

# “AN ESSENTIALLY CREDIBLE SCENARIO”

The ARD feature film *Ökozid* shows the legal re-appraisal of the climate crisis in the not so distant 2034. The two scriptwriters consulted experts at the Max Planck Institute for Comparative Public Law and International Law, including the scientific advisor and coordinator Alexandra Kemmerer.

**Ms. Kemmerer, in the film, 31 countries of the global South sue Germany before the International Court of Justice because Germany had done too little to combat climate change. How realistic is such a scenario?**

80

ALEXANDRA KEMMERER: Of course, a feature film must always make compromises between real-life circumstances and a story that is exciting and understandable for the audience. However, despite the necessary reduction in complexity, the scriptwriters Andres Veiel and Jutta Doberstein have succeeded in conveying basic legal principles and an essentially credible scenario.

**How did the cooperation work?**

I had met Jutta Doberstein at a conference in 2018. In the summer of 2019, she told me about the film project and asked whether we would be able to support it. Jutta Doberstein and Andres Veiel are known for their thoroughly researched and scientific work – both for their film documentaries and fictional material. So I was happy to support them. A year ago, we held a kind of workshop at the Institute with the two scriptwriters and several scientists. For a whole day, we went through options on how such a process could be conducted and what the verdict would be. It was a joint effort – an exchange in which my colleagues Tom Sparks and Guillaume Futhazar and our Director Anne Peters were also substantially involved – and not just simply a consultation session. Of course, we cannot accept any liability for the result.



PHOTO: RBB/ZERO ONE FILM / JULIA TERJUNG

Unease among the population: the film *Ökozid* paints a dark picture of the future. In 2034, the Federal Republic of Germany is facing criminal charges for breaching its international statutory obligation to counteract the increase in the concentration of CO<sub>2</sub> worldwide.

**Did people from the Institute also benefit from the cooperation?**

Definitely. As a lawyer, you are trained to assess facts in court proceedings retrospectively. For the film, however, we had to imagine ourselves in the year 2034 and create scenarios for the future. That is a completely different way of thinking. Instead of assuming existing constraints, it is possible to open up potential spaces. This kind of thinking is certainly relevant to the legal field. Ministries often seek expertise in legal impact assessment. When drafting bills, it is essential to think ahead and classify future developments. In science, too, such “thinking in scenarios” based on precise factual and legal knowledge opens up possible solutions and promotes dexterity and flexibility in dealing with unforeseen risks, conflicts, and environmental changes. In this respect, we have learned a lot from the exchange with the scriptwriters.

**Were you involved in the film production in any other way?**

During the process, there were always questions of detail – for example about legal terminology or how lawyers and judges behave in court. Of course, we helped – even if not everything that we suggested was implemented. I was also able to read the finished script in advance and got the cut version for a screening. One interesting development was that the scenario we discussed a year ago has now turned out to be far less fictional than we had thought.

**In what way?**

There has been an incredibly dynamic development in the area of climate complaints. Just to name a few examples: in December 2019, the Dutch Supreme Court ordered the country’s government to meet its climate targets. This July, the Irish Supreme Court ordered the government to draw up a new climate plan for the period up to 2050. Proceedings are also under way at the Hamm Higher Regional Court, the Federal Constitutional Court, and the European Court of Human Rights, all of which are concerned with climate protection.

**Do you think that climate protection will actually be enforced by courts in the future?**

That is my assumption – but we also should not overestimate the role of the judicial system. The film itself is quite realistic, I guess. It also shows the tension between courts and democratic procedures. Courts can lead the way in climate protection – but they remain embedded in political processes and public debate. In the film, interaction with the public plays a major role. Subversive forces use social media bots to incite the population against the plaintiffs and their concerns. In the end, there are large public protests. This shows that the biggest challenge is to convince the broad majority that climate protection is important. Courts alone cannot create the global solidarity that is essential to meet the challenges of climate change.

*Interview: Mechthild Zimmermann*

## WE DON'T HAVE TO LIVE IN A DOG-EAT-DOG SOCIETY

In the first round of the new event format “Science Meets Literature”, Matthias Sutter, Director at the MPI for Research on Collective Goods, and Marc Elsberg, author of bestsellers such as *Blackout* or *Zero*, discussed Elsberg’s novel *Greed*, which was published in 2019.

It was a lively and exciting discussion moderated by Maja Brankovic, editor at the Frankfurter Allgemeine Zeitung. The topic: cooperation as a basic model of the economy – a departure from previous doctrines such as competition and subsidiarity or even the model of homo oeconomicus, which assumes that people think exclusively in economic terms. The novel is based on calculations by the London Mathematical Laboratory, the purpose of which is to question currently widespread economic models. Marc Elsberg developed the farmer’s fable from a part of these complicated mathematical calculations. It illustrates the fact that merging and dividing is not a zero-sum game, but leads to increased prosperity for all concerned.

But as positive as cooperation may seem in fiction, there are limits in reality. According to Elsberg, this is the case, for example, when the effort involved in organizing and coordinating cooperation is greater than the resulting benefit for those involved. Sutter mentioned three additional factors that are essential for functioning cooperation: successful communication, the fact that people can rely on each other and on what has been agreed upon, and institutions that ensure that agreements are honored.

Elsberg believes it is quite possible that the idea could cause a similar epiphany as in the book because people have always cooperated intuitively. The idea of mutual support and sharing is embedded in the DNA of many philosophies and religions. “The paradox is: although humans have successfully cooperated

over thousands of years, the economic models of the last decades try to persuade us to do something else,” the author explains. “This is being refuted and it is demonstrated that what people like to do – namely to work together – is the right thing to do.”

We don’t have to live in a dog-eat-dog society. Instead, the principle of subsidiarity should be rethought: we should all work together – unless “together” doesn’t make sense. This would result in a completely different organization of society. According to Sutter, however, studies have shown that simply knowing that cooperation means success for everyone does not automatically lead to the appropriate behavior. The most important driver is communication, such as the promises of cooperation and, even better, the positive experience of cooperation. Both strengthen trust in the principle. On the question of when the ability to work together arises, Sutter cited studies showing that small children appear to have a natural predisposition for cooperation.

Marc Elsberg emphasizes the fact that merging and sharing do not create a communist or socialist society: “All ‘-isms’ kill cooperation – be it communism, socialism, fascism or liberalism. Because cooperation needs difference, which leads to increased growth – so it doesn’t mean that everybody is the same. Competition is not bad per se, but it is given a different role.” However, Matthias Sutter comments that “research also shows that the more different the participants, the more difficult cooperation becomes.”

*Are you interested in different aspects of how cooperation works in fiction and science? Watch the discussion on the Max Planck Society's Youtube channel: [youtube.com/watch?v=sQEGMzHjtVE](https://youtube.com/watch?v=sQEGMzHjtVE) (in German)*

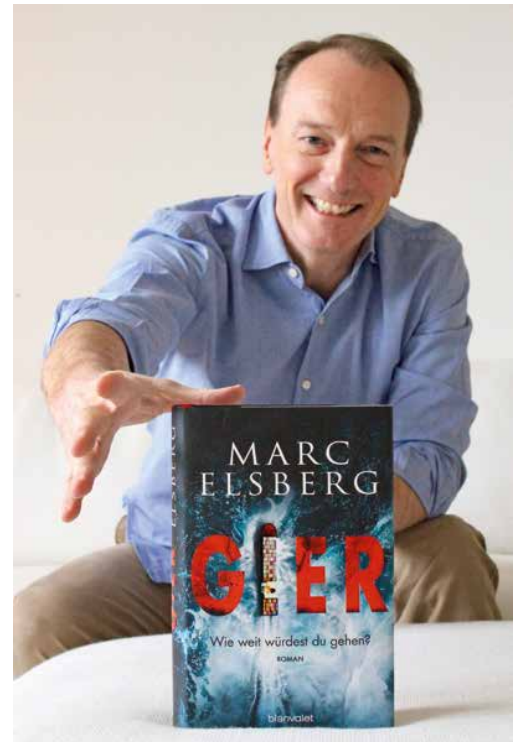


PHOTO: URSULA KUCHAR

How does cooperation work? For his novel *Greed*, author Marc Elsberg looked at the results of basic mathematical research.