

EQUALITY BEFORE THE LAW (LEGAL EQUALITY)

The principle of formal (as different from moral or social) justice is that like cases must be treated alike. -- or, put negatively, that the courts of law should disregard all/circumstances (in particular those of race, class, and political and religious affiliation). Shorter: The law should apply equally to all people.

This is of course a sound egalitarian principle. Regrettably (a) it is insufficient to guarantee fairness because the powerful need not resort to crime (though they sometimes do so from sheer greed), and (b) in actual fact the "station in life" of a defendant makes a big difference for, if he has the means, he can hire a good lawyer who will be able to get him a preferential treatment. In short, legal equality is not sufficient to ensure overall fairness. But it is necessary to fight for it.

