



## Policing the Pedal Rebels: A Case Study of Environmental Activism Under COVID-19

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### Abstract

Australia, along with nation-states internationally, has entered a new phase of environmentally focused activism, with globalised, coordinated and social media-enabled environmental social movements seeking to address human-induced climate change and related issues such as the mass extinction of species and land clearing. Some environmental protest groups such as Extinction Rebellion (XR) have attracted significant political, media and popular commentary for their sometimes theatrical and disruptive forms of nonviolent protest and civil disobedience. Drawing on green and cultural criminology, this article constitutes an autoethnographic account of environmental protest during the final stages of the initial COVID-19 lockdown in NSW, Australia. It takes as a case study a small protest by an XR subgroup called the Pedal Rebels. The article explores the policing of environmental protest from an activist standpoint, highlighting the extraordinary police resources and powers mobilised to regulate a small peaceful group of 'socially distanced' protesters operating within the existing public health orders. It places an autoethnographic description of this protest in the context of policing practice and green and cultural criminology. Additionally, it outlines the way in which such policing is emboldened by changes to laws affecting environmental protest, making activism an increasingly risky activity.

### Keywords

Green crime; policing and protest; crime and harm; critical criminology; crime and ethnography.

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## Introduction

With environmental movements in Australia predating Federation, conservation has reflected a popular scientific theme in Australian natural history. From the 19th century, various 'royal' and 'botanical' societies championed flora and fauna reserves (Hutton and Connors 1999). Australia declared the second national park in the world in 1879. The conserving of the Franklin River (Cohen 1997; Hamilton 2016), Kakadu, Fraser Island (Hutton and Connors 1999) and the Union-initiated Green Bans (Colman 2016) are key examples where environmental protest shaped modern Australia and protected what are now seen as key environmental assets. Arguably, protests for climate justice such as school strikes, anti-fracking protests and indeed Extinction Rebellion (XR) actions constitute a continuum to this history of environmental protest—albeit in a new international and globalised context where coordinated social media-enabled social movements have produced new forms of activism (Powell, Stratton and Cameron 2018). Such recent movements seek to address human-induced climate change and related issues such as the mass extinction of species and land clearing.

XR actions include sit-ins on city streets, individual activists gluing themselves to environmentally symbolic objects or places, theatrical enactments of environmental harm, and dumping of animal excrement in front of climate change-denying news organisations like News Corp. Such protests have attracted significant political, media and popular commentary and sometimes criticism. However, while there have been some high-impact actions, and civil disobedience is an objective of XR, the vast majority of XR protests do little to disrupt citizens' everyday lives and focus more on raising awareness.

This article constitutes an autoethnography of an XR environmental protest during the final stages of the COVID-19 lockdown in NSW. In this context, the Public Health Act<sup>1</sup> had restricted the number of people that could attend outdoor gatherings to 20, thus, by extension, rendering public protests or demonstrations of over 20 persons unlawful. NSW Police have rigorously upheld these laws, and by example, protests on the University of Sydney grounds over new federally introduced fee structures saw students and staff arrested on this basis. In some cases, protesters were roughly treated by police (Zhou 2020).

Members of XR refer to themselves as 'climate rebels'. The Pedal Rebels are a cycling protest subgroup that, through a critical mass of cyclists, slows traffic flow in city streets. They ride with the strikingly distinctive logos and aesthetics that help raise XR's profile, recruit members and, of course, spread their climate emergency message. The autoethnographic component of this article follows the author's involvement in an XR Pedal Rebel protest in Sydney on a Sunday morning in October 2020. The aim of the article is to bring attention to the nature and intensity of police surveillance, intimidation and presence at such protests. It also highlights the routine deployment of such resources under the COVID-19 state of exception (Agamben 2005). The article argues that the over-policing of such activities constitutes a significant exercise in state suppression of the right to protest safely and responsibly, and a misuse of police resources that could be far better deployed in the service of detecting legitimate crimes. Additionally, such repression constitutes green crime through the harms caused by actively suppressing activism aimed at identifying and addressing the existential threat posed to human and non-human species from unabated catastrophic climate change (Hillyard and Tombs 2007; White 2020).

## Green Criminology

The focus on green crime has intensified over the past three decades, with criminologists becoming increasingly interested in crimes of the state or powerful corporations that harm either humans or other animal and plant species and ecosystems. Developing the nomenclature of green criminology, the study of green crime was defined by Lynch (1990; 2020) as: (1) harms caused to living beings through the creation of environmental hazards; (2) existing at the local and global levels; (3) outcomes tied to corporate and state crimes; and (4) the subject matter of radical criminology and political economic theory/analysis, and its concern with class analysis. Central to the study of green crime has been the study of power and harm

(Beirne and South 2007), echoing critical criminology's concerns with state and corporate crime (Hillyard and Tombs 2007; Pemberton 2007). The harms of climate change and the role of powerful corporations and state actors in aggravating such harms have developed as central concerns of green criminology (Kramer 2013; White 2020). As White (2020: 19) has argued, 'anthropocentrically driven changes that negatively affect humans, ecosystems and non-human species (plants and animals) can be conceptualised criminologically as a specific sort of crime'.

Recently, green criminologists have taken a more concerted account of the role of activism. As South (2014) and others have argued, 'criminology should be interested in the link between political protest to preserve human rights today and the action required to preserve the environmental rights of future generations'.<sup>2</sup> Further, scholars have noted the changing dynamics in which such activism is taking place. For example, Hasler, Walters and White (2020: 518) argue:

The role and impact of environmental activism in preventing crimes against the environment has entered a new stage within an often competing and conflicting global politics of conservation, trade and fiscal constraint. This new era of environmental or green activism is both dynamic and dangerous.

This is precisely the interest of this article. It takes the position that the harms caused by human-induced climate change constitute an existential threat to humans, plants and animals and that, as an extension, failure to act on these known and documented harms constitutes crimes of omission (and emissions).

### **Politics, Policing and Regulating Protest**

In recent years, parliaments around the country have enacted legislation that prohibits and/or increases the penalties attached to the existing offences aimed at regulating and reducing protest activities. Prior to the COVID-19 Public Health Act amendments, protest in Australia had been actively curtailed by the governments through a raft of legislative changes. These include, for example, using a 'dangerous attachment device' to disrupt lawful activities (*Summary Offences Act 2005* (Qld) ss14A–14C) aimed squarely at protests such as those by XR; trespass on prescribed premises (*Inclosed Lands Protection Act 1901* (NSW) s3)—under which, at the time of writing, a number of XR activists have been charged; aggravated unlawful trespass on inclosed lands (*Inclosed Lands Protection Act 1901* s4B); and, under the Commonwealth's telecommunications power, for using a carriage service to incite trespass on agricultural land (s474.46) or to incite property damage or theft on agricultural land (s474.47). The maximum penalties for these offences range from five to 20 years imprisonment and/or devastatingly high fines. The legislation creates a high risk of criminalising benign behaviour and having a 'chilling effect on legitimate dialogue and debate around environment, animal rights, and land use' (Law Council of Australia 2019; Legal Aid NSW 2019).

In NSW, the public order and riot squad are routinely deployed at protests even when there is no or low risk of civil disorder. Growing political discourse demonising the actions of XR and similar environmental protest groups has been underway across political lines in Australia since mid-2019. Indeed, conservative Home Affairs Minister Peter Dutton in early 2020 referred to XR as 'left-wing lunatics'. And although disputed, advisors in Peter Dutton's office allegedly referred to 'Extinction Rebellion as an example of left-wing terrorism' (Murphy and Remeikis 2020). While such language does not constitute an order to specifically crack down on the organisation, its capacity to affect state authorities and law enforcement through its tacit vilification of the group should not be underplayed. This demonstrates that prior to COVID-19 there were already political machinations afoot to limit XR's public activism and undermine its public profile.

The policing of public order, and protest in particular, has always been fraught, regularly revealing tensions between the public service and political components of the policing mandate. As Ericson (1982: 6) has noted, a key role of the police has been to 'patrol the petty' and to 'reproduce order'. Policing public

order, like other policing, involves patrolling the boundary between ‘inclusion and exclusion, domination and subordination ... where they differ is in their visibility and the overtly political dimension of public order policing’ (Waddington 1999: 69). Waddington (1999) notes that most ‘ordinary decent protestors’ in liberal democracies are left to regulate themselves in a way that sees the police generally use a ‘light touch’ in dealing with such groups. Moreover, he argues that police leaders have generally defended a democratic right to protest.

Having police constructively engage with protesters through dialogue-based intervention can positively affect police legitimacy (della Porta and Reiter 1998; Gilmore, Jackson and Monk 2019; Gorringer and Rosie 2013; Lydon 2020; Whelan and Molnar 2019). Until recently, this was the approach to much (although, certainly not all) protest in Australia—something akin to facilitation through dialogue. However, as discussed, the legislation curtailing protest has become more punitive thus facilitating a shift towards more confrontational paramilitary-style policing (Jefferson 1990; McCulloch 2001).

Moreover, the context also shifted as the Black Lives Matter (BLM) movement and associated activism and protests ignited across the US and elsewhere from the mid-2010s. By 2019, the Trump Administration, right-wing commentators and some emboldened police leaders derided activists and attempted to paint liberal administrations as responsible for promoting dissent by turning a blind eye to protester violence. In short, a reinvigorated get-tough-on-protest discourse emerged. As Linnemann and Medley (2018: 74) have argued, ‘conservative critics managed through the magic of “reverse racism” to somehow reframe anti-police violence protests as an attack on the most fundamental of American ideals’. While the protests and crackdowns involve different injustices, the Occupy movement, environmental activism and BLM are in various ways emblematic of late capitalism’s failure to deal with growing inequality and a history of exploitative colonialism. Ultimately, by the time COVID-19 emerged, the model of any ‘light touch’ towards protest was being tested—as was any sense of police legitimacy for those involved in an increasingly broad spectrum of progressive and social justice–orientated social movements.

Indeed, as the 2020 COVID-19 pandemic took hold and was followed by a range of public health orders aimed at curtailing public activities including protest, public order policing entered a period that could be characterised as a ‘state of exception’ (Agamben 2005).<sup>3</sup> At the height of the pandemic in Australia, this saw police deployed under public health legislation to enforce curfews, restrict gatherings and undertake a range of other activities. Human Rights Watch noted a raft of excessive or disproportionate police activities associated with these extended powers (Human Rights Watch 2020). However, as the COVID-19 emergency abated, like many documented states of exception, restrictions were eased only selectively—and one could say inequitably. While large-scale sporting events were permitted with the gathering of thousands of fans, protests in NSW were restricted to 20 participants, all had to be socially distanced. Even simultaneous protests of 20—held in different areas—could be subject to a harsh crackdown. For example, NSW Police advised the University of Sydney that two separate student protest groups of less than 20 people would, if carrying similar signs, breach the government health order because they were deemed as acting with ‘common purpose’ (Chrysanthos 2020). As a result, police on campus were ludicrously counting socially distanced protesters and arresting and fining students for breaches, even as in the surrounding lecture rooms, numerous groups of up to 60 were gathered together taking classes. In short, any pretence to protest through facilitation and dialogue was jettisoned under the public health orders. Given the hypocrisy of allowing significant gatherings of particular types yet suppressing dissent, it is difficult not to conclude that the NSW Government was complicit in unnecessarily extending a state of exception, giving police almost unfettered power to suppress protest.

### **Extinction Rebellion (XR)**

XR is a global environmental movement that began in 2018. It aims to use nonviolent civil disobedience to compel the government to take action to avoid tipping points in the climate system, stem biodiversity loss and reduce the risk of social and ecological collapse (Extinction Rebellion 2019). Additionally, using the language of emergency (Richardson 2020), XR calls on governments to declare a climate emergency and

take action accordingly. Inspired by nonviolent grassroots movements like Occupy, the suffragettes and the civil rights movement, XR seeks global support for the need to tackle climate breakdown and, subsequently, the ongoing sixth mass extinction.

While there is undeniable scientific evidence on climate change and species extinction that underpin XR's activism, XR has been labelled an extremist group by some politicians and governments. In the UK, counterterrorism police placed the group on a list of extremist ideologies to be reported to the PREVENT programme (Mythen, Walklate and Peatfield 2017). That program aims to identify those at risk of committing atrocities. Indeed, XR was included in a guide 'produced by counter-terrorism police in the south-east titled Safeguarding young people and adults from ideological extremism, which is marked as "official" (Dodd and Grierson 2020). Although this labelling has since been reversed, this extraordinary state-sanctioned criminalisation of the group indicates how state authorities feel threatened by nonviolent civil disobedience and environmental protest.

XR has a loose, localised and decentralised rhizomatic-type structure known as a self-organising system - referred to by members as 'SOS'. Local groups are free to organise events and actions independently, as long as they respect the organisations' 'principles and values'. Such local groups comprise 'working groups' that organise strategy, legal support, outreach and member well-being. While actions are planned throughout the year, activities are escalated at particular key moments. For example, 'Spring Rebellion' has become a significant calendar event and marks an increase in coordinated actions and activities. Beginning on 7 October 2020, a plethora of loosely coordinated actions were planned across Australia. XR's social media described it as follows:

This October, Extinction Rebellion branches around the globe will be gathering in mass, non-violent civil disobedience to get the governments to step up and take REAL action on the climate crisis. This is evidence-based protesting, using the most effective methods known according to research <https://www.facebook.com/events/extinction-rebellion-sydney/sydney-spring-rebellion/495009201059165/>

The Pedal Rebels are essentially a small cycle-ready subgroup of XR, and as a part of XR, constitute a very loose and anti-hierarchical organisational structure. If XR's strategy is to coopt the city's 'urban text' (De Certeau 1984) and repurpose its flows and movement to highlight the destructive forces of late capitalism, the Pedal Rebels specifically use the street itself as a site of intervention. By slowing and delaying traffic, they simultaneously seek to democratise and take back public spaces given over to the icon of modernity: the privately owned motor vehicle. Here there are overlaps with the purpose of the cycling protest movement 'Critical Mass', which as Ferrell (2018: 53) has noted, pushes back:

against the closure, containment, and privatization of urban space ... [and] valorize the sorts of direct, everyday democracy that can flourish in accessible urban space ... [employing] DIY (do-it-yourself) activism, "direct action," and other anarchist and antiauthoritarian strategies both to liberate this space and to reanimate it with just such democratic activity.

Like Critical Mass, the spontaneity of this street recalibration is meant to be disorientating for everyday road usage, and the anti-hierarchical nature of the XR movement aims to 'expose the illegitimate, undemocratic nature of existing institutions' (Graeber 2007: 378). For the Pedal Rebels, like Critical Mass, bicycles become tools of dissent, representing a symbolic slowing of the pace of the world to highlight the unfolding climate emergency. They also serve to diffuse conflict protest - the risk of escalating conflict between police and activists or the public and activists - by highlighting the playful, and indeed, in this case, colourful nature of the action.

Actions organised by XR can vary in seriousness and degree; they tend to be colour-coded to alert members to the seriousness of the activity: a 'red' action denotes that the action could result in the risk of arrest, an 'orange' action suggests some chance of arrest or fine, and a 'green' action suggests that no laws will be

broken and that there should be almost no risk of arrest or fine. The Pedal Rebel action discussed in this paper was defined as a 'green' action and therefore likely to be at the less serious end of the scale.

XR is, unsurprisingly, not without its dissenters—even from the progressive left. Some commentary has noted how XR's sometimes casual tactic of mass arrest undermines the experiences of minority groups at the hands of the police and justice system—particularly those of incarceration (Smoke 2019; Gayle 2019). Such a blind spot, Smoke suggests, reflects the privileged, white, middle-class standing of its many members. Smoke (2019) also suggests their tactics might encourage increased anti-protest legislation. Gunningham (2019) criticises XR's capacity to come close to achieving the kinds of transformative change its members seek due to the means of their actions and activities—some of which may alienate organisations and institutions vital in leading to such changes. Nonetheless, XR is demonstrative of a new wave of ecoactivisms that reject 'reformist' politics in favour of mass mobilisation (Richardson 2020). Moreover, criticisms of XR as a group tend to underestimate its fragmented, diffused structure.

### **Methodology: A Critical Autoethnography**

Ethnography is generally understood as the study of people in their environment. It is normally characterised through methods such as participant observation and interviewing. Ethnography uses empirical fieldwork to document cultural similarities and differences. While often geographically or culturally specific, ethnography can inform generalisations about social and cultural systems and the social interaction that characterises these (Sidky 2004). As Jackson (2020) has recently argued, 'by studying policing from the perspective of the policed, critical ethnographic research can challenge established understandings and make an important contribution to the scholarly literature'. It follows that ethnography has an important part to play in understanding how policing plays out from the perspective of citizens.

The methodological approach of this article is autoethnographic (Ellis 2004). It constitutes a qualitative exploration of personal and anecdotal experiences that connect to broader social, cultural and political themes (Maréchal 2010). Autoethnography can be conceptualised as *storytelling with a social scientific purpose*. It seeks to contribute to knowledge by providing insider insights (Adams, Holman Jones and Ellis 2015) and 'on the ground' (Goffman 2014) accounts. It places these in the context of culture and social life. The approach here is also a critical one. It seeks to understand the dynamics and differential exercise of police power and highlight when such power is exercised in ways that might disenfranchise or criminalise particular social groups. This approach dovetails with that of green criminology outlined above.

In criminology, critical autoethnography fits neatly within the broader research agenda of cultural criminology. Indeed, O'Brien (2005: 600) has argued that cultural criminology is defined by its 'ethnographic imagination'. The methodology here overlaps with two other approaches: 'instant ethnography' and 'liquid ethnography' (Ferrell, Hayward and Young 2008). Instant ethnography denotes an approach that conceptualises crime or transgression occurring in moments of 'serendipity' and unusual and brief conditions that are often 'unpredictable' (Ferrell, Hayward and Young 2008). These moments are also often 'performative'—they consider group or individual performance and foreground the seductions and sensuality of events (Katz 1988). Indeed, the performance of ethnography can be seen as a form of political intervention (Denzin 2003; Ferrell, Hayward and Young 2008). Liquid ethnography denotes an 'ethnography attuned to the dynamics of destabilised, transitory communities ... with the shifting boundaries between research, research subjects, and cultural activism' (Ferrell, Hayward and Young 2008: 182). This approach engages communities and recreates identities. While this article does not constitute the form of 'illegal ethnography' discussed by Ferrell, Hayward and Young (2008: 183), it does seek to subjectively recast the image of social groups in the context of shifting local and global forces. In summary, it constitutes an autoethnographic subjectivist analytical account of environmental protest and the policing regime in which it took place.

The author is not a regular XR activist nor a member of any XR working group, although I have participated in a small number of XR protest actions. This outsider/insider account considers the cultural, performative, sensual, unpredictable nature of the protest and the performative actions of police and public. In doing so, it does not identify or quote from any human actors, nor does the researcher knowingly engage in any criminal behaviour. In short, autoethnography is an appropriate approach here as it uses only the perspectives and interactions of the researcher in a context where many participants might prefer not to be personally identified. Yet, it can also offer rich descriptions, analysis into the power dynamics of protest, and how police power is exercised or resources allocated at a time when political protest has been repressed.

## **The Action**

The particular protest action discussed involved three groups of under 20 activists riding two abreast<sup>4</sup> slowly through the urban streets of Sydney's Inner West. Motor vehicles would be slowed behind the groups creating minor disruption to the traffic flow. Each group was to travel around 6 km in total, during which there was ample opportunity for many cars to overtake the group. The three groups would all ride to Sydney Park, yet stay socially distanced in the park in discreet groups as per the Public Health Act. Each group would be led by an experienced pair of 'rebels' who would ensure—as best they could—the safety of all involved. They would also provide a portable sound system to add to the overall carnivalesque impact of the event. A number of other rebels would provide flags and other colourful identifying clothing and accessories. This was a 'green' action, indicating a very low likelihood of fine or arrest. What follows is an autoethnographic account of the action. It is by definition descriptive but seeks to analytically link the action back to the context provided above.

### *The Autoethnography*

We attach the flags to our bikes. I have to say they look colourful and quite impressive. Pedestrians look across the road to see what 'cause' we are championing. I'm wearing all sky blue with a blue Extinction Rebellion flag attached to my backpack. My companion is wearing a bright green onesie, with a large blue XR flag attached to a milk crate at the rear of her bicycle. The milk crate, too, is covered in a blue XR sleeve. We set out for the 1 km ride to Marrickville Park to meet our fellow XR Pedal Rebel riders. This is my first Pedal Rebel protest, and I'm approaching it with a mix of excitement, determination and a little anxiety as to how today's events will unfold.

Before we arrive at the park, we stop at a pedestrian crossing. A police vehicle pulls up at the traffic lights as we cross. We are careful to push our bicycles across the road and subsequently not ride on the footpath—they are already surveilling us closely. My companion tells me they will be looking for excuses to fine or charge us with an offence. We are determined not to give them one. Right from the beginning, it becomes clear we will be dealing with a series of attempts to 'police the petty' (Ericson 1982)—where any law-breaking by us will likely be dealt with without the discretion often used not to charge.

Arriving at the park, we are among children playing on play equipment and riding their bikes, and families are having breakfast gatherings. Fathers drink their morning takeaway coffee watching their children play, a woman carries flowers and gifts to a birthday celebration, and an old man reads a newspaper in the morning sun. The smells, sights and sounds of a crisp but warm Sunday morning—little hindered by the COVID-19 shutdowns. However, all are slightly distracted by a second police vehicle parked about 15 metres away—the officers seated but watching the proceedings in the park. We walk our bicycles up to the trees—apprehensive of even riding in the park—and greet and meet our fellow Pedal Rebels. The group is of mixed racial and ethnic background; although about 60 per cent of white European heritage, there are slightly more women than men, a rough estimate would put the mean age in the mid-forties. All are in good spirits and seem to be looking forward to expressing their environmental concerns through this XR protest action. We share small talk, and many 'rebels' meet in person for the first time (much XR planning activity occurs in online chats). We hand around specially designed 'bust cards' to provide information on what to do should a 'rebel' be arrested. As we talk, at least three separate police vehicles

circle the park surveilling our activity. The young women leading the group are colourfully dressed in fancy dress fish scales. Others wear clown outfits, fluorescent clothing and bright novelty sunglasses—every kind of bright colour. The idea is to make this protest fun and visually stimulating for onlookers. It also creates a sense of a non-aggressive non-confrontational carnival, meaning that should police seek to arrest us, they will be dealing with ‘ordinary decent protestors’ (Waddington 1999)—and among other things, young women in fish costumes.

We conduct a headcount. Under the COVID-19 NSW Health regulations, only 20 people can protest in a single group. We are concerned to ensure we don’t break this law and so increase our chances of fines or arrest—particularly with the police vehicles circling the park. However, more importantly, XR has a considered and agreed-upon position to ‘trust the science’—both the science around COVID-19 and the public health implications, as well as the science around climate change. The movement has acknowledged the hypocrisy of the NSW Government mandating football games hosting thousands of people and shopping malls full of people spending their JobKeeper<sup>5</sup> allowances on consumer goods, while COVID-safe socially distanced protest has been effectively banned.

While we go about our preparatory business, an officer from the parked patrol car opens the car door, pushes his portly frame out of the vehicle and walks towards us. He is genial as he approaches and seemingly engaging through ‘dialogue-based intervention’ (Gilmore, Jackson and Monk 2019). He asks us where we are riding and how many of us are in the group of riders. We explain the route and conduct another headcount in front of the officer. Satisfied, the officer engages in chat. He even agrees to take a photo of the group on one of the activist’s phones—no doubt we have already been photographed many times by those in the circling patrol cars. The officer tells us that he may act as an ‘escort’ vehicle and recites us some road rules before returning to his patrol car. It is, of course, an initial ‘friendly’ contact that acts as both an appeal for us to behave within the law and a none-too-subtle threat if we do not. In terms of performative policing, this officer plays the role of the ‘good cop’, symbolically present but looking after our welfare—as long as we stay in line. The group is almost ready to embark on the ride. Police cars continue to circle, and I get the feeling of being on an island surrounded by a sea full of hungry blue and white sharks. Nonetheless, we are about to swim for it.

After a false start with a portable sound system disfunction, the group lines up two abreast (in line with the road rules that allow such riding). To the sound of *Oh, What A Beautiful Morning* drifting from the lead bike, the colourful and carnivalesque group slips somewhat symbolically out from the cool green grass of the park and across a threshold onto the hard black bitumen. Taking a full lane of the relatively narrow Sydenham Road for our own, we begin to coopt the urban text (De Certeau 1984). Sydenham Road runs through the back of Marrickville, a now-trendy gentrifying suburb in Sydney’s Inner West. A mix of new Inner Westies and longer-term Greek and Vietnamese immigrant family onlookers seem generally supportive of the group. As we ride, the police vehicles are never far away, either bringing up the rear or leading the group. They are a menacing presence, and it is clear they intend to intimidate with the threat ‘police the petty’. At this point, there are eight police in four vehicles within eyeshot of the group. Queen’s flamboyant *Bicycle Race* pumps loudly from the speakers as the flags on the back of the bikes wave in the breeze and the Pedal Rebels sing along—at times boogying on bicycle seats. We ring our bells, and many onlookers show support by sounding horns, clapping, cheering. It is quite life-affirming and empowering, and the pessimism one feels for the environment is somewhat balanced by the public support for the cause we feel riding as part of this colourful group. The beautiful warm morning adds to the carnivalesque atmosphere and raised spirits. After roughly 1.5 km on flat road, we begin an ascent over the Sydenham Station railway bridge—and in doing so, pass from Marrickville to Sydenham. One woman peddling a heavy tricycle struggles a little here, but a hard push uphill seems somewhat analogous to this environmental cause. Then, for a moment on the descent, the group is separated by a red light and there is momentary concern someone may have ‘run the red’, putting themselves in danger of being fined by the omnipresent police—indeed I rode through on the amber light. None of the police appear to have noticed the potential infraction, however. Eventually we are again together and beginning the 3 km ride along Unwin’s Bridge Road, up May Street to Sydney Park.



Unwin's Bridge Road runs through a mix of residential and light industrial buildings as it cuts across the once very working class suburbs of Sydenham and St Peters. The road is quite busy with few pedestrian onlookers, and the protest manages to slow the traffic significantly—clearly a key aim of the peaceful protest. The traffic builds up as we ascend yet another small hill. Stopped at a set of traffic lights on this short uphill section, a police vehicle pulls beside the lead rider. The officer is not happy and is speaking loudly and animatedly. Performing the role of 'bad cop' and intent on 'policing the petty' with aplomb, he warns that if we don't pull to the left parking lane and let traffic pass, we will be slapped with significant fines. Legally we are not obligated to do so; however, we recognise that this officer is serious and have no desire to test his capacity for exercising discretion. While it's difficult to hear his ramblings over the high decibels of The Beatles' *Revolution*, we all get the gist of the threat. We move to the left lane for 100 metres or so when parked cars again force us to recolonise the centre lane—again slowing the traffic. The good spirits of the group are little dented by the officer's aggressive attitude, or that one of our group has just been defeated by a puncture. It is another example of the continued police attention and antagonism the group has garnered. On another level, it also illustrates that roads—although essentially public spaces—are symbolically mandated to be used in very specific ways. To slow traffic down is to hinder progress; to stand in the way of capital, 'reanimating' road use through 'direct, everyday democracy' (Ferrell 2018: 53), challenges the taken-for-granted nature of this privatised public space.

A comfortable cycle up May Street St Peters to Sydney Park with public support from people spilling out of welcoming roadside cafes makes the final part of the ride highly enjoyable. No doubt Sydney's Inner West is home to a majority likely to support the cause—we are among friends, perhaps even preaching to the converted. At the end of May Street, we carefully walk our bikes through the traffic lights of the unwelcoming and bicycle-unfriendly arterial Princes Highway. Police are never far away as we push past parked cars into the welcome shade of the large and green Sydney Park. We arrive at the same time as 20 riders from the Victoria Park group arrive. There is slight panic about the groups joining, thus being subject to the protest rules that would render the gathering of over 20 unlawful. There is even the question of whether police might act on the notion that the separate groups are in the park protesting a 'common purpose' (Chrysanthos 2020)—as discussed earlier in the University of Sydney example. We move off to separate sections of the park and debrief. Overall, the group is happy with their protest action.

The park is full of people, many as part of very large gatherings of which police take no interest. Yet we are unable to meet as a group of 50 people or so, and they *are* interested in us. A middle-aged man walking with a child through the park takes it upon himself to abuse us, suggesting to the young women in the group, 'you should be home cooking with gas for your husbands'—an allusion to the anti-gas and fracking flags adorning some of the bicycles. He goes on to inform us 'you created more carbon emissions holding up traffic' than would have otherwise been burned— 'you should be ashamed'. A couple of members of the protest group half-heartedly respond before deciding that it's an argument not worth having. He walks on, and some of the group humorously speculate as to whether his wife is at home cooking with gas for him right now and the parallels of patriarchal power and environmental exploitation.

There are by now roughly 20 to 30 police also in the park, meaning that the number of police officers present is only slightly fewer than the number of protesters. Additionally, there is also an unmarked police car idling in the car park surveilling the comings and goings of protesters. Every move we make is monitored and assessed, and the police gaze is constant. It all raises legitimate questions about the proper use of taxpayers' money to deploy such police resources. While cognisant that XR sometimes hold protests of disruption and mass arrest and that the public health regulations introduced under COVID-19 mean that police will undoubtedly be interested in any XR protest, this overkill appears as an overt act of repression against legitimate political expression. Any health or criminal threat posed by 50 peaceful people on bicycles cannot possibly justify this ostentatious deployment of state resources. Officers move towards the cyclists and ask organisers what the groups intend to do next. A spokesperson communicates that after a short stop in the park, the groups will disperse but that some might make the 5 km ride back to Victoria Park through Newtown as a secondary protest group. Again, police offer to 'escort'.

This composite group of 18 decide to ride along the full length of King Street Newtown. Newtown could be described as the symbolic centre of the Inner West. Home to a large LGBTQIA community, progressive politics and a Greens State Member of Parliament, we are in very friendly territory. I join this group. Atmospherically, it feels somewhat like a victory lap—albeit the small victory of not being fined or arrested. Nevertheless, there is some initial panic that the group may have grown to be over 20 strong and so be unlawful. However, a further headcount concludes we are 18, and so the second slow ride begins. The cycle up King Street is jubilant and colourful. We sing, chant, ring our bells, are shown great support from the café-lined footpaths and drivers in cars who sound their horns and wave; even the odd public bus driver shows support. Riding this Inner West street may well be preaching to the converted, as the group will later say, but it is also seen as a great exercise in recruitment and visibility for XR. There is little resistance to us reclaiming this streetscape.

By the time we reach the end of the ride at Victoria Park, there are already three police on bicycles awaiting us. We pull up under a tree. The officers, now joined by another three, stand a short distance away, watching us. After a few riders peeled off down King St, we now number no more than 12. The number of police grow to eight as two female officers arrive. One of our group walks over then asks two officers about a road rule or two and whether we should have been asked to move into the left lane when threatened with a fine. The officer responds that it's a matter of police discretion. It is, in fact, not. We had no obligation to keep to the left. However, the officer is clearly not in the mood for a debate. One of the activists again asks one of the male police officers if he would take a photo of us. He refuses with a dismissive look—it is a petty act. However, one of the female officers agrees, in what might be a gendered response to police/community interactions. Eventually one of the officers asks where the group is heading next. We reply that we are heading home. Satisfied, the police begin to break up, leave the park, and presumably move back to other duties that one can only hope are more worthwhile.

## Discussion

This autoethnography sought to detail the excitement and dangers of environmental protest under the COVID-19 Public Health Restrictions. In doing so, it takes up the challenge articulated by scholars internationally to undertake criminological work at the intersection of green crime and environmental activism (South 2014; Hasler, Walters and White 2020). Here, I have attempted to highlight not simply the challenge of activism under the COVID-19 regulations but also the constant creep of pre-COVID-19 legislation and regulation that has sought to curtail environmental protest in Australia and elsewhere. Law-makers have made the business of activism increasingly risky in terms of potential fines and other penalties. In doing so, they appear to have effectively emboldened police to crack down more heavily on environmental activists.

The most distinguishing feature of this event was not that police arrived and surveilled it in such numbers with such resources—although it was certainly intimidating that they did so. Rather, it was the relatively mundane way in which this over-policing of petty protest activity took place. This highlights the issues facing groups that are routinely over-policed—particularly Aboriginal and Torres Strait peoples in the Australian context. This XR protest of largely (though not exclusively) middle-class white people has perhaps buffeted us from more confronting and risky police interactions to which more marginal groups are routinely subject.

Nonetheless, this over-deployment of resources should not be understated. Given that each of the three protest groups had their own 'police escort', I have estimated that around 30 police were deployed across the three protest groups while the action was underway (a three-hour period), and more again (about 20) were deployed in Sydney Park where the groups converged. Using NSW Police Force's own cost recovery figures and putting aside the costs of command and communications activities, the operational police involved would likely total something in the order of \$20,000<sup>6</sup> to cover fewer than 50 to 60 protesters. Taxpayers may well question this use of police resources.

Also not to be understated was the care taken by the groups not to be fined or arrested. It was very clear some police present were looking very closely for a reason to confront the groups—demonstrated in the warning given to move to the left lane. Every move the activists made was watched, and we were highly attuned to this surveillance. Nonetheless, there was a challenge for police seeking to arrest a group of gaily dressed activists dancing in their bicycle seats in front of a largely supportive public audience. That is, the carnivalesque performance was largely effective in the diffusing of conflict protest.

As noted above, XR has made abiding the Public Health Restrictions part of its policy and strategy, in line with ‘believing the science’ on climate and the pandemic. This highlights the hypocrisy of opening up large-scale sporting events and shopping centres while cracking down on COVID-safe demonstrations. As I noted at the beginning of this paper, nonviolent civil disobedience is a strategy of XR. However, in this case, as the groups had made clear to police, there was no intention of breaking laws or doing any more than exercising a limited democratic right to protest under the COVID-19 Public Health Regulations. Being subject to such oppressive policing practices under these circumstances would appear antithetical to the freedoms that Australians generally take for granted. Such policing similarly highlights the hypocrisy of policing a group of activists seeking to save the planet when the exploitation of resources, continued burning of fossil fuel, and wanton harms to the environment, non-human species and humans continue relatively unregulated.

That state resources should be used against protesters fighting for action on the scientifically proven problem of climate change highlights governments’ intransigence on the issue—not to mention their policing priorities. Corporations guilty of environmental crimes rarely face serious censure by regulators. Failure to acknowledge and act on the climate emergency renders governments morally responsible for present and future harms to humans, animals and ecosystems (White 2020). These are precisely the kinds of harms that critical criminology is geared towards uncovering and addressing (Hillyard and Tombs 2007). Given the compelling evidence, to cite just one example, that the 2019–2020 bushfires on the east coast of Australia resulted from fire conditions ‘aggravated by climate change’ (Climate Council 2019), these harms are occurring now—they are not simply future predictions. In the spirit of this paper, criminologists can work with activists holding governments to account for these harms.

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<sup>1</sup> Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 5) 2020 under the *Public Health Act 2010*.

<sup>2</sup> See also Clark (2009), Brisman and South (2013) and South and Brisman (2012).

<sup>3</sup> Note, however, that in using Agamben’s term, I am not suggesting, as Agamben himself has (Agamben 2020), that the COVID-19 pandemic was somehow an ‘invention’ by which to justify such exceptional measures.

<sup>4</sup> As is allowable per the NSW Legislation *Road Rules 2014*.

<sup>5</sup> JobKeeper is a wage subsidy program implemented by the Australian Government to support employees and businesses. The JobKeeper Payment is designed to help businesses affected by the Coronavirus to cover the costs of their employees’ wages.

<sup>6</sup> Approximate costing based on

[https://www.police.nsw.gov.au/\\_data/assets/pdf\\_file/0005/569048/USER\\_CHARGES\\_2019\\_for\\_external\\_publication.pdf](https://www.police.nsw.gov.au/_data/assets/pdf_file/0005/569048/USER_CHARGES_2019_for_external_publication.pdf)

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