

Chapter 11

Talmud Diagrams

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EXECUTIVE SUMMARY

The Talmud, as the basic source of Jewish law and thought, continues to receive the attention of scholars and students from a wide age group. Study of the Talmud is complicated by its complex and involved legal arguments. Talmud Diagrams are designed to be easy to read graphical representations of the logic of the Talmud that aid its comprehension and retention. In particular, Talmud Diagrams are maps of legal opinions that consist of rulings on a set of related cases. Passages in the Talmud are represented by a series of Talmud Diagrams that portray the evolution of the legal opinions, challenges, and resolutions. The principle of a fortiori is embedded within the structure and formation rules of Talmud Diagrams, allowing the use of Talmud Diagrams to be extended to other legal systems where a fortiori applies.

INTRODUCTION

The Talmud is the authoritative classical source of Jewish law and thought. Orthodox Jewish schools begin their instruction in Talmud as early as Grade 4 and students are expected to adopt Talmud study as a lifelong pursuit.

The Talmud is written in a combination of Hebrew and Aramaic, forming a first barrier to understanding the text. In addition, the logic of the Talmud is arcane and often very complex. With all these barriers present, not every student becomes proficient in Talmud study, often leading the student to frustration and self doubt. Several translations and elucidations of the Talmud exist (Malinowitz et al., 1990-2005;

Steinzaltz, 2012) so the language barrier and the logical elements of the Talmud can now be readily accessed. The complexity of the Talmud remains irreducible however, so putting together all the pieces in an understandable way remains challenging. The method of Talmud Diagrams (Ury, 2011) addresses the complexity issue by means of a visual presentation of the Talmud's logic. In analogy to a cartographic map, Talmud Diagrams guide the student through the complex terrain of logic that characterizes passages in the Talmud.

The objective of this chapter is to introduce the reader to the formalism of Talmud Diagrams. The method of Talmud Diagrams is easily learned and four steps are described for generating them. The principle of *a fortiori* is natively embedded within Talmud Diagrams and is expressed by means of a graphical rule for manipulating Talmud Diagrams to extend legal rulings from one case to another.

This chapter includes a complete, worked example from a brief passage in the Talmud, including an analysis by one of its classic commentaries. By going through the example, the explanatory power of Talmud Diagrams becomes apparent.

Beyond the Talmud, any system of reasoning that incorporates the principle of *a fortiori* as an accepted element is a candidate for using Talmud Diagrams. In particular, other legal systems besides Jewish law that make use of *a fortiori* can use Talmud Diagrams to argue a legal point. Legal experts and juries can benefit from the clarity that Talmud Diagrams bring to complex legal arguments. An example derived from an actual legal case is presented and Talmud Diagrams are used to present arguments for and against the judge's ruling.

BACKGROUND

The Talmud is the written record of Jewish Oral Law and consists of two parts, Mishnah and Gemara. The Mishnah consists of legal rulings that reflect a complete set of all principles in Jewish law, and was first redacted in the third century CE. The Gemara presents the subsequent discussions and analyses of the Mishnah that were conducted in the academies of Israel and Babylonia. The earlier Jerusalem Talmud (Malinowitz, 2006-2012) was succeeded by the Babylonian Talmud which itself was finally redacted several hundred years after the redaction of the Mishnah. Being a later text, the Babylonian Talmud is the authoritative source for all subsequent developments of Jewish law.

The Talmud derives Jewish law from written passages in the Bible using a number of rules of exegesis. The most commonly quoted list of these principles is Rabbi Yishamael's Thirteen Hermeneutical Principles (Steinsalz, 1976). The first principle in the list is *kal vachomer* – the principle of *a fortiori*. By being one of

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