

THE LAW IN SIR THOMAS MORE'S *UTOPIA*

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One cannot help but wonder what lessons can be found in *Utopia* that are applicable for lawyers in the 21st century, even after 500 years.

Left: Portrait of Sir Thomas More by Hans Holbein, the Younger — 1527, The Frick Collection New York

Five hundred years ago, the most famous lawyer in England and perhaps all of Europe was Sir Thomas More, the Chancellor of England, the highest legal officer in the land. Born in 1478, the son of a lawyer, Thomas More studied at Oxford, went on to London to study law and was called to the bar in 1501. In what can only be

described as a spectacular career, More was a brilliant and talented lawyer who eventually became a confidant of King Henry VIII. In fact, in 1518, he became the privy councillor to the king. He was even enlisted to edit Henry VIII's *Defense of the Seven Sacraments* against Martin Luther. In 1523, he was elected Speaker of the House

of Commons and in 1529, he succeeded his mentor, Cardinal Wolsey, to become the Lord High Chancellor of England. But in 1532, More came in conflict with the king when he opposed Henry's divorce from Catherine of Aragon and his proposed marriage to Anne

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Boleyn. More was tried as a traitor, imprisoned in the Tower of London, and beheaded in 1535.¹

Written in Latin and published in 1516, Thomas More's best known and most controversial work, *Utopia*, is a satire about an idealized society in an imaginary island in the New World. In Utopia the people enjoy a social order based upon natural reason and justice, and human fulfillment is open to all.² The word "Utopia" means "No-place," a place that does not exist, and perhaps never will.

As an expert in English law, More was at his best in describing the laws of Utopia. He explained that in Utopia they have very few laws, since in their social system

very few laws are needed. Utopians say that the only purpose of a law is to remind people of what they ought to do. "In their view it is a violation of justice that people should be bound by laws which are either too numerous to read or too obscure to be understood."³

In Utopia, everyone is a legal expert. Their laws are very few, "and they regard the most straightforward reading as the most equitable." And the more subtle "an interpretation is, the less impact it will have on people, since only a few will grasp it; while in contrast, the simpler and more obvious sense of the law is clear to everyone." Thus Utopians "have no time for professional lawyers who use artifice to present their case and craftily raise points of

law." They think it far better that a man should plead his own case and relate to the judge exactly what he would have said to his own counsel.⁴

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¹ *Thomas More Utopia*, Penguin Classics, translated and edited by Dominic Baker-Smith (2012) Introduction

² *Thomas More Utopia*, Penguin Classics, translated and edited by Dominic Baker-Smith (2012) Back Cover

³ *Ibid.* p. 95

⁴ *Ibid.* p. 96

Author: Thomas Newcomb Hyde – Attorney at Law

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