

CAN A ROBOT BE JEWISH?

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1. DEVARIM 31:19 – “WRITE DOWN THIS POEM”

וְעַתָּה כָּתְבוּ לָכֶם אֶת הַשִּׁירָה הַזֹּאת וְלַמָּדָה אֶת בְּנֵי יִשְׂרָאֵל שִׁמָּה בְּפִיהֶם לְמַעַן תִּהְיֶה לִּי הַשִּׁירָה הַזֹּאת לְעֵד בְּבְנֵי יִשְׂרָאֵל.

“Therefore, write down this poem and teach it to the people of Israel; put it in their mouths, in order that this poem may be my witness against the people of Israel.”

2. SANHEDRIN 21B – THE OBLIGATION TO WRITE A SEFER TORAH

אמר (רבא) אף על פי שהניחו לו אבותיו לאדם ספר תורה מצוה לכתוב משלו שנאמר וְעַתָּה כָּתְבוּ לָכֶם אֶת הַשִּׁירָה [הַזֹּאת וְלַמָּדָה אֶת בְּנֵי יִשְׂרָאֵל].

Rava says, even if a person’s ancestors left him a Torah scroll, it is a mitzva to write a scroll of one’s own, as it is stated: “Now, therefore, write for yourselves this song and teach it to the children of Israel.”

3. SEFER HACHINUCH, MITZVA #613 – WHAT IS EXPECTED OF US?

מצוה לכתוב כל אחד מישראל ספר תורה לעצמו... וכמו שאמרו ז"ל [מנחות ל' ע"א] "כתבו", כלומר בידו, מעלה עליו הכתוב כאילו קבלו מהר סיני, ומי שאי אפשר לו לכתבו בידו ישכור מי שיכתבנו לו, ועל זה נאמר [דברים ל"א, י"ט], "ועתה כתבו לכם את השירה הזאת ולמדה את בני ישראל..." משרשי המצוה, לפי שידוע בבני אדם שהם עושין כל דבריהם לפי ההכנה הנמצאת להם, ועל כן ציונו ברוך הוא להיות לכל אחד ואחד מבני ישראל ספר תורה מוכן אצלו שיוכל לקרות בו תמיד ולא יצטרך ללכת אחריו לבית חברו, למען ילמד ליראה את ה', וידע וישכיל במצוותיו היקרות והחמודות מזהב ומפז רב.

מדיני המצוה מה שאמרו זכרונם לברכה כיצד כותבין ספר תורה, כתיבה מתוקנת וטובה ונאה.

ונוהגת בכל מקום ובכל זמן בזכרים, שהן חייבים בתלמוד תורה וכמו כן לכתוב אותה, ולא הנקבות. והעובר על זה ולא כתב ספר תורה אם אפשר לו בשום ענין, ביטל עשה זה. וענשו גדול כי היא סיבה ללמוד מצוות התורה כמו שאמרנו. וכל המקיים אותה יהיה ברוך ויחכם הוא ובניו, וכמו שכתוב "כתבו לכם את השירה הזאת ולמדה את בני ישראל".

4. ARUCH HASHULCHAN – “WRITING” A SEFER TORAH USING A PRINTING PRESS

הרבה מהגדולים פסקו דמעשה הדפוס הוה ככתיבה [ט"ז סק"ח ; ומג"א ל"ב סקני"ז...]. ויש מהגדולים שפסלו [חוי"י, בני יונה, ורשד"ם]. והנה כפי שאנו רואים מעשה הדפוס כן הוא שמעמידים אותיות כדי הדף ומושחין האותיות של כל הדף בדיו שחור ואח"כ משימין הנייר על כל הדף ונדבק בהנייר הדיו של האותיות על כל הדף בבת אחת והוי ככתיבה ממש, דמה לי אם כותב בהדיו על הקלף או משים הקלף על הדיו?

[NOTE: According to the Aruch Hashulchan, printed chumashim have the same status as a Torah]

5. LUBAVITCHER REBBE-FULFILLING THE OBLIGATION VIA COMMUNAL SEFER TORAH (CHABAD.ORG)

We don't have any historical records of Jews writing hundreds of thousands of Torah scrolls. Nor do we find historically that many people actually commissioned the writing of their own personal scrolls. It seems more likely that since the main purpose of the Torah scroll is to read from it, and nowadays we read from it in the synagogue, one can fulfill one's obligation to “write” a Torah scroll via participating in buying/writing a Torah scroll owned by the community. Also, the fact that as a member of the community you own part of the Torah scroll, you can be considered the “full” owner during the time you read from it – that is, when you receive an *aliyah*. Whenever anybody is called to the Torah, all of the community members temporarily give that person full ownership of the Torah for the duration of his *aliyah*. When the *aliyah* is over, he then “returns” the ownership to the entire community.

6. RABBI J.D. BLEICH – RABBI YITZCHAK ABADI’S SILKSCREEN SIFREI TORAH (TRADITION 37:1, 2003)

Recently, Rabbi Yitzchak Abadi... has developed a novel method for use in producing Torah scrolls... The newly developed process represents an adaptation of the silk screening commonly employed in various forms of commercial art... The process, often referred to as serigraphy, is most commonly used by commercial artists because it allows for printing upon virtually any material... The screen-printing process is quite simple. The fabric or mesh of which the screen is made is similar to a window screen but is much finer...

The stencil placed over the screen consists of a thin lacquer sheet. Ink or a coloring agent is deposited onto the screen and pressure is applied by means of a squeegee in order to pull the ink or dye over those parts of the screen not blocked by the stencil. The ink or coloring agent then passes to the surface below the screen known as the substrate. Thus, the letter or design formed on the substrate is defined by the stencil.

The process developed by Rabbi Abadi... involves use of a piece of tightly woven silk that is stretched upon a wooden frame. Minute holes in the material are arranged in the shape of the letters of an entire column or of several columns of a Torah scroll. The silk screen is then placed over parchment, and ink is poured on an unperforated area of the silk along the entire length of the right side of the screen. A broad-faced implement, similar to a squeegee, made of rubber or plastic, is then used to force the ink across the screen from right to left with the result that the ink enters and fills the gaps that have been left between the woven strands of the screen. The ink is allowed to dry, and, with the removal of the screen, a full column or multiple columns of writing appear. The process is repeated for each section of the Torah scroll and, ultimately, the parchment columns subjected to this process are sewn together in the usual manner.

7. SIX OBJECTIONS TO SILKSCREEN SIFREI TORAH, AND A POSSIBLE SOLUTION TO ALL OF THEM

The silk screen method has been challenged on the basis of its inherent incompatibility with a number of considerations: 1. The position of the Bach, who maintains that **each word must be vocalized before it is written** even when there is no chance of scribal error; 2. The view of the authorities who maintain that **each word must be copied from an existing text** and that an error-free "master text" is not sufficient for this purpose; 3. The view of the authorities who maintain that **multiple Divine Names cannot be sanctified simultaneously**; 4. Iggerot Moshe's view that **any method in which sirtut (indented lines) serves no purpose is disqualified**; 5. The view of those who maintain that **the printing press is not acceptable because "it is not in the manner of writing"**; 6. The **Kabbalistic view of the Arizal that governs the manner in which the writing of each letter is initiated**. **BUT THESE ARE ALL MINORITY OPINIONS, AND A COMPETENT, CONFIDENT POSEK COULD DECIDE TO OVERRIDE EACH OF THEM INDIVIDUALLY UNRELATED TO ANY OF THE OTHERS.**

8. SPILLING OR DRIPPING INK IS NOT CONSIDERED WRITING, SAYS THE JERUSALEM TALMUD

The main objection to a silkscreen Sefer Torah is based on a Jerusalem Talmud in Gittin. The Jerusalem Talmud states (Gittin 2:3, see: 11a) **”וכתב” לא המטיף “וכתב” לא השופך** – “the Torah says ‘write’, not drip, the Torah says ‘write’ and not pour.” Although this directive is relevant to writing a Bill of Divorce, Ramban (Gittin 20a), followed by Rabbenu Crescas and Me'iri, rules that a Torah scroll written using either of these methods is unfit for use because "this is not considered writing." Rabbi J.D. Bleich therefore concludes that: ***“since the validity of Torah scroll is a matter of biblical law, any doubt must be resolved in the negative. Thus, it would be necessary either to adduce strong precedent in support of the validity of a method similar to the silkscreen process or to advance a compelling logical distinction between that method and the processes described by the Jerusalem Talmud.”***

9. SHULCHAN ARUCH, O.C. 460:1; TUREI ZAHAV; ROSH, PESACHIM 2:26 – MACHINE MATZA DEBATE

אין לשין מצת מצוה ולא אופין אותה על ידי עכו”ם ולא על ידי חרש שוטה וקטן:

Matzot Mitzvah can't be kneaded or baked by a gentile, deaf mute, mentally impaired person, or child.

TAZ: *In my humble opinion, a gentile is forbidden to knead and bake matza as it needs the intent of “shimur” for the mitzva, and the gentile is only doing it for himself, even if a Jewish person is standing over him, reminding him to concentrate on the mitzva.*

ROSH: *Rabbi Hai Gaon wrote that if a gentile bakes matza in front of a Jewish person who has the intent of “shimur” as it is meant to be, it is permitted for a Jew to eat it. And those who want to excel, and be more pious and devoted, should be more stringent, like the sages who are stringent, kneading and baking their own matzot.*

10. EUGENE GOOSTMAN & THE “TURING TEST” (SUMMARIZED FROM WIKIPEDIA)

Eugene Goostman is a “chatbot” that some experts believe beat the Turing Test, which is a test of a computer's ability to communicate indistinguishably from a human (3 humans, one computer, interacting with at least 4 humans – can they tell which one is the bot, and which ones are human?).

Goostman is portrayed as a 13-year-old Ukrainian boy, characteristics that are intended to induce forgiveness for its grammatical errors and lack of general knowledge in those with whom it interacts.

In June 2012, at an event marking what would have been the 100th birthday of the test's namesake, Alan Turing (who predicted that the Turing Test would be beaten by the year 2000), Goostman won a competition promoted as the largest-ever Turing test contest, in which Goostman successfully convinced 29% of its judges that it was human. On 7 June 2014, at a contest marking the 60th anniversary of Turing's death, 33% of the event's judges thought that Goostman was human.

11. SANHEDRIN 65B/MAHARSHA – RAVA CREATES A GOLEM, RAV ZEIRA IS NOT FOOLED

רבא ברא גברא. שדריה לקמיה דר' זירא. הוה קא משתעי בהדיה ולא הוה קא מהדר ליה. אמר ליה
"מן חבריא את! הדר לעפריך!"

Rava created a "man" (golem) and sent him to Rav Zeira. Rav Zeira would speak to him but he would not reply. Rav Zeira said to him: "You were created by one of my friends! Return to your dust!"

ולא הוה קא מהדר ליה: לפי שכח הנשמה שהוא הדבור לא היה יכול לברוא. ולפי שאין בו הנשמה שהוא הרוח העולה למעלה, רק רוח החיוני שהיא ג"כ בבהמה היורדת למטה, א"ל הדר לעפריך.

12. RABBI PROFESSOR MARK GOLDFEDER, EMORY UNIVERSITY – JTA INTERVIEW, JUNE 12 2014

What could make a robot Jewish? ...the Talmud in Sanhedrin tells us the story of Rava sending a golem to Rabbi Zeira. Rabbi Zeira ends up figuring out that the golem was not human — it couldn't communicate effectively and couldn't pass the Turing test, apparently — and so he destroys it. **The halachic literature asks why this was not considered "ba'al tashchis," wasteful, since maybe the golem could have counted in a minyan.** While they conclude that this golem at least was not able to be counted — they leave open the possibility of a better golem counting — it seems then that creation by a Jewish person would give the golem/robot presumptive Jewish status. **For living things there is always parentage and conversion.**

I should of course clarify that this entire discussion is not “*halacha l’maaseh*,” it is a theoretical outlaying of views. ***Theoretically speaking, say a robot walked into your office and said, “Rabbi, I want to count in the minyan.” Would that be enough evidence for you to count him?*** Not necessarily.

For the purposes of this discussion, I would accept the position of the Jerusalem Talmud in the third chapter of Tractate Niddah that when you are dealing with a creature that does not conform to the simple definition of “humanness” — i.e. born from a human mother or at least possessing human DNA, but it appears to have human characteristics and is doing human things — one examines the context to determine if it is human. When something looks human and acts human, to the point that I think it might be human, then halachah might consider the threshold to have been crossed.

13. CHACHAM TZVI ASHKENAZI, #93 – CAN A ROBOT (GOLEM) JOIN A MINYAN?

נסתפקתי : אדם הנוצר ע"י ספר יצירה כאותה שאמרו בסנהדרין רבא ברא גברא, וכן העידו על זקני הגאון מוהר"ר אליהו אבדק"ק חעלם, מי מצטרף לעשרה לדברים הצריכין עשרה, כגון קדיש וקדושה? מי אמרינן כיון דכתיב ונתקדשתי בתוך בני ישראל לא מיצטרף? או דילמא כיון דקיי"ל בסנהדרין "המגדל יתום בתוך ביתו מעה"כ כאילו ילדו" ... ה"נ כיון שמעשה ידיהם של צדיקים הוא הו"ל בכלל בני"י שמעשה ידיהם של צדיקים הן הן תולדותם. ונ"ל דכיון דאשכחן לר' זירא דאמר מן חברי"א את תוב לעפרך הרי שהרגו, ואי ס"ד שיש בו תועלת לצרפו לעשרה לכל דבר שבקדושה לא היה ר' זירא מעבירו מן העולם, דאף שאין בו איסור שפיכת דמים ... מ"מ כיון שיש בו תועלת לא היה לו להעבירו מן העולם. ... בספר דברי רב משולם ... הביא מאביו הח"צ בכתי"ק וז"ל למה שכתבתי בספרי סי' צ"ג, וראיתי בסי' הפרדס שחיבר מהר"ם קרדבורא ... וז"ל הנה הבריאה ההיא שהיא בצורת האדם כו' ולא שיהיה בה נשמה ולא נפש ולא רוח אלא חיות בעלמא עכ"ל ... שכיון שאין בו אפילו נפש אדם אין לו עסק וענין עם דברים הטעונים עשרה או שלשה נפשות מישראל, וגריעי טובא מנפשות נשי ישראל שאינן מצטרפות לשום דבר מהנזכרים ...

14. ROSH – NOWADAYS THERE IS NO NEED TO WRITE A TORAH SCROLL FOR YOURSELF

ואומר אני דודאי מצוה גדולה היא לכתוב ס"ת ... וכ"כ הרמב"ם ז"ל (פ"ז מהל' ספר תורה) דמצות עשה היא לכל איש ישראל לכתוב ס"ת לעצמו שנאמר "ועתה כתבו לכם את השירה הזאת" ... וזהו בדורות הראשונים שהיו כותבים ס"ת ולומדים בו, אבל האידינא שכותבין ס"ת ומניחין אותה בבתי כנסיות לקרות בו ברבים, מצות עשה היא על כל איש מישראל אשר ידו משגת לכתוב חומשי התורה ומשנה וגמרא ופירושים להגות בהן הוא ובניו.

כי מצות כתיבת התורה היא ללמוד בה כדכתיב "ולמדה את בני ישראל שימה בפיהם". וע"י הגמרא והפירושים ידע פירוש המצות והדינים על בוריים. לכן הם הם הספרים שאדם מצווה לכתבם ...

In my opinion, that although it is definitely a great mitzva to write a Torah scroll [or have one written]... and indeed this is the opinion of Maimonides (Laws of Sefer Torah, Ch. 7), that it is a positive commandment for every Jew to write a Sefer Torah for himself, as it says: "therefore, write down this poem"... nevertheless, this was for the earlier generations when they wrote a Torah scroll and studied from it. But nowadays, when Sifrei Torah are written and placed in synagogues so that they be read publicly [as part of prayer services], it is a positive commandment for every Jew who can to write [obtain] the five books of the Torah, Mishnayot, Gemara, commentaries, and to study them together with his children. Because the reason for [the mitzva of] writing a Torah is so that you study it, as it says "and teach it to the people of Israel; put it in their mouths". And via the Gemara and commentaries you will know all the mitzvos and laws thoroughly. Therefore, it is these books that people are required to write [obtain]....

SOME CONCLUDING QUESTIONS TO CONSIDER:

Is there an urgent need to make traditionally-written Torahs accessible to a wider range of people?

Should we relax thousands of years of tradition to enable every Jew to own a Torah scroll?

Is artificial intelligence (AI) consciousness ever going to be equal to human consciousness?

What is the essence of the human condition – how do we define the soul?

Can a real person's presence via electronic means ever amount to real presence?