

## Chapter Ninety-Four

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# “Objection, Your Honor!”...Isn’t the Bible All Just Hearsay?

What is “hearsay”? If I tell you that I saw a ghost, that would *not* be hearsay, because you could ask me any skeptical question you may have about my claim of seeing a ghost and then decide whether you believe me based on how well, or not so well, I am able to address your skeptical questions and concerns. It might be a tall order to convince you that I saw a ghost, but at least you can *directly* assess my credibility on the issue. What if I instead told you that a friend of mine told me that she saw a ghost and I think that you ought to believe her? To believe that she really saw a ghost, you not only would have to believe my account of what she allegedly told me, but also, more importantly, you would have to believe that what she told me was the truth. Your belief in the existence and appearance of a ghost would be based on the hearsay statement of my friend, although you could not directly question my friend about it (assume for our purposes here that she is now gone).

In a court of law, not only would that hearsay usually be considered unreliable evidence, it would also be inadmissible, so it would be prohibited from even being considered by a jury. It does not matter if those statements are oral or if they are written down in some text; they would be inadmissible, in either event. Accordingly, I admit that my skepticism of any text containing hearsay is a function of my being a legal academic. My training as a law professor who also happens to teach an evidence course in law school, coupled with my experience as a lawyer and a coauthor of an evidence textbook, leads me to the inescapable conclusion that the Bible is entirely a hearsay document when being used to prove the truth of the matter asserted therein.

Let’s look at another example of hearsay. Assume that a witness in a legal dispute dies before the trial but that, before dying, that person had written a long letter stating what he or she allegedly knew about the case. That letter, like the Bible, would be a hearsay document. In fact, that witness to the dispute would not really even be a witness at that point because that person (who actually would be an out-of-court declarant, but not an in-court witness) would not be available to testify, and be subject to cross-examination, so the earlier assertions that the person (the declarant) would have made about the dispute in his or her letter would be hearsay. That is what the Bible is—a document containing all of the hearsay assertions of now dead-and-gone authors (declarants), like Moses, who wrote the Book of Genesis if asserting the truth of what they wrote.

The Bible also often contains hearsay within hearsay, in which the writer/declarant is someone who is reporting what someone else, another declarant, had said or written before—in the

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previous example, it would be that a friend told me, that a friend told her, that he had seen a ghost. Although hearsay, as well as hearsay within hearsay, is generally inadmissible in a court of law, there are numerous exceptions. Those exceptions do not mean that the hearsay is to be considered true; instead, the hearsay is just admissible and can be *considered* by a jury, like any other evidence, to be either true or false. Still, the basic idea is that witnesses should have direct knowledge about which they can testify and be subject to cross-examination in court. With respect to the Bible, however, obviously, that is not possible because all of the authors/declarants of the Bible have been dead for thousands of years now.

Additional hearsay probably was created as handwritten copies of the Bible were made and various translations occurred through the ages, where these changes were made by scribes and translators. If so, then there were even more declarants—the scribes and translators—who made either accidental or purposeful transcribing and/or translation errors or even intentional transcribing or translation changes. So not only is there hearsay by the original writers of the Bible (like Moses), which may reduce the reliability of the information contained within the Bible, but other early methods of reproduction are potential further “levels of hearsay” that may have reduced its reliability even further. For example, the first mass production of the Bible occurred in Catholic monasteries. At each of these monasteries, a group of Catholic friars would sit down in a room and transcribe the Bible by hand. There is some evidence that if there was a part of the gospel with which they disagreed or that they thought was poorly written in the copy they were using for reproduction, they would change it, thinking they were somehow making it “better” or more “consistent” or more in line with God’s true words and intentions.

Moreover, because many of the Bibles were part of the same method of reproduction, there was a high probability that each copy a friar possessed was slightly different from the others because of slight human error. Thus, it was quite possible, before the printing press, that twenty friars could transcribe twenty copies of the Bible resulting in twenty slightly different copies of the Bible. In short, because each friar could make his own copy and interpretation, he may have added yet another layer of hearsay. More reliable attempts at standardization only occurred with printing presses.

Consider the hearsay statement in Genesis 1:1—“In the beginning, God created the heaven and the earth.” First, the writer/declarant, Moses, is not here today to be a live witness to testify and to be subject to cross-examination about what he knew, saw, and heard, so all of what he wrote in this verse is Moses’s hearsay statement. Indeed, the Bible is entirely a hearsay document in that general sense—and that is just the first level of the hearsay in this example. Next, notice that Moses had no direct personal knowledge of God creating Heaven and Earth because, of course, Moses could not have been there to witness any of that. Adam, the alleged first human, had not even been created at that point, so no human being could have witnessed creation actually taking place. Accordingly, asserting that God created Heaven and Earth is a hearsay statement of which no human has personal direct knowledge. The verse also contains two huge implied assertions, or assumptions: (1) that Heaven is an actual place and (2) that there exists a

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God. Although these assumptions are technically not hearsay because they are only *implied* assertions in the statement that God created the heaven and the earth—that is, they are not *express* assertions in that statement (at least not in this verse); that God created Heaven is the express assertion—the *existence* of both Heaven and God still represent wholly unsupported assumptions, that is, implied assertions, within the verse with no independent evidence to support them.

Additionally, it is unclear exactly who told Moses that God created Heaven and Earth. If another human being told Moses, that statement to Moses would be another level of hearsay, but again, whoever told Moses also would not have any personal knowledge of creation because no human being could have been there to witness creation taking place. The law of evidence also generally requires a witness to have personal knowledge, because we want to hear only from people who actually have witnessed something—in fact, that is why they are called witnesses.

If God Himself was the one who told Moses directly that He had created the heaven and the earth, assuming that hearing “internal voices” from God even counts as evidence of real statements, that too would represent yet another level of hearsay because that would be God’s assertion to Moses (one level of hearsay from a declarant), which Moses then reasserted to us in written form in Genesis (a second level of hearsay from a second declarant). Even if we could somehow cross-examine God (the first declarant) and actually get His answers to these questions, we could not cross-examine Moses (the second declarant), as Moses is now dead and dead witnesses are legally incompetent as witnesses.

Asking such questions as these, of course, often offends fundamentalist believers, who will quote key words from the Bible that tend to show that such questions are probably offensive to God:

[1] Then the LORD answered...and said, [2] Who is this that darkeneth counsel by words without knowledge? [3] Gird up now thy loins like a man; for I will demand of thee, and answer thou me. [4] Where wast thou when I laid the foundations of the earth? declare, if thou hast understanding. [5] Who hath laid the measures thereof, if thou knowest? or who hath stretched the line upon it? [6] Whereupon are the foundations thereof fastened? or who laid the corner stone thereof; [7] When the morning stars sang together, and all the sons of God shouted for joy? (Job 38:1–7).

Some believers might attempt to attack my position by asking me where was I when God laid down the foundations of the earth. Of course, I was not there, and I certainly was not alive to witness it; I admit that, as well as the fact that I do not have complete understanding of the cosmos. But my point is simply to ask that same where-were-you question, in reverse, about biblical authors. Thus, where was the human author who wrote Genesis 1:1 when God “laid the foundations of the earth” at creation? That would be the same place I was—not there, and not

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alive to witness it, and so the hearsay concern does not rest with what God Himself directly said or did; instead, the hearsay concern rests with the reliability of the mere humans who were biblical authors (including translators and transcribers) that have asserted in various writings recorded in various versions of the Bible what God allegedly said or did.

If it is offensive on my part even to suggest that, as a legal definitional matter, the Bible is just hearsay from all of the various human authors of the Bible, should I equally be offended if someone were also to say that my book is just hearsay of its mere human author (me)? What if I asserted that God wanted me to write this book and that God specifically told me to write this book one night two years ago in a dream? If a fundamentalist were at all skeptical of my claims of divine inspiration about God's direction for me to write this book, could I then rightly accuse that person of attacking God's word as blasphemy for doubting what God had said to me? Isn't that the height of presumptuousness? Whether I claim that God told me certain things that I wrote in a book and now assert to be the truth, or whether Moses claimed that God told him certain things that he wrote in a book and later asserted to be the truth, both of our books would still be, by definition, hearsay documents.

If the Bible is hearsay, that would mean that the faith God asks of us, as defined by fundamentalists, requires faith not only in the version of God put forward in the Bible but also in the humans who wrote those assertions about God in the Bible, as well as in those humans interpreting those written words. That does not necessarily mean that the Bible is not true—not at all—but it does mean that the Bible is hearsay if used to promote what is written therein as the truth. The Bible contains the assertions of the writers who wrote about God, and sometimes the assertions of others who told the authors something about God—but in every case, the assertions are all hearsay statements. Whether they were written or oral statements, they were still assertions that were intended as a communication to a listener and then to a reader.

Of course, the Bible did not have to be written using human beings as direct or indirect scribes. According to the book of Exodus, and as dramatically depicted the movie *The Ten Commandments*, God used fire to write the Ten Commandments on stone tablets Himself. So why didn't God use fire to write *everything* in the Bible on stone tablets? The Bible also says that God spoke directly to Adam and Eve and many other biblical figures. If direct oral communication from God is possible without using a human mouthpiece, why wasn't direct written communication from God employed for the Bible, without using a human scribe? Why did God communicate His important messages to humanity using the very indirect and often unreliable method of hearsay when God had no difficulty talking directly to people in the past? Why involve imperfect humans in the writing and translation of the Bible, a book so monumentally important and containing God's personal message to us all, instead of using nothing more than the perfect hand of God to write the Bible? And while He was at it, why did He not write it perfectly without any translation errors in every language on Earth, both at the time and in the future? This leads to the larger question of whether the Bible would have been written exactly as it is now if God were to have used fire to write it all on stone tablets *by Himself*.