

### 3. The New “Who is a Jew?” - Robots and Minyanim

[https://en.wikipedia.org/wiki/Eugene\\_Goostman](https://en.wikipedia.org/wiki/Eugene_Goostman)

Eugene Goostman is a chatbot that some regard as having beaten the Turing test, a test of a computer's ability to communicate indistinguishably from a human. Developed in Saint Petersburg in 2001 by a group of three programmers, the Russian-born Vladimir Veselov, Ukrainian-born Eugene Demchenko, and Russian-born Sergey Ulasen, Goostman is portrayed as a 13-year-old Ukrainian boy—characteristics that are intended to induce forgiveness in those with whom it interacts for its grammatical errors and lack of general knowledge.

The Goostman bot has competed in a number of Turing test contests since its creation, and finished second in the 2005 and 2008 Loebner Prize contest. In June 2012, at an event marking what would have been the 100th birthday of the test's namesake, Alan Turing, Goostman won a competition promoted as the largest-ever Turing test contest, in which it 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; the event's organiser Kevin Warwick considered it to have passed Turing's test as a result, per Turing's prediction in his 1950 paper *Computing Machinery and Intelligence*, that by the year 2000, machines would be capable of fooling 30% of human judges after five minutes of questioning. The validity and relevance of the announcement of Goostman's pass was questioned by critics, who noted the exaggeration of the achievement by Warwick, the bot's use of personality quirks and humour in an attempt to misdirect users from its non-human tendencies and lack of real intelligence, along with "passes" achieved by other chatbots at similar events.

#### **Babylonian Talmud; Sanhedrin 65b**

Rava says: If the righteous wish to do so, they can create a world, as it is stated: “But your iniquities have separated between you and your God.” In other words, there is no distinction between God and a righteous person who has no sins, and just as God created the world, so can the righteous. Indeed, Rava created a man, a golem, using forces of sanctity. Rava sent his creation before Rabbi Zeira. Rabbi Zeira would speak to him but he would not reply. Rabbi Zeira said to him: You were created by one of the members of the group, one of the Sages. Return to your dust.

#### **Isaac Asimov's "Three Laws of Robotics"**

1. A robot may not injure a human being or, through inaction, allow a human being to come to harm.
2. A robot must obey orders given it by human beings except where such orders would conflict with the First Law.
3. A robot must protect its own existence as long as such protection does not conflict with the First or Second Law.

#### **R. Moshe Goldfeder**

<https://azjewishpost.com/2014/should-robots-count-in-a-minyan-rabbi-talks-turing-test/>

<https://edition.cnn.com/2014/06/10/opinion/goldfeder-age-of-robots-turing-test/>

Q. What are the basic criteria that would make a robot/monkey/mermaid Jewish?

A. Well, we start with the Talmud in Sanhedrin, which 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.

**Q:** 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?

**A:** 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.

This makes sense from a Jewish ethical perspective as well. Oftentimes Jewish ethics are about the actor, not the one being acted upon. If I see something that for all intents and purposes looks human, I cannot start poking it to see if it bleeds. I have a responsibility to treat all that seem human as humans, and it is better to err on the side of caution from an ethical perspective.

I think the difference between science fiction and science is often time. If you were to ask me now, I don't think Jewish institutions need to start worrying about it quite yet. Even with the Turing test officially passed, we are quite far from the situation of having a robot capable of walking among us unsuspected. But I do think that Jewish thinkers should start tossing around the questions because we're probably 30, not 100, years away



<http://www.bvkkosher.com/robots-in-halacha>

I am writing to clarify a position of mine that was unfortunately misrepresented in this magazine.

I recently gave an interview with the JTA in which I discussed the idea of robots in halacha. The entire interview had a disclaimer, which appeared in print, that it was not to be taken l'maaseh, and was only a theoretical conversation. In that interview I referenced a famous Gemara in Sanhedrin, where the Talmud discusses the idea of a golem, a humanoid automaton, interacting with human beings. While Rashi writes that the golem here was made by 'Sefer Yetzirah,' which usually refers to a mystical text, medieval kabbalists such as Rav Moshe Cordovero explain that the sefer yetzirah referred to here was actually a book of natural science, and that the golem was not spiritual, just 'a form, made out of dust, and by natural means it was made to appear like a man.' This gives us our clear analogue to the idea of a robot.

Halakhists throughout the centuries have been fascinated with this story. Famously, the Chacham Tzvi, and his grandson, Rabbi Yaakov Emden, both address the possibility of this golem counting in a minyan. They conclude that this golem could not, as it lacked any 'intelligence whatsoever...he is no more than an animal in a human shape.' They did, however, leave open the possibility of a different golem actually passing that threshold. Interestingly, the Medrash tells us that Yirmiyahu HaNavi actually did it, he created a full human being, and he only destroyed it out of fear that people would begin to treat him like a god.

The reason I am writing though is not to argue about whether or not these aggadas are true, or worth thinking about; people are free to agree or disagree that they are interesting. My point is that it is irresponsible and

potentially harmful when a writer takes a quote from a piece like this out of context, and neglects to include the original disclaimer. I wish to make three points:

1) Obviously I am not of the opinion that a robot can actually count in a minyan, as I reiterated to the Ami author over the phone before the article was even written. I reiterate again that the entire discussion about robots in minyanim was only theoretical as stated in the original interview.

2) Even regarding the rhetorical strawman that the author builds to tear down, unfortunately he got it wrong. After I had mentioned the discussion in poskim about golems in a minyan, the JTA interviewer asked me if, theoretically speaking, a human-like robot (which does not yet exist) would count. My response was "not necessarily," even in this theoretical plane. I then made a related ethical point, based on a gemara in the Yerushalmi (the Gemara discusses the concept of treating something that looks human-like as a human, even when we are not sure,) because as ethical actors we should be machmir. The author of the Ami article ignored the earlier discussion about Sanhedrin, took that Yerushalmi, and wrote that 'based on this discussion Rabbi Goldfeder reported to the world that it is possible for a robot to be counted in a minyan.' That is in no way true; I never made such a claim (explicitly stating that even in a theoretical world such a claim would not necessarily fly), and certainly any discussion of even theoretical minyanim was based on the gemara and poskim I had mentioned, not that Yerushalmi.

3) While it is fine to disagree, even in theory, putting claims in another person's mouth has no place in a Torah conversation.

### שו"ת חכם צבי סימן צג

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 מדכתיב חמשת בני מיכל כו' וכי מיכל ילדה והלא מירב ילדה אלא מירב ילדה ומיכל גדלה כו', הי"נ כיון שמעשה ידיהם של צדיקי הוא הו"ל בכלל בני"י שמע"י של צדיקי הן הן תולדותם?

וני"ל דכיון דאשכחן לר' זירא דאמר מן חברי"י 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 דהכי דייק קרא (אף שיש בו דרשות אחרות) שופך דם האדם באדם דמו ישפך דוקא אדם הנוצר תוך אדם דהיינו עובר הנוצר במעי אמו הוא דחייב עליה משום שפכ"ד יצא ההוא גברא דברא רבא שלא נעשה במעי אשה. מ"מ כיון שיש בו תועלת לא היה לו להעבירו מן העולם א"ו שאינו מצטרף לעשרה לכל דבר שבקדושה כן נ"ל

+מבן החכם צבי בשם אביו+ בספר דברי רב משולם שאלה י' הביא מאביו הח"צ בכתי"ק וז"ל למה שכתבתי בספרי סי' צ"ג. וראיתי בס' הפרדס שחיבר מהר"ם קרדבורא שער היכלות פ' יו"ד אחר שהביא המאמר דרבא גברא כו' ופלפל בהם כתב וז"ל הנה הבריאה ההיא שהיא בצורת האדם כו' ולא שיהי' בה נשמה ולא נפש ולא רוח אלא חיות בעלמא עכ"ל.

ונסתיע סברתי' סיוע שיש בו ממש שכיון שאין בו אפילו נפש אדם אין לו עסק וענין עם דברים הטעונים עשרה או שלשה נפשות מישראל וגרעי טובא מנפשות נשי ישראל שאינן מצטרפות לשום דבר מהנזכרים ועוד נראה ברור שע"כ אי אתה יכול לכלול בכלל עשרה בני ישראל גדו' החייבים במצות וכל דבר שבקדושה הטעון עשרה אי אתה יכול לצרף אלא את שיש בו כל המדות הללו באופן שהדבר ברור שאינו מצטרף ואפילו למ"ד תינוק שבעריסה מצטרף היינו משום דאתי לכלל חיוב לאפוקי האי דלא אתי לכלל חיוב ע"ש+ צבי אשכנזי ס"ט:

### ר' צדוק הכהן מלובלין - דברי חלומות אות ו

ליל ג' פרשת בא ב' שבט. חלם לי על מה שאמרו סנהדרין (ס"ה ב) אמר לו תוב לעפרך דדקדק מזה בתשובות חכם צבי (סימן צ"ג) שאין בו תועלת לצרפו לדבר שבקדושה. אין מוכרח דיש לומר דהיה ירא שלא יהיה נעשה מזיק לבריות כשיגדל קצת ואז אפילו העושה יהיה קשה לו גם כן להחזירו לעפרו כי יוכל להזיק גם לו וכמו שסיפר בשאילת יעב"ץ חלק ב' (סימן פ"ב) מאותו הנוצר על ידי זקינו מה"ר אליהו בעל שם. ועל כן אין להשהות בריה כזה אלא לבראו לצורך הדבר שצריך לו [דמסתמא הא דשדריה לקמיה דרבי זירא היה לצורך איזה דבר כמוס שלא נתפרש בתלמוד שהיה ההכרח לשלוח על דרך זה בריה כזה] ולהחזירו מיד אחר כך לעפרו:

...ובעיקר דינו דהחכם צבי נראה לי דחידוש הנזכר טובה. ובחלומי היה נראה לי פשוט הדין דלא כוותיה ונדחצי לדבר שבקדושה. ונראה דאפשר לקיים זה ומה שכתב בשאילת יעב"ץ שם דלא עדיף מחרש שאינו שומע ואינו מדבר וכן הוא בברכי יוסף אורח חיים (סימן נ"ה) אין מוכרח דחרש לאו בר דעת הוא כמו קטן דאדם נוצר בלא דעת רק כשגדל בא לו הדעת וזה שאינו שומע ואינו מדבר אם הוא בתולדה לפי שאין למד דעת מבני אדם ואם נתחרש אחר

כך הוא לפי שנולד בו חסרון במוח אין בו דעת אבל זה שנוצר בקומתו כאדם גדול יש לומר דיש בו גם כן דעת כבגדול ואף על פי שאינו שומע ואינו מדבר יש לומר דאינו מחסרון במוחו ודעתו ושלא יהיה בו דעת: ואף שכתב **בחסד לאברהם** עין יעקב (נהר ל') דאין לו נשמה ורוח ממללא רק רוח הבהמית ועל כן מותר להרגו כבהמה עיין שם, וכן הוא **במהרש"א** בחידושי אגדות בסנהדרין שם (ס"ה ב) יש לומר דמכל מקום אינו כבהמה בדמות אדם שהרי הוא נוצר בספר יצירה על דרך יצירת האדם ולא על דרך יצירת הבהמה. אלא דנשמת חיים דויפח באפיו שהיא הרוח ממללא על ידי שהוא חלק אלוה ממעל זה אין יכולים לתת בו אבל מכל מקום לא גרע מעכו"ם דגם כן אין לו חלק אלוה ממעל ואף על פי שיכול לדבר היינו בלשונו ואין זה קרוי דיבור. דעל כן אמרו (במדבר רבה ב', י"ד) דעכו"ם המדבר בלשון הקודש לשונו סרוח כי אין לו רוח ממללא האמיתי רק כעין צפצופי עופות וכמו הנחש קודם החטא שהיה יכול לדבר אף דלא היה בו נשמת חיים והוא מצד הסיטרא אחרא וקומת אדם בליעל:

...אלא דיש לומר מטעם אחר דהא מכל מקום לאו בר חיוב מצוות הוא ואם כן אפילו תאמר דקרינן ביה בני ישראל מטעמו דהחכם צבי שם דהוא מעשה ידיו של צדיק מכל מקום נראה דאין להטיל עליו חובת מצוות מטעם זה ולומר דכל מה שכתוב בתורה דבר אל בני ישראל יהיה גם הוא בכלל כיון דאין בו נשמת חיים והשארית נפש לעולם הבא לשכר ועונש ואם כן איך נצרפו לדבר שבקדושה כיון דהוא לאו בר חיובא: ואפשר לומר **מכל מקום לענין עשרה לברכת המזון אם יכול לאכול דמצרפין קטן מצרפין גם אותו** ואפשר דגם כן יודע למי מברכין וצריך ביאור ואין כאן מקומו להאריך יותר]:

### משנה ברורה סימן נה

(ד) גדולים - עיין פר"ח סימן ס"ט שקרא ערער על המקומות שנוהגין שהקטן אומר קדיש וברכו והקהל עונים אחריו דשלא כדין הם עושים ואפילו אם יש עשרה אנשים גדולים חוץ ממנו. ועיין בפמ"ג שם שמצדד ג"כ להחמיר בזה לכתחלה. כתב בהלק"ט סי' מ"ח כששנים או ג' אומרים קדיש יחד ואחד מקדים אם באים כל אחד תוך כדי דיבור יענה עם הראשון או עם האחרון אמן ויעלה לכולם ואם יש הפסק יענה על כל אחד ואחד. אדם הנוצר ע"י ספר יצירה אם מצטרף ליו"ד ולכל דבר שבקדושה עיין בתשובת חכם צבי סי' ס"ג ובספר עיקרי דינים מה שכתב בענין זה:

### Rambam, Hilchos Teshuva, 5

A person should not entertain the thesis held by the fools among the gentiles and the majority of the undeveloped among Israel that, at the time of a man's creation, The Holy One, blessed be He, decrees whether he will be righteous or wicked. This is untrue. Each person is fit to be righteous like Moses, our teacher, or wicked, like Jeroboam. [Similarly,] he may be wise or foolish, merciful or cruel, miserly or generous, or [acquire] any other character traits. There is no one who compels him, sentences him, or leads him towards either of these two paths. Rather, he, on his own initiative and decision, tends to the path he chooses. This was [implied by the prophet,] Jeremiah who stated [Eichah 3:38: "From the mouth of the Most High, neither evil or good come forth." The Creator does not decree that a person should be good and refrain from being evil. Accordingly, it is the sinner, himself, who causes his own loss. ...[The prophet] continues explaining, since free choice is in our hands and our own decision [is what prompts us to] commit all these wrongs, it is proper for us to repent and abandon our wickedness, for this choice is presently in our hand. This is implied by the following verse [ibid.:40]: "Let us search and examine our ways and return [to God]."

...Peradventure, thou wilt ask: "The Holy One, blessed is He, does he not know what it will be before it will come to pass? Did he know whether a certain person will be either just or wicked, or did He not know it? If he knew that he would be just, then it would be impossible for him not to be just? If thou wilt say that He did know that he would be just but that it is possible for him to be wicked, lo, He did not know the matter clearly? Know, that the answer to this question is longer in measure than the earth and broader than the sea, and many great elements and ranking mountains are suspended thereon; but it is essential that you know this fundamental matter which I outline. In the second chapter of the treatise of Fundamentals of the Torah it was already elucidated that the Holy One, blessed is He! does not know of things with a knowledge which exists outside of Himself, like, for instance, the sons of man do, for they and their knowledge are two separate things; but, He, may His Name be exalted! and his knowledge are One, and it is not within the power of the knowledge of man to attain this matter clearly, and even as it is not within the power of man to attain and find the truth of the Creator, even as it is said: "For man shall not see Me and live" (Ex. 33.20), even so it is not within the power of man to attain and find the knowledge of the Creator. This is even

what the prophet said: "For My thoughts are not your thoughts, neither are your ways My ways, saith the Lord" (Is. 55.8). This being so, it is not within our intellectual power to know in what manner the Holy One, blessed is He! knows all the creatures and their actions, but we do know without a doubt that man's behavior is in the hand of man, and that the Holy One, blessed is He! neither draws him nor issues edicts against him to do as he does. And, not solely because of having accepted the religion do we know that there is no predestination, but even by clear evidence of the words of wisdom. Because thereof it is said in prophecy that man is judged for his actions according to his actions, whether they be good or evil, and this is the very foundation upon which all the words of prophecy depend.

### **Glosses of the Ra'avad, end of Chapter 5**

**This being so etc.** This one did not follow the custom of scholars; for no man begins a thing which he knows not how to finish it, whereas he commenced with inquiries and questions and left the matter under question and turned it around to faith. It would have been better for him to leave the matter to the innocence of the innocent, not to awaken their hearts and leave their mind in doubt, lest, during some hour, a suspicion will enter their heart concerning it. Moreover, although there is no convincing reply to this question, it is best to lean himself upon a partial answer like this, saying: If either the righteousness or wickedness of man would have been dependent upon the decree of the Creator, may He be blessed!, we would be saying that His knowledge is His decree, then would the question be to us very difficult, indeed. But now, since the Creator ceded this power from His Hand to the hand of the man himself, His knowledge can not be said to be a decree, but it is similar to the knowledge of the astrologists who know by another power what the conduct of a certain person would be. And, it is common knowledge that from the smallest to the biggest thing which happens to man the Creator transmitted to the power of the planets, only He endowed him with an intelligence to sustain himself, and be delivered from the influence of the planet, and this very same is the power endowed to man to be either good or bad, and only the Creator knows the power of the planet and its movements whether it be within the power of the intelligence of one to be delivered from its influence or not. And, such knowledge is not a decree. But even this is not a comparison.

(Mr. Fantastic in Civil War, Sherlock Holmes deductions, Facebook/Cambridge-Analytica algorithms)

<http://rabbisacks.org/humans-uniqueness-is-not-in-intelligence-which-can-be-artificial-but-in-loving-and-being-loved/>

### **Ray Bradbury, *I Sing the Body Electric***

[M]ost machines are amoral, neither bad nor good. But by the way you built and shaped them you in turn shaped men, women, and children to be bad or good. A car, for instance, dead brute, unthinking, an unprogrammed bulk, is the greatest destroyer of souls in history. It makes boy-men greedy for power, destruction, and more destruction. It was never intended to do that. But that's how it turned out.

most machines are amoral, neither bad nor good. But by the way you built and shaped them you in turn shaped men, women, and children to be bad or good. A car, for instance, dead brute, unthinking, an unprogrammed bulk, is the greatest destroyer of souls in history. It makes boy-men greedy for power, destruction, and more destruction. It was never intended to do that. But that's how it turned out...being mechanical, I cannot sin, cannot be bribed, cannot be greedy or jealous or mean or small. I do not relish power for power's sake. Speed does not pull me to madness. Sex does not run me rampant through the world. I have time and more than time to collect the information I need around and about an ideal to keep it clean and whole and intact. Name the value you wish, tell me the Ideal you want and I can see and collect and remember the good that: will benefit you all. Tell me how you would like to be: kind, loving, considerate, well-balanced, humane ... and let me run ahead on the path to explore those ways to be just that. In the darkness ahead, turn me as a lamp in all directions. I can guide your feet.

<https://www.judaismandscience.com/when-a-jewdroid-walks-into-shul-part-2/>

(Rambam vs. Kuzari about conversion)