

Current Jewish Questions

Substance Abuse

"I support the use of medical marijuana, but only for chronic conditions."

Rabbi Josh Yuter – [April 22, 2010](#)

I. Introduction – Substance Use

<p>1. B. Gittin 70a There are eight things which in large quantities are harmful but in small quantities are beneficial, namely, travelling, the 'way of the world', wealth, work, wine, sleep, hot baths, and blood-letting.</p>	<p>1. תלמוד בבלי גיטין ע"א: שמונה - רובן קשה ומיעוטן יפה, ואלו הן : דרך, ודרך ארץ, עושר, ומלאכה, יין, ושינה, חמין, והקזת דם.</p>
<p>2. B. Sanhedrin 43a R. Hiyya b. Ashi's dictum in R. Hisda's name; When one is led out to execution, he is given a goblet of wine containing a grain of frankincense, in order to benumb his senses, for it is written, Give strong drink unto him that is ready to perish, and wine unto the bitter in soul. (Prov. 31:6)</p>	<p>2. תלמוד בבלי סנהדרין מג"א: דאמר רב חייא בר רב אשי אמר רב חסדא : היוצא ליהרג משקין אותו קורט של לבונה בכוס של יין כדי שתטרף דעתו, שנאמר +משלי ל"א+ תנו שכר לאובד ויין למרי נפש.</p>

II. Contemporary Approaches Towards Drug Abuse

3. Rabbi Nathan Drazin – Halakhic Attitudes and Conclusions to the Drug Problem and its Relationship to Cigarette Smoking *Judaism and Drugs* p. 77-78

"Why, indeed, have the great *halakhic* authorities of our generation been silent concerning the prohibitions of Jewish law in regard to cigarette smoking? The author has learned from at least two of such scholars that they rely on a talmudic principle that states, "Since the multitude are accustomed to it (a practice that may have some peril in it), 'the Lord preserveth the simple'" (Psalms 116:6, B. Shabbat 129b). In other words, divine mercy will protect the simple from harm when they follow the custom of the many. Surely this principle may not at all be applied to the use of drugs, for in that case, the descriptive phrase – "since the multitude are accustomed to it" – does not apply, especially so among Jews.

4. An Open Letter to the Jewish Community from the National Conference of Synagogue Youth – N.C.S.Y *Judaism and Drugs* p. 29-30

Dear Parents, Brothers, Sisters and Friends:

We the undersigned, like most other teenagers, have faced the serious issue of drugs and drug use. As members of an Orthodox Youth Group, we feel that our decision must reckon with the traditions of Judaism and with the specific demands of Halachah. Because of the controversial nature of the problem, especially the Question of marijuana, we have this past week consulted with some of the greatest Halachic authorities of our time. They are: Rabbi A. Soloveitchik Dean, Hebrew Theological College, Rabbi M. Feinstein Dean Yeshiva Tiferet Yerushalayim, Chairman Council of Torah Authorities. Rabbi Dr. Immanuel Jakobovits, Chief Rabbi of the British Commonwealth Author of "Jewish Medical Ethics." Their unanimous decision was that the use of marijuana constitutes a violation of basic Jewish law. We have studied the text of their decision and understand their condemnation based on the following principles:

A. Being involved with marijuana is a violation of the sacredness of human potentiality. A man created in the image of G-d must constantly walk in the ways of his Creator, just as the G-d of the universe is alive, active,

and creative, so must be the world of Man. Marijuana leads a person to withdrawal, passivity, laziness, concentration becomes difficult, the study of Torah and the fulfillment of *mizvah* burdensome. Such a person divests himself of his unique calling to be a real man in the image of G-d and in nakedness stalks the earth in search of the tree of sensuality to avoid and escape this world of reality. Marijuana, its culture and climate, is so far removed from the Torah's call to HOLINESS.

B. One who is a user of Marijuana violates Numbers 15:39! and because addicted to sensuousness. He places himself in a position where destruction of his free will and degradation of his inner personality is imminent. Such a person slowly loses his options and his choices and the mechanism of his decision-making powers.

Judaism teaches the only difference between man and animal is that man can think, argue, foresee, conclude, and reverse himself; marijuana helps diminish that distinction and makes man more closely related to the ape.

C. It is also a violation of Deut. 22:8 which stresses the obligation on man to zealously protect his body from anything that may be harmful and injurious. The fact that it is not now harmful to a person does not preclude the chance that it may one day be. A man who does not put up a fence around his roof, is in violation of the biblical mandate irrespective of whether someone had fallen off his roof or not. A biblical verse so concerned about loss of limb would be so much more concerned about the possible loss of mind and soul as well.

We therefore publicly commit ourselves to the Halachic view that drugs are an irrelevant digression from the basic tasks of a purposeful Jewish life.

5. Benny Kraut – Perspectives on the Drug Issue *Judaism and Drugs* 205-206, 210-211

While I applaud the initiative of the NCSY youth responsible for having taken a contemporary social problem to rabbinic authorities for a *psak halakhab*, I cannot help but feel sorely disappointed that their discussions did not result in a text for this *psak*. Unfortunately, the printed synopsis deals primarily with conclusions; no sophisticated analysis of the issues is given and hence serious questions remain unanswered. Clearly, I do not intend to challenge the authority of the *psak*. I do feel, however, that a much more thoroughly analytic presentation of the *psak* than that given by the magazine is in order.

The fundamental flaw in the synopsis text of the *psak* is that no distinction is made between the "pothead" and the occasional or "social" user...

To the occasional and "social" user of marijuana, marijuana use may be one form of leisure activity with no concomitant anti-rational and hence anti-Jewish implications. One should, therefore, not necessarily impute to this person the desire to deny creativity and rational activity. If one grants the logic of this argument, then it seems to me that this type of marijuana use does not differ in the slightest from the "social" drinking of alcohol at weddings and Bar-Mitzvahs or from the friendly glass of "schnapps" distributed at special means when a group of people assembles. Perhaps the only difference lies in the greater health hazard of alcohol to the individual – both physically and psychopharmacologically. It seems somewhat unjust and even intellectually indefensible to *halakhically* prohibit the social use of marijuana without simultaneously *halakhically* prohibiting the social use of alcohol. If it is assumed that Jews will be careful not to become alcoholics when they drink on occasion, why is it not similarly assumed that Jews will be mindful not to become "pot-heads" when they smoke marijuana on occasion?

¹ ולא תתורו אחר לבבכם ואחרי עיניכם אשר אתם זנים אחריהם – and that ye go not about after your own heart and your own eyes, after which ye use to go astray

III. Protecting One's Health

<p>6. B. Berachot 32b Our Rabbis taught: It is related that once when a certain pious man was praying by the roadside, an officer came by and greeted him and he did not return his greeting. So he waited for him till he had finished his prayer. When he had finished his prayer he said to him: Fool! is it not written in your Law, Only take heed to thyself and keep thy soul diligently,(Deut 4:9) and it is also written, Take ye therefore good heed unto your souls? (Deut 4:15) When I greeted you why did you not return my greeting?</p>	<p>6. תלמוד בבלי ברכות לב: תנו רבנן: מעשה בחסיד אחד שהיה מתפלל בדרך, בא הגמון אחד ונתן לו שלום ולא החזיר לו שלום, המתין לו עד שסיים תפלתו. לאחר שסיים תפלתו אמר לו: ריקא, והלא כתוב בתורתכם +דברים ד'+ רק השמר לך ושמור נפשך וכתוב +דברים ד'+ ונשמרתם מאד לנפשתיכם, כשנתתי לך שלום למה לא החזרת לי שלום</p>
<p>7. B. Bava Kama 91b "And surely your blood of your lives will I require" (Gen. 9:5) [upon which] R. Eleazar remarked [that] it meant I will require your blood if shed by the hands of yourselves</p>	<p>7. תלמוד בבלי בבא קמא צא:ב דתניא: +בראשית ט'+ ואך את דמכם לנפשותיכם אדרש - ר' אלעזר אומר: מיד נפשותיכם אדרש את דמכם</p>
<p>8. B. Ta'anit 22b Our Rabbis have taught: When a city is surrounded by hostile Gentiles, or threatened with inundation by the river, or when a ship is foundering in the sea, or when an individual is being pursued by Gentiles or robbers or by an evil spirit, the alarm is sounded [even] on the Sabbath; and on account of all these an individual may afflict himself by fasting. R. Jose says: <u>An individual may not afflict himself by fasting lest thereby he come to need the help of his fellow men and it may be that they will not have mercy upon him.</u> Rav Judah said in the name of Rav R. Jose's reason is because it is written, <u>And became a living soul; Scripture thereby implies, [God says], Keep alive the soul which I gave you.</u></p>	<p>8. תלמוד בבלי תענית כב: תנו רבנן: עיר שהקיפוה נכרים או נהר, ואחד ספינה המיטרפת בים, ואחד יחיד שנרדף מפני נכרים או מפני לסטין, ומפני רוח רעה - על כולן יחיד רשאי לסגף את עצמו בתענית. <u>רבי יוסי אומר: אין היחיד רשאי לסגף את עצמו בתענית.</u> שמה יצטרך לבריות ואין הבריות מרחמות עליו. אמר רב יהודה אמר רב: מאי טעמא דרבי יוסי, דכתיב +בראשית ב'+ <u>ויהי האדם לנפש חיה - נשמה שנתתי בך החייה.</u></p>
<p>9. B. Avoda Zara 18a It was said that within but few days R. Jose b. Kisma died and all the great men of Rome went to his burial and made great lamentation for him. On their return, they found R. Hanina b. Teradion sitting and occupying himself with the Torah, publicly gathering assemblies, and keeping a scroll of the Law in his bosom. Straightaway they took hold of him, wrapt him in the Scroll of the Law, placed bundles of branches round him and set them on fire. They then brought tufts of wool, which they had soaked in water, and placed them over his heart, so that he should not expire quickly. His daughter exclaimed, 'Father, that I should see you in this state!' He replied, 'If it were I alone being burnt it would have been a thing hard to bear; but now that I am burning together with the Scroll of the Law, He who will have regard for the plight of the Torah will also have regard for my plight.' His disciples called out, 'Rabbi, what seest thou?' He answered them, 'The parchments are being burnt but the letters are soaring on high.' 'Open then thy mouth' [said they] 'so that the fire enter into thee.' <u>He replied, 'Let Him who gave me [my soul] take it away, but no one should injure oneself.</u></p>	<p>9. תלמוד בבלי עבודה זרה יח:א אמרו: לא היו ימים מועטים עד שנפטר רבי יוסי בן קיסמא, והלכו כל גדולי רומי לקברו והספידוהו הספד גדול, ובחזרתן מצאוהו לרבי חנינא בן תרדיון שהיה יושב ועוסק בתורה ומקהיל קהלות ברבים וס"ת מונח לו בחיקו. הביאוהו וכרכוהו בס"ת, והקיפוהו בחבילי זמורות והציתו בהן את האור, והביאו ספוגין של צמר ושראום במים והניחום על לבו, כדי שלא תצא נשמתו מהרה. אמרה לו בתו: אבא, אראך בכך? אמר לה: אילמלי אני נשרפתי לבדי היה הדבר קשה לי, עכשיו שאני נשרף וס"ת עמי, מי שמבקש עלבונה של ס"ת הוא יבקש עלבוני. אמרו לו תלמידיו: רבי, מה אתה רואה? אמר להן: גליון נשרפין ואותיות פורחות. אף אתה פתח פיק ותכנס [בך] האש! <u>אמר להן: מוטב שיטלנה מי שנתנה ואל יחבל הוא בעצמו.</u></p>

<p>10. B. Eiruvim 54a</p> <p>R. Judah son of R. Hiyya remarked: Come and see how the dispensation of mortals is not like that of the Holy One, blessed be He. In the dispensation of mortals, <u>when a man administers a drug to a fellow it may be beneficial to one limb but injurious to another</u>, but with the Holy One, blessed be He, it is not So. He gave a Torah to Israel and it is a drug of life for all his body, as it is said: And healing to all his flesh.</p>	<p>10. תלמוד בבלי עירובין נד:א</p> <p>אמר רב יהודה ברבי חייא: בא וראה, שלא כמדת הקדוש ברוך הוא מדת בשר ודם. מדת בשר ודם, <u>אדם נותן סם לחבירו - לזה יפה ולזה קשה</u>. אבל הקדוש ברוך הוא אינו כן, נתן תורה לישראל - סם חיים לכל גופו, שנאמר ולכל בשרו מרפא.</p>
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IV. Spiritual / Behavioral Considerations

11. Rabbi Moshe D. Tendler PhD – "Ethical Implications of the Drug Culture" *Judaism and Drugs* p. 65

"When the momentary enjoyment of a drug mediated euphoria is fixed as a component of the daily life pattern, we have man in defeat, with the enemy so omnipresent as to preclude any future hope of turning defeat into victory. The injection of an addictive or mind-destroying drug is an act of physical mutilation of those neural pathways that in composite are the psychological basis of human behavior. The motivation for this self mutilation is the refusal to accept the burden of the 'Yoke of Mitzvos.'"

<p>12. B. Berachot 5a</p> <p>R. Levi b. Hama says in the name of R. Simeon b. Lakish: A man should always incite the good impulse [in his soul] (In the Talmud the good impulses and evil impulses of a man are personified as two genii or spirits dwelling in his soul, the one prompting him to do good things and the other one to do wicked things. The meaning of this saying here is that a man has always to make an effort and to fight against the evil instincts) to fight against the evil impulse. For it is written: Tremble and sin not. If he subdues it, well and good. If not, let him study the Torah. For it is written: 'Commune with your own heart'. If he subdues it, well and good. If not, let him recite the Shema'. For it is written: 'Upon your bed'. If he subdues it, well and good. If not, let him remind himself of the day of death. For it is written: 'And be still, Selah'</p>	<p>תלמוד בבלי ברכות ה:א</p> <p>אמר רבי לוי בר חמא אמר רבי שמעון בן לקיש: לעולם ירגיז אדם יצר טוב על יצר הרע, שנאמר +תהלים ד'+ רגזו ואל תחטאו. אם נצחו - מוטב, ואם לאו - יעסוק בתורה, שנאמר: אמרו בלבבכם; אם נצחו - מוטב, ואם לאו - יקרא קריאת שמע, שנאמר: על משכבכם; אם נצחו - מוטב, ואם לאו - יזכור לו יום המיתה, שנאמר: ודמו סלה.</p>
<p>13. B. Ketubot 8b</p> <p>Ulla said, and some say [that] it was taught in a Baraita: Ten cups [of wine] the scholars have instituted [to be drunk] in the house of the mourner: Three before the meal in order to open the small bowels, three during the meal in order to dissolve the food in the bowels, and four after the meal: one corresponding to 'who feedeth', (the first blessing) one corresponding to the blessing of 'the land', (second blessing) one corresponding to 'who rebuildeth Jerusalem,(third blessing) and one corresponding to 'who is good and doeth good'.(fourth blessing) They [then] added unto them [another] four [cups]: one in honor of the officers of the town, and one in honor of the leaders of the town, and one in honor of the Temple, and one in honor of Rabban Gamaliel. <u>[When] they began to drink [too much] and to become intoxicated, they restored the matter to its original state.</u></p>	<p>13. תלמוד בבלי כתובות ח:ב</p> <p>אמר עולא, ואמרי לה במתניתא תנא: עשרה כוסות תקנו חכמים בבית האבל, שלשה קודם אכילה - כדי לפתוח את בני מעיו, שלשה בתוך אכילה - כדי לשרות אכילה שבמעיו, וארבעה לאחר אכילה - אחד כנגד הזן, ואחד כנגד ברכת הארץ, ואחד כנגד בונה ירושלים, ואחד כנגד הטוב והמטיב; הוסיפו עליהם ארבעה - אחד כנגד חזני העיר, ואחד כנגד פרנסי העיר, ואחד כנגד בית המקדש, ואחד כנגד רבן גמליאל, <u>התחילו היו שותין ומשתכרין, החזירו הדבר ליושנה.</u></p>

<p>14. B. Ta'anit 25b-26a</p> <p>IT HAPPENED THAT THE RABBIS ORDAINED A FAST IN LYDIA etc. Should they not have recited the Hallel first? — Abaye and Raba explained this to be because the Hallel is recited only when the appetite is satisfied and the stomach is full? Is that so? Did not R. Papa on one occasion when coming to the synagogue at Abi-Cobar (A place in the vicinity of the city of Mahuza) ordain a fast and rain fell before midday and yet he first recited the Hallel and only after that the people ate and drank! — <u>It is different with the people of Mahuza, because drunkenness is frequent amongst them.</u> (Hence they cannot be trusted to leave over the Hallel until they had eaten and drunk.)</p>	<p>14. תלמוד בבלי תענית כה: ב -ו:א</p> <p>מעשה וגזרו תענית בלוד כו'. ונימא הלל מעיקרא? אביי ורבא דאמרי תרווייהו: לפי שאין אומרים הלל אלא על נפש שבעה וכרס מלאה. איני? והא רב פפא איקלע לבי כנישתא דאבי גובר, וגזר תענית וירדו להם גשמים עד חצות, ואמר הלל, ואחר כך אכלו ושתו! - <u>שאני בני מחוזא דשכיחי בהו שכרות</u></p>
<p>15. B. Yoma 76b</p> <p>Why is it [wine] called 'yayin' and 'tirosh'? — It is called 'yayin' because it brings lamentation into the world, and 'tirosh' because he who indulges in it becomes poor.</p>	<p>15. תלמוד בבלי יומא עו:ב</p> <p>ואמאי קרי ליה יין ואמאי קרי ליה תירוש? יין - שמביא יללה לעולם, תירוש - שכל המתגרה בו נעשה רש.</p>
<p>16. B. Pesachim 113a</p> <p>Rav said to his son Hiyya: Do not take drugs (Even as a medicine, as they are habit forming – Rashi)</p>	<p>16. תלמוד בבלי פסחים קיג:א</p> <p>אמר ליה רב לחייה בריה: לא תשתי סמא</p>
<p>17. B. Horayot 10b</p> <p>But was he (Lot) not a victim of circumstances? (Having been under the influence of drink administered by his daughters) — It was taught in the name of R. Jose son of R. Honi: Why is there a point on the waw of u-be-kumah (Gen 19:33) mentioned in connection with the elder daughter? To indicate that though he did not know when she lay down he well knew when she arose. What, however, could he do? (When he arose) Surely what was done could not be undone? — Matters might have been different: He should not have drunk again on the following evening.</p>	<p>17. תלמוד בבלי הוריות י:ב</p> <p>והא מינס אניס! תנא משום רבי יוסי בר רבי חוני: למה נקוד על ויין שבקומה של בכירה? לומר לך, שבשכבה לא ידע אבל בקומה ידע. ומאי הייל למעבד? מאי דהוה הוה! נפקא מינה - דלפניא אחרניא לא איבעי ליה למישתי.</p>
<p>18a. B. Sanhedrin 70a</p> <p>Mishnah: When does he (the rebellious son) become liable? — when he eats a tartemar of meat and drinks half a log (A liquid measure equal to the contents (or space occupied by) six eggs) of Italian wine (Italian wine was particularly choice (and strong) and drinking such a quantity thereof, might lead him to drunkenness and its consequent vices. But this measure of any other (inferior) wine would be neither so potent nor seductive.)</p> <p>R. Hanan said: The only purpose for which wine was created was to comfort mourners and requite the wicked, (The wicked are thereby rewarded for the little good they do in this world (Rashi).) for it is written, Give strong drink unto him that is ready to perish [i.e., the wicked], and wine unto those that be of heavy hearts. (Prov. 31:6) R. Isaac said: what is meant by, Look not thou upon the wine when it is red? (Prov. 23:1) — Look not upon the wine, which reddens the faces of the wicked in this world and makes them pale [with shame] in the next. Rava said: Look not thou upon the wine ki yith'addam: look not upon it, for it leads to</p>	<p>18. תלמוד בבלי סנהדרין ע:א</p> <p>משנה. מאימתי חייב - משיאכל תרטימר בשר וישתה חצי לוג יין האיטלקי... אמר רב חנן: לא נברא יין בעולם אלא לנחם אבלים ולשלם שכר לרשעים, שנאמר +משלי ל"א+ תנו שכר לאובד ויין למרי נפש. אמר רבי יצחק: מאי דכתיב +משלי כ"ג+ אל תרא יין כי יתאדם - אל תרא יין שמאדים פניהם של רשעים בעולם הזה, ומלבין פניהם לעולם הבא. רבא אמר: אל תרא יין כי יתאדם - אל תרא יין שאחריתו דם.</p> <p>תלמוד בבלי סנהדרין עב:א</p> <p>תניא, רבי יוסי הגלילי אומר: וכי מפני שאכל זה תרטימר בשר ושתה חצי לוג יין האיטלקי אמרה תורה יצא לבית דין ליסקל! אלא, הגיעה תורה לסוף דעתו של בן סורר ומורה, שסוף מגמר נכסי אביו ומבקש למודו ואינו מוצא, ויוצא לפרשת דרכים ומלסטם את הבריות. אמרה תורה: ימות זכאי ואל ימות חייב. שמיתתן של רשעים הנאה להם והנאה</p>

bloodshed [dam].([H] translated 'when it is red,' is taken as reflexive of [H] 'blood'.)

18b. B. Sanhedrin 72a

It has been taught: R. Jose the Galilean said: Did the Torah decree that the rebellious son shall be brought before Beth din and stoned merely because he ate a tartemar of meat and drank a log of Italian wine? But the Torah foresaw his ultimate destiny. For at the end, after dissipating his father's wealth, he would [still] seek to satisfy his accustomed [gluttonous] wants but being unable to do so, go forth at the cross roads and rob. Therefore the Torah said, 'Let him die while yet innocent, and let him, not die guilty.' For the death of the wicked benefits themselves and the world; of the righteous, injures themselves and the world. Sleep and wine of the wicked benefit themselves and the world; of the righteous, injure themselves and the world. The tranquility of the wicked injures themselves and the world; of the righteous, benefits themselves and the world. The scattering of the wicked benefits themselves and the world; of the righteous, injures themselves and the world

לעולם, ולצדיקים - רע להם ורע לעולם.
שינה ויין, לרשעים - הנאה להם והנאה
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להם ורע לעולם.

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