All right.

Good afternoon everyone, and welcome to our seminar today. Thank you so much for joining us.

It’s great to see you all, and I think Amanda Millstein has the profile that is perfectly fitting for our session today, Climate Health Now.

My name is Laura Bothwell. I’m with the Yale Center for Climate Change and Health with the Global Initiative on Climate Change and Public Health Ethics. And today we are just thrilled to be featuring Dr. Oscar Berglund. He’s a lecturer in international, public and social policy at the University of Bristol, where he is joining us from today.

He’s a critical political economist, researching climate activism. He explores why, how, and to what effect activists use disruptive forms of protests. He also researches different converging and clashing visions in the climate movement of how societies, economies, and political systems may need to change.

Dr. Berglund is the author of, "Extinction Rebellion and Climate Change Activism,"
and contributes to debates about climate activism

across various academic disciplines

in international media and with activist groups.

So we’re so grateful for him
to take the time to speak with us today.
The seminar itself will be approximately 40 minutes,

and then we’ll have an option at the end

for a conversation of Q&A.

So with no further ado, I’ll turn it over to Dr. Berglund.

Thank you very much, Laura,<v>Thank you very much, Laura,</v>

and thank you very much for having me.

It’s a great honor to be speaking to Yale.

You know, it’s a big deal and yeah, I’m not,

so it’s great to do that.

So, yeah, I’ll just crack on.

So basically, I didn’t know exactly what kind

of audience I was expecting here today,

so I kind of presume that it’s largely academic,

but not necessarily the kind of political theory stuff

that often ask these questions about, you know,

I was asked to address

kind of the ethics of civil disobedience,

and I chose to put it as, you know,

should we break the law to save the world?

Which is partly an ethical question,

but it’s also, you know,
one of politics and strategy and when it’s wise
to do so.
So, I might get onto those questions a little bit
later on,
and that might be more interesting
for those who are on the more activist side,
which I did see some extinction value signs
and so on in the amongst you.
But if we first sort of address the question of
ethics,
then you can see the most kind of stringent
version of that,
of literature that looks at whether we should
break the law
when it’s okay to break the law as part of
protest.
It comes from John Rawls
And John Rawls really wrote, you know,
in the early seventies, late sixties about this
and he was part of a set of literature
that grew around the US Civil Rights move-
ment
that was kind of there to justify that movement.
But and in a way that would kind of make it,
I suppose, appeal to a broader audience,
then try to figure out when is it,
when is it okay to break the law as part of
protest?
And he wasn’t obviously
the first person to write about civil disobed-
ience,
but he certainly has been the most important
one
and the one that has lasted, you know,
it's almost anybody who works on civil disobedience has to relate themselves to Rawls in one way or another. Obviously, a lot of you work on ethics, so you will no doubt be familiar with Rawls’ other writings, but about civil disobedience. I mean, he defines it as a public, non-violent, yet political act contrary to law, but usually done with aim of bringing about a change in the law or policies of the government. So as such, it is a very kind of liberal framing. Obviously, you know, Rawls is a liberal theorist, and it is quite reformist in that sense. And famously the whole ”Theory of Justice” is written about nearly perfect, I can’t remember the cover he uses, but a nearly just democratic society. And a lot of what he’s saying is about framing civil disobedience as something that is legitimate to do. And maintaining that legitimacy is what is kind of theorizing is all about. And I think there’s two aspects particularly that are really important in Rawls and that are really important to see how that movements today always have to kind of relate to. And those are the last resort and fidelity to law.
And it is to show that if you’re going to break the law, if you’re gonna annoy people, if you’re gonna sit in a road, if you’re gonna do, you know, even slightly less nonviolent, if you’re gonna break windows or do something that is outside of the law that’s gonna annoy people or people who own property, then you need to show that doing so is a last resort that he exhausted and he defines it as exhausting other means of doing what you want. But I think for the climate change question, this last resort takes on another meaning, right? Like, we know that this is, you know, time is running out there, and we are heading in the wrong direction. You know, emissions are not decreasing, they are increasing. And we know that we are up against time in saving what we can save. So in that sense, the discourses of a lot of these movements that practice civil disobedience obviously draw very heavily on this kind of last resort that it is and credibly so. I think that it’s very difficult. Well, it’s difficult to contradict people.
who say that it is a lost resort,
and then you have the fidelity to law.
So it says that not only does it need to be last resort,
but we need to do to practice civil disobedience within an overall fidelity to law.
And that’s what really sort of emphasized the kind of liberal aspects of this as, you know,
it’s reformist, it’s within the state,
it’s within the system as it is.
It’s not something that tries to revolutionize the system
and what that the obligations that then get put on
the practitioners of civil disobedience is that it needs to be done in the open.
You cannot be masked when you do it,
and you need to accept the legal consequences of what you do.
And I think that’s very much along the lines of the kind of disobedience that Extinction Rebellion started practicing in the UK
and that also that the groups that have come out
of Extinction Rebellion and you know,
so Just Stop Oil and Insulate Britain and all the other groups in,
well, around Europe, particularly that have emerged in different countries
right now do practice it in
that kind of open and conscientious way.
But that’s fidelity to law,
that kind of arrest focus and you know,
like this imagery of being carried away
and facing the course of the law
also means a kind of sacrifice.
And that has been important for legitimacy, right?
So because the people that are involved in these movements
seldom are the ones that are hardest hit by climate change in here and now, right?
We know the membership of these groups
tend to be quite well educated,
tend to be quite white and tends to be quite middle class,
so are not at the brunt of climate change in the here and now.
Therefore, because they are not the ones that are worse affected by the problem,
they kind of need to show a level of sacrifice in order to be listened to,
in order to be kind of legitimate voices in this.
Now we then, you know, if that was what kind of,
if fidelity to law and last resort
was kind of the Rawlsian one
and understand that was a very stringent view
of when it’s okay to use civil disobedience.
Then the kind of political theory literature
about civil disobedience has moved a long way since then.
And this is one, the picture book is a recent edited book that takes up a lot of different aspects there. Where will the kind of current, a lot of the current big writers about civil disobedience in general or have written chapters. So what some of the points that they raised kind of against rules is that, well, we don’t live in a nearly just society. You know, his kind of quite limited perspective of when it’s okay to break the law can’t really be taken. You know, their kind of limited view of, that you have to follow the law, right? But ask when, under what circumstances do we need to follow the law? And who do we owe political obligations to? And when you look at the way that, for example, Extinction Rebellion frame this, you know, they frame it around
kind of having a social contract that has been broken by the states and so on. And then you can ask, did we ever have the kind of social contract is also quite a liberal kind of theory. So was there ever a social contract? And if so has it been broken? But that kind of language of social contract is one that we see Extinction Rebellion particularly uses quite a lot.

And one aspect from this literature also that comes up is, does disobedience have to be civil? So what do we mean by civil? Well, civil tends to mean nonviolent. And then where do we draw the line of what's violent and nonviolent? And there's others for example, throwing soup at a Van Gogh painting would presumably not, it's not necessarily violent, but would probably be seen as non civil as in, you know, it's not just about displaying your, kind of like you are after the kind of shock element if you do that, which would probably be seen as uncivil by many. So under what circumstances do you have to keep to those kind of rules of civility?
Now the other kind of set of political theory literature that looks at the ethics, particularly of civil disobedience is anarchist literature. And I mean, since I started studying these things, I have become much more of an anarchist myself. I’m not an anarchist, but I learned much more about anarchism and the kind of values and so on that it was, and it is actually quite interesting literature to get into. It’s obviously something that is very far out there in terms of most academic literature. But it is definitely worthwhile when you ask questions about should we break the law to save the world? Anarchism certainly has a lot to say about it. And what anarchists’ literature says is that, well, what they don’t talk about civil disobedience, they talk about direct action. And direct action doesn’t necessarily have to be illegal, and it doesn’t necessarily have to be nonviolent either, but what it should be always, it’s prefigurative. So what does that mean? Well, that means prefigurative is kind of when you try to,
is when the means and the ends are congruent. So you should be trying to create the future that you want on a smaller scale here and now.

So these kind of prefigurative values were very strong, for example, in the Occupy movement.

And it’s about, you know, how do we relate to each other? How do we make decisions and that that should be in a way that is in the kind of society that we would like in the future. And I don’t know if any of you have been watching "The Last of Us," for example, lately on TV. It’s a big deal here.

But what I would see as the kind of, for me, anarchist socialist community that they have in a kind of one of the apocalyptic scenarios, there would certainly be a kind of figurative way of organizing society. What it means with,
in terms of civil disobedience is then that what you do should not be just symbolic.

So throwing soup at a Van Gogh painting would not be particularly prefigurative.

There is nothing that links the action of wanting drastic action on climate change.
and having a painting that is a few hundred years old covered by soup, right? So there’s nothing, so there’s no congruency there between the means and the ends, nor necessarily is public disruption of the kind that, you know, you sit on a road somewhere if you, close up, you try to make a car free city central, so then you can argue that maybe that’s a little bit more prefigurative because you’re kind of trying to create a society without cars, but probably sitting on a motorway is not that prefigurative. So it should go beyond the symbolic and it should not be consequentialist. And you can argue that that’s kind of when you sit on a motorway and well, when you are disrupting the public, you are doing so in order to get their attention, but you, it’s not really the public that is your target. You’re trying to do it or kind of to get media attention and other kinds of attention. But you are doing it because you have this other gripe, this other thing, which is, you know, let’s stop climate change. But that’s then,
because there is no connection between what you want and what you do, that becomes a kind of consequentialist act as well. You’re causing harm to some people in order because you have this other bigger more important thing that you want to claim. But so that would not be according to kind of anarchist ethics, which ought to be prefigurative. Now there are, so what would be prefigurative then? Well, it would be prefigurative to stop, you know, block oil refineries for example, which is also something that the climate movement have done. It would be prefigurative to block airports, particularly these airports that are used by private jets and so on, right? Which is also a practice that some of these movements have done. So those kind of actions that are more targeted, well, they target things that are simply incompatible with a sustainable, an ecologically sustainable world.

So those kind of actions would be prefigurative in a different way. So those are kind of the different kind of ethical, well, reasons why,
you know, ethics to follow. Then when we get into the more political we can ask,

why should we disobey the law? So why is breaking the law to save the world even something that is worth considering politically?

So then what it achieves and what obviously the most kind of famous examples of this in recent year achieve is media attention, right?

It gets media attention to an issue or to a group. And then you must always ask,

to what purpose do you do that? To what purpose do you get that media attention?

And what some of these later groups then have realized is that, okay, well, if we have a name that gets mentioned every time in the media like Insulate Britain or like Just Stop Oil less so maybe with Just Stop Oil, but still, or as various groups around Europe as well do,

every time you get mentioned in the media, you kind of, it’s obvious you can politicize an issue, you can get, you can raise the profile of a certain issue in a way that, for example, Extinction Rebellion didn’t necessarily do, although they did certainly in Britain
when they first kind of became famous in April, 2019

They did achieve a lot of attention towards climate change and they did change public opinion quite drastically on climate change and that has lasted.

So that kind of media attention can obviously serve a purpose. It doesn’t necessarily serve a purpose. So it’s important that it doesn’t, that all the talk isn’t about the action that you get to talk about the issue and the responsibility to do that doesn’t just lie with the movement themselves. It lies with people like me and other experts who get to talk in the media as a result of actions that people do. So, you know, if when I get interviewed about things, about Van Gogh paintings and so on, you know, it’s important that I bring the conversation back to what it should be about, which is, in the case of that with just stopping oil, which is about renewing this oil, like give new oil lines a hundred new licenses to export oil and gas in the UK. So that kind of using that media attention is obviously important.
It's not obvious that the media attention is a good thing.

It's also exaggerated that say that it's a bad thing.

It’s like, and this is something that I’m actually starting to do quite a lot of research into now, really trying to see the public opinion effects of unpopular protests, which if you look at opinion polls are actually, there’s really very little evidence to say that unpopular protests are counterproductive for the movement as a whole. This it’s, people don’t really stop, people don’t think that we should burn the planet because they get annoyed of people sitting in the road. There’s little evidence to suggest that although there is one group in society, it seems it gets a little bit more militant against it, but largely that’s not what happens. But that doesn’t mean that all attention is good attention. Like you need to know what you want to do with the attention that you get from the media. So you can ask that for what purpose. And then a deeper question there is, well, what is the role of public opinion?
Are you trying to recruit people to the movement?

Are you trying to just let people know that climate change is real and it’s a threat and that it gets talked about?

And if it is the latter, then in the UK and in most of Europe, that has already been kind of achieved, like climate change denialism is a very small phenomenon.

People on the large know that climate change is real and know that it’s threat, how big a threat it is.

They might not, you know, if you ask the general public, you probably don’t get as accurate answers.

But getting climate change just talked about isn’t necessarily the win that maybe was 10 or 20 years ago.

Not in the UK or in Europe.

I don’t want to speak on behalf of the US because I know that obviously in the US, well, climate change denialism has been a much, much bigger, bigger problem.

And you have certainly powerful political forces that deny climate change in a way in the US that we don’t necessarily have on this side of the Atlantic.

But anyway, it’s not obvious that what you want public opinion about, like is it’s important just simply getting it,
just getting the attention isn’t necessarily going to achieve very much. So another reason that it’s these movements use disobedience and break the law is to create a kind of tension and polarization in society where, so that issues can get sort of politicized. So you know that you’re gonna anger a lot of people and you, but you try to use that anger to kind of politicize the issues that you want to get politicized. And that polarization has been largely successful. So, you know, you now see in opinion polls that people who are concerned about climate change are much more likely to be supportive of groups that do this. What you haven’t seen is loads of people joining civil disobedience movements, right? So these movements are still made up by really, really quite, you know, a small section of society. So although you have about 10% of people saying that, I would do civil disobedience for climate change, the actual number that are involved is obviously much, much smaller. One of the key reasons why to engage in direct action
civil disobedience is that it can get direct results. Now the chance of getting direct results is much greater if your target is closer to home. So obviously if your demand is to save the world and then no actor that you're protesting against is going to be able to do that, if your target is to even stop the government to doing something, then it's gonna be difficult to do that. Whereas if your target is to stop your university investing in oil and gas, for example, that's a much more achievable target to actually get results if you do civil disobedience. And indeed we have seen such civil disobedience work in many universities around the world, right? So that has to do with what kind of demands you put but you can get direct results through civil disobedience, through direct action in a way that you would never do with other kinds of protest and which you can achieve with quite small numbers of people, of course, also that goes for media attention as well. You can get much more space in the media with much smaller numbers of people
when you do disobedient protests. And in a way that’s what appeals to me with disobedient protests and why I’m so interested in it because I can see, you know, that it has shaped quite a lot of political life and political discussion around number of issues with much smaller amounts of people than have been involved in other kinds of protests. So then to kind of, obviously I’ve touched on this, but you know, what makes it work? Having achievable demands works, right? If you have demands that the actors can put into place, then you are much more likely to achieve something. So achievable demands but, and that’s not to say that we shouldn’t aim big, of course we should, but then that’s, you’re not gonna necessarily get, each protest won’t have the same results. And what we also have to remember is that these protests come at great personal risk to the people who carry them out. Targets, so who are we targeting with our protests?
So if we target the general public, what's the reason for doing that? And you know, what do we, that's the only reason for targeting the general public, I think would be to achieve space in the media. So then you have to really make sure that you use that in the right way. So Extinction Rebellion, for example, have now said that they will no longer target the general public, right? So that was part of their kind of when they declared that we quit at the start of this year wasn't actually we quit. It was more of a, well, we are no longer going to target the general public, we're going to just have target specific emitters or you know, the government and so on. So obviously if you have a target, then you need to do much less to, if you have a logical target, then you need to do much less to justify your protests, but you also might not get the same attention. So Just Stop Oil, for example, was founded or started off with attacking sort of the oil infrastructure, but that's often, you know, located far away from where the journalists hang out.
and far away from where there are a lot of people.

So nobody really noticed, nobody took much notice of them.

So although the target was much more logical from a stopping climate change perspective,

they didn’t achieve the same and that’s why they kind of then reverted to do more kind of headline grabbing kind of actions.

So whilst it’s easier to justify, you might lose the attention that you get otherwise.

But more than that, why, what makes it work? Well, what does the actions that these groups take, what do they say about the politics? What do the targets say about the politics of these groups?

And they’re, you know, so what we’ve seen a lot in the UK has been targeting of banks and so on.

So how clear does that kind of messaging becomes of like, what’s the role of the sort of banking sector, for example, in that?

So when we see sort of Just Stop Oil in the most recent kind of wave was, or protest or also targeted, you know, luxury car dealerships and so on. And there you can see.

Although, and as a critical political economist,
I've often been frustrated with this. So I was frustrated with Extinction Rebellion in early days and being, you know, kind of not wanting to talk about, capitalism or whatever that kind of means because they didn’t want to be labeled as a kind of left wing group. They wanted to have a kind of wider appeal. But more and more in the targets that these groups have chosen, it’s clear that they take their aim at the way that the political economy works, right? So then that can be both kind of culturally through markers like luxury cars as a kind of marker of class and of a culture of high emission kind of culture or as we say, you know, against banks and obviously, of course, the fossil fuel industry themselves. So there we have seen I think a shift to targeting much more of, yeah, the forces to drive capitalism as it is, I suppose. Now where my kind of main critiques against this, these movements have gone is what I kind of see as Hallamism called, named after the co-founder of Extinction Rebellion, Roger Hallam. And it is this focus on arrests, arrests, arrests
and this kind of, I suppose, glorifying arrests because whilst getting arrested is always a risk if you're engaged in activities that break the law, making the arrest an aim in itself is something that comes at really high cost for activists. And it’s also something that doesn’t necessarily, you know, when they launched Extinction Rebellion and so on, they made a whole lot of claims about, oh, this what we are doing is based on social science and this is also a thing that they go, like they say now with like, with Just Stop Oil, for example, which Hallam is also very deeply involved in. And you know, like civil disobedience is going to save us, you know, like it’s our only hope. Now I don’t think it is. I think that civil disobedience is really important and it’s something that is absolutely justifiable, but putting all our hope to it, I think is also a mistake to some extent. Particularly this thing with getting arrested is basically based on one episode of this US Civil Rights movement and he basically read something in a book and then said,
well, this is what we have to do. And it’s taken it completely out of the context in which it was carried out. So this kind of all focus and glorification of getting arrested is something that I think wasn’t very well thought through.

And that also, you know, had some unfortunate political consequences in the way that it often excludes many people from engaging in the movement. What we’ve also seen, and this is obviously not Roger Hallam’s or anybody else’s fault as such, but we’ve obviously seen a big authoritarian backlash. And that’s partly because these movements have achieved a lot. So we’ve got anti protest laws in country after country, which is also something that I’ve started to research more and more, but that’s really changed the context under which these protests take place. So the scope is smaller in a way. Another question that’s been raised around this is violence. So Roger Hallam is a very nonviolent, so you know, very much professing nonviolence.

That’s obviously something that has been more questioned
and is also something that I often discuss with my students,

you know, what is violence actually?

Can you be violent against things?

For example, is sabotage of objects a violent act?

It’s certainly classified as such by our governments,

but is it so ethically?

And that’s obviously something

I mean, this "How to Blow Up a Pipeline”

new film coming out I’ve seen or I’ve seen trailers for.

It’s probably already out.

And obviously also one thing that Hallam

and this kind of Hallamism has been critiqued for

is that it hasn’t been very good

at building movements, building broader movements.

So it’s not really,

it doesn’t really have a political vision and has seen,

they have seen that as,

that’s a good thing as in like we can pull in more people

if we don’t have a very clear political vision.

But it can also I think, be limiting.

And it has, obviously, they are doing very risky things

and that also has not been, you know,

that make it difficult to draw in,
drawing large numbers of people.
So I’m not convinced that it has done very much
to build a kind of broader climate movement.
Now they will say that that’s because,
well, we are part of a radical flank
to a more kind of moderate flank
in the broader climate movement.
And now you can see how it can do like that
because they kind of open up spaces for conversation.
And in that case, you know, I kind of buy into that,
that it certainly has done that.
But in terms of a, I don’t,
I’m not sure I would call them radical
because although the actions are risky,
the lack of political vision within it really,
kind of ideology or whatever you want to call it,
makes it maybe not all that radical, right?
Like, I mean as in it’s difficult to, they’re not,
although they’re radical in their actions,
they’re not necessarily radical
in what they envision for the world.
I’m gonna skip that slide
because I want to go ahead to the questions,
largely I suppose
if I would speak to a group of activists,
I would say, you know,
and I recently came out with a co-authored paper
that questions this, you know, what do climate activists mean when they say system change, not climate change, whose system, what changed?

And when I asked, you know, this question, who and what stands in the way for action on climate change, I had a kind of session with student activist about this a few weeks ago during strikes here.

And what comes out then is all, you know, some kind of version of wealth capitalism or how the economy works actually property rights and you know, who has the right to do what with what kind of property, profit motive, the need for growth or things that stand in the way.

If those are kind of structural reasons then you have certain agents, you know, private actors, private certain sectors, obviously, not least the fossil fuel industry, but also other industries such as the financial industry that might stand in the way.

certain state actors that stand in the way and also this kind of broader culture kind of consumerist culture and a political culture that limits us. This came through from students as well, a political culture that limits our vision.
or what is possible in a way.
So what I would, you know, I don’t like telling people what the right thing to do is, but I do like to ask people to think why they’re doing what they’re doing. And so after setting out these things that are wrong, you know, when and how do what we do as activists when does that weaken the structures and actors that we have set out here or that I set out together with that group of kind of student activists, when do what we do weaken the power of those structures and actors because that’s really what we need to do. And not presume that attention in itself is going to win the fight for us.
I think I’ll stop there and open up for questions, which will be moderated by Laura, I believe.
All right, thank you Dr. Berglund. That was extremely edifying and I would just like to thank you for doing what we do in public health, which is having an evidence base for everything.
(laughs) at least we try.
And so being so thoughtful and turning this topic into an area of scholarly work,
I think is extremely helpful. We’ve got a lot of excitement here, so I’m gonna jump right in. We had a question come in on the chat. Let me open this one up.

This came in from Elon Martin Prachat, I’m sorry if I’m not pronouncing your name properly. We’re grateful to have you here from Quebec, Canada. Elon is a high school student. We’re especially grateful to have youth here. Because obviously there’s a lot that is affecting all of us, but particularly younger generations.

The question is, to what extent can indirect civil disobedience effectively tackle climate change when direct civil disobedience is impossible? So there are a few different definitions.

So Rawls’ definition of what direct civil disobedience is. So I’m gonna presume that it’s something along those lines, correct me if I’m wrong, but that’s kind of like if it’s, some kinds of direct disobedience are possible.
and we often see those as the more successful civil disobedience campaigns and they tend to be anti-extractivist struggles. So we can see them in a lot of places in the world.

You have examples from the US with the North Dakota access pipeline, for example, that went global in its reach. And you have many anti-extractivist struggles across Latin America that I’m familiar with. My dad’s and different family members have been really involved in many of those.

In the UK for example, I mean, fracking was stopped, like fracking is not practiced in the UK. It was stopped and largely by anti-fracking activists that stopped fracking at site. So you can see that as kind of direct action, like we’re stopping what is and yeah, the kind of, if you by indirect mean the, we’re sitting on a road outside London in order to stop, in order to get the government to put loads of money into insulating homes, that is a less direct action. So I mean, but what they actually achieved, for example, was to really politicize the issue of house and home insulation,
which for the UK is a really big deal if we are
gonna,
get anywhere near to reach the kind of emis-
sion targets
that we have because there’s a lot of leakage
of heat
from British homes, right?
It’s a really old kind of housing stock
and it’s a big, it’s a big problem.
So insulating homes in Britain is a big deal.
And you know, they did.
They did insulate, so they did get home insu-
ation
to become a much bigger political issue than
it was.
So my colleague here at University of Bristol,
Colin Davis who I work, he’s a clinical psy-
chologist,
but he works a lot on,
and tracked it in the media and saw that,
well, actually home insulation
is being talked about much more,
you know, it went like this.
And not just related to the protests them-
selves,
but in general following the protest.
So there is obviously stuff we can do that we
can achieve.
Now the biggest political things of like, you know, are we actually saving the world? I mean, that’s really difficult to find evidence for, right? But the kind of things that we can measure are things like,
you know, okay, so how, what kind of media attention are we getting with the things we’re doing, with these indirect forms of protest? And obviously, if homes are eventually insulated, the direct action will be one part of what achieved that.
And actually it’s part of a much broader, you know, many broader political processes. Yeah.
Oh sorry.
That was excellent, thank you.
David Hughes.
Yeah, thanks.
I really enjoyed the presentation.
I’m calling in here from Rutgers University of New Jersey.
I have a question about accepting the legal consequences.
You suggested that that was a necessary component in civil disobedience or in nonviolent direct action?
Well, it actually was the civil disobedience part.
that some XR people in Britain were found not guilty in a trial through jury nullification. I'm studying, in fact, some civil disobedience movements in New England, which are again, you know, have gone to trial hoping for jury nullification. Also various activists have tried to use the necessity defense, which is another way of avoiding jail time and fines. And of course, if one can get away with it, then the number of people able to do civil disobedience will grow very substantially. So I guess my question is, what do you think of the jury nullification route in the UK and the US and you know, is bearing the legal consequences that necessary? Before, could you just specify what jury nullification is? Oh, that's where a jury believes, a juror or jury believes that the defendant did the crime, but they decide to set the law aside. Yeah, okay. It is a power but not a right that jurors in both countries have. Yeah, absolutely. So the US and the UK are interesting cases there.
because we have trial by jury in both these countries.

You know, in Sweden where I’m from, we don’t have trial by jury.

So that doesn’t become an option. So in the UK it’s been a tactic by some activists to get a jury create, to produce as much damage that they would kind of qualify to be tried by a jury. And very, very often we are found not guilty.

That hasn’t tended to be that successful in the UK. It’s got a very poor success rate.

I know this because my colleague Graham Hayes who works on this, who follows more the trials of these things than I do myself as I made that observation, I’m not sure what, how the necessity defense in the US, how if it’s been successful or not.

But what I would say about all of these is that at the same time, so we do have like, I mean juries and courtrooms can be arenas to carry out this activism as well.
And it’s obviously something that activists have learned more, like to start with didn’t really. Extinction Berlin weren’t very good at using courtroom as a space to get the message out. I suppose it was more about trying to get acquitted. It really depends here on the judge and so on. And obviously what we must also take into account here is that there’s real efforts by states and by, well, government certainly in the UK and I know that many states in the US also to limit our right to protest. And that makes jury nullification in a way harder.

So I mean, there was a very publicized case here in the UK where one of the defendants was sent to prison for, because he was prohibited by the judge to mention climate change in his trial and he opposed that, right? And he mentioned climate change and was sent to prison on that basis for, you know,

I don’t know how many months as a contempt of court.

So I don’t know if it answers your question, but the necessity defense hasn’t been successful in the UK, but there has been plenty of nullifications by jury.
and also finding not guilty as well and also, but that is becoming harder, and that’s a background, you know, when these, when the police crime sentencing and court bill came through in the UK, which was an anti-protest bill that I organized, a letter signed by over 400 environment related academics around the world to protest the criminalization of protestors. And I think that’s a real battleground. Like, the UN Secretary General has said as much as well. And it’s something where that I think that more and more of us need to really turn our attention to and protest. And you know, here in the UK, we hope that that’s kind of criminalization will stop, will be halted when we get a new government, which we know that will do pretty soon. But I’m not sure this, the trend of criminalizing climate protestors and making it harder to get away and be let off by juries is a global trend. Thank you so much. We have a question that came in from Jack Markowitz, which is you’ve used, sorry, you’ve used the terms protest, disobedience, disobedience movement.
What, if any, are the differences between these different forms of action? So protest, civil disobedience, and disobedience slash movement?

Yeah, good question.

So I mean, protest is anything that you, you know, protest. If you stand outside somewhere with a placard, you are protesting something, right?

And I think a lot of this kind of wave of climate activism has obviously been kind of going beyond that kind of protest to be more disruptive. So I often talk about disruptive protest and civil disobedience become, have a certain ideological or theoretical political baggage more about it in terms of direct action, that’s what the kind of terminology that they prefer. So really civil disobedience and direct action become, have a certain ideological or theoretical political baggage with them when we use those terms. Which, you know, I try to use disruptive protest as a descriptor of a protest.
that goes beyond just expressing your opinion and more about actually annoying somebody or something.

And from Dr. Dubrow, the Director of the Yale Center on Climate Change and Health, who are so grateful of supporting this seminar series.

My anecdotal observation is that the climate change disobedience direct action movement in the US is attracting increasing participation by people of color, especially when climate change is linked to issues like housing or criminal justice, for example. Do you see any potential for a mass climate change civil disobedience direct action movement similar to the US Civil Rights movement in the 1960s? I hope so, I mean, I think it has to be, I often say.

And I think I ended my last paper with the struggle for climate justice does not necessarily start with climate, but that this is, that it needs to become a much broader, broader movement.
And although I think that there was a tendency when these movements first came in the UK with Extinction Rebellion that, you know, to depoliticize it, but actually we don’t need to depoliticize it. We need to politicize it, right? We need to, you know, climate change is deeply political and we know that of course, and we know that of course, you will know as well as I do that climate change is the greatest kind of injustice and how it hits people and you know, it along, you know, class and race, racist kind of lines in in the US itself and of course, you know, globally even more so. And it’s absolutely essential, I think, to link it to these other issues. Now, the extent to whether that’s happening, you will probably see better in the US to whether, to the extent to which that’s happening. I mean, obviously the environmental justice movement is a kind of inherently, kind anti-racist, a movement in the US that has foundations in the US and that’s kind of given rise to climate justice as well. And you know, I think it’s significant that climate justice
1021 00:53:50.822 --> 00:53:53.040 was not a demand of Extinction Rebellion in the UK
1022 00:53:53.040 --> 00:53:57.450 but it became a demand of Extinction Rebellion in the US.
1023 00:53:57.450 --> 00:54:01.260 So I think that there is in the US climate movement,
1024 00:54:01.260 --> 00:54:04.122 but this is my impression from kind of afar
1025 00:54:04.122 --> 00:54:08.264 that those kind of climate justice issues
1026 00:54:08.264 --> 00:54:11.666 which are much more politicized,
1027 00:54:11.666 --> 00:54:16.666 have a stronger root in the climate change movement
1028 00:54:17.520 --> 00:54:20.490 in the US than they do on this side of the Atlantic.
1029 00:54:20.490 --> 00:54:25.357 That it’s more white and middle class in Europe
1030 00:54:25.357 --> 00:54:27.780 than it is in the US.
1031 00:54:27.780 --> 00:54:29.460 But certainly the impression you get
1032 00:54:29.460 --> 00:54:32.523 from from seeing it from afar, you’ll know better.
1033 00:54:35.100 --> 00:54:36.480 <v-Thank you.</v>
1034 00:54:36.480 --> 00:54:40.183 A question from Chris in Berlin,
1035 00:54:40.183 --> 00:54:45.183 what are the CD tactics in the UK
1036 00:54:45.663 --> 00:54:48.750 that have had the most impact?
1037 00:54:48.750 --> 00:54:51.000 So what are the civil disobedience tactics
1038 00:54:51.000 --> 00:54:52.623 that have been most effective?
1039 00:54:54.823 --> 00:54:56.443 <v-Yeah, well, that there,</v>
1040 00:54:56.443 --> 00:54:58.260 I would say most effective to what?
1041 00:54:58.260 --> 00:54:59.250 I mean, obviously,
1042 00:54:59.250 --> 00:55:04.250 in a way this kind of wave all started with the,
1043 00:55:05.340 --> 00:55:07.498 not that Extinction Rebellion’s first thing
1044 00:55:07.498 --> 00:55:10.440 was in April, 2019.
1045 00:55:10.440 --> 00:55:11.370 But their first, you know,
when they kind of became famous in April, 2019

was achieved a public opinion shift.

More people were concerned

about climate change than previously.

Fewer people denied its existence.

More people saw it as a priority, as a political priority,

so that we can see that in the kind of data

that it was a shift happening at that time.

So, but it is so often with many kinds of
protests,

it’s a surprise element,

the novelty element that creates that.

So then when you try to recreate it,

well, then it doesn’t have the same effect, right?

So a few months later,

then it didn’t really achieve anything at all.

I mean the Insulate Britain protests did achieve

this kind of politicization of the insulation question,

like did push it, you know, higher up the agenda,

but that’s just sitting in a road.

At other times sitting in a road achieves very little.

So it’s actually really difficult

to say what particular tactics are the most,

that are the most kind of successful in a way.

As I said, with any kind of

civil disobedience or direct action,
the more local your target is, the more the greater will your chances be of getting a direct effect or direct result from your actions.

I would also wonder what the role is for the simplicity of the objective, right? And the fact that people are advocating on behalf of all of us, indeed all species, all of life as opposed to a specific group.

You know, there’s a certain sensibility asking for insulation is so, (laughs) so sensible.

We have a question from, and I’m sorry Marielle Evelyn Tucker, I’m a huge fan of yours.

I would love to get to your question, but we’re just out of time.

We have room for one more question.

Samuel Gold, great question as well.

Given the authoritarian backlash, can civil disobedience remain as effective means of protest in the long term or does it become too unsafe and too unacceptable as it already is for many, for people to perform acts of civil disobedience?

So I mean,
you can do in many countries in the world, you know,

you have, I mean, Global Witness is an organization,

there’s material I’ve used a lot to show how dangerous it is.

That and being a trade unionist with,

you know, people get killed, it’s never safe.

It’s never been safe.

I mean, in a way, if you make more and more things illegal,

then you know more things will be doing,

more people will be doing illegal things

because more things are illegal to do more,

more types of protest.

The fact is that who you are and where you are,

and what will affect the risks that you run of doing things.

We’re often protected not by the law itself,

but by how that the police can’t, for example,

the some of the anti-protest laws that come in

are absolutely inconceivable to think that the police

will actually act consistently on those anti-protest laws.

They will deploy them as and when they see fit

and when they think it’s important

and when they think they can get away with it.

So this, yes,
we will see the civil disobedience and disobedience and we will probably, you know, a decade down the line, we will also see more violent, you know, more sabotage and and so on, I’m sure. So you can’t, you know, climate change is going to cause a lot of disruption in itself within our lifetime and people are going to take to desperate measures to do something about it. So I definitely think that we will see all kinds of protests and that’s not, that can’t be legislated away.

You bring a lot of intellectual and activists power when you’re discussing these things in such a thoughtful way. So we can’t thank you enough for taking the time to speak with us all today. It’s been a great honor and so many names that I see and respect hugely in (laughs) the audience as well. Really good questions and really good discussions. I really enjoyed it.