

THE UPWARD CALL

*Brethren, I do not regard myself as having laid hold of it yet;
but one thing I do: forgetting what lies behind and reaching forward to what lies ahead,
**I press on toward the goal for the prize of the upward call of God
IN CHRIST JESUS.**
(Philippians 3:13-14 NASB)*

#03-0973

The Kingdom of Our Lord #13.

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Restitution – Loss of Property

This issue is a continuation of the law of restitution and covers certain types of property loss. This needs to be read in conjunction with #03-0934, March 16, 2009, *Justice and Fairness – Making All Right*, #03-0971, March 17, 2009, #11. *The Law of Restitution*, and #03-0972, March 18, 2009, #12. *Restitution – Theft of Property*.

As a reminder, restitution is required when someone causes a loss to another person. The loss could result from an act that is intentional (willful), unintentional (accidental), or negligent. It could involve a person's well-being (body), property, or livelihood. Restitution covers both criminal and civil matters, and applies to all inhabitants in a kingdom nation, all living in the land (citizens and aliens).

Under the law of restitution, especially as it relates to property loss, the underlying principle is that the property that was damaged or lost must be replaced with a like kind. However, this does not prevent the two parties from negotiating a monetary settlement; otherwise, a like-kind payment is required. For example, if a man's brand new car is destroyed, it would be replaced with another brand new car of the same make and model. If the replacement cost were \$40,000, then an equitable payment would be \$40,000.

The following are some examples of restitution involving property as presented by the Lord through Moses. Obviously, every situation is not addressed, which means that in the coming eon (age), the judges must have the wisdom of God and spiritual discernment to execute righteous judgment. Further, in a primarily agricultural society, property is mostly made up of animals, crops, and land. Consequently, the principles must be extrapolated to modern-day goods.

“If a man lets a field or vineyard be grazed bare and lets his animal loose so that it grazes in another man's field, he shall make restitution from the best of his own field and the best of his own vineyard.” (Exodus 22:5 NASB)

In this case, if a man's animal grazes in another man's field and wipes out his crop, then he is required to make full and equal restitution from the best of his field and vineyard.

“If a fire breaks out and spreads to thorn bushes, so that stacked grain or the standing grain or the field itself is consumed, he who started the fire shall surely make restitution.” (Exodus 22:6 NASB)

Another way of stating this is that if you started the fire, you own the fire and are responsible for its destructive result. This should remind us of the devastating fires that annually occur in the western part of the US and the most recent fires in Australia. Under the law of restitution, if a person starts a fire that leads to destruction of the property of others, then the arsonist must make full restitution to all parties. The same applies to an accidental fire.

When I was the president of a condo homeowner's association, I noticed that many residents did not want to take responsibility if a neighbor's unit was damaged due to something that came from their unit, whether due to negligence or by accident. For example, if an owner left water running in the bath tub and the water overflowed and flooded another unit, then it was not uncommon for the owner who caused the damage to state: “It was by accident. I did not mean it to happen. Why should I pay to repair my neighbor's unit? Besides, insurance will cover it.” By the way, this is also an example of **moral**

hazard: “Let someone else make restitution, but leave me out of it.” However, under kingdom law, everyone has responsibility for what is under their control.

(7) “If a man gives his neighbor money or goods to keep for him and it is stolen from the man’s house, if the thief is caught, he shall pay double. (8) If the thief is not caught, then the owner of the house shall appear before the judges, to determine whether he laid his hands on his neighbor’s property. (9) For every breach of trust, whether it is for ox, for donkey, for sheep, for clothing, or for any lost thing about which one says, ‘This is it,’ the case of both parties shall come before the judges; he whom the judges condemn shall pay double to his neighbor.” (Exodus 22:7-9 NASB)

These verses deal with property that is entrusted to another for safe keeping while the owner is away. If the money or goods are stolen and the thief is caught, then double payment is required from the thief, unless the goods were damaged or lost, in which case, the payment would be four or five times the value of the goods (Exodus 22:1). However, if the thief is not caught, then a determination must be made whether the trust had been broken, that is, whether the one entrusted with the goods stole the goods for his own benefit. If the one that had been entrusted with the goods did not steal the goods, then he must make an oath in court to that effect. However, if a breach of trust occurred, then the restitution payment would be double the value of the goods.

As a side note, the word *judge* in the above verses comes from the word *elohim*, which is most often translated God or gods. *Elohim* means *subjector*, which refers to one who has authority over others. In the kingdom of our Lord, His conquerors (saints) will be *elohims*, for they will have authority to judge the world (1 Corinthians 6:2).

(10) If a man gives his neighbor a donkey, an ox, a sheep, or any animal to keep for him, and it dies or is hurt or is driven away while no one is looking, (11) an oath before the LORD shall be made by the two of them that he has not laid hands on his neighbor’s property; and its owner shall accept it, and he shall not make restitution. (12) But if it is actually stolen from him, he shall make restitution to its owner. (13) If it is all torn to pieces, let him bring it as evidence; he shall not make restitution for what has been torn to pieces. (Exodus 22:10-13 NASB)

These verses can be summed up in this way: No restitution is required if animals entrusted to a neighbor are hurt or lost, as long as the neighbor takes an oath that he was not responsible. The owner must accept such an oath and leave it in the hands of God. If the neighbor states the animal was torn to pieces, then he obviously knows its whereabouts. If he produces the evidence, then restitution is not required. However, if the neighbor stole the animal, then he must make restitution.

(14) “If a man borrows anything from his neighbor, and it is injured or dies while its owner is not with it, he shall make full restitution. (15) If its owner is with it, he shall not make restitution; if it is hired, it came for its hire.” (Exodus 22:14-15 NASB)

Borrowing a neighbor’s goods is treated differently from being entrusted with a neighbor’s goods. The reason is that when an owner entrusts something to someone else, the owner retains some accountability in the matter. Another way of stating this is that the owner assumes some measure of risk that something could happen to his goods for which he cannot hold his neighbor liable. However, in the case of borrowing a neighbor’s goods, the principle is different, for the borrower assumes full liability for loss of the goods and must make pay full restitution for any loss of the goods. The exception to the rule is if the owner accompanies his goods to supervise its use. If something happens to the goods, then the owner is fully responsible, not the one who hired the use of the goods.

A present-day example would be a mechanic who borrows a jack from his neighbor in order to raise his car, and the jack breaks because the car was too heavy for the jack. The mechanic would have to replace the jack with like kind or make a restitution payment equal to its replacement value. However, if the neighbor accompanied the jack and supervised its use, then the borrower would not be held liable.