

Opening an Aperture for Thoreau's Wild Ethics

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Thoreau belongs to a broad tradition of moral philosophy that flourishes in the work of Nietzsche and Kierkegaard, Hegel and Carlyle, and earlier in the work of Plato, Aristotle, and the Stoics. Granted some exceptions, of course, this broad tradition -- moral philosophy on a grand scale -- is not in ascendancy today, given academic specialization within philosophy and its sub-disciplines. Religious ethics, as we understand it today, is a sub-sub-discipline. Before the early 20th century, the themes we study now under the rubric would be merged within much larger projects, losing any distinctive edge. In the rush toward professionalization and specialization within modern universities, getting Thoreau's wild ethics in view involves two steps each of which attempt to roll back these developments. Over half of this essay will involve a kind of stage-setting. The essay as a whole is a prolegomena to a full treatment of Thoreau's ethics, but in the course of preparation, we will get a good sense of the overall prospect.

The preliminary step is recovering an expanded understanding of ethics itself, making the viewing aperture wide enough and setting enough depth of field, to see Thoreau properly. A lens provided by Charles Taylor gives a

panoramic view of what he felicitously calls the corrals, meadows, and forests of ethics. Then, to give historical depth, we need to consider what Stanley Bates calls Great Moral Theory. This will prepare us to sketch, under five headings, Thoreau's wild ethics. As it turns out, this wild ethics, encompassing religious ethics, is wild not merely in virtue of being so often focused on tangled natural settings and landscapes, on wild plants and animals. It is a wild ethics in virtue of a 'wild,' unruly feature of his very conception of ethics – so I'll argue.

First, then to Taylor, who proposes that ethics inhabits three contrasting but flowingly connected regions of discourse, comportment, and intelligibility. What does he mean in calling them the corrals, meadows, and forests?

Three Aspects to Ethics

Ethics has a rigorous forensic aspect with which we're quite familiar. It takes moral codes and behaviors as the object of discussion: what can *ethics* say in defense of common *moral* principles and practices of justice (and in critique of their absence)? It sketches and defends *prohibitions or principles* (say, Utilitarian or Kantian or Intuitionist in structure) that are thought to ground individual moral decisions and social practices. Religious ethics, in this narrow construal, might ask whether morals or ethics requires a religious foundation, and if so, of what sort. Charles Taylor calls this forensic region of argumentation and efforts toward formal legitimation the *corrals* of the ethics estate.¹

A second aspect of ethics emerges as we move out of the fenced regions and adjacent workshops where academics contest their reconstructions, to find open fields where ethics wears the aspect of *virtues and their absence*. Here the philosopher or theologian will sketch a vivid portrait of friendship or courage, compassion or greed or villainy. The point is not to seek justification under the authority of law or common moral practice, but to seek out living examples, exemplars of an excellence we hope others agree is such, and to get an insider's feel of that excellence or virtue, say compassion, that we might assimilate it. Ethics then means attending to an expanse of living, searching for what's best in it, and giving an account, or noting an insidious vice, that we might avoid it. Taylor calls this region the outlying *meadows and fields*. In contrast to the argumentation or forensic systematics of a John Rawls or Derek Parfit, imaginative roaming, followed by detailed narrative description of particular instances of worthy comportment (and its absence), gives us orientation here. Although narratives of virtues and vices do not cohere as a logical system, in the work of Alasdair MacIntyre, Jane Austin, or Martha Nussbaum, we find that they can produce portraits of persons in ongoing relationships with others, oneself, and the world that drive home the contours of figures both alluring and reprehensible. Here we find religious and non-religious excellences mixed. Generosity can wear either secular or religious colors.

A third site of the ethical (or ethico-religious) reflection is a site of exposure, the place beyond Taylor's corrals and meadows, the forests, often dark,

sometimes dappled in redeeming light. I think of the exposure of Job to inexplicable suffering, or Dante's venture into the dark woods of the soul, or W. E. Sebald's haunting evocations of the devastation of cities in Germany after the Second World War. This is not ethics as principles or prohibitions, nor as virtues and vices. It is ethics as negotiating danger and risk to itself – that is ethics as finding myself *exposed in the wild*. This is a place of contingency and terror, bursts of light and new-found serenity, destruction of souls and redemptions that come with letting each new step be a transfiguration of self.

If one wishes, this aspect of ethics can easily be cast as a specifically *religious* vulnerability, where imagination, passion, will, and sensibility each play a part: their engagement is the engagement of spirit, or soul. Beyond the reach of law and accepted practices of human excellence, the self (or soul) seeks an account of itself, a way out of naked exposure.

A way out may be a revived sense of vitality as one finds (or chooses) a political or monastic path, an artistic or nomadic calling, a familial, mercantile, or soldierly way of life. A soul undergoes crisis, seeks spiritual recuperation, a glimpse of *Whence*, *Why*, and *Wither* that may appear as an imaginative vision, or as likely, in a new-found capacity just to move forward. These are Taylor's dark woods: who *knows* how particular lives, today and yesterday, here and there, should be led, or what meaning they lift and carry for us all?

With such a map of the estate in mind, we can recognize Thoreau taking up the forensic edge of argumentation in the courts and corrals, and the more

impressionistic gallery featuring the virtues and failings of friends and acquaintances.² And beyond argument and admiration he seems so often suffused in wonder that is nothing if not religious, a place drenched in the sacred. Perhaps he is in Maine on Kaatdn, where cosmos is still in the making – a dreadful place or sacred terror. Or perhaps he is on Cape Cod, where persons give way to the luminous dark of the sea.

La Amistad: Corrals, Meadows, Forests Interwoven

Lest we separate these aspects too decisively, let me consider a striking case of the convergence of these aspects of the ethical – not in Thoreau's *oeuvre*, but adjacent to it (as it were). Considering this neighboring case can serve as a model for the sort of interweaving we find over and over in Thoreau's work.

A colleague alerted me a while back to a scene from the film *La Amistad* that refuses to disappear.³ *La Amistad* was a Spanish slave ship whose captives mutinied, were recaptured off Long Island and held in Connecticut. What exactly was in the hold of the ship that the Navy towed into harbor? People-looking Africans, but were they full persons? A court case ensued, arriving at last before the Supreme Court. Spain and the ship's owners claimed the 52 occupants as property, the Navy could claim salvage rights over the cargo, while John Quincy Adams argued for the freedom of the recaptured slaves: they deserved recognition as full individuals. The scene that rivets me and has the strongest parallels in Thoreau's political essays is John Quincy's Adams' Anti-Slavery appeal delivered

in 1841 before the Supreme Court. (I take the film's version of this moment.)

This is a critical point in the struggle for abolition. Thoreau's 1854 "Slavery in Massachusetts" is another. These orations are appeals to virtue, to the law, and to the sacred or religious, each strand woven in with the others.

Pausing with *La Amistad* also lets me take advantage of the somewhat jarring appearance of African wisdom in John Adams' speech before the Court. Adams asks the Judges, in effect, to honor our *reliance on ancestors for strength*. Adams transposes this tribal wisdom garnered from the leader of the mutiny, Cinque. An ethics confined to matters of principle or the virtues would have little place for this appeal to (what many would call) tribal myth. But such blurring of the line between sacred myth and forensic appeal is the sort of convergence of aspects I want to accentuate, and there is a parallel in Thoreau.

Thoreau never brings the case of the rights of Native Americans to court, but I'd propose that awareness of their presence as persons with rights denied is one strand within the sweep of his ethical reflections. I have in mind his respect for, his bringing up into the present, the ways of life of those peoples who once inhabited Concord and are now no longer. Thoreau speaks within the first sentences of his first book of the 'extinct peoples' who once inhabited Concord and its environs. Later in *A Week on the Concord and Merrimack* he speaks ruefully of their "extermination." Cinque relies on the strength of ancestors, and I hear echoes of this sentiment in Thoreau's evocation of earlier peoples and their nomadic, hunting-gathering life.

In this scene from *La Amistad* three aspects of ethics overlap. Because this is an argument before the Supreme Court, it is no surprise that we have ethics cloaked as forensics. John Quincy Adams argues for the freedom of the recaptured Africans, and of their leader. His appeal resonates with the broadest principle of freedom, a kind of primordial conviction that freedom is of unsurpassable importance, sacred, God-given. His courtroom adversaries frame the matter much more narrowly. Are Cinque and his brethren persons, as Adams supposes -- or simply property? How would we argue this issue as a "strict matter of law"?

Of course, there is 'law' and 'higher law.' Legal precedent is available and persuasive at the time for taking Cinque as chattel, or even, as the Navy might argue, as property subject to salvage rights. But it was a commonplace then, as now, that "laws on the books" are answerable to "higher laws," in terms of which we identify bad "laws on the books." We might gesture toward divine law or sacred truths that underlie everyday laws and even the Constitution, for instance.⁴ Before the proceedings commence, Cinque passes to Adams a piece of tribal wisdom: in times of need we must call on our ancestors, the community of our dead. To contemporary ears, this sounds like an ineffective mix of ethics (honor your parents) and myth (ancestors speak and hearten). Adams passes on this tribal wisdom to the Court, the idea of ancestral influence now adumbrated in a way that is striking -- and quite obscure. "*Our very individuality, which we so, so revere, is not entirely our own,*" Adams pleads. What can this mean in the

context of legal argument – or even of ethics?

Let's say that the Judges hold themselves to be individuals born of freedom's stock (they do). If each individual person inherits their individuality from a prior free individual, then the Judges are not, as it were, autonomous self-starters, but free as a matter of inheritance. Their individuality and freedom are "not entirely their own." Those who resisted tyranny in the generation of the revolutionaries passed it forward, and they themselves had received it as an inheritance from even earlier resisters pitting freedom against tyranny – back to Spartacus and before. To escape an unhappy regress, we posit a primal Freedom giving impetus to each generational transfer. Cinque's wisdom is to keep this truth of inheritance of alive, to bring it up from his dead.

Adams makes a gamble before the Court. In appealing to individual freedom he knows they revere, he reminds them it is a sacred inheritance. If the Judges honor those who resisted tyranny, they will glimpse the glory of a primordial freedom. We are beholden in our individuality, in our freedom, to past generations who resisted tyranny -- and to a condition of resistance, a primordial freedom, through which we live and move and have our being. Adams hopes that the Judges treasure their ancestors who fought for their freedom. And he hopes they will see the simple equation. The Africans before them also resisted tyranny in preservation of primal freedom. To resist tyranny is a right based on the right to freedom, an inheritance the Judges already honor. Seeing the equation is to see living, breathing humans before them -- not a cargo of valuable coal.

Of course, words can't coerce or *make* them see an equation. But could the Judges be so intrepid as to continue to claim, after Adam's eloquence, that they are being asked to adjudicate the ownership of cargo? Our present point is only this, that Adam's appeal and Cinque's wisdom are indistinguishably forensic, religious, and ethical. There is the call of 'higher law,' the bondage of bad statutes, the plea to admire virtue in these captives, and Adams' almost mythic appeal to the voice of the Fathers. Laying these strains before us, we have echoes and appeals that range through Taylor's corrals, meadows, and dark woods – and that ring like a ship's bell in fog.

Thoreau's Accomplishment Through Taylor's Lens

In his ringing attacks on slavery in Massachusetts and in his impassioned defense of militant abolitionist (or insurrectionist) John Brown, Thoreau speaks likewise from and to freedom, though not exactly in Cinque's idiom. Thoreau speaks in registers at once ethical, religious, and forensic, interlarding principles, virtues, and the sacred. He asks whether those who try John Brown, the martyred abolitionist, know their Gospel. He speaks of slavery as performing Christ's crucifixion many thousands of times over. The law, the ethical, and the religious are one.

The wide expanse of Thoreau's concerns – and their refusal to be boxed as solely moral or ethical, religious or unreligious, in respect or disrespect of law – becomes evident in a quick review. In his anti-slavery and anti-war writing,

Thoreau stood for principles of fairness and freedom. He is unafraid of, and effective at, what we've called forensic contestation. Think of his essay on civil resistance in this regard.

So far as virtue is concerned, embodied his ethics in action, being a regular "conductor" at the Concord station of the Underground Railroad. Famously, he spent a night in jail in protest of the invasion of Mexico. He lived out his principles speaking at mass anti-slavery rallies, ringing the church bell on the day of John Brown's execution, acts that constitute the personal virtue of courage, if nothing else. He stood for simplicity and shunned profligacy as he wrote from his stoic overlook on Walden Pond. We find virtue on display in nearly all Thoreau's writing, from *Cape Cod* to *A Week on the Concord and Merrimack* to *Maine Woods*. We find celebration of and mourning *ways of life* in what amounts to ethico-religious witness and confession, and promising redemption. His agitated political essays are clearly a kind of religious prophecy, raining down the wrath of the gods.

On a more tender note, the redemption of the village or soul requires realignment toward Creation. What we'd call today his environmental ethics emerge in attention to the details of the earth, its waters, and varied inhabitants, and also in his devotion to natural history, which embodied the scientist's virtues of disciplined observation and inference as well as what appears as a saint's appeal to "higher laws" evident in his defense of John Brown, but also in his *paying rapt attention* to the wonders of Creation. And Thoreau's religious ethics

can be broadly framed as the narrative elaboration of life as a pilgrimage, a framework laid out most explicitly in "Walking."

Religious Ethics and the Loss of Great Moral Theory

Thoreau writes literary masterpieces, and therefore those who adhere to Plato's staging war between philosophy and poetry will see Thoreau's literary genius as a distraction from his philosophy. No doubt the poetic polish of his work distracts contemporary philosophers. We find nothing – almost nothing -- overtly argued in a sustained exposition after the manner of Aristotle or Kant. His ethic-religious vision remains just enough shadowed to elude theologians and philosophers looking for systematic argumentation. But bringing that vision to the fore does not count as a loss for American Letters. Poetry, thinking, and a religious sensibility can stride together, conversationally.

Thoreau gives us portraits and landscapes where moral salience speaks (or doesn't), where persons encountered in cultural, civic, or inter-personal contexts praise and dispraise actions or passions or ways of life that are sometimes tragic, often comic, and too frequently lacking life. Cosmos and soul, city and forest, garden and friendship, serenity and grief, all come to view. This is the older, non-specialized, non-professionalized, now marginalized tradition of great moral philosophy.⁵ Let me open an historical dimension, giving a kind of temporal depth of field to our lens of appreciation and apprehension. Taylor's three-fold sketch of the terrain is thus given some temporal depth.

Stanley Bates characterizes Thoreau's sort of writing as a lost tradition whose task is an "exploration of human living aimed at *seeing and living it better*."6

I think of Hegel, Kierkegaard, Emerson, Thoreau, Marx, Nietzsche, Freud, Dewey, Heidegger, Wittgenstein, and Sartre (and of course not all of these would be allowed the name 'philosopher' by analytical philosophy). These thinkers tend either to produce narrative structures or to reflect on the narrative structure of human existence, not in order to provide a formula, or a template, of human existence, but to deny the possibility of such a formula.7

Thoreau's traverse, whether a walk or river trip or climb up Kataadn, brings him through the meadows and dark woods of ethical life not to retrieve a 'formula' for living well but to give one way of doing so, of seeing life better, and so living it better – that living, in turn, providing new vistas we can work to see better and live better, on through an always unfinished life. Thoreau cultivates a sensibility and manner of living at once *practical, moral, aesthetic, religious, and political* – a vision resistant to academic compartmentalization. It relies on images, pictures, scenarios, narratives, the wild as untamed wonder and glimpses of terror and moments that settle back toward serenity.

Thoreau's life as lived, seen, thought, and felt emerges moment by moment in unfolding narratives. These would be no more than entertainment were it not for the ache that comes with troubled and unanchored times, and the intuition that in his books and journals and essays Thoreau sees us, and can alleviate some of the desperation we endure.⁸

With the aperture of our lens now sufficiently expanded, let me turn to explore themes layered in Thoreau's moral-religious thinking. I organize his accomplishment under five headings:

- 1) cultivation of moral modes of *perception and awareness* (think of Iris Murdoch or Martha Nussbaum);
- 2) receptivity toward *a next and more subtle self* (think of Stanley Cavell's 'moral perfectionism', or Robert Pippin's study of Henry James);
- 3) integration of an unfinished self with *unfinished nature* (consider Wendell Berry, Annie Dillard, or Melville);
- 4) co-ordination of radical *political activism* with listening to a call for relative *solitude* (I think of Thomas Merton or Howard Thurman); and
- 5) recognition that ethics is more than an *intellectual* exercise: *the senses* have a central role in ethical self-culture, and beyond awareness, we must *act* in virtuous ways (think of Seneca or Montaigne).

I proceed, then, to make way through the thickets of Thoreau's wild ethics. Unfortunately, I have to remain at a rather high level of generality, but I hope that I provide a sufficient number of references points to make my schematic overview at least plausible.

Scales and Modes of Perception

Thoreau is known for his striking depictions of views from hilltops or mountaintops. His view over at least four states from Mt. Greylock is familiar to readers of the *Journals* or *A Week on the Concord*. The sense is exhilaration rather than serenity, say. His view over the landscape gives a sense (we could say) of something like ethical nobility, a happiness to have such a prospect. Far less pleasant is the impact of achieving the crest of Mt Kaatadn, Maine's highest peak. Here he is stripped of dignity. The place is painfully inhospitable and inhumane. On Mt. Kaatadn, it is as if he has been thrown into the dark workshop of chaos, among monstrous gods. He can imagine looking out anywhere and everywhere, but the fogs hem him in. Here he does not discover principles or tablets of law but an inhuman ill-defined space that terrifies him. He wants vistas on a human scale, and flees the summit. Part of ethics is knowing what scale of apprehension is appropriate. The world sensed from a fog-shrouded peak is impersonally disorienting. "*Contact! Contact! Give me contact!*", he cries. He needs contact on the proper scale for moral sense or perception.

An important aspect of ethical perception is achieving a human scale. Another is finding the right angle of vision. Margaret Fuller's bones lie half-buried on the beach. Thoreau discovers them there having been sent down from Concord to a Long Island shipwreck to retrieve them. His poetic eye raises a monument to her magnificence there at the site. To have seen *only* her shark-scared remains would have been a disgrace. Thoreau finds an angle for raising her genius, an ethical light that brings her genius, her excellence into the open. Her virtue is her deathless intelligence, her political sensibility, great courage, and writerly talent. Finding an angle on her bones that renders them apt for celebration is a moral achievement, conveyed by his writing in *Cape Cod*.⁹ That writing is itself an ethical achievement, a replacing or transforming of oneself by oneself.

Perceptual shifts in scale and angle of ethical vision are found in Thoreau's narratives of domesticity (residing at Walden Pond, establishing a home), in narratives of travel, pilgrimage, or commemoration (*Cape Cod*, *The Maine Woods*, *A Week on the Concord*), in narratives of ways of living and not living with others ("Slavery in Massachusetts", "A Plea for Captain John Brown", "Resistance to Civil Government") and in narratives of ways of living with oneself (parts of Walden, "Walking" and "Wild Apples").

Getting the abolitionist John Brown or the writer Margaret Fuller each in their proper light, or getting ones neighbor, a pond, or a political-religious figure in view, displays Thoreau's ethical acuity and moral sensibility. One sees moral

salience or hears its call, for ethics is experiential and it is simultaneously the lens that makes itself visible. It can be found in the felt-necessity of preservative care, in beholding the face of a river, in the flight of a swallow, or in the plight of a child. Ethical imperatives are felt inwardly, as the urge to see and be better in a particular situation that calls on our care. Such felt-imperatives do not derive from theory or an ethical system “any rational mind” ought to accept. I see a child in danger and reach to protect her. I might think, “She’s about to fall, about to be harmed.” But that is not to enunciate or defend a principle. It is not to endorse the maxim “Always treat children well.” It is caring for *this* child, here in reach (period).

Always An Unfinished Moral Self

In his discussions of Thoreau, Emerson, Nietzsche, and others, Stanley Cavell uncovers what he will call “moral perfectionism,” a condition I’d call awareness of our always imperfectly realized moral striving. Concern for one’s deepest values and their shiftings in and out of prominence exposes an unfinished activity and reception that is the moral life. We never know, exactly, what new demands will devolve upon us, or what old demands will speak anew. Ethically there is always another step, often into dark.

Thoreau is fired to keep seeing, listening, thinking, writing, because he knows inchoately, “I am never beyond reproach.” It is the newness of the unexpected – its wildness, its shattering what have become conventional frames,

what have become our routines – that calls for new growth. Wildness is not just where he is as others would describe it – those places away from the village haunts. Wildness is also an inner rupture, a recurring splitting of the self, a shattering of it in surprise, rapture, wonder, and outrage. It is not smooth sailing at the heart of the soul. But it is not just meaningless turmoil, either. Thoreau stretches, shedding an old self, finding a next and better one, around the bend. He undergoes the excruciating loss of his brother, of Emerson's young son (who he assisted in raising), of Margaret Fuller, and (less evidently) even of his mentor Emerson. He has no recognition as a writer, and no faith in a government that coddles slavery and promotes imperial conquest.

Each of these disappointments or losses, some more traumatic than others, calls for a moral response. Each disruption of the routine, conventional self mobilizes ethical reserves for move toward a better self. This is what Pierre Hadot, thinking of Socrates, calls care for the self (or soul) – its felt goals both shifting and falling short of our reach. Thoreau's work in (and out) toward transformation of soul and society secures his eligibility as a “great moral philosopher.”

Unfinished Selves, Unfinished Surrounds

Thoreau gives us a Taoist sense that the flow of self and the flow of nature are seamlessly intertwined. We find variations of this sense, sometimes expressed in the claim that humans are in nature, taken as an ecosystem, in writers like

Wendell Berry, Henry Bugbee, or Annie Dillard. As a meadow or river might address Thoreau, he'd bear lyrical witness to its wonder, raising the hearty sense that it is there -- to be celebrated and preserved.

Husbanding attention and preservative care is an environmental virtue—perhaps the crowning ones. Our care is mobile and unfolding in attunement to a mobile, unfolding natural surround. The world addressing Thoreau is the world Thoreau addresses. Shifting landscapes and their inhabitants attract our preservative gaze. Rivers, persons at risk, meadowlarks are that than which we cannot delve deeper, and our increasingly attentive flow with them is that than which we cannot delve deeper. Thoreau's narratives deliver thankful celebration of these cohabitations, nature in us, we in nature, startled wonder and gratitude, happiness that such events are occurring, that this is our moving and living and being.

We might join Thoreau in lyrical, trailing reflections, adumbrations, elaborations, which themselves help realize preservative care. (In the background we often feel the weight of Thoreau's expanding interest in the century's grand narratives of natural history, the writings, for example, of Alexander von Humbolt, and Charles Darwin).

Radical political activism conjoined with a call for relative solitude. These are not, let us concede, the best of times, nor was Thoreau sailing in the best of times. Yet even in dark times, Thoreau insists, despair is not the end of the story. He manifests courage and a facility in husbanding resistance and hope.

He does this for himself and for us through ongoing poetic transfigure-ations of our worlds. Raising a cairn to Margaret Fuller is transfiguring her bones and her gruesome death, and overhearing her whisper with the endless sea transforms her site toward a majesty. The mood at first is tragic and melancholic, but his work of mourning releases praise and hope for this woman's spirit and body, and for our own, as we resonate with hers. This theme opens nicely into the next.

Ethical-religious Sensibility is More than Intellectual

Thoreau holds that the senses are central to ethical self-culture, (it's 'perfectionist' mode), and that virtues like friendship and courage, involving far more than cognition, are essential to "human living" and to "living it better". He seeks a flourishing life that others might recognize as their own. Simultaneously, he rages against injustice, notably in his ringing defense of John Brown, about to be hanged for his anti-slavery raid on the arsenal at Harper's Ferry as the American Civil War was about to erupt. His plea for justice is the other side of a visceral repulsion against slavery's evident abominations. He had no time for intricate intellectual parsing, for and against.

Thoreau gives caring moral attention to living things -- trees or hawks -- and to non-living things -- rivers and mists. That attentiveness can be construed quasi-theologically as his response to things of creation that solicit his capacity for praise, preservation, protection from harm. After all is said and done, the

several sectors of moral concern just elaborated can be joined in the great arch of preservative care.

Others ask for, invite, or solicit our care in a voice more like the allure of a flower than like the piercing shout of an injunction or demand. Ethical responsiveness to solicitations can be warm and caring and show a ready hospitality. A life I can own with no shame will include my cherishing children, hearth, and place, and my attentiveness to the fragility of each.

In the 1970s, Carol Gilligan contrasted an ethics of personal care with an ethics of impersonal rules and strict obligations or rights. There are two corollaries of centering ethics on caring attention. First, a caring response can be simultaneously aesthetic, ethical, religious, and political (think of Thoreau's defense of John Brown). Second, the recipient of such care need not be a person. A beautiful old violin or magnolia bush calls for response in the register of aesthetic delight and also in the ethical register of preservative care (think of the "heritage value" of an old house).

If we are to commemorate those places where Thoreau's ethics shines incontrovertibly, it is essential to honor a capacious construction of ethics that includes flourishing life, offense at injustice, the itch of knowing ones inevitable imperfection, and the nurturing expansion into ever-widening regions of attentive, preservative care.

Of course, we value the way Thoreau lived out his cares and value his steadfastness in adversity and loss. He had a stoic attention to every passing

moment, not letting a thing pass unnoticed. He had a way with words that was the other side of his way with perception: he could see more in a week of exploration than most of us see in a lifetime. And he had the faith to transmute suffering and trauma and sadness into absolute delight – not in denying terrors and moral degradations all about, but also not letting the lily or the muskrat escape notice. Like Goethe and perhaps Nietzsche, he knew how to see into the abyss and yet how nevertheless to sparkle love of life. A rare art, perhaps the heart of his wild ethical genius.

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NOTES

¹ Taylor, in Murdoch vol.

² Our own gallery (his would differ) might feature portraits as varied as Emma Goldman, and Sitting Bull, Saint Francis and Margaret Fuller, George Eliot and Sherlock Holmes – profiles of ever-so-many personages we linger to admire.

³ John Davenport alerted me to this crucial moment in *La Amistad* when John Adams (Anthony Hopkins) appears before the U.S. Supreme Court in 1841. Cinque is among the slaves recaptured after overpowering the crew of a slave ship. The court had to decide if the Africans were to be considered cargo belonging under salvage rights to the Naval officers who took custody of the ship off Long Island, or cargo belonging to Cuban buyers or to Spain, or if they were persons whose freedom had been violated in the capture. In 1841 The Court ruled in that the Africans had been illegally enslaved. Seven of nine court justices are slave owners from Southern states. Cinque tells Adams that he will call on the power of his ancestors to help in the trial ahead. Adams listens, and then delivers his oration in the course of which he utters the striking lines which he has "internalized,"

or "made his own": "*our very individuality, which we so, so revere, is not entirely our own.*" He argues, in effect, that the Court is trying persons who are free to claim their individuality as persons in political actions expressive of and enacting what I'd call a primordial freedom.

⁴ On the tradition of appealing to "Higher Law" in 19th Century America, see Gregg D. Crane, *Race, Citizenship, and Law in American Literature* (Cambridge, 2002).

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⁶ Bates, *Essays on Cavell*, my emphasis

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⁸ Neither Thoreau nor Schopenhauer, Carlyle, William James, nor Montaigne fit into the neat disciplinary niches that 'grand moral theory' explodes. Sociology and psychology come to take over aspects of what in the mid-19th century would be ethics or moral theory. By the mid-20th century ethics, even religious ethics, lives exclusively in the impersonal workman-like corrals where Kantian, Intuitionist, Humean, or Emotivist ethics undergoes continual revision and refitting. During the last quarter of the last century, in a welcome development, virtue theory finds its stride, environmental ethics is launched, and the gap between literature and moral philosophy begins to be bridged. A new tolerance for 19th century continental philosophy emerges. These developments make mentioning Thoreau somewhat easier. Nevertheless, the first essay collection devoted to Thoreau's significance for philosophy only appears in 2012. See Rick Furtak, *Thoreau's Significance to Philosophy*, Fordham, 2012

⁹ See Fuller in *Cape Cod*, and also in *Journals*. See my lengthy discussion in *Wonder and Affliction, Thoreau's Dionysian World*, and in John Brown essay. *ape Cod*, Thomas Y. Crowell Company, 1961, Chapter 6, p. 123f. Thoreau traveled from Concord to the Fire Island shipwreck and came upon a body, but could not positively identify it as hers. In his *Journal*, Oct. 31, 1850, he records that beach encounter and later inserts it with slight changes, in *Cape Cod*. See section § 2, in *WONDER*, the passage ending with note 28, where he reports his inability to identify the body.