

TALMUD TORAH 4:8

by Rabbi Yitzchak Etshalom

*Imoderator: a word of explanation of several terms used here: According to Rabbinic tradition, not only were we given the Torah at Sinai, we were also given rules of inference and interpretation. One of the most basic rules is called "Qal vaHomer" - literally - "easy and hard". It is a logical deduction whereby if a law applies in a less obvious case, we can infer that it certainly applies in a more serious case. For example, when Miriam was disgraced by God (Numbers 12) for her slander of Moshe, she was sent out of the camp for 7 days. God said to Moshe, "If her father had spit in her face, she would be shamed for 7 days." from which we can easily infer that if 7 days is the "shame period" for being disgraced by her father, Qal vaHomer that she should be [at least] shamed for seven days if disgraced by God. The second rule mentioned in the following Halakha is called "Gezera Shava" - analogy by common term. When the Torah uses a similar (usually uncommon) term or phrase in two places, it demonstrates a connection, such that information about one case may be applied to the analogue. For example, We are told to "Remember" (*zakhor*) what Amaleq did to us when we left Egypt (Deuteronomy 25) and we are told to "Remember" (*nizkarim*) the Purim story (Esther 9). Since we already know that remembering Amaleq must take place by reading from a scroll, we apply that reasoning to the Megilla and must read the Purim story from a scroll (BT Megilla 17).]*

8. If two people asked questions simultaneously [then the following applies]: *If one of them asked a question relevant to the topic and the other didn't, priority is given to the relevant question. *If one of them is] a practical matter and the other isn't, priority is given to the practical question. *If one of them is a question of] Halakha (law) and the other one *Midrash* (exegesis - scriptural interpretation), priority is given to Halakha. *If one of them is a question of] Midrash and the other one *Aggadah* (legends), priority is given to Midrash. *If one of them is a question of] Aggadah and the other one Qal vaHomer, priority is given to Qal vaHomer. *If one of them is a question of] Qal vaHomer and the other one Gezera Shava, priority is given to Qal vaHomer. If of the two questioners, one was a sage and the other a student, priority is given to the sage. If one was a student and the other a commoner, priority is given to the student. If both of them were sages, both students or both commoners, or if they asked about two Halakhot or two responses or two practical questions, from this point on, the spokesman has the option [of giving precedence wherever he desires.]

Q1: What is the meaning of this priority system (within types of questions)?