

Talking about the rule of law and access to justice

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The Law Society in partnership with FrameWorks UK





Introduction

The rule of law and access to justice are vital to everyday life in England and Wales. They underpin our social, political and economic systems. A strong rule of law and full access to justice not only ensures our society can function, but that it can function well.

Yet over the last 20 years, the rule of law and access to justice have been undermined. Cuts to court funding, legal education and legal aid have made it harder for justice to be done.

And both the rule of law and our justice system have been positioned as opponents to the public good. Claims of 'lefty lawyers' and judges as 'enemies of the people' endangering the national interest have entered, and remain, in public discourse.

The targeting of immigration lawyers and legal advice centres during the 2024 riots shows the real life consequences of this narrative – and the need for a new story. When important ideas become fraught, overlooked or even weaponised, it's time to find new ways to talk about them.

FrameWorks UK has worked with the Law Society of England and Wales and advocates across the fields of law and justice to meet this challenge. Together, we have developed a framing strategy to build understanding of the rule of law and access to justice. To help people see the rule of law and access to justice as vital to everyday life. And to recognise our government's responsibility across England and Wales to champion and maintain both.

In this brief, communicators will find ways to build the understanding and support we need to strengthen the rule of law and access to justice. These tools offer both a means of repair, and a buffer against any future threats.

What is framing – and why does it matter?

Framing is the choices we make about what ideas we share – and how we share them. It's what we emphasise, how we explain an issue, and what we leave unsaid. These choices affect how people think, feel and act.

The way in which a communication is framed shapes how we respond to it. When new frames enter public discourse, they can change how people make sense of an issue – how they understand it, who they decide is responsible for addressing problems, and what kinds of solutions they support.

As a result, frames are a critical part of social change. By shifting how people think about an issue, they change the context for collective decision-making and can make new types of action possible.

Unlike a set of key messages, frames can be used and adapted to different contexts. This means we can tailor our communications for different audiences and channels while continuing to talk about our issue in a consistent way.



Our research

The strategy and recommendations below are based on evidence — tested and verified through rigorous research and analysis. FrameWorks researchers conducted qualitative and quantitative research with members of the public and advocates from the field of law and justice across England and Wales.

Research was supported throughout by two working groups, one with staff from the Law Society, and one with representatives from organisations working across law and justice in England and Wales. We are grateful for their continued generosity in sharing their time and expertise.

Research comprised interviews and peer discourse sessions (a type of focus group) with diverse members of the public, as well as experimental surveys with a representative sample of the population. Through these methods, we tested and identified framing strategies that will move public thinking in productive directions – leveraging openings and navigating obstacles.

A full description of the methods and sample are available as a supplement to this brief.



The framing strategy

This brief details a framing strategy that effectively centres the rule of law and access to justice in everyday life and government decision-making. It has been designed and tested to build public understanding and support for the rule of law and access to justice – including the role of governments¹ and lawyers.

The idea at the heart of this framing strategy is that the rule of law and access to justice are how we actively prioritise and promote the public good. And as such, our government has a duty to champion and maintain both.

Five recommendations help us convey and strengthen this core idea

Lead with public service. Position the rule of law and access to justice as principles that not only serve society, but also meet an essential public need.

Focus on what we have to gain in our communities and as a society when the rule of law and access to justice are functioning well.

Appeal to our belief in fairness for the common good to remind people that the rule of law and access to justice are vital to the collective good of society.

Use explanatory metaphor to show how the rule of law and access to justice work in practice.

Name and explain connections to our everyday lives to show the relevance and importance of the rule of law and access to justice.

This brief outlines these recommendations in detail, alongside:

- the most effective ways to build understanding and support for change
- · examples of what this looks like in practice
- the research that underlies each recommendation.

It sits alongside our existing reports on the rule of law and access to justice: Hyatt, T and Stanley, K (2023) How do people think about the rule of law and access to justice? and Hyatt, T and O'Shea, P (2023) How are advocates talking about the rule of law and access to justice?

1. Throughout interviews and discourse sessions, participants did not distinguish between Welsh and Westminster governments. Previous FrameWorks research has found that this trend extends beyond public thinking on law and justice. References to 'government' throughout this piece therefore refer to the Welsh and UK governments.



Existing mindsets about the rule of law and access to justice

Mindsets shape how we think about the rule of law and access to justice. These mindsets are both challenges and openings for advocates.

Mindsets are underlying, shared patterns of thinking that shape how we see the world and how we act within it. Multiple mindsets are present in a culture, across groups, or even within individuals.

Some mindsets make it easier for people to think of our existing social systems as normal and right. Others shape our understanding of what's not working and why. Mindsets are strengthened by what people see or hear – by our communications, and how those communications are framed.

Below are the most relevant public mindsets on the rule of law and access to justice. All identified mindsets are outlined in detail in Hyatt, T and Stanley, K (2023) <u>How do people think about</u> the rule of law and access to justice?

Challenges in public thinking

Social chaos. One of our biggest challenges is the belief that the rule of law and access to justice exist only to hold back chaos. This makes it harder for people to see the ongoing, collective benefits of a strong rule of law and access to justice – and their role in ensuring that society can not only function, but also function well.

"Society couldn't function properly. It's anarchy, really, isn't it?"

Participant, England

Justice is about crime and punishment.

When reasoning from this dominant mindset, people default to a punitive understanding of justice focused on police and crime levels. This normalises the idea that improving the justice system means more prisons and longer sentences. And makes it harder for people to see the role of civil justice in everyday life.

"It's a joke. I know that [it's] underfunded and whatever, but it's crime rates that are going up so much."

Participant, England

Threat of multiculturalism. People often identify the rule of law and access to justice as British – and so under threat from cultures and communities considered 'other.' This mindset is a challenge for communicators: it drives people's attention away from underfunded systems and the actions of governments, and towards the scapegoating of minoritised communities.

"England will become a black country...
They will reintroduce Sharia law."

Participant, England

Openings in public thinking

Social harmony. While social chaos is a dominant mindset in England and Wales, people are able to see law and justice as representing (and creating) a shared understanding of a fair, just society. Although this mindset is less common, it creates an opening: to make the case that a strong rule of law benefits us all, and ultimately prioritises our shared good.

"There would be less crime. There'd be more of an environment for helping people who may be less fortunate."

Participant, England

Justice is righting wrongs. When reasoning from this mindset, people draw on an alternative understanding of justice focused on both punishment and fair compensation for wrongs. It helps people see the role of civil justice and how access to justice is needed in our everyday life.

"I suppose, when you say justice, I think it is typically getting some kind of compensation or getting an apology."

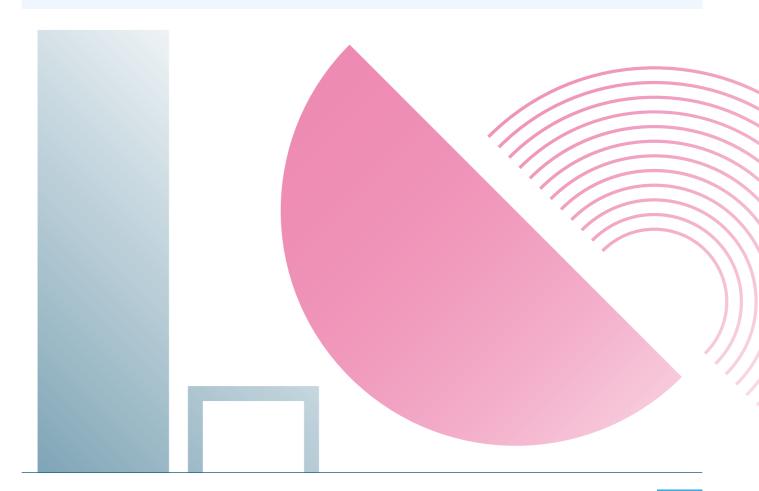
Participant, England

Money moves everything (governments).

One of our biggest openings is the widely shared recognition that money shapes access to justice, and in particular, government funding. This mindset normalises government investment in our legal system – and support for people to access it – as both necessary and right.

"[Government cuts to legal aid] were excluding people who didn't have that much money who thought well, I won't take this to court."

Participant, England





Our recommendations

Definitions: rule of law and access to justice

Most people do not understand the terms 'rule of law' and 'access to justice' – or their role in everyday life. Crime and punishment dominates public thinking on these issues.

In focus groups, when participants were given a definition of the rule of law and justice, they struggled to reconcile these definitions with notable examples of the rule of law and access to justice **not** being upheld. People focused first on inequality, and cited high-profile examples of injustice such as the Grenfell Tower fire, 'partygate', and the Post Office scandal to shut down further conversation.

Two strategies help us overcome this disconnect and make space for people to think differently.

1 Define the rule of law by what it **should** be. For example:

The rule of law means we should all benefit from, and answer to, the same set of laws.

2 Define access to justice as a core component of the rule of law. For example:

Access to justice – regardless of our income, our ethnicity, our status – is an essential part of the rule of law.

1 Lead with public service

Position the rule of law and access to justice as principles that not only serve society, but also meet an essential public need.

How to do it

Connect the rule of law and access to justice to public service. For example, position our justice system as a vital public service – and improving our court system as restoring this service.

Invoke the expectations we have of our public services – like availability to all, regardless of ethnicity, income or status. And our government's responsibility to champion and maintain public services for the common good.

Show examples of public services in action: a free clinic for housing advice, pro bono support at an employment tribunal, paid work to set up a new business. Position lawyers as helping to meet the diverse needs of communities.

Pair 'public service' with specific legal issues to build support for policy asks. Housing and employment are particularly effective ways to connect with Labour voters.

Public service is both a function and an ideal. This means we can emphasise different aspects of a public service frame depending on context.

For example:

Instead of	Try
Cuts to legal aid have devastated families across England and Wales.	Cuts to legal aid have denied families a vital public service across England and Wales.
By treating the law like it only applies to others and not themselves, [politician] is undermining the rule of law.	By treating the law like it only applies to others and not themselves, [politician] is failing in their duty to serve the public.

Why this works

People struggle to see the relevance of the rule of law and access to justice to everyday life. A 'public service' frame grounds both in the present day – and positions them as an ongoing response to public need. 'Public service' helps people see how the rule of law and access to justice underpin different parts of our society, particularly when paired with specific examples.

"In every aspect... as you go around your daily tasks... it's quite a large spectrum of things that I wouldn't have necessarily considered or thought about."

Participant, Wales

People recognise the importance of accessible public services – and that they must be championed and maintained in order to function well. In experimental surveys, public service increased understanding of our government's responsibility to champion and maintain the rule of law and access to justice – and how affordable, high-quality lawyers help uphold and strengthen both. In discourse sessions, participants used a public service frame to articulate our equal entitlement to legal services, and the harm caused by cuts to legal aid.

"Services need to be consistent. So, regardless of your background, your salary, your ethnicity. Everyone should be entitled to the same services."

Participant, Wales

This gives us an opening: to make the case that limiting access to justice denies us a vital public service. And that politicians who disregard the rule of law or attack the legal profession fail in their duty to serve the people.

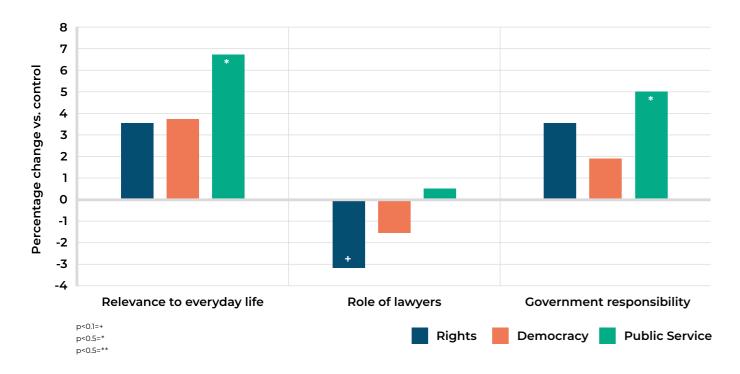
A 'public service' frame is able to shift thinking across England and Wales – and is particularly effective for Conservative voters. This makes it a flexible framing strategy that can be used for different audiences and contexts.



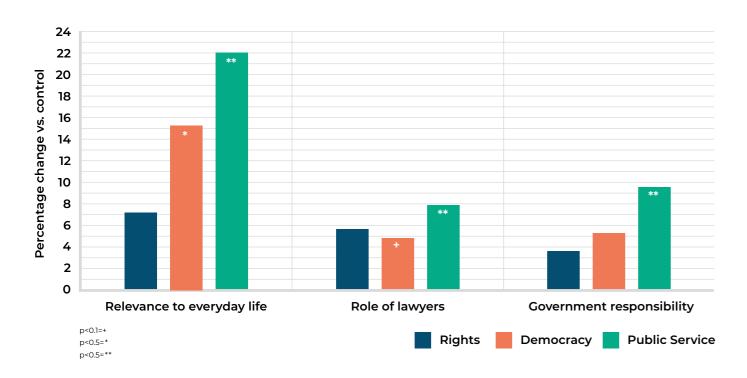
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The impact of a public service frame

Graph 1: public service (full sample)



Graph 2: public service (Conservative voters)



Talking about rights

In focus groups and experimental surveys, a rights frame failed to shift thinking. It did not build understanding of our government's responsibility to champion and maintain the justice system, perhaps because rights are often positioned as innate and inalienable. A minority of participants used the idea of rights to criticise specific communities, particularly migrants, who were seen as deserving fewer rights.

Previous FrameWorks research has found that rights (legal or human rights) are not a reliable shorthand. For example, people often support what rights are for – like safe workplaces and proper wages – but rarely connect these to the rights that secure them.

We can navigate this in rights-focused communications by drawing on other framing strategies like 'public service' and 'fairness for our common good'. And explaining how upholding legal rights via access to justice and the rule of law make a difference to our everyday lives.



Talking about lawyers

Public thinking on lawyers is mixed. Most people are not aware of the ways in which lawyers uphold the rule of law and access to justice. And when mentioned in interviews, participants saw lawyers as both protectors from, and beneficiaries of, wider social inequalities. We can start to navigate this by placing lawyers' roles in social context.

Talk about the ways in which lawyers help society to both function and function well. People drawing on a **social harmony** mindset are more likely to recognise the role of lawyers in upholding the rule of law and ensuring access to justice.

Compare the work of lawyers with the work of other professionals who meet the <u>essential</u> <u>needs</u> of communities and the public, like doctors. Where needed, invoke the expectations

we have for these other professions, like decent wages and independence from political interference.

Showcase the ways in which lawyers help us to navigate everyday life: sharing, explaining and upholding the **rules of the game**. Provide **examples** of what this looks like in practice.

Emphasise the work lawyers do to <u>level</u>

the playing field for all, particularly when advocating for a better-resourced legal system or legal aid.

"They should have some sort of fund put aside for people who can't afford lawyers, to have a good lawyer."

Participant, England



2 Focus on what we have to gain

Connect taking action to strengthen the rule of law and improve access to justice with what we gain in our communities – and as a society.

Where possible, reflect the range of benefits this makes possible: from clearer laws and better decision making, to cost savings and improved outcomes.

How to do it

Connect a strong rule of law with <u>outcomes that</u> <u>benefit us all</u>. Like fair workplaces, safe homes and legal accountability for false advertising.

Explain how actions that improve access to justice also improve everyday outcomes.

For example: reintroducing legal aid for early advice in family law cases means issues can be resolved earlier – and more children will have the stability young people need to thrive.

Balance urgency (we need to act) with efficacy (we can act) when sharing problems. Be explicit about changes that institutions and organisations can make – and how this can and will contribute to better-functioning communities.

Avoid starting with bleak facts and statistics about the scale of a problem. These are likely to trigger disbelief (this can't be true) or fatalism (this can't be solved).

For example:

Instead of	Try
Weakening the rule of law is a threat to us all.	Strengthening the rule of law benefits us all.
Family court backlogs have trapped 362 Telford families in "legal limbo".	Funding court staff would free 362 Telford families from "legal limbo".

Why this works

People recognise the role of law and justice in responding to harm and preventing further harm. But struggle to see the ongoing benefits of the rule of law and access to justice to everyday life – like fair working conditions.

A gain frame positions the rule of law and access to justice as things that not only ensure society can function, but that it can function well. 'Gain' helps people see a role for the rule of law and access to justice beyond crime and punishment – particularly when combined with everyday examples of community and societal benefits.

Significantly, 'gain' helps overcome the fatalism that is often present when people think about broad societal change. It gives people a vision of what is possible – in contrast to the crisis and chaos often emphasised in communications about the justice system. In experimental surveys, 'gain' was able to build a sense of collective efficacy: the belief that together, we can act to improve access to justice and strengthen the rule of law.

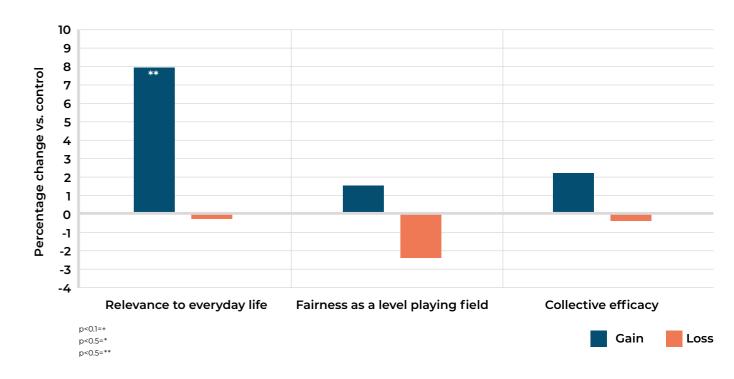
"We actually all get better from this. If we all work together and do it properly."

Participant, England

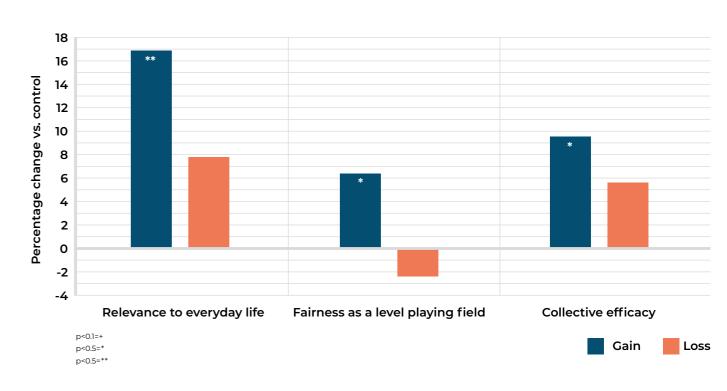
'Gain' works to shift thinking across England and Wales, and is particularly effective for Conservative voters.

The impact of a gain frame

Graph 3: gain (full sample)



Graph 4: gain (Conservative voters)



Talking about the rule of law and access to justice

Talking about the rule of law and access to justice

3 Appeal to our shared belief in fairness for the common good

Appeal to the public's shared sense that a strong rule of law and access to justice is vital to the collective good of society.

Talk about 'fairness for the common good' early and return to it throughout a communication, especially when mentioning people or groups that struggle to access justice. Position access to justice initiatives as one way to prioritise 'fairness for the common good'.

How to do it

Position a strong rule of law and full access to justice as vital to our collective good. Use words like 'we' 'us' and 'our' to build collective thinking – and remind people that we all have a stake in the rule of law functioning well.

Pair this value with specific, concrete examples of what's possible when we prioritise 'fairness for the common good' – like safe and affordable homes and proper pay for work, including benefits and overtime. Focus on how things can and should be.

Include implicit or explicit references to fairness to establish that our common good means our justice system should act as a <u>level playing field</u> – no matter our ethnicity, status or where we live.

Avoid appeals to 'collective responsibility', or to fairness without reference to common good. These values can trigger defensiveness and inadvertently reinforce social divisions. Combine 'fairness' with 'common good' instead.

'Fairness for the common good' is a theme, not a script. This means we can articulate and evoke it in different ways for different audiences and purposes.

For example:

Instead of	Try
By attacking lawyers and judges, [actor] is undermining the rule of law and frustrating access to justice.	By unfairly attacking lawyers and judges, [actor] is prioritising their own interests over the common good .
Extending civil legal aid will help the most vulnerable in society.	Extending civil legal aid will help us all.



Why this works

Asserting a shared value can collectivise an issue that might otherwise be seen as niche – and create common grounds for action.

People assume that law and justice are reactive, designed to rectify and punish harm. And are sceptical that they personally will benefit from or need the justice system. This makes it harder to see the ongoing, collective benefits of a strong rule of law and access to justice.

'Fairness for the common' good positions the rule of law and access to justice as a shared good – one for individuals in society. It makes it easier to understand why a strong rule of law and access to justice matter, and gives everyone a stake in making this happen. Providing examples



of what 'fairness for the common good' looks like in practice helps bridge the gap between an otherwise abstract principle and real life.

"I could sit here for probably an hour and list off the ways our community would benefit if the rule of law and access to justice was working."

Participant, England

Positioning the rule of law and access to justice as a shared societal good also helps people see the government's responsibility to ensure our justice system functions well. In experimental surveys, fairness for the common good increased this understanding regardless of whether the stimulus material mentioned government explicitly or not.

Order matters: access to justice

The way we start a communication matters. It shapes (or primes) the way people interpret what comes next. How open people are to our ideas – or if they shut those ideas out.

Most people in England and Wales do not consider the legal system as something that works for them. Access to justice is seen as desirable, but not needed by most and unaffordable to all but the wealthy.

If we start our communications with a narrow focus on specific groups, like people experiencing poverty and/or considered vulnerable, we risk reinforcing this difference and indifference. It becomes harder to counter people's default assumption that access to justice initiatives only matter to the few.

positioning access to justice in a broader, collective frame – as how our society prioritises fairness for our common good. We can then bring in the specific factors that mean that some of us, like people with low income, with uncertain immigration status, and from marginalised ethnic groups, can face an uphillstruggle to access justice when it's needed.

We can start to overcome this thinking by

For example: "If we truly believe in acting for our common good, we must guarantee that all of us – regardless of where we live, our ethnicity, or our class – have what we need to access justice. For those of us with a disability, the struggle to access justice can be particularly steep..."

This helps avoid the othering that can take place when people think about who benefits from additional legal support.

'Fairness' alone is unable to significantly shift thinking. Applied to the rule of law and access to justice, fairness is understood and utilised in different, and competing, ways. In our analysis of field and media materials, for example, a 'fairness' frame was used by different news outlets to both support and oppose legal services for people seeking asylum. People often link fairness to deservingness, and then negatively evaluate the behaviours of specific groups.

Appeals to 'collective responsibility' risk a similar backfire effect. People often link responsibility with reciprocity – and question their responsibility towards those who are not seen to contribute to society. In focus groups, a 'collective responsibility' frame triggered defensiveness and blame. And in experimental surveys, this manifested in a marginal increase in anti-immigrant attitudes.

4 Use explanatory metaphor to show how the rule of law and access to justice work

Use the metaphor 'rules of the game' and level 'playing field' to explain how the rule of law underpins and enables our social, political and economic systems – and what it means to have access to justice.

How to do it

Use these metaphor to explain how the rule of law and access to justice **should** work. In discourse sessions, participants used 'rules of the game' and 'level playing field' as both aspirations for the future – and to critique the present day.

i Rules of the game

Compare the rule of law in society to the 'rules of the game': vital for it to function and to function well.

Focus on the shared benefits to society when everyone plays by the rules. Or the disruption caused when rules aren't known in advance, aren't enforced independently or fairly, or are broken.

Extend this metaphor (where appropriate) to reflect what 'rules of the game' make possible when known and followed. Like teamwork, a shared code of conduct, or a more harmonious society.

'Rules of the game' is an idea, not a message. This means it can be evoked and flexed in different ways to explain different aspects of the rule of law.

For example:

Instead of	Try
Secondary legislation makes it harder for business owners to act with legal certainty.	Secondary legislation risks moving the goalposts for business owners.
Judicial independence must be maintained – ministers cannot interfere with judges.	We don't let coaches interfere with referees - why should we accept ministers interfering with judges?

ii Level playing field

Compare access to justice in the legal system to a level playing field: vital for every person taking part to have a fair chance.

Emphasise that a level playing field means fair access to resources (like legal education and high quality lawyers) as well as fair outcomes (like judgements and sentencing).

Extend this metaphor to explain the active upkeep that's needed to ensure our justice system is balanced and well-maintained. In focus groups, participants focused on caring for the grounds and making adjustments according to need to keep the field stable and even.

We can draw on a range of images and synonyms associated with a level playing field to explain how access to justice should work.



For example:

Instead of	Try
Sandra faced eviction after her landlord raised her rent unreasonably. An advice charity stepped in to provide advice and guidance, and help her appeal to a tribunal.	Sandra faced eviction after her landlord raised her rent unreasonably. An advice charity stepped in to level the playing field and help her appeal to a tribunal.
Justice is even harder to access for families without legal aid.	Justice is an uphill struggle for families without legal aid.

Why this works

Most people in England and Wales do not understand the terms 'rule of law' or 'access to justice' – or how they could work in practice. This makes it harder to see what's needed to maintain and strengthen them. Or understand the wider harms to society when the rule of law and access to justice are not functioning as they should.

Explanatory metaphor build understanding of complex concepts. They guide thinking and are 'sticky' – meaning that they are memorable and shareable.

'Rules of the game' and 'level playing field' help build understanding of how the rule of law and access to justice work and impact everyday life. Paired with a <u>future-focused definition</u>, they draw attention to what is not working and why.

'Rules of the game' helps people connect the standards and expectations we have of gameplay with how the rule of law can and should help society to function. Like the need for all parties to play by the same rules, or the unfairness when one side is favoured over another.

"Everybody has to establish what the rules are before you start... The laws are set down and you're obliged to follow them and should apply to everybody equally."

Participant, England

'Level playing field' helps people understand that for our justice system to be accessible, it must be both actively maintained and adjusted to suit diverse participants and needs.

Both metaphor work to shift thinking across England and Wales. 'Rules of the game' is particularly effective for Conservative voters – and in experimental surveys, was able to boost understanding of our government's responsibility to ensure the justice system functions well.



5 Name and explain connections to our everyday lives

Connect the rule of law and access to justice to our everyday lives: from our homes and workspaces, to our travel and purchases.

How to do it

Talk explicitly about how the rule of law and access to justice impact different aspects of our daily lives. Explain the connections between cause and consequences, step by step.

Balance high level and everyday examples of what we gain when the rule of law is functioning well. For example, talk about the importance of legal stability to the economy, but also to our employment and livelihoods.

Use straightforward language where possible – and give concrete examples of what legal terms mean in practice. Complicated language and technical prose signals that this is an issue for other people – and problems are for other people to solve.

For example:

Instead of	Try
The rule of law supports our economy – and the creation of economic value by	The rule of law supports our economy – and the creation of secure jobs and livelihoods by
A strong rule of law is important to our country's stability and international standing.	A strong rule of law means people are more likely to invest in and support our country's businesses – securing more jobs and better livelihoods.
Reducing early legal advice merely shifts the burden of public spending - it does not reduce it. Pre-LASPO reforms, the estimated costs of unresolved welfare issues in young adults were £1 billion per year.	Early legal advice can make the difference between home and homelessness for many. When problems are caught early

Why this works

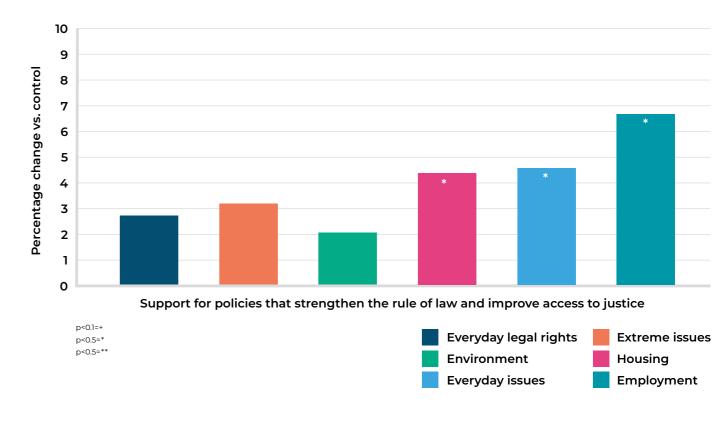
People readily connect crime and punishment to the rule of law and access to justice, but struggle to see how they relate to everyday life. Matters of civil justice are particularly absent from public thinking.

Moreover, the rule of law and access to justice are often described in abstract, technical terms. This signals that what follows is a matter for experts – inviting non-experts to step back and disengage.

Together, these make it harder for people to see the **collective benefits** of the rule of law and access to justice, and what we all have to **gain** when they are functioning well.

Providing specific examples fill gaps in understanding – and can help concretise abstract, technical concepts. Examples from housing and employment are particularly effective for Labour voters.

Graph 5: routes into policy (Labour voters)







Conclusion

To make the case for strengthening the rule of law and improving access to justice across England and Wales, we need to tell a new story. One that reclaims the rule of law and justice as a vital public service. One that centres fairness for the common good. And one that names and explains how the rule of law and access to justice shape our everyday lives.

This story must be future-focused – balancing what's not working now and why, with what we all stand to gain when we prioritise our public good.

About the Law Society

The Law Society is the professional body for solicitors in England and Wales.

For 200 years, we have championed solicitors working in the public interest and their role in protecting rights and promoting justice.

We're here to support solicitors at every stage of their career, from qualification through to retirement, and to advocate on the issues they have told us matter most, including the rule of law and access to justice.

Find out more at www.lawsociety.org.uk

About FrameWorks UK

FrameWorks UK is a not-for-profit, mission-driven organisation, specialising in evidence-based communication strategies that shift hearts and minds.

We help charities and other organisations communicate about social issues in ways that create progress, through practical guidance underpinned by our framing research.

We're the sister organisation of the FrameWorks Institute in the US, which has been conducting framing research for more than 25 years.
FrameWorks started working in the UK in 2012.
And we established FrameWorks UK in 2021.

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