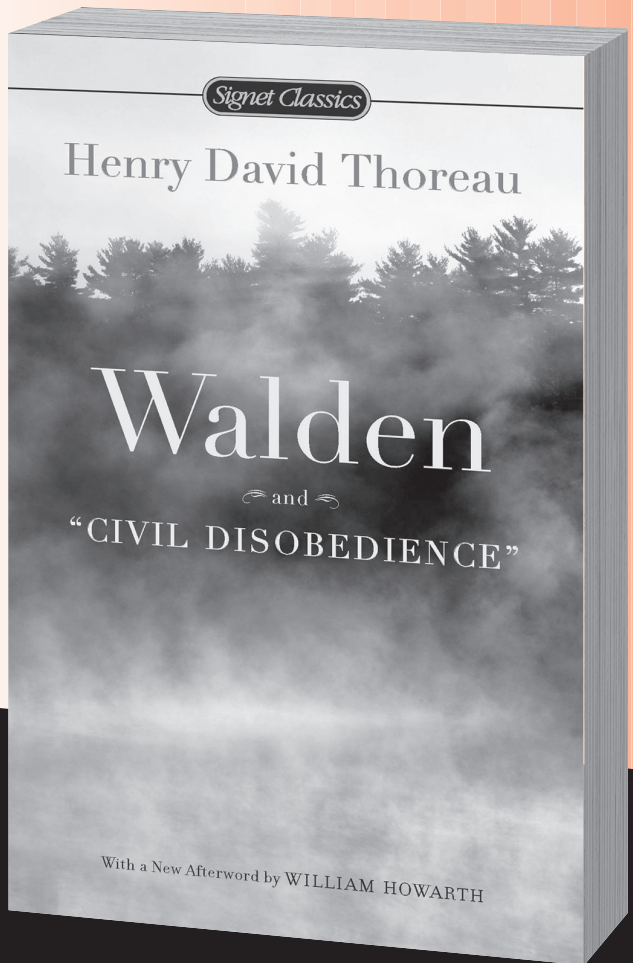


TEACHER'S GUIDE

A TEACHER'S GUIDE TO THE SIGNET CLASSICS EDITION OF

WALDEN AND "CIVIL DISOBEDIENCE"

BY HENRY DAVID THOREAU



BY BRUCE W. CAHOON

TABLE OF CONTENTS

INTRODUCTION	3
SYNOPSIS OF THE ESSAY	4
PRE-READING ACTIVITIES	6
I. ACTIVATING PRIOR KNOWLEDGE AND INTEREST	6
II. BUILDING BACKGROUND KNOWLEDGE ABOUT THE AUTHOR.....	8
III. BUILDING BACKGROUND KNOWLEDGE IN HISTORY	10
IV. BUILDING BACKGROUND KNOWLEDGE THROUGH INITIAL EXPLORATION OF THEMES	11
DURING READING ACTIVITIES.....	16
I. ANALYZING THROUGH GROUP RESPONSE.....	16
II. DISCUSSION QUESTIONS	17
AFTER READING ACTIVITIES	18
I. TOPICS FOR DISCUSSION AND ESSAYS	18
II. GROUP AND INDIVIDUAL PROJECTS.....	19
ADDITIONAL READINGS.....	21
ABOUT THE AUTHOR OF THIS GUIDE	21
ABOUT THE EDITORS OF THIS GUIDE	21
FREE TEACHER'S GUIDES.....	23

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INTRODUCTION

Henry David Thoreau's essay "Civil Disobedience," first published in 1849 as "Resistance to Civil Government," is one of the most important works in American history dealing with the issue of the rights and responsibilities of the individual in relation to government. Also known as "Of the Duty of Civil Disobedience," perhaps in response to William Paley's "Of the Duty of Civil Obedience, as Stated in the Christian Scriptures" (Chapter 4 in *The Principles of Moral and Political Philosophy*), the essay has influenced people like Mohandas Gandhi, Martin Luther King, Jr., and countless others. The essay has been used to legitimate efforts to peaceably protest, resist, or affect change in government policies that critics and dissenters consider to be unjust, and, at times, to change the government completely.

Thoreau, one of the Transcendentalist writers of the nineteenth century and a protégé of the leading Transcendentalist Ralph Waldo Emerson, is best known for *Walden*, one of the foremost works of this period because of its emphasis on nature. This account of his two year stint living in the woods along the shore of Walden Pond in a cabin he built himself reflects the themes Thoreau expounds in "Civil Disobedience"—self-reliance and individualism. While not an obvious Transcendental work, "Civil Disobedience" counters the Enlightenment emphasis on reason. For Thoreau, human conscience and moral sense trump any reasonable argument that government may provide for its actions.

Extracted from a lecture series that Thoreau presented at the Lyceum in Concord, Massachusetts in 1848 entitled "The Rights and Duties of the Individual in Relation to Government," the essay has defined the concept of civil disobedience in the modern world. The example of Thoreau spending a single night in jail for nonpayment of a poll tax has

communicated the principle that people who voluntarily disobey laws they consider unjust should be willing to endure the legal consequences of their action. Thoreau held that, if enough people resist injustice or if a single individual ardently resists injustice, justice will be served. Thoreau did not invent the concept of nonviolent political dissent; this principle has been employed many times throughout history, notably in the boycotts of British goods before the American Revolution.

The unjust and immoral act of the United States government that Thoreau was protesting was the Mexican War. Thoreau argued that the war was intended to extend slavery, an immoral practice, and the Mexican War was an illegal war of aggression. The American people never would have agreed to it had they been asked. He goes a bit further, however, stating that *he* does not agree with it, and so he should have the right to withhold allegiance to Massachusetts by not paying a general tax like the poll tax.

"Civil Disobedience" can be a challenging read for high school students due to its rambling style. However, it is an excellent resource because of its importance in protest literature and also for the many historical themes it presents. The essay can be compared and contrasted to other works ranging from the "Declaration of Independence" to Martin Luther King's "Letter from a Birmingham Jail" to recent protest movements such as the Occupy Movement and the Tea Party Movement. Thoreau's thesis can be argued from both liberal and conservative points of view. This guide strives to assist the classroom teacher in managing the many themes imbedded in the text as well as providing strategies to engage students' interest and develop critical thinking skills.

SYNOPSIS OF THE ESSAY

NATURE OF GOVERNMENT

In the opening of "Civil Disobedience," Thoreau expresses his opinion about government, its nature and legitimacy. Thoreau believes that government is an expedient that is usually inexpedient, saying "government is best which governs not at all" (p. 275). Thoreau argues that a standing government can abuse and pervert the will of the people in the same way a standing army can abuse and pervert freedom. For evidence of this, he cites the Mexican War, claiming that the people would never have consented to it. Government was the tool of a few interested people, a single man (James K. Polk) having bent it to his will. Government does not accomplish anything; rather it is the character of the American people that gets things done, and people would do even more if government didn't get in the way. For example, government attempts to impede trade and commerce by constantly putting up barriers. Thoreau claims that he is not against government but is calling for a better government.

Thoreau does not approve of majority rule, saying such rule is not based on justice or individual conscience. For Thoreau, conscience takes precedence over law, claiming the adverse effects of an "undue respect for law" is reflected in the military. He speculates as to whether military men act as free agents or are the subjects of manipulation by powerful people, thus acting not according to morality but expediency. These people are held up as good citizens, even though they do not, in Thoreau's opinion, deserve respect. Thoreau believes that men best serve the state when they resist it according to conscience. In this case, it is disgraceful to follow the state blindly because the government supports slavery.

IMPORTANCE OF PERSONAL CONSCIENCE AND SELF RELIANCE

Thoreau compares the issues of the day, the Mexican War and slavery, to the issues leading up to the American Revolution and argues that the current situation is worse than it was in 1775. He calls for an end to slavery and the Mexican War, an unjust war of aggression, even if it means the end of the American nation. The "rule of expediency does not apply" here; there is a higher law that must be followed for justice to prevail. Thoreau contrasts his ideas with those of William Paley (1743-1805), the controversial Utilitarian thinker, who, according to Thoreau, defended expediency over justice. Thoreau then extends his critique of Paley to the government of Massachusetts, claiming that the merchants and farmers are more concerned with profits than the plight of the slaves or the injustice to Mexico. They are as engaged in the slave system as the slaveholders, and although many profess opposition to slavery and war, they do nothing. Their petitions and regrets are ineffectual as they wait for someone else to step in and do something. This he sees as dishonest and unpatriotic.

Thoreau compares voting to "gaming," arguing that voting is ineffective because the voter has little at stake. He refers to the Republican Convention then being held in Baltimore, claiming that the delegates' votes are meaningless in the selection of a candidate for the presidency. Thoreau sees the process as simply confirming a back-room selection of a demagogue which the delegates only rubber-stamp. Thoreau laments the demise of the true American; the Americans who built the country have "dwindled into an Odd

Fellow[s]" who lack the exceptional qualities of their forebears. "Intellect and self-reliance" have given way to passivism and materialism. To act as honest men, instead of conducting business as usual, they should withhold their allegiance to the State. Instead of the State resolving to dissolve its union with the Federal Government, why do not individuals resolve to dissolve their union with the State? They could do this by refusing to pay taxes. Thoreau argues that acting out of principle is revolutionary; it divides individuals within themselves because it separates "the diabolical in him from the divine" (p. 283).

IDEAS ABOUT CIVIL DISOBEDIENCE

Thoreau then asks, rhetorically, whether we should obey unjust laws until we can change them or should we "transgress them at once?" (p. 284). While many would wait until the majority is persuaded, Thoreau argues that if complying with the law compels individuals to be complicit with evil, then they should break the law. Thoreau reasons that the State takes too much time to remedy injustice and lives are lost in the meantime. Thoreau then argues that the Constitution itself is evil, and so the abolitionists should withdraw from the support of the government of Massachusetts. Association with the State only compromises the abolitionists' moral stand. Thoreau says that an individual can meet the State head-on in the form of the "tax-gatherer." He argues that if a thousand, a hundred, or just one "HONEST" man would do this, slavery would be conquered. And, if this is done and that man goes to jail, then "Under a government which imprisons any unjustly, the true place for a just man is also a prison" (p. 285).

When Thoreau is locked up for not paying his poll tax, he concludes that he is actually freer than the townspeople and subject to a higher law than the law of the State. He finds

the State "half-witted," and the people "underbred." He claims to have lost all respect for the State because "the State never intentionally confronts a man's sense, intellectual or moral, but only his body, his senses. It is not armed with superior wit or honesty, but with superior physical strength" (p. 289). He defiantly issues a challenge as to who is strongest, those who adhere to higher laws or those who allow themselves to be manipulated. Thoreau distances himself from having any responsibility for the state of society citing the example of the acorn and chestnut, both of which grow according to their own nature until one overshadows the other.

Thoreau goes on to describe his night in prison (actually the town lock-up) as rather pleasant. The cell is clean and bright, with two windows, and his cellmate is a relatively agreeable fellow. In his ruminations, he envisions Concord as a medieval town with knights and castles. He thinks he has never really experienced his town before, and when he gets out of jail, he senses a distance between himself and the townspeople, a distance that is apparent in *Walden*.

Thoreau explains what taxes he will pay. He does not have a problem with paying utilitarian taxes such as for highways and schools, but refuses to pay general taxes since doing so implies allegiance to the State. But, he continues, that if he were to go too far in his protest, "put my head deliberately into the fire" (p. 294), he would only get burned. He realizes that his influence over other men is limited; he cannot expect to change the nature of things, especially human nature. On the other hand, he cannot adopt a fatalistic attitude. Thoreau sees in himself an impulse to conform to the laws of the land until the "tax-gatherer" comes around. The encounter with this representative of the State causes him to consider his relationships with the State and with the citizenry and discover whether he should conform.

WHAT IS NEEDED IN GOVERNMENT

Thoreau theorizes that he is different from most men, especially government men, because these legislators and bureaucrats are confined by their institutions, unaware of the natural world around them and, therefore, limited in their life experiences. They view the laws and the Constitution from a "lower point of view" (p. 295). Legitimacy comes from something higher, man's conscience and man's moral compass. Thoreau's moral argument plays out in the example of Daniel Webster who, according to Thoreau, is "always prudent." But this bodes ill for the long term because prudence supplants wisdom. As a lawyer, Webster's truth is not

moral truth, but expediency. Webster is not a leader but a follower since his leaders are the framers of the Constitution. Thoreau's problem with Webster is that, since the Constitution made provision for slavery, Webster would allow slavery to stand.

Thoreau claims that he is willing to submit to government, but government "must have the sanction and consent of the governed" (p. 297). Thoreau argues that the individual is a higher power than the State and envisions a post-democratic State that will be just to all men. Thoreau's vision for government is one that is libertarian in nature, one that allows the individual complete freedom and choice in his or her actions. For Thoreau, there is only one threat to liberty, the tyranny of government.

PRE-READING ACTIVITIES

These activities are designed to deepen students' background knowledge of history and to prepare them to explore the themes in Thoreau's essay.

I. ACTIVATING PRIOR KNOWLEDGE AND INTEREST

1. An Anticipation Guide taps into students' prior knowledge and raises expectations and interest in the text. Thoreau is usually covered in units on Transcendentalism, but "Civil Disobedience" can also be taught in any unit that deals with the themes of the essay, or any time it is appropriate to ask the question: "When, if ever, is it acceptable to disobey the law?"

Ask students to analyze a series of statements (8 to 10 are sufficient), indicating if they agree or disagree with each statement. Then students can write about the statement to which they have the strongest reaction, positive or negative. Students can share their responses in small groups or as a whole class. After reading and discussing the essay, students can return to the Anticipation Guide to determine whether their opinions have changed and why. Teachers can choose from the statements in the sample Anticipation Guide provided on the next page.

	PRE	POST	
1.			The best way for government to protect freedom and liberty is to do nothing.
2.			Freedom is best protected by the exercise of individual conscience.
3.			There are higher laws than the laws passed by governments.
4.			There are "just" reasons for a country to go to war.
5.			Justice can only be served by the complete sovereignty of the individual.
6.			Before the Civil War, all northerners believed slavery was wrong and all southerners believed slavery was right.
7.			It is sometimes acceptable to disobey laws that are immoral or unjust.
8.			The only way to change laws is to disobey them.
9.			Citizens should not have to pay taxes that support actions they think are unjust.
10.			To disobey unjust or immoral laws is a duty of citizenship.
11.			Democracy is the best political system for protecting individual rights.
12.			Capitalism is the best economic system for protecting individual rights.
13.			The will of the majority should prevail in law and politics.

2. A Story Impression takes key words from the text, arranging them in a vertical line in the left-hand column on the board, smart board, or piece of paper. Individually, students create a story using the key words. Students can then compare their creations to see what commonalities occur and what their ideas suggest about the text they are about to read. Some suggested words for "Civil Disobedience" are: slavery, government, majority, justice, citizenship, revolution, patriotism, conscience, higher law, individualism, allegiance, taxes, human nature, moral compass, democracy.
3. Ask students to consider the following Problem Situation, adapted from Mark Twain's *Huckleberry Finn*:

The year is 1851 and the place is a small Missouri town on the Mississippi River. You are an orphan who was taken in and raised by two elderly women. They have been very kind to you, raising you like their own son or daughter. They have also been very kind to their slave, Jim. Aunt Polly and Miss Watson are getting old and rely on Jim for almost all of the necessities of life. Jim cuts the firewood, hauls water, milks the cow, tends the garden, and does all the things that are needed to have a comfortable life. You and Jim have grown up together and are best friends, playing together, working together, and sharing your private secrets. You trust each other completely. One day, Jim tells you he does not want to be a slave and plans to run away. He tells you he will get a boat and cross the Mississippi River to Illinois, where there is no slavery. But the current is strong and Jim needs your help to get across. What would you do? Would you help your friend escape slavery at the expense of the women who raised you, or would you tell them and foil Jim's plans?

Also, the Congress has just passed the Fugitive Slave Act that requires all citizens to turn in runaway slaves. Would you defy the law to help your friend?

- Students should write their reactions first and then share with partners. Discuss as a whole group: What are the issues for this person? What are his/her obligations? What is the role of individual conscience in this situation? Have you ever been in a situation where you were faced with a similar choice? How did you react?
4. Before reading the essay, ask students to brainstorm about the themes in "Civil Disobedience" using the following sentence: "Tell me anything that comes to mind when I say _____." Use the following words to complete the sentence: civil disobedience, slavery, justice, individualism, freedom, responsibility, citizenship. Generate a list of students' responses on a large sheet of paper (or one sheet for each word) and display it in the classroom as students read the essay so they can add to their initial associations and reflections.

After brainstorming, use a List-Group-Label activity. Students, working in pairs, can group the list of terms generated in brainstorming according to their similarity. Discuss with the class, given these associations of words, what do they think "Civil Disobedience" will be about?"

II. BUILDING BACKGROUND KNOWLEDGE ABOUT THE AUTHOR

1. Henry David Thoreau, born in 1817 in Concord, Massachusetts as David Henry Thoreau, was the third of four children. His father, John, was a pencil maker and his mother, Cynthia, was a housewife. As a child, Thoreau seems to have been a loner, not particularly popular among his peers, awkward in social situations, and rather difficult to get along with. These

qualities would stay with him throughout his life, his only lasting friendship being with America's leading transcendentalist, Ralph Waldo Emerson. Thoreau met Emerson upon returning to Concord after graduation, the older Emerson taking an interest in the promising graduate and becoming his mentor. The two shared a contentious friendship for the rest of Thoreau's life. Emerson urged Thoreau to publish his work, which he did starting in 1840. Thoreau occupied himself in various pursuits, including teaching school, tutoring Emerson's and others' children, and working in his father's pencil factory. He lived in Emerson's house from time to time, tutoring and doing the chores of a general handyman. But, anxious to concentrate on his writing, Thoreau sought to buy a farm or move to the country, eventually building a cabin on Emerson's land that bordered Walden Pond. At Walden, he composed his most celebrated work, *Walden, or Life in the Woods*, as well as *A Week on the Concord and Merrimack Rivers*, and "Resistance to Civil Government," later known as "Civil Disobedience."

Have students go to the "Introduction" to the Signet Classics edition of *Walden and "Civil Disobedience"* and transcendentalism-legacy.tamu.edu/authors/thoreau/ to research Thoreau's life and make two bubble maps, one that shows the people who influenced his thinking and writing and a second map to show the people who were inspired by Thoreau's ideas.

2. Many students may identify with the young David Henry Thoreau as someone who has trouble fitting in with peers. In a reflective writing ask students to react to what they have learned about Thoreau the person. What might have been going on in his life that caused him to become a loner? How might his disposition affect his writing in positive or negative ways?
- 3) Henry David Thoreau's "Civil Disobedience" is a product of the Transcendental

period in American literature. The Transcendentalists, known as Romantics in Europe, sought to transcend conventional ways of knowing. The most prominent Transcendentalist, Ralph Waldo Emerson, Thoreau's mentor, believed in the existence of a universal soul, an "oversoul" that is common to all living beings. Transcendentalism was not really a school of thought or a system of beliefs, but an expression of idealism, usually expressed in poetry. It seemed vague and obscure to scholars and others at the time, but its optimism, its emphasis on the individual, and its expression of freedom and independence were appealing to Americans in the early republic.

Transcendentalism held that a perfect spiritual state of being that transcends the physical, empirical state can be achieved through personal introspection and intuition rather than through reason. Transcendentalist writing differs greatly from the well-reasoned, argumentative writing of the Revolutionary Generation. The first few sentences from Emerson's essay "Self-Reliance" illustrate this point:

I read the other day some verses written by an eminent painter which were original and not conventional. The soul always hears an admonition in such lines, let the subject be what it may. The sentiment they instill is of more value than any thought they may contain. To believe your own thought, to believe that what is true for you in your private heart is true for all men—that is genius. Speak your latent conviction, and it shall be the universal sense; for the inmost in due time becomes the outmost, --and our first thought is rendered back to us by the trumpets of the Last Judgment. (www.emersoncentral.com/selfreliance)

Ask students to brainstorm their reactions to this short excerpt to identify some fundamental characteristics of

Transcendentalism. They should see references to an internal conversation that is more important than anything devised by reason along with the importance of personal conviction.

4. Some of the American attributes and sentiments Thoreau criticizes in "Civil Disobedience," those qualities of the townspeople who Thoreau referred to as "underbred," were also reflected in *Walden*. Ask students to read "Economy," Chapter 1 of *Walden*, to identify and record Thoreau's assessment of his neighbors and their lives. Discuss: What does Thoreau think about his neighbors? What do we learn about Thoreau? What are his values? What does he respect?

For example, students may find that Thoreau expresses pity for those who have inherited farms and other material things, calling them "serfs of the soil" (p. 4) who are leading "a fool's life," a life of "blind obedience" (p. 5). He believes "The mass of men lead lives of quiet desperation" (p. 7). Later Thoreau says that material things are "positive hindrances to the elevation of mankind" (p. 12). Thoreau remarks that working people have lost their identities to their work. The teamster is a slave to his work and a prisoner of his "opinion of himself" (p. 7). He wonders about people's ability to think for themselves.

In Chapter 1 of *Walden*, Thoreau's hearty individualism and disdain for society is obvious, and in Chapter 8 "The Village," he observes people at their daily work routines. He reports that he went to the village to observe the people, as if they were some kind of exhibit. Passing by their houses was "running a gauntlet" in that someone might actually try to engage him in conversation or extend an invitation. Yet at the end of the chapter, he prides himself on having his home open to travelers and to the curious.

Have students read Chapter 8 and discuss their reactions. What do students think

about Thoreau's sense of other people and of himself? He seems to relish his isolation at *Walden*, but how isolated is he? Does he need the fellowship of his neighbors more than he is willing to admit?

III. BUILDING BACKGROUND KNOWLEDGE IN HISTORY

1. Manifest Destiny, a term coined by newspaperman John O'Sullivan in 1845 to support western development, Texas Annexation and the Mexican War, is the belief that God had ordained White European supremacy to reign over the North American continent. Going back to colonial times, the idea of Manifest Destiny was so popular with Americans that the issue won the election of 1844 for James Knox Polk over Henry Clay, marking the beginning of the end for the Whig Party. Americans who rallied around Manifest Destiny accepted the idea of American exceptionalism, that the American character set them apart from and above other populations, particularly indigenous ones.

Afterwards, create a graphic organizer for the term Manifest Destiny as a class. What do the words suggest to students? What do the words suggest about the mind set of Americans in the 19th century? Does this term resonate today? Is the idea of Manifest Destiny still dominant in American foreign policy?

2. The Mexican War (1846-1848) came on the heels of Texas annexation. The Texas War of Independence (1835-1836) was also a result of the westward push by Americans, in this case southerners looking for new lands on which to grow cotton. Popular history's portrayal of the Texas War of Independence has centered around the phrase "Remember the Alamo." Popular images of this war can be found on YouTube—enter "Davy Crockett at the Alamo" for a series of clips from the popular Disney movie—and the History Channel's "Alamo

Deconstructed", also on YouTube. These images were extended to the Mexican-American War. While the courage of the Alamo's defenders cannot be denied, history, in its penchant to celebrate the sacrifices people have made to defend freedom and liberty, has not brought out the underlying reason for the conflict, the defense of slavery. Some southerners even wanted to annex Mexico itself and divide it into several slave states. Mexico was portrayed as some sort of evil empire that it was the duty of free Americans to defeat. Embedded in this portrayal was a justification for Manifest Destiny.

A summary of the slavery issue contributing to the Texas War of Independence can be found at mlktaskforce.org/pathways/conflicts-over-slavery-cause-the-texas-revolution-and-lead-to-the-mexican-american-war/. Have students read this summary and review one of the YouTube clips on the battle of the Alamo. Then discuss: Was the Texas War of Independence really a war for freedom? Why or why not?

3. PBS has put together an impressive collection of videos and resources for teachers on the Mexican War at www.pbs.org/keramexicanwar/educators. Another video resource is a YouTube video from the History Channel—enter "Mexican War 1846." Also, Google Images has many paintings of Mexican War battles, some from a Mexican point of view. The image of Manifest Destiny as Lady Liberty with a westward vision is also accessible here. Have students analyze and contrast several paintings. What do they contribute to popular history? What biases are portrayed in the various works?

IV. BUILDING BACKGROUND KNOWLEDGE THROUGH INITIAL EXPLORATION OF THEMES

"Civil Disobedience" is a rich resource, useful in the introduction of historical themes that look backward and forward from the dates of

its conception and publication. While the over-arching theme of "Civil Disobedience" is the relationship of the individual with his/her government, this guide also introduces other themes with suggestions for class activities and discussion that teachers may wish to study with their students.

The Nature of Government

While Thoreau believed that government is "at best, an expedient," it is, in practice, "inexpedient," incapable of doing anything but the most rudimentary functions. Thoreau's critique of government is consistent with Ralph Waldo Emerson's, expressed in his essay "Politics." Emerson uses the term "expedient" in arguing that democracy is expedient for us only because we prefer it to monarchy; it is a "coincidence with the spirit of the age." But, "every actual State is corrupt. Good men must not obey the laws too well" (paragraph 10 in "Politics," available at www.panarchy.org/emerson/politics.1844.html).

Have students read the first two paragraphs of "Politics" and discuss: What does Emerson mean by the State being "aboriginal?" Is society really just an illusion? Have students research Pisistratus and Cromwell. Why does Emerson refer to them? What does Emerson mean by a "rope of sand" when referring to legislation? Emerson argues that Nature is "despotic." What is meant by despotic? Do you agree with this? Emerson stated "the reveries of the true are simple and prophetic." What does he mean by this? Do you agree or disagree?

Thoreau sees the Mexican War as expedient to the growth of the American nation and slavery as expedient to the growth of the American economy. But Thoreau longs for the day when government might become an institution that will secure justice in society. To do this, government must mature beyond republican democracy. Thoreau prefers a government that "governs not at all," a view that parallels Emerson in "Politics." Thoreau wants the justice that he feels government is incapable of providing because of government's attachment to majority rule.

Contrast Thoreau's point of view with James Madison, the principal author of the Constitution, who argued in "Federalist Paper No. 10" that *pure* democracy does not work, but the way to remedy this is through republican government. In "Federalist Paper No. 51," Madison (or Hamilton, as some have suggested), argued for the separation of powers, stating that government must allow for the ambitions of men—"ambition must be made to counteract ambition." And, government is necessary because men are not inclined to cooperate—"if men were angels no government would be necessary." Ask students to look up "Federalist Paper No. 10" available at the Avalon Project of Yale Law School (avalon.law.yale.edu/18th_century/fed10.asp) and skim for Madison's ideas about the need for a republican form of government.

Discuss: What does Madison say about why republican government works? If Thoreau had his way, do you think that Madison's fears about factions would come true? For the Framers of the Constitution, the "consent of the governed" had to do with what Jean-Jacques Rousseau, in *On the Social Contract* termed the General Will. Rousseau's work can be accessed at www.constitution.org/jjr/socon.htm. The Framers posited that the will of the people could be determined by democratic institutions. But Thoreau believed that the present government of the United States did not do a very good job of measuring the General Will because he felt that the people would not approve of the Mexican War.

Discuss: What do you understand about this idea of the General Will? How important is it to know what the general will of the people is? Is the will of the people a legitimate basis for governing? What do you think are threats to liberty? Is it possible that too little government can threaten liberty? Is it possible that people do not know what they really need?

Just War

1. Thoreau's assertion that "a single man," James K. Polk, had manipulated the populace to go along with the Mexican War, does not measure up to reality. But Thoreau's assertion that the Mexican War was "an unjust war of aggression" is a different story. The issue of what constitutes a "just war" has been debated since St. Augustine proposed a "just war theology" in the early fifth century, allowing the formerly pacifist Christians to fight against the Germanic incursions into Rome in defense of the Empire. St. Thomas Aquinas elaborated on just war theology in the late thirteenth century as the Crusades were coming to an end. Just War Theory is a direct result of the secularization of just war theology and is readily available online.

Ask students to read and annotate a summary of Just War Theory available at oregonstate.edu/instruct/phl201/modules/just_war_theory/criteria_intro.html Discuss: What makes a war a just war? Is there such a thing as a just war or not?

2. Thoreau was in good company in his opposition to the Mexican War. Other prominent Americans, including Abraham Lincoln, also opposed it. Have students go to www.digitalhistory.uh.edu/disp_textbook.cfm?smtid=3&psid=3672 or to lincoln.lib.niu.edu/biography4text.html to understand Lincoln's opinions and actions against the war.
3. Ask students to go to www.pbs.org/keala/usmexicanwar/prelude/md_introduction.html and to scroll down to "A Mexican Perspective on the War" and "Divisions in Mexico" for the Mexican side of the issues. Another website for a concise history of the war is www.dmwv.org/mexwar/mexwar1.htm. This site is linked from the PBS website above and contains images from the time.

Discuss: What were the reasons for the Americans going to war with Mexico? How were the opinions of Mexicans

divided? What were the politics surrounding the prelude to war? In your opinion, was slavery a major factor in going to war? Was the war with Mexico a just war? If you lived during this time and were drafted for this war, what would you do? Give your reasons.

The Immorality of Slavery

1. Slavery was a major factor in Texas independence and annexation, as it would be for the Civil War. As changing attitudes sectionalized North and South in the 1830s and 1840s, attitudes about slavery became more and more entrenched. Once considered a purely economic institution, slavery's morality was now hotly debated. William Lloyd Garrison's newspaper, *The Liberator*, led the abolitionist charge in the North. Other notable anti-slavery personalities included the escaped slave Frederick Douglass and the ex-patriot South Carolinians Sarah and Angelina Grimke. Northern preachers like Theodore Dwight Weld invoked the Bible, arguing the immorality of slavery, while southern preachers also invoked the Bible, arguing the morality of slavery as an institution ordained by God. The differences of opinion among clergymen led to the separation of all three major Protestant churches, the Presbyterians in 1837, the Methodists in 1844, and the Baptists in 1845.

Have students research both sides of the slavery debate by reading several primary documents. Excerpts from Theodore Dwight Weld's *The Bible against Slavery* can be found at medicolegal.tripod.com/welddb.htm. One of the links, the Narrow Way (narrowwayapologetics.com) contains a good synopsis of Weld's argument that the Bible did not condone slavery entitled "Old Testament 'Slaves' Were Employees!" Students can find several programs devoted to the abolitionist William Lloyd Garrison on PBS, such as video.pbs.org/video/2319984144/ *CivilDisobedienceTeachersGuide.docx*.

The proslavery argument can be researched at www.ushistory.org/us/27f.asp for an overview of the foundations of the argument and at www.assumption.edu/users/lknoles/douglassproslavery-args.html for a good example of a pro-slavery primary document.

Have students work in pairs to outline the major arguments for and against slavery. Discuss: What prevented people of the time from clearly seeing the immorality of slavery? Are moral truths intuitively evident to all persons of good will? Why or why not?

2. Thoreau saw slavery as the ultimate injustice, while many southern authors, led by southern clergymen, perceived slavery as a moral institution that mirrored the patronage and dependent relationship of God and man. Thoreau called the Constitution "evil" because it made provision for slavery, while southern pro-slavery clergy denounced the Constitution because it was ordained by the people and not by God. This view is evident in the South Carolina Secession Document of 1861 and is reflected in the Constitution of the Confederate States of America, both available online at [Click on 19th century documents and scroll down to whichever document you wish to use.](#)

Have students focus on the religious aspects of the secession documents. Also, have them read Article 1, Section 2 of the United States Constitution to explore the provision for slavery that Thoreau so much opposed. Ask students: Was the Constitution basically evil because it provided for slavery? Is the Constitution's provision for slavery based on reason or morality?

Thoreau criticized the Constitution because as an Enlightenment document it was based solely on the idea of the superiority of human reason as a guide to create a just society. Thoreau argued that the human conscience was a better guide.

Reason does not propel morality, but conscience does and, clearly, the existence of slavery made it obvious the U.S. was not a just society. Southerners, on the other hand, used the same "conscience" argument to prove slavery was a moral institution ordained by God.

Have students read the two-thirds clause in the Constitution at www.archives.gov/exhibits/charters/constitution_transcript.html

Discuss: Was it hypocritical of the framers of the Constitution to allow slavery while claiming to protect natural rights? If slavery was a part of the Constitution in 1789, why is it unconstitutional now? Is Thoreau correct in arguing for a political system built on conscience rather than reason? Is conscience a factor in today's political issues?

Individualism, Self-Reliance, and Responsibility

Thoreau argues that individual conscience is the determining factor in whether or not citizens adhere to the laws of the land. For Thoreau, the citizen is sovereign and individual actions must be made according to individual consciences. Thoreau denigrates his community, calling its inhabitants "half-witted" and "underbred." In Chapter 8 of *Walden*, "The Village," Thoreau compares the townspeople to prairie dogs while in "Civil Disobedience," he argues that "the American has dwindled into an Odd Fellow." So it's no wonder he distrusts democracy.

1. To get insight into Thoreau's point of view, ask students to read Chapter 1 of *Walden*, "Economy," making notes on any insights they can draw about Thoreau's state of mind and attitude towards his fellow citizens. Ask students to share

their impressions and then in pairs create a feature story for a newspaper of the time about this "strange" citizen of Concord. Discuss: Can one trust one's own individual conscience to determine whether to follow a particular law or not? What would be the advantages/disadvantages of such an approach to law?

2. "Civil Disobedience" argues against the over use of reason in the affairs of governing and this idea is evident in *Walden*. Thoreau states, "Our whole life is startlingly moral. There is never an instant's truce between virtue and vice. Goodness is the only investment that never fails" (p. 178). Thoreau's politics follow this principle; his is a politics of individual conscience, not a politics of the general will of the people. In *Walden's* conclusion, Thoreau gives us an insight into his philosophy of man as a political entity and his disdain for the State: "Every man is the lord of a realm beside which the earthly empire of the Czar is but a petty state.... Yet some can be patriotic who have no *self-respect*, and sacrifice the greater to the less.... Patriotism is a maggot in their heads"(p. 261).

Discuss: What is Thoreau referring to when he uses the expression "self-respect?" Why does he think people who have no self-respect sacrifice the "greater to the less?" Is he saying that people must first respect themselves before they can build a successful society? Should government make it a priority to support the development of the individual conscience in its people?

Ideas about Civil Disobedience

Thoreau's work has defined the idea of civil disobedience as we know it today. However, perceptions of the nature of what constitutes

acts of civil disobedience have been, and continue to be, controversial. In many cases, these acts have initiated court proceedings in both civil and criminal courts, some of the cases making their way to the Supreme Court. The pervasive questions are: What constitutes acts of civil disobedience, when are acts of civil disobedience appropriate, and is acting out of a sense of civil disobedience a mitigating circumstance in court? One prominent Supreme Court case is *Schenck v. United States 1919*. Charles Schenck, a socialist, had been convicted in federal court of violating the Espionage Act by distributing flyers urging men to avoid being drafted into World War I. Schenck argued before the Court that the Espionage Act was unconstitutional because it forced men into involuntary servitude and was a clear violation of the First Amendment's freedom of speech clause. Schenck argued that, therefore, his act of civil disobedience in opposing it was not illegal. The Court upheld Schenck's conviction with Justice Oliver Wendell Holmes, one of the United States' most respected jurists, writing the majority opinion. The justices compared Schenck's act to crying out "fire!" in a crowded movie theater. Such speech would create a danger to the public and was not intended by the Framers to be protected. The ruling was one of the most significant for matters of civil disobedience in that the justices ruled that when there is a "clear and present danger" to the country, the government is justified in curtailing certain civil liberties. Students can research the Schenck case at www.pbs.org/wnet/supremecourt/capitalism/landmark_schenck.html.

A more recent case, though not a court case at the time of publication of this guide, involves Edward Snowden, an employee of government contractor Booz, Allen, Hamilton, who leaked classified information to *The Guardian* newspaper that revealed a large

data-collection program, called Prism, by the National Security Agency (NSA). Under this program, and others, the NSA collected metadata, that is huge amounts of data, about peoples' phone calls and emails. After leaking the information, Snowden fled to Hong Kong, then to Russia. When the U.S. revoked his passport, he asked for, and was eventually given, political asylum in Russia. The case has sharply divided opinion in the United States. Some support Snowden's act as an act of civil disobedience, arguing that the government violated the First Amendment's guarantee of free speech and the Fourth Amendment's guarantee of due process. Others argue that Snowden committed an act of treason in compromising national security; that the Prism program was necessary to protect the country against terrorism. Like Schenck, Snowden has been charged under the Espionage Act. A view in support of Snowden can be found in the article: "Veteran Civil Rights Leader: Snowden Acted in Tradition of Civil Disobedience" at www.theguardian.com/world/2013/aug/07/john-lewis-civil-rights-edward-snowden.

Other points of view can be found at: "Edward Snowden: Traitor, Whistleblower, or Defector?" www.cbsnews.com/8301-250_162-57598041/edward-snowden-traitor-whistleblower-or-defector/ and "What Did Edward Snowden Get Wrong?—Everything" at articles.latimes.com/2013/aug/10/opinion/la-oe-0811-liepman-snowden-and-classified-informat-20130811.

Have students research the Schenck v. United States court case and the contemporary situation of Edward Snowden. How do they compare? In what ways do they contrast? If Snowden faced the 1919 Supreme Court, how would he do? Does terrorism present a clear and present danger as did WWI? When are acts of civil disobedience justified? Are they ever justified?

DURING READING ACTIVITIES

While students are reading the essay, have them engage in one of these critical thinking activities.

I. ANALYZING THROUGH GROUP RESPONSE

- Use a three-level Study Guide to help students engage literal, interpretive, and application skills as they read. Students keep a copy of the guide with them as they read and check off the statements as they encounter them, noting the page or paragraph where the statements were encountered. At the literal level, ask students to read to get the author's overall meaning. At the interpretive level, ask students to read between the lines, analyzing the text to get at the author's intended meaning. At the applied level, ask students to synthesize the content, drawing new insights and ideas from the text. Here is an example of a three-layer study guide that students might use:
 - Literal: Check the statements that you believe say what Thoreau means. Sometimes the exact words are used, at other times they are not.
According to Thoreau:
 - Majority rule is inherently unjust.
 - It is alright to pay some taxes, but not all taxes.
 - Everyone should live in the woods, as he did at Walden.
 - The Mexican War was an unjust war of aggression.
 - Slavery could be abolished by the actions of one honest man.
 - Interpretive: Check the statements that reflect Thoreau's intended meaning.
 - The government of the United States should be overthrown.
 - If left to themselves, Americans would do the right thing and not oppress other people.
 - Human reason has limitations when political decisions are being made.
- Government can never be an agent for good.
 - Government's role is to do public works and nothing more.
 - Applied: Check the statements that you agree with. During this stage, give students an opportunity to explain their opinions and why they think as they do based on their reading of "Civil Disobedience" as well as their own experiences.
 - Government is best that governs least.
 - Individuals have a right to rebel any time they disagree with the actions of government.
 - Individual conscience should be the guide in determining what action government should take.
 - Government should be based on universal moral ideals, not people's opinions.
 - People today would be well-advised to adopt the principles Thoreau advocates in "Civil Disobedience."
 - Divide students into groups and assign each group to read the pages in each section in the above synopsis—Nature of Government, Importance of Personal Conscience and Self Reliance, Ideas about Civil Disobedience, and What is Needed in Government. Have each group construct a graphic organizer that illustrates their section's content. For example: For Nature of Government make two lists—Government Is and Government Is Not; for the Importance of Personal Conscience and Self Reliance, a diagram showing thesis and support for the thesis; for Ideas About Civil Disobedience, a bubble map that connects various ideas; and for What is Needed in Government, a double list with What is Needed and What is not Needed. Then have students present their findings to the whole class.

3. Because it touches on so many historical themes, "Civil Disobedience" is ideal for group work, particularly Jigsaw Groups. Jigsaw requires students to become "experts" in a particular topic or section of text and to contribute their expertise to a larger group. Each student will be responsible for learning the material and teaching part of it to others.

Start by dividing the class into six-member groups or teams. Assign each person in the group to become an expert about a specific theme by reading the assigned pages: Nature of Government and Importance of Personal Conscience (pp. 275-278), The Relationship Between Citizen and Government (pp. 278-282), Civil Disobedience 1 (pp. 278-282), Civil Disobedience 2 (pp. 287-289), Thoreau's Night in Jail (pp. 290-292), and What is Needed in Government (pp. 295-297).

Then students from different teams who have the same assignment gather in "expert groups." These groups discuss their topic and prepare to teach it. When this is completed, the "experts," regroup in the original teams to report and synthesize their findings. Teams can present their knowledge in a graphic organizer or digital poster.

4. Because of the many themes touched upon in "Civil Disobedience," it is particularly suitable for use with the Paideia method for whole class discussion. Paideia uses a Three Columns of Instruction approach. The first column is Didactic Instruction, in which factual information is presented through lecture, video, demonstration, or reading. The second column is Intellectual Coaching with the teacher modeling critical thinking and questioning skills. The third column is the Paideia Seminar, in which discussion is encouraged and facilitated through open-ended questions about the text. Paideia seminars start with core question and, while any of the above statements

listed in the Study Guide can be used for Paideia prompts, a good core question for "Civil Disobedience" may be: "What is civil disobedience and when is it justified? For details about Paideia and Paideia Seminars see www.paideia.org."

5. Jefferson in the "Declaration of Independence," states that all men "are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness; *that to secure these rights are governments instituted among men* [emphasis added], deriving their just powers from the consent of the governed...." Thoreau, like the Founders, wants justice, but Thoreau thinks that the best way to achieve it is for government to step out of the way, whereas Madison and Jefferson argue that government should have an active role in securing liberty and rights.

Ask students to review the "Declaration of Independence" available at www.archives.gov/exhibits/charters/declaration_transcript.html and using a two column format, have students write a list of what they consider Jefferson's main points. While reading Thoreau's essay have students use the second column to indicate how Thoreau might respond to the ideas they have listed from the "Declaration." Have students share their responses in small groups.

II. DISCUSSION QUESTIONS

Use these and similar questions for whole class discussion.

1. What does Thoreau mean when he says, "That government is best that governs not at all"?
2. What is Thoreau's opinion of majority rule?
3. Why did Thoreau oppose the Mexican War?
4. What was Thoreau's opinion of Manifest Destiny?

5. Do you agree with Thoreau that the United States should do the right thing by not pursuing war with Mexico and abolishing slavery, even if it meant the end of the Union, the end of the United States as a nation?
6. What is Thoreau's criticism of the Massachusetts farmers and merchants? Is he justified in his point of view?
7. What is Thoreau's position on the role of individual conscience and its relationship to government?
8. What does Thoreau have to say about paying church taxes? What does his opinion imply about his ideas of the relationship between church and state?
9. Thoreau states that, because of his night in jail, he discovered what the town's inhabitants were about. What does he think they were about, and do you think he respected them?
10. What is Thoreau's basic disagreement with Daniel Webster?
11. What does Thoreau think the role of the New Testament should be? How should lawmakers make use of it when writing laws?
12. Thoreau says that a democracy shows progress to a true respect for the individual, and he imagines a type of government that even surpasses democracy in this respect. What might a government look like that has justice for all and respect for the individual as its central principles?

AFTER READING ACTIVITIES

Now that students have read the essay and engaged in discussion, they can return to the text for a deeper understanding of the ideas and themes. The following activities can be used for whole class and small group discussion or as essay topics.

I. TOPICS FOR DISCUSSION AND ESSAYS

1. What is Thoreau's vision for how the individual relates to society? Do you think this vision strengthens or weakens society?
2. What is Thoreau's view of the importance of personal conscience in guiding personal behavior and determining whether a person should commit an act of civil disobedience? Does his view apply to the citizens of Concord that he has observed? Why or why not?
3. What does Thoreau mean when he advocates that citizens should lead simple lives? What does he see as the benefits of living such a life? Is this a good model for citizens to follow today? Why or why not?
4. Was it hypocritical of the framers of the Constitution to allow slavery while claiming to protect natural rights?
5. Were the acts of civil disobedience that Martin Luther King and others engaged in during the 1950s and 1960s justified? Were they effective? How does Thoreau's vision compare/contrast with Martin Luther King's vision for society?
6. Are there issues today that are compelling enough to justify acts of civil disobedience? If so, what are they, and what is the justification for such acts?
7. Thoreau asks, "...Where is the legislator who has wisdom and practical talent enough to avail himself of the light which it [the New Testament] sheds on the science of legislation" (p. 297). What laws might be written based on the Beatitudes as listed in Matthew 5:1-10?
8. Thoreau says that "That government is best that governs not at all;" and when men are prepared for it, that will be the kind of government which they will have (p. 275). What human and civic qualities must citizens have to be able to live without a government limiting their behavior?

II. GROUP AND INDIVIDUAL PROJECTS

1. Engage students in a small-group role-playing exercise. Have them imagine a discussion over supper between Thomas Paine, the "conscience" of the American and French Revolutions, and Henry David Thoreau. Divide students into groups of four. Assign half of each group to prepare quotes by Paine and half to prepare quotes by Thoreau. Quotes from Thomas Paine can be found at www.goodreads.com/author/quotes/57639.Thomas_Paine and at www.brainyquote.com/quotes/authors/t/thomas_paine.html. Quotes from Thoreau can be assembled before starting the conversation from the text and from www.goodreads.com/author/quotes/10264.Henry_David_Thoreau or www.brainyquote.com/quotes/authors/h/henry_david_thoreau.html.

Then have students role play a discussion between the two men in their small groups. If one of the groups has an especially spirited discussion, ask them to repeat the activity in front of the whole class, and then discuss with the whole class with which views did they agree and with which did they disagree?

Also, in case the discussion lags, have ready a few quotes for the class to consider. Paine, who, like Thoreau, had trouble keeping his opinions to himself, might expound on one of Thoreau's themes, the honest man. Paine declares: "Of more worth is one honest man to society and in the sight of God, than all the crowned ruffians that ever lived" (*Common Sense*, p. 21). Then, to keep the conversation going: "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it" (*The Crisis*, p. 83). And finally, just to get Thoreau aggravated: "The most formidable weapon against errors of every kind is Reason." (*Age of Reason*, p. 351). Readings are available in the Signet

Classics, 20th Anniversary Edition, *Common Sense, Rights of Man, and Other Essential Writings of Thomas Paine*, NY: New American Library, 2003.

Discuss: How might Thoreau respond? With which quotes would he agree and with which would he disagree?

2. "Civil Disobedience" is a great text for initiating debate in which students can apply the principles they have learned in reading, discussion, and/or group work. Debates start with a resolution, followed by one of the teams presenting an affirmative argument and the other team presenting a negative argument. Debate formats can be found at <http://idebate.org/about/debate/formats>. Possible resolutions for a debate can focus on any of the above controversies:

- Resolved: that government has no responsibility in securing the economic welfare of citizens.
- Resolved: that citizens should commit acts of civil disobedience when laws go against their personal conscience.
- Resolved: that a government should be based on the will of the majority.
- Resolved: that the individual has no responsibility for the common good of society.

Students might also create their own resolutions based on class discussions.

3. Present students with case studies, situations in which they have to choose whether civil disobedience is appropriate. The basic questions are: What would Thoreau do in this situation? and what would you do in this situation? Here are several examples, based on possible experiences students may have encountered:
 - Suppose you are concerned about the treatment of a neighbor's dog. The dog is always tied up in the back yard and appears not to get enough to eat. He is outside day and night, in good weather and bad, and does not have a

dog house in which to sleep. You want to feed him, but have been told it is against the law to trespass on your neighbor's property. Would you break the law to save the dog? Would Thoreau break the law to save the dog?

- A tract of forest near your house is slated for development. These woods contain an endangered species of woodpecker. Some of your neighbors have organized to protest the development and are trespassing on this land in violation of a court order. Do you join the protest? Would Thoreau join the protest?
4. Thoreau's elevation of moral precepts and his advocacy of "higher laws" lead to a natural comparison with Martin Luther King Jr.'s *Letter from a Birmingham Jail*. This letter can be accessed at http://mlk-kpp01.stanford.edu/index.php/encyclopedia/documentsentry/annotated_letter_from_birmingham/. Both Thoreau and King call for immediate action for social justice. King sefs to abrogate the existing segregationist laws of Alabama in favor of the higher laws of a moral calling. While Thoreau advocates withdrawal from political society, King advocates involvement. King wants to build community but Thoreau has little use for it. This represents a sharp difference between Thoreau and King in their views of individual responsibility with respect to the individual's relationship to society.

Ask students to read and outline King's idea of civil disobedience. Then return to Thoreau's essay and collect his statements about civil disobedience. Discuss as a class: What is Thoreau's vision for how the individual relates to society? Does this vision strengthen or weaken community? How does Thoreau's vision contrast with Martin Luther King's vision? Does King want to strengthen or weaken the individual's bonds to society? Are individuals responsible for the society in which they live? Do Thoreau and King differ in their points of view about the role of citizens?

5. Since Thoreau put "Civil Disobedience" together from the journal notes he took while living at Walden Pond, a good after-reading exercise would be to revisit *Walden* and make some connections to the essay. In chapter one, "Economy," Thoreau makes his case for economic self-reliance. And, in "Civil Disobedience," Thoreau's emphasis on individual conscience indicates ideas of political self-reliance. Taken together, Thoreau's strong individualism can be inferred. How might ideas of economic self-reliance inform Thoreau's idea of political self-reliance? Have students review chapter one of *Walden* for evidence of economic individualism and make judgments as to what passages in "Civil Disobedience" are related.

In chapter two of *Walden*, "What I Lived For," Thoreau explains the reasons for going to the woods to live. His principle reason was to gain a higher level of living through a higher state of spirituality. How does spiritual state translate into political philosophy? Students can explore chapter two for specific references to spirituality and make connections to specific passages in "Civil Disobedience" that they judge may be related to a heightened spiritual sense.

In chapter eight of *Walden*, "The Village," Thoreau gives us some insight into his relationships to other people and to society in general. Thoreau tells us that he is basically an observer, a non-participant in the daily affairs of village life. This may not be entirely true, but it is his perspective. How does Thoreau's impression of himself as an outsider influence his politics? Have students scan chapter eight for evidence to connect to "Civil Disobedience."

Chapter eleven, "Higher Laws," in *Walden* reveals Thoreau's philosophy that the laws of nature are superior to the laws of man. Have students find passages in chapter eleven that illustrate this and connect these to his treatment of higher laws in "Civil Disobedience."

ADDITIONAL READINGS

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NOTES

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