

## **Radical environmentalism in an age of antiterrorism**

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This paper examines how antiterrorist laws and rhetoric have targeted the radical environmentalist tactic of ecotage, directing the increased law enforcement powers of the US ‘war on terror’ against this form of resistance and conflating in the public mind a tactic that inflicts only property damage with one that aims its violence against innocent persons. Despite significant differences between ‘eco-terrorism’ and genuine terrorism, this association threatens to undermine the public case for environmental protection upon which direct action tactics rely, creating a strategic dilemma for radical environmentalists. Should they continue to endorse ecotage as a viable tactic in defence of nature? Might they face a backlash if attacks upon property engender violence against persons? Can radical environmentalism dissociate itself from terrorism without diminishing the movement’s appeal or compromising its radicalism? On the other hand, is ecotage publicly defensible, can the principled distinction between harm to property and harm to persons be maintained in practice, and should radical environmentalists concern themselves with making such a defence? This chapter considers that strategic dilemma along with the underlying normative issues that it involves, ultimately arguing for the importance of principles in theory and practice while acknowledging various difficulties in maintaining them.

The term ‘eco-terrorism’ has entered the public lexicon at a convenient time for those brandishing it as a legal and rhetorical weapon against their adversaries, but at a most inconvenient one for those against whom it is used. Coined and championed by anti-environmental activists with a keen sense for the propagandistic power of language and fervently received by legislators sympathetic to their deregulatory agenda, the term invites an association between terrorism and radical environmentalism, planting the spectre of another group of fanatics and mass murderers out to destroy ‘our’ way of life in the public mind. In obscuring the moral distinctions between ecologically

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motivated sabotage ('ecotage') and genuine terrorism, opponents of environmental objectives have successfully directed the legal and normative force of antiterrorism against a tactic and, by extension, the cause with which it is associated, illustrating the perils of having such a powerful concept remain so poorly understood and ambiguously defined that it can be wielded with such indiscreet discretion by demagogues against those over whom they seek unfair legal, political, and social advantages.

Accusatory terms like this one rely upon no rational argument, but make such a powerful nonrational appeal that an antidote to the prejudice they conjure requires more than scholarly refutation. Nonetheless, this charge demands some response from or on behalf of those accused, given the concerns raised by its implicit accusation. Formally speaking, the allegation of terrorism invokes heightened law enforcements powers, fewer procedural limits on such powers to protect those suspected of supporting terrorism, and significantly increased sentences from 'terrorism enhancement' penalties<sup>1</sup> for activists charged with crimes in which ecological aims can be demonstrated. Less formally, it can mean a presumption of guilt, indefinite detention without access to legal counsel, an inability to receive a fair trial, and guilt by association – consequences that have been visited upon some of those persecuted in the ongoing 'war on terror' even if no written policy statement declares them as such (Cole 2003). Informally, for many it represents an imminent threat, an unholy alliance with jihadists at war with the West, treasonous conspiracy, hatred of freedom and contempt for decency.

Now that radical environmentalists have been associated in the public mind with the most heinous of crimes – an accusation to be further examined below – they face a strategic dilemma in deciding how to respond. On one horn of this dilemma, they might opt to continue defending the selective use of ecotage as a political tactic, committed within principled constraints, emphasising the crucial distinction between property crime and violence against persons, and hope that the public is able to comprehend a crucial moral distinction that politicians and anti-environmental activists have opportunistically obscured. In reaffirming these moral limits and articulating more clearly when ecotage might be defensibly used and when it must be avoided, radical greens might be able to make a more sympathetic public case for the issues for which the tactic is endorsed, and reign in extremists within their ranks that may be tempted to overstep those boundaries and commit acts or threats of violence against persons. But in doing so, they risk a public backlash against environmental concerns that have been associated with terrorism, invite increased law enforcement scrutiny and potential disruption of legitimate environmental groups deemed guilty by association, and significantly raise expected costs for potential activists interested in joining the struggle for more effective environmental protection. However persuasively they may be able to mount a public defence of ecotage and to dissociate it from genuine terrorism, the inertia of existing 'eco-terrorism' campaigns will likely leave some viewing such tactics as the moral equivalent of mass murder, and these are likely to be

persons for whom appeals to reason, nuanced moral categories, and public cautions against vigilantism fall on deaf ears. Increased threats of violence against eco-activists of all kinds may be an inevitable consequence of pursuing this course.

On the other horn of the dilemma is the option of renouncing ecotage, conceding its contrived association with terrorism in the public mind, forfeiting what the vehement campaign against it suggests is a potentially valuable tool, and forswearing any future opportunity to reinforce any principled constraints upon its use. This alternative would almost certainly lead to a rift among eco-radicals, with some refusing to support the concession made by others and possibly driving the more radical faction to step up its use of ecotage while the more moderate wing denounces the tactic. Such internal division among radicals would, at any rate, undermine the credibility of any defence made of ecotage on principle as well as any renunciation of it as an illegitimate tactic, and thus would likely so confuse the issue that 'terrorism enhancements' could begin to attach to forms of environmental protest that involve no violence whatsoever, given ongoing ambiguity concerning the definition of terrorism and an emboldened opposition. Perhaps most seriously, being seen as giving in to those anti-environmental bullies championing the term and conceding a valuable political tactic without receiving anything in return would likely be greeted as a sign that those formerly-radical figures and groups urging moral limits on the tactic's use had 'sold out' to the timid and ineffective environmental mainstream, encouraging further radicalism absent the principled constraints articulated by ecotage's current defenders. Both options are risky, and this paper shall describe how this strategic dilemma came to be and explore the risks attached to each of its horns.

### **From 'ecotage' to 'eco-terrorism'**

The term 'ecotage' refers to the extralegal tactics of radical environmental groups seeking to inflict targeted economic harm upon individuals and firms regarded as causing serious ecological damage. Following Michael Martin's account of 'ecosabotage', ecotage can be defined as illegal and nonpublic acts that are motivated by 'a sense of religious or moral concern' that 'aim to stop, frustrate, or slow down some process or act believed to be harmful to the environment' (1990, p. 294). Unlike civil disobedience, where acts are committed in public and protestors willingly accept punishment for their extralegal forms of protest, ecotage is typically committed in secret and those individuals responsible for the acts aim to avoid legal consequences, although groups may later claim responsibility for such acts in hopes of influencing public opinion. This reluctance to face legal consequences is partly explained by ecotage's primarily private audience as well as by practical concerns arising from its infliction of property damage – ranging from minor nuisance harm like pulling up survey stakes and disabling machinery by cutting electrical wires to major vandalism like arson and the sinking of whaling ships – which

significantly increases the punishments for those caught and prosecuted, compared to civil disobedience. As shall be further explored below, several prominent early advocates of the tactic – including Ed Abbey through his character of Doc Sarvis in *The monkey wrench gang*, Dave Foreman in his how-to manual *Ecodefense*, and Paul Watson of the Sea Shepherds – stressed principled limits that include strong precautions against harming humans, but the term itself need not presuppose such limits. Such moral constraints informed key debates among eco-radicals over the use of ecotage, including those within Earth First! over tree-spiking in the 1980s when it became apparent that spikes placed in unmarked trees could harm loggers or millworkers (Long 2004, pp. 33–35), and constitute key aspects to the current strategic dilemma.

As a tactic, ecotage distinguishes radical environmental groups from mainstream ones like the Sierra Club that eschew extralegal tactics entirely as well as groups like Greenpeace that engage in nonviolent direct action and political theatre but reject causing property damage. Although radical greens typically justify their moral commitments to environmental protection in biocentrism (Foreman 1991, Helvarg 1994, Long 2004), they typically share many of the aims held by the mainstream environmental movement, even if they are less willing to compromise those aims than are other kinds of groups. What distinguishes radical from mainstream environmentalism, then, is its unique willingness to endorse ecotage as a tactic, not some set of more radical goals. As Mark Somma notes, some eco-radicals also embrace an ideology of ‘revolutionary environmentalism’, which by contrast ‘demands a different conceptual paradigm, new values and lifeways, and a dramatically different set of social institutions’ (2006, p. 38), but one need not entail the other. Since actions can be criminalised but goals and beliefs cannot, those seeking to conflate radical environmentalism with terrorism aim to impeach the credibility of environmental ends by attacking radical means to those ends, and so face many of the same strategic questions as do their opponents. In both cases, the central strategic issue involves the efficacy of ecotage in influencing public opinion for or against stronger environmental protections, whether through the use and defence of the tactic or through its demonisation. To these strategic questions we shall return, after a brief history of the attempted transformation of ‘ecotage’ into ‘eco-terrorism’.

Like public relations efforts in the US to manufacture populist uprisings against the ‘death tax’ and ‘marriage penalty’<sup>2</sup> through language-based branding campaigns, the term ‘eco-terrorism’ entered the public lexicon through a successful attempt by the US political right to achieve its political aims through the powerfully misleading framing of a public policy issue. Anti-environmental activist Ron Arnold coined the term in an eponymous 1983 *Reason* article, expanding his campaign to blur the distinction between environmental activism and terrorism in his 1997 book *Eco-terror: the violent agenda to save nature* and directing his Center for the Defense of Free Enterprise and online ‘Eco-Terrorism Response Network’ as leading advocates

for state and federal 'eco-terrorist' laws. He was called to testify before the US House Judiciary Subcommittee on Crime's 1998 'Hearing on Acts of Ecoterrorism Committed by Radical Environmental Organisations', an event orchestrated by US Rep. Frank Riggs (R-CA) after Earth First! members staged a nonviolent protest against his support for unsustainable logging policies by hauling a giant tree stump into his office. In his testimony, Arnold displayed a marked predilection for associating all environmentalists with terrorism, calling the process whereby workers lost their jobs in natural resource industries as the result of environmental lawsuits a kind of 'economic terrorism', though such legal actions involve no violence and merely aim to require the federal government to enforce its own laws. But the association found favour among allies like Riggs, as evidenced by his chosen title for the hearing, planting a seed that would later blossom under the nurturing atmosphere of the 'war on terror'.

Arnold, who as the founder of the Wise Use movement boasted that 'our goal is to destroy environmentalism once and for all' (Helvarg 1994, p. 8), found in 'eco-terrorism' a successful brand for his longstanding campaign against environmental regulations. The sinister association conjured by the term, like 'femi-Nazi' and 'Islamofascist' (both also coined by the American right), draws upon deep-seeded fears and generates reflexive enmity without presenting any evidence or inviting careful conceptual analysis. Their purpose is to frighten and mobilise through fear, but not to inform. In contemporary political discourse, 'terrorism' has become a pejorative but amorphous term that has been indiscriminately used to describe a wide array of political opponents, and has become a charge that can be made to silence opposition, intimidate potential critics, and in some cases to indefinitely detain, in secret and without due process, those associated with a recognised 'terrorist' organisation, regardless of whether or not that organisation engages in actual terrorism or whether the accused has a demonstrable tie to the group. Carefully defining the term would limit its discretionary application and offer those falsely accused of practicing or supporting terrorism an opportunity to refute those charges, so those like Arnold seeking legal and political resources in its ambiguity have no interest in allowing a rational public discussion about the nature of terrorism to take place, preferring instead to maintain the irrational power of a concept aptly feared but poorly understood.

The public relations campaign inaugurated by Arnold and joined by legions of individuals and groups that share an overt hostility to the causes for which ecotage has been enlisted has introduced 'eco-terrorism' into the popular lexicon and – as a result of that campaign – 'eco-terrorist' laws into force, but these are merely byproducts of its primary success, which involves tapping into a public fear and irrational prejudice so profound that it defies all rational scrutiny, and thus also rational refutation. Once it is mobilised, this contrived association and the insidious power it manifests can readily be used to tar activists engaged in nonviolent civil disobedience with the same brush used on actual terrorists committing mass murder on a colossal scale. 'Terrorism' has

become a highly lucrative brand that, in contrast to commercial brands used to market commodities, has the effect of tarnishing public perception of virtually anything with which it can successfully be associated, typically without reference to any objective properties of the thing in question, and often in spite of those properties. Like other brands, overuse may eventually weaken its power, but six years after the 9/11 attacks its negative cache is undiminished, despite exponential growth in the number of persons, groups, and causes associated with it (Rampton 2001). As evidence that the term has moved from the fringes of anti-environmental politics into mainstream culture, ‘eco-terrorism’ was added to the *Oxford English dictionary* in 1997,<sup>3</sup> conferring legitimacy upon the effort to attach the terrorist brand to radical environmental tactics and causes. But can these charges stick? However successful this PR campaign has been – and the wave of new ‘eco-terrorism’ laws and uncritical repetition of the term within the popular media suggest considerable success – does ecotage warrant this brand identity? If so, the strategic dilemma faced by eco-radicals is easily resolved, even if the inaccuracy of this association cannot by itself recommend any particular resolution.

### **Eco-terrorism in law and imagination**

Before considering the validity of expanding the definition of terrorism to include acts or threats against property rather than persons, we must examine its conventional definition and moral status. Terrorism is conventionally defined as ‘the calculated use of violence or threat of violence to attain goals that are political, religious, or ideological in nature . . . through intimidation, coercion, or instilling fear’ (Chomsky 2003, p. 69), where violence is either visited upon or threatened against human populations. Michael Walzer, comparing terrorist acts to other forms of resistance during wartime, identifies its specific offence as the refusal to adhere to the conventional limits of just war theory, especially that of noncombatant immunity (1977, pp. 197–206). By this conventional account, violence against property might terrorise a population in the relevant sense, but only if in doing so it threatens further violence against persons rather than mere property. Acts that maintain the principled distinction between persons and property – neither harming nor threatening to harm persons – must be distinguished from genuine terrorism in theory and ought also to be distinguished from those more objectionable tactics under law. As I’ve previously argued (Vanderheiden 2005), ecotage must be understood as a categorically different offence than terrorism, and this distinction had until recently been recognised not only within the scholarly analysis of terrorism but also in antiterrorism law.

Under US law, terrorism is defined as an act that ‘is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct’,<sup>4</sup> but this definition was in effect significantly broadened under the 2001 USA-PATRIOT Act in order to specifically include attacks against inanimate objects. Among those actions added to the list of

federal crimes to be treated as terrorism were ‘arson within special maritime and territorial jurisdiction’ and the ‘destruction of communication lines, stations, or systems’, but perhaps the clearest language equating ecotage with terrorism comes with the act’s ascription as terrorism of any action that ‘maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce’.<sup>5</sup> Years of pressure by anti-environmental groups to codify ecotage as terrorism reached fruition in 2001 as the US Congress did exactly that, initiating the legal prerogative for prosecutors to seek draconian ‘terrorism enhancement’ penalties for defendants charged with crimes that might have been motivated by a desire to protect the environment.

While the 9/11 attacks provided the impetus for the dramatically expanded law enforcement powers claimed by US official and agencies through the PATRIOT Act – quickly drafted and rushed through Congress with little oversight or debate in the wake of those attacks – the state effort to expand antiterrorist powers in order to utilise them against radical environmental groups predated those events. Testifying before Congress in May 2001, FBI Director Louis Freeh identified ‘special interest extremists’ from the animal rights and environmental movements as having ‘turned increasingly toward vandalism and terrorist activity in attempts to further their causes’, subtly redefining terrorism as acts or threats of violence ‘committed against persons *or property*’ (italics mine) in justification of his label of such groups as ‘eco-terrorists’,<sup>6</sup> despite the lack of a legal foundation for such a charge at the time. While the FBI may have *considered* such groups to be engaged in terrorism, the broadening of its definition to include attacks upon property rather than persons before such an expansion was codified in law should have at least been accompanied by a public justification for the change, but none has ever been provided. The Bureau opted to start defining terrorism slightly differently by 2001, the subtle change went unchallenged, and actions that had previously been considered to be mere vandalism or sabotage became terrorist attacks.

By early 2002, with the definitional changes made by legislative fiat through the PATRIOT Act the previous autumn, Freeh’s unjustified assertions had become policy. In assessing ‘the threat of eco-terrorism’ before the US Congress in February of 2002, FBI Domestic Terrorism Section Chief James Jarboe reasserted the language from Freeh’s earlier testimony, defining eco-terrorism as ‘the use or threatened use of violence of a criminal nature against innocent victims or property by an environmentally oriented, subnational group for environmental-political reasons, or aimed at an audience beyond the target, often of a symbolic nature’.<sup>7</sup> In making clear that this new definition marked a break from the old one, where terrorism required acts or threats against persons and not mere property, Jarboe noted in passing the Animal Liberation Front’s stated commitment to avoid harming ‘any animal, human and nonhuman’ and implicitly conceded that the group had thus far observed this principle constraint, yet persisted in referring to ALF as an ‘eco-terrorist’

organisation. However, Jarboe's testimony never acknowledged the semantic sleight of hand that radically expanded the legal definition of terrorism in the wake of 9/11, obliterating the principled distinction between violence against persons and harm to property that had previously served as the conceptual border between terrorism and vandalism. He didn't need to, however, since the Congress had already abolished that distinction the previous year, bringing the law into line *ex post* with FBI practice.

Prior to 9/11, anti-environmentalists seeking legal ammunition from US state governments sought a to wield a variety of existing law enforcement powers against radical environmentalists, successfully pressing for an expanded RICO law in Oregon that could be used to arrest protestors against logging, agricultural, and animal testing industries, while Florida, California, and South Dakota attached strict penalties to the uprooting of genetically engineered crops (Potter 2001). Until 'terrorism' was able to gain the powerful hold that it now has upon the public mind, 'eco-terrorism' was unable to gain much traction with the public or state and federal legislators, despite concerted efforts by those seeking to associate certain causes and tactics with the enemy. But since those attacks, both the rhetoric and legal machinery associated with the 'war on terror' have provided anti-environmentalists with a powerful conceptual tool to use against their longstanding enemies, as both federal and state efforts to undermine the efficacy and appeal of radical environmentalism have converged upon criminalising as 'terrorism' not only ecotage but also nonviolent civil disobedience and lawful assembly and protest. In 2006, for example, Congress passed the Animal Enterprise Terrorism Act, adding harsher penalties for acts disruptive of an 'animal enterprise' and leading to a 'reasonable fear' on the part of that enterprise's owner for their property, including boycotts or other forms of previously lawful protest leading to 'losses or increased costs' exceeding \$10,000 (ACLU 2006), and both Maine and Pennsylvania added statutes that could be used to prosecute as 'eco-terrorists' those engaging in civil disobedience (Pickett 2007, p. 20). Genuine terrorism had created an opportunity, and anti-environmentalists seized it in adding the term 'eco-terrorist' to the popular lexicon, and this also to the list of enemies feared by the public and sought by law enforcement officials, and by extension to the causes demonised by the nation's ongoing and expansive 'war on terror'.

### **Confronting the strategic dilemma**

How should radical environmentalists respond to these allegations of engaging in terrorism? Ecotage is a *tactic*, not a *strategy*, and the question at hand concerns whether or not it still belongs within the strategic arsenal of the radical environmental movement. Renouncing ecotage as an illegitimate tactic in the struggle for environmental protection obviously must be accompanied by the cessation of its advocacy and use as well as a concerted effort to reign in those extremists that might bolt the radical consensus against the tactic and thus undermine the effort. Public contrition would surely backfire unless it was



regarded as sincere, and the difficulty in forging and maintaining this sincerity must be taken into account. Strategically, environmentalists must weigh the downside costs in public support for sustainable practices and policies of this contrived association between ecotage and terrorism against the potential benefits that a better understood role of and potential use for the tactic allows. Ultimately, such decisions must be made through democratic deliberation and by consensus so that decisions reached can have the requisite support among participants that they appear to outsiders to be the genuine will of the activist community and can enlist group solidarity to enforce its terms against potential dissidents. Given this need for wider discussion and a consensus-based process, which is essential for the legitimacy and enforcement of what is likely to be a controversial decision however it turns out, I shall not attempt to provide more than a framework for posing some of the relevant questions. Legitimate concerns exist on both sides of the dilemma, and it is to these that we now turn.

Regardless of its more direct effects, the strategic value of defending ecotage must be based in an assessment of its positive and negative effects upon public opinion, wherein its greatest potential value and liability lies. While defenders of the tactic often claim that its primary aim is private, creating economic disincentives against ecological despoliation through targeted economic sabotage rather than calling public attention to damaging actions or behaviour, this claim is disingenuous. The Earth Liberation Front (ELF), for example, claims that its imposition of targeted economic harm is meant 'to remove the profit motive from killing the earth and all life on it' (2001, p. 31) by raising the costs of unsustainable actions for those firms continuing to engage in them, implying the group's commitment to a set of extralegal market-based reform measures, protecting the earth through the private and decentralised application of inconsistently applied and unpredictable (therefore probably ineffective) penalties. Since the profit motive in environmentally destructive acts cannot itself be eliminated, the group's aim must rather be to reduce the profitability of such actions, presumably through inflicting damage costs upon equipment and security that make an otherwise profitable operation unprofitable. But most such losses are insurable, so have little effect upon a firm's profitability, and sporadic ecotage cannot significantly alter behaviour to the degree possible through the imposition of regularised fees or through state regulation. Even if campaigns of ecotage were committed on a sufficient scale to shift a firm's supply curve upward, as ELF's stated goals claim, the increased production costs would merely be passed on to the consumer rather than being borne by the firm. Despite causing over \$100 million in damage over the past decade, the ELF has not significantly affected the underlying profit structure of targeted businesses, save perhaps marginally raising insurance premiums spread out across an entire industry sector.

If ecotage is to have any significant effect in discouraging unsustainable actions, it must do so in some other manner, as economically it creates little more than a minor nuisance for targeted firms. Like piracy with high-seas trade, it might intimidate but is unlikely to deter, and if applied with the

regularity and consistency necessary to appear more than a random event (which is unlikely) its costs to offending firms may simply be internalised like losses from theft or protection rackets. This is not to claim that ecotage cannot potentially change firm behaviour and, in doing so, promote better environmental practices. Rather, it is to suggest that if it is to be evaluated in terms of its strategic value for achieving environmental aims, the tactic's most promising consequences are likely to result from its public rather than its private dimension. Whatever else it accomplishes, its greatest potential lies in its ability to shape the public agenda and to alter the dynamics of the mainstream environmental movement, not to fill a regulatory void or create substitute means of environmental law enforcement. The private face of ecotage may be a kind of vigilante Pigouvian tax, reducing the gap between the ecological costs of pollution and resource extraction and the price firms pay for these environmental goods and services, but its public face includes a form of address that aims at a far wider audience, and one that (unlike the private audience claimed by ELF) may be open to its form of persuasion. However, the tactic's galvanising effects upon public opinion also constitute its biggest liability, so any evaluation of its strategic value must include an assessment of both its upside value and downside dangers.

The relative efficacy of ecotage's public appeal and private economic effects has not gone unnoticed by radical environmentalists, despite the several defences of the tactic emphasising the latter. Indeed, Rik Scarce identifies as a 'distinguishing attribute of radical environmentalists' that 'they usually have but minimal hope of actually ending on their own the practices against which they protest'. For this reason, he claims, 'nearly everything environmental extremists do takes place with an eye toward how it will play out in the media' (p. 6). Publicity can magnify the direct effects of ecotage, as the negative public image of those targeted by radical environmentalists may hurt them more than does any economic damage stemming from ecotage itself, as Foreman explains:

Ultimately, the entire industry and its financial backers must be made aware that operations in *de facto* wilderness areas face higher risks and higher costs. Press coverage of monkeywrenching can drive this point home and alert the public in a manner that hurts the corporate image. (Foreman and Haywood 1993, p. 15)

On its own, the private message concerning higher expected costs is likely to produce little effects on firm behaviour, for reasons noted above. But its combination with at least the potential for having its corporate identity tarnished by association with radical actions undertaken to protect the environment raises the stakes significantly. Foreman suggests that 'the vast majority of the public remembers the news only in vaguest outline', with retention only of 'basic concepts like "opposition to logging"' after the initial coverage. Given the vigilance with which firms protect their corporate images and brand identities (Klein 2002), such associations can not only spawn consumer boycotts and stockholder divestment, but might also have more far-reaching effects upon their bottom lines.

Ecotage, of course, is hardly unique in its ability to generate negative publicity for firms that engage in environmentally destructive practices – nonviolent direct action and consumer boycotts can do the same and are less objectionable – and it remains an open question whether it can more effectively generate such publicity without simultaneously mobilising equally hostile opinion against the environmental movement. Drawing upon the theory and practice of civil disobedience in the American civil rights movement, one might suspect that because ecotage refuses to renounce violence or be victimised by it, is clandestine in its lawbreaking rather than openly defying those laws in public, and since monkeywrenchers aim to avoid taking legal responsibility for their actions while those engaging in civil disobedience are willingly arrested and incarcerated, and are therefore able to further address the public from jail, that it compromises much of the sympathetic appeal characteristic of civil disobedience as a form of address and so is likely to be less persuasive. Greenpeace, for example, has long taken a principled stand against the destruction of property, regarding adherence to this moral limit as crucial to the public case it wishes to make through its nonviolent acts of political theatre. As Martin Luther King Jr. justified nonviolence by demanding of civil rights protestors that ‘the means we use must be as pure as the ends we seek’, so might eco-activists reject ecotage for both principled and strategic reasons, refraining from more objectionable tactics for their own sake and for the sake of their consequences in public opinion, at least in cases where less objectionable tactics remain available. Indeed, many groups have already done so. As Scarce writes: ‘The difference is that for Greenpeace non-violence is *strategy*, the overall and final approach to issues; for many of the radicals, non-destructive behaviour is a *tactic* to be used as part of an arsenal which also includes property destruction’ (p. 54).

In addition to these effects upon public opinion, radical tactics like ecotage can serve as an implicit threat to those refusing to negotiate with mainstream environmental groups, in effect shifting the centre toward those groups by expanding the ideological territory that lies beyond it. Derek Wall terms this dynamic the ‘radical flank’ strategy of coordinated environmentalism, where activists on all sides ‘see direct action as largely symbolic, acting to legitimize the existing demands of environmental pressure groups and radicalizing them by providing competitive pressure for media attention’ (1999, p. 155). As Foreman explains the same effect, ‘industry considers mainline environmentalists to be radical until they get a taste of real radical activism. Suddenly the soft-sell of the Sierra Club and other white-shirt-and-tie eco-bureaucrats becomes much more attractive and worthy of serious negotiation’ (Foreman and Haywood 1993, p. 16). Whether or not this ‘good cop, bad cop’ strategy is deliberately coordinated or merely the byproduct of radicalism in a field where mainstream groups also operate, such a division of tactical labour among groups can have the moderating effect upon the environmental opposition described above. Even the ELF appears to implicitly acknowledge relying upon this strategy, noting that the group does ‘not engage in more traditional tactics

simply because they have been proven not to work, especially on their own' (p. 20). The efficacy of such traditional tactics may be altered by the appearance within the pressure group landscape of radicals willing to defy their limits, as is suggested here.

In order to encourage this kind of coordination between environmental groups using different kinds of tactics, Foreman cautions potential monkey-wrenchers against actions around sites where there is ongoing civil disobedience, as this 'may cloud the issue of direct action', and protestors adhering to nonviolent norms 'could be blamed for the ecotage and be put in danger from the work crew or police'. Likewise, he encourages activists to avoid using ecotage 'when delicate political negotiations are taking place for the protection of a certain area' (Foreman and Haywood 1993, p. 9), as this may be taken as bad faith in those negotiations. Of course, this dynamic depends upon the public being able to perceive a difference between radical and mainstream environmental groups. Where the public is able to recognise the difference, mainstream groups may become more attractive; where they cannot, ecotage risks a backlash against all greens. As Scarce writes, paraphrasing then Sierra Club Chairman Michael McCloskey: 'In Utah, for example, they can't tell the difference between Earth First! and the Sierra Club, or at least they aren't interested in such distinctions. Any radical presence at all in such places is a setback for the embryonic inroads of the mainstream' (Scarce 1990, p. 27). While these considerations are merely rules of thumb rather than principled constraints upon action, the paramount question for determining when such rules apply is, according to Foreman, a strategic one. Before resorting to ecotage, activists should ask: 'Will monkeywrenching help or hinder the protection of this place?' (Foreman and Haywood 1993, p. 10). Insofar as it can still help, continuing to maintain ecotage as an option, combined with a public defence of its justified application under some circumstances and internal fortification of its principled limits to guard against its unjustified use or resort to more objectionable and indefensible tactics, would be warranted. Foreman's strategic question, though, is key.

### **Radicalism as reaction and outlet**

As noted above, considerations of ecotage's efficacy must be combined with those of the unintended consequences of its rejection. One such possible consequence, noted above, warrants further discussion here. Radical environmentalism serves as a kind of pressure relief valve for the larger environmental movement, providing an outlet for its frustration and a venue for the sort of tactics that are disallowed within the mainstream conservationist community. Should this valve be closed, as it would by the renunciation of ecotage among spokespersons for eco-radicals, another and possibly more destructive outlet may force itself open. In order to better appreciate the potential consequences of conceding the equivalence of ecotage and terrorism, several observations concerning what might be called the psychology of

radicalism might be noted. The first comes from Foreman's autobiographical account of what precipitated his break from the cautious and staid environmental mainstream, and if taken to capture the motivation of others that may be similarly seduced by radical tactics, suggests that radicals may be led to revolt against groups that are perceived to have been intimidated or to have engaged in unacceptable forms of compromise, and the second involves the analysis of life cycles of social movements where the evolution of moderate groups spawns radical ones, leading some such splinter groups to embrace ever-increasing forms of violence.

Foreman recounts his conversion to environmental radicalism in his *Confessions of an eco-warrior*, and the process he describes contains a cautionary tale that shall be further developed below. Working for the Wilderness Society during the 1979 Roadless Area Review and Evaluation (RARE II) inventory of potential sites for federal wilderness designation, he describes the tactics employed by and style displayed on both sides of the preservation debate as a sharp contrast between 'the moderate, subdued one advanced by the major conservation groups [and] the howling, impassioned, extreme stand set forth by off-road vehicle zealots, many ranchers, local boosters, loggers, and miners. They looked like fools. We looked like statesmen. They won' (Foreman 1991, p. 16). Contrary to ideal models of rational policy making processes, the environmental mainstream's adherence to standard rules of procedure and basic norms of civility, its moderation and willingness to compromise, and its reliance upon the presumed superiority of accurate information and rational argument over irrationality and intimidation appeared to him ineffective and even misguided. This was a strategic defeat, Foreman concluded, and demonstrated the inadequacy of merely having the stronger case to make. Further losses appeared certain, given the tactical disadvantage of mainstream groups adhering to the limits of normal political processes when their opponents flaunted such limits, and the irreversibility of those losses forced a reconsideration of those limits.

But it wasn't the death threats or a physical assault by anti-environmental thugs that finally led Foreman to break from mainstream environmentalism and seek a more aggressive and confrontational approach (which he found in Earth First!). Rather, it was the inaugural Sagebrush Rebellion act of sending a flag-draped bulldozer into a roadless area being considered for wilderness designation in order to build an illegal road and thereby forever prevent that protection. Foreman's version of radical environmentalism, by his account, was borne of frustration with working through the system, following the rules, and then losing to anti-environmental extremists that refused to do so themselves. Freed from that system and its rules, he concluded in what was to be his radical epiphany, eco-radicals might be able to counteract those radical anti-environmentalists that he saw mainstream groups as powerless to stop. As Foreman writes of his strategic decision to abandon mainstream constraints upon action and engage anti-environmental radicals in their own previously uncontested tactical territory, 'it was time for a new joker in the deck: a

militant, uncompromising group unafraid to say what needed to be said or to back it up with stronger actions than the established organizations were willing to take' (p. 17).

Importantly, Foreman's revolt may have been directed against Sagebrush rebels in its policy goals, but it was directed against the mainstream environmental movement in rejection of what he saw as its excessive and unjustified timidity and ineffective strategy. His conversion illustrates how radical politics can appear as a tempting alternative when mainstream politics fails, as it did for Foreman in RARE II, and as civil disobedience and other forms of nonviolent direct action did for civil rights activists when normal avenues of political participation were closed to them. When nonviolent protest is met with violence from political opponents, hostility from law enforcement, and indifference from policymakers, the perception that conventional venues for civil protest have closed can lead to increasingly confrontational tactics, as the unfairness of their exclusion multiplies the resentment of its consequences, turning frustration into defiance and responding to a loss under a set of rules perceived to have been unfair or inconsistently applied into a rejection of those rules. As Foreman describes this process of radicalisation: 'The system doesn't want to let you do civil disobedience. Then what's the alternative? They force you into more and more radical actions' (Scarce 1990, p. 70). Where mainstream politics embraces compromise, incrementalism, and adherence to rules – appearing impotent and hopelessly atrophied by those unwilling to give up hope – radical politics offers what can be for many a refreshing vision of political empowerment.

Mark Dowie characterises radical groups as 'splinters' from the US mainstream environmental movement that 'believe that what remains of the mainstream movement is simply too slow and accommodating for the task before it' (p. 207), suggesting that this 'fourth wave' of the environmental movement arose as a reaction against a withered and self-serving environmental establishment. Viewing this 'splintering process' as a vital and rejuvenating force rather than a driver for potentially dangerous radicalisation of the disaffected, Dowie finds it to have 'sustained a feisty, sometimes militant edge to the environmental movement' and to have provided some crucial vision of the kind 'that large bureaucratic organizations in any movement have difficulty sustaining and acting upon' (p. 211). His optimistic prediction that eco-radicals might help to 'create a dynamic working vision of environmental recovery' (p. 225) relies upon the diagnosis that the movement suffers from a chronic lack of righteous discontent and anarchic enthusiasm, but cannot be made worse off by too much of the remedy. While Dowie may not have predicted the backlash that eco-radicalism would invite, his account of the critical need for new and perhaps radical visions in order to sustain an aging and increasingly impotent movement captures the psychology of those led to bolt the mainstream movement as well as the dynamic effects of this splintering process upon the movement itself.

This vision, while perhaps injecting the environmental movement with some needed energy and mobilising greens made cynical by a repressive political

atmosphere and unresponsive political institutions, may also lead to radical environmentalism's biggest liability for the green movement. As Richard Ellis notes, the sort of righteous moral certainty that seems appealing to a jaded former lobbyist can also be the source of deeply illiberal tendencies, and might be held to sanction intolerance, authoritarianism, and violence. He argues that 'the Earth First! cognitive world is not made up of uncertain facts and difficult trade-offs but of absolute truth and moral righteousness on the one side and pathetic delusion and grubby greed on the other. For them, persuasion often amounts to little more than revealing immanent truth' (1998, pp. 245–246). If this truth is serious and urgent enough – and for radicals it typically is – the self-appointed 'ecological vanguard' may dispense with liberal norms altogether, as it sees ecological threats as so pressing that it 'need not bother itself with such mundane matters as democracy' (p. 248).

Given their use of apocalyptic and millennial rhetoric and vision of a Manichean struggle between good and evil, some eco-radicals embody what Richard Hofstadter described as the 'paranoid style' in American politics, in which 'the quality needed is not a willingness to compromise but the will to fight things out to the finish, ... not the usual methods of political give-and-take, but an all-out crusade' (1967, pp. 31, 29). What Dowie sees as an energising vision might also be regarded as a potentially dangerous form of eco-fanaticism. Perhaps it is both, but the warning issued by Ellis should not be lightly regarded, as the same rhetoric that gives radical environmentalism its edgy appeal can have perilous repercussions, as its revolutionary sentiment defies rigidly observed moral limits and is 'more congruent instead with the calling of holy war or crusade' (p. 267).

Indeed, Gary Ackerman argues in assessing the terrorist threat posed by the ELF that the occasionally invoked 'notion of self-defence' can be 'relatively easily brought to bear against far larger sets of perceived enemies' (2003, p. 146), predicting that the group might soon pose a genuine terrorist threat to persons, not merely a threat to property. In disputing Ackerman's assessment, Bron Taylor suggests that radical environmentalists and animal rights activists pose less danger than do green anarchists, given the latter's more revolutionary aims, but that there exists little evidence supporting the conjecture that any such groups will escalate their tactics beyond the arson and non-lethal violence such as that initiated by anarchists during the 1999 Seattle anti-WTO protests (2003). But a significant check upon resort to violence against persons by eco-radicals has been the set of strategic and moral limits prescribed by leaders within the movement. Should these figures abdicate their leadership roles by renouncing the movement's signature tactic, these principled constraints might lose their normative force.

Herein lies one danger of radical environmentalism rejecting ecotage, particularly if this decision to abandon its hallmark tactic appears to come as the result of pressure from the likes of Arnold and other long-time opponents of environmental protection in the US government. The same distrust and frustration that led Foreman and others to split from the mainstream

environmental movement to form Earth First! might lead current radicals to split from principled groups that stress moral limits on unlawful actions to join or form more militant groups that recognise no such limits. Moving toward the centre, in the environmental movement as in other struggles in which moderate factions exist in occasionally uneasy tandem with radical ones, can push extremists to the fringe and cause them to reject what they take to be the efficacy-limiting constraints embraced by those seen as too willing to compromise with the opposition. Should these radical groups take this option, one possible consequence may be to shift the terrain among radicals such that 'true believers' define themselves in opposition to positions held by persons and groups that were once at the fringe, trading targeted sabotage and political theatre for rampant and indiscriminating vandalism and violence against persons. The renegade appeal of first generation radical groups like Earth First! has already been appropriated by second generation groups like the ELF, which can promise more greater danger and more intense confrontation. Given that radicalism's edgy appeal depends in part upon references to stodgy and compromising mainstream tactics, closing the gap between current radicals and the mainstream may open one in tactical territory beyond that claimed by current radicals. Ironically, the disingenuous concession that eco-activism is a kind of terrorism may produce genuine eco-terrorists.

### **Conclusion: defending ecotage**

Strategic questions aside, perhaps the most compelling reason to defend ecotage's legitimate use in a carefully circumscribed range of cases, and to vigorously dissociate it from terrorism, is that this contrived association between ecotage and terrorism is not only pernicious, but is also mistaken. As noted above, the conventional and defensible definition of terrorism requires acts or threats of violence against persons – hence the characteristic 'terror' that defines the genuine article – and ecotage by definition involves no violence against persons. To conflate the two is to ignore the crucial difference in moral status between persons and inanimate objects, and no defensible account of the wrongness of terrorism could fail to treat these as categorically different acts. This is not to say that ecotage is not also objectionable, and is certainly not to deny that it involves criminal acts that are in many cases misguided and in all cases warrant punishment if the offenders are caught. Rather, it is to reassert crucial moral distinctions where they have been deliberately obscured, and to begin to critique the concept of 'eco-terrorism' by properly defining its scope such that it might be dissociated from tactics with which it has been wrongfully associated. Whether or not those tactics are ever justified is a separate question, which shall be briefly addressed below, but suffice to observe for now that eco-radicals have a strong reason for defending ecotage against charges that it is a form of terrorism, so long as truth remains an important attribute in public argument – the charges are simply false. This falsity yields a strong *prima facie* reason to call it false in public.



Indeed, the most vocal defenders of ecotage draw considerable attention to the ethical constraints in which such tactics must be situated, and the radical movement that sanctions its use has paid a remarkable amount of attention to ensuring that these limits are observed. Foreman, for example, sets out a list of principled constraints in his 'field guide to monkeywrenching', starting with the imperative that actions never be directed at living things, and that due care be taken to ensure that humans and other animals not be harmed. Calling this the 'first principle' of ecotage, he admonishes potential eco-activists further to aim their attacks only 'at inanimate machines and tools that are destroying life' rather than at persons, avoiding 'mindless, erratic vandalism' and focusing upon narrowly targeted objects that are ecologically destructive. Without this second limit, he counsels, ecotage would be 'counterproductive as well as unethical' since sabotage only works if the tools belong to the 'real culprit' and because 'senseless vandalism leads to loss of popular sympathy' (Foreman and Haywood 1993, p. 9). If eco-radicals continue to stress these principled limits, both internally and externally, they might mitigate both the stigma of having been falsely associated with terrorism and the risks of proving that association correct. Radical environmentalists, that is, could attempt to re-brand ecotage with an identity that more accurately reflects its objective properties.

Terrorism, by contrast with ecotage, observes only prudential constraints, rather than moral ones, as it intentionally inflicts or threatens violence upon persons in an effort to achieve a set of social, political, or religious objectives. It does not work by enlisting sympathy or respecting autonomy, substituting force for persuasion and rejecting moral limits rather than adhering to them. Actions destructive of property can be accurately described as arson, sabotage, or vandalism – and be punished as such – but the imperative to avoid harming persons places such acts in a distinct category from terrorism. Adding 'terrorism enhancement' charges to such crimes can only be justified by their actually 'terrorising' some population in the relevant sense, not merely by the social or political aims of the perpetrator. As Abbey notes, in denouncing terrorism but defending ecotage, 'sabotage is violence against inanimate objects: machinery and property. Terrorism is violence against human beings. I am definitely opposed to terrorism, whether practiced by military and state – as it usually is – or by what we might call unlicensed individuals' (Dowie 1996, p. 210). Despite what those seeking to brand eco-radicalism as a variety of domestic terrorism may claim, Abbey's is not an incoherent position. One good reason for making that case more publicly, then, is that the case can readily be made.

There are, as previously observed, several other competing considerations, and the fact that ecotage cannot justifiably be described as terrorism does not by itself provide an adequate reason for eco-radicals to embrace the tactic. It may or may not be effective in enlisting public opinion on behalf of the environmental causes toward which it is directed, compared to less objectionable (and therefore more publicly appealing) tactics. Stressing the moral boundary between ecotage and genuine terrorism may not be enough to guard that boundary from the inside, preventing would-be radicals from crossing it

and engaging in terrorism, and the condoning of ecotage might further signal approval of yet more radical tactics, especially to those for whom moral distinctions matter less than concrete and immediate results. Defending ecotage as distinct from terrorism need not necessarily entail endorsing it as an effective part of a larger strategy, and more debate over its merits and perils is needed before the former can be taken to involve the latter.

Although I've previously argued that ecotage might be, in a circumscribed range of cases, a justified form of resistance, I also think that a number of recent cases of arson and other forms of large-scale vandalism neither qualify as ecotage as Foreman defines it (they are not narrowly targeted and approach what he calls 'mindless, erratic vandalism') nor can be justified by the principles limiting its use that I've specified (acts in question are not contrary to law and don't pose an immanent threat). While there may be cases in which ecotage might be justified, it remains unclear that it would provide an effective remedy to the environmental offences in question, and its use could provoke a public backlash that makes seeking a remedy through alternate means more difficult. For such reasons, a Machiavellian endorsement of ecotage might be most appropriate, maintaining the tactic as an available option but rarely calling upon the option in practice, drawing its power from potential rather than kinetic energy. As suggested above and for reasons previously noted, such final decisions are not mine to make here. They must be the product of further debate and discussion among eco-activists rather than the counsel of academics if they are to be, and be perceived internally and externally to be, legitimate expressions of the movement's will. Indeed, the future of American environmentalism, especially but not exclusively in its radical variant, depends in part on how the strategic question posed and complicated above is answered.

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### **Notes**

1. Section 3A1.4 of the US federal sentencing guidelines allow the addition of 12 levels, or approximately 20 years of imprisonment in a maximum security penitentiary, to any felony 'that involved, or was intended to promote, a federal crime of terrorism'. Adopted in 1995, these sentencing guidelines leave discretion to add enhancements up to judges, and were used sparingly before 2001 but have been increasingly applied to cases involving eco-radical arrested for arson or other politically motivated offences.
2. The term 'death tax' was devised by opponents of US inheritance taxes, as polls showed it to draw voters' attention away from those receiving bequests in excess of the \$2 million currently excluded from taxation under law and toward the absurdity of taxing death, and the term 'marriage penalty' was coined by anti-tax activists in reference to the feature of the US income tax code whereby married couples with roughly similar incomes are assessed income tax at a higher rate by virtue of their

- joint household income as part of a successful public relations campaign to reduce income tax rates.
3. The *Oxford English dictionary* defines the term as 'violence carried out to further environmentalist ends; also, politically motivated damage to the natural environment'. Anti-environmental activists like Arnold focus on the former meaning and tend to ignore the latter meaning, even though the latter arguably constitutes the far more serious threat.
  4. Section 2332b, Title 18, US Code.
  5. Section 844i, Title 18, US Code.
  6. Testimony of Louis J. Freeh, FBI Director, before the US Senate Armed Services Appropriation Committee and Select Committee on Intelligence, 10 May 2001.
  7. Testimony of James F. Jarboe, FBI Domestic Terrorism Section Chief, before the US House Resources Committee, Subcommittee on Forests and Forest Health, 12 February 2002.

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