Annotated Table 2.1: A Taxonomy Of Justice And Rights By Actions:

SECTIONS A, B, C [1] **(Category & Description of Actions, Rights, and Justice Involved)** [2] Matching Location in Diagram 3.1, Love, Just., Law:	**Are There Corresponding Rights & Duties? (Y/N)**	**Is it Related to Justice? (*Minimalist* v. *Maximalist*)**	**Actions and Actors (State v. Private)** [3]		**Quantifiable** (Amount of Something Due)
			Positive, Providing Side of Justice = (Giving Benefits, Rewards Due, Satisfying Rights, Caring for Needs)	***Negative, Punitive Side*** [4] ***of Justice =*** (Imposing Sanctions Consequences on Wrongdoing, Correcting, Rectifying [5])	
			{Actions or Inactions Can Effectuate Either Kind} [6]		
LOVE, NOT JUSTICE (LOVING KINDNESS) High Arc **C** Love to Love Acts of Kindness not due or expected; not meeting a clear need, lack, or right; *no need, no aid.*	Right: No Duty: No	**Likely Not Justice.** If Justice, in its broadest biblical sense as virtue (see Rom 13:8), it is ***Maximalist***	**Inapplicable** (nothing due) **Actors: Private: Yes State: No** **Examples:** signs of friendship, sharing an ice cream, sending a greeting card; doing something nice for s.o. without being asked or required. [7]	**Inapplicable** (not punitive)	No, nothing is ***due***, to measure out, (to achieve Justice)
JUSTICE ABOVE LAW [8]**: (RECTIFYING, *JUST* MERCIES)** [9] Acts of Mercy that Achieve Justice; satisfying some real need, lack, or right, often a Human Right); Split Arc **B** Just Just → Love Is sometimes known as Social Justice.[10] Better term is *Biblical Justice*. Captured in story of Good Samaritan, or in general, systematic acts of caring for the needy. (Voluntary; State is not the main actor).	Right: Yes [11] Legal Duty: No (God and Conscience alone may supply a duty, not Law; Moral Obligation; Good Samaritan)	**Is Justice.** Exceeds a Legal Duty, ***Maximalist***	**Voluntary Acts of Justice (Restorative, Rectifying, Private)** **Actors: Private: Yes State: No?** (State is not essentially involved in supplying it. [12] State can give discretionary aid in some ways.) **Examples:** Good Samaritans, Corrie Ten Boom (Individuals), Charities, Capacity Building (non-State), Private Aid Givers, NGOs helping people. [13]	**Inapplicable** (not punitive); **However:** **State** can enforce laws against private actors & itself if causing harm, or violating laws in rendering services. [14] **Examples:** If a Good Samaritan fails to save, she isn't punished, but State can punish her for causing new harm; it can also enforce safety code violations against a soup kitchen. [15]	Yes, aid is measurable, and given to restore, make whole, redress injustices (achieves Justice)

JUSTICE IN LAW: (LEGAL JUSTICE) Straight Line **A** Jus→Law→Jus→Love Rights and Duties Are Recognized and Enforced at Law; Legally Compulsory:			*Positive, Providing Side of Justice. By Kinds, Actors:*	*Negative, Punitive Side of Justice. By Kinds, Actors:*	***Amount**, <u>Positive</u> and <u>Negative</u> Sides* [16]
Kinds: **i)** <u>Human Rights (HRs)</u> (inherent, have as a human; coming from God; life, liberty, speech, association, conscience, religion, etc.)	Legal Rights: Yes Legal Duties: Yes In each kind: i, ii, iii, Legal Rights and Duties ***correspond*** with each other (State enforces corresponding rights and duties, if not privately satisfied.)	**Is Justice** (In Traditional Sense) Give to each his due and don't violate or withhold his rights, in accordance with what Law/State requires. ***Minimalist*** Doing this achieves the basic Minimum of Justice: the **<u>BOTTOM</u> <u>LINE OF JUSTICE</u>, which no one should go below**	**i) HR: Yes, Applicable** **Actors: Private: Yes State: Yes** (*All should Satisfy HRs*. BUT, those going above a legal duty to do so are in another category, Section B above.) [17] (State can sometimes *articulate* HRs, but does not *create* them)	**i) HR**: State is the main vindicator of violations.	**i) HR: Yes**
ii) <u>Civil Rights (CRs)</u> (Via Constitutions, Statutes, Regs., etc.)			**ii) CR: Yes, Applicable** **Actors: Private: Yes State: Yes** (State and Private actors should satisfy Civil Rights. State creates and/or articulates CRs)	**ii) CR**: State is the main enforcer, vindicator of violations.	**ii) CR: Yes**
iii) <u>Various Legal Rights (VLRs)</u> (i.e., Torts, Contracts, Inheritance, Property, Family Law, Entities, Due Process Rights, etc.)			**iii) VLR: Yes, Applicable** **Actors: Private: Yes State: Yes?** (State less so. Chiefly **Private** fulfilment, in contracts, duties of care, inheritances, etc.) (State less commonly satisfying rights, duties here, but usually enforcing breaches of same)	**iii) VLR**: State is main enforcer. (Sometimes Private enforcement systems exist: i.e., mediation, arbitration, often with State supervision.)	**iii) VLR: Yes** *See Summary* [18]

INJUSTICE BELOW THIS LINE (JUSTICE ABOVE IT)

[1] SECTIONS A, B, C AND THE MEANING OF THESE STRATA. I will refer to the three strata of actions above as *Sections* in the table. The classifications of activity and Sections in this table are presented in inverse order, as C, B, A, for ease of showing an increasing scope of justice progressing upward from the "bottom line of justice" in this table, which indicates this table should be read from *bottom* to *top*.

Accordingly, the distinctions between Sections A (Justice In Law), B (Justice Above Law - "Rectifying Mercies") and C (Love (Not Justice) - Other Non-Rectifying Mercies) in regard to seeing corresponding rights and duties, is as follows: In Section A there is a designated legal right and a legal duty in someone to meet it; in Section B there is cognizable (typically legal) right to be satisfied, but not typically a specified legal duty in someone to satisfy it. In Section C there is neither a clear right nor a duty at at issue or at stake. See more.

In addition, in Sections A and B there is a quantifiable gap or need in the balance sheet of justice which must be satisfied: something is due, or deserved, and must be given. It could be a benefit-reward or a punishment-consequence, but it is *due*. In Section C, the kindness or love shown has no required amount to satisfy justice; it is discretionary (*but see* Rom. 13:8, and below discussion, as to Christians' continuing "debt" to love others).

[2] These small icons in white boxes next to the description of each strata refer to to the location of this same material in another diagram, in which it is also included, in Chapter 3, entitled "Love, Justice, & Law." That diagram incorporates information here in Table 2.1 and is harmonized with it.

[3] This table discusses these Sections in the context of the State (civil government) and its citizenry, or its society at large. Examples of Sections B, and C applying to State actions are rare or non-existent. One example of the State possibly acting within Section B is giving humanitarian aid and disaster relief, or some kind of needed developmental aid. However, if this is done according to said State's law, this may be best described as coming under Section A (justice serving a need according *to law*; i.e., consider the FEMA disaster assistance law in the U.S.). In response to this, if the emergency disaster relief, and similar aid laws, including development aid laws, gives the State wide discretion (choice) in giving this assistance, including to foreign nations, such aid could arguably also fit within Section B, as a kind of Good Samaritan action by a State (again, stressing the law clearly allows the State to operate in a spirit of voluntary discretion). This voluntary State aid illustration thus presents a possible hybrid situation. Situations in which a State acts within Section C (voluntary acts of kindness not meeting any particular need or right) are mostly implausible. This author has thought of almost no examples (in recent history anyway), except that in the last year a monarch in Asia was reported to have given special allowances (kinds of gifts) to all his citizens not based on any apparent need of justice.

The reason for the rarity of State actions in Section B, and especially in C is because the State, including those actors operating within it, is charged primarily with doing justice through its legal system. Activities in B and C are mostly above that.

That said, other Spheres in Society (i.e., Sphere Sovereignty, Abraham Kuyper), outside the State, similarly impose duties and satisfy rights, operating with their own set of rules (having their own sort of internal legal, justice systems), and this happens outside the legal structure of the State every single day. Such Spheres as the Church,

Family, Business Entities (employers), Educational Institutions impose duties and safeguard rights for those within their respective Spheres of authority, typically without any direct State involvement. Again, the reference to State here means essentially any civil government in charge of the matter, be it local or national.

The same three strata of actions, in Sections A, B, and C, should similarly apply *within any* of these Spheres just as they do in the State (civil government).

Illustrations: In the Spheres of *Church* and *Family for instance*, there will be *laws* of sorts imposed by authorities (Section A): In the family, *parents* assign chores, bedtimes and give other instructions, and impose sanctions for failing to obey them. In the *Church*, leaders oversee ministries according to guidelines and rules, elders govern, impose church discipline, and attempt to follow the organization's bylaws). Some people in a Sphere will go beyond the call of duty, serving as a Good Samaritan (Section B): In a *Family*, a sibling helps her sister who fell off her bike and is hurt. In the *Church*, a member or leader helps out another member with some finances when the latter just lost his job.). In a *Company*, a staff member can volunteer to help a co-worker or boss, stuck in an emergency situation or client matter. Last, Some in each Sphere will do kind things for others, separate from any true duty or need at hand (Section C).

In many situations, the duties, rights, laws (rules), and governance (authority) exercised in these Spheres are simply beyond the reach of the State's legal system (no overlap with it). Sometimes, however, the State's legal system overlaps (shares jurisdiction) with activities in these separate Spheres. This shared jurisdiction between the State and other Sphere can be cooperative (harmonious) in some contexts, or cause conflict, and tension (where the values of the authorities in the State and the other Spheres are in disagreement).

Illustrations:
1) A parental duty to feed, clothe and educate one's child is recognized in the *family*, but is also governed by the *State*, in its Law (Section A). Values here can be generally in agreement between family and *State*, but not always.

2) If the State, however, insists health education, including sex-ed. is its own prerogative, when this is certainly also and first, a parental one, then severe acrimony may develop between parents and the State (school board) when their values on sex-education conflict (which is often the case: e.g., in the U.S., many parents are infuriated over school sex education programs teaching about sexual intercourse to young school grades).

3) In contrast, a duty a mom thinks she has to teach her child swimming safetyor similar skills, does not essentially involve the State at all.

4) Similarly, in the Sphere of *business & enterprise*, a company director has a clear duty to follow the company's bylaws. The director's duty is not only to the company, but is enforceable in State law. If the director violates the ylaws, and her diduciary duties, she may get fired aas a consequence, but she may also be sued.

5) In contrast, suppose a secretary in a company volunteers to stay late to help her boss on a sudden emergency client project. Assuming there is not internal company policy or rule requiring her to do this, she is acting solely out of a sense of *personal duty and concern*. She is going beyond the call of her "legal" duty in the company, and is acting like a Good Samaritan (Section B). In contrast to parental obligations above (example 1), the State is not imposing any parallel (overlapping) duty on her, at law,

to do this (although the State could possibly require the company to pay her some kind of overtime).

[4] Positive and Negative Aspects of Justice, and Other Distinctions

(a) The ***Positive*** and ***Negative*** Sides of Justice. Justice, as in giving to each his/her due, has both a Positive Side, and a Negative Side. The *Positive* side refers to providing benefits or rewards due, including satisfaction of someone's valid rights, and can include caring for those experiencing human deprivation, crisis, or some real need that should be addressed (see *Social Justice*, below). The ***Negative*** *(Punitive)* side refers to consequences and punishments due for wrongdoing. This dual structure applies in Section A, specifically in the State system, but as well in other Social Spheres (families, corporations, schools, etc.) within their legal authorities and systems. The dual Positive and Negative aspects of justice really don't apply so much to Sections B and C, as these should usually only be Positive expressions of justice (Section B), (or may exceed justice, Section C). *Negative* in this context also does not mean bad; it just means punishing wrongdoing instead of awarding a benefit, or satisfying a right, or addressing a real human harm or deprivation. This basic dual structure (Positive and Negative sides) must be distinguished from similar, yet different, concepts below.

(b) ***Action*** vs. ***Inaction*** (withholding Action) in Justice. In doing justice, one either must take some sort of affirmative *Action*, or refrain from or withhold some action, that is, *Inaction*. It can be structured this simply: *Action, do's, (+) vs. Inaction don'ts, (-)*. In this structuring, we often and correctly say, *we should do our* ***do's*** *and not do our* ***don'ts*** (and such is basic to systems of ethics and justice). The interesting nuance to consider, is that In either the Positive (Providing) side of Justice, or the Negative (Punitive) side, some Action or Inaction is required to achieve justice, according to the circumstances at hand.

Illustrations:
1) *Positive side*: In the case of an immigrant seeking American citizenship, if she meets all her requirements, justice requires the government to affirmatively act (+) in granting her citizenship; but if she has not yet taken her examination, justice requires withholding her citizenship (-), until she completes and passes the exam (the same is true of any award positively bestowed by a governing authority, whether a voter's card, marriage certificate, graduation diploma, business or professional license, zoning permit, and so on.)

2) *Negative side*: In the case of a convicted serial thief, the State affirmatively acts (+) to send him to jail, and possibly makes him pay some fine; but justice may also require the State to withhold or deny something (-), like his freedom, or his application for parole if he isn't ready, or to carry a gun as a convict in jail.

(c) ***Positive*** or ***Negative Expressions*** of the Same Action or Inaction. Incidentally, and to avoid some confusion, and clarify distinctions, some additional points on this should be addressed: Oftentimes, an Action (a do) or an Inaction (a don't) can be expressed alternatively *in either positive (affirmative) or negative language*, without significantly changing the intended meaning of what justice requires.

Illustrations. A command not to do "X" (-) may be the same as a command to do "Y" (+), or to do the opposite of X (+); e.g., a mom's command to a teenager, "don't go shopping" (-) may, in context = "do your homework" (+). Also, a double negative expresses a positive: "don't not vote"(- , -) = "vote (+)"; and "don't interrupt me" (-) = "let me finish speaking" (+), and so on.

Since the same Action or Inaction that is just (or that achieves justice) might be expressed in either affirmative (positive) or negative wordings, this is often only a matter of semantics, or wordplay. Importantly, however, the positive or negative tone of expressing such conduct will usually have an impact, whether intended or not, on how it is received. In English, as in many other languages, commands stated in the negative (don'ts) are generally seen as more strict, direct, firm, or even harsh; although, the inverse is sometimes true: "get this report to me by 5:00 today!, or . . . " Such wordings can also be intentionally designed to achieve a certain desired result in the listener. Such semantic wordplay is something people engage in all the time, usually to gain some advantage in achieving a desired goal; leaders, including politicians and lawyers, are particularly skilled at this (sometimes for good, and sometimes evil). But the overall intended meaning of requirements may not significancly change (it's wordplay).

In contrast to simple semantics, some Actions or Inactions, inherently it seems, *are best* expressed in either affirmative or negative language, as best directing us in what is needed to achieve justice. For instance, in the Ten Commandments, we see primarily affirmative or negative language directing each command: "Thou shall not kill," "Thou shall not steal," (all -), but "Worship the Lord, thy God," "Honor thy father and mother," and "Keep the Sabbath," (all +). In colloquial contexts as well, it might be better in some situations to say, "shut the door!" (i.e., if an intruder is coming toward your house), instead of saying "don't leave that door open," and similar examples can be imagined.

Illustrations: The set of illustrations in the table below is intended to help us see the semantic wordplay noted above, specifically as to how *Actions or Inactions* can be expressed either in positive (affirmative) , or negative language without significantly changing intended meanings, and yet perhaps having very different impacts, yet all this while still emphasizing the more important overall structural issue, that our just conduct can be either Positive (Providing) or Negative (Punitive) in nature. In short, this table illustrates all the points above in a single place.

Example (Facts)	**Side of Justice**	**Conduct For Justice**		**Alternative Expression (+), (-) of This Conduct**
	Positive (Providing) v. **Negative** (Punitive)	**Action** (Do, +)	**Inaction** (Don't, -) (Deny Action)	
E.g., Graduation Diploma (or any similar deserved benefit license, right, status)				
1. A student awaits her diploma, after meeting all requirements	Positive (Providing)	University *should* grant her a diploma (+)		University *should not* withhold her diploma (-)
2. Instead, the same student has not yet met all her academic requirements	Positive (Providing)		University Should Deny (withhold) issuing her diploma (-)	

Criminality				
3. An executive has been stealing company funds for some time, and is caught	Negative (punitive)	State affirmatively *sends* him to jail & *orders him* to pay restitution (+)		State *denies (takes away)* his rights of freedom and some of his property (-)
4. Same person is released from jail, and applies for a gun permit; but is ineligible to own a gun for 5 years due to his felony conviction	Positive (providing)		His gun application is *denied* (at least for 5 years = *inaction*) (-)	
Simple Contract, Claim of Breach				
5. A buyer of supplies sues the seller for breach of K, seeking rescission of the K and a return of his purchase price, with interest and incidental costs. But the court, determines Seller did not breach.	Positive (providing)		Court *denies* buyer's claim (keeping the status quo) (-)	Court *rules* in favor of Seller, and *issues its supporting order* (+)
Bank's Decision to Honor a Check				
6. A drawer writes a check; all is in order and his account has sufficient funds to pay it	Positive (Providing)	The bank *should* affirmatively , honor and pay the check (+)		The bank *should not* put a stop payment on it (-)
7. Instead, the drawer has an emergency or discovers some fraud in the check and asks the bank not to pay it	Positive (Providing)		The bank *should not* honor and pay the check (or should withhold payment until all issues are resolved) (-)	The bank *should* affirmatively put a stop payment on the check and return it (or set it aside for a time) (+)

See in each of the above examples the Positive (Providing) or Negative (Punitive) character of the conduct intended. See also that the Action or Inaction required to achieve justice can often be stated in either positive (affirmative) (+), or in negative (-) language, with varying degrees of success in achieving the desired intent of justice (sometimes an alternative expression doesn't even seem suitable).

[5] Rectification, Restorative Justice. Rectification imposed as a consequence against the violator is intended here in this square; i.e., compensation, restitution made to the victim of a crime or other offense by the offender. When used in this way, Rectificatory/Restorative Justice is something of a hybrid, exhibiting characteristics of both the Positive and Negative sides of Justice, yet all within law or a legal system. It is positive because it gives back (restores) to a victim something due; it is negative because it is part of the wrongdoer's punishment to do this (giving something to the victim), and is often accompanied by some other penalty. *See, e.g.,* Leviticus 22:1 (wrongdoer paying back five times for the neighbor's ox he has slaughtered).

Often, Rectification is not associated with the Negative/Punitive side of Justice at all. It sometimes is applied exclusively as Positive Justice; for instance, it can be seen, (i) in a State's formal legal system (in Section A), i.e., when a State's law and its funding are used in helping mass tort victims, or victims of natural disasters, refugees, or in building community capacity and infrastructure in run down areas of a city or country; or, it can be seen, (ii) in the solid rectifying work of non-State actors, individual volunteers, NGOs, and Good Samaritans (in Section B, private actors),i.e., when they step in to save lives, protect rights, bandage wounds, voluntarily care for the oppressed, poor, and needy, and who also help communities build capacity, enabling them to meet their daily needs (either independently or by coming alongside the State).

In either instance above, (i) (in Section A), or (ii) (in Section B), the rectifying agent is not some criminal culprit. Instead, it's a third-party seeking justice (either the State, or private individuals and groups), and yet justice, as some kind of rectification and restoration, is still achieved. It's happening either in specific instances, or in a more generalized, *social solution*, sense.

Some refer to this Positive (non-Punitive) use of Restorative/ Rectificatory Justice, when used to address certain social ills or deficits (i.e., poverty, exploitation), as *Social Justice*. This term carries with it a sense of remedying real or perceived needs people have, but in which the rectification or solution is not supplied by any specific wrongdoer (as that would indicate a Negative, criminal, punitive application of rectification, applicable in Section A). I will discuss Social Justice and how it fits into Sections B, and A, below. It is a controversial idea.

[6] See note 4, *supra* on Actions and Inactions.

[7] Examples of actions in Section C are everywhere. Consider washing the neighbor's car, walking his dog (and in each case, without giving anything in exchange, as that would be contractual, and in Section A), sending a friend a greeting or birthday card, baking cookies for someone special, sharing ice cream with a friend, praying for someone (including one's enemies). These are unsolicited and undeserved acts of kindness and beneficence, having someone's well-being in mind without a clear duty to act to satisfy a clear need or lack (a deprivation of a right is missing). I suggest this is more akin to love than justice.

Stretching it some, this might still satisfy justice, in its widest biblical sense as *virtue*, even if not involving a satisfaction of rights: Rom 13:8-10 indicates there is a general

and continuing duty, actually called a "debt" of Christians, to love others; hence, this seems to fit Augustine's idea of justice as something "due" (a debt). Scripture also says love is the fulfillment of the Law (see Gal. 5:14, Luke 10: 27). So, a colorable argument can be made such generally unneeded acts of kindness and love satisfy justice in its widest biblical sense (such acts are certainly *not unjust*). The difficulty with this analysis is the amount of anything owed under such a general obligation to love is speculative or indeterminate (not set by a clear demand for justice), and is not based on something deserved, in the sense of a right to be satisfied. Including such kindnesses in the realm of justice would also seem to make justice and love virtually indistinguishable, as every act of kindness becomes an act of justice. It seems a better approach is that some separation should exist between the two, and the rubric above attempts this.

[8] Section B is about ***private, voluntary, rectificatory (restorative) acts of justice***, usually inspired by love and mercy (i.e., acts of mercy that also achieve justice for someone). Section B reflects the idea of justice achieved outside of any primary involvement or compulsion of the State. It is private justice. In short, such voluntary, private acts of rectifying justice can take the shape of immediate, emergency assistance to victims of injustice (Good Samaritans, *see* Luke 10: 27-36). It also involves longer-term systematic efforts of individuals and caring groups seeking to improve social ills such as various sorts of human deprivation (poverty, lack of education, sex-trafficking and exploitation, health needs, and so on), but also developing capacity and structural improvements in communities (so-called Social Justice).

A ***Maximalist*** or course is one who provides justice to another beyond any legal duty (the essence of Section B), while a ***Minimalist*** is one who mostly just does what the law requires in a specific situation (as legal justice in Section A, *infra*).

The State certainly also has an important role to play in such situations (both in immediate or long-term aid), *but its work is in* ***Section A, not in B***. In Section B, the State is simply not viewed as the main actor supplying aid (its role is not essential). This is because if the State is involved in supplying some sort of rectificatory aid or justice to victims, it is likely doing so in accordance with its laws, in its legal system, so its actions fit more appropriately in Section A. As a possible exception, if the State, through its laws, is given almost exclusive discretion in supplying some sorts of aid in specific situations (*e.g., aid to victims of a natural disaster, or humanitarian crisis aid in a foreign country*) then it is arguably acting more in a voluntary capacity (like a Good Samaritan). Its acts might arguably then be better described here in Section B, but that is a stretch and those are special situations.

It should be noted also, a great controversy continues to grow as to how much so-called Social Justice should be supplied through the State in Section A, and how much should come through non-State, private-sector actors in Section B (it is often a constitutional issue, addressed more below; *see infra* n. 13).

[9] I do not espouse a strict dichotomy between *Mercy* and *Justice* because of this idea of the Good Samaritan, and similar voluntary aid to those in need, in which both Mercy and Justice are achieved in the same actions. Section B shows this connection. Other *Regular Mercies*, as not particularly indicative of achieving Justice, are indicated in Section C.

[10] Social Justice, as a new term, has several problems with it: (1) the term is often ambiguous, having variable meanings, and Christians have often appropriated the term for God's kingdom work, without being cognizant of its intended meaning(s). (2) State expansion of its role in Social Justice can be problematic, and the role of non-State

actors/suppliers must be cherished and encouraged (*see infra*, n. 13). (3) Some causes pursued in the name of Social Justice are actually not in line with justice at all, but are distortions of it. For instance, and in addition to being linked to some kinds of Rectificatory/ Restorative Justice, Social Justice is also often incorrectly associated with an imprudent form of Distributive Justice (determining one's fair share in society), seeking to make each citizen's economic share or outcome in society the same, regardless of whether such a result is merited or earned. (See Grotius, supporting that *attributive/distributive justice* should not be coerced in society). Social Justice is also being used to support same-sex marriage, and truth distortions in identity politics.

[11] Wolterstorf (2010) would call these *imperfect rights*, because of the unclear specific corresponding duty on someone's part. They are still a part of Justice.

[12] Three points (exceptions or clarifications), help explain or qualify this idea that the State is not essentially involved in Section B, and are indicated here and throughout the table:

i) State Regulation (an exception). The State is well suited to be involved in regulating and licensing charities and private groups for concerns of safety, competence, sanitary standards, and compliance with general law (see the next column in Section B, and note 14 *infra*). Consider for instance, church soup kitchens and homeless shelters, remedial education and jobs skills training programs, and free, private health clinics, and a State's appropriate role in regulating (not controlling) these.

ii) State as Good Samaritan (a potential exception). A State can and should provide some kinds of emergency assistance (like a Good Samaritan), such as *disaster relief* in hurricanes and earthquakes, emergency food programs, health crises, etc. As noted, it would typically do this according to its law in Section A. A rare exception (also already noted), is if it is acting almost entirely in its own discretion, as if a voluntary 'Good Samaritan,' in Section B.

iii) State Supplying Social Justice (a clarification). An appropriate role exists for the State in providing a slice of Social Justice, by which is actually meant only its role in improving social welfare through its normal legislative and governing activities. Since this is part of State's normal legal activity, it also fits in Section A below, and not in B, here. It is here, however, where we see that continuous conflict between the State (in Section A), and private sector (in Section B) in providing Social Justice. *See infra* note 13 (explaining more on this).

[13] As noted above, a great controversy has arisen as to the State's proper role in providing *some aspects of Social Justice*, specifically as to what sorts of social ills it should seek to address, and at what depth. In contrast, is the appropriate role of the private sector. As stated, the issue should be resolved by a sound constitution. History and sound constitutional principles, tested through time, suggest the State's role in Social Justice should be limited and carefully circumscribed (recalling that the State's power to tax and compel is also its power to control and even destroy). In solid constitutional thought, the role of non-State actors, in the private sector, should be allowed, cherished, and supported in law. The State's role ideally should be about addressing structural impediments to improve social welfare in a nation or society. It should address systemic hurdles in education, health care, skills advancement, corruption, and public safety *through legislation*, improving equal opportunities in society, without guaranteeing equal outcomes (as the latter is not indicative of justice). It should allow and leave open the door for private sector entities and individuals to

work in these areas through legislation ensuring that, and it should focus on the priorities of Romans 13: 1-7, of punishing evildoers and safeguarding the innocent.

How might this play out in politics? In the U.S., for instance, Constitutional Conservatives seek to curtail State involvement in addressing social ills and impediments, in favor of churches, charities (NGOs) and individuals doing this. Conservatives voice valid concerns whenever the State is acting as if it were another charity. Instead, they encourage private, voluntary charitable actions. Meanwhile, sometimes well-meaning Liberals (progressives, *leftists*) tend to encourage the State acting as a charitable organization, often ignoring, or unaware, or simply in denial of the dangers in this.

[14] *See* note 12, *supra* (indicating the State's regulatory role as an exception to its general non-involvement in Section B).

[15] Some exceptions on State enforcement, consequences, and corrective action against volunteers in Section B should be noted:

i) If a Good Samaritan causes additional injury, s/he may experience liability (NGOs face similar liability; see below). Liability of a volunteer layman in such cases should be based on a reasonable response under the circumstances, considering the volunteer's level of knowledge and experience, and the availability of any alternative, nearby help (see iii, below).

ii) Some countries, including one or two Scandinavian ones in the recent past, apparently even sought to stop unauthorized voluntary assistance in cases of emergencies (likely because passersby are not trained responders). (A current search of their laws indicates this prohibition may no longer exist.) The idea is imprudent and rare (if existing at all in law anywhere today), since it is common (or reflexive), for most people to render emergency aid of some kind.

In contrast, consider the situation of the thieves who robbed and beat the victim in the story of the Good Samaritan: these culprits should of course be brought to justice (and this is covered in Section A); however, the volunteer coming to a victim's aid, should normally not.

iii) As indicated in the table, the State can impose liability on NGO's and charities providing rectifying (just) mercies, in so far as they may cause additional harm or violate standards of health, sanitation, and quality in rendering their services. The government, of course, should also hold itself accountable (and so can private citizens and *watch groups*), for its own fault in providing services. (Sovereign Immunity relates to this, and is a concept that can also go too far.)

In contrast to private sector social welfare issues, consider again the State's role in the GS story: Is there anything else the State should/could do besides prosecuting the criminals to achieve justice? Could it have improved security and improved lighting on the road to Jericho to prevent this kind of thuggery of innocent travelers? Isn't that a valid application of its role (in Section A) of providing its own slice of social justice or welfare? And if a State isn't able to do this, shouldn't private sector solutions be encouraged to step in and get it done? (Students discuss.)

[16] *See infra*, note 18 (summarizing this idea on amounts in Section A).

[17] Of all three kinds of right in Section A, HRs (and some CRs to the extent they overlap with and match HRs) interestingly have hybrid characteristics, appearing and being satisfied in both Sections A, and B. That is, HRs are sometimes satisfied pursuant to law (stated in a legal duty, in Section A), or contrariwise, HRs are often satisfied by those not having a specific legal duty to act or ensure them, such as volunteers, Good Samaritans, charities, and similar aid agencies (in Section B).

[18] Satisfaction of VLRs, CRs, HRs (on the Positive side) is by performance of a duty, and the ***something due or owed is measurable*** (i.e., defined or determinable). The one satisfying the rights so due can be either private citizens or the State (when it is legally bound as a provider), each acting in a formal legal system. (If private persons and institutions are acting to satisfy the CRs and HRs of others *outside of the legal context, (without a legal duty)*, they are acting in Section B.) The duties and rights in either case are measurable or determinable, and this comports with the idea of justice.

Similarly, violations of VLRs, CRs, HRs (on the Negative side), and the ***injury they cause and remedy needed to repair it are also measurable*** (i.e., quantifiable or determinable). This allows governing authorities to impose equal sanctions to *balance* against violations on the scales of justice. The State (or another formal legal authority) is the actor here, on the Punitive side.

Illustrations. if something is due in the Positive side, it is measurable (i.e. granting a license, paying a sale price, transferring a deed of title, and so on). If something is due in the Negative side, it is also measurable, as a quantum to rectify, or punishments given proportional to injury. In the Punitive context, consider in VLR violations, compensation for contract breaches, tort damages, specific performance, restitution, civil penalties, and so on. In the cases of CR, and HR infractions, consider examples of compensation for violations of free speech, criminal penalties, injunctions, and so on.

In each situation, there is either some amount of performance due to satisfy a right (Positive side), or an amount of someone's injury, or of a violation to be compensated and corrected, or an equivalent punishment to be meted out (Negative side).

Sometimes, especially on the Negative side, remedies and justice can only be approximated to reach a quantum of justice. It is often the best we can do in this life, and Almighty God certainly expects our best attempts in this world at doing justice. In the end, God will satisfy and complete all incompleteness and imperfection in our attempts at human justice in the earth.