Henry David Thoreau
*Civil Disobedience*

Page references are to the *PDF Coursepack edition*.

**Introduction:**
- Henry David Thoreau (1816-1862)
  - On July 24 or July 25, 1846, Thoreau met his local tax collector, Sam Staples. Because he would not pay his poll tax, he was imprisoned (he was set free the next day when his aunt paid the tax).
  - January & February 1848, he gave lectures that became “Resistance to Civil Government” published in *Aesthetic Papers* in May 1849.
  - This encompasses both his time at Walden as well as his time living with Ralph Waldo Emerson.
- Context:
  - Fugitive Slave Act of 1850
    - Part of the Compromise of 1850 between the North & South
    - The earlier Fugitive Slave Act of 1793 enforced Article 4, Section 2 of the US Constitution, which required the return of runaway slaves.
    - The U.S. Supreme Court ruled, in Prigg v. Pennsylvania (1842) that states did not need to *fund* or *offer* aid in the enforcement of the 1793 Fugitive Slave Act.
    - The 1850 law overturned these and made it an offence to not return a fugitive slave. Federal Marshals failing to arrest any escaped slave were to be fined $1,000, and *all* law-enforcement officers were required to arrest *any black person* accused of being a slave based on a claimant’s sworn testimony of ownership.
    - The new “testimony of ownership” led to many false claims of ownership as a way of acquiring slaves, even for those African Americans in the North who were not born into slavery. Suspected slaves had no right to a trial, and anyone found offering them support, shelter, or food faced 6 months in prison and a $1,000 fine—hence, a “testimony
of ownership” mandated the removal of any accused black person to the South and slavery.

- It remained in effect until the Emancipation Proclamation, but during the Civil War most states refused to honour it on the grounds that the Southern States had seceded and hence could not appeal to the law (though there were still slave-holding states in the Union, such as Kentucky).

- Thoreau wrote “Slavery in Massachusetts” at the same time. As Zinn describes it, “[it] was drawn from journal entries of 1851 and 1854, and appeared in part in Garrison’s The Liberator….. He was provoked by an incident in 1854, when President Franklin Pierce dispatched federal troops, joined by state militia and local police, to capture Anthony Burns, a slave escaped from Virginia. Black and white abolitionists used a battering ram against the court- house doors but were repulsed. Burns was marched to the waterfront, through streets lined with his supporters, to the sound of church bells tolling, and sent back to slavery.” (Princeton UP, Thoreau Reader)

- In the same context, we should recall John Brown, whom Thoreau sympathized with. For Zinn, “John Brown’s life epitomized the belief that violence would be necessary to abolish slavery. With a small band of like-minded men, he went to Kansas…. Brown and his men carried out a nighttime raid on a pro-slavery settlement and killed five people…. Thoreau delivered to the citizens of Concord his lecture ‘A Plea for Captain John Brown’ twelve days after Brown, with his sons and a small group of white and black abolitionists, tried to seize the federal arsenal at Harper’s Ferry, Virginia. Their aim was to incite a general slave revolt.” (Princeton UP, Thoreau Reader) Brown was executed by hanging for his crimes with the support of the Federal government.

- Civil Disobedience and precursors:
  - Ralph Waldo Emerson (see our later readings, such as “Politics”). Emerson was a part of the New England Transcendentalist movement and was a major influence on Thoreau, often aiding him directly.
- Second French Revolution (Revolution of 1848), which was in a sense a continuation of the Revolution of 1830 (July Revolution). Began the Second Republic. Karl Marx and Pierre-Joseph Proudhon were tied to this revolution in 1848.

- Josiah Warren (1798-1874) published a periodical called *The Peaceful Revolutionist* in 1833, seen as the first American anarchist periodical. It was also supported by Stephen Pearl Andrews (1812-86), an abolitionist and anarchist. They also first published Marx’s *Communist Manifesto* in America. Both lived in Massachusetts.

- Pierre-Jospeh Proudhon (1809-1865) coined the modern use of the term “Anarchist” and the notion that “property is theft” (distinguishing between “possessions” as things one owns and uses versus “property” as owning the things another person possesses and uses, such as condo in Vancouver...).

- Civil Disobedience as a predecessor to:
  - Mohandas Gandhi’s notion of Satyagraha is directly derived from Thoreau. Gandhi later minimized the influence, but his journals make it explicit during this time in South Africa. Gandhi’s ideas also derived from Tolstoy, who had already read and admired Thoreau’s work.
  - Martin Luther King, Jr. developed his notion of peaceful civil disobedience from both Gandhi and Thoreau, and he acknowledged both in his works.

**Analysis and Explanation**

1) “I HEARTILY ACCEPT the motto,—“That government is best which governs least”” (p. 1) → given the context in Massachusetts anarchists and the New England Transcendentalists, what does this motto imply? More importantly, what about Thoreau’s proposed revision to it: “That government is best which governs not at all”?
   a. What is government in this vision?
   b. What does it mean to “govern” others?

2) “Standing army” (p. 1) → note that the US Constitution does not explicitly permit a standing Federal army and therefore restricts the period for which a military budget can be issued (developing from the second amendment forward, which was for individual rights to bear arms for a state militia rather than a *Federal* army).
a. Based on his rejection of a “standing army,” what does the “standing government” imply about the function and creation of government (as opposed to a country or community)?

3) “government itself, which is only the mode which the people have chosen to execute their will” (p. 1) → how does this refocus attention from government as a body independent of the individual to government as a body dependent on the individual?

4) “The present Mexican War” (p. 1, par 1)
   a. Zinn writes, “Mexico, which had won its independence in a revolutionary war against Spain, was at that time much larger…. It included what are now the states of Texas, New Mexico, Utah, Nevada, Arizona, California, and part of Colorado. In... 1836, Texas, aided by the United States, declared its independence from Mexico, calling itself the “Lone Star Republic.” It was brought into the Union as a state by act of Congress in 1845.... John O’Sullivan, editor of the Democratic Review [incidentally, it bore the motto Thoreau quotes!!!], wrote that it was the nation’s “manifest destiny to overspread the continent allotted by Providence for the free development of our yearly multiplying millions.”...
   b. Zinn further adds “The following year, President James Polk, who on the night of his inauguration had confided to his secretary of the navy that he was determined to acquire California, sent troops to the southern border of Texas, as far as the Rio Grande River, into territory claimed by Mexico, historically inhabited by Mexicans.... [The] U.S. patrol was virtually wiped out.... Polk falsely claimed that Mexico had invaded the United States and ... declar[ed]... war.”

5) Consider this passage’s distinctions between what in America would now be regarded as “Anarchism” and “Libertarianism” (left and right, loosely).

6) The context is the “no-government” anarchists of New England (Lysander Spoon, etc... already mentioned) vs. Proudhon. The quasi-Marxist Bakunin group of anarchists in Europe are also often drawn into this phrase, ie: Mikhail Bakunin’s (1814-1876) open and armed revolution, though this really is before Bakunin’s time (Bakunin rejected Marx’s notion of “dictatorship of the proletariat” and did not believe all revolutions must be violent). This is also prior to Petr Kropotkin’s rise in England as a critic.

7) Compare this passage and its reliance on a rational, autonomous, free-willed subject capable of self-determination (ie: an Enlightenment subject) in contrast to Robert Paul Wolff’s comments on Anarchism:
   a. “Authority is the right to command, and correlative, the right to be obeyed. It must be distinguished from power, which is the
ability to compel compliance, either through the use or threat of force. When I turn over my wallet to a thief who is holding me at gunpoint, I do so because the fate with which he threatens me is worse than the loss of money which I am made to suffer. I grant that he has power over me, but I would hardly suppose that he has authority, that is, that he has a right to demand my money and that I have an obligation to give it to him.” (Wolff 4)

b. “Every man who possesses both free will and reason has an obligation to take responsibility for his actions, even though he may not be actively engaged in a continuing process of reflection, investigation, and deliberation about how he ought to act…. The responsible man is not capricious or anarchic, for he does acknowledge himself bound by moral constraints. But he insists that he alone is the judge of those constraints…. He may learn from others about his moral obligations, but only in the sense that a mathematician learns from other mathematicians…. He does not learn in the sense that one learns from an explorer, by accepting as true his accounts of things one cannot see for oneself.” (Wolff 13)

8) “right to revolution” → core ethic of the piece? Per the concepts in (7) above?

9) Rethink this passage in light of Wolff on reason as well? Majority rule? Compare to Plato’s Crito with Socrates?

10) Continue the notion of Thoreau’s ethics (positive obligation to aid, which may be unclear and may compete with my autonomy, but paired with a definite obligation not to actively create harm). Compare to Camus’ idea of the obligation not to side with illness?

**Passages for Discussion**

- Page 5 (A): “Practically speaking, the opponents to a reform in Massachusetts are not a hundred thousand politicians at the South, but a hundred thousand merchants and farmers here, who are more interested in commerce and agriculture than they are in humanity, and are not prepared to do justice to the slave and to Mexico, cost what it may.”

- Page 7 (B): “Unjust laws exist; shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and
resist before it is hurt? Why does it not encourage its citizens to be on the alert to point out its faults, and do better than it would have them?"

Page 8 (C): the machine of the state as a potential necessity or even a possible good VERSUS the tyranny of the majority:

- “If the injustice is part of the necessary friction of the machine of government, let it go, let it go; perchance it will wear smooth—certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.”

- “I do not hesitate to say, that those who call themselves Abolitionists should at once effectually withdraw their support, both in person and property, from the government of Massachusetts, and not wait till they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbors constitutes a majority of one already.”

Page 9 (D): self-implication for us now?

- “I know this well, that if one thousand, if one hundred, if ten men whom I could name—if ten honest men only—ay, if one HONEST man, in this State of Massachusetts, ceasing to hold slaves, were actually to withdraw from this copartnership, and be locked up in the county jail therefor, it would be the abolition of slavery in America. For it matters not how small the beginning may seem to be: what is once well done is done forever.”

Pages 11-12 (E): Does wealth create vulnerability?

- “When I converse with the freest of my neighbors, I perceive that, whatever they may say about the magnitude and seriousness of the question, and their regard for the public tranquillity, the long and the short of the matter is, that they cannot spare the protection of the existing government, and they dread the consequences to their property and families of disobedience to it. For my own part, I should not like to think
that I ever rely on the protection of the State. But, if I deny the authority of the State when it presents its tax-bill, it will soon take and waste all my property, and so harass me and my children without end. *This is hard.*” (11)

- “No: until I want the protection of Massachusetts to be extended to me in some distant Southern port, where my liberty is endangered, or until I am bent solely on building up an estate at home by peaceful enterprise, I can afford to refuse allegiance to Massachusetts [while others cannot], and her right to my property and life. It costs me less in every sense to incur the penalty of disobedience to the State than it would to obey.” (11)

- “I have paid no poll-tax for six years. I was put into a jail once on this account, for one night; and, as I stood considering the walls of solid stone, two or three feet thick, the door of wood and iron, a foot thick, and the iron grating which strained the light, I could not help being struck with the foolishness of that institution which treated me as if I were mere flesh and blood and bones, to be locked up. [...] I saw that, if there was a wall of stone between me and my townsmen, there was a still more difficult one to climb or break through, before they could get to be as free as I was. I did not for a moment feel confined, and the walls seemed a great waste of stone and mortar.”

- Would a person of greater property and larger family, yet with fewer social and family relations who could be relied upon, still be as “free” as Thoreau? Could you be as free if you were at the top of your career? With a newborn child? If a sick family member relied on your income?

- Page 15 (F): “I have never declined paying the highway tax, because I am as desirous of being a good neighbor as I am of being a bad subject; and as for supporting schools, I am doing my part to educate my fellow-countrymen now. It is for no particular item in the tax-bill that I refuse to pay it. I simply wish to refuse allegiance to the State, to withdraw and stand aloof from it effectually. I do not care to trace the course of my dollar, if I could, till it buys a man or a musket to shoot one with—the dollar is innocent—but I am concerned to trace the effects of my allegiance. In fact, I quietly declare war with the State, after my fashion, though I will still make what use and get what advantage of her I can, as is usual in such cases.”

- Page 18 (G): last paragraph. Worth discussing?
“There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. I please myself with imagining a State at least which can afford to be just to all men, and to treat the individual with respect as a neighbor; which even would not think it inconsistent with its own repose if a few were to live aloof from it, not meddling with it, nor embraced by it, who fulfilled all the duties of neighbors and fellow-men. A State which bore this kind of fruit, and suffered it to drop off as fast as it ripened, would prepare the way for a still more perfect and glorious State, which also I have imagined, but not yet anywhere seen.”