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Eco-sabotage as Defensive Activism

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Abstract
I argue for the conditions that eco-sabotage (sabotage involving the protection of animals or the environment) must meet to be a morally permissible form of activism in a liberal democracy. I illustrate my case with Jessica Reznicek and Ruby Montoya's oil pipeline destruction, the Sea Shepherd Conservation Society's whale hunt sabotage, and the Valve Turners' pipeline shut-off, climate necessity-defense. My primary contention is that just as it is permissible to destroy an attacker's weapon in self- or other-defense, it is permissible to engage in some forms of eco-sabotage. Taking inspiration from just war theory, I use the conditions of *just cause*, *reasonable chance of success*, *proportionality*, *necessity*, and *discrimination* to both conceptualize eco-sabotage as defense and illustrate the justificatory burden the eco-saboteur must meet. Often eco-sabotage is doubly pro-tanto wrong because it is illegal and involves property destruction. Overcoming these hurdles is particularly difficult because in seemingly bypassing democratic means of dispute resolution, the eco-saboteur seemingly coerces the other members of society by forcing idiosyncratic views upon them. Non-anthropocentric eco-sabotage grounded in defense of animal rights has mixed results regarding the democratic objection just described. I argue that anthropocentric eco-sabotage, grounded in defense of human rights, has the best chance of overcoming this objection, provided a persuasive case can be made for its reasonable chance of success. Passing a reasonable chance of success also causes problems for non-anthropocentric eco-sabotage grounded in species defense, while non-anthropocentric eco-sabotage grounded in defense against animal suffering has a lighter justificatory burden.

Keywords Civil disobedience · Democracy · Environmentalism · Terrorism · Violence · Animal rights

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1 Introduction

The 1,172-mile-long Dakota Access Pipeline (DAPL) can transport 750,000 barrels of oil a day and some hope to increase capacity to 1.1 million. Proponents claim it is the 'safest and most efficient' way to transport crude oil ('Dakota Access Pipeline Facts' 2021). Opponents protest that oil extraction and use, especially at this scale, emits massive amounts of environmentally destructive greenhouse gases (GHG), pipe leaks and bursts threaten the water supply and broader environmental disaster, and indigenous groups object to the desecration of culturally important land.

On July 24th 2017, Jessica Reznicek and Ruby Montoya claimed responsibility for burning $2.8 million of DAPL's construction machinery, and using oxyacetylene torches and gasoline-soaked rags on the pipeline itself. 'Some may view these actions as violent, but be not mistaken. We acted from our hearts and never threatened human life nor personal property (Statement of Jessica Reznicek and Ruby Montoya 2017).' According to Stop Fossil Fuels, Reznicek and Montoya caused around $6 million in damages and delayed oil flow for 2 months. Reznicek has been sentenced to 8 years in prison. Montoya has been sentenced to 6.

Founded in 1977, the Sea Shepherd Conservation Society (SSCS) has sabotaged many whaling expeditions, resulting in some minor injuries but no deaths. At sea, SSCS have damaged propellers with entangling lines, thrown butyric acid on deck (a product of rancid butter, it's a nauseating skin and eye irritant), and rammed ships (Khatchadourian 2007). In port they have scuttled (empty) whaling ships and sunk them using limpet mines. They claim responsibility for sinking at least 10 whaling ships and causing millions of dollars of damage (*The Telegraph* 2009). Their tactics are effective. Japan's whalers, alone, admit to many hundreds' fewer whales caught year on year because of SSCS's activities and they withdrew from Antarctic waters entirely because of Sea Shepherd's efforts.

These are both examples of a type of sabotage called eco-sabotage (or ecotage). Sabotage denotes two things. On the one hand, it is property damage or destruction that thwarts or obstructs some plan of action. On the other, it is to thwart or obstruct a plan of action that does not necessarily involve property damage or destruction. Eco-sabotage is sabotage that involves protecting animals or the environment. While this definition is imprecise because it is capacious, I wish to focus on a justificatory project rather than a definitional one, so I hope that pointing to examples will make the subject of my discussion sufficiently clear. Primarily, I will concentrate on eco-sabotage involving property destruction because, all things being equal, it is more difficult to justify. Because property destruction is pro tanto impermissible, eco-sabotage that involves property destruction is – all things being equal – harder to justify than eco-sabotage that does not.[1]

Eco-sabotage is always illegal, commonly involves property destruction, and involves protecting animals or the environment. I will discuss both eco-sabotage that protects animals or the environment for the sake of humans (anthropocentric eco-sabotage) and eco-sabotage that protects animals or the environment for their own sake (non-anthropocentric

[1] Although eco-sabotage is already pro tanto impermissible because it is always illegal, eco-sabotage involving property destruction is – all things being equal – worse than eco-sabotage without it. I say "all things being equal" because the act that aggregates the most components that are pro tanto wrong is not necessarily the worst since the degree of harm that results matters too. For example, I take it that illegally opening the valves of a dam to drown the inhabitants of a town is worse than illegally blowing up a dam to flood an uninhabited valley, even though both are illegal and only the latter involves property destruction.

eco-sabotage). I will assume that eco-sabotage is pro tanto morally impermissible. However, just as property destruction is pro tanto impermissible, yet destroying an attacker's weapon in self- or other-defense is permissible, I will argue that eco-sabotage can be permissible as an act of defense. This is not just an analogy or metaphor. I mean to argue that eco-sabotage can be a form of defense, and this can provide grounds for its moral and political justification. Not all acts of eco-sabotage are justified, and perhaps not all justified acts of eco-sabotage are justified because they are acts of defense, but I aim to show the limits of a defensive theory of eco-sabotage within liberal democracies to show they need not only be the purview of extremists.

2 Civil Disobedience, Terrorism, and Defense

If permissible, eco-sabotage is an illegal yet morally permissible act, so is eco-sabotage a form of civil disobedience? According to Rawls, civil disobedience occupies a space between conscientious objection and revolt. The former is illegality based on one's private morality and the latter is an outright rejection of government. Civil disobedients do neither of these things and instead appeal to a public sense of justice by, for example, publicly announcing their intentions and willingly submitting to arrest, they draw attention to the injustice of the law they reject. For Rawls and others, civil disobedience is an illegal, yet public, nonviolent, and conscientious act done with the aim of changing the law (Rawls 1999, §§ 55, 57, 59; Bedau 1961).[2] Moreover, it is an act of last resort. Only after all legal means have been exhausted can civil disobedience become an option and there are no further actions, short of revolt.

If eco-sabotage is permissible, it challenges Rawlsian civil disobedience. Eco-sabotage goes beyond civil disobedience when it is violent (if only toward inanimate objects) (Morreall 1976). Furthermore, it is often clandestine, not public. In many cases, eco-saboteurs would thwart their own aims by declaring their acts in advance. So, if permissible eco-sabotage is illegal action that appeals to the public sense of justice, it seems like civil disobedience but undermines the Rawlsian definition. If it's permissible illegality that is not civil disobedience, then it still undermines a Rawlsian definition of civil disobedience by replacing it as an act of last resort.

As a violent act that bypasses legal means of dispute resolution, eco-sabotage may seem like terrorism. The US government, for instance, unequivocally classifies eco-sabotage as terrorism. Whether or not one thinks eco-sabotage (or even terrorism) is permissible, this position is problematic because insofar as eco-saboteurs at worst only target inanimate objects, this puts them in a morally different category from those that target persons.[3] Many complain that lumping these groups under one banner both cheapens the charge of terrorism and is strategically counterproductive in combating extremism. One may think damaging propellors and burning holes in pipelines is morally impermissible, but the comparison to, say, bombing innocent civilians is gratuitous (Vanderdeiden 2005, 2008; Christiansen 2009; Cooke 2013; Sumner and Weidman 2013). Lacking nuance here has serious implications since charges of terrorism permit a much more serious invasion of civil liberties. Not only

[2] Cf. Brownlee 2012, Delmas 2018; and Smith 2013.

[3] On permissible terrorism see Hettinger (2022) and Held (2011).

does this violate the rights of environmental activists, but can plausibly lead to more extremism, not less, both due to indignance against an overblown invasion of civil liberties, and the concern that committed activists may decide to commit a crime befitting of their likely punishment.

Eco-sabotage has been defended on principle. Martin (1990), for instance, writes that 'there is no reason to suppose that some acts of ecosabotage could not be justified on consequentialist grounds, but I have concluded that advocates … have not provided a full consequentialist justification of its use in concrete cases' (310). This is primarily because nonviolent acts of what Martin calls 'conscientious wrongdoing', such as civil disobedience, 'also cost the government and industry a large amount of money, and have publicity value' (309). For Martin, eco-sabotage can be justified in principle, but in practice it falters because similar financial attrition can be achieved non-violently without threatening society's perception of environmentalism.[4] Young (2001) broadly agrees with this position. While I agree that non-violent means should always be preferred, I argue that reconceptualizing eco-sabotage as a form of defense is a fruitful means to an in-practice justification as well as an in-principle one.

There are good reasons to be skeptical of conceptualizing eco-sabotage as defense. This skepticism can take different forms. For instance, Turner (2006) reconstructs an argument for a defensive view only to show that it's invalid and Zuolo (2019) concludes that Tom Regan's argument for pacifism can be interpreted as a defensive view with a justificatory bar that can never be met. I will focus on addressing the sort of skepticism that's best expressed by Vanderheiden (2005, 2008). His nuanced account of justified eco-sabotage also takes inspiration from just war theory even though he distances himself from a defensive position. He claims that eco-sabotage's primary strategies are financial attrition, economic disincentive, and gaining political capital, yet it is only justified if 'nothing less' would 'avert a serious wrong' (2005, 441). This could be interpreted as providing a defensive view, but Vanderheiden is explicit that 'the rhetoric of defensive warfare is unhelpful' and he argues that likening eco-sabotage to self-defense is misguided (2005, 444; 2008, 313). This is because it comes with moral and pragmatic risks, such as harming persons, and alienating political allies. His worries are well founded. Because defense provides an exception to the prohibition of violence, nefarious and well-meaning actors use the rhetoric of defense to rationalize serious harm and killing of persons. Terrorist groups such as Individualities Toward the Savagery (ITS) have killed at least 37 people, supposedly in defense of wilderness (Spadaro 2020; p. 67). Individuals like Ted Kaczynski, the Unabomber, used green politics in a similar way.

Some academics are also guilty of rationalizing murder.[5] Kemmerer (2008) uses just war theory to develop a defensive view claiming '[w]arrior activists are engaged in an asymmetrical war of humanitarian intervention' (39). 'Most U.S. citizens' Kemmerer claims 'are abusers and exploiters, destroyers and enablers who consume large quantities of flesh and support research on defenseless animals' (46). According to Kemmerer, this makes most U.S. citizens legitimate targets of war, and while such 'tactics are likely to lead to serious

[4] Cf. Farrer and Klein (2017, 2019).

[5] In effect, Kemmerer endorses the first horn of the multiple inappropriate targets problem described by Hadley (2009). As I'll argue, my view avoids the dilemma by rejecting animal rights as a just cause for defensive activism through requiring that justified defensive activism must pass a personal and a political justificatory standard.

injury or loss of life … such means seem reasonable, expected, legitimate – even morally necessary in the realms of humanitarian intervention' (42). Hence, I share Vanderheiden's concern that the rhetoric of defense may be coopted to rationalize morally abhorrent acts, but I argue that the tenets of just war theory provide the constraints that show why targeting property can be permissible while targeting persons is not. My strategy takes inspiration from the principles of just war, which can be understood as principles that describe a form of defense, and which I will use to delineate the boundaries for any plausible theory of defensive activism.[6]

3 Defensive Activism, Public Justification, and Democracy

I will argue for numerous conditions that eco-sabotage must meet but two, sometimes cross-cutting, standards are worth foreshadowing here.[7] On the one hand, eco-sabotage must pass a public justification because privately justified illegal acts are objectionably coercive toward members of democratic society; on the other hand, it must have a reasonable chance of success because futile defense is no defense at all. While I'll discuss the latter issue in the next section, I'll take up the former task of public justification in a liberal democracy here.

If someone is impermissibly endangering life, then it is permissible to sabotage their efforts. Some may complain that this is objectionably coercive. Moreover, many acts that potentially provide just cause, and so endanger life, are legally permissible. We can interpret these acts as being democratically sanctioned in the sense that they've passed through impartial means of dispute resolution that respect everyone equally. If one ignores democratically mandated laws, then it may be objected that one forcibly imposes one's personal moral view upon the rest of society. Living in a democratic society requires participants to respect views that they disagree with and to honor the results of impartial processes that aim to fairly resolve disputes non-coercively. In a democratic state, individuals ought not bypass impartial means to resolve moral disagreement by illegally and violently stopping an individual or group from achieving their legally permissible goal (Young 1995).

I'm sympathetic to this objection. The key issue is whether the value that grounds the eco-saboteur's act is one that others may not value. For instance, when basic human rights are violated, it is no defense to point to how those basic rights violations were democratically mandated. Defending basic rights may involve coercing others through property destruction, but this is permissible, if not required, by appeal to a value it is impermissible to reject. Eco-sabotage is impermissible if its justification depends upon one's idiosyncratic

[6] As far as I can tell, Paola Andrea Spadaro (2020) is the first to use the phrase 'defensive activism' but she was not using it to describe a theory.

[7] Another way to cash out these cross-cutting justifications is by thinking about the imminent threats that can partially ground defensive acts and the long-term strategizing required by public-political action. Rowlands (2002, 184–187) describes these activities as conceptually distinct. My view challenges this approach by arguing that defensive acts can be a component of longer-term public-political action. I argue, for instance, that defensive acts can be used to change the law, promote deliberation by delaying hasty decisions, and be used to rally support for the cause. I agree with Rowlands that violent, defensive acts can be distinct from symbolic acts, but I argue that some political acts gain *extra* symbolic value because they are defending life and can be justified on those grounds independently.

moral view (Hadley 2017). Permissible eco-sabotage must go beyond one's personal moral view and appeal to society's own moral standards.[8]

What sort of value could both serve to ground eco-sabotage and be legitimately appealed to as part of a public justification in a liberal democracy? Eco-sabotage involves protecting animals or the environment, and the value that justifies this can be understood as anthropocentric or non-anthropocentric. I will build the basic case for eco-sabotage as a form of defense on an anthropocentric understanding because we already widely accept an anthropocentric basis for justified defensive action both in just war and in interpersonal defense. In each case, human rights, particularly the right to life, is an uncontroversial part of a universally held morality. The sort of eco-sabotage that has the most straightforward case for defending human rights is aimed at sabotaging environmentally destructive activities that worsen and/or perpetuate climate change. This is because the value of basic human rights is undeniable and climate change undermines the basic human rights of current and future generations.[9] The non-anthropocentric case can be made for why climate change is bad, but the current objection asks whether the value that grounds a violent intervention is one that others in society may be coerced to protect. Insofar as there is a causal connection between the release of greenhouse gases, say, and the death and suffering of people, then the eco-saboteur has a strong case for resorting to property destruction in their protection.

4 Anthropocentric Eco-sabotage

The conditions of just war theory can describe justified defensive action (Luban 2011). This tradition has the resources to justify eco-sabotage without slipping down the slope to rationalize serious harm and murder. I will focus on the conditions of *just cause*; *reasonable chance of success*, *proportionality*; *necessity*; and *discrimination*.

4.1 Just Cause and Reasonable Chance of Success

Just war and justified eco-sabotage both require just cause. Eco-sabotage is doubly pro tanto wrong because, as I will assume, both property destruction and breaking the law are pro tanto wrong. Which reasons could provide just cause for eco-sabotage and make property destruction permissible or even required? Threat of a human rights violation can provide just cause for defensive action. Most obviously, persons enjoy various rights that can justify defensive killing, defensive bodily harm, or defensive property destruction. For instance, a right to life, bodily integrity, property rights, etc., may each justify various defensive actions that are normally impermissible. If you pose an imminent threat to my life, then killing you may be a permissible response. Resnicek and Montoya's pipeline destruction, for instance, could be interpreted as protecting current and future individuals' right to life (McMahan 2020; Carter 2001; Nedevska 2019). For instance, if a direct causal connection between

[8] Hadley (2017) points to many examples where activists only explicitly refer to their personal moral view. If these were the only sorts of justifications that could be offered, then the activists' acts fail to pass the public political justification being argued for in this section.

[9] It's true that the relative value of future generations is controversial but given the harms from current GHG release are plausibly felt within one human lifetime, the wrong to persons from climate change need not wholly depend on future generations.

some GHG emitting event and a particular individual's death can be drawn, then a strong case could be made. A case could still be made (albeit, potentially a weaker one) if a connection can be drawn between some GHG emitting event, an increased risk profile, and a high likelihood of a rights violation.

Another way to state the point is in the form of an objection from futility. Justified defensive acts provide permissible exceptions to moral and legal restrictions partly because they are required to preserve something of considerable value. For this reason, a further requirement of engaging in defensive actions is that they have a *reasonable chance of success*. Futile defense is no defense at all. Does the temporary destruction of part of an oil pipeline, for example, do anything to preserve the value under threat?

A key issue here is how the value being defended is understood. I will illustrate with three examples. First, if defense hangs on stopping climate change, we get the problem just canvassed. Second, instead of taking climate change writ large as the impermissible event that must be stopped, we may consider the egregious GHG emissions that the pipeline emits instead. This would obviously get the result that the destruction of the pipeline is necessary to achieve this result. The difficulty, of course, is to explain why the level of GHG emitted by the pipeline is impermissible. One way to do this would be to link it to climate change by calculating what some population's fair share of permissible emissions are and then showing that the pipeline's emissions are way beyond any reasonable amount. Another way to do this would be to connect the level of GHGs that comes from the operating pipeline to actual harms in current or future persons. Both routes are promising but face significant controversy. Third, the problem arises when we consider the causal efficacy of isolated acts. It should be no surprise that individual acts face causal efficacy worries in combatting a problem on the scale of climate change. It's unclear, however, why individual acts must defend the value at stake on their own. It's undeniable that tackling climate change will require long term strategizing and coordinating large groups of people. Perhaps individual acts can be defended as a necessary component of a promising long-term strategy. This could increase the causal importance of the act of sabotage.

Did Reznicek and Montoya's sabotage have a reasonable chance of success? It's been estimated that the damages they caused amount to around $6 million. According to Stop Fossil Fuels 'That's less than one sixth of 1% of the $3.78 billion pipeline budget—amounting to a rounding error, and likely reimbursed by insurance' (Stop Fossil Fuels, 2021). Understood differently, however, they delayed pipeline completion by around two months, roughly the same delay that the entire #NoDAPL campaign achieved with thousands of people. By Stop Fossil Fuels' calculations, Reznicek and Montoya stopped 30 million barrels with 10 'person months' of effort and around $3000.[10] This does not account for their combined sentence of 14 years in prison, however, nor any other costs either party accrued (e.g., legal costs, or losses in earnings). If hindering the transport of 30 million barrels of oil can be linked to human rights through saving lives and preventing suffering, then their action was justified. It seems plausible that this conditional can be defended; however, for the sake of argument, let's say that it's insufficient. Could pipeline sabotage be embedded in a broader strategy? The Valve Turners provide a compelling case.

In 2016, in a coordinated attack over 4 states, 5 activists from Climate Direct Action forcibly accessed and turned the emergency shut-off valves on four pipelines that carry oil into the U.S from Canada. This involved accessing the fenced off emergency shut-off valves,

[10] I only wish to use these figures for illustrative purposes, so I won't question their veracity.

using bolt-cutters to unlock the valves, warning the pipe operators that they were about to shut them off, and then turning the valve to shut off the oil. It's reported that this stops the flow of up to 2.8 million barrels of oil a day (Williams 2016). According to Stop Fossil Fuels, relative to the #NoDAPL campaign, the Valve Turners were a much more efficient use of people and time, but nowhere near as efficient as Reznicek and Montoya. One thing that sets the Valve Turners' action apart, however, is their plan to use the necessity defense in court.

Defendants may use the necessity defense to excuse themselves from criminal charges on the grounds that the illegal action prevented a greater harm from occurring. The defense was used in the UK in 2008 by the 'Kingsnorth Six' a group of activists that caused criminal damage to the Kingsnorth coal power station. They successfully argued that the continued use of coal power would cause greater damage to property around the world.[11]

Of the four Valve Turner cases, only the one in Minnesota was granted permission to use the necessity defense. The State prosecutor appealed, and in July 2018 the Minnesota Supreme Court ruled in the Valve Turner's favor. Their legal representation, the Civil Liberties Defense Center (CLDC), claim this created a 'state-wide binding precedent regarding the standards that must be applied when an activist asserts the necessity defense' (Civil Liberties Defense Center, 2020). In October 2018, however, the trial judge acquitted the defendant, so the CLDC were never able to mount the necessity defense.

It's worth noting that the Valve Turners did not destroy property (apart from chains that secured the valves) to achieve their goals. Effective eco-sabotage need not involve property destruction. However, it does show how eco-sabotage that involves property destruction could fit into a broader and more effective environmental strategy because similar delays and costs could be accrued to a pipeline operator using property destruction. The most materially costly actions, and the most effective in environmental defense, need not involve property destruction, so this makes it even more unclear why property would be viewed as sacrosanct when considering the moral permissibility of defensive activism.[12] If both property damage and a lack of property damage result in similar material outcomes, then why consider property damage as so much worse? One reason, which I'll discuss in the next section, is that even though there may be no good philosophical reason to strictly delineate eco-sabotage involving property destruction from eco-sabotage without property destruction, it will be more difficult to justify eco-sabotage that includes property destruction when part of the justificatory burden is linked to public perception, and destructive acts (especially dramatic ones) may be less likely to be viewed favorably.

Hence, we may think that individual acts of eco-sabotage are futile in stopping climate change. We may even hold (the somewhat extreme view) that individual acts that stop significant GHG release are not causally effective in preserving life or preventing suffering. Even if we take these unlikely assumptions to be true, eco-sabotage may still have a reason-

[11] Others have attempted to establish this precedent in the U.S. E.g., Tim DeChristopher, the 'Lobster Boat Blockade', the 'Delta 5', and Karenna Gore.

[12] The cybercriminal attack on Colonial Pipeline, which provides 45% of the gas to America's east coast, may provide inspiration to other more principled actors. It's easy to see how cyber-attacks that result in pipeline shutdown could be used by activists. This provides another example of eco-sabotage that could be devastatingly effective even without property destruction. It remains unclear just how effective such attacks could be, however. According to *The New York Times* 'Colonial Pipeline would never have had to shut down its pipeline if it had more confidence in the separation between its business network and pipeline operations.' (Pipeline Attack Yields Urgent Lessons About U.S. Cybersecurity, May 14th 2021).

able chance of success as a necessary component in a broader strategy of environmental preservation. To deny the possibility of the effectiveness of a broader strategy enlarges the scope of the futility objection because it denies the possibility of having any effect on climate change whatsoever. Some hold this level of pessimism, but not only is it far from clear that all action on the climate is futile, but this is hardly an objection specific to eco-sabotage as a morally justifiable approach.

4.2 Proportionality

Just cause alone is insufficient for just war or just sabotage. Proportionality is also required. Breaking your leg may be necessary to halt your attack, but if your attack is merely a pinch, breaking your leg seems impermissibly disproportionate. While I argue that considerations of proportionality do not rule out eco-sabotage, permissible sabotage will partly depend on comparing seemingly incommensurable values.

In just war theory, determining *jus ad bellum* proportionality is fraught. As Walzer (1977; xv-xxi) asks 'How do we measure the value of a country's independence against the value of defeating an aggressive regime?' Orend (2000, 537) adds that a moment's thought deepens and multiplies the complexity. How do we compare casualties to loss of sovereignty? Short-term and long-term benefits? Prudential and moral values?

Analogous problems arise when considering eco-sabotage. When just cause is present, weighty moral values are at stake. On the one hand, when comparing weighty moral values and relatively minor property destruction with inconsequential repercussions, the calculation seems straightforward. On the other hand, there are many reasons that illustrate how sabotage can have serious consequences. For example, souring public perception of the environmental movement may result in worse moral sacrifices; individual acts of destruction may be insignificant but taken together they may encourage property insecurity; nefarious actors may feel emboldened to engage in wanton sabotage; and authorities may point to lawlessness to justify legislation inhibiting civil liberties (Spadaro 2020; Brown et al. 2017; Brown 2019; Farrer and Klein 2017, 2019; Vanderheiden 2005, 2008).

These are all important concerns and conscientious activists ought to be sensitive to pragmatic issues and weighing costs and benefits. It is a mistake, however, to always favor the route that faces the least public backlash. Upholding moral values can be unpopular, yet we believe it is worth it anyway. Often activists are working against the institutional grain because the most pressing problems are structural and wide-ranging. It is due to their disruptive impact in the face of adversity that we honor those involved in principled resistance in the past. Activists engaged in social change are commonly in conflict with prevailing opinion. After the social change occurs, prevailing opinion may look back in horror at what was previously acceptable. If no significant social change occurs, is that because the activism failed, or because we haven't waited long enough? The point is that if we use cost benefit analysis (CBA) to determine the permissibility of political activism, and public opinion weighs heavily in that calculation, then either the easily predictable backlash, or the uncertainty of future exculpation, will lead to acquiescence to the status quo. Yet if this line of reasoning was used by all activists, then some would never have participated in activities that (in hindsight) we not only view as permissible, but heroic. Whistleblowers, for instance, can face popular disapprobation, considerable personal sacrifice, and may never live to see their vindication, yet their actions may still be justified despite these potentially high costs.

Hence, while arguments based in CBA that weigh the costs of public opinion are clearly legitimate, the ease with which they can be deployed erroneously should lead us to view them with some skepticism.

I see no easy formula that would lead us to know when this sort of CBA would be decisive and when it should be ignored. On the one hand, if a defensive activist's proposal is uncontroversially counterproductive in that it will predictably lead to more and worse, rather than fewer and less severe, human rights violations, then it should be avoided. Moreover, this line of reasoning reinforces the idea that eco-sabotage ought to be a last resort, and other less violent or less controversial means should always be exhausted first. On the other hand, conceiving permissible eco-sabotage as acts of defense provides extra reasons that count in its favor. That is, if the act not only raises awareness of the political issues, but also actually defends something worthwhile, then it can more easily pass a proportionality test. This is why it was ill advised for Just Stop Oil's activists to cover Van Gogh's Sunflowers in tomato soup (Gayle 2022). The action itself does nothing to defend something worthwhile, its only aim is to garner support for the green movement, and arguably the backlash was so severe and predictable that the action itself fails any reasonable CBA.

Could Reznicek and Montoya's pipeline sabotage pass a proportionality test? Looking at the monetary costs, Reznicek and Montoya inflicted 6 million dollars of damages. According to Stop Fossil Fuels 'That's less than one sixth of 1% of the $3.78 billion pipeline budget—amounting to a rounding error, and likely reimbursed by insurance.' Put this way, the monetary costs seem insignificant. Arguably, the monetary costs pale in comparison with the projected environmental damages from the use and the extraction of the oil, never mind the risks of leaks and spillage. This argument, however, is dependent on their pipeline destruction actually protecting human rights. Moreover, how does the public perceive these activities? There is some evidence that public perception of eco-sabotage is conditional on the successes of environmental parties in democratic politics (Farrer and Klein 2017, 2019). If environmental parties make political gains, then eco-sabotage is viewed poorly, but if environmental parties fail to make political gains, then eco-sabotage is viewed more favorably. This gives us some reason to think that if the public view eco-sabotage as necessary as a last resort, then it may be viewed as a proportional response.

All acts of eco-sabotage are doubly pro tanto wrong, disruptive, and involve careful consideration of public perception, so the onus is on the eco-saboteur (and the broader community) to carefully assess whether the costs are too great (Hettinger 2001). It's probable that pipeline destruction, especially the more dramatic sort with explosions and flames, is going to be a harder sell than quietly shutting off some valves. While this will not rule out every case of property destruction on proportionality grounds, it places a stringent check on defensive activists.

4.3 Necessity

The condition of just cause establishes that there is something of considerable value under threat. Proportionality asks whether sabotage is an overreaction, and the condition of necessity ensures that eco-sabotage is only used when other less problematic means cannot be used to achieve the same goal. There are many intuitively appealing illustrations of necessity. I may have just cause to stop you cutting down a tree, and destroying your chainsaw is proportionate to the harm threatened, but property destruction is still prima facie wrong, so

if you'd be responsive to a request to desist, then its impermissible to destroy your property when a request is sufficient. This requirement is especially pressing in democratic society because there are many legal, non-violent avenues to stop objectionable environmental destruction. This highlights how the necessity condition makes eco-sabotage the option of last resort. Ideally, only once all other avenues have been exhausted may eco-sabotage be permissible. Thus, ideally, all legal means are exhausted before one may resort to civil disobedience and only after that may one consider eco-sabotage. This ideal picture is complicated by differing interpretations of what counts as necessary and by imminent threats which do not wait for due process. There may be no time for political processes, or contacting the authorities, before irreversible damage occurs. The necessity condition may be fulfilled because I happen to be well placed to intervene by destroying your means to provoke just cause.

Imminent threats do not exhaust animal or environmental threats, however. Many environmentally destructive development projects are planned long in advance and may be responsive to feedback or public debate. If non-violent means have a reasonable chance of success and the threat to life is not imminent, then eco-sabotage ought to be avoided. As these alternative means are exhausted, and the threat becomes more imminent, eco-sabotage becomes closer and closer to satisfying the necessity condition.

Could Reznicek and Montoya's pipeline sabotage pass the necessity condition? Reznicek and Montoya see themselves as eco-saboteurs of last resort: 'After having explored and exhausted all avenues of process, including attending public commentary hearings, gathering signatures for valid requests for Environmental Impact Statements, participating in Civil Disobedience, hunger strikes, marches and rallies, boycotts and encampments, we saw the clear deficiencies of our government to hear the people's demands.' Taking this claim on its face, Reznicek and Montoya's action is plausibly one of last resort. Was their action necessary to preserve the value under threat? This partly depends on the availability of alternative actions. Shutting off valves, for instance, seems like it should come before pipeline destruction, but valves are also much easier to turn on than pipelines are to repair, so not only the nature of the action but the extent of its effects vary. Again, while the necessity condition need not rule out more destructive versions of eco-sabotage, it does provide a stringent check.

4.4 Discrimination

In just war theory, the discrimination condition states that targeting non-combatants is impermissible, while targeting combatants is permissible. Distinguishing between these two groups is required to capture the idea that even in war some kinds of killing are morally objectionable. In defensive activism the discrimination condition is not used to distinguish between human targets because there is no war or combat in anything other than metaphor, so there are no combatants or non-combatants. The key distinction for permissible eco-sabotage is between property and people; property is a permissible target and people are not. On the one hand, property and people are obviously different and this is enough to support the distinction. On the other hand, why think the distinction is morally relevant insofar as human rights are under threat since this is potentially appropriate grounds for preemptively targeting persons? There are at least two ways to reply. One draws on proportionality and the other on necessity.

First, to bring the proportionality condition into focus, I will assume that killing a person is necessary to defend just cause. There are numerous reasons that sabotage may be considered disproportionate and therefore impermissible and they just become stronger if we're considering taking human life: souring public perception of the environmental movement; numerous killings will likely make everyone feel terrorized; nefarious actors may feel emboldened to engage in wanton killing; and/or authorities will likely point to lawlessness to justify legislation inhibiting civil liberties; and/or in general targeting persons may lead to worse outcomes than the good eco-saboteurs hope to achieve. I noted that parallel considerations required serious consideration in the case of property destruction for eco-sabotage. These considerations are even more weighty when put in the context of taking human life. Moving from property destruction to the taking of human life is not just a difference in degree, but a difference in kind. It's difficult to imagine cases where taking a life would be proportionate when we consider any one of these proportionality reasons. When taken together, they are mutually sufficient to show that targeting persons is impermissible.

Second, to bring the necessity condition into focus, I will assume that killing a person is proportionate to protect the life under threat. When, if ever, could killing a person be considered necessary for animal or environmental protection? I submit that it's vanishingly rare that targeting a person would ever pass the necessity condition. This is because the sort of actions that provide a defensive activist with just cause are almost always mediated by inanimate objects such that targeting the object is sufficient to protect the life under threat. Therefore, property destruction is almost always present as a preferable alternative to targeting persons, so targeting persons will almost never pass the necessity condition.

I used 'almost' a lot in the last paragraph because I admit that, however unlikely, it's conceptually possible that targeting a person may be interpreted as necessary. Just imagine someone engaging in heinous environmental destruction without property mediating the act. There are two points to raise here. First, even if targeting a person for restraint or injury is necessary in this rare sort of case, this will not countenance targeting them for killing since killing will not pass the proportionality condition. Second, even if the targeting of a person is necessary, restraint or other lesser harms than killing are likely to be available first. Hence, while there are perhaps some conceptually possible yet unrealistic scenarios where we can imagine that targeting a person would pass the necessity condition, the killing of a person is so far from the reality of real-world defensive activism that it's a hair's breadth from being conceptually ruled out. Moreover, democracy and proportionality provide individually sufficient reasons to rule out targeting, seriously injuring, or killing persons. However, if the arguments I present here fail, and there are no other arguments to establish a division between eco-sabotage that targets property from eco-sabotage that targets people, then eco-sabotage ought to be impermissible without exception because it would legitimize murder.

Do Reznicek and Montoya pass the requirement to not target, injure, or kill persons? Reznicek and Montoya never killed or hurt anyone, and while it could be argued that their arson attacks put emergency service personnel at risk, their statement reiterates their commitment to 'peaceful, nonviolent direct action' and they see themselves as acting in the tradition of the pacifist Catholic Worker's Movement (Shipley 2021).

In sum, permissible eco-sabotage as defensive activism ought to be done with just cause, proportionality, necessity, and without targeting persons. Finally, while a case can be made for Reznicek and Montoya's actions passing these conditions, it's not straightforward, and less dramatically violent acts, like those of the Valve Turners, are always preferable.

5 Non-Anthropocentric Eco-sabotage

5.1 Democratic Objection and Non-Anthropocentric Eco-Sabotage

I turned away from non-anthropocentric grounds for eco-sabotage because permissible eco-sabotage must go beyond one's personal moral view and appeal to society's own moral standards and I wanted to provide the strongest case for its permissibility. Now, however, I will consider non-anthropocentric eco-sabotage with three different sorts of just causes: defense of animal rights; defense from species extinction; and defense from animal suffering.

The first just cause I will consider is defending animal rights. Despite being the most superficially similar to basic human rights, I contend that a rights-based view can be the most vulnerable to the democratic objection's charge of being objectionably coercive. If we take our practices as evidence of our values, then it's clear that there is substantive disagreement over whether animals have, e.g., a right to life. At the same time, a lot hangs on the range, content, and justificatory base of the rights that animals are claimed to have. If animals are claimed to have a right to life that is equal to a human's right to life, then this will fall foul of the democratic objection. However, if the claim is that animals have a right not to needlessly suffer, then this may potentially pass the democratic objection.

Detractors may claim that this props up an extreme moral relativism. This misunderstands the moral relevance of disagreement in this case, however. The moral value of basic human rights is undeniable; animal rights are in a different position.[13] Not because of mere capitulation to the majority position, but because of the sorts of grounds one can appeal to when justifying violence and serious rights violations. While a case can be made to persuade others to the cause of animal rights, people may disagree. For violent, extra-judicial activism, we should seek values that are impermissible to deny.

The second just cause I will consider is defending a species from extinction. On the one hand, large quantities of resources are spent on saving certain species from extinction and campaigning has long been done on the grounds of stopping these species from becoming extinct. On the other hand, dozens of other species (perhaps those that are less cute, familiar, or majestic) go extinct every day, and one million species face extinction, so even though extinction seems regrettable, in some cases it seems to be tolerated.

Extinction due to human activity is presumptively morally wrong. I won't engage in a systematic defense of this claim here. Still, assuming extinction is forever, the loss of a species is irreversible, so some humility is recommended. Permitting extinction decides for current and all future generations. Even if we think the loss of the species is acceptable now, we cannot be certain about the benefits the species may provide to us, or to the ecosystem more broadly. If we are to choose to pursue some development that will likely lead to the extinction of some species, I submit that a case always needs to be made why pursuing this development is worth it. The choice to make extinct always needs explanation and if this explanation is wanting, then the high stakes of the situation can provide broadly held reasons to engage in defensive activism.

The third just cause I will consider is defending a non-human animal from being made to suffer. Some will hold that causing unnecessary suffering is unconscionable whether it's in non-human animals or humans (Hardman (pseudonym), 2021). Difficulties arise in what

[13] I mean 'basic rights' in Henry Shue's (1980) sense of the rights that are a necessary precondition for having rights at all.

counts as necessary, what counts as suffering, and what sort of creatures can experience suffering, but there are many easy cases too. Operating on great apes without anesthetic, cruel and needlessly painful slaughter techniques, or other shockingly torturous acts provide reason to ground defensive eco-sabotage in protection against suffering. Hence, eco-sabotage as defense against suffering is on firmer ground. There are already all manner of laws protecting animals against suffering and campaigns to end various practices that cause suffering have been successful. Moreover, there are examples of eco-sabotage aimed at ending animal suffering that have enjoyed widespread support. When the ALF broke into the University of Pennsylvania's Head Injury Lab, for instance, they not only caused millions of dollars' worth of damage, but they also exposed the unjustifiable suffering of baboons which led to public outcry and the end of the experiment.

It's notable that arguments to establish the discrimination condition are easier to come by from the non-anthropocentric perspective because in this case we're not asking if it is appropriate to only target property in defense of human rights but whether it is appropriate to only target property in defense of non-human animals or the environment. We should appeal to a justificatory base that it's impermissible to reject, and the most straightforward way to do this is to recognize that basic human rights, like a right to life, should not be infringed. Any view of the commensurability of the value of human life compared to other forms, or classes, of life will be based on some highly contentious moral view, so extra-judicial acts grounded on this basis must appeal to an idiosyncratic moral view and impose it on an unwilling public.[14] Hence, the impermissibility of targeting persons and the permissibility of targeting property is more straightforward to establish.

Moving from most open to denial to most difficult to deny, the values that may provide just cause are animal rights, defense against extinction, and defense against suffering. Hence, there is still firm ground for permissible non-anthropocentric eco-sabotage, particularly if it is grounded in defense against animal suffering. For the reasons canvassed, the case gets more difficult to defend when considering defense against extinction; and the animal rights based position is difficult to judge in light of the democratic objection because the case may vary from unjustifiably coercive to plausibly permissible depending on the range, content, and justification of the rights being asserted.

5.2 Could Sea Shepherd's Actions be Permissible Eco-sabotage?

First, Sea Shepherd's anti-whaling measures could be grounded in protection against extinction or suffering since Sea Shepherd targets whalers to stop practices such as harpooning which can lead to a prolonged and torturous death. What about proportionality? Insofar as their response is relatively minor property destruction that does not put life at risk, then it seems likely that the proportionality condition can be met, especially when those that bear the costs are well-off nation-states as in the case of the Japanese whalers.[15] What about the necessity condition? Sea Shepherd engages in the political process and even works along-

[14] See Hardman (2021) for an argument in support of a broad view of what common sense morality entails for animal defense.

[15] An interesting edge-case is illustrated by Sea Shepherd's targeting of the Makah, an indigenous people of the Pacific Northwest Coast. It's an interesting question whether the cultural self-determination of a small and relatively poor indigenous group, that plausibly depends on whale hunting for survival, would make Sea Shepherd's intervention impermissibly disproportionate.

side governments on some campaigns (SSCS, 2016, 2019; BBC News 2021; Fry 2021). Despite a moratorium on commercial whaling in 1986, Japan continued to whale under the guise of scientific research and was unresponsive to diplomatic pressure. The International Whaling Commission declared the waters of the Southern Ocean around Antarctica a sanctuary in 1994 yet Japanese whalers continued whaling endangered species in this area. In the face of an ineffective political process, and the international community's failure to enforce their own treaties, Sea Shepherd stepped in. Moreover, they only sabotage hunts and property essential to hunts, so Sea Shepherd's anti-whaling measures plausibly pass the necessity condition.

Does SSCS pass the requirement to not target, injure, or kill persons? Paul Watson, of Sea Shepherd, often claims that they have 'never caused a single injury to a single person' and he has called their approach 'aggressive non-violence' (Buckmaster 2019). While they have never killed anyone, there are reports of Sea Shepherd causing minor injuries, and some attacks can be interpreted as unacceptably risky, however, it's clear that they go out of their way to avoid endangering persons.

6 Conclusion

My aim has been to develop a just war inspired theory that could justify defensive activism. I hope to have shown how defensive theories need not lead to rationalizing murder or serious harm to persons. The conscientious defensive activist can only engage in permissible eco-sabotage when she acts with just cause as constrained by necessity, with proportionality, with a reasonable chance of success, and without putting life at excessive risk. While permissible eco-sabotage must pass stringent conditions, this is preferable to being unavailable as a strategy. Extreme situations call for the availability of extreme tactics lest activists be left impotent in the face of egregious wrongs.

This places a considerable burden on eco-saboteurs to justify their acts. This is a burden they ought to bear since all acts of eco-sabotage are illegal, so there's a sense in which they all bypass impartial means of conflict resolution. Appropriately constrained eco-sabotage does not bypass societal norms, however, but takes them into account. I've argued that the case of non-anthropocentric eco-sabotage based on defense of animal rights is unclear due to broad variation in how such rights are understood. Non-anthropocentric eco-sabotage based in species defense is justifiable but does not have as strong a case as non-anthropocentric defense against suffering or anthropocentric eco-sabotage. While anthropocentric eco-sabotage can relatively easily overcome the democratic objection, arguably so can non-anthropocentric defense against suffering, but non-anthropocentric defense against suffering can more readily pass the condition of a reasonable chance of success. Because non-anthropocentric defense against suffering does not face the full brunt of either objection, it is perhaps the most justifiable form of eco-sabotage. However, anthropocentric eco-sabotage, and to a lesser extent non-anthropocentric species defense, remain in the conscientious activist's repertoire of permissible actions.

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