

THE BENJAMIN AND ROSE BERGER TORAH TO-GO®

DECEMBER 2024 • KISLEV 5785

ESTABLISHED BY RABBI HYMAN Z"l & ANN ARBESFELD

**Illuminating
the Future:
Jewish
Values and**

AI

**Dedicated by Dr. David and Barbara Hurwitz
in honor of their children and grandchildren**



ישיבת רבנו יצחק אלהנן

Rabbi Isaac Elchanan Theological Seminary

An Affiliate of Yeshiva University

We thank the following 5785 supporters of the Torah To-Go® project

Pillars

Ahavas Yisroel

Flushing, NY

Bnei Akiva Schools

Toronto, ON

Baron Hirsch Synagogue

Memphis, TN

Boca Raton Synagogue

Boca Raton, FL

Cong. Ahavas Achim

Highland Park, NJ

Cong. Beth Aaron

Teaneck, NJ

Cong. B'nai Israel – Ohev Zedek

Philadelphia, PA

Cong. Kehilath Jeshurun

New York, NY

East Denver Orthodox Synagogue

Denver, CO

Kemp Mill Synagogue

Silver Spring, MD

Ohr Saadya

Teaneck, NJ

The Jewish Center

New York, NY

Young Israel of Century City

Los Angeles, CA

Young Israel of Hollywood-Ft Lauderdale

Hollywood, FL

Young Israel of Lawrence-Cedarhurst

Cedarhurst, NY

Young Israel of Scarsdale

Scarsdale, NY

Partners

Beth Jacob Congregation

Beverly Hills, CA

Cong. Adat Yeshurun

La Jolla, CA

Cong. Anshei Chesed

Linden, NJ

Congregation Beth Israel

Berkeley, CA

Congregation Beth Sholom

Lawrence, NY

Congregation Beth Sholom

Providence, RI

Congregation Bnai Yeshurun

Teaneck, NJ

Congregation Keter Torah

Teaneck, NJ

Congregation Ohr HaTorah

Atlanta, GA

Congregation Shaarei Tefillah

Newton Centre, MA

Darchei Noam Glenbrook

Northbrook, IL

Jewish Center of Atlantic Beach

Atlantic Beach, NY

New Toco Shul

Atlanta, GA

Riverdale Jewish Center

Riverdale, NY

Sherith Israel

Nashville, TN

Young Israel of Great Neck

Great Neck, NY

Young Israel of New Hyde Park

New Hyde Park, NY

Young Israel of New Rochelle

New Rochelle, NY

Young Israel of Potomac

Potomac, MD

Young Israel of Teaneck

Teaneck, NJ

Young Israel of West Hempstead

West Hempstead, NY

Young Israel of Woodmere

Woodmere, NY

Young Israel Talmud Torah of Flatbush

Brooklyn, NY

Young Israel of West Hartford

West Hartford, CT

Supporters

Adas Yeshurun Herzlia

Winnipeg, MB

Aish Thornhill

Toronto, ON

Beth Jacob Congregation

Oakland, CA

Beit David Highland Lakes Synagogue

Aventura, FL

Beit Tzion - Mizrachi

Toronto, ON

Cong. Agudath Shalom

Stamford, CT

Cong. Ohav Zedek

New York, NY

Freehold Jewish Center

Freehold, NJ

Hebrew Institute of

Riverdale

Riverdale, NY

Mount Kisco Hebrew

Congregation

Mount Kisco, NY

Shaarei Shomayim

Toronto, ON

Yavneh Academy

Paramus, NJ

Yonatees Custom

Printing

Miami, FL

Young Israel of Staten

Island

Staten Island, NY

Dear Friends,

The Benjamin and Rose Berger Torah To-Go® has long been the forum for discussions of deep meaning and communal interest. In this issue we explore the intersection of cutting-edge technology and Jewish values. As AI continues to reshape industries, societies, and our everyday lives, its implications reach far beyond the technical and the practical. We, as a community guided by the Torah and its values must observe with care and concern as AI develops. Our values should compel us to take on the challenges posed by AI with the insight and intuition born from study of our texts and fidelity to Jewish law and custom. Whether analyzing the implications of AI on Shabbos observance or the ethical ramifications of AI's presence in the medical field we should become the "lighthouse of humanity" at this critical juncture in human history. In this issue of Torah To-Go we hope to begin and continue the profound conversations that have arisen since the invention and proliferation of AI.

In Parashas Beha'alosecha (Numbers 8:2) the Torah uses an interesting term to describe Aharon's requirement to light the Menorah, *beha'alosecha*. This term implies that he should cause the lights to rise rather than a more straightforward requirement to light the candles of the Menorah. Rashi writes:

על שם שהלהב עולה כתוב בהדלקתן לשון עלייה, שצריך להדליק עד שתהא שלהבת עולה מאליה.

Since the flame rises, the Torah uses a verb implying ascent in describing the lighting, that he must light it until the flame rises on its own.

While some wicks may catch fire from a momentary touch, others require sustained contact with the flame source. Aharon was commanded to hold the flame to the wick until the flame of the candle was fully capable of continuing to burn on its own. It wasn't sufficient to touch the flame to the wick and allow the wick to complete the process.

While the world may rush to unleash AI technology to develop autonomously, the service of the Menorah in the Mishkan teaches us a crucial lesson. There are times when our endeavors require more shepherding and direction. The technology may be capable of developing on its own. Yet we, as a community of tradition and values, must be vigilant in our guiding of the development of this revolutionary technology.

In the pages that follow, we will explore these and other questions through a variety of perspectives, drawing from classical texts, contemporary scholars, and the evolving discourse surrounding AI. We hope that this, and all, editions of Torah To-Go will illuminate and provide thought-provoking discussions that can enhance and uplift as you engage with the luminaries of Yeshiva University-RIETS.



**Rabbi Jordan
Auerbach**

*Director of Torah Projects and
Community Engagement
RIETS-Yeshiva University*

Rabbi Dr. Ari Berman,
*President and Rosh Yeshiva,
Yeshiva University and RIETS*

Rabbi Aryeh Lebowitz
Abraham Arbesfeld Torah Dean, RIETS

Rabbi Dr. Yosef Kalinsky
Max and Marion Grill Administrative Dean, RIETS

Rabbi Ari Rockoff
*The David Mitzner Community Dean for Values
and Leadership, RIETS-YU*

Rabbi Joshua Flug
General Editor

Rabbi Robert Shur
Series Editor

Rabbi Jordan Auerbach
Associate Editor

Rabbi Michael Dubitsky
Content Editor

Andrea Kahn
Copy Editor

Copyright © 2024

All rights reserved by Yeshiva University

Yeshiva University,
500 West 185 St. New York, NY 10033
office@yutorah.org

This publication contains words of Torah. Please treat it with appropriate respect. For sponsorship opportunities, please contact Rabbi Russ Shulkes at russ.shulkes@yu.edu

TABLE OF CONTENTS

Chanukah 5785

Innovation Meets Ethics: Moral Responsibility in the Age of AI

Page 5 // Rabbi Dr. Ari Berman

Can Artificial Intelligence Render Halachic Decisions?

Page 7 // “And Among the Nations are not Computed:”
Should We Use ChatGPT to Pasken?

Dr. Joshua Waxman

Page 14 // Ten Reasons Why We Cannot Turn to AI for Psak: Understanding the Nature and Philosophy of the Halachic Process

Rabbi Netanel Wiederblank

Artificial Intelligence and Humanity

Page 28 // Creativity as a Model for Teshuvah

Dr. Rebecca Cypess

Page 33 // Becoming More Human Through Robots: Midos & Artificial Intelligence

Rabbi Daniel Z. Feldman

Halachic Applications of Artificial Intelligence

Page 36 // **The Trolley Problem & Autonomous Vehicles: Some Halachic Considerations**

Rabbi Michael Taubes

Page 45 // **Artificial Intelligence and Halacha**

Rabbi Rabbi Josh Flug

Panel Discussion

Page 52 // **21st Century Chinuch: AI in the Classroom**

Rabbi Dr. Michael Berger, Rabbi Shlomo Einhorn and Mrs. CB Neugroschl

Chanukah Insights

Page 63 // **From Darkness to Light: Mitzvot, Faith, and the Path to Redemption**

Ms. Leah Moskovich

Page 65 // **The Source of True Jewish Might**

Rabbi Shimon Schenker

Page 67 // **Gratitude and Happiness**

Rabbi Dr. Mordechai Schiffman

To dedicate a future edition of the Torah To-Go® publication, please contact Rabbi Shulkes at russ.shulkes@yu.edu

Innovation

Meets

Ethics

Moral Responsibility in the Age of AI

The swift rise and transformative power of artificial intelligence (AI) present humanity with opportunities and challenges both profound and unprecedented. This revolutionary wave of technological advancement is reshaping every dimension of contemporary life—from how we communicate and heal, to how industries and governments make decisions. We stand at the threshold of a new era, replete with extraordinary potential for both creation and destruction. For Yeshiva University, AI demands engagement that is reflective, principled, and deeply rooted in our values.

The question before us is not whether to embrace or resist innovation. Rather, it is whether we are prepared to guide it with wisdom, compassion, and foresight. My son-in-law, Yehonatan Muchtar, a student of Rabbi Adin

Steinsaltz, recently shared with me an insight from his teacher about the forbidden fruit and the Tree of Knowledge. Judaism at its core, Rabbi Steinsaltz said, champions innovation and the creative spirit. Yet our tradition also reminds us that timing is critical. We must not consume the fruit before it is ripe or attempt to harness knowledge before we are equipped to wield it wisely.

Are we ready? Have we undertaken the labor necessary to lay the ethical and philosophical foundation for this transformative age? These questions resonate deeply, particularly as the global community grapples with AI's implications. At a recent conference I attended in Hiroshima, global faith leaders and preeminent AI thinkers convened to explore how humanity might navigate the moral terrain of this new frontier. Interesting to me was the way in which some countries were



Rabbi Dr. Ari Berman

*President and Rosh Yeshiva,
Yeshiva University and RIETS*

considering the positive uses of AI. The Japanese government, for example, confronting an existential crisis of declining birth rates and an aging population, views AI as a potential remedy to isolation and societal strain. Yet, the prospect of AI supplanting human connection raises profound concerns, exposing the risks inherent in a technology capable of reshaping truth, autonomy, and the bonds that define our shared humanity.

These questions transcend national boundaries. The global implications of AI are starkly apparent. From the erosion of trust through deepfakes and AI-generated misinformation to the relentless commodification of personal data, the challenges are as pressing as they are complex. Perhaps the most existential fear is that AI, if left to its own devices, might one day eclipse humanity itself. Yet amidst these uncertainties, voices of optimism emerge. I have heard from a number of industry leaders that “good AI” will be wielded to counteract “bad AI.”

But reliance on technology to regulate itself is insufficient. Our values—not the machinery of innovation—must steer the course. Progress, relentless in its momentum, cannot be halted. The pressing question, then, is who will guide it and toward what ends. The Jewish tradition, grounded in reverence for human dignity, the sanctity of life, and the pursuit of justice, offers a moral compass uniquely suited to this juncture in history.

As we embrace AI’s promises, we must remain vigilant against its perils. Our tradition teaches that humanity’s dominion over creation is not one of unbridled power, but of sacred responsibility. We are called not only to seek knowledge but to temper our pursuits with discernment, ensuring that technological advancement serves humanity’s highest purposes. Rabbi Steinsaltz eloquently reminds us that wisdom lies not in the mere act of innovation, but in understanding the demands of the moment and responding with clarity and humility.

For Yeshiva University, this moment presents an extraordinary opportunity. As stewards of a tradition rich in ethical insight, with vast intellectual resources in both rabbinic thought and scientific discovery, we are uniquely positioned to contribute to the discourse on AI’s moral development. Our community can help shape a future where AI becomes a tool for human flourishing, not a force that diminishes our humanity. By drawing upon the depth of our values, we can forge frameworks and safeguards that uphold human dignity and ethical integrity in a world increasingly driven by artificial intelligence.

In this evolving landscape, Yeshiva University and all those who find nourishment from the wellsprings of Torah must stand at the forefront, illuminating a path where technological progress aligns with the enduring principles that define our faith. Together, with courage and wisdom, we can navigate this new era, ensuring that the spirit of creativity serves the cause of sanctifying our Creator by upholding the timeless cause of justice, compassion, and human dignity.



Can AI Render Halachic Decisions?

“And Among the Nations are not Computed:” Should We Use ChatGPT to Pasken?

ChatGPT can write your college essay. It can recommend restaurants, translate texts into English, write computer programs, and summarize a book. Can it function as a *posek* or *rebbe*, to rule on *halachic* questions or offer spiritual guidance? More importantly, should it?

The question has many facets, a thorough exploration of which might fill a *sefer*, but our focus will be restricted to concerns such as accuracy, hallucinations, secular influence, and ethical alignment. Large Language Models (LLMs) have limitations that are often masked to the general public and even *halachic* experts, but these limitations should give us pause.

Language Implying Intelligence

For the sake of argument, let us assume

that *pesak halacha* must arise from thoughts of intelligent entities. Could we consider ChatGPT intelligent?

Perhaps the linguistic abilities of LLMs demonstrate intelligence. For instance, kabbalists and others have distinguished between levels of creations, as *domem*, *tzome'ach*, *chai* and *medaber* (inanimate, plant, animal, and speaking human (*Tomer Devorah* perek 3)). When Rava mystically created his Golem, he sent it to Rabbi Zeira II, who attempted to converse with it. When it didn't reply, he rejected it as a created creature and told it to return to its dust (*Sanhedrin* 65b). This could be understood as the Golem failing the Turing Test—a test for artificial intelligence.

Conversely, intelligent-seeming responses might not indicate an underlying intelligence. In *Gittin* 67b, the Mishnah states that if a husband becomes mute, the court asks him if they should write a bill of divorce



Rabbi Dr. Joshua Waxman

Computer Science Faculty, Stern College for Women

for his wife. If he nods affirmatively, they will accept his nod as assent and write the *get*. This is after they test him three times and he nods affirmatively to “yes” questions and negatively to “no” questions, thus demonstrating he possesses intelligence. The Gemara (*Gittin* 70b) objects that these motions might represent involuntary movements that happen to accidentally match up to the expected answers, rather than indicating real intelligence, and proposes that they asked him the yes / no questions in an irregular sequence.

While ChatGPT seems intelligent, consider the following transcript:¹

Me: *A woman and her son get into a car accident. The woman dies at the scene but the boy is rushed to the hospital and requires surgery. The surgeon looks at the boy and says, "I cannot perform surgery on him; he's my son!" How can this be?*

ChatGPT 4: *The surgeon is the boy's other parent—his mother. This riddle plays on the assumption that surgeons are typically men, but in this case, the surgeon is his mother, highlighting that a woman can also be a surgeon.*

In the classic riddle, the deceased parent is the boy's father, for which ChatGPT's response would have been sensible. However, ChatGPT does not "understand" the text presented to it, or the text it generates. It has no set of facts, no true reasoning abilities, and no true world model. It is more like Mad Libs on steroids, or an extremely elaborate pattern matcher, which is brittle and fails on cases easy to construct if you know how it works.

On the other hand, perhaps true intelligence is not necessary for *pesak halacha*. As Rav Herschel Schachter put forth in a Halacha Headlines

podcast² ("Shiur 422 – Can AI Pasken? Will Artificial Intelligence ever replace Rabbonim?"), talking about a hypothetical future artificial intelligence, *pesak* need not come from a human intelligence. If a computer program had a database of *halachic* facts and used those to calculate a *halachic* conclusion, that's a valid *pesak*.

Accuracy Concerns

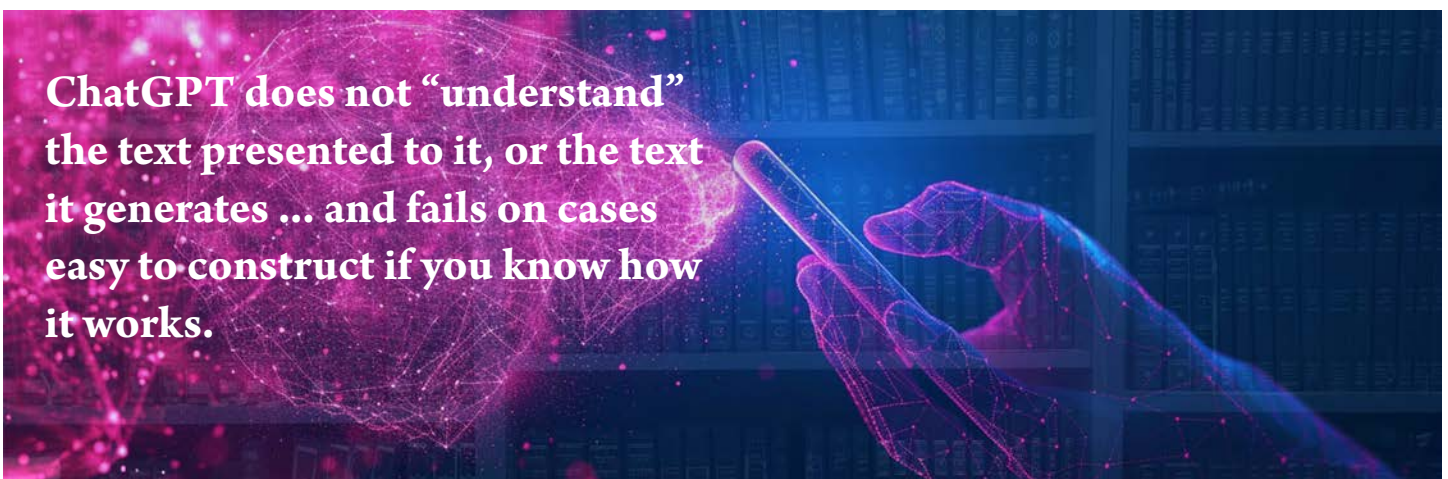
Still, from the tone of that interview, Rav Schachter was addressing a program calculating a *pesak* based on halacha fed into it by a human, so that you are relying on that human, or alternatively a hypothetical perfect AI which won't make mistakes and doesn't require *siyata dishmaya*. He wasn't presented by the questioner with a detailed or even rough technical explanation of LLMs, and how they differ from classic AI approaches. They don't work based on decision trees, that is, chains of if-else like expert systems. They don't have facts, and rules for deriving new facts, like a reasoning system. They don't represent the world using symbolic logic and apply first-order logic to draw conclusions.

Instead, LLMs are "continuation"

models, trained on massive amounts of text, and which repeatedly predict the next word to continue a passage. For instance, one can provide the continuation model the partial sentence "The author of Igros Moshe is". Based on word-usage patterns, ChatGPT can predict that a likely word to follow is "Rav," "Rabbi," or "Moshe," and might randomly select "Rav." Next, it can predict that the continuation of "The author of Igros Moshe is Rav" is "Moshe," and iterating, "Feinstein," and finally, a period. However, it does not know anything, including that Rav Moshe Feinstein is a person or the author of *Igros Moshe*.

We might guess that Rav Schachter would have a different position about relying on this kind of technology to produce *pesak*. Even in the non-halachic realm, such as computer programming or recipes, it's possible to get ChatGPT to produce confident-sounding non-sense, which would mislead people, especially someone who is a non-expert in the technology or the problem domain. This is what workers in the field call "hallucination."

Indeed, Rav Schachter later qualified³ his comments. Talmidim showed him that ChatGPT hallucinated an



STAND WITH US

A beacon of moral clarity and decisive leadership, Yeshiva University stands in unwavering support for Israel—an enduring commitment that has only intensified in the wake of October 7. Every day, we march for Israel, advocate for Israel and pray for Israel. Now as we continue to mourn the losses endured by our brothers and sisters, we rise to history's call, confronting bias and terror, fighting for the future of the Jewish people.

Apply today at
yu.edu/undergraduate-admissions

IT'S YOUR TIME TO RISE
AT YESHIVA UNIVERSITY



RISE UP
The Campaign for 613

inaccurate summary of his own position on *techeilet*. He maintained that AI might work as valid and trustworthy *pesak* assuming a perfect computer program that does not produce such mistakes. It would also require the ability to be sensitive to situations which humans are better at intuiting, such as when the case is *she'at hadechak* where certain leniencies should be applied. I would add that some of these accuracy issues are likely insurmountable, despite advancing technology or prompting strategies such as Chain of Thought.

Hallucinations

ChatGPT does not knowingly lie, because it doesn't "know." However, it can produce sophisticated text that projects confidence, thereby conveying competence and knowledge, all while making stuff up. A lawyer recently got in trouble for presenting arguments based on non-existent court cases, which ChatGPT had simply fabricated. This wasn't malicious; ChatGPT "knows" what word patterns correspond to citations for court cases, so those are the tokens it unwittingly generates and hallucinates. For instance, ChatGPT⁴ will readily produce paragraphs summarizing the intellectual output of Jacob Grunstein, a contributor to *Torah To-Go* whom I invented out of whole cloth. ChatGPT's response begins:

Jacob Grunstein's articles in the "Torah To-Go" series from Yeshiva University offer a rich exploration of various themes related to Jewish thought, tradition, and values. His writings delve into topics like the significance of Sukkot, drawing insights from the festival's practices to discuss broader themes such as the independence from possessions and the recognition that individuals are not indispensable to

their social or professional circles. Grunstein also emphasizes the importance of personal growth and spiritual development, encouraging readers to engage with the teachings and values of the Torah in their daily lives.

Additionally, since there's a degree of randomness in selecting the next word (called "temperature"), ChatGPT can randomly choose a result and then produce paragraphs justifying that answer. For instance, consider this riddle:

"Bob is in the living room. He walks to the kitchen, carrying a cup. He puts a ball in the cup and carries the cup to the bedroom. He turns the cup upside down, then walks to the garden. He puts the cup down in the garden, then walks to the garage. Where is the ball?"

Answering this requires knowing that overturning the cup will cause the ball to fall out, so the ball is in the bedroom. Yet, depending on whether the randomly chosen word was "garden" or "bedroom," GPT-3.5 would cheerfully generate a convincing explanation. GPT-4 does much better on these sorts of problems, but the situation can easily persist, especially in novel scenarios which diverge from the model's training data. The same might be true for a halachic query, depending on whether the LLM first generates an *asur* or *muttar* token.

Semantic Shift

LLMs are trained on massive amounts of data including the open web. Therefore, the text they generate may not reflect classic rabbinic understandings of words and concepts. I'll draw two illustrations from Rabbi Michael Broyde's article in *Dinei Yisrael*, "AI and Jewish Law: Seeing How ChatGPT 4.0 Looks at a Novel

Issue." In an earlier article, Rabbi Broyde used ChatGPT to produce the first-draft English translations of his Hebrew sources. In this follow-up, he asked ChatGPT to *psaken* based on the sources it had translated; then he compared its *pesak* with his own *pesak*. The continuation model thereby has all the relevant sources in its immediate context. This is a clever way of producing preliminary halachic reasoning, which a competent *posek* can then consider.

However, the LLM might "misunderstand" the Hebrew texts provided, due to "semantic shift," that is, words changing meaning across time. Rabbinic Hebrew is not the same as Modern Hebrew. *Shabbat* 36 makes the point that certain terms, such as *shofar* and trumpet, or *arava* and *tzaftzafa*, changed their meaning since the Temple's Destruction. When ChatGPT translated ומה תועיל ברכת זה הדיוט זה (*Mishnah Berurah* 128) about a wicked kohen *duchening* for the article, it rendered it as "the blessing of an ignoramus," rather than "the blessing of a common person." The choice of "ignoramus" might be correct, as Chazal also used it thusly, but might also reflect modern usage.

A related problem is that halachic terms or concepts generally have precise definitions which might differ from the popular understanding. For instance, Rabbi Broyde observed that ChatGPT's conception of *mar'it ayin* reflected "a high level of abstraction about the importance of public perception generally and stretches it to this case, almost the way people within the community sometimes use the term." A human *posek* truly understands the concept and wouldn't overapply it, but ChatGPT might draw its definitions from Reddit.



DISCOVER WITH US

With pioneering health science programs, state-of-the-art labs, and world-renowned faculty, Yeshiva University provides the highest levels of academic excellence together with a values-based education. Boasting nearly 100% acceptance rates into the world's most prestigious medical and dental schools, YU has established itself as the top choice for tomorrow's healthcare leaders. Our graduates break barriers—shaping and transforming the future of science and medicine.

Apply today at
yu.edu/undergraduate-admissions

**IT'S YOUR TIME TO RISE
AT YESHIVA UNIVERSITY**



RISE UP
The Campaign for 613

Ethical Alignment

Yet another problem in using ChatGPT for *pesak* might arise from the admirable goal of “ethical alignment.” Ethical alignment is an attempt to train AIs to conform to humanity’s sense of right and wrong, and not produce dangerous / harmful output. For example, we don’t want our LLMs telling racist or misogynistic jokes, or advising a user in constructing a bomb.

However, societies differ in their values and their ethical judgments. Should your self-driving car swerve to avoid five humans crossing against the light, thereby crashing into just one human crossing legally? Should it crash into a stranger, thereby saving your pet? Additionally, many people would decide an action’s moral correctness based solely on its consequences, while halacha might be more rule-based and judge actions as right or wrong, independent of their outcome.

LLMs have been fine-tuned to not tell Muslim jokes (but will happily tell Jewish jokes), or to avoid drawing a picture of Kamala Harris scolding a child (but will do the same for Donald Trump). Google’s Gemini was fine-

tuned to increase the diversity of racial and gender representation. When asked to generate images of 1943 German soldiers, it ludicrously produced images of men and women of color in WWII German uniforms.

Now, halacha is often politically incorrect and clashes with current pieties. Even before fine-tuning, the LLM may reflect secular society’s values on which it was trained. Fine-tuning LLMs via Reinforcement Learning from Human Feedback (RLHF) could easily skew the tokens being generated, so that the result doesn’t invalidate a blemished *kohen* or *korban* or allow the generation of a reply discouraging intermarriage.

B’derech tzachut, we might invoke Bil’am’s prophetic blessing to the Jewish people, הַיְיִשִׁים לְבָדָד יִשְׁכְּנוּ וּבְגוֹיִם לֹא יִתְחַבְּבוּ. “They are a nation who dwells alone, and among the nations are not **computed**.” Perhaps we should train our own LLMs. There’s been a recent trend to produce local LLMs based on propriety or domain-specific knowledge. However, restricting the training data to rabbinic sources and YUTorah shiurim alone won’t work, since there isn’t enough data to make it seem intelligent. The overwhelming

data will still come from secular sources.

Could ethical alignment towards *halachic* values be a solution? Perhaps partially. However, fine-tuning doesn’t fundamentally change the underlying model, and the alignment might be cleverly circumvented. Additionally, problematic ethics might reemerge in edge cases not envisioned during training.

Time will tell how this technology develops in the coming years and how Jewish people, both regular folks and *poskim*, end up using it. In the meantime, I’d advise caution, or encourage educated use, which involves understanding ChatGPT’s limitations.

Endnotes

1. <https://chatgpt.com/share/67242ed6-1f0c-8011-8f51-f76c36e17c87>.
2. <http://podcast.headlinesbook.com/e/61023-%e2%80%93-shiur-422-%e2%80%93-can-ai-pasken-will-artificial-intelligence-ever-replace-rabbonim/>.
3. In a private conversation with Rabbi Josh Flug.
4. <https://chatgpt.com/share/672427bb-63c4-8011-b64e-45bb9f1d99be>.

We want
to hear
from you!

To share your thoughts on something you’ve read in this issue, or request that your community get printed copies of this publication, or to find out about advertising in a future issue of the Torah To-Go series, please contact office@yutorah.org.

WIN WITH US

At Yeshiva University, victory transcends the scoreboard—it's a realization of our commitment to a values-based education in a safe, academic-rich environment. With 15 NCAA Division III varsity sports, including the record-breaking Maccabees basketball team, every team has its chance to shine. Off the court, more than 150 student clubs cater to diverse interests, from entrepreneurship and debate to Jewish leadership and community service. Whether you're discovering new passions, building leadership skills, or competing at the highest level, YU provides countless opportunities for personal growth, connection and impact. Come make your mark with us.

Apply today at
yu.edu/undergraduate-admissions

**IT'S YOUR TIME TO RISE
AT YESHIVA UNIVERSITY**



RISE UP
The Campaign for 613

Ten Reasons Why We Cannot Turn to AI for Psak *Understanding the Nature and Philosophy of the Halachic Process*

Workers in many fields fear being replaced by AI. This article considers whether AI will replace *poskim*. (Note: The writer may have a vested interest in this question.)

More precisely, imagine a computer trained on all rabbinic literature. Theoretically, this computer using AI could predict what, say, R. Moshe Feinstein would rule, better than a human. To be clear, this is not yet possible. Nowadays, if you ask ChatGPT what R. Feinstein would say about “X,” it would likely make up an *Igrot Moshe*. But most likely, with time, AI will be improved and programed to stop making things up. And, while this has not yet been done, it could be trained on all of the *seforim* on *Otzar Hachochma*, which would allow it to make a reasonable prediction of what R. Feinstein would say.

Of course, we would want to test it. But let’s say we tested it against all

semicha students in RIETS, with original questions and novel scenarios. (We could use the same graders who currently grade the tests and the tests could be graded blindly ensuring accuracy of the results.) Imagine—and while this is not yet possible it is not inconceivable—that AI outperformed all the students. Would it be reasonable to say that AI is more qualified to *psaken* than all the human RIETS students? Even if it wasn’t perfect, if it was shown to be more reliable than humans, it would seem reasonable that it could be relied upon.

Let us clarify, this is not possible nowadays. Today I can use a tool like the Bar Ilan responsa program to search for responsa that discuss my topic of interest. I can use Google to see what other people may have said about my question, if their opinions are available on the internet. These tools are, of course, very useful. However, if I have a novel question, they cannot tell me the answer. I would still have



**Rabbi Netanel
Wiederblank**

Rebbe, RIETS

to extrapolate from that which was previously discussed. Moreover, even if my exact question had been discussed and debated, I would still need to decide which authority to follow. Either way, human analysis is required. With AI, conceivably, that would be unnecessary. *Once we tested our AI posek and determined that it was more reliable than human poskim, we could turn to it for our questions.*

In the analysis that follows we consider ten overlapping reasons why we should not turn to AI in this manner. Some factors are fundamental, while others are practical and theoretically solvable.

TALI GOLDMAN JACOBS

Data Analytics Specialist, Prudential Financial

SUCCEED WITH US

Fueled by passion, skills and a values-based education, Yeshiva University graduates are thriving in high-impact careers across a wide range of industries at companies like Google, Amazon, Goldman Sachs and Bloomberg. This is the kind of success that draws students to YU. Backed by a results-driven career center and a network of over 70,000 alumni, our students are poised to become the leaders of the next generation.

Apply today at
yu.edu/undergraduate-admissions

IT'S YOUR TIME TO RISE
AT YESHIVA UNIVERSITY



RISE UP
The Campaign for 613

Of course, AI might still be very useful in helping a human *posek* solve a halachic question. If such a program is ever created, humans might do very well taking advantage of the powerful tools AI affords, but it will never replace the human in the realm of *psak*.

Lo Ba-Shamayim Hi

If *psak* resembles a solution to a math problem in which there is one correct answer, then it follows that if a computer is more likely to come up with the right answer, it should be followed. However, this approach fails to appreciate what *psak* is.

Psak is not a preexisting thing. It is created by the *posek*. It is not the answer to the question; it is a **human** answer to the question given by a qualified *posek*, someone *higiya l-hora'ah*.¹ It only becomes halacha once it is issued. The story of *tanur shel achnai*² and its climax, “*lo ba-shamayim hee*” (halachic matters are not decided in heaven), illustrates this point:

תנא באותו היום השיב רבי אליעזר כל תשובות שבעולם ולא קיבלו הימנו אמר להם אם הלכה כמותי חרוב זה יוכיח נעקר חרוב ממקומו מאה אמה ואמרי לה ארבע מאות

אמה אמרו לו אין מביאין ראייה מן החרוב חזר ואמר להם אם הלכה כמותי אמת המים יוכיחו חזרו אמת המים לאחוריהם אמרו לו אין מביאין ראייה מאמת המים חזר ואמר להם אם הלכה כמותי כותלי בית המדרש יוכיחו... חזר ואמר להם אם הלכה כמותי מן השמים יוכיחו יצאתה בת קול ואמרה מה לכם אצל ר"א שהלכה כמותו בכ"מ עמד רבי יהושע על רגליו ואמר (דברים ל"ב) לא בשמים היא מאי לא בשמים היא אמר רבי ירמיה שכבר נתנה תורה מהר סיני אין אנו משגיחין בבת קול שכבר כתבת בהר סיני בתורה (שמות כג:ב) אחרי רבים להטות אשכחיה רבי נתן לאליהו א"ל מאי עביד קוב"ה בההיא שעתא א"ל קא חייך ואמר נצחוני בני נצחוני בני...

On that day, R. Eliezer brought forward every imaginable argument, but the Sages did not accept them. He said to them, "If Halacha accords with me, let this carob tree prove it!" Thereupon, the carob tree was torn a hundred cubits out of its place—others say it was four hundred cubits. "No proof can be brought from a carob tree," they retorted. Then he said to them, "If Halacha accords with me, let the stream of water prove it!" Thereupon, the stream of water flowed backwards. "No proof can be brought from a stream of water," they rejoined. Again he urged, "If Halacha accords with me, let the walls of the house of study prove it" ... Again he said to them, "If Halacha accords

with me, let it be proved from heaven!" Whereupon a heavenly voice (bat kol) cried out, "Why do you dispute with R. Eliezer? In all matters, Halacha is in accordance with him!" But R. Yehoshua arose and exclaimed, "It is not in heaven." What did he mean by this? R. Yirmiyah explained, "The Torah already has been given at Mount Sinai; we pay no attention to a heavenly voice, because You (i.e., God) already wrote in the Torah at Mount Sinai, 'Follow the majority opinion.'" R. Natan met Eliyahu and asked him, "What did God do at that time?" [Eliyahu responded,] "He laughed [with joy], saying, 'My sons have defeated Me, My sons have defeated Me.'"

Bava Metzia 59b

According to Ran, the miracles and *bat kol* indicated that R. Eliezer was correct and had arrived at the truth. Nevertheless, God demands that the Torah be interpreted by humans and that the majority position be followed. Presumably, the majority is more likely to arrive at the truth. But even if it does not, we still follow the majority:

שמאחר שהכרעת התורה נמסרה להם בחייהם, ושכלם היה מחייב לטמא, היה מן הראוי שיהיה טמא אע"פ שהוא הפך מן האמת, שכן מחייב השכל האנושי. והשאר אע"פ שאומרים אמת, אין ראויין לעשות

If *psak* resembles a solution to a math problem in which there is one correct answer, then if a computer is more likely to come up with the right answer, it should be followed. However, this approach fails to appreciate what *psak* is.

מעשה כן בדרכי התורה, כמו שלא טהרו בעל מחלוקתו של רבי אליעזר, אע"פ שניתנה עליהם בת קול מן השמים שהלכה כדבריו.³ Since the interpretation of the Torah is in their jurisdiction, and their intellects understood that it is impure (tamei), it is appropriate that it be deemed tamei **even though this is the opposite of truth, because this is what their intellect dictated.** The other view, even though it is true, should not be followed in matters of Torah, just as they did not follow the view of R. Eliezer despite the bat kol (heavenly voice) that Halacha follows him.

Drashot HaRan, #7

R. Moshe Feinstein develops a similar approach in his Introduction to *Igrot Moshe*, where he argues that there is an objective, heavenly truth and a halachic, normative truth. The Torah tells us to follow the halachic truth even as we acknowledge it may not correspond to the objective, heavenly truth.

Let's give an illustration that demonstrates this point. The Talmud debates whether preparatory acts for a circumcision on Shabbat are permitted if they could have been done before Shabbat. According to R. Eliezer, they are permitted under the general dispensation allowing Shabbat to be violated in order to carry out the circumcision on the eighth day. According to the *Chachamim*, though, doing so would constitute a full-fledged violation of Shabbat and, if done with intent and warning, would be punishable by execution. Halacha follows the opinion of the *Chachamim*, yet the Talmud (*Shabbat* 130a) relates that the inhabitants of R. Eliezer's town acted in accordance with his view and were rewarded for doing so:

א"ר יצחק עיר אחת היתה בא"י שהיו עושין כר"א והיו מתים בזמן ולא עוד אלא שפעם אחת גזרה מלכות הרשעה גזרה על ישראל על המילה ועל אותה העיר לא גזרה.

R. Yitzchak said: There was a city in Israel that followed the view of R. Eliezer and its residents died on time (i.e., they did not die early despite doing an act that according to Halacha should bring about early death). Additionally, there was once a decree by the evil kingdom banning Jews from circumcision, but the decree was not enacted upon that town (i.e., they were rewarded for their devotion to the mitzva of circumcision).

Shabbat 130a

How could the inhabitants of R. Eliezer's town be rewarded for following the view that ultimately would be deemed incorrect? While we cannot blame them for following their teacher, one would have expected them to experience some sort of natural spiritual consequence for committing acts that constitute a violation of Shabbat.

The answer is that the inhabitants of R. Eliezer's town were doing the right thing when they cut down trees on Shabbat. They asked their rav and followed his *psak*. As such, they were rewarded. If we were to do this, we would be punished. For us, it's wrong. We don't follow R. Eliezer.

Now, we should point out that this is NOT the same thing as papal infallibility. The Torah lays out a process to follow when the Sanhedrin gets it wrong. Humans, even the greatest Torah scholar, may make a mistake. There may even be times when an individual expert wouldn't follow the Sanhedrin if he is convinced they are


wrong.⁴ But, to oversimplify a complex topic, we can say that we are doing the right thing when we follow directions.⁵ So what are these directions? This brings us to reason #2.

We are Meant to Follow Directions

The Torah predicts that there will be matters of law that will be unknown and articulates how to solve these questions. When there was a Sanhedrin this meant turning to them for all questions of halacha.

כי יפלא ממך דבר למשפט בין דם לדם בין דין לדין ובין נגע לנגע דברי ריבת בשעריך וקמת ועלית אל המקום אשר יבחר ה' אלהיך בו: וראת אל הכהנים הלויים ואל השפט אשר יהיה בימים ההם ודרשת והגידו לך את דבר המשפט: ועשית על פי הדבר אשר יגידו לך מן המקום ההוא אשר יבחר ה' ושמרת לעשות ככל אשר יאמר: על פי התורה אשר ירוח ועל המשפט אשר יאמרו לך תעשה לא תסור מן הדבר אשר יגידו לך ימין ושמאל:

If a matter eludes you regarding the law, between blood and blood, between judgment and judgment, or between lesion and lesion, words of dispute in your cities, then you shall rise and go up to the place the Lord, your God, chooses. And you shall come to the Levitic kohanim and to the judge who will be in those days, and you shall inquire, and they will tell you the words of judgment. And you shall do according to the word they tell you, from the place the Lord will choose, and you shall observe to do according to all they instruct you. According to the law they



See more shiurim and articles from Rabbi Wiederblank at www.yutorah.org/teachers/Rabbi-Netanel-Wiederblank

instruct you and according to the judgment they say to you, you shall do; you shall not divert from the word they tell you, either right or left.

Devarim 17:8-11

We turn to them because, as Ramban explains, God empowered the high court to interpret the law.

כי התורה נתנה לנו ע"י משה רבינו בכתב וגלוי הוא שלא ישתוו הדעות בכל הדברים הנולדים וחתך לנו ית' הדין שנשמע לב"ד הגדול בכל מה שיאמרו בין שקבלו פירושו ממנו או שיאמרו כן ממשמעות התורה וכוונתה לפי דעתם. כי על המשמעות שלהם הוא מצוה ונותן לנו התורה.

For the written Torah was given to us via Moshe, and it is self-evident that differing views will be expressed in new situations. God established the law for us that we should listen to the high court in all matters, whether they rule based on tradition or because they understand from the text that such is the Torah's intention.

For according to their reading [of the text] God commands and gives us the Torah.

Ramban's Glosses to Ramban's Sefer Hamitzvot Shores #1

Of course, we currently do not have a Sanhedrin, but *Sefer ha-Chinuch* explains that this principle, to a large degree, applies to the Torah scholars of each generation—they are empowered to interpret the law.

לְשִׁמְעַת בְּקוֹל בֵּית דִּין הַגָּדוֹל וְלַעֲשׂוֹת כָּל מַה שְּׂיִצְווּ אוֹתָנוּ בְּדִרְכֵי הַתּוֹרָה בְּאִסּוּר וּמִתְּוָה, וְטָמֵא וְטָהוֹר, וְחַיֵּב וּפְטוּר, וּבְכָל דְּבַר שְׂיִרְאָה לָהֶם שֶׁהוּא חֲזוּק וְתָקוּן בְּדַתְנוּ, וְעַל זֶה נֶאֱמַר (דברים יז י) וְעֲשִׂיתָ עַל פִּי הַדָּבָר אֲשֶׁר יִגִּידוּ לָךְ.... וְנוֹהֶגֶת מִצְוָה זוֹ בְּזִמְנֵי שְׂבִית דִּין הַגָּדוֹל בִּירוּשָׁלַיִם בְּזָקְרִים וּנְקֻבוֹת, שֶׁהַכֹּל מִצְוִין לַעֲשׂוֹת כָּל אֲשֶׁר יֹרֶה. וּבְכָלֵל הַמִּצְוָה גַּם כֵּן לְשִׁמְעַת וְלַעֲשׂוֹת בְּכָל זְמַן וְזִמְנֵי מִמְצוֹת הַשּׁוֹפֵט, כְּלוּמָר, הֶחֱכֵם הַגָּדוֹל אֲשֶׁר יִהְיֶה בִּיְמֵינוּ בְּזִמְנֵינוּ, וְכִמוֹ שֶׁדָּרְשׁוּ זְכוֹרֵנָם לְבָרְכָהּ (ר"ה כה, ב) וְאֶל הַשֹּׁפֵט אֲשֶׁר יִהְיֶה בְּיָמֵינוּ הֵם, יִפְתָּח בְּדוֹרוֹ

בְּשִׁמְעוֹת בְּדוֹרוֹ, כְּלוּמָר, שְׂמִעְתָּה עֲלֵינוּ לְשִׁמְעַת בְּקוֹל יִפְתָּח בְּדוֹרוֹ כְּמוֹ לְשִׁמְעוֹת בְּדוֹרוֹ.

To listen to the voice of the Great Court and to do all that they command us in the paths of the Torah — regarding the forbidden and the permitted, the impure and the pure, the liable and the exempt and in everything that appears to them to be a reinforcement and enhancement to our religion. And about this is it stated (Deuteronomy 17:10), “And you shall act according to the word that they tell you.” And it is repeated adjacently (Deuteronomy 17:12) to strengthen the thing, “According to the instruction that they instruct you and to the judgment that they say to you shall you act.” And there is no difference in this, whether the thing that they see is from their own intellects or is something that they extracted by one of the comparisons through which the Torah is expounded, or something that they agreed is from the secrets of the Torah or they see that the thing is like this in any other way — in everything, we are obligated to listen to them.... And this commandment is practiced by males and females at the time that the Great Court is in Jerusalem, as all are commanded to do that which they instruct. And also included in this commandment is to listen and do like the commandment of the judge in each and every generation — meaning to say, the great sage that is with us in our times. And [it is] like they, may their memory be blessed, expounded (Rosh Hashanah 25b), “To the judge that will be in those days’ — Yiftach in his generation is like Shmuel in his generation”; meaning, that there is a commandment upon us to listen to the voice of Yiftach in his generation, [just] like to Shmuel in his generation.

Sefer Hachinuch #495

Thus, when we turn to a human posek for halachic guidance we are following God's directions, and we don't need to worry that the posek got it wrong. In

fact, as the aforementioned Ran writes, even if he got it wrong, we are following the Torah when we follow him.

Some thinkers go even further, arguing, based on the *Yerushalmi*, that when the Torah was given God sometimes transmitted to Moshe the possibilities, charging the Torah scholars of each generation to determine the normative law through honestly studying the teachings they received.⁶

אמר רבי ינאי אילו ניתנה התורה חתוכה לא היתה לרגל עמידה מה טעם וידבר יי' אל משה אמ' לפניו רבונו של עולם הודיעני היאך היא ההלכה אמר לו אחרי רבים להטות רבו המזכין וכו רבו המחייבין חייבו כדי שתהא התורה נדרשת מ"ט פנים טמא ומ"ט פנים טהור מיניין ודגל"ו.

R. Yanai said: Had the Torah been given in clear-cut decisions (chatucha),⁷ there would be no leg to stand on...⁸ Moshe said to God, “Tell me the normative Halacha.” God responded, “Follow the majority; if the majority acquits, then he is innocent, and if the majority convicts, then he is guilty,” such that the Torah can be interpreted in forty-nine aspects of purity and forty-nine aspects of impurity... Yerushalmi Sanhedrin 4:2

Sometimes it feels like the answer to every question is, “it's a *machloket*.” This can make someone think that odds are we are doing the wrong thing. Or, at least, half the people are doing the wrong thing. But that's not necessarily true as Ritva explains:

שאלו רבני צרפת ז"ל היאך אפשר שיהו שניהם דברי אלהים חיים וזה אוסר וזה מתיר, ותירצו כי כשעלה משה למרום לקבל תורה הראו לו על כל דבר ודבר מ"ט פנים לאיסור ומ"ט פנים להיתר, ושאל להקב"ה על זה, ואמר שיהא זה מסור לחכמי ישראל שבכל דור ודור ויהיה הכרעה כמותם, ונכון הוא לפי הדרש ובדרך האמת יש טעם וסוד בדבה *The French rabbis (of blessed memory) asked: how is it possible that both positions*

could be the words of the living God when one prohibits and the other permits?

They answered: When Moshe ascended to receive the Torah, it was demonstrated to him that every matter was subject to forty-nine lenient and forty-nine stringent approaches. When he queried about this, God responded that the scholars of each generation were given the authority to decide among these perspectives in order to establish normative halacha.

Ritva Eruvin 13b

Thus, when we ask a *posek* our question we are doing what is right. We will be rewarded for following the Torah's directions. If we ask a computer then we are not following the Torah's directions, we are trying to outsmart the Torah. Not a good idea.

Psak Creates a Formal Legal Status

According to some Rishonim, *psak* determines that status of the object upon which the ruling is issued (assuming that it is not demonstrably wrong).

For example, if you ask a *posek* if a piece of meat is kosher and he says it is prohibited, you may not ask a second opinion. Why not? Some explain that doing so is disrespectful to the first *posek*. However, the Raavad and Ritva maintain that the piece of meat becomes prohibited once the first scholar rules it is *asur*, regardless of the theoretical *psak*. Obviously, this would not be the case if a computer issued a *psak*. Put differently, the *psak* creates a formal legal status. Likewise, something does not have the status of a *psak* if issued when the *posek* is intoxicated, even if it is technically correct.⁹

Of course, even according to this approach, it doesn't mean that any ruling issued by a qualified rabbi is

automatically correct. If it can be refuted, it is an error and does not have the status of *psak*. But most of the time competent *poskim* disagree there are no definitive proofs. As we shall see later, *psak* is not like math. In cases like this, when a *posek* rules on a piece of meat according to many, it affects the status of the piece.

Now, we should point out that while this is true regarding a particular piece of meat, it doesn't relate to all pieces. Moreover, there may be a difference between a stringent ruling and a lenient ruling. But either way, the fact that occasionally the humanity of the *posek* determines the legal status of the object indicates that *psak* is not merely about determining the theoretical law (something that AI could conceivably do), it is about creating the law (something AI could not do).

Psak isn't Math

Ramban introduces his work *Milchamot Hashem*, which challenges the interpretations of R. Zerachya ha-Levi, by acknowledging that his questions are not always definitive. However, just because a question is not a definitive refutation, does not mean that it isn't valid. Talmud is not like math. Sometimes an understanding is true because it is more compelling, even if it cannot be proven.¹⁰

Were *psak* like math or formal logic where answers are either demonstrably right or wrong, the use of AI would be more reasonable. But this is not the case. Indeed, in the debates between great *poskim* it is sometimes hard to determine why one *posek* saw one option as more compelling while another preferred a different option. Frequently, the two *poskim* have considered the same sources but came

to different conclusions.¹¹ The identical sources can yield two different results.¹²

Consider a debate between R. Moshe Feinstein and R. Shlomo Zalman Auerbach. Both giants looked at identical sources and came to differing conclusions. How are we to look at this? Should we say one got it right and the other wrong? Or, that maybe they both got it wrong? If that were the case then maybe AI would be a good idea, maybe it is more likely to get it right. But that is not the way we look at it. We say they are both right. Of course, they are not both right for me. If I am a student of R. Feinstein then his answer is the only right answer for me.¹³

The reason for all this is that there is a human component to *psak*, which even generative AI cannot replicate. True AI can paint a tree in the style of Rembrandt. But a computer cannot paint the next Rembrandt. Nobody thinks that if we take all the paintings a painter produced and fed it to a computer and then put the artist in one room and the computer in the next room and told the computer to produce the artist's next painting that the machine will produce the very same painting as the artist. Why not? Because humans are creative. They are not machines. Generative AI isn't creative and it's not human. It looks creative and it looks human, but it's not. Likewise, we could not expect AI to produce R. Auerbach's next *psak*. Which is fine, because now that R. Auerbach has left this world, we turn to the next generation of *poskim* to address the questions he did not answer.

Siyata D-shemaya

While *psak* is primarily an intellectual activity, we also depend on divine assistance, as Ramban stresses.

אפילו יהיה בעיניך כמחליף הימין בשמאל, וכל שכן שיש לך לחשוב שהם אומרים על ימין שהוא ימין, כי רוח השם על משרתי מקדשו ולא יעזוב את חסידיו, לעולם נשמרו מן הטעות ומן המכשול.

Even if it appears to you that they are exchanging right for left; and all the more so [you should listen to them] because you should assume that they are correctly identifying right as right. For God's spirit rests upon His servants and his pious ones, and He safeguards them from error.

Ramban's Commentary to Devarim 17:11

God protects the Sanhedrin from error. As noted, this is not a guarantee that there will be no error. The Torah sets up a system of dealing with mistaken rulings. There is a *korban* relating to error—*par he'elam davar shel tzibur*. There is a whole tractate on the topic, *Horayot*. Nevertheless, God assists the court.

Elsewhere, Ramban notes that this divine assistance is not limited to the Sanhedrin, but applies even in the post-Temple period. In explaining the Talmudic statement, “From the day that the Temple was destroyed, even though prophecy was taken away from the prophets, from the Sages it was not taken away” (*Bava Batra* 12a), Ramban writes that God continues to assist the *poskim* of each generation.¹⁴

While human *poskim* can depend on divine assistance, who is to say machines will be granted the same support?

The interaction between values and law

What goes into issuing a *psak*? Halacha, of course. But that is not all. The *posek* considers Torah values as well. Consider, for example, that the

Talmud states that all of Torah and all of halacha is designed to promote peace as the verse states, “its ways are ways of pleasantness and all of its paths are peace,” דרכיה דרכי נועם וכל נתיבותיה שלום:

דאורייתא, ומפני דרכי שלום. כל התורה כולה נמי מפני דרכי שלום היא, דכתיב: דרכיה דרכי נועם וכל נתיבותיה שלום!

[This law] does derive from the Torah, but its object is to promote peace. [He objected:] But the whole of the Torah is also for the purpose of promoting peace, as it is written, “Her ways are ways of pleasantness and all her paths are peace!”¹⁵
Gittin 59b

Thus a *posek* needs to take into account whether his ruling will promote peace; will it be pleasant. That doesn't mean that everything goes, but it is something that the *posek* considers. How this plays itself out practically is nuanced, non-formulaic, and very case dependent. These values are not explicated in the *Shulchan Aruch* nor are they always articulated in responsa, even though they play a large role in shaping the decision. An algorithm based entirely on past decisions, issued under different circumstances, may totally miss this.

R. Aharon Lichtenstein, in an article entitled “The Human and Social Factor In Halakha,” *Tradition* 36 (2002) adds that *hora'a* is comprised of two elements: *pesak* and *pesika*. *Pesak* is rooted in seforim. It is done in the beit midrash. *Pesika* involves people. It is the application of what has already been determined in the beit midrash but applied to real people and real cases. It takes human factors, repercussions, and subjective factors into account.

Hora'a is comprised of two elements: pesak and pesika, respectively. The former refers to codification, the formulation of the law pertinent to a given area; and it is most characteristically

manifested in the adoption, on textual or logical grounds, of one position in preference to others. As such, it is, essentially, the concluding phase of the learning process proper, whether on a grand or a narrow scale, and its locus is the bet midrash. Pesika, by contrast, denominates implementation. It bespeaks the application of what has already been forged in the crucible of the learning experience to a particular situation. It does not entail the definitive postulation of the law governing a delimited area or its detail, but, rather, the concurrent and coordinate meshing of all aspects, possibly drawn from widely divergent spheres, obtaining in a concrete situation. Its venue is, publicly, the bet din or, privately, the meeting of inquirer and respondent. It does not necessarily demand of the posek that he take a stand or break fresh ground. Its challenge lies in the need to harness knowledge and responsibility at the interface of reality and halakha.

Another way in which one sees values affect the law is the concept of *naval b-rishut ha-Torah*, which states that something can be disgusting and therefore avoided even if it doesn't violate the letter of the law. There is also the concept of *lifnim mi-shurat ha-din*, which states that there are things one should do even if the law doesn't technically demand it.¹⁶ These principles are often subjective in nature and not subject to rules. It is hard to imagine an algorithm properly taking them into account.

Repercussions and Intuition

A *posek* doesn't just consider the past—he considers the future consequences of his *psak*, many of which are unique to the time and place of the question and will not be accounted for in the responsa literature where answers were addressing different circumstances.

This is true with respect to communal repercussions as well as individual repercussions. Consider, for example, R. Feinstein's discussion over making a blessing over tallit and tefillin for someone who must begin work very early when it is mostly dark outside. Strictly speaking, he cannot make a blessing at this time based on the ruling of most authorities, but R. Feinstein worries that this individual will get into the habit of not making a blessing. Moreover, lack of blessing may prompt other harmful consequences. Therefore, he allows a blessing.¹⁷ Likewise, many *Hilchot Shabbat* rulings take into account factors such as *ziluta d-shabta*, the notion that if we permit an activity that is technically allowed, it will impact the mood of Shabbat. In one place, for example, Rama prohibits an activity in a town without a rabbi since it may get out of hand without rabbinical leadership. But if there are rabbis there, they can educate the people and explain why it is permissible in this case but may not be in other cases. Without educators, people might extrapolate from this case to allow all *amira l'nochri*.¹ Of course, these factors are subjective and variable, and depend on the consequences a *posek* predicts will result from his ruling.

Prognostications such as these are a necessary part of *psak*. But is it responsible to leave them to computers? Of course, we may respond that AI can also figure out what is *ziluta d'Shabbat*. But I think it changes from time to time and place to place. If it was based only on past rulings, it would miss current trends.

Another illustration: R. Feinstein has two responsa in a row. One on microphones on Shabbat and one on hearing aids on Shabbat.¹⁹ If you think

about it, in many respects though not all, this is the same question. Yet he permits one and prohibits the other. There are many factors to this beyond the scope of this article, but part of this discussion considers what Shabbat would look like if we allowed microphones and what would it look like if we did not allow hearing aids. The answers to these questions are not strictly found in Shas and *poskim*. They emerge from the intuition a *gadol* has from his mastery of all of Torah along with his keen understanding of the world that emerges from his mastery of all of Torah along with special *siyata dishmaya* given to those who fear God. A computer has none of that.

What emerges then is that *psak halacha* is not purely mathematical. When a *posek* seeks to solve a practical halachic question, he brings with him his intuition. Thus, R. Soloveitchik begins his responsum, "On Drafting Rabbis and Rabbinical Students," with the admission that he had not approached the sources with complete objectivity. Instead, he had certain intuitive feelings and held basic values that prejudiced him in favor of his decision and guided him in his exploration of the various aspects and facets of the problem:

I have undertaken the research into the halakhic phase of this question... with utmost care and seriousness. Yet I cannot lay claim to objectivity if the latter should signify the absence of axiological premises and a completely detached attitude.

The halakhic inquiry, like any other theoretical cognitive performance, does not start out from the point of absolute zero as to sentimental attitudes and value judgments. There always exists in the mind of the researcher an ethico-axiological background against which the contours of the subject matter in question stand out more clearly... Hence

*this investigation was also undertaken in a similar subjective mood. From the very outset I was prejudiced in favor of the project of the Rabbinical Council of America and I could not imagine any halakhic authority rendering a decision against it. My inquiry consisted only in translating a vague intuitive feeling into fixed terms of halakhic discursive thinking.*²⁰

Chazal teach us that we must follow the rulings of Sanhedrin even if they appear wrong and contrary to halacha. *Kli Yakar* suggests that this this refers to judgment calls and even the obligation of Sanhedrin to, as appropriate, violate the halacha in order to uphold the halacha.²¹ Of course, this notion is also governed by rules. However, it goes without saying that the mandate to consider these sorts of factors precludes the possibility of machine-generated *psak*.

Shimush and Subjective Factors

Psak is not just about what it says on the books. A *posek* must take into account all sorts of unique factors that a computer cannot. When somebody asks me a question and I know they suffer from OCD, I am going to answer in a very different way. Same if they are having shalom bayis issues or financial woes. For example, in the olden days, when it was common to ask a rav questions about *treifot* it was common for a rav to say, "give the meat to a pauper." At first, this doesn't make sense; if it is prohibited then even someone destitute may not eat it. And if it is permitted, why can't the questioner eat it?

The answer is that it is *muttar b-sha'at ha-dechak*, permitted in a time of exigency. That means that it is *assur* for a person who can afford to buy another

chicken but permitted for someone who cannot.²² But what constitutes a *sha'at ha-dechak*? It's not a mathematical formula. It takes a keen eye to figure out.

Of course, a machine can theoretically be trained to take these factors into account. However, at this point, that seems inconceivable. Certainly AI could not *pasken* if it was only trained on books, since, as we have seen, there are so many subjective factors that are relevant that do not emerge from books.

This is why there is so much more to learning how to be a *posek* than studying books and going to class. Just as a doctor needs a residency before practicing on real people, the Talmud says that *shimush* is even more important than learning.

ואמר רבי יוחנן משום רבי שמעון בן יוחי:
גדולה שמושה של תורה יותר מלמודה,
שנאמר: כופה אלישע בן שפט אשר יצק
מים על ידי אליהו, למד לא נאמר אלא יצק -
מלמד שגדולה שמושה יותר מלמודה.

R. Yohanan further said in the name of R. Simeon b. Yohai: *The service of the Torah is greater than the study thereof. For it is said: Here is Elisha the son of Shaphat, who poured water on the hands of Elijah. It is not said who learned but who poured water. This teaches that the service of the Torah is greater than the study thereof.*

Brachot 7b

In my own experience I have seen this countless times. I will arrive at a certain halachic conclusion and my rebbe, Rabbi Willig, will tell me that even if my analysis is correct my conclusion is wrong. If I tell someone this, then "X" will happen, and we must avoid that.

Frequently, when I ask Rabbi Willig a halachic question, he will come up with some sort of creative suggestion to avoid the problem instead of giving a halachic answer. Sometimes it seems

like he gives more advice than *psak* to those going to him for *psak*. Why? That, too, is part of the job of a *posek*. And, to a large degree, it's not something that a computer can do.

Indeed, that is why הרוח לש השומש הלודג הרות. A person seeks *shimush* not primarily to see what the halacha is in situation "X," because for that seforim would work; instead, it is to learn how to answer a person who asks about situation "X." For that, the answer is of not just the strict halacha.

Masora

Every *posek* was taught and trained by a teacher going back to Sinai. This masora or tradition is fundamental to the continuity of Torah.

נמצא מרב אשי עד משה רבנו-- ארבעים
איש, ואלו הן: (א) רב אשי, (ב) מרבא, (ג)
מרבא, (ד) מרב הונא, (ה) מרבי יוחנן ורב
ושמואל, (ו) מרבנו הקדוש, (ז) מרבן שמעון
אביו, (ח) מרבן גמליאל אביו, (ט) מרבן
שמעון אביו, (י) מרבן גמליאל הזקן אביו,
(יא) מרבן שמעון אביו, (יב) מהלל אביו
ושמאי, (יג) משמעיה ואבטליון, (יד) מיהודה
ושמעון, (טו) מיהושע ונתאי, (טז) מיוסף
יוסף, (יז) מאנטיגנוס, (יח) משמעון הצדיק,
(יט) מעזרא, (כ) מברוך, (כא) מירמיה,
(כב) מצפניה, (כג) מהבקוקי, (כד) מנחום,
(כה) מיואל, (כו) ממיקה, (כז) מישיעיה,
(כח) מעמוס, (כט) מהושע, (ל) מזכריה,
(לא) מיהודע, (לב) מאלישע, (לג) מאליהו,
(לד) מאחיה, (לה) מדוד, (לו) משמואל,
(לז) מעלי, (לח) מפניחס, (לט) מיהושע,
(מ) ממושה רבנו רבן שלכל הנביאים, מעם ה'
אלהי ישראל.

Thus, from Rav Ashe back to Moshe Our Teacher, there were forty [generations of] great men; that is to say: (1) Rav Ashe, (2) from Rabba, (3) from Rabbah, (4) from Rav Huna, (5) from Ribbi Yohanan, Rav, and Shemuel, (6) from Our Holy Teacher, (7) from his father, Rabban

Shim'on, (8) from his father, Rabban Gamliel, (9) from his father, Rabban Shim'on, (10) from his father, Rabban Gamliel the Elder, (11) from his father, Rabban Shim'on, (12) from his father, Hillel, and Shammai, (13) from Shemayah and Avtalyon, (14) from Yehudah and Shim'on, (15) from Yehoshua and Nittai, (16) from Yosef and Yosef, (17) from Antignos, (18) from Shim'on the Righteous, (19) from Ezra, (20) from Baruch, (21) from Yirmiyah, (22) from Tsefanyah, (23) from Havaquq, (24) from Nahum, (25) from Yoel, (26) from Michah, (27) from Yeshayah, (28) from Amos, (29) from Hoshea, (30) from Zecharyah, (31) from Yehoyada, (32) from Elisha, (33) from Eliyahu, (34) from Ahiyah, (35) from David, (36) from Shemuel, (37) from Eli, (38) from Pinehas, (39) from Yehoshua, (40) from Moshe Our Teacher, the greatest of all of the prophets, from the LORD God of Israel.

Rambam's Introduction to Mishne Torah

Why is masora important? Especially following the writing of the Oral Law?

The answer is that, as we have seen, *psak* is much more than information. What I get from my rebbe is much more than facts. I am taught how to balance things like canonical texts and mimetic traditions. How factors like hardship, established practice, elitism and so on go into *psak*. But usually, they are not spelled out. They often shape the *posek's* conclusion without his awareness.

These values are passed on from teacher to student. But, of course, each student is not a clone of their teacher. They take what they have received and add their own dimension. If a machine ruled entirely based on the writings of the previous masters, that would effectively end the development of the masora whereby one is original even as they are firmly rooted in the tradition.

Chidushim

We generally think of *chidushim* or novel Torah concepts as part of learning, but not *psak*. But that is absolutely false! In one responsa R. Feinstein was challenged because a certain ruling of his contradicted the ruling of the greatest Acharonim. R. Feinstein forcefully responded that the Torah is not dead. Every qualified *posek* must rule based on his understanding of the law. False humility in cases like this can be catastrophic.²³

Indeed, in *Halakhic Man*, R. Soloveitchik depicts how the halachic man is defined by his creative spirit:

Halakhic man is a man who longs to create, to bring into being something new, something original. The study of Torah, by definition, means gleaning new, creative insights from the Torah (chidushei Torah). ... This notion of chidush, of creative interpretation, is not limited solely to the theoretical domain but extends as well into the practical domain, into the real world. The most fervent desire of halakhic man is to behold the replenishment of the deficiency in creation, when the real world will conform to the ideal world and the most exalted and glorious of creations, the ideal Halakhah, will be actualized in its midst. The dream of creation is the central idea in the halakhic consciousness—the idea of the importance of man as a partner of the Almighty in the act of creation, man as creator of worlds. This longing for creation and the renewal of the cosmos is embodied in all of Judaism's goals. (p. 99)

Thus, in *Emuna u-Bitachon* attributed to Ramban, it states that there is an obligation upon every Chacham to be *michadesh* to the extent of his ability (ותלוכי יפכ הרותב שדחל סכח לכ לע הוצמ). *Nefesh ha-Chaim* (4:12) likewise discusses the tremendous value of *chidushim*.²⁴

Of course, one might claim that generative AI is also capable of producing *chidushim*. It is even capable of producing original works of art. I address this more fully in my article, “What Artificial Intelligence Teaches Us about What it Means to be Human,” in *Jewish Action*, where I distinguish between true human creativity and the apparent creativity displayed by AI. Consider three categories of intelligence: knowledge (knowing information, or *chochmah*), extrapolation (*binah*), and creativity (*chiddush*). Traditional computers certainly store lots of information. Generative AI, which looks at a collection of data to create something new, extrapolates. But true creativity remains uniquely human.

Of course, one might object that most *psak* isn't truly creative. The difference is that humans are capable of true creativity. This is a prerequisite for *psak*. The very fact that we are capable of true creativity fundamentally distinguishes us from machines, even if most of our work is merely derivative.

It will be useful

All this doesn't mean that AI will not be useful for a *posek*. It may come up with sources or point out connections or even come up with good arguments that we might have missed. So while it may end up being a helpful tool for a *posek*, it will not replace the *posek*.

It may also be helpful for non-*poskim*. However, here there is a danger that it may be abused. Just as nowadays people incorrectly google their questions thinking they have no need for a *posek*, if AI produces eloquent and sensible solutions people may think they can be relied upon, when, as we have argued, they cannot.

To illustrate, a person can google a question and see that there are some who are lenient and decide that's good enough for me. That is wrong. Or he may see that some who are stringent and decide he better be strict. That, too, is wrong. Indeed, the Talmud states that before the halacha was decided in accordance with Beit Hillel, one could choose to be a follower of Beit Hillel or Beit Shammai. But if they followed the leniencies of both they are wicked and if they follow the stringencies of both they are like the blind groping in the dark. Every individual must find a *posek*, *asei licha rav*, and follow their rulings, whatever they are.

Thus, just as digest books like *Shmirat Shabbat ki-Hilchata* are useful for both the *posek* and non-*posek*, they don't in any way reduce the need for a *posek*.²⁵ So too, AI can play a useful role in the halachic system without replacing the *posek*.

Finally, Let's take a step back and consider what this question has taught us about *psak*. *Psak* is an encounter with the Divine. It is an exercise in which the human and God partner to determine what is right.

Halakhic man received the Torah from Sinai not as a simple recipient but as a creator of worlds, as a partner with the Almighty in the act of creation. (Halakhic Man, p. 81)

Hashem could have just told us what to do prophetically, but He didn't. Why? Because He trusted us, He wanted to empower us. We must not forfeit this responsibility. Every day we pray not just for wisdom but *ten chelkein u b-torasecha*, give us *our* portion in your Torah. If we were to hand over this responsibility to a computer it wouldn't just be wrong—it would be a tragedy.

Endnotes

1. See *Horayot* 2a with commentaries for what constitutes *higiya l-hora'ah*.

2. A specialized oven whose purity status was debated between the Sages and R. Eliezer.

3. Another formulation of this concept is offered by R. Aryeh Leib Heller-Kahane (1745–1812):

הקדמה לספר קצות-החוּשן

...דידוע דשכל האדם ילאה להשיג האמת בהיות בארץ שרשו, ולזה אמרו [=המלאכים לקב"ה] אתה מבזה תכשיט שלך, כיוון שעיקר הבריאה עבור התורה, והאדם בשכלו האנושי מהנמנע להשיג האמת האמיתית... והיינו 'פיה פתחה בחכמה ותורת חסד על לשונה', משום דתורה שבעל פה ניתנה כפי הכרעת החכמים, אף על פי שאינו אמת, ונקרא תורת חסד.

4. See Ramban's *Hasagot on Sefer ha-Mitzvot Shores* 1.

5. For more on this complex topic see *Illuminating Jewish Thought* Vol. 1 Chapter 4 and Vol. 3 Chapter 28.

6. This goes further than the Ran cited earlier insofar as both possibilities are equally valid. Or, put differently, whatever answer they choose is the right answer (assuming it qualifies as *eilu v-eilu*).

7. *Pnei Moshe* understands that the passage is noting the ambiguity with respect to halacha (בפסק הלכה בלא נטיית דעת לכאן ולכאן). *Ridvaz* understands this as referring to the manner in which we read *pesukim*. A single correct way was not conclusively revealed even at Sinai but rather left to man to interpret.

8. *Pnei Moshe* explains that the eternity of Torah depends on the possibility of multiple interpretations all of which ultimately are true: "לא היה קיום לעולם דהתורה צריך שתהיה" נדרשת פנים לכאן ולכאן כדלקמיה ואילו דברי הן "אלהים חיים הן". He does not elaborate as to why that there would be no room for *talmud Torah*, which of necessity involves creative use of the human intellect and therefore would not be possible without ambiguity. According to *Korban ha-Eida*, if the Torah had been given as a set of clear laws, we would be unable to use it to resolve new questions. The openness to interpretation and extrapolation allows for uncovering the conceptual basis for solving even modern questions: "לא היה באפשר" כלומר,

להתקיים בה דרוב פעמים הענין משתנה ואינו כמו *Thus, the ambiguity within the Torah allows Torah to relate to the challenges of each and every generation.*

9. ר"ן עבודה זרה ז א

הנשאל לחכם וטימא לא ישאל לחכם ויטהר וכו': כתב הראב"ד ז"ל בפירושו מס' ע"ז שלו דלא משום כבודו של ראשון נגעו בה אלא משום דכיון דאסרה ראשון שויה חתיכה דאיסורא ושוב אין לה היתר דאפילו התירה שני אינה מותרת והיינו דתניא פרק אלו טרפות (דף מד) חכם שטימא אין חברו רשאי [לטהר אסר אין חבירו רשאי] להתיר כלומר אינו רשאי להתיר דאפילו התיר אינו מותר אפילו היה גדול ממנו בחכמה ובמנין מדקאמר אם היו [שנים] אחד אוסר ואחד מתיר

אם היה אחד מהן גדול בחכמה ובמנין הלך אחריו מכלל דהיכא דלא היו שנים בבת אחת אלא שהאחד אסור בפני עצמו אין חבירו רשאי להתיר (כלומר אינו רשאי להתיר דאפילו התיר אינו מותר ואפילו היה גדול ממנו בחכמה ובמנין מדקאמר) אפילו גדול בחכמה ובמנין והנ"מ בדבר שאין בו מחלוקת אלא משקול הדעת אבל אם טעה בדבר משנה חוזר ומטהר ומתיר כדתנן בבכורות פרק עד כמה (דף כח ב) ומיית לה בסנהדרין פרק אחד דיני ממונות (דף לג א) מעשה בפרה של בית מנחם שניטלה האם שלה והאכילה רבי טרפון לכלבים ובא מעשה לפני חכמים והתירוה ואמרינן התם דאילו איתא לפרה הוה הדרה כיון שטעה בדבר משנה אבל בשקול הדעת ודאי לא מפני שנעשית כחתיכה דאיסורא והני מילי מטומאה לטהרה ומאיסור להיתר אבל בחיוב וזכות חברו המומחה ממנו חוזר... ולפיכך נראה לי דאפילו טעה בשקול הדעת מחזירין הוראתו בהסכמתו וכי אמרינן בפ' אלו טרפות (שם) חכם שאסר אין חבירו רשאי להתיר בלא הסכמתו של ראשון קאמר מפני כבודו של ראשון ועוד כדי שלא תראה תורה כשתי תורות הללו אוסרים והללו מתירים וכעובדא דרבה בר בר חנה דהתם דאכשרה שלא בפניו של רב ומשום האי טעמא גופיה אמרינן הכא הנשאל לחכם וטימא וכו' אבל אילו שמע ראשון טענותיו של שני והודה לו שטעה בשקול הדעת אי נמי לא הודה לו אלא שהשני גדול ממנו מחזיר השני הוראתו של ראשון ומתיר מה שאסר כך נראה לי להלכה אבל למעשה אין בי כח לחלוק על אבות העולם ז"ל:

חידושי הריטב"א מסכת עבודה זרה דף ז עמוד א מיהו דוקא בטעה בשקול הדעת אבל אם טעה בדבר משנה אין הוראתו הוראה כלל ולא חל איסור בחתיכה זאת וחברו רשאי להתירה, כדאמרינן התם בסנהדרין (ל"ג א') מעשה בפרתו של רבי מנחם שניטלה האם שלה והלך רבי טרפון והאכילה לכלבים ובא מעשה לפני חכמים והתירוה ואי לא טעה בדבר משנה הוה משלם ואילו הוה פרה בעינא הוה הדרת ואכלינן אותה כדמוכח התם, וטעמא כדאמרן שכל הוראה בטעות בדבר משנה אפילו מפי גדול הדור לאו הוראה היא ולא חיישינן לה כלל, אלא ודאי מתני' בטועה בשקול הדעת כגון תרי תנאי או תרי אמוראי דפליגי ולא איפסקא הלכתא כחד מיניהו וסוגיין בעלמא כחד מיניהו ואול האי ופסקי

כאיך, וטועה בדבר משנה הוא שטועה בדבר ברור בתלמוד או בברייתא או בדברי אמורא, ואפ' נפיק מדיוקא כל היכא דהוי דיוקא דייקא וכדאמרינן התם (סנהדרין שם) אפילו אדידי ודידך, והיכא דאשתכח לחד מחכימי ורבוותא ז"ל מילתא דפסק מסברא או מדיוקא ואזל האי דלא שמע ההוא פיסקא והורה דלא כותיה, אומר מורי נ"ר דחזינן אילו הוה ידיעה ליה להאי ההוא פיסקא דההוא גאון בעידן הוראתו מקמי דלורי הוה הדר ביה השתא הוה טועה בדבר משנה, ואילו לא הוה הדר ביה כיון שזה ראוי להוראה הוה דינא כטועה בשיקול הדעת, ואע"פ שהראשון הגאון גדול ממנו.

10. הרמב"ן בהקדמתו לספר מלחמת ה' ואתה המסתכל בספרי, אל תאמר בלבבך כי כל תשובתי על הרב רבי זרחיה זכרוננו לברכה כלן בעיני תשובות נצחות, ומכריחות אותך להודות בהם על פני עקשותך, ותתפאר בהיותך מספק אחת מהן על לומדיה, או טררית על דעתך להכנס בנקב המחט לדחות מעליך הכרח ראיתי. אין הדבר כן. כי יודע כל לומד תלמודנו שאין במחלוקת מפרשי ראיות גמורות ולא ברוב קושיות חלוטות שאין בחכמה הזאת מופת ברור כגון חשבוני התשבורת ונסיוני התכונה

11. This is especially true in debates where there are several rounds of back and forth among the *poskim*.

12. Moreover, both positions may be right (*eilu v-eilu*). But even if one believes that only one is right, who is to say who is right?

13. And even if I am a student of R. Auerbach and an AI model concludes that based on what R. Auerbach has written he would rule permissively, it does not follow that I should follow the machine. After all, sometimes a *posek* will change his mind. Knowing the way a person thinks will not always predict what he will say.

14. חידושי הרמב"ן מסכת בבא בתרא דף יב עמוד א הכי קאמר אע"פ שנטלה נבואת הנביאים שהוא המראה והחזון, נבואת החכמים שהיא בדרך החכמה לא נטלה, אלא יודעים האמת ברוח הקדש שבקרבם.

15. Likewise, Rambam writes that when violating Shabbos for a life-threatening situation we do it with haste, don't ask a non-Jew, and it should be done by *gedolei Yisrael* because the halacha is not meant to bring vengeance to the world, but rather bring mercy, kindness, and peace to the world.

רמב"ם הלכות שבת פרק ב הלכה ג

כשעושים דברים האלו אין עושין אותן לא ע"י גוים ולא ע"י קטנים ולא ע"י עבדים ולא ע"י נשים כדי שלא תהא שבת קלה בעיניהם, אלא על ידי גדולי ישראל וחכמיהם, ואסור להתמהמה בחילול שבת לחולה שיש בו סכנה שנאמר (ויקרא י"ח) אשר יעשה אותם האדם

שיכולין לקרות משעלה עמוד השחר וצריך לידע בדיוק מתי הוא התחלת הזמן לאלו שאנוסים, ואף שבש"ע נקט אנוס כגון שהיה משכים לצאת לדרך במקום גדודי היה וליסטים או בבני שיירא שלא ימתינו לו הוא לאו דוקא שנים אלו דאלו שצריכין ללכת למלאכתו ודאי אין לך אונס גדול מזה.

... ולענ"ד נראה שיניחו טלית ותפילין כדי שלא יתרגלו להתפלל בלא טלית ותפילין אף כשתעבור שעת הדחק. שאז יהיו מחוייבין לקרא ק"ש ולהתפלל דוקא בטלית ותפילין, וגם בימים אלו יש לחוש שישכחו מלהניח אחר התפלה, אבל לא יברכו על הטלית אלא לאחר התפלה. אם יהיה הכרת חברו ד"א ואם לא יהיה עדיין הכרת ד"א יצטרכו לחכות עד שיהיה הכרת ד"א, ואם יהיה מוכרח ללכת לפרנסתו יוכל ללכת ואין עליו חיוב כל כך מאחר שלובש טלית קטן ויברך עליו א"כ בכל מקום שימצא בעת הכרת ד"א, ובדבר תפילין אם גם אחרי התפלה עדיין לא יהיה הכרת ד"א והלא יהיה מוכרח ללכת תיכף אחר התפלה לפרנסתו ולא יזמין לו להיות במקום שיוכל להניח תפילין אפשר יש לו לברך ג"כ אף שהוא ת"ח שלא יבא ללול בהמצוה כשלא יברך, ולסתם אינשי גם ככל אופן יש לומר להם שיברכו דיש לסמוך על הר' פרץ שהביא הטור /או"ח/ סימן ל' שיש לחוש שע"י שלא יברכו לא תהיה עצם המצוה חשובה כל כך, ועיין בפ"י הר"ן נדרים דף פ"א בד"ה דבר בטעם הר"ר יונה על שלא ברכו בתורה תחלה, ובשעת הדחק הא יש לסמוך על דעת יחיד נגד רבים באיסור דרבנן אף להש"ך בהנהגת הוראת או"ה בסוף סימן רמ"ב ולהב"ח אף בדאורייתא סמכינן עיי"ש, ואף שכתב שם הש"ך דבעי שיהיה גם הפ"מ = הפסד מרובה = הנה חשש הולול שיש בהנחה בלא ברכה עדיף מהפ"מ דממונן, וכדכתבתי בתשובה חאו"ח קמא סימן י'.

18. דרכי משה הקציר אורח חיים סימן רנג (ז) ובאר זרוע (הל' ערב שבת ס"ו ח) כתב ראיתי בבית מורי [ר' יהודה ב"ר יצחק] שירליא"ן שפעמים מתקרים השאלינ"ט שלהם ובשבת קודם האוכל מדליקין העבדים אש סמוך לקדרות כדי שיתחממו בטוב ויש שמסלקין אותם ונותנים אותם סמוך לאש ומפרשים להתיר מפני שאין לחוש לאוסרן דמסתמא חמין הן קצת קרוב להיד סולדת בו וכשמוסיפין להם חום מותר שהרי גם בישול אין בהן ואפילו יתקררו הרבה אין לאוסרן שגם כוונתן בעבורן הן ואפילו מתכוונים בעבור ישראל אין לחוש דמסתמא אין ישראל רוצה בכך שאילו (ידעין) [ידעין] שהקדרות נתקררו לגמרי לא היו מניחים לחמם אותם כלל וכשהעבדים עושין לאו כל כמיניהו לאסור לנו התבשיל בעל כרחנו ובחופות רגילים לעשות כן עבדיהן ואין איש נמנע לאוכלו וגם רבינו תם ז"ל ושאר גדולי הדור כולם מתירים. מיהו ראוי ונכון שלא לעשות כן משום דאוושא מילתא ואיכא זילותא דשבתא וכל מדינה דלא שכיח בה רבנן ראוי לאסור עליהן דבר זה עכ"ל:

19. שו"ת אגרות משה אורח חיים חלק ד סימן פד טעמי האיסור לדבר במייקראפאן /במיקרופון/ בשבת וי"ט י"ד מנ"א תשכ"ט. מע"כ ידידי מהר"ר יצחק סידעלסקי שליט"א.

(ב) והתקדשתם אלו מים ראשונים, והייתם קדושים אלו מים אחרונים, כי קדוש זה שמן ערב. כי אע"פ שאלו מצות מדבריהם, עיקר הכתוב בכיוצא בזה יזהיר, שנהיה נקיים וטהורים ופרושים מהמון בני אדם שהם מלכלכים עצמם במותרות ובכיעורים:

זה דרך התורה לפרוט ולכלול בכיוצא בזה, כי אחרי אזוהרת פרטי הדינין בכל משא ומתן שבין בני אדם, לא תגנובו ולא תגזול ולא תנו ושאר האזהרות, אמר בכלל ועשית הישר והטוב (דברים ו יח), שיכניס בעשה הישר וההשויה וכל לפנים משורת הדין לרצון חבריו, כאשר אפרש (שם) בהגיעי למקומו ברצון הקב"ה. וכן בענין השבת, אסר המלאכות בלאו והטרחים בעשה כללי שנאמר תשבות,

רמב"ן דברים פרק ו פסוק יח ועשית הישר והטוב בעיני ה' - על דרך הפשט יאמר תשמרו מצות השם ועדותיו וחקותיו ותכוין בעשייתן לעשות הטוב והישר בעיניו בלבד. ולמען ייטב לך - הבטחה, יאמר כי בעשותך הטוב בעיני ייטב לך, כי השם מטיב לטובים ולישרים בלבבותם. ולרבותינו בזה מדרש יפה, אמרו זו פשרה ולפנים משורת הדין. והכוונה בזה, כי מתחלה אמר שתשמור חקותיו ועדותיו אשר צוה, ועתה יאמר גם באשר לא צוה תן דעתך לעשות הטוב והישר בעיניו, כי הוא אורה הטוב והישר:

זה ענין גדול, לפי שאי אפשר להזכיר בתורה כל הנהגות האדם עם שכניו ורעיו וכל משאו ומתנו ותקוני הישוב והמדינות כלם, אבל אחרי שהזכיר מהם הרבה, כגון לא תלך רכיל (ויקרא יט טז), לא תקום ולא תטור (שם פסוק יח), ולא תעמוד על דם רעך (שם פסוק טז), לא תקלל חרש (שם פסוק יד), מפני שיבה תקום (שם פסוק לב), וכיוצא בהן, חזר לומר בדרך כלל שיעשה הטוב והישר בכל דבר, עד שיכנס בזה הפשרה ולפנים משורת הדין, וכגון מה שהזכירו בדינא דבר מצרא (ב"מ קח א), ואפילו מה שאמרו (יומא פו א) פרקו נאה ודבורו בנחת עם הבריות, עד שיקרא בכל ענין תם וישר:

תלמוד בבלי מסכת בבא מציעא דף פג עמוד א רבה בר בר חנן תברו ליה הנהו שקולאי חביטא דחמר. שקל לגלימיהו, אתו אמרו לרב. אמר ליה: הב להו גלימיהו. אמר ליה: דינא הכי? אמר ליה: אין, (משלי ב') למען תלך בדרך טובים. יהיב להו גלימיהו. אמרו ליה: עניי אנן, וטרחינן כולה יומא, וכפינן, ולית לן מידי. אמר ליה: זיל הב אגרייהו. - אמר ליה: דינא הכי? - אמר ליה: אין, (משלי ב') וארחות צדיקים תשמר.

17. שו"ת אגרות משה אורח חיים חלק ד סימן ו בענין הקדמת זמן ציצית, תפילין, ק"ש ותפילה בשחרית כשהמדינה הקדימה זמן היום מחמת חוסר דלק ר"ח אדר תשל"ט. למע"כ חתני כבני הרה"ג ר' משה דוד סנדלר שליט"א בן מחותני האהוב הרה"ג ר' יצחק איזיק שליט"א. הנה בדבר ק"ש ותפלה דשחרית שנקבע מהמדינה להקדים זמן היום לשעה מחוסר שמן השרפה מצד המלחמה של הערביים ורובא דאינשי הרי צריכין להתחיל פעולתם ממילא בשעה קודם שלכן הוא שעת הדחק גדול שמפורש /שו"ע או"ח/ בסימן נ"ח סעיף ג'.

וחי בהם ולא שימות בהם, הא למדת שאין משפטי התורה נקמה בעולם אלא רחמים וחסד ושלוש בעולם, ואלו המינים שאומרים שזה חילול שבת ואסור עליהן הכתוב אומר (יחזקאל כ') וגם אני נתתי להם חוקים לא טובים ומשפטים לא יחיו בהם.

When treating a life threatening condition on the Sabbath it should not be administered by gentiles, by children, by servants, or by women, so that they will not view the Sabbath flippantly. Instead, the treatment should be administered by the leaders of Israel and the wise. It is forbidden to hesitate before transgressing the Sabbath [laws] on behalf of a person who is dangerously ill, as [reflected in the interpretation in the phrase of Leviticus 18:5], "which a person shall perform to live through them," as "[to live through them]" and not to die through them." **This teaches that the judgments of the Torah do not [bring] vengeance to the world, but rather bring mercy, kindness, and peace to the world.** Concerning those non-believers who say that [administering such treatment] constitutes a violation of the Sabbath and is forbidden, one may apply the verse [Ezekiel 20:25]: "[As punishment,] I gave them harmful laws and judgments through which they cannot live."

16. רמב"ן ויקרא פרק יט ..והענין כי התורה הזהירה בעריות ובמאכלים האסורים והתירה הביאה איש באשתו ואכילת הבשר והיין, א"כ ימצא בעל התאווה מקום להיות שטוף בזמת אשתו או נשיו הרבות, ולהיות בסובאי יין בזוללי בשר למו, וידבר כרצונו בכל הנבלות, שלא הזכיר איסור זה בתורה, והנה יהיה נבל ברשות התורה

לפיכך בא הכתוב, אחרי שפרט האיסורים שאסר אותם לגמרי, וצוה בדבר כללי שנהיה פרושים מן המותרות. ימנע במשגל, כענין שאמרו (ברכות כב א) שלא יהיו תלמידי חכמים מצויין אצל נשותיהן כתרנגולין, ולא ישמש אלא כפי הצורך בקיום המצוה ממנו. ויקדש עצמו מן היין במיעוטו, כמו שקרא הכתוב (במדבר ו ה) הנזיר קדוש, ויזכור הרעות הנזכרות ממנו בתורה בנה ובלוט. וכן יפריש עצמו מן הטומאה, אע"פ שלא הוזהרו ממנה בתורה, כענין שהזכירו (חגיגה יח ב) בגדי עם הארץ מדרס לפרושים, וכמו שנקרא הנזיר קדוש (במדבר ו ח) בשמרו מטומאת המת גם כן. וגם ישמור פיו ולשונו מהתגאל ברבוי האכילה הגסה ומן הדבור הנמאס, כענין שהזכיר הכתוב (ישעי' ט טז) וכל פה דובר נבלה, ויקדש עצמו בזה עד שיגיע לפרישות, כמה שאמרו על רבי חיאי שלא שח שיחה בטלה מימיו:

באלו ובכיוצא בהן באה המצוה הזאת הכללית, אחרי שפרט כל העבירות שהן אסורות לגמרי, עד שיכנס בכלל זאת הצוואה הנקיית בידי וגופו, כמו שאמרו (ברכות נג

ולכן גם בשביל חשש זה שאינו ברור אין לאסור לחולה ולצורך גדול כזה כדלעיל.

והנה לבד זה הא החרש שבאנו מונח המכונה אינו עושה שום מלאכה והנידון הוא על המדברים, שלכן על אותן שאין מדברין ביחוד להחרש אלא בכלל לעלמא הרי אינם מתכוונים ודבר שאין מתכוין מותר ואין זה פ"ר =פסיק רישא= דהא כמה פעמים שאף עם המכונה אינו שומע, ורק על אלו שמדברין ביחוד להחרש הוא מתכוין, וגם הרבה פעמים כשמדברין ביחוד להחרש הוא שומע והיו גם פ"ר ואף בלא פ"ר הא כשמתכוין אסור, ולכן כשאפשר טוב שלא ידברו ביחוד להחרש ותועיל המכונה לרוב הדברים שצריך לשמוע שהוא למה שמדברין בכלל לעלמא כגון מה שצריך לשמוע כשהוא נמצא ברחוב ובביהכ"נ ועל הדברים ששואל ישיבו לו שלא בדבור אלא ברמיזה, ואם א"א כעובדא זו שהיא קטנה בת שש שמוכרחין להשיב לה ולפעמים דוקא בדבור אין לאסור. יידו, משה פיינשטיין.

20. *Community, Covenant and Commitment*, ed. N. Helfgot (Jersey City, 2005), pp. 24-25.

21. כלי יקר דברים פרשת שופטים פרק יז (יא) לא תסור מן הדבר אשר יגידו לך ימין ושמאל. פירש רש"י אפילו אומר לך על ימין שהוא שמאל וכו'. נראה שדקדק זה מדלא קאמר לא תסור ימין ושמאל מן הדבר ומדקאמר ימין ושמאל אחר אשר יגידו לך, שמע מינה שהכי קאמר אף על פי שכפי האמת אינו ימין ושמאל זולת מה שהם יגידו לך שהוא ימין ושמאל, ובטעם דבר זה נתקשו המפרשים ונתנו טעמים רבים שנין דין מן דין:

וכפי האמת אין אני רואה שום קושי בדבר כי כבר אמרו חז"ל (חגיגה ג ב) שמה יאמר אדם הואיל והללו מטהרין והללו מטמאין הללו אוסרין והללו מתירין היאך אני למד תורה מעתה תלמוד לומר ניתנו מרועה אחד (קהלת יב יא) כולן אל אחד נתנו וכו', וקשה הלא הדרא קושיא לדוכתא וסוף סוף היאך אני למד תורה, אלא ביאור הדבר הוא שבכל דבר טומאה וטהרה יש כמה פנים לטהרו, וכמה פנים לטמאו, ואם התורה טהרתו הוא מפני שהצדדים המראים פני טהרה הם מרובים יותר מן הפנים המראים פני טומאה וכן להיפך, והוא הדין בדבר מותר ואסור, וכשר ופסול, ומטעם זה אמרו חז"ל (סנהדרין יז א) שאין ממנין לסנהדרין עד שידוע לטהר השרץ מן התורה, וטעמו של דבר שאם לפעמים צריכין להוראת שעה לפסוק נגד התורה משום עת לעשות לה' הפרו תורתך (תהלים קיט כב), אזי יכול החכם או הנביא לצרף לסברת עת לעשות לה' אותן מיעוט סברות שכבר נדחו מחמת הרוב וליפך אחר המיעוט כהוראת אליהו בהר הכרמל, אבל אם אין החכם או הנביא יודע שום סברא אל ההיפך אז לעולם לא יטהרו אפילו בהוראת שעה והרי הוא מחויב לטהרו מטעם סמוך עת לעשות לה' למיעוט סברות הנוטין אל ההיפך ואתרע רובא דכנגדו, ואם בית דין שלמטה פוסקים טהור על דבר שהוא טמא מן התורה הואיל שיש סברות גם לטהרו סמוך רובא של בית דין שלמטה שהסכימו לטהרו אל מיעוט סברות שיש לו בלאו הכי לטהרו ואתרע

משרה כזו שיצטרך לדבר ע"י מייקראפאן בשבת וי"ט. יידו, משה פיינשטיין.

שו"ת אגרות משה אורח חיים חלק ד סימן פה

שימוש במכשיר שמיעה לחרש בשבת כ"ב מנ"א תשכ"ט. מע"כ ידידי מהר"ר ברוך יצחקי שליט"א.

הנה בדבר מכונת השמיעה לחרשים אם יש בזה האיסור דיש בדבור ע"י מייקראפאן/מיקרופון/, נוהגין אנו כאן להקל אף שאנו אוסרין בדבור במייקראפאן מארבעה טעמים, שני טעמים שהם לחשש איסור מלאכה אבל אין האיסור ברור, ושני טעמים שברור איסורם אבל הם מדרבנן, מהטעם שאבאר.

והנה הטעם שאסור במייקראפאן משום שבחול הדרך של בנ"א לחברו להעלעקטרי רק בשעה שצריכין לדבר ולא קודם, הרי איסור זה הוא דוקא בדבר שמשמע קול לרבים, כהא דנתינת חטים לתוך רחים של מים בע"ש כדי שיטחנו בשבת כדאיתא בשבת דף י"ח, משום שיאמרו שנתן החטים בשבת ובכל כה"ג שאוושא מילתא, שהוא שייך במייקראפאן שהוא נשמע לרבים, ולא במכונה זו שהוא ענין שלא נשמע כלל לאחרים שאינו בכלל איסור זה, עיין בב"י סוף סימן של"ח וברמ"א /או"ח/ ס' רנ"ב סעי' ה' בסופו ובמ"ב שם ס"ק מ"ח.

והטעם דכיון דהכל יכולים לתקן הוא ג"כ בכלל איסור כלי שיר, דהא מצוי שמתקלקל ויבואו לתקנו, נמי אין לאסור כיון דהוא רק לחרשים שיש להחשיב זה מילתא דלא שכיחא שלא גזרו, וגם שהוא צורך גדול מאד לאלו הצריכין לזה שבלא זה יש חשש פ"נ =פוקח נפש= כשירצה לילך החוצה שלא ישמע נסיעת המכוניות (קארס) שיש לומר שלא גזרו כה"ג, וכדי שלא יבא לחשש שיתקן צריך לדבק איזה דבר במקום ששייך התקון, ואילו היה זה בכלל הגזירה לא היה מועיל זה אבל כיון שאינו בכלל הגזירה מועיל זה לענין עצם החשש שלא ישכח ויתקן. ונמצא שמאלו איסורים הברורים שאיכא במייקראפאן ליתנהו במכונת השמיעה.

והחששות שהם מענין מלאכה שהאחד הוא בזה שקול הנשמע מהמייקראפאן אינו קול האדם המדבר עצמו אלא שנעשה שם רושם של הברותיו ומה שנשמע הוא קול ההברה שנעשה שם, הנה אף אם נימא שגם במכונת שמיעה זו נעשה כן, הא מכיון שלא ברור לן האיסור בזה דלאיוז מלאכה נדמה זה שלכן אין בידנו לאסור לחולה ולצורך גדול כזה מאחר שלא ברור לן האיסור, ובפרט שלכאורה במכונה זו לא מסתבר שהוא קול אחר הנעשה שם דהא לא נעשה הקול יותר רם מכפי שנשמע מהאדם ומה שנשמע להחרש ע"י זה הוא משום משיכת הקול לתוך האוזן ממש וליכא הפסק בינתים או שמגדיל כח שמיעתו שיש לו מעט, ואין לידע דבר ברור גם מהמומחים בזה, ונמצא שיתוסף עוד ספק בזה.

וחשש השני שמשמש בכח העלעקטרי בדבורו / כדחזינו/ כדחזינו מהא שאיכא חלוק בין מדבר בקול רם למדבר בקול נמוך שאיכא אולי חשש מלאכה בהשתמשות בכחות העלעקטרי אף בלא הבערה, נמי אינו איסור ברור ואף לא ספק ברור, וכמדומני שבמכונה ליכא חלוק בהדבורים וממילא ליכא חשש זה כלל,

בדבר לדבר בשבת ע"י מייקראפאן פשוט שאסור וכבר פרסמו אגודת הרבנים שהוא אסור, ואף שאיכא אינשי שלא ידוע להם הטעמים מחוייבים לשמוע להוראת חכמים, ואתן שהקלו לא עשו כהוגן אף אם הם רבנים ואף אם אומרים שהן גדולים בתורה.

ואבאר בקיצור את הטעמים שהם שנים שיש בהם חשש איסור מדאורייתא ושנים שהם איסורים ודאים מדרבנן, (א) דיש לידע שקול הנשמע מהמייקראפאן אינו קול האדם עצמו אלא כשמדבר נעשה רושם של הברותיו שם ומה שנשמע הוא קול ההברה, וזהו חשש איסור דאורייתא במה שבדבורו נעשה רושם באיזה מקום בהמייקראפאן, ואף שאין זה כתיבה שאינם אותיות יש עכ"פ איזה חשש מלאכה מאחר שנתחדש איזה דבר שע"ז נשמע קול רם ומרחוק אולי מכה בפטיש ואולי בונה, וצריך לעיין בברור איזו מלאכה, עכ"פ טעם זה הוא לחוש לאיסור דאורייתא, אף שלא ברור האיסור.

(ב) שלפי מדת הקול נגדל הוצאת כח העלעקטרי / החשמלי/ ונמצא שבדבורו הוא מגדיל ומקטין את העלעקטרי, ורואין זה בחוש כשמדברין עוד מכונה בחשמל המודדת הדבור בהמייקראפאן למי שרוצה להשוות את קולו, שלכן אף כשלא מחברין מכונה כזו יודעין אנחנו שמשמש בדבורו בהעלעקטרי יותר ממה שהמייקראפאן בחבורו משמש בעצמו בלא דבורו, וכשמדבר בקול רם משמש בעוד יותר, והשתמשות בכחות העלעקטרי יש חשש איסור דאורייתא אף בלא הבערה ויש לעיין בזה טובא למעשה.

(ג) כיון שבחול הדרך לחבר המייקראפאן להעלעקטרי רק בשעה שצריכין לדבר ולא קודם, לכן אף אם לא היה שום איסור בעצם הדבור אסור זה מדרבנן, מהא שאסור ליתן חטין לתוך רחים של מים בע"ש =בערב שבת= אלא כדי שיטחנו בשבת כדאיתא בשבת דף י"ח, ומפורש בב"י ס' של"ח ד"ה כתב האגור שמתעם זה היה לן למיסר להכין ולערך זוג המקשקש לשעות עשוי ע"י משקלות, (שהם הזייערס/ השעונים/ הגדולים שהיו בדורות הקדומים ובילדותנו השתמשו עוד בהרבה בתים בוייערס כאלו), אבל כיון שאף בימי החול רגילים לתקנו על יום שלם מותר גם בע"ש שאין לגזור שמה יאמרו שעתה בשבת העריך אותו כיון שבכל יום מכינין מיום שעבר, הרי מפורש שאם אין עושין כן בחול אסור, ולכן כיון דבימי החול מחברין את המייקראפאן רק כשצריך לדבר, אסור לחברו בע"ש על כל השבת כדי שידברו בו בשבת דהרי אפשר לומר שהיום קודם הדרשא וקודם התפלה חבורו להעלעקטרי. ומטעם זה אסור להעמיד בע"ש רעדיא וטעלעויוון/וטלבויה/ כדי לראות ולשמוע בשבת.

(ד) דאיכא בזה גם איסור כלי שיר שאסרו מטעם שמה יתקן, דאף את המייקראפאן יכולין כמעט רוב בנ"א לתקן כשמתקלקל בתוך הדבור וזה אירע הרבה פעמים, ואיסור זה הוא ג"כ איסור ברור דרבנן, ואין מועיל מה שיסגרו באופן שלא יוכלו לתקן דמה שנאסר מדרבנן אסרו בכל אופן אף כשעשו עצה שלא יתקנו.

ולכן ברור שהמייקראפאן אסור להשתמש בו בשבת וי"ט ואין להקל אף לצורך גדול ולכן אסור למע"כ לקבל

במקום עיגון כעובדא זו ודאי מחוייבין גם אנחנו להורות אם רק נראה לנו להתיר ואסור לנו להיות מהעניים ולעגן בת ישראל או לגרום להכשיל באיסורין או אף רק להפסיד ממון ישראל. ועיין בגיטין דף נ"ו ענותנותו של ר' זכריה בן אבוקולס החריבה את ביתנו שקשה למה אמר ענותנותו מה שייך זה לענוה ועיין במהר"ץ חיות דבר נכון וג"ז ממש כיוצא ומוכרחין אנו להורות גם למעשה כשנראה לנו בראיות ובהבנה ישירה ובפרט במקום עיגון כזה ולהציל ממכשול כזה.

הקדמת אגרות משה ח"א ומאחר שנתברר שהאמת להוראה הוא מה שנראה להחכם אחרי שעמל ויגע לברר ההלכה בש"ס ובפוסקים כפי כחו בכבוד ראש וביראה השי"ת שכן יש להורות למעשה

24. וכ"ש חידושין אמיתים דאורייתא המתחדשין ע"י האדם. אין עורך לגודל נוראות נפלאות ענינם ופעולתם למעלה. שכל מלה ומלה פרטית המתחדשת מפי האדם. קב"ה נשיק לה ומעטר לה. ונבנה ממנה עולם חדש בפ"ע.

25. A non-*posek* cannot merely turn to a book like *Shmirat Shabbat ki-Hilchata* to determine what to do, they must turn to their *posek*. Likewise, a *posek* may not merely turn to a book like *Shmirat Shabbat ki-Hilchata* to determine what to do, they must study the *sugya* and determine what is right.

me and *mutar* for the poor.

23. שו"ת אגרות משה יורה דעה חלק א סימן קא ומש"כ ידידי איך רשאים אנו לסמוך על חדושים כאלו שבארתי למעשה ובפרט שהוא נגד איזה אחרו' הנה אני אומר וכי כבר נעשה קץ וגבול לתורה ח"ו שנפסוק רק מה שנמצא בספרים וכשיזדמנו שאלות שלא נמצאים בספרים לא נכריע אותם אף כשיש בידנו להכריע, ודאי לע"ד אסור לומר כן דודאי עוד יגדיל תורה גם עתה בזמננו ומחוייב כל מי שבידו להכריע כל דין שיבא לידו כפי האפשר לו בחקירה ודרישה היטב בש"ס ופוסקים בהבנה ישירה ובראיות נכונות אף שהוא דין חדש שלא דברו אודותיו / אודותיו / בספרים. ואף בדין הנמצא בספרים ודאי שצריך המורה ג"כ להבין אותו ולהכריע בדעתו קודם שיורה ולא להורות רק מחמת שנמצא כן דהוי זה כעין מורה מתוך משנתו שע"ז נאמר התנאים מבלי עולם שמורין הלכה מתוך משנתם בסוטה דף כ"ב ע"י"ש בפרש"י. ואף אם הכרעתו לפעמים נגד איזה גאונים מרבתינו האחרונים מה בכך הא ודאי שרשאים אף אנו לחלוק על האחרונים וגם לפעמים על איזה ראשונים כשיש ראיות נכונות והעיקר גם בטעמים נכונים ועל כיוצא בזה אמרו אין לדיין אלא מה שענינו ראוות כמפורש בבבא בתרא דף קל"א ע"י"ש ברשב"ם, כיון שאינו נגד הפוסקים המפורסמים בעלי הש"ע שנתקבלו בכל מדינותינו ועל כיוצא בזה נאמר מקום הניחו להתגדר בו וכרום תשובות האחרונים שמכריעין בחדושים כמה דינים למעשה. אך אין להיות גס בהוראה וצריך למנוע כשאפשר אבל במקום צורך גדול וכ"ש

רובא של טומאה, כי נתן ה' כח גם לבית דין שלמטה לעשות סברות לכאן ולכאן ונתרבו הסברות הנוטין לצד טהרה. ועל כן יפה אמרו חז"ל (חגיגה ג ב) עשה אוזן כאפרכסת וקנה לב לשמוע דברי המטהרין ודברי המטמאין, כי כפי האמת כל אדם צריך לכל הסברות כי אי אפשר לו להיות מן הסנהדרין עד אשר יהיה ידו בכל הסברות, ומטעם זה ראוי לקבל מהם אפילו אם אומרים על ימין שהוא שמאל מצד אותן סברות הנוטים גם לצד שמאל זה דרך נכון מאד:

ואם נפשך לומר שאמרו זה על הדיין, שאין לדיין כי אם מה שענינו ראוות כמו שנאמר (דברי הימים - ב יט ו) ועמכם בדבר משפט והוא קאי על מה שאמר למעלה בין דין לדין כי הכל לפי ראות עיני הדיין, אז הדבר מבואר מעצמו כי בידו לדון על פי אומד דעתו כמו שנאמר (זכריה ח טז) אמת ומשפט שלום שפטו בשעריכם. ואמר שפטו על שלושתן, ובשעריכם, לשון שיעור כי שלושתן צריכין השערה שכלית ואומד הדעת לפי הזמן והמקום והענין, כי לפעמים צריך לשנות האמת מפני השלום וכיוצא, וכן השלום אינו טוב לעצמו בכל מקום כי כנוס לרשעים רע להם ורע לעולם (סנהדרין עא ב), וכן המשפט צריך שיעור ואומד הדעת בדרך שנתבאר:

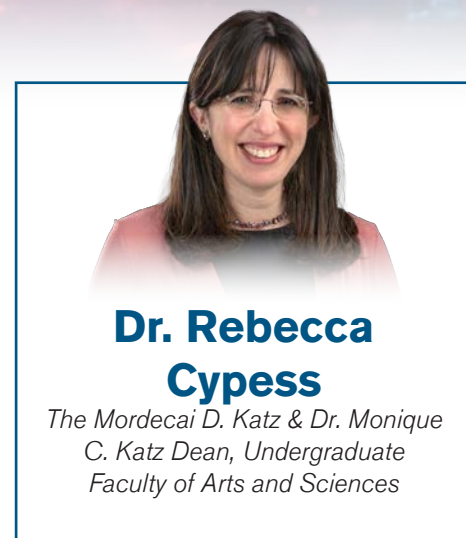
22. This stems from the same principle we mentioned above. If there was one right answer this doesn't make sense—either it's kosher or treif. But once we appreciate that *eilu v-eilu* then it makes sense that it is *assur* for



Creativity as a model for Teshuvah

Even before Wolfgang Amadeus Mozart's death in 1791, he and his wife, Constanze, had begun destroying sketches and drafts of his compositions. After his death, Constanze continued this process, apparently to increase the public enthusiasm for her husband's music. After all, if Mozart was perceived as a divinely inspired genius who never sketched, never drafted, and never made mistakes, then surely his music would be considered worth hearing and celebrating again and again. Several early biographies of Mozart eagerly repeated this hype, effectively casting Mozart as a sort of automaton—a childlike savant who operated through some kind of artificial intelligence, creating music that was immediately “perfect” on the first attempt.¹

In Jewish tradition, human creativity is not about behaving like an automaton or an AI bot that appears to achieve perfection with ease. While we might strive for perfection as a theoretical ideal, we know that there is no such thing as perfection where human beings are concerned. Instead, what is important is that we strive—that we engage in the process of imagining, drafting, creating, and recognizing imperfections, so that we can work to correct each error and try again. In this sense, creativity is a humbling process. It forces us to discipline ourselves in working towards technical mastery of each medium—in the arts and crafts, in the science lab, in the beis medrash—as we work to create something new, something that offers a glimpse of truth.² The creative process is as much about working on ourselves as it is



about generating a finished product. In fact, I suggest that Jewish tradition sees human creativity, with its demand for constant improvement, as a model for that most important of human processes: teshuvah.

Bereishit Rabba provides an opening to explore this idea by describing

Hashem's creative process. The midrash wonders why the Torah uses the phrase *va-yehi erev*, "and there was evening." What does the word "and" add to this sentence? Rabbi Abahu answers:

מלמד שְהִיהָ בּוֹרָא עוֹלָמוֹת וּמַחְרִיבֵן, עַד שֶׁבָרָא אֶת אֱלֹהֵי הַיָּמִין וְהַיָּמִין לֹא הֵגִינוּ לֵי.

It teaches that He continuously created worlds and destroyed them, until He created this one. He said, "this one pleases Me, while those did not please Me."

Bereshit Rabba 3:7

Hashem is depicted as "drafting" the world and discarding each draft until He arrives at a version that satisfies Him. The implication of this portrait might seem unsettling. Surely Hashem, who exists outside of time and can bring a perfect world into being in the blink of an eye, has no need for drafts. What, then, does this midrash hope to accomplish? I think Rabbi Abahu hopes to teach his readers a lesson: it is we, in emulating the divine attribute of creativity, who must be willing to throw out flawed drafts and try again.

The midrash contains the classical articulation of Hashem's desire for creative partnership with humanity:

It was precisely because of Adam's sin and his expulsion from Eden that he needed the creative "spark" that would allow him to survive.

אָמַר רַבִּי שְׂמוּאֵל בַּר אֲמִי, מִתְחַלֵּת בְּרִיתוֹ שֶׁל עוֹלָם נִתְאַוָּה הַקְּדוֹשׁ בְּרוּךְ הוּא לַעֲשׂוֹת שְׁתַּפּוּת בַּתְּחִילוּתִים

Rabbi Shmuel bar Ami said: From the beginning of the creation of the world, the Holy One blessed be He desired to enter into a partnership with the creations below.

Bereishit Rabba 3:9

By definition, such a partnership involves forgiveness for humanity's imperfections. This idea is suggested by the story of the creation of fire. As related by the Talmud Yerushalmi, on the first Saturday night after Adam and Chava were exiled from Eden because of their sin, Adam saw that the sun was setting, and he feared that he would be attacked by the snake as retribution for the snake's punishment. To give Adam a means of protection, Hashem provided a solution:

בְּאוֹתָהּ הַשָּׁעָה זָמַן לוֹ הַקְּדוֹשׁ בְּרוּךְ הוּא שְׁנֵי רִעְפִּין וְהִקְיִישׁן זֶה לְזֶה וַיִּצְא מֵהֶן הָאוּר

At this moment the Holy One, blessed be He, let him find two flintstones that he knocked against each other and made fire.

Yerushalmi Berachot 8:5

It was precisely because of Adam's sin and his expulsion from Eden that he needed the creative "spark" that would allow him to survive. Indeed, Adam's creation of fire is what led him to recognize Hashem's own great creativity, such that Adam invented the blessing *borei me'orei ha-eish*—"blessed is He who illuminates fire." Adam's creative act brought him face-to-face with his own insufficiency. If Hashem had not invited Adam to be creative, he would never have survived after squandering his home within the perfect, protective environment of Eden.

An account in the Bavli affords a closer look at this moment of creativity,

explaining how Adam had the idea of knocking the two flintstones together:

בְּמוֹצָאֵי שַׁבָּת נָתַן הַקְּדוֹשׁ בְּרוּךְ הוּא דִּיעָה בְּאָדָם הָרִאשׁוֹן מַעֲשֵׂי דּוּגְמָא שֶׁל מַעֲלָה, וְהִבִּיא שְׁנֵי אֲבָנִים וְסָחָןן זֶוּ בְּזוּ, וַיִּצְא מֵהֶן אוּר

At the conclusion of Shabbat, the Holy One, Blessed be He, presented to Adam a heavenly example, and he brought two rocks and rubbed them against each other, and the first fire emerged

Pesachim 54a

This concept of the *dugma shel ma'alah*—a "heavenly example"—offers an idea of how Hashem guides us to be creative people.

It must have been a similar *dugma shel ma'alah* that Hashem presented to Moshe when Moshe was trying to construct the Menorah for the Mishkan. Hashem instructed Moshe to create the Menorah, but Moshe immediately forgot the instructions and had to ask Hashem to repeat them. It was at that point that Hashem "took a pattern of fire and showed him its construction" (*Midrash Tanchuma, Beha'alotecha* 6). Still, Moshe had trouble. Hashem instructed Moshe to commission the Menorah from Betzalel, and Betzalel made it immediately.

Betzalel's success may be rooted in his family heritage. His grandmother, Miriam, was also an artist; like all creative people, Miriam understood that inspiration is not enough. Rather, human beings require steady practice and improvement. This point becomes clear when Miriam leads the women in song after they cross the Red Sea. While the men had sung without instrumental accompaniment, the women are described as singing and dancing *be-tupim u-vimcholot*, "with timbrels and hand drums" (*Shemot* 15:20). Rashi, adapting the Mechilta, explains where these instruments came from:

מבטחות היו צדקניות שבדור שהקב"ה עושה
להם נסים והוציאו תפים ממצרים

The righteous women of that generation were certain that the Holy One, Blessed be He, would perform miracles for them, and they brought their timbrels with them from Egypt.

Rashi on Shemot 15:20.

The point is not just that Miriam and the other women knew that Hashem would save them at the time of the Exodus, but that the women had been practicing with their instruments for the entire duration of the slavery in Egypt so they would be prepared to celebrate God's miracles at the moment of salvation.³ Their faith kept them practicing; conversely, their regular practice may have helped them maintain their faith by disciplining their minds to focus on a better future.

So, too, Betzalel. Moshe, the greatest of all prophets, might have perceived Hashem's *dugma shel ma'alah*. Yet, to realize Hashem's instructions, he needed to turn to an artisan who knew the value of long, disciplined practice. Through practiced artisanship, Betzalel's mind and hands were ready to translate Hashem's *dugma shel ma'alah* into reality. Nor was he alone: an army of artisans contributed a host of skills to creating the Mishkan, a space for Hashem on earth. Although this was not done in the blink of an eye, it was done with skill and wisdom—what the Torah describes as *chochmat lev*.

The connection between creativity and teshuvah underlies the requirement that our creations remain flawed. Specifically, when we erect a new building, we must leave a portion of it unfinished as a remembrance of the destruction of the Temple (*Shulchan Aruch, Orach Chayim 560* based on *Bava Batra 60b*). On one side, this law is about curtailing the joy we feel in



Peter Paul Rubens and Jan Boeckhorst, King David Playing the Harp, ca. 1616, Städels Museum, Frankfurt am Main.

creating something new. Seen from another perspective, the unfinished wall is a reminder that we are flawed as people; we have not yet done teshuvah to the point that would warrant the rebuilding of the Temple and the full redemption of the world.

In *The Lonely Man of Faith*, HaRav Joseph Dov Soloveitchik, zt"l, describes the creativity of Adam in the first chapter of Bereishit ("Adam I") as a creativity driven toward mastery of nature. As E-lokim, the universal God, a God of justice, commands: *p'ru u-r'vu*

u-milu et ha-aretz ve-kivshuha—"Be fruitful and increase; fill the earth and master it." For the Rav, Adam I is thus inherently a lofty, "dignified" creature who sees himself as embodying aspects of the divine. By contrast, Adam II, the Adam of the second chapter of Bereishit, is born to humility; seeking a personal relationship with Hashem, he cannot help but recognize his own flaws.

Yet Adam II is also creative, as Rashi explains: seeing that the earth required rain, Adam created prayer (Rashi

on Bereshit 2:5). Prayer, as the Rav explains, is one key to the personal relationship between humanity and the divine. “Even though,” the Rav writes, “the man of faith is provoked, like Adam the first, by the cosmos about which he is inquisitive, the covenant, not the cosmos, provides him with an answer to his questions.”⁴ That covenantal relationship inspired Betzalel and Miriam; it inspired Adam to invent the blessing *borei me’orei ha-eish* and to pray for rain; it inspired Chazal to elaborate on the creation of the world in an effort to shape us as creative people striving for the divine.

Something of this striving is captured in the early seventeenth-century portrait of King David by Peter Paul Rubens. For all his majesty, David appears here as a deeply human figure, his mouth open, his hands grasping his harp, as he searches for the words and sounds to capture that momentary, elusive glimpse of the divine, as described by the Rav: “At the level of his cosmic confrontation with God, man is faced with an exasperating paradox. On the one hand, he beholds God in every nook and corner of creation, in the flowering of the plant, in the rushing of the tide, and in the movement of his own muscle, as if God were at hand close to and beside man, engaging with him in a friendly dialogue. And yet, the very moment man turns his face to God, he finds Him remote, unapproachable, enveloped in transcendence and mystery.”⁵

It is no coincidence that King David, perhaps the greatest creative spirit in Jewish tradition, is so inherently bound up with the concept of teshuvah. Like his ancestor, Yehudah, who falls and repents, David experiences the greatest highs and lows of human existence. His Psalms show him grappling with his own fallibility and mistakes. He thanks Hashem in his moments of triumph, and he calls to Hashem in his moments of deepest despair. His poetry reflects all these experiences. Yet it does more than reflect: sacred poetry constituted a medium that allowed David to work through his failures, repent, and achieve something better. David’s creativity was itself a path to teshuvah.

Mozart’s early biographers missed the point. In casting the composer as a genius who never made mistakes and whose successes were effortless, they failed to recognize the dedicated labor that went into his creations, and they made his creativity appear unattainable by ordinary people.

Jewish tradition knows better. It teaches that Hashem provides pathways for each of us to explore our full humanity by partnering with Him in creation, and that such explorations teach us the value of hard work, repeated practice, and an unflinching commitment to recognizing our own flaws. After all, to be a creative person is to try and fail. If we “outsource” our creative labor to artificial intelligence, we lose out on

the opportunity to develop our self-discipline and our imagination. Without those, how can we hope to realize Hashem’s vision—for ourselves and for the world—when the opportunity arises? If, as I have suggested, Jewish tradition sees creativity as a model for teshuvah, then giving up on the creative process means giving up on ourselves.

Endnotes

1. I am indebted to my family for discussing these ideas with me during Sukkot 5785.

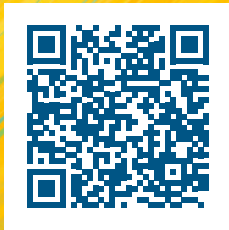
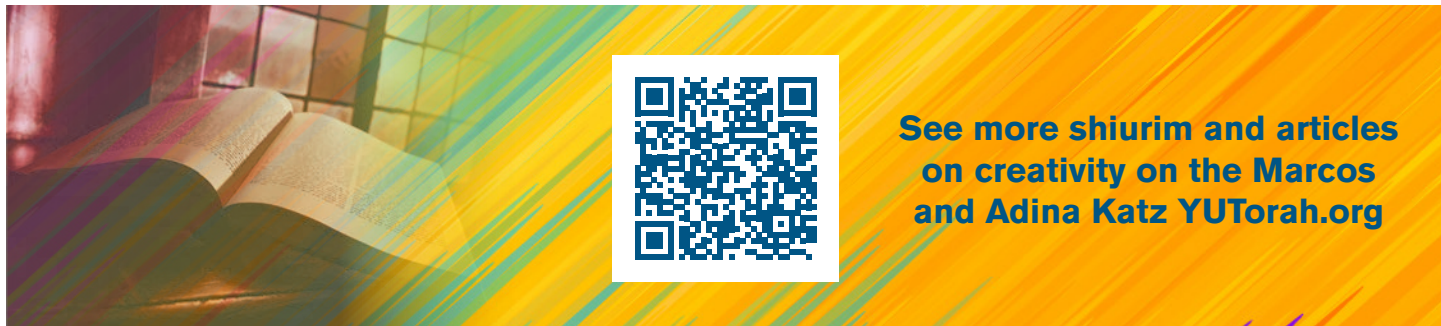
A more realistic view of Mozart’s creative process is in Neal Zaslaw, “Mozart as a Working Stiff,” in *On Mozart*, ed. James M. Morris (Cambridge: Cambridge University Press, 1994), 102–12.

2. On the balance between creativity and tradition in the halachic process, see Michael Rosensweig, “Creativity as a Foundation of Torah Life,” *Tradition* 53, no. 3 (2021):182–91.

3. I have explored the Jewish women’s music in slavery, comparing it to evidence of music-making among enslaved Africans in the eighteenth century, in Rebecca Cypess, “Miriam’s Song and the Persistence of Music in Dark Times,” *The Lehrhaus*, January 30, 2023, <https://thelehrhaus.com/commentary/miriams-song-and-the-persistence-of-music-in-dark-times/>.

4. Joseph B. Soloveitchik, *The Lonely Man of Faith* (New York: Doubleday, 1965), 47.

5. *Ibid.*, 48.



**See more shiurim and articles
on creativity on the Marcos
and Adina Katz YUTorah.org**

BARON HERZOG

ששת ימים תעבוד

יום השישי
ויכלו השמים
...והארץ...

ברוך השם ס'אין שבת

וביום השביעי שבת



Becoming More Human Through Robots

Midos & Artificial Intelligence

The emergence of Artificial Intelligence has the potential to impact education in multiple ways that have yet to be fully appreciated or understood. One area that deserves particular attention is distinct from the learning of content, but equally or perhaps more important: the shaping of character.

Many thinkers, prominently including Sociologist Sherry Turkle (in her writings, such as *Alone Together: Why We Expect More From Technology and Less From Each Other*, and in many interviews) have expressed concerns that increasing interaction with machines, rather than actual humans, can shift the nature of human sensitivity and perhaps distort the traits necessary for social relationships. This is also a prominent topic of Eve Herold's book, *Robots and the People Who Love*

Them: Holding Onto Our Humanity in an Age of Social Robots (York: Saint Martin's press, 2023), who cites a study of a collaboration among Japanese computer engineers and psychologists that discovered that brains of human subjects reacted the same way to robots in perceived pain as to humans, leading her to ask, "but will such relationships be good for us in the long run (i.e., will they contribute to our flourishing as social beings or highly interconnected with other beings), or will they stunt our social, emotional, intellectual skills due to a lack of genuine relationships?" (p. 31), and "even if we empathize with the robots, they won't be able to feel empathy for us, will that one side of experience make us less emotionally intelligent?" (p. 53).

She also notes, "we also need to balance the helpful services of robots with



**Rabbi Daniel Z.
Feldman**

Rosh Yeshiva, RIETS
Rabbi, Cong. Ohr Saadya,
Teaneck, NJ

the risk of narcissism. Technology is leading us further and further into an echo chamber that continuously reflects our own interests, feelings, thoughts, and desires... Some people's relationship issues lead them to behave in ways that are violent and degrading and that have the potential to do real damage to living partners.

The question is: is heaping abuse on a robot a safety valve for some people who would otherwise abuse people and animals? How do we know who will be desensitized and emboldened by their ability to eventually abuse, and who will transfer their disruptive behavior to others?... people who are able to act out dysfunctional behaviors with uncomplaining robots will suffer no consequences and have little motivation to learn healthier behaviors (p. 200-201).” “It’s the demanding nature of human relations that challenges us to grow socially and emotionally, to transcend our limitations, to be effective in the world, and to have a satisfying and fulfilling life. Today’s robots simply don’t provide these benefits the way humans do (p. 205).”

These are concerns that resonate strongly with students of *halakhah*. For example, there is a prohibition of cruelty to animals (*tza’ar ba’alei chaim*). In addition to the inherent value of preventing suffering in living things, it is clear there is the additional aspect that acts of cruelty will fortify that attribute within people, and therefore increase the risk that they will treat human beings cruelly as well. Accordingly, we find prohibitions that may be rooted in this concern, even when they don’t necessarily result in actual additional suffering to animals (possible, examples could include *oso v’es b’no* and *basar bechalav*, according to some commentaries).

We also find that a prohibition of ingratitude (*kefiyas ha-tov*) applies even to inanimate objects (see *Bava Kama* 92b, and *Meiri*), indicating that the crucial attribute of gratitude, which impacts so significantly how we treat humans and G-d Himself, is affected in these interactions as well.

As such, there may be halakhic and

educational implications as to how adults and children interact with robots and AI, and this is a phenomenon we will see with increasing frequency. On the positive side, however, this can also provide opportunities for training in *midos*.

Herold acknowledges (pp. 200 to 201) that “by reflecting our emotions back to us, robots could enhance our emotional health and intelligence. They can make us more aware of our emotions by immersing us in a feedback loop with ourselves...there’s a legitimate case to be made about the benefits of working out one’s more toxic relationship issues with a robot rather than a person.” She also describes (pp. 144-145) how robots have been used to help people on autism spectrum disorder develop social skills.

Here, this will once again resonate with students of the *halakhah*, which is replete with examples of advocating the use of interactions with non-human objects in order to develop improved character traits. One prominent example comes from the laws of Kiddush on Friday night. When this ritual is performed over wine, the practice is to cover the challah breads. The Talmud and commentators¹ offer a number of possible explanations, one of which seems particularly striking. According to the general rule, the *brachah* is recited on bread first; in this case, the Kiddush is being recited on the wine, which is thus the subject of the first *brachah*. Accordingly, the challah breads are covered so they not “witness” their losing this honor to the wine and thus be “embarrassed”.

This attribution of human feelings to pastry is difficult to understand. Are we truly concerned that inanimate objects will experience humiliation? It seems, rather, that the concern is to

the complexity of human emotion. Determining what will or will not have hurtful consequences to another is a highly involved enterprise, one that does not come easily to the untrained intuition. To assume that undeveloped instinct will rise to the challenge of the moment is dangerous; offense can occur even unintentionally, when the speaker is unpracticed in the nuances of human sensitivity. Thus, even interactions with inanimate objects are viewed as opportunities to hone the awareness necessary to deal with actual people. Being cognizant of a “slight” to challah will, it is hoped, ensure awareness of the risk involved when a human is in such a situation.²

This notion of seeking character development through practice is consistent with a position the Rambam advocates in the disbursement of *tzedakah* funds. Commenting on the mishnaic phrase, “everything is judged by the ‘rov’ (multitude) of actions” (*Avot* 3:15), he asserts that

the higher levels will not be attained by an individual through the magnitude of an action but rather through a multitude of actions; for example, when an individual gives a thousand gold coins to a needy person, and to another person gives nothing, he will not acquire the quality of generosity through this one action as much as one who donates a thousand gold coins in a thousand instances, and gave every coin in the spirit of generosity, because the latter repeated the act of generosity a thousand times and achieved a strong acquisition, while the former aroused his soul to do good once and then ceased; and thus the phrase, all according to the multitude (rov) of the action and not magnitude (godel) of the action.

Others, such as the Maharal of Prague

(*Netivot Olam, Netiv Ha-Tzedakah*, ch. 4) and R. Yaakov Emden (*Lechem Shamayim* on Avot 3:15), adopted a different perspective, emphasizing quality (or other factors) over quantity; the Rambam's position, however, appears to have exerted a greater influence on the halakhic literature.

This idea can also explain the behavior of Avraham Avinu, who lavished hospitality on guests who turned out to be angels who had no need for such treatment. Despite the fact that Avraham had specifically been seeking out guests to host, he does not seem to have any resentment at the fact that his request was answered with nonhuman visitors essentially equivalent to robots. Apparently, his goal was to develop his attribute of kindness, in pursuit of the *mitzvah* of imitating G-d. For this goal, interacting with nonhumans is also effective.

In fact, elsewhere in his writings, the Rambam presents Avraham as a model of his recommended path:

How should one regulate oneself with these temperaments so that one is directed by them? One should do, and repeat, and do a third time, actions which one does according to the intermediate temperaments and always go back over them, until such actions are easy for one to do and will not be troublesome for one, and until such temperaments are fixed in one's soul. This way is known as the way of the Lord, for the reasons that the Creator has been called by them and that they are the intermediate characteristics

which we are obligated to adopt. This is what Abraham taught his descendants, as it is written, "For I know him, that he will command his children" (Gen. 18:19). One who goes in this way will bring upon himself good and blessings, as it is written, "...that the Lord may bring upon Abraham that which He has spoken of him" (ibid.). (Mishneh Torah, Hilkhos De'os 1:7)

This approach has been validated by scientific experimentation as well. Abigail Marsh writes in her book *Fear Factor: How One Emotion Connects Altruists, Psychopaths, and Everyone In-Between* (p. 250-251) "That the reinforcing nature of altruism can ultimately make it self-sustaining is entirely consistent with the neuroscience literature. The deep-seated emotional urge to care may be a vital springboard for altruism, but once altruistic behavior has taken root, it can self-perpetuate through sheer force of habit... The importance of practice also helps explain why the techniques that have been empirically demonstrated to increase the capacity for altruism usually boil down to increasing opportunities for practicing it."

This creates new possibilities for the modern era. If Avraham could perfect his character through "practicing" kindness on angels with no actual human needs, could the same be done through interacting with artificial intelligence, robots, or other advances in technology?

Marsh actually discusses this

possibility: "One recent tantalizing study found that a virtual reality experience that provides people with superhero like powers to help others may increase pro-social behavior back in the real world (or at least the laboratory)." Similarly, in his book, *The War For Kindness: Building Empathy in a Fractured World*, Jamil Zaki discusses how interventions including virtual reality have been effective in enhancing empathy (pp.152-155).

The risks still apply, in addition to some others: as Ethan Mollick discusses in his book, *Co-intelligence: Living and Working With AI*, there are possible ethical issues, as the humans may come to forget that the AI is not, and trust it or invest emotionally in unhealthy ways.

Finding the balance between these possibilities would be crucial in properly engaging with such technology. A daunting task, but for a nation that has welcomed all opportunities for spiritual growth – even from unexpected places – one well worth taking seriously.

Endnotes

1. *Talmud Yerushalmi*, cited in Tur, O.C. 271, and see *Ohr Zarua, Hil. Shabbas* II,22.
2. The value of this exercise could thus explain the extensive analyses and hypothetical discussions devoted to the practice of challah covering; see, for example, *Resp Iggeros Moshe*; R. David Rosenberg, *Responsa Minchas David*, I,2; R. Yisrael David Harfenes, *Nishmas Shabbas*, II, p. 41.)



Subscribe to the RIETS Bella and Harry Wexner Kollel Elyon Substack to enjoy Torah and Insights from the Fellows, Alumni, and Faculty of the Bella and Harry Wexner Kollel Elyon at <https://open.substack.com/pub/riets>

The Trolley Problem & Autonomous Vehicles

SOME HALACHIC CONSIDERATIONS

In 1967, English philosopher Philippa Foot, in an essay on ethical dilemmas, raised a challenging question. What should the driver of a runaway tram do if the tram can be steered only onto one of two narrow tracks—one with five people working on it and the other with just one person—knowing that anyone on the track selected will certainly be killed? In 1976, American philosopher Judith Jarvis Thomson wrote the first of several articles on the subject, and coined the term “The Trolley Problem” to describe that question. Over the years, she and others have published essays on similar “ethical thought experiments,” each with variations on the original question, but all sharing a common denominator: a harmful outcome is inevitable.

For example, the initial case poses the question as to whether it is preferable to cause the death of one person rather than of multiple people when all else

is equal. A more difficult question, however, is whether it is permissible to actively cause the death of one person who was not previously in danger in order to spare the lives of multiple people who were already at risk. Another question is whether there can or should be a different approach when one’s own life is at stake. Yet another is whether it should matter if those in danger intentionally or knowingly put themselves in that situation.

These once hypothetical issues may now become practical with the advent of technology based on artificial intelligence that enables autonomous, or self-driving, cars. These vehicles operate with little or no human input and are equipped with advanced safety features, such as sophisticated sensors, cameras and radar and lidar systems that provide a full view of their surroundings, designed to minimize human error and enhance road safety. With an estimated 1.25 million deaths



and 20 million injuries worldwide each year from traffic accidents—most caused by human error—automated driving systems offer a solution. By removing the flawed human driver, these systems provide real-time monitoring, obstacle identification, and automatic decision-making, all designed to maximize safety for the vehicle and its occupants.

One challenge for those of us who are committed to halachah is that these cars

will not be pre-programmed by today's automobile manufacturers on the basis of halachic concerns. May an observant software developer produce a vehicular computer system that does not adhere to halachah? Perhaps more broadly relevant, may one drive a vehicle that has been designed to automatically respond in a manner that might contradict the halachah? For example, a sudden and unexpected situation may arise on the road, such as children running into the street after a ball. The car, programmed to prioritize passenger safety, may react in a way that protects its occupants but does not account for potential harm to others, including the children. Should it? Does it matter how many others might be harmed? And even if advanced calculations to prioritize the lives of others, especially multiple others, could be made, is the driver required, or even allowed, to risk or endanger his or her own life regardless of the circumstances?

These are some of the now practical dilemmas, akin to “The Trolley Problem,” presently emerging in relation to autonomous vehicles. In recent years, articles in several Torah publications have addressed this topic, and it is worthwhile to explore how these issues should be approached through the lens of halachah.

The Primacy of Life

It goes with saying that *retzichah*, murder—prohibited, among other places, in the *Aseres HaDibros* (*Shemos* 20:12)—is a most abhorrent crime, one which the Rambam (*Hilchos Rotzeiach* 4:9) identifies as contributing to the very destruction of society. Indeed, the Gemara in *Sanhedrin* (74a) identifies it as one of the three “cardinal” sins that one may never actively violate, even if it means losing his own life as a result; the

Rambam (*Hilchos Yesodei HaTorah* 5:1-2) and the *Shulchan Aruch* (*Yoreh Deah* 157:1) rule accordingly.

At the same time, the halachah places a premium on the importance of saving the life of someone who is in danger. The Torah (*Vayikra* 19:16) thus prohibits one to stand idly by when in position to save somebody whose life is in danger. An earlier Gemara in *Sanhedrin* (73a) states that if one sees another drowning in a river, being dragged away by a wild animal, or being attacked by bandits, he is obligated to rescue him if he can, even if it requires spending money to hire people who can provide assistance. Rashi there (*d”h ka mashma lan*) adds that one must explore all available options to save a life. The Rambam (*Hilchos Rotzeiach* 1:14) and the *Shulchan Aruch* (*Choshen Mishpat* 426:1) again rule accordingly.

When these two considerations—the prohibition against taking a life and the obligation to save a life—conflict, such as when someone is pursued by a *rodeif* (a pursuer clearly intent on killing him) and he has no other means of defense, a bystander may—and must—save the intended victim, even if it means taking the life of the *rodeif*. The Gemara there states this explicitly, but see Tosafos *d”h afrotzeiach* for a distinction, based on the Gemara on 72b, regarding the obligation depending on the certainty of the *rodeif*'s intentions. It should be noted, however, that in such a case, one must first try to eliminate the threat of the *rodeif* by wounding or harming him physically, and hence neutralizing him, without necessarily killing him; the Rambam (*ibid.* 1:6,7,13) and the *Shulchan Aruch* (*ibid.* 425:1) spell out some of the additional details.

As described above, autonomous cars will be programmed to prevent many accidents that could result in

fatalities and protect people who might otherwise be in danger—certainly an important advantage in line with the two halachic values mentioned earlier.

Regarding the concern that an autonomous car might harm or even kill someone who unexpectedly enters the street—whether a pedestrian or another driver—in order to best protect its passengers (given that even a thoroughly programmed car will be unable to anticipate every possible human action), it is worth considering that such a person could potentially be classified as a *rodeif*. Since his sudden moves endanger the lives of those in the vehicle and alternatives may not be available, his life may, in such a case, be set aside.

Although this person might have no intention of posing any threat, he is nonetheless considered a *rodeif*. This is evident from the Mishnah in *Ohalos* (7:6), which labels an unborn fetus who endangers the life of his mother during a difficult childbirth as a *rodeif*, and as codified by the Rambam (*ibid.* 1:9) and the *Shulchan Aruch* (*ibid.* 425:2). It would thus seem to be permissible for one to drive (or to program) such a vehicle even if its reaction to a particular situation may cause somebody's death, though every effort must obviously be made to avoid that result. It must also be stressed that this same Mishnah teaches that ordinarily it is forbidden to sacrifice one life in order to save another life (“*ein dochin nefesh mipnei nefesh*”), as the Rambam and *Shulchan Aruch* rule there as well; the *rodeif* case is the important exception.

Giving Precedence to One's Own Life

There are, moreover, other exceptions to both the prohibition against taking another's life and the requirement to do

whatever possible to save another's life. One exception to the former is self-defense, a *rodeif* case where it is one's own life that is at stake. The Gemara in *Berachos* (58a) states that if a person approaches someone with the intent to kill him—even if this intention is not explicitly declared (see Rashi *d"haTorah amrah*)—the prospective victim should kill the attacker first.

Some authorities hold that in such a case, the person defending himself is not obligated to first attempt to incapacitate the attacker by other means (see, for example, the *Mishneh LaMelech* on the Rambam, *Hilchos Chovel U'Mazik* 8:10, apparently based on *Shu"t HaRivash* No. 238. See, however, Rashi to *Sanhedrin* 57a, *d"ha veyachol*, and Rosh to *Bava Kamma* 3:13 who appear to reject this distinction; see also, at length, R. Velvel Soloveichik, *Chiddushei Maran Riz HaLeivi 'al HaRambam, Hilchos Rotzeiach* 1:13, and R. Avraham Yitzchak Kook, *Shu"t Mishpat Kohen* Nos. 133 and 139). Again, if another driver (or even a pedestrian) is behaving in a reckless manner which threatens the life of the driver of the autonomous vehicle, it would seem to be acceptable for him to "allow" the vehicle to do whatever is necessary to protect his own life.

Another example of the requirement to prioritize one's own life is found in the Gemara's discussion in *Bava Metziah* (62a) regarding two people wandering in a deserted area (far from civilization), where only one has a container of water with enough for just one person to survive. If they share it, both will die. The Gemara concludes based on a *passuk* (*Vayikra* 25:36) that the person with the water may drink it all because in this case saving one's own life takes precedence over saving another's. In other words, while it is tragic that

another person will certainly die as a result of one prioritizing his own life, this unfortunate outcome is deemed inconsequential in such a circumstance. It is noteworthy that neither the Rambam nor the *Shulchan Aruch* cite this particular conclusion, but the *Tur* does (*Yoreh Deah* 251), as does the Vilna Gaon there (No. 6), among others. It is also noteworthy that some authorities suggest that while one is not *required* to sacrifice his own life to save somebody else, one may opt to do so if he wishes (see R. Kook in *Shu"t Mishpat Kohen* No. 143 and R. Shaul Yisraeli, *Amud HaYemini* 16:5:27). According to this, a driver who is in danger may certainly choose to save his or her own life even at the expense of someone else's, though it may not be obligatory to do so.

Given that not all automobile accidents are fatal, a related question is to what extent one may or must risk his or her own life to save someone else from a possibly more certain danger.

In other words, is one obligated, or even allowed, to put oneself in a potentially life-threatening circumstance to save the life of another who is definitely in danger? R. Yosef Caro, both in his *Kesef Mishneh* on the Rambam (*Hilchos Rotzeiach* 1:14) and in his *Beis Yosef* on the *Tur* (*Choshen Mishpat* 426), refers to a passage in the *Talmud Yerushalmi* (the source of which he does not identify, but the *Netziv*, in his *Haa'mek She'eilah* on the *She'iltos* of R. Achai Gaon, *She'ilta* 129 No. 4, points to the Yerushalmi in *Terumos* 8:4) which indicates that one must indeed enter into a potentially dangerous situation to save someone who is certainly in danger.

Interestingly, R. Caro does not cite this ruling in the *Shulchan Aruch* there in *Choshen Mishpat*; the *S'ma* (No. 2)

suggests that this is because most major *poskim* omit it, and the *Pischei Teshuvah* (No. 2) quotes that while the *Talmud Yerushalmi* rules this way, the *Talmud Bavli*, which the halachah generally follows, does not. As for where the *Bavli* disagrees, some, including R. Ovadyah Yosef (*Shu"t Yechaveh Da'as* 3:84), point to a Gemara in *Niddah* (61a; see *Tosafos* there *d"ha atmerinchu*) where a Tanna refused to hide people who were wanted by the authorities for murder because by doing so he would be endangering his own life. The *Netziv*, in the piece cited above, also quotes this source but rejects it and instead refers to the aforementioned Gemara in *Sanhedrin* (73a), which teaches that one must do whatever is possible to save somebody's life, but does not say anything about even potentially putting one's own life at risk to do so.

Elsewhere in his *Ha'amek She'eilah* (*She'ilta* 147 No. 4), he offers a creative explanation of the Gemara's ruling in *Bava Metziah*, mentioned earlier, which permits the person with the water in the deserted area to drink it all, even though the other person there will die of dehydration. He argues that this ruling demonstrates that according to the *Bavli*, one is not required to endanger one's own life to save another person from certain danger.

In any event, the consensus is that one is not in fact obligated to put one's own life at risk for the sake of saving someone else's life; among others, the *Shulchan Aruch HaRav* (*Orach Chaim* 329:8) asserts that one indeed is not permitted to do so. The Radvaz (*Shu"t HaRadvaz* 3:625), however, maintains that one may do so, and may even risk the loss of a limb, as long as this would not endanger his life, and R. Moshe Feinstein (*Shu"t Igros Moshe Yoreh Deah* 2, 174:4) likewise permits one

to jeopardize his life to save another, though certainly not to give up his life. The *Aruch HaShulchan* (*Choshen Mishpat* *ibid.* No. 4) notes that in such a situation one should not be overly careful or excessively protective of his own life; see also *Mishnah Berurah* to *Orach Chaim* *ibid.* No. 19. A driver whose car may endanger another's life is thus not obligated to risk his own life to save that person. If, however, if his own life will not actually be in danger, it would seem that he should weigh the potential harm to himself against the threat posed to the other person.

Active and Passive Behavior

Although it is clear from the above sources that one is not obligated to forfeit his own life in order to spare someone else's, a passage in the Gemara in *Pesachim* (25b) teaches that if one is told to take somebody else's life or lose his own, he may not, in fact, take that person's life in to save his own (see Rashi there *d"h mai chazis*, who explains why the general mandate to preserve one's own life under most circumstances does not apply here). To resolve this apparent contradiction, a suggestion is offered by *Tosafos* to *Sanhedrin* 74b (*d"h veba*), where a similar passage is found, distinguishing between actively and passively taking someone else's life; if somebody is forced to take another's life in a passive manner (such as by allowing himself to be thrown on top of the other person, thereby crushing him to death), he may do so and is not required to sacrifice his own life. R. Chaim Soloveichik (*Chiddushei R. Chaim HaLevi 'al HaRambam, Hilchos Yesodei HaTorah* 5:1) explains that the reason behind this is that just as neither person has the right to take another's life, so too neither is obligated to sacrifice his own life to save the other. One may therefore

remain passive and allow nature to take its course (*"sheiv v'al ta'aseh"*). He adds, though, that the Rambam does not appear to accept this distinction and instead holds that one must give up his own life rather than taking another's, even passively.

In then citing the conclusion of the Gemara in *Bava Metziah* about the two people stranded with only one having enough water to survive, which seems to support *Tosafos'* position that one is not obligated to save someone else's life at the expense of his own if acting passively (see, for example, *Minchas Chinuch, Mitzvah* 295-296 Nos. 17, 23, and R. Chaim Ozer Grodzenski's *Shu"t Achiezer* 2:16:5; see also R. Moshe Feinstein, *Shu"t Igros Moshe, Yoreh Deah* 1:145), R. Chaim draws an important distinction. In the case presented by *Tosafos*, the individual, though passive, is still involved in an act which directly takes another person's life, whereas in the case in *Bava Metziah*, the person is simply passively refraining from saving the other person's life. Moreover, the Gemara's ruling in that case was based on a *passuk*, as cited above, implying that without such a source, the behavior would not be permitted. He therefore concludes that one may not take another's life even passively, but must, in fact, sacrifice his own. A further question in cases where sacrificing one's own life is required to save another's life is whether the person must actively take his own life (i.e., commit suicide), or whether it is sufficient to allow his life to be taken (see, for example, R. Elchanan Wasserman, *Kovetz He'aros to Yevamos* No. 48:4-8).

In light of all of the above, it may be suggested that a driver whose car is heading on its own accord toward crashing into someone else is not obligated to give up his own life—

certainly not actively— or perhaps even risk his own life to spare another's, since doing nothing would result in taking the other person's life only passively.

If, however, the situation requires the driver to maneuver the vehicle, and based on his action, it will then hit the other person, he would be actively taking that person's life. In such a case, he may be obligated to give up his own life—at least passively, by doing nothing, or perhaps even actively, by steering into a wall or similar obstacle—to save the other person. This obligation may not apply, however, if the other person could be considered a *rodeif*, depending on the circumstances, which must also be taken into account.

A Single Life Versus Many Lives

The original "Trolley Problem" presented above focused on the question of endangering the life of one person as opposed to the lives of multiple people. In addressing a related problem, an earlier passage in the Yerushalmi in *Terumos* (8:4) states that if a group of travelers encounters attackers who demand that one member be handed over to be put to death or else the entire group will be killed, the group may not hand over any individual. In other words, one life cannot be sacrificed even to save many. If, however, the attackers specify one particular individual they want the group to turn over, the Gemara introduces a dispute. One authority holds that he may be handed over to save the rest of the group, while the other maintains that he may not, unless it is known that he is otherwise deserving of being put to death (as was the case in a story related in *Shmuel Beis* Chapter 20).

To be sure, there are circumstances in which the life of a single person can be relinquished to save many others.

Although the Meiri in *Sanhedrin* (72b, *d"h zeh shebiarnu*) and others accept the first view, the Rambam (*Hilchos Yesodei HaTorah* 5:5) rules in accordance with the second, forbidding someone to be surrendered to attackers (see *Kessef Mishneh* there who explains that it is a matter of tradition that one may not kill in order to save a life, seemingly even multiple lives) unless he is deserving of death, in which case he himself is to blame, in effect, for his predicament, as explained in *Shu"t HaBach* No. 43 (see also *Taz to Yoreh Deah* 157:8).

The upshot here is that as a general rule, a human life is not to be sacrificed even in order to save several others. To be sure, there are circumstances in which the life of a single person can be relinquished to save many others. The Gemara in *Ta'anis* (18b), as explained by Rashi there (*d"h beLodkia*), refers to two brothers who voluntarily admitted to committing a crime that they did not commit, and accepted the death penalty, because by so doing they saved the lives of many other Jews who otherwise would have been executed; the Gemara in *Bava Basra* (10b; see Rashi there *d"h harugei Lod*) reserves the highest possible praise for them. Even dismissing, however, the fact that as some note (see R. Eliezer Yehudah Waldenburg, *Shu"t Tzitz Eliezer* 15:70), this case involved saving an entire community in mortal danger, including the brothers themselves, this source indicates only that one *may* give up his own life to save multiple others. Such an act is indeed considered praiseworthy, but there is no obligation to do it.

Similarly, the *Sefer Chassidim* (No. 679, but see also No. 701) suggests that at least under certain circumstances, if allowing one person to die will save the lives of several others, a lot may be cast to determine which individual should be sacrificed; the *Pischei Teshuvah* (*Yoreh Deah* *ibid.* No. 13), appears to accept this ruling.

Here too, however, some authorities, such as the *Chazon Ish* (*Yoreh Deah* 69:1 and *Sanhedrin* No. 25), assert that this can be done only if the individual willingly agrees to die to save the rest of the group, as evidenced by his participating in the lottery. The reasoning is that this person will die in any event, and his agreement to the casting of the lot will ensure that the others are spared. If, however, a person refuses to enter his name into the lot, he cannot be compelled to do so, even if the refusal results in everyone's death.

Based on the above, it would appear that even if it can be done, an autonomous vehicle need not be programmed to weigh the threat to one life against the threat to many; the driver who wishes to remain safe may do, or allow the car to do, what is best to protect himself, even at the expense of the lives of multiple others. And he would also not, in a case

of an unavoidable accident, be obligated to take direct action against a single pedestrian and place him in danger so as to spare several others from danger.

Most intriguingly, though, the *Chazon Ish* there introduces another scenario that may be relevant to this discussion. Notably, he wrote this several years before "The Trolley Problem" and similar ethical thought experiments emerged in secular literature.

He proposes that if someone sees a missile (or some hazardous projectile) heading toward a multitude of people, and he can divert it so that it strikes a single individual in another area—saving the multitude while sacrificing that individual—he should divert the missile, for if he does nothing, the multitude will be killed, and only the single individual will survive. Although he is sacrificing one life to save many, this case differs from the Yerushalmi in *Terumos*, where attackers demand that unless one person from a group be handed over to be executed, they will kill the entire group. In the *Yerushalmi's* case, surrendering the individual to the attackers constitutes an act of *retzichah* (murder), albeit indirectly, as it actively causes that person's death. The fact that others will now be saved as a result is incidental, and doesn't change the nature of the act, which is an act of *retzichah*. On the other hand, diverting the direction of a missile that is heading toward a multitude of people is fundamentally an act of *hatzalah*,



See more shiurim and articles from Rabbi Taubes at www.yutorah.org/teachers/Rabbi-Michael-Taubes



50 New
Rochester
Families



Rochester, NY checks all the boxes...

- ✓ Affordable Housing
- ✓ No Traffic
- ✓ Great Place to Raise a Family
- ✓ Kosher Butcher & Bakery
- ✓ Tight-knit Jewish Community
- ✓ Multiple Jewish Day Schools
- ✓ Many Different Shul Options



Plan Your
Visit
Today!



Learn more and get in touch!
welcome@bethsholomrochester.org



50rochesterfamilies.com

salvation, since multiple lives are now going to be saved. In this case, it is the fact that another individual will now die as a result that is incidental, and doesn't change the nature of the act, which is an act of *hatzalah*.

The *Chazon Ish* suggests that the case of diverting the missile is perhaps more similar to the case from the Gemara in *Ta'anis*, cited earlier, about the two brothers who sacrificed their own lives to save the community. Their act was greatly praised because the net result was that fewer lives were lost; it was a noble act of *hatzalah*. (As noted above, however, while this behavior was praiseworthy, it was not mandatory.) At the end, though, the *Chazon Ish* acknowledges that if one diverts the missile, he is still doing a direct act ("*be-yadayim*") of taking a life, which clearly is even more severe than simply handing over an individual to attackers who will then kill him, and even that is prohibited unless the attackers specify the individual whom they want, as explained above. He therefore concludes that the matter needs further investigation.

In his discussion of this issue, in which he refers to the *Chazon Ish's* question, R. Waldenburg, in the teshuvah quoted above (*Shu"t Tzitz Eliezer* 15:70), cites Rabbeinu Yonah (in his *Chiddushim to Avodah Zarah* 28a, *d"h dilma*) who says, in effect, that when a dangerous situation arises in which there is no way to determine which of two (or several) lives takes precedence, one should remain passive ("*sheiv v'al ta'aseh*") and refrain from taking any direct

action. Using this as his springboard, R. Waldenburg asserts that the same is true even in a case when forfeiting one life can save many others; any action that will result in actively killing somebody is forbidden even though the goal is to save many lives. In the *Chazon Ish's* example, then, one may not actively divert the missile, as one must remain passive under all these circumstances. In any situation where somebody's life will certainly be taken, no active behavior is permitted, and we do not say that the saving of multiple lives is to be preferred.

R. Asher Weiss (*Minchas Asher to Pesachim* 28:9), in assessing the scenario presented by the *Chazon Ish*, posits that in a case where the one individual is also in danger from the missile together with the many others (as in the case discussed above concerning the attackers who demand the life of one person in order to spare the others, where everybody is initially in equal danger), specifically doing something that is fundamentally an act of *hatzalah* by sacrificing the life of that individual to save numerous others may be permissible. He admits, however, that this is not what the *Chazon Ish* seemed to be discussing. He also notes that it might be permissible to save the life of the multitude by killing one individual *passively*, such as by placing some sort of shield over the larger group of people such that the missile would bounce off of it and strike the one individual instead. This way, as opposed to actively diverting the missile and hence directly ("*be-yadayim*") killing

one person, which is forbidden even to save many people, he is killing the one person indirectly, which could be permissible in order to save numerous others.

He further suggests that by not diverting the missile, one would violate both the prohibition against standing idly by when another's life is in danger (cited above from *Vayikra* 19:16) and the requirement to restore life to someone in danger (*Devarim* 22:2), as expounded in the Gemara in *Sanhedrin* (73a). In considering the fact that both of these laws apply in this case to each of several lives, he suggests that the prohibition against taking one life, even actively, might be outweighed here. He too concludes, however, that further investigation is required.

Conclusion

In the final analysis, it is obviously very difficult to assess the value of a human life, and certainly to weigh the value of one life against another. And while from one perspective it would seem comfortable to insist that a single life should always be sacrificed to save multiple lives, we have seen that this is not always so clearly the case. In one of his *teshuvos* cited above (*Shu"t Mishpat Kohen* No. 143), R. Kook articulates the dilemma by pointing out that we do not have the ability, or the authority, to evaluate one soul against another, even against many, in so far as allowing a life to be taken, at least actively.

It must be noted, however, that in a





preprogrammed autonomous vehicle, any “decision” is an active one; it is never passive, since the car must “decide” at each step what action to take next. It would seem, then, that in a case of any danger to life, it should be programmed to take as few lives as possible. Moreover, the “decision” is not actually being made at the time of the danger, but when it is programmed well in advance. As such, there is no “active versus passive” alternative at that particular moment, but rather two active alternatives as to how to program the vehicle, again pointing to the preference that it be programmed to minimize the loss of life.

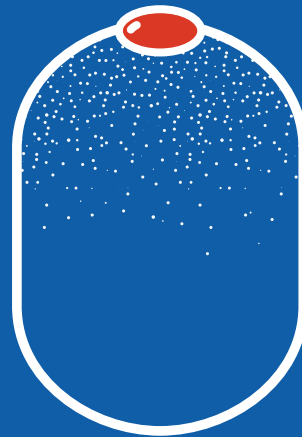
It may be added that at least in the area of damages, one may take action in advance of a problem to protect oneself, even though it will cause damage to others (see Rama in *Choshen Mishpat* 388:2, at the end, citing *Nimukei Yosef* to *Bava Basra*, top of 5b in Rif, in the name of the Yerushalmi in *Bava Kamma* 3:1; among others, the *Shach* to *Choshen Mishpat* 163:18 and the *Shulchan Aruch HaRav*, *Hilchos Nizkei Mammon* No. 3, accept this ruling, extending it to other cases). On this basis, R. J. David Bleich (*Tradition*, Summer 2019), who

presents variations on the *Chazon Ish*'s case but generally maintains that one must remain passive and not take any direct action, argues that although one indeed may not divert a missile already fired even in order to save multiple lives, one may program a vehicle in advance to react in a manner that will save the maximum number of lives.

On the other hand, since at the time the vehicle is programmed there is no actual danger—no people are present, and it is entirely possible that no such dangerous situation will ever arise—it is difficult to categorize a pre-programmed “decision” to take a life as an “active” act of *retzichah*. On the contrary, when the vehicle “decides” to strike one person rather than many, or to protect its passengers at the expense of the lives of others, it is engaging in what the *Chazon Ish* terms an act of *hatzalah*, not deciding to take lives, but to save lives. One can therefore argue that it is proper to prioritize the lives of the passengers, or of someone else who would not otherwise be in danger, even over multiple lives. Certainly, if the car is programmed to follow the safety rules of the road, if it does take a life in the course of safe driving, that unfortunate

result would not be considered an act of murder.

It should of course be stressed that autonomous vehicles are being developed in order to save lives, not endanger them. Those designing them are exploring the religious, ethical, and philosophical ramifications, including whether to allow the decisions to be modeled after how a human driver would react in a case of an unavoidable accident. From the point of view of halachah, of course, it's not about how a human driver *would* react but rather how he or she *should* react that matters, but as we have seen, there are numerous halachic variables at work in many situations. Given a lack of consensus, perhaps once autonomous vehicles do become the norm, the principles on which they operate, once agreed upon, will determine the level of risk assumed by those who interact with them (see *Tiferes Yisrael* to the Mishnah in *Yoma* Chapter 8, *Boaz* No. 3, in a discussion regarding vaccinations, about assuming reasonable risks). As for the halachic approach, considering the many issues presented here, the contemporary *poskim* will have to then come to a definitive conclusion by which we will abide.



Happy Chanukah

May this Chanukah spread joy
and light to your family and Israel.

חג שמח!

Artificial Intelligence and HALACHA

Navigating the New Frontier Across the Four Sections of Shulchan Aruch

Over the past decade, many people have reflected on the role Artificial Intelligence and machine learning should play in shaping various aspects of our lives. Observance of halacha is no exception. Whether we realize it or not, AI is embedded in the technology that we use, and its impact is expanding. This article explores the wide-ranging impact of AI through the lens of halacha, examining its intersection with all four sections of the *Shulchan Aruch*: *Orach Chaim* (laws of daily and ritual practices), *Yoreh De'ah* (personal practices and prohibitions), *Even Ha'Ezer* (family law), and *Choshen Mishpat* (monetary law). We will present a relevant halachic application from each section, accompanied by sources and resources for further learning.



Orach Chaim: Shabbos and Smart Homes

Smart homes are residences equipped with devices and appliances that can be controlled remotely through a computer, smartphone, or other smart technologies. Smart homes integrated with machine learning devices can adapt settings automatically to match the preferences of individual users. For example, let's say a smart home is set with the following settings: when the parents are home, the thermostat should be set to 73 degrees, the window

shades should be open, and the lights should be dimmed. When the teenage kids are home (without the parents), the thermostat should be set to 68 degrees, the shades should be closed, and the lights should be bright. How does the smart device know who is home? Currently, smart homes utilizing this technology primarily rely on identifying which smartphones are connected to the home Wi-Fi network. Yet as technology evolves,

and especially on Shabbos, when the members of the household don't use their phones, the smart home can learn other ways to determine who is home. First, it might use facial recognition as a household member passes in front of a camera. Second, it might use voice recognition if a voice assistant device (Amazon Alexa, Google Home, etc.) is running. Third, it might use complex calculations to determine how many people are in the home based on how

long the heater or air conditioner takes to cool or heat the home. Each of these three methods (motion, voice, presence) present unique challenges as they relate to Hilchos Shabbos.

Motion: The issue of walking in front of a facial recognition camera might initially seem analogous to passing by a standard security camera. In today's world, it's nearly impossible to avoid being captured on surveillance footage while walking from one place to another, and several rabbinic authorities permit walking in front of conventional security cameras on Shabbos.¹ However, upon closer examination, these two scenarios are fundamentally different. The permissibility of passing by a standard security camera depends on several factors. Most notable is the fact that when someone steps in front of a security camera, his primary intent is to walk from one place to another, not to be recorded on camera (*davar she'aino miskvaen*). While the situation may be unavoidable (*pesik reishei*), being on the camera is of no consequence to the passerby (*pesik reishei d'lo nicha lei*). Additionally, many poskim assume that even intentionally recording digital video footage is not a biblical violation of Shabbos. When passing by is considered *pesik reishei d'lo nicha lei* and the nature of the violation is rabbinic in nature, there is room for leniency.² Some poskim³ also suggest that when an action is triggered by motion rather than direct contact, any violation would

hinge on the principle of *melech machsheves* (intentional, creative labor required for a Shabbos violation). This principle only applies when there is specific intent to activate the camera.

These leniencies would not apply to a system that adjusts a thermostat based on facial recognition. The user specifically wants his face to be recognized so that the proper adjustments can be made. This constitutes a *pesik reishei d'nicha lei*. If the thermostat is adjusting the heating system, it would be a violation of a biblical prohibition. Furthermore, *melech machsheves* would apply here since the user wants to be on the camera.

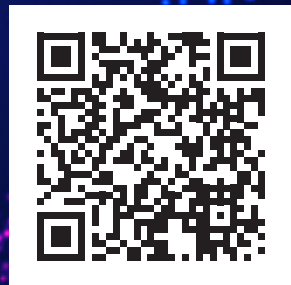
Voice: Facial recognition software is triggered when the user walks past a camera. What if the trigger is not through an action performed with one's body but rather with one's voice? The Gemara, *Bava Metzia* 90b, discusses the status of a prohibition that is violated when one controls an animal with his voice. For example, it is prohibited to lead two different species of animals to plow a field together. What if instead of leading the animals physically, one leads them by talking to or yelling at them? Rav Yochanan, who is considered the normative opinion, holds that it is the same violation. While there is room to distinguish between a direct voice command ("Alexa, turn on the lights") and a situation where the system understands that the user is home based

on voice recognition, this distinction may be limited to the severity of the prohibition and would not serve as grounds to permit operating such a system on Shabbos.⁴

Presence: If a person is in a room and then a smart device subsequently counts how many people are in the room, does that pose a problem on Shabbos? Can one violate Shabbos merely by being present in a place where presence determines the actions of a device? The Gemara, *Bava Kama* 10b, discusses the following situation: Five people are sitting on a bench. A sixth person then sits down on the bench and the bench breaks. The Gemara, in discussing why the sixth person must pay, implies that if the bench had collapsed under the weight of the first five alone, they would have been responsible for the damage. This indicates that merely sitting on a bench is considered a direct action with potential liability.

However, this scenario is not exactly comparable to our situation for two reasons. First, if five people sit on a bench at 9:00 and then the bench breaks at 9:10, the process that caused the bench to break began at 9:00, not at 9:10. The breaking of the bench was caused by them sitting on the bench, not simply being on the bench. At 9:10, these individuals learned that their actions at 9:00 is what caused the bench to collapse. Second, the halachic standards for what constitutes a direct

Learn more about halacha and
technology on the Marcos &
Adina Katz YUTorah.org



violation of Shabbos and for what constitutes a direct cause of damage might not be the same.

R. Shlomo Zalman Auerbach, *Minchas Shlomo* 1:91 (10), discusses the issues of presence as it relates to automated elevators. Suppose Reuven enters an elevator and then subsequently the doors close and the elevator goes down (either because someone else in the elevator pressed the button or because it is set up to stop at every floor). Because Reuven is now in the elevator, there

is a possibility that less electricity will be used to power the elevator and the lights in the building may be slightly brighter than if he wasn't in the elevator (whether this is factually accurate is debatable, but R. Shlomo Zalman is working with this assumption). Should we assume that Reuven's presence in the elevator is problematic? R. Shlomo Zalman asserts that since another event takes place after Reuven enters the elevator, his entering the elevator does not contribute to any action and the elevator is only reacting to his presence.

R. Shlomo Zalman brings a number of proofs that when a *melacha* takes place as a reaction to the presence of an individual, that individual does not violate Shabbos.

R. Shlomo Zalman's ruling should apply to our situation as well.

If a smart thermostat adjusts its settings based on the energy needed to heat or cool the home, determined by the number of occupants, it is responding to their presence rather than being directly triggered by their entry into the house.

Yoreh Deah: Talmud Torah in the Age of Brain Interfaces

In January 2024, Noland Arbaugh, a quadriplegic who was injured in a diving accident, received Neuralink's first brain implant chip. Neuralink, a company founded by Elon Musk, is developing chips that will allow users to interface with a computer or mobile device. Currently, Arbaugh is able to control a computer mouse with his thoughts, but Musk has bigger goals. He envisions a future where humans will communicate through telepathy, stating, "Ultimately, we can do a full brain-machine interface where we can achieve a sort of symbiosis with AI."

Hopefully, brain implants will give new hope to those with impairments and disabilities. At the same time, brain implants for "enhancement" purposes raise significant ethical questions. Consider this scenario: if an implant could provide instant access to an entire Torah library—or even a portion of it—without having to lift a finger or look at a screen, would that be appealing from the perspective of the mitzvah of *talmud Torah* (the mitzvah to study Torah)? Would gaining the knowledge

base of Rav Ovadia Yosef or Rav Chaim Kanievsky, without dedicating the time and effort to actually learn those texts, truly fulfill the mitzvah?

There are two aspects to the mitzvah of *talmud Torah*. First there is a mitzvah to spend as much time as possible studying Torah. Second, there is an obligation to try to master the entire Torah.⁵ Would getting such an implant contribute towards the obligation of mastering the Torah?⁶

There is a particular passage in the Gemara that seems very relevant. The Gemara, *Niddah* 30b, states that in-utero, a person is taught the entire Torah. When he exits into the world, an angel slaps him on his cheek causing him to forget everything he learned. What is the purpose of this exercise? Why teach the child all this information only to forget it upon entering the world?

The Vilna Gaon (Mishlei 16:26 and quoted by his brother in *Ma'alos HaTorah*) suggests that the answer lies in three words in the Gemara, *Megillah* 6b, *yagati umatzasi ta'amin*, if someone says that they toiled (in Torah study)

and found (the truth), we should believe him. There are two points the Gemara is highlighting. First, the purpose of Torah study is not simply to acquire knowledge. The purpose is to toil in the study of Torah so that the learning experience is transformative and that the learner's actions and behaviors parallel his knowledge. This is why the baby must forget everything learned in-utero. Torah knowledge gained without the toil is not useful. Furthermore, we don't want this child's knowledge to be ahead of his actions and behaviors. If he knew the entire Torah, he would be held to a very high standard for his actions and behaviors. That's why all that knowledge is deleted when entering the world. Second, the Gemara uses the word *matzasi* (found it) specifically because it is much easier to acquire something that we once owned and then lost. The Torah knowledge acquired through toil comes to us more easily because we once learned it in-utero and then it was lost.

The Vilna Gaon's analysis of the passages in *Niddah* and *Megillah* clearly

indicate that it would not be advisable to “download” the Torah onto one’s brain. Yet there is another idea of the Vilna Gaon that is even more directly related. R. Chaim Volozhiner, the Vilna Gaon’s primary student, relates in his

introduction to *Sifra D’Tzniyusa*, a collection of mystical insights by the Vilna Gaon, that there were a number of occasions where *maggidim* (angels) approached the Vilna Gaon offering to reveal some of the hidden secrets of the

Torah. The Vilna Gaon rejected these opportunities saying that if there are truths to be uncovered, he didn’t want those given to him automatically. He only wanted to learn them through toil.

Even HaEzer: Using Facial Recognition Software to Determine Jewish Lineage

Cynthia Robertson is dating Michael. As the relationship started to get serious, Michael informed her that he comes from a traditional Jewish family and that his parents would never allow him to marry her because she is not Jewish. On a whim, Cynthia did a DNA genealogy test with 23andMe, and the results came back that she has Eastern European Jewish ancestors. She approached her mother Mary Anne about this, who revealed that Mary Anne was adopted when she was born in 1961. She knows nothing about her biological parents and the only document she has is a picture of her biological mother holding her at the time of birth.

Artificial intelligence-powered facial recognition is emerging as a promising advancement in the field of genealogy. Computer-based facial recognition is a form of AI that uses various data points on a person’s face and compares them to a database of other photos. This might include proportional distance between eyes and nose and unique facial features. Anyone who uses Google Photos knows that these systems are able to associate a person’s photo as an infant with an adult photo. In the last few years, genealogists have been able to discover family connections by searching through photo databases. The

website numberstonames.org enables users to upload a photo and then search Holocaust databases to identify potential matches in pre-Holocaust or Holocaust-era photos.

Cynthia uploaded the aforementioned photo to the site and found a match with a high degree of accuracy. Her biological maternal grandmother matched with a four-year-old girl in a family photo taken in 1938 in Warsaw. The photo has many clear identifying features indicating that this is a Jewish family, including the last name: Goldstein.

Does that mean that Cynthia is Jewish? Would an Orthodox rabbi officiate at a wedding if Michael and Cynthia decide to get married? While there may not be any halachic literature dealing with this question, the literature about determining Jewishness spans many centuries, including other recent contemporary issues.⁷ There are two main factors that are relevant to this question. First, Tosafos in *Yevamos* 47a, s.v. *B’Muchzak*, note that *rov*, statistical majorities, play a role in determining Jewishness (see also Tosafos, *Pesachim*, 3b, s.v. *V’Ana*). We believe someone who claims to be Jewish because most people who make such a claim are indeed Jewish. In our case, can we

assume that since there is a high percent chance that the person in the Warsaw photo matches Cynthia’s biological maternal grandmother, that she is indeed Jewish? This assumption is difficult both on halachic and statistical grounds. From a halachic perspective, *Ba’er Heitev*, *Even HaEzer* 2:4, quotes from the *Teshuvos Beis Hillel* that if someone comes from another place and we don’t know who they are, they need proof that they are Jewish, and this has been common practice in Lithuania. R. Yosef Shalom Elyashiv⁸ ruled that Tosafos’ allowance to follow *rov* only applies to individuals trying to determine if a person is Jewish for a specific purpose (e.g. making a *minyán* at the airport). However, if a *beis din* or another appointed official is asked to make a determination of Jewishness, one cannot simply rely on *rov* much in the same way that a *kashrus* organization cannot rely on *rov* to give certification to a restaurant. From a statistical perspective, if the photo match is, for example, 95% accurate, that means that there is 5% false positivity rate. Bayes’ theorem emphasizes the importance of considering prior probabilities, meaning that alongside the discovery of the photo, the very low initial likelihood of Cynthia being Jewish must also be

factored into the analysis. This would make the actual statistical likelihood that Cynthia is Jewish a lot lower, and depending on the false positivity rate, the overall likelihood could be lower than 50%.

The second factor relevant to this discussion is the concept of *simanim*, indicators. *Simanim* are used to determine the identity of animal species (*Chullin* 79a) and for returning lost objects (*Bava Metzia* 27a). The concept of *simanim* also comes up in the Talmud in discussions about identifying a deceased individual so that his wife can remarry. The Mishna, *Yevamos* 120a, states that one cannot use *simanim* on his body to identify him. The Gemara comments that this seems to indicate that *simanim* are not a biblical concept. R. Shmuel Feivish,

Beis Shmuel 17:70, explains that there are three levels of *simanim*. Features that are fairly common (*simanim geru'im*) don't count at all. Features that are highly unique to that individual (*siman muvhak b'yoser*) are comparable to recognizing the individual (*tevius ayin*) and are valid on a biblical level according to all opinions. The Gemara debates whether *simanim* (distinguishing features) are a biblical concept. This dispute specifically concerns unique identifiers that, while uncommon, could theoretically be shared by another individual. Facial recognition software operates on a similar principle, identifying and matching distinguishing features between photographs. However, it doesn't rise to the level of *siman muvhak b'yoser*, and in our case, there is certainly a possibility (even if it's small) that the

person in the picture is someone else. At the same time, when a *beis din* or *rabbi* assesses someone's Jewish identity, they use certain indicators such as family names, family background (language, practices and culture) and documents, all of which don't prove definitively that someone is Jewish, but paint a broader picture that indicates someone is Jewish.

In our case, matching the pictures of Cynthia's grandmother may not be the last step of determining Jewishness, but a first step. If the facial recognition software is correct, Cynthia can use that information to track down other relatives. She may be able to establish a stronger connection to the family in the picture using DNA and she may even be able to find her biological grandmother, or a relative who could provide more concrete information.

Choshen Mishpat: Liability for Damage Caused by a Self-Driving Car

Autonomous vehicles, more commonly known as self-driving cars, may one day significantly improve road safety. The vehicles eliminate common human errors made while driving. However, these vehicles have had their share of accidents—some, the fault of another vehicle, and some the result of error, either by the operator (“driver”) or the manufacturer.

In this survey, we will discuss one question: what is the nature of liability for an owner of a self-driving vehicle that caused an accident while operating autonomously? The Mishna in *Bava Kama* 26a is clear that damages caused by a person have a higher degree of liability than damage caused by one's property. A person is responsible for damages caused by his direct actions

even if the damage was caused by circumstances beyond his control. If someone activates a self-driving vehicle and instructs it to drive from point A to point B, and in the process, the vehicle is involved in an accident, do we consider that an action caused by the operator or do we treat it like damage caused by his property?

If a person throws an object and causes damage, that is called *kocho* and we consider it as if it was caused personally. What if there is a chain reaction of events? Do we attribute all the events to the person who set the system in motion? The Gemara, *Sanhedrin* 77a, has a concept of *koach sheni* (secondary action) and says that this is *gerama* (indirect). R. Shlomo Zalman Auerbach, *Minchas Shlomo*

2:26, suggested that if a machine cycles on and off (by timer or thermostat), the second cycle is no longer attributable to the person who started the cycles. R. Avraham Yeshaya Karelitz, *Chazon Ish* O.C. 36:1, however, is of the opinion that if a system is meant to function by cycling on and off, all the cycles are attributed to the person who started the system. Nevertheless, we can't necessarily compare a chain reaction of events caused by a self-driving vehicle to a machine that cycles on and off. When a machine is set, the chain reaction of events is predictable and there are no external factors. A self-driving vehicle is constantly adjusting based on other drivers and road conditions.

If we don't consider an accident caused by a self-driving vehicle as damage

caused directly by personal involvement, the operator can be held liable for damage caused by his property. The opening Mishna of *Bava Kama* lists the various categories of damage caused by property. A self-driving vehicle may not fit neatly into a specific category. Nevertheless, the Gemara, *Bava Kama* 6a, discusses situations where the damage is categorized as a hybrid. For example, if a person leaves a package in the middle of the street, it is considered a *bor* (a pit, property that causes damage while stationary). If the package was left at the edge of the roof and the wind blew it elsewhere, it might be considered a hybrid of *bor* and *eish* (fire, or any damage caused with the assistance of the wind). The Gemara also discusses a package that was left in the public and causes damage as people and animals kick it around. In those cases, we must determine if the people or animals who kick the package are fully responsible or if they also share in responsibility. This model of joint responsibility is proposed by Rabbeinu Asher, *Bava Kama* 1:1 and codified in *Shulchan Aruch*, C.M. 411:3-6. These sources would be relevant when assessing who is responsible for a self-driving vehicle that was left to roam in public property and caused damage. Sometimes, one party would take full responsibility and sometimes there would be shared responsibility.

Conclusion

The examples listed here, while covering a range of topics, only scratch the surface of ethical and religious questions that might arise as society embraces artificial intelligence. As technology progresses, we should continue to use human intelligence to navigate how these technologies impact our lives.

Endnotes

1. See R. Zalman Nechemiah Goldberg's article in *Ateres Shlomo* Vol. VI, R. Tzvi Kushelevsky's article in *Ateres Shlomo* Vol. IX and R. Asher Weiss, *Teshuvos Minchas Asher* 1:32.
2. For a fuller treatment of *pesik reishei* and its applications to cameras and motion sensors, see my article "Halachic Issues Commonly Encountered During a Hotel Stay on Shabbat and Yom Tov," *Torah To-Go*, Sukkot 5771.
3. See R. Goldberg and R. Weiss *ibid*.
4. Rav Akiva Eger, *Derush V'Chidush, Shabbos* 154a, asks the following question: The Gemara, *Shabbos* 153b, states that if someone uses a voice command to cause an animal to perform *melacha* (such as *hotza'ah*, carrying a load into the public domain), it is violation of Shabbos (*mechamer*), but the severity of this prohibition is not the same as one who violates a *melacha* with his own body. If using a voice command to have two animals plow together is a direct violation, as if one performed the act with one's body, why isn't using a voice command to have an animal perform *melacha* a direct violation of Shabbos? R. Yechiel Michel Rabinowitz, *Afikei Yam* 2:4 (2) presents two answers to this question. First, in principle using one's voice is the equivalent of using one's body. *Mechamer* is an exception to the rule because the Torah specifically listed it as a separate and distinct prohibition (*lo sa'aseh kol melacha ... uvehemtecha*) from the other *melachos* of Shabbos. Second, regarding leading an animal, the prohibition is against a person performing an act on an animal. In such a situation, it doesn't matter whether the act is performed with one's body or one's voice. Regarding *mechamer*, the prohibition is to cause the animal to perform a *melacha*. He may use his voice to get the animal to respond, but the *melacha* itself is performed by the animal. According to the first answer, using one's voice is the same as using any other part of one's body and there's no room to distinguish between passing a camera equipped with facial

recognition and talking to someone knowing that the device will use voice recognition. The second answer suggests a potential difference between two scenarios: (1) issuing direct voice commands, which parallels commanding an animal since it involves intentional system engagement, and (2) having normal household conversations while being aware of ambient voice recognition systems. In the latter, talking, even though it is a *pesik reishei d'nicha lei* may be a lower-level prohibition than walking in front of a facial recognition camera. While still problematic, perhaps this might be a consideration in a case where someone forgot to disable the system before Shabbos.

5. A fuller discussion of these two aspects of *talmud Torah* can be found in my article "Torah Study: Results Are Also Important!" *Torah To-Go*, Shavuot 5771.
6. The question presumes that by receiving a brain implant with Torah data built into the chip, the information contained on that chip becomes part of one's knowledge base. One could argue that there is no difference between the information stored on a chip in the brain and the information stored on one's laptop or mobile device. The question of how much an implanted device becomes part of the body is a question that is very relevant to prosthetics and is beyond the scope of this presentation.
7. See my article "Use of Mitochondrial DNA to Determine Jewishness," *Yadrim* vol. 3, which draws on materials that appear in *Birurei Yahadus L'Or Mechkarim Genetiyyim*, edited by R. Yisrael Barenbaum and R. Zev Litke. The work contains numerous chapters by the aforementioned editors as well as a responsum by R. David Lau and analysis by Prof. Avraham Steinberg. R. Asher Weiss also wrote on this topic in the journal *Orach Mishpat* Vol. I. *Teshuvos B'Mareh HaBazak* 9:30 also has a responsum on this topic.
8. Cited in R. Moshe Mordechai Farbstein, "Yahadutam Shel HaOlim MiRussia," *Techumin* Vol. 12.



See more shiurim and articles from
Rabbi Flug at [www.yutorah.org](http://www.yutorah.org/teachers/Rabbi-Josh-Flug)
/teachers/Rabbi-Josh-Flug

RECANATI

World Class Wines FROM ISRAEL



93

WILD CARIGNAN
RESERVE
2020 VINTAGE

94

EDITORS' CHOICE
SPECIAL RESERVE
2019 VINTAGE

91

RESERVE CABERNET
SAUVIGNON
2020 VINTAGE

WINE ENTHUSIAST, DECEMBER 2023

Kosher for Passover and Year Round.

21ST CENTURY AI in the Classroom CHINUCH

Editor's Introduction: Over the last few years, Generative AI products such as ChatGPT and Google Gemini have become increasingly popular, allowing users to generate content that appears as if it were generated by a human. The tools can write essays, summarize long documents, or provide natural responses to homework questions. These tools present both a challenge and an opportunity for educators. We asked three expert educators for their thoughts on some of these issues.

Over the years many new technologies have presented themselves as potential “disruptors”—fundamentally changing the nature of teaching and learning. To what extent do you think AI encourages a fundamental shift or is it simply another tool?

RDMB: Major new technologies almost always have the potential to be both a tool and a major disruptor. Over time, societies usually develop the means and processes to maximize the benefits of new technology while mitigating its risks. For instance, in the case of printing, editors and a peer

review system (or *haskamot*) helped the reading public distinguish reputable books from unreliable ones.

However, these technologies always helped disseminate content that *human beings* created. As Yuval Harari has pointed out (<https://www.youtube.com/watch?v=LWiM-LuRe6w>), what is new with Generative AI is that now *machines* are producing the content. This is not only a matter of authenticity—are we able to determine what is humanly created vs. generated by computers (the famous Turing Test)—but a question of agency. Machines have always done what humans built or programmed them to do, while now computers are acting as seemingly “free agents,” on their own

in ways that can't be fully understood or controlled. That is a fundamental shift that we will need to figure out how to manage in every realm of our lives, but especially in teaching and learning where the goal is to develop the human agent's capacity to think, from understanding to analysis to creativity. We should frame the current revolution underway as how we will all learn to “*think* with AI,” and as such, education—focused as it is on thinking—will obviously be profoundly affected.

RSE: Artificial Intelligence isn't just another tool in the educational landscape; it's a catalyst for profound transformation. We're currently grappling with two major disruptions:

a pervasive culture of distraction and the rapid advancement of Generative AI technologies. To navigate this new terrain, we must embrace deeper learning approaches that transcend mere fact retention.

What sets AI apart as a true game-changer is its potential to assist students in tackling “wicked problems,” or as referred to in Hebrew, *tzarich iyun gadol*—complex challenges that defy straightforward solutions and often spawn new questions as we explore them. These problems demand a level of nuanced thinking that goes beyond algorithmic processing.

To effectively engage with such challenges, students need to cultivate skills that AI currently cannot replicate:

- **Divergent Thinking:** Generating original and innovative ideas that break away from conventional patterns.
- **Contextual Thinking:** Applying knowledge to personalized and varied contexts, understanding that one size doesn’t fit all.
- **Curiosity:** Nurturing the habit of asking meaningful, probing questions that drive deeper understanding.
- **Voice:** Developing a unique personal perspective or “fingerprint” in their work, reflecting individual insights and experiences.

By focusing on these human-centric skills, we not only leverage AI’s capabilities but also ensure that education remains a deeply personal and transformative journey.

MCBN: AI represents a paradigm shift in education, akin to the discovery of electricity rather than a mere incremental improvement like the invention of the calculator. Unlike

tools that perform specific tasks more efficiently, AI fundamentally changes how we engage with information, problem-solve, and produce work. Its impact is poised to be ubiquitous, revolutionizing productivity and learning processes across all disciplines. While concerns about its ethical use and long-term implications must be addressed, it is clear that AI is becoming a driving force for innovation in education.

The rapid integration of AI into education is a profound shift that affects all aspects of teaching and learning. For yeshiva high schools, this change presents a unique opportunity to enhance the rigor of Torah study and secular academics while upholding timeless values. By approaching AI thoughtfully, educators, parents, and institutions can leverage its capabilities to enrich the student experience and prepare graduates to navigate an AI-driven world as ethical, spiritually grounded individuals.

How do you see AI enhancing both the student learning experience and the teacher’s role? What have you already begun to see and what do you anticipate in the future?

RSE: AI is revolutionizing both the student learning experience and the teacher’s role, acting as a multifaceted tool that enriches the educational ecosystem.

This allows teachers to automate content creation—generating quizzes, assessments, and lesson plans from lecture material, saving valuable time. It provides opportunities for administrative assistance: crafting letters of recommendation and managing grading systems, allowing

OUR PANELISTS



Rabbi Dr. Michael Berger (RDMB)
Dean, Azrieli Graduate School of Jewish Education and Administration



Rabbi Shlomo Einhorn (RSE)
Founder & CEO, Shpait AI Consulting, providing custom AI solutions for education, Torah learning and businesses



Mrs. CB Neugroschl (MCBN)
Head of School, Ma'ayanot Yeshiva High School for Girls

more focus on student engagement. It is a useful tool for feedback mechanisms, providing initial evaluations of student work, highlighting areas for improvement. It can help improve classroom dynamics by serving as a virtual assistant during group activities, ensuring each student stays on track. It can also help generate interactive materials, transforming traditional lectures or *shiurim* into interactive modules tailored to different learning styles.

AI empowers educators to create more engaging and inclusive learning environments without compromising the values and structure of yeshiva education.



For students, AI provides 24/7 support, offering immediate assistance outside of traditional office hours. It can be really helpful in breaking down intricate concepts into understandable segments, adapting to individual paces and learning styles as well as encouraging deeper interaction with the material through interactive tools.

Research indicates that AI tutors are most effective when they facilitate discovery rather than simply providing answers. By guiding students through problem-solving processes and fostering critical thinking, AI empowers learners to develop autonomy and confidence.

Looking ahead, we can anticipate even more sophisticated AI applications seamlessly integrating into education. AI could analyze learning patterns to predict areas where students might struggle, allowing for proactive support. The fusion of AI with augmented and virtual reality could create immersive learning environments previously unimaginable.

MCBN: AI has the potential to personalize learning for students while streamlining and enriching the teacher's role. For students, AI tools can adapt to individual learning needs, offering real-time feedback, interactive exercises, and

simplified explanations of complex texts whether dense academic prose or even Talmudic or Halachic commentary. Language translation and research assistance can help students by enabling both broader and deeper engagement with Torah and secular studies.

For teachers, AI supports lesson planning, automates administrative tasks, and offers insights into student performance, freeing educators to focus on mentorship and critical thinking. AI can generate differentiated lesson plans, discussion prompts, or even simulate tutoring sessions, enriching the depth and creativity of classroom instruction. While some teachers are already leveraging these tools to push boundaries, most are still exploring how AI can assist with preparatory and administrative tasks. Once educators recognize the time-saving benefits, they are more likely to explore creative applications that extend their teaching capacity and will feel more comfortable integrating AI into their lessons and assignments.

By blending tradition with technology, AI empowers educators to create more engaging and inclusive learning environments without compromising the values and structure of yeshiva education.

RDMB: Teachers and learners have always used tools to achieve their goals. The growth of the interactive internet coupled with widespread digital access has put far more resources in the hands of both instructors and students in the last 25 years, to their mutual benefit.

To the extent AI is used primarily as a tool, the almost limitless potential benefits for teachers have already begun to emerge—they can more easily and quickly create more effective and differentiated or personalized lesson plans, identify and generate educational materials, construct quality assignments and assess student work in ways that will help the students understand what they need to advance. Students have also developed iterative methods for completing assignments or tasks that actually sharpen their thinking as they “dialogue” with AI. With the diverse range of Generative AI tools available, both students and teachers will need to select the right tools for specific learning goals—just as for centuries, we had dictionaries, thesauruses and concordances depending on the knowledge we sought.

Above all, we will need to learn the skills of better problem formation and better questions, as the multiple prompt-response process will become

the norm in virtually every arena of human life. In many ways, it will lead all learners to adopt a type of chavruta-model to their learning, where your partner—in this case, a machine—will help you sharpen your thinking if you know how to use it well.

Are there unique ways that you think about AI within the context of a Jewish school? Are there Jewish values, halachic or hashkafic considerations that we should be taking into account?

MCBN: In a Jewish school, AI must align with the values of *hishtadlut* (effort), *tzelem Elokim* (human dignity), and *yashrut* (integrity). It is essential to frame AI as a supportive tool, not a replacement for the human endeavor of Torah study. While AI can assist with translations and analyses, students must actively engage with the material to preserve the intellectual growth central to Jewish education.

Halachic considerations also shape how AI should be used. For example, educators must address issues like plagiarism, Shabbat observance, and data privacy, ensuring that AI use

adheres to Torah principles. I believe that discussions about AI's ethical implications can deepen students' appreciation of human creativity, moral discernment, and spiritual connection, none of which are replicated by machines.

By emphasizing AI's role as a helper rather than a crutch, Jewish schools can integrate technology in ways that deepen learning while preserving the values of tradition and mesorah.

RDMB: Speaking primarily within the more specific context of Orthodox day schools and yeshivot, there is of course the normative framework of halakhah: everything must accord with Jewish law. The realm of digital halakhah, especially when it comes to AI, is evolving along with the technology, and presumably some poskim will emerge as leading authorities with greater understanding of the tools and the appropriate halakhic categories to apply. Prima facie, issues such as theft, *geneivat da'at* (misrepresentation or fraud), violations of privacy and *ona'at devarim* will come up early, and with AI doing more of the “thinking,” questions of *kavannah* (intent) and culpability (who's responsible) in the case of real and reputational damage or unfair gain will need to be addressed. And, of

course, there are the technical issues of developing learners who are not dependent on technology so that they can continue learning on Shabbat and yom tov when such tools are off limits. Finally, learning in Judaism is also a time-honored cultural activity (i.e., not exclusively undertaken for a particular end) with its own norms and “form of life” (e.g., chavruta study, open sefarim, many people engaged in parallel in a single room, etc.) that together contribute to a sense of belonging, collegiality, motivation and inspiration that enhance the overall experience and encourage commitment to further study. AI may be a virtual chavruta, but it also renders the activity of learning more goal- or product-oriented, and detracts from the collective experience. While these are intangible results, and one may legitimately consider whether the benefit of more positive engagement outweighs the cultural costs, we should not be blind to these possible consequences that affect an activity central to our communities and our identities.

More generally, Jewish education is concerned with building an enduring Jewish identity in our youth, nurturing their sense of being part of the Jewish people and imbuing them with a



sense that they are heirs of a sacred but selective tradition and called upon to preserve it and pass it on themselves to the next generation. Judaism is a transmissive tradition, and so individuals are both recipients of the mesorah and its stewards. Intuitively—and I could be wrong—the anthropological assumptions of thinking with AI are those of the 21st-century Western liberal tradition: individualist (deems people as free to choose whatever identity or action they want), materialist (all that exists is in the physical, material realm), capitalist (profit motives and considerations drive behavior) and currently focused on creativity, exploration and innovation. My concern is that these assumptions are embedded or “baked into” both the structures and sources of LLMs and GPT tools, rendering the Jewish project—the awareness that we’re born into a people with an ascribed collectivist identity; that we believe in and live our lives with spiritual values and aspirations to divine encounter; that we are charged to build a just society that is *mekadesh shem shamayim* (sanctifies G-d’s Name); and that among our loftiest activities and goals is to learn the contents of an ancient and ongoing received tradition—deeply countercultural. Most Orthodox day schools understand a child’s learning

primarily in terms of literacy and content mastery—of Tanakh, Mishnah, Gemara, halakhah and *machshavah* (Jewish thought)—rather than charting one’s own path and creating something new.

Therefore, I think Jewish schools will need to be careful and discriminating gatekeepers of how LLM-based AI tools are integrated into the Jewish school experience, not only with respect to actual curriculum and learning outcomes, but culturally as well: the spirit of general studies and the atmosphere of *limudei kodesh* may grow further apart, potentially fostering a dissonance in our students that will need to be managed and addressed.

Within *limudei kodesh* themselves I foresee AI engendering further challenges. Our tradition of learning prizes both *sinai* (breadth, *beki’ut*) and *oker harim* (analysis), the twin pillars of *Torah she-be’al peh*. We need to admit that technology has all but taken the place of *sinai*: the mass digitization of our vast Torah library together with enhanced search tools make being a *sinai*—in the surface sense, of course—a matter of a few clicks for most people (see Gil Student’s observations in *Torah Musings*, “Technology and Sinai” 1/23/2011). [Interestingly, some rishonim and acharonim felt that books had become the

new authorities, displacing the local rav or talmid chacham.] Yes, we still respect those who have the corpus of Chazal, rishonim, acharonim, poskim, etc. at their fingertips, but we know that many people are now able to quote widely because they did some good searching in preparation. *Oker harim*, on the other hand, is the skill Generative AI seems poised to master in the near future as well, and while we know there have been *gedolim* who have come up with truly novel approaches to significant halakhic issues, the average *mara d’atra* may find himself on a par with technology in the near future for the typical challenging question. (My hunch is that the posek who relies on a mixture of sources/precedents and harder-to-define values in arriving at his decision—the recent book by Rav Aharon Lichtenstein zt”l on “Values in Halakha” offers many good examples—will still be in demand, and not easily replaced by AI. But technology may advance in ways we cannot envision currently.)

RSE: Integrating AI within Jewish Institutions presents a unique opportunity to blend mesorah with an appropriate dosage of innovation. This can stay kosher as long as we make sure to guide our AI usage with the proper kashkafic datasets. We can envision Chavrusa scenarios where the learning is significantly enhanced by pointing the team to different commentaries, assisting learners in sharpening their questions, and then deliver a dose of cultural context to bring the sugya to life. The technology can support productive struggle through guided assistance that offers hints without revealing complete solutions, preserving the integrity of the learning process. It provides adaptive challenges that adjust to student progress and can better guarantee a more well rounded learning session.

Yes, we still respect those who have the corpus of Chazal, rishonim, acharonim, poskim, etc. at their fingertips, but we know that many people are now able to quote widely because they did some good searching in preparation. *Oker harim*, on the other hand, is the skill Generative AI seems poised to master in the near future as well.

Ethical considerations remain paramount, requiring clear guidelines to prevent *g'neivas da'as* (deception), proper attribution of AI-generated content, and careful selection of tools that align with Jewish ethical standards.

In practical applications, AI can be effectively utilized for generating source sheets with accurate and halachically compliant citations, and developing assignments that encourage research while maintaining emphasis on original thought and personal reflection. Perhaps most importantly, AI can help bridge tradition and modernity by exploring how ancient teachings relate to contemporary issues. Through thoughtful integration of these technologies, we can enhance education while preserving the essential human elements of Jewish learning, such as character development (*middos*) and the transmission of tradition (*mesorah*).

What is the role of AI in fostering or potentially diminishing critical thinking skills in students? How can educators ensure that AI tools are used to promote deeper cognitive engagement rather than passive learning?

RDMB: This is a legitimate concern but I'm not sure it's unique to AI—recent technological advances since the 1990s have had profound direct and indirect effects on this domain of skill development. We should be consulting the research that's been done and monitoring the work that's being done and staying on top of it to see where this is headed (think of how studying the effects of smartphones has led to major policy changes in many schools just in the last year).

More basically, I think we often use the term “critical thinking” as an amorphous, catch-all phrase for any reflective, non-regurgitating mental activity, without breaking down the specific and age-appropriate skills we want to see our students (or employees) develop, and in what contexts these skills should be applied. For instance, is “deeper cognitive engagement” always preferable to “passive learning”? Perhaps at certain developmental stages that's true, but especially in Jewish learning, as I noted above, there is considerable relatively passive absorption—reading, listening—of material. For instance, we know that in our society, thousands of adults listen to shiurim, both in person and digitally, every day. So let's first spell out what we mean exactly by the term,



**We Crush It,
So You Don't
Have To.**

**Find our fresh frozen
herbs in the freezer aisle.**

**Dorot
GARDENS®**

dorotgardens.com



what our goals are for our students at different stages (and why), and map out how we've done it to date and how we might measure the effectiveness of our methods. Only then can we start asking which AI tools will help and which will hinder us in achieving those goals.

I also would encourage us to pay attention or even reach out to all fields where critical thinking is prized. We could be looking at different types of schools (vocational, IB, special needs), different ages (pre-school to graduate school) and professions that emphasize ongoing learning, such as medicine. Let's cast the widest net possible to see how certain skills are promoted, and, if they are desirable in our context, we should learn how to bring them into our field. Let's not limit ourselves to other educators in schools that are similar to ours.

RSE: AI holds significant potential to

both foster and, if misused, diminish critical thinking skills, with the key lying in how educators integrate AI tools to promote active engagement rather than passive consumption. As an adaptive learning partner, AI can adjust to individual learning needs while challenging students appropriately, encouraging them to arrive at solutions independently through guided questioning, and facilitating group work by tracking contributions and prompting deeper analysis.

When aligned with educational frameworks like Webb's Depth of Knowledge, AI can support learning across multiple levels: from understanding basic concepts at Level 1 (Recall), to comparing methods and ideas at Level 2 (Skill/Concept), analyzing scenarios at Level 3 (Strategic Thinking), and ultimately synthesizing information and creating original work at Level 4 (Extended Thinking).

However, educators must actively mitigate potential challenges by designing AI tools that encourage inquiry and critical thinking while ensuring that the efficiency AI offers doesn't compromise thorough understanding. By structuring activities thoughtfully, educators can ensure AI serves as a catalyst for deeper cognitive engagement, enhancing rather than hindering critical thinking.

MCBN: AI has the dual potential to either enhance or hinder critical thinking. Used thoughtfully, it can foster inquiry, provide feedback, and encourage interpretation, helping students refine their reasoning and engage more deeply with complex ideas. For example, AI tools can simulate debates, analyze arguments, or challenge students to defend their positions. There are technical skills that a traditional high school curriculum doesn't include that AI can be used as augmentation.

However, overreliance on AI risks diminishing critical thinking by offering an expectation of quick solutions that can bypass meaningful struggle. To prevent this, educators should design open-ended assignments requiring students to critique AI-generated outputs, document their process, and justify their conclusions. By emphasizing the journey over the destination, teachers ensure that AI supports active engagement and cultivates higher-order thinking skills.

As AI becomes more integrated into education, how can institutions safeguard academic integrity? What new challenges does AI pose in terms of cheating, plagiarism, and maintaining ethical standards in assessments?

RSE: As AI becomes more integrated into education, maintaining academic integrity requires more than detection and prohibition; it demands understanding and addressing the root causes of misuse. Students may turn to AI due to ambiguous instructions, insufficient resources, time pressures, or skill gaps, making it crucial to address these underlying issues. A comprehensive approach to promoting transparency and accountability could include implementing a color-coded writing system, where blue indicates direct AI-generated content, green represents student revisions of AI content, pink shows human-written content refined with AI, and black designates purely human-generated work. This system offers multiple benefits: it encourages honesty by having students openly acknowledge AI use, enhances learning through active engagement with AI content, and facilitates assessment by allowing teachers to provide targeted feedback.

Successful implementation requires clear guidelines defining acceptable AI use, educational workshops teaching responsible AI utilization, a supportive environment encouraging open dialogue about challenges, and an emphasis on ethical practices aligned with values like honesty and integrity. By fostering transparency and ethical use in this way, we can transform AI from a potential threat into a valuable educational ally.

MCBN: AI introduces unique challenges, such as undetectable plagiarism and the temptation to outsource intellectual work. Institutions can address these issues by redesigning assessments to prioritize creativity, critical thinking, and personal reflection—areas where AI



We're Chopped, Without All the Drama.

**Find our fresh frozen
herbs in the freezer aisle.**

**Dorot
GARDENS®**

dorotgardens.com

struggles to replicate human originality. Requiring students to document their learning process or submit drafts alongside final products also promotes accountability.

Clear policies defining ethical AI use are essential. Transparency about when and how AI can be used helps students navigate these new tools responsibly. By fostering a culture of integrity and emphasizing personal effort, institutions can uphold academic standards while preparing students to engage ethically with AI.

RDMB: Everyone in higher education I know is struggling with this. Simply put, not only is it impossible to stay ahead of the technology, but it turns the enterprise of learning into a cat-and-mouse game, which is not good for anyone. The early adopters have been advocating for, first, insisting on total transparency—having students be honest when and how AI was used (one can easily track how documents came to be constructed over time) and second, to developing very different types of assignments. Working with AI is now expected, and so having students show the faculty how they incorporated ChatGPT or other tools in developing a response, an argument, or a paper, is initially proving a better approach, at least in some areas where content mastery is not the primary goal. If it is, then I've seen the implementation of draconian measures of test-taking

or proctoring, which sadly fosters an adversarial climate in the classroom that undermines the teacher-student relationship, so critical to genuine learning. (Many detection tools create false accusations, further poisoning that crucial relationship.) Stay tuned.

What strategies should educators and institutions adopt to prepare students for a future where AI is deeply integrated into the workforce and daily life? How should curricula evolve to reflect this reality?

MCBN: Yeshiva high schools must balance AI literacy with the timeless values of deep study and slow methodical growth that resists the speed and immediacy of the AI age. Courses in digital literacy should teach students how AI works, its societal implications, and its limitations. At the same time, high school curricula must provide real-world readiness that both prepares graduates to use AI and amplifies the key skills of creativity, critical thinking, and moral reasoning—skills that AI cannot replicate.

Ethics education is equally important. Discussions on *tzelem Elokim* and the proper use of power can help students approach AI with a sense of responsibility and purpose. Collaborative, project-based learning

High school curricula must provide real-world readiness that both prepares graduates to use AI and amplifies the key skills of creativity, critical thinking, and moral reasoning—skills that AI cannot replicate.

that integrates AI tools alongside traditional methods prepares students to navigate both worlds effectively.

RDMB: Since the information revolution arrived in the late 20th century, rapid changes to every area of our lives are now expected, and in response our educational system has been called upon to develop in our students the capacities of ongoing learning and adaptation. The notion that one learns a trade or skill in late adolescence/early adulthood and that becomes a stable career for the rest of one's life applies to very few if any fields today. So this sensibility is not so new. However, accessible Generative AI is a recent innovation and changing too rapidly for us to predict how this should affect educational strategies in the classroom.



**Learn more about Artificial Intelligence
in halacha and hashkafa at the
Marcos & Adina Katz YUTorah.org**

Intuitively, I believe two things will happen structurally: each school will need to hire in-house educational technology experts whose job is to remain up-to-date on the latest tools and how they could enhance or simply affect the learning experience of students and teachers (I am not envisioning a super-charged IT person or department, but someone with strong educational background who also knows IT very well and can monitor the interface of the two); and more regular and intensive faculty

professional development will need to become part of a school's natural rhythm and expectations of faculty. (Of course, professional development was always a desideratum, but it will become both indispensable and more demanding.)

Regarding students, as often happens when new technology enters a school, it will likely start out as a designated part of the curriculum (e.g., IT sessions two or three times a week—remember computer labs with classes scheduling time?) and then develop into an

aspect of every class. With the rapidly changing face of the tools and perhaps the hardware technology, it's too early to tell how this will evolve.

RSE: Preparing students for a future intertwined with AI requires reimagining education to integrate AI meaningfully across disciplines. In writing and communication, this involves teaching students to critically evaluate and refine AI-generated content, conduct comparative analyses to identify biases and differences across AI models, and maintain their unique human voice in assignments. Project-based learning becomes essential, with students using AI as a tool, not a crutch, to solve real-world problems while engaging in interdisciplinary projects that merge AI with ethics, arts, and social sciences. Ethical considerations must be woven throughout the curriculum, including case studies examining negative AI impacts and opportunities for students to craft ethical guidelines for AI use.

The development of uniquely human skills remains paramount, with emphasis on creativity, divergent thinking, and the application of empathy and cultural awareness that extends beyond AI capabilities. Technical literacy must also be enhanced, teaching students about AI's limitations, biases, and inaccuracies, while developing metacognitive strategies to discern when to rely on AI versus human reasoning. By evolving curricula to include these elements, we prepare students to not only coexist with AI but to lead in shaping a future where technology and humanity complement each other.

THE OFFICE OF ALUMNI AFFAIRS INVITES YOU TO

UPDATE YOUR ALUMNI INFORMATION



NO SPAM, JUST PERKS. UPDATE AND CUSTOMIZE YOUR INFO TODAY!

To update your alumni contact information, scan the QR code



IN THE U.S., VISIT
[yu.edu/
alumniupdate](https://yu.edu/alumniupdate)

STAY INFORMED

GET CONNECTED

HEAR ABOUT GREAT PROGRAMS AT YOUR ALMA MATER

YU.EDU



IN ISRAEL, VISIT
[cloud.comms.yu.edu/
IsraelAlumni](https://cloud.comms.yu.edu/IsraelAlumni)



Yeshiva University

How can AI support inclusivity in education, particularly for students with learning differences?

RDMB: Among Generative AI's real boons is the ability to personalize material for particular users in a large scale. As long as the technology has sufficient material (e.g., IEPs, prior work by the student, examples of assignments from others) to "understand" the child's unique learning style and needs, it can easily adapt whatever a teacher wants for the class to the individual learner. For example, a class of students with diverse (known) levels of Hebrew comprehension can receive original texts with varying amounts of translation, and adjust the level of challenge to each student. I think this will be among the most promising and exciting areas of applying AI in Jewish education.

RSE: AI offers significant potential to enhance inclusivity, particularly for students with learning differences, by providing personalized and adaptive support. Through 24/7 accessibility, AI caters to students studying at unconventional times while breaking down complex tasks into manageable steps. Its adaptive reading assistance capabilities to adjust text complexity in real-time, and organizational tools assist with schedules and reminders, proving especially beneficial for students with ADHD. The technology's ability to offer multimodal learning experiences provides various ways to engage with material, particularly aiding those with physical disabilities.

Are there ethical implementation challenges? Yes. And vigilance remains ethical. We have to pay careful attention to enhancing rather than replacing human connections by designing AI

to guide students back to teachers and peers. This includes preventing over-reliance on AI by promoting autonomy and at the same time ensuring equitable access to necessary technology and resources. We're going to have to vigilantly monitor AI for biases that could also disadvantage students.

MCBN: AI has the potential to make yeshiva education more inclusive by offering personalized support for students with learning differences. Adaptive tools can tailor content to individual needs, simplify complex texts, and provide real-time feedback. Features like text-to-speech, visual aids, and gamified exercises ensure that every student can access the curriculum and be more fully supported and successful.

Teachers can also use AI-driven analytics to identify areas where students need additional support, enabling targeted interventions. By thoughtfully integrating AI, educators can honor each student's unique potential and ensure that all students, regardless of their challenges, feel empowered to succeed.

How should parents talk to their children about using AI for school assignments?

MCBN: Parents play a critical role in guiding their children to use AI ethically. Framing the discussion within the values of *yashrut* (integrity) and *hishtadlut* (effort), parents can emphasize that AI is a tool to support learning, not replace effort. By asking reflective questions and modeling ethical boundaries, parents teach their children to approach AI with curiosity and responsibility. These conversations ensure that students use AI to enhance their growth, not circumvent it, while instilling lifelong values of honesty and perseverance.

By integrating AI thoughtfully and aligning its use with Torah values, educators and parents can ensure that students not only excel academically but also grow into ethical, spiritually grounded individuals.

In conclusion, AI offers extraordinary opportunities for yeshiva high schools to enhance learning, foster inclusivity, and prepare students for an AI-driven future. By integrating AI thoughtfully and aligning its use with Torah values, educators and parents can ensure that students not only excel academically but also grow into ethical, spiritually grounded individuals. This balanced approach empowers students to lead with integrity and purpose in a rapidly changing world.

RDMB: As with any activity that has serious risks involved or is morally questionable, parents must take the lead and not leave it to teachers or schools to guide the child. However, as important as speaking is, modeling is far more consequential, as it is in so many facets of daily life: obeying driving rules, eating habits, how one speaks about others, etc. If a child sees a parent using AI as a shortcut for other things, even trivial, she or he will understand that results matter more than process, and follow suit.

FROM DARKNESS TO LIGHT: MITZVOT, FAITH, AND THE PATH TO REDEMPTION

In moments of profound darkness, a flicker of light can bring hope and redemption. At the beginning of Sefer Shemot, one of the darkest times in Jewish history, the Torah recounts (Shemot 2:2), “*And the woman conceived and bore a son, and she saw that he was good.*” The Midrash (in *Sotah* 12a) elaborates that when Moshe was born, during the tumultuous times of Pharaoh’s decree, Yocheved’s home filled with light, symbolizing that redemption was near. This spiritual illumination mirrors the light of the Chanukah

The Jewish spirit cannot be hidden or extinguished, and even the smallest light has the power to illuminate the darkest night.

menorah, reminding us that even in times of uncertainty, the seeds of salvation are being sown.

During Chanukah, we commemorate a time when Jews were forced to hide their observance under the oppressive rule of Antiochus IV. In secret, they continued to light Shabbos candles, learn Torah, and live lives of faith, despite the dangers they faced. Their perseverance led to the miraculous victory of the Maccabees and the rededication of the Beit HaMikdash. The miracle of the oil, which burned for eight days, symbolizes how even a small light can triumph over overwhelming darkness.

While the Jews in the times of the Maccabees hid their *mitzvot* and the light of their Torah learning, the *mitzvah* of lighting the Chanukah menorah today emphasizes *pirsumei nisa*—publicizing the miracle (*Shabbat* 21b), as opposed to keeping it secret. The Rambam (*Hilchot Chanukah* 4:12) explains that the light of the



**Ms. Leah
Moskovich**

*Yeshiva University High School for
Girls, Associate Principal*

menorah is precious because it reveals that Hashem’s presence endures, even when concealed. Each candle we place in windows and doorways sends a message: the Jewish spirit cannot be hidden or extinguished, and even the smallest light has the power to illuminate the darkest night.

This theme of hidden faith bringing forth redemption has been repeated throughout Jewish history. During the Holocaust, Jews kept *mitzvot* in secret—lighting candles, observing Shabbat, and studying Torah—even

when doing so meant risking their lives. In concentration camps and ghettos, these hidden acts became powerful symbols of spiritual resistance, much like the secret *mitzvot* observed during the time of the Maccabees. Their hidden light kept the flame of Judaism alive, paving the way for survival and hope.

On October 7, Jews once again found themselves facing unimaginable fear. Families took shelter in safe rooms, whispering *Shema Yisrael* in the dark, praying for safety. These moments of concealed faith echoed the experiences of Jews throughout history—from the Chanukah era to the Holocaust—where faith endured even when it could not be expressed openly.

In the wake of this most recent tragedy, a remarkable transformation has taken place. Many Jews who had been disconnected from religious observance have taken on small *mitzvot*—lighting Shabbat candles, putting on tefillin,

or saying *Shema*—as expressions of connection and solidarity. Like the flames of a menorah that can ignite countless others without diminishing, these individual sparks of faith inspire others and bring us closer to redemption. When we perform *mitzvot*, we draw this hidden light into the world, creating ripples of holiness that bring us closer to the final redemption. As we light the menorah this Chanukah, we reflect on the hidden miracles that have sustained us throughout history, from the days of the Maccabees to the Holocaust and the events of October 7. Each flame is not only a personal declaration of faith but also an invitation to others to connect with their Jewish identity, reminding us that Hashem's light continues to shine, guiding us toward *geulah*. Through every mitzvah and each flame we kindle, we add to this light, inspiring others and bringing ourselves closer to the ultimate redemption, when Hashem's light will

illuminate the entire world.

To further spread the light this Chanukah, let us all take small, meaningful steps in our daily lives. Lighting Shabbat or Chanukah candles with the intention of bringing greater peace into our homes creates a sacred space for light to flourish. Acts of kindness—whether through reaching out to someone in need, offering emotional support, or giving *tzedakah*—help illuminate the world around us. Sharing Torah, even a single idea, has the power to spark inspiration in others. Finally, taking on a new mitzvah, no matter how small, strengthens our connection to Hashem and contributes to the collective holiness of the Jewish people. Through these actions, we ignite new flames, inspiring others to do the same. Together, these sparks will light the way toward the final *geulah*, when the light of redemption will shine for all.

THE MARCOS AND ADINA KATZ
YUTorah[®]
Society

Join now for \$36 a month
Special student rate of \$18

- One dedication of a day of learning per year
- Your choice of YUTorah SWAG
- 10% discount at rietspress.org
- A copy of Rabbi Aryeh Lebowitz's new sefer "Kinyan Halacha: From Pesukim to Poskim"
- YUTorah stickers for your car and laptop
- Your name listed on our dedicated YUTorah Society page on YUTorah
- Access to exclusive shiurim and updates

Join now at yutorah.org/society

THE SOURCE OF TRUE JEWISH MIGHT

On Chanukah, we recite the beautiful expression of gratitude, *Al Hanissim*, in our tefillos and Birchas Hamazon to thank Hashem for saving us. In describing the incredible odds we overcame in our victories, we highlight several key differences between the Jewish people and the Greeks of that time:

גבורים ביד חלשים ורבים ביד מעטים וטמאים
ביד טהורים ורשעים ביד צדיקים וזדים ביד
עוסקי תורתך.

The mighty in the hands of the weak, the many in the hands of the few, the impure in the hands of the pure, the evil in the hands of the righteous, and the wicked in the hands of those who study Your Torah.

The last one, “the wicked in the hands of those who study Your Torah,” seems to be the most perplexing. What does the fact that we learned Torah have to do with the fact that we won the war? The first two comparisons clearly highlight our military victory and the third one highlights our cultural

differences, clearly hinting to the purity and miracle of the jug of oil. However, the last one seems to be the outlier, why focus on learning Torah specifically?

Rav Matisyahu Solomon Zt”l, the Mashgiach of Beis Medrash Govoha, explained in his sefer *Matnas Chayim* that while of course we need the Jewish people to be powerful, mighty and pure, our true strength emanates from our collective *limmud Hatorah* and our collective connection to Hashem through learning Torah. We see this idea in a number of fascinating sources. The pasuk in Parshas Toldos says, *hakol kol Yaakov vehayadaim yedei Eisav*, Yitzchak tells Yaakov that his voice is the voice of Yaakov, but his hands are the hands of Eisav. The *Medrash Rabbah* in Eicha (Siman 2) expounds, as long as the voice of “Yaakov” (meaning Bnei Yisrael) is heard learning Torah in batei medrash in the world, the hands of Eisav will not conquer us. The sefer *Maalos Hatorah* asks, this Medrash takes the words of the pasuk out of context. Is that what the pasuk was meant to say?



Rabbi Shimon Schenker

Menahel Yeshiva University High School for Boys/MTA

Maalos Hatorah explains that the end of the pasuk says *vayevarchehu*. What bracha did he give him? According to the Medrash, the bracha of Yitzchak to Yaakov was that if Yaakov continues to learn and be connected to Hashem, his hands will be like the hands of Eisav and no enemy (even the hands of Eisav) will be able to harm him.

We have seen this in every generation, that when Klal Yisrael goes to war, the successes that the Jewish people have had defy logic. Most of their successes are miraculous. Those successes are dependent on our dedication to Torah

even when life is difficult and we are oppressed. We have seen this particularly in the current war, with the incredible dedication of the chayalim and Klal Yisrael as a whole to connect to Hashem through learning Torah, wearing tzitzis, laying tefillin and through intense tefilla.

In Sefer Yehoshua (5:13), Yehoshua was visited by an angel who appeared to him as a warrior with a drawn sword as if to threaten him and Klal Yisrael. As the Gemara, *Megilla* (3a) teaches, when Yehoshua asks why the angel was there, the angel responded that he is there to punish Klal Yisrael because they did not learn Torah even during their war

to conquer Eretz Yisrael. The Alter of Kelm asks the obvious question, how could the angel implicate the Jews for not learning Torah? They were at war, weren't they exempt from learning? He says that Rashi in *Megilla* was sensitive to this question there and he says that since they were not fighting at night, they should have learned at night. We see from this how high the bar is raised and what we should be working towards, that even when life is incredibly busy and difficult we still need to find time to learn and grow.

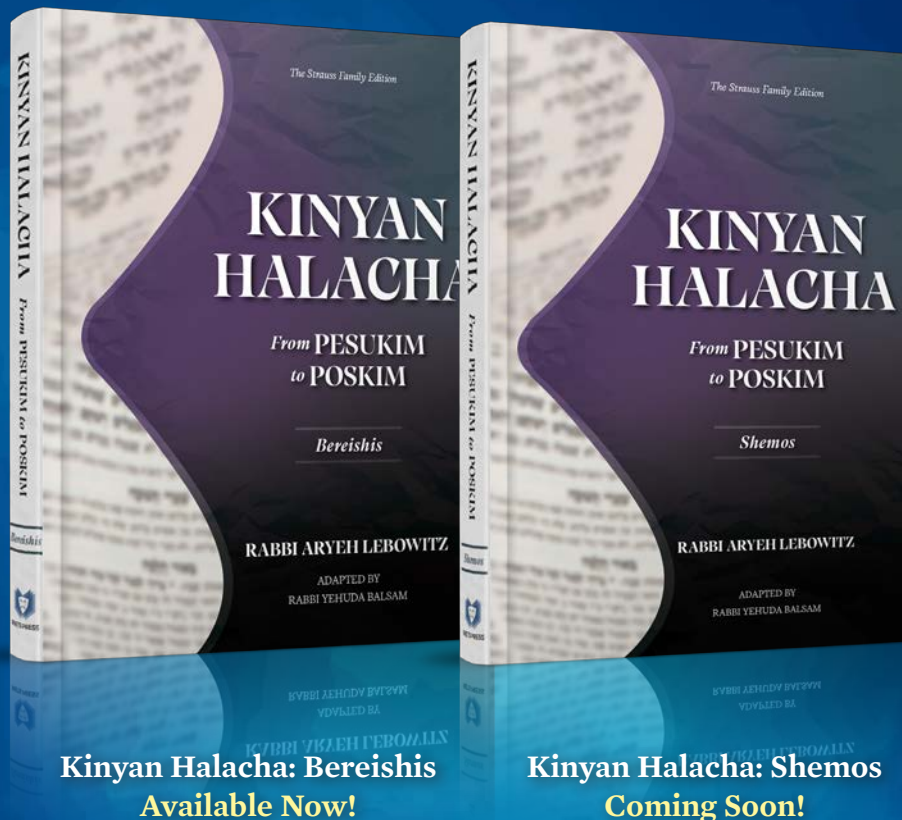
Our personal growth is what fuels our collective and national salvation and

success. Rav Eliyahu Lopian points out an additional insight from that Gemara in *Megilla*. Notice that the malach appeared to Yehoshua as a soldier and not as a Rosh Yeshiva, even though he was there to give mussar about not learning Torah. Rav Lopian explains that the malach was teaching Yehoshua that "I am appointed to fight your wars for you, but I can only do so if you do your part and continue to learn Torah."

We should all take the lessons of the great tzadikim of the Chanukah story and continue to learn and grow even in the most challenging times and light up the darkness with the light of Torah.

Kinyan Halacha: From Pesukim to Poskim

The new RIETS Press series from Rabbi Aryeh Lebowitz



www.RIETSPress.org

Gratitude and Happiness

Close to 25 years ago, in response to the critique that psychology focused too much on disorders and diagnoses, Dr. Martin Seligman began to develop the field of positive psychology. The goal was to reinvigorate the field by focusing on strategies that would help people flourish. One of the basic tenets of the theory is that if we actively cultivate our character strengths and virtues, we will be happier and have increased well-being. Dr. Seligman and colleagues identified twenty-four character strengths and conducted research to better determine the details and nuances of how they can be developed. Of the twenty-four strengths, gratitude has been the most consistently and robustly associated with happiness and the life well lived. Consequently, cultivating the trait of gratitude became one of the key interventions to increase happiness.

Gratitude permeates all areas of Jewish life and serves as the basis of

many prayers, commandments, and holidays. Chanukah serves as a perfect illustrative paradigm. In formulating the essential elements of the holiday, the Talmud (*Shabbat* 21b) states that they are days of “*hallel ve-hoda’a*” – “singing praise and giving thanks.” Rashi comments that giving thanks refers to the fact that we recite “*Al Hanissim*.” We articulate our gratitude for the miracles of the holiday in the context of the blessings of gratitude that we recite every day. Yet, when codifying this idea in his *Mishneh Torah* (*Megillah ve-Chanukah* 3:3), instead of writing that these are days of praise and gratitude, Maimonides writes that they are days of “*simcha ve-hallel*” – “happiness and praise.” Why replace the word gratitude for happiness? Perhaps Maimonides is alluding to the fact that gratitude and happiness are integrally related. By expressing our gratitude, we are at the same time experiencing happiness.

The act of lighting the Menorah is also a symbolic expression of gratitude. Addressing the juxtaposition of



Rabbi Dr. Mordechai Schiffman

Assistant Professor, Azrieli Graduate School of Jewish Education & Administration and Assistant Rabbi, Kingsway Jewish Center

the commandment of lighting the Menorah in the Tabernacle and the story of how the leaders of the tribes dedicated materials to the Tabernacle, Rashi (*Numbers* 8:1) suggests that the former is a response to the latter. Aaron was disappointed that unlike the other leaders who were given the opportunity to actively participate, he and his tribe did not donate to the cause. God comforts Aaron by informing him that he will have the privilege of kindling the Menorah.

Knowing that there were several special services that Aaron and the priests were responsible for in the Tabernacle, Rabbi Chaim Shmuelevitz wonders why the Menorah is singled out as compensating for the lack of donations. Rabbi Shmuelevitz suggests that the Menorah is chosen specifically because it highlights the essential concept of gratitude. A midrash (*Bemidbar Rabbah* 15:5)

asks, if God is symbolically the light of the world, what significance is there in mankind kindling a light in front of Him? The midrash suggests that while God doesn't need light, He nevertheless asks the Jewish people to light the Menorah in order to provide us the opportunity to express our gratitude to Him. According to the midrash, the act of lighting the Menorah is inherently an expression of gratitude to God.

When we light the menorah this Chanukah and we celebrate and praise God, let us be mindful of the message of gratitude. Let us be thankful for the miracles that took place *bayamim haheim* – in those days – and the ones that take place *bazman hazeh* – in our days. By feeling and expressing this gratitude, may we merit lives infused with meaning and happiness.



RIETS PRESS
PILLARS SOCIETY

Help RIETS Press publish the Torah of our Yeshiva! Become a RIETS Press Pillars Society Member!

RIETS Press Trustee

- Name listed among trustees in all future RIETS Press publications for the duration of your membership in the society.
- Complimentary collection of full RIETS Press library and copies of all future RIETS Press publications for the duration of your membership in the society.
- Receive an annual RIETS Press gift package.
- Access to exclusive events with RIETS Roshei Yeshiva and RIETS Press authors

RIETS Press Supporter

- Name listed among pillars in all future RIETS Press publications for the duration of your membership in the society.
- Complimentary collection of full RIETS Press library and copies of all future RIETS Press publications for the duration of your membership in the society.
- Receive an annual RIETS Press gift package.

RIETS Press Friend

- Name listed among supporters in all future RIETS Press publications for the duration of your membership in the society.
- Complimentary collection of full RIETS Press library and copies of all future RIETS Press publications for the duration of your membership in the society.

Scan the QR code
below to learn more



To learn more, visit us online at yu.edu/rietspresspillars



Understanding Miracles • Why Do We Eat Fried Foods

The Meaning of Mehadrin • Lighting while Travelling

The Significance of the Dreidel • Forgetting Al Hanisim

The Proper Time for Lighting • Remembering the Beit Hamikdash

Why Chanuka is Eight Days • Oil vs. Wax Candles • Lighting in Shul

Rabbinic Holidays • Hallel • The Haftorah of Shabbat Chanukah

Chanukah and Sukkot • Appreciating Jewish History • Zos Chanukah

Prepare for Chanukah with thousands of shiurim on

The Marcos and Adina Katz

YUTorah.org



ישיבת רבנו יצחק אלחנן

Rabbi Isaac Elchanan Theological Seminary

An Affiliate of Yeshiva University