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**CLIMATE ACTIVISM AND CIVIL  
DISOBEDIENCE IN DEMOCRACY**

A Thematic Analysis of its Framing in Parliamentary Debates and the Press

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## **Abstract**

Climate change poses a serious threat to the enjoyment of fundamental rights for many people worldwide. To protest against the lack of governmental action, civil disobedience has become a popular and often criticized tool within climate protests. There are different theoretical approaches to civil disobedience in academic discourse, one of which emphasizes its democratic function and legitimacy through the necessity to counter democratic deficits. The aim of this research is articulated in the research question: “How do politics and the media frame disobedient climate protest and what narratives do they create?” It seeks to provide a factual contribution to the debate on disobedient climate protest by linking theoretical concepts to the practice of protests. Using thematic analysis, the examination of the political framing in the German parliament shows that the most prevalent framing is against the justification of civil disobedience in climate protest. The protests are not acknowledged as a legitimate form of political participation. Instead, they are often described as illegitimate, criminal, and counterproductive. The press, in the United Kingdom and Germany, offers a more diverse range of frames. The media broadly recognizes the actions of climate movements as civil disobedience and political participation, regardless of their justification. The criminalized framing of the disobedient protests undermines its political function and is used to justify repressive measures against climate activism. It reinforces the government’s adoption of repressive measures that threaten the healthy functioning of democracy.

*Keywords:* Civil Disobedience, Climate Protest, Framing, Democracy, Germany, United Kingdom

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## List of Acronyms

AfD	Alternative für Deutschland
ADV	Arbeitsgemeinschaft Deutscher Verkehrsflughäfen
CAT	Climate Action Tracker
CESCR	Committee on Economic, Social and Cultural Rights
CDU/CSU	Christlich Demokratische Union Deutschlands und Christlich-Soziale Union in Bayern
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
FDP	Freie Demokratische Partei
HSBC	Hongkong & Shanghai Banking Corporation Holdings PLC
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPCC	Intergovernmental Panel on Climate Change
NDC	Nationally Determined Contributions
SPD	Sozialdemokratische Partei Deutschlands
UN	United Nations
XR	Extinction Rebellion

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## 1. Introduction

Language is a powerful tool that affects us all. The manner in which we speak shapes the issues in question and conveys subjective evaluations. Words are strained by certain intentions, associations, and situations. These can result in different versions of reality and sometimes even lead to an assault on human dignity, which is referred to as an “unword” (Unwort Bilder e.v., n.d. a).

It was a photographic exhibition related to the German “unword” of the year 2022 “climate terrorists”, that drew my attention to the importance of the choice of our words. The exhibition visualized the discrepancy between the implication of the descriptions of activists as “climate terrorists” and their actual activities. These juxtapositions have aroused my interest in research on the framing strategies that are employed to describe climate activists.



Fig. 1: “Klimaterroristen” Julia Essl (Unwort Bilder e.v., n.d. b)

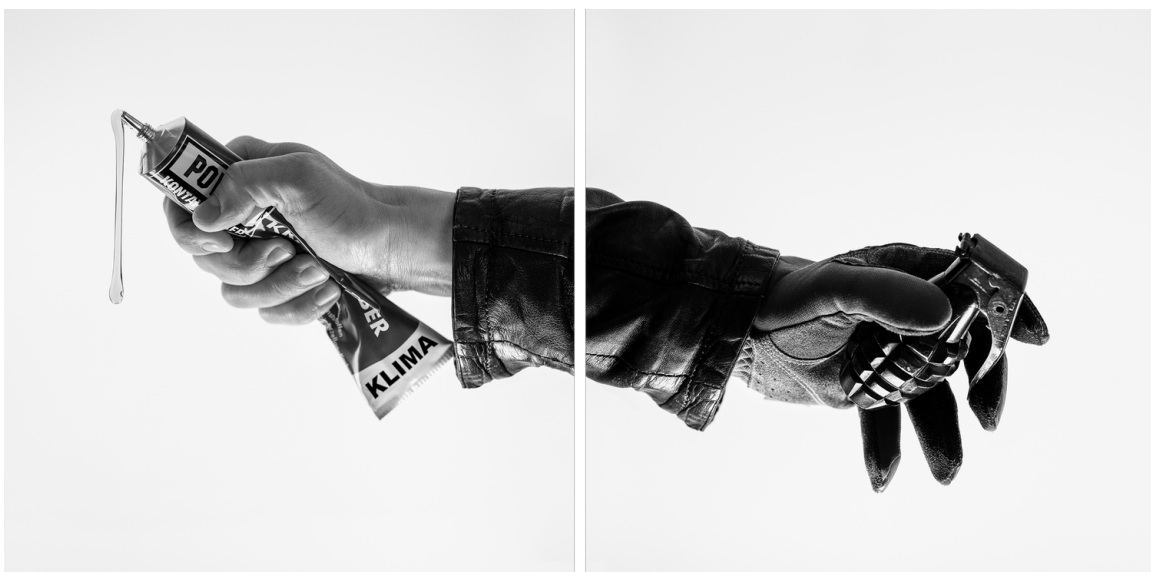


Fig. 2: “Was ist Terrorismus?” Jens Mangelsen (Unwort Bilder e.v., n.d. b)

The use of negative and criminalized narratives in the discourse surrounding climate activism and its acts of civil disobedience in particular is not exclusively present in Germany, but also in many other European countries. Michel Forst, the UN Special Rapporteur on the Protection of Environmental Defenders under the Aarhus Convention has expressed his concern about this issue.

“We should not have to have long debates on whether brutally arresting, arbitrarily detaining, prosecuting, or convicting peaceful protesters is a suitable State response to civil disobedience, or whether a fine or a prison sentence would be more appropriate to punish someone who climbed a bridge or interrupted a sporting event.

The only reasonable response to peaceful environmental civil disobedience at this point is that the authorities, the media and the public realize how essential it is for us all to hear what environmental activists have to say.” (Forst, 2023 p.1)

Further, he draws attention to the different dimensions of states repression of climate protests. One of the dimensions in which this criminalization takes place is the media and political discourse, besides legislation and policies, law enforcement, and the courts (Forst, 2024). This highlights the importance of being aware of the narratives employed to describe the protests and to identify and challenge framings that distort the reality to the disadvantage of the protesters. Such misframing is a threat to the democratic freedoms that ensure civil action and participation for all of us.

The discourse about civil disobedience is very polarized and emotional. Civil disobedience is sometimes treated as an important tool for political participation and deliberation within the democratic processes. However, this aspect is often denied in the current debate. This thesis will examine the role of civil disobedience within a democratic system, drawing on the insights of academic discourse, and contextualize this within climate protest. Its focus is on the European countries of Germany and the UK, where civil disobedience has become a popular and controversially discussed tool of the climate movement. This paper will briefly explain the threat posed by the climate crisis and the perspective of climate activist groups Extinction Rebellion and the Last Generation, in the UK and Germany, which use civil

disobedience. The relationship between their activism and the protection of human rights is outlined. The theoretical approach is then linked to the two conducted analyses of the framings used in debates of the German parliament and in the press in Germany and the UK. The analysis is guided by the research question, “How do politics and the media frame disobedient climate protest and what narratives do they create?”

Framing is the organization and structuring of information that makes particular aspects more salient and communicates interpretations and evaluations. Framing is a mode of presentation for a particular issue, that can be differential. To understand how the use of civil disobedience in the context of climate protest is framed, a qualitative approach was chosen that allows for inductive coding. Thematic Analysis, as outlined by Braun and Clarke (2006), enables to gain an overview of the framings used by politics and media through the identification of narrative patterns in the data.

By identifying those framings within the political and media discourse, this research aims to provide a factual contribution to the ongoing debate surrounding civil disobedience in climate protest. Furthermore, it seeks to understand how the framings shape the discourse and influence the protection of human rights. The framings are then related to the theory presented in the first section and the potential impact of these framings on the enjoyment of human rights is discussed.

## **2. Civil Disobedience in Democracy**

The relationship between civil disobedience and a democratic constitutional system is ambivalent and controversial. Some scholars argue in favor of the compatibility of civil disobedience and democratic states, while others question the legitimacy and necessity of civil disobedience for the functioning of a democratic system.

The term civil disobedience describes public acts of protest that are illegal, deliberate and politically motivated. The acts of disobedience are aimed at changing specific policies and therefore differ from revolutionary actions, as they do not seek to overthrow the entire system (Daher, 2023). In the following chapter, civil disobedience and its different perceptions will be discussed in greater detail, with a special focus on the relationship between this form of protest and a liberal representative democracy.

## **2.1 Different Perspectives on the Relationship between Civil Disobedience and Democracy**

Pfahl-Traughber (2023) identifies three distinct perspectives on civil disobedience in democracy. The first two view this form of protest as incompatible with democracy, while the third argues for the legitimacy of civil disobedience in democracy following a liberal approach. Markovits (2005) adds one more line of argumentation that supports the legitimacy of civil disobedience in a radical democratic approach.

The first perspective on the relationship between civil disobedience and democracy describes it as problematic because the acts of protest intentionally break the law and therefore seem to disrespect the constitutional rules of a democratic state (Pfahl-Traughber, 2023). According to this argument, minority groups downgrade democratic collective decisions, prioritizing their individual or group decisions and values. In this way, such minorities do not accept majority decisions and ignore the majority rule in a democracy (Celikates, 2023). They disregard the political and legal system of a democracy since their norm of political practice is based on subjective perceptions. This leads to an erosion of democratic principles and weakens the constitutional foundation of the political and legal order (Pfahl-Traughber, 2023).

Civil disobedience in this first perspective is perceived as an unacceptable form of protest because it rejects the fundamental constitutional rules of the state. The argumentation focuses on the (il)legality of the acts of protest (Pfahl-Traughber, 2023). According to this perspective, protests and other actions that fight against injustices should take place in a democracy, but only in a legal and foreseen manner. Democratic systems offer citizens the opportunity to participate in the decision-making process and to protest or challenge political decisions through legally provided pathways in the court system. Therefore, there is no need to resort to illegal methods, as this would ignore the rules that have been democratically agreed upon within society. The use of illegal methods to undermine majority decisions would be an oppression by a minority, which superiors its own moral opinions over the collective decisions (Schwarz, 2023).

The second perspective perceives civil disobedience as a tool to overcome the existing political system and thus considers civil disobedience to be in direct opposition to the principles of democracy. From this perspective, western democracies are described as imperialist and capitalist. Consequently, activists utilize civil disobedience with the intention

of effecting a real transformation and liberating society from the perceived limitations of the existing system, which is seen as illusional (Pfahl-Traugher, 2023). According to this perspective, civil disobedience is a tool of revolution that attempts to change the political system entirely or partially. Thus, some view civil disobedience as a revolutionary tool that seeks to overthrow the democratic system. Others distinguish civil disobedience from revolutionary acts within this perspective and perceive civil disobedience as a means of changing specific aspects of the system, rather than overthrowing democracy as a whole. Indeed, this has been the case in famous examples of the past, which are now regarded as legitimate. The movement led by Martin Luther King, as one example, did not accept the existing system as just and legitimate, nor did it just want minor corrections within the system. They sought to transform the system, which is perceived as legitimate nowadays (Celikates, n.d.).

The third perspective is in favor of civil disobedience in democracy. Distinguishing between legality and legitimacy, they claim that legality is related to the laws posed by the ruling authorities, whereas legitimacy is related to moral righteousness, so that an act can be justified although being illegal. This can be illustrated by the example that destroying the window of someone else's car is illegal but can be legitimate in the case that it is hot, and a dog is inside. In repressive regimes, where no legal ways to protest exist, disobedience through illegal acts is the only way for protest, and therefore legitimate. Democracies provide established legal channels for protest. Therefore, the justification for disobedience needs to be particularly well-founded. Two different approaches to this justification can be identified.

The first of those two is the liberal approach, which is explained hereafter by Pfahl-Traugher (2023) and rooted in the concepts of civil disobedience by Rawls (1971) and Habermas (1983). The second approach is based on the necessity of civil disobedience to confront democratic deficits. This second, radical democratic approach is further developed by Markovits (2005) and is explained in greater detail in chapter 2.2.

The protesters generally adhere to the constitutional order and legal framework of the democratic state. However, related to a specific political subject, when basic democratic values or social justice is threatened due to adopted policies, they perceive the necessity to break some rules to achieve public visibility on that issue. Those protests are justified by the value of justice within the democratic order. The common values of the democratic society

and a common understanding of justice, which may even be enshrined in the constitution, serve as moral rationale for the protests. If these values are not protected under the current policymaking in the democratic state, this serves as justification for breaking the rules in order to reinforce the common values. The aim for public visibility requires public actions. Those who engage in such actions accept the legal consequences and, as a result, generally comply with the constitutional system (Pfahl-Traugher, 2023).

This concept gives rise to the model of civil disobedience, which is frequently employed to justify disobedient actions within a democratic state. The following characteristics describe this model (Flam, 2023). Civil disobedience, as a form of protest, is a public act that aims for public visibility of a particular issue, such as a lack of social justice or respect for fundamental values. Those acts intentionally and conscientiously break laws, regulations or rules (Flam, 2023). By choosing illegal means of protest, the activists attempt to compel the government to prioritize the issues they are addressing and to take action about them (Flam, 2023). Although the protesters disregard certain rules, they generally adhere to the legal system and governmental authorities, and do not challenge the democratic system as a whole. The disobedient action is an exception to the general compliance with the authorities and is motivated by a particular political issue. To prove their general compliance, the protesters are prepared to take responsibility for the consequences of their actions and accept legal sanctions (Flam, 2023). In this model, civil disobedience abstains from the use of violence or reduces it to a minimum level as a matter of last resort. However, there is no consensus about the extent of disruption or destruction that is acceptable or considered as legitimate. Moreover, the question remains as to whether the disruptions pose a risk to discourage the public support that is necessary for effective mobilization for change (Flam, 2023).

The disobedient acts are directed towards a specific status quo that is perceived as significantly unjust, given that the higher values of society are not reflected in the current policies. The appeal to higher values serves to legitimize the protests.

The protesters' objective is to prompt the government to reassess its moral values and implement them effectively through its policies (Flam, 2023). This reference to higher values as a basis for the legitimacy of actions is linked to the social dimension of disobedience. The social aims of the disobedient acts are highlighted, as the protesters aim for benefits for the whole society, not only for their own social group (Daher, 2023). This social disobedience

bases its moral norms on higher values of society, which are enshrined in the constitution or, especially in the case of climate protests, also in international treaties such as the Paris Agreement. However, these values are not incorporated into the current laws and rules. This is linked to the right to political participation by an active citizen, which is guaranteed in a democratic state (Daher, 2023).

## **2.2 Democratic Disobedience**

The three aforementioned perspectives towards the dilemma of civil disobedience and the democratic constitution concentrate on the reasoning of legitimacy and morality.

Celikates (2023) and Markovits (2005) engage in the debate with a radical democratic approach to civil disobedience, which is based on the political function of that protest form. They describe democratic disobedience as a solution to overcome democratic deficits, which presents the second approach that justifies civil disobedience as a form of protest.

### **Democratic Deficits**

The concept of democratic disobedience, as conceptualized by Markovits (2005), arises in response to the inevitable emergence of democratic deficits in the implementation of representative democracy. His theory is based on a model of democracy that defines political participation of its citizens beyond the simple expression of their preferences through voting. Deliberational processes and broad political participation are essential elements for the functioning of a democracy. Through this broader participation, the citizens take authorship of the collective decisions, thereby developing the democratic sovereign through the intensive engagement of its citizens (Markovits, 2005). Consequently, democracy is a continuous process of deliberation, conflict, and compromise. This process of democratic governance and decision-making naturally includes a certain inertia. This can result in collective decisions losing their democratic legitimacy (Markovits, 2005). Special interests can sometimes lead to the manipulation and abuse of the process of generating a democratic sovereign will. Some representatives may block proposals due to a lack of interest in finding a compromise through the deliberative process (Markovits, 2005). The occurrence of democratic deficits stems from several factors, including the reluctance of deliberative processes, lobbyism, unequal representation, and the asymmetrical distribution of power. This constitutes a distortion of the

democratic process (Celikates, 2022). It is practically impossible to predict and balance all possible democratic deficits adequately in the daily implementation of a democratic system. To reach a decision, certain reasons that are considered less important will be excluded from the decision-making process. In the context of an individual personal decision, it is possible to revisit the excluded aspects at any time should the situation change, and the previously excluded reasons become more important. The individual may shift their attention to other considerations and modify the decision accordingly. This is distinct from the procedure of collective decision-making. Collective decisions may exclude certain aspects from the deliberation in order to facilitate a compromise. Once an agreement has been reached, it is removed from the political agenda, making it hardly accessible for reconsideration. To achieve democratic sovereignty and authority, exclusions are necessary. However, this makes it more difficult to reverse a collective decision. The lack of engagement of the democratic sovereign produces a democratic deficit (Markovits, 2005).

### **Democratic Disobedience**

Democratic disobedience shares certain characteristics with the liberal conception, yet the rationale for its legitimacy differs. The focus of this approach is not on the moral argument that injustices need to be redressed, but rather on the grounds that the democratic deficits need to be overcome. The aim is to initiate a reengagement with the democratic process.

Those who oppose the liberal approach contend that there are legal mechanisms in place that guarantee democratic opportunities for citizens to express their disagreement with current policies (Schwarz, 2023). Nevertheless, the argument that illegal means of protest are incompatible with a democratic constitution is based on the assumption of a perfect implementation of the democratic system, which is already prepared for all its flaws. The issue of democratic deficits, which arise in the practical implementation of a representative democracy, is overlooked in favor of an exclusive focus on the legal mechanisms that are already in place. This perspective limits the potential for change.

Democratic disobedience can help to overcome the democratic deficits. It is perceived as enhancing and empowering democracy, whereby the political participation is expanded, and the process of democratization is sustained. It may serve to counterbalance the political inertia

and can provoke reengagement in the democratic process, thereby restoring the conflictual potential that is essential for the process of democratization (Markovits, 2005).

The first question to be addressed is why the democratic deficits eventually justify the use of illegal methods, rather than making use of the legal mechanisms that are already in place within the system. The existing revisionary mechanisms incorporated in the system are not always adequate because it is not possible to foresee and be prepared for all democratic deficits that the system itself generates (Markovits, 2005). The disobedient acts can serve as a corrective measure, counterbalancing inertia and provoking reconsideration and reengagement. Consequently, they enhance democracy and extend the space for political discussions. The disobedient protest tries to address the distortions in the decision-making process that result from democratic deficits. The use of disobedient protest can be beneficial where the legal means of protest are inaccessible, inefficient, or ignored (Markovits, 2005).

Democratic disobedience has some distinctions from the liberal theory of civil disobedience. While the liberal concept aims to achieve a specific change in policies to improve the current situation, the democratic disobedience “seeks to initiate a process of sovereign reengagement with an issue“ (Markovits, 2005 p.1940) that is related to a democratic deficit. This aims to initiate deliberations, enhance public visibility, facilitate participation, improve representation, and intensify the sense of urgency to act (Celikates, 2023). Democratic disobedience destabilizes the political debate in order to expand the space for political deliberation. This often leads to the criticism that the protesters lack a constructive agenda. However, it is inherent to this form of disobedience that such specific proposals for policies are not explicitly stated. Moreover, democratic disobedience employs coercion solely to destabilize the debate, rather than to pursue a particular outcome (Markovits, 2005).

This does not imply that every act of civil disobedience is per se legitimate. This can only be assessed case-by-case in the context and following democratic principles. Nevertheless, it demonstrates that civil disobedience serves a vital function in a democratic system and, as such, cannot be condemned in itself (Celikates, 2023).

## **2.3 The Relationship between Civil Disobedience and Human Rights**

There are multiple elements in the relationship between civil disobedience and human rights.

One perspective holds that civil disobedience is frequently invoked as a tool to advocate for the protection of human rights. This is demonstrated by famous examples of civil disobedience in history, such as the act of Rosa Parks' refusal to give up her seat in the fight against segregation.

There is a divergence of opinion and argument in the academic discourse if civil disobedience itself is a moral right and can be claimed by individuals as one of their fundamental rights. Trovik (2023) relates to the liberal approach of civil disobedience and argues that this is not the case. Even if civil disobedience is seen as legitimate for some reasons, there is no common understanding that this needs to be defended generally for different causes. This line of argumentation provides no justification for the use of illegal means of protest by Neo-Nazis on the same basis as for protesters who are defending human rights. Consequently, the legitimacy of civil disobedience depends on the righteousness of the cause and is justified by its morality.

Another reasoning against the moral right to civil disobedience is formulated by Raz (1979). He uses the argument that in a functioning democracy the state is protecting the moral right to political participation adequately for everybody. This implies that such a state cannot have a right to civil disobedience per se. Even if there might be cases that citizens act disobedient on legitimate grounds to improve the justice of the system, there is no general right to act in a disobedient manner (Lefkowitz, 2007).

In contrast, there are arguments that support the view that civil disobedience is a moral right. Lefkowitz (2007) argues that civil disobedience is an integral aspect of the human right to political participation. This does not imply that it is justified in every case. However, under certain circumstances and if certain requirements, which will be explained in the following paragraph, are met, it can be seen as a morally granted right. He describes this right as a claim to political authority for citizens that is morally justified.

In a legitimate state with justifiable political authority, the citizens are morally obliged to obey the law. At the same time, the state ensures the right of its citizens to political participation. This is the foundation for its authority, and it respects its citizens as autonomous agents. The right to political participation encompasses the right to engage in collective decision-making

processes and the right to contest decisions (Lefkowitz, 2007). In a society, all individuals owe mutual respect to one another, which includes respect for human rights. In this context, it is each citizens' duty to ensure that the rights of others are not infringed. If a violation occurs, the citizen is obliged to act against it, which often requires collective action (Lefkowitz, 2007). This can extend beyond legal actions if the mechanisms provided for dispute resolution are inadequate or insufficient or if the majority decision through legal means takes too long to be implemented. The resulting irreversible harm can justify the use of illegal means of protest to speed up the process and avoid greater harm. Another rationale for resorting to illegal actions is that it can more effectively communicate the intensity of the protesters' anger and convictions, risking legal sanctions and potentially provoking the ire of fellow citizens (Lefkowitz, 2007). However, for acts of disobedience to be morally justifiable, Lefkowitz (2007) outlines certain constraints. Firstly, the acts must be carried out publicly, and the protesters must genuinely believe that this will enable them to communicate their arguments to the political leaders and other citizens. The act must be intentionally chosen to advocate for a particular change in the existing law or policies. Although there is the possibility that it may involve certain violence for primarily symbolic purposes, the acts must be generally non-coercive.

Following Lefkowitz's (2007) argumentation, a state that adequately recognizes the right to political participation, must also acknowledge the right to public disobedience to respect its citizens as autonomous agents. The right to civil disobedience compensates for the shortcomings of the implementation of democratic decision-making. The legitimacy of this right depends on the existence of a democratic deficit. As it is not always possible for the citizens to be aware of the existence of a democratic deficit in advance, it is necessary that the right to civil disobedience becomes a moral right. Later in the democratic process, it can be determined whether there was a democratic deficit (Lefkowitz, 2007).

Brownlee (2018) presents a different perspective on the relationship between civil disobedience and human rights. Similarly to Lefkowitz, she bases her argument on the plurality of interests and values in a democratic society. However, unlike the argument presented by Lefkowitz (2007), she asserts that the moral right to engage in civil disobedience derives from the human right to freedom of expression and contentious action. Her argument

is grounded in the principle of humanism. As human beings, we are capable of forming profound commitments to our moral convictions. Such convictions do include a communicative element, which may entail disobedience as a tool of communication. The right to civil disobedience, which arises from the right to freedom of expression and contentious action, is applicable regardless of one’s moral convictions. Therefore, the applicability of this principle does not depend on the moral righteousness of the cause in question. It applies to individuals and groups with a wide range of moral convictions, including Neo-Nazis, animal activists, anti-abortion activists, and environmentalists (Brownlee, 2018).

The understanding of the right to civil disobedience under international human rights law follows the argumentation of Brownlee and argues that civil disobedience is recognized as a form of exercising fundamental rights. Civil disobedience is covered by the right to freedom of expression and the right to freedom of peaceful assembly under ICCPR article 19 and 21. Consequently, it is the state’s obligation to protect those who engage in their right to peaceful civil disobedience (Forst, 2024)

### 3. The Current State of Climate Change

A broad scientific consensus exists on the influences of human activities on climate change. The latest report of the Intergovernmental Panel on Climate Change (IPCC) provides detailed information about the current state of climate change (IPCC, 2021).

The primary driver of global warming is the emission of greenhouse gases, which has increased exponentially since the advent of industrialization. This results in an accelerated rate of warming, far faster than any naturally occurring changes to the climate system, as illustrated in the model on the right (Fig. 3: IPCC, 2021

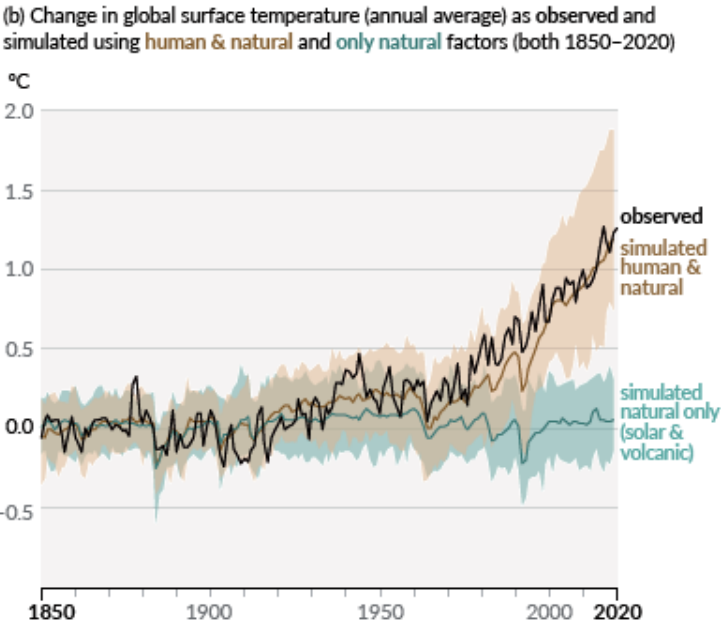


Fig. 3: Changes in global surface temperature relative to 1850–1900 (IPCC 2021, p.6)

p.6). The increase in greenhouse gas concentrations in the atmosphere is unequivocally caused by human activities. The temperature has been gradually increasing over the past few decades. From 2011 to 2020, the global surface temperature was 1,09°C higher than before industrial times, with human-made greenhouse gas emissions identified as a primary driver of this increase. The changes observed in the climate system, including those in temperature, ice melt, sea level rise, ocean temperature and oxygen levels, are unprecedented over many centuries (IPCC, 2021). Anthropogenic climate change is already affecting extremes in weather and climate across the globe. The evidence of its attribution to human influence has strengthened. The frequency and intensity of extreme heat events are increasing, while the occurrence and severity of extreme cold events are decreasing. In addition, events of heavy precipitation are occurring more frequently and at the same time agricultural and ecological droughts are becoming more prevalent. These changes can be attributed to human-induced climate change (IPCC, 2021).

It is evident that the anthropogenic emission of CO<sub>2</sub> is linearly correlated with global warming. It is estimated that the temperature increases by approximately 0.45°C for every 1,000 GtCO<sub>2</sub> released. It is thus necessary to recognize that each ton of cumulative CO<sub>2</sub> emissions contributes to the global surface temperature increase (IPCC, 2021).

The IPCC report provides examples of possible future scenarios associated with the projected increase in global temperature. Extreme temperature events, which previously occurred once in ten years in a climate without the influence of humans, are likely to occur more than 9 times as often and likely be 5°C hotter if the global warming level reaches 4°C. In a scenario of 1.5°C increase, these events are likely to occur about five times as often as between 1850 and 1900 and will be just about 2°C hotter (IPCC, 2021).

### **3.1 Impacts of Climate Change on Human Rights**

Climate change has severe impacts on numerous human rights worldwide.

Natural disasters that are linked to anthropogenic climate change, such as heatwaves, floods, droughts, fires, and storms, directly affect the right to life. Additionally, reduced food production increases mortality from malnutrition and hunger. The WHO estimates the additional number of deaths related to malnutrition, heat stress, malaria and diarrhea in the context of climate change to be 250,000 per year from 2030 to 2050 (UN, 2021).

Climate change threatens the livelihoods and the ways of life of entire peoples, impeding their ability to freely determine their economic, social, and cultural development. This poses a risk to the collective right to self-determination. Peoples inhabiting low-lying island states that sink are particularly at risk for climate change impacts, including the rise in sea levels, tropical storms, and changes in rainfall patterns. Furthermore, indigenous peoples in different parts of the world are particularly vulnerable to the impacts of climate change on their livelihoods. Particularly fires, droughts, and floods force indigenous communities to leave their traditionally inhabited territories. Due to those circumstances, they are not able to freely determine themselves (UN, 2021).

Climate change alarmingly affects the right to health, which includes “the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions” (CESCR GC14, para.11). These risks become increasingly evident in three dimensions. Firstly, the effects take place through extreme weather events such as floods, heatwaves, and storms. The determinants of health described by the Committee on Economic, Social and Cultural Rights are threatened through the destruction of secure shelter, lack of food, access to clean water, and mental health trauma. The second dimension is indirect, affecting natural systems such as disease vectors. Loss of biodiversity contributes to the enabling conditions for zoonotic diseases, which can lead to epidemics and increase the risk of expansion of diseases like malaria. The third way in which the right to health is affected, is through human-mediated pathways. This includes undernutrition due to potential breakdowns in the food system, violent conflicts in relation to the scarcity of resources, and increased poverty (UN, 2021).

Global warming and its increasing frequency of extreme weather events have impacts on the crops, livestock and fisheries, resulting in rising prices for food supplies. These impacts threaten the right to food. The poorest and least responsible regions for global warming are disproportionately affected by this. The right to food and to be free from hunger requires the equitable distribution of food supplies over the world, according to the need. It encompasses four components: availability, accessibility, acceptability, and sustainability. Food must be physically and economically accessible at all times and needs to be “sufficient, adequate and culturally acceptable food produced and consumed sustainably, preserving access to food for

future generations” (UN, 2021 p.10). Climate change affects all those four aspects, thereby threatening the right to food for many (UN, 2021).

Climate change has negative impacts on the realization of the right to water, because it makes the availability of clean water less predictable. More frequent occurring extreme weather events destroy water points, contaminate sources of water and destroy sanitation facilities. It is also evident that climate change reduces the resources of groundwater and renewable surface water. This intensifies competition for water, leading to conflicts, violence, and displacements. Just a 2°C increase in temperature could result in the lack of access to safe water for an additional one to two billion people (UN, 2021).

The adverse impacts of climate change are directly limiting the right to adequate housing for many people. Adequacy is defined by the availability, the legal security of tenure, the affordability and accessibility, the habitability, the location and the cultural adequacy (UN, 2021). Those who are already deprived of the full enjoyment of this human right are particularly vulnerable to the effects of climate change such as floods, hurricanes, and other disasters. The rise in sea-level threatens the habitability of low-lying areas and small island states. Extreme weather events may result in the displacement of millions of people from their homes due to droughts, floods, erosion, or the sea-level rise. States have the duty to mitigate climate change, develop adaptation strategies, and address displacement resulting from climate change (UN, 2021).

The effects of climate change present a significant risk to the enjoyment of cultural rights. They pose a threat to cultural practices, ways of life, and meaningful spaces for cultural interactions. Of particular concern are natural spaces that face grave impacts from climate change. This is an explicit danger to the rights of indigenous peoples to “maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines and knowledge of the properties of fauna and flora” (UN Declaration on Rights of Indigenous People Art.31). The Paris Agreement recognizes the value of indigenous knowledge in developing climate mitigation and adaptation policies. However, this valuable resource is threatened by climate change (UN, 2021).

The European Convention on Human Rights does not explicitly include the right to a clean environment. However, the ECtHR has established that the right to respect for private and family life, one's home and correspondence enshrined in Article 8 can be affected by environmental issues caused by human-induced climate change (ECtHR, 2023). The most recent case related to this at the ECtHR is that of Swiss elderly people, which is described in Chapter 3.2.3.

## **3.2 State Obligations**

States have a responsibility to address the negative impacts and to mitigate climate change, because they are the primary duty-bearers to protect human rights. As pointed out in the previous chapter, anthropogenic climate change poses a serious threat to the enjoyment of several human rights worldwide. If a state fails to protect its citizens from those impacts, including mitigation and adaptation measures, this can lead to a human rights violation (UN, 2021). One specific tool giving detailed provisions for a shared effort between states to mitigate climate change and hereby to protect human rights is the Paris Agreement.

### **3.2.1 The Paris Agreement**

The Paris Agreement is an international legally binding treaty that has 195 state parties, including the European Union. The agreement was reached at the UN Climate Change Conference COP21 in Paris in 2015 and entered into force in 2016. It sets three main goals. The first objective is to reduce the global greenhouse gas emissions to ensure the increase of the global temperature is kept well below 2°C compared to pre-industrial times. Furthermore, efforts should be made to limit the increase to 1.5°C, with the aim of significantly reducing the impacts and risks posed by climate change. Secondly, the agreement requires that the contracting nations periodically assess their progress in five-year cycles. This process monitors the collective progress towards the long-term goals of the agreement. Lastly, the agreement aims to secure financial flows to developing countries to mitigate climate change and to strengthen their adaptation abilities and resilience to climate change impacts (UN, n.d.). Each country shall determine its national contribution for each five-year cycle and communicate the actions it will undertake to reduce its greenhouse gas emissions. The Nationally Determined Contribution (NDC) is mandatory and must become increasingly

ambitious towards net-zero emissions globally. Additionally, countries are encouraged to provide a long-term strategy for achieving the goals of the Paris Agreement, though this remains optional (UN, n.d.).

### **3.2.2 Climate Action Tracker**

The Climate Action Tracker (CAT) tracks and analyzes states mitigation targets, policies and actions taken in response to climate change and compares them to the global goals of the Paris Agreement. It is an independent scientific project that is run by a collaboration of two non-profit organizations, namely Climate Analytics and NewClimate Institute.

The CAT evaluates the impacts of climate policies and actions on emissions, the “impact of pledges, targets and NDCs” (CAT, n.d. a) and the “comparability of effort against countries’ fair share and modeled domestic pathways” (CAT, n.d. a). Each country’s contributions are aggregated to a global level to determine the projected increase in temperature. In addition, the CAT offers modeled pathways and sectoral analyses that illustrate pathways how to meet the goals of the Paris Agreement. By monitoring 39 countries and the EU, it is possible to track approximately 85% of the global emissions (CAT, n.d. a). The CAT calculates the contribution that each country must accomplish, taking into account the differentiated responsibilities and capabilities. This is in accordance with article 4.3 of the Paris Agreement, which states that the specific national circumstances must be considered (Paris Agreement 2015). For some countries, this fair contribution means that they must reach less than zero emissions, which can be achieved by international climate financing (CAT, n.d. b).

The CAT assesses the actions taken by the EU as overall insufficient to achieve the goals set out in the Paris Agreement (CAT, 2024). This means that the policies and targets are not in line with the goal of keeping global warming below 2°C. The EU is not on track to meet its 2030 targets of reducing emissions by 55% compared to 1990 levels. The EU Commission assessed the national targets of its member states and concluded that they are not ambitious enough to meet the EU’s NDC to the goals determined in the Paris Agreement. Even the targets set by the EU are already insufficient to achieve the pathways of domestic action modeled by CAT and are therefore not sufficient to make a fair contribution to limiting global warming below 2°C. If all countries followed the EU approach, global warming would exceed 2°C and reach up to 3°C compared to pre-industrial times (CAT, 2024). The condition of the

fair share contribution must be met according to the Paris Agreement, because it reflects the requirement of “equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances” (Paris Agreement 2015). To keep global warming well below 2°C and to pursue a limit of 1,5°C, the EU needs to set itself more ambitious targets. Reducing emissions by 62% by 2030, combined with a substantial increase in international finance is needed to meet the EU’s fair contribution. This then needs to develop to a 73% reduction of emissions and significant international climate finance, leading to 95% reduced emissions by 2040. Proposals for specific actions that the EU should take to comply with these requirements are to stop investing in fossil gas infrastructure and instead focus on efforts to transition to renewable energy, to agree on the necessary target for 2040 of at least 95% emission reduction below 1990 levels and to determine phase-out dates for fossil fuels. Additionally, the EU should substantially increase its contributions to international climate finance. It is needed to update the strategy and national plans to reach the net-zero target (CAT, 2024).

Analogous to the assessment of the EU, the CAT also rates Germany’s contribution to the Paris Agreement as insufficient (CAT, 2023a). Although Germany shows significant improvements in some sectors, such as energy, the government is not on track to meet its own targets. These emission reduction targets are not sufficient to limit global warming to 1,5°C. CAT rates the policies and measures as almost sufficient, which means they are likely to keep the warming below 2°C but above the 1,5°C limit. Germany is rated as insufficient in contributing a fair share and international climate finance. These are the crucial categories related to the Paris Agreement. If all countries would follow the same path as Germany, global warming would exceed 2°C. The findings of the CAT analysis state that it is totally inadequate that Germany, as one of the richest countries, fails to meet its own requirements and is unable to implement even simple measures such as a speed limit on highways (CAT, 2023a). Instead of strengthening the targets and setting more ambitious goals, the current government tends to “weaken the climate change law, replacing the compliance mechanism around binding sectoral targets with the possibility for sectors to compensate for each other” (CAT, 2023a). This is meant to provide more flexibility to meet the overall target, but in reality, it is very unlikely that other sectors will exceed their own targets and be able to compensate for the failed targets of other sectors. This undermines the required

comprehensive action across all sectors. The evaluation highlights some elements that Germany needs to improve to achieve its fair contribution under the Paris Agreement. Firstly, the government needs to make its own climate governance system more coherent and ensure that individual ministries are accountable for meeting their targets. In particular, the transport sector entirely lacks mitigation towards net-zero emissions. Instead, it supports counterproductive developments by planning highways, increasing commuter subsidies, and lobbying for e-fuels. The government should make a clear statement against the use of fossil gas instead of supporting new infrastructure for it, having a higher than needed LNG import and financing gas in other countries. Policies to mitigate climate change are losing public support in Germany, because much of the debate focuses on the costs to private households. The government should therefore focus on a socially just transition, for example on the climate dividend, which has already been agreed but is still not in place (CAT, 2023a).

Similar to the CAT rating of the EU and Germany, the targets and actions taken by the UK are also classified as insufficient (CAT, 2023b). The policymaking under the current government is slowing down UK's progress in mitigating climate change. This has led to the fact that the CAT now rates the UK's actions as insufficient, which is a lower rating than the UK had previously achieved. This shows the urgency of action that is needed to restore the commitment of the government in the UK to contribute its part to accomplish the goals set out in the Paris Agreement in 2015 (CAT, 2023b).

### **3.2.3 Climate Mitigation in International Case-Law**

The case before the European Court of Human Rights (ECtHR) *Verein Klimaseniorinnen Schweiz and others v. Switzerland* proves the strong interdependence between climate change and the protection of human rights for the first time in a decision of an international human rights court.

The judges base their decision on the broad scientific consensus that climate change negatively affects the enjoyment of human rights and refer to the IPCC reports briefly discussed in chapter 3 to support that states have a responsibility to tackle this issue.

The Suisse association of elderly people Verein Klimaseniorinnen Schweiz claims that the state of Switzerland is violating their human rights, in particular their right to life under Article 2 and their right to respect for private and family life under Article 8 of the European

Convention on Human Rights (ECHR). Switzerland fails to meet its obligations to reduce greenhouse gas emissions and to fulfill its contribution as determined in the Paris Agreement (*Verein Klimaseniorinnen Schweiz and others v. Switzerland*, 2024). Anthropogenic climate change and rising temperatures are already causing more frequent and intense heatwaves. This limits the enjoyment of the right to respect for private and family life and home of the complainant elderly people, as they cannot adequately enjoy the benefits of their homes due to the heat waves. Article 8 can be engaged in environmental matters because climate change does not only affect people's health, but also people's well-being and quality of life. Violations of the right to home include non-physical infringements such as noise or emissions. In relation to climate change, an individual right derives to be effectively protected by the state from serious adverse impacts of the global warming on their lives, health, well-being, and quality of life (*Verein Klimaseniorinnen Schweiz and others v. Switzerland*, 2024). This link between climate change and the enjoyment of the right set forth in Article 8 gives rise to the obligation of the state to provide an adequate response to climate change. The state must adopt and effectively implement measures and regulations to mitigate climate change. The state of Switzerland must establish a target timetable that specifies the achievement of carbon neutrality or an equivalent method for quantifying the country's future greenhouse gas emissions. Furthermore, the state must provide evidence of whether it has met the targets and keep those targets updated. The state has to act in timely and appropriate manner, when it implements relevant legislation measures (*Verein Klimaseniorinnen Schweiz and others v. Switzerland*, 2024). The court's assessment of Article 8 concludes that Switzerland has not met these requirements. In particular, the state failed to determine the national greenhouse gas emission limitations through a carbon budget. Additionally, there is a critical gap in the authorities' process for taking relevant domestic measures, and this omission breaches the requirement to act in a timely and appropriate manner. Switzerland has failed to meet its previous emission reduction targets. This led to the decision that Switzerland had violated the right to respect for private and family life under Article 8 (*Verein Klimaseniorinnen Schweiz and others v. Switzerland*, 2024). The judgement proves the link between the state's omission to act on climate change and the violation of human rights as a precedent case and establishes the connection of climate mitigation and human rights protection in international case-law.

## **4. Civil Disobedience and Climate Protest**

Extinction Rebellion (XR) provides an adequate example of a social movement using civil disobedience as a consciously chosen form of protest in the context of climate activism. It is one of the largest movements in central Europe and globally active. The members of the movement share a common vision, values and principles. They publicly communicate on their website a deep insight into their reflective thoughts about the protest and arguments why they chose to become active through civil disobedience (XR global, n.d.; Extinction Rebellion Deutschland, n.d. a).

Although there are more social movements active in climate protest, this discussion will set a focus on the example of Extinction Rebellion, because their actions are highly visible to the public and controversially discussed across society and countries. Especially in Germany, XR overlaps a lot with the group the Last Generation in terms of their actions and demands. But compared to them, XR provides more detailed theoretical backgrounds and reasons for their actions and therefore fits well for the connection between the practical use of civil disobedience and its relations to the theoretical discussions of the previous chapters. These theoretical reflections will focus on the example of Extinction Rebellion and then be complemented by the example of the Last Generation, since the actions of both groups will be part of the thematic analysis in the second part of this thesis.

### **4.1 Extinction Rebellion**

Extinction Rebellion (XR) is a decentrally organized group of climate activists. The movement was founded in the United Kingdom in 2018 and gained much public attention in 2019 when they occupied parts of central London (Berglund, 2023). They use creative actions and civil disobedience to advocate for change and adequate climate change mitigation. They argue that the illegal means of civil disobedience are necessary because they have already exhausted the legal channels to combat the injustices resulting from global warming. XR describes civil disobedience as an effective tool for political change that is directed at the public, governments, or institutions and has been used successfully by other social movements. The actions of XR are disrupting public life and industries with high carbon emissions or institutions that enable them, such as banks, governments, or media corporations

(Berglund, 2023). Examples of actions carried out by members of XR include blocking roads or bridges, painting streets, or occupying office lobbies of climate-damaging industries.

“When Government and the law fail to provide any assurance of adequate protection, as well as security for its people’s well-being and the nation’s future, it becomes the right of its citizens to seek redress in order to restore dutiful democracy and to secure the solutions needed to avert catastrophe and protect the future. It becomes not only our right, it becomes our sacred duty to rebel.” (Extinction Rebellion, n.d. a)

In their Declaration of Rebellion, as seen in the excerpt above, the group claims that their acts of civil disobedience are justified, because the government is not fulfilling its obligations to protect its citizens. Climate change is a serious threat to the citizens and their fundamental rights. Therefore, the government must address this issue. The government’s failure to do so results in the citizens’ right and duty to stand up against it (Extinction Rebellion, n.d. a).

## **Principles**

XR communicates ten principles that define the basis of the cooperation among the activists. Anyone who identifies with these principles and acts according to them can become active as part of the movement (XR global, n.d.). The first principle is to share a common vision of a change that will make the world worth living for future generations. “A healthy, beautiful world, where individuality and creativity are supported, and where people work together, solving problems and finding meaning, with courage, power and love. This will be underpinned by cultures rooted in respect for nature, genuine freedoms and justice” (XR global, n.d.). XR wants to mobilize a critical mass of the population to support its movement. It believes that 3,5% of the population is enough to make the governments act and to change the system. The vision of transformation includes a functioning democracy with real and equal opportunities for everyone to participate in the political decision-making process. It perceives the goal of the economy as promoting the well-being of all human beings and minimizing harm to animals and the planet. This requires policies for social and global justice, sustainability and zero greenhouse gas emissions (XR global, n.d.). XR’s vision is a culture of regeneration, which is the third principle. This is regarded as a continuous, positive

transformation, a culture that is healthy, resilient and adaptable, which keeps the natural resources alive. There are several dimensions of regenerative culture, which include self-care, the care for others in the actions, maintaining personal relationships, strengthening connections in the community, and taking care for the planet and environment outside the own network (Extinction Rebellion, n.d. b). Moreover, it is essential to question themselves and to resist the system that is responsible for the destruction of the planet and the vast injustices. This entails the duty to disobey the ruthless consumption and exploitation of nature and other human beings, resist the growing consumption of resources, profit orientation, and economic and finance systems based on endless growth. XR agrees to only act publicly and not to undertake actions below ground to uphold the safety of the organizers (XR global, n.d.). XR emphasizes the importance of reflection on one's own actions to foster continuous learning and development. By doing so, they avoid getting stuck in routines or repeating previous errors. Society and politics are constantly changing. Therefore, it is important for XR to adapt to a changing environment and to continuously refine its own actions and strategy (Extinction Rebellion, n.d. b). A fundamental value of the movement is inclusivity and that it provides a safe and accessible environment for everyone. There is no space for any form of discrimination, disrespect, and oppression. The importance of respectful and supportive relationships is emphasized. All members are responsible to understand the mechanisms and intersectional injustices deriving from hierarchies, to challenge them and to promote inclusivity. The group must be a safe space for marginalized people, as a prerequisite for being a safe space for everyone. Any form of violence, mental or physical, or any call for such violence is strictly condemned by XR (Extinction Rebellion, n.d. b). XR actively challenges the structures of hierarchies, aiming to disrupt the imbalance of power and influence, to foster just opportunities for participation. In the current reality, there are still existing inequalities, which make it necessary to provide space consciously and constantly for marginalized persons to raise their voices and take key positions. To avoid hierarchies resulting from coordinating positions with an inevitable concentration of power, there is a system in place for rotation and a special focus on transparency (Extinction Rebellion, n.d. b).

Another principle is not to blame and shame individual persons. It is inaccurate to attribute the shortcomings of the current system to one individual. The movements starting point is that the system has damaged everybody and that they will not accept abusive or exploitive

behavior. XR emphasizes the values of love, respect, and solidarity as foundation for interpersonal relationships. It does not dismiss that negative emotions occur and need to be expressed, but it is crucial to listen to each other and find back to respect (XR global, n.d.). The principle of nonviolence supports strategies and methods that are perceived as most effective for achieving transformation. It is a strategy to use non-violent tools to reveal the real perpetrators within the system, as historically non-violent social movements have shown great success. Nevertheless, XR acknowledges that it is a privilege to be in a secure situation that allows one to choose peaceful means of protest and does not condemn individuals who employ violence in repressive circumstances. XR has agreed to use exclusively non-violent tactics and to refrain from causing significant property damage to keep other participants of the movement safe (Extinction Rebellion, n.d. b). The organizational structures of XR are based on decentralization and autonomy. Any individual who identifies themselves with the values and principles is entitled to organize themselves and take action in the name of XR. This decentralizes power because it is not necessary for a superior entity to give permission to a subgroup (XR global, n.d.).

In consideration of those principles, it becomes evident that Extinction Rebellion and their disobedient actions fall within the scope of civil disobedience and can be justified as such. The principles of XR fulfill the constraints that are necessary according to Lefkowitz's (2007) description of constraints to justify civil disobedience as outlined in chapter 2.3.

### **Demands**

In their protests, XR raises three demands (XR global, n.d.). The first demand is for governments to tell the truth about the current state of the climate emergency. They argue that the governments are not honest about the gravity of the situation and that they systematically conceal the potential harm. One possible approach would be to declare a state of climate emergency and openly communicate the significant impacts of global warming on humans (Lowe, 2020a).

The second demand is for the governments to act now. Given the accelerating pace of climate change and the potential for disastrous consequences of a global temperature increase above 2°C, it is necessary to take immediate action. As previously explained in chapter 3, the budget

for carbon hydrate emissions is limited and the timeframe to combat higher global warming is rapidly closing (Lowe, 2020b).

Furthermore, XR calls for the establishment of citizen assemblies to reinforce democratic processes. Representative citizen assemblies are expected to develop solutions to mitigate climate change. In this manner, the decisions are transparent, legitimized by the citizens, and democratic. The government should seriously consider the proposed solutions and implement them. In the event that some of the recommendations are not implemented, there should be a clearly detailed and public explanation as to why this is the case (Simpson, 2020).

The latter demand is particularly well explained by XR and reflects the theoretical foundations of civil disobedience, which were explained in chapter 2.2 under the democratic approach after Markovits (2005) and Celikates (2023). The rationale behind XR's call for citizen assemblies to develop legitimized recommendations for climate policies is to address the democratic deficits that currently hinder political action towards climate justice. XR identifies the naturally occurring democratic deficits of a representative democracy as the primary obstacle that hinders a transformation towards climate justice. The first deficit identified by XR is the focus of the governments on their four-year term. The pressure to implement policies that will satisfy the population in the short term to be re-elected discourages the governments from addressing long-term issues, such as climate change, with the required urgency. Secondly, the democratic representatives and their decision-making process are distorted by groups of different interests and the lobbyism of big businesses. In order to be re-elected, politicians make efforts to gain positive media coverage and are bound to specific agreements of their parties. Consequently, they are often restricted from advocating for unpopular policies (Extinction Rebellion Deutschland, n.d. b).

The XR movement believes that democracy is an integral part of the solution to combat climate change, rather than a hindrance. The inertia of democratic processes can be counterbalanced by tools such as the citizen assembly. It is inaccurate to claim that democracy has failed in the climate crisis. Instead, the issue is that there are not sufficient democratic tools globally which would guarantee participation for everybody. This is the rationale behind XR's efforts to advocate for the strengthening of democratic processes in many countries through the citizen assemblies. The assemblies are perceived as a complementary tool to the representative governance system, designed to balance its inertia and democratic deficits. XR

acknowledges that democracy is an ongoing process that must be actively maintained. Through their civil disobedience and calls for reform, they seek to reinforce democracy and view their actions as a legitimate commitment to the rights of current and future generations (Frinken, 2019).

The manner in which XR is operating and organizing itself resonates with prefigurative values. Prefiguration can be defined as the process of organizing a group according to their shared vision for the future. They start to live the demanded change, which not only has a symbolic value but also involves direct action towards the aims they seek. This results in a congruence of means and aims of protest. Especially the type of disruptive protest is linked to prefigurative means. Disruption can be prefigurative when it seeks to substitute or supplant institutions, when it is experimental, innovative, and its learning inspires participants and the audience. It may be prefigurative in the preparation and resourcing of collective actors, in creating a common identity, ideology, and a shared purpose, or it can directly achieve something. Finally, it may be prefigurative through the micropolitics within its own activities. Prefigurative action is closely linked to anarchist values and emphasizes the coherence of the actions taken, the goals and values of the movement. In contrast, civil disobedience places greater emphasis on the relationship between protesters and democracy (Berglund, 2023).

The prefigurative aspect of the disruptive protest gives legitimacy to it because the prefigurative acts have an inherent legitimacy. Furthermore, by complying with the norms of liberalism in using disruption as a last resort and therefore remaining within the fidelity of law, they distinguish themselves from anarchism and gain broader public legitimacy. By implementing the demanded political change within their own group, through horizontal democratic practices such as people's assemblies, the movement becomes prefigurative because they challenge the lack of democratic practice in society as a whole. This is consistent with the theory of legitimacy of disobedience through democratic deficits. As previously outlined in the principles of XR, the horizontal democratic practices are particularly visible within XR, given that it is a leaderless movement. Although XR gains a considerable degree of legitimacy through prefigurative elements that are strongly influenced by anarchism, it is distinct from anarchism (Berglund, 2023). Anarchism aims to establish a society without the state and considers state authority to be inherently violent. (Berglund & Schmidt, 2020). In contrast, XR generally supports democracy and advocates for changes

within the larger system in order to enhance its democratic function. As stated in the Declaration of Rebellion of Extinction Rebellion (n.d. a), their actions are justified by the failure of the state to take adequate action, rather than by the existence of the state authority itself. Instead, their protest aims to “seek redress in order to restore dutiful democracy“ (Extinction Rebellion, n.d. a). Further, XR actively engages with the state and the government, targeting the capital cities and state power. However, this differs from anarchistic methods, which is evident in their interaction with the police, where they accept the consequences of their protests (Berglund & Schmidt, 2020).

## **4.2 Last Generation**

The Last Generation is a German climate movement that emerged in 2021. Its members demanded the government to comply with the Paris Agreement, by going on a hunger strike in Berlin, close to the parliament. They did not demand specific measures to mitigate climate change but requested a dialogue with the candidates for the chancellor and the establishment of a climate council similar to the demands of XR. The group claims to be the last generation that can effectively influence political decision-making to successfully mitigate climate change aligning with the Paris Agreement. Consequently, the movement is now called the Last Generation. In 2022, the movement initiated street blockades and later expanded its actions targeting art objects and other symbolic objects of the German democracy (Rucht, 2023). Further, the activists broadened their demands to include the abolition of food waste and they targeted infrastructure which consumes fossil energy, such as airports and ports. Additionally, the activists demanded a speed limit on highways and a cheap transportation ticket. During the blockades of streets, some of the activists glued their hands to the street, making it difficult for the police to remove them and making the protest unignorable (Rucht, 2023).

As the movement expanded and included more participants, its tactics changed this year. Instead of glueing themselves to the street, they now create unignorable and disobedient protests through other forms (Letzte Generation, n.d. a). The practice of glueing their hands to the street has been criticized, as they caused significant traffic disruptions on the respective streets and in some cases also blocked the way of ambulances.

Similar to XR, the Last Generation does not question the democratic system as a whole. They call for more transparency and honesty in the political discourse on the implications of climate change. Their only demand for change within the political system is the establishment of a citizen assembly in line with the demands of XR (Letzte Generation, n.d. a).

In contrast to XR, the Last Generation is organized in a functional hierarchy, which is intended to be highly transparent (Rucht, 2023). In this regard, the prefigurative elements previously mentioned are less present within the Last Generation than within XR.

Comparing the websites of the Last Generation and XR reveals not only that they have similar demands, but also share similar values and principles regarding their movement (Letzte Generation, n.d. b). Their actions resemble each other, and many are taken in cooperation.

The Last Generation is most active in Germany and recently also in some other central European countries, especially the German speaking ones. Concluding from the similarities of these two climate movements, the German debate about the Last Generation can be used in line with that about XR to analyze the framing of civil disobedience in the context of climate protest.

### **4.3 Legitimacy of Civil Disobedience in the Context of Climate Protest**

As outlined by Celikates (2022), there are four grounds of justification of civil disobedience in the context of climate change.

The first argument put forth is the justification through self-defense. However, this argument has not yet been accepted by European courts, because the threats resulting from the impacts of climate change are not tangible in the necessity of being imminent and direct (Celikates, 2022).

The second reasoning relates to the liberal approach of civil disobedience and is based on the fundamental injustices that arise from climate change. This is a moral argument that the present generation is living on the costs of future generations. It further entails that the European lifestyle is already exploiting the global south, given that the latter is most affected by the adverse impacts, although it has contributed the least to their cause. The argument is based on the general duty to protect human rights and to oppose their violation. This argument forms the basis for the prosocial dimension of disobedience. Those advocating for climate justice employ terms like “climate-apartheid“ or “climate colonialism“ to highlight the fact

that the richest persons can keep themselves relatively safe from the adverse impacts of climate change, while the poorest and least responsible persons are left unprotected. This significantly amplifies the preexisting injustices (Celikates, 2022). XR employs these moral arguments as a general rationale for action and as a justification for the general claim that a transformation of the current economic and financial system is necessary to address the injustices and related human rights violations. The moral legitimacy of climate movements such as XR can be grounded not only in breaches of international agreements such as human rights treaties, which enshrine globally shared values but can sometimes be difficult to enforce. It can be also grounded more specifically in national legislation. The German constitution establishes in Article 20a the state's duty to protect the natural resources for the benefit of both, human life and animals for future generations. In order to protect these resources, the government must put in place adequate legislation to preserve the livelihoods of present and future generations alike (Grundgesetz für die Bundesrepublik Deutschland, 1949). Climate activists base their claims against the government, that it does not act sufficiently to protect the environment, on the common values established in the constitution. This illustrates the social dimension of a collective interest in protecting a shared understanding of justice for society, which can therefore be understood as a legitimate basis for the use of civil disobedience. This argument follows the liberal approach, as it emphasizes the righteousness of the activism based on the prevailing societal understanding of justice. It is the duty of the state to protect the environment, a common understanding in society that this is necessary and that the climate must be protected. The argument can be further developed by considering the actions taken to address the issue in question. If the government is failing to protect the environment and the livelihoods strategically, as it was ruled by the German constitutional court in 2021 (*Beschluss des Ersten Senats vom 24. März, 2021*), the state is not fulfilling its democratic duties. This connects to the third part of the reasoning for the legitimization of civil disobedience through the radical democratic approach.

If the government does not adopt effective policies, the mainstream press fails to address this issue sufficiently and the state lacks adequate responses to the legal means of protest, this constitutes a substantial democratic deficit. Therefore, the use of illegal acts and disobedience is justified (Markovits, 2005). The justification for the chosen means of protest, namely the illegal form of civil disobedience, is explained by XR through this third line of argumentation

presented by Celikates (2022). The reasoning is based on the necessity to overcome the identified democratic deficits. In alignment with Markovits' (2005) argumentation regarding democratic disobedience, as explained in chapter 2.2, Celikates (2022) identifies significant democratic deficits in the context of climate protest that justify the use of civil disobedience. Two distinct forms of generational deficits exist. Firstly, there is the intergenerational deficit. This consists of the lack of representation of underaged persons and future generations in the democratic process and the current decision-making, although those decisions will affect the following generations even more than the present. Secondly, there is the intragenerational or geographical deficit. Those from the global south, who are most affected by the adverse impacts of climate change, have no voice in most of the countries of the global north, which are primarily responsible for global warming. No global democratic organs exist to address this injustice. Nevertheless, even if all groups were to participate formally, there would still be democratic deficits and distortion in the democratic process, caused by inertia, lobbyism, intransparency, and corruption (Celikates, 2022). XR does not demand specific policies or solutions for reducing greenhouse gas emissions. Instead, it advocates for the establishment of a citizen assembly to come up with solutions through a democratic process. In this demand, it is evident that XR employs a democratic approach of disobedience, grounded in a radical democratic understanding.

The legitimacy of civil disobedience in the fourth reasoning is based on the assumption that the political decision-making process is either ignorant of or lacks knowledge regarding the relevant issues. XR attempts to address this. Their argument that the governments must tell the truth and cease undermining the potential for future harm and damage, is a response to perceived deficits in the deliberative process. The urgency of climate action is not adequately communicated by public authorities, which allows for inaction and alignment with the majority. This could change if the impacts were clearly communicated to the citizens, which would entail the governments' duty to take climate action in order to protect human rights. This lack of deliberation can be identified as democratic deficit and therefore justifies the use of civil disobedience as a form of protest (Celikates, 2022).

In the case of XR, the two different approaches of civil disobedience in democracy can be understood as complementary. The liberal approach, which justifies civil disobedience on

moral grounds can be used to argue for the necessity to become active as a citizen. This is because the state is failing to fulfill its duty to protect the fundamental rights of its citizens, other human beings across the globe, and the rights of future generations. Morality and breaches of human rights justify the demand for change in current policies by XR and other movements such as the Last Generation. The radical democratic approach, which describes the democratic disobedience, can be seen to complement this argumentation, as it provides a specific justification for using civil disobedience as an illegal means of protest. As explained beforehand, this approach identifies democratic deficits and thereby provides reasons why the legal means of protest may be insufficient and inadequate in the context of climate activism.

## **5. Methodology**

### **Research Aim**

The public debate about disobedient acts of climate protest that disrupt the daily lives of many people is highly polarized, although the academic discourse offers theoretical arguments for the legitimacy of civil disobedience in a democracy as a tool for political participation and as part of the democratic processes. This research aims to provide a factual contribution to this discourse. The following research attempts to connect the academic discourse with the public debate about disobedient protest. The objective of this research is to examine the framings that are used in the public debate and their relation to the theoretical approaches to civil disobedience in the academic discourse.

The way in which people perceive different issues is influenced by the frames and narratives that are created in the discourse and that transport the information to the audience, leading their focus on certain aspects. This shapes the opinions of individuals as well as the direction of the public debate (Iacob, 2022). It is therefore crucial to uncover the frames and narratives within the discourse, to understand how they influence the debate. This research aims to contribute to this initial step of identifying the frames and narratives that are employed in the public debate about disobedience in climate protest and its potential justification within a democratic system. The analysis is guided by the research question: “How do politics and the media frame disobedient climate protest, and what narratives do they create?”

To identify the frames, it was chosen to analyze data that is accessible to and read by a broad audience and that represents the public opinions expressed in the political discourse. Given

their wide reach and representative function, these resources are likely to have a significant influence on the ongoing debate. For that reason, the chosen data consists of two parliamentary debates in Germany, in which democratically elected representatives of each parliamentary party speak about the topic, and twelve articles of online newspapers from the UK and Germany, which have different political standpoints. Newspapers play a pivotal role in the public debate, as they represent a fundamental medium of journalism that is essential for the deliberative process in democracy. It serves as a regulatory mechanism that controls political processes and is often regarded as the fourth pillar in the separation of powers in a democratic system (Schneider & Toyka-Seid, 2024). It is therefore appropriate to construct a data corpus comprising both the political debate and a journalistic medium. It is to note that the data sets for political framing and the press framing are analyzed separately. The objective of the first part of this study is to identify the political framings within the German parliament. Given that the political debate is primarily relevant within the country and the limited scope of this thesis, an international comparison is not included here. Whereas the framing by the press is analyzed with the international component of newspaper articles of the UK and Germany. The aim is to reflect the international interrelatedness of media discourse and climate activism. A more detailed introduction to the data corpus and its selection will be given in the further course of this chapter.

### **Framing**

Framing is the selection and emphasis of certain information that makes some aspects more salient, while necessarily neglecting others. This selection communicates a perceived reality and transports particular interpretations, moral evaluations, and perceptions of issues. Frames organize and structure information to make it accessible to the audience, but at the same time they influence the audience (Schemer, 2013). Not only does journalism in the media use framing consciously to communicate information in a particular way, but also politicians strategically frame issues in the political discourse according to their political stance. This can result in the existence of conflicting frames, within the political discourse, between politics and the media, or within the media. As primary communicators, politicians choose their frames very strategically. The media intervenes in the framing process and reconstructs, counters, reproduces, or adds different frames (Iacob, 2022).

## **Thematic Analysis**

Thematic Analysis serves as an adequate method for examining the frames surrounding disobedient climate protest in the public debate. This qualitative method offers an inductive approach to code the data without pre-existing coding frames, thereby allowing for an insight of a broad range of aspects that are part of the debate (Braun & Clarke, 2006). Thematic Analysis is not driven by the researcher's assumptions or by a specific aspect. Instead, it provides a rich overall description. This is necessary because the objective of this research is not to confirm the existence of specific frames, but to understand from the given data which are the prevailing frames and narratives in the debate. Thematic Analysis offers the opportunity to conduct research with different types of data included in the corpus and serves to identify, analyze, and report patterns within the data (Braun & Clarke, 2006). That allows for the identification of frames within the data.

The data analysis followed the steps of the Thematic Analysis described by Braun and Clarke (2006). The data from the parliamentary debates and the newspaper articles were organized into two separate data sets and were read to gain first impressions and familiarize oneself with the material. Subsequently, the data was coded inductively sentence by sentence. Each coded item was then collated into meaningful groups. Further, the codes were clustered in categories, which referred to specific aspects of the discourse, in order to identify patterns of argumentation within the data. From those categories, themes were created to organize the categories and to provide a comprehensive overview. The sub sections of the analysis are structured according to the themes and subthemes that were developed in the analytical process. The analysis describes the patterns in framing and narratives that were developed through the Thematic Analysis (Braun & Clarke, 2006).

## **Parliamentary Debates**

The two debates were initiated by opposition parties and are explicitly aimed at denouncing the activities of groups that engage in civil disobedience, particularly the group known as the Last Generation in relation to their climate protest. Both datasets are plenary protocols, which are the written records of deliberative debates held within the parliament. The two debates were selected based on the criteria of the most recent protocol relating to "civil disobedience",

which was used as key word in the search function of the official parliamentary website. The debates from April and May 2023 are publicly accessible online on the website of the parliament. They are available in written form as protocols and in audiovisual format. In both debates, representatives of each political party represented in the parliament responded to the request and articulated their respective parties' positions on the matter. To facilitate comprehension and avoid interruptions, the interjections of individual representatives during the speeches were deleted and the analysis is focused on the prepared statements of the speakers, which represent the public and agreed position of the respective party. This provides an appropriate dataset to assess how the various parties frame acts of civil disobedience.

### **Protocol 20/100**

The first dataset, protocol 20/100 (Deutscher Bundestag, 2023a), is based on a request made by the CDU, the conservative party currently in opposition to the government. The request was made to the parliament with the aim of increasing the sanctions for blocking streets and vandalism in museums. The higher sanctions are specifically targeted at the actions of the group the Last Generation and their protest activities in support of climate protection. The CDU acknowledges the necessity of immediate climate action but condemns any illegal forms of protest and characterizes them as radical and beyond the constitutional order.

Accordingly, the parliament should complement the legal text of the criminal act and include particular cases of blockades, especially if those are hindering vehicles of emergency services, but also for causing long traffic jams in peak times. Furthermore, the time of imprisonment should be significantly increased. This should not only take cases into account which lead to real harm or risk for others, but also for acts which could potentially lead to such a risk. Similar adjustments should be made with regard to the attacks on cultural heritage. The CDU claims that this should be considered a particularly severe case, for which the sentence should be increased (Deutscher Bundestag, 2023a).

### **Protocol 20/102**

The second dataset, protocol 20/102 (Deutscher Bundestag, 2023b), was initiated by a request made by the AfD to prohibit the group Last Generation. The request is based on the claim that the Last Generation represents a threat to the constitutional order of Germany. The activities

carried out by them are described as extremist and as a targeted attempt to threaten the constitutional order.

The AfD requests that the Federal Office for the Protection of the Constitution be urged by the parliament to investigate the prohibition of the Last Generation. Such a classification would entail a prohibition of all forms financing and support for this group (Deutscher Bundestag, 2023b).

### **Newspaper Articles**

The newspapers were selected to reflect a spectrum of political perspectives within the media landscape. Given that climate change, the protest against it and accordingly its framing is an international issue, it was decided to incorporate an international perspective into this analysis. Climate movements such as XR operate internationally or collaborate with other movements on an international scale. For this reason, the inclusion of the press framing in the UK is reasonable, because XR, the movement that popularized civil disobedient as a form of protest in the recent climate movement, was founded there and is therefore highly present in the debate. For the purposes of this analysis, three comparable newspapers were selected from each country, the UK and Germany. “The Guardian“ and “taz“ are aligned to green and left political opinions, while “The Telegraph“ and “WeLT“ have more conservative perspectives, and the “Financial Times“ and “Handelsblatt“ have an economic liberal standpoint.

The selection of articles was based on two searches for keywords. The most recent article that referred to an illegal act of protest in the context of climate was then selected. This process resulted in the selection of articles published mostly in spring 2024, as well as two articles published in 2023. It was no condition that the report had to be about the protest action itself, it could also be about a trial of such an action. The keywords for the two searches were first, “Extinction Rebellion” and “Protest” and second, “Climate” and “Disobedience”. The first search terms were chosen because Extinction Rebellion is a climate movement that is particularly known for the use of disobedient actions and has its roots in the UK but is also active in Germany for years. The second keyword “protest” was added to narrow the search results to articles that discussed the acts of protests or are related to it. The keywords of the second search were selected to ensure that other groups conducting disobedient protests were

not excluded. However, it was necessary to incorporate the aspect of climate into the search criteria to align the search results to the research question of this thesis.

## **6. Analysis of the Framing in the German Parliamentary Debates**

The analysis of the parliamentary debates, conducted by clustering the codes based on their meanings, resulted in the identification of four primary themes. These themes are comprised of categories that illustrate the various aspects or even contradictory positions involved in the speeches.

### **6.1 Civil Disobedience and Democracy**

The first theme that is identified in the parliamentary discourse surrounding the Last Generation and the acts of disobedient protest deals with the relationship between these protests and democracy.

In both parliamentary sessions, the discussion centers on the imposition of more severe sanctions, with one debate even considering a potential prohibition of the Last Generation, due to a request made by the AfD, which claims that the group is threatening democracy. Such a prohibition could be in accordance with the German law, which permits the prohibition of an organization only if it attempts to abolish the democratic system. The main arguments in the debate deal with whether the Last Generation and its acts of disobedience threaten or respect democracy.

The two subthemes found in this topic are that the Last Generation is either perceived as a threat to democracy or as activism within democracy.

#### **6.1.1 Threat to Democracy**

The subtheme of the Last Generation as a threat is highly salient in the speeches of the right-wing party AfD and the conservative party CDU/CSU. Three principal argumentative lines are employed to portray the actions of the Last Generation as undemocratic and as enemies to the constitutional system, but also as a threat to the established economic system. These three lines of undemocratic behavior, constitutional violations and the economic threat are used as follows.

The excerpts illustrate how the Last Generation is perceived to act against democratic principles, particularly by using disobedient protest.

Abstract 1.

“And it is also obvious [...] that democratic decisions are not to be recognized. [...] That is a criminal offence. And there you can see quite clearly how far the ‘Last Generation’ is from thinking in terms of the rule of law. It does not follow the principle that the purpose justifies the means.” (Alexander Hoffmann, CDU 20/102 pp.12341-12342)

The quote from the speech by Alexander Hoffmann of the CDU/CSU party demonstrates that the Last Generation and its actions are depicted as acts that disrespect and violate democracy while committing illegal acts of protest. In this context, the Last Generation is perceived to act antidemocratic due to its engagement in illegal protest instead of choosing the democratically provided participatory opportunities. Those actions are intended to erode the foundations of the democratic system, thereby posing a threat to democracy. By ignoring the rule of law as the fundamental principle of democracy, they disrespect the existing political order. The speaker argues that if it were accepted to regularly commit crimes, the constitutional order would be no longer valid.

Some statements even allege that the group wants to abolish the democratic system. One aspect of this is the replacement of the parliamentary force by citizen assemblies, which is expressed by the representative of the right-wing party AfD in the following abstract.

Abstract 2.

“Their purposes and activities are contrary to the criminal laws, and they violate the constitutional order on a daily basis and want to turn our parliamentary democracy into a soviet republic.” (Stephan Brandner, AfD 20/102 pp.12331-12332)

In addition to the framing of acting against democracy, Konstantin Kuhle a representative of the liberal party FDP, presents the narrative of the Last Generation as enemies to the constitutional system.

### Abstract 3.

“[T]he constitution also protects democracy [...].

If, in a democracy, freedom of assembly and freedom of expression are used in such a way that no dissent is possible, that anyone who says something different is bawled out and objects are smeared, then this is also an anti-democratic reflex that is shown here.” (Konstantin Kuhle, FDP 20/102 p.12339)

He argues that the group is abusing the democratic fundamental rights to freedom of assembly and freedom of speech. He asserts that the protesters claim constitutional provisions for themselves to such an extent that they violate fundamental rights of others. The street blockades cause significant disruptions to traffic, hindering the movement of individuals and their access to their workplaces. Konstantin Kuhle argues that the disobedient protests are a threat to the constitution by violating the freedom of movement and occupation of others, which are enshrined in the constitution. He emphasizes that the Last Generation is exaggerating the claim of the right to freedom of expression in a way that does not allow for other opinions.

Those parties perceive the protests of the Last Generation as a fundamental threat to the economic order. Some speakers argue that the Last Generation attributes the responsibility for climate change to the economic system, by blaming capitalism and large polluting corporations. They call for changes in business practices to allow for more efficient environmental protection. These claims of the protests are understood as an intrusion to the liberty of the freedom of the businesses and the liberal economy.

The representative of the conservative party CDU/CSU, Philipp Amthor, highlights the potential implications of the protests on the economic system.

### Abstract 4.

“In the end, they want a different society: the end of the market economy, the end of growth. And many social forces that are infiltrating this group ultimately want to transform our country into an eco-socialist planned economy.” (Philipp Amthor, CDU 20/102 p.12335)

This quote from the parliamentary debate illustrates not only how the Last Generation is perceived as a threat to the economic system, but also how politicians present it as “infiltrated” by social forces seeking to transform society. The objectives of the group in this perception extend beyond the protection of the environment. They then encompass the transformation of society towards a less liberal system. In this perspective the Last Generation poses a threat to the freedom of society.

As the presented narratives show, none of those frames acknowledges civil disobedience as a form of protest. Instead, these narratives portray all actions undertaken by the Last Generation as a threat to the democratic system and contrary to the established order. None of the political parties employing these frames (AfD, CDU/CSU, FDP) use the term civil disobedience in their speeches to describe the activities of the group. The acts of protest are instead described as criminal acts.

### **6.1.2 Activism within Democracy**

Other political parties within the parliament have a different perspective on the actions of the Last Generation and view civil disobedience as compatible with democracy. In this subtheme, their acts are presented as possibly justified, or it is claimed that even if they are illegal, they do not pose a threat to democracy and the functioning of the constitutional system. The activists of the Last Generation are not described as enemies of democracy or the constitution. Therefore, there are no grounds for a prohibition of the group as such.

The following statement, made by a delegate of the green party, illustrates the distinction between the commitment of delinquency and the conditions that would classify an organization as criminal, which could be prohibited.

Abstract 5.

“Nobody really believes that the constitutional order is threatened by such a demand and by glueing themselves to the street, as you write in your request. You act as if a few activists who glue themselves to the street are a threat to democracy. [...]

Reasons [for a prohibition] can be violations of criminal law, and for that we need a purpose that violates criminal law. The purpose of the ‘Last Generation’, to draw attention to more climate protection, is not really a violation of criminal law. Another reason would be a violation of constitutional law. Here, too, we have to say that this is not the case.” (Lukas Benner, Bündnis 90/Die Grünen 20/102 pp.12336-12337)

Lukas Benner presents examples of protest acts, such as glueing themselves to the street, as harmless and benevolent. He thus counters the argument of the opposition that the activists pose a constitutional threat and presents it as exaggerated. Benner makes clear that the Last Generation is not a threat to the constitution or democracy. In this extract, he points out the prerequisites for the prohibition of an activist group. Firstly, he argues that to justify the prohibition of the Last Generation, it is necessary to prove that not only the acts but also the intention of the group contradicts criminal law. Nevertheless, he claims that the group’s purpose of improving climate protection cannot be considered illegal because they seek to draw attention to climate issues. Secondly, a prohibition could be justified on the grounds that the group is acting against the constitution. Once again, he argues that the Last Generation does not act against democracy and does not attempt to overcome the constitutional order. Therefore, they cannot be classified as extremist and be prohibited. Another line of argumentation is put forth by the social democrats.

#### Abstract 6.

“Pressure creates counter-pressure; we have seen that often enough. This protest is precisely designed to accept disadvantages for the protesters. As an educator, I therefore firmly believe that tightening the criminal law will not bring the desired success.” (Simona Koß, SPD 20/100 p.12094)

As stated by Simona Koß, the representative of the SPD, there are legal mechanisms within the framework of democracy that enable reactions to the violations of law committed by the activists. These mechanisms allow the authorities to respond to the illegal acts and impose sanctions where appropriate. In addition, she argues that the demonstrators are willing to accept the legal consequences of their actions. In contrast, intensifying the sanctions or even

prohibiting the group would be inappropriate, since it would lead to the radicalization of their actions as a reaction to these sanctions.

The left party goes even further, arguing that such forms of protest can be beneficial in democracy and can serve as a catalyst for change, as historical examples demonstrate.

#### Abstract 7.

“Nevertheless, it has often helped to promote important social issues and drive change. Resistance to the unchecked use of nuclear power in Brokdorf or Wackersdorf has promoted discussion about the risks, benefits and costs of nuclear energy, as well as environmental legislation and social awareness for future generations. The protest against the deployment of the Pershing II missiles and the NATO Double-Track Decision highlighted the desire for peaceful dialog without nuclear weapons and ultimately led to disarmament negotiations and a commitment to limiting nuclear weapons.” (Nicole Gohlke, Die Linke 20/102 p.12338)

Nicole Gohlke, a member of the left party, draws from past examples of disobedient protests on peace-related topics that they have the potential to improve the debate. She further claims that the use of disobedient acts serves to advance the political processes. These past examples, where civil disobedience promoted transformations towards peace, also highlight the higher social aims towards society as a whole, which are promoted by the disobedient acts. This implies that civil disobedience can play an important role in democracy and that it can be justified in the context of democratic processes. It can serve as a drive for change and contribute to the deliberative processes. Therefore, it is not only tolerated but perceived as a positive element of democratic participation.

Clara Bünger, representing the left party, is the only speaker who actively claims the general legitimacy of civil disobedience in a representative democracy, referring to the theory of Jürgen Habermas.

#### Abstract 8.

“As a lawyer, I would like to point out that Article 8 of the Basic Law also protects assemblies where there may even be deliberate obstruction of third parties; [...]

The protesting climate activists recognize our democracy and legal system; this is what distinguishes them from right-wing actors such as Reichsbürger, who want to abolish our state. I recommend this book on this distinction, in which Habermas wrote about civil disobedience.” (Clara Bünger, Die Linke 20/100 p.12091)

She identifies the factors that distinguish justified disobedient protests in the context of climate change from other illegal protests in different circumstances. Climate protesters generally respect the political and legal system, and do not seek to change this. The activists demand changes within the system, but not to overcome democracy. They accept the legal consequences of their disobedient actions. This is defined as one of the conditions for civil disobedience in the liberal approach (Flam, 2023), to which Clara Bünger refers to, supporting her argument with the link to Jürgen Habermas. The excerpt of her speech illustrates her position that civil disobedience generally has a legitimate role in democratic processes without contradicting democracy as such.

Another aspect of the argumentative line that acts of civil disobedience are compatible with democracy is the right to protest, which is protected by the constitution with the freedom of speech and the right to freedom of assembly and association. Following Bünger’s explanation of this narrative, the group the Last Generation is perceived as a civil society movement which naturally provokes the limits of democracy. The rights enshrined in the constitution guarantee the activists their right to freedom of assembly and assure its validity even if it is not perceived as legitimate by others and although it is disrupting public life.

A further examination of this reasoning reveals that prohibiting the Last Generation would not protect democracy but would violate the constitution. From the perspective of the left party, the objective to prohibit the organization of the activists is to silence them and their demands and to disempower the group as politically active citizens, rather than promoting the process of democratization.

Nicole Gohlke, a delegate of the left party, emphasizes this concern that participating citizens would be silenced by such measures, although she does not express her support for acts of disobedience as directly as her colleague Clara Bünger.

Abstract 9.

“Colleagues, not every concern and not every form of protest has to be shared and supported. But anyone who seriously wants civil society protest to be banned does not want to protect our democracy but wants to disempower people and thus our democracy.” (Nicole Gohlke, Die Linke 20/102 p.12338)

To conclude this argumentative narrative, it is to understand that not the movement the Last Generation, its people nor its actions are against democracy, but the prohibition of the group would be antidemocratic and a breach of the constitution through the prohibition of a civil society movement. This would be a violation of the right to freedom of assembly and association, because there are no proportionate reasons to legitimize such a decision.

## **6.2 Illegality of Protest**

The second theme that was created based on the analyses of the parliamentary debates is the illegality of protest when civil disobedience is practiced by the activists.

The topic is raised in all the speeches and reveals two contrary positions, which can be divided into two subthemes each. One argumentative line concludes that civil disobedience as a form of protest is illegitimate, even framing it as highly criminal and violent. In contrast, another narrative frames it as justified, although illegal, and responds to the previous position that the protest is criminalized by others to undermine its political claims.

### **6.2.1 Illegitimacy**

The illegitimacy of civil disobedience as a means of protest is addressed in a broad range of speeches. Except for the left party and the right-wing party AfD, which positions are explained in the following subthemes, all parties emphasize the illegality of the actions, which results in the argumentative framing that civil disobedience with its illegal acts cannot be justified in democracy. Although they clearly state their support for the right to protest and freedom of assembly, the parties draw a line between the legally provided forms of protest and acts of civil disobedience. The illegality of an action is described as an unequivocal limit to the legitimacy of protest, and thus, protest can only be legitimate if it remains within the

scope of legality. The following excerpt of the speech by a representative of the conservative party CDU/CSU illustrates this narrative of illegitimacy caused by illegality.

Abstract 10.

“Freedom of assembly is a valuable asset in the Constitution and an important fundamental right for our democracy, and it also applies to spontaneous assemblies. But we must agree and clearly express that there must be a fundamental consensus in our democracy. It is that the commission of criminal offenses is beyond the constitutionally protected freedom of assembly and that this fundamental consensus is always violated when criminal offenses are committed at assemblies.” (Dr. Volker Ulrich, CDU 20/100 p.12092)

He emphasizes the importance of the possibilities to protest, but at the same time limits this right to legal acts. This restriction is articulated in the argument that the commission of criminal offenses can never be considered a legitimate aspect of the freedom of assembly. The principle of the rule of law in democracy is therefore violated by the illegality of civil disobedient protest. The red line between supported protest within the scope of legality and any illegal acts, which must be condemned to protect the democratic order, is clearly expressed here.

### **6.2.2 Criminality**

The second narrative that illustrates the argumentative line against the justification of disobedient protest due to its illegality goes beyond the mere denial of its justification. Instead, it frames the acts of protest as highly criminal and violent. This framing is mostly used by the right-wing party AfD, which depicts the criminality of the activists in the strongest manner. However, it is also used and supported, to some extent, by the conservative party CDU/CSU and the liberal party FDP.

The argument that is most criminalizing is exclusively employed by the speakers of the AfD. In their speeches, the representatives repeatedly depict the activists of the Last Generation as terrorists and compare them with the left-wing extremist organization RAF, which was a German terrorist group active from the 1970s until the 1990s. They express concern that the

Last Generation is becoming a “green RAF”. Besides describing the recent developments of the protest of the Last Generation as closely resembling the formation of the terrorist organization RAF, Stephan Brandner labels the group’s recent actions as conducted terrorism. Although he asserts that the Last Generation is not yet a criminal organization, he repeatedly emphasizes the terrorist character of their actions and their similarities to the RAF. The following excerpt demonstrates how Brandner employs the term terrorism in his speech alongside the Last Generation, thereby associating both with each other for the audience.

Abstract 11.

“The definition of ‘terrorism’ is somewhat unclear, but one thing is certain: it is the systematic and often seemingly arbitrary spreading of fear and terror through the use or threat of violence in order to make people compliant ... and the whole thing is also ideologically controlled. This applies exactly, 100 percent to the climate youth.” (Stephan Brandner, AfD 20/102 p.12332)

This excerpt of the data also demonstrates two additional aspects of how the AfD criminalizes the actions of the Last Generation. This is, on the one hand, a description of the reasons for the protest as ideologically driven, rather than a reflection of the group’s reasoning that their claims are based on the real threat of climate change. On the other hand, this expresses the use of violence as a means of coercion in order to pursue their own interests.

In the following abstract, Thomas Seitz, another speaker of the AfD, provides further explanation on the aspect of the use of violence against other people.

Abstract 12.

“What is really needed to protect society is a criminal offense based on the abstract increase in danger caused by blocking traffic routes. With a minimum sentence of one year, there is no longer a simple cessation. In less serious cases, a minimum sentence of three months may be sufficient, but not for repeat offenders and ringleaders. In any case, there also needs to be a qualification with a minimum sentence of two years in the event that a person is in danger of death or even dies, unless it can be ruled out that this is a consequence of the blockade. The perpetrators must bear the

responsibility for willfully increasing the risk for all people who need fire or rescue services.” (Thomas Seitz, AfD 20/100 p.12089)

The acts of protest carry a serious risk to the safety of others and are deliberately placing others in danger. Following his argumentation, this justifies the demand for higher sentences and sanctions, or even the request for the prohibition of the Last Generation. He characterizes the protests as highly criminal acts of coercive violence that intentionally endanger others. This results in the demand that the protesters should be treated as such high-level criminals by the legal system, instead of being alleged minor offenses. In order to protect society, it is necessary to intensify the legal consequences for the activities of the Last Generation.

Another frame that is used to support this highly criminal and dangerous narrative of the Last Generation is the radicalism of the group. Günter Krings of the conservative party CDU/CSU expresses this narrative.

Abstract 13.

“However, freedom of demonstration is not a license to instrumentalize thousands of citizens for one's own radical positions, or even to hold them hostage politically.”  
(Günter Krings, CDU/CSU 20/100 p.12086)

He describes the group's views and demands as radical, and as part of this radicalism, he asserts that the Last Generation uses coercion against other citizens as instruments to pursue their positions. Despite labeling their positions as radical, he refrains from directly naming their actions as extremist or radical. Nevertheless, the accusation that the activists hold thousands of citizens as political hostages demonstrates the radical perception of the protests, which consist of street blockades.

The narratives of the preceding two subthemes lead to the conclusion that disobedient protest cannot be a legitimate component of democracy and must be prevented.

The AfD even goes so far as to not even acknowledge the activities of the Last Generation as protest, instead characterizing them as violent, radical, criminal, and terrorist acts. The other

parties acknowledge the actions as protest, although they frame it as illegitimate and sometimes radical or criminal.

### **6.2.3 Justification of the Protest**

In contrast to the frames of illegitimacy and criminality, there are other narratives that support the justification of the protest and invalidate the highly criminal framing of the parties in the conservative and right political spectrum.

The argument that frames the protests of the Last Generation as justifiable is mostly supported by the representatives of the left party and to a lesser extent by the green party and the social democrats. All those three parties agree that the objective of the protest by the Last Generation for more effective action in climate mitigation is valid and support the protester's demands. However, there are divergent opinions regarding the justification of the use of civil disobedience as a means of protest in the generally legitimate climate protests.

This subtheme presents the protests of the Last Generation as justifiable, although illegal, and is closely related to subtheme 1.2, where the protest is framed as activism within democracy. Only if the group and its actions are understood as generally compatible with democracy and within the scope of the democratic system, can it be discussed whether civil disobedience can be considered legitimate. Respect for democracy can be seen as a prerequisite for potential legitimacy. This subtheme of legitimacy is particularly concerned with the question whether disobedient acts, based on intentions and demands specifically related to the climate context, can be justified.

Some parties partially recognize the justification of the protests by the Last Generation through the support of their demands and intentions, but not necessarily the way in which the actions are conducted. This allows for a position wherein the dialogue with the group and debate about their claims can have space in the political processes, without necessarily supporting the disobedient acts, as demonstrated in the following excerpt from a speech by Helge Lindh of the SPD.

Abstract 14.

“Thirdly, I would also like to say - as I always do - that I am prepared to discuss and debate, but also to argue about why there is a difference between a social council with

an imperative mandate and a citizens' council that complements parliamentary democracy here in the Bundestag.” (Helge Lindh, SPD 20/100 p.12093)

He opens a space for a deliberative process about the demands of the protesters, although he does not support the manner in which the Last Generation conducts its protest. Additionally, he disagrees with the AfD’s perception that the demand for a citizen’s assembly is inherently contradictory to the current democratic system.

In the majority of the speeches where the subtheme of legitimacy could be identified, it was framed by the means of the justified aims. Nicole Gohlke, a delegate of the left party, highlights the reason for the protests of the Last Generation.

Abstract 15.

“What the AfD is calling for is the police-state suppression of a protest that is protected by fundamental rights, a protest that is directed against the state's failure to meet climate policy targets, namely climate targets that the last federal governments and the current federal government have failed to meet. A ban motion is not the solution to a social conflict; it is its suppression.” (Nicole Gohlke, Die Linke 20/102 p.12338)

She asserts the rationale behind the protests to be legitimate, citing the government’s demonstrably failed efforts to meet its legally binding climate targets. The government’s failure to take action has caused the protests, which address that issue that constitutes a social conflict. This supports the understanding that the political deliberative process must provide space for addressing shortcomings of the current politics and government, which can take the form of disobedient protests.

Moreover, she claims that the protests of the Last Generation are protected by the constitution. This demonstrates the legitimacy of civil disobedience as a form of protest in democracy. She relates her arguments to the Last Generation by referring to the request for prohibition made by the AfD and expresses that the actions of the protesters fall under the scope of the right to freedom of assembly. The protection of the protest, including the disobedient acts, is a fundamental right enshrined in the constitution.

## 6.2.4 Criminalized by Others

In light of the narrative that the protests of the Last Generation can be legitimate, it is logical to conclude that this cannot coexist with the contrary framing of illegitimacy, criminality, and radicalism by the CDU/CSU and AfD.

There is a consensus among the social democrats, the green party, and the left party that the climate movement, known as the Last Generation, is not an extremist group. This quote from Lukas Benner of the green party is one example of this viewpoint, as it was similarly emphasized by several other speakers.

Abstract 16.

“It is equally clear that the ‘Last Generation’ as a whole, its methods and its goals are not extremist; the President of the Office for the Protection of the Constitution also says so.” (Lukas Benner, Bündnis 90/Die Grünen 20/100 p.12089)

He contradicts the perception of the Last Generation as an extremist organization and the positions of the AfD and CDU that a prohibition of the group should be considered due to its criminality and extremism. Although they may commit minor criminal offenses, it is an exaggeration and a grossly disproportionate response to categorize them as extremist or even a terrorist organization. He supports this argument with the decision of the Office for the Protection of the Constitution. This further demonstrates that this consensus regarding non-extremism exists not only in terms of aims but also in terms of means, although there is no consensus about the legitimacy of both. This distinction enables the understanding of the difference between the perception of a protest as part of the democratic system, although it might be seen as illegitimate, and the perception that it must be condemned per se due to its extremism and attacks on the system.

This incompatibility of the contrary perspectives on the legitimacy of disobedient protest leads to the construction of a narrative in which the Last Generation is criminalized by others when described with the frames explained under 6.2.1 Illegitimacy and 6.2.2 Criminality.

Helge Lindh, a representative of the SPD, expresses concern about the portrayal of the Last Generation as terrorists and states that this depiction is inappropriate.

Abstract 17.

“[B]ecause we are trivializing radical terrorism when we talk about terrorism here. We trivialize right-wing extremist, racist, murderous terrorism. When we talk about the climate RAF, we trivialize the RAF's cynicism and contempt for humanity. And we trivialize jihadist terrorism that despises life.” (Helge Lindh, SPD 20/100 p.12093)

He does not only claim that the comparison of the disobedient protests with the acts of terror of the RAF is illegitimate and therefore criminalizes the Last Generation, but also criticizes the downplaying of real terrorism committed by the RAF, if it is placed alongside the Last Generation. He further argues that this trivializes acts of real terror occurring in other contexts.

Some speakers describe the criminalizing language of others used to depict the Last Generation as a threat. Clara Bünger of the left party articulates this concern and emphasizes the responsibility to be aware of the framing used by the speakers.

Abstract 18.

“ ‘Criminals’, ‘terrorists’, ‘Taliban’ - these are the headlines of the past week. What was meant was the ‘Last Generation’. Violent language - as the AfD's speech has just shown - is often the beginning of violent actions. I think this is irresponsible and dangerous.” (Clara Bünger, Die Linke 20/100 p.12091)

She reframes the narrative that the actions of the Last Generation are a threat to other citizens, but that the use of violent language in the debate, particularly by some speakers in the parliament, is dangerous. She argues that the use of such violent verbal rhetoric can potentially lead to an increase in actual violence.

The highly criminalized frames to describe the Last Generation as extremist and as a threat to the democratic system, as described in section 6.2.2, which are used by the AfD and the CDU/CSU, are supported by false negative propaganda against the group. Some speakers of other political parties highlight how the framing criminalizes the group and makes false claims about the Last Generation in order to support a criminal and threatening narrative and counter it, like Nina Scheer from the SPD.

Abstract 19.

“You are simply blurring cause and effect. [...] you actually have the shamelessness to present the protests that took place on the roads and the traffic jams that occurred, [...] as the cause of the death of a person because the rescue vehicle did not pass. This causal link has not been established; on the contrary, the public prosecutor's office has established that this causal link does not exist. The public prosecutor's office has established that! If you nevertheless claim that such a causal link exists, then who is acting contrary to the rule of law, who is simply claiming such things, who does not care about law and order? That would be you.” (Dr. Nina Scheer, SPD 20/102 p.12343)

She contradicts the statement made by the AfD's representative, who accused the Last Generation of being responsible for the death of a cyclist and used this to justify their argumentation that the group is dangerous and a threat to society. Nina Scheer explicitly states that this is a false accusation, which is even proved by a decision of the authorities. She argues that the AfD is disrespecting the legal system if they do not acknowledge that decision and use this false claim to make propaganda against the Last Generation.

Those who oppose the protests employ frames that include criminalization, false information, and negative propaganda to undermine the Last Generation as a politically active movement.

The speakers who counter those narratives create a framing that presents the movement as being undermined by their political opponents with the aim of discrediting their role in the democratic process. These aims of the criminalized framing to silence the voice of the protesters is expressed by Lukas Benner of the green party.

Abstract 20.

“When we make laws, we also have to make sure that they do justice to the seriousness of the offense. In the future, you want to punish glueing themselves to the street in the same way as sexual abuse of wards, assault on law enforcement officers or prisoner mutiny. That is the range of punishment you are using as a guideline, and

it shows that your demand is completely disproportionate. You want to see activists in custody at all costs.” (Lukas Benner, Bündnis 90/Die Grünen 20/100 p.12090)

He illustrates the disproportionality of the request for increased sanctions, since acts of civil disobedience such as street blockades, would be treated with the same severity as for instance sexual abuse of wards. He claims that the demand for such high sanctions would not be the result of an objective assessment of the severity of the cases, but rather a political goal to imprison the protesters in order to remove them from the public and political discourse, effectively silencing their voices.

The criminalizing frames and the negative propaganda against the climate movement have the effect of degrading the protests, which use civil disobedience, and erasing this means as a form of political participation.

### **6.3 Impact of the Protest**

Almost all parties represented in the parliament agree that the disobedient actions of the Last Generation are counterproductive to the actual protection of the climate. The only party that supports civil disobedience as a form of climate protest is the left party, while the AfD denies the existence of anthropogenic climate change and therefore does not acknowledge any form of climate protest.

The representative of the green party Lukas Benner states that the actions of civil disobedience are counterproductive to the implementation climate mitigation measures.

Abstract 21.

“I find this form of protest counterproductive. I do not think it helps to win social majorities in the fight against the climate crisis. After all, it is absolutely clear that we can only win the fight against the climate crisis if we have political and social majorities.” (Lukas Benner, Bündnis 90/Die Grünen 20/100 p.12089)

This frame of counterproductivity and the blockade of political decisions towards better climate policies is based on the reasoning that the actions of the Last Generation make people lose sympathy for the protection of the climate.

This is closely related to the framing that protests such as street blockades are a burden to the ‘normal people’ as described by Konstantin Kuhle of the FDP.

#### Abstract 22

“The ‘Last Generation’ is turning these protest actions into a huge show that ultimately contributes to nothing other than making climate protection a radical niche issue and causing the middle of society to completely lose its understanding of what climate protection is all about.

If the nurse does not show up for her first appointment in the morning, if the tradesman cannot make his first customer appointment, then they will not say: I identify with this cause.” (Konstantin Kuhle, FDP 20/102 p.12339)

He argues that the public’s sympathy for climate activists is decreasing because their protests are disrupting the daily lives of citizens, rather than targeting particularly policymakers or those most responsible for the environmental pollution. If that happens, the citizens will not identify with the demands for improved climate protection, making it more challenging for politicians to gain support for environmental protection measures.

Philipp Amthor, speaker for the CDU/CSU, claims that the protests of the Last Generation have no positive impact on the climate, as they lack solutions with significant positive outcomes for the climate.

#### Abstract 23

“What is particularly remarkable about this so-called ‘Last Generation’ is the discrepancy between the radicalism of their protests on the one hand and the unimaginativeness of their demands on the other. How do they see the climate crisis being solved? Instead of a 49-euro ticket, a 9-euro ticket, instead of representative democracy, lottery democracy through a citizens’ assembly. And they want to save 2 million tons of CO<sub>2</sub> through a speed limit.” (Philipp Amthor, CDU/CSU 20/102 p.12335)

He expresses scepticism about the discrepancy between their radical protest and their relatively simple demands. The proposed solutions of the Last Generation are inadequate to address the complexity of climate change. The lack of effective solutions makes the protest useless and does not contribute to climate protection. The proposed measures are perceived as ineffective, which calls into question the value of the protest itself. This narrative is also shared by the representatives of the FDP.

#### **6.4 The Persons of the Last Generation**

Furthermore, there are differences in the way the representatives of the various parties describe the individuals involved in the disobedient actions.

As previously outlined in sections 6.2.2 Criminality and 6.2.4 Criminalized by others, especially the speakers of the AfD frequently use terms such as criminals and terrorists, while refusing to identify them as protesters or activists. In contrast, parties that consider the protests or their aims as legitimate perceive the actors as genuine climate activists, engaged in peaceful protest with a prosocial aim of protecting the environment in which we all live.

Nicole Gohlke, a speaker for the left party, defends the protesters as people who truly want to draw the governments' attention to the urgency of the climate crisis.

Abstract 24

“Regardless of how one feels about the actions of the ‘Last Generation’, whether the means of repeatedly blocking commuter traffic is considered appropriate or rather less beneficial to the cause, but to put people who peacefully glue themselves to the streets and essentially want politicians to take the climate crisis seriously in the same league as such violent terrorist and inhuman associations is outrageous and shows the depravity of those who make these demands.” (Nicole Gohlke, Die Linke 20/102 p.12338)

She portrays the individuals engaged in the protests as genuine climate activists, describing their actions as peaceful and highlighting their purpose as essential intention to raise awareness and the governments' attention to the importance of immediate climate action. The narrative of the genuine intention of the activists acknowledges their political engagement and

the effort they have invested in advocating for climate protection. She describes it as inappropriate to compare these individuals with terrorists or to label them as violent criminals. Other parties, particularly the conservatives and the liberals, repeatedly use the term “so-called” activists to describe the persons participating part in the protests. This undermines their status as legitimate activists and supports the narrative that these individuals claim to act for the environment, although they are not. Instead of being helpful in the democratic process, they cause trouble or are criminal actors who hide behind the topic of climate action.

There are more frames that degrade the actors personally in order to discredit their protests. One focuses on the irrationality of the protest and is expressed by Thomas Seitz, AfD.

#### Abstract 25.

“The CDU/CSU's request already suffers from the fact that it begins by paying homage to the climate religion. Only after this kowtowing does the CDU/CSU dare to tackle the danger to the state and society posed by climate criminals.” (Thomas Seitz, AfD 20/100 p.12088)

The activism is described as a form of “climate religion” and thus as an ideology. The aim is to deny the scientific consensus that more efficient climate mitigation measures are urgently necessary. The activists are described as persons who are obsessed with the issue of climate and fail to meet the societal reality with that. The comparison with religion demonstrates the opinion that the protester’s claims are not based on scientific research but are an irrational belief which people blindly follow. This aligns with the AfD’s belief that anthropogenic climate change does not exist and is a conspiracy linked to the renewable energy sector. This establishes a connection to another frame used by a delegate of the AfD to describe the members of the Last Generation.

#### Abstract 26.

“Yes, this climate youth is made up of useful idiots: young, naive, uninformed, controllable, obedient to authority, also caught up in the clan structures around Graichen. The Reemtsma clan is pulling the strings. Agora Energiewende GmbH,

formerly headed by Mr. Patrick Graichen, is linked to it.” (Stephan Brandner, AfD 20/102 p.12332)

The narrative is that of the easily manipulated youth. This is once again particularly illustrated by the AfD, which demonstrates that the party does not acknowledge climate activism due to its denial of climate change. Following this, Stephan Brandner characterizes the protesters as naive idiots who are easily manipulated by the big players of the renewable energy sector to serve their interests. This undermines the ability of young people to participate actively in democracy and targets particularly those young people engaged in climate movements. The objective is to make their voices unheard or not taken seriously.

Another strategy employed by the AfD to degrade protesters of the Last Generation is to depict them in a highly disrespectful manner. This is intended to prevent others from sympathizing with them and supporting their protests. The following excerpt from Thomas Seitz’s speech illustrates this aspect.

Abstract 27.

“On the other hand, we read about a brat, neglected by wealth, who severely damaged the 400-year-old frame of a painting by Lucas Cranach by sticking to it.” (Thomas Seitz, AfD 20/100 p.12088)

The image transported in this excerpt depicts the members of the Last Generation as privileged and ruthless, acting detached from the social reality of the broad majority. This prevents other people from identifying with the protesters, making it difficult for the Last Generation to gain support from the general public.

These frames are extremely degrading and disrespect the persons participating in the protests and their capabilities. This portrayal is not shared by the other parties in the parliament. However, the narrative that the Last Generation is detached from the reality of most people is also shared by other speakers, for example, those representing the liberal party.

The last narrative constructed under the theme of the persons of the Last Generation is that the group is protected by the state, respectively the government parties. This narrative is consequently used by opposition parties, but only those on the right political spectrum, not by

the left party. The following quote from Philipp Amthor, a delegate of the CDU/CSU, demonstrates this perception of a protected movement.

Abstract 28.

“In recent weeks, we have repeatedly asked the Federal Minister of the Interior to clarify this issue - to no avail. And I ask myself: Why is Ms. Faeser not giving us any information on this? Why does she want to go easy on the climate gluers? Why does the Federal Ministry of the Interior, as the prohibition authority, not even make a speech here today?” (Philipp Amthor, CDU 20/102 p.12334)

According to this narrative, the government’s protection prevents that adequate measures against the group are set in place, so that they can act relatively undisturbed, although this space for the execution of civil disobedience should not exist. This undermines the independent legitimacy of the protests, criminalizes the activists, and is the reason why this perception is not shared by the left opposition party. The framing undermines the activists as independent and equal actors in the political discourse by picturing them as if they needed to be protected and that their protest would no longer exist if they were not protected by the governmental parties.

## **7. Analysis of the Newspaper Articles**

The analysis of the twelve newspaper articles lead to the construction of three main themes. The themes consist of categories that describe different aspects or different positions of the themes.

### **7.1 Repression of the Activism by the State Authorities**

The first theme encompasses all the aspects regarding the relationship between state authorities and protests, clustering them into two subthemes. The first subtheme describes the useless consumption of the police forces and judicial capacities by the activists, which results in an overload of the authorities. The second subtheme provides arguments indicating that the state systematically suppresses the protests. This leads to the conclusion that the state authorities repress climate activism.

### **7.1.1 Useless Consumption of Police Forces and Judicial Capacities**

This first subtheme illustrates how the protesters take up many police forces and judiciary capacities. It is emphasized that large police forces are required to respond to the disobedient actions of the protesters, with numerous detentions occurring during these protests. It is criticized that these resources are not available in other situations due to the disobedient acts of climate protests. This narrative of the protests follows the perspective of the police and emphasizes the illegality of the protests, focusing on the detentions by the police.

Heike Anger, journalist for the “Handelsblatt”, starts her report with the frame of the needed police forces for the protest.

#### Abstract 1

“This week, the climate gluers want to paralyze the capital again. According to the Berlin police, around 40 climate demonstrators were involved in the first blockades. 200 officers had to be deployed. The police union (GdP) spoke of ‘senseless and selfish guerrilla actions’.” (Anger 2023, Handelsblatt)

She points out that the number of police officers deployed was five times that of the numbers of protesters. The use of the term “had to” suggests a coercive act by the protesters, who forced the police to react with a large police force in order to remove the activists who glued themselves to the streets. This implies that the activists intentionally cause a burden on the authorities to disrupt the system. The article reinforces the negative connotations used by the police authorities to describe the actions. This description compares their acts to guerrilla activities and calls them egoistic and pointless.

The argument that the climate protests of XR and the Last Generation consume a significant portion of the police forces is also made in the context that those forces are unavailable in other situations. Anger addresses this issue in her article in the “Handelsblatt”.

#### Abstract 2

“Following the attack on Israel by the radical Islamic group Hamas and in view of pro-Palestinian assemblies and riots, particularly in Berlin, the President of the

German-Israeli Association (DIG), Volker Beck, called on the climate campaigners to refrain from their protest actions.

The Berlin police is at its limit, explained Beck. Therefore, climate actions that tie up a lot of police forces are ‘irresponsible’ in view of the necessary protection of synagogues and all other Jewish institutions.” (Anger 2023, Handelsblatt)

The representative of the German-Israeli-Association urges the protesters to refrain from their activities. He describes the disobedient acts as irresponsible, noting that they require large police forces to handle. As a consequence of this overconsumption of their resources, these forces are missing in the protection of Jewish institutions. This indicates that the climate protests have a lower priority for society and should be postponed allowing space for other topics. The disobedient climate protest is perceived as a privileged activity that lacks legitimacy when there are other urgent matters where police forces are needed. The actions are perceived to result in a disproportionate consumption of the resources of the state authorities and lead to an overload of the state’s capacities. This is caused by the protesters, following the described frames, it has no positive outcome and is a useless stress on the system.

This undermines the genuine intentions of the climate protests and attributes the aim of tying up police forces to them. This framing ignores the intention to block the traffic and raise public awareness about climate issues, rather than having the primary objective of being removed by several police officers.

The high number of detentions and police operations leads analogously to a high number of cases related to climate activism in the judiciary system. The effect of the activism on the judiciary is perceived similarly, that the protesters consume many resources in the system.

For their consumption of judicial resources, climate activists are often criticized as they seem to keep the judiciary very busy as Anger (2023) explains.

### Abstract 3

“The German Association of Judges has now published the latest figures on criminal proceedings against climate protesters. According to these figures, the Berlin judiciary is most affected by the activities of climate protest groups. [...]

By the end of September, the Berlin public prosecutor's office had initiated around 2,500 proceedings against members of the Last Generation, and more than 400 against the Extinction Rebellion group. According to the Richterbund, more than 150 judgments have been handed down by the Tiergarten district court.” (Anger 2023, Handelsblatt)

She emphasizes the high number of cases related to climate protests that are brought to the judicial system, particularly in Berlin, as most of the protests take place in the capital city.

She highlights that the judiciary of Berlin is “most affected” by the proceedings against the activists. This places the state authorities in a passive role and frames the protesters as responsible for the high number of cases. This narrative of the protesters affecting the judiciary and taking up its capacities does not address the causes of the protests or the fact that the activists are motivated to take action because the state is not meeting its climate targets. By focusing on the effects of the protests on the state authorities, rather than the intentions of the protesters caused by the authorities, the responsibility for issues arising from the protests is shifted solely to the activists.

Those narratives that promote the authorities’ perspective towards the protests, focusing on the high number of detentions, the large police forces needed, and the amount of cases for the judiciary, are salient in the articles of the newspapers “WeLT”, „The Telegraph” and “Handelsblatt”. This aligns with their political stance on the protests. These newspapers hold conservative and economic liberal views. They emphasize the aspect of illegality, focusing on the reactions of the police and judiciary, and portray a negative image of the climate protests.

### **7.1.2 Suppression of the Activism**

In addition to the strong reactions to the protests, including large police interventions and an increasing number of cases that are brought to court, the legal consequences are becoming more severe. The police reaction, together with the intensifying judicial sanctions and more restrictive legislation has led to a new repression of activism. Charlotte Lytton, writing for “The Telegraph”, points out the tightening of protest rights by the state through legal regulations.

#### Abstract 4

“Over the past two years, the Government has passed two bills limiting civil action (the Police, Crime, Sentencing and Courts Act in 2022 and the Public Order Act in 2023), granting police powers to make arrests if protesters make too much noise, for instance, and making public nuisance offences punishable by up to 10 years’ imprisonment.” (Lytton 2024, The Telegraph)

The British government adopted new laws that restrict protests and that grant greater power to the police to arrest participants in protests. New restrictions of these legal acts include making excessive noise, which can be legally punished by a custodial sentence of up to ten years. These new regulatory provisions have resulted in the criminalization of some conventional forms of protest and simultaneously reducing the scope for civil action. The suppressive measures are particularly targeted to climate protests, as they not only impose harsher sanctions but also require activists to refrain from expressing their concerns about the climate crisis in court. If they do use this for their defense, they will be imprisoned.

Natasha Walter, from “The Guardian”, is extending this argumentative line with an example.

#### Abstract 5

“Not only did she spend more than 30 days in prison for protests, including holding that placard on a grass verge near an oil terminal, the 57-year-old is now facing an unprecedented development, a hearing by Medical Practitioners Tribunal Service this week to decide whether she should be struck off, or lose her licence to practise medicine, because of her criminal convictions for climate activism.

[...] such action against doctors might amount to ‘penalisation, persecution and harassment’.” (Walter 2024, The Guardian)

She points out the harsh sanctions and disproportionate custodial sentence for a woman convicted for a peaceful protest. The criminalization of her as a person goes even further. She could lose her license to practice as a medic because of her criminal reports regarding the protest. However, Walter’s framing makes clear that her reasoning does not support these restrictive measures, because she emphasizes that the action for which the woman was

convicted was entirely peaceful and a calm act of protest, by simply standing on a green space and holding a sign. She supports this narrative of the criminalization of the protesters with a statement from a human rights expert who expresses his concern that these harsh legal sanctions, which affect the private life and right to employment of activists, amount to “penalisation, persecution and harassment” (Forst as cited in Walter 2024).

The state’s repression is not only targeted directly at the activists themselves. Repressive measures are also introduced within the legal mechanisms. This aspect of state interference in the legal mechanism in relation to the trials of the climate activists is explained by Charlotte Lytton in “The Telegraph”.

#### Abstract 6

“Though verdicts have been inconsistent, preserving juries’ power in the justice process is paramount, barristers urge (if the clarification is made today, juries will hear limited evidence about why the damage was caused, restricting their decision-making abilities). That cases of this kind have more often than not ended in acquittals ‘tells us something about what everyday people in society value and want’, says Franta.

The woman at the centre of the Attorney General’s case [...] [describes] it as ‘an assault on the rights of juries to acquit someone having listened to the evidence... I feel like the Attorney General is trying to retrospectively challenge the jury’s decision’.” (Lytton 2024, The Telegraph)

She concludes that it is very important to protect the jury’s ability to make an independent decision after hearing the evidence. The state authorities are now interfering with this right by challenging acquittal decisions made by the juries. The Attorney General wants to limit the possibility for the jury to hear the evidence and the perspective of the climate protesters. Lytton creates the argument that such a restriction in the judicial process would interfere with the jury’s ability to make decisions independently. This undermines the juries’ previous decisions to acquit activists on the basis of their defenses. The fact that many activists convinced juries of their innocence by explaining their reasons for the protests reflects the support that the activists have in society. Lytton frames the state’s attempt to abolish this

option for activists to defend themselves as an interference by the state with the independence of the legal proceedings and an interference with the right to a fair trial for the protesters. Mooney and Gray, writing for the “Financial Times”, portray the state’s restrictive measures as a possible threat to the fundamental freedoms of democracy.

#### Abstract 7

“These changes, which strengthen police powers to restrict protests, to stop and search people ‘without suspicion’, as well as create new offences, have raised questions about civil liberties being encroached.

In January Michel Forst, the UN’s special rapporteur on environmental defenders, criticised the UK’s ‘increasingly severe crackdowns’ on protest. He noted ‘it had been almost unheard of since the 1930s for members of the public to be imprisoned for peaceful protest in the UK’.” (Mooney & Gray 2024, Financial Times)

This narrative is supported by the quote from Michel Forst, the UN Special Rapporteur on Environmental Defenders, who expresses his concern about the crackdown on protests in the UK and other European countries. The adoption of new laws, the restriction of evidence in courts and the increasing use of civil injunctions could have a chilling effect on fundamental rights and democratic freedoms such as the freedom of assembly. State authorities pose a threat to the civil liberties of their own citizens.

Mooney and Gray draw attention to the impact of the state repression on activism.

#### Abstract 8

“Within the legal profession some believe the reforms have harmed people’s confidence to take action. Barrister Adam Wagner said the legislative crackdown was ‘making it hard and frightening for ordinary members of the public to go out and protest’.

‘Instead, you’ve got a more radical element. They are going to prison in quite large numbers now. They will carry on doing what they’re doing. They see themselves as martyrs,’ he said.” (Mooney & Gray 2024, Financial Times)

On the one hand, the restrictive measures prevent some ordinary citizens from joining the protests, which matches Michel Forst's concern that the repression could have a chilling effect on fundamental democratic freedoms. The criminalizing regulations could make people more hesitant to participate and thus hinder political participation. On the other hand, those already involved in the protests are unlikely to stop their activism because of the suppression. Instead, they will become more radical, and the state's repression will catalyze their martyrdom, giving them more arguments to resist the states authorities.

## **7.2 (II)legitimacy of Civil Disobedience as a Means of Climate Protest**

The theme of the potential legitimacy of the use of civil disobedience in climate protest is divided into two contrary narratives. First, its justification is based on the climate crisis and its urgent need for action and second, the protests and their means are not justifiable.

### **7.2.1 Justified on Grounds of the Climate Crisis**

The first narrative, the possible justification of disobedience in climate activism, is supported by different arguments. Firstly, there are ethical reasons that justify such actions. Secondly, there is the argument that governments are failing in their duties, leading to the need for civil action, and thirdly, the legitimacy of disobedient protest is supported by judicial decisions.

Carlotta Kuhlmann draws the attention to the justifiable aims pursued by the protesters which lead to the ethical justification of disobedience.

Abstract 9

“XR activist Keul is a teacher [...]. He says that it is precisely in this role that he feels obliged to draw attention to the climate catastrophe. After all, he has sworn an oath to the constitution. ‘This oath of office obliges me to stand up for the protection of society. And the climate catastrophe that is rolling towards us calls exactly that into question’.” (Kuhlmann 2024, taz)

By reproducing Keul's statement that it is not only justified, but even his duty as a teacher to stand up against the climate crisis, she supports the narrative that the aims of climate protests are generally justifiable. The severe impacts of climate change question the security of

society. The climate protests intend to make changes to protect society and therefore have a reasonable higher social aim.

A journalist from “The Telegraph” also uses the line of argumentation of the justifiable aim of the protests, emphasizing the serious threat and damage that climate change poses to society.

#### Abstract 10

“A report last month from the World Economic Forum concluded that by 2050, climate change would result in \$12.5 trillion of economic loss globally, and cause an additional 14.5 million deaths.

‘That itself is enormously disruptive,’ Franta says. ‘Who’s enacting the violence here on a greater scale? Is it the protesters who are breaking some windows? Or is it the government ministers, who are ensuring that entire countries become uninhabitable?’

He adds that property damage caused by activists is, by comparison, ‘basically insignificant’.” (Lytton 2024, The Telegraph)

To illustrate the general justification for climate protest, she emphasizes the economic damage and deaths that will be caused by climate change. The threat and disruption caused by climate change is disproportionately greater than that caused by the protests. Based on this framing, she questions who is committing the more violent acts. In consideration of the threat that climate change poses to society, the violence of the protesters becomes insignificant. However, the real and enormous threat of the climate crisis is not sufficiently addressed by governments. From the ethical reason for climate protest and the state’s inaction, she concludes that politics and governments are neglecting their duty to protect their citizens. This is the second line of argumentation that justifies the disobedient climate protests and is expressed by Damien Gayle, who writes for “The Guardian”.

#### Abstract 11

“The protest comes in the same week a report found none of the big fossil fuel producing countries in the region had plans to stop drilling soon enough to meet the 1.5C (2.7F) global heating target set by the Paris climate accords. [...] ‘The governments of these six countries are permitting new fossil extraction infrastructure,

harming not only the North Sea ecosystem, but also committing the whole world to dangerous levels of warming’.” (Gayle 2024, The Guardian)

He emphasizes the fact that the governments of several European countries are failing to meet the requirements of the Paris Agreement, and that some are even acting contrary to it by expanding their licenses for fossil fuel production and new infrastructure needed for it. This clearly presents the narrative that the governments are the actors who are breaking the law by not aligning their policies with the legally binding targets of the Paris Agreement. By failing to meet their plans to stop drilling, they are posing a serious threat to the entire world’s population through the harm they are causing to the North Sea ecosystem and their contribution to global warming.

Writers for the “Financial Times” describe the third argument illustrating the justification for the protests, which relates to judicial decisions. Mooney and Gray point out that many of the verdicts made related to climate protest are handed down without convicting crimes.

#### Abstract 12

“Of about 160 verdicts tracked by campaign group Plan B involving environmental protesters since 2019, three-quarters resulted in either not guilty verdicts or hung juries.

The cases included that of six XR activists who were found not guilty by jurors for criminal damage to Shell’s headquarters even after the judge ruled that five of them had no defence under the law.” (Mooney & Gray 2024, Financial Times)

They draw attention to the fact that most verdicts against climate activists are not guilty, even though some of them had no defense. This frames the acts of civil disobedience as a legitimate form of climate protest because the legal mechanisms of democracy cannot prove their illegitimacy. The reason for this is the justification of the means of protest by the seriousness of the threat of the climate crisis.

Another line of argumentation for justifying civil disobedience as a form of climate protest is that the activists have exhausted all other means, as described by Natasha Walter of “The Guardian”.

## Abstract 13

“Years ago, when Dr Sarah Benn recognised the scale of the climate crisis, she made sure that she was doing all the right things. She recycled, she went vegan, she stopped flying, she voted Green, she signed petitions. It was because she didn’t see real change happening, despite doing all those things, that she then went further. She glued her hand to a building. She sat down in front of an oil terminal. And she stood on a grass verge with a handwritten sign, saying, ‘Stop New Oil’.

Benn’s story will be pretty familiar to anyone with a passing interest in the current wave of climate protest. This wave grew out of deep frustration with existing avenues for change.” (Walter 2024, The Guardian)

The reason why protesters join disobedient actions is that they have tried all other paths without success. This creates the narrative that disobedient protest is a justifiable matter of last resort because the existing mechanisms for participation and demands for change have not worked and have proven insufficient to address the climate crisis. Because corporations and governments knew about the problem and have failed to act, it is necessary for citizens to demand change. Since the protesters have not been heard through the legal channels of political participation, the only option left is disobedient protest, which cannot be easily ignored due to its disruptive effects.

The framing of civil disobedience as a legitimate form of climate protest is salient not only in the newspapers belonging to the left of the political spectrum, as one might expect, but is used in several articles of newspapers with different political positions. The media articles are more critical of governments neglecting their duties to protect the environment and are less critical of disruptive actions and unconventional or illegal means of protest.

Lytton addresses the frame that civil disobedience is justified based on the acquittals of many protesters. The Attorney General challenges the defense that many activists have used to prove the legitimacy of their disobedient actions.

#### Abstract 14

“Today, a hearing at the Court of Appeal may define the future of civil disobedience. As a string of climate activist trials reach the courts, a defence used to acquit many of those charged could soon be cut off. [...]

Today’s [Feb 21] clarification will address what the law describing ‘destruction or damage and its circumstances’ really means. [...] many [activists were] acquitted on the basis that some harms are permissible if they absolve greater ill, like breaking the window of a hot car if a dog is inside.” (Lytton 2024, The Telegraph)

This defense is based on the argument that some harm can be justified in order to prevent greater harm. This is the claim made by the climate activists that they need to raise awareness so that the climate crisis is taken seriously. As explained above, the activists have exhausted all other means that would not cause disruption or damage. Furthermore, the damage caused by the disruptive protests is insignificant compared to the harm that will be caused by climate change. While she does not generally question this concept of some permissible harm to prevent worse, she leaves it to the court to decide whether this argument legitimizes the disobedient climate protests. In other words, her reasoning generally acknowledges the concept of civil disobedience, but does not take a stand on whether the climate crisis constitutes a greater harm that could justify disobedience.

### **7.2.2 Unjustifiable Protest**

The contradictory position to the justification of civil disobedience uses several arguments to defend its standpoint on the illegitimacy of the protests. The first excerpt addresses the defense strategy used by protesters to be acquitted and to legitimize their actions. It is written by Charlotte Lytton in “The Telegraph”.

#### Abstract 15

“The court ruling that could stop eco-protesters escaping punishment” (Lytton 2024, The Telegraph)

She describes the acquittal of climate activists as an “escape”. Escape usually refers to an unauthorized or illegitimate exit. Although she does not directly describe the acts of disobedience as unreasonable, the framing that the protesters are escaping the consequences leads to the conclusion that they are perceived as unjustified. It is worth noting that this quote is the headline of the article and puts this narrative in a special spotlight. Being used as a headline, this frame becomes the most important and memorable frame. Lytton supports this narrative later in the article.

#### Abstract 16

“Extinction Rebellion activists [...] had shattered windows at HSBC’s European headquarters, at an estimated cost of £500,000. While the defendants accepted they had caused the damage, the broader point – protesting against the bank’s investments in coal – made them justified in so doing, they said. The jury acquitted all nine.

‘The defence is being used for a purpose never intended or anticipated by the legislators,’ according to Hobson.” (Lytton 2024, The Telegraph)

She links the acquittal of the protesters, although they caused financial damage to the bank, with the opinion that the protesters are using the law in a way that was never anticipated by its initiators. The defense of the protesters exploits the legal provisions and uses them to avoid the legal consequences of their actions. This frames the activist’s defense as illegitimate and implies that they are interpreting the law in an inappropriate way.

Another narrative that undermines the justification of the forms of climate protest, is demonstrated by Koenen and Neurer in the “Handelsblatt”.

#### Abstract 17

“ ‘Climate protection needs solutions for society as a whole: Innovation instead of prejudice,’ says Ralph Beisel, Managing Director of ADV. The transformation of aviation into a sustainable mode of transport has long since begun with clean fuels, hybrid technology and hydrogen-based propulsion systems.” (Koenen & Neurer 2023, Handelsblatt)

It frames the climate activists as people who are heating up the debate by creating stereotypes and prejudices about certain industries. The quote of the manager of the German Airport Association which is reproduced in the article frames the protests as unjustly targeting this industry and not paying attention to the needs of the whole society. Instead of disruptive protests, there should be more focus on innovative technologies, where the aviation industry is already making progress. This leads to the narrative that the disruptive protests are not fair, detached from society and therefore not a justifiable form of protest.

Another narrative against the justification of the protests is the illegitimacy of its means, which is expressed by Charlotte Lytton.

#### Abstract 18

“But concern about the climate ‘is not a licence for defendants to engage in vigilante action’, explains Sally Hobson, criminal barrister at London chambers the 36 Group. ‘Nor is it a licence for defendants to impose their own views on others under the pretext that those others would have agreed with them’.” (Lytton 2024, The Telegraph)

She reproduces the frame of the protests as vigilant acts because the activists impose their own views on others. To do so cannot be justified by the threat of climate change. If the protesters use the defense in court that the targeted companies would have agreed to the damage caused by the activists if they truly understood the risks of climate change, they do impose their own view on others, according to Lytton. That opposes democratic values and undermines the freedom of thought of others, because the group imposes their own views on the companies.

Therefore, this narrative also emphasizes the illegitimacy of the disobedient protests and degrades the activists by framing them as vigilant.

The narrative of the protesters being criminals that expresses the wrongfulness of the protest actions the strongest, is demonstrated in the article of Koenen & Neurer in the “Handelsblatt”.

## Abstract 19

“If criminals manage to enter security-relevant areas here, we have significant security gaps.

Fiedler warned: ‘Anyone who manages to get onto runways and near aircrafts with glue can also do so with explosives.’ [...]

SPD politician Fiedler called the climate activists ‘criminals’ who were doing more harm than good to climate policy. ‘In this respect, they are not only liable to prosecution, but also stupid’.” (Koenen & Neurer 2023, Handelsblatt)

They highlight the safety issues of protesters entering security areas and create the narrative that the activists are a danger to that safety. It is said that their unauthorized entry demonstrates a lack of or dysfunctioning of security measures. This implies that the activists constitute a threat to this safety and that those actions need to be prevented. This is underlined by the connection drawn between the entrance with glue and the entrance with explosive materials. This associates the climate activists with violent actors or possible terrorists, emphasizing the potential threat posed by them. This narrative is further developed by framing the activists as criminals who are committing criminal acts and should be prosecuted. The reproduction of the quote by the SPD politician goes even further, calling the protesters stupid for committing criminal offenses without having a positive impact on the climate.

The narratives that portray the disobedient acts as illegitimate are most salient in the two newspapers “Handelsblatt” and “The Telegraph” but are not present in the newspapers that are more aligned with the left or green political spectrum.

### **7.3 Attention to the Protest Form rather than the Climate Crisis**

The final theme identified from the coding of the newspaper articles is that the public’s attention is primarily focused on the protest form of civil disobedience rather than the climate crisis itself, which the protesters are trying to draw attention to.

In her article for the “taz”, Anastasia Zejneli addresses this effect of the disobedient protests.

## Abstract 20

“The high costs, which the public loves to be outraged about, were caused by dried paint stains on the upper part of the columns. The cleaning company was only able to remove them with a lifting platform and scaffolding. [...]

But is it worth the hundreds of thousands of euros in cleaning costs? Who do we want to preserve the Brandenburger Tor for in the centuries to come? Accepting a few splashes of paint on the sandstone, even welcoming it as a symbol of the fight against the climate crisis and providing money for climate investments, would have been the more reasonable solution.

Instead, as is so often the case, the Last Generation faces the same problem. The action itself, the civil disobedience, overshadows the actual motivation of their action: to warn of the climate crisis.

In the end, a court deals with open-pored sandstone and paint removal paste and not with the actual goal of the action.” (Zejneli 2024, taz)

She illustrates how the discourse surrounding the protests is primarily concerned with the form of protest rather than the issues that the group wants to highlight. The general public is upset about the cleaning costs, while the courts discuss cleaning materials instead of the lack of action by states in the climate crisis.

The authorities promote this shift of attention from the climate issue to the disobedient actions. Instead of making an effort to eliminate the marks of the actions, it would have been more effective to leave them as a symbol for the fight against the climate crisis and to invest the money in the protection of the climate. If financial resources are allocated to the preservation of cultural monuments, it is only logical to do so if there is a future for which it can be preserved. This narrative justifies the disobedient protest by criticizing the public and authorities for failing to prioritize the climate crisis. It frames the actions taken by the state as ineffective and questionable rather than questioning the legitimacy of the activism.

In the parliamentary debate, the same issue of focus shifting from the issue of climate change to the form of protest is raised in several speeches. The majority of these speakers concluded that this form of protest is counterproductive. However, Zejneli argues that this shift in attention does not necessarily imply that the protesters' choice of form of protest is wrong.

Instead, she presents it as a decision made by the public, rather than as the responsibility of the protesters in choosing this means of protest. Nevertheless, she questions the effectiveness of the disobedient protests due to the described shift of attention to the protest form.

An illustrative example of how the debate is redirected towards the discussion of the disobedient form of protest is given in the article of Robert Shrimmsley in the “Financial Times”. The commentary is written in a sarcastic style and focuses on the acts of climate protests in art museums. As a consequence of this, it is not possible to integrate his statements into the previously conducted analysis in a coherent manner. Instead, it now serves as an example to this theme. It is to remark that the use of sarcasm throughout the entire article and its focus on the relationship between the protests and arts avoids a discussion of the content of the protests. It degrades the activism and its demands by not taking them seriously. The article depicts the actions as a “carnival” according to the protest paradigm (Vlazakis, 2022), as it describes the acts of the protesters as incoherent and remains silent on the topics that are the reasons for the actions.

First, Shrimmsley presents the protests as staged performance shows and emphasizes the artistic effort that the activists put into their actions.

#### Abstract 23

“Surely though the time has come to recategorise these protests as art themselves. They have drama, they have performance. Real effort goes into the staging. And the protest is always filmed, showing a deeper understanding of their visual appeal.”  
(Shrimmsley 2024, Financial Times)

This sarcastic labeling of the protest only as an art performance ignores the intentions and demands of the protesters. The article fails to acknowledge the connection between the protests and climate change. Instead, it creates the narrative that the activists are seeking the spotlight and are driven by a desire for personal recognition.

Furthermore, he proposes the integration of protest actions into the art business, suggesting that such incorporation offers an opportunity to make financial benefits out of them.

## Abstract 24

“Eventually, once the requisite glass screens had been put in place, other museums would want to make their own works available for protest. Smart curators would see the possibilities for further incorporating classic art into the performance. Why not plumb-in Marcel Duchamp’s inverted urinal to help speed the clean-up process?”  
(Shrimley 2024, Financial Times)

This excerpt frames the disobedient acts as potential for curators to liven up their exhibitions and attract a broader audience. In this narrative, the protests become normalized actions that are part of performances, thereby losing their disobedient character. In addition, the perspective of the activists is completely left out. The commentary does not discuss the intentions, issues, topics or demands of the activists. Instead, it presents a narrative that is doing the opposite. He employs sarcasm to create a framing that is contrary to the views of the protesters and degrades their positions as activists. Rather than addressing the demands for change raised by the activists and essential for climate protection, he proposes changes in the perceptions of the protests so that they become normalized and perceived as art. This approach allows him to avoid dealing with the actual issues of climate change and the protests that have emerged due to the lack of solutions to that problem.

## **8. Discussion of the Analysis**

The first of the arguments presented in the analysis of the parliamentary debates is that the disobedient acts pose a threat to democracy, the constitution, and the economic order. Narratives that support the position of incompatibility between civil disobedience and democracy emphasize the undemocratic behavior of the activists, their violation of the constitution, and their intention to change the economic system. These framings relate to the second perspective towards civil disobedience, as outlined in chapter 2.1 after Pfahl-Traugher (2023), which describes this form of protest as incompatible with democracy because it is perceived as a threat to this same system and aims to overcome the current political or economic order.

The opposing argument denies this position of incompatibility. The protest is framed as not threatening the system because the system is capable of reacting to the disobedient actions.

The denial of this perspective of incompatibility frames the protests as taking place within the scope of democracy. This does not necessarily mean that it is perceived as positive or productive.

The left party describes the disobedient protests as an improvement for the democratic process, a driver for change, and a fundamental right to protest that must be protected. It is noteworthy that the left party is the only party that acknowledges and employs the term civil disobedience to describe the disruptive climate protests by the Last Generation. No other party relates the acts of protest to the concepts of civil disobedience. Consequently, the left party is also the only party that relates to theories regarding the protest form. Referring to the concept of civil disobedience as developed by Jürgen Habermas, the left party follows the liberal approach described in chapter 2.1 after Flam (2023) and Pfahl-Traughber (2023), which recognizes civil disobedience as a legitimate component of the democratic system, based on moral arguments.

The salient narrative in the political debate about the illegitimacy of civil disobedience through its illegality is clearly related to the first perspective outlined in chapter 2.1 after Pfahl-Traughber (2023) and Schwarz (2023). The narrative describes the disobedient acts as illegitimate due to their lack of respect for democratic rules. According to this narrative, illegality and non-compliance with laws inevitably lead to the conclusion that civil disobedience cannot be accepted within the constitutional order and is therefore necessarily incompatible with democracy. This perspective is further illustrated by the parties AfD, CDU/CSU, and FDP, which frame civil disobedience as criminal, radical, and terrorist. It is to remark that the AfD does not recognize the actions as forms of protest, but rather as criminal, radical, and terrorist activities. That is rooted in the fact that the AfD denies the existence of anthropogenic climate change and therefore does not approve any form of climate protest. In contrast, the parties Bündnis 90/Die Grünen, SPD, and Die Linke follow a narrative which suggests that the protests might be justified. The first frame in support of this position is that the objectives of the protesters are justifiable because climate change requires immediate action, and the state actions are insufficient. However, there are different opinions within those parties regarding the justification of the means used in the disobedient protests. An additional narrative that potentially justifies the protests is the criminalization of the activists by others. This is directly targeted against the previous narratives that frame the protests as

inevitably illegitimate and criminal. According to this narrative, the criminalization and false propaganda used to depict the non-extremist group serve to undermine and silence the voices of the activists.

Furthermore, the narrative of the protest's counterproductive impact on climate protection is shared by almost all parties, with the exception of the left party, which supports civil disobedience as a catalyst for change, and the AfD, which simply denies any form of climate protest. The narrative of counterproductivity is illustrated by the argument that the protests hinder political majorities because they cause a negative perception of climate action in society. Another frame within this narrative is that the actions just cause trouble but do not suggest constructive solutions. As previously stated in chapter 2.2, this typical criticism of democratic disobedience demonstrates a lack of comprehension about this model. Democratic disobedience is not intended to provide solutions, but to initiate reengagement in the deliberative process and to overcome democratic deficits. This aims to draw attention to a particular issue, which serves to open up a space for discussion within the deliberative process on how to solve this issue (Markovits 2005).

The first theme that was created in the analysis of the media sets its focus on the relationship between the protests and the state authorities. The first narrative portrays the protests as useless and unnecessarily consuming the authorities' resources. By taking up police forces and stressing the capacities of the judiciary, the activists are framed as responsible for the issues arising from the protests. The frames adopt the perspective of the authorities and emphasize the illegality of the protests. This position is largely supported by the newspapers "WeLT", "The Telegraph" and "Handelsblatt", which have a more conservative and economic liberal stance. Due to its focus on illegality, this narrative is orientated on the first perspective towards civil disobedience, which perceives those protests as incompatible with democracy because they disrespect the rules of the system (Pfahl-Traugher, 2023). However, the second narrative regarding the states' relationship to the protests is contradictory and explicitly criticizes the state for its repressive responses to the protests. This narrative depicts the state as an oppressor of the activism. The arguments that illustrate this narrative indicate that the state is criminalizing the protest through the adoption of new laws and harsher sanctions, which have the effect of repressing the protests. This has resulted in the activists becoming

personally criminalized to the extent that it affects other aspects of their lives. Secondly, the state has implemented repressive measures within its own legal system. By abolishing a successful strategy of defense in the courts that was previously used by the activists, the state does not only restrict their possibilities for defense and question the right to a fair trial for the convicted persons, but also limits the capacity of juries to make independent decisions. A third argument underlining this narrative of the suppression is the concern about the protection of democratic liberties and opportunities for civil action. The repression can have a chilling effect on the political participation of its citizens and their right to protest. This ultimately threatens the democratic liberties of the state's own citizens.

The second theme includes two contrasting narratives regarding the potential justification of civil disobedience as a form of climate protest or its illegitimacy. The first narrative, which is salient in several articles from different newspapers, describes the protests as justifiable due to the urgency of the climate crisis. This is structured with four different arguments. Firstly, there is a necessity for civil action on ethical grounds, which relate to the argument in favor of the justifiable aims of the protests. Secondly, the protests are justified because the governments are failing to comply with their obligations to meet climate targets and to fulfill the requirements of international treaties such as the Paris Agreement. The governments' failures to take adequate action constitute democratic deficits that the disobedient protests aim to overcome by triggering the necessary actions. The narrative of legitimacy is supported by judicial decisions which acquitted many climate activists. The final frame within the narrative of the justifiable disobedient protests is that the activists have exhausted all other means of protest and political participation that are legally provided and now use disobedient and disruptive acts as a matter of last resort.

In contrast, the next subtheme presents the protests as unjustifiable. Arguments in support of this position claim that the acquittals of protesters are illegitimate and that the protest acts are unfair. Further, they argue that the actions support stereotypes, cause prejudices and are detached from the realities of society. The means of protest are framed as illegitimate and vigilant because the activists ignore the majority's decisions and attempt to impose their views on others. This framing aligns with the perspective of illegitimacy due to illegality (Pfahl-Traughber, 2023) that such acts of protest are not accepted in a democratic state and are framed as criminal.

Lastly, there is a shift of attention to the form of protest rather than the issue of climate change itself. This is described by two contradictory frames. One perspective depicts the shift in attention itself as problematic, whereas the other portrays the protests as a carnival, according to the protest paradigm (Vlazakis, 2022). This latter framing serves to undermine and degrade the protests and their claims by not taking them seriously. This is particularly demonstrated in the article of Shrimley (2024) in the “Financial Times“.

A comparison of the two analyses of the data sets reveals that the framing of civil disobedience as a form of climate protest by politicians is significantly more critical than that found in newspaper articles. A consensus exists among the majority of political parties in the German parliament, with the exception of Die Linke, regarding the illegitimacy of disruptive and disobedient acts that are not within the scope of legality. In contrast, the newspaper articles provide a broader range of narratives, sometimes even within the same article. The press is more critical of the government’s actions. On the one hand, the media criticizes the state’s failure to comply with climate targets and sufficient action for climate protection. On the other hand, the newspapers criticize the state’s suppressive measures against protests. In doing so, the press fulfills its role as a fourth power within the separation of power of the constitutional state. The critical contributions of the press to the deliberative process serve to control the actions of the state authorities and the three powers of the legislative, executive, and judiciary, which are all involved in the repressive measures against climate activism (Schneider & Toyka-Seid, 2024). It is remarkable that the discourse in the media is much more diverse and neutral about the justification of civil disobedience as a form of protest than the politicians in the German parliament. The negative and criminalizing rhetoric makes it easier for the state authorities to justify repressive measures against the citizen’s protest.

This affects the protection of human rights in two dimensions. Firstly, it is a threat to the right to protest, the freedoms of expression, peaceful assembly and association. The negative and criminalized framings, which are mostly used by politicians, but are partially also reproduced by the press, support and legitimize the state’s repression of climate activism. This hinders citizens in the enjoyment of their civil rights and liberties and poses a threat to their political participation, which is a fundamental aspect of democracy. If these rights are not guaranteed by the state anymore, democracy is threatened. The criminalization and degradation of

climate activism undermines their fundamental rights and can have a chilling effect on their political participation. Secondly, if the voices of climate activists become silenced and there is no civil action opposing the failures of the government to effectively mitigate climate change, the violations of human rights widen considerably. The fundamental rights of many people worldwide will be violated due to the effects of climate change and the government's failure to protect citizens from those dangers as outlined in chapter 3.1 (UN, 2021).

In general, there is very little reference to theories of civil disobedience throughout the entire data. The only reference to theoretical concepts relates to the liberal approach by Habermas. It is notable that the debate is largely centered on the illegitimacy of the protests due to their illegality or on the justification of the protests based on the righteousness of the cause and the ethical reasons to combat climate change. However, the democratic function of civil disobedience, as described in chapter 2.2 after Markovits (2005) and Celikates (2023), and the radical democratic approach to civil disobedience are not addressed. As previously discussed in chapter 4.3, Extinction Rebellion and the Last Generation adhere to a complementary approach to the liberal and democratic conception of disobedience. However, the public perception of disobedient acts lacks comprehension, particularly with regard to the democratic reasoning, based on the democratic deficits in the system, that can justify acts of civil disobedience.

## **9. Conclusion**

From a radical democratic perspective, civil disobedience is perceived as an important tool for political participation in a representative democracy. Civil disobedience can help to overcome democratic deficits that occur in the implementation of a representative democracy and balance distortions in the democratic process, where other means of participation are not sufficient.

The right to freedom of expression and the freedom to peaceful assembly, as enshrined in international human rights law, protect civil disobedience as a form of protest. It is therefore obligatory that this right is upheld.

Given the serious threat posed by climate change to the enjoyment of human rights globally and the failure of governments to adequately address this threat, as proved by reports of the IPCC, the evaluation of the CAT and the decision of the ECtHR in the case *Verein*

*Klimaseniorinnen Schweiz and others v. Switzerland*, civil disobedience can be considered a justified tool to address states' omissions.

One important element of the repression of political activism is the framing employed by the press and political actors to portray the protesters. The objective of this analysis was to identify the most prevalent frames used to describe civil disobedient climate protests in Germany and the UK and to uncover the narratives they are creating. This was led by the research question: "How do politics and the media frame disobedient climate protest and what narratives do they create?" Examining the political framing within the German parliament, it becomes evident that the most prevalent framing is against the justification of any use of civil disobedience as a form of protest. The protests are typically not acknowledged as civil disobedience or as a legitimate form of political participation. Instead, they are often described as illegitimate, criminal, and counterproductive. The protests are depicted as incompatible with democracy and as necessary to be prevented. The press, in the UK and Germany, offers a more diverse range of narratives than the German political discourse. Some articles also partially support those critical and criminal frames, but there are more narratives that also highlight the importance of civil disobedience in the democratic process and criticize the governments for their repressive measures against the activists. It is noteworthy that the media broadly recognizes the actions of groups like XR and the Last Generation as forms of civil disobedience and political participation, regardless of its justification. In contrast, the framing of the political debate in Germany mostly denies the perception that the disobedient acts constitute a form of political participation and are not even called by the term civil disobedience but are described as criminal acts.

While the press presents the protests in accordance with the theoretical concept of democratic disobedience, the political framing denies this approach. The framing of the protests as illegitimate, criminal, and counterproductive undermines the political function of this means of protest and degrades the activists to the status of criminals. Such frames are used to justify repressive measures against climate activism. This suppression is silencing the activists' voices and restricting the space for political participation. The repressive measures employed by the states to prevent acts of civil disobedience are a threat to the fundamental rights of the freedom of expression, the freedom to peaceful assembly and association, and have a chilling

effect on the democratic process. The critical framing of the debate reinforces the government's adoption of measures that threaten the healthy functioning of democracy.

Michel Forst, UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, summarizes the use of negative and criminalized framings by the media and political actors as a threat to the right to protest and to fundamental freedoms in democracy. He urges the state authorities to implement measures against the criminalization of activists and to reconsider the narratives that portray them as a threat to democracy. He further advocates that civil disobedience in protest should be acknowledged as an aspect of the healthy functioning of democracy (Forst, 2024). The findings of the previous analysis support the concern expressed by Forst (2024) that environmental activists are not only fighting for the health of the planet but also against the repression of the governments. One dimension of this repression is the negative framing of the protest in politics and the media. For this reason, we should be aware of the framings and their implications that are used in the debate. It is necessary to counter the criminalization of environmental defenders and their activism also in our language. To do so, it is important to expose and raise awareness of the inappropriate and criminalizing frames, as it is done for example by the works in the photo exhibition on the German unword "climate terrorists" shown in the introduction and which inspired this work.

### **Reflexivity and Limitations**

As a qualitative researcher, I am aware that the work I conduct is inherently subjective. The process of creating the themes and patterns in the Thematic Analysis is actively conducted by the researcher, and therefore influenced by their personal background. During the process of conducting research, analyzing, and interpreting the data, my work is shaped by my background as a student of human rights and democratisation, as well as my sympathy for climate protests in general. This work is based on the understanding that climate change poses a serious threat to human rights, which requires immediate action. Furthermore, it is based on the theoretical concept of civil disobedience as political participation, as outlined in Chapter 2. The analysis of civil disobedience in democracy and its framing by politics and the media is based on theoretical frameworks and aligns with the perspective of other human rights experts. Nevertheless, the intention is not to claim that this approach is the only reasonable one on this topic.

Given the limited scope of this thesis, only one dimension of repression, the media and political discourse on civil disobedience as a form of climate protest, could be addressed and the other three dimensions of repression of environmental defenders as monitored by Michel Forst (2024), are not included. In future research, it would be valuable to also consider the dimensions of legislation, law enforcement, and the courts in order to analyze the measures taken against climate activism. It should be noted that the scope of this work permitted a focus on mostly one country, Germany, and the inclusion of an international perspective in the analysis of the media articles. This could be extended by the inclusion of the political discourse in the UK in the analysis and an analysis of the framings used by political actors and the media in other countries. This would provide a comprehensive understanding of the situation of environmental activism internationally. The next step to further develop this research would be an examination on the effects that are caused by these framings and how it affects the activist, the audience and the states actions.

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