

# Eco-terrorism or Justified Resistance? Radical Environmentalism and the “War on Terror”

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*Radical environmental groups engaged in ecotage—or economic sabotage of inanimate objects thought to be complicit in environmental destruction—have been identified as the leading domestic terrorist threat in the post-9/11 “war on terror.” This article examines the case for extending the conventional definition of terrorism to include attacks not only against noncombatants, but also against inanimate objects, and surveys proposed moral limits suggested by proponents of ecotage. Rejecting the mistaken association between genuine acts of terrorism and ecotage, it considers the proper moral constraints upon ecotage through an examination of just war theory and nonviolent civil disobedience.*

**Keywords:** *ecotage; eco-terrorism; radical environmentalism; civil disobedience; just war theory*

In the atmosphere of political opportunism that has characterized the current “war on terror,” the language and rhetoric of terrorism have been used against persons and groups that oppose entrenched political and economic powers, including not only genuine terrorists but also legitimate anti-war, anti-globalization, and environmental groups.<sup>1</sup> Describing someone as a “terrorist” serves an explicitly rhetorical purpose in contemporary discourse, though the very language and imagery the term conjures obscures its rational analysis: it implies a moral claim for their aggressive pursuit and prosecution unconstrained by the conventional limits set upon military or law enforcement action. A “terrorist” refuses to

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The author thanks James Sheppard, Dale Murray, and the participants in the Virginia Commonwealth University Philosophy Colloquium series, as well as members of the Editorial Board of *Politics & Society*, for their helpful comments on earlier versions of this article.

POLITICS & SOCIETY, Vol. 33 No. 3, September 2005 425-447

DOI: 10.1177/0032329205278462

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observe any moral or legal limits against harming others, and thus a “war on terror” ought likewise to be freed from any such limits (or so the argument goes). Recent U.S. anti-terrorism laws have significantly eroded civil liberties such that mere suspicion of terrorism has become sufficient cause for invasive surveillance and even indefinite detention, creating powerful and potentially abusive tools for suppressing dissent. Included in the current loosely defined dragnet against “terrorism” has been (along with the pursuit of real terrorists) a politically charged smear campaign by regimes in power against various enemies, both foreign and domestic.

Lost in the recent public discourse surrounding the concept are several crucial distinctions that might restore some measure of credibility to a campaign against a serious moral offense by dissociating it from other actions with which it has been mistakenly (and sometimes disingenuously) associated. Some process of sorting out true from false accusations of terrorism is desperately needed if the current “war on terror” is to deploy its considerable resources appropriately, and if the concept is to be used in a coherent sense to identify a specific kind of moral offense. An exemplary case highlights the need for conceptual clarification and illustrates the contrasts between genuine terrorism and less objectionable political tactics with which it has been unfairly conflated: despite the recent appearance of several homicidal social movements that present genuine cases of domestic terrorism, the FBI in 2001 named the Earth Liberation Front (ELF)—an organization that destroys property but directs no violence toward persons—as the nation’s leading domestic terrorist threat.

What has the ELF done to earn such notoriety? The group formed in 1992 as an offshoot of Earth First! when some members became convinced that the original radical environmental group was moving too mainstream. Perhaps its most publicized action was the 1998 torching of a ski lodge under construction at Vail in which arsonists caused \$12-26 million in damage to a ski resort expansion which the group claims encroached upon critical habitat of the Canadian lynx. Over the past five years, the group has claimed responsibility for attacks against property associated with urban sprawl, air pollution, animal testing, genetic engineering, and public lands logging, and has caused an estimated \$100 million in damage.

While the property damage caused by ELF actions is considerable, the FAQ on the group’s website notes that “in the history of the ELF internationally no one has been injured from the group’s actions and that is not a coincidence.”<sup>2</sup> Guidelines stress that all necessary precautions must be taken in order to protect life during group actions, and that the goal of property attacks is to cause targeted economic harm to anti-environmental offenders in order “to remove the profit motive from killing the earth and all life on it.” Rejecting the label *eco-terrorist* (preferring *economic sabotage* or *ecotage*) as a descriptive label for the group’s tactics, they suggest that the FBI’s aggressive campaign against the ELF, combined with a spate of recent state and municipal “eco-terrorism” laws, “are a definite sign that

the authorities are considering the ELF a viable threat to the westernized way of life and to the idea of profits and commerce at any price.”<sup>3</sup>

Though the ELF has been painted by these authorities with the brush of terrorism (triggering the legal powers to pursue activists free from the constraints of conventional civil liberties), can the charges stick? Should radical environmentalists who commit acts of ecotage—sabotage of inanimate objects (machinery, buildings, fences) that contribute to ecological destruction—be equated (by inclusion within a common definition of terrorism) with sociopaths like Timothy McVeigh who regard the slaughter of innocents as “collateral damage” in an ideological war? According to the tenets of just war theory, the primary moral transgression of terrorism lies in its failure to respect the distinction between combatants and noncombatants (known as the principle of discrimination in *jus in bello*), and the so-called eco-terrorists in the ELF commit crimes against property but adhere staunchly to a similar principle (though one that admits of no legitimate human targets, distinguishing instead between persons and the inanimate objects they use to degrade the environment). Does this distinction make a difference? Moreover, might ecotage (insofar as it is to be conceptually distinguished from actual terrorism) ever be justifiably employed? On what grounds might such a defense rest?

This article shall consider two primary questions in an examination of the ethical issues surrounding ecotage. First, is it accurate to classify acts of ecotage as either a variety of or the equivalent to acts of terrorism? Is violence against inanimate objects categorically similar to that against persons such that both might legitimately be described as intending to “terrorize” some population for political ends? Insofar as some might fear for the integrity of their property as well as their persons in the face of perceived threats, is the secondary harm of ecotage (in which the primary harm is to property and not life) morally equivalent to the secondary harm caused by attacks against persons? Second, insofar as ecotage might be treated as an intermediate case between terrorism (which is always wrong) and nonviolent civil disobedience (which is sometimes justified), might ecotage ever be defensible as a tactic of justified political resistance? If one person’s terrorist is another’s freedom fighter (as is often claimed), might ecotage be defended as not only morally permissible but also (in some cases, at least) morally required?

#### EXPANDING THE DEFINITION OF *TERRORISM* TO INCLUDE INANIMATE OBJECTS

Does ecotage (that is, violence against inanimate objects rather than persons) constitute a genuine instance of terrorism? Insofar as it does not, what is the nature of its moral offense, and how might it be compared with other tactics for social change? To attempt an answer to these questions (and thus to define the term), one must first identify the specific offense inherent in terrorist acts. 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.”<sup>4</sup> Within just war theory, Michael Walzer identifies its specific offense as the refusal to adhere to the conventional limits of *jus in bello*, especially that of noncombatant immunity.<sup>5</sup> Accordingly, merely threatened violence may constitute terrorism, so long as the threat is sufficiently palpable and directed toward these public ends (as opposed to merely private gain, about which persons may be similarly terrorized but with different moral effect). Whether or not actual or threatened violence toward property should be considered as the equivalent to violence or threats of violence against persons is a question that shall be addressed presently, but the relevant point here is that terrorism’s unique offense lies not in its actual violence (which is straightforwardly wrong on obvious grounds, at least when directed against persons) but in its threatened future violence, which may not necessarily require some initial act of violence in order to produce that characteristic terror (though a successful terrorist attack surely makes the threat of future violence more palpable to a targeted population).

Furthermore, acts of terrorism have both a primary target (those on whom violence is actually inflicted) and a secondary one (the larger population against whom further violence is threatened, producing the characteristic terror), and the unique wrong of terrorism concerns not the primary target but the secondary one. Absent the threat of further violence (should some set of demands not be met), a terrorist act is identical with mass murder (or whatever else comprises the initial strike against the primary target). Again, the relevant question in this inquiry shall be whether or not the secondary target may be adequately terrorized when the primary target includes property but not persons and the threatened future attack promises adherence to the same distinction, and shall be discussed below.

Finally, terrorism is conventionally understood such that those targeted must not only be randomly selected (in the sense of targeting a specific *people* but not specific *persons*) but also be innocents. Otherwise similar acts against non-innocents (for example, attacking armies or colonial oppressors) present categorically distinct (and less objectionable) cases and warrant their exclusion from the conventional definition. Absent the random selection condition (as in targeted assassinations of persons based on some criteria that exclude larger populations, such as membership in a government), a larger population cannot be suitably terrorized by the prospect of becoming the next victim of a terrorist campaign. While the *wrongness* of terrorist acts depends upon the fact that its victims don’t deserve the harm they receive (or are threatened with), its *efficacy* in intimidating a larger population turns on the randomness condition. Insofar as ecotage targets only the property of specific offenders (and, moreover, the very inanimate objects used in ecological destruction), it lacks the randomness of genuine terrorism. Not only are persons themselves not targeted, but also (at least in those cases where ecotage targets only the property of extraordinary offenders) ordinary persons need not fear for their property.

Conventionally, then, the moral offense of terrorism is captured in the injunction against intentionally harming (or threatening to harm) innocent persons found in a standard principle of nonmaleficence, and is most clearly instantiated in the principle of noncombatant immunity in *jus in bello* (the person-affecting component of the more general principle of discrimination, which binds agents to respect the distinction between military and civilian targets) and its manifestation in international law (most notably, the Geneva Conventions), which both define and provide the legal means for addressing acts of terrorism. Terrorist acts are, in short, conventionally regarded as acts or threats of illegitimate killing (where acts contain implicit threats to further such acts), and therefore (conventionally, at least) treat differently acts of violence against mere property from that against persons. As vandalism is a lesser offense than murder, threatened further vandalism must also be a lesser offense than threatened future murder, even if persons can be made to fear (and thereby be illegitimately coerced by) either.

At issue in the labeling of ELF acts of ecotage as instances of “terrorism” is whether or not actual persons need to be either the primary or secondary targets of terrorist attacks, or whether the term ought to incorporate all manner of inducements that may illegitimately coerce some targeted population into accepting some set of public demands. Even if the conventional definition draws the line between violence (or threats thereof) against persons and that against inanimate objects (as it does), this distinction requires further critical scrutiny. Suppose the definition of terrorism were expanded to include acts of violence against property in which persons were not physically harmed as primary targets or threatened with future harm as secondary targets, but their economic interests were the actual or intended targets of attack.

In fact, the legal definition of terrorism under U.S. law (generally, an act that “is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct”)<sup>6</sup> has, as part of the 2001 USA PATRIOT Act, been significantly broadened to include many such attacks against inanimate objects. This legislation added an extensive list of specific offenses to the federal crime of terrorism, including “arson within special maritime and territorial jurisdiction” and the “destruction of communication lines, stations, or systems.” But perhaps the most expansive category of offense upgraded from an ordinary felony to the status of terrorism (with its concomitant heightened penalties and diminished rights of the accused) includes any act which

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>7</sup>

This addendum to the federal criminal law specifically and intentionally includes ecotage within the legal and rhetorical arsenal of the “war on terror” by criminal-

izing acts of sabotage, thereby sharply curtailing the civil liberties of suspected saboteurs and their associates.

The question, then, is not whether the law recognizes violence against inanimate objects as acts of terrorism, but whether or not it is proper to do so. By the expansive definition given above, the ELF would appear to deserve the reproach given it by the FBI, for its history of property destruction is both significant and calculated to produce a political or ideological result. Likewise, as several U.S. administrations have argued, the sabotage of Occidental Petroleum's Colombian pipeline seems to be a fitting candidate for the "war on terror," as does the Taliban for its destruction of centuries-old Buddhist statues in Afghanistan. More controversially, perhaps, but clearly falling under the above definition, the participants in the Boston Tea Party willfully destroyed property in order "to retaliate against government conduct" and so must be guilty of exactly the kind of terrorism now proscribed under the USA PATRIOT Act. Once harm to property interests is allowed to count as the equivalent to harm to persons in the moral assessment of terrorism, one begins on a perilous slope down which this initial expansion leads inevitably to a trivialization of what ought to be among the most serious moral transgressions by association with far less serious offenses. At the bottom of the slope, those illegally downloading music from the Internet likewise may become enemies in an all-consuming "war on terror" that knows no principled boundaries.

In order to avoid this absurd conclusion, the temptation (manifest in the conventional definition of terrorism as the violation of the principle of discrimination) has been to circumscribe the definition of terrorism so as to include only harm (or threatened harm) to persons, relegating attacks (or threatened attacks) against inanimate objects to a distinct and less objectionable (though not necessarily benign) category of offense. Such a restrictive view, however, may be unjustified, as consideration of some kinds of attacks against property appears to contain the requisite ingredients of terrorist acts. If a person or people can be "terrorized"—that is, illegitimately intimidated by the calculated use of force and implication of further violence—by random killing, then surely they can also be similarly terrorized by the significant destruction of certain kinds or quantities of property. The burning of civilian areas has long been a psychological weapon of war designed to intimidate and demoralize a population that deserves the name *terrorism* for its violation of the principle of discrimination. Such wanton destruction produces the secondary fear characteristic of terrorism (that is, such attacks make persons fear for their lives and not only for their property) and so seems a fitting candidate for inclusion within the definition. Similarly, the targeting of critical infrastructure (power plants, water treatment facilities) during wartime likewise serves as a psychological weapon designed to coerce civilian populations into accepting terms of an attacking military that they might otherwise find

repugnant, and so makes for a fitting example containing the characteristics of a terrorist act.

These examples of violence against inanimate objects serve not to support the inclusion of ecotage within the category of terrorism, but instead to suggest how the definition might be justifiably broadened to include certain kinds of indirect threats to persons as among the primary or secondary targets of terrorist acts. Destruction of a basic human need like shelter or sources of potable water amounts to an indirect physical attack upon persons (insofar as it places persons at serious risk of illness or death by deprivation), and so approaches the wrongness of a direct attack upon those same persons. Palpable threats against a population's water or energy supply—when such an attack would have severely deleterious effects upon the health and welfare of that population—can produce the requisite fear and intimidation characteristic of terrorism. The destruction of whole cities or other significant sites during wartime further damages the culture and identity of a targeted population well beyond any casualties that might accompany such an attack, as the loss of artifacts and records that provide crucial connections with a people's history can have a similarly devastating effect upon the welfare of a population, and threats of such destruction can serve as a similarly illegitimate form of intimidation if significantly palpable. Hence, one might postulate a category of attack or threat against inanimate objects but not (at least directly) against persons that seems deserving of the name *terrorism*.

Such considerations suggest that the conventional limits set upon the definition of terrorism (as requiring acts or threats of violence against civilians) need not necessarily serve as the principled guardrail preventing the slide down the slippery slope, but that any expansion of the definition of terrorism to include inanimate objects (and not persons) as among the targets of terrorist acts must be carefully circumscribed so as not to trivialize the morally relevant distinction between persons and mere objects. One clear case for expansion of the definition involves the nature of the secondary threat implied by the initial act of violence. If an attack against a well-chosen inanimate object threatens further violence against persons (as in "shock and awe" airstrikes designed to pressure civilians to agitate for quick surrender), then that act ought to count as terrorism. After all, the unique offense of terrorism lies not in the primary target of attack, but in the secondary targets who are threatened (and therefore illegitimately intimidated toward specified ends) with future attacks. If significant attacks against inanimate objects can so terrorize a population with fear for their personal safety, then they are structurally identical with attacks in which the primary targets are persons. On the other end of the spectrum, many acts can use fear in order to coerce a population for political ends (e.g., fear of economic insecurity or cultural decline) without that fear being constitutive of terrorism.

One might further expand the definition of terrorism to allow in violence against inanimate objects insofar as—even though they neither target persons

directly in the initial attack nor threaten to do so in the future—they indirectly threaten the survival of persons or groups through threats or attacks against critical infrastructure or objects of extraordinary cultural importance. Destruction of property that merely threatens the further destruction of property (as, for example, by the ELF), where no people need to fear for their personal safety and no cultural artifact of major significance to a people is threatened with obliteration, must be regarded as a categorically distinct act. Conflating it with genuine terrorism unfairly associates those who observe a crucial moral distinction with those who do not.

Dave Foreman (a cofounder of Earth First! and author of a field guide to ecotage) has elucidated several principles of what might tendentiously be termed the *ethics of ecotage* (a topic explored further below). It is, he stresses, never directed at living things, but only “at inanimate machines and tools that are destroying life.” In addition to this key constraint (which he calls the “first principle”), a further principled limit is issued: ecotage is not “mindless, erratic vandalism” but rather consists in a calculated targeting of specific objects that are ecologically destructive. Without this second limit, acts of 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.”<sup>8</sup> Whatever else can be said against acts of ecotage, they cannot (so long as this principle is observed) justifiably be condemned as the equivalent of the willful killing (or threatened killing) of persons characteristic of genuine terrorism.

#### CIVIL DISOBEDIENCE AND ECOTAGE

To dissociate ecotage from terrorism is not to defend the actions of the ELF, nor is it to suggest that the group’s tactics may sometimes serve as legitimate forms of protest or vehicles for change. The intentional destruction of property constitutes a violation of rights (though not an act of terrorism), regardless of whether committed from simple malice or a well-meaning commitment to ecological sustainability. Insofar as ecotage entails the destruction of property, therefore, it must be regarded as *prima facie* objectionable. The defense of ecotage has thus far considered only its relative seriousness, in comparison with acts that target (and thereby terrorize) persons, and has found the association of ecotage with terrorism to rest upon a mistaken conception of the specific offense that terrorism entails. A more ambitious defense (and one that the remainder of this paper shall attempt) would hold not only that ecotage must be categorically distinguished from terrorism, but also that its use might, in some cases, be justified.

Ecotage, as conceptually distinct from and less serious than terrorism, occupies an intermediate ethical space along a continuum of political tactics between terrorism (which is never justified) and civil disobedience (which may be in some cases unjustified, but is elsewhere defensible). Less serious acts of resistance (and so situated between civil disobedience and ecotage) include illegal but largely

symbolic acts of vandalism (e.g., billboard modification through “subvertising”) or trespass (e.g., squatting in trees slated for extraction), as these primarily aim for social change through the mobilization of public support, while ecotage instead aims primarily at the profitability of acts taken to be ecologically destructive. In comparison with civil disobedience, ecotage is plainly a more serious and objectionable tactic to employ, given its negative and galvanizing effect upon public opinion, its heightened tendencies toward disorder and lower fidelity for law, and the dangers of both its abuse and unintended consequences. For this reason, the latter could never be defensible in cases where the former was also available. However, one might posit a circumscribed range of cases in which ecotage might be defensible as a political tactic, provided that it is appropriately limited by ethical considerations. One might further speculate that, if circumstances ever justify the resort to ecotage, then its application may, like civil disobedience, become a moral duty grounded in the obligation to remedy injustice.

John Rawls, for example, finds a positive duty to commit acts of civil disobedience in certain well-defined cases, grounded in the natural duty “to assist in the establishment of just arrangements when they do not exist.”<sup>9</sup> Like ecotage, civil disobedience also involves a *prima facie* objectionable political tactic (creating civil unrest through targeted lawbreaking), but has gained broad acceptance as a legitimate vehicle of social change in serious cases of injustice in which lesser means of social change have been exhausted. To be sure, civil disobedience and ecotage share some common features but also differ in some important respects, and so the case for ecotage must begin with a consideration of the established case for civil disobedience. Insofar as the two tactics are relevantly similar, the justification for ecotage may rest upon similar ethical foundations as those for civil disobedience. Insofar as they are dissimilar, however, ecotage must either identify a unique justification for its application, or else remain (as popularly construed) a lesser offense than terrorism but a moral transgression nonetheless, however noble the goals of the perpetrator might otherwise be.

Terrorism is likewise an objectionable tactic for reasons discussed above, but its use in certain circumstances has nonetheless been defended by philosophers<sup>10</sup> (although mistakenly so), with the primary objection to such arguments arising from their consequentialist justifications. Generally, defenders of all three tactics rely upon arguments from necessity, which suppose that all lesser avenues of recourse have already been exhausted, and that no preferable alternatives remain for avoiding an outcome that is significantly worse than the tactics employed to avoid it. Sanctioning evil means in the service of putatively defensible ends invokes a deservedly notorious history of means/ends rationalization, and any such claim must be met with a critical skepticism. The burden of proof ought to be placed upon the defender of ecotage (or civil disobedience, or terrorism) to demonstrate not only that all lesser means have already been exhausted, but also that the potentially avoided bad consequences (discounted by the tactic’s probability

of success) compare favorably with the certain bad consequences that result from the use of the tactic itself. Such a test is beset with difficulties, not least of which is the uncertainty surrounding such predictions about future outcomes. Nonetheless, we might posit that, in principle, some otherwise objectionable tactics may be justified by the seriousness of the consequences to be avoided. Supposing otherwise disqualifies many historically vindicated extralegal means of dissent and resistance, and opens the door to forms of oppression that some of these tactics might otherwise discourage.

Of the three, only terrorism ought to be categorically prohibited as a legitimate tactic, regardless of the gravity of the outcome to be avoided. Although Walzer flirts with the notion that “supreme emergency” (e.g., the imminent destruction of an entire political community) may justify violation of the noncombatant immunity principle, he aptly rejects those arguments that seek to justify terrorism by necessity: “Those who make them, I think, have lost their grip on the historical past; they suffer from a malign forgetfulness, erasing all moral distinctions along with the men and women who painfully worked them out.”<sup>11</sup> Besides the historical argument that many of the worst atrocities in human history have relied upon similar claims, Walzer notes a crucial moral difference between terrorism and other tactics. Terrorism “breaks across moral limits beyond which no further limitation seems possible,” and as such can never successfully appeal to the sympathies of a larger community. By explicitly rejecting all moral limits on action, and seeking power solely through the spread of fear and intimidation, terrorism appeals to force alone and not to justice (even if based in valid complaints of injustice), and so is bound to be self-defeating as a form of grievance. Even in cases of brutal oppression and exploitation, a minimal reciprocity between parties must remain a prerequisite: one cannot recognize the validity of any claim of injustice that is premised upon a willingness to abandon all pretence of justice.

Civil disobedience, however, is another matter. In his “Letter from Birmingham Jail,” Martin Luther King Jr. defends civil disobedience through a version of the argument from necessity, claiming that “the city’s white power structure left the Negro community with little alternative.”<sup>12</sup> Recognizing the *prima facie* case against causing social unrest, King sets two crucial limits upon the application of the targeted lawbreaking of civil disobedience that provide useful contrast with ecotage: first, that it must demonstrate fidelity to law while calling attention to a particular injustice (hence the willingness of protestors to accept legal punishment), and second, that it is premised upon the priority of good faith negotiation, in that efforts at negotiation should first be made, and that the targeted disobedience has as its goal the return to negotiations. He writes,

Nonviolent direct action seeks to create such a crisis and foster such tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks to dramatize the issue so that it can no longer be ignored.

Those engaged in civil disobedience, that is, may resort to an otherwise objectionable tactic (i.e., targeted lawbreaking) only in cases of serious injustice and after sincere efforts at social change through conventional legal and political channels fail (the South, he writes, has “been bogged down in a tragic effort to live in monologue rather than dialogue”). Indeed, nonviolent direct action is itself situated between normal politics (the preferred tactic, *ceteris paribus*) and the “frightening racial nightmare” of Black Nationalism, to which King’s movement is offered as the preferable alternative.

The primary tension in King’s advocacy of civil disobedience as a tactic for the civil rights struggle is instructive for evaluating its structural similarities and disparities in comparison with ecotage. King emphasizes that “the means we use must be as pure as the ends we seek” and that “it is wrong to use immoral means to attain moral ends,” but nonetheless ends up sanctioning targeted lawbreaking on grounds that “it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends.” The problem, in other words, lies in weighing two distinct moral offenses, and endorsing one if a necessary condition for avoiding the other. This claim is based on a familiar judgment about the obligations of citizenship: persons have a duty to follow just laws, but to oppose unjust ones. Lawbreaking is not *always* wrong, and may be permitted (given appropriate constraints) when disobedience aims to remedy injustice *and* when it stands a reasonable chance of successfully doing so. Insofar as following unjust laws (for example, the Jim Crow segregationist statutes of the kind that King opposed) perpetuates injustice, persons are not only negatively excused from following those laws, but also positively obligated to violate them (in a public way, and accepting the legal consequences that follow).

Since the established case for civil disobedience rests largely upon its consequences (where the remedy to serious injustice outweighs the otherwise objectionable lawbreaking), and since Walzer’s rejection of the arguments for terrorism depends upon similar considerations (where, by contrast, terrorism is assumed to be ineffective in advancing its putative aims), one must consider ecotage as political strategy in any defense of the tactic. Rawls, for example, suggests that civil disobedience may only be “wide or prudent” in cases where it is reasonably likely to be effective in its desired aim, and not when it “serves to provoke the harsh retaliation of the majority.”<sup>13</sup> In either a society without an adequate sense of justice (so that the appeals of civilly disobedient acts fall upon deaf ears) or one without a reasonably responsive democratic government (so that a remedy to injustice is unavailable through an appeal to the sympathies of a larger political community), civil disobedience (because wrong *prima facie*) is not recommended (as a matter of “practical considerations” rather than principle for Rawls). He further cautions that a limited public capacity for considering the grievances of protestors entails an “upper limit” on the quantity of effective civilly disobedient campaigns

at any given time, reserving justification only for the most serious cases of injustice at a given time.

Whereas the nonviolent approach of civil disobedience makes for an effective appeal to society's sense of justice, the violent approach of terrorism fails. Presumably, the distinction between tactics is separate from that between causes that they may aim to advance, so the lack of public sympathy for causes linked to terrorist acts owes to the outright rejection of ethical limits in their indiscriminate targeting of innocent persons, and not to the associated causes themselves. In effectively declaring war upon a community (as terrorism does), the opportunities for sympathy from and reciprocity with that community are negated, and the appeal rests entirely upon fear rather than justice. Civil disobedience, by contrast, appeals not to fear but to the public moral outrage at a particular injustice. Though ecotage (like terrorism) endorses violence, it does so (unlike terrorism) within circumscribed ethical limits. Can it, then, appeal to the sense of justice of a political community (and so mobilize democratic pressure for change), or does it (as Walzer suggests of terrorism) appeal to force alone, and not to justice? Does a defense of ecotage depend upon its effectiveness as political strategy, depending in turn upon its ability to sympathetically appeal to large numbers of people?

Ecotage as strategy for popular political mobilization may be effective in either of two ways. Like civil disobedience, it may be designed to appeal directly to the sense of justice of a larger political community, which may in turn pressure lawmakers to remedy some serious injustice. Though defenders of the tactic deny that such acts are designed to influence public opinion (insisting instead that they merely aim to make ecological destruction more expensive), many such acts contain elements of political theater that seem explicitly designed to appeal to a wider audience. Their effectiveness in this regard, however, is another matter. Though a small number of eco-radicals may be stirred to action by ELF acts of ecotage, these are unlikely by themselves to make for successful political strategy, as potential allies among mainstream environmentalists may be repelled by the lawlessness of ecotage (viewing ELF action as bombastic and counterproductive, even if they are sympathetic to ELF goals), and those not already sympathetic to the green agenda are unlikely to be persuaded to sign onto it by what are certain to be perceived as nothing short of criminal acts (as they have been legally rendered by majoritarian political institutions).

Media coverage of successful attacks against organizations believed by more moderate environmentalists to be major offenders (timber companies, Hummer dealerships) draws public attention to such causes (publicity that is facilitated by the ELF claiming responsibility for such acts), though this publicity can only effectively mobilize a wider population if it endorses the group's goals *and* is not repulsed by its tactics. Whether such publicity outweighs the inevitable backlash against the mainstream environmental movement by members of the public outraged by ELF actions is another question, but as a political strategy this comprises one possible (though dubious) avenue of efficacy.

The other strategy relies upon this general public outrage against the audacity of ELF actions, but uses this off-putting radicalism to the advantage of mainstream environmental organizations, which appear more reasonable as a result of ELF actions. King's positioning of the SCLC as a more moderate alternative to the Nation of Islam offers a parallel from the civil rights movement for such a "good cop, bad cop" strategy. Working in concert with more moderate groups (regardless of whether or not they do so with the knowledge or approval of more centrist groups), those on the ideological extremes can have the effect of moving the median in the direction of those extremes (providing a power-balancing disincentive against the noncooperation of ecological offenders during negotiations), and political history is replete with successful campaigns to manipulate the center in exactly such a manner.

In his defense of ecotage, Foreman appears to acknowledge such strategic considerations: "The ELF does not engage in more traditional tactics simply because they have been proven not to work, especially on their own."<sup>14</sup> Here, tactics closer to the mainstream are not rejected out of principle, nor because they are demonstrably ineffective, but because they don't work "on their own," suggesting at least some conscious effort to employ this strategy even while denying that ecotage aims to influence either general public opinion or the willingness of opposition forces to bargain with more mainstream environmental groups. Either of these two strategies for appealing to a wider public, of course, may work in tandem with the explicitly acknowledged ELF strategy of raising the costs of doing ecologically destructive business, though the first appears often to be counterproductive and the second entails a morally relevant difference from the established case for civil disobedience, and suggests a further objection insofar as (to be explored in more detail below) it violates the obligation to engage in good faith negotiations before resorting to *prima facie* objectionable extralegal tactics, using the latter only in order to return to the former.

At this point, several dissimilarities between nonviolent civil disobedience and ecotage suggest that the two tactics may be too disanalogous to rest upon the same moral foundations. Both employ direct action through targeted defiance of laws, practices, or institutions taken to be unjust, and see these actions as both necessary given the failure of good faith negotiations and potentially effective in educating the public and mobilizing political support for social change. Civil disobedience, however, is conducted in the light of day by protestors who are willing to bear legal responsibility for their actions (indeed, this is seen as essential for reopening closed negotiations), while ecotage is typically committed under the cover of darkness, figuratively if not literally, as individual activists aim to avoid detection while groups like the ELF claim responsibility. Since accepting responsibility for one's defiant acts is assumed to be an essential condition of demonstrating fidelity to the system of laws (which is itself assumed to be a necessary condition for effective political strategy), ecotage represents a more significant departure from normal politics than does civil disobedience. The anonymity of the saboteur may

likewise work against the publicity strategy of civil disobedience, which relies for its sympathy-generating power upon media coverage of nonviolent protestors being badly treated by police, or otherwise by putting a human face upon an injustice. As such, the defense of ecotage may not be able to rest upon an extension of the established case for civil disobedience. Whether this difference amounts to one in kind or merely in degree remains a central question.

#### IS THERE AN ETHICS OF ECOTAGE?

The aim of civil disobedience, as Rawls notes, is a rhetorical one that operates through the persuasion and mobilization of a political community; one intends “to address the sense of justice of the majority and to serve fair notice that in one’s sincere and considered opinion the conditions of free cooperation are being violated.”<sup>15</sup> As King and Rawls both maintain, civil disobedience does not accomplish social change by itself, but instead forces deliberation or thrusts a previously ignored issue onto the public agenda. Chances of successful change depend upon the consonance between the sense of justice of protestors and of the larger community; appealing to a larger community that did not share the protestor’s moral outrage would accomplish little beyond short-term disruption. In this sense, civil disobedience serves as a publicity check against injustice, and hence “helps to maintain and strengthen just institutions.”<sup>16</sup>

Ecotage does not appear to share this causal process, even if drawing public attention to ecologically destructive practices is occasionally an ancillary effect. The intended primary audience of ELF actions, unlike the direct action of environmental groups like Greenpeace that engage in political theater, is not the mass public but rather the polluter or developer that is responsible for some ongoing act of ecological destruction. The sabotage is not retaliation for some past offense, but an effort to make certain present and future acts more expensive, and hence to discourage them. Saboteurs do not aim to intimidate through force or threats of violence against persons, but rather (according to ELF literature, at least) seek change through the manipulation of the economic incentives surrounding ecologically destructive activities. Whether or not the mass public is sympathetic to ecotage as a tactic affects its efficacy as a political strategy, but its express aims lie not in mobilizing the mass public so much as manipulating private balance sheets. Because ecotage is not primarily a rhetorical act, it cannot serve the same watchdog role as is provided through civil disobedience. Likewise, the public’s sense of justice cannot serve as a check upon ecotage as it does with civil disobedience (chastening protestors with silence when their complaints stray too far from public sympathies), since moral dissonance between protestors and the mass public is largely irrelevant to the success of the former but is fatal to the latter.

Because civil disobedience is designed to appeal to the public’s sense of justice, Rawls specifies that civil disobedience must be committed in public, which means that “it is engaged in openly with fair notice; it is not covert or secretive.”

This publicity requirement is a central justification for the emphasis upon nonviolence, since the act is a form of address, and acts which injure others or “any interference with the civil liberties of others tends to obscure the civilly disobedient quality of one’s act.”<sup>17</sup> The public nature of civil disobedience also ensures that protests remain parts of ongoing democratic deliberation about justice, which can thereby be checked by standards of justice latent in public culture. Ecotage, by contrast, need not be concerned with these publicity requirements, since it neither appeals primarily to a larger sense of justice nor depends upon one for its success. The facts that persons engaged in ecotage seek to avoid legal responsibility for their acts and that ecotage may entail violence against property (a serious offense, but a categorically different one from violence against persons) are largely explained by these structural differences. While civil disobedience attempts to persuade, and so must avoid acts which alienate its intended audience, ecotage instead aims at the balance sheet of what its perpetrators take to be an offender (or, in some cases, to physically stop ongoing acts of ecological destruction), and intentionally draw the ire of their audience.

Supposing that ecotage be treated as a more serious *prima facie* offense than civil disobedience—and thus that the circumstances in which the former may be justified be more restrictive than those for the latter—is a version of the “sliding scale” argument in *jus in bello*.<sup>18</sup> Rawls invokes something like it in his discussion of the “militant action and obstruction” (which, like ecotage, he treats as more objectionable than civil disobedience, even if he does allow for its possible justification) against which he seeks to distinguish civil disobedience:

The militant, for example, is much more deeply opposed to the existing political system. He does not accept it as one which is nearly just or reasonably so; he believes either that it departs widely from its professed principles or that it pursues a mistaken conception of justice altogether. While his action is conscientious in its own terms, he does not appeal to the sense of justice of the majority (or those having effective political power); since he thinks that their sense of justice is erroneous, or else without effect.<sup>19</sup>

The militant, he goes on to note, does not take legal responsibility for his act, and so disavows the fidelity to law taken to be essential for civil disobedience. Although he suggests that “sometimes if the appeal fails in its purpose, forceful resistance may later be entertained” and that “in certain circumstances militant action and other kinds of resistance are surely justified,”<sup>20</sup> Rawls dissociates his defense of civil disobedience from these more objectionable forms of resistance, which he sets aside without further ethical examination.

Ecotage is neither civil disobedience, with its demonstrated fidelity to law and targeted legal anomaly in an otherwise just world, nor militant uprising, with its wholesale rejection of the mores of the community. Indeed, despite the expressed sympathy for Luddites found throughout Foreman’s work and in its inspiration, Edward Abbey’s *The Monkey Wrench Gang*, neither describes monkey wrenchers

as violent anarchists bent on bringing down the industrial order. Foreman, for example, insists that ecotage is “not revolutionary” and is “not major industrial sabotage”—its aims and acts are narrowly confined to specific offenses, and it does not aim “to overthrow any social, political, or economic system.”<sup>21</sup> Whereas the militant that Rawls describes disavows any commitment to public order or the rule of law, the practitioner of ecotage that Foreman proposes observes a set of strict ethical limits upon allowable action, and targets their actions specifically to a narrow range of offensive practices rather than to an entire political or legal system. As such, ecotage would seem to occupy a space closer to civil disobedience than to militant action, given its relative restraint and commitment to principled limits on action.

As is the case with civil disobedience theory, several of the limits attached to ecotage serve both ethical and strategic considerations. Following the requirement of good faith negotiation prior to direct action in order to make lawbreaking a last resort (prior to more revolutionary change, that is), Foreman urges that ecotage not be used while nonviolent direct action is taking place, or during negotiations. Not only might ecotage bring negative publicity to a particular environmental battle, but it also violates the trust that is essential to good faith negotiation. Here, Foreman’s own endorsement of the use of ecotage as a strategic device to manipulate the political center and encourage relevant policy makers to negotiate with the mainstream groups that appear more reasonable as a consequence of ELF radicalism can be seen as a violation of the good faith that is necessary for any effective negotiations, however effective that may be as political strategy. Ethical considerations require that it be reserved for cases in which less objectionable tactics have already failed (and negotiations are no longer ongoing), and not merely that it not be used concurrently with them. Given Foreman’s occasional emphasis upon strategy rather than principle (as noted above), this additional restriction becomes critical. Ecotage should never be used before both legal and nonviolent extralegal tactics have been exhausted not only for the practical reason that such tactics undermine ongoing negotiations and alienate political constituencies rather than cultivate them as potential forces of change, but also because a more objectionable tactic can never be ethically justified if a lesser one will do.

The emphasis within civil disobedience theory upon nonviolence likewise serves both ethical and strategic purposes, and so is instructive for promoting the persuasive efficacy of ecotage, which also risks alienating persons who are otherwise sympathetic to its aims but repulsed by its placing persons at risk. Though ecotage cannot renounce violence against inanimate objects, a central ethical constraint upon its use must be a principle of discrimination that guards against exposing persons to risk of harm. The evolution of the Earth First! tactic of tree spiking illustrates how such a principle may be operationalized in practice. Early acts of tree spiking involved driving metal or ceramic (which elude metal detectors) spikes into the trunks of trees slated for harvest; a practice which injured sev-

eral loggers when their chainsaws hit the spikes, bringing immense negative publicity (and the first “eco-terrorism” laws)<sup>22</sup> upon the group and the practice for its apparent indifference to human welfare. One faction of Earth First! (led by Judi Bari) disavowed the practice entirely, while another (led by Foreman) urged that spikes be driven high enough so that only sawmill blades and not chainsaws are threatened by them, suggesting further that spiking be appropriate only for “large timber sales where the trees are destined for a corporate, rather than a small, family-oriented mill,” as the former have protective shields that prevent injury to mill workers when sawmill blades are shattered by spikes, and since the latter “are seldom a major threat to wilderness.”<sup>23</sup> While this concern should have been exercised at the outset, the changing practices nonetheless reflect one manner of insuring against morally repugnant and strategically self-defeating actions. As an additional safeguard, the broader publicity requirement in civil disobedience might be applied in a more limited way to ecotage by requiring not that ecoteurs themselves act in the open (as in civil disobedience) but rather that their actions be transparent to those who might otherwise be harmed by them. Where an action might place a person at risk of injury, those risks must be sufficiently publicized in order that they may readily be avoided.<sup>24</sup> While marking all and only those trees which have been spiked may undermine the efficacy of the practice (as timber operations could simply harvest all unmarked trees), creative modifications of the practice (for example, marking all mature trees in some stand in an ecologically and aesthetically nondamaging but obvious way whether or not spiked) may be able to adequately protect persons (thereby maintaining adherence to principle and avoiding bad publicity) while maintaining the tactic’s deterrent value.

#### IS ECOTAGE EVER JUSTIFIED?

Under what circumstances might a resort to ecotage be warranted? If its use is ever to be justified, a necessary condition must be that all lesser tactics have been exhausted, and that nothing less than ecotage might avert a serious wrong. Rawls aptly limits justified civil disobedience to “the special case of a nearly just society” as opposed to cases of more pervasive injustice or in societies which are not well ordered, since only in the former might an injustice be remedied through the rhetorical force of direct action as an appeal to the sense of justice of a political community. Similarly, one might posit that ecotage (or “other kinds of dissent or resistance”)—insofar as it is less likely to appeal to the sympathies of a larger community than is civil disobedience, and is therefore unlikely to be effective in mobilizing popular support for some cause where civil disobedience has already failed—is appropriate only in societies where serious injustices are more broadly tolerated, where political processes are unresponsive to public opinion, or where rhetorical appeals are otherwise unlikely to produce positive effects. Consider, for example, the following cases in which activists turn to ecotage as a tactic of resistance:

*Case 1.* A “cut and run” logging operation is illegally harvesting rare and valuable old growth timber from a protected area on public lands. State officials, although in full knowledge of these activities, refuse to take adequate steps to halt them or to prosecute the offenders, in part because of an institutionalized sympathy with the timber industry and an ideological hostility to the environmental protection laws that now prohibit the state from selling this timber. Opponents of this illegal logging have attempted to compel the state to enforce its own laws through lawsuits, and to protect the forests directly through nonviolent action (blocking roads, encouraging boycotts of illegal wood products), but to no avail. Finally, opponents begin driving metal spikes into the “protected” trees—which destroy sawmill blades if the trees are illegally harvested but do not harm the trees themselves—in an effort to dissuade these operations by increasing their costs.

*Case 2.* By law, large parcels of “untrammled” public lands (i.e., those without roads or other signs of human habitation) are eligible for inclusion within a protected national wilderness system. Inventories of suitable land have been controversial, because wilderness designations (which must be approved by the legislature) permanently protect parcels of land from extractive or other ecologically damaging uses. The legislature has for some time refused to designate some suitable lands as wilderness, and so they remain unprotected. In order to permanently prevent these lands from being added to the wilderness system, anti-environmental “property rights” groups are building illegal roads across them. The relevant state officials ignore these acts, since they share an interest in opening these lands for development, and hence in the budget-enhancing sales of extraction permits from them. Private citizens have attempted to halt these illegal road-building projects nonviolently, but to no avail. In order to halt one such operation, opponents sabotage a group of bulldozers and road graders by draining their oil and pouring sugar in their gas tanks.

*Case 3.* Due to a loophole in automobile fuel efficiency standards, vehicles weighing over three tons were left exempt from regulations designed to reduce gasoline consumption and its deleterious ecological consequences. Though originally an exemption intended only for a few heavy work trucks, the increasing popularity of large SUVs for regular transportation led several manufacturers to intentionally design vehicles heavy enough to gain this exemption (necessary given their fuel inefficiency) and one company (“Bummer”) to specialize in such large and ecologically destructive vehicles. Various groups urge legislators to close this loophole (which undermines the aims of the regulations), but to no avail, and public relations campaigns by environmental groups against the purchase of such vehicles (including a protestor chaining herself to one in order to draw attention to their harmful effects) are similarly unsuccessful. Given an unwillingness of policy makers to amend existing regulations in order to bring such vehicles under fuel efficiency standards, and in order to counter a highly

effective marketing campaign for the SUVs, a small group of activists sets fire to a Bummer dealership, vandalizing and spray painting “I [heart] pollution” on several of the vehicles.

The first two of these cases have several instructive features in common, which can instructively be contrasted with the third case. To simplify, they both involve acts that are both illegal and (arguably) unjust. The more difficult third case (representative of a category of grievance which is far more vulnerable to abuse) targets an act (selling or driving large and fuel-inefficient SUVs) that is legal but arguably unjust (or at least highly damaging), but fails to meet the necessary conditions for a justified resort to ecotage (and shall be discussed as such further below). In all three cases, the state is complicit in the acts in question, and so standard legal avenues of appeal are unlikely to be effective. Given that the democratic responsiveness of political institutions is assumed to be a prerequisite for the use of rhetorical tactics like civil disobedience, and since the institutions are in these three cases unresponsive to political and legal pressure, one might surmise that further publicity of the offenses in question will fail to move the relevant actors toward remedial action. Finally, all three cases involve failed attempts at both legal and less offensive extralegal oppositional tactics, and in the first two cases (though not the third) the resort to ecotage is taken only as a last resort and in cases of clear emergency, where further delay would likely lead to long-term and irreversible damage.

The above cases suggest a set of necessary conditions for the application of ecotage as a tactic of political resistance: (1) some act is being undertaken which is contrary to both law and justice; (2) state officials charged with enforcing relevant laws are unwilling or unable to do so; (3) serious damage is imminent and, once complete, will be durable and irreversible; (4) legal means were attempted and proved unsuccessful; and (5) appeals to the sense of justice of the community have either already failed or would be frustrated by the unresponsive policy making or enforcement processes. They suggest also (especially in conditions 1 and 3, above) why the third case presents neither an adequately serious, nor unique, nor immanent threat to justify the acts described (which are equally unlikely to deter the manufacture and purchase of such vehicles as well as the passage of relevant regulatory legislation). Following the civil disobedience literature, one might further specify that damage be narrowly targeted to the offensive inanimate object in question, that the economic damage inflicted be proportional to the offense in question, and that any sabotage must inflict the least damage necessary in order to avoid the bad outcome. Under no circumstances (whether intentional or as the result of inadequate care) should persons be physically harmed or subjected to undue risk, either directly or indirectly.

Taken together, do the above constitute sufficient conditions for justified ecotage? Ruled out would be cases that are not narrowly tailored to an identifiable offense, such as case 3’s protest of the state and auto industry’s indifference to fuel

economy, or the burning of a timber company office as a general protest against the industry's unsustainable logging practices. Likewise excluded would be ecotage against acts which may be environmentally destructive but which are not obviously unjust, such as the arson of luxury homes in sprawling subdivisions or the vandalism of property carrying the logo of a particularly anti-environmental corporation. Targeting research facilities that develop genetically modified crops would likewise be prohibited, on the grounds that technologies in development do not yet pose an imminent threat, and so cannot justify the more aggressive and immediate response of ecotage. Taken together, that is, the above conditions may constitute both necessary and sufficient conditions for a resort to ecotage, at least if any circumstances warrant such acts.

#### CONCLUSION

Supposing that ecotage may be justified in at least a narrow range of cases, ethical limits similar to those from *jus in bello* constrain both the acts themselves and the circumstances in which they may be undertaken. Several limits have been suggested above. Four final remarks underscore the need to recognize principled restraints on the application of any *prima facie* objectionable political tactics, including ecotage.

First, ecotage must be understood as an act that must be reserved for extraordinary circumstances and then narrowly targeted to the exigencies of specific cases. It is not, as defended here, militant resistance or insurrectionist in nature. Foreman comes perilously close to undermining his own case for ecotage when he describes it as a kind of self-defense, urging that "it is aimed at keeping industrial civilization out of natural areas and causing industry's retreat from areas that should be wild" and that "it is defensive in that it is used to prevent destructive development in wild places and in seminatural areas next to cities."<sup>25</sup> While the image of an environmental militia in defense of the earth may stir the passions of potential followers, it also risks the blurring of the above ethical limits suggested for acts of ecotage. If ecotage is to be sufficiently disciplined to observe these limits, seeking to alter economic incentives that are presently unjustly skewed toward ecological destruction but not to inflict gratuitous damage, then the rhetoric of defensive warfare is unhelpful. Rhetoric such as this may motivate the already converted, but risks alienating potential allies and encouraging the transgression of the necessary moral limits set upon acts of ecotage.

Second, the risks associated with ecotage as political strategy are immense, and must therefore be kept in mind throughout this analysis. It remains unclear that ELF actions have thus far had any positive effects on public opinion, nor have they advanced the agenda of mainstream environmental groups (moderate alternatives to ELF radicalism) in any obvious ways. Though they've inflicted in excess of \$100 million in damage (primarily through arson), these costs have been borne primarily by insurance companies rather than agents of environmental

destruction, giving rise to justified skepticism that ELF actions have been effective in any of their possible avenues of social or political change. On the other hand, the lawlessness of ecotage risks alienating mainstream public opinion for the very reason that Walzer identifies as the failure of terrorism and both King and Rawls identify as the strength of civil disobedience: it fails to make its case in a straightforward and public way, and it fails to accord adequate respect to the system of law and justice toward which it directs its action. This downside risk is a serious one, especially in light of the lack of a corresponding upside to ecotage, and activists must remain mindful of this potential for a backlash of public opinion against the environmental movement if they sincerely desire to bring about the requisite changes to achieve a more sustainable society.

Third, and related to the risk of a backlash of opinion, ecotage presents the risk of violating its own principles, either by inadvertently causing harm to persons or in appearing to sanction violence such that the strategy could be hijacked by less principled cohorts. Historically, clandestine groups that employ limited violence have experienced difficulty in maintaining their principled opposition to the expansion of that violence, and have as a consequence crossed the lines separating the defensible from the criminal. In that ecotage eschews the publicity condition requisite for civil disobedience, it forgoes the check against wielding the tactic without adequate grievance in serious injustice that is provided by the process of public deliberation of which civil disobedience remains a component. It therefore risks violation of many of the ethical limits elucidated above: refraining from harming persons, targeting only extraordinary offenders in clear cases of injustice where serious damage is imminent and potentially irreversible, narrowly tailoring its attacks to particularly destructive equipment, and resorting to ecotage only when all lesser means have been exhausted. One might minimize this risk by requiring that acts of ecotage be preceded by careful deliberative processes designed to replicate the functions of the failed democratic institutions whose authority is being challenged through such extralegal acts, but the prospects of effective deliberation in clandestine groups like the ELF are, at best, limited. Even if justifiable cases for ecotage may be articulated in theory, one must worry about the effect of its principled limits in practice.

Finally, claims of injustice surrounding acts that are ecologically destructive must be met with the proper critical scrutiny, and the burden of proof must be placed on those seeking remedial action through ecotage, but such claims ought not to be dismissed out of hand (as, for example, through the misleading moniker *eco-terrorism*). Present threats to the integrity of the biosphere are multifarious and pervasive, and the radical environmental movement was born of a frustration with the slow pace of remedial change accomplished through mainstream politics. It must be remembered that, as King notes in his famous letter, "law and order exist for the purpose of establishing justice, and that when they fail to do this they become dangerously structured dams that block the flow of social progress."<sup>26</sup>

Likewise, as Rawls notes, a preference for order and stability cannot rule out efforts to rectify injustice categorically, for “if justified civil disobedience seems to threaten civic concord, the responsibility falls not upon those who protest but upon those whose abuse of authority and power justifies such opposition.”<sup>27</sup> One may have an obligation to first pursue social change within the confines of mainstream politics and good faith negotiation, and then through civil disobedience, but ruling out ecotage categorically would, like forswearing nonviolent direct action, be in some cases excluding a defensible avenue of social change.

## NOTES

1. See, for example, Eric Lichtblau, “FBI Scrutinizes Antiwar Rallies,” *New York Times*, online edition, November 23, 2003, <http://www.nytimes.com>. The story documents the monitoring of antiwar demonstrators as part of the FBI’s counterterrorism efforts.

2. Earth Liberation Front, “Frequently Asked Questions about the Earth Liberation Front (ELF),” North American ELF Press Office, 2001, <http://www.earthliberationfront.com>, 27.

3. *Ibid.*, 31.

4. Noam Chomsky, “Terror and Just Response,” in *Terrorism and International Justice*, ed. James Sterba (New York: Oxford University Press, 2003), 69.

5. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), 197-206.

6. *U.S. Code*, sec. 2332b, title 18.

7. *U.S. Code*, sec. 844i, title 18.

8. Dave Foreman, “Strategic Monkeywrenching,” in *Ecodefense: A Field Guide to Monkeywrenching*, 3rd ed., ed. Dave Foreman and Bill Haywood (Chico, Calif.: Abzug Press, 1993), 9.

9. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Belknap, 1971), 334.

10. See, for example, Jean-Paul Sartre’s preface to Franz Fanon’s *The Wretched of the Earth*, trans. Constance Farrington (New York: Grove, 1986), 7-31, in which Sartre defends FLN (National Liberation Front, or Front de Libération Nationale) terrorism in Algeria through the argument from necessity. For a critical reply, see Walzer, *Just and Unjust Wars*, 204-6.

11. Walzer, *Just and Unjust Wars*, 204.

12. Martin Luther King Jr., “Letter from Birmingham Jail,” in Martin Luther King Jr., *Why We Can’t Wait* (New York: Harper & Row, 1964), 77-99.

13. Rawls, *A Theory of Justice*, 376.

14. Earth Liberation Front, “Frequently Asked Questions,” 20.

15. Rawls, *A Theory of Justice*, 382-83.

16. *Ibid.*, 383.

17. *Ibid.*, 366.

18. See, for example, Walzer, *Just and Unjust Wars*, 229-32.

19. Rawls, *A Theory of Justice*, 367.

20. *Ibid.*, 368.

21. Foreman and Haywood, *Ecodefense*, 10.

22. Anti-spiking legislation was added as a rider to the Anti-Drug Abuse Act of 1988 in a subsection entitled “Hazardous or Injurious Devices on Federal Lands” that prohibits “tree spiking devices including spikes, nails, or other objects hammered, driven, fastened, or otherwise placed into or on any timber” (*U.S. Code*, sec. 1864, title 18).

23. Foreman and Haywood, *Ecodefense*, 19.

24. Foreman (in *Ecodefense*) urges that “anyone spiking trees has a moral obligation to notify the ‘proper authorities’ that a particular area contains spiked trees and that it would be hazardous to cut those trees” (31), and that the goal is to raise the costs of timber sales and thus to provide a “long term deterrent” against further incursions into federally managed wilderness. To this publicity requirement, an additional marker on each spiked tree would provide an additional safeguard against injury.

25. Dave Foreman, *Confessions of an Eco-Warrior* (New York: Harmony Books, 1991), 118.

26. King, “Letter from Birmingham Jail,” 88.

27. Rawls, *A Theory of Justice*, 390-91.

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