

The Mexican-American War- testing the theory of a Just War

By Mary Waite

In the 1820s, a new belief, that people had a God-given right and ability to conquer their world, took hold of the American psyche. This new optimism fostered westward expansion and the great inventive spirit that resulted in substantial transportation and communication advances of the age. The Mexican War, which required mass mobilization of American forces to a (then) distant frontier, was the culmination of the “progress” of the early part of the 19th century. While the war was a consequence of the events building in the first part of the century, it also marked a critical turning point in American history.

The war would ultimately reshape the nature of American geography, politics and foreign relations, not necessarily in positive ways. It resulted in arguably the most significant land-grab in American history, roughly increasing the size of the then United States by one-third, which reduced the territory of the state of Mexico by one-half. It also changed the way the United States was perceived by its Latin neighbors. Before the war, the United States was recognized as a benign “big brother” who at least postured to protect the newfound sovereignty of the Latin Republics behind the Monroe Doctrine. After the war, Latin Republics became more suspect of their neighbor to the North and her motives. Big Brother was becoming Big Bully.

Finally, the war launched the debate over slavery into the center of American life and politics. Until the war, most mainstream politicians were grudgingly willing to accept slavery where it already existed. The Missouri Compromise (1820) had provided a system of admitting states to the Union that seemed to respect the desire for equity in

the Senate: for every slave state that entered the Union, a free state entered along side it. However, the potentially significant spread of slavery suggested by the territorial gains of the Mexican War aroused indignation among many moderate northerners. After the war, tensions over the expansion of slavery would continue to erupt until the nation found itself faced with, as Seward said, an irrepressible conflict. Thus, the Mexican War reopened the wounds that caused the Civil War.

For all these reasons, the Mexican War deserves careful study and consideration. Yet it is often overlooked by teachers with limited time focusing on what are perceived to be more dramatic steps towards disunion. This is unfortunate and not just for historical reasons. Despite our nation's rapidly growing Hispanic population, there are few places in our curriculum that focus on Latin American history. A general study of the Mexican War allows Americans to have a deeper understanding of their cultural diversity and the causes of conflict between Americans in the late 1840s. The Mexican War also provides rich material for a study in character education. It can be argued that the Americans provoked war against the Mexicans so they could illegally seize Mexican land. This action on the part of the American government and the counter-reaction to it from many Americans and Mexicans brings into question our perception of virtue and war.

Through the lesson here, teachers explore with their students the concept of a just war, as initially defined by Catholic scholars and later adopted by many ethicists and politicians. How we define a just war and whether justice should be our prime concern when declaring a war are fundamental questions the teacher will explore with his/her students. In addition, teachers will guide their students through an exploration of protest against the Mexican War. As students read the words of Thoreau and others, they will

explore the question, “When is it lawful to protest an unjust war?” As they complete this unit, students should be encouraged to define the virtues they need in order to act against injustice that they perceive around them and to actively practice these virtues in their own lives.

This character education unit is conceived as part of a secondary honors or an Advanced Placement American history course. The unit will take from twelve to fourteen days to complete. The curriculum is centered on the Internalizing Virtue Framework. Content knowledge, research skills and primary source knowledge are essential skills for the history student. The coursework at this level demands students complete a number of readings on the nature of a Just War and the history of the Mexican War. Students will engage in some general research that includes analysis of primary source documents relative to the Mexican War.

The introduction of just war principles and the application of the principles of a just war to the Mexican-War should raise student awareness of the ethical problems inherent in declaring war and force them to look more deeply at contemporary political motives for engaging another state in conflict. The analysis of the motives of various individuals connected with the war, motives often hidden behind false virtue, should help students to sift more carefully through the words and actions of pretenders who infest every aspect of our world today. As they compare those false individuals with characters like Thoreau who were willing to sacrifice their comfort and livelihood for their beliefs, students should be inspired by the courage and fortitude of those who fight against injustice. Students will then be inspired to examine more closely their own reactions to injustice, considering what habits they must develop so that they too can react against

injustice. As they seek out real opportunities to practice these habits, they will reflect about their journey of growth and discuss the insecurities that they initially and perhaps continually faced as they struggled to hold true to their virtuous path.

Evaluation of student gains and knowledge will take place in varied forms to give proper respect to the varied learning skills of the students. Students will engage in a number of Socratic seminar discussions that debate the fundamentals of just war, the motives of various individuals connected with the Mexican-American War, and the virtues these individuals may (or may not) have demonstrated, as well as the application of just war principles and principles of justice to contemporary life. Students will also work in small groups to further define the principles of just war, crafting scenarios that represent their understanding of the principles. The Socratic seminars and small group discussions in this unit allow students to practice expressing and defending their views as well as demonstrate their understanding of class content. Students will also participate as witnesses, attorneys or jurors in a trial based on the Mexican War. Students will complete substantial research on the history of the Mexican War and key individuals connected to the war. During the course of their research, students will be expected to read and analyze primary source documents, demonstrating their ability to read in the content area and assess historical figures in their historical context. The performance aspect of the trial provides an opportunity for students to become familiar with trial court procedure and, at the same time, perform dramatically in front of their classmates. They will be evaluated based on the quality of their performance as well as its content. Finally, they will submit written work in the form of essays, reaction papers and proposals that

demonstrate their ability to comprehend, analyze and evaluate subject matter content and to internalize and act upon key virtues discussed in the unit.

This lesson is based upon the I-V (Internalizing Virtues) Framework. An explanation of the Framework as applied to the lesson follows.

Raise Awareness of Virtue

Examination of Just War Theory- Small group then Socratic Seminar-

Students will examine Just War theory and the five principles of Just War theory to

explore further the concept of justice in war. The principles are fairly broad so students will work together in small groups to further refine such ideas as a just cause for war, what a proper authority is, what a right intention is for war, what a reasonable chance of success really means and how to determine appropriate ends and means in war. They will try to apply their refined definitions to real and imagined scenarios to test their application. As they work together in small groups and then, later through Socratic seminar discussion, students should further refine their own concepts of justice in war and in other realms of everyday life.

Inspire Understanding of Virtue

The United States on Trial- Who is virtuous?

One of the central activities for this unit is a trial in which the State of Mexico is suing the United States for unjustified aggression in the Mexican War of 1848. Using the trial as a backdrop, students will examine the events of the war and the motives of the United States' government when declaring this war. Through extensive research including primary source analysis, they will prepare as attorneys, witnesses and (for those witnesses not chosen to participate in the trial) jurors. As witness testimony is heard, students will examine the motives of the witnesses for supporting or opposing this war. They will try

to determine whether each witness is virtuous or simply trying to use “justice” as a guise for other motives. Ultimately, the jurors will determine the verdict by applying the rules of a just war to the conduct of the United States. The class will then confer in a Socratic Seminar on the place of justice in war.

Henry David Thoreau, On the Duty of Civil Disobedience

Students will examine the following question: “In a republic, what is lawful protest to what we believe is unjust?” They will examine the actions and writings of Henry David Thoreau whose peaceful opposition to the war resulted in jail time. His refusal, based on his opposition to slavery, inspired later figures such as Gandhi and Martin Luther King, Jr. After reading Thoreau’s life and work, students will examine Thoreau in a seminar discussion during which they will define the virtues necessary to fight against injustice and explain why people sometimes know right action but do not act.

Action/ Opportunity to Practice

Students will be required to apply the lessons of Thoreau to their own lives and then act against injustice. Directions for students are further delineated below.

A Call to Action- A Reflection on the lessons of Thoreau. “How can I react against injustice?”

Part One- The Plan To answer this question- you must identify injustice that has bothered you in the past but you have either not reacted against or not reacted against to the degree you believe is possible. You must explain why you have been reticent in the

past to act (what has kept you from acting). Finally, you must come up with a plan of action detailing how you plan to react against this injustice. **Due in three days**

Reflection

A Call to Action-Reflections on the lessons of Thoreau

Part Two- The Action- As part of your final examination grade, you must bring in evidence (photographs, letters to senators, etc.) demonstrating how you have fulfilled your plan. You must also write a one-page letter to me explaining what you found difficult about this experience, what you found fulfilling, and what you plan to continue to do to fight against injustice. **Due at the final examination.**

A Position Paper- Students must demonstrate an understanding of just war principles as applied to the Mexican War. As they write, they must take a stand on the war- was it an example of justice in action? Directions for students are included below.

Purpose of the Paper: To answer the question: “Was the United States’ War against Mexico in 1848 a just war?” (The paper may either be an in-class essay or take-home paper).

To answer this question- you must apply the five principles of a just war to the Mexican-American conflict.

Your paper should include essential facts about the history of the conflict, the progression of the war and its results. You must also include references to the testimony of at least 3 witnesses.

Your paper must include an introduction, five paragraphs (to explore each of the principles of a just war) and a conclusion.

Remember- the fundamental virtue you are focusing on is JUSTICE.

Educator references.

There are a wide variety of sources available on the Internet for someone interested in completing a general study of the Mexican-American War. There are also a series of exhaustive histories available for a student wishing to pursue the topic more in depth. After sifting through a number of these, I found the following websites and texts most helpful as references for teachers guiding student research and discussion on this topic.

Barnes, David M. CPT. "Intervention and the Just War Tradition." 23 Nov. 2007

<<http://www.usafa.edu/isme/JSCOPE00/Barnes00.html>>

This site, written by CPT David M. Barnes from the Department of English at the United States Military Academy at West Point, provides an in depth analysis of the just war principles. As part of his analysis, the author explains why wars fought against human rights abuses deserve to be considered just wars. He also provides justification for peaceful intervention, again, tied to the just war tradition. This is an interesting reading for the teacher, leading the conversation on just war, to read and then use to extract helpful questions to provoke further class discussion. The reading is well sourced; teachers can use the extensive footnotes to guide their own research deeper into this issue.

Christensen, Carol and Thomas. The U.S. Mexican War. Dallas, KERATV, 1998.

This book on the U.S. Mexican War provides a solid and balanced overview of the war and allows the teacher to probe this war in depth. It is a companion to the PBS series on the war.

Drexler, Kenneth and Mark Hall. "National Expansion and Reform, 1815-1860."

Primary Sources in American History. 28 Nov. 2007

<http://www.loc.gov/rr/program/bib/ourdocs/PrimDocsHome.html>

This document provides access to a number of primary sources digitized by the Library of Congress. It includes resources cited for use in the lesson, including the speeches of Abraham Lincoln and James K. Polk on the war. It also includes a number of other works related to war that could enrich students' study of the time, including map and song collections of the war. The creators of the site also included a basic slideshow on the war as well as a history of the Treaty of Guadalupe Hidalgo. Finally, the site includes references to other helpful places on the web for study.

"Expansion Era" and "Civil War Era." TeachingAmericanHistory.org. 25 Nov. 2007.

<http://www.teachingamericanhistory.org>.

This site provides excellent primary sources for the Mexican War. Primary sources used in this lesson and included on the site include Henry Clay's "Speech on the Mexican-American War" (1847), John L. O'Sullivan's article, "Manifest Destiny", William Lloyd Garrison's *Letter on the Mexican-American War (1847)*, John C. Calhoun's speech on the Conquest of Mexico (1848), and Abraham Lincoln's *Speech Against the Mexican-*

American War (1848). In addition to materials applicable to this lesson, the site includes many excellent resources for educators, including seminars and grant opportunities.

Ferraro, Vincent. "Documents relating to American Foreign Policy Pre-1898". Mount Holyoke College. 24 Nov. 2007. <<http://www.mtholyoke.edu/acad/intrel/wilmot.html>>.

Vincent Ferraro, PhD, provides an extensive list of primary source documents relating to the war, including numerous letters from the generals and soldiers at the front. This site is very helpful for someone seeking to expand their use of primary sources into the conduct of the war.

Gray, Tom. "Teaching with Documents: The Treaty of Guadalupe Hidalgo". National Archives. 26 Nov. 2007. <<http://www.archives.gov/education/lessons/guadalupe-hidalgo/#documents>>.

This site includes some useful references to Nicholas Trist, who engineered the Treaty of Guadalupe Hidalgo. It also includes some primary source documents related to Trist's negotiation of the treaty as well as a document analysis sheet. One complaint, the documents seem rather difficult to read although you can access some via the site in the PDF version.

Moseley, Alexander. "Just War Theory." Internet Encyclopedia of Philosophy. 23 Nov. 2007 <<http://www.iep.utm.edu/j/justwar.html>>.

This reading provides a solid overview of just war theory and the Jus Ad Bellum principles (principles that guide declarations of war) and the Jus In Bello Principles

(principles that of just conduct during war). The author explains that each principle is fairly vague and the problems that result from various understandings of sovereignty and what constitutes a just war (for example). I would assign the first part of this reading (on just war theory and Jus Ad Bellum) to students preparing for the first day's discussion on just war principles. The Mexican War lesson presented here does not delve into the conduct of the war per say. However, teachers could apply the second part of the reading as they see fit.

Mueller, Jean West and Wynell B. Schamel. "Lincoln's Spot Resolutions." *Social Education* 52, 6 (October 1988): 455-457, 466.

<<http://www.archives.gov/education/lessons/lincoln-resolutions>>.

This article is included as part of a lesson on Lincoln's Sport Resolutions contained on the National Archives site. The article provides a short, incisive, overview of the war including some of the major characters discussed in the class lesson I designed. The National Archives site also includes the primary source document on Lincoln Spot Resolution. Again, I found this document somewhat difficult to read.

Tiatorio, Antonio. "Manifest Destiny." The Ethics Workbook II: American History. 20 Nov. 2007. <http://www.ethicsineducation.com/>

This site is part of an all-inclusive curriculum program for instituting the study of ethics into history courses. The program focuses on considering ethical decision-making in its historical context and often as a result of the real material conditions inherent within a particular culture. Students are encouraged to understand this cause and effect and then consider the application of key ethical concepts, such as the allegiance to a group, to their

own lives. Students explore the motives behind behavior rather than seeing individuals or individual cultures as representatives of virtue. The chapter on Manifest Destiny sheds new light on the writings of Abraham Lincoln, John L. O'Sullivan, President James K. Polk and Charles Sumner.

"US Mexican War: 1846-1848". PBS. 24 Nov. 2007.

<<http://www.pbs.org/kerawar/educators/>>

This site includes some interesting materials for educators who wish to delve more deeply into the War and the personalities associated with it. The site includes suggested lessons, primary sources (including maps, letters, posters and lessons) an interactive timeline, maps on the war, biographies of key individuals involved in the war and histories written by Mexican, Indian and American historians. It also includes an extensive video library of clips from the PBS video PBS/KERA documentary "The U.S.-Mexican War (1846-1848)". Finally, the site also includes helpful links to other sites on the US-Mexican War.

PBS also has links to some of their other related movie productions including *Remember the Alamo*, *Ulysses S. Grant* and *New Perspectives on the West*. Each of these includes lesson plans and suggested resources to use with students while viewing the film. *Remember the Alamo*, in my estimation, was not a notable film. The most useful of these films is *The West*. The primary sources included here are substantial and user-friendly for a unit on westward expansion, which may culminate in a discussion of the Mexican-American War.

Guide for Witness and Primary Source Analysis, including bibliographic references.

During the course of the lesson, students will research certain individuals connected with the Mexican-War. In some cases, students must read key primary sources that represent the viewpoints of these individuals on the Mexican-American War. What follows is a short introduction for educators to each of these individuals' views as well as a bibliographic reference for each of the primary sources listed in the lesson.

Abraham Lincoln. Lincoln challenged the Mexican-American War as a war of aggression. In his speech before Congress, Lincoln demanded to know the exact “spot” where General Taylor’s men had been attacked by Mexican forces to determine whether the United States had provoked the incident by being on Mexican soil. His *Spot Resolutions* can be accessed on a number of Internet sites, including <http://www.loc.gov/rr/program/bib/ourdocs/PrimDocsHome.html>.

Henry David Thoreau. He was imprisoned due to his refusal to pay a poll tax to support the war. Thoreau’s conscientious objection to the war was largely rooted in his belief that the war was a war of aggression and would result in the expansion of slavery. His writing, On the Duty of Civil Disobedience, will be read and examined by all students as part of the lesson. It can be accessed at < <http://www.constitution.org/civ/civildis.htm>>.

Santa Anna. He was the Mexican dictator who opposed the Americans during much of the Mexican-American War.

James Slidell. He was an American ambassador to Mexico authorized by Polk to purchase California. The Mexicans rejected the author and Slidell’s mission.

Sam Houston. He was the President of the Lone Star Republic (Texas) who campaigned to have Texas recognized as a state within the American Republic.

James K. Polk. As President of the United States, he declared war against Mexico, asserting that the Mexicans had been the aggressors against the United States. His *First Inaugural Address* and *Declaration of War* can be accessed at <http://www.loc.gov/rr/program/bib/ourdocs/PrimDocsHome.html>.

David Wilmot. As a Congressional Representative, David Wilmot originally supported the policies of Polk in Mexico, including the initiation of the War. However, he ultimately came to fear the dominance of the South in American politics. His sponsorship of the Wilmot Proviso, prohibiting the extension of slavery into lands acquired as a result of the war, reflected that fear. The Wilmot Amendment can be accessed at <http://www.mtholyoke.edu/acad/intrel/wilmot.htm>.

Zachary Taylor. He was the US General whose forces first clashed with Mexican forces, giving Polk the impetus necessary to call for a Declaration of War. Taylor became known as the Hero of Buena Vista, for his actions in the War. He was elected to succeed Polk as president in 1848, largely based on his war-hero status.

Nicholas Trist. He was the American ambassador who negotiated the Treaty of Guadalupe Hidalgo. For his initial lack of success and prodigious explaining, Polk recalled him before the treaty was completed. Trist defied Polk's recall and remained to complete the treaty in terms highly favorable to the United States. However, he retained

the animosity of Polk. Later Trist seems to have regretted certain points of the treaty as unfair to Mexico.

John L. O'Sullivan. Democratic columnist and editor who first coined the phrase "Manifest Destiny" in 1839. His writings support the idea that Americans have a God-given destiny to conquer and dominate the entire American continent. An excerpt from "The Great Nation of Futurity" on *Manifest Destiny* (1839) can be accessed at the Internet site, <<http://www.mtholyoke.edu/acad/intrel/html>>. The complete article can be found as "The Great Nation of Futurity," *The United States Democratic Review*, Volume 6, Issue 23, pp. 426-430 in *The Making of America Series* at Cornell University.

Charles Sumner. Charles Sumner was a politician and abolitionist opposed to the Mexican war and the expansion of slavery into new territories in 1848. Ultimately he would be a central Radical Republican. His Report on the War with Mexico can be accessed at the Internet site, www.ethicsineducation.com/Workbook%20II%20SE.pdf.

William Lloyd Garrison. Garrison was a radical abolitionist, best known for his newspaper, *the Liberator*. He was vehemently opposed to the war and the spread of slavery. His *Letter on the Mexican-American War* (July 1, 1847) can be accessed at the following Internet site, <http://www.teachingamericanhistory.org>.

John C. Calhoun. He was a South Carolina politician and defender of slavery and state's rights from the War of 1812 to his death in 1850. He opposed the war on the grounds that it would increase sectional tensions over the issue of slavery. His speech

against the war, *Conquest of Mexico* (1848) can be accessed at

<http://www.teachingamericanhistory.org>.

John Quincy Adams. Former American President. He opposed the war as unjust.

Winfield Scott. He was an experienced general who served in the Mexican War. He suffered from clashes with his own officers and with President Polk. Polk recalled him after five months in service. Scott is generally thought of as the most influential American general in the first half of the nineteenth century.

Captain John C. Fremont. As a frontiersman and explorer, he embraced the concept of Manifest Destiny espoused by John L. O'Sullivan and others. During the course of the Mexican War, he took it upon himself to seize California from the Mexicans.

Henry Clay. Whig Senator from Kentucky who lost the presidency to Polk in 1844. Fearful of alienating "Conscience Whigs" and yet still trying to play to expansionist sentiments, he "straddled the fence" on the question of whether to admit Texas as a state into the Union. His speech on the Mexican-American War can be accessed at the Internet Site, <http://www.teachingamericanhistory.org>.

John Tyler. Tyler was the 'lame-duck' American president when President Polk was elected in 1844. "Disowned" by the Whig Party due to his seemingly pro-Democratic and Pro-Southern sentiments, he was thought to be a president without a party. He interpreted Polk's election as a mandate to admit Texas as a state using the constitutionally questionable means of a joint resolution.

James R. Lowell. He was a New England writer who satirized the American war in his fictional work, the *Bigelow Papers*. Using one of his characters, Joshua Bigelow as a mouthpiece, Lowell attacked the war as merely an excuse to extend slavery. The complete text of the *Bigelow Papers* can be purchased at Amazon.com or most booksellers.

Lesson- Was the United States War Against Mexico a “Just War”?

Exploring the virtue of Justice (Conforms to MA Standards USI.26 E,F,G,H)

Day One-

- Teacher Introduction to Unit- Mexican War, Manifest Destiny and the Question of Justice
- Teacher introduction to virtues-
 - A. What are virtues? What are cardinal virtues- justice, temperance, fortitude and courage?
 - B. Which of these virtues is most involved when we make the decision, as a republic, to invade another country? (Is it right to do so, is it **just**?)
- Socratic seminar discussion- Key question- What is a just war? Supporting questions- what makes it acceptable for the United States (or any country) to invade another? What conditions have to exist? Give examples from history. (Teachers should record responses)

Homework due for discussion Day Two- Reading and Questions from The Internet Encyclopedia of Philosophy. *Just War Theory*

Day Two-

- Brief Introduction/ Lecture- Just War Theory (justum bellum)- rules that govern the justice of war- its declaration (Just Ad Bellem Convention) and conduct (Jus In Bello principles). Developed from the Catholic tradition- Augustine and later St. Thomas Aquinas (outlined 3) and added to by subsequent philosophers/ ethicists. Desire to reconcile Biblical tradition, “thou shalt not kill” and Jesus’ message of pacifism with perceived necessity of war.
- Our focus- the Principles that govern the justice of declaring war (Just Ad Bellem)
- On board list the principles of the justice of war:
 1. Having a just cause
 2. Being declared by a proper authority
 3. Possessing right intention
 4. Having reasonable chance of success
 5. The ends being proportional to the means

- Teacher divides class into five groups (one per principle) and instructs students as follows:
 1. Discuss what your principle means (analyze it)
 2. Discuss any difficulty that it presents when one tries to explain it or apply it to different situations. Ask yourselves- is it dangerous or useful for the principle to be vague?
 3. Explain how your group interpreted this principle
 4. Craft an example of a real or fictional intervention that meets the criteria as you interpret it. Be prepared to present it to the class.
 5. Craft an example of a real or fictional intervention that meets the criteria as you interpret it. Be prepared to present it to the class.
- Small Group Work on principles- Allow remainder of class period to complete analysis. If groups seem done, the teacher may choose to initiate presentations.

Homework- Bailey, Thomas A. ed. The American Pageant. Students should review and complete questions on pages 282-287- *The Lone Star of Texas Flickers, Texican or Mexican and Texas: An International Derelict*. Students must also complete reading and questions on Chapter 18, *Manifest Destiny and its Legacy, 1841-1848* pages 380-392 (to the outbreak of hostilities).

Day Three-

I. Continuation- Just War Principles Discussion-

Small group presentations on Just War Principles- Teachers should encourage students to define their definitions of Just War Principles in terms of the virtue of justice. Students should also be encouraged to evaluate the principles as effective or ineffective.

- Teacher summary- Reevaluation of our own ideas about a just war? Do we feel the Just War Principles are adequate? Why or why not?

II. Teacher Introduction to Fundamental Unit Question- Was the Mexican War a Just War? And subsequent trial.

1. Did it reflect a just cause?
2. Was it declared by a proper authority?
3. Did those who declared it possess right intention?
4. Was there a reasonable chance of success?
5. Were the ends being proportional to the means?

The United States on Trial. Teacher explanation of the Trial- In order to explore this question we will hold a mock trial.

In this mock trial, the Plaintiff, the state of Mexico, will assert that the United States of America, the Defendant, was an unjustified aggressor in the Mexican War.

Each side will attempt to justify their position according to the rules that govern a just war. The jury must sift through the arguments to determine which position is truly just, based on careful examination and analysis of the motives that governed the United States' declaration of war against Mexico. Each side and each witness will present their actions as just. The jury must sift through these arguments to determine whether the witnesses speak from a position of justice or try to hide less noble motives behind a guise of virtue.

B. Overview of the case and the Fundamental Arguments- A question of justice.

The Prosecution- Representing the State of Mexico

1. Main argument- There was no excuse for aggression, the aggression was unjust and the aggressors lacked virtue
2. The Background- Events that provoked the declaration of war
3. The Progression of War
4. The Results of the War (Spoils of the War)- Treaty of Guadalupe Hidalgo

The Defense- Representing the Government of the United States of America

1. Main argument- There was justification for war
2. The Background- Events that provoked the declaration of war
3. The Progression of the War
4. The Results of the War (Fruits of the War)- Treaty of Guadalupe Hidalgo

- C. Explanation of Roles- You will be divided into either attorneys (teams of three for the prosecution and defense) or witnesses. Witnesses will be responsible for researching their character. (See Witness sheet). Attorneys must prepare background information on the case and interview witnesses to determine their relevance to the case (See Attorney Sheet). Ultimately each set of attorneys will choose three witnesses for their side. (See Juror sheet). The remaining witnesses will become part of the jury, to decide the verdict- Was the United States an unjustified aggressor against the Mexicans?

List of Witnesses and key speeches/ legislation to be considered (when applicable)

Abraham Lincoln- *Spot Resolutions, Speech Against the Mexican-American War (1847)*

Henry David Thoreau- On Civil Disobedience (excerpt)
Santa Anna
James Slidell
Sam Houston
James K. Polk- *First Inaugural Address, Declaration of War*
David Wilmot- *Wilmot Proviso*
Zachary Taylor
Nicholas Trist
John L. O'Sullivan- *Manifest Destiny, 1839, The Great Nation of Futurity, 1845*
Charles Sumner- *Report on the War with Mexico, April 1847*
William Lloyd Garrison- *Letter on the Mexican-American War, July 1, 1847*
Winfield Scott
John Quincy Adams
John C. Calhoun- *Conquest of Mexico (1848)*
Captain John C. Fremont
Henry Clay- *Speech on the Mexican-American War (1847)*
John Tyler
James R. Lowell- *Bigelow Papers*

Day Four- Library Research

Day Five-

Class Discussion/ Lecture- Manifest Destiny- What does it mean? How was Manifest Destiny (the concept) reflective of the American psyche at this time? How was it justified? (God).

* Lecture/ Discussion of homework questions on history of the Mexican-Texas conflict to the outbreak of hostilities between the United States and Mexico.

Key topics discussed-

1. How had Texas gained her independence?
2. When and why did President Jackson recognize the Lone Star Republic?
3. What predicaments did Texas face after independence?
4. Why did some Americans feel an independent Texas was a threat to national security?
5. How did the Texas question affect the candidates' platforms in the Election of 1844 and the subsequent electoral results?
6. What actions did President Tyler take with respect to Texas after the Election of 1844? Why did he believe he had the right to do this? Why were his actions constitutionally questionable?
7. What objectives did President Polk outline for his presidency?
8. How did Mexico stand in the way of the fulfillment of these objectives?
9. What overtures did President Polk make to Mexico prior to the declaration of war? How did the Mexicans respond?

10. Did President Polk provoke War with Mexico? Explain (during class discussion, highlight the Nuances River and Rio Grande River on a map).

Homework- Conclude reading on Chapter 18 with the Mastering of Mexico (pages 393-398). Complete assigned questions on chapter.

Day Six- Research

Day Seven-

*Continue Lecture/ Discussion on the Mexican War- Collect questions on Mexican War and its aftermath and discuss

1. What was Santa Anna's role in the War?
2. Describe the progression of the War? Where were the Americans' greatest successes? Where did the Americans struggle?
3. What difficulties did American generals face when fighting this war? Explain.
4. What problems did Trist and Polk face when negotiating with Santa Anna? Explain.
5. What were the terms of the Treaty of Guadalupe Hidalgo? Illustrate American territorial acquisitions on a map.
6. Why was Polk anxious to have the Treaty passed as soon as possible? Explain.
7. Describe the immediate and long-term effects of the Mexican War on the United States.

Day Eight- Research

Homework- Depositions must be presented in character on Day 9

Day Nine/ Day Ten- Depositions must be presented in character. (Quiz grade)

Lawyers must choose individuals who best support their case

Witnesses discuss which individuals are most virtuous and why.

Lawyers announce results, chosen witnesses consult with attorneys, remaining witnesses become jurors

Homework- Read *On the Duty of Civil Disobedience*, by Henry David Thoreau, 1849 due Day Twelve

Day Ten/ Day Eleven- Attorneys meet with Witnesses to develop direct questioning and finalize case.

Day Twelve- The Case of the Mexico v. United States

Opening Statement- Prosecution

Opening Statement- Defense

Prosecution's Case

Witness 1- Direct

Defense Cross
Witness 2- Direct
Defense Cross
Witness 3 –Direct
Defense Cross

Defense's Case
Witness 1- Direct
Prosecution Cross
Witness 2- Direct
Prosecution Cross
Witness 3- Direct
Prosecution Cross

Closing Statement- Defense
Closing Statement- Prosecution

Jury Evaluation- Presentation of Findings- Was the United States an unjustified aggressor in the Mexican War? The Juries' application of Just War Principles to the behavior of the United States in the Mexican War.

SOCRATIC SEMINAR- Class seminar discussion- Does the class agree? Was the United States virtuous? Why or why not? Explain. Who were the most virtuous witnesses? Explain.

- Do people sometimes hide their true intent behind a “virtuous façade”? Explain. Did any of the witnesses do this? Explain.
- Can you think of other times in which people have done this? In your life? Etc.
- Why is it sometimes difficult to discern a person's true motives?
- Does it matter to us whether a war is just when we agree to fight it? Why or why not?
- What about the statement, “All's fair in love and war?” Is it reasonable and effective to have rules to govern when a nation goes to war? Should virtues such as justice be a main determinant or more worldly concerns- natural resources, etc.

Homework- Thoreau, On the Duty of Civil Disobedience, due Day Thirteen

Day Thirteen- Question- the Unjust War.

Socratic Seminar introduction- If the country (a republic) declares a war that you feel is unjust, do you, as a citizen of that republic, have the responsibility to support that war? Explain. If not, what type of protest is legitimate? What kind is not? What is stepping over the line? (Try to apply Kant's higher level reasoning here)

* What would be the reasons for supporting the government? (Anywhere from fear of punishment (level 1) desire to be a good citizen

*What would be the reasons for not supporting the government? In a republic, what is lawful protest to what we believe is an unjust war, if any?

Seminar Discussion of Thoreau- How does Thoreau protest the war? Do you agree with his actions? Do you believe it was easy for him to make this kind of protest? How did he suffer, if at all? What virtues does he illustrate?

- Can you think of any other examples of people that have stood up against causes they believed were unjust? Explain. How did they suffer as a result (if at all)? What virtues did they show?
- Thoreau wrote in 1849, in response to the Mexican War and the expansion of slavery. Can you think of any injustice that is happening today, in foreign lands, or perhaps in the United States? Do you feel that you can do anything to stop this injustice? Are you doing anything? Why or why not?
- Is there any injustice that you see happening locally, around you? Do you feel that you can do anything to stop this injustice? Are you doing anything? Why or why not?
- Why is it sometimes easier to see injustice than actually act against it? What do we fear? What virtues do we admire in people like Thoreau? How can we make these virtues become our own?

Evaluation- To conclude this unit, you must complete two writing assignments-

Writing Assignment One- A Position Paper- To answer the question- Was the United States' War against Mexico in 1848 a just war? (Either an in-class essay or take-home paper).

To answer this question- you must apply the five principles of a just war to the Mexican-American conflict.

Your paper should include essential facts about the history of the conflict, the progression of the war and its results. You must also include references to the testimony of at least 3 witnesses.

Your paper must include an introduction, five paragraphs (to explore each of the principles of a just war) and a conclusion.

Remember- the fundamental virtue you are focusing on is JUSTICE.

Writing Assignment Two- A Call to Action- A Reflection on the lessons of Thoreau. To answer the question- How can I react against injustice?

Part One- The Plan To answer this question- you must identify injustice that has bothered you in the past but you have either not reacted against or not reacted against to the degree you believe is possible. You must explain why you have been reticent in the past to act (what has kept you from acting). Finally, you must come up with a plan of action detailing how you plan to react against this injustice. **Due in three days**

Part Two- The Action- As part of your final examination grade, you must bring in evidence (photographs, letters to senators, etc.) demonstrating how you have fulfilled your plan. You must also write a one-page letter to me explaining what you found difficult about this experience, what you found fulfilling and what you plan to continue to do to fight against injustice. **Due at the final examination.**

Worksheet #1 Questions on the Internet Encyclopedia of Philosophy Reading on Just War.

1. **What is the just war tradition?**

2. **When, historically, have just war conventions been applied in war?**

3. **Define the following terms:**
Jus Ad Bellem Convention-

Just In Bello Principles-

4. **(A) List the five principles that constitute the Jus Ad Bellem Convention.**
(B) Then, briefly define each.
(C) Finally, briefly explain the problems that arise with each principle when trying to apply it to war. Are there any ways in which the principle seems lacking? Does it cover all the ‘bases’? Is it too vague? Explain.

1.

2.

3.

4.

5.

Worksheet #2

Attorney Sheets *The State of New Mexico vs. The United States of America*

Directions- You are an attorney in the upcoming criminal proceeding, *The State of New Mexico vs. The United States of America*. In this criminal proceeding, the plaintiff, the State of Mexico, is charging that the United States was an unjustified aggressor in the war forced against them in 1848 based on the five principles of a just war. You must prepare a case as either the plaintiff (prosecution) or defendant (defense) (Note- this will be assigned). **You must argue that the war was either just or unjust by applying the principles of a just war to the case.**

In order to prepare for this trial, you must gather background about the case. You should also begin to find specific arguments that will aid your case. As you develop your case, you will have the opportunity to question witnesses as to their knowledge about the Mexican War and its aftermath. After you have interviewed all potential witnesses, you must select three you will testify on behalf of your client. The opposing counsel will also select witnesses. **The witnesses you chose should appear virtuous. Their testimony should help underscore that your position is one of virtue.** Witnesses who are not selected will become part of the jury. They will judge the trial and write an opinion on the trial.

On the day of the trial each side will present an opening statement presenting an overview of their case. In your opening statement you should detail the main points your side will make and how the witnesses will prove your argument is correct. After the opening statements, each side will question their witnesses (direct their witnesses). You will have the opportunity to develop questions with your witnesses that will best support your case. You will also have the responsibility to cross-examine the witnesses of the opposing side. Here you want to make certain you get the witnesses to say what will help your case (and not what will hurt it). After the testimony of the witnesses, each side will present a closing statement that gives an overview of the case and explains how your side proved its case much more conclusively than the opposing counsel.

Hint- Lawyerly stuff

1. *In a criminal proceeding- the Burden of Proof is on the Prosecution to prove the guilt of the defendant (in this case the United States) beyond a reasonable doubt*
2. *Opening statements should be unemotional, to the point, provide an overview*
3. *Directing the witness- designed to be open-ended questions (not yes or no); designed to allow the witness room to testify to the facts that support your case*
4. *Cross the witness- designed to force the opposing counsel's witness to contradict himself/ herself; should be yes or no*
5. *Closing statements- much more emotional than openings, designed to review the facts of the case (as viewed by your side) and convince the jury that your case is much stronger than that of the opposing counsel.*

You will receive a grade for your participation in the trial. You will also be tested on the Mexican War and its aftermath after completion of the Trial.

To prepare for the trial, you must complete the following research:

1. Review- what are the five principles of a just war?
2. What is your argument?
3. Background information- What were the events that provoked a declaration of war? Refer to a map.
4. Describe the progression of the war.
5. What were the terms of the Treaty of Guadalupe Hidalgo?
6. What were other results of the war?
7. How can I justify my case based on the five principles of a just war?

8. What witnesses support my arguments? Explain. (Use witness deposition sheets during testimony).

Worksheet #3

Witness Sheets *The State of Mexico vs. The United States of America*

Directions- You are a potential witness in the upcoming criminal proceeding, ***The State of Mexico vs. The United States of America***. In this criminal proceeding, the plaintiff, the State of Mexico, is charging that the United States was an unjustified aggressor in this war. Both the plaintiff and the defense will question you during a witness selection process. The purpose of this process is to determine what information you may hold regarding these allegations. It is expected that you will be fully prepared to answer any and all questions regarding your personal history, your connection to the conflict, your attitudes regarding this conflict and the motivating factors that may have made you biased for or against the plaintiff. You may or may not be chosen as a witness in the criminal trial that is to follow witness selection. All individuals NOT chosen will become part of the jury. They will judge the trial and submit a written opinion on the trial. You will receive a quiz grade for your participation in the trial.

To refresh your memory about the events relative to the trial, you must research and fill out the sheet below. In some cases, you will be expected to be familiar with certain personal writings and speeches your witness has made. Note- do not be limited by these questions on this sheet but delve deeply into the history, character and point of view of your assigned witness.

One final point, in this trial, you are defending your position relative to the Mexican War. Your testimony should give strength to either the prosecution or the defense's arguments. Therefore, it is important that you present your testimony from a position of virtue if that was the way in which your historical figure justified his position (expect to see justice as a smokescreen in many cases to hide other more base motives).

1. Who are you?
2. What is some basic (and important) personal history? Birth and death dates, residence, early career, occupation(s), economic status, etc.?

3. What are your political affiliations? Sentiments?
4. What role (if any) did you play in the Mexican War conflict and its aftermath?
5. Are there any specific actions you took or documents you wrote regarding the war? Explain what these were.
6. How did the war ultimately affect you? Explain.
7. Did you support the United States' declaration of war against Mexico?
8. Now (in 1850) do you believe the United States' War against Mexico was a necessary war?
9. Now (in 1850) Do you believe the United States' War against Mexico was a just or an unjust war? Explain, citing the basis of your views. Apply just war principles to your analysis.
10. How is your attitude towards the United States' declaration of war against Mexico tied to your political affiliations, personal sentiments (regarding the institution of slavery), economic status, etc. Did you have any ulterior motives in your support or lack of support for the war?

Worksheet #4
Juror Sheets *The State of Mexico v. The United States of America*

Directions- You have been chosen as a juror in the criminal proceeding, *the State of Mexico v. The United States of America*. It is your responsibility to determine if the United States of America was an unjust aggressor against Mexico. This is a criminal proceeding. Therefore, burden of proof rests with the plaintiff (the State of Mexico). Thus, the plaintiff must convince you beyond a reasonable doubt that the United States was an unjustified aggressor in this war. Furthermore, you as a jury must be unanimous in your decision-making.

To determine whether this was a just or unjust war, you must apply the five principles of a just war to the actions of the United States against Mexico. Your interpretation of these principles is essential to the verdict in this case. You must also carefully consider the testimony of witnesses for the plaintiff and defense as well as evidence produced by both sides. Do the witnesses seem virtuous in their own attitudes and actions towards the war? Does their testimony and the evidence produced in the trial suggest that the actions of the United States were just? You must decide.

After the closing arguments, the jury will convene in a closed session to consider the case. You will be expected to produce your verdict before the end of the class period. If a unanimous decision cannot be reached, it will be considered to be a hung jury. You must defend your verdict both in class as a group and then in a personal written opinion of the trial. Your work will be graded.

JUROR NOTE SHEETS

| | | Plaintiff | Defendant |
|-------------------------------------------|---------------------------------------|-----------|-----------|
| Opening Statement- | Key points | | |
| Witness One (Plaintiff) _____ | | Direct | Cross |
| Witness Two (Plaintiff) _____ | | Direct | Cross |
| Witness Three (Plaintiff) _____ | | Direct | Cross |
| | Witness One (Defense) _____ | Cross | Direct |
| | Witness Two (Defense) | Cross | Direct |

| | | | |
|-------------------|----------------------------|-------|--------|
| | Witness Three (Defense) | Cross | Direct |
| Closing Arguments | Key points | | |

Reflection – How did each side attempt to justify the war in terms of just war principles?

| Just War Principles | Plaintiff | Defendant |
|------------------------------------------|-----------|-----------|
| Having a just cause | | |
| Being declared by a proper authority | | |
| Possessing right intention | | |
| Having reasonable chance of success | | |
| The ends being proportional to the means | | |

Which side was more compelling? The Plaintiff or Defendant? Explain.

Worksheet #5

Witness Deposition Analysis sheets

| Witness | Key background info | Involvement in war | Motives | Credible Witness? (virtuous)? | Plaintiff (P) or Defense (D) witness |
|----------------------------------------------------------------------|---------------------|--------------------|---------|-------------------------------|--------------------------------------|
| Abraham Lincoln- <i>Spot Resolutions</i> | | | | | |
| Henry David Thoreau- <u>On Civil Disobedience</u> (excerpt) | | | | | |
| Santa Anna | | | | | |
| James Slidell | | | | | |
| Sam Houston | | | | | |
| James K. Polk- <i>First Inaugural Address, Declaration of War</i> | | | | | |
| David Wilmot- <i>Wilmot Proviso</i> | | | | | |
| Zachary Taylor | | | | | |
| Nicholas Trist | | | | | |
| John L. O'Sullivan- <i>The Great Nation of</i> | | | | | |

| | | | | | |
|-------------------------------------------------------------------------------------------------|--|--|--|--|--|
| <i>Futurity, 1845</i> | | | | | |
| Charles Sumner- <i>Report on the War with Mexico, April 1847</i> | | | | | |
| William Lloyd Garrison- <i>Letter on the Mexican- American War, July 1, 1847</i> | | | | | |
| Winfield Scott | | | | | |
| John Quincy Adams | | | | | |
| John C. Calhoun | | | | | |
| Captain John C. Fremont | | | | | |
| Henry Clay | | | | | |
| John Tyler | | | | | |
| James R. Lowell- <i>Bigelow Papers</i> | | | | | |

| | | | | | |
|-----------------------------------------------------------------------|--|--|--|--|--|
| | | | | | |
| Abraham Lincoln- <i>Spot Resolutions</i> | | | | | |
| Henry David Thoreau- <u>On Civil Disobedience</u> (excerpt) | | | | | |

Worksheet 6 Questions

Henry David Thoreau
On the Duty of Civil Disobedience
[1849, original title: **Resistance to Civil Government**]

1. Who, in Thoreau's opinion, is responsible for the Mexican War?
2. What is Thoreau's view of the American government? What we should hope for with our government?
2. What does Thoreau believe is the danger in the power of the majority?
3. Why does Thoreau reject the law as a final moral authority?
4. What does Thoreau see as the role of heroes, patriots, martyrs and reformers? How does Thoreau see these people regarded by the state?
5. Why does Thoreau feel he must rebel against the government?
6. Who are the opponents to reform in Massachusetts?

7. Explain what Thoreau means when he states, “There are nine hundred and ninety-nine patrons of virtue to one virtuous man”.

8. How does Thoreau justify his refusal to pay taxes to the government?

9. In a nation that imprisons men unjustly, where does Thoreau believe is the only place for a just man?

10. When does Thoreau believe a minority is irresistible? What examples does he give? What position can such a minority put the government in?

11. Complete the following statement... In Thoreau’s opinion, the more money you have, the less _____ you have. Explain why he believes this.

12. Why was Thoreau imprisoned? How did he feel about it?

13. What methods does Thoreau believe a government uses when imprisoning individuals? What part of a man is the government unable to touch?

14. Why did Thoreau agree to pay his highway taxes and school taxes? Explain.

15. Complete the following statement... In Thoreau's words, "There will never be a really free and enlightened State until..."

****** Consider the reading. Then, answer the questions that follow.**

1. What does it mean to be a conscientious objector? Feel free to use a dictionary to help you. How is Thoreau a conscientious objector?

2. Is Thoreau virtuous? What qualities does he have of a virtuous man?

3. Was Thoreau right, in your opinion? Explain.

4. If you were Thoreau, would you have made the same choices? Explain.

Class Reading #1- From The Internet History of Philosophy

Just War Theory

Just-war theory deals with the justification of how and why wars are fought. The justification can be either theoretical or historical. The theoretical aspect is concerned with ethically justifying war and forms of warfare. The historical aspect, or the “just war tradition” deals with the historical body of rules or agreements applied (or at least existing) in various wars across the ages. For instance international agreements such as the Geneva and Hague conventions are historical rules aimed at limiting certain kinds of warfare. It is the role of ethics to examine these institutional agreements for their philosophical coherence as well as to inquire into whether aspects of the conventions ought to be changed.

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[##HEADER]1. Introduction[/HEADER##]

Historically, the just-war tradition—a set of mutually agreed rules of combat—commonly evolves between two similar enemies. When enemies differ greatly because of different religious beliefs, race, or language, war conventions have rarely been applied. It is only when the enemy is seen to be a people with whom one will do business in the following peace that tacit or explicit rules are formed for how wars should be fought and who they should involve. In part the motivation is seen to be mutually beneficial—it is preferable to remove any underhand tactics or weapons that may provoke an indefinite series of vengeance acts. Nonetheless, it has been the concern of the majority of just war theorists that such asymmetrical morality should be denounced, and that the rules of war should apply to all equally; that is, just war theory should be universal.

The just-war tradition is as old as warfare itself. Early records of collective fighting indicate that some moral considerations were used by warriors. They may have involved consideration of women and children or the treatment of prisoners. Commonly they invoked considerations of honour: some acts in war have always been deemed dishonourable, whilst others have been deemed honourable. Whilst the specifics of what is honourable differ with time and place, the very fact of one moral virtue has been sufficient to infuse warfare with moral concerns.

The just war theory also has a long history. Whilst parts of the Bible hint at ethical behaviour in war and concepts of just cause, the most systematic exposition is given by Saint Thomas Aquinas. In the *Summa Theologicae* Aquinas presents the general outline of what becomes the just war theory. He discusses not only the justification of war but also the kinds of activity that are

theory. He discusses not only the justification of war, but also the kinds of activity that are permissible in war. Aquinas's thoughts become the model for later Scholastics and Jurists to expand. The most important of these are: Francisco de Vitoria (1486-1546), Francisco Suarez (1548-1617), Hugo Grotius (1583-1645), Samuel Pufendorf (1632-1704), Christian Wolff (1679-1754), and Emerich de Vattel (1714-1767). In the twentieth century it has undergone a revival mainly in response to the invention of nuclear weaponry and American involvement in the Vietnam war. The most important contemporary texts include Michael Walzer's *Just and Unjust Wars* (1977), Barrie Paskins and Michael Dockrill *The Ethics of War* (1979), Richard Norman *Ethics, Killing, and War* (1995), Brian Orend *War and International Justice* (2001) and Michael Walzer on *War and Justice* (2001), as well as seminal articles by Thomas Nagel "War and Massacre", Elizabeth Anscombe "War and Murder", and a host of others, commonly found in the journals *Ethics* or *The Journal of Philosophy and Public Affairs*.

Since the terrorist attacks on the USA on 9/11 academics have turned their attention to just war once again with international and national conventions developing and consolidating the theoretical aspects of the conventions - just war theory has become a popular topic in International Relations, Political Science, Philosophy, Ethics, and Military History courses. Conference proceedings are regularly published, offering readers a breadth of issues that the topic stirs: e.g., Alexander Moseley and Richard Norman, eds. *Human Rights and Military Intervention*, Paul Robinson, ed., *Just War in a Comparative Perspective*, Aleksander Jokic, ed., *War Crimes and Collective Wrongdoing*. What has been of great interest is that in the headline wars of the past decade, the dynamic interplay of the rules and conventions of warfare not only remain intact on the battlefield but their role and hence their explication have been awarded a higher level of scrutiny and debate. Generals have extolled their troops to adhere to the rules, soldiers are taught the just war conventions in the military academies, yet war crimes continue - genocidal campaigns have been waged by mutually hating peoples, leaders have waged total war on ethnic groups within or without their borders, and individual soldiers or guerilla bands have committed atrocious, murderous, or humiliating acts. Yet increasingly, the rule of law - the need to hold violators and transgressors responsible for their actions in war - is making headway onto the battlefield. In chivalrous times, the Christian crusader could seek absolution for atrocities committed in war; today, the law courts are less forgiving. Nonetheless, the idealism of those who seek the imposition of law and responsibility on the battlefield (cf. Geoffrey Robinson's *Crimes Against Humanity* (1999)), often runs ahead of the traditions and customs that demean or weaken the *justum bellum* that may exist between warring factions. And in some cases, no just war conventions exist at all. In such cases, the ethic of war is considered, or is implicitly held to be, beyond the norms of peaceful ethics and therefore deserving a separate moral realm where "fair is foul and foul is fair" (Shakespeare, *Macbeth* I.i). In such examples (e.g. Rwanda 1994), a people's justification of destructiveness and killing to whatever relative degree they hold to be justifiable in this amoral world, triumphs over attempts to establish the laws of peaceful interaction into this separate bloody realm, and in some wars, people fighting for their land or nation prefer to pick up the cudgel rather than the rapier, as Leo Tolstoy notes in *War and Peace* (Book 4.Ch.2), to sidestep the etiquette or war in favour securing their land from occupational or invading forces.

Against the just war (*justum bellum*) are those of a skeptical persuasion who do not believe that morality can or should exist in war. There are various positions against the need or the possibility

of morality in war. Generally, consequentialists and act utilitarians may claim that if victory is sought then all methods should be employed to ensure it is gained at a minimum of expense and time. Arguments from 'military necessity' are of this type; for example, to defeat Germany in World War II, it was deemed necessary to bomb civilian centers, or in the US Civil War, for General Sherman to burn Atlanta. However, intrinsicists may also decree that no morality can exist in the state of war, for they may claim it can only exist in a peaceful situation in which recourse exists to conflict resolving institutions. Or intrinsicists may claim that possessing a just cause (the argument from righteousness) is a sufficient condition for pursuing whatever means are necessary to gain a victory or to punish an enemy. A different skeptical argument, one advanced by Michael Walzer, is that the invention of nuclear weapons alters war so much that our notions of morality—and hence just-war theories—become redundant. However, against Walzer, it can be reasonably argued that although such weapons change the nature of warfare they do not dissolve the need to consider their use within a moral framework.

Whilst skeptical positions may be derived from consequentialist and intrinsicist positions, they need not be. Consequentialists can argue that there are long-term benefits to having a war convention. For example, by fighting cleanly, both sides can be sure that the war does not escalate, thus reducing the probability of creating an incessant war of counter-revenges. Intrinsicists can argue that certain spheres of life ought never to be targeted in war; for example, hospitals and densely populated suburbs. The inherent problem with both ethical models is that they become either vague or restrictive when it comes to war. Consequentialism is an open-ended model, highly vulnerable to pressing military needs to adhere to any code of conduct in war: if more will be gained from breaking the rules than will be lost, the consequentialist cannot but demur to military necessity. On the other hand, intrinsicism can be so restrictive that it permits no flexibility in war: whether it entails a Kantian thesis of respecting others or a classical rights position, intrinsicism produces an inflexible model that would restrain warrior's actions to the targeting of permissible targets only. In principle such a prescription is commendable, yet the nature of war is not so clean cut when military targets can be hidden amongst civilian centers.

Against these two ethical positions, just war theory offers a series of principles that aim to retain a plausible moral framework for war. From the just war (*justum bellum*) tradition, theorists distinguish between the rules that govern the justice of war (*jus ad bellum*) from those that govern just and fair conduct in war (*Jus In Bello*). The two are by no means mutually exclusive, but they offer a set of moral guidelines for waging war that are neither unrestricted nor too restrictive. The problem for ethics involves expounding the guidelines in particular wars or situations.

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2. The *Jus Ad Bellem* Convention

The principles of the justice of war are commonly held to be: having just cause, being declared by a proper authority, possessing right intention, having a reasonable chance of success, and the end being proportional to the means used. One can immediately detect that the principles are not wholly intrinsicist nor consequentialist—they invoke the concerns of both models. Whilst this

provides just war theory with the advantage of flexibility, the lack of a strict ethical framework means that the principles themselves are open to broad interpretations. Examining each in turn draws attention to the relevant problems.

Possessing just cause is the first and arguably the most important condition of *jus ad bellum*. Most theorists hold that initiating acts of aggression is unjust and gives a group a just cause to defend itself. But unless 'aggression' is defined, this proscription is rather open-ended. For example, just cause resulting from an act of aggression can ostensibly be responses to a physical injury (e.g., a violation of territory), an insult (an aggression against national honor), a trade embargo (an aggression against economic activity), or even to a neighbor's prosperity (a violation of social justice). The onus is then on the just war theorist to provide a consistent and sound account of what is meant by just cause. Whilst not going into the reasons of why the other explanations do not offer a useful condition of just cause, the consensus is that an initiation of physical force is wrong and may justly be resisted. Self-defense against physical aggression, therefore, is putatively the only sufficient reason for just cause. Nonetheless, the principle of self-defense can be extrapolated to anticipate probable acts of aggression, as well as in assisting others against an oppressive government or from another external threat (interventionism). Therefore, it is commonly held that aggressive war is only permissible if its purpose is to retaliate against a wrong already committed (e.g., to pursue and punish an aggressor), or to pre-empt an anticipated attack.

The notion of proper authority seems to be resolved for most of the theorists, who claim it obviously resides in the sovereign power of the state. But the concept of sovereignty raises a plethora of issues to consider here. If a government is just, i.e., it is accountable and does not rule arbitrarily, then giving the officers of the state the right to declare war is reasonable. However, the more removed from a proper and just form a government is, the more reasonable it is that its sovereignty disintegrates. A historical example can elucidate the problem: when Nazi Germany invaded France in 1940 it set up the Vichy puppet regime. What allegiance did the people of France under its rule owe to its precepts and rules? A Hobbesian rendition of almost absolute allegiance to the state entails that resistance is wrong; whereas a Lockean or instrumentalist conception of the state entails that a poorly accountable, inept, or corrupt regime possesses no sovereignty, and the right of declaring war (to defend themselves against the government or from a foreign power) is wholly justifiable. The notion of proper authority therefore requires thinking about what is meant by sovereignty, what is meant by the state, and what is the proper relationship between a people and its government.

The possession of right intention is ostensibly less problematic. The general thrust of the concept being that a nation waging a just war should be doing so for the cause of justice and not for reasons of self-interest or aggrandizement. Putatively, a just war cannot be considered to be just if reasons of national interest are paramount or overwhelm the pretext of fighting aggression. However, possessing right intention masks many philosophical problems. According to Kant, possessing good intent constitutes the only condition of moral activity, regardless of the consequences envisioned or caused, and regardless, or even in spite, of any self interest in the action the agent may have. The extreme intrinsicism of Kant can be criticized on various grounds, the most pertinent here being the value of self-interest itself. At what point does right intention separate itself from self-interest? On the one hand, if the only method to secure peace is to annex a

belligerent neighbor's territory, political aggrandizement is intimately connected with the proper intention of maintaining the peace. On the other hand, a nation may possess just cause to defend an oppressed group, and may rightly argue that the proper intention is to secure their freedom, yet such a war may justly be deemed too expensive or too difficult to wage; i.e., it is not ultimately in their self-interest to fight the just war. On that account, some may demand that national interest is paramount: only if waging war on behalf of freedom is also complemented by the securing of economic or other military interests should a nation commit its troops. The issue of intention raises the concern of practicalities as well as consequences, both of which should be considered before declaring war.

The next principle is that of reasonable success. This is another necessary condition for waging just war, but again is insufficient by itself. Given just cause and right intention, the just war theory asserts that there must be a reasonable probability of success. The principle of reasonable success is consequentialist in that the costs and benefits of a campaign must be calculated. However, the concept of weighing benefits poses moral as well as practical problems as evinced in the following questions. Should one not go to the aid of a people or declare war if there is no conceivable chance of success? Is it right to comply with aggression because the costs of not complying are too prohibitive? Is it not sometimes morally necessary to stand up to a bullying larger force, as the Finns did when Russia invaded in 1940, for the sake of national self-esteem? Besides, posturing for defense may sometimes make aggression itself too costly, even for a much stronger side. However, the thrust of the principle of reasonable success emphasizes that human life and economic resources should not be wasted in what would obviously be an uneven match. For a nation threatened by invasion, other forms of retaliation or defense may be available, such as civil disobedience, or even forming alliances with other small nations to equalize the odds. Historically, many nations have overcome the probability of defeat: the fight may seem hopeless, but a charismatic leader or rousing speech can sometimes be enough to stir a people into fighting with all their will. Winston Churchill offered the British nation some of the finest of war's rhetoric when it was threatened with defeat and invasion by Nazi Germany in 1940. For example: "Let us therefore brace ourselves to do our duty, and so bear ourselves that, if the British Commonwealth and its Empire lasts for a thousand years, men will still say, 'This was their finest hour.'" ...And "What is our aim?...Victory, victory at all costs, victory in spite of all terror; victory, however long and hard the road may be; for without victory, there is no survival." (Speeches to Parliament, 1940).

The final guide of *jus ad bellum*, is that the desired end should be proportional to the means used. This principle overlaps into the moral guidelines of how a war should be fought, namely the principles of *Jus In Bello*. With regards to just cause, a policy of war requires a goal, and that goal must be proportional to the other principles of just cause. Whilst this commonly entails the minimizing of war's destruction, it can also invoke general balance of power considerations. For example, if nation A invades a land belonging to the people of nation B, then B has just cause to take the land back. According to the principle of proportionality, B's counter-attack must not invoke a disproportionate response: it should aim to retrieve its land. That goal may be tempered with attaining assurances that no further invasion will take place. But for B to invade and annex regions of A is nominally a disproportionate response, unless (controversially) that is the only method for securing guarantees of no future reprisals. For B to invade and annex A and then to continue to invade neutral neighboring nations on the grounds that their territory would provide a

useful defense against other threats is even more unsustainable.

On the whole the principles offered by *jus ad bellum* are useful guidelines. Philosophically however they invoke a plethora of problems by either their independent vagueness or by mutually inconsistent results. They are nonetheless a useful starting point for ethics and remain a pressing concern for statesmen and women.

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3. The Principles Of *Jus In Bello*

The rules of just conduct fall under the two broad principles of discrimination and proportionality. The principle of discrimination concerns who are legitimate targets in war, whilst the principle of proportionality concerns how much force is morally appropriate. One strong implication of being a separate topic of analysis for just war theorists, is that a nation fighting an unjust cause may still fight justly, or vice versa. A third principle can be added to the traditional two, namely the principle of responsibility, which demands an examination of where responsibility lies in war.

In waging war it is considered unfair and unjust to attack indiscriminately since non-combatants or innocents are deemed to stand outside the field of war proper. Immunity from war can be reasoned from the fact that their existence and activity is not part of the essence of war, which is killing combatants. Since killing itself is highly problematic, the just-war theorist has to proffer a reason why combatants become legitimate targets in the first place, and whether their status alters if they are fighting a just or unjust war. Firstly, a theorist may hold that being trained and/or armed constitutes a sufficient threat to combatants on the other side. Voluntarists may invoke the boxing ring analogy: punching another individual is not morally supportable in a civilized community, but those who voluntarily enter the boxing ring renounce their right not to be hit. Similarly, those who join an army renounce their rights not to be targeted in war; the rights of non-combatants (civilians, or 'innocents') remain intact and therefore they cannot be justly attacked. Others, avoiding a rights analysis, may argue that those who join the army (or who have even been pressed into conscription) come to terms with being a target, and hence their own deaths. This is argued for example by Barrie Paskins and Michael Dockrill in *The Ethics of War* (1979). However, since civilians can just as readily come to terms with their own deaths, their argument is not sufficient to defend the principle of discrimination. Rights-based analyses are more productive, especially those that focus on the renouncing of rights by combatants by virtue of their war status, leaving a sphere of immunity for civilians.

Warfare sometimes unavoidably involves civilians. Whilst the principle of discrimination argues for their immunity from war, the practicalities of war provoke the need for a different model. The doctrine of double effect offers a justification for killing civilians in war, so long as their deaths are not intended but are accidental. Targeting a military establishment in the middle of a city is permissible according to the doctrine of double effect, for the target is legitimate. Civilian casualties are a foreseeable but accidental effect. Whilst the doctrine provides a useful justification of 'collateral damage' to civilians, it raises a number of issues concerning the justification of

foreseeable breaches of immunity, as well as the balance to strike between military objectives and civilian casualties.

Another problem arises in defining who is a combatant and who is not. Usually combatants carry arms openly, but guerrillas disguise themselves as civilians. Michael Walzer, in his *Just and Unjust Wars* (1977) claims that the lack of identification does not give a government the right to kill indiscriminately—the onus is on the government to identify the combatants. Others have argued that the nature of modern warfare dissolves the possibility of discrimination. Civilians are just as necessary causal conditions for the war machine as are combatants, therefore, they claim, there is no moral distinction in targeting an armed combatant and a civilian involved in arming or feeding the combatant. The distinction is, however, not closed by the nature of modern economies, since a combatant still remains a very different entity from a non-combatant, if not for the simple reason that the former is presently armed (and hence has renounced rights or is prepared to die, or is a threat), whilst the civilian is not. On the other hand, it can be argued that being a civilian does not necessarily mean that one is not a threat and hence not a legitimate target. If Mr Smith is the only individual in the nation to possess the correct combination that will detonate a device, then he becomes not only causally efficacious in the firing of a weapon of war, but also morally responsible; reasonably he also becomes a legitimate military target. His job effectively militarizes his status. The underlying issues that ethical analysis must deal with involve the logical nature of an individual's complicity, or aiding and abetting the war machine, with greater weight being imposed on those logically closer than those logically further from the war machine in their work. At a deeper level, one can consider the role that civilians play in supporting an unjust war; to what extent are they morally culpable, and if they are culpable to some extent, does that mean they may become legitimate targets? This invokes the issue of collective versus individuality responsibility that is in itself a complex topic.

The second principle of just conduct is that any offence should remain strictly proportional to the objective desired. This principle overlaps with the proportionality principle of just cause, but it is distinct enough to consider it in its own light. Proportionality for *Jus In Bello* requires tempering the extent and violence of warfare to minimise destruction and casualties. It is broadly utilitarian in that it seeks to minimize overall suffering, but it can also be understood from other moral perspectives, for instance, from harboring good will to all (Kantian ethics), or acting virtuously (Aristotelian ethics). Whilst the consideration of discrimination focuses on who is a legitimate target of war, the principle of proportionality deals with what kind of force is morally permissible. In fighting a just war in which only military targets are attacked, it is still possible to breach morality by employing disproportionate force against an enemy. Whilst the earlier theoreticians, such as Thomas Aquinas, invoked the Christian concepts of charity and mercy, modern theorists may invoke either consequentialist or intrinsicist prescriptions, both are which remain problematic as the foregoing discussions have noted. However, it does not seem morally reasonable to completely gun down a barely armed belligerent tribe. At the battle of Omdurman in the Sudan, six machine gunners killed thousands of dervishes—the gunners may have been in the right to defend themselves, but the principle of proportionality demands that a battle ends before it becomes a massacre. Similarly, following the battle of Culloden, Cumberland ordered "No Quarter", which was not only a breach of the principle of discrimination, for his troops were permitted to kill the wounded as well as supporting civilians, but also a breach of the principle of proportionality, since

the battle had been won, and the Jacobite cause effectively defeated on the battle field.

The principles of proportionality and discrimination aim to temper war's violence and range. They are complemented by other considerations that are not taken up in the traditional exposition of *Jus In Bello*, especially the issue of responsibility.

Jus In Bello requires that the agents of war be held responsible for their actions. This ties in their actions to morality generally. Some, such as Saint Augustine argues against this assertion: "who is but the sword in the hand of him who uses it, is not himself responsible for the death he deals." Those who act according to a divine command, or even God's laws as enacted by the state and who put wicked men to death "have by no means violated the commandment, 'Thou shalt not kill.'" Whilst this issue is connected to the concepts of just cause, it does not follow that individuals waging a just, or unjust war, should be absolved of breaching the principles of just conduct. Readily it can be accepted that soldiers killing other soldiers is part of the nature of warfare, but when soldiers turn their weapons against non-combatants, or pursue their enemy beyond what is reasonable, then they are no longer committing legitimate acts of war but acts of murder. The principle of responsibility re-asserts the burden of abiding by rules in times of peace on those acting in war. The issues that arise from this principle include the morality of obeying orders (for example, when one knows those orders to be immoral), as well as the status of ignorance (not knowing of the effects of one's actions).

The foregoing has described the main tenets of the just war theory, as well as some of the problems that it entails. The theory bridges theoretical and applied ethics, since it demands an adherence, or at least a consideration of meta-ethical conditions and models, as well as prompting concern for the practicalities of war. A few of those practicalities have been mentioned here. Other areas of interest are: hostages, innocent threats, international blockades, sieges, the use of weapons of mass destruction or of anti-personnel weapons (e.g., land mines), and interventionism.

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Worksheet 5 Reading and Questions

Henry David Thoreau

On the Duty of Civil Disobedience

[1849, original title: **Resistance to Civil Government**]

I heartily accept the motto, "That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe — "That government is best which governs not at all"; and when men are prepared for it, that will be the kind of government which the will have.

Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient. The objections which have been brought against a standing army, and they are many and weighty, and deserve to prevail, may also at last be brought against a standing government. The standing army is only an arm of the standing government. The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. Witness the present Mexican war, the work of comparatively a few individuals using the standing government as their tool; for in the outset, the people would not have consented to this measure.

This American government — what is it but a tradition, though a recent one, endeavoring to transmit itself unimpaired to posterity, but each instant losing some of its integrity? It has not the vitality and force of a single living man; for a single man can bend it to his will. It is a sort of wooden gun to the people themselves. But it is not the less necessary for this; for the people must have some complicated machinery or other, and hear its din, to satisfy that idea of government which they have. Governments show thus how successfully men can be imposed upon, even impose on themselves, for their own advantage. It is excellent, we must all allow. Yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. It does not keep the country free. It does not settle the West. It does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way. For government is an expedient, by which men would fain succeed in letting one another alone; and, as has been said, when it is most expedient, the governed are most let alone by it. Trade and commerce, if they were not made of india-rubber, would never manage to bounce over obstacles which legislators are continually putting in their way; and if one were to judge these men wholly by the effects of their actions and not partly by their intentions, they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads.

But, to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at one no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases can not be based on justice, even as far as men understand it. Can there not be a government in which the majorities do not virtually decide right and wrong, but conscience? — in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to

assume is to do at any time what I think right. It is truly enough said that a corporation has no conscience; but a corporation on conscientious men is a corporation with a conscience. Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents on injustice. A common and natural result of an undue respect for the law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys, and all, marching in admirable order over hill and dale to the wars, against their wills, ay, against their common sense and consciences, which makes it very steep marching indeed, and produces a palpitation of the heart. They have no doubt that it is a damnable business in which they are concerned; they are all peaceably inclined. Now, what are they? Men at all? or small movable forts and magazines, at the service of some unscrupulous man in power? Visit the Navy Yard, and behold a marine, such a man as an American government can make, or such as it can make a man with its black arts — a mere shadow and reminiscence of humanity, a man laid out alive and standing, and already, as one may say, buried under arms with funeral accompaniment, though it may be,

"Not a drum was heard, not a funeral note,
As his corse to the rampart we hurried;

Not a soldier discharged his farewell shot
O'er the grave where our hero was buried."

The mass of men serve the state thus, not as men mainly, but as machines, with their bodies. They are the standing army, and the militia, jailers, constables, posse comitatus, etc. In most cases there is no free exercise whatever of the judgement or of the moral sense; but they put themselves on a level with wood and earth and stones; and wooden men can perhaps be manufactured that will serve the purpose as well. Such command no more respect than men of straw or a lump of dirt. They have the same sort of worth only as horses and dogs. Yet such as these even are commonly esteemed good citizens. Others — as most legislators, politicians, lawyers, ministers, and office-holders — serve the state chiefly with their heads; and, as the rarely make any moral distinctions, they are as likely to serve the devil, without intending it, as God. A very few — as heroes, patriots, martyrs, reformers in the great sense, and men — serve the state with their consciences also, and so necessarily resist it for the most part; and they are commonly treated as enemies by it. A wise man will only be useful as a man, and will not submit to be "clay," and "stop a hole to keep the wind away," but leave that office to his dust at least:

"I am too high born to be propertied,
To be a second at control,
Or useful serving-man and instrument
To any sovereign state throughout the world."

He who gives himself entirely to his fellow men appears to them useless and selfish; but he who gives himself partially to them is pronounced a benefactor and philanthropist.

How does it become a man to behave toward the American government today? I answer, that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as my government which is the slave's government also.

All men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist, the government, when its tyranny or its inefficiency are great and unendurable. But almost all say that such is not the case now. But such was the case, they think, in the Revolution of '75. If one were to tell me that this was a bad government because it taxed certain foreign commodities brought to its ports, it is most probable that I should not make an ado about it, for I can do without them. All machines have their friction; and possibly this does enough good to counter-balance the evil. At any rate, it is a great evil to make a stir about it. But when the friction comes to have its machine, and oppression and robbery are organized, I say, let us not have such a machine any longer. In other words, when a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize. What makes this duty the more urgent is that fact that the country so overrun is not our own, but ours is the invading army.

Paley, a common authority with many on moral questions, in his chapter on the "Duty of Submission to Civil Government," resolves all civil obligation into expediency; and he proceeds to say that "so long as the interest of the whole society requires it, that it, so long as the established government cannot be resisted or changed without public inconveniency, it is the will of God... that the established government be obeyed — and no longer. This principle being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of the danger and grievance on the one side, and of the probability and expense of redressing it on the other." Of this, he says, every man shall judge for himself. But Paley appears never to have contemplated those cases to which the rule of expediency does not apply, in which a people, as well and an individual, must do justice, cost what it may. If I have unjustly wrested a plank from a drowning man, I must restore it to him though I drown myself. This, according to Paley, would be inconvenient. But he that would save his life, in such a case, shall lose it. This people must cease to hold slaves, and to make war on Mexico, though it cost them their existence as a people.

In their practice, nations agree with Paley; but does anyone think that Massachusetts does exactly what is right at the present crisis?

"A drab of stat,
a cloth-o'-silver slut,

To have her train borne up,
and her soul trail in the dirt."

Practically speaking, the opponents to a reform in Massachusetts are not a hundred thousand politicians at the South, but a hundred thousand merchants and farmers here,

who are more interested in commerce and agriculture than they are in humanity, and are not prepared to do justice to the slave and to Mexico, cost what it may. I quarrel not with far-off foes, but with those who, neat at home, co-operate with, and do the bidding of, those far away, and without whom the latter would be harmless. We are accustomed to say, that the mass of men are unprepared; but improvement is slow, because the few are not as materially wiser or better than the many. It is not so important that many should be good as you, as that there be some absolute goodness somewhere; for that will leaven the whole lump. There are thousands who are in opinion opposed to slavery and to the war, who yet in effect do nothing to put an end to them; who, esteeming themselves children of Washington and Franklin, sit down with their hands in their pockets, and say that they know not what to do, and do nothing; who even postpone the question of freedom to the question of free trade, and quietly read the prices-current along with the latest advices from Mexico, after dinner, and, it may be, fall asleep over them both. What is the price-current of an honest man and patriot today? They hesitate, and they regret, and sometimes they petition; but they do nothing in earnest and with effect. They will wait, well disposed, for other to remedy the evil, that they may no longer have it to regret. At most, they give up only a cheap vote, and a feeble countenance and Godspeed, to the right, as it goes by them. There are nine hundred and ninety-nine patrons of virtue to one virtuous man. But it is easier to deal with the real possessor of a thing than with the temporary guardian of it.

All voting is a sort of gaming, like checkers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it. The character of the voters is not staked. I cast my vote, perchance, as I think right; but I am not vitally concerned that that right should prevail. I am willing to leave it to the majority. Its obligation, therefore, never exceeds that of expediency. Even voting for the right is doing nothing for it. It is only expressing to men feebly your desire that it should prevail. A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority. There is but little virtue in the action of masses of men. When the majority shall at length vote for the abolition of slavery, it will be because they are indifferent to slavery, or because there is but little slavery left to be abolished by their vote. They will then be the only slaves. Only his vote can hasten the abolition of slavery who asserts his own freedom by his vote.

I hear of a convention to be held at Baltimore, or elsewhere, for the selection of a candidate for the Presidency, made up chiefly of editors, and men who are politicians by profession; but I think, what is it to any independent, intelligent, and respectable man what decision they may come to? Shall we not have the advantage of this wisdom and honesty, nevertheless? Can we not count upon some independent votes? Are there not many individuals in the country who do not attend conventions? But no: I find that the respectable man, so called, has immediately drifted from his position, and despairs of his country, when his country has more reasons to despair of him. He forthwith adopts one of the candidates thus selected as the only available one, thus proving that he is himself available for any purposes of the demagogue. His vote is of no more worth than that of any unprincipled foreigner or hireling native, who may have been bought. O for a man who is a man, and, and my neighbor says, has a bone in his back which you cannot pass

your hand through! Our statistics are at fault: the population has been returned too large. How many men are there to a square thousand miles in the country? Hardly one. Does not America offer any inducement for men to settle here? The American has dwindled into an Odd Fellow — one who may be known by the development of his organ of gregariousness, and a manifest lack of intellect and cheerful self-reliance; whose first and chief concern, on coming into the world, is to see that the almshouses are in good repair; and, before yet he has lawfully donned the virile garb, to collect a fund to the support of the widows and orphans that may be; who, in short, ventures to live only by the aid of the Mutual Insurance company, which has promised to bury him decently.

It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even to most enormous, wrong; he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders. I must get off him first, that he may pursue his contemplations too. See what gross inconsistency is tolerated. I have heard some of my townsmen say, "I should like to have them order me out to help put down an insurrection of the slaves, or to march to Mexico — see if I would go"; and yet these very men have each, directly by their allegiance, and so indirectly, at least, by their money, furnished a substitute. The soldier is applauded who refuses to serve in an unjust war by those who do not refuse to sustain the unjust government which makes the war; is applauded by those whose own act and authority he disregards and sets at naught; as if the state were penitent to that degree that it hired one to scourge it while it sinned, but not to that degree that it left off sinning for a moment. Thus, under the name of Order and Civil Government, we are all made at last to pay homage to and support our own meanness. After the first blush of sin comes its indifference; and from immoral it becomes, as it were, unmoral, and not quite unnecessary to that life which we have made.

The broadest and most prevalent error requires the most disinterested virtue to sustain it. The slight reproach to which the virtue of patriotism is commonly liable, the noble are most likely to incur. Those who, while they disapprove of the character and measures of a government, yield to it their allegiance and support are undoubtedly its most conscientious supporters, and so frequently the most serious obstacles to reform. Some are petitioning the State to dissolve the Union, to disregard the requisitions of the President. Why do they not dissolve it themselves — the union between themselves and the State — and refuse to pay their quota into its treasury? Do not they stand in same relation to the State that the State does to the Union? And have not the same reasons prevented the State from resisting the Union which have prevented them from resisting the State?

How can a man be satisfied to entertain an opinion merely, and enjoy it? Is there any enjoyment in it, if his opinion is that he is aggrieved? If you are cheated out of a single dollar by your neighbor, you do not rest satisfied with knowing you are cheated, or with saying that you are cheated, or even with petitioning him to pay you your due; but you take effectual steps at once to obtain the full amount, and see to it that you are never

cheated again. Action from principle, the perception and the performance of right, changes things and relations; it is essentially revolutionary, and does not consist wholly with anything which was. It not only divided States and churches, it divides families; ay, it divides the individual, separating the diabolical in him from the divine.

Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men, generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to put out its faults, and do better than it would have them? Why does it always crucify Christ and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels?

One would think, that a deliberate and practical denial of its authority was the only offense never contemplated by its government; else, why has it not assigned its definite, its suitable and proportionate, penalty? If a man who has no property refuses but once to earn nine shillings for the State, he is put in prison for a period unlimited by any law that I know, and determined only by the discretion of those who put him there; but if he should steal ninety times nine shillings from the State, he is soon permitted to go at large again.

If the injustice is part of the necessary friction of the machine of government, let it go, let it go: perchance it will wear smooth — certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter-friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

As for adopting the ways of the State has provided for remedying the evil, I know not of such ways. They take too much time, and a man's life will be gone. I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad. A man has not everything to do, but something; and because he cannot do everything, it is not necessary that he should be petitioning the Governor or the Legislature any more than it is theirs to petition me; and if they should not hear my petition, what should I do then? But in this case the State has provided no way: its very Constitution is the evil. This may seem to be harsh and stubborn and unconciliatory; but it is to treat with the utmost kindness and consideration the only spirit that can appreciate or deserves it. So is all change for the better, like birth and death, which convulse the body.

I do not hesitate to say, that those who call themselves Abolitionists should at once effectually withdraw their support, both in person and property, from the government of

Massachusetts, and not wait till they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbors constitutes a majority of one already.

I meet this American government, or its representative, the State government, directly, and face to face, once a year — no more — in the person of its tax-gatherer; this is the only mode in which a man situated as I am necessarily meets it; and it then says distinctly, Recognize me; and the simplest, the most effectual, and, in the present posture of affairs, the indispensablest mode of treating with it on this head, of expressing your little satisfaction with and love for it, is to deny it then. My civil neighbor, the tax-gatherer, is the very man I have to deal with — for it is, after all, with men and not with parchment that I quarrel — and he has voluntarily chosen to be an agent of the government. How shall he ever know well that he is and does as an officer of the government, or as a man, until he is obliged to consider whether he will treat me, his neighbor, for whom he has respect, as a neighbor and well-disposed man, or as a maniac and disturber of the peace, and see if he can get over this obstruction to his neighborliness without a ruder and more impetuous thought or speech corresponding with his action. I know this well, that if one thousand, if one hundred, if ten men whom I could name — if ten honest men only — ay, if one *honest* man, in this State of Massachusetts, ceasing to hold slaves, were actually to withdraw from this co-partnership, and be locked up in the county jail therefor, it would be the abolition of slavery in America. For it matters not how small the beginning may seem to be: what is once well done is done forever. But we love better to talk about it: that we say is our mission. Reform keeps many scores of newspapers in its service, but not one man. If my esteemed neighbor, the State's ambassador, who will devote his days to the settlement of the question of human rights in the Council Chamber, instead of being threatened with the prisons of Carolina, were to sit down the prisoner of Massachusetts, that State which is so anxious to foist the sin of slavery upon her sister — though at present she can discover only an act of inhospitality to be the ground of a quarrel with her — the Legislature would not wholly waive the subject of the following winter.

Under a government which imprisons unjustly, the true place for a just man is also a prison. The proper place today, the only place which Massachusetts has provided for her freer and less despondent spirits, is in her prisons, to be put out and locked out of the State by her own act, as they have already put themselves out by their principles. It is there that the fugitive slave, and the Mexican prisoner on parole, and the Indian come to plead the wrongs of his race should find them; on that separate but more free and honorable ground, where the State places those who are not with her, but against her — the only house in a slave State in which a free man can abide with honor. If any think that their influence would be lost there, and their voices no longer afflict the ear of the State, that they would not be as an enemy within its walls, they do not know by how much truth is stronger than error, nor how much more eloquently and effectively he can combat injustice who has experienced a little in his own person. Cast your whole vote, not a strip of paper merely, but your whole influence. A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its whole

weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose. If a thousand men were not to pay their tax bills this year, that would not be a violent and bloody measure, as it would be to pay them, and enable the State to commit violence and shed innocent blood. This is, in fact, the definition of a peaceable revolution, if any such is possible. If the tax-gatherer, or any other public officer, asks me, as one has done, "But what shall I do?" my answer is, "If you really wish to do anything, resign your office." When the subject has refused allegiance, and the officer has resigned from office, then the revolution is accomplished. But even suppose blood shed when the conscience is wounded? Through this wound a man's real manhood and immortality flow out, and he bleeds to an everlasting death. I see this blood flowing now.

I have contemplated the imprisonment of the offender, rather than the seizure of his goods — though both will serve the same purpose — because they who assert the purest right, and consequently are most dangerous to a corrupt State, commonly have not spent much time in accumulating property. To such the State renders comparatively small service, and a slight tax is wont to appear exorbitant, particularly if they are obliged to earn it by special labor with their hands. If there were one who lived wholly without the use of money, the State itself would hesitate to demand it of him. But the rich man — not to make any invidious comparison — is always sold to the institution which makes him rich. Absolutely speaking, the more money, the less virtue; for money comes between a man and his objects, and obtains them for him; it was certainly no great virtue to obtain it. It puts to rest many questions which he would otherwise be taxed to answer; while the only new question which it puts is the hard but superfluous one, how to spend it. Thus his moral ground is taken from under his feet. The opportunities of living are diminished in proportion as that are called the "means" are increased. The best thing a man can do for his culture when he is rich is to endeavor to carry out those schemes which he entertained when he was poor. Christ answered the Herodians according to their condition. "Show me the tribute-money," said he — and one took a penny out of his pocket — if you use money which has the image of Caesar on it, and which he has made current and valuable, that is, if you are men of the State, and gladly enjoy the advantages of Caesar's government, then pay him back some of his own when he demands it. "Render therefore to Caesar that which is Caesar's and to God those things which are God's" — leaving them no wiser than before as to which was which; for they did not wish to know.

When I converse with the freest of my neighbors, I perceive that, whatever they may say about the magnitude and seriousness of the question, and their regard for the public tranquillity, the long and the short of the matter is, that they cannot spare the protection of the existing government, and they dread the consequences to their property and families of disobedience to it. For my own part, I should not like to think that I ever rely on the protection of the State. But, if I deny the authority of the State when it presents its tax bill, it will soon take and waste all my property, and so harass me and my children without end. This is hard. This makes it impossible for a man to live honestly, and at the same time comfortably, in outward respects. It will not be worth the while to accumulate property; that would be sure to go again. You must hire or squat somewhere, and raise but a small crop, and eat that soon. You must live within yourself, and depend upon

yourself always tucked up and ready for a start, and not have many affairs. A man may grow rich in Turkey even, if he will be in all respects a good subject of the Turkish government. Confucius said: "If a state is governed by the principles of reason, poverty and misery are subjects of shame; if a state is not governed by the principles of reason, riches and honors are subjects of shame." No: until I want the protection of Massachusetts to be extended to me in some distant Southern port, where my liberty is endangered, or until I am bent solely on building up an estate at home by peaceful enterprise, I can afford to refuse allegiance to Massachusetts, and her right to my property and life. It costs me less in every sense to incur the penalty of disobedience to the State than it would to obey. I should feel as if I were worth less in that case.

Some years ago, the State met me in behalf of the Church, and commanded me to pay a certain sum toward the support of a clergyman whose preaching my father attended, but never I myself. "Pay," it said, "or be locked up in the jail." I declined to pay. But, unfortunately, another man saw fit to pay it. I did not see why the schoolmaster should be taxed to support the priest, and not the priest the schoolmaster; for I was not the State's schoolmaster, but I supported myself by voluntary subscription. I did not see why the lyceum should not present its tax bill, and have the State to back its demand, as well as the Church. However, as the request of the selectmen, I condescended to make some such statement as this in writing: "Know all men by these presents, that I, Henry Thoreau, do not wish to be regarded as a member of any society which I have not joined." This I gave to the town clerk; and he has it. The State, having thus learned that I did not wish to be regarded as a member of that church, has never made a like demand on me since; though it said that it must adhere to its original presumption that time. If I had known how to name them, I should then have signed off in detail from all the societies which I never signed on to; but I did not know where to find such a complete list.

I have paid no poll tax for six years. I was put into a jail once on this account, for one night; and, as I stood considering the walls of solid stone, two or three feet thick, the door of wood and iron, a foot thick, and the iron grating which strained the light, I could not help being struck with the foolishness of that institution which treated me as if I were mere flesh and blood and bones, to be locked up. I wondered that it should have concluded at length that this was the best use it could put me to, and had never thought to avail itself of my services in some way. I saw that, if there was a wall of stone between me and my townsmen, there was a still more difficult one to climb or break through before they could get to be as free as I was. I did not for a moment feel confined, and the walls seemed a great waste of stone and mortar. I felt as if I alone of all my townsmen had paid my tax. They plainly did not know how to treat me, but behaved like persons who are underbred. In every threat and in every compliment there was a blunder; for they thought that my chief desire was to stand the other side of that stone wall. I could not but smile to see how industriously they locked the door on my meditations, which followed them out again without let or hindrance, and they were really all that was dangerous. As they could not reach me, they had resolved to punish my body; just as boys, if they cannot come at some person against whom they have a spite, will abuse his dog. I saw that the State was half-witted, that it was timid as a lone woman with her silver spoons,

and that it did not know its friends from its foes, and I lost all my remaining respect for it, and pitied it.

Thus the state never intentionally confronts a man's sense, intellectual or moral, but only his body, his senses. It is not armed with superior with or honesty, but with superior physical strength. I was not born to be forced. I will breathe after my own fashion. Let us see who is the strongest. What force has a multitude? They only can force me who obey a higher law than I. They force me to become like themselves. I do not hear of men being forced to live this way or that by masses of men. What sort of life were that to live? When I meet a government which says to me, "Your money our your life," why should I be in haste to give it my money? It may be in a great strait, and not know what to do: I cannot help that. It must help itself; do as I do. It is not worth the while to snivel about it. I am not responsible for the successful working of the machinery of society. I am not the son of the engineer. I perceive that, when an acorn and a chestnut fall side by side, the one does not remain inert to make way for the other, but both obey their own laws, and spring and grow and flourish as best they can, till one, perchance, overshadows and destroys the other. If a plant cannot live according to nature, it dies; and so a man.

The night in prison was novel and interesting enough. The prisoners in their shirtsleeves were enjoying a chat and the evening air in the doorway, when I entered. But the jailer said, "Come, boys, it is time to lock up"; and so they dispersed, and I heard the sound of their steps returning into the hollow apartments. My room-mate was introduced to me by the jailer as "a first-rate fellow and clever man." When the door was locked, he showed me where to hang my hat, and how he managed matters there. The rooms were whitewashed once a month; and this one, at least, was the whitest, most simply furnished, and probably neatest apartment in town. He naturally wanted to know where I came from, and what brought me there; and, when I had told him, I asked him in my turn how he came there, presuming him to be an honest man, of course; and as the world goes, I believe he was. "Why," said he, "they accuse me of burning a barn; but I never did it." As near as I could discover, he had probably gone to bed in a barn when drunk, and smoked his pipe there; and so a barn was burnt. He had the reputation of being a clever man, had been there some three months waiting for his trial to come on, and would have to wait as much longer; but he was quite domesticated and contented, since he got his board for nothing, and thought that he was well treated.

He occupied one window, and I the other; and I saw that if one stayed there long, his principal business would be to look out the window. I had soon read all the tracts that were left there, and examined where former prisoners had broken out, and where a grate had been sawed off, and heard the history of the various occupants of that room; for I found that even there there was a history and a gossip which never circulated beyond the walls of the jail. Probably this is the only house in the town where verses are composed, which are afterward printed in a circular form, but not published. I was shown quite a long list of young men who had been detected in an attempt to escape, who avenged themselves by singing them.

I pumped my fellow-prisoner as dry as I could, for fear I should never see him again; but at length he showed me which was my bed, and left me to blow out the lamp.

It was like travelling into a far country, such as I had never expected to behold, to lie there for one night. It seemed to me that I never had heard the town clock strike before, not the evening sounds of the village; for we slept with the windows open, which were inside the grating. It was to see my native village in the light of the Middle Ages, and our Concord was turned into a Rhine stream, and visions of knights and castles passed before me. They were the voices of old burghers that I heard in the streets. I was an involuntary spectator and auditor of whatever was done and said in the kitchen of the adjacent village inn — a wholly new and rare experience to me. It was a closer view of my native town. I was fairly inside of it. I never had seen its institutions before. This is one of its peculiar institutions; for it is a shire town. I began to comprehend what its inhabitants were about.

In the morning, our breakfasts were put through the hole in the door, in small oblong-square tin pans, made to fit, and holding a pint of chocolate, with brown bread, and an iron spoon. When they called for the vessels again, I was green enough to return what bread I had left, but my comrade seized it, and said that I should lay that up for lunch or dinner. Soon after he was let out to work at haying in a neighboring field, whither he went every day, and would not be back till noon; so he bade me good day, saying that he doubted if he should see me again.

When I came out of prison — for some one interfered, and paid that tax — I did not perceive that great changes had taken place on the common, such as he observed who went in a youth and emerged a gray-headed man; and yet a change had come to my eyes come over the scene — the town, and State, and country, greater than any that mere time could effect. I saw yet more distinctly the State in which I lived. I saw to what extent the people among whom I lived could be trusted as good neighbors and friends; that their friendship was for summer weather only; that they did not greatly propose to do right; that they were a distinct race from me by their prejudices and superstitions, as the Chinamen and Malays are that in their sacrifices to humanity they ran no risks, not even to their property; that after all they were not so noble but they treated the thief as he had treated them, and hoped, by a certain outward observance and a few prayers, and by walking in a particular straight through useless path from time to time, to save their souls. This may be to judge my neighbors harshly; for I believe that many of them are not aware that they have such an institution as the jail in their village.

It was formerly the custom in our village, when a poor debtor came out of jail, for his acquaintances to salute him, looking through their fingers, which were crossed to represent the jail window, "How do ye do?" My neighbors did not thus salute me, but first looked at me, and then at one another, as if I had returned from a long journey. I was put into jail as I was going to the shoemaker's to get a shoe which was mended. When I was let out the next morning, I proceeded to finish my errand, and, having put on my mended shoe, joined a huckleberry party, who were impatient to put themselves under my conduct; and in half an hour — for the horse was soon tackled — was in the midst of a

huckleberry field, on one of our highest hills, two miles off, and then the State was nowhere to be seen.

This is the whole history of "My Prisons."

I have never declined paying the highway tax, because I am as desirous of being a good neighbor as I am of being a bad subject; and as for supporting schools, I am doing my part to educate my fellow countrymen now. It is for no particular item in the tax bill that I refuse to pay it. I simply wish to refuse allegiance to the State, to withdraw and stand aloof from it effectually. I do not care to trace the course of my dollar, if I could, till it buys a man a musket to shoot one with — the dollar is innocent — but I am concerned to trace the effects of my allegiance. In fact, I quietly declare war with the State, after my fashion, though I will still make use and get what advantages of her I can, as is usual in such cases.

If others pay the tax which is demanded of me, from a sympathy with the State, they do but what they have already done in their own case, or rather they abet injustice to a greater extent than the State requires. If they pay the tax from a mistaken interest in the individual taxed, to save his property, or prevent his going to jail, it is because they have not considered wisely how far they let their private feelings interfere with the public good.

This, then is my position at present. But one cannot be too much on his guard in such a case, lest his actions be biased by obstinacy or an undue regard for the opinions of men. Let him see that he does only what belongs to himself and to the hour.

I think sometimes, Why, this people mean well, they are only ignorant; they would do better if they knew how: why give your neighbors this pain to treat you as they are not inclined to? But I think again, This is no reason why I should do as they do, or permit others to suffer much greater pain of a different kind. Again, I sometimes say to myself, When many millions of men, without heat, without ill will, without personal feelings of any kind, demand of you a few shillings only, without the possibility, such is their constitution, of retracting or altering their present demand, and without the possibility, on your side, of appeal to any other millions, why expose yourself to this overwhelming brute force? You do not resist cold and hunger, the winds and the waves, thus obstinately; you quietly submit to a thousand similar necessities. You do not put your head into the fire. But just in proportion as I regard this as not wholly a brute force, but partly a human force, and consider that I have relations to those millions as to so many millions of men, and not of mere brute or inanimate things, I see that appeal is possible, first and instantaneously, from them to the Maker of them, and, secondly, from them to themselves. But if I put my head deliberately into the fire, there is no appeal to fire or to the Maker for fire, and I have only myself to blame. If I could convince myself that I have any right to be satisfied with men as they are, and to treat them accordingly, and not according, in some respects, to my requisitions and expectations of what they and I ought to be, then, like a good Mussulman and fatalist, I should endeavor to be satisfied with things as they are, and say it is the will of God. And, above all, there is this difference

between resisting this and a purely brute or natural force, that I can resist this with some effect; but I cannot expect, like Orpheus, to change the nature of the rocks and trees and beasts.

I do not wish to quarrel with any man or nation. I do not wish to split hairs, to make fine distinctions, or set myself up as better than my neighbors. I seek rather, I may say, even an excuse for conforming to the laws of the land. I am but too ready to conform to them. Indeed, I have reason to suspect myself on this head; and each year, as the tax-gatherer comes round, I find myself disposed to review the acts and position of the general and State governments, and the spirit of the people to discover a pretext for conformity.

"We must affect our country as our parents,
And if at any time we alienate
Out love or industry from doing it honor,
We must respect effects and teach the soul
Matter of conscience and religion,
And not desire of rule or benefit."

I believe that the State will soon be able to take all my work of this sort out of my hands, and then I shall be no better patriot than my fellow-countrymen. Seen from a lower point of view, the Constitution, with all its faults, is very good; the law and the courts are very respectable; even this State and this American government are, in many respects, very admirable, and rare things, to be thankful for, such as a great many have described them; seen from a higher still, and the highest, who shall say what they are, or that they are worth looking at or thinking of at all?

However, the government does not concern me much, and I shall bestow the fewest possible thoughts on it. It is not many moments that I live under a government, even in this world. If a man is thought-free, fancy-free, imagination-free, that which is not never for a long time appearing to be to him, unwise rulers or reformers cannot fatally interrupt him.

I know that most men think differently from myself; but those whose lives are by profession devoted to the study of these or kindred subjects content me as little as any. Statesmen and legislators, standing so completely within the institution, never distinctly and nakedly behold it. They speak of moving society, but have no resting-place without it. They may be men of a certain experience and discrimination, and have no doubt invented ingenious and even useful systems, for which we sincerely thank them; but all their wit and usefulness lie within certain not very wide limits. They are wont to forget that the world is not governed by policy and expediency. Webster never goes behind government, and so cannot speak with authority about it. His words are wisdom to those legislators who contemplate no essential reform in the existing government; but for thinkers, and those who legislate for all time, he never once glances at the subject. I know of those whose serene and wise speculations on this theme would soon reveal the limits of his mind's range and hospitality. Yet, compared with the cheap professions of most reformers, and the still cheaper wisdom and eloquence of politicians in general, his are

almost the only sensible and valuable words, and we thank Heaven for him. Comparatively, he is always strong, original, and, above all, practical. Still, his quality is not wisdom, but prudence. The lawyer's truth is not Truth, but consistency or a consistent expediency. Truth is always in harmony with herself, and is not concerned chiefly to reveal the justice that may consist with wrong-doing. He well deserves to be called, as he has been called, the Defender of the Constitution. There are really no blows to be given him but defensive ones. He is not a leader, but a follower. His leaders are the men of '87. "I have never made an effort," he says, "and never propose to make an effort; I have never countenanced an effort, and never mean to countenance an effort, to disturb the arrangement as originally made, by which various States came into the Union." Still thinking of the sanction which the Constitution gives to slavery, he says, "Because it was part of the original compact — let it stand." Notwithstanding his special acuteness and ability, he is unable to take a fact out of its merely political relations, and behold it as it lies absolutely to be disposed of by the intellect — what, for instance, it behooves a man to do here in America today with regard to slavery — but ventures, or is driven, to make some such desperate answer to the following, while professing to speak absolutely, and as a private man — from which what new and singular of social duties might be inferred? "The manner," says he, "in which the governments of the States where slavery exists are to regulate it is for their own consideration, under the responsibility to their constituents, to the general laws of propriety, humanity, and justice, and to God. Associations formed elsewhere, springing from a feeling of humanity, or any other cause, have nothing whatever to do with it. They have never received any encouragement from me and they never will. [These extracts have been inserted since the lecture was read — HDT]

They who know of no purer sources of truth, who have traced up its stream no higher, stand, and wisely stand, by the Bible and the Constitution, and drink at it there with reverence and humanity; but they who behold where it comes trickling into this lake or that pool, gird up their loins once more, and continue their pilgrimage toward its fountainhead.

No man with a genius for legislation has appeared in America. They are rare in the history of the world. There are orators, politicians, and eloquent men, by the thousand; but the speaker has not yet opened his mouth to speak who is capable of settling the much-vexed questions of the day. We love eloquence for its own sake, and not for any truth which it may utter, or any heroism it may inspire. Our legislators have not yet learned the comparative value of free trade and of freed, of union, and of rectitude, to a nation. They have no genius or talent for comparatively humble questions of taxation and finance, commerce and manufactures and agriculture. 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. For eighteen hundred years, though perchance I have no right to say it, the New Testament has been written; yet where is the legislator who has wisdom and practical talent enough to avail himself of the light which it sheds on the science of legislation.

The authority of government, even such as I am willing to submit to — for I will cheerfully obey those who know and can do better than I, and in many things even those who neither know nor can do so well — is still an impure one: to be strictly just, it must have the sanction and consent of the governed. It can have no pure right over my person and property but what I concede to it. The progress from an absolute to a limited monarchy, from a limited monarchy to a democracy, is a progress toward a true respect for the individual. Even the Chinese philosopher was wise enough to regard the individual as the basis of the empire. Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take a step further towards recognizing and organizing the rights of man? There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. I please myself with imagining a State at last which can afford to be just to all men, and to treat the individual with respect as a neighbor; which even would not think it inconsistent with its own repose if a few were to live aloof from it, not meddling with it, nor embraced by it, who fulfilled all the duties of neighbors and fellow men. A State which bore this kind of fruit, and suffered it to drop off as fast as it ripened, would prepare the way for a still more perfect and glorious State, which I have also imagined, but not yet anywhere seen.
