

No Lawyers in *Utopia*

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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.