



Bet Horaah

בית הוראה

Shaare Ezra

שערי עזרא

Parshat Ki Tavo

Zmanim for New York:

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UNCERTAINTY IN THE AI (ARTIFICIAL INTELLIGENCE) ERA: THE CHALLENGE OF "GUILTY BEYOND ANY REASONABLE DOUBT". PART 1.

WRITTEN BY RABBI SHAY TAHAN

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Consider a scenario where an individual is brought before a court on suspicion of grave offenses. Incriminating actions are captured in recorded videos, seemingly providing concrete evidence. However, the accused contests the charges, admitting that they appear in the video but asserting their innocence. Their defense attorney raises a plausible argument, suggesting that the images could be AI (Artificial Intelligence) -generated, casting doubt on the authenticity of the evidence.

In the realm of criminal justice, the phrase "guilty beyond any reasonable doubt" holds immense significance. It serves as a cornerstone of the legal system, ensuring that individuals accused of crimes are afforded a fair trial and protection against wrongful convictions. This principle sets a high standard of proof that the prosecution must meet to secure a conviction, emphasizing the gravity of taking away a person's liberty based on evidence that leaves no room for reasonable uncertainty.

In an era where AI apps can seamlessly generate lifelike images and videos of individuals purportedly engaging in criminal activities, the reliability of visual evidence has been called into question. These AI-generated images and videos are often so meticulously crafted that they can mirror a person's appearance and even replicate their voice with astonishing accuracy. This technological advancement raises concerns about the potential for misinformation, manipulation, and the erosion of trust in visual evidence within legal proceedings.

The phrase "guilty beyond any reasonable doubt" now faces a fresh dimension of interpretation. As AI blurs the lines between reality and fabrication, legal systems must grapple with redefining what constitutes reasonable doubt in the context of visual evidence. The challenge lies in distinguishing between authentic recordings and AI-generated content, as well as determining the

origin and integrity of such evidence.

Convictions based on footage and videos.

The Torah's stance on relying on footage or videos for incrimination is subject to scrutiny. The Talmud (פ"ב דר"ה) provides insights into this matter through its discussions on determining the commencement of a new month. The process involves the sighting of the new moon, where two witnesses present their testimony to the Bet Din in Yerushalayim. Upon verifying the veracity of the witnesses' claims, the Bet Din declares the start of the new month.

In the discourse surrounding the reliability of testimony, the Gemara (ראש השנה כד, א) sheds light on a specific scenario. It teaches us that if witnesses happen to witness not the moon itself but merely its reflection, such as on water, their testimony is deemed invalid, and the Bet Din does not endorse it. Drawing a parallel, the Sefer Halachot Ketanot (סימן פב) draws an analogy with witnessing the moon's reflection in a mirror, asserting that this, too, would be rejected by the court.

However, the Chida (ברכי יוסף חו"מ סימן לה אות יא) presents an alternative perspective. He contends that a mirror's reflection might indeed constitute valid testimony due to its heightened clarity when compared to the reflection on water. Consequently, he posits that this clarity renders the mirror's testimony acceptable.

Applying these insights to modern contexts, certain authorities permit the use of images from photos or videos as evidence, provided they exhibit a high degree of clarity. (עיין יב"א ח"ו אבה"ע סי"ג, וק. התייר בשו"ת עין יצחק אבה"ע סי' לא אות ג)

This consideration emerges from the notion that if a clear and accurate representation is offered, it aligns with the Torah's emphasis on reliable testimony.

Torah's Uncompromising Standard of Conviction



UNCERTAINTY IN THE AI (ARTIFICIAL INTELLIGENCE) ERA: THE CHALLENGE OF "GUILTY BEYOND ANY REASONABLE DOUBT". PART 1.

In Torah perspectives, the principle of being "guilty beyond any reasonable doubt" takes a more stringent form. The Torah's requirement for conviction exceeds reasonable doubt—it demands absolute certainty. The Torah requires witnesses to see the crime firsthand and not depend on convincing circumstantial evidence.

This rigorous approach is supported by the Torah's directive in the verse **שמות כג ז**, which states, **"צדיק ורשע אל תהרג"** ("And the guiltless and righteous do not slay"). This signifies that unless a person is directly witnessed committing the crime, they remain free from guilt. Another verse, **במדבר לה יא**, emphasizes **"הצילו העדה"** ("protect the assembly"), highlighting the obligation to shield the accused.

Certainly, we are familiar with the Mishna's proclamation that a Sanhedrin, the Jewish court, which pronounces the death penalty merely once every 7 years (with some opinions extending the period to even 70 years), is characterized as a "deadly Bet Din." (**מכות א, י**).

This exacting approach is evident in various Talmudic and Halachic references, emphasizing an unshakable commitment to justice:

Illustrating Torah's Rigorous Legal Standards.

An illustrative example is found in a story recounted by Rabbi Shimon ben Shatach (**סנהדרין לז, ב**). He witnessed an individual pursuing another with a knife in hand. They entered an abandoned building, and upon the rabbi's entrance, he discovered the pursuer holding a bloodied knife while the victim lay fatally wounded. Rabbi Shimon ben Shatach, however, acknowledged that Torah law didn't permit him to convict the pursuer. Despite witnessing these circumstances, the rabbi emphasized that he couldn't be a witness to the actual stabbing because he didn't actually see the crime. Furthermore, Torah law stipulates the necessity of two witnesses for a conviction. Although the rabbi refrained from legal action, he admonished the pursuer, predicting divine retribution upon him.

Financial Obligations Hinge on Direct Witnessing.

This approach isn't limited to capital punishment cases; it extends to obligatory financial responsibilities as well. Only when witnesses have firsthand knowledge can they impose a requirement for payment.

The Talmud delves further into legal principles by recounting a unique incident involving a camel. This particular camel exhibited aggressive behavior by attacking other camels through biting and kicking. Witnesses were present during an episode where the unruly camel was on a rampage. Soon after, the witnesses stumbled upon another camel, lifeless, in close proximity to the wild camel. However, crucially, these witnesses hadn't directly seen the actual killing take place.

The Gemara proceeds to relay an interesting perspective offered by Rav Acha. He asserted that the owner of the disruptive camel should indeed be held accountable for the damages incurred. In his view, the witnessed aggressive behavior of the camel, coupled with the subsequent discovery of the dead camel, was sufficient evidence to obligate the owner for compensation.

However, when examining this scenario in accordance

with Halacha, the outcome diverges. It is determined that the owner of the wild camel is exempt from financial responsibility. The rationale behind this ruling lies in the fact that, according to Halacha, direct witnessing of the actual killing is a prerequisite for imposing such liability. Since the witnesses in this case hadn't observed the precise moment of the killing itself, the owner is not held culpable under Halacha.

This illustration underscores the Torah's stringent criteria for conviction, which necessitates guilt beyond any doubt. The standard of "beyond reasonable doubt" is not sufficient according to Torah standards.

Convicting upon robust evidence:

Conversely, there exist cases where circumstantial evidence is so robust that it defies any alternative explanation. In such instances, the Torah permits conviction or obligation based on this compelling evidence.

The Shulchan Aruch (**ח"מ סימן צ סעיף טז**) provides an example that exemplifies this principle. It discusses the scenario of two individuals entering an empty house with no alternative entrance. These individuals emerge, and one of them bears a wound that can only be explained by the other causing it – for instance, a wound between the shoulders or on the back. The absence of any other plausible explanation makes this circumstantial evidence substantial enough for conviction.

Another case mentioned in the Tur (**שם**) involves a person entering a location containing certain objects, and upon exiting, the objects are mysteriously absent. Since no one else was present in the room at that time, and there is no other access point, the only reasonable inference is that the person must have stolen the items. Thus the Halacha obligates him to either return the items or pay for them.

These examples accentuate the Torah's nuanced approach to evidence, the principle of "beyond any doubt," sometimes meet the circumstantial evidence to be so conclusive that it leaves no room for doubt. These scenarios reflect the balanced and just perspective the Torah brings to legal matters, ensuring a careful weighing of evidence while upholding the principles of justice.

Summary:

Summing up these concepts, it's evident that convicting someone solely based on photos or videos, however accurate they may appear, is no longer viable. The advancements in today's AI technology not only fail to meet the criteria of being "beyond a doubt" but also fall short of the standard of "beyond a reasonable doubt."

In light of the complexities brought about by AI, the straightforward nature of visual evidence is challenged. While these technological advances offer incredible potential, they also introduce new layers of uncertainty in legal proceedings. This highlights the importance of a comprehensive and critical assessment of evidence in a rapidly evolving technological landscape.

This marks the beginning of a series addressing the novelty of challenges posed by artificial intelligence from a Halacha perspective. In the upcoming installment, we will delve into the question of whether a Bet Din can supersede the aforementioned challenge. Stay tuned for next week's exploration.

RAMASWAMY'S AMBITIOUS VISION MEETS HUMILITY: NAVIGATING ENDLESS WISDOM.

In last week's Republican presidential debate, a dynamic young entrepreneur by the name of Vivek Ramaswamy, aged 38, captured the spotlight with his compelling promises of forthcoming changes should he be elected. While other candidates questioned his experience and grasp of fundamental political knowledge, Ramaswamy remained resolute, advancing his points with charisma and a persistent smile. His performance led many to perceive him as the standout of the debate.

At the conclusion of Parashat Ki Tavo, Moses Rabenu delivers a rebuke to the nation, asserting that now, after 40 years in the desert, they have begun to grasp the teachings and instructions that Hashem has imparted to them.

Rashi draws a parallel to a student who only comprehends his teacher's lessons after four decades of learning. Naturally, this does not imply that the nation now fully comprehends Hashem's profound wisdom, but rather signifies that after 40 years, an individual reaches a level of maturity where they recognize the vast expanse of their own lack of understanding. In essence, acknowledging our lack of understanding marks a significant achievement, as it opens the door to learning. Conversely, when someone believes they possess exhaustive knowledge, they inadvertently stifle their own potential for growth.

The Mishna in Avot (5,21) expounds on the stages of maturity based on a person's age. For instance, it stipulates that at the age of 18, an individual is considered prepared for marriage. Upon reaching 20, one is deemed ready for pursuing various

life endeavors. When attaining the age of 30, an individual is seen as having gained the strength and authority (koach) to lead. Upon reaching 40, a person is said to attain "bina," which is elucidated by the sages as profound and deep understanding. This "bina" implies a comprehension that goes beyond surface-level knowledge.



During periods of immaturity, individuals often fall into the trap of presuming they possess all-encompassing knowledge. Consider the example of a child who staunchly believes they comprehend matters superiorly to their parents across all domains. This tendency stems from an immature mindset. Chazal, (our sages), impart the wisdom that around the age of

40, a person begins to recognize the existence of depths beyond superficial appearances.

When observing a young individual of merely 38 years confidently asserting their capacity to govern a global powerhouse like the United States, it serves as a conspicuous marker of their failure to grasp the complexities at play. Such a display accentuates the contrast between their assurance and the intricate details involved in the undertaking.

The lesson to be gleaned from this is that we too must guard against harboring an inflated sense of knowing everything. Instead, we should cultivate humility, allowing our hearts and minds to remain receptive. It is essential to recognize that Hashem possesses an inexhaustible wellspring of wisdom, and

UNVEILING THE WISDOM WITHIN: EXPLORING THE SEFER TOMER DEVORAH.

In the realm of Jewish ethical literature, the "Sefer Tomer Devorah" stands as a gem of profound wisdom and moral teachings. Authored by Rabbi Moshe Cordovero, a prominent 16th-century Kabbalist and scholar, this enlightening work delves into the intricate interplay between ethics, spirituality, and personal development.

The title itself, "Sefer Tomer Devorah," translates to "The Palm Tree of Deborah." Like the resilient palm tree that thrives in harsh conditions, the text aims to guide readers towards moral strength and righteousness, even in the face of challenges. The choice of the name Deborah is not coincidental; it invokes the image of the biblical prophetess Deborah, known for her wisdom, leadership, and courage.

At its core, the "Sefer Tomer Devorah" presents a unique ethical framework that intertwines various virtues and divine attributes. Rabbi Cordovero draws from traditional Jewish teachings, weaving together insights from Kabbalah, Jewish law, and ethical teachings.

The themes explored in "Sefer Tomer Devorah" touch upon fundamental aspects of human conduct, urging readers to adopt qualities like compassion, humility, patience, and generosity. What makes this work particularly illuminating is its ability to bridge the gap between the realm of Kabbalah and the practical world of ethical behavior.



Throughout the month of Elul, as an integral part of the Seli-chot prayers, we repeatedly invoke the 13 Divine Attributes. As we embark on this enlightening journey of exploration, it is important to highlight a significant passage from the Gemara (Rosh Hashanah 17b). This passage says that Hashem assures forgiveness to those who do the 13 attributes. However, a question arises: Why does the passage employ the term "do" instead of "say"? Wouldn't it be more fitting to express "when you say" rather than "when you do"?

The answer to this question lies in the depth of the intention. It's not merely enough to recite these attributes; rather, it's essential to internalize and enact them in our lives. In this context, "doing" doesn't refer solely to the verbal recitation but underscores the significance of embodying these attributes. The concept of "doing" resonates with the idea that we are called upon to emulate the Divine attributes themselves.

Rabbi Cordovero's exploration of the 13 Divine Attributes provides a framework for understanding how we can actively manifest these attributes in our lives. By imitating these qualities, we engage in a transformative process that aligns our actions with Hashem.

The sefer opens up with the following introduction: It's important for a person to reflect the qualities of their Creator,

UNVEILING THE WISDOM WITHIN: EXPLORING THE SEFER TOMER DEVORAH.

becoming akin to the Highest Form in both appearance and essence. Mere physical resemblance without matching actions betrays this Form, leading to the saying, "Nice appearance, but unsightly deeds." The essence of the Highest Image and Likeness is found in actions. What's the value of resembling the external form if actions don't mirror the Creator?

The First Attribute:

The First Attribute, "Who is a power like You," unveils Hashem's nature as a patient King, who endures even the most unimaginable insults. There are two reasons why He is referred to as an insulted king. Firstly, His unwavering vigilance leaves nothing unnoticed, yet He maintains the sustenance and support for every individual even while he sins. Secondly, remarkably, even as a person engages in wrongdoing, the very force they misuse continues to empower their actions and existence. In light of this, the Divine tolerance permits the flow of power, even when it's utilized for trans-

gression against Him- the creator.

To illustrate this, consider the analogy of inviting a guest to one's home. Instead of keeping the house clean, the guest takes eggs from the fridge and hurls them at the walls and carpets. In this scenario, one might expect the host to promptly evict the guest or at least cease offering more eggs. However, when we observe Hashem's conduct, we witness a remarkable divergence. Despite our actions, He sustains us within His world, generously bestowing life, energy, and strength even as we persist in sinful behavior.

This seemingly paradoxical behavior can be understood through the lens of His patient generosity. Unlike a human host who might grow impatient, Hashem continues to provide for us with the aspiration that we will eventually amend our ways. For Him, the prospect of that justifies the waiting. By persistently extending His chesed, He holds out hope for our eventual change and improvement.



פרשת הרוגלות הנקראת 'פגסוס'.

לחברך. וגם כאן כיון שאלו שריגלו אינם רוצים שיעשו להם כן היה להם להימנע.

טעם שני הנסמך על הפסוק 'לא תלך רכיל בעמיר' הוא שיש איסור לבקש ולחפש מסתוריו של חברו. לפי טעם זה ודאי שאין לך רכילות וביקוש מסתוריו של חברו גדול מלהאזין לשיחותיו בסתר ולעין בדברים הפרטיים שלו בסלולר.

גניבת דעתו שמגלה מצפוני לבו, דהיינו סודותיו, וודאי שזה ששייך גם ברוגלות.

נוסף לזאת המרגלים הנ"ל חטאו לא רק לבעלי הטלפונים אלא גם לאלו ששלחו להם הודעות, שכן הטעמים דלעיל שייכים גם לכל שולחי ההודעות גם כן.

ומכאן למדנו דרך אגב שאסור להתבונן בטלפון של אחרים בלא רשותם, ואפילו אם הם נותנים לנו רשות עדיין אסור להתבונן ולראות הודעות שהגיעו להם מאחרים, כיון שאז אנו עוברים על כל האיסורים דלעיל כלפי שולחי ההודעות.

שלום לרבנים. בעקבות החקירה המיועדת לפרשת הריגול של הרוגלות בטלפונים הסלולרים הנקראת 'פגסוס', התלבטתי אם מלבד האיסור החוקי קיים גם איסור הלכתי.



שלום לכם.

ידוע שרבינו גרשום המכונה מאור הגולה (חי במאה ה-11 והיה מגדולי רבני אשכנז) תיקן כמה תקנות וגזר כמה גזירות. אחת התקנות שגזר עליהם בחרם היה שלא לראות ולקרוא כתבים ששולח אדם לחבירו (כלבו סימן קטז, באר הגולה י"ד סוף סימן שלד).

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MAY HASHEM SEND SPECIAL STRENGTH IN TORAH AND ALL THE BERACHOT TO DAVID AKIVA AND RACHEL LEON.