

Justice Means What They Say It Means

On process, principle, and the theatre of fairness



Justice for sale — the hands keep reaching, the blindfold stays on.

We all think justice means what it says in the dictionary. We think fairness means what the dictionary says under the word fair. But those at the apex of the justice system do not share that understanding — and that disconnect is where the damage is done.

Their interpretation is skewed by partisan reasoning and institutional self-interest. To them, a fair trial is a defined procedure. Justice is a completed process. That's it. Nothing more is required.

If you walk into the justice system expecting justice as you and I understand it — as ordinary people understand it — you are going to be very disappointed. What we call the criminal justice system should really be called the criminal legal system. That, at least, would be honest. It would remove the expectation of justice from the process, an expectation you should never have had in the first place.

But of course they don't want to do that. They like the word *justice*. They like it because it legitimises what they do. They use it positively when it suits them, and legalistically when it doesn't. The same word, serving whichever master is needed at the time.

And this is why the system is not interested in truth. Truth is not the point. Process is the point. A trial happened. A judge sat. A jury was empanelled. Solicitors and advocates spoke. The gavel came down. Someone was convicted or acquitted. Procedure was followed. Box ticked. Done.

Whether it was fair, whether it was just, whether the outcome has any intellectual merit — none of that is relevant to them. They simply do not view it that way.

The Theatre of Principle

And herein lies an abuse of process. Because they don't even follow their own process and procedure. They will circumvent the rules to suit themselves — bending, ignoring, or selectively applying the very standards they claim to uphold. The process they point to as proof of fairness is the same process they are willing to undermine the moment it becomes inconvenient.

So when we hear phrases like *equality of arms* and *justice delayed is justice denied*, what are we actually hearing?

We're hearing the script. These phrases are not standards the system holds itself to — they are legitimising language. They exist so the institution can point to them and say: *look, we believe in fairness. We even have a phrase for it.* But the phrase does the work instead of the principle. The words become a substitute for the thing they describe, not an expression of it.

The system doesn't need to deliver equality of arms. It just needs the concept to exist in case law and in the mouths of judges, so that when someone complains, there's a ready-made answer: *"But we recognise that principle."* Recognition and delivery are treated as the same thing — and they are not.

These phrases come from a rights tradition — natural justice, the ECHR, the Claim of Right 1689 — that was meant to impose standards on the system from outside. But the system absorbed them into its own vocabulary and hollowed them out. *Justice delayed is justice denied* becomes something a sheriff says while granting yet another continuation. *Equality of arms* gets cited in a judgment that then holds a party litigant to the same procedural standard as a solicitor with a full team behind them.

It's not theatre in the sense of pure pretence. Some of the people inside the system genuinely believe they are delivering justice — and that's almost worse, because it means they've internalised a definition that begins and ends with procedure. If the hearing happened, if the forms were filed, if the sheriff was robed and the clerk took the minutes, then justice was done. The outcome is almost incidental.

It's ritual. Something repeated because the repetition itself is what matters, not because anyone checks whether the words are being honoured in substance.

And that is what makes it so difficult to challenge from inside the system, using the system's own tools. You are using words that mean one thing to you — and something entirely different to the bench.

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