

Tort Restitution: Demonstrating God's Nature as a Healer

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At the heart of tort law is the principle of restitution for harm done. A seminal scripture which sets forth this principle is found in Exodus 21:19: the person who has injured another person “shall only pay for the loss of his time, and shall provide for him to be thoroughly healed.”¹ Modern tort law, following this principle of restitution, requires a person who is responsible for injuries to another to pay for the lost wages, medical expenses, and pain and suffering resulting from those injuries.²

The Hebrew word for healing in Exodus 21:19 is *rapha*.³ As a verb, it has various but related meanings, including “to mend, to cure, to cause to heal; to repair, to repair thoroughly; to make whole.”⁴ As a noun, it means “physician.”⁵ Modern tort law, following the principle of thorough healing, seeks to make an injured person whole through the payment of monetary compensation. The purpose for payment of money for personal injury is to “restore” the injured person, insofar as monetary compensation can do so.⁶ Restoration is designed to make an injured person whole. Requiring restoration by the one who is responsible for the injury is justice.

Tort restitution, seen from a biblical perspective, demonstrates a great principle of healing which has many applications. God's nature includes God's willingness to heal wounds and restore people to health.⁷ The psalmist David called out to God for healing: “O Lord, heal me, for my bones are troubled.”⁸ So did the prophet Jeremiah: “Heal me, O Lord, and I shall be healed[.]”⁹ Jeremiah thus recognized that God was a dependable source of healing. The prophet Hosea spoke of God's expected healing of the nation of Israel after God's judgment: “He has torn, but He will heal us[.]”¹⁰ Jeremiah spoke similarly: “‘For I will restore health to you And heal you of your wounds,’ says the Lord[.]”¹¹

The ministry of Jesus on earth, exemplifying the nature of God, included an explosion of miracles of healing. The first eight chapters of the gospel of Mark describe many instances of Jesus healing the sick and casting out demons.¹² Jesus' ministry is summed up in the gospel of Matthew: "Then Jesus went about all the cities and villages, teaching in their synagogues, preaching the gospel of the kingdom, and healing every sickness and every disease among the people."¹³

The greatest demonstration of healing is the Atonement, by which Jesus' perfect sacrifice as the Lamb of God paid for the sins of all of humankind, is a healing which is available to all people. Both the Old Testament and the New Testament describe the punishment which Jesus took for our sins in terms of healing. Isaiah said: "But He was wounded for our transgressions, He was bruised for our iniquities; the chastisement for our peace was upon Him, and by His stripes we are healed."¹⁴ And Peter, speaking of Jesus and knowing the Old Testament scriptures, echoed the same understanding of the Atonement: "[W]ho Himself bore our sins in His own body on the tree [i.e., the cross], that we, having died to sins, might live for righteousness—by whose stripes you were healed."¹⁵

Human beings are created in the image of God.¹⁶ Thus, it is only natural that God would require us to imitate His nature as Healer by paying compensation when we have caused injury to others.

God's plan for the healing of humankind goes beyond what the civil courts can mandate. God teaches us to heal and restore when we encounter people with wounds which need healing, even though we are not responsible for causing those wounds. Jesus, in teaching what is meant by the command to love one's neighbor, told a parable of a Samaritan who rescued a man who had been robbed and badly wounded by the robbers. The Samaritan had compassion on the man,

bandaged his wounds, and paid an innkeeper to take care of the man.¹⁷ His conduct demonstrated God's nature as a healer through practical assistance. Ministers who are sensitive to the emotional hurts of others demonstrate God's nature as a healer by listening, praying, and giving wise counsel. Through the healing ministries, those who are emotionally wounded can experience the fact that "[t]he Lord is near to those who have a broken heart[]." ¹⁸

Furthermore, God uses His people to repair and restore entire societies and nations. Isaiah speaks of this large-scale healing: "Those from among you shall build the old waste places; you shall raise up the foundations of many generations; and you shall be called the Repairer of the Breach, the Restorer of Streets to Dwell In."¹⁹

In our system of tort law, the civil courts have authority to enforce the requirement of restitution. The healing mandated by tort law can only approximate full restoration of an injured person or group of persons. Nevertheless, as human beings created in God's image, we imitate, through our legal system, the healing which God accomplishes in His relationship to human beings. Thus, the principle of tort restitution typifies a great principle of healing and restoration which is part of God's nature and which God wants to teach to humankind. The tort system, if it operates justly, can be an important part of God's plan for "thorough healing."

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¹ *Exodus* 21:19 (NKJV).

² The responsibility for the injuries can derive from negligent conduct, from intentional conduct, or from engaging in abnormally dangerous activities which give rise to strict liability.

³ *Rapha*, Strong's Exhaustive Concordance of the Bible 7495.

⁴ *Id.*

⁵ *Id.*

⁶ See VICTOR E. SCHWARTZ, KATHRYN KELLY & DAVID F. PARTLETT, PROSSER, WADE, AND SCHWARTZ'S TORTS CASES AND MATERIALS 1 (13th ed., 2015).

⁷ God spoke of Himself as Healer in *Exodus* 15:26 ("I am the Lord who heals you").

⁸ *Psalms* 6:2 (NKJV).

⁹ *Jeremiah* 17:14 (NKJV).

¹⁰ *Hosea* 6:1 (NKJV).

¹¹ *Jeremiah* 30:17 (NKJV).

¹² See, for example, *Mark* 1:40-42; *Mark* 2:3-11; *Mark* 3:1-5; *Mark* 5:1-13; *Mark* 7:32-35; *Mark* 8:22-25.

¹³ *Matthew* 9:35 (NKJV).

¹⁴ *Isaiah* 53:5 (NKJV).

¹⁵ *1 Peter* 2:24 (NKJV).

¹⁶ *Genesis* 1:27 (NKJV).

¹⁷ *Luke* 10:33-35 (NKJV).

¹⁸ *Psalms* 34:18 (NKJV).

¹⁹ *Isaiah* 58:12 (NKJV).