

1936

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Robert J. White

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Recommended Citation

Robert J. White, *St. Ives, Model of Legal Integrity*, 5 Fordham L. Rev. 417 (1936).

Available at: <https://ir.lawnet.fordham.edu/flr/vol5/iss3/4>

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St. Ives, Model of Legal Integrity

Cover Page Footnote

Lecturer of Law, School of Law, Catholic University of America

ST. IVES, MODEL OF LEGAL INTEGRITY

REV. ROBERT J. WHITE†

BORN in the year 1253 in Kermartin near Minihy-Tréguier on the storm swept coast of Brittany, Yves-Helory was the only son of a family of the lesser nobility which, in contrast to its then obscurity, could point proudly to its past splendor of ancestral participation in the Crusades. Though Yves was destined to spend most of his years, except for those in study at Paris, in that particular region of France, his fame through the centuries has spread to all the countries of western christendom. The inspiring integrity of his character as priest, advocate and judge won him the respect and honor of his contemporaries; and after death it gained for him the high spiritual rank of a Saint of the Church. The legal profession in particular venerates him, and students, bar and bench seek his protection and blessing as the patron saint of the law.

It was natural in the family situation of young Yves for him to become a student and cleric. After the first years of schooling in the neighboring village of Pleubihan, young Helory, at the age of fourteen, journeyed to Paris accompanied by his instructor, Jean de Kerhoz. The years until his early twenties were spent in Paris, where he completed his elementary studies and proceeded into the fields of philosophy and psychology, and later into theology and canon law. He impressed his professors by the brilliance of his intellect and won the admiration and friendship of his fellow students, not so much because of his proficiency in study, but more on account of his sterling qualities of character. Constant religious devotion, purity of life and sturdy self-discipline gave convincing evidence of deep loyalty to his faith which led to an exacting rule of life consecrated to prayer, laborious study, and voluntary material sacrifices which he turned into practical assistance to the poor. Always delving deeply into the subject which he studied, he made the same searching analysis of his own character, particularly when faced with the choice of a life's career. Inclined towards the priesthood, he hesitated because of his conscientious appraisal of the requirements of personal sanctity and the divine responsibility of the sacred mission. As yet uncertain of his final decision, he journeyed to Orléans, where he pursued the study of the Roman law, which at that time included an historical study and analysis of the Decretals, of the Institutes of Justinian and the numerous glossa. The intellectual competition must have been spirited, for Orléans had become a center for the study of Roman law since the Papal decree which forbade the teaching of it in Paris and reserved it exclusively to the University at Orléans. Here, as well as at

†Lecturer of Law, School of Law, Catholic University of America.

Paris, young Yves distinguished himself in his studies and endeared himself to his fellow students by the example of a rigorous rule of life and a constant generosity to the poor. Though a student of tireless industry, Yves always found time for many hours of prayer and days of fasting. He had not yet been ordained to the priesthood and still hesitated about the final choice of his vocation. His marked ability and exemplary character led Maurice, the Archdeacon of Rennes, to take an interest in him which led finally to his appointment as *officialis* of the ecclesiastical court. The choice of a layman for such a position was not unusual, for Holy Orders was not a prerequisite. Such courts had a much wider jurisdiction than present ecclesiastical tribunals, for they enjoyed an extensive competence which embraced not only ecclesiastical matters in the strict sense, such as marriages, wills, heresy and suits involving clerics, but embraced, as well, jurisdiction of a multiplicity of other legal controversies between parties who were not clerics and over matters which were often purely civil in their nature. The duties of an *officialis* were similar to those of a *nisi prius* judge, though his power of discretion was greater even if his decisions were subject to review by an appellate tribunal and in the last resort by Rome itself.

Years of study of the law, custom, the civil law, *corpus juris*, the Decretals, the decree of Gratian, the famous sentences of Peter Lombard, and the various glossa and commentaries, brought a background of rich knowledge to his legal reasoning. The burdens of an *officialis* meant assuming heavy responsibilities and as a reward for the labor of his study, long hearings and burdensome decisions, Yves was entitled to additional revenues pertaining to the office, but with these he was little concerned. His decision concerning Holy Orders, which he had himself delayed, now became final, and his studies culminated in ordination to the priesthood by his ecclesiastical superior, Alain de Burc, Bishop of Tréguier, in the year 1285, when Yves was thirty-three years of age. Biographers agree in their accounts of the deep piety of Yves as a priest, his exemplary life, and his fondness for exploring the writings of the Church fathers and re-reading Lombard's treatise on the Sacraments. Of his feeling for the sacredness of the priesthood, one biographer, de La Roncière, wrote that the phrase, "I am a priest unworthy, the lowest of the servants of Christ", meant for Yves "not a vain phrase of the liturgy, but a deep cry of his whole being, prostrate before God".

In addition to his duties as a priest, he continued to exercise the functions of *officialis* of the court and to assume voluntarily the burdens of advocate for the widows, orphans and poor. The duties of *officialis* at Tréguier were much greater in volume and more varied in kind than had been the situation at Rennes, for the Bishop of Tréguier had been ceded a wide jurisdiction by the Duke of Brittany. And the matters which were always numerous included not only ecclesiastical and

civil controversies, but criminal prosecutions as well. As the presiding single justice, Yves contributed his knowledge and experience to a system of courts which Professor Wigmore describes as the most advanced in Europe at that period. The criminal trials of that particular court were unusually numerous because the court had jurisdiction of Minihiy, nearby, which had been set off as an inviolable asylum for criminals. As sympathetic as Yves had been to the poor and unfortunate, and as patient as he had been in seeking amicable adjustments of controversies, he judged criminal matters with a stern hand, determined to end the abuses which the asylum threatened to the peace of the locality. He cut short the long answers of talkative witnesses and ordered advocates to abridge pleadings of unnecessary length and to come quickly to the point at issue. His strong character as a judge contributed much towards diminishing the threat of Minihiy and won him universal respect and praise. In civil matters as well, his deep devotion to duty and his fearlessness in meting out justice regardless of the people affected, resulted in judgments against the powerful, or even personal friends, and solidified his reputation as an able and just judge. Confidence in his judgment spread quickly through the countryside and the recital of numerous authentic instances of his wisdom and kindness became embroidered with legendary accounts until there was evolved an heroic saga of the priestly judge and lawyer of the people.

Throughout the distant courts, Yves became noted for his examinations and pleading and this particular feat was often referred to as a "*chef-d'oeuvre de finesse*". In personal appearance, Yves is pictured as a man of medium height, with strong and sharp rather than handsome features. His eyes were dark and keen and lighted a dignified and kindly countenance. The favorite reproduction of the Saint is the court setting in which he stands as judge between the demands of two pressing adversaries, one rich and the other poor. In an interesting little study in the series of "*L'Art et Les Saints*", Alexandre Masseron has reproduced some forty representations of Saint Yves found in sculpture, painting and glass. In most of these this favorite role of the Saint as judge between rich and poor is depicted, and it is this attitude that was chosen by the members of the American legal profession for reproduction in a stained glass window, their gift to the Chapel at Tréguier.

The rich and the poor, the powerful and the weak, all alike sought the aid of his counsel, for his erudition and prudence had given him "an acute perception and understanding of the duties of each class in society, the threats which endangered each and the needs which impelled action in its interest". His active sympathy and friendship for the poor, always evident in his numerous charitable works, never carried him to any excess in his judicial decisions which were always scrupulously just. It was said of him that Yves was most illustrious for "the integrity

of his character" which caused him to render just judgments to both rich and poor, a fact which was "all the more admirable because of his great affection for the poor which could have inclined him in their favor". His sole test of a judicial finding was a just judgment. For in the role of a judge, Yves "judged others in the pre-vision of his own final judgment before God".

Yves never allowed the numerous demands for legal advice and pleading to encroach upon the spiritual duties of his priesthood. He served as parish assistant at Tredez and later at Loanec where he was promoted to the pastorate which he held for eight years till his death. His preaching, as might be anticipated, drew great throngs to the many churches in which he preached. Clothed in a hair shirt and poor garments, he trudged alone along the rough roads to the parishes in which he preached, for he had sold his horse, the gift of the Bishop, and given the proceeds to the poor. In a time when there was great popular devotion to St. Francis, many people looked upon Yves as a counterpart of the beloved mendicant friar. He lived abstemiously, fasted frequently and slept upon a pallet of straw with his Holy Bible for a pillow. His day began with meditation before the celebration of Mass and did not end until nightfall after visits to the sick and poor and particularly to the trade school for orphans and the home for the infirm aged which Yves himself had built. His manner, usually gentle and soft spoken, could still change to fiery wrath as was evident when Philippe le Bel attempted to encroach upon church property and the revenues of his parish. Yves had shown his courage in an earlier day by sleeping in the church sacristy to prevent theft of the sacred vessels by church robbers. Now he dared the royal ire by a public denunciation of the ducal misappropriation which was later condemned by Pope Boniface VIII. In 1298, at the age of forty-seven, Yves resigned his duties as *officialis* and devoted the few remaining years to his ministry, spiritual reading, meditation and prayer. He died in 1303 at the comparatively young age of fifty.

Was it any wonder that great throngs crowded about the house where Yves breathed his last and chanted the litanies of the dying for the man whom they had known and loved as a prayerful priest, thoughtful student, humble judge, and prudent counselor and friend to all? The popular veneration continued after his death and made itself felt in a prompt supplication to the Pope for a judicial inquiry into his sanctity and petition for his canonization as a saint. John, the Duke of Brittany, introduced the cause which immediately won the active support of the French reigning family, King Philip and Queen Joanna. In 1330, Pope John XXII appointed a commission of inquiry charged with the duty of investigating the sanctity of the life of Yves and the authenticity of the miracles of his saintly intercession after death. The inquiry took place in Tréguier and consumed some forty days in the critical

examination of many witnesses. The accounts of the hearings and the sacred proclamation fill over sixty folio pages of a large tome in the *Acta Sanctorum* (Ed. 1685 Maii t. IV, p. 537 ff). The Latin running commentary points to the topics treated more extensively in the body of the proceedings and includes his devotion to study and the duties of his station in life, his personal habits of meagre sleep, wearing rough clothes, abstinence and fasting, his warm love of the poor, his solicitude for their care, food and clothing, his devotion to the sick and dying, his pure life, his humility and his constancy in prayer. The divine miracles attributed to his intercession included restoration of health to some hopelessly sick persons, recovery by a paralytic, regaining of sight by a blind person, the supply of food for the poor, and the escape of several shipwrecked. The final report was drafted by three Cardinals and submitted to the Holy See. In 1347, forty-four years after his death, Yves was proclaimed a saint by Pope Clement VI. The parliament of Brittany ordered the official observation of his feast day in all the courts, and in Rome the church dedicated to Bretons was placed under his patronage. The University of Nantes invoked him as its patron, as did the law schools of Orléans and Caen as well as the University of Louvain which possesses a famous painting by Rubens showing Saint Yves in his traditional robes as the even-handed judge between rich and poor. Popular devotion to the saint spread quickly and flourished in distant places and numerous law guilds in Belgium, Italy and France chose him as their patron saint.

The veneration of St. Yves has continued through the centuries, varying in popular favor in changing times and places, but still receiving hearty support, particularly from members of the legal profession. In 1932 Professor John H. Wigmore of Northwestern University undertook to enlist the interest and support of the American lawyers of all creeds in the purchase of a memorial stained glass window to be placed in the chapel of Tréguier in honor of St. Yves. The committee composed of eminent lawyers received immediate and generous response and the window was installed on May nineteenth of this year, a stately memorial twenty-five feet in height, representing St. Yves as judge between rich and poor with a lower panel containing the American shield and inscription "presented by the bar of the United States in homage of Ives, patron saint of lawyers". Forty thousand people including eminent statesmen, lawyers and judges attended the blessing of the window by the Bishop of St. Briec and listened to the address of Canon Lainé, whose scholarly oration concluded with warm thanks to the donors for this memorial to St. Yves whose "love of justice is sorely needed in the world of today". Certainly such homage by American lawyers marks an unusual chapter in American legal history. The event becomes more provocative of thoughtful analysis because it occurred in the same

year of the canonization of Blessed Thomas More which was received with such wide-spread acclaim, particularly in English speaking countries and which was so widely observed in our own country by memorial meetings, thoughtful biographical studies and dedication of lawyers' societies to his patronage. The newly canonized saint differed dramatically from St. Yves in all except the sanctity of his life and his devotion to the law, for Saint Thomas More was a layman, an eminently successful lawyer, statesman, diplomat and Lord Chancellor of England. Are these strange phenomena of an eager interest, generous gift, and veneration to be dismissed as happenings of blind chance, or are they unusual occurrences which have a logical explanation with a meaning of perhaps lasting significance?

One explanation might be suggested which is borrowed from Chesterton's brilliant analysis of the reasons for the popular contemporary interest in St. Thomas Aquinas and the earlier revival of interest in St. Francis:

"The saint is a medicine because he is an antidote. Indeed, that is why the saint is often a martyr; he is mistaken for a poison because he is an antidote. He will generally be found restoring the world to sanity by exaggerating whatever the world neglects, which is by no means always the same element in every age. Yet each generation seeks its saint by instinct and he is not what the people want, but rather what the people need . . . therefore, it is the paradox of history that each generation is converted by the saint who contradicts it most."

Applying such a test to the present status of law in the United States and the pressing problems of American lawyers, we might examine briefly the evidence of a few leading authorities.

In his presidential address before the Association of American Law Schools, Dean Rufus C. Harris said earlier this year:

"The chief characteristic of recent American jurisprudence, it would seem, is its tending to idealism. From this there are developing some important consequences of which account should be given. This tending to idealism, which is so pronounced in American legal science, very likely would be denied. A prominent school sets itself up as a school of realism; another is called a school of sociological jurisprudence. In addition to these there are the older schools of historical and analytical jurists which would deny also their affinity to technical idealism. All of these jurists set themselves off from and up against the conventional idealist schools of the nineteenth century . . . Nineteenth century idealism is the idealism of a century of capitalistic expansion, growth, and upsurge. That of the twentieth century is the idealism of a century of capitalistic catastrophe, confusion, and disorder. Each idealism thus mirrors its period . . . What are the immediate common tasks, then, in jurisprudence?"

Dean Harris suggests the necessity of codification of American law, greater emphasis on legal conceptualism, more attention to American legal history, greater concern for constitutional reform, and a revival

within jurisprudence of interest in democratic liberties and bills of rights.

At the same meeting, the guest dinner speaker, Professor Felix Frankfurter said:

"One cannot pick up any of the law reviews, one cannot read the opinions of courts on important questions, without realizing that stirring beneath the mere formalities of conflicts, of differences in regard to adjustments within the conventional and accepted framework of the common law—one cannot float on that stream of law without realizing that the rapids are swifter, the shoals and reefs more dangerous, more uncharted than at any time in the history of any man present in this room . . . All that is common ground among all of us. But the matter to which I should like to address your attention, to something which is more important even than those ultimate questions of jurisprudence, what is the source of law, to what extent is authority binding, what is the social justification of *stare decisis*, etc., those ultimate questions which always stir when there is ferment, real ferment in society—more important than any of those questions, to my mind, is the very atmosphere of free inquiry in which those questions may be explored."

He proceeded further to point out what he regarded as some of the manifestations of an "ugly spirit in the world", particularly the attempt of super-erogation on the part of some eminent members of the bar to constitute a super supreme court, the threat of dictatorships to the intellectual freedom of the universities, and the dangers of contemporary legislative demands against freedom of speech.

Another current report, that of the executive committee of the American Bar Association, emphasizes the need of an improved and representative organization of the bar, stresses the necessity of a strong curb on excessive publicity which interferes with fair trials, demands improvement of the enforcement of laws against crime, legislative restrictions upon the unauthorized practice of the law, and investigation of growing tendencies in society which affect the rights and liberties of American citizens. The report of the Standing Committee on Professional Ethics of the same association notes the increase of complaints against lawyers and questions the usefulness of some of the present canons of ethics. The president, Hon. W. L. Ransom, stresses the same problems and lists, as the major objectives of the organized bar, the protection of the public through requirements of adequate education and high ethical standards of admission, the protection of the public against law work by unauthorized persons and agencies, and the need of improving the administration of justice, particularly by the better enforcement of laws against organized crime. Whatever may be the justification for these various threats and complaints of our era, one may certainly conclude that warnings by such representatives of the law point to a deep unrest, fundamental challenges, and the presence of serious

troubles which perplex the legal profession. While all of these matters ultimately affect the lives and happiness of all people, the ordinary individual's appraisal of the law and the profession is not so profound and depends much more upon the whims of popular prejudice. But most of all, he judges law by local conditions which he experiences or hears about and he evaluates the legal profession by his personal contact with lawyers. In both instances, it must be admitted that substantial grounds exist for serious dissatisfaction with the functioning of law and with the ethics of the legal profession.

Both legal training and legal practice had felt the effects of society's decay and had softened morally in an era of prosperity in which, too often, brilliance *per se* had become the ideal of study, and money the sole end and aim of legal practice. The embarrassing disclosures of the depression revealed with rough realism the fact that wrong-doing among lawyers had extended beyond occasional shyster ambulance-chasing, embezzling and jury-fixing, and included more refined piracy in crooked finance, bank manipulations, receivership juggling and fiduciary "Jekyll and Hyde-ing" by supposed respectable firms of the socially elite. At the same time, judges and teachers, formerly living in a more or less sheltered atmosphere, found themselves no longer immune. Subjected to personal shocks and heavy financial losses that brought suffering, they came to the realization that they were like their fellow creatures—flesh and blood—and had been betrayed similarly by the magnificent mirage of a false prosperity. Such experiences may account for the re-awakening of the slumbering religious spirit, which, as a noted economic professor proves conclusively by American statistics, re-asserts itself in every period of depression when disillusioned men return to spiritual belief and practice for consolation and strength that neither the law nor other sciences nor material things can give.

The poisons of scepticism and selfishness, dishonesty and disillusionment, had wrought their evil effects and left a weakened and confused profession. Was it strange that lawyers reached out with enthusiasm to welcome St. Yves as patron of the profession, when in his life were to be found the antidotes to the poisons which threatened the health life of the legal profession of our day? St. Yves, the "model of legal integrity", had within his life the particular antidote for each particular poison. For the poison of scepticism and unbelief, there was the spiritual faith which brings the peace that the world cannot give. For the poison of selfishness there was the example of a life of complete and joyful self-sacrifice, the warmth of his love of the poor, an antidote to the grasping avarice which so long defied social reforms. For the poison of dishonesty, St. Yves brought the antidote of a saintly life of scrupulous honesty and courageous devotion to the ideal of legal justice. For the poison of disillusionment, he offers the antidote of a

spiritual appreciation of life which not only gives constancy of character, but as well softens the blows of life and spiritualizes even the shocks of its tragedies. Was it strange or was it not rather to be expected that lawyers should venerate St. Yves and commend him to our youthful students of the law for emulation in his love of justice, honesty, and industry, his broad and sympathetic social outlook, his courtesy, kindness and charity—antidotes, guaranteed to cure our present ills? To cure all of these ills of the law is beyond the possibility of accomplishment. To hope to stop all unjust criticism of judges and lawyers would be fatuous. Men will continue to laugh at jibes at the profession as they reveled in the verse about St. Ives:

*“Sanctus Yvo erat Brito,
Advocatus et non latro,
Res miranda populo.”*

“Saint Yves was a Breton,
Lawyer and not a robber,
A spectacle remarkable for the people to behold.”

We too may smile, yet we pause to measure how much of the laughter in our day springs from scorn and hate. Whatever the answer may be, all serious observers agree that the ills of the law need strong medication. There can be no over-night synthetic cures, for the troubles have become too deep-seated. Too many have been wronged; their confidence can be regained only by personal experience. Legal ethics must become more than happy banquet speeches and pious resolutions in conventions. Legal ethics must become a practical idealism in action.

The hope of our profession, as with the hopes of mankind, lies in the youthful students of the law, whose attitude is that of an era of challenging scepticism. They will rightly repudiate the idealistic advice of even those who compose legal canons if they discover that such men are the advisers of unconscionable schemes, which though skirting the edge of legal prosecution, become instruments of grossly immoral enrichment. For both young and old the decision means a choice and often the foregoing of material benefits. But such is true of many other moral choices in life. The legal profession knows its ills. It has the model which can give the desired ethical pattern of practice—“St. Ives, model of integrity”, lover of justice, honesty, and charity.

There remains the choice, upon which depends in a large measure, the future stability of government, social justice and the progress of the law.