

Legal Regulations and Solutions for the Protection of Public Art in the Context of Radical Environmental Protests

Ying Li^{1, a}

¹School of Art, Lanzhou University of Finance and Economics, Lanzhou, Gansu 730000, China

^aEmail: 2923706392@qq.com

Abstract

Since 2022, radical environmental organizations in Europe (such as Just Stop Oil and Last Generation) have staged “performance protests” targeting public artworks such as Van Gogh’s **Sunflowers** and the **Laocoön Group**. Although these actions have not caused substantial damage to the cultural artifacts, they have sparked a conflict of legal interests between cultural heritage protection and freedom of expression regarding climate issues. Existing research has largely been confined to a single scientific perspective, lacking a systematic analysis of the dilemmas within legal regulation. Drawing on typical cases from the United Kingdom, Italy, Germany, and France, this paper identifies three regulatory models: “punitive approach,” “instrumental expansionism,” and “administrative control.” It further highlights issues within the current legal framework, including a doctrinal vacuum regarding the characterization of “symbolic damage,” an imbalance in the proportionality of regulatory tools, and the fragmentation of country-specific research. Based on this analysis, the paper proposes normative solutions such as establishing a “crime of disturbance to cultural property,” implementing a tiered system of protection and tolerance, and constructing a sentencing matrix based on the “risk of harm versus value of expression” to achieve a dynamic balance between cultural heritage protection and freedom of expression.

Keywords

Radical environmental protests; public artworks; performative destruction; civil disobedience; principle of proportionality.

1. Introduction to the Issue

(1) Overview of the Phenomenon

Since 2022, radical environmental organizations in Europe (such as Just Stop Oil and Last Generation) have frequently used public artworks as a medium for protest, giving rise to a form of “performative protest” with highly symbolic impact. A notable case occurred at the National Gallery in London in October 2022, when protesters splashed tomato soup onto Van Gogh’s *Sunflowers*. Although the painting itself was protected by bulletproof glass and sustained no substantial damage, the frame was damaged, resulting in approximately £10,000 in restoration costs; two participants were sentenced to 20 months and 2 years in prison, respectively [1]. Vatican Museums, Rome, Italy: A protester glued their hand to a non-original part of the base of the *Laocoön Group*. As the stone sculpture itself was not damaged, the individual received a nine-month suspended sentence and was ordered to pay 30,000 euros in compensation [2]. National Gallery, Berlin, Germany: A member of Last Generation glued their hand to the frame of Raphael’s **Sistine Madonna**. As no substantial damage was caused, the individual was ultimately fined 5,500 euros [3]. Musée d’Orsay, Paris, France: Climate activists applied removable stickers to Monet’s **Poppies**, causing no damage to the painting; they were sentenced to 57 hours of detention and banned from working with children [1]. The above

actions share three common characteristics: 1. Low-risk contact: Deliberately targeting areas with protective measures or non-critical parts to avoid causing irreversible physical damage; 2. High symbolic impact: Amplifying climate issues through visual shock and media coverage; 3. Open political motivation: Protesters explicitly stated their intent was to draw attention to the climate emergency, rather than to destroy cultural heritage.

(2) Core Legal Conflicts

Such acts exist at the intersection of cultural heritage protection and freedom of climate expression, highlighting three key legal conflicts: 1. The Question of Dilemma of harm: In the absence of physical damage, on what legal interest should the unlawfulness be based? Is it an abstract threat to property rights, or an infringement upon public sentiment and cultural values? 2. The Dilemma of Legal Classification: Should such acts be classified as criminal destruction or civil disobedience? Current law lacks intermediate classification standards for “symbolic infringements without substantial damage.” 3. The Dilemma of Proportionality in Regulation: Does invoking anti-organized crime provisions or enacting stringent new laws to address nonviolent protests violate the principle of proportionality, constituting an excessive restriction on freedom of expression and freedom of assembly?

(3) Research Gaps and the Focus of This Paper

Existing research is largely confined to single disciplinary perspectives: criminal law focuses on the application of specific criminal charges, while the sociology of art emphasizes the interpretation of symbolic meaning, resulting in a lack of systematic responses to the question of “how the law should address acts that cause zero physical damage but possess high symbolic value.” Particularly given that European countries have developed three distinct regulatory models—“severe punishment” (UK, Italy), “instrumental expansionism” (Germany), and “administrative control” (France, Netherlands)—no unified regulatory framework has yet been established that balances the security of cultural heritage with citizens’ right to protest.

Accordingly, this paper uses typical cases from four countries as case studies. Through comparative legal analysis, it examines the internal logic and application dilemmas of these three regulatory models and explores normative solutions to achieve a dynamic balance between cultural heritage protection and freedom of expression.

2. Current State and Review of Domestic and International Research

1. International Research: Qualitative Divergences within a Binary Framework

In international academic circles, the legal characterization of radical environmental protests has long been defined by a binary opposition between “civil disobedience” and “eco-terrorism,” with a recent trend toward expanding the concept to include “quasi-terrorism.”

(1) Supporting Perspective: The Theory of Civil Disobedience This perspective follows the classic arguments of Thoreau, Gandhi, and Rawls (1971) [4], asserting that radical environmental protests possess core characteristics such as “being based on conscience, public, nonviolent, and willing to accept punishment.” Scholars such as Berglund (2023) [5] point out that, against the backdrop of the failure of conventional political channels, such “performative law-breaking” possesses moral legitimacy and can be viewed as an extension of freedom of expression in the context of a climate emergency. Much of the relevant research is dedicated to arguing for its nature as “benign law-breaking” and attempts to secure exemption from or mitigation of liability based on motive at the judicial level.

(2) Critical Perspectives: Eco-terrorism and Public Order Theory

Regarding extreme acts such as arson and destruction of infrastructure, Western authorities (e.g., the FBI) and some legal scholars classify them as “eco-terrorism,” applying counterterrorism legal tools to suppress them (Chalecki, 2022) [6]. It is worth noting that with

the frequent occurrence of nonviolent acts such as “soup-throwing” and “sticky-finger” protests, some studies have begun to include acts that “cause no substantial harm but trigger public panic” within the scope of discussions on “quasi-terrorism” or “serious disruption of public order,” reflecting an expanding trend in legal characterization.

2. Domestic Research: The Rule of Law as a Bottom Line and Caution Against “Extreme Environmentalism”

Chinese academia generally adopts a cautiously critical stance on this issue, reflecting a significant divergence from the Western discourse.

(1) Conceptual Definitions and Stances: Domestic research often employs terms such as “extreme environmentalism” or “radical environmental organizations” to describe these phenomena, emphasizing that their methods have exceeded mainstream social norms and constitute a non-traditional security threat (Liyin Yang, 2023) [7]. The academic community generally agrees that even if motivated by environmental concerns, acts of property destruction and public disorder should be regulated under the Criminal Law or the Law on Public Security Administration Punishments.

(2) Legal Application Approaches: Compared to the Western emphasis on “freedom of expression,” domestic research focuses more on how to maintain social order through existing legal frameworks (such as the crimes of provoking trouble and intentional destruction of property). Research focuses on demonstrating the punishability of such acts under Chinese law and maintains a reserved stance regarding the applicability of Western “civil disobedience” theories in China.

3. Divergences in Research Approaches to Public Art Regulation

In the specific field of public art protection, domestic and international research exhibits distinct differences in approach:

(1) The Chinese Model: Outcome-Oriented and Value-Protection Focus. Domestic research centers on the boundaries of application for Article 324 of the Criminal Law, “Crime of Intentionally Damaging Cultural Relics.” Guiding cases issued by the Supreme People’s Procuratorate and the Supreme People’s Court (such as the Mount Tai Stone Inscriptions case and the Mount Fanjing Golden Summit Cliff Inscriptions case) have clarified that acts of destruction committed on cultural relics—even if they do not cause physical structural collapse—can be deemed “destruction” as long as they damage the historical character and irreversible cultural value. Academic discussions primarily center on how to recover restoration costs through public interest litigation and punitive damages, as well as on implementing preventive protection measures.

(2) The European Model: Balancing Legal Interests and the Principle of Proportionality. Regarding acts such as “spilling soup” or “sticking one’s hand,” European academic research focuses on balancing Article 10 (freedom of expression) and Article 11 (freedom of assembly) of the European Convention on Human Rights [12] with property rights and the protection of cultural heritage. Case law from the European Court of Human Rights (ECtHR) tends to hold that criminalization is proportionate when substantial damage is caused to cultural heritage possessing physical uniqueness; however, there is academic controversy regarding symbolic acts involving “zero substantial damage.” Some studies (e.g., Tourangeau et al., 2025 [13]) have begun to examine how various countries address the gap in criminal liability in the absence of physical damage through concepts such as “presumption of risk” (e.g., the United Kingdom) or “emotional interest” (e.g., Germany).

3. Shortcomings of Existing Research and the Focus of This Study

Although the existing literature provides a foundation for understanding radical environmental protests and cultural heritage protection, in light of the new protest model characterized by “performative, low-damage, high-impact” actions that has emerged since 2022, existing research exhibits significant gaps in three dimensions: doctrinal interpretation, critique of regulatory tools, and comparative law integration. These gaps constitute the scope of this study.

1. The Threefold Limitations of Existing Research

(1) The Doctrinal Vacuum Regarding “Symbolic Damage”: Qualitative Ambiguity and Regulatory Mismatch

Existing research largely focuses on two extreme scenarios: first, cultural heritage crimes causing substantial physical damage (such as graffiti on stone carvings or arson); and second, entirely lawful peaceful assemblies. However, when it comes to “quasi-symbolic damage” (Quasi-Symbolic Damage) behaviors characterized by “knowledge of protective measures + zero/minimal physical damage + high media impact” (e.g., splashing soup on bulletproof glass or sticking one’s hand to a pedestal), criminal law doctrine faces an interpretive dilemma. Scholars (such as Bessette, 2022; Gamboni, 1997 [8]) have highlighted its “landscape” attributes, but they have failed to systematically address the following question: When physical damage is absent, what constitutes the basis for the infringement of legal interests under the crime of criminal destruction? Is it an abstract danger to property rights, or an injury to public sentiment? This ambiguity in legal characterization has led to a regulatory misalignment in practice—where outcomes range from “acquittal” to “severe punishment”—and a lack of targeted intermediate offenses.

(2) “Disproportionate” Regulatory Tools: A Lack of Systematic Critique of the “Light Use of Heavy Weapons”

There has been a lack of in-depth critique regarding the proportionality of the response strategies adopted by various countries (such as Germany’s invocation of Section 129 of the Anti-Organized Crime Act [10] and Italy’s enactment of the “Ecological Damage Law”). Existing literature consists largely of country-specific case studies and fails to systematically examine, from a comparative law perspective, whether the application of “heavy-handed” tools—originally designed to combat terrorism or organized crime (such as wiretapping, hefty fines, and long-term imprisonment)—to address nonviolent civil disobedience violates the fundamental requirements of Articles 10 (freedom of expression) and 11 (freedom of assembly) of the European Convention on Human Rights. The “chilling effect” triggered by this expansion of regulatory tools and its resulting compression of democratic space have not yet received sufficient attention from the legal community.

(3) Fragmented Case Studies: Lack of Typological Comparisons of Multi-National Regulatory Models

Existing analyses are mostly isolated commentaries on national cases (e.g., the UK’s “Sunflower” case, Italy’s “Laocoon” case). There is a lack of research that places the regulatory logics of countries such as the UK (punitive approach), Germany (instrumental expansionism), and France (administrative control) within a single analytical framework for typological comparison. This makes it impossible to clearly illustrate the differences in value prioritization between “cultural heritage protection” and “freedom of expression regarding climate change” across different legal systems, and it also hinders the development of universally applicable tiered response mechanisms.

2. The Approach and Theoretical Contributions of This Paper

Given the aforementioned gaps, this paper aims to address them from the following three dimensions and construct a new analytical framework:

Research Gaps (Gap) The Approach of This Paper (Contribution)

Table 1. Research Gaps and Corresponding Contributions of This Study

Research Gaps (Gap)	The Approach of This Paper (Contribution)
(1) The Qualitative Dilemma of Quasi-Symbolic Harm	Proposing the concept of “cultural property disturbance offenses”: In criminal law doctrine, such acts are defined as an independent category situated between “physical damage” and “legitimate protest.” This paper argues that the essence of the legal interest infringed lies in “the disruption of the public cultural experience order” rather than mere property damage, thereby providing a theoretical basis for establishing a system of minor offenses primarily punishable by “fines or community service.”
(2) Imbalance in Regulatory Tools	Constructing a “Risk of Harm–Value of Expression” Matrix Model: Introducing the principle of proportionality as a core analytical tool to establish a quantitative assessment framework. Critically pointing out that the German model (crimes against organization) and the British model (presumption of risk) have serious flaws regarding the appropriateness of means and minimal infringement, this paper advocates a return to a “proportionality of legal interests” approach centered on administrative prior measures and misdemeanors.
(3) Fragmented Country-Specific Research	Establishing a Three-Dimensional Comparative Framework: Systematically summarizing and comparing the internal logic, judicial practices, and social effects of three regulatory models—punitive approach (UK), instrumental expansionism (Germany), and administrative control (France/Netherlands)—this study reveals the underlying “order-freedom” value tension and provides a comparative legal foundation for developing unified EU guidelines on cultural heritage protests.

The innovation of this paper lies in its being the first to systematically deconstruct the legal characterization dilemma of “radical environmental art protests” from a comparative law perspective. It attempts to propose a balanced regulatory path—one that both safeguards the bottom line of human cultural heritage and accommodates the right to civil disobedience in the era of the climate crisis—across three dimensions: legal doctrine (new concepts), judicial practice (matrix model), and legislative policy (tiered response).

4. Three Regulatory Models under Comparative Law: A Multidimensional View of the Dilemma

Radical environmental protesters use public artworks as a medium for protest, causing them to simultaneously embody both cultural heritage value and climate political significance. This presents a dual challenge for legal regulation: on the one hand, artworks are irreplaceable, and any potential risk of damage must be taken seriously; on the other hand, peaceful protest is a fundamental right in a democratic society, and excessive criminalization may constitute an undue restriction on freedom of expression.

The current legal framework—including the criminal offense of property destruction under criminal law, specialized legislation for cultural heritage protection, as well as “ecological damage laws” and anti-organized crime provisions [9] introduced by some countries in recent

years—faces the following three typical regulatory models and their associated dilemmas when addressing such acts that “cause no substantial damage but carry symbolic impact”:

1. The United Kingdom and Italy: “Punitive Approach” and Legislative Escalation

(1) Regulatory Logic: Formalization Guided by Outcome-Based Risk

The judicial stance established by the United Kingdom in the **Sunflower** case represents the typical logic of the “punitive approach.” The London Criminal Court explicitly stated in its judgment that the establishment of the crime of criminal damage does not depend on actual damage, but rather on the objective risk posed by the act and the damage it causes to ancillary facilities. The judgment specifically emphasized [1]: “The tomato soup caused approximately £10,000 in actual damage to the 17th-century wooden frame, and there was a significant risk of it seeping through the glass and staining the canvas.” This logic of “presumption of risk” rendered the protesters’ subjective defense that they “did not intend to cause permanent damage” virtually ineffective in court.

Italy, meanwhile, has strengthened deterrence through legislative measures. The “Ecological Damage Act,” which took effect in early 2024 [2], raised the maximum fine for defacing cultural heritage to 60,000 euros and introduced aggravating circumstances for “organized destruction of cultural property.” Similar to the UK, Italian courts also rejected the “climate emergency” as a mitigating factor when adjudicating the Laocoön Group case.

(2) Institutional Strengths and Challenges:

Severe criminal sanctions have produced a significant deterrent effect, reducing the frequency of similar incidents in the short term. A clear “zero-tolerance” stance has also addressed the public’s widespread concerns regarding the safety of cultural heritage. However, this “punitive approach” faces three main challenges: (a) Ambiguity regarding the legal interest at stake: When a painting remains intact due to protective measures, what exactly constitutes the legal interest violated by the crime of criminal destruction? Is it an “abstract danger to property rights” or a “disturbance of public order”? (b) Challenges to the principle of proportionality: Does imposing actual prison sentences (up to two years in the UK) for acts that cause no permanent damage comply with the protection of freedom of expression under Article 10 of the European Convention on Human Rights [12]? (c) The risk of suppressing political expression: Reducing acts of civil disobedience with clear political demands to ordinary criminal offenses may constrict the space for dissent necessary in a democratic society.

2. Germany: “Instrumental Expansionism” and the Chilling Effect

(1) Regulatory Logic: The Unconventional Expansion of Criminal Instruments

Prosecutors in some German states have invoked Section 129 of the Criminal Code [10]—“the offense of forming a criminal organization”—to target environmental groups. This provision was originally designed to combat organized crime and has an extremely high threshold for application, requiring elements such as “an organizational structure” and “ongoing criminal activities.” In 2024, while adjudicating the Brandenburg Gate graffiti case, the Munich Regional Court did not apply Section 129 but nonetheless sentenced the protesters to prison terms for “aggravated” property damage, citing “insulting destruction of a national monument.” This expansion grants law enforcement agencies broader investigative powers (such as wiretapping and surveillance) but involves a misclassification of the offense.

(2) Institutional Strengths and Weaknesses:

From a regulatory perspective, this model helps curb protest waves at the organizational level. However, its drawbacks are more pronounced: (a) Misjudgment of the nature of the acts: Treating public, nonviolent environmental protests as equivalent to secret, violent organized crime violates the principle of legality in criminal law. (b) Shrinking of democratic space: Amnesty International has pointed out that this creates a “chilling effect” on the freedom of peaceful assembly; consequently, CIVICUS Monitor [11] downgraded Germany’s civic space

rating from “open” to “narrow.” (c) Misallocation of judicial resources: Escalating minor offenses into complex criminal investigations leads to judicial inefficiency.

3. France and the Netherlands: “Administrative Control” and Leniency in Punishment

(1) Regulatory Logic: Proactive Defense and Judicial Restraint

France has adopted a response strategy centered on administrative control. Institutions such as the Louvre and the Musée d’Orsay have generally strengthened security screening procedures (such as restricting the carrying of liquids) and trained security personnel to intervene swiftly. In the incident involving stickers on Monet’s **Poppies**, the museum swiftly removed the stickers and imposed administrative penalties on the protesters rather than pursuing criminal charges. The judicial system has demonstrated marked restraint in such cases. In a similar case, the Amsterdam District Court in the Netherlands [1], while finding the protesters guilty, sentenced them to only two months’ probation and explicitly stated in its judgment a balanced stance of “understanding but not condoning.”

(2) Institutional Strengths and Challenges:

Administrative preemptive measures effectively reduce the risk of damage; lenient sentencing avoids turning protesters into “martyrs.” However, the challenges lie in: (a) The shifting of security costs: The high costs of security measures are borne by public finances or visitors, which may undermine the museum’s public nature. (b) Regulatory uncertainty: Inconsistent standards for administrative penalties can lead to selective enforcement. (c) Insufficient deterrence: Mild penalties may be viewed by radical organizations as a “tolerable cost,” thereby incentivizing them to plan even more disruptive actions.

5. A Legal Analysis of the Three Core Dilemmas

While radical environmental protests targeting public artworks may appear to be merely a new form of activism, they essentially expose the structural tension within the modern criminal justice system when confronting “non-material harm.” This tension manifests in the following three core dilemmas:

1. Core Dilemma One: The Qualitative Vacuum of “Symbolic Damage”

The elements of offenses in the current criminal law system are largely premised on “physical damage” or “functional damage.” When Van Gogh’s **Sunflowers** suffers no actual damage due to bulletproof glass protection, the basis for the punishability of the act falls into an awkward predicament. To fill this vacuum, judicial practice has been compelled to resort to two questionable approaches: (1) Risk Imputation: For example, British courts hypothesize the consequences of damage “had there been no glass case.” This approach risks “punishing intent rather than conduct” in terms of legal doctrine, violating the fundamental principle of objective attribution in criminal law. (2) Expansion of Emotional Legal Interests: For instance, in the German Brandenburg Gate case [10], “emotional harm to national symbols” was incorporated into the scope of legal interests. However, this subjective definition of legal interests creates an inherent tension with the principle of criminal law restraint, easily leading to an improper expansion of the scope of punishment. The fundamental problem lies in the law’s failure to establish independent criteria for characterization and a graduated scale of liability for “symbolic infringements without physical damage” between “physical destruction” and “legitimate protest.”

2. Core Dilemma Two: Judicial Rejection of the Theory of Civil Disobedience

Radical environmental protests fully align with the characteristics of civil disobedience as defined by Rawls [4]: based on conscience, public, non-violent, and with a willingness to accept punishment. However, mainstream European judicial systems generally adopt a “separation of motive and action” approach. In their rulings, courts typically acknowledge: “We understand

your concerns about the climate crisis,” but immediately point out: “This cannot serve as a justification for breaking the law.” This approach creates a disconnect between legal and social evaluations: while the public may sympathize with the protesters’ original intentions, the law focuses solely on the objective act of “throwing tomato soup at a picture frame.” The concept of a “higher law” inherent in the theory of civil disobedience lacks institutionalized channels for acceptance within the framework of positive law, resulting in its being treated merely as a moral justification rather than a legal defense.

3. Core Dilemma Three: Disproportionate Countermeasures

The principle of proportionality requires that state interventions must satisfy the criteria of legitimate purpose, appropriate means, necessity, and strict proportionality. However, current countermeasures exhibit serious imbalances across all four dimensions:

Table 2. Assessment of Regulatory Measures Against the Principle of Proportionality

Regulatory Measures	Legitimate Purpose	Appropriate Means	Necessity	Strict Proportionality
UK	2 years’ imprisonment	High (protection of cultural heritage)	Medium (excessive deterrence, insufficient rehabilitation)	Low (lighter measures such as fines or community service exist)
Germany	Anti-organization offense	Medium (maintenance of order)	Low (misclassification, inappropriate application of legal instruments)	Extremely low (severely restricts democratic space)
Italy	Heavy fines	High	Medium	Medium (requires case-by-case review)

The greatest imbalance lies in the use of “heavy artillery”—designed to punish violent crimes—against the “expression of speech” in nonviolent protests, thereby undermining the inherent rationality and balance of the criminal justice system.

6. Redefining Regulatory Approaches: Balancing Cultural Heritage Protection and Freedom of Expression

In light of the aforementioned dilemma, the law should not simply choose between “severe punishment” and “leniency,” but rather establish a nuanced balancing mechanism.

1. At the Legislative Level: Establishing a Graded System of Offenses

(1) Establishing the “Offense of Disturbing Cultural Property” as a Buffer Zone

It is recommended that the “Offense of Disturbing Cultural Property” be added to the Criminal Law or the Cultural Relics Protection Law to serve as an intermediate tier between serious crimes (such as the offense of intentionally damaging cultural relics) and minor administrative violations. Its elements could be defined as follows: Objective Elements: In the vicinity of cultural property under special protection, engaging in conduct that, while posing no substantial risk of damage, causes public unease or disrupts normal visits (e.g., touching protective covers with bare hands, affixing removable stickers). Subjective Elements: Intent, coupled with the knowledge that the act would attract public attention. Legal Consequences: Classified as a misdemeanor, punishable by a fine, community service, or a short-term ban on entering museums; in principle, imprisonment is excluded.

(2) Establish a Tiered Protection and Tolerance System

Set differentiated protection standards and tolerance levels based on the scarcity and fragility of cultural heritage:

Table 3. Tiered System of Cultural Heritage Protection and Tolerance Thresholds

Heritage Tier	Protection Standard	Tolerance Threshold	Legal Response
World-class treasures (e.g., Mona Lisa)	Highest (bulletproof glass, infrared surveillance)	Extremely low (prohibition of any physical contact)	Strict punishment (application of maximum misdemeanor penalties)
Important collections (e.g., Sunflowers)	High (reinforced glass, rapid response)	Low (permission for non-contact sit-in protests)	Graduated response (primarily disturbance charges)
General Public Artworks	Standard Protection	Moderate (peaceful assemblies and placard-carrying permitted)	Primarily administrative controls

2. Judicial Level: Operationalization of the Proportionality Principle

(1) Establishing a “Risk of Harm—Value of Expression” Sentencing Matrix

Judicial authorities should develop specialized sentencing guidelines that treat “actual risk of harm” as the core variable to avoid emotional adjudication.

Table 4. Sentencing Matrix Based on “Risk of Harm vs. Value of Expression”

Type of Conduct	Risk of Harm	Value of Political Expression	Sentencing Orientation	Example Penalties
Stickers/Removable Objects	Very Low	Moderate	No Punishment or Symbolic Fine	20 Hours of Community Service
Sticking Hands to Protective Coverings	Low	Moderate-High	Misdemeanor Fine + 6-Month Ban from the Venue	
Splashing Harmless Liquids	Moderate	High	Moderate Offense Probation + Hefty Fine	
Physical Contact with Canvas	High	Low (Motivation Does Not Offset Risk)	Felony Imprisonment	

(2) Limited Judicial Recognition of “Civil Disobedience”

It is recommended that civil disobedience be systematically considered during the sentencing phase (rather than the conviction phase). It should be clarified that only when all five criteria—“non-violence, public nature, based on conscience, acceptance of punishment, and aimed at significant public interest”—are met simultaneously may this serve as grounds for a reduced sentence, with the reduction limited to 10%–30% of the base sentence.

3. Institutional Level: Collaborative Governance by Multiple Stakeholders

(1) Museums' Duty to "Balance Protection with Tolerance"

While receiving public funding, museums should assume certain "democratic and inclusive obligations." For example, designating "protest buffer zones" within the museum for peaceful assemblies; publicly disclosing the protection levels of major exhibits (e.g., "This painting is protected by bulletproof glass") to alleviate public anxiety and dispel protesters' "illusion of destruction."

(2) Establishing a "Cultural Heritage–Climate Dialogue" Platform

Create a permanent dialogue mechanism comprising national cultural authorities, major museums, environmental organizations, and legal experts to regularly assess protest trends and the effectiveness of legal enforcement. Through institutionalized communication channels, transform street confrontations into policy debates, thereby reducing the occurrence of extreme behavior at its source.

7. Conclusion: Seeking a Dynamic Balance Amidst Tensions

This paper argues that the regulatory dilemma surrounding radical environmental art protests is, at its core, a microcosm of the value conflicts in late modern society: on one side lies the urgent need to preserve the memory of human civilization; on the other, warnings of a climate crisis that threatens our very survival; on one side stands the rational order of the law; on the other, citizens' right to resist. The three models examined from a comparative law perspective demonstrate that the suppression of a single value—whether order overriding freedom or motive trumping rules—struggles to provide a lasting and just solution. Future regulatory approaches must abandon "either-or" zero-sum thinking and instead seek a refined art of balance. This requires legislators to establish clear "traffic rules" between cultural heritage protection and freedom of expression; it requires judges to exercise proportional wisdom in their discretion—understanding without indulgence, and being rigorous without excess; and it requires museums to remain open to the anxieties of our times while fulfilling their custodial duties.

A healthy society should be able to accommodate necessary "dissonant voices," provided those voices do not destroy the "sanctuary" in which we all listen together. The task of the law is not to silence everyone, but to ensure that dialogue continues within the framework of a basic civilized consensus. In the face of an increasingly severe climate crisis, this consensus might be: the way we warn the future generations of our planet should not be achieved by destroying the works of art that record our past. Yet how to issue effective warnings without causing destruction is precisely the defining challenge of our century that law, ethics, and society must collectively address.

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