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Hi there. You are listening to the School of Law podcast from the University of Aberdeen. My name is Lauren Mitchell and I'm Neil Wightman. Welcome to another episode in our series exploring important legal topics. Today's episode, it feels particularly timely. Neil, we're diving into the rule of law, a concept that's really at the heart of how our societies function.

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Absolutely. Lauren and I, for one, have been following the developments in the United States since Donald Trump's return to the presidency with real fascination. But of course, questions about the rule of law extend far beyond any single country or administration. We recording this at the end of March 2025. And while recent events in America brought these issues to the headlines, our discussion today looks at the rule of law.

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Much more broadly. That's right. We'll be exploring examples from around the world, looking at legal systems in different countries and discussing fundamental principles that affect everyone, from access to justice to human rights protections. And we are incredibly fortunate to be joined today by Doctor Aaron Ferguson from the School of Law here at the University of Aberdeen. Aaron teaches public law and courses that explore how law interacts with society.

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She's also developed a course on legal storytelling, making her the perfect guest to help us understand the rule of law and its importance today. We can also see the example of the United States, and the election of Donald Trump has really led to a constitutional crisis. You might have heard that they're banning pride parades. And so if people do go ahead and organize a pride parade in Hungary this summer, one of the things that we realize is a real threat to democracy, is the spread of disinformation.

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The UK Supreme Court must interpret legislation in a way that's compatible with our human rights, but it can't strike it down. I think the disinformation that sort of spread is something that contributes to democratic backsliding. All of that coming up real soon, it's a great lesson. You don't want to miss it. Later on, we're also going to go on a tour of the university with university ambassador Kirsten Koss.

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First, let's talk about the rule of law. We started by asking Doctor Aaron Ferguson what exactly the rule of law means and why it is so important. Well, basically, the rule of law is the idea that everyone is equal before the law and that no one is above the law. So the king or the government is subject to the exact same rules that you or I are subject to.

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And so the rule of law really has a very long history going back centuries. One thing that we often talk about in my first year UK constitutional law course is a theory of a professor called Albert Van Dike. And so he put forward that there actually three principles to the rule of law. And so one of those was a principle of equality before the law.

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And to everyone should be subject to the exact same rules of the land. He also said that no one should be punished unless it was for a legal reason. And he also said that the ordinary laws of the land are the laws that make up the UK Constitution. So in other words, there's no hierarchy of laws. But since then, a lot has

changed, of course.

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And I think our concept or idea of the rule of law has also expanded. So now we think of things like, equality before the law. It's a concept within the rule of law, legal certainty, the protection of fundamental rights, judicial independence, and very importantly, access to justice. And so the rule of law is really important because it prevents abuses of power.

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And it means that we're able to actually exercise that the rights we have on paper, because it's one thing to, you know, protect the rights within a bill of rights or within a human rights act. But if we don't have access to the court, if we don't have adequate redress for when our rights are infringed, then we don't really have respect for the rule of law.

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So, in short, really respect for the rule of law is essential for a healthy democracy. It's striking, isn't it, that we're having this discussion at such a relevant time. Many of the principles that you've described are currently being tested in Headline News around the world. We're seeing it night after night. What are the main barriers or challenges, though, that threaten the rule of law globally today?

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So I think as you sort of suggested there, there are a lot of barriers and challenges, throughout the world. I think globally, one of the biggest challenges is the rise of authoritarianism and the democratic backsliding that we've seen recently here within the UK. I think one of the biggest challenges is access to justice. And I think that in particular affect Scotland.

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I'll maybe get on to that a moment. But I do want to spend a little bit more time talking about what I mean by democratic backsliding. And this is essentially this idea that our democratic norms, our democratic institutions, are being captured by a very small group of elites, really, to serve their own interests. And so we can see examples of this taking place in many places throughout the world.

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Hungary is a really kind of a textbook case of democratic backsliding. So when the Fidesz party came to power in 2010 under Viktor Orban, they rewrote the constitution to try to change the electoral policies. They changed the number to reduce the overall number of seats in the parliament. And they also made it easier for the ruling party that suffered as a party to hold on to power.

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So, in other words, it's harder for the electorate to actually change, the rules now that the party is in power. And they've also introduced this new tier of special administrative courts that are overseen by the government, and they've packed the Hungarian Supreme Court. So the, you know, the biggest court of the highest court in the land, they've packed it with judges who are loyal to the regime.

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So, in other words, it's really interfering with this idea of the separation of powers or the idea that the executive and the legislative and judicial branches should all kind of be able to check what the others are doing and making sure that one branch in particular doesn't get too much power, because that can lead to democratic backsliding. And that's exactly what's happening in Hungary today.

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So most recently, you might have heard that they're banning pride parades. And so if people do go ahead and organize a pride parade in Hungary this summer, or even if they participate in one, they're going to use facial recognition technology to try to identify the people taking part so that they will be punished under the law.

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And so you can see this has a really big effect on the exercise of fundamental rights, like the right to freedom of assembly, the right to protest. And in particular, I think it's the hurts of people who are already most vulnerable or most marginalized by the law, by targeting the LGBT community and our supporters in this way.

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And then kind of closer to home or at least closer to home for me. We can also see the example of the United States. And the election of Donald Trump has really led to a constitutional crisis. And we can see repeated examples of rule of law violations. So just last Friday, it's kind of hard to keep up with everything.

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Actually. There's so much going on. But just last Friday, Trump signed an executive order, targeting lawyers, said that lawyers or any law firms who engage in actions that violate the laws of the United States will be held accountable. And now, on the face of it, that might not seem that objectionable, that anyone who violates law should, of course, be held accountable.

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But if you actually consider that, of course the lawyers are already bound by legal obligations. They're already bound by their professional obligations as overseen by their state bar associations. So really, what this executive order is doing is specifically targeting the lawyers who are doing important human rights work. So the executive order actually directly calls out lawyers who are engaged in immigration work, for example, and it's accused them of encouraging their clients to lie in order to sort of circumvent immigration laws, circumvent immigration policy.

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But there's no evidence that that is actually taking place. But this order does appear designed to weaken the immigration law system, and to put lawyers at risk if they work in areas that seem to go against the executive order's interests. So is this pressure just primarily directed at lawyers or a judge's faith in a similar targeting under the current administration?

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The legal system in general, and anyone who's seen as being sort of against the current administration's interests is particularly at risk here. But of course, it's not just about lawyers. That's just one example. But I think they're really go in for lawyers and judges because these are, of course, the people who have the power to put him in check and to make him accountable and to say that these executive orders are unconstitutional.

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So they are the ones who wield the most power. They're the ones who are seen as the biggest threat and therefore, some of these executive orders are specifically targeting the legal profession and the judiciary. But of course, it doesn't just end there. On his very first day in office, Trump signed another executive order that

would effectively revoke birthright citizenship.

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And so birthright citizenship is the constitutionally protected principle that anyone who's born in the United States, or anyone who's born in any of the U.S. territories, is automatically a U.S. citizen. And so the 14th amendment actually states, and I quote, all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States.

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But Trump has really seized on that part where it says, subject to the jurisdiction thereof. And he's arguing that not everyone born in the U.S. or its territory is automatically a U.S. citizen. So essentially, he's interpreting the Constitution in a way that contradicts established, legal understanding. Yes, exactly. So sort of interpreting the Constitution in this way, that's very narrow.

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And it pretty much goes against when any sort of US constitutional law expert says actually is the, the Constitution. So, so far, actually, this executive order has been struck down by three federal judges from three different states within the United States. They all said it's unconstitutional, that Trump's interpretation of the Constitution is just incorrect here.

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But he's since lodged this case now with the US Supreme Court. And he's asked the court to sort of narrow those court orders that were put forward by the other federal judges, so that his administration can begin putting in place a policy to effectively end birthright citizenship. So we make it much harder, for people to become U.S. citizens.

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And beyond Hungary and the United States, what other examples of challenges to the rule of law have emerged globally in recent years? I mean, I think we can see, you know, many examples in Venezuela, sort of rise of populist government. In Russia, of course, with the invasion of Ukraine and just sort of disregard for international legal norms.

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I should say really, though, that the United Kingdom isn't entirely, isn't entirely above sort of, you know, violating the rule of law either. Particularly when it comes to matters of immigration and human rights. So, for example, this past summer in the general election, the right wing Reform Party actually got 14, 14.3% of the overall vote, which shows that there is a trend within the UK towards populist movements, towards the sorts of things that we've seen in other places, including Hungary, including Russia, including the United States.

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Perhaps not to the same extent, but it is certainly something that's happening a little closer to home as well. Could you explain the relationship between human rights and the rule of law? Well, respect for fundamental human rights is really part of the rule of law, and it's tied to this idea that we are all equal before the law.

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So one of the examples that we might have seen recently in the news is the safety of Rwanda Asylum and Immigration Act, 2024. Now, back in 2023, the previous government introduced the Illegal Migration Act. And this act allowed people who are seeking asylum in the United Kingdom to be returned to or to be sent

really to a third country for processing.

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Because the idea was that too many people were coming into the UK seeking asylum, and the UK was saying that it didn't have the resources to to be sort of processing all these claims, and so wanted other countries to take in some of the people seeking asylum. So one of the countries that was selected was Rwanda. But the problem with this is that there was a real risk that people seeking asylum who would who were sent to Rwanda, would then perhaps run the risk of being returned back to their home country and face risk of persecution or, you know, for the reasons that they were fleeing their home country in the first place.

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And so the illegal Immigration Act was brought in in 2023. But then in November of 2023, the UK Supreme Court said that this act was basically violating human rights because of the risks that I just described. And so something that I should probably take a step back and explain for a moment is that because of the principle of parliamentary supremacy in the United Kingdom, it means that our courts cannot strike down an Act of Parliament, an act of the UK Parliament.

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So in the US that I just was talking about, there is an example. The US Supreme Court does have the power to strike down an act, or a law that's been passed by a state legislature if it violates the US Constitution. Excuse me. And it's that the highest court in the land. But you saw the UK Supreme Court.

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I beg your pardon? In America, the Supreme Court. Yes. Yeah. The federal, federal, US Supreme Court is the highest court. Okay. So could you explain to me then, how the UK Supreme Court differs from the US Supreme Court in terms of its powers? We have this principle in the UK called parliamentary supremacy, and effectively means that Parliament can make or unmake any law that it chooses to do so.

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And so that means that if a law is potentially in violation of human rights, that contravenes the European Convention on Human Rights, the UK Supreme Court then doesn't have the power to say no. That's a violation of fundamental human rights. That law is no longer valid. Law doesn't work like that. Instead, what they have to do is under the Human Rights Act, there's a provision within it that says the UK Supreme Court must interpret legislation in a way that's compatible with our human rights, but it can't strike it down.

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It can't say that law is no longer valid. What it can do, then, is pass the matter back to Parliament and say, well, this seems to be incompatible. We can't remove the incompatibility. And then it's up to Parliament to decide if they want to perhaps amend the law to make it so that it is compatible with human rights.

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Does the UK's parliamentary review system? I think that's how I phrase it. Does it provide better protection then, against hurried changes to fundamental rights? Yeah, I mean, I think it does help. I mean, we've seen obviously I've just, you know, talked about an example like the Hungarian Constitutional Court, it's been packed with judges who are loyal to the regime.

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And so that gives the courts a lot of power. So there's a lot of danger. Sometimes if there's not an adequate system of checks and balances, there is the danger that these courts become very powerful and are basically

overriding the wishes of the the democratically elected majority. But on the other hand, it does mean if the democratically elected majority is acting in a way that contravenes human rights, then the court doesn't necessarily have enough power to prevent that from happening.

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And that's exactly what happened with this, Rwanda act when the UK Supreme Court finds an issue with legislation regarding human rights. What happens next in the parliamentary review process? It can depend really if, you know, law is amended using secondary legislation which isn't subject to the same scrutiny. And what happened with this, illegal immigration Act is that the UK Supreme Court said, okay, this appears to violate both international legal obligations as well as European Convention rights.

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And then what happened is that Parliament instead of amending that they introduced this new Safety of Rwanda Asylum and Immigration Act 2024 that came into force, last April. And this law just effectively says, you know, what the Supreme Court says isn't true. And actually, Rwanda is a safe country and all decision makers of. So if you're processing and asylum claim and you're confronted with this issue effectively, you have to agree that Rwanda is a safe country.

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And effectively it meant that human rights law doesn't apply when it comes to that particular piece of legislation. So it's effectively kind of going against what the Supreme Court had ruled and the reasoning that they had come to based on the evidence that they had, that Rwanda would not be a safe country and effectively writing into law something that was not true.

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And now this law is actually probably going to be repealed. The government, has since announced an intention to repeal that particular act. And it will do so via another piece of legislation that's currently being debated in Parliament. What would you say the key differences are between the UK Human Rights Act and its equivalent in the United States?

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That's a really good question. So the UK Human Rights Act is actually derived from the European Convention on Human Rights. And so this is something that was signed by originally ten members, or ten member states of Europe, part of an organization called the Council of Europe, which is actually separate to the European Union. So it's very important to get that clear.

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This was after the Second World War. So in 1950, so they got together. Really? Yeah. So was this a direct response to what happened during World War two? Yeah, absolutely. So it was sort of a direct response to, you know, some of the the horrors and mass atrocities that were seen during the Second World War, is really about the powers getting together and saying, you know, you know, never again.

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This cannot happen again. And so they enshrined in the European Convention, right. Some, the European Convention on Human Rights, excuse me? They enshrined what we see as sort of fundamental civil and political rights generally. So right to freedom of expression, right to a fair trial, the right to life, right to private and family life. I mentioned freedom of assembly earlier.

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So those are all protected within the European Convention on Human Rights. And then this was further incorporated into the United Kingdom by the Human Rights Act 1998. So something kind of interesting, fun fact about the UK, it's it's what's known as a dualist system. So that means that international law doesn't directly apply in the UK. So if the UK wants to sign up to an international treaty in order for that to actually be properly justiciable within the United Kingdom, it's got to be incorporated through domestic law.

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And so that's effectively what the Human Rights Act 1998 is doing. So it's sort of incorporating the European Convention on Human Rights into domestic law. But really, these are rights that had long existed in the common law, even before the existence of the European Convention on Human Rights. So that's in a nutshell. The system that we have here in the UK, it's kind of this mixture of convention rights and common law protections for human rights.

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So it's it's quite similar to some other states as well. So New Zealand has a very similar bill of rights. Canada also has a similar fundamental charter of human rights. The United States, for example, has the Bill of rights. So the first ten amendment against amendments to the US Constitution set out the rights that Americans are entitled to.

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And they've got some different ones, and they're obviously the right to bear arms is one that they have that we obviously don't have here. Could you tell us more about the relationship between Access to justice and the rule of law? Yes, of course. So access to justice is really a fundamental aspect of the rule of law. And so this is the idea that everyone should be able to seek a remedy if they believe that their rights have been violated.

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Or for example, if you've been accused of a crime that you have the right to, seek legal representation to help you get a fair trial. And so it's the idea that, you know, everyone should be able to access the legal system, regardless of their background. It's really connected with that principle of equality for the law. So in other words, we're all subject to the same laws.

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We should all be treated the same way under the law. But one of the biggest barriers, really, to access to justice is the cost of legal services. I don't know if you've had much experience of this, but.

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Yeah, yeah. So the lawyers can be quite expensive. And so what often happens is somebody earns a salary that's below a certain threshold, but they still need to access legal services. So for example, if they're accused of a crime or if they are in a relationship that's broken down and they've been subject to domestic violence, then they should also be able to access a lawyer to help them with their cases.

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And if they earn below a certain threshold, they should be eligible for legal aid. So this is for your low cost legal advice to people who need it most. And what type of cases would someone typically qualify for? Legal aid. It can really depend on the nature of the issue. So legal aid isn't necessarily available in all cases.

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It's generally available. It's available in criminal law cases because of the importance of the right to a fair

trial and the fact that if you don't have adequate legal representation in a criminal case, you know the state has the power to restrict your liberty and can put a person in prison. So it's really quite important that they have access to legal, legal aid and legal services, within civil cases, it's been seen as less necessary.

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So for a long time, defamation claims could not or people who are subject to defamation claims could not access legal aid. It was very, very limited and only very, very certain circumstances. So similarly to when it comes to family law, people are more likely to get access to justice if there has been, domestic violence, because that is seen as really a priority area.

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So not necessarily every type of legal service or legal claim will be eligible for legal aid. Where does the legal. I've often wondered this where does the legal aid come from in terms of who is or who would be representing you? Is this a series of law firms that they that the that the government would go to or whatever to appoint you a lawyer or how does it how does it work?

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I've seen it on the TV and so many dramas and movies, and I've never understood how that works. Can you explain it to me, please? Yeah, it's a really interesting question, and to be perfectly honest, I think I'd probably have to go into some of the civil procedure rules, and I'll look at it a little bit more closely, because I don't myself.

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I don't know all the ins and outs of it, but my understanding is that there are certain firms, that do legal aid work that are quite well known for doing legal aid work. Are there certain solicitors, who will do legal aid work? So they might might not be their main job. It might be something that they do in addition to their primary job.

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And so they will be funded through, through public funds. But like many public services, legal aid has been subject to quite significant cuts. I think the rates I was reading something earlier that the rates for legal aid, they haven't really increased substantially since 1999. So legal aid lawyers essentially work for lower rates than they would receive from private clients.

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Absolutely. So many legal aid solicitors are really just covering, you know, basic costs. It's they're kind of almost in some cases, kind of almost losing money, in order to take on legal aid work. So it's very, very difficult to earn a living if somebody is doing primarily or mostly legal aid work. So it's a mix of the private work that they would do for the firm that they represent, mixed in with some legal aid work.

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My understanding is that, yeah, there are some some legal aid lawyers who kind of will work that way, that find their primary job, and they'll do some legal aid or pro bono work in addition to that. But there are also people who specialize in legal aid work, and that is kind of their main job, especially within, in the criminal justice system.

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But they're finding that, you know, they're often just not able to earn a living this way. And so what's happening is that over the next ten years, the Law Society of Scotland is predicting that it's going to lose. I

think, a third of Legal Aid solicitors and the younger, newly qualified solicitors aren't able to fill that gap.

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And it's not because they don't want to, but often because they cannot. They simply cannot afford to, or that they believe that they cannot afford to. Based on the current rates that are available for legal aid, work. Well, therefore would happen. If that is the case, will it be a huge bottleneck in the in the courts? Well, I mean, there really already is a large bottleneck.

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So the Scottish Women's Rights Center has said that when it comes to domestic abuse cases, women who have been subject to domestic abuse and are subject or are eligible for legal aid, they're still having to call between 30 and 50 solicitors before they can actually find somebody to represent them. And so remember what I, I know it's yeah, it's quite shocking.

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And so remember what I said before that, you know, not everyone is even eligible for legal aid in the first place. So it has to be a certain type of civil claim. And then you have to earn a certain salary below the threshold. And even then, once you've passed all those hurdles and on paper, yes, you have, you're eligible for legal aid.

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But that's not enough. Then you still have to find somebody who is available, and able to take on your case. And so the reality is that many people end up representing themselves. And so you can imagine you for somebody who's already been going through a very difficult experience, is then having to go to court dealing with these kind of complex processes, and representing themselves and really trying to get protection for themselves and for their children.

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So it's it's a very, very difficult situation. Could you tell us about any specific challenges that Scotland is facing when it comes to legal aid and access to justice? I think, there's also sort of challenges when it comes to immigration law. So for example, I'm not aware of any legal aid immigration specialist north of Glasgow. And so one of the things that's happening in in up rephrase that.

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So I'm not aware of any immigration, any legal aid immigration specialist north of Glasgow. So since 2021 Aberdeen has become a dispersal er and I hate that term. But that's the term that sort of use a dispersal area for people seeking asylum within the United Kingdom. And one of the issues that they're facing at the moment is that it's very difficult to get access to a solicitor, because all the legal aid solicitors are largely concentrated in the central Belt, and even there, you know, they're often overworked.

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They have a very high caseload. So somebody who has come to Aberdeen is living in temporary accommodation, needs legal advice in order to lodge their asylum claim, isn't able to get adequate, legal representation and, you know, in a quick manner that it's often needed. So that's, one of the other challenges facing legal aid in Scotland at the moment.

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So this would require significant travel or reliance on online services for those seeking help, then. Yes. My understanding is I've been speaking with, some folks recently who work at the Grampian Regional Quality

Council, who are doing a lot of this work trying to help people seeking asylum in the Aberdeen area. And they're saying that a lot of their meetings tend to be online.

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And in some ways it's okay. You know, we have the technology nowadays, but these are often people who are in vulnerable situations, who are sort of trying to trying to make their claims, trying to be heard. And I think it can be another sort of barrier to access to justice if you can't even meet your solicitor face to face.

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Aaron, what about the issue of legal aid solicitors retiring and the challenges in replacing them? So the the Law Society of Scotland has recently said that they're expecting about a third of solicitors to retire over the next ten years. A third of Legal aid solicitors, specifically and younger solicitors, are not as able to fill that gap, largely because of the cuts to legal aid and how difficult it is to, how how difficult it is to actually earn a living by doing legal aid work.

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So younger solicitors, maybe want to be doing more legal aid work, but have found that it's not a financially viable option. If we could go back for a second to democratic backsliding. You gave us some examples earlier. I'd like to get your thoughts about the United States in particular, because it's currently in the news and we're all aware of it.

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But what warning signs should citizens be watching for when the rule of law begins to erode, for want of a better word? And I'm also interested to learn where the media fits into all of this, too, I think. I think we probably will see the US Supreme Court, taken further stances against these executive orders that Trump is initiating.

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Because the thing about an executive order is it doesn't mean that whatever the president say says automatically becomes law. The US Supreme Court still does have the power to strike down these executive orders as unconstitutional. And I know many people are nervous at the moment because the US Supreme Court is very conservative, have conservative dominated at the moment.

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So we saw the repeal of Roe versus Wade a couple years ago in the Dobbs decision, which effectively meant, that abortion is no longer a federally protected constitutional rights and it's been passed back to the states. So people are, I think, rightly very concerned about the conservative leaning within the US Supreme Court. But even so, they do still have the power to strike down these blatantly unconstitutional executive orders.

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So the courts can't save us. But I do think that the courts play an important role in challenging democratic backsliding. And that's why things like packing a court with people who are, supportive of the regime are people, you know, judges who can be very conservative. Why that is so dangerous as it happened in Hungary's case. I also think we'll see a lot more challenges happening at state level in the United States.

00:34:18:18 - 00:34:48:10

Unknown

So, for example, there was a rally in Colorado a couple weeks ago last week, actually, there was a recent rally in Colorado that saw a huge crowd of supporters for the Democrat Party. So I think they're going to be,

a lot of work to be done within the resistance movement, within the more left leaning or even central leaning movements to really try to challenge the more unconstitutional aspects of the Trump administration.

00:34:48:10 - 00:35:07:09

Unknown

But I think it is going to be challenging. This is something that I talk a lot about with my students because we talk about, you know, some of the challenges that we see in the world today. We're talking about, you know, Israel's invasion of Gaza. We're talking about Russia's invasion of Ukraine, talking about democratic backsliding in Hungary and in the United States.

00:35:07:09 - 00:35:33:22

Unknown

So I think it's very easy to become cynical. But as my, you know, students keep reminding me, things don't always have to be this way. And what we really first need to do is sort of diagnose the problem and where it's coming from. And so in my discussions with my students, one of the things that we realize is a real threat to democracy, is the spread of disinformation.

00:35:33:24 - 00:36:03:15

Unknown

So the deliberate distortion of the messages that we're getting. And so, for example, if we think back to the example I gave about the Rwanda Act, there's been a lot of disinformation that has been spread about immigrants within, not just within the UK, within Hungary, in particular within the United States. I think that's one thing that all of these countries really have in common is this demonizing of, of people who are migrants.

00:36:03:17 - 00:36:30:04

Unknown

And so I think the disinformation that sort of spread is something that contributes to democratic backsliding. And this disinformation issue seems to me to be closely tied to social media algorithms, doesn't it? Because the way that these platforms work is that they filter the news that we see on a daily basis because of the algorithm, and that can really shape then people's perceptions.

00:36:30:06 - 00:36:50:18

Unknown

Absolutely. I mean, so, you know, I like to think that I'm not that old. So, you know, when I was when I was a child, you know, we we get the newspaper delivered to the house and the stories that we read were those that were presented in that newspaper or maybe on the 11:00 news. And now so much of this comes via social media and it's not sort of regulated.

00:36:50:18 - 00:37:20:10

Unknown

And of course, any, any sort of attempts to have, more content moderation have been resisted by some of these social media companies. And so I think it is really hard, especially for folks who maybe don't have the information literacy or the media literacy, or even for people who just want to believe what they're told, want to be listening to certain media outlets and want to get angry by what these pundits are telling them, it's very easy for them to find information that suits the narrative, that they want to believe.

00:37:20:14 - 00:37:56:07

Unknown

There's a real gray area between, freedom of speech and misinformation. You say? Yeah, absolutely. Absolutely. And I think especially in the United States, this has been very difficult because freedom of expression is held in such high regard, and there's very limited circumstances in which that right can be restricted. I think going back to your earlier question about differences in human rights, I think that's one of the bigger differences between the UK example and the U.S is in the UK that there, although freedom of expression is still held in very high regard here it is balanced with other rights.

00:37:56:07 - 00:38:23:00

Unknown

So like the rights of other people's reputation, the rights to other people's privacy, whereas in the States it really is held in very high regard. And so it's, it's one thing to say, you know, everyone has the right to say whatever they want, but then what happens when what they're saying is deliberately misleading and they're doing so in order to try to change a narrative or order to sort of incite, incite feelings against certain groups of people.

00:38:23:00 - 00:38:45:24

Unknown

So anyone listening to our chat today who is as fascinated as we have been, er, to learn more about this, if they were interested in studying the rule of law and the things you've been telling us about, what courses are on offer here at the University of Aberdeen? Well, if you're an undergraduate, we of course have our LLB degrees, which will cover a range of subjects including private law and public laws.

00:38:45:24 - 00:39:09:09

Unknown

As part of that, you would be studying UK constitutional law as well as administrative law. And civil liberties. So getting a really strong background in the rule of law, a really strong understanding of human rights and how they're protected in the United Kingdom. And then we also have a really wide range of honors elective courses that students take in their third and fourth years of study.

00:39:09:09 - 00:39:32:09

Unknown

So these offer a much more in-depth look at some real specialist areas of law. So for example, I teach one on UK human rights law. So we really go into a lot of detail about freedom of expression, freedom of assembly, as well as a whole host of other, fundamental rights, rights that are very much connected with the rule of law.

00:39:32:11 - 00:39:52:16

Unknown

And we also offer an elective course in American constitutional law. As far as I know, we're one of the very few UK law schools that offers such a program. We've been running that for a number of years now. I think it's going to be challenging to teach that one this year. I'm not entirely certain how I'm going to approach it, because so much has changed.

00:39:52:21 - 00:40:16:23

Unknown

Exactly, exactly. So much has changed in it at the time. And, you know, it's kind of like on theory, this is how the American Constitution is supposed to work. But I think, I think I'm ready for the challenge. And I think it's, I think it's more important than ever, really, to be studying this and to be introducing students to these issues, because even if they're not, you know, American themselves or they're not going to go for and practice law in the United States.

00:40:17:00 - 00:40:41:15

Unknown

It is something that I think has a global impact and something that, is usually of interest to a wide range of students. So that's what we offer at the undergraduate level. And then of course, we have a range of postgraduate master's courses and so on that there's options to take courses like international human rights law. So can you learn much more about the rule of law through those courses?

00:40:41:17 - 00:41:21:05

Unknown

And I'm also involved with a couple of colleagues in a new short online course on anti-Islam law. So Slap stands for strategic Lawsuits against Public participation. And so these are vexatious lawsuits that don't really have any merit. They're usually brought by wealthy corporations or individuals with the effect of silencing their critics. So for example, maybe, environmental campaigners are targeted by, a, a company that says that they have defamed them by protesting against them.

00:41:21:06 - 00:41:36:01

Unknown

And if I could just do a little bit of a cross-sell here. If you'd like to find out more about that, we have an episode dedicated to it in the series, and I think it was episode one. It was it was the first episode. So that's great. Yeah. But then can go into much more detail, I'll give you that.

00:41:36:01 - 00:41:58:05

Unknown

The guilty view, the good stuff about anti-SLAPP law. So yeah, we've got that short online course. So that's something that, you know, people can take alongside their day job or alongside their studies, or you can also, build credits with these online short courses to an alum degree. If you build up enough credits over time by taking a series of online short courses.

00:41:58:11 - 00:42:25:17

Unknown

So it sounds like you've been, kept very, very busy. So we really do appreciate you, joining us for this latest episode of our podcast. Aaron, thank you very much for your time. Thank you for having me. I really enjoyed it. Today's guest gave us a real insight and great grounding, I suppose, on what the rule of law stands for, and I have to say, puts a lot of it all into context, which I think many will find very helpful.

00:42:25:19 - 00:42:45:17

Unknown

It really did. And a huge thanks to Doctor Aaron Ferguson for giving us some of her time this episode. Thank you. Now, we thought that for something different at the end of the next few episodes, we would have someone show us around the grounds of the university. So we brought in the help of Kirsten Cos, a student ambassador, Kirsten is a student.

00:42:45:17 - 00:43:06:00

Unknown

She gives tours around the university, so we grabbed some of her time so she could take us to a few of the key areas. Let's jump into our recording from the other week. I started by asking her to explain exactly where we were at. So we're in the King's College quad, and I like to take my tours here because it's the the most historic part of the campus.

00:43:06:04 - 00:43:26:15

Unknown

Some of the oldest buildings in the city are out in this area. Lauren has already taken four photographs for a instar. Can have you? I have indeed. I'm also seeing, is I wishing well? Oh, yes. So, this. Well, actually, you'll see on the top, it's a little bit unusual. Has a great on top. The the rumor is that the reason that's there is because many years ago, a student went missing.

00:43:26:15 - 00:43:42:04

Unknown

No one could find out where he was and actually had it. Turns out he had a bit too much to drink. And he was at the bottom, fast asleep, totally unharmed. And there's also quite a lot of money down there. And what is that? Yeah. Get the keys to the padlock, Lauren. And now you'll be quids in. So tell us about the building that I'm looking at right now.

00:43:42:04 - 00:44:00:13

Unknown

It's the King's College chapel. The university was founded in 1495. And for five years, I'm not entirely sure where they were teaching, because they didn't build, the chapel or finish building it until 1500. But when the university was founded, we were originally an institution that mainly focused on educating the clergy, as was quite common in those days.

00:44:00:17 - 00:44:25:16

Unknown

So that's why our first building, what was a chapel? Wonderful. You can really hear the the student ambassador coming out of you there, with a little bit of, the history as well, and opposite the chapel. But these buildings are all, teaching spaces. So straight in front of you, we have, a building which has lecture theaters and, tutorial rooms and the lecture theaters in there, I think are probably the coolest, that we have on campus.

00:44:25:16 - 00:44:46:18

Unknown

They're very modern. And they have kind of a UN style. So, with mixed individual desks, there's lots of traditions and myths being being over 500 years old. But one of the things that we have is that, it's a, a tradition or a myth that undergraduates, shouldn't stand on the grass, until after, graduation, because, well, there's a rumor that if you do, you might not graduate.

00:44:46:18 - 00:45:03:07

Unknown

I hope it's not true. But then you can use the wishing well to wish you well. I might need to do that because I've stood on the grass so well. It's probably the most picturesque part of the university campus, wouldn't you say? Lawn. It's lovely. It's it's, you know, it makes me feel like it's Hogwarts a little bit, doesn't it?

00:45:03:09 - 00:45:22:01

Unknown

It does kind of. And I think as you move around the corner, just there and then you get to Elphinstone Hall and the arches. Yeah. The arches are very, very Hogwarts, very Harry Potter. But, you know, you don't imagine you've got something like this on your doorstep in Aberdeen, but that actually we have got some of the, the oldest and nicest university buildings that that are a couple of quick questions.

00:45:22:03 - 00:45:43:01

Unknown

How is the chapel used these days? So we do still use it for kind of the ordinary Christmas and Easter services and things like that. But we also, students, and, well, I think it's graduates rather than students can get married in the chapel. I thought as much I believe in staff as well. I recently saw, a lecturer, from the school of, language, literature, music and Visual Culture getting married.

00:45:43:03 - 00:46:06:02

Unknown

And she had pictures outside Elphinstone Hall, so it was really cool. You are a student ambassador. You do tours. Who are you taking around giving a tour when it's not myself and Lauren. So I mainly work with, the inquiry team. And basically we give, we answer prospective student inquiries and give, prospective students tours. And I would say I actually, I like those the best, showing, showing people around, my university and my city as well.

00:46:06:02 - 00:46:28:02

Unknown

So, so trying to convince people that Aberdeen is the place to be Christian, thank you very much for your time. Thank you very much. So thank you to Kirsten Goss. Another quick name check for you there. And of course, Professor Erin Ferguson for our interview today. And for this episode, we should also give a special mention to everyone who has taken the time out to listen and download and follow the podcast.

00:46:28:02 - 00:46:52:09

Unknown

Thank you to you as well. Please feel free to share with anyone who you think might benefit from giving it a listen. We'd really appreciate it. Absolutely! In future episodes we discuss family law, international law, and space law. So still more to come from this series. But for this one, it's time to sign off and say goodbye. Thanks for listening.

00:46:52:09 - 00:47:00:12

Unknown
Bye.