

Can researchers navigate the ethical minefield of protest trials?

Dealing with activists in legal jeopardy requires extra attention to ethical concerns, say protesters

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Next week Rupert Read is due to stand trial on criminal damage charges, accused of pouring red paint on the steps of a lobby group known for its scepticism about climate change.



Source: Alamy

Speaking ahead of the hearing, the associate professor of philosophy at the University of East Anglia (<https://www.timeshighereducation.com/world-university-rankings/university-east-anglia>) spoke of his belief that he would be acquitted on account of the lawful excuse that the “unmitigated climate catastrophe” that his Extinction Rebellion (XR)-backed protest – using removable biodegradable paint – sought to highlight. But magistrates may disagree on 28 October – with a potential three-month custodial sentence at their disposal.

With environmental activists so convinced about the rightness of their actions but legality of these protests unclear, these cases should provide fertile ground for academic researchers – providing a level of complexity missed by outraged media coverage of, most recently, the disruption caused by Insulate Britain’s blocking of motorways and busy city streets.

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But those wading into these contested and legally fraught cases also enter an ethical minefield. Gaining access to protesters can be an achievement in itself; but how do you handle issues of informed consent in fast-moving and emotional situations, or the disappointment of interviewees if your conclusions are ultimately unfavourable to those who cooperated with you?

“You do try to assess how much you can trust people and hope that they will be sympathetic to your cause, but it’s wrong to think they’ll be completely onside,” reflected Dr Read on working with scholars and journalists (<https://www.timeshighereducation.com/news/impact-agenda-enables-climate-change-scholar-activists>) regarding his XR activism. “You just hope they will be fair.”

With disruptive protesters likely to spend months, even years, embroiled in the courts and appeals, the issue of publication of results is also a worry given that unfavourable findings have the potential to prejudice proceedings.



This has been highlighted by a complaint by members of the Stansted 15, a group of protesters who locked themselves to the landing gear of a Boeing 767 plane on 28 March 2017 to prevent a Home Office deportation flight from the Essex airport, over their portrayal in a recent *Sociology* paper (<https://journals.sagepub.com/doi/full/10.1177/0038038520954318>) that drew on court observations and anonymous interviews with the group prior to their successful appeal (<https://www.bbc.com/news/uk-england-essex-55859455>) against terrorism-related convictions.

The research highlights what is described as the “script compliance” of the defendants who deliberately sought to present themselves sympathetically to jurors by dressing “soberly and smartly”, wearing Remembrance Day poppies and removing their pink scarves and hats as they entered

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the dock – which interviews revealed was a coordinated strategy to “persuade the jury that they were regular, ordinary citizens”.

Submitting the paper before the protesters’ appeal had been heard in November 2020 – the group had been given suspended sentences

(<https://www.theguardian.com/global/2019/feb/06/standsted-15-rights-campaigners-urge-judge-to-show-leniency>) nine months earlier – led the authors to draw “false conclusions” from the case, Ruth Potts, a Standsted 15 defendant, told *Times Higher Education*.

Ms Potts also criticised the “slipshod way” in which the consent of interviewees was obtained, stating that requests for interviews were “made as we were going into court, with interviews taking place in or near court, and in extremely stressful circumstances”, which did not constitute proper informed consent, she said.

“There is a need for good research on protest trials, and the power of the state, but these researchers were really sat on the periphery of the trial and the paper’s description of a detailed ethnography claims a degree of access that they did not have,” said Ms Potts, who wants the paper retracted and the lead author’s institution, Aston University (<https://www.timeshighereducation.com/world-university-rankings/aston-university>), to investigate.

In a statement, Aston defended the study’s approval and publication, saying that “an independent investigation conducted in line with our research integrity assurance policy concluded that the ethics review and approval for this study was conducted in line with agreed procedures and policies and that British Sociological Association guidelines around ethical research design, and specifically around participant observation, were followed”.

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“As no breach of research integrity or research misconduct has been found to have occurred, the university considers its legal obligation to uphold academic freedom, to which it is clearly committed, to take precedence,” the university said.

For his part, Dr Read said he was acutely aware that publications – either his own, or those of journalists or other scholars, could influence his own legal defence. “Journalists are fairly used to considering these legal issues but I’m not sure academics are so used to thinking about them,” said Dr Read, who also worried that the unpopular

actions of Insulate Britain could “block back” on the defences of XR activists who will soon find themselves in the courts.

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Like Ms Potts, Dr Read accepted that academic analysis of disruptive protests may not be exactly to his liking but hoped that they would, at least, acknowledge the motives behind them.

“Researchers do have a responsibility to point out what is driving people to do these desperate things and give them due weight in any study. It’s worrying if scholars also start to criticise us as middle-class do-gooders, as if doing good was something to be smeared and mocked,” he said.

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#1 Submitted by A-S00024014 on October 21, 2021 - 9:36am

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Basil jide fadipe.

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