

Environmental disobedience

NED HETTINGER

Environmental theorists frequently paint a radical picture of the nature of environmental problems. The depletion of natural resources, global pollution, the destruction of ecosystems, and extirpation of species constitute, they say, an "environmental crisis." They believe that modern humans' relationship to the earth is unsustainable and that our environmental policies constitute a grave injustice to other humans and to non-humans as well.

What sort of practical response is warranted by this world-view? Henry David Thoreau (1817–62), a founder of the American conservation movement who spent time in prison for opposing governmental injustice, once wrote: "How can a man be satisfied to entertain an opinion merely, and enjoy *it*? . . . Action from principle, the perception and the performance of right, changes things and relations; . . . it divides the *individual*, separating the diabolical in him from the divine" (Thoreau 1991 [1849], p. 35). I suspect that many greens hold views about the severity of the environmental crisis and the nature of ecological injustice that justify (or require) forceful action. Given radical green rhetoric, one expects widespread boycotts, protests, and acts of civil disobedience. Such radical environmental activism has found expression around the globe, from protests against nuclear power plants in England to the blocking of logging roads by forest peoples of Southeast Asia. In some instances, less civil tactics are used. For example, the Sea Shepherd Conservation Society has rammed Japanese drift-net fishing boats and sunk Icelandic whaling vessels in an ongoing 20-year campaign to protect marine mammals and ocean ecosystems. Some admire these radical greens for acting on their convictions, while others accuse them of illegitimacy and even terrorism.

This chapter evaluates the moral legitimacy of illegal activities motivated by environmental concern. It explores why obedience to law is morally important, distinguishes between types of non-compliance with law, and examines justifications for such disobedience. It suggests that environmental activism beyond civil disobedience is very difficult to justify in a democratic society, but provides a rationale for such activism based on a critique of democracy as a humans-only institution.

The possibility and need for justification

Some might reject environmentally motivated disobedience of law out of hand because law-breaking is never morally permissible. This absolute legalism is counter-intuitive. On this view, the Penan of Malaysia ought to let their ancient forest

homes be destroyed peacefully when local authorities grant logging rights to foreign timber companies for a percentage of the profits. Legal obligations (what the law demands) and moral obligations (what valid moral principles require) are conceptually distinct and it is not plausible that legal obligations invariably outweigh conflicting moral obligations. One might restrict absolute legalism to significantly just societies. On this view, the Penan may rightly resist the illegitimate laws of their corrupt local government, but Earth First! members in western democracies must obey the environmental laws they oppose.

Although the legitimacy of legislative institutions is an important factor in determining the moral force of resulting laws, even laws issuing from democratic political institutions need not invariably be obeyed. For example, it would seem to be acceptable to destroy another's property to prevent the spread of fire or to avert a chemical explosion at a factory near neighborhoods. It may also be morally permissible to disobey laws sanctioned by a democratic majority when they clearly violate minority rights. That a society is a substantially just democracy is no guarantee that all of its laws have sufficient moral legitimacy to outweigh countervailing moral concerns in all circumstances.

Not only should we reject the idea that democratically sanctioned law must always be obeyed, but we should also reject the opposing extreme that law qua law (including democratically sanctioned law) has no moral claim on us. In arguing for the independence of moral conscience from political obligation, Thoreau says: "It is not desirable to cultivate respect for 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 is right" (1991 [1849], p. 29). Martin Luther King (1929–68), the great crusader for civil rights for African-Americans, appears to accept the more limited view that morally deficient laws (rather than all laws) lack moral weight. Responding to the charge of inconsistency in demanding that white segregationists obey laws requiring integration of schools, while encouraging Blacks to ignore remaining segregationist laws, he wrote, "There are two types of laws; there are *just* and there are *unjust* laws. I would agree with Saint Augustine that 'An unjust law is no law at all'" (1991 [1963], p. 73).

The suggestion is that bad laws (or all laws) lack moral weight entirely. But this makes the fact that an act breaks the law morally irrelevant. A more reasonable approach grants that laws (including bad laws) have moral weight, but makes the obligation to obey them "prima facie," i.e., overrideable by stronger moral considerations. On this view, sometimes a person can be morally required to obey morally deficient laws. Even when a person is morally justified in violating a law, some moral force must be overcome. One implication is that environmental disobedients cannot simply refer to the putative injustice or moral deficiencies of a particular law to justify their illegal behavior.

The ground for this prima facie obligation to obey the law in a substantially just society is a subject of long-standing and ongoing philosophical controversy. In Plato's *Crito*, Socrates (470–399 BCE) argues that just as we should be loyal and obedient to our parents because of all they have done for us, so too we owe a duty of loyalty and obedience to the state out of gratitude for its far greater provision of benefits. Typically, environmental activists have benefited from modern states and thus may

have duties of loyalty and obedience to the rule of law that made this possible. Activists might, however, justifiably feel a greater sense of gratitude and loyalty to the earth, the wellspring of life.

Obedience to law is supported by a duty to promote just institutions, such as democratic majority rule and the resultant rule of law. Lawbreaking can damage democratic institutions by engendering disrespect for law and further lawbreaking. Unless they favor the overthrow of the democratic rule of law, environmental disobedients must be concerned with the effects of their actions on respect for and the rule of law.

The obligation to obey the law is also supported by a duty of fair play. The benefits of social living are made possible by a reciprocal sharing of the burdens of society, including obedience to law. The rule of law depends on citizens being willing to obey laws they do not like. In short, a functioning democracy requires reciprocal willingness to lose. If environmental activists expect timber companies to obey laws preventing stream-side cutting (for example), then it is *prima facie* unfair for activists to refuse to obey laws that they oppose.

Civil, militant, and revolutionary disobedience

The appeals to fair play and upholding just institutions support a *prima facie* moral duty to obey the outcomes of democratic procedures, and thus lawbreaking by environmentalists in reasonably just, democratic societies requires justification. One entrenched position in both the philosophical literature and popular mind is that "civil disobedience" can be justified relatively easily, whereas other forms of disobedience cannot. Whether environmental lawbreakers practice civil disobedience or some other form of non-compliance with law is important for morally assessing these activities.

In contrast to ordinary criminal lawbreaking that is motivated by self-interest, conscientious lawbreaking is motivated by a belief in the righteousness of some cause. Conscientious lawbreakers include the civil disobedient, the militant, and the revolutionary. The revolutionary finds the core principles of a political system corrupt and wants to supplant the entire system. In contrast, the civil disobedient remains faithful to the system as a whole, while objecting to particular laws and practices. Environmental activists aiming to replace global capitalist free trade between nation-states with self-sufficient bioregional communities are revolutionaries, while opponents of urban sprawl are not.

The civil disobedient is also not militant. Lawbreaking can attempt to improve democratic processes and outcomes or it can attempt to thwart them (Singer 1993, p. 303). The civil disobedient tries to educate and persuade the public that the cause is just and that laws must be changed, while the militant coerces them by bringing the desired goal into existence despite their opposition. Environmental activists who oppose logging an old growth forest might block the road into the forest to capture the imagination of the public, get the attention of authorities, and begin a dialog about the ecosystem's value. Contrast this educative and persuasive function of civil disobedience with militant action designed to compel the desired change. Environmental activists might hammer nails into trees or destroy logging equipment to make

logging the forest unprofitable. Such activists impose their will on the public and its authorities.

As a way of testing and amending democratic procedure and outcomes by appealing to the public's sense of justice, civil disobedience remains faithful to the institution of democracy, even while violating particular laws. Practiced with care, civil disobedience can improve and strengthen democratic decision-making. John Rawls compares civil disobedience to "such things as free and regular elections and an independent judiciary" as a mechanism that helps to "maintain and strengthen just institutions" (1971, p. 383). In contrast, militant lawbreaking would seem to undermine, rather than promote, just democratic institutions. Because it bypasses even the attenuated democratic procedures used by civil disobedients, militant action has the substantial burden of justifying an outright rejection of the obligation to obey democratic decisions.

Disobedience may be civil or uncivil in manner. A lawbreaker who acts civilly acts submissively, courteously, and respectfully, rather than violently, rudely, or evasively. Activists who barge into a boardroom and dump trash on the table act uncivilly, while those who don a coat and tie and join the blockade act civilly. Many define "civil disobedience" to prohibit uncivil tactics. The civil disobedient, it is said, acts non-violently and accepts punishment. On this view, those who employ violence against persons or property, or evade arrest and punishment, are not engaged in "civil disobedience."

There are reasons for expecting civil disobedience to be practiced civilly. Because the civil disobedient is neither a revolutionary nor an ordinary criminal, one expects signs of fidelity to the system and a manifestation of sincerity and conscientiousness. Submitting to arrest and punishment is one way to manifest sincerity and an underlying respect for law, though it is not the only way. Additionally, civil disobedience as a mode of political speech aimed at educating and persuading the public is likely to fail when it involves rude, aggressive, or violent behavior. Such tactics tend to cloud the message and make it harder for the public to hear. Furthermore, the use of violence escalates tensions, invites violent retaliation by those against whom it is used, and often leads to repression by the government, rather than a thoughtful response to the ideas that underlie the protest.

Although there are good reasons for associating politeness, submissiveness, and non-violence with civil disobedience, to require that civil disobedience meet such constraints is a mistake. One could attempt to persuade the public and achieve a more genuine democratic decision by clandestine, evasive, and violent means. Sometimes such tactics are successful. For example, in 1984, the Animal Liberation Front broke into a head-injury lab at the University of Pennsylvania, and stole videotapes of struggling monkeys strapped to devices that inflicted head injuries (Singer 1993, p. 289-90; see *ANIMALS*). When the tapes were made public, widespread public revulsion and subsequent protests led to the closure of the lab. In certain cases, violence might be the best (or only) way to get people to listen. One defender of environmental sabotage argues that such acts can enhance democratic processes by insuring a serious public hearing for the views of those who have been effectively shut out of the debate: "Sometimes the use of violence serves to highlight an injustice in a way no other form of protest can match. . . . it is not until there is violent protest that any

meaningful response to wrongs is likely to be made in many a society'' (Young 1995, p. 206). Surreptitious lawbreaking and evading arrest may also be the only way to continue to present one's case to the public. Thus, although as a general rule the tactics of violence and evasion of arrest do not fit well with the conception of law-breaking to enhance democratic procedures and decisions, in some circumstances civil disobedients might resort to such uncivil tactics without inconsistency. Conversely, revolutionaries might employ civil and non-militant tactics of disobedience as a tool for their goals; Mohandas Gandhi's (1869–1948) use of non-violence as a means to undermine the British rule of India is an example.

Worries about violence and letting the individual decide

How are environmental activists to know if their cause justifies taking the law into their own hands, perhaps militantly and violently? The seriousness of this problem becomes evident when we reflect on the views of those with whom we disagree. Some people believe that abortion is such an enormous evil that breaking the law, even violently, to prevent it is justified. The Unabomber, a quasi-environmental anarchist, believed that the cause of dismantling the industrial-technological system justified sending letter bombs that killed individuals whose technical skills make the system possible (see TECHNOLOGY). Others apparently believed that their opposition to the US government justified blowing up buildings with children inside. These examples illustrate a substantial danger of allowing individuals to decide for themselves when and to what extent they may break the law.

John Rawls's defense of civil disobedience addresses this danger by not only eschewing violence, but also by limiting the type of justifications protestors can invoke. For Rawls, civil disobedients may not rely on their own narrow political allegiances, religious convictions, or private moralities, but must appeal instead to principles of justice that have widespread acceptance in society (1971, p. 365). Environmental activists thus could not use Rawls's justification for civil disobedience if they appealed to radical environmental world-views (such as deep ecology) that the public does not share. This leads one defender of radical environmental activism to dismiss Rawls's account of civil disobedience as irrelevant to non-anthropocentric environmental activists (List 1994). Peter Singer (1991 [1973]) has also criticized Rawls's limitation arguing that there is no reason why civil disobedients must rely on the existing sense of justice in the society and cannot also try to reform and improve that sense of justice. Allowing this broader appeal, however, sacrifices the public check on the protestors' reasoning that Rawls's constraint provides.

Unless we are willing to rule out in principle all instances of lawbreaking (or all lawbreaking of a particular type), I see no plausible alternative to allowing individuals to decide when a cause is sufficiently important to justify breaking the law and what means are permissible. People are ultimately responsible for what they do or fail to do, including complying with the law. This does not mean that we must accept any sincere act of a conscientious lawbreaker as morally permissible. The justifiability of breaches of law depends on substantive moral issues concerning the rectitude of cause, the appropriateness of the means used to pursue it, and whether the disobedient acts responsibly. It does not depend simply on whether there are ever justifiable

examples of lawbreaking of that type. For example, that civil disobedience is sometimes morally justifiable does not entail that every instance of it is. When Lester Maddox (a famous segregationist) openly refused to obey laws requiring that he permit African-Americans into his restaurant, his act of civil disobedience was not justifiable. But this does not mean we should refuse to allow individuals to decide when civil disobedience is morally appropriate. Similarly, leaving open the possibility that militant action or violence in support of environmental goals may be permissible does not require that we accept the Unabomber's use of violence.

Allowing violence as a tactic for social change is dangerous, and many would rule it out entirely and in principle, especially in a democratic society. Such views too often fail to distinguish between types of violence, equating all violent activity with terrorism, and condemning it all in absolute terms. Those who have written in defense of the use of violence for environmental goals make a distinction between violence aimed at persons and violence aimed at property and have (almost) universally limited the "violence" they condone to property destruction or sabotage. Their stated goal is to harm no living being (human or otherwise), but to destroy the machinery that attacks the living earth. This distinction is important. In a democratic society, violence aimed directly at persons is almost impossibly difficult to justify. Violence against property does not confront nearly as high a hurdle. But we must not let this distinction delude us into thinking that violence against property has no harmful effects on people, as if only things are being hurt and not people (Morreall 1991 [1976], p. 133). Those who own property are going to be hurt by damage to it; damaging property that no one cares about would be totally ineffective. Still, legal activity and non-violent civil disobedience can inflict greater harm than do some acts of property destruction. A massive road-blocking protest can inconvenience thousands and impose high costs on local governments who must arrest and prosecute protestors. Businesses can be more threatened and injured by legal strikes and boycotts than by small-scale sabotaging of equipment.

Those who believe that violent lawbreaking can sometimes be justified argue that the absolute prohibitionists rely on an untenable act/omission distinction (Singer 1993, p. 307ff). They point to situations where only violent illegal activity can stop others from committing much greater violence. The earlier mentioned case of the Penan is an example. If people are responsible for acts of omission as well as for acts of commission, then to refrain from violent activity in these situations might be wrong. Arguing that one remains morally clean simply because one did not commit the violent act oneself is implausible. Consider the case of the rancher who put up a 28-mile-long fence that threatened the lives of 1,600 pronghorn antelope which were blocked from their wintering grounds. Is it plausible to say that an activist who refused to cut holes in the fence has clean hands because it was the rancher, and not she, who killed the antelope?

Violent activity confronts a special and very high burden of justification, even when it is employed as a tool of civil disobedience. Those considering violence have a solemn responsibility to confirm their beliefs with morally sensitive and reasonable people who are informed about the facts. They must seek out and seriously consider the viewpoints and perspectives of their opponents. Mohandas Gandhi (1971 [1957]) argued that because our beliefs are subject to error, no one should be so

presumptuous as to inflict harm on others to further those beliefs. He also argued that violence degrades and brutalizes those who use it. Paul Watson of the Sea Shepards, who advocates the use of violent tactics (e.g., sinking whaling ships) for environmental goals, illustrates Gandhi's concerns:

If you are a self-righteous tight-ass who gets morally indignant about correct tactics, you know, the "I agree with your motives, I just can't accept your methods" type – if you are one of THEM, then do yourself and us a favour and read *Time* or the *Greenpeace Examiner* instead. This article . . . advocate[s] the destruction of property because, and pardon me for my old-fashioned ways, I believe that respect for life takes precedence over respect for property which is used to take lives. . . . The killing of whales in 1986 is a crime. It is a violation of international law, but more importantly it is a crime against nature and a crime against future generations of humanity; Moreover, whaling is a nasty form of anti-social behavior and an atrocity which should be stamped out. So, I don't want any crappy letters about tradition, livelihood or Icelandic rights. (1993 [1986], p. 172)

Will those who believe they are justified in breaking the law violently invariably display such absolute assurance in their cause and firm conviction that their opponents are moral monsters? One need not disagree with Watson's cause to see the danger here of an arrogance that demonizes the opponents and fails to take seriously their perspective. Gandhi is right to focus our attention on human fallibility. Those who use violence must guard against the likelihood that they have an irresponsibly high level of confidence in the rectitude of their cause. We must require a more humble approach from those who pursue these most extreme of means.

Justifications for militant environmental activism

If we are unwilling to rule out in principle militant disobedience to democratically sanctioned law, then we must morally evaluate possible justifications for such activities. The most common justification offered is that the valuable consequences of these acts of militant disobedience are sufficiently good to outweigh their negative results (see *NORMATIVE ETHICS*). In his defense of the practice of sabotaging environmentally destructive projects, Robert Young suggests that "surely it is a mistake of major significance to value more highly a bulldozer or some marker pegs . . . than an intact ecosystem which provides support for a community of plants, insects and animals" (1995, p. 209). While such an evaluation is appealing, as Young points out there are other negative consequences of acts that destroy property, including loss of profits, potential loss of employment, and the possibility of contributing to the erosion of respect for the democratic rule of law. Another defender of militant disobedience, argues that "what they are fighting for is more important than respect for law. . . . respect for the law will be of little importance in a world with polluted air and water, devoid of natural wilderness, and depleted of most of its natural variety" (Martin 1990, p. 302).

Such consequentialist arguments are often buoyed by drastic assessments of the severity of the environmental crisis. If current environmental policies really are jeopardizing the life-support systems of the planet, as many environmental theorists

claim, then the negative consequences of militant activism pale in comparison to the evils to be avoided. Of course, one must also argue that such tactics are effective in bringing about the desired results. Further, even if militant action is successful in stopping particular ecological insults, one must show that militant environmental disobedience does not turn the public against environmental causes, and thus damage the environmental movement as a whole. Michael Martin (1990) presents a thorough analysis of these consequentialist arguments for militant ecoactivism in the context of American environmentalism.

While this consequentialist approach to the justification of militant eco-activism raises important issues, it is of limited significance. By its very nature, it fails to consider non-consequentialist concerns, including the special burden of justification which acts of militant disobedience must bear. From a straight consequentialist perspective, that such acts are illegal and undemocratic is not itself directly relevant to the assessment of their legitimacy. Purely consequentialist justifications also fail to examine the relationship between environmental theory and the democratic basis of political obligation. But many green theorists argue that a commitment to participatory democratic procedures is part of the very substance of a deep environmental world-view. Those who practice militant, environmental disobedience which coerces the majority must respond to the charge that their practices are inconsistent with their own values.

An analysis of the relationship between democracy and environmental theory is thus crucial to the task of assessing militant environmental disobedience. If radical environmentalism were not committed to the democratic basis of political obligation, then militant tactics would not confront the significant burden of justification created by the democratic sanction of law. Is the deep bow ordinarily given to democratic procedures appropriate from a radical environmental perspective?

The critique of humans-only democracy

Non-anthropocentric environmentalists who accept the idea that humans are plain members and citizens of biotic communities – and not the one pre-eminent and privileged species – can mount a serious critique of modern democracies. Democracy is a humans-only political institution. It is a political procedure that arrogates all power, authority, and legitimacy to one out of millions of species. It is a system that legitimizes decision-making authority by reference to a set of abilities – namely, consent, voting, delegation – that non-humans are constitutionally unable to manifest. The vast majority of the interests, goods, and values that should count according to non-anthropocentric moral theory have no guaranteed standing in democratic procedure. Democracy does allow individual humans to set aside their own interests and cast their votes for non-human interests and value. But this merely highlights the injustice of a system that prohibits non-humans from counting politically in their own right (see *POLITICS*).

It might be objected that because non-humans are incapable of political participation, it is not democracy's fault that they are disenfranchised, for any way of structuring political participation would have this result. If the aim of political institutions is to find decision procedures that fairly adjudicate between all

participants making *claims* on what should happen and to orchestrate decisions based on differing *views* about what should be done, then criticizing a political system for leaving out beings which make no claims and have no views is misguided. But if the aim of political institutions is to give fair, equal, and just consideration to all value, goods, and interests affected by a decision and to include in some fashion all beings which have a stake in the decision, then democracy can be criticized for not doing this adequately. A system that requires political participation as a prerequisite for inclusion in the determination of legitimate authority is not a just institution for those beings that cannot participate.

The suggestion that democracy is in principle unjust from a deep non-anthropocentric perspective can be evaluated by considering attempts to restructure democracy to include non-human nature (Mathews 1995). Robyn Eckersley proposes to "incorporate the interests of the non-human community into the ground rules of democracy" and "secure the protection, or...systematic consideration, of non-human interests that might be at odds with generalisable human interests" (1995, pp. 169, 179) Because non-humans cannot represent themselves, what is needed are institutional forms that create trusteeship roles by which humans carry out fiduciary responsibilities toward non-human beneficiaries. Such legal guardians might administer a trust fund, instigate legal action, and levy fines to prevent or make good injury suffered by non-humans. Eckersley suggests the establishment of an Environment Defender's Office, a well-funded independent agency that has legal authority to "scrutinise the implementation of environmental legislation and instigate actions against governments, corporations and individuals in cases where biodiversity interests are infringed" (ibid, p. 193).

An even more important strategy for including non-humans in political systems is to specify and legally enforce rights of non-human nature. Just as human rights limit what democratic majorities can do to other humans, non-human rights could be used to limit what democracies are allowed to do to non-humans. Eckersley puts the suggestion as follows:

Certain fundamental rights of non-human species (such as the right to exist) should be incorporated and entrenched alongside fundamental human rights in a constitutional bill of rights to ensure that they are not "bargained away" by a simple majority... Any legislation, or any administrative or other decision, that authorised action that posed a threat to the survival of endangered species could be challenged as constitutionally invalid. (ibid, p. 181)

Assuming their scope was broad and their content was significant, rights of nature enshrined in the constitutions of modern democracies would be a serious step toward including non-humans in democracy.

Although rights for nature would prevent democratic abuse of basic goods and the value of non-human nature, such rights would fail to assure that political institutions consider non-humans in decisions that do not affect their constitutional rights. To rectify this deficiency, a truly non-anthropocentric democracy would set aside significant numbers of legislative seats to be held by human trustees of the interests, goods, and value of non-human nature. These nature guardians would vote on behalf

of non-humans. To insure that these surrogates do not backslide and vote for human interests over non-human interests, their votes would have to be justified by reference to bona fide environmental values. While such a procedure would not insure unique solutions, it would rule out particularly self-serving votes. Christopher Stone (1974, p. 40), one of the first to propose legal rights for nature and who suggested giving additional representatives to regions that had more significant natural areas, found his own ideas so shocking that he said: "I am not saying anything as silly as that we ought to . . . retreat from one man-one vote to a system of one man-or-tree one vote." But unless we advance beyond one human-one vote, claims that a democracy is not for humans only will be unpersuasive.

These structural changes in democratic decision-making include a non-anthropocentric perspective in the political arena and provide political standing for non-human nature. Such procedures should result in policies that respect the flourishing and self-unfolding of non-human forms of nature. Just as a human democracy manifests respect for human autonomy, so a more-than-human democracy would respect the self-determination of both non-humans and humans. Substantively, this respect would involve humans refraining from interfering with non-human lives and processes, except when required by fundamental human needs and values. Nature representatives would make non-interference their basic policy objective; they would lobby and vote to allow non-human nature to fulfill its own destiny, as far as possible independent of human manipulation and control. (Human involvement with nature that did not compromise nature's autonomy would be encouraged.) This conception of the fundamental value that humans ought to respect in nature addresses the concern that, in a more-than-human democracy, humans would have the epistemically preposterous task of determining what is good for or of value in non-human nature. It also addresses the worry that such a system would involve humans treating non-humans paternalistically, sometimes even deciding how to resolve conflicts between them. By insisting that respect for non-human nature requires letting nature unfold autonomously as much as is compatible with satisfying fundamental human needs and values, we avoid paternalist intervention and manifest the respect that we so value in our relation with other humans also in our relation with the non-human world.

Implications for militant disobedience

These suggestions for a more-than-human democracy show that non-anthropocentric environmentalists need not give up on democracy as an inherently unjust political system, and thus they need not strive to overturn democracy entirely. Nonetheless, modern democracies are far from embodying political structures compatible with non-anthropocentric environmentalism. Transcending humans-only democracy requires radical, some might say revolutionary, changes in current democratic structures.

Given this critique of modern democracies from a non-anthropocentric perspective, non-anthropocentric, environmental activists are not morally obligated to pursue only democratic means of change. Arguing that these radical environmentalists must limit themselves to lobbying and voting as their mechanisms for change, or claiming that civil disobedience is the outer limit of their permissible activism, ignores

that, from their perspective, current democratic procedures are ecologically unjust. Why should they limit themselves to means sanctioned by a system they believe to be corrupt as currently constituted? If their use of civil disobedience to appeal to the sense of justice of the majority fails to move humans toward ecological justice and a more-than-human democracy, then militant tactics would seem to be a morally open option. The significant burden of justification against lawbreaking that democratic institutions create crumbles under this non-anthropocentric critique of democracy. The obligation to obey laws that protect the ongoing, drastically unjust, human treatment of nature is specious when such laws are sanctioned by a system that systematically excludes just consideration of the value, goods, and interests of non-human nature. In one way, radical environmentalists who engage in militant lawbreaking act undemocratically, though, as I have argued, with potential justification. In another way, however, they can be seen as acting under the guise and legitimacy of more-than-human democratic norms they believe ought to govern our society.

This does not mean that radical environmentalists may see all laws as lacking morally binding force. Rather, the illegitimacy is limited to those laws that importantly affect the human treatment of nature. Furthermore, that militant lawbreaking might be morally permissible does not mean that it should be undertaken. Practical questions must be addressed about whether such lawbreaking will successfully advance the cause of protecting nature and ultimately move human societies toward more environmentally just democratic systems. It is here that consequentialist and pragmatic reasoning become important.

Conclusion

I have argued that obedience to law is a serious *prima facie* obligation based on the duty to uphold and play fairly by democratic political institutions. Civil disobedience when practiced civilly is far less difficult to justify than are either militant action or uncivil disobedience. In particular, direct violence against persons faces an almost impossibly high justificatory burden. Letting individuals decide when to break the law, perhaps militantly, violently, or evasively, is a seriously troubling position, yet one that is preferable to ruling out these types of disobedience in principle. In the final analysis, whether an instance of lawbreaking is morally permissible depends on the substantive moral issues involved and on the responsibility and humility of those who so act. Justifications for eco-activism beyond civil disobedience must not only show that the consequences of such actions are good overall, but they must also address a substantial burden of justification placed on those who fail to comply with democratically sanctioned law. Until modern societies move toward more-than-human democracies, non-anthropocentric environmentalists can successfully respond to this burden by arguing that humans-only democracies are fundamentally unjust (see LAW).

References

- Eckersley, R. (1995) "Liberal democracy and the rights of nature: The struggle for inclusion," *Environmental Politics* 4, pp. 169–98. [Thought-provoking suggestions for a non-anthropocentric democracy.]

- Gandhi, M. K. (1971 [1957]) "Non-violence," in *Civil Disobedience and Violence*, ed. J. G. Murphy (Belmont, CA: Wadsworth Publishing Company), pp. 93–102 [Elegant and forceful defense of non-violence in an out-of-print but extremely useful volume.]
- King, M. L. (1991[1963]) "Letter from Birmingham city jail," in *Civil Disobedience in Focus*, ed. H. A. Bedau (London: Routledge), pp. 68–84 [Most famous document of American civil rights movement and compelling defense of civil disobedience.]
- List, P. C. (1994) "Some philosophical assessments of environmental disobedience," in *Philosophy and the Natural Environment*, ed. R. Attfield and A. Belsey (Cambridge, England: Cambridge University Press), pp. 183–98. [An assessment for eco-activism of Carl Cohen's and John Rawls's accounts of civil disobedience.]
- Martin, M. (1990) "Ecotage and civil disobedience," *Environmental Ethics* 12, pp. 291–310. [A favorable utilitarian assessment of eco-sabotage.]
- Mathews, F., ed. (1995) "Ecology and democracy," *Environmental Politics* (special issue). [Excellent volume on liberal democracy's ability to respond to the environmental challenge.]
- Morreall, J. (1991 [1976]) "The justifiability of violent civil disobedience," in *Civil Disobedience in Focus*, ed. H. A. Bedau (London: Routledge), pp. 130–43. [Analysis of violence showing that if ordinary civil disobedience is acceptable, so is more violent disobedience.]
- Plato (1991) "Crito," in *Civil Disobedience in Focus*, ed. H. A. Bedau (London: Routledge), pp. 13–27 [Classic defense of law abidingness.]
- Rawls, J. (1971) *A Theory of Justice* (Cambridge, MA: Harvard University Press). [Most influential book on political philosophy in the second half of the twentieth century.]
- Singer, P. (1991 [1973]) "Democracy as a plea for reconsideration," in *Civil Disobedience in Focus*, ed. H. A. Bedau (London: Routledge), pp. 122–9. [Critique of Rawls on civil disobedience.]
- (1993) *Practical Ethics*, 2nd edn (Cambridge, England: Cambridge University Press). [Chapter 11 is excellent on the ethics of lawbreaking.]
- Stone, C. D. (1974) *Should Trees Have Standing? Toward Legal Rights for Natural Objects* (Los Altos, CA: William Kaufman, Inc.). [Sophisticated, environmentally motivated, legal philosophy.]
- Thoreau, H. D. (1991 [1849]) "Civil disobedience," in *Civil Disobedience in Focus*, ed. H. A. Bedau (London: Routledge), pp. 28–48. [Skepticism about government and powerful plea for individual responsibility.]
- Watson, P. (1993 [1986]) "Raid on Reykjavik," in *Radical Environmentalism: Philosophy and Tactics*, ed. P. C. List (Belmont, CA: Wadsworth, Inc.), pp. 172–6. [Reprinted from the *Earth First! Journal*.]
- Young, R. (1995) "'Monkeywrenching' and the processes of democracy," *Environmental Politics* 4, pp. 199–214. [Best philosophical defense of eco-sabotage.]

*Blackwell Companions
to Philosophy*

A Companion to Environmental Philosophy

Edited by
DALE JAMIESON

 **BLACKWELL**
Publishers

2001