

## Lawsuits and Suing

### I. Definitions

1. Lawsuit *n.* - A suit in law; a prosecution of a claim in a court of law.
2. Sue *v.* - 1. To follow (a person or thing in motion); *occas.* to tend (cattle). 11. To institute a suit for, make a legal claim to; hence *gen.*, to petition or appeal for; to seek to obtain. Now rare (superseded by *sue for*, 21b). 13. To institute legal proceedings against (a person); to prosecute in a court of law; to bring a civil action against. In full, *to sue at* (*†at the, †in the, †to the*) law. 21. To make legal claim; to institute legal proceedings; to bring a suit. b. *Const. for* (*†upon*) that in respect of which a claim is made.

### II. What does the Bible say about lawsuits and suing?

1. The Bible teaches the principle of *restitution* (which will be shown in the remainder of this outline).
  - A. Restitution *n.* - 1. a. The action of restoring or giving back something to its proper owner, or of making reparation to one for loss or injury previously inflicted.
  - B. In order for restitution to occur, the plaintiff must bring the defendant before a judge for him to decide if he has broken the law and owes restitution.
  - C. This was Absalom's campaign promise (**2Sa 15:4**).
  - D. This is the act of *suing* on the part of the plaintiff.
2. Jesus used suing someone at the law as an example of evil (**Mat 5:39-40**).
  - A. This instruction presupposes the innocence of the person being sued.
  - B. It is therefore evil to sue someone unjustly.
  - C. But it is not evil to sue someone for what is rightfully yours.
  - D. If you are being sued justly, Jesus taught to "agree with thine adversary quickly" before you are dragged into court and you end up spending time in prison (**Mat 5:25-26**).
  - E. Therefore, Jesus upheld the principle of suing for restitution.
3. Zacchaeus recognized the ethicalness of restitution when he promised to restore fourfold what he stole (**Luk 19:8**).
4. It is a proverb (see definition) that a thief shall restore what he stole sevenfold (**Pro 6:30-31**).
  - A. Proverb *n.* - 1. a. A short pithy saying in common and recognized use; a concise sentence, often metaphorical or alliterative in form, which is held to express some truth ascertained by experience or observation and familiar to all; an adage, a wise saw.
  - B. Since this saying is a proverb, restitution is therefore a commonly recognized principle among men.
5. Job's friend Zophar, who lived prior to the law of Moses, preached the law of restitution (**Job 20:18-21**).
6. The law of Moses concerning restitution
  - A. Though we are not under OT law, there are principles therein that we would be wise to consider (**Rom 15:4; 1Co 10:11**).
  - B. Restitution for loss of time worked and medical bills due to injury caused.
    - i. If a man struck another man with an object or his fist and he injured him, but didn't kill him, he would have to pay restitution for the loss of the injured

- man's time and pay for his medical bills (cause him to be thoroughly healed) **(Exo 21:18-19)**.
- ii. This is the modern-day equivalent of suing for damages to oneself and for lost earnings.
- C. Restitution for loss of human life due to accident or negligence
- i. If a man accidentally injured a pregnant woman while striving with another man and caused her to lose her baby, he was required to pay as the judges required **(Exo 21:22)**.
  - ii. If a man was negligent to keep a dangerous animal away from strangers and his animal killed a man, the animal and the owner were to be put to death **(Exo 21:29)**.
    - a. The victim's family had the option to sue the man for a sum of money to make restitution for their slain family member instead of requiring the animal owner's life **(Exo 21:30)**.
    - b. The principle applied to a son or daughter who was gored **(Exo 21:31)**.
    - c. If the animal killed a slave, the restitution was a set amount of 30 shekels of silver **(Exo 21:32)**.
    - d. The amount sued for would have differed according to the estimation of the worth of the man, woman, or child **(Lev 27:1-8)**.
    - e. This is the modern-day equivalent of suing for damages to oneself or one's family.
- D. Restitution for loss of property due to negligence
- i. If a man dug a pit and didn't cover it and another man's animal fell into it, the negligent man would be required to give money to the other man for the life of his animal **(Exo 21:33-34)**.
  - ii. If a man let his fire get out of control and burned up another man's property, he was obligated by law to make restitution **(Exo 22:6)**.
  - iii. This would be the modern-day equivalent for suing for damage to one's property.
- E. Restitution for theft of property
- i. If a man stole an animal, he had to restore the owner additional animals in kind, depending on the type of animal that was stolen.
    - a. Restitution for an animal that was stolen and then killed or sold
      - (i) Restitution for a stolen ox was five oxen **(Exo 22:1)**.
      - (ii) Restitution for a stolen sheep was four sheep **(Exo 22:1)**.
      - (iii) The oxen commanded a higher restitution price because they were primarily work animals (producer goods, capital equipment) and also used for food (consumer goods).
      - (iv) The sheep commanded a lower restitution price because they were primarily used for food and clothing (consumer goods).
      - (v) A person therefore can be sued for a higher sum for the theft of a producer good, such as manufacturing equipment which is used to make money, than for the theft of a consumer good such as piece of expensive jewelry.

- (vi) This law is the basis for suing for an amount that would cover losses in future revenue.
  - b. Restitution for an animal that was stolen and recovered alive
    - (i) If the stolen ox or sheep was recovered alive, then the thief had to restore only double what he stole (**Exo 22:4**).
    - (ii) The original animal would have been restored also, which would have been more valuable to the owner than a different animal, hence the lower restitution price.
  - ii. If a thief couldn't pay restitution, he would be sold into slavery to pay the debt (**Exo 22:3**).
  - iii. If a man let his beast feed in another man's field or vineyard, the other man could sue him for restitution, and he would have to give him the best out of his own field or vineyard (**Exo 22:5**).
- F. Restitution for property lost while in one's care
- i. If a neighbor was keeping money or things for a man and it was stolen from him, the thief, if found, was required to pay double (**Exo 22:7**).
  - ii. If the thief was not found, then the man could take his neighbor to court and have the judges decide if he stole the goods himself; and if he stole them, he would have to pay double (**Exo 22:8-9**).
  - iii. If a neighbor was keeping animals for a man and they died, were hurt, or were driven away, no man seeing it, then the neighbor would take an oath before God that he did not steal them and he would not have to pay restitution (**Exo 22:10-11**).
  - iv. If he stole the animals, restitution was required (**Exo 22:12**).
  - v. If the animals had been killed by a wild beast, then the remains were to be presented and he would not have to pay (**Exo 22:13**).
  - vi. The law of Moses did not allow for suing someone for something that was out of their control, as long as it was not due to negligence.
- G. Restitution for damaged property that was borrowed
- i. If a man borrowed an animal from his neighbor and while he was using it without the owner present it was hurt or killed, then he would have to replace the animal (**Exo 22:14**).
  - ii. If the owner was with the man when the animal was hurt or killed, or if the owner had hired the man to use it, then no restitution was to be made (**Exo 22:15**).
  - iii. The law of Moses therefore allowed for suing someone for the price of something that was damaged or destroyed while being borrowed.

### III. When can a Christian sue?

1. A brother in the church should not take another brother in the church to civil court, but should rather take the matter to the church to let them decide it (**1Co 6:1-8**).
  - A. After hearing the case, the church could decide that restitution is owed.
  - B. In that case, the brother must abide by the ruling of the church.
  - C. If he doesn't, then he must be put out of the church (**Mat 18:15-17**).
2. Based on the Biblical principles that have been shown, it is permissible for a Christian to sue for restitution. This would include suing for restitution for:

- A. Loss of life, whether intentional or owing to neglect.
- B. Loss of future earning potential due to death or injury.
- C. Loss of property due to being stolen or destroyed.

#### IV. When a Christian shouldn't sue

1. There is no example of suing for pain and suffering in the Bible, and therefore a Christian should seriously consider not doing so.
2. Since restitution is "the action of restoring or giving back something to its proper owner, or of making reparation to one for loss or injury previously inflicted," it is unbiblical to sue for exorbitant amounts of money that surpass the value of the actual loss or the loss of future earning potential.
3. We should not sue someone if we were at fault or if we were negligent. For example:
  - A. Burning yourself with hot coffee.
  - B. Hurting yourself while trespassing.
4. We should not sue someone for something that was out of his control. For example:
  - A. A tree falls on you while standing in your neighbor's yard.
  - B. You hurt yourself while riding your neighbor's fourwheeler.
5. We must count the cost before suing someone (**Luk 14:31-32**).
  - A. If the offence was minor, then let it go (**Mat 5:39-42**).
  - B. If it was major, don't let yourself be destroyed because you refuse to do judgment (**Pro 21:7**).
6. If you are being sued and you are in the wrong, try to settle out of court before the situation turns from bad to worse (**Luk 12:58-59**).