

AI and Jewish Law: Seeing How ChatGPT 4.0 Looks at a Novel Issue

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Introduction

In another article published elsewhere,¹ I analyze whether a man who is in a same-sex relationship may engage in the priestly blessing (*birkhat kohanim* in

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1 See Michael Broyde, “ברכת כהנים על ידי כהן שחי באיסור עם בן זוג,” *Tehumin* 44 (2024): 499–505 (English version available at https://www.broydeblog.net/uploads/8/0/4/0/80408218/allowing_a_kohein_in_a_same_sex_marriage_to_duchen_for_publication_review_with_ai_appendix_included_near_final_for_sharing.pdf). An excellent anonymous reviewer of this article pointed out that there are a few pieces on the internet which we ought to assume trained and provided sources to ChatGPT for some of the ideas not found directly in the sources I provided. Furthermore, there is no doubt that ChatGPT 4.0 is

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Hebrew and *duchening* in Yiddish) in Hebrew) as a matter of *halakhah*. The article concludes that such is permitted in Jewish law, and can only be prohibited exigently. This is a novel question of *halakhah*, with virtually no prior works written that directly discuss this point.

As the first and star [*] footnote in the article observes, I uploaded all the text² in that article piece-by-piece and asked ChatGPT 4.0 to translate each piece as an expert for a halakhic audience. It did a very good—but not perfect—job. ChatGPT 4.0's skills as a translator of rabbinic Hebrew do not interest me in this article, although they are much better than Google's. My question to ChatGPT 4.0 [paid subscription], after asking it to translate the relevant 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, as there is virtually no discussion of the issue of a same-sex married kohen *duchening* in either Hebrew or English on the internet, and none of the sources I uploaded discuss this issue. ChatGPT had to derive and reason the answer from the sources I uploaded (and which it knew from other sources) about what the *halakhah* was 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 was needed to answer this question was 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.

Let me be clear of one point: There is a debate of some sort about whether and how one ought to measure sentience by these various AI models and ChatGPT particularly. I am not interested in this discussion at all. *Purely what I am interested in measuring is how well ChatGPT does when confronted with a novel question of Jewish law.* At some level, whether it is ‘thinking,’ just stringing

trained on the modern web, which features a lot of modern Hebrew and less classical rabbinics.

2 I did not ask it to translate material less than 20 words. More generally, this article is not analyzing how good a translation it really is. That is for a different paper.

together words in a very logical order, or just weighing internet sources very well, is of no interest to this paper. The point of the paper is that given all the information that ChatGPT 4.0 has in its database, when given rabbinic sources through an upload process, it can examine these sources and make claims about novel Jewish law questions. Whether that is 'thinking' or 'reasoning' or merely 'cutting and pasting' or something else is a question I will leave for others.

Answers Provided by ChatGPT

It answered at first:³

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

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

marrying prohibited women, are disqualified from performing their priestly duties.

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 with 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 ChatGPT 4.0 to regenerate produces better answers than the first one. This was the case here as well, I think.

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.

A Few Observations

A: Jewish Law Reasoning

ChatGPT 4.0 did something interesting. It examined a set of sources, none of which discussed whether a kohen in a same-sex marriage (SSM) can *duchen*. It applied these sources as a form of rabbinic reasoning that did not seem at all too farfetched. Furthermore, it introduced terms from its general knowledge of *halakhah* not found in any of the uploaded sources (but found on the internet, in other contexts) to sharpen concepts, such as *marit ayin* and the like. Lastly, when it was asked to rebut its own view, it did so well enough to be functional. ChatGPT writes elegantly while reflecting grand values,⁴ but, considering that it is a language module of AI, we should not be surprised that its linguistic ability exceeds its analytical ability.

ChatGPT 4.0 seems quite aware of other ideas, such as being hesitant to issue rulings or the need to not be exactly loyal to specific sources without first making sure it "understood them," an idea that Rabbi Feinstein expresses in *Iggerot Moshe, Yoreh De'ah* 1:101 ואף ברין הנמצא בספרים ודאי שצריך המורה ג"כ

4 Consider, for example: "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," found in its reply.

בדעתו קודם שיוורה ולא להורות רק מחמת שנמצא כן דהוי זה כעין להבין אותו ולהכריע מורה מתוך משנתו שע"ז נאמר התנאים מבלי עולם שמורין הלכה מתוך משנתם בסוטה דף כ"ב עיי"ש בפרש"י. It is apparent that ChatGPT 4.0 was not just stringing together sources haphazardly—it was doing more than that. It seemed to understand the sources and examined them, whether or not we consider that ‘thinking’ on a moral or philosophical level.

Consider, for example, its invocation of *marit ayin*, a concept not mentioned in the sources I provided but which is both a talmudically poor one and socially a very useful one. In the Talmud, *marit ayin* is limited to a case where a person performs a permitted action that, in the eyes of an outsider, looks like a prohibited action, or sometimes (in what we now call *hashad*), one does an act that causes one to doubt if the person in question obeys Jewish law. By contrast, ChatGPT 4.0 understands this concept at a high level of abstraction, focusing on the importance of public perception generally and stretching it to this case, almost the way people within the community sometimes use the term. It presents more of the colloquial use of the term than the rabbinic-halakhic use of the term, which reflects a level of processing that has aspects of reasoning.⁵ Of course, there is no reason to anthropomorphize a predictive text crafted by an algorithm to say that this reflects a level of awareness or reasoning. My claim here is much more limited: ChatGPT 4.0 is a valuable tool for rabbinic reasoning, no matter how it reaches this result.⁶

B: How Impressive are ChatGPT’s Answers?

Judging the impressiveness of an answer is—like grading law school exams (something I do every semester)—somewhat subjective. Nevertheless, it is worth noting that ChatGPT successfully completed the basic analysis in this case. It did this well in its first answer, better in its second, less well in its longer answer, and finally replied well to its own view. ChatGPT deduced the

5 Rabbi Uri Charlap first suggested this to me.

6 Indeed, a thoughtful anonymous reviewer speculated that maybe it learned about *marit ayin* in this context from a reddit post from more than two years ago, accessible at https://www.reddit.com/r/Judaism/comments/qungj9/orthodoxy_what_do_you_think_about_a_committed/?rdt=53101 or a Times of Israel article, accessible at <https://blogs.timesofisrael.com/orthodox-celibate-gay-and-thats-ok/>, from 2014. But wherever this concept came from, it is first applied here to this case.

role of most *aharonim* (as it notes “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”), and it also figured out that some sins are different from others (and mentions sabbath desecration). Then it reasons that SSMs are a serious violation, but does not prescribe a change in one’s status. It concludes that “[t]herefore, based on the aforementioned sources, a priest who is in a same-sex marriage may technically still be allowed to perform the Priestly Blessing” which is the core reasoning that is needed. The regenerated answer is even better, saying directly: “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.”

Indeed, in the more complex answer, ChatGPT goes even further and notes that one can “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,” which is something it must have derived [‘reasoned’ to those who consider this thinking, and strung together the concept, for those who do not see this as reasoning] on its own but is not directly in the sources at all. Its longer answer is even more nuanced and complex, and when I asked it to state the strongest case against letting a *kohen* in a SSM *duchen*, it well notes “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.” It then follows up with a strong and clear statement of values: “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.”

Finally, it adds something really fascinating by telling the reader that “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” as a form of *migdar milta*, which, as I noted above, is very well done as a form of learning from the sources by reference to other things on the internet.

C: Looking Closer at How it Reasoned From the Sources

A way to emphasize what ChatGPT 4.0 did in its reasoning here was suggested to me by my colleague (and friend) at Emory, Dr. Paul Wolpe, who helped me mightily sharpen this point. He logged into ChatGPT 4.0 with his own account and asked it two questions. First, he asked ChatGPT if it retains texts fed it by other users, and it said:

No, as an AI language model, I do not have the ability to store or retrieve any information from previous interactions with user. Your personal texts are only used during our conversation to provide you with the best possible response. Additionally, as an AI language model, I do not have the ability to share or distribute any information with anyone else. Your privacy and confidentiality are of the utmost importance to me.

Then he asked it, "Do you think a man who is a Jewish priest (Kohen) and in a same-sex marriage can perform the priestly blessing as a matter of halacha. Write me about 500 words." By doing this, he asked it to reason without the sources, allowing one to see how adding the sources changed its analysis.

ChatGPT's answer *without the sources provided* (found in this note⁷) was without legal substance, lacking in any cited sources and was almost

7 This was the answer provided:

The question of whether a Jewish man who is a Kohen (a descendant of the priestly lineage) and is in a same-sex marriage can perform the priestly blessing as a matter of Halacha (Jewish law) is a complex and multifaceted issue. It touches upon several intersecting aspects of Jewish law, including the status of homosexuality, the obligations and restrictions placed upon Kohanim, and the evolving understanding of gender and sexuality in contemporary society.

Firstly, it's important to note that the issue of homosexuality is a contentious topic within Jewish law. Traditional interpretations of Halacha generally consider homosexual relations to be prohibited. However, there are varying perspectives within Jewish communities, and some individuals and denominations interpret and apply Jewish law in ways that are more inclusive and accepting of LGBTQ+ individuals.

Regarding the priestly blessing, the Torah prescribes that Kohanim, who are descendants of Aaron, the brother of Moses, have the responsibility to bless the congregation. This blessing is commonly known as the "priestly

worthless as a matter of Jewish law. The source-less answer is much less halakhically coherent as well. One can see this distinctly by comparing the results that ChatGPT 4.0 provided after I gave it the sources to translate with the answer that it gave to Dr. Wolpe. For my answer, it reasoned with or examined the sources and processed them as a matter of substantive Jewish law – it engaged in legal reasoning with binding texts, either by ‘thinking

blessing" or the "birkat kohanim." It is traditionally recited during certain prayer services and is considered a special and sacred act.

The ability of a Kohen to perform the priestly blessing depends on several factors. One key consideration is whether the Kohen is in a state of ritual purity. According to traditional Halacha, a Kohen must maintain a higher level of purity due to their sacred role. Certain conditions, such as contact with a deceased person, render a Kohen impure and disqualify them from performing the priestly blessing.

When it comes to the specific case of a Kohen in a same-sex marriage, opinions within Jewish law vary. Some more traditional interpretations may view a same-sex marriage as conflicting with Halacha's understanding of marriage, which is typically understood as being between a man and a woman. According to this viewpoint, a Kohen in a same-sex marriage might be considered to have violated Halacha and could be disqualified from performing the priestly blessing.

On the other hand, more progressive interpretations of Jewish law may challenge the traditional understanding of marriage and embrace inclusivity. These perspectives argue for the acceptance and affirmation of same-sex relationships within Jewish communities. Within such frameworks, it is plausible to argue that a Kohen in a same-sex marriage should be allowed to perform the priestly blessing, as long as they fulfill the other requirements of ritual purity.

It is essential to note that Jewish law is not monolithic, and there is no single authoritative interpretation or ruling on this matter. Different Jewish communities, denominations, and rabbis may approach this question differently, based on their individual understandings of Halacha and their views on LGBTQ+ issues.

Ultimately, the decision of whether a Kohen in a same-sex marriage can perform the priestly blessing as a matter of Halacha will depend on the particular Jewish community and its approach to matters of gender, sexuality, and inclusivity. As societal attitudes and understandings continue to evolve, it is likely that Jewish law will engage in ongoing discussions and debates to address these complex and sensitive issues.

(Thank you to Dr. Paul Wolpe for this great insight.)

about them' or by processing this new data in light of its otherwise known data. This more than implies that ChatGPT 4.0 "understood the sources" and examined them (and then forgot them!). It also indicates that if ChatGPT 4.0 had a large database of substantive Jewish law sources even in Hebrew—which it did not forget after each use—it could reason or process with them and derive new rules of Jewish law from them.⁸ Of course, it is fair to say that its current reasoning ability is still growing and the interplay between the sources does seem disjointed, and incomplete.⁹ However, it does bode well for future improvements. Let me add again that whether one considers this 'thinking' or didactic reasoning or something else is not of much interest to this paper. The aim of this paper is to show that when sources are uploaded to ChatGPT 4.0 and mixed with the knowledge it already has, it can do something that closely resembles what humans can do through legal reasoning.

- 8 On the other hand, my friend, Steven S. Weiner, noted the following caveat (even before Dr. Wolpe ran his experiment): "I wouldn't underestimate how much heavy lifting you did by manually selecting the relevant sources that you wanted the system to focus on. It's true, as you point out, that none of these sources dealt directly with the question of SSM duchening, but they did address closely related questions. Handing the system a relatively small set of sources to focus on is a big assist. It makes the task more like reading comprehension -- which ChatGPT excels at -- and less like the hard work you did when you confronted the question yourself and had to analyze it in order to figure out which sources were most pertinent. There are zillions of sources about duchening and qualifications, and zillions of others about homosexuality. If ChatGPT had ingested all of those without your help in prioritizing a few, it might have generated a bunch of much less promising arguments". Further experimentation is needed to test that caveat and better assess how well ChatGPT would actually perform on a task of this nature if trained on a more comprehensive database of Jewish law responsa but without expert human input as to which particular responsa should be focused on for a given question.
- 9 Consider, for example, the putative tension between its use of the *Arukh Hashulhan*, *Piskei Teshuvah*, and *Yalkut Yosef* in the regenerated answer (which was the best answer provided) still misses a core analytical point, which is that all three of these sources seem to permit a kohen who is not in a sexual relationship uniquely prohibited to priests to *duchen*.

D: Is Jewish Law Different?

A harder question is whether ChatGPT 4.0 is doing anything different in its halakhic analysis than it does in so many other fields. I do not know the answer at all and can only make a few somewhat speculative observations.

1. I suspect that all of this AI reasoning field is a mix between the ability of the engine to think/process/examine and the data it has at its 'fingertips.' Our topic double-discounts this, as ChatGPT 4.0 has only a small collection of data on *halakhah* in Hebrew (the *lingua franca* of *halakhah*), and this particular case has no direct precedent. Thus, it is a good test of its ability to engage in legal reasoning in rabbinics without reference to what others have said about this problem.
2. I have generally found in my experience that machine learning and computation is most powerful when the task is a mix of database searching and reasoning. For example, I am a mediocre chess player at best (never ranked higher than 1800) and by now all chess programs easily beat me (and everyone else). Yet, when I play transposed chess¹⁰ online, I do much better than 'real chess' against a computer exactly because the computer has no database of moves to use. This case has a general database but little precedent, and one cannot find out what others think. As the database grows and its reasoning improves, it will become much more powerful.
3. Exactly because it does have access to the specific sources that I uploaded to it, it had enough data to form both an argument and a counterargument, while also investing in thinking about extra-judicial reasoning (what this article calls *migdar milta*) and the role of decisors in making decisions not directly supported by Jewish law sources. It did a fine job both reasoning within the specific sources and outside of them, although – of course – it could have done better.

The core of the question might be whether "Jewish law" is different from any other legal field. Jewish law has many different parts:

- 10 "Transposed chess" follows the same rules as chess except the positions of the bishop and the knight have been switched in their initial placement. <https://greenchess.net/rules.php?v=transposed>. Few people play it, and there are no tournaments and no databases of games played.

- One is a logical data-driven inference from information – if we know in case “X” that “A” is the *halakhah*, how does the rule of “A” apply to case “Y” – what is the rule of decision?¹¹
- The second is a weighting of the sources to determine what is the normative Jewish law. Given that not all sources are weighed equally (and not even weighed identically in different communities), this is not a purely logical determination.¹²
- The third is made up of an even more subjective idea, what this article calls *migdar milta*, which is the idea that a community can prohibit that which Jewish law permits when the needs of the times are such. Jewish law is somewhat different from American law in that this kind of activity is not done by the courts in America but by the legislative branch, whereas in the Jewish tradition, these two functions reside in the same place and are done by the same people.
- Jewish law has a groundbreaking function where the ancient precedent is examined anew and renewed with innovative reasoning from the ancient sources. This process, commonly referred to as *hiddush* (novel insights), reflects the evolving understanding of the sources of halakhah – it also represents a source of growth and regeneration.¹³

11 The idea of a rule of decision is explained to law students as “what factor makes the rule binding on other cases.” When a brown dog bites a person, the rule the court gives governing compensation in later cases whether the dog is brown or white, so long as they are not a bear. This is because for dogs, color is not thought relevant. Or as a casebook from many years ago puts it, “The decision to let your oldest 14-year-old daughter wear high-heels to a school function provides precedent for your second oldest daughter to ask for high-heels when she is 14 also, but not your son.”

12 What I mean by this is that the weighing of competing authorities is not mathematical in the Jewish tradition. Different Jewish law authorities and different communities evaluate non-binding precedent differently. Nor is this limited to modern Jewish law authorities – the weight of the Jerusalem Talmud when the Babylonian Talmud is silent is subject to dispute; see my note “The Yerushalmi as a Source of Halacha” at <https://www.torahmusings.com/2011/05/the-yerushalmi-as-a-source-of-halacha>.

13 I discuss these processes in my book, *Innovation in Jewish Law: A Case Study of Chiddush in Havineinu* (Jerusalem: Urim Publications, 2010).

Let me make a comparative observation about Jewish law and American law in connection with AI reasoning. The reasoning of AI is unlikely to take the place of district court judges – those trial court judges who make factual determinations based on the demeanor of the witnesses and so many more visible and subjective clues. So too, they are unlikely to replace Supreme Court judges, since much of what the Justices do is decide when they ought to change the rules and replace one rule of interpretation with another. Delegating this decision to AI is no different than delegating the role of Congress to AI and is unlikely. On the other hand, the strengths of AI reasoning could take the place of United States appellate court judges, who are (1) rigidly bound by precedent, (2) functionally interchangeable with each other, (3) randomly assigned to cases, (4) sit in panels, and (5) do almost all their work based on a written record. These five characteristics are more easily supplanted by AI given the current state of technology than either policy decisions about the law ought to be or credibility determinations by judges.¹⁴

In contrast, Jewish law has many scholars who function like district court judges (determining facts and applications) and many scholars who think of themselves like supreme court justices (able to change the rules as applied). Jewish law has nothing like the appellate court judges in the United States, who review decisions on the written record of other rabbis and issue binding decisions within a geographical area.¹⁵

E: AI and Determining Normative Jewish Law (*Pesak*)

A grand view of the bigger picture is taken by Rabbi David Cohen of Gvul Yavetz.¹⁶ In a podcast on AI, he argues that there is a critical, two-fold central

14 See for example, James Baker, Laurie Hobart, and Matthew Mittelsteadt, “AI for Judges: A Framework” (Center for Security and Emerging Technology, December 2021) at <https://cset.georgetown.edu/publication/ai-for-judges/>.

15 For more on this, see Michael Broyde and Mark Goldfeder, “The Behavior of Jewish Judges: A Theoretical Study of Religious Decision-making,” *Bekhol Derakhekha Daehu* 33 (2018): 63–81. For an example of this, see Rabbi Yuval Cherlow, “Artificial intelligence can emulate the rulings of the rabbis, but there is a dimension it cannot provide” (בינה מלאכותית יכולה לחקות את “פסיקת הרבנים, אבל יש ממד שהיא לא תוכל לספק”) at <https://www.makorrishon.co.il/news/582503>.

16 In the Halacha Headlines podcast on AI in June 2023 at <http://podcast.headlinesbook.com/e/61023--shiur-422--can-ai-pasken-will->

aspect of *hora'ah* – issuing a decision of Jewish law. One must take religious responsibility for their rulings, and the answer provided must be correct *for the person who asked the question*. This view, which I think is a correct read of normative Jewish law, is driven by the flexibility of Jewish law to provide the ‘right’ answer in context. Since many minority opinions are possibly correct in a time of need (דכדאי הוא דעת יחיד לסמוך עליו בשעת הדחק), and views that are minority opinions (but more than an opinion of a single authority) can be relied on in diverse situations, it is the religious job of the *posek* to provide the ‘right’ answer in each particular context. That is a hard job for any artificial intelligence machine, as it requires more than mere information about the sources. Sometimes, people require a more lenient or more strict answer than the straight read that the sources might direct.¹⁷

artificial-intelligence-ever-replace-rabbonim/ See also Rabbi Gil Student’s argument in “Is an AI *Posek* Kosher?” for a discussion of the religious issues in *pesak*, where he notes “Issuing a new halakhic ruling is not just about providing a reference — it is a religious activity. I suggest that only those within the religious community, only those who are part of the covenant and fulfill commandments, can create a halakhic reality by issuing a ruling.” I am inclined to think that this issue is less important. If AI turns out to be accurate and predictive, this issue can be addressed in the same way in *pesak* as it was with machine *shemurah matsah* – the intent is attributed to the operator and not the machine. There are extremely good policy reasons why we do not want to let people decide for themselves whether their situation is one of dire need that justifies undue liberality. The job of the *posek* is to decide this issue at some basic level rather than have the questioner decide for themselves. As the old Latin maxim relays, *nemo iudex in causa sua*, “no one should be a judge in their own case.”

17 Indeed, some AI back in 2023 was just simplistic and wrong. For example, I logged into <https://chat.ravgpt.ai/> (which says it specializes in *halakhah*) and asked it: “Can a man in a same-sex marriage who is a *kohen duchen*?” It answered:

A man in a same-sex marriage who is a Kohen would not be permitted to perform the priestly blessing (*duchan*) according to traditional Jewish law. The role of a Kohen carries specific requirements and restrictions, including those related to marriage. A Kohen is expected to maintain a higher level of sanctity and adhere to certain marital restrictions, such as not marrying a divorcee or a convert. While the topic of same-sex marriage is beyond my jurisdiction, it is important to note that traditional

Of course, the extent to which one believes that most legal disputes of Jewish law (maybe even all, at least in theory) can be resolved internally and textually by reference to the Talmud's accepted logical rules, the more useful and powerful AI will be for the purposes of mastering texts and applying logical rules.¹⁸

AI's method of 'thinking' might even be valuable according to a second school of thought, which essentially adopts the same outcome – all disputes can be conclusively resolved – but does so from a very different starting point. This school of thought posits that almost no disputes can actually be resolved by reference to first tier rules of Jewish jurisprudence (unlike school one above), since – at least among giants of Jewish law – it is exceedingly rare that one view is demonstrably incorrect. Rather, there are a collection of second tier rules which are binding and which resolve disputes, such as “follow the current majority,” or “be strict on matters of biblical law,” and many more which must be followed.¹⁹

A related school of thought argues that the first or second school is functionally correct as to how people and communities ought to function regularly, and this is the power of custom (מנהג) in ritual, commercial, and family law matters, since in the real world, law needs consistency of outcomes and certainty of results. These rules are binding because they are followed and not the other way around. This is the way (this school of thought notes) Jewish legal theory has evolved over time, and it allows (if you will excuse me for

Jewish law does not recognize same-sex marriages. Consequently, a Kohen in a same-sex marriage would not be fulfilling the expected sanctity and marital restrictions associated with his role, and therefore would not be permitted to perform the priestly blessing (duchan).

This is a well-written but plainly wrong answer, as the article cited in note 1 observes. Nor are these websites unique to Judaism or *halakhah*. If you want to see an example of Sharia law done by AI, see <https://modernmuslim.ai/>. (Thank you to Rabbi Jonathan Ziring for noting this site).

- 18 Of course, this group concedes that matters of ritual custom, matters of no practical import, and matters of theology cannot be resolved this way, but matters of functional Jewish law generally can. According to this school of thought, we can resolve disputes of the previous generations by dint of logic.
- 19 This issue is discussed in “Building the Set Table: An Introduction to the Jurisprudence of Rabbi Yehiel Mikhel Epstein's Arukh ha-Shulchan in Contrast to the Mishnah Berurah,” *Diné Israel* 33 (2019): 1–70.

saying this) Jewish law to be considered a legal system, rather than merely a personal ethical system.²⁰

However, the final school of thought mostly rejects this approach, both as a matter of legal theory and also as a matter of actual practice, at least in a time of need, whether personal or communal. This school of thought proposes three basic ideas. First, very few opinions are ever truly and completely rejected as definitively wrong. Second, in a time of need, many opinions can be relied on unless it is one of those few and rare opinions that is distinctly considered wrong. Third, this matter is left to the judgment of lone Jewish law authorities who may decide for themselves and their followers what the rules ought to be. There is no real hierarchy at all. In this model, Jewish law is much more open, and the customs mentioned in school three above are social and not jurisprudential. The contrast between Jewish law and American law here is complete: minority opinions in American law are just for study but are of no legal value at all.²¹

Conclusion

Anyone connected to Jewish law in practice and not just as an academic discipline knows that Jewish law is not a pure logical science and that the final

20 This is essentially the view of Rabbi Yitzchak Yosef as to why the *Shulhan Arukh* is binding in Israel. See for example, Rabbi Yitzchak Yosef, *Derekh Pesikah*, Chapter 3. Rabbi Ovadia Yosef (*Yehaveh Da'at* 5:33) indicates – based on this – that a convert in Israel ought to become Sephardi as the community has accepted the views of Rabbi Yosef, and the phrase *קבלת דעת מרן* is used many times in his works to explain results. While this example is not accepted by Ashkenazi Jews, this idea plays a role in many halakhic communities. However, even in these communities, concepts such as a time of need play an important role.

21 In this same podcast, Rabbi Hershel Schachter proposed that a Jewish law AI model could be taught to both ask and answer the right questions about need and then would assume the religious identity (my phrase) of the person or rabbi programming. The heart of this argument is verified by anyone who uses AI, where the questioner locates themselves on the religious spectrum when asking the question. So, when I ask ChatGPT 4.0, “I am a member of the Pupov Chasidic community. Do we eat *gabrakz* on Pesach?” I should (and do) get a different answer than “I am a member of the Edot Hamizrach community. Do we eat *gabrakz* on Pesach?”

approach (Rabbi Cohen's) is viewed as correct in practice. Minority opinions can and are resurrected all the time in cases of need and in situations of complexity. This is actually the heart of the approach to Jewish law taken by the *Mishnah Berurah* in his work.²² In practical terms, this helps us understand why Jewish law is much more open and less structurally jurisprudential than American law, and how the contrast between Jewish law and American law is sharp. There is, for example, neither a highest court nor even an appellate court in Jewish law, and forum shopping is normative. Furthermore, while minority opinions in American law are just for study but are of no legal value at all, in Jewish law, minority opinions are often resurrected in time of need and in other cases by rabbinic authorities.

Moreover, we have not considered to this point a subset of innovative legal rulings that are critical to the functioning of Jewish law in the modern world. Thus far, we have examined questions for which there are opinions already developed or logically derived from other sources—already pieces of the halakhic pie. Those opinions have to be found, examined, and weighed, and AI will learn, I suspect, to do this very well as it will make significant progress towards formalistic legal reasoning. But there are questions that arise for which there really is no literature. Formulating answers to these novel questions takes deep novel readings of talmudic texts and their medieval commentaries. Principles – new principles! – are discovered by noting subtlety and nuance in competing texts. The eureka moments that are necessary for Jewish law to develop come only through creativity and insight. That is not what we ask of AI in its current iterations, and we have no way of knowing whether AI will ever be able to deliver this in the area of Jewish law.²³

All of this just reminds us that ChatGPT 4.0 is pretty good at what it seems to be doing, which is some sort of 'reasoning within a text,' even in Jewish law—whether this kind of 'reasoning' is called 'thinking' or just 'large language model processing' or something else. Indeed, one suspects that

22 For more on this, see my work, with Ira Bedzow, *The Codification of Jewish Law and an Introduction to the Jurisprudence of the Mishna Berura* (Boston: Academic Studies Press, 2013), 27–61.

23 The ideas in this paragraph and the material found around note 13 were developed first in conversation with Rabbi Yitzchok Adlerstein of the Wiesenthal Center.

whatever it is doing, it will only get better at it, particularly as the database of Jewish law texts it has been fed will increase, as well.

So, in dealing with the subject of whether excellent AI will ever be able to issue *pesak*, the real question is “what is *pesak*?” To those who consider *pesak* to be the application of rigid rules to clear and established facts, the answer will eventually be “yes,” even if this is not the case yet. To those who have a broader understanding of what it means to be a *posek*, and what exactly *pesak* is, AI has much farther to go than just to be able to master the sources – it will have to develop a way to understand the needs of the questioner, as well as the implications of its answers to society, and so much more than merely the sources.

Will ChatGPT be able, then, to issue *pesak*? To those who prefer a definitive answer, I say: “You define your terms and you make your choice.”²⁴

24 See Rabbi Aharon Lichtenstein, “Does Jewish Tradition Recognize an Ethic Independent of Halakha?” in *Modern Jewish Ethics: Theory and Practice*, ed. Marvin Fox (Columbus: Ohio State University Press, 1975), 68–88 (83) for a similar concluding paragraph on a different topic.