



Thomas More published *Utopia* fifteen years after completing his legal studies and two years before joining the service of King Henry VIII as a counselor. During those fifteen years, More mastered Greek and made a serious study of the Greek, Roman, and Christian sources of jurisprudence while also acquiring a wide range of legal and judicial experience in London. *Utopia* records “the discourse of Raphael Hythlodæus on the best form of a commonwealth” (175), reported by “citizen and undersheriff”<sup>1</sup> Thomas More.

In *Utopia*, More creates a republic which has “very few laws” and no private property, and where lawyers are outlawed. Despite his debt to Cicero in *Utopia*, More does not use the term “natural law.”<sup>2</sup> Below are questions to consider while studying More’s *Utopia*, a book that is in conversation with Plato’s and Cicero’s *Republic* and *Laws*, Aristotle’s *Politics*, and Augustine’s *City of God*.

### Main Characters

*Thomas More*: both the narrator of the text and a character. More is a London lawyer and judge who has been sent abroad as England’s official *orator*<sup>3</sup> for vital trade negotiations. NB: Readers sometimes call the narrator More and the character More to distinguish the two.

*Raphael Hythlodæus*: a world traveler who critiques unjust legal systems and praises the justice of *Utopia*.

*John Cardinal Morton*: Lord Chancellor and Archbishop of Canterbury, and head of England’s legal systems of both church and state.

*An unnamed in-house lawyer*: antagonizes Raphael Hythlodæus, who accuses him of bias.

*Cuthbert Tunstal*, *George de Themsecke*: lawyers in the opening paragraphs of *Utopia*.

*Peter Giles*: More’s friend and a model civic leader who introduces Raphael to More.

*John Clement*: More’s young secretary who silently observes the dialogue.

*London*: See, for example, the marginal glosses at 177/13-14, 23-24.

### Setting

England is in a time of grave economic and social upheaval. Poverty and crime are widespread. The country has recently emerged from civil war (“The War of the Roses”) but uprisings still occur and threaten to continue. Note the comparisons and contrasts with the setting of Plato’s *Republic*. The garden setting in Book 2 also recalls Cicero.

### Study Questions for Book 1 of *Utopia*

1. Book 1 is known as the “Dialogue on Counsel.” What do the introductory paragraphs reveal about the character of each speaker? What do we learn about More’s intentions in narrating this account?
2. Who wins the argument about giving counsel to rulers: More the lawyer or Raphael the experienced observer? Can the learned professions really promote justice and happiness? Is the effort worth sacrificing “liv[ing] as I please,” as Raphael puts it (159/54-5)?
3. Raphael presents the laws of the Polylerites as a model of *humanitas*<sup>4</sup> (165/87). Do you agree? Why? How well do the means used in the Polylerites’ legal process bring about the stated ends of humane justice and liberty? Note that in book 2, Raphael will also present the Utopians as models of *humanitas* in their laws and customs.

(over)

<sup>1</sup> As undersheriff, More was the professional legal adviser to the elected citizen-sheriff and would regularly preside over the sheriff’s court, the oldest and busiest judicial court in London with a wide range of civil and criminal jurisdiction. By the time More wrote *Utopia*, he had been undersheriff of London for five years, member of Doctors’ Common (a society for those practicing Roman or canon law), twice a lecturer of law, continuously an officer at the inns of court, a member of Parliament twice, and an ambassador and legal advisor on the foreign embassy in 1515, where he met Peter Giles and began writing *Utopia*.

<sup>2</sup> Only twice does the phrase “law of nature” occur in all of More’s writings. In his controversy with Luther, More argues for reason’s ability to guide human action; in this context he states that “the Ten Commandments . . . put in remembrance again certain conclusions of the law of nature which their reason – overwhelmed with sensuality – had then forgotten” (*EW* 585/46-50). In the English version of *Richard III*, the Queen invokes man’s law, “the law of nature,” and God’s law in the Sanctuary debate, but the phrase does not occur in the Latin version.

<sup>3</sup> See paragraph 1 of *Utopia* and Cicero’s two famous treatises *De Oratore* and *Orator*.

<sup>4</sup> A term that Cicero uses to express the idea of a fully cultivated human being; see *Pro Archia* 2-4, 14-16, *De oratore* 1.53-54; Seneca, Letter 65.7.

4. Raphael's encounter with Lord Chancellor Morton spans over one third of Book 1 (160-68). Why is it so important? Why does Raphael praise Morton?
  - a. In the incident with Lord Chancellor Morton, the lawyer is ordered to be silent (163/91). Did he deserve this treatment? How would you compare Morton's mode of communication with that of the lawyer who offends Raphael? Note that both are lawyers, as is More.
  - b. What are the prejudices that Raphael recognizes in England's legal system?
  - c. One form of bias Raphael identifies is a conflict between civil law and divine law (163-64). How do you assess the treatment of this issue?
  - d. Raphael and the lawyer disagree about the punishment of thieves (160-66). What is your assessment of Raphael's argument? How would you contrast the approach of this lawyer with the approaches of Morton and More?
  - e. Raphael also identifies the bias of judges who use the "appearance of a concern for justice" to further their own interests (170/9-42). What is your assessment of this problem?
  - f. How does this example support Raphael's argument against serving?
  
5. What is the main point of Raphael's imaginary example of the court of the French king (168-69)? Do you agree?
  
6. More objects that Raphael's mode of communication is not suited for the role of a citizen, and advises Raphael to use an "indirect approach" (171/6 - 172/29). Raphael strongly objects, arguing that such an approach is not appropriate for a philosopher or for a Christian (172/30 - 173/11). Who makes the better argument and why?
  
7. What is Raphael's argument about private property? What is More's counter-argument? Which argument do you find more persuasive and why?
  
8. What does Raphael think is More's main problem at the end of book one? Why can't he understand Raphael's arguments?
  
9. Considering that Thomas More ends his life losing everything and being condemned as a traitor, could we not conclude that Raphael is correct that one person of integrity is foolish to attempt to change an unjust legal system?
  
10. More argues that good citizens have a duty to give advice (168/18-20). Why, then, does he give so little advice to Raphael in Book 1? This question will gain importance when you read the puzzling and highly debated last paragraphs of Book 2: Why does More give Raphael *no* advice even though More tells his readers he has major disagreements with Raphael (211/15-39)?

### **Study Questions for Book 2 of *Utopia***

1. According to Raphael's account, what is the view of law, justice, government, religion, and civic life as they have evolved over the 1,760 years of Utopia's existence? Is this view attractive to you? Why? Would you like to live there? Who in Utopia seems to benefit the most? What details struck you most, and why?
  
2. At the end of Raphael's account, what does More object to in Utopia? Is he ironic or serious? What are More's final actions? What significance might they have?
  
3. Considered as a whole, what does *Utopia* help us see about human nature, law, justice, government, religion, and a complete, happy life?