

Sunday, November 18, 2007

"On the Duty of Civil Disobedience"

Â Â Image from Library of Congress's website.Â One of the pleasures of my high school American Studies seminar was reading and studying Transcendentalists Ralph Waldo Emerson and Henry David Thoreau. When in college, a few times I visited Walden Pond down the road, where Thoreau lived in a cabin. Now it is a state reservation where significant effort is needed to retrace Thoreau's steps, thoughts, and actions, particularly when people visit it during the summer as if it were any other pond for sunning and cooling off.Â Here is Thoreau's famous essay "On the Duty of Civil Disobedience." Notice that Thoreau does not entitle his work "On Civil Disobedience," but "On the Duty of Civil Disobedience." I remember that in the *Plowshares v. Depleted Uranium* trial, Phil Berrigan told the jury that he felt not only the right to disarm (the *Plowshares* describe their actions as disarming weaponry) A-10 warplanes, but a duty to do so. Â I am due carefully to re-read "On the Duty of Civil Disobedience," including Thoreau's following discussion of his civil disobedience to refuse paying the poll tax (he was happy to pay the highway tax, since he wanted good highways):
Â "I have paid no poll tax for six years. I was put into a jail once on this account, for one night; and, as I stood considering the walls of solid stone, two or three feet thick, the door of wood and iron, a foot thick, and the iron grating which strained the light, I could not help being struck with the foolishness of that institution which treated me as if I were mere flesh and blood and bones, to be locked up. I wondered that it should have concluded at length that this was the best use it could put me to, and had never thought to avail itself of my services in some way. I saw that, if there was a wall of stone between me and my townsmen, there was a still more difficult one to climb or break through before they could get to be as free as I was. I did not for a moment feel confined, and the walls seemed a great waste of stone and mortar."Â Â Jon Katz.

Posted by Jon Katz in Constitutional Law at 00:00