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## Henry David Thoreau and “Civil Disobedience,” Part 3

by Wendy McElroy

Thoreau’s criticism is aimed at the form of obedience that springs from a genuine respect for the authority of the state. This obedience says, “The law is the law and should be respected regardless of content.” Through such attitudes, otherwise good men become agents of injustice.

Thoreau dissects the notion that “the law is the law and should be respected.” For one thing, not all laws are equal. Some laws exist for no other reason than to protect the government — for example, laws against tax evasion or contempt of court. Such laws often have more severe penalties than those that protect individuals against violence.

Moreover, the proscribed penalties for denying government’s authority are often so vague and sweeping as to invite arbitrary sentences from the court. Lawyers and the courts are part of the state’s defensive machinery. Thoreau concludes,

The lawyer’s truth is not Truth, but consistency or a consistent expediency.... He well deserves to be called ... the Defender of the Constitution.... Still thinking of the sanction which the Constitution gives to slavery, he says, “Because it was part of the original compact,— let it stand.” [He] is unable to take a fact out of its merely political relations....

Such courts offer no protection to Thoreau, who refuses to respect their authority. But he takes his refusal one step further. He not only rejects unjust laws but also the men who enact them. He withdraws his support from politicians who “rarely make any moral distinctions [and] are as *likely* to serve the Devil, without intending it, as God.”

Thoreau’s use of the word “intending” is significant. Even well-intentioned politicians stand so completely within the institution of government that they never distinctly and nakedly behold it. Whatever they intend, they serve the government’s ends.

Thoreau’s disdain for politicians may seem a logical extension of his disrespect for “the law” but many reformers disrespected the law without holding lawmakers personally responsible. The viewpoint of such people overlooked the role of “choice,” Thoreau argues. Every politician

who enacts a law chooses to do so; every agent who enforces a law chooses to do so. If officials create or enforce a law with which they disagree, then they have surrendered their conscience to the state and should be held personally responsible for that decision.

Holding politicians personally responsible is not the last step in Thoreau's withdrawal of support. He denies the authority of government itself. Again, rejecting politicians may logically seem to imply the rejection of government; but, again, many reformers rejected politicians without rejecting politics.

Thoreau holds such reformers personally responsible as well.

Those who, while they disapprove of the character and measures 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.

### **The problem with reformers**

Thoreau specifically addresses fellow abolitionists who called for the immediate cessation of slavery. Instead of petitioning the government to dissolve the Union with slaveholders, Thoreau believed those reformers should dissolve "the union between themselves and the State,— and refuse to pay their quota into its treasury." Petitions only strengthened the authority of the government by recognizing its authority and honoring the will of the majority. "[Any] man more right than his neighbors constitutes a majority of one already," he observes.

The reformers who petition government for permission "love better to talk" about justice than to act on it. Thus, Thoreau concludes, "Reform keeps many scores of newspapers in its service, but not one man." To men who prefer a safe strategy, voting becomes a substitute for action and politics becomes a sort of game, like checkers or backgammon, only with a slight moral tinge.

To Thoreau, anyone willing to leave moral decisions to the will of the majority is not really concerned that right should prevail. When resisting the poll tax, he did not consult the majority; he acted. If he had allowed the majority to decide whether or not he should pay, by his own standards he would have shown no regard for what is right.

Moreover, Thoreau considers voting to be a poor vehicle for reform because voting follows real change; it does not precede or cause it. "When the majority shall at length vote for the abolition of slavery," he writes, "it will be because they are indifferent to slavery, or because there is but little slavery left to be abolished by their vote." As for the other means that the state provides for changes to itself, they are extraordinarily slow. Thoreau notes, "They take too much time, and a man's life will be gone."

## A duty to resist?

Does this mean men have a duty to pitch their life against an unjust state?

“Civil Disobedience” speaks to the individual’s right to resist the state but Thoreau does not consider disobedience to be an overriding duty. He understands that men are involved in the business of living and he thinks this is proper even for a dogged reformer like himself. He writes, “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.” First and foremost, he clearly stated, people should live their lives.

This is a crucial distinction. If a man is fortunate enough to be in circumstances that resemble Thoreau’s huckleberry field, “where the state was nowhere to be seen,” then he has no duty to seek it out but should, instead, go about the business of living. Thoreau defied the state only when it knocked on his door and demanded his money in support of an institution he considered to be unjust — slavery. Thereafter, when the state ignored him, Thoreau ignored it, even though his neighbors were taxed around him.

Thus, although “Civil Disobedience” is sometimes entitled “On the Duty of Civil Disobedience,” the latter is somewhat misleading. Indeed, the word “duty” may have derived from the essay’s critique and rejection of a chapter from William Paley’s book *Principles of Moral and Political Philosophy*. That chapter is entitled “Duty of Submission to Civil Government.”

According to Thoreau’s interpretation of the 18th-century philosopher, Paley argues that all civil obligations derive from expediency. Since Thoreau attempts to show the opposite — that civil obedience is morally grounded — the title “On the Duty of Civil Disobedience” may have played on Paley’s title.

Nevertheless, “Civil Disobedience” does not espouse a duty to seek out the state for confrontation, to protest a wrong done to your neighbor, or even to resist the state in matters that do not violate conscience, such as buying a postage stamp.

The only political duty of a man is to correct any injustice he directly causes and to deny his cooperation to other injustice. This is the conclusion at which “Civil Disobedience” arrives.

If I have unjustly wrested a plank from a drowning man, I must restore it to him though I drown myself...

... If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man’s shoulders. I must get off him first, that he may pursue his contemplations too.

In short, Thoreau believed the state should never rank above the individual conscience or the business of living. But if the state demands a person’s first allegiance by asking him to violate

his conscience and participate in an injustice, the person should disobey — not through violence but by removing his cooperation.

### **Thoreau's legacy**

Thoreau's political theories were not well known during his own time. They were usually presented as lectures to small audiences or as articles buried in small-circulation periodicals.

"Civil Disobedience," for example, was first rendered as a lecture at the Concord Meeting Hall. In 1849, it was published under the title "Resistance to Civil Government" in the first and only issue of *Boston Aesthetic Papers*.

After Thoreau's death, his sister Sophia prepared his uncollected works for posthumous publication in multiple volumes by Ticknor and Fields. The political essays were held until last and, even then, they appeared to be added on to the volume entitled "A Yankee in Canada with Anti-Slavery and Reform Papers" (1866). It included "Civil Disobedience," which had been retitled "On the Duty of Civil Disobedience."

Why were these essays published last? Possibly because they were not considered representative of Thoreau. Perhaps because many of them were written in response to specific events and, so, seemed dated. Or perhaps because their political slant was so unpopular that some reviewers of the volume wished they had died with the man.

In 1890, Henry Salt published a collection of Thoreau's political essays, including "Civil Disobedience." The book profoundly influenced a young lawyer in South Africa who was protesting that government's treatment of immigrant workers from India. The lawyer was Mohandas K. Gandhi. Gandhi found in Thoreau the techniques he would use in the subsequent struggle for Indian independence. Years later, he thanked the American people for Thoreau, saying,

You have given me a teacher in Thoreau, who furnished me through his essay on the "Duty of Civil Disobedience" scientific confirmation of what I was doing in South Africa.

By embracing Thoreau's message and by expanding the strategy of civil disobedience, Gandhi focused world attention on the shy Yankee philosopher who lived without real fame in his own nation, in his own time.

Thoreau's death went relatively unnoticed. In November 1860, he caught a severe cold that slowly deepened into consumption from which he never recovered. On May 6, 1862, at the age of 44, Henry David Thoreau died.

Months later, Emerson published a eulogy that concluded,

The country knows not yet, or in the least part, how great a son it has lost. His soul was made for the noblest society; he had in a short life exhausted the capabilities of this world; wherever there is knowledge, wherever there is virtue, wherever there is beauty, he will find a home.

As always, Thoreau said it more simply: “For joy I could embrace the earth. I shall delight to be buried in it.”

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