

Henry David Thoreau, "On the Duty of Civil Disobedience"

"That government is best which governs not at all" (echoes of Jefferson's and Mill's skepticism about government, but more fully in keeping with Goldman and Kropotkin: government is "at best ... an expedient; ... most governments are usually, and all governments are sometimes, inexpedient". Differs from Goldman: more moderate about government, since willing to consider its utilitarian benefits at all, rather than claiming that it is invariably bad).

government="the mode which the people have chosen to execute their will" *and nothing more*.

HDT seems to think government is fine insofar as it executes the people's will, but that creating a standing government invites abuse and perversion of its intended purpose as the agent for that will. Example of this kind of hijacking of the people's mechanism: the Mexican-American War. HDT thought this was created by "comparatively a few individuals using the standing government as their tool".[282]

Government "is but a tradition ... each instant losing some of its integrity". HDT implies that there is no vitality and force in government, except what it borrows from "the vitality and force of a single living man". Note: here HDT shows his view, shared with Goldman, Mill, et al., that the truly valuable entity is a human being, and the value, and even the vitality of social institutions is entirely derived from the properties of that being conceived in isolation from those institutions, which are no more than artificial instruments of that being's will.

Government does nothing constructive, and generally obstructs that which does (individual men): it "never of itself furthered any enterprise, but by the alacrity with which it got out of its way. *It* does not keep the country free. *It* does not settle the West. *It* does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way." (specious claim? Probably makes more sense before social life comes to depend on products of advanced technology like transistors, where the role of individual action is diminished)

Purpose of government for HDT is to make it possible for men to let "one another alone; and, as has been said, when it is most expedient, the government are most let alone by it."[283] Note: challenge the students to consider whether this is true.

HDT's recommendation is not to banish government, but to insist that government get better.

The lynchpin of HDT's critique of liberal democracy: *Lex majoris partis* (majority rule in a society that governs itself by consent of the governed) creates a condition in which the majority will is followed, but *not* because the majority is right, or because it is more fair for them to have this power, "but because they are physically the strongest." [283] Translation: majorities rule not because it is right, but because it is expedient. Therefore, the distinction between right and wrong is decided elsewhere (cf. Locke, Mill), not through the process by which a democratic government is created and sustained.

The Main Implication of HDT's Critique of Democracy: *moral conscience* should decide all those matters that involve right and wrong, and government should stay out of those matters, restricting itself to matters that are appropriately assessed in terms of expediency (in other words, in morally neutral matters where a practical solution to a problem is all that is required).

HDT on civil obligation and law: "It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume, is to do at any time what I think right." [283]

"a corporation has no conscience; but a corporation of conscientious men is a corporation *with* a conscience." [True? will having conscientious people be enough to create an institution with a conscience, or are Marx, Engels, Goldman, Kropotkin right in charging that individual intentions are the byproduct of economic relations, not the result of private interrogations of one's conscience+desires+interests?]

HDT has an optimistic view of human nature, not unlike Goldman and Mill, which permits him to imagine that lots of good things will occur when people are freed from the fetters of government, free to follow their "common sense and consciences" [283-284].

Most men's relation to government is "as machines" serving government "with their bodies". [284]

HDT contrasts men who act on their own common sense and consciences with the two kinds of citizens he thinks are commonly found in a democratic state: those who serve it machinelike with their bodies, and those who serve it amorally as the dispassionate minds required to concoct its mechanisms of control. The former physical laboring citizens "... command no more respect than men of straw, or a lump of dirt. They have the same sort of worth only as horses and dogs." The latter "are as likely to serve the devil, without intending it, as God." [284]

HDT's point in this passage is that men who act from common sense and conscience (and hence "as heroes, patriots, martyrs, reformers in the great sense, and *men*" or, in to use an idea of the existentialists, as *authentic human beings*), since this inevitably causes them to question and resist what the government wants them to do, "are commonly treated by [government] as enemies" whereas those who fail to act authentically, common sensibly, conscientiously, "are commonly esteemed good citizens." [284]

The Right of Revolution is reserved and recognized by all men: "that is, the right to refuse allegiance to and to resist the government, when its tyranny or its inefficiency are great and unendurable." [285] HDT's moral complaint: slavery: "when a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun [Mexico] and conquered by a foreign army [the U.S. Army] ... I think that it is not too soon for honest men to rebel and revolutionize." [285]

HDT denies the pragmatic, essentially utilitarian view (promoted by Paley) that citizens acquire civil obligations to accommodate the demands of government whenever these demands will serve the "interest of the whole society". On the contrary, HDT says that there are situations and

cases where “the rule of expediency does not apply, in which a people, as well as an individual, must do justice, cost what it may.” Note: This is a direct appeal to an independent, nonutilitarian moral standard. “If I have unjustly wrested a plank from a drowning man, I must restore it to him though I drown myself. This, according to Paley, would be inconvenient. But he who would save his life, in such a case, shall lose it. **This people must cease to hold slaves, and to make war on Mexico, though it cost them their existence as a people.**” (Also Note: this is in direct contravention of the primary principle of most social contract theories of justice, since they all eventually are grounded on what are basically *self-interests*, and giving one’s own life for another’s seems to *never* be warranted for theories built upon the notion of self-interest, as Hobbes himself insisted in the parts of the *Leviathan* where he discusses what the state *cannot* require of an individual).

HDT is leveling a moral charge against his fellow citizens of Massachusetts that should be familiar to contemporary Americans: that in service of local trading and agricultural interests (all economic), the citizens of Massachusetts are willing to turn a blind eye to the injustice of slavery, or of the Mexican-American War.

HDT’s implicit argument in favor of the civilly disobedient: “It is not so important that many should be as good as you, as that there be some absolute goodness somewhere [in the citizenry]; for that will leaven the whole lump.” The reason is that most citizens “wait, well disposed, for others to remedy the evil, that they may no longer have it to regret. At most, they give only a cheap vote, and a feeble countenance and Godspeed, to the right, as it goes by them. **There are nine hundred and ninety-nine patrons of virtue to one virtuous man**”[286].

Critique of Voting:

“All voting is a sort of gaming, ... with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it.”[this too is an implicit attack on utilitarian moral theory] [286]

Call to Activism:

“Even voting *for the right* is *doing* nothing for it.... A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority.”[287]

Critique of the Herd, and the Common Citizen:

“There is but little virtue in the action of masses of men.”[287]

“Oh for a man who is a *man*, and, as my neighbor says, has a bone in his back which you cannot pass our hand through!...How many *men* are there to a square thousand miles in this country? Hardly one. Does not America offer inducement for men to settle here?”[287]

“The soldier is applauded who refuses to serve in an unjust war by those who do not refuse to sustain the unjust government which makes the war;”[288]

HDT’s Call to Civil Disobedience:

“Thus, under the name of order and civil government, we are all made at last to pay homage to and support our own meanness. After the first blush of sin, comes its indifference; and from

immoral it becomes, as it were, *unmoral*, and not quite unnecessary to that life which we have made.”[288]

“Those who, while they disapprove of the character and measure of a government, yield to it their allegiance and support, are undoubtedly its most conscientious supporters, and so frequently the most serious obstacles to reform.”[288]

“Action from principle,—the perception and the performance of right,—changes things and relations; it is essentially revolutionary, and does not consist wholly with any thing which was.”[289]

Such action by an individual separates “the diabolical in him from the divine.”[289]

Key Premises in Argument justifying Civil Disobedience:

“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?”[289]

“If the injustice...requires you to be the agent of injustice to another, then, I say, break the law.... What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.”[289]

EDT’s argument against waiting for reform:

“They [reforms] take too much time, and a man’s life will be gone. I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad. A man has not every thing to do, but something; and because he cannot do *every thing*, it is not necessary that he should do *something* wrong.”[290]

The moral absolutism of EDT’s call to CD:

“I think that it is enough if they [those against slavery who act to disobey the laws of Massachusetts supporting slavery] have God on their side, without waiting for that other one [i.e., the one vote over a simple majority that will make it possible to vote down laws supportive of slavery]. Moreover, any man more right than his neighbors, constitutes a majority of one already.”[290] {Note: this is a little scary...fundamentalism lurks here}

Individual action (particularly, tax protest) secures a better society: “I know this well, that if *one* HONEST man, in this State of Massachusetts, *ceasing to hold slaves*, were actually to withdraw from this copartnership [with the state through taxation], 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 for ever.”[290-291]

EDT’s view that it is honorable to suffer penalties for disobedience in service of Right, to go to prison: “that separate, but more free and honorable ground, where the State places those who are not *with* her but *against* her,—the only house in a slave-state in which a free man can abide with honor.”[291]

“Cast your whole vote, not a strip of paper merely, but your whole influence.”[291]

Is EDT nonviolent? Not exactly:

1. “If a thousand men were not to pay their tax-bills this year, that would not be a violent and bloody measure, as it would be to pay them, and enable the State to commit violence and shed innocent blood. This is, in fact, the definition of a peaceable revolution, if any such is possible.”[291]

2. “But even suppose blood should flow. Is there not a sort of blood shed when the conscience is wounded? Through this wound a man’s real manhood and immortality flow out, and he bleeds to an everlasting death. I see this blood flowing now.”[292]

EDT’s radical independence:

“For my own part, I should not like to think that I ever rely on the protection of the State.”[293]

His reason is that such dependence exposes one to moral danger (you might find yourself unable to resist the government in a matter where your conscience makes clear that you should disobey the government, all because something else of value, including other persons and their interests, will be put in danger by the possibility of state action against you).

EDT on liberty:

“I was not born to be forced. I will breathe after my own fashion. Let us see who is the strongest. What force has a multitude? They can only force me who obey a higher law than I.”[294]

Is EDT anti-social?

“I am not responsible for the successful working of the machinery of society. I am not the son of the engineer. I perceive that, when an acorn and a chestnut fall side by side, the one does not remain inert to make way for the other, but both obey their own laws, and spring and grow and flourish as best they can, till one, perchance, overshadows and destroys the other. If a plant cannot live according to its nature, it does [not?]; and so a man.” Is EDT advocating Social Darwinism here? I wonder how this would look once the evidence in favor of group/environment-level processes in biology and sociology come to light.

EDT’s tax revolt was not designed to effect a specific result (by withdrawing money from this or that specific government activity), but was a simple refusal to give allegiance to the State.[297]

“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.”[297]

“the world is not governed by policy and expediency.”[299]

“The lawyer’s truth is not truth, but consistency, or a consistent expediency.”[299-300]

EDT is swayed by ideas like Jefferson’s ‘natural aristocracy’, as the following proves:

“I will cheerfully obey those who know and can do better than I, and in many things even those who neither know nor can do so well,”[301]

He thinks democracy is not the end of human progress in governance:

But all pure rights are reserved for individuals “[the government] can have no pure right over my person and property but what I concede to it. The progress from an absolute to a limited monarchy, from a limited monarchy to a democracy, is a progress toward a true respect for the individual. Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take a step further towards recognizing and organizing the rights of man?”

Again, EDT often sounds like Goldman:

“I please myself with imagining a State at last 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.”[301]