

## **Why the Extinction Rebellion Movement is Morally Justified**

**Article by Jeff Justice**

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Extinction Rebellion is part of a global movement that is forcing climate and environmental issues into the mainstream. Their success is based on widespread recognition of the legitimacy of their demands and action – but not before the law, as the first prosecutions of activists in the United Kingdom demonstrate. Jeff Justice draws on political theory and environmental philosophy to argue that when government inaction and irresponsibility puts people's security at risk, rebellion is justified.

Extinction Rebellion (also known as XR) recently stormed onto the environmental protest group scene. Their tactics have included occupying public spaces, displaying large banners on landmarks, and interrupting local council and even parliamentary proceedings from the public galleries with their protests and chants. They have even taken to choking major traffic arteries with large groups of slow moving cyclists and blocking streets and squares through sit-ins. The group is international; its website shows groups on every inhabited continent. It declares itself to be in a state of 'international non-violent rebellion against the world's governments for criminal inaction on the ecological crisis'.

Extinction Rebellion has three demands: first, that governments tell the truth about the ecological crisis; second, that there be zero emissions and drawdown by 2025; and third, that participatory democracy be established.

Whilst the group is indeed global in its outlook and organisation, much of the press to date focuses on activities in the UK where it was founded in 2018 and where most of its chapters currently are. In April 2019, Extinction Rebellion's occupation of streets and public spaces in London led Mayor Sadiq Khan to ask XR protesters to end their protests. In the end, the *Washington Post* reported more than 1000 protesters arrested in London. Direct protest actions do tend to draw complaints and derision, particularly when they disrupt the everyday lives of others. But XR's tactics underscore a critical difference between the legality and the morality of actions. The two concepts most certainly overlap, but they are not synonymous.

An action can be judged by its legality or its morality, but morality ought to outweigh legality. Put another way, when an action is moral yet illegal, the law ought to look the other way and government should strongly consider changing the law to comply with what is moral. Fortunately, modern political philosophy already provides us with moral grounds to apply to XR and similar groups, while political theory provides the framework to apply this philosophy in the world around us. This philosophy ranges from social contract thinkers such as Plato, Aristotle, and John Locke to contemporary environmental moral works written by Peter Singer, Tom Regan, and (yes!) Theodore Geisel.

Much of what XR has done has outright contravened the law – deliberately in many instances – or, at the very least, could be construed as doing so. The *Washington Post* and other news sources point specifically to members acting with the intent to be arrested in order to draw public attention to the climate crisis and XR's demands. XR is most certainly not the only group that has resorted to unconventional means to make their voices heard. The Occupy

movement that arose in the wake of the 2008 global economic crisis put social inequality on the agenda, called for more responsible behaviour from banking and corporate executives, and demanded a greater democratic say for the masses. By non-violently occupying public spaces and buildings, it sought support to further its aims, which align strongly with the commitment to social justice and democratic governance at the core of many Green parties throughout the world.

## **Security and the duty of government**

The underlying premise of human governance and of government is (arguably) security. Plato established this basis in *The Republic* by establishing a class of citizens dedicated to preserving the wealth and well-being of the Republic, then a class of enlightened philosopher-kings to rule them. Aristotle later expanded this theory, laying the foundation for an organic understanding and theory of government in *The Nicomachean Ethics* and *The Politics*. Governing institutions and laws must conform to the organic nature of human beings, or they will not be able to achieve their aims. His writings influenced greatly our understanding of the theory of natural law, which would develop further under thinkers ranging from St Thomas Aquinas and St Augustine, who would in turn inspire the social contract thinkers of the early modern era.

The *Second Treatise on Government* by the English philosopher John Locke (also arguably) more or less established our current framework for human government. Briefly, all humans possess three natural rights derived from the natural law: to life, to liberty, and to property. The people give up their absolute freedom from coercive authority in exchange for government assuming the responsibility to protect these natural rights. Should government fail to meet this responsibility, it breaks the contract with the society it governs. Society then has the right to replace that government with one that will uphold the contract.

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Locke wrote to justify morally the otherwise-illegal Glorious Revolution of 1688, in which the Parliament of England ran King James II off the throne for failing in his constitutional duty as head of the Church of England. The king had the duty to secure and maintain the church's position, but he declared his intention to raise his son and heir in the Roman Catholic faith. The English Parliament refused to accept this and declared the throne vacant. The people's representatives, such as 'democracy' was at the time, spoke on behalf of their constituents in this instance.

Jean-Jacques Rousseau later penned *Du Contrat Social*, which has its own roots in the natural law. For instance, citizens could only possess that property which each needed for subsistence, and cultivation of that property is needed to maintain legitimacy over its ownership. The population establish what Rousseau called "the general will," which underpins the legitimacy of the society's legislative power. The government is a body separate from the body which forms the population, and should the former not protect the rights of the latter – particularly defying the general will – the population has a moral duty to remove it from power and replace it.

## **The Lorax applied: who really speaks for the trees?**

Theodore Geisel, better known as children's author Dr. Seuss, penned *The Lorax* as a warning not just of the ecological dangers of uncontrolled deforestation – particularly in the names of capitalism and profit – but also of the interconnectedness of all things in our natural environment. Geisel's book was born out of the 1960s environmental awareness movement, and it is well known for the titular character emerging from the stump of a

recently cut tree and declaring, “I speak for the trees, for the trees have no tongues.” [1] The Lorax appears after the barely seen Onceler begins systematically deforesting its home to turn its trees into ‘Thneeds’, a commercial product its maker claims that everyone ‘needs’.

Geisel’s book is certainly not the only treatment of deforestation in print, nor were the trees the only subject of mistreatment in his work. He also portrayed the devastating effect that deforestation had on animal populations on land, water, and in the air. Later, environmental philosophers Peter Singer and Tom Regan would write on the application of human ethics to animal populations. Both asserted that non-human animals also have rights, but it is up to human beings to ensure that those rights are respected.[2] While Singer and Regan differ in their approaches to the rights of nature and *Homo sapiens*’ moral responsibilities toward it, they both note that non-human animals cannot speak for themselves as humans can. Their approach is utilitarian, which is to say that their ideas are designed to be useful and actually capable of being put into action. In other words, animals can display their feelings to a point, but they lack the ability to stand up for their rights in the same way. This means that those who can speak to those rights – namely, humans – must speak for them, just in the manner that the Lorax spoke for the trees.

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Regan’s starting point is Locke’s consideration that the infliction of pain on others for one’s own enjoyment can be construed as ‘cruelty’. With respect to *The Lorax*, the damage the Onceler wreaks on the environment was not for the sake of pleasure gained in doing so in-and-of-itself, but for the pleasure gained in the product, the ‘Thneed’, produced from the trees cut. However, Regan wrote, utilitarian theory might apply better in that the consequences of actions, not the feelings gleaned from those actions, are the better measure of whether behaviour is moral.[3]

So, do we reject Locke on the basis of Regan’s argument? Regan’s point of view does demonstrate that Locke’s arguments have some flaws, but he does not deal a fatal blow to them. Locke argued that government has a duty to perform in providing security, and should it fail in that duty, the people governed by it have a right—if not a responsibility—to rectify that failure. Should a government inflict or allow to be inflicted cruelty on those it governs, regardless as to feelings gleaned or consequences incurred, one could readily argue that it is in breach of the social contract, that it has deprived in some manner life, liberty or property.

## **Applying the social contract to the climate crisis**

Regan also asserted: “[I]f humans have rights, so do many animals.” [4] Locke based his version of the social contract on the theory of natural law. As this forum of law comes from nature itself, it is organic. To be sure, our understanding of legal theory has advanced considerably in the centuries since Locke wrote. A recent development in this area not only secures the rights of human citizens in a given polity but also secures political rights to the natural environment itself. This concept has now found its way into national constitutions, weaving rights to nature and to the environment in addition to people who are citizens into national basic law.

Giving rights to the environment itself is a relatively new legal phenomenon, with South Africa, India, Nigeria, Ecuador, Colombia, and New Zealand examples of states who have done so (with varying degrees of practical success) in their national constitutions. India goes so far as to make environmental protection an individual duty of citizenship.[5] However, the Bolivian constitution of 2009 takes environmental rights and human duties to protect them beyond what any other country has achieved. Not only are the natural environment and natural resources

given specific constitutional rights under the document, but the people are given the explicit authority to act individually and collectively in their defence, even if the state fails to take action. Article 34 of the Bolivian constitution states that (translated from Spanish): ‘Any person, in their own right or on behalf of a collective, is authorised to take legal action in defense of environmental rights, without prejudice to the obligation of public institutions to act on their own in the face of attacks on the environment.’ In addition, the document mentions the affirmative duty of the state and of the people to future generations, particularly with regard to the environment and use of natural resources.

## **How should Europe react to Extinction Rebellion?**

Bolivia’s constitutional protections formally extend the theory of the social contract to the environment, extending those rights not only to people but to nature itself, and they place responsibility for enforcement of that contract with both the state and the people, but primarily with the people. Indeed, that contract is, in its own way, between the people who are represented through the institution of the state and the environment itself. Should the state fail in its responsibilities to the environment, the people must assume direct responsibility for it. Should they fail, the resulting collapse of the environment will be the end of them all. Hence, the state is charged with the protection of *all* life, with the liberty of *all* living things in the ecosystems within it, and with *all* property to include natural resources.

Environmental destruction threatens all three natural rights held by individual people and held collectively by peoples. Research has shown how unhealthy environmental conditions make unhealthy individuals, up to and including severely shortening their lifespans. Just as serious, the United Nations published a report in May 2019 regarding the human impact on the natural environment, warning that some 1 million species face extinction as a direct result of human activity.

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Regardless as to how environmentalists feel about the tactics of XR or the achievability of its demands, they can certainly agree on the need behind those demands. The need for the first demand in particular, to get governments to tell the truth regarding the climate crisis, should be self-evident to all parts of the environmental movement. The Scottish Green Party, for instance, attempted to pass a resolution through the Scottish Parliament on 27 March 2019 that would have declared a climate emergency. It failed on a vote of 6-111, with only the six Green members voting in favour. Soon thereafter, the Scottish National Party government shifted its position and supported such a declaration.

The structure of the Bolivian constitution gives the people the means to assume the responsibility of caring for their natural environment if government does not act. However, if one takes a close look at the phrasing, it becomes clear that *both* the government *and* the people must act together to achieve results. Taking heed of this example, the European Union can and should take immediate action starting by the declaration at the European level of a global climate emergency. A more concrete step would be to enact in European law rights for the environment in step with those enshrined in Bolivia’s constitution. Doing so not only takes action to protect the natural rights of European citizens, including their lives and health, but also takes action to protect the natural rights of nature itself.

Putting this into a social justice context, Extinction Rebellion’s actions and tactics merely put into practice the centuries of natural rights theory in an effort to get governments to serve their core functions: to provide security

for the people through protection of the three basic rights. Failure to do so will result in our planet appearing as the cartoonish wasteland Geisel drew for us in *The Lorax*. Government and the people must speak for the trees. If the trees go, so will we, and no-one will be left to speak for us.

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[1] Dr. Seuss. (1971). *The Lorax*. New York: Random House.

[2] Singer, P. (1974). All Animals Are Equal, reprinted in Regan and Singer, eds. (1989). *Animal Rights and Human Obligations*. New York: Prentice-Hall ; Regan, T. (1980). Animal Rights, Human Wrongs. *Environmental Ethics*, 2, 99-120.

[3] Regan, *ibid*.

[4] Regan, *ibid*, p. 117.

[5] Burns, K. (2016). Constitutions & the Environment: Comparative Approaches to Environmental Protection and the Struggle to Translate Rights into Enforcement. *Georgetown Environmental Law Review*, online.

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