Disobedient Rhetoric: The Challenges of Pinning Down the Rhetorical Situation in *Civil Disobedience*

Henry David Thoreau, a well known 19th century Transcendentalist, addresses his grievances with the government in his work *Civil Disobedience*. Watching the Mexican War unfold, Thoreau feared the consequences territorial expansion would yield in terms of how much of it would be used for plantation growth and increased slave labor. Thoreau appeals to his audience by urging them to put their conscience above the law. He points to civil disobedience, recommending that his audience “break the laws” that they believe to be “unjust” as the correct path of action. Through his urging of the Massachusetts population to put their conscience above the law, Thoreau exemplifies a response to Bitzer’s idea of a “rhetorical situation.”

Bitzer, when defining a rhetorical situation, states that it comprises three main constituents: exigence, audience, and constraints. Exigence, according to Bitzer, is an “imperfection marked by urgency” (Bitzer 6). In Thoreau’s work, the exigence would be what prompted him to address his opinion on the Mexican War and slavery. The urgency with which Thoreau voices his opinion is meant to address the audience, which Bitzer defines as “persons who are capable of being influenced by discourse and being mediators of change”(Bitzer 7). The audience is not solely composed of the people who could hear what Thoreau says, but the people who will directly implement change from his rhetoric and be the response Thoreau is trying to achieve. The third constituent, constraints, are “persons, events, objects, and relations” which have the ability to modify action and constrain decisions regarding the exigence of the rhetorical situation (Bitzer 8). Constraints serve as expanding factors that can positively modify the
exigence and prompt change, or they can suppress action and negatively affect the exigence of the situation. These three constituents come together to define the rhetorical situation: a “natural context of persons, events, objects, relations, and an exigence which strongly invites utterance” (Bitzer 4). In Thoreau’s essay, his response to his physical surroundings created a mental spark, defining his own exigence.

"HENRY DAVID THOREAU was imprisoned for one night in a jail on this site, July 1846 for refusing to recognize the right of the state to collect taxes from him in support of slavery - an episode made famous in his essay "Civil Disobedience.""

This stone lies walking into Concord from Thoreau’s house in Walden, Massachusetts. It commemorates Thoreau’s imprisonment and the accounts by which he was imprisoned.

At the start of his essay, Thoreau expresses his opposition to the Mexican War. He states that a minority of people are using the government as a tool to accomplish what they want, whereas the general consensus of the people is that they disagree with the ongoing war (Thoreau 1). He then transitions into expressing disdain for paying taxes to a government whose ethics he disagrees with, and the catalyst for this discussion is the U.S. government’s behavior during the Mexican War. The reason for his concern with this historical event had to do with his moral disagreement with slavery. According to Harstad and Resh, many abolitionists, whose viewpoints aligned with Thoreau’s believed that southern slaveholders supported the war because of their desire to acquire land for more slave states (Harstad and Resh 290). With the audience now aware of his moral disagreement with slavery and the ongoing war, and why he
was opposed to paying taxes to subsidize an immoral war, Thoreau then mentions the time he spent a night in jail for refusing to pay his poll taxes. This event prompted the urgency to write this essay, defining the exigence of this piece and contributing to the message of the work as a whole that conscience should be put in front of the law. He establishes his credibility for his beliefs by highlight in his anecdote about his imprisonment, the sacrifice he made for his beliefs. Acknowledging his exigence prompted by his beliefs, Thoreau then tries to compel his audience to take action for their beliefs as he did. But who is the group of people that will take action?

Drawing strong conclusions about the rhetorical situation, especially about Thoreau’s audience, is very challenging given the complex textual history of Civil Disobedience. As Dawson points out, “little is known about the textual history of this essay, which has been printed in two versions with three titles. Only fragments remain of the original manuscript” (Dawson 2). The essay started as an 1848 lecture, titled "On the Relationship of the Individual to the State" and was subsequently published as "Resistance to Civil Government" in 1849. It was reprinted with slightly revised text as ‘Civil Disobedience’ in 1866 and sometimes titled ‘On the Duty of Civil Disobedience’ (Dawson 2). So the “text” exists in both essay and speech form, with multiple titles and with variations. Thoreau was jailed for failing to pay poll taxes in July of 1846, but the first lecture wasn’t until nearly two years later, when in January of 1848, he gave what is likely his first lecture with the material that would eventually become the text for Civil Disobedience.

It would be challenging to reconstruct how that intervening period affects our understanding of and ability to define exigence, audience, and constraints as he delivered a lecture nearly two years after what scholars agree is the triggering episode: Thoreau’s arrest in July of 1846. Scholars know that the lecture was given at the Concord Lyceum. Since the
Lyceum was “formed for the purpose of ‘improvement in knowledge, the advancement of Popular Education, and the diffusion of useful information throughout the community,” and since one scholar claims that Lyceums “spawned adult education in America,” it is likely that the audience included a significant number of ordinary locals—those suited to hearing “popular” topics—which implies ordinary citizens since the programs “were at first free to all town residents” (Concord Lyceum Records 1). So in the audience were undoubtedly Thoreau’s neighbors. While minutes were not recorded during the Concord Lyceum’s 1847-48 season, the secretary of the Lyceum included “‘H D Thoreau of Concord’ in a list of nine speakers who ‘During the Season … lectured before the Lyceum’ (“Henry David Thoreau and the Lyceum Movement 1). According to scholars, Thoreau’s audience were curious about “why he had spent a night in jail rather than pay his poll taxes,” so he transformed his thoughts on his time in jail and rationale for violating the law into a lecture described by one participant as “an admirable statement of the rights of the individual to self-government,” that included Thoreau’s thoughts on “the Mexican War” and “his own imprisonment in Concord Jail for refusal to pay his tax” (“Henry David Thoreau and the Lyceum Movement” 1). The Thoreau institute says that the “the scant evidence” about this first lecture on the topic and one given a few weeks later “suggests that the two lectures were considerably different from one another. (“Henry David Thoreau and the Lyceum Movement” 1). Therefore, when considering the audience of Thoreau’s argument, one must consider not only the location (sometimes a church, sometimes a schoolhouse, and sometimes Town Hall) and how the location affects interaction between speaker and audience, but also the way the text of the speech changed over time (Concord Lyceum Records). The audience is not stable and the text is not stable, which makes it challenging to clearly define audience, exigence, and constraints and challenging to analyze how those elements interact.
Since we have an actual text that evolved from Thoreau’s early speeches, we can consider what we learn about the audience from that document. Thoreau specifically refers to the people of Massachusetts as a group that has failed to take action. Thoreau says that he will “quarrel not with far-off foes, but with those who, near at home, cooperate with, and do the bidding of those far away, and without whom the latter would be harmless” (Thoreau 4). He knows inciting change everywhere is a little unrealistic, so he makes a specific argument relative to the people of Massachusetts. He criticizes the people of Massachusetts for being more interested in agriculture and profiting from the lands than doing what is right (Thoreau 4). By specifically addressing this group of people and trying to prompt change in their behaviors, the immediate audience of Civil Disobedience is the people of Massachusetts, specifically those who were at the Concord Lyceum when Thoreau, curator of the lyceum, gave his speech (“Henry David Thoreau and the Lyceum Movement” 1). To prompt change in this audience, Thoreau takes several approaches.

By alluding to well known historical events, Thoreau urges his audience to see their place in that historical tradition and act in a way that is consistent with its precedents. In the eighth
paragraph of his essay, Thoreau mentions the people’s right to revolt against injustices they may encounter. He then alludes to how when injustice was occurring in the late 18th century, it prompted the American Revolution. While Britain severely oppressed the colonies during this time period, Thoreau argues that the injustices that prompted the American Revolution were not nearly as severe as the discrimination and slavery issues existing in the country at that time, and that those issues were more revolution worthy than the conflicts that previously prompted revolution (Thoreau 3). Later in the text, Thoreau contemplates the consequences for resisting unjust governmental policies. Here, he questions the morality of the wealthy, who would compromise principle to retain or even gain wealth. He states that “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.” In essence, Thoreau believes good conscience is carrying out the same beliefs you had when you had nothing to lose as when you have everything to lose. These beliefs stem from Thoreau’s morality, which prompted him to resist the paying of his taxes initially, leading him to be imprisoned and prompting the exigence of the work.

Another way Thoreau appeals to his audience is by introducing a counterargument. In the ninth paragraph of his essay, Thoreau references Paley, “a common authority with many on moral questions,” who argues for submission to government on the ground of expediency. Thoreau then refutes that claim by stating that justice is a greater concern than expediency. By introducing and refuting a counterargument, Thoreau appeals to those who may disagree with him and then offers a greater solution, demonstrating his ability to acknowledge opposing viewpoints and push forward with his persuasion. It’s possible that Thoreau’s earlier experiences delivering some of this material before a live and interactive audience at the Lyceum could have resulted in his valuing of this technique, and it’s also possible that the content of his
counterarguments, such as the one on the cost of disobeying the law, came from objections he heard from audience members when the essay was still in speech form (Thoreau 10).

After trying to win over the opposing side by showing an understanding of its views, Thoreau then attempts to evoke emotion from his audience. He mentions an election convention in Baltimore, where only a small collection of people congregate. In this congregation, he says, that very few will have individualized opinions, and people vote for one side or another, rather than what’s right. He essentially questions the manhood of those, especially those in power, who will not speak up for justice. At this time period, gender discrimination was prevalent, men were seen as the more powerful figures, so Thoreau targeting their manhood to appeal to their emotion helps prompt action.

In paragraph 14, Thoreau exposes the hypocrisy of those who oppose the war but support it financially—“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.” This establishes credibility and appeals to emotion. Thoreau uses this method again when he answers those who would avoid prison for not paying taxes. Here, he acknowledges one of his constraints: the economic and social difficulty of having a pure conscience and standing up for what one believes in. Thoreau, having spent a night in prison for resisting paying his taxes for 6 years, calls prison “the only house in a slave state in which a free man can abide with honor” (Thoreau 8). He implies that the only way one can reside with good conscience in a slave state is by getting imprisoned for doing the right thing. This not only evokes emotion in the audience, but also prompts change by suggesting a possible course of action Massachusetts residents can take in order to behave ethically. He asserts that the audience can be honorable and make a difference, relating to them and putting them on a common plan to take action.
When Thoreau tells the story of being locked up for not paying poll tax, he asserts, paradoxically, that he was more free than his neighbors in that moment. “I saw that, if there was a wall of stone between me and my townsmen, there was still a more difficult one to climb or break through before they could get to be as free as I was” (Thoreau 11). He feels more free in jail than out because he has been true to his conscience. This appeals to his audience by acknowledging the difficulty of taking action for what’s right, addressing a constraint. His use of an anecdote gives credibility to his assertions about conscience, further evoking emotion in his audience and prompting them to take action.

In paragraph 17 of his text, Thoreau asks a series of rhetorical questions to blame the government. At one point, he asks about the current laws put in place: “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?” This prompts thoughts in the audience about whether they should continue to succumb to unjust governmental practices, or if they should transgress the laws with good conscience to do what’s right. Through the use of powerful language and rhetorical questions, Thoreau catalyzes action in his audience once again.

In the final paragraph, Thoreau describes his ideal state, in which a just government exists at the consent of the governed, and has no authority over private property and goods (Thoreau 16). However, his ideal state is not so easily achievable because certain constraints exist.

The primary constraint Thoreau faces in his argument is the unwillingness of a large portion of the American public to consider his ideas. Those in favor of slavery and the Mexican War, often for economic reasons, are not going to be convinced by his argument. Thus, Thoreau works within his constraints by tailoring his argument to those who may be convinced by it.
paragraph 11, Thoreau acknowledges that not everyone will do the right thing, and says he is not speaking to slave owners but to “merchants and farmers” in Massachusetts. Thoreau states, “It is not so important that many should be as good as you, as that there be some absolute goodness somewhere; for that will leaven the whole lump.” Through this metaphor, Thoreau compares people of conscience with leavening agents in dough: they will help the bread to rise. This concession helps acknowledge that not everyone will take action according to Thoreau’s beliefs on conscience, but those who do take action will be contributing to a good cause, helping to combat slavery.

Thoreau again works within the constraints in paragraph 25, where he directly addresses the concerns of those who agree with him but “cannot spare the protection of the existing government,” and fear the loss of security and prosperity. Here, he makes the point that what we lose through acting against our conscience is greater than what we protect, stating, “It costs me less in every sense to incur the penalty of disobedience to the State than it would to obey.”

Thoreau, in his essay, uses rhetorical questions, appeals to emotion, and establishes his credibility in order to effectively address the constraints, audience, and exigence of his rhetorical situation. These constituents all emerge from the night Thoreau spent in his jail cell, highlighting the exigence of his work. Having addressed the rhetorical situation of this essay, it is up to the audience to decide whether or not it was effective. One audience member, Bronson Alcott, was there at the Concord Unitarian Church when Thoreau gave his speech. According to him, the audience was attentive, and he himself “took great pleasure in this deed of Thoreau’s” (Thoreau’s Lectures before *Walden*). While obviously one man’s opinion of Thoreau doesn’t dictate the speeches’ effectiveness, this source can account for the other audience members’ reactions, and this audience member does in fact fall under the category of the kind of person
Thoreau was looking to target. While we know Thoreau’s essay was effective short term, we can also examine its long term effects. Mahatma Gandhi, a strong enthusiast of practicing civil disobedience to protest Britain’s imperialistic rule over India, credits the origins of his practice to Thoreau’s original text. In his 1942 letter “To American Friends,” Gandhi declares that the people have given him a teacher in Thoreau, and that he was furnished by Thoreau’s “Civil Disobedience,” as it gave him “scientific confirmation” about the stances he was taking in Africa (Hendrick 462). The fact that an extremely powerful and successful political force at that time had so much influence almost a century later displays the effectiveness of Thoreau’s work. Another example of Thoreau’s effectiveness is Martin Luther King Jr, a prominent civil rights activist in the mid 20th century. King, when in Birmingham, Alabama, states that during his college days, he read a lot of Thoreau’s work.
He came to the conclusion from his readings that “non-cooperation with evil is as much a moral obligation as is cooperation with good” (Powell 26). King went on to practice civil disobedience to accomplish social justice and to oppose discrimination, and was effective as the Civil Rights Act of 1964 was passed, banning discrimination based upon the account of skin color. Thoreau’s call for civil disobedience not only influenced those in his time period, but also decades later in movements with other goals. Through the impact of his ideas throughout history, the audience can recognize that Thoreau’s lectures and writings were effective.
Works Cited


"Concord Lyceum Records, 1828-1928: Special Collections: Concord Free Public Library."


