are drawn to More in the play because he is a "hero of selfhood" in spite of his "transcendental" inclinations.<sup>70</sup> Yet, the play offers better champions of selfhood. While

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<sup>64</sup> This is apparently the course that Governor Ridge took when Governor Bush was considering Ridge for the vice-presidency. Terry M. Neal & Dan Balz, *GOP Calls Him "Solid." Democrats Portray Him as Right-Wing Extremist. Cheney for VP Pleases Two Sides*, PITT. POST-GAZETTE, July 26, 2000, at A1.

<sup>65</sup> See *supra* text accompanying notes 32-34.

<sup>66</sup> But see MODEL RULES OF PROFESSIONAL CONDUCT Rule 5.2(a) (2000) (providing that acting in compliance with a directive of another attorney is not an absolute defense to disciplinary action); *In re Howes*, 940 P.2d 159, 164-65 (N.M. 1997) (holding that an assistant U.S. attorney can be responsible for a violation of disciplinary rules even when he relies on the advice of supervisory lawyers).

<sup>67</sup> BOLT, *supra* note 1, at xiv.

<sup>68</sup> *Id.* at xiii.

<sup>69</sup> For a discussion, however, suggesting that Christian conscience can be both attractive and valuable, see Thomas L. Shaffer, *Nuclear Weapons, Lethal Injection, and American Catholics: Faith Confronting American Civil Religion*, 14 NOTRE DAME J. L. ETHICS & PUB. POL'Y 7 (2000).

<sup>70</sup> BOLT, *supra* note 1, at xiv.

Henry retains More's allegiance to God, he at least brings to his religion a "rational" agenda:<sup>71</sup> his God, his church, and its teachings must conform to Henry's understanding rather than Henry conforming himself randomly to their dogma.<sup>72</sup> Better still, as a champion of selfhood is Richard Rich who has not only managed to rid himself of transcendental concerns,<sup>73</sup> but who also moves through the play completely undistracted by the problems others around him face and completely fixated on his own interests.<sup>74</sup>

More, meanwhile, is as accountable to the external as are Wolsey, Norfolk, Alice, and Cromwell. His God is as real to him as are Wolsey's casualties of war, Norfolk's friends, Alice's family, and Cromwell's boss. In fact, he is more accountable because, as Bolt intimated, More knows himself not simply to be attracted to, but to have been purchased by the suffering, the passion, and death of his God-Savior.<sup>75</sup> Rather than finding himself, More has chosen to lose himself in his savior,<sup>76</sup> but in doing so he believes that he has inherited

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<sup>71</sup> *Id.*

<sup>72</sup> *Id.* at 56-57 (Henry explaining the logic behind the rightness of his annulment and remarriage).

<sup>73</sup> *Id.* at 154-58 (Rich has no problem perjuring himself under an oath to God.).

<sup>74</sup> *See, e.g., id.* at 62-65 (Rich seeking position with More even as More faces his own problems with the King); *id.* at 71-73 (Rich seeking position from Cromwell even as Cromwell faces his own problems with the King).

<sup>75</sup> *Id.* at 5 (More asking, "Buy a man with suffering?"). More's own writings confirm that this was his understanding. BORCHARD, *supra* note 8, at 11 ("but [God] went even further to suffer in His innocent manhood His painful passion for the redemption and restitution of man").

<sup>76</sup> Rich Mullins commented on the obsession with finding one's self in the face of a need to lose one's self:

Christ didn't ask us to esteem ourselves. I think if Christ were asked, I think he would probably say, "Look buddy, you'd be lucky if you could forget yourself. If you could lose yourself, you'd be luckier than if you found yourself."

"It would be wonderful if you knew the names of the trees between your house and where you work, between your house and your church; if you knew that that was a tulip tree and you knew that that was a red bud."

"It would be great if you knew the names of the constellations. It would be great if you knew something about your neighbors."

eternity.<sup>77</sup> He does not create such beliefs, but instead they make him.<sup>78</sup> More's beliefs make his behaviors not merely hollow gestures to a self-created god,<sup>79</sup> but inevitable acts demanded by love for a God who resides within him.<sup>80</sup>

As one acknowledges that More has concrete commitments beyond himself and is, therefore, like Wolsey, Norfolk, Cromwell, or Alice, one is confronted with another complication in the consideration of motivation and integrity: not all such commitments beyond oneself are to be perceived equal. Cromwell's relentless and uncompromising commitment to the purposes of his boss are not perceived as sympathetically as is More's relentless and uncompromising commitment to the purposes of his God. To put this in a more current setting, few would defend attorney Charles Colson's uncompromising efforts to protect his boss Richard Nixon during Watergate.<sup>81</sup> Yet, many admire Colson's equally uncompromising

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"It would be a lucky thing for you if you forgot yourself, if you lost yourself."

RICH MULLINS, *Reflections after "Growing Young,"* on TWENTY THE COUNTDOWN MAGAZINE REMEMBERS RICH MULLINS (Twenty the Countdown Magazine 1998).

<sup>77</sup> *Matthew* 10:39 ("Whoever finds his life will lose it, and whoever loses his life for my sake will find it."). See also *Mark* 8:35; *Luke* 9:24; *John* 12:25.

<sup>78</sup> See RICH MULLINS, *Creed, on A LITURGY, A LEGACY & A RAGAMUFFIN BAND* (Reunion Records 1993) ("I believe what I believe is what makes me what I am[.] I did not make it[;] no it is making me[.]"). The Model Rules of Professional Conduct use the term "belief" to describe a much different concept. There, "belief" refers not to an understanding so central to a person that it must affect behavior, but to a supposition sufficiently in doubt that it may or may not be acted upon. MODEL RULES OF PROFESSIONAL CONDUCT Terminology (2000). See also *id.* Rule 1.16(b)(1) (optional withdrawal for reasonable belief of client's criminal activity); Rule 3.3(c) (optional refusal to offer evidence that "lawyer reasonably believes is false").

<sup>79</sup> BOLT, *supra* note 1, at 94. See also *Exodus* 32 (creation of the golden calf by the people of Israel leaving Egypt).

<sup>80</sup> *John* 14:23 ("Whoever loves me will keep my word, and my Father will love him, and we will come to him and make our dwelling with him.").

<sup>81</sup> *Chuck Colson: Beyond Watergate*, PRAISETV.com at <<http://news.dev.crosswalk.com:8080/authors/bio/0,6687,549,00.html>> (describing Colson in the Nixon Administration as "the White House 'hatchet man,' a man feared by even the most powerful politicians," and a man "willing to do almost anything for the cause of his president and his party").

efforts today to aid inmates through the prison ministries with which he now works.<sup>82</sup> Even more dramatically we regard today the Reverend Dietrich Bonhoeffer as heroic for his visible and persistent opposition to the Nazis in Germany during World War II.<sup>83</sup> Yet, we are by an equal measure repulsed by the visible and persistent actions of Joseph Goebbels or Heinrich Himmler to further the purposes of their boss Adolf Hitler or their own vision of the better world.<sup>84</sup> Thus, it is neither selfhood nor blind but uncompromising commitment in More that attracts the play's audience to him.

In the end, if More's motivation draws our respect, perhaps it is because he appears selfless. Perhaps we are drawn to his ability to empty himself and then be filled with something we can respect, even if we cannot entirely understand or accept it. To borrow Bolt's words, we are attracted by the appearance that More could have the innocence and enthusiasm of a "child," even as we are haunted by the possibility that somehow he might truly be a "saint."<sup>85</sup>

One need not accept motivation, however, as the answer to why More is perceived as having the highest level of integrity among the characters in the play. As noted earlier, the play offers us additional considerations, and we now turn to integrity as a function of one's understanding of the world.

#### *B. INTEGRITY AND ONE'S UNDERSTANDING OF THE WORLD*

In *A Man for All Seasons*, William Roper, More's future son-in-law, shares More's Catholic motivation. In fact, during the play

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<sup>82</sup> *Id.* ("In the last 20 years, Colson has visited more than 600 prisons in 40 countries and, with the help of nearly 50,000 volunteers, has built Prison Fellowship into the world's largest prison outreach, serving the spiritual and practical needs of prisoners in 83 countries including the U.S.").

<sup>83</sup> G. Leibholz, *Memoir*, in DIETRICH BONHOEFFER, *THE COST OF DISCIPLESHIP* 11, 16-17 (1973) (Reinhold Niebuhr describing Bonhoeffer's reasons for openly opposing the Nazis in Germany as "the finest logic of Christian martyrdom"). For a fuller discussion of Bonhoeffer's life, see generally MARY BOSANQUET, *THE LIFE AND DEATH OF DIETRICH BONHOEFFER* (1968).

<sup>84</sup> WILLIAM L. SHIRER, *THE RISE AND FALL OF THE THIRD REICH* 172, 274-76 (30th Anniversary ed. 1992) (identifying Goebbels as Hitler's Minister of Propaganda and Himmler as leader of the S.S.).

<sup>85</sup> BOLT, *supra* note 1, at 84.

Roper is the more eager to speak boldly in defense of his beliefs<sup>86</sup> while More insists on being more discreet,<sup>87</sup> a tendency Roper attributes to "sophistication" and More's corruption by the King's Court.<sup>88</sup> Yet, for all Roper's courageous speech, audiences inevitably perceive Roper as having less integrity than More. This perception is a product of the difference in the degree to which the two men appear to understand their world.

Throughout the play, Roper is eager to speak his conscience in ways that endanger his life,<sup>89</sup> but one senses this eagerness is a function of his naiveté rather than his courage.<sup>90</sup> At a theoretical level, Roper understands that his words constitute treason and that treason could mean imprisonment or death. The reality of all this, however, seems to have escaped him. Unlike More, who navigates his path knowing how dangerous his times are and how harshly those times could treat him, Roper seems to have at best a romanticized notion of prison and no sense how close he would place himself to prison if left to his own devices. In fact, when Roper visits More in prison and is confronted with the inevitability of More's path and the reality of the place in which it has placed More, Roper is stunned by the "awfulness" of prison and encourages More to abandon his stand.<sup>91</sup>

The difference between More and Roper in this regard resembles the difference between the fashionable protester who shows up at the protest believing the rightness of his position will protect him from punishment or consequence, and the protester "who nearly got killed" and has seen her fellow protesters killed but continues to pursue her

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<sup>86</sup> See, e.g., *id.* at 31 (Roper insisting, "What I know I'll say!").

<sup>87</sup> See, e.g., *id.* at 95-96 (More telling his family why he cannot explain to them his position on the Church and Henry's divorce).

<sup>88</sup> *Id.* at 62.

<sup>89</sup> *Id.* at 83 (Roper insisting on announcing his opposition to the Act of Supremacy).

<sup>90</sup> *Id.* at 84 (More suggesting Roper is being foolish or acting out of child-like innocence).

<sup>91</sup> *Id.* at 138-39. Rich Mullins more generously would say that Roper confuses the emotions he feels over his opinions with true conviction. Thus, Roper misunderstands not the world but the depth of his own preparedness to suffer sacrifice. See Rich Mullins, *Introduction to "Calling Out Your Name,"* on TWENTY THE COUNTDOWN MAGAZINE REMEMBERS RICH MULLINS (1998).



cause anyway.<sup>92</sup> It is only the latter who commands our deepest respect, even when we do not necessarily agree with her position.<sup>93</sup>

Rich and Cromwell present us with this same dynamic from the other extreme. Throughout much of the play, Rich appears less threatening than Cromwell because Rich's limited understanding makes him seem clumsy as he moves about his business. Unlike Cromwell, but like Roper, there is much in Rich's world that Rich cannot understand. Rich does not appreciate that the normal aim of public administration is not the preservation of rule or law but "to keep steady this factor of convenience";<sup>94</sup> that the human constant in the pursuit of that convenience is that every person has his price,<sup>95</sup> and that some people of power take great pleasure in abusing their power and not because they rationalize their actions as necessary for public

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<sup>92</sup> COLES, *supra* note 33, at 114-15.

<sup>93</sup> Child psychiatrist Dr. Robert Coles illuminates this truth with the following excerpt from an interview with the teacher of Ruby Bridges, who at age six integrated the New Orleans public schools:

I watch her walking with those federal marshals, and you can't help but hear what the people say to her. They're ready to kill her. They call her the worst names imaginable. I never wanted "integration," but I couldn't say those things to any child, no matter her race. She smiles at them—and they're saying they're going to kill her. There must be 40 or 50 grown men and women out on those streets every morning and every afternoon, sometimes more. One of the marshals said to me the other day: "That girl, she's got guts; she's got more courage than I've ever seen anyone have." And he told me he'd been in the war; he was in the army that landed in Normandy in 1944. He said Ruby didn't even seem afraid—and he sure remembered how scared they all were sailing to France. I agree with him; she doesn't seem afraid. There was a time, at the beginning, that I thought she wasn't too bright, you know, and so that was why she could be so brave on the street. But she's a bright child, and she learns well. She knows what's happening, and she knows they *could* kill her. They look as mean as can be. But she keeps coming here, and she told me the other day that she feels sorry for all of them, and she's praying for them. Can you imagine that!

*Id.* at 113-14.

<sup>94</sup> BOLT, *supra* note 1, at 73.

<sup>95</sup> *Id.* at 72.

service.<sup>96</sup> Rather, they relish the opportunities to abuse power because they are intoxicated by power.<sup>97</sup>

Rich and Roper's limited understanding of their world leaves the audience with a sense that the two men are not firmly grounded, and that sense is further fueled by the instability of the two men's beliefs. While More and Cromwell are fixed in their beliefs and purposes throughout the play, Rich and Roper are constantly fluctuating. Roper is zealous in his feelings about his church, but one can never be sure whether he will be zealously for or against it.<sup>98</sup> Rich yearns to find his path in life, but from moment to moment he is back-and-forth between yearning to walk like More and then yearning to walk like Cromwell.<sup>99</sup> As More describes this phenomenon with respect to the "seagoing" principles<sup>100</sup> of Roper,

Will, I'd trust *you* with my life. But not your principles. You see, we speak of being anchored to our principles. But if the weather turns nasty you up with an anchor and let it down where there's less wind, and the fishing's better. And "Look," we say, "look, I'm anchored! To my principles!"<sup>101</sup>

While comparison to Roper highlights the depth of More's understanding of his world and the constancy of his principles, comparison to his wife, Alice, highlights a certain level of uncertainty in both More and Alice that ultimately must be overcome by faith. One sees first with Sir Thomas, that for all More's understanding and for all his steadfastness, Bolt required More to reflect an uncertainty about right and wrong, Divine Justice, even God. As More says in the play, "[L]et me draw your attention to a fact—I'm *not* God. The

<sup>96</sup> *Id.* at 77 (Cromwell holding Rich's hand in the candle flame).

<sup>97</sup> *Id.* at 70.

<sup>98</sup> Compare *id.* at 30-31 (Roper chastizes the Catholic Church as "heretic" and "for sale."), with *id.* at 60-62 (Roper acknowledges that his views on the Church have "modified" and condemns England for its "attack on the Church" and hence "an attack on God.").

<sup>99</sup> Compare *id.* at 62-65 (Rich tries to share information about Cromwell with More and win More's favor.), with *id.* at 70-77 (Rich shares information about More with Cromwell and seeks Cromwell's favor.). See also *id.* at 64 (Rich describes himself as "adrift.").

<sup>100</sup> *Id.* at 67.

<sup>101</sup> *Id.* at 69.

currents and eddies of right and wrong, which you find such plain sailing, I can't navigate. I'm no voyager,"<sup>102</sup> and again, "Oh, Roper, you're a fool, God's my god . . . . But I find him rather too subtle . . . I don't know where he is nor what he wants."<sup>103</sup>

While Alice's motivational compass differs from her husband's, she shares both his deep understanding of the world and his feelings of uncertainty. Alice seeks what is best for each member of her family, including her husband. Thus, she opposes More's willingness "to betray [his] ability, abandon practice, forget [his] station and [his] duty to [his] kin"<sup>104</sup> in response to a theory.<sup>105</sup> Perhaps even better than her husband, Alice understands that her husband sets events in motion that ultimately must take his life. For all More's reliance on the law's protection,<sup>106</sup> Alice realizes that the forces of the King will never leave More quietly at home "to learn to fish[.]"<sup>107</sup> Yet for all her commitment to her family and insight into her husband's world, as More's execution draws relentlessly and inevitably closer, Alice can only wonder why his death had to happen.<sup>108</sup>

Rather than a trait undermining integrity, however, in both More and Alice, their uncertainty becomes a vehicle to display the depth of their integrity. The reader of the play is attracted to both by their faith, and by their transcendence of their uncertainty. When More should be

<sup>102</sup> *Id.* at 65-66.

<sup>103</sup> *Id.* at 67. More's actual writings indicate much more confidence in a person's ability to find God's direction for his life:

No matter how lowly a man may be, if he will seek his way through the Scripture with the staff of faith in his hand . . . calling on God for wisdom, grace, and help that he may keep his way and follow his good guides; then he will never fall into danger, but will wade through surely and well. And he will come to the end of his journey at the place for which he was searching.

BORCHARD, *supra* note 8, at 12-13 (quoting More's TREATISE UPON THE PASSION).

<sup>104</sup> BOLT, *supra* note 1, at 90.

<sup>105</sup> *Id.* at 91 (The Theory of Apostolic Succession of the Pope places More at odds with Henry.).

<sup>106</sup> *Id.* at 66. ("Yes, I'd give the Devil benefit of law, for my own safety's sake.").

<sup>107</sup> *Id.* at 95.

<sup>108</sup> *Id.* at 144-45.

most confused by where God is, when the law has failed More at his trial and he has been handed over to death by perjured testimony,<sup>109</sup> he becomes most bold in his defense of his God.<sup>110</sup> Similarly, when Alice visits her husband in prison and realizes that she has leverage over him, that she could break him and force him to give in to the King's wishes, she instead chooses to defer to her husband's view of his best interest and embrace his course, even if she continues not to understand it.<sup>111</sup>

One might wonder why such responses are perceived as integrity rather than as weakness or lemming-like obedience. Certainly More is frustrated when he is confronted with the blind obedience of his jailer, who says of the inevitability of his actions, "I'm a plain, simple man and just want to keep out of trouble."<sup>112</sup> Bolt, however, took pains to show his audience that More and Alice's actions are not of the same character as the jailer's weakness. In fact, in these moments when More and Alice act in faith, Bolt was careful to reflect in the play their dignity and tenacity.

Ultimately, though, what commands respect about Alice and More in this context may not be their strength but the level of discernment, trust, and love reflected in their actions. The world can be a crazy and confusing place no matter how much wisdom with which one may engage it.<sup>113</sup> It is this incomprehensibility, rather than any lack of wisdom on the parts of More and Alice, that leaves the two characters confused. Yet, in preparing to navigate their gray world, More has chosen to follow a God whom More knows to have served him well,<sup>114</sup> just as Alice has chosen to trust the man she

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<sup>109</sup> *Id.* at 154-59.

<sup>110</sup> *Id.* at 159-60.

<sup>111</sup> *Id.* at 145. Alice explains her view as follows:

As for understanding, I understand you're the best man that I ever met or am likely to; and if you go—well, God knows why I suppose—though as God's my witness God's kept deadly quiet about it! And if anyone wants my opinion of the King and his Council they've only to ask for it!

*Id.*

<sup>112</sup> *Id.* at 147.

<sup>113</sup> Randy Lee, *Lawyers and the Uncommon Good: Navigating and Transcending the Gray*, 40 S. TEX. L. REV. 207, 207-11 (1999).

<sup>114</sup> *Accord Radix, Saint Polycarp, on STORIES OF THE MARTYRS* (Apostolate

considers "the best man that I ever met or am likely to."<sup>115</sup> Neither case represents blind loyalty, but instead each is an example of trusting what one has come to know to be true in the face of one's own uncertainty. Furthermore, both Alice and More couple that trust with a love<sup>116</sup> that does not "insist on its own way" but instead seeks what is kind and true, even as "it bears all things, believes all things, hopes all things, endures all things."<sup>117</sup>

There is much in such discernment, trust, and love to which an audience might be attracted. Integrity, then, may be a function of wisdom, of the depth of one's understanding and the stability of one's beliefs. It may also, however, be a function of how one responds to the uncertainties of this world when they are inevitably encountered. In that event, integrity may be a function of where we put our trust and how we love.

In the next section, we consider one final perspective on integrity: the way in which one responds to the laws of his community.

### *C. INTEGRITY AND ONE'S ATTITUDE TOWARD THE LAW*

In his preface to *A Man for All Seasons*, Robert Bolt wrote, "If 'society' is the name we give to human behavior when it is patterned and orderly, then the Law (extend[ed] from empirical traffic regulations, through the mutating laws of property, and on to the great taboos like incest and patricide) is the very pattern of society."<sup>118</sup> Bolt then used *A Man for All Seasons* to study how different people function within that pattern. Through Thomas More, his daughter

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for Family Consecration 1997). In Polycarp's refusal to acknowledge to the Roman Tribunal deciding whether to execute him that Caesar was above Christ, he stated,

I [Polycarp] am a man of many years, and for all the years of my life, my God has done me no wrong . . . . And you ask me to blaspheme the name of Christ who has given His life for me and for you.

Procounsel, I cannot; I cannot.

I will not.

*Id.*

<sup>115</sup> BOLT, *supra* note 1, at 145.

<sup>116</sup> *Id.* at 141 ("Well . . . finally . . . it isn't a matter of reason; finally it's a matter of love.").

<sup>117</sup> *Corinthians* 13:4-7.

<sup>118</sup> BOLT, *supra* note 1, at xvi.

Margaret, his son-in-law Roper, Cromwell, and the Common Man, Bolt captured a whole spectrum of the human responses to law. This section examines that spectrum and the lessons it teaches about integrity.

Bolt described More as one whose trust in the law reflected his trust in society; "his desperate sheltering beneath the forms of the law was his determination to remain within the shelter of society."<sup>119</sup> More's comments in the play support this view. More reproves Roper, for example, for Roper's claim that Roper would "cut down every law in England" to "get after the Devil."<sup>120</sup> More points out in response,

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.<sup>121</sup>

Yet, to characterize More's view of the law as merely a shelter oversimplifies that view. How could a man who sought only shelter in the law find himself imprisoned under that law? Bolt would answer that More's conviction for treason and subsequent execution, based as it was on "an unconcealed act of perjury[.]" represented a "contemptuous shattering of the forms of law."<sup>122</sup> It was not, Bolt would argue, the law but the removal of law that allowed for More's execution.<sup>123</sup>

Accurate as that response is, it begs the question. This is so because though More's conviction for treason was unlawful, his imprisonment and loss of possessions for failing to take the oath required under the Act of Succession (1534) were lawful. Bolt's More concedes as much when he explains at a prison hearing,

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<sup>119</sup> *Id.*

<sup>120</sup> *Id.* at 66.

<sup>121</sup> *Id.*

<sup>122</sup> *Id.* at xvi.

<sup>123</sup> *Id.*

For refusing to swear, my goods are forfeit and I am condemned to life imprisonment. You cannot lawfully harm me further. But if you were right in supposing I had reasons for refusing and right again in supposing my reasons to be treasonable, the law would let you cut my head off.<sup>124</sup>

Certainly More sees in the law a shelter; under it, he cannot be executed if he remains silent. But he also understands that the law is a sword that has severed from him his personal liberty and his property.

More does pattern his life within the law but not as one who blindly obeys every law. Rather as part of the society living within the law, More does what his conscience compels him to do and then accepts the law's punishments when they are required and the law's comforts when they are available. He says as much to Roper when More first learns of the passage of the Act of Succession and insists to Roper that he, More, must read its requirements before deciding his response to it and its impact on him:

[God made man] to serve him wittily, in the tangle of his mind! If he suffers us to fall to such a case that there is no escaping, then we may stand to our tackle as best we can, and yes, Will, then we may clamor like champions . . . if we have the spittle for it. And no doubt it delights God to see splendor where He only looked for complexity. But it's God's part, not our own, to bring ourselves to that extremity! Our natural business lies in escaping—so let's get home and study this Bill.<sup>125</sup>

More then is "the [K]ing's true servant":<sup>126</sup> he strives to live within the pattern by which his friends and neighbors have chosen to order themselves. For More, however, the law that reflects that pattern "is not a 'light'" to guide a person's steps;<sup>127</sup> rather, the law

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<sup>124</sup> *Id.* at 131-32.

<sup>125</sup> *Id.* at 126.

<sup>126</sup> BORCHARD, *supra* note 8, at 8 (quoting More's last words).

<sup>127</sup> BOLT, *supra* note 1, at 152-53. To this effect the Scope section of the Model Rules of Professional Conduct provides the following: "The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules." MODEL RULES OF PROFESSIONAL CONDUCT Scope [14] (2000).

merely illuminates the consequences of a person's steps within the community. A person's conscience must remain that which guides his steps, and one's loyalty to his community demands as much.<sup>128</sup> As More states, "Is it my place to say 'good' to the State's sickness? Can I help my King by giving him lies when he asks for truth?"<sup>129</sup>

In contrast to More is the Common Man, who truly does seek shelter within the law and does view the law as a light to guide his steps. The Common Man "just want[s] to keep out of trouble[.]"<sup>130</sup> and he trusts that obedience to the law will enable him to do that. As the jailer, the Common Man is a rigid, effective, and efficient servant of the rules. As he chases More's family out of the prison and abruptly ends their final visit with him, the jailer shows himself a person incapable of any moral action transcending the instructions he has received.<sup>131</sup> He is incapable of acts of mercy or acts requiring him to bear society's consequences to ease the suffering of others. He is not the man More muses over at the play's beginning, who would suffer to buy the salvation of others,<sup>132</sup> but he is, as Bolt describes him, one who encompasses "that which is common to us all."<sup>133</sup>

Between More and the Common Man, one finds More's daughter Margaret. If, unlike the Common Man, she has not sacrificed her conscience on the altar of legal security, she also has not embraced her father's willingness to accept the consequences of her legal defiance. Thus, Margaret becomes that creature who follows the letter of the law while evading its spirit.

One can see this in Margaret's fulfillment of her agreement to persuade her father to swear to the Act of Succession. By agreeing, Margaret earns the benefit of her family being able to see More in prison. In return, however, Margaret engages her father only in a series of arguments in which she knows necessarily he will best her. Margaret's initial attempts at persuasion are based on logic, theology, and law.<sup>134</sup> These are areas in which More is considered to have the

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<sup>128</sup> BOLT, *supra* note 1, at 153.

<sup>129</sup> *Id.* at 154.

<sup>130</sup> *Id.* at 147.

<sup>131</sup> *Id.* at 145-47.

<sup>132</sup> *Id.* at 5.

<sup>133</sup> *Id.* at xix.

<sup>134</sup> *Id.* at 139-41.



finest mind in Europe, and thus, are areas where Margaret could not have expected to stump him.<sup>135</sup> In fact, Margaret concedes to every point her father makes.<sup>136</sup> When Margaret shifts to an emotional appeal, describing to her father how his family sits at home in the dark wondering what the King's men are doing to him, she seems to have some success. More, in fact, acknowledges that she is having an impact and admonishes Margaret, at which point her attempts at persuasion end.<sup>137</sup>

Most revealing of Margaret's arguments into her own vision of the law is the first one she poses to More: that he could "say the words of the oath and in [his] heart think otherwise."<sup>138</sup> The demand of the Act of Succession was the saying of words, and thus, Margaret's suggestion might be construed as sufficient to meet the letter of that law. That saying, however, was to take the form of an oath, and as such the purpose of the law was not so much speech but approval and allegiance. Thus, Margaret here invites her father to her own approach of obeying the letter of the law but not its spirit, an invitation More cannot accept because he no more can be lukewarm in response to the law than he can be lukewarm in response to his God.<sup>139</sup>

One might characterize Cromwell as the mirror image of the Common Man. Like the Common Man, Cromwell seeks to minimize trouble, or, as Cromwell puts it, to make things "as convenient as we can."<sup>140</sup> The two characters differ, however, because while the Common Man believes legal obedience always makes life easier, Cromwell is more flexible in his approach to law. Rules are followed,

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<sup>135</sup> Desiderius Erasmus, *Letter to Ulrich von Hutten*, in *UTOPIA*, *supra* note 4, at 70, 74 (describing More's considerable expertise in these areas and "the power and quickness of his intellect").

<sup>136</sup> BOLT, *supra* note 1 at 140-41.

<sup>137</sup> *Id.* at 142. ("The King's more merciful than you. He doesn't use the rack.").

<sup>138</sup> *Id.* at 140.

<sup>139</sup> BORCHARD, *supra* note 8, at 8. More wrote during his life, "Let us not allow the strength and fervor of our faith to grow lukewarm (or, I should say, ice cold) . . . ." *Id.* (quoting More's *A DIALOGUE OF COMFORT AGAINST TRIBULATION*).

<sup>140</sup> BOLT, *supra* note 1, at 74.

he would say, when imposing the rules on others would make it easier to get what one wants, or when breaking the rules would create too much trouble. On the other hand, rules are to be disregarded when obedience to them is inconvenient.

Thus, Cromwell seeks to enforce against More a law against accepting bribes as a judicial official. Cromwell believes that putting something "in More's cupboard" will make it easier to deal with More regarding Henry's marriage, and Cromwell believes the law can help him put something in that cupboard.<sup>141</sup> Cromwell also feels compelled to act within the law as he pursues More, because Cromwell knows the King would never approve of gaining More's approval of the marriage through illegal means.<sup>142</sup> As Henry, however, becomes impatient for results and the law's limitations become dangerously inconvenient, Cromwell chooses to disregard the law and then bribes a witness so that he can convict More of treason.<sup>143</sup> For Cromwell, in all of this, "the constant factor" is never the law, but "this element of convenience."<sup>144</sup>

If Cromwell is the Common Man's mirror image, then Roper, in this area, is More's opposite. Although More and Roper may share similar views about their faith, their views on their relationship to their political community are directly adverse. While Bolt told us that More seeks "to remain within the shelter of society," Roper yearns for opportunities to reject society and hence "the very pattern of society": its laws.<sup>145</sup> So convinced is Roper that his political community is at war with his church that he goes to war with his political

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<sup>141</sup> *Id.* at 99-102, 113-19. In the play, Bolt has Norfolk correctly exclaim that More "was the only judge since Cato who *didn't* accept bribes!" *Id.* at 99. In fact, More was a very efficient and productive judge known for his "perfect integrity." Desiderius Erasmus, *Letter to Ulrich von Hutten*, in *UTOPIA*, *supra* note 4, at 70, 75. As a judge, he frequently remitted the court fees of the parties, a practice that made him "extremely popular in the City." Desiderius Erasmus, *Letter to Ulrich von Hutten*, in *UTOPIA*, *supra* note 4, at 70, 75.

<sup>142</sup> BOLT, *supra* note 1, at 104, 137.

<sup>143</sup> *Id.* at 137, 154-58.

<sup>144</sup> *Id.* at 73.

<sup>145</sup> *Id.* at xvi. *See supra* text accompanying notes 119-21.

community.<sup>146</sup> Conscience is to be pursued; laws of an evil state are to be attacked.

Roper would have More arrest Rich for violating "God's law" against being a "bad man," although England at the time had no comparable provision.<sup>147</sup> When More refuses, Roper states that he himself would "cut down every law in England" to "get after the Devil[.]"<sup>148</sup> Roper demonstrates that willingness while visiting More in prison. When More recognizes the need to derail the jailer's zealous intent to end the family visit precisely on time, he asks Roper if Roper has any money. Roper "eagerly" infers from this an invitation to bribe the jailer, an act that would take both Roper and the jailer outside of the law.<sup>149</sup> More, instead, wants Roper to use the money and some wine to occupy the jailer in a game of dice, hoping that the two men will become so involved in the game that time can be lost track of. In that way, the fabric of society will not have been violated if the visit runs overtime, at least not intentionally.<sup>150</sup>

Roper also exhibits his eagerness to confront his society when he first learns of the passage of the Act of Succession. While More seeks to discover the wording of the required oath,<sup>151</sup> so he can determine whether he can remain within the law, Roper is contemptuous of such attempts and wants immediately to confront what he sees as the law's meaning.<sup>152</sup> Paradoxically, while wife Margaret seeks ways to live within the law's letter while violating its spirit, husband Roper seeks to ignore the law's letter so he can challenge the spirit.

In his Article for this symposium, Professor Green argues forcefully that both the government prosecutor and the government civil litigator have an obligation to seek justice.<sup>153</sup> Here, Bolt's work

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<sup>146</sup> BOLT, *supra* note 1, at 61 (Roper stating that he is "not in the King's party").

<sup>147</sup> *Id.* at 65.

<sup>148</sup> *Id.* at 66.

<sup>149</sup> *Id.* at 142. Roper also demonstrates his desire to take others outside the law with him when he encourages More to resign his government office in response to government policies. *Id.* at 81-83, 88-94.

<sup>150</sup> *Id.* at 142.

<sup>151</sup> See *supra* text accompanying note 125.

<sup>152</sup> BOLT, *supra* note 1, at 125.

<sup>153</sup> See generally Bruce A. Green, *Must Government Lawyers Seek Justice in*

presents a related question: As a government lawyer seeks justice, should he attempt to do more than the letter of the law? The question has profound implications not only for government litigators, but also for judges, hearing officers, administrators, and policy makers; and it is a question that More, Margaret, Roper, Cromwell, and the Common Man would all answer differently.

"Justice" is an enticing word, hard to argue against. There is something invigorating in a judge searching the spirit of the law, if not its letter, to guarantee that never again on his watch will a poor person pass out from hunger while waiting in a government line because her welfare benefits were mistakenly terminated.<sup>154</sup> Yet, only a thin line separates that action from that of the hearing officer who announces that the Constitution does not apply in his hearing room, the agency lawyer who claims his agency is not bound by decisions of his local federal district court, or the civil litigator who seeks to moot an individual's action in order to preserve a policy he knows would be declared unconstitutional if the action were to reach a judgment.<sup>155</sup>

The challenge here is sometimes viewed as how one guarantees the flexibility to do good without allowing the room to do evil. As More points out, however, the same attitude that invites Roper to plow under the law to fight evil also invites Cromwell to execute an innocent man.<sup>156</sup> As enticing a word as it is, the meaning of "justice" remains in the heart of the beholder, and, thus, the propensity to do good or evil in the name of justice will always be as varied as the state of the human heart.

Bolt's More, however, offers his own solution: A man may go outside the law to do justice so long as he is willing to accept society's

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*Civil Litigation?*, 9 WIDENER J. PUB. L. 235 (2000).

<sup>154</sup> Compare *Kelly v. Wyman*, 294 F. Supp. 893, 899-900 (S.D.N.Y. 1968), *aff'd sub nom. Goldberg v. Kelly*, 397 U.S. 254 (1970), with *Goldberg v. Kelly*, 397 U.S. 254, 275 (1970) (Black, J., dissenting). For a fuller discussion of the two positions taken in the cases and their implications for the issues raised here, see Randy Lee, *Twenty-Five Years After Goldberg v. Kelly: Traveling From the Right Spot on the Wrong Road to the Wrong Place*, 23 CAP. U. L. REV. 863, 878-921 (1994).

<sup>155</sup> These are all characters who have crossed the author's professional path.

<sup>156</sup> BOLT, *supra* note 1, at 66. See also *supra* text accompanying notes 120-21.

consequences for his action. If one is not so committed to the rightness of his position that he will accept a little pain to pursue it, if he is not willing, as More puts it, to buy others with his own suffering,<sup>157</sup> then he is best to stay within the fabric of the law. Of course this may mean that the community will lose the justice to be done by the timid Common Man, the vacillating Roper, and the slick Margaret. It may even mean that the community will continue to suffer through the injustices of the zealous Cromwell. But perhaps it will also raise up a generation of people willing to take "the risk of being heroes,"<sup>158</sup> a generation for all seasons.

### CONCLUSION

Robert Bolt was an agnostic and, thus, found it curious that he would appropriate as the hero of his most famous play a Christian saint.<sup>159</sup> As Bolt put it, "Why do I take as my hero a man who brings about his own death because he can't put his hand on an old black book [the Bible] and tell an ordinary lie?"<sup>160</sup> For Bolt the answer to that question lay in that man's notion of self and the limits that notion placed on what the man would and would not do.<sup>161</sup> The answer had nothing to do with the content of that "old black book."

As one studies *A Man for All Seasons* closely, however, and unravels what it has to say about heroism, or integrity, one is brought back again and again to that old black book. As one considers, first, the motivations of the characters in the play, one sees that a number of them had demanding consciences. Not all, however, had consciences that demanded respect.<sup>162</sup> In the end Richard Rich's

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<sup>157</sup> *Id.* at 5.

<sup>158</sup> *Id.* at 141.

<sup>159</sup> *Id.* at xiii.

<sup>160</sup> *Id.* For all Bolt's apologies and reservations, the intricate interweaving of *A Man for All Seasons* cries out that its author understood the significance of that mysterious old black book even if the author was not prepared to acknowledge it. Perhaps Bolt is like C.S. Lewis's noble Emeth whose service to truth is service to God, even if he calls Him by another name. 7 C.S. LEWIS, *THE CHRONICLES OF NARNIA: THE LAST BATTLE* 188-89 (Scholastic ed. 1984).

<sup>161</sup> See *supra* text accompanying notes 30-34.

<sup>162</sup> See *supra* text accompanying notes 35-85.

conscience would not allow him to pass up an opportunity for self-promotion, and Cromwell's conscience would not allow him to pass up an opportunity to please the King. Yet, even Bolt would say that the two men represented what was wrong with the world rather than anything right with it. For Bolt and for his audiences, it is More, along with his conscience tied to his ancient religion and old black book, who transcends all other characters and emerges a hero.

Similarly, one can study *A Man for All Seasons* and see integrity as a function of one's understanding of one's world, but again such study brings one back to More's old black book.<sup>163</sup> Although both More and Cromwell have a particularly profound understanding of the realities of their worlds and are, thus, able to anchor their principles firmly, only More has docked himself anywhere near a port of honor, and More docks where he does because that book has defined what he believes and, hence, who he is. Furthermore, More demonstrates that even those who understand their world extremely well must act sometimes on faith. When More acts on faith, he chooses to entrust his steps to a God he has come to trust, and he walks in a love marked by kindness, gentleness, and humility. In the play it is a walk that commands respect, even where it defies understanding.

Finally, one can study in *A Man for All Seasons* integrity as a function of one's relationship to the laws of one's society.<sup>164</sup> One can disregard the law or follow it blindly. One can use the law when it is convenient to use it and roll over the law when it is not. One can follow the law's letter while circumventing its spirit. Or one can, as More did, live within the law remaining faithful to one's conscience but accepting the law's protections and penalties as they apply. In sorting out these options, one realizes that not all people who pursue "justice" above law do good. Whether good is done in such situations depends in part on where the actor gets his notion of justice. Thus, one can argue for More's position because the acceptance of legal consequences associated with that position requires an actor to reflect on his notion of justice before stepping outside the social fabric. More's position requires a person to be sufficiently committed to his

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<sup>163</sup> See *supra* text accompanying notes 86-117.

<sup>164</sup> See *supra* text accompanying notes 118-58.

notion of good that he is willing to suffer for it, a notion that More learned in his old black book.<sup>165</sup>

If Bolt's rejection of Christian values caused him to miss some implications of *A Man for All Seasons*, however, that rejection in another way made Bolt the perfect one to write of this Christian saint. Throughout the play, Bolt never had More preach on his own holiness. In fact, the closest More comes is to describe his integrity from his prison cell as an inevitable accident:

If we lived in a State where virtue was profitable, common sense would make us good, and greed would make us saintly. And we'd live like animals or angels in the happy land that *needs* no heroes. But since in fact we see that avarice, anger, envy, pride, sloth, lust and stupidity commonly profit far beyond humility, chastity, fortitude, justice and thought, and have to choose, to be human at all . . . why then perhaps we *must* stand fast a little—even at the risk of being heroes.<sup>166</sup>

Similarly, others in the play are equally loathe to praise him. Bolt has More's wife call More cruel,<sup>167</sup> his daughter call him proud,<sup>168</sup> his son-in-law call him corrupted,<sup>169</sup> and his best friend call him arrogant.<sup>170</sup> Yet, Bolt knew that More would overcome this absence of praise or self-promotion because Bolt knew that integrity is not a function of what one says about himself but what one does with his life.<sup>171</sup>

With integrity back in style for public servants today, many public officials are eager to dress themselves up in it and clamor for the public to take notice. Sometimes this wardrobe and clamoring can even call to mind Oscar night, with so many stars all dressed up and all concerned that their luster will be missed by their public. Bolt's More, on the other hand, true to his Franciscan nature, speaks not

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<sup>165</sup> See, e.g., *John* 15:13 ("No one has greater love than this, to lay down one's life for one's friends.").

<sup>166</sup> BOLT, *supra* note 1, at 140-41.

<sup>167</sup> *Id.* at 95.

<sup>168</sup> *Id.* at 140.

<sup>169</sup> *Id.* at 62.

<sup>170</sup> *Id.* at 122.

<sup>171</sup> *Id.* at xiv.

with his words but with his life,<sup>172</sup> and his public recognizes his innate goodness even though More does not talk about it.

This is true not only of Bolt's fictional More but of the real Thomas More as well. Desiderius Erasmus, "the most brilliant and important leader of continental humanism in the sixteenth century,"<sup>173</sup> said that he had "never seen any mortal being more free from" self-conceit than was More.<sup>174</sup> Erasmus acknowledged that More was "a steady adherent of true piety" and one who could fill his listeners with hope as he spoke about God and a future life; yet, More was not one to set himself up as an example.<sup>175</sup> Despite More's personal reservedness, Erasmus managed to recognize that More was among those people whom a wise king "has by him as the constant witnesses and judges of his life,—as his advisers and traveling companions. By these he rejoices to be accompanied, rather than by dissolute young men or by fops, or even by decorated grandees, or by crafty ministers."<sup>176</sup> Guillaume Budé, another of More's leading contemporaries and a valued member of the King's Court in France,<sup>177</sup> similarly described More as "a man of the keenest discernment, of a pleasant disposition, well versed in knowledge of the world."<sup>178</sup>

More gained such respect by how he lived and, in particular, how he served, a reminder that those who work in government are, after all, public servants. Although Erasmus was glowing in his praise of

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<sup>172</sup> JOHN MICHAEL TALBOT, *THE FIRE OF GOD* 152 (1991) (reflecting St. Francis's charge, "Preach with your whole life, and if you have to, use words."). During her lifetime, Mother Teresa of Calcutta said similarly, "We are supposed to preach without preaching not by words, but by our example, by our actions. All works of love are works of God." MOTHER TERESA, *WORDS TO LOVE BY* 72 (1983).

<sup>173</sup> Desiderius Erasmus, *Letter to Ulrich von Hutten*, in *UTOPIA*, *supra* note 4, at 70 n.1.

<sup>174</sup> *Id.* at 76.

<sup>175</sup> *Id.* at 77.

<sup>176</sup> *Id.*

<sup>177</sup> Guillaume Budé, [*Letter*] to his English Friend Thomas Lupset, in *UTOPIA*, *supra* note 4, at 81 n.2.

<sup>178</sup> *Id.* at 82.



every aspect of More's life,<sup>179</sup> he saved his deepest praise for how Thomas More served his public:

Whatever authority he derives from his rank, and whatever influence he enjoys by the favour of a powerful sovereign, are employed in the service of the public, or in that of his friends. It has always been part of his character to be most obliging to every body, and marvellously ready with his sympathy; and this disposition is more conspicuous than ever, now that his power of doing good is greater. Some he relieves with money, some he protects by his authority, some he promotes by his recommendation, while those whom he cannot otherwise assist are benefitted by his advice. No one is sent away in distress, and you might call him the general patron of all poor people. He counts it a great gain to himself, if he has relieved some oppressed person, made the path clear for one that was in difficulties, or brought back into favour one that was in disgrace. No man more readily confers a benefit, no man expects less in return.<sup>180</sup>

In this symposium, Inspector General Robert DeSousa has called upon government lawyers to be noble,<sup>181</sup> and Professor Bruce Green has called upon them to seek justice.<sup>182</sup> As they pursue these goals, government lawyers would be well served to sort out their motivations, review their understanding of their worlds, and consider their role within the law. In short, they should consider what it takes

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<sup>179</sup> See generally Desiderius Erasmus, *Letter to Ulrich von Hutten*, in *UTOPIA*, *supra* note 4.

<sup>180</sup> *Id.* at 76. See also ROBERT COLES, *Small Gestures*, in *HARVARD DIARY*, *supra* note 33, at 109, 111 (1988). Coles stated that

[o]ne can speak big-hearted words, write incisive and thoughtful prose—and be a rather crude, arrogant, smug person in the course of getting through a day. In this regard, I remember a Nicaraguan *commandante* speaking noble and egalitarian thoughts to my sons and me in Managua—and meanwhile, my son noticed, he pressed buttons, secretaries came and went, bringing coffee, and never were they acknowledged, let alone thanked.

*Id.*

<sup>181</sup> See generally Robert J. DeSousa, *Opening Remarks*, 9 *WIDENER J. PUBL. L.* 207 (2000).

<sup>182</sup> See generally Green, *supra* note 153.

to be a person for all seasons. In that regard, they would do well, as did Thomas More, to relieve the oppressed, make the path clear for those in difficulties, and bring back into favor those in disgrace. Lawyers who set out on that course will come to be known, as was More, as patrons of the people, and to what more could a government lawyer aspire?