

## Towards a Reconciliation of Public and Private Autonomy in Thoreau's 'Hybrid' Politics

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**Resumen:** Tras una revisión bibliográfica, el artículo proporciona una presentación de la filosofía política de Henry D. Thoreau, enfatizando en su obra un concepto de autodeterminación cívica que Habermas descompone en una autonomía pública y otra privada. Sostengo que Thoreau no era un anarquista antisocial, ni tampoco un mero liberal individualista, sino que su liberalismo presenta elementos propios de la teoría democrática e incluso del comunitarismo político. Finalmente, identifico y describo una tensión entre esos temas liberales y democráticos, tanto en la obra de Thoreau como en la vida política de las sociedades occidentales, mostrando así la relevancia de este autor.

**Palabras clave:** Filosofía política, democracia, liberalismo, literatura norteamericana del siglo XIX

**Abstract:** After a literature review, this paper provides an overview of Henry D. Thoreau's political philosophy, with emphasis on the concept of civil self-determination, which Habermas sees as comprised of both private and public autonomy, and which is present in Thoreau's own work. I argue that he was not an anti-social anarchist, or even a pure liberal individualist, but that along with the main liberal themes of his thought there is also a democratic, even communitarian strand. Finally, I identify and describe a tension between democratic and liberal themes in both his work and contemporary Western politics, thus highlighting Thoreau's relevance.

**Key-words:** Political philosophy, democracy, liberalism, 19th century North American literature

According to Stanley Cavell (2005, pp. 12-13), Henry David Thoreau is one of the most underrated philosophical minds to have been produced in the United States of America. This 19th century writer and philosopher is best known by his essay "Civil Disobedience", written against the war the U. S. waged against Mexico in 1846–1848, but there is considerable debate about the relevance of his work for contemporary societies. What kind of political philosophy is to be found in Thoreau's writings? Thoreau's political ideas have provoked a wide variety of interpretations, ranging from the anarchistic to the totalitarian, while others simply dismiss them as being self-contradictory or of little value. After an overview of the literature regarding this relatively neglected topic, I aim to provide an explanation of Thoreau's ambivalence towards politics, and of the diverse interpretations to which it has been subject, by identifying two basic elements in his political thought, the *liberal* and the *democratic*. These two terms will not be used in this paper as they

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often are in contemporary English-speaking politics, but rather in a general sense belonging to the history of political philosophy. In this sense, they represent two different ways of conceptualizing freedom or autonomy, which can both be reconciled in the reading of Thoreau proposed here, as well as in contemporary discussions about the legitimacy of liberal democracy.

## 1. INTRODUCTION

This paper argues that the political identity of the American writer, naturalist and philosopher Henry David Thoreau (1817–1862) was divided and ambiguous owing to the unstable combination of these liberal and democratic elements. Needless to say, I do not mean to imply that the liberal and democratic elements are the *only* ones at work in Thoreau's politics; indeed, other cultural and philosophical threads can be identified in his writings, such as American transcendentalism (or idealism: Anderson 2004), the natural law tradition (Nabers 2007) and utopian socialism (Newman 2003), to name but a few. This paper will not attempt to imagine Thoreau as representing any single political idea or identity; rather I would like to present him as an essentially *hybrid* writer. In the crossroads of literature and philosophy, and unlike his mentor Ralph W. Emerson, Thoreau never had a career as an academic or intellectual, so he did not feel compelled to publicly defend or represent a particular system of thought. However, his work is rich and complex enough to address many different themes and to provide grounds for diverging interpretations.

This is not a completely new starting point. For instance, Alfred Tauber has written that Thoreau's complexity requires "attention to his various modalities of thought". There seems to be little doubt that those modalities were politically expressed as a concern with autonomy, and that autonomy is a key issue in modernity, "serving both as the basis of an epistemological system and as the fundamental element of a moral and political system". Here, however, I will not use the term *autonomy* in the sense of the unitary concept of moral self-determination, in which each party does whatever they consider binding according to their own judgment. Instead—and this is the only originality I will claim—I will read Thoreau looking for what Jürgen Habermas (1996) has called the concept of "civil self-determination", which he sees as comprised of *private* autonomy (the capacity for individual moral deliberation and choice that Hegel associated with Kantian *Moralität*) and *public* autonomy (the capacity for collective ethical self-realization associated with Hegelian *Sittlichkeit*). Indeed, as I will try to show, Thoreau was "a self-conscious Janus, who sought to resolve the split caused by peering into the public and private domains, simultaneously" (Tauber 2001, pp. 76; 199; 117). In this sense, my reading of Thoreau anticipates Habermas's own project of arguing for an "internal relation" between private and public autonomy, a "circular reinforcement" manifested in the genesis of justifiable law and the legitimate state.

In short, the main thesis of this paper is that there are two main political modalities of Thoreau's thought: the liberal concern with private autonomy and the democratic concern with public autonomy. This represents a departure from the

popular image of Thoreau as the “hermit of Walden”, which emphasizes individualist and asocial connotations, which in turn are often dismissed as “selfishness” or “self-absorption”. Recent scholarship has questioned this image, showing that even if Thoreau’s message of excellence is hardly to be followed by multitudes, both in *Walden* and in his reform papers, he was working toward a decidedly democratic ethos (Hanley 2001, p. 68).

As for the method pursued, after rejecting the traditional account of Thoreau’s politics, my aim is to situate his work in the wider background of political philosophy. In particular, I would like to explore Thoreau’s contribution within the theoretical framework provided by Habermas, who has argued that the justification of a liberal democracy, in a global context moving towards secularization and multiculturalism, is and should be based on a discourse that recognizes both private and public autonomy as the basis for state legitimacy. These two views or discourses are somewhat stylized for purposes of presentation, but they represent well-established traditions and thinkers such as John Locke, with his typically liberal concern for individual rights and liberties, or Jean-Jacques Rousseau, whose democratic theory emphasizes civic republicanism and the common good. They are both present in Thoreau’s writings, not perhaps equally (liberal concerns being the most visible), but nevertheless with some degree of coexistence.

Of course, describing Thoreau as a “hybrid” or “Janus-faced” political philosopher does not imply that his thought is necessarily messy or mixed-up. Rather, I would like to suggest that he works in an innovative and productive way, one that Habermas and others are interested in recovering. For instance, Dan Malachuk (2005) argues that Thoreau—as well as Emerson and other “Victorian liberals”—was committed both to a participatory state and to the cultivation of the self, trying to keep the liberal commitment to the private and the democratic commitment to the public in dialogue through the 19th century. To conceive the liberal/democratic traditions as incompatible (as a divide or dichotomy) is less a failing on Thoreau’s part than a failure on our own part to consider his whole philosophy. This, I hope, will become clearer after an appraisal of his reputation in 20th century political philosophy.

## 2. FROM “CIVIL DISOBEDIENCE” TO A COMPREHENSIVE POLITICAL PHILOSOPHY

Thoreau’s essay on civil disobedience (also known as “Resistance to Civil Government”) is by far the most influential expression of political philosophy and advocacy generated by the American Transcendentalist movement. Thoreau’s most widely read piece of writing, it has aroused a similarly wide variety of reactions, ranging from enthusiastic endorsement to absolute rejection. Walter Harding included in his *Variorum Civil Disobedience* a bouquet of opinions on this essay. To quote just a few, Thoreau is there described by some as a “strong man” with an “anarchist direction” who offends “our common understanding of the need for organized society”, while others think Thoreau “does not reject the State as an instrument”, but rather “approves it as such”. His essay, no matter how “shining”

it may have been for men in dark times, is considered by one critic “a radically antidemocratic document”, and another goes even further, stating that Thoreau “had a contempt for the political process” (Thoreau 1967, pp. 67; 73; 91).

More recently, some argue that Thoreau did not advocate a rejection of all political authority (Stoehr 1979, pp. 53–4), but that he had “no recognizable political position” (Simon 1984, p. 362). The diversity of views and reactions is partially due to the fact that Thoreau’s “Civil Disobedience” and his other reform papers are usually taken as the major inroad into his political thought. But, according to Bob Taylor (1996, p. 101), we should not expect to find in these essays “the keys to understanding Thoreau’s greater political project and vision.” Thoreau’s reform papers and anti-slavery activism are also regarded by Tauber as “derivative of a deeper personal philosophy”; therefore he thinks it more appropriate to situate his political ideas within the wider context of his personal, more comprehensive, concerns (2001, p. 189).

I agree with Taylor and Tauber in that it is the context of Thoreau’s broader political project found in his major works, along with the historical context, which gives the reform essays their full meaning. Without that context, “Civil Disobedience” will be interpreted in the hopeless multiplicity of conflicting ways that Michael Meyer describes in his book *Several More Lives to Live*. Meyer hoped that after the reformist impulses of the 1960s, a lower political intensity might give us some time “to read Thoreau before using him” (1977, p. 192). After such a turbulent decade, he acknowledged—apparently with some relief—that by the end of the 1970s “there are many fewer Americans who feel compelled to disobey laws in order to preserve the integrity of their own consciences or to effect a particular social change”.

However, by 1984 there was still no book-length study of Thoreau’s political views (Meyer 1984, p. 276). Mary Elkins Moller’s *Thoreau in the Human Community* (1980) is a deep and precise commentary of Thoreau’s writings, but it is a book about politics only in the very broad sense of being about Thoreau’s feelings towards other people. And, as Meyer suggested, if that future comprehensive book about Thoreau’s politics was to be a good one, “its author will tell us something about our own politics as well as Thoreau’s” (1977, p. 192).

One step in that direction was *America’s Bachelor Uncle* (Taylor 1996). This book explores a number of American political ideas (“Founding”, “Frontier”, “Fraternity”, “Independence” and “Resistance”) at work in Thoreau’s writing—not only in his reform essays, but also in *A Week*, *The Maine Woods*, *Cape Cod*, and *Walden*. Taylor argues that Thoreau is one of America’s most powerful and least understood political thinkers, a man who promotes community and democratic values while at the same time being vigilant against the evils of illegitimate authority.

Still widely perceived as a remarkable nature writer but a simplistic philosopher with no real understanding of human society, Thoreau is resurrected by Taylor as a profound social critic with more on his mind than utopian daydreams. Taylor’s book also offers a comprehensive and up-to-date review of the literature discussing Thoreau’s political thought. This review leaves him with two strong impressions:

“First, overall the literature is quite sparse, which suggests that many students of American political thought simply do not believe Thoreau’s political ideas are interesting, sophisticated, or coherent enough to bother with him in the first place. Second, when Thoreau is evaluated as a political thinker, he is thought to be too anarchistic or individualistic or incoherent to be compelling.” Although there are a few authors who have objected to this caricature, most scholars of American political thought either ignore or hate him (Taylor 1996, p. 7).

Scholars have persistently suggested that, even though Thoreau has inspired great political leaders and social movements, his political philosophy is not valuable. Some claim it is just, to quote Taylor, “a reflection of psychological problems and needs”. According to others, Thoreau “was simply too inexperienced and unworldly and misanthropic to be knowledgeable about the social and public world”, and therefore, his writings “are so youthful as to be immature”. Thoreau’s “extreme individualism” eventually leads to anarchism and rejection of political life. In this respect Thoreau is compared to Nietzsche and Rousseau (Taylor 1996, pp. 2–3; 5–6); in an infamous “case against Thoreau”, one author went as far as to compare his conscientious politics with those of Lenin and Hitler (Buranelli 1957, p. 266).

Overall, Thoreau’s ideas appear to be of more interest as a symptom of a *problem* in the American political tradition than as a solution or resource to guide today’s politics. On the other side, Taylor sees Thoreau as one of the “strongest, most compelling, and most important voices in the American political tradition” whose primary concerns are “the health of the democratic community we profess to value and the integrity of the citizenry” upon which that community must be built (1996, pp. 2; 7-8).

### 3. ONE VERSION OF THOREAU: THE ANARCHIST CONNECTION

In *The Closing of the American Mind*, Allan Bloom explicitly related Thoreau’s political ideas to anarchist movements:

“The side of Rousseau’s thought that arouses nostalgia for nature came to the United States early on, in the life and writings of Thoreau. Recently, joined to many other movements, it came to full flower and found a wide public. Anarchism in one form or another is an expression of this longing, which arises as soon as politics and laws are understood to be repressions, perhaps necessary, but nonetheless repressions of our inclinations rather than perfections of them or modes of satisfying them” (1987, p. 171).

The link between Thoreau and anarchism, however, is mainly the work of the anarchists themselves, who have always seen in Thoreau a kindred spirit. For instance, Roger Baldwin (1884–1981), who was converted to anarcho-syndicalism by Emma Goldman, declared himself a follower of Thoreau and Emerson (Avrich 1995, pp. 43–4). Of course, individualist anarchists also claim a relationship with Thoreau. Another anarchist writer, Manuel Komroff (1890–1974), declared at the

end of his life that he felt “closer to Jefferson and Thoreau than ever” (quoted in Avrich 1995, p. 115). Juan Anido (1898–?), a Spanish anarchist exiled in the USA, stated his preference for Thoreau in these terms: “I read Stirner and Benjamin Tucker and admired them very much. I liked Bakunin and Malatesta, too—there was plenty of individualism in them—but I was drawn mostly to the individualists, to Emerson and especially Thoreau” (quoted in Avrich 1995, p. 213). Anido belonged to the small group of Spanish anarchists who lived at Mohegan Colony, close to New York City. Even though he joined the IWW upon his arrival in the USA in 1920, Avrich describes him as an individualist anarchist at heart, who mistrusted every form of organization and defended personal sovereignty and independence.

This Spanish connection is not surprising, as all these anarchists had in common the fact that they were influenced by the Modern School movement (also called Ferrer Schools, after the Spanish-Catalonian educator and anarchist Francesc Ferrer i Guàrdia): Baldwin lectured in a Modern School, Komroff worked as publisher in The Modern Library, and Anido’s daughter studied at the Modern School in New York. (Modern Schools had classes for children during the day, and lectures were given to adults at night.) A member of the Friends of the Modern School, in 1933–34 Jo Ann Burbank coedited a magazine called *Mother Earth (A Libertarian Farm Paper Devoted to the Life of Thoreauvian Anarchy)*, and declared *Walden* to be her main source of inspiration during the Depression (Avrich 1995, p. 138).

#### 4. A VERY DIFFERENT VERSION: AMERICA’S BACHELOR UNCLE

Still, the fact that many anarchists called themselves Thoreauvians does not make Thoreau an anarchist. His alleged anarchism is a contested issue; indeed, Sherman Paul had already warned in *The Shores of America* that “one of the most persistent errors concerning Thoreau that has never been sufficiently dispelled is that Thoreau was an anarchical individualist” (Paul 1958, p. 75).

Rather than this Thoreau who conservatives reject and radicals love, Taylor portrays him as an engaged political writer concerned with the moral foundations of public life. This image is very different from the one generated by anarchists: like a solicitous “bachelor uncle” (an allusion to his journals, 1906, vol. III, p.71), Thoreau wakes up his fellow citizens to remind them that they are *responsible* for their government.

Taylor’s book has been dismissed as indulging in the “familiar” yet “disappointing” habit of reading Thoreau as “scripture”, and doing it with “a willingness to fret over scholarship commonly ignored as inconsequential” (Neufeldt 1997). There is, however, some evidence that Thoreau himself saw his work “as a uniquely American scripture” (Thoreau 1999, p. xiii), so I see no reason not to examine it as such. Emerson’s call for an original relation to the universe resulted in Thoreau’s rejection of every traditional scripture but “the Gospel according to this moment” (Thoreau 2007, p. 220). Thoreau subordinated history to time, and to capture time he would have to live in “an ever-present present”

(Tauber 2001, pp. 29–30). Accordingly, his task is to look for a direct revelation—to develop a philosophy of insight rather than one of tradition—and therefore, paradoxical as it is, to write a secular scripture for America as he knew it.

Meyer asked of every future commentator on Thoreau's politics “to explain the significance of both the strengths and the deficiencies of his politics for Americans” (1977, p. 192). According to Taylor, the chief strength of Thoreau as a political writer is that he provides just that: an “analysis of the options, opportunities, and dangers before the American political community”. He also claims Thoreau to be the writer who has most powerfully portrayed “the American betrayal of its own commitment to individual liberty”, most lovingly described “the possibilities for achieving freedom's promise”, and most vigorously demanded “that we call the devil by its proper name and refuse to grant him political legitimacy” (Taylor 1996, p. 129).

As for deficiencies, Taylor's Thoreau “is obviously not a conventional political theorist, addressing a full range of issues, from justice to the nature of the state to problems of political obligation, for example, that traditionally occupy such theorists. Nor is there in Thoreau's work a fully developed portrait of a desirable democratic political order, although he gives many more hints about this than is usually recognized” (1996, p. 129). In addition, Taylor does not share what he calls “Thoreau's naturalism”—his expectation that nature will endow us with a sense of autonomy while at the same time disciplining human arrogance. Taylor sees no reason to believe “that our experience of nature will necessarily function in the way Thoreau hopes it will” and therefore it “may not be as useful or reliable as a source of moral inspiration for American citizens as Thoreau hopes” (Taylor 1996, pp. 127–8).

One of the most consequential and well-known collections of Thoreau's political writings is the one edited by Nancy Rosenblum, which was published by Cambridge University Press in the same year as Taylor's book, 1996. Rosenblum notes that the challenge and distinctive contribution made by Thoreau is “to rethink the political theory of representative democracy” (Thoreau 1996, p. xxvi). To this I will now turn.

##### 5. INTERPRETING THE AMBIGUITY: THE LIBERAL AND THE DEMOCRAT

Why are there such different images of a single writer? Of course, part of the reason is that Thoreau is a classic, part and parcel of the American canon, and classic works of art are typically ambiguous and open to radically different interpretations. In contrast with philosophy, the sociology of literature simply “describes its social usages, socialized interpretations, and the actual public effect of a text, not the formal devices or the hermeneutic mechanism that has produced those usages and those interpretations” (Eco 1990, p. 52). In the previous sections I have sketched out some of the former while describing the reception of “Civil Disobedience” and other political writings by Thoreau; from now on, I would like to focus on the latter. So, instead of a merely historical or sociological description

of the usages and interpretations of Thoreau's texts, no matter how canonical or marginal, I would like to engage in what Umberto Eco calls an "aesthetics of reception".

In an attempt to identify the hermeneutic mechanisms that have produced usages and interpretations as different as the two summarized above, my hypothesis is that there are two different political traditions at work here, both in the writing and in the reception of Thoreau's oeuvre. These two traditions are old and pervasive, they inform much of our own self-understanding as citizens in Western societies, and together they attempt to justify what has come to be known as the liberal-democratic state. Rather than a description of what actually exists, they are rhetorical devices, i.e. an attempt to persuade and to legitimate certain institutions, mainly by means of stories.

For the sake of simplicity, I will call these traditions the *liberal* and the *democratic*, but these two terms should not be understood in the usual sense they are afforded in Anglo-American politics and media, in which "liberal" typically refers to anything opposing conservative positions, and "democratic" is associated with the Democratic Party. Instead, I interpret the terms in a global context, using them as labels for pervasive stories or "myths", modalities of thought that come to us from the main political philosophers and their efforts to make sense of what the state is and why we should obey or disobey it. Loosely inspired by T. B. Strong (1992, pp. 1–2), the following is a brief portrait of these two traditions. (Strong labels them "liberal" and "communitarian", but democratic thought could be understood as a specific subset within communitarianism.) Because traditions are often transmitted by means of narrative, let me frame them in terms of a general story, featuring a typical main character, and see how this relates to political activism in general and Thoreau's civil disobedience in particular.

### 5.1. THE LIBERAL MYTH

The *tale* goes as follows: Once upon a time there was a group of men who lived all alone in the wilderness. Some people (Hobbes) say that their condition was terribly cruel and dangerous, each one being a wolf to the others; that everybody, no matter how strong or powerful, was full of fear. To others (Locke, Rousseau) this description is too extreme; rather, at that time men lived peacefully and helped each other. Anyway, driven by different motives (fear, justice, ambition, security), those men got together and began to deliberate using their reason and their capacity for choice (which somehow they possessed before meeting). After deliberating about their individual interests, they reached a decision: to make a covenant and thereby create civil society and the state. These new artifacts would perform the vital functions of protecting them and granting them a set of rights (which they already possessed). This is the social contract, the founding moment of our civilized world.

Every story has a *character*. The liberal character is someone who wants to meddle with politics as little as possible. Nevertheless, certain things (rights to life,

property, etc.) have to be secured. Government is but an expedient to solve those practical problems; when those problems are resolved, the liberal is free to engage in their “pursuit of happiness” or prosperity. The liberal’s real life is private. The focus is on the “I”, which is previous to and more important than the “We”.

There is a typically liberal way of justifying civil disobedience. The liberal tradition presupposes that the justification for accepting the state (and obeying its laws) is that it is nothing but an expedient for securing certain rights. The *rule of law* exists in order to protect the individual against the state. If the state oversteps its bounds and assumes functions that, strictly speaking, belong to the private sphere, it is denying those rights, and therefore obedience is no longer justified, which is the same as saying that disobedience is justified. However, as those basic rights existed prior to the creation of the state, disobedience should not (morally, not legally) violate them, and therefore liberal disobedience should be *civil*.

## 5.2 THE DEMOCRATIC MYTH

*The tale.* Once upon a time there were groups of men and women who lived together all over the world. They lived in communities because alone they were weak and fragile. They were born within the group, where they were raised and brought up. Within the group they learnt how to speak and interact; they learnt how to use their reason and develop their capacity for choice; they even learnt who they were as individuals and what their interests were. They gave meaning to their lives by interacting with each other. They firmly believed what Aristotle said about those who live alone: they can only be gods or beasts. Over time, these different communities developed certain habits, institutions, rules; they granted themselves certain rights and recognized certain things as just. By trial and error, they gave themselves a tradition, a political system and a distinctive identity. A number of idealized cities, such as Athens, Rome, Florence and Paris at the time of the Revolution, represent a transition from the communitarian emphasis on social integration and tradition towards participation, equality and collective deliberation. In other words, there is a movement from community as such, to a *democratic* community where, according to Rousseau, when each one joins with the others, one remains as free as before and obeys only oneself.

*The character.* The democrat is someone who thinks that humans flourish by engaging in politics. A person alone is worth nothing. The good things in life are the things we enjoy in common, the common good. Our fate is a shared one; we belong together. The nation or the state or the public forum is the place that makes flourishing possible. The democrat’s real life is public; in this sense they are a republican at heart. The focus is on the “We, the people”, which is previous and more important than the “I, myself”.

There is also a typically democratic way of justifying civil disobedience. The democrat presupposes that the justification for accepting the state (and obeying its laws) is that it embodies the will of the people, what is called the principle of *popular sovereignty*. In that sense, obeying the state is obeying us. If the state does not

properly represent the popular feeling and will, but rather undermines the public sphere and the common good that keeps communities alive as such, then obeying the state is no longer obeying us. If our inescapably social identity is threatened by the law, then the democrat thinks disobedience is justified. However, disobedience should not go as far as to undermine the basic moral rules that are part of our social fabric, so democratic disobedience should also be *civil*.

## 6. PORTRAIT OF THOREAU AS A LIBERAL DEMOCRAT

Of course, the liberal and the democratic traditions sketched here are ideal types. What we usually find in real political life are hybrid expressions thereof, the product of an incessant interaction and mutual questioning between these two stories and ways of understanding political action. According to the liberal character, the democrat does not give individuals their proper share, and is ready to curtail their freedom for the sake of an insidious “common good”. For the democrat character, liberals are “idiots”, devoted to their own idiosyncrasies, their own affairs (the old Greek word for “mine, my own” is *idios*, from which both our words “idiosyncrasy” and “idiot” stem). These two traditions were at work in Thoreau’s time, and this comes as no surprise: the American political system is one of the oldest liberal democracies in the world, so the liberal-democratic dialectic should be quite visible, especially in such a well researched world as 19th century New England. The question is now: *What form, if any, does the liberal-democratic debate take in Thoreau’s writings?*

### 6.1. “CIVIL DISOBEDIENCE” AS AMERICAN CONSTITUTIONALISM

Thoreau’s “Civil Disobedience” has often been compared to the American Declaration of Independence (1967, p. 69), and in his *Journal* entry for October 22, 1859, he explicitly described his admired John Brown as “an old-fashioned man in his respect for the Constitution and the Declaration of Independence, and his faith in the permanence of this Union. Slavery he saw to be wholly opposed to all of these, and he was its determined foe” (Thoreau 1906, vol. XII, p. 427).

This passage eventually found its way into the final paragraph of “A Plea”, so we can safely assume Thoreau’s basic identification with the political values present in the Declaration of Independence. But what are they exactly? Simply put, the Declaration of Independence rests on two premises. One postulates that the law rules impersonally, i.e. the law is intended to equally protect “certain unalienable Rights” to life, liberty and the pursuit of happiness. The other premise postulates that the law has its origin in popular sovereignty, for the Declaration affirms “the Right of the People to alter or to abolish” the form of government if it does not secure those basic human rights. Frank Michelman, a Professor of Law at Harvard, argues that both premises have been present in the USA until today:

“I take American constitutionalism—as manifest in academic constitutional theory, in the professional practice of lawyers and judges, and in the ordinary self-understandings of Americans at large—to rest on two premises regarding political freedom: first, the American people are free inasmuch as they are governed by themselves collectively [*popular sovereignty*], and, second, that the American people are politically free inasmuch as they are governed by laws and not by men [*rule of law*]. I take that no earnest, non-disruptive participant in American constitutional debate is quite free to reject either of those professions of belief. I take them to be premises whose problematic relation to each other, and therefore whose meanings, are subject to an endless contestation” (Michelman 1988, pp. 1499–1500).

In a similar way, Habermas has argued that coercible law can be accepted as legitimate insofar as it guarantees those two things at once: it must guarantee the “*private autonomy* of individuals pursuing their personal success and happiness” (and this is usually done by means of the rule of law securing human rights), and it must also secure the *public autonomy* of those subject to it (by means of other mechanisms enacting popular sovereignty), “so that the legal order can be seen as issuing from the citizens’ rational self-legislation” (1996, p. xxv).

Michelman’s “endless contestation” is precisely what civil disobedience is all about. If this is the case, then our two traditions must be particularly visible in cases of civil disobedience, and Thoreau’s is no exception. As the reformer Etzler put it in distinctively democratic terms, “man is powerful but in union with many.” In equally distinctive liberal terms, Thoreau replied that “nothing can be effected but by one man” (1973, p. 41). The previous quote, along with most of the canonical interpretation of Thoreau, seems to place him squarely within the liberal tradition: after all, the word *liberal* has always suggested “some connection with freedom, some awareness of the untapped possibilities of man, and some variety of political, social, religious, or moral reform” (Middlebrook 1956, p. 69). Freedom, optimism, and reform are key concepts in all transcendentalist authors. But, as I will try to suggest now, sometimes Thoreau used one tradition against the other, questioning the transcendentalist liberal ethos with democratic communitarian insights, thus creating a highly unstable mix, immune to every attempt to label it or place it squarely within a single political denomination or philosophical doctrine.

At the end of “Civil Disobedience”, Thoreau included a nuanced criticism of Daniel Webster, the “Defender of the Constitution”. Thoreau (1973, pp. 86–87) acknowledges a practical need for the rule of law, but denies that every aspect of life ought to be regulated by it, because the “lawyer’s truth is not Truth, but consistency or a consistent expediency”. And little afterwards, he comments: “If we were left solely to the wordy wit of legislators in Congress for our guidance, uncorrected by the seasonable experience and the effectual complaints of the people, America would not long retain her rank among the nations”. Usually the idea of the rule of law is associated with the liberal tradition, while the idea of popular sovereignty is related to the democratic one. Thoreau, however, never wholly rejects either the liberal or the democratic traditions, but seems to be

playing both at the same time, one against the other. By criticizing Webster's loyalty to the rule of law (one of Michelman's two premises regarding political freedom), Thoreau highlights the other premise, popular sovereignty, expressed by the "experience and the effectual complaints of the people". Contrary to what is usually thought, this suggests that Thoreau was an "earnest, non-disruptive participant in American constitutional debate," and that he was not willing to reject either of those "professions of belief".

Another line of evidence against the mainstream, canonical interpretation of Thoreau as an apolitical individualist is based on his attacks on the electoral system. Those attacks are usually seen as a result of his apolitical or anarchist stance, but they could be interpreted otherwise, as a result of the liberal-democratic dialectic. As I see it, Thoreau's basic insight is that democratic institutions are only worth what a liberally educated population makes of them. If the input is good, the result is good. But if only trash goes in, only trash will come out. Here Thoreau is not advocating against voting or for the giving up of politics; rather, his injunction is to "cast your whole vote and influence", to embrace politics and take democracy seriously, as a matter of principle. Because if voting is not informed, it becomes "a sort of gaming", and government the merely utilitarian expediency Thoreau did not want to be a part of (1973, pp. 76; 69; 63).

## 6.2. LIBERAL-DEMOCRATIC VISTAS

Exploring the inherent contradictions in the American "cult of privacy", Milette Shamir (2006) has written about *Walden* and the "liberal myth of private manhood", arguing that liberalism as a political philosophy "reversed the republican [*democratic*] hierarchy of public over private, elevating the private to a position of primacy and endowing privacy with its present meaning as a moral good, a natural right, and a constitutive condition of personhood. From the 1830s, an array of prescriptive discourses implemented liberal thought by sealing, regulating, and sanctifying private spaces, both domestic and subjective" (2006, p. 2). This author sees Thoreau as representative of the primacy of the private, describing him as one of the most elaborate theorists of this privatized "liberal ideal of the home" (Shamir 2006, p. 178). In relation to the thesis of this paper, Shamir's point is not so much mistaken as incomplete. As we will see now, Thoreau is not a pure liberal, but rather a hybrid one. Thoreau is also a communitarian and, more specifically, a democratic author.

In search of more clues to support this portrait of Thoreau as a hybrid political philosopher, let us briefly look at writings other than "Civil Disobedience". Michelman's second premise states that the American people are politically free inasmuch as they are governed by laws and not by men. Thoreau certainly was not eager to be governed by any man or woman; rather, he wanted to be governed by law—by a higher law. And, although in "Civil Disobedience" he envisages a kind of invisible government as his ideal, he immediately asks for "a better government" (1973, p. 64); at this point he is "too ready to conform" to the

laws of the land, provided they prove to be any good. Good laws for Thoreau are usually those that allow people a wide margin of personal freedom, which is a permanent theme in liberal thought. For instance, when he wrote his early essays in Harvard, Thoreau maintained that for the rule of law to be just, the state should not step outside its proper sphere. Moral excellence is not a suitable subject for the law, for “it matters not to the lawgiver what a man deserves.” It would be absurd to pass laws against vice, “as if a man was to be frightened into a virtuous life” (Thoreau 1975, p. 21).

Wendell Phillips wrote (after an Irish 18<sup>th</sup> century lawyer from County Cork, John Philpot Curran) that the price of liberty is “eternal vigilance”. Indeed, Thoreau was a vigilant man, one particularly “jealous with respect to [his] freedom” (Thoreau 1973, p. 160). In this sense, Thoreau can always be called a liberal, since the word is derived from the Latin *liber*, meaning a free man as opposed to a slave. Because he felt that American freedom was being trivialized by his contemporaries, becoming “the banal habits of the middle class” (Burbick 1994, p. 58), he sought to revive it by means of a few experiments.

Thoreau consistently uses the word “liberal” as something positive, usually in relation to private autonomy (which he referred to as “moral freedom”). The experiment in freedom that is *Walden* showed Thoreau that an independent, self-reliant person is surrounded by “new, universal, and more liberal laws”; the free person is simply the one who expands “the old laws” and interprets them in their favor “in a more liberal sense” so that they might “live with the license of a higher order of beings” (Thoreau 1971, pp. 323–4). That “higher order” is the true law by which Thoreau would agree to be ruled, even if it involves breaking up with non-liberal churches and states. After all, he claims to prefer “the liberal divinities of Greece” to the “the more absolute and unapproachable” Christian God (1980, p. 53).

Displaying another typically liberal attitude, Thoreau is outraged at the sight of the inhabitants of Canada “suffering between two fires, the soldiery and the priesthood”. Indeed, he is nevertheless pleased at the English government being “remarkably liberal to its Catholic subjects”. During his journey to Canada, he admires the wide streets of new towns, something that makes him think of “some Washington city [...] prepared for the most remotely successful and glorious life [...] when the idea of the founder be realized” and so “they may make handsome and liberal old men” (2007, pp. 132; 80).

Other passages could be used to show that Thoreau was indeed a liberal. But did he really sanctify the private in detriment of the public, as Shamir and others suggest? Of the many other passages that suggest that he did not, some of the most interesting come from “Life without Principle”. “Now that the republic”, writes Thoreau, “has been settled, it is time to look after the *res-privata* [...] to see [...] that the private state receive no detriment” (1973, p. 174). Note the order in Thoreau’s argument: the public state has to be settled before it is time to look after the private things—the republic goes first. Again, Thoreau here seems to be a more communitarian and even cosmopolitan author than is normally supposed. But his concern with public autonomy (or “political freedom”) does not eliminate

his concern with private autonomy (“moral freedom”); rather, they need each other.

As Habermas puts it, a “well-secured private autonomy helps ‘secure the conditions’ of public autonomy just as much as, conversely, the appropriate exercise of public autonomy helps ‘secure the conditions’ of private autonomy” (1996, p. 408). By claiming that the rule of law is internally related to deliberative democracy, Habermas emphasizes the “mutual dependency” of private and public autonomy, of moral and political freedom. Thoreau’s words in “Life without Principle” (1973, p. 174) seem particularly appropriate in this context: “What is the value of any political freedom, but as a means to moral freedom? Is it a freedom to be slaves, or a freedom to be free, of which we boast? We are a nation of politicians, concerned about the outmost defences only of freedom.” Thoreau might be a liberal, but understood liberty itself to be but a means to the kind of human perfection that can be only achieved in a democracy (Malachuk 2005, p. 136). Most appropriately, on May 20, 1860, he asked his friend H. G. O. Blake, “What is the use of a house if you haven’t got a tolerable planet to put it on?” (Thoreau 1958, p. 579). This suggests that domestic private affairs are secondary when the outside situation (public affairs) becomes intolerable. If Thoreau was the selfish individualist he is usually thought to be—the Walden hermit—, he would have written instead, “When you haven’t got a tolerable planet to live on, a house is of much use.” But he did not.

Let us now remember Michelman’s first premise: the American people are politically free inasmuch as they are governed by themselves collectively. There are several elements in Thoreau’s writings that support this basic republican, egalitarian and democratic insight. For a start, when he writes about the dramatic events depicted in “Slavery in Massachusetts”, and compares the judge’s response to the reactions of “free men”, Thoreau concludes that he would “rather trust to the sentiment of the people. In their vote you would get something of some value”; while in the case of the judge you would only get “the trammled judgment of an individual” (1973, p. 97).

In addition, Thoreau was humorously shocked when he heard that the representative of a Cape Cod town was not accepted in the House of Representatives as a “fisherman” until his title was changed to the allegedly more honorable one of “master mariner” (Thoreau 1906, vol. IX, p. 454). This is relevant because Thoreau considers the inhabitants of Cape Cod as the prototype of the Pilgrim, “the citizen of the small, intimate community built around shared and deeply held ideals” (Taylor 1996, p. 55). In general, he is always disappointed when he discovers that wealth alone can win his neighbors’ respect—he does not find that democratic at all.

Thoreau’s opposition to monarchy and aristocracy is explicit. After visiting Walt Whitman, he rejoices that Whitman’s democratic poetry makes “kings and aristocracy go by the board at once, as they have long deserved to” (Thoreau 1958, pp. 441–2). He sees the change from a monarchic to a democratic form of government as a step forward, democracy implying a “true respect for the individual” (Thoreau 1973, p. 89). Against Whitman’s negative judgment—he said

Thoreau's great fault was "disdain for men", an "inability to appreciate the average life" (Harding 1982, p. 374)—there are journal passages (23/8/1851) in which Thoreau expresses his desire not "to be confined to woods and fields and grand aspects of Nature only", because the greatest and wisest aspects "will still be related to men" (Thoreau 1906, vol. II, p. 421; see also his *Journal* entry for 2/8/1852: 1997, pp. 270–1).

Right from his early essays (published in 1975), Thoreau was a consistent advocate of public, free, democratic education—a position he fully developed in the "Reading" chapter of *Walden*. Thoreau sometimes looks like the arch-enemy of all tradition, but he is nonetheless aware that "past generations have spent their blood and strength for us" (1906, vol. XII, p. 242). There are several journal passages in which he is reminded of the towns that surround his birthplace, and finds it "cheering to think that it is with such communities that we survive or perish" (1906, vol. IV, p. 274). Although reluctantly aware that "we belong to the community" (1971, p. 46), he is also comforted by the image of the village as a "true *community*, small enough to be fully comprehended, made up of [...] individuals, whose self-reliance would be nurtured by familiar association and mutual respect" (Moller 1980, p. 90).

## 7. CONCLUSION: THOREAU'S RELEVANCE TODAY

In this paper I have argued that Thoreau's political identity was essentially hybrid or divided. I have related this division to his concern with private and public autonomy, which in turn reflects a dynamic mixture of the liberal and the democratic traditions in Western political philosophy. The mixture makes Thoreau's political self a divided one. This is not completely new, since according to Stephen Mulhall (1998), Thoreau and Emerson share a "perfectionist conception of the self as ineluctably split or doubled"; this forms the basis of a capacity to change one's conception of the good in the name of a better state of self and society. If this view is correct, Thoreau's perfectionism could work as a supplement to prevailing accounts of liberalism (Rawlsian and, more generally, Kantian), since a non-autonomous self, Mulhall argues, cannot internalize the moral law which should govern relations with others in a democratic society.

As a result of this reading of Thoreau, canonical and marginal interpretations of his life and work as a radical individualist and anarchist lose somewhat of their force. The liberal and democratic traditions, as rhetorical devices, work together towards a justification of the liberal democratic state. Of course, they also work to de-legitimize (and therefore to justify dissent and disobedience) those states that are not liberal or democratic. Being both a liberal and a democrat, as I have been arguing, it is not surprising that Thoreau chose not to "run amok" against the state. This way of reading his work also confirms that the distinction between liberal and democratic, when posed as a dichotomy, "captures neither the quality of human political experience nor that of political theorists who have written about it" (Strong 1992, p. 3). Although Thoreau's reputation in political theory remains full

of controversy and cliché, we can conclude that his relevance to contemporary politics is as great as ever.

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