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**Henry David Thoreau: The Higher Law**

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## Introduction

IN THE YEAR 1968 I was called to Milwaukee to testify in the case of the Milwaukee Fourteen, a group of priests, nuns, and laypeople who had gone into a draft board, taken thousands of its documents, and burned them in a symbolic protest against the war in Vietnam. As a historian of social movements, I was asked to discuss the role of civil disobedience in American history. The judge was clearly uneasy, but he allowed me to answer the question. I spoke of the principles of the Declaration of Independence, and of its insistence that when a government becomes destructive of basic human rights, it is the duty of the people to “alter or abolish it.” I began to talk about Henry David Thoreau and his decision to break the law in protest against the U.S. invasion of Mexico in 1846. At this point, Judge Larsen interrupted. He pounded his gavel and said: “You can’t discuss that. That is getting to the heart of the matter.”

You will find in this volume (published previously in hardcover as *Reform Papers*) what are usually called the “political writings” of Thoreau. Indeed, he is dealing here with the incendiary issues of his time: the Mexican War, the Fugitive Slave Act, the execution of John Brown. The term “political,” however, does not do justice to the breadth and depth of Thoreau’s ideas. He looks beyond the immediate subjects of contention to ask the fundamental questions pondered before and after his time by the world’s great thinkers: Plato, Machiavelli, Hobbes, Locke, Rousseau, Marx, Tolstoy. That is, he addresses the obligations of the citizen to government, of law to justice, of human beings to one another.

In this collection, he does something more—he asks the most troubling question of human existence: how shall we live our lives in a society that makes being human more and more difficult?

The words of Thoreau on all these issues, written a century and a half ago, resound loud with meaning as I write this at the end of the year 2003. The nation is at war, as it was when Thoreau declared his resistance to government. This time, however, it is not a finite war, limited in time and space, but what seems an endless war, or series of wars, because the enemy has been declared to be “terrorism,” which cannot be confined to one place, or one time. All that Thoreau wrote so long ago speaks to us today and makes us wonder about our responsibility as citizens, as human beings.

It is well known that Thoreau spent a night in jail, in the summer of 1846, because he refused to pay his taxes in protest against the war with Mexico. It may be useful, then, to take a close look at that war, to help us understand his action, his thinking.

Mexico, which had won its independence in a revolutionary war against Spain, was at that time much larger than it is today. It included what are now the states of Texas, New Mexico, Utah, Nevada, Arizona, California, and part of Colorado. In the year 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, and various influential newspapers and politicians became excited about the prospect of expanding westward into Mexican territory. John O’Sullivan, editor of the *Democratic Review*, 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.” The phrase took hold: Manifest Destiny.

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. A clash between Mexican and U.S. troops followed, and a U.S. patrol was virtually wiped out. Even before this incident, a U.S. colonel on the southern front, Ethan Allen Hitchcock, a reader of Shakespeare, Chaucer, Hegel, and Spinoza, wrote in his diary: "I have said from the first that the United States are the aggressors. . . . It looks as if the government sent a small force on purpose to bring on war, so as to have a pretext for taking California and as much of this country as it chooses."

President Polk falsely claimed that Mexico had invaded the United States and asked Congress for a declaration of war. The Whig Party was presumably against slavery and against the war, but they were not against expansion, and they saw the acquisition of California as commercially valuable. Thus they voted overwhelmingly with the Democrats in Congress in favor of war. It was an early manifestation of the historic unity of both major parties in acquiescing in a presidential decision for war.

The war with Mexico intensified the bitter controversy already simmering in the United States over slavery. Ralph Waldo Emerson had predicted that "the United States will conquer Mexico, but it will be as the man swallows the arsenic, which brings him down in turn. Mexico will poison us." Commenting on Emerson's warning, the Civil War historian James McPherson has written: "He was right. The poison was slavery." Opposition to the war by the growing antislavery movement was based on the fear that the new territories would expand the area of slavery in the country.

The poet James Russell Lowell had his character Hosea Biglow say:

“They jest want this Californy  
So’s to lug new slave-states in  
To abuse ye, an’ to scorn ye,  
An’ to plunder ye like sin.”

Thoreau lived in Concord, twenty miles from Boston, which was becoming a center of antislavery agitation. He graduated from Harvard in 1837. Six years earlier, on January 1, 1831, William Lloyd Garrison had launched the first issue of the antislavery newspaper *The Liberator*, declaring of slavery, “On this subject I do not wish to think or speak or write with moderation. No! No! Tell a man whose house is on fire to give a moderate alarm.”

All about Thoreau there were ardent opponents of slavery, including his mother and sisters. Ralph Waldo Emerson was a friend and mentor, and the two of them joined forces, over the objection of conservative curators of the Concord Lyceum, to invite the fiery abolitionist orator Wendell Phillips to speak. Thoreau’s review of Phillips’s speech, and of his character, is included in this volume (“Wendell Phillips Before Concord Lyceum”). You will also find in this volume Thoreau’s 1844 *Dial* article in praise of Nathaniel Rogers, editor of the New Hampshire abolitionist newspaper *Herald of Freedom*, who had written: “Slavery must be cried down, denounced down, ridiculed down.”

For six years before the Mexican War, in order to protest a government that countenanced slavery, Thoreau had not paid his poll tax. But in the summer of 1846, in the midst of his two-year stay at Walden Pond to write *A Week on the Concord and Merrimack Rivers* and to commune alone with nature, he ventured

into Concord to join a huckleberry-picking party. There, he encountered the local constable, who asked him to pay his tax. He refused and was taken to the town jail. That night, as he lay awake in his cell, the ideas began to form about how an individual should behave in relation to the government. The next day he was told that someone had appeared to pay his tax (he never found out whether it was his friend Emerson or one of his aunts), and he reluctantly left the jail, to return to the huckleberry field.

The Mexican War ended in 1848 with the United States taking two-fifths of Mexican territory. But before it ended, there were protests against the war going far beyond Thoreau's mild act. The battle deaths and mutilations were not the only horrors of the war. A regimental surgeon of the Second Regiment of Mississippi Rifles saw his regiment packed into the holds of transports and reported on what he saw and heard: "The wild screams of the delirious, the lamentations of the sick, and the melancholy groans of the dying." More than nine thousand soldiers deserted. There were mutinies against officers, resentment against the caste system. One Pennsylvania volunteer wrote: "Some of our officers are very good men but the balance of them are very tyrannical and brutal. . . . A soldier's life is very disgusting." On the road to Mexico City seven of General Winfield Scott's eleven regiments, their enlistment times up, faded away. The Massachusetts Volunteers, returning home with half their 630 men dead, honored with a dinner, hissed their commanding general.

Thoreau had left his cabin at Walden Pond in the fall of 1847. A lecture that he gave soon after at the Concord Lyceum was called "The Rights and Duties of the Individual in Relation to Government." He kept refining it, and it appeared in print in the spring of

1849 as “Resistance to Civil Government.” The title “Civil Disobedience” was used in the printing of the essay in 1866, four years after Thoreau’s death; the title may or may not have been Thoreau’s. Authorial or not, it has become the standard title, the one by which millions have known the essay.

How shall we define civil disobedience so that we may have a common ground for discussing it? I will define it as the deliberate violation of a law in pursuit of some social goal. Thus Thoreau’s act of nonpayment of taxes fits that definition, his goal to make some small statement against war, against slavery. Gandhi’s marches in violation of British law had as their aim unseating British rule in India. The African American students who in 1960 “sat in” at lunch counters to protest racial segregation were violating local law, and even federal law, since the Supreme Court had not given constitutional approval to desegregation in private businesses.

At the center of Thoreau’s great essay (though he doesn’t make the reference) is that stunning idea expressed in the Declaration of Independence: governments are artificial creations, set up to serve the interests of the people. That idea was soon overwhelmed by the reality of the Constitution and the establishment of an actual government. Now a small group of powerful men could use the government to advance their own interests, to make war, to compromise with slavery. But why should people of conscience defer to such a government and its laws? Why should they not exercise their own moral judgment? When a government supports evil, it is the duty of its citizens to withhold their support from the government, to resist its demands.

The early 1850s saw a series of militant acts of civil disobedience, in violation of the Fugitive Slave Act. There is no evidence of anyone’s referring to Thoreau,

but clearly the idea of resistance to unjust laws was being put into effect. The passage of the Fugitive Slave Act in 1850 was part of a package of provisions in what was called the Compromise of 1850, designed to satisfy both sides of the slavery dispute. California was admitted to the Union as a nonslave state, but to appease the South, federal marshals were required to help slave owners recapture their escaped slaves and were fined \$1,000 if they refused. Federal commissioners were to decide whether in fact a black person was an escaped slave; they were paid \$10 if they decided in favor of the slave owner, \$5 if in favor of the slave. During that decade of the 1850s, federal commissioners returned 332 blacks to slavery and declared free only 11. There was no statute of limitations: one black man in southern Indiana was apprehended, in front of his wife and children, and returned to a slaveholder who said he had run away nineteen years before.

Almost as soon as the act went into effect and the first escaped slaves were apprehended, Northern abolitionists, black and white, set out to obstruct the law. A slave owner in Georgia sent two agents to recapture William and Ellen Craft, a husband and wife who had escaped slavery two years earlier and were now living in Boston, a center of abolitionism. Blacks and whites joined to protect the Crafts. Wendell Phillips declared: "We must trample this law under our feet." The law, said the local antislavery society, "is to be denounced, resisted, and disobeyed." The slave-catchers were warned that they were not safe in Boston, and they returned to Georgia. William and Ellen Craft were put on a ship to England.

President Millard Fillmore threatened to send federal troops to enforce the Fugitive Slave Act, but the abolitionists defied him. The Reverend Theodore Parker, an abolitionist whose parish the Crafts had

joined, wrote to Fillmore: "I would rather lie all my life in jail, and starve there, than refuse to protect one of these parishioners of mine. . . . I must reverence the laws of God, come of that what will come."

There were more acts of defiance against the Fugitive Slave Act. A black man named Shadrach Minkins, who had escaped from Virginia and was working as a waiter in a Boston coffeehouse, was captured by agents and taken to a federal courthouse. A group of black men broke into the courtroom, rescued Minkins, and put him on the Underground Railroad to Canada. Eight of the rescuers, four black and four white, were indicted by a federal grand jury. But when they went to trial, juries refused to convict them.

In Christiana, Pennsylvania, a shoot-out took place over the attempt of a slave owner and federal marshals to return two black men to slavery. Two dozen black men protected the fugitives, and the slave owner was killed. President Fillmore called on the marines, who, with federal marshals, searched the countryside and arrested more than thirty black men and a half-dozen whites. They were indicted, but the jury acquitted the first defendant and the government dropped the remaining cases.

Thoreau's essay "Slavery in Massachusetts," reprinted in this volume, was drawn from journal entries of 1851 and 1854, and appeared in part in Garrison's *The Liberator*. That essay has been overshadowed by his more famous one on civil disobedience, but it deserves close attention. 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 courthouse 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.

In his essay, Thoreau plays on a theme that recurs in the essays in this volume: the complicity of the government and the courts, the silence of citizens in the face of that collusion (“I am surprised to see men going about their business as if nothing had happened”), and the cowardice of the press. Thoreau does not expect the government to act in the interests of justice and believes that in the long run this will be widely recognized: “A government which deliberately enacts injustice, and persists in it, will at length ever become the laughing-stock of the world.” One cannot help recalling that when the United States made war in Vietnam in the 1960s, it drew the opposition of people all over the world, and that when it was on the verge of invading Iraq in 2003, ten million people in fifty countries around the world protested on a single day.

Much as he reviles the government (“useless, or worse than useless”) and the soldier who serves the slave master (“a fool made conspicuous by a painted coat”), Thoreau has not much hope for them. But he expects more from citizens and so is bitter about their silence when a fugitive slave, Thomas Sims, is returned forcibly to slavery in 1851. He notes that the people of Concord—on the anniversary of the shot heard round the world in 1775 and just a week after the rendition of Sims—rang the liberty bells and fired the cannons. But “when the sound of the bells died away, their liberty died away also.” That could be a commentary on any celebration in the midst of war.

Thoreau has no respect for the law when the law allows war and protects slavery, nor for the justices of the Supreme Court, as they, obedient to the Constitution, affirm the legality of holding three million people as slaves. “The law will never make men

free; it is men who have got to make the law free." Such judges do not ask what the murderers' tools are for; they only inspect them to see whether they are "in working order." Such judges do not ask "whether the Fugitive Slave Law is right, but whether it is what they call *constitutional*."

In "Slavery in Massachusetts" Thoreau wrote: "What is wanted is men, not of policy, but of probity—who recognize a higher law than the Constitution, or the decision of the majority." (The title of the present volume is taken from this quotation.) Thoreau's attitude toward law and toward the Constitution points very directly to the legal controversies of our own time, when certain Supreme Court justices and legal scholars insist their job is to decide what the Founding Fathers meant by the words they wrote in 1787. Thoreau asks why, in deciding moral questions, we must ask whether "your grandfather, seventy years ago" entered into an agreement "to serve the devil" and therefore you must abide by that agreement, regardless of its human consequences.

Thoreau could have been speaking about Justice Abe Fortas, who joined the Supreme Court majority in the spring of 1968 to uphold the conviction of a young man who had publicly burned his draft card to protest the war in Vietnam (a petty act of arson, one might say, compared to William Lloyd Garrison's setting fire to the Constitution in 1835). The court was not concerned with whether the war was right (or even whether it was constitutional) but considered only whether O'Brien had violated the Conscription Act.

That same year, in an essay on civil disobedience, Fortas wrote: "Thoreau was an inspiring figure and a great writer; but his essay should not be read as a handbook on political science." His notion of "political science" clearly did not include moral philosophy but

made the former a register of whatever regulations the politicians of the time might order.

In "Slavery in Massachusetts," Thoreau is scathing about the press. The newspaper, he said "is a Bible which we read every morning and every afternoon, standing and sitting, riding and walking." Editors, he said, by their acceptance of the Fugitive Slave Act, "live and rule only by their own servility." Speaking of a certain Boston newspaper and its response when Thomas Sims was carried off to slavery, he wrote: "I have heard the gurgling of the sewer through every column."

What would Thoreau say if he were alive today? In our time, too, the press (much of it controlled by huge financial conglomerates) is largely subservient to government, especially in time of war, when a fervid nationalism distorts reportage, and criticism of government policy is often seen as unpatriotic. According to Daniel Hallin's careful study, *The "Uncensored War": The Media and Vietnam*, television coverage throughout the Vietnam War was "lopsidedly favorable to American policy in Vietnam," even more so than what he called the "remarkably docile print media."

In the second Gulf War of 2003, the major television channels rushed to declare their support of the war. The Fox News Channel regularly showed the Stars and Stripes in the upper-left-hand corner of the screen, and the words "War on Terrorism" blended into "Operation Iraqi Freedom." According to a study by Fairness and Accuracy in Reporting, even though at the moment of military victory 27 percent of the public remained opposed to the war, less than 3 percent of Americans interviewed on the major television networks were antiwar.

What Thoreau saw as a coldness in government and press toward the black slave, an abysmal failure of compassion for the "other," persisted for a hundred years,

even after the end of slavery, in the continued subordination of black people in this country. To white Americans they were shadowy presences, unknown as human beings.

Thoreau saw the national and local governments of his time collaborating with slavery. Until the 1960s, we saw the national government acquiescing in racial segregation, indeed in the violation of the Fourteenth and Fifteenth Amendments to the Constitution. Only when black people in the South pushed themselves into view, brought public attention by acts of civil disobedience, did government finally respond.

The invisibility of the "other" carries over into war, where the "enemy" is other than human and need not be considered when the casualties are counted up. Nowhere was this revealed more starkly than when atomic bombs were dropped on Hiroshima and Nagasaki. The incineration and radiation of several hundred thousand Japanese could be accepted by Americans because they were not seen as human beings, not made visible as were the victims of Japan in the Bataan Death March or, some time after the fact, the victims of Hitler in the death camps.

Similarly, the Vietnamese who died or were maimed or burned by napalm in the ferocious bombing of their country (more bombs were dropped there than in all of World War II) were not visible to Americans for many years. Their deaths were recorded as statistics, but they did not appear as human beings until the first photos of the My Lai massacre appeared a year after it was first reported in 1968.

When the first Gulf War ended in 1991, General Colin Powell reported proudly that the United States had suffered only several hundred casualties. When a reporter asked him about Iraqi casualties, Powell replied: "That is really not a matter I am terribly interested in." The narrow nationalism that permitted such

callousness would have troubled Thoreau deeply. "I would remind my countrymen, that they are to be men first, and Americans only at a late and convenient hour."

Civil disobedience is inherently antinationalist because it is based on a refusal to accept as an absolute the legitimacy of government; it considers the powers of government subordinate to human rights. The implication is that these rights belong to all human beings, not just those of one's own country. Black slaves were not quite of the United States. Indeed, they had been denied citizenship by the decision of the Supreme Court in the Dred Scott case of 1857. Yet Thoreau declared their rights to be above the law of the nation, even above the highest law of the nation—the Constitution.

Thoreau's essay propounded such a universal principle of human rights that it continues to be an inspiration for dissident thinkers and activists around the world. Tolstoy took note of "the savage Spanish-American war" and wrote of a "second war" waged against the government, its powerful weapon being "the obedience of every man to his own reason and conscience." Tolstoy wrote: "This, indeed, is so simple, so indubitable, and binding upon every man. 'You wish to make me a participator in murder; you demand of me money for the preparation of weapons; and want me to take part in the organized assembly of murderers' says the reasonable man—he who had neither sold nor obscured his conscience. 'But I profess that law—the same that is also professed by you—which long ago forbade not murder only, but all hostility, also, and therefore I cannot obey you.'"

Gandhi knew of both Thoreau and Tolstoy. Thoreau, he wrote, "has left a masterly treatise on the Duty of Civil Disobedience." The influence can be seen in the campaigns Gandhi organized to protest British rule in

India. In 1919 the British passed the Rowlatt Act (remarkably similar to the “Patriot Act” passed by Congress in 2001) which provided for preventive detention, the arrest and confinement of persons who were “suspected of subversive activities.” Persons considered “dangerous” could be detained indefinitely. Gandhi and his followers took a pledge: “We solemnly affirm that . . . we shall refuse civilly to obey these laws.” In 1930 Gandhi and others participated in a civil disobedience movement against the government monopoly on salt and the oppressive salt tax. They marched from Ahmedabad to the beach at Dandi and prepared salt from the sea, thus violating the salt laws. Gandhi was arrested, but the civil disobedience continued for a year, in the course of which salt depots were occupied, and protesters were met with brutal police attacks.

In the United States social movements throughout the twentieth century and into the twenty-first repeatedly put moral principles ahead of the law. Thoreau had written, “Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? . . . It is not desirable to cultivate a respect for the law, so much as for the right.”

In this spirit, labor organizers in the Industrial Workers of the World went to jail again and again in defiance of local laws. On the eve of World War I, women picketed in the nation’s capital in violation of local ordinances and were arrested for demanding the right to vote. In 1936 and 1937 workers in auto and rubber plants staged sit-down strikes to get recognition for their unions.

In the 1950s and 1960s, black people in the South carried out hundreds of acts of civil disobedience, refusing to obey the laws mandating racial segregation,

defying the laws of trespass, disobeying the orders of police. Thoreau had written: "I quietly declare war with the State, after my fashion." Black people in the South had concluded that the U.S. government would not defend their constitutional rights under the Fourteenth and Fifteenth Amendments, and they would take action themselves.

A white city librarian in Montgomery, Alabama, wrote a letter to the *Montgomery Advertiser*, saying admiringly that the black people boycotting the city buses that winter of 1955 "had taken a lesson from Gandhi, and from our own Thoreau, who influenced Gandhi." The young seminary student John Lewis, who was beaten senseless in the attempted protest march in 1965 from Selma to Montgomery, had studied Gandhi and Thoreau.

No one brought alive the idea of civil disobedience in the United States more than Martin Luther King, Jr. He was a student of philosophy and religion, and was very aware of Thoreau and Gandhi, and no doubt their powerful ideas reinforced his own thinking. But it was the reality of racial segregation that led him and the thousands of others in the Southern movement—the sit-inners, the Freedom Riders, the marchers and picketers—to defy the law again and again.

In King's famous "Letter from Birmingham City Jail," he distinguishes between "just and unjust laws" in the way that Thoreau had distinguished between taxes he was willing to pay because they went for constructive public purposes, and taxes he would not pay because they supported a government at war. King had been arrested for violating a court injunction against demonstrations. "An unjust law," he said, "is out of harmony with the moral law."

The practice of civil disobedience was carried over from the protests against racial segregation to the

movement against the war in Vietnam. Indeed, among the first to resist the draft (and to receive especially heavy prison sentences) were young black men in the South. In mid-1965, as the war in Vietnam began escalating rapidly, blacks in McComb, Mississippi, who had just learned that a classmate had been killed in Vietnam, distributed a leaflet: "No Mississippi Negroes should be fighting in Vietnam for the White man's freedom, until all the Negro People are free in Mississippi. Negro boys should not honor the draft here in Mississippi. Mothers should encourage their sons not to go."

One of the most dramatic instances of civil disobedience against the war was that of the heavyweight champion Muhammad Ali, who refused to serve in what he called a "white man's war." As punishment, boxing authorities took away his title as champion.

At no time in American history was there such a succession of acts of civil disobedience as during the war in Vietnam. Young men burned their draft cards or turned them in to the government. They refused to be inducted into the armed forces, 34,000 of them by the end of 1969. Hundreds of thousands, without public refusals, did not register for the draft.

Americans were deeply offended by these actions and argued that citizens should express themselves by going through legal channels, by voting. But Thoreau had no faith that government officials would act morally: "most legislators, politicians, lawyers, ministers, and office-holders, serve the State chiefly with their heads; and, as they rarely make any moral distinctions, they are as likely to serve the devil, without intending it, as God." He was disdainful of voting and other orthodox remedies. "They take too much time, and a man's life will be gone."

That spirit animated the priests, nuns, and laypeople who throughout the war in Vietnam broke into draft boards, seized draft records, and destroyed them to dramatize their protest against the war. When the Catonsville Nine went into a draft board office in Maryland, removed records, and set them afire with homemade napalm in the presence of reporters and onlookers, one of them, the priest and poet Daniel Berrigan, delivered a meditation: "Our apologies, good friends, for the fracture of good order, the burning of paper instead of children." In one of the many trials that followed, that of the Milwaukee Fourteen, a priest named Bob Cunnane told the court that he had tried to go through legal channels to help stop the war, that he had visited his senator and was told that people in Congress were helpless. That decided him on an action more forceful, even if it meant breaking the law and going to prison.

Disobedience spread to the armed forces. One West Point graduate, early in the war, refused to board an aircraft that would take him to a remote Vietnamese village. Three army privates refused to embark for Vietnam, denouncing the war as "immoral, illegal, and unjust"; they were court-martialed and imprisoned. An army doctor refused to teach Green Berets, a Special Forces elite, saying they were "murderers of women and children."

Tens of thousands deserted from the military, going to Canada or to Western Europe. During the fierce bombings of Hanoi and Haiphong, in December 1972, B-52 pilots refused to go on missions. Earlier that year, 50 out of 142 GIs in one company refused to go out on patrol.

After the war in Vietnam ended in 1975, a determined group of pacifists continued to protest the

militarization of the country, the buildup of nuclear weapons, by acts of civil disobedience. Beginning in 1980 with a group called the Plowshares Eight (taking their name from the biblical injunction to beat swords into plowshares), they invaded nuclear facilities, committing small symbolic acts of sabotage. In the next twenty-three years at least seventy-five similar actions were carried out, almost always resulting in jail sentences.

Although it was supported by most Americans, the first Gulf War in 1991 led to mass demonstrations of protest in American cities, as well as to refusals of military service by young men and women. A physician named Lynda Reiser, explaining why she would defy the order sending her to Iraq, wrote: "I object to participation in war in any form. I believe in the preservation of life at all costs. . . . I cannot participate in war, either as a combatant or as a non-combatant, because my doing so would represent my agreement with war."

This is exactly what Thoreau advocated in the face of evils like slavery or war, that people should withdraw their support from the government. It is not enough to hold an opinion, he said. One must act. "When the subject has refused allegiance, and the officer has resigned his office, then the revolution is accomplished."

Thoreau's next sentences are disquieting and make it clear he is not an absolute pacifist. "But even suppose blood should flow. Is there not a sort of blood shed when the conscience is wounded?" He seems to have accepted that an evil as gross as slavery—the captivity of three million people—could not be overcome without some degree of violence.

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, which

had become a battleground between pro- and antislavery forces. There were killings on both sides, and at one point Brown and his men carried out a nighttime raid on a pro-slavery settlement and killed five people in cold blood.

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, but the plan miscarried, they were captured, and Brown lay wounded, awaiting trial.

Thoreau's passionate talk is not a defense of John Brown but, as he titled it, a plea, an expression of sympathy and admiration. It is very unlikely that Thoreau would have participated in the kind of action Brown had engaged in, yet he defended Brown's "right to interfere by force with the slaveholder, in order to rescue the slave." Brown's firearms, he said, "were employed in a righteous cause."

Emerson, with a similar passion, said of John Brown that "he will make the gallows glorious like the cross." Emerson and Thoreau were both outraged at the rush by both the state of Virginia and the national government to execute Brown, and the "cold-blooded way," as Thoreau put it, that newspaper editors and others, even abolitionists, talked of the man as "dangerous" and "insane." Shortly after John Brown was hanged for killing people, believing he was advancing the cause of freedom for slaves, the U.S. government engaged in a war, presumably to abolish slavery, and 600,000 died on the battlefields. Would any one dare to refer to the U.S. government as "dangerous" and "insane"?

Running through Thoreau's essay about John Brown is a powerful theme that speaks to our own time: the hypocrisy of government officials who put to death

those who have killed one, two, or ten persons, all with an air of righteousness, buttressed by the law, but who themselves plan and carry out wars in which millions die.

“War is peace” was the slogan of the Big Brother state described in George Orwell’s novel *1984*. We carry out wars in the name of peace. In the United States we keep two million people in prison in the name of order. Thoreau’s words speak directly to our time: “We preserve the so-called ‘peace’ of our community by deeds of petty violence every day. Look at the policeman’s billy and hand cuffs! Look at the jail! Look at the gallows!”

We are speaking not of totalitarian governments but of governments that call themselves democracies as does ours. We pride ourselves on having representative government. But, as Thoreau says, still speaking of John Brown, “what a monster of a government is that where the noblest faculties of the mind, and the *whole* heart, are not *represented*.”

Thoreau’s great insight was that there is a moral emptiness in government unless it is filled by the actions of citizens on behalf of justice. That corresponds exactly to the democratic philosophy of the Declaration of Independence, in which governments have no inherent right to exist or to rule, but deserve to do so only when they fulfill the charge given them by the people: to protect everyone’s equal right to “life, liberty, and the pursuit of happiness.”

In our time, that philosophy is realized in the actions of those who, in defiance of government, in defiance of laws they consider supportive of war and injustice, carry out acts of civil disobedience. That might mean damaging weapons of war, or refusing to pay taxes to support a huge military budget, or refusing to join a military campaign they see as destructive of human

life. In the end, behind the hard actions of civil disobedience (soft in relation to the actions of government), there is a desire for a life in which all that will not be necessary. In these pages you will find Thoreau's essay "Life without Principle," published posthumously in 1863 in the *Atlantic Monthly* but expressing ideas developed through a number of lectures he gave between 1854 and 1860. Thoreau's final working title for the piece was "The Higher Law"; published today, it provides fresh insight into our very modern lives.

Here, he joins his criticism of government and society with his love of the natural world. How shall we live, he asks? "This world is a place of business." Money rules our lives but does not enrich them. "The ways by which you may get money almost without exception lead downward."

You read the newspapers, instead of walking in nature. The news we hear "is the stalest repetition." It is about large events, about governments, about nations. "Nations! What are nations? . . . Like insects, they swarm. The historian strives in vain to make them memorable." Thoreau would have appreciated Kurt Vonnegut, who places nations among those unnatural abstractions he calls "granfalloon" (*Cat's Cradle*), "a seeming team that was meaningless in terms of the ways God gets things done." What is "our boasted commerce," Thoreau asks, but "the activity of flies about a molasses-hogshead"? As for politics, it is "comparatively something so superficial and inhuman, that, practically, I have never fairly recognized that it concerns me at all."

Are Thoreau's ideas utopian? And are they therefore useless in a world of technological marvels, global commerce, and powerful nations? Or is it perhaps that Thoreau is asking that technology be tamed to serve our existential needs for peace and beauty, that

commerce serve not greed, but human life, that nations be communities and not war machines? He is not against the “things” of modern life but wants to change the situation that Emerson described: “Things are in the saddle and ride mankind.”

In the midst of the struggle for justice, however, Thoreau is convinced that right will prevail. Agitated as he is about the evil of slavery—“Who can be serene in a country where both the rulers and the ruled are without principle?”—he is brought back to himself when he scents a white water-lily and realizes that a season he “had waited for had arrived.” The lily “suggests what kind of laws have prevailed longest and widest, and still prevail, and that the time may come when man’s deeds will smell as sweet.”

—Howard Zinn  
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