



**Friends of  
the Earth**

## **An Inconvenient Truth: The legal ruling**

### **Information for teachers**

Earlier this year judicial review proceedings were issued in the High Court challenging the decision by the Government's education department (DFES) to distribute copies of *An Inconvenient Truth* to secondary schools.

This guidance has been prepared following the High Court ruling and the subsequent announcement by campaigners behind the court case that they intend to send copies of the *Great Global Warming Swindle* to schools to 'counter' the distribution of *An Inconvenient Truth* by the DFES<sup>1</sup>.

Key points in the judgment are set out below.

### **About the case**

The case was brought by a Mr. Dimmock and subsequent press reports suggest it was 'backed' by Viscount Monckton, who is described as being part of a counter-campaign to undermine the scientific consensus on climate change<sup>1</sup>.

The claim argued that the distribution of copies of *An Inconvenient Truth* breached sections 406 and 407 of the Education Act 1996. These sections:

- a. forbid the promotion of partisan political views in the teaching of any subject in the school
- b. require the local education authority, governing body and head teacher to take reasonable steps to ensure that when political issues are brought to the attention of pupils, this is done in a balanced way.

On 10 October, the High Court ruled that it is lawful for schools to show *An Inconvenient Truth* in accordance with amended guidance which is now available online at [www.teachernet.gov.uk/](http://www.teachernet.gov.uk/). The judgement provides no basis whatsoever to require schools to show the *Great Global Warming Swindle* in order to 'counter' *An Inconvenient Truth*.

### **Main points of the judgment**

#### **1. *An Inconvenient Truth***

- The Judge held that the DFES "understandably formed the view that AIT is an outstanding film, and that schools should be enabled to show it to pupils". (*Paragraph 6 in the judgement*)
- The Judge went on to make the following findings:

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<sup>1</sup> See the article entitled "*Please Sir, Gore's got it wrong*" in the Sunday Times on October 14 2007.

1. *An Inconvenient Truth* “is substantially founded upon scientific research and fact, albeit that the science was used, in the hands of a talented politician and communicator, to make a political statement and to support a political programme.” (Paragraph 17 (i))
  2. The four main scientific points made in *An Inconvenient Truth* are:
    - a. global average temperatures have been rising significantly over the past half century and are likely to continue to rise (climate change);
    - b. climate change is mainly attributable to man-made emissions of carbon dioxide, methane and nitrous oxide (greenhouse gases);
    - c. climate change will, if unchecked, have significant adverse effects on the world and its populations; and
    - d. there are measures which individuals and governments can take which will help to reduce climate change or mitigate its effects.
  3. All of the points at 2) above “are supported by a vast quantity of research published in peer-reviewed journals worldwide and by the great majority of the world’s climate scientists”. (Paragraph 17)
  4. Nothing in the 1996 Act (or elsewhere) obliges teachers to adopt a position of studied neutrality between, on the one hand, scientific views which reflect the great majority of world scientific opinion and, on the other, a minority view held by a few dissentient scientists. (Paragraphs 18 and 19)
  5. The judge accepted the witness evidence of the DFES that “Al Gore’s presentation of the causes and likely effects of climate change in the film was broadly accurate”. (Paragraph 22)
- The judge looked at a “long schedule” of alleged errors and exaggerations referred to by Mr Dimmock’s barrister, but was only persuaded that nine of these were of relevance. He ruled that these nine errors should be identified and discussed in a revised Guidance Note to be circulated with the copies of the *An Inconvenient Truth*, to avoid the appearance of either the DFES, or local schools, promoting “partisan” views.
  - The revised Guidance Note (available at [www.teachernet.gov.uk/](http://www.teachernet.gov.uk/)) highlights the points raised by the judge and explains where *An Inconvenient Truth* deviates from the consensus view as set out in the IPCC report. It also raises specific questions for discussions where appropriate.

## 2. The sceptical view of climate change

- The barrister for Mr Dimmock argued that, in order to comply with its duty under s407 to “offer a balanced presentation of opposing views”; a school must give “equal air time” to counterbalancing views. (Paragraphs 14 and 15)
- **This was rejected by the judge.** The judge said that there is nothing to prevent there being a strong preference for a political theory and a minimal, but dispassionate reference to the alternative theory. He went on to say that the meaning of “balanced” in s407 of the Education Act “means nothing more than fair and dispassionate”. (Paragraph 16)
- The amended Guidance Note advises on how teachers should deal with climate sceptics and states:

### *The sceptical view*

*Teaching staff will be aware that a minority of scientists disagree with the central thesis that climate change over the past half-century is mainly attributable to man-made*

*greenhouse gases. However, the High Court has made clear the law does not require teaching staff to adopt a position of neutrality between views which accord with the great majority of scientific opinion and those which do not.*

- The Judge commented that the revised Guidance Note was “necessary and judicious” (paragraph 40). He went on to state:

*“...the present package in my judgment does enough to make it clear both what the mainstream view is, insofar as Mr Gore departs from it, and that there are views of ‘sceptics’ who do not accept even the consensus views of the IPCC.” (Paragraph 44)*

### **3. Summary**

- Mr Justice Burton accepted that *An Inconvenient Truth* is based on the mainstream scientific view. His concerns related to a number of specific points where *An Inconvenient Truth* went beyond this mainstream view. The Guidance Note was amended to reflect these points and the judge specifically approved this revised note.
- The Guidance Note did not attempt to hide the fact that some scientists do not agree with the mainstream view of climate change and even made reference to the *Great Global Warming Swindle* (together with a website containing a critique of it). At no point did the judge state that it was necessary for schools to show the *Great Global Warming Swindle* to counter *An Inconvenient Truth*; in fact, his comments suggest the opposite.
- The judgment makes clear that when teaching pupils about climate change, teachers do not have to give equal time and attention to climate change scepticism. Instead, they are entitled to focus on the views of the great majority of the world’s scientific community that climate change will have significant adverse effects, but that there are measures which we can all take which will help to reduce it and its effects.