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Unearthing Crime & Punishment in Thomas More's Ideal Commonwealth

In Thomas More's *Utopia*, the punitive system in 15th Century England was criticized as being ineffective in deterring crime. An ideal commonwealth could be achieved through legal reform, bringing a curtailment in crime with just and appropriate punishment. This paper will use specific instances of character exchanges to identify the author's position on the components of crime and punishment in an ideal commonwealth and support the aforementioned claim. It will be organized in two subtopics, the first being the ineffectiveness of punishment, and the second being overly-complex legislation.

The unjust punishment of thieves is the first problematic area explored through Hythloday's recount of his discussion with John Morton, Archbishop of Canterbury. In this, Morton expresses his great surprise at how, despite thieves being executed in great numbers, "…many thieves sprang up everywhere when so few of them escaped hanging" (*Utopia*, Bk. 1; Logan and Adams 15), indicating that decapitation was far from being an effective deterrent to crime as theft continued regardless. Hythloday informs us that Morton's "knowledge of the law was great, [he had] an incomparable understanding and a prodigious memory...excellent natural abilities by study and practice" (*Utopia*, Bk. 1; Logan and Adams 15), thereby imprinting on us a first impression of Morton as a scholar, whose observation we should take at face value. In this lengthy, detailed description of the Archbishop, there are purposefully striking similarities to Thomas More himself, "He had been taken straight from school to court when scarcely more than a boy …" (*Utopia*, Bk. 1; Logan and Adams 15). More's career development unfolded in a similar manner, as he studied law in his early adolescence. Hence, the author draws a parallel between himself and John Morton, to demonstrate that, in the same way as Morton's career path resembles his

own, so do Morton's views. It is also important to note the close relationship between the two, which is emphasized when the More character replies to Hythloday by saying how "pleasant the recollection of that Cardinal in whose court I was brought up as a lad. Dear as you are to me… how much dearer you are because you honour his memory so highly." (*Utopia*., Bk. 1; Logan and Adams 27). Had the reader not been aware of this bond, it is now made evident. Further, this close connection between the two strengthens the argument that John Morton acts as a mouthpiece for Thomas More. With this in mind, we can surmise that the author would not portray such a requisite figure unfavourably by associating him with ideologies of no significance.

Being the important topics that are relayed through Morton, punishment and crime are given additional gravitas by the fact that, after Hythloday's monologue on the causes of crime and the policies in place, the discussion of this topic does not end here; rather, the author develops these themes through Morton's clear interest in the continuance of the discussion, " Meanwhile my dear Raphael, I'd be glad to hear why you think theft should not be punished with the extreme penalty…" (*Utopia,* Bk. 1; Logan and Adams 21). This statement is crisp and concise, to ensure that the point is understood by the reader.

Had that not been picked up by the reader, there is yet another instance of the importance of theft and crime not being effectively deterred: in the further discussion of the cause of thievery between the Cardinal and Hythloday, the latter recalls from his travels that "… this problem, though frequent here, is not yours alone; it is common to almost all nations." (*Utopia*, Bk. 1; Logan and Adams 27). The effect and reason for having Hythloday widen the perspective from a domestic issue to a global one, is to show the magnitude and scale of the issue, and that by resolving it, all civilizations would improve - and hence, progress towards an ideal commonwealth. In More's letter to Peter Giles, Hythloday's first mention and impression portrayed is of a traveler who has described a bridge with its location and dimensions. More's uncertainty in the dimensions given reflects an uncertainty not in Hythloday's travels and the things he witnessed, but rather in the details associated to them. So, even though Hythloday may be seen as the 'spewer of nonsense' from the Greek pun incorporated in his name, his experiences are shown to be

trustworthy and, in this light, his view on crimes of a thieving nature being relevant abroad is reliable as fine details are not included in this information.

The solutions for deterring crime, including theft, and improving the punitive system for a shift towards an ideal commonwealth, are depicted in Book 2, where More theorizes that the volume of laws and the representation of citizens in court is the answer. On the views of the Utopians towards foreign laws, "The chief fault they find with other nations is that even their infinite volumes of laws and interpretations are not adequate" (*Utopia*, Bk. 2; Logan and Adams 82). The legal framework for these other nations has a 'catch-all' approach and the sheer volume and complexity of laws means that citizens are not aware of the rules they are bound by. More notably, the layman does not comprehend them, "If laws are not clear, they are useless; for simple-minded men, there might as well be no laws at all… The dull mind of the common man cannot understand such laws…" (*Utopia*, Bk. 2; Logan and Adams 82-83), announces Hythloday, in support of the argument that laws should be comprehensible to the layman.

Thus, as the majority of citizens would not be specialized in learning the laws and their caveats, they are forced into hiring lawyers to avoid being exploited through the conniving minds of the opposing counsel in court. With their "… devious minds" (*Utopia*, Bk. 2; Logan and Adams 83) lawyers either look for methods of working around the law or use other cunning methods in order to win their case, instead of serving the best interests of their clients. Having been a lawyer, More would have witnessed and been exposed to the complex legal framework, as well as to lawyers' intentions and hidden agenda. In *Utopia*, lawyers are viewed as tending towards winning cases for their personal gain as opposed to serving justice. Such an instance is highlighted through a lawyer who condescendingly announces to Hythloday that he has "…heard more than you've been able to understand correctly…First I will summarise what you said; then I will show you how you have been misled… finally, I will refute all your arguments and demolish them" (*Utopia*, Bk. 1; Logan and Adams 20). More mockingly portrays the stereotypical speech of a lawyer and displays how the lawyer was formulating rebuttals and focusing on how he would reply, whilst Hythloday was orating instead of simply listening, as a way of reflecting lawyers' typical behavior. During this 'lawyer's talk', the Cardinal sharply interrupts "Hold [your]

tongue" (*Utopia*, Bk. 1; Logan and Adams 20), thus humiliating the lawyer and ending such pompous behavior - which is aligned with More's intention to abolish the legal profession.

Abolishing the legal profession is a solution to injustice that would require individuals representing themselves to the judge, "… each man to plead his own case, and say the same thing to the judge that he would tell his lawyer. This makes for less confusion and readier access to the truth" (*Utopia*, Bk. 2; Logan and Adams 82). Consequently, there would be greater honesty in the courthouse, but also greater efficiency: the individuals involved have first-hand knowledge of the details, thereby removing the need for an intermediary. Such a concept alludes heavily to the debate of an active versus a contemplative life, as it is suggested that individuals should take it upon themselves to argue their case. This is foreshadowed in the beginning and later showcased in greater detail in *Utopia* during the debate over whether Hythloday's advice would be appreciated by the monarch. Even though the character 'More' may support activism, it was not immediately apparent whether this also reflected the thoughts of the author. However, this was inferred through a long rhetoric consisting of a 464-word sentence orated by Hythloday that was incorporated to tire the character 'More' and the reader; and in the same way, to reflect how irritated the author became upon hearing arguments in favor of living passively. This would point to More being a strong advocate for activism, which was evident during his lifetime, as he openly voiced his opinions and disbeliefs, despite the fatal consequences.

More's espousal of activism is aligned with his position on crime and punishment in an ideal commonwealth. And a way to achieve such a commonwealth as the one envisioned in *Utopia* would be to instigate legal reform, aimed at dispensing with ineffective punishment and simplifying legislation. It would bring an end to capital punishment for petty crime, rationalize the punitive system and turn it into an effective deterrent to crime. Punishment would be appropriate, resulting in an ebb to the rate and severity of crime, and citizens would abide by rules that are just. Moreover, the layman could represent himself at court, equipped with an anthology of simple, comprehensible laws that are better tailored to the distinctive nature of each crime. Thomas More's ideal commonwealth would be a reality.

Works Cited

Logan, George M. and Robert M. Adams, eds. *More. Utopia* (Cambridge Texts in the History of Political Thought), 2nd ed. Cambridge University Press, 2002.