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"In law we trust but…": Legal consciousness and the role of law according to students and climate activists

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Abstract

The environmental movement has a tradition of civil disobedience, direct action, and disruptive activities, raising concerns about the balance between the urgency of environmental activism and democratic principles. Drawing on the thematic analysis of 49 semi-structured interviews (24 students and 25 activists), this article explores how university students and environmental activists based in Portugal, Spain, Italy, Poland, and Lithuania perceive the role of law in environmental activism. Findings indicate that participants recognise Law as both a supportive tool for civic engagement and an oppressive force that criminalises dissent and prioritises economic interests over ecological justice. Their perceptions of the role of law are multifaceted and complex, reflecting trust, tactical use, resistance, and delegitimisation. Interviewees highlight the law's "ecological blindness" and advocate for recognising the rights of ecosystems. This study enhances understanding of how students and activists engage with, resist, and reimagine the law in the context of ever-increasing climate crises.

Keywords

Environmental activism; social movements; legal consciousness; environmental justice; environmental law.

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1. Introduction

In the face of the growing climate threat, climate governance remains mostly top-down, high-level, and elitist, and it often fails to incorporate meaningful public participation (Doelle and Majekolagbe 2023). Also, the effectiveness of indirect democratic participation through elections is increasingly questioned by citizens frustrated with the government's inaction (Gaborit 2020), leading climate activists to engage with the law and adopt other forms of action in response to the urgency of the climate crisis. The choice of protest strategy is neither random nor neutral, but shaped by considerations of efficacy (Jasper 1997). Some activists believe that the legal system can offer solutions to the climate crisis (Viglione 2020) and are creatively challenging the judicial system through litigation. Climate litigation is gaining popularity among young people and is becoming more common worldwide (Cameron and Weyman 2022). An example is the Case of *Duarte Agostinho and others vs Portugal and others* (2024), brought before the European Court of Human Rights by six young Portuguese applicants against 33 countries. This case illustrates the growing engagement of young people in climate litigation and the increasing visibility of youth-led strategies, even though it was declared inadmissible due to the non-exhaustion of domestic remedies. Other activists prefer to engage in "legally and socially tolerable" activities, such as non-violent civil disobedience, which has become an increasingly accepted form of protest against greater injustices (Lemons and Brown 2011). However, due to legal challenges, defeats, the lack of significant policy changes, and the persistence of perceived injustices, other activists are becoming increasingly inclined to adopt more confrontational and disruptive tactics (Fritsvold 2009, Ryall 2023).

In democratic societies, the rights to freedom of expression, assembly, and association are crucial to environmental activism and are formally protected by legal frameworks, such as the Aarhus Convention, but activists' actions are often treated as criminal offences. Disruptive actions aimed at protecting the environment often result in criminal records, shifting the focus from ecological concerns to the criminalisation of protest. In European countries, there is no link between activism and eco-terrorism, as seen in the US (Spadaro 2020), but in some countries, governments and law enforcement agencies are criminalising protests as a means to silence activists, and employing abusive punitive measures, as seen in the UK (Corry and Reiner 2021, Kythreotis *et al.* 2021). According to the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, the persecution of activists threatens democracy and human rights. Therefore, instead of criminalising activists engaged in peaceful protests and civil disobedience, authorities must address the root causes of their mobilization and uphold their rights to freedom of expression and assembly. Any state response must prevent the disproportionate criminalisation of environmental activism, avoiding the conflation of peaceful disruption with criminality or extremism. The media and citizens also play an important role in promoting informed public debate, recognizing the legitimacy of peaceful protest, and avoiding activists' stigmatization (Forst 2024).

Concerns about the criminalisation of activists led us to explore how students and activists view the role of law in environmental activism. To our knowledge, few studies have examined the perceptions of the law's role in activism. Fritsvold (2009) applied the categories of legal consciousness theory—before, with, against the law—focusing on the

US and the role of civil disobedience and lawbreaking within the radical environmental movement. The author identified that the legal consciousness of radical environmental activists extends beyond traditional categories and introduced “Under the Law,” a perspective viewing the law not only as unjust but also as an active instrument of repression designed to sustain an inherently illegitimate social order. Similarly, Halliday and Morgan (2013) applied these legal consciousness categories and cultural theory to analyse secondary data on radical climate activists in the UK. The authors identified a narrative in which organised groups reject the legitimacy of the law. Law is seen as a villain, yet also as a tactical tool that can be used strategically. Radical environmental activists base their actions on higher ethical principles and collective solidarity, but they are organisationally vulnerable, exposed to state repression, and marginalised by institutions.

Socio-legal studies have shown that environmental activists may relate to law not only as an instrument of repression, but also as a source of order or strategy, suggesting the limits of classical legal consciousness categories (Fritsvold 2009, Halliday and Morgan 2013). However, little is known about the shared experiences and perceptions of activists and students from various European countries regarding the law’s role in environmental activism, and through an interdisciplinary lens.

To address this gap, we conducted a multi-sited qualitative ethnographic study aimed at extending our knowledge of legal consciousness and environmental activism by examining perceptions of the role of law among self-proclaimed activists and non-activist university students in five European countries, partners in an Erasmus+ project: Portugal, Spain, Italy, Poland, and Lithuania. This study does not intend to provide a systematic comparison of the sociolegal systems, but to capture shared experiences of a global phenomenon. To this end, 49 semi-structured interviews were conducted with 24 university students and 25 activists.

University students were selected because the ELCRA project identified them as a group particularly engaged with environmental issues, without necessarily being involved in environmental activism. They also were identified as a strategic target group for promoting environmental literacy, civic participation and understanding of the processes of social mobilisation related to sustainability. We distinguished between “self-proclaimed activists” and “non-activist university students” based on participants’ self-identification. This distinction allowed us to explore how these different perspectives engage with environmental issues. We included participants from five countries based on the scope of the Erasmus+ project ELCRA, which provided the framework for this study.

To analyse these perceptions, we drew on the legal consciousness theory (Ewick and Silbey 1998) and social movement theory (Offe 1985, Melucci 1989) integrated with emerging contributions from environmental humanities and ecological legal studies (Bosselmann 2016, Kotzé 2019, Grear 2020).

2. Theoretical framework

2.1. Legal consciousness

Legal consciousness refers to the way people experience and interpret, live, and relate to the Law (engage with, avoid, or resist it) in their daily lives. It is a social and cultural process through which individuals attribute meaning to their experiences, encompassing both existing and desirable law. It is also a social practice, expressed in people's actions and discourses about the law, which both reflects and shapes social structures. According to Horák *et al.* (2021, 15):

> *Legal consciousness is a complex of law-related knowledge, skills, attitudes, beliefs, and values of an individual, whereby the mutual relationship between the individual and law is created, deepened, and developed within the context of a specific society and legal system, providing such a system with the necessary authority and legitimacy for the regulation of human behaviour.*

Legal authority is generally accepted without question, and even when challenged, this occurs within the institutional channels of the legal system itself, revealing a form of "legal hegemony" that is deeply rooted in social routines. Legal hegemony refers to the process through which rules and values of dominant groups appear neutral, universal, and inevitable, legitimising existing power relations and institutional arrangements. Nevertheless, legal mobilisation may simultaneously challenge dominant legal norms and power relations while reinforcing the centrality of legal institutions as privileged arenas for contestation.

This reveals how individual experiences give rise to systems of legal meanings that are both stable and open to change, highlighting the active role of citizens in the collective construction of the law, as subjects who both reproduce and challenge it. Ewick and Silbey (1998) identified three legal consciousness narratives: "before the law," "with the law," and "against the law." "Before the law" regards law as an abstract, neutral, autonomous, objective, hierarchical, and rational entity. Norms and procedures are well known, and people are treated as equals. This narrative increases the law's legitimacy. "With the law", individuals act in their interests and manipulate the rules, which are seen as malleable. Law is a game people can play to their advantage. "Against the law" encompasses the notion that the law is ineffective in addressing everyday problems and is inaccessible to citizens, oppressive, and therefore needs to be resisted informally.

Applying this model to contexts of radical environmental activism reveals significant theoretical limitations. According to Fritsvold (2009), to understand environmental activism, it is necessary to go beyond the traditional model of Ewick and Silbey. The author proposes a new category of legal consciousness, "Under the law", which regards the law as an active instrument for repressing and sustaining a deeply corrupt and illegitimate social order. Unlike "against the law" (which sees the law as flawed), this new category considers the law as deliberately designed to maintain the *status quo* and protect corporate interests at

the expense of nature and social justice. In the same vein, Halliday and Morgan (2013) have argued for the existence of a missing narrative in Ewick and Silbey's framework: "Dissenting collectivism". The dissenting collectivism is characterised by active criticism of state laws and organised collective action, particularly evident in movements such as radical environmental activism. Unlike individualistic interpretations of legal gaming, dissenting collectivism is characterised by collective, radical, and often symbolic opposition to legal authority, sustained through networks of solidarity and moral commitment. This perspective is especially relevant for analysing how students and activists construct meanings around climate justice, frequently shifting between active resistance and feelings of disempowerment or fatalism. Including these two additional forms of legal consciousness enhances our understanding of both the struggles and the imaginative legal possibilities these actors engage with as they confront the socio-environmental crisis.

2.2. Social movement theory

Environmental activism is a social movement, a form of collective action rooted in solidarity, that develops a conflict and breaks the boundaries of the system in which it occurs. Like other social movements, it is a system of action linking diverse orientations and meanings (Melucci 1989) and is assumed to be a category of historical and situational nature, being associated with cultural, social, and political cycles (Touraine 1984, 2006). The concept of social movement helps preserve autonomous subjects in the conquest or reconquest of social space and the pursuit of universal rights (Touraine 2006). According to Offe (1985), the new social movements (NSM) differ from their predecessors (before 1970) in 3 dimensions: 1) they focus on issues that were previously not politicised (e.g. abortion), 2) increased participation and exercise of democratic rights (e.g. right to protest or demonstrate), and 3) collective action adopts non-institutional or unconventional forms of political participation (e.g. protest actions). While Offe's framework was developed to explain the emergence of NSM since the 1970s, several of these characteristics remain relevant to contemporary activism, offering a distinct perspective on collective action, as its focus has shifted to encompass all aspects of social life, including social practices (Gohn 2002). Consequently, issues that were previously not considered political are now politicised, as exemplified by environmental activism (Duarte 2004). This allows interpreting environmental activism as a legitimate and innovative form of political participation that transcends traditional means. Social movement theory helps explain how legal meanings are collectively shaped through repertoires of action, solidarity networks, and the political opportunities and constraints found in each context. In environmental activism, repertoires of action such as protest, civil disobedience, and litigation are shaped by shared identities, moral commitments, and perceptions of political opportunity or constraint.

2.3. Ecological critique of law

The ecological critique of law offers a crucial perspective on why many people perceive law as insufficient in the face of the climate crisis. Despite advances, environmental law remains essentially anthropocentric, treating nature as property or a resource rather than considering it as an entity with rights, and maintaining a logic of domination and

exploitation, as if it was an object. Several authors have called for a paradigm shift that addresses effectively and efficiently the socio-ecological crisis we face, moving from a human-centred framework to an earth-centred law and governance (Bosselmann 2016)—umbrella term that encompasses biocentric, ecocentric and geocentric approaches—, or earth system law (Kotzé 2019) or even to law *for* the Anthropocene through the reimagining of legal orders (Grear 2020). For these authors, a paradigm shift is paramount to tackle ecological and ethical problems. However, authors such as Burdon (2020) state that it is necessary to reflect on the absolute need for change in ecological legal thinking and suggest adopting descriptive and perceptive forms of anthropocentrism, recognising that every human perspective is inevitably situated but can be directed toward ecological protection. For Burdon (2020), environmental law and policy reform must incorporate planetary boundaries and ecological resilience, adopting a critical anthropocentrism. Similarly, Philippopoulos-Mihalopoulos (2011) argues that traditional law tends to avoid complexity, focusing on sterile debates such as anthropocentrism vs. ecocentrism. Therefore, he proposes a critical environmental law that considers diverse perspectives, transcends dichotomies, accepts uncertainty and unpredictability, and realistically acknowledges its limitations.

2.4. Theoretical integration

These theoretical frameworks enable us to understand how individuals and groups assign meaning to the law, positioning themselves “before”, “with”, “against” or “under” the law. Legal consciousness is an analytical lens that enables us to examine how students and activists interpret, mobilise, and contest law in the context of environmental activism, and its narratives are used not as fixed labels attached to individuals, but as interpretive repertoires through which participants make sense of the law.

Also, these narratives are shaped by collective dynamics that social movement theory helps to clarify, highlighting how solidarity networks, protest, and repertoires of action influence how the law is mobilised, contested, or rejected. They demonstrate how actions function not only within institutional frameworks but also within symbolic, performative, and emotional dimensions. While legal consciousness focuses on how individuals make sense of law, social movement theory explains how these meanings are shaped collectively through participation in protest and activism.

Simultaneously, the critique provided by environmental law studies reveals that the normative framework underpinning these practices is rooted in an anthropocentric paradigm, which often legitimises economic interests at the expense of ecological justice. Therefore, the law should not be viewed merely as a neutral arena where individual or collective strategies play out, but as a field of structural tensions where activists and students negotiate meanings, confront inequalities, and envision legal alternatives that recognise nature as a subject of rights. By integrating these three perspectives, it becomes clear that the interviewees’ perceptions are not merely situational reactions but expressions of a legal consciousness rooted in broader social dynamics.

2.5. Conceptual clarification

Before moving forward, it is worth contextualising civil disobedience, direct action, disruptive protest, criminalisation, and radicalisation in climate social movements to avoid analytical ambiguity, as these terms carry different legal and political meanings, and a distinct impact on public opinion. Civil disobedience refers to non-violent acts of contesting injustice (Lemons and Brown 2011). These acts often involve passive resistance, where individuals refuse to comply with laws or orders they view as unethical or unjust (Kress and Anderson 1989). Berglund (2025) distinguishes between direct action and disruptive protest with regard to sabotage. Direct action consists of interventions aimed at obstructing, exposing, or preventing perceived harm. While it is nonviolent toward humans, sabotage is common. Disruptive protest involves taking actions that intentionally interrupt the activities of people, organisations, and processes related to capital accumulation, but do not involve sabotage. Criminalisation refers to processes through which protest is framed as deviant or punishable, while radicalisation denotes an escalation in beliefs or practices that challenge the legitimacy of the existing social order (Jansma *et al.* 2022).

Activists engaged in direct, disruptive actions are often labelled “radical” when their beliefs, strategies, or behaviours challenge mainstream norms, legal systems, or power structures. Activists are challenging the *status quo* that prioritises economic interests over those of nature and people, and their tactics are not well received by authorities and the media, whose adverse reactions contribute to public perceptions of illegitimacy. However, according to Fritsvold (2009), radical environmental activists are fundamentally revolutionary. Activists advocate the subversion of the entire legal system and the modern industrial and capitalist system that it actively protects, in other words, the delegitimisation of the social order. They do not stand “before the law”, they do not work “with the law”, and they do not get involved in the modest resistance of those who are “against the law”. Instead, radical environmental activists often engage in extravagant acts of instrumental lawbreaking with the aim of symbolic or real subversion. They purposely, and often very visibly, break the law and openly challenge the legitimacy of the law and the social order – the so-called “under the law” legal consciousness (Fritsvold 2009). From a psychological perspective, radicalisation has been considered as “(…) a process through which an individual adopts extreme ideologies and behaviours that deviate from beliefs that are normative in a society and that violate established social rules to achieve societal and/or political changes” (Molinario *et al.* 2024, 5). From a legal perspective, it can be understood as a process of crossing the line from legal protest actions to illegal behaviours, violating protected values with a clear motivation to protest against a certain *status quo* that suppresses or weakens other equally important values.

3. Methodology

A qualitative research design and an interpretative approach have been applied. We adopted a multi-sited ethnography (Marcus 1995) to address the following research question: How do students and activists based in five European countries perceive the role of the law in environmental activism? Specifically, we aim to know whether they engage

with, resist, and reimagine the law in the context of climate crises. We do not intend to provide a systematic comparison of legal systems, but to demonstrate how the phenomenon manifests itself, focusing on perceptions and shared experiences rather than on national differences.

This approach allowed us to explore the connections, associations, and trajectories that define the environmental activism movement beyond national borders.

3.1. Data collection and analysis

Two semi-structured interview scripts were collaboratively designed in English with the five project partners and translated into each partner's language. Both scripts included open-ended questions to examine participants' perspectives on environmental sustainability, the fight for climate justice, and the role of law. The students' script focused on the social representation of environmental activism and its actors, as well as the impact of environmental activists' actions. The activists' script, in addition to addressing these issues, primarily focuses on their narratives and experiences. Both scripts include questions regarding how the law safeguards and/or restrains activism.

The interviews, conducted in person between May and November 2024, were recorded, anonymised, transcribed, and translated into English by each partner using online secure resources and reviewed by the respective national teams before final analysis. Reflexive thematic analysis, as suggested by Braun and Clarke (2006), was adopted to analyse the data, as it appeared most appropriate due to its theoretical independence and flexibility. The first author adopted an inductive approach without any prior definition of themes. Several readings were conducted to become familiar with the data, generate initial codes, identify patterns, develop themes, and consolidate ideas, culminating in the development of three themes. According to Braun and Clarke (2021), reflexive thematic analysis is grounded in the qualitative paradigm; it does not seek consensus among coders or inter-rater reliability as measures of quality, but rather values the subjective skills that the researcher brings to the process of developing themes, while acknowledging potential biases. Thus, subjectivity is understood as a resource for constructing knowledge. We used the software WebQDA to assist with the analysis.

This empirical study is part of an ongoing interdisciplinary European Erasmus+ Project, involving five European countries as partners. The project aims to understand students' attitudes and opinions regarding environmental sustainability and the fight against climate change.

This study was approved by the University of Siena Ethics Committee (Decision n. 25/2024 bis).

3.2. Participants

Students and activists from the five European countries involved in an Erasmus+ project (Portugal, Spain, Italy, Poland, and Lithuania) were invited via email and through word of mouth to participate in this study. The snowball strategy (Bryman 2012) was employed to recruit participants: the project team contacted some individuals who then reached out to

others at our request. The sampling criteria aimed to ensure diversity in participant backgrounds by considering three key factors: membership in activist groups or university student status, and geographical location. Activists were defined as members of organised groups, and students as those enrolled in courses at the consortium's universities. This convenience sample comprises 49 participants, consisting of 24 students and 25 activists, to provide a comprehensive and multidimensional perspective on the phenomenon under study (Table 1). The choice to use a convenience sample was driven by the ease of access and availability of participants; the study did not aim to generalise the results.

Table 1

	Student	Activist	Total
Age			
18-20	11	0	11
21-25	9	10	19
26-30	2	3	5
31-35	0	2	2
36-40	0	2	2
>41	1	7	8
NA	1	1	2
Nationality			
Italian	4	5	9
Lithuanian	5	5	10
Polish	6	5	11
Portuguese	3	4	7
Spanish	2	4	6
Other[1]	4	2	6
Total	***24***	***25***	***49***

Source: Prepared by the authors.
NA: Not Available

Table 1. Sociodemographic data.

3.3. Positionality

As researchers engaged in interdisciplinary scholarship at the intersection of law and education, we recognise that our positionality inevitably shapes the research process. Although we do not self-identify as activists, we are personally committed to environmental sustainability and democratic participation. We also share concerns about the escalating climate crisis and the criminalisation of protest, and we view legal systems as both

[1] Other nationalities included American, Brazilian, Chinese, Colombian, and French participants enrolled at universities in the consortium, as well as activists living in the countries where this study was conducted who volunteered to participate.

necessary frameworks for justice and potential tools of oppression. This study aims to provide activists and students with a platform that acknowledges the unequal power dynamics that often characterise interactions between legal institutions and civil society. At the same time, we aimed to maintain a critical and open stance, allowing participants' experiences and interpretations to guide our analysis.

4. Findings

After several careful readings, three interconnected themes were developed: 1) Conditional trust in laws that protect the right to activism and civic engagement, 2) Legal repression as a barrier to activism, and 3) Legal blindness to nature and environment as a driver for activism.

4.1. Theme 1: Conditional trust in laws that protect the right to activism and civic engagement

A recurring pattern across countries and interviewees' profiles often described law as enabling environmental activism by protecting basic democratic rights, such as freedom of expression and assembly. Law is understood as the formal condition that allows activism to exist, legitimating different forms of collective action. This allows environmental activists to freely protest, raise awareness, and advocate for climate justice.

> *[Law protects activism] by allowing it to exist and by allowing protests, allowing mobilisations in the streets, in squares, in front of schools, universities, courts—any activism, even in museums. I think that is the main way. Having the right to do it (Student 5, Portuguese, 25 years old)*

> *I think the law can protect activism in such a way that we all have the right to assemble, and we all have the right to protest as ordinary citizens (Activist 3, Polish, 25 years old).*

But, according to the participants, law is not only a strong instrument that allows activism to be practised; it also gives activists a sense of security, as testified by Activist 2, Spanish, 40 years old:

> *Providing legal protections for individuals and groups to express their views, assemble peacefully, and participate in advocacy without fear of repression.*

These references suggest that, for many participants, both students and activists, across the five European countries, the law is first encountered as a democratic guarantee that gives protest a legitimate place within public life.

Simultaneously, participants move beyond just understanding the law as an abstract concept by recognising its role as a practical resource for action. Several participants mentioned that legal tools, such as public actions, petitions, or climate litigation, enable citizens to participate in decision-making, stand up for environmental causes, and challenge governmental inaction. As stated by an Italian student, “providing legal tools to defend the environment and citizens’ rights.” (Student 4, Italian, 24 years old) or as noted by Activist 2, Polish, 23 years old: “There are activists who have sued the Polish government for passivity in climate policy.”

In this sense, law is not only regarded as a background framework of rights, but as a concrete tool that can be mobilised to achieve climate justice.

However, this trust in legal tools and in the law is not unconditional. Some participants refer to the legal processes as being time-consuming and involving a series of bureaucratic procedures that don´t respond to the urgency of the climate crisis, as evidenced by Activist 5, Lithuanian, 53 years old: “But I see how the decision-making process works, the political processes, they work slowly; there is a huge bureaucracy.”

This suggests that even when the law is understood as protective or useful, it may be insufficiently responsive. Trust in law appears to be a pragmatic orientation, grounded in the hope of effecting change, especially among activists, who more often cited the law’s practical relevance in protest settings.

One of the most frequently mentioned forms of protest was civil disobedience, recognised by students and activists across different countries. This non-violent action is understood as legitimate or not fully deserving of criminalisation. Although some actions are classified as crimes, such as disobeying authority orders, in certain cases, these and other actions are considered justifiable by judges in different countries, as demonstrated by Portuguese and Polish interviewees:

> *I am in direct contact with several judges who have decided not to criminalise protesters, or charge them with disobedience, merely because a protest was not formally notified, particularly given that our Constitution guarantees everyone the right to protest... (Activist 2, Portuguese, 28 years old).*

> *The judge wrote about the fact that, in his opinion, those activities that can be considered civil disobedience are somehow justified. Such words from someone perceived by the public as an authority figure can certainly increase legitimacy (Activist 4, Polish, 24 years old).*

Although some judges tolerate specific activist actions, such as those under the umbrella of civil disobedience, this is not a general or common practice; many activists are fined or arrested, even for non-violent offences, as in cases reported by Portuguese and Polish activists:

> *We see the law condemning peaceful activists with jail time, fines, suspended sentences, and so on (Activist 1, Portuguese, 21 years old).*

The statements demonstrate that several participants, both students and activists from the five European countries, trust the law conditionally. Law is often regarded as enabling protest and providing the means to take action; however, this trust depends on how legal norms are interpreted and enforced in practice by law enforcement agencies (police and judges), as well as by bureaucratic processes that fail to meet urgent climate needs. In this theme, law is not a stable guarantee, but rather a resource whose protective potential depends on institutional actors. This ambivalence becomes more evident in the following theme, where participants describe the law less as protective and more as a mechanism that constrains activism.

4.2. Theme 2: Legal repression as a barrier to activism

Another recurring theme concerns the perception of law as a barrier to environmental activism. Adding complexity to the findings of theme 1, many participants, both students and activists, also stressed that activism can be limited if laws restricting liberties are enacted and/or strictly enforced. In this sense, participants described a tension between rights formally guaranteed and rights effectively constrained in practice.

Among students, this barrier is often framed more generally, as restrictions imposed by governments or occurring in non-democratic countries:

> *They can protect by not inserting random laws as the last government did by tightening the penalties for every slightest demonstration, but that unfortunately is up to the government (Student 1, Italian, 22 years old).*

> *Certainly in authoritarian countries, where there is much less freedom of speech, there is less permission to protests, strikes, etc. (Student 1, Polish, 25 years old).*

Activists, in their turn, elaborated further, connecting to their own lived experience, noting that there are mainly two ways of repressing activism: one relates to criminalisation, which could lead to legal threats, arrests, and anti-protest laws, and the other involves violence, intimidation, and police abuses.

Law was not always perceived as a guarantee of rights, but rather as an instrument that could be mobilised to discipline dissent and protect the *status quo*. This perception is evidenced by “Ley Mordaza” (Gag law),[2] which restricts protests and “It is already happening in Spain” (Activist 2, Spanish, 40 years old). Other participants referred to preventive police action, which enables anticipatory mechanisms that discourage participation before it occurs, and is justified in the name of public order. In addition to

[2] Organic Law 4/2015 of 30 March on the protection of public safety.

undermining individual freedom, these measures are intended solely to protect government authority and interests.

For many activist interviewees, the consequences of repression were intimidating. Being arrested and charged with fines or prison sentences was described as a source of fear, stress, helplessness, and unfairness. The situation is even more serious for migrants, who risk having their authorisation to remain in the country questioned. As one Portuguese activist explained, some people avoid direct action or civil disobedience because they "cannot risk a criminal record" and fear deportation or professional harm (Activist 1, Portuguese, 21 years old).

Repression also causes psychological distress for activists, and they realise that they cannot file too many lawsuits without jeopardising their protection. Additionally to formal sanctions, repeated charges created exhaustion, indicating that repression extends beyond the courtrooms and becomes embedded in further dynamics of participation, as testified by Portuguese and Polish activists:

> *We also try to protect ourselves as much as possible because no one wants to be repeatedly charged with civil disobedience, no one wants to be a repeat offender, no one wants to pay a lawyer, though many of us have pro bono representation—but dealing with all the legal stress and the issues with our records is difficult (Activist 1, Portuguese, 21 years old).*

> *We knew that the seven of us would probably have to limit ourselves to legitimate activities within the Movement, and if not, then there was a chance that the lawyers would give up supporting us, who were doing it pro bono, because we had some conditions to conduct this case. Well, we had to be clean for the next time (Activist 2, Polish, 23 years old).*

In some cases, repression included police violence and intimidation. Portuguese activists, in particular, referred to police practices perceived as abusive and discriminatory, including the treatment of women during searches at police stations:

> *These searches are discriminatory; women are subjected to much more inhumane treatment than men, without any police officer having to justify that distinction. I believe these are issues that our laws should protect (Activist 2, Portuguese, 28 years old).*

Participants from other countries similarly questioned who controls the police and ensures that their actions are lawful. However, some activists acknowledged that the police may also play a protective role. This ambivalence shows that participants don't reject legal authority itself. Rather, it reflects a complex relationship with institutions that have the power to both protect and punish.

One of the most common arguments among activists is that they should not be treated like criminals, instead, the police could implement other forms of control without penalising them. Plus, the police and lawyers should consider that the cause is noble and that the activists' place is neither in prison nor in court as defendants:

> *I think that eventually needs to happen in the justice system. Whether it is now or in 10 years, any judge or prosecutor could say, in any case, "No, this person protested for a cause that affects me and my children. They do not belong in court." Anyone—from the police officer who made the arrest, to the judge in court, to the lawyer for the prosecution or the company (in the case of private jets)—could have dropped the case, saying, 'No, this struggle is unfair' (Activist 3, Portuguese, 27 years old).*

Activists also understand that there is a great injustice since they are criminalised while the big companies that pollute remain unpunished, thus feeling that law is not on their side. This leads to the perception of selective criminalisation. Several participants argued that activists are treated as offenders while actors responsible for serious ecological harm remain largely unpunished. One Portuguese activist stated that the law labels him a criminal for blocking a jet while major corporate polluters continue to operate without comparable sanctions, despite their environmental impact (Activist 3, Portuguese, 27 years old). Here, repression was not understood merely as excessive law enforcement, but as part of a wider legal asymmetry in which disruptive protest is penalised more visibly than environmentally destructive practices, creating a deep sense of injustice among activists.

Finally, some participants situated their experiences within a broader geopolitical hierarchy of repression. Activists, especially from Poland and Portugal, compared the difficulties faced in European contexts with the more extreme violence experienced by environmental defenders in the Global South, including threats, persecution, and murder: "There are countries in South America where activists are just regularly killed in the fight for the climate, as in Brazil, for example" (Student 1, Polish, 25 years old). This comparison revealed an awareness that anti-environmental violence exists on a continuum, ranging from legal intimidation and police abuse to extreme violence (death, in the worst-case scenario), suggesting a link to the political and economic interests that are threatened by environmental activism.

These statements appear to demonstrate that repression is a structural barrier that restricts climate action through criminalisation and intimidation. While students refer to this barrier in broader terms, activists describe it through more embodied, situated experiences grounded in personal encounters. This helps explain why, as noted in theme 1, trust in the law seems fragile and conditional.

4.3. Theme 3: Legal blindness to nature and environment as a driver for activism

The third recurring theme concerns the perception that existing legal frameworks are insufficient to address the climate crisis and protect nature. The interviewees identified the

lack of rights for ecosystems and weak environmental protections as major concerns for the planet's future. Although some legislation exists to protect nature, it lacks sufficient legal recognition, and, according to the interviewees, requires a more adaptable legal framework to effectively address emerging climate challenges. This critique of the anthropocentric logic appeared among both students and activists and added a new focus to themes 1 and 2, regarding the law as a normatively inadequate structure in the face of ecological breakdown.

A recurrent aspect is the idea that the law has not adapted to the urgency and scale of the environmental crisis. Some participants argued that nature should not be a property, a resource or an object of regulation, but an entity that should hold legal rights:

> *The law also needs to adapt to the new reality of the world (...). Today, there is a reflection worldwide on the idea that not only are humans subjects of rights. I believe the law also needs to adapt to this new reality. So, I think nature itself can, just like a company, which is not a person, not a human being, but has rights—why can't nature, the elements of nature, also have their rights preserved? (Student 4, Brazilian, 51 years old).*

This statement illustrates dissatisfaction with the current legislation and a desire to rethink and reimagine the law in terms better suited to the current situation.

Furthermore, interviewees also identified loopholes that enable environmental destruction. In some instances, they believe the law prioritises economic protection over criminalising those who commit environmental crimes, and businesspeople take advantage of that. An Italian activist argued that existing frameworks still fail to punish major polluters adequately and remain oriented toward economic sustainability at the expense of environmental and social sustainability (Activist 2, Italian, 29 years old). A Portuguese activist similarly stated that the legal framework "does not take into account the destruction caused by the climate crisis and it is more concerned with protecting private property" (Activist 3, Portuguese, 27 years old). Participants' criticism was not limited to isolated legal failures, but extended to a more structural perception that environmental law remains subordinated to economic rationality, continuing to benefit elites who may commit environmental crimes without punishment.

Interviewees, whether students or activists, across countries, advocate for justice. It is not only important to create laws that protect nature and all living creatures, but also to enforce them and ensure compliance. Therefore, "policymakers and law enforcement should introduce *ad hoc* laws to penalise and to condemn those who deface, those who ruin, those who endanger, those who pollute nature and the environment" (Activist 2, Italian, 29 years old). This position is not anti-legal or anti-system; it reflects the frustration that activists feel with the legal order and a desire for a change capable of protecting ecosystems and future life on Earth. In this sense, legal insufficiency appeared as a driver of activism. When participants described the law as incapable of protecting nature and the environment, activism emerged not as opposition to the law but as a response to its failure.

The arguments gathered in this theme show that participants perceive law as ecologically blind, reinforcing the ambivalence reported in the previous themes. Law is not

only experienced as enabling activism or repressing dissent; it is also criticised as structurally insufficient because it continues to privilege economic interests, property, and human-centred assumptions over ecological justice.

In Figure 1, we provide an overview of the themes that have developed and how they relate to the categories of legal consciousness, which will be discussed in the next section.

Figure 1

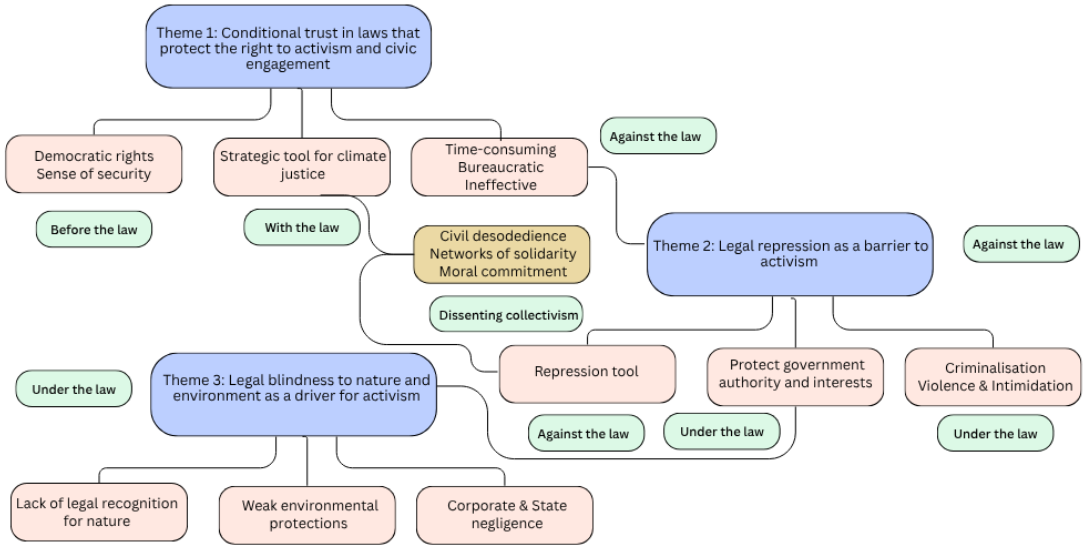


Figure 1. Themes connected to the legal consciousness categories.
Source: Prepared by the authors.
Caption: The blue boxes represent the three main themes developed through analyses, and the pink boxes indicate their respective sub-themes. The green boxes represent the theoretical categories of legal consciousness, and the yellow box represents the category derived from social movements theory. These theoretical categories link to the empirical themes and subthemes to illustrate the relationship between the theoretical framework and the empirical findings. The lines represent the connection between themes and subthemes.

5. Discussion

The findings reveal complex attitudes towards the role of law in environmental activism, underscoring the multifaceted relationship between law and climate justice. The data suggest that legal consciousness in environmental activism is not simply plural, neither fixed nor static, but tension-structured, moving between trust, strategic instrumentalism, perceptions of repression, and critiques of law's ecological insufficiency. How these individuals justify and accept legal norms varies based on their experiences and the meanings they ascribe to them. The legal consciousness of individuals is seldom limited to a single type; instead, it is a "multifaceted, contradictory, and variable legal consciousness" (Silbey 1992, 46). Participants do not merely obey or oppose the law but actively shape social meanings surrounding legality within contexts propelled by climate urgency. In this

perspective, the law functions as an ambivalent sphere, both a safeguard and a means of repression, that simultaneously enables and restricts political participation (Halliday and Morgan 2013).

Many interviewees, both students and activists, regard law and legal systems as crucial to democratic participation and affirm the protections afforded by constitutional rights such as freedom of speech, protest, and association. This reflects what Ewick and Silbey (1998) called the “before the law” legal consciousness, and it appears in theme 1. In this narrative, the law is perceived as neutral, objective, and essential for social order. In this sense, law acts as a structuring force that enables civic expression and, to some extent, protects activists. The law can also serve to defend activism, without manipulation, aligning with the narrative of “with the Law” (Ewick and Silbey 1998). However, the interviewees trust the law only to a certain degree, recognising that these rights can be threatened or restricted, as they are in other countries, particularly in the Global South (Diálogo Chino 2022). The legal consciousness narrative shifts, especially among activists, who are increasingly viewing the law as an instrument of control and punishment rather than a means of protection. Activists recount experiences of surveillance, criminalisation, and psychological distress, as evidenced by the recent case involving 11 activists facing proposed five-year prison sentences and over €160,000 in fines (Greenpeace 2026). These conditions closely mirror Ewick and Silbey’s “against the law” narrative, in which the law is viewed as an oppressive, inaccessible system to be resisted, as reflected in theme 2.

The ambivalence, regarding the law both as a right and as a threat, reflects the theoretical concept of “dissenting collectivism” (Halliday and Morgan 2013) where the law is simultaneously a tactical tool and a structure to be resisted through collective solidarity. The findings suggest that this collective and moral aspect of legal consciousness is particularly prominent among climate activists, who often frame their actions in ethical terms, a characteristic of social movements that prioritises planetary survival over legal compliance.

Interviewees, especially those who have experienced or witnessed repression of activism, demonstrate what is conceptualised as the “under the law” legal consciousness (Fritsvold 2009). These interviewees interpret the legal system not merely as flawed but as a deliberate mechanism to sustain ecological injustice and corporate impunity. Such views reflect a delegitimisation of the legal order, particularly when peaceful activism is criminalised while environmentally harmful corporate practices remain unpunished. They argue that corporate responsibility and compliance with the law are also vital to climate protection. However, activists offer a structural critique of legal systems, since, on the one hand, legal frameworks fail to protect the environment and people, and on the other, they contribute to increasing environmental degradation by prioritising the interests of large corporations. This narrative aligns with theories that contend the legal paradigm is anthropocentric and structurally unable to respond to current challenges (Bosselmann 2016, Kotzé 2019, Grear 2020), and it is presented in theme 3.

Although many interviewees express a commitment to nonviolence, some acknowledge that disruptive action becomes necessary when other peaceful methods fail. Repression, inaction, and a lack of tangible responses from governments can drive activists towards increasingly violent and disruptive behaviour. This is supported by Fritsvold’s (2009) research. Activists and students argue that the law should play an intervening role, not

through repression, but by recognising and responding to urgent demands. It is important to note that although the students disagree with the activists' disruptive actions, they show empathy and respect, recognising the significance of their cause, which they believe is the cause of all humanity.

It is true that the Aarhus Convention, along with the legislation of most European countries, ensures the protection of the fight for climate justice. However, if members of the public are penalised, persecuted, or harassed for invoking their Aarhus rights, this poses a serious threat to the global application of the Convention (Ryall 2023, Forst 2024). Activists urge governments, legislators, and law enforcement officials to regard activism and activists not as criminal agents, but as climate victims defending their right to a healthy future for humans and the planet. Therefore, activism should not be viewed primarily from the perspective of criminal law.

Activists have successfully argued in court that they acted out of necessity, invoking what is also called "the lesser evil defence". If they can prove that they faced imminent evil, took appropriate action to avert it, caused lesser harm than they prevented, and had no legal alternative, their actions are not just excused but justified (Coca-Vila 2024). By doing so, they are also shifting the focus from the legality of the activists' actions to the government's inaction on climate change (Nosek and Higham 2024).

Nonetheless, protesters who engage in civil disobedience are often treated as common offenders or juvenile delinquents. In the current context of the proclaimed climate emergency, this may constitute an abuse of power (Climate and Environmental Emergency European Parliament Resolution of 28 November 2019 on the Climate and Environment Emergency 2019) and questions the balance between activism and adherence to democratic values and the rule of law (Nosek and Higham 2024). Environmental defenders, who are exercising their legal rights, must also be listened to and protected. This concern is even more urgent for young activists. Despite age-based legal restrictions in many countries, youth activism has become a key feature of the climate movement (Cameron and Weyman 2022). Youth leaders like Greta Thunberg, who launched the #FridaysforFuture movement at age 15, exemplify this trend. The gap between the ages of civil and criminal liability (respectively 18 and 16, on average, though varying by legislation) leaves young people particularly vulnerable; while developing their identities and beliefs, they are considered capable of facing criminal prosecution.

According to Coca-Vila (2024), offences committed through civil disobedience should be treated differently from ordinary crimes. Indeed, while penalties may still be necessary in extreme cases, they should be negated or mitigated for non-violent activism. From a criminal law perspective, sincere and altruistic motivation should, for instance, reduce culpability, much like futile or egoistic motives may increase it. Several European criminal law systems recognise the relevance of the offender's motives in determining punishment. For instance, Article 62(1) of the Italian Criminal Code identifies acting for reasons of particular moral or social value as a mitigating circumstance. Similarly, Article 72(2)(b) of the Portuguese Criminal Code recognises an honourable motive as a potential ground for mitigation of punishment. This stance reflects the activist's perception of what the law is and what it ought to be.

Similarly, both students and activists criticise the law's failure to recognise natural elements and ecosystems as subjects of law, highlighting an eco-centric legal awareness.

Interviewees advocate for a legal framework that acknowledges the intrinsic worth of nature beyond mere economic value. A study conducted by Bariquello *et al.* (2021), focusing on decisions made by institutional bodies such as the judiciary in Brazil, reinforces this perception by highlighting tensions between constitutional protection of the environment and the prevalence of economic interests, pointing to ambivalent judicial decisions. Environmental legislation has evolved, reflecting the dynamic interplay between legal frameworks, citizen participation, and socio-political contexts, as exemplified by the Aarhus Convention. Nonetheless, interviewees argue that ecosystems are still not sufficiently protected, and current legal norms remain inadequate, as stated by Aragão (2022). This perspective aligns with the vision of the rights of nature, which aims to redefine the status of ecosystems (Bosselmann 2016). Such criticism illustrates a belief that the law should transition from the "law of the Anthropocene," a model that perpetuates inequalities and dominance rooted in colonisation and capitalism, to a "law for the Anthropocene," embodying a more equitable and ecological outlook (Grear 2020). The lack of this approach can lead to frustration and may also contribute to the hardening of environmental activism.

Although common patterns emerged across countries, some differences were observed in the depth and nature of participants' testimonies. Interviews conducted in Portugal and Poland tended to reflect more direct experience with activism and legal institutions, while participants in other contexts often provided more general or abstract perspectives. The richer, experience-based accounts from Portugal and Poland suggest that proximity to direct action and disruptive protest shapes the density of activists' legal consciousness narratives, suggesting that legal consciousness is not uniform but shaped by context, experience, and proximity to collective action. However, given the small sample, these differences should be interpreted as contextual indicators rather than country-level conclusions.

The integration of different levels of theoretical analysis shows that narratives of trust, repression, and ecological blindness reveal, at a micro level, how students and activists develop their legal awareness in relation to the law, sometimes seeing it as protection, sometimes as a barrier. At the meso level, social movement theory helps explain how these perceptions are shaped by collective experiences, solidarity networks, and actions that either lend legitimacy or highlight the fragility of the strategies used. Finally, at a macro level, environmental law highlights the structural limitations of the legal system itself, which is often more focused on maintaining stability than on achieving ecological justice, thereby explaining the frustration and the call for innovative legal solutions (such as recognising the rights of nature). Participants' perceptions are not just personal opinions; they reflect a deeper conflict between the current legal framework, social mobilisation processes, and the pressing issue of climate change.

6. Limitations and future research

This study contribute to scholarship on legal consciousness, climate activism, and environmental justice by 1) providing empirical evidence on social actors' perceptions in the face of climate urgency; 2) moving beyond simplistic binary views of obedience and disobedience by illustrating a spectrum in perceptions of law as protection, strategy,

repression, and inadequacy in responding to the climate crisis; and 3) bringing together legal consciousness, social movement theory, and ecological critiques of law in a qualitative study.

Although this study offers a rich framework and insights that researchers can transfer and apply to understand other stakeholders and distinct legal contexts, it also has limitations. First, the use of translated interviews raises questions about semantic fidelity, as some meanings may have been lost in translation, even after review by a native team member. Second, the analysis focuses on the experiences and perceptions of students and activists in five democratic European countries, without comparing legal systems, and it also excludes diverse legal and political contexts, such as those found in countries of the Global South and in authoritarian regimes. Future research could benefit from broader comparative designs that integrate multiple countries and legal frameworks, as well as mixed-methods approaches to assess the prevalence of the identified narratives. Eventually, it would be relevant to explore how participatory legal reforms and instruments, such as citizens' assemblies and panels, as well as the recent evolution of ecological jurisprudence at regional and international levels, can empower environmental activism and foster more just, inclusive, and sustainable environmental governance across diverse socio-political contexts. Citizens' assemblies and panels can create spaces for debate on environmental issues, reinforcing the law as a democratic instrument. However, their effectiveness depends on whether participants' recommendations are translated into policy outcomes. Otherwise, such approaches risk reinforcing the loss of trust in law and institutions.

7. Conclusion

The legal consciousness of environmental movement activists and students is a dynamic concept, with multiple narratives existing simultaneously. Law can be regarded as a democratic safeguard, a strategic resource, a mechanism of repression, and/or ineffective in the face of the climate crisis; and all these perspectives are shaped by collective action and broader social dynamics. These narratives are not mutually exclusive; they coexist, reflecting the complexity of legal consciousness. In participants' view, the law is a double-edged sword: it is recognised as a powerful tool for safeguarding activists' fundamental rights and freedoms, yet it can also limit their ability to act freely, potentially leading to arrest, intimidation, or sanctions such as fines or imprisonment. Although this view is shared by both students and activists, the activists' accounts are more experience-based and contextualised—particularly regarding repression, legal risks, and strategic mobilisation—while students tend to express more general or normative opinions. These perceptions, aside from being influenced by personal experience, are also shaped by collective dynamics that lead to different ways of mobilising, challenging, or rejecting the law, which explains why activists are more likely to see the law as repressive. Regardless of participants' country, the similarities in perceptions and experiences observed among both the student and activist groups demonstrate that environmental concern and activism cross borders and link the local to the global within a complex world system.

Far from being passive recipients of legal norms, participants actively reinterpret and reimagine the law in light of climate urgency. The findings suggest that legal frameworks must evolve, not only to protect the environment but also to safeguard those who defend it. Recognising civil disobedience in the context of climate action as driven by ethics rather than criminal intent, and ensuring laws uphold ecological justice over profit, are crucial steps towards this goal. In a climate emergency, legal systems should protect rather than punish environmental defenders. Environmental activism and social movements thus emerge as both an ethical and socially necessary response to this crisis, calling for legal reform and a transformation in how we envision law, justice, and the harmonious coexistence of humans and non-human beings on the planet.

This study provides insight into how climate change and activism are perceived and experienced locally, yet in an interconnected way, and contributes to socio-legal scholarship by showing that legal consciousness in environmental activism is not organised around a simple opposition between obedience and disobedience. Rather, participants move between trust in law, strategic mobilisation of legality, resistance to repression, and demands for ecological legal transformation, challenging the anthropocentric view of law. Furthermore, this study prompts a broader discussion of what the law is and what it should be to address the climate crisis.

References

Aragão, A., 2022. Editorial: Ecoinovação jurídica para a sustentabilidade no Antropocénico. *Revista Electrónica de Direito*, *28*(2), 1–4. Available at: https://doi.org/10.24840/2182-9845_2022-0002_0001

Bariquello, A. C., Souza-Lima, J. E., and Silva Matosinhos, I., 2021. Ações judiciais e meio ambiente. *Revista de Estudos Empíricos Em Direito*, *8*, 1–35. Available at: https://doi.org/10.19092/reed.v8.569

Berglund, O., 2025. Disruptive protest, civil disobedience & direct action. *Politics*, *45*(2), 239–257. Available at: https://doi.org/10.1177/02633957231176999

Bosselmann, K., 2016. Shifting the legal paradigm: Earth-centred law and governance. *In:* P. Magalhães *et al.*, eds., *The safe operating space treaty: A new approach to managing our use of the earth system*. Cambridge Scholars Publishing, 64-82.

Braun, V., and Clarke, V., 2006. Using thematic analysis in psychology. *Qualitative Research in Psychology*, *3*(2), 77–101. Available at: https://doi.org/10.1191/1478088706qp063oa

Braun, V., and Clarke, V., 2021. One size fits all? What counts as quality practice in (reflexive) thematic analysis? *Qualitative Research in Psychology*, *18*(3), 328–352. Available at: https://doi.org/10.1080/14780887.2020.1769238

Bryman, A.,2012. *Social research methods*. 4th ed. Oxford University Press.

Burdon, P. D., 2020. Ecological law in the Anthropocene. *Transnational Legal Theory*, *11*(1–2), 33–46. Available at: https://doi.org/10.1080/20414005.2020.1748483

Cameron, C., and Weyman, R., 2022. Recent youth-led and rights-based climate change litigation in Canada: Reconciling justiciability, charter claims and procedural choices. *Journal of Environmental Law*, *34*(1), 195–207. Available at: https://doi.org/10.1093/jel/eqab026

Climate and Environmental Emergency European Parliament Resolution of 28 November 2019 on the Climate and Environment Emergency, Pub. L. 2019/2930(RSP), 2019.

Coca-Vila, I., 2024. Punishing the last citizens? On the climate necessity defence. *Res Publica*, *30*(3), 567–587. Available at: https://doi.org/10.1007/s11158-023-09642-y

Corry, O., and Reiner, D., 2021. Protests and policies: How radical social movement activists engage with climate policy dilemmas. *Sociology*, *55*(1), 197–217. Available at: https://doi.org/10.1177/0038038520943107

Diálogo Chino, 2022. *América latina: Más de 1.700 defensores ambientales fueron asesinados en la última década*. FILAC. Available at: https://filac.org/reportes/america-latina-mas-de-1-700-defensores-ambientales-

fueron-asesinados-en-la-ultima-decada/
Doelle, M., and Majekolagbe, A., 2023. Meaningful public engagement and the integration of climate considerations into impact assessment. *Environmental Impact Assessment Review*, *101*, 107103. Available at: https://doi.org/10.1016/j.eiar.2023.107103
Duarte, M., 2004. *Novas e velhas formas de protesto: O potencial emancipatório da lei nas lutas dos movimentos sociais* (210). Available at: https://ces.uc.pt/publicacoes/oficina/ficheiros/210.pdf
Ewick, P., and Silbey, S. S., 1998. *The common place of law: Stories from everyday life*. University of Chicago Press.
Forst, M., 2024. *State repression of environmental protest and civil disobedience: a major threat to human rights and democracy. Position paper by Michel Forst, UN Special Rapporteur on environmental defenders under the Aarhus Convention*. Available at: https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf
Fritsvold, E. D., 2009. Under the law: Legal consciousness and radical environmental activism. *Law & Social Inquiry*, *34*(4), 799–824. Available at: https://www.jstor.org/stable/40539383
Gaborit, M., 2020. Disobeying in time of disaster: Radicalism in the french climate mobilizations. *Youth and Globalization*, *2*(2), 232–250. Available at: https://doi.org/10.1163/25895745-02020006
Gohn, M. da G., 2002. *Teoria dos movimentos sociais: Paradigmas clássicos e contemporâneos*. Edições Loyola.
Grear, A., 2020. Legal imaginaries and the Anthropocene: 'Of' and 'for.' *Law and Critique*, *31*(3), 351–366. Available at: https://doi.org/10.1007/s10978-020-09275-7
Greenpeace, 2026. *11 activistas de Greenpeace se enfrentan a la mayor pena jamás solicitada contra activistas medioambientales en Europa*. 22 September. Available at: https://es.greenpeace.org/es/sala-de-prensa/comunicados/11-activistas-de-greenpeace-se-enfrentan-a-la-mayor-pena-jamas-solicitada-contra-activistas-medioambientales-en-europa/
Halliday, S., and Morgan, B., 2013. I fought the law and the law won? Legal consciousness and the critical imagination. *Current Legal Problems*, *66*(1), 1–32. Available at: https://doi.org/10.1093/clp/cut002
Horák, F., Lacko, D., and Klocek, A., 2021. Legal consciousness: A systematic review of its conceptualization and measurement methods. *Anuario de Psicología Jurídica*, *31*(1), 9–34. Available at: https://doi.org/10.5093/apj2021a2
Jansma, A., van den Bos, K., and de Graaf, B. A., 2022. Unfairness in society and over time: Understanding possible radicalization of people protesting on matters of climate change. *Frontiers in Psychology*, *13*. Available at: https://doi.org/10.3389/fpsyg.2022.778894
Jasper, J. M., 1997. *The art of moral protest. Culture, biography and creativity in social movements*. University of Chicago Press.
Kotzé, L. J., 2019. Earth system law for the Anthropocene. *Sustainability*, *11*(23), 6796. Available at: https://doi.org/10.3390/su11236796
Kress, K., and Anderson, S. W., 1989. Dworkin in Transition. *The American Journal of Comparative Law*, *37*(2), 337–351. Available at: https://doi.org/10.2307/840171
Kythreotis, A. P., *et al.*, 2021. Re-evaluating the changing geographies of climate activism and the state in the post-climate emergency era in the build-up to COP26. *Journal of the British Academy*, *9s5*, 69–93. Available at: https://doi.org/10.5871/jba/009s5.069
Lemons, J., and Brown, D., 2011. Global climate change and non-violent civil disobedience. *Ethics in Science and Environmental Politics*, *11*(1), 3–12. Available at: https://doi.org/10.3354/esep00109
Marcus, G. E., 1995. Ethnography in/of the world system: The emergence of multi-sited etnography. *Annual Review of Anthropology, 24*, 95–117. Available at: https://doi.org/10.1146/annurev.an.24.100195.000523
Melucci, A., 1989. Um objetivo para os movimentos sociais? *Lua Nova: Revista de Cultura e Política*, (17), 49–66. Available at: https://doi.org/10.1590/S0102-64451989000200004
Molinario, E., *et al*., 2024. *Climate change activism and the risk of radicalization: Insights on how to foster climate engagement through environmental literacy.* Available at: https://doi.org/10.31219/osf.io/9x82q
Nosek, G., and Higham, C., 2024. Climate activism and criminal litigation: whose case is it anyway? *In:* F. Sindico *et al.*, eds., *Research handbook on climate change litigation*. Edward Elgar, 145–163. Available at: https://doi.org/10.4337/9781800889781.00014
Offe, C., 1985. New social movements: Challenging the boundaries of institutional politics. *Social Research*, *52*(4), 817–868. Available at: https://www.jstor.org/stable/40970399
Philippopoulos-Mihalopoulos, A., 2011. Towards a critical environmental law. *In:* A. Philippopoulos-Mihalopoulos, ed., *Law and ecology*. Routledge, 18–38. Available at: https://doi.org/10.4324/9780203829691-2
Ryall, Á., 2023. A brave new world: The Aarhus Convention in tempestuous times. *Journal of Environmental Law*, *35*(1). Oxford University Press, 161–166. Available at: https://doi.org/10.1093/jel/eqac023

Silbey, S. S., 1992. Making a place for cultural analyses of law. *Law & Social Inquiry*, *17*(01), 39–48. Available at: https://doi.org/10.1111/j.1747-4469.1992.tb00928.x

Spadaro, P. A., 2020. Climate change, environmental terrorism, eco-terrorism and emerging threats. *Journal of Strategic Security*, *13*(4), 58–80. Available at: https://doi.org/10.5038/1944-0472.13.4.1863

Touraine, A., 1984. *O retorno do actor*. Instituto Piaget.

Touraine, A., 2006. Na fronteira dos movimentos sociais. *Sociedade e Estado*, *21*(1), 17–28. Available at: https://doi.org/10.1590/S0102-69922006000100003

Viglione, G., 2020. Climate lawsuits are breaking new legal ground to protect the planet. *Nature*, *579*(7798), 184–185. Available at: https://doi.org/10.1038/d41586-020-00175-5

Case law

European Court of Human Rights, 2024. *Case of Duarte Agostinho and others vs Portugal and 32 others*. Available at: https://hudoc.echr.coe.int/eng?i=001-233261