

Study Guide for *Utopia*

– All page numbers refer to the [CTMS 2020 edition of *Utopia*](#). –
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Welcome to an adventurous exploration of *Utopia*.

Caution: *Utopia* is the kind of book Augustine describes as written “with a useful and healthful obscurity for the purpose of exercising and sharpening, as it were, the minds of the readers and of destroying haughty complacency and stimulating the desire to learn” (*On Christian Doctrine* 4.8.22).

So be prepared for the unexpected on this journey, and enjoy this work of Socratic wit!

Introduction to *Utopia* -- and Questions to Consider

Utopia records “the conversation of Raphael Hythloday on the laws and institutions [*legibus et institutis*] of the island of Utopia” (102) as reported by “citizen and sheriff”¹ – as well as lawyer and city judge – Thomas Morus.

More published this book fifteen years after his law studies and two years before joining King Henry’s service as a counselor. In those fifteen years, More learned Greek, mastered it in three years, and then spent the next twelve in serious study of the Greek and Roman and Christian sources of jurisprudence – while also acquiring a wide-range of legal and judicial experience in London.

Despite his heavy dependence on Cicero in this work, More never uses the term “natural law.”² But he does create a utopia which has “very few laws” and no private property – and where all lawyers are outlawed! Below are questions to consider when reading *Utopia*’s intriguing engagement with Plato’s *Republic*, Cicero’s *Laws*, Aristotle’s *Politics*, Augustine’s *City of God*, and others’ treatment of these same perennial issues.

Utopia, Book 1, also known as “The Dialogue on Counsel”

Setting [note parallels and contrasts to that of Plato’s *Republic*] **and Context**

England is in a time of grave economic and social upheaval. Poverty and crime are widespread; the country has recently emerged from civil war but uprisings still occur and threaten to continue.

Main Characters in this Work; Other Lawyers and Civic Leaders

Thomas Morus: a London lawyer and judge who has been sent abroad as England’s official “orator”³ for vital trade negotiations; the narrator and a main character of this work.

Raphael Hythloday: a world traveler who recounts evidence of unjust legal systems and most just Utopia. Raphael means “messenger from God”; Hythloday means “speaker of nonsense.” Which is he? and when?

John Morton: as Lord Chancellor & Archbishop of Canterbury, he is head of England’s legal systems of both church & state.

An unnamed in-house lawyer: antagonizes Raphael Hythloday, who accuses him of bias; Raphael also identifies bias among judges having personal or political interests at stake.

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

Peter Giles: More’s friend and model civic leader who introduces Raphael to Morus

John Clement: More’s young secretary who silently observes

London!: Consider the marginal glosses on page 51 and other features of Utopian cities.

¹ More served as undersheriff of London – i.e., the professional legal adviser to the elected citizen-sheriff; as such, More would regularly preside over the sheriff’s court, the oldest and busiest judicial court in London with a wide range of civil and criminal jurisdiction. By the time More wrote *Utopia*, he had been undersheriff of London for five years, member of Doctors’ Common (a society for those practicing Roman or canon law), twice a lecturer of law, continuously an officer at the inns of court, selected to serve as a member of Parliament twice, and an ambassador and legal advisor on England foreign embassy in 1515 (and again in 1517).

² Only twice does the phrase “law of nature” occur in all of More’s writings. In his controversy with Luther, More argues for reason’s ability to guide human action; in this context he states that “the ten commandments put back into remembrance certain conclusions of the law of nature which their reason (overwhelmed with sensuality) had then forgotten” (*CW* 6: 141/19-22). In the English version of *Richard III*, the Queen invokes man’s law, “the law of nature,” and God’s law in the Sanctuary debate, but the phrase does not occur in the Latin version.

³ For the importance of the Latin term *orator* at 18.11, see Cicero’s famous treatises *De Oratore* and *Orator*.

Terms to Understand:

-Princeps or “**leading citizen**”: the term used for the leader of each Utopian city and for the major leaders mentioned in the opening paragraph of *Utopia*. This is a term Cicero invests with new meaning in his last philosophic works. See pages 10-11 of this Study Guide.

-Humanitas: another term invested heavily with meaning by Cicero, connoting the “fullness of humanity” which includes justice and friendly concern for those in society.

Questions to Consider for *Utopia* 1:

1. Who wins the argument about giving counsel to rulers: Morus the lawyer or Raphael the experienced observer? Can the learned professions really affect justice? Is the effort worth the “sacrifice of my peace,” as Raphael puts it?
2. Raphael presents the laws of the Polylerites as a model of *humanitas* (32.7: translated as “humane”). Do you agree? Why? How well do the means used in the Polylerites’ legal process bring about the stated ends of humane justice and liberty? [In Book 2, Raphael will also present the Utopians as models of *humanitas* in their laws and customs (48.32, 68.12, 69.3–4, 83.14: translated as “humane conduct”).]
3. Raphael’s encounter with Lord Chancellor Morton takes up over one third of Book 1 (24–35). Why is it so important?
 - a. In the incident with Lord Chancellor Morton, the lawyer is ordered to shut up. Did he deserve this treatment? How would you compare lawyer Morton’s mode of communication with that of the lawyer who offends Raphael?
 - b. What are the “proud, absurd” prejudices (23.34) Raphael sees in England’s legal system?
 - c. One form of bias Raphael identifies is, he says, a conflict between civil law and divine law. How do you assess the treatment of this issue?
 - d. Raphael and the in-house lawyer disagree about the punishment of thieves. What is your assessment of Raphael’s argument? How would you contrast the approach of this lawyer with the approaches of lawyers Morton and Morus?
 - e. Raphael also identifies the bias of judges who use the “mask of justice” to further their own interests. What is your assessment of this problem?
4. Morus objects to Raphael’s “extravagant” and “academic” mode of communication (40.12, 14). Is the charge justified? How well does Raphael defend himself?
5. Considering that Thomas More ends his life losing everything and being condemned as a traitor, could we not conclude that Raphael is correct that one person of integrity is foolish to try to change an unjust legal system?
6. Morus has argued that good citizens have a duty to give advice. If so, why does he give so little advice to Raphael in Book 1? This question will gain importance when you read the puzzling (and highly debated) last paragraphs of Book 2.

Questions to Consider for *Utopia* 2 and as a whole:

Utopia, Book 2: According to Raphael’s account, what is the view of law, justice, government, religion, and civic life as they have evolved over the 1,760 years of Utopia’s existence? Is this view attractive to you? Why? Would you like to live there? Who seems to benefit most?

Utopia as a whole: What does *Utopia* help us see about human nature, law, justice, government, religion, and a complete, happy life?

Names and Dates in *Utopia* (CTMS 2020 edition)

Utopia – “noplacē” in Greek (Eutopia would have been “happy place.”)

Raphael – “God’s healer” in Hebrew

Hythloday – “distributor or peddler of nonsense” in Greek

Morus – “fool” in Greek

princeps (“leading citizen”): ruler of each Utopian city; see page 10 of this Study Guide

Names of rulers before Utopus conquered

Barzanes (former name of the *princeps* or ruler in each city) – “son of Zeus” (56.10)

siphogrant – “old men of the sty” (52.26)

tranibor – “clearly gluttonous” (52.28)

Names of rulers after Utopus conquered -- Why the changes? What do they indicate?

Ademus (present name of the *princeps* or ruler in each city, 56.11) – from *a demos* (“without people”) as Morus playfully points out on page 108.

Phylarch – “fond of ruling”; “leader of the tribe” (49.25)

Protophylarch – “most fond of ruling”; “chief leader of the tribe” (52.28)

Names associated with Utopian religion

Abraxa – former name of island; highest of 365 spheres of gnostic universe (48.32)

Mithra – name of Persian gnostic god and of Utopia’s god (90.19, 97.2)

Buthrescae – Bythus (a gnostic god) + *ureskos* (“superstitious”) or *ureskeia* (“religious cult”) = superstitious cult of Bythus (94.28)

Other names

Amurot – a ghost or phantom city, as Morus indicates on page 108, from “vanishing”

Anyder – a Utopian river “without water,” as Morus indicates on page 108

Anemolian [ambassadors] – “windy” (64.20, 7.27)

Nepheletans – “people born from the clouds” [allies of Utopians] (83.25)

Alaopolitans – “people without a country” [reduced to slavery by Nepheletes] (83.26)

Zapoletes – “busy sellers” [mercenaries hired by Utopians] (86.2)

quaestor – “financial officer” (89.33)

Polyerites – “people of much nonsense (or lying)” [example used with Cardinal Morton] (30.34)

Achorians – “people without a country” [later example used by Raphael in Book 1] (36.29)

Macarians – “blessed ones,” “happy ones” (39.29)

Title in Latin: De Optimo Reipublicae / Statu deque / nova insula **Utopia** libellus vere aureus, / nec minus salutaris quam festivus, / clarissimi disertissimique viri Thomae Mori / inclytae civitatis Londinensis civis / & Vicecomitis.

Dates

ca. 1497 – Raphael meets and speaks with Archbishop Morton

1501, 1503 – Vespucci’s 1st and 2nd (and only) voyages to the New World; Raphael says he was on the last 3 of Vespucci’s 4 voyages (p. 20)

ca. 1504-1509 – Raphael then spends “more than five years” in Utopia (p. 43.36)

ca. 1504 – *Four Voyages of Amerigo Vespucci* (a forgery) published in Vienna & becomes best seller

1514 – first printing of Hesychius’s Greek dictionary, which Raphael says he took with him in 1503

1515 – More’s trip to Antwerp where he meets Giles and Raphael and then writes most of *Utopia*

1519-22 – Magellan is first to circumnavigate the globe, unless Raphael’s claim is correct

BOOK 1 OF *UTOPIA* (CTMS 2020 edition)

1a. **Prefatory & Concluding Letters** by Thomas More to Peter Giles (13-16, 107-8)

What expectations do these letters raise?

1b. **Introduction:** Setting, occasion, & main characters presented (pages 18-20)

- a. Morus ["fool" in Greek] explains his presence in Antwerp (paragraphs 1 & 2).
- b. Morus meets Peter Giles; Peter is described (paragraph 3).
- c. Morus meets Raphael ["healer from God"] Hythloday [speaker of nonsense] outside Notre Dame; Raphael: Who he is (paragraphs 4ff).
- d. Giles, Raphael, and John Clement are invited to Morus's garden (page 20). Morus summarizes the long conversation with Raphael; Morus states his intention in telling the narrative that follows (pp. 20-21).

Study questions: *What do we learn about each of these characters?*

What do we learn about Morus's intentions in narrating this account?

2. **The Main Issue of Debate Is Posed:** Should the wise give counsel to a king? (22-23)

- a. Raphael argues no. [cp. page 23 with Epigram 243 on kings' lust for more kingdoms]
- b. Morus and Giles argue yes.

Study question: *What are the arguments on each side? With whom do you agree?*

3. **Raphael's First Example of the Futility of Counsel:** Cardinal and Lord Chancellor Morton (24-35)

- a. John Morton is described (24); urgency of reform; scandal & imprudence of hanging thieves.
- b. With a lawyer, Raphael discusses the cause of thievery in England (24-29).
- c. Raphael condemns enclosures; how sheep devour people (26-28)
- d. Lawyer objects but the Cardinal asks Raphael to explain his position (29). Thou shalt not kill.
- e. Raphael suggests ways of remedying theft in England (30); he explains the methods used by the Polylerites ["people of much nonsense"] (30-32) and the purpose of punishment (32).
- f. Lawyer objects; the company agrees; Cardinal expresses interest in Raphael's proposal (32-33).
- g. Raphael relates a "silly" incident between a friar and a fool (33-34); Morton's tactful responses.
- h. Raphael concludes; **Morus still disagrees** and invokes duty & Plato; Raphael objects (35).

Study question: *How does this example support Raphael's argument against serving?*

4. **Raphael's Second Example:** An imaginary court of some French king set on war (35-37)

- a. In a 464-word sentence, Raphael advises the French king to imitate the Achorians ["people without a country"] who required their king to choose & rule only one kingdom (36).

Compare similarities of two different passages here with Epigram 243 & Epigram 112.

- b. **Morus's response** to Raphael (37), four words in Latin (*Profecto non valde pronis.*)

Study question: *What is the main point of Raphael's argument here? Do you agree?*

5. **Raphael's Third Example:** An imaginary court of a king set on accumulating money (37-40)

- a. At the end of this 926-word sentence, Raphael gives the example of the Macarians ["blessed, happy" -- usually associated with the Greek Elysium]. Compare similarities with Epigrams 120, 112, 115.

- b. **Morus gives his longest reply**, distinguishing academic from political philosophy (40-41).

Study question: *Who seems to make the stronger argumentation here?*

6. **Introducing Raphael's Fourth Example:** Utopia (41-)

- a. Raphael disagrees with Morus, invoking Plato and Utopians and Christ (41).
- b. Raphael then explains why the elimination of private property is needed for justice (42-43).
- c. **Morus strongly disagrees, invoking the need for legal protection** (43).
- d. Raphael responds by wishing that More had seen Utopia (43-44).

7. **Morus invites Raphael to tell him all about Utopia**, after they have lunch (44-45).

BOOK 2 OF *UTOPIA* (CTMS 2020 edition)

- 1. Introduction** (pp. 48-50)
 - First view, origin, general features
- 2. The Cities**, esp. Amaurot* (50-52)
 - Number, size, rotate homes, gardens, Utopus's design, founding in 244 BC
- 3. The Officials*** (52-53)
 - Number, way of selection, prince elected for life, how senate works
- 4. Occupations*** (53-57)
 - Farming, trades, morning lectures, recreation, architecture, clothing; scholarly class
- 5. Social Interactions*** and distribution of goods (57-61)
 - Household and population policies, colonization (58), source of greed and pride
 - Distribution of food, hospitals, eating arrangements
- 6. Travels of Utopians*** (61-62)
 - Regulations and punishments
- 7. Food Distribution;** use of money and of surpluses (62-63)
 - “whole island is like a single family” (62)
- 8. Attitude and Policy towards Gold and Jewels** (63-66)
 - Raphael's concern that he won't be believed, rationale for this policy. Example of Anemolian ambassadors
- 9. Education** (66-76)
 - Utopian institutions and good character, what they study, ethics and nature of human happiness, philosophy based on religious principles, *summum bonum*, relation of virtue and pleasure, true and false and best pleasures, absurdity of fasting, description of Utopian people, Raphael's “Great Books” [N.B.: no Bible or Christian book is included], Utopians and medicine and inventions
- 10. Slaves*** (76-83)
 - Types and treatment of slaves, care for sick and euthanasia, marriage and premarital inspection, divorce and punishment for adultery and attempted seduction, treatment of fools, attitude towards cosmetics, public honors and penalty for campaigning, few laws and no lawyers, Utopians as excellent officials, what destroys justice, Utopia vs. Europe on treaties, understandings of justice
- 11. Military Affairs*** (83-90)
 - Attitude towards war and why they go to war, how they wage war and their use of Zapoletans, why wives and children fight, amazing armor and weapons, “truces...observed religiously,” victors live abroad “in great style”
- 12. Utopian Religions*** (90-99)
 - who/what is worshiped, Mythras, relation to Christianity, Utopus's laws about religion, compulsory and other beliefs, 2 religious sects (“haereses,” role of priests, religious worship, architecture of churches, practices, rituals, how they spend the 2 religious days each month, military training
- 13. Raphael's Peroration** (99-101)
 - Why Utopia is the “best” and “only” country deserving the name “republic”; the justice of Utopians vs. the “conspiracy of the rich” in other places; R's diatribe against money, greed, pride; money as the main problem preventing good social order; pride prevents this needed social change
- 14. Morus's Final Comment** (102)
 - What does More object to in Utopia? Is he ironic or serious here? Why doesn't he raise his objections to Raphael? What does Morus do instead? Why?

*These titles appear in Thomas More's 1518 edition of *Utopia*

Apparent Contradictions, Impossibilities, and Odd Features of Raphael's Tale

Utopia's change from peninsula to island: Really? How would it be possible to cut a fifteen-mile-wide channel with primitive tools "with unbelievable speed" (49.3)? The marginal gloss on this "incredible" accomplishment reads: "This was greater than digging through the Isthmus [of Corinth]." Attempting to build that Corinthian isthmus involved so many futile attempts that the project became proverbial as an impossibly difficulty--and unaccomplished--task. See Erasmus, *Adages* 3326 (*CWE* 36: 76-77).

Utopia's cities: Raphael tells us that his small island supports fifty-four cities, each the size of London. Could there be fifty-four Romes in central Italy or fifty-four New York Cities in New England? Why this is economically impossible would lead to a fascinating lesson on the nature of real economics.

Words vs. reality: Raphael makes sweeping statements that are initially inviting, but then we discover they are not true. Examples include: the attractiveness and ease of travel in Utopia's harbor when access to that harbor is treacherous; supposed ease of travel within Utopia when travel requires many difficult requirements; insistence that everyone shares the farming duties when in fact the scholar class does not; insistence that free speech exists, yet it is a capital offense to "engage in counsels about public affairs outside the Senate or the public assemblies" (53.5-6).

Raphael's credibility when comparing his statements and actions: Twice Budé raises the issue "if we believe" Hythloday (5.24, 6.12-13). When, for example, Raphael speaks passionately in Book 1 against any form of slavery for himself, what are we to think when he is completely undisturbed by the widespread slavery in Utopia – even of fellow citizens? True, Raphael speaks about the importance of governing free citizens, but how free actually are his Utopians, even in an activity as common as the travel that Raphael passionately loves?

Equality of all: Repeatedly Raphael praises the equality of all Utopians, and he denounces money as the source of all evils. How are we to take the off-handed revelation, then, that certain Utopian leaders called "financial officers [*quaestores*]" who "live magnificently" and play "the role of nobles" (89.33-4)?

Other Utopian impossibilities include: Uprooting whole forests by hand and transplanting them from one region to another (74.22-23); securing slaves with chains of gold, the softest of metals (64.2-3); using durable armor that does not make swimming the least bit uncomfortable (89.1-3); saying that their very old buildings are so well constructed that it takes "least amount of work" to maintain them (56.27); possessing Hesychius's Greek dictionary years before it was printed (75.20); adapting the same clothing for "both cold and hot weather" (53.35).

The root of all evil: If money and private property are the root of all evils as Raphael argues in his own name, what are we to make of his opinion that he has "fulfilled [his] obligations" to his relatives and friends by giving them his money and property (22.14-17 and 20.7)? –And how does eliminating money and property eliminate greed and pride in Utopia (58.30-33, 100.32ff; see Budé's letter at 5.39-6.4)?

On money and property: Raphael identifies these as the cause of greed and injustice (111), but he says he does his duty to his relatives & friends by having distributed his possessions to them before leaving them so he can travel as he wills (13).

On care for the sick: Raphael tells us that the Utopians "very lovingly care for" the sick (77.9) and that they are treated "with gentle and solicitous care," and that no one is sent to the city hospitals "against his will" (59). Yet he then tells us that "the priests and the magistrates" urge some of the sick to "end their life by voluntarily fasting" or by being "made senseless" and thus "set free without a sensation of death" (77.24-5). And what do the Utopians do if persons sick with contagious diseases (59) decide they want to stay home? Would they really not oblige such a person "against his will" to go to the hospital's isolation wards?

On divorce: Marriages, we are told, are not often dissolved except by death (78.25-6) yet a married couple can "separate by mutual consent and contract new marriages" and can even look for better matches while married (78.35-8).

Virtue and pleasure: Virtue is described as "harsh and difficult" at 67.32, yet virtue is defined as "living according to nature" which is explained to mean living for pleasure (67.16ff). Nature is also described by Raphael as a "most indulgent parent" (63.24 & 73.21) while Morus warns that indulgence leads to corruption (14.3).

Location of Utopia: We are never told where it is because, Morus mistakenly claims (11.8-15), Raphael never thought to mention the location (14.32-2). We are, however, told that Raphael

circumnavigated the entire world in 1503 to get there, when in fact Magellan was the first to do so years later, in 1519-22. Well-trained lawyers and judges notice such discrepancies.

Raphael's travel to Utopia: After being compared to Ulysses rather than Palinurus, Raphael claims to have gone on the “last three of those four voyages which are now read about far and wide, except that he did not return on the last one” with Vespucci (20.9-10) and then proceeded to Utopia. But Vespucci never made a fourth voyage, and the book everyone was reading contained fabricated stories about activities of naked natives that would appeal to readers since Vespucci's accounts were much too uninteresting.

All killing is wrong: In Book 1, Raphael delivers a strong tirade against those who change the law of God to support their own misguided interpretation of killing (29.36ff). How then are we to respond in Book 2 when Raphael approvingly reports the Utopians' frequent use of capital punishment and the Utopians' pride in deserving “the greatest favor from the human race” in “purg[ing] the world of all the filth of that foul and nefarious people” (86.35-6)? Even in Book 1, however, Raphael praises the *humanitas* of the Polylerites' punishment of criminals, punishment that includes death (31.33, 32.2) – thus raising questions of the consistency of Raphael's thought and action.

Misuse of Scripture: Raphael misquotes Scripture to support other positions. In referring to God's alleged biblical command against all killing, he does not distinguish between murder and killing, failing to recount that capital punishment is “fully approved” in the Old Testament itself and that the Biblical term “*rāsah* means *illegally* to kill a human being.” A similar misrepresentation occurs when Raphael strongly rebukes Morus for advocating a tact and prudence that Raphael calls lying (41.5-8). In support of this position, Raphael invokes the New Testament, supposedly quoting Christ as saying that “what He had whispered in their ears,” He “commanded them to proclaim openly from the rooftops” (41.20-21). This quote could refer to two passages in Scripture. The first occurs when Christ is advising his twelve newly selected apostles to be “wise as serpents” but “innocent as doves” (Mt 10:16). Even with such shrewdness and virtue, however, Christ warns them to expect persecution and only “[w]hen they deliver you up,” then “[w]hat you hear whispered, preach it on the housetops” (Mt 10:27-8). The second source is Christ's discourse on the Last Judgment, when “what you have said in darkness will be said in the light; and what you have whispered in the inner chambers will be preached on the housetops” (Lk 12:1-3). Considered in context, the sources of Raphael's quotations work against Raphael's dismissive position towards prudent and tactful action in the world.

On warfare: Raphael reports that the Utopians “absolutely abominate” war as “bestial” (83.6-7). Are there exceptions to this position? What reasons are given for going to war? What do you think of their wars for colonization (58)?

On the cause(s) of injustice: Raphael says that “fear of want” or “pride” cause greed (58.30-31), and that “favoritism and greed ... destroy all justice” (81). Do you agree? After making the claim that Utopia is “not only the best [commonwealth], but also the only one, which can deservedly claim that name commonwealth for itself” (99.9-10), Raphael indicates that injustice is caused by money (100.39), but then Raphael says pride is the cause (101.19). What does the book as a whole indicate?

Alexander Hamilton's objection to *Utopia*, *Federalist* #6: “To presume a want of motives for [frequent and violent] contests [among these city-states] ... would be to forget that men are ambitious, vindictive, and rapacious. To look for a continuation of harmony between a number of independent, unconnected sovereignties situated in the same neighborhood would be to disregard the uniform course of human events, and to set at defiance the accumulated experience of ages. ... The causes of hostility among nations are innumerable. There are some which have a general and almost constant operation upon the collective bodies of society. Of this description are the love of power or the desire of pre-eminence and dominion – the jealousy of power, or the desire of equality and safety.”

WHAT TO MAKE OF UTOPIA? (CTMS 2020 edition)

What seems undoubtedly good in Raphael's Utopia?

- There is plenty of everything for all.
- All eat well.
- There is only a six-hour work day, and there are no idlers.
- Goods are justly distributed.
- Scholarship and learning are respected.
- No wasted time in building and rebuilding since all are built to last.
- Compassion or humanity is said to reign (48.30, 59.2, 68.12-13, 69.3).

What seems impossible in Utopia?

- ability to quickly cut a channel fifteen miles wide, making a peninsula into an island (48)
- clothing that serves for both warm & cold weather (53.35)
- very old buildings are so well built that they need minimum repairs (56.27)
- adults are "easily" transferred from one household to another, to maintain population limits (57.31)
- chains to bind slaves made of gold and silver (64.2)
- ability to tear up "with their own hands" a forest and move it from one district to another (74.23-25)
- armor that doesn't even interfere with comfortable swimming (89.4-6)
- eliminating greed (100.32-33)

What questions are raised by Raphael's account of Utopia?

- Is it prudent or just to eliminate money, private property, most laws, and all lawyers?
- What sense of personal privacy exists in Utopia?
- Is there free expression of ideas and open debate and discussion of public matters in Utopia?
- Is the effective elimination of entrepreneurship healthy?
- Is the elimination of competition between citizens likely or wise?
- Is evil in human life and individual lives eliminated by the Utopian system?
- Do Utopian citizens lose anything by the absence of lawyers?
- Raphael says there are very few laws in Utopia. Do all Utopians enjoy equality under those laws?
- Do Utopian policies toward wrong-doers aim at rehabilitating them?
- What are the pros and cons for outlawing all public campaigns for elections?
- What kind of division of power exists among the branches of Utopian government? How is it enforced?
- What is the status of romantic love among the Utopians?
- How do the Utopians understand and practice friendship among themselves?
- What is family life on a practical, daily basis for the Utopians? How is family time structured?
- What is the Utopian sense of beauty and its place in life?
- What is the Utopian sense of the arts, including poetry and literature?
- What is the purpose of Utopian religious education according to page 104? Pros and cons?
- How would you characterize church/state relations in Utopia?
- What is the Utopian attitude toward slavery? What is your reaction?
- What is the Utopian attitude toward state-encouraged suicide (77)? What is your reaction?
- What are the pros and cons for the policy of forbidding marriage to those youth involved in premarital sexual affairs?
- What are the pros and cons for involving "senators and their wives" before granting divorce (79.2)?
- What are the pros and cons for privileging scholars, priests, and the collectors of revenues?

Cicero's Understanding of "Leading Citizen" (*princeps*)

The *princeps* is the one who "takes or captures first place" by a popular acclaim arising from trust and proven service. The Latin word comes from *primus* (first) and *-ceps* (a form of *capio*, *capere*, to capture).

"Leading citizens" are well versed in law and experts in communication and conflict resolution. They are the ones who "have better insight into the future, and who, when an emergency arises and a crisis comes, can clear away the difficulties and reach a safe decision according to the exigencies of the occasion" (Cicero's *On Duties* 2.33). In Cicero's account, such talented and skilled artisans are the only ones able to persuade and teach others to form societies:

Those who stood out as first in virtue and outstanding in counsel (*consilii*), having perceived the essential teachableness of human nature, gathered together into one place those who had been scattered abroad, and brought them from the state of savagery to one of justice and humanity.⁴

Here and elsewhere, Cicero shows that it takes an expertise of the "great and wise" to bring about peace and prosperity,⁵ **an expertise rooted in *studia humanitatis***. This extensive education is for Cicero -- and More -- the best way to fashion justice, liberty, and peace.

Erasmus **defines the *princeps*** as the "embodiment of the laws," ideally selected by the vote of a free and willing people. The custom of having a *princeps* "born to the office, not elected was the custom of some barbarian peoples in the past (according to Aristotle) and is also the practice almost everywhere in our own time," commented Erasmus, Thomas More's great friend (*Education of a Christian Prince*, Cambridge UP 1997, 6).

To be a leading citizen, a leader must freely take on a demanding education and arduous training to achieve the highest excellence – just as the greatest sportsmen or doctors or other experts do in their specialties. To achieve a true "common-wealth" for their fellow citizens, **leading citizens** have to learn such things as *how* to achieve peace and prosperity and *how* to preserve their own integrity in the difficult task of enabling justice [*ius*] to conquer violence [*vis*]. To do so, leading citizens must pay special attention to the laws developed through their country's history, but view them from a truly philosophic perspective.

Law has special importance because without law – and without the courts and other constitutional means to enforce them – *ius* (justice) cannot conquer *vis* (violence). Cicero "repeatedly stressed that a state is a partnership in justice, a community held together by a common agreement about the principles of right that ... must be spelled out in a state's laws, whose purpose it is to ensure that citizens may live honorably and happily in safety and peace" (Mitchell's *Cicero*, Yale UP, 1991, 51). In what may be his most famous lines about law, Cicero insisted that

law is the bond by which we secure our dignity, the foundation of our liberty, the fountain-head of justice. Within the law are reposed the mind and spirit, the judgment and the conviction of the state. The state without law would be like the human body without mind – unable to employ the parts which are to it as sinews, blood, and limbs. The magistrates who administer the law, the jurors who interpret it – all of us in short – obey the law that we might be free. (*Pro Cluentio* 146)

Here Cicero uses the metaphor of the human body to explain the workings of the body politic: Just as the mind facilitates the free movement of the body, so the laws facilitate the free movement of the body politic.

Leading citizens are experts at captaining or "governing" (*gubernans*) the ship of state: "But just as in sailing, it shows nautical skill to run before the wind in a gale, even if you fail thereby to make your port; whereas when you can get there just as well by slanting your tacking, it is sheer folly to court disaster by keeping your original course, rather than change it and still reach your destination; on the same principle in the conduct of state affairs, while we should all have as **our one aim and object** what I have so repeatedly urged -- the **maintenance of peace with dignity** -- it does not follow that we ought always to

⁴ *Pro Sestio* 91; *De Inventione* 1.1-3, *De Oratore* 1.30-33, and *Tusculan Disputations* 1.62-63.

⁵ *De Inventione* 1.2; *De Oratore* 1.30

express ourselves in the same way, though we ought always to have in view the same goal.” (Cicero, *Epis. Fam.* 1.21)

On *humanitas* or humane civility: Cicero himself affirms⁶ that **leading citizens** need a full and complete education in *studia humanitatis* -- that “wide domain of science” not “split up into separate departments” (3.132). Otherwise, leaders come “to office and to positions in the government quite naked and unarmed, not equipped with any acquaintance with affairs or knowledge” (3.136). Only such a well-educated leader can “win freedom for his native land,” having been “equipped ... with weapons for the task” (3.139). The dangers of a partial education is seen by two extremes: [1] those Cynics and Stoics who “in the Socratic discourse had been captivated chiefly by the ideal of endurance and hardness”; and [2] those Epicureans “who had taken delight rather in the Socratic discussions on the subject of pleasure” (3.62). “Law or violence,” *ius* or *vis*, peace or war, ***humanitas*** or savagery -- that was the fundamental alternative.⁷ Cicero’s landmark that should guide citizens and “**leading citizens**” was this:

What then is **the mark** set before those who guide the helm of state, upon which they ought to keep their eyes and towards which they ought to direct their course? It is that which is far the best and the most desirable for all who are sound and good and prosperous; it is “**peace with *dignitas***.”⁸

Humanitas or humane civility achieves its **full flourishing** when governed by those guidelines or laws arising from the very structure of its being, just as with the arts of farming, doctoring, and navigation.⁹ Hence, the “most fruitful of all arts,” for Cicero, is the “true and refined philosophy” that teaches the way of good living.¹⁰ This same position Thomas More held from his earliest published work.¹¹

Cicero repeatedly insisted that **true *humanitas*** requires one to have “contempt” for passing human things (*humanarum rerum contemptio*) -- especially pleasure -- if one is to achieve truth, the common good, and “greatness of soul.”¹² He explained, as he had done “so often,” that such “contempt” is a necessity especially for statesmen:

Statesmen, too, no less than philosophers -- perhaps even more so -- should carry with them that greatness of spirit [*magnificentia*]¹³ and indifference to outward circumstances [*despicientia rerum humanarum*] to which I so often refer, together with calm of soul and freedom from care, if they are to be free from worries and lead a dignified and self-consistent life.” (*De Officiis* 1.72)

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⁶ In *De Oratore*, see Cicero’s own comments in the Prefaces to each day of his Crassus dialogues, esp. 1.5 & 16, 2.5-6, and 3.15.

⁷ *Pro Sestio*, esp. 91-92.

⁸ *Pro Sestio* 98. We have no adequate translation of *dignitas*. Cicero identifies it with *honestas*, i.e., a human being’s distinctive moral excellence; see esp. *De Officiis* 1.94-99, 106 and 1.124 that present the duty of magistrate and citizen as working for *tranquillitas et honestas* and which emphasizes upholding the state’s *dignitas*, enforcing laws and rights, and living up to *fides*.

⁹ *De Finibus* 4.16-17.

¹⁰ *Tusculan Disputations* 4.5-6.

¹¹ *Selected Letters of Thomas More* 4-6, 103-7 and More’s humanist letters (CW 15). See also his introduction to Pico della Mirandola’s “Letter to Andrew Corneus,” where, contrary to Pico’s own opinion, More states that one reason to study philosophy is “for the instruction of [the] mind in moral virtue” (CW 1: 85/10-11).

¹² *De Officiis* 1.13; in these contexts, *res humane* is often translated as “human vicissitudes” or “worldly conditions.” In the “Dream of Scipio” (Cicero’s *Republic* 6.20), the command is to “keep your gaze fixed upon these heavenly things, and scorn the earthly”; the dream allows Scipio to see “what a small portion...belongs to you Romans” (6.21).

¹³ Compare this use with Morus’s famously controversial conclusion on page 113, invoking “*nobilitas, magnificentia, splendor, maiestas*.”