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Cover Page Footnote

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ST. IVES, THE IDEAL JURIST

FRANÇOIS J. M. OLIVIER-MARTIN†

MUCH has been written on St. Ives.¹ It would be beyond the scope and purpose of this brief article to detail the full sweep of the literature devoted to this subject. Today, we possess materials which were not available to the old hagiographers: the *Monuments originaux de l'histoire de Saint Yves*,² and especially the proceedings of his canonization. From these sources I have extracted facts and incidents which I shall develop in chronological order, dealing first with the life of the Saint, his canonization and the devotion which he has inspired. Then I shall endeavor to draw from his career certain lessons of value to the family of jurists throughout the world.³

Ives Haelori (St. Ives) was born in 1253 during the reign of Louis IX, Saint, and King of France.⁴ His birthplace was in the manor of Kermartin, two kilometers from Tréguier. He belonged to a noble family of small patrimony and from childhood was destined for the life of a student. His earliest education was obtained in the neighboring town of Pleubian under the tutelage of a cleric.

He continued his studies at Pleubian until his fourteenth year, when his parents sent him to Paris, accompanied by his boyhood teacher. For seven years he pursued his studies in Paris, first completing his literary and philosophical education, and then began the study of theology and canon law. In 1274, at the age of twenty-one, Ives went to Orléans to study Roman law, the teaching of which had been prohibited in Paris since the decretal *Super Specula* of 1219. There is no

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This article has been translated from the French by Professor Ernest Chenel, Head of the Department of Modern Languages, Graduate School, Fordham University.

1. The most recent studies devoted to Saint Ives are the following: ROPARTZ, *HISTOIRE DE SAINT YVES* (1856); CH. DE LA RONCIÈRE, *SAINT YVES (1253-1303)* (4th ed. Paris, 1918).

2. *MONUMENTS ORIGINAUX DE L'HISTOIRE DE SAINT YVES*, published for the first time by A. De La Borderie, Abbé J. Daniel, R. P. Perquis and D. Tempier, St. Brieuc (Imprimerie Prud'homme, 1887). Those MONUMENTS comprise: (1) The *Processus de vita et miraculis sancti Yvonis*, integrally published from a manuscript of the Library of St. Brieuc; (2) the *Relatio processus de vita et miraculis sancti Yvonis*, published from a XVth Century manuscript belonging to M. L. Prud'homme; (3) the *Officium sancti Yvonis*, from an ancient breviary of the Church of Tréguier, and some similar documents; (4) the *Canonization Bull*, from the original kept in the treasury of the Cathedral of Tréguier, and some papers appended.

That work, throughout this article, will be quoted thus: MONUMENTS.

3. This article reproduces the substance of a talk given Dec. 9, 1929, to the Catholic Group of the Faculté de droit of Paris.

4. All the difficulties which the biography of Saint Ives presented have been elucidated, with the help of the authentic texts supplied by the MONUMENTS, by Arthur de la Borderie in his Introduction to that publication, pp. I-XXVI. It is to that critical biography that I refer in the footnotes which follow.

evidence that he taught at Orléans, but he probably participated in the scholastic disputations which were there conducted, and, under the direction of Pierre de la Chapelle and Guillaume de Blaye, continued his studies in canon law.

At the age of twenty-three, he concluded his formal studies and was appointed in 1277 an "official" (assistant judge) of the archdeacon of Rennes. In the Middle Ages, the archdeacon had acquired, by prescription, a jurisdiction independent of the bishop, which he exercised, not in person, but through a delegated official. This judicial office Ives occupied, a position admirably suited to him as he was *Doctor Utriusque Juris*. While not yet an ordained priest, Ives continued his theological studies, under the tutelage of the Friars Minor of Rennes. After remaining four years in Rennes, Ives became the official of the bishop of Tréguier and stayed at Tréguier near his birthplace Kermartin. It was rumored that he left Rennes saddened by reason of the litigious dispositions of its inhabitants.⁵ But this story is probably without basis, like so many that have sprung up about the good Saint in latter years.

Ives, now an ordained priest, became a curate in the neighboring town of Tredez and still later in Louannec. His duties permitted him to exercise his sacerdotal functions and also to appear as lawyer in the Courts Christian and seigniorial courts of the neighborhood. This combination of the offices of judge and lawyer which was not uncommon in his time remained so until after the Revolution; the joinder had the advantage of preventing professional stagnation.

In 1291, Ives deliberately renounced the opportunities for advancement in Church and State and seriously devoted himself to self-sanctification. However, he still continued to act as judge and lawyer, and not until seven years later did he consecrate himself absolutely to preaching and his parochial duties. He died May 19, 1303, in his ancestral manor, prematurely exhausted by work and asceticism.

Ives died in an aura of sanctity and good works. He had performed miracles during his life. As early as 1312, the Duke of Brittany, John III, asked Pope Clement I to canonize Ives. The King and Queen of France, numerous Archbishops and the University of Paris⁶ joined in the petition of canonization. A papal bull dated February 26, 1330, appointed two prelates to make the customary investigation at Tréguier: *processus de vita et miraculis*.⁷ The investigation lasted from June 23rd to August 4th, and two hundred and forty-three witnesses were heard

5. This legend was well received, with many others, by Alain Bouchart, in his *GRANDES CHRONIQUES DE BRETAGNE*, an edition of which was published by the Société des Bibliophiles Bretons, in 1886.

6. Preamble, *Relatio processus de vita et Miraculis*, MONUMENTS 301-303.

7. The bull is reproduced as a part of the *Processus*, MONUMENTS 2-3.

in due form.⁸ A crowd gathered before the Cathedral proclaiming that Ives lived and died a saint and that miracles were performed by his intercession. The inquest being ended, a report was drawn by three cardinals⁹ and the Bull of Canonization declaring Ives a saint was promulgated May 19, 1347, forty-four years after his death.¹⁰

Since his canonization the devotion to St. Ives has increased immeasurably. In 1348 a chapel was founded under his name in Paris, in the parish of Saint-Benoit, on the corner of rue Saint-Jacques and of the rue des Noyers. The cornerstone, which was laid by King John the Good, in 1352, was unearthed at the time of the construction of the Paris subway and solemnly presented to the Order of Lawyers, January 24, 1930, by the President of the Municipal Council in the presence of both prefects. The panegyric of the Saint on that occasion was delivered by M. Gaston Duveau, General Secretary of the Order.¹¹

The chapel thus erected became the center of the Brotherhood of Saint Ives, made up of ecclesiastics and lawyers, and placed under the patronage of the First President of the Grand Council. The name of Saint Ives was invoked to obtain the winning of a lawsuit, and, the prayer granted, the advocates hung the brief bags containing the records of the case in the vault of the chapel, by way of votive offering.¹²

In Brittany, Saint Ives became at once the patron of the legal profession and of the University of Nantes, founded in the XVth Century. The Saint's day, May 19th, was annually observed. In Paris, lawyers venerated as their patron Saint Nicholas, and, from time immemorial, established in the Court House, an altar where mass was celebrated each morning.¹³ Thus together Saint Nicholas and Saint Ives dominated spiritually the vast kingdom of the legal fraternity.

Let us not enter into their relative zones of influence! The facts disclose that Saint Ives is honored in Paris, in the Church of Saint Gervais and in the College of the Bernardines. The Law University of Caen, and that of Orléans, of which he had been a student, invoke his protection.¹⁴ The Parliament of Paul celebrates his feast with pomp and ceremony. In Rome, the national Church of the Bretons is under the name of Saint Ives; a brotherhood of consistorial lawyers has its seat there and offers legal aid to the poor people of all Christendom.

8. MONUMENTS 5; the testimony of the two hundred and forty-three witnesses is to be found in the *Processus* 8-299.

9. MONUMENTS 301-435. The *Relatio* classifies methodically the information supplied by the testimony recorded in the inquest.

10. MONUMENTS 483-485.

11. On that ceremony see an article by Charles Le Goffic in the journal *L'ECHO DE PARIS* (Jan. 24, 1930).

12. Most of the facts cited, relative to the cult of Saint Ives, are borrowed from ROPARTZ, *HISTOIRE DE SAINT YVES*, 303 *et seq.*, which indicates his sources.

13. R. DELACHEVAL, *HISTOIRE DES AVOCATS AU PARLEMENT DE PARIS* 36-46.

14. E. Bridrey, *Les derniers jours de l'ancienne Faculté des droits de Caen* (1929) *REVUE HISTORIQUE DE DROIT* 719.

We find the same cult and same brotherhood at Ghent, Mechlin, and Antwerp. The University of Louvain adopts Saint Ives as its patron.

Such are the beautiful tributes to the memory of Saint Ives. But the most beautiful is still the simple trust of the humble people of Brittany in "Saint Ives *de Vérité*."

There are hours when the administration of justice, as do all human things, fails and falls short of truth. Must we repeat the forlorn query of Pontius-Pilate, procurator of Judea: "What is truth?" Let us rather turn to the proceedings of the canonization of Saint Ives and read therein the story of the widow, robbed by unknown thieves.¹⁵ The Breton judge is unable to discover the culprits. The widow goes to the Saint's tomb and asks him for justice. Saint Ives arouses such remorse in the hearts of the culprits that they denounce themselves to the justice and give back the stolen objects. The widow is entirely comforted by their action.

How often is a wrong committed by force of a false oath uttered in correct legal form? How often is the law confronted with a meticulous rule which demands exact compliance to the letter? Who will do equity beyond the letter of human law? Saint Ives *de Vérité*. Litigants will summon him to intervene, by uttering one of those formulae which, under the Christian tradition, come to us from the dim past:

"My lord Saint Ives of Truth,
Who know the pro and con,
Place right where it must be,
And the fault with him who is wrong."

Such is the prayer of the humble people to Saint Ives, the history of which has been carefully studied by Professor Jobbé-Duval.¹⁶ The abundant faith in Saint Ives is reflected in the tradition that he against whom the prayer is directed, must, if wrong, die within the year. The rite is tainted with superstition and the Breton clergy is justified in condemning it. But, in its very excess, it expresses in a pathetic way the sentiment of justice which is alive in the souls of the humble people and which Saint Ives of Truth symbolizes for them.

All those facts about Saint Ives are stirring incidents. But the emotional impulses aroused by his career are not alone sufficient; we must seek their justification in the light of reason and intelligence. Let us try to understand the true lesson typified in the career of Saint Ives, the model of jurists.

A stained glass window of the Church of Moncontour, dated 1537, unfolds in a series of pictures the life of the saint. One portrait

15. E. JOBBÉ-DUVAL, *LES IDÉES PRIMITIVES DANS LA BRETAGNE CONTEMPORAINE*, I. L'ADJURATION À SAINT YVES DE VÉRITÉ 93. This study appeared first in *NOUVELLE REVUE HISTORIQUE DE DROIT* (1909). A separate printing of it was made in 1910.

16. *Ibid.*

represents him in the schools of Paris, seated at the foot of the master's chair; he listens attentively; his fellow students slumber or gossip.¹⁷ That little picture reproduces accurately the testimony of Jean de Kerhoz, a cleric from Pleubian, who saw him during his studies behaving uprightly and profiting by the lessons of his masters.¹⁸ Ives was already the model of students and if, much later in his life, he sought happy slumber on the mammoth tomes of the Writ *cum tabula*, in lieu of a pillow,¹⁹ it is certain that he slept on his books only after having devoured their contents.

In the eyes of the Bretons, he was the type of the true scholar, full of scientific zeal, discernment and goodness.²⁰ And yet, even in his own time, legal minds, ingenious and subtle, were being formed in the schools, and especially in those of southern France and Italy. They were destined to become, in the time of Philip the Fair, clever "*Chevaliers-ès-lois*", shrewd jurists,—who, without being too particular as to the means, would seek the triumph of their client's cause at any cost. They study Roman law, as does Ives. But they do not seek, like Ives, only to extract from Roman law authoritative support for the institutions of their country, institutions buttressed with Christian principles; they do not seek therein to nourish their intimate sense of equity with forcible arguments and to reinforce their sincere purpose to accomplish justice. Latent in these Roman texts these jurists discern the mighty figure of the Emperor standing out as the master of the world. They seek to make the King of France an "Emperor within his Kingdom". They are using juristic authorities as weapons to support their selfish interests. While serving their clients, they also have the additional urge to enrich themselves by serving too well.

The objectives and sentiments of those who study and teach law will always be divided into these two contrasted tendencies: to accomplish justice for all and to obtain personal advancement for self. May Saint Ives liberate students and masters from their human frailties! May he preserve their small science from being intoxicated with its own greatness! May he teach all to discern in the immense acquisitions of human knowledge the objectives of right thinking and goodness!

By emphasizing first the value of Saint Ives' example for teachers and students, I would like to mark the importance, in all things, of sound doctrine. The lawyers of the Parliament of Rennes clearly realized it: their books were stamped with figures of two women, symbolizing the unity of the Bench and the Bar, consulting a book together in the midst of an extensive library, with this maxim engraved thereon: *jungit doctrina sorores*; in doctrine the sisters are as one.

17. ROPARTZ, *op. cit.* *supra* note 1 at 307.

18. MONUMENTS 8; see *id.*, at 15, the evidence of a schoolmate of Ives.

19. MONUMENTS 45-46.

20. MONUMENTS 110: ". . . dominus Yvo erat plenus discretione, scientia, bonitate . . ."

Let us consider the duties of one of those "sisters" who helps Justice in its task. Let us reflect upon the lofty purposes which should inspire lawyers and practitioners. Here the example given by Ives is luminous. He is the lawyer of the poor; he defends the children, the widows, the orphans, all those whom the Middle Ages call *miserabiles personae*, friendless people who have not, or no longer have, a natural protector. Not only does he accept their defense, but he seeks them as his clientele and offers his good services; he gives them counsel and pleads for them. And all these services according to the old expression: *gratis pro Deo*.²¹ He is so charitable, so compassionate that he arouses emulation around him; he persuades the attorneys, notaries and clerks of the court to lend their ministry—*gratis pro Deo*—in accordance with his own boundless charity.

This benevolence impressed his contemporaries very much. Justice always is expensive, so expensive that people of meager means fear to have recourse to the court. To threaten them with a lawsuit is to exert upon them an irresistible pressure! A usurer holds a widow in his grasp; he is going to take her small field away from her. Ives defends her; the usurer calls him a rascal. Ives is contented in his heart; his face is calm and even happy.²² On another occasion, a ruined nobleman, parishioner of Ives, is engaged in litigation with the abbey of Relecq. Ives will defend him, but only after having had him solemnly swear that he believes in the goodness of his cause and after having conducted an inquiry himself on the justice of his cause.²³

Thus Ives is not concerned with his fees and pleads only righteous causes; the defense of the poor unjustly persecuted is in his eyes a work of mercy. Such exemplary conduct was not untimely during the period when his canonization proceedings were conducted. Let us open the manual of the court of Parliament dated from 1330.²⁴ It is the guide book of the perfect lawyer, written with admirable intelligence and precision by Councillor William du Breuil, a southerner who became a lawyer in the Parliament of Paris. "The good lawyer," he tells us at the very beginning of his little book, "must have charming gestures and smiling countenance . . . He will select as his clients those who pay well and those who occupy high places, in preference to those who do not pay." William du Breuil acquired a large fortune, but his career ended in disaster.

21. *Evidence of Jean de Kerhoz*, MONUMENTS 11: "dixit etiam idem testis dictum dominum Ivonem pium et misericordem fuisse, quia pro pauperibus, pupillis, viduis, orphanis, ceterisque miserabilibus personis gratis postulabat et ipsorum causas fovebat, et ad eorum defensionem se offerebat etiam non rogatus unde pauperum et miserabilium personarum advocatus communiter vocabatur." Cf. *id.* at 15-16, 24; *Relatio*, *id.* at 312-314, 343-344.

22. MONUMENTS 15-16; cf. *id.* at 115.

23. *Id.* at 75, 80.

24. *STYLUS CURIE PARLAMENTI* (edit. F. Aubert).

Ives' example of humility and service has not lost its utility with the passage of time. Undoubtedly, legal aid is still available for the poor litigants, continuing ancient and laudable traditions. It is well that this is so. But who indeed would dare to maintain that, in our modern society, there are no longer unfortunate persons unable to defend their rights? And if there are, is it not necessary that there should be emulators of Saint Ives to comfort them, aid them and make them triumph, *gratis pro Deo*?

And the categorical lesson from the career of Saint Ives remains of permanent value: One should not plead an unjust cause. There are unjust causes, just as there are erroneous doctrines. But in order to discern them, a righteous intention is needed and not a mind moved by human passions, by the desire of gain, by ambition, by the love of glory. That righteous intention Ives of Kermartin developed, after thorough mastery of the law in the schools and after weighing, with balanced mind, the unheeded lamentations of his friends the poor.

But there is a still higher task than to plead the cause of justice. It is also necessary to administer it. This is the mission of the judge. During twenty years of his life, Ives was a judge. How did he understand his function? The stained glass window of Moncontour, some statues at Minihy-Tréguier and at Bourg-en-Bresse picture him standing between the rich and the poor man. The rich man holds forth a purse to him, but Ives turns away his eyes and decides in favor of the poor.²⁵ These sinister representations interpret the primitive idea which the common people too often hold of the efforts to defend justice. But the picture is a distorted one; judges who have been derelict in their judicial duties have been at all times extremely rare. Other lessons, much more pertinent, may be received by judges from the "official" of Tréguier. The texts praise Ives unanimously because he administered "a prompt justice and without regard to persons."²⁶

Prompt justice and justice without delay! That is the first quality of justice. And all through history there arises the complaint directed against the legal profession: they make their lawsuits immortal, everlasting! They are the lawyers and solicitors, who multiply the facts and incidents and weave out of a lawsuit, as Pantagruel says, bags "which nearly comprise the burden of four big asses."²⁷ Is it not with reference to one of these lawyers that Noël du Fail, the Breton Rabelais, directs this wish profaning the beautiful liturgic words: "*et lis perpetua*

25. The stained glass window of Moncontour is reproduced in chromolithography in the MONUMENTS, and its explanation is given at LVII-LIX. The statue of the Church of Minihy-Tréguier, which is of the XVIIth Century, is reproduced in heliogravure in the same work, *id.* at 80.

26. MONUMENTS, 11, 14, 43: ". . . *justiciam celerem faciebat pauperi sicut diviti, nulla habita acceptione personarum*"; *cf. id.* at 77; *Relatio processus, id.* at 311-312.

27. Quoted by R. DELACHENAL, *op. cit. supra* note 13 at 322.

lucet eis."²⁸ But did not judges too, favor the immortality of lawsuits, at least in former times, to augment their fees perhaps, to hide their laziness, or simply for the sake of legal art to satisfy their professional leaning for the beautiful lawsuit?

Prompt justice, repeats Saint Ives, and a justice without regard to persons. That objective is also very difficult to obtain. Each man is tied, often without his knowledge, by affections, sympathies, affinities to the persons and the ideas which they represent. There exists latent danger of an impulse, of a particular consideration; in a word, of a "preference". It is very difficult to seek the pure and cold truth which is at the basis of justice.

And yet the very ancient common law of Brittany, a text conforming closely to the ideas of Saint Ives, and which is similar to his teachings, tells us: "Justice . . . must be loyal and straight, as straight as the rope when it is stretched, and straighter it cannot be, without breaking."²⁹ And Saint Louis, the great law-maker, elevated by his high office of King above all French activities in order to direct them, had said long before in his advice to his son that the judge must be "loyal and rigid in order to do equity and justice, without turning to the right or to the left."³⁰

Loyal, straight, even rigid, this is a fitting program for the judges of all times and on "both sides of the Pyrenees"! But it is not all. The canonization witnesses praise Ives again for his unrelenting effort to pacify, to reconcile the litigants before judging their cases.³¹ One day, two parties appear before his tribunal. He begs them to compromise their differences; one of them refuses. Ives takes him to the mass which he celebrates; he prays so fervently that the obstinate one submits and accepts a compromise.³² Ives judges only as the last resort. "He made many settlements . . . ; he reconciled those who did not of their own efforts come to an agreement . . . ; he was a great conciliator and rebuilders of peace," say numberless witnesses.³³

I knew in my youth a venerable justice of the peace who observed his fine title to the letter and settled nearly all disputes before him amicably; but he starved his clerk and his bailiff. Later on, having completed my studies for the Master of Laws degree, I was initiated into the arts of procedure at the office of an attorney, a shrewd man full of legal quibbles; he used to send me to the justice's court, and to the conciliation

28. *CONTES D'EUTRAPEL*.

29. *Edition Planiol*.

30. *Edition Delaborde*, in the *Bibliothèque de l'École des Chartes*.

31. *MONUMENTS* 11, 27. A witness notes that he ended amicably nearly all the litigations, with the exception of matrimonial affairs, the particular nature of which, involving the validity of the sacrament, did not permit compromise. *Id.* at 14.

32. *Id.* at 41-42.

33. *Id.* at 22 (testimony of Jean de Pestivien, Knight); see also *id.* at 40, 53.

hearing, with instructions to fan those small fires of discord which the judge was trying to extinguish. It is thus, he taught me, that lawsuits are born; let us not cause them to die in the shell. And this dignified man of the law celebrated Saint Ives day, May 19th, by attending a magnificent banquet of the whole legal fraternity . . . May God forgive him!

Saint Ives was right. Justice, with all its pomp, is not an end in itself; it aims to restore peace among men: "Justice was established for charity." So states with a striking conciseness the very ancient common law of Brittany.³⁴

Here we have the core and motivating impulse of the teaching of Saint Ives, a teaching which is directed to all jurists and which I believe I can sum up thus: Let us learn and let us proclaim with upright intentions the good doctrine; let us defend just causes and above all those of unfortunate and needy persons; let us judge promptly and justly the lawsuits which we cannot settle or compromise, so that charity may reign among the sons of the same Father and peace may obtain among men of good will!

34. Edition Planiol.