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**Leo Becker**

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**Justifying Civil Disobedience in the Context of the  
Climate Justice Protests in Germany**

Bachelor's Thesis

Author of the Thesis: Leo Becker

Supervisor: Janusz Salamon, Ph.D.

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## **Declaration**

1. I hereby declare that I have compiled this thesis using the listed literature and resources only.
2. I hereby declare that my thesis has not been used to gain any other academic title.
3. I fully agree to my work being used for study and scientific purposes.

Cologne, 17.07.2024

  
Leo Becker

## Abstract

In three Chapters, this thesis develops a theoretical framework of climate-related civil disobedience, justifies such protest by drawing on climate-justice theory, and finally applies it to contemporary climate justice protests in Germany. Chapter I critically reviews selected civil disobedience literature, to frame out what is called the constitutional account of civil disobedience (importantly, Rawls, 1999; and Bedau, 1961). This account is used to legitimize civil disobedience in liberal democracies and establishes a stabilizing role for it (e.g., Rawls, 1999, p. 336), but its idealizing conditions are shown to face serious shortcomings (Celikates, 2016; Çıdam et al., 2020). Therefore, an alternative radical democratic account of civil disobedience is proposed, and its advantages in application presented (Celikates, 2016, 2022). Chapter II substantiates this account to a climate-related one. The urgent need for action imposed by climate change (IPCC, 2023) to face the serious international and intergenerational concerns of justice (Umbers & Moss, 2021), combined with the inability of the individual to distinctly influence carbon emissions (Ritchie et al., 2020), and insufficient state action internationally (Celikates, 2021), are taken to constitute a case for justifying climate-related civil disobedience. This result of the theoretical part of this thesis, in Chapter III is applied to contemporary protest in Germany. Thereby, youth, direct and symbolic climate-related protest are identified, differing in the strategies applied, turnout, public reception, and their effectiveness. The controversial protest of ‘Letzte Generation’ is analyzed more closely, to show that justification of climate-related civil disobedience is not equal to it being the most prudent, and effective means to climate protection.

**Length of the Thesis: 76 500 characters with spaces.**

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*“‘Wise men’ have played various and sometimes significant roles in human affairs, but the point is that they have always been old men, about to disappear from the world.*

*Their wisdom [...] cannot rule a world exposed to the constant onslaught of the inexperience and ‘foolishness’ of newcomers[...](. Without this interrelated condition of natality and mortality, which guarantees change [...], the human race would have become extinct long ago out of unbearable boredom.”*

Hannah Arendt (1972, pp. 77-78)

## **Introduction**

What do clusters of treehouses in old forests, groups of people in white overalls climbing into extraterrestrial looking pits, flying soup cans in museums, and fingers feeling sticky with super glue have in common? All of them have played a role in climate-related civil disobedience. From forest occupations, sabotage of fossil corporations, pr-stunts, and street blockades, the actions of climate-justice protest are varied and sometimes even spectacular (f.e., Fuentes, 2023). The cause of the protest is also spectacular but not in a good way. Climate-justice activists want the public to truly realize that what it means to live in times of climate change and that billions of livelihoods are at stake (IPCC, 2023). The activists demand urgent action now to limit the dramatic consequences that will ensue, if the warming of our planet is not put to an end soon (IPCC, 2023). This thesis discusses so-called climate-related civil disobedience as one form of protest by the climate justice movement. The goal of this thesis is to develop a satisfying theoretical framework that is grounded in the work of previous scholars and build around historical instances of civil disobedience in Chapter I. To substantiate this framework to specialise on climate-related civil disobedience in

Chapter II, by completing it with a moral justification based on climate-justice concerns. And lastly, apply all of this in Chapter III, to thoroughly analyse, discuss, and criticize several instances of contemporary climate-related civil disobedience in Germany.

Civil disobedience, as an illegal but non-militant form of protest in liberal democracies, has been the topic of discussion for the last 50 years (Çıdam et al., 2020). What characterizes it (e.g. see Zinn, 1968), when is it justified (f.e., Bedau, 1961) and how to define it (f.e., Celikates, 2016; and Rawls, 1999)? Similarly, environmental destruction, climate change, climate action, and climate justice are no new phenomena (f.e., see Celikates, 2022; IPCC, 2023; Umbers & Moss, 2021). But the combination of the two in a discussion of contemporary climate-related civil disobedience as a form of illegal climate-justice protest, is new. Such protest has become more frequent in the three decades since the first UN climate conference (Celikates, 2021) and the failure to cut carbon emissions since then (Ritchie et al., 2020) hints at the topics long term relevance. The varied strategies of climate-justice activists call for a systematic analysis of their character, and effectiveness, to assess their justification and usefulness in advancing the cause of climate protection.

Civil disobedience is a powerful collective political device (Arendt, 1972), motivated by the individual's consciousness (Thoreau, 1999) that has a radically democratic potential to give disenfranchised groups a voice (Celikates, 2016) to uncover unintended systemic injustices in liberal societies (King, 1999) so that they can be straightened out (Rawls, 1999, p. 336). Climate change is happening now (IPCC, 2023), and it poses a heap of ethical problems. Climate destruction involves serious international and intergenerational injustices stemming from an unequal distribution of damages, costs, responsibility for emissions, and ability to compensate (Boyer et al., 2013; Dietzel, 2019). It is an enriching theoretic endeavour to combine the two separate



bodies of theory into a suitable account of climate-related civil disobedience and propose an attempted justification of such protest. Because only an account that can capture actual instances of contemporary climate-justice protest, enables a serious consideration of the political demands of them. And thereby, such an account might contribute to fight the existential threat posed by climate change.

## **Methodology**

This thesis applies various social sciences methodologies to justify climate-related civil disobedience and explore some of its instances in Germany. To introduce the reader to the theory of civil disobedience Chapter I begins with a short literature review discussing existing literature on civil disobedience reaching from Bedau (1961), to Rawls (1999), Habermas (1983), and Celikates (2016). A comprehensive review of Rawls' *A theory of Justice* lays the foundation for the developed constitutional account of civil disobedience. In a critical assessment of Rawls' conditions for civil disobedience, the need for an alternative account becomes clear. The main theoretical framework to make sense of civil disobedience developed in this thesis, is the so-called radical democratic account. It is developed by synthesizing elements of various scholarly works, critical reflection of the shortcomings of the constitutional account, and a reevaluation of the role of civil disobedience theory. Doing so, a bottom-up approach to civil disobedience theory is presented and applied throughout the thesis. The development of this radical democratic account is enmeshed with a comparative analysis, evaluating the strengths and weaknesses of the constitutional account, to make for an enhanced new approach to civil disobedience. To further the understanding of civil disobedience, a historical analysis of past instances of civil disobedience and

accompanying literature is conducted. Thereby, the radical democratic account can be expanded by three important core features of civil disobedience.

Throughout Chapter II, numerous articles, reports, and newspaper articles are reviewed to build a foundation for discussing climate-related civil disobedience. Assessing the impact of climate change, and the effectiveness of past protest, descriptive data is presented, and the usage of empirical evidence helps to develop the case for a justification of climate-related civil disobedience. A normative analysis of the ethical dimensions of climate change is done to further underline the motivation for climate-justice protest. Especially the justice concerns formulated along an international and an intergenerational axis that come to light in a sociopolitical analysis of climate change's dynamics provide the moral justification of climate action. All this climate theory then is implemented into the theoretical framework from Chapter I, to substantiate it into an account of climate-related civil disobedience. This account is shown capable to justify such disobedience, and at the same time captures its transformative ambitions well.

Chapter III examines several forms of climate-related civil disobedience in Germany, in a comparative case study. Thereby, their character, strategies, public reception, and overall impact on climate action is discussed. To analyze the protest of the 'Letzte Generation' more closely, the theoretical framework developed in Chapter I & II is applied. This application shows, that 'Letzte Generation's actions align with the proposed principles of civil disobedience, meets all their criteria, and therefore is justified too. However, critical discussion of their long-term effects, leads to the suggestion of a change of strategy.

# I Civil disobedience

Whenever there is actual practice of civil disobedience, commentators disagree widely. What constitutes civil disobedience (f.e. Delmas, 2016)? When is it justified (among others Bedau, 1961)? How to prosecute it (e.g., Dworkin, 1977)? And, about its purpose (f.e., see Celikates, 2016; Rawls 1999, p. 336). The result is a large and confusing body of theoretical work (Çıdam et al., 2020). Despite all the theoretical work, civil disobedience stays a political concept (Celikates, 2016), resulting in heated discussions about its justification, but also its definition and already about the identification of civil disobedience in practice (see also, Çıdam et al., 2020). To determine, if, how and why specific protest forms in the climate justice movement in Germany justify as civil disobedience, it is first necessary to propose a theoretic definition of the concept. What are its characteristics? Chapter I discusses the phenomenon of civil disobedience.

Two approaches to the concept of civil disobedience are introduced. The so-called *constitutional account*, and the *radical democratic account*. The constitutional account's main achievement is to defend a place for civil disobedience as a stabilizing device in liberal democracies (Rawls, 1999 p. 336). Without dismissing of this advantage, it will become clear after defining the conditions proposed by this account, that the constitutional account is too demanding. It creates an idealized conception of acts of civil disobedience. Therefore, the broader radical democratic account is presented as an approach to civil disobedience that is more capable in accounting and identifying real civil disobedience (Celikates, 2016, Çıdam et al., 2020). Its constraints are less demanding while not being too general, it focuses on a democratising effect of civil

disobedience, and takes seriously a bottom-up approach to theory, proposing a theory of civil disobedience rooted in practice.

### **The constitutional account**

In the Anglo-Saxon academic sphere, the term ‘civil disobedience’ first gained considerable attention in the second half of the twentieth century. Controversies about the US military involvement in Vietnam and connected Anti-War protests led to the emergence of an early analytical account of civil disobedience and its place in liberal democracies, from here on called *the constitutional account* (inspired by Braune, 2017). In Rawls’ *A theory of Justice* (1999), the following prominent definition is devised and defended:

Civil disobedience [is] a public, nonviolent, conscientious yet political act contrary to the law usually done with the aim of bringing about a change in the law or policies of the government (Rawls, 1999, p. 320, building on earlier works by Bedau, e.g., 1961, 1991).

The constitutional account embraces this definition, because this approach takes civil disobedience to be consistent with a liberal democracies’ constitution, although it involves breaches of law. This apparent contradiction is resolved, by imposing rigid conditions of *publicity, nonviolence, and conscientiousness* on illegal protest, that have to be met to qualify as civil disobedience (Rawls, 1999, p. 320). Once disruptive acts of protest are classified as civil disobedience of the constitutional account, a strong case for their justification can be construed (see Rawls, 1999, pp. 26-30). When justified, civil disobedience can remedy a constitution’s shortcomings, by raising awareness of an unintended social injustice that ought to be straightened (Rawls, 1999, p. 336). Persons participating in acts of civil disobedience hold the society accountable to shared

principles of justice. Because in these specified circumstances, “resisting injustice within the limits of fidelity to law” in the form of civil disobedience, “helps to maintain [...] just institutions” (Rawls, 1999, p. 336).

*The constitutional account* dominates the discourse about civil disobedience in Germany. It was picked up by Habermas (1983), to make sense of the wave of protest in the 1970s, and it is prominent in the discourse about climate-related civil disobedience to in Germany since 2019 (e.g., adapted by almost all contributions in Bönnemann, 2023). The handy definition appeals by its concise definition of the potential of civil disobedience to secure its place in liberal democracies and clarifies its role to compensate systemic oppression. Nevertheless, the constitutional account faced heavy criticism since it was first presented (e.g., see Zinn, 1968). All the outlined conditions of civil disobedience faced strong criticism (see the contributions in Çıdam et al., 2020; and Delmas, 2016), and by some the constitutional account has been refuted completely, as it construes a very idealized picture, making it almost impossible for actual contemporary protest to qualify as civil disobedience (see Celikates, 2016). This is problematic. The next section delves further into the critique of the constitutional account, to emphasize the need for the more inclusive radical democratic account of civil disobedience.

## **Problems with the constitutional account**

The constitutional account demands act of civil disobedience to be *public*, *nonviolent*, and *conscientious* (Rawls, 1999, p. 320). Jointly these three conditions secure the civility of the disobedience, demarcating it from other forms of resistance. However, in practice, they set up an idealized version of civil disobedience, which fails to capture actual acts of civil disobedience (Celikates, 2016). This section expands on the three

conditions separately, to show how they serve to construct a picture of civil disobedience out of touch with the reality of protest.

The constitutional account demands civil disobedience to be *public*. It should not be secretive, it should take place in public and be addressed to the general public (Rawls, 1999, p.321). Thereby, civil disobedience ought to be similar to an act of public speech. The condition of publicity ensures that the protestors are ready to be accountable for their protest. Protesters knowingly breaking the law in public is supposed to show their true political motivation to fight oppression, and clearly demarcates civil disobedience from other illegal activity. The protestors are not embarrassed to engage in civil disobedience for the matter at play, and know what is at stake (Bedau, 1961). The theoretic nobility of such heroic conduct is remarkable. In practice however, it is all too often more complicated. Too much publicity beforehand would render some forms of protest impossible. They would be repressed, hindered, and prevented due to their illegality, never minding their political appeal. This is impractical. While some form of accountability of protestors needs to remain, demanding absolute publicity in some cases is simply unfeasible. There needs to be another way to judge about the political intention of illegal protest. Therefore, the constitutional account fails to include acts of civil disobedience that are not completely public. A stronger account should allow for more careful consideration.

*Nonviolence* is a very contested label, especially so in a law context. Violence is interpreted differently by activists versus by the state (Celikates, 2021). In Germany, for example, the law interprets roadblocks, a traditional form of protest for peaceful activists, as violence (e.g., Celikates, 2021; Gärditz, 2023). It is straight-forward, that civil disobedience is different from military resistance in its means (Celikates, 2016) and the condition of nonviolence can ensure appropriateness of civil disobedience in

relation to the cause (f.e., Habermas, 1983). In practice however, the question of what counts as violence, and how much is appropriate is always also a question of interpretational power. This thesis does not offer an in-depth discussion of violence. It simply should be noted that departing from a definition of violence offered by the state is sometimes necessary to make the important differentiation between roadblocks, violence against things, and violence against other persons. For the cause of the thesis, it is helpful to note that climate-related civil disobedience, commits to non-violent protest (Fuentes, 2023) referring to a complete rejection of physical violence. Falsely dismissing of such climate-justice protest because it does not fulfill a state-imposed definition of nonviolence, would mean to prematurely dismiss a political act aimed at fighting an injustice.

The last condition, *conscientiousness*, also faces an impracticality when applied to real protest: It is very hard to assess in protestors due to its nature as a highly subjective state of mind, the blurriness of its content, and how it has been reached (Arendt, 1972). To ensure that persons engaging in civil disobedience act conscientiously, Rawls demands the activists to accept the legal punishments, and thereby express a ‘fidelity to the law’ (Rawls, 1999, p. 341; Habermas, 1983). Although civil disobedient call for a reform of the current constitution, they nevertheless should accept it (Habermas, 1983). It is true, that the acceptance of legal penalties can be observed, but it does not indicate any signs of a person being conscientious. In some cases, protestors accepting fantastic legal punishments, hinders them to continue their struggle against injustice. Therefore, acting conscientious, relating to their political cause, can also mean avoiding legal consequences. Bluntly accepting time in prison without a prospect of any usage to the cause, intuitively is not very conscientious. A different way of judging the intentions of

protestors is needed, because the blind acceptance of legal punishment cannot be the best indicator of anyone's inner convictions.

The constitutional account can defend a place for civil disobedience as a stabilizing device in liberal democracies. However, it has been shown that its three condition, publicity, nonviolence, and conscientiousness need further clarification, and face impracticalities when applied to real protest. An idealized constitutional account of civil disobedience excludes too many cases of real civil disobedience. The next section develops a more inclusive, radical democratic account of civil disobedience.

### **The radical-democratic account**

The problems of the constitutional account in part are caused by its inflexibility. The conditions are too rigid. To arrive at a more suitable understanding of civil disobedience, it is necessary leave all debate about fixed definitions behind (Çıdam et al., 2020). The constitutional account is helpful to understand *some* properties of civil disobedience, such as its stabilizing role, but real civil disobedience is far more diverse, and transformative in its ambitions than it could be captured by any rigid definition offered. The people attending such protest usually are not exclusively political philosophers (Dworkin, 1977), and certainly do not always exhibit theoretically pure traits in their practice. Civil disobedience is a very loaded concept (Çıdam et al., 2020; and Scheuerman, 2021). Political and philosophical conviction will always heavily impact any attempt of a definition. To avoid this, a reflection of the role of theory can help. Defining civil disobedience should start with the people taking a cause to their streets, take seriously their disturbance as a political act. The constitutional account instead tries to force a top-down definition of civil disobedience, as an almost unattainable ideal. The constitutional approach, as refined as the definition offered is,



fails to account for actual instances of civil disobedience. Thereby it dismisses far too easily of actual political demands (Celikates in Çıdam et al., 2020).

Prescribing ‘civility’ top down, with rigid conditions like in the constitutional account, suppresses the political intention of many protests because they are falsely dismissed as ‘uncivil’ in the public discussion (Celikates in Çıdam et al., 2020). The label of ‘civility’ has great political impact on the recognition and discussions of the justification of protest (Bedau, 1961; Grimm et al., 2023). The ballasted discourse about what constitutes ‘civility’ has led some theorists to deliberately drop it altogether and instead embrace the label of ‘non-’ or ‘uncivil disobedience’ (see, among others, Delmas, 2016; Mancilla, 2012; and Zerilli, 2014). However, giving up the ‘civility’ label also means giving up a strong case made for the legitimacy of ‘civil’ disobedience (Celikates in Çıdam et al., 2020). So instead, a progressive theory of civil disobedience should build on this basis, and expand from there, to be less narrow and capture the real nature of protest without inadequately generalizing. This thesis suggests instead to embrace *the radical-democratic account* of civil disobedience:

Civil disobedience is a radically democratic political practice, that is especially powerful in giving a voice to disenfranchised minorities without the use of military means. Theoretically approaching it one must apply a bottom-up approach, starting from actual instances of protest (inspired by Celikates, 2016, Çıdam et al., 2020, Scheuerman, 2021).

This radical-democratic approach can account for an interesting set of actual, contemporary protest, “from Black Lives Matter and Extinction Rebellion to migrant activism” (Celikates, 2016). This approach does not force idealized conditions that are impossible to meet and at the same time, the concept does not include too much. Any fascist practices aimed at the exclusion of persons are anti-democratic, and therefore cannot qualify as civil disobedience (Celikates, 2016; and Franks, 2003). Emphasize lies

instead on the radical-democratic potential of civil disobedience to give a voice to disenfranchised minorities in addressing systemic injustices (Çıdam et al., 2020). Civil disobedience is meant to be useful political device for citizens (Rawls, 1999, p. 320), and theoretical discussion needs to enable that. The radical democratic account tries to respect that and follows a bottom-up approach, rooted in practice, to help bring together theoretical insights from struggles around the globe (Aitchison, 2018, p. 9). The goal is not to prescribe anything from the sidelines of protest but to appreciate and defend brave struggles for justice (Çıdam et al., 2020.). To do so, direct engagement with social movements instead of sterile idealization is key (Çıdam et al., 2020; and Pineda, 2015).

To avoid the failure of the constitutional account's fixed definition of civil disobedience to capture real world protest without dropping the 'civility' label altogether, this section introduced a radical-democratic account. The radical-democratic account describes civil disobedience as *non-militant, democratically inclusive, and powerful in giving disenfranchised minorities a political device to make their voice heard*. This account of civil disobedience subscribes to a bottom-up approach to theory, engaging with real instances of protest from the beginning. The radical-democratic account is very helpful in the discussion of climate-related civil disobedience. But the flexibility and openness of the radical-democratic account also poses a challenge. Completely avoiding a fixed definition would leave theory solely describing acts of protest, without out any evaluative power to judge about their character and justification. To not lose all evaluative potential, the following section expands the radical democratic account with some core features of civil disobedience, namely *illegality, collectiveness, and its commitment to uncover hidden tension*. To take seriously the bottom-up approach to theory introduced by the radical democratic account, the core features are developed by engaging with real instances of protest. The

next section undertakes a historical analysis of classical instances of civil disobedience is undertaken. Starting with Thoreau (1991), establishing the illegality of civil disobedience, and the logic of putting moral reasons above concern for the law. Then moving to Arendt (1972), to show that civil disobedience is collective instead of individualistic. And lastly, arguing with the example of King (1999), that civil disobedience uncovers hidden tension to straighten out social injustices.

## **Civil disobedience is illegal, collective, and uncovers hidden tension**

### **i) Civil disobedience is disobedience to the law, and thus *illegal*.**

An early and documented act of civil disobedience was done by Thoreau in 1846. Thoreau went for a brief Sunday Walk when he stumbled upon the local tax collector (Çıdam et al., 2020). After Thoreau plainly refused to pay his due taxes, he consequently was sent to jail. In the aftermath, Thoreau extensively lectured and wrote an article about this experience, called ‘civil disobedience’ (Thoreau, 1991). Thoreau argued that his refusal to pay taxes, his disobedience to the law, was more than mere criminal behavior. He justified it as a rejection of the US-politics at the time (Çıdam et al., 2020) and it serves as an example of how sometimes moral reasons can trump the law. As citizens we are exposed to a state forcefully imposing on us duty to obey the law. However, as persons, we also have our own independent consciousness. And sometimes, the two do not align. In his essay, Thoreau outlined this essential moral tension inherent in acts of civil disobedience and emphasized, that he thinks, morally, our consciousness is more important than what the law prescribes. He callously states that for him “the only obligation [...] I have [...] is to do any time what I think right” (Thoreau, 1991, p. 29). For Thoreau, acting on one’s consciousness, “making your own decisions,” “the free exercise [...] of the judgment or [...] of the moral sense” (Thoreau,

1991, p. 29) constitutes what it is to be a person. Thoreau justified declining to pay taxes, by his moral conviction that the US engagement at the time in a war in Mexico and the upholding of slavery (Çıdam et al., 2020), was something he could not consciously support. Thus, he did not. Civil disobedience highlights the difference between the law and morality (Bedau, 1961) and is one way to act “autonomously and responsibly” (Rawls, 1999, p.341) with respect to one’s consciousness.

This idea of giving priority to one’s own consciousness holds, and it becomes even more important, whenever there are *unjust laws*. In this case *not* acting consciously, and instead “just following the law,” results in turning into a “marionette,” a mere “body,” or a “machine,” acting on someone else’s will (Thoreau, 1991, p. 30). This notion of unjust laws is expanded on by King (1991), who thinks the existence of unjust law proven, and argues that unjust laws are the very justification of civil disobedience (King, 1991, p. 73). For King, unjust laws are those out of line with a “moral law,” and thereby exhibiting injustice, “degrad[ing] human personality” (King, 1991, p. 73). This emphasizes that manmade law never is morally right, simply because it is the law, but indeed it can sometimes be the very opposite (King 1991, p.75). Civil disobedience breaking such unjust laws in a careful manner is justified. Whenever a government oversteps its legitimacy given by the citizens, hurting their individual moral convictions in a qualified way, protest becomes necessary (Thoreau, 1991). For *climate-related* civil disobedience, the moral reasons to break the law, stemming from a kind of environmental ethics, will be explored in Chapter II. Thoreau’s protest is illegal disobedience. But it is not very capable in showing civil disobedience’s collective dimension (f.e., see Arendt, 1972). This is the second core feature of civil disobedience:

**ii) Civil disobedience is *collective* action, with collective aims.**

Civil disobedience is more than the isolated action of individuals for their own egoistic aims. It is a cooperative effort (Arendt, 1972), aimed at genuinely political, that is collective, and democratic demands to be heard (Celikates, 2016). Society is made up of more than mere individuals and civil disobedience reflects that. Especially in democracies, the protection of the interests of minority groups is a priority. However, sometimes because of systemic failures important voices calling for justice go unheard. This is where among other things, civil disobedience can amplify the demands of minority groups heard, whenever the system fails to do so (Celikates, 2016). Thereby, civil disobedience becomes an important political device, to hold democracies up to their commitment, of protecting minority groups.

**iii) Civil disobedience uncovers hidden tensions, it is not the cause of such unrest, but aims at solving it.**

The priority of civil disobedience is not to be popular, but to bring hidden tensions in a society to the surface in a struggle to fight injustice. Furthermore, civil disobedience cannot be blamed for creating unrest. Its disruptive nature must be separated from the cause of the protest, to not conflate substance and form. This third feature of civil disobedience is established by drawing on the struggle of the Civil Rights Movement in the 1960s.

In 1955, a century after Thoreau, Rosa Parks initiated the Bus-boycott that would start a next bigger wave of so-called civil disobedience embedded in the US-American Civil Rights movement. King prominently took part in this struggle and discussed the acts of civil disobedience in his 'A letter to Birmingham' (1991). The struggle against racial segregation and other racist practice in US society, was a direct calling out of systemic injustice. From today's perspective the practices were in stark conflict with the

values of democratic societies. King emphasized that this fight “to gain [...] basic constitutional rights,” was to be fought in a disruptive but nevertheless carefully planned, nonviolent way (King, 1991). King’s letter is addressed to fellow clergymen condemning King’s engagement in the civil rights movement, because they deemed the protests to “precipitate violence” and professed to “agree with (King) in the goal, but [...] can’t agree with (the) methods” (King, 1991). King voiced his frustration about a failure to reflect on the causes of the protest. He accused them to “deplore the (civil rights) demonstrations (without) express(ing) a similar concern for the conditions that brought the demonstrations into being” (King, 1991, p. 69). This illustrates well the necessity, to discern form and substance of protest, and take seriously the political reason for disruptive acts. Sometimes, an obsession with form rather than substance (Çıdam et al., 2020), obstructs necessary political and societal change, as the substance, the cause for the protest is dismissed too easily (see also Zerilli, 2014).

Furthermore, King clarifies that confrontative protest does not aim to be popular. Its goal is a ‘creative tension’, to make aware of dire injustice in the status quo (King, 1991). King explains that the same applies to the civil rights movement. It does not create the tension, but “merely bring(s) to the surface the hidden tension that is already alive” so that “it can be seen and dealt with” (King, 1991). This sheds light on the aim of civil disobedience generally, it should “establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue. It seeks to dramatize the issue that it can no longer be ignored.” (King 1991, pp. 70-71). In contrary, to adversaries who deemed the Civil Right movement as a misplaced form of protest, advising to “wait until a ‘more convenient season’,” King was sure that “actually time is neutral [and] it can be used either destructively or constructively” (King, 1991). However, it always remains true, that change does not “roll [...] in on

wheels of inevitability” but “comes through [...] tireless efforts and persistent work” (King, 1991). Civil disobedience brings buried injustices to the light, it is not responsible for creating tension, but rather confronts society about already existing tension in a sometimes-uncomfortable way. This can be applied to contemporary climate-related civil disobedience as well (Hicks, 2023). Connecting civil disobedience uncovering ability to a sense of urgency, makes for a resembling case when it comes to climate-related disobedience.

Chapter I introduced the constitutional account of civil disobedience, showed why it faces impracticalities, developed a more inclusive radical democratic account, and expanded this account by three core features of civil disobedience. Chapter II expands this account further, by merging it with an account of climate-justice, to establish the specific justification of climate-related civil disobedience.

## **II Climate-related civil disobedience**

Climate change has catastrophic consequence for all of us. It is human made, which means that we can limit some of its consequences, but urgent action now is necessary. Climate change is a matter of justice because it poses serious question of the international and intergenerational distribution of the damages, burdens, and costs it imposes. The existential threat with all its different aspects is developed in the first part of this Chapter II. This sets the basis for the justification of a climate-related civil disobedience as a reaction that can be observed today in Germany. Climate-related civil disobedience is a conscious, radically democratic, and collective endeavour. It is a

response to insufficient state action, the individual's incapability to meaningful climate action, and the lacking success of past legal climate-justice protest.

## **Human made climate change**

Climate change is happening *now*. The UN Secretary-General Guterres, Pope Francis, almost everyone agrees, action now is necessary to limit its catastrophic consequences (United Nations, 2021; Vatican, 2023). A global surface temperature increase, rising global mean sea level, more extreme weather events across the globe have caused substantial, and increasingly irreversible damages to many ecosystems and seriously endanger the earth's wellbeing and pose a threat to human health (IPCC, 2023). More than 3.5 billion people are highly vulnerable to climate change because of where they live today (IPCC, 2023). The climate crisis is endangering the bare necessities of life on earth (Chaplin-Kamer et al., 2019). Destruction of habitats seriously endangers biodiversity (IPCC 2023), the human way of living (f.e., Kurwan, 2023) also because human and ecosystem vulnerability are interdependent (IPCC, 2023). The increased likeliness of heavy rainfall in western Europe causing severe flooding (Joeres, 2016; World Weather Attribution, 2021), extreme heat events posing serious health threats (IPCC, 2023), millions of people being exposed to acute food insecurity and reduced water security (Jankowska et al., 2012; Joeres et al., 2022; Lobell et al., 2011; Wheeler & Braun, 2013), and the occurrence of food- and water-borne diseases are all symptoms linked to climate change (IPCC, 2023; Umbers & Moss, 2021). Climate change impacts all forms of life on Earth, and we are currently experiencing some of its dire consequences already, but it is just going to get more intense without drastic counter measures (IPCC, 2023). The consequences of climate



change can be said to constitute a veritable existential crisis for us and everyone else living on this planet.

How did this happen? The earth's climate is an interdependent network, too complex to be broken down into simple cause and effect processes (Dietzel, 2019). Nevertheless, it is proven that human activity distinctly caused global warming (Dietzel, 2019; IPCC, 2023). Most dominantly, the emission of so-called greenhouse gasses, that boost the greenhouse effect taking place in earth's atmosphere, cause a rising global temperature (IPCC, 2023, Roser & Seidel; and many others). The greenhouse effect is responsible for making our earth a liveable habitat for us by ensuring comfortable temperatures on earth. Without it life would not prosper on earth because of freezing temperatures (Schrader, 2023). But the massive emission of additional greenhouse gases by human industry and generally by the burning of fossil fuels caused what is called the *human-made climate change* (Dietzel, 2019; Roser & Seidel, 2017). Climate change supplemented by other forms of environmental destruction and pollution have caused the serious security threat outlined above. However, realizing that climate change is human made, also means realizing, that human action can slow down global warming. A variety of measures could be adopted, because it is shown that extensive reduction of greenhouse gas emissions can slow down global warming (IPCC, 2023).

So, there are possibilities of limiting the damages that ensue climate change. However, *urgent action is necessary*. We already crossed a point, where some future changes are unavoidable, some even irreversible (IPCC, 2023). The higher the global temperature rises, the more dramatic the damages will be, the more drastic the measures needed will become (Wang-Helmreich, 2022). Some measures that could slow down climate change today, will become unfeasible soon (IPCC, 2023). Continued human made stress on the environment can cause breaching so called tipping points (Dietzel,

2019). Once these tipping points have been reached more irreversible consequences will set in. Therefore, urgent action *now* is necessary to limit future damages (f.e., Mattheis, 2022). Inaction now, causes catastrophic consequences tomorrow (Dower, 2007).

Climate change is happening now, it poses a serious security threat to billions of lives, and human action can counteract some of its consequences if done with appropriate urgency. That's all this thesis offers for the scientific *climate* part of climate-justice. The next section illuminates moral considerations of justice connected to climate change.

### **Climate *justice***

Considerations of social justice invariably arise with individuals entering any sort of society. A society can attain advantages through collective action unimaginable to the isolated individual. These advantages are accompanied by some new burdens for the individual as well. Social justice refers to the question of how to distribute these advantages and burdens fairly (Rawls, 1999, pp. 4). This distribution is governed by a society's basic structure. On a formal level, this basic structure is made up by "the political constitution, the legal system, [and] the economy" of a society (Wenar, 2021). "Justice is the first virtue of [these] social institutions" and they ought to be changed drastically or abolished altogether if unjust (Rawls, 1999, p.3). Climate change poses an injustice in at least two major dimensions. An international and an intergenerational one.

Climate change is a matter of *international justice*, because it is a global phenomenon (e.g., Dietzel, 2019). Climate change is *not* a matter of policy changes by singular nation states, but an issue between states and people from all origins (Umbers & Moss, 2021). The conditions of everyone living on earth are at stake. All of earth's inhabitants are exposed to the same three-legged global finiteness of resources,

capacity of the atmosphere to carry greenhouse gases, and space (Battistoni & Britton-Purdy; Dower, 2007). We need to face this global finiteness together. There is international injustice connected to climate change because emissions are distributed unfairly in three regards. 1. *Geographically*. The global south is more affected by the consequences of climate change (IPCC, 2023; Ritchie et al., 2020), while at the same time having less financial power to compensate those damages than the less affected countries predominantly in the global north (Boyer et al., 2013; Dietzel, 2019; Rudolph, 2013). 2. *Historically*. Those communities who historically have the lowest cumulative greenhouse gas emissions, will be hit hardest (IPCC, 2023). 3. *Along the lines of income*. Low-income households will be hit hardest (IPCC, 2023; Celikates 2022) while at the same time, the richest 10 percent of Europe are responsible for the same amount of emission as the poorest 50 percent of Europe taken together (Ivanova & Wood, 2020). Implementing increasing prices for emissions and similar coping mechanisms without a fair distribution of the generated extra expenses would hurt first those with a low income (Kurwan, 2023). Climate change is a matter of international justice, because there are geographic, historic, and material imbalances when it comes to emitting greenhouse gases, bearing the costs to compensate damages, and being exposed to the catastrophic consequences of global warming

Furthermore, climate change is a matter of *intergenerational justice*. Not only are greenhouse gases extremely durable over time but climate change is also expected to show its increasingly dangerous consequences in the future (IPCC, 2023), endangering the livelihoods of future generations (Dower, 2007). As shown above, climate change imposes an urgency to act. Inaction now will cause more irreversible damage to the environment and imposes considerable costs on future generations (IPCC, 2023; Dietzel, 2019). If we destroy the environment, we also destroy a future generation's

right to the enjoyment of nature, as we have been given by our ancestors (Singer, 1991). Climate change is a matter of intergenerational justice, because if we do not act appropriately, future generations will not have the same means to limit the consequences of climate change, are exposed to the consequence of our inaction today, and cannot enjoy nature anymore. This intergenerational responsibility to protect the basis of existence also for future generations is even reflected in the German ‘Grundgesetz’ (Verfassungsblog, n.d). In Germany especially, as one of the countries who has a beneficial position in the global community on many levels, climate justice should be taken seriously. There certainly are more dimensions to climate-justice, such as for example stemming from an anti-speciesism stance that takes seriously the right to a liveable habitat for all non-human life on earth (e.g., Dower, 2007; Singer 1991), but this thesis focuses on this two-dimensional conception of climate-justice outlined above.

### **Climate-related civil disobedience**

What to do about all of this? The individual does influence how much emissions there are, but the share is diminishingly small (Our World in Data,2019). The 90 biggest industrial carbon producers alone are responsible for about two-thirds of the historical greenhouse gas emissions since 1880 (Ekwurzel et al., 2017). The effects of individuals switching to more environmentally friendly consumption are underwhelmingly small. Voting and other traditional ways of influencing politics do not adequately reflect the urgency of climate action, and additionally, lobbying by big fossil fuel corporations further complicates effective political changes (Banerjee et al., 2015). There have been several intergovernmental, and international conventions, agreements and promises discussing climate protection showing some measurable progress (EEA, 2017, p. 71). But there are adaption gaps (IPCC, 2023) and on a global scale, the level of emissions is

not decreasing enough (Bönnemann, 2023; Umbers & Moss, 2021). Commentators point out that these unmet agreements would not even be enough to make the needed difference (e.g., Müller, 2019; Raftery et al., 2017; Rogelj et al., 2016), and in general it seems, serious climate protection has lost priority on the political agenda of almost all nation states (Haunss, Brück, 2023; Hicks, 2023; Umbers & Moss, 2021). On the one side, the individual really is not capable to influence emissions by themselves because of big industrial carbon producers, and on the other side, state action up till now is insufficient. Thus, the rise of climate-justice protest (Çıdam et al., 2020).

The climate-justice movement has seen impressive mobilisation and can look back on a long history of protest. The number of climate-justice activist groups increased massively (Umbers & Moss, 2021), and the turn up for some protests has been overwhelming. In 2019, for example, millions protested for climate-justice worldwide (Haunss, Brück, 2023; Mattheis, 2022). Furthermore, in 2019, the climate-justice movement already had about three decades of experience protesting (Celikates, 2016 and 2021). All UN Climate Change Conferences since their initiation in 1995 have been accompanied by all sorts of legal protest, from carnival like parades to street blockades (Celikates, 2021; Malm, 2021). The size, global connectedness and long history of legal climate-justice protest is more than impressive. But the political influence is at least contested (Caniglia et al., 2015). There have been considerable successes, such as policy changes, and commitments by states, that can be linked to the public protests (Celikates, 2021). Still, neither any state action, UN conferences, nor the protests were able to reduce global carbon emissions sufficiently (Celikates, 2021; Malm, 2021). Since 1990, carbon emissions almost *doubled* (Ritchie et al., 2020). This albeit impressive, nevertheless disappointing record of legal protest sparked discussion of moving towards new forms of protest that do hesitate to move beyond the law (f.e., Extinction Rebellion

UK, 2019). The disillusionment with formal ways of exerting political influence connected with the individual's inability to influence climate change, and insufficient action by nation states, can constitute engaging in a more proactive form of protest, that is *climate-related civil disobedience*.

Climate-related civil disobedience exhibits the same core features of civil disobedience outlined above. It is *illegal, collective, and aims at uncovers hidden tension*.

### **i) Climate-related civil disobedience is illegal.**

The move towards *illegal* climate justice protest, is an exemplary clash of the individual's consciousness and a habitual adherence to the law enforced by the state. As outlined above, the climate crisis is very real, and happening *now* (IPCC, 2023). The livelihood of billions of people, and the whole planetary community is endangered. Climate change is human made, mainly through the emission of greenhouse gases, and therefore, human action, cutting emissions fast, could limit its catastrophic consequences. But urgent measures must be implemented fast and properly as soon as possible. Climate-justice activists know this. They also know that these measures cannot be taken by isolated individuals, but climate-justice is depended on cooperative global action. However, in the past years, state action was insufficient in limiting global emissions (Ritchie et al., 2020), and despite considerable effort, legal protest was not able to change this (Celikates, 2021). Similarly to past civil disobedience, climate-related civil disobedience is an attempt to preserve a way of living (see Habermas, 1983). Considering all these facts, climate-justice activist can resort to this veritable claim, that considering all these facts, their conscious trumps their adherence to legality under these special circumstances.

**ii) Climate-related civil disobedience is a *collective effort, with collective aims* and a way of giving disenfranchised minorities a voice.**

Thereby, climate-related civil disobedience shows a *radically democratic* feature and falls into the radical democratic account of civil disobedience outlined above. Climate change is a global phenomenon, everyone living on the planet is affected (f.e., Dietzel, 2019). The collective dimension of the problem is clear. Furthermore, only collective action can limit the consequences of climate change (IPCC, 2023), thus, climate-related civil disobedience is a *collective* undertaking. Climate change poses serious questions of intergenerational justice, as the effects for future generations will be more dramatic and are directly dependent on the countermeasures taken today (IPCC, 2023). However, due to their age, young people today have limited ways of influencing the political through traditional means (Celikates, 2016), and future generations have no way at all (Weinstock, 2015). This makes them a kind of disenfranchised minority. The democratising effect of civil disobedience enabling disempowered groups to have a say can serve to counteract this (Aitchison, 2018; Celikates, 2016 and 2022). For King (1991, pp. 71) it was clear that “the oppressed” will engage in civil disobedience. Applied to climate-related civil disobedience, it is important not to draw too strong of an analogy to the struggle for civil rights for PoC in the US in the past century, as this would be inappropriate. A different struggle, for different things. Losing a way of living and squandering away the rights of future generations are what is at stake in the climate crisis (Bundesverfassungsgericht, 2021a). The climate justice movement voices these fears, and engages in *collective* climate-related civil disobedience, to call for climate-justice in a *radical-democratic* fashion.

### **iii) Climate-related civil disobedience uncovers a hidden tension.**

As outlined above, climate change is a matter of justice in at least two ways, an international and an intergenerational one. Emissions, damages, and ability to compensate them are distributed unequally along geographical, historical, and material dimensions. Predominantly the global north, is responsible for most emissions historically (f.e., see Boyer et al., 2013), while most catastrophic consequences will ensue in countries of the global south (IPCC; 2023). Richer individuals, and states, are responsible for an unproportional share of global emissions, but also are financially best equipped to compensate damages, and extra costs (Ivanova & Wood, 2020; Kurwan, 2023). These factors play into the *international injustice* posed by climate change. Climate change causes irreversible destruction of the environment, and inaction will show catastrophic consequences for future generations (IPCC, 2023). There is a closing window to act, as some measures will not be feasible once certain tipping points have been reached (Dietzel, 2019). Climate-justice fights this *intergenerational injustice*. Disturbance because of disruptive climate-justice protest only brings to light this tension in the global world order today. Differentiating between the form and the substance of the protest is crucial. Climate-related civil disobedience applies disruptive protest causing unrest to draw attention to a more enmeshed tension stemming from climate injustice. The first aim of climate justice protest is not popularity but fully uncovering this tension to make sure climate-justice prevails.

To sum up, human made climate change poses an existential threat to life on earth. The individual has limited capacities to react to climate change, but urgent cooperative global cutting of emissions can limit the consequences of climate change. Climate change poses serious justice concerns of international, and intergenerational dimension.



Single action lacks the necessary force to implement the necessary change, and state action has been insufficient. Taken together this makes a case for climate-related civil disobedience. Such protest has been shown to exhibit the core features of civil disobedience by connecting the climate-justice concerns to the discussion of civil disobedience from Chapter I. The next Chapter III will conduct an analysis of the contemporary German climate justice movement and connect it to the concept of climate related civil disobedience.

### **III Climate-related civil disobedience in Germany**

Recently, the climate justice movement in Germany has revived civil disobedience as a political instrument to protest for appropriate climate action (see Carnegie Endowment for International Peace, n.d.; and Çıdam et al., 2020). In Chapter I, a theoretical framework to identify these acts as legitimate civil disobedience has been established. In Chapter II, the reasons, and justification for the climate justice protests, that is climate change, the urgency to act now, the need for collective action, and inappropriate state action have been examined extensively. This Chapter III will apply both, to discuss contemporary acts of climate-related civil disobedience in Germany. In presenting several forms of protest, three forms of climate-related civil disobedience are outlined: youth civil disobedience, and direct and symbolic civil disobedience. These three forms differ in turnout and who participates, their strategies and goals, and in the public sympathy levels. The protest of ‘Letzte Generation’ activists is analysed more closely, because the effects their disruptive actions have, is ambiguous. It is shown that their protest definitely constitutes civil disobedience by applying the narrow constitutional definition. In fact, their protest is almost an ideal case of civil

disobedience, and therefore definitely justified. However, it fails to trigger a right reaction. It is argued that ‘Letzte Generation’ fails to win public sympathy levels because their actions address government officials instead of the general public, and target civilians who are not directly responsible for the major parts of carbon emissions. This results in a failure to unfold the democratizing potential of civil disobedience, and no meaningful change can be achieved. Although ‘Letzte Generation’ is very successful in attracting attention, and their effectiveness has to be analysed as a complex interplay with other climate-justice actors, it is concluded that a change of strategy is necessary in the long run.

### **Fridays for Future and youth civil disobedience**

On 15 March 2019, more than 1.5 million people worldwide went on the streets to demand more climate action (Haunss, Brück, 2023; Mattheis, 2022). Initiated by Greta Thunberg in 2018, ‘Fridays for Future’ (FFF) is part of the global climate justice movement and consists of pupils, and students, skipping school one Fridays to protest for climate justice. FFF has been successful in putting climate justice on the political agenda (Mattheis, 2022). In Germany, this is illustrated for example by the implementation of the so-called Climate-protection law, meant to secure the liberties of future generations (Bönnemann, 2023) and a general increased awareness of the urgency to act imposed by climate change. Despite their success, FFF had to face harsh critique of commentators condemning the form of the protest. Skipping school in the end remains illegal. It is shown above that this focus on form rather than substance, is typical for acts of civil disobedience. FFF’s strikes constitute a *youth* climate-related civil disobedience (Mattheis, 2022), because most of the time the protestors are underage and thus dodge some of the legal consequences adult civilians would face.

Nevertheless, FFF's protest fits the core features of civil disobedience outlined in Chapter I: It is *illegal* to skip school, climate-justice is a *collective effort*, and they aim to *expose hidden climate injustice*. Their political demands, and the issue at hand, needs to be taken seriously. The mostly underage people in FFF are excluded from traditional ways of taking political influence due to their age, while simultaneously they will be more directly affected by the consequences of inadequate climate action. Therefore, the youth climate-related civil disobedience done by FFF, serves a democratizing purpose.

Skipping school is a comparatively mild form of law breaking. FFF activists, frustrated with still slow-moving government reaction, commonly move to new, more radical forms of protest (Fuentes, 2021). Activists and activist groups such as 'Ende Gelände', 'Sand im Getriebe' (Lindenberg & Müller, 2016) engage in lawbreaking that is more uncomfortable for big carbon producers and therefore constitutes a *direct* disruption through climate-related civil disobedience. Action forms include the blocking the International Car Convention, hinderance of several highway expansion projects, occupation of forests to fight their logging down, and the sabotage of coal extraction sights (Fuentes, 2021, Sander, 2021). To illustrate this *direct* climate-related civil disobedience, the occupation of the 'Hambacher Forst' and Lützerath will be analyzed.

### **'Hambacher Forst', Lützerath, and other direct protest**

The 'Hambacher Forst' is located next to one of the biggest brown coal extraction sights in all of Europe (Taz, die Tageszeitung, n.d.). The first treehouses were built in 2012 to avoid the deforestation by RWE the corporation that administers the fossil fuel extraction in that area., With more than 60 treehouses, evacuation attempts by the police were resisted successfully over several years (Malm, 2021; Sander, 2021). After massive mobilization and public pressure on RWE and the government, several

companies hired to implement the official decisions to deforest and evacuate the treehouses withdrew their support due to dissent among the staff (Malm, 2021). In the end, a lawsuit issued by Friends of the Earth, resulted in a stop to the clearance pending a verdict (Malm, 2021) and the federal government promised to stop the evacuation completely in 2020 (Sander, 2021). Mobilization was also very successful for several demonstrations in Lützerath, a neighboring village also located at a brown coal pit (see, Fuentes, 2021; Grimm et al., 2023). In the end, Lützerath was not saved, but the symbolic power of thousands of protesters at the edge of the giant brown coal pit remained. For RWE, these acts of direct climate-related civil disobedience, which involved trespassing of RWE grounds to get to the extraction sights were so costly and their public image harmed so thoroughly that RWE withdrew from several other fossil fuel projects in Germany (Grimm, 2023).

The two examples show some characteristics of *direct* climate related civil disobedience. Targeting mostly private fossil fuel corporations, and breaking the law to sabotage their production, the protest shows a *direct* effect on carbon emissions. Such actions transcend the purely symbolic realm, as blocking coal mines, excavators, and occupying trees, brings a small but direct contribution to the protection of the environment. This has an important impact on the public perception. Generally, public sympathy is higher whenever disruptive climate-justice protest is aimed at those actors who are known to be responsible for unproportional shares of emissions (Celikates, 2022). The benefits of direct climate-related civil disobedience are its ability to mobilize many people, reference to a successful track record, and high levels of public sympathy. The next section discusses the much more controversial, and also smaller activist group called ‘Letzte Generation’.

## **‘Letzte Generation’ as symbolic protest**

The activist group ‘Letzte Generation’ (tr. Last Generation, LG) engages in disruptive actions since the beginning of 2022 (Götzke, 2023). Their name refers to the urgency to act imposed by climate change (see IPCC, 2023). The time window to avoid even more catastrophic consequences is now, and the ‘last generation’ that could implement appropriate measures is alive already (Letze Generation, 2023). LG activists engage in legal ways of protest, such as traditional demonstrations, and lectures and they also do illegal protest, for example, they block roads, throw soup at famous paintings, paint at expensive private jets and public monuments (Fuentes, 2023). LG proclaims, that they thereby engage in so-called civil disobedience (Götzke, 2023). Doing so they demand more action of the government to react to climate change (e.g., Herrmann, 2023). LG’s demands are surprisingly realistic considering their public image as radical climate protectors (Fuentes, 2023); a speed limit on highways, the reintroduction of the so-called nine-euro ticket, allowing for accessible public transportation and lastly the implementation of so-called citizen councils (Letzte Generation, 2023; Herrmann, 2023). The actual demands of LG often play a secondary role in public discussion. Nevertheless, political cooperation on a local level has happened as for example in the city of Hannover (Koopmann, 2023). LG’s actions often cause widespread outrage, with low sympathy levels of the public, calling them undemocratic, or even accusing them of terrorism, or blackmailing the state (f.e., Fuentes, 2023). Despite all criticism, and questionable affect on the public image of the climate justice movement in Germany, LG protests is also climate-related civil disobedience. LG targets the general public with their roadblocks, to convince the German government to act. Their disruptive protest is indirect, because it aims at

political attention, rather than direct reduction of emission. Therefore, LG engages in what will be called *symbolic climate-related civil disobedience*.

To show that LG's protest is as justified as other forms of climate-related civil disobedience, the next section establishes that it even falls into the narrow definition offered by *the constitutional account* (Chapter I). This shows, that really, LG is a case of civil disobedience in the radical-democratic and all other accounts as well.

### **When justified protest fails to be effective**

As already outlined, the constitutional account demands civil disobedience to be public, nonviolent, and conscientious (See Chapter I). LG's protest, takes place in public, is addressed to the public representatives, and aims at the collective goal of climate justice. LG activists know they break the law, do not conceal their identities, and even call the police before their actions (Fuentes, 2023). Their protest is *public*. All LG actions are *nonviolent*. They trespass, they violate property rights, and sometimes hinder the right to free movement, but they never use violence against persons (Celikates, 2021; Fuentes, 2021). In fact, the activists themselves are the only ones experiencing violence in a physical manner by police repression and angry civilians (Bernstorff, 2023; Council of Europe, 2023; Taz, 2023). Although LG activists demand some reforms of the status quo, they do not aim at overthrowing the system, and they readily accept legal punishments and some activists even spend time in prison because of their activism (Celikates, 2021, Fuentes, 2021). Therefore, LG's acts of protest show *conscientiousness*. And lastly, the aim of climate-justice, is no mere subjective reason, instead it alludes to a systemic injustice inconsistent with common conceptions of what is fair. LG's action tries to uncover this disclosed tension to deal with it properly (Bönnemann, 2023). This struggle for climate justice, is a democratic effort, and

therefore LG's protest constitutes a genuinely political endeavour. LG thereby fulfils the rigid constraints outlined by *the constitutional account* and qualifies as proper civil disobedience.

LG's protest fulfils all constraints of *the constitutional account* of civil disobedience, exhibits all *core features* outlined in chapter I, and falls into the definition of *the radical democratic account*, too. It is an almost ideal case of civil disobedience. However, the low public sympathy levels pose a serious question about the effectiveness of LG's protest (Fuentes, 2021). Without sympathy, there is no democratising effect, and no meaningful change. There are studies that effectiveness of disruptive protest is disconnected from public reception (Gayle, 2023; Kountouris, & Williams, 2023), but the question remains if LG's impact is one that can justify further engagement in the same form of protest.

The effectiveness of LG's protest is not a direct but an indirect, a *symbolic* one. They aim at convincing the government to act through unrelated acts of public disruption. This makes it hard to assess LG's impact. Their demands have not been fulfilled yet, and the failure to win over public sympathy weighs heavy. The other forms of protest have had more notable success. FFF's high public sympathy levels resulted in a prioritisation of climate protection on the political agenda issuing formal, institutional change. Those engaging in *direct* climate-related civil disobedience were not always successful but can show several tangible achievements because of the direct nature of their protest. When it comes to LG, they pursue a different course of action. The people that are blocked in their cars on the road, the paintings in the museum if at all share a symbolic relation to climate destruction. This seems counterintuitive. Instead of aiming at convincing the broad public, the actions of LG accept departing from public sympathy for the sake of getting the government to act (Herrmann, 2023). Civil

disobedience can also aim, to simply draw the public's attention to a certain topic, notwithstanding if this attention is sympathy and LG is very successful in drawing attention to their actions (Herrmann, 2023). Furthermore, LG is just one player of the climate justice movement in Germany (Grimm, 2023). In combination with other groups engaging in other better received forms of climate protest LG could still have a positive impact overall (Grimm, 2023). There is a complex interplay between the different climate justice groups, or in general, players aiming at climate justice. The relation between these groups is fragile and it is difficult to predict the outcome of all their actions taken together (Grimm, 2023). So even though, the actions of the LG fail to gain public support and may even destroy sympathy for the climate justice movement by some, there might be some positive impact for more climate protection after all. In the long run however a change of strategy is necessary to display the democratizing potential of civil disobedience. The government should not be the only addressee of LG's actions, civilians should be used as a means for top-down political attention.

In Chapter III three types of climate-related civil disobedience in contemporary Germany have been discussed. The youth protests of FFF, with incredible turnups, high levels of public sympathy, and achievements in bringing about institutional change. Direct protests in the form of sabotage of corporate carbon producers, which achieve a direct negative impact on emissions, and had considerable success in mobilizing in the past. And lastly, LG's symbolic protest aimed at convincing political players to act through the indirect disturbance of civilians. The controversial LG has been analyzed more closely because of its contested status, and it was shown that LG's actions constitute an almost idealistic case of civil disobedience but importantly fail to win over public sympathy. In the long term, this is a problem as the radical-democratic potential



of civil disobedience is not released and negative effects for the whole climate-justice movement might prevail.

## **Conclusion**

This thesis discussed the moral grounds of climate-related civil disobedience. To justify civil disobedience in the context of climate-justice protest in Germany, an account of climate-related civil disobedience has been developed and applied to some instances of climate justice protest in Germany. Chapter I introduced the constitutional account of civil disobedience and thoroughly discussed its problem of theoretical idealization. Reflecting on the definition of civil disobedience as public, nonviolent, and conscientious political act, it became clear, that the constitutional account's main attraction lies in its ability to defend civil disobedience's place in liberal democracies as a stabilizing device. Despite its illegality, its not dangerous to the political system but rather civil disobedience helps to maintain a fair order, by drawing attention to systemic injustices that need straightening. In a critical assessment of the constitutional account, it has been shown that the rigid conditions of civility, namely publicity, nonviolence, and conscientiousness, make it almost impossible for contemporary protest to fall into this narrow definition of civil disobedience. The label of civility is connected to a bitter fight and to avoid being stuck in theoretical proxy conflict, it has been argued that departing from fixed definitions altogether is necessary to make sense of actual civil disobedience. This is no dismissal of the theoretical work done so far, all the different approaches serve the illuminate different aspects of civil disobedience. But rigid discourse about what constitutes civil disobedience in theory, fails to capture the transformative potential of the concept. Civility and civil disobedience have been shown

to be highly political concepts, making struggles about a fixed definition impossible. Nevertheless, it has been argued that dropping civility is not an option, because a strong case for the justification of civil disobedience in liberal democracies as offered by the constitutional account would be lost and in general, uncivil protest has a much harder time to secure a profitable public reception.

To avoid the shortcomings of the constitutional account, while also keeping the civility label, this thesis argued for an alternative so-called radical democratic account of civil disobedience. This second account has been developed by reflecting on the need for a more flexible approach to civil disobedience, and the proposed definition emphasizes the democratizing potential of civil disobedience to give a voice to systemically disenfranchised minorities. The radical democratic account thereby was shown to highlight civil disobedience strongest asset to prove useful to citizens in fighting oppression and injustice without the use of military means. This account of civil disobedience includes diverse forms of contemporary protest, and at the same time is not too general. The emphasize of civil disobedience's democratic character ensures that any fascist protests fall outside of the definition, because they fail to exhibit a thoroughly inclusive, democratic quality. The idea of a bottom-up approach to the theoretical discussion of civil disobedience avoids the imposition of idealized constraints that was documented for the constitutional account.

Then, three core features of civil disobedience were identified to expand the radical democratic account. Civil disobedience is always illegal, it is a collective effort, and aims at uncovering hidden tensions. To take seriously the commitment to a bottom-up approach and start with the protests themselves, these features were derived, by an analysis of the historic cases of civil disobedience. Thoreau's tax refusal, and the civil rights movement engagement in civil disobedience were described and analysed.

Illegality of civil disobedience has been construed as a result of the conflict between the individual's consciousness, and their adherence to the law. Under special circumstances, moral reasons have been shown to trump the law, justifying the engagement in civil disobedience. Civil disobedience being a collective effort, was outlined as connected to its democratizing ability. Usually, collective means are applied to achieve collective goals. And lastly, civil disobedience's unique ability to uncover hidden tension in a society, has been presented as an important attribute, playing a relevant role in the assessment of instances of such protest. Namely, the need to differentiate between the form and the substance of protest. This was deduced from the fact, that unrest created by civil disobedience merely is a means to make aware of a more fundamental tension stemming from systemic injustices. This uncovering, and not popularity, constitutes the main goal of civil disobedience as defined by this thesis. Instead of condemning acts of civil disobedience this uncovering of deeper unrest in a society should be appreciated.

In Chapter II then, the theory of climate justice was introduced to substantiate the findings of Chapter I into a climate-related account of civil disobedience and a case for the justification of such protest has been presented. To do so, some basic components of climate justice had to be outlined first. It was established that climate change poses an existential threat to billions of humans, countless species on earth, and the whole planetary ecosystem. Since this threat is the consequence of human action, such as the irresponsibly high global greenhouse emission, it was argued that there is also a responsibility to cut back and limit the catastrophic consequences of climate change. However, it also became clear that there is a closing window to implement adequate measures. Therefore, urgent action is necessary to avoid reaching tipping points, that cause even more irreversible damage, and will render some countermeasures infeasible. Expanding on the moral grounds for climate-related protest, the injustice connected to

climate change was analysed and depicted as a two-dimensional problem. Climate change was shown to bring an unfair distribution of damages, costs, and ability to compensate them along international and intergenerational lines. It became clear that there geographically, historically, and along the lines of income, some individuals and states are responsible for an unproportional share of emissions. The same individuals and states are less exposed *and* better equipped to counteract climate changes consequences for themselves. This was taken to constitute a serious international injustice. Intergenerationally, it was shown that there is a responsibility to act adequately now, because otherwise future generations will bear the greatest burdens.

Then, a theoretical framework of climate-related civil disobedience was designed through a connection of the climate theory and the three core features of civil disobedience from Chapter I. Thereby, a compelling case for climate-related civil disobedience has been developed. The isolated individual's inability to influence global emissions, in combination with the lack of sufficient action by states on a global level were presented as reasoning for climate-justice protest. And because of a decade long history of climate-justice protest, illegal civil disobedience as a means to react to the urgency imposed by climate change were defended. Taken together, the concerns of climate justice were shown to constitute a reasonable justification for climate-related civil disobedience's breaching the law. It was argued that climate protection is a collective effort with a collective aim because it is a global phenomenon affecting everyone living on earth, and billions of livelihoods are at stake. Often of those without a formal way of taking relevant political influence, such as those living in countries that are not responsible for the biggest share of historical emissions, and importantly all future generations. This illustrated well the democratic potential and mission of climate-related civil disobedience. The injustice of climate change that will increase in the

future, has been outlined as the justification for unrest caused by disrupting climate-protest.

Chapter III saw an application of the developed theoretical account of climate-related civil disobedience to German climate-justice protests. This enabled a separation of three different types of such disobedience observable in Germany, and lead to a discussion of their long-term effectiveness. FFF's youth protest, direct protests, and the symbolic protest by LG. The controversial LG has been analyzed more closely because of its contested status, and it was shown that LG's actions constitute an almost idealistic case of civil disobedience but importantly fail to win over public sympathy. In the long term, this is a problem as the radical-democratic potential of civil disobedience is not released and negative effects for the whole climate-justice movement might prevail.

Looking into the future, the decreased priority of climate protection on the political agenda is concerning. The inability for global cooperative action frustrating, and fair compromises about how to react to climate change, compensate its damages, and limit its catastrophic consequences for future generation seem almost unattainable. Therefore, climate justice protests will stay relevant, and it remains to be seen, how the challenge of climate change can be tackled. For future research, studies of the long-term effects of climate-related civil disobedience will bring interesting insights.

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