

## Chapter Ninety-Five

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# Does God Really Want Us to Rely on All of This Hearsay?

Let's further explore the hearsay concern. Ask any trial lawyer in America what hearsay is, and he or she will tell you that it is something like "an out-of-court statement made by a declarant that is related in court by a witness and being used to prove the truth of the matter asserted by the declarant" or something a bit shorter, such as, "it is what someone (a witness) says that someone else (a declarant) has said out of court about something to be proven in court." Another example in context would help to further clarify these legal definitions of hearsay.

Suppose that I am a witness in a traffic accident case and I testify, "I saw that the light was green for the plaintiff as she drove through the intersection." That statement would *not* be hearsay because the truth of what I am saying is based on my personal knowledge and can be tested in court by cross-examining me right then before a jury that could assess my credibility. Now suppose that I testify, "Lisa told me [or Lisa wrote to me in a letter] that she saw that the light was green for the plaintiff as the plaintiff drove through the intersection." That would be hearsay if the plaintiff's lawyer were using Lisa's out-of-court assertion (what I said that Lisa said or wrote to me) to prove that the light was green for the plaintiff as the plaintiff drove through that intersection. In contrast, if Lisa took the stand herself and testified directly about what she saw and didn't see, her testimony would not be hearsay. We could test her assertions directly through cross-examination. Of course, if Lisa were now dead and therefore could not testify in court herself, we could never know directly from her.

Note that the truth of what Lisa said is not based on my personal knowledge; all I know is what Lisa either said or wrote to me as her assertion. Thus, the truth of what Lisa has asserted (that the light was green for the plaintiff) cannot be tested in court by the cross-examination of Lisa right then in front of a jury that can assess her credibility based on how she might answer. To believe that the light was green for the plaintiff as the plaintiff went through the intersection would be nothing more than a complete leap of faith, a speculative guess, based solely on what I claimed that Lisa had said or had written to me. Generally, that would be inadmissible in a court of law because we want to hear directly from the people with *actual* knowledge about the issue in dispute, especially when the matter at hand is important. We want to hear it "straight from the horse's mouth." Whether I saw it or not, we certainly wouldn't want my personal interpretation of what I think (1) Lisa meant, (2) possibly meant, (3) must have meant, or (4) should have meant when she said or wrote to me what she allegedly saw regarding the accident.

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This hearsay problem is compounded by more hearsay if I then wrote what Lisa said to me in a letter and that letter was introduced in court without me, because my whereabouts at the time of the trial also would be unknown and therefore I could not testify in court either. The letter would now contain my written hearsay assertions (one hearsay level with me as a declarant) about Lisa's verbal or written assertions made to me (yet another hearsay level with Lisa as another declarant). Such hearsay, and hearsay within hearsay, is generally inadmissible in court.

Like so many times when it comes to the law, there are numerous exceptions. Still, as a basic rule of evidence, hearsay is generally inadmissible in a court of law because it is considered to be *unreliable evidence*. We believe that our American justice system is so important that we should not be making legal decisions about the guilt or liability of a person based on mere hearsay. Thus, on that basic level alone, I am skeptical of the hearsay that makes up the Bible. The Bible is not necessarily, therefore, what God has said; instead, it is what men have said that God has said, or what others have written that others have said that God has said. What we are being asked to believe is only what those men thought God meant for us to believe was the actual Word of God. Indeed, in the New Testament, for example, the first four books are called the Gospels "According to" Matthew, Mark, Luke, or John; they are according to human authors and are *not* said to be "according to God." Also, there are many letters—personally written letters—that were written by the Apostle Paul to various groups of early Christian churches (the Galatians, the Thessalonians, and the Philippians, for example) included as books of the New Testament. These were letters that are admittedly written by Paul to specific people, and as such, they are all Paul's hearsay.

Some Bibles are marketed and sold as special red-letter editions, meaning that all of the words of Jesus in the New Testament are printed in red ink so a reader knows the exact words that Jesus supposedly spoke, as direct quotes, at least according to the writers. But if God directly wrote *all* of the Bible, not just some of it, and Jesus *is* God, then logically, shouldn't the *entire* Bible be printed in red ink? If not, doesn't that demonstrate that all of the *non*-red-letter words are *not* those of God but are instead just the words of the men who actually wrote the words used in the Bible? Moreover, even the red-letter words of Jesus are, in reality, just what the New Testament human authors have asserted that Jesus allegedly said directly. To be consistent, how much of the Bible should be printed, perhaps in blue ink for the direct words of God the Father (like the Ten Commandments or discussions with Adam and Eve in the Garden of Eden), and how many letters should be printed in perhaps yellow ink for the direct words of the Holy Ghost, assuming the Holy Ghost ever said anything that is a direct quote?

Even if that were done, many of the words contained in the Bible still would not be in any special color at all because there is not even a claim that those words (for example, geographical descriptions or family relationships, or descriptions of wars or various other incidents) would be the direct words of God or any one member of the Holy Trinity. Any words printed in red, blue, or yellow ink would still be whatever the human writer/declarant (who was not God Himself) penned them to be (except for the actual stone tablets on which God wrote the Ten

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Commandments with fire), even if God allegedly inspired the human writers, in which case, maybe those words could be printed in green ink to signify non-direct quotes but words allegedly divinely inspired by Jesus, God the Father, or the Holy Ghost. Again, however, all of the Bible is hearsay as admittedly second- and third-hand information written by human authors.

Hearsay is not any more reliable because it was written a very long time ago by some religious people in the Middle East. It is still hearsay, just extremely *old* hearsay. Some might point to certain exceptions to the hearsay rule, however. For example, if someone is describing an event as it occurs, that is called a present-sense impression, and it is admissible. The assumption is that people do not have time to lie about something as they are describing it while or immediately after it occurs. Similarly, if a person under the stress of a startling event makes a statement about that startling event, it would be admissible as an excited utterance. The assumption is that people do not lie when they are under such stress. They could still be lying, of course, but at least we will now allow the jury to hear what they allegedly said because it is thought to be at least a bit more reliable.

There are plenty of other of these kinds of exceptions and thus many examples in the Bible that would fall within the exceptions to the rule against hearsay and thus would allow the biblical hearsay to be considered as evidence in court. For example, if a blind man exclaimed, "I once was blind, but now I can see!" such would be both a present-sense impression and an excited utterance of the cured blind man declarant, but that exception would not cover the hearsay of the biblical human writer declarant of the incident, because it would apply only to the hearsay statement of the now cured blind man but not to the writer. Remember also that the gospels were written several decades after Jesus's time. These writings, at that much later date, would still constitute hearsay, and exceptions such as the present-sense impression and the excited utterance would be inapplicable to them, even if they would be applicable to the hearsay-within-hearsay statements of the non-writer declarants (such as the cured blind man) when they made those particular hearsay statements.

Of course, the Bible is not on trial here, and this is not a court of law. Still, it is interesting that courts of law generally find hearsay to be so unreliable that we have an entire rule prohibiting the jury from even considering hearsay, yet we base our entire Christian doctrine on the hearsay contained in the Bible. Although foreign court systems often allow hearsay, they consider it to be very weak evidence; these countries just do not exclude hearsay from consideration at the outset as in the US.

There are a couple of other exceptions to the hearsay rule in the US that I have not discussed under which the Bible might possibly fit, but the fact that the hearsay in the Bible would be admissible in court under such exceptions does not equate to the Bible being true; it only means that the hearsay statements could be considered by the jury. In considering that hearsay, the jurors could still find that hearsay as not credible or reliable enough upon which to base their verdict.

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For example, there is an exception for “ancient documents” (documents more than twenty years old, such as property deeds) because someone is probably not going to forge and then wait twenty years to act on it (although there would still be an incentive to rely on a religious document into the future). There is another exception for a “learned treatise” so an expert witness physician, for example, could refer to basic medical or anatomy books, which are entirely factual and scientific, testable, and largely empirical and certainly not spiritual and supernatural. Still, those possible exceptions would not change the fact that, at its core, the Bible is entirely hearsay. For that matter, so is the Qur’an, as well as all other religious texts, so if the Bible is not hearsay, then neither is the Qur’an, and if the Bible is hearsay but possibly could fall within the ancient-documents or learned-treatise exceptions, so could the Qur’an. As such, the same arguments really could be made for any and all religious ancient-document or learned-treatise texts.

It is revealing that both Christian and Muslim fundamentalists probably would agree that any religious text other than their own would be unreliable hearsay but their own particular religious text would not be unreliable hearsay or, at the very least, their own text would nicely fit into an exception in a way that any and all other religious texts would not. As far as the ancient-document exception goes, keep in mind that a twenty-one-year-old *National Enquirer* article may qualify as an exception to the hearsay rule under the ancient-document exception, and that obviously would not necessarily mean that the article should be taken as true.

Recall that we are not talking about proving the ultimate truth but only about whether we would *consider* a book to be admissible in court for the jury to consider as an exhibit. The point is that hearsay is often considered to be so unreliable that it not only should be discounted by jurors as unreliable when they are weighing the evidence but should never even reach the jury’s consideration—meaning that we should not even waste the jury’s time with it. Hearsay is thought to lack so much credibility and believability by our legal system that it is usually inadmissible so the jury cannot even consider it as evidence. Hearsay does not necessarily make something a lie or untrue, but it is not considered as reliable as the direct testimony from a witness with personal knowledge about an incident. Still, there are numerous exceptions.

Whether the Bible would be inadmissible hearsay or would fit within an exception to the hearsay rule, can’t we just say that the Bible must be true because so many people from so many countries for so many centuries have believed that it is the authentic Word of God? Along these lines, there is a residual exception or sort of a catchall exception to the hearsay rule for anything that has other indicia of reliability. Perhaps the Bible, as well as any other religious text, could fit within that general exception, but the reliability would have to be based on faith and/or on the fact that so many other people throughout time have considered it to be true (keep in mind, however, that many people *not* believing it to be true would not necessarily render it untrue). Mob psychology does not necessarily override hearsay concerns, nor should it. No matter what people may believe (or not believe) about the Bible, the hearsay assertions of biblical authors are still just their opinions and personal interpretations about God and other matters. Remember

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that at one time, most people believed that the world was flat—and that didn't make it so. The Bible therefore remains what God *allegedly* said or wrote to us all, according to the assertions of the human writers of the Bible. As a result, my skepticism is with these written hearsay assertions by ancient human beings in the Middle East, and not with God.

Simply doubting other human beings, however, is by itself no answer, either. That other people do not know something does not mean I do. If I am skeptical about what others have written about God, then all I am left with is my own thoughts and feelings on the subject. Although I would not purposefully lie to myself about God, I am also equally skeptical about my own beliefs and perceptions of God as authoritative for others. If I am skeptical of fallible human authors telling me who and what God is in a book or through sermons about passages in the Bible, why should I, also being a fallible human being myself, escape my own skepticism?

The difference between me and most other fundamentalist believers, however, whether they staunchly believe in God or whether they are hardcore atheists, is that I am at least willing to admit that I do not know for sure if the Bible is actually the Word of God or not. It might be that the Bible was divinely inspired but only some of it is accurate while much of it could have been inadvertently compromised by the people who wrote it. I admit that this shortcoming is a possibility, but even with that admission, my faith in God can be as strong as that of someone who refuses to question the Bible at all. Perhaps my faith, then, unorthodox as it may be, is even stronger than theirs.