

LAW SCHOOL AND THE CLIMATE CRISIS: WORKSHOP AND STEPS FORWARD

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(Supported by the [Society of Legal Scholars \(SLS\) Law School and Climate Crisis Fund](#))

ETHOS/BACKGROUND

On 24 September 2021, Sahar Shah, Harpreet Kaur Paul and Celine Tan, in collaboration with the [Indigenous Environmental Network](#), hosted, a workshop on the ‘[Law School and the Climate Crisis](#)’ for legal academics to begin the first of a series of discussions/initiatives to reconsider the way in which the climate crisis is taught in law schools. The workshop was attended by approximately 16 mostly legal academics, though far more have been included in discussions before or since.

This project was informed by the virtual climate change conference we held around this time last year, [Disruption, Decarbonisation, Reparations](#). At this event, we tried to experiment with both the substance and form of what might be traditionally found at an academic conference. The conference brought academics into conversation with activists and civil society representatives from around the world. We tried to experiment with format at this conference by making space for not only panel discussions, but also story sharing, and an [interactive food journey](#). This conference led us to Tamra Gilbertson’s [fantastic work](#) with the Indigenous Environmental Network, and with a smaller group we attended one of the training sessions Gilbertson offers on carbon colonialism and false solutions to the climate crisis.

Building on both these experiences, we came to this project – the ultimate aim of which is to create a short experimental alternative curricula that is pedagogically and substantively fit for purpose – we here broadly position the ‘purpose’ as equipping students to live in and interact with the world in a manner that preserves and protects it, and (particularly prescient for students associated with institutions in the global north) to understand their differential roles/situatedness in structures that facilitate or detract from this goal. The term ‘fit’ we left (and leave) completely open.

We aimed to think specifically about:

- The relationship between the climate crisis and legal knowledge
- The relationship between the climate crisis and the *conveyance* of legal knowledge in law schools
- The relationship between pedagogy and the conveyance of legal knowledge in relation to the above

The curricula we aim to create would sit in tandem to and in conversation with a traditional legal LLB programme but would be open source and available to all.

The three-hour virtual workshop hosted on 24 September was part of this broader goal. We wanted to gather a relatively focused group of legal scholars and teachers that have demonstrated an interest in pedagogical experimentation in relation to climate change and core/popular legal modules. Through this process, we wanted to learn more about how the climate crisis interacts with

pedagogy in the law school – we hoped to understand more about how the topic is already taught in relation to core legal modules, as well as to identify what pathways there might be for further connection. While most of our attendees were based at Warwick, we had attendees from around the world present.

The workshop primarily took the form of roundtable discussions, with interactive visual participation options for attendees integrated throughout (facilitated by a slide deck template created by Training for Change). Through these, we emerged with a greater understanding of how climate change makes its way into a range of law modules at Warwick (and beyond) and identified some fascinating pedagogical practices for addressing the crisis, as well as its related nodes.

We commissioned visual illustrators/ artists [Tomekah George](#) and [Marcela Terán](#) to produce graphics for us for before and after the workshop as ways to stimulating and capturing discussions.

These first set of images were produced to stimulate discussion at the workshop:



Illustration by Tomekah George

Further information about the project and the workshop can be found [here](#) and the broader work of The IEL Collective on the Climate Crisis and the Global Economy [here](#).

WORKSHOP REPORT

Key Themes/Discussion Points:

Issues:

- Climate impacts feel distant and abstract to many in the Global North and this rendering is reproduced in the core legal curriculum (for example, by the way in which climate change is considered marginal, if discussed at all, on all core modules)
- Students themselves are not blank canvasses – they come to the study of law with their own expectations, backgrounds, and views
- Law protects structures that are inextricably wound up with the climate crisis (for example, private property and corporations). This coheres with the modules that are foregrounded as ‘core’ in a standard LLB curriculum. This structuring obscures possibilities for *collective action*.

Aims and Practices: Guiding Questions:

- Re-scaling: how can the abstraction of the climate crisis (in the law school and the Global North more broadly) be contested? How can our reckoning with the crisis be made local – not simply in terms of ‘thinking local’ in a market-friendly sense, but in terms of accepting responsibility for the ways in which Global North localities and lifestyles have instigated and continue to benefit from structures and movements that drive the climate crisis
- Grounding: how can legal pedagogies be re-thought in relation to the above?
- How can the relationship between legal pedagogies and climate activism be understood and enhanced?

Barriers:

- Material barriers: students’/teachers’ access to resources, the employment imperatives of a legal education
- Siloing of legal knowledge into compartments that preclude visibility of certain issues and cases

Case Study: *Torres v BP*

Our work until now has indicated that there is some sort of division between how the climate crisis is perceived by legal researchers, teachers, and students alike – and how it is taught in law schools. It seems to pervade more and more aspects of our lives – politically and personally – even as we in the West continue, particularly the more privileged among us continue to be shielded from its worst effects. However, even this pervasiveness and awareness seems not to be reflected in the core legal curriculum. We considered this division through the lens of one particular case study: *Gilberto Torres v BP*, using this case as a lens through which to explore connections between climate-related legal cases and law school teaching. Further information about the case can be found [here](#) and [here](#).

The case was chosen for its connection with BP, which in turn has a connection with Warwick University as Warwick hosts the BP archives, imbuing the company with a sense of recognition and legitimacy. The Warwick Fossil Free campaign, after securing a pledge from Warwick to divest from fossil fuels, turned its attention to its ‘BP Off Campus’ campaign for this reason. The case is significant in the context of the broader climate crisis because murders of land defenders like Torres are on the rise, as Global Witness data shows. Global Witness has deemed 2020 the deadliest year

on record for environmental and climate activists and says this can be considered a reasonable climate change metric.

We used this case to explore questions about:

- What is foregrounded in a standard legal curriculum and why
- Whether the presence of the BP archives on the Warwick campus gives Warwick a particular responsibility to address cases like these in its education of students
- Whether the siloing of knowledge in legal education maps tidily onto cases of climatic significance, and how a case-based (rather than a concept-based) approach can disrupt these siloes

Discussion and engagement:

- Most workshop attendees felt it was unlikely that the case was currently taught at Warwick in the law school
- Many felt that cases like this could be a very valuable way “in” to discussing complex issues that transcend/cut across siloes of legal education (as most cases do to some degree or another), though this case’s value in this regard was limited by the fact that no UK judgment was available to analyse as a text with students
- A case-based approach was discussed positively by attendees (and already implemented as a pedagogical tool by several attendees)

Presentation by Tamra Gilbertson, Department of Sociology, University of Tennessee:

- [Tamra Gilbertson](#) is an academic who has worked with social movements and civil society groups on issues relating to environmental justice. Her work focuses on carbon markets, extractive industries, climate justice and environmental sociology. She works closely with the Indigenous Environmental Network and has helped us shape this workshop.
- Her presentation focused on critiques on the ‘false solutions’ to the climate crisis, and the ways in which law is implicated in these (based on trainings run by IEN relating to carbon colonialism).

The Way Forward: Specific Directions:

- Hosting a follow-up seminar through Warwick’s [Centre for Law, Regulation and Governance of the Global Economy \(GLOBE\)](#)
- Creating a common space (for example, a Teams channel) for academics to share critical climate-oriented pedagogical practices and resources, and connections between these and civic engagement/activism
- Working towards creating an alternative open-source course curricula, experimenting with both substance and form (for instance, drawing on attendees’ pedagogical practices: can relationships with land and other themes be better explored through classes that are conducted whilst walking outside, rather than in a university classroom? Are there public educational venues with which partnerships can be made for common pedagogical purposes (for example, museums and libraries).

The image below by [Marcela Terán](#), is a visual representation of this discussion.

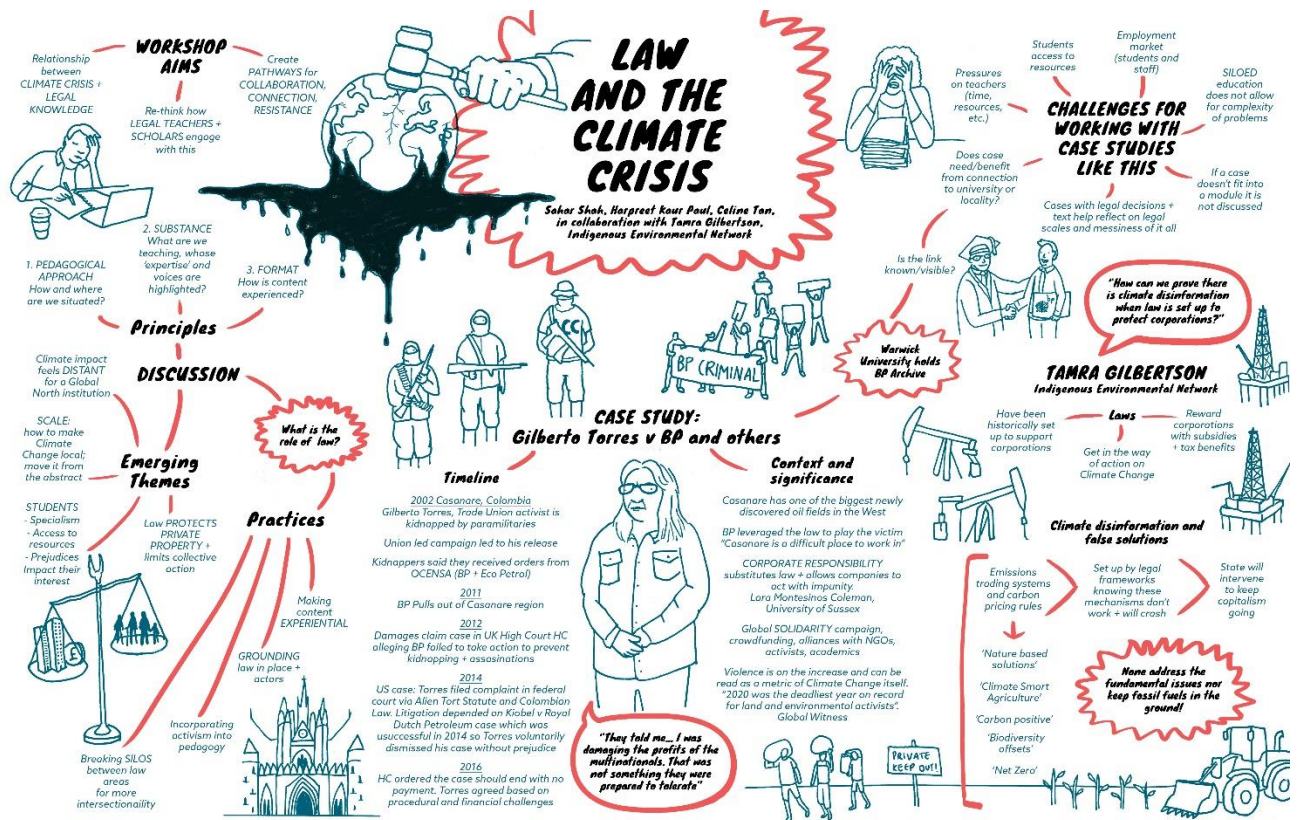


Illustration by Marcela Terán. The full graphic can be viewed [here](#).

This workshop was supported by:

