|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  | | --- | |  |  |  |  |  |  | | --- | --- | --- | --- | | Kenneth Wagner  attended Virginia Commonwealth University and received a PhD in Public Policy & Public Administration. He has taught at half a dozen community colleges and universities and currently is Assistant Professor at Radford University. When he is not teaching he is usually reading or of course watching movies with his wife.   |  | | --- | | **Read other reviews:**  [Internet Movie Database](http://www.us.imdb.com/title/tt0060665/)  [All Movie Guide](http://www.allmovie.com/cg/avg.dll?p=avg&sql=1:31129)  [Readers' comments](http://docs.google.com/user_feedback.htm) |       Conscientious objection [] is a personal issue; it is only morally permissible if the harm caused by non-compliance is outweighed by the correctness of the personal principle invoked in conscientious objection. | |  | | --- | | ***A Man for All Seasons***  by Kenneth Wagner  The film *A Man for All Seasons* is a cinematic tour de force. Directed by the legendary Fred Zinnemann (*High Noon*) and starring such exemplary actors as Paul Scofield, Orson Welles, and John Hurt it won six academy awards in 1966. The film uses the historical story of Sir Thomas More to explore one of Zinnemann's favorite themes, that of a person standing up for their personal convictions. However, the film also wrestles with several themes that deal with legal issues such as how to deal with conscientious objectors, natural versus positive law, consequentialism versus deontology and the history of legal safeguards in the Common Law tradition.  The character of Sir Thomas More (who sat on the Kings Council and eventually became Lord Chancellor) is a jurist who is devoted to the laws and sovereign of England. He performs his duties diligently, turning down numerous attempts at bribery and ruling with a learned justice. He is a personal friend of the King. However, he is also a devout Catholic Christian. When the King seeks a divorce from his barren wife so that he can wed his mistress and is rebuffed by the Church, he declares himself the head of the Church and puts pressure on the clergy to accept his divorce and new wife. More's conscience does not allow him to approve. He resigns his post as Lord Chancellor in protest. Parliament, at the urging of the King, passes a law requiring subjects to swear an oath that the King's marriage (and any future heirs from that marriage) is legitimate. For religious reasons More refuses to sign the oath and is consequently jailed and prosecuted for treason.  More's refusal to sign the oath brings up the difference between civil disobedience and conscientious objection as drawn by John Rawls. Civil disobedience for Rawls is a form of debate, a non-violent action aimed at the public and guided by political principles. Change is the central point. Rawls differentiates this from conscientious objection, which is the non-compliance with laws one sees as immoral. Conscientious objection is not meant to change the political sphere; it is just a decision to risk punishment rather than violate one's moral principles. The character of More certainly falls into the category of conscientious objector. He does not use his position to rail against the King's oath; he does not counsel others on the immorality of the oath itself (though certainly this is in part to defend himself through silence). Instead, he refers to himself as a loyal subject to the King who simply will not swear to the oath (he does not even say that by not swearing we should read into his silence disapproval of the oath).  Rawls defends civil disobedience by stating that it acts as a vigilant police on the laws of society, constantly forcing us to examine our laws and measure them by the yardstick of justice. Conscientious objection on the other hand is a personal issue; it is only morally permissible if the harm caused by non-compliance is outweighed by the correctness of the personal principle invoked in conscientious objection. What is the harm that More's refusal could possibly cause? The movie actually hints at such harm when at the beginning Cardinal Woolsey defends his 'flexibility' on Church law in granting the King a divorce by pointing to the possible civil strife that could follow an heir-less sovereign. In this context, More's refusal could be a morally impermissible act.  This actually brings up two of the other issues of legal philosophy thrust upon us by the film. More's refusal to take the oath despite the consequences to himself, his family, and his realm constitute a form of deontological ethics. According to deontology, some acts are inherently immoral despite the consequences that follow. Thus, the philosopher Immanuel Kant in his famed categorical imperative stated that it was wrong to tell a lie, even in the case of whether one should lie to a murderer who was stalking his victim hidden in the nearby closet. Cardinal Woolsey represents another view, that of the consequentialist. He admonishes More to 'come down to earth' when More refused to change his position even when warned of the strife that could follow his defiance. In a similar vein, Karl Marx admonished those who clung to an abstract and 'neutral' rule of law that had negative consequences on the poor and oppressed.  Mores refusal also invokes the debate between positive and natural law. When his soon to be son-in-law, a political radical, argues the law must be made malleable to the interests of justice, More launches into a long defense of the importance of 'man's laws.' He states that they are all that exist to protect citizens of his realm, and that when they are swept away to ensure 'justice' then all would stand unprotected (the actual metaphor used is whether the law should apply to the Devil, in other words one who we know is evil and thus should have no protection of positive law). More's speech invokes the theorists of positive law such as John Austin who maintained that man made law, the order of the sovereign, is all the law there is. Ironically, it is More who is later caught up in the very positive law he defended and in response, he speaks of his duty to his soul. This appeal to God's laws invokes the perpetual counter-argument of natural law theorists who hold that positive law can and should be measured by a 'higher' Law of Nature. The King's law has the power to execute More, but does it have the authority?  One of the last striking things about this film may be a much-overlooked feature. Many viewers of the film will likely pessimistically comment on the trumped up nature of the prosecution of More played out brilliantly at the end of the film. However, such pessimism may be unwarranted. More's knowledge of the law enables him to conduct a legal strategy based on the precedent that silence on an issue does not necessarily imply disapproval of the Kings position (which would then warrant High Treason). In his trial More is given a jury (though one surely bullied by the Crown, as in the scene where the prosecutor declares that surely no break for jury deliberations is necessary and so the verdict is immediately rendered), an account of the charges against him, and the right to defend himself (including cross examination of witnesses). It is only because of the distortion of evidence (the implication that More took a bribe that he clearly did not) and the testimony of a false witness that More is ultimately convicted. The question of course remains, does this show the advanced state of English rights of the accused at this ancient state, or does it point to the more unsettling conclusion that even abstract legal safeguards cannot protect one when prosecutorial dishonesty rears its ugly head?  Posted February 15, 2005 |   **Would you like to comment on this article? Please submit your comments** [**here.**](http://docs.google.com/submit-comments.htm) |  |  | | --- | | [Top of page](#gjdgxs) |  |  | | --- | | [Home](http://docs.google.com/index.html) | [Silver Screen](http://docs.google.com/silver_screen.htm) | [Small Screen](http://docs.google.com/smallscreen/small_screen.htm) | [News & Views](http://docs.google.com/newsnviews.htm) | | |