

## **Teiku and Political Discourse**

One of my many extracurricular activities is serving as a member of a Pennsylvania Supreme Court Committee whose job it is to standardize instructions to juries in civil cases. Anyone who has served on a civil or criminal case in the American court system, whether federal or state, remembers the experience of anxiously waiting for the judge to give his “charge” or instructions to the jury. Most jurors will confess that they have difficulty understanding the charge, but a small group of people have toiled away for hours and years to try to come up with clear and concise statements of the law.

The current work of the Supreme Court Standard Jury Instruction Committee is to try to make jury instructions more understandable; “plain English,” the experts call them. Every few years the instructions need to be updated because of changes in laws wrought by the legislature and the courts.

What a jury should be told on a particular point of law may be debated for years. Sometimes even after a consensus is reached, the point will be redebated, rewritten, or perhaps even tabled.

At a recent meeting, a particularly strenuous argument took place over the arcane question as to whether the concept of “reckless” conduct incorporates negligent or careless behavior as well. This question, which probably only three people in the world would care anything about, consumed a fair amount of time and became more and more heated. At odds were a very distinguished and well respected law professor and me. It was clear that neither party was going to relinquish their position. The assembled group watched in what no doubt must have been frustration, at the obvious clash of self-assured ego.

Finally, a very fine commercial lawyer from Philadelphia shouted out, “Teiku!” Everyone was stunned and had no idea what was going on. Was this some strange Latin phrase used in the law for a millennia? Was it a sign of exasperation? Did it mean that there was a fire in the building and that we should all run out?

The man then stated further “let it stand; as it says in Talmudic discourse.” He then went on to say “Teiku is an acronym for Tishbi Y’tareitz Kushyot Va’Abayot – the man from Tishbi (Elijah) will solve difficulties and problems.” In other words, when Elijah returns from heaven as a precursor to the Messiah, he will spend some of his time resolving unanswered questions.

Whether the Messiah has come before or whether he has yet to arrive, it was astounding to hear this short lecture in a clearly secular group discussing American

legal principles. “Teiku” stilled the waters and the assemblage moved on to another legal debate.

I could not remember the last time that I heard religion, especially referenced to the Talmud, utilized in such a setting. We are all very reluctant to bring religion into life outside of the religious institution. For those, unanointed, the Talmud is a 22-volume collection of debates, legal decisions, stories, histories, advice, and even funny stories accumulated by the leading scholars of Judaism beginning in the period shortly after the time of the prophets and which was codified approximately 200-400 years after the advent of Christianity. It is clear, for example, that when the New Testament refers to Jesus discoursing with the Rabbis, they were studying Gemara, which are the legal precedents contained within the Talmud. In fact, the Talmud preserved much in the way of history and culture that existed at the time and is often referred to as the “oral law” even though it is currently written down.

Much as the Bible is understood and revered by most of the world today, the time will come when the Talmud will be accorded similar respect and understanding. Much of what we take for granted in the Bible is really Talmudic explanation of biblical principles. The New Testament was formulated close in time to when the Talmud was written down. The two works share much in common and in many ways represent the reason why we refer to a Judeo-Christian ethic. Anyone who is familiar with the New Testament and the Talmud cannot help but be appreciative of the similarities.

Unfortunately, in the Middle Ages the Talmud became the enemy for ignorant and anti-Semitic reaction. Thousands of volumes of the Talmud were burned in Paris and elsewhere, in spite of the attempt by some Popes and religious leaders to stop the carnage of Jewish history.

Teiku recognizes the fact that answers cannot always be found. As the Bible itself says, some of the answers to life’s mysteries can be found here on earth and others are in heaven. “The secret things belong to the Lord Hashem, but the things revealed belong to us and to our children forever, that we may follow all the words of this law.” Deuteronomy 29:29.

Some questions, whether in law, politics or science, simply cannot be answered, or at least not with current modalities. The Bible and the Talmud are absolutely correct when they say that some issues are better left unanswered or undecided rather than arguing and discoursing needlessly. With our population in the midst of debates between the Presidential candidates, it would be great to hear one of them shout “Teiku!” Probably such a candidate would immediately skyrocket in the polls or be cast out of the political matrix altogether. Perhaps we do not know the answer to every question and simply need to vote our philosophy in the hopes that answers will be forthcoming as we evolve our societal norms.

I do not expect anyone in politics to be shouting “Teiku” anytime soon, but one never knows.

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