

CURRENT TALMUD PASSAGE

Posted April 25, 2004 by Rabbi Judy Abrams. Please refer to Maqom's home page for information about previous passages.

BH

TRUMP CARD: WHAT KIND OF EVIDENCE AND REASONING ARE THE BEST ACCORDING TO THE SAGES?

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This passage is in Tosefta to Mishnah Sanhedrin (that is, it's a teaching about what's in the Mishnah but it's only 20 years after the Mishnah is finished). They are prioritizing which sorts of evidence are more significant in their system of logic. Here is their priority system:

1. An actual case that is being, or has been, adjudicated (ma'aseh).
2. A tradition (halakhah).
3. A tradition linked to a Torah verse (halakhah midrash).
4. A moral tale (haggadah).
5. Reasoning from a minor to a major principle (e.g., if it's good to have \$100 it's even better to have \$1,000).
6. Reasoning that if a word has one meaning in one place then it has that same meaning in another place.
7. A sage.
8. A student.
9. One who has no learning.
(T. Sanhedrin 7:7)

I found myself stunned by this passage. I was sure that "halakhah" would be at the top of the heap. Instead, it is actual incidents-real life experiences-that are awarded the highest degree of authenticity.

We could arrange these three "triplets" in a different way:

Ma'aseh	Haggadah	Chacham
Halakhah	Kal v'chomer	Talmid
Halakhah midrash	Gezeira Shavah	Am Ha'arets

In English that comes out as:

An incident	A story	A sage
A reliable tradition	An analytical device	A student
A traditional story	A definition device	A person with no learning

Discussion Questions:

What isn't there to discuss about this passage? Perhaps let's work our way from the outside to the inside.

A person who has no learning is still presumed to be able to understand language and stories that could be connected to traditions. A student could use the most elementary devices of rabbinic interpretation to make his way to reliable

traditions (halakhah). Finally a sage could use a story and from thence, be able to judge an actual case fairly.

1. What do you make of this system? Were you surprised or not? Why?
2. In your own life, and in modern culture, how are all these categories thought of in terms of practical outcomes?
3. The text goes on to assert that if two opposing sides come in with a parity of proof in all three categories (i.e., level of education, language and tradition) then the Turgeman (the chief sage in charge) may decide the issue in whichever way he likes. What does this tell us about this somewhat mysterious place of this person in the life of the Academy?

I look forward to reading your answers!