

Drugs, Alcohol & Marijuana – Are They Ever Permitted In Judaism?

by Rabbi Dr. Nachum Amsel | April 28, 2019

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According to many sociologists, the recent proliferation of drugs in western societies among all classes of people, not just the lower class, poses a national threat to each nation with this problem. Most crime is now believed to be drug-related. Drug use not only affects the user, but also his or her family and greater society. It also has a scarring psychological effect upon the individuals involved and the general moral and physical climate of the community. Since the problem of drugs appears to be a relatively recent phenomenon that proliferated in the twentieth century, does traditional Judaism have a view on this problem nonetheless? Another issue that needs exploring, but certainly not a recent phenomenon, is drinking alcohol. According to many professionals, alcohol is defined as a drug. Since wine drinking is acceptable and even mandated in Judaism, would alcohol abuse be tolerated as well? Can Judaism morally allow Jews to ingest drugs?

We also must investigate if we should differentiate between different types of drugs. For example, tobacco and alcohol are legal drugs in most countries. Some countries (and two states in the USA as of this writing) have legalized marijuana for recreational use and many or most countries have legalized marijuana for medical use. Does that make a difference? Is there a moral equivalency between all drugs in Judaism, i.e. any chemical that effects a feeling of euphoria? Or are “hard” drugs such as heroin, cocaine, and methamphetamine to be treated separately? This essay will explore all of these questions from a Jewish perspective.

DRUGS MENTIONED EVEN IN THE TALMUD

If one looks hard enough, one can find everything in Judaism.¹ The Talmud, written about 1700 years ago, even discusses drug use. In one statement,² Rabbi Chiya tells his son not to take drugs. On this statement, Rashbam³ gives two reasons for Rabbi Chiya's statement: 1) If you take drugs, you will become addicted (“develop a need for them at a certain time”) and 2) you will squander away your money. These are two valid reasons that still apply today as well for not taking drugs – at any time, in any age or any country. As a person becomes addicted, his or her life is overtaken by the single need to get the drug. This obsession destroys relationships and the social group of the user, as he or she begins to hang out only with other users. The habit, in addition, does ruin a person financially, and often forces the user to turn to illegal means to support the habit. Apparently, even in the time of the Talmud or Middle Ages, the financial cost was very great. But this Talmudic source is not cited as Jewish law, merely good advice from father to son. Are there any reasons in Jewish law not to take drugs?

SELF-ENDANGERMENT

The main reason why all drugs would be immoral and against Jewish law, whether legal or illegal, is

¹ Avot 5:22

² Pesachim 113a

³ Rashbam commentary, Pesachim 113a

the health issue. There have been many studies done showing the deleterious and harmful effects of drugs if used on a long-term basis. It is true that each drug has a slightly different effect and none of the findings are completely agreed upon by everyone. Yet, there is strong consensus that chronic drug use causes damage to one's body, whether it is marijuana's and hard drugs' damage to the brain, alcohol's damage to the liver, or other damage to the entire body. In Judaism, doing damage to one's body clearly violates many precepts.

One Torah verse⁴ states that a person should watch and guard himself. A second verse just six verses later⁵ says virtually the same thing, but the word *Meod*, meaning "very much so" is added. One therefore must protect one's body from harm "very much." Why is this so? Can't a person claim it's his life and his body and if he wishes to ruin it, that is his choice? Judaism disagrees with this view. While we may use our bodies daily, like anyone who borrows an item from a friend for an extended period, our bodies do not belong to us. Each person's body belongs to G-d, Who "lends" it to us each day, and will permanently "take it back" after we die.⁶ When discussing whether a repentant murderer can receive atonement by paying the relative of the victim (or even the Jewish court) a large sum of money, Maimonides rules that any payment will not help because these recipients do not own the human body, but rather, G-d owns every human body.⁷ And like a borrowed item which must be properly watched even as it is allowed to be used and then returned intact, we have an obligation to watch our bodies and return them as intact as possible to G-d when we die. Therefore, we may not do anything which brings harm to our bodies. That is also why suicide is illegal in Jewish law -- it is not our body to do with as we wish. This is not just a philosophic idea. Maimonides⁸ specifically rules that a person who has this attitude, i.e. "I do not care what people say, I can do what I want to my body" is punished. Therefore, taking drugs, which does harm to the body would not be permitted. Rabbi Akiva⁹, in an earlier century, ruled that a person may not intentionally cause damage to his or her body.

There is another verse and mitzvah about avoiding harm.¹⁰ The Torah forbids someone to construct a roof without also putting up a protective fence around it. The Torah was afraid that, absent the fence, someone might accidentally go up on the roof and fall off. If this were to happen, then the house owner would be responsible. The Talmud¹¹ extends this concept to all forms and situations of safety and potential harm. One may not do anything dangerous. Thus, the Jew must not only watch out and not inflict danger on his own body, but the Jew must also be conscious not to bring potential harm to himself or anyone else. Maimonides¹² writes that one who puts or allows anything dangerous to remain around violates both a positive and negative Torah commandment. (See the chapter "Gun Control" for an expansion of this theme,

4 Deuteronomy 4:9

5 Deuteronomy 4:15

⁶ Elokai Neshama Prayer recited each morning as part of the daily blessings

7 Maimonides, Hilchot Rotze'ach 1:4

8 Maimonides, Hilchot Rotze'ach 11:5

9 Bava Kama 90b

10 Deuteronomy 22:8

11 Bava Kama 15b

12 Maimonides, Hilchot Rotze'ach 11:4

in Volume 1 of “The Encyclopedia of Jewish Values.”)

All of these concepts are codified by the Shulchan Aruch-Code of Jewish Law¹³ ruling that any action that brings danger or which may lead to danger is forbidden. The additional comments of the Rema on this paragraph spells it out even more, stating as Jewish law the statement in the Talmud¹⁴ that danger is treated even more severely than Jewish law. This means that a person must be more careful in a situation leading to possible danger than he or she must be with any type of Jewish law. Thus, even if the potential danger of a certain behavior is slight, one is not permitted to engage in this behavior. Taking all types of drugs, legal or illegal, certainly falls under this category. Therefore, even if the danger to harming one's body is small, one still would not be permitted to take drugs from a Jewish perspective. This would apply to regular and substantial use of cigarettes, alcohol, marijuana and all other drugs which induce a “high” or euphoria due to their chemical content.

There is another reason why Judaism says one would not be permitted to take drugs, even if they posed no harm whatsoever. In those areas where Torah is silent, but the local government imposes a law, a Jew must uphold the law from a Jewish perspective. This is called *Dina Demalchuta Dina*, the law of the land is law (in Judaism).¹⁵ Therefore, for drugs that are illegal, Judaism would say that they may not be taken. However, as more and more countries and states legalize marijuana (to join alcohol and tobacco) for adults, this argument has less and less relevance.

THE MORAL ARGUMENT

Another reason to prevent drug use in Judaism is the moral argument. This discussion revolves around the ultimate purpose of the life of any human being on this earth, and the specific role of a Jew and his or her reason for living. According to Maimonides¹⁶, one of the purposes of man is to understand G-d and become closer to Him, acting in a G-dly manner. By damaging one's body and becoming ill, a person cannot accomplish this central spiritual goal in life. For this reason, anything that makes a person sick or debilitates a person from accomplishing this goal, such as drugs, is therefore forbidden. A person who habitually consumes drugs cannot worship G-d properly. Rabbi Moshe Ravkash (1591-1671) says that man's goal is to recognize G-d's greatness and serve him through performance of the commandments. Harming oneself through drugs violates this prime directive¹⁷. Rabeinu Yona goes even further¹⁸. He is of the opinion that all physical pleasures in the world, even if they are permitted to Jews technically, should not be indulged (it should be noted there are many in traditional Judaism who disagree with this philosophy). Thus, getting “high” just for pleasure is morally forbidden for the Jew.

Rabbi Moshe Feinstein, the pre-eminent decisor of Jewish law who lived in twentieth century America, was approached in the 1960's when marijuana use became popular, even among yeshiva

¹³ Shulchan Aruch, Yoreh De'ah 116:5

¹⁴ Chullin 10a

¹⁵ Gittin 10b

¹⁶ Maimonides, Hilchot Deot 4:1

¹⁷ Beer HaGolah commentary on Shulchan Aruch, Choshen Mishpat, 427:90

¹⁸ Shaarei Teshuva 1:30

students. He was specifically asked¹⁹ if high school or college students in yeshiva were permitted to smoke marijuana or not. He gives many reasons why it is forbidden, summing up many of the reasons described above. This kind of drug use detracts from Avodat Hashem-worship of G-d, and, therefore, is never justified for recreational purposes. He also says that it destroys parts of the body with repeated use, another Jewish prohibition. For those students who claim they can restrict their use, Rabbi Feinstein writes that since the drug is addictive, how can they know that they can prevent themselves from using it long-term? He also says that while high, a person cannot make sound moral choices. For all these reasons (and others), it is forbidden.

When the Surgeon General of the United States declared on January 11, 1964 that smoking cigarettes was dangerous to one's health, it came as a shock to many Americans. However, the leading European decisor of the twentieth century already spoke about the dangers of smoking cigarettes in the 1920's, in an address to the students in his yeshiva in Radin. Rabbi Yisrael Meir Kagan, known as the Chofetz Chaim, saw the hazards quite early²⁰. He warned how addictive smoking could become. He said it is also forbidden because smoking tobacco damages one's body, even causing death sometimes. He also pointed to the financial damage this habit brings as well as all the time lost in learning Torah while smoking. For all these reasons, he forbid his students to smoke on a regular basis.

WHY ISN'T ALCOHOL, A LEGAL DRUG, BARRED BY THE TORAH?

If indeed drugs are forbidden in Judaism because they are dangerous, because they are illegal and because the high induced is unnatural, why, then, is wine permitted, and even used for ritual in Judaism? The truth is that the Jewish attitude toward wine is ambivalent. However, by examining the sources carefully, we may be able to show a consistent Jewish attitude towards wine and alcohol.

In the scriptures and rabbinic sources, there are actually many negative comments about the use of wine. The Torah²¹ prohibits any priest from drinking wine prior to serving in any aspect of the Temple service. Various statements in Proverbs disparage drinking wine. Wine will make a person arrive late.²² Wine will cause a person to mock others.²³ Drinking wine will cause a person to become poor (from a habit?).²⁴ Wine will pervert a person's judgment.²⁵ According to a number of opinions, the reason the sons of Aaron the High Priest were killed by G-d²⁶ was because they entered the Sanctuary drunk.²⁷ The Talmud²⁸ says that drinking ruins a person's bones. In a fascinating Midrash²⁹ the story of Noah's drunken episode, recorded in the Torah³⁰, is amplified. The Midrash records a dialogue between Noah and Satan about the positive and

¹⁹ Igrot Moshe Responsa, Yoreh De'ah 3:35

²⁰ Chofetz Chaim, Likutei Amarim, Chapter 14

²¹ Leviticus 10:8-11

²² Proverbs 23:30

²³ Proverbs 20:1

²⁴ Proverbs 21:17

²⁵ Proverbs 31:4-5

²⁶ Leviticus 10:1-2

²⁷ Midrash Vayikra Rabbah 12

²⁸ Niddah 24b

²⁹ Midrash Tanchuma, Noah 13

³⁰ Genesis 9:20-24

negative effects of wine. Satan slaughters a sheep, lion, pig and monkey in the vineyard and used their blood to grow the grapes that Noah planted and drank as wine. The Midrash ends by saying that when a person first starts to drink, he or she is like a sheep. Then as the drinking progresses, a person feels like a lion. A little later, the person is like a pig that wallows in the dirt. Finally, a person becomes like a monkey which dances foolishly before people. This is what happened to Noah whom the Torah had earlier praised as a righteous person³¹, indicating the negative influence of wine even on a righteous person.

On the other hand, there are sources which indicate that wine is good for man. Psalms says that wine gladdens the heart of man.³² Wine has the ability to satisfy like a full meal.³³ After Joseph revealed himself to his brothers, he sent back gifts to his father. One of the gifts, called "from the best of Egypt,"³⁴ was wine.³⁵ Wine was even used as a medicine to heal.³⁶ What, then, is the true Jewish attitude to wine?

It seems clear that Judaism is in favor of drinking wine and alcohol if done in moderation only. All the negative connotations are in reference to a person who goes beyond moderation and gets drunk. This is intolerable in Judaism. For example, a person who had imbibed a mild amount of wine should not pray, but if he or she did pray, the prayer is valid. Someone who is really drunk should not pray at all and his or her prayer is called disgusting before G-d.³⁷ Another passage states³⁸ that a person who has drunk wine is responsible for all business activity he or she has engaged in and the contracts are valid. Similarly, any damage one does in this state, one is liable for. However, if the drunkenness is so heavy like the drunkenness of Lot (whose daughters seduced him while he was drunk, in order to have children without his awareness), then a person is not legally responsible for what he or she does. Therefore, a clear distinction can be seen in Judaism between levels of drinking.

It is interesting to note that in the past few years, several scientific studies seem to have come to the same conclusion as the long-standing traditional Jewish attitude. After proclaiming for many years that any consumption of alcohol is damaging to a person's health, now study after study has concluded that drinking in moderation, up to one glass of wine per day, is actually more healthy than not drinking at all. Moderate consumption of alcohol can actually reduce the risk of heart disease, stroke, diabetes mellitus, metabolic syndrome and early death. This echoes a Talmudic passage³⁹

While Noah and Lot got drunk and committed horrible acts which the Torah condemns (as noted above), Abraham drank wine with Malki Tzedek after defeating the four kings⁴⁰ and it seems from the context in the Torah that there was nothing wrong with this practice. Apparently, Abraham's drinking was

³¹ Genesis 6:9

³² Psalms 104:15

³³ Berachot 35b

³⁴ Genesis 45:23

³⁵ Megillah 16b

³⁶ Bava Batra 58b

³⁷ Eruvin 64a

³⁸ Eruvin 65a

³⁹ Kritut 13b

⁴⁰ Genesis 14:18

moderate and therefore not condemned. The Talmud records⁴¹ that one of the three types of people who G-d loves is one who drinks but does not get drunk.

WHAT ABOUT DRINKING ON PURIM?

There is a prevalent custom among most traditional Jews that on one day of the year, it is a mitzvah-commandment to get drunk. If indeed Judaism abhors getting drunk, why is one supposed to get drunk on Purim? If one looks at the actual source for this custom,⁴² the Talmud indeed says that a person should drink enough on Purim so that he does not know the difference between “Blessed be Mordechai and Cursed be Haman.” However, immediately after that statement, the passage continues and tells of an incident on Purim when Rabbah became drunk and killed Rabbi Zera! Only through a miracle was Rabbi Zera brought back to life. The next Purim when Rabbah wanted to drink, Rabbi Zera declined saying, “Miracles do not happen all the time.” This story following the statement about drinking on Purim seems to demonstrate the more accurate attitude about drinking, even on Purim. And though the Shulchan Aruch-Code of Jewish Law mentions the custom of drinking, Rema, who codifies for Ashkenazic Jews immediately say that this custom is wrong. He writes that one can satisfy the custom of “not knowing the difference between blessing Mordechai and cursing Haman” by merely taking one drink and then going to sleep, when, in that state, the person will not know the difference. And all drinking must be for the “Sake of Heaven (for the actual mitzvah).” Later codifiers seem to agree with Rema and not Rabbi Yosef Karo.⁴³ In truth, very few people are able to drink "for the Sake of Heaven" but merely use the holiday as an excuse to get drunk. No authority says this type of drinking is permitted on Purim. (It takes a person with a very special character and holiness to be able to get drunk solely for the purpose of the mitzvah.)

JEWISH NON-ALCOHOLISM

Has the traditional Jewish attitude to wine achieved positive results in minimizing overindulgence in wine or alcohol? Although today alcoholism among Jews is on the rise, traditionally, Jews who have used wine ritually, in moderation, have had an exceedingly low alcoholism rate throughout the centuries. In Observant homes, where two or three glasses of wine are drunk each week (for Kiddush on Friday night and Shabbat morning and for Havdalah), alcoholism has never been a major problem. Alcoholism among Jews is rising fastest in homes who no longer keep the traditions. In some synagogues today, all alcohol has been banned, especially at public Kiddush following services, and grape juice is substituted for the ritual Kiddush wine. This is a conscious effort to demonstrate Judaism’s opposition to getting drunk and not pose a temptation to teenagers who may succumb to desires to drink alcohol.

Therefore, while drugs would be prohibited in Judaism for the reasons stated above, alcohol in moderation is tolerated. If too much alcohol is ingested, it is not only immoral Jewishly, but would present a health risk which would be prohibited in Jewish law for the same reasons stated above about drugs or any potential danger to the body.

41 Pesachim 113b

42 Megillah 7b

43 Ramah, Shulchan Aruch, Orach Chaim, 695:2 and Mishnah Berurah, no. 5

MARIJUANA FOR RECREATION AND “FUN”

Before analyzing this issue Jewishly, we first must define and explain what marijuana is precisely, and analyze its effects scientifically. Marijuana or the cannabis plant contains a chemical called THC, which targets brain cells, primarily in the area of the brain that influences pleasure, memory, concentration, sensory and time perception and coordinated movement. Marijuana can be smoked or ingested but smoking has a much quicker effect. Effects on the brain through marijuana use are not temporary, and chronic users have issues with long-term learning and memory. Smoking marijuana occasionally, however, shows no lasting brain damage. Unlike tobacco, marijuana has a much lower mortality rate. Marijuana has shown to be addictive, but not as addictive as tobacco. We do not yet know all the effects of marijuana use, because, unlike tobacco and alcohol, marijuana has not been legal until recently, preventing studies with thousands of heavy users. Ancient Egyptians used cannabis to help treat hemorrhoids. Today, marijuana has been effective in treating glaucoma, nausea, seizures, reducing general pain and helping those using chemotherapy.

As noted above regarding alcohol, there is no Jewish permissibility to perform any action simply for “fun,” and thus, even drinking alcohol on Purim, when it is ostensibly a commandment, but drunk for fun alone, does not fulfill the commandment. In fact, “fun” is so alien to Judaism, that there is no Hebrew word for it. Israelis use the Arabic term, “*Kef*,” when they describe fun. Thus, smoking marijuana for recreational purposes alone, just to get a “high” has no legitimate basis in Judaism. Of course, the other reasons to prohibit its use Jewishly, described above regarding all drugs, such as the moral and danger to one’s body arguments, would also prohibit smoking marijuana for fun as well. We saw a specific ruling by Rabbi Feinstein against its use, and no traditional rabbi would sanction its use simply for recreational reasons.

MARIJUANA USE FOR MEDICAL REASONS

Contrary to what most people believe, medical marijuana, legitimately prescribed for patients who are ill, suffering with much pain, does not induce any high, but merely relieves the pain. It is true that in some states where marijuana is still illegal, people who wish to use marijuana for recreational purposes can go to some doctors and get recreational marijuana (with the high) as a medical prescription. But the question is: Does Judaism allow someone to use a drug (sometimes used for recreational purposes) if the sole purpose is to reduce pain?

We saw above part of the Rashbam commentary regarding drugs. In the full statement, he adds at the end,⁴⁴ “Even for medical purposes, a Jew should not take drugs, if there is an alternative.” The implication is that if medical marijuana (generally illegal or immoral) is the only or best method to reduce a certain type of pain, then it should be permitted. Another medieval rabbi, Nachmanides, who was a doctor, writes⁴⁵ that with remedies, there are some medications that are dangerous or even deadly for one person, but the same medicine might help others. This also seems to indicate that although marijuana use may be prohibited for healthy people wanting to get a high, it may or should be permitted for sick people who take it to reduce pain. But these sources were written long ago and did not speak specifically about marijuana or the drugs or medicines of today.

⁴⁴ Rashbam commentary to Pesachim 113b

⁴⁵ Torah Ha-Adam, Shaar HaMichush 85-86

Regarding the use of morphine to reduce pain, the question posed is parallel to the use of medical marijuana. Dr. Abraham Abraham, one of the leading medical Jewish law authorities of today, was asked if morphine, a hard and illegal drug, usually ingested because it generates a great euphoria, can be used to reduce pain in a terminal patient⁴⁶. He quotes Rabbi Shlomo Zalman Auerbach who permits its use if all it will do is reduce pain, as long as it does not bring the patient closer to death. The principle, then, of using an “illegal” drug to reduce pain would certainly be permitted in Jewish law, if that were the best method of accomplishing the goal of limiting pain. This could apply to marijuana as well. Similarly, Rabbi Zilberstein quotes his father in law, Rabbi Elyashiv, specifically about the use of medical marijuana. He writes⁴⁷ that medical marijuana would be permitted in order to reduce the great pain of those suffering such as chemotherapy patients. And then he addresses Rabbi Feinstein’s responsum that marijuana is forbidden for Jews, and answers that Rabbi Feinstein was speaking only about healthy individuals, and not about patients who are ill seeking to reduce their pain. For them it would be permitted.

A LEGAL JEWISH DRUG

There is a reference to a drug in the Talmud which is not only legal but desirable for a Jew to take. The passage⁴⁸ states that Torah, when it is learned for its own sake, is a “life drug.” The phraseology and reference to a drug is not accidental or to be taken flippantly. What is the concept behind this statement? If the effect of a drug is to produce a high, a feeling a euphoria which alleviates pain and worries, then the goal of Torah learning is exactly the same, and it is also achievable. The difference is that a chemical drug achieves this result through artificial and chemical means, which is improper in Judaism. However, if one can achieve the same result through natural means of Torah study (or any other legitimate Jewish practice), that is a very noble and lofty Torah goal and ideal. This natural high also produces good feelings about oneself, gives a person meaning in life and a feeling of spirituality. A chemical drug accomplishes none of these. Thus, the Talmud is saying that if one learns Torah just for the pleasure of itself and has the right motivation, it is possible to reach this high whose effect can be lifelong and not temporary, unlike a chemically induced drug whose effect is short lived. In addition, if one needs artificial means to induce this high, this will only hurt self-esteem, since a person realizes he or she cannot accomplish anything without resorting to artificial means.

Another difference between the drug called Torah and chemical drugs that are artificial is derived from another Talmudic passage.⁴⁹ All man-made drugs, says the Talmud, while causing enjoyment to one part of the body (the brain?), inevitably damages another part of the body (the liver?). Torah, on the other hand, called G-d’s drug, is good for all parts of the body.

⁴⁶ Nishmat Avraham, Yoreh De’ah 339

⁴⁷ Techumin 23, page 214

48 Taanit 7a

49 Eruvin 54a

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