

## **THE CONFLICTING VIEWS OF LIBERALISM IN *THE DECLARATION OF INDEPENDENCE* AND IN THOREAU'S *CIVIL DISOBEDIENCE***

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**Resumo:** *A colonização norte-americana e a conseqüente Guerra pela independência das treze colônias foram permeadas pelas ideias liberais do Iluminismo Europeu. Com isso, os Estados Unidos tornaram-se a primeira república democrática onde as ideias liberais puderam, de fato, serem colocadas em prática. Tanto a Declaração da Independência quanto o manifesto Desobediência Civil, de Henry Thoreau, de 1849, foram baseadas em conceitos liberais, porém, contêm pontos divergentes cruciais que as tornam passíveis de comparação para o entendimento de como os Estados Unidos percebem a liberdade em seu próprio país, e de como tal entendimento teve reflexos nas mais variadas partes do mundo.*

**Palavras-chave:** Liberalismo. Declaração da Independência. Desobediência Civil.

**Abstract:** *The North American colonization and the consequent war for the independence of the thirteen colonies were permeated by liberal ideas of the European Enlightenment. Thus, the United States became the first democratic republic where liberal ideas could, in fact, be put into practice. Both the Declaration of Independence and Civil Disobedience, by Henry Thoreau, from 1849, were based on liberal concepts, but present crucial divergent points which make them possible aims to a comparison to the understanding of how the United States perceive liberty in their own country, and how such an understanding had effects on the most varied parts of the world.*

**Keywords:** Liberalism. *Declaration of Independence. Civil Disobedience.*

The last verse of each stanza of the American National Anthem asks that the “star-spangled banner”, as the Americans call their flag, may wave “O'er the land of the free and the home of the brave!”. This remembrance points straight to feelings that awake ideas such as fight and liberty because the United States' own origin and process of colonization has much to do with the search for freedom, be it a search for financial

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independence or for liberty of thought. When the country became politically independent, it sounded natural that liberty would be one of the most praised assumptions to govern the social atmosphere, and, in fact, the United States were the first republican liberal democracy in the world.

After the settlement of the legendary thirteen colonies in the East Coast and the increase of taxation of products as well as the hardening of trading freedom from the British crown in those colonies, the claim for liberty burst in such a way in the American society that a revolutionary war led the colonies to the independence in 1776, the year of the publication of the *Declaration of Independence*, a document written and signed by intellectuals of the age who were influenced by the theories of the European Enlightenment that stated that human beings had a natural right to freedom, which is one of the concepts of *Liberalism*.

Apparently acting under the principles of liberalism, the American history went on and the next decades brought an enormous development to the United States, in terms of economy, science and territorial expansion. In the first half of the 19<sup>th</sup> century, the thirteen colonies had already become strong and progressive lands, trading among themselves and with some other parts of the world. Allied to deep changes in the concept of the puritan God, the general atmosphere of this independent society was of tranquility and wealth.

However, in 1849, a manifesto called *Civil Disobedience* comes to light and claims for a better government, stating that people should express their natural right of liberty and oppose to the government, not paying taxes. Written by Henry Thoreau, this kind of text seemed to be nothing more than a subversive and anarchical action against the government that was providing a good standard of life for the society. In spite of it, Thoreau was also based on the ideas of Liberalism, but his work would just be recognized and his ideas put into practice much later.

The intention of this paper is to present the main points of divergence in how liberalism is understood in the American *Declaration of Independence* and in *Civil Disobedience*. Although, originally, the mentioned works were not produced as literary works, the *Declaration of Independence* has been also studied for its language, artistic features and power of persuasion, and *Civil Disobedience* clearly attends some literary

principles mainly by granting the “look of the other”, the feelings of the ones who are marginalized out of the mainstream of a society that is making progress. Thus, in this paper, the two mentioned works are going to be treated as literary works to reach the main objective proposed at the beginning of this paragraph.

The search and the consequent defense of liberty in the USA along their history and the way that that search and its maintenance is depicted in the two works mentioned above are presented having as background their historical and social atmosphere, finishing up with the consequences and effects that the concept of liberty could reach through the *Declaration of Independence* and *Civil Disobedience*. Because of the present status of the USA in the international scenery, the subject of this paper becomes relevant due to the possibility of connection of past and recent facts that have characterized the American history. Thus, this paper is going to be considered successful if it awakes in the reader a different perspective about how the “land of the free” has coped with the concept of liberty, which carved the USA, and how this primordial concept is as mobile as the society can determine its understanding. This paper is part of the monograph presented at Unilasalle in 2006 for the acquisition of the specialization certificate in English Language, under the advice of Dr. Valéria Brisolará Salomon.

The origins of Liberalism are linked to the rise of the bourgeois class in the Europe of the XVIII century, which resulted in a claim for the implementation of governments that were apart from the Church and from the Monarchy. This claim echoed in areas such as the economy, politics and philosophy in different ways, and each area adapted this new trend of thought according to their own understanding.

In terms of economy, Liberalism defends the right to property and the non-intervention of the state on the means of production, although some liberals defend actions from the government in order to provide basic rights for the society such as sanitary services and education. In politics, Liberalism is normally faced differently in every country, but generally it is linked to the idea that human beings are free and equal, and that any limitation of this freedom must be justified. Philosophy mentions that mankind must feel free according to the laws of nature.

In general terms, liberalism is an ideology that

seeks a society characterized by freedom of thought for individuals, limitations on the power of government and religion (and sometimes

corporations), the rule of law, the free exchange of ideas, a market economy that supports private enterprise and a system of government that is transparent<sup>2</sup>.

Despite having risen as a doctrine from the XVIII century on, the atmosphere of a liberal claim was clearly felt in much more ancient ages, like during the Roman Empire, where the plebeians struggled for similar rights to the patricians. Following the line of time, the Magna Carta of 1215 in England, which was an attempt to restrict the powers of monarchy, was a proof that total absolutism was in decline. Renaissance in Italy was the setting of conflicts between the supporters of city-states who fought for freedom from the Catholic Papal states. Such a resistance to the dominant Catholic Church and furthermore, the victory of the Whigs in the Glorious Revolution in England in 1688, which gave the Parliament the right to choose their king, are some of the precedents of the concept of Liberalism.

Allied to those facts, the French thinkers of the Enlightenment and the movement that ended in the Independence of the British colonies in America unchained ideas that were opposed to any kind of absolutism (on power or religion) and mercantilism. Such ideas led to the notion of the importance of the individual, stating that each individual himself could form the basis of a stable society.

Theoretically, the first liberal ideas were conceptualized in the works of the British philosopher John Locke (1632 – 1704). In *Two treatises on government*, published in 1690, Locke defended economic liberty and the right of the people to have and use property, enlarging the first liberal ideas of liberty in the intellectual field and of freedom of conscience which were present in his previous works, like in *A letter Concerning Toleration*, in 1689. Locke developed the early idea that human beings were influenced by natural rights of life, liberty and property and, though Locke's concept of natural rights would be the precursor of the *Declaration of human rights* in the 20<sup>th</sup> century, his emphasis was put on the right of property and the end of feudal systems. In other words, Locke faced the state of nature the source of the natural laws of the human being, which lived in communities basically because that kind of organization could provide for individual liberty. However, the passage from a natural condition to a civil

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<sup>2</sup> “Liberalism”  
Available at: < <http://en.wikipedia.org/wiki/Liberalism> >

society would just be possible if there were an association pact, where a certain number of individuals decided to live in society (converting a mob into a people) and a pact of subjection, where the people would submit themselves to a common government (the Lockean concept of Social Contract). For those reasons, democracy was an odd idea to Locke, once that that kind of government could not be strong enough to assure the plain right of liberty to people, but Locke understood that men lived organized in society in order to achieve a higher degree of liberty and keep their individualities, what would be much more difficult if they did not belong to this kind of organization.<sup>3</sup>

In France, Charles-Louis de Secondat, more known as Baron of Montesquieu (1689 – 1755) in his work *The spirit of the Laws* (1748) formulated the idea that the best government is the one that agrees and acts according to the humor and disposition of the population rather than using force to impose rules. These liberal thoughts found in Voltaire (1694 – 1778) a way to adapt the absolutist monarchy to a constitutional monarchy, giving less power to the French king, preaching intellectual freedom. In Jean – Jacques Rousseau (1712 – 1778), his claim of the natural freedom of mankind is related to the ideas of Locke's natural rights of man. According to Rousseau's work *The Social Contract* (1762), the nature of the individual is depicted as if all man are born free and good, but education inserts him in society and gives him opportunities of certain kinds of moral addictions, ending up in making the individual bad. It is also by Rousseau the concept of national will, that states that the general spirit that would allow states to exist without being closed within certain social orders, like aristocracy, for example. Rousseau would become one of the most influential philosophers of the thoughts of some personages that were decisive in the American independence, like Benjamin Franklin and Thomas Jefferson.

The Scottish Enlightenment also collaborated to the development of liberal ideas, but much more concerned about economic liberalism. David Hume (1711 – 1776) stated in *Treatise of human nature* (1739) that the fundamental rules of human behavior would overwhelm attempts to restrict or regulate them. However, this natural freedom and the possibility of accumulation of money would lead to inflation. Adam Smith (1723 – 1790) pointed in *The theory of moral sentiments* (1759) that individuals could

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structure moral and economic life without direct intervention of the state, and that nations would be stronger when the individuals followed their own initiative. This gave birth to the concept of *laissez-faire* government, something like, “let do”, and was a philosophical attempt to reconcile human self-interests and society. In his most famous work *The wealth of nations* (1776), Smith affirmed that the economic market regulated itself because the production would be higher once the economy was free. In Germany, the philosopher Immanuel Kant (1724 – 1804) worked on the concept of natural rights, and stated that this human natural law for freedom is stronger than received systems of moral and reason.

Insofar, liberal concepts and ideas existed mainly in the theoretical field, because they were developed in places under monarchical rules and perspectives, not to mention the limiting power of the Catholic Church on the life of the population. However, liberal ideas were put into practice in the American and French revolutions, 1776 and 1789 respectively, and yet in 1789, the *Declaration of the rights of man*, in France, was published. The first four articles stated that

1. Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.
2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.
3. The principle of all sovereignty resides essentially in the nation. Nobody nor individual may exercise any authority which does not proceed directly from the nation.
4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.<sup>4</sup>

In the newborn United States, Thomas Paine (1737 – 1809) and Thomas Jefferson (1743 – 1826), resorting to Locke’s words, mentioned the necessity of life, liberty, and the pursuit of happiness. It was the first attempt to implement a self-governed republic, preventing the country from the concentration of power in the hands

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<sup>3</sup> UZGALIS, William. “John Locke” Available at: < <http://plato.stanford.edu/entries/locke/> >  
<sup>4</sup> The Avalon Project.” Declaration of the Rights of Man”

Available at: < <http://www.yale.edu/lawweb/avalon/rightsof.htm> >

of only one person. This new kind of government arouse new concepts of liberalism, like in works of German philosopher Wilhelm von Humboldt (1767 – 1835), who started questioning the real limits of state action.

Besides, the American *Bill of Rights*, completed in 1789 and ratified in 1791, and the search for liberty in other countries were decisive to Liberalism fix itself in reality. Yet in 1791, Paine published *The Rights of Man*, which contained ideas contrary to hereditary government and which claimed for equal political rights. The philosophy of liberty began to spread in other parts of the world, with Simon Bolivar, for example, who, under the flag of liberty, became known as a hero in the independence of countries like Bolivia, Venezuela, Ecuador and Colombia from the Spanish crown, and D. Pedro I in Brazil, who not just proclaimed the independence of that Portuguese colony but also became an icon of liberalism in Europe when, in 1831, he returned to Europe and fought for the implementation of a constitutional monarchy in Portugal, what D. Pedro I reached in 1834. This claim for liberal democracy to be implemented in the new independent countries and as a way to reform other existing governments was also a reflection of Romanticism that faced democracy as a synonym of liberal thought, based on the idea of human natural law.

Although Liberalism is a concept that may be faced and understood differently by societies and nations, and up to nowadays philosophers and thinkers add and transform its concepts, nowadays such additions and transformations are more related to the historical facts that challenge the continuation of a liberal society. During the industrial revolution in England, for example, the social turmoil led to the conclusion that the state should, to a certain extent, break the radical liberalism and prevent some things like child labor and give the workers minimum conditions of safety and establish a minimum wage. This intervention of the state got stronger in times of war, because the anti-imperialist nature of Liberalism was totally against unilateral declarations of war. This gave birth to institutions like UNO and NATO, forcing even liberal countries to accept multilateral declarations of war.

The Great Depression of 1929 helped increase the opinion among liberals that there was a real necessity of the intervention of the state in the economy in certain

cases, because the total freedom of the market could be dangerous and create further occasions of economic breakdown.

The first half of the 20<sup>th</sup> century saw totalitarian regimes come up in countries such as Russia, Italy and Germany. For the liberals, totalitarianism was an antonym of liberalism, because totalitarian regimes depicted democracy as unable of prompt action in moments of difficulty. To avoid this feeling among the citizens, the state should have the duty to protect the economic well-being of the population, and the concept of liberalism in economy started to be more limited by the participation of the state. Thus, the world scenery after World War II was propitious for a division in the liberalist concepts, one side tending to the left, being called social democracy, and the other tending to the right, much more conservative.

Nowadays, modern liberalism preaches that the population of a country must have the same rights and sufficient economic and educational means to defend the state against the popular sympathy for totalitarian regimes. The present conclusion is that it is impossible to keep unlimited liberty, maximum utility and all the possible choices available at the same time. However, each country that considers itself liberalist understands Liberalism differently. But in a general way, the promotion of rights and responsibilities to the individual, free market (to a certain extent), free choice and the dual responsibility of the state, protecting rights but also guaranteeing liberty and civil rights for all, not depending on gender, race or class is the basis of all present liberal governments.

Nevertheless, all the evolution in the liberal concepts was just possible when the liberal theory was first put into practice in reality, and the stage for it was one of the countries that fought England for the independence of its colonies in the name of liberty: the United States.

Before the treaty of Paris of 1783, which ended the revolutionary war and made England recognize the North American independence, the United States of America, had already created their *Declaration of Independence*, signed by representatives from each colony, in July 4<sup>th</sup>, 1776, based on the ideals of “life, liberty and search of happiness”. It is considered the document that originated the first



republican democracy in the world, where that system of government and social organization could be first put into practice. Thus, its content is greatly liberal.

In spite of being a continuum, in terms of structure, the text may be understood and divided from 3 to 5 parts, according to different points of view. The 5-part division normally brings sections such as *introduction*, that declares the causes of the rupture, *preamble*, that exposes the “self-evident” laws that surround the declaration, *body* (in two parts), that mentions the abuses of the King George and the lack of attention of the British population, and *conclusion*, that affirms that the colonies became, from then on, independent states. However, in this research, the *Declaration of Independence* will be divided into three parts that are considered sufficient to the proposed analysis: philosophy, reasons for independence and formal declaration.

This first block about philosophy brings one of the most mentioned liberal mottos of the American Revolution: “We hold these truths to be self-evident: that all men are created equal” (1955, p.1). From this starting point, the text follows stating that all men have certain rights that were endowed by the Creator, such as “life, liberty and the pursuit of happiness” (1955, p.1) and that governments might just exist because of the wish of the governed and exactly to ensure the maintenance of those rights, giving liberty to the governed to change the governors in case that the “unalienable rights” were not respected.

At the moment that God is invoked as the endower of the natural rights that guide the philosophy of the Declaration, there seems to be a certain hierarchy God-Law-society that makes this same society move in a way as if they had the feeling of not being under any other earthly power once that the laws of liberty, according to that philosophy, were divine.

In this first part, the liberal words of Locke echo openly. The only difference here is that Locke’s notion of *right of property* is substituted by *pursuit of happiness*. Besides, the power that people had in order to charge from the government or the rulers to the compliment of the rights of life and liberty was so strong that made the civil society confident to fight the government in case they felt harmed or hindered of such rights. This sense of confidence in liberty was one of the causes that triggered the American people to revolution, once the British king George III, according to the

declaration, was responsible for the “establishment of an absolute tyranny” (1955, p.2) over the colonies.

Among the 27 grievances that the *Declaration of Independence* accuses the king, there are some that touch the matter of liberalism in a very delicate manner. One of the accusations concerns to the imposition of taxes without the consent of the colonies. Nothing more harmful to a liberal mentality than feeling obliged to pay to a “tyrant” something that you do not agree, that goes against the sense of liberty. The maintenance of “standing armies” (1955, p. 3) in the territory of the colonies could also bring a sense of pressure on the everyday life of the population.

However, the strongest reasons for independence seem to be in the political and high-economic sphere. When the declaration states that the king is a tyrant “for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever” (1955, p.4), we realize that all sense of power goes to the hands of the king, and that the colonies seem to have no voice to cry for the natural law of liberty in the political field. The accusation that the king had cut the trade of the colonies with other parts of the world also goes directly against the liberal ideology that preaches no state intervention on the economy.

“A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people” (1955, p.4). With that sentence, the text closes the series of grievances of the king, but calls the attention of the reader to the lack of care of the British people, too, saying that they also were “deaf to the voice of justice and of consanguinity” (1955, p.5).

The final part of the *Declaration of Independence* states that the colonies have the right to be free and independent states, breaking all the bonds with the crown. And, as free states, they “have full power to levy war, conclude peace, contract alliances, establish commerce” (1955, p. 5) ... “and do all other acts and things that independent states may do”. But, for this, the text refers to the “protection of Divine Providence”, that once more is a reference to the natural law of liberty.

The Divine Providence is the end of the cycle that originated the philosophy of the declaration: God is the responsible for the natural laws and unalienable rights that

moved people to the fight for independence and God is also the end when His reliance is praised to protect the fighters who were able to win the war and form a new country.

Within the revolutionary war until the beginning of the 19<sup>th</sup> century, the USA went into an amazing development in both territorial and economic terms. In 1787, the organization of the Northwest Territory spread the American dominium over the continent. In 1803, Louisiana was purchased from the French. In 1805, the legendary expedition of Lewis and Clark reached the Pacific Ocean and opened ways to the Southwest. Between 1811 and 1820, there was the construction of the National Road. In 1819, Florida was purchased from the Spanish. In 1832, Samuel F. Morse invented the telegraph. Between 1846 and 1849, the American-Mexican war rendered to the USA vast territories that included Texas, New Mexico, Arizona and California, the latter, the place where gold was found in 1849 and where the famous Gold Rush occurred. Allied to this, a great westward population movement started to grant new possibilities to families that were trying to acquire land, stimulated by the government. The production of steamboats and the victory in a new war against Great Britain in 1812 helped increase the sense that absolutely nothing was wrong in that young nation.

Nevertheless, one of the most important facts that made all that sense of prosperity be possible was the American industrial revolution, which opened in the USA in the early 1800's. The first machines made were related to cotton production. The first factory that opened in the USA was in 1793, which produced cotton thread through the invention of the cotton gin, a machine that separated the cotton fibers from the seeds. By 1840, the number of factories surpassed 1.200, mainly in Massachusetts, Rhode Island, Connecticut and New York, it means, New England region. This stimulated the organization of labor forces, which fought for a 10-hour journey and democracy in education, like tax-supported schools. This well-based industry triggered the overproduction of cotton in Southern states, like Georgia, Alabama, Mississippi and Louisiana, but mainly at the cost of slavery.

According to figures of the time, in 1830, only one out of every 15 people lived in communities of 8,000 or more. In 1860, the ratio was one out of every six. Other figures point an increase of the population from 1812 to 1852 from 7,250,000 to 23,000,000 inhabitants (NICHOLS, 1983, p. 216). The natural process of urbanization

that such an industrial revolution may cause made towns grow into cities very fast. New inventions were popping up all around, even in rural areas. The rise of railroads and the telegraph awoke a sense of proximity and union in the country. However, such a new social order also occasioned other changes in the society's mentality.

The sense of growth tasted by the United States in the first half of the 19<sup>th</sup> provided an age that would judge as offensive any action against the liberal principles of the *Declaration of Independence*. Even so, the country had to live facing some controversies like the maintenance of slavery and the removal of Indians from territories they had got in court the legal right to stay, for example.

Thus far, the liberal ideas of the Enlightenment, which ended up in the American Revolution, attributed the capacity of thinking and then understand the Universe to the human being. Romanticism, on the other hand, entered the USA providing a vision that gave much more value to the intuitive aspects of life. Allied to the process of individualization that the American society was passing due to the economic growth, the Romantic era produced what is named the first American literature with no English bonds. (BAYM et al, 1994, p. 883). In most of the works, the main theme was the victory of the feelings over the intellect, and in works by James Cooper Fennimore, Nathaniel Hawthorne, Edgar Allan Poe and Hermann Melville, some of the icons of the American Romanticism, that may be well felt.

The acceptance of the intuitive over the intellectual and the spiritual over the natural reached its highest level with Ralph Waldo Emerson and New England thinkers and with the philosophy of Transcendentalism, mainly from the ideas of the German philosopher Immanuel Kant, that preached "the demand of human nature for great guiding principles such as God, Freedom and Immortality" (CRAWFORD et al, 1953, p. 85). Thus, the sense of individuality and of return to nature increased in the American society as a whole, unchaining deep changes in New England's religious life.

In a more and more self-confident, optimist and individualist society, the old Calvinist view of a terrible and arbitrary God to whom people had to undergo started to fade. Such a process had already begun under the philosophy of the Enlightenment, when people imagined God in different levels of arbitrariness. Soon, the protestant American church split into two branches, one, orthodox and another liberal and

frequently composed of richer members. The liberal branch assumed many of the transcendental ideas and started to found new churches all along New England, creating a new vision of God, where He was benevolent, good and only one person. Because they denied the Holy Trinity, they were called Unitarians.

Maybe because of the excess of intellectualism, and, to a certain extent, aristocracy, Unitarianism lost field when the orthodox branch resorted to emotive popular meetings that joined thousands of people and re-conquered the heart of the society, in a period called the Great Renaissance.

The return of primordial protestant values to the American society was far from being as strict as it was in Calvinist times, due to the Romanticism of the age, which was assimilated into the new trends of the Christian Protestantism. This “romantic Protestantism” granted ideals like free will and a more personal relationship with God. Besides, as new churches with different names but based on the same concepts started to come up and, in a sense, compete with each other, the necessity of moral perfection arose in each new belief and this moral reform charged a position before everyday life facts like the care of mental and physical handicapped people and alcoholism, but also of blemishes like slavery, woman condition, the then present Mexican war and the Indian cause.

Due to the already mentioned sense of progress, the concept of “Manifest Destiny”, “the belief that the United States had a mission to expand, spreading its form of democracy and freedom”<sup>5</sup> was booming all around the country, since its first mention in 1840 by politicians who were in favor of a quick annexation of the Western lands. In 1845, John O. Sullivan published an article in the *Democratic Review* also mentioning a certain manifest destiny of the United States called “Annexation”, retaking his 1839’s article *The great nation of futurity*. As it is seen, the economic and expansionist North-American policy was at the top of its power.

This was the progressive social environment that Thoreau lived and that motivated him to write a manifesto attacking a government that, to most of the eyes, was providing a country where everybody could live well and where religion was searching for of a way of life that could be called morally perfection.

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<sup>5</sup> “Manifest Destiny”

Henry David Thoreau was born on July 12th, 1817, in Concord, Massachusetts. Son of a pencil-maker and an abolitionist mother, Thoreau struggled to graduate from Harvard in 1837 and became a member of the Transcendental Club of Concord, who had in the person of Emerson its major personage. And, from this friendship, Thoreau would get inspired to express his ideas through his books.

Thoreau was a practitioner of self-reliance and, for this reason, he followed a style of life entirely tuned to himself, concerning his inner feelings and his individualization. His quotation in the conclusion of *Walden*, “if a man does not keep pace with his companion is perhaps he hears a different drummer” (1955, p. 85) summarizes his feelings and life style. Although still working in the factory of his father, he yearned to work with philosophy and naturalism, going practically daily into the woods to reflect about the mysteries of life. Those reveries made Thoreau become disgusted with the unbridled search for wealth, so common in the society of his time.

In his attempt to practice the plainest way of life, Thoreau built a cabin in Walden Pond, in the middle of the woods, where he lived for two years, during 1845 and 1847. Trying to see how far he could live far from the complexities of the modern commercial and confused religious life, his period of relative isolation rendered a book called *Walden or Life in the woods*, published in 1854.

During that time, the Mexican War erupted. Thoreau believed that such a war was nothing more than a new chance to the advance of slavery and a criminal attack against the human being and refused to pay his state poll tax as a demonstration of opposition to the government. For this, Thoreau got arrested for a night, and wrote the manifesto *Civil Disobedience*, in 1848. Firstly named *Resistance to Civil Government*, it was published in *Aesthetic Papers* in 1849, probably originated from a lecture given by Thoreau at the Concord Lyceum entitled *The rights and duties of the individual in relation to government*. In 1866, it stated to be finally named *Civil Disobedience*. (BAYM et. all., 1994, p. 1704).

Other main works of Thoreau were *A week on the Concord and Merrimack Rivers* (1849), *Slavery in Massachusetts* (1854) and *A Plea for Captain John Brown* (1859). These works are mostly about non-participation in society and preoccupation

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Available at < [http://en.wikipedia.org/wiki/Manifest\\_Destiny](http://en.wikipedia.org/wiki/Manifest_Destiny)>

with the excess of energy wasted by people to get richer and richer. His formula was simplification of life and development of the individual, always in communion with the nature.

Thoreau died on May 6<sup>th</sup>, 1862, in Concord. At this time, few people mourned his death. However, in his eulogy at Thoreau's funeral, Emerson declared that "the country knows not yet, or in the least part, how great a son it has lost <sup>6</sup>." And it would be just after the first half of the 20th century that the works of Thoreau would begin to receive more attention and his concepts of civil disobedience be practiced, mainly guided by Martin Luther King and Mahatma Gandhi and Greenpeace.

One of the most important liberal claims in *Civil Disobedience* is the concept that the institution of government is not at the same level of a human being and, for this reason, is not naturally free. The denounce starts with the fact that some people use the government as a tool for personal interests. In the words of Thoreau, "a few individuals" were "using the standing government as their tool" (1955, p.1). It is when this tool starts to be harmful to individual liberty that the content of *Civil Disobedience* gets its point.

If according to the liberal ideas, any government exists to assure freedom to people, the idea of being governed should sound as a relief. And when *Civil Disobedience* states this, that "I ask for, not at once no government, but at once a better government" (1955, p.2), it is mentioning not a liberalism that may be confused with anarchy, but so, a government that may keep the society united not interfering in anyone's individuality. In other words, the concept of Social Contract put into use. Thus, the lack of hope in government in Thoreau's speech is based on the break of the right to individuality.

Thoreau calls the attention that men have to learn how to live without government, and it is possible because men have the power of conscience, and, if it were not like that, "why has every man a conscience, then?" (1955, p.5). At this starting point, it is seen that *Civil Disobedience* does not intend just to complain about the then president in office, but bring the reader to the conclusion that the natural gift of liberty they had should be demanded. In case people close their eyes to what is going on and do

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<sup>6</sup> "Henry David Thoreau (1817 – 1862). An Essay by Ralph Waldo Emerson"

not exert their liberty to expose what is wrong in a liberal social perspective, “after the first blush of sin comes its indifference; and from immoral it becomes, as it were, unmoral...” (1955, p.9). The hypocrisy of people who "say that they know not what to do, and do nothing (1955, p.6) is also criticized. Therefore, first of all, if the individual does not accept the liberty to do what is right, in that case, not to agree with the government policies and act according to their beliefs, the content of *Civil Disobedience* becomes hollow.

*Civil Disobedience* was published a year after the end of the American Mexican war, and is one of the reasons why it was written. Regarding to it, Thoreau writes that he does not care paying taxes, "till it buys a man or a musket to shoot with" (1955, p. 21). The liberty that it claims for is the one related to what is made of a part of the Social Contract - - the taxes. Thoreau meant that taxes should supply the government, which for its turn existed to secure the maintenance of liberty to people. For his concept of just paying taxes that, according to his principles, should really be paid, he was arrested. About this fact, Thoreau writes that "the state never intentionally confronts a man's sense, intellectual or moral, but only his body..." (1955, p.17). The fields of the ideas cannot be reached.

Besides, Thoreau also argues that the government of 1849 had to review many other things in terms of offence to liberty, a government that “does not settle the West” (1955, p. 2) and obliges entire native nations to move until their disappearance, a government that Thoreau refused calling his government because it was " the slave's government also" (1955, p.4). Thus, it is clear that *Civil Disobedience* did not have the intention to break the Social Contract and drive the society into chaos, but before, alert the individual that society could not make him lose his sense of liberty and individuality, because it was a natural gift that should be put into practice to avoid its total loss.

As it can be seen, both the *Declaration of Independence* and *Civil Disobedience* have strong liberal roots. In spite of it, it is undeniable that those texts may differ substantially in many terms. One of these differences is the reason why they were written. If the *Declaration of Independence* worked as the final result of a series of happenings that were affecting the society as a whole, *Civil Disobedience* came from a



single man in a time that progress and economy were booming. This difference in terms of origin is definitely crucial to the understanding of what liberty is.

In the *Declaration of Independence*, the motivation to claim for liberty comes outside in, it is the liberal consciousness of a group. The general context of a population losing space to trade and being obliged to pay taxes over taxes produces a kind of everyone's feeling that funnels in the text of the declaration and later in the victory in the war. Besides, the aristocratic background of the main personages involved in the production and signature of the document such as Thomas Jefferson, Roger Sherman, Robert Livingston and others, most of them heirs of a high social status, lawyers, merchants and plantation owners with a possible education leaning of Enlightenment principles enhance a possible understanding of liberalism that was not the same of the average American citizen, who was more worried about their immediate everyday problems related to the new policy of British taxation. However, the *Declaration of Independence* also pictures the government as an institution which must guarantee liberty for people before anything else, but the so-called Founding Fathers do not only want to replace the British government but want to be the government, keeping the liberty of doing what they wanted of their country and, to a certain extent, becoming real guardians of what liberty was.

In *Civil Disobedience*, the direction of the motivation is inverted - - it is inside out, the liberal consciousness of an individual, because, although Thoreau shows that there are people suffering and not free with the *status quo*, the overspread behavior in terms of citizenship seems to be of inertia, and when *Civil Disobedience* comes from Thoreau, the sense of loss of freedom becomes a matter to be analyzed. Moreover, *Civil Disobedience* claims for a "better government" which is able to assure individual liberty and act according to the precepts of democracy, but this claim does not imply that the individual has to become the government, but so, part of a society that has its liberty of thoughts and actions according to the Social Contract, in which the governmental institution is part.

In terms of economy, in the revolutionary times, what could be the concept of liberty that a man who kept 187 slaves could have? If the one who wrote the text of the *Declaration of Independence*, Thomas Jefferson, understood that "every men are created

equal" and have the right to be free, then, he did not consider the 187 slaves he himself had as men themselves.<sup>7</sup>

In a time when most of the population were living under strict tax laws and were poor, the calling for liberty inspires and moves people. Also, the cutting on trade was bad for all the society, but it is necessary to remember the fact that the *Declaration of Independence* was written and signed by aristocrats, who mostly kept slaves. So, in a general way, it is possible to say that the liberty cried by the *Declaration of Independence* was more related to aristocratic interests than to ordinary people. A prove of it was the historical "Trail of Tears" of 1830, part of the enforcement of the Indian removal act of 1825, where whole Indian tribes like Cherokees, Chickasaws, Creeks and Seminoles were expelled from Georgia and Southern regions to the West, due to the failure of Jefferson's theory that the Indians should become assimilated and civilized, becoming farmers. As time went by, the plantation lands of the South annexed all the former Indian territories.

In the case of *Civil Disobedience*, the eyes that read its content at the time of its publication saw no more than an exotic and anarchical work. It was a claim to a society that was, in general terms, rich and not much interested if the government was interfering in anyone's right of liberty, provided that the bourgeois could go on keeping their new life style under the philosophy of a God who was not the inexorable God of the puritans anymore, in other words, in a self-sufficient society. However, this new society that praised liberty so much, in the eyes of Thoreau, could not forget that was based on some moments of self-repression, too. What to say about historical facts when Liberalism was hurt, like about the religious leader Roger Williams, for example, who, much before, in 1630, questioned the right of the colonies of taking land of the Indians for the sake of the British crown, being expelled from Massachusetts for this? And in the case of South Carolina's "Nullification crisis", of 1828 when the colony was accused of treason for refusing to pay what they considered abusive tariffs and almost had to undergo a war? It is seen that, in both cases, the principle of liberty was not respected, and only resistance made Roger Williams survive and found Rhode Island

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<sup>7</sup> SLOAN, Samuel H. "The Slave Children of Thomas Jefferson"  
Available at : < <http://www.ishipress.com/slaves.htm>>

and South Carolina obtain a review in the tariffs' percentage and avoid a war.

Thoreau knew that not paying taxes to afford a government that is not according to the taste of those who have to pay was historically the best way to criticize and resist to the non-approved actions of this same government, because the economy of a nation, to Thoreau, might be used to the favor of the society as a whole, and not against other individuals.

Curiously, if the city of Concord was the stage of the first battles of the American Revolution in 1775, it was also the place where Thoreau lived and wrote *Civil Disobedience*. Thus, although Concord offers a view of the country in two different moments of history where liberty became the goal, it is necessary to appoint the position of the USA in the scenery, and the main difference in terms of how much liberalism is in the Declaration and *Civil Disobedience* is the role of the United States. Let us imagine that the USA is a character in the texts.

In the *Declaration of Independence*, the USA is portrayed as a character that is victimized by the power of a tyrant that charges from him an unfair payment of taxes and a submissive posture that impedes him any kind of progress that he can make. For this victim, the cry for liberty and independence is justified by the reader as an attempt to restore a situation of oppression that was against the Lockean ideas of natural rights of freedom.

On the other hand, in *Civil Disobedience*, the USA is pictured as an aggressor -- of individual liberty, of black slaves, of Indians and of Mexico. This time, the USA have the power to control the notion of liberty, and apply it in the reality as they think it is correct (or more profitable) and not the reader, who can agree or not with the resistance against the government symbolized in the action of not paying taxes that were used to support initiatives contrary to some sectors of the public opinion.

This way, the understanding of what liberty and the concept of liberalism are vary not only because of the age of the happenings, but also because of the position of the USA in the general scenery. If in the *Declaration*, Liberalism is what is the philosophical basis for the reason of independence, in *Civil Disobedience*, it is what the author tries to bring into light. In the *Declaration*, liberty is fundamental to make progress and live as a social man according to the fight faced for it. In *Civil*

*Disobedience*, liberty is what makes a man a social being, but before it, an individual.

With this, the own concept of democracy is put at stake. If democracy is just possible with liberty, and it is seen that there are conflicting points between the understandings and actions of liberty in the *Declaration of Independence* and *Civil Disobedience*, these two works face democracy, the so-called basis of the American politics, in such contrastive forms that it is even possible to ask if a democratic nation really depends on liberty or if it depends on how the central power wants to deal with it.

The conclusion that it was difficult (if not impossible) to give only one definition to Liberalism may be the fact why the two works into question are also different in their content concerning liberalism. However, the presentation of the United States in two different historical moments was the real cause of such divergences. In the social atmosphere of the *Declaration of Independence*, the population was under strict rules of taxation, and liberty seemed to be the solution. But after the independence, it is seen and known that that liberty conquered with courage and blood did not bless all the Americans, because slavery went on and the Indians started to be removed from their original lands to be placed in Western lands, until their almost complete annihilation. In *Civil Disobedience*, there is the other side of the coin - - the excess of liberty, in terms of economy and religion, brought to society such a strong sense of independence and individuality that made Thoreau remind people that every man had a conscience, and that they had to use their conscience to fight the governmental actions that were restricting other individual liberties, like in the case of the slaves, of the Native Americans and of the Mexicans.

As it is seen, the conflicting points between the works in question do not come from changes in the concept of liberalism, but from the moment and from the withholder of the concept - - in other words, from the perspective of the text.

The United States and their pride of being the first liberal democratic republic in the world, along the history, relied on the concept of liberalism to protect their economy, many times, originating actions not approved by the rest of the world or not even by most of their own citizens, like by participating in wars and invading countries both militarily and culturally, for example. However, as seen before, the problem comes from the perspective of who claims for liberty. Maybe, for this reason, the last American

intervention in Iraq in 2001 was renamed from “Infinite Justice” to “Endure Freedom”. Now, it is necessary to know when a new Thoreau is going to write a new claim questioning the government and the concept of liberty in the USA, and how enduring this American freedom and its complex assimilation is going to be in a world each time more and more globalized, but at the same time more and more regionalized philosophically and culturally, that is able to create to itself several other concepts about what liberty really is.

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