

Can Climate Civil Disobedience be Justified?

*Douglas Bamford**

Oxford University Department of Continuing Education, Oxford, UK

*Corresponding author. Email: douglas.bamford@conted.ox.ac.uk

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Abstract

Some people have engaged in acts of civil disobedience to protest against the climate policies of their governments and corporations. This article argues that these disobedient actions are justified at present since governments fail to do all they reasonably can to respond to this pressing issue.

Introduction

In recent years climate activists have engaged in direct actions and civil disobedience to demand greater policy action. Several groups have engaged in such activities. Extinction Rebellion have damaged the entrances to banks financing fossil fuel infrastructure and government departments. Just Stop Oil and Insulate Britain have blocked roads. The latter actions disrupted the daily lives of regular people to make their point that government policy and decision-making make achieving stated emissions targets harder, if not impossible, to meet.

Political campaigns can use many tactics. In a democracy, people can vote for representatives who will act on their wishes. Constituents can also petition their representatives, or the relevant government ministers. Citizens can join political parties, attend political discussions and hustings, and could themselves stand as candidates if they wish. However, at some points in history some individuals and groups have felt these methods to be inadequate, considering it necessary to use other methods to demand political change or stand up against injustice. Some of these will be revolutionary actions seeking to overthrow the government, or violent acts to express

dissatisfaction such as rioting. Acts of civil disobedience are not revolutionary or violent in these ways but do involve breaking some law or other to make a political point. I will argue that when it comes to climate policy inaction, civil disobedience can be justified.

Civil Disobedience

What is civil disobedience? Thinkers disagree about the key features, such as how *civil* it must be, but we can consider some prominent examples. Among the best-known examples are cases where victims of unjust laws visibly break those laws to make a point. Suffragist women voting when it was illegal for them to do so, Gandhi taking salt without paying the British colonial ‘salt tax’, and Rosa Parks refusing to move from a white-only section of a bus in Montgomery, Alabama. These are all cases where the law-breakers aimed to highlight the injustice of the existing laws, accepting the punishment that would come from violating those unjust laws. For groups who are unable to vote, illegal means of political expression may be the only effective route available to them. However, even those with the vote may consider civil disobedience a



necessity to express their dissatisfaction with some injustice which their elected representatives and fellow citizens appear content to ignore.

In the 1840s the author Henry David Thoreau decided he could no longer pay his taxes to a government that upheld slavery, mistreated native Americans and undertook a war with Mexico to expand its territory. Thoreau considered it important for people to think for themselves, and considered the actions of his government to be wrong, even though they were supported by the majority of voters. He did not think that he was duty-bound to accept the choice of the majority if this clearly went against his conscience. Thoreau was briefly jailed until a relative paid his tax on his behalf.

Thoreau could not break unjust laws *directly* to express his dissatisfaction, as Rosa Parks and others did. He had to break another law and thereby express his dissatisfaction indirectly. It is not possible for people directly to break a law when it comes to slavery, police brutality or an unjust war after all. Climate and other

environmental activists may sometimes block fossil fuel pipelines, or high-emitting activities or installations. These direct actions aim to disrupt environmentally damaging activities and make them more costly. However, these actions rarely gather much public attention or discussion. Campaigners have therefore taken to more disruptive actions which inconvenience the public to make them aware of an issue that could otherwise be ignored.

As mentioned, thinkers disagree about the key features of civil disobedience that distinguish it from other kinds of political and illegal actions. The ultimate point is that those engaging in civil disobedience are not anarchists who believe that *no* states or laws are legitimate. Nor are they breaking the law to get some benefit for themselves, as would a thief. The lawbreaking aims to force fellow citizens, or perhaps those working in certain industries, to confront the injustice in question, which they could otherwise too easily ignore. To demonstrate their general respect for the law and society, the protestors will usually

accept arrest for their action. Some may, however, plead not guilty on the basis that it was necessary for them to undertake the action in question. Juries may sometimes acquit someone who clearly undertook an illegal action on the basis of this ‘necessity defence’, just as they might acquit someone who considered it necessary to break into a building to save the incapacitated owner from being burned to death by a fire.

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How Can Climate Disobedience be Justified?

Climate campaigners may consider their disobedience justified on several grounds. I will present one possible argument. This holds that states have a duty to make very strong attempts to mitigate climate change, ideally to get to net zero greenhouse gas emissions, and that failing to do so is an injustice. Failing to make strenuous efforts is an injustice because climate change threatens to cause serious harms to people in the future. Indeed, several human rights appear to be threatened by climate change and its expected consequences, such as an increase in the number and intensity of extreme weather events.

Climate campaigners are therefore taking themselves to be representatives of the future victims of climate change, whose rights they believe will be unjustly violated. Why should people take on this responsibility? They are no doubt concerned that the future victims of climate change inaction are not being represented within the political process. Some will be too young to vote, or even not yet born. Furthermore, when it comes to climate policy, greenhouse gases do not remain above their country of origin, and so there is an

international element. Future victims of climate policy inaction will not be represented in the political process because they are based in other states.

Some activists will also believe that parts of the natural world such as ecosystems that are threatened by climate change are also valuable, and not represented by the legal or political system. Many people think that these have value in themselves. However, not everyone agrees that ecosystems and non-human species have intrinsic value. Civil disobedience to protect the natural world might need a more detailed justification than the one I’m offering here. However, even those who disagree about the value of the natural world should accept that ecosystems provide ‘ecosystem services’ to humans around the world, and so there is – at least – indirect reason to protect them.

People who conclude that wealthy states should make strenuous efforts to limit their contributions to climate change will be distraught by the limited and rather unhurried action undertaken by their states. To some, this represents an injustice to the future victims of climate change, and they must take action to demonstrate this to their political representatives and fellow citizens. The actions should be designed to force people to confront the current state of policy, and to ask them to justify the lack of action.

Counterarguments

Uncertainty

I will now respond to several possible counterarguments. The first is that there is a lot of uncertainty where climate change is concerned. The climate is a very complicated system and so we cannot say for certain what will happen in the future. I will relate back to this concern later, but for now let us consider the fact that a lot of people have doubts about the claims of climate scientists and environmentalists about the implications of climate change.

Climate science sceptics, hereafter CSSs, would indeed consider civil disobedience to be unjustified, since they would not agree that the

lack of climate policy will harm anyone. Scepticism can come in many forms, though in my experience CCSs are not necessarily consistent. They just run through a script of claims intended to undermine faith in climate science. These claims are often inconsistent with one another, and so the aim is clearly to confuse people rather than to engage genuinely with science. However, my response would be that the onus at this stage is on the CSSs to present viable alternative climate models in scientific journals, not to circulate misleading information on social media.

Climate models certainly do have a degree of uncertainty within them. Scientists run numerous simulations with different outcomes. Representations of future climate predictions often present the average of these simulations for simplicity's sake, even though the future is inevitably uncertain. A critic could claim that we do not know for sure that climate change will have the dire effects that are predicted. However, looking at the range of predictions, there is sufficient reason to continue to believe that the impacts will be serious. If some new finding leads scientists to revise their core calculations, then we can revisit the issue, but for now we have to act on the best information available.

Rights

Another possible response is to query how climate change threatens people's human or basic rights. People disagree about which rights should be included in lists of human rights, and some would argue that the current lists are too long. We should instead focus on political rights, such as a right to personal security, to vote, to a trial by a jury and not to be exiled. Climate change does not obviously impact on these rights, though some of them could be reinterpreted in this way. For instance, security of person and personal property could be threatened by climate change, and these will no doubt appear on most lists of 'core' human rights. The right not to be exiled might be undermined by climate change as well, since it could make some countries uninhabitable.

When human rights bodies and philosophers have looked at the list of human rights and the likely impacts of climate change, they have

drawn numerous connections, and there is not space here to review them all. However, there are clearly many links. Some people are sceptical of human rights entirely, however, and they would be unmoved by these claims. However, I think that they should accept that it is wrong knowingly to harm other people, even if we do not phrase this in terms of human rights. Anyone who would consider it perfectly acceptable to harm other people, at least without need of any justification, is taking a position beyond the pale of morality here. Even if we took their view seriously, they seem to have nothing to say about climate policy or civil disobedience since these must have some ethical basis.

Another point about rights is that emitting activities might be necessary for people to achieve some of their rights. The right to survive might require some energy, which currently largely comes from burning fossil fuels. If we are looking at the issue in terms of harms or human rights, then surely there is no gain to robbing some people of their human rights in the short term to reduce the chance of human rights violations in the future? This is of course true, and really explains why climate change is such an urgent and difficult issue. It is hard to meet all the needs of the present and future generations without using energy and this energy must come from somewhere. The shift from a fossil-fuel driven society to a less damaging one is a long and difficult transition, and so to meet the needs and rights of people in the present and future we must be very careful. I do not think we should consider this impossible, but the slower we act the harder it becomes.

Indirectness

Putting together the uncertainty and rights concerns, however, we can consider a more serious and challenging argument: that the relationship between climate emissions and the harms caused are too indirect. If I go for a pleasure drive in my combustion-engine car the gases produced will mix into the atmosphere and there will be no way to know that they will harm anyone, and no way to track any harms back to my actions. On the other hand, I do know that my emissions

could contribute to some damaging event in the future, and if I did not emit the gases (or perhaps offset them) they would not.

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When we move to a policy level, the impact of a medium-sized state like the UK will clearly make a difference, even if the gases cannot be directly traced. The point is that we can reasonably expect to cause harms, and indeed that it is wrong to impose that level of risk onto the climate-vulnerable populations in the future. We do not need to be able to trace back the instance to the emissions at the level of the gas, we can consider it at a macro-level.

Policy

The link between climate policy and the harms or rights violations is relatively clear in extreme cases, but some issues may remain. For one thing, there are many policy levers which would impact climate, with prominent options being: reducing greenhouse-gas emissions (mitigation), reabsorbing the gases from the air, assisting the vulnerable to adapt to climate change, compensating victims of climate change and researching possible climate solutions. There are many different policy packages that could be taken, some of which will be roughly equivalent to one another in terms of their expected impacts and harms. However, the demand of climate protestors is rarely for one exact set of policies, but just to have a set of policies that responds to the issue

of climate change with the urgency that it deserves. Demands like ‘no new fossil fuel licences’ are fairly clear, and indeed required in order to meet the targets to which governments have signed up.

Another concern when it comes to environmental policy is that there will be a rebound effect. Put simply, the worry is that if any concerned or ethical individual (or state) reduces its climate impact, some other individual (or state) will just increase theirs accordingly. This is a serious concern, of course. It implies that there is nothing that can be done about climate change – we are trapped in a kind of game where due to the selfishness of the players there is no way to avoid the unwanted outcome. This might not be true: if enough powerful states put their efforts in, they could redirect the global economic system in a more climate-friendly way. Recent developments in wind and solar power and electric vehicles demonstrate this. There may be responses other than rebound effects, for instance the positive feedbacks from the uptake of less polluting technology.

However, some people do attempt to use this as an excuse for inaction: ‘Why should I be a sucker and reduce my emissions if others are going to carry on?’ My response to this would be to emphasize that it makes a difference if *you* are the one to cause the harm or not. Perhaps it is like a firing squad – if everyone fires their weapon then no-one knows whose bullet killed the innocent victim. All can feel their guilt is alleviated. However, what if the alternative is just not to show up in the first place? That puts more pressure on the remaining executioners. If many (voluntary) executioners stopped showing up, then eventually there would be one executioner left, and they would not be able to use the excuse that they do not know if it was they who killed the innocent victim. Climate campaigners demand strenuous efforts by their state to reduce expected climate harms. This may not work out, of course. The efforts might fail, due to the actions of others or because of some unforeseen tipping point which guarantees serious climate-caused harms either way. However, those who make their efforts are not then the ones who caused the harm. If it is wrong to harm people, or

to violate human rights, then this is the case even if we think that someone else may step in and cause the harm if we do not.

engaging in civil disobedience could have an effective role to play in that mixture.

Ineffectiveness

I have so far focused criticisms around the moral and climate-impact issues. However, civil disobedience also must achieve something else; it is only justified if we expect it to work. Another concern about civil disobedience is that it will either be focused on the public and generate a reactionary backlash, or, it will be directed at appropriate targets – mostly fossil fuel companies – and it will not have any political impact. Either way, the concern is that the acts of civil disobedience will not have positive impacts. This is obviously more of a practical question, and not one that I can answer here. Perhaps the answer to this is that there should be many different groups all undertaking different kinds of action. However, civil disobedience has been effective in the past and groups

I have argued that climate disobedience can be justified. As time has gone on, greenhouse gas emissions have risen rather than declined. The lack of political action has become more concerning and the need for action more urgent. As time has gone on, the justifiability of civil disobedience is increasing. People might disagree about where the tipping point is at which climate-related disobedience becomes justifiable, but I think we have tipped over that point.

So, civil disobedience can be justified, but is it *required*? That would require a further argument, that we have a duty to engage in civil disobedience where there is serious injustice like climate inaction. Is it enough just to vote against politicians who do not take climate change as seriously as they should, or should we all protest? That is indeed an interesting question, and I'm not yet sure what I think of that.

Conclusion

Douglas Bamford

Douglas Bamford is Tutor in Philosophy and Political Economy, Oxford University Department for Continuing Education.

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