THE FIRST ANNUAL THOMAS MORE CONFERENCE

4-6 November 2005
at University of Dallas, www.udallas.edu

For tickets, call 972-265-5741 or email ctms@udallas.edu

Friday, Nov. 4, 2005

4:00 – 5:30 Lynch Aud.	**Symposium #1:** More's *Utopia,* Book 1: Can the learned professions really affect justice? Who wins this argument: More the lawyer or Raphael the experienced observer? Presentations by scholars representing the literary (Dr. Stephen W. Smith), political (Dr. Richard Dougherty), philosophic (Dr. Jeff Lehman), & theological (Dr. John Boyle) perspectives**,** followed by questions and discussion. Chaired by Dr. Gerard Wegemer, Director of the Center for Thomas More Studies.
6:00 p.m.	Reception & dinner, Haggar Dining Room, University of Dallas
7:30 p.m. Lynch Aud.	**"Humanist More,"** the **Annual Thomas More Lecture** by Dr. George M. Logan, principal editor of the Cambridge *Utopia*; co-editor of the *Norton Anthology of English Literature* (5th-8th editions); editor of the forthcoming *History of King Richard III* by Thomas More; author of *The Meaning of More's "Utopia"* (Princeton UP); Cappon Professor of English, Queen's University, Canada. Reception, in Upstairs Haggar.

Saturday, Nov. 5, 2005

9:00 a.m.– 10:30 a.m. Lynch Aud.	**Symposium #2:** More's *Utopia,* Book 2: According to Raphael's account, what is the view of law, justice, government, and statesmanship as they have evolved over the 1,760 years of Utopia's existence? Is this view attractive to you? Why?
11:00 a.m.– 12:30 p.m. Lynch Aud.	**Panel #1:** An Historical Inquiry: **"Interrogating Thomas More."** Rev. Joseph Koterski, SJ, (chair of Philosophy at Fordham University) will respond to "Interrogating Thomas More: The Conundrums of Conscience" by Prof. Steven D. Smith of San Diego Law School. (See www.thomasmorestudies.org for Prof. Smith's article.) Afterwards Prof. Smith will cross-exam, and Prof. Koterski will reply. Then conference participants get their say.
1:00 p.m.	Lunch, Haggar Dining Room
2:00–3:30 p.m. Lynch Aud.	**Symposium #3:** More's *Utopia* as a whole: What does *Utopia* help us see about human nature, law, justice, government, statesmanship? Do the appended epigrams on government support or oppose what is presented in *Utopia*?
4:00–5:00 p.m. Lynch Aud.	**Panel #2:** "The Development of Thomas More Studies" with Dr. George M. Logan and Dr. Clarence H. Miller, chaired by Dr. Elizabeth McCutcheon (Professor Emerita and Past President of *Amici Thomae Mori)*
6:00 p.m.	Annual Thomas More Banquet, Haggar Dining Room **Banquet speaker:** Dr. Clarence H. Miller, Executive Editor of Yale UP's *Complete Works of St. Thomas More*; translator of the 2001 Yale edition of *Utopia,* Professor Emeritus of St. Louis Univ.

Sunday, Nov. 6, 2005

9:15-10:45 a.m. Lynch Aud.	**Academic seminars**

For additional information, go to www.thomasmorestudies.org.

Thomas More Studies

Volume 1   2006

Thomas More's
Utopia

The Development of Thomas More Studies

Remarks
>CLARENCE H. MILLER
>ELIZABETH MCCUTCHEON
>GEORGE M. LOGAN

Interrogating Thomas More

Interrogating Thomas More: The Conundrums of Conscience
>STEPHEN D. SMITH, ESQ.

Response
>JOSEPH KOTERSKI, SJ

Reply
>STEPHEN D. SMITH, ESQ.
>Questions and Discussion

Papers

On "a man for all seasons"
>CLARENCE H. MILLER

Sir Thomas More's Noble Lie
>NATHAN SCHLUETER

Law in Sir Thomas More's Utopia as Compared to His Lord Chancellorship
>RUSSEL OSGOOD, ESQ.

Variations on a Utopian Diversion: Student Game Projects in the University Classroom
>MICHAEL P. FOLEY

Utopia from an Economist's Perspective
>SAMUEL BOSTAPH

Humanist More[1]
George M. Logan[2]

I. Introduction

More became a lawyer largely because his father, John More, did his best to *steer* him that way. He sent Thomas to one of the best grammar schools in London; and then, when More was about twelve—in 1490—he managed to place him for two years as a page in the household of John Morton, who was not only archbishop of Canterbury but Henry VII's lord chancellor (and soon to be a cardinal as well). Seemingly through Morton's agency, More matriculated at Oxford at about fourteen (which was not an uncommonly early age at the time); after a couple of years there, he was brought back to London about 1494, and enrolled at New Inn to begin his legal education.

But of course there are lots of parents who want their children to become lawyers whose children *don't* become lawyers—and probably right here in this room there are a few parents who have either had this fate or are *fated* to have this fate at some time in the future. And John More came pretty close to having his wish not realized, because in the years when Thomas was studying law, he was evidently tantalized by another kind of career. About twenty years after this period, More's friend the great Dutch scholar Erasmus wrote, in a biographical account of More, that for a time "he applied his whole mind to the pursuit of piety, with vigils and fasts and similar

exercises preparing himself for the priesthood."[3] The young man was also extremely interested in literature, especially as conceived by the humanists of the period. In the Renaissance, it's important to understand, "humanist" was not the opposite of "religious"—didn't have the fixed epithet "godless." Renaissance humanism was, in fact, intrinsically neutral with respect to religion. A humanist was someone who cultivated the academic disciplines that were the core of what became known as "the humanities": the study of classical Latin and Greek language, rhetoric, poetry, history, and moral philosophy. More clearly had a lot of spare mental capacity, because while studying law he also continued the studies of Latin composition he had begun in school, and began studying Greek with William Grocyn, who was the first person to teach it in England.

So More was evidently contemplating, in his early adult years, a career as a priest—which would have fitted nicely with his humanistic studies. Grocyn was a cleric; and another of More's mentors was John Colet, a priest and scholar who became dean of St. Paul's Cathedral and, in 1509, refounded the grammar school attached to the cathedral, as the first of the English humanist grammar schools: a century later, long after it had become an Anglican cathedral and an Anglican school, John Milton attended it.

Erasmus famously claimed that it was sex that convinced More that he wasn't cut out to be a priest: "he chose to be a god-fearing husband rather than an immoral priest." (As if that were the *only* choice.) Be that as it may, by early 1505, when More got married, he had clearly decided to stay in the world. And so his humanistic studies would be only avocational, would be a spare-time activity of a man who, in his career in law and, increasingly, politics, unfortunately wouldn't *have* much spare time.

In the first two decades of the new century, though, he did find time to do a fair amount of writing, and what we wrote was mostly the kinds of things that humanists wrote: numerous Latin verse epigrams; translations, from Greek into Latin, of several short prose works of the second-century A.D. ironist Lucian (who was very much a kindred spirit for both More and Erasmus); and so on. And, far above all else, in the years from about 1513 to 1518, he wrote two *great* humanist works that are also two of the best—most remarkable, most interesting, most influential— books in the British literary tradition; and it's to these two masterpieces—*this* is what I've come to Dallas for—*Utopia* and the unfinished *History of King Richard the Third*—that I want to devote the rest of my time this evening. What I'll try to show about them is not just that they *are* humanist works—that's a slam dunk—but that the humanistic patterning they employ is fundamental to their *success*.

II. Utopia

First *Utopia*: Writing about the fifteenth-century Florentine humanist Leonardo Bruni and his imitation of a classical Greek speech (Aristides' oration in praise of Athens) in his own *Praise of Florence*, the great historian of Italian humanism Hans Baron characterized not only the importance of Aristides to Bruni but an important aspect of humanist imitation of the classics in general: In Aristides' panegyric, Bruni

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[1] This address was given as the Annual Thomas More Lecture for the 2005 Thomas More Studies Conference at the University of Dallas on November 4th, 2005, the following is a lightly edited transcription of Dr. Logan's talk at the 2005 conference, and is thus nearly devoid of documentation. For the complete audio version including the humorous introduction, go to <www.thomasmorestudies.org/conference/audio2005.html>.

[2] Dr. Logan is the principal editor of the Cambridge *Utopia*, co-editor of the *Norton Anthology of English Literature* (5th-8th editions), and editor of the recently published *History of King Richard III* by Thomas More. He is the author of *The Meaning of More's "Utopia"* (Princeton UP) and the Cappon Professor of English, Queen's University, Canada.

[3] *Collected Works of Erasmus* 7.21.

"found…conceptual patterns which he could use to impose a rational order upon his observations of the world in which he lived…the Greek model served to introduce patterns of thought that accelerated, or even made possible, the intellectual mastery of the humanist's own world."[4]

A particularly clear example of the same process is provided by the famous passage on English society in Book 1 of *Utopia*. Looking "to impose a rational order upon his observations of the world in which he lived"—a world marked, for one thing, by gross inequalities in the distribution of wealth—, More found what he needed in Plato's account of oligarchy in Book VIII of the *Republic*. For Plato, oligarchy means plutocracy. An oligarchy is "a society where it is wealth that counts…and in which political power is in the hands of the rich and the poor have no share in it." More's primary narrator Hythloday, and no doubt More himself, saw not only England but all of Europe as a series of plutocracies—as More has Hythloday say in that famous sentence almost at the end of *Utopia*, "when I consider…the various commonwealths flourishing today, so help me God, I can see in them nothing but a conspiracy of the rich, who are advancing their own interests under the name and title of the commonwealth."[5]

For Plato, the "worst defect," as he says, of oligarchy is that it generates *functionless* people. These are the idle rich, and those *formerly* of the idle rich who have managed to lose their money. Rich or formerly rich, a member of this group doesn't "perform any…useful social function"—businessman, craftsman, soldier are the functions he's previously enumerated—"simply by spending his money….Though he…[may appear] to belong to the ruling class, surely in fact he…[is] neither ruling, nor serving society in any other way; he…[is] merely a consumer of goods." Nowadays it would be argued that just by consuming goods he serves society, because it generates employment. But Plato either didn't think of that argument, or he didn't buy it. "Don't you think," he says of this mere consumer, "we can fairly call him a drone? He grows up in his own home to be a plague to the community, just as a drone grows in its cell to be a plague to the hive."

In More's society the idle rich generally *stay* rich; and it is *this* class—the landed nobility of England—to whom he has Hythloday apply the metaphor of the drone (in this way clearly signaling the debt of his passage to Plato's): "There are a great many noblemen who live idly like drones off the labour of others, their tenants whom they bleed white by constantly raising their rents."[6] (*That* formulation doesn't seem to leave much room for the claim that their consumption *itself* makes them of net benefit to society.) What's more, Hythloday adds, these idle consumers are the cause of the existence of two *other* groups of functionless people: first, "they drag around with them a great train of idle servants"—servants, that is, whose benefit to their masters is only in the status afforded by their very super-abundance. When these people, "who have never learned any trade by which they could make a living," are no longer sufficiently ornamental—because of sickness or advancing age—, or when their master dies, they are cast off. Second, the idle rich turn agricultural tenants into functionless beggars when they evict them to convert formerly cultivated land into sheep pastures, in the process creating mass pauperization and the obliteration of many farmsteads and villages.

Hythloday's analysis began as a critique of English criminal justice, a response to a fatuous and self-important lawyer at Cardinal Morton's table—where More, as a page, had *waited* on table—a lawyer who is bemused by the fact that, though so many people are hanged for theft, the number of thieves does not appear to diminish. How did Hythloday get from *that* topic to the idle rich and their cast-off retainers and evicted tenants? He got there because More had imbibed the *fundamental* premise of Greek political philosophy, that society is a web, a system of interlocking, reciprocally affecting parts. What is wrong with English criminal justice is that it attacks the symptom, not the cause. The principal cause of theft is found in poverty, in the creation of functionless people at the low end of the social scale: the unemployed and often homeless who, in the absence of a social "safety net," have no choice but to beg or to steal. (Plato had said the same.) Accordingly, the solution to the problem of theft is not to hang still more thieves, but to reduce poverty and unemployment by making systemic changes in the social structure: remedies can't be directed just against the vagabonds and criminals; some of them have to be directed against the *conditions* that lead the criminals to commit the crimes: "Banish these blights," Hythloday says, "make those who have ruined farmhouses and villages restore them or hand them over to someone who *will* restore and rebuild. Restrict the right of the rich to buy up anything and everything, and then to exercise a kind of monopoly"; and so on.

This episode of *Utopia* has been celebrated not only for its impassioned humanity but for the sophistication of its social analysis, which sets it apart from almost all the other social commentary of More's time. More's treatment of social problems is characterized, as the late J.H. Hexter wrote, "by his capacity to see past the symptoms to the sources of trouble."[7] He sees "in depth, in perspective, and in mutual relation problems which his contemporaries saw in the flat and as a disjointed series."[8] His analysis embodies the awareness that "in politics, general principles usually operate through specific institutional structures, when they operate at all," and his recommendations for reform normally take the form of suggestions for institutional changes.[9]

What we have in *Utopia*, in fact, is (among other things) one of the great landmarks in the development of modern social theory. As another scholar, R.P. Adams, put it, in these speeches of Hythloday at Cardinal Morton's table, "a historic cape of the mind was turned, one which divides the medieval from the modern world."[10]

I want to make two points about this fact.

The first, made ruefully in passing, is that in my lifetime many people have reversed course and sailed back *around* that cape of the mind, in the opposite direction. When I began teaching *Utopia* I could count on more or less all of my students, and, in general, more or less all educated people, *agreeing* with Hythloday's—More's—analysis (and in this part of *Utopia*, I don't think there's any

[4] Hans Baron, *From Petrarch to Leonardo Bruni* (University of Chicago Press, 1968), 158-59.

[5] Thomas More, *Utopia,* ed. George M. Logan and Robert M. Adams (Cambridge University Press, 2002), 105.

[6] *Utopia,* 16.

[7] J. H. Hexter, *More's "Utopia": The Biography of an Idea* (Princeton University Press, 1952), 64.

[8] *Complete Works of St. Thomas More*, 4:ci.

[9] J. H. Hexter, *The Vision of Politics on the Eve of the Reformation* (New York: Basic Books, 1973), 14-15.

[10] Robert P. Adams, *The Better Part of Valor* (Seattle: University of Washington Press, 1962), 125.

question that Hythloday is speaking for More—very *different* question for Book 2), and enjoying the recognition of *Utopia* as a precursor of modern social thought. Now I can still count on my students, but many other Canadians and Americans, including many of those in political power, and their "base," embrace a position not like Hythloday's but like that of the fatuous lawyer he is arguing with. They seem to think, like More's lawyer, that the cause of theft is simply thieves; so the solution to theft is hanging more thieves—or, in the modern kinder, gentler version, jailing more of them, for longer periods. But I gather that's not working too well, any more than it did in More's time. There's something odd here, really: Thomas More was not *Michael* Moore, not some "frothing, atheistic leftist." He believed just as much in Original Sin as modern Christian conservatives do: but somehow the saint came to far different conclusions from many of them about society and how to ameliorate its problems. I'm not being smart-alecky: I think that it is an interesting thing to reflect on.

Second, though—my main point—, More's triumph in this passage stems not just from his own deep intelligence and his experience in law and politics—not that these things weren't required—but comes in large part from his classical humanism—in particular, from his having assimilated the lessons of Greek political theory.

The same, of course, is true of his account of the island republic of Utopia, which depends *fundamentally* on Greek political theory. In Book 2 of *Utopia*, More, like Plato in the *Republic* and the *Laws*, and like Aristotle in Books VII and VIII of the *Politics*, gives us a full-scale example of one of the applications of the systemic approach to social analysis: an account of a completely reordered society, built—with enormous debts to his Greek predecessors—by applying rational analysis to the design of a self-sufficient society—with no functionless parts, no layabouts. In this case, though, More's greatest triumphs become apparent when we consider the *differences* between his work and its classical precedents.

More's account of an alternative society differs from its classical models in two fundamental ways. The first of these is that *Utopia* offers not merely *arguments* about a reordered polity (though there are plenty of arguments, too) but an *example* of a reordered polity, a description of it as an *existing* commonwealth—that is, Book 2 of *Utopia* isn't just dialectics, but a sort of fictional travelogue. The significance of this difference is evident in the flood of utopian fictions that have followed over the subsequent centuries: More's little book gave rise to a major new literary genre.

The second major way in which Book 2 of *Utopia* differs from the accounts of ideal commonwealths in Plato and Aristotle is that Utopia is clearly not in every respect its author's ideal commonwealth. More distances himself from Utopia—by giving the account of it to Hythloday, by the mocking Greek names he assigns to the island itself, its officers, and its advocate Hythloday, and also by expressing reservations about the Utopian commonwealth both before and after Hythloday's account of it—; and there are also indications in the account of Utopia itself (and, implicitly, in aspects of the relation between Book 1 and Book 2) that More does not approve of certain Utopian practices. Does he, for example, mean to endorse the regimentation—the nearly total control—of Utopian life? Does he mean to endorse all aspects of Utopia's foreign and military policy—most of which seems so rational and decent but some aspects of which surely trouble almost every reader?

The most obvious way in which Utopia is not More's ideal commonwealth, though, is that it is not Christian. Utopia is built on what More took to be purely rational principles: principles that could be derived from reason alone, without benefit of the Christian revelation. What this means is that More was playing Plato's and Aristotle's own game, not only with their *method* but also with their *premises*. Evidently he chose to do this because he wanted to make points about the degree of harmony between a purely rational polity and a truly Christian one. On the evidence of Utopia, the degree of harmony is great, but it is not complete. But even playing Plato's and Aristotle's own game, More gets results that are different from theirs, especially in two important respects. First, he concludes—in the long section on Utopian moral philosophy—that purely rational analysis leads to the conclusion that individual happiness depends on abiding, in effect, by the Golden Rule; and that, accordingly, the best rational commonwealth will be highly egalitarian: a conclusion quite different from that of Greek political theory. Second, he concludes that even in the best possible commonwealth some desirable things would have to be forfeited, or at last restricted, in order to obtain other, more vital ones. More came to this conclusion, it seems to me (and I have written about this several times, so I'll be brief), because he had carried systemic theory an important step *beyond* Plato and Aristotle. Plato and Aristotle appear to assume that a commonwealth can have, at least in theory, all of everything it truly needs. All the theorist has to do is figure out what those needs *are*. But More realizes that, since resources are always limited, there will always be conflicts between the realization even of *valid* goals, and thus always have to be trade-offs among them—resulting in less of some kinds of goods, material and mental, than one would ideally like. Thus it is impossible to create a perfect commonwealth even in theory, let alone in practice. It seems to me that this is the explanation for at least many of the unideal features of Utopia. There are, for example, trade-offs between the goal of freedom and that of order. The heavy regimentation of Utopian life presumably reflects not a view that regimentation is a good thing in its own right, but a belief that without it, human society cannot—human nature being what it has been since the Fall—human society cannot be stable, cannot avoid the destructive effects of Pride and the other deadly sins. "It is impossible to make everything good," More says to Hythloday toward the end of Book 1, "unless all men are good, and that I don't expect to see for quite a few years yet." [p. 35] Still counting.

III. The History of King Richard the Third

But let me turn for the rest of this talk to More's other great humanist book, *The History of King Richard the Third*—a book in which no one, except two prepubescent children, is portrayed as being altogether good.

In *Utopia*, More based himself in a standard classical genre—the philosophical investigation of the ideal commonwealth—but departed from his classical exemplars in two radical ways. In the *History*, though, he was content to work within the unmodified confines of a classical genre: the genre is rhetorical history, and More's *History* is one of its summits.

For the humanists, rhetoric—the art or craft of verbal persuasion—was the central discipline; and the key fact about both classical and humanist historiography is that their practitioners regarded history as a *branch* of rhetoric. Moreover, as

Cicero—the great orator and theorist of rhetoric—explains, history belongs to *demonstrative* rhetoric—the rhetoric of praise or blame—, traditionally the branch most concerned with virtuoso stylistic display. As Cicero says, demonstrative rhetoric comprises "eulogies, descriptions, histories, and exhortations," and, in general, works that are produced as "showpieces," primarily "for the pleasure they will give."[11]

At the same time, Cicero insists that "history's first law…[is] that an author must not dare to tell anything but the truth….And its second that he must make bold to tell the *whole* truth."[12]

There is an obvious, ultimately unbridgeable tension between these two main points in this theory of history-writing; and modern readers are likely to feel that classical and humanist rhetorical histories—and this category includes almost all the great classical histories—are in some ways closer to the historical novel than to the modern historical monograph. For one thing, these histories are full of rhetorical set pieces—especially orations and accounts of battles—that often have only tenuous connection with known historical facts. More hadn't reached any battles before his unfinished *History* broke off, but he was a particularly enthusiastic and adept practitioner of the fictional oration: speeches—most of them with small basis in the historical record (such as it was)—constitute about forty percent of the *History* (and over fifty percent, according to Daniel Kinney, of the Latin version). The next stop on this generic road was the Elizabethan history play, and especially Shakespeare's plays on classical and English history.

More had access to much information about Richard's usurpation: this was a recent event, which had happened in his hometown, London. He knew many people with first-hand knowledge of the events of 1483, and he doubtless also *read* about the events, perhaps in public documents to which he would have had access as a lawyer and a judge, and surely in various chronicle histories: his sixteenth-century biographer Thomas Stapleton reports that More "studied with avidity all the historical works he could find."[13]

So More was, as with the observations of contemporary England that underlie Book 1 of *Utopia*, again in the position in which Hans Baron found Leonardo Bruni: looking for "conceptual patterns which he could use to impose a rational order upon the world in which he lived." The problem he particularly needed to solve this time was that of how Richard of Gloucester had gone from being the greatest English hero of his generation to being by far its greatest villain.

Richard was the youngest of the three sons of Richard duke of York, and, before the spring and summer of 1483, was easily the most admired of the three. His eldest brother, Edward IV, was tall, good-looking, and an inveterate womanizer who, for all his experience with women, made a marriage universally regarded as disastrous. The bride, Elizabeth Woodville, far beneath him in rank, was a widow in her twenties with two children from her first marriage and a large family who, like her, proved to be extremely greedy and unscrupulous. Partly because of the heavy

financial demands these in-laws placed on him in terms of desirable marriages and estates, Edward became ingeniously and unpopularly rapacious in devising means of transferring his citizens' wealth to his own coffers. The middle brother, George, was—not to put too fine a point on it—a vain fool, who longed for the throne himself and certainly engaged in treasonous activities on more than one occasion before Edward finally had him tried for treason and executed. Despite later rumors, Richard was, by contrast with George, unswervingly loyal to Edward, and was a sterling military leader, who first distinguished himself at the battle of Tewksbury, where at the age of eighteen he is reported to have led the vanguard of the royal army. He was widely respected. If he had a physical deformity, by the way, it was minor—though he was slight.

Then came Edward's death on April 9, 1483, startlingly premature, three weeks before his forty-first birthday. The Prince of Wales—Edward V, thirteen years old—was *in* Wales, in the keeping of the queen's relatives and allies. *Richard's* allies, though, especially Lord Hastings, persuaded the queen and the royal council not to have the prince escorted to London by the large force originally intended; which gave Richard and his key supporter the duke of Buckingham, under pretence of joining the prince's escort some distance from London, the opportunity to seize control of him and to imprison those of the queen's party with whom he had been surrounded. Hearing this news, the queen prudently took her younger son by Edward, and her daughters, and entered sanctuary at Westminster Abbey. At Richard's behest, Cardinal Bourchier, ominously backed by armed forces, persuaded the queen to surrender the younger prince voluntarily (because of course just having one prince was no good: you had to have them both: as long as you only had one, you weren't in a position to effect a *coup d'état*). As soon as the younger prince was surrendered, Richard promptly had both boys installed in the Tower of London, from which they never emerged. At a meeting of July 13th, to plan the young king's coronation, Richard enacted what was by this stage clearly the next phase of a *coup d'état*, arresting his *now-former* ally Lord Hastings and having him summarily executed and imprisoning still more of those whom he did not trust to support him. On June 26, he took the throne, and on July 6 had his formal coronation. The little princes were almost certainly murdered. It is hard to believe that anyone would have murdered them without Richard's command; and dynastic murders of this kind had been the rule in analogous situations.

Nobody knows at what point Richard decided to attempt to seize the throne. Possibly he had had the idea in mind for a long time. What seems more likely, though, is that the idea gradually grew on him, was even in a sense forced on him, in the weeks following his brother's death. He was surely in grave danger from the queen and her allies, who were his enemies and who at first held all the cards—including, most important, of course, the Prince of Wales—but he was able to outmanoeuvre them by taking control of the young prince; at some point, retreat must have come to seem impossible; and, quite apart from that fact, the possibility of being king of England doubtless had its own attractions.

More, however, did not interpret the events of 1483 in such terms. Instead, he interpreted them in terms of the classical Greek and Roman conception of the tyrant.

It was almost inevitable that he would do so. First of all, Richard *was*, by definition, a tyrant, because in this period the word "tyrant" encompassed not only

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[11] *Orator* 11.37. Except where otherwise indicated, all references to (and translations of) classical works are to the editions of the Loeb Classical Library.

[12] *De orator* 2.15.62 (my emphasis).

[13] Thomas Stapleton, *The Life and Illustrious Martyrdom of Sir Thomas More*, trans. Philip E. Hallett, ed. E. E. Reynolds (New York: Fordham University Press, 1966), 14.

"despot" but also "usurper"; that is, a usurper's illegal seizure of the throne qualified him as a tyrant, whatever the nature of his subsequent rule. Second, everybody *else* regarded Richard as a tyrant in both senses of the word—a view encouraged by the general repugnance at what he was assumed to have done to his nephews and also because, as it turned out within two years, Richard was one of history's losers rather than one of its winners, and thus was not one of those who commissioned history's judgments of individuals. And finally, More was steeped in the classics, and had a special affinity for two Roman historians who famously treated tyrants.

Greek literature provides a set of defining characteristics of the tyrant and also a set of stereotypes about the tyrant's behavior and his state of mind. In contrast to the good king, the Greek sources say, the tyrant rules only for himself, not for the people; he hates his subjects and is generally hated by them; he rules in contempt of the law; his actions are usually cruel, intended to keep the people in thrall by breaking their spirit—though sometimes, as Aristotle points out, the tyrant will "act, or at any rate appear to act," the role of a good king.[14] But for all his power and cunning, the tyrant's lot is, according to the classical theory, not a happy one: one of the most common of the stereotypes in the classical literature of the tyrant is that, trusting no one, he lives constantly in fear and anxiety—something close to madness.

These stereotypes were regularly incorporated into historical portrayals of individual rulers regarded as tyrants. Two of the most famous of such portrayals are in works by the first-century B.C. Roman historian Sallust: *Catiline* and *Jugurtha*.

The fact that More interpreted Richard at least partly in terms of the stereotypes of the classical tyrant is made unambiguously clear by the interrelations among two passages in Sallust—whose works More knew intimately—and one in the *History*.

Sallust was born only two decades later than the tyrant-wannabee Catiline—whose attempt to seize control of the Roman Republic was also treated in four famous orations by Cicero—so Sallust had (like More with Richard) much genuine information about his subject. This fact did not, however, keep him from applying stereotypes to his portrayal. Here is Catiline suffering the tyrant's stereotyped unhappiness: Having murdered his stepson, Catiline was left, Sallust says, with a "guilt-stained soul": he "could find rest neither waking nor sleeping, so cruelly did conscience ravage his overwrought mind. Hence his pallid complexion, his bloodshot eyes, his gait now fast, now slow; in short, his face and his every glance showed the madman."[15] The stereotyped nature of this passage is underscored by the fact that Sallust wrote in closely similar terms about his *other* tyrant-protagonist, the Numidian usurper Jugurtha. Fearing a rebellion after he had put to death a large number of his enemies, Jugurtha "from that time forward…never passed a quiet day or night; he put little trust in any place, person, or time; feared his countrymen and the enemy alike; was always on the watch; started at every sound; and spent his nights in different places, many of which were ill suited to the dignity of a king. Sometimes on being roused from sleep he would utter outcries and seize his arms; he was hounded by a fear that was all but madness."[16] In turn, More transplanted the same stereotypes to Richard, who, he says, after the murder of the little princes,

"never had quiet in his mind,…never thought himself sure. Where he went abroad, his eyes whirled about, his body privily fenced [that is, secretly protected by a coat of mail], his hand [was] ever on his dagger, his countenance and manner like one alway ready to strike again. He took ill rest a-nights, lay long waking and musing, sore wearied with care and watch, rather slumbered than slept, troubled with fearful dreams, suddenly sometimes start up, leap out of his bed, and run about the chamber: so was his restless heart continually tossed and tumbled with the tedious impression and stormy remembrance of his abominable deed."[17]

More's borrowing here may be alarming to us—borrowing stereotyped speculations on a character's state of mind is not, it seems to us, the way to write history—, but if challenged on the matter More would presumably respond that observation and common sense show us that there *is* a tyrannical type—people who do the same kind of (awful) things are the same kind of (awful) people—, and it is therefore legitimate to fill in missing facts about *one* tyrant with corresponding facts (or even suppositions) about *other* tyrants—sort of like patching in a missing piece of DNA from the DNA of another member of the same species. And though we probably wouldn't entirely buy this argument, still, who would deny that there are striking similarities of character and action among tyrants in different times and places?

Aristotle's remark about the tyrant acting the part of a good king suggests that one characteristic of the tyrant, in this classical conception of the tryant—or of *some* tyrants, at least—is dissimulation: something else that we know to be true, not just of some despots but of many, many regular politicians. And it was *this* trait of the classical tyrant that More chose—doubtless encouraged in his choice by many other people's judgment of Richard—as the way to account for the difference between Richard up to the spring of 1483 and Richard after that time. Dissimulation, More decided, was Richard's ruling trait, as he indicates first in the character sketch of Richard early in the *History*: "He was close and secret, a deep dissimuler: lowly of countenance, arrogant of heart; outwardly compan[ion]able where he inwardly hated, not letting [—that is, not hesitating—] to kiss whom he thought to kill."[18] There had been, that is, *no* transformation from hero to villain in the spring and summer of 1483: Richard was *always* a dissimulator: what he had been dissimulating—totally unscrupulous ambition—was finally *revealed* when circumstances were finally right.

Among the factors predisposing More to take this view was probably the fact that the most notorious tyrants in his favorite Roman historians were also dissimulators. Sallust portrays Jugurtha as one, and, far more important to More, the Emperor Tiberius is portrayed as a chronic dissimulator in Suetonius's *Lives of the Caesars* and, above all, in the *Annals* of Tacitus—the single classical writer with whom More had the deepest affinity. And indeed Tacitus's Tiberius is the definitive study of the dissimulating tyrant.

Was More *right* to apply this model to Richard? In some respects, doubtless yes; in one respect, probably no. Certainly Richard was a deep and very successful dissimulator in the period from April 9 to June 13 in 1483. But was he a dissimulator

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[14] *Politics* 5.11.19, Ernest Baker's edition (Oxford: Oxford UP, 1948).

[15] Sallust, *The War with Catiline,* 15.4-5.

[16] Sallust, *The War with Jugurtha,* 72.2.

[17] Thomas More, *The History of King Richard the Third,* ed. George M. Logan (Bloomington: Indiana University Press, 2005), 102.

[18] *Richard the Third,* 10-12.

before that? I haven't seen, in early or modern accounts of him, convincing evidence that he was. Happily, about all More's book deals with is that later period: it's not a biography of Richard but a monograph on the usurpation, limited, apart from a few flashbacks, to the period from April to August. Even in More's treatment of *that* period, though, there's no doubt that there's some guesswork and some deliberate exaggeration, especially of the kind that can turn historical event into satire. Not that More was trying to fool anybody. What he did was within the conventions of the genre he was working in—conventions that he would assume his readers knew; and were we able to ask him about the matter, I think he would say that his fundamental object was, like his predecessors in this genre, to portray the species, not an individual; and that his portrayal of Richard is accurate about the species, but also essentially accurate about Richard. Moreover, I think most readers, having examined the matter, would *agree* on both counts; certainly *I* do, having spent a good deal of time reading various sources about Richard, and living intimately with More's *History* for several years. We've all seen enough self-serving, unscrupulous, even deadly politicians, and read about enough usurpers and tyrants, to know that More has got the *type* right: I guarantee that you'll read the *History* (if you do read it) with the constant wry pleasure of recognizing just *how* right he got it: the outrageousness of the deceptions, the hypocritical religiosity (we think of medieval historiography as Providential historiography: but Providence appears in More's *History* almost exclusively in hypocritical citations of it by Richard and his supporters), the willingness to do absolutely anything to obtain and maintain power. And you'll know enough (thanks to footnotes) about what Richard actually did in 1483 to recognize that, even if the portrayal of him is inaccurate in details, he doesn't, in More's book, really get much worse, if *any* worse, than he deserved.

Be that as it may, in the course of writing about Richard, More took what was already the standard view of him and embedded it so powerfully in the classical literature of the tyrant that it has remained the standard view of him from that day to this. This has been especially the case, of course, because Shakespeare—who read More's *History* in Holinshed's and Hall's chronicles—took from More this interpretation of Richard, as well as a number of particular scenes of the *History*, and made Richard even *more* outrageous: made him a *mocking* dissimulator, by transferring the sardonic wit of More's narrator to Richard himself (who is not, in More's book, at all a witty person).

I wish I had time to read the whole thing to you, or even a full-scale example, but I don't, obviously. I'll do the next best thing, which is to refer you to one of the scenes that Shakespeare adapted from More, and which therefore most or all of you will already know. This scene also has a model in Tacitus (it's reproduced in the appendix to my edition). With this precedent in Tacitus, More developed, and Shakespeare followed him in, a scene where Richard and Buckingham stage a little play themselves. In it, Buckingham proffers the crown to Richard, aloft on the balcony, with a prayer book in his hand and flanked by two clergymen—More supplied the balcony, and Richard's feigned fear of the crowd, and Shakespeare added the prayer book and the clergymen.[19] The duke of Buckingham really did come to Richard's London residence, accompanied by a crowd, on July 25th or 26th, to proffer the crown to Richard. Whether Richard at first pretended to *decline* the

crown, we don't know. But he certainly does in More and then in Shakespeare, citing his loyalty to his brother's children, his own utter lack of ambition, and his concern for his good reputation. This is the way More puts it: "When the protector had heard the [duke's] proposition, he looked very strangely thereat, and answered that…such entire love he bare unto King Edward and his children, that [he] so much more regarded his honor in other realms about than the crown of any one, of which he was never desirous, that he could not find in his heart in this point to incline to their desire. For in all other nations, where the truth were not well known, it should peradventure be thought that it were his own ambitious mind and device to depose the prince and take himself the crown. With which infamy he would not have his honor stained for any crown…."[20] It is only when Buckingham tells him that the realm is determined that Edward IV's issue shall not reign over them that Richard very sorrowfully and reluctantly agrees to accept the crown.

But then More goes on (and Shakespeare didn't follow him in this) to add a wonderful coda, a passage that employs one of his favorite metaphors—of human life as a stage play—and that is indebted to similar passages in More's and Erasmus's old favorite Lucian and in Erasmus's *Praise of Folly* (both these passages are also in my appendix). More's variation treats the question of why politicians feel obliged—as they evidently still do—to enact these charades:

"But much…[the people] talked and marveled of the manner of this dealing, that the matter was on both parts made so strange, as though neither had ever communed with other thereof before; when that themself well wist [i.e., Richard and Buckingham well knew] there was no man so dull that heard them but he perceived well enough that all the matter was made between them [i.e., worked out in advance]. Howbeit, some excused that again, and said all must be done in good order, though. And men must sometimes for the manner sake not be aknowen what they know….And in a stage play all the people know right well that he that playeth the…[sultan] is…[perchance] a…[shoemaker]. Yet if one should can so little good [i.e., know so little what is good for him] to show out of season what acquaintance he hath with him, and call him by his own name while he standeth in his majesty, one of…[the sultan's bodyguards] might hap to break his head, and worthy, for marring of the play. And so they said that these matters be kings' games, as it were stage plays, and for the more part played upon scaffolds ["scaffolds" in the period can denote either stages for plays or stages for executions]. In which poor men be but the lookers-on. And they that wise be, will meddle no farther. For they that sometimes step up and play with them, when they cannot play their parts, they disorder the play, and do themself no good" (94-95).

More never finished the *History*. Despite the sobering insights about royal councils that he puts into Hythloday's mouth in Book 1 of *Utopia*, he joined Henry VIII's council in 1518 and began his rise to the lord chancellorship—and the scaffold. As the Reformation gained momentum in the years after 1517, he expressed deep concern that his humanist writings, with their reformist bent, might help to foster the schism. In 1521, Henry asked More to edit his—Henry's—attack on Martin Luther, which was published as the *Defense of the Seven Sacraments* and, in one of history's neatest ironies, earned Henry the title, bestowed by Pope Leo X, of Defender of the Faith. More didn't write any more of the kinds of books I've been

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[19] Shakespeare's *The Tragedy of Richard the Third* 3.7.

[20] More's *Richard the Third*, 92.

talking about this evening. He was increasingly caught up in the sectarian struggle, writing a series of his own anti-Lutheran works and prosecuting "heretics," and, in his last years, when Henry's break with Rome was leading More ineluctably toward martyrdom, writing a series of devotional works. By means of the Reformation, much was lost and much was gained (usually not by the same people). One thing that English literature lost—and it wasn't a *small* thing—was the rest of what would have been More's avocational endeavors as a *humanist* writer. But at least we got two very great books.

Thank you.

"Humanist More" — Questions and Discussion Session
with Dr. George M. Logan

Clarence Miller: There has always been a good deal of speculation about why More stopped where he did [i.e., in *The History of King Richard the Third*], and didn't finish it. You suggest he had other things to do, and that's true, but Dick Sylvester speculates, and other people speculate, about why he didn't go on.

George Logan: There's nothing, of course, to do *except* speculate. We can't really know, but many people *have* speculated, some more plausibly than others. One of the most frequent, I guess, speculations—I think it appears first in A.F. Pollard's article about the making of the *History*, and then Marius takes it up in his biography, too—is that More decided that the book could not be published, that it said too many nasty things about people who were in some cases alive, and in other cases had powerful children who were alive. And as any writer knows, there's a lot less incentive to keep writing if you can't publish—or, to take the student analogy, can't submit the thing to the professor. So that may have had to do with it.

It was surely also partly just the press of business. He talks in that prefatory letter to *Utopia*, the letter to Giles, about how hard it was to find time to finish that little book; and though that kind of talk is conventional, there is certainly no reason to think that it doesn't correspond with the truth in More's particular case. And this was only in 1516, before he became a royal councilor. Surely he got more busy, not less busy, after he became a full-time servant of the king.

And then, of course, it would help if we knew *when* he stopped. We know he started around 15—no, we don't really know. He may have started as early as 1513. Richard Sylvester thought he wrote between 1514 and 1518. I'm not sure that he may not have started until after he had finished *Utopia* [in 1516]. But in any case, we don't know when he started and we don't know when he stopped. There's no reason for thinking that he may not have gone on until the early 1520s. If he did, then doubtless one reason he stopped was because of the Reformation troubles brewing. He was obviously *very* caught up in what was happening to the Church, in the Church, and began to write that other kind of thing, which he doubtless thought was far more important than this humanist *History of Richard III*.

Audience: The difference between Cardinal Morton's presentation in *Utopia* and

how we find him at the end of the *History*, where he's tempting Buckingham into conspiracy, would you comment on that?

Logan: In fact, perhaps this is one thing that suggested your question: I could have commented on it in response to Clarence's question, couldn't I, because there have been people—and I'm one of them—who have wondered whether one reason why More stopped where he did was that he found himself in the sort of awkward position of describing his hero and mentor as a dissimulator just as wily as Richard was. That's what I had principally in mind when I said as my little transitional sentence [in the lecture] that in *Richard III* nobody's entirely good, except those two little princes in the Tower—not even Morton. And, as we can tell from a couple of passages in *Utopia*, the characterization—the little sketch of Morton right after Hythloday mentions that he had been at Morton's table, and then the remarks of More after Hythloday has recounted this episode, and then of course Morton's conduct throughout that episode—as we can tell from that, More admired Morton extremely highly: "mentor" is surely the right word, and, traditionally, it was Morton who got More into Oxford. And of course, Roper, More's son-in-law, in his biography, says that—More was 12-13-14, but this was a precocious kid—and Roper says that Morton said on more than one occasion to people at his table— where More was, in his capacity as page, *waiting* on the table—Morton said that "this child here waiting at table, whosoever shall live to see it, will prove a marvelous man"; and he was right about that, huh? So it was sort of mutual. I don't know if you could say that Morton *admired* More, but he certainly saw More as a "comer." And Morton's role in *Richard III*: so Morton reappears at the beginning of that episode, which is the last episode, of course, of *Richard III* as it stands. He's given a character that's very like the characterization when he first appears in *Utopia*: it's this wonderful, perfect combination of practical experience and book-learning and intelligence and so on. And, of course, he conducts himself extremely well— extremely agilely—in that ensuing conversation with Buckingham. For those of you who don't know the passage, Buckingham is Richard's principal ally, and Morton, who's been taken prisoner in the *coup* on June 13th, is imprisoned in Buckingham's palace, and he begins to talk to Buckingham about how much nicer it would be if Buckingham were king instead of Richard. We don't really know how much of that happened—maybe it all did, because More may have heard it *from* Morton (though I guess even that doesn't mean it necessarily happened). And of course Buckingham *did* revolt, and Morton escaped his captivity. Buckingham revolted, and it failed, and Buckingham was executed in November. But, you know, Morton is conducting himself wonderfully in those terms—in practical, political terms—but, as I say, it's been noticed that it's sort of hard to tell Morton's dissimulation in that passage from Richard's dissimulation. And it *is* interesting that it just breaks off suddenly in the middle of the speech by Morton.

Fr. Joseph Koterski: I think it's in the reflections on Pico's writings that there's some alertness on More's part to the way in which temptations come to us, and what we have to do to resist temptation. Now, given what you've said about the events of April 1483, is More seeing this situation not only in light of Sallust and in light of Tacitus, but maybe in light of a sort of spirituality of how temptations can hit a man, and what happens if you don't resist them?

Logan: Well, he certainly could have, but I don't think he does. That would have been an alternative, wouldn't it? And that's basically the way modern historians write it. In the current standard biography of Richard, by Charles Ross, it's exactly that kind of thing. The previous major biography—and undoubtedly the most-*read* biography; and it's *fun* to read—is Paul Murray Kendall's *Richard III*. Kendall's enormously sympathetic to—is an apologist for Richard, really. Ross is not like that at all—he has a very cool eye on Richard. But he does see the story as that kind of story, as a guy caught up in events, threatened by the queen and her allies, and then more and more realizing what he can do, what the opportunity was, and succumbing to—I don't know if Ross uses the word "temptation," but that's what he's talking about—temptation, and therefore, though Ross partially exculpates him because of the circumstances that Richard was in—the difficulty of the circumstances— nonetheless, his final judgment is to blame him for going on and doing a horrible thing, which is, as far as we can tell, to kill his nephews, his brother's children. But More didn't choose [that]—he *could* have seen it that way, a guy who was very much interested in temptation—but instead he chose to see it the other way, namely that Richard had *always* been that way, that it wasn't a matter of his succumbing to temptation in the spring of 1483, it was just that 1483 finally presented him the opportunity of a lifetime, the opportunity he'd been waiting for. The same thing happens in Shakespeare, of course. What's really striking about it in Shakespeare is that, in Richard's appearances in *Henry VI* Part Two and in the first half or so of *Henry VI* Part Three, Richard comes across as a very attractive character—the character in fact that really is pretty much the *historical* Richard as we now know him, this wonderful military leader, a man of great energy and idealism, and so on. And then just all of a sudden, in that famous soliloquy in the middle of *Henry VI* Part Three, after he's watched his brother court Elizabeth Woodville and stood on the side and made jokes about it with his other brother, George, George goes away, everybody goes away, and all of a sudden Richard says, "I am determined to prove a villain" [this line is actually from Richard's soliloquy at the beginning of *Richard III*], and I'll "set the murderous Machiavel to school." So in Shakespeare, it's the same in a way, and different in a way. Shakespeare shows him as not always having been that way, but just having suddenly—well, maybe he *was* always that way, but it's sort of hard to reconcile the attractive, vibrant figure of *Henry VI* Part Two and the early part of *Henry VI* Part Three with that devious Machiavel who suddenly emerges. It's not clear whether Shakespeare means us to think that, well, he was always that way, but somehow he was this lovely, attractive young man before that, to all appearances. But with More, there's no—you know, he says grudgingly that he was a good military—he doesn't even say he was a good military leader: he says, "none evil captain was he in the war"—he wasn't half-bad as a captain in the war. And that's pretty much the only good thing that he says about him; so he doesn't read it as a narrative of temptation and fall, he reads it as a narrative of revelation of character that was bad from the womb.

Aaron Thurow: In what might be a similar issue, the deformity—I may not remember correctly, and perhaps you'll correct me if so—but I don't remember a model in Sallust and Tacitus for the addition of a physical deformity to tyrants. If it isn't there, what significance would you place on this addition that Shakespeare found so evocative?

Logan: There is, from early on—I mean, More didn't make this up—a tradition that Richard was conspicuously deformed. In fact, as I said in the talk, it appears that, if he *was*, it was to a very minor and inconspicuous degree. It's of course always apparent in the portraits of Richard, but that's because the earliest of those portraits was altered—just repainted. You know, the famous one, the one that's on the cover of this book [i.e., Logan's edition of the *History*], Richard playing nervously with his ring on his finger, and the right shoulder's higher than the left. But not that long ago, x-ray analysis revealed that the right shoulder had been repainted to *make* it higher than the left. And then in subsequent pictures—though in some cases it's the left shoulder—one shoulder or the other is always higher too. It seems clear from the earliest accounts that there was nothing—maybe he did have some kind of scoliosis, but it clearly wasn't a particularly conspicuous deformity. He was a slight man, he was a small man, which really makes it all the more attractive that he was a terrific military leader. His brother, Edward, was tall and good-looking, but only intermittently interested in the wars, whereas Richard from the time he was eighteen was a major military leader in the family, despite his slenderness of build. So More didn't invent it [i.e., the idea that Richard was deformed], and he's relatively temperate about it. In that passage where he talks about Richard's physiognomy, he acknowledges that maybe some of this stuff has been exaggerated, that it may not all be true; but even though he does qualify, enter those caveats, nevertheless he kind of runs with it, doesn't he? And why, of course, is because he succumbs, as so many writers have over the centuries, to the idea that physical deformity is the outward manifestation of inward deformity—you know, the opposite of the kind of thing we find in Castiglione's *Courtier*, where the beauty of the woman is an index of her virtue. Every beautiful woman is virtuous—the kind of thing you can afford to think if you're a high-bred Italian aristocrat. (Laughter.) And this is sort of the other side of that.

And Shakespeare happily, enthusiastically follows him [i.e., More] in making Richard a monster, both morally and physically; and the physical monstrosity is a manifestation of the former. Of course, in Shakespeare there's the interesting additional thing where he has Richard suggest that it's maybe *because* of his physical deformity that he's become morally deformed. I wish I could quote those lines exactly, but you know what I'm talking about—in that same place, right at the beginning [of *Richard III*]: "Now is the winter of our discontent," and so on—since I'm not suited for dancing, "I am determined to prove a villain." Yeah, I'm glad you brought that up, because that sort of qualifies—not to say refutes—what I said about Shakespeare a few minutes ago. There's at least *that* attempt to explain what happened—though even there, it's not as if Richard has gradually become a villain because he's not suited to caper in the sunlight of York. But at least the suggestion that maybe over the course of his life, that he became a villain when he began to notice this physical difference, this disqualification for amorousness. It's interesting in this connection, too, that that other soliloquy I referred to in *3 Henry VI*, where he reveals his villainy for the first time in this series of plays, comes after he's watched this tall, good-looking, womanizing, flirtatious brother flirt with this woman. And again, I've never thought of this before, but that [point] sort of makes itself in that other soliloquy—where "I can't dance and court women"—and it's interesting that his first revelation of bitterness and villainy, in Shakespeare, comes as a response to watching somebody else's sex life, as it were, which he doesn't have. But of course

later he gets his *own* sex life, doesn't he, with Anne.

Audience: When you made reference to his soliloquy about outdoing "murderous Machiavel"—I know there's a dispute about Shakespeare: whether or not his wife came from a Catholic family. My question is: I have either read or heard that Cromwell gave *The Prince* to Henry VIII, and it was that blueprint that they used to go after Thomas More.

Logan: Well, I haven't heard that—so therefore it can't be true. (Laughter.) I *haven't* heard that. I don't know how likely it is. *The Prince*, of course—one of the fascinating things is that the two books I was talking about tonight and *The Prince* were all written within about five years of one another, but of course More didn't know about Machiavelli or vice-versa—because Machiavelli didn't *publish The Prince*. And when was it finally published? Was it 1531 [actually 1532]? So I don't know— maybe Cromwell could have seen it, but there were only a few years between the publication of *The Prince* and the execution of More. I don't know when there's evidence of the first copy of *The Prince* being in England. If they didn't read it, they would have liked it—that's for sure. (Laughter.)

Gabriel Bartlett: Reginald Pole had the conversation with Thomas Cromwell in 1528, and that's when he traces having been at least told about *The Prince*.

My question is: you mentioned the indebtedness of More in the *Utopia* to Plato, and the indebtedness of More in *The History of Richard III* to the classical historians on the question or theme of tyranny, but I was wondering whether you could say something, perhaps, a little more about the indebtedness of More in the *The History of Richard III* to Plato on the question of tyranny, because it seems to me that, for example in the *Republic*, tyranny looms large. Book IX is devoted to the question of the tyrant, and of course Thrasymachus is in one way or another a teacher of tyrants, or a would-be teacher of tyrants. And not only Plato but Socrates seems to have been interested in *types* who were, let's say, inclined toward tyranny, or interested in it, and for reasons which it would take a long time to try to suss out. So what were More's reasons for writing about a tyrant? Not Richard III in particular, but about a tyrant—what did he wish to understand in writing about a tyrant?

Logan: I don't so much think he wished to understand anything: I think he figured he *already* understood perfectly well about tyrants. I think what he wanted to do was acquaint the world—to teach *other* people about tyrants. Tyranny is arguably his major theme in that part of his life. In the Latin epigrams, for example—I actually counted once, and I think more of them are about tyranny than any other single subject. It was something that he really was—I don't want to say "obsessed with"— not the right tonality—but he was certainly strongly, persistently concerned with tyranny. Probably, a lot of it originated not with Greek literature or even with Tacitus but with his observation, ironically—you know, the *History* did the Tudors so much good, because it so marvelously blackened their enemy and the guy that Henry VII, the first of the Tudors, had killed. More despised Henry VII, and regarded him as a tyrant certainly. And there's that poem when Henry, to More's delight, finally died and was succeeded by his son. He's just ecstatic, and it's amazingly bold—kind of "now the winter of our discontent is over, and suddenly

we're free and happy again." And Henry VII wasn't a terribly attractive character in lots of ways: that's the person with tyrannical or quasi-tyrannical characteristics and behavior that More knew the most about, and I think he probably would have dearly loved to have written about Henry VII, but he couldn't do that because Henry VII's son was on the throne.

But at any rate, I think More regarded one of his major missions [as teaching about tyranny]—and this is part of the kinship with Erasmus. Those guys both write beautifully about politics—the same scathing contempt toward what goes on in the actual world of politics. So I think the spreading of truths about tyranny, the stripping bare of tyrants, the revelation of tyrants' methods—this intimidation. . . . One of the funny phenomena in *Richard III* that recurs several times is in that coda that I read at the end of my talk [i.e., the "kings' games" passage]. The tyrant will say things which he not only doesn't *expect* to be believed, he doesn't *want* [to be believed]. Sometimes he says lies that he wants to be believed; other times he tells lies which he doesn't expect or *want* to be believed. They are purely for the sake of intimidation. You're supposed to be horrified and scared to death by the fact that this guy will say these things. So tyranny and its machinations and how it works is *a* major, and in this part of his life before he got interested in sectarian problems, *the* major concern of his writing.

What he got—back to your original question (which I could, see, have just pretended I'd forgotten, since I don't really have anything to say about it)—what he may have gotten specifically from Plato—my answer to that is, "I don't know," and you clearly know a lot more about that than I do. In truth, all I know about his relation to Greek writing on tyranny is really much more general. I know about Aristotle's remarks on it, and of the list of stereotypical attributes and behaviors of the tyrant. But that's a good question—needless to say, More was steeped in the *Republic* above all of Plato's works, and that would really be a good thing—if I were your age, I'd think about writing an article about that, because I think it's probably a really interesting subject to explore.

Gerard Wegemer: If the *Utopia* reveals to us some of the sources of economic injustice in England, does *Richard III* suggest anything about the political injustice that allows a tyrant to arise? One of the most dramatic scenes is when Elizabeth is protecting her child in sanctuary, and she gives all the reasons why prudence and every type of law should protect them, and then she gives him up. Why does she do that? And what is the *History* saying about why tyrants arise in a land that seems to have lots of laws and institutions to prevent it?

Logan: (Pause.) My luck has run out here. (Laughter.) You know how it is when you stand in this position and listen to questions: there's always this little moment of concern when somebody starts asking a question, and then usually you think, "oh yes, right, I see how I can answer that." But two in a row here I'm not really (Laughter.) seeing entirely how to answer. Ask it again in a little more detail, and maybe that will be the answer—if you don't mind. I mean, while I'm thinking about it. You go on and talk a little bit.

Wegemer: If he is really exploring the problem of tyranny, and if he's bringing the Greek and Roman learning to bear on England . . .

Logan: Yeah, right—to explore the economic problems, basically, the systemic problems in the society—is there anything analogous to that in *Richard III*, in the exploration of tyranny? If there is, I don't see what it is. Though I didn't say it in the paper—sort of avoided saying it—the nature of the relationship between the classical models and *Utopia* seems to me very significantly different from the nature of the relationship in the *History*. The *History* takes a genre enthusiastically, without seeing the need to change anything. More's fits right in with those classical histories—it's a wonderful example of that kind of thing, and it takes this classical conception of the tyrant, and it takes above all Tacitus' depiction of Tiberius—but no, I guess I don't see the same kind of depth of analysis. I mean, that's what you're asking, huh?—is there the same kind of depth of analysis that we find in regard to social problems and especially with regard to the problems of crime and poverty in England, in Book 1 of *Utopia*? Is there an analogous depth of analysis of the workings of tyranny, the causes of tyranny, the sources of tyranny, the defects in institutions that may allow tyranny; and I was about to say, no, I guess I don't see anything quite analogous, and I still don't, but I see a little more than I did a minute ago, I guess. I mean, there is a somewhat different kind of analysis. He focuses more on the major stratagems of the tyrant—the major operational modes. Maybe just out of despair, there's no talk about the institutional structure that allows tyranny to arise, because that institutional structure is obviously simply a given, isn't it? Yeah, England has kings, and in this period they're really not that much limited by Parliament. In *Utopia*, of course, he went on to speculate, "well, what would happen if you did *away* with the kings?" But for whatever reason—I think largely just because he's writing in a different genre, where that kind of speculation—well, that's a good way of putting it, actually. The genre in *Utopia* is indicated in its full title. It's not just called *Utopia*, it's called *On the Best State of the Commonwealth and the New Island of Utopia*, and *that* genre, the philosophical dialogue or discourse on the best possible state of a polity, the best state of a commonwealth, is one that, from its very beginning in Plato, welcomed, in fact demanded, talk about absolutely fundamental changes, fundamental reordering of the state. Again, from the beginning in Plato, too, there's no suggestion that these changes are actually going to be implemented—I mean, Plato himself says, Socrates says, this place [i.e., the Republic] is nowhere. We'll never actually *find* this place. But at any rate, there he's working in a genre which invites—nay, demands—deep reasoning about the causes of things, and radical suggestions for the possible abolition or amelioration of problems.

I guess one way to put it is that history is more cynical, more despairing. I guess it's the difference between history and philosophy. History *is* a branch of rhetoric, and the rhetorician's practical, the rhetorician just deals with the world as it is. And you're going to get rid of tyrants and unscrupulous politicians in the world as it is? Ha, ha. Dream about it. All *Richard III* seems to me to teach you to do is how to recognize them and see through them. But there's no suggestion about how we might prevent their rise or get rid of them. Because even recognizing them—and this is one of the important points, I think, of *Richard III*—even recognizing them doesn't—I mean, all those people are standing there at that king's game [i.e., in the scene near the end of the *History*], they know *exactly* what's going on, but that doesn't mean they can do a *damned* thing about it.

Audience: The question I have is, who did Thomas More expect to inform with

these works, and who did he actually inform or affect?

Logan: Well, it's, I think, very clear what the intended audience was, particularly in the fact that he wrote two versions of it [i.e., of the *History*]. You know, he wrote one in Latin and one in English. It's a fascinating compositional history: it's not that he wrote it first in one and then translated it into the other; it's been argued pretty persuasively that he sort of alternated them, that he would write in one language for a while, then write in the other, more or less translating, and then keep going in that language and translate into the other language, and so on. The Latin version is clearly directed to a European audience, and first and foremost—primarily, maybe almost exclusively—to an audience of his fellow humanists. He really, really, really wanted to establish himself with those guys. He wanted to be a full-fledged member of that Erasmus crowd. You can see it most clearly and sort of poignantly in the letters that he wrote to Erasmus before *Utopia* was published, while it was still being seen through the press by Erasmus. He's just tremblingly eager; he really wants it to come out, he really wants Erasmus to collect, as Erasmus did, a bunch of complimentary letters from fellow humanists. And history—rhetorical history—is one of the major humanist genres. If you were looking to establish yourself as a humanist on a European scale, you could scarcely do any better than write a Latin history patterned after Sallust and Tacitus. And Tacitus was also extremely *hot*, because the first six books of the *Annals*, the part that includes the treatment of Tiberius, had been lost for centuries, and had only been recovered in 1509. It's astonishing—it's as if a major Shakespeare play or three major Shakespeare plays were suddenly recovered now. The first edition was published in 1515, and that's mainly, I guess, why I think maybe he didn't even start *Richard III* until after *Utopia*, because he couldn't have seen Tacitus' opening books of the *Annals*. He knew other Tacitus before, but to see this *major* work on his *major* subject obviously just excited him all to pieces.

Now, of course, anybody who could read Latin and basically anybody who could read more than at an elementary level would have been able to read the Latin version of *Richard III*. Whether he really thought that it was going to influence, affect, the Latin general reader, I don't know. I think it was primarily directed to his fellow humanists. However, he also wrote the version in English, and that was clearly directed to his fellow citizens. I *hope* he didn't regard it as a dumbed-down version; it's not—it's wonderful. It's one of the great monuments in the development of English prose style. It's an astonishing thing—it's just so racy and lively and terrific. But clearly the very fact that he wrote it in English meant that it was directed at the English general reader. And I guess he must have expected—I mean, of course he never published it, so it didn't do anything for anybody—but I guess that must have been what he had in mind—that that version, at least, would have instructed [his fellow citizens]. I mean, like everybody in the period, he believed in the Horatian formula that the purpose of literature is to delight and teach. And if that's what literature is for, and the way literature works, you can't hardly find a better example of literature than *Richard III*. It is utterly exhilarating—just the most fun to read, though the linguistic difficulties will slow you down a little bit. And it does—that was pretty much what I argued about it, not that that's new or anything—it's a brilliant picture of the machinations of tyranny. So if you read it, it at least puts you on your guard. Whether you can *do* anything about it, I don't know.

Now, again, what effect did it *have* in the long run? It wasn't published by More, but it was caught up from 1543 and published, incorporated, in those chronicle histories, and especially in Holinshed and Hall, where Shakespeare read it. And you can pretty much say that the major effect that it had was through Shakespeare. It's because Shakespeare read that and recognized what it was, and paid More the great compliment of sometimes just sort of versifying More's scenes. And what's been the effect of Shakespeare's *Richard III* in the world? I don't know. It's impossible to measure the effect, but, my God, it sure has been *produced* lots of times. It's been one of the most popular of Shakespeare's works, and it's to be hoped that in this indirect way, some people learned something about something useful—about the behavior of tyrants. And then, of course, there are all those other readers who read it in Holinshed and Hall too; and there were other works, other plays in the period that did stage versions of More's *Richard*.

Matthew Mehan: You mentioned "rounding the cape" and "understanding the modern mind," with the idea of *Utopia*, the great model, being the connectivity between all the different strata or parts of the culture. Is there an analogue in *Richard* to the idea of a person? You were surprised that the normal reading is, "Well, he was tempted into this situation," as opposed to, "There's a more systemic relationship to the education of Richard from childhood." Like what Freud came up with later, that it's all linked: you don't just have a midlife crisis—it was something in your teens. Is there an analogue *there* possibly?

Logan: No, I don't see an analogue there. It's interesting, isn't it? These books were written at almost the same time; but we know that More was thinking deeply, by sixteenth-century standards [of social analysis]. [J.H.] Hexter claims, and other people have claimed, that in fact very little of the social analysis of the period has this systemic, holistic approach. Obviously More *got* it [i.e., in *Utopia*], and where he learned to do it was from the Greeks; and my view is he did it in some ways better than they did. But in any case, this was obviously something that was very much on his mind in those years. But no, I don't see anything analogous to that in *Richard III*.

The boundaries of genres are so important in this period. They think about literature [differently]. When we write, we tend to write the same thing, maybe with slightly different subject matter, again and again, and we really only have two genres, three genres—we have plays, we have novels, and we have poems; and relative to novels, plays and poems hardly count anyway. And if a novelist writes novels, they're probably going to be pretty similar from one to the next. And in *this* period [i.e., the Renaissance], as in the classical world, people think so much, so fundamentally, about literature as divided quite strictly into different genres. And that has certain advantages, but it has certain disadvantages too. I think it just wasn't as natural for More to think thoughts—I mean, I'm talking about a literary system that's compartmentalized into separate genres, and that's what compartmentalization entails: it just wasn't the kind of thought that you got in rhetorical histories. It *was* the kind of thought that you got in books on the ideal commonwealth modeled after Plato and Aristotle. It's surprising that the same guy, writing at about the same time, would have had such largely—I mean, really, the only thing that's in common between those two books, that I can think of offhand, other than certain stylistic things, and that both of them are written in Latin versions, the only thing that's

really in common is the detestation of tyranny, the detestation of government as it is, of political business as usual. *That* is very similar in the two books, but no, I don't see that kind of systemic thing.

Wegemer: Thank you very much. (Applause.)

Logan: Well, thank *you* very much [to everyone]. It was very good of you to invite me. I'm delighted, I'm honored to have been asked to do this, and you're really just a terrific audience. I can't believe how many of you have come in the first place, and actually stayed, and asked all those good questions. I know Gerry thought, probably rightly, that he's rescuing me at this point. But you know, I think I would have stayed until it killed me. (Laughter, applause.)

No Lawyers in *Utopia*
Clarence H. Miller

In *Utopia* there are no lawyers, or so we are told. But they might escape this denigration by a bit of grammatical sculduggery that might be right up their line. What Hythloday says about them is this: *Porro causidicos: qui causas tractent callide: ac leges vafre* disputent: *prorsus omnes excludunt*. This may be translated "Moreover, they ban absolutely all lawyers, [or no comma] who practice clever tricks and slyly interpret the law."

In the first edition of 1516 we have "tractant" and "disputent," the first indicative and the second subjunctive. But both verbs need to be either one mood or the other. Hence in More's corrections for the 1517 edition we have the indicatives "tractant" and "disputant." But in the 1518 edition (once again probably corrected by More) we have the subjunctives "tractent" and "disputent." Thus the first edition has two first-conjugation verbs, one in the indicative "tractant" and one in the subjunctive "disputent." The second edition More makes them both indicative. In the third he makes them both subjunctive.

What is the difference? The subjunctive would give us a relative clause of characteristic--that is, that lawyers in general are characteristically crafty. On the other hand, the indicative could mean that the lawyers who are excluded are those who are actually crafty, not necessarily all lawyers.

By the way, according to the old rules in English we would set off a non-restrictive relative clause (the Latin subjunctive) by a comma and have no comma for a restrictive relative clause (the Latin indicative). But nowadays, being a retired and antique English teacher, I suspect that this technical language is quaint and all but obsolete. Unfortunately, the punctuation in the early Latin editions is erratic and of no help in such matters.

On the whole, the context makes it pretty clear that the second correction is what More intended: that is, that lawyers, who are all crafty, are excluded, not that only crafty lawyers are excluded.

Photography by T. Heyne

Sir Thomas More Holding a Book of Law: This stained glass window of Sir Thomas More is in the Old Hall of Lincoln's Inn, where both More and his father studied law and remained active throughout their legal and judicial careers.

On "a man for all seasons"
Clarence H. Miller[1]

The phrase "a man for all seasons" has a long history. Schoolteacher that he was, Bolt obligingly gave the source for his title in one of the two quotations at the beginning of his printed play. One quotation was from Jonathan Swift, who called More "the person of the greatest virtue these islands ever produced"—an astounding accolade from a writer who did not make such judgments lightly. The other was from Robert Whittinton, a schoolteacher of More's time, who said that More "is a man of angel's wit and singular learning; I know not his fellow. For where is the man of that 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."

Whittinton's praise is included in an obscure textbook called *Vulgaria* printed in 1520, which gives rules and examples to help schoolboys "make latins"—that is, translate English sentences into Latin. But Whittinton's Latin phrase points to a source that is anything but obscure: Desiderius Erasmus, the man who, apart from Englishmen, was closest to More's heart. Whittinton took hints for his eulogy from two letters of Erasmus which were first published, with considerable fanfare, in 1519. In one of them, written in 1499 in the first flush of Erasmus' enthusiasm for his new English friends, Erasmus said of More: "Did nature ever create anything more supple or sweet or felicitous than the character of Thomas More?" Twenty years later, when he had lived in England for several years and knew More well, he wrote a long character sketch in which he praised More for his extraordinary blending of gaiety and gravity and for his flexible adaptation to company of all sorts, with no compromise of a decent sense of his own dignity. And Whittinton's Latin for "a man for all seasons"—"vir…omnium horarum"—clearly came from Erasmus' prefatory letter dedicating his masterpiece, *The Praise of Folly*, to Thomas More. The *Folly* or *Moria*, as Erasmus and More usually called it after Folly's name in Greek, was written at More's house in 1509. It was suggested, says Erasmus in the prefatory

letter, by the similarity of Moria and More, since, though More was far from being a fool in the usual sense of the word, he nevertheless delighted, like the personified Folly, who speaks her own praises in Erasmus' book, in making fun of the ordinary lives of mortals. "On the other hand," Erasmus went on to say, "though your remarkably keen intelligence places you worlds apart from the common herd, still the incredible sweetness and gentleness of your character makes you able and willing to be a man for all seasons to all men (cum omnibus omnium horarum hominem agere)." The *Moria* was a sensationally famous book—it had gone through 22 editions all over Europe by 1520—and there can be little doubt that Erasmus, with a little help from Whittinton, ultimately provided the title for Bolt's play.

Hence it would perhaps be enlightening if we knew what associations the phrase had for Erasmus. And he has kindly obliged us since it is one of the over 3000 entries in his monumental *Adagia*, a collection of Latin and Greek proverbial sayings, each with sources and examples and sometimes commentaries that amount to separate little essays. There Erasmus says that "omnium horarum homo" is applied to those who are equally adept at pleasantries and serious matters and whose company we always enjoy. Erasmus remarks that the character encapsulated in the phrase is exemplified by a fragment from the early Roman poet Ennius, describing what sort of character "the friend of a man who is his superior in rank and fortune ought to have." Ennius' great man, returning from the burdensome labors of state, calls upon his friend, who is described thus:

> one with whom
> He freely spoke of matters great and small,
> Confiding to him thoughts approved or not,
> If he so wished, and found him trustworthy;
> With whom he took much pleasure openly
> Or privily; a man to whom no thought
> Suggested heedlessness or ill intent,
> A cultured, loyal and a winsome man,
> Contented, happy, learned, eloquent,
> Speaking but little and that fittingly,
> Obliging, knowing well all ancient lore,
> All customs old and new, the laws of man
> And of the gods, who with due prudence told
> What he had heard, or kept it to himself.

Could this be a fitting description of Henry VIII and his one-time friend Thomas More? Perhaps, but with no overtones of the tension in Bolt's scene between Henry and More, when new customs conflict with old, and the law of God with the laws of man, and when keeping his opinions to himself becomes More's final and perilous line of defense.

But Erasmus also includes some examples of an opposite and darker meaning of the phrase. It was applied by the tyrannical emperor Tiberius to two of his opportunistic drinking-companions, whom he rewarded with provincial governorships, describing them in their public commissions as "the friends of all hours." And the phrase also suited the hedonist philosopher Aristippus, says Erasmus. Such men for all seasons, opportunists and pleasure-seekers, are not

[1] Dr. Miller served as Executive Editor of Yale University Press' *Complete Works of St. Thomas More*; he translated and edited the 2001 Yale edition of *Utopia*. He is Professor Emeritus of St. Louis University.

lacking in Bolt's play: Rich, Cromwell, Wolsey, Henry himself. In a sense Bolt's play is about two kinds of men for all seasons: one whose flexibility has an unyielding core of integrity and a number of others who yield to the demands, any demands, of the moment.

Perhaps I should remark in passing that "seasons" in Whittinton's English does not refer to the seasons of the year, as the makers of the first movie (with Paul Scofield) seemed to make it do; through the Tower window one could see a change of seasons in the landscape. It is not as if a man for all seasons can cope successfully with the problems of spring, summer, fall, and winter—youth, maturity, middle age, old age and death. The long shadows are present from the very beginning in Bolt's play. The Latin phrase and Whittinton's translation mean "suited to all hours, times, occasions."

But More has also been a man for all times in another sense not meant by the phrase: he has appealed in quite different ways to different eras or periods of time, and the picture presented of him at various times and places seems always, and perhaps inevitably, to have been limited by the preoccupations and vision of a particular time and place. This diminution of the man, which is not necessarily dishonorable or intentionally deceptive, is particularly noticeable in dramatic presentations of him because a playwright uses historical figures for his own purposes and because he is especially bound by the mental and emotional equipment of his audience. This limitation is also found in the Elizabethan play of *Sir Thomas More*, where the real reasons for More's silence and martyrdom could not be presented because of Elizabethan censorship.

Robert Bolt was under no constraints from censors, at least not on religious grounds, and he knew very well that the gap between More the witty, successful man for all seasons and the religious martyr was what he had to get at, as his acute preface makes quite clear. But the religious pole no longer carried any charge for him or, as he perhaps rightly thought, for most of his audience. It could only be a metaphor for something else, the watery, amorphous, terrifying cosmos in which modern existential man finds himself and from which Bolt's More seeks shelter in the thickets of the law like a skillful forester. For, unlike the Elizabethan More, Bolt's hero is afraid of death and uses all his legal skill to avoid it. He remains scrupulously silent on the points at issue in the hope that the law will protect him. Only when he has been convicted on perjured evidence does he declare himself on the ecclesiastical supremacy and the divorce of Henry VIII, most emphatically on the divorce, though that was in fact subsidiary to the unity of Christ's church (as Bolt recognizes in his preface, though not in the play). The traumas of divorce, he rightly knew, were likely to be more familiar to his audience than the dangerous and destructive rending asunder of Christ's body in his Church.

I do not belittle Bolt for not doing what he felt unable to do, what he perhaps thought could no longer be done at all, at least in a play, that is, to probe the deepest motives of More's death. He has presented More's dealings with his family and friends with pungent pathos. Here he made excellent use of the earliest and best brief biography of More by his son-in-law William Roper. More's dealings with the other extremely various men for all seasons, the opportunists, is subtle and convincing. One might object that the rivetting scene in which More provokes the Duke of Norfolk into renouncing their friendship is historically distorted by Bolt's own sense of class warfare. But his play is so powerful and well made that for a long

time to come it may well be the principal source from which most people get their picture of Thomas More. So brilliant is his drama that it provoked all but one of the dozen or so modern performances of the Elizabethan play. But his picture of More is partial, not simply as any attempt to recover that complex personality must be imperfect, but in a radical and important way: it omits the religious dimension almost entirely. Am I the only one who is faintly embarrassed by the perfunctory night prayers of More and his family early in the play? Is it too much like "Now I lay me down to sleep"?

Philosophic Designs:
Dialogical Details in *Utopia*, Book 1
Jeffrey S. Lehman

One way to shed light upon Raphael Hythlodaeus' political vision in Book 2 of *Utopia* is to examine details of its dialogical context found in Book 1. By considering the character of the interlocutors, the tales told in their conversation, and the subject matter and general course of the dialogue, we gain valuable insight into the way Thomas More chose to frame the Utopian vision of Book 2. This framing is no mere window dressing, but rather serves to orient the reader's reception and assessment of the political tale of Utopia.

In broadest outline, of course, *Utopia* is presented as a written recollection of a day's conversation in Antwerp. Thomas More, the author, relates from memory conversations he, the character Morus, had with Peter Giles and Raphael Hythlodaeus on the best state of a commonwealth and the new island of Utopia.[1] When we consider the two chief interlocutors, Morus and Hythlodaeus, we find that their words and deeds reveal markedly different ways of life. Morus is a man of many

obligations; he is committed to others on many levels—political[2], religious[3], filial[4]—and he performs the duties associated with these commitments. Hythlodaeus, on the other hand, is a man without such mundane ties and their attendant obligations. Unencumbered, Hythlodaeus is able to live a life of Odyssean adventure, exploring strange new worlds inhabited by people with extraordinary customs.[5] As Morus and Hythlodaeus discuss the central question of Book 1, namely whether a philosopher such as Hythlodaeus should serve as counselor to a king, these two ways of life are manifest in the words and deeds of each interlocutor.

The very idea of serving a king makes Hythlodaeus bristle. When Giles makes the suggestion of service, Hythlodaeus rhetorically responds, "Would a way of life so absolutely repellent to my spirit make my life happier? As it is now, *I live as I please*" (13).[6] In response, Morus appeals to Hythlodaeus' "noble and truly philosophical nature" (13). With his learning and experience, says Morus, Hythlodaeus could provoke a prince to just and noble actions. In reply to Morus, Hythlodaeus bluntly argues, "You are quite mistaken, my dear More, first in me and then in the situation itself" (14). Both here and throughout the dialogue, Hythlodaeus exhibits a lack of restraint in speech that parallels his unfettered way of life. Morus, conversely, chooses his words carefully and employs them sparingly. For Morus, simply speaking the truth is not enough; it must be spoken in a way that suits the occasion, and what is suitable for an occasion is a function of the various commitments that come into play.

In order to see what I have in mind, let's consider the examples presented by Hythlodaeus in support of his argument against serving as counselor to a king. When developing his case that "the public would still not be better off if [he] exchanged [his] contemplative leisure for active endeavour" (14), Hythlodaeus claims that neither princes themselves nor their other advisors would hear his wise counsel. For first, the princes "apply themselves to the arts of war…instead of to the good arts of peace"; they are "more set on acquiring new kingdoms by hook or crook than on governing well those they already have" (14). And as for the other advisors, they "are so wise already that they don't need to accept or approve advice from anyone else—or at least they have that opinion of themselves"; they "endorse and flatter the most absurd statements of the prince's special favourites"; and they "envy everyone else and admire only themselves" (14). Hythlodaeus' first example of such "proud, obstinate, ridiculous judgements" is an experience he had while in England.[7]

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[1] Although others are present—such as John Clement, who is mentioned in the prefatory letter from More to Giles—the only speakers in the written dialogue are Morus, Giles, and Hythlodaeus. (NB: In what follows, "More" refers to the author, "Morus" to the interlocutor in the dialogue.) In the body of this essay I will discuss Peter Giles only in passing, since he is not one of the chief spokesmen and among the interlocutors Giles gets by far the fewest lines. Even so, two details about Giles stand out. First, from the 1516 edition of *Utopia* onward, the text is prefaced with a letter from More to Giles, in which More presents the "little book" to Giles, apologizes for delay in sending it, and speaks with playful irony about its contents and purpose. A second notable detail is the extravagant praise Morus heaps upon Giles in setting the context for the conversation. Among the characteristics noted by Morus, we find that Giles is "cultured, virtuous, and courteous to all"; with friends Giles is "open-hearted, affectionate, loyal and sincere." Furthermore, "No one is more modest or more frank; no one better combines simplicity with wisdom." And last, but not least, his conversation is "pleasant" and "witty without malice." Placing these details alongside one another, Peter Giles is presented as a well-disposed, first-hand hearer of the conversation and also the first reader of More's written record of it. In terms of dialogical placement, then, Giles is very much like later readers of *Utopia*. Arguably, his presence as an attentive hearer/reader gives some notion of More's preferred audience.

[2] In providing a context for their conversation, Morus explains that he had gone to Antwerp on *business* (9). Prior to coming to Antwerp, he had been sent to Flanders as the King's spokesman (8).

[3] He has just heard Mass at Notre Dame, and as he walks out he happens to see Giles and Hythlodaeus talking together (9).

[4] By the time of the conversation, Morus had been separated from his home, wife, and children more than four months (9).

[5] Giles says Morus must meet Hythlodaeus, "for there is no mortal alive today can tell you so much about unknown peoples and unexplored lands" (9).

[6] Emphasis has been added. Unless otherwise indicated, all citations of *Utopia* throughout this essay are to the Cambridge University Press revised edition (2002).

[7] Note Morus' immediate interest in the example: "What! Were you ever in my country?" (14). Unlike Hythlodaeus, who revels in his detachment from all commitments, Morus shows an intense

Hythlodaeus' encounter with the lawyer while dining with John Morton is noteworthy for a number of reasons. First, there is the profound similarity between the Morus of the dialogue and Morton as a character within Hythlodaeus' tale. Morton, like Morus, is a man of many obligations. At the time of the conversation, Morton is not only Archbishop of Canterbury and Cardinal, but also Lord Chancellor of England. Indeed, Hythlodaeus claims, "At the time when I was in England, the King depended greatly on his advice, and he seemed the mainspring of all public affairs" (15). Significantly, Morton "had been whirled about by violent changes of fortune so that in the midst of great dangers he had learned practical wisdom, which is not soon lost when so purchased" (15). In Morton, then, we have an example of a man who, like Morus himself, has entered into the service of a king. Furthermore, in the process Morton has learned prudence "in the midst of great dangers." At first glance, it would seem that Morton himself serves as a powerful *counterexample* to Hythlodaeus' argument of the futility of service. We should also remind ourselves that, as far as Hythlodaeus' examples go, Morton is the closest we get to an actual, historical example of service. From this point onward, we move ever deeper into the recesses of Hythlodaeus' political imagination.

But we're getting a little ahead of ourselves. In defense of Hythlodaeus, he brings up the example not to draw our attention to Morton, but to share the incident that happened while dining with Morton and the lawyer. When the lawyer saw fit to "praise the rigid execution of justice then being practiced on thieves," Hythlodaeus—characteristically—"*ventured to speak freely* before the Cardinal" (15; emphasis added) against the death penalty for theft. In this example, Hythlodaeus sticks very close to current political issues in England. Also, from this first example onward, the underlying problem according to Hythlodaeus is the unjust distribution of wealth and the basic solution is an ever-mounting assault on freedom in general and private property in particular.[8]

In reply to Hythlodaeus' modest proposal, the lawyer objects, "You have talked very well for a stranger, but you have heard more than you've been able to understand correctly, as I will make clear to you in a few words" (20-21). As the lawyer prepares to launch his textbook response,[9] Cardinal Morton interposes, "Hold your tongue, for you won't be finished in a few words if this is the way you start. We will spare you the trouble of answering now and put off the whole task until our next meeting…" (21). Turning to Hythlodaeus, Morton says, "Meanwhile, my dear Raphael, I'd be glad to hear why you think theft should not be punished with the extreme penalty, or what other punishment you think would be more conducive to the common good" (21). The contrast between the responses of the

lawyer and Morton is obvious: the lawyer, though he clearly has a grasp of the practical matters related to the question, does not have the prudence of civil speech measured to fit the occasion; Morton, intervening at the point when impassioned words could well derail the conversation, stops the lawyer and redirects the dialogue back to Hythlodaeus in order to find out more of what he has in mind. The civil yet artful speech of the Cardinal calms the elevating emotion of the encounter and revives rational discourse.

In response to Cardinal Morton, Hythlodaeus cites the example of the Polylerites, a name which means "People of Much Nonsense." The Polylerites pay tribute to the Persian king, but "they are hardly known by name to anyone but their immediate neighbours" (23). With the Polylerites, we begin the gradual, imaginary journey toward "No place" (the literal meaning of "Utopia"). There is still a shred of historical connection in his reference to the Persian king, but otherwise the existence of the Polylerites is dubious at best. Even so, some of their practices sound plausible—for example, the custom of paying restitution to the owner, not the prince.[10] In praise of the Polylerites, Hythlodaeus confidently boasts, "It is clear how mild and practical they are, for the aim of the punishment is to destroy vices and save men. The men are treated *so that they necessarily become good*" (24; emphasis added). When Hythlodaeus' panegyric of the Polylerites is complete, the lawyer responds, briefly yet bluntly, "Such a system could never be established in England without putting the commonwealth in serious peril" (24). After shaking his head and making a wry face, the lawyer falls silent. All those listening—save Cardinal Morton—side with him.

At this point we've seen enough of Hythlodaeus and the lawyer to realize that, although their views on political questions and their proper resolutions certainly diverge, there is an underlying similarity in terms of the way they engage in political discourse. Both have a tendency to be long-winded (although the lawyer apparently learns from Morton's rebuke) and neither tailors his speech to the situation at hand. To be sure, the lawyer's single sentence response is brief; but it again polarizes the discussion and prompts the rest of those present to take sides without hearing a suitable reply to Hythlodaeus. That this is so is clear from the response of Cardinal Morton, who continues to try to draw Hythlodaeus out of his own imagination and into the realm of political realities. "It is not easy," says Morton, "to guess whether this scheme would work well or not, since it has never been tried. But perhaps when the death sentence has been passed on a thief, the king might reprieve him for a time without right of sanctuary, and thus see how the plan worked" (25). The Cardinal adds that perhaps the same method could be used for dealing with vagabonds. Cynically, Hythlodaeus concludes, "When the Cardinal had said this, they all vied with one another in praising enthusiastically ideas which they had received with contempt when I suggested them; and they particularly liked the idea about vagabonds because it was the Cardinal's addition" (25).

For Hythlodaeus, of course, this incident clearly reveals the futility of service; for the reader, on the other hand, something else comes into view. In his second response to Hythlodaeus, Morton finds a way to test Hythlodaeus' ideas without deforming or discarding the existing system of justice. Put simply, Morton prudently brings Hythlodaeus' political imagination into the real world. Thus, while

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interest in his country. Recall that he left England on the king's business; and alongside his ardent desire to see his home, wife and children, Morus also desires to see his native country (9).

[8] Hythlodaeus proposes to rectify the situation by lifting the death penalty for thievery, but also banishing a whole list of things (including wine-bars, ale houses, brothels, and "crooked games" such as dice, cards, backgammon, etc.), making those who have ruined farmhouses or villages restore them or hand them over to others, restricting the rights of the rich to buy things, letting fewer people be brought up in idleness, restoring agriculture and reviving wool-manufacture, etc.

[9] "First, I will summarize what you said; then I will show how you have been misled by ignorance of our ways; finally, I will refute all your arguments and demolish them. And so to begin with the first thing I promised, on four points you seemed to me—" (21).

[10] See page 23.

Hythlodaeus brings up the incident so that Giles and Morus might *see* the futility of service,[11] Morton draws our gaze in another direction—namely, to *see* how Hythlodaeus' proposed reforms might function in the real world.[12] It is important to note here that Morton is not dismissive of Hythlodaeus' radical ideas. Rather, he gives him his say and reflects upon how they might be tested without overturning the political and legal order already established in England.

Once Hythlodaeus has finished relating (in extended monologue) his first example and its "silly" addendum, we return to a dialogue between Morus and Hythlodaeus. Morus, like Morton in the first example, is more than willing to hear Hythlodaeus out—even though he still disagrees about the question of serving kings. Indeed, Morus says Hythlodaeus has given him "great pleasure" and praises him for his wisdom and wit (27). "Still," continues Morus, "I by no means give up my former opinion: indeed, I am fully persuaded that if you could overcome your aversion to court life, your advice to a prince would be of the greatest advantage to the public welfare. No part of a good man's duty—and that means yours—is more important than this" (27–28). Appealing to the philosophical authority of Plato, Morus encourages Hythlodaeus to consider the notion of the philosopher-king found in the *Republic*. Again we see the care and discretion of Morus' words. Note well also the appeal to duty here. Morus is once again commending his way of life to Hythlodaeus.

By contrast, Hythlodaeus responds with unrestrained speech. After a few ill-chosen remarks about Plato's notion of the philosopher-king, Hythlodaeus presents another example against service. There are notable similarities and differences between these first and second examples. As for similarities, both have Hythlodaeus situated within a courtly setting to give advice. Each example also addresses real political problems. Yet in both cases, Hythlodaeus appeals to the precedent of peoples whose very existence is doubtful. And of course, in both cases his counsel is supposed to fail. But there are also notable differences. For instance, while the first example was drawn from a "true" conversation Hythlodaeus had in a "true" courtly setting, the second example not only *ends* but also *begins* in his imagination. (We should note, however, that at least the imaginary king is that of an actual European country.) Furthermore, although the Achorians are like the Polylerites in their questionable existence, the former are one step further away from any connection with historical regimes, since the point of reference here is not Persia but Utopia. Thus, with his second example, we proceed a bit deeper into Hythlodaeus' imagination.

After a mere four-word reply from Morus, Hythlodaeus launches into his third example against service. The similarities among his examples remain the same here, yet in this one we move completely into the realm of Hythlodaeus' political imagination. He is in the imaginary court of an unnamed king in an unknown country. He again cites the example of an unknown people (the Macarians, "blessed" or "happy" ones) to make his case, and again the only connection is to the imaginary world of Utopia. Furthermore, we should note that Hythlodaeus' speech becomes more and more unrestrained as we move from one example to the next. In the second example, we find a whopping 464 word sentence. Here, in the third, we have a "simply gargantuan" one of 926 words.[13] Moreover, his speech before king and court in the third example falls to new depths of tactlessness.[14] When Hythlodaeus has finally finished his tirade, he rhetorically asks, "Now, don't you suppose if I set these ideas and others like them before men strongly inclined to the contrary, they would turn deaf ears to me?" (34).

This brings us to the heart of the matter. In his longest reply to Hythlodaeus, Morus makes a distinction between "academic" or "school" philosophy and "another philosophy, better suited for the role of a citizen, that takes its cue, adapts itself to the drama in hand and acts its part neatly and appropriately" (34-35). In essence, Morus counsels Hythlodaeus toward prudence in political speech, as is evident in More's explanation, cited here at length:

> That's how things go in the commonwealth, and in the councils of princes. If you cannot pluck up bad ideas by the root, or cure longstanding evils to your heart's content, you must not therefore abandon the commonwealth. Don't give up the ship in a storm because you cannot hold back the winds. You must not deliver strange and out-of-the-way speeches to people with whom they will carry no weight because they are firmly persuaded the other way. Instead, by an indirect approach, you must strive and struggle as best you can to handle everything tactfully—and thus what you cannot turn to good, you may at least make as little bad as possible. For it is impossible to make everything good unless all men are good, and that I don't expect to see for quite a few years yet (35).

Note well what Morus does not expect to see. He, like Morton, accommodates the style of his speech and the content of his counsel to political realities (in this case, the realities of human nature).

The impatience and imprudence of Hythlodaeus' reply is quite telling: "The only result of this…will be that while I try to cure the madness of others, I'll be raving along with them myself. For if I wish to speak the truth, I will have to talk in the way I've described. Whether it's the business of a philosopher to tell lies, I don't know, but it certainly isn't mine" (35). At this point, the argument shifts away from the question of whether a philosopher should offer his wise counsel to a king and toward a defense of Hythlodaeus' contention that private property should be abolished.[15]

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[11] After relating a "silly" incident that followed the conversation between Morton, the lawyer, and himself, Hythlodaeus comments, "Look, my dear More, what a long story I have inflicted on you. I would be quite ashamed if you had not yourself eagerly insisted on it, and seemed to listen as if you did not want any part to be left out. Though I ought to have related this conversation more concisely, I did feel bound to recount it, *so you might see* how those who rejected what I said approved of it immediately afterwards, when they saw the Cardinal did not disapprove…. From this episode *you can see* how little courtiers would value me or my advice" (27; emphasis added).

[12] Though it goes beyond the scope of Book I, I must point out how this emphasis upon seeing political proposals tested is characteristic of Morus as well. In the last sentence of Book II, Morus says, "I freely confess that in the Utopian commonwealth there are very many features that in our own societies I would wish rather than expect to see" (107).

[13] 33n66.

[14] On which, see 32-33.

[15] "Thus I am wholly convinced that unless private property is entirely abolished, there can be no fair or just distribution of goods, nor can the business of mortals be conducted happily. As long as private

Morus simply cannot agree. Significantly, he responds, "But I don't *see* it that way.... It seems to me that people cannot possibly live well where all things are in common" (38; emphasis added). To which, Hythlodaeus replies, "I'm not surprised that you think of it this way, since *you have no image*, or only a false one, of such a commonwealth. *But you should have been with me in Utopia and seen with your own eyes* their manners and customs, as I did.... *If you had seen them*, you would frankly confess that *you had never seen* a well-governed people anywhere but there" (39; emphasis added).

The issue, then, as we approach the tale of Utopia in Book 2 is a conflict of visions. Throughout the dialogue, Hythlodaeus tries to draw the other interlocutors deeper into his admittedly quite staggering political imagination. There is a notable progression to his tale telling; and as we prepare to hear the grand tale of Utopia, we are removed more and more from the historical moorings of existing political regimes. Hythlodaeus insists that Giles and Morus would be convinced, if only they *saw* what he *had seen*. Morus, following the example of Morton, consistently draws our gaze in another direction. By means of prudent speech, he tactfully yet tirelessly redirects the conversation out of the realm of utopian dreams and back into the realm of political reality.

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property remains, by far the largest and best part of the human race will be oppressed by a distressing and inescapable burden of poverty and anxieties.... [S]o long as private property remains, there is no hope at all of effecting a cure and restoring society to good health" (38).

- a "paper state" that could never become practical (Lewis)
- a "pitiable" book figuring forth the tensions between humanism and "brute fact" (Allen)
- "a demonstration that any interpretation depends upon the reader's position" (Greenblatt)
- "a dialogue with an indeterminate close" (Surtz)
- an "open-ended book," a "kaleidoscope" (McCutcheon)
- a satire or burlesque of "absolutist" speech (Miller)
- a "rather melancholy book"…sharing Augustine's conviction "that no human society could be wholly attractive" (Logan)
- an "equivocal masterpiece"…"imbued with paradox and ambiguity, which leaves all possibilities open" (Fox)
- "an expression of More's inner life and drama" (Greenblatt)

Contemplating this "cloud of contradictory eulogies,"[4] we should return to Hall's puzzlement over the author of *Utopia* and ask: What is it about the *Utopia*, "that truly Golden Handbook," as the title page proclaims, that accounts for such a profusion of readings? Is it impossible to interpret the book accurately because of the conflicting points of view expressed in the work, and because of the irony everywhere apparent? Is there any *truth* in Utopia, or does "total irony"[5] reign by book's end? In short, was it foolish or wise to write the book as More did, and how ought we approach it and read it?

In this talk, I would like to explore More's general understanding of literature first, based on his writings prior to *Utopia*, and then turn to an opening consideration of the *Utopia*'s literary character, specifically its rhetorical and poetical features, in the hope of determining whether More the author provides us with any guidance in interpreting his masterpiece.

*II. Thomas More on Literature, Pre-*Utopia

Before the publication of the masterful *Utopia* in 1516, More had been exercising his literary powers in several other notable works. First (c.1492-94), he exercises his native tongue through a number of intriguing English poems that explore both the serious and comic dimensions of human life. One poem explores the ages of man— youth, prime, old age—and the wobbly workings of Fortune; in another, he writes a humorous "merry jest" about a Friar and a Sargeant.[6] Even in these early poems, More's seriocomic genius may be glimpsed in its earliest phase, though one must note these works lack More's mature irony and power.

Second (1505-1506), and perhaps most important for this essay and More's own career as a writer, More and Erasmus try their hands at translating into Latin some works of the great Greek wit, Lucian, an ancient satirist of the first rank. To get a

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Literary Designs:
Thomas More's *Utopia* as Literature
Stephen W. Smith

I. More's Utopia*: Difficult to Describe*

The Tudor historian Edward Hall famously remarked of Thomas More, "I cannot tell whether I should call him a foolish wise man, or a wise foolish man."[1] Perhaps it is not surprising that the ironic man whose life and death continue to inspire great interest, debate, and perplexity should have written one of the most perplexing and disputed of great works, the *Utopia,* a tale in two books describing, as the title page puts it, "the best state of a commonwealth and the new island of Utopia."[2] One contemporary humanist, de Busleyden, thought the work "a mimetic exercise in moral philosophy" comparable to Plato's dialogues; another fellow humanist, Bude, asked perhaps with irony if the book should be taken literally or allegorically.[3] In the twentieth century, the eminent C. S. Lewis judged the work a "spontaneous overflow of intellectual high spirits" written in holiday spirits, and as such a paradoxical and comical "revel" not to be taken too seriously. The communists, on the other hand, thought the work a prophecy of the blessed social order to come, so much so that one may find a memorial to More in Moscow's Alexandrovsky Gardens, and critical praise that "his socialism made him immortal" (Kautsky). And yet still other readers in the past century have considered the work variously as:

- "a pattern of the good life," an image of a "holy city," a "nursery of correct and useful institutions" (Bude)
- "a call to action to fellow humanists" (Guy)
- "a most radical critique of humanism" (Skinner)
- a portrait of "radical idealism" (Berger, Jr.)
- "a Statesman's dialectical puzzle" (Wegemer)
- "an attempt to reconcile rival philosophies of Plato and Cicero" (Guy)

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[1] Cited in Holinshed's *Chronicles*, 793.

[2] *Utopia* , trans. George Logan (Cambridge UP, 2004), 1.

[3] See 108-29 of Logan's edition for the contemporary humanist response to More's *Utopia*.

[4] Lewis, in *Essential Articles* 389.

[5] This expression is taken from C. S. Lewis, "A Note on Jane Austen" in *Selected Literary Essays,* 185.

[6] We know from contemporary testimony that he had also tried his hand at comic playwriting; alas, but these do not survive. One can only imagine Lucian's take on Tudor England: *Lover of Wives? The Story of Henry VIII.*

taste of Lucian's strange genius, simply consider the strange title of one of his comic dialogues, *Zeus—the Opera Star*. Or how about *Alexander…the Quack*? Or *Philosophies…for Sale*? Or the aptly titled *A True Story*, which begins with the narrator confessing that everything we are about to read is…a patent lie. Surely this is "silly stuff," not as serious as tragedy or history or other forms of writing, or is it?

In any event, of particular interest for readers of *Utopia* is More's dedicatory letter to Ruthall, a preface to the translations, and one translation in particular, entitled *Philopseudes*, or *Lover of Lies*. The importance of this artistic and intellectual encounter with Lucian should not be overlooked by students of More; as has been pointed out rightly, the largely didactic quality of More's earlier writing is transformed from this point on—a powerfully dialectical style emerges, and a more playful and profound irony colors his writings, and perhaps his life, after these translations of Lucian.[7] So what did More discover in Lucian? Let's briefly consider this.

In the dedicatory letter, More explains his love of Lucian to Ruthall. This short description of Lucian's virtues acts like a shaft of light onto More's later writings and his artistic temperament in general:

> If, most learned Sir, there was ever anyone who fulfilled the Horatian maxim and combined delight with instruction, I think Lucian certainly ranked among the foremost in this respect. *Refraining from the arrogant pronouncements of the philosophers as well as from the wanton wiles of the poets, he everywhere reprimands and censures, with very honest and at the same time very entertaining wit, our human frailties. And this he does so cleverly and effectively that although no one pricks more deeply, nobody resents his stinging words*. He is always first-rate at this.[8]

More goes on significantly to state that the dialogues he has chosen to translate "have particularly struck my fancy."[9] As we will see, the connections between *Lover of Lies* and *Utopia* are provocative and illuminating, especially in regards to merry More's love of Socratic irony and comic art.

In the letter to Ruthall, More observes that *Lover of Lies* is shot through with "Socratic irony," which both makes it difficult to judge the work aright, and thus tickles the reader's judgment to precisely such an act, awakening or fanning the desire for truth. Irony may be understood generally in its "root sense of dissembling or hiding what is actually the case," or broadly as a classical figure of speech in which "the speaker's implicit meaning differs sharply from the meaning that is ostensibly expressed."[10] In any event, irony will become one of the mature More's most beloved figures of speech, perhaps especially because its power to prick and challenge the idle reader; to dispel the dull fog of comfort; to awaken slumbering desire; and to draw the murmuring soul into dialectical inquiry, an act requiring the reader's active participation—and vulnerability—as he carefully weighs and sifts opposing views in the arduous pursuit of truth.[11] Moreover, the mature More will also remark that failure to note the presence of such figures and their function leads to misinterpretation and error, to "missing of the real sense" of what we read and accidentally increasing our ignorance, rather than moving toward truth, through the act of reading.[12] But back to Lucian.

In More's judgment, Lucian's ironic dialogue on *The Lover of Lies* is both "instructive" and "amusing" insofar as it delightfully reveals the *ridiculousness* of man when he indulges the "inordinate passion for lying," so opposed to the desire for truth roused by ironic writing. As Sir Philip Sidney will later remark in his *Defense of Poesy* (1579/1595), comic art is principally concerned with making the ridiculous visible, such that the reader would never want to be seen as so ridiculous himself. Hearkening back to the classical tradition, Plato and Aristotle also make revealing comments on the ridiculous—for Plato, the ridiculous man is the man who lacks self-knowledge (think of the vainly cross-gartered Malvolio from Shakespeare's *Twelfth Night*—or perhaps certain characters from the *Utopia*), and for Aristotle the ridiculous is the proper subject matter of the comic artist. Thus in More's early translations of Lucian we see the provocative fusion of Socratic irony and dialectics with the revealing power of classical comic art—and we glimpse the mature More, artist of the *Utopia*, coming into view. As Henry Fielding astutely observed in the eighteenth century, "Life everywhere furnishes us with examples of the ridiculous," but *why* we are so prone to this comical (and potentially tragical) consternation and condition, and what *hope* there may be of escaping it, is More's seriocomic meditation in many of his later writings. The one side of More's mature genius, then, will delight in *revealing* the ridiculous, the other in *understanding* it to its roots—but to what end? Perhaps in the hope of plucking them out, or at least helping persons and things such that they prove "as little bad as possible." In other words, one side of merry More delights in and laughs at *lies*, the other instructs in the arduous business of *truth*.

III. More's Utopia *and the "Prefatory Letter to Peter Giles"*

When we turn from the Lucian translations to the *Utopia*, "that truly Golden handbook" on the Best State of a Commonwealth, we should not rush past More's ironic prefatory letter to Peter Giles, since like the letter to Ruthall it is similarly helpful in teaching us to approach the work aright, if we can manage to read it well.[13]

Though it is undoubtedly true that "almost nothing in this [ironic] letter can be taken at face value,"[14] let me suggest that it nevertheless provides us with some provocative pointers. First, we should note the terribly ironic, and difficult to judge, statement from More that "truth in fact is the only thing at which I should aim and do aim in writing this work."[15] Now one may object that this claim is, of course, ironic in the Lucianic vein, that the book is a "self-mocking" fiction purporting to be true,[16] and that More is simply playing with the tension and calling attention to it

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[7] Wegemer, 84.

[8] CW 3.1.3

[9] CW 3.1.3

[10] Abrams, *Glossary of Literary Terms* 91. See also Quintillian, *Institutes* 9.2.44.

[11] Wegemer, 77-78.

[12] CW 14.297.

[13] As Logan notes in *The Meaning of More's* Utopia, "the letter tells us…the kind of reader for whom *Utopia* was designed" (23).

[14] Miller, *Utopia*, 142-43n9.

[15] Logan, *Utopia*, 3. Miller and Hackett translate this as "accuracy," but the word is *veritati* (CW4.38).

[16] Logan, *Meaning of More's* Utopia, 30.

mischievously. On one level, this certainly seems true, but what rules out a second reading, doubly ironic if you will, in which the line *at once* wittily winks at the fiction, at the evident poetic lie that mocks our eyes with its airs, *and yet nevertheless* suggests that truth may seriously be the end, that More actually does care about truth, even if it's not exactly clear how to answer the question, What is Truth in More's *Utopia*? Indeed, why couldn't the *Utopia* be a lie deliberately ordered to truth? Or, to stick closely to the language of the prefatory letter, why couldn't the *Utopia* be a lie "aimed" at the truth like some strange arrow?[17]

Though many commentators conclude that the book has no conclusion, or that no resolution is reached by the end of Book 2, I would suggest that we consider again the relation of this fiction to the truth, especially since elsewhere, in one of his humanist letters, More remarks that good writers, "those that treat human concerns seriously or divine concerns reverently, always [use] a modest approach which will show that their goal is the truth and not winning a quarrel....[S]uch inquiries do have their use as a method of intellectual exercise."[18] If *Utopia* is similarly an intellectual exercise aiming at truth, we find our way blocked by the simple question, what truth is aimed at? Does the work aim at disclosing the truth of reality, the truth of nature? Or does it in its very art aim at representing the likeness of life somehow? What of the work's aim with readers? Does it aim at moving one toward the virtue of truth, under the rule of which our words and deeds are one, and we show ourselves as we are, precisely the opposite of lying or dissimulation? Or does the work explore truth in the sense that man fulfills his vocation, what he is called upon to do or perform by providence?

Assuming then, even at our own peril, that truth in some form is the end of this fiction, we turn to the rest of the letter, in particular to the portraits More offers of himself first, and then various readers of the book. The self-portrait More offers is quite strikingly realistic—it could be a description of any of our lives, thick spun as they are in the midst of things—diapers, bills, freshmen essays.

> Most of my day is given to the law—pleading some cases, hearing others, arbitrating others, and deciding still others [sounds like life with small children]…[S]o almost all day I'm out dealing with other people, and the rest of my day I give over to my family and household; and then for myself—that is, my studies—there's nothing left. For when I get home, I have to talk with my wife, chatter with my children, and consult with the servants. All these matters I consider part of my business, since they have to be done   unless a man wants to be a stranger in his own house. Besides, you are bound to bear yourself as agreeably as you can towards those whom nature or chance or your own choice has made the companions of your life.[19]

Well, there it is. As one critic of More has rightly pointed out, "rarely before had a work created so successfully an illusion of reality,"[20] and we recognize instantly the fittingness of this artistic choice, especially if the work is precisely interested in truth in its many forms, and in teasing out what is and is not "realistic" in human life. The work both invokes "realism" and seems to ridicule or unsettle our sense of reality, to demonstrate our "blind spots," but why or to what end?[21]

After offering this self-portrait, More turns significantly to the subject of potential readers of his book, and again the question of the end or intention of the book moves to the fore. The first reader, "my servant John Clement," who has made good progress in the humanistic study of Latin and Greek, raises prudent doubts in More's mind about some details in Raphael's account of Utopia, specifically the length of the bridge over the River Anyder, or Waterless. For any of us who have raised questions about Utopia, and it's almost impossible not to do so, the perspicacious John Clement is our boon companion and friend—he resembles, of course, "that very sharp fellow" whose judgment is praised by More in the second letter to Giles that followed the text of Book 2 in the 1517 edition.[22] What is perhaps as interesting as this portrait of a good reader, however, is the portrait of the anonymous churchman, who upon hearing of the Utopian order, longs instantly to travel there and assume the miter as first bishop of the Utopians, perhaps strangely anticipating the socialist love affair with Utopia centuries later. In any event, the sharp-sighted John, who modestly doubts, and the zealous Bishop, who believes readily, seem to represent two kinds of critical responses to the book, and yet it is More's third portrait of readers, bound up with a discussion of whether to publish the book at all, that is the most provocative section of the letter.

Although likely conventional, More's main reservation about publishing *Utopia* involves his sober sense of the human nature normally exhibited in readers:

> [M]en's tastes are so various, the tempers of some are so severe, their minds so ungrateful, their judgments so foolish, that there seems no point in publishing a book that others will receive only with contempt and ingratitude. Better simply to follow one's own natural inclinations, lead a merry life, and avoid the harrowing task of publishing something either useful or pleasant.

Thankfully, More did not take his own advice! Still, his prudent sense of an author's difficulties in both "aiming at truth" and moving such readers, is noteworthy, and the hope of success seems to dwindle further when he turns to discuss his own mode of writing, "satire," and the many flat-nosed readers who lack the nose for it, preferring their own limited judgment to the promise of learning through laughter and dialectical inquiry.

There follows next perhaps the most provocative image of a reader—I would like to conclude with a consideration of this reader in particular, since this type provokes More's especial dislike. "These people," More laments,

> lounge around the taverns, and over their cups they pass judgment on the intelligence of writers. With complete assurance they condemn every author by his writings, just as the whim takes them, plucking each one, as it were, by the beard. [How rude!] *But they themselves remain safe—'out of range,' so to speak.* No use trying to lay hold of them;

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[17] Miller and Logan both translate "aim."
[18] CW 15.75
[19] *Utopia* 4.
[20] Greenblatt 33.

[21] Greenblatt 24, 34. This is Greenblatt's insightful observation: "In almost all his writings, More returns again and again to the unsettling of man's sense of reality, the questioning of his instruments of measurement and representation, the demonstration of blind spots in his field of vision."
[22] In our edition, this letter is printed on 108-110.

> these good men are shaved so close, there's not so much as a hair of their heads to catch them by.

More seems to particular dislike this type of "safe reader," who loves to render judgment on books and authors while keeping the book at arm's length, so to speak—such "safe reading," is, I think, a perpetual possibility, and perhaps the great enemy of More's aim in the work, truth.

Through its masterful irony, challenging dialectical structure, and richly rendered characters, More's *Utopia* precisely refuses to be read in such "safe fashion." In fact, like anything truly poetical and philosophical, this great book is among the most dangerous things in the world. As Jeff Lehman will suggest in his essay, More's art in effect "forces" the reader, even the safe-reader, to put down his tankard of ale for a moment and enter the daunting dialogue himself, to participate in the fiction and perhaps experience some form of startling "self-revelation" through More's "satiric glass," the mirroring of his art.[23] Indeed, perhaps Raphael himself is a kind of safe-reader, content to live as he pleases until pressed to make an account of Utopia, and perhaps of himself, by More and Giles in Book 1. In any case, More's satire pinches at the posture of safe-reading—his art rouses the will, engages the intellect and the imagination, challenges the judgment, and clarifies what the real questions are, a most challenging, yet perhaps most fruitful, experience that begins when the sharp sighted reader confronts the word 'Utopia' for the first time in the title, and "aims at" determining the truth of the word—and of course later the truth of the image of Utopia that Raphael presents to us in Book 2. Is there any hope that More's work will satisfy such readerly desire? Is there any hope that the arduous business of "aiming at the truth" and writing in such a way that the reader is pricked and prodded in that direction will come to anything? Time to put down the tankard, good and gentle readers, and open to Book 1 of "that truly Golden handbook," *Utopia.*

Thank you.

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[23] See Wegemer 222, on Socrates' method of inducing an interlocutor's participation in "self-revelation." Perhaps Rapahel himself is a kind of safe-reader, till pressed to make an account of himself and his desires and choices.

More vs. Raphael:
Justice and the Learned Professions
with Drs. Jeffrey S. Lehman and Stephen W. Smith

Gerard Wegemer: Jeff, you talked about the role of the characters in this drama. Why lawyers? Morus is a lawyer. In the story-within-the-story, you have a blunt lawyer talking to Morton, and Morton is the Lord Chancellor introduced as being learned in the law. Why lawyers?

Jeffrey S. Lehman: One of the central issues of *Utopia*, it seems to me, is to come to terms with the presence and absence of law and lawyers at different points in the work. As you've said, there are lawyers present in various ways in *Utopia*: the writer, who presents himself dramatically as one of the interlocutors, is a lawyer; there's also the blunt lawyer in Hythlodaeus' encounter with Morton, who is himself learned in the law. Significantly, there are *no lawyers* in the account of Utopia as told by Hythlodaeus in Book 2. As I see it, the conspicuous presence and absence of lawyers in *Utopia* leads us to reflect upon is the nature of law and just what the proper approach is for a lawyer. When we compare the character Morus with the lawyer from the episode with Cardinal Morton, we see lawyers speaking and acting very differently. And one of the things I've noticed in my studies of Plato, and the bit that I've done with More, is the way that each author portrays one character alongside another and invites the reader to compare their virtues and vices and so forth. So I think that that's one of things that is supposed to be brought to the fore by the *Utopia*; among other things, it is a reflection on the proper place of law and lawyers in a regime.

Gabriel Bartlett: My question is for Professor Lehman. I liked what you said about not adhering to the paint-by-number approach. I wasn't really convinced that you yourself didn't do that, which is to say, I think you give Hythlodaeus short shrift. I've actually not read a great deal of scholarship that *doesn't* give Hythlodaeus short shrift. Couldn't Hythlodaeus, again, being a foil of More's, present himself or be presented by More in such a way as to not wish to serve kings, princes, etc.—engage in the political life—for idealistic reasons? You know, he's "too decent" to do so. On the other hand he says it would be a terrible waste of time, which also goes together with a certain view of the philosopher in Book VI of the *Republic*, which he alludes to in Book 1 of the *Utopia*; and this is the third, and I think most serious, point: he *is*

able to give sound political advice. He's able to give very *good* political advice. So, I wonder whether the presentation of himself as too decent, as recoiling, as becoming indignant—that may be part of the foil.

Lehman: You've made some excellent comments. It's a tricky sort of thing when you're talking about Hythlodaeus. Part of what I was trying to draw out in the comments I made was how Hythlodaeus is presented dialogically; I wanted to do justice to the way that More has written this work *as a dialogue*. What I meant to say—and if I didn't emphasize it enough, it's clearly an oversight on my part—is that there's a great deal of soundness in what Hythlodaeus says. He makes good points, and he seems quite trenchant at times. But the other question—the one that is primarily in view in Book 1, as I see it—is whether he should involve himself politically or not. With all the good advice that Hythlodaeus gives, Morus is continually trying to influence him to actually give this advice in a "real world" context. The comments that I've made pertain to the debate in Book 1 over whether one with political insight should serve as counselor to a king. The dialogue of Book 1 sets up a reading of the Utopian vision of Book 2. When someone reads Book 2, I think the author More wants us to ask, "Well, how *would* you bring this into the council of a king? How *would* you bring it into the 'real world' of politics?"

In particular, what I want to focus on is the conflict of character that you see going on among the interlocutors. One point that I emphasized was that Morton and Morus never give up on Hythlodaeus—they're constantly engaging him in dialogue; they're constantly bringing him back to reality and asking him to continue on. Furthermore, it seems to me that anyone who finishes Book 2 has done the same thing—they've heard Hythlodaeus out. And in doing so, they've heard a lot of very bright things, a lot of things that make a lot of sense; but now what do you do with them? That's where, as a reader, you have to enter in and get very actively involved in the dialogue yourself. You have to do as Steve has said: put the tankard aside and bring the discussion into the realm of politics.

Fr. Joseph Koterski: Thank you both; I enjoyed that very much. I'd like to ask you a question—to either or both of you—about irony, about how we recognize it. Particularly, it may be that irony is just one of those things that you can spot when it's there. But when you both made references to Plato, I was thinking that, with Plato, we can see some ironies, but often they are accompanied by hints. In the *Phaedo*, you get the misology/misanthropy hint, followed by a syllogism and four terms, and you're saying, "No, he's being ironical here." Or in the *Republic*, you get a definition that justice will involve certain particular features, and then by the fifth book, clearly we've got these outlandish waves coming at us. And even in what's expected of the philosopher king, you get two jobs directly contrary to an earlier principle. So for that kind of dialogue, so much in the background of More's *Utopia*, there's a clear statement that there's irony involved—or at least a pretty good hint—and then a very clear dialogical exposition of it. And yet we always pull up short, because even when we interpret the *Republic* dialogically, we love the Divided Line and the Cave and all that, and we don't tend to interpret them ironically; we tend to take it straightforwardly. My question, then, is, do you have a theory, a sense of how we know we're getting irony when we spot it? Do you know of any such hints in More, to let us know *when* we've got it and, on the other hand, when we

should just read it straightforwardly much as we read parts of the *Republic* straightforwardly?

Stephen W. Smith: That's a great question. I remember Molière said, "The providence of Nature attaches to the ridiculous as something that's visible," but that's probably not very helpful.

There must be something about which the author is not ironic. Without that, it would be very difficult to escape from total irony. That would be one thing I would look for. I'm thinking of a great ironic author like Jane Austen: Total irony does not reign because we detect things in the fiction about which she is not ironic. So, that might be one possible approach.

Lehman: In terms of a general principle, I can't say that I could articulate one at present. When I look at the *Utopia* or when I look at Plato, it's usually a constellation of factors related to a particular instance. So a good question to ask oneself is, "How do I see this particular statement in light of the larger whole?" In many cases determining whether a given instance is ironic or not, I think, is going to be a subject of debate. So typically we would just have to enter into a good-natured debate about whether it seems to be ironic or not.

Wegemer: That might be a helpful way of thinking of it—that irony is designed to produce a debate. So I see this; you see that; what's really there?

Nathan Schlueter: What do you make of Hythlodaeus' early protestations that he cannot give advice to rulers, and then, at the end of Book 1, he declares that he actually is on a mission to give the world an image—a *true* image? There's a reversal, in fact, and he's assuming the role of a kind of "super-statesman." I wonder what you think of that, and I want to throw out a hypothesis of sorts. It's very tentative since this is the first night of the conference. There's a kind of "Aristotle vs. Plato" motif running through this dialogue between Morus and Hythlodaeus, a concern with rational, deliberative speech in the political sphere as concerned with the practical application of ideas, and then something getting at metapolitical phenomena, which is ultimately a poetic enterprise, and somehow this book is showing both of those. There is a point at which political discourse relies fundamentally upon a kind of poetry—an image—and those images really are helpful in that first book. Even if they get more and more outlandish, they become opportunities to reexamine and shed light upon political practice that, without imagination, wouldn't be there. I know you've not suggested that Hythlodaeus is just a fool or a foil for More to ridicule and to point out people that like to hear themselves talk. You think that there's something more than that. But I'd like to get your further thoughts on what that "more" is.

Smith: I think that that line that Jeff pointed, where Hythlodaeus says, "you either have no image or you have a false image" at the end of Book 1, indicates Raphael's interest in either providing an image or supplanting and replacing images; so that's certainly a key concern of the book. I do have one other point: the shift in Raphael in Book 1. If we assume that this is a consistent narrative here, a dialogue, then what accounts for the change? I *have* been wondering whether or not Raphael's speech

isn't connected to lack of conscience? In Book 1, especially as the question about taking action—What should I do? Should I serve? Should I do this? Should I do that?—is essentially a question of conscience, which is going to become a key concern of More's later. So I wonder if the decision to discuss Utopia and to provide an image isn't somehow a response of a conscience that's been touched somehow in the dialogue. So I'd like to examine conscience and dialogue.

Lehman: I've written another essay which I'll try, in as much as it pertains, to summarize. Part of what got me interested in taking a dialogical look at the *Utopia* was Plato's *Timaeus* and *Critias*, where we find the tale of Atlantis as told by Critias in two installments—one before Timaeus' long cosmological treatise, and then one afterward. Critias begins there by saying, "Let me tell you a tale which, though passing strange, is yet wholly true." The argument that I make in the paper is that he is telling a story that is "passing strange," in a way, and that's "wholly true," in a way, but not in the straightforward sense of "I'm giving you detailed facts of primeval Athens and Atlantis." In the tale of Atlantis there's a lot of sorting through to be done. Likewise, you have a similar situation with Hythlodaeus in his tale of Utopia. There's definitely truth there, and a great deal to talk about. As the reader enters into Book 2, it's as if More is trying to sharpen the reader's ability to make sound judgments on the different questions at issue in the dialogue. Another similarity that I find between Critias and Hythlodaeus is that they both conveniently remove their regimes beyond the reach of empirical scrutiny. In Plato, it's said that the events related in the tale are 9,000 years old, at least according to one way of tabulating. In addition to this huge temporal distance, we are told that primeval Athens and Atlantis were destroyed by earthquake and tidal wave. So there's not a trace of these regimes remaining; you couldn't find a bit of it if you tried. There is an interesting parallel with Utopia: we move further and further away from anything that anyone could ever test, anything that anyone could ever look at. And so the degree to which he could give his political imagination free reign is great, because ultimately no one can challenge it. Do the people like living in Utopia? You bet they do. Everyone likes living in Utopia, for instance. How could you tell otherwise? And it's not to say that everything he says is wrong, because I don't think it is. It is to say, however, that it's *safe*—it exists outside of the realm of where anyone could really challenge it, *and that's what the reader is challenged to do*. Since they're not doing challenging it within the dialogue, the reader is led to say, "OK, let's do what More seems to be constantly concerned about, and what Morton also is constantly concerned about. Let's bring it back into the real world." In essence, Morton will first say to Hythlodaeus, "Well, we would have to see if that would work *since it's never been tried*." Morton then adds, "I've thought of a way we can actually test these ideas within the existing system of justice." And so Morton makes a small attempt in that direction, and Morus follows suit by asking and trying to bring Hythlodaeus back into the realm of real world politics.

Schlueter: I think it's a very thoughtful comparison, especially given the fact that they both claim, as opposed to the *Republic*, that the regimes they describe are real, instead of just being imaginary and theoretical.

Lehman: Dramatically speaking, the *Timaeus* come right after the *Republic*. In the

opening lines of the *Timaeus*, Socrates says the interlocutors will now see "alive and in motion" the ideal regime discussed in theory in the previous day's discourse. And that something similar is going on in *Utopia* with the unmistakable reference to the *Republic* in Book 1. So both *Utopia* and *Timaeus/Critias* have the discussion of the *Republic* as a backdrop; and both purport to bring a theoretical discussion of the ideal regime into the practical realm.

Michael Foley: Following on the topic of comparing *Utopia* with the Platonic dialogues: one of the dramatic elements that always interested me about *Utopia* is the role that food plays with the three interlocutors. More, for example, meets them after he comes out of morning Mass—he's just been to a sacred banquet. And Book 1 ends with their all having lunch before we get the real skinny on Utopia. And that theme of feasting or not feasting seems to come up in Plato in some ways as well, whether a dialogue is *after* a banquet or the dialogue is *taking the place of* a banquet. Any thoughts on the role that these elements play in *Utopia*?

Lehman: I've made the same observation; but I don't really know what to do with it. In the *Timaeus*, Socrates specifically asks the interlocutors for a feast of words in return for the feast that he has provided the day before. You're right; it's there in Plato's dialogues in much the same way as it seems to be used by More in *Utopia*. I'm fascinated by these details, but I don't quite know what to make of them yet.

Smith: I think in the *Utopia*, the pattern of eating does connect more with food, and the fact that he has to take care of Raphael twice—in the sense of actually feeding him lunch, and then, rather than disputing with him, taking to dinner at the end of Book 2—seems to align More with what we might call the ordinary or the every day, the physical: food. Certainly a work could be described (and I think More does in the second letter to Giles) as something that's *eaten*, with honey on it—the old image. So perhaps there's a connection there.

Travis Curtright: There was a collection of essays put out on the criticism of *Utopia* and that collection was reviewed negatively by *Sixteenth Century Journal*. The reason given was that the introduction never said why one ought to read Thomas More as a political philosopher. It was Cambridge's *History of Great Political Philosophers*. It seems to me that that's a good question, because both of you struck what was referred to as middle ground with regard to how to approach *Utopia*. We have not necessarily dialogical play for its own sake, but for the sake of acquiring some sense of truth within the fiction; not reading in a paint-by-number way, but yet realizing that there could be something at stake here by way of understanding the political imagination at work within the whole. So, for anyone on the panel, does *Utopia* give us an account of the nature of politics as a whole? Or is that not what it is about? And if it doesn't provide an account of politics as a whole, then should we be looking at it as something different, something along the lines of the critics mentioned at the beginning of Professor Smith's talk—the quote by Lewis has a sense of play and exuberance—more of an intelligent man's hobby?

Smith: I've read Lewis's position several times; and I'm struck by the fact that he's an excellent judge, but I think he overstates the holiday spirits case. There are too

many references in the prefatory letters that say that the original audience or intended audience of this book is More's fellow humanists, and I think that, insofar as the humanists were engaged in a kind of project, or if you will, a dream of sorts, this "book of airy nothing," as Shakespeare would say, addressed to the man of new learning, would seem to me to have a profound political significance. That's a first thought.

Lehman: I don't have a definite view on your question, but what I'd say at this point is that it *is* a work of political philosophy because it addresses central questions of political philosophy. Of course it does not outline a definitive position on X, Y, or Z; but it presents key political issues, it brings them forward. The question of whether a philosopher should give counsel to kings strikes me as one of the foremost questions in political philosophy; but that's not my particular area of expertise, so I should probably defer to others who will be speaking later this weekend.

Smith: It may also be that *Utopia* is proto-philosophical, that it's clearing the way. I see that Raphael speaks of false images that are in the way—certainly images in the mind of a city or politics, or things like that, could be a problem. But equally problematic could be the self-image of the reader, or of the thinker, or the would-be councilor, or whatnot. And it seems to me that a fiction like this works to disrupt our "settled sense of the world," as Shakespeare says in the *Winter's Tale*. In that sense, perhaps it's proto-philosophical. I mentioned the image of awakening, or stinging, or shocking—Socrates described himself as the gadfly or the electric fish. I wonder if the *Utopia* doesn't have a playful sting to it, and again, is interested in false images—not only of things outside the self, but of the self-image as well.

Wegemer: Another way of presenting it is to say that *Utopia* sets itself up in conversation with the four most famous works of political philosophy: Plato's *Republic* (*Utopia* dares to claim three times that it surpasses the *Republic*, an unsettling claim.), Aristotle's *Politics*, Cicero's work on political philosophy, and then Augustine's. Through all the issues that are raised in this conversation, we are examining the fundamental problems of human existence.

John Boyle: A slightly different version of Travis's question: Is there anything from Book 1 that a practical person has to learn from this? I'm not asking a political philosophy question; I'm asking, for the person who has practical, on-the-ground responsibility in the world, Is there anything that Book 1 has to teach this person other than, well, maybe listen to a few moonbats like Hythlodaeus to try and sift out something? Is there more than that here?

Lehman: I think there is, in much the same way that there is more than the overtly political in the *Republic*. It has to do not only with order in the city, but with order in the soul. And the same way that these two concerns are present throughout the *Republic*, they're also present in Book 1 of *Utopia* in terms of things like prudence and sound judgment in conversation.

Smith: I've been fascinated as a reader by the context of friendship in the book— this is a book written *among friends*, and both Giles and More try to draw

Hythlodaeus into friendship, into a different kind of discourse. And it may be that that's quite significant. [John,] you asked how an ordinary, practical person could benefit from reading *Utopia*. Well, there's a suggestion that friendship is necessary for human flourishing, and it may be that we can't help but be dialectical. We need other souls. We need conversation. It may be that the book is something like an image of More talking to himself, or an image of thought and deliberating in such a way. But it's in the context of all those letters from his friends, so it's not simply that; it's a work of art addressed to other people in the real world, who are commenting, responding to it, arguing.

Elizabeth McCutcheon: To come back to your question, [Travis,] it seems to me that Book 1 attacks—or reopens—fundamental questions about justice, about the whole nature of law in England, and the analysis of thievery, and of crime and so on. One of the things that some political thinkers have been struck by—and this is the systemic argument that is given—is that you don't solve crime by putting someone in jail. And this is a practical question; you [John] were asking about practical questions—this is a question we see addressed everyday in the newspapers. The same thing with welfare, and that issue pops up all over the place in Book 1: there are the unworthy and the lazy ones just sitting around; and who do you help, and why, and under what circumstances? So I think there's an awful lot of very fantastic political analysis that goes beyond the usual kind of thing. But it does seem to me, along the same lines, that Morus' argument that we have to trim our speech for the audience, or that we can't drop the sails when the ship is about to sink—these are true. On the other hand, if everyone is compromising, how do you effect change? And that's where Raphael's vision comes in. But then, to have the vision you have to somehow be outside the system; but once you're outside of the system, how do you change it? This is another argument that we still go through in academia every day. You've sat on enough committees, right? I've sat on each side of this question. When I was young, I was much more sympathetic to Raphael's side; but then, as an administrator, you know you have to keep going no matter what. So there it is. It seems to me that More has made a very incisive representation of the complexities of the political situation, which does have to go in two different directions, and the complication is how you keep all that in your head.

Political Designs:
The Politics of Utopia:
Classical Influences on More's *Utopia*
Richard Dougherty

I. Introduction

In his undated letter to Peter Giles which serves as a preface to his *Utopia* as a whole, Thomas More mentions two questions he has for Raphael Hythloday, the first being a rather obscure, seemingly insignificant issue about the exact length of the bridge over the Anyder river at the town of Amaurot.[1] More then notes that another problem

> has cropped up—whether through my fault, or Raphael's, I'm not sure. For it didn't occur to me to ask, nor to him to say, in what part of the New World Utopia is to be found. I would give a sizeable sum of money to remedy this oversight, for I'm rather ashamed not to know where this island lies about which I've written so much (5).[2]

Yet, while More does not recall Raphael mentioning where Utopia was, Peter Giles seems to have a different view. In his letter to Jerome de Busleyden, Giles recalls part of the conversation with Raphael, and in particular the discussion of where precisely Utopia is:

> As for More's difficulties about locating the island, Raphael did not try in any way to suppress the information, but he mentioned it only briefly and in passing, as if saving it for another occasion.[3] And then an unlucky accident caused both of us to miss what

he said. For while Raphael was speaking of it, one of More's servants came in to whisper something in his ear, and though I was listening, for that very reason, more intently than ever, one of the company, who I suppose had caught cold on shipboard, coughed so loudly that some of Raphael's words escaped me. But I will never rest till I have full information on this point and can give you not just the general location of the island but its exact latitude—provided only our friend Hythloday is safe and sound (121).

Giles distinctly remembers the discussion of the topic, while More claims that Raphael simply did not mention it, and the discoursers did not think to ask.

Why, though, does More provide us with the discordant accounts of the information provided on the whereabouts of Utopia, and why is he seeking confirmation about the size of this obscure bridge in Utopia? A variety of explanations might be given for More's approach, and this essay will focus on one possibility, to be fleshed out through the analysis of *Utopia*. More, it will be argued, is interested in commencing a dialogue with the classical and medieval tradition of political thought, addressing along the way developments in the tradition that call forth some substantive rethinking of principles or applications articulated by previous authors; one might think, especially, of the emergence of Christianity and new forms of continental thought emerging at the outset of the sixteenth century, as well as the reconsiderations occasioned by the discovery of the New World.

The most readily recognizable and authoritative guide to classical political teaching is, arguably, found in Aristotle's account of the political order in his *Politics*. That is not to say that Aristotle's *Politics* is the most read or most influential classical work on politics; surely we would have to accord that status to Plato's *Republic*. Yet, the *Republic's* attractiveness to the larger audience is in part a function of the character of the text, which is markedly different from the *Politics*. The *Republic*, it has rightly been noted, is well-suited for spirited discussion and late-night debate over double-espressos about a whole range of political and philosophical issues, including, not least, what the final teaching of Plato might be on those issues.[4]

In Aristotle, though, we have what appears on the surface to be a much less far-reaching presentation of the realistic and prudential analysis of political action that might be useful for actual rulers and potential rulers. Not for Aristotle is the talk of philosopher-kings, the community of women and children, the banishment of anyone over 10 years old, and the noble lie,[5] all important features of the city in speech constructed in the *Republic*. What the *Politics* contains, instead, is a careful weighing of options that might be employed in the city as a means to establishing good order, to preserving and maintaining the city, and, indeed, for achieving excellence in the city. It is, in other words, an account of what we might call the science of politics.

But this Aristotelian science of politics is not to be confused with what we in the contemporary world call political science. Modern political science, as found in contemporary universities, is essentially calculus, governed by concerns about voter studies, attitudinal models, coefficients from regression equations; this account can

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[1] This question is brought up here perhaps to signal to the reader the fanciful nature of what is to come, when one reflects on the meaning of the names mentioned. The textual discussion of the bridge in Hythloday's account is found on 45.

[2] All references to the text of *Utopia* are to the Cambridge Revised Edition, edited by George M. Logan and Robert M. Adams; page numbers will appear parenthetically throughout the text (*More: Utopia*, Cambridge: Cambridge University Press, 2002).

[3] It should be noted that Raphael does occasionally raise an issue that only gets fleshed out

subsequently – such as, for instance, the existence of slaves in Utopia, where they came from and what work they perform.

[4] See, on this point, Augustine's critique of Socrates—and implicitly, Plato—in Book VIII of the *City of God*.

[5] Plato's *Republic* 473c-474c, 457c-458d, 540e-541b, and 414b-415d, respectively.

be verified by a quick perusal of almost any mainstream political science journal. Rather, Aristotle's science of politics is a wisdom of politics, the result of steady reflection on the human condition and the nature of the human good. That is, the science of politics takes its bearings from the nature of man, from an understanding of the various elements of human character, and the variegated types of human character that are a result of both nature and convention.

The central questions of political philosophy for the ancients might legitimately be captured in two queries, the answers to which are necessarily intertwined, though not identical: what is the best way of life, and what is the best regime. The latter question, central to the concerns of Plato,[6] Aristotle,[7] and Cicero,[8] among others, is perhaps most clearly and comprehensively dealt with by Aristotle in his analysis of the various regimes in his *Politics*. Most pointedly, in that text Aristotle both critiques the account of others in presenting the best regime (including that by Socrates in Plato's *Republic*), and presents his own version of the best regime in Books VII and VIII of the *Politics*.[9]

In *Utopia*, as many commentators have indicated, Thomas More is clearly imitating the pattern set out in these classical treatments of the regime.[10] Whether we think only of his adoption of the dialogue form as his manner of presentation, of his use of classical names for titles of various people and places, of Utopia's own supposed connection with the ancient Greeks, Egyptians, or Romans, of Raphael's identification with Plato, his love of ancient books, or his knowledge of a wide variety of philosophic schools of thought, it is apparent that the author wishes the reader to be reminded of the great tradition of political regime-analysis. Yet, as we will see, the political characteristics of Utopia bear marks of sharp differences from that found in the writings of classical authors, most notably Aristotle.

We will approach the question of the connection between Utopian policy and ancient thought by closely examining three areas of public life in Utopia, property, war and foreign relations, and form of government, and compare the Utopian practices with those suggested by Aristotle in his analysis in both the *Politics* and *Nicomachean Ethics*.

II. Forms of Regime and the "New Political Science" of Utopia

Raphael Hythloday's narrative account of the government and way of life of Utopia amounts to a monologue which could be understood as an elaborate commercial for Utopia, intended to attract visitors curious about this strange but fascinating project. We are first told about the layout and division of the country, 54 cities in all, but all perfectly identical. This, apparently, was the design of Utopus,

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[6]See, for example, *Republic*, Books VIII-IX.

[7]See the *Politics*, Books III-VI.

[8]See *de re Publica*, Books I-II.

[9]For purposes of clarity, in this essay I will employ the traditional sequencing of the books in the *Politics*, though I will be citing the translation by Peter Simpson, who does not accept the traditional order; he places Books VII-VIII after Book III, so that what is normally Book IV becomes Book VI (*The Politics of Aristotle*, trans. Peter L. Phillips Simpson, Chapel Hill, NC: The University of North Carolina Press, 1997).

[10]See, for example, George M. Logan, *The Meaning of More's Utopia* (Princeton: Princeton University Press, 1983), 131ff.

the conqueror who is referred to as the "city's founder" (46). The first office-holders we are told about are the three "old and experienced" citizens sent each year to Amaurot (the functional capital) by each city, and their function is to "consider affairs of common interest to the island" (43). This body is apparently not the same group later referred to as the senate, as the senate seems to be a local institution, consisting of the "tranibors"—or "head phylarchs"—and their invited "syphogrants" (48). On the other hand, in speaking of the preeminence of the city of Amaurot Raphael mentions that it is acknowledged as superior by the fact that "the other cities send representatives to the senate there" (45).

Over every thirty households (or 1200 people) across the countryside we are told a "phylarch" is "placed"; we later discover that they are elected by the household, but no mention is made of any voting requirements such as age (47). At the end of the introductory section we are told that at the time of the harvest the phylarchs in the country inform the "town magistrates" how many workers will be needed for the harvest; no more is said about these magistrates, though.

In addressing more particularly the officials in the cities of Utopia, Raphael mentions again the "phylarchs" (formerly called the "syphogrants"[11]), who are over the thirty households, and then over every ten "syphogrants" is the "head phylarch" (formerly the "tranibor"). The two hundred "syphogrants" elect the governor[12] by secret ballot, and he holds office for life.[13] The governor, then, is the governor of the city, not of Utopia as a whole; indeed, nothing is said of the existence of such a central ruler; the only hint we get of such a centralized authority is that on occasion some questions are brought before the "general council of the whole island" (48). Within each of the cities, though (with the population of each apparently approaching 100,000 people), the "tranibors" consult with the governor every other day, and constitute a senate, to which they invite two other "syphogrants" to attend with them.

In addition to the senate, there is also an assembly of "syphogrants" who consider all important matters in the city before making recommendations to the senate. Finally, there is a "general council of the whole island" to which questions can be brought, though we are not told anything more about it here; this seems to be the council we have been introduced to already, made up of the three "old and experienced" citizens who are sent once a year to Amaurot by each city. Later the council is said to be responsible for determining shortages and excesses in goods (59), and for receiving foreign ambassadors (61).

What we find in Utopia, then, is a national assembly, which meets annually in Amaurot, made up of representatives from each city, and presumably elected by secret ballot, as are all the officials (98). In each city there is a governor, chosen by the "syphogrants"; 20 "tranibors" who constitute the senate, and chosen from the class of scholars; and 200 "syphogrants" elected by the households. In addition, there are no more than 13 elected priests (with one chief priest), and finally, a class of scholars who are chosen by the "syphogrants" on the recommendation of the priests, a group from which is chosen ambassadors, priests, "tranibors," and the governor

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[11]As George M. Logan points out, though, Raphael goes on to use the older term (47, N. 22).

[12]The governor is known as the Ademus, formerly called the Barzanes (52).

[13]The governor has a life-tenure, "unless he is suspected of aiming at a tyranny" (48).

(52).[14] Finally, we are told of the existence of "town magistrates" (44), but we are not told who they are or what complex function they might have.

Before turning to examine Aristotle's account of the best city, though, we must also recognize a few other characteristics of the way of life of Utopia, for they have a formative relation to the analysis of the offices and structure of the regime. In Utopia, virtually everyone works the farms, alternating duties in rural areas, and everyone learns an additional trade or craft (49). There is a group of slaves in each city, composed of enslaved citizens, foreigners condemned to die in their own cities, and the destitute from other nations who voluntarily choose slavery in Utopia (77-78). Another important aspect of Utopian society, as will be illuminated through our examination of Aristotle, is that the citizens of Utopia fill the ranks of the military, though, as we shall see, they also call upon mercenaries to fight on their behalf.

In Books VII and VIII of the *Politics*, Aristotle provides us with an extended discussion of the principles and practices that would characterize the best regime (or, at least, one might say, a good regime). But since Aristotle has already criticized a variety of proposals for the "best regime" at the outset of Book II, we find fruitful evidence there for how we are to understand more fully his description. By examining his account of the particular character of the best city, we will be in a position to compare or contrast it with the situation in Utopia.

Aristotle begins his description of the city by asserting that the possibilities available to political founders and rulers are limited by various factors that go into the makeup of the city, most especially the "number of citizens and the territory" (1325b39-40). The proper character of the citizen body must be what is considered first, and not just any "chance multitude," but a limit on the extent of the population, for "a great city is not the same thing as a populous city" (1326a23-24).

The population of the city ought not be too large, Aristotle says, as a city of too great size cannot be governed well, for law cannot be made properly in such a case. The best city comes into being when it is "large enough to be self-sufficient with a view to good life in political community" (1326b8-9). While a city can grow in size, there is a point at which it must cease expanding, for the sake of justice. The proper arrangement of law and justice in the city includes judging actions and distributing offices, but that can only be done when a proper assessment of the citizens' character can be made, and that is impossible in a city too large. In addition, where there are "excessive numbers" foreigners can too easily blend with citizens, and unjustly get a "share in the regime" (1326b20).[15]

Aristotle's second major consideration in this context is the territory of the best city, both in terms of quantity and quality. The territory should be large enough to be self-sufficient, providing a bounty that will allow the inhabitants to live "a leisured life with liberality and moderation combined" (1326b30-31).[16] The territory should be easy to defend, possess good means of transporting goods, and have access to the sea at a point somewhat remote from the city itself, the latter so as to improve trade possibilities and to allow for military engagements by naval power.[17]

Aristotle next turns to an extended analysis of the character of the citizenry, including the various classes and office of the citizens, and we will see that we have immediate grounds here for assessing the cities in Utopia in light of his considerations. The primary consideration for Aristotle is that there be a shared life of virtue among citizens, or "those engaged in politics" (1328a17)—that is, those who will share in rule in the city. But that commonality does not mean that there will be no significant differences between and among the inhabitants, for there are numerous things that the city must have in order to be self-sufficient and make leisure possible. At this point, then, Aristotle introduces the six "works" that must be found in the city: food, arts, arms, commodities, "care for the divine, which they call priesthood," and judgment about interaction among the people (1328b6-14). In order to meet these requirements, the city must have farmers, artisans, soldiers, the "well-off," priests, and judges (1328b18-21).

But when Aristotle considers how the city is going to provide such different classes, he makes it clear that the citizens are not to be in the first two classes, of farmers and artisans. The citizens will be warriors, but only when young, and then can become judges when older; thus, they can perform both functions, but at distinct stages. Finally, citizens will constitute the well-off and, in their old-age, the priesthood. In Aristotle's best city, then, the work of the unleisured classes will be in production, but citizens must possess leisure, "both for the generation of virtue and for political activity" (1329a1).

The city that is nobly governed, Aristotle holds, must see to it that the "mechanical or commercial way of life" is not followed by its citizens, for such lives are "low-born and opposed to virtue" (1328b38-39), and thus do not allow for being "just simply" (1328b37). The citizens ought not be farmers, either, for that life makes the life of leisure impossible, and leisure is necessary for "the generation of virtue and for political activity" (1329a1). The warring body and the "part that deliberates" in the city are to be made up of citizens, and, indeed, "our regime must be handed over to both groups," but the ranks of the two groups are not filled by the same citizens at one and the same time (1329a12-13). Power exists in the younger, and prudence in the older, and so dividing the two according to their character is the proper delineation -- those who now fight on behalf of the city know that their turn to rule will come later.[18]

Once we have recognized the necessity of distinguishing classes in this way, we will readily see the necessity of dividing up property so as to achieve the desired end. Thus, property must be in the hands of citizens, if they are to pursue the acquisition of virtue, while the farm labor is undertaken by "slaves or barbarians or serfs" (1329a33).[19] Territory should be owned by the citizens, the "common" part of the

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[14]I mention the class of scholars here because although they are not yet officials of Utopia they are an elected group; some scholars, but not all, will later be chosen for the various offices.

[15]On the question of population in the city for Aristotle, see Mary Nichols, *Citizens and Statesmen: A Study of Aristotle's Politics* (Savage, MD: Rowman and Littlefield Publishers, Inc., 1992; 137-139).

[16]We will discuss Aristotle's concern about the groundwork for moral virtue in the city later, in connection with the question of property.

[17]Both trade and naval power should be limited, but may also be necessary for the survival of the city; see Nichols on the possession of a port and self-sufficiency (*Citizens and Statesmen*, 140-142).

[18]Simpson suggests that by such a division Aristotle avoids the problem of Carthage (1273b8ff.), since rule is spread around in the "whole mass of citizens," and avoids the problem of Plato's *Republic* (1264b6ff.), since he is not left with a permanent class of soldiers who will forever be excluded from ruling (*A Philosophical Commentary*, 222).

[19]Aristotle discusses the make-up of the slave class at 1330a25-32; the slaves should neither all be from the same race, nor spirited.

property being devoted to the gods and to providing for common messes, and the "private" should be partly in the city and partly near the border, so that there is a common interest in protecting the city from invasion (1330a9-18).[20]

In sum, Aristotle's description of the arrangement of the best city in this extended passage of the *Politics* is less detailed than the account Raphael gives us of Utopia, especially in terms of the structure and terms of the offices of the city. Aristotle does not talk here about the question of national versus local rule, he does not discuss the length of the tenure of office in the best city, nor does he consider here the various institutions and their function in the city.[21] But Aristotle does discuss some principles of just rule that will allow us to begin an assessment of Utopia's practices.

In the first place, and perhaps most importantly, Aristotle clearly separates the productive role in the city from the work of citizens, relying instead on slaves or barbarians to perform such tasks. The purpose of dividing up such responsibilities, in Aristotle's consideration, is that effort required for the adequate completion of the menial tasks does not allow for the leisure that is necessary for the cultivation of virtue, though the things produced are themselves necessary for the city.[22] There should thus be classes in the city which are reserved for citizens, and from which the productive classes are prohibited -- thus we have the military, the well-off, the deliberative part and the priesthood. The result of distinguishing these classes, we discover, is also to distinguish between and among the citizens themselves. Other factors, such as the possession of property and the conduct of war, will be dealt with successively.

Raphael's defense of the Utopian practices in regard to farming, given the fact that the Utopians almost all participate in production, would likely be that the burden for farming is broadly shared by the citizens, so that none are overwhelmed by the work. In addition, even when they are involved in production, he argues, they are so economical in their efforts that they never work more than six hours a day, leaving an adequate amount of time through the day to pursue the leisure that Aristotle suggests is necessary for the cultivation of virtue.[23] (This would include, in Raphael's account, the freedom to continue their education, attend lectures, etc.) Whether such an arrangement would satisfy Aristotle's strictures for the city would be a matter for fruitful discussion, especially when one considers that the Utopians all take up some other trade or craft to keep them occupied even when they are not farming.

Another component of Aristotle's analysis that we might reflect upon is the form of the regime itself as a whole, and how we might classify the Utopian schema. Aristotle's most famous account of the variety of regimes is in Book III, Chapter 7 of the *Politics*; there Aristotle delineates six forms, three correct ones and three corrupt (1279a222-1279b7). In the subsequent discussion of the forms, though, he engages in an extended consideration of the rightful claims to rule. Without canvassing all of the alternatives he entertains, we might consider two matters in particular, his concern with the rule of law and his final analysis of the best regime.

The desirability of the rule of law is recognized when one thinks of the inherent difficulties of human rulers, in that they typically do not possess the "reasoned account of the universal," and that they must overcome the susceptibility to rule by passion. When law rules, on the other hand, you establish the primacy of passionless reason, and the law itself addresses the universal. The limitation of the rule of law, though, is that by its very nature it cannot be "relative to actual circumstances," thus limiting the extent to which one can rule prudentially, and "ruling according to written prescriptions" is a foolish enterprise (1286a7-19). Still, if a human were to endeavor to rule in the absence of law, he would really need to be a legislator, meaning he would have to take the place of a legislature. In Utopia, we find a regime that is governed by almost no laws (37, 82), and yet, according to Raphael, is extremely well-governed, though not by one ruler. But, though there are reportedly few laws, there are numerous customs and regulations, and many instances where social pressures are brought to bear upon the citizens, leading them to act in a manner beneficial to the city.

The second significant point Aristotle makes in this context is found in his summary account of Book III, in which he identifies the kingship or aristocracy as the best regime. This best regime is found, he tells us, "where either some one man among all or a whole family or a multitude is surpassing in virtue, and where some are able to be ruled and others to rule, with a view to the most choiceworthy life" (1288a33-36). Kingship and aristocracy are candidates for the best regime, but not polity, or the third of the "correct" regimes, in which the multitude govern for the common advantage (1279a36-38). The reason why polity is excluded from the options for the best regime is presumably what Aristotle says when he introduces it, that "it is hard for a larger number to reach perfection in every virtue," which one would have to do to be the best. Typically, he suggests, the many are most likely going to be good at military virtue, and thus in polity those possessing arms will control (1279b1-3). The Utopians' response to this judgment would likely be that Aristotle dismisses too quickly the possibility of universal virtue, and that the way of life of Utopia justifies their claim (or Raphael's claim) to be a superior regime. While Aristotle may hold the view that the many will not be the virtuous, the Utopians would respond that their scheme of government and society promotes the life of the fullest virtue, and not just military virtue or commercial "virtue" — though it does those things as well.[24]

Aristotle does point out a problem for regimes that arises when someone of outstanding virtue appears in the city, for it would not be right to either expel him

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[20]More will be said about the appropriate ownership of property in Aristotle in the next section of the essay.

[21]Aristotle does speak at great length about the role and substance of education in the city, but we will have to leave the assessment of Utopia's educational practices according to these criteria for another occasion.

[22]Thus, as Mary Nichols points out, Aristotle seems to make a concession to the necessity of trade by allowing for a port in the city, though at a distance from its center (p140-2). In Book III, Aristotle has argued that the city needs property owners as well as justice and military virtue, for, he claims, "[w]ithout the former a city cannot exist; without the latter it cannot exist nobly" (1283a21-22).

[23]See the discussion of Utopian practices on 50, and 63ff.

[24]Here we are reminded of Pericles' claim (in the "Funeral Oration") that the Athenians were the best at everything, including the one thing the Spartan formation aimed at — military virtue. The conclusion of his praise of Athenian military virtue indicates its superiority to Sparta: "And yet if with habits not of labor but of ease, and courage not of art but of nature, we are still willing to encounter danger, we have the double advantage of not suffering hardships before we need to, and of facing them in the hour of need as fearlessly as those who are never free from them" (Book II, Section 39.4, *The Landmark Thucydides*, ed. Robert B. Strassler [New York: The Free Press, 1996], 113).

or rule over him, for that would be like ruling over Zeus; rather, he suggests, the people ought to "obey him gladly," and make him "perpetual king" (1284b25-32). If we think of the arrangement in Utopia, one might imagine that the governorship of the city might be given to such a superior citizen, but that would make him only one of 54 governors in Utopia, and there is no sense that he would not be sharing rule with others.[25]

III. War and Foreign Policy

Toward the end of his discussion of slavery in Utopia, Raphael addresses the foreign policy of the Utopians, and makes mention of the fact that they never enter into treaties with other nations (83).[26] Having been informed at some length of the wealth and power of Utopia, we might be led to think that there is no need for the Utopians to enter into such arrangements. But what Raphael tells us instead is that the Utopians think that men should be friends, and not have to rely on artificial bonds to unite them. Experience has taught men "in that new world" that governments cannot be trusted to abide by their word, and they will always look for some way of interpreting the language of the treaty so that it benefits them to the exclusion of the other signatories (84).[27] The result of this experience is that men have been led to think that justice is in fact something of an illusion, or that it is only a salutary teaching meant for plebeians, but not binding on kings or princes.

One important aspect of this argument is the attention Raphael gives to the Utopian's supposed appreciation for friendship. The Utopians, we are told, would think it bad to rely on treaties even if they could count on them being adhered to, for treaties suggest natural distinctions between and among people, belying the Utopian presumption that no such natural differentiation exists. Raphael notes that the Utopians see that "treaties do not really promote friendship," as both parties can manipulate the language in their favor. The connection between a common bond and the promotion of friendship is a central part of the classical concern with polity; there good laws are typically spoken of as the essential foundation for friendship. For example, in Plato's "Seventh Letter," he notes that his own unwillingness to

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[25]One might think here of Lincoln's description of the superior ruler, who would not be content with a seat in Congress, a gubernatorial position, or the presidency: "Many great and good men sufficiently qualified for any task they should undertake, may ever be found, whose ambition would inspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; *but such belong not to the family of the lion, or the tribe of the eagle*. What! think you these places would satisfy an Alexander, a Caesar, or a Napoleon?__Never! Towering genius disdains a beaten path. It seeks regions hitherto unexplored.__It sees no distinction in adding story to story, upon the monuments of fame, erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and, if possible, it will have it, whether at the expense of emancipating slaves, or enslaving freemen." *Abraham Lincoln: Speeches and Writings, 1832-1858*, ed. Don E. Fehrenbacher (New York: Literary Classics of the United States, 1989), 34; emphasis in original.

[26]Though later we are told that they keep truces "religiously," such that they will not break them even if provoked (92).

[27]Of course Utopia is not really a "new" world, except in the sense of the revelation of its existence by Raphael; we are told that it had cities "before there were even people here" (39), and that its historical records go back 1,760 years (46).

involve himself in politics in Athens was directly related to the defect of the regime, a defect most readily recognizable in the absence of good laws.[28] The defective nature of the laws, he tells us, made it impossible to find sufficient friends with whom one could engage in useful political action. Similarly, Aristotle in the *Nicomachean Ethics* devotes a considerable amount of attention to the importance of friendship in the life of virtue.

> It would follow, after these things, to go through what concerns friendship, since it is a kind of virtue, or goes with virtue, and is also most necessary for life (1155a1-3).[29][...]And when people are friends there is no need of justice, but when they are just there is still need of friendship, and among things that are just, what inclines toward friendship seems to be most just of all. And friendship is not only necessary, but also beautiful, for we praise those who love their friends (1155a26-29).[30]

After having commented on the absence of treaties in the foreign policy of the Utopians, Raphael turns in the next section of the text to a description of their military practices.[31] Herein he considers the causes which compel the Utopians to go to war, their conduct in war, and their deployment of mercenary armies.

Raphael commences the formal discussion of military practices by noting that the Utopians "despise war" and would like to refrain from it altogether, and relates the conditions they put on going to war:

> [T]hey enter a conflict only if they themselves have been consulted in advance, have approved the cause, and have demanded restitution, but in vain, and only if they are the ones who begin the war (85).

And yet Raphael gives us a catalog of justifications the Utopians use for going to war, and the list appears to be fairly expansive:

> [T]hey go to war only for good reasons: to protect their own land, to drive invading armies from the territories of their friends, or to liberate an oppressed people, in the name of compassion and humanity, from tyranny and servitude. They war [he adds] not only to protect their friends from present danger, but sometimes to repay and avenge previous injuries (85).

The rather expansive justifications for war are not in fact new revelations from Raphael, for he had earlier remarked on the Utopian practice of planting colonies when the population grows too large for the cities. There he noted that the excessive Utopian population moves to the mainland, and inhabits "unoccupied and uncultivated land" that foreigners have left idle. Sometimes natives come and live

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[28]*The Collected Dialogues of Plato, Including the Letters*, ed. Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1961), 1574-6.

[29]Aristotle, *Nicomachean Ethics*, trans. Joe Sachs (Newburyport, MA: Focus Publishing, 2002), 143.

[30]*Ibid.*, 144.

[31]Presumably the connection between the two issues is that when treaties do not work, when your relations with foreigners break down, you will have to be able to rely on your military—hence Utopia has thought about the matter and tended to it.

with them, and they share the same customs.[32]

> They think it is perfectly justifiable to make war on people who leave their land idle and waste yet forbid the use and possession of it to others who, by the law of nature, ought to be supported from it (54).

Raphael apparently finds this a rather unremarkable claim, as he passes over it without editorializing on its importance for understanding the foreign policy outlook of the Utopians, or commenting on the relation of such a principle to the accepted premises of international law.[33]

The consideration of the criteria that the Utopians think must be met before they will embark on war ineluctably remind the reader of the principles of the "jus ad bellum" strain of the just war tradition,[34] though with some important differences in emphasis. One issue that would have to be addressed in this context is what Raphael means by saying that the Utopians only go to war "if they are the ones who begin the war" (85), for he offers no explanation of this practice. He might be referring here to wars of an offensive nature, fought in their own defense or in defense of allies; more likely, he means the Utopians will take the lead in fighting wars on behalf of allies, rather than entering a conflict someone else has already begun.

As far as the conduct of the war itself goes, Utopia relies on volunteers for its military, and allows—indeed, encourages—women to accompany their men on military expeditions, with the thought that if a man is surrounded by his relations he will fight more forcefully. This view is reinforced by the social pressure of reproaches that are brought to bear upon those who return home without their spouse (90).

There are some rather unusual practices the Utopians engage in during war, perhaps most especially their deployment of the mercenary "Zapoletes," a "rude and fierce" people who are "born for battle" (88). The Zapoletes are hired out by Utopia because they are the best at what they do, though they are the "worst possible men" (89). And because the Zapoletes are so merciless and willing to put themselves in the greatest danger for pay, many end up getting killed in battle, but the Utopians have no remorse for that fact; indeed, Raphael tells us, the Utopians "think they would deserve very well of mankind if they could sweep from the face of the earth all the dregs of that vicious and disgusting race" (89).[35]

There are additional peculiar aspects of the Utopian approach to war, including their praise for victories won by guile (wherein they celebrate the "manly and virile bravery" of the human intellect), and the promotion of assassination and bribery, the fomenting of conspiracies among the enemy, and laying ambushes (86-91).[36] The animating principle behind these practices, as with the employment of the Zapoletes, seems to be to spare the lives of innocents, among both the Utopians and their foes. As Raphael describes it:

> They pity the mass of the enemy's soldiers almost as much as their own citizens, for they know common people do not go to war of their own accord, but are driven to it by the madness of princes (87).

The purported Utopian disdain for bloodshed is the motivation for avoiding the unnecessary deaths that would result from full-scale warfare, so (almost) any attempt to settle disputes through other means would have to be legitimately considered as a viable alternative.

It is precisely the avoidance of war that Raphael suggests is most notable about Utopian practices. The Utopians are remarkably well prepared to fight, and that often is enough to discourage foreign attacks.[37] In addition, they presumably have a regular corps of spies, as they seem to have advance knowledge of impending attacks (92). Finally, Raphael tells us, they are intensely aware of the practical dangers of relying on mercenary or auxiliary troops, and thus there is no "necessity so great" that they will allow auxiliaries on the island (92).[38]

We have already seen above part of the Aristotelian teaching on warfare, especially as it concerns the makeup of the military, from which Aristotle excludes the citizens. That choice will, of course, require that the city depend on others to do the fighting for them, and thus seems to necessitate relying on those very groups that the Utopians are wary of, mercenaries and auxiliaries.

IV. Property Ownership and Utopia

The Utopian view of property is certainly one of the most notable principles found in our text, and is controversial even there. At the end of the day, as he finishes his account of Utopia, More allows Raphael the opportunity to retire to supper without raising his doubts about the relative virtues of the Utopians' practices. More says that he thought many of the laws and customs "really absurd," and these included

> their methods of waging war, their religious practices, as well as other customs of theirs; but my chief objection was to the basis of their whole system, that is, their communal living and their moneyless economy. This one thing alone utterly subverts all the nobility, magnificence, splendour and majesty which (in the popular view) are the true ornaments and glory of any commonwealth (106-07).

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[32]Raphael also says that they share these things "much to the advantage of both," but does not elaborate on what, for instance the Utopians might have to learn from these foreigners, who have never lived on this land.

[33]In a textual note Logan points out the pedigree of the position, and observes that "[s]imilar arguments were applied to colonisation of the New World" (54n40).

[34]For a helpful and clear summary account of the traditional understanding of just war principles, see the discussion in James Turner Johnson, *Morality and Contemporary Warfare* (New Haven: Yale University Press, 1999), 8-40.

[35]As Logan points out in a note, "How the Utopians reconcile their employment of the Zapoletes with their aim of minimising bloodshed and plunder in war is unclear" (89n106).

[36]On the morality of setting ambushes in war, see St. Thomas Aquinas, *Summa Theologica* II-II.Q.40, Article 3: "Whether it is lawful to lay ambushes in war?"

[37]We are told that both men and women carry on vigorous military training" (85); later we are reminded of this attention to military training (103).

[38]This concern for mercenaries or auxiliaries is one of the central teachings of Machiavelli in *The Prince*; see Chapters XII-XIV. On this point, see Leo Paul de Alvarez, *The Machiaveliian Enterprise: A Commentary on "The Prince"* (Dekalb, IL: Northern Illinois University Press, 1999), 55-71.

Raphael's praise for the community of property, however, is very much the first principle of Utopian policy; as he states in Book 1, "wherever you have private property, and money is the measure of all things, it is hardly ever possible for a commonwealth to be just or prosperous" (37). In this context he praises Plato, "[w]isest of men," who "saw easily that the one and only path to the public welfare lies through equal allocation of goods" (37).[39] But that equality, Raphael acknowledges, "can never be achieved where property belongs to individuals" (38), and the life of superabundance among the Utopians is intrinsically linked for him to the rejection of the practices of countries in the "old world," where the many were destitute and only the few possess "the good things of life" (37).

In Book 2 Raphael first speaks of the communism of Utopia in the context of describing the character of cities, where people move in and out of their homes routinely, and exchange their houses by lot every ten years (46); so, he says, "there is nothing private anywhere." And though the Utopians only work six hours a day, they produce more than enough to satisfy the needs of the people, because virtually everyone works and they produce only "those commodities that nature really requires" (51). The fact that almost everyone is put to work in production is a matter of real consequence for Raphael, as he laments the fact that in other countries (his own included, we presume), so many people are left out of the labor pool -- women, for instance, and the "great lazy gang of priests and so-called religious," the rich, and "lusty beggars" (51). Because the Utopians all work, and they are well disciplined, they can easily produce "all the goods that human needs and convenience call for—yes, and human pleasure too, as long as it is true and natural pleasure" (51). In addition, the Utopians have severely limited needs, for their homes are well built and so require little maintenance, and their clothing is simple and sturdy (their work clothes last seven years, and people wear the same cloak for two years; p 52-53). Food is plentiful, which removes the temptation to steal, Raphael asserts, and no one is left in want.[40]

In response to Raphael's initial assertions about private property in Book 1, More immediately calls into question the premise of Raphael's assertion about property, and provides something of the argument that he explicitly foregoes at the end of Book 2, when Raphael has finished his more elaborate narrative of Utopian practice. The basis of More's objections, as George Logan points out, is derived from Aristotle's *Politics*, in the passages in Book II critical of the principles at the heart of the founding of the city in Plato's *Republic*.[41] We will now turn our attention to that critique.

In Book II of his *Politics*, Aristotle sets out to criticize the structure and intention of the regime described in the *Republic*. The exaggerated unity of the "city in speech" of the *Republic* is impossible and undesirable, Aristotle argues, for a city is not simply one but made of "human beings who differ in kind" (1261a23). After cataloguing the various defects of the community of women and children, Aristotle turns in Chapter 5 to the problem of common property, a question which he suggests might be considered apart from the question of the community of women and children.[42] If citizens are to do the toiling, he asserts, then the community of possessions will be the cause of great strife, for some will complain that others are taking more than their share but not contributing an equal amount of work. As Aristotle says, "it is a hard thing to live and share together in any human matter, but especially in matters of this sort" (1263a14-15), where in close quarters matters of justice and equality become paramount.[43] It would be much better, he suggests, if we could combine good character and good laws, providing the benefits of goods possessed both privately and in common:

> For possessions must in a way be common but as a general rule private, because when the care of them is apportioned out, it will not be a cause of complaints but rather will lead to greater improvements, as each applies himself to his own, while, when it comes to use, virtue will ensure that, according to the proverb, "the things of friends are common" (1263a25-29).[44]

There are some cities that point in this direction of the right perspective on property, where citizens possess private property but make some useful to friends and the rest is treated as common.

Aristotle adds an important note to this discussion, a note which at first seems innocuous, but turns out to be of primary importance. Regarding something as one's own is pleasurable, he notes, and there is nothing inherently defective about such love; it may deteriorate into self-love, which is "rightly blamed" (1263b2), but the rightly ordered love of self is legitimate, and natural. More importantly, for our purposes, Aristotle then says that doing favors for others "is a thing most pleasant, and it requires private property" (1263b6). If and when the city becomes too great a unity, and thus not really a city, in Aristotle's view the citizens are deprived of the possibility of engaging in two virtues, moderation in respect of women and liberality, "since the work of liberality exists in the way one uses one's possessions" (1263b12).

This latter concern is the one that invites our consideration, and to do justice to Aristotle's account it would be beneficial to refer to the argument of the *Nicomachean Ethics*, in the context of his description of the various virtues. There Aristotle considers liberality (or generosity) and magnificence, both virtues having to do with spending for others, and especially for the common. The difficulty is that such spending requires the possession of property to spend, and without it one cannot

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[39]Earlier More had recognized Raphael's affinity for Plato, when he notes that "your friend Plato" taught the need for a philosopher-king (28).

[40]In a later passage, somewhat curiously, we are told that at meals the elders, when they are so inclined, "give to their neighbors a share of those delicacies which are not plentiful enough to go around"; where these delicacies come from, what they are, or why they are not plentiful themselves we are not told (57).

[41]39n89.

[42]I mention this fact because while Utopia does have common property, it does not have a community of women and children.

[43]That is why the example Aristotle employs here to show the jealousies that come to characterize human companionship is that of fellow travelers, who, he says,"split up over quarrels about small everyday matters" (1263a18-19).

[44]On the question of friendship and virtue, see the opening of Book VIII of the *Nicomachean Ethics*: "And when people are friends there is no need of justice, but when they are just there is still need of friendship, and among things that are just, what inclines toward friendship seems to be most just of all" (1155a26-29). On the attachment to "one's own" as a problem for the communism of the family, see *Politics* 1262a1-13.

undertake the actions that are the substance of the virtue. As he puts it in describing magnificence,

> one who spends money in small or moderate outlays in proportion to their worth, such as the one "often giving to a wandering beggar," is not called magnificent, but only someone who does so on big things. …Hence, a poor person could not be magnificent, since there is no property out of which such a person could spend appropriately. …[while] magnificence is appropriate to those who have such means… (1122a26-29; 1122b27-32).

The very performance of acts of virtue, then, requires what might be called "equipment" in Aristotle's view,[45] and thus the possession of property is essential to achieve a mastery of the life of virtue.[46] In the absence of such possessions, one is left incapable of embodying the fullness of moral virtue.

Aristotle makes one final comment in this passage from Book II of the *Politics* which bears strongly upon our considerations. Many are attracted to the vision of communism because they like the thought of harmonious living, thinking as they do that the cause of evil in society is the absence of common property. But, Aristotle contends, the existence of lawsuits, perjury and flattery are not byproducts of private property; rather, he says, these things come about through the "depravity" of men. We are misled on this point because there are so many more who possess property privately than do so in common, and so the former gets more attention. Also, we must think about the extent to which the community of property will be without blemish, for "justice requires one to say not only how many evils but also how many goods those who share together will be deprived of. Their life, in fact, seems altogether impossible" (12633b24-26). It is insufficient, then, even to point out the flaws in the policy of allowing ownership of private property, without recognizing that many good things would be abandoned.[47]

In a subsequent passage in Book II of the *Politics*, in the course of treating Phaleas of Chalcedon, Aristotle points out that one seemingly positive effect of eliminating private ownership of property is that doing so can prevent faction. But, he acknowledges, that is not a matter of "great significance" (1267a40). What will occur as a result of abolishing ownership that might be significant, though, is that "the refined sort would get annoyed on the ground that equality is beneath their dignity," and the danger this could cause is precisely "factional strife." And, because "the wickedness of human beings is insatiable," and the nature of human desire has no

limits, so the propertyless will always be seeking to improve their situation at the expense of others.[48] Rule in this environment thus consists "not so much of leveling possessions as of providing for the respectable to be by nature such that they do not want to get more and for the base that they cannot" (1267b6-8). But that cannot be accomplished, he seems to be suggesting, without allowing for private property.

The defects of abolishing private property in the city, then, in Aristotle's view, include the fact that it denies the natural love of one's own, it denies the opportunity for practicing the virtues of moderation and liberality, it does an injustice to the "refined sort" of men who are not going to be satisfied with equal distribution, and the attack on private property is fundamentally based on a misunderstanding of the root problem it is intended to address, which is human depravity.

This last consideration must loom large in any analysis of Raphael's encomium to Utopian practice; the rationale for allowing or promoting private property, in Aristotle's view, is that any other approach reflects a crimped, and misguided, vision of human nature.[49] It is in the nature of desire, Aristotle tells us, to "have no limit," and, he notes, "satisfying desire is what the many live for" (1267b3-4).

V. Conclusion

> But it is pointless to spend time discussing and giving detailed accounts of such matters, for it is not hard to think them through: what is hard is to create them. To speak about them is a work of prayer, but whether they come about is a work of chance (Aristotle's *Politics* 1331b18-21).

Thomas More's concern with what we might call the "science of politics" in *Utopia* compels us to think about later modern treatments of the question, especially as they might reflect on the experience of western liberal democracy. In one sense, we may say that More sets the stage for analyzing some of the important developments of modern political science, though he may not be the founder of that new science—that honor will have to go to his contemporary, Niccolo Machiavelli, for reasons we might explore further subsequently. But we do find in *Utopia* a serious confrontation with many of the issues which become central to the development of the new political science. We might preliminarily suggest that this occurs because More's probing mind sees the trajectory of that development, and this leads him to foresee many of the concerns of the modern political order even before that order comes into full flower.

One important modern development in this area is the argument forwarded by Publius, the author of the *Federalist Papers*, in response to the charge that republican government simply has not worked historically, that the desired combination of freedom and order is a chimera, and that liberty results inevitably in anarchy and thus must be sacrificed for the sake of stability. Publius at first suggests that there are historical examples that ameliorate the charge, but then admits that there is a

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[45] See, for example, the *Politics* VII.13: "Now it is manifest that everyone desires happiness and to live well, but some have the ability to attain it while others, because of some stroke of fortune or nature, do not (for noble living also requires equipment…)" (1331b39-41).

[46] Peter Simpson notes that some have tried to argue that moderation concerning women and liberality can still be practiced under communism, though he finds the arguments unconvincing (*A Philosophical Commentary on the Politics of Aristotle* [Chapel Hill, NC: The University of North Carolina Press, 1998], 86-87, and note 27).

[47] See St. Thomas Aquinas, *Summa Theologica* I-II.Q.91, Article 4 on the consequences of attempting to punish as criminal every human sin or failing: as Augustine says (*De Lib. Arb.* [*On Free Choice of the Will*] I, 5,6), human law cannot punish or forbid all evil deeds: "while aiming at doing away with all evils, it would do away with many good things, and would hinder the advance of the common good, which is necessary for human intercourse."

[48] So, Aristotle says, when politicians commence handing out favors to the people, the demand will always be made for more, "and so it goes on without limit" (1267b2-3).

[49] In the Appendix to this essay, for comparative purposes, is included an extended analysis of St. Thomas Aquinas' treatment of private property from the "Treatise on Law," wherein he employs Aristotle's principles to assess the wisdom of the Old Law's prescriptions on the ownership of property.

good bit of truth to the complaint. Indeed, he suggests, we might be led to abandon the cause of republican government were it not for the fact that there have been ample improvements in the "science of politics." As he puts it in *Federalist* 9:

> If it had been found impracticable to have devised models of a more perfect structure, the enlightened friends to liberty would have been obliged to abandon the cause of that species of government as indefensible. The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients.[50] [...T]hese are wholly new discoveries, or have made their principal progress towards perfection in modern times.[51]

It is precisely these improvements in the science of politics that now make possible the success of republican government, Publius argues.[52] Only reflection on the structure of a civil society grounded in principles of liberty and equality will provide the understanding necessary for the development of institutional arrangements necessary to secure that liberty and lay the groundwork for that equality.

In *Utopia*, it has been suggested, Thomas More is more concerned about institutional analysis than others of his period.[53] Humanists had especially focused on character, not the arrangement of power that is established in the city. More's focus on the practices of the Utopians may very well lead, then, to greater attention to the moral implications of the law—that is, to the view that the law does in fact regulate morality. This can certainly be seen when we reflect on Raphael's defense of Utopian practices, whether it be in regard to war, property, punishment, or a host of other matters. In addition, such a focus on the nature and importance of the political order calls the reader back to a tradition of thought in which institutional or regime analysis is a central concern. To the extent that More, or Raphael, compels us to attend to matters of political order, we are led to rethink or reconsider that older tradition, embodied to some extent in Plato's *Republic*, but most noticeably and clearly in Aristotle's *Politics*, Cicero's *de re Publica*, and in the revival of Greek though in the Renaissance. In Book II especially we are drawn to this consideration by Raphael's discussion of the books of philosophy that he brought with him, and which were so quickly and thoroughly devoured by the Utopians; what is peculiar about this is that the Utopians were visited, we are told, by an earlier group of Romans and Egyptians, from whom they learned so much about the technological advances of the West. Yet, we later discover that they have had no exposure to western philosophy or literature (75). What, we might ask, explains this peculiar situation? Why would the Utopians not know about western philosophy when they have already received such visitors? Does this tell us something about More's view of the contributions of Rome and Egypt to western civilization, opposed to, say, the Greek contribution? These question could lead us to a reconsideration of More's— or Raphael's—larger political concerns.

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[50]*The Federalist Papers*, ed. Clinton Rossiter and Charles Kesler (New York: New American Library, 1999), 67.

[51]*Ibid*.

[52]Publius does not here address which of the principles are old and which are new, or which are improvements over the ancient understanding.

[53]George M. Logan, *The Meaning of More "Utopia"* (Princeton UP, 1983).

Theological Designs:
Religion in Utopia
John Boyle

As with so many aspects of life in Utopia described by Hythlodaeus, the practice of religion becomes odder and odder with greater attention to it.

One of the first things to strike a reader about the religion of Utopia is its reasonableness. Hythlodaeus describes the attributes of the Utopian god in this way:

> They believe in a single divinity, unknown, eternal, infinite, inexplicable, beyond the grasp of the human mind, and diffused throughout the universe, not physically, but in influence. Him they call their parent, and to him alone they attribute the origin, increase, progress, changes and ends of all things; they do not offer divine honours to any other.[1]

As any educated Christian reader of More's day would recognize, these attributes are all known to human reason. This official religion of Utopia is a religion a philosopher could subscribe to. It is clearly distinguished from superstition, that is, from religion based on the worship of nature or of heroes.

At the same time, the Utopians are a religiously tolerant people. While there is an official religion whose priests are part of the governance of the island, superstition is tolerated; indeed, Utopus suggested that variety in religion is, in itself, a good thing.[2] Thus the citizens of Utopia are free to worship as each sees fit. This is, perhaps especially to moderns, an attractive feature of Utopia. But as with so much in Utopia, things are not exactly as they seem. More pushes us to think more deeply.

Consider Christianity in Utopia. Hythlodaeus and his companions have brought Christianity with them. Unfortunately, a new convert is over zealous. Hythlodaeus reports:

> As soon as he was baptized, he took upon himself to preach the Christian religion publicly, with more zeal than discretion. We warned him not to do so, but he began

to work himself up to a pitch where he not only set our religion above the rest, but roundly condemned all others as profane, leading their impious and sacrilegious followers to the hell-fires they richly deserved. After he had been preaching in this style for a long time, they arrested him. He was tried on a charge, not of despising their religion, but of creating a public disorder, convicted, and sentenced to exile.[3]

Hythlodaeus concludes his story of the convert and his punishment with this comment about the Utopians: "For it is one of their oldest rules that no one should suffer for his religion" (97). What is one to make of this rule stated at precisely this moment? Hythlodaeus takes it, as the Utopians take it, that the Utopians were suffering – at least made uncomfortable – by the over-zealous preaching of the new convert. Of course, such discomfort is not permitted in Utopia for – according to the rule – no man should suffer for his religion. And so to restore right order, the Christian is sent into exile. For the Utopians he does not suffer for his religion, but for disturbing the peace.

Thomas More has made the overzealous Christian obnoxious; as Christians can sometimes be. But is the problem really simply his obnoxious zeal? Or is there, perhaps, something about Christianity, beyond the unpleasantness of some of its adherents, that is truly unsettling, even threatening, to Utopia. The one claim of Christianity mentioned in the discussion of the overzealous Christian is its claim to be the one true religion. The Utopians say that they hope they have the truest religion but are open to another (103). Christianity is apparently an exception. Let us look more closely to consider the role of religion in Utopia as presented by Hythlodaeus.

We might note first the explicit limitations to utopian religious tolerance:

> The only exception was a solemn and strict law against anyone who should sink so far below the dignity of human nature as to think that the soul perishes with the body, or that the universe is ruled by blind chance, not divine providence. (95)

Now why would this be the one doctrine utterly unacceptable in a religion? The answer to this question tells us much about religion in Utopia. The chief good in Utopia is, of course, pleasure. Although we are told that this pleasure is ordered according to virtue, the particulars of this are never spelled out. What is spelled out on several occasions is the essential role of fear in keeping Utopians from the immoral pursuit of pleasure. The principal fear is fear of punishment after death at the hands of a divine judge. Hythlodaeus speaks of "a religious fear of the gods, which is the greatest and almost the only incitement to virtue."[4] Curiously, the divine attribute of judge so common to Utopian life is not counted among attributes first attributed to the utopian god. Thus, the man who would deny the immortality of the soul and assert no order to the universe is a danger not to truth but to the social order. The high official religion maintains the doctrines, indeed knowable by reason, of immortality and divine providence, not because they are true but because the welfare of the commonwealth depends upon it. Religion is useful to the

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[1] Thomas More, *Utopia*, edited by George M. Logan and Robert M. Adams, revised edition (Cambridge: Cambridge University Press, 2002), 93.
[2] More, 94-95.

[3] Ibid., 94.
[4] Ibid., 102; see also 95-96.

commonwealth; better yet, religion in Utopia is ordered to the good of the commonwealth.

That the religion of Utopia is ordered to the good of the commonwealth is quite taken for granted by Hythlodaeus. Indeed, he seems essentially approving of it. But is Thomas More of one mind with Hythlodaeus? Perhaps. But we would do well to proceed with caution.

The situation presented by Hythlodaeus would certainly be troubling to any student of St. Augustine's *On the City of God*. And one of the things we know about Thomas More is that he was indeed a student of *On the City of God*, having publically lectured on it early in his career. In this great work of Christian antiquity, Augustine undertakes to defend Christianity against its pagan detractors. Among Augustine's many concerns is precisely the subordination of religion, pagan and otherwise, to the good of the Roman Empire.

At the heart of Augustine's analysis is the question of just what the purpose of religion is. If the pagans were not entirely clear on the answer; Augustine is clear on the Christian answer. Christianity is about happiness, specifically the happiness that is eternal life in union with God in love. That, as Augustine famously argues, is the City of God. The City of God as it exists invisibly among men in history is precisely the city defined by its love of God. In this love, man finds his only true and abiding happiness. When man has any other ultimate object of love, he will be unhappy and it is precisely this disordered love that characterizes the city of man in which man seeks his happiness and is ever frustrated in the quest. In short, all should be ordered to God. All is in the service of the City of God. In this is happiness.

If one looks to the classical options for human happiness, one usually finds a list of six contestants: wealth, power, pleasure, honor, contemplation, and virtue. The utopians insist that human happiness is not found in wealth and have banned it. Although they are mighty good at exercising power, the utopians do not seem to see it as a particular source of happiness. As for the remaining contestants, the utopians are rather indecisive. The say pleasure is the highest good, to be sure, but they say as well that it is, at least for some, the pleasures of contemplation, a contemplation, it should be noted, of nature and not of God. Honor plays a decisive role in the social order of Utopia, but not in utopian speculation about happiness. The utopians themselves admit they debate as to whether virtue is an end in itself or not.

Remarkably to a Christian, nothing in the utopian understanding of happiness is ordered to the love of God. Certainly the love of God that characterizes the City of God is absent from Utopia. Does it matter? Yes, because it is at the heart of all human happiness. As St. Augustine argued, the Roman Empire was fundamentally contradictory and disordered, indeed unhappy, because its loves were disordered; so too, we find Utopia is disordered and an unhappy place.

I regularly ask my students if they would like to live in Utopia. None has yet. Even though the utopians insist that they live in the best of all human societies, I can find no one who wants to live in it. Even more to the point, the man who presents it to us and sings its praises could not, on his own principles, be happy there. No one who refuses service to the common good and insists that his principle in life is "I do as I will" could be a happy citizen of Utopia.

So what makes Utopia so fundamentally unattractive and contradictory? Could we tinker with a few features of it and make it the ideal commonwealth it promises to be? I think not. A key provided by More is the question of religion and specifically the problem of Christianity. Utopia is the city of man, a city driven by human loves (perhaps as they insist very noble human loves). These loves, however, are insufficient to satisfy the human heart. No human construction can do so; only God can.

Utopia and the Common Good
with Drs. John Boyle and Richard Dougherty

Richard Dougherty: Raphael says that, when the questions of divorce are brought forward, the senators and their wives get together to decide upon this, the presumption then being, I guess, that the senators are all male. But I don't know if anything is said about the representatives being male or female. So what role are the women playing? What does that tell us about the household? How is that related, then, to production, which is essential leisure? I think those are all really important questions.

Judge Jennie Latta: Well, it does say that they take all their meals in common, though, so you wonder what family life there really is. There's a nursery off the dining hall, so it does look a lot more like the *Republic*, where the children are being raised in community. I'm not sure that he cordons it off, because if everybody's working and taking meals in common, what part of the day is left over for family life? Which is interesting for More, because he values family life.

Mary Gottschalk: Well, I thought that was just the syphogrants. Isn't it just the syphogrants eating in common?

John Boyle: No, everybody does. You don't *have* to, though. Utopians have their own version of religious in addition to the larger religious frame. But again, it's one of those areas where at least what is the ideal of the religious seems oddly absent here, certainly for the general Utopians. The point is that the giving up of these goods according to the evangelical counsels of perfection - poverty, chastity, and obedience - is precisely ordered to a higher good. So then the question becomes, what's the higher good this is ordered to? And the only hint you get of that is specifically with their own form of religious; but even there, there are some odd quirks in the structure of their religious life, and perhaps we can talk further about that too. But I did want to get back to Nathan, because I think you raise very good points which push to a deeper question. So I'll lay some of my cards on the table, although I won't go out on a limb and say what I think Book 2 is really about. What I'll say is that (Dougherty: "We're all friends.") - we're all friends, but we may not be when it's over (laughter) - what interests me about Book 2 is not the politics of Utopia, it's the character of Hythlodaeus, who's telling us about Utopia. That seems to me particularly interesting. You raised the question, I think rightly, Nathan, that we have these institutions that are intended to promote virtue, and it's wonderful:

we have pleasure understood as contemplation; we have the virtuous exercise of the human mind. And yet isn't it curious when Hythlodaeus talks about the taxonomy of pleasure in Utopia, he says there are the pleasures of the mind and the pleasures of the body, and we get a full page plus of the intricacies of the pleasures of the body, and all that remarkable stuff about the elimination of bodily excesses, but *no* taxonomy of the life of the mind. *None*. Now, this is not ignorance on the part of Thomas More, right? Thomas More understands and has a rich classical tradition on the division of the sciences, and the nature of the contemplation of the truth—absolutely missing in Utopia. When Utopians talk about pleasure, they make a bow to the pleasure of the mind, but what they've really been thinking about—at least as Hythlodaeus presents it, and I think it's about Hythlodaeus—are the pleasures of the body. He brings these wonderful books, and what do we learn about the Utopians? The Utopians are giddy about printing! So what they do is print these books over and over and over again. We never encounter Utopians *writing* books. Where are the Utopian philosophers that think about this stuff, that lead it forward—this rich, Utopian life of the mind? Where is it? There are artisans who reinvent a printing press. Having received these books in Greek, they've mastered Greek—they're very good at languages, but they never write in Greek, apparently. All they do is print! They're a little island Xerox company, that just prints out more and more copies of texts. Now again, whether that's about Utopians, or about Raphael's characterization of Utopians, for me, those are the interesting quirks that More puts in there. It seems that he must have gone *out of his way* to make the Utopians *less* philosophical, *less* concerned with the life of the mind. For me, that's a sort of puzzle, and frankly, that's why I need the sort of happy cautions of "don't get overly negative," because there are the goods, but they're puzzles.

Dougherty: I was just going to say something about the matter that you've addressed. Now, in Plutarch's *Life of Lycurgus*, he ends by talking about Sparta in general, and he says that what Lycurgus did in Sparta in deed is what the great writers of politics, including Plato, talk about in writing, and that Sparta is the example of a complete philosophic city. Well, in what way? You've just asked the question about philosophy in Utopia—what kind of philosophers are there in Sparta? I always ask my students, "In the core, are you reading Spartan philosophers?" That isn't Plutarch's point; there's something else that's philosophical about Sparta. But there really is no discussion in Sparta of an account of scholars and this sort of thing, so when you think about Utopia and you do have that, then you have to ask what it is that they're actually doing. It's not a complete philosophic city in the way that Sparta is a complete philosophic city, because you do have this claim of the life of the mind, but then when you look at the details of it and you ask "what are they reading? What are they writing? What are they doing?" It's unclear.

Fr. Joseph Koterski: I wonder if I could get the panel to reflect a little bit on what kind of a theory of the common good you think Thomas More the author has. And Dr. Boyle, you were urging us, I think, that the religion of the *Utopia* should focus us on God; but somehow there's a little emptiness in the way in which they do it, especially compared to what Christians claim about what true divine worship is as a common good.

Or Professor Dougherty, when you were reflecting on public order, and the good that that is, I think you were also adverting to, and many of the audience questions have picked up on, some of the peculiarities of the order. I was hearing in the background the difficulties about conceiving of the common good as merely the

sum of these individual physical goods that we all have—it's not just that. I was hearing in the background a sense that it can't be just a libertarian vision of the common good, in which everybody has equal opportunity to succeed. I think I heard you in the background urging that it can't be an egalitarian vision of the common good, as if everybody needs to be made equal simply in terms of what they have.

And Dr. Wegemer, in your book on statesmanship that I so like, you so strongly urge that the second book is just a denial of all the Augustinian non-negotiables of Christian politics and that More would like us to see that this *can't* be it, but that it must be something else.

So I guess my question is not just what is the list of the common goods, but what kind of common good theory did he have? What's the basis on which someone who wants to be working in the tradition of More, either in wisdom, in learning, or in politics, would construct a common good?

Gerard Wegemer: Well, since you asked me, I'll… (**Koterski:** I *do* ask you, and I'd love to hear it.) It seems to me that one must begin with asking the question, "What kind of regime is it?" Is it more like a monarchy? Or is it more like a republic? Or is it more like a democracy? All three elements are represented in Utopia and from the detail we're given, it's hard to determine what it is. That seems to be deliberate, so we consider all the alternatives, and we ask, "How *would* the common good be served?" It seems to me that that's how the full question is posed by him. And then there is the relationship of the political institutions to the economic institutions, and then to the religious institutions. Is Utopia simply a civil religion that serves the State? Is there any independence whatsoever? Of course that's the fundamental problem raised in *The City of God*.

Boyle: There are at least two questions in there. First, "What does he take to be the common good?" And second, "How would we go about ferreting it out?" It's not clear to me how we would ferret it out from *Utopia*, in part because I'm inclined to agree with Dr. Wegemer that *Utopia*'s a lot of negatives. Admittedly, there are some good particulars; but fundamentally, he's not standing in any one place that allows you to say, "Ah-ha, here it is!" It's watching this play out in motion, as Jeff Lehman said yesterday; but a lot of that's in the negative, so I'm not sure that one could construct a theory of the common good from *Utopia*. One might—I just don't see it. What does More take to be the common good? I suppose I could say the safe thing, which is, "I'm a medievalist; I'm a Thomas More dilettante; I have no idea," and get myself off the hook. Instead of saying that, maybe I'll try a slightly different tack, which is as follows: It's not clear to me, but I think the Augustinian critique looms large here. The problem of the Roman Empire is its disorder, and the only authentic ordering to a good comes with charity. We can put it in Thomistic terms and say, "Even natural virtues are only true virtues if they're informed by charity." I wonder to what extent that lurks in More here. Not that it's possible to achieve it in this life, but that fundamentally, if that first and final good of God and the virtue of charity towards God—if that's not in place, then all the other efforts are going to be, at best, incomplete. So, for example, and I'll end on this: one of the questions I asked myself recently when I was reading Augustine's *The City of God* was, "Is there for Augustine *anything* good about the Romans?" I think it's safe to say there is the *pietas*. Augustine seems to think that there are good things. He's read his Sallust, and he likes our friend Sallust. Augustine and More shared that enthusiasm, in part because of that sense of Roman virtue. It's there in Augustine, but always with the critique that it's somehow incomplete. So while I guess I'd love to know what the common

good is for More, I think the one thing I would say is that it's going to be very difficult to understand it apart from charity.

Dougherty: I would embrace that position. But I would say that the larger question of the common good is absolutely central to our considerations. I heartily recommend that everyone think about it for this reason, which Fr. Koterski brought out very well. The dominant contemporary view is that the common good is the accumulation of individual goods. There is nothing that transcends the individual. "Be all you can be, and I'll be all I can be." That is the criterion that we're going to use for establishing whether or not the common good can be met. To put it differently, the dominant view is that common good is found in the establishment of the conditions within which we can all achieve our individual goods. That is neither the ancient nor the medieval view of the common good. And so the common good is something common we share. It's an activity of the city, or an activity of the community. And that would mean a rejection of a kind of libertarian view, of an egalitarian view, of a communistic view: "We're all the same, and therefore we all play the same role in society." Also, one way of beginning to answer the question from More's point of view is to consider the passages in Book 2 where Raphael is describing Utopian society, and then he steps back. It happens every once in a while. He'll step back and there'll be a paragraph or two about the problems in modern European society. And that's where one has to wonder: is that Raphael or is that More? Is Raphael's analysis of the failures of contemporary society really More talking about it? Well then, suppose it *is* More. Then one would have to ask the question of whether the solution that Raphael provides through the Utopian practice is the solution that More would provide. And that is a much more tenuous claim. So, if you look at those passages again where Raphael describes Utopian practice, it's all sort of "move along, here's this and here's that"; but where he really gets animated is when he wants to compare Utopia to the failures of modern society, and that's clearly what he's interested in. If he is so interested in Utopia, why doesn't he stay?

Wegemer: Before we leave this question, Professor Logan, would you mind giving us your answer to Father Joe's question. How does one discover the common good in Utopia from More's point of view?

George Logan: I would say that the common good of Utopia is the accumulation of individual goods. And in the matter about what the Utopians read and write, we have a whole lot about that aspect of their thought. In fact, we have all too much about their moral philosophy. Now, we don't know the details about that; but of course, we know what the subject of their moral philosophy is. As Hythloday says at the beginning, they have the same debates about moral philosophy that we in Europe do, even though they have no connection to arrive at the same views as European philosophy. And of course they would say what the individual good is, and it's as if that's all they need to talk about, because it evidently goes without saying that the best commonwealth is the one that maximizes every individual's ability to find happiness. So all you really need to determine is what the individual good is, and the communal good—the best commonwealth—is structured so as to maximize the sum of the individual goods.

Elizabeth McCutcheon: I wanted to follow up on this notion, this important point, that always in the back of Book 2 are the failings of Western society. In that sense, a lot of Book 2 is peculiarly negative because it's negating negations; you get

into this very odd balancing act. But I think related to that is the question that came from back there: that is, can we see something positive in Book 2, or is it all in a sense negative? And it seems to me that one of the questions that both Raphael and More are struggling with, which is why we need both Book 1 and Book 2, is: Can I be a person of leisure if my fellow citizens or residents are slaving away so that I can sit on a throne while everyone around me is starving or working endless hours, has no retirement, has no medical care, has no food on the table, or is gathering scraps? We're so used to living in a modern Western society, that I think this whole question of the gap between rich and poor, or the gap between those who have and those who haven't, we don't always see it. But if you travel to a developing country, such as India or the Philippines, your first response is often, "I don't know how anyone could live there; there's so much poverty." And then, after a while, you somehow adjust to the notion. In Mumbai, half of fourteen million people don't have houses. They're sleeping in camps or parks; they're washing at a common faucet by the train station; they don't have education. The poor children who are selling bottles of water in the train station don't have any education. And this is the kind of thing that I think More was observing, yet it's half hidden behind all these other things. "Can I enjoy *my* dinner if someone else is starving?" seems to me a real question he is asking, a question that Raphael comes back to in the peroration at the end. In that sense he's also interested in the common good, and he even puns on that at the end, where he says, "This is the only *res publica* because this is the only *publica* where the *res* is common." You can't deprive people of material needs. And of course that's where we get into the other problem, because to make sure that their material needs are satisfied, we end up limiting in so many other ways. We're still struggling with that question too, but these concerns that are in Book 1 are built into the structure of Book 2.

Boyle: It makes perfect sense that that's true for More, and perhaps even theoretically for Hythlodaeus. The curious thing about Hythlodaeus—and I'm not sure what to make of it—is his response when Peter Giles says, "It would be good for you to advise princes, and it would be good for your family." Hythlodaeus replies, "I don't owe my family anything. I divvied up my inheritance long ago before I left, and so I don't owe them anything. That's more than most people would do." It seems a fairly paltry sense of family obligation here: "I took my inheritance and I already gave it away. I don't owe them anything, so I'm going to go travel some more." (**Dougherty:** I'm spending my grandchildren's inheritance.) Again, there's something quirky about Hythlodaeus here. He seems to have a remarkable mind to see the problem, but I guess I don't see Hythlodaeus' heart to be truly troubled by it, personally. More will feed neighbors in time of famine; but it's hard to imagine Hythlodaeus doing that.

Clarence Miller: One of the questions asked was, "How do you get there?" How do you get to the Utopian attitude toward the common good? One of the great difficulties is the ahistorical character of the book. We have seventeen hundred years about which we know nothing. We do *not know* how the Utopians arrived at their institutions. It's a kind of anomaly because you can't live correctly unless people are trained by the institutions, and we have no idea how they got the institutions in the first place.

Logan: Well, I don't think that's entirely true, Clarence. We know quite a number of important things about how they got their institutions—they were conquered

from outside. (**Miller:** "Utopus did, but how? How did he change them into what they are now?") Well, evidently, Utopus was very much like those traditional Greek lawgiver figures. He was a Solon or Lycurgus who evidently knew exactly what he wanted to do with his newly conquered place. It's certainly true that we don't hear anything about the evolution of Utopian institutions, but we are given to understand that most of them are simply imposed by Utopus, with some happy combination of great power and great wisdom. It's always struck me as one of the melancholy aspects of this book anyway. Book 1 talks about how we can change things for the better, and the most optimistic statement that comes out of Book 1 is, "Well, maybe we can make things a little less bad, if we go in and cajole these jerks who are in charge of things." (laughter) And then Book 2 offers, as it were, a kind of covert, implicit object lesson that, in a way, to make fundamental changes, you have to have a supreme enlightened dictator to come and make those changes.

What I really wanted to talk about, though, is a remark that Elizabeth made in passing, which I thought was fascinating. She talked about the difficulty of interpreting Book 2 being largely a product of its complicated relationship to Book 1. She said some of us are very needy [?] in saying that in many ways Book 1 is a negation of a negation—that is, a negation of the negatives of Europe as depicted in Book 1. This formulation, negation of negation, seems to me not only extremely interesting in itself but particularly interesting as coming from Elizabeth, who is the great expert on negations in *Utopia* in that famous treatment of litotes in her article of 1968. And I suddenly had this sort of blinding epiphany. I say, "Yes, right: Book 2 as a whole is a kind of litotes, isn't it?" And that's one of the reasons it's so difficult to interpret, because, as Elizabeth points out in that famous article, it's very hard. Litotes in its very nature opens a range of meanings. Affirming by denying the contrary doesn't just give us one answer, one result that's the opposite of what the contrary would be. It opens a range of possible answers, a spectrum of answers, and that's exactly what the problem with Book 2 of *Utopia* is. There's a big difference between Book 1 and Book 2 of *Utopia*. I think somebody talked a few minutes ago about how much we're to attribute Hythloday's views in Book 1 to More. I think that up until they get into the argument about the indirect approach, we're to understand that they're in entire agreement. What else does More tell us after Hythloday gives his account of Cardinal Morton's dinner table conversation? He says, "I find everything you said to be wise and witty." In other words, "I agree a hundred percent with that." But of course, as was pointed out at this same point in the discussion today, there's a fundamental difference when you come to Book 2: it's very hard to know what More thinks there. Really, if we come back to Elizabeth's very nifty formulation, that's a very large part of the causal relation between Book 1 and Book 2, because Book 2 *is* a negation of a negation, and it's very hard to say what the single meaning of a negation of a negation is.

Travis Curtright: On the question of the common good, you might be able to say from More's own career that the political unity of Christendom is certainly a common good that he was very much interested in cultivating. And part of that was protection of the Church's liberties against the State. That might be a plausible inference from reading the sanctuary debate in *Richard III*—that More's very concerned that the Church may lose its liberties, and vice versa, that the state may lose some of its liberties from the Church's encroachment. Hence, for example, when he apparently told Henry VIII that he ought to think twice about what he wanted to say with regard to the Pope's potential powers over the State. So this idea of the Gelasian rule, a distinction of *Sumus Imperator* and *Pontificus Maximus*, and all the

ramifications that it has in More's public career, might be a way of bearing out the protection of the common good by way of preservation of Christendom. That not only has ramifications for a circle of humanists and scholarly development, but also for peace, which seemed to be a fundamental aim of humanism. And even Augustine, of course, mentions that in the *City of God*, that the peace of Babylon is one that Christians are instructed to pray for, because by that peace we're able to go about our own business and pursue other things.

I was struck in your answer to this: I'm not sure that there is a discernible common good in Book 2 of *Utopia*. I wonder what any of you might say to the question, If you can't have a discernible notion of the common good in Book 2, what does that say about the question in Book 1 of whether or not one should serve? Because the immediate inference is: "We don't know what we're serving." That is to say, you ought to be involved in politics but politics is not geared toward any understandable or discernable common good. It seems to me that you could say that these two books, then, are tied together by that. But what would be the ramifications of saying that you can't find a discernible common good in Book 2 with regard to the question of Book 1? Why should one serve politically?

Dougherty: Your first point on the Church is very important, and John brought this up. This is one of the issues where examination of More's *Utopia* has to be differentiated from analysis of Sparta or any classical analysis. Because once you have the entrance of Christianity into the political picture, you've exploded the problematic nature of the relationship between religion and political power. That is, in Christianity, you're no longer going to accept that the city is the horizon of life, and that its presentation of religion is definitive. That's not acceptable anymore, so you have to look beyond that, and so protections of things like the interests of the Church might be paramount here in a way certainly that they wouldn't be for Lycurgus.

On the question of the common good: Again, a great point about how you connect Book 1 and Book 2. This is related to the comment made about how Utopia got to where it was. How did it get these institutions? It seems to me that this is an absolutely central question: how did this work? Why isn't Raphael interested in that? Why doesn't he tell us about this? Well, I think one suggestion may be that he thinks that Utopia is so harmonious with human nature that you don't have to describe it. Utopus came in with the help of some people, presented the people this plan, and they all said, "Great, that's for me, because that's the fulfillment of the human good." And so you then don't have to go into an analysis of whether in fact this is compatible with the human good because we just take it for granted. So you get to the other question about how Utopus was able to do this, only if you begin to reflect on whether the Utopian scheme is in fact compatible with human nature, or whether it's at odds with human nature.

Latta: I have two questions. For one, no one has really talked about the way in which coercion undergirds what's going on in Utopia. We've talked a little bit about the ambivalence: is Utopia a good thing or not? But we haven't talked about the fact that there is no freedom of travel. There is very little freedom at all, and if you attempt to move beyond the boundaries of your assigned city, you're called back once, and the second time you're executed. So, coercion undergirds this.

But my second question is the thing that's been puzzling me about this discussion—namely, that we seem to be conflating all of More's biography into this period prior to 1515. I would like for someone to help me situate this a little bit

better, because More makes some slaps at the Church throughout *Utopia*. He talks about priests and how they're worthless idlers. He's making slaps and I assume that, from 1517 forward, he didn't feel as free to do those things. But I would like someone to speak to the question of who Thomas More was in 1515, because I don't think he was the same guy that was in the tower.

Miller: More himself says later on, "Times have changed, and now I might not want the *Morea* of Erasmus out; some of my own works I might not want out, because people would use them wrongly." He says that—distinguishes between the later times and the earlier times.

Wegemer: That's a great place to end—to look forward to our conversation in the third and last session after lunch.

Interpretation of *Utopia* as a Whole — Remarks
Jeffrey S. Lehman

In the first symposium on Book 1, I examined a few of the dialogical details of *Utopia* in order to shed light upon the extended tale of Book 2. Those details are admittedly but a few of the matters to be considered when trying to come to terms with *Utopia* as a whole. Thus, rather than attempt a synthetic reading of the whole work, in what follows I will try briefly to elaborate upon how attending to such dialogical details in *Utopia* helps us to see certain truths about human nature, statesmanship, and political discourse.

Elsewhere, I have noted at length the striking similarities between Hythlodaeus' political tale of Utopia and Critias' political tale of primeval Athens and Atlantis in Plato's *Timaeus*.[1] Significantly, both the tale of Critias and the tale of Hythlodaeus have Plato's discussion of the ideal commonwealth (as well as his notion of the philosopher-king) as a background. And both seek to present that ideal commonwealth "alive" and "in motion" (*Timaeus* 19b). In both cases, however, we find much more than just the tales. Within the larger dialogical context, we also find a lively dialectical exchange between interlocutors, an exchange that gives us clues about how to receive and assess the tales themselves.

Focusing our attention upon More's *Utopia*, we encounter two very different philosophies regarding the possibility and practice of political discourse. Hythlodaeus, cynical and skeptical of offering the pearls of his wise counsel to kings, chooses instead to live as he pleases, unrestrained by duties of any kind. His unrestrained speech is a function of his detached way of life. Morus, fully immersed in various levels and types of human relationships, sees the service of kings as the duty of a truly noble and philosophical nature. His "indirect approach" is measured and circumscribed by what the political situation demands.

Even given these fundamental differences, Morus—a lawyer himself—does not assume the dismissive attitude of "the lawyer" in Book 1 toward Hythlodaeus' political ideas. Rather, he (like Morton) hears Hythlodaeus out, as any reader must who finishes Book 2 of *Utopia*. His attitude, though, is not one of mere toleration. Instead, he actually takes pleasure in Hythlodaeus' speech, encourages him heartily to go on, and leaves for the reader the completion of the task begun by him (and Morton) in Book 1, namely, to receive the account with patience, circumspection, and good will and then to test it by bringing it out of the realm of the imagination and into the real world of politics.

Again and again, we find that Hythlodaeus has a keen grasp on the political problems in the real world. But again and again, his suggestions for reform gravitate toward extreme and potentially disastrous political solutions. As readers of *Utopia*, we are left with very practical questions: How would Hythlodaeus' reforms really work out? What problems are they meant to solve? Would they really succeed? What new problems might arise, thereby making the political cure worse than the disease? What view of human nature do Hythlodaeus' political solutions presuppose? Is this view sound? What kinds of problems can the statesman hope to solve? Are there any human problems beyond the reach of political solutions? Bound up in the answers to these questions are other, more fundamental questions: What is the nature of a human being? What is virtue? What is vice? What is happiness? What is freedom? When we follow the lead of Morus and Morton, such questions naturally present themselves as we try to assess the fruits of Hythlodaeus' political imagination.

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[1] Jeffrey S. Lehman, "Passing Strange, Yet Wholly True: On the Political Tales of Plato's Critias and More's Hythlodaeus."

Interpretation of *Utopia* as a Whole — Remarks
Richard Dougherty

I. Introduction

I would like to address four questions that have arisen in our discussion, or that have emerged from More's *Utopia* but have yet to be broached; there are three short points and one longer one.

II. Cities in Speech

In his *Politics*, Aristotle concludes his critiquing of the various forms of government by speaking of the relative ease of the task of thinking through such matters:

> But it is pointless to spend time discussing and giving detailed accounts of such matters, for it is not hard to think them through: what is hard is to create them. To speak about them is a work of prayer, but whether they come about is a work of chance (*Politics* 1331b18-21).

We are led here, then, to think of the importance of rhetoric in the founding or preservation of the regime, for that rhetoric is going to be essential to the task of the founder. In More's case, we might think not only of Aristotle or Plato, then, but also of Cicero, for in Book 2 of his *De Re Publica* we have a corollary to Book 2 of *Utopia*. Both Scipio, the main speaker in Cicero's dialogue, and More's Raphael here claim to be describing actual political orders, not cities in speech or political orders that can be thought to come into being only as a result of prayer or chance.

III. Citizens and Regimes

Two key questions have arisen in our considerations of More's *Utopia* that are worth exploring further; first, the nature of the way of life of the citizenry, and secondly the character of the Utopian regime as a form, be it aristocratic, democratic, or some other type.

In the first place, and perhaps most importantly, Aristotle clearly separates the productive role in the city from the work of citizens, relying instead on slaves or

barbarians to perform such tasks. The purpose of dividing up such responsibilities, in Aristotle's consideration, is that the effort required for the adequate completion of the menial tasks does not allow for the leisure that is necessary for the cultivation of virtue, though the things produced are themselves necessary for the city.[1] There should thus be classes in the city which are reserved for citizens, and from which the productive classes are prohibited—thus we have the military, the well-off, the deliberative part and the priesthood. The result of distinguishing these classes, we discover, is also to distinguish between and among the citizens themselves.

Raphael's defense of the Utopian practices in regard to farming, given the fact that the Utopians almost all participate in production, would likely be that the burden for farming is broadly shared by the citizens, so that none are overwhelmed by the work. In addition, even when they are involved in production, he argues, they are so economical in their efforts that they never work more than six hours a day, leaving an adequate amount of time through the day to pursue the leisure that Aristotle suggests is necessary for the cultivation of virtue.[2] (This would include, in Raphael's account, the freedom to continue their education, attend lectures, etc.) Whether such an arrangement would satisfy Aristotle's strictures for the city would be a matter for fruitful discussion, especially when one considers that the Utopians all take up some other trade or craft to keep them occupied even when they are not farming.

Another component of Aristotle's analysis that we might reflect upon is the form of the regime itself as a whole, and how we might classify the Utopian schema. Aristotle's most famous account of the variety of regimes is in Book 3, chapter 7 of the *Politics*; there Aristotle delineates six forms, three correct ones and three corrupt (1279a22-1279b7). In the subsequent discussion of the forms, though, he engages in an extended consideration of the rightful claims to rule. Without canvassing all of the alternatives he entertains, we might consider two matters in particular, his concern with the rule of law and his final analysis of the best regime.

The desirability of the rule of law is recognized when one thinks of the inherent difficulties of human rulers, in that they typically do not possess the reasoned account of the universal, and that they must overcome the susceptibility to rule by passion. When law rules, on the other hand, you establish the primacy of passionless reason, and the law itself addresses the universal. The limitation of the rule of law, though, is that by its very nature it cannot be relative to actual circumstances, thus limiting the extent to which one can rule prudentially, and ruling according to written prescriptions is a foolish enterprise (1286a7-19). Still, if a human were to endeavor to rule in the absence of law, he would really need to be a legislator, meaning he would have to take the place of a legislature. In Utopia, we find a regime that is governed by almost no laws (37, 82), and yet, according to Raphael, is extremely well-governed, though not by one ruler. But, though there are reportedly few laws, there are numerous customs and regulations, and many instances where

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[1] Thus, as Mary Nichols points out, Aristotle seems to make a concession to the necessity of trade by allowing for a port in the city, though at a distance from its center (140-42). In Book 3, Aristotle has argued that the city needs property owners as well as justice and military virtue, for, he claims, "[w]ithout the former a city cannot exist; without the latter it cannot exist nobly" (1283a21-22).

[2] See the discussion of Utopian practices on pages 50, 63 and following.

social pressures are brought to bear upon the citizens, leading them to act in a manner beneficial to the city.

The second significant point Aristotle makes in this context is found in his summary account of Book 3, in which he identifies the kingship or aristocracy as the best regime. This best regime is found, he tells us, where either some one man among all or a whole family or a multitude is surpassing in virtue, and where some are able to be ruled and others to rule, with a view to the most choiceworthy life (1288a33-36). Kingship and aristocracy are candidates for the best regime, but not polity, or the third of the correct regimes, in which the multitude govern for the common advantage (1279a36-38). The reason why polity is excluded from the options for the best regime is presumably what Aristotle says when he introduces it, that it is hard for a larger number to reach perfection in every virtue, which one would have to do to be the best. Typically, he suggests, the many are most likely going to be good at military virtue, and thus in polity those possessing arms will control (1279b1-3). The Utopians' response to this judgment would likely be that Aristotle dismisses too quickly the possibility of universal virtue, and that the way of life of Utopia justifies their claim (or Raphael's claim) to be a superior regime. While Aristotle may hold the view that the many will not be the virtuous, the Utopians would respond that their scheme of government and society promotes the life of the fullest virtue, and not just military virtue or commercial virtue C though it does those things as well.[3]

Aristotle does point out a problem for regimes that arises when someone of outstanding virtue appears in the city, for it would not be right to either expel him or rule over him, for that would be like ruling over Zeus; rather, he suggests, the people ought to obey him gladly, and make him perpetual king (1284b25-32). If we think of the arrangement in Utopia, one might imagine that the governorship of the city might be given to such a superior citizen, but that would make him only one of 54 governors in Utopia, and there is no sense that he would not be sharing rule with others.

One might think here of Abraham Lincoln's description of the superior ruler, who would not be content with a seat in Congress, a gubernatorial position, or the presidency:

> Many great and good men sufficiently qualified for any task they should undertake, may ever be found, whose ambition would inspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; *but such belong not to the family of the lion, or the tribe of the eagle*. What! think you these places would satisfy an Alexander, a Caesar, or a Napoleon?—Never! Towering genius disdains a beaten path. It seeks regions hitherto unexplored—It sees no distinction in adding story to story, upon the

monuments of fame, erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and, if possible, it will have it, whether at the expense of emancipating slaves, or enslaving freemen.[4]

We might legitimately wonder what Utopia might do with such a type; the beginning of an answer to that query might be in thinking about how Utopia honors great leaders. We are not told of any great historical figures, nor of monuments set up to celebrate their contributions to Utopian society.

IV. Modern Political Science

I had suggested earlier that one of the projects of More's *Utopia* seem to be the drive to rethink the nature of political science, or to remind his fellow humanists of the necessity of paying attention to the political. This would be especially important in thinking about how the pursuit of personal virtue is in fact connected to the structure of the political order.

One important modern development in this area is the argument forwarded by Publius, the author of the *Federalist Papers*, in response to the charge that republican government simply has not worked historically, that the desired combination of freedom and order is a chimera, and that liberty results inevitably in anarchy and thus must be sacrificed for the sake of stability. Publius at first suggests that there are historical examples that ameliorate the charge, but then admits that there is a good bit of truth to the complaint. Indeed, he suggests, we might be led to abandon the cause of republican government were it not for the fact that there have been ample improvements in the science of politics. As he puts it in *Federalist* 9:

> If it had been found impracticable to have devised models of a more perfect structure, the enlightened friends to liberty would have been obliged to abandon the cause of that species of government as indefensible. The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients…[T]hese are wholly new discoveries, or have made their principal progress towards perfection in modern times.[5]

It is precisely these improvements in the science of politics that now make possible the success of republican government, Publius argues.[6] Only reflection on the structure of a civil society grounded in principles of liberty and equality will provide the understanding necessary for the development of institutional arrangements necessary to secure that liberty and lay the groundwork for that equality.

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[3] Here we are reminded of Pericles' claim in the Funeral Oration that the Athenians were the best at everything, including the one thing the Spartan formation aimed at C military virtue. The conclusion of his praise of Athenian military virtue indicates its superiority to Sparta: And yet if with habits not of labor but of ease, and courage not of art but of nature, we are still willing to encounter danger, we have the double advantage of not suffering hardships before we need to, and of facing them in the hour of need as fearlessly as those who are never free from them (Book Two, Section 39.4, *The Landmark Thucydides*, ed. Robert B. Strassler [New York: The Free Press, 1996], 113).

[4] *Abraham Lincoln: Speeches and Writings, 1832-1858*, ed. Don E. Fehrenbacher (New York: Literary Classics of the United States, 1989), 34; emphasis in original.

[5] *The Federalist Papers*, ed. Clinton Rossiter and Charles Kesler (New York: New American Library, 1999), 67.

[6] Publius does not here address which of the principles are old and which are new, or which are improvements over the ancient understanding.

V. The Ancient City and Modern Plurality

In conclusion, there is one additional important point that we might consider, and perhaps treat more fully in our discussions: as Aristotle suggests in Book 2 of the Politics, in the context of his criticism of the Republic, the city is a multitude of human beings who differ in kind, and so the city cannot be simply unified. The understanding of many interpreters, of course, is that the ancient city is unified, or at least far more unified than the modern state. But if the city is diverse in some sense, as Aristotle suggests, might we draw the conclusion that the city which is multiple is really the desired city, and thus the city (or state) in modern liberal democracy is to be preferred to the ancient city, in its acceptance and promotion of the multiplicity of ways of life and goods? Or, to put the same question in a different way, is the city meant to be diverse, and thus the city which is most diverse might be held to be most fully a city? Or, is the city which is a pastiche of those who differ really most a city, because it can more likely achieve the end of the city, self-sufficiency, and it can achieve its end precisely because it is variegated, and thus the combination of different qualities can be called upon to advance the good of the city?

Or, alternatively, is Aristotle's view something quite different from that found in this analysis? That is, is Aristotle suggesting that while the city is made up of diverse human qualities, to be a city it must not be one simply, but still be essentially unified in some way? The unification, it seems, would come in the form of a unified end, achieved through a common formation of the citizenry. Indeed, as Aristotle says in Book 2 of the *Politics*, a city, since it is a multitude must be made one and common through its education (1263b33-34).

Interpretation of Utopia as a Whole — Remarks
Stephen W. Smith

On "The Second Letter to Giles": A Portrait of the Reader as a Sharp-Sighted Man

In my talk yesterday, I explored Thomas More's prefatory letter to Giles. This afternoon I'd like to direct attention to his second letter to Giles, published after the conclusion of Book 2 in the 1517 edition. These letters serve as revealing book ends to the strange work we've been discussing. First, we learn from the letter that More is "absolutely delighted" at the response of one reader in particular to the *Utopia.* (Recall, in the first letter, he praised John Clement's reading.) Perhaps in the spirit of *Utopia,* we should call him the Reader Nameless, since More discusses only the *manner* of his reading and not his identity.

In any event, this second letter is the closest thing we have to a portrait of the ideal reader of the work, or at least so he appears at first in More's riddling and ironic presentation.

First, the ideal reader is described as a "very sharp fellow" or a most acute (*acutissimi*) man, who raises the basic question: Is the *Utopia* fact or fiction, lies or truth? Moreover, the reader goes on to raise doubts about the good judgment of the author who wrote his book in such a way as to prompt confusion over this subject. More characterizes this response as a piece of "frank judgment" and then offers some sharp-sighted comments of his own: "I suspect he is learned, and I see he is a friend." Perhaps the learned are not so wont to have their ears abused, or have gained through education and reading some defense against the all too hasty credulity of our human race. The second judgment, however, is more intriguing, "I see he is a friend." Reading, then, is an exercise of judgment, and opportunity for friendship with the author. Love friendship rule in the humbling exchange between author and reader.

More next praises the reader's critical approach; "having selected certain elements to criticize, and not very many of them, he says that he approves not rashly but deliberately, of all the rest." After remarking that criticism of this sort is the highest praise, More suddenly undercuts our confidence in the acuity of the Reader with a strange comment: "For he shows clearly how well he thinks of men when he expressed disappointment in a passage that is not as precise as it should be—*whereas I*

would think myself lucky if I had been able to set down just a few things out of many that were not altogether absurd."

This is an understated, ironic rebuke to a sharp reader who, having noticed contradictions among other things, nevertheless still "approved…deliberately of all the rest"—whereas More himself judges most of the work "altogether absurd." We begin thus to doubt the acuity of that reader for the first time, and in the next paragraph More continues his critique of the apparently sharp-sighted reader.

Note that More next responds "frankly" to the reader by asking why "he should think himself so acute (or, as the Greeks say, so 'sharp-sighted')" just because he noticed some things amiss or "caught" More putting forth "some not sufficiently practical ideas."

More's emphasis here, that the reader "thinks himself so acute," is fascinating. He turns the focus on the way the reader prides himself on his own incisive judgment, on the image he has of himself as a reader—certainly learned, seldom credulous, always sharp-sighted, and never lame of understanding. Perhaps the sharp-sighted reader hasn't noticed his own limitations—his potential absurdity—as a reader and thinker.

More makes this point gently by his next question, "Aren't there any absurdities elsewhere in the world?", and by the remarkable comment that "Actually, if it weren't for the great respect I retain for certain highly distinguished names, I could easily produce from each of them a number of notions which I can hardly doubt would be universally condemned as absurd." If this holds true for "highly distinguished names" (perhaps himself, his fellow humanists, the great authors of the past?) what of the sharp fellow's own thinking? The letter's irony, then, is gently humbling, a good-spirited dig, one that attempts to bring the reader into contact with the truth of his own self-image, with the character of his judgment and imagination of himself—in this way, More brings about something like a moment of conscience for the reader, a comic confrontation with the pest of pride, and perhaps he himself has just worked through such a moment of conscience in the composition of *Utopia.* At the last, I suspect that he is learned, and I see that he is our friend, too.

Thank you.

Interpretation of Utopia as a Whole — Remarks
John Boyle

Thomas More tips his hand in the letter to Peter Giles that serves as an afterward to *Utopia*, in which he says that this work is a kind of medicine smeared with honey. The question that confronts the reader is simply this: what medicine is so bitter as to require such exquisite honey? More never tells us outright.

But it must be something to be so skillfully disguised from his audience. And who was his audience? Principally, his fellow humanist scholars, among the most remarkable intellectuals of the day. He gave them a work of arresting cleverness and humor, filled with wordplay and allusions that only the well educated intellectual could appreciate. But this is not simply entertainment. It is medicine. So what did More want to say to his fellow humanists, perhaps more broadly to intellectuals who make their way in the world by their smarts, that he dare not say directly?

That he dare not say it means not that he was timid and feared their wrath. More endured much wrath from various humanists, and, I think we can say, was frightened by no man. Rather, his fear is that he might not be heard; he might not be effective.

So what is this medicine? Let me propose one possibility. We might put More's caution to those who live by their wits in this way: Don't be Rafael Hythlodaeus. In taking stock of Hythlodaeus, we find the good. He is adventurous and bold and courageous. He is strong willed and determined. And he is smart; he is well educated and, even more, clearly has strong native intelligence. But we also find the bad in Hythlodaeus. He is self-centered; his professed principle in life is "I live as I will." He will not serve others; he is self-serving. He is proud. He is proud of his adventures; even more, he is proud of his ideas. He is stubborn. He will never concede an argument or even a point within an argument. For all of the immediate novelty of some of his ideas, he is close-minded.

If one were to strip away the global adventurer and simply think of the intellectual adventurer, has not More described many an intellectual, many a man who makes his way by his intelligence. We have, perhaps, someone who is intellectually bold and adventurous, often, perhaps necessarily, strong willed. But just such folk are also all too often stubborn, unwilling to bend before superior argument. Their lives are lives ordered to their own ideas, to living as they will. Even one's ideas come to be bent in service of one's own will. It is remarkably easy

for those of us (and I might as well now shift to the first person) who live by our intelligence to take on the character flaws of Raphael Hythlodaeus; our very pride, arising from our own presumed smarts and self-knowledge, blinds us to what is happening.

Here is where I think the role of Christianity in *Utopia* is so important. For Hythlodaeus, even religion, even his own faith, in subordinated to himself. We might return to the defining reality of the City of God: love. Can it be said of Hythlodaeus (as it could so astoundingly be said of St. Thomas More), that his life was ordered to the two great commandments: "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy mind; this is the first and great commandment. The second is like unto it, thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the prophets."

Designs in *Utopia* — Questions and Discussion Session
with Drs. John Boyle, Richard Dougherty, Jeffrey S. Lehman,
and Stephen W. Smith

Michael Foley: I heard that one theory about Hythloday is that More was offering an implicit critique of his friend Erasmus, and I was just wondering if you had heard of this thesis, and what you think of it?

Stephen W. Smith: Well, I've wondered that. If memory serves, Erasmus's praise for the work was slow in coming, and when it did come, it was rather limited. And I've heard from those who know that he was unusually slow in producing this letter about the *Utopia*, so perhaps there's something to that.

Gerard Wegemer: Clarence, any thoughts on that?

Clarence Miller: Well, number one, Erasmus put it out. Erasmus handled the publishing of it. It may have been a headache getting it through—they had to do some adjusting and whatnot. And I don't think that Erasmus would fill the bill of Hythloday in any very significant way.

Nathan Schlueter: I keep talking. Does someone else want to go? We've got plenty of time?—OK, so…(laughter.) I've got to come to the defense of Hythloday again, just because I think there's a tagteam up there now. Is there not danger in that More actually makes this pompous, stubborn intellectual actually convey certain truths about things? Is there not an alternative lesson to the more prosaic and incrementalist-type folks that they need to hear that voice, even if it comes from a proud, stubborn intellectual? That's one question.

But then, I'm not even sure; I'm not convinced yet. Before I write off Hythloday, I want to be sure. And I see the evidence there, but it's ambiguous. He says that he gets to live carelessly and free, but at the end of Book 1 he says he's on a mission to give a true image to the world. And he, in a way, plays a Socrates in his contentiousness. He is a gadfly. And he strikes me as a rather prophetic kind of person, more like a John the Baptist type, as it was raised earlier. He has a kind of righteous indignation, a kind of contempt—and this is the sort of thing where More and Giles and maybe some others are saying, "Yeah, there are some things wrong, the enclosure movement, etc." They're sort of tolerant of these injustices that they see—they know they're there, but they're satisfied with these incremental kinds of "maybe" changes. Sometimes you need a prophetic voice that actually rouses you to

an awareness that, if you cannot actually imitate Utopia, you ought not be complacent in assuming that your regime is somehow just because it is stable and because you can feel good about yourself in it. And so I would like to see a more ironical Hythloday, or at least be open to a reading which sees Hythloday in fact as the image-giver. I know there is counterevidence in fact, but More the writer puts him in there. He's got this imagination and More writes this imaginative work to convey it, showing a kind of sympathy with Hythloday and not with Morus. So I'm wondering again if Hythloday is not really our Augustinian figure. I'm troubled by the fact that the image he gives is a bit too secular, more classical, that it seems to operate outside the Christian dispensation. I'm disturbed by things like that, but I just am not ready to write him off yet — that is, I wonder if there is another level than this one going on.

John Boyle: I don't suppose I get to just say, "I agree"? (Laughter) (**Schlueter:** "Not now." Laughter.) It's part of the genius of the portrait of Raphael Hythlodaeus, right? The guy is smart. He's got insight. He can see problems. He's got, potentially, some interesting *solutions*—ahh, I'm not so sure on that, but he sees problems and he sees problems deeply. And I think perhaps the fact that we have a discussion of enclosure in Book 1 is *so* important because it means you can't simply write off Raphael Hythlodaeus. So that, when I put it, perhaps provocatively, "Don't be Raphael Hythlodaeus," I know I *didn't* mean, "Therefore, be a mealy-mouthed temporizer." It's interesting that you picked Socrates and John the Baptist. Both of them died for what they took to be right, in defense of something. It's not clear to me that Raphael's prepared to do that. And there is that curious little thing: Raphael does say he's come back to tell about it; but More, when he's worried about the two puzzles in that letter to Giles,—how long is the bridge and where is this island—he basically says, "If you see Raphael, see if you can find out. And I probably should have seen whether he's going to write something about this anyway, but probably not…." Is Raphael all that interested in proclaiming it? It seems to me, when I say, "Don't be Raphael Hythlodaeus," I think maybe the point is not, "Don't be inspired. Don't see the problem," but having done that, maybe there's still hard work to *do*. And it seems to me, you might say that that's the genius of *More's* life, who had this kind of prophetic eye. He could write the book—that beats Raphael. More has the prophetic eye; he can see the systemic problem with enclosure; and yet is going to do the ugly, unpleasant work of public service, king's service, all fairly hard and thankless, and die in the end for it. And I don't think that's being a temporizer either.

Richard Dougherty: I don't *simply* want to second, but I will second those comments. (Laughter.) In the opening letter, More says, "If you run into him, there are a couple of questions that I have: one about this bridge"—yeah, who cares?— "and the other: oh yeah, I forgot to ask—where is this place?" How could you forget to ask the one question you'd think anyone would want to know— i.e., where is this place? Then Giles tells the story in his letter afterwards. He says, "Where is this place? He did actually tell us, but at the time he told us, someone came into the room and there was a commotion, and then someone else was coughing over there and I couldn't really catch it, and I didn't really think to ask him again." Well, again, those are the things you'd think would be first on your plate. And then he says, "I'm going to draw us a map, so we can see how we'll get there." And then Hythloday tells us he's on this mission. Well what's he doing? Has he written a book about it? You'd think he'd want to tell everyone about how great this place is. Well, I do

think it's too sweeping just to say, "Dismiss him. He's a character." But I wonder if your problem isn't really with More's presentation of Hythloday, rather than Hythloday himself. More is the one who's giving us the character, and, in a peculiar way he gives us the character, making him a relatively unattractive person.

And in this, I think you have to go back to Jeff's concern about the dialogue formula. We of course don't *have* a dialogue. We have a *half* a dialogue: Book 1 is a dialogue; Book 2 is a monologue, but it's a monologue of Hythloday, told by somebody else. But I would say it *is* a dialogue. It's a dialogue with the world. It's a dialogue with the Church. It's a dialogue with classical philosophy. It's a dialogue with all the important elements of life, and certainly More does not want us to dismiss all those things as unimportant considerations. It may be that Hythloday is a character whom we might dismiss, but I think you're absolutely right: the issues he raises are absolutely fundamental to civil life.

Steven D. Smith: I had a question rising out of yesterday's lecture and this morning's first panel. Professor Logan said yesterday, and I think he quoted Hexter, who said that one of the really innovative things about Utopia in particular is the sort of social analysis of the underlying causes of crime. Rather than saying, "Why do we have thieves? Because some people just feel like stealing," we actually have some analysis of that in terms of underlying social causes—poverty, loss of property, enclosure, and that sort of thing. Well that seems right, and that is presented, I believe, by Hythloday, and it seems to be closely tied, not just in Book 1, but conceptually as well, to his notions of private property being a source of problems. Now this morning, I think Professor Dougherty in particular focused on this point in Aristotle's analysis, suggesting that maybe it becomes clear in Book 2 that Hythloday's views in *that* respect are probably superficial, mistaken. Abolishing private property is not the cure for lots of evils, and I just wonder whether you think that Book 2 would undermine our confidence in the social analysis of Book 1, or lead us to believe that we're *supposed* to regard that analysis with some skepticism?

George Logan: No, I don't at all think that Book 2 would retroactively undermine our confidence in the analysis of Book 1. Of course it couldn't really undermine it retroactively because Book 2 was written before Book 1, but that's a side issue. To continue with that, I guess I think that one reason Book 1 *was* written as it was after Book 2, was to implicitly explain how Book 2 was built. As I said last night, Book 2 is a grand example of the systemic method at its ultimate: "OK, let's redesign a whole damn polity. Let's start from scratch, from basic principles. And let's not *just* fix one problem by recognizing that all problems are interrelated because the state is a system, but let's start with a blank canvas and redesign the whole state from basic principles." And Book 2 illustrates this method, which surely More learned from reading Plato's *Republic* and *Laws* and Books VII and VIII of Aristotle's *Politics*. And of course, what does Book 1 do in general? One thing it primarily is is an introduction to Book 2, because More evidently decided at some point that he needed one. And that's why he put it *before* Book 2 instead of *after* Book 2, because it was written after Book 2. Simply by virtue of its position, it functions, willy-nilly—but I don't *just* think willy-nilly, I think it's intentional in some ways—as an introduction to Book 2. And one of the things he wanted to do in that introduction, it seems to me, is introduce his readers to this kind of approach to social problems, this systemic approach.

Do I think that he failed in the grand scale systemic thought experiment of Book 2? Au contraire, I think it's a brilliant success. It doesn't satisfy us for a number of reasons, huh? One, suppose *Utopia* really were More's utopia, in the modern sense of the word—suppose it were his ideal state. It *still* wouldn't satisfy us because *his* ideals are not altogether *our* ideals. But it seems clear to me that it wasn't even *his* ideal state in every way. As I argued last night and I've argued before, for whatever complex of reasons, he decided not to compose it on the full range of his own values and principles, but purely on rational principles. He left out Christianity—he left out Christian revelation—as one of the building blocks, one of the starting points, of Utopia; *but*, given what he started to do—i.e. think about what a state would be like that was built simply on rational principles—my God, I think he's succeeded astoundingly brilliantly. And one of the great measures of More's genius, of his astonishing creativity and imaginary power, is that he could come up with all this. There weren't any examples of secular states around for him to observe and model his on. The closest he could come to it were these discussions of rational states—supposedly more or less rational states—in the ancient world, both theoretical discussions and legendary accounts of places like Lycurgus's Sparta and so on. He didn't have any range of secular states where there was religious toleration and so on. He didn't have any range of real examples in the world to look at, but we know he got it right on an astonishing number of things because we *do* have a number of such states to look at, huh? We can look at Scandinavia; we can look at various communist states and experiments of the twentieth century. And one of the things that I think is dazzling about Book 2 is how many of the actual institutions of states like that—and not just individual institutions but how the ensemble would work, how the institutions would fit together—with astonishing prescience and penetration he was able to see what states like that are like.

I don't know. Now I'm like Hythloday, I guess. I think Hythloday's been getting a little bit of a bum rap on the whole here. One of the things I jotted down, one of the words I wanted to mention if I spoke in defense of Hythloday—and this is what makes me think I've been reading *Utopia* too long, as it were—the one thing I love about Hythloday *is* his passion. It's funny. He's such a complex character; he's cold as ice in some ways. When More gets angry during the argument over the indirect approach, Raphael's stone-deaf, and I'm not surprised either. I don't think you should put ideas like this in front of a group like this. And Hythloday's response to that anger is not to get angry—well, he gets angry, I guess, but he doesn't express it with heat; he expresses it with a lowering of the temperature. His response is icy cold: "It may be the business of the philosopher to lie, but it's not my business." Then he goes on with a sort of icy contempt. And yet this is the same guy who, both in the conversation at Morton's dinner table, and then in the peroration, utters what are some of the best lines—out of the three most memorable things said in *Utopia*, Hythloday says two of them. The other one would be More's "Don't abandon the ship of state in a storm because you can't control the winds." The two of Hythloday are that impassioned stuff about the displaced and homeless and impoverished in England, and that whole passage is scintillating, scathing. The passion is remarkable, wonderful, memorable, epitomized above all in that example of putting people in the horrible position of having to steal, and then having to die for stealing. And then, of course, at the end, the peroration is white hot, it's seething, wonderful. And there I would say that the epitome is that sentence that reminds people of the thing in the *City of God*: "Looking at all the commonwealths flourishing anywhere today, so help me God, I see nothing but a conspiracy of the rich to defraud the poor." So, all that by way of a sort of parenthetical, partial defense of Hythloday. And also, I guess, at the same time, to excuse my own passion in talking about these things and to excuse the fact that, in that passionate state, I've lost track probably of what the

other parts of your question were.

Dougherty: About the connection between Book 1 and Book 2 on the treatment of private property. It's not that the one disowns the other or compels one to reject the other; but rather, I think that what happens is something like this: when the question is raised in Book 1, More gives us a calming, settling feeling. "It's OK, private property is alright. You're going to get this radical view out of Hythloday, but it's OK. There's a necessity for it." But of course he's got to make an argument beyond, I think, the one that Aristotle makes, or an addition to the one Aristotle makes. Aristotle's argument, as I reported this morning anyway, is largely that property is necessary for the exercise of certain virtues. I don't think More's Christian conception of property would necessarily be tied to that. Rather, it's a more practical or philosophical analysis of what people actually do with their property: is it more productive to be held privately?

So, we get a sort of assurance in Book 1 that property is OK; but in Book 2, the point is: "Don't rest satisfied with that easy, comfortable feeling you have about private property, because there may well be abuses of any system of private property." And what Hythloday is doing is compelling us to think about them. And we may, of course, return to the same position we were in originally, but I think the point of it is to unsettle settled emotions. That is, we recognize after Book 1 that there is a kind of stability; so now that we have stability, now we can think a little unstably. Now we can think about how it would actually be if we had some other regime in place. So I think the point of Book 2 is, in part, to think about the problems that a system of private property might lead to, because More really leaves us with that, right? At the very end of Book 2, he says, "By the way, I do have some problems, and that property thing is one of them." So then you've got to go back to Book 1 and think about why it is a problem, and he articulates it there. But I think the point is, if you're going to raise questions about the system, this is the way you do it, in a kind of indirect way. And the question is not, then, in the end, whether private property is a problem, but whether the abuse of private property is a problem. And that, I think, is very much St. Augustine's concern.

Wegemer: To try to put a point on this question of what is the cause of crime according to the analysis of *Utopia*, which is very thoughtfully presented in Books 1 and 2, let me pose this question: If Book 2 is the best that reason can do, what are we to make of all the contradictions in Book 2? For instance, in the peroration Raphael says that money is the cause of injustice in society but then he also says pride is the cause. Well, which one is it? Money is not pride, and pride is not money, yet he seems to identify them. And then what are we to do with the apparent contradiction between Book 2, where he says that money is the source of all evil, but then in Book 1, he gives his money to his family so that he can travel? What are we to make of what seem to be contradictions of reason in the best regime of reason?

Logan: Why are you looking at me? (Laughter.) I'll say a couple of very brief things about this. First of all, I've had that very interesting list of contradictions in *Utopia* from you, and it is a very interesting list, and thought-provoking, which is what you meant it to be, and some of them are troubling. I guess I think that, first of all, some of the contradictions are there simply because it is tough to design a whole country and describe it in seventy or eighty pages without leaving some things out, and making some mistakes, and making some internal contradictions. You know, the contradiction I actually have thought most about in *Utopia* is not in Book 1 at all; it's

in Book 2, and it relates to this matter of Hythloday's character. Hythloday gives the account of the dinner table conversation at Cardinal Morton's and More has some other reasons for including this in the dialogue within the dialogue, but Hythloday's one and only reason is that it's supposed to prove by example that there's no point or use joining a royal council, because all the counselors are just sycophants, and there's no useful exchange of ideas that goes on there. And to a certain extent, the Morton episode does show that, because everybody there just wants to get on the good side of the most powerful person there, namely Cardinal Morton. But of course, the big flaw in this illustration as a confirmation of Hythloday's point about royal counselors, is that the only real royal counselor there, namely Cardinal Morton, doesn't respond in the way Hythloday says royal counselors respond at all. He takes the new ideas with exactly the right seriousness. He thinks about how they might be modified, extended, applied in the real world of England.

Did More mean that to happen? Hythloday's example, really, in this deep sense, is a counter-example to what he intends it to prove. Did More mean this to be the case? Are we supposed to notice? Inevitably, once we *do* notice, this is one of the principal things that undermines the initial confidence that we might have in Hythloday. Did More intend this, or was it that he was just distracted, because he's trying to do other things in the episode too? And one of the other things he was trying to do was convince people that Morton was the great, wonderful man that More clearly believed he was. Is it just accidental, as it were, that these two purposes of the episode run into each other? And I guess to me that's the clearest striking example of contradiction in the book of *Utopia* as a whole, but the kind of questions that one raises about it are the same that I would raise about the various contradictions in Book 2. Are they intentional? If they are, then they probably say something about Hythloday, or at least they say something about the construct of *Utopia*. Are they just accidental, really? It's like a miss-take in a movie, when in one scene somebody's got the coffee cup in the one hand, and in the other they've got it in the other hand. Not because the director meant to signal anything, but because, in simulating reality, you're almost bound to make mistakes in your simulation, because you don't actually have reality that you're copying directly from.

And as for pride and money, I don't see that that really is a contradiction. Because I think the fundamental problem, as Hexter especially argued, of course, is pride. Human nature is the problem. Again, we've talked a little bit about the depiction of human nature in the book. It seems to me that it's completely unillusioned. Again, in the section on Utopia and moral philosophy, the Utopians take it for granted that, left to their own devices, people are completely self-interested, selfish creatures, and all of Utopia is designed to channel that self-interest. Utopia's designed to make self-interest identical with the public interest. And so, basically the seven deadly sins, or the Fall, is the problem that More's dealing with in *Utopia*; the foremost of the seven deadly sins is pride. And so many of the Utopian institutions, as Hexter argued, are ways to subdue pride, keep pride under, channel pride in successful ways. And that's where the connection with money surely is. Money is the greatest, as we know from looking around us at any time in our own society. Money provides the single greatest outlet, the single greatest place to manifest pride, so if you do away with money, then in one stroke, as Hythloday says, you do away with a lot of the opportunities for pride.

S. W. Smith: Regarding your first point about the contradiction—i.e., whether it's intentional or not—it seems that it would be. Thinking back to Nate Schlueter's point about Raphael being a man on a mission—well, the motive for telling the tale

of Book 2 is to demonstrate or respond to this charge that "you should serve." It's right after that specific argument that Utopia is introduced. He's going to show a state where private property is held in common, etc., etc. This is one of these ideas he has that no one would listen to. But doesn't More imitate Morton's action at the end of Book 2 by taking him to dinner, by not rejecting him, by continuing the conversation? It seems to me that the book leaves us having to imagine how to intellectually and imaginatively act as Morton would act. What's that dinner like? That last conversation between Raphael and More? So it seems to me that there's a pattern in the book, that Raphael responds to challenges with these stories, and they may really be counter-examples. Morton's response and More's response seem similar.

The second point, too, on contradictions: I was struck by a line from *Rasselas*, "the monument to human insufficiency." I was wondering—there are no monuments in *Utopia*, but could Book 2, or an attempt of one mind to imagine an ideal regime, be something like a "monument to human insufficiency"? I'm thinking of More, who had a great reverence for common law and experience. I haven't studied law, but I would imagine one of the benefits you gain from studying common law is that you gain all this experience precisely from studying more than one mind. So I wonder if the contradictions—especially reason alone—aren't part of the design of the book as well.

Jeffrey S. Lehman: We all want to avoid maintaining that the injustices brought up by Hythlodaeus in Book 1 are not injustices. We recognize that. On the other hand, no one is willing to endorse *Utopia* Book 2 carte blanche, no exceptions, no reservations whatsoever. Where the disagreement lies is in assessing exactly what it is about Utopia that is troubling, and to what extent it is troubling. Is it a picture that could be modified, could be tinkered with, and could end up producing a regime that would be acceptable? Or does it have systemic problems that would lead you to be looking in another direction altogether? Either way, it seems that when you read Book 1 and then you read Book 2, you're forced into a kind of dialectic between unacceptable states of affairs that presently exist in England and their supposed solution in Utopia. And so what we all do is try to come to terms with where we should go dialectically from there. I personally *do* make a lot of that one contradiction, as you know from my essay. It seems to me to be a turning point in the dialogue. Before, I see a great deal of incredible insight into existing problems, and I'm right there with Hythlodaeus. I find myself saying, "Yes, you're right! What are we going to do about this?" But then, as I read it, what happens—and this is why I pay such attention to the dialogical details—what happens in the encounter with Morton is a turning point where you do see the contradiction. As a reader, you're meant to see the contradiction, and then you start to see something unfolding—as I outlined in my essay, this progressive movement away from historical regimes and into the imagination.

Now, do we need political images? I think yes, but I think the very structure of Book 1 leads us to look into them with a very critical eye, and ask if—especially regarding the first one—they might not prove something other than what Hythlodaeus thinks they're supposed to prove. It reaches its full manifestation in Book 2. Maybe this doesn't prove exactly what Hythlodaeus thinks it's supposed to prove. He's got legitimate concerns, but how ought we as readers respond? This is part of what I take to be the genius of *Utopia*—that More just draws you in, and he makes you consider these questions. You must ask, "Well, what *do* you do? How do you avoid the extremes? How do you avoid the problems of existing regimes and

their acknowledged injustices? And at the same time how do you avoid what, for all its greatness, is not acceptable to many of us, namely the whole package deal of Utopia?

Logan: Just very—I swear—very briefly: I don't disagree with anything you've said at all. And I thought, when you were talking, in fact: what's going on here, not just now but in these two days, is exactly the kind of response that More wanted to have from the book. Yes, bring them into the dialectic. If you had to force *Utopia*, which is a very hard book to force into a nutshell, and had to say two things about *Utopia*, I would want to say that, one, in Book 1, it impresses upon us how urgent these problems are, how desperate the problems of society are, how disgraceful, how disgusting, how unChristian, how immoral they are. And then two is this: here is how to think about them; I don't pretend to have solutions, but here is how you go about thinking about developing solutions, and here is how you go about thinking about the conditions necessary to implement the solutions once you've got them. Can you do it only if you've got a Utopus to come and conquer the country?

Elizabeth McCutcheon: I think it helps if we remember that Raphael's first name seems to be some sort of echo of the angel Raphael, who is linked with opening eyes and also healing. He was the angel of heavenly medicine, and he's also, in a sense, the sociable angel. There's a paradox, because Hythloday can be very antisocial, and yet he's concerned with society. So it's almost like playing a game of chess sometimes. But his last name means something like "the speaker of witty nonsense," so these contradictions exist on every level, and one of the fascinating things is that, actually, geographers have sat down and mapped Utopia, and it couldn't exist in the world as we know it—it literally could not—because the mathematical directions given are self-contradictory. At the same time, he locates it somewhere in the southern hemisphere in the New World, so this play with "how long is the bridge?" is kind of weird for similar reasons.

But we didn't talk about the very end. After all those objections Morus gives, he says, "Well, I didn't want to tell him exactly how I felt." This is after he's objected to these basic things. "So I praised him and his talk," and he generously takes him in for supper. And then the last statement just opens up everything that we've been talking about here, it seems to me: "I hardly agree with everything he said, yet I freely confess that in the Utopian commonwealth there are very many features that in our own societies, I would wish, rather than expect, to see." And at this point, it's an explosive statement. To what extent is that Morus? To what extent is that More, reopening the dialogue, and, as you said, we're kind of invited to play the game, or however you want to put it, do the dialectic, and keep on moving it, because it does open up these desperate questions from Book 1.

John Kaisserstat (lawyer): Just to let you know where I'm coming from, I approach *Utopia* with a lawyer's mind. I read it for the first time this week, so I definitely have more ignorance than knowledge of this subject. But I can identify with More as a lawyer and read his work as a lawyer and draw some conclusions that unite the work in my mind in terms of understanding Hythloday. To be brief: just having read it for the first time, and not having a large background in the classics myself, I'm very impressed with the pedagogical nature of the work. It makes sense to me because I know enough of More's life to know that he was highly pedagogical. He was a teacher in many respects throughout his life, and there was a statement that you made—that Hythloday's speech was a monologue, but becomes a dialogue with

us, the readers—and then the other statement also, pointing out that Book 2 was written before Book 1. So it started out as a monologue, but it's a dialogue. So that makes sense, to me, of who Hythloday is going to be: he's going to be a vehicle through which More presents the issues, presents solutions—some good, some questionable—and then he presents a lot of contradictions. He does it in Hythloday.

Then, when he comes back to do Book 1, it's an introduction—in my mind—of how to read Book 2. I see the contradictions. I see the debate going on here. I see good things coming out of the same mouth from which come ridiculous sounding statements. OK, this is giving me a taste of what's to come. Then I jump into the monologue, which was written first, which is now a dialogue, which is meant to wake up my intellect in a pedagogical manner. (One side note is that, for a lawyer, contradiction is a big sin, and so, for a lawyer of the stature and mind and background of Thomas More, clearly, all the contradiction that you see in this book is intentional. He's not going to accidentally overlook these things because his entire career and professional life is to not accidentally overlook details of argument). And to bring that to a head, Hythloday has one job, one monologue that's going to incite a dialogue for the reader, which means he's got to get the fire going, get the pot and the ingredients, and then start stirring the pot with these contradictions. So you're going to see things that you identify with, you're going to see things you want to disagree with, you're going to see things that make sense, you're going to see things that don't make great sense. And I just wanted to submit that—from a lawyer's perspective—there are a lot of great things that he's got to say; but then, where he draws us in, More draws us into the dialectic to say, "What does a practical lawyer have to learn from this book?" Well, it's that we, in order to be good lawyers—remember in Book 1, the lawyer comes out and puts his foot in his mouth because he's so direct—that lawyers, who are supposed to be so good and so direct in communicating, need to enter into this intellectual dialogue, and with Hythloday and the entirety of Book 2, he sets up the dialogue for us to get us to learn and make our own conclusions. And, by the way, now I want to read the classics. (Laughter.)

Russell Osgood: Yes, just one little dissent from what you just said, and that is that, if you read the cases of the Court of Common Pleas, the lawyers argue both sides of the cases. They are not bound by any sense of being coherent, and the judges jump positions. Our modern legal system, I think, does press lawyers to be coherent and consistent, but that was not seen to be the job of the advocates in the Court of Common Pleas. That's the court and King's Bench that More's father was in; and More would have probably been witness to arguments there. So I think the book sounds a little bit like an argument in the Court of the Common Pleas on various issues. And there would be no resolution. It's also true that in the Common Pleas, they never said what the judgment was. They would just argue back and forth. You can find an answer when the jury would enter a verdict six months later on the Plea Rolls, but it's not even shown in the court argument.

Gabriel Bartlett: I want to go back to something that was said in this morning's session. Christianity actually doesn't fare very well in *Utopia*. There are a number of examples of that: from the first mention of the priest who is yearning with ardent zeal to convert the Utopians or to finish the job of converting the Utopians by being appointed as bishop there; to the friar who gets extremely indignant during the conversation between the fool, Morton, and Hythloday in Book 1; to the Utopian who is converted to Christianity in Book 2, and who zealously starts condemning all of the other Utopians, telling them that they are going to go to Hell, and who

therefore has to be exiled. It just doesn't seem to me that Christianity actually gets this lovely treatment that one would think it would get given the rest of what we know about Thomas More. So it just doesn't seem to me that that point is being addressed properly. So I'm throwing it out there for everyone, and for the panelists in particular.

S. W. Smith: Well, while it's true that the friar, and the would-be bishop of the Utopians look negative, there is the example—and I hate to focus in on this again, but—of More's behavior at the end of Book 2, which would seem to be some image of charity or friendship. Now whether that has its roots in a biblical or classical tradition or both, I think, is a good question. **(Bartlett: "**It doesn't invoke anything Christian.**")** Well, it's amazing: I was thinking to myself, a four hundred word sentence, a nine hundred word sentence, one meal with the guy, then Book 2, and another meal with the guy. I think that's a pretty amazing amount of patience and willingness to continue the discussion. He clearly can't think that Raphael is contemptible or not worth discussion. So More's behavior may be a counter to your point about the friar and the priest.

Bartlett: Well, again, isn't that pretty oblique? Hythloday himself, although in a way that one might want to take with a huge grain of salt, claims of the Gospel that it has to be shouted from the rooftops, not subtly, not indirectly mentioned in the most oblique way possible, without explicit mention.

Boyle: A couple points. One: it is interesting, and perhaps it's one of those exquisite complexities in Hythlodaeus, that he's not always in high prophetic mode. Once, he does say, "Trim your sails—it would be good not to be blunt," and that's the case of the Christian in Utopia. "He's not meant to be proclaiming from the housetops; he's not meant to state the truth at whatever cost. In fact, he deserves everything he got." I don't know what that means, but it's interesting.

Christianity explicitly fares very oddly in Utopia, and the question is whether there's even a reason to have a "Christian take" here. Of course, as a theologian, I have to say "Yes," because otherwise I don't have a job. (Laughter.)

As I tried to suggest this morning, Augustine's *City of God* provides a fascinating vantage point for considering *Utopia*. Recall that Augustine raises a number of critiques against Rome and its pagan religion – arguments of internal contradiction and failed promises. What's interesting—and it gets back to George's point—is that a comparison of the arguments of the *City of God* with the portrait of Utopia shows just how carefully constructed, what a work of genius, *Utopia* is. Not a one of Augustine's charges works against Utopia—not a one of them *except* the one I hit on this morning: happiness. More has systematically safeguarded Utopia against every critique Augustine has against the Roman Empire, except one: happiness. Now, is that coincidence? It could be, but it seems to me, what a remarkable coincidence that he's constructed a pagan island that can withstand every critique of Augustine's critique of the Roman Empire but one. So it's a peculiar bit of absence, but it's a remarkable bit of absence. Let's not forget that More himself had publicly lectured on *The City of God* at the turn of the century and Vives' commentary on *The City of God* will be published by Erasmus in 1522. I agree that the role of Christianity in *Utopia* is a puzzle, but I'm not prepared to say that Christianity is positively a non-issue in More's mind, in writing *Utopia*.

Bartlett: Oh, I'm not saying it's a non-issue. I'm just saying it's not treated well.

Dougherty: I wanted to go back on this earlier discussion about money and pride. That is an argument that Augustine makes in *The City of God* in Books 11-14, when he talks about the Fall. His comment on the Pauline argument about money being the root of all evil is that it is pride. Pride is the catch all—it's the desire for more than what you're doing. Pride is lust. It's a lust of money, it's a lust of food, it's a lust of power, and it's a lust of knowledge; so I think that one reason for mentioning pride is that it does open up a much larger arena of human failure than just money. What I get out of it is that, after having made the argument, that if we just meet the necessary conditions of human beings, we'll get rid of evil. Then, when you talk about pride, I think you can see that that's not sufficient. There's got to be something more.

S. W. Smith: The line that caught my attention is when Raphael says the Utopians are distinguished by their readiness to learn. He comes back to this a few times. And it may be that the *Utopia* itself is an example of the indirect approach that More counsels in Book 1. It may be that it uproots, exposes false images. You can look at it in many ways; and it may be that, when we're left to imagine that conversation after dinner, we're ready to learn, because of what we've seen through the dialogue.

Miller: On the question of how the Christians appear in Utopia: not to worry about the friar. The humanists and More himself in other places satirize stupid friars who don't know Latin. (Laughter.) Later on, for example, in the *De Tristitia* in the Thirties, he cancelled a friar joke, because this was not the time. Luther hadn't arrived in 1516, and afterwards he was around.

　　Now, the over-enthusiastic Christian in *Utopia*: I don't know. There were lots of over-enthusiastic—not converts but con*dem*ners among the Catholics. They did one thing or another that the Humanists didn't like. What was the third example? Oh, the bishop—again, the satire against corrupt clergy is nothing unusual in that time….

Boyle: No, actually I'm with you on that: the great thing about being a medievalist is that there's nothing untrue in what he says. It may be funny, but it's all true. He's describing the real world.

Interpretation of *Utopia* as a Whole

**with Drs. Nathan Schueter, Michael Foley, Samuel Bostaph,
Jason Boffetti, Gabriel Bartlett, and Russell K. Osgood, Esq.**

Gerard Wegemer: Throughout this weekend, Thomas More has been guiding our discussion about a central question of life and the central question of politics: What is justice? Of course, that is the subject of *The Republic,* the most famous book ever written on justice. As mentioned earlier in this weekend, there are claims within *Utopia* that *Utopia* surpasses *The Republic*. One way is that Socrates is on his way to dinner and he never gets there—he never eats. But Raphael eats twice. (Laughter) They all eat twice. Now, as Nathan has reminded us in his paper, Socrates is greedy for images, yet Socrates proposes to banish the most famous poet of his time from his imaginary city, because of Homer's *bad* images—bad images of the gods, bad images of heroes like Achilles, who can act like a spoiled child and can turn traitor to his people. Yet, Socrates also acknowledges that Homer is the one who influenced him most in his own education, and he indicates that Homer is the educator of the Greek-speaking people.

In this last session, helped by the fine papers prepared by this seminar panel, we have the opportunity to draw back from Friday's and Saturday's discussions and from individual seminar papers—since we have read them, thought about them, profited from them.

To open up this discussion, I would like to ask the seminar panel, what are the memorable images that More is giving us in this book? How are they meant to shape or reshape our reasoning about such topics as law, justice, economics, and religion in a way that Socrates' city of speech, myth of the cave, and ship of state have done for us for several thousand years? Any thoughts?

Nathan Schlueter: I was reminded of the noble lie in *The Republic*, and I was struck by the fact that there is no noble lie, at least on the surface, in the *Utopia* itself, and a noble lie is an image. Socrates doesn't simply excise images from his city. Instead he supplants one set of images with another set of images; so that began my inquiry.

Gabriel Bartlett: Why do you think there's no noble lie in *Utopia*—or at least, as you put it, on the surface of *Utopia*—whereas there is one very much so on the surface of the *Republic*?

Schlueter: Let's think about what necessitates the noble lie in the *Republic*. You have an erotic soul in Glaucon, who is tempted by tyranny, and tyranny is a main theme of the *Republic*. So the whole of the *Republic*, in a way, is to form Glaucon's

soul, to channel his *eros* towards its proper object of transcendence. And that's what necessitates the noble lie as I see it, to some degree.

And what is a noble lie? Of course it's a big question, but the fact is that Hythloday says, "If you think philosophers should be lying, that's your business, but that's not for me." And so, part of the reason why Hythloday is giving us *Utopia* is to show us a regime that does not require *any* lying. There is also the property issue, which seems to be part of Hythloday's claim there can be a transparent political regime. Professor Boyle, however, suggested in his own paper that such claims may not in fact be true, that there may be some noble lies going on in *Utopia* itself. I would argue with that conclusion, but I won't take up the panel's time.

Jason Boffetti: That's a pretty provocative question, because there aren't images that leap to mind of what I would show to students, saying "here are things to look at as metaphors for other things." It's almost as though he's created such a vivid, such a detailed description of the place, that it starts taking on the quality of an actual place that holds together as a real city. Whereas, you don't have as many details in the narratives of Plato, so you don't see it as a real place. Here it is so vivid that I think it may detract from its being a metaphor. It becomes reality.

Schlueter: There's another big difference—and you remind me of it—is that, in the *Republic*, you have a founding, and the founding is hidden in *Utopia*. How did this thing happen? We don't get to see what King Utopos did; we're just told that he did, so the noble lie is a sort of foundational and forming myth for the people. We don't see it coming into being. All we see is its existence and its description. Why does More hide, then, the founding? It seems to me that foundings are essential to making sense of it.

Wegemer: Professor Foley, do we get an image of virtue and vice through the Utopian games you wrote about?

Michael Foley: You raised your question originally about the power of images. What strikes me about many of the images of *Utopia* is that they're not only vivid, but, perhaps in some respects they're left tantalizingly incomplete. They're powerful images because they're evocative. They invite the reader to fill in the gaps. That's definitely the case with that small paragraph that I had my students focus on, which was the fleeting reference to board-games, the chess-like board-games Utopians play. Hythloday gives a couple of vague parameters about how this is done, but he doesn't tell us which vices are opposed to which virtues. He doesn't tell us which vices *sneak* up, have the propensity for sneaking up, or which ones go up for the direct assault. All of this is left to the reader's imagination or powers of deduction. An interesting exercise, both for oneself and for one's students, is to say, "Well, how would you fill in the gaps?" That's definitely true for the board-games, and I would argue that it would probably also be true for other areas of *Utopia* as well, so you're right that More is extraordinary in his use of images, because on the one hand there is a sense of its completeness—the verisimilitude of Utopia: the fact that a geography is described and clothes are described, but on the other hand there is an incompleteness that is also attractive.

Wegemer: President Osgood, as an experienced lawyer, how do you imagine law in a place where there is no law? What's your reaction to this?

Russell Osgood: Well, I was going to say that one of the problems I have is that I'm maybe too concrete to react to images, so I wanted to respond to the first question you asked because I think it's the most interesting question about the book, and about Sir Thomas' whole life. The question for me is what did he think was justice in the largest sense? If you read *Utopia* and think that the messages that he's giving about the Utopian order reflect his views, you would say that justice is an anti-recondite rules regime (that's a lawyer's way of saying it) and maybe an anti-rules regime. You decide things with a very broad conception of what justice is. This is also consistent with the ideology of the Chancery in England. The Common Law Courts, they apply these horrible, crabbed, narrow rules, and that isn't justice. Justice is when the chancellor comes in and says, "No-no-no-no-no, we are looking at justice in a broad sense." So, I think that what he says in *Utopia* matches up pretty well with what I would call the ideology of Chancery, which, interestingly, fits in very well with the ideology of Thomas Wolsey, who was the most dynamic, expansive, reforming lord chancellor of England. So that's step one, but people live whole lives, as we know, and Sir Thomas' life didn't end with *Utopia*. He then becomes lord chancellor, and though I don't say it in my paper because I don't have enough evidence to support it, my view is that, when he became chancellor, he oscillated to what I would call a second, more-refined position, which is: Justice is following just rules. It's hard to argue with that as a proposition. In other words, although some common-law rules may work, what is conceived to be injustice in one or two particular cases, overall, justice is better served by following rules. So, for instance, he did refuse to reform—that is to rewrite—certain deeds. People would come in and say, "Well, I didn't really mean what I said when I wrote the deed," and when he was lord chancellor, he would say, "Sorry, but if we can rewrite every deed, we'll have to change all the real estate in England because everyone in retrospect will come in and say, 'No, I didn't really mean that when I signed the deed.'" So I would say that his second position, which flows from his work as lord chancellor is that justice follows justice rules. I think that his end-of-life position, if one can even analyze it, is even narrower, that he came to believe that justice is in following rules, even if sometimes they're unjust rules. And I say that because Henry started sweeping away everything. You can just imagine the next statute being "Jesus Christ isn't the savior of the world," and so, I think that at *some point* he realized that in the sweeping away of things that Henry was doing, there was great solace in following some kind of settled order in which there are processes and rules that are set. And there's that great example—that great piece in *A Man for All Seasons*—where Roper says, "Oh my God, if I'm going to get the devil, I'll cut through any rule in England," and Sir Thomas says: "No. You cut down all the laws in England and the wind will sweep you away" – which is of course what happened to him, and to the things he believed in. So, I think he evolved a more sophisticated view of justice in his life, and this book was an early effort, consistent with the overall position of the Chancery, to articulate it, a view that he came later to be not totally in sympathy with. I think he would not have rejected what he said here, but he would have trenched it around more carefully later in life.

Samuel Bostaph: What strikes me about Book 2 of the *Utopia* is that there are so *many* rules—it's a planned society. Book 1 I can almost take on its face because it's critical of his existing society, and Book 2, then, is drastically different, where he's describing this existing, and—many people think—ideal society. And yet, as Travis Curtright noted, maybe he's praising the unworthy, because he can knock down his own society for its insufficiencies, and then as an alternative—an extreme

alternative, which he was well aware of—the communist or social society—he knocks that down too. And so Book 2 of *Utopia* might itself be a noble lie, and that's what caused me to be attracted to the view that it might be in irony.

I'm the tyro in this group; I'm not a More scholar—invited just because there don't seem to have been that many economists who have written on More, and as I found out when I tried to do some research, there *aren't* any economists who've written anything about More. That is, the best you can find is a one or two paragraph outline that treats it as if it were More's ideal society, without any particular critical remarks. And there are no references to the literature, the extensive literature on More, or on *Utopia*, by economists, which means that economists generally speaking are totally ignorant of the meaning of *Utopia*, of the place of *Utopia* in literature, of the place of Thomas More. And it's been quite stimulating to discover that there's something very important here.

Schlueter: In Book 2 Hythloday is saying, "This is an image I'm giving you—this is a true image." So, going back to the opening question about the controlling images of *Utopia* as a whole, Book 2 *is* a powerful image. But why do you think, if that's true that it is a noble lie, or whatever we want to call it, What do you think was More's intention behind giving us this image? And economic questions are central to that image as well—they seem to be a central part of that critique.

Bostaph: Well, that's the whole problem, is it not? What is a just society? More clearly viewed his own society as unjust in many respects, and if Book 2 of *Utopia* is another depiction of an unjust society, a drab existence of rules, even though, as I pointed out at the end of my essay, he's well aware of how money economies—market economies—work, perhaps his view was that there is a society that's better than the one in which he exists, but certainly not the one which Plato envisioned, if you take Plato as envisioning a society rather than the idea of "this is how you remake yourself." And if you can clear the brush away, so to speak, there might be an opportunity for you to build. Certainly it seems as though, in his life, his desire was to make more just the society in which he lived, and following the rules certainly goes along with that—also with the hope of reshaping and changing the rules. As you point out in your paper, Russell, his attempt to widen the jurisdiction of the court of Chancery, so that it would remedy some of the bad decisions of the other courts with respect to property in particular, would seem to show a desire to reshape the way in which the rules were carried out.

Wegemer: Travis, is Morton the image of a just man, or of *the* just man. You bring in complications because you show two different images of Morton, when you compare *Richard III* and *Utopia*. So, what is your general impression of that?

Travis Curtright: Well, I looked at Morton in *Richard III* and tried to think about why Morton would ostensibly bear such resemblance to Richard's own machinations, because at the end of the history—I was questioning Professor Logan about it Friday night—More writes something to the effect that Morton tempted Buckingham to his own destruction, and I think it's Alastair Fox who says that Morton is open to the providential changes that he sees. He's an Augustinian political philosopher who notes that certain ages are given over to certain tyrannies, but other ages can be ruled by people who provide peace or good leadership. And so he recognizes Morton as someone who cagily recognizes a time for change that will ostensibly then be wrought by Providence, but then the problem is that, in More's

depiction, Morton really is the agent of change. His means are dissimulation, and how do you balance that with the image of Morton in Book 1 of *Utopia*, where he is so highly praised? (**Wegemer:** "This is another ambiguous image?!") We have an equivocation here, because some of us wrote on images—if you like justice within a polis or in *Utopia*—and others of us looked at lying, and not speaking with complete authenticity and candor. So there's the issue of a political fiction wherein we find certain truths about how we ought to live together in society, and then there's the issue of Raphael saying that the indirect approach constitutes lying. As opposed to, say, some of Erasmus's ideals about the philosophy of Christ and how it ought to be implemented in society.

Then we have Cardinal Morton in the *History of Richard III*, who applies indirect methods, thereby raising the question, "Do indirect methods entail some form of dissembling?" And I think the answer can partially be looked at in light of rhetoric: the note about praising the unworthy comes from Thomas Wilson's 1650 *Art of Rhetoric*, and he records there about Thomas More as a great dissembler, and one of the reasons is that he was known for praising the unworthy, and at the end of the *Utopia* Book 2, More says that he finds many of the customs of *Utopia* absurd, but then he says to Raphael "with praise for the Utopians"—he sort of pats him on the back and has him come in—because I don't think the man could handle contradiction. You see, we would like to have complete authenticity in speech, or complete candor from our politicians, but it seems to me that More had a more fluid sense of what he had to say, and to whom he had to say it. That business of the indirect approach involves adaptability to one's audience, it involves the business of litotes. The affirmation of something by denying its contrary doesn't exactly specify what it is you think about a thing: "How did your Thomas More conference go?" "It didn't go badly." (Laughter.) "Well, how did you specifically do?" My wife will ask some questions for me here, and there are lots of ways you can dissemble a reply, and More seems to have a good grasp of these ways, of giving an answer, but not really giving an answer. That's an indirect method that, I think, has a certain moral component to it—that is to say, we wouldn't want to have complete candor—it doesn't depend upon your definition of the word "is". (Laughter.) Or who knew about a leak? We wouldn't want to have complete transparency. There's a book by Richard Lanham that was called *The Motives of Literary Excellence*, where he distinguishes what he calls "rhetorical man," or a dramatic, sophistic, social self that emphasizes adaptability and capacity to play with words, against what he calls the "serious man." That may be the difference, really, between Hythloday's and More's approaches. Raphael is Lanham's "serious man". He has a serious self, one interested in ideals, a philosopher. And More's character involves this approach of rhetoric, of adaptability, of turning things toward particular ends given the circumstances that you have. And you use speech creatively in order to do so. And how that political philosophy or use of rhetoric corresponds with standing up for one's convictions at the end of one's life, saying what you really think about the king's marriage in Bolt's depiction, or calling for an arrest of judgment to talk about what it is you really believe with regard to the Act of Supremacy—how those things fit together, it seems to me, is an interesting conundrum.

Osgood: Just a couple of thoughts: I think there's a horrible tendency—we do it to our politicians and we do it to our deceased politicians such as Sir Thomas More— it's the horrible tendency to say, "Oh my gosh, someone dissembled" because he didn't reply flatly or directly. People's apprehension of their situation is dynamic, and it changes constantly, so if my wife said to me—which she will after this panel—

"How did it happen? Did you survive?"—I usually say, "It went OK," and I'm not lying or dissembling, because I'm still processing what went on, so I think you have to be really careful about what he said, and when he said it, not to read too much into it as dissembling.

That's one side of me. The other side says, "This was one of the ablest lawyers in Britain. His father was a common-law judge. His wife's father was a judge. He sat there in courtrooms. It's near the end of his life; he sees a horrible thing coming maybe. We always look at it in terms of what actually happened, and never in terms of what might have happened. He was dodging and filling as a lawyer representing himself for a large part of the period right up until he said, "Wait a minute: now I'm going to tell you what I really think." But you shouldn't assume that he always had that same opinion that he spoke of at the end. People's understanding of what's happening to them changes, and life is a kaleidoscope. You don't suddenly see things black and white, and then hold those views forever.

Schlueter: Just a response to Travis' observations. I am struck by the fact that More wrote Book 2 first, and maybe even intended to publish Book 2 by itself before designing Book 1. And Book 2 does not seem to deal so obviously with these questions of suppleness of language, of fitting speech to the occasion. So it seems that he might have had two purposes: he wrote the *Utopia* as an exercise of the imagination, of thinking about justice, and then rethought and wonderfully situated within it a dialogue about the application of truth to politics. I'm reminded again that I somehow see in this book both a prophetic idealism and a practical rhetorical politics of Aristotle. I'm as disinclined as I was on Day 1 to favor one over the other, but rather to see them both as having tremendous, and maybe unresolvable, merit. I think More the author does want to deliver this image of this Utopia to us on its own. Why would he spend the bulk of these pages just giving us one big image? If he just wanted to show us what a pompous ass Hythloday was in forcing his tyrannical ideas on everyone, he wouldn't waste our time with this big image. So I just throw it out as a thought again: Jeff suggested that this book itself is a kind of dialectical reasoning, and this is what I just don't know how to resolve: Is this Aristotle vs. Plato going on in this book? It's not quite Plato and it's not quite Aristotle, but it's Platonism and Aristotelianism going at it in strange forms, and why does More want to give us both of those?

Bostaph: With respect to *Utopia,* perhaps there isn't that much difference between Plato and Aristotle, because there are two important points in *Utopia* where Plato and Aristotle disagree. One of them is at the end of Book 1, where there's the argument about communal property. The other one is on the family, because, as Hythloday is arguing, the whole island is like a single family, and if you look in *Politics*—I just noticed this last night, by the way—*Politics* 1261, Aristotle criticizes Plato's argument that if citizens have all things in common, including wives, the state will have greater unity. He asserts that the nature of the state is to be a plurality, and if it attained great unity, it would no longer be a state, but it would be a family, or an individual, and the state would have been destroyed. I think that's an important contrast there, as well as the property issue, that shows—and More must have been aware of that when he wrote *Utopia*.

Wegemer: At this point, let's open turn to the audience.

Stephen W. Smith: In his lecture, Dr. Logan indicated More's preoccupation with

tyranny. If we have a portrait of the tyrant in Richard, what would rule out a kind of tyrannical portrait, or an exploration of tyranny in the *Utopia*? Is there an exploration of tyranny in the *Utopia*? (**Bartlett:** "Is Utopus a tyrant?") Well, yes. The absence of a founding points to the whole drama of the book: how do you get from image to reality?

Louis Karlin (lawyer): In the classical tradition, there are many examples of the philosopher who is educating people away from tyranny, and I think that the *Utopia* is designed, at least in part, to be an education for the reader against becoming a tyrannous person. In twentieth century political theory, we talk a lot about tyranny, but it's always political, and I think, to More, tyranny was a defect of virtue in the person, and I think that the person who can read *Utopia* intelligently, who can be willing to give up private property for a while, for a number of pages, not with smug satisfaction, but really give it up for a while, and then say, "Now that I take it back, am I going to use it in the same way?" That would be a central metaphor. But I do think that *Utopia* is meant for an intelligent reader to read and to come away a better person.

Wegemer: What makes us a better person? Having an open mind?

Karlin: I think that's a large part of it. That you have to be able to be taken up by Hythloday and given over to him for a while, and you come out changed. You see it all the time in Shakespeare: You have to go to this other world—in *The Tempest* especially—but you come out different. You're willing to give of yourself, and somehow this transformation occurs. It's clear from everyone here that the transformation requires a lot of thought, and for a lot of us laymen, who are really grateful that we have people who have actually read Cicero and can remember anything about Aristotle's *Politics*, it helps us to get ready to go back in time to read the *Utopia* intelligently.

Schlueter: I agree. As I think about it, there are two real threats to political life: there are the fanatics who take justice way too seriously, and they are closely connected to the tyrannical souls; then you have the expedient types who are willing to compromise on everything in order to maintain stability. One of the great images I get out of *Utopia*—it's not an image, but a controlling impression—it's that the healing More is giving is "take politics seriously, but not *too* seriously." That is, that's why he gives us Utopia, that actually is a critique of political life, but it's also kind of absurd so that you don't get too caught up in the expedient things; you're still informed by justice but you don't become a fanatic or a Machiavel; you have both of them there. That's what I take away from the book.

Curtright: In terms of final impressions of the conference, partially occasioned by the talk on *A Man for All Seasons*: the conference was unique because we had so many different looks at how to take Thomas More—a saint, or a lawyer in light of his public career where he enacted several important reforms, as a political theorist, or as a humanist. More could be all of those, a man for all seasons. My hunch is that he is not necessarily a political theorist; that he doesn't give us a political teaching, if you like, or that we can point to something and say that this is Thomas More's teaching on liberty. If you want to do a presentation of political theorists, you could say, "What is Thomas Aquinas's teaching on political liberty?" Well it's "freedom to follow the precepts of the natural law." What's liberty for Aristotle? Well, it's

something like "freedom to pursue the flourishing way of life, either by way of contemplation or activity." It seems to me that More is not laying out a prescriptive political theory. He is a saint, obviously, and his public career has been fruitful, but I've been most interested in this humanist line of thought. People are interested in Thomas More as a comic—"merry More"—and this sort of seriousness of play, *that* could be the point of *Utopia*, which is to say that there isn't a concrete point we can derive from it, a theory about the good life, the pious way of life, or the best kind of regime, etc. But that it's this Tudor play of mind, as the book is entitled, this playing of possibilities, making arguments on both sides of an issue to see things.

But I'll also add this, and I'll put it provocatively: Thomas More is a liberal in a certain sense. Part of humanism enables you to sympathize with those with whom you ought to sympathize. I'm thinking of the passage from *The History of Richard III* on Jane Shore, and the way he does these character sketches. He does a character sketch of Cardinal Morton at the beginning; he does a character sketch of Hythloday at the beginning—a sunburned guy with a long beard; and he does a great character sketch of Jane Shore, a discarded woman, but there's a little peroration at the end of her description: "whenever somebody does us a good turn, we write it in dust, and whenever they do us a poor turn, we write it in marble, and this is not the worst proved by her, who at this day begs from those who in previous days benefited from her petitions in their behalf." And he has these little minuets, these little passages in which he shows compassion, in this case for a bona fide harlot. Nevertheless, he's very sympathetic toward her, and this is going on when Richard III is enacting his machinations to appear as if he's been attacked or unfairly treated, and moving on toward becoming king.

So what is More trying to do? If *Utopia* is trying to get us to see, if you like, the fundamental questions through this dialectic of play, *Richard III*, the other work we've been talking about—what's the line from *Lear*? "To see feelingly?"—*The History* teaches us to see feelingly.

Foley: Perhaps that makes him a compassionate conservative? (Laughter.)

Elizabeth McCutcheon: I wanted to pick up on something that a lot of you have been talking about, and it doesn't solve the problem, but there are two images toward the end of Book 1 that collide, and More simply puts them next to each other in typical fashion, and they touch on this issue of the play of mind. One is that, if you're in rough weather, you don't abandon the ship—you try to steer; you keep on going. And then Raphael Hythlodaeus's answer is that, if he followed that kind of advice, he would be doing nothing else, and "sharing the madness of others as I tried to cure their lunacy." And I read, for example, how, in Russia, people who were opponents of the political regime were treated with psychiatric drugs as if they were lunatics who simply couldn't see what the state wanted them to see. This issue of how you see when you're blinded seems to me to come back to one of the things that Raphael, or More through Raphael, is trying to open our eyes to, but we never can forget that, when we're in that ship, we can speculate, but we're also in the real world, and we're always going between these two metaphors which I can't resolve except in my head, and that we need to go in both directions somehow. So you have Morus' metaphor, and then you have Raphael's metaphor, and I think they're both crucial in this work.

Osgood: My own view of the book, in the aggregate, is that it's an effort to provoke us to think about social organization and I think that was his overall theme,

or that's what he ended up with. And I think that two things you have to be careful about in the book—and I've said them both—are (a) the tendency to playfulness, and what I would call rhetorical zeal, and so you can't quite go down every single pathway, obviously, and believe every single word, because that's one facet of his writing. And the other facet (b) flows from his lawyerly existence, which is this tendency to appose arguments seemingly inconclusively, which also makes it puzzling, but, I think, still fits in well with the overall theme, which is to get all of us, or any other reader, to think hard about issues of social organization without making any kind of treatise of answers.

Bostaph: The economist Carl Menger, in the late nineteenth century, made the statement that "all men are communists wherever possible," meaning that we don't want scarcity; we want to have everything completely abundant, and not to have to worry about such things. When you think about it, however, I'm not sure that's true: that would eliminate the basis for most people's lives, because they do concentrate on the struggle over possessions, and struggle over the domination of others by the amassment of material things, and so I think we're provoked to think about social order and more serious things by reading a book like *Utopia*.

Boffetti: It's interesting to me that we actually haven't been talking about those things this whole time; we actually didn't do what I think he wanted us to do—we didn't actually look at the individual cases and say, "Well, could this be applied?" We've talked *about* talking about that, but we never actually did it, which is either a failure on our part or a failure on More's part, not to provoke us enough to take seriously the things that he was advocating, perhaps playfully. So maybe, if we have another conference, it would have to be "we're not going to talk anymore about what his purposes are, but only about what he suggested, and whether it would work?" In your paper, you actually did that, while the rest of us were so caught up in what his purposes are, so that we never talked about his social theory.

John Boyle: That draws the difference between economists and humanists. (Laughter.)

John Dimitri: I'm going to follow in that line, and this is primarily for Dr. Bostaph: the imagery that he uses with regard to wealth, the gold which is melted down into chains for prisoners or various trifles that the children play with; and that all the adults are focused on the actual goods themselves, having surplus—what do you make of that? He seems to have some powerful images about greed, and the slavery metaphor. How do you reconcile that with the things he says in Book 1, with regards to "well this will never work," when he hears the description about holding property in common and everything else?

Bostaph: In the tradition of Catholic thought, the criticism of what's now called consumerism seems to me appropriate here: that is, people concentrate on the trivial, the satisfaction of their physical desires; they don't put the effort into considering the perfection of their own virtue, the attempt to realize their nature as a transcendent being—and perhaps he's trying to help us put this in perspective. Most people consider, especially in his time, that amassing gold and jewels and so forth is a worthy, important thing to do—it insulated one from the life that, by far, the great majority—90-some-odd percent—of the population were actually living. But that's not the purpose of life, to amass gold and jewelry, so let the children play

with things that are appropriate for children—toys—and let the adults concentrate on necessaries. You must have a minimum of subsistence, but then, beyond that, he gives a big role to the cultivation of the mind. And who rules in society but those who are chosen from among the intellectuals to rule the society, those who are dedicated to the cultivation of the mind.

Judge Jennie Latta: The best line in *Mary Poppins* is "Enough is as good as a feast." And that's the message of *Utopia*, isn't it: enough is as good as a feast. Once you've got all that you need, everything else is extra.

Osgood: On the gold chains: the thing I like about it is that this is a concrete example that is just so much more effective than if Plato says "wealth is a horrible thing"—to say that the chains of the prisoners are made of gold is just much more effective rhetorically. The other things it that, when I read it, I remember thinking most recently that it's a play on Christ's words when he says that "the last shall be first and the first shall be last," so you've got the most valuable thing chaining together the prisoners, and being used by children as toys, so he has made the first the last.

Fr. Joseph Koterski: One of the things I come away with from these discussions of both books has been the theme of friendship, and the way that theme of friendship lived out, not so much as an abstraction but lived out in the dialogue and lived out in our dialogue, does enable us precisely to do what Russ Osgood was talking about, urging that we not crib, cabin, and confine some of the public officials as if right away they were dissembling. You have to realize that there are moments, and different points in the process, and I just find that to be so much the case in terms of what friends can do for one another. We don't expect in the conversation of friends that we're always stating ourselves in the most perfectly precise public fashion, but that we're working this out, and yet we're working this out mindful of certain common goods. It is precisely by virtue of the fact that we have a trust for one another that we ascertain the various parts of the project and the various stages along which progress is made. And that struck me again as one of the beauties of this conference, because most of the conferences I go to are purely academic conferences, where it's all at the same level, where here we have the academics, and the lawyers, and people who just have a great devotion to Thomas More for other reasons. There are perspectives that opened up even as we sought one another's friendship and trusted one another in this friendship that maybe is not unlike Peter Giles and Thomas More and Raphael. And the question that I would pose from that is, Where does one go from here? My question to the text would be, What happens to Raphael after this? Is he affected by More? We don't know that, but I would love to imagine—maybe somebody would be inspired to compose a Book 3.

Smith: Yes, I'd like to agree with these comments. To offer a variation on Genesis, it's not good that a thinker be alone. And I think that that really comes out strongly by the end of Book 2 of *Utopia*. Also I'm reminded of these poems that More composed about a blind man and a beggar forming an alliance of firm friendship, precisely based on insight into the limitations of the mind thinking alone. It's something that I think Dr. Logan pointed out, that the *Utopia* was More entering the conversation with the humanists, a sort of publication party. He places himself, and if the work is something like an image of his thought, which may be a way of redeeming Raphael from the general flogging, it's put precisely into contact with

Erasmus and Peter Giles, and all these humanists. And there's hope there, in that friendship.

The other thing is a very small point on gold. Something that really struck me this time through, of course, is that *Utopia* is the golden handbook, and so if children play with toys, I guess we play with utopias. (Laughter.) That's an interesting title, "a truly golden handbook," given what's said in Book 2.

Richard Dougherty: I want to say something about this seriousness and playfulness, and whether people take this too seriously or not seriously enough. And Travis's comment about how More is a liberal: I'm not *exactly* sure how you mean that, Travis, but we can talk about it *later*. (Laughter.) I think it's connected to that question in the comments earlier about the effect of the book: the book is meant to be part of an education, of a liberal arts education. And what that means is that the playfulness of it is meant for us to suspend for the moment our prejudices, which we're bringing all the time to things, and to get us to start thinking about something in a cleaner, clearer fashion. And so, one way of doing that is precisely to talk about something that on the one hand may seem so absurd that it's impossible, and we can imagine other possibilities than the one that we're living right now. And so there's a utility to that playfulness which I think is clearly there, but the end of playfulness can't be playfulness, can it? One of my favorite quotes from Chesterton is that "some people open their minds the way a plant opens its leaves, to soak in the atmosphere. I open my mind like I open my mouth: to close it again on something solid." (Laughter.) There's got to be something that comes out in the end, and I think that playfulness plays the role of bringing about a serious conclusion. I think, for instance, in reading Book 1, the effect is that each of us looks at ourselves: which one of these characters am I? But we may be able to think about that by looking at someone else's life and depiction of life, rather than by looking at ourselves. And the conclusion in the end for the political arena is: "Don't expect improvement in the political order if you don't get improvement in your personal life." You can't expect to establish a perfect polity based on imperfect human characters. And so this is meant to be, in part, an introspection and an improvement of persons' lives, which are then played out on a larger scene.

Clarence Miller: In a way we can't end better than by bringing in Erasmus. A good parallel of this book is *Praise of Folly,* because it has the same paradoxical character of being double-sided.

Utopia, a Roundtable Discussion[1]

with Drs. Clarence H. Miller, George M. Logan, Elizabeth McCutcheon *et al.*

Clarence Miller: The problem with *Utopia* is that the moment you start thinking about this powerful work, it goes to pieces completely. Consider if you had no laws and everything is done by judges who automatically go along and see that justice is done, and there is no real law to prove by, and the judges are appointed by favoritism. I think More knows that this is a kind of virtual case. And it belongs to a whole composite of the Utopia which is itself often deliberately not workable, and I think this is one of the cases where More would never have seriously thought you could run a country without laws.

George Logan: At the same time, it seems that More has some pretty deep ambivalence about the law, for the usual reasons. On the one hand, he seems to be quite incensed at lawyers. His father steered him very strongly toward the law, and it seems as if he resisted the steering for a while. He was always very enamored of the humanist circle that he fell in with in his early twenties. And then there is the interesting report in Roper's biography that he spent four years living in the Charterhouse of London, which suggests that he was thinking, as Erasmus says he was, not just of becoming a priest but maybe also of becoming cloistered, withdrawing from the world. But eventually, according to Erasmus, he decided he'd rather be a married man, than be "a priest impure." And so he got married and studied law, and entered the Inns of Court. Once he got into it, he was a marvelous lawyer. He certainly had a brilliant career. And yet, in a couple of passages in *Utopia*—banning lawyers from Utopia and the reduction of the number of laws, and the insistence that they all be written in common language, and then the figure of the pompous lawyer that Hythloday argues with in the first book of *Utopia*; and the chicanery of Buckingham's' speeches and the legal chicanery that Buckingham quite correctly and powerfully calls attention to in the regime of Edward IV—all these indicate some less positive feelings about the law, which clearly have at their base the fact that the law can be cumbersome and serve only the intellectually and financially able people—and if that is true now, you can imagine how true it was in the England of that day.

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[1] This discussion of *Utopia* occurred at the 2006 Thomas More Studies Conference at the University of Dallas.

Elizabeth McCutcheon: In *Utopia*, More seems to want to have it several ways. On the one hand, he's perfectly able to say, or have his Hythloday say, that the Utopians don't make treaties because they are broken, and that seems to be pointing more toward the West. In other words, there is a satiric edge, and so a lot of the comments about law are not limited to being in-house jokes, but he is well aware of the problems of law. On the one hand, I think of Stephen Greenblatt's critique, which argues that when you first look at Utopia there appears to be great freedom, but when you continue to read there are a lot of constraints. Likewise, George Logan has pointed out that though the Utopians seem to have very few laws, in fact they don't trust good men, and there are lots of laws and rules. So whether you want to call them laws, or something else, there are limits, and there are a number of natural law issues functioning below the surface as well. It gets very complicated and almost tragic when the Utopians find that their population explosion is such that they go into another country, and they argue on what seem to be natural law assumptions that because the other country is not using the land, and they need it, that they are entitled to it. This is a very devastating argument for people like the aborigines in Australia and other places, and so in a peculiar sense it seems to me that we come back to Dr. Miller's point, but in another direction. While More tries to solve certain problems, the best he can do is push them out further. He reaches a limit in any case, and so we are back in this world, although we start somewhere else. There are so many different things happening with or without law. On the one hand, he tries to readjust marriage which is treated as a bond in Utopia, and yet then there turn out to be limitations on that as well. So, whether we want to call them laws or something else, there are constraints that lead many people, including students, to think this is a prison. And if it is a prison there are certainly rules and regulations, whether we want to call them laws or something else.

Gerard Wegemer: The status of treaties seems to be an important element because a treaty is a law. At one point we are told "the Utopians make none at all with any nation" (CUP, 83 and again on 84), and then, ten pages later, we are told that a particular type of treaty—"truces made with the enemy" they observe "religiously" (92). How can we have it both ways? We are told they have very few laws, but there turn out to be exceptions to this, such as very strict laws regulating travel or political freedom in speech or action. The Utopians, we are told, can elect their own representatives, except that only two representatives a day are allowed into the senate chamber to discuss an issue of public business, and that issue can't be resolved unless it is discussed on three separate days, and then no representative can discuss any issue of public business outside of the senate, under pain of death. The more you look at these arrangements, the more you begin to see that there could be no better tyranny than in Utopia because their leaders cloak their tyranny in terms of rights and participation.

Yes, Raphael appeals very strongly to our sense of justice, but when he works it out, he is a tyrant because he does not believe in laws. Raphael has a tyrannical soul. Just as the *Republic's* tyrannical leaders are willing to send out everyone over thirteen in their city, Raphael does something similar. He is willing to do horrendous things for the sake of what he says is justice. He has given up his own family, because he

likes to travel, and although he says that property and money are the source of all evil, he says he does his duty to his family by giving them his property and money.

Fr. Joseph Koterski: Looking more broadly at the details of legislation and customs in Utopia helps us reflect on the relation between law and freedom. When Americans hear of law, we tend to hear of restrictions and what you can and cannot do. Whereas when More hears law, he hears it as a fence within which you are free to do what you like. Thomas More loves the rule of law because to know where the fence is, you are free to have your own initiatives, and you can be an entrepreneur. Sometimes the fence can move, and legislation can change, but there is a way in which the having a fence is a great protection for you. In Utopia, even though we are told there are few laws, nonetheless everything is so highly regulated, so even though there is the *appearance* of freedom by the absence of law, I sense a tremendous *lack* of freedom, that virtually everything is so equally arranged that there really is not the liberty.

Stephen W. Smith: The claim that there are few laws in Utopia and no lawyers may be the fulfillment of the imperative of Shakespeare in his infamous line, "Kill all the lawyers." I wonder if that is represented as a good thing in Utopia. Is Utopia, where you have few laws, a good place? And is England, where you have a massive legal tradition, a tyrannical place?

Louis Karlin (lawyer): To take up the challenge from Professor Smith, the oft quoted "Let's kill all the lawyers," is voiced by Jack Cade, revolutionary, in *Henry VI, Part 2*. Although this is a quotation you often see on lawyers' desks, it is important to read it in context, and what is happening here is a sort of a revolution or mob-rule situation developing, turning to utter lawlessness, and the battle cry of first thing lets kill all the lawyers, is going to be very chilling because the person who gets strung up in this is the person whose crime is that he can read and write. So, More, and Shakespeare, who is inheriting More's ideas, is saying that law, reading, writing, and education are closely related. They can be abused, but those elements are necessary for the good society. In context, it fits with a lot of what More is saying. As Fr. Koterski was saying, laws are very important, as More saw, to provide the space of freedom. So especially at the end of his life when he is on defense, the privilege of remaining silent built into English law was the space that More hoped would give him the chance to survive. I do think that laws properly administrated allows for the freedom of conscience and the ability to reflect, which can make people more fully human.

Logan: I am not sure that it is quite fair to blame Hythloday for Utopia's arrangement as if Hythloday is the creator of Utopia. It is a case of blaming the messenger; Hythloday is only the person who *reports* on Utopia. Hythloday is not a guy you would call to play pool with, nor would you have with More. If you saw the hair shirt peeking out behind his other clothes, you might think you're in over your head. Hythloday is a stereotypical philosopher. He's proud and testy, and he does not like to be disagreed with. At the same time, in many ways, he is shown right at the beginning to be an ideal humanist. He is often compared with Erasmus and associated with Pico de la Mirandola, who is one of More's intellectual heroes, and

it's pointed out that he knew Greek better than Latin, a very high-prestige thing to say about someone in 16th-century humanist circles. The initial description of Hythloday is much like that of Cardinal Morton. Both of these guys are people about whom it is stressed that they combine practical experience with lots of book learning, a combination which the humanists were very enamored of, centrally because of their close association with the rhetorical tradition. A figure like Cicero is their overall ideal figure; he wrote books, but was also consul, was a lawyer, and so on. So that much, by way of balance or correction on the figure of Hythloday.

My feeling is that Utopia certainly was not More's ideal republic in every respect. You do not have to say more about it to prove this than to say it is not a Christian commonwealth, though it has a lot of features that More surely approved of. People often talk about the relation between Book 1 and Book 2. Book 1 is a devastating account of what is wrong with contemporary Europe, and one cannot help but notice that the flaws that are so devastatingly discussed in Book 1 have been eradicated in Utopia. There are lots of controls over individual freedom and activity, but nobody is hungry, nobody is under "the terrible necessity of stealing and then dying for it," which is true in early 16th-century England. In Book 2 everyone is fed, everybody has medical care and a place to live, nobody has to worry about their children starving either before or after their own death, and so on. Still, it seems that Utopia is not so much a book about an ideal commonwealth as it is about how to think about improving a commonwealth, or a kind of meta-utopia, as it were. It says Plato and Aristotle were onto something about the ideal commonwealth, and what they were onto is that the key thing is realism about human nature and creating a structure of viewing the commonwealth as a system, as an institutional system, and thinking hard about how to create a structure of institutions that will channel human beings, given the kind of characters that we are, that will channel them in productive, constructive ways of life, instead of destructive ways of life.

One of the things weighing heavily on More's mind, when he formed this thought experiment of creating an alternative structure of institutions from the ground up, was Aristotle's critique of Plato's *Republic*. The most famous or notorious feature of the Republic is that it is communist, thoroughgoing communism, including a community of wives that only the Guardian class enjoys. And More's most conspicuous feature of Utopia is that it is communist too. Aristotle had said in his critique of the *Republic* that human nature is such that communism will not work. And More, at the end of Book 1, lists those Aristotelian objections, paraphrased quite closely, putting them into his own mouth. Hythloday says, "I'm wholly convinced that unless private property is entirely abolished, there can be no fair or just distribution of goods, nor can the business of mortals be conducted happily," and so on. But "More" says, "I don't see it that way. It seems to me that people cannot possibly live well where all things are in common. How can there be plenty of commodities where every man stops working? The hope of gain does not spur him on, and by relying on others he will become lazy. If men are impelled by need, and yet no man can legally protect what he has obtained, what can follow but continual bloodshed and turmoil, especially when respect for magistrates and their authority has been lost? I for one cannot even conceive of authority existing among men who are not distinguished from one another in any respect." T.S. Eliot says about Dr. Johnson, "He is still a dangerous man to disagree with." And this is certainly true of both Plato and Aristotle. Aristotle is a difficult man to disagree with, and More was

deeply impressed by those Aristotelian objections to communism, which is precisely why he puts them just a page before the account of Utopia begins. And again, in turn, this is why there is so much emphasis on various forms of social control, to keep people from getting out of hand in communist Utopia. Judging from the elaborate system of controls, moral suasion, positive and negative reinforcement, the laws—whether there are a few or a lot of them—found in Utopia, I infer that More was very concerned about the problem of order in a state where social hierarchy had been abolished, and it was a communist state. He figured in this thought experiment that a whole lot of restraints would need to be built into such a society to keep it from chaos. Maybe he was wrong in his calculations, and he recognizes the fact that he may be wrong in all his calculations by the way he treats himself in the book, which is to give it to Hythloday and to dissociate himself before the account of Utopia and right at the very end of the account of Utopia.

McCutcheon: I've never been quite as severe a critic of Hythloday as Dr. Wegemer is. I always think of him as being contrasted with the Portuguese and other explorers who at that point were ruthlessly going out to the new world searching for gold, seizing land, and so on. And the fact that he's left his property to his family makes him someone who, because he is detached, can observe, and travel, and see. It seems to be a necessary pre-condition for Raphael Hythloday's position. It is clearly not sufficient and not the whole answer, and it seems to come back to a larger question. In a sense, More is negating a negation; he is looking at what is wrong in Western Europe and engaging in a "thought experiment" to turn these things around. In doing that, you do not necessarily have a completely positive world. You have a negation of a negation. You can solve certain problems, or try to, but you create *other* problems. That is another way of saying that More is writing a book that encourages us to keep on asking these questions. For better and worse, it created the whole notion of utopianism that has encouraged people to look ahead. And the critiques we are making are part of this larger meta-utopia. To do it, he starts by negating a negation, as it were, and that is a particularly difficult construct, probably a very lawyerly one. Some think Utopia lacks a human warmth; this is the other side of law; there is a human warmth there, a charity and a trust which More does not always talk about when he is operating inside *Utopia*. One wonders, what is after all of the negatives? One thinks about the positive, or reversal of that. More's mind often works that way.

Wegemer: Do you find that *Utopia* points to a positive?

McCutcheon: One positive is the outcry against the injustice. For example, anyone who has gone to India today and sees that half of 14,000,000 people in Bombay (now called Mumbai) are homeless is going to be disturbed by the inequity between those who have money and have shelter and those who do not. In early 16th century England, there is a similar situation. In early Renaissance cities, people move in from the villages and the country. In 1563, a quarter of London's population was killed in a plague, and twenty years later, that population has already gone up. Where are those people living? They are living in shanties and hovels, scratching for a living. There is a compassion in that search: Is there housing? Is there medical care? I think social justice is a very real issue.

Wegemer: Could the negatives point us toward friendship and justice? — And toward the absolute need for law? But if so, how?

Plato's *Republic* is based on a noble lie, a lie to justify different ways of life. Ultimately, I see the lie of Utopia as ignoble, but that lie is given by Raphael, not by More. Part of the brilliance of the work is that the story of Utopia arises because Morus and Giles reject every other argument Raphael gives to justify his way of life. But Raphael's story has so many contradictions and impossibilities that a good lawyer or close reader would say, "This man is lying!" For example, to say that everyone is equal and then, at the very end of the work, to say, "Oh, yes, and there are the collectors of revenue, who live in great wealth in another country in great splendor." What has that got to do with Communism?

Through Raphael's way of explaining things, More is speaking ironically. For instance, in the section where Raphael says the Utopians have no treaties, he explains why they don't. They think it is a bad idea to have treaties, even if they were faithfully kept. Here is what Raphael says on p. 84: "A treaty implies that people divided by some natural obstacle, as slight as a hill or a brook, are joined by no bond of nature. It assumes they are born rivals and enemies [Ironically, Utopia assumes you are born rivals and enemies!] and are right in trying to destroy one another, except when a treaty restrains them. Besides, they see that treaties do not really promote friendship." In contrast, anyone with experience of marriages or communities would say the opposite, namely, that good treaties and good laws *strengthen* friendships and they are natural outcomes of good friendships: "Listen, you give me this, and I will give you that, and this is more or less fair." I would say that *Utopia* is designed in such a brilliantly ironic way that we do see through the negative.

Koterski: What are we to make of Raphael's character, since he does abandon any commitment at home and goes off on his search of the world? Doesn't he become a voyeur of these different cultures? When he does happen to return, I see in him a bit of arrogance, and he does think he knows better than anyone else in Europe. In Book 1 More seems to argue that you need to have commitment to the common good, which will focus your interest on things so that it now has a kind of service beyond just your own happenstance interest in things, and a willingness in the spirit of a lawyer, not to a kind of docility to law, that is a kind of willingness to respect the law and its procedure, not the docility which is pure passivity, but a willingness to have a docility to the truth about human nature and human community, and then a willingness to exercise your energies, creativity, and brilliance, and the knowledge you have obtained for this other end. So if we do a character analysis, I am more inclined to think of Raphael not as the humanist, but more as a humanist gone awry.

Logan: The author More does suggest that Hythloday has gone awry, but alas the direction in which he suggests he has gone awry is the direction of scholastic philosophy. After Hythloday's second account of an imaginary meeting of a privy council, the way he ends is to say to More, "Now, don't you suppose that if I set these ideas and others like them before men strongly inclined to the contrary, they would turn deaf ears to me?" More says, "Stone deaf, indeed, there's no doubt about it. And by heaven, it's no wonder! To tell you the truth, I don't think you should thrust forward ideas of this sort…. This academic philosophy [*philosophia scholastica*]

is pleasant enough in the private conversation of close friends, but in the councils of kings, where great matters are debated with great authority, there is no room for it." Raphael replies, "That is just what I was saying; there is no place for philosophy in the councils of kings." More says, "Yes, it is true that there is no place for this school philosophy which supposes every topic suitable for every occasion." And he goes on to marshal the objections of humanists and rhetoricians to scholasticism and the philosophic tradition.

McCutcheon: Raphael claims, or at least he is introduced by Peter Giles's, as one who has looked for wise and well-trained citizens, which is a remarkably difficult thing to find. I think we would have to agree that in some way the Utopian citizens are well trained. The point that More wanted order is certainly correct; in the end, Raphael insists that by some incredible exercise on the Utopians' part, this is a society that is well-ordered and yet does not have the kinds of constraints that Western societies have. Now, at times we are not always noticing More's wit and comic humor; we are discussing all of this in the most serious way, while More is both comic and serious. There are times when he is pulling our leg, but he is making a serious point at the same time. It is a difficult balancing act, which we see here. We go back and forth on Hythloday, on the nature of Utopian society, on the seriousness or lack of the engagement—disengagement. I think Hythloday has got to be disengaged to make the points he is making, but that is only part of a larger whole. In some ways, More is exaggerating his points. That is, if More the character is More, then he would not have been a martyr. So we have two partials here, but the whole is bigger than what we see in this.

Travis Curtright: More asks us to make judgments about his characters, and one means he uses to do so is the description of character of physical attributes and moral attributes. In the description of Raphael, he starts to talk about Raphael's physical dress, using some of the models of decorum that Erasmus lists. Raphael's physical attributes include that he is disheveled, he has a long beard, he is sunburned, and he is hanging around outside of church. Does this conjure up images of Socrates, a wild-eyed guy? Something different? We get those physical attributes and then we get details about things like the voyage of Amerigo Vespucci that never occurred, and then we have the passion with which he describes himself. Is Raphael a tyrannical soul? We know that a moral account of the character is in some way given through particular means of physical description and details. What kind of character do we have in Raphael? And what passages should we look at?

Audience: He is Ulysses on a walk-about.

Miller: Hythloday is double. He is both objectionable and admirable. This is parallel in some ways to Folly because Folly is speaking about things which we know are not acceptable, and at the same time, we know that she is saying the truth often. And this is also true of Hythloday.

McCutcheon: Even his name is double. His first name echoes the Raphael in the Bible, who, ironically, is the angel of marriage, but who also helps the young Tobit, who has a series of very unfortunate experiences. Also, he is the opener of the eyes

of the old Tobit, and so he is the angel of illumination, opening the eyes of the blind. To some degree, this is what Raphael tries to do; to make us look at the Western world and all of these large questions with different eyes. On the other hand, his last name means "Speaker of witty nonsense," and so there we are. Let us look at Thomas More. His first name could remind us of the Thomas of the New Testament, who would not believe things until he actually felt Christ's side, or we could look at *Morus*, which means "fool," and so we have this very complicated interaction and double- and triple-play. We have this trouble with every aspect of Utopia. More tells us both that its set in the New World in the southern hemisphere, and then he gives us the arithmetic, geometric proportions which are self-contradictory. If you try to construct Utopia, you cannot; it will fall apart. The water is waterless, the city is named "Murky/Misty city," which must be a pun on the dark pollution of London at the time. This goes on and on; so, he wants it several ways.

Logan: This doubleness is so characteristic of these books, and ultimately tracable to More's own complexity of mind, his deep ambivalence about things. There are so many ways in which it manifests itself in both large and small aspects of his books. We think of the doubleness of Hythloday, and *Utopia*'s negating a negation, and of Elizabeth's famous article about *Utopia* on the crucial importance of More's use of the rhetorical figure of litotes, that is, affirming by denying the contrary, in *Utopia*. All these things are a profound fact about More. Interestingly, it was also self-identified as a profound fact about the father of humanism, Petrarch, who talks about his own division of mind. He sees himself similarly as being fundamentally identified by a similar doubleness.

Dwight Lindley: Rhetoric was one of the big returns in the Renaissance. In his *Rhetoric*, Aristotle characterizes rhetoric in three types: deliberative, judicial, and epideictic. There is a good argument that deliberative is the most important rhetoric there, and one part of the tyranny of *Richard III* is that deliberative rhetoric is thwarted by fear, and fear of force. A few times it starts to get going but is immediately stopped. In *Utopia*, one way in which Raphael's depiction of Utopia is not realistic is that there is no deliberative rhetoric there. The only rhetoric is of force, which is associated with Thrasymachus and the Sophists. So what does "no deliberative rhetoric" mean? There is no choice among the citizens. In that way, it seems that something of the soul is missing and is contributing to the lack of warmth that Dr. Miller mentioned. It seems to be a disturbing absence for More.

Miller: In style, Hythloday identifies himself also as a kind of absolutist. He uses words like "all," "never"; everything is always absolute, whereas More does not. This is one way of seeing that Hythloday is not necessarily a definitive kind of character. There is something missing in the way he talks, and he does it especially about Utopia. In Utopia, everything just sort of works, and then you ask yourself, "How, in the name of Heaven, does that work?"

Wegemer: In going back to the question of the doubleness of the work, and the wit of the work, where do they come from? Raphael certainly does not have a sense of humor. The wit is the author working through Raphael's saying things that *we* find funny, but Raphael does not. Even when he tells a joke, for example, the funny story

about Morton at table, he says, "I shouldn't really tell this; it is rather absurd." But actually, it is highly revealing – in part, about Raphael himself. But he does not see that; we do. Raphael uses "charity" twice and misuses it egregiously each time, and he does not act charitably. In contrast, More the character exercises extraordinary charity with this absolutist, rather hard-to-get-along-with person. Raphael calls More a liar—Maybe "it's the business of a philosopher to tell lies…but it certainly isn't mine"; Raphael's rhetoric is insulting, and yet More the character accepts it very well. He acts like the ideal humanist described in the third paragraph of Book 1 that lists Giles many qualities, qualities we want to find in a great civic leader concerned for the common good. Among those qualities are friendship and *fides* (in fact *magna fides*, "of great loyalty"), along with simplicity and wisdom, *simplicitas* and *prudentium*. The true humanist has a character quite different from Raphael's.

Miller: The fact remains that it is Hythloday who strips the veneer from the corruption of European politics. It is he who does that. Extreme or not, maybe it is more interesting. Erasmus and others wrote about government, but it is boring. Hythloday pushes the envelope.

McCutcheon: Book 2 is not intended to be deliberative rhetoric, which I think you were talking about within Book 2; really, it is a kind of description of a country, in some ways like a traveler's report. More first has us look at the outside and work our way in, approaching it from the sea as a traveler at that time would have done. It is a weird bird's eye view of a place. People have tried to replicate Utopia; Pueblo communities in Mexico have tried to replicate a lot of those things with the Indians. So, it has a para-reality, and at the same time we are told it could not exist. That is the same kind of problem we run into when we read Book 2. They, in a sense, play the game and are all agreeably listening. More knew Greek well enough; Morus could have said, "Wait a minute," but he does not. One should read the second letter that More wrote to Peter Giles in which More answers the complaints of a sharp-eyed critic who may not be so sharp, who is complaining about these discrepancies in Utopia. More goes out of his way to explain, in a very complicated way, the doubleness of the names and the ambiguity without, in a sense, doing so.

David Oakley (lawyer): The books are complex and need to be read in community. Words repeated frequently are "doubleness" and "complexity," and the word that comes to my mind is "indirection." Here is a tour de force, and why does he expend his talent in this way? Indirection seems to be the order of the day. My question is this: What is the precedent of this in literary style—is it Socratic? Is More unique in his use of complexity and doubleness? Finally, contrast that with contemporary literature, which tend to be full of messages, but nobody seems to be expending effort so lavishly on indirection. I wonder how unique this is.

Miller: The paradoxical encomium does precisely that because it praises something which is not precisely praiseworthy. This is done in classical literature. But Erasmus is primarily responsible in *The Praise of Folly* (1509) in reviving that form, before *Utopia* , and then it took on. And people have talked about how *The Folly* resounds in Rabelais and in Shakespeare, and how that irony, that paradox, continues in the Renaissance, and it is a special feature in the Renaissance. I cannot say that Erasmus

is responsible for all of it, but *The Folly* is a big thing and it is precisely due to that.

Logan: The tradition of the paradoxical encomium is certainly one of the immediate *loci* for *Utopia* and, as Clarence says, it is traceable back to antiquity. If you look for the origins of this kind of indirection, you have to look at Socrates, as Clarence mentions. One of the things that is mentioned in *The Praise of Folly* is how Socrates was by Alcibides associated with the dolls of the ugly god Silenus. You open dolls with an ugly outside, and you open it up and on the inside is a beautiful thing. This is a way of imaging visually the kind of indirection. The aspect that most strikingly reminds one of Socrates is the constant pretense of knowing nothing, when of course he is concealing the fact that he knows everything and is working to bring the interlocutors into agreement with him.

McCutcheon: The different kinds of irony, including Socratic irony and others, are further complicated by More's sense of humor. Indirection is very useful in certain kinds of humor, and it may also be, and sometimes in More is, a defensive posture that guards him from attacks. You could read the early praise of Edward IV in the *History of Richard III* in a straight way, and there are other writings of More that have raised very similar questions. In his Latin epigrams, he has a great praise of Henry VIII. Later on, you have all those political epigrams that are clearly indictments of certain types of kingship. So how do you balance that early praise, "The Golden Age is come; the trumpets are blowing!" with what appears later in the epigrams? We also know that some of these epigrams could be read as compliments which, when placed in a different context, become critiques. There are even lyric poems in the Renaissance which you can read in absolutely opposite ways. Rhetoric plays a part, but there is also a fascination with this very complex world. Many factors are operating here; it's cultural, it's literary, it's philosophical, it's all sorts of things.

Miller: In English literature, I think of Chaucer. Chaucer is surely double, as he includes all kinds of layers, so it's not entirely new. But what about Dante? Dante is not double: multiple conquests, vivid.

Karlin: More is a great respecter of personal integrity and personal liberty. What is really functioning in all this doubleness is More's respect for his reader and his reader's integrity and personal freedom. He does not want to write as a tyrant. Again, I go back to the idea of the narrator as an anti-tyrant. More is trying to write as an anti-tyrant. Leave the reader the chance; do not coerce him; artfully lead him. We do not see this so much in Modern literature. I think of Flann O'Brien's *At Swim-Two-Birds*, in which you have a series of novels within a novel; a narrator writing a book about writing a book about a man who is writing a book. The characters in one of these internal books feel tyrannized by their author who is a man of dubious character; they are allowed some freedom when he is asleep, and so they drug him and try to kill him. These sort of ideas and this humor, and the idea of not being a tyrant and being an author play into it.

Wegemer: If we would think about *Utopia* as a critique of tyranny, what would that mean? Where would we find the critique of tyranny through indirection? For those

who have a more positive view of Raphael, how would you describe his alternative? Is Utopia more or less tyrannical than England when you really look at what happens to the citizens?

Miller: It may be as tyrannical, but it is a lot nicer place to live.

Wegemer: Why, in terms of tyranny and freedom?

Miller: You do not have to starve there. You have some intellectual training and opportunity to do intellectual training. You can go to classes in the morning, and you can move up the scale. There are many ways in which you are better off. I admit that it is kind of a constraining place, and there are other things about its lack of friendship and lack of humanity, and so on, and the laughing More, the writer, knows that, and he may want us to know that this kind of strict control is a bit much and may not be something that we would like. But, nevertheless, the fact remains that it is a better place to live.

Wegemer: But the plenitude of food is based on slaves, and it is easy to become a slave. As for classes, well, there are some things you cannot study, and the arts are pretty much eliminated. So, what is the case that what Raphael proposes is better than what is in England?

Matthew Mehan: And what about the heartless treatment of the family, with Utopian children simply shuffled around?

Miller: Deporting people to the continent, and taking the land over there and bringing them back; all of that is unreal.

McCutcheon: This whole thing is fascinating, and may be unique to More. He is working with an island. More lived on an island [England], I live on an island [Hawaii]; islands bring to the forefront these problems of population and food, and all the rest of it. He is carrying on a thought experiment; what do you do if you do not impose limits on childbirth? You encourage childbirth. And Raphael claims that the whole island is like a family. We have all experienced larger communities which have that family feeling. It is not unimaginable to think of a community that could feel like a family.

Wegemer: Does this Utopia feel like a family?

McCutcheon: No.

Wegemer: It seems to me that would be part of the indirection.

McCutcheon: But think of some of the families in England that did not even have the opportunity to be a family. We have five-year-olds working. We have whole classes of people who are put in as servants all over the place. Even in the 19th century we have Dickens writing about the problem of child labor, about the mortality rate of the very poor. We always read these things as somehow upper class

or something. With this island thing, we are going to reach limits. And then, as a thought experience, what are we going to do? More is realistic enough to say they did have the plague once, or they did have some disease once, so they had to bring their people back. But according to Raphael, most of the slaves are people who come in because life is better in Utopia than elsewhere. Now, we may not believe him, but that is what he says. And he is addressing just exactly this question.

Logan: What we are illustrating here is the fundamental fact about *Utopia*: it is an endlessly enigmatic, challenging, tantalizing book that people can talk about endlessly. That is why anyone who has taught *Utopia* knows it is literally a godsend, because students always respond to it. It is interesting to reflect in this context on the way More chooses to end the book, which, though in itself it is a complexly ironic passage which has interpretive difficulties, in essence it makes quite clear what I take to be More's own position on *Utopia* and thus can reconcile some of the disagreements that we have been having here: "When Raphael had finished his story, I was left thinking that not a few of the laws and customs he had described as existing among the Utopians were really absurd." And then he gives some examples, and those examples are complex and you are not quite sure in what ways they may be intended ironically. And then the last little paragraph of the book: "Meantime, while I can hardly agree with everything he said (though he is a man of unquestionable learning and enormous experience of human affairs), yet I freely confess that in the Utopian commonwealth there are very many features that in our own society I would wish rather than expect to see." That is my attitude too, and I think it is More's attitude.

On the Development of Thomas More Studies
Clarence H. Miller

I. Biographies

There are two great categories of More biographies: those written in the sixteenth century and those written in the twentieth. That there is such an enormous gap between the two groups illustrates how More fell into eclipse, at least in England (always with the exception of *Utopia* and *Richard III*, because of Shakespeare's use of it). This happened primarily because he was on the wrong side of the great religious and political divide initiated by Henry VIII and perpetuated by his followers (with, of couse, the exception of Bloody Mary, whose epithet owes a great deal to establishment propaganda). If More was right then the religious establishment was wrong. I seem to remember someone (probably Germain Marc-hadour) remarking that neither Parliament nor the Royal House was represented at his canonization. You could declare your colors by whether you called him Sir or Saint. (By the by, I am happy to tell you that the British Library recatalogued him as a saint; that is, he was recatalogued under his first name rather than his last because that is the way they do saints.)

To return to the biographies. The three great ones from the sixteenth century are by William Roper, Margaret More's husband who lived in the More household for a number of years; by Nicolas Harpsfield (who gathered a good deal of additional detail; and by Thomas Stapleton, who wrote More's life in Latin, using material from Harpsfield and adding to it. The two English biographies remained in MS in the sixteenth century. Roper was published in 1626, but not again until the twentieth century. Harpsfield's life was also not printed until the twentieth century. Stapleton's life, which was printed in Latin on the continent, remained rare and relatively inaccessible until it was translated into English in the twentieth century.

The great turning point in More biographies was 1935 (which also happened to be the year of his canonization) when R. W. Chambers published his brilliantly written biography portraying More as a sort of English Socrates, dying for the truth. But he tended (like Bolt) to ignore the religious dimension, passing over More's huge English polemical works and the religious battles he fought in print. E. E. Reynolds' published two more comprehensive biographies in 1953 and 1968, taking religious issues into account, writing with much sympathy but not much verve. In 1980 John Guy published *The Public Career of Sir Thomas More*, using his enormous expertise in searching records to recover and explain the somewhat skimpy evidence of More's official activities as a lawyer and counselor. I might mention that John Guy also went on in 2000 to publish a valuable little book making it clear just how difficult it is to bridge a large historical gap in an attempt to reach More's personality and explain his actions. One reason for such caution was needed was the most controversial biography of More ever written (at least in modern times): Richard Marius' *Thomas More: A Biography* (1984). Richard had worked for years at the More Project, contributing most substantially to the huge, three volume Yale edition of More's *Confutation of Tyndale's Answer*. He knew everything More had written and just about everything that had been written about him. But unfortunately, perhaps, he was also a fine novelist and he went overboard in destroying what he considered the plaster saint with his revisionist view of More's seething anger and lust. But the book is full of brilliant writing and vivid history; and it must be admitted that Richard was the first biographer of More who took account of all of More's writings and probed (not always with success) the depths of his personality and beliefs.

For that reason I do not think that anyone should start with Marius' biography. I would advise beginning with Roper's brief, personal, poignant life (which almost always brings me to the point of tears toward the end). The newcomer should then move on to Seymore House's brief life in *The Dictionary of National Biography*, then Peter Ackroyd's accurate, vivid, and fairly comprehensive life (1998) or to Gerry Wegemer's more compact and lucid account in *Thomas More: A Portrait of Courage* (1995). Graduate students would be expected to go on to Greenblatt's portrait of More in *Renaissance Self-Fashioning*, but about that I may not be as enthusiastic as my colleague here on the bench (so to speak); but quite frankly I don't remember it very well.

II. Editions

Now let me say a few words about the Yale edition of the complete works of Saint Thomas More, with which I was associated for more than thirty years, the last twenty of them as Executive Editor. In the absence of any other Yale editors, I may be permitted to define an Executive editor as the editor who executes whatever the other editors do not do. I know perhaps better than anyone (except perhaps Germain Marc'hadour) the faults and defects of the Yale edition. But now is no time to go into them but rather to highlight briefly its achievement. More than any biography, more even than the journal *Moreana* (see the adjectival problems More's name gets us into), the Yale edition made More's writings accessible and intelligible, and in the end it is in his writings that we should look for the man. Except for *Utopia*, *Richard III* and *A Dialogue of Comfort against Tribulation* the bulk of More's works, English and Latin, were almost unknown because the English could be read only in the difficult black-letter type of the rare 1557 folio and most of the Latin was not easily accessible and had not been translated. It is true that between 1927 and 1931 Campbell and Reed began to publish the 1557 edition in facsimile, but this was still difficult to read, though they provided a modernized version and much useful apparatus. Only two volumes were published: one containing *The Dialogue concerning*

Heresies and the other *The English poems, Richard III, the Life of Pico, and The Four Last Things*. I have heard somewhere that the plates for these (or perhaps for other volumes as well) were destroyed by bombs in World War II. At any rate no more of this edition was completed and it has been hard to get to for decades.

The Yale edition, which was launched in 1958, also began with the 1557 edition and in fact intended to use it as copytext (though this plan later had to be abandoned in favor of using the earlier original editions). A certain Fr. Klein (about whom I know very little) apparently had a copy of 1557. He was ensconced in a room in Sterling Library at Yale, contemplating an edition. I have heard vague rumors that he was somewhat dotty but it was never said just exactly what way. But he had some grant money, from the Grace shipping line (I think). His efforts, however, were abortive and the donors were looking for someone to take up the work. As luck (or providence) would have it, the right persons were at hand. Richard Sylvester, a young newcomer on the Yale faculty had just finished a complex and definitive edition of a sixteenth century life of Cardinal Wolsey by Cavendish, published by the Early English Text Society. And willing to join Dick in the great enterprise was Louis Martz, of well established reputation, whose very influential book, *The Poetry of Meditation*, had been published not long before. Fr. Klein' copy of 1557 ended up at the Project library in the Sterling Library at Yale and was frequently used under the name of the Klein copy. It was originally thought that the edition could be completed in ten volumes; the plan was that it would be finished in about ten years. It ended up as fifteen volumes (containing twenty-three books) and required forty years to complete (1958-98).

I have already told you why I think the edition is important, it made More's voice available. You may want to ask me some questions about it later, which I will answer if I can. There are many technical details about manuscripts and early printed editions that are of interest to experts. I would find it difficult at this late date to explain some of them. There are also many stories and anecdotes connected with it, some of which I not only cannot tell you but do not even want to think about. But for the most part it was a noble effort, supported and advanced for many decades by a skilled and generous crew.

I might add as a footnote that Erasmus' star also began to rise in the middle of the last century, just as More's did (including a new edition of Erasmus' complete works and an eighty-six volume translation into English), though Erasmus had never fallen as completely out of sight as More had.

III. *Desiderata*

Let me list and comment briefly on some further scholarship and study on More that I think is needed and useful:

1. A one-volume, comprehensive index of the Yale edition. As it is, each volume has its own index, and not all of them are of the highest quality. Such a volume was originally planned but was never produced: reasons of time, reasons of cost. Ideally, of course, it would be splendid to have the whole edition on a searchable database, but somehow I don't think we are likely to see this very soon; as More says at the end of *Utopia* it is something we may hope for rather than expect to see.

2. It would be fine to have a complete edition of More's correspondence on the scale of the Yale edition and with a full apparatus. Such a volume was planned but the person who had accepted that task procrastinated so long that the volume fell by the wayside. Fortunately the whole correspondence with generally accurate text and a fairly full apparatus had been published by Elizabeth Rogers in 1947; moreover, the six long treatise-letters (five of them in Latin) had been thoroughly redone in the Yale edition, and they were the ones most in need of fuller and more accurate treatment. We need not deeply regret that official or bureaucratic letters such as diplomatic commissions were not redone but it would have been well if the powerful and touching Tower correspondence and the other family letters could have been incorporated into the "Complete Works." The Cranveld correspondence was not discovered until the edition was finished: I edited it separately (with a few hasty flaws, I am sorry to say).

3. More's use of the fathers. There is a good Yale dissertation by a nun whose name I forget about More and Augustine, but it is not published. I don't know what there is (in a large way) about the other fathers. I once did something on his use of patristics in the Eucharistic controversy for the introduction to *The Answer to a Poisoned Book*. But I would be surprised if there were not a great deal more to be discovered and presented about More's use of the fathers.

4. More's ecclesiology is very important, and I am not sure it has been investigated as thoroughly as it should be (not so much, I think, as Erasmus'). I have vague memories of an Austrian dissertation on the subject, but I cannot pin it down, and I do not think it is published. It would have to include a thorough discussion of the papal-counciliar dispute (on which a fair amount has been written) but the central issue was, of course, tradition vs. sola scriptura or sola fides. More was very close to the fountainhead of that long stream of troubled waters.

5. I suspect it would be profitable to investigate More's use of grammar and logic in his polemics--grammar in the old-fashioned sense, which we might call philology or textual analysis. Naturally this is important in his arguments about biblical translation. But he can also be very clever in his manipulation of Aristotelean (even sophistical) logic. More has shared in the general enthusiasm for rhetoric that grew up in the last century, but it may well be that the other two elements of the trivium have been relatively neglected.

6. And then there is the law (or rather laws). I have recently received a long typescript from H. Ansgar Kelly of UCLA (who knows everything there is to know about canon law in England). It will be published next spring. In it he shows rather convincingly that the canon law discussed in *The Debellation of Salem and Byzance* has been badly misunderstood. More's opponent, Christopher St. Germain, was apparently not as sharp as the establishment has made him out to be--in fact, he was rather ill-informed or even thick-headed about important matters. More's work as an administrator and a judge has been covered by John Guy with all the thoroughness which the evidence allows but it would be fine if someone would write a comprehensive, learned, (and possibly though not probably readable) treatise on More and the law, or rather laws (common law, canon law, civil--that is, Roman--

law, even maritime law). I once spent the better part of a day in the Yale Law library trying to find the legal maxim More invoked at his trial (Qui tacet videtur consentire--whoever keeps silent seems to consent); Bolt reports it also from the Paris News letter. But I had no success. Prof. Kelly documents it fully from canon law: "The Right to Remain Silent: Before and After Joan of Arc," in *Inquisitions and Other Trial Procedures in the Medieval West* (Burlington USA, Singapore, Sydney: Ashgate Variorum, 2001).

7. I think it would be profitable to study More's English prose style further. More's anecdotal style has been emphasized ever since E. K. Chanber's influential essay in Hitchcock's edition of Harpsfield on the continuity of English Prose. A good deal has been done on the remarkably innovative style of *Richard III* and something on the polemic and devotional works. But I don't know whether anyone has really recognized the pioneering work More did in treating technical, theological and philosophical matters in English. Such subjects were normally handled in Latin, and it was at that time by no means easy to do them in English. One good example that has not been noticed, I think, is the analysis of the sacramental theology of the Eucharist in *A Treatise upon the Passion*, but it is probably not the only one by any means.

8. As for More's Latin style, which is extremely supple, muscular, and varied, it has received very little attention. We have Elizabeth McCutcheon's fine piece on litotes in *Utopia*, and I made some analysis in my introduction to *De tristitia* and in some preliminary remarks in my translation of *Utopia*. I sometimes wonder how much of More's Latin, even *Utopia*, has even been read in Latin, especially in the last century. And such stylistic analysis has to be structural as well as lexical or semantic; and above all it should be related to content and meaning as much as possible. It really doesn't help us much to see how classical (or unclassical) More is in his grammar or diction.

9. The changing attitudes toward More in past times and places might make an interesting volume. Three volumes (by Bruce Mansfield) are devoted to the changing attitudes toward Erasmus over the centuries.

I see that I have reached the number nine and it might require considerable help from the nine choirs of angels to complete them. But you will probably not be sorry to see that in laying out these very large and difficult tasks, I will not go to the full Herculean complement of twelve.

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On the Development of Thomas More Studies
Elizabeth McCutcheon

I. Moreana

I am going to talk briefly about two aspects of More studies from an international perspective. In 1962 Father Germain Marc'hadour, who had written his dissertation on More at the Sorbonne, organized the Amici Thomae Mori, the Friends of Thomas More, and introduced the idea of a bilingual (French and English) journal to be called *Moreana*. The journal made a modest beginning in 1963, and gradually expanded in size and outreach. Through May of 1995 it was housed at the Catholic University of Angers, where there was also a library and research center called Moreanum. This Center in Dallas has a complete run of *Moreana*, which remains an important tool for research.

In many ways, *Moreana* complemented the Yale edition of the Complete Works. Father Marc'hadour thought of *Moreana* as an international forum for research and exchange about the world of Thomas More, and he defined this very broadly. He embraced all aspects of More's life and works, publishing little known documents of the period and major studies of works by More and his friends and foes, serving as a bibliographical clearing house, sponsoring special issues by guest editors, and promoting friendship among the whole world of Moreans, while answering endless queries. As anyone who has ever met Father Marc'hadour can attest, he is a charismatic figure who doesn't take "no" for an answer. And he has worked tirelessly to broadcast More, making himself accessible to More scholars everywhere and reaching out to other More societies in Japan, Germany, England, Australia, Argentina, and the United States. The Amici have also sponsored international conferences on More, held in such varied places as England, Australia, France, Germany, Ireland, Canada, and Argentina.

Father Marc'hadour was himself an editor for the Yale series; he is also a prolific writer as well as an eager correspondent who has recently discovered the delights of email. His early publications include a massive chronological treatment of the world of Thomas More and 5 volumes that index and discuss More's use of the Bible, and he is currently involved in an ambitious program to have More's works translated into French.

Following Father Marc'hadour's retirement or quasi-retirement, *Moreana* has had two other editors while housed in Angers: Clare Murphy and Kevin Eastell. By this year, both the center and the journal have been in a transitional state. Parts of the library have been disbursed to Poland, where Kevin Eastell is directing a Thomas More Center; to Dusseldorf, where Friedrich Unterweg maintains a center; and to Portugal. There are several guest editors for the 2005 issues, while issues after that will be edited by a new team, based elsewhere in France. This group, which is connected with a reconstituted Amici, can be reached at info@amici-thomae-mori.com. There is also a website: www.amici-thomae-mori.com.

II. Translations

I shall say just a bit about translations, another international activity, since I don't want to impinge on George Logan's discussion. Let me begin by reminding you that More was more or less bilingual, and that many of his works have subsequently been translated and retranslated from Latin to English, while translation into other languages is also ongoing. Translation is important as an interpretive activity—one that necessarily needs to be repeated at different times for different cultures. In fact, as one theorist, Douglas Robinson, has argued, translation can be thought of as a dialogue and as "an unpredictable transaction/interaction between the source-language writer and the target-language reader," so that translation is not a bridge between two fixed points but a road into a wilderness that needs to be discovered again and again. *Utopia* is the obvious and notable case. When I contacted Moreanum in 1992, there were at least 18 different languages represented, including Arabic, Hebrew, Japanese, Russian, and Breton, besides the obvious ones: Latin, English, French, German, and Italian. Two bilingual editions/translations are particularly important: a Latin-French edition (1978) by André Prévost, a theologian and philosopher, whose introduction is over 200 pages long, and a Latin-Italian edition (1970) with extensive references to classical texts by Luigi Firpo, a distinguished utopist.

III. Desiderata

This is a brief addendum to Clarence Miller's already formidable list. There is room for more on More's rhetoric, understanding the term broadly—and here I am thinking of a recent theoretical book on *the Rhetoric of the Human Sciences*. So we could think about More's rhetoric of theology, of law, of politics, etc. Greenblatt has shown just how crucial the idea of More as a performative artist is, and more could be done with that, with reception studies, and with More's relations with other persons, whether collaborative or antagonistic. There is also the question of integrative and cross-cultural studies: More and the history of ideas (a newly refurbished discipline), cultural approaches more broadly speaking, and any number of current interests, including geography, spatial studies, feminist approaches, colonialism and empire, and so on. Much remains to be done with readings and rereadings of More's polemics and his spiritual works, given the present interest in religion and in church history in the 16th century among historians of the Reformation and Catholicism pre and post Reformation. Finally, the relationship of More's *Utopia* to subsequent utopian fictions and to utopianism more generally is a never-ending question.

On the Development of Thomas More Studies
George M. Logan

I. Utopia

There's a huge amount of scholarship on *Utopia*. In Geritz's bibliography, *Utopia* occupies 97 pages—and *Richard* occupies 13 pages: all the other works together occupy 68 pages. Given this fact and the time constraint, I won't feel bad about confining myself almost exclusively to work in English and to things I've found especially valuable. I'll also spend far more of my time on *Utopia* than on *Richard*.

I'll begin with editions and translations, and then go to other items.

With *Utopia* as elsewhere, the Yale edition is the turning point. The second volume of Yale to appear (1965), it was edited by Edward Surtz, S.J., and J.H. Hexter, who had written the most important books about *Utopia* of the preceding decade. The strengths of the edition are Surtz's massive commentary, which is still the first place to look for information about the historical or intellectual context of any passage in *Utopia*, and Hexter's section—110 pages—of the introduction, which is the most brilliant and influential piece of criticism taking the radical political ideas of *Utopia* seriously.

Yet Yale has great weaknesses. The Latin text—a conservative reprint of the edition of March 1518—is very hard to use; the translation—Surtz's revision of a 1923 one by G.C. Richards—is often "awkward and unidiomatic" (*Utopia*, ed. Clarence H. Miller (2001), p. xxii). (It's now reprinted in *The Longman Anthology of British Literature*.) Surtz's section of the introduction to Yale—57 pages on "*Utopia* as a Work of Literary Art"—is full of information but not sophisticated as literary criticism.

Once Yale appeared, the only editions prior to it that retained much importance were the first four (1516-18); J.H. Lupton's 1895 Clarendon Press one, and Marie Delcourt's Latin-French edition (text published 1936; translation 1950; both 1983). *After* Yale, there is André Prévost's 1978 Latin-French edition, with massive introduction and commentary (the Latin text is only a facsimile of the November 1518 edition); and the "Cambridge *Utopia*" (1995), by me, Robert Adams, and Clarence, with a lean introduction and commentary, a carefully revised version of Adams's translation, and the best, easiest-to-read version of the Latin text—

thoroughly repunctuated, with spelling brought into conformity with standard modern usage: for most purposes, it's sort of silly not to quote *Utopia* from *CU* now.

The most commonly used English translations are—as far as I can judge—as follows: (1) the first one—Ralph Robinson (1551, 1556)—still often used in modern English-only editions: generally quite accurate, but, as Clarence has written, "though lively and vivid, [it] often seems wordy and awkward" (op. cit., p. xxi). Not a good choice for students. (2) Paul Turner's in Penguin—much used, I'm sure, because it *is* Penguin—: I find it hateful, as it makes *Utopia* seem a smart-alecky book: "Hythloday," for example, becomes, "Nonsenso." (3) The various versions of Adams: the ones in the Norton Critical Editions (1975, rev. 1992) are the liveliest but least accurate; the ones in Cambridge (1995, and the Logan-Adams teaching edition, rev. 2002), with numerous corrections suggested especially by Father Germain Marc'hadour and Clarence, are accurate and *still* pretty lively. I find it a delight to read. Still another corrected version of the Adams translation is appearing in *The Norton Anthology of English Literature*, 8th edn. (2005). (5) Clarence's Yale translation (2001), which respects the fact that the Latin style of *Utopia varies* [sic] greatly. For teaching—or reading—, you should use either the 2002 Cambridge edition or Clarence's 2001. Believe me.

The critical tradition on *Utopia* begins with the letters and poems by various humanists that Erasmus collected for the four early editions. These generally take it as a serious blueprint for reform. For the twists and turns of the critical tradition from these to the 20th century, see the quite interesting survey in the final chapter of Dominic Baker-Smith's *More's "Utopia"* (Unwin Critical Library, 1991). Modern criticism of *Utopia* may be thought to have begun with Frederick Seebohm's *The Oxford Reformers of 1498* (1867), which stressed that the primary affiliation of *Utopia* is with the tradition of Renaissance humanism, that the purpose of Book 2 lies in "the contrast presented by its ideal commonwealth to the conditions and habits of the European commonwealths of the period," and that the book is a response to the *realpolitisch* political thought and action of the time. In his famous biography, R.W. Chambers developed further Seebohm's insights (though without any gratitude at all), and gave what has been the most influential answer to the question of why More made Utopia non-Christian: to shame Christian Europe by displaying a state founded on reason alone, without benefit of the Christian revelation, which in most respects acts far more like a Christian nation than the European nations do.

From Seebohm and Chambers grew what became the dominant 20th-century critical tradition, named "the humanistic interpretation" by Surtz in his two highly important books of 1957, *The Praise of Pleasure: Philosophy, Education, and Communism in More's Utopia* and *The Praise of Wisdom: A Commentary on the Religious and Moral Problems and Backgrounds of St. Thomas More's "Utopia."* These have a close kinship with his Yale commentary: wonderfully learned and valuable essays putting the ideas of *Utopia* into their intellectual contexts. Five years earlier (1952), Hexter had published his little book *More's "Utopia": The Biography of an Idea*: brilliant, but superseded by his section of the Yale introduction.

Though exponents of the humanistic interpretation vary greatly on the extent to which they take *Utopia* as a blueprint for reform, they all take it as serious social commentary, and the commonwealth of Utopia as a basically good place. There has, though, long been a scattering of interpreters who regard *Utopia* as a *jeu d'esprit*—

most famously, C.S. Lewis in his volume of the Oxford History of English Literature (1954). This view in some sense prefigured the emergence in the 1960s of what became a full-fledged *counter*-tradition to the humanistic interpretation. In this counter-tradition—developed, I believe, just about 100% by English professors—the focus is on the ironic and satiric dimensions of *Utopia*, especially as connected with its complex narrative technique. Sometimes the book is made to seem to be more or less *about* its major narrator, Hythloday. Whereas in all leftist (especially socialist) readings of the book Hythloday is the author's mouthpiece, in this new tradition he was likelier to be regarded as a primary object of More's satire.

The most salutary effect of this counter-tradition has been to make the best post-Yale critics of *Utopia* aware of the interpretive implications of the book's narrative technique: most recent exponents of the humanistic interpretation have attempted to avail themselves of, or at least in some way take into account, the points about narrative technique made in the counter-tradition. Modified in this way, the humanistic interpretation remains dominant—basically because it's correct: *Utopia is* [sic] a product of Renaissance humanism.

All I can do now is glance at a few of the most important—influential—post-Yale works. The most influential works of sophisticated literary criticism of *Utopia* in the past few decades have been, surely, Elizabeth McCutcheon's study of *litotes* in *Utopia* (1968; reprinted, with many other influential articles, in *Essential Articles for the study of Thomas More*, ed. Sylvester and Marc'hadour, 1977; see also her book on the letter to Giles: *My Dear Peter*, 1983), and Stephen Greenblatt's remarkable psycho-biographical study in *Renaissance Self-fashioning from More to Shakespeare* (1980). The great historian of political thought Quentin Skinner—whose *The Foundations of Modern Political* Thought (1978) is invaluable for putting *Utopia* into the context of Renaissance political thought in general—reads *Utopia* as in some ways a humanist critique of humanist political thought; there's a more sophisticated version of this reading in his 1987 article "Sir Thomas More's *Utopia* and the language of Renaissance Humanism" (in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden). My 1983 book *The Meaning of More's "Utopia"* also views *Utopia* as a humanist critique of humanism, though not always in the fashion of Skinner, who argues with me a good deal in his 1987 article. Baker-Smith's book (referred to earlier) is a highly sophisticated, agile synthesis of the two interpretive traditions.

I don't have time to mention any more individual works. For further guidance, see Baker-Smith's final chapter; the *ELR* "Recent Studies" series on More, including the latest, by Geritz (2005), surveying 1990-2003; and "Further Reading" in the 2002 Cambridge edition and in Clarence's Yale edition. I must say I think the long review article I wrote for *Moreana* in 1994 is very useful: it's called "Interpreting *Utopia*: Ten Recent Studies and the Modern Critical Traditions." Someone wanting to get a handle on the broad sweep of Utopian criticism could do worse than start there.

II. The History of King Richard the Third

For *The History of King Richard the Third*, again Yale has been crucial. Before it, there was J. Rawson Lumby's 1883 edition, which has a still-valuable commentary but actually bowdlerizes the text in a couple of places, and the edition in the unfinished *English Works of Sir Thomas More*, ed. W.E. Campbell and others (1931),

which has both a facsimile of the 1557 edition (edited by More's nephew William Rastell from a manuscript in More's hand) and a modern-spelling text, as well as extremely valuable introductory essays, commentary, and collations with other early editions. Sylvester's Yale edition was the first volume of Yale to be published (1963). Like the other Yale volumes, it preserves 16th-century spelling and punctuation. Sylvester added an excellent comprehensive introduction and a valuable commentary, which, like the commentary in the Yale *Utopia*, remains the first place to look for further information ("further," that is, to looking in my edition, which has a much more recent but also much slimmer commentary) on any aspect or passage of the English version. Sylvester's edition also includes the Latin version, but this part of it has been superseded by Volume 15 of the Yale edition (1986), ed. Daniel Kinney, with a text based on a newly discovered manuscript. *My* edition stands in the same relation to the English part of Sylvester's as *CU* does to the Yale *Utopia*: it has modernized spelling and punctuation—punctuation that, I think, makes the meaning of some sentences clear for the first time—and a lean introduction and commentary. I've wanted to make More's wonderful work as accessible as possible without "dumbing it down." There *is* a dumbed-down edition by Paul Murray Kendall—Richard's most-read modern biographer—which actually modernizes More's *language*, not just his spelling. Sylvester also did a modernized *spelling* edition for Yale (1976)—Clarence told me it was known around the Yale project as "Little Richard"—: an excellent edition, but I think superseded by mine. There's also a useful teaching edition available online through the Center. The 2005 Hesperus edition, edited anonymously but with a foreword by the well-known TV art commentator Sister Wendy Beckett, is slapdash: one of those books that, as the great Harvard (and Canadian) humanist Douglas Bush used to say, appears to have been written not just *for* but *by* the general reader.

To study More's *Richard* seriously, you need to know a good deal about the *other* historical writings on Richard, early and modern. The place to start is Charles Ross's standard biography, *Richard III* (1981). There's also Kendall's 1955 biography, certainly overly sympathetic to Richard, but great fun to read. Both also include valuable literature reviews. A.J. Pollard's *Richard III and the Princes in the Tower* (1991) is a wide-ranging account, wonderfully illustrated, of Richard's career and the vicissitudes of his reputation. Richard has, of course, always had his passionate defenders. Just as we have our *Moreana*, so they have their *The Ricardian*, a valuable clearinghouse for Richard scholarship.

The modern critical tradition on More's *Richard* may be regarded as having begun with the introductory essays in the 1931 *English Works*, with the treatment in Chambers's biography, and with A.F. Pollard's "The Making of Sir Thomas More's *Richard III*" (originally published 1933), which was influential in directing attention to *Richard* as literature, and especially to its affinities with drama. It is reprinted in *Essential Articles* (mentioned earlier), which also reprints, among other key articles, Arthur Noel Kincaid's "The Dramatic Structure of Sir Thomas More's *History of King Richard III*" (originally published 1972), which has been influential in the development of a critical trend, dominant since the 1970s, that pushes the affinity between *Richard* and drama so far that More's work has often been treated as if it really were a play of one kind or another, rather than (as it clearly is) a member of a genre—rhetorical history—that has much in *common* with drama. For example, Alison Hanham, in her 1975 book *Richard III and His Early Historians*, claims that

Richard is a five-act drama satirizing "the whole craft of history." Her book is very valuable in other ways. Greenblatt's chapter in *Renaissance Self-fashioning* has a couple of superb pages on More's *Richard* and Machiavelli. Finally, there's a whole book on More's *Richard* and humanist historiography, in German, by Hans Peter Heinrich.

For further guidance to the literature on and around *Richard*, see the six pages on "Further Reading" in my edition.

INTERROGATING THOMAS MORE: THE CONUNDRUMS OF CONSCIENCE

STEVEN D. SMITH*

My subjects in this essay are Thomas More and the confounding claims of conscience. These are fascinating and important but also perplexing subjects, so I should warn you from the outset not to expect too much. In fact, I intend to follow the law professor's traditional practice—the one we flatter ourselves by calling "Socratic"—of mostly asking questions, leaving you to supply the answers, if there are any.

The questions to which I do not promise any answers have to do with More's understanding of—and his eloquent (and fatal) commitment to—conscience. "Freedom of conscience" is of course central to the modern discourse of religious freedom[1]—and perhaps to the modern self-understanding generally—so it is a major topic in John Noonan's and Ed Gaffney's magnificent book of readings on religious freedom; and Thomas More is included in that book as a leading and eloquent example of the commitment to conscience.[2] But conscience and "freedom of conscience" are also not well understood—or at least I am quite sure *I* do not well understand them—and that is why it seems worth posing some questions on the subject to someone who is surely one of the most intriguing exemplars of conscience.

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1. For an excellent discussion of the development and centrality of conscience in the modern understanding of religious freedom, see Noah Feldman, *The Intellectual Origins of the Establishment Clause*, 77 N.Y.U. L. Rev. 346 (2002).

2. John T. Noonan, Jr. & Edward McGlynn Gaffney, Jr., *Religious Freedom: History, Cases, and Other Materials on the Interaction of Religion and Government* 105-11 (Found. Press 2001). As it happens, it was in reading the section on More in Noonan and Gaffney that the questions I want to pose here presented themselves.

I. Statement of Facts[3]

Thomas More, as you may recall, was a Londoner who made the difficult (for him at least) decision to forego the celibate life of a priest or monk and instead became perhaps the greatest lawyer and administrator of his generation. He eventually served as Lord Chancellor to King Henry VIII during the tempestuous period in which (despite More's efforts) England was moving away from Rome. More was also "the most avant-garde humanist north of the Alps"[4] in the early sixteenth century, collaborating with figures like Erasmus and writing works of wit and wisdom including the classic *Utopia.* And he was many other things that cannot be elaborated on here: a devoted family man, an admired poet, a lover of animals and of gardens.

More was also a paragon of piety in its various dimensions. He flagellated himself with a leather thong and wore a hair shirt underneath the velvet and fur and gold chain visible in the Hans Holbein portraits. He rose daily at 2 a.m. to work and pray until seven o'clock Mass at his home, and he also regularly attended Mass at the local village church and sang in the choir. Fridays and holy days were spent fasting and worshiping in his private chapel. More gave generously to the poor, brought the needy and sick into his home for food and care; and when he heard of a neighbor woman in labor he would fall to his knees and pray until her delivery.[5]

Although More seems to have been loved by his family and popular with the English people generally, not all of his contemporaries and not all historians have agreed with Samuel Johnson's judgment that Thomas More was "the person of the greatest virtue that these [British] islands ever produced."[6] Critics said (and some historians still say) that he was ambitious, vain, manipulative, deceitful—and, of course, religiously intolerant.[7] And he was well known for the biting sarcasm that he routinely directed against people or practices that angered or amused him. Though More himself may have regarded "humour as a correlative of the Holy Spirit"—a gift to be used "to cut people down to size, especially himself"[8]—it is perhaps under-

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3. Most of the facts described below can be found in any number of histories or biographies. For basic facts, I have relied mostly on Peter Ackroyd, *The Life of Thomas More* (Double Day 1998), and Richard Marius, *Thomas More* (Alfred A. Knopf, Inc. 1984).

4. John Guy, *Thomas More* 212 (Arnold 2000).

5. On More's piety, see Ackroyd, *supra* n. 3, at 254-56.

6. Quoted in Robert Bolt, *A Man for All Seasons: A Play in Two Acts* v (Random House 1962) (epigraph preceding preface quoting Samuel Johnson).

7. *See e.g.* James Wood, *Sir Thomas More: A Man for One Season* in *The Broken Estate: Essays on Literature and Belief* 15 (Random House 2000) ("Sir Thomas More [was] cruel in punishment, evasive in argument, lusty for power, and repressive in politics. He betrayed Christianity when he led it so violently into court politics, and he betrayed politics when he surrendered it so meekly to the defense of Catholicism. Above all, he betrayed his humanity when he surrendered it to the alarms of God.").

8. Guy, *supra* n. 4, at 212.

standable that not everyone appreciated this service.[9] Even his critics, however, typically have acknowledged his intelligence and personal integrity, as well as his courage and remarkable composure in the events leading to his execution:[10] More's joking with the executioners at the scaffold can hardly fail to impress even those not inclined to like him.[11]

For years More was a dedicated councillor to King Henry VIII, and when the eminent Lord Chancellor Cardinal Wolsey fell from power as a result of his inability to secure the annulment of the king's marriage to his first wife Catherine, More was appointed to replace him. But More was also a faithful son of the church, and he explained to Henry from the outset that he believed the king's marriage to Catherine was valid—it had after all received papal blessing—and hence that he could not support the king's project of canceling the marriage. Henry was initially respectful of More's position in this matter,[12] and of the claims of conscience generally: indeed, the king insisted that his own efforts to terminate a marriage he believed invalid were themselves an expression of conscience.[13] As political and religious (and perhaps libidinous?) pressures mounted, though, the king's tolerance waned.

In due course, the English bishops and the Parliament were induced to declare the English church independent of Rome, with Henry as its head; and the marriage to Catherine was then dissolved, promptly followed by the king's marriage to Anne Boleyn. These measures were controversial, and Henry accordingly resolved to permit no potentially dangerous dissent. So legislation was enacted making criticism of the king in these matters treasonous. And in 1534, Parliament passed the Act of Succession, ratifying the annulment and subsequent marriage to Anne Boleyn and requiring subjects to take an oath of allegiance to the royal couple and their issue. As More read it, the oath at least by implication also signified acceptance of

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9. One contemporary reported:

> I cannot tell whether I should call him a foolish wise man or a wise foolish man, for undoubtedly he beside his learning had a great wit, but it was so mingled with taunting and mocking that it seemed to them that best knew him, that he thought nothing to be well spoken except he had ministered some mock in the communication.

Derek Wilson, *In the Lion's Court: Power, Ambition and Sudden Death in the Court of Henry VIII*, at 59 (Hutchinson 2001) (quoting Edward Hall).

10. Thus, Derek Wilson depicts More as "cynical," "a bigot, a fanatic, a man whose piety led him into such impious actions as vulgar abuse, lying, and persecution," ambitious, "exquisitely cruel," and a self-promoter who "picked up perks as a modern ex-public servant picks up company directorships." *Id.* at 17, 23, 58, 60, 224. But Wilson also acknowledges that More was a "high-principled idealist whose ambition was not of that viperous nature which would strike at anyone who stood in its path." *Id.* at 160-61. And he later describes More as having a "lucid legal mind, transparent honesty, lack of political agenda, and easy manner." *Id.* at 221.

11. Marius's biography, for example, sometimes reads like an exercise in debunking, but the attitude turns to admiration as the final events unfold. *See* Marius, *supra* n. 3.

12. *See* Ackroyd, *supra* n. 3, at 289.

13. *See* Marius, *supra* n. 3, at 358 ("Henry, sitting under a canopy of cloth of gold, spoke at length about the matter he said was dearest to his soul—the state of his own conscience. Catherine protested that his conscience had taken a very long time to awaken.").

the legislation separating the church from Rome and placing the king at its head,[14] a breach that was conclusively confirmed later that year with the passage of the Supremacy Act.

More refused to approve any of this (with only a bit of ambiguous waffling);[15] his recalcitrance led to his resignation as Chancellor in 1532 following the clergy's submission to Henry. Later, when subjects were required to take the oath affirming their support for these developments, More's family complied; More himself refused. But he also steadfastly avoided criticizing the king or the government for these actions; nor did he attempt to persuade anyone not to take the oath. He evidently believed or at least hoped that by maintaining a strict silence, even with his family and closest friends, he could avoid committing treason.

In this respect, his faith in the rule of law proved to be too sanguine. In 1534, after he refused to take the mandatory oath, More was imprisoned in the Tower of London. Even after his imprisonment and indeed right up until his trial, he was given numerous opportunities to escape his predicament by simply taking the oath that nearly everyone else in the realm had taken, but despite the pleas of family, close friends, and the king's officials, More remained steadfast. During his imprisonment he also persisted in rebuffing all efforts to coax out of him any potentially incriminating explanation of his reasons; he confined himself to saying that these were reasons of conscience.

Just over a year later he was tried anyway and convicted—largely, it seems, on the strength of perjured testimony. Only after the guilty verdict was returned did More finally come out and declare his conviction that Parliament had no power to make the king head of the church. Yet More also sincerely believed that the king was divinely ordained to his proper office.[16] So even as he spoke from the scaffold at his beheading, several days later, he continued to affirm that he was the king's loyal servant— though God's first.

Although More long refused to discuss the basis of his refusal to support the king's marital adventures and the separation from Rome, even with family or close friends, he did repeatedly insist, as noted, that his undisclosed reasons were reasons of conscience. A letter describing a conversation in prison between More and his beloved daughter Margaret (or Meg) has been compared to a Platonic dialogue on the subject of conscience.[17] But perhaps the most eloquent single statement on the subject—and the one

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14. Ackroyd, *supra* n. 3, at 364.

15. *See* Marius, *supra* n. 3, at 455-56. In his official capacity, for example, More made the case for the king's annulment in the Houses of Parliament. In making these presentations, he tried to avoid giving his personal opinion on the matter, and he also tried (probably without complete success) to avoid making statements that he believed to be false. *See* Ackroyd, *supra* n. 3, at 321.

16. Ackroyd, *supra* n. 3, at 197.

17. Marius, *supra* n. 3, at 467-68.

that Noonan and Gaffney select to include in their book—occurs in an earlier letter, in which More describes to Meg his initial arraignment where he refused to take the oath and was accordingly sent to the Tower, never to be restored to home and family. The letter recounts More's refusal to explain his reasons and his repeated invocations of conscience, and it ends with a ringing and what at least appears to be heartfelt endorsement of conscience. "How be it (as help me God) as touching the whole oath," More declares, "I never withdrew any man from it nor never advised any to refuse it nor never put, nor will, any scruple in any man's head, but *leave every man to his own conscience. And me thinks in good faith that so were it good reason that every man should leave me to mine.*"[18] It was not a casual or careless pronouncement: More reiterated this position more than once.[19]

II.   QUESTIONS PRESENTED

More's eloquent language is backed up with a demonstrated willingness to live (and to die) by what he professed. Moreover, the statement might serve as a succinct and moving expression of what freedom of conscience has often been taken to mean in modern constitutional thinking: so Thomas More might almost seem eligible for inclusion in the pantheon of champions of liberalism (or at least of liberalism's forerunners). It is hardly surprising, therefore, that a book like Noonan's and Gaffney's, which offers a rich selection of premodern materials always with an eye looking ahead to the more complete (though still imperfect) fulfillment of incipient religious freedom themes under the American Constitution, would include More's statement.

But alas, things are not as simple as they seem. A closer look at the context, and at More himself, may provoke doubts, or at least questions. The most obvious question, to those who knew him best anyway, was, why did he do it? Hilaire Belloc observes that "[t]o his own family as a whole probably, to his wife certainly, to nearly all his friends and to the mass of Englishmen of his time, his position was not heroic but absurd."[20] More knew that people thought this, and the course of his life suggests that he was someone who cared about the respect of others.[21] In a frank conversation during a prison visit, his beloved daughter Meg delicately but unmis-

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18. Noonan & Gaffney, *supra* n. 2, at 111 (emphasis added).

19. *E.g.* Thomas More, *To Dr. Nicolas Wilson, Tower of London, 1534*, in *The Last Letters of Thomas More* 90 (Alvaro de Silva ed., Wm. B. Eerdmans 2000) [hereinafter *Last Letters*] ("[L]eaving every other man to their own conscience, myself will with good grace follow mine.").

20. Hilaire Belloc, *Characters of the Reformation* 65 (TAN Books & Publishers, Inc. 1992) (originally published 1936); *see e.g.* Ackroyd, *supra* n. 3, at 362, 375-76.

21. *Cf.* Belloc, *supra* n. 20, at 62 ("He keenly felt how ridiculous a man looks in any isolated position, how absurd it is to be a 'crank,' and he felt still more keenly misunderstandings with any of his own household. Such a man should naturally shrink more than would another from any action, let alone the acceptation of death itself, in which he would suffer the public accusation of eccentricity and perverseness, and the reproaches of his own wife.").

takably accused him of endangering his family, of showing ingratitude to the king who had been so "singularly gracious" to him, and of exhibiting a sort of stubborn arrogance in holding out against a course that "many great wise and well learned men" had approved. "[I]f ye change not your mind," she warned, "you are likely to lose all those friends that are able to do you any good."[22] Even so, More persisted in his fatal course. Why?

This biographical question concerning More—why did he do it?—is also a perennial question that can be asked about martyrs in general. Why does anyone attach such monumental importance to a statement of belief that he or she is willing to die for the matter? That question in turn seems relevant at one remove to a constitutional question of ongoing significance: what if anything is it about "conscience"—or about beliefs and actions that get placed under that heading—that leads us to suppose, sometimes anyway, that conscience is a distinctive moral category entitled to some special respect from the law?[23]

There are other questions that are slightly less obvious, and also more distinctive to More's own particular demonstration of conscience. I will mention two. First, how can the statement I have just quoted from More— the statement declaring that he would "leave every man to his own conscience" and that every man should leave him to his—be reconciled with his enthusiastic persecution (sometimes to the death) of religionists who dissented from the Catholic faith? More not only tried to suppress Protestant writings; as Lord Chancellor he directed, supervised, and attempted to justify the prosecution and execution of Protestants themselves. Are we forced to conclude that More was inconsistent or opportunistic—that he was all in favor of a general right of conscience only when his own interests and life were at stake?

Second, if More's beliefs were backed by the imperative of conscience, why was he so reticent about telling people what those beliefs were? Other martyrs for conscience have typically been less bashful. More's friend and contemporary John Fisher, Bishop of Rochester, shared More's disapproval of the king's effort to rescind the marriage to Catherine, and he similarly lost his head for taking that stance. But Bishop Fisher, unlike More, left no doubt at any point about what he believed.[24] A more ancient predecessor in martyrdom, John the Baptist, was also beheaded for his disapproval of a king's marriage;[25] but once again, John was not shy in expressing his condemnation. Compared with these more vocal proponents

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22. More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters, supra* n. 19, at 73 (letter written by More).

23. For an illuminating discussion of the question, see John H. Garvey, *What Are Freedoms For?* 42-57 (Harvard U. Press 1996).

24. *See* Marius, *supra* n. 3, at 358-59.

25. *Matthew* 14:1-12 (New Intl.). John, however, was beheaded for declaring that a king's marriage to his brother's wife was *not* licit, whereas More and Fisher got into trouble for believing that Henry's marriage to his deceased brother Arthur's wife *was* valid.

of what they believed to be the divine law of marriage, More may seem timid, even afraid. If the relevant truths were so important that More was ultimately willing to die for them, why was he unwilling in the interim to stand up for those truths in public?

These questions may prompt cynical interpretations—interpretations suggesting that More was hypocritical in his professed regard for conscience, or that his simultaneous refusal either to take the oath or to condemn the king's actions manifested a mixture of courage and cowardice. Those interpretations might fit a lesser man, but they do not seem as credible with respect to More. His own position seems to have been more purely conscientious and more reflective—though also more convoluted and, yes, lawyerly.[26] It is just for that reason that More has so fascinated historians and biographers and even playwrights,[27] and why the questions I have noted seem worth our serious attention.

It is also why the answers to those questions, if we could discern them, might illuminate our own understanding of the troubled subject of "conscience." Because of course it is not as if "conscience" is something that we by now fully and satisfactorily understand. Questions persist—serious, central questions. I have already noted one: does conscience deserve any special respect in the law, and if so, why? Another common modern question concerns the scope of conscience. Does it cover only religious beliefs? *All* religious beliefs, or only some? Or, if conscience is not limited to religion, how much more does it encompass?

These questions—and the difficulty of finding comfortable answers to them—suggest uncertainty on a more basic level. What *is* "conscience" anyway? Is it some discrete faculty or cognitive power—a sort of sublime Jiminy Cricket chirping truth into our souls? Or, alternatively, is "conscience" merely a label we attach to the conclusions of our moral reasoning—or perhaps to our opinions (however come by) on moral questions? When we discuss, say, the question of conscientious objection from military service, can we even be confident that we are all referring to the same thing? Or that we mean the same thing that more historically removed figures such as More (or Madison, or Locke, or Roger Williams) meant when they uttered the word?

On this point there is cause for skepticism. We sense slippage, maybe even a sort of declension. Marie Failinger observes that freedom of conscience "began as an argument that government must ensure a free response

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26. *See* Guy, *supra* n. 4, at 186 (remarking on "the impossibility of reducing to a sound bite the complexity of More's position as well as the inscrutability of his beliefs to a modern secular audience").

27. Probably the best known play about More is Thomas Bolt's *A Man for All Seasons* (a work which historian John Guy describes as "sumptuous drama but appalling history," Guy, *supra* n. 4, at 223), but it is not the only one. Much earlier, an aspiring playwright named William Shakespeare contributed to a play about More.

by the individual called distinctively by the Divine within" but by now "has come to mean very little beyond the notion of personal existential decision-making."[28] In a similar vein, Ronald Beiner suggests that a book on the subject by David Richards demeans the concept of conscience.

> The spuriousness of this recurrent appeal to the sacredness of conscience is very clearly displayed in the discussion of pornography. How can this possibly be a matter of *conscience*? What is at issue here, surely, is the sacredness of consumer preferences.[29]

Beiner goes on to scoff that "[b]y [Richards's] contorted reasoning, the decision to snort cocaine constitutes an act of conscience."[30]

It could be that "conscience" is little more than an honorific term that we toss about when it suits our rhetorical purposes. In any case, and at the risk of committing gross understatement, I will only say that we have no reason to be confident, going on five centuries later, that we understand "conscience" any better than Thomas More did. So it is worth asking what conscience meant to him. In the remainder of this essay, therefore, I want to elaborate on the questions noted here, to try to dispel overly quick answers, and to suggest some directions in which more satisfying answers might be pursued.

III. WHY DID HE DO IT?

More's willingness to die rather than take the oath puzzled his contemporaries, as I have said, and it may puzzle modern students of the episode as well. Brad Gregory has argued that the modern difficulty in understanding martyrs of the Reformation and Counter-Reformation period stems from a sort of modern devaluation of truth—in particular, religious truth—and a consequent effort to understand the martyrs through "reductionist" cultural, social, political, or anthropological explanations that cancel out or ignore the things that mattered most *to them*.[31] Conversely, once we acknowledge the seriousness of religious beliefs, martyrdom becomes "compellingly lucid."[32] Although there is probably a good deal of truth in Gregory's claim, it is important to recall that at least in More's case, his contemporaries (including those who knew him best and who shared his religious faith) also found unfathomable his determination to die rather than swear an oath that virtually all of them had found largely unobjectionable. So the puzzle in More's case cannot be passed off as merely a consequence of the incom-

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28. Marie A. Failinger, *Wondering After Babel: Power, Freedom and Ideology in US Supreme Court Interpretations of the Religion Clauses*, in *Law and Religion* 81, 93-94 (Rex J. Adhar ed., Ashgate 2000).

29. Ronald Beiner, *Philosophy in a Time of Lost Spirit: Essays on Contemporary Theory* 29 (U. of Toronto Press 1997).

30. *Id.* at 30.

31. Brad S. Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* 8-15, 99-105 (Harvard U. Press 1999) (Gregory applies this argument to More in particular at 100-01).

32. *Id.* at 348.

mensurability of early modern with modern or postmodern ways of thinking.

It seems prudent to start with one secure observation about which Gregory is surely right: More, like other martyrs of his and other periods, attached great importance to *beliefs*.[33] But why? And is the sort of thinking that leads a person to value belief so extravagantly a judgment we should accept as admirable, or at least reasonable, or rather something we should regard as . . . well, extreme and, to be candid, disordered? In More are we dealing with a paragon, or a pathological character?

Thinking sensibly, we may suspect that an action like More's reflects a sort of reversal of priorities, or of means and ends. Like the Sabbath, we may suppose, beliefs are made for man, not man for beliefs.[34] For example, we are told that man is a social animal: the man who does not live in and with society is not quite human, Aristotle suggested, but is either a beast or a god.[35] And beliefs function in this respect to help bind us together—to our families, communities, churches. Religious beliefs in particular serve this valuable function; it is sometimes remembered that the root of the word "religion" is "ligare," meaning "to bind together."[36] So when a person like More acts on belief not to secure but rather to sever the blessed ties that bind families and communities together, it may seem that he has confused the function of believing, or that he has treated the belief as an end in itself.

Something like this doubt surely afflicted More's family and friends. From their point of view, it seemed that More was stubbornly allowing a simple dispute about an abstract, legalistic proposition not only to propel him to his own death but also to jeopardize the lives and prospects of those he loved best, and to introduce contention into a realm to which More professed loyalty. Surely his intransigence reflected a sort of deranged or disproportionate devotion?

Up-to-date theorists might express a similar suspicion in somewhat different vocabulary. A good deal of modern thought runs in what we might call an evolutionary-pragmatic vein. This way of thinking understands human beings as the product of eons of evolutionary development in which organisms with the instincts and capacities that fit them to survive do in fact survive and reproduce more successfully than other organisms not so endowed. And among the various survival capacities are the cognitive abilities to perceive, to form and connect ideas, to adopt beliefs. In this view, beliefs serve an instrumental or pragmatic function; they equip us to survive, and to reproduce, and perhaps to satisfy other desires or "interests"

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33. *See id.* at 105 (observing that "martyrs were willing to die for their religious views because they believed them to be true, because revealed by God").

34. *Mark* 2:27 (New Intl.).

35. Aristotle, *Politics* bk. I, ch. 2.

36. Arthur Jacobson, *Taking Responsibility: Law's Relation to Justice and D'Amato's Deconstructive Practice*, 90 Nw. U. L. Rev. 1755, 1776 n. 60 (1996).

that we happen to possess. And beliefs are "true" insofar as they promote our good: "The true," as William James put it, "is the name of whatever proves itself to be good in the way of belief."[37] Martyrdom, in this conception, looks irrational; it looks to involve a confusion of means and ends. Beliefs are instruments that are supposed to help us survive, not carry us to our death.

To be sure, this view of the world is also a bit skittish about the phenomenon of irrationality, which after all ought to be selected out in the process by which organisms that are more "fit" come to replace the less "fit." Fortunately, the evolutionary-pragmatic orientation is marvelously supple, and hence can easily supply an account of seemingly eccentric behavior that endows such behavior with a kind of rationality. The instrumentalist strand supposes that actions are undertaken to satisfy "interests" (including the "interest" in survival), but instrumentalism is wonderfully nonjudgmental about what those "interests" are or should be: they might be pretty much anything a particular organism happens to want. So for any particular instance of apparently bizarre behavior, that behavior can be redeemed for rationality by simply supposing that the agent wanted . . . well, whatever he or she was likely to get by the action. In this vein, it may seem that Thomas More's fatal refusal to take the oath makes perfect sense once we understand that death was less important to him than what he wanted to obtain. Which was . . . what?

Perhaps martyrdom? Though this is not something most of us crave, it is hard to deny that there have been a few people in history who have seen the martyr's death as something to be sought after.[38] Thomas More might have been of this mind. His formidable, perhaps immoderate piety—the hairshirt, the self-flagellation, the long hours spent in worship—may strike modern, sensible people as tending in this direction. And in his last years he was in poor health and frequent pain, suffering from kidney stones and a bad heart. More said that he was not afraid of dying: "a man may leese his head and have no harm," he quipped.[39]

Even so, this explanation does not quite fit the facts. The hypothesis that More was actively seeking martyrdom seems inconsistent with his determined, persistent efforts to escape the verdict and death sentence.[40] Moreover, despite his strained health, More still had much to relish in life. As Robert Bolt, the playwright, observed, More was "almost indecently

37. William James, *Pragmatism: A New Name for Some Old Ways of Thinking* 75-76 (Ralph Barton Perry ed., Longmans, Green & Co. 1946).

38. *See* Gregory, *supra* n. 31, at 104 ("Certain devout Christians, particularly within post-Tridentine Catholicism, actively yearned for martyrdom.").

39. More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters*, *supra* n. 19, at 87; *see also* Ackroyd, *supra* n. 3, at 369; Marius, *supra* n. 3, at 465.

40. It is possible, however, as Marius speculates, that More might have desired death but also believed it was his duty to maintain his life—to "stay at his post," so to speak—as long as he could without violating other higher duties. Marius, *supra* n. 3, at 499.

successful"[41]—not only professionally, but domestically. Consequently, "he parted with more than most men when he parted with his life."[42] And even if More was eager to finish his own life, he knew (and indeed was not permitted to forget) that his obstinacy was creating a serious risk for others whom he loved—namely, his family: the danger that he was creating for them was, he said, "[a] deadly grief unto me, and much more deadly than to hear of mine own death."[43]

In addition, even if More did not fear death itself, he *was* seriously afraid of the horrible pain that accompanied the process of execution. His great worry, he said, was that in the end he would lack the courage to undergo this ordeal and hence would acquiesce: so he prayed that God would strengthen him against this temptation or, failing that, would forgive him.[44] We can hardly wonder at this fear. The prospect of having one's head chopped off (even, if one is lucky, in one stroke) is unsettling enough. But in fact More could not count on this relatively gentle and efficient method of execution. The usual punishment for treason—and one suffered just a few days earlier by several Carthusian friars with whom More had allegedly collaborated—was more harrowing; and indeed, five days before his beheading, More had been given the usual sentence. "Sir Thomas More," the presiding judge Thomas Audeley had intoned,

> you are to be drawn on a hurdle through the City of London to Tyburn, there to be hanged till you be half dead, after that cut down yet alive, your bowels to be taken out of your body and burned before you, your privy parts cut off, your head cut off, your body to be divided in four parts, and your head and body to be set at such places as the King shall assign.[45]

More's sentence had later been commuted to mere beheading only as a result of a belated gesture of mercy by his erstwhile friend, the king—a clemency hardly to be taken for granted.[46] Given these prospects, it seems plausible to suppose that instead of the gruesome initiation into martyrdom, More would have preferred to go on living, and worshiping, in the company of family and friends.

So if More's actions cannot plausibly be accounted for by supposing that he was seeking martyrdom, what other good or goal might explain his conduct? But here the answer may seem easy. What he wanted (consistent with Christian teaching from the Sermon on the Mount[47] onward) was the

41. Bolt, *supra* n. 6, at xv.
42. *Id.*
43. More, *To Margaret Roper, Tower of London, May 1534*, in *Last Letters, supra* n. 19, at 65.
44. More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters, supra* n. 19, at 87-88.
45. Ackroyd, *supra* n. 3, at 398.
46. *Id.* at 403.
47. *Matthew* 5:10-12 (New Intl.).

superlative blessings that await the righteous—in particular those who remain faithful through affliction and persecution. He sought, in his own words, the "bliss of heaven."[48] The modern student working in the evolutionary-pragmatic framework might accept this answer, even while supposing that those celestial goods are purely illusory: the point is that More *believed* his actions would serve to secure them. Based on those beliefs, it seems, his actions were wholly rational.[49]

This explanation has the virtue of providing a possible answer to the earlier question about whether it is wrong-headed to cling to belief even when the effect is to disrupt the society of family, church, or nation. Viewed in a more eternal and Christian framework, that is, a disruption in the here and now, however unfortunate, would be well worth the sacrifice if it would lead to a happier and more permanent union in the next life. And indeed, the prison letter containing More's most ample response to those who urged him to adjust his conscience concluded with just this point: "[I]f anything should hap to me that you would be loath," he counseled Meg, "pray to God for me, but trouble not yourself: as I shall full heartily pray for us all, that we may meet together once in heaven, where we shall make merry for ever, and never have trouble after."[50]

But even if this explanation is correct as far as it goes, it thrusts upon us a different set of questions. After all, More's own contemporaries largely shared his Christian understanding of the human drama but, as noted, they still seemed to regard his course as absurd. Why? Here I think we need to distinguish between *belief* and the *utterance* of belief. It may be understandable enough, that is, that More would not and should not actually abandon his faith, thereby sacrificing the blessings to which that faith pointed. The question, though, is why he or anyone should deem the mere utterance of a few words a renunciation of that faith. It is not a question of the importance of *beliefs*, but rather a question of the importance of *words*. After all, More could not and seemingly did not seriously expect his refusal to utter those words to achieve any important political results.[51] And in the Christian tradition, excessive scrupulosity is supposed to be a sin.[52] Why then was More so scrupulous in this matter of mere words?

This puzzlement was in fact reinforced by one teaching of the faith— the teaching that what really counts in the eternal scheme is not what a

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48. More, *From Margaret Roper, May 1534*, in *Last Letters, supra* n. 19, at 67.

49. *See* Gregory, *supra* n. 31, at 123 ("Early modern martyrs measured temporal pain against eternal gain and drew the logical conclusion. Torture and death were surely horrific—but incomparably less so than eternal suffering.").

50. More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters, supra* n. 19, at 89.

51. *Cf.* Belloc, *supra* n. 20, at 63 ("He could foresee no fruit following upon his great example. In fact, during all the four hundred years from his day to ours, no apparent political fruit has been borne by it.").

52. For a collection of Christian teachings on the subject, see Jill Haak Adels, *The Wisdom of the Saints: An Anthology* 153-55 (Oxford U. Press 1987).

person says with the lips but rather what is in the heart. The playwright Bolt captures the idea when he has Meg say to More: "'God more regards the thoughts of the heart than the words of the mouth.' Or so you've always told me." Based on this principle, Meg urges her father to "say the words of the oath and in your heart think otherwise."[53] Isn't this the sensible recommendation—the one that most of us would adopt in a similar contingency?[54]

So, why did More place so much emphasis on *the words*? A pair of tempting answers ought to be noticed so that we can reject them. We might suppose that More was one of those rare persons who, like Kant, hold that truth-telling is an absolute duty. We must speak only the truth no matter how unfair the demand or how dire the consequences. If your innocent friend (perhaps a Jew) is hiding in your basement and the police (perhaps the Nazi gestapo) show up at your door and ask if he is there, you must say yes.[55] But in fact it seems quite clear that More, though he earned a reputation for fairness and honesty,[56] did not hold to any such absolutist position. In the pursuit of his career and the performance of his duties as lawyer, government minister, and diplomat, for example, he was from time to time placed in positions in which calculated misrepresentations seemed called for; and in this respect as in others, More seems to have done his duty.[57]

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53. Bolt, *supra* n. 6, at 140. This exchange in the play appears to be based on the following passage from the most extended prison letter:

And some may be peradventure of that mind, that if they say one thing and think the while the contrary, God more regardeth their heart than their tongue, and that therefore their oath goeth upon that they think, and not upon that they say . . . . But in good faith, Marget, I can use no such ways in so great a matter: but like as if mine own conscience served me, I would not let to do it.

More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters*, *supra* n. 19, at 79.

54. Chris Eberle points out to me that a revered modern martyr, Dietrich Bonhoeffer, took a somewhat different view on this issue, according to his friend and biographer:

It was 17 June 1940, in the village of Memel. That morning Bonhoeffer had been talking to Dr. Werner Wiesner at a poorly attended pastors' meeting; in the evening there was to be a Confessing church service. That afternoon he was sitting with me in an open air café just opposite the town, on the peninsula. We had come by ferry, past submarine tenders and minesweepers. The previous day Stalin had delivered an ultimatum to the Baltic states, but the world's attention was centered on Hitler's victory in France.

While we were enjoying the sun, suddenly the fanfare boomed out of the café's loudspeaker, signaling a special announcement: the message that France had surrendered. The people around the tables could hardly contain themselves; they jumped up, and some even climbed on their chairs. With outstretched arms they sang "*Deutschland, Deutschland über alles*" and the Horst Wessel song. We had stood up, too. Bonhoeffer raised his arm in the regulation Hitler salute, while I stood there dazed. "Raise your arm! Are you crazy?" he whispered to me, and later: "We shall have to run risks for very different things now, but not for that salute!"

Eberhard Bethge, *Dietrich Bonhoeffer: A Biography* 681 (Victoria J. Barnett ed., rev. ed., Fortress Press 2000).

55. Sissela Bok, *Lying: Moral Choice in Public and Private Life* 37-42 (Pantheon Books 1978). For a discussion that, though sympathetic, ultimately finds this absolutist position untenable, see *id.* at 32-46.

56. *See* Ackroyd, *supra* n. 3, at 192, 296-97.

57. For instances of dishonesty or "small lies" committed by More, see *id.* at 184, 190, 216, 220, 243, 321, 331, 350.

In a related vein, More might have held a conception of the self (or at least of his own self) in which truth-telling—or at least truth-telling where an oath is administered—is *constitutive* of the person; so lying under such circumstances would amount to a kind of self-negation or suicide. Thus, in response to Meg's question, noted above, Bolt has More respond in this way: "When a man takes an oath, Meg, he's holding his own self in his own hands. Like water. . . . And if he opens his fingers *then*—he needn't hope to find himself again."[58]

This is a poetic response, and I confess that I am not sure what it means. But in his introduction Bolt provides some help. He explains that although he himself is neither a Catholic nor in any meaningful sense a Christian, he became interested in More because More was "for me a man with an adamantine sense of his own self." He was a "hero of selfhood."[59] Later conversations in the play help fill out the thought. At one point Bolt has More declare that "what matters to me is not whether [the Apostolic Succession of the Pope is] true or not but that I believe it to be true, or rather, not that I *believe* it, but that *I* believe it."[60] And late in the play, after More has just declared to Thomas Cromwell the necessity of loyalty to conscience and Cromwell has responded that this appeal to conscience is little more than "a noble motive for his frivolous self-conceit!" More answers:

> MORE (*Earnestly*):   It is not so, Master Cromwell—very and pure necessity for respect of my own soul.
> CROMWELL: Your own self, you mean!
> MORE: Yes, a man's soul is his self![61]

So in this depiction, it seems, More—the "hero of selfhood"—is above all concerned to remain loyal to his beliefs not because he is confident they are *true*, but because they are *his*, and hence are constitutive of his very *self*. This is an intriguing interpretation, and it may well convey some oblique insight into More's thinking. Unfortunately, it also has the disadvantage of being, in the main, almost surely wrong. The historian John Guy suggests that the conception of conscience that Bolt ascribes to More actually belonged more properly to Henry VIII, who *did* repeatedly invoke conscience largely in the service of assertions of selfhood.[62] In contrast, More surely would not have declared that it did "not matter" to him whether his beliefs were true, nor would he have committed the typically modern incoherence

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58. Bolt, *supra* n. 6, at 140.

59. *Id.* at xii-xiv.

60. *Id.* at 91.

61. *Id.* at 153.

62. Guy, *supra* n. 4, at 204-05.

of imagining that he could *believe* an idea without thereby committing himself to the *truth* of the idea.[63]

But if Bolt's response to Meg's pressing and entirely sensible question—why not "say the words of the oath and in your heart think otherwise"?—implausibly transforms More into some sort of modern existentialist,[64] then what should the real More's response be? Why *were* the words so important?

And that is where I must leave the question—with only a parting, tentative suggestion about a possible direction to take in looking for an answer. For most of us, and surely for Thomas More, beliefs about the sorts of matters that we associate with "religion" are not simply dry propositions to which we give or withhold intellectual assent. Rather, these sorts of beliefs have a personal character to them.[65] "The square root of 16 is 4" and "God is merciful" are both propositions which we may believe or disbelieve; but to rest content with this similarity is to elide crucial differences—like saying that a groundhog's burrow is pretty much the same sort of thing as the Grand Canyon because they are both, basically, holes in the ground. The second proposition surely has a character that the first lacks; and one's response to it will touch on wholly different dimensions of one's being. In matters of belief with this sort of character, affirmation may involve not just intellectual assent but loving, trusting commitment of heart, mind, and soul. Conversely, false denial is not simply *dishonesty*; it may amount to a kind of *betrayal*.[66]

So suppose you happen to believe in the Big Bang theory, but a deranged despot takes power who favors the Steady State theory; and the des-

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63. Stanley Fish observes that "modern theorists try in every way possible to avoid" the fact that "[i]f you believe something you believe it to be true, and perforce, you regard those who believe contrary things to be in error." Stanley Fish, *Mission Impossible: Settling the Just Bounds Between Church and State*, 97 Colum. L. Rev. 2255, 2258 (1997).

64. Interestingly, the fiercely Catholic presentation of Hilaire Belloc seems surprisingly (though hardly exactly) akin to Bolt's. Belloc depicts More as a sort of ambitious, waffling intellectual, who chose to die for the doctrine of papal supremacy even though he had no very strong belief in the doctrine and did not expect his death to accomplish anything positive. Belloc, *supra* n. 20, at 59-66. Belloc's More seems almost like a character out of Kierkegaard. "I suggest that the Martyr in his last moments had all the intellectual frailty of the intellectuals, and that at the end his skepticism was still working; but his glorious resolution stood—and that is the kernel of the affair. He had what is called 'Heroic Faith.'" *Id.* at 110. *See also* Marius, *supra* n. 3, at xxii ("As with all martyrs who are not insane, it may be argued that [More] died not for what he believed but for what he wanted to believe."). This interpretation of More as doubter who wanted to believe *might* be accurate, but it also seems suspiciously congenial to twentieth-century interpreters, who are sometimes inclined to suppose that the more strenuously a person defends his professed beliefs, the more he must be trying to conceal some deep, gnawing doubt. Isn't it possible that a person might energetically defend an embattled belief because . . . well, he believes it?

65. The point is elaborated at some length in Steven D. Smith, *Believing Persons, Personal Believings: The Neglected Center of the First Amendment*, 2002 U. Ill. L. Rev. 1233, 1260-79.

66. Was More hinting at something like this thought when he asserted that he would gladly take the oath if it were possible to do so "and God therewith not offended"? More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters*, *supra* n. 19, at 74.

pot requires everyone to swear support for that theory or die. If you swear contrary to your true inner belief, no one is likely to condemn you;[67] they are more likely to think ill of you if you make a show of fanatical scrupulosity on a matter of no apparent significance. But now suppose you are threatened with death unless you swear that you do not love your spouse. And suppose that he or she is listening as you make your response.[68] The problem is at least more complicated now.

The historian John Bossy has emphasized how intensely and thoroughly personal was the religion of the late middle ages and early modernity—the religion cherished by Thomas More. Christian truth was conceived not so much as a body of theological propositions, Bossy suggests, as an extended family network that encompassed not only one's immediate family and neighbors but also the saints, the angels, and the holy family of Jesus, Mary, Mary's cousin Elizabeth and her son John the Baptist, Mary's father Joachim and her cousin Anne, and so on.[69] "The whole, for better or worse, was 'Christianity,' a word which until the seventeenth century meant a body of people, and has since then, as most European languages testify, meant an 'ism' or body of beliefs."[70] So for More, it seems, religious faith would have meant much more than affirming, or declining to affirm, a dry and abstract creed. And denial of the faith, even if only in words, might have amounted to a kind of personal betrayal.

So, does this personal quality of religious belief figure in the answer to the puzzle? The suggestion encounters a familiar objection: More's family and friends presumably shared the same personal religion, and yet they found his refusal unfathomable. But it is also true that very few of More's contemporaries took and felt their religion as intensely as he did; for most of them, the visible flesh-and-blood family and friends might have blotted out the personality of the more distant, no longer mortal relations. It is hard to be sure. I only suggest that this aspect of belief might help to explain why More felt compelled to die rather than take an oath—on matters of great moment—affirming what he did not believe.

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67. In his play *Galileo*, Bertolt Brecht tried to make Galileo seem despicable for recanting his cosmological theories under the pressure of the Inquisition, but as one authoritative commentator points out, neither the play itself nor the most lauded performances of the play have been successful in this respect. *See* Eric Bentley, *Introduction: The Science Fiction of Bertolt Brecht*, in Bertolt Brecht, *Galileo* 20-29 (Eric Bentley ed., Grove Press, Inc. 1966). *See e.g. id.* at 21 ("One cannot find, within the boundaries of the play itself, a full justification for the virulence of the final condemnation. . . . It seems to me that even Ernst Busch, the Galileo of the Berlin ensemble production, could not make real the image of a corrupted Galileo.").

68. Alan Brownstein's paper for this conference nicely develops this point in connection with his analysis of George Orwell's *1984. See* Alan Brownstein, *Justifying Free Exercise Rights*, 1 U. St. Thomas L.J. 518 (2003).

69. *See generally* John Bossy, *Christianity in the West 1400-1700*, at 1-87 (Oxford U. Press 1985).

70. *Id.* at 171. *See also* Ackroyd, *supra* n. 3, at 114-15, 124-25.

The difficulty in giving any confident answer to the question of why More did what he did makes it even more difficult to say what response he might have given to one set of more modern questions—to the questions, that is, about whether and why government should give special respect (including, perhaps, exemptions from otherwise applicable laws) to those who are in conscience opposed. Or even if we might hazard an answer on More's behalf to the *why*, I doubt that we can confidently answer the *whether*. More was not addressing that sort of political or constitutional question, of course: rather, he was trying to answer critics (including friends and family) who wanted to know why *he* in particular insisted on adhering to conscience at such cost. And he was in any case not given to abstract theory—was in fact suspicious of it.[71] So his reflections were naturally somewhat specific, and personal.

To be sure, in the course of his correspondence and conversation he made statements that we might take to be of more general and political application. For example, he remarked at one point that he could not afford to trust his soul to anyone else's judgment because he may "carry my soul a wrong way."[72] The remark might be taken to anticipate the common argument—made by Locke, for instance[73]—that government should not be permitted to compel people in matters of faith because there is no reason to suppose that government will get the matters right: so it might compel us to accept falsehood, not truth. In context, though, I think we cannot be confident that More intended any such general proposition. He might merely have meant, for instance, that with respect to questions of *this kind*—questions that he had studied as carefully as anyone had and on which he believed his views to be consistent with Christian tradition generally—he himself had no reason to defer to the dubious opinions of a mercurial, lustful king and those who were anxious to stay in the king's good graces.

IV. THE CONSCIENCE OF THE INQUISITOR?

The questions we have been considering thus far—namely, why did he do it?—might be asked of any martyr. Now we consider a question more distinctive to More. In the letter reproduced in Noonan and Gaffney, as noted, More says that he is content to leave every man to his own conscience and that they should leave him to his. But in fact, in his various offices and especially as Lord Chancellor, More actively persecuted and prosecuted Protestant dissenters and in some cases approved their execu-

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71. *See id.* at 162.

72. More, *Margaret Roper to Alice Alington, August 1534*, in *Last letters, supra* n. 19, at 79.

73. *See* John Locke, *A Letter Concerning Toleration* 32 (The Liberal Arts Press Inc. 1950) ("The one only narrow way which leads to heaven is not better known to the magistrate than to private persons, and therefore I cannot safely take him for my guide, who may probably be as ignorant of the way as myself.").

tion.[74] As Peter Ackroyd explains, "[h]is opponents were genuinely follow-
ing their consciences,"[75] but More "truly believed Lutherans to be
'*daemonum satellites*' ('agents of the demons') who must, if necessary, be
destroyed by burning."[76]

How can this conduct be squared with More's professed respect for
conscience? Two related explanations are tempting but less than persua-
sive. We might imagine that More was simply a creature of his time—that
his genuine but somewhat inchoate respect for conscience had not had the
opportunity to overcome his inherited, taken-for-granted assumption that
heretics should be punished, even killed. We might, in other words, give
the same sort of account that Noonan and Gaffney give for Thomas Aqui-
nas's intolerant strand. "[T]here were," they say, "venerable teachers—the
Gospel itself, never a small authority—that pointed to more merciful and
more magnanimous conclusions. Practice was decisive. In the world
Thomas [Aquinas] knew, heretics were sent to the flames."[77]

In a similar vein, we might suppose that in persecuting Protestants,
More was simply fulfilling the demands of his office as Chancellor. So it
was not exactly *More* who persecuted heretics; rather it was *the law*, with
More merely acting as the law's dutiful minister.

Probably there is some truth in these suggestions. Persecution of here-
tics *was* a familiar practice;[78] and More *was* enforcing the law and perform-
ing the duties of his office.[79] Still, I think these explanations fall short of
absolving More (if he needs absolution, as by modern liberal standards he
surely does) or of explaining away inconsistencies. Far from being an unre-
flective practitioner of the received wisdom, More was probably as thought-
ful and deliberate in such matters as any human being can be. And it was
not as if he had never given the issue of religious persecution careful
thought: indeed, in *Utopia*, written a decade-and-a-half before the events in
question, he at least seems to present arguments favoring a general policy of
religious toleration.[80] So his actions while serving as Chancellor seem to

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74. *See* Ackroyd, *supra* n. 3, at 247-48, 277-78, 298-307; Marius, *supra* n. 3, at 386-406;
Guy, *supra* n. 4, at 106-25.

75. Ackroyd, *supra* n. 3, at 302.

76. *Id.* at 248.

77. Noonan & Gaffney, *supra* n. 2, at 87.

78. *Cf.* Ackroyd, *supra* n. 3, at 303 ("He approved of burning . . . and in that respect was no
different from most of his contemporaries."). For a discussion of the common commitment to the
necessity of suppressing heretics, if necessary through execution, see Gregory, *supra* n. 31, at 74-
96.

79. *See* Guy, *supra* n. 4, at 122 (observing that "More was 'set' to the anti-Lutheran cam-
paign by Henry VIII . . . . In attacking heresy as Lord Chancellor, he was continuing the King's
agenda.").

80. *See* Thomas More, *Utopia* 117-23 (Paul Turner trans., Penguin 1965) (first published
1516). The Utopian legislator was "quite certain that it was stupid and arrogant to bully everyone
else into adopting one's own particular creed." *Id.* at 119. Consequently, the Utopians "made a
law, by which everyone was free to practise what religion he liked, and to try and convert other
people to his own faith, provided he did it quietly and politely, by rational argument." *Id.*

have been the result of full, mature reflection—not of mindless conformity to custom.

Moreover, though we might like to imagine More reluctantly carrying out the requirements of his office, this description does not fit the facts. More did not merely do what his official duties demanded; he pursued the heretics zealously, exceeding both the efforts of his predecessor Wolsey and the king's own wishes. On occasion he attempted to apprehend a wayward preacher toward whom the king was well disposed, hoping to act quickly before the king's leniency might step in to save the hapless heretic.[81]

In short, More did not merely follow prescribed or traditional practice in his vigorous persecution of heretics: he endorsed the practice whole-heartedly. "[H]e cried for heretics to be burned alive," Richard Marius asserts, "and he rejoiced when some of them went to the fire. This fury was not a bizarre lapse in an otherwise noble character; it was almost the essence of the man."[82] How can this course be squared with his professed respect for conscience?

Perhaps More was simply inconsistent? After all, "a foolish consistency is the hobgoblin of little minds,"[83] as they say, and More's was certainly no little mind. Or perhaps he was guilty of a self-serving hypocrisy, favoring conscience only when respect for conscience would benefit him? But once again, these suggestions seem implausible. The issues involved in religion and the state and conscience were matters that More confronted throughout his career, and it seems incredible that a mind as earnest and probing as his could have overlooked such a gross inconsistency as he at least appears (from our standpoint) to have committed. And his professions of willingness to "leave every man to his own conscience" were made in contexts, such as in a letter to his daughter, where they hardly seem calculated to secure any advantage to More.

Could More have believed, in persecuting the Protestants, that they were not actually sincere in their religious opinions, and hence were not truly acting from conscience? Though the question may seem almost frivolous, it cannot be dismissed too quickly. Historically, inquisitors have sometimes been disturbingly ready to conclude that their antagonists could not *really* believe what they say they believe: how could an honest and moderately intelligent person truly believe anything so manifestly wrongheaded?[84] More surely believed that Protestant doctrines were patently

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81. Marius, *supra* n. 3, at 391-95.

82. *Id.* at xxiv. In a similar vein, John Guy argues that More was enforcing the law against heretics and carrying out the king's program. But More also repeatedly expressed his loathing of heretics, and he asked that his epitaph record that he had been "grievous" to "thieves, murderers and heretics." Guy concludes that "[t]his is too extreme. There is too much passion, even satisfaction." Guy, *supra* n. 4, at 217.

83. Ralph Waldo Emerson, *Essays* 34 (Judd & Detweiler, Inc. 1932).

84. *See e.g.* Timothy L. Hall, *Separating Church and State: Roger Williams and Religious Liberty* 61-62 (U. of Ill. Press 1998) (discussing Puritan view that heretics who persist after having

false and practically insidious, and that proponents such as Luther and Tyndale were veritable demons and Antichrists; his passionate response to Luther denounced the Reformer as an ape, an ass, a drunkard, a lousy little friar, a piece of scurf, a pestilential buffoon, and a liar (all in proper Latin, of course).[85] Moreover, he was perfectly well aware that not all avowals of conscience are genuine. Thus, in the controversy over the oath, he commented sarcastically, perhaps even bitterly, on those who, desiring "the keeping of the prince's pleasure, and the avoiding of his indignation, [and from] the fear of the losing of their worldly substance," had conveniently managed to "frame their conscience afresh to think otherwise than they thought."[86] And he remarked that "believe I not even very surely, that every man so thinketh that so saith."[87] He also described one of the heretics who was burned during his administration as being full of a "spiryte of errour and lyenge."[88] One biographer, Richard Marius, thus suggests that More "refused to suppose that even those heretics who died in witness to their hope could possibly be sincere."[89]

So is it possible that in persecuting Protestants, More did not believe he was punishing anyone for what they sincerely, in conscience, believed? Perhaps, but the hypothesis is still hard to accept. It is hard to believe that More himself could really have believed that people who were willing to go to the pyre because of their faith were simply feigning the beliefs they professed. As More's comments indicate, the eminent men like Cromwell and Cranmer who conveniently reported that their consciences allowed them to support the king's policies had obvious, powerful motives to "frame their consciences afresh." The deliverances of their consciences cost them nothing—in the short run, at least—but rather paved the way to wealth and power in the government or the church. It would be easy to suspect such men of insincerity. In the same way, and given Anne Boleyn's pious or shrewd resistance to having extra-marital relations with Henry,[90] it is not hard to imagine possible inducements arising from organs other than the

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been "convinced" of their errors by adequate arguments do not act from conscience but rather from "wilfulness"). This sort of tactic can show up in surprising places—including in the heart of modern liberalism. Thus, Ronald Dworkin has famously argued that virtually no one *really* believes abortion is murder: the millions of people who say they believe this only think they do. *See* Ronald Dworkin, *Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom* 9-19 (1st ed., Vintage Books 1994). Moreover, it is not clear that this tactic is necessarily any more offensive or contemptuous than the other modern liberal tactic for dealing with the differently-minded—that is, peremptorily dismissing them as "unreasonable."

85. *See* Ackroyd, *supra* n. 3, at 279, 248, 307, 310-11, 230.

86. More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters, supra* n. 19, at 85.

87. *Id.* at 78.

88. Ackroyd, *supra* n. 3, at 299.

89. Marius, *supra* n. 3, at 518. *See generally* Gregory, *supra* n. 31, at 330-36.

90. *See* David Starkey, *The Reign of Henry VIII: Personalities and Politics* 85, 88 (Vintage 2002).

brain or the heart for Henry's own protestations that his conscience would not allow him to stay married to Catherine.

But the Protestants whom More persecuted were a different story altogether. *Their* lives were a record of hardship, persecution, and in some cases painful death—all more or less voluntarily accepted (though reluctantly, and sometimes with considerable vacillation reflected in recantations and later reavowals) rather than deny the religious beliefs they professed. Observing the horror of their punishments and deaths, it would be hard to imagine why they would feign beliefs in order to incur such treatment.[91] Misguided they might have been—More obviously thought so, anyway— but it would be hard to suppose that they were misrepresenting what they actually believed. To put the point differently: the very accusation of insincerity, made against Protestant martyrs who were burned at the stake for what they *said* they believed, necessarily acknowledges that a person may deceive others (and perhaps himself) about what he *really* believes. But in that case, the executioners who *said* they believed their victims were not merely wrong but insincere seem much more susceptible to this diagnosis than the martyrs themselves do.

But if these excuses will not work, then what *is* the explanation? Could the apparent inconsistency reflect a sort of semantic misunderstanding? Perhaps More was simply not using the word "conscience" in anything like the way we typically use it today? In this vein, the historian John Guy suggests that for More "conscience" did not refer to individual judgment, as it usually does for us, but rather to something more like conformity to Catholic teaching. "The view that individuals could read the Bible and make judgements about religious doctrine and the Church was a Protestant position," Guy explains. "Catholic 'conscience' was to be anchored to the 'consensus' or 'common faith' of Christendom."[92] In short, "'[c]onscience' should conform to Catholic tradition as this had evolved since the time of the Apostles."[93]

By this reading, when More said he would leave every man to his own conscience, he might have meant something like, "I leave every man alone so long as he conforms to Catholic teaching." "Freedom of conscience" would thus mean for More almost the opposite of what it has come to mean today; it would mean something like "freedom to believe and assert what the Church teaches." But although he might lose his claim to being an incipient liberal, More would at least be rescued from suspicions of inconsistency or hypocrisy.

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91. *See e.g.* Ackroyd, *supra* n. 3, at 304 ("[O]ne heretic took forty-five minutes to die, and John Foxe records of him that 'when the left arm was on fyre and burned, he touched it with his right hand, and it fell from his bodye, and he continued to pray to the end wythout mouyng.'").

92. Guy, *supra* n. 4, at 199-200.

93. *Id.* at 197.

Guy's account points us in a helpful direction, I suspect, but it also provokes doubts. For one thing, if by conscience More meant only the free-dom to follow Catholic teaching, then it seems, ironically, that More him-self would have departed from Catholic teaching. Brian Tierney reports that the medieval church's position, expressed in canon law, taught that "[n]o one ought to act against his own conscience and he should follow his conscience *rather than the judgment of the church* where he is certain"— even to the point of enduring excommunication.[94] In addition, Guy's ac-count does not quite succeed in making sense of More's statement in his letter to his daughter. After all, when he made the statement More pretty clearly thought that the men who were accusing and imprisoning him were in fact mistaken in their understanding of church teaching both on marriage and on the nature and authority of the church. Yet More indicated that he respected their right to follow their (in his view, erroneous) consciences.

A more nuanced interpretation might steer around these objections. In his longest treatment of the issue, More drew a distinction between Chris-tian truths that are definitely established and truths that have not been au-thoritatively declared. The truths that fit into the first category are those that have been pronounced by a general council or that have been univer-sally accepted by Christians.[95] And More suggested that conscience does not excuse anyone in denying these established truths. However, if a ques-tion has not been definitively resolved in either of these two ways, then Christians are permitted to form their own best judgments. The validity of the king's marriage to Catherine was arguably one of these debatable mat-ters; hence, even though More might be convinced that he was right about the question, those who in good faith reached a different conclusion should be free to declare it.[96] But this same freedom might not apply to Luther and his followers, who (in More's view) might have placed themselves in oppo-sition to established Christian truths.

By this interpretation, More favored deference to conscience within a very limited scope. And if this was More's view, we can even imagine a

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94. Brian Tierney, *Religious Rights: A Historical Perspective in Religious Liberty in Western Thought* 29, 37 (Noel B. Reynolds & W. Cole Durham, Jr. eds., Scholars Press 1996) (emphasis added) (quoting the Ordinary Gloss to the Decretals).

95. More's treatment in this letter does not invoke any doctrine of papal sovereignty or papal infallibility. Whether he eventually accepted some such doctrine has been a subject of disagree-ment among historians. More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters, supra* n. 19, at 82-84. For the argument that More *did* come to accept some notion of papal sovereignty, see Belloc, *supra* n. 20, at 63; Ackroyd, *supra* n. 3, at 228, 270. For the contrary view, see Marius, *supra* n. 3, at 432-33, 458, 517. John Guy argues that all the available evidence shows that More believed in papal primacy but not papal supremacy; whether More changed his mind at the end of his life cannot be known. Guy, *supra* n. 4, at 201-03, 222.

96. More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters, supra* n. 19, at 82-84. It would be harder to suppose, though, that More placed questions involving the separation of the church from Rome and the designation of Henry as the head of the church in this same "unresolved and subject to differing interpretations" category.

rationale that might have supported it. Conscience, after all, was not some free-standing, self-grounding value. And "freedom of conscience" was not some self-evident truth—something that any honest, sane person would immediately embrace. More knew far too much about history and the world to believe *that*. Rather, the sanctity of conscience was an idea that derived its meaning and support from within the larger framework of Christian truth. Hence, one who would deny, subvert, and assail the truth of Christianity (as More at least seems to have believed the Protestant heretics were doing), had dubious standing to invoke the principle of freedom of conscience.

We might put the point in more contemporary terms. In More's world, anti-Christian heresy created something very much like the conundrum sometimes noticed in modern free speech theory. Are those who reject and seek to destroy freedom of speech entitled to claim the protection of freedom of speech—and to use it to immunize the very speech through which they seek to subvert free speech? The question troubled free speech advocates throughout the twentieth century.[97] So far as I can see, there is no single, obviously correct answer to that question. Probably the prevailing opinion—memorably expressed by Oliver Wendell Holmes—is that freedom of speech should be extended even to those who would destroy free speech: "If in the long run the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way."[98] But at least a possible answer—one that responsible thinkers have sometimes given, and that might be formulated in terms of logic, or equity, or simple practicality—suggests that a person who opposes and seeks to destroy a particular right sacrifices her standing to invoke that right.[99]

So who knows? Perhaps More was employing similar reasoning in persecuting and attempting to silence those who (in his estimation) were seeking to undermine Christianity, which was after all the necessary foundation for the sanctity of conscience. Even an errant conscience might have been worthy of respect so long as the error remained within broad Christian parameters—but not if it sought to undermine Christianity?

So, was this More's overall conclusion? His discussion of the subject in the prison letters, once again, is primarily intended to explain how *he* could at once refuse to take the oath and yet happily allow others to take it. More did not pretend to be writing a general treatise on the role of con-

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97. For a discussion, see Steven D. Smith, *Radically Subversive Speech and the Authority of Law*, 94 Mich. L. Rev. 348 (1995).

98. *Gitlow v. N.Y.*, 268 U.S. 652, 673 (1925) (Holmes, J., dissenting).

99. *See id.* at 668-70. *See also* Robert Bork, *Neutral Principles and Some First Amendment Problems*, 47 Ind. L.J. 1, 31 (1971); Carl A. Auerbach, *The Communist Control Act of 1954: A Proposed Legal-Political Theory of Free Speech*, 23 U. Chi. L. Rev. 173, 188-89 (1956).

science in relation to government. So it is hard to draw definite conclusions. More *might* have favored a right of conscience thus narrowly conceived. Or he might have favored something more generous: certainly his earlier discussion in *Utopia* would lead one to think so.[100] Or he might not have favored a *political or legal* freedom of conscience at all. I do not think we can be sure.

What we *can* be sure of, I think, is that for More, conscience was inseparably connected to truth—even, to use a modern designation, to Truth.[101] As a matter of *meaning*, to say that something was a reason of conscience was to say that it arose from a belief about some matter of vital truth. And as a *normative* matter, the preeminent value of conscience was connected to the sacred value of truth.[102] For better (as I suspect) or worse, that insistence on the connection between conscience and Truth would seem to distance More's conception of conscience from some of the notions that go under that name today.

V. MORE'S ENIGMATIC SILENCE

But this observation about the connection of conscience to truth makes our third set of questions all the more challenging. We might be tempted to interpret More's position, that is, as holding that truth (and by extension the affirmation of truth) is a supreme value, for which all other mundane goods (including life itself) must be sacrificed. More might have said along with Aquinas that "[t]ruth must consequently be the ultimate end of the whole universe, and the consideration of the wise man aims principally at truth."[103] And he might have believed—indeed, he surely *did* believe—that despite this-worldly persecutions and punishments, adhering to God's truth ensures eternal rewards.

But if More's martyrdom manifested a commitment to the preeminent value of truth, then why was he so reticent to declare the relevant truths in public—or even for that matter in private, to his family and friends? Having concluded that truth was more valuable than life, he willfully allowed his family and friends to linger in the darkness of error. So he silently stood by as they took an oath affirming what he believed to be pernicious falsehoods—an oath that he himself had refused to take on the premise that to do so would be to sacrifice his own soul. How could More have been so com-

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100. *See supra* n. 80.

101. Richard Rorty explains that "[u]ncapitalized, 'truth' and 'goodness' name properties of sentences, or of actions and situations. Capitalized, they are the proper names of objects—goals or standards which can be loved with all one's heart and soul and mind, objects of ultimate concern." Richard Rorty, *Consequences of Pragmatism* xiv (U. of Minn. Press 1982).

102. For a contemporary statement emphasizing the connection, see John Paul II, *Veritatis Splendor*, No. 32 (Aug. 6, 1993) (available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor_en.html).

103. Thomas Aquinas, *Summa Contra Gentiles, Book One: God* ch. 1, ¶ 2, 60 (Anton C. Pegis trans., U. of Notre Dame Press 1975).

placent while those he loved solemnly committed themselves to what he believed to be damnable error?

It is true, of course, that More's refusal to explain his reasons was calculated to increase not only his own chances of survival, but theirs as well. Suppose he had he fully expounded all of his objections to the oath. He was a persuasive man, and he might well have convinced his family; they might have come to grasp the same truths that animated his own actions. In that case, they might have followed his example in refusing to take the oath, and they might as a result have suffered the same fate he did. Surely the extinction of his family was not his wish.[104] Or they might have sworn anyway—but now in bad faith: this was also not an outcome he could have welcomed.

Framed in these terms, and appreciated from the human perspective of people like you and me who have had (or are) fathers, children, and friends, More's protective silence seems eminently understandable. And yet hard questions remain. Specifically, if truth is a preeminent good, and if the blessings that come from adhering to truth (even in the face of affliction and death) vastly exceed all mundane goods, then why was More willing to choose the greater good for himself while declining to help family and friends to make—or at least to have the chance to make—that same choice? In this vein, Richard Marius observes that

> a certain insoluble mystery hangs over [More's martyrdom], a mystery that baffled his contemporaries and confuses moderns. . . . What kind of martyr is it who will not make a strong, clear statement of the reasons for his martyrdom? His entire family swore the oath that he would not swear because he thought it would damn his soul. He did not reproach anyone in his family for what they all did. In his view of the world, fathers were supposed to be instructors in virtue to their households. Yet More refused to instruct his family about the oath.[105]

I said at the outset that I would be asking questions, not providing answers; and I have no solution to the puzzle described by Marius. It may be that at this point More was human, all too human, and that his natural desire to spare his wife and children possible imprisonment, torture, and premature death led him to forego presenting them with the option of choosing truth at the cost of mortal life and mundane prosperity. If this was his judgment, it ought to be readily forgivable—for *us*, at least. On an earlier occasion, when Jesus' disciple Peter expressed a similar priority, he received a sharp lordly rebuke;[106] but surely we frail mortals can sympa-

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104. *See* Marius, *supra* n. 3, at 470 ("We may take his own statements at face value, of course—that he feared the harm that might come to them because of his refusal—and we may extrapolate from that love for them an unwillingness to see them suffer in any way.").

105. *Id.* at 470.

106. *See Matthew* 16:21-23 (New Intl.):

thize with Peter's kindly though human intentions—and with More's, if this was the reason for his silence.

Or More might have believed that his family and friends were not as yet faced with the same dire choice that he confronted—and that by leaving them ignorant of his more considered reasons he could spare them that painful choice. Maybe he thought that his family, his friends—even, perhaps, the men who condemned and executed him—could take the oath without spiritual harm to themselves, so long as they remained innocent of the governing truths. More's own misfortune, perhaps, was that he had thought too carefully about the issues;[107] hence, he could not swear without knowingly betraying the truth, and the Truth. But others were not cursed with More's more considered understanding. And the most charitable course he could take was to leave his loved ones in the protective comfort of ignorance.[108]

Once again, this speculation calls for further reflection on how More understood "conscience"—and, by extension, on the delicate relation between conscience and truth. We have already seen that in More's view, it seems, conscience was necessarily related to, and dependent on, truth—or on Truth. But to be *dependent on* truth is not necessarily to be *equivalent to* truth, or to the correct apprehension of truth. Conscience seems more naturally to refer to something like a sincere *commitment to* truth, and to a sincere (even if mistaken) *belief in* the truth of the specific ideas or propositions one affirms.

So it begins to seem that conscience resides at the end of a narrow road, with practical and conceptual mists looming on either side. If we do not believe in truth, and in the preeminent value of truth, then conscience loses its dignity. Believing—really, truly *believing*—will seem a form of delusion, more to be pitied or perhaps despised than honored. But if we

From that time on Jesus began to explain to his disciples that he must go to Jerusalem and suffer many things at the hands of the elders, chief priests and teachers of the law, and that he must be killed and on the third day be raised to life.

Peter took him aside and began to rebuke him. "Never, Lord!" he said. "This shall never happen to you!"

Jesus turned and said to Peter, "Get behind me, Satan! You are a stumbling block to me; you do not have in mind the things of God, but the things of men."

107. In this vein, perhaps, More indicated that though others might in good conscience take the oath, he could not "now have I so looked for [the matter] and so long." More, *Margaret Roper to Alice Alington, August 1534*, in *Last Letters, supra* n. 19, at 79. In an earlier letter, More reported that he was bound in this matter "[w]herein I had not informed my conscience neither suddenly nor slightly, but by long leisure and diligent search for the matter." More, *To Margaret Roper*, in *Last Letters, supra* n. 19, at 60.

108. *See* Marius, *supra* n. 3, at 470:

We may conjecture that one reason for his silence was to spare the consciences of his dearly beloved. If they swore the oath in genuine ignorance of its true meaning, they could be saved in heaven; if he told them why the oath was damnable and why he refused to swear it, they would be informed, no longer saved by what Catholics would later call "invincible ignorance," and not able to claim a clear conscience before God. So his silence might, in his mind, have kept his children and his wife and all the rest of his household from hell.

believe only in the value of "objective truth," so to speak, or in actually and accurately apprehending the truth, then conscience loses its distinctive function. Because if the good consists simply in ascertaining and living by what *is* the truth, then even though ascertaining and living by what we *believe to be* the truth is admittedly the best we can do, still there is no point in emphasizing—or valuing—the *believing* in its own right. "Embrace the truth" would be like "Bet on the fastest horse." In each case, to be sure, you can only do what *you believe* satisfies the injunction. Even so, your *believing* in itself counts for nothing; it does nothing to redeem even a good faith mistake.

For More's combination of deadly commitment and resolute muteness to make sense, in other words, and more generally for conscience to have some distinctive function and virtue, it seems there must be redeeming value in at least some kinds of sincere, reflective commitments to perceived truth—even if the believer is mistaken. In a sense, sincere *belief* must be able to redeem real *error*. (So at least this kind of redemptive error *does* have rights, so to speak.)

But if this construal of More's conduct seems plausible, there is still something paradoxical and unsettling—and unsettled—about it. It is far from clear just how *error*—even error sincerely embraced in the illusion that it is truth—can have redemptive force. Believers and theologians have struggled with that problem for centuries, and it is fair to say that no obviously satisfactory, generally accepted solution to the problem has yet emerged. So far as I know, More himself offered no theory. Perhaps he would not have welcomed any such theory. The suggestion that though we err we will nonetheless be redeemed by virtue of sincerely believing begins to sound suspiciously like the signature doctrine of the enemy whom More came to regard as Antichrist; the notion resonates with Luther's idea that we are justified by faith even in our fallen, error-ridden condition.[109] And the suggestion looks like an invitation to religious pluralism—a prospect that, as Brad Gregory notes, "horrified and disgusted" believers like More.[110]

Moreover, there is something disturbing about a course of reasoning that begins with an ostensible commitment to the preeminent value of truth and then somehow ends up with the practical conclusion that the kindest and best course to take, in some contexts anyway, is deliberately to leave those we love in what we know to be error. And if a commitment to truth can justify this "leave them in ignorance" strategy in a specific context, what are the limits of the strategy? Might it mature into a general philosophy of, among other things, church and state and of expression generally—

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109. *See* Steven D. Smith, *Getting Over Equality: A Critical Diagnosis of Religious Freedom in America* 163-76 (N.Y.U. Press 2001) (where I have tried to elaborate on the connection).

110. Gregory, *supra* n. 31, at 346.

a philosophy in which those wielding authority stalwartly disavow any responsibility or capacity to instruct their subjects in truth, insisting instead (albeit incoherently) that so far as they are concerned "there is no such thing as a false idea"?[111] And if so, might that strategy not end up devouring its own premises (or at least leaving them rigorously, aggressively undefended), and thus consuming itself?

VI. THOMAS MORE ON THE BRINK OF MODERNITY

So, have these reflections on More's understanding of conscience issued in any conclusions of practical value *to us* as we address the modern questions that arise in connection with the "freedom of conscience"? Perhaps not. As we have seen, it is hard to be sure precisely what More thought about some of the central issues he was forced to confront. And if we could be sure, it is not clear that his thoughts would be responsive to *our* questions. And even if they were responsive to our questions, there is a good chance that we would not like his answers. So it is not surprising that when we seek guidance from distinguished forbears on the subject of "conscience," we tend to look not to Thomas More but rather to John Locke, or Roger Williams, or James Madison—to people who seem to speak in less tortured (or perhaps less nuanced) fashion, and who speak more directly to *us*.

Still, even if More is not immediately helpful to us in a practical way, he can be illuminating, I think, in a more prophetic and portentous way. His ordeal foreshadowed what was to come: it anticipated both why "conscience" would become so central to the modern self-understanding and yet so troublesome as a legal and practical device.

In retrospect, historians can see that More lived in what Derek Wilson calls a "fulcrum moment in human destiny"[112]—a time when the medieval world was crossing a divide into modernity. The transition had various dimensions, but for our purposes the crucial transformation involved the breakup of Christendom and the advent of a pluralistic society. And indeed More himself, along with his fellow humanists, seems to have sensed that, to borrow a phrase, "the times they are a-changin'." In his early years he anticipated the changes with excitement:[113] his almost embarrassingly sanguine encomium to the nineteen-year-old Henry VIII upon Henry's assumption of the throne in 1509 typified his early enthusiasm for the coming age.[114] But like the king himself, the new order eventually turned on More,

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111. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339 (1974).

112. Wilson, *supra* n. 9, at 11.

113. *See* Belloc, *supra* n. 20, at 62 ("More was a reformer. . . . He was indignant against the social order of his time as well as against the abuses of the Church.").

114. *E.g.* Starkey, *supra* n. 90, at 24-25 (More wrote a poem in Latin and presented it to the new king in a handsome copy decorated with white and red roses. The poem began, "[t]his day is the end of our slavery, the fount of our liberty, the end of our sadness, the beginning of joy.");

crushing his fondest hopes; and he became a passionate, desperate defender of the old faith and the old ways. Hence his persecution of the heretics, his violent verbal attacks on Luther and his ideas, his quiet but steadfast resistance to England's separation from Rome.

In particular, More had enjoyed the good fortune (in his estimation) of living in a time in which the state (however fickle and fallible its rulers might be) had worked together with the church (however urgently it needed reform) to inculcate the saving truths of Christianity in the educated and uneducated alike.[115] And although a modern conception of religious equality under a neutral, secular state lay far in the future, More perceived that this pervasively imperfect but still basically secure world that he knew and cherished—and that he had wanted so much to reform *because* he cherished it—was coming apart. Its decomposition created fearsome prospects. The direst possibility—which must have seemed all too likely as More looked at what was happening both on the Continent and at home—was that the state would subordinate the church and would affirmatively work to inculcate a form of religion that he believed to be false.[116]

More's own effort and sacrifice were of course devoted to maintaining the older order in which state and church cooperate in support of truth. But he struggled on in this cause without any great hope of success. On the contrary, he himself predicted that the time would soon come in which "it shall seeme that there shall bee than no chrysten countreyes left at all."[117] So rather than a regime in which the government affirmatively promotes false religion, perhaps the best that might be hoped for would be a government that simply leaves people to find truth on their own? But even if this was the least dismal among dismal prospects,[118] there was no particular reason then—as there is little now—to suppose that if people are left to look for truth on their own, all of them (or most of them, or even very many of them) will actually find it.

Wilson, *supra* n. 9, at 53 (The poem continued, "[n]ow the people, freed, run before their king with bright faces. Their joy is almost beyond their own comprehension. They rejoice, they exult, they leap for joy and celebrate their having such a king. 'The King' is all that any mouth can say.").

115. *See generally* Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England c. 1400 – c. 1580* (Yale U. Press 1994).

116. *Cf.* Marius, *supra* n. 3, at 516 ("A church in the clutches of a government that no longer protected it but rather ruled it was in the hands of the enemy, perhaps in the hands of Satan himself.").

117. Ackroyd, *supra* n. 3, at 358 (quoting Thomas More, *Treatise on the Passion; Treatise on the Blessed Body; Instructions and Prayers*, in *The Yale Edition of the Complete Works of St. Thomas More* vol. 13, 70 (Garry E. Haupt ed., New Haven & London 1976)).

118. *Cf.* Gregory, *supra* n. 31, at 346 (arguing that to early modern Christians "[t]he prospect of doctrine pluralism horrified and disgusted them. They *preferred* a world in which truth did battle, come what may, to one swarming with ever-proliferating heresies."); *id.* at 352 ("Institutionally and intellectually, our world is one the committed early modern Christians scarcely could have imagined. I am certain they would not have wanted to live in it.").

So in the world that was coming into view, sincerity of conviction might be the most that could be expected of a person—and the most, we might earnestly hope, that a merciful deity *would* demand of a person. And this prospect in turn might suggest that the relative priority of truth and conscience would need to be reversed. Conscience could no longer be a sort of corollary or secondary motif—a minor, mostly innocuous concession to sincere but errant conviction. Instead, conscience (along with all the conundrums that accompany it) would need to become the dominant theme.

If that was not exactly the vision that More intended to die for, it is nonetheless the sort of order that his martyrdom foreshadowed. One of the deep ironies of More's enigmatic path to martyrdom is the remarkable resemblance between More's repeated assertions that he simply could not take an oath in violation of his conscience and Martin Luther's famous protest that until he was shown his error from the scriptures he could not recant his controversial doctrines. More's "sith standing my conscience, I can in nowise do it"[119] and Luther's legendary "'Here I stand: I can do no other'"[120] seem interchangeable. The men were bitter enemies, each heaping abuse and vulgarities on the other in vocabulary that makes high school locker room talk seem tame. But both More and Luther stood firm and courageous against the constituted authorities who attempted to cow them into submission; and each did so on the basis of a claim—a claim that critics in each case found astonishingly presumptuous—that he was compelled by conscience[121] to follow his own considered understanding of Christian truths rather than bow to the interpretations of those in power.

In the world of warring opinions and authorities that was opening up, it seems, faithful Christians were led by convoluted but ineluctable paths to this position. Realistically, what else *could* they do? In this way, Luther eagerly (though perhaps not wholly presciently) and More with profound misgivings converged to usher in the Age of . . . Conscience?

Whatever that might turn out to mean.

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119. More, *Margaret Roper to Alice Alington, August 1534,* in *Last Letters, supra* n. 19, at 74.

120. Whether Luther uttered the exact words that have come down in legend is doubtful, but they capture the essence of his statement. *See* Owen Chadwick, *The Reformation* 56 (Penguin Books 1964).

121. For a discussion of the conception of conscience that underlay Luther's famous statement, see Heiko A. Oberman, *Luther: Man between God and the Devil* 203-04 (Yale U. Press 1989).

Response:
Failed Politician? Saintly Statesman?
Faithful Conscience!
Fr. Jospeh Koterski, S.J.

I. Introduction

John Guy, one of England's most prominent Tudor historians, comes to the conclusion that "More failed in politics…and ended up as a moral absolutist."[1] That conclusion comes as no surprise, given the stubbornly iconoclastic tone that Guy has taken throughout his book, and even the announced intention of the Reputation Series as a whole to challenge the received tradition in biography. As the cover notes, readers will find that "their illusions might be shattered, their ideas infringed, their delight in a moral tale defiled." But whether this conclusion is really supported by the evidence and has any scholarly justification is another matter. I think not.

There is, of course, a way in which one can truthfully say that More failed in his political aims. He did not manage to persuade King Henry and the others whom he sought to convince, either about the marriage or on the question of the supremacy. He fell from office, suffered public disgrace, and was eventually executed, while the revolution that Henry (perhaps unwittingly) unleashed was quickly snatched away by opportunists who saw their moment to act.

But John Guy's petulant suggestion that More ended up a moral absolutist because he failed in his political aims seriously misrepresents the matter. My own concern in this essay is not with reviewing the details of Guy's book, but more generally with the topic of More and conscience. Yet I think that it is absurd even to hint that More's frustration in the use of his political power for his own ends led to his self-interested adoption of some uncompromising standard, as if he were suddenly introducing some unreasonably high standard of conduct in which he had not previously believed, a standard that would allow him to issue moral condemnations of his enemies when he no longer stood any chance of "winning" according to the usual rules of political combat.

John Guy is not alone in voicing this sort of criticism about More. James Wood, for instance, finds More manipulative in his ambitions and deceitful in his religious intolerance.[2] Steven D. Smith's fine recent article in the *University of St. Thomas Law Review* cites a good number of the scholarly critics of More as unprincipled and merely expedient in the course of reflecting on Thomas More's refusal for reasons of conscience to swear the Oath of Supremacy without further explanation of his reasons from the point of view of civil law and religious freedom. Smith exposes the fallacies in many of these misinterpretations of More, but finds that the evidence about More's deeds and words still raise various questions that he calls "the conundrums of conscience."[3] Where some scholars paint More a wolf in sheep's clothing, there is the related—but far more widely known—misrepresentation of More as holding a modern liberal view of conscience, namely, Robert Bolt's *Man for All Seasons*, where More is presented as ready to die out of fidelity to his chosen moral principles—with the accent on "chosen"—especially when he says: "But what matters to me is not whether it's true or not but that I believe it to be true, or rather, not that I *believe* it, but that *I* believe it. I trust I make myself obscure?"[4] In fairness, it is only right to point out that John Guy is critical of Bolt's portrayal of More as holding this view of conscience and suggests that holding something as incoherent as this would be more typical of King Henry VIII.[5] And yet the portrait of More by John Guy is more sinister, of course, in its speculation that More only turned to moral principles out of desperation, whether as a cynical Machiavellian claim for high ground when all his other political resources had failed him, or as a desperate clutching for some sort of floating timber after his political shipwreck.

The question, it seems to me, is not just how More made absolute claims at the end of his career, but how More understood conscience all his life, and how he understood politics in relation to conscience. If there is a consistency in this regard, I think that Guy's suggestion that More turned morally absolutist when the political options by which he had lived as long as they were viable will be rendered untenable. It certainly is possible that someone might fail at politics because his devotion to moral principles leaves no room for the compromises and maneuvering that politics invariably demands. By the standards of *Realpolitik*, one might indeed be saintly to the point of being unworldly. But I do not think this to be More's situation. To address this question, I would like to undertake, first, a brief review of More's life-long understanding and lived practice of conscience in its genuinely Catholic

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[1] John Guy, *Thomas More* (New York and Oxford: Oxford Univ. Press, 2000), 213.

[2] James Wood, "Sir Thomas More: A Man for One Season" in *The Broken Estate: Essays on Literature and Belief* (New York: Random House, 2000), 15.

[3] Steven D. Smith, "Interrogating Thomas More: The Conundrums of Conscience," *University of St. Thomas Law Journal* 1/1 (2003): 580-609.

[4] Robert Bolt, *A Man for All Seasons: a play in two acts* (New York: Vintage Books, 1990), 91. Turner (p. 162) documents Bolt's deliberate allusion here to Bertold Brecht's *Galileo*.

[5] See Guy, 204-05.

understanding—a task for which we have excellent resources not only in the law review article by Steven Smith but also in the collection of More's late letters by Alvaro de Silva.[6] And, second, I would like to offer a reading of the *Utopia* as a guide to our appreciation for More's understanding of the place of conscience in politics.

The issue will turn, I think, on whether More's remarks about refusing to disclose his reasons for not taking the infamous Oath for "reasons of conscience" were principled or adventitious. An especially important text in this regard comes from a letter to Meg where More puts the matter in terms that could seem to leave an open question about what More's view of conscience really was. He writes: "How be it (as help me God) as touching the whole oath, I never withdrew any man from it nor never advised any to refuse it nor never put, nor will, any scruple in any man's head, but leave every man to his own conscience. And me thinks in good faith that so were it good reason that every man should leave me to mine."

Steven Smith, for instance, reviews the use that has been made of a statement like this, for instance by John Noonan and Edward Gaffney in *Religious Freedom: History, Cases, and Other Materials on the Interaction of Religion and Government*. More's own family, of course, found it not heroic but absurd that he would hazard endangering his family and showing ingratitude to a king who had been gracious and loyal to him. The general question here is, why claim that some beliefs are entitled to the special respect and protection of law because they belong to some distinctive moral category? Smith also treats at length the question of how to reconcile the statement about leaving every man to his own conscience with More's enthusiastic persecution of those who dissented from the Catholic faith, his suppression of Protestant writings, and his part in the execution of heretics. Was More only in favor of a general right of conscience when his own interests and life were at stake? And why be so reticent about telling people what those beliefs were that he thought demanded in conscience? John Fisher and others shared More's disapproval of the Oath but left no doubt about why they believed what they believed. As much as anything else, it is More's unwillingness to explain his reasons in public that prompts cynical interpretations about his alleged hypocrisy.

As Smith rightly shows, it cannot be the case that More holds a position like that of Kant, that truth-telling is some absolute duty, regardless of consequences. The duties of his office placed him from time to time in positions in which calculated misrepresentations seemed called for, and More seems to have done his duty. It is at very least condescending to try and excuse More as simply a creature of his time, as someone who had genuine but merely inchoate respect for conscience but who had not yet overcome the assumption that heretics should be punished. Likewise, Smith shows at some length that it is impossible to excuse More as simply fulfilling the demands of his office as Chancellor and to imagine that it was the law, not More, that was persecuting heretics. For Smith, it is decisive that More had reflected on these questions in the *Utopia* and that he pursued the policies zealously. Was More inconsistent? hypocritical? self-serving (that is, defending conscience only for himself, but not for others)? Could he have believed that Protestants were not actually sincere and not truly acting from conscience? He does seem to have believed

their views false and insidious, but he could hardly have thought them insincere when they were willing to go death for their faith.

Nor does it fit the facts for us to imagine that More actually sought martyrdom, considering his determined and persistent effort to escape the verdict and the death sentence. He feared the horrible pain of execution and he was deeply concerned not to put his loved ones at risk.

In Smith's review of the literature, he wisely considers but rejects as an explanation the curious distance that many modern thinkers have toward the truth of their beliefs as a possible explanation for their puzzlement about martyrs who are willing to die for their faith. While the modern devaluation of truth readily makes them willing to reduce the decisions taken by martyrs to various cultural, social, political or anthropological explanations (such as the extreme position of John Guy), this solution is not quite plausible in the case of More. For modern interpreters who takes beliefs not as truths but merely as instruments meant to help us survive in the brutal give-and-take of the world, More's refusal seems as if he is allowing a dispute about an abstract legalistic proposition to bring on his own death and to jeopardize their welfare—a kind of reversal of means and ends. His willingness to accept martyrdom looks irrational, as if a kind of privileging of a belief that should regarded an instrument meant to help us to survive, not an end in itself. As an interpretive device, this sort of instrumentalism is marvelously supple and quite non-judgmental about what the interests of an individual are or should be that any particular organism might want.

One of the problems facing any interpreter of More is that many of his contemporaries who knew him well and shared both his religious faith and his devotion to objective truth found his position simply unintelligible. Normally—if one can speak of "normally" for martyrs—those who die for truth insist on explaining, yet More would not explain himself. Perhaps it is that he didn't want to complicate their consciences by explaining what seemed so clear to him. They found the Oath that he refused to swear largely unobjectionable, and in this view he is simply leaving them at liberty to act as they see fit, begging only for the liberty to do what his conscience dictates.

Smith, I think is right to insist that More is not the modern existentialist, in its incoherent position of imagining that he could believe an idea without thereby committing himself to the truth of the idea. Beliefs about the sorts of matters that are religious are not just dry propositions to which we give or withhold intellectual assent, but have a personal character: loving, trusting commitment of heart, mind, and soul. False denial is not simple dishonesty but a kind of betrayal. It may prove helpful to look at some important instances of More's comments on conscience.

II. Some Important Instances of More's Comments on Conscience

In More's speech at the conclusion of his trial on July 1, 1535, there is a stubborn fact that resists any such interpretation. More had been imprisoned precisely because he could not, in good conscience, swear allegiance to the oath King Henry demanded, and yet until this moment he refused to explain his stance one way or the other. He simply kept silent, and Henry seems all the more to have craved his approval. But in his final speech, once the verdict had been rendered and the death sentence imposed, there no longer remained any reason to reserve his opinion. Only

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[6] *The Last Letters of Thomas More*, ed. with an introduction by Alvara de Silva (Grand Rapids MI: William B. Eerdmans, 2000). See esp. "Introduction: Good Company," 1-25.

then did he make clear what it was that required him in conscience to refuse the oath: the superiority of the authority of the Church to that of the King:

> Seeing that I see ye are determined to condemn me (God knoweth how) I will now in discharge of my conscience speak my mind plainly and freely touching my Indictment and your Statute, withal.
>
> And forasmuch as this Indictment is grounded upon an Act of Parliament directly repugnant to the laws of God and his Holy Church, the supreme Government of which, or of any part whereof, may no temporal Prince presume by any law to take upon him, as rightfully belonging to the See of Rome, a spiritual pre-eminence by the mouth of our Saviour himself, personally present upon earth, only to St. Peter and his successors, Bishops of the same See, by special prerogative granted; it is therefore in law, amongst Christian men, insufficient to charge any Christian man.[7]

His refusal to swear the oath, he insists, was not an attack on the king. In fact, it was precisely to avoid any attack on the king that he had long clung to silence, however much this silence might be misinterpreted. Rather, his silence on the King's "great matter" was a choice made in light of something that More recognized in his conscience as true independently of any choices on his part. Where Henry tried to replace the "higher law of God and Christ's Church" with his own law, More felt the need to witness to that higher law, even if so witnessing required the sacrifice of his life.

Besides the important legal points at issue—about the marriage, about the very nature of law, about the exact wording of the oath—we also find here a telling piece of evidence about More's own understanding of conscience. It is a very traditional Catholic understanding of conscience[8] as the faculty by which an individual can pass moral judgments about the choices one intends to make as well as about choices already made. A well-formed conscience will evaluate these choices on the basis of moral truths that are entirely antecedent to the will of the moral agent. In accord with the scholastic tradition that More knew from his days at Oxford,[9] he took the formation of conscience to be the effect of a lengthy process of *discovering* the moral order and not a matter of *deciding* on what such an order was to be, for himself or for his age. For this long tradition in ethics, having a well-formed conscience depends on coming to know and appreciating what the truths of morality are; it is never a matter of choosing a morality, however stern or rigorous. To use a metaphor that reflects

More's own profession, individual conscience is the courtroom in which a trial must be held, but the trial must be conducted by abiding principles of law, not by any principles specially created for the occasion.

The traditional Catholic position on conscience focuses on the judgments an individual makes in applying the objective norms of morality in order to determine the rightness or wrongness of an action. According to this position, the entire body of ethical principles depends upon a first principle which is naturally known to all human minds[10] without need for any special investigation (namely, that good is to be pursued and evil avoided); while a given person might not ever think about stating this principle in so many words, it is nevertheless present as a principle by which everyone operates.[11] And yet this first practical principle is far too general by itself to decide on all the practical matters one faces in life—somehow one has to determine just what is good and what is not for specific situations. Some of the more specific principles that are needed for good judgment can be obtained through reasoning about the natural law, which can articulate secondary and even tertiary precepts in order to concretize the primary practical principle. But some of the more detailed principles needed to form conscience aright will only be known through revelation and the decisions of divinely commissioned authorities. In fact, for most people, the acquisition of moral beliefs comes about unreflectively through the guidance of parents, school, church, and public opinion. Despite the external nature of these sources of moral guidance, there always remains the inner seat of reasoning and judgment about moral matters. From both sources, proper authority and reason's discovery of the natural law, one can form one's conscience.

Aquinas notes that judgments of conscience are evident in a variety of experiences, including (1) the recognition that we have done or have not done something (in this regard, conscience is said to be a *witness*); (2) the judgment that something should be done or should not be done (here conscience *binds* and *incites* us to some action); and (3) the judgment that something is well done or ill done (thus conscience is said to *excuse, accuse,* or *torment* us).[12] As individuals mature, they may well find reason through experience to affirm the more specific moral principles they have acquired or to correct them in light of the first principle (prejudice, for instance, may have encouraged some evil practice under the appearance of good, or some long-standing rationalization may have caused a kind of moral blindness about some good that ought to be pursued or respected).

The proper formation of conscience is crucial for the development of a disposition to pass sound judgments upon practical matters in light of moral principles. Since the correctness of the principles used in one's reasoning is

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[7] Thomas More, in Nicholas Harpsfield, *The Life and Death of Sir Thomas More*, in *Lives of Saint Thomas More* (William Roper and Nicholas Harpsfield), ed. E. E. Reynolds, Everyman's Library #19 (London: J. M. Dent and Sons, 1963), 161.

[8] For a modern statement of the Catholic understanding of conscience, see *Catechism of the Catholic Church* (Washington, D.C.: U. S. Catholic Conference, 1994) #1776-1802. One of the classic statements of this position can be found in Thomas Aquinas's *Summa theologiae* I, q.79, aa.12-13; he provides a more expansive treatment of this topic in qq.16-17 of his *Quaestiones disputate de veritate*.

[9] In this period Oxford University was a stronghold of medieval scholasticism; see Hastings Rashdall, *The Universities of Europe in the Middle Ages*, rev. ed., ed. F. M. Powricke and A. B. Emdem (Oxford: Oxford University Press, 1936), vol. 3, 140-68. See More's 1526 "Letter to Bugenhagen" in vol. 7 of the Yale Univ. Press *Collected Works* for testimony to More's indebtedness to scholasticism and his enduring importance on its importance for Christian thinking.

[10] The technical name for the faculty by which a person has this infallible knowledge of the first practical principle is *synderesis*. The term *conscience* is then reserved for the disposition that is built up in an individual (however well-formed or ill-formed this disposition may be) to make judgments of moral evaluation in practical cases. For a sense of the range of positions taken on these matters in medieval scholasticism, see Timothy C. Potts, *Conscience in Medieval Philosophy* (Cambridge: Cambridge Univ. Press, 1980). There is an extremely thorough recent review of this material in Sr. Prudence Allen's article "Where Is Our Conscience?" in *International Philosophical Quarterly* 44/3 (2004): 335-72.

[11] Aquinas traces this position back to Aristotle's *Nicomachean Ethics* VI.6.

[12] Aquinas, *Summa theologiae*, I, q.79, a.12.

indispensable for arriving at correct moral judgments, there is need for individuals and for societies to examine their moral principles in the process of building up a body of moral truths, and this process is called the formation of conscience. A judgment of conscience based on false principles or on a faulty application of genuine principles renders the judgment of conscience erroneous. There are also subjective factors, such as the certainty or uncertainty one might have about the relevant principle or about how to apply moral principles. Accordingly, there has developed a sophisticated casuistry for handling such problems as what to do in cases when one is unsure about what the right course of action is, or what to do when even the learned are divided in their opinions on a moral question. The respect which this opinion accords to the subjective factor in measuring personal culpability and in acknowledging the diminution of moral responsibility in no way denigrates or imperils the intellectual orientation of this understanding of conscience.

From the beginning of his career to its end, More held a traditional view of conscience and recognized the need for its proper formation. This is already evident long before the moment of the trial. In a letter to his children's teacher, for instance, he writes: "The whole fruit of their endeavors should consist in the testimony of God and a good conscience. Thus they will be inwardly calm and at peace and neither stirred by praise of flatterers nor stung by the follies of unlearned mockers of learning."[13] Truth can easily become a casualty when sycophants exaggerate in hope of gain and when cowards weasel their way out of danger by deception. But for More, acknowledging within oneself the truth about any given situation will generate the inward calm and peace of a good conscience.

In order to appreciate More's sense of the demands of conscience in the matter of Henry's desire to obtain a divorce from Catherine of Aragon in order to marry Anne Boleyn, a question of a truth based on revelation and the determination of authority (rather than in any direct way a question of natural law), one would have to attend not only to the range of questions about the facts of the case but also to questions about More's knowledge and position. Was, for instance, the dispensation by which Henry was allowed by the Church to marry Catherine (his deceased brother's wife) valid? Determining King Henry's actual disposition at any given time is a complicated question because of the changing demands of political intrigue and the pressing dynamics of international relations, not to mention the vacillations in Henry's own mind by reason of such factors as his poorly restrained lusts, his desires for an heir, his anger at Catherine's resistance, and his general frustration at not getting what he wanted. There are also difficult questions on the subjective side about such things as exactly when Thomas More knew what. More's biographers have tried to recount the likely stages of More's acquaintance with Henry's growing desire for the divorce.[14] The process of gathering data appropriate for making sound moral judgments about his own course of action is a crucial part of the formation of conscience. The record shows a picture of More working vigorously for his King on this matter in precisely the ways that lawyers are trained to explore all sides of a question at law; and yet he was careful never to yield to expediency on a matter of principle, no matter how hard the King pressed him for support. One may surmise that More held for the obligation of Henry to continue to recognize his wedding vows to Queen Catherine until such time as they were proven not to be binding, and in this respect he was like the defender of the bond in any annulment proceedings. The burden of proof rests with the party trying to prove that a presumptive bond does not exist.

But in order to appreciate More's understanding of conscience, we should broaden our consideration beyond this famous case. Years earlier More had agonized about whether to enter public service at all, and from what we know about the details of his early years as well as about his early writing, one can already detect the same careful dedication to forming his conscience properly in order to work out a decision. Although his father John More had early on staked out a career in public service for his son, More did not actually join Henry's staff until 1517 when he was made a member of the Privy Council at nearly forty years of age.[15] In the two years prior to that decision he was hard at work on the *Utopia*, in whose first book one can almost see More trying to think out the foreseeable problems of possible cooperation with evil when More has his characters weigh the good one can do in public service with the risk of compromising on moral principles that is attendant on any foray into the seas of political life.

The path that John More laid out for his young son included two years of service (beginning about age twelve) in the household of John Morton, the Archbishop of Canterbury.[16] After receiving two years (1492-1494) of spiritual and intellectual formation in traditional scholastic learning at Oxford and tasting the new Humanist scholarship through his acquaintance with the likes of John Colet and Desiderius Erasmus,[17] More longed to continue with literary and theological studies. But his father's ambitions for his son brought about his transfer to the New Inn, a London institution that trained young men for a career in law. By February 1496 More was sufficiently prepared for admission to the prestigious Lincoln's Inn, which possessed the unique privilege of recommending candidates for admission to the London bar.

During the four years of his legal studies, More was engaged in vocational discernment. Under the care of John Colet's spiritual direction,[18] he sought clarity

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[13] Letter to Gonell, in *Selected Letters*, 105.

[14] See, for example, Peter Ackroyd, *The Life of Thomas More* (New York: Doubleday, 1998), 268-72 and 313-16; R. W. Chambers, *Thomas More* (Ann Arbor: University of Michigan Press, 1958), 223-30; James Monti, *The King's Good Servant but God's First: The Life and Writings of Saint Thomas More* (San Francisco: Ignatius Press, 1997), 301-12.

[15] There is some dispute over the precise date when More joined Henry's staff. Elton held for 1517 but Erasmus and virtually every else take it to have been 1518. John Guy's new volume *Thomas More* (Arnold, 2000) summarizes what is at stake in this controversy on page 49-52.

[16] In the long tradition of ecclesial appointments to the post of Lord Chancellor, Archbishop John Morton (later Cardinal) served in that capacity under Henry VII from 1487 to 1500. In 1529 More (succeeding Cardinal Wolsey) became the first layman to hold that post.

[17] John Colet (1466-1519) brought back to England a passionate interest in biblical, patristic, and Greek subjects developed during his studies with Italian humanists. Although it is not possible to establish the precise date when More came into contact with Colet, we do know that Colet lectured on the epistles of St. Paul at Oxford in 1499, became More's spiritual director in 1504, and was appointed the Dean of St. Paul's Cathedral, London, in 1505.
From Erasmus's own letters of 1499 (see Nichols, *Epistles*, vol. 1, page 200, 226) we learn of the already well-established scholar's delight at meeting a young man like More.

[18] See More's letter to Colet of 23 October 1504 in *The Correspondence of Sir Thomas More*, ed. Elizabeth Rogers (Princeton: Princeton Univ. Press, 1947), 5-9.

about the state of life to which God was calling him. His spiritual reading during this period is known to have included the *Imitation of Christ* by Thomas à Kempis and the *Scale of Perfection* by Walter Hilton.[19] Each morning and each evening he prayed with the Carthusians of London's Charterhouse. Eighteen members of this order were eventually to die as martyrs for their fidelity to the papacy.[20] He was testing the possibility that he had a vocation to the priesthood and in particular to their ascetical form of religious life.[21] Toward the end of his legal education, once it became clear to him that marriage and not religious life was to be his vocation, he relatively quickly sought marriage to Jane Colt, a young country girl from a virtuous family of his acquaintance. Before her untimely death at age twenty-three in 1511, they had four children, for whom More then provided a new mother by his marriage to Alice Middleton, a widow some six years his senior.

One can also see something of More's understanding of conscience in his literary activity from this period, especially in his *Life of John Picus* (that is, Giovanni Pico della Mirandola, 1463-1494). This work is a close translation from the Latin text of the biography that was penned by Pico's nephew. To it More added his own preface, a translation of some of Pico's letters on Christian spiritual formation, and a set of his own poems on "Spiritual Warfare" that were inspired by Pico's ideas. There can be no mistaking that Pico was a heroic model for More—a layman whose conversion from hedonism had entailed a commitment of himself to an intensely spiritual life of penance and asceticism (he was admitted to the Order of Preachers just before his death). More admired this humanist scholar who had devoted no small portion of his energies to the public good of his city of Florence. More's own academic interests and ascetical practices resembled those of Pico, and one can see something of More's own care for the ongoing formation of his conscience in the "Twelve Rules for Spiritual Warfare," which recurrently counsel us to overcome temptations by imitating one or another of the traits of the Heart of Christ as he undergoes the Passion. As advice for keeping the judgments of one's conscience sharp, More set down a dozen "rules" for spiritual warfare and a matching dozen "weapons"– in this he employs a hallowed notion within the tradition of Christian spirituality, the need to act directly against an enticing temptation. When inclined, for instance, to take undue pride in one's own good actions, the remedy is a cultivation of humility. When aroused by the likely pleasure of a sinful act, one should recall that these short-lived pleasures will invariably be succeeded by sorrow and loss.

Near the end of More's life, in his writings from the Tower, we still find More recommending the practice of a careful and daily examination of conscience in which he had steeled himself since his youth. For this purpose some sort of solitude is crucial, and we may well suspect that the remarks in his *Dialogue of Comfort against Tribulation* about reserving a time and place for the examination of conscience reflect his long practice of retiring for a certain time each day (and for longer periods on Fridays) to the oratory he built on his estate at Chelsea:

> Let him also choose himself some secret solitary place in his own house as far from noise and company as he conveniently can. And thither let him some time secretly resort alone, imagining himself as one going out of the world even straight unto the giving up his reckoning unto God of his sinful living. Then let him there before an altar or some pitiful image of Christ's bitter passion, the beholding whereof may put him in remembrance of the thing and move him to devout compassion, kneel down or fall prostrate as at the feet of almighty God, verily believing him to be there invisibly present as without any doubt he is. There let him open his heart to God and confess his faults such as he can call to mind and pray God of forgiveness. Let him call to remembrance the benefits that God hath given him, either in general among other men, or privately to himself, and give him humble hearty thanks therefore. There let him declare unto God, the temptations of the devil, the suggestions of the flesh, the occasions of the world, and of his worldly friends much worse many time in drawing a man from God than are his most mortal enemies....[22]

As here described, the examination of conscience is envisioned as taking place, not just as a mental exercise but in prayer before Christ. The stress is on honesty before God, both about one's faults and weakness and about one's talents and accomplishments, with great effort to be truthful about the precise nature of one's inclinations and temptations, lest rationalization take over and carry off the soul. By emphasizing not only sorrow for sin but gratitude for blessings, More is portraying conscience as a prayerful place of intimate dialogue with God and thus an indispensable aid in the quest for holiness and virtue.

III. The Evidence of the Utopia

Among all More's writings, the *Utopia* rightly holds a special place. The work is a fascinating humanist exercise of the imagination that has been legitimately interpreted in diverse ways—as a political program, for instance, as ironical satire, and even as an anticipation of Marx's communism. But the book, especially the first of its two parts, may also be understood as an exercise in the formation of conscience undertaken by More just two years before he entered Henry's service. Raphael Hythloday, the intellectual world-traveler, cannot bring himself to consent to public service, for fear that his conscience would be compromised by the insatiable quest of this world's princes for territory, wealth, and glory in war or by the pressures of the sycophants at royal courts. By contrast, the character More, borrowing from Cicero's *honestas*, argues that politics is the art of the possible. It is a matter of remembering one's non-negotiable principles and determining what is negotiable, and how far one may go without compromising those principles. In the give-and-take between the characters More and Hythloday, one need not look too far to see More,

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[19]Monti (65) notes that, in *The Confutation of Tyndale's Answer*, More believes the author of the *Imitation of Chirst* to be the French spiritual writer Jean Gerson.

[20]See Dom Bede Camm, O.S.B., ed., *Lives of the English Martyrs*, vol. 1: *Martyrs under Henry VIII* (London: Longman, Green, & Co., 1914).

[21]In William Roper's *The Lyfe of Sir Thomas Moore, Knight*, ed. Elsie V. Hitchcock (London: Early English Text Society, 1935), 76, there is a report of a conversation between More and his daughter Meg about his persistent admiration and even longing for the Carthusian life. He confides to her that, if it had not been for having a family, he would long before have shut himself up in a cell as narrow as that in which he was then imprisoned.

[22]*A Dialogue of Comfort against Tribulation*, Bk. II, ch. 16, ed. Louis Martz and Frank Manley, in the Complete Works of St. Thomas More (New Haven: Yale Univ. Press, 1976), vol. 12, 164-65.

in the humanist tradition of concern for morality and politics, readying his conscience for the inevitable tests that lie ahead.

What gives More confidence is a deeply Augustinian sense of the genuine possibility, if one stays mindful of the hierarchy required by the proper order of one's loves, for reconciling the City of God and the City of Man. The actual configuration of the Utopia described in the second part of More's volume may seem at the surface to be entirely innocent of institutions historically prevalent in Christendom, and yet the dramatic setting for Hythloday's opportunity to recount what he saw in Utopia is a conversation which takes places just after More has come from mass at Notre Dame, "the most beautiful and most popular church in Antwerp." In the preliminary part of their conversation the figure of More's old patron, Cardinal Morton, looms large as the very embodiment of prudence, both on such policy questions as capital punishment and the proper penalties for thieves and on the way to re-direct a dinner conversation that has become inflamed by stubborn passions.

What is more, the long discussion of political philosophy and its political instantiation in Utopia turns out to have deep roots in the Augustinian distinction between the two cities in *De civitate Dei*. As Gerard Wegemer has shown in *Thomas More and Statesmanship*,[23] there is reason to think that the utopian proposals of the second book of Utopia are not just straightforwardly intended in the fashion, say, of Cicero's *Republic*, but carefully ironic in the satirical vein of Horace, Lucan, and other classical authors so dear to the humanist renaissance. The freedom of imagination that marks this work uses as a literary conceit the contrast between the dingy, stale Old World and the charming vistas of the New World, then just recently discovered (1492). The delight that the characters take in wondering whether the incredible reports of a new continent could possibly be accurate provides an engaging literary strategy for political philosophy. One need only think of Pico della Mirandola or of More's contemporary Machiavelli[24] to remember how fascinated the humanists were with re-thinking the purpose of government and the proper relationship of virtue and power in society. Wegemer has shown that the Utopia proposed in the second book systematically violates all the principles of Augustinian political philosophy, principles with which More must be presumed to have been familiar—not just on the basis of the allusions to the *City of God* that lace the Utopia but from the fact that he had lectured with great success on historical and philosophical aspects of this book at the parish of Saint Lawrence Jewry in London upon the invitation of the learned cleric William Grocyn.

So considered, the first book of the *Utopia* shows us Thomas More carefully thinking through the struggles that public life will involve, not as if he somehow already knew what we know by the hindsight of history, but with an Augustinian optimism about the ways in which the Earthly City can be reconciled to the Heavenly City, an optimism clearly tempered by a realistic sense that politics is the art of the possible. The earnest debate between More and Hythloday about whether one's commitment to moral principle will necessarily have to suffer unacceptable compromise in the battles of politics adds an important dimension to the interpretation of the *Utopia*, for the author has already had a decade and a half of prior experience in law and public office. His religious faith has generated and grounded a commitment to moral principles. This Humanist essay provides a rhetorical vehicle in the first book for exploring certain issues relevant to the decision about entering public life, and in the second book a way to explore the non-negotiable principles of politics as part of the necessary formation of conscience.

One could well make a case that many of More's writings during his Chancellorship were in part the efforts of a Catholic humanist to form King Henry's conscience. In some of them More makes a direct argument in his own name, for instance, in his openly apologetical work *The Confutation of Tyndale's Answer*.[25] At other times, More works by indirect persuasion with all the cleverness possible to an author using a pseudonym, as in *The Debellation of Salem and Bizance*.[26] What is at stake for More is the struggle for the Christian order of England, an order threatened both by the religious reformers then trying to enter England from Germany with various forms of Protestant ideas and by political opportunists who played on Henry's weakness with flattery and pretension in a manner much like that More had anticipated in the worries expressed by Hythloday in the first book of the *Utopia*. Perhaps the direct argumentation of works like the *Confutation* (1532-1533) or *Dialogue Concerning Heresies* (1529) are more readily intelligible as appeals to Henry and to the leaders of Parliament to make their decisions upon clearly argued principles. But why, we might ask, write such an elaborate and curious *tour de force* as a fictional account of the Turkish attack upon Hungary? Not far beneath the figures and symbols one finds direct applications to the situation of England, ready for the King's eyes to recognize and to choose as his policy without being backed into the corner in a way that direct writing might have done. In short, More realized that there were various ways in which he could try to form the consciences of his King and of other members of Parliament.

In More's last letters from the Tower there is also compelling evidence about his notion of the place of reasons of conscience. Besides producing such works as *A Dialogue of Comfort against Tribulation* and the shorter *On the Sadness of Christ*, More wrote numerous letters during the fourteen months of his captivity. Among his twenty-four surviving letters from the period there are four to Thomas Cromwell (in one of which he writes: "upon that I should perceive mine own conscience should serve me"), one to Henry VIII, eight to Meg, two to fellow prisoners: the theologian Nicholas Wilson and the priest Leder, one to his friend Antonio Bonvisi, and the longest, jointly composed by More and his daughter Margaret Roper, to Alice Alington. These letters have recently been gathered together in an attractive volume by Father Alvaro de Silva, whose introduction points out that the word *conscience* is extremely common throughout these final letters. It appears more than a hundred times, and some forty times in a single text, the letter from Margaret to Alice. This

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[23]Gerard Wegemer, *Thomas More on Statesmanship* (Washington, D.C.: The Catholic University of America Press, 1996).

[24]No formal connection between More and Machiavelli (1469-1521) is known, and yet there are many ways in which More's position stands directly contrary to that of Machiavelli. *The Prince* was already written (1513) but not yet published when More published his *Utopia* (1518).

[25]*The Confutation of Tyndale's Answer*, ed. L. Schuster, R. Marius, J. Lusardi, and R. J. Schoeck. Volume 8 of the Yale Edition of the Complete Works of St. Thomas More (New Haven and London: Yale Univ. Press, 1973), 3 parts.

[26]*The Debellation of Salem and Bizance*, ed. J. Guy, R. Keen, C. Miller, and R. McGugan. Volume 10 of the Yale Edition (1987).

letter is in Meg's hand but is widely regarded by scholars as the product of More's mind, with all the careful distinctions he was cultivating in the long Tower months. It is presumed that a real conversation between More and Meg in the Tower was the source for the imaginary dialogue presented in the letter, for Meg was trying to win over her father to swear the oath in order to regain his liberty, urging that his reservations were simply a "scruple of conscience." More returns to the literary license of his humanist education to portray Meg as a kind of temptress like Eve tempting Adam, but happily a temptress who gains reassurance and even joy at her father's ultimate insistence upon having "a respect for his own soul."

In this clever letter, More tells Meg the story of a certain Company, "an honest man from another quarter" who is unable to join in on a questionable verdict delivered by his fellow eleven jurors. The reader might here think of *Twelve Angry Men*, or perhaps a work of own More's tradition, *Piers Plowman* by William Langland. Enraged that Company is delaying the verdict by his stubborn resistance, the eleven try to prevail on him to be "Good Company" and sign on to their opinion. That Company is but one against eleven does not bear on the truth of his position. The fact that many important people in More's England took the oath without a crisis of conscience was for More no evidence that he was wrong. He speaks with the greatest respect for his opponents in these late letters, but he also suggests that they should have known or did know better. In this letter More has Company make an important disclaimer: he is open to the possibility of being corrected, but he explains that he has already weighed the matter, so now he asks the eleven "to talk upon the matter and tell him…*reasons*" why he should change his stance. His fellow jurymen refuse his offer, and so Company decides to keep his own company, lest "the passage of [his] poor soul would passeth all good company." More reminds Margaret that he himself "never intended (God being my good lord) to pin my soul to another man's back…for I know not whether he may hap to carry it.

In letter after letter More talks of his reasons of conscience, and his insistence on the point makes clear that for him conscientious resistance is grounded in something other than personal integrity or sheer voluntarism. De Silva notes a range of meanings for the word conscience in these final letters.[27] It refers, first, to one's "mind" or "inmost thought" as the understanding by which one has built up personal conviction of a reasonable sort about a matter. Although accompanied by feelings of various sorts, it is not just a feeling of contentment, or self-satisfaction, or emotional tranquility, but the tranquility that comes from purity of heart. Second, De Silva argues that conscience refers to a person's specifically "moral" sense, one's consciousness of right and wrong in the matters for which one bears responsibility, and thus one's awareness of good and evil. Third, the term conscience, by its etymological origins in *cum* and *scire*, denotes a certain kind of "knowledge" that we have "with" another. One sees this especially in More's sense that for all the solitude of his captivity, he found himself alone with his God. Christian teaching on conscience has regularly championed a strong sense of the intimate relation between conscience and God. This is evident both when it makes the cornerstone of Christian anthropology the conviction that the human being is made in the image of God and when writers on morality speak about the voice of conscience as the voice of the divine lawmaker.[28] Now, to become a proper image of God, the Christian must look at himself in Christ as in a mirror, so that the image reflected there may become more and more Christ's own image. Coming to accept and share the wisdom of Christ by better knowledge of oneself and increasing conformity to the model of Christ is clearly at the heart of More's understanding of conscience in these late letters.

More believed firmly that Christ has entrusted to the Church the mission to hand on in her teaching the truth about God and about human freedom. For More, this freedom was to be found in the obedience we render according to the same spirit that marks the famous line from Saint John: "You will know the truth, and the truth will make you free." The problem, of course, is how one is to use one's freedom, how one is to handle the formation of conscience. More constantly urges those to whom he writes that it is to be formed through study and reflection. For the Christian believer, the proper formation comes about through the authority of the Church as it teaches the truth—even if this ultimately means giving up one's life, as More did for the spiritual primacy of the Roman Pontiff.

In the letter from Meg to Alice, one sees More struggling for his own spiritual integrity—it is a story of good fun, to entertain his daughter as well as to enlighten her. Unlike the vision of conscience in Bolt's *Man for All Seasons,* this is not the notion of conscience championed by philosophical individualism but the idea of conscience of Christian tradition—a conscience that knows most truly when it knows what it knows along with Christ. Even the play on words about "company" and "good company" may well be an allusion to the importance of ecclesial unity in the face of so much "bad company" that More opposed so vigorously during the period of his chancellorship. For reasons of his own, Bolt has More end in moralizing: "Finally, it is not a matter of reason but of love"—but, like the passage cited earlier from that play, this line too fails to do Thomas More full justice. For him it was always a matter of reason too, a matter of careful discernment about principles he did not choose or create but which he honored as a groundwork for reasonable decision-making.

In that touching letter, More is thus telling Meg that she may not just change her mind about something for the sake of pleasing others or for personal convenience. But this is not stubbornness, for the character Company is reasonably ready to change his mind, but only if a set of good reasons can be presented, and not just reasons of political expediency. Otherwise, he would not be changing his mind but simply saying what he does not mean. His action would actually be a betrayal of his own self, a lying to his own mind. By swearing the oath in the way that many of England's clergy and nobles had decided to do, More would have lost himself and lost the place of solitude with his God. He preferred to accept prison and even death in order to be truly free. As he writes to Meg, "I have of pure necessity for respect unto mine own soul."

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[27]*The Last Letters of Thomas More*, edited and with an Introduction by Alvaro de Silva (Grand Rapids: William B. Eerdmans, 2000), 9-11.

[28]This is the understanding of conscience preferred by Cardinal Newman in *An Essay in Aid of a Grammar of Assent.*

Reply:
Continuing Conundrums
Steven D. Smith, Esq.

I. Conscience

There is a great deal in Father Koterski's informative paper with which I agree, and little or nothing with which I have any reason to disagree. Father Koterski argues that it is implausible to interpret Thomas More as someone who became an absolutist because of the frustrations of political failure, and it seems to me that he is right. Father Koterski gives a helpful exposition of the medieval and Thomistic understanding of conscience, and he argues that Thomas More subscribed to this understanding. As a non-specialist, I have no basis for doubting this account. Father Koterski suggests that much of what More did in the difficult years at the end of his career can be viewed as an effort to form the conscience of the king, and again, this suggestion sounds plausible to me.

Although what Father Koterski says in his paper seems to me acceptable and helpful, though, I'm not sure whether the paper answers the questions or dissolves the conundrums that I tried to identify in my own essay. So I want to briefly discuss what I take those puzzles to be, and why they persist, and why I think they are important.

At the outset, I should say something about my own perspective and qualifications (or lack thereof). I am not a More scholar, or even a historian. My field, from which I wandered into this topic, is the American law of religious freedom. In that field, something we call "freedom of conscience" has achieved almost axiomatic status, and indeed it is arguable that freedom of the individual conscience is at the center of modern liberal democracy in general. But it also seems to me that the *meaning* and *foundations* of this commitment are uncertain and problematic. Thomas More is a fascinating and inspiring figure in his own right, but for my purposes he is interesting because he was situated at the brink of the developments that have led to the modern commitment to freedom of conscience (whatever that is). And he was an exquisitely thoughtful and learned man—one who pondered the significance of conscience and who was willing to support his

judgments with his very life. So it seems that reflecting on what conscience meant to More might shed light on what conscience itself means and why it might be so important.

A good starting point is a portentous statement More made in a letter reporting on the initial interview at Lambeth Palace, just before he was consigned to the Tower, in which he refused to take the mandatory oath supporting the king's marriage to Anne Boleyn and, by implication, the nullification of Henry's marriage to Catherine and the actions declaring Henry head of the church in England. Famously, More declined to give any specific explanation of the reasons for his refusal except to say that they were reasons of conscience. But—and this is the crucial transition, I think, though by now it may be so commonplace that we scarcely notice it—More went beyond this less than revealing *explanation* of his refusal to suggest that because he was acting on conscience, the authorities ought to *defer to* his decision. In the matter of the oath, he said,

> I never withdrew any man from it, nor never advised any to refuse it, nor never put, nor will, any scruple in any man's head, but *leave every man to his own conscience*. And me thinketh in good faith that so were it good reason *that every man should leave me to mine*.

Notice how More here goes beyond the somewhat similar assertion of conscience famously made by Martin Luther: "Here I stand; I can do no other." Luther's legendary statement is no more than an explanation, or an apology—albeit a feisty one—for his refusal to recant his controversial views. Luther indicates that, given his beliefs, he must do as he is doing, but he does not suggest (in this statement anyway) that *anyone else* therefore has any reason to respect or defer to what he is doing. More, on the other hand, asserts that he and his neighbors ought to respect each others' decisions, or at least to avoid interfering with them—he even seems to suggest that they should refrain from persuading or advising each other—at least in this matter and insofar as those decisions are grounded in conscience.

This is a crucial addition or advance, I think, and one that as I've said is central to modern conceptions of religious freedom and liberal democracy. So we should pause to appreciate the transition.

Start on the other side of the divide—with the assertion that people should act in accordance with conscience. This might be taken as a truistic, almost tautological, assertion. You and I ought to do what is right: that is arguably a merely analytical claim, because what is "right" is by definition what "ought to be done." That is part of what "right" means, arguably. But since we are finite and fallible thinking beings, as a practical necessity the assertion that you or I ought to do what *is* right almost inevitably reduces into the claim that you and I ought to do what *we believe* to be right. Or, in other words, we should follow the judgments of our conscience.

But conscience up to this point appears as a sort of concession to our limitations. If we were infallible or omniscient, the imperative could be limited to "Do what *is* right"; we would hardly need to add the part about doing what *we believe* to be right. Given our finitude, though, the addition about our beliefs about what is right—our conscience—becomes necessary. Still, this necessary addition does nothing to gain any *special sanctity* or *respect* for those beliefs—or any deference from those who believe our beliefs to be mistaken.

So if you are in a position to reprove me for wrong actions and I defend by saying "But I did what I thought was right" or "I acted from conscience," it is not immediately clear why this defense should help me or persuade you-- any more than it should persuade you if you are paying off winning bets and in presenting my demand I explain, "I know Black Beauty finished last, but I sincerely *thought* he was going to win." Or suppose a student gets the wrong sum on a math problem, and when the teacher marks the answer wrong the student defends with "But I sincerely, honestly believed this was the correct sum (and in fact I still do)." In each case, it seems that the apt response is: "Too bad. Maybe you did, or do, believe that. Unfortunately, you are wrong."

More's classic statement suggests a different conclusion. "I leave every man to his own conscience, and every man should leave me to mine." More knows, of course, that at least some of those who are demanding that he take the oath believe his views on the matter are mistaken. Yet he suggests that even so, because he is acting from conscience, they ought to leave him alone. Conversely, he plainly believes that those who have demanded and taken the oath are mistaken, but he suggests that it would be wrong of him to interfere in their decision if they are acting on conscience.

Conscience has somehow been elevated from a necessary concession to our finitude into an ennobling feature that might be described as having "sanctity" and that deserves deference even when we are wrong. Consider in this respect a remark made by More to Richard Riche during the notorious interview in which, according to Riche's later (perhaps perjured) testimony, More made the incriminating statements that were used to condemn him. Presented with the disagreement, More asserted, "Your conscience will save you, and my conscience will save me."[1] Whether Riche was truly acting from conscience, or whether More truly believed he was, is very doubtful, of course, but even so, the remark suggests something about the efficacy that More seems to be attributing to conscience: acting in accordance with conscience, even if it is mistaken, has some sort of power to save.

II. Thomas More and Conscience

But how exactly does conscience become elevated from a sort of necessity—a concession to frail human beings who aspire to do what is right but can only act on our fallible beliefs about what is right—to some sort of virtuous faculty that is entitled to deference even from those who disagree with its judgments in particular cases—a faculty that may even have the power to "save" those who exercise it even when they are mistaken? That is a hard question, I think, and attempting to understand More, a champion of conscience, might just shed some light on the question.

"Might." And yet, reflections on More and his understanding of conscience provoke some challenging questions, I believe, and these were the subject of my essay. There were three questions, or sets of questions. First, even conceding that More believed the oath was mistaken and that he would be endorsing falsehood by taking it, still, why did he feel compelled to refuse the oath and suffer execution

when many others (including his own family) not only swore but pleaded with him to swear as well? Second, how can we square More's professed respect for conscience with his active persecution (sometimes to the death) of Protestants who would appear to have been acting on conscience and who were sometimes willing, like More, to suffer imprisonment, humiliation, and painful death for what they believed? Third, why did More refuse to explain more fully his reasons for refusing to take the oath, and indeed refuse to instruct and persuade his own family in those reasons so that, like him, *they* might decline to swear to a momentous falsehood? There may well be answers, but I confess that I don't see how the illuminating explanation that Father Koterski has given about the medieval conception of conscience responds to *these particular* questions.

I don't want to go through the full discussion in the essay, but let me try to explain the general difficulty in this way. Thomas More's conception of conscience, and his actions generally, would seem to reflect a preeminent commitment to truth, and truthfulness, over other goods and duties. Probably, More didn't subscribe to any *absolute* duty to tell the truth, in the way Kant and St. Augustine are said to have done. He was after all a lawyer and diplomat, and lawyers and diplomats generally don't have the luxury of such unqualified scruples. But More seems to have regarded the duty of truthfulness as at least very important—important enough to justify refusing to take an oath that he believed to be false even at the cost of his life, and even at the expense of rendering himself unable to perform other duties, such as the duty to serve his king and to provide for his family. His contemporaries who reproached him for what they perceived as his stubbornness evidently believed he was grossly miscalculating the weight of these competing goods and duties.

It also seems that More believed he owed a duty to God to stay alive—to stay at his post, perhaps—until God might choose to relieve him of this assignment. I can't vouch for this conclusion, but a Jewish friend of mine tells me that in Jewish law, the duty to maintain life would prevail over the duty to tell the truth—so that a person who chose truthfulness over life would be making a morally incorrect choice.

So why did More place such inordinate weight on the duty not to commit falsehood in this particular situation? I don't have any complete answer. But however we answer this question, it seems clear that for More, conscience was closely related to the importance of truth, and of telling the truth. I doubt that More would have disagreed with this proposition; he would probably have regarded it as obvious. In this respect, his conception of conscience seems unlike some modern versions that link conscience more to individual self-determination than to truth.

This proposition about the crucial connection of conscience to truth is at least part of the answer to the first question—why did More refuse to take the oath?— and it is likely part of the answer to the second question as well. In other words, More no doubt persecuted Protestants because he believed their distinctive doctrines were not true, and were indeed subversive of truth. This observation can only be part of an answer to the second question, I think, and it raises some difficult questions that I am going to pass over here in order to get to the third question, where I think a serious tension that is at the heart of conscience most clearly appears. If truth is so important, that is, then why did More refuse to explain the truth in this matter, not only to those who were prosecuting him but to his own family? Why did he stand by and allow them to take an oath he believed to be false without at least trying to carefully explain and persuade them of the truths upon which he himself

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[1] Marius, p. 501

was acting?

The problem here, I think, is not to come up with an explanation of why More might do what he did, but rather to devise an explanation that is consistent with the preeminent value of truth and the duty of truth-telling. In other words, it is easy to understand why More might have wanted to remain silent on this matter. Silence is not dishonesty, and it is also not treason; or at least so he argued. So for himself, silence was part of a strategy of avoiding treason, and hence of self-preservation. And for his family, More might have thought that they could take the oath and hence avoid his own fate, and yet be innocent of moral transgression—but only so long as they did not fully understand the reasons why the oath involved a deep falsity. They enjoyed the moral immunity that comes with ignorance. We can easily understand this motivation, I think. Or at least *I* can: I myself have often tried to preserve my own ignorance for similar self-protective reasons.

So if this was More's motivation, it is surely understandable. But the difficulty is in squaring this reasoning with the preeminent value of truth, and of truth-telling. If truth is so important, wouldn't More's family have been better off if they had known the truth—even though this might have prevented them from taking the oath and thereby have led to punishment? To put the point differently: this explanation suggests that More believed his family was better off *not* knowing the truth. *He himself* might have been better off if he had remained ignorant—if he had never really looked into the propriety of the divorce, for example, and thus could innocently support it. His misfortune was in understanding the truth—in possessing the very thing which according to the New Testament sets us free and according to Aquinas is our highest good.

I think this is at least a very paradoxical position, and it points to a tension in the very concept—not of conscience, maybe (as Father Koterski has expounded it), but of *freedom* of conscience, or of any position which exalts *respect* for and external *deference* to conscience. Put it this way: conscience is linked to truth, we have said, and the value of conscience lies in the preeminent value of truth; and yet freedom of conscience serves precisely to accord dignity and respect to beliefs we believe to be erroneous. We don't *need* to appeal to freedom of conscience with respect to people whose beliefs we think are correct. We need it only for people whose beliefs we think are false.

It is hardly too much to say that the whole function of freedom of conscience in law and politics is to protect the right or ability of people to hold false beliefs. Writ large, the doctrine becomes a device for keeping government detached from and neutral toward issues of truth. This is surely the effect of the doctrine in modern law and theory—in First Amendment doctrines, for example, or in the influential theorizing of John Rawls and like-minded thinkers. One suspects that More would have deplored this separation of law and government from truth. And yet, it is arguable that this modern liberal stance is a sort of generalization of the strategy More himself adopted toward his own family and friends when he refused to explain his reasons for refusing the oath—when he determined to "leave every man to his own conscience" and to refrain from "advis[ing]" or putting "any scruple in any man's head."

So it is arguable that the effect of "freedom of conscience," as it has played itself out, has been to detach government, law, and politics from truth. But that seems a peculiar function for a doctrine grounded, as we said a moment ago, in a commitment to the preeminent value of truth. And it seems strange to conclude that Thomas More, a man who fought literally to the death for the truth and, we might say, to preserve a political place for true doctrine, should (by so frequently and eloquently standing on an appeal to "conscience") have served to usher in an era that can almost be defined by its fierce commitment to what turns out to be at its core a detachment from truth and a right to believe what is not true. That is what, to me, remains the mystery of More's position and the continuing conundrum of freedom of conscience.

"Interrogating Thomas More" — Questions and Discussion

with Fr. Joseph Koterski and Steven D. Smith, Esq.

Fr. Joseph Koterski: Thank you so much. I don't want to speak long, because I'd rather get into conversation with the audience. I would like to make just two brief points, though, and see if we can aid the conversation in this regard. One is that, in trying to parcel out these conundrums, I think it's very, very important to continue to focus on two key distinctions: first, the distinction between subjectivity and objectivity; secondly, the distinction between the modern sense of toleration of difference and the sense of toleration that I think More was dealing with, which I think is a more authentic sense of the meaning of toleration.

With regard to "subjective and objective," I think all the conundrums that you've explained to us are so crucial for us to ponder in trying to understand More, because the objective consideration deals with especially truth and the subjective consideration deals especially with sincerity and honesty, and so the way in which I think that this is pertinent is that Thomas More feels that he can never say anything that he knows to be untrue. There would be something insincere about that. He would be failing at the subjective level if he were himself to admit or somehow to grant what he considers to be something morally false or something morally destructive. And so there's a situation in which he has to constantly keep those balls in the air: what are the objective truths about matters of morality? Subjectively, how can he himself be sincere with regard to that? And how can he even leave room for another person, perhaps even one of the Protestants whom he needed to persecute while an officer? They might subjectively hold such a position, even which he regarded as objectively false. So that will need to be continued to be brought into the consideration in debating it.

Secondly, though, the other distinction I think is crucial is this difference between the sense of toleration of difference that he would have expected, and the sense of toleration of difference that we now hold with respect, for instance, to modern civil law or modern political theory. As near as I can tell, in the medieval and the renaissance view—the views that Thomas More would have himself subscribed to— I don't think that he was interested in tolerance of difference as such. But I think that what he was interested in was the toleration of certain things that were different and that he regarded, in fact, as evil—things that he thought, for instance, were departures from the truth about religious matters, or things that he thought were

departures from political good order. But that sometimes—Thomas Aquinas would have argued this, and I think More also argues it—sometimes one tolerates those positions, not as though they're equally entertainable as opinions, but that to root them out would cause yet much more grave difficulty—would upset the common good—than would be allowing them. In that sense, I think there is a difference for Thomas More, and part of the conundrums that we get to, because while he is in office, he is charged with dealing with the power that is at the disposal of authority, and the power that is at the disposal of authority has to go and correct some evils, but has to prudently allow other evils to be tolerated, and you've got to constantly make that judgment. He's in a different position when he is no longer in power, and there, when he is not now in a position of authority, and hence bound by the rules that govern the ways in which authority may use its power; now he must instead be very, very focused in on the subjective aspects. That is, himself trying to continue to be sincere, never embracing a falsehood, and subjectively continuing with the duty that I think he found by virtue of his respect for the common good, and his concerns with the conscience of the king. How can he possibly make some progress? To disclose all of his own points of view might not be the way in which he can effectively be a teacher for the king, but finding the indirect ways in which he can proceed might be the way in which it is possible for him to make that further progress.

When I'm trying to sort out the admitted conundrums that Professor Smith has proposed for us, I find myself very mindful of the guidance that Yves Simon provides. There's a wonderful book called *Practical Knowledge*, and in that book, Simon urges that there will be differences of opinion on how one comes to deciding those questions, but if one is really trained so that one has the virtues of subjectivity, the personal virtues of truthfulness, one will be able to parcel out and even come to very different prudential decisions, and both be right—be right with respect to what he tells his family and right with respect to what he doesn't tell his family—and that *they* might be right in wanting and wishing that he told a little bit more, precisely because it's not possible to get that level of objectivity in those questions.

I think you have very formidable thoughts for us, and I thank you.

Russel K. Osgood: So, I will grab the floor as a member of the audience and poke at both the panelists very quickly. First to Father Koterski, I would just say, and I know Father Koterski knows this, that very smart people are not necessarily very well organized thinkers in what they do in life, and so, that there might be a little dissonance in Sir Thomas More's assertion of conscience and what he did, which is essentially what Professor Smith said, would not surprise me or anybody, because people are not totalistic in what they do and how they act on what they believe.

And for Professor Smith, I would just say that I think he has an impoverished idea of the dynamics of conscience, at least from my point of view. I think that conscience is something that is a dynamic moral faculty that in Sir Thomas's case was informed by what Fr. Koterski says, but that asserts itself in light of changed circumstances, and is not necessarily to be looked at in a very clean way. And I'll use an example: Professor Smith implicitly says, of course, that Sir Thomas, by not bringing his family, and by not telling him what they did, maybe somehow wasn't fully acting in conformity with his beliefs. But let's say I believe that global warming was horrible, just morally bad—it's not something I believe, but let's say I did believe it. And so I'm driving down Braniff Drive one day, and it wells up in me, so I decide to block the intersection with my car, and I do this as a moral act because I say, "You people

are terrible, you're polluting, you're adding to global warming." I think that's a perfectly appropriate exercise of conscience, by the way, because, based on a totality of life circumstances and my knowledge at that moment, I decide to do it. But I don't have to tell my wife to do that, nor would I expect her to do it, nor do I have to decide to do that at any moment. Conscience is something that asserts itself at a particular moment, and in Sir Thomas's case, I think the fact that he was the Lord Chancellor was relevant in the decision to assert his right not to swear that oath in way that he would not feel obligated to tell his wife not to do it, or his daughter, or to even explain it to them. So those are just some thoughts.

Kevin McCarthy (lawyer): I don't find it difficult in myself to understand his decisions. I do find his conscience to be extremely clean and, from what I know of the man, constantly informed by the Word of God. But he had a complex situation, which I think is easier for lawyers to understand than professors. He had this situation of a special relationship of trust to a client, and this wasn't just any old client, this client was the supreme ruler of the realm. He also had a history in his life of telling the truth or acting in truth and getting himself and his family in trouble with the previous king. So when that happens, I think one decides to pick one's battles in light of the fact that sometimes they are to inform their family and bring them along in an evangelical sense, and sometimes it's a deeply personal situation where really it's none of the family's business, quite frankly—some of the complications between the king and the counselor. So he's in a very, very personal situation driven by things he has to calculate, but I see him as a man, from what I understand, who was constantly calculating this for years, so when he wrote these books, this was just ten years after his daddy got thrown in prison and had to pay some fine to get out for getting into it with another king. This is a man whose family is central to his life, and so I see him not in a sense sheltering his family in an immoral way, but I'm seeing him, in a certain amount of humility, saying I'm not going to draw my family into this unnecessarily.

Steven D. Smith: I guess I agree with that and also with Russell Osgood's statement to an extent. I myself, in my essay, didn't offer anything about the epistemology of conscience; I realize that it may be contextual and personal, and it doesn't require gross, crude, flat-across-the-board judgments and so forth. One small point, though: at the time he refuses to take the oath, he's not the Lord Chancellor. A couple of you referred to that fact, but, in case it matters, he's not the Lord Chancellor at that point (**Osgood:** "Well, he advises."), but he's a father of a family.

I don't mean to subscribe to an impoverished, categorical view of morality, but I don't think it's so easy to get out of: if you think truth is really important, *really* important, and you think you have an obligation to instruct your family, and it's important for them as well as for you, and you're in a situation where it's not just global warming or something where you might have an occasional, incidental contact with an issue, but it's not your central cause and you don't really need to proselytize for it—this is the core thing that is at the center of your life and the kingdom and your family's life—I'm not quite sure that granting all the personal and contextual nature of conscience dissolves some sort of puzzle about why someone wouldn't in that context say more to those for whom he's responsible about why this is wrong.

Matthew Mehan: You wrote in your paper about that question—why does he hold off in the beliefs he's teaching his family?—but if this is the man we've been

talking about, who writes the *Utopia*, who knows that this is going to be great; then he knows that when he writes something that good, it's going to be talked about five hundred or a thousand years later. I think we can agree that most great books were written by very self-conscious writers. They knew that they were writing very important, long-lasting things. I think that he also knew that as an actor, and, I think, if he studied hagiography, he'd see that most saints who were approaching a methodical martyrdom had a pretty good sense that they were going to be teaching for many, many years beyond the moment they're in.

Regarding the example of the global warming: this example is flawed for More, because there's a desperation in the man who stops traffic, whereas More doesn't have that urgency or that immediacy. Because, quite frankly, as a Catholic saint on the way to martyrdom, he doesn't think that he's the only teacher: there's the Holy Spirit, there's God, there's Providence, there's his witness and example, there's the Church to carry on the message years beyond him. There's this idea of witness, in much the way that Christ wasn't necessarily grabbing the collar of each apostle, saying, "You've got to get this, man!" You know: "Well, here're some parables, here's this, here's that, but I still have to just do the thing I have to do, and then the Spirit will take care of the rest after I've gone to the Father"—that sort of idea. I think that's very much at play in his reticence or, I'd say, his lack of desperation to get the point across to everyone. He is not desperate to do it in the way that someone who does not have that wider vision of conscience of teaching would be.

Nathan Schlueter: There are two important distinctions here that I think are not being made. One of them is that the analogy is not correct with this global warming or civil resistance example. A better analogy would be, if your friend or child said "I'm going to murder so-and-so," and you say "well, if I don't tell them that it's wrong, then they won't be guilty of it." Or, if you know somebody's going to steal something or fornicate or whatever—in that case, it seems to me that you do have a duty, in conscience, to inform them about the wrongness of that act. So I don't think that conundrum has been resolved by anything I've heard here. This is not a situation in which it is a general moral wrong and one can prettily decide how to respond to it. There is a positive duty by the State being placed on someone which I think is contrary to the moral law, at least from within the Christian framework, and then one must respond in some fashion. That is, I take it for granted that to take that oath as required by law was an immoral act, and he did have a duty, as he expressed it in the earlier letters, to let his family know. So I'm not satisfied by anything I've heard, and I think that's a real conundrum.

Another distinction: More's claim is to silence, and my memory is that he relies upon a kind of principle of precedent in civil law, that, according to the common law of his time, silence could not lead to a presumption for disagreement or dissent; that in the precedent of the common law, silence presumes assent. So if the law was to follow the precedent, they could not convict him for remaining silent—I think there's something to that, but even if there isn't, it seems to me that in the Christian tradition, at least as taught by St. Thomas, the conscientious actions that were to be tolerated—in other words, one did have a duty to follow one's conscience and it didn't follow that the State had an obligation to accept your assessment of conscience—you just took the law as you should in obedience to your conscience. But again, here's a silence again: it's not someone doing immoral actions contrary to the common good; it is someone simply remaining silent, and I think that we're extrapolating too much from that private remark and so I would just add that

caveat—my conscience telling me to remain silent needs to be respected just as everyone else's should be. I wonder if both of those distinctions need to be in play.

Osgood: I'll just say one thing: that actually, in common law, silence means nothing. That's why, if you refuse to plead in common law, you can be pressed to death because they can't draw either a positive or a negative inference. He was wrong about that—silence means nothing.

Smith: At his trial, I think, that accusation was made that "you say you're remaining silence, but everybody knows your silence means you don't agree with this," and he made the clever, lawyerly argument that "silence is presumed to connote assent, and so you cannot legally draw the opposite conclusion," so I think he *did* make that argument.

Louis Karlin (lawyer): I want to follow up on that. I think there are two things going on here: one, that More did have a respect for the law, and that his silence was a fortuitous mechanism that meant he could serve God without betraying his king. So he did not have to speak out positively against the king. He knew he couldn't *take* the oath, but he couldn't speak because he would have to lie or speak out against the king. He could preserve his silence as heretics could preserve their silence under the law. Now, is that a perfect solution? No, but it's a legal one. That would account, I think, to a large degree for More's silence.

But I think Professor Smith makes a really important point: that, if it is immoral to swear the oath and possibly damning—I think this Professor Smith's position— don't you have a moral obligation to prevent someone you love from making an immoral choice or becoming damned? I think that's the real conundrum, and a possible solution to that is similar to the preserved ignorance, but it's a little different—it's that More's whole life up to that point had made very clear and very public what he believed. His swearing the oath is a lot different from someone who never had an opinion or never voiced one. This is the writer of *Confutation of Tyndale*, among other things. And he was a public figure even though he wasn't in office at the time, and so I think his taking the oath would be a different thing from his wife or his children taking it.

It's not a perfect solution but, finally I'd also say that silence has another meaning that scholars have brought out so beautifully. It's that, in the genres in which More worked, especially with regard to irony, silence teaches. You look at people's voices and you look at silences and they're profoundly instructive—they force a person back to examine his own conscience.

Smith: I just want to say that I thought there were a number of excellent points in that comment and things to think about that might go some way toward solving what for me is the conundrum. Here's a statement of one of the things you said with just one small reservation, though. One might say: Well, because More did, as I think you correctly said, believe that there was a duty to obey the law and the king and so forth, he might well have thought not just that "silence is a way of trying to save my skin," but "silence is actually a way (as you said) of complying with the law, which I have a duty to do. If that duty is in conflict with my duty to my family…"—and maybe add in your point about "I've taught them over the years and at some point they have to draw their own conclusions, and maybe that warrants silence as a way of complying with my duty to the king." So all that might make sense, but the one reservation is: after the sentence is pronounced on him and he's condemned, then he does come out and fully say "the king cannot be head of the Church; this is contrary

to the divine law." I think that undermines a little bit the idea that he thought, "well, because of my duty to obey the law, I'm just going to stay silent all the way through," because once his fate was determined, he apparently didn't see the need to do that.

Fr. Roch Kereszty: I would like to ask those who know more about Thomas More than I do, would you agree with Bernard Basset's conclusion in his work on friendship? He says that the silence of More was precisely religiously motivated, at least partially—so, not just saving his family, but also religiously motivated because he did not want to become a martyr on his own. In other words, he tried to avoid martyrdom as much as possible to make sure that, if he becomes a martyr, it is really God's gift and not of his own provocation, because he did not think that he was worthy of it. So, all his life, according to Basset, for him martyrdom was the greatest gift that God could give someone and therefore he did not want, actually, to acquire it. He wanted to avoid it to make sure that, if he receives that gift of martyrdom, that it's really from God. And that's why he seems to be so much at peace. That would explain, for me, the tremendous joy or kind of humor—the way he was facing death—because now he realizes that actually his life is coming to fruition, that actually it is God's gift rather than what he tried to do by himself. So is there any evidence for this? I don't remember details—I just remember his conclusion.

Gerard Wegemer: Clarence is the expert on this.

Clarence Miller: The evidence is in *De Tristitia Christi*, his last meditation in the Tower, where he is very much concerned about the contrast between the eager martyr and the reluctant martyr, and he makes precisely the point that it is much safer to be a reluctant martyr, because if you then must face martyrdom, you know that you will have God's help. He can't deny the eager martyrs—there are too many of them around in the golden legends. Then the other question is this, and it's also in the *De Tristitia*: there are certain people who have a responsibility to do this kind of thing, namely the bishops. And talks about the sleeping apostles as being like bishops who sleep when they *should* speak, only Fisher *did*, of course, but More knew that, and he expected the people who have the responsibility of the pastoral duty to speak. He was not a pastor. He did not have the pastoral duty.

A little footnote: that silence denotes consent is from canon law. I looked for it for ever and ever and ever, but Henry Ansgar Kelly has found it, and so we know now.

Osgood: Just one historical episode which is sort of the obverse of Sir Thomas's: when Cranmer gets sent to be burned to death at the stake, after recanting—he was the opposite of Sir Thomas, switching his story depending on whoever the monarch was—and they send him to the stake and he's about to be burned, and he puts his hand forward into the flame and says that "my hand should burn first because it was the hand that signed the recantation of what I really believe." So, in a way he ends the same way as, say, Thomas, but he gets there through a very different path.

Koterski: And the lesson is, we may need more bishop martyrs? (laughter)

Paul Hunker (lawyer): I wonder if this is a response to Nate Schlueter's question and something you said, Professor Smith: there's a distinction between moral acts

here—it's hard to imagine Thomas More ever letting his daughter Meg do something that was a clear and moral evil. Let's say the family were in modern-day China and the authorities say, "Meg, you have to abort your pregnancy." It's hard to imagine he'd ever be silent on that—he'd tell Meg not to do it. But when you're talking about assenting to an oath, there's a good subjectivity there. How you understand the oath can vary, and perhaps he wasn't willing to impose his understanding of the oath on everyone else in England. Do you think that has some merit?

Smith: Well, actually, yes, I think it might, and in fact—and I don't know enough about this to be very confident—it does seem to me that he may well have thought, and I think he said at one point, that he would have taken the oath if he thought it was only affirming the succession—he could accept that. But what he presumably really couldn't accept: maybe it was the divorce, but maybe it was also the fact of it making Henry the head of the Church. You'd think that would be the thing that would trouble him most. But that, I think, wasn't explicit in the oath, so it might be for him not just a matter of letting other people act on false religious assumptions so long as they're innocent about those, but letting them act on their understanding of the legal purport of this document, which, as a lawyer who had studied the matter, he thought was incorrect—that would go also some way towards dissolving this conundrum. They don't even know what they're *affirming*, much less that what they're affirming is wrong.

Osgood: I think the oath he had to affirm was that the king was the supreme governor of the Church in England. It's pretty hard to get around those words.

Smith: Well, others will know that, when he gets taken to Lambeth Palace, he has to have the act brought, because he says that, before he decides, he really wants to read it all over. Now, others here will know, but the secondary sources I've read indicate that at that point the Supremacy Act had not been passed, but the Succession Act has been passed, so at that point he infers that, "if you ascribe to this, you are by inference accepting Henry as the head of the Church," but I'm not sure whether that was explicit in the oath that they had to take at that time. But I could just be wrong about that.

Joseph Meister (lawyer): Yes, I think this is a fantastic panel and I've enjoyed this discussion, and I think it may be the perfect panel for this question. Thomas More is, after all, the patron saint of lawyers, and we are at a very interesting time in our country with the senate confirmation proceedings about to begin. And also, there are more than just a few Catholic lawyers who are members of the United States Senate that, while they are personally opposed to abortion, say they cannot impose that belief on others. What would Thomas More say to that position, and what action would he take if he were a sitting member of the judiciary committee? (Laughter.)

Smith: Well, a week and a half ago, I was on a panel sort of like this one on a totally different topic and so forth at Catholic University, where Justice Scalia was the one sitting right at my elbow at this point, and someone started asking him those kinds of questions. He's written *some* on those kinds of questions. I don't know if this makes sense or not: on capital punishment, which he has written about, he said that he believed, if the Church taught and had taught over the centuries that capital

punishment was deeply immoral, then he would probably have to resign his position because there are so many cases involving capital punishment. He's, I think, written about this, and he doesn't think that recent Church teachings are correct as an interpretation of the Christian tradition, but he did say that if he thought they were, he would probably have to resign. But he made a distinction for abortion, (**Judge Latta:** "because there's a lack of state action: no one's compelled to undergo an abortion, but state action's necessary for an execution. So that's the distinction."). Yeah, that was it, so he didn't think that that put him in this kind of compromised position. He obviously doesn't agree with the Court's abortion decisions, but he didn't think that they put him in the same moral predicament that capital punishment would.

Judge Jennie Latta: But his question's about Catholic legislators, which is a different question from the question about Catholic judges, because Catholic legislators are those that are in a position to decide what the law would be. So it's a different question. (**Meister:** "Yes, that *is* the question."—laughter.)

Smith: Well, but I don't quite see the same dilemma there. Why would Catholic legislators feel any compunction about asking that kind of question and taking that into account in whether they wanted to support that nominee?

Latta: Because it's a question of political expediency and prudence. As I understand it, some of the documents out of the Vatican have talked about proportionality and what can reasonably be accomplished. So if every Catholic politician said, "No matter what the context, I will have to vote against any law that would permit abortion in any form," then no Catholic politician would ever be elected, and so that voice would never be heard. And I think the Vatican has acknowledged some ability for us to at least engage in the public debate. I'm a judge, so I get to sit back and say, "Haha, we don't do that." (laughter.)

Koterski: I think the relevant passage from recent Church documents is paragraph #78 of *Evangelium Vitae*, and the issue in 78 has to do with Catholic legislators, particularly on questions like abortion or infanticide or euthanasia, as opposed to questions of capital punishment—for precisely the reason you've articulated. And what it does is to suggest that their own opposition to it must be firm and clear and publicly known. So the excuse that was posed in the question, namely that "I'm personally opposed to it, but I have no intention of having a legislative program here" won't work. One has to have made known that one does have such a legislative program, and now the question addressed in *Evangelium* 78 has to do with how you vote on any particular piece of legislation. And it suggests that a Catholic legislator faced with those positions may vote for a piece of legislation that still legalizes abortion, if that piece of legislation in some way or other restricts the scope of the permissibility of abortion. And hence what you're doing is, in fact, reducing the scope of it. You're not voting *for* the permissibility of abortion. Hence, what I think they're doing, even though they don't use the words in #78, is making the traditional distinction between material cooperation and formal cooperation with evil—you're not formally cooperating with it because that's not in any way part of your intention, even though you *are* cooperating with it materially in a way that's much too close for your comfort level. And hence the issue is not comfort level—that is, one could very well allow that one would have to collaborate here, but one

has to be formally clear about what one's intention is in so collaborating. It's an effort to try to sort that out, but boy, it's still real hard.

McCarthy: Well *Evangelium Vitae* 78 is very clear also that that involves a very, very gruesome, grave determination by the legislator that that's the only way to limit abortions. He can't sit back and say, "Well, my personal opinion is this, but my constituency says that they'll accept the rape exception." And 78 is constantly misused for that. It *means* that if he doesn't vote for the one with the rape exception, then by a hundred votes wide-open abortion is going to pass, then that's easy: he votes for the rape exception.

Gabriel Bartlett: What did More see in King Henry's new positions on marriage, supremacy, etc., that caused him to give up his earlier vision of Lockean toleration, which can be found in Roper's *Life*, respecting religious pluralism. Is he a modern or a medieval on the issue of freedom of conscience?

Smith: That *is* the difficulty that I have. The invocation of conscience *seems* like a harbinger of this religious pluralism, but it doesn't seem that he welcomed that prospect.

Bartlett: What I meant by combining the two concerns—royal supremacy on the one hand and wishy-washy toleration on the other—did he perhaps fear that the end result for the Christian religion would be the same in both cases?

Wegemer: As Lord Chancellor, More's job was defined as "Conscience of the King," and that meant that More needed to know all the laws of the realm and help the king apply them to particular circumstances. So always it was a question of applying the law. For instance, heresy: he is Lord Chancellor when he has to prosecute heretics, but it's always for seditious heresy, that is public pronouncements endangering the state. And this is a clear and present danger because in 1525, a famous summer, 60,000-100,000 people were slaughtered in Germany. There was a grave danger at that time of sedition. So he's applying the law for seditious heresy.

And the issue of keeping silence: Fisher himself suggested that the bishops approve Henry as Head of the Church when Henry first forces them to do so, but with this proviso, "as far as the law of God allows." And we know that More's daughter took the oath with that same proviso, so it is a question of "what was the law and what did it mean, and could it actually be executed?" And what was at stake was essentially the first article of the Magna Carta, "the Church shall be free," that Church and State should each respect each other's laws.

Smith: I wonder if I could say one thing in connecting with what Professor Wegemer just said with respect to the original question here. Gerry actually mentioned this sedition point to me in an email as a possible answer to my second question, why did More persecute Protestants? From the limited knowledge that I have, that is surely true to a point—More surely did think that Protestant doctrines were seditious, that they were subversive, that they were likely to undermine the civil order, and so forth. And that surely is part of his reason for wanting to prosecute them. But I wonder whether that's the full story: that suggests that More believes in conscience, but he has to prosecute these particular people because their particular heresies are likely to threaten anarchy or be subversive of the civil order. If

he could foresee then that doctrines of predestination and so forth don't actually tend to make their adherents particularly disorderly—indeed, paradoxical though it may be, Puritans and so forth seem to be *more* orderly than other people—so, if he can foresee the future and perceive that you can have religious pluralism and still have an orderly state, would he say, "OK, knowing that now, I have no more reason to prosecute Protestants?" And I think the answer to that is probably "no," based in part on indications that religious pluralism would have been horrible to him whether or not it was possible to have an orderly society with religious pluralism. So I guess I think, in other words, that that is part of the truth, but it seems to me that it's probably not the full story on that particular question.

Wegemer: But he does clearly foresee the possibility of religious pluralism. And also, this is not just a question of differing opinions of doctrine: this is a completely different conception of human nature and the role of the State. The idea that is being proposed is that Christians are elect: that real Christians don't have to obey human laws. They can do what they want and there's no free will. Those views of human nature undercut our whole system of justice, and this is why More was never silent, and why he had to be executed, because he articulated so well what was at stake—through many books, which were persuading parliament of what they should not let Henry do.

Lawyer A: Professor Smith, in your article you mentioned that Thomas More, a saint of the Church, waffled in his objection to what the king was doing. You said that he made the case for the king's annulment in the house of parliament, even though he tried to avoid his own personal opinion. Isn't that same position that President Kennedy took when he talked to the Baptist ministers, and that Mario Cuomo took when he was governor of New York, and that these politicians are taking now, which these bishops are trying to withhold communion from? Isn't that the very same position?

Smith: Well, I'm not sure I'd go that far. I think, as a lawyer, he did go down and, representing the king, lay out the case. That's my understanding. And he tried to avoid saying whether he believed in it. Is that the same as an across-the-board, I've-got-my-personal-view-but-etc. type thing? I think more highly of him than to associate him with those particular people. (laughter.)

Koterski: And just to reflect the same distinction that the judge made a few moments ago, the one is a court procedure, and the other is a legislative matter. So in a court procedure, we're presuming an adversarial system and the king has to have his person defending his interests, and making the case for whether or not this point of law—was this a valid marriage or was this *not* a valid marriage? And I think that a good lawyer is able to articulate that, and More was the counsel to the king; whereas to be working in the legislative arena, I don't think you can be taking the other person's point of view and arguing it. In a legislative arena, what you've go to be doing is saying what in fact you think is the case, and what you think the law ought to be. (**Lawyer A:** "So those politicians have an affirmative duty not to remain silent?") Correct. ("And Thomas More didn't?") That is, if he's acting as legislator, he has a requirement that he speak, and so when he's acting as speaker of parliament, when he's acting even as a king's representative about what the law should be and how we should bind the king and keep him from going off in the wrong direction here,

especially in an order where we've got Christendom and where we don't have a secular state. I mean, the obligation of a king's representative in a legislature within Christendom is to continue to have the civil order reflect Christian values. We now tend to think of the legislative order not as within Christendom, but within the secular sphere, and our legislators have to both try to say what they think is the matter, but also try to articulate what the law ought to be, because the law shouldn't necessarily reflect all the things that we think are necessarily the truth of the matter. That is, a legislator within a secular state is in a different situation than a Christian legislator within Christendom.

Smith: Just one very small point too. I believe that at the end of these sessions, More was asked directly, "Do you believe the case that you have just made?" To which he responded, "I have made my case to the king myself, and I don't need to say it here." Now this is one where silence pretty clearly indicated what his view was on this.

Lawyer B: I cast my vote with Professor McCutcheon on the difficulties in trying to find positivism in negations of negatives: When Anne Bolyn was crowned, More was given money to attend the coronation to buy a nice, new garment. He took the money and didn't go. His absence caused a big stir. Again, when the parliament that passed his death sentence says that "if the indictment is not insufficient, then we find this matter proven." We find all these beginnings of assertions, but there is not much positive to draw on, particularly when you look at his biography, or what he actually did and said. The principles themselves may lead to some sort of positive framings, but when we try and tie them to the biography of him, it's a very slippery slope. So all of his evasions about his works that he writes are cloaked. If you take some of the later works, the translation from the Hungarian into French into English. These are shifting grounds we have, so I think it's always difficult.

Charles LiMandri (lawyer): I don't think More's record is ambiguous when looked at in the total context. He wrote over a million words in defense of the Church. When the bishops caved in to Henry VIII, as Lord Chancellor, he resigned. It was a very loud and definitive public statement. He won't go to the wedding. Now when his enemies like Cromwell try to lay clever traps for him by devising this oath, is he supposed to just take it and fall into their hands? Everybody knew how he thought. This was not some esoteric theological or political issue. The king was making himself head of the Church of England. For fifteen hundred years everybody had acknowledged it was the pope. Henry himself had written in *Defense of the Seven Sacraments*, recognizing the pope as head of the Church of all of Christendom. Everybody being asked to take the oath knew how Thomas More stood. His silence was supposedly his protection under the law. The maxim was *Qui tacit consentire:* Silence implies consent, whether it's canon law or not. They had to show he was acting maliciously in order to find him treasonous. It's very hard to do that when he's silent. That was a technical legal defense he raised at his trial. And finally, when he was convicted on perjury of testimony, that divulgence of conscience was also a brilliant legal maneuver. Under English law, it's called a "motion in arrest of judgment," where you challenge the constitutionality of the very law under which you've been convicted. Under American law, we call it a "motion for judgment notwithstanding the verdict." But he divulged his conscience: I don't think anybody was surprised when he said the king can't make himself head of the Church in England. For Pete's sake, everybody knew that, including his family. And so this

thing about his silence and ambiguities: I'm sorry, I'm having a hard time with it. More just didn't want to make it easy for them to kill him because of his beliefs, but everybody knew what those beliefs were, and he could not have been more clear and conspicuous in stating them in the million words he published.

Osgood: I think we're out of time.

St. Thomas More's Noble Lie
Nathan Schlueter

In the first paragraph of his letter to Peter Giles which introduces *Utopia*, St. Thomas More claims that "Truth in fact is the only thing at which I should aim and do aim in writing this book"(3).[1] Several paragraphs later he declares that he would "rather say something untrue than tell a lie," and shortly thereafter he again expresses his hope that his work "contains nothing false and omits nothing true"(5). The playful irony of More's remarks is evident throughout this letter, from his choice of names (e.g. a commonwealth named "no place," a river named "waterless," etc.) and his scrupulous care for trifling details, to his humorous caricature of the ambitious theology professor who aspires to be made Bishop of Utopia.[2] But perhaps his most transparent, non-ironic profession of truth is his last one of the letter: "To tell the truth, I'm still of two minds as to whether I should publish the book at all"(6). More's account of his "two minds" here foreshadows his later exchange with Raphael over whether philosophy can be made useful in public affairs.

More's persistent consideration of truth in his introductory letter points to the nature of truth as a thematic subject of the work as a whole, with the characters More and Raphael Raphael playing the protagonists to the drama. The great question behind their agon is this: What is the proper relationship between philosophic truth and politics? More contends that philosophy can and should be made useful to public affairs, while Raphael insists that due to the nature of men, and especially kings, public affairs are largely if not wholly impervious to philosophical truths. As a resolution, More proposes to Raphael an "alternative philosophy," the "indirect approach" according to which:

> you must strive and struggle as best you can to handle everything tactfully-and thus what you cannot turn to good, you may at least make as little bad as possible. For it is impossible to make everything good unless all men are good, and that I don't expect to see for quite a few years yet (35).

Raphael, however, responds to the "indirect approach" with contempt: "If I wish to speak the truth, I will have to talk in the way I've described. Whether it's the business of a philosopher to tell lies, I don't know, but it certainly isn't mine"(35). (Raphael's association of the "indirect approach" with lying is revealing, and I shall comment on it shortly). But when More expresses doubt about Raphael's proposition that private property be abolished, Raphael then makes a surprising reversal in his argument, introducing Utopia as proof of his point that the "direct approach" to philosophy, that is, undiluted philosophical truth, *can* indeed be applied directly to public affairs. His remarks here are revealing:

> 'I'm not surprised that you think of it this way, he said, 'since you have no image, or only a false one, of such a commonwealth. But you should have been with me in Utopia and seen with your own eyes their manners and customs, as I did—for I lived there more than five years, and would never have left, if it had not been to make that new world known to others. If you had seen them, you would frankly confess that you had never seen a well-governed people anywhere but there'(39).

It turns out that far from being unconcerned with practical political affairs, Raphael is in fact on a mission to transform them, by providing a true image of the "new world" of Utopia.

What are we to make of this exchange over lying, truth telling, and politics, especially in the context of Raphael's strange reversal? What light do these subjects shed on understanding the action of the dialogue as a whole? In what follows I will give some thoughts to these questions.

More offers an important clue of his intentions in the multiple references to Plato's *Republic* which are scattered throughout the discussion. Peter Giles compares the "sailing" of Raphael above all to Plato (10), and Raphael himself compares Utopia to Plato's republic. Later, More attempts to refute Raphael's arguments with a revealing reference to Plato's *Republic*: "Your friend Plato thinks that commonwealths will be happy only when philosophers become kings or kings become philosophers. No wonder we are so far from happiness when philosophers do not condescend even to assist kings with their counsels"(28). Raphael responds to More's proof text in a way that shows a superior understanding of Plato. He first points out that many philosophers have "published books, if the rulers were only willing to take their good advice" (does the publication of More's book show an implicit agreement with Raphael?), and second, that in any case Plato's passage is not

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[1] Unless otherwise noted, all citations are to Thomas More, *Utopia*, revised edition, ed. George M. Logan and Robert M. Adams (Cambridge: Cambridge University Press, 2002).

[2] In another letter to Peter Giles that was appended to the 1517 edition of *Utopia*, More again has fun with an anonymous individual who is confused by the fictitious nature of the work. In doing so, he further illuminates his purpose in *Utopia*: "But when he questions whether the book is fact or fiction, I find *his* usual good judgment wanting. I do not deny that if I had decided to write of a commonwealth, and a tale of this sort had come to my mind, I might not have shrunk from a fiction through which the truth, like medicine smeared with honey, might enter the mind a little more pleasantly. But I would certainly have softened the fiction a little, so that, while imposing on vulgar ignorance, I gave hints to the more learned which would enable them to see what I was about. Thus, if I had merely given such names to the governor, the river, the city and the island as would indicate to the knowing reader that the island was nowhere, the city a phantom, the river waterless and the governor without people, it wouldn't have been hard to do, and would have been far more clever than what I actually did. If the veracity of a historian had not actually required me to do so, I am not so stupid as to have preferred those barbarous and meaningless names of Utopia, Anyder, Amaurot and Ademus" (*Utopia*, 109).

an exhortation of philosophers to advise kings, but rather an observation that philosophers must *become* kings (or vice versa) if political troubles are to cease (28).

But in winning the battle Raphael loses the war. Like Raphael, Plato's Socrates also intends to offer an "image" that will have practical effect, but whereas Raphael's image seems primarily intended to transform political life, Socrates' image is directed to the transformation and ordering of the individual soul.[3] More importantly, Plato's image, unlike that of Raphael, is based upon a kind of lying, a practice that at least on the surface Raphael categorically rejects, as we have seen above. In practice, however, it is precisely on this point that Raphael's project collapses. To see why this is so it is necessary to consider briefly Socrates' treatment of lying in the *Republic*.[4]

At the end of Book II of Plato's *Republic* Socrates engages in a discussion of lying in which he distinguishes between the "true" (*alethos*) or "real lie" (*onti pseudos*)— which is always rightfully shunned and avoided by gods and men - and the "useful" (*chresimon*) lie (what he will later famously call the *gennaion pseudos,* the "noble" "or "excellent lie"")—which can serve certain important purposes.[6] He seems to drop the point, but midway through the dialogue he frankly acknowledges that rulers of his "city in speech" "will have to use a throng of lies and deceptions for the benefit of the ruled" (459c), even as the rulers themselves have "no taste for falsehood; that is, they are completely unwilling to admit what is false but hate it, while cherishing the truth" (485b-c; see also 490b-c).

In his discussion of lying, Socrates argues that the "noble lie" is useful on two occasions. The first occasion for telling lies is when "we don't know where the truth about ancient things lies—likening the lie to truth as best we can." Notably, the root of the verb Socrates uses here, "*muthologiais*," translated as "telling tales," is *muthos*, or "myth," a richly layered word that designates a narrative which on the surface may be literally false, but which at the same time conveys a deeper or more profound truth. Hence I will call this lie the "mythological lie." Although the *Republic* is often remembered for deciding "the old quarrel between poetry and philosophy" (607b) in favor of philosophy, Socrates declares himself to be "greedy for images [*eikones*]."[7] Indeed, his professed iconophilia results in the most fecund and enduring images in the history of Western thought.[8] The paradox can be explained by the fact that for Socrates the way to the highest truths is through deliberately manufactured images which are not "the truth in itself,' but which provide a limited access to it. The degree of our insight into "what is" is directly related to the relative richness of our poetic experience. In the words of Pablo Picasso, "Art is a lie that makes us realize the truth."

The second occasion for telling lies is when the lie benefits friends "when from madness or some folly they attempt to do something bad." This "therapeutic lie" is necessitated by a soul that is sick, that is, a soul whose proper use of the rational capacity is inhibited either because it is not fully developed—as in children, or because it is materially defective—as in the mentally ill, or because it is clouded by disordered passions and emotions—as in most of the human race. It is justified by its essential connection with the truth, and guided by its concern for the health of the soul. In this it is related to rhetoric and differs from propaganda (the "true lie" above), both as to its form and its object.

Plato's account of lying prepares his interlocutors for the most famous lie of all, the noble lie of Book III. The two parts of this lie serve both mythological and therapeutic purposes insofar as they reveal and respond to aspects of the human condition. What they essentially reveal are the following: First, that although the political community will occasionally require "the last measure of devotion" from its citizens, most citizens do not always adopt such devotion as their individual good without the assistance of convention.[9] Second, although individual human beings naturally possess different and unequal aptitudes, they often possess desires and expectations that do not match those differences. In each case the noble lie can be understood as responding to disordered (e.g. sick) souls by providing them what is proper and fitting to them. The assumption behind all of it, of course, is that no political community can be perfectly true, according to Raphael's "direct approach," and also perfectly just. The human condition requires that every political community make use of the "indirect approach" advocated by More.[10] The "indirect approach" is the essence of political life.

Given this account, what can be said about the relationship between Raphael and his "friend Plato"? It is important to recall here that Raphael himself compares Utopia to Plato's republic, and, strangely given what has been said, that the context in

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[3] See the important exchange in Plato's *Republic* at 592a and following.

[4] I explore the role of lying in Plato's *Republic* more thoroughly elsewhere. See "The Virtue of 'Lying': Recovering the Saving Beauty of Plato's Poetic Vision," *Logos*, Winter, 2006 (forthcoming).

[5] In a thoughtful essay on the subject, Kateri Carmola emphasizes that the word Socrates uses here, *gennaios*, refers to birth and familial background, and so is not "noble" in the sense of *kalos*. See "Noble Lying: Justice and Intergenerational Tension in Plato's *Republic*," *Political Theory* 31, no. 1 (February 2003) 39-62.

[6] Plato, *The Republic of Plato*, 2nd ed., trans. Allan Bloom (Basic Books: New York. 1991), 382a-383a. All citations of *The Republic* will use Stephanus numbers. Note that the "noble lie" of Book 3 refers specifically back to the earlier discussion of lying in Book 2. Plato dedicates an entire dialogue, the *Lesser Hippias* or *Hippias Minor,* to the subject of lying. See Paul J. Griffiths, *Lying: An Augustinian Theology of Duplicity* (Grand Rapids, MI: Brazos Press, 2004), 113-122. Plato's treatment in the *Hippias Minor*, however, lacks the fuller political and philosophical context of *The Republic*.

[7] Plato, *Republic*, 488a. Although this iconic greed of Socrates may be contrary to the usual image one might have of a philosophic Socrates, judging by Glaucon's sarcastic remark at 487e those who knew Socrates were accustomed to it.

[8] These would include the City in Speech itself (369a ff.), the ship of state (488a-489e), the Myth of the Cave (514a-521c) and the concluding Myth of Er (614b-621d). Notably Socrates uses a quote from Homer to initiate the dialogue about Justice which will be the subject of the conversation. Plato, 328e.

[9] It is important to point out that the noble lie does not necessarily mean that the political community is purely conventional. One can understand the political community as natural (e.g. proper for human beings and perfective of their nature) while still affirming the necessity of the noble lie. Notice that even a community based upon "self-evident truths" cultivates a shared history and identity with national flags, anthems, prayers and other such conventions.

[10] See the words of Publius in Federalist 49: "A reverence for the laws would be sufficiently inculcated by the voice of an enlightened reason. But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato. And in every other nation, the most rational government will not find it a superfluous advantage to have the prejudices of the community on its side."

which he introduces Utopia is to demonstrate the effectiveness of the "direct approach": "Perhaps my advice may be repugnant and irksome to them, but I don't see why it should be considered outlandish to the point of folly. What if I told them the kind of thing Plato imagines in his republic, or that the Utopians practice in theirs?"(35-6). In fact, what stands out in Utopia more than it's treatment of common property is that there is no equivalent in it to Plato's noble lie. For those who are familiar with both works, then, the pressing question is: How has Raphael managed to achieve what Plato's Socrates could not? Or has he?

We might approach this problem by simply asking two questions, following the suggested purposes of the noble lie above: How does Utopia see to it that each individual does the work which is most suited to him? And how does Utopia ensure that its members will accept "the last measure of devotion" to the good of the city?

As to the first question, the answer must be that Utopia does *not* in fact see to it that each individual will find the work appropriate to his nature. Utopia requires that everyone participate in farming, "men and women alike, with no exception"(48ff.) Such a requirement, however, assumes that all human beings are suited to the work of farming. But if all are not so suited—a fact that seems evident from experience—then this requirement falls short of justice. To be sure, Raphael later says that certain persons are "permanently exempted from work so that they may devote themselves to study," but this only occurs on the recommendation of the priests, and "through a secret vote of the syphogrants"(52). And whence do the syphogrants come? They are elected by the households (47), and this compounds the problem, for what qualifies the households to judge who is best suited to be a syphogrant? Although Raphael later specifies the objective qualities of a scholar,[11] what qualifies the syphogrant to judge who is qualified to be a scholar, if he is not himself a scholar? The electoral process has much to recommend it, but ensuring that occupations are filled by those suited to them is not one of them. The significance of this point can be made most pressing by asking: Does Utopia have a place for Glaucon? One especially wonders this given the rather bourgeois character of the "foolish pleasures" that Raphael catalogues in his discussion of illicit desires; no mention is made of the highest pleasures associated with tyranny (69-74).

It is notable that although the Utopians enjoy playing music (50), and that "every child gets an introduction to good literature" (63), they appear to have no poetry of their own, no epic narrative of their founding and identity, and no stirring tales of its gods and heroes. Their education seems to correspond roughly to the liberal education outlined in Book VII of the *Republic* (64), but without the antecedent formation of passion and imagination which is the necessary prerequisite to such an education (Books II-IV of the *Republic*). Moreover, the Utopians obliviousness to the dangers of dialectic that Socrates warns against suggests further that this city has forgotten important aspects of human nature. A closer examination of the moral and religious principles bears this out.

Raphael's articulation of the moral and religious principles of the Utopians is a confusing and even contradictory combination of Epicureanism, Stoicism and revealed religion. For example, the Utopians seem to recognize the contradiction in an ethic that both celebrates pleasure as its highest end and also teaches a moral duty

to relieve the suffering of others, which will occasionally require the denial of pleasure. And so what begins as the high principle that "Nothing is more humane…than to relieve the misery of others, remove all sadness from their lives, and restore them to enjoyment, that is, pleasure," finally ends up—in a tone slightly reminiscent of John Locke - as the lower exhortation "not to seek your own advantage in ways that cause misfortune to others." (67-68).

Indeed, the Utopians have a very difficult time justifying their other-regarding moral principles, either on natural or religious grounds. On the one hand they hold that "religious principles" are necessary to supplement reason because "reason by itself is weak and defective in its efforts to investigate the true happiness"(66), and on the other hand they maintain that reason leads them to accept their religious principles. But isn't reason being asked to carry too much water here? How can a religion based on reason correct the weak and fallible reason?[12]

Moreover, the religion is based upon a number of beliefs that philosophy might reasonably question, such as a provident God, the immortality of the soul, and rewards and punishments after death (66). Without such beliefs, the Utopians acknowledge, "no one would be so stupid as not to feel that he should seek pleasure, regardless of right or wrong"(66). Further, Utopia purports to be based upon religious toleration and pluralism. Without getting into the thorny question of whether such a concept is itself self-contradictory (must such regimes tolerate "intolerant" religions?), it is clearly not practiced in Utopia. We later discover that those who advocate the contrary of the religious beliefs above are believed to have sunk "far below the dignity of human nature;" although they "do not punish" such persons, they are "offered no honors, entrusted with no offices, and given no public responsibility."(95) Moreover, they are prohibited from advocating their opinions "among the common people"(68). So much for Raphael's "direct method."

In fact, as it turns out, within its apparent religious pluralism Utopia does indeed possess a "civil religion," replete with priests (98), churches (101), fasting (101), feast days (101), and sacred vestments with "symbolic mysteries" woven into them (102). Amazingly, this civil religion is based upon basic principles that all religions share, "So nothing is seen or heard in the churches that does not square with all the creeds"(100). During their religious services the Utopian thanks God "for the divine favour which placed him in the happiest of commonwealths and inspired him with religious ideas which he hopes are truest" (103). Yet Raphael never provides a satisfactory ground for these religious beliefs, or for the popular reverence that

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[11] See *Utopia*, 63: "These are persons who from childhood have given evidence of excellent character, unusual intelligence and devotion to learning."

[12] Raphael later remarks that some Utopians practice celibacy, which, if it had been chosen on the grounds of "reason alone, would be laughed at; but as these people profess to be motivated by religion, the Utopians respect and revere them" (98). But he fails to establish any ground for the intersection between reason and revelation among the Utopians. These remarks about celibacy also raise another point: Given what Raphael says about the Utopians adverse beliefs regarding pain and suffering (74, though this later seems to be contradicted at 97ff.), it seems very unlikely that Utopians would have discovered that "Christianity seemed very like the sect that most prevails around them" (93). Given their Epicurean and Stoic leanings, one would rather expect the response of the Greeks to Paul's preaching in Athens recounted in the seventeenth chapter of the Acts of the Apostles (RSV version): "Some also of the Epicurean and Stoic philosophers met him…And they took hold of him and brought him to the Areopagus…Now when they heard of the resurrection of the dead, some mocked; but others said, 'We will hear you again about this.' So Paul went out from among them."

maintains them.

In short, Raphael's account of Utopia simply fails to offer a persuasive demonstration of a regime based upon the "direct method." While on the surface avoiding the "throng of lies and deceptions" that were an integral part of Plato's *Republic*, Utopia fails to account for the incoherent amalgam of moral and religious beliefs and practices that underlay the stability of its regime. The alleged rationality and philosophic openness of the Utopians does not comport with their beliefs and practices, and yet no account of revelation is given that would explain the distance. Nor does the Utopian scheme for work and education appear likely to accommodate the natural differences between human beings. It achieves its apparent harmony by simply leaving out of its equation erotic souls like Glaucon, or like Thomas More himself. Which brings me to my final point.

After hearing Raphael's account of Utopia, More expresses to the reader a number of reservations:

> When Raphael had finished his story, I was left thinking that not a few of the laws and customs he had described as existing among the Utopians were really absurd. These included their methods for waging war, their religious practices, as well as other customs of theirs; but my chief objection was to the basis of their whole system, that is, their communal living and their moneyless economy (106).

But whereas More's earlier objection to communal property was based upon practical considerations of scarcity and the absence of work incentives (see 38-39), his new objection is based upon something higher: "This one thing alone utterly subverts all the nobility, magnificence, splendour and majesty which (in the popular view) are the true ornaments and glory of any commonwealth"(106-107). One finds here a strong echo of Glaucon's contemptuous objections to the first city of Plato's *Republic*: "You seem to make these men have their feast without relishes," and then a little later, "If you were providing for a city of sows, Socrates, on what else would you fatten them than this?" (372c-d). Like Glaucon, More is an erotic man who demands a compensatory justification for the good things he is being asked to forgo. Without the philosophical purgation that that Glaucon receives, Utopia can only look to such men like the city of sows.

In the end, More chooses to keep his reservations to himself: "I was not sure he could take contradiction in these matters…So with praise for their way of life and his account of it, I took him by the hand and led him to supper"(109). Thus with irony of indirection More exposes the hypocrisy of Raphael's anti-philosophical "direct method." Even more, he reminds us through his own "image" of the enduring and insoluble tension between philosophy and political life.

Law in Sir Thomas More's *Utopia* as Compared to His Lord Chancellorship

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I. Introduction

We, in the United States, are in the midst of a debate about whether the memoranda written by a young lawyer can be presumed to indicate what he might do should he be nominated to and confirmed to serve on the Supreme Court of the United States. This convocation address, and the article hopefully to emerge from it, takes that question back five hundred years, changes some key facts, and asks it retrospectively (after the subject's later legal career was concluded by beheading) rather than prospectively.

To attempt to predict from what a man said or did in one period of his life what he might do later is, of course, a little absurd. Do we want people not to change, evolve and grow? Can we be sure that the cautious conservative bent of a young Harvard Law School graduate working in the heady days of a conservative take-over in Washington will translate into a conservative bent when given unsupervised freedom to interpret the law as a member of the Supreme Court? Probably not and so I begin this exercise almost with my conclusion, namely that what is interesting about what Sir Thomas More wrote early in his career and then did later as Lord Chancellor is its similarity and this is interesting because so little of the rest of *Utopia* closely reflected his considered opinions a lifetime later.

II. *Sir Thomas* More's *Life*

Sir Thomas More is, of course, even well-known today. Paul Scofield's memorable film portrayal of him in the movie *A Man for All Seasons*, followed closely in the hagiographical tradition begun by Sir Thomas' son-in-law, William Roper, who wrote a compelling biography of More not long after his execution for allegedly committing treason against Henry VIII and the Tudor state. But the details of Sir Thomas' life are not well known so I wanted to tell a bit more about him as it relates to the rest of this paper.

More was born in London (to a London family) in 1478 the son of a fairly prominent lawyer, John More, and his wife, also the child of a lawyer who served as a Justice of the King's Bench. Thomas More was close to his father who he described as: "civil, gentle, innocent, meek, merciful, just and pure."[1] More entered Oxford, the constituent college is unknown, at age 14. He did not stay long for in 1494, at age 16, he commenced study at the Inns of Court in Lincoln's Inn being called to the bar as an utter (or outer) barrister in 1501.[2] (The Inns of Court were a professionally controlled training program for attorneys run out of several "inns" in London.) During this period we know that he met Erasmus in the summer of 1499. As far as we know, they did not meet again until 1505.

During the period from his admission as an utter barrister until 1518, Sir Thomas appears to "have practiced law" probably in both the common law courts and in the Court of Chancery and in other prerogative jurisdictions. Chancery was the court presided over by the Lord Chancellor and administering a separate or complimentary system of jurisprudence known as "equity" as opposed to the "law" applied in the regular courts including the Courts of King's or Queen's Bench and the Court of Common Pleas. Chancery was a "prerogative" court meaning it emanated from the King's residual power to do justice and the other prerogative courts included the Court of Star Chamber, the Court of Requests, and the Court of High Commission. More was elected to Parliament in 1504, served as an under-sheriff (and as one of the Commissioner of Sewers) of London from 1510 until 1518 and finally became a royal councilor in 1518.[3] He became a master, a kind of subsidiary judge, of the Court of Requests in 1512 and Speaker of the Commons in 1523. Requests was created as a separate jurisdiction by Wolsey in about 1519 to handle, as a delegee of Chancery, claims for extraordinary special treatment based on the poverty of the supplicant.[4]

It is in this period, ending in 1516 that More wrote his famous *Utopia*, a fictional recounting of a conversation between More and one Raphael Hythlodaeus, a Portuguese traveler, who had visited the imaginary nation of Utopia. (There are other conversations reported, including with the late Cardinal and Lord Chancellor John Morton, who was More's spiritual father.) Richard Marius, More's leading biographer of our epoch, believes that More was moved to write it as an oblique response to Martin van Dorp, a theological conservative at the University of Louvain, who had criticized Erasmus's *In Praise of Folly*.[5] We know that More shared his *Utopia* with Erasmus contemporaneously with its writing in Europe in 1515 and when it was finished Erasmus actually guided it through its initial publication by the press of Thierry Martens at Louvain in 1516. Jack Hexter concluded that More actually finished it after returning to England in 1516.[6] This began an intense period, lasting about five years, of collaboration between the two in promoting a humanist agenda for the renaissance Christian scholar that was ended only by the growing

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[1] Richard Marius, *Thomas More: A Biography* 8 (Cambridge, 1984).

[2] See J. H. Baker, *An Introduction to English Legal History* 184 (3d ed. London, 1990) for a discussion of the process in the Inns.

[3] Marius at 53.

[4] J. H. Baker at 138.

[5] Marius at 149-52.

[6] J. H. Hexter, *More's* Utopia: *The Biography of an Idea* 15 (Wesport, 1976).

strength in England of the Protestant factions which More resisted strongly and Erasmus responded to more equivocally. More's orthodoxy and in particular his resistance to the decentralized flavor of Protestantism no doubt recommended him to Henry VIII who appointed More to replace the disgraced Cardinal Wolsey as Lord Chancellor in October 15, 1529.[7] Before this More had actively supported the King's assertions of fidelity to an orthodox Catholicism, advising him even in writing his famous book, *Assertio Septum Sacramentorum*, which rejected core theological claims of Luther and Tyndale and that pleased the then Pope.

More had played a role in Wolsey's downfall but it was known that he resisted the King's desire to replace Catherine of Aragon as Queen and resisted even more strongly the King's affection for Anne Boleyn. More remained as Lord Chancellor until 1532 when he was forced to resign over his conflict (silently maintained) with the King over the divorce and remarriage and the attendant splitting off the English Church from the See of Rome and most significantly in Henry's taking on the title as Supreme Head of the Christian Church in England. More's graceful and respectful efforts to avoid an overt split with the King are well-known.

III. Utopia: *Its Structure, Its Purposes and What it Says about Law*

Western literary and intellectual history has produced a number of utopian books, *The Republic*, *Erewhon*, *In Praise of Folly*, *New Atlantis, Walden Two*, etc. Commentary on utopias frequently considers the question of what in the particular work is meant seriously, what may be in jest, and what may be intended to critique existing conditions without necessarily endorsing the observed state of affairs in the imaginary land. These alternatives, 1) serious proposal, 2) humor, and 3) counterpunctal criticism, are all present in Sir Thomas More's *Utopia,* and because he was a joker through his life the second alternative plays more of a role than, say, in *The Republic*. As I proceed into this subject even indirectly by describing the overall shape of *Utopia* and its probable purposes, let me say that many very distinguished scholars of More and *Utopia* have weighed in with varying hypotheses about different parts of the book or More's overall purpose and there is no way that a college president, even one reckless enough to venture into this area, can add anything definitive except his own opinions.

In the foreward to *Utopia*, addressed to Peter Giles, More recounts how he was in Antwerp when Giles introduced him to Raphael Hythlodaeus. He also mentions, significantly that: "I am constantly engaged in legal business, either pleading or hearing, either giving an award as arbiter or deciding a case as judge."[8]

Utopia is divided into two books. Book 1 is about one half of the length of Book 2. Some commentators make a significant distinction between the degree of "seriousness" in Book 1 versus Book 2 largely because of Book 2's longish description of the un-Christian religious beliefs and practices of the Utopians. I don't have a position on this so I make no distinction.

It is of course treacherous, as modern deconstruction has shown, to invest too much energy into trying to deduce the "purpose" of a literary work. But it has its utility, particularly in a focused inquiry like mine, for some comments that might seem bizarre when compared to the author's known views about a particular matter can be made sense of in terms of the overall purpose of the book, if it is knowable. So, what then are the various theories of Sir Thomas' overall purpose in writing this interesting book? By overall purpose I do not mean what triggered him to write it but rather his overall purpose. Russell Ames has argued that *Utopia,* far from being a reactionary endorsement of a medieval communalism, is primarily a revolutionary book espousing the anti-aristocratic creed of a rising middle class in England.[9] Alistair Fox sees *Utopia* as a book of delicious or intentional "inconclusiveness" by a clever author.[10] The late Jack Hexter has suggested that *Utopia* reflects More's growing disenchantment with legal work (drudgery) and also a desire to find a position at the King's court.[11] If this is true then, interestingly, More's comments on law may actually have been part of an affirmative campaign to get power in order to change English law and legal practice. Colin Starnes believes that *Utopia* is largely written to contrast and critique Plato's *Republic* and that Raphael is Christian modernist, with an empirical bent compared to the extreme philosophical idealism of *The Republic*.[12] George Logan's erudite treatment of *Utopia* concludes, similarly to Starnes, that *Utopia* is a serious work of advanced renaissance humanistic philosophy.[13] J.B.Trapp believes *Utopia* should primarily be viewed within the literary genre of idealized compositions taking parts from Horace, bits from Plutarch, etc. etc. and, therefore, primarily a work of literary composition.[14] Perhaps not surprisingly, Richard Marius, More's biographer, the man most weighed down by the entire story of More's life, concludes:

> How should we take *Utopia*? Disagreements abound. The irony of the work comes to us through profoundly serious issues, but we cannot tell where *irony* end and literal recommendations begins…The best we can do is to say that the details of *Utopia* raise problems but not necessarily *solutions*.[15]

Finally, virtually no one believes that Utopia is in any significant way a response to or reaction from Erasmus' *In Praise of Folly*.[16] There are passages in Utopia that clearly support the thrust of Erasmus that abstract philosophers should not be kings.[17]

Given the plausibility of a number of these thoughtful explanations I start off being studiedly agnostic as to the validity of any of them as they might explain or contextualize More's comments about law. Before describing what More does say about law and legal practices one methodological comment is in order. A lot of what

[7] Marius at 364,

[8] Sir Thomas More, *Utopia* 6 (Edward Surtz, ed., New Haven, 1964).

[9] Russell Ames, *Citizen Thomas More and His Utopia* (Princeton, 1949) 80.

[10] See generally Alistair Fox, *Utopia: An Elusive Vision* (New York, 1993).

[11] Hexter at 109.

[12] Colin Starnes, *The New Republic* 47-49 (Waterloo, Ontario 1990).

[13] George M. Logan, *The Meaning of More's* Utopia 110 (Princeton, 1983).

[14] J. B. Trapp, *Erasmus, Colet and More: The Early Tudor Humanists and their books* 59 (London: British Library, 1991).

[15] Marius at 185.

[16] Id. at 164. See generally Desiderius Erasmus, *In Praise of Folly*. Trans. John Wilson (Ann Arbor, 1971)

[17] *Utopia* at 90.

is described about Utopian life has obvious implications for legal norms but my discussion of the role of law in Utopia is tied only to fairly explicit discussions of law or legal institutions. It is of course possible that some of these legal passages are themselves wholly incidental to a description of a particular aspect of Utopian society and that Sir Thomas did not mean to make a serious statement about law, but I am going to assume that all direct suggestions about law should be considered as serious.

I think the Utopian discussion of law can be summarized in thirteen statements of legal propositions as follows: 1) All lawyers are banished in Utopia.[18] Individuals must plead their own cases in proceedings. 2) Law should not be "recondite" but interpreted in the most obvious fashion.[19] 3) Laws should be few in number.[20] 4) Theft offenses should perhaps not be punishable at all and certainly not by death.[21] 5) Marital infidelity should be punishable on a first offense by slavery and on a subsequent offense by death.[22] 6) Except in a few cases, penalties should not be fixed for offenses but left to the discretion of the sentencing body "according to it atrocity or venality…"[23] 7) International treaties are worthless and should not be written.[24] 8) Religious freedom should be guaranteed by law.[25] 9) There should be fines for recourse to outmoded laws that are not generally enforced.[26] 10) The law and judges should avoid arcane interpretations and debates about law but should instead judge the overall equity or justice of a situation and decide accordingly.[27] 11) Private or exclusive property should be abolished.[28] (It is worthy of note that in this instance Sir Thomas quotes himself as directly disagreeing: "Life cannot be satisfactory where all things are common…."[29]) 12) Private contracts exist and are enforced as should public obligations owed to individuals but there is no money exchanged but rather an overall credit accounting which is never reconciled.[30] 13) Through various rhetorical devices Utopia condemns trickiness or craftiness or extreme subtlety in law (and philosophy.)[31]

This is an odd list if one is looking for a complete system of jurisprudence in *Utopia*. And immediately on reading it one confronts the issue anyone reading Utopia confronts, what is Sir Thomas advocating and what is he joking about or merely describing to elucidate, by apposition, current English law and practice? In some cases, the prohibition on private property, we seem to know that Sir Thomas did not agree with Utopian practice. But most of the other things look plausible or arguable. The discussion of theft and how to punish it might strike one as odd but, of course, it

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[18] Id at 114.
[19] Id.
[20] Id.
[21] Id at Book 1.
[22] Id at 109 and 112.
[23] Id. at 112.
[24] Id. at 117.
[25] Id. at 133.
[26] Id. at 44.
[27] Id. at 45.
[28] Id. at 53.
[29] Id. at 55.
[30] Id 94-5.
[31] Id at 89. On philosophy see, Id. at 90.

echoes down through English history right to the time of Dickens when changes were finally made.

IV. Sir Thomas' Subsequent Career Including His Time as Lord Chancellor

A. Introduction

In evaluating the extent to which Sir Thomas More followed what he appeared to endorse in Utopian legal practice in his later professional career, one has to understand the development of Chancery, and the Star Chamber, as separate courts applying a seemingly separate jurisprudence from the law courts and the status of this historical development in 1529. In the generations after the Conquest by William of Normandy, English justice began to develop in what we call the royal courts a system of jurisprudence called the common law, common that is to all England. These courts gradually and by piecemeal grabbed jurisdiction and revenue for the crown from the inherited communal courts of the Anglo-Saxons. Sometimes jurisdiction was enlarged by fictional satisfaction of older rules and sometimes there was explicit royal legislation creating new causes of action or offenses.

In the development of the common law it was believed that these royal courts were emanations of the King's prerogative (hence their ability to replace the communal courts) but of course they became regularized and were then seen as the product of the common law system. But the king's prerogative continued to exist and he would occasionally hear cases in his "council" or delegate his chancellor, who headed the department of royal clerks, to hear such matters. In time, this power of the chancellor became known itself as a kind of jurisdiction, the Court of Chancery, and it possessed, certainly by 1400, a regular legal business. One has to be extraordinarily careful in describing the kinds of cases initially heard in Chancery and those later added to Chancery. But from the beginning the jurisdiction of Chancery was conceived to be based on some unique hardship, poverty, fraud, or perjury, that prevented justice in a broad sense from being achieved in the regular law courts, King's Bench and Common Pleas. And later, as I mentioned before, Chancery spawned the Court of Requests which heard similar cases and the Star Chamber developed to hear certain quasi-criminal matters and High Commission heard matters of doctrinal aberrancy.

Suffice it to say that there never was a clear line delineating the outer limits of Chancery's jurisdiction, and the common law lawyers and judges came to see Chancery as invading first in one case and then in a whole line of cases the common law's turf. From the perspective of the Crown, Chancery's growth, and it did grow, was justified by the fact that the common law had "blinders" in some cases to substantial injustice based on the application of its rules in a rigid fashion. The common law judges were suspicious about spongy claims of "substantial" justice and favored unremitting application of rules.

This low level conflict began to heat up in the late 15th century and then also throughout the 16th century when the common law judges claimed that Chancery was second guessing common law judgments or even moving to enjoin (Chancery alone had the power to enjoin or prohibit action---common law judges had the power to fine, impose damages and in limited cases imprison malefactors) legal action. The Chancellors were even seen to be enjoining the common law judges from acting. The Chancellors argued that their jurisdiction was based on

"conscience" a specific conscience, limited by cases, and that their orders ordered malefactors (not the common law judges) to do something. For instance, if I was owed money by Jim Swartz and he gave me a penal bond and then he paid me back and I failed to cancel the bond and then executed on the bond to collect for a second time the debt, Jim Swartz might get a bill in Chancery to enjoin me from proceeding. His claim would be that I was acting fraudulently. But the common law judges frequently saw such actions as invading their domain.

During Cardinal Wolsey's chancellorship two major developments occurred. First, he expanded the institutional opportunities for these special prerogative courts to hear and decide matters. Second, although he did this publicly and frequently with the connivance of the common law judges, the number and type of chancery cases increased significantly.[32] The general types of cases: complex real property actions, debt and bond relief actions, poverty claims, other "conscience" claims, and familial descent and distribution cases remained roughly the same. It had become clear to some common law judges that they had a major and serious competitor. (This state of affairs steadily worsened after Sir Thomas' demise and eventually in 1616 King James I permanently adjudicated the overall issue in favor of Chancery.) Thus, England, alone in Europe, ended up with two sets of courts frequently hearing related aspects of a single dispute.

At the time of More's accession as Lord Chancellor in 1529 the irritations between the law courts and the prerogative courts were not raw. There was, however, an ongoing debate and a respected common lawyer and political thinker, Christopher St.Germain, had written a dialogue that we know as *Doctor and Student*.[33] The dialogue is between a doctor of divinity and a student of the common law and is designed to explain that the scope of "equity" as chancery's jurisprudence came to be known, was not a generalized and unbounded conscience but rather specific reliefs to common law doctrinal failures or even more generally a notion that law should be interpreted flexibly and in aid of its purposes and not narrowly and literally.[34] St. Germain's dialogue provoked a responsive by a common law adherent and then a rejoinder by St. Germain.[35] Although More and St. Germain ended up very much on opposite sides of the fence over Henry's divorce and withdrawal from the Roman church, both believed that the idea of equity or the softening of the edges of rules in extraordinary situations of justice needed to be incorporated into the common law as well as in Chancery.[36]

B. More's Record as Chancellor

As everyone trying to deduce Judge Roberts' views on legal matters is finding out, it is difficult to separate what a lawyer has said from what his client at a particular time wished to do or his professional supervisor may have wanted. And once someone gets to be a high legal official, like Sir Thomas, that difficulty is compounded by the demands of the institutional role as, say, the Lord Chancellor. The state of judicial records from the 16th century Chancery adds a further element of complexity in that it is not clear from many chancery records who is representing the parties or actually decided the matter or even what the final decision was. Luckily, an extraordinarily able legal scholar and historian, J.A. Guy, has poured over the Chancery's records for Sir Thomas' period as Lord Chancellor and his fine work[37] provides information that can be used to attempt to answer the question posed at the beginning of this paper.

The case of Richard Fisher, a servant of Catherine of Aragon, against John Chandler, a London draper, is illustrative.[38] Fisher sought a bill in equity after Chandler had sued him in the London Mayor's Court in an action of debt for 21 pounds. Fisher asked that his body (he had been arrested) and the records of the Mayor's Court proceeding be brought into the Chancery for review. His claim was that he was underage when the "debt" was incurred and that it was unconscionable for Chandler to proceed against him. We do not know what finally happened in this matter but we do know that Chandler countered with the claim that Fisher had become bound at his father's request---his father was also a draper like Chandler. Thus, the Chancellor had to decide whether Fisher himself may have been conniving with his father to avoid this obligation by placing a young, but perhaps not young-appearing, Fisher as the obligor on the debt obligation and then using his nonage as a defense to timely payment.

It is from the bits and shards of cases like Fisher's that one has to attempt to answer the question that I posed at the beginning of this exercise. In the paragraphs below I will attempt to summarize, using Guy's evidence, or to explain why no evidence exists, the extent to which the older Sir Thomas emulated Utopian legal practices.

More showed a consistent dislike for technical or crafty argumentation in the Chancery in favor of general claims for justice. For the most part More showed his dislike for craftiness in the context of complex real property cases involving property held to "uses," we would say property held by trustees. Frequently the trustees would fail to do what they had promised to do upon entering into the trust relationship or conversely the feoffees to uses (trustees) would be ousted by a crafty and occasionally false claim of title.[39]

More favored outcomes that favored the innocent and honest party, broadly conceived, even if he or she would lose the strict legal question. Four creditors of Harry Lightmaker, a merchant who was abroad, sued his son, who was handling his father's affairs temporarily for 125 pounds at law and procured the son's, Edward, arrest and detention.[40] The son could not prove or disprove the validity of the underlying debts (without his father) so he sought a bill in chancery and Sir Thomas granted the bill ordering Edward's release and the adjournment of the hearing on the creditors claims until the father returned.

More did not continue Wolsey's expansion of prerogative jurisdictions but argued that the

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[32] J. A. Guy, *The Public Career of Sir Thomas* More 40 (Brighton, 1980).

[33] J. H. Baker at 216.

[34] Christopher St. Germain, *Doctor & Student*, Selden Society v. 151 (T. F. Plucknett, and J. L. Barton, eds. London, 1974). The argument was also made in a later treatise of St. Germain's. *Christopher St. Germain on Chancery and Statute*, "A Little Treatise concerning Writs of Subpoena," (J. A. Guy, ed., London, Selden Society Special Vol. 1985).

[35] Guy, *The Public Career*, at 43-44.

[36] Marius at 377-78.

[37] Guy, passim.

[38] Guy at 69-70.

[39] Guy at 58-61.

[40] Guy at 73.

common law judges should import notions of equity into the common law. In his biography of Sir Thomas, William Roper recounts the following story:

> And after dinner when [More] had broken with them [the common law judges] what complaints he had heard of his injunctions, and moreover showed them both the number and causes of every one of them in order so plainly, that upon full debating of those matters, they were all enforced to confess, that they in like case could have done no otherwise themselves, then offered he this unto them, that if the justices of every court (unto whom the reformation of rigour of the law, by reason of their office, most specially appertained) would upon reasonable considerations, by their own discretions (as they were, as he thought, in conscience bound) mitigate and reform the rigour of the law themselves, there should from thenceforth by him no more injunctions be granted. Whereupon, when they refused to condescend, then said he unto them: 'Forasmuch as yourselves, my lords, drive me to that necessity for awarding out injunctions to relieve the people's injury, you cannot hereafter any more justly blame me.' And after that he said secretly unto [Roper] 'I perceive, son, why they like not so to do, for they see that they may by the verdict of the jury cast off all quarrels from themselves upon them, which they account their chief defense; and therefore am I compelled to abide the adventure of all such reports.'[41]

More did not play any direct role in suggesting reform of the penalty for theft but his actions suggested that he continued to believe that personal crimes of violence were more serious than property crimes. Chancery of course had no jurisdiction over crimes and indeed most crimes were non-statutory so any change in the punishments for theft would have had to come from the common law judges. At the same time, one thoughtful commentator on *Utopia*, Dominic Baker-Smith, has suggested that More offered the suggestion of changing the punishments for theft based on a canon law notion that crimes "necessity" should not be crimes at all or should be crimes of lesser severity.[42] More did participate in freeing a number of debtors imprisoned by granting them relief in equity for the fraud or knavery of their accuser at law.

Contrary to Utopian practice More actively pursued heretics and savagely attacked them in pamphlets during his time as Lord Chancellor. As Richard Marius has written: "[More used the tools of his office] to wage unrelenting war against the enemies of the faith."[43] Marius' explanation for this is that More was a "cruelly divided man,"[44] meaning he was torn between his desire to serve the Crown and his own wish to prepare for heaven. More examined some heretics at his home, with clergy present but also participated in the burning of certain heretics while Lord Chancellor.[45] All of this can not be squared with More's admiring reference to the legal freedom of Utopians to believe as they wished, but again the distinction to be made may be that the Lord Chancellor really had no direct role to play in deciding about religious toleration. Perhaps the answer can be found in his words of admonition to political

officials when things are going contrary to their considered opinions: "If you cannot pluck up wrongheaded opinions by the root, if you cannot cure according to your heart's desire vices of long standing, yet you must not on that account desert the commonwealth. You must not abandon the ship in a storm because you cannot control the winds."[46]

Justice should operate in a fashion that is blind to the wealth and status of the litigants. As mentioned above, More could hear cases both in the Chancery and also in the Star Chamber particularly when force or violence was alleged that would not be recognized in a common law proceeding. One example was a series of cases arising from the death of Lord Willoughby de Eresby in 1526.[47] The Lord's widow, Lady Mary, maintained that her daughter who was nine, Catherine, inherited as the general heir all of her father's estates. However, Catherine's uncle, brother of the late Lord, Sir Christopher Willoughby, claimed the entire inheritance as the heir male (claiming implicitly that the underlying title was a title in fee tail male as opposed to a fee simple absolute.) As it turned out, there were several different sources of title for the several estates of the deceased Lord and so More proceeded with caution, protecting the young daughter, by picking through each estate (he did not finish this litigation) and ascertaining which kind of title the late Lord held and also awarding these estates to Catherine or Sir. Christopher, as the facts required. He also sequestered the profits accruing from any estates whose title remained unclear pending a final resolution of the case. This case reflects the traditional chancery concern with wards, young heirs, and also concern about oppression by a wealthy uncle.

More did not act to abolish lawyers or the legal profession or appear to disfavor them in any explicit way. Again this is a matter of roles, for the Lord Chancellor had no control over the bar which was self-regulating from its origins or only regulated by the judges of the Common Pleas or the Bench. He surely disliked the notion that legal craftiness might help one person over another but he did not ever act to eliminate lawyers or even limit the scope of their activities.

More took no steps to abolish or limit private property, eliminate international agreements, or to punish marital infidelity more seriously than it had hitherto been punished in England. We know Sir Thomas himself argued against the idea that private property could or should be eliminated in his *Utopia*. But he surely felt that private property and the power which came with large, uncultivated[48], holdings of property were dangerous and even unjust to those without such holdings or power. At the same time it would greatly overstate what we know of his lord chancellorship to say that he displayed any hostility to private ownership of land or other property. Indeed, almost all Chancery cases involved competing claims for such valuable assets and frequently involved competing claimants of roughly equal status and wealth (pending the outcome of the case, of course.)[49] Raphael, by contrast, endorses a Platonic vision of

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[41] William Roper, *The Life of Sir Thomas Moore(sic), Kknighte*, 44-45 Early Eng. Text Soc'y, v. 197 (Oxford, 1958).

[42] Dominic Baker-Smith, *More's Utopia* 106 (London, 1991).

[43] Marius at 386.

[44] Id. at 391.

[45] Id. at 392-402.

[46] *Utopia* at 49-50. Roper recounts a conversation with his father-in-law in which Sir Thomas seems to suggest that high and mighty might some day wish they had a state of toleration rather than one which persecutes heretics for they might end up being persecuted. Roper at 35.

[47] Guy at 59-60.

[48] Utopia at 27.

[49] Guy at 63-65.

limited property, wholesale equality and limited laws.[50]

More did at points in his legal career endorse efforts to improve governmental practices along Utopian lines. In a thoughtful essay based on the Records of the Duchy of Lancaster of which Sir Thomas served as Chancellor there are a number of cases reported, including some protracted litigation about election procedures in the borough of Preston. More, as Chancellor, attempted to impose on the powerful local figures certain requirements of fair play with a strong Utopian flavor.[51] He also pursued during his professional life improvements in public health and medical practice suggested in *Utopia*.[52]

V. Endnote

As *Utopia* comes to an end, Sir Thomas was careful to distance himself from certain Utopian practices. As to Raphael, he wrote: "…I cannot agree with all that he said."[53] Even more pointedly he said: "When Raphael had finished his story, many things came to my mind which seemed very absurdly established in the customs and laws of the people described…but most of all in that feature which is the principal foundation of their whole structure, I mean their common life and subsistence--- without any exchange of money."[54]

The wonder of More's Utopia is that even as to its most outlandish, to 16th century English eyes, features, the utopian author can still be critiquing his own society and legal order. So, while abolishing private property or eliminating currency may be absurd or impossible it is not absurd to construct and administer a system of jurisprudence focused on treating equally, the rich and the poor. As to other things, like the need for fewer laws and simpler interpretive methods, there is no discontinuity between Utopia and More's chancellorship. But finally, there are a few things, Sir Thomas's views of religious toleration as opposed to his duty as a royal servant, about which we will perhaps be forever in doubt. But it would seem that if Sir Thomas refused to swear an oath affirming the King's supremacy over the church in England and he truly felt that religious toleration was good or desirable, it would seem unlikely that he would lead a very vicious charge against heretics unless at bottom there was in Sir Thomas, later in life and on painful reflection as the world came apart around him, really a most convinced Christian orthodoxy which made the notion of the King's supremacy morally abhorrent. So, in the end it may be appropriate that history remembers him more as moral exemplar, St. Thomas More, rather than as a sophisticated and reforming Lord Chancellor. And by a great irony of history that title may better be attached to Thomas Wolsey.

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[50] Utopia at 53.

[51] Margaret Hastings, "Sir Thomas More: Maker of English Law?" in R. S. Sylvester and G. P. Marc'hadour, *Essential Articles for the Study of Thomas More* 112-116 (Hamden, 1977).

[52] Arthur S. McNulty, "Thomas More as Public Health Reformer," id at 119-49.

[53] *Utopia* at 152.

[54] Id at 151.

Variations on a Utopian Diversion:
Student Game Projects in the University Classroom
Michael P. Foley

I. Introduction

Raphael Hythloday's account of Utopia and its singular people contains not only an outline of the islanders' more serious convictions and customs but a depiction of the lighter moments in their daily lives. Among these is a brief report on the two "chess-like" board games that the Utopians play in their free time. Hythloday describes the first as a game of numbers in which "number loots number" (*numerus numerum praedatur*).[1] The second game, on the other hand, pits the virtues against the vices in a battle of strategy and cunning. Hythloday elaborates:

> This game shows very cleverly both how the vices fight among themselves but join forces against the virtues, and also which vices are opposed to which virtues, what forces they bring to bear openly, what instruments they use to attack indirectly, what defenses the virtues use to fend off the forces of the vices, how they evade their assaults, and finally by what methods one side or the other wins the victory.[2]

The detail of Hythloday's description as well as its approving tenor will come as no surprise to the reader of *Utopia*. Hythloday first mentions the topic of play in his conversation with More in order to condemn the morally unsound games of the English, prone as they are to betting and gambling.[3] Later on, near the end of Book

2, he does not fail to mention that the Utopians view games of chance as silly.[4] Hythloday's praise of the Utopian games thus serves to reinforce his critique of recreation in Europe as well as to promote the greater moral imagination of the Utopians. As the marginalia for this paragraph proclaim, "Even their games are helpful!"[5]

Furthermore, Hythloday tells More early on that all Utopians learn farming, their most important occupation, not through onerous instruction but through a sort of playful practicing.[6] That their games should reflect a similar pedagogical tack underscores how the broader theme of playfulness in More's *Utopia* is hardly random or trivial. Thomas More (the author) is clearly echoing the emphasis on playful instruction in Plato's *Republic*, where Socrates stresses time and again how the ideal education should not be coercive but playfully instigated and executed.[7] Play even emerges as a crucial element in understanding the often misty meaning of both the *Republic* and *Utopia*. In Book 1 of *Utopia*, for instance, only the sagacious Cardinal Morton can tell when Hythloday is serious and when he is teasing; every one else at the table mistakes his deadpan irony for earnest sincerity. Worse, when the friar tries to play the wit (*scurra*) as a way of coping with Hythloday's unconventional thinking, his strained attempt at levity quickly turns into an ugly exercise in humorless rage.[8] More's prediction in his prefatory letter to Peter Giles about the various ways in which people misread a text would seem to have more than a passing connection to their ability to distinguish the truly from the seemingly serious as well as to their capacity for recognizing when and in what way their legs are being pulled.

All of this is a rather elaborate way of saying that by the inner logic of *Utopia* play is a serious matter, which is one of the reasons why for the past three semesters I have given my Great Texts students at Baylor University an optional assignment: to design the very Virtues-and-Vices board game that Hythloday describes. This morning I would like to report on the fruits of their labor thus far.

II. The Assignment

When offering my students the opportunity to design and make a Utopian game, I stipulated that the finished product should resemble a commercially available, honest-to-goodness board game. This obviously requires not only providing written instructions for the game (which is where I, their grader, could most easily gauge their understanding of the reading material), but physically making a gameboard, pieces, etc. I allowed interested students to take on this project instead of submitting a written paper, and I required those interested in it to form groups of two, three, or four, a rule which I made for three reasons. First, I felt that the game project was too demanding and time-consuming for an assignment worth only 20% of their grade.

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[1] *latrunculorum ludo non dissimiles*, trans. mine (Miller, 62). Though I include the original Latin, all citations, for the sake of convenience, are from Thomas More, *Utopia,* Clarence H. Miller, trans. (New Haven, CT: Yale University Press, 2001).

[2] *Ibid.*, Miller's translation.

[3] *improbi ludi* (Miller, 25).

[4] *inepta laetitia* (Miller, 86).

[5] *lusus utiles quoque*. Q.v. the 1518 Basel edition, available online at http://www.ub.uni-bielefeld.de/diglib/more/utopia/. Translation mine.

[6] *quasi per ludum educti* (Miller, 60).

[7] *Republic* 7.536e; cf 4.424a, 4.425a-b.

[8] Miller, 33-34.

Second, I was hoping that the creative exchange of ideas within a group setting would lead to a higher caliber product. Third, I wanted my students to experience firsthand a principle very much alive in More's *Utopia* and in every medieval and early Renaissance work we read during the semester, namely, that the good life consists at least in part of good friends getting together and discussing great books and great ideas.

The template for their own games was to be, of course, Hythloday's account, and so their work was to be partially judged by its fidelity to his description, e.g, it had to be chess-like, show which vices are opposed to which virtues, etc. Meeting all of these criteria on the basis of *Utopia* alone, however, is somewhat difficult, as Hythloday never tells us what virtues the Utopians thought were opposed to what vices and so on. Fortunately, *Utopia*'s lacuna became a perfect springboard for integrating the assignment with the rest of the course. I teach More's *Utopia* as either the last or penultimate book of a semester on the "Medieval Intellectual Tradition," and thus its placement affords a cumulative viewpoint from which to surmise the other things we have been reading. Several of our texts—such as Hildegard of Bingen's *Play of the Virtues*, Thomas Aquinas' *Summa Theologiae*, and Dante's *Comedy*—do provide a more detailed account of individual vices and virtues, and so I instructed my students to use as much as they could of these writings. The one complication to this solution is that all of these ethical schemas were penned by Christian authors whose faith clearly informed their understanding of virtue, while the Utopian chess game would have ostensibly been made years before the Gospels had reached Utopia's shores. To circumvent this problem, I gave my students the option of either abstracting from quintessentially Christian virtues (such as Faith, Hope, and Love) or of making an "A.D." version of the game presumably designed by Utopians who had converted to Christianity. Finally, to make things interesting, I asked them to incorporate other details about Utopia, such as the geography of the island and the mores of its people (for the original assignment sheet, see the Appendix below).

III. Results

The results—as one can see from the samples that are on display around us (and the photographs I include here)—were impressive. Most of the students found ingenious ways of rising to the challenge I had set before them. For the sake of convenience, I divide their work into three often-overlapping categories: games of chance, tests of knowledge, and games of strategy.

A. Chance

Games of chance I define as ones that rely exclusively or primarily on a roll of the dice or a draw from a deck of cards in order to win the game. These are, of course, in flagrant violation of the Utopian disdain for gambling and dice, but I tended to be forgiving of this deficiency when it was overcome by the game's other strengths. A good case in point is "Virtopia," by Kaitlin Campbell, Amanda Heitz, Maddi Mullings, and Rachel Nelson, the object of which is to collect as many Virtue cards and as few Vice cards as possible before the first person reaches the last space and the game ends. "Virtopia" abounds in Utopian motifs. Everyone begins the game in a state of childhood and hence must wear cosmetic jewelry (generously provided for by the game's designers); only after passing a certain point on the board can one achieve adulthood and discard them. If a player lands on a "Battle space," he must draw a battle card, which represents an internal struggle of the soul. If the player does not have the pertinent Virtue card that overcomes the struggle, he is cast into slavery and must resume his wearing of jewels. Players may also land on other squares which reward Virtue cards for such acts as saving livestock from a fire and Vice cards for getting "hammered at a wedding." The player who wins is then given permission to commit suicide!

"Virtopia" by the team of Campbell, Heitz, Mullings, and Nelson.

Though "Virtopia" did not comply with all of the criteria, it earned a high mark for its cleverness, attention to detail and presentation, and incorporation of class material. Quite a few students had games of similar design, perhaps a lingering testimony to Milton Bradley's "The Game of Life" on the imagination of American youth.

B. Test-of-Knowledge

If most of the games of chance resemble "The Game of Life," the test-of-knowledge games that I received bear a resemblance to "Trivial Pursuit." A case in point is "Virtue Quest," by Elizabeth Le Coney, Haley Payne, and Emily Rodgers. On a game board resembling the island of Utopia, each player, representing one of the Seven Deadly Sins or one of the corresponding Virtues, must answer difficult questions about all of the semester's reading material, for "in the true spirit of Utopia, the mind is the final battlefront where wisdom and knowledge prove more powerful than physical strength." But as intellectual development alone does not constitute the good life, there is also a point system that gauges moral virtue. These points are determined by the card one draws, as each card gives the name of a literary character we encountered during the semesters and a calculation of how he or she measures up to seven moral virtues on a four-point scale.

"Virtue Quest" by the team of Le Coney, Payne,
and Rodgers

"No Good Place" in *Ou Topia* Mode

"No Good Place" in Eu Topia Mode

The Pardoner in *The Canterbury Tales*, for example, gets low marks in all of the virtues, while Orlando in Shakespeare's *As You Like It* fares relatively better. Francesca and Paolo from Dante's *Inferno* get zero's in chastity and temperance, while St. Thomas More scores perfect fours in both. The game's designers made thirty such evaluations, along with forty-four trivia cards testing the player's knowledge of the intricacies of the *Divine Comedy*, the *Summa Theologiae*, the *Arabian Nights*, *Perceval*, and, of course, *Utopia*.

C. Strategy

Games that rely solely on strategy rather than chance or memory most closely approach the chess-like nature of Utopian games and hence most perfectly fulfill Hythloday's description. There are several outstanding examples that fall into this category, such as the gargantuan "Virtues & Vices" by David Jung, Windrik Lynch, and Trent Futral, which consists of a sixteen square foot wooden gameboard, a model wooden sailing ship, a handmade fort, and an agricultural field. Equally impressive is "Vices vs. Virtues" by Jay Jackson, Jeanine Novosad, and Paul Ryan Godfrey, which combines the rules of chess, the mountain of Purgatorio, and the ethics of Aquinas to form an excellent "A.D." game for Utopian devotees of the medieval Great Books canon.

One strategy game that is particularly clever is "No Good Place" by David Cheng, Kristen Fisher, and Katy Simpkins. This too is chess-like in that it has only two players who must move multiple pieces in order to capture the seven principal pieces of the opponent. These pieces are named after the characters about whom we read and represent the Seven Deadly Sins and their corresponding Virtues. The game is also somewhat like checkers in that pieces may acquire additional strength by successfully performing certain operations, but it is more complicated as it also contains "parasitic vices" that can attach themselves to particular Virtues. But the most unique feature is the gameboard itself which, as you can see from the photographs below, consists of four concentric circles that can take two distinct shapes. When a Vice piece reaches the innermost ring, the board is turned into the shape of a funnel, representative of Dante's Inferno.

The space is then called "No Place" (*Ou Topia*), and the Vice pieces gain the advantage by being granted greater mobility than the Virtues. But when a Virtue piece reaches the outermost ring, the board is flipped into the shape of a mountain not unlike Dante's Purgatorio. The battlefield is then called "Good Place" (*Eu Topia*), and the Virtue pieces regain the tactical edge.

IV. Conclusion

How should one assess the success of the assignment as a whole? Three different criteria come to mind: 1) the product itself, 2) the effect on the games' producers, and 3) the effect on the game's players. In terms of the product, I was in awe of the care, resourcefulness, attention to detail, and I daresay beauty of the majority of the submissions. If anything, the games taught me what the imaginative and well-read mind is capable of doing with a computer, laminating material, and a conveniently located Hobby Lobby. But this is not to say that the games were perfect in every way. One of the recurring problems I found was that most students had never actually played their own games after finishing them, and thus they missed a number of minor defects in their creations. (There is no substitute for a good old-fashioned test drive.) Similarly, several otherwise fine young essayists in the class had difficulty conforming to the genre—if I may put it that way—of rule-book writing, the result being a number of circuitous, byzantine explanations of rules which could have been explained much more simply and clearly. This phenomenon reminded me of the difficulty mechanical and computer engineers have in communicating their work to the American consumer, and why once upon a time so many VCRs in the United States, despite lengthy directions in English, French, Spanish, German, and Japanese, still had a blinking "12:00" for its time display.

The more important question, however, is whether the students actually learned anything from their efforts. Here I believe the answer to be a hearty yes, though not perhaps in the way I had anticipated. To some extent, the requirement to instantiate a schema of individual virtues and vices took their attention away from More's *Utopia* to Aquinas, Dante, Chaucer, and Hildegard of Bingen, and thus "the Utopian game project" became less and less Utopian in character. Since I had used the project as a way of summing up the entire course, I was not terribly upset by this result, but I

can understand how other teachers who focus more exclusively on *Utopia* may find this disappointing. I was also gratified, and a little concerned, to see how hard some of the students had worked. Some of them reported back in a survey I had asked them to fill out afterwards that they had spent as many as forty hours in eight days' time on the game. Further, one team mentioned that their project cost as much as two hundred dollars to make. Since I obviously do not want the assignment to become the sort of thing where raw financing trumps mental acuity and where less affluent students are put at a disadvantage, I intend to put spending caps on future assignments. (I later confirmed, incidentally, that there was no correlation between money invested and grades received.)

Though the propensity to excess is a potentially dangerous pitfall, it does at least make clear the fact that the project fired the students' imagination and channeled it in more or less the right direction, which is not something that happens very often in their world of bad cinema, music, and video-games. And it is equally clear from the finished product that it forced them to gain a greater mastery of the works we had read. Indeed, it later occurred to me that my students' enthusiastic reaction to the project was itself a perfect illustration of why Thomas More and his classical predecessors endorse the idea of "serious play" in the first place. For my students, designing the game was itself a game; it had an unavoidably playful, fun-loving element to it; it smacked of a challenge. At the same time, it required of them intellectual discipline and ingenuity, and it ordered them to a serious consideration of one of the underlying themes of the semester, what is the best way to live.

Finally, I was able to observe the effects of playing these games on two of my children, my six-year-old and four-year-old daughters. They had developed a keen interest in the projects ever since I brought them home to grade, and they quickly got hooked on "Virtopia," which they still play today. I must admit that it was this game rather than my own catechesis which introduced them to the notion of virtue and vice and to the shocking idea that jewelry and other Cinderella-esque paraphernalia are frivolous. While observing my own offspring hardly measures up to the rigors of a scientific case study, I can at least say that the experience has deepened my own conviction that Plato and Thomas More are right about the value of didactic play. And it strengthens my hope that these games and others like them may continue to mix the serious and the playful for the benefit of their creators and their players, all in a way that would make the Utopians and Sir Thomas More proud.

V. Appendix
The Game: Optional Assignment for the Final

On page 62 of *Utopia* Raphael Hythloday describes a chess-like board game "in which virtues are lined up in battlefront against the vices." Hythloday adds,

> This game shows very cleverly both how the vices fight among themselves but join forces against the virtues, and also which vices are opposed to which virtues, what forces they bring to bear openly, what instruments they use to attack indirectly, what defenses the virtues use to fend off the forces of the vices, how they evade their assaults, and finally by what methods one side or the other wins the victory.

Design the board game of the Utopians by combining Hythloday's description of it with:

1. Other details Hythloday gives us about Utopia e.g., the shape of the island, its cities, military practices, customs, etc.

2. Other writings we have read together this semester, the more the better. For instance, since *Utopia* does not catalog the virtues and vices, you should turn to St. Thomas Aquinas' *Secunda Secundae* or Dante's *Comedy* to figure out what vices should war against what virtues and so on. Technically, since the Utopians were not Christians when Hythloday visited them you would not have to incorporate the theological virtues of Faith, Hope, and Charity or any Christian ideas on grace or revelation. On the other hand, you are free to design an "A.D." version of the game, envisioning what modifications to their game the Utopians might have made had they come into contact with the same books that we have read. This may indeed be a more fruitful approach.

Your finished project should resemble a game you buy at the store, i.e., it should have a board and all the pieces along with written instructions that not only tell the reader how the game is played but how it ties in with Utopian life or the Medieval Intellectual Tradition we have been studying.

Finally, your game will be evaluated by four criteria: 1) its fidelity to Hythloday's description; 2) its incorporation of Utopian mores, etc.; 3) its incorporation of the other works from the course; 4) its presentation/appearance; and 5) its "play-ability," i.e., whether it is actually an enjoyable game to play.

Utopia from an Economist's Perspective
Samuel Bostaph[1]

The bedrock of the theory of the market economy is the assumption of private property rights. Without the command and control of property assured to the individual by his or her property rights, there can be no regularity and stability in the exchange of things. Without regularity and stability in exchange, there will be no prices set in markets that reflect market conditions of demand and supply, themselves reflective of relative resource abundance. Without such market prices, there is no basis for rational individual planning in consumption or production activities.

The primary requirement for a completely planned socialist economy is the absence of private property rights. Property rights allow individual control and use of property—resources—that it is the purpose of planning to control and to use socially. Private property rights disrupt the planning process. Thomas More appears to recognize the signal importance of this requirement because he has Raphael Hythloday present the argument against private property at the end of Book 1 of *Utopia* (37-39)[2], just as he is about to describe the ideal state in Book 2. It is notable that Hythloday invokes the authority of Plato, while misrepresenting the argument found in *Republic*. Plato emphasizes justice as social order, and requires communal ownership only by the Guardians in order that their attention not be diverted from their main goal of fostering and maintaining order in the state; Hythloday argues injustice as inequality in possessions and justice as equal distribution, and recommends it for the whole population (103-06). He also states that it will result in abundance and happiness for all men, where Plato was neither concerned with the question of the quantity of goods in the ideal state nor with the personal happiness of its inhabitants.

In contrast, More's reply (38-39) faithfully renders two of Aristotle's arguments against communal property from Book 2 of *Politics*. Hythloday has no answer to More's argument, but merely claims a special knowledge that communal property works in Utopia. It is difficult to avoid the conclusion that More deliberately has compromised the very foundation of the Utopian economy at the outset of its description with his refutation of Hythloday's argument in favor of communal property and against private property rights. More's later arguments in *A Dialogue of Comfort Against Tribulation*[3] in favor of private property rights only add to the strength of this conclusion.

As Hythloday describes Utopia in Book 2, it is an elective authoritarian state, with an agricultural-based, planned economy. There is no private property and the citizenry are assigned positions in the workforce to suit the needs of production in the economic plan. Every citizen is trained as an agricultural worker, as well as in at least one non-agricultural craft or profession, which are limited to those deemed essential. Employment in either agriculture or crafts is completely according to the needs of the state. All citizens work in a strictly scheduled workday except for the intellectual class, membership in which depends upon performance. It is also that class from which the officials and rulers are chosen.

Meals are taken in common dining halls, the sick are cared for in public hospitals and infants and children up to the age of five are nursed and live in separate quarters. Given that slaves do all the heavy labor and least desirable work, and given the strict social hierarchy observed in the living and dining quarters and the severe restrictions on travel, the picture painted is one of a highly regimented society with its production, consumption and leisure activities meticulously planned. No basis for the planning is presented, other than the assertions of the narrator as to what is considered necessary and desirable. The method of planning goes unmentioned, but apparently is the fiat of the elected rulers of the General Council of the island and the senates of the cities.

Consumer goods are limited in variety and standardized in attributes and quality. They are available for distribution to the head of each household in each quarter of each city in "markets" where they are placed in storehouse buildings as they are produced. Distribution occurs when the head of each household takes what he requires from the city stores. This is no "market" in the economic sense of the term. There is no bargaining, no use of money, no price formation, no trading of one thing for another or of commodities for money. In fact, there are no "commodities" in the Utopian economy—"commodities" being defined in any economy as goods or services that are the subjects of exchange activities. There is no indication of how the requirements of a household are determined. Evenness in distribution of existing goods throughout the country is obtained by physical transfer of goods from regions where there is relatively more physical abundance to areas where there is less. In Hythloday's words, "…the whole island is like a single family" (59)—a view Aristotle criticizes in *Politics* 1261a1-20.

Yet, Hythloday is not ignorant of the existence of markets somewhere because he has the Utopians selling any island "surplus" to other countries "at a moderate price" and then spending the proceeds on import goods or using them to wage wars. The wars are either those of imperial expansion (54), retaliation for wrongs done to Utopians, liberation of oppressed people or to protect friendly nations from the

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[2] All citations are from the Cambridge UP revised edition of *Utopia*, edited by George M. Logan and Robert M. Adams (2002).

[3] See Book 2, chapter 17.

invasion of others (85-86). Although not used as money internally, precious metals are stored up and used in war to hire mercenaries and as a prize for the assassination of the leaders of their national opponents. The Utopians even claim reimbursement for these outlays from their defeated opponents.

Given that More has Hythloday argue (105) that the extremes of wealth and poverty exist in contemporary societies because of the existence of money, and that crime, strife and poverty would be eradicated in a moneyless society, it is passing strange that he admits the existence of crime[4] in his ideal (moneyless) society and has Utopia use money as a tool of warfare. This internal contradiction in his argument only strengthens the view that More's *Utopia* is really an irony and that More was well aware of the indispensability of money in a complex society.

A family might not need money internally, but a complex society is far from one that can function as a family would. Obviously, the absence of internal prices makes the planning of production and consumption arbitrary. Hythlodeus gets around the question of consumption choices by positing a population of compliant subjects, devoid of any ambitions other than obedience, and he avoids the question of production planning by positing a ruling class whose employment and production decisions are apparently arbitrary. Yet the ruling class engages in market transactions external to the society and uses prices in external planning. And, the ruling class is well aware of the incentives that prices provide for performance as shown by their purchases of iron imports and in their willingness to pay for assassinations.

In Utopia, therefore, More reveals that he is not unaware of how markets actually function and of how men can interact in them to mutual benefit. But, his Utopians act differently in their dealings with one another than they do in dealing with mankind as a whole. The dour lives of the Utopians may be what More wants us to see as the fruit of a planned socialist society. History has proven More to be strikingly prescient, if irony was his intention in Utopia. The socialist paradises of the imagination found no reflection in the sordid reality of the various historical socialist planned economies of the past two centuries.

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[4] Criminals become slaves.