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***Ius ad bellum* and *ius in bello* in Thomas More's *Utopia*.
Some interpretative challenges of a Twenty-first century reading**

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Abstract

While themes such as the abolition of private property, full employment, universal education, and religious freedom (among others) have received a lot of attention by critics, close reading of the theme of war in More's *Utopia* has been far less common. The purpose of this article is to examine how Thomas More anticipated contemporary approaches to the doctrine of just war (*ius ad bellum*, the justice of going to war and *ius in bello*, the rules of fighting in war) in his *On The Best State of a Commonwealth and on the New Island of Utopia* (1518). The extent to which More's approach to the theme of war is especially relevant for our twenty-first-century debate on this complex subject is explored, insofar as he navigates the end of an age that cherished chivalry –a *ius in bello* in itself- and the beginning of a realist, Machiavellian twist that presented a pragmatic, result-oriented approach to war where ends, not means, constituted the pivotal rationale. Upon close scrutiny, the Utopian military practices, including preemptive and preventive wars, not only are compatible with just war requirements but also anticipate our mainstream twenty-first-century theories and procedures in armed operations.

Keywords

Thomas More, *Utopia*, just war, *ius ad bellum* and *ius in bello*

Summary: 1. Introduction. 2. The conceptual framework: just war, preventive war and preemptive war. 3. War in Thomas More's *Utopia*. 4. Concluding remarks. 5. Sources and bibliographical references

1. Introduction

Against contemporary tendencies toward simplification (often triggered by pacifist considerations about war in general and about the wars of Iraq, the Balkans, Afghanistan, Syria, and now Russia's invasion of Ukraine in particular), the legitimacy of preventive war has long been debated –and often established- as a key concept of international law. Its intellectual rationale in modern history has usually been articulated through post-WW2 political literature, and its earliest formulation is commonly traced

back to Plato, Aristotle, Augustine,¹ and the Renaissance iusnaturalist contributions by the School of Salamanca,² and also to scholars such as Ayala, Gentili, Belli, Grotius and Pufendorf in the late 16th and 17th centuries.³

Contemporary tendencies towards simplification of complex matters, like the debate on the possibility of existence of a ‘just war’ or the conditions for a war to be considered just, are rooted in some well-known contradictions. One example follows. Few would consider WW2 unjust, because it meant the defeat of Nazism and Fascism; it is also hard to consider the 1991 Gulf War unjust, when a coalition of thirty-five countries attacked Iraq in response to the Iraqi invasion of Kuwait, in the context of the use of force authorized by the UN Security Council;⁴ even fewer discuss Ukraine’s right to self-defence after the Russian invasion. However, at the same time, many Western Europeans embrace a form of militant pacifism that suggests any investment in defence must be eliminated or reduced to a bare minimum. Peace is a universal desire: all people of good will aspire to peace and prosperity for every human being on Earth. Some even adhere to a maximalist interpretation of a moral principle according to which a human being must be ready to suffer violence and even death inflicted by others without ever resorting to violence. However, in political terms, the most basic duty of a government is to protect its people; protecting the lives and ensuring the social well-being of all citizens imply, as a pre-requisite, ensuring national security and public order. Therefore, the government’s duty to serve and protect becomes paramount, and all greatly suffer the ills of any institutional renunciation of the use of force. A realistic look at history soon reveals how a country’s renunciation of the use of force would only make sense in a utopian dream when every country renounced to it at the same time; but utopia’s complex etymology teaches that even good places (εὖ- τόπος) are also, inexorably, no-places (οὐ-τόπος) and that there are always leaders like Bin Laden or groups such as Daesh ready to attack. On the other hand, our twenty-first century has seen a metamorphosis of traditional warfare into a sort of pandemic that includes a variety of mutations, disguised

¹ Plato, Aristotle, and Augustine are often referred to as forerunners, since they never wrote a systematic account of their views on just war, but they all left enough material to be called precursors of the just war theory. See: Plato, *Republic*, (G. Ferrari, ed. trans. T. Griffith), Cambridge, Cambridge University Press, 2000. For a detailed analysis of the just war theory in Plato’s *Republic*, see: Syse, H., “The Platonic Roots of Just War Doctrine: A Reading of Plato’s Republic”, *Diametros* 7:23 (2010), pp. 104–123. In his *Politics*, Aristotle explicitly established a connection between war and justice, one that required war to be justified in ethical terms. See: Husby, T. K., “Justice and the Justification of War in Ancient Greece: Four Authors”, *Connecticut College Classics Honors Papers*, 1 (2009) pp. 79-86. Augustine of Hippo suggested the possibility of reconciliation of Christian pacifism and the reality of the need to defend one’s country; in his *Letter 189 to Boniface*, he writes: “For we do not seek peace in order to stir up war, but we wage war in order to acquire peace”. Ramsey, B., *The Works of St. Augustine. A Translation for the 21st Century. Letters 156-210 (Epistulae)*. Translation and notes by R. Teske, New York, New City Press, 2004, p. 261.

² The most representative contribution of the School of Salamanca about just war is that of the father of modern international law: Francisco de Vitoria’s *On the Law of War* (1536). Vitoria suggests eight “just titles” for the war against Amerindians. See Vitoria, Francisco de, *Political Writings*, (Anthony Pagden and Jeremy Lawrence eds.), Cambridge, Cambridge University Press, 1991, pp. 278-291.

³ Among them, Hugo Grotius’ *The Rights of War and Peace*, 1625, is commonly credited as the main source-text that contains the conditions for a just war that are commonly accepted today.

⁴ UN Security Council Resolution 678 (November 29, 1990).
<https://digitallibrary.un.org/record/102245?ln=es>

in the robes of terrorism, biological threats, attacks in the cyberspace, drones, and robots, that defy classic definitions and experiences of war.

An outstanding political philosopher of the twentieth century, Julien Freund,⁵ formulated one of the most persuasive critiques of State's pacificism, in his viva session answer to one of the examiners of his PhD dissertation, *L'Essence du politique*, on June 26, 1965, at the Sorbonne University. Jean Hyppolite, who had refused to continue supervision of his dissertation, because he was a pacifist, a Hegelian and a socialist, and said he could not sponsor a thesis that suggested there is only politics where there is an enemy, objected that if the candidate was right, he would have to retire and dedicate himself to gardening. To this, Freund answered:

“I think you are making another mistake, because you think that you are the one who designates the enemy, like all pacifists. ‘As long as we don't want enemies, we won't have any,’ you reason. But it is the enemy who designates you. And if he wants you to be his enemy, you can make the most beautiful protestations of friendship. As long as he wants you to be the enemy, you are. And he will even prevent you from cultivating your garden”.⁶

At this point, Hyppolite answered: “I have no choice then but to commit suicide”.⁷ This tragic comment points at an essential contradiction of moral pacificism. Surrendering to the invader, to those who designated us ‘enemies’, often brings along more violence and self-destruction. When the governing bodies of a country betray the responsibilities that are entrusted to them, among which to defend their citizens' lives and country's borders are paramount -a prerequisite for any others- they are falling prey to a peculiar form of wishful thinking of which the post 9/11 world bears a sad testimony. Discussing the mere possibility of preparing for war to maintain peace -the classic *si vis pacem, para bellum* adage adapted from a statement by Publius Flavius Vegetius Renuatus- has often been considered scandalous immorality by many Europeans, at least until the outbreak of the most recent European war. Few things are more inviting to an invader than the extreme pacifist manifestation that those considered enemy countries refuse to use force to defend their borders. Legal pacifists believe that only the UN Security Council -where non-democratic countries such as Russia or China exercise great influence and retain veto power- can authorize a just war and that this cannot happen in practice, or it is extremely unlikely to happen, not only because of the composition of the said Council but also because most UN member states are not democratic countries.⁸

⁵ On Freund's theory on war and peace, see: Rosenberg, D., “War and Peace in the Political Philosophy of Julien Freund”, *Peace Review: A Journal of Social Justice*, 26:3 (2014), pp. 334-341.

⁶ Freund refers to this exchange in a 1991 book of interviews. See: Bojanic, P., “What is Victory in the Orthodox Christian Ethics of War?”, *Labyrinth*, 23:2 (2021), pp. 136-137.

⁷ See: Molina Cano, J., “Julien Freund. A Tribute to a Great Master”, *The Postil Magazine*, February 1, 2022, s.p. Available at: <https://www.thepostil.com/julien-freund-a-tribute-to-a-great-master/>

⁸ Of the 164 UN member states, only 21 are classified as full democracies by the Democracy Index of The Economist Intelligence Unit: “According to our measure of democracy, less than half (45.7%) of the world's population now live in a democracy of some sort, a significant decline from 2020 (49.4%). Even fewer (6.4%) reside in a “full democracy”; this level is down from 8.4% in 2020, after two countries (Chile and Spain) were downgraded to “flawed democracies”. Substantially more than a third of the world's population (37.1%) live under authoritarian rule, with a large share being in China. In the 2021

In this context, any 21st century reading of Thomas More's portrayal of the just war in *Utopia* and of the apparent justification of pre-emptive or preventive wars present in "the best state of a commonwealth" described in Book II of his *Utopia*, becomes an interesting challenge. This article attempts to face this challenge, aware of the limitations and caveats that derive from a text halfway between the political satire (Book I) and fiction (Book II) and from a large audience as hedonistic as mostly at odds with even the possibility of existence of any just war.

Indeed, with More's *Utopia*, like with every other literary masterpiece, interpretation of controversial issues, such as war, from a contemporary perspective, tends to be, to say the least, problematic; it was problematic even for More's contemporaries, including his friend (and editor of some editions of *Utopia*) Erasmus of Rotterdam, and it continues to puzzle readers and critics today. While More's book undoubtedly departs from the conventions of political literature (Plato's *Republic* and Aristotle's *Politics*), the reasons for its enduring success lie more than anywhere else on the literary qualities of its fictional travelogue and on its rhetorical conundrum of complex questions that await the readers' reception, created a literary subgenre (utopian literature) and continue to be the model against which all utopias, anti-utopias and dystopias are measured. Interpretations of More's *Utopia*, on the other hand, are often as paradoxical and contradictory as the text itself; the Soviet Union included the name of Thomas More, 9th from top, on Moscow's Obelisk of Revolutionary Thinkers (and gave his name to one of the Kremlin's rooms), while Pope Pius XI canonized him in 1935 as a martyr of the Catholic Church; furthermore, in 2000, Pope St. John Paul II declared him the patron saint of statesmen and politicians. Diverging interpretations of More's *Utopia* include those who stress the satirical elements, those who consider it a mere *jeu d'esprit*, those who believe that he was seriously proposing that European Christian monarchies, especially Britain's should follow the model of the Utopian commonwealth described in Book II: 'the best state of a commonwealth', as the full title of this work reads: *Libellus vere aureus nec minus salutaris quam festivus de optimo reip. statu, deque noua Insula Vtopia*.⁹ It is a well-known truism that literature is about posing interesting questions rather than about providing clear, universal answers. Accordingly, Book II is full of ambiguities and paradoxes that stress the complexities of deconstructing and reconstructing the narrative voices, rhetorical patterns, and thematic elements found in

Democracy Index, 74 of the 167 countries and territories covered by the model, or 44.3% of the total, are considered to be democracies. The number of "full democracies" fell to 21 in 2021, down from 23 in 2020. The number of "flawed democracies" increased by one, to 53. Of the remaining 93 countries in our index, 59 are "authoritarian regimes", up from 57 in 2020, and 34 are classified as "hybrid regimes", down from 35 in 2020. See: EIU, *Democracy Index 2021. The China Challenge*, London, The Economist Intelligence Unit, 2022, p. 4.

⁹ All quotes from *Utopia* are taken from the March 1518 Basel edition. The original Latin text of the previous editions -1516 (Louvain) and 1517 (Paris)- differed considerably from More's manuscript and Erasmus and Giles probably made a few changes, while 1518M seems to be based on a corrected copy of the 1516 *editio princeps*. The English translation is a revised and expanded version of Robert M. Adams's, prepared for the Cambridge Texts in the History of Political Thought (1989). Quotations from More's *Utopia* will be from: More, Thomas, *Utopia. Latin Text and English Translation*, (G.M. Logan, Robert M. Adams and C. Miller, eds.), Cambridge, C.U.P., 2006. For consistency the text selected for the main text is this English version, while the original 1518M Latin text will be included in footnotes.

Utopia: among them, we have the three Mores -More the writer, More's narrator (Raphael Hythlodæus) and Thomas Morus, the character sitting at the table in Antwerp and often objecting to the narrator's uncritical crush with everything Utopian-; the paradoxical Graecisms: Utopia as the good place which does not exist (no place); Raphael Hythlodæus, the one who brings good news and the one who speaks nonsense; Amaurote, the capital city of Utopia (castle in the air), Anydrus, Utopia's equivalent of London's River Thames (the river which carries no water)... . We live in an age of interpretative pluralism, where the close reading of a text -the only objective element we have in literature- is a relatively unfrequented practice:

“Though these important questions have often been discussed in modern literary theory, they have only rarely been asked with respect to concrete critical debates on a particular literary text. This is small wonder, since the critical strategies traditionally used in research reports and prefaces to anthologies - mere descriptions of conflicting interpretations and a cautious attempt at mediation between extreme positions - cannot provide an adequate model for the task. What is needed, instead, is a systematic analysis of the causes that account for the conflicting interpretations and of the argumentative structures used in their defence”.¹⁰

Indeed, More's Utopia has triggered a good number of conflicting interpretations, largely depending on whom each critic relies on, either More's narrator, Raphael Hythlodæus, or Thomas Morus, the character in the fiction, whose similar name to that of the author may have helped navigate censorship. About war, we have those who believe that Thomas More, the author, through his third-person narrator Raphael Hythlodæus, was suggesting for Britain the pacifistic model of the newly discovered utopian country whose citizens

“[...] utterly despise war as an activity fit only for beasts, yet practised more by man than by any other animal. Unlike almost every other people in the world, they think nothing so inglorious as the glory won in battle”.¹¹

However, there are other critics who stress Utopians' absurd approach to the subject of war (among other themes), as explained by Thomas Morus' (the character) in his final comments, in a first-person narration, in the closing paragraph of *Utopia* to which we will come back later:

“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 of waging war, their religious practices, as

¹⁰ Wenzel, P., “‘Utopian Pluralism’: A Systematic Approach to the Analysis of Pluralism in the Debate about Thomas More's Utopia”, *Erfurt Electronic Studies in English (Eese)*, 10, (1996).

¹¹ “Bellum utpote rem plane beluina, nec ulli tamen beluarum formae in tam assiduo atque homini est usu, summopere abominantur, contraque morem gentium ferme omnium nihil aequè ducunt inglorium atque petitam e bello gloriam”. More, *Utopia. Latin Text and English Translation*, pp. 200-201. The play on a false etymology (Latin ‘bellum -war- from ‘belua’-beast-) is lost in translation.

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”.¹²

Hopefully, in order to contribute to a more illuminating reading of this apparent contradiction, instead of merely rewriting conflicting interpretations of More’s work, a close-reading and discussion of the main references to ‘war’ in More’s *Utopia* Books I and II will be offered, placing these texts both in the context of the discussion about the just war in More’s times and in the context of our 21st century uses of the arguments provided by More in some of our most influential contemporary debates on this subject and in the practical matters of some of our twenty-first century wars.

2. The conceptual framework: just war, preventive war, and preemptive war

War is a complex moral issue; while the old proverb suggests “all’s fair in love and war”, humans have tried to agree on the conditions for a just war (*ius ad bellum*) and on the right ways in which war, once started, should be conducted (*ius in bello*).¹³ A taxing moral issue, we still struggle to come to terms with the challenges of definitions and with the sad practical examples of wars we live in and the moral values we try to live by. On the other hand, reading More on war in his early sixteenth-century masterpiece should never be an exercise performed in a vacuum. While he wrote it from the standpoint of his extraordinary knowledge of Biblical, classic and medieval discussions about the morality of war, and from his own experience of wars during his lifetime, we cannot but read it from the perspective of the contemporary academic debates on this subject and from our own experience of wars: invasions of neighbouring countries and commercial partners such as that of Ukraine (2022) or wars on terror, especially ever since 09/11 changed the world at the very outset of our century (2001-...) forcing us to face a hard evidence unfolding before our eyes and dramatically affecting our daily lives. With the advent of our century, our world was changed for everyone, including for those unwilling or unable to peer into what Joseph Conrad named ‘the heart of darkness’. The lesson taught, while not yet universally learned, was that anticipated by Julien Freund: Sometimes peace negotiations, diplomacy, logical explanations or humanist calls for reasonable ‘alternative dispute resolution’ strategies do not prevent your being designated an enemy and attacked without consideration of *ius belli*.

¹² “Haec ubi Raphael recensuit, quamquam haud pauca mihi succurrebant quae in eius populi moribus legibusque perquam absurde videbantur instituta, non solum de belli gerendi ratione et rebus divinis ac religione, aliisque insuper eorum institutis, sed in eo quoque ipso maxime quod maximum totius institutionis fundamentum est, vita scilicet victuque communi sine ullo pecuniae commercio [...]”. More, *Utopia. Latin Text and English Translation*, pp. 246-247.

¹³ On the historical perspective of conceptual definitions of just war, see: Walzer, M., *Just and Unjust Wars. A Moral Argument with Historical Illustrations*, 5th ed., New York, Perseus, 2015, pp. 335-346. “The moral equality of soldiers is perhaps the strangest ‘rule of war’. But philosophers who deny its morality seem to me to miss the force of that preposition: “rule of war.” To understand that rule, you have to take an interest not only in moral theory, which accounts for the strangeness of the rule, but in war itself, which accounts for the existence of the rule.” (p. 346). See also: Lang Jr., A.F., O’Driscoll, C. and Williams, J. (eds.), *Just War. Authority, Tradition and Practice*, Washington D.C., Georgetown U.P., pp. 1-18.

As we deal with the reality of war, the longing for peace, and History's insistence on defying the best intentions of the human race, European Renaissance literature may offer some clues for a better understanding of some of our contemporary controversies: just war requirements, preemptive wars, preventive wars, treatment of P.O.W.s, tyrannicide, and the progress of disillusion about the failure of diplomacy and politics, and the apparent unavoidability of fighting in and outside anti-war narratives, to name just a few.¹⁴ Aldo Andrea Cassi has summarized the state of the art of our recent controversies on the just war:

“La plurimillennaria, spesso appassionata ma sempre rigorosa riflessione sul *bellum iustum* rappresentava e rappresenta tuttora (nella sua attuale metamorfosi della ‘guerra umanitaria’) un’argine allo straripante dilagare della violenza armata *inter nationes e inter gentes*. In questa sfida tra pacifisti a oltranza e interventisti convinti gli unici perdenti sembrano destinati a essere gli *inocentes*: vittime della violenza loro perpetrata che gli uni non ritengono *titulus legitimus ad bellum*, vittime degli effetti collaterali del ‘fuoco amico’ degli altri [...]”.¹⁵

Unless a particular war can be judged a just war, it is pointless to discuss the special case of the preventive war, and even if there is widespread consensus that the war is just, many cases do not fit comfortably within the preventive war category. As J. Lobel suggests:

“The history of Western civilization is filled with major wars commenced for preventive reasons: Sparta’s declaration of war against Athens commencing the Peloponnesian War, Carthage’s preemptive attack on Rome, the preventive war declared by Germany against Russia that initiated World War I, or Japan’s surprise attack on the American fleet at Pearl Harbor. Most of these wars, like the second Iraq war, were launched by leaders who also perceived that the strategic environment their nations faced was new and required decisive action before the new gathering threats inevitably eventuated”.¹⁶

Often the use of the terms ‘preemptive war’ and ‘preventive war’ is confusing, because they are treated as synonyms, but, in English, there is an important difference

¹⁴ This section develops some ideas from the following unpublished lecture: Martínez López, M., “‘Shooting first’: War and Peace in English Utopias of the Renaissance”, opening lecture, 20th *international Spanish and Portuguese Society for English Renaissance Studies (SEDERI) Conference*, University of Valencia, April 22, 2009.

¹⁵ Cassi, A. A., *Santa, Giusta, Umanitaria. La Guerra nella Civiltà Occidentale*. Roma, Salerno Ed., 2019, p. 139. In his closing chapter, he quotes a seminal work by Norberto Bobbio, on the occasion of the first war of Iraq: “Pur riconoscendo la lucidità delle argomentazioni sulla strumentalizzazione della dottrina della Guerra giusta (che non è la dottrina), resta valido l’assunto già da tempo pronunciato dalla scienza giuridica italiana: “l’effetto dell’abbandono della dottrina della Guerra giusta non [è] il principio: “tutte le guerre sono ingiuste”, ma esattamente il principio opposto: “tutte le guerre sono giuste”. Bobbio, N., *Una guerra giusta. Sul conflitto del Golfo*, Venezia, Marsilio, 1991, pp. 55-56.

¹⁶ Lobel, J., “Preventive war and the lessons of history”, *University of Pittsburg Law Review*, 68 (2006), p. 307. Available at: <https://pdfs.semanticscholar.org/aed1/7e08d153591f96c80890399b06b1df5d9cc8.pdf>

between the two, which happens to be very difficult to translate into other languages.¹⁷ In short, a pre-emptive war is one that starts when a state targets an enemy that represents an imminent threat of attack. The Six-Day War (5-10 June, 1967) is a classic example of pre-emptive war.¹⁸ Conversely, a preventive war is one that starts when a state targets an enemy without any evidence of an impending attack, but when that state has reasons to believe that an attack by the target is inevitable and that delaying the launch of such a preventive attack would involve greater risk, higher costs and a later war under less favourable circumstances. The Japanese attack on Pearl Harbour (December 7, 1941) is a classic example of a preventive attack.¹⁹ The doctrine of pre-emption vs. prevention has been formulated by The Council on Foreign Relations' Boston Term Member group, in a February 1, 2004 summary paper titled "The Bush Administration's Doctrine of Preemption (and Prevention): When, How, Where?":

"The difference between preemptive war and preventive war is not a matter of semantics. Rather, it is a matter of timing that has implications for whether an act is justified or not. Traditionally, preemption constitutes a 'war of necessity' based on credible evidence of imminent attack against which action is justified under international law as enshrined in the self-defence clause (Article 51) of the UN Charter. But the Bush administration has expanded the definition to include actions that more closely resemble preventive war. Preventive wars are

¹⁷ "The terms 'preemption' or 'prevention' are sometimes used interchangeably. They are not, however, synonyms and one invites serious misunderstandings by failing to discriminate between the two. The barrier to preventive use of force is higher than that for preemption, although both have to make a strong case". From Elshtain, J.B., "Prevention, preemption, and other conundrums" (D. K. Chatterjee ed.), *The Ethics of Preventive War*, Cambridge, CUP, 2013, p. 17. For example, in Spanish and Italian, both terms are systematically translated as 'guerra preventiva'. Very occasionally, an attempt at a distinction between 'guerra preventiva' and 'guerra anticipatoria' is made, as in the following case: Zulueta Fülcher, K., *La Guerra Preventiva: de la Justificación al Juicio*, Tesis Doctoral, UAM, 2006, p. 19: "Primero la guerra preventiva (preemptive), que es la guerra que se lleva a cabo en prevención ante amenazas inminentes, y que, como hemos visto en los puntos expuestos por Walzer, puede ser asimilada con la defensa propia. Otra categoría es la intervención humanitaria, una guerra contra un estado para salvaguardar los derechos humanos de sus habitantes o de otra gente bajo su control. La última categoría problemática es la guerra anticipatoria (preventive) [...]".

¹⁸ Walzer, "Pre-emptive strikes. The Six-Day War", *Just and Unjust Wars*, pp. 80-85: "Preemptive strikes. The Israeli first strike is, I think, a clear case of legitimate anticipation. To say that, however, is to suggest a major revision of the legalist paradigm. [...] Israeli anxiety during those weeks [before the beginning of the war] seems an almost classic example of "just fear"—first because Israel really was in danger (as foreign observers readily agreed), and second, because it was Nasser's intention to put it in danger. He said this often enough, but it is also and more importantly true that his military moves served no other, more limited goal". (p. 84)

¹⁹ *Ibid.*, p. 263. See also: Barnes, J. and Stoll, R.J., *Preemptive and Preventive War. A Preliminary Taxonomy*, Houston, The James A. Baker Institute for Public Policy – Rice University, 2007, p. 15: "Perhaps the most famous—or infamous—of preventive wars is arguably the Pacific War launched by Japan's surprise attack on Pearl Harbor. U.S.-Japanese relations had deteriorated steadily in the decade following Japan's seizure of Manchuria in 1931-32. They took a sharp turn for the worse with the Japanese-German-Italian Tripartite ("Axis") Agreement (September 1940) and Japan's occupation of French Indochina (1940-41), culminating with President Roosevelt's decision to impose an embargo on oil exports to Japan and a seizure of Japanese assets in the United States (July 1941). By December 1941, many in Tokyo and Washington believed war to be inevitable. Japan's decision to go to war was driven in large part by this belief and by fears that the U.S. oil embargo would impair Japan's war-making capabilities within months. Given these facts, it was better to strike sooner than later".

essentially 'wars of choice' that derive mostly from a calculus of power rather than the precedent of international law, conventions, and practices. In choosing preventive wars, policymakers project that waging a war, even if unprovoked, against a rising adversary sooner is preferable to an inevitable war later when the balance of power no longer rests in their favour. The proposition gains traction when that enemy state is arming itself with WMD, or credibly threatens the supply of a critical resource such as oil, and national intelligence indicates that the enemy intends to harm one's own state."²⁰

Both concepts depart from the assumption that

“[...] given the opportunity, an adversary will use force and therefore cannot be afforded the option of striking first. Prevention exploits existing strategic advantages by depriving another state of the capability to pose a threat and/or eliminating the state's motivation to pose a threat, often through regime change. Thus, prevention provides a means of confronting factors that are likely to contribute to the development of a threat before it has had the chance to become imminent. [...] A preemptive war takes place at some point between the moment when an enemy is perceived to be about to attack and when the attack is actually launched. Prevention is cold-blooded: it intends to deal with a problem before it becomes a crisis, while preemption is a more desperate strategy employed in the heat of a crisis. “Prevention can be seen as preemption in slow motion”, more anticipatory or forward thinking, perhaps even looking beyond the target's current intentions to those that might develop along with greatly enhanced capabilities”.²¹

Thomas More addressed the issue of the moral legitimacy of both preemptive and preventive wars, within the paradigm of the Utopians' self-defence and deterrence strategies. Once we have briefly revised a contemporary reading of just war theory, let us now address More's background in this matter and the main characteristics and actors of the theoretical debate on just war, and its ancillary concepts of pre-emption and prevention in the Sixteenth-Century, when *Utopia* was published. This will hopefully provide some indication of how the century that witnessed the success of More's bestseller received this 'little book', and some contemporary approaches to such a sensitive issue as war. When we close read More's *Utopia* on war, we hope we will be able to identify the sources our author worked on in his design of war in the 'better commonwealth'.

While his international reputation largely rests on *Utopia*, Thomas More was one of the great experts on the Bible of his time, as his *Confutation of Tyndale's Answer* proves.²² Therefore, he was perfectly aware of the biblical approach to the theme of war,

²⁰ Rosenwasser, J., “The Bush Administration's Doctrine of Pre-emption (and Prevention): When, How, Where?”, Council on Foreign Relations, February 1, 2004. Available at: <https://usiraq.procon.org/view.answers.php?questionID=000877>

²¹ Freedman, L., “Prevention, not preemption”, *The Washington Quarterly*, 26:2 (2003), pp. 106-107.

²² More, Th., *The Confutation of Tyndale's Answer, Books 1-4, 1532-1533. The Complete Works of Thomas More*, vol. 8.1, New Haven, CT., Yale U.P., 1973. See also: Hutchinson, C.F.E., “Sir Thomas More as a Translator of the Bible”, *The Review of English Studies*, 17:65 (1941), pp. 1-10. On the Bible in

both in the Old Testament (OT) and in the New Testament (NT). The OT is abundant in violence: the *Book of Joshua* is full of bloody wars; Apocalyptic literature anticipates the violent end of days when God's enemies will be destroyed until war is finally eradicated from the face of the earth and the just can enjoy a thousand years of peace and prosperity; the *Book of Revelation to John*, the last book of the New Testament, suggested that Christ will establish a one-thousand-year reign of the saints on earth (the millennium) that will live in peace and prosperity before the Last Judgment. Prophets are usually also warriors, and the OT is full of characters who call to war, supposedly guided by the "Lord of the Armies". In Deuteronomy XX ("Going to War") we have details that would be partly consistent with today's definition of *ius in bello* and which closely resemble what we find in More's *Utopia* (Book II):

"When you approach a city to do battle with it, offer it terms of peace. 11 If they accept your terms of peace and open their gates to you, then all the people who live there shall be subject to forced labor done on your behalf. 12 If they refuse your terms of peace, then you will do battle with them, besieging that city. 13 When the Lord, your God, delivers it into your hands, you shall put every man in it to death".²³

About the doctrines of war in the Ancient Period, we have already mentioned the relevance of Plato, who believed that war would cease to be necessary in the context of a virtuous republic that will be destined to enjoy peace and prosperity. It is no coincidence that Plato's *The Republic* has often been cited as one of the forerunners of More's *Utopia*.²⁴ Likewise, Aristotle,²⁵ in *Politica* book I, introduces the concept of the human being as *homo socialis* who, in the process of constructing the social dimension within a community, often takes resource to violence. The following excerpt by G. Breccia summarizes Aristotle's position about the legitimacy of war:

"Secondo lo Stagirita la giusta res pubblica coltiva la pace, e fa la guerra solo perché necessaria a proteggere la propria indipendenza o utile a migliorare le proprie condizioni: amarla per se stessa è da barbari. Aristotele considera legittime anche le guerre di egemonia, combattute nell'interesse dei cittadini, purché non oltrepassino il segno e non si trasformino in un disegno di dominio universale; è inevitabile, a suo avviso, che uno Stato – non potendo vivere nell'isolazionismo assoluto – intervenga regolarmente, con la propria forza militare, negli affari dei suoi vicini, in modo da conquistare una posizione di preminenza, ritenuta a priori desiderabile dalla comunità. Fin qui il filosofo si mantiene nel solco della tradizione: guerra difensiva e guerra esterna «moderata», entrambe giuste in quanto sostanzialmente inevitabili nel gioco di equilibrio tra

Utopia, see Marc'hadour, G., *The Bible in the Works of Thomas More*, Part V, Nieuwkoop: B. de Graaf, 1972, pp. 119 & ff.

²³ Deuteronomy XX, 11-13. *New Catholic Bible*.
<https://www.biblegateway.com/passage/?search=Deuteronomy+20&version=NCB>

²⁴ Steintrager, J., "Plato and More's 'Utopia'", *Social Research*, 36:3 (1969), pp. 357-372; see also: Weisgerber, Ch. A., "Two Utopias: A Comparison of the *Republic* of Plato and St. Thomas More's *Utopia*", Loyola University, 1940, Master's Theses. 708.

²⁵ On Aristotle's influence on More's *Utopia*, a much less frequented topic, see: Jackson, M., "Designed by Theorists: Aristotle on *Utopia*", *Utopian Studies*, 12:2 (2001), pp. 1-12.

potenze; ma Aristotele va oltre, e ai due già descritti aggiunge un terzo tipo di guerra eticamente lecito: quello combattuto per conquistare il dominio su chi merita di essere asservito, ovvero su quei popoli barbari che sono «schiavi per natura», e che i popoli «liberi» hanno quindi il diritto di sottomettere e sfruttare come risorsa economica”.²⁶

In Roman times, in the times of the paradoxically brutal *pax romana*, Cicero suggests that war is as beastly as inevitable a means, and which has to be fought for just reasons. Thomas More will use the same vocabulary at the outset of his ‘chapter’ on war: “an activity fit only for beasts”. In the Ancient World, the ethics of war is essentially based on the *ius ad bellum*, more than in the *ius in bello*.

The last forerunner we will mention is Augustine’s *The City of God*, frequently compared to More’s *Utopia*.²⁷ Actually, Thomas More was delivering a series of public lectures on *De Civitate Dei*, in the Church of St. Lawrence shortly after his appointment in 1501 as Utter Barrister in Lincoln’s Inn. The approach to the text was not theological but historical and philosophical, and they were probably attended by a much older and established audience of clergy, lawyers, and high-ranking civil servants.²⁸ R.W. Chambers has suggested that Thomas More “may have embodied [in these lectures] some of the criticism of social evils which [he] later put into *Utopia*”.²⁹ Augustine had a fully developed theory of the just war, which, like in the case of the Utopians, is far from limited to defensive wars. Therefore, Thomas More could have been inspired by Augustine in his design of the theme of war in his *Utopia*.³⁰

The legitimacy of preventive war –as a chapter of the more general debate on the just war- was also being discussed within the context of research on the concepts of *ius ad bellum*, *ius contra bellum* and *ius in bello* in Europe in the sixteenth century. During the formative period of the nation-states of Britain, France and Spain, a few months before Alberico Gentili started lecturing at Oxford University on the *ius ad bellum* and the *ius in bello*, Lord Deputy Arthur Grey of Wilton was ordering his troops to execute six hundred Irish, Italian and Spanish soldiers who had just surrendered. On November 10, 1580, at the Golden Fort in Smerwick on the coast of Ireland, Lord Grey terminated the occupation of the fort by continental soldiers who had tried in vain to assist the Earl of Desmond’s rebellion against English rule. After their formal surrender, he ordered “certain bands, who straight fell to execution.” There were 600 slain, according to the official report to Sir Francis Walsingham “all the Irish men and women [were] hanged, and four hundred and upwards of Italians, Spaniards, Biscayans, and others put to the sword”.³¹ The terms of the surrender negotiated between Lord Grey and the Italian

²⁶ Breccia, G., *L’Arte della Guerra da Sun Tzu a Clausewitz*, Turin, Einaudi, p. LIII.

²⁷ Raitiere, M. N. “More’s *Utopia* and *The City of God*”, *Studies in the Renaissance*, 20 (1973), pp. 144–68.

²⁸ Baker-Smith, D., “Who Went to Thomas More’s Lectures on St Augustine’s *De Civitate Dei*?”, *Church History and Religious Culture*, 87:2 (2007), pp. 145-160.

²⁹ Chambers, R.W., *Thomas More*, Ann Arbor, Univ. of Michigan Press, 1958, p. 83.

³⁰ Raitiere, M.N., “More’s *Utopia* and *The City of God*”, pp. 159-160.

³¹ Lockey, B.C., *Law and Empire in English Renaissance Literature*, Cambridge, C.U.P., 2006, p. 1-14.

commander included that his soldiers would be taken alive and allowed to return safely to Spain. While contemporary laws, both national and international, were clear in prohibiting the execution of p.o.w., the gap between practical and juridical standards of warfare –as the Smerwick incident clearly suggests– was large and widening in the century that saw the first editions of More’s *Utopia*.

Four months after the Smerwick massacre, Alberico Gentili, one of the fathers of international law, was completing his Ph.D. Dissertation at Oxford University, where he would soon begin teaching law at St. Johns College. After two years in the English diplomatic service, working as attaché before the Court of Saxony in Germany, he returned to Oxford on a full professorship appointment in 1587, where he wrote his finest piece of scholarship, *De jure belli libri tres*, published in 1598, which established a useful working definition of war that incorporated the need for a juridical justification: *publicorum armorum iusta contentio*; furthermore, Gentili also established, from an extremely restrictive viewpoint, the possible causes for a just war. It may be some consolation that such ethical rules for warfare were contemporaneous with Grey’s bloody act. It is also reassuring that later English commentators expressed discomfort that an English officer of Grey’s stature had ordered surrendering enemy troops to be executed and that the reaction of Queen Elizabeth triggered an investigation, and serious charges against Grey. However, his secretary, Edmund Spenser’s intervention prevented any consequences: he said he was there, that no promises of life were ever made to the prisoners and that those executed “Coule not iusley pleade either Custome of war or lawe of nacions, for that they weare not anie lawfull enemyes,” since Spain and England were not officially at war. This Spenserian justification continues to serve some of today’s democracies to deny p.o.w. rights to suspected terrorists throughout the world.

3. War in Thomas More’s *Utopia*

The complex structure of *Utopia* has often been simplified as follows: Book I describes More’s world as it is; Book II provides a fictional narration of the better place (implicitly compared with More’s England) the world as it should be, and then there is a set of ancillary documents, the so-called *parerga*, consisting of six letters of commendation by European humanists, two letters by Thomas More himself, the alphabet of the Utopian language, an example of a poem written in their vernacular, and a map of Utopia; altogether they enhance the verisimilitude of the core narrative, but unfortunately, they are rarely printed with most modern versions of the text. Things, as usual, are a bit more complicated: on May 15, 1515, Thomas More went to the Netherlands (Bruges) and profited from the approximately three-month halt in the diplomatic negotiations with the Spanish Empire on wool trade to visit Antwerp and meet fellow humanist Peter Giles. Probably as a result of their conversations on voyages of discovery and newly-found peoples’ governments during the summer of 1515, he wrote most of Book II (‘The Discourse on Utopia’) as well as an introduction to what would later be Book I (‘The Dialogue of Counsel’), most of which would be written well after Book II, in 1516, when he was back to his usual duties as London Undersheriff and about

to become more involved in Court as Privy Councillor. Along with Book I, he also wrote in London Book II's 'Peroration and conclusion'.³²

Book I is an interesting blend of real and fictional landscapes, people, and places. It also provides a realistic geographical, temporal, and contextual setting. While Cardinal John Morton, Peter Giles and a 'Thomam Morum', who 'impersonates' the author and is the narrator of this first book, are real, Raphael Hythlodæus, the character-narrator of Book II is a fictional character. After Peter Giles introduces Raphael Hythlodæus - a seasoned traveller and philosopher- to Thomas More, the latter tries to persuade the former that his knowledge and experience could be put to good use in the service of a Prince. However, Raphael rules out the idea, because of the following reasons:

"In the first place, most princes apply themselves more to the arts of war, in which I have neither ability nor interest, instead of to the good arts of peace. They are generally more set on acquiring new kingdoms, by hook or crook, than on governing well those they already have".³³

The first direct reference to war in *Utopia* is by Hythlodæus and it is a highly critical one of the European modern monarchy's tendencies to territorial expansion through any means necessary, rather than balancing international with domestic policies that would guarantee the well-being of the people. The Age of Discoveries had ignited the Europeans' imaginations about distant lands, exotic peoples, and riches..., and had subsequently fed an intense colonial thirst in Europe. More is the realist reformer in Book I, while Hythlodæus is the acritical idealist who criticizes but does nothing, all the way through the end of Book II. The former understands that a scholar has a moral duty to provide good counsel to those in power -and he paid with his life his reluctant decision to accept entering King Henry VIII's service while refusing to give up his moral integrity-; the latter represents the philosopher in his ivory tower, godlike apart. The role of the scholar in politics is one that continues to be debated today. The frequent refusal of intellectuals and successful professionals to participate in politics tends to lower the intellectual level and abilities of the political class even in well-established democracies. Interestingly, our source translates the expression "per fas ac nefas" as "by hook or crook" ('by any means necessary') when the first English version (Ralph Robinson's 1551 edition) had it translated in a literal way ("how by right or by wrong") an early suggestion that war, 'acquiring new kingdoms' can be done right or wrong. Relying only on one of the many English versions of Thomas More's original Latin text implies a lot of nuances that are unfortunately lost in translation.

This line of thought by Raphael Hythlodæus, which denies any usefulness to the provision of good, 'technical' counsel to kings is elaborated upon through a rhetorical question and a practical example. His point is that kings are usually surrounded by

³² On contextual aspects of the writing of *Utopia*, see Surtz, E., "St. Thomas More and His Utopian Embassy of 1515", *The Catholic Historical Review*, 39:3 (1953), pp. 272-297.

³³ More, Thomas, *Utopia. Latin Text and English Translation*, p. 52-53: "Primum enim principes ipse plerique omnes militaribus studiis (quorum ego neque peritiam habeo neque desidero) libentius occupantur quam bonis pacis artibus, maiusque multo stadium est quibus modis per fas ac nefas nova sibi regna pariant quam uti parta bene administrant".

advisors who never deviate from their perception of the king's wishes, for fear of losing their position, for the economic dependence on keeping the king's favour or for other similarly unethical reasons. If a King wants to wage war, he will wage war, so independent advice for the benefit of the country is, according to the idealist Hythlodæus, pointless:

“Imagine, if you will, that I am at the court of the King of France. Suppose me to be sitting in his royal council, meeting in secret session with the King himself presiding and surrounded by all his most judicious councillors hard at work devising a set of crafty machinations by the which the King might keep hold of Milan and recover Naples [...] Now, in a meeting like this one, where so much is at stake, where so many distinguished men are competing to think up schemes of warfare, what if an insignificant fellow like me were to get up and advise going on another track entirely? Suppose I said the King should leave Italy alone and stay at home because the kingdom of France by itself is almost too much for one man to govern well [...] How do you think, my dear More, this speech of mine would be heard?”³⁴

Thomas More would experience first-hand the consequences of going against the tidal wave of the king's wishes, like all kings followed by his sycophants, before and after his resignation as Lord Chancellor in 1532. Though he never spoke or wrote against Henry VIII's marriage to Anne Boleyn, his silence and refusal to take the Oath of Supremacy, which reunited the political and religious power in the person of the monarch until today, placed him at the crossroads of betraying his conscience or facing execution: that was the answer to his character-narrator's rhetorical question about the King's reaction to 'alternative' advice.

Another interesting reference to war in Book I occurs in the context of More's critique of some of the ills of the English criminal law system, which was mostly devoid of the principle of proportionality (fairness) between the offense and the punishment; for example, theft could be punished, like manslaughter or rape, with death or amputation, and Thomas More (a former lawyer and judge) thought that was not only illegal but also absurd and counterproductive for the reduction of crime rates; he knew first-hand the many injustices derived from a socio-economic system that 'first created thieves and then punished them' and was perfectly aware of the role of wars in the making of a special class of thieves:

“Severe and terrible punishments are enacted for theft, when it would be much better to enable every man to earn his own living, instead of being driven to the awful necessity of stealing and then dying for it. [...] We may overlook the cripples who come home from foreign and civil wars [...] These men, who have

³⁴ *Ibid.*, pp. 83-87: “Age, finge me apud regem esse Gallorum atque in eius considerare consilio, dum in secretissimo secessu praesidente rege ipso in corona prudentissimorum hominum, magnis agitur studiis quibus artibus ac machinamentis Mediolanum retineat ac fugitivam illam Neapolim as se retrahat [...] Hic, inquam, in tanto rerum molimine, tot egregiis viris ad bellum sua certatim consilia conferentibus, si ego homuncio surgam ac verti iubeam vela, omittendam Italiam censeam et domi dicam esse manendum, unum Galliae regnum fere maius esse qua mut commode possit ab uno administrari [...] Hunc orationem quibus auribus, mi More, putas excipiendam?”

lost limbs in the service of the common good or the king, are too shattered to follow their old trades and too old to learn new ones. [...] Those who are turned out soon set about starving, unless they set about stealing. What else can they do?”³⁵

Thomas More is addressing, both in Book I and II of his *Utopia*, some of the most obvious reasons for the extremely high rates of criminality of his city. The political inability of the Crown to reintegrate soldiers back to their own society, particularly when their wounds prevented them from fighting again, was greatly impacting theft rates, and was increasing vagrancy as a form of life because the only options were steal or starve to death, as Book I explains in minute detail. An economic system that did not provide enough food for all could not be considered just and a social arrangement that considered ex-soldiers the worse kind of vagrants because they were trained in martial arts and therefore more efficient thieves, could not last.³⁶

However, it is in Book II where we find an extended presentation on the subject of war in the words of the character-narrator, Raphael Hythlodæus, who stresses the wisdom of the Utopians that devised it and the advantages of their practices, some of which have become commonplace today, thus anticipating over five-hundred years the evolution of the key concepts we have introduced in the first part of this article: just war, *ius ad bellum* and *ius in bello*.

Interestingly, seldom is the theme of war in More’s *Utopia* subject to specific analysis or even mentioned. A notable exception is Sholomo Avineri, Professor Emeritus at the Department of Political Science of the Hebrew University of Jerusalem, who discussed, in 1962, the themes of slavery and war from the perspective of political science during the cold war.³⁷ He engages in a literal reading of More’s Book II, without any reference to Book I and without any concerns for the fictional nature of More’s text:

“[...] at least two spheres of Utopian life look as if they were far away from being an ideal state. The first is the sphere of social life, where in spite of rigid egalitarianism Utopian society does make use of slaves. The slaves in Utopia are either foreign prisoners-of-war or, more frequently, criminals who according to the Utopian criminal code became state-slaves in the way of punishment. [...] If

³⁵ *Ibid*, pp. 56-59: “Decernuntur enim furanti gravia atque horrenda supplicia, cum potius multo fuerit providendum uti aliquis esset proventus vitae, ne cuiquam tam dira sit furandi primum dehinc pereundi necessitas. [...] Nam primum omittamus eos qui saepe vel ab externis bellis vel civilibus mutili redeunt domum [...] qui vel reipublicae impendunt membra vel regi: quos neque pristinas artes exercere debilitas patitur, neque aetas novam discere. [...] Interim illi esuriunt strenue nisi strenue latrocinentur. Nam quid faciant?”

³⁶ Wilson, D., *England in the Age of Thomas More*, London, Granada Pub. Ltd., 1978, pp. 155-156: “As a lawyer – as, indeed, the first lawyer in the land – Chancellor More was concerned with the administration of what passed in the sixteenth century for justice. As a Christian humanist he believed passionately in the need for social reform, especially for softening the law against those forced by poverty into criminal acts or habits. In the Court of Chancery, over which he presided from 1529 to 1532, More had some opportunity to apply those principles and beliefs which, in his opinion, lay behind the written law and went to the heart of real justice. For Chancery was a court of equity”.

³⁷ Avineri, S., “War and slavery in More’s *Utopia*”, *International Review of Social History*, 7:2 (1962), pp. 260-290.

this could be explained by referring to existing standards of punishment in More's own period, the same could not be said in defence of what More has to say about the way the Utopians wage war, and the whole chapter "Of Warfare" is rather difficult to square with any notion of an ideal society".³⁸

First, it must be noted that Avineri's description of the typology of slaves is incomplete:

"A third class of slaves consists of hard-working penniless drudges from other nations who voluntarily choose slavery in Utopia. Such people are treated with respect, almost as kindly as citizens, except that they are assigned a little extra work, on the score that they're used to it. If one of them wants to leave, which seldom happens, no obstacles are put in his way, nor is he sent off empty-handed".³⁹

This third class of slaves, free people in their countries who prefer to live in Utopia as slaves (but with all their basic needs taken care of) than being free (but starving) in their own countries suggests the different concept of 'slavery' we encounter in More's commonwealth, if we compare it with the common definition of slave and the situation in some of the sending countries; there are no physical punishments, no extenuating labour, slavery in Utopia is not hereditary and, even p.o.w. and criminals could gain their freedom by good behaviour. Book I's discussion on the social problem of the integration of ex-soldiers who resorted to theft as their only way to survive when they were not fighting or when they were wounded, also resonates here, suggesting that many people would prefer to give up some freedom in exchange for having their basic needs taken care of, as it happens in the society of arrival (Utopia) as opposed to the society of departure (sixteenth-century England).

Second, a comparison between the care provided by the Utopians to their p.o.w. turned 'servi' and the practices in sixteenth-century Britain suggests the former's is certainly far more caring than the latter, as the following account of the above-mentioned Smerwick massacre suggests:

"Morning come; I presented my companies in battle before the fort, the colonel comes forth with 10 or 12 of his chief gentlemen, trailing their ensigns rolled up, and presented them unto me with their lives and the fort. I sent straight, certain gentlemen in, to see their weapons and armours laid down, and to guard the munition and victual there left for spoil. Then put I in certain bands, who straight fell to execution. There were 600 slain".⁴⁰

³⁸ *Ibid.*, p. 260.

³⁹ More, Thomas, *Utopia. Latin Text and English Translation*, pp. 186-187: "Aliud servorem genus est quam alterius populi mediastinus quispiam laboriosus ac pauper elegerit apud eos sua sponte servire. Hos honeste tractant ac nisi quod laboris utpote consuetis imponitur plusculum, non multo minus clementer ac cives habent. Volentem discedere (quod non saepe fit) neque retinent invitum neque inanem dimittunt".

⁴⁰ *Strangers to That Land: British Perceptions of Ireland from the Reformation to the Famine* (A. Hadfield & J. McVeagh eds.), Oxford, OUP, 1994, pp. 102-104.

The above extract from Lord Grey's account, in a letter to Queen Elizabeth, dated November 12, 1580, where he proudly tells the Queen that he had killed c. 600 Spanish and Italian soldiers after they had surrendered, turned in their weapons, and after having been declared p.o.w. was not an isolated case in sixteenth-century Europe. Lord Arthur Grey de Wilton (1536-1593) was lord deputy of Ireland from 1580 to 1582. Grey's letter leaves little to the imagination about the ferocity of his actions, which immediately turns Utopia's p.o.w. rules unusually caring and humane.

Avineri, like many other critics of *Utopia*, also gets it wrong when he refers twice to the alternative society as the "ideal state". Utopia is not about perfection, or the ideal state, but rather a rational exploration of alternative possibilities, better ways, the best possible state of a commonwealth (*de optimo rei publicae statu*), if compared to England or to any other modern monarchy in Europe, but not an ideal state, in the sense of a perfect commonwealth:

"[...] the utopianism of opposition does not seek perfection, or removal of opportunities for evolution. Its goal is progress and not repression of human beings. It is not utopianism that is at fault, the problem arises rather from the conviction that a particular utopia can bring about the only correct way to live".⁴¹

The other problem that can be easily identified in Avineri's account of slavery and war in Utopia is related to the edition he chose for his reading of both themes in More's work: *Everyman's Library* is indeed a popular edition of Thomas More's *Utopia*, edited by J. Warrington and prefaced by Richard Marius, who, by the way, viewed Hythlodæus' word as More's, a rather simplistic approach that does not account for the literary complexities of the three Mores: More the author, Morus the character sitting at the table in Antwerp, and Raphael Hythlodæus, the character-narrator chosen by the author for Book II. To further complicate things, *Everyman's Library* uses Ralph Robinson's earliest English version of Thomas More's work (1556), forty years after the first edition and twenty-one years after the author's death. There are no references to the original Latin version, it selects part of the material present in the manuscript, the only one that Thomas More authored, and Ralph Robinson read Utopia just as political satire:

"In fact, Robinson's translation/edition [...] tends to handle this material less theoretically and more pragmatically, reading the Utopia as a kind of social and political satire and domesticating the humanistic dimensions of More's original text, which (thanks in part to the countless verbal echoes of the Latin) offers a much denser, more sophisticated and more cerebral experience to its readers".⁴²

The above shortcomings led Avineri to decide that More's proposal about war in his *Utopia* is:

"[...] one of the most detailed and abhorring expositions ever to be written in a tract on political philosophy about the technique of war, and prima facie, the

⁴¹ Tower Sargent, L. "In defense of Utopia", *Diogenes*, 53:1 (2006), p. 11.

⁴² McCutcheon, E. "Ten English Translations/Editions of More's *Utopia*", *Utopian Studies*, 3:2 (1992), pp. 104-105.

chapter seems to be worthy of Machiavelli, if not Treitschke. The obvious question arising out of this chapter is how could this have been possibly ever conceived as a recipe for an ideal state”.⁴³

From this point on, much of his article turns into a list of accusations against Thomas More based on his literal reading, often misreading, of *Utopia* as “a tract of political philosophy”, as he calls it, which obviously is not: for Avineri, when More speaks of helping friends in need, More really means nations dependent on Utopia for military weapons and expertise (much like the West depends today on US technology and military capabilities); when More writes that Utopians do not waste or destroy or burn up their enemies’ corn, Avineri confesses “one gets the first suggestion that the Utopians may be waging wars for the economic benefits arising from them”⁴⁴, which is not warranted by any textual reference or by any secondary source. He then goes on to consider the section on tyrannicide as “a policy of subversion and political assassination”;⁴⁵ the use of the Zapoletes – ‘hideous, savage and fierce’ mercenaries hired by the Utopians- is viewed by Avineri as “the nearest any political theorist ever came to conscious genocide”.⁴⁶ He also seems at odds with the Utopian custom of preparing and training for war, but sending mercenaries to fight so that their own Utopian citizens, few or none, have to actually engage in combat.⁴⁷ Avineri concludes his close-reading of war in Utopia with the following judgments:

“[...] if the natives refuse to live along with the enterprising and go-ahead Utopians, [...] ‘the Utopians drive them out of those bounds [...] And if they resist and rebel, then they make war against them’. [...] This is not just the crude right of conquest, as Machiavelli would perhaps satisfy himself in his simple-mindedness. [...] The quest for empire and colonisation is thus elevated into a law of nature and fighting against the Utopians becomes tantamount to fighting against nature itself [...] we get here, prima facie at least, a picture of a modern, total and rationalized war. It is being waged in utmost cynicism with all possible means, without any regard for ordinary ethics and morality, justifying ruthless expansion, genocide, subversion and political assassination, along with the unscrupulous use of allies which are really utterly dependent. If Utopia is a paradise for its own inhabitants, it is causing life to be very much like hell to all other nations”.⁴⁸

He then moves on to accuse what he calls ‘the traditional school of interpretation’ about *Utopia* of hardly ever mentioning the fact that More wrote anything about war. He mentions Frederic Seebohm,⁴⁹ G. Th. Rudhart, E. Dermenghem, G.R. Potter, K. Kautsky, A.L. Morton, H. Oncken and other representatives of the “German power interpretation”

⁴³ Avineri, “War and slavery in More’s Utopia”, p. 261.

⁴⁴ *Ibid.*, p. 262.

⁴⁵ *Ibid.*, p. 262.

⁴⁶ *Ibid.*, p. 263. He bases his accusation of genocide on the following text: “[...] for they believe that they should do a very good deed for all mankind if they could rid out of the world all that foul stinking den of that most wicked people”.

⁴⁷ *Ibid.*, p. 264.

⁴⁸ *Ibid.*, p. 264.

⁴⁹ Avineri refers to Seebohm, F., *The Oxford Reformers of 1498*, London, Longmans, Green & Co., 1867, pp. 279-280.

of the nineteenth and early twentieth centuries, which Avineri admits “has not been widely accepted, and was certainly not popular or even widely known”.⁵⁰ Their attempt at describing More as a sort of Machiavelian saint miserably failed, largely because it was based on speculations and biased analyses of a work of fiction as a political treatise, as Avineri himself refers to *Utopia* several times in his otherwise well documented and interesting article. *Utopia* was “A Truly Golden Handbook, No Less Beneficial than Entertaining, by the Most Distinguished and Eloquent Author THOMAS MORE Citizen and Undersheriff of the Famous City of London”⁵¹ as More’s subtitle reads. It is *dulce et utile*, ‘salutaris and festivus’, but, considered as a whole, it is a work of fiction, not a political treatise. And while Machiavelli was certainly all but the ‘simple-minded’ scholar Avineri suggests, his ideas were indeed neatly different from those of Thomas More.⁵²

Later on, when Avineri mentions the ‘neo-Catholic attack on the German view’ of More’s *Utopia*, he admits -citing H.W. Donner- that it is “a picture of a state of society to which man can attain without revelation”⁵³ but still fails to understand that the issue at stake here is literary consistency. Thomas More was consistent, as a creative writer, with what was plausible in the setting he had chosen: a pre-Christian society, which knew nothing of Christianity until the arrival of Raphael Hythlodæus’ crew.⁵⁴ It is in this context that divorce, euthanasia and slavery make sense, because reason without Revelation can comfortably accommodate all of them. In addition, the suggestion that a literary writer has to clone his ideas in those of his characters or in the societies he imagines is absurd if read as a biographical determination of any author’s work. However, if one insists on approaching *Utopia* from the perspective of biographical criticism, Thomas More’s position on this subject happens to be compatible with that of the Utopians, since he never ruled out the possibility of the need of waging war:

“Since human beings were created to rule themselves freely, More saw no substitute for conscience, while also recognizing the need to use prudently the force mandated by law and authorized by lawful authority. Well aware of the dangers and difficulties of life, More never took a passivist stance, and he had no hesitation, for example, in advocating armed resistance to the Turks who were sweeping over Europe in their cruel exploits (CW6 415). Nor did More hesitate to

⁵⁰ *Ibid.*, p. 278.

⁵¹ More, Thomas, *Utopia. Latin Text and English Translation*, p. 2-3. The full version of the original Latin title in Thomas More’s manuscript is: *De Optimo Reipublicae Statu Deque Nova Insula Utopia. Libellus vere aureus, nec minus salutaris quam festivus, clarissimi disertissimique viri THOMAE MORI inclutae civitatis Londinensis civis et Vicecomitis.*

⁵² Cro, S., “The Contrasting Political Philosophies of More and Machiavelli”, *Moreana. Thomas More and Renaissance Studies*, vol. 47, number 181-182, issue 3-4 (2010), pp. 205-218.

⁵³ Donner, H.W., *Introduction to Utopia*, London, Sidgwick & Jackson, 1945, p. vii. Cited in Avineri, p. 282.

⁵⁴ Martínez López, M., “The Idea of a Commonwealth According to the Essenes and St. Thomas More’s The Best State of a Commonwealth and the New Island of Utopia” (A.D. Cousins & D. Grace, eds.), *More’s Utopia and the Utopian Inheritance*, Lanham, MD: University Press of America, 1995, p. 52: “More’s Utopia, like all other utopian texts, is, by definition, fiction. The literary utopia – as opposed to the political treatise – is the only utopia possible.; but this does not make room for inconsistencies, absurdities or ‘mistakes’. The voluntary agreement, tacitly signed between the writer and the reader, according to which the latter will believe what the former tells as long as it is ‘properly narrated’, has to be enforced at all times. This is one of the main reasons why More cannot make his Utopians Christians”.

use language with the surgical force needed to reinstate the health of reason. Nor did he refrain from advocating the force of just war”.⁵⁵

The conscience of those with ‘lawful authority’, according to More, as we will see later in more detail, must judge the intentions and reasons for waging war, whether preemptive or preventive (*ius ad bellum*) and, once declared, when the time has come to make decisions that may involve morally hazardous actions, they must prudently select which are the acceptable means to minimize the tragedy that inevitably comes along with any war. In this area of minimizing casualties, beginning with Utopia’s own citizens and following with allies’ and enemies’, the proposals contained in Utopia Book 2 are not necessarily at odds with More’s thinking. However, the point when confronting a literary text is not to precisely identify the author’s thoughts on a particular subject. In this sense, Book II is deliberately ambiguous, in that it lets the reader choose whether More the author takes sides with his character (Thomas Morus) or with his narrator (Raphael Hythlodæus), which is particularly relevant for the war theme. Again, this excerpt is essential for a balanced interpretation of Book II:

“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 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”.⁵⁶

This is the closing paragraph of Book II, where Thomas Morus, the character, says that the Utopian institutions for the conduct of war (among other key Utopian customs) seem absurd (“absurde videbantur instituta de belli gerendi ratione”). I disagree with some English translations, including the otherwise excellent one used in the present article by Robert M. Adams, which renders the Latin original into English in an unqualified affirmative statement, inconsistent with the Latin original by Thomas More: Adams translates that the Utopians’ methods of war ‘were really absurd’. Actually, the above-mentioned first English translation of More’s *Utopia* into English, by Ralph Robinson (1551 and 1556) decided for a literal translation, which is perfectly justified in this case: “femed to be intituted and founded of no good reaſon”.⁵⁷ If Thomas More, the author, had decided to provide an unambiguous affirmative statement, he would have

⁵⁵ Wegemer, G.B., *Thomas More on Statesmanship*, Washington D.C.: The Catholic University of America Press, 1996, p. 73. See also his note 14 (chapter 3), p. 221: “More indicates his support for just war on several occasions. He argues that “[...] nature, reason, and God’s behest bind first the prince to safeguard his people with the peril of himself... and after [God] binds every man to the help and defence of his good and harmless neighbor against the malice and cruelty of the wrongdoer. For as the holy scripture says,...”God has given every man charge of his neighbor to keep him from harm of body and soul, as much as may lie in his power [Eccl. 17:12]”. (CW6 415/1-6; see also 414/33-36)”.

⁵⁶ More, Thomas, Utopia. *Latin Text and English Translation*, p. 246-247: “Haec ubi Raphael recensuit, quamquam haud pauca mihi succurrebant quae in eius populi moribus legibusque perquam absurd videbantur instituta, non solum de belli gerendi ratione et rebus divinis ac religione, aliisque insuper eorum institutis, sed in eo quoque ipso maxime quod maximum totius institutionis fundamentum est, vita scilicet victuque communi sine ullo pecuniae commercio [...]”.

⁵⁷ More, Thomas, *Utopia, translated into English by Ralph Robinson Sometime Fellow of Corpus Christi College Oxford, 2nd and revised edition 1556, preceded by the title and Epistle of his First Edition 1551*, ed. E. Arber, London, 1859, p. 162.

used ‘were’, the verb ‘essere’ in his Latin manuscript, ‘absurde sunt’, not ‘absurde videbantur’ as he did; he used ‘videbantur’ in his manuscript, the third-person plural imperfect passive indicative of the verb ‘videō’, i.e., ‘seemed’, and did not use, in the Latin original, any emphasize such as the one included by Robert M. Adams, in his translation, which is the basis of a good number of English editions: ‘are really absurd’. Something may be absurd, but something may seem absurd and still not be absurd. Even if we count ourselves among those who believe that Thomas More was rather behind the character Thomas Morus than behind his narrator, Raphael Hythlodæus -ultimately a scarcely relevant issue- at a minimum we have to agree that More was consistent with his speculative language throughout his fiction, and that he left the interpretative ‘door’ about war, religion, private property, etc. at least half open.

At one point, Avineri’s closing of his argument, in his above-cited paper, rightly points at the importance of paradox, to properly approach this kind of literary text. However, he insists on the reading of Utopia as ‘a perfect world’⁵⁸ which is not and was never intended to be: in Utopia, discussing politics outside Parliament is punished with the death penalty; in order to travel from one city to the next, Utopian citizens need passports and visas, processing of which require the husband or wife’s consent to the trip and Parliament approval; everyone has to work in agriculture and farming at least several years; the Governor holds office for life; premarital sex was punished by a lifetime of enforced celibacy, first-time adultery by enslavement (second time by capital punishment); the founder of the commonwealth, Utopos, was a dictator, who wrote a constitution without a reform-clause... . The question is: Who, in his or her right mind, can call this society ‘a perfect state’?

However, one cannot but agree with Avineri’s conclusion of his article:

“Its [More’s Utopia] image was changed from generation to generation, each period reading into its own problems, hopes, desperation and dreams”.⁵⁹

Truth is the so-called ‘chapter on war’ (there is no such chapter division in More’s manuscript) in Book II is a particularly complex one, since it is the only one that seems to include a potential internal contradiction. Utopians are introduced as extreme pacifists:

“They utterly despise war as an activity fit only for beasts, yet practised more by man than by any other animal. Unlike almost every other people in the world, they think nothing so inglorious as the glory won in battle.”⁶⁰

⁵⁸ Avineri, p. 289-290: “This is the tragic side of the paradox of perfection. If one starts with the assumption that a certain social group is perfect, because it commits no crime or sin, the circle tends to be closed very soon by saying that it does not commit sin because it is perfect. [...] This total blending together of a perfect essence with empirical existence – so much divorced in the phenomenal world – is responsible for the paradox which enables More to create the Utopians in God’s image, while leaving the rest of the world in a defenseless, Godless state, with a perpetual Cain’s mark on its forehead”.

⁵⁹ *Ibid.*, p. 289-290.

⁶⁰ More, Thomas, Utopia. *Latin Text and English Translation*, pp. 200-201: “Bellum utpote rem plane beluinam, nec ulli tamen beluarum formae in tam assiduo atque homini est usu, summopere abominantur, contraque morem gentium ferme omnium nihil aequè ducunt inglorium atque petitam e bello gloriam”.

However, immediately we learn that they also engage in all kinds of wars, offensive and defensive, when they are attacked and when their neighbours, allies or trade partners are attacked, whenever they consider that the situation meets the ethical standard of a just war:

“But they 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 not only to protect their friends from present danger, but sometimes to repay and avenge previous injuries. [...] They take this final step not only when their friends have been plundered, but also, and even more fiercely, when their friends’ merchants have been subjected to extortion anywhere in the world under the semblance of justice, either on the pretext of laws unjust in themselves or through the perversion of good law”.⁶¹

While the first reference (self-defence of Utopia) is a classic example of a widely accepted version of just war, the next elements in the sequence anticipate at least by one century Grotius’ idea that many types of war (including preventive war) can be just wars (“a war for good reasons” in More’s text). When we read More’s *Utopia* from the vantage point of our twenty-first century, we cannot but connect the ‘Driving invading armies from territories of their friends’ to what happened in the first war of Iraq (1990-1991): unprovoked, Irak invaded Kuwait on August 2, 1990, and a coalition of countries, friends and commercial partners of Iraq’s tiny oil-rich neighbour, ousted the Iraqi troops and terminated their military capacity to stage another invasion, at least in the short or medium term. More’s ‘To liberate an oppressed people in the name of compassion and humanity from tyranny and servitude’ is also an early manifestation of today’s concept of ‘humanitarian war’ (often referred to as ‘humanitarian intervention’) which means the legitimate use of force to prevent crimes of genocide or, in general, to put a halt to serious violations of human rights. Concepts such as ‘the right to intervene’ or ‘R2P’ (responsibility to protect) have been developed in our century, after catastrophic humanitarian events such as those that triggered *Operation Odyssey Dawn* in 2011, when armed forces from the United States, France, the United Kingdom, Canada, and Italy struck Muammar Gaddafi’s soldiers and his air defences. This only happened after the Lybian regime had repeatedly ignored Resolutions 1970 and 1973 of the UN Security Council.⁶²

⁶¹ *Ibid.*, p. 200-203: “Non temere capessunt tamen, nisi quo aut suos fines tueantur, aut amicorum terris infusos hostes propulsent, aut populum quempiam tyrannide pressum miserati (quod umanitatis gratia faciunt) suis viribus tyranni iugo et servitute liberent. Quamquam auxilium gratificantur amicis, non semper quidem quo se defendant, sed interdum quoque illatas retalient atque ulciscantur iniurias. [...] quod non tunc solum decernunt quoties hostile incurs abacta est praeda, verum tum quoque multo infestius quum eorum negotiatores usquam gentium, vel iniquarum praetextu legum vel sinistra derivatione bonarum, inuistam subeunt, iustitiae colore, calumniam”.

⁶² Operation Odyssey Dawn. Hearing before the Committee on Armed Services of the US Senate. March 31, 2011.

Available at: <https://www.congress.gov/event/112th-congress/senate-event/LC1548/text?s=1&r=30> : “It is a remarkable moment in history when the international community unites and acts to stop a tyrant bent on massacring his people”. UN Security Council Resolutions 1970 and 1973 are available at:

A key element for a war to be considered just is the use of armed force as a means of last resource. This too is anticipated in More's initial statement on war:

“But they 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”.⁶³

The example provided after the theoretical introduction -the war between the Alaopolitans and the Nephelogetes- stresses the ability of the Utopians to tip the scales in favour of the one they find to be the right side (the Nephelogetes on this occasion), when a third country has been unjustly attacked.⁶⁴ Interesting too that they punish more severely the offences against their allies and commercial partners than those inflicted to Utopians themselves, as long as no Utopian life is threatened, since they enjoy a prosperity that lets them take some losses without major consequences, which is not always the case of the other surrounding nations. If a commercial partner refuses to pay imports from Utopia, they just put on hold their commercial agreements until they oblige.

The following section, on Utopians' *ius in bello* -the justification of tyrannicide as war tactics- has also given way to strong criticism against More and his Utopia:

“As soon as war is declared, therefore, they have their secret agents simultaneously post many placards, each marked with their official seal, in the most conspicuous places throughout enemy territory. In these proclamations they promise immense rewards to anyone who will do away with the enemy prince. They offer smaller but still substantial sums for killing any of a list of other individuals whom they name. These are the persons whom they regard as most responsible, after the prince, for plotting aggression against them. The reward for an assassin is doubled for anyone who succeeds in bringing in one of the proscribed men alive. [...] Being well aware of the risks their agents must run, they make sure the payments are in proportion to the peril; thus they not only offer, but actually deliver, enormous sums of gold, as well as valuable landed estates in very secure locations on the territory of their friends. Other nations condemn this custom of bidding for and buying the life of an enemy as the cruel villainy of a degenerate mind; but the Utopians consider it praiseworthy: wise,

<https://www.un.org/securitycouncil/s/res/1970-%282011%29>

and

<https://www.un.org/securitycouncil/s/res/1973-%282011%29>

⁶³ More, Thomas, *Utopia. Latin Text and English Translation*, pp. 202-203: “Verum id ita demum faciunt, si re adhuc integra consulantur ipsi, et probata causa, repetitis ac non redditis rebus, belli auctores inferendi sint”.

⁶⁴ *Ibid.*, p. 90: “This and no other was the cause of the war which the Utopians waged a little before our time on behalf of the Nephelogetes against the Alaopolitans. Under pretext of right, a wrong (as they saw it) had been inflicted on some Nephelogete traders residing in Alaopolis. Whatever the rights and wrongs of the quarrel, it developed into a fierce war, to which, apart from the hostile forces of the two parties themselves, the neighbouring nations added their efforts and resources. Some prosperous nations were ravaged, others badly shaken. One trouble led to another, and in the end the Alaopolitans surrendered, and the Utopians (since they weren't involved on their own account) handed them over to be enslaved by the Nephelogetes- even though before the war the victors had not been remotely comparable in power to the Alaopolitans”.

since it enables them to win tremendous wars without fighting any actual battles, and also merciful and humane, since it enables them, by the sacrifice of a few guilty men, to spare the lives of many innocent persons who would have died in the fighting, some on their side, some on the enemy's. 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".⁶⁵

However, this too has become an essential part of modern warfare, particularly in the so-called 'war on terror', which has redefined the concept and strategies of a new type of armed conflict, where often there are no visible enemy troops and where the traditional armed forces' operations are increasingly of little use. For example, the United States killed al Qaeda leader Ayman al-Zawahiri on July 31, 2022, in Kabul -the third terrorist leader struck this year in a similar fashion- through a drone strike that was designed to cause no harm to his wife and children, or to any other civilians in the compound. US President Biden announced the death of one of the designers of the September 11 attacks in the following fashion:

"My fellow Americans [...] Now justice has been delivered, and this terrorist leader is no more. [...] As Commander-in-Chief, it is my solemn responsibility to make America safe in a dangerous world. The United States did not seek this war against terror. It came to us, and we answered with the same principles and resolve that have shaped us for generation upon generation: to protect the innocent, defend liberty, and we keep the light of freedom burning [...] And may God protect our troops and all those who serve in harm's way".⁶⁶

This strike has been received with little interest in whether it was lawful or not, whether it was right or not. So far, neither mass media has raised the question, nor academics and newspapers seem to be interested in exploring this, as it happened with similar 'terminations' of other tyrants such as Ghaddafi, Saddam Hussein, Osama bin Laden, or the other terrorist leaders struck by US drones this year 2022. Needless to say, the US Government has not felt any need to solemnize what is supposed to be 'the obvious', beyond President Biden's quoted remarks: Ayman al-Zawahiri was second in

⁶⁵ *Ibid.*, p. 204-207: "itaque protinus indicto bello, schedulas ipsorum publico signo roboratas, locis maxime conspicuis hosticae terrae, clam uno tempore multas appendi procurant, quibus ingentia pollicentur praemia, si quis principem adversarium sustulerit : deinde minora, quanquam illa quoque egregia, decernunt pro singulis eorum capitibus, quorum nomina in eisdem literis proscribunt. Hi sunt quos secundum principem ipsum, auctores initi adversus se consilii ducunt. [...] Sed memores in quantum discrimen hortantur, operam dant, uti periculi magnitudo beneficiorum mole compensetur: eoque non immensam modo auri vim, sed praedia quoque magni reditus in locis apud amicos tutissimis propria ac perpetua pollicitantur et summa cum fide praestant. Hunc licitandi mercandique hostis morem, apud alios improbatum velut animi degeneris crudele facinus, illi magnae sibi laudi ducunt tanquam prudentes qui maximis hoc pacto bellis sine ullo prorsus proelio defungantur, humanique ac misericordes etiam, qui paucorum nece noxiorum innocentium vitas redimant, qui pugnando fuerint occubituri, partim e suis, partim ex hostibus, quorum turbam vulgusque non minus ferme quam suos miserantur, gnari non sua sponte eos bellum capessere sed principum ad id furiis agi".

⁶⁶ Remarks by President Biden on a Successful Counterterrorism Operation in Afghanistan. Available at: <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/08/01/remarks-by-president-biden-on-a-successful-counterterrorism-operation-in-afghanistan/> .

command on 09/11 and is a leader of al Qaeda, designer of numerous attacks against the US and its allies. Therefore, he was considered an enemy combatant. Like the Utopians, battles are fought as far from the homeland as possible, while the law of armed conflict or international humanitarian law (IHL) are thought to provide legal authority for any extraterritorial attack against al Qaeda combatants and their associates (co-belligerents).

In the sixteenth century, tyrannicide was generally considered a legitimate option under certain circumstances. More's contemporary humanist, Francisco de Vitoria (one of the fathers of international law), for example, justifies the Spanish war against Indian tyrants during the colonization: terminating the tyrant and stopping cannibalism, human sacrifices (often of minors) and other atrocities common in pre-Colombian America was considered a just war, from which a specific *ius ad bellum*, *ius in bello* e *ius pradae* (wealth appropriation) was derived.⁶⁷ Another Jesuit of the School of Salamanca, Juan de Mariana, also explained in 1599 the circumstances under which killing the tyrant is licit, and this was nothing new or just restricted to the sixteenth century. Regardless of how shocking it may be for some readers, in the context of the 'best state of a commonwealth', it was nothing Thomas More would include in his book as an unusual, anti-Christian, or revolutionary statement.⁶⁸ It is probably More's style of writing, the ironies in the narrative, the overuse of litotes, the unavoidable changes in the tonal effects of the English translation, and the surprising common-sense awkwardness of the idea that makes it scandalous for some readers. The Utopians pay high sums of gold not just to have the enemy prince killed but also, alternatively, to have high-ranking officials of the enemy country eliminated, and they double the compensation if they are taken alive. Every surgical act of violence -a substantial latitude in the Utopian definition of *ius in bello*- is allowed, justified, and encouraged in order to avoid bloodshed, where those who do not decide -and probably do not want- to fight end up dead on both camps.

As we discussed above, about Avineri's reading of the use of mercenaries, here too More has proved a truly prophetic writer. In the same way he anticipated by centuries the presence of women in the army, urban design, NHS, hospital locations outside city centres, and ways of optimizing production in chicken farms, he also anticipated the current trend of high-end, private military contractors like US Blackwater or the Russian Wagner Group,⁶⁹ who bear some obvious resemblance to the Zapoletes in *Utopia* Book

⁶⁷ De Vitoria, Francisco, *Relectio de Indis* (1532), I, 3, 14 (quintus titulus): "alius titulus posset esse propter tyrannidem vel ipsorum dominorum apud barbaros vel etiam propter leges tyrannicas in iniuriam innocentium". See also: *Defensio fidei*, IV, 4, 7; *De legibus* (1612), III, 10, 7, where he says: "the tyrant is an aggressor who wages an unjust war"; and *Sulla Guerra*. From: *Relectiones Theologicae*, 1539. Vitoria, F., *Sobre el poder civil. Sobre los Indios. Sobre el derecho de la guerra*, Madrid, Tecnos, 2007.

⁶⁸ De Mariana, Juan, *De Rege et Regis Institutione*, Toledo, 1599. Available at: https://openlibrary.org/works/OL15476802W/Joannis_Marianae_Hispani_e_Societate_Jesu_De_rege_et_regis_institutione_libri_III

⁶⁹ While these two are the best known, it is fair to say that many countries employ private military and security companies (PMSCs), including the US, UK, France, Russia, China, India, and Japan, and that this is a growing trend especially in Hispanic America and the Caribbean, Africa and Asia. The main difference with the Zapoletes described in Utopia is that today's PMCs/PMSCs include in their benefits a life insurance policy (which costs about 40% of their salaries, which are in turn more than ten times the equivalent of a government soldier) so their families are protected. From the vantage point of our century, whether with a positive or a negative opinion about PMSCs, the Utopians' use of mercenaries certainly

II. Utopians' dealings with the Zapoletes have frequently raised criticism, often regardless of its rationale and without acknowledging the undeniable success of this option of professional, public, or private armies in many of our contemporary states:

“When they promise their resources to help in a war, they send money very freely, but commit their citizens very sparingly indeed. [...] So they hire mercenary soldiers from everywhere, especially the Zapoletes. These people live five hundred miles to the east of Utopia, and are rough, rude and fierce. [...] These people are born for battle, which they seek out at every opportunity [...] For the people who pay them, they fight with great courage and complete loyalty [...] Because the pay for their services is nowhere higher than what the Utopians offer, these people are ready to serve them against any mortals whatsoever. [...] Most of them never come back to collect their stipend, but the Utopians faithfully pay off those who do survive to encourage them to try it again. As for how many Zapoletes get killed, the Utopians never worry about that, for they 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”.⁷⁰

In the light of the above, it can be reasonably stated that *ius belli* in More's *Utopia* essentially fulfils the main requirements of just war theory. Mark R. Amstutz⁷¹ has proposed the following “Elements of Just War Theory”, which provide a suitable taxonomy for our case study, which will help summarize the rationale for the consideration of Utopian military practices as informed by the principles of the just war:

I. Jus ad bellum

1. Just cause: The only legitimate justification for war is to deter aggression, to defend against unjust attack, or to right a grievous wrong. [...]

The Utopians meet the three conditions. They wage war ‘for good reasons’: self-defence (“to protect their own land”); to defend their friends and allies against unjust

does not seem completely absurd. See: Swed, O. & Burland, D., *The Global Expansion of PMSCs: Trends, Opportunities, and Risks, The Sociology of the Privatization of Security Project*, Lubbock, Texas Tech University, 2020. Available at: https://www.researchgate.net/publication/343794720_The_Global_Expansion_of_PMSCs_Trends_Opportunities_and_Risks

⁷⁰ More, Thomas, *Utopia. Latin Text and English Translation*, pp. 206-209: “Suas ad bellum opes polliciti pecuniam affluenter suggerunt, cives parcissime. [...] Ita milites undique conductos ad bellum mittunt, praesertim ex Zapoletis. Hic populus quingentis passuum millibus ab Utopia distat, orientem solem versus, horridus, agrestis, ferox [...] Ad solum bellum nati; cuius gerendi facultatem studiose quaerunt [...] Sub quibus merent acriter pro his et incorrupta fide dimicant. [...] Hic populus Utopiensibus adversus quosvis mortales militat quod tanti ab his eorum conducatur opera quanti nusquam alibi. [...] Unde plerumque magna pars nunquam ad exigenda promissa revertitur. Superstitibus, quae sunt polliciti, bona fide persolvunt, quo ad similes ausus incendantur. Neque enim pensi quicquam habent quam multos ex eis perdunt, rati de genere humano maximam merituos gratiam se si tota illa colluvie populi tam taetri ac nefarii orbem terrarum purgare possent”.

⁷¹ Amstutz, M.R., *International Ethics. Concepts, Theories and Cases in Global Politics*, 4th ed., Lanham, MD, Rowman & Littlefield Pubs., 2013, pp. 391-394. M.R. Amstutz's taxonomy is reproduced in italics in the main text.

attacks (“to drive invading armies from the territories of their friends”) and to right a grievous wrong (“to liberate an oppressed people in the name of compassion and humanity, from tyranny and servitude”).⁷²

2. *Competent authority: The use of force is morally permissible only when it is legitimate, that is, authorized by government. [...]*

The Utopians have a quite advanced form of government, especially in the context of the sixteenth century: with universal suffrage, a Parliament, a Governor, public officials who run the country and are said to decide always for the common good, when war is declared it is the legitimate, authorized government the one in charge of authorising the use of armed force. In the chapter on “Utopian officials”, we learn that no decision can be made on a matter of public interest unless it has been discussed in the senate on three separate days.⁷³ Also in the chapter on war, the narrator explains in detail how the Utopians only engage in war after consultations and if they “have approved the cause”.⁷⁴ Here too, Thomas More anticipates the legal arrangements of many democratic countries that require some participation of the legislative power in the process of declaring war: in the US, for example, Congress has the sole power to declare war. In France too the Parliament must authorise it. In Spain, as per art. 63.3 of the Spanish Constitution “[i]t is incumbent on the King, following authorisation by the Cortes Generales, to declare war and to make peace”. However, in the UK under the Royal prerogative powers that date back to the 1688 Bill of Rights, the Government can declare war without Parliament consent.

3. *Right intention: A war is just only if it seeks to restore a just peace. The goal of war must be to right the evil that justifies war in the first instance. [...]*

This is certainly a vaguer area to establish from a textual point of view. Our perceptions of the human natural bias towards attributions of intent when judging other people’s actions have varied throughout the centuries, as we know more about psychology and the brain. However, it can be said that the Utopians, as described by Hythlodæus, at least attempt to meet the right-intention requirement because “The only thing they aim at, in going to war, is to secure what would have prevented the declaration of war, if the enemy had conceded it beforehand. [...] These are their chief aims, which they try to achieve quickly, yet in such a way as to avoid danger rather than to win fame or glory”.⁷⁵ The example provided by Raphael Hythlodæus in the chapter on war, when the Utopians helped the Nephelogetes (etymologically ‘people born from the clouds’) against the Alaopolitans (‘citizens of a country without people’, in the usual Morean style) also suggests a ‘right intention’.⁷⁶

⁷² More, Thomas, *Utopia. Latin Text and English Translation*, pp. 200-201.

⁷³ *Ibid.*, pp. 122-123.

⁷⁴ *Ibid.*, pp. 202-203.

⁷⁵ *Ibid.*, pp. 204-205.

⁷⁶ *Ibid.*, pp. 202-203: “This and no other was the cause of the war which the Utopians waged a little before our time on behalf of the Nephelogetes against the Alaopolitans. Under pretext of right, a wrong (as they saw it) had been inflicted on some Nephelogete traders residing in Alaopolis. Whatever the rights and wrongs of the quarrel, it developed into a fierce war, to which, apart from the hostile forces of

4. *Limited objectives: A war is just only if its goals are limited. [...]*

From both the theoretical and practical descriptions included in the chapter on war, the Utopians also meet this requirement since their wars are essentially military interventions to help friends or commercial allies in distress because of an attack by a third party, and their goals (see note 76 about the war between the Nephelogeates and the Alaopolitans) are limited to restoring peace and putting an end to extortions or foreign armies are driven away from allies' lands. They also limit the scope and goals of the conflict by refusing to totally destroy enemy troops after winning their battles.⁷⁷

5. *Last resort: Before a state can legitimately resort to war, it must exhaust all peaceful means. [...]*

Here too, as discussed above, the Utopians declare war as a last resort, when they “have demanded restitution, but in vain”. Even if a Utopian citizen is wounded or killed abroad, they try their best to obtain extradition, and only when their demands are refused, they declare war.⁷⁸

This concept of last resort has always been open to a lot of varying interpretations based on each case's circumstances. To determine when all resources of diplomacy, deterrence and sanctions are exhausted, and it has to be considered that they have failed is all but an easy task. However, in the description of the Utopians' military practices, there is at least some evidence that non-violent solutions are pursued before they decide to wage war.

6. *Reasonable hope of success: The use of force against an aggressor must have a reasonable chance of success. Good intentions are not sufficient. [...]*

While there is no explicit description of a specific procedure of prior assessment for chances of success of military operations, the Utopians certainly are presented as rational people capable of distinguishing desirability from probability. Besides, when they wage war, they do it from the vantage point of their immense gold reserves, use of which is restricted to financing wars, since on the island they despise gold and only prisoners carry gold fetters, a symbolic statement of how riches enslave humans. Then as today, wars come at a high price, both in human lives and in material costs. Since the

the two parties themselves, the neighbouring nations added their efforts and resources. Some prosperous nations were ravaged, others badly shaken. One trouble led to another, and in the end the Alaopolitans surrendered, and the Utopians (since they weren't involved on their own account) handed them over to be enslaved by the Nephelogeates – even though before the war the victors had not been remotely comparable in power to the Alaopolitans”.

⁷⁷ *Ibid.*, pp. 212-213: “When they win a battle, it never ends in a massacre, for they would much rather take prisoners than cut throats”.

⁷⁸ *Ibid.*, pp. 204-205: “If a Utopian citizen is maimed or killed anywhere, whether by government decision or by a private citizen, they first send envoys to look into the circumstances; then they demand that the guilty persons be surrendered; and if that demand is refused, they are not to be put off, but at once declare war”.

Utopians, as discussed above in some detail, favour tyrannicide and the use of mercenary armies to fight their wars and their country is the one that pays higher salaries (as in the case of the fierce Zapoletes, “because the pay for their services is nowhere higher than what the Utopians can offer”) it is hard to think that the Utopians can lose a war they declare. Textual evidence only accounts for their victory over their enemies.

II. Jus in bello

6. Discrimination: Military force must be applied only against the political leadership and military forces of the state.

In this too the Utopians, as discussed above, meet and exceed this requirement of the *ius in bello*, since not only they favour tyrannicide and selected targets to prevent the actual clash of armies (high-ranking officials of the enemy, very much like today’s ‘war on terror’) but they also target the opposing general during regular combats, when attempts at tyrannicide and change of political regime and leadership have failed, so that violent combats end as soon as possible.⁷⁹

Utopians have reflected on the advantages of using any means necessary to prevent a full-fledge war, where bloodshed on both sides will most likely take place, and they disagree with the nations that condemn tyrannicide and regime change as ways to prevent armed conflict. They find destabilizing dictatorships, including the direct overthrow of a regime through the fostering of dissent among elites and citizens perfectly wise and ethical.⁸⁰

7. Proportionality: The destruction inflicted by military forces in war must be proportional to the goals they are seeking to realise”.

While no specific reference to the principle of proportionality is made in the chapter or war or anywhere else in Book II, some other oblique references suggest the Utopians try to apply this principle at least in their decision-making processes about going to war. This is the case, already mentioned above, when they need to decide to go to war, or not, in ‘matters of mere money’: they “sharply punish wrong done to their friends” who could starve if restoration is not achieved, but they refuse to go to war to enforce their own

⁷⁹ *Ibid.*, pp. 212-213: “At the height of the battle, a band of the bravest young men, who have taken a special oath, devote themselves to seeking out the opposing general. [...] It rarely happens that they will fail to kill or capture him, unless he takes flight”.

⁸⁰ *Ibid.*, pp. 206-207: “the Utopians consider it praiseworthy: wise, since it enables them to win tremendous wars without fighting any actual battles, and also merciful and humane, since it enables them, by the sacrifice of a few guilty men, to spare the lives of many innocent persons who would have died in the fighting, some on their side, some on the enemy’s”. See also pp. 204-205: “The Utopians are not only troubled and ashamed when their forces gain a bloody victory, thinking it folly to pay too high a price even for the best goods. But if they overcome the enemy by skill and cunning, they exult mightily, [...] They boast that they have [...] won a victory such as no animal except man could have achieved – a victory gained by strength and understanding. Bears, lions, boars, wolves, dogs and other wild beasts fight with their bodies, they say; and most of them are superior to us in strength and ferocity; but we outdo them all in intelligence and rationality”.

economic rights since they have abundant goods at home to cover the loss.⁸¹ The principle of proportionality is also present in the uncommon levies of their own population, which depends on whether the war is ‘of necessity’ (an invasion of their island by a foreign army) when they recruit all citizens who can fight, both men and women (which anticipates by over 400 years women’s incorporation to regular armies) or ‘wars of choice’, to help friends, allies and trade partners; in this only volunteer, professional military men and women participate, which again points at a general principle of proportionality in the Utopian risk assessment.

In the light of the above, it can be safely assumed that Raphael Hythlodæus’ portrayal of just war in Utopia essentially displays, and anticipates, modern taxonomies of just war theory such as Mark R. Amstutz’s, the one we have just used for our brief case study.

However, we have to be aware of alternative interpretations, such as Russell Ames,⁸² which suggest that Book I refers to More’s contemporary events: the invasion of Italy by Francis I in 1515, Henry VIII’s invasions of France in 1512-1514, etc. Ames suggests that:

“The direct attack on international intrigues in the first book of Utopia, as well as the ironic attack in the second book, were unusually apropos in these two years (1515-1516) when the book was being written”.

Whatever our impression of More’s intentions in his portrayal of war in *Utopia*, and of the balance between his narrator’s position and his near-homonym character, truth is his vision of a better, future commonwealth proved nearly prophetic, in the light of contemporary just war theories and practices. More’s rhetorical sophistication in his use of the Latin language, especially his intensive use of litotes suggests that ambiguity was indeed chosen by the author to make room for a variety of interpretations.⁸³ This is revealed, more than anywhere else in the text, in the final paragraph of Book II, when Thmas Morus the character, addresses the reader with the following words:

“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 societies I would wish rather than expect to see”.⁸⁴

⁸¹ Ibid., pp. 202-203: “When they are cheated out of their goods, so long as no bodily harm is done, their anger goes no further than cutting off trade relations with that nation till restitution is made”.

⁸² Ames, R., *Citizen Thomas More and His Utopia*, Princeton, N.J., Princeton U.P., 1949, pp. 8-21.

⁸³ McCutcheon, E., “Denying the contrary: More’s Use of Litotes in Utopia”, *Moreana*, 31-32 (1971), pp. 107-121. In her excellent, often-quoted article, Prof. McCutcheon mentions “over 140 examples in the 100 Latin pages of the Yale text [...]” and concludes that “in More’s hands, litotes was, in fact, a superlative tool for both the exceedingly polite gentleman, the fictional More, and the passionate visionary who had seen Utopia” (p. 120).

⁸⁴ More, Thomas, *Utopia. Latin Text and English Translation*, pp. 248-249: “interea, quemadmodum haud possum omnibus assentiri quae dicta sunt, alioqui ab homine citra controversiam

Thus, Utopia is not to be considered a coming event, anything that can be expected to happen in the future, while many, by no means all, features of the Utopian commonwealth would be desirable: who would not sign up for free, excellent food everyday without the need to cook or for the six-hour work day?

4. Concluding remarks

It is fair to conclude that war, in Utopia, like most other central themes, is full of lights and shadows. Sixteenth-century literature is full of accounts of atrocities perpetrated by mercenaries, many of them Swiss or German; thus, the conciliation of what Avineri labeled a Utopian ‘genocidal bent’ and the fact that the Utopians often used the services of the Zapoletes is admittedly not an easy task. The paradox may be solved in part, or at least understood, by referring to the pragmatic nature of the Utopians in their rational, pre-Christian society. The Zapoletes would fight on one or another of the sides of any conflict, so Utopians reasonably concluded it was practically better to have them on their camp rather than on the enemies’. This way, many, often all Utopians’ lives were spared, victory was systematically achieved, and many of those extremely violent warriors would pass away in battle, as a result of their own greed and by their own choice, ‘because they lived to fight’. In a way, it could be said that the Utopians’ pragmatism, their awareness of the uniqueness of their social experiment, and of the dangers posed by surrounding nations, made them fight preventive wars on the continent through third parties, in hopes to preserve not only their lives but also their way of life. Their approach to war may be, and has been, object of sharp criticism; it may be, and has been, considered an act of cynicism, or it may simply be ignored, but it is effective, as time has proved and it refers to an area of morality where options are usually not black or white, but rather a rich shade of grey; in Thomas More’s words: “time trieth truth”.⁸⁵

No Utopian citizen is ever forced to go to war, though all men and women are very well trained to defend their country and way of life if need be. They have a good number of allies on the continent who depend on them for their mutual defence. Targeted killings and proxy wars work as deterrent elements against possible future invasions, in a sort of anticipated and sophisticated definition of preventive war as anticipatory self-defence against a future threat that is believed not to be just plausible but impending if Utopians remain on the side-lines of the sad reality of the conflicts that surround them and that place their basic needs (imports) and political existence (invasions) in danger. First one’s friends, allies or trade partners are declared enemies (in Freund’s terms) regardless of protests of friendship, and, if left to fight their own wars alone, then, one

eruditissimo, simul et rerum humanarum peritissimo, ita facile confiteor permulta esse in Utopiensium republica, quae in nostris civitatibus optarim verius quam sperarim”.

⁸⁵ More, Thomas, *Supplication of Souls*, Yale Edition of the Complete Works of Thomas More (CW), vol. 7, New Haven, Yale UP, 1990, p. 135.

day, Utopians themselves would be the next target, putting in jeopardy the survival of their civilization.⁸⁶

President Barack Obama, in his speech accepting the Nobel Peace Prize in December 2009 persuasively explained how, as head of state, he had to confront the world as it is and how the US could not wait on the side-lines, looking away while the free world was threatened.⁸⁷ In this light, in essence, More's imaginary Utopians were doing no differently. The creation of Utopia is the result of an act of war. Utopos won that war and cut a channel to turn a peninsula into an island, in order to isolate and thus safeguard the citizens of Utopia from the negative influence of those living in the societies of departure of the traveller-narrator (the European modern monarchies); these were commonly at war (religious wars, wars of conquest, colonial wars) against each other. Unfortunately, in so doing, he wrote a constitution without a reform clause and tried to freeze (and impose forever) his vision of 'the best commonwealth', which ended up planting the seeds of dystopia in the foundational work of the utopian subgenre Thomas More had created. This paradoxical coexistence of utopia and dystopia in the foundational work of the genre bears testimony to More's profound and sophisticated understanding of human nature and history. Etymologically, utopia is a good place and no place at the same time; its capital city (Amaurote) is 'a castle in the air'; its main river (Anydrus) is a river without water; in a similar fashion, human beings abhor war but kill and are killed from the beginning of time and with no end in sight. To pretend that More expected his intended readers (fellow humanists fully conversant in Latin and Greek) to choose between Hythlodæus' acritical account of everything utopian, including their 'military practices', and Morus' rejection of the whole architecture of Utopia as 'really absurd' makes little or no sense at all; a literary work is written to pose intelligent questions in interesting ways, so that readers reconstruct meaning according to their wits and circumstances; fiction is about connotation and necessarily navigates ambiguities and

⁸⁶ A positive summary description of the Utopians' 'Military practices', in sharp opposition to Avineri's reading can be found in Breslin, Th. A., *Beyond Pain. The Role of Pleasure and Culture in the Making of Foreign Affairs*, Westport, CT, Praeger, 2002, p. 88: "More describes the Utopian foreign policy as one in which they supply unbribable, efficient administrators to neighboring countries upon request. Utopians go to war only in self-defense, to avenge a citizen whose death or disablement in a foreign land has deliberately gone unpunished, to repel invaders from the territory of allies, to help allies in redressing wrongs, or to liberate the victims of dictatorships. Taking the route of safety first, Utopians seek victory without battle by offering and always paying huge rewards for the heads of the enemy and for his associates, and twice as much to those bringing them in alive. The same amount and a pardon go to targeted officials who turn in others in the wanted list. The Utopian bribe-first strategy usually works, according to More, because people will do anything for money, and the Utopians are prepared to pour limitless sums into its success. Where this approach does not work, the Utopians use a divide-and-conquer strategy, first by bribing members of the enemy's ruling family or the leaders of countries surrounding the enemy state. More's narrator's thinking on international relations has many parallels with anti-Machiavelianism".

⁸⁷ Obama, Barack, *Remarks by the President at the Acceptance of the Nobel Peace Prize*, Oslo, December 10, 2009: "as a head of state sworn to protect and defend my nation, I cannot be guided by their examples alone [Gandhi and King]. I face the world as it is, and cannot stand idle in the face of threats to the American people. For make no mistake: Evil does exist in the world. A non-violent movement could not have halted Hitler's armies. Negotiations cannot convince al Qaeda's leaders to lay down their arms. To say that force may sometimes be necessary is not a call to cynicism -- it is a recognition of history; the imperfections of man and the limits of reason". Available at: <https://obamawhitehouse.archives.gov/the-press-office/remarks-president-acceptance-nobel-peace-prize>

paradoxes; fiction is not a shopping list, which is -or at least should be- all about denotation: simple, clear, unambiguous.

Still, the widespread idea of the supposedly infinite perfectibility of the imperfect human race inexorably ends up with some people attempting to build the perfect society, where peace and bounty are there for everyone, like paradise on Earth; these utopists tend to ignore that, on the one hand, every political system is flawed and, on the other, that there is quite a lot of variation in what different human beings consider an ideal commonwealth. Trying to impose communism, dictatorship and planned economy (after the formula +perfect = -free) provokes that many will rebel because human beings cherish freedom, market economy, private property, and choice; also because many have read George Orwell's *Nineteen Eighty-Four*, Aldous Huxley's *Brave New World*, Ursula K. Le Guin's *The Left Hand of Darkness*, and Veronica Roth's *Divergent*, to name but a few contemporary dystopias. While it is a noble and marvellous impulse of human nature to tend towards betterment, utopian literature, including its foundational work, explains why, when people try to enact the perfect utopian society, they end up creating different types of dystopian nightmares, in their everlasting attempts to establish what they believe that could become a sort of heaven on earth.

In the light of the above reading of war in More's *Utopia*, it probably makes good sense to assume that the Utopians, like Thomas More, believed war (a most beastly thing) should be avoided, but (without any contradiction) that once just wars were started, they should be fought and won by the means that guarantee reasonable success with the least possible amount of human loss and destruction on all sides involved -like Utopian *ius ad bellum* and *ius in bello* suggest- and that sometimes the duties of those in legitimate power make them wage war when a just cause exists and diplomacy has failed. All occasions which provoked Utopians to engage in war, as described by Raphael Hythlodæus, fell under natural law, not *ius gentium*.

There is no intention to solve, less any claim to have solved in these few pages, the conundrum of war as portrayed by Thomas More in his *Utopia*; surely, uncertainty must persist. However, maybe some of the above reflections through the dialogue between More's fiction and our present approaches to the gloomy subject of war may have helped us understand somewhat better the complex and unpopular choices human history has often placed (and continues to place) before our eyes. The ultimate uncertainty is derived from our utopian impulse, our need to explore new territories towards the best state of our commonwealths, while aware that utopia remains 'the perennial heresy'⁸⁸, holding the seeds of dystopia right at its core. Thomas More helps us see utopia as a function of the imagination that invites us to constantly explore possible avenues of betterment for humankind, while it simultaneously warns us about the dangers of trying to force (in the form of practical utopias) anyone's conviction about the perfect commonwealth, that soon reveals itself as many others' hell.⁸⁹ Whatever the case, our

⁸⁸ Molnar, Th., *Utopia, the Perennial Heresy*, Lanham, MD, University Press of America, 1990.

⁸⁹ Martínez López, M., "Defining English Utopian Literature. Origins, Problems for the Reader and some Twentieth-century Manifestations", *Dreams and Realities. Versions of Utopia from Dickens to Byatt* (Annette G. van Heteren & M. Martínez López eds.), Almería, Universidad de Almería, 1997, pp. 14-

twenty-first-century citizenship is well equipped to understand these uncertainties and to admire Thomas More's anticipatory vision of how war would be (how war actually *is*) in future communities, such as ours, which most would certainly consider (and for the majority of the population would be considered) 'a better place' than More's England. His alternative historical hypotheses about war transcend More's age and reach us in the form of an invitation to ponder the gaps between the world as it is and the world as it should be. He also rightly envisioned how our attempts to develop a just war theory would serve as a useful safeguard against excesses and how they would eventually evolve to incorporate the possibility of preemptive and even preventive wars in the common understanding of the just war. The exploration of the types of moral choices that the unfading reality of violence and war pose to all generations should help us understand better how fateful decisions are taken and continue the struggle for peace and justice in our fallen, yet ever promising, world.

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15: "In order to be, utopia must always keep itself encapsulated within the dialectics good place/no place (eutopia/outopia), beginning and end, already and not yet. In short, Utopia and History must forever fight. [...] Utopia cannot come into being in history and this intrinsic impossibility stands as an ineluctable departing point for all human endeavours".

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