

Reframing Justice: Year One

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November 2023

About FrameWorks UK

We collaborate with mission-driven organisations to communicate about social issues in ways that create change

Our research shows how people understand social issues. And we use this knowledge to develop and test strategic communications to help organisations create change

Change the story. Change the world. Learn more at frameworksuk.org



Overview

The reframing justice programme

Year one research

How experts in the field think about the rule of law and access to justice

How the public thinks about the rule of law and access to justice

Initial recommendations

Reframing justice

How we talk about law and justice in England and Wales matters. The ideas we share - and how we share them - shape how our actions, our clients, and our professions are seen and understood

Reframing Justice is a partnership between the Law Society (the independent professional body for solicitors in England and Wales) and FrameWorks UK

The aim of this programme is to shape a long-term strategic communications approach to build public support and political will for ensuring the justice system is protected and applies to everyone equally

See more at <https://www.lawgazette.co.uk/commentary-and-opinion/reframing-justice-changing-the-story-we-tell/5117501.article>



The Law
Society

What is framing?

Framing is the **choices we make about what ideas we share, and how we share them.** These choices change how people think, feel and act



Reframing justice: year one research

Field story

- 1-1 interviews with experts to identify core ideas (n: 12)
- Workshops with advocates and experts to refine core ideas (x5)
- Literature review of relevant academic and grey literature
- Field Frame Analysis of how the field is currently communicating about law and justice

Public story (England and Wales)

- 1-1 cognitive interviews to identify public mindsets (n: 20)
- Descriptive survey to measure the strength and salience of, and correlations between, public mindsets (n: 1408)
- Media Content Analysis to understand how public mindsets are activated in media



How experts in the field think about the rule of law and access to justice

Overview: field story

1. The rule of law and access to justice ensure **equality** before the law
2. They underpin our **social, political and economic systems**
3. **Government action** has weakened the rule of law and access to justice
4. **Change** is needed across policy and practice

Full details at www.lawsociety.org.uk/campaigns/reframing-justice-core-ideas



The Law
Society

Core idea 1: the rule of law and access to justice ensure equality of all before the law

- The rule of law places limits on executive power - and so preserves individual rights and responsibilities
- Access to justice enforces limits on executive power - and ensures individual rights and responsibilities are upheld



Core idea 2: the rule of law and access to justice underpin our social, political and economic system

- The rule of law provides a framework for social behaviour
- The rule of law and access to justice create political legitimacy and accountability
- The rule of law and access to justice provide confidence that agreements will be adhered to and upheld



Core idea 3: Government action has weakened the rule of law and access to justice

- Legislative hyperactivity
- Conduct of Ministers
- Restrictions on the legal rights of groups
- An underfunded and inefficient court system
- Restrictions on legal aid



Core idea 4: change is needed across policy and practice to strengthen the rule of law and improve access to justice

- Increase the funding and scope of legal aid
- Improve and invest in legal services
- Build a more collaborative advice sector
- Build cultural and political buy-in
- Improve public legal education



How the public thinks about the rule of law and access to justice

What are mindsets?

Mindsets are **deep, assumed patterns of thinking that shape how we see the world and how we act within it.** Mindsets can either **normalise or problematise** our existing social order



Overview: public story

1. The rule of law and access to justice prevent **social chaos**
2. Justice is about **crime and punishment**
3. The rule of law and access to justice are under **threat from other cultures, moral decline** and **social inequalities**
4. **Money** shapes access to justice



1. The rule of law and access to justice prevent social chaos

Dominant mindset: social chaos

Without laws, society would fall into disorder and confusion. Humans are naturally independent and self-interested beings and so need organisation and rules to function in community. Applied in talk, people position law as the only thing standing between society and chaos

“Strict adherence to the rule of law can be frustrating to governments. But breaching it carries vast risks”
- Evening Standard, 2023

“A society couldn’t function properly, I guess it’s anarchy really, isn’t it?”
- Participant, Cognitive Interviews, 2023



...but an alternative mindset is available

Mindset: social harmony

Law is essentially good and so striving for its realisation makes society fairer, safer and happier. When functioning properly, the rule of law and access to justice create a more harmonious, unified society. Applied in talk, people reason that the rule of law and access to justice can and should bring balance to society

“Lessons Learnt from Grenfell Tower”
- London Assembly, 2017

“There would be less crime. There’d be more of an environment for helping people who may be less fortunate”
- Participant, Cognitive Interviews, 2023

“Association of rule of law and health outcomes: an ecological study”
- BMJ, 2015



When people draw on a **social harmony** mindset, they are:

- More likely to recognise the role of lawyers in upholding the rule of law and ensuring access to justice
- More likely to hold the idea that there should be a level playing field in society
- Slightly more likely to recognise the existence of structural racism

And people who use a solicitor (58% of our sample) endorse the social harmony mindset significantly more than those who haven't





A note of caution: fairness is understood in different – and competing - ways

Mindset: fairness is about outcomes

Fairness means any given activity results in the same outcomes for two or more people. The rule of law upholds social order through fairness of outcomes. Applied in talk, people reason that everyone is subject to the same rules - and so everyone should be subject to the same punishment for breaking them

Mindset: fairness is a level playing field

Fairness means advantages in opportunities and treatment are minimised or ended. Access to justice means “levelling the playing field” and accounting for diverse circumstances and needs. Applied in talk, people reason that in a fair society, no-one should have advantages over another - including in the legal process

2. Justice is about crime and punishment

Dominant mindset: justice is controlling and punishing crime

The rule of law and justice are two parts of a system to control crime - and exist to ensure just punishment. Applied in talk, people default to a punitive understanding of the rule of law and justice that exclusively focuses on police, prisons and crime levels

“To imply that bringing legitimate challenge against removals is equivalent to ‘aiding and abetting criminals’ is... untrue”
- JUSTICE, 2023

“There’d be upheaval, there’d be more violence, and there’d be more crime”
- Participant, Cognitive Interviews, 2023

“Fury at soft sentencing as sick rapists sent to prison for less than three years”
- Daily Express, 2023



...but an alternative mindset is available

Mindset: justice is righting wrongs

Legal wrongs can and should be made right - and justice means people get what is due to them. This model is closely tied to the outcome of the legal process and if that outcome can be considered fair. Applied in talk, the purpose of the justice system is seen as punishment and fair compensation, ranging from from apologies to imprisonment

“Law Society publishes proposals to reform civil justice”
- Solicitors Journal, 2023

“...a little bit of retribution and it’s about fairness for the family of the person”
- Participant, Cognitive Interviews, 2023

“What is the goal of access to justice?
Lift up voices, make a fairer society...”
- Open Law Lab, 2018



When people draw on a **justice is controlling and punishing crime** mindset, they are:

- Equally likely to see the rule of law as about preventing social chaos as ensuring social harmony

When people draw on a **justice is righting wrongs** mindset, they are:

- More likely to see the rule of law as about ensuring social harmony



3i. The rule of law and access to justice are under threat from other cultures

Mindset: threat of multiculturalism

The rule of law and justice are British - and tied to nationalist ideas about race and immigration. Multiculturalism is a threat to the existing social order - and the rule of law and justice will not function as it should in a multicultural society. Applied in talk, people assume that others who are not white, not Christian, or from a different country (including migrants) hold different values and a different cultural relationship with justice and the rule of law

"Failures that have led to toxic feuds from faraway lands bring violence to Britain's streets..."
- Mail Online, 2022

"England will become a black country...
They will reintroduce [sic] Sharia law"
- Participant, Cognitive Interviews, 2023



3ii. The rule of law and access to justice are under threat from moral decline

Mindset: moral breakdown

Crime is caused by a general trend in society towards lower moral standards and less principled understandings of right and wrong. Applied in talk, people reason that law and justice are grounded ultimately in morals: a perceived increase in crime indicates a moral breakdown in families and society, which in turn indicates that the rule of law is not properly functioning

“We've gone too politically correct and it's caused us more problems”
- Participant, Cognitive Interviews, 2023

“It is this country - and your government - who should decide who comes here, not criminal gangs”
- Metro, 2023



When people draw on a **threat of multiculturalism** mindset, they are:

- Very likely to also hold authoritarian, anti-immigrant or racist views
- Slightly less likely to agree that government is responsible for ensuring access to justice or that government should abide by the rule of law

When people draw on a **moral breakdown** mindset, they are:

- More likely to also hold authoritarian, anti-immigrant or racist views
- More likely to think that multiculturalism is a threat to law and order.



...but an alternative mindset is available

Mindset: class power and privilege

Social class determines access to the justice system and how the rule of law is applied in practice. Applied in talk, people reason that class influences our ability to retain a lawyer, our relationship to police, and how we are seen (publicly and institutionally) in the legal process

“The system is rigged against the British people, it's as simple as that”
- Metro, 2023

“The old boys’ club... It’s probably more prevalent in courts and law than it is in any other part of society”
- Participant, Cognitive Interviews, 2023



When people draw on a **class power and privilege** mindset, they are:

- More likely to hold the idea that fairness means a level playing field
- More likely to recognise that government is responsible for maintaining the rule of law and access to justice
- More likely to recognise the role of money in the justice system
- Slightly less likely to hold racist views



4. Money shapes access to justice

Mindset: money moves everything (Individual Wealth)

Money determines how much access people have to justice; the more money available, the greater access to justice there is. This includes affording a lawyer and the speed of police responses. Applied in talk, people reason that an individual's wealth determines whether or not the justice system functions for them

"This is a perfect example of a Slapp (strategic lawsuit against public participation) lawsuit, designed to silence critics through financial intimidation"
- Sky News, 2023

"Money is a huge factor because to be honest, if you're rich, and you live in a nice area, then the police tend to come out a little bit more when you call"
- Participant, Cognitive Interviews, 2023



...and this mindset can also be applied to government funding

Mindset: money moves everything (Public Funding)

Money determines how much access people have to justice; the more money available, the greater access to justice there is. This includes funding local police and public legal services (e.g. Legal Aid). Applied in talk, people reason that collective investment in providing access to justice is a key determinant to a functioning justice system

“Alex Chalk said ‘Widening access to legal aid secures justice’”
- The Sun, 2023

“a cut to what they call legal aid... [and] fear that they were excluding people who didn’t have that much money who maybe thought well, I won’t take this to court.”
- Participant, Cognitive Interviews, 2023



When people apply a **money moves everything** mindset to public funding, they are:

- More likely to hold government responsible for ensuring access to justice and to see a positive role for lawyers
- More likely to recognise that there should be a level playing field in a fair society
- Slightly less likely to also hold anti-immigrant beliefs



Solutions are missing from the public story

1. Role of **lawyers**
2. **Government** responsibility
3. **Government** accountability
4. Role of **society**

...but were present in public thinking, when prompted



Initial recommendations

Overview: initial recommendations

1. Talk about what the rule of law and access to justice make possible
2. Focus on shared good - and not just retribution for specific harms
3. Provide clear, consistent and light-touch definitions
4. Avoid leading with complexity
5. Pair crisis with agency and solutions

Full details at www.lawsociety.org.uk/campaigns/reframing-justice-field-frame-analysis



The Law
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Find us at **frameworksuk.org**

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