

Crime without punishment? On the legitimacy of illegal actions from the climate movement

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Abstract

In this paper, we address a recent case of eight climate activists being prosecuted by the Dutch government under charges of sedition. We note how this unprecedented legal action aligns with a broader trend of criminalizing the climate movement around the world. In this context, activists seem to claim *legitimacy* and distinguish themselves from criminals by aligning themselves with the tradition of 'civil disobedience.' We highlight some limitations that this traditional form of protest poses to the climate movement and ask how climate activists can claim legitimacy even when adopting tactics other than civil disobedience. We then propose a method of categorizing different tactics by positioning them in a two-dimensional spectrum according to their degree of violence and fidelity to law. Finally, we reflect on how climate activists may claim legitimacy for tactics across this spectrum by reflecting on Martin Luther King, Jr. and Simone de Beauvoir's philosophies.

Keywords: civil disobedience, climate activism, Extinction Rebellion, legitimacy.

Introduction

At the start of 2023, the Dutch Public Prosecution Service (OM) arrested eight climate activists under the charge of *sedition*.¹ This unprecedented legal action towards the climate movement in The Netherlands was a response to a series of disruptive protests demanding the Dutch government to halt the yearly subsidies they offer to the fossil fuel industry. The protests, performed

1 We use 'sedition' as the English translation from the original Dutch 'opruiming.'

as temporary blockades to the A12 highway in The Hague, constitute the broader campaign *Stop fossiele subsidies!* coordinated by the group Extinction Rebellion Nederland (XR-NL). The campaign has been largely successful in popularizing the climate movement and recruiting more adherents to the group, with the seventh instance of a blockade in May 2023 attended by over 8,000 protestors. The act resulted in nearly 1,600 activists voluntarily arrested in a single day. This striking number of arrests has led XR-NL to declare the event had been “the largest peaceful civil disobedience action in Dutch history.”²

Despite the group’s increasing popularity with the general public, the OM took XR-NL’s calls for joining the blockades as a criminal offense since, they argue, it elicits citizens to break the law and engage in activities that could lead to dangerous accidents.³ According to the Dutch government, the prosecution of the XR-NL activists as seditious criminals is necessary to maintain public order since these activists are seen as endangering themselves and others by inciting people to block the traffic. Yet, according to climate activists, this and other similar protests are necessary to put pressure on the government to take the existential threat of the climate crisis more seriously and take drastic actions to prevent further devastation of the planet before it becomes unlivable.

These competing perspectives fuel an atmosphere of rising tensions between climate activists and the government. Activists are increasingly motivated to engage in disruptive tactics by their feelings of frustration and despair about the lack of action in the face of imminent ecological collapse, feelings that only worsen by witnessing extreme weather events already ravaging numerous regions and communities across the world. On the other hand, the Dutch government seems to display an attitude of apprehension towards the increasing number of climate activists joining disruptive protests, feeling they are losing control over public order, and therefore moving towards the criminalization of climate activism. Notably, the prosecution of XR-NL activists in The Netherlands seems to be embedded in a broader trend of criminalization of climate activism by numerous governments around the world. Exorbitant fines, harsher sentences, harassment, and

2 Extinction Rebellion Nederland. (June 20, 2023). *Press conference statement* (<https://a12blokkade.nl/statement.en.html>)

3 *NL Times*, “Extinction Rebellion activists arrested at home over plans to block A12 highway.” January 26, 2023. (<https://nltimes.nl/2023/01/26/extinction-rebellion-activists-arrested-home-plans-block-a12-highway>)

even assassination of individuals, have all characterized responses from numerous governments to climate activism in the last decade.⁴

Within this context, the frequent invocation of ‘civil disobedience’ by climate groups like XR-NL seeks to align their actions with those of historical figures such as Henry David Thoreau and Martin Luther King, Jr., who famously argued that it is the duty of citizens to oppose the unjust laws of their government. This kind of opposition is described as “disobedient” because it requires breaking the law, and it is described as “civil” because it requires doing so in a nonviolent manner, peacefully allowing oneself to be arrested. Such an act of disobedience is intended to call attention to the injustice of a specific law or set of laws in order to arouse public support for reforming them. The civility with which the act is carried out is intended to show that the lawbreakers still respect the rule of law in general, thus distinguishing their actions from those of criminals. Ultimately, this set of conditions with which the act of disobedience is conducted grants the lawbreaker a degree of *legitimacy*, for even when they are breaking the law, they do it out of a sense of moral duty to address an injustice.

It is understandable why XR-NL activists would want to claim the title of ‘civil disobedient’ because of the *legitimacy* it gives their actions thanks to precisely the historical associations and justifications we have just described. However, the climate crisis presents a set of challenges to ‘civil disobedience’ that were not present in previous historical examples. Thoreau engaged in civil disobedience to oppose slavery and the waging of war by the United States. King, Jr. engaged in civil disobedience to oppose state-sanctioned racism and inequality in the United States. In both cases, the acts of civil disobedience were carried out to achieve *specific ends*, ends that they saw as possible to achieve *only* through the means of civil disobedience, and which could be addressed by their national government. However, it must be admitted that the climate crisis is a *global crisis* enabled by a web of social, political, and economic forces that traverse national boundaries, rather than an injustice that stems from a specific set of laws. Thus, it would seem that even if climate activists would be able to get any one government (e.g. the Dutch government) to overturn any one law or set of laws (e.g. government subsidies for fossil fuel companies), this would still be insufficient to achieve the ends of the climate movement.

4 It does not escape our attention how the violence to indigenous and/or peasant ecological defenders in the Global South precede this more recent trend of criminalization of climate activism in the Global North. What is perhaps significant here is that the historical violence towards ecological defenders is not receding, but rather seems to be expanding to the rest of the world. For more information, see the special report Global Witness 2022 or Mireanu 2014.

Of course, we find it commendable when activists target specific laws that worsen the climate crisis, but we believe these challenges to the climate movement deserve raising the following questions: are the actions of climate activists best described as ‘civil disobedience’ or should we instead use different concepts to describe their actions? Is using civil disobedience actually the right course of action for climate activists to achieve their goals? And, if climate activists are – or *should* be – engaging in actions other than civil disobedience, then what would be the source of *legitimacy* for such actions? We will explore these questions throughout this paper, posing the question of legitimacy between a duty to obey the rule of law and the moral duty to act against what one considers to be an injustice. We do this by first disentangling the heterogeneous nature of the climate movement and illustrating the diversity of tactics applied by different climate action groups across the world. Then, we explore which of these tactics could be considered legitimate by delving into the philosophies of King, Jr., and Simone de Beauvoir.

The limits of civil disobedience

While dissent and acts of resistance are as old as the establishment of ruling powers, the term ‘civil disobedience’ was only coined and popularized in the 19th century. It was Henry David Thoreau who, imprisoned after refusing to pay taxes in protest of slavery and the waging of war by the United States, argued that nonviolent illegal acts were a legitimate way of protesting unjust laws and practices adopted by one’s government. Since then, civil disobedience has been a form of protest that several political theorists, leaders, activists, and public figures have used to justify the legitimacy of nonviolent illegal actions that aim to target specific injustices.

However, there are certain constraints to the type of actions that fall under the term ‘civil disobedience.’ Consider as a starting point the conventional definition offered by John Rawls (1971). According to Rawls, for an act to count as civil disobedience, it must fulfill certain conditions. It must be *civil*, which can be understood as nonviolent; it must be public, so as to make the act a political statement; it must retain *fidelity to law*, meaning that the person who breaks the law must accept the punishment that authorities impose; and lastly, it must be targeted towards a specific policy or practice.

Rawls's approach, which is often labeled as the liberal definition or paradigm of civil disobedience,⁵ might remain suitable for historical examples against institutionalized slavery and discrimination, such as Thoreau's refusal to pay taxes or Rosa Parks' refusal to sit at the back of a segregated bus. Moreover, some specific actions from XR-NL could potentially fit into this paradigm as well. After all, the A12-blockade has remained civil, it is a public act, activists are not refusing arrest, and the act targets specific tax breaks and other types of subsidies granted by the Dutch government to the fossil fuel industry.⁶

However, it is worth noting that Rawls' conception of civil disobedience has been challenged by several political theorists for its inadequacy to understand nonviolent illegal actions that address contemporary issues. For instance, Simon Caney's critique points out how aiming to target a specific law or body of authority may be insufficient when individuals face global injustices that are the result of many interwoven social, political, and economic dynamics. In these cases, Caney notes how injustices "can occur even when there is not necessarily a single clearly defined unified agent behind the injustice," therefore, "it is not immediately obvious who is a legitimate focus of any attempts to rectify the injustice" (Caney 2015, p. 59). Following Caney's remarks, we question whether all actions from climate activists should remain within the boundaries of the liberal paradigm of civil disobedience, aiming to target a specific law or body of authority. Additionally, Robin Celikates (2016) brings attention to how Rawls' *fidelity to law* assumed that figures like Thoreau and King, Jr. were – apart from the specific laws they were trying to change – mostly content with the prevailing rule of law. However, these assumptions fail to capture the level of contestation that these actors were posing on the political system as a whole with their actions and discourse. Lastly, Candace Delmas (2018) challenges the appeal to *civility* by noting that, often, "those who shoulder the burdens of oppression cannot reasonably be expected to satisfy the demands of civility, since these demands aim to preserve civic bonds that do not extend to them and even serve to maintain their oppression." Delmas indicates here that the expectation of *civility* in the liberal paradigm seems to exclude members of society who may be "oppressed, silenced, and otherwise marginalized" and therefore have no other means but *incivility* to obtain the authorities' attention (p. 68).

5 See Celikates 2016 and Berglund 2023.

6 Extinction Rebellion Nederland 2023.

These critiques illustrate some of the reasons why climate activists across the world may reconsider a strict adherence to civil disobedience. In particular, when climate injustices seem to escape the boundaries of any one legal framework from a nation-state, when there are reasons to contest political systems as a whole instead of single laws, and when civil means seem to oppress and marginalize activists instead of act in their favor, what are the alternatives to civil disobedience that climate activists have at hand?

Disentangling the climate movement and its tactics

In practice, there are already a multitude of tactics employed by the climate movement which do not fall under the 'civil disobedience' category. The great diversity of tactics that can be linked to climate activists may be explained by the movement's heterogeneity. Climate activists operate in different regions of the world, they span across all ages, genders, and ethnicities, they face strikingly different political realities, and answer to different moral principles.

Thus, instead of trying to understand the climate movement as a homogenous endeavor, we propose, following theorist Jennifer Hadden (2015), to understand this movement as a contentious network of different action groups and organizations. Such a network may share a common objective of advancing climate action, yet its multiple nodes may be guided by distinct principles and values, therefore adopting different strategies and tactics to achieve their goals. Such a network may establish coalitions among groups if their principles and ways of operating are complementary. Conversely, groups may choose to distance themselves from each other if their values seem to clash. Some groups may prefer non-confrontational methods of raising awareness and demanding political change, choosing to stay within the boundaries of the law, or otherwise remaining strictly nonviolent. However, some other groups may think that considerable disruption and confrontation are needed to achieve urgent change.

While disagreements on which tactics are effective and justifiable to achieve climate action may produce internal conflicts within the climate movement, it is also possible that the diversity in strategies strengthens the movement's efforts by exerting political pressure from different fronts. In any case, we believe that activist groups would benefit from critically reflecting and positioning themselves within the broader landscape of tactics that are present in the climate movement.

To make sense of this landscape of diverse tactics, and particularly to reflect on the question of which of these are legitimate or not, we propose to arrange them in a two-dimensional spectrum that is composed of two different axes (Fig. 1). The first one, which we call ‘the violence axis’ addresses the degree to which the tactic can be positioned between the extremes of violent and nonviolent. The second one, which we call ‘the fidelity axis,’ addresses the objective that lies behind the deployment of the tactic, ranging from *reformative* to *revolutionary*.

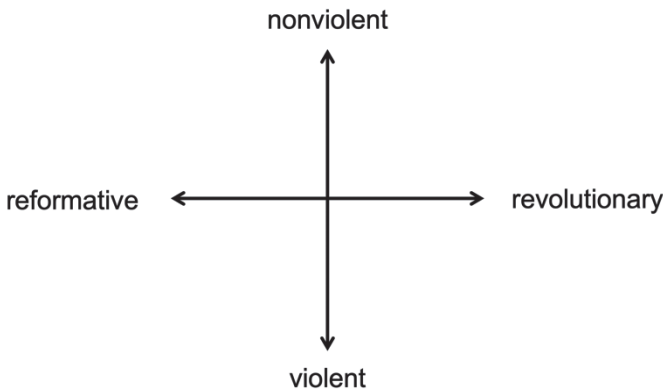


Fig 1. Two-dimensional spectrum of climate movement tactics

Positioning tactics along the violence axis requires us to reflect on where the boundary lies between violence and nonviolence. While violence is conventionally equated with assault and physical harm, intimidation and property destruction could also be considered violent. The debate of where to draw these boundaries is far from settled. For instance, Benjamin Sovacool and Alexander Dunlop (2021) recently proposed to expand the category of nonviolence to include actions like vandalism, sabotage, and property destruction when these are carried out in ‘self-defense’ against both immediate individual threats and systemic threats. We do not intend to propose a demarcation between violence and nonviolence here but rather highlight how this is a question that many activists and theorists continue to explore as the climate movement progresses. At the same time, the government and the general public’s response to a tactic will likely be shaped by the perceived degree of violence in the action.

To position tactics along the fidelity axis, we must understand the intention and ultimate goal behind the action. When climate activists demand a

policy change but are willing to adhere to the established rule of law, that is, accepting the legal repercussions of their actions, their tactics should be considered with a high degree of *fidelity to law*, therefore being categorized as *reformative*. There are times, however, when activists are not targeting a specific policy, but an entire political system. If these protests seek to undermine the authority of the state, for instance, by proposing or imposing alternative ways of political organization, then the tactics are *revolutionary*. While the term *revolutionary* is often equated with violent tactics, we want to propose that there may be actions that put forward alternative forms of political organization without necessarily using violence. It is also important to consider that some of the actions that may be categorized as revolutionary within the climate movement may be embedded in larger and older struggles to refuse a nation-state's authority that are rooted in anti-colonial resistance.⁷

When positioning tactics in our proposed spectrum, it is not our immediate goal to identify which of them will be more successful in achieving prompt climate action. The intention of our spectrum is to highlight aspects that facilitate reflection on whether a tactic is legitimate or not. In doing so, we can also question whether each tactic and governments' response to them are justified. To further illustrate our proposed framework, we list a few examples of where different climate tactics may fall within each quadrant of the spectrum.

Nonviolent reformative

Some of the least confrontational tactics of the climate movement can be found in this first quadrant. It includes anything that targets a specific practice or policy change and that is easily identifiable as nonviolent. These may be creating online petitions, peaceful marches, or legal demonstrations that are registered with the relevant political authorities. However, more disruptive and illegal actions such as the A12-blockade may be positioned in this quadrant since (1) the action demands a specific policy change (stopping the subsidies to the fossil fuel industry) and (2) it adheres to the principle of nonviolence.

Nonviolent revolutionary

Tactics in this quadrant include tactics that presume the failure or inadequacy of a state to address the climate crisis and which may suggest alternative forms of political organization in a nonviolent manner. Prefigurative politics, for instance, the way in which some activist groups engage in a horizontal internal organization, or how they seek consensus

⁷ See Caney 2015.

in radically democratic decision-making processes, could be positioned here. Additionally, collective initiatives such as food forests or community gardens, which seek to provide alternatives to the modern dependency on the state apparatus for the functioning of a society may also be found in this quadrant. Lastly, we consider the establishment of autonomous communities that are largely maintained through nonviolence, such as the Zapatista's *caracoles*, to belong in this quadrant as well.

Violent reformative

In this quadrant, we may include any action that demands the cease of a practice or a change of laws through violent means. Such means could potentially include property destruction, or intimidation and harassment of specific individuals or organizations. For instance, sabotage of organizations or infrastructure owned by oil companies, the agroindustry, or specific extractivist projects that worsen the climate crisis, but which is conducted to end specific activities without necessarily aiming to undermine the state's authority could be found in this quadrant.

Violent revolutionary

In this last quadrant, we would position tactics that intend to undermine the authority of the state through what could be considered violent means. If vandalism, property destruction, and sabotage are to be considered violent, then these acts, when done with the purpose of weakening the state's authority, belong in this quadrant. Consider for instance the French movement *Les Soulèvements de la Terre* which self-identify as a *révolte* and choose tactics of property destruction and obstruction of sites such as mines or dams. These actions often end in violent clashes with the police. Faced with the criminalization of their actions, the group recently called in a statement for a "collective reappropriation of common goods and a sharing of resources which are scarce,"⁸ which ultimately challenges the state's authority in overseeing the control and distribution of goods. This quadrant would also include any direct efforts from climate groups to overthrow a government through means such as insurrections, armed insurgencies, or guerilla warfare.

8 This phrase is translated from the original online statement in French 'l'urgence est à une réappropriation collective des biens communs et à un partage des ressources qui se raréfient.' <https://lessoulevementsdelaterre.org/blog/plus-de-15-personnes-arretees-ce-matin-les-soulevements-de-la-terre-denoncent-une-nouvelle-operation-de-communication-pour-tenter-de-faire-taire-un-mouvement-populaire>.

Revisiting the question of legitimacy

Having mapped out the different tactics that can be found within the climate movement, we will now explore how to address the question of legitimacy across this spectrum.

As we have seen, legitimacy is often sought by some activists by aligning themselves with the tradition of civil disobedience. In such cases, activists claim legitimacy for their actions by maintaining fidelity to law (i.e., willingness to break the law but also to face the consequences for such lawbreaking) and by not resorting to violence (i.e., not committing acts of sabotage or other acts that would knowingly cause harm to individuals). In other words, so long as activists stay in the “nonviolent reform” quadrant of our framework, then it is argued that their actions are legitimate in the sense that these actions should be respected as political actions protected by the democratic right to protest rather than seeing these actions as criminal or terroristic. Consequently, actions taken by governments that do not respect this legitimacy (i.e., charging activists with “sedition” for blocking roadways) can be seen in turn as *illegitimate* in the sense that they violate the democratic right of citizens to protest.

However, if one questions whether XR-NL or other climate groups seek, beyond changing specific policies, a broader systemic change, where may their tactics lie? This question gains relevance especially as voluntary arrests during disruptive protests are well-received by activists, while charging activists with sedition seems disproportionate. The rule of law seems to play a different role in both cases. While counting the number of arrests during protests can be used by climate groups to make a political statement, prosecuting activists as seditious hinders their ability to engage in a public protest. Moreover, these charges can be seen as an act of intimidation by the state that prevents other citizens to join the movement.

Thus, while we have argued that civil disobedience can be used by activists to claim legitimacy for their actions, we must still answer the questions of whether climate activists *should* adhere to civil disobedience, and how they might claim legitimacy when they engage in different tactics. With regard to the first question, it can be argued that the response of the Dutch government is in itself challenging activists to pursue means other than civil disobedience. For when governments respond to legitimate acts of civil disobedience by illegitimately charging activists as not just criminals, but as *seditious* criminals, then how else can activists be expected to respond except by moving more and more from “nonviolent reform” to the opposite extreme of “violent revolution”?

Such a situation is precisely what Martin Luther King, Jr. warned about in his “Letter from a Birmingham Jail.” King, Jr. (1963) argues that the ‘non-violent direct action’ of his civil rights movement should be recognized as essentially the Aristotelian ‘golden mean’ befitting virtuous action as it sits between the two vicious extremes of deficiency (e.g., complacent acceptance of the status quo) and of excess (e.g., violent revolutionary action). Yet, as King, Jr. laments, if these virtuous actions are not recognized as virtuous but are instead treated as vicious, then such misrecognition is likely to generate the very viciousness that such treatment would presumably be seeking to prevent. As King, Jr. wrote,

I am further convinced that if our white brothers dismiss as ‘rabble rousers’ and ‘outside agitators’ those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black nationalist ideologies—a development that would inevitably lead to a frightening racial nightmare.

King, Jr. further makes clear that escalation by activists should not be seen as a threat, but rather as the expected result of having no other means available to achieve one’s goals. So King, Jr. wrote, “If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history.” King, Jr. clearly did not want such an escalation to take place but feared its inevitability, for which reason he wrote this famous “Letter” to help those outside his movement to better understand the legitimacy of their actions and the illegitimacy of those who would try to stop them.

We are, of course, cognizant of how the experiences of state-sanctioned discrimination that African Americans had to endure in the times leading to the civil rights movement are vastly different from the experiences of climate activists in The Netherlands. However, we do believe that King, Jr.’s philosophical arguments illustrate how the government’s reluctance to address climate activists’ concerns may generate a tendency to move from virtuous adherence to nonviolence to considering violent revolutionary actions. Following King, Jr.’s arguments, these potential developments should not be seen as a threat from the climate movement, but as the natural outcome of repressing climate activists’ emotions of distress and despair caused by either being at the frontlines of climate collapse, like the many communities who are already experiencing extreme heat waves, droughts, floodings, et cetera, or by the prospects of losing a livable planet for younger and future generations.

It is worth noting that XR's adherence to nonviolence is usually defended as a strategic choice, rather than a moral principle. As Roger Hallam, one of XR's co-founders argues in the movement's handbook, "if you practice non-violence, you are more likely to succeed" (Extinction Rebellion 2019, p. 100). However, the theories that inspired Hallam's initial claim have been frequently disputed by other theorists over the last years.⁹ Thus, what happens when the strategic rationale for adhering to nonviolence is discarded? Here, it is pertinent to recognize that unlike Hallam, King, Jr. did not seek to avoid the use of violence because it could prove unsuccessful or because violence would lead to more violence in return. King, Jr. refused violence because of the principles he sought to uphold. As he concluded,

Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make clear that it is wrong to use immoral means to attain moral ends.

Such a stance is noble, but it does raise the question of whether one's principles ought to be upheld at *any* cost. While it is certainly important to avoid the risk of making one's ends seem less 'pure' by using 'immoral means' to achieve those ends, it would seem that maintaining a likelihood of success in achieving those ends should also be important. If a social movement is created by the perceived danger of allowing the status quo, or 'business as usual' to continue, then shouldn't activists be more concerned about failing to achieve the change they seek than about failing to uphold their moral principles? And if the danger in question is the possibility of climate change effectively leading to mass extinction and making the planet unlivable, then, is preserving morality more important than preserving life itself?

As much as we consider the prospects of the climate crisis to be a massive threat, there is of course reason to be concerned here about inviting a slippery slope logic that would enable *any* movement to believe itself capable of using *any* means to achieve its ends so long as they believe their ends are sufficiently worthwhile. In other words, if legitimacy comes to rest not on one's principles but on the perceived necessity of achieving one's ends, then there is the threat of replacing morality with 'the ends justify the means' politics made (in)famous by Machiavelli.

In her *Ethics of Ambiguity*, Simone de Beauvoir raised similar questions about the relationship between morality and politics and about how to do

⁹ See for instance Malm 2020 and Berglund and Schmidt 2020.

what is right when every option seems wrong. Contrary to King, Jr., Beauvoir thought there are indeed times when resistance to oppression requires the use of violence. At the same time though, Beauvoir was concerned about how to legitimize the use of violence and about the possibility that the use of violence would result in the paradox of resistance to oppression, requiring the use of oppression to end oppression (Beauvoir 1948, p. 97). In the face of the anxiety over the moral and political question of how best to align means and ends, Beauvoir maintained that we should not respond to this anxiety by seeking an answer outside of ourselves. To try to resolve doubt by finding answers in moral, political, or religious traditions and theories was seen by Beauvoir as a form of evasion, for the very same doubt over our own arguments could be applied just as well to the arguments of others.

Consequently, Beauvoir argued that rather than waiting until we know with certainty what is the right thing to do — a certainty that would never and could never arrive — we must confront our anxiety and embrace our doubt. Beauvoir writes:

[W]hat distinguishes the tyrant from the man of good will is that the first rests in the certainty of his aims, whereas the second keeps asking himself, “Am I really working for the liberation of men? Isn’t this end contested by the sacrifices through which I aim at it?” In setting up its ends, freedom must put them in parentheses, confront them at each moment with that absolute end which it itself constitutes, and contest, in its own name, the means it uses to win itself. (p. 133-134)

Beauvoir here suggests that the knowledge that we seek to lessen our anxiety is impossible, since no proof could be offered that would not itself be subject to doubt. In light of this, Beauvoir concludes that we can never know if we are doing the right thing, and so the best we can do is to not pretend such certainty is possible but instead recognize that “morality resides in the painfulness of an indefinite questioning.” (p. 133)

The question of legitimacy, from the perspective of Beauvoir, can ultimately only ever be answered by the one posing the question. But what matters to Beauvoir is that we never stop asking ourselves such questions, for it is the willingness to constantly confront one’s doubt and anxiety that “distinguishes the tyrant from the man of good will.” Though we of course want to be able to reassure climate activists by stating what is ethical to do and what is unethical to do, as Beauvoir explains, “ethics does not furnish recipes any more than do science and art” (p.134). By likening ethics to science and art, Beauvoir makes clear that the question of how to do what

is right is no easier to answer than the question of how to win a Nobel Prize or how to paint a *Guernica*. Rather, like a scientist or an artist, the person who aspires to be ethical must, according to Beauvoir, be willing to take risks and be willing to take responsibility for failure as well as for success.

Conclusions

We have opened this paper with a recent case of eight climate activists being prosecuted as seditious criminals in The Netherlands in light of the A12-Blockades that comprise the *Stop Fossiele Subsidies!* campaign. With this case in mind, we posed the question of whether illegal nonviolent protests by the climate movement were legitimate. We note how, while activists often seek legitimacy in the liberal paradigm of civil disobedience, this paradigm has been critiqued for certain limitations that might challenge its suitability for the climate movement. Therefore, it is worth questioning the extent to which tactics in the climate movement should remain within such a paradigm and, if not, how climate activists could claim legitimacy if they decided to adopt different tactics.

To make sense of the vast landscape of different tactics within the climate movement, we listed and organized some of them in a two-dimensional spectrum that spans different degrees of violence and fidelity to law. Based on this spectrum, we have proposed that tactics within the climate movement can be categorized as 'nonviolent reformative,' 'nonviolent revolutionary,' 'violent reformative,' or 'violent revolutionary.'

After considering such a range of tactics, we lean on the reflections of King, Jr. to argue that, not only are the A12-Blockade actions by XR-NL 'nonviolent reformative' and legitimate, but that the Dutch government's prosecution of XR-NL activists as seditious criminals may generate a tendency in the climate movement to move towards 'violent revolutionary' acts. If this tendency is caused by the government's repression of the activists' feelings of distress and despair against imminent ecological collapse and the injustices that come with it, then the case to claim climate activists' actions as illegitimate seems untenable. This is especially the case when the activists' perceived danger is the prospect of the planet becoming unlivable, therefore raising the question of whether moral principles must be upheld at *any* cost, including the cost of mass extinction.

We considered how our arguments may invite a slippery slope logic of harmful actions in which "the ends justify the means." However, recurring to Beauvoir's philosophy, we argue that distinguishing a tyrant from a man

of good will resides in the continuous questioning of whether one is using any means to maximize freedom and justice.

We do not intend to reject or endorse here any particular set of tactics illustrated in our proposed spectrum. Instead, we would expect this framework to serve as a heuristic tool for individuals to reflect on which of these quadrants they consider to be an ethical and reasonable course of action and which of them should be discarded. We are aware that reflections about the degree of violence that should be adopted by climate activists are currently gaining track in the movement.¹⁰ Perhaps further reflections regarding the ‘fidelity to law’ may help climate groups explore what is it that their protests are ultimately trying to achieve. Is the group looking for specific policy changes or the end of certain practices, or is there something deeper about the political system that they are aiming to transform? The discussion in this paper may give hints of how different tactics could claim legitimacy beyond the liberal paradigm of civil disobedience.

Once again, we want to emphasize how crucial it is to consider the context in which each climate activist operates and finds themselves asking questions about the legitimacy of their actions. Experiences of climate injustice and the feelings of distress and despair that come with it may vary vastly between climate activists operating in The Netherlands and frontline communities in the Global South or impoverished regions that have been bearing the brunt of the climate crisis for years. While recognizing the degree of privilege with which many climate activists in The Netherlands may operate, we still want to validate their actions, which stem from a sense of moral duty to address the climate crisis, often not only for themselves, but for young and future generations, as well as for less privileged people and ecosystems across the globe.

Ultimately, the question of legitimacy will play a crucial role in shaping the climate movement in years to come. The question now lingers in an atmosphere of repression and criminalization materialized by numerous governments across the world, which do not rectify climate injustices but only inflame feelings of distress and despair in an increasing number of individuals. Consequently, climate activists’ endeavors to morally align means to ends will be as relevant as ever. As ethicists, we can only hope that in the efforts of addressing the climate crisis, none of us evade the painfulness of the indefinite questioning of our morality.

¹⁰ This is especially exemplified by the popularization of Andreas Malm’s book *How to blow up a pipeline* (2020) which recently inspired a feature-length film.

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