

BRIEFING

THE RULE OF LAW: WHAT IS IT, AND WHY DOES IT MATTER?

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Summary

The rule of law supports democratic functioning, protects rights, and provides the conditions necessary for economic stability and growth. It is a fundamental principle underpinning the UK constitution, and those of other democratic states.

Upholding the rule of law is a responsibility shared between politicians, officials and the public – with ministers and MPs alike having important roles to play.

There is no single universally-agreed definition of the rule of law. But its core concepts include limits on state power, clarity and accessibility of the law, equality before the law, protection for fundamental rights, judicial independence and access to justice.

Background

The rule of law is frequently cited in political debate, and is a key topic monitored by those worried about [democratic backsliding](#). But what is it, and why is it so important?

The rule of law is one of the [fundamental principles](#) underpinning constitutional democracies, and its importance is not seriously questioned in any modern democratic state. But like other constitutional principles, long-running debates exist about how it can most effectively be implemented.

This briefing explains the central concepts constituting the rule of law under three broad categories:

1. Legality and legal certainty
2. Legal equality and fundamental rights
3. Judicial independence and access to justice

Why does the rule of law matter?

The rule of law prevents the abuse of state power, requires the law to be followed by all, and ensures that legal rights are fulfilled in practice. It also provides the means for various other core aspects of democracy to be safeguarded – for example, making certain that the laws made by parliament are enforced, and that fair conduct of elections can be guaranteed. More broadly, it underpins social functioning by providing fair and legitimate routes for disputes to be settled. And it supports [stable economies and economic growth](#) by upholding property rights, facilitating the elimination of corruption, and maintaining a business environment in which contracts are enforced, and international trade and investment can flourish

As such, the rule of law has long been recognised as a fundamental part of the UK system. Many of its core aspects were established during the seventeenth century – particularly by the [Bill of Rights 1689](#). Nineteenth-century scholar Albert Venn Dicey considered it, alongside parliamentary sovereignty, one of the ‘twin pillars’ of the constitution. More recently, [Margaret Thatcher](#) considered its observance central to Conservatism, arguing that ‘the institution of democracy alone is not enough. Liberty can only flourish under a rule of law’. And the 2001 [Labour government](#) recognised its importance as an existing principle in the Constitutional Reform Act 2005.

What does the rule of law cover?

Like other fundamental principles, the precise details of the rule of law are debated, but its central tenets are widely recognised. [Lord \(Tom\) Bingham of Cornhill](#), a former Senior Law Lord, provided

