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Hughes, Michael L.

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# Civil Disobedience in Transnational Perspective: American and West German Anti-Nuclear- Power Protesters, 1975-1982

Michael L. Hughes\*

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**Abstract:** »Ziviler Ungehorsam in transnationaler Perspektive. Amerikanische und Westdeutsche AKW-Gegner 1975-1982«. Transnational transfers are in practice transnational adaptations. Ideas and practices from one culture can only be implemented in another in the context of the target culture's values, institutions, and history. So there is no reason to expect that Germans would or should have simply adopted the American nonviolent civil disobedience model – to the contrary. And when Germans did look to that model, they proved more open to violence against things and even against people than their American counterparts. And rather than accepting punishment for deliberately breaking the law as honorable result of a commitment to democratic governance, Germans rejected it as "criminalization" of dissent. Civil disobedience in the US developed amid a powerful religious basis and broad acceptance of the American system's legitimacy. It developed in Germany amid a constitutional right to "resistance" and widespread doubts about the existing system's legitimacy. Hence, many West German anti-nuclear protesters could find militant, perhaps violent, activism fully justified and could deny to the state they mistrusted any right to treat protesters as criminals, apparently no matter what laws they broke.

**Keywords:** Civil disobedience, transnational, nonviolence, criminalization of demonstrators.

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## 1. Introduction

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When West German citizens occupied a proposed nuclear-power-plant site at Wyhl, they followed the model of French protesters who had occupied the site of a proposed lead factory in Marckolsheim in the Alsace (Mossmann 1975). The Wyhl site-occupation subsequently inspired American citizens to occupy the proposed nuclear-plant site at Seabrook, New Hampshire. West Germans had since the 1960s known of and implemented some civil disobedience tactics (Klimke 2010, 44, 53-4; Ebert 1984), but forms of civil disobedience used at Seabrook in turn inspired subsequent West German actions at nuclear-plant and

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\* Michael L. Hughes, Department of History, Wake Forest University, 1834 Wake Forest Rd., Winston-Salem, NC 27106-7806, USA; [hughes@wfu.edu](mailto:hughes@wfu.edu).

nuclear-missile sites. Transnational connections existed. Yet the picture proves complicated when one looks closely at anti-nuclear protests, such as those at Seabrook and Diablo Canyon in the US and at Brokdorf and Gorleben in West Germany. In examining publications from and about groups such as the Clamshell and Abalone Alliances in the US and the *Bundesverband Bürgerinitiativen Umweltschutz* (BBU) and *Bürgerinitiative Umweltschutz Unterelbe* (BUU) in Germany, it is obvious that transnational transfer cannot occur through simple adoption of foreign models. Rather, those in the target culture must *adapt* what they receive, to make it usable in the context of their own culture, values, traditions, and needs.

Scholars have only begun exploring systematically how such transnational transfers occur (Chabot and Duyvendak 2002; Werner and Zimmermann 2006; Meyer 2011). While Martin Klimke (2010) reviews early West German reactions to civil disobedience and Christian Joppke (1993) notes debates in American and West German anti-nuclear movements over nonviolence, scholars of the transnational have not yet focused on civil disobedience. American anti-nuclear activists drew primarily on their own history of civil disobedience, so this article will explore transnational transfer by focusing on the West German reception of the American civil disobedience model. It will not explore the direct mechanisms of exchange among anti-nuclear protesters. Rather, it will explore how West Germans, acting through a broad social movement, actually applied in their culture strategies of civil disobedience developed in a different culture.

Simply making ideas and practices from one culture available in another cannot produce the same effects in both. The members of the target culture have to *adapt* those ideas and practices, to incorporate them in a very different context. As Chabot and Duyvendak (2002, 701-2, 706) point out, discussions of transnational diffusion often have a misleading essentialist bias, treating what diffuses as “pre-given, fixed, and coherent entities,” when in fact “diffusion items may be dynamic, ambiguous, and malleable.” Hence, transnational interactions are not simple transfers but rather complex processes in which elements do not stay intact but change. (Werner and Zimmermann 2004) Although studies of transnational exchange can speak of “functional equivalents,” (Wehler 2010) functional substitutes might be a better term. Because diffusion can be dynamic and malleable, elements that develop out of a transfer to a target state can be substantively and significantly different from what obtained in the originating country.

Hence, there is no reason to expect that Germans would or should have simply adopted the American civil disobedience model – to the contrary. A few Germans did choose to adopt the US model as normative, as a pre-given, fixed, and coherent entity. Most West Germans, however, took from that model only those aspects that they saw as useful and then *adapted* them in varying ways to their circumstances. Some elements, such as affinity groups, were easily adapt-

able. However, the West German anti-nuclear movement could not fully implement the commitment to nonviolence and openness to accepting the legal consequences of civil disobedience which characterized the American anti-nuclear movement. On the one hand, it lacked the specific history of nonviolent civil disobedience, the broad religious belief, and the acceptance of the state's legitimacy that characterized the US; on the other hand, it had a deep mistrust of the state, active militants open to violence, and a rhetoric of resistance that could justify militant action and a refusal to take the state and its laws completely seriously.

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## 2. Transnational Adaptations

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### 2.1 Looking Abroad for Models of Direct Action

The first transnational anti-nuclear influence ran from West Germany to the US. West Germans occupied the site of a planned nuclear-power plant at Wyhl and forced an eventual end to construction. Two Americans who visited Wyhl proposed using that occupation as a model to stop construction of a nuclear-power plant at Seabrook (Wasserman 1977). Anna Gyorgy was a major conduit, or transnational mediator, as Kirchhof and Meyer (2014) define it in the introduction to this special issue, as she introduced Americans to West German developments, based on her reading and discussions with visiting German activists. The Seabrook occupations became a model for anti-nuclear-power groups across the US.<sup>1</sup>

West German activists explicitly looked to Seabrook as a model for conducting an effective direct action, especially civil disobedience, against the nuclear-power industry. Germans had occasionally broken laws in pursuit of political goals (e.g., socialist activities under the Anti-Socialist Laws in the 19th century), and their protest movements had adapted some American civil-disobedience techniques, such as the sit-in. Nonetheless, they lacked a self-conscious tradition of civil disobedience as legitimate political action in a democracy (Rucht 1984). The American experience offered theoretical and practical models. Some West Germans drew on the broad theoretical discussions in the US (Ebert 1984; Glotz 1983); others looked to practice (Sternstein 1981a, 44). BBU leader Jo Leinen was at the 1977 Seabrook occupation, and, Anna

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<sup>1</sup> Ralph Jimenez, A Beautiful Show of Support on the Green, *Granite State Independence* 20 (Sept. 1976). University of New Hampshire Archives, Durham, NH, Clamshell Alliance Papers [hereafter UNH Clamshell], Oversize Box 4; Anna Gyorgy, "Europeans Oppose Nukes," *Clamshell Alliance News* III: 3 (Feb.-Mar. 1980), *ibid.*, Oversize Box 1. The Archie Fund and Griffin Fund financed research for this article. The author thanks the staffs of the archives cited and Dr. Jan-Henrik Meyer, Dr. Astrid Mignon Kirchhof, and, especially, Dr. Gloria J. Fitzgibbon.

Gyorgy wrote, German activists visited Seabrook “specifically to learn ways of organizing non-violent civil disobedience demonstrations” (Gyorgy 1979, 396).<sup>2</sup>

## 2.2 Organization

An explicit borrowing lay in organization. The American anti-nuclear movement’s use of civil disobedience was rooted in the Society of Friends (Quakers), a religious sect committed to social justice (Bell 1968, 9, 33). Leftists from a rural commune and local Seabrook-area activists met in early 1976 to form the “Clamshell Alliance,” as an umbrella for groups opposing the planned Seabrook plant. For advice on organizing a nonviolent mass movement, they invited to the meeting two Quaker activists (one of whom would head training for the Clamshell). The Quakers brought the idea of organizing each action around affinity groups, preferably pre-existing but if necessary ad hoc groups of individuals who would support one another during an action, provide a decision-making structure, and assist in isolating provocateurs. Absolutely committed, as Quakers, to nonviolence, they established that participation in an intense training session in nonviolent protest would be a prerequisite for participation in any Clamshell Alliance direct action (e.g., occupation) (Wasserman 1977, 15; Gyorgy 1979, 397). Affinity groups and training were, hopefully, to ensure that each individual would act responsibly and nonviolently under the stress of an action. Quakers also brought a centuries-old tradition of consensus decision-making. Other American anti-nuclear alliances emulated these practices.<sup>3</sup>

West German activists in groups such as the *Hamburger Initiative Kirchliche Mitarbeiter und gewaltfreie Aktion* and the Republic of the Free Wendland sought to adopt the model of affinity groups and training – though the movement as a whole did not. Affinity groups made sense as a way to organize a complex, potentially dangerous action. In promoting affinity groups, West Germans shared American goals: mutual support under police pressure, easier decision-making, and isolating provocateurs. Germans who planned blockades did seek to organize training, but unlike the Americans, Germans in the late 1970s and early 1980s anti-nuclear movement never sought to train every protester who would engage in a site occupation or blockade (Painke 1997). A particular problem was the appearance at direct actions in West Germany of relatively large militant groups with their own agendas. The West Germans did

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<sup>2</sup> Göttinger Arbeitskreis gegen Atomenergie an Redaktion, *Atomexpress*, 14 Sept. 1978, Archiv Aktiv, Hamburg [hereafter, AA H], Gorleben. Bundesweite Zusammenarbeit von gewaltfreien Aktionsgruppen, 1976; Gorleben im Herbst, *ibid.*; Keine Ferienreise, *Südwest Presse*, 29 Sept. 1979, *ibid.*; Anna Gyorgy, Europeans Oppose Nukes, *Clamshell Alliance News*, III: 3 (Feb.-Mar. 1980), UNH Clamshell, Oversize Box 1.

<sup>3</sup> R.I. Clam, UNH Clamshell, Series 1, Box 1, f 12; Occupier’s Handbook, *ibid.*, Box 7, f 3; Clamshell Alliance, For immediate release, Nov. 16, 1977, *ibid.*, Box 2, f 2; Diane Clancy, Nonviolence Preparation Committee Minutes to the Coordinating Committee, *ibid.*, Box 5, f 5.

implement an American-style consensus process at a site occupation near Gorleben (Republic of the Free Wendland). Yet West German groups did not commit themselves to consensus decision-making, as American anti-nuclear alliances did. The American anti-nuclear movement could call here on the Quaker's and Civil Rights Movement's histories of training and the Quaker tradition of consensus to encourage people to acquiesce in these policies, while the Germans had no such precedent to prompt people to comply.<sup>4</sup>

### 2.3 Nonviolence, Violence, and Love

While nonviolence was a central principle for movements in both countries, debates over defining violence/*Gewalt* plagued both. Both debated whether violence against things was acceptable. A few American environmentalists did engage in vandalism or sabotage, but the movement overwhelmingly rejected it. Many American activists held that even fence-cutting, as destruction of property, was not acceptable. The Clamshell Alliance would split over this issue, as a militant minority argued for cutting fences, but even the militants rejected broader property destruction (Zunes 1978, 30). Other American anti-nuclear alliances also explicitly rejected any property destruction or sabotage (Birchler and Miller 1981, 29). Although the BBU and other groups generally rejected violence against things, not every German protester agreed (Rucht 1984). And once German nuclear-plant contractors began elaborately fortifying their sites, widespread support existed, even in the BBU, for piercing those fortifications however necessary. Moreover, sabotage of construction- and power-company equipment often accompanied German anti-nuclear actions. Hence, as West Germans adapted the American model, commitment to private property proved less constraining in West Germany than in the US – mostly because in the US anti-nuclear activists broadly agreed that property destruction would too sharply erode popular support.<sup>5</sup>

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<sup>4</sup> Vorbereitungspapier für die nächsten Blockaden in Brokdorf, [1981], AA H, Brokdorf-Blockaden. Gewaltfreie Aktionsgruppen; Gorleben im Herbst, [Nov. 1979], AA H, Gorleben. Bundesweite Zusammenarbeit von gewaltfreien Aktionsgruppen, 1976; Protokoll des Treffens zur Platzbesetzung der Tiefbohrstelle 1004 in Trebel am 22./23. März 1980, *ibid.*; Thesen und Fragen zum dezentral-gewaltfreien Konzept, Anfang Januar 79, *ibid.*; Autokonvoi nach Gorleben, *Atom Express* 13 (Apr. 1979): 11; Einige Getroffene aus der Gewaltfreien Aktion Göttingen, Das Gespenst der Einheit der Vielfalt, *Atom Express* 31 (Nov./Dec. 1982): 14; Bremer Positionspapier für den Fall einer polizeilichen Räumung, Papiertigerarchiv Berlin [hereafter PAB], Gorleben. Wendland-bewegung, 1982.

<sup>5</sup> Clamshell Alliance Coordinating Committee Meeting Minutes, 19 Feb. 1978, UNH Clamshell, Series 1, Box 5, f 6; Occupation Contingencies, UNH Clamshell, Series 1, Box 7, f 1; John Baringer in Guidelines for Strategy and New Program Areas, UNH Clamshell, Series 1, Box 7, f 10; Wüstenhagen: Den Weg der Gewalt lehnen wir ab, *Die Welt* 15 Feb. 1977, AA H, Brokdorf Blockaden, Gewaltfreie Aktionsgruppen; "Steuerstreik wird erwogen," *Frankfurter Rundschau* 16 Feb. 1977, PA Presse 102-18/24, 1; Hamburg, Zum Widerstand gegen WAA Gorleben, 2 Aug. 1978, AA H, Gorleben. Bundesweite Zusammenarbeit von gewaltfreien Ak-

Beyond violence against things, some German opponents of nuclear power were willing to accept violence against persons, which was unacceptable in the American movement (Daubert and Moran 1985, 12). Facing a racist, often violent White majority, 1950s African-Americans, who developed the American civil-disobedience tradition in the Deep South, dared not risk violence against persons. Moreover, for all the violence that has plagued the US on an individual level and, crucially, in racial politics, by the 1970s resort to violence against persons by radicals was a marginal phenomenon (Varon 2004; Zunes 1978). So even when relatively militant Americans sought to break through the fence around Seabrook in the face of a big police and National Guard deployment, they promised to forgo any violence toward individuals (Rodenko 1979). And they did not resort to stone-throwing or other attacks on law-enforcement personnel. As a report from the conservative Rand Corporation on anti-nuclear protest stated, “There are no documented instances of any acts by U. S. groups that might have constituted violence against persons” (Daubert and Moran 1985, 12).<sup>6</sup>

Major German proponents of a willingness to resort to violence against persons were members of the *K-Gruppen*, the competing communist splinter parties, or of the anarchist *Autonomen*. These groups saw anti-nuclear activism primarily as a tool to broaden the constituency for their larger political projects (Markovits and Gorski 1993). In denouncing nuclear plants, though, they asserted that the “terroristic *Gewalt*” of the bourgeoisie in building nuclear plants must be met by the “revolutionary *Gewalt*” of the masses. They argued, correctly, that even nonviolent protesters would face police brutality, so they might as well defend themselves; they asked what a couple of stones were compared to the violence of the police, what a stick was compared to Hiroshima. And numerous anti-nuclear demonstrations in West Germany included extended battles between police and groups of rock-throwing Leftists. American and German anti-nuclear-power movements opposed violence against persons. However, Germany’s militants were numerous enough that Germans were unable to enforce nonviolence against the determined minority that embraced violence (Kühle 1976, 66).<sup>7</sup>

An explicit emphasis on the humanity of one’s opponents strongly influenced American but not German civil disobedience. American Civil Rights leaders rooted in Christian belief (usually clergymen) had insisted that protest-

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tionsgruppen, 1976-; Gorleben. Bohrloch verstopft, PAB, Gorleben. Wendlandbewegung, 1982; Widerstand gegen Tiefbohrungsbeginn, *ibid.*

<sup>6</sup> Clamshell Alliance Coordinating Committee Meeting Minutes, Feb. 19, 1977, UNH Clamshell, Series 1, Box 5, f 6.

<sup>7</sup> KPD/ML, Landesverband Wasserkante, Brokdorf, [late Nov. 1976], PAB, Brokdorf Bewegung, 76/77; Ivan in Walter Moßmann, Mitteleuropa weiträumig umfahren, *Tageszeitung* 17 Aug. 1982, in PAB, Gorleben. Wendland Bewegung, -1982; Brokdorf. Mit allen Mitteln, *Der Spiegel* 35 (9), 23 Feb. 1981.

ers must “love” their opponents. Yet the oppressed minority of African-Americans concurred because they sought to minimize violent opposition from Southerners who had feared race war for centuries and had often engaged in lynching (Bell 1968, 26, 36-7, 111-4; King 1958, 84-7, 98; Washington 1991, 164-5). The more secular anti-nuclear-power movement, whose members had often experienced brutal conflicts with police during anti-Vietnam War demonstrations, similarly embraced an explicit commitment to treat one’s opponents as “human beings,” to avoid renewed conflicts (Kidder 1978, 72). American protesters had also learned to meet with police and Guard before each protest, to describe their intentions (Daubert and Moran 1985, 7). And when the Clamshell Alliance held a dance one year after 1,414 of them had been arrested and held for up to two weeks, they invited the National Guardsmen and State Troopers who had guarded them to join the fun. German protesters did occasionally say that their enemy was the nuclear power industry and the state, not the police; but they had not learned to seek meetings with police, and when a few did, other activists denounced them for betrayal. German Protestant clergy did seek to mediate between police and demonstrators, but officials and many demonstrators were dismissive of them (Kühle 1976, 66). And even when protesters prepared flyers for the police, they could be snarky (“To the uni(n)formed officials”) (Zint 1980, 55, 102). Hence, the relationship between demonstrators and law enforcement was much more fraught in Germany than in the US, in the violence of some militants and in the abusive language often directed at police. Partly this reflected the greater influence in Germany of militant groups open to violence, though undoubtedly also the significantly higher levels of police brutality at German than at American anti-nuclear demonstrations. Yet it also reflected a singular emphasis in the American movement on human interconnection, an emphasis rooted in African-Americans’ particular needs in a racist South, in many protesters’ religious commitments, and in recent experiences.<sup>8</sup>

## 2.4 Arrest and Punishment

The American willingness to accept arrest and punishment as part of civil disobedience is an anomaly. This notion, developed as a weapon of the oppressed in a nominally free society, was rooted in Thoreau and Gandhi but powerfully reinforced by the Civil Rights movement. Certainly, most American protesters

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<sup>8</sup> Occupier’s Handbook, UNH Clamshell, Ser. 1, Box 7, f 3; Kathryn Mulhearn and John Fabiani, To the Editor, Apr. 11, 1978, UNH Clamshell, Series 1, Box 2, f 3; Rita Schnell, Umstrittener Dialog mit der Polizei, *Taz*, 29 Aug. 1982, Archiv Grünes Gedächtnis, E.4 Umweltzentrum Bielefeld – Anti-Atomarchiv, 188; Hans-Jürgen Benedict, Staatsgewalt oder Protest’gewalt’ in Brokdorf oder: hat die gewaltfreie Aktion noch eine Chance?, *Junge Kirche* (Beiheft zu Heft 1/1977).

preferred to avoid punishment if they could and would argue for acquittal when tried. A very few American activists did reject any need to accept punishment in a fight against “immoral” laws (Zinn 1968). Yet the willingness to accept arrest remained central to the American anti-nuclear movement (Bircheler and Miller 1981). At American anti-nuclear-power demonstrations, thousands were arrested. Indeed, when the Clamshell Alliance decided, under pressure from locals, to replace an illegal site occupation with a legal demonstration, a number of demonstrators complained vociferously that they would miss their chance to be arrested. Crucially, most Americans accepted the legitimacy of the American system as self-evident. So even if one saw problems serious enough that one would disobey the law to call attention to them, one still had to accept punishment, to acknowledge that legitimacy and to emphasize the sincerity of one’s objections and one’s willingness to sacrifice (Peters 2012, 5, 29-32, 37-8; Smith and Zepp 1986, 54-5, 59, 61, 68). Some protesters did hope that mass arrests would so overburden the system as to move the government to reconsider its support for nuclear power. One would not expect middle- and upper-middle-class citizens anywhere to risk going to jail. The unusual willingness of significant numbers of Americans to do so rests on the moral force of the successful American Civil Rights movement and the broad legitimacy of the US political system.<sup>9</sup>

In the late 1970s and early 1980s anti-nuclear movement, a small number of West Germans did embrace being willing to go to jail as a crucial element in civil disobedience (Glotz 1983). They believed, with activist and student of nonviolence Wolfgang Sternstein, that their “willingness to accept detrimental consequences” would help them win over the majority and that “willingly accepting the punishments for infringing the law would show that their resistance was serious” (Sternstein 1981b, 26). A few demonstrators even voluntarily confessed to police that they had been at a banned demonstration where some were arrested, saying that “if you convict others, then you must convict me” (Zint 1980, 140). And some West Germans did also envision mass arrests gumming up the system, provoking the government to rethink the nuclear program.<sup>10</sup>

Americans and Germans reacted very differently to the experience of arrest. Americans certainly complained about the food, the toilet facilities, and the

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<sup>9</sup> Alden Meyer, Some Thoughts on the June 24th O/R and the Rath Proposal, May 20, 1978, UNH Clamshell, Series 1, Box 7, f 15; Sue, letter from dover armory, *free flowing* [Ames, IA] 4 (5), May 1977; Jim Frazer, Proposal. Seabrook Summer 1980 – preliminary sketch for a coordinated Clamshell Alliance campaign, *ibid.*, Box 1, f 11; Clamshell Alliance Coordinating Committee Minutes, June 4, 1978, *ibid.*, Box 5, f 10.

<sup>10</sup> Bauern-Prozesse: Passiver Widerstand=Gewalt, *Atom Express* (17), Dec. 1979/Jan. 1980: 16; Wie soll es weitergehen im Widerstand gegen das Atomprogramm der Bundesregierung? [mid-1979], AA H, Gorleben. Bundesweite Zusammenarbeit von gewaltfreien Aktionsgruppe, 1976-; Jan Stein, An die Gewaltfreien Aktionsgruppen über den Korat, 4 Dez. 1981, AA H, Brokdorf Blockaden. Gewaltfreien Aktionsgruppen.

arbitrariness of jail. Yet the predominant tone in their descriptions of arrest is, curiously enough, almost joyous. Protesters felt that they were engaged in an admirable act of civil courage and that being arrested proved that their actions were serious. Mass arrests leading to mass incarceration, sometimes for days, meant that protesters got to create in jail a community of the honorable (Bircheler and Miller, 47-57; Rosenblith 1977, 8). Thoreau and the Civil Rights Movement had convinced American protesters that sometimes the honorable citizen belongs in jail. The predominant tone among German anti-nuclear-power-plant protesters reporting on being arrested is resentment. Even having to provide fingerprints was repeatedly denounced, described as “the most humiliating moment of my life.” Again, Germans could not look back to a powerful, honored tradition that legitimated what was, after all, a socially problematic and often painful arrest experience. And the normal pattern in Germany was to take protesters’ personal data and release them within hours, so the extended experience of communal arrest was not available. Fear that arrest would lead to a *Berufsverbot*, a ban on any government employment, played some role (though it did not prevent thousands from risking arrest at anti-nuclear-missile demonstrations a couple of years later). Moreover, German protesters reported far more brutality by police in taking even nonviolent demonstrators into custody than did Americans, which certainly made the prospect of arrest less appealing (Kleinert 1981, 32). Reasonably enough, people everywhere normally see arrest as a terrifying, humiliating experience. One can perhaps find it relatively easy, intellectually, to identify arrest for a cause as honorable – but it takes unusual historical and social support to *experience* it as honorable, support that, for historical reasons, Americans had and Germans, ca. 1980, did not.<sup>11</sup>

## 2.5 “Criminalization” and “Solidarity”

While a few West Germans would accept arrest and punishment for civil disobedience, the movement as a whole rejected the notion that protesters should expect to be arrested and punished if they engaged in civil disobedience. When Sternstein participated in a blockade, he complained that many of his fellow protesters were grossly ignorant of the principles of nonviolent action, including the willingness to accept the consequences of, the punishment for, breaking the law (Sternstein 1982). And while German groups such as the BBU and BUU embraced nonviolence and civil disobedience, they did not present going to jail or accepting other punishments as an admirable and necessary outcome of

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<sup>11</sup> Sue, letter from dover armory, *free flowing* [Ames, IA] 4, 5 May 1977, UNH Clamshell, Oversize Box 4; Richard Asinof, No-Nukers Demonstrate Their Strength at Seabrook, *Valley Advocate* IV (38), May 11, 1977, UNH Clamshell, Series 1, Box 1, f 3; Ulfrid Kleinert, Blockade am Haupteingang, *Deutsches Allgemeines Sonntagsblatt*, 8 March 1981, PA-Press, 102-18/24, 9; LKW für LKW stoppen wir das AKW, *Gewaltfreie Blockaden gegen das AKW Brokdorf*, [4/81]: 9, AA H, Brokdorf-Blockaden Gewaltfreie Aktionsgruppen.

breaking the law. Instead, their comments on state attempts to punish those who committed civil disobedience generally dismissed punishment as unacceptable.<sup>12</sup>

Many anti-nuclear protesters simply rejected the notion that breaking the law in an effort to stop potentially disastrous nuclear-plant construction could be a criminal act. Site occupations and blockades clearly broke German law. Yet German anti-nuclear protesters rejected any attempt to hold people accountable, complaining that doing so was “criminalization of dissent,” implying that in this context, acts of law-breaking were not in fact crimes. Even while citing “the generally recognized actions of Martin Luther King” (who had of course proudly gone to jail), a protester who signed himself “Günter from Marburg” insisted that blockaders must “attack the sanctions against us morally, theologically, legal-philosophically, and politically” to “defend against legal sanctions now and in the future.” Protesters often insisted they should not be held accountable for breaking the law because of their righteous motives and often demanded amnesty for every anti-nuclear protester accused of a crime, any crime. The “Osnabrücker” wrote to *Atom Express*, “What we did in Brokdorf does not have even a hint of the criminal, but rather was fully justified resistance to the life-threatening nuclear energy” so that “each and every legal proceeding against opponents of nuclear plants must be terminated immediately and without conditions!!! [sic]”<sup>13</sup>

The rhetoric around the trial of two protesters, Michael Duffke and Markus Mohr, illuminates the role of fears of “criminalization” and calls for “solidarity” in the way many German anti-nuclear-power protesters addressed law-breaking. The press published – and republished – a photo from a Brokdorf demonstration that showed demonstrators beating a police officer. After a nation-wide manhunt, police identified Duffke and Mohr as among the attackers, and they were convicted of assault. Interestingly, anti-nuclear activists did not argue that they were innocent. Rather, many argued they should be freed because the assault took place after police had brutally attacked (other) demonstrators, so that it was a matter of “self-defense.” Or that the authorities had more or less arbitrarily chosen to make an example of these two, which they had, so that the accusations against them were really aimed at “criminalizing” all anti-nuclear protesters. Hence, “solidarity” required that all protesters de-

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<sup>12</sup> See, e.g., Steuerstreik wird erwogen, *Frankfurter Rundschau* 16. Feb. 1977, PA Presse, 102-18/24, 1; Wo Recht zu Unrecht wird, wird der Widerstand zur Pflicht, *Unsere Zeit* 27 Feb. 1981, *ibid.*

<sup>13</sup> Was wir fordern und warum, Easter 1975, in Wüstenhagen, 1975, 85; Bürgerinitiative Umweltschutz Unterelbe/Hamburg, Kommt massenhaft! PAB Brokdorf Bewegung 76/77; Die Braunschweiger Beschlüsse, *graswurzel revolution* 40 (Mar./Apr. 1979): 29; M.S. Noch größer als Hannover? *radikal. Sozialistische Zeitung für Westberlin* (Extrablatt August 1979), in PAB Gorleben Wendland Bewegung, -1982; Günter, Marburg, Abwehr und Verwertung der juristischen Repression nach der Blockade vom Juli 8! AA H Brokdorf-Blockaden Gewaltfreie Aktionsgruppen; Brief der Osnabrücker, *Atom Express* 25 (July/Aug. 1981): 14.

mand that the two men be set free, implicitly whether they were guilty or innocent of assault (*Dokumentation zum Brokdorf* 1982; Spörl 1982; Markovits and Gorski 1993, 104). When one anti-nuclear activist noted that some demonstrators – whether Duffke and Mohr or not – at a supposedly nonviolent anti-nuclear demonstration had brutally attacked a police officer, a human being, she was reviled for breaking solidarity. By focusing on possible “criminalization” of dissent and the primacy of solidarity, German protesters were implicitly – but often vehemently – rejecting a conception of civil disobedience as accepting, as a matter of conscience, the consequences of the deliberate breaking of valid laws.<sup>14</sup>

In part, German protesters focused on the threat of criminalization of all protesters because some politicians were acting as though they wanted to suppress, and perhaps criminalize, demonstrations in the Federal Republic. Some US officials acted similarly, but they had little impact in the 1970s and 1980s (Wasserman 1978, 15). In West Germany, police at demonstrations were gratuitously brutal in dealing with demonstrators, but no one was prosecuted for such brutality; indeed, politicians had only praise for police for dealing with “disorder.” Authorities imposed blanket, geographically far-reaching bans on several big demonstrations, which made attending the demonstrations a crime. And the most massive instances of civil disobedience involved tens of thousands of citizens violating such bans by demonstrating (though they scarcely expected that police could arrest individuals amid such enormous crowds). Moreover, the CDU/CSU pushed to reverse the 1970 liberalization of demonstration law, putatively to make it easier to capture the violent few but in ways that would have limited demonstration rights. And some Land governments sought to impose on individual protesters the policing costs and damages arising from demonstrations – in ways that seemed designed to so intimidate citizens that they would hesitate to demonstrate. Finally, the anti-nuclear movement developed during West Germany’s battle with terrorism, which included legislation that threatened civil liberties.<sup>15</sup>

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<sup>14</sup> Kirsten, “Kommentar zur Öffentlichkeitsausschluß, *Atom Express* 28 (Mar./Apr. 1982): 12, and Kommentar zur Öffentlichkeitsausschluß, *Atom Express* 29 (May/June 1982): 17-27.

<sup>15</sup> Clamshell Alliance, For immediate release, May 6, 1977, UNH Clamshell, Series 1, Box 2, f2; JF, Attacken auf Grundrechte, *Vorwärts* (26 Feb. 1981), PA-Presse, 102-18/24, 8; zum Brokdorf-Demonstrationsverbot, *Heute Mittag*, SWF, 23 Feb. 1981, PA-Presse, 102-18/24, 8; Presseerklärung Bürgerinitiative Umweltschutz Unterelbe, 14 Feb. 1977, PAB, Brokdorf Bewegung 76/77; Kapitulierte die Strafjustiz?, *Die Zeit* (10), 5 Mar. 1982; Die Liberalisierung hat sich nicht bewährt, *Der Spiegel* 35 (46), 9 Nov. 1981; Die Rechnung vor der Polizei, *Die Zeit* 49 (27 Nov. 1981); Recht. Dank mit Rechnung, *Der Spiegel* 36 (33), 16 Aug. 1982; Rudolf Augstein, Atomstaat oder Rechtsstaat, *ibid.* 31 (10), 28 Feb. 1977.

## 2.6 Religion and Resistance

The relative weakness of religion as a force in German life played a role as well. In the Federal Republic, support for nonviolent civil disobedience, with an acceptance of punishment, often came out of the Lutheran church (Schüring 2012). For example, Theodor Ebert, a layman who held church leadership roles, played a central role in promoting civil disobedience (Ebert 1984). A number of Lutheran pastors and church workers actively supported civil disobedience and occasionally participated in it, e.g., blockading the plant-site in Brokdorf. Yet a German tradition of anti-clericalism meant that people of faith could be ignored or ridiculed in public discourse in a way that just was not possible in the United States, where even most radicals know that it is impossible to build a mass movement without support from religious believers and churches committed to the social gospel (Kühle 1976, 66; Benedict 1981, 53-6; Seehase 1976). And Germans could not easily appeal to a concept of civil disobedience as an act of “witness,” independent of its immediate effects, whereas American protesters did (Birchler and Miller 1981, 70; Jezer 1977, 21-2). Civil disobedience in the US had some non-religious roots (e.g., sit-ins by workers in the 1930s (Cooney and Michalowski 1977)), and many anti-nuclear protesters were not religious. Yet since the successful Civil Rights Movement, civil disobedience in the US has had a powerful religious thrust that influences expectations and actions.<sup>16</sup>

Rather than appeal to religion, Germans appealed to resistance. (Meyer et al. 1984) West Germany’s constitution guaranteed each German the right of resistance against any threat to the constitutional order, if other means were unavailable. Anti-nuclear-power activists referred repeatedly to this constitutional right as they asserted their right to act, even by breaking laws, against the dire threat nuclear power posed (Küchenhoff 1980, 27, 29, 31). Indeed, they frequently asserted, “When *Recht* (justice or law) becomes *Unrecht* (injustice), resistance becomes a duty.” Conservatives and supporters of nuclear power complained that this constitutional right applied only when the constitutional order was threatened, not when a citizen disliked a policy outcome. Yet opponents of nuclear power were adamant that the constitutional order was in fact at risk (Meyer-Tasch 1988, 33, 42). They argued that nuclear radiation and waste threatened everyone’s constitutionally guaranteed “bodily integrity” and that the state could only protect against nuclear terrorism by suspending the constitution (*Atomstaat*). Resistance was rhetorically powerful, given widespread praise for those few who had dared resist, even violently, the Nazi regime – and

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<sup>16</sup> Brokdorf und die Kirche, *Deutsche Zeitung*, 10 Dec. 1976, PA Presse, 102-18/24, 1; Atomstrom. Symbol auf Konto, *Der Spiegel* (34), 21 Aug. 1978; Seabrook Votes Down Nuke, but Public Service Won’t Abide by Decision, *Granite State Independence* 15 (Apr 1976), UNH Clamshell, Oversize Box 4.

condemnation for the many who had not. Moreover, few by the 1970s thought that anti-Hitler resisters deserved punishment for resistance. Ultimately, German anti-nuclear activists could not give civil disobedience a widely acceptable face by appealing to religion; they sought to do so by appealing, usually sincerely, to a constitutional right to resistance (cf. Schüring 2012). West Germans were thereby adapting civil disobedience through a culturally persuasive rhetoric that evoked a quasi-revolutionary situation in which the petty constraints of legality could seem at best irrelevant, while violence against things, and perhaps even against people, could seem the only legitimate recourse. Thus resistance could serve for many Germans as a morally legitimating functional substitute for religion – but with very, very different consequences.<sup>17</sup>

## 2.7 Attitudes toward the State

Activists in the US and West Germany had very differing attitudes toward the state, and hence to civil disobedience (Joppke 1993, esp. 79-82, 114-5). In the 1960s and 1970s in both the US and West Germany an often militant New Left attacked the legitimacy of the prevailing economic, political, and cultural orders. In the US, however, the Left shrank in the 1970s to its traditionally marginal status. Hence, the existing political and economic system retained for most Americans an indisputable legitimacy as a system (Aronowitz 1996, esp. 49-50, 93-4).

In West Germany, however, many anti-nuclear activists simply did not trust the state. The *K-Gruppen* and the *Autonomen* remained a significant political force. For them, the Federal Republic was a cabal of a ruling class of capitalists, hostile to the interests of the masses. They operated within a Leftist revolutionary tradition that saw violent overthrow as the only hope for a truly democratic future. Radicals and even moderates in the 1960s had seen the Federal Republic as fascist because it failed to purge former Nazis from government,

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<sup>17</sup> Zehntausende demonstrieren in Bonn gegen die Kernkraft, *Frankfurter Allgemeine Zeitung*, 15 Oct. 1979, PA Presse, 102-18/24, 6; Herbert Riehl-Heyse, Mobilmachung in der Wilster Marsch, *Süddeutsche Zeitung*, 28 Feb. 1981, PA Presse, 102-18/24, 8; Wo Recht zu Unrecht wird, wird Widerstand zur Pflicht, *Unsere Zeit*, 27 Feb. 1981, PA Presse, 102-18/24, 9; Hamburger Initiative Kirchliche Mitarbeiter und gewaltfreie Aktion et al., Wir müssen unsere Meinung zeigen, damit morgen die Mehrheit mit uns Widerstand leistet, AA H, Brokdorf-Blockaden Gewaltfreie Aktionsgruppen; Bauern bei Albrecht, *Atom Express* 11 (Dec. 1978): 39; Helmut Ostermeyer, Wehrt euch, leistet Widerstand!, *Die Unabhängigen* (1 Oct. 1977), AsD, NL Ewald Gaul, 1EGAE000004; Dr. Stäglich, Offener Brief, *Die Bauernschaft* (1) 1977, März, BAK B342/637; BBU, Alternatives Arbeitspapier zur Energiepolitik, 14 Nov. 1977, BAK, B196/34251; BI Lüchow-Dannenberg, BBU, Freundeskreis der BI Lüchow-Dannenberg, Aufruf zum Widerstand! PAB, Gorleben. Wendland Bewegung, -1982; BI Lüchow-Dannenberg, Presseerklärung, 26 Oct. 1978, AA H, Gorleben. Bundesweite Zusammenarbeit von gewaltfreien Aktionsgruppen; Ariane et al., Eindrücke vom Anti-AKW Sommercamp, 79, *radikal. Sozialistische Ztg. für Westberlin* Extrablatt (Aug. 1979): 4.

civil service, and judiciary. (Koenen 2001; Geronimo 2012; Weber-Zucht 1977) Even otherwise moderate opponents of nuclear power, Theo Sommer wrote, had often lost faith in the state and “because they feel left in the lurch by the institutions, they take on themselves the right to resist” (Sommer 1977). Protesters occupying a proposed nuclear-waste storage site briefly established a consensus-democracy, the Free Republic of the Wendland, as an alternative to the Federal Republic’s representative democracy. The American anti-nuclear movement included some who were just as skeptical of the Establishment as were many West Germans, but their influence was marginal. Because the Federal Republic lacked the American republic’s reservoir of good will, West Germans were more likely to see violence as acceptable and punishment by the state as unacceptable.<sup>18</sup>

## 2.8 Partial Convergence

West Germans did develop over time a style of civil disobedience somewhat more similar to American practice. As the anti-nuclear-power movement in West Germany was declining in the early 1980s, an even broader peace and anti-nuclear-missile movement adopted nonviolent civil disobedience and engaged in nonviolent blockades on a massive scale, with frequent arrests. That movement was much more influenced by the churches (Lepp 2012). It was, as a “peace” movement, much more able to isolate violent demonstrators. In their own learning process, police also moved toward a “de-escalation strategy,” so that police brutality was less than against anti-nuclear-power demonstrators (Becker-Schaum 2012). However, German movements generally still rejected any punishment for acts of civil disobedience as “criminalization” and sought to legalize civil disobedience for people with good motives (Butterwege 1985; Quint 2008). A renewed anti-nuclear-power movement after Chernobyl still included violence, as at Wackersdorf and Brokdorf in 1986. Subsequently, a massive civil disobedience movement developed against the transport of nuclear waste, a movement that relies on nonviolent affinity groups, widespread training, and arrests quite similarly to its American antecedents – albeit, still without any embrace of arrest and with some sabotage. The decline of the *K-Gruppen* and the *Autonomen* and of CDU/CSU efforts to criminalize dissent, changes in protest policing, and perhaps time to adjust, have changed the context and made possible

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<sup>18</sup> BBU Konferenz, *Atom Express* 6 (Jan./Feb. 1978): 14; Kommentar zum Öffentlichkeitsaus-schluß, *Atom Express* 29 (May/June 1982): esp. p.20; Werner Birkenmaier, Brokdorf und das Recht, *Stuttgarter Zeitung* 2 Mar. 1981, PA-Press, 102-18/24, 9; [no title], *Kommunistische Volkszeitung* 20 Jan. 1977, PAB, Brokdorf Bewegung 76/77; *AStA Info* [Hamburg], [Feb. 1977], *ibid.*; Zäune umlegen, auf den Bauplatz vordringen, *Der Spiegel* 31 (8), 14 Feb. 1977; Sabine Rosenblatt, *Der Atomstaat schlägt seine Kinder*, *konkret* (July 1980), PA-Press, 102-18/24, 7.

the adaptation of more elements from a foreign tradition, but Germans continue to have their own conception of civil disobedience.<sup>19</sup>

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### 3. Conclusions

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Transnational connections are crucial to understanding civil disobedience's development. As a mass movement it first blossomed in South Asia. To bring it to the US, Americans had to adapt it to their context (Scalmer 2011). West German anti-nuclear-power protesters saw themselves as members of an international movement, so they were quite open to adapting tactics from abroad, including civil disobedience from the US. Nonetheless, they could only do so on their own terms.

West Germany was, of course, not the US, so German civil disobedience would inevitably be different from American. A few West Germans proved willing to adopt American conceptions of civil disobedience as normative. Nonetheless, 1970s West Germans were operating within a different historical context and a different political culture. They sought to engage in civil disobedience against a state many of them deeply mistrusted, a mistrust only strengthened by police brutality and by the obvious intention of some politicians to severely limit, perhaps to criminalize, dissent. And they sought to legitimate civil disobedience by appeal to resistance, a powerful concept with a constitutional basis and historical resonances from Leftist ideology and anti-Nazi resistance. Hence, many West German anti-nuclear protesters could find militant, perhaps violent, activism fully justified. The movement sought to distance itself from violence, but the demands of solidarity made it impossible, in the late 1970s and early 1980s, to do so in ways that satisfied both its own membership and outside observers. Not all Americans were willing to go to jail for civil disobedience, and some West Germans were. Nonetheless, the American anti-nuclear movement developed in a context where willingness to go to jail for civil disobedience was honored by many. Absent any historical memory of civil disobedience or strong religious belief, very few West Germans could or would embrace going to jail. West German anti-nuclear protesters, seeing themselves as resisters, generally denied to the state they mistrusted any right to treat protesters as criminals, apparently no matter what laws they broke.

The networks that transfer ideas and practices from one nation to another are important, but they run up against human beings, cultures, and institutions that inevitably react on their own terms. Understanding historical developments transnationally hence requires understanding not only how ideas and practices from one culture are made available within another culture; it also requires

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<sup>19</sup> Hau weg den Scheiß, *Der Spiegel* 40 (36), 1 Sept. 1986.

recognizing that a culture or nation will never just adopt ideas and practices from another society whole. Hence, we must work (hard) to understand how and why nations come to *adapt* from others what they do – and what they do not.

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