

BRIEFING

PROTECTING CONSTITUTIONAL PRINCIPLES: WHAT ARE THEY AND WHY DO THEY MATTER?

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Meg Russell, Alan Renwick and Lisa James

Summary

Politics in the UK, as in other well-established democracies, is underpinned by certain core constitutional principles, which provide an essential framework. These principles ensure that governments have power to act, but do so within certain broadly agreed constraints.

Constitutional principles often need to be balanced against each other, and can be both expressed and implemented in various ways. There are nonetheless certain commonly agreed themes across modern constitutional democracies, including the UK.

Constitutional principles require careful nurturing and protection. They can be damaged through behaviour and rhetoric as well as through more concrete policy change. In the UK system, MPs have a particularly key role to play in ensuring that such principles are upheld.

Background

Recent years have seen much discussion of the health of UK democracy, and some concerns about democratic backsliding. But the principles which underlie constitutional democracies are widely shared assumptions exist about the principles which underlie constitutional democracies. The features that distinguish them from autocracies and so-called illiberal democracies. Although the UK famously lacks a codified constitution, such values are deeply embedded in its constitutional traditions and arrangements.

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This briefing identifies and explains five such core principles:

- 1. Institutional checks and balances
- 2. Representative government, and free and fair elections
- 3. Rule of law
- 4. Fundamental rights
- 5. Integrity and standards

Why do constitutional principles matter?

Modern constitutional democracies are founded, in their most basic form, on an agreement between citizens and their politicians. Citizens consent to be governed, while politicians (and particularly those forming the executive) agree that they will govern only within constraints. This reflects a concern that authority should be wielded well, with due respect for differing opinions and perspectives and for the long-term health of society and the state. It also reflects a belief that periodic elections alone are not sufficient to ensure a healthy democracy.



Such representation is crucially underpinned by free and fair elections. While specific electoral systems may vary country by country, basic requirements include universal and equal suffrage, universal rights to run for office, and independent oversight by impartial state institutions.

UK elections are recognised as being free and fair. However, some recent concerns did arise during the passage of the Elections Bill (including from the Commons [Public Administration and Constitutional Affairs Committee](#)) that the new ministerial strategy and policy statement for the Electoral Commission could threaten the independence.

### 3. Rule of law

Respect for the rule of law has long been cited as a core principle of the UK constitution, including by 19th-century constitutional theorist A.V. Dicey. This principle exists to prevent the state from exercising arbitrary power over its citizens, and provides citizens with confidence that their rights are guaranteed. The rule of law underpins social and economic structures, and political stability . and supports other principles articulated here, such as free and fair elections.

Like the other principles described in this briefing, precise definitions of the rule of law can vary. Its simplest form requires that rules take the form of universally applicable laws, made via due process and conforming to certain standards of fairness. Other requirements stemming from this include judicial independence, legal certainty, an

## 5. Integrity and standards

The long-term health of constitutional democracy depends on politicians viewing themselves as public servants, respecting the spirit as well as the letter of the principles above.

One important aspect of this is maintaining integrity. That

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**Contact us:** +44(0)20 7679 4977 | [constitution@ucl.ac.uk](mailto:constitution@ucl.ac.uk)

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