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Utopia by Thomas Moore & Cicero's Paradoxa Stoicorum:

The Stealing Paradox

Around 46 BCE, the philosopher Cicero published the Paradoxa Stoicorum; 6 famous Stoic sayings that appear to go against common understanding. While not all of them have relevance to Utopia, the third paradox in Cicero's work is mentioned by Thomas More when discussing the unjustness of the death penalty for both murder and theft. The character Hythloday states, "one really can't approve of...a legal code based on the Stoic paradox that all offences are equal – so that there's no distinction in law between theft and murder, though in equity the two things are so completely different" (More 28).

In 1550's England, the death penalty was capital punishment for both murder and stealing. This seems radically inappropriate as these two crimes could not be more different. One involves taking a life while the other is simply trying to save their own life. Yet this law was justified based on Cicero's third paradox, "all the vices and virtues are equal." All good deeds are equally meritorious and bad deeds equally heinous. With this philosophy, all crimes are equal due to the fact that they all involve the same intent to break the law. This makes little to no sense, as those who steal often do it just to survive.

The nobility puts innocent people out of work, forces them into the streets, takes away their livelihood and then expects them to live good, honest lives. As Hythloday says, "you create thieves, and then punish them for stealing!" (More 27). Rich men create a monopoly and put

landowners out of business just for their own personal greed. With nothing left to do, these people are forced to steal. The survival instinct is part of human nature. If you're going hungry, you're not going to wait around for a miracle to fill your stomach while the nobility squander food away in extravagant feasts. The 1550's English society made good people turn to theft and then punished them for a matter they had no choice in.

Cicero considered the third paradox to simply mean that there is no gradation of good and bad, no moral gray area. This may seem practical in theory, but can we really give thieves and murderers the same punishment? Hythloday rightfully disagrees on the basis that while it is morally unjust, it is also incredibly dangerous. If the punishment for murder and theft is the same, what is stopping a thief from killing all witnesses who saw them steal? "In our efforts to terrorize thieves we're actually encouraging them to murder innocent people" (More 29). This idea of equal punishment is both ideally and realistically preposterous.

Thomas More references a Stoic saying commonly used in the time period to criticize the laws of the time and express the need for reform. While More's idea of a perfect Utopia is based purely on satire, that doesn't mean that small changes couldn't be made to improve their society.