

Civil Disobedience in the Era of Climate Crisis

Civil Resistance, Moral Responsibility, and the Limits of Political Legitimacy

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Note on this Edition

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Evidence status: statements checked against primary or institutional sources in the working session of 14 October 2026 are listed in the register of evidence (Appendix C) with [V]; statements that still need to be checked against the primary source before publication are marked [P]. Page references to classic texts are [P] throughout.

Self-limitation: the book assesses arguments, procedures and means, not persons. It provides no instructions for protest actions and no legal advice. Violent means are treated analytically, not endorsed; they lie outside the normative framework of this work.

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Preface

This book grew out of a short essay I wrote in 2026 under the title *Civil Disobedience in the Era of Climate Crisis*. The essay set out ten theses side by side: from Thoreau via Arendt and Rawls to a set of assessment criteria. That is not sufficient for a monograph. What was missing were the legal position, the history of the movements between 2018 and 2025, the empirical research on effectiveness, and an analytical instrument that goes beyond listing positions.

The book adds these layers. It keeps to the essay's initial question: can the gravity of the climate crisis ground a moral duty to resist laws, institutions and decisions that perpetuate ecological harm? And if so, which means can be justified, and to whom?

The answer the book develops has two parts. First: the climate crisis is a paradigm case of the decoupling of risk and control. Those who bear the consequences do not decide; those who decide do not bear the consequences. Civil disobedience is an attempt to restore this coupling in the political sphere. Second: disobedience in turn creates an asymmetry of its own. Those who blockade shift immediate costs onto third parties who have just as little control over climate policy. A sound standard must take both asymmetries into account at once.

Thomas Schüller, Vienna, October 2026

1 Research Question, Thesis and Structure

1.1 The Shift in the Question

Civil disobedience has become a central question of climate policy. Governments are struggling to reconcile economic growth, environmental protection and international climate commitments. Movements such as Fridays for Future, Extinction Rebellion, Letzte Generation (Last Generation) and Just Stop Oil have challenged conventional notions of lawful protest and democratic participation.

The fundamental question is no longer only whether citizens have a right to protest against environmental destruction. In democratic constitutions this right is secured by the freedoms of assembly and of expression. The question now is whether the gravity of the climate crisis can ground a moral duty to resist laws, institutions and political decisions that perpetuate ecological harm.

1.2 Working Definition

The book uses a working definition that builds on Rawls and opens it up at two points:

Civil disobedience is a public, nonviolent act, undertaken for reasons of conscience or of the common good, that deliberately breaches a legal norm in order to bring about a

change in laws, policies or institutional practices, and whose authors do not in principle conceal the legal consequences.

The definition is opened, first, with regard to the addressee: not only laws, but also corporate practices and administrative enforcement can be its object. Second, with regard to the acceptance of punishment: the willingness to bear the consequences is treated as the normal case, not as a conceptual condition (Chapter 7).

1.3 Thesis

The book's thesis has two parts.

Thesis A (decoupling). The climate crisis is a paradigm case of the risk–control asymmetry (ρ/δ). The groups that bear the greatest risks — future generations, people in highly exposed regions, those who are young today — have the least control over the decisions that create these risks. Civil disobedience can be read as an attempt to make this coupling visible in the political sphere and to re-establish it.

Thesis B (back-shifting). Disruptive disobedience creates a second asymmetry: it shifts immediate costs onto third parties who likewise have no control over climate policy. The legitimacy of an action depends on whether it reduces the first asymmetry without disproportionately increasing the second.

From both parts follows the book's guiding distinction: **the legitimacy of an aim and the legitimacy of the means must be assessed separately.**

1.4 Structure

Chapters 2 to 7 reconstruct the theoretical tradition: Thoreau, Gandhi and King, Arendt, Rawls, Habermas and the German debate of 1983, and finally the more recent approaches beyond the liberal paradigm. Chapters 8 to 11 lead into the present: case law on intergenerational justice, the movements of the years 2018 to 2025, the treatment under criminal law in Germany, Austria and the United Kingdom, and the empirical research on effectiveness. Chapters 12 to 14 draw the threads together: the democratic paradox, the ρ/δ analysis and an assessment framework. Chapter 15 concludes.

2 Henry David Thoreau: The Individual against the State

2.1 The Text and Its Occasion

The philosophical foundations of modern civil disobedience are usually traced back to Henry David Thoreau's essay of 1849, published under the title *Resistance to Civil Government* and later known as *Civil Disobedience*. The text only received the title by which it is still known today in a posthumous edition.

Thoreau refused to pay a poll tax. He linked this refusal to his opposition to slavery and to the Mexican–American War. He spent one night in the Concord jail; the tax was paid against his will by a relative.

2.2 Legality and Morality

Thoreau argued that individuals must not surrender their moral judgement to political authority. For him, legality and morality were separate quantities: a law can be legally valid and at the same time morally indefensible. According to Thoreau, the individual's duty consists first of all in not being an instrument of injustice oneself.

2.3 Application to Climate Policy

Applied to climate policy, this distinction raises a question: if governments knowingly permit activities that contribute to considerable environmental harm, is obedience to the law still sufficient as an expression of civic responsibility?

Thoreau's thought suggests that individual conscience can justify resistance to political authority. It does not, however, establish that every unlawful act motivated by environmental concerns is morally justified.

2.4 Limits of the Thoreauvian Model

Three limits are essential for the climate question.

Participation rather than causation. Thoreau refused to participate in an identifiable injustice. Climate harm, by contrast, arises from the sum of countless acts that are each legal in themselves. The logic of personal purity ("not taking part") carries only limited weight here, because almost everyone involved is at the same time a contributing cause.

Individual rather than movement. Thoreau's model is that of the individual conscience. The climate movements act in an organised way, with strategy, press work and campaign logic. This requires a different standard of justification (Chapter 4).

Conscience without a body of review. An argument from conscience is difficult to verify from the outside. Those who appeal solely to their own conscience cannot oblige others to agree. Later theories therefore supplement conscience with public reasons.

3 Gandhi and King: Nonviolence as Method

3.1 Satyagraha

In South Africa and India, Mohandas K. Gandhi developed the concept of *satyagraha*, often rendered as "holding firmly to truth". For Gandhi, nonviolence was not a mere tactic but part of an ethics of self-discipline: those who resist take suffering upon themselves instead of inflicting it on others. The Salt March of 1930 demonstrated the combination of symbolic law-breaking (making salt in defiance of the British monopoly), mass participation and public visibility.

3.2 The Letter from Birmingham Jail

Martin Luther King's *Letter from Birmingham Jail* (1963) is among the most influential justifications of nonviolent direct action. King distinguished between just and unjust laws and argued that individuals can bear a moral responsibility to resist injustice.

King described a sequence: establishing the injustice, negotiation, self-purification (preparation for nonviolence under provocation), and only then direct action. The action was meant to create a tension that would force negotiations that had previously been refused. Whoever breaks an unjust law, according to King, should do so openly and accept the penalty; this expresses the highest respect for law.

3.3 What the Climate Movements Have Adopted

Climate movements have adopted elements of this tradition: nonviolence training, open announcement, remaining on site until arrest, and the court hearing as a stage. In its early phase, Extinction Rebellion explicitly invoked Gandhi and King.

3.4 Where the Comparison Holds and Where It Does Not

Comparisons with the US civil rights movement call for historical care. The institutional structures, the immediate aims and the forms of injustice are not the same.

Feature	Civil rights movement (USA, 1955–1968)	Climate movements (2018–2025)
Type of injustice	legally codified discrimination against a named group	diffuse, delayed harms distributed across actors
Those affected	actors are themselves directly affected	actors in part represent the absent (future, distant)
Unjust law	concretely identifiable (segregation laws)	usually no single law, but omission and permission
Law broken	often the unjust law itself (direct disobedience)	usually a different law, e.g. traffic law (indirect disobedience)
Addressee	legislature, courts, federal government	legislatures, governments, companies, the public

The most important difference is the fourth: the climate movements predominantly practise **indirect** disobedience. They do not break the contested law, since there often is none, but norms that are connected to their cause only through the logic of attention. This shifts the burden of justification onto proportionality (Chapter 14).

4 Hannah Arendt: Disobedience as Collective Political Action

4.1 The Essay of 1970

In her essay *Civil Disobedience* (1970; in book form in 1972 in *Crises of the Republic*), Hannah Arendt developed a perspective different from Thoreau's. Where Thoreau emphasised individual conscience, Arendt conceived of civil disobedience primarily as a collective political phenomenon.

According to Arendt, civil disobedience arises when organised groups are convinced that the established institutions have failed with regard to serious public concerns, that the normal channels of change no longer function, or that grievances go unheard. For Arendt, the disobedient are organised minorities bound together by common opinion rather than common interest.

4.2 Arendt's Scepticism towards Conscience

Arendt distrusted the argument from conscience as a political justification. Conscience, she held, is unpolitical because it is concerned with the self, not with the world. Disobedience becomes politically relevant only when it is advocated publicly and shared within a group. She even proposed giving civil disobedience groups a recognised place in the constitutional order, comparable to lobby groups.

4.3 Application to the Climate Movements

This distinction is particularly illuminating for the climate movements. Climate activists do not, as a rule, act solely on the basis of private moral convictions. They organise collective campaigns, formulate public demands and seek to influence political institutions. From an Arendtian perspective, their actions can be interpreted as an attempt to restore political participation where ordinary democratic channels appear ineffective.

4.4 Arendt's Framework as a Mandate for Scrutiny

At the same time, Arendt's framework demands scrutiny: activists must explain why their particular demands deserve political recognition, without assuming that moral conviction automatically confers democratic authority. A group that appears in public exposes itself to public criticism. Therein lie both its claim and its limit.

5 John Rawls: When Is Civil Disobedience Justified?

5.1 Definition

In *A Theory of Justice* (1971), John Rawls defined civil disobedience as a public, nonviolent, conscientious yet political act contrary to law, usually done with the aim of bringing about a change in the law or in the policies of the government. Rawls explicitly located it in a **nearly just society**, that is, a constitutional democracy whose basic order is by and large accepted.

5.2 Conditions of Justification

Rawls developed several conditions:

1. **Serious injustice.** Disobedience should be directed at substantial and clear violations of the first principle of justice (equal basic liberties) or at blatant violations of equitable equality of opportunity.
2. **Priority of legal means.** Disobedience generally presupposes that lawful avenues have been tried in good faith and have remained unsuccessful.