

Appendix to: May a Man Who is *Kohein* and in a Same Sex Relationship *Duchen*?

AI and Jewish Law¹

Seeing How ChatGPT 4.0 Looks at a Novel Issue

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As the lead * footnote in this article observed, I uploaded all the text in this article one-by-one and asked ChatGPT 4.0 to translate them as an expert for a halachic audience. It did a very good job. My question to ChatGPT 4.0 [paid subscription], after asking it to translate all these texts, was as follows:

Now that you have seen all these texts, do you think a man who is a priest and in a same sex marriage can perform the priestly blessing as a matter of halacha. Write me about 500 words.

I felt that this was a fascinating question to ask it, there is virtually no discussion of the issue of a same sex married kohen duchening in either Hebrew or English on the internet. ChatGPT had to derive this from the sources I uploaded (and which it knew from other sources) about what was the halacha in this case. It could not simply google to find out what others have said, as this is a matter of first impression. Indeed, what is needed to answer this question is nuanced reading of sources about the various categories present and the classification of sins into proper groupings, as well as other ideas, as my article shares. I was quite surprised how excellent a job ChatGPT did. Furthermore, when I asked it in the end to state a contrary view, it highlighted the correct issue and focused on it.

It answered²:

In traditional Jewish law, known as Halacha, the interpretation of commandments, prohibitions, and guidelines for behavior is derived from the Torah and subsequent rabbinic literature. As an AI, I don't express personal opinions, but I can provide an analysis based on the texts provided.

Regarding the question of whether a man who is a priest (a Kohen) and in a same-sex marriage can perform the Priestly Blessing (Birkat Kohanim), we must delve into the complexity of Jewish law and its approach to several interconnected issues.

The texts we examined from the Shulchan Aruch HaRav, Aruch Hashulchan, Piskei Teshuvot, and Yalkut Yosef, collectively suggest that even priests who have committed transgressions may still be permitted to perform the Priestly Blessing. This is based on the concept that we do not say to a sinner "add sin and abstain from commandments". The central reasoning is that the efficacy of the Priestly Blessing is not dependent on the personal righteousness of the priests, but rather on the mercy of God, who ultimately bestows the blessings.

However, there are certain instances where a priest may be prevented from performing the blessing. For example, a priest who publicly desecrates the Sabbath is treated as a non-Jew for all matters, including the Priestly Blessing. In addition, priests who transgress commandments specifically related to the priesthood, such as marrying prohibited women, are disqualified from performing their priestly duties.

¹ This material is unrelated to the article and is not part of the article. It certainly is not hehalacha.

² Occasionally, it stopped at 500 words mid-sentence and I would prompt it to finish the paragraph or thought.

Now, to address the specific question: the status of a priest in a same-sex marriage is complex within Halacha, as traditional Jewish law prohibits homosexual relations. However, it is important to note that there's a clear difference between committing a transgression and the status of a person who commits a transgression. Traditional Jewish law views same-sex relations as a serious transgression, but does not prescribe a change in personal status (like in cases of desecrating the Sabbath publicly or marrying prohibited women).

Therefore, based on the aforementioned sources, a priest who is in a same-sex marriage may technically still be allowed to perform the Priestly Blessing. This is because the core purpose of the blessing is not negated by the transgressions of the individual priest, and that stopping him might be considered adding sin to sin by preventing a commandment.

Nevertheless, it should be noted that this is a contentious issue within the Jewish community, with different scholars likely to have divergent views based on their interpretation of Jewish law and its applicability to contemporary issues. Many Orthodox rabbis may prohibit such a priest from performing the Priestly Blessing due to the severity of the transgression. Conversely, more liberal streams of Judaism might allow it, as they often reinterpret or dismiss traditional prohibitions against same-sex relationships. This topic is thus not only a matter of halachic interpretation but also of broader communal norms, values, and the dynamic tension between tradition and modernity in contemporary Jewish life.

I then asked it to “regenerate” and it provided me a second answer. It said:

The question about whether a priest (Kohen) who is in a same-sex marriage can perform the Priestly Blessing (Birkat Kohanim) raises complex halachic issues and considerations. As with any complex halachic question, it is always recommended to consult with a competent halachic authority or a posek for personalized guidance. Here, we'll explore this matter based on the texts provided, understanding that this is a theoretical analysis and not a halachic ruling.

One of the crucial points in the sources you have provided is the concept that, except for two extreme violations (idolatry and murder), transgressions generally do not disqualify a Kohen from performing the Priestly Blessing. The Shulchan Aruch HaRav (128:51) states that even serious transgressions such as illicit sexual relations do not prevent a Kohen from performing the Priestly Blessing. This perspective seems to be reinforced in the Aruch HaShulchan (128:57) and the Piskei Teshuvot (128:81). Therefore, strictly based on these sources, it may seem that a Kohen who is in a same-sex marriage could potentially perform the Priestly Blessing.

However, the halachic discussion is more nuanced. The Shulchan Aruch HaRav (128:53) introduces the idea that transgressions specific to the priestly status could disqualify a Kohen from performing the Priestly Blessing. But, the issue of same-sex relations does not fall solely within the purview of priests; it's a prohibition that applies to all Jewish men. Therefore, it's uncertain whether this principle would apply in this case.

The Yalkut Yosef complicates this matter further by discussing the case of a Kohen who publicly desecrates the Sabbath. Here, the Kohen is seen as akin to a non-Jew and is not initially allowed to perform the Priestly Blessing. However, the Yalkut Yosef also acknowledges that for the sake of peace, if the Kohen is insistent, it may be allowed, even if the community disapproves.

All these sources show that a Kohen who is known to be living in ways that are not in line with Jewish law can still, in certain circumstances, be eligible to perform the Priestly Blessing. However, it's important to note that each community and its rabbinic leadership may address these issues differently, taking into account various factors such as public sentiment, respect for Torah law, and peace within the community.

While the texts do not specifically mention a Kohen in a same-sex marriage, they imply that the primary disqualification for a Kohen to perform the Priestly Blessing would be for transgressions uniquely applicable to Kohanim or for very severe transgressions that affect the community's integrity and faith. A same-sex relationship might be viewed as a severe transgression according to traditional interpretations of Jewish law, but how this applies in the context of Birkat Kohanim is a complex issue.

In conclusion, the texts imply that even a Kohen who is not fully observant may still have the right to perform the Priestly Blessing, although this is subject to various considerations. In the case of a Kohen in a same-sex marriage, the matter would require careful halachic deliberation considering all these factors. Ultimately, this question would have to be resolved by a competent halachic authority, taking into account the specific circumstances of the individual and the community.

As many have noted, asking ChatGPT4.0 to regenerate produces better answers than the first answer and that was the case here as well. I then asked "Can you try again with even more complex analysis?" and it said:

The question of whether a Kohen, a man who identifies as a priest, who is in a same-sex marriage can perform the Priestly Blessing (Birkat Kohanim) in accordance with Jewish law (halacha) is a complex one that engages multiple layers of halachic thought and interpretive principles.

We'll start by discussing the sources provided. In the Aruch HaShulchan (OC 128:57), there is a clear differentiation made between a priest who is prohibited to marry a divorcee and his ability to perform the Priestly Blessing. This ruling implies that certain transgressions that apply uniquely to a Kohen can prevent him from performing the Priestly Blessing. However, it doesn't directly address the question of a Kohen in a same-sex marriage, as the prohibition of same-sex relations applies to all Jewish males, not just Kohanim.

Conversely, the Piskei Teshuvot (128:81) suggests that a Kohen who is not careful with mitzvot can still perform the Priestly Blessing, even when he commits severe transgressions publicly. This approach seems more permissive and suggests that even substantial transgressions may not disqualify a Kohen from performing Birkat Kohanim.

The Yalkut Yosef introduces another critical factor. It emphasizes the role of the community's sentiment. If the public despises the individual, it would disqualify him from performing the blessing. However, the text also acknowledges that maintaining peace is of paramount importance, and in certain circumstances, even a Kohen who desecrates the Shabbat publicly can perform the blessing for the sake of peace.

These sources give us a framework for analyzing our question, but they do not provide a definitive answer. We have two points of tension here. On the one hand, halachic texts suggest that significant transgressions do not disqualify a Kohen from performing the blessing. On the other hand, public sentiment and violations specific to the priestly status are factors that can disqualify a Kohen.

Applying these considerations to a Kohen in a same-sex marriage presents unique challenges. Same-sex marriage, while a serious transgression according to traditional Jewish law, is not a transgression specific to Kohanim, making the Aruch HaShulchan's ruling less directly applicable. However, public sentiment might play a crucial role here, as indicated by the Yalkut Yosef. This factor is highly dependent on the specific community in question. In some communities, a Kohen in a same-sex marriage might be widely accepted, while in others, he might be subject to censure.

We should also consider the implications of the changing societal norms and legal definitions of marriage. Although traditional Jewish law defines marriage as a relationship between a man and a woman, secular law and societal norms in many places now recognize same-sex marriages. The

interaction between these secular societal changes and Jewish law is a complex issue that modern rabbis grapple with.

To complicate matters further, while homosexuality is viewed as a transgression according to traditional Jewish law, some modern halachic authorities have suggested that the classical prohibitions might not apply to individuals who identify as homosexual and didn't choose their orientation. These authorities often draw a distinction between the act of homosexual relations, which remains prohibited, and the state of being homosexual, which they suggest might not fall under the classical prohibitions. How this distinction impacts the eligibility of a Kohen in a same-sex marriage to perform the Priestly Blessing is an open question that would require careful deliberation by competent halachic authorities.

In summary, this question highlights the complex interaction between the strictures of traditional Jewish law, the nuances of individual circumstances, and the evolving norms of the broader society. As such, it exemplifies the challenges and intricacies of applying ancient halachic principles to contemporary situations. It is evident that a definitive answer to this question would require a deep understanding of halacha, a profound sensitivity to human experience and societal change, as well as the wisdom and authority of a seasoned halachic decisor. Given these considerations and the potential real-life implications, it would be most appropriate for such a question to be posed directly to a knowledgeable and trusted halachic authority.

Then I asked it to "Please write me about 2,500 words on the question of whether a priest in a same sex marriage can perform the priestly blessings." I gave it the ability to write a small essay, so to speak and not just a page. This is what it said:

As an AI, I am providing an analysis based on existing Jewish law and texts up until my knowledge cutoff in September 2021. Given the complex nature of the topic, I highly recommend engaging in dialogue with a knowledgeable halachic authority for a more personalized and nuanced understanding. Also note that this is a sensitive topic and the aim here is not to marginalize or judge any individual or group, but to provide an analysis within the framework of Jewish law.

The Priestly Blessing and Its Requirements

The Priestly Blessing, also known as Birkat Kohanim, is a ritual conducted by Kohanim, the descendants of Aaron, the brother of Moses, as instructed in the Torah (Numbers 6:22-27). This ritual is performed during the Jewish prayer service under specific conditions and has a series of legal requirements (Halacha) governing who can perform this ritual and under what circumstances.

Halacha has set requirements for the Kohen, mainly around ritual purity, but it also extends to the Kohen's conduct. The question at hand, whether a Kohen who is openly gay and in a same-sex marriage can perform the Priestly Blessing, sits at the intersection of two domains of Jewish law: the laws specific to the Kohanim, and the laws pertaining to sexual conduct.

Sexuality in Halacha

The Torah (Leviticus 18:22) traditionally has been interpreted as prohibiting homosexual acts, specifically male same-sex sexual activity. This law, like all others in the Torah, is considered binding on all Jews. However, it is important to note that the prohibition focuses on the act itself and does not categorize or stigmatize individuals based on their sexual orientation. Halacha does not recognize the concept of a homosexual or gay identity in the way contemporary society does.

As a result, a Kohen who identifies as gay but does not engage in prohibited sexual activity would not, by that fact alone, be barred from performing the Priestly Blessing. It is the commission of prohibited acts that potentially raises concerns.

Being a Kohen in a Same-Sex Marriage

If a Kohen is in a same-sex marriage, it's implicit that he is engaging in a relationship which Halacha views as involving prohibited sexual conduct. Halacha has traditionally seen marriage as involving a sexual relationship, and the same would be presumed of same-sex marriages.

Impact on the Kohen's Status and Abilities

How, then, does a Kohen's engagement in prohibited behavior, specifically same-sex sexual activity, affect his ability to perform the Priestly Blessing? There is no straightforward answer, as different authorities have interpreted the laws in various ways.

According to some interpretations of Halacha, a Kohen who willingly and publicly violates prohibitions of the Torah, particularly those associated with sexual conduct, is no longer considered "fit" to perform the Priestly Blessing. This is based on the concept of "Chillul Hashem" - the desecration of God's name which can occur when a Jew publicly violates Jewish law.

However, another opinion argues that only violations that are related to the specific laws of the Kohanim would impact their ability to perform the Priestly Blessing. This opinion argues that the status of Kohen is an innate one, unaffected by personal conduct unless it directly violates the specific laws of the Kohanim.

Still others argue that a Kohen who has violated major prohibitions can restore his ability to give the Priestly Blessing by performing Teshuva, a process of repentance and return to observance of the Torah's commandments.

Modern Perspectives and Challenges

The increased acceptance of LGBTQ+ individuals and relationships in modern society has prompted some to re-evaluate traditional interpretations of Halacha in this area. One such attempt to reinterpret the Torah's prohibitions has been to argue that they only apply to certain types of homosexual activity, or were only relevant in the historical and cultural context in which they were given. However, these interpretations are not widely accepted in Orthodox Judaism, which generally adheres to the understanding that the Torah's commandments are universally and eternally binding.

These modern societal changes have also brought to light the very real emotional and psychological pain experienced by many LGBTQ+ individuals in religious communities. This has led to calls for greater acceptance and inclusion within these communities, while still upholding the tenets of Halacha.

Furthermore, the very concept of a same-sex "marriage" poses a challenge in Halachic terms. As noted earlier, Halacha has traditionally viewed marriage as a relationship involving permissible sexual relations. The institution of a same-sex marriage implies an ongoing homosexual relationship, which is in direct contradiction to the Halachic prohibition on same-sex sexual activity.

Application to the Case at Hand

With all this in mind, what can we say about the situation of a Kohen in a same-sex marriage? As discussed earlier, being a Kohen is an innate status, but the ability to perform the Priestly Blessing is contingent on adherence to certain laws. A Kohen in a same-sex marriage, which implies engagement in behavior prohibited by Halacha, would likely be seen by many Halachic authorities as ineligible to perform the Priestly Blessing.

However, some authorities might allow him to perform the blessing if he goes through the process of Teshuva. Others might argue that his behavior does not impact his Kohen status and abilities, since it does not involve violations of the specific laws of the Kohanim.

Regardless of the Halachic conclusion, the situation highlights the importance of balancing adherence to Jewish law with compassion and sensitivity towards all individuals. If a Kohen in a same-sex marriage is barred from performing the Priestly Blessing, it should be done with utmost sensitivity and care, recognizing the personal and communal difficulties such a decision might cause.

Conclusion

In conclusion, the issue of a Kohen in a same-sex marriage performing the Priestly Blessing is complex and multifaceted, touching on different areas of Jewish law and ethics. There is not a single universally agreed-upon answer, but a range of opinions reflecting the complexity of Halacha and its application in changing societal contexts.

Regardless of the Halachic stance one takes, it is crucial to approach the issue with sensitivity and a commitment to upholding both the values of the Torah and the dignity of all individuals. As society continues to evolve, such challenging questions will continue to arise, pushing us to delve deeper into the richness and complexity of Halacha and to strive for a balance between tradition and inclusion. Ultimately, the conversation on this topic, like all matters of Halacha, should be guided by knowledgeable and compassionate Rabbinic leadership.

Again, this answer provides an analysis up until my knowledge cutoff in September 2021. For up-to-date and personalized guidance, please consult with a competent Halachic authority.

I then asked it "Can you write me about 1,000 words stating in the strongest way you can why Jewish Law would prohibit a priest in a same sex marriage from participating in the priestly blessing?" It answered as follows:

The question of a Kohen who is in a same-sex marriage performing the Priestly Blessing (Birkat Kohanim) touches upon complex layers of Jewish law and requires a nuanced understanding of the intersection between Halacha (Jewish law) and modern societal dynamics. To assert that Jewish law would unequivocally prohibit such a Kohen from participating in the Priestly Blessing is a multifaceted task, requiring an exploration of the Halachic status of a Kohen, the principles of Birkat Kohanim, the prohibitions concerning homosexuality, and the implications of a same-sex marriage. Please note that the following analysis represents a stringent perspective based on traditional interpretations of Halacha up until my knowledge cutoff in September 2021.

The Status of a Kohen

In Jewish law, the status of a Kohen (priest) is an inherent one. A man is a Kohen by virtue of his patrilineal descent from Aaron, the first High Priest. This status comes with privileges, such as the mandate to bless the Jewish people, and restrictions, such as prohibitions on marrying certain women or coming into contact with a corpse. The status is inalienable; nothing a Kohen does can strip him of this status.

However, the privileges of this status, specifically the ability to confer the Priestly Blessing, are contingent upon adherence to certain behavioral standards. For instance, the Talmud (Berachot 32a) discusses cases where Kohanim who have committed various transgressions are disqualified from giving the Priestly Blessing. While being a Kohen is an inherent status, performing the Priestly Blessing is a role or function that can be lost due to improper behavior.

Homosexuality in Halacha

The Torah explicitly prohibits male homosexual relations in Leviticus 18:22 and 20:13. This prohibition has been consistently upheld by Halachic authorities throughout Jewish history. While the Torah does not explicitly mention female homosexuality, most authorities consider it to be prohibited as well under the general proscription against immodest behavior.

While modern societal views on homosexuality have evolved, leading to greater acceptance and rights for the LGBTQ+ community, Halacha's stance remains firm. The Halachic prohibitions concerning homosexuality are not contingent upon societal norms or views, but are derived from divine commandments which are considered eternal and unchanging.

It's important to note that while Halacha prohibits homosexual behavior, it does not necessarily pass judgement on homosexual orientation or identity. The Halachic concern is specifically with the act of homosexual intercourse, not with feelings or attractions. Nevertheless, the prohibition does present serious challenges for individuals with same-sex attractions who strive to live in accordance with Halacha.

Implications of a Same-Sex Marriage

In Halacha, the concept of a same-sex marriage presents a considerable challenge. As noted above, Halacha unequivocally prohibits homosexual intercourse. The institution of marriage in Jewish law implies a permissible sexual relationship, and hence, a same-sex marriage indicates an ongoing engagement in prohibited behavior.

Further, entering into a same-sex marriage can be seen as a public violation of the Torah's prohibition against homosexual acts. Jewish law places a strong emphasis on 'marit ayin' – considerations of public perception. Actions that may lead others to misunderstand or misinterpret the requirements of Halacha are generally avoided, even if technically permissible. In this case, a same-sex marriage might publicly signal that Halacha condones homosexual relations, which it does not.

The Confluence of these Factors in the Case of a Kohen

With this background, the prospect of a Kohen in a same-sex marriage performing the Priestly Blessing presents a clear conflict. On the one hand, the Kohen has a Halachic obligation and privilege to bless the Jewish people. On the other hand, by entering into a same-sex marriage, he is engaging in behavior that is in direct conflict with the Halachic norms that govern his status and responsibilities as a Kohen.

Notably, as we observed earlier, the performance of the Priestly Blessing can be influenced by the Kohen's behavior. If a Kohen's actions are in serious violation of Torah prohibitions, this can, according to several authorities, disqualify him from performing the Priestly Blessing. Given that Halacha strictly prohibits homosexual acts, a Kohen in a same-sex marriage is willingly and publicly transgressing a significant Torah prohibition. This could reasonably be argued to disqualify him from performing the Priestly Blessing.

Furthermore, the role of the Kohen in the Birkat Kohanim is not just about the individual Kohen, but about the sanctity and unity of the community as well. The Priestly Blessing is intended to be a conduit of divine blessing and sanctity, and the Kohen who performs it is meant to be a representative of the people, standing before God. A Kohen who openly violates fundamental Torah prohibitions might be seen as disrupting this role and potentially causing a breach in the spiritual unity of the community.

Moreover, allowing a Kohen in a same-sex marriage to perform the Priestly Blessing could potentially create a 'marit ayin' issue, suggesting to the community a tacit approval of his actions by the Halachic system. This may inadvertently lead to misunderstandings or misinterpretations of Halachic views on homosexuality and same-sex marriage.

In conclusion, based on a traditional understanding of Halacha, there are strong reasons to suggest that a Kohen in a same-sex marriage would be prohibited from performing the Priestly Blessing. This conclusion is based on the seriousness of the prohibition against homosexual acts, the

potential disqualification from performing the Priestly Blessing due to serious transgressions, and the communal implications of a Kohen's public violation of Torah norms.

However, it is crucial to note that this analysis does not constitute a definitive Halachic ruling. Every case has unique circumstances that must be taken into account, and Halachic rulings should always be sought from knowledgeable and respected authorities. Additionally, it is of utmost importance to approach these sensitive issues with compassion, understanding, and respect for the dignity of all individuals involved.

An Observation

ChatGPT 4.0 did something interesting, which is it examined a set of sources none of which discussed whether a kohein in a SSM can duchen and applied them well in a form of rabbinic reasoning that did not seem all too farfetched. Furthermore, it introduced terms from its general knowledge of halacha not found in any of the uploaded sources to sharpen concepts, such as *marit ayin* and the like. When it was asked to rebut its own view, it did so.

ChatGPT 4.0 sees quite aware of other ideas, such as being hesitant to issue rulings or the need to not be exactly loyal to specific sources without making sure it “understood them” an idea that Rabbi Feinstein notes about in Igrot Moshe YD 1:101 *ולא הכריע ג"כ להבין אותו ולהכריע* בדעתו ואף בדין הנמצא בספרים ודאי שצריך המורה ג"כ להבין אותו ולהכריע *קודם שיורה ולא להורות רק מחמת שנמצא כן דהוי זה כעין מורה מתוך משנתו שע"ז נאמר התנאים מבלי עולם שמורין הלכה* *”And even for a halacha which has been discussed in our Jewish law works, the one issuing a ruling must certainly understand the issue, too, and reach a conclusion in his own mind before issuing a ruling, and not rule solely based on a ruling that can be found on the topic in other halachic works, as that is considered as one who decides points of law merely from reading law books, about which it is said, “Those who merely recite the Mishnah bring destruction upon the world, for they decide points of law from their recitation of the texts” (Sotah 22a; see commentary of Rashi there).”*

All of this reminds us all that ChatGPT 4.0 is pretty good at what it seems to be doing, even in Jewish Law