

ONE TORAH FOR ALL

Zerubbabel ben Emunah
www.onetorahforall.com

Understanding Torah Society

Part 13 – The Place of Restitution

Devarim (Deuteronomy) 19:21

“And your eyes shall not pity; life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.”

There are many passages concerning restitution within Scripture; we shall examine a few of them here in this study. The idea of restitution is a very ancient one. Nearly all societies have had some form of it within their own laws. This is no less true for the society which YHWH desires for His own people.

There are several elements in the above passage which are important to our discussion in this study concerning restitution. One of those principles contained in the above passage is the idea that, whatever the loss to the victim, this is what it should cost the perpetrator of the crime in question. It needs to be of like value. However, this may not be a literal loss/return cost. Why do we suggest this?

As we will see below, the cost of restitution may be double, four times, or even five times, the value of that which was taken or damaged depending upon what it was. This restitution also includes a fine to the convicted man which goes to the priests and Levites in the form of sacrifices and offerings. Yet, nowhere in Torah is the written punishment for any specific crime to be the putting out of an eye, the removal of a tooth, or the chopping off of a hand or foot. There are crimes for which one can lose his life, however. Since the loss of life in the above passage is listed first followed by these other “punishments,” it, too, may be more figurative than literal in this particular case.

When one examines the context of the above passage, one discovers that it is discussing a false witness, in particular. When a person comes forward and falsely testifies in an effort to have evil befall the person being testified against, whatever he was hoping to see done to his neighbor is to be done to him. Once again, it is important to note that whatever that verdict may have been against his neighbor, it could not have included the loss of an eye, tooth, foot, or hand. Torah simply does not call for any of these as punishments or judgments. Therefore,

one can begin to see that this is more figurative than literal. We would suggest that this phrase is idiomatic in nature. The point then is as follows, whatever the cost to the person who was being falsely testified against, this same cost must be assessed against the one falsely accusing.

The use of “eye” may be seen as including those things which he sees as being very dear to him. The use of “tooth” may be understood as including those things which he needs to provide food for himself and his family. The use of “hand” may be understood as symbolically representing his ability to work. The use of “foot” may be understood as symbolically representing his means of travel. Therefore, even if it means losing one of these important things in his life, pity is not to be shown to him in order to render a righteous judgment, because this is what he attempted to have happen to his neighbor or brother.

Furthermore, this brings us to another principle—pity. As we discussed in the previous study, pity is not the same as mercy. We are to show no pity towards a false witness, for he has intentionally set out with malice to harm his brother or neighbor. However he had hoped to injure his fellow man is to be done to him without any pity towards him. This in turn will cause the people to fear YHWH, and they shall not set out to intentionally harm through false testimony, their brothers and neighbors.

This next section of Scripture, Shemot 22:1-14, has many items dealing with restitution. While it is important that one person wronged receive just recompense for the wrong done to him, this is not the primary purpose of restitution. Its primary purpose is restoration of broken relationships. YHWH desires for his people to live peaceably with one another. But if one intentionally or unintentionally harms another, then that causes a fracture in the relationship. That fracture needs to be healed. The best way for that to be forthcoming is for the injured party to receive remittance for his loss from the party who caused that loss. It also causes all those living in such a society to be more careful in their dealings with one another.

Shemot (Exodus) 22:1

“If a man shall steal an ox, or a sheep, and kill it, or sell it; he shall pay five oxen for an ox, and four sheep for a sheep.”

Stealing is an expensive venture. The restitution for stealing an ox is to repay five oxen; for a sheep it is four sheep. The basic principle is, the more expensive the item stolen, the higher the cost of restitution that is to be assessed towards he who stole it. Wouldn't it be a lot cheaper just to buy the one instead of having to pay for four or five of the same thing, and then not even having the one which was wrongfully taken? To be sure! This is the whole point, for this is to be a deterrent against wrongdoing.

Shemot (Exodus) 22:2

“If the thief be found breaking in, and be smitten so that he dies, there shall be no bloodguilt for him.”

In a Torah society, every person has a right to protect his property against theft without any repercussions from the law, even to the point of lethal force being used against said thief.

Shemot (Exodus) 22:3

“If the sun has shone upon him, there shall be bloodguilt for him. He shall make restitution, if he has nothing, then he shall be sold for his theft.”

There is a condition in protecting one’s property: the thief must be breaking in at night. If it is during the day, the thief must be apprehended and made to pay restitution. This restitution may include being sold as a slave to pay for his crime. This would be equivalent to a “life for a life” from the opening passage of Scripture.

Shemot (Exodus) 22:4

“If the theft be found in his hand alive, whether it be ox, or ass, or sheep, he shall pay double.”

This verse is basically dealing with a person who is actually caught in the act of thievery. Such a person shall pay double the value of that which he took. He shall return that which he took plus another in like kind of equal value.

Shemot (Exodus) 22:5

“If a man shall cause a field or vineyard to be eaten, and shall let his beast loose, and it feed in another man's field; of the best of his own field, and of the best of his own vineyard, shall he make restitution.”

This passage teaches us a man is to have good fences around his property. Or, at the very least, to have a good under-shepherd to make sure his livestock stays upon his own property.

Shemot (Exodus) 22:6

“If fire break out, and catch in thorns, so that the shocks of grain, or the standing grain, or the field are consumed; he that kindled the fire shall surely make restitution.”

As a farmer, there are times when a person needs to use fire to cleanse his land of unwanted vegetation. However, he must do so with great care. He would not want to burn his field during a drought. He also would want to be mindful of the wind. Furthermore, he would want to have sufficient men on hand to control the fire as it burned. All precautions should be taken that none of his neighbor’s fields catch on fire.

I remember as a young teenager one time when I was shooting some bottle rockets over our neighbor’s pasture. When I stopped, all seemed well. But about thirty minutes later, another neighbor stopped in and said the field was on fire. We got it out, but only after about five acres or so had burned. Since I was a teenager, my dad was the one responsible. So it is in a Torah society, the man of the house is responsible for the actions of those within his household. In such a case, it is as if the man himself has set the fire; he shall make appropriate restitution.

Shemot (Exodus) 22:7-8

7 "If a man shall deliver unto his neighbor money or stuff to keep, and it be stolen out of the man's house; if the thief be found, he shall pay double."

8 "If the thief be not found, then the master of the house shall come near unto Elohim, to see whether he have not put his hand unto his neighbor's goods."

YHWH knows! If a man agrees to watch over his neighbor's property for a time, then covets it and takes it and attempts to blame it upon some unknown thief, he shall be discovered! YHWH knows!

If a thief actually did take it and he is caught, then that thief shall pay double. The man who was watching the goods shall be blameless.

Shemot (Exodus) 22:9

"For every matter of trespass, whether it be for ox, for ass, for sheep, for raiment, or for any manner of lost thing, whereof one says, 'This is it,' the cause of both parties shall come before Elohim; he whom Elohim shall condemn shall pay double unto his neighbor."

If there is a dispute between neighbors concerning any property at all, if they cannot settle it between themselves, then it comes before YHWH and He shall decide. The man to whom the property YHWH says it belongs keeps it and the other man pays double. This is meant to be a deterrent against falsely claiming something belongs to oneself, when in fact it does not. Make no mistake about it, one will not get away with such nonsense – YHWH knows! No man will mock YHWH.

Shemot (Exodus) 22:10-11

10 "If a man deliver unto his neighbor an ass, or an ox, or a sheep, or any beast, to keep; and it die, or be hurt, or driven away, no man seeing it;

11 the oath of YHWH shall be between them both, whether he has not put his hand unto his neighbor's goods; and the owner thereof shall accept it, and he shall not make restitution."

Being a farmer who keeps animals, sheep, goats, and chickens, it is difficult for our family to travel. Whenever we do, we have to find someone to take care of our animals while we are away. The above passage is speaking about just such an occurrence. While the animals are in the care of another, they are the responsibility of that person. If one is taken, then it must be determined who took the animal; was it the man who was placed in charge of the animals or some thief? To do this the man charged with the responsibility of caring for the animals makes an oath before YHWH that it was not he who took the animals. This is no small matter. Attempting to deceive the owner of the animals and lying before YHWH will only bring great grief to the person attempting such a lie.

Shemot (Exodus) 22:12

"But if it be stolen from him, he shall make restitution unto the owner thereof."

However, if the man placed in charge of caring for the animals is guilty of stealing the animals, then he must make restitution as laid out in the above verses.

Shemot (Exodus) 22:13

“If it be torn in pieces, let him bring it for witness; he shall not make good that which was torn.”

If a wild beast comes and kills one of the animals in his care, then he is to bring the carcass before the owner to show him what happened. The man caring for the animals makes no restitution.

Shemot (Exodus) 22:14

“And if a man borrow anything of his neighbor’s, and it be hurt, or die, the owner thereof not being with it, he shall surely make restitution.”

For example, one man borrows his neighbor’s ox to plow his field. While the ox is in his care, it dies; the one who borrowed the ox must make restitution. However, if the owner is helping the man plow his field and he is with the ox when it dies, there shall be no restitution made.

These commandments also apply to non-living items as well, like tools and such. If a man borrows a plow and breaks it, he must either fix it or replace it. However, if the owner is present when it is broken, then no restitution needs to be done.

It is acceptable to borrow from one’s neighbor. However, it may not be the wisest thing to do.

Vayyiqra (Leviticus) 5:15-16

15 “If any one commit a trespass, and sin unwittingly, in the holy things of YHWH; then he shall bring his trespass-offering unto YHWH, a ram without blemish out of the flock, according to your estimation in silver by shekels, after the shekel of the sanctuary, for a trespass-offering;

16 and he shall make restitution for that which he has done amiss in the holy thing, and shall add the fifth part thereto, and give it unto the priest; and the priest shall make atonement for him with the ram of the trespass-offering, and he shall be forgiven.”

Not only does one make restitution to the injured party, but one must also make restitution to YHWH; after all, it was His commandment which was broken. The restitution made to YHWH is separate from the restitution made to the owner of the property. In the above case, the sin being discussed is a breaking of a commandment unintentionally. The restitution due to YHWH is in the form of a sin offering.

B’midbar (Numbers) 5:6-8

6 “Speak to the children of Israel, ‘When a man or woman shall commit any sin that men commit, so as to trespass against YHWH, and that soul shall be guilty;

7 then he shall confess his sin which he has done; and he shall make restitution for his guilt in full, and add unto it the fifth part thereof, and give it unto him in respect of whom he has been guilty.

8 But if the man have no kinsman to whom restitution may be made for the guilt, the restitution for guilt which is made unto YHWH shall be the priest's; besides the ram of the atonement, whereby atonement shall be made for him."

This passage makes it much clearer about who gets the restitution. First, it must go to the owner. If the owner is no longer alive, then the restitution goes to the nearest relative. However, if neither the owner nor any relative is alive, then the restitution goes to the priest.

Vayyiqra (Leviticus) 6:2-6

2 "If any one sin, and commit a trespass against YHWH, and deal falsely with his neighbor in a matter of deposit, or of bargain, or of robbery, or have oppressed his neighbor,

3 or have found that which was lost, and deal falsely therein, and swear to a lie; in any of all these things that a man does, sinning therein;

4 then it shall be, if he has sinned, and is guilty, that he shall restore that which he took by robbery, or the thing which he has gotten by oppression, or the deposit which was committed to him, or the lost thing which he found,

5 or anything about which he has sworn falsely; he shall even restore it in full, and shall add the fifth part more thereto; unto him to whom it pertains shall he give it, in the day of his being found guilty.

6 And he shall bring his trespass-offering unto YHWH, a ram without blemish out of the flock, according to your estimation, for a trespass-offering, unto the priest."

This passage covers everything possible that men do and their dealings with one another. The basic principle is this: be honest in all things. If one gains because of any dishonesty at all, he has done wrong and must make restitution. Here are a couple of examples.

Example one: One man is selling a car. The car has a bad transmission, but only acts up some of the time. He sells it to a man, but does not tell the buyer about the transmission problems. The seller has done wrong in the eyes of YHWH and must make restitution to the seller.

Example two: A man has a business selling household products, but the company he represents has a poor reputation. So the man lies to potential customers to get them to consider buying his products or even to become a representative of the company. This is sin in the eyes of YHWH, and it is defrauding through lack of honesty and deceit, and restitution is due any person who has been deceived into buying what the man is selling.

Example three: A man goes to the store and while there finds a bank envelop with more than a hundred dollars in it. He is a poor man and considers it a blessing from YHWH to have found the money. However, because this money was not simply loose, but in order, and it is obvious that someone had recently lost the envelop having just come from the bank, the man must make an honest effort to find the owner. If he does not, then he will owe restitution to the one

who lost it. Since the finder of the money is poor, he cannot afford restitution. If he is able to find the owner, then the owner may be grateful enough to give him a reward, which he may choose to accept or not. If he does what he can to find the owner and cannot find him, then the money will be his to keep and no restitution will be due.

YHWH wants His people to live in shalom with one another. This is only possible if there is a high degree of honesty and uprightness between neighbors and brothers. The only reason for dishonesty arises when selfish motivations are present. When selfish motivations are present, then harmony between men flees away. We are commanded to watch over and take care of not only our own interests, but of the interests of our brothers and neighbors as well in a Torah society.

Luqa (Luke) 19:8-9

8 And Zacchaeus stood, and said to the Master, "Behold, Master, half of my goods I give to the poor, and if I have wrongfully exacted anything of any man, I restore fourfold."

9 And Yeshua said to him, "Today salvation has come to this house, forasmuch as he also is a son of Abraham."

Please understand that restitution is every bit as much a part of salvation as confessing one's sins. If one confesses one's sins, but then does nothing to make those sins right in which he has wronged his neighbor, then what use is that? Such a salvation is of no use at all.

Zerubbabel ben Emunah

www.onetorahforall.com

zerubbabel@onetorahforall.com

© All material is copyrighted and no part may be changed, added to, shortened or edited; however, the entirety of the article may be reproduced as long as the author's name remains attached to the article. It is encouraged and a blessing for others to forward these teachings to others, and permission is hereby granted for this as long as the teaching is kept wholly intact, which includes the author's name and contact information, the "One Torah For All" header, and this copyright paragraph. Furthermore, it must be passed on without any cost whatsoever to those who receive it. The act of forwarding or sharing this teaching in any way constitutes agreement by the party forwarding it that he agrees to the terms and conditions of this paragraph.