

COULD A SENTIENT EXTRATERRESTRIAL CONVERT TO JUDAISM?  
THE HALAKHAH OF BEING HUMAN

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## **Abstract**

Much of Jewish law is dedicated to how Jews should live their lives and interact with the world and everything in it. In the case of sentient extraterrestrials, Jews will be confronted with a kind of being for which there is little to no established *halakhah* to serve as a guide. The situation is made more complicated by the fact that, although there is a superabundance of halakhic literature concerning what Jews and human beings should do, there is a paucity of *halakhah* that addresses or defines what human beings are. This thesis offers an exploration of how to conceptualize and categorize sentient extraterrestrials within the framework of *halakhah*, ultimately answering the question of whether sentient extraterrestrials could convert to Judaism.

After explaining my rationale for the project and methodology while pursuing it, I review the current *halakhah* about conversion, and the component parts that go into the conversion process. I also investigate whether there is existing precedent for other worlds, as well as inhabitants of those worlds, within Jewish tradition. I analyze how Jewish authorities view humankind and their place in Creation. I also investigate existing *halakhah* about other human-like beings, and analogously compare them to sentient extraterrestrials. The analogous comparisons will take into consideration attributes like being made in God's image, the soul, free will, and the merits of outer vs inner form. Finally, I analyze the limited *halakhah* specifically about sentient extraterrestrials, or interactions between Jews and extraterrestrials.

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## Table of Contents

Abstract .....	2
Acknowledgements .....	3
Table of Contents .....	<b>Error! Bookmark not defined.</b>
Introduction .....	5
Chapter 1: Preliminary Remarks .....	12
Rationale: .....	12
Methodology: .....	20
Chapter 2: <i>Halakhah</i> of Conversion .....	23
Vocabulary: .....	23
Proselytes and People: .....	23
Childbirth: .....	30
Requirements for Conversion: .....	37
Circumcision and Immersion: .....	37
Beit Din: .....	41
Chapter 3: Planetary Science, Exoplanets, and Astrobiology in Judaism .....	50
Supernatural extraterrestrials: .....	50
Existence of Other Worlds: .....	51
Habitability of Other Worlds: .....	60
Chapter 4: Differentiation between Humans and Other Beings: .....	68
The Centrality of Humankind: .....	68
Apples to Oranges, or, Analogous Comparisons: .....	73
The Golem, an anthropoid being: .....	74
Clones and Artificial Intelligence: .....	84
The Definition of Reward: .....	86
Bibliography .....	88

## Introduction

Whenever I tell people the subject of my thesis, the first thing that almost anyone asks is, “how/why did you think of that?” To be truthful, it is a rather mundane story, that speaks to deeper and more broad-ranging concerns in the Reform Movement, and to the conduct of human beings in general.<sup>1</sup> I was looking up American Reform *halakhah* for an assignment in a class I thought would have nothing to do with my thesis, when I stumbled upon a responsum titled “Marriage of a Negro Man to a Jewish Woman.”<sup>2</sup> As I read the responsum, even after looking at the date (1954), and being surprised at how early the responsum was asked (as well as the nature of the response) in relation to the Civil Rights Movement, I remember thinking, “If this is how congregants responded to a mixed marriage of people from two different ethnicities, I wonder how they would react if it was a human and an alien.”<sup>3</sup> Then I started to think about the implications of such an occurrence.

At the core of the aforementioned *she’ela* is the idea that there is a problem with one of the partners in the marriage being black. I realize that there were issues beyond racism at play in that responsum.<sup>4</sup> Perhaps the parents of the prospective couple were concerned about how the couple would live and be accepted (or not) in society – Jewish or secular. Regardless if the parents’ objection was or was not based on racism, it does speak to a world where two thinking, feeling, human beings were considered by society to be different, with one considered “greater than” and one “less than” the other, based purely on biology and external

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<sup>1</sup> Intermarriage and racism, respectively.

<sup>2</sup> To be discussed below.

<sup>3</sup> Yes, I am aware that most other people would not have responded in the same manner.

<sup>4</sup> I also realize that racism is unfortunately still very present in current American society, even if it is to a lesser extent than the 1950’s.

appearance. Moreover, it speaks to a world where that kind of thinking was normal and accepted (even passively) as a matter of course.

Bringing aliens back into the equation, given what has happened historically when one group of humans have met another, seemingly radically different group of humans, what will happen should we encounter sentient extraterrestrials? Even independent of romantic relationships, there are many implications to this line of thought. If we were to encounter sentient extraterrestrials, how would we interact with them? How would we do business with them? And, in the sadly likely case that a human would at some point kill a sentient extraterrestrial, would that action be considered murder?

Across the centuries, there have been examples of people who come into contact with Jews and wish to convert to Judaism, even when there is no romantic relationship between the proselyte and a Jew. It is not unreasonable to think that there might be a sentient extraterrestrial who, after learning about and being exposed to Judaism, would want to convert, independent of romantic entanglements. Although the *halakhah* never explicitly states that a convert must be human, it is safe to assume that when the *halakhah* was established, the rabbis only had humans in mind. So, then, can sentient extraterrestrials be “people” even if they are not biologically בני אדם, “human beings?” What is the definition, *halakhically* speaking, of being “human”? Is it solely biological? Or is there a non-corporeal component that is the determining factor?

I will freely admit that when I started this line of inquiry, I assumed that Orthodox *halakhah* would deny the personhood of another sentient being, while Reform would endorse it. I was wrong to make these assumptions on a few counts. Firstly, most of the sources I employ in this thesis predate the development of the different branches of modern Judaism,

so these sources belong equally to both branches. The second error was my misconception that Orthodox thought would not be flexible enough to allow for subjects that are, at least for the time being, purely science fiction. The third error was my assumption of general permissiveness on the part of Reform Judaism. Given the subject matter of the responsum that sparked my curiosity in the first place, I should have known better than to assume acceptance prior to investigation.

One of the most wonderful things about Reform Judaism is that it can change and adapt based on time and situation. But one of the worst things about Reform Judaism is also that it can change and adapt based on time and situation. According to Rabbi Walter Jacob,

We recognize that we are children of our age and are deeply influenced by it, we do not differ from those who lived in the creative periods of the past as we seek to understand the underlying principles and develop specifics, i.e., Halacha. A century of study... has clearly shown the enormous role which historical development and outside influences played in every phase of Jewish law and custom.<sup>5</sup>

There have been times where Reform has overturned traditional rabbinic *halakhic* reasoning in favor of liberal or Reform values, and sometimes that is a good thing. But sometimes it is not. There is a 1964 responsum by Rabbi Solomon B. Freehof concerning the “Adoption of Children of Mixed Race.”<sup>6</sup> The question posed was:

There are a number of children born out of wedlock of Jewish mothers and Negro fathers. Are these children Jewish? They can be given for adoption to Negro families.

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<sup>5</sup> Walter Jacob, introduction to *American Reform Responsa: Collected Responsa of the Central Conference of American Rabbis, 1889-1983*, ed. Walter Jacob (New York: Central Conference of American Rabbis, 1983), xvi.

<sup>6</sup> Solomon B. Freehof, “49. Adoption of Children of Mixed Race,” in *Current Reform Responsa* (Cincinnati: Hebrew Union College Press, 1969), 196-99. Or, Solomon B. Freehof, “Adoption of Children of Mixed Race,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/curr-196-199>.

Should they be given to those Negro families which call themselves Jewish, belonging as they do to “Jewish Negro” congregations in New York? <sup>7</sup>

In the course of his response, Freehof asserted, “nowhere does the Bible prohibit the admixture of races,” and continued, “a child born of a Jewish mother is a Jewish child and must be so considered, no matter what the color of its skin may be.”<sup>8</sup> He even addressed the issue of the “‘Jewish Negro’ congregations,” which, as Freehof obliquely suggested, may have actually been Black Hebrew Israelites, which are not the same as black Jews:

Should we consider the members of Negro congregations who call themselves Jewish as being truly Jewish? The question must be settled before the Jewish Federation can give a Negro Jewish child to such a family for adoption. Whether any family is Jewish depends upon whether it is descendant from a Jewish mother. **Error! Bookmark not defined.** The rest, as we have mentioned, makes no difference. But if it is a family not descendant from a Jewish mother, as is the case with most, if not all the people in these “Negro Jewish” congregations, then they are not Jewish unless they are correctly converted to Judaism.<sup>9</sup>

Freehof acknowledges that if the “Jewish Negro” congregation is in fact a Christian sect, it would not be permissible according to traditional rabbinic interpretation to let the Jewish child be adopted by them. However, even with all the traditional rabbinic reasoning to the contrary, Freehof’s ruling is different:

May we give a Jewish child to a Gentile family to be raised and, indeed, adopted? Clearly, most Orthodox authorities would say “no,” but in this case, liberal opinion would say “yes.” The liberal opinion would be based upon the realities of social life in America. If we Jews fight for the right to have Christian children adopted in Jewish families, we should not object under special circumstances if Jewish children are

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<sup>7</sup> Ibid., 196.

<sup>8</sup> Ibid., 198. As a side note, I am not going to address the fact that children who were 50% black and 50% Jewish were often socially considered 100% black, as that would be beyond the scope of this paper.

<sup>9</sup> Ibid.



adopted in Christian families. In this special case, this dark skinned Jewish child will have no home at all unless given to this Negro family for adoption.<sup>10</sup>

Freehof overturns what would be the traditionally argued rabbinic decision due to social realities of America in his day.<sup>11</sup> In the strictest sense, this ruling is still compliant with Isaac M. Wise's vision from the first CCAR conference.<sup>12</sup> But this is an example where Reform *halakhah* went with what was more socially prudent and/or desirable "based upon the realities of social life in America," rather than what would be morally right independent of social concerns of the day. I did not grow up in the 1960's, and I do not know the historical period well enough to accurately judge whether Freehof's decision really was in the best interests of the children. I do not know what it would have been like to grow up as a black child in a white/Jewish environment before and during the Civil Rights Movement, nor do I know what it would have been like to be the parent – adoptive or not – of said child. Nor do I know the status of the children when the question was asked. Maybe the children had already been in an orphanage for an extended time, and although efforts had been made no Jewish families were adopting them, so letting the "Jewish Negros" adopt them may have been the only way the children would have had a family. But, limited to what information is present, this is not a decision that reflects the Reform movement today, no matter how right it may or may not have been for the 1960's.

If the rabbi who sent the *she'elah*, Rabbi Isaac N. Trainin of the Commission on Synagogue Relations for the Federation of Jewish Philanthropies of New York, really thought it would be acceptable to let "Jewish Negros" adopt the children, he would not have

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<sup>10</sup> Ibid., 199.

<sup>11</sup> This particular *halakhic* decision was never revisited, and has not been overturned.

<sup>12</sup> See Chapter 1, below.

needed to ask the question. For whatever reason, he needed the CCAR's approval for his actions. What is clear, however, is that this particular responsum is deeply rooted in the turbulent social atmosphere of its day.

In a similar situation in 1954, Israel Bettan was asked if Judaism sanctioned a marriage between a black man who wanted to convert to Judaism and a Jewish woman. The rabbi asking added that "the woman's family is violently opposed to the marriage, and insists that I do not officiate. I am seeking a response from you as to whether Judaism sanctions such a union, and whether you feel that it is incumbent upon a rabbi to officiate."<sup>13</sup> Bettan clearly and succinctly answered that race was not, and had never been, a *halakhic* impediment to marriage, and if the black person converted, they would have equal status as a Jew under Jewish Law. But Bettan made his decision also taking into consideration the realities of the day: "If, because of personal relations with the members of the young woman's family, the rabbi concerned deems it inexpedient to act as the officiating minister, he can arrange with another rabbi in the area to perform the service." While still not ideal from a modern perspective, Bettan, unlike Freehof, ruled both in accordance with *halakhah*, his contemporary culture, and in the enduring spirit of Reform Judaism.

If there is ever going to be a "real" *she'ela* concerning the conversion of a sentient extraterrestrial, it will likely be in a situation similar to the two responsa above. It is possible, and even likely, that the political and social pressures of the day will prevail over ethics; humans do not have a great record when it comes to accepting things or people who are

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<sup>13</sup> Israel Bettan, "144. Marriage of a Negro Man to a Jewish Woman" in Jacob, *ARR*, 441. Or, Israel Bettan, "144. Marriage of a Negro Man to a Jewish woman," Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-440-441>.

different. I would like to take the opportunity to explore the issue at the current moment, while there is the luxury of looking at the situation without social pressure or urgency.

## Chapter 1: Preliminary Remarks

### **Rationale:**

A *halakhic* exploration seems an unlikely topic for a Reform rabbinical thesis, especially one concerning space or extraterrestrials. There are many issues at play today in the Reform Movement but *halakhah*,<sup>14</sup> largely, is not one of them. Although there is currently a Central Conference of American Rabbis (CCAR) Responsa Committee, which has been in existence since 1906, it has been at least a decade since any Reform responsa were officially published in book form. However, all, or at least most, of the Reform responsa are available online on the CCAR website. The CCAR also publishes guidebooks to Jewish observance, all of which involve the application of *halakhic* texts. However, especially with the popular (if not strictly true) perception that Reform Jews operate from a foundation of rejecting *halakhah* or any authority besides their own selves, it would seem puzzling why Reform has *halakhah* or would seek to continue to develop it.

It is a misconception that from its inception, Reform Judaism decided to jettison all *halakhah* and rabbinic tradition as a vestigial historic relic of a past Judaism, no longer relevant to modern life. It is also a myth that Reform Jews are just “supposed to” ignore *halakhah* in favor of whatever they would like to do, whatever they connect most with, or whatever is most convenient. According to Rabbi Walter Jacob, head of the CCAR Responsa

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<sup>14</sup> Across sources, there are a plethora of different spellings for the English transliterated term הלכה. There seems to be no universal orthography, neither in terms of spelling, italicization, nor capitalization. I have decided to leave alternate English spellings and choices for italicization intact if the term appears within a direct citation. Otherwise, I have unified spelling to accord with the particular version I use.

Committee from 1974-1990, “from the outset, Halacha was important to our leaders.”<sup>15</sup> The earliest Reform Jews, both in Germany and the United States, strove to work within the *halakhah* while still accommodating contemporary culture.<sup>16</sup> But given the sheer number of Jewish *halakhic* texts, it is often difficult to find “the” Jewish answer, and even harder to find the specifically Reform Jewish answer. Nonetheless, many Reform Jews look for the “right way” (i.e. *halakhic* way) of doing things that are of particular importance. Even if they are not consciously aware of it, most of Reform Jewish practice – from liturgy, to Shabbat and holiday observances, to life cycle events, to ritual – are founded upon *halakhic* models and largely governed and defined by *halakhic* literature. For many Reform Jews, anything pertaining to life cycle events or holiday practices falls into this category – that is, things done either as an individual or with one’s family and close friends. Reform Jews also tend to look for “the” answer or policy in Reform Judaism (i.e. *halakhah*) during times of great emotional stress and/or decision-making. After all, “chaos makes faith in God necessary.”<sup>17</sup> Even if Reform is seen as the movement that does not follow *halakhah*, it still needs it, and moreover, wants it.

From its inception, the Central Conference of American Rabbis (CCAR) has concerned itself with matters of *halakhah*, even if the literature does not directly frame it as such. According to Jacob, “We have looked at Halacha in a different and, we believe, more

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<sup>15</sup> Walter Jacob, introduction to *American Reform Responsa: Collected Responsa of the Central Conference of American Rabbis, 1889-1983*, ed. Walter Jacob (New York: Central Conference of American Rabbis, 1983), xv.

<sup>16</sup> Peter J. Haas, “Reform Judaism and Halacha: A Rapprochement?” in *Platforms and Prayer Books: Theological and Liturgical Perspectives on Reform Judaism*, ed. Dana Evan Kaplan (New York: Rowman & Littlefield Publishers, Inc., 2002): 233-4.

<sup>17</sup> Donniel Hartman, *Putting God Second: How to Save Religion from Itself* (Boston, MA: Beacon Press, 2016), 6.

creative way that other Jewish groups. We have not looked to the Orthodox for approval; rather, our responsa and the guides which we have written have linked the past to the present and sought to make Halacha meaningful to new generations.”<sup>18</sup> The underlying spirit of the first conference built the foundation for the CCAR as the source of Reform *halakhah*.

During the first day of the first conference, Isaac M. Wise declared that,

The united Rabbis of America have undoubtedly the right – also according to the Talmudical teachings – to declare and decide, anyhow for our country, with its particular circumstances, unforeseen anywhere, which of our religious forms, institutions, observances, usages, customs, ordinances and prescriptions are still living factors in our religious, ethical, and intellectual life, and which are so no longer and ought to be replaced by more adequate means to give expression to the spirit of Judaism and to reveal its character of universal religion. It is undoubtedly the duty and right of the united rabbis to protect Judaism against stagnation and each individual rabbi against the attacks frequently made upon [any]one who proposes any reform measure. Let the attack be made hereafter on the Conference and let the honor of the individual be preserved intact. All reforms ought to go into practice on the authority of the conference, not only to protect the individual rabbi, but to protect Judaism against presumptuous innovations and the precipitations of rash and inconsiderate men. The Conference is the lawful authority in all matters of form.... It must be done gradually and originally... with the consent and to the satisfaction of all, and can be done lawfully and effectually by the Conference only.<sup>19</sup>

Although a champion of individualism, Wise was aware of the “tyranny of the masses,” and the pitfalls of allowing decisions of Reform Judaism to be made by the untrained and unknowledgeable. In truth, Reform Judaism never truly deviated from the fundamental concept that “being Jewish,” or “living Jewishly,” is grounded in a set of practices determined through the interpretation of texts. Any form of interpretation – whether legal, literary, or Scriptural – entails some degree of understanding and expertise in reading

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<sup>18</sup> Jacob, introduction to *ARR*, xvi.

<sup>19</sup> *Yearbook of the Central Conference of American Rabbis: 5651 - 1890-91*, vol. 1 (Cincinnati, OH: Bloch Publishing and Printing, 1891), 19-20.

and deciphering the texts in question. Like most forms of knowledge, said “expertise” is not democratic, although that does not necessarily preclude the involvement of individuals or the larger community in making decisions. It does mean, however, that the community tends to show deference to those who are trained in the interpretation of the texts in question. In other words, the truth is not subject to a vote by the community at large. One could make the argument that Wise’s comments reflect what rabbis wanted rather than what was happening in the congregations. However, when there were questions concerning how to do things “correctly,” congregants would ask rabbis, who (if they did not know the “correct” Reform answer), would ask the CCAR. In the second *Yearbook*, “the rabbis of the land, in whom are vested the authority and the duty to decide all such matters,” were asked a question about *milat gerim*.<sup>20</sup> Although there is no official decision or ruling, there are two conference papers, as well as individual responses from fourteen rabbis, including a response from Isaac M. Wise, which were published in the *Yearbook*, and again decades later when Reform *halakhah* was compiled into books. These are clearly examples of Reform *halakhah*, but more than that, they are evidence that Reform *halakhah* was always supposed to be part of the movement.

But, as previously stated, there was always a tension between imposing limits in the form of *halakhic* decisions, and an individual’s choice. The CCAR did not even have an official Responsa Committee until 1906, where a resolution both established the committee

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<sup>20</sup> *Yearbook of the Central Conference of American Rabbis: 5652 - 1891-92*, vol. 2 (Cincinnati, OH: Bloch Publishing and Printing, 1892), 84. The majority of the rationale and text of the resolution can be found in: “68. Circumcision for Adult Proselytes,” in Jacob, *ARR*, 216-237; or online, Isaac M. Wise, “Circumcision for Adult Proselytes,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-216-237>.

itself, appointed two rabbis to whom responsa questions were to be submitted.<sup>21</sup> Even then, the purpose of the committee was “neither to deal with the old Responsa literature nor to foment its modern successors, but to report on the casuistic of modern Judaism as those arise out of the complications created by our environment.”<sup>22</sup> At the same time, the importance of responsa was also clear: “the fact remains that the average man is unable to apply the abstract principle,” and that when there is “a conflict of duties,” whether that be amongst a person’s own family, within their own religion, or regarding the dichotomy of secular American duties and American Jewish ones, an average Jew “frequently finds himself unable to decide... either he violates the religious principle from indifference and lack of guidance or else he eschews all positive measures out of a sense of uncertainty and hesitation.”<sup>23</sup> Although the term had not been invented yet, beyond questions of ritual and practice, the central purpose for Reform *halakhah* was to provide Jews with answers at moments of intersectionality, when there was tension between sacred and secular, or tensions between being a Reform Jew while still recognizing that we came out of a more ancient tradition. As Jacob asserts, “guidance has been sought in almost every area of life,” but the philosophy of the response has always stayed true to dual ancient/modern core of Reform Judaism: “the approach to the questions is realistic; patterns which seemed fixed by tradition have been shown to be much more flexible than ever imagined by a thorough study of their development. Permissive

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<sup>21</sup> *Yearbook of the Central Conference of American Rabbis: 5666 - 1906*, vol. 16 (Cincinnati, OH: Bloch Publishing and Printing, 1906), 67.

<sup>22</sup> Max Heller, “Modern Casuistics,” *The American Israelite*, Mar 3, 1910, ProQuest Historical Newspapers: *The American Israelite*, 4.

<sup>23</sup> *Ibid.*



answers predominate, but they are often accompanied by cautionary strictures.”<sup>24</sup> Reform *halakhah* may be more permissive, but it is also careful and intentioned.

From the beginning, almost all of the decisions of the Responsa Committee concerned life cycle events.<sup>25</sup> In some of the early years, the *halakhic* discourses were even reprinted (or printed for the first time) in newspapers, most notably the *Israelite*, under the heading “Modern Casuistics.”<sup>26</sup> In that format, any person who bought a paper could access these decisions. Clearly, congregants still wanted to know the “right” way to do something, or to know if they were allowed to do something under Jewish law, especially when their families were at stake.

There was a marked increase in Reform *halakhah* in general starting in 1922,<sup>27</sup> but especially towards the end of WWI, there was an increase of *halakhah* responding to the intersectionality of Judaism with science, and Judaism with social justice/liberalism. For

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<sup>24</sup> Jacob, introduction to *ARR*, xviii.

<sup>25</sup> I include in that category things linked to life cycle events (for example responsa about burial and/or mourning I consider to be a part of the life cycle event of death). I also include conversion in this group, as for those converting, and for their families, it is a major event in the course of their lives, and is almost like a second birth.

<sup>26</sup> Heller, 4. The first part of this first *halakhic* article read: “What Radical Reform would have done without the *Shulchan Aruch* is too frightful a chance to contemplate calmly. No slogan could ever have been found as convenient and expressive for the denunciation for ‘soulless legalism,’ of ‘mechanical ceremonialism;’ nor could the ‘reactionary’ have been silenced more expeditiously by the invoking of any other ghost.... And yet the truth is gradually dawning upon us that more and more, as we crystalize our convictions under the reign of liberalism, we, too, shall need something like a *Shulchan Aruch* and some of us, without a grain of religious intolerance or theocratic despotism in our dispositions, may come to sigh for a little more power to enforce the modern code.”

<sup>27</sup> 1922 marked the year of the first *halakhic* discussion whether or not to ordain women rabbis. This was prompted by Martha Neumark, daughter of an HUC professor, enrolling in HUC, which necessitated that the conference decide what would happen at the end of her schooling. See: “7. Ordination of Women,” in *ARR*, 216-237. Although there is an online version, it contains only one paragraph of information out of the 19 pages of text that appear in the book.

instance, in 1925 Rabbi Jacob Lauterbach wrote a responsum on autopsy,<sup>28</sup> and in 1927 on birth control.<sup>29</sup> There was even a 1954 decision on “Marriage of a Negro Man to a Jewish Woman” by Rabbi Israel Bettan.<sup>30</sup> There were a plethora of responsa dealing with medical ethics.

Starting in the midst WWII, there were instances of hypothetical *halakhah*, or *halakhah* which dealt with situations that, while they were not actually issues now, could hypothetically be an issue once science made them possible. For example, in 1967, Rabbi Solomon B. Freehof gave a responsum on “Freezing Bodies for Later Revival,” or using Cryobiology to freeze someone who is had an incurable disease, and then defrosting them once a cure had been found.<sup>31</sup> Regardless of the outcome of that responsum,<sup>32</sup> Cryobiology was not extant technology in the 1960’s. Cryobiology to the extent where a living person would be able to be frozen and then revived, is still not possible with modern science. Yet, the question was still answered, and was answerable, by the responsa committee.

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<sup>28</sup> Jacob Z. Lauterbach, “82. Autopsy,” in Jacob, *ARR*, 278-83; or online, Jacob Z. Lauterbach, “82. Autopsy,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-278-283>.

<sup>29</sup> Jacob Z. Lauterbach, “156. Birth Control,” in Jacob, *ARR*, 486-99; or online, Jacob Z. Lauterbach, “156. Birth Control,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-486-499>.

<sup>30</sup> Israel Bettan, “144. Marriage of a Negro Man to a Jewish Woman” in Jacob, *ARR*, 440-41; or online, Israel Bettan, “144. Marriage of a Negro Man to a Jewish woman,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-440-441>.

<sup>31</sup> Solomon B. Freehof, “81. Freezing Bodies for Later Revival (Cryobiology),” in Jacob, *ARR*, 277-78; or online, Solomon B. Freehof, “81. Freezing Bodies for Later Revival (Cryobiology),” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-277-278>.

<sup>32</sup> The answer is, if there is a reliable cure for the disease involving freezing someone, then it would be permitted. Otherwise, it would be forbidden, since freezing someone who is dying to keep them from dying of the disease is unnaturally prolonging their death.

Although the Cryobiology question is still yet, if ever, to be an actual issue, there have also been instances where there have been hypothetical *halakhic* rulings that allowed for an easier verdict when the science caught up to the possibilities. For example, in 1941, Bettan made a ruling on the “Predetermination of Sex” of an infant.<sup>33</sup> In other words, if it were scientifically possible to choose whether to have a boy or a girl, would it be *halakhically* permissible to do so. Considering the proximity to the heyday of the Eugenics movement, as well as the Holocaust, one would think this to be a touchy subject. However, Bettan, drawing from traditional sources, determined that “the desire of parents to predetermine, if possible, the sex of their progeny, is not a reprehensible desire. The objective sought is a legitimate objective” as long as the way they go about trying to gain the desired result is “moral, simple and safe.” Human in-vitro fertilization was still decades away from being a reality when this *halakhah* was made, but when in-vitro fertilization became available, the Reform movement already had a ruling as to whether parents could choose the gender of the implanted child. The issue is never called into question in any subsequent *halakhah* on *in vitro* fertilization.

Freehof also wrote a responsa in 1980 on “Halachah and Space Travel.” Admittedly, Freehof began by saying that his response would be “primarily an exploration of Jewish thought rather than a search for practical guidance, since there cannot be many Jewish astronauts to whom the problems might apply.”<sup>34</sup> The Orthodox were discussing the *halakhic*

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<sup>33</sup> Israel Bettan, “160. Predetermination of Sex,” in Jacob, *ARR*, 508-9; or online, Israel Bettan, “160. Predetermination of Sex,” Central Conference of American Rabbis, [www.ccarnet.org/ccar-responsa/arr-508-509](http://www.ccarnet.org/ccar-responsa/arr-508-509).

<sup>34</sup> Solomon B. Freehof, “Inquiry 1. Halachah and Space Travel,” in *New Reform Responsa* (Cincinnati: Hebrew Union College Press, 1980), 243–46; or online, Solomon B. Freehof, “Inquiry 1. Halachah and Space Travel,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/nrr-243-246/>.

implications of space exploration even earlier. In 1964, Rabbi Azriel Rosenfeld wrote “The Sabbath in the Space Age,” a *halakhic* exploration of how Jews would follow time-based *halakhah* while in space.<sup>35</sup> A year later in 1965, Rabbi Norman Lamm published “The Religious Implications of Extraterrestrial Life,” whose first sentence declares, “the existence of rational, sentient beings on a planet other than earth is no longer a fantastic, remote possibility conjectured by imaginative and unrealistic minds. It is declared not a possibility but a probability.”<sup>36</sup> Even though Jews may not strictly need *halakhic* answers about space at this moment, Rabbis can still work to solve those problems in the present. Whether or not sentient extraterrestrials exist, and further that they would want to become Jews, may be uncertain, but it is still something worth exploring.

### **Methodology:**

During the course of answering the question, “could sentient extraterrestrials convert to Judaism,” I will be focusing primarily on theological and philosophical argument; I will leave modern science largely out of the discussion. One reason is that the biology of any hypothetical extraterrestrial is unknown. They could be like us or they could be absolutely nothing like us. The possibilities of what an extraterrestrial could physically look like are literally limitless. Further, biological characteristics of an extraterrestrial from one planet may not apply to extraterrestrials from another. It would not be productive to try to account for every biological eventuality. Even assuming an extraterrestrial would be able to meet all physical requirements for conversion and Jewish practice, there are still issues as to whether

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<sup>35</sup> Azriel Rosenfeld, “The Sabbath in the Space Age,” *Tradition: A Journal of Orthodox Jewish Thought*, 7, no. 1 (1964): 27–33.

<sup>36</sup> Norman Lamm, “The Religious Implications of Extraterrestrial Life,” *Tradition*, 7-8 (1965): 5–56. Republished in Norman Lamm, *Faith and Doubt: Studies in Traditional Jewish Thought*, 3<sup>rd</sup> augmented ed. (Jersey City, NJ: KTAV Pub House, 2006).

or not they could convert. The nexus of the issue, here, is not if an entity with certain physical characteristics can convert, but rather whether an extraterrestrial, as a non-human, could convert,.

This thesis will rely heavily on Hebrew-language texts and their translations. Where possible, I have tried to provide both the Hebrew and the English of any citation I use, so that the reader might have both to hand as I offer my interpretation. However, for those sources which are written exclusively in Aramaic,<sup>37</sup> I will only provide the English translation. For citations from the TaNaKh, I use the JPS English translation. For the Talmud, I use the translation from the William Davidson Talmud. Although I will rely on scholarly translations of the Hebrew texts when they exist, I have altered them as needed to be more literal to the text, to unify terms,<sup>38</sup> to remove ideological translations, and to remove commentary that has been amalgamated into the English translation.

Concerning my own translations, or how I have altered others' translations, I have endeavored to translate the same Hebrew term universally where possible. This can introduce problematic elements for a modern Liberal reader. Historically, when writers, rabbinic or otherwise, write about humanity as a whole, or the human condition, they tend to use male gendered terms (for example, mankind). Although I recognize the problematic and potentially dangerous psycholinguistics associated with such a practice, I am going to preserve gendered language if it appears in the original citation, whether originally in Hebrew or English, because several of my arguments rest on semantics and usage of specific terms. The exception to this practice is God; where possible, I will translate God in a gender-

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<sup>37</sup> For example, the *Zohar*.

<sup>38</sup> So that one Hebrew word is translated as the same English word as much as possible.

neutral fashion.<sup>39</sup> This paper is not concerned with exploring the nature, gender, and/or structure of God, so I feel comfortable translating god language in a gender-neutral fashion.

I will try to account for Orthodox opinion as well as the Reform opinion. The extended Rabbinic tradition is both Orthodox's and Reform's common ancestor, so the basis of both groups' opinions would be the same. However, the Orthodox are more strict in their interpretation and following of *halakhah*. That is, the way of rabbinic reasoning is different from scientific, sociological, or ethical reasoning, but within the system of *halakhah*, the Orthodox primarily employ rabbinic reasoning. With the additions of scientific writings, modern academic scholarship, and a sense ethics that can override the letter, if not the spirit, of the law, Reform responsa cannot necessarily say the same. As Jacob asserts, "the roots of Reform Halacha lie partially in our nineteenth-century past... They are, however, more deeply rooted in the distant rabbinic past. On occasion we may be as radical as those Tanaim and Amoraim who created Rabbinic Judaism, and thereby created anew. Frequently, we will find appropriate solutions in the tradition, broadly perceived."<sup>40</sup> It is in that spirit, with both the textual tradition and the willingness to interpret it with an open mind, that I will proceed with my analysis.

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<sup>39</sup> An exception to this is Genesis 1:27. I could not think of a way to translate the verse in such a way where I could both preserve the human terms and maintain gender neutrality for God, while still using intelligible English. As the argument needed the human terms, I elected to favor them in translation over God's gender.

<sup>40</sup> Jacob, introduction to Jacob, *ARR*, xviii.

## **Chapter 2: Halakhah of Conversion**

Before investigating the viability extraterrestrials as potential converts, however, I would like to review the established *halakhah* concerning conversion. The language used in the *halakhah* will be very important. It is reasonable to assume that the original authors of the *halakhah* only conceptualized the law in terms of human beings. However, reviewing the vocabulary used in the *halakhah* of conversion will reveal if there is any semantic room for the law to apply to a being who is not biologically a human, but is human-like. Before the nature of sentient extraterrestrials can be explored, it needs to be established that there is a place for them in the law.

### **Vocabulary:**

The *Shulchan Aruch*,<sup>41</sup> contains the codified rules for the process of conversion.<sup>42</sup>

### **Proselytes and People:**

Throughout the entire section concerning conversion, the *Shulchan Aruch* never uses the term “אדם” or “בן אדם,” meaning “man” or “human.”<sup>43</sup> This is not to say that the rabbis intended for dogs or other animals to be included in the laws of conversion. They meant the law to apply to people, which in any case before them would have been human beings. The issue is whether or not a sentient extraterrestrial would legally count as a person, even if they were not biologically human. If there was a case of a sentient extraterrestrial who wished to

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<sup>41</sup> *Yoreh Deah, siman 268.*

<sup>42</sup> Although Karo cites Rambam (*Mishneh Torah, Issurei Bi'ah* 13 and 14) almost verbatim. Rambam in turn cites from the Talmud.

<sup>43</sup> Literally: “son of man”

convert, there is nothing in the language of the *halakhah* of conversion that would prevent them, or that would limit conversion to biological humans.

The first term used for the potential convert is “גר,” meaning a “dweller,” a “stranger,” or a “proselyte.”<sup>44</sup> Another comparable English term is “alien.” גר is more nuanced than simply a non-Jew; a גר is a former outsider who has now become a member of the community. Like English, גר could be stretched to mean extraterrestrial, although that was certainly not Karo’s intent when writing the *Shulchan Aruch*. Grammatically speaking, what is prevalent throughout the chapter is not to name a subject at all. There is an all-purpose “him” used that clearly refers to the גר, or an all-purpose “her” that refers to the גיורת (although the term גיורת is not specifically used except in the title of the chapter). But nothing specifically limits the גר to being בן אדם nor inherently precludes גר from being non-biologically human.

Karo also uses איש and אישה,<sup>45</sup> or “man” and “woman,” although sparingly. Technically speaking, “איש” does not strictly need to refer to a human being. One example is “וַיִּנָּתֶר יַעֲקֹב לְבֶדּוֹ וַיֵּאָבֶק אִישׁ עִמּוֹ עַד עֲלֹת הַשָּׁחַר,” meaning, “Jacob was left alone. And a man wrestled with him until the break of dawn.”<sup>46</sup> The איש in question is commonly understood to be an angel, as said Rabbi Chama ben Chanina, “שָׁרוּ שָׁל עֵשָׂו הָיָה,” or, “he was Esau’s guardian angel.”<sup>47</sup> There is also proof in biblical sources for a non-human definition for איש. When God tells Abraham that he will have a son, “וַיֵּשָׂא עֵינָיו וַיֵּרָא וְהִנֵּה שְׁלֹשָׁה אַנְשִׁים נֹצְרִים עָלָיו,”

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<sup>44</sup> Jastrow 263.

<sup>45</sup> Some of the original citations use אישה instead of איש. I have preserved the אישה spelling in the citations, but use איש when writing my own words.

<sup>46</sup> Genesis 32:25

<sup>47</sup> *Bereishit Rabba* 77:3



or, “Looking up, he saw three men standing near him.”<sup>48</sup> Later, “וַיִּקְמוּ מִשָּׁם הָאֲנָשִׁים וַיִּשְׁקֹפוּ עַל-”<sup>49</sup> or, “The men set out from there and looked down toward Sodom,”<sup>49</sup> but God stayed behind to speak with Abraham.<sup>50</sup> But in the next chapter the Torah reads, “וַיָּבֹאוּ שְׁנֵי הַמַּלְאָכִים”<sup>51</sup> or, “The two angels arrived in Sodom in the evening,”<sup>51</sup> meaning that the two angels that left Abraham in 18:16 are now being called angels. Further, the third אִישׁ from Genesis 18:2, who did not go to Sodom, was God.<sup>52</sup> The angels and God are supposed to be incorporeal, but in the instances when they are referred to as אִישׁ, they are on Earth and are corporeal enough to interact with human beings.<sup>53</sup> Given that אִישׁ and אִשָּׁה can apply to humans, angels, and God, “male sentient” and “female sentient” could be better definitions for אִישׁ and אִשָּׁה that would describe all beings to which the term is applied, as opposed to זָכָר and נְקֵבָה, which would be biologically male and female, or אָדָם (בֶּן), which would be biologically human.

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<sup>48</sup> Genesis 18:2

<sup>49</sup> Genesis 18:16

<sup>50</sup> Genesis 18:17ff.

<sup>51</sup> Genesis 19:1.

<sup>52</sup> Genesis 18:1. See also Daniel 9:21 (“וְהָאִישׁ גַּבְרִיאֵל,” “the man/angel Gabriel”); Exodus 25:20 and 37:9 (“וּפָנֵיהֶם אִישׁ אֶל-אָחִיו,” regarding Cherubim on the cover of the Ark: “facing each other,” literally “their [the Cherubim’s] faces a man to his brother”), Isaiah 40:26 (regarding the Heavenly Host/army of angels: “אִישׁ לֹא נֶעְדָּר,” “not one fails to appear,” literally “no man/no angel fails [to appear]”), Ezekiel 1:9 (speaking of the same four celestial beings or angels: “וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ,” “[each] woman’s/angel’s wings were joined to their sisters’ [wings], they (m) did not turn as they (f) went, [each] man’s/angel’s face [was] towards the direction they (m) went”), 1:23 (“וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ,” “[each] woman’s wings [were extended] straight to her sisters’ [wings], for [each] man two [wings] cover, for [each of] them (f), their bodies”) and 3:13 (“וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ, וְהָיָה כִּי יֵלְכוּ,” “the sound of the wings of the creatures beating against one another” or more literally, “the sound of the wings of the creatures overlapping, [each] woman to her sister”).

<sup>53</sup> And even share a meal, as is the case in Genesis 18.

The accounts of the creation of the universe also would support a broader definition for איש and אישה. In the first chapter of the Torah, it says “וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ בְּעֵצֶלֶם” or, “And God created man in His image, in the image of God He created him; male and female He created them.”<sup>54</sup> God made אדם in God’s image, not איש or אנשים. God created human beings as זכר and נקבה, not איש and אישה. Later, the Torah reads, “וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ בְּעֵצֶלֶם” meaning, “Male and female He created them. And when God created them, God blessed them and called them Man, on the day in which God created them.”<sup>55</sup> Again, God created human beings as זכר and נקבה, not איש and אישה, and called them אדם, not איש or אנשים.

The use of זכר and נקבה as solely biological differentiation in the two above verses can be supported by the verses that follow them. In the verse directly following 1:27, God issues the command, “פְּרוּ וּרְבוּ וּמִלְאוּ אֶת־הָאָרֶץ,” or “Be fertile and increase, fill the earth.”<sup>56</sup> The citation for Genesis 5 relates the descendants of Adam. The verse following, 5:2 says, “וַיְהִי אֲזֵלָּהּ שְׁלֹשִׁים וּשְׁנָה וַיֵּלֶד” or, “When Adam had lived 130 years, he begot a son.”<sup>57</sup> In these instances, Adam and Eve are described as זכר and נקבה for the purposes of reproduction.

The use of זכר and נקבה as solely biological descriptors is also evinced elsewhere in the Torah. In the story of Noah, the Torah reads, “שְׁנַיִם שְׁנָיִם בָּאוּ אֵלֶיךָ זָכָר וּנְקֵבָה” or, “two by two they came to Noah into the ark, male and female.”<sup>58</sup> Noah needs to bring a male and a female of each species so they can repopulate the planet after the Flood. Reproduction

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<sup>54</sup> Genesis 1:27.

<sup>55</sup> Genesis 5:2.

<sup>56</sup> Genesis 1:28.

<sup>57</sup> Genesis 5:3.

<sup>58</sup> Genesis 7:9.

is a biological process which also applies to humans: “והבאים זָכָר ונקבה מכל־בָּשָׂר בָּאוּ בְּאֶשֶׁר צִוָּה” or, “Thus they that entered comprised male and female of all flesh, as God had commanded him.”<sup>59</sup> In this verse, כל-בשר includes animals and people, which are described זָכָר and נקבה. In most instances in the texts, humans are held separate (and above) animals, but something that both groups possess is the generative property, that is, the ability to reproduce.<sup>60</sup>

There are other instances in the Bible that emphasize the strictly biological aspect of human beings as represented by זָכָר and נקבה. For instance circumcision, which is only applied to human beings, not animals. On these occasions, the Torah uses זָכָר, not אִישׁ. For example, “זֹאת בְּרִיתִי אֲשֶׁר תַּשְׁמְרוּ בֵּינִי וּבֵינֵיכֶם וּבֵין זַרְעֵךְ אַחֲרַיִךְ הַמּוֹל לָכֶם כָּל־זָכָר,” or, “Such shall be the covenant between Me and you and your offspring to follow which you shall keep: every male among you shall be circumcised.”<sup>61</sup> Later, when talking about patrilineal descent, the Torah says, “שָׂאוּ אֶת־רֹאשׁ כָּל־עֵדֶת בְּנֵי־יִשְׂרָאֵל לְמִשְׁפְּחֹתָם לְבֵית אֲבֹתָם בְּמִסְפָּר שְׁמוֹת כָּל־זָכָר לְגִלְגָּלָתָם,” or, “Take a census of the whole Israelite community by the clans of its ancestral houses, listing the names, every male, head by head.”<sup>62</sup> Since this is essentially a list of human husbandry, זָכָר is used for the men of the household, not אִישׁ.

The only potential problem with the idea of redefining or broadening the definition of אִישׁ is in the following verse: “מִכָּל הַבְּהֵמָה הַטְּהוֹרָה תִּקַּח־לָךְ שִׁבְעָה שִׁבְעָה אִישׁ וְאִשְׁתּוֹ וּמִן־הַבְּהֵמָה אֲשֶׁר :” or, “Of every clean animal you shall take seven pairs, a male

<sup>59</sup> Genesis 7:16.

<sup>60</sup> Both animals and humans share the generative property with plants (which, in the texts, are not male and female, and thus are not a part of this discussion). However, only animals and humans have the animate property, or the ability to move. Humans have an additional rational property. This will be discussed more in Chapter 4, below.

<sup>61</sup> Genesis 17:10. See also Leviticus 12:2, below.

<sup>62</sup> Numbers 1:2.

(lit: man) and his mate, and of every animal that is not clean, two, a male (lit: man) and his mate”<sup>63</sup> Here, *איש* and *אשתו*, “his wife/mate,” are used instead of *זכר* and *נקבה*. However, the next verse does not use *איש* and *אישה*, but rather *זכר* and *נקבה*: “גַּם מִצֹּרֶף הַשָּׁמַיִם שְׁבָעָה שְׁבָעָה זָכָר וְנָקְבָה זָכָר,” or, “of the birds of the sky also, seven pairs, male and female, to keep seed alive upon all the earth.”<sup>64</sup> In the Bible, *זכר* and *נקבה*, in general, are used for all the animals of the earth. Genesis 7:3 directly relates to the idea of procreation; all that is needed for normative reproduction is a male and a female of the species.<sup>65</sup> The terms *איש* and *אשתו* are used in Genesis 7:2 specifically for paired animals, both clean animals that could be offerings, and unclean ones that could not. There may be a nuance of something special and elevated within the definition of *איש* and *אישה*, as opposed to just being gender differentiations. Ibn Ezra elaborates on the nature of *איש* and *אשתו*, saying the terms signify “עצם דבר, כמו: איש מלחמה (שמות ט”ו:ג’), איש לא נעדר (ישעיהו מ’כ”ו), והאיש גבריאל (דניאל ט’כ”א).” or, the “essence”<sup>66</sup> of a thing, such as: ‘a man of war’ (Exodus 15:3<sup>67</sup>), ‘no man failed to appear’ (Isaiah 40:26<sup>68</sup>), and ‘the

<sup>63</sup> Genesis 7:2

<sup>64</sup> Genesis 7:3.

<sup>65</sup> See also Leviticus 12:2, below.

<sup>66</sup> Ibn Ezra uses *עצם*, or “bone.” Here it has the sense of the essential or centermost part of a thing, like in the English expression, “I feel it in my bones.”

<sup>67</sup> The 1917 JPS translation of the verse reads “The Lord is a *man of war*, The Lord is God’s name,” while the more recent JPS translation reads, “The Lord, *the Warrior* – Lord is God’s name!” (Emphasis my addition, here and in the following citations).

<sup>68</sup> See note 12 above. “Lift high your eyes and see: Who created these? The One who sends out Their host by count, Who calls them each by name: Because of God’s great might and vast power, *not one fails to appear*.” In Ibn Ezra’s comments on this verse (Isaiah 40:26:3), he says that *איש לא נעדר* refers to the *עצם*, the essence or individual-ness, of each star. In an earlier comment (Isaiah 40:26:1) Ibn Ezra says that the “host” or entities that God is calling are stars, or possibly planets.

man/angel Gabriel’ (Daniel 9:26<sup>69</sup>). And/or, what something is supported by or hangs on: ‘a woman to her sister’ [one thing supported by/joined to another] (Ezekiel 1:9<sup>70</sup>; Exodus 26:3<sup>71</sup>).<sup>72</sup> Clearly, neither איש nor אישה refer strictly to being biologically male or female, or even being a biological human. In the case of אישה, it speaks more to a relationship, of interconnectedness, of joining things together. The meaning of a “man/male and its mate” takes on the nuance of the two animals being essentially or definitionally joined, or that the mate is an integral part of the male animal. In terms of the specifically paired land animals, this means that the pair (clean or unclean) was literally made/created for each other, as opposed to the זכר and נקבה pairs of birds, where any random male and female of the species will do. Since Genesis 7:2 makes no mention of procreation, but Genesis 7:3 specifically explains the purpose of זכר and נקבה with procreation, those two terms must define strictly biological functions.

Returning to Adam and Eve, the first occurrences of the terms אישה and איש also speak to that special paired relationship: “וַיִּבְרָא יְהוָה אֱלֹהִים אֶת-הַצֶּלֶע אֲשֶׁר-לָקַח מִן-הָאָדָם לְאִשָּׁה” or, “וַיִּבְרָא אֱלֹהִים אֶת-הָאָדָם: וַיֹּאמֶר הָאָדָם זֶאת הִנֵּנִי עֵצָה מֵעֵצֵי וְיִשָּׁר מִבְּשָׁרִי לְזֹאת יִקְרָא אִשָּׁה כִּי מֵאִישׁ לִקְחָהּ זֹאת” or, “And the Lord God fashioned the rib that God had taken from the human into a woman; and God brought her to the human. Then the human said, ‘This one at last is bone of my bones

<sup>69</sup> See note 12 above. “While I was uttering my prayer, the *man/angel Gabriel*, whom I had previously seen in the vision, was sent forth in flight and reached me about the time of the evening offering.”

<sup>70</sup> See note 12 above. Unaltered JPS translation: “*Each one's* wings touched those of the other. They did not turn when they moved; each could move in the direction of any of its faces.”

<sup>71</sup> “Five of the cloths shall be joined *to one another*, and the other five cloths shall be joined *to one another*.”

<sup>72</sup> *Dikduk HaMilim*, Genesis 7:2.

and flesh of my flesh. This one shall be called ‘woman,’ for from man was she taken.”<sup>73</sup>

From the moment of her existence, the woman is אישה, because she was made from Adam’s innermost parts, one of his bones. The human male only gains personhood as איש once אישה is created, and the relationship is formed. The Torah continues “על־כֵּן יַעֲזֹב־אִישׁ אֶת־אָבִיו וְאֶת־”  
:אִמּוֹ וְדָבַק בְּאִשְׁתּוֹ וְהָיוּ לְבָשָׁר אֶחָד:” or “Therefore a man leaves his father and mother and clings to his wife, so that they become one flesh.”<sup>74</sup> איש and אישה speak to relationships, first of the man to his nuclear family, and then of the man and his wife. Even the idea of becoming “one flesh” is not really biological – its not about producing offspring. It is trying to reclaim the oneness that existed before איש and אישה became separate beings. The final verse in the Creation narrative reads “וַיִּהְיוּ שְׁנֵיהֶם עָרוּמִים הָאָדָם וְאִשְׁתּוֹ וְלֹא יִתְבַּשְׁשׁוּ:” or “The two of them were naked, the human and his wife, yet they felt no shame.”<sup>75</sup> The verse speaks to the corporeality of being naked, thus the biological term אדם is used, but the relationship between Adam and Eve is still present, so אישתו is preserved.

### Childbirth:

The Torah also maintains these two levels of humanity and personhood when it describes purification after childbirth. The Torah reads, “אִשָּׁה כִּי תִזְרִיעַ וַיִּלְדָּה זָכָר וְטִמְאָה שִׁבְעַת יָמִים” or, “When a woman at childbirth bears a male, she shall be unclean seven days; she shall be unclean as at the time of her menstrual infirmity.”<sup>76</sup> There are two terms in the verse that essentially mean “to give birth” or “to produce a child”: תזריע and ילדה.

<sup>73</sup> Genesis 2:22-23. NB: אישה appears before איש in the TaNaKh.

<sup>74</sup> Genesis 2:24.

<sup>75</sup> Genesis 2:25

<sup>76</sup> Leviticus 12:2

The second term is simple; it is the verb form of ילד, or “child;” literally “to child” (if such a verb existed in English), usually translated as “birth, giving birth.”<sup>77</sup> תזריע is more complicated. It comes from the root זרע, which, when used with plants means “seed,” or in verb form, “to strew, sow [seeds],” or even “to yield seed,”<sup>78</sup> but concerning humans it concerns issue, or descendants.<sup>79</sup> The verb is causative, so it could be translated as “causing descendants,” or “producing descendants.” English translations could use the passive verb “is pregnant,” or the intransitive verb “giving birth.” תזריע could even be the transitive verb “conceives [a child],”<sup>80</sup> which reflects a state long before actual childbirth, but still speaks to producing descendants.

In Hebrew, ילדה is perfect, meaning the action is complete. I am aware that ילדה is preceded by a ו-consecutive, which means that the tense is reversed to give the sense of being in the future, which normally means actions are not complete (because they have not yet occurred). However, the phase in which the verb appears is a zero conditional phrase. The perfect nature of the verb, that the action *must* be completed for the condition to apply, is preserved. That is, in order for this stricture in Leviticus 12:2 to apply, the woman *must* give birth to a male.

This makes the presence of תזריע even more puzzling. If it also means simply “to give birth,” it is redundant.<sup>81</sup> If it means “to conceive,” it is even more puzzling because the verb is imperfect, meaning the action is not completed. Logically, a woman must have already conceived (תזריע) before she gives birth (ילדה). It is possible that תזריע is used to indicate the

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<sup>77</sup> Jastrow, 706.

<sup>78</sup> Ibn Ezra on Leviticus 12:2.

<sup>79</sup> Jastrow, 414.

<sup>80</sup> See Ibn Ezra on Leviticus 12:2.

<sup>81</sup> Cf. Rashi on Leviticus 12:2.

sex of the child is not yet determined, that the child she carries is more of a notion or idea, which then resolves into an actual being with a definite sex at birth (ילדה, the perfect action). In this case, it still makes sense that אישה is used, because biology (the child being זכר or נקבה) is not yet in play. It is also possible that תזריע is meant to be linked to another major occurrence of the root זרע, when God makes a covenant with Abraham: “הַבְּטֹנָה הַשְּׁמַיְמָה וְסָפָר” or, “Look now toward the heavens, and count the stars, if you are able to count them;” and God said to him: ‘So shall your seed be.’<sup>82</sup> When speaking of Abraham’s future descendants, God uses the figurative language זרעך, not זכר or נקבה, or even אנשים, and this continues for the whole passage. Looking back to the Table of Descendants,<sup>83</sup> זרע is not used, only the gendered terms זכר and נקבה, as well as בני-ישראל. This could mean that when God makes the covenant using זרע, God does not mean the biological descendants of Abraham, but the future of what would become the Jewish People. The emphasis is on their relationship or contract with God. This also has implications in the discussion concerning sentient extraterrestrials, because it opens up avenues for those who are not biological descendants of Abraham, which would include sentient extraterrestrials, to potentially be a part of the future of the Jewish People.<sup>84</sup> Further, in a poetic fashion, it would tie beautifully with fact that God instructed Abraham to “look to the heavens,” and that his descendants will be as numerous as the stars.<sup>85</sup> Other instances of covenantal language also

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<sup>82</sup> Genesis 15:5.

<sup>83</sup> Numbers 1:2, see above.

<sup>84</sup> In order to be certain of this conclusion, there would need to be an in-depth analysis of when and where זרע is employed, as well as looking at all of the occurrences of tables of descendants in the TaNaKh.

<sup>85</sup> As opposed to, say, as numerous as the dust of the earth, as in Genesis 13:16, which also uses איש as well as זרעך. See also Genesis 26:4, where God promises Isaac’s descendants (using זרעך) will be as numerous as the stars, and be a blessing for all the peoples of the earth.



כי נשבעתי נאם-יהוה כי יען אשר עשית את-הדבר הזה ולא חשכת את-בנה את-יחידה: כי--: כוכב and זרע use  
 ברה אברקה ותרבה ארבה את-זרעה ככוכבי השמים וכחול אשר על-שפת הים וירש זרעה את אשר איביו:  
 ,” or, “והתרבו בזרעה כל גויי הארץ לקב אשר שמעת בקלי:

“By Myself I swear,” the LORD declares: “Because you have done this and have not withheld your son, your favored one, I will bestow My blessing upon you and make your descendants as numerous as the stars of heaven and the sands on the seashore; and your descendants shall seize the gates of their foes. All the nations of the earth shall bless themselves by your descendants, because you have obeyed My command.”<sup>86</sup>

Here, too, God uses זרע for the descendants of Abraham and Isaac. Further, God links the “stars in the sky” to the “sand of the shore,” and links both to the number of their descendants. One could go further and say that for both to be true, for the number of Jews to be as numerous as both the stars in the sky and the sand of the shore combined, it would necessitate the possible addition sentient extraterrestrials, just for the sake of numbers. If this analysis is acceptable, then including sentient extraterrestrials amongst the number of converted Jews will only benefit all who live on the Earth, or on any earth.

The idea of ילדה emphasizing biology is further supported later in the Leviticus passage: “זאת תורה הילדת לזכר או לנקבה,” or, “This is the law concerning her who gives birth, to a male or to a female.”<sup>87</sup> The children are specifically termed זכר and נקבה, and which law applies is contingent on the child being biologically male or female. This passage does not mention אישה or תזריע, but instead turns ילדה into a noun, again, emphasizing the biological process. The pertinent information is that the child is male or female, not that the woman carries on the line.

<sup>86</sup> Genesis 22:16-18.

<sup>87</sup> Leviticus 12:7

Returning to Leviticus 12:2, The woman begins the verse as an אישה, but, after she performs the action of giving birth to a son, she becomes impure. The term for the son is זכר, a male, not ילד or ילד זכר, a male child, or even בן, a son. This repeats should she have a female child: “וְאִם-בִּתּוֹ יֵלֵד וְטִמְאָהּ שְׁבַע יָמִים כְּנִדְתָּהּ,” or “If she bears a female, she shall be unclean two weeks as during her menstruation.”<sup>88</sup> Similarly to the verse of giving birth to a son and contracting ritual impurity, the daughter is called נקבה, a female, not ילדה or ילדה, a female child, or בת, a daughter. However, “וַיָּמִי טְהֻרָהּ לְבֶן אֶזְרָא כָּבֵשׁ בֶּן-” ובמקלאת | ימי טהורה לבן אֶזְרָא כָּבֵשׁ בֶּן-,” or “On the completion of her period of purification, for either son or daughter, she shall bring to the priest, at the entrance of the Tent of Meeting, a lamb in its first year for a burnt offering, and a pigeon or a turtledove for a sin offering”<sup>89</sup> Once ritual purity has been regained, the children become בן and בת. Even for the clean, animal sacrifices, the terms used are כבש בן-שנתו, a (boy) lamb that is one year old instead of כבש זכר or כבש אחד, and בן-יונה, literally “son of a dove” instead of יונה זכר.<sup>90</sup> After giving the offerings, “וְטִהַרְהָ מִמָּקֶר דָּמֶיהָ זֹאת תֹּורַת הַיִּלְדֹּת לְזָכָר אֶזְרָא לְנִקְבָּהּ:” or “she shall then be clean from her flow of blood. Such are the rituals concerning her who bears a child, male or female.”<sup>91</sup> When summarizing the laws of incurring ritual impurity from childbirth, the terms

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<sup>88</sup> Leviticus 12:5

<sup>89</sup> Leviticus 12:6

<sup>90</sup> Grammatically, I know this is problematic because יונה is a female noun, but the verse takes pains to use בן for both animals that are to be ritually sacrificed. However, כבש is a male noun, so it seems odd that the verse would necessitate using בן-שנתו. A lamb is by definition young, although admittedly I do not know how old a lamb has to be before it transitions from being a lamb to a sheep. This could be an indication that בן and בת may function in these contexts as the child equivalents of אישה and יאש, but this would require further investigation.

<sup>91</sup> Leviticus 12:7

are *היולדת לבו או לבת*, one who bears a male or female, not *היולדת לזכר או לנקבה*, one who bears a son or a daughter.

In any event, there is clearly something that transcends the physical and biological that determines the usage of the terms *איש* and *אישה*, as opposed to corporeal terms *זכר* and *נקבה*.

There is also room for interpretation of *איש* and *אישה* in the *Shulchan Aruch*.<sup>92</sup> The first time Karo differentiates between female from male proselytes, he uses *אישה*. Karo also uses *איש* and *אישה* when discussing reasons for having gone to a mikveh, which is done to change one status (conversion) or to regain a state of purity. When Karo speaks on the subject of proselytes who want to convert in order to marry a Jewish man or woman, the proselyte partners are *איש* and *אשה*, if the subject is specified at all. When he speaks of the Jewish party, Karo uses “*בחורי ישראל*,” “*בת ישראל*,” “*ישראלית*,” and once “*אשה יהודית*.” Except for that last example, using *איש* and *אישה* seems to be a way of differentiating non-Jews from Jews. But both cases concern the motivations of the potential convert, so the context of the conversation is not strictly procreation, but matters of personal status and motivations for making a legally binding decision. *נשים* only appears once, when women immerse a female proselyte. Going in a mikveh is a matter of purity, something that transcends the physical status of being a male human and a female human. If it was a solely biological matter, *זכר* and *נקבה* would have been used. For example, “*וּבְנוֹשְׁמַנֵּת יָמִים יִמּוֹל לָכֶם כָּל־זָכָר לְדַרְתִּיכֶם יֶלֶד בְּיָתִי*,” “*וּמִקְנַת־כֶּסֶף מִכָּל בֶּן־גִּזְרָא אֲשֶׁר לֹא מִנְרָצָה הָיָא: הַמּוֹל | יִמּוֹל יֶלֶד בֵּיתָהּ וּמִקְנַת כֶּסֶף וְהָיְתָה בְּרִיתִי בִּבְשָׁרְכֶם לְבְרִית עוֹלָם*,” or, “And throughout the generations, every male among you shall be circumcised at

<sup>92</sup> Karo did not understand *איש* and *אישה* in the figurative sense evinced in the Bible. However, since there is biblical precedent for the usage, it is permissible to apply in rabbinic argument.

the age of eight days. As for the homeborn slave and the one bought from an outsider who is not of your offspring, they must be circumcised, homeborn, and purchased alike. Thus shall My covenant be marked in your flesh as an everlasting pact.”<sup>93</sup> The salient point is the physical act of circumcision, a way to have it marked בשרכם. It does not deal with issues of purity or motivations.

Karo also uses “עבדי כוכבים” as a term for non-Jews. This term is common in rabbinic literature for idolaters, but taken literally it means “star worshippers.” Any extraterrestrials, should they have a faith system, would still fit under the definition of עבדי כוכבים. By extension, that would classify sentient extraterrestrials as גויים, assuming they were accorded the same status of personhood as human beings.<sup>94</sup> Muslims, and later Christians, have been excluded from the עבדי כוכבים category in the centuries since the *Shulchan Aruch* was written; they are still non-Jews, but not עבדי כוכבים in the sense of “idolaters.” Yet, Christians and Muslims wishing to convert must still conform to the parts of the law that address עבדי כוכבים. עבדי כוכבים was often substituted for the original term, גוי, by redactors and printers out of fear of censorship and repercussions from the non-Jewish hegemony, so in essence, גוי and עבדי כוכבים are synonymous in this case. That only helps a potential sentient extraterrestrial proselyte, since there is existing *halakhah* concerning גויים. If the definition of עבדי כוכבים can be stretched to include groups that have already been *halakhically* excluded from the definition, it should be possible to include extraterrestrials in the definitions of איש and אישה, especially when there are already biblical precedents for the terms applying to non-humans, and having more than a strictly biological definition.

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<sup>93</sup> Genesis 17:12-13.

<sup>94</sup> See below, chapter 4.

### Requirements for Conversion:

There are three requirements for conversion: circumcision (if male), immersion, and *beit din*,<sup>95</sup> thought to have been derived from the Revelation at Sinai as related in the Talmud: “ככם כאבותיכם מה אבותיכם לא נכנסו לברית אלא במילה וטבילה והרצאת דם אף הם לא יכנסו” or, “You and the stranger shall be alike before the Lord,”<sup>96</sup> like your ancestors were: Just as your ancestors entered the covenant only through circumcision and immersion and the sprinkling of blood so too they may enter the covenant only through circumcision and immersion and the sprinkling of blood.”<sup>97</sup>

### Circumcision and Immersion:

Two of the requirements for conversion are physical in nature: circumcision and immersion. Without digressing too far into biological concerns, circumcision could be applied to an analogous reproductive appendage in the male equivalent of the species. The *Shulchan Aruch* already provides solutions for what to do if a proselyte was already circumcised, was born circumcised, or was emasculated. There are certainly other *halakhot* devoted to physical issues of circumcision, any of which could be applied or expanded according to extraterrestrial biology. Even if a strict male/female binary was not present, rabbinic tradition allows for four genders with two extra categories for further ambiguity.<sup>98</sup>

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<sup>95</sup> *BT Yevamot* 46b; *Mishneh Torah*, *Sefer Kedushah*, *Issurei Bi'ah* 13:1,4; *Shulchan Aruch*, *Yoreh Deah*, *Hilhot Gerim*, *siman* 268.3. Rambam actually says that a sacrifice is the third requirement, which is waived in the absence of a Temple.

<sup>96</sup> Numbers 15:15

<sup>97</sup> *BT Keritot* 9a.

<sup>98</sup> *Mishnah Nazir* 2:7, *Bikkurim* 4, and many others. Genders are זכר (male), נקבה (female), סריס (male who does not go through puberty and is infertile, or who is sexual organs were

There have already been rulings in the CCAR concerning transgender individuals<sup>99</sup> and transgender conversion candidates,<sup>100</sup> and there are likely to be more in the near future.

Although I do not know of any Orthodox *halakhic* rulings concerning transgender conversion, the Orthodox are already talking about transgender issues in general,<sup>101</sup> so it is likely a matter of time before someone asks a *she'elah* concerning transgender conversion. Any of these *halakhot* could be cross-applied to analogous forms in extraterrestrials.

Concerning a mikveh, the extraterrestrial would likewise need to be immersed in water. There are undoubtedly *halakhot* concerning problems with individuals immersing themselves that could be cross-applied. If the extraterrestrials were allergic to water, or if water was somehow toxic to them, that issue would need to be addressed as it arose.

However, exploring that issue is beyond the purview of this paper.

The Orthodox follow rabbinic tradition; so, too, does Reform Judaism. In 1893, Isaac M. Wise, as Chairman of the CCAR, declared that:

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removed), אִילָנוּיָה (female who does not go through puberty and is infertile); two categories of doubt are: אַנְדְּרוֹגִינּוּס (androgynous, both male and female characteristics), טוֹמְטוּם (sex is indeterminable). See the following two rabbinic theses for more information: E. Kulka, “A Created Being of its Own: Gender Multiplicity in Jewish Antiquity,” HUC Rabbinic Thesis, 2006; and Reuben Zellman, “Inyanei HaMitzvot: The Tumtum and Androgynous in the *Shulchan Aruch* and *Mishneh Torah*,” HUC Rabbinic Thesis, 2010.

<sup>99</sup> For example, “5776.2 Transgender and an Existing Marriage,” Central Conference of American Rabbis, 2016, <https://www.ccarnet.org/ccar-responsa/57762>.

<sup>100</sup> For example, “5769.6 Circumcision of a Transgender Female,” Central Conference of American Rabbis, 2009, <https://www.ccarnet.org/ccar-responsa/5769-6>.

<sup>101</sup> For example, Idan Ben Efraim, *Dor Tahapuchot*, (Jerusalem, 2004 [Hebrew]); Zev Farber, 2015, “Transgender Orthodox Jews,” *Morethodoxy: Exploring the Depth, Breadth and Passion of Orthodox Judaism* (blog), International Rabbinic Fellowship, August 6, 2015, <https://morethodoxy.org/2015/08/06/transgender-orthodox-jews>; Ronit Irshai, “The Contemporary Discourse on Sex-Reassignment Surgery in Orthodox Jewish Religious Law, as Reflected in *Dor Tahapuchot* (A Generation of Perversions),” (paper presented at The Conference on Transgenders and Religion, Harvard Law School, March 30, 2017).

In the Gemara and *Kelalei Hagemara* it is laid down as an established rule: “*Divrei Torah medivrei kabala la yalfinan*,” i.e., “The words of the Law [in Pentateuch] must not be construed by the words of tradition.” The term “*Kabala*” in this connection includes all post-Mosaic scriptures, as well as all narrative portions in the Mosaic books. No law can be based on or derived from any narrative and dignified as a law of the Torah (*mide-oraita*), which specifically ordains, “Ye shall not add” (to the Mosaic laws).... [Therefore] according to the *Torah*, and also as the rabbis of the *Talmud* and the compilers of the 613 Pentateuchal commandments understand it—no initiatory rites at all are prescribed; hence the decision of Rabbi Elijah Mizrahi: “*Umide-oraita sagi bekabalat Torah bifnei beit din*, etc.” (“According to the Torah, the main declaration before a college of three to accept the Torah as the canon, suffices for the proselyte [to receive him into the congregation of Israel] also, without circumcision and without the ritual bath.”)<sup>102</sup>

Using rabbinic sources, in addition to Torah, Wise justified why circumcision and immersion were not required for conversion.<sup>103</sup> Reform Judaism reached a different conclusion than Orthodox Judaism, but both used rabbinic sources and tradition to justify their position.

That being said, by 1974, opinions in the Reform movement shifted, so that Reform Judaism’s “general philosophy [is] that the ethical and philosophical meaning of Judaism is more essential than the ceremonial. Therefore we may correctly say that less emphasis is placed upon circumcision and Mikvah and more on the instruction,” meaning that “some rabbis require it, some do not... In ceremonial matters we avoid strictness; but on the third

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<sup>102</sup> Walter Jacob, “68. Circumcision for adult proselytes,” in *American Reform Responsa: Collected Responsa of the Central Conference of American Rabbis, 1889-1983*, ed. Walter Jacob (New York: Central Conference of American Rabbis, 1983), 216-237; or online “ARR 216-237, 68. Circumcision for adult proselytes,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-216-237>. Insertions and translations in the original ([Therefore] is my addition, however).

<sup>103</sup> However, this view is later refuted in Mark Washofsky, ed., “Circumcision for an Eight-Year-Old Convert (5756.13),” in *Reform Responsa for the Twenty-First Century: Sh'eilot Ut'shuvot*, Vol. 1, (New York: Central Conference of American Rabbis, 2010) 99-121; or online, “NYP NO. 5756.13 Circumcision for an Eight-Year-Old Convert,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/nyp-no-5756-13>. I leave Wise’s analysis in here to show the historic background and development of Reform *halakhah*, and to demonstrate how quickly and completely Reform Responsa can change.

element, namely, the instruction, we put our great emphasis.”<sup>104</sup> By 2013, Reform attitudes shifted even further: “conversion to Judaism is traditionally accompanied by a set of formal rites” namely, “circumcision (or *hatafat dam b’rit*) for males and immersion (*t’vilah*) for males and females,” citing *B. Y’vamot* 46b; *Mishneh Torah, Isurei Bi’ah* 13:1-6; and the *Shulchan Aruch, Yoreh De’ah* 268:1-2, the same rabbinic sources cited above, to support the statement. There is no Reform *halakhic* authority to enforce or regulate circumcision or immersion (technically there is no single, central Orthodox *halakhic* governing body either), so there are differences in practice among individual rabbis. Those variances are not germane to this paper. What is relevant is that Reform has come almost full circle back to the original rabbinic sources, while still maintaining the spirit of Reform.<sup>105</sup>

Concerning circumcision and immersion, it is impossible to predict what Reform Jewish practice will be during a hypothetical future where there are sentient extraterrestrials wishing to convert. If these future Reform Jews favor a practice closer to the 1893 decision and reject rabbinical additions, then circumcision and immersion will not be part of the requirements for a Reform conversion, and therefore not be relevant to their *halakhic* discussion. If, however, future Reform views fall closer to the Reform Judaism of the present day, then, like the Orthodox, they can rule using analogous established *halakhah* according to the biology of the extraterrestrial’s species.

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<sup>104</sup> Solomon B. Freehof, *Contemporary Reform Responsa*, (Cincinnati: Hebrew Union College Press, 1974) 270; or online, “CORR 269-276, Questions from Israel on proselytism,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/corr-269-276>.

<sup>105</sup> See chapter 1, [p 2-3]



## Beit Din:

### *Function of the Beit Din:*

*Beit din*, the third component in conversion, is more complicated. As early as the Talmud, there is a requirement for three witnesses/judges for each stage of conversion.<sup>106</sup> The *beit din* are witnesses in the sense that they can see, with their own eyes, that the proselyte performed each component of conversion, so that they can legally attest to that fact if required. The *beit din* are judges in the sense that they are knowledgeable enough to know how each section of conversion should be properly performed, and determine if it actually has been done in accordance with the law. After that, the criterion of who can be on the *beit din* expand. Rambam and Karo use both “שלושה,” or “three” with no specific noun (people/judges/witnesses) that the numeric adjective is modifying.<sup>107</sup> Karo expands using “שלושה תלמידי חכמים,” or, “three knowledgeable people.”<sup>108</sup> In previous centuries, instruction was directly before the performance of circumcision and immersion, but “instruction” could be limited to a few major and minor mitzvot.<sup>109</sup> Concerning education, Rambam in the Mishneh Torah, and later Karo in the *Shulchan Aruch*, include the idea of teaching mitzvot as well as the rewards and punishments that come from following the law when being bound to it as a Jew.<sup>110</sup> Rambam says “גַּר שֶׁלֹא בִדְקוּ אַחֲרָיו אוֹ שֶׁלֹא הוֹדִיעוּהוּ הַמִּצְוֹת וְעִנְשָׁן וּמַל וְטָבַל בְּכַנִּי שְׁלֹשָׁה” *Shulchan Aruch*,” or, “If no one checked (the background) of the convert, and did not tell him about the mitzvot, and the punishment (for not following them), and he

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<sup>106</sup> *BT Yevamot* 46b.

<sup>107</sup> *Mishneh Torah, Issurei Bi'ah* 13, 14; *Shulchan Aruch, Yoreh Deah, Hilhot Gerim, Siman* 268.

<sup>108</sup> *Shulchan Aruch, Yoreh Deah, Hilhot Gerim, Siman* 268.2

<sup>109</sup> *Mishneh Torah, Issurei Bi'ah* 13:1,4; *Shulchan Aruch, Yoreh Deah, Hilhot Gerim, siman* 268.

<sup>110</sup> *Mishneh Torah, Issurei Bi'ah*, 13:14,17; 14:2-6.

circumcised himself and immersed in front of three laypeople, he is a convert,”<sup>111</sup> which, according to the *Maggid Mishneh*, that the conversion is valid even if the person had not been informed of the laws.<sup>112</sup> But the *Shulchan Aruch* changes the text to read, “או שלא”<sup>113</sup> which, according to contemporary Orthodox opinion, this means that “if a convert does not accept the observance of mitzvot, the conversion is not acceptable even if he becomes circumcised and immerses.”<sup>114</sup> The education and comprehension component of *giyur* is incredibly important, both for the sake of the convert, and for the sake of the *beit din*, so that they know what is permissible and what is not.

The requirements for qualification as a member of a *beit din* differ between Reform and Orthodox Judaism, but both still require a *beit din* to judge whether a proselyte can convert, and further, “the final authority to approve or reject the candidacy of any given individual for *giyur* rests with the *beit din*,”<sup>115</sup> although the Orthodox add that “the Sponsoring Rabbi must concur with the Beit Din’s decision to give his candidate final approval and may serve as a Dayyan at the mikveh at the time of conversion.”<sup>116</sup> In Orthodox Judaism, until a few decades ago, members of the *beit din* could be completely composed of

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<sup>111</sup> Ibid.

<sup>112</sup> Eliyahu Touger, *Maimonides Mishneh Horah, Sefer Kedushah*, 170, n 41.

<sup>113</sup> *Shulchan Aruch, Yoreh Deah, Hilhot Gerim, siman 268.12.*

<sup>114</sup> Touger, *Maimonides Mishneh Horah, Sefer Kedushah*, 170, n 41.

<sup>115</sup> This citation is from “Divrei Giyur” but the links are dead. Points to “2001 position paper.” Qtd in “5773.3 Conversion Beit Din via Videoconference,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/conversion-beit-din-via-videoconference>.

<sup>116</sup> The Network of Regional Batei Din for Conversion under the auspices of The Rabbinical Council of America and The Beth Din of America, “GPS Policies and Procedures,” GPS: Geirus Policies and Standards (GPS, Geirus Policies and Standards: Network of Regional Rabbinic Courts), accessed January 25, 2020, <https://judaismconversion.org/geirus-policies-and-standards/>, section 4.c.

rabbis or they could have learned laymen on them as well.<sup>117</sup> However, a lack of standardized practices and procedures led to issues where certain conversions were invalidated. As of 2007, The Rabbinical Council of America (RCA) and the Beth Din of America (BDA) now only recognize conversions done by approved Regional Batei Din le'Giyyur, or other *batei din* that conform to the standards of the RCA/BDA.<sup>118</sup> Making sure conversion is done by properly trained rabbis who operate under the proper authority is of paramount importance in Orthodox Judaism. In the absence of these standards and procedures, an “improper” conversion could be overturned, or the conversion could be upheld or invalidated when moving to a different community or country.

In Reform Judaism, *beit din*/education is the pillar upon which conversion stands. In the initial statement about conversion in 1893, Wise stated that:

The [CCAR]... considers it lawful and proper for any officiating rabbi, assisted by no less than two associates, to accept into the sacred covenant of Israel and declare fully affiliated to the congregation (*davar shebikdusha*) any honorable and intelligent person, who desires such affiliation... provided, such person be sufficiently acquainted with the faith, doctrine, and canon of Israel; that nothing derogatory to such person's moral and mental character is suspected; that it is his or her free will and choice to embrace the cause of Judaism; and that he or she declare verbally and in a document signed and sealed before such officiating rabbi and his associates his or her intention and firm resolve<sup>119</sup>

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<sup>117</sup> Basil Herring, “In the Footsteps of Ruth: A New Paradigm for Conversion,” Jewish Action, 2008, <https://judaismconversion.org/in-the-footsteps-of-ruth-a-new-paradigm-for-conversion/>.

<sup>118</sup> Network of Regional Batei Din, “GPS Policies and Procedures,” section 2.

<sup>119</sup> Walter Jacob, “68. Circumcision for adult proselytes,” *ARR*, 216-237; or online, “ARR 216-237, 68. Circumcision for adult proselytes,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-216-237>. The passage continues with the terms that a convert swears to uphold: “(1) to worship the One, Sole, and Eternal God, and none besides Him; (2) to be conscientiously governed in his or her doings and omissions in life by God's laws ordained for the child and image of the Maker and Father of all, the sanctified son or daughter of the divine covenant; (3) to adhere in life and death, actively and faithfully, to the sacred cause and mission of Israel, as marked out in Holy Writ.”

In terms of the section of conversion involving the *biet din*, Wise's statement is in line with the rabbinic authorities. In modern Reform Judaism, "a rabbinical *beit din* is desirable for *giyur*," but, barring that, there should be one rabbi and at least two laypeople.<sup>120</sup> Questioning the validity of a conversion happens only exceedingly rarely. Most *she'elot* to the CCAR concerning *gerut* are prospective – asking if it is permissible to convert someone *before* going through the process of conversion. Twice I found a retrospective *she'elah*, seeking to verify the validity of a conversion that was already performed. In one case, the point that caused doubt was the possibility that the convert lacked sufficient education.<sup>121</sup> In the second case, there was doubt as to the validity of the conversion because the person functioning as the rabbi was still a student and not yet ordained.<sup>122</sup> Ordination "is but the symbolic representation of the ancient *s'mikhah*," a process which "formed a new link in the chain of *s'mikhah* from teacher to student that stretched back all the way to Moses," transforming the newly-ordained *musmakh* as "the legal successor to the seventy elders who stood with Moses on Sinai, and [the *musmakh*] was entitled to exercise the full range of legislative, judicial, and executive power."<sup>123</sup> In essence, the rabbinical student had not completed enough education

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<sup>120</sup> *Rabbi's Manual* (New York: CCAR, 1988), 232. The laypeople in question are not restricted by gender.

<sup>121</sup> Walter Jacob, ed., "124. The Course of Study for *Gerut*," in *Questions and Reform Jewish Answers: New American Reform Responsa*, (New York: Central Conference of American Rabbis, 1992) 194-196; or online, "NARR 194-196, 124. The Course of Study for *Gerut*," Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/narr-194-196>.

<sup>122</sup> Mark Washofsky, ed., "Who Is a Rabbi? (5759.3)," in *RR21*, Vol. 1, 319-330; or online, "RR21 #5759.3, Who Is a Rabbi?," Central Conference of American Rabbis, [ccarnet.org/ccar-responsa/rr21-no-5759-3](https://www.ccarnet.org/ccar-responsa/rr21-no-5759-3).

<sup>123</sup> *Ibid.*

to be granted *s'mikhah*, and lacking the base knowledge the individual was not qualified to serve as rabbi.

There are some lines and boundaries that Reform Judaism cannot and will not cross or compromise; education is one of them.

While the validity of a conversion and the *beit din* that oversaw it is an overriding concern when discussing conversion today, it is not the matter of paramount importance when discussing conversion of extraterrestrials. This is because “*beit din*,” in the context of the three requirements of conversion, also serves as a metonym for “receiving instruction.” The *Shulchan Aruch* even explicitly says, “כל ענייני הגר, בין להודיעו המצות לקבלם, בין המילה, בין צריך שיהיו בשלושה הכשרים לדון.” or, “All of the parts of conversion, whether informing him of the mitzvot in order to accept them, circumcision, immersion, must be done before three who are eligible to be judges.”<sup>124</sup> This makes educating the proselyte about the mitzvot part of the *beit din* component. Circumcision and immersion are all things that the convert must do, and can be observed to do. But learning necessitates a teacher, and since there is no way to physically verify that the convert has received the knowledge and understands it, the *beit din* also serves as “witness,” “judge,” and “examiner,” to attest that the proselytes has received the mitzvot and understands what that means. It is the reception of the tradition which is key when discussing the conversion of extraterrestrials.

#### *Competence and Election:*

Beyond simple instruction, it must be clear to the *beit din* that the proselyte is aware of the mitzvot, that becoming a Jew means becoming obligated to fulfill said mitzvot, and

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<sup>124</sup> *Shulchan Aruch, Yoreh Deah, Hilhot Gerim, siman 268.3*

that the proselyte in question has the capacity to make that decision.<sup>125</sup> It also must be a willing choice, free from coercion. Citing *BT Gittin* 23a; *Mishneh Torah, Hilchot Edut* 9.9; and *Shulchan Aruch, Choshen Mishpat* 188.2, the CCAR states, “it is clear that Jewish law mandates that anyone acting in a legal capacity must be mentally competent,” and further, citing *M. Mishna* 18, *M. Rosh Hashana* 8, *M. Megillah* 2.4; *M. Chagigah* 1.1; *M. Menachot* 9.8; and *M. Gittin* 2.5, “the tradition also demands that any individual engaged in a religious act, especially initially (*lechatechila*) must be completely mentally competent.”<sup>126</sup> A person needs to be *compos mentis* in order to make a legal decision; as conversion is a legal act, an act of Jewish law (*halakhah*), so too does the convert need to be of sound mind, and responsible for their own choices. In terms of extraterrestrials, the crux of the matter, then, is to determine whether or not extraterrestrials are legally qualified to decide to take on the responsibilities of the mitzvot, which will be explored later in this paper.

There are times where the Rabbis have judged that certain (human) individuals do not have the capability to be legally responsible for taking on mitzvot. It is for that reason that children cannot choose conversion. Their parents or guardians may have them converted, subject to approval by the *beit din*, and the child will be considered Jewish.<sup>127</sup> Since the children are not legally able to choose for themselves,<sup>128</sup> the rabbis give the rationale that becoming Jewish is a boon, and the parents<sup>129</sup> do not need the child’s consent to do them a

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<sup>125</sup> J. David Bleich, “The Conversion Crisis: a Halakhic Analysis,” *Tradition: A Journal of Orthodox Jewish Thought* 11, no. 4 (1971): 17, <http://www.jstor.org/stable/23256315>.

<sup>126</sup> Walter Jacob, “67. Mental Competency of a Convert,” *ARR*, 215-216; or online, Walter Jacob, “67. Mental Competency of a Convert,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/arr-215-216/>.

<sup>127</sup> See *BT Ketubot* 11a.

<sup>128</sup> *BT Chaggiga* 2b and Rashi on loc. cit. 2a.

<sup>129</sup> Or other adults

favor.<sup>130</sup> However, when the child reaches majority,<sup>131</sup> they have the option to renounce Judaism. It is only when the child becomes a legal adult, and therefore bound like any other adult to Jewish law, that the individual can choose not to accept Judaism. However, if the child has reached majority and voluntarily (of their own volition) follows mitzvot and lives Jewishly, the election to live Jewishly is considered an active choice to be Jewish, and the individual cannot renounce Judaism.<sup>132</sup> This applies to all children, regardless of the intelligence of the child, or how capable they seem of understanding and giving informed consent. Before they reach adulthood, children are not considered to have דעת, are not considered capable under the law of making legally binding decisions, nor being responsible for the mitzvot.

For the same reason, someone who is mentally incompetent (who does not possess דעת) cannot convert because they cannot be held legally responsible for their actions and decisions.<sup>133</sup> The idea of *compos mentis* is so important that a mentally incompetent person (a person who does not have דעת) who is already Jewish is exempt from fulfilling the mitzvot.<sup>134</sup> The term used for these people is “שוטה,” meaning both “insane” and “mentally deficient.” In modern application, there can be some difficulty with figuring out who exactly is שוטה. The Talmud defines שוטה as someone wanders alone at night, sleeps in the cemetery, rips their clothes, or is always losing everything that they are given.<sup>135</sup> Further, an individual does not need to show all of these symptoms; only one will suffice if it is habitual and disruptive

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<sup>130</sup> *BT Ketubot* 11a.

<sup>131</sup> Jewish majority, that is, 13 years old for a boy, 12 years old for a girl.

<sup>132</sup> *BT Ketubot* 11a and commentary, *Shulchan Aruch, Yoreh De'ah* 268.7,8.

<sup>133</sup> *Mishnah Bava Kama* 8:4; *Mishneh Torah, Chovel Umazik* 4:20; *Shulchan Aruch, Choshen Mishpat* 424:8.

<sup>134</sup> *BT Chaggiga* 2b and Rashi on *ibid.* 2a, etc.

<sup>135</sup> *Tosefta Terumot* 1:3; *BT Chagigah* 3b-4a; *YT Terumot* 1:1 (40b).

enough that it shows the person to be insane.<sup>136</sup> Even if taken as examples of insane behavior, this kind of definition is only helpful when there is no doubt, when there is clearly “something wrong” with a person. However, there is a difference between “mentally incompetent” and “mentally ill;” the two do not necessarily overlap. In a responsum from the CCAR, Orthodox halkhist Rabbi A. S. Avraham is cited saying,

It is impossible to define with precision just who is called a ‘shoteh’ in our time, or more properly, at which stage (of an illness) a person is defined as ‘insane’ and exempt from the mitzvot... On account of the wide variety of psychiatric ailments along with the many specific forms of behavior, which can change from time to time due to natural causes or as a result of treatment, we are required to judge each case separately, in accordance with the opinion of experts and the judgment of the rabbinic authority or beit din.<sup>137</sup>

The CCAR *posek* reaches a similar conclusion:

A finding that [the potential convert] is “mentally ill” or even that she displays a condition as serious as borderline personality disorder does not necessarily in and of itself prove that she is lacking in da’at, the ability to make responsible and appropriate choices. The term “mental illness” is a broad descriptive category and not a diagnosis of the fitness of the individual person; we should beware of taking any step which suggests that those who suffer from “mental illness” are to be labelled as “insane.”<sup>138</sup>

Exploring the permutations of legal responsibility for the mentally ill is beyond the scope of this paper. However, I am bringing up this topic to illustrate that possessing reason and the ability to understand does not necessarily mean that an individual has the legal right to choose to take on the mitzvot, nor does lacking logic and reason necessarily mean that the

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<sup>136</sup> *Hilchot HaRosh*, Chulin 1:4, Chagigah 3b-4a; *Shulchan Aruch*, Yoreh De’ah 1:5.

<sup>137</sup> Qtd in Mark Washofsky, ed., “Conversion of a Person Suffering from Mental Illness (5758.7)” *RR21*, Vol. 1, 131; or online, “RR21 #5758.7, Conversion of a Person Suffering from Mental Illness,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/rr21-no-5758-7>. The author goes on to state that after stating this opinion, R. Avraham “recites the machloket but does not attempt to resolve it directly.”

<sup>138</sup> Mark Washofsky, ed., “Conversion of a Person Suffering from Mental Illness (5758.7)” *RR21*, Vol. 1, 135.



individual does not have the right to take on the mitzvot.<sup>139</sup> As the above-cited CCAR *posek* concludes, “in any event, ‘the entire matter is left to the discretion of the beit din.’”<sup>140</sup>

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<sup>139</sup> As is the case of the mentally ill.

<sup>140</sup> Mark Washofsky, ed., “Conversion of a Person Suffering from Mental Illness (5758.7)” *RR21*, Vol. 1, 135. The citation comes from Joseph Karo, *Beit Yosef* to *Tur*, *Yoreh De'ah* 268.

### **Chapter 3: Planetary Science,<sup>141</sup> Exoplanets,<sup>142</sup> and Astrobiology<sup>143</sup> in Judaism**

Before exploring whether or not extraterrestrials can convert, the first issues that I want to address are whether there are other inhabitable planets, and whether extraterrestrials exist according to Jewish tradition.

#### **Supernatural extraterrestrials:**

The Tanakh mentions angels several times. Sometimes they are directly termed *melakhim*, for example the *Malakh Adonai* who stops Abraham from sacrificing Isaac.<sup>144</sup> Sometimes they are indicated indirectly as the mysterious *ish*, for example the three *anashim* who visited Abraham at the annunciation of Isaac.<sup>145</sup> There are the *B'nei-HaElohim* who gave rise to the Nephilim before the Flood.<sup>146</sup> There are even specialized powers like

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<sup>141</sup> “Planetary science” or “planetology” is “the scientific study of planets and their planetary systems... It is a cross-discipline field including aspects of astronomy, atmospheric science, geology, space physics, biology and chemistry.” See “What Is Planetary Science?” 2018, UCL Department of Space and Climate Physics, University College London, December 3, 2018. <https://www.ucl.ac.uk/mssl/research/solar-system/planetary-science/what-planetary-science>.

<sup>142</sup> According to NASA, exoplanets are “any planet beyond our solar system.” In 1995, NASA confirmed the first “exoplanet orbiting a sun-like star.” Today, there are thousands of confirmed exoplanets. NASA’s primary tool for finding exoplanets is the “Kepler Space Telescope, launched in 2009 to inaugurate what we could call the ‘modern’ era of planet hunting.” See “About Exoplanets,” 2019, Exoplanet Exploration: Planets Beyond Our Solar System, NASA, July 8, 2019, <https://exoplanets.nasa.gov/what-is-an-exoplanet/about-exoplanets>.

<sup>143</sup> According to Encyclopedia Britannica, “Astrobiology, also called exobiology or xenobiology, a multidisciplinary field dealing with the nature, existence, and search for extraterrestrial life (life beyond Earth). Astrobiology encompasses areas of biology, astronomy, and geology.” See Seth Shostak, “Astrobiology.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc, February 14, 2019. <https://www.britannica.com/science/astrobiology>.

<sup>144</sup> Genesis 22:11.

<sup>145</sup> Genesis 18:2.

<sup>146</sup> Genesis 6:2, 4.



next phrase, the rabbis state, “אל תקרי שנאן אלא שאינן,” meaning, “don’t read שנאן as ‘shinan’ (‘even’), rather read it as ‘she’einan’ (‘that which are not’).”<sup>152</sup> The minimum number in “thousands” is 2,000. The equation, then, is: God has 20,000 chariots, minus (from “that which are not”) 2,000, which yields 18,000.<sup>153</sup> There is some debate whether or not these are spiritual or physical worlds, but there seems to be no definite consensus either way.

Much of Rabbinic tradition allows for a multiplicity of worlds or planets. For example, the verse, “מְלִכּוּתְךָ מְלִכּוּת כָּל־עֲלָמִים וְיִמְמֶשֶׁלְתָּךְ בְּכָל־דּוֹר וָדוֹר”<sup>154</sup> can be translated in a few ways. The common translation is, “Your kingship is an eternal kingship; Your dominion is for all generations.”<sup>155</sup> But “עולם” is a word with multiple meanings; it can mean “eternity” (both in terms of time and space), “world,” or “universe.” The translation is further complicated because the rabbis will use either עולמים or עולמות, and it is unclear whether the different endings are stylistic in nature, or if one is supposed to mean “eternities” and the other “worlds/planets,” or if there is some other rationale behind it entirely.<sup>156</sup> For example, “כי מלכותך מלכות כל עולמים שמלכותו כולל כל העולמות” or, “because ‘Your kingship is an eternal kingship,’ that its dominion includes all worlds”<sup>157</sup> uses “עולמים” and “עולמות,” one used as “eternity,” and one as “worlds.” However, “כי מלכותו מלכות כל העולמים כל הזמנים” or, “For, ‘Your kingship is a kingship of all’ worlds [and] all times,”<sup>158</sup> uses “עולמים” as “planets” or

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<sup>152</sup> Ibid.

<sup>153</sup> Steinsaltz commentary on *BT Avodah Zara* 3b. See Rashi ad loc.

<sup>154</sup> Psalm 145:13.

<sup>155</sup> JPS translation.

<sup>156</sup> For a brief exploration of the subject, see Shama Yehudah Friedman, “The Plurality of ‘Worlds’ / ‘Worlds’ [‘עולמות’ / ‘עולמים’],” *The Academy of the Hebrew Language*, July 10, 2014. <https://hebrew-academy.org.il/2014/10/07/עולמים-עולמות/>. [Hebrew].

<sup>157</sup> Alshich, commentary on Psalm 145:13.

<sup>158</sup> Radak, commentary on Psalm 145:13.

“worlds,” contrasted with “זמנים,” or, “time.” The TaNaKh could understand עולמים to be an expression of infinitude, but later rabbis might interpret that same occurrence of עולמים to mean planets. With this in mind, Ps 145:13 could be translated, “Your kingship is kingship of all worlds/planets; Your dominion is for all generations.” Although most commentators restrict their interpretation of עולמים to spiritual worlds, Radak says, “אינה מלכות בן אדם שיש לה” הפסק או בחייו או במותו אבל מלכות האל יתב' אין לה הפסק כי מלכותו מלכות כל העולמים כל הזמנים וכפל הענין במלות שונות,” or, “There is no human kingdom that has an end in its life or its death, however the Kingdom of God, may [God] be praised, has no end, for [God’s] kingdom is a Kingdom of all worlds, of all times, and multiplies the matter with different words.” Such a reading indicates that all worlds, spiritual and physical, all dominions, all times, all permutations of existence are part of God’s kingdom.

The idea of other planets or other worlds is complicated by the fact that rabbinic tradition is composed of many voices contributing their ideas over centuries. The Rabbis, being bound by the time and culture in which they lived (or live), will have different sets of ideas about certain subjects, like science.

There is also a comment that Crescas makes about a previous Philosopher that argued for the existence of one world. Crescas was likely referring to Saadia Gaon, who tries to use empirical reasoning to address the possibility of other worlds:

ואחרי כן חקרתי ואמרתי שמא יש ארצות רבות, ושמים רבים, יקיפו כל שמים מהם הארץ שלהם, ויהיו עולמים שיאן להם תכלית. וראיתי זה נמנע מצד הטבע, כי לא יתכן להיות עפר ממעל לאש בטבע ולא אויר תחת מים בטבע, כי האש והאויר קלים שניהם והעפר והמים כבדים שניהם. וידעתי כי אילו הי' בנמצא גוש עפר חוץ לארץ הזאת היה בוקע כל אויר וכל אש עד אשר יגיע לעפר הארץ הזאת. וכן אם היה מקוה מים חוץ למים האלה היה בוקע האויר והאש עד שיגיע למים האלה. ומצאתי המציאה הגמורה כי אין שמים בלתי אלה ולא ארץ כי אם זאת, וכי השמים האלה יש להם תכלית, והארץ הזאת יש לה תכלית

I went further in my investigation, saying [to myself]: “But perhaps there are many earths and many heavens, each of which heavens encompasses its own earth, so that

there would be an infinite number of worlds?” However, I realized that that was impossible from the standpoint of nature, for it is not admissible according to nature that the [element] earth be above that of fire nor that the [element of] air be by nature below that of water, for both fire and air are light, whereas earth and water are both of them heavy. In fact, I knew that if there were in existence a clod of dirt outside of this earth of ours, it would have penetrated through the entire layers of air and fire until it had reached the dirt of this earth. Likewise, if there had been a gathering of water aside from these seas of ours, it would have cut through the air and the fire until it had reached those bodies of water. Thus I arrived at the unshakable conclusion that there was no heaven other than this heaven of ours, nor any earth besides this earth.”<sup>159</sup>

Within Saadia’s conception of the physics of the universe, highly influenced by Greek thought, there are four elements in the corporeal realms: earth, water, fire, and air, where earth is the lowest, or basest, element, and air is the highest, or most elevated, element. The idea is that as one goes higher in creation, one draws closer to God. In this way, the Earth, which is at the center of the geocentric universe, is farthest from God (being primarily made of earth and water), whereas the stars (made of either fire or air) are farther from Earth and closer to God, and therefore more elevated in creation. What Saadia is saying is that the elements are strictly governed by the rules of nature; there could no more be a floating planet above earth than there could be a mountain floating in the sky, because the “earth” of other planets would fall to Earth and not stay in the sky. Because of issues of structural integrity, planets could not exist, much less extraterrestrials live on them.

Hasdai Crescas refutes Saadia in his book *Ohr Hashem*. Crescas is another rabbinic authority to comment on the possibility of the multiplicity of worlds and existence of extraterrestrials. Crescas was a 14<sup>th</sup> century rabbi from Barcelona, Spain. He had the good fortune to receive a wide education, studying Talmud and Bible at his local yeshiva, as well

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<sup>159</sup> *Emunot veDeot* 1:1; English translation from Saadiah Gaon, *The Book of Beliefs and Opinions*, ed. Julian Obermann, Louis Ginzberg, and Harry Wolfson, tr. Samuel Austryn Rosenblatt, (New Haven: Yale University Press, 2006) 41-42. Brackets in original.

as studying Kabbalah, science, and philosophy.<sup>160</sup> Crescas wrote *Or Hashem* in part “to produce a work that would provide a creditable alternative to... the *Mishneh Torah* and the *Guide of the Perplexed*,” which Crescas found “deeply problematic.”<sup>161</sup> For similar reasons, he refutes Saadia. Crescas says that Saadia’s explanation “are seductive words that are baseless. For in positing many worlds, we accept that there are natural places in each one. That is, earth will find its center in its world, and fire will find its periphery in its world. This is self-evident. This should suffice for this issue.”<sup>162</sup> Even being unaware of gravity or a heliocentric universe, Crescas asserts that each world is its own “Earth,” so that each planet’s elements will arrange themselves similarly to Earth, but independent of each other. In this way, the earth and water etc of one planet do not surpass the air cushion enclosing each world as its outer layer.<sup>163</sup> Crescas is able to stay within the science of his day, but still reconcile the existence of other planets.

Independent of his refutation of Saadia Gaon, in *Or Adonai* Crescas presents a series of proofs arguing “whether another universe or many other universes might exist”<sup>164</sup> This is a part of a larger debate in the Middle Ages about the finite or infinite nature of the universe, the details of which I will not pursue here. However, Crescas’ arguments are important to enumerate, since he is the only consistently cited source between Rambam’s works and *Sefer*

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<sup>160</sup> Hasdai Crescas, *Light of the Lord (Or Hashem)*, tr. Roslyn Weiss, Kindle ed. (Oxford: Oxford University Press, 2018) 4.

<sup>161</sup> Crescas, 5.

<sup>162</sup> Crescas, [4:2] 337.

<sup>163</sup> Much of this explanation, especially the idea of the air cushion keeping in the elements/atmosphere of each planet, is also reflected in *Sefer HaBerit*, book 1, *meamar* 3, *perek* 2.

<sup>164</sup> Crescas, [4:2] 334.

*HaBerit* that discusses the possibility of multiple worlds or possible inhabitants of other worlds at any length.

Crescas has two arguments in favor of the existence of a multiplicity of worlds. The first reason is that, regardless of the origin of this world (by will or necessity), “what could prevent that will or necessity from bringing about another world or worlds besides this one?”<sup>165</sup> God can do whatever God wants, so why not have multiple worlds? However, if the world was created because God wanted to create the world (an act of will), then it would “necessitate not the existence of another world but only its possibility,” but if there was a reason to doubt the plurality of worlds, then “even its possibility would be eliminated.”<sup>166</sup> This hypothesis at best offers the possibility, not the certainty, that multiple worlds exist.

The second reason is that Creation was a matter of will, and further “a matter of benefaction and grace,” and since God is generous and beneficent, “the more universes, the more benefaction.”<sup>167</sup> If a single world is bestowed with a certain amount of blessing, and if God wants what is best for the universe, then why would God limit Creation to one world, when a multiplicity of worlds would multiply the blessings? Crescas negates this argument by involving arguments as to whether or not the universe is finite or infinite. The universe cannot be finite, “for no matter how many worlds are assumed, they could always be increased in order to increase benefaction. But it is also not possible that [the universe] be unlimited, for then the number of simultaneously existing bodies would be unlimited.”<sup>168</sup> Since it is not possible for anything, including beneficence, to be based simultaneously on

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<sup>165</sup> Ibid.

<sup>166</sup> Ibid., 335.

<sup>167</sup> Ibid., 334.

<sup>168</sup> Ibid., 336.



not being limited, and not being unlimited, “it is evident that [the universe] does not necessitate plurality at all.”<sup>169</sup> Since God’s grace cannot be limited, and at the same time, cannot be unlimited in simultaneous bodies, either God’s beneficence does not require multiple worlds, there is an arbitrary (unknowable) fixed number of worlds, or there is only one world.

Crescas proposed three arguments against the existence of other worlds. Crescas’ first reason is enmeshed in the scientific understanding of the cosmos of his day: “Between the worlds there must be either empty space or a body. According to the ancients, empty space is impossible.<sup>170</sup> Therefore, by necessity, there is between them a body.”<sup>171</sup> The body or matter existing between planets would have to be transparent or opaque. Based on what can be gained by the senses through observation (in the absence of a telescope or other tools of observation besides the naked eye, and believing in a geocentric universe), there is no evidence of either a transparent or opaque mass between planets. Since empty space has already been proven impossible to exist between planets, multiple worlds cannot exist, because there is no way to account for how they are spaced in relation to one another. Crescas invalidates this view by saying that regardless if there is void or matter between worlds, “no absurdity follows,” since “it has not yet been established that empty space is impossible... If there is fullness between them, the absurdities [associated with fullness] will not result either. For because of the great distance between worlds, it is plausible that we

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<sup>169</sup> Ibid.

<sup>170</sup> This view originates from Aristotle. Crescas neither agrees nor disagrees, and Albo disagrees with this opinion; see *Sefer Halkkarim, meamar* 2, chapter 17.

<sup>171</sup> Crescas, [4:2] 335.

would not see anything of those planets.<sup>172</sup> Observation by the senses can neither confirm nor deny that there is either vacuum or matter between planets, but either way is possible.

Crescas' second argument against multiple worlds is based on the debate between believing the cosmos, or parts of it, are incorporeal and eternal. Making an argument through analogical syllogism, "since a plurality of individuals is found only in the case of individuals that are subject to" being born and dying, "it would seem that their plurality is for the sake of preservation of the species alone. Therefore, for individuals that are not subject to passing-away, there would be no plurality."<sup>173</sup> Since any other worlds that would exist would need to exist beyond the moon, they would be eternal and incorporeal, and as such, would not be "born" or created through procreation, nor would they die. If multiples of a species exist to prevent it from dying out by ensuring a means of reproduction, but planets do not reproduce, there is no reason for a multiplicity of worlds. Crescas invalidates this possibility by saying that "even if it is the case with respect to eternal individuals that their plurality within one world is not necessitated and perhaps is even detrimental, no inference may be drawn from this to the impossibility of their plurality in different worlds."<sup>174</sup> Just because something works or does not work on one world does not mean that the same will happen on a different world.

Crescas' third argument against a multiplicity of worlds is that "since the agent of the universe is one, to the highest degree of simplicity... that which exists [should] be one," because "from a simple one nothing ensues other than a simple one, or because... the greatest perfection for an emanated existent is that it resemble the emanator as much as possible; and,

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<sup>172</sup> Ibid., 336.

<sup>173</sup> Ibid., 335.

<sup>174</sup> Ibid., 336.

since this emanator is one, the oneness of the emanated existent would necessarily count as a perfection for it.”<sup>175</sup> Essentially, this argument employs Occam’s Razor, which is commonly taken to mean, “*Entia non sunt multiplicanda praeter necessitatem*,” or, “Entities are not to be multiplied without necessity.”<sup>176</sup> This leads to a practice of “a permissive and abundant view of what there is, coupled with a restrictive and sparse view of what is fundamental.”<sup>177</sup> In other words, God is One, and in order for the universe to be most perfect (most like God), then there is no need to have multiple universes, because the more worlds there are, the less perfect the universe would be. Crescas invalidates this argument by saying that “each world is independent of the others. And since the oneness that this world exhibits is not in any way dependent on another world, the plurality in the number of worlds need not detract from the perfection of the oneness that this world exhibits.”<sup>178</sup> Each world, and each world’s state of relative perfection, is independent from all other worlds; each individual planet exists as if it was the only planet.

Crescas concludes by saying that since “there is nothing that determines the truth about this issue, and all they do establish is the possibility of plurality,” following Avodah Zara 3b’s assertion of 18,000 worlds is the proper course of action<sup>179</sup> Crescas argues from a point of uncertainty. No argument definitively proves nor definitively disproves a plurality of

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<sup>175</sup> Ibid., 335

<sup>176</sup> Although that particular phrase comes from John Punch in 1639, and the term “Occam’s Razor” was only coined in 1852 by William Hamilton. The closest phrase Fr. William of Ockham actually wrote was, “*Numquam ponenda est pluralitas sine necessitate*,” or, “Never posit pluralities without necessity.” See: Jonathan Schaffer, “What Not to Multiply Without Necessity,” *Australasian Journal of Philosophy*, 93, no. 4 (2015), 644-664, DOI: 10.1080/00048402.2014.992447

<sup>177</sup> Jonathan Schaffer, “What Not to Multiply Without Necessity,” *Australasian Journal of Philosophy*, 93, no. 4 (2015), 645.

<sup>178</sup> Crescas, [4:2] 336.

<sup>179</sup> Ibid., 337.

worlds. However, in at least one of the arguments and counterarguments, the possibility of a multiplicity of worlds remains.

### **Habitability of Other Worlds:**

Assuming there are other worlds, it then becomes necessary to prove that there are beings that live on these worlds. Initially, it would seem like the Talmud has a negative view of extraterrestrial settlement when it asks, “מאי דכתיב ‘בְּאֶרֶץ אֲשֶׁר לֹא עָבַר בָּהּ אִישׁ וְלֹא יָשַׁב אָדָם’”<sup>180</sup> “אֵלָּא לומר לך כל אֶרֶץ שֶׁגָּזַר עָלֶיהָ אָדָם הָרִאשׁוֹן לִישׁוּב, נִתְיַשְׁבָּהּ. וְכָל אֶרֶץ שֶׁ” וְכִי מֵאַחֶר דִּלֹּא עָבַר הַיָּאָד יָשַׁב? אֵלָּא לומר לך כל אֶרֶץ שֶׁגָּזַר עָלֶיהָ אָדָם הָרִאשׁוֹן לִישׁוּב, נִתְיַשְׁבָּהּ. וְכָל אֶרֶץ שֶׁ” or,

“What is the meaning of: ‘In a land through which no man [*ish*] has passed and where no human [*adam*] has settled?’”<sup>180</sup> Since it is a land through which no human has passed, how could anyone have settled it? Rather, it is to teach that every land which Adam the first [man] decreed would be settled was settled, and every land which Adam decreed would not be settled was not settled.”<sup>181</sup>

Some scholars<sup>182</sup> try to use this verse to disprove that there could be inhabitants on other worlds – if Adam did not declare it as habitable, it was not settled. However, this citation may be only addressing Earth. The citation implies that Adam would have had to “pass through” a particular environment and then declare it habitable or uninhabitable, as opposed to sitting in one spot and declaring where in the world/universe people could settle. Adam did not “pass through” other planets, so he could not have determined what was habitable and what was not outside of the Earth. Further, it is interesting that the passage uses both *ish* and

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<sup>180</sup> Jeremiah 2:6.

<sup>181</sup> *BT Berakhot* 31a. My translation.

<sup>182</sup> See Aryeh Kaplan, *The Aryeh Kaplan Reader: The Gift He Left Behind: Collected Essays on Jewish Themes from the Noted Writer and Thinker*, (New York: Mesorah Publications, 1983), 141.

אדם, and then later uses ארץ, not עולם. This may further indicate that it concerns Adam (and human beings) on Earth, instead of people (including non-humans) on any world.

Elsewhere in the Talmud, however, Reish Lakhish says “שבעה ואלו הן וילון רקיע שחקים” זבול מעון מכון ערבות וילון אינו משמש כלום אלא נכנס שחרית ויוצא ערבית ומחדש בכל יום מעשה בראשית שנאמר (ישעיהו מ, כב) הנוטה כדוק שמים וימתחם כאהל לשבת רקיע שבו חמה ולבנה כוכבים ומזלות קבועין שנאמר (בראשית א, יז) ויתן אותם אלהים ברקיע השמים or,

There are seven [firmaments],<sup>183</sup> and they are: *Vilon*,<sup>184</sup> *Rakia*, *Shehakim*, *Zevul*, *Ma'on*, *Makhon*, and *Aravot*. *Vilon* does not contain anything, but enters at morning and departs in the evening, and renews the act of Creation daily, as it is stated: “Who stretches out the heavens as a curtain [*Vilon*], and spreads them out as a tent to dwell in.”<sup>185</sup> *Rakia*, is the one in which the sun, moon, stars, and zodiac signs are fixed, as it is stated: “And God set them in the firmament [*Rakia*] of the heaven.”<sup>186,187</sup>

As these are celestial realms, they could count as either or both spheres or worlds in rabbinic thinking. The Zohar elaborates on this idea by explaining “The Lord is in God’s holy place.”<sup>188</sup> Rabbi Eleazar says

When [God] wished to create the world... God looked at the first light, and clothed God in it and created the heavens, as it is written, “Puts on light like a garment”<sup>189</sup>

<sup>183</sup> In the preceding phrase, Rabbi Yehuda says, “שני רקיעים הן...” so “רקיעים,” or “firmaments/heavens” is implied.

<sup>184</sup> From Latin, *velum*, “curtain.” See “Angelology,” *Jewish Encyclopedia*, <http://www.jewishencyclopedia.com/articles/1521-angelology#4364>.

<sup>185</sup> Isaiah 40:22.

<sup>186</sup> Genesis 1:17.

<sup>187</sup> *BT Chaggigah* 12b. The descriptions of the individual worlds are as follows: “שחקים שבו רחיים עומדות וטוחנות מן לצדיקים שנאמר (תהלים עח, כג) ויצו שחקים ממעל ודלתי שמים פתח וימטר עליהם מן לאכול וגו' זבול שבו ירושלים ובית המקדש ומזבח בנוי ומיכאל השר הגדול עומד ומקריב עליו קרבן שנאמר הבט (ישעיהו סג, טו) בנה בניתי בית זבול לך מכון לשבתך עולמים ומנלן דאיקרי שמים דכתיב (מלכים א ה, יג) משמים וראה מזבול קדשך ותפארתך מעון שבו כיתות של מלאכי השרת שאומרות שירה בלילה וחשות ביום מפני יומם יצוה ה' חסדו ובלילה שירה עמי (תהלים מב, ט) כבודן של ישראל שנאמר

<sup>188</sup> Habakkuk 2:20.

<sup>189</sup> Psalm 104:2

and then “stretches out the heavens like a curtain.”<sup>190</sup> God looked to make the lower world. God made another palace and entered it, and from it God looked and sketched... all the worlds below, and created them. This is the meaning of “The Lord is in God’s holy place.”<sup>191</sup>

As Leet explains, “here we have a concept of cosmic ‘worlds’ associated with more than one ‘place.’ Such a cosmological use of the word for ‘worlds’” as well as “its association with the [Aramaic] term for ‘palace’... reinforces the correlation of this term in the Hekhalot literature” with the seven firmaments.”<sup>192</sup> This concept sets up a relationship between seven heavens (“firmaments”) and seven worlds, which may be an early bridge between the concept of the nature of the spheres (heavenly realms) with the nature of planets (worlds), albeit through implicature only. Meaning, that the characteristics ascribed to the spheres may also be attributed to the planets (within those spheres). The spheres may be a larger world or realm, and the planets might be smaller worlds or realms within the spheres, but a relationship exists between the two.

The cornerstone upon which modern commentators build the foundation their opinions of other planets and the possibility of extraterrestrials is *Sefer HaBerit* by Rabbi Phineas Elijah ben Meir Hurwitz of Vilna, written in 1797. The *Sefer HaBerit* is “part scientific encyclopedia, part ethical guide, and part mystical ascent,” but it is “clearly not an early modern creation... it [is] a modern book, and its author was a modern author, not a throwback to an earlier age or to an earlier mindset;” it is “neither modern nor antimodern;

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<sup>190</sup> Psalm 104:2

<sup>191</sup> Qtd in Leonora Leet, *The Universal Kabbalah*, Inner Traditions/Bear & Company. Kindle Edition., p22 ; From section 1.90a, trans. David Goldstein, in *The Wisdom of the Zohar*, vol. 2, p. 568.

<sup>192</sup> Leonora Leet, *The Universal Kabbalah*, Inner Traditions/Bear & Company. Kindle Edition., p22.

neither religious nor secular; and neither orthodox nor maskilic. Because it could not easily be labeled under any one ideological banner, it was widely read, and it stimulated Jewish readers from every ideological and religious sector of Jewish society.”<sup>193</sup> Consequently, the *Sefer HaBerit* uses many sources for its arguments, from more rationalistic or Aristotelian ones like those of Saadia, Rambam, and Crescas; to the more mystical sources like the *Zohar*; while still anchoring itself in the Bible, Talmud, Midrash, and other Rabbinic writings. Although it is not very well-known in the present day, “the book was read and appreciated by booklovers well into the twentieth century; it was a standard reference work that rested on the shelves of many Jewish households, and it was considered a book that reflected the tastes and interests of modern consumers and students of Hebrew books.”<sup>194</sup> Consequently, the ideas reflected in *Sefer HaBerit* would have reached a wide audience, which might be why Hurwitz’s opinions appear in almost every rabbinic argument on the possibility of extraterrestrial life that postdate the book’s publication.

Hurwitz begins his discussion by detailing the opinions of scientists of his day,<sup>195</sup> and decrying their plausibility.<sup>196</sup> Yet, he reaches the same conclusion of these scientists, albeit

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<sup>193</sup> David B. Ruderman, *A Best-Selling Hebrew Book of the Modern Era: The Book of the Covenant of Pinhas Hurwitz and Its Remarkable Legacy*, (Seattle: University of Washington Press, 2014) ix-x.

<sup>194</sup> Ruderman, *A Best-Selling Hebrew Book of the Modern Era*, xi.

<sup>195</sup> Including Nicolaus Copernicus and Johannes Hevelius. Hevelius made the first maps of the moon, which are (still) praised for their detail, from observations made on his telescope from his rooftop in the Kingdom of Poland (modern day city Gdansk). Edward Hubble owned a 1<sup>st</sup> ed (or early edition) copy. *Selenographia* (“moon study”) is considered to be the first atlas of the moon, published 1647. Hevelius believed the earth orbited the sun; Pope Innocent X said *Selenographia* “would be a book without parallel, had it not been written by a heretic.”

<sup>196</sup> Although the science presented is still outdated by modern standards, it is much closer to what we have today.

through different means. Hurwitz says very clearly and directly, “אֶחָדָה אֶנֶכִּי, אֲשִׁית לְבִי [אֲשִׁים]”<sup>197</sup> or, “I am perfectly convinced that [the other worlds] were created not in vain but for the purpose of habitation, and that there are creatures living upon them.”<sup>198</sup> In this way, Hurwitz negates the argument that other worlds could not exist because they would be superfluous,<sup>199</sup> as well as establishing the existence of beings on other planets. Further, Hurwitz rejects science in favor of Jewish tradition, clearly not because he is ignorant about secular scholarship, but rather because he believes rabbinics to be superior to science, at least in this case.

The foundation for the presence of these extraterrestrials comes from a passage in the Song of Deborah in the book of Judges: “אֲרוּ מֵרוֹז אָמַל מְלָאךְ יְהוָה אֲרוּ אֲרוּר יִשְׁכְּבִיהָ כִּי לֹא-בָאוּ לָעֶזְרָת”<sup>200</sup> or, “‘Curse Meroz!’ said the Angel of the Lord. ‘Bitterly curse its inhabitants, because they did not come to the aid of the Lord, to the aid of the Lord against the mighty.’”<sup>201</sup> The Song of Deborah is a victory hymn, and the line condemns Meroz for not helping the Israelites fight their adversaries.<sup>201</sup> The meaning of “Meroz” is not immediately evident. Meroz only appears once in the TaNaKh, so there are no other biblical verses to use for comparison. Consequently, the Amoraim, and later rabbinic commentators, tried to determine what the TaNaKh meant by “Meroz.”<sup>202</sup>

<sup>197</sup> *Sefer HaBerit*, book 1, *meamar* 3, *perek* 2.

<sup>198</sup> Halperin, David J. “Extraterrestrial Life – A View From 1797 (Part 1).” David Halperin. January 9, 2014. <https://www.davidhalperin.net/extraterrestrial-life-a-view-from-1797-part-1>.

<sup>199</sup> See Crescas’ discussion above.

<sup>200</sup> Judges 5:23.

<sup>201</sup> According to the rabbis, God does not require help, so when the verse says that Meroz failed to come to God’s aid, what it really means is that Meroz failed to come to the Israelites’ aid, since helping Israel is like helping God (Rashi, commentary on Judges 5:23).

<sup>202</sup> *BT Shavuot* 36a, *BT Moed Katan* 16a.



One possibility the rabbis posit is: “איכא דאמרי גברא רבה הוה,” or, “some say that [Meroz] was a man of rank,” meaning that the “inhabitants of Meroz” were his subjects.<sup>203</sup> Alternatively, the “inhabitants of Meroz” could be the companions or friends of Meroz.<sup>204</sup> Another option is that Meroz was a place. Radak explains that “Meroz” is “שם עיר קרובה,” or, “a city near the battlefield”<sup>205</sup> that did not come to help [the Israelites].<sup>206</sup> Yet, there are no records showing the existence of a city called “Meroz” in Israel or the surrounding areas, nor was such a city known to exist.

But a third option, and the one most pertinent to this discussion, is “ואיכא דאמרי כוכבא” or, “Some say that [Meroz] was a star.”<sup>207</sup> The Talmud justifies this interpretation by citing the proof text “מִן־שָׁמַיִם נִלְחָמוּ הַכּוֹכָבִים מִמְּסֻלּוֹתָם נִלְחָמוּ עִם־סִיסְרָא,”<sup>208</sup> or, “The stars fought from heaven, From their courses they fought against Sisera.”<sup>209</sup> If the stars were fighting from their positions in the heavens, and Meroz is singled out because it did not fight, then it is possible that Meroz could be one of the stars. As Hurwitz says, if “וּלְמֵאֵן דָּאֲמַר כּוֹכְבָא וְכָתִיב

<sup>203</sup> *BT Moed Katan* 16a.

<sup>204</sup> *BT Moed Katan* 16a, and commentary. This interpretation is a part of the explanation of ארוּר as a form of excommunication, so that Meroz was “excommunicated” (instead of “cursed”). As a result, (assuming Meroz is a person) Meroz’s companions (where “שְׂבִיחָה” has a meaning more like “those who live among (within 4 *amot* of) [Meroz],” i.e. his companions) could no longer socialize with him.

<sup>205</sup> Literally: “place of the war” or “war’s location”

<sup>206</sup> Commentary on Judges 5:23. Note, Rashi is the one who introduced the idea of being near the battlefield: “ואמרי לה גברא חשיבא הוה, והיה סמוך למקום המלחמה ולא בא,” or, “Some say that [Meroz] was a person of rank who was near the battlefield, and did not come” (loc. cit.).

<sup>207</sup> *BT Moed Katan* 16a. Rashi clarifies by saying that Meroz was “מזליה דסיסרא,” or, “Sisero’s guardian star” in his commentary on *BT Moed Katan* 16a. This has a lot of interesting implications, because it refers to an idea in Jewish angelology, whereby stars are angels that fight on behalf of a country or ruler; when that ruler or country dies, so too does the star/angel. See *Encyclopedia Judaica*, “Angel.”

<sup>208</sup> Judges 5:20.

<sup>209</sup> JPS translation.

אָרור יִשְׁכְּיָהּ – מכלל שיש בהם ישוב. וְקִמָּצָר וּמִקְלָל אוֹתוֹ הַכּוֹכָב עִם כָּל יוֹשְׁבֵיהָ לְמָה לֹא בָאוּ לְעֶזְרָת ה' בַּגְּבוּרִים<sup>210</sup> or “Meroz was a star, and the Bible speaks of cursing its ‘inhabitants,’ it follows that the stars must be inhabited; and the angel curses and execrates that star with all its inhabitants because they did not come to the help of the Lord against the mighty as the other stars did.”<sup>211</sup> If Meroz is a star, then the “inhabitants of Meroz” become “inhabitants of [the star called] Meroz.” Whether the inhabitants live directly on the star called Meroz, or if they are inhabitants on planets that orbit Meroz, the implication is that extraterrestrials exist.

Many rabbis, even into the end of the 18<sup>th</sup> century,<sup>212</sup> use the term “כוכבי לכת,” or, “wandering stars,” to mean “planets.” This usage comes from Saadia Gaon, who learned the term through Aristotelian astronomy. Aristotelian astronomy has long since been debunked, but due to the nature of rabbinic arguments spanning centuries, the use of outdated science or its terms does not necessarily invalidate the interpretation. To return to Jud 5:20, the word “מסלה,” traditionally rendered “courses” in English, can also mean “orbit.” Reconceptualizing Jud 5:20, it could be read as “The stars fought from heaven, from their orbits they fought against Sisera.” Given that the “stars” are coming to battle, i.e. moving, they could be כוכבי לכת, which would render the verse “The planets fought from heaven, from their orbits they fought against Sisera.” Which might mean the inhabitants of these planets fought against Sisera, without leaving their planets, or at least without leaving orbit of their planets.

In addition to the arguments about Meroz, Hurwitz adds a proof from the mystical tradition. The Talmud and the Zohar were cited earlier as establishing multiple worlds and

<sup>210</sup> *Sefer Ha-Berit*, book 1, *maamar* 3, *perek* 3.

<sup>211</sup> Halperin, part 1.

<sup>212</sup> See *Sefer Ha-Berit*.

multiple heavens. Hurwitz comments, “למה יגרע עולם עשיה מהיות בו עולמות רבים מעולם היצירה” והבריאה והאצילות, אשר כל אחד מהם כולל בו עולמות אין מספר כנודע אצל המקובלים ונזכר ב"זוהר" במקומות רבים,<sup>213</sup> or, “Why should the world of ‘*Asiyah*’<sup>214</sup> be lacking its own multiplicity of worlds when the [superior Kabbalistic] worlds of *Yetzirah*, *Beri’ah*, and *Atzilut* each contain innumerable worlds within each of them, as it is known to the Kabbalists, and stated frequently in the Zohar?”<sup>215</sup> Admittedly, for this example Hurwitz seems to forget that he discredits this kind of analogous reasoning elsewhere in the *perek*.<sup>216</sup> But even without this Kabbalistic proof text, there is enough rabbinic evidence to attest to the presence of multiple inhabitable planets. Or at least, there is nothing that outright excludes the possibility, and even with the assumption that there is only a *possibility* of inhabitable planets with inhabitants, like Crescas, the Talmudic argument<sup>217</sup> will have to be enough.

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<sup>213</sup> *Sefer Ha-Berit*, book 1, *maamar* 3, *perek* 3.

<sup>214</sup> *Asiyah* is the lowest of the four Kabbalistic “worlds” or dimensions, which Hurwitz equates with our physical universe.

<sup>215</sup> Translation is mine, but bracketed/notated sections are from Halperin, part 1.

<sup>216</sup> *Sefer Ha-Berit*, book 1, *maamar* 3, *perek* 2, 3.

<sup>217</sup> *BT Moed Katan* 16a.



would include land on other planets, meaning that human beings would not be the only ones under the spotlight. If *הָאָרֶץ* means “the (planet) Earth,” then yes, the lights would be focused on Earth. But that does not preclude them from shining in the other  $4\pi$  steradians possible from a sphere, illuminating not only the closest planet to the individual light source, but also any other object in the path of the emanated light rays. Additionally, the Hebrew verb employed is “להאיר,” or “to give light,” or “to cause to shine.”<sup>219</sup> There is nothing in the sense of that verb that says that the light must shine exclusively on *הָאָרֶץ*, nor that *הָאָרֶץ* is the focus of the light, merely that light (is caused to) shine on *הָאָרֶץ*.

The second main Biblical proof text for human superiority in, and over, the universe can be found in the first Creation story:

וַיֹּאמֶר אֱלֹהִים נַעֲשֶׂה אָדָם בְּצַלְמֵנוּ כְּדֹמוֹתֵינוּ וְיִרְדּוּ בִדְגַת הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבַבְּהֵמָה וּבְכָל-הָאָרֶץ וּבְכָל-הָרֶמֶשׂ הָרֹמֵשׂ עַל-הָאָרֶץ: וַיִּבְרָא אֱלֹהִים אֶת-הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם: וַיִּבְרָךְ אֹתָם אֱלֹהִים וַיֹּאמֶר לָהֶם אֱלֹהִים פְּרוּ וּרְבוּ וּמִלְאוּ אֶת-הָאָרֶץ וּכְבַשְׁתֶּהּ וְרָדוּ בִדְגַת הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבְכָל-חַיַּת הָאָרֶץ הָרֹמֵשׂ עַל-הָאָרֶץ:

<sup>26</sup>God said, “Let us make man in our image, after our likeness. They shall rule the fish of the sea, the birds of the sky, the cattle, the whole earth, and all the creeping things that creep on earth.” <sup>27</sup>And God created man in His image, in the image of God He created him; male and female He created them. <sup>28</sup>God blessed them and God said to them, “Be fertile and increase, fill the earth and master it.”<sup>220</sup>

According to these verses, human beings (אדם) have dominion over “the earth” (הָאָרֶץ). Given how the phrases are structured, there is a cognitive link intuiting causality,<sup>221</sup> that because human beings were made in God’s image, they have dominion over the rest of Creation. However, the two terms are not actually causally linked, merely proximate to each other, so the connection could be a formal fallacy. But even if there were a causal link and

<sup>219</sup> BDB 21, #215.

<sup>220</sup> Genesis 1:26-28.

<sup>221</sup> Verse 26a→verse 26b, and verse 27→verse 28

humans have dominion because they are created in God's image, it is still uncertain whether or not they would also have dominion over sentient extraterrestrials. There is once again confusion over the meaning of הארץ. If הארץ means "the land/ground" in general, that might include land on other planets. If הארץ means "the (planet) Earth," then human beings have dominion over *this* earth, but not necessarily over others.

The more complex part of interpreting Gen 1:26-28 is "וַנַּעֲשֶׂה אָדָם בְּצַלְמֵנוּ כִּדְמוּתֵנוּ" or, "Let us make man in our image, after our likeness." This will be discussed more in chapter 4, below.

The third androcentric Biblical proof text is : "כִּי־אֲרָאָה שָׁמַיָּה מַעֲשֵׂי אֲצִבְעֶיךָ יָרֵחַ וְכּוֹכָבִים : אֲשֶׁר כּוֹנֵנָתָהּ: מִה־אֲנוּשׁ כִּי־תִזְכְּרֵנוּ וּבֶן־אָדָם כִּי תִפְקֹדֵנוּ: וּתְחַסְרֵהוּ מִעַט מֵאַלְהִים וְכָבוֹד וְהָדָר תַּעֲטֶהוּ: תִּמְשִׁילֵהוּ: בְּמַעֲשֵׂי יָדֶיךָ כָּל־שֵׁתָה תַחַת־רַגְלֶיךָ:" or,

When I behold Your heavens, the work of Your fingers, the moon and stars that You set in place, what is mankind that You have been mindful of him, or humans that You visit him? You have made him little less than the angels,<sup>222</sup> and adorned him with glory and majesty; You have made him rule over Your handiwork, placing all under his feet."<sup>223</sup>

This verse is harder to define because of the terms the Psalmist uses. אנוש could mean "humankind" or "people;" it could be plural for אדם or another form of אנשים. Following earlier arguments concerning vocabulary,<sup>224</sup> if אנוש is the plural of אנשים, then the verse could read, "What are people that you have been mindful of them, humans that you visit them."

<sup>222</sup> Technically "אלוהים" meaning "God" or "gods," which the most recent JPS translates as "divinity." However, the rabbis work very diligently in the *mikraot g'dolot*, and elsewhere, to make sure that in this instance "אלוהים" means "angels," so that is the translation from which I will proceed.

<sup>223</sup> Psalms 8:4-7. Modified JPS translation.

<sup>224</sup> See above, Chapter 1.

The Talmud also ostensibly supports the idea of the centrality of man. In one passage, God discusses the number of stars in the universe,<sup>225</sup> and concludes with the statement, “וכוּלָן” or, “And all of [the stars] I have created only for your sake; and you said ‘the Lord has forsaken me’ and ‘the Lord has forgotten me’?”<sup>226</sup> On the surface, this may seem to support the idea that humans are the center and purpose of creation, because all the stars were made specifically for them. However, at the beginning of this passage God addresses the comments to God’s “daughter,” which in the context of the page, symbolizes the Israelites. The reading could be adjusted to mean that all of the stars were only created for Israelites or Jews. However, not all humans are Jews, so this text cannot be used to prove that all of creation was made for the sake of all human beings. Even if the meaning of the passage is that the stars were created for the Jews, there is nothing in that sentiment that prevents or limits conversion to Judaism.

Saadia Gaon makes a very long and convoluted argument that mankind is the center of creation. Part of his rationale is that what is at the center must needs be the most important. So, since earth is at the center of the universe (in Saadia’s geocentric worldview), and man was the last thing God created, then man must be the axis upon which the universe turns.<sup>227</sup> The main issue here is that the argument proceeds from a faulty premise: man was not the last thing created, woman was. By Saadia’s argument, women should be the center and focus of the universe. Although it could be argued that when Saadia uses the term “man” he means “humankind,” it is also clear from several of his comments, such as those referring to taking on mitzvot, that women are not a part of the philosophical equation. In any event,

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<sup>225</sup> The calculation works out to  $1.0634 \times 10^{18}$  stars in the universe.

<sup>226</sup> *BT Berakhot* 32b.

<sup>227</sup> *Emunot VeDeot*, IV.

Saadia's argument falls apart, since the Earth is not the center of the solar system, much less the galaxy or the universe. If the centrality of something is an indication of its relative importance, than any extant extraterrestrials would be more of the focal point to creation, provided their solar system was closer to the center of the Milky Way galaxy than our solar system.

According to Kaplan, Albo believes that “the universe was created for the sake of man,”<sup>228</sup> but that argument will be addressed later in the paper.

However, in opposition to an androcentric worldview, *Messilat Yesharim* states that והנה מה שהורנו חכמינו זכרונם לברכה הוא, שהאדם לא נברא אלא להתענג על ה' ולהנות מזיו שכינתו שזהו “התענוג האמיתי והעידון הגדול מכל העידונים שיכולים להמצא.” or, “Behold, what our sages, of blessed memory, have taught us is that man was created solely to delight in God and to derive pleasure in the radiance of the *Shechina*. For this is the true delight and the greatest pleasure that can possibly exist.”<sup>229</sup> Instead of everything in creation being focused on humans, humans instead are supposed to focus on God. This citation is limited to human beings (האדם), but even if extraterrestrials were not expressly created for the purpose of praising God and enjoying the *Shechina*, that does not mean it is impossible for an extraterrestrial to do so – merely that it is not their ultimate purpose.

*Messilat Yesharim* goes on to say, “והאמצעים המגיעים את האדם לתכלית הזה, הם המצוות, אשר צונו עליהן האל יתברך שמו. ומקום עשיית המצוות הוא רק העולם הזה. על כן הושם האדם בזה העולם

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<sup>228</sup> Aryeh Kaplan, *The Aryeh Kaplan Reader: The Gift He Left Behind: Collected Essays on Jewish Themes from the Noted Writer and Thinker*, (New York: Mesorah Publications, 1983), 171. NOTE: Aryeh (and everyone else) seems to quote Albo through *Sefer HaBerit* 1:3:4.

<sup>229</sup> *Messilat Yesharim* 1:2.



”בתחלה כדי שעל ידי האמצעים האלה המזדמנים לו כאן יוכל להגיע אל המקום אשר הוכן לו, שהוא העולם הבא,”  
 or, “The means that lead a person to this goal are the commandments which the blessed God commanded to us. The place of the performance of these commandments is only in this world. Therefore, man was first placed in this world so that through these means prepared for him here, he will be able to reach the place prepared for him, namely, the World to Come.”<sup>230</sup> Following from the previous citation, if humankind’s purpose is to delight in God and merit the World to Come, and the World to Come can be merited through following mitzvot, then in order to fulfill humanity’s ultimate purpose, human beings need to follow the commandments. However, this statement by definition cannot apply to all human beings, but rather only Jews. Further, only male Jews would have the opportunity to fulfill their ultimate purpose as laid out by Messilat Yesharim, as woman cannot, in more traditional forms of Judaism, perform the same commandments that men can. However, the ultimate purpose for extraterrestrials cannot be determined from Messilat Yesharim, for even were they to convert, they would still not be human. But once again, just because following the commandments is not an extraterrestrial’s highest purpose of being does not mean that they are incapable of doing them, merely that it is not necessarily their highest form of action.

### **Apples to Oranges, or, Analogous Comparisons:**

It may be redundant to state, but if they exist, extraterrestrials are not human beings.<sup>231</sup> Therefore, halakhic decisions concerning humans may not be able to be applied to

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<sup>230</sup> Ibid., 1:4.

<sup>231</sup> Technically, a human born on another planet could be considered an extraterrestrial, but for the sake of linguistic simplicity I am restricting “human” vs “extraterrestrial” to be an issue of biology.

extraterrestrials. In similar situations, where a new issue arises and *halakhah* must address it, *poskim* frequently use the technique of analogous comparison to determine the case. In order to make a halakhic decision on their candidacy for conversion, extraterrestrials would have to be conceptualized in relation to other non-human lifeforms that are sentient or appear to be sentient. There are several kinds of beings that *halakhah* discusses who at least appear sentient and human, yet are not human: golems and human clones. There are additional categories of biological human beings who, although they are literally human, are not considered “complete” enough to be of equal standing as a normative human: women, children, the insane. There is also a category of human being who (traditionally) is not considered to be a human being at all: deaf mutes. Exploring halalkic decisions concerning these categories of beings and comparing the conditions to that of hypothetical extraterrestrials can help reach a decision.

#### The Golem, an anthropoid being:

It may seem peculiar to discuss the golem in conjunction with extraterrestrials. However, they are a good point of departure when trying to find a similar example of non-human, but human-like, entities. Broadly speaking, a golem is a being created by humans, which strongly resemble naturally-born beings, in order to carry out some purpose. The phenomenon of golemic halakhah is interesting because, “they have as a major subject in entity that was believed to have been real, though it was not encountered by any of the authors dealing with this subject.”<sup>232</sup> Golemic halakhah provides a precedent in the

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<sup>232</sup> Moshe Idel, *Golem: Jewish Magical and Mystical Traditions on the Artificial Anthropoid*, (Albany: State University of New York Press, 1990), 213.

discussion of extraterrestrials which allows for the discussion of a human-like being, regardless of whether it actually exists.

The golem first appears in Jewish tradition in the Talmud. In a discussion after a passage on necromancy and before an exploration of soothsaying, the Talmud recounts the creation of two golems. In one instance, “רב חנינא ורב אושעיא הוו יתבי כל מעלי שבתא ועסקי בספר” or, “Rav Ḥanina and Rav Oshaya would sit every Shabbat eve and engage [in the study of] *Sefer Yetzira*, and a third-born calf would be created for them, and they would eat it.”<sup>233</sup> Although golems tend to be anthropoids, they can be any other kind of corporeal being with a body. Further, golems can be convincing enough that they can pass for a “real” version of the being in form and function, even to the extent that it could be consumed for a meal.

Directly preceding the account of the cow golem in Sanhedrin 65b is another example of a golem in the Talmud,<sup>234</sup> this time concerning the creation of an anthropoid golem:

אמר רבא אי בעו צדיקי ברו עלמא שנאמר כי עונותיכם היו מבדילים וגו' רבא ברא גברא שדריה לקמיה דר' זירא הוה קא משתעי בהדיה ולא הוה קא מהדר ליה אמר ליה מן חבריא את הדר לעפריך

Rava said: If the righteous wished, they could create a world, for it is written, “your iniquities have been a barrier between you and your God.”<sup>235</sup> For Rava created a man and sent him to R. Zeira. The Rabbi spoke to him but he did not answer. Then he said: “You are coming from the pietists<sup>236</sup>: Return to your dust.”<sup>237</sup>

<sup>233</sup> *BT Sanhedrin* 65b.

<sup>234</sup> It is unclear whether or not the component parts of this whole section was always together, or if the redactor of the Talmud arranged separate traditions together. However, subsequent generations of rabbis, and the halakhah, assume the passage is a unified whole. See Idel, 213ff.

<sup>235</sup> Isaiah 59:2.

<sup>236</sup> Usually חבריא is translated differently. Idel translates it as “pietists” with assumption that חבריא relates to the Talmudic usage of חבר. See Idel, 27-28.

<sup>237</sup> *BT Sanhedrin* 65b. I am using Idel’s translation of the passage, page 27.

The Rava account presents a few more aspects of the golem: they are made by humans, they can understand and carry out orders, and they can be physically mistaken for human beings. However, they cannot talk.

The two golems in Sanhedrin 65b form the basis for halakhah on golems. In general, golemic halakhah center upon two main issues: how a golem is created, and how it is destroyed.

### *A Case Against Murder:*

An anthropoid golem can be formed in a way where it is physically indistinguishable from a naturally-born human. There is a midrash on Gen 37:3 which says that Joseph gave his father an unfavorable report about his brothers. The misrash explains that there were three main transgressions that Joseph was reporting, but the important ones for this discussion are that Joseph's brothers were eating from animals that are not dead yet, and that the brothers were engaging in incestuous<sup>238</sup> intercourse with Canaanite women. Rabbi Isaiah Horwitz explains that the animals that the brothers were eating as well as the woman that brothers were sharing were golems. Citing Sanhedrin 65b, Rabbi Isaiah Horwitz explains that the cow golem, although it can be eaten, is not subject to kosher laws, or any other halakhah. Therefore, eating golems while they are still animate is not contravening halakhah. In the same way, since the woman in the midrash is a golem, she is not subject to halakhah, so the brothers do not incur sin by sleeping with her.<sup>239</sup> However, the fact that Joseph mistook both

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<sup>238</sup> It is forbidden for close relatives, like brothers, to have sexual relations with the same woman. See Idel, 236, and 239, n15.

<sup>239</sup> *Shenei Luchot haBrit, Torah Shebikhtav, parshat Vayeshev.*

the animals and the woman as naturally-born beings is indicative of how realistic golems can be.

The reason that golems are not subject to halakhah is because they are not halakhically classed as human. Even though they were physically human enough to fool other humans, there is still something about the golem that prevents it from being counted as a human being. Central to the idea of golems being less than human is the idea that they do not possess a soul, or at least not a full human soul, because it cannot speak. This will be explored in greater depth below.

Rabbi Tzvi Hirsch ben Yaakov Ashkenazi, or the Chacham Tzvi, presents the earliest case of halakhah addressing whether or not a golem has human status. The matter under discussion is whether or not a golem can be counted in a minyan. Being in a minyan is, in traditional Judaism, something that only adult male Jews can do. Essentially, the purpose of the responsum is to establish whether or not a golem has similar status as a human.

Chacham Tzvi says that if “there was a benefit to be counted among the ten in the case of a holy performance... R. Zeira would not have cast him from the world.”<sup>240</sup> If the golem could count in a minyan, and therefore also perform other mitzvot, the golem would have utility in this world. If Rabbi Zeira destroyed the golem and it could have benefited the world, meaning it could perform mitzvot, then removing it from creation would be detrimental because it would decrease the number of mitzvot able to be performed. It is not acceptable, within the tradition, for a rabbi to commit such a mistake unanswered. So, since

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<sup>240</sup> *Responsa*, part 1, no.93, Idel’s translation, p. 217.

Rabbi Zeira could only destroy the golem if it provided no benefit to the world, then golems must not be able to count for a minyan or perform mitzvot.

Chacham Tzvi also comments as to whether or not killing a golem counts as murder:

Though there is no interdiction to spill its blood [since it is written – though there are also other interpretations (to this verse) – ‘Whosoever sheds a man’s blood, by man shall his blood be shed,’<sup>241</sup> it is only in the case of a man who was formed with in a man, namely, a fetus formed within his mother’s womb, that someone is responsible for shedding his blood, and this was not the case with the man created by Rava, which was not formed in the womb of a woman] were it of any benefit, R. Zeira would have been prohibited to cast it from the world. But it cannot be counted among the ten for a holy performance.<sup>242</sup>

Although the golem can seem realistic enough to be mistaken as a human being by other humans, the golem does not have similar status to a human when it comes to the possibility of murder because it was not naturally born.

When Rabbi Zeira destroyed Rava’s golem, whether he thought the golem was a human being or not, the unmaking of the golem was not an act of murder. According to Idel, Chacham Tzvi’s, and later his son Rabbi Jacob Emden’s, “interest in the possibility of counting the Golem in the quorum... could have been motivated by the feeling that their ancestor undid the Golem, whose precise Halakhic nature was not established up to their time,” so that establishing that “the Halakhic status of the Golem as ritualistically irrelevant, [Tzvi] and his son endeavored to retroactively absolve their ancestor<sup>243</sup> from a dubious

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<sup>241</sup> Genesis 9:6

<sup>242</sup> Idel’s translation of Tzvi’s responsum, brackets and parentheses in the original, p. 217.

<sup>243</sup> Rabbi Eliyahu Ba’al Shem of Chelm, who according to Chacham Tzvi, created a golem. He eventually had to destroy the golem, although the reason given was that the golem became too destructive. See below, and see Idel, 217-218.

act.”<sup>244</sup> Although the golem is animate, and competent enough to receive and follow verbal orders, a golem cannot be human because the rabbi destroys it.

Chacham Tzvi's son, Rabbi Jacob Emden, also addressed the issue of the status of a golem. Rabbi Emden “compares the Golem to the minor, the stupid and the deaf, who are excluded from the quorum, though they are considered to have a small amount of intelligence.”<sup>245</sup> However, even if children, the stupid, and the deaf do not count for a minyan, it is still considered murder if someone kills them. However, “the Golem was killed without mentioning any problem in this context,”<sup>246</sup> so Emden agrees with Chacham Tzvi. As part of this analysis, Rabbi Emden says,

It seems that it heard since it was sent to R. Zeira. Consequently, it may be that it was a deaf man who does not speak, whose legal status is like that of an intelligent man in every respect. However, it does not seem to be true since it possessed the [faculty of] hearing, he was surely worthy also of the [faculty of] speaking. And it seems reasonable that it understood [the mission] by hints and allusions, just as the dog is trained to go to a certain mission, to bring something from someone or to return it to him.... Its vitality is like the vitality of the animal, and hence there is no transgression in its being killed. Thus it is obvious that it is just like an animal in the form of a man.<sup>247</sup>

While Chacam Tzvi separated golems from humanity based on biology and how one enters the world, Rabbi Emden excludes golems on the basis that they are less than even “lower” humans with regards to performing mitzvot. By mentioning the animal vitality,<sup>248</sup> Rabbi Emden introduces the idea of the soul in to golemic halakhah. Rabbi Emden stated that the golem has no soul - or rather no human soul. The golem at most has the animate soul, but

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<sup>244</sup> Idel, 218.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid., 219.

<sup>247</sup> *She'elat Yavetz*, part 2, fol. 28a, n. 82. The English is Idel's translation, brackets in original, p. 219.

<sup>248</sup> See discussion above regarding the Aristotelian souls

lacks the additional soul needed to count as a person. This is not based on the golem's intelligence or lack thereof, but rather because it could be killed by a rabbi without consequences. Children, the stupid, and the deaf have intelligence, can hear and speak, and are definitely human (having been born from human women), but they cannot take on mitzvot. However, killing children, the stupid, and the deaf is still murder. Thus, although the golem could hear, (possibly) speak, and possessed intelligence, it must be less than human (on par with animals) because the golem could be killed without repercussions.

Much of the status of the golem hinges on the fact that rabbis were able to destroy them without incurring sin: they could kill it because the golem could not do mitzvot, they could kill it because the golem was not biologically born human, they could kill it because (regardless of its level of intelligence or ability to speak) the golem must not have had a human soul. However, hopefully we will not begin our relationship with extraterrestrials from a place of miscommunication and destruction. Since, unlike the golem, we lack a documented example within rabbinic tradition, it is as yet unknown if killing an extraterrestrial will incur sin. Applying analogous reasoning from golems to extraterrestrials, until it is known whether a human could kill a sentient alien without incurring sin, the halakhic arguments applied to the golem should not apply to the alien. In this instance, I advocate for “building a fence around the Torah” and assuming that killing a sentient extraterrestrial would incur sin, unless proven otherwise. Concomitantly, continuing the comparison with the golem, extraterrestrials should not be killed because they could do mitzvot, they should not be killed because they are biologically born (not created), they should not be killed because (as established by intelligence and communication) the extraterrestrial has a “human” soul, making it a person. If this hypothesis is incorrect, then refraining from



killing sentient extraterrestrials will halakhically do no harm. However, if this hypothesis is correct, then killing sentient extraterrestrials would incur sin, which is antithetical to the halakhic teleological purpose of human beings.<sup>249</sup>

*Soul Concerns:*

In Judaism, part of what makes a human soul different from, and superior to, other kinds of souls is that human beings can speak and communicate; this is tied to the concept of humans having reason. In addition to the fact that golems are not born (from woman) but instead are made, this lack of speech is frequently used in the halakhah to indicate that the golem does not possess a soul equivalent to, or with the same status of, a human soul. However, speech as a criterion for determining humanity is problematic, as even on this planet, as humans are not the only ones who speak:

Yes, absolutely, the nonhuman can speak. Consider animals. Of course they speak. To be precise, they communicate with each other. And, moreover, they do so to transfer information that matters to them. By these measures, they do speak, and meaningfully, and—more to the point—that makes them comparable to us... But the question is not so simple. It challenges a powerful claim of western philosophy that speech is unique to humans, a marker of their intellectual, ethical, political, and spiritual distinctiveness. If we are no longer uniquely endowed with speech, what is left to us? At the very least, the fact that nonhuman animals share the power of communication, plus the likelihood that some of them share our capacity for ideation, forces us toward a more careful consideration of... why we might matter.<sup>250</sup>

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<sup>249</sup> Please note that I am only considering this issue within a strict halakhic standpoint; I am not taking into account social or political ramifications. I am also not bringing in a broader discussion of ethics, because the basis of why it would be morally and ethically wrong to kill a sentient extraterrestrial rests on the extraterrestrial having equivalent status as a human being.

<sup>250</sup> Joyce E. Chaplin, “Can the Nonhuman Speak?: Breaking the Chain of Being in the Anthropocene,” *Journal of the History of Ideas* 78, no. 4 (2017): 509, <https://doi.org/10.1353/jhi.2017.0029>.

Even in Jewish tradition, we have examples of talking animals, who are in no way considered human or to have a human soul. For example in the Balak narrative, Balaam beats his female donkey because she keeps veering from the road. Eventually,

28 וַיִּפְתָּח יְהוָה אֶת־פִּי הָאֲתוֹן וַתֹּאמֶר לְבַלְעָם מַה־עָשִׂיתִי לָךְ כִּי הִפִּיתִנִי זֶה שְׁלֹשׁ רִגְלִים: 29 וַיֹּאמֶר בַּלְעָם לְאֲתוֹן כִּי הִתְעַלְלָתְּ בִּי לֹא יִשְׁחָרֵב בְּיָדִי כִּי עָתָה הִרְגִּיתִי: 30 וַתֹּאמֶר הָאֲתוֹן אֶל־בַּלְעָם הֲלוֹא אָנֹכִי אֲתִנְךָ אֲשֶׁר־רָכַבְתָּ עָלַי מִצֻּרָה עַד־הַיּוֹם הַזֶּה הִסְכַּנְתָּ לַעֲשׂוֹת לָךְ כֹּה וַיֹּאמֶר לָא: 31 וַיַּגֵּל יְהוָה אֶת־עֵינָיו בַּלְעָם וַיֵּרָא אֶת־מַלְאָךְ יְהוָה נֹצֵב בְּדֶרֶךְ וְסוּרָבוֹ שְׁלֹפָה בְּיָדוֹ וַיִּקְדּוּ וַיִּשְׁתַּחֲוּ לָאֲפִיו: 32 וַיֹּאמֶר אֵלָיו מַלְאָךְ יְהוָה עַל־מָה הִכִּיתְ אֶת־אֲתִנְךָ זֶה שְׁלֹשׁ רִגְלִים הִנֵּה אָנֹכִי יֹצֵאתִי לְשִׁטֹּן כִּי־יִרְט הַדֶּרֶךְ לְנִגְדִי: 33 וַתִּרְאֵנִי הָאֲתוֹן וַתֵּט לְפָנֶי זֶה שְׁלֹשׁ רִגְלִים אוֹלִי נִטְתָה מִפְּנֵי כִי עָתָה גַם־אֲתִכָּה הִרְגִּיתִי וְאוֹתָהּ הִחַיִּיתִי:

28 The LORD opened the ass's mouth, and she said to Balaam, "What have I done to you that you have beaten me these three times?" 29 Balaam said to the ass, "You have made a mockery of me! If I had a sword with me, I'd kill you." 30 The ass said to Balaam, "Look, I am the ass that you have been riding all along until this day! Have I been in the habit of doing thus to you?" And he answered, "No." 31 Then the LORD uncovered Balaam's eyes, and he saw the angel of the LORD standing in the way, his drawn sword in his hand; thereupon he bowed right down to the ground. 32 The angel of the LORD said to him, "Why have you beaten your ass these three times? It is I who came out as an adversary, for the errand is obnoxious to me." 33 And when the ass saw me, she shied away because of me those three times. If she had not shied away from me, you are the one I should have killed, while sparing her."<sup>251</sup>

God was the one to directly confer speech on the donkey, yet the donkey does not gain the status of a human. However, the donkey does attain autonomy, no matter how brief.

According to the midrash, God gives the donkey the ability to speak

in order to make known to [Balaam] that the mouth and the tongue are under God's control .... As soon as she had spoken, she died.... the Holy One, Blessed be God is concerned about the honor of the creatures and knows their needs. And [so] God closed the mouth of the animals. As, if [an animal] could speak, [people] would not be able to subdue it and master it. As this was the silliest of animals and this was the greatest of the sages. [And yet] once she spoke, he could not master her.<sup>252</sup>

<sup>251</sup> Numbers 22:28-33

<sup>252</sup> *Midrash Tanchuma, Balak 9.*

Once the donkey could speak, she was different from other animals, even if she was not human. Speech did not grant a soul, but it did grant freedom from human dominion.<sup>253</sup>

Similarly, if a sentient extraterrestrial were able to speak or communicate in some fashion,<sup>254</sup> then they would be freed from human dominion over the land and its creatures.<sup>255</sup>

Being independent from the dominion of humankind, however, is dangerous according to Jewish tradition. In the midrash, the donkey dies immediately after speaking her piece. The midrash infers the donkey's death because of Num 22:33; since she did shy away, then the angel must have killed the donkey while sparing Balaam. Similarly to the Golem, once her task is performed, she is destroyed. To return to the example of the golem created by Chacham Tzvi's ancestor, "the decision to undo [the golem] was not due to the view that it was a non-human being, or at least not exclusively... the fact that the Golem began to change and actually went out of control, i.e., it acquired the status of an independently acting creature, was the reason for its undoing."<sup>256</sup> In both examples, when a (lesser) creature starts acting with its own will, when it no longer falls under the dominion of a human being, then it must be destroyed. Tradition would probably say the creatures must die because they violate the Chain of Being. But in the case of extraterrestrials, who may not fall under the dominion of humankind, it would not violate the established order if they acted with their own will. To be clear, punishment is not the same as eradication. Referring back to Judges 5:23, the inhabitants of Meroz are cursed, not destroyed, because they made the choice to not come to

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<sup>253</sup> See Genesis 1:26 and 28.

<sup>254</sup> As the deaf mute's communications are acceptable as a proof of reason and understanding, as will be addressed below.

<sup>255</sup> Assuming that *הָאָרֶץ* in Genesis 1:26 and 28 means all land in general, and therefore that humans have dominion over lands on other planets, not just Earth. See above.

<sup>256</sup> Idel, 218.

the aid of Israel. The ability to act autonomously, to have and express free will and not be destroyed for it, that indicates the presence of a human soul, that makes a being a person.

### Clones and Artificial Intelligence:

For people living in the current day and age, clones and artificial intelligence likely seem more relevant subjects in a conversation about human-adjacent entities, than the golem. However, the halakhah about both clones and artificial intelligence heavily rely on golemic halakhah, which is one reason why I explored it so thoroughly above. The establishment and perpetuation of a “new category of a man, or woman, who nevertheless is not a human being, allowed solutions that were otherwise impossible. The fact that the Golem was considered to be a mixed entity... externally similar to man, enabled a deepening of the discussions on the essence of human activity, mostly from the Halakhic point of view.”<sup>257</sup> One could say that it would be very difficult to have a halakhic discussion about clones, artificial intelligence, or sentient extraterrestrials without the precedent of golemic halakhah.

In the case of artificial intelligence, the discussion is rather brief. Essentially, it falls into the exact same category as the golem, except instead of being made from dust and combinations of letters, the artificial intelligence is made of code. Regardless of its physical form, it is still something created by human hands, and, for the reasons explained above, cannot be counted as human within traditional halakhic thought. Within a responsum concerning clones and genetically engineering children, while discussing souls, a Reform posek uses golems during a discussion of the soul saying, “No one would consider a

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<sup>257</sup> Ibid., 214

computer to possess a soul.”<sup>258</sup> He may have been referring to robots in general, and not specifically robots designed to function autonomously. Regardless, the debate about artificial intelligence does not bring a lot of new material to the halakhic discourse. Even if the discussion turns to the subject of intelligence and free will, and even if it were to be proved that an artificial intelligence possesses both, it would not be able to be considered human according to traditional halakhah because, just as with the golem, it was never born, and because humans cannot create souls.

Clones, however, do provide new avenues for inquiry for halakhah. Unlike golems, clones not only closely resemble naturally-born human beings, they are in fact biologically and genetically the same as human beings. Provided that the clone was gestated like non-cloned human beings, within a woman’s womb, then the clone would be born in exactly the same manner as a non-cloned human being, and therefore be human.<sup>259</sup> However, if the clone was completely gestated outside a woman’s body, a truly “test tube” baby, then the status of the child need to be determined halakhically. For the Reform, even for an *ex utero* gestation, the halakhah concludes, “We could well consider [a clone] to have a soul.”<sup>260</sup> In terms of comparing clones with sentient extraterrestrials, however, the comparison is the same as that with the golem. There is one added dimension however.

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<sup>258</sup> Walter Jacob, ed., “20. Genetic Engineering,” *Contemporary American Reform Responsa*, (New York: Central Conference of American Rabbis, 1987) 34. Or, “CARR 32-34, 20. Genetic Engineering,” Central Conference of American Rabbis, <https://www.ccarnet.org/ccar-responsa/carr-32-34>.

<sup>259</sup> John D. Loike and Avram Steinberg, “Human Cloning and Halakhic Perspectives,” *Tradition: A Journal of Orthodox Jewish Thought* 32, no. 3 (1998): 40, <https://traditiononline.org/human-cloning-and-halakhic-perspectives>.

<sup>260</sup> Jacob, “20. Genetic Engineering,” 34.

### The Definition of Reward:

As a final offering in the debate as to whether extraterrestrials could be considered human, and thereby eligible for conversion to Judaism, I would like to offer an argument on behalf of the *tzadikim*. According to the Mishnah, “in the world to come the Holy One, Blessed be He, will make each righteous person inherit three hundred and ten worlds.”<sup>261</sup> According to the Kabbalists, this means that “each and every Tzadik has his own world.”<sup>262</sup> Kaplan gives an interesting interpretation of this phenomenon: “We therefore have a most fascinating reason why the stars were created, and why they contain intelligent life. Since an overcrowded Earth will not give the Tzaddikim the breadth they require, each one will be given his own planet, with its entire population to enhance his spiritual growth.”<sup>263</sup> If each Tzadik gets their own planet in the World to Come, and each planet is populated by extraterrestrials, and the presence of said extraterrestrials is to allow the Tzadik to grow (through teaching, being a *posek*, or some other way), then there is a potential problem. According to Maimonides, “it was because of [the intellect God gave man] that it was said of him that he was created ‘in the image of God and His likeness.’ It was likewise on account of it that he was addressed by God and given commandments, as it says: ‘And the Lord God commanded,’ and so on. For commandments are not given to beasts and beings devoid of intellect.”<sup>264</sup> If sentient extraterrestrials were not intelligent – if they did not possess an intelligent soul – then they would not be able to learn Torah or mitzvot, nor would they be able to take on the commandments. God would not be so sadistic as to “reward” the

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<sup>261</sup> *Mishnah Otkzin*, 3:12.

<sup>262</sup> *Tikunei haZohar* 14b.

<sup>263</sup> Kaplan, 173.

<sup>264</sup> *Guide*, 1:1.

Tzadikim with a planet that could not benefit from their wisdom, full of beings they could not teach. Therefore, sentient extraterrestrials must have a human soul, and must have free will so as to be able to take on the commandments, because God is not unjust.

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