

00:00:00:00 - 00:00:21:08

Speaker 1

Hello and welcome to the School of Law podcast from the University of Aberdeen. Something that's completely new to the podcast world, and this is our very first episode of the series. So welcome along everyone. There are two hosts to the podcast, myself, Neil Whalen.

00:00:21:10 - 00:00:41:07

Speaker 2

And me, Lauren Mitchell. Now each episode will cover a different topic of law with expert guests from the University of Aberdeen. They'll answer all our questions as we learn more about each subject. The first episode and one of my favorites. It's all about anti-SLAPP.

00:00:41:09 - 00:00:54:20

Speaker 1

Now, we didn't know much about this subject. In fact, I'll be honest, we barely knew what it meant. But before too long, we found it absolutely fascinating. We think that it's the perfect episode to launch the series with.

00:00:54:22 - 00:01:02:17

Speaker 3

One of the things that the The Slap Pursuer is, is trying to do is trying to, I suppose, manage the narrative.

00:01:02:19 - 00:01:11:06

Speaker 4

Now, immediately after she was killed, we started to notice. Was newspapers starting to delete stories off their website?

00:01:11:08 - 00:01:15:22

Speaker 3

You've already spent that 250,000 on defending yourself.

00:01:15:24 - 00:01:21:04

Speaker 4

Tell her husband and and their children that they'd lost their house.

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Speaker 3

It's really everyone. It can even just be someone writing on Facebook about their own personal experience of.

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Speaker 4

So essentially, if I'm trying to punish you for exposing the fact that I'm an extremely corrupt person.

00:01:32:09 - 00:01:35:17

Speaker 3

Maybe that is defamatory, but it's true.

00:01:35:19 - 00:01:50:07

Speaker 2

All of that on the way. Later on in the episode, Neil will speak to two students on the campus just to understand a little bit more about the decision for studying here in Aberdeen and why they chose the University of Aberdeen.

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Speaker 1

But now it's time for a chat with our two guests on the subject of anti-SLAPP. We spoke with Professor Justin Borg Parfit and Doctor Francesca Farrington. I started by asking if they could tell us what anti-SLAPP law actually is and why it's important.

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Speaker 3

So anti-SLAPP laws are designed to counter slaps. SLAPP stands for us to strategic lawsuits against public participation. And essentially, they're lawsuits or threats of legal action that are designed to suppress information on a public interest matter. So, to put it into context, a typical example is a journalist who's writing about, for instance, financial crime or corruption, and the person they're writing about, maybe a politician or company decides to sue them, in order to essentially try to, to silence them.

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Speaker 3

This often happens through defamation lawsuits. So they'll get a letter through the post threatening legal action. And often that letter will be enough to silence the journalist or the person speaking out, because defending yourself against a defamation lawsuit or any lawsuit is incredibly expensive. And because the purpose of the lawsuit isn't to win the case, it's really to divert the person's resources and energy away from reporters on anything from corruption to environmental issues, because it costs a huge amount to defend yourself against a lawsuit.

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Speaker 3

For instance, I think in the Irish High Court, it's estimated that five days defending a defamation case in the Irish High Court is about €250,000. So if you think a lot of journalists there, they're freelance. For some people they're just protesters, maybe at, you know, some climate march and they might be targeted. You can be just an ordinary person and suddenly get a letter through your door from a big corporation, a huge law firm with massive resources saying, we're going to sue you if you don't stop talking about this.

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Speaker 3

And for most people, that's enough to silence them. I know that if I got, letter through through my door saying that I would be, I'd be scared. I'd be thinking, oh, how how am I going to afford this? What is this going to do to my career? Because even if you can prove that what you're saying is true, if you can prove that it was in the public interest, you need to go through years of defending yourself.

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Speaker 3

And by that time, your reputation has been put into question. Because you're going to be in the, in the papers saying that this person is being sued for defamation. That's what most people take away from it. And for most people, they just don't have the time, energy or resources. So one of the things that the the SLAPP pursuer is, is trying to do is trying to, I suppose, manage the narrative in a certain way.

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Speaker 3

They're trying to remove information but also discredit the person that's speaking out. And by doing that, there's always going to then be a question mark about around that person's credibility. So anti-SLAPP laws are laws that are trying to empower judges to dismiss these sorts of cases at a really early stage. So they're very powerful because if like that, as an academic or journalist or a human rights defender, you get one of these letters through the mail that says, we're going to sue you if you don't take this information down or if you don't write a retraction, what you can do is turn around and say, well, actually, there's this law that protects

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Speaker 3

my right to freedom of expression, and I'm going to use that law in order to get any lawsuit thrown out at an early stage. And so we're trying to to help design those laws that can empower at journalists to, to speak,

to speak out, not even just journalists, academics, human rights defenders. It's everyone. It can even just be someone writing on Facebook about their own personal experience of fraud.

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Speaker 1

This, to me, just screams of almost like a method just to slow everything right down. If somebody is in like the public eye because they've say, got an investigative journalist on the case because they might have been up to no good, whatever that might be. And there's some kind of injunction then put on the journalists just to silence them and to stop everything or press pause.

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Speaker 1

Is this the same kind of thing, or can it be the same kind of thing?

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Speaker 4

Yeah. So essentially any matter of public interest which is being reported can be shut down simply through the threat of a lawsuit, or by going to court and asking the court for temporary measures to suppress what is being reported or what's being investigated. Ultimately, the process itself acts as a deterrent to public participation, acts as it stops people from engaging in democratic discussion.

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Speaker 4

Now, whether that's democratic discussion about who are are members of Parliament or who are our governments on what they are up to, or simply about other people in the public eye? We may or may not take an interest in. The fact is that it is affecting public discourse about public people. Obviously, the line as to what is legitimate will change depending on what is being reported and about whom things are being reported.

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Speaker 4

But really, anti-SLAPP law doesn't engage with that side of things. That's for substantive. It's for ordinary defamation or it's for laws which have have existed forever. Anti-SLAPP law deals with the process. It deals with how quickly a court can dismiss a claim, and the extent to which an individual can be protected by the court, both by having the proceedings accelerated and also by providing measures, which will essentially not necessarily prevent, but dissuade the claimants from bringing that claim.

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Speaker 4

So essentially, if I'm trying to punish you for exposing the fact that I'm an extremely corrupt person, it certainly wouldn't be attractive to me if at the end of the process, I had to pay you because I brought a slap against you. And anti-SLAPP law does that as well. It's not just about speeding up the claim. It's also about shifting the costs and making the claimant pay.

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Speaker 4

For what? Otherwise is. The respondent would have been worried that they would have to pay. So it dissuades the bringing of vexatious lawsuits in relation to freedom of expression.

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Speaker 3

Essentially, on the point of you mentioned kind of injunctions. There's one example of a of a Russian author who has written about kind of corruption within the Russian state, and she's now facing, a case in Germany, even though the book, I believe the book hasn't been published in German. But there's an action for an injunction from stopping the I think it might be the book, from being, published within Germany.

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Speaker 3

So essentially you have a Russian, defendant, a Russian claimant, and she's being made to defend herself in Germany against this injunction for a book that really isn't even that available in Germany. But it's a lot of money to go to Germany when you're not from there and defend yourself against this action. So when you publish something, if you publish it online, you can be sued anywhere that that is published.

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Speaker 3

So, for instance, if Justin published something in Malta and it was published on a UK website just in, could be could be taken to, to course in the UK for the portion of the harm that was felt in the UK and the UK. Courts, are notoriously expensive. So often what we see, it's called libel tourism, where people will come to the UK and take an action there, even if there's just been one, you know, retweet or whatever it is, because they know that defending the action there is going to be really expensive.

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Speaker 2

Right. So is that the same for social media as well?

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Speaker 3

Yeah, yeah. So we've had every we've heard cases of everything from Facebook moderators. So people moderating Facebook groups, just community Facebook groups being told we're going to to sue you because you've allowed this person to to defame me on this, this public Facebook page. What's the other one? TripAdvisor. TripAdvisor reviews? Yeah. So.

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Speaker 4

Facebook comments, you get, comments on newspaper comments boards. You can even establish jurisdiction in some places simply on the basis of the fact that you've got a.com address which then established jurisdiction in US states. So, anything that's on mine can really be quite problematic in that way. And obviously, what we're trying to do in the interests of a of of sound democratic discussion is to make things less problematic.

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Speaker 4

Because because online speech is really, in a sense, dangerous because it exposes you to any regime in the world. And by regime, I don't just mean regime in the in the sense of a, an authority, an authoritarian system. But any legal system which might, which might be extended to you even if you mightn't reasonably expect it to do so.

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Speaker 2

What happens then, if somebody has defamed somebody else or said something about someone? What happens if it's actually true?

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Speaker 3

So when it comes to defamation law, you'll have certain defenses that you can say, well, maybe that is defamatory, but it's true where it's in the public interest or it's honest opinion. But you have to go through the the process of getting to the defenses part of the proceedings, which can take years. And so even though there are in Scotland and in, in the UK, there are public interest offenses.

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Speaker 3

There's so far down the line that you can access them that you've already spent that 250,000 on defending yourself. And also one of the, strange things in the UK is that the course determines the meaning of the statement. So you can't just say, well, this is what I meant when I wrote that on Twitter.

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Speaker 3

That's not sufficient. It's what what would a reasonable person have taken from that statement, which could be something completely different to what you meant? So we actually expose ourselves to quite a huge amount of legal risk, often unconsciously. And often speaking truthfully, speaking honestly about our own experience or opinion. But that doesn't really matter to the person who doesn't want that truth coming out.

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Speaker 3

They're going to do what they can. They're going to manipulate, weaponize the law in order to to silence you. And it is it's kind of scarily effective because one of the I suppose most concerning things about slaps is the number of slap cases that we are aware of are the tip of the iceberg, because those are the ones where people have decided I am going to defend myself.

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Speaker 3

I am going to go to court, I'm going to go public. I'm going to spend the resources on this. We're aware of many, many more cases where the lesser the threat of legal action has been sufficient to to shut someone up. And for a lot of journalists, it's even before they get to writing about someone, if you know that they're litigious, if you know that they're likely to sue, their editor is already going to have stopped that.

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Speaker 3

So we sometimes I say sound a bit like conspiracy theorists because we're like, there's so much that they're not telling you.

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Speaker 2

Yeah.

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Speaker 3

But there is a huge amount of information out there that we never get access to that would inform everything from how we vote to what we consume. Because there are people that have a lot of money, have a lot of resources that can can say, well, I'm going to I'm going to sue you and saying, well, it was true.

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Speaker 3

It's not sufficient because they'll say, well, I'll see you anyway. And even if I lose, that doesn't matter, because I've already spent three years dragging you through the courts, dragging your name through the mud.

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Speaker 1

And it's a real way, then of just pressing the pause button, isn't it? So, everybody stops in their tracks, unable to go to publication or write those words after some kind of investigation, whatever that might be.

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Speaker 4

It's not just the pause button. Often it is the stop button. And the effect of that is, if you take out all of the terrible things that people do and only leave the good things they do in the public domain, then they appear to be wonderful people. So it really is. It's not just pause or stop, it's edit, it changes the public narrative completely because we only get the part of the story which were who were allowed to know.

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Speaker 4

And it actually is really terrifying when you think of what happens to people in these situations. So for example, there was a case of a Swedish journalist who was sued in the UK, again, with no real connections to, to England and Wales. But she was sued there for hundreds of thousands of pounds, and she woke up every day worrying that she'd need to tell her husband, and their children that they'd lost their house.

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Speaker 4

Can you imagine that? Every single day, worrying that you've lost everything you've worked for, for your entire life? And eventually, she settled the case. So she came to an accommodation with the claimant, but continued to say, well, look, I actually never defame these people. So there's the truth. Doesn't really matter. What matters is how much you have in the way of resources to keep you in the game.

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Speaker 4

And obviously, if you're a if you're a powerful person or have powerful people around you to support you through those claims, then you can stay in the game a lot longer than you are, right?

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Speaker 1

It's David versus Goliath, isn't it? It's who's got the deepest pockets.

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Speaker 3

Just kind of on that David and Goliath idea is, is that even if you're a journalist who works for a big media company, what we see is that the the person wanting to slap you is going to take an action against you as the individual journalist, the editor, individually and the company. So it's trying to isolate the journalist, isolate someone speaking out.

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Speaker 3

It might be that they will take an action against one protester to make an example of them saying, this is what happens when you go and protest outside my factories. This is what happens when you write about this. This is what happens if you, provide evidence on a podcast that we're going to to silence you. So they'll try and isolate somebody, they'll try and find somebody that doesn't have as much resources they don't take on necessarily the big publishing houses, the big media outlets.

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Speaker 2

And when it comes to the likes of the journalist who is part of an organization, are they on their own or do they usually have the support of their employers?

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Speaker 3

Well, a lot of journalists who are part of media organizations, the organizations will will support them and will defend them. And but that also means that we lose a lot of independent journalism, a lot of freelance journalism, because it it's too much legal exposure to be outside of of those big, organizations.

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Speaker 4

And it really is it depends on the scale of the organization. So the key thing there is outside of these big organizations, so what we've seen, in the UK, for example, is that local journalism and regional journalism have really been chipped away at because of these threats of lawsuits, because, local journalism is not well financed. So it's well known that a lot that should be known is not known.

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Speaker 4

But of course, what that is, we don't actually know because it has been suppressed. Whereas obviously if

you, if you work for, The Guardian or the Daily Mail, these are big organizations with, with deep pockets and they've also done the work, the legal work in advance, very often to make sure that they can frame how they defend themselves.

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Speaker 4

Obviously, sometimes what happens, as Francesca mentioned earlier, is that and they might say, well, this is too risky. And we know this is somebody who's litigious and things don't get into the public domain because lawyers are cautious. But obviously, at least in those situations, they if they have the resources to think it through and to consider the extent to which they can defend a lawsuit.

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Speaker 1

Thank you very much to the pair of you for giving us a much better understanding of what anti-SLAPP means. But I'd like to know now, how did you become involved in anti-SLAPP legal reform?

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Speaker 4

So for me, it started in 2017 when a Maltese journalist, Daphne Caruana Galizia, was assassinated. Now Daphne was an investigative journalist. She worked mostly solo through a website. So she was a woman on a laptop. That's how she was denigrated. And, and she was reporting about corruption in Malta. But it was, you know, I say corruption in Malta.

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Speaker 4

It sounds like, oh, well, this is some distant little country in the Mediterranean. But it was transnational corruption involving huge energy contracts stretching from Azerbaijan, through Malta, into southern Europe and, in some, in some cases across the globe, including money laundering, through, Iran into the United States and, and so on and so forth.

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Speaker 4

So, I mean, these were proper international financial scandals. And she was reporting on all this and, and on other things which were related in different ways. She was killed. And that obviously was already a terrifying thing to happen in what we thought had become a modern democracy, a journalist being killed because of their reporting on on political corruption.

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Speaker 4

Now, immediately after she was killed, what we started to notice was newspapers starting to delete stories off their website in relation to the activities of a bank which she had been reporting on and which had been involved in this transnational money laundering. So the bank was called Pilatus Bank and has since been shut down by the European Central Bank.

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Speaker 4

So everything that was being reported wasn't just true. It was so true that the European Central Bank eventually ensured that this bank was shut down. But while all these journalists were standing up and saying, we won't be silenced by the murder of another journalist, and they weren't silenced by the murder of another journalist, instead, they were silenced because they were receiving threatening letters from British and American lawyers saying they were going to be sued for millions in London or in the United States.

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Speaker 4

And one by one, we started seeing stories being removed off Maltese websites. And the only thing that was left about this Pilatus bank in the public domain was how wonderful they were with, with anti-money laundering measures on the like. So, you know, they completely changed the public record. It was Orwellian.

The truth had been changed. The truth the past had been deleted, and the truth and the truth changed to something that the bank wanted it to be.

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Speaker 4

Now, at this time, I thought, well, I can't take on everybody that Daphne Caruana Galizia took on because I'm not Daphne Caruana Galizia. And, and other people are better at other things, but what I do know a little bit about is law. And maybe I can help with this freedom of expression, stuff. And so I started, first of all, I exposed the fact that these stories were being deleted.

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Speaker 4

And then Maltese editors started to admit that their stories had been that their, newspapers had been edited retrospectively, to, to change the truth about this bank. And that was already a major victory in the sense that, you know, this wasn't me being an academic. This was me, being a pest on Facebook. And, but ultimately, what I was able to do was to show that there was a problem from showing that there was a problem.

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Speaker 4

I started to identify what might be the elements of European Union law, which needed to be changed in order to address that problem. And ultimately, in parallel with this, there were NGOs getting involved and they were appalled by what was going on. There were members of the European Parliament who were also appalled by what was going on in a European Union member state, and therefore in part of the government of Europe.

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Speaker 4

But what they also noticed was that this wasn't just the Maltese problem. This was a problem which exists everywhere. At the beginning of this long story, I told you, the threat of lawsuits was in the United Kingdom and in the United States. We were using people were using courts all over the world to attack a situation on a particular state, but which had also connections to other places.

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Speaker 4

So the corruption in Malta affected the economic and political systems of other states. And and the problem in Malta was reflected elsewhere. These threats of collapse were happening everywhere, and more and more were discovering that there are slabs all over the place, and every single legal system has a problem of slabs. And in Europe there were no defenses.

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Speaker 4

So through these NGOs and through the European Parliament, we started to get involved, writing reports and publicizing potential solutions. And I was very fortunate at this time to be joined in Aberdeen by some brilliant colleagues, including Francesca. Who then formed the anti-SLAPP research hub. And we continued to produce reports which persuaded legislators to introduce robust laws based on models which we had drafted.

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Speaker 4

So that was the beginning of the story of how we got involved. And of course, Francesca has become aware of all of these things and joined us in Aberdeen with and with an interest in anti-SLAPP law. And and thank God for that.

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Speaker 1

Anything to add to that, Francesca, put.



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Speaker 3

Your I suppose, maybe just to mention that Daphne's family are quite amazing. They set up the Daphne Caruana Galizia Foundation, who have been pretty central to bringing again around the coalition Against Slaps in Europe, which is a coalition of NGOs. Academics were involved in it as well. And really have kind of galvanized the movement within, within Europe.

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Speaker 3

And her family are, are really formidable. They inherited that around 48 lawsuits that were, pending against Daphne at the time of her murder. So they.

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Speaker 1

Inherited the museum? Yeah.

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Speaker 3

So even before she, was assassinated, she'd been the subject of dozens of legal threats. Her family home had had been attacked. And so I think one of the things that Daphne's, experience shows is that where this can lead, it's not just one letter through the door of someone, speaking out on something controversial or contentious.

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Speaker 3

This is quite a it can be quite a, concerted effort and, a concerted effort to to silence, silence someone. And Daphne was really one of the last standing, in Malta, to, to write and all of this and we'll talk about a bit later. But the EU has now introduced an anti-SLAPP directive and it is known as Daphne's Law.

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Speaker 3

So we like to think that her her death wasn't in vain, that it really brought together people to, to vindicate her.

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Speaker 4

And Daphne was the sort of journalist who would really stand by what she what she had to report. And, but, you know, I mean, ultimately, had these cases been followed through, she would have been bankrupted. And because she was being bankrupted, her bank accounts were frozen at the time, she had reported on a Maltese minister who, was, I can say this as a fact.

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Speaker 4

He was, in a brothel in Germany while on official government business. She reported on this, and he froze her bank account. As so earlier you asked about about injunctions. Basically, he took out an injunction, froze her bank accounts, and she was on her way to the bank to speak to the manager about how she could use that portion of of monies that you're allowed to use just to survive.

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Speaker 4

When her car was blown up. So, you know, it was there. What she did was very intimately related with slaps. One what happened to her was very intimately related with snaps because, she was isolated. She was the only one left, not not folding when these threats came through. And she used colorful language in, in response to legal threats, which, of course, as an academic, I will not use but that's but, that was the spirit of her responses.

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Speaker 4

But ultimately, you know, if you can isolate somebody to that extent, then you've only got one target left and that target, then the violence of the legal process can then be replaced by even more traumatic violence. And that's what happened. But thankfully, from that, at least a movement was born. And that movement, as Francesca says, was very much led by her children and her sisters.

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Speaker 4

And they've been, wonderful. Not not just wonderful source of inspiration, but they have been brilliant at identifying the problem and bringing people together to identify solutions.

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Speaker 2

It's actually so sad to think that someone who might want to report the truth about something to do the right thing, can be silenced in this way.

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Speaker 3

And and the Coalition Against Slaps in Europe, that kind of came together at this time. They've done a huge amount of work to uncover slaps across Europe and tried to get to the kind of real harsh of how pervasive is this problem. And in a ten year period, they identified, I think, around 800 cases. And I say, as I said before, that's just the tip of the iceberg.

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Speaker 3

That's what we are aware of. Those are the the Daphne's that have decided to to fight it. But as we know in Daphne's case, there were, dozens of journalists who had been silenced. So for every one case, you know, that there are going to have been, dozens, hundreds of other people who have also received letters and those have been effective in silencing.

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Speaker 3

But I think people are because now there is this network of support and the coalition provides, kind of directs towards legal advice. People are starting to hopefully feel, that they're in a position to, to fight these cases, to speak out about them. But we also know that these NGOs that are working on slaps also get slapped.

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Speaker 3

So just even saying that somebody is, you know, litigious and is engaged in this sort of behavior is is risky itself. But it has since since, Daphne, we've really started to see the, the extent to which slaps are really affecting all of us within, within Europe, it's everywhere.

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Speaker 2

So I'm guessing that this is an area of law where a lot of the time must be volunteered from legal experts. Is that quite true.

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Speaker 4

That a lot of time is volunteered by NGOs? And so, for example, one of the stages of reform in the EU was being drafted, led by somebody called Linda Ravel, who works for Liberty's, which is an NGO. And myself and Sandra Comer from Erasmus University Rotterdam. Essentially, we volunteered a lot of our time, but, more than that, we, we had a network of practitioners from throughout Europe and North America, who were advising us on what the problems are and what the pitfalls might be and how to find the right balance between the rights of the different parties in proceedings.

00:31:30:22 - 00:31:53:13

Speaker 4

Because obviously, you know, we've been talking about snap claimants, these terrible people using the law to suppress freedom of expression, but ultimately what they're doing is bringing a defamation claim or a copyright claim. And you've got to consider that they might have rights in defamation law and they might have rights in copyright law. So you've got to find a balance where, a claim can be dismissed if it is a slap.

00:31:53:13 - 00:32:15:15

Speaker 4

But obviously you need to consider whether it is a slap, because if it's not, you've got to you've got to find a route to allow the claim to go forward. To do that, we need to consult with people. And people really did give up their time. And as you said, good people came forward and and allowed themselves to do good things.

00:32:15:17 - 00:32:40:17

Speaker 4

And ultimately, that made all the difference. And it enabled us to put together some robust responses. Us and us is a very big movement now. And also, it gave confidence to people who might otherwise have just folded when they received the threat. So the fact that there are these broader shoulders, it really makes a difference to, to journalists, especially small organizations.

00:32:40:17 - 00:32:52:08

Speaker 1

In your experience, what have been the challenges in achieving legal reform, and are these challenges similar in the UK to the EU and North America?

00:32:52:10 - 00:33:36:15

Speaker 3

I think the the big barrier is political will. So convincing politicians that this is a problem, like that, as we say, you know, sometimes we can only show, you know, 100 cases and governments think, well, why should we? You know, why should we spend our resources on something that's only affecting 100 people? And we have to, to show them that actually, this is a much broader issue that has much broader consequences, that, one story going on published is, is really impoverishing our democracy as a whole, but also that there are all these numbers of people that we don't know about.

00:33:36:17 - 00:33:46:02

Speaker 3

So I think political will is always difficult. Justin, you kind of had an experience of that at the start of the EU, process.

00:33:46:04 - 00:34:07:04

Speaker 4

And so what's been identified, I think by it, by the, brilliant colleague Charlie Holt from, from Greenpeace, is a process in which first they deny that there's a problem, then they despair at being able to resolve the problem, and then they delay resolving the problem. So initially they say, oh, no, no, there's nothing wrong with our laws.

00:34:07:09 - 00:34:26:19

Speaker 4

We strike a sound balance between the rights of of the different parties. It's all very sophisticated. And then and you just talking about fringe problems, and then we show that that is a problem and they say, oh gosh, but we can't do anything about this because what, what about the fundamental rights of the different parties and, and it's politically impossible and so on and so forth.

00:34:26:23 - 00:34:48:08

Speaker 4

So you give them a solution. And then they said, oh, well, but this is going to take so long because it's so complicated. And what we've tried to do with that is we've tried to provide model laws to show how it can be done. And we've done that in the EU. Under Francesca's leadership. We're in the process of doing that in Scotland at the moment, and others have done that in England and Wales.

00:34:48:10 - 00:35:13:16

Speaker 4

So there are challenges. There are technical challenges. Of course, this isn't to say it's all simple and there are in technical problems, but really, as Francesca says, it's political. Well, that's a problem. And it takes persuasion. It takes networking, it takes finding good politicians who are willing to follow through. You know, we can all be very skeptical about politicians a lot of the time that's entirely justified.

00:35:13:18 - 00:35:35:00

Speaker 4

But, you know, politicians are there to do good things, and very often they do good things. And if you can persuade some people, those people will. Very often when people see the scale of the problem, they will make the issue their own. And we've seen that in the UK, we've seen that in Europe. We've seen that in North America.

00:35:35:05 - 00:36:10:02

Speaker 4

Anywhere you look, if people understand how big a threat to freedom of expression this is and therefore how big a threat this is to our democracies, to our markets, to our way of life, then politicians come through and it takes time. It takes persuasion, it takes data, it takes research, and it takes the networking of academic knowledge and practical knowledge to which you referred earlier, both from legal practitioners and journalists and people simply involved in the field.

00:36:10:04 - 00:36:28:02

Speaker 4

And bringing that all together can bring about reform. It's not easy, but we've been involved in successful efforts and and, I think I'd be, quite confident in saying that we will be involved in other successful efforts in future.

00:36:28:04 - 00:36:54:17

Speaker 3

And it it is a bit of a domino effect that, you know, now that Europe, the EU has, has legislated on slaps. It does put pressure on those around the EU because they know that if the EU is protected, they might be the next destination of choice. And nobody wants their courts filled up with these, frivolous lawsuits.

00:36:54:17 - 00:37:20:12

Speaker 3

It's a waste of court time. It's not how we, I think in Scotland want our court system to be used or abused. And so I think the EU from the European perspective, the EU taking action has, put pressure within the UK and, and Scotland. And we are seeing that consultation is going to be held in Scotland in, in the autumn.

00:37:20:12 - 00:37:25:10

Speaker 3

There's commitment from the Scottish Government. We did go through this. What is the three stages then.

00:37:25:10 - 00:37:26:07

Speaker 4

I disparately.

00:37:26:10 - 00:38:00:12

Speaker 3

Yeah. So hopefully we'll skip the delay phase. But yeah, we had a petition was put into the Scottish Parliaments petition committee in September 2022 by Roger Mullen. In the anti-SLAPP hub. We, we gave a

couple of submissions as well in support of this eventually went to kind of oral evidence. Justin represented the hub there and alongside other people within Scotland, other activists and the government went from saying no, this isn't a problem in Scotland.

00:38:00:12 - 00:38:35:14

Speaker 3

And defamation law provides defenses to realizing this is actually something we need to act on. And I think that was a result of kind of an effort of NGOs ourselves as well. And also bringing the issue to life. So I think a really important part was that there was a Scottish anti-SLAPP summit in February, and, it was organized by Index on Censorship and, the University of Glasgow, and it brought a number of victims into, the room to speak about their experiences.

00:38:35:14 - 00:38:58:24

Speaker 3

And I think that was one of the most powerful, powerful moments, because it certainly wasn't just numbers. These were people in front of you and you could think, wow, this could be me. And also like that movement within the EU movement at the Council of Europe, starts to put pressure on governments that they start to need to take action.

00:38:58:24 - 00:39:20:19

Speaker 3

And it shows that it is possible. And they have resources. You know, we are like that at the disposal of anybody who wants to, to work on, tackling slaps. So I think once you can overcome that barrier of political will, like where there's a will, there's a way. So it's just kind of getting that will and but that can be quite difficult.

00:39:20:19 - 00:39:41:06

Speaker 3

It takes a bit of a I kind of an army of people who like NGOs collecting the data. We've done a lot of data analysis, legal drafting. And once you get there, then it's just a matter of kind of pushing it over the line. But that line can get further and further away sometimes.

00:39:41:08 - 00:40:05:17

Speaker 4

I mean, it sounds silly because for it, but for a scholar, it's actually very exciting to be involved in this work as well, because being at the a group of people who are at the forefront of legal reform and seeing how that reform happens and playing a part in what is ultimately quite important to society, is, is actually extremely rewarding.

00:40:05:17 - 00:40:31:09

Speaker 4

So, so with that, it's this is all born of tragedy. It's all born of, of a problem in democracy. But getting these little wins has been, has been very exciting, in part because we've been working with such inspiring people, and people who've taught us a lot and who have enabled us to teach others a lot to to teach our students a lot.

00:40:31:11 - 00:40:37:05

Speaker 1

What stage has anti-SLAPP reform reached in the UK and in the EU then? Just in.

00:40:37:07 - 00:41:11:09

Speaker 4

So in the European Union a directive has been adopted, which is now being implemented by national parliaments and national governments in the member states of the EU. In the UK, there was a bill in the, in the UK Parliament, which has fallen by the wayside with, with the general election but which will hopefully be revived. But in Scotland there's a consultation which will start in the autumn of this year and that will hopefully lead to the adoption of legislation which will mirror, to a degree, the legislation adopted in the

European Union.

00:41:11:11 - 00:41:22:11

Speaker 2

So it's moving forward. It is if this is all sounded pretty interesting to somebody listening right now, are there any courses and programs available to study at the law school?

00:41:22:13 - 00:41:47:22

Speaker 4

Yes, we have an online on demand anti-SLAPP law and practice course, which students can take in their own time at their own convenience and through flexible learning. And for students in Aberdeen, we also offer anti-SLAPP law as part of other courses in our Masters and Honors courses. And of course, there's our experience of anti-SLAPP reform informs all of our teaching.

00:41:47:22 - 00:42:11:02

Speaker 4

So, for example, in my European Union law lectures for level two students, the experience I have from work with the European Parliament and with the European Commission enables me to really bring to life the quite dry subject of how the European Union institutions work. So we have specific courses on anti-SLAPP law, some of which are launching very, very soon.

00:42:11:04 - 00:42:20:23

Speaker 4

And we have and obviously, other courses from which our experience, which benefit from our experience of anti-SLAPP reform.

00:42:21:00 - 00:42:38:20

Speaker 3

And of course, we're home to the anti-SLAPP research hub. So, students are also welcome to get involved in that. So I think, yeah, it's quite a, many areas in which, anybody can get involved in clubs if they're interested.

00:42:38:22 - 00:43:16:08

Speaker 4

And actually, one thing I didn't mention earlier is that students have been involved in this work from the very beginning. So right at the beginning in 2017, when I started working with NGOs, I had research assistants, from our undergrad cohort, and they have throughout. So every bit of work we've done practically has had students involved. And so we've had students really being themselves well, informed and well engaged with legislative processes and seeing how things develop from nothing to actual laws, affecting the lives of citizens in 27 states.

00:43:16:10 - 00:43:29:13

Speaker 1

Justin. Francesca, thank you so much for taking part in today's podcast episode number one. It's been really, really interesting. I've really enjoyed it. And on behalf of Lauren and myself, thank you very much.

00:43:29:18 - 00:43:30:13

Speaker 3

Thanks so much.

00:43:30:15 - 00:43:34:15

Speaker 4

It's been a pleasure. Thank you.

00:43:34:17 - 00:43:44:07

Speaker 2

You know, I didn't know too much at all about anti-SLAPP until our conversation. And I have to say, I found

it really, really fascinating.

00:43:44:08 - 00:43:45:20

Speaker 1

It was it was great.

00:43:45:22 - 00:44:09:04

Speaker 2

Before we go, how about we find out from two students what helped them make the University of Aberdeen the first choice, and what was their first impressions of the city? Not many universities have the campus. We have where like, campus space University, I'd say. So like, I know other universities don't really have a campus. We have a really special campus.

00:44:09:06 - 00:44:25:05

Speaker 2

The buildings, like I said, they're just I haven't seen anything quite like it. Like I said, just reminds me of a Harry Potter movie. So I think that was like my second point of choosing the university. It just felt like such a nice infrastructure and building and just everything was both fitting nicely.

00:44:25:05 - 00:44:50:24

Speaker 5

I had a choice, between Aberdeen and a couple of universities in, in America. Yeah. When I came here, all the options automatically went out because I knew I would come back to Aberdeen because, like, you get to study five minutes from the coast, you see the Elphinstone building behind me when you head towards that direction and five minutes down you are, you will be at the coast and it's just beautiful.

00:44:50:24 - 00:44:54:11

Speaker 5

And you wouldn't you wouldn't find this anywhere else.

00:44:54:13 - 00:45:11:08

Speaker 1

You know, Lauren, when Norm mentioned a little bit of Harry Potter, I knew exactly what she was talking about. We were stood right next to those beautiful granite arches, which everybody will have seen, and everybody knows if they've been on the grounds yet.

00:45:11:10 - 00:45:13:16

Speaker 2

I pictured that as soon as you said it.

00:45:13:18 - 00:45:25:13

Speaker 1

So a big thank you to our two students, Noor El-shennawi and Abdullah Salisu, for taking some time out and to give us their thoughts. We'll hear from both of them again throughout the series.

00:45:25:15 - 00:45:36:18

Speaker 2

And of course, thank you once more to our two guests for today's anti-SLAPP episode. Professors Francesca Farrington and Justin bog it.

00:45:36:20 - 00:45:51:09

Speaker 1

And not forgetting, of course, you, the listener. We really appreciate it. We'd also suggest, of course, that you follow the podcast. Feel free to tell your friends and leave a review as it helps us spread the word. Until next time, goodbye.