Marijuana Legalization: A New Challenge

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1. Hampton Sides, *High Science: Science Seeks to Unlock Marijuana Secrets*, National Geographic June '15 http://www.nationalgeographic.com/magazine/2015/06/marijuana-science-drug-research-legality/
Then one day in 1963 a young organic chemist in Israel named Raphael Mechoulam, working at the Weizmann Institute of Science outside Tel Aviv, decided to peer into the plant's chemical composition... Further testing found what the world now knows: This compound is the plant's principal active ingredient, its mind-altering essence—the stuff that makes you high. Mechoulam, along with a colleague, had discovered tetrahydrocannabinol (THC)... For these breakthroughs and many others, Mechoulam is widely known as the patriarch of cannabis science...

In 1992 Mechoulam's quest for quantification led him from the plant itself to the inner recesses of the human brain. That year he and several colleagues made an extraordinary discovery. They isolated the chemical made by the human body that binds to the same receptor in the brain that THC does. Mechoulam named it anandamide—from the Sanskrit for "supreme joy." (When asked why he didn't give it a Hebrew name, he replies, "Because in Hebrew there are not so many words for happiness. Jews don't like being happy.")

Medical Marijuana

2. Rabbi Eliezer Waldenberg (20th century Israel), Tzitz Eliezer 13:87 (*regarding "Double Effect"*, *not drug use*) Whether the medical means [of relieving pain] are pills or injections, so long as they are given by a doctor with the goal of lessening his great suffering, one may give them to the patient even though they will also harm him and they could bring his death closer. It appears that this is part of the Torah's permission to the physician to heal...

Halachic Concerns: Self-harm, Intoxication

- 3. Rabbi Moshe Feinstein (20th century USA), Igrot Moshe Yoreh Deah 3:35 It is obvious that this is prohibited because of several biblical legal principles. First, it corrupts and destroys the body. Even if there are healthy people who are not harmed to that extent, it still corrupts the mind, and they cannot understand concepts fully, and this is even more serious...
- 4. Rabbi Shlomo Zalman Auerbach (20th century Israel), Maadanei Shlomo pg. 431 There certainly is an actual legal prohibition against taking drugs, because taking drugs as is done in the street certainly harms the body, and it is prohibited because of harming one's body, which is completely prohibited.
- 5. Talmud, Berachot 40a

Rabbi Chama, son of Rabbi Chanina said: One who regularly uses *ketzach* will never come to heartache. But didn't Rabban Shimon ben Gamliel say: *Ketzach* is one of 60 poisons, and one who sleeps east of its granary is liable for his life! No problem – one is regarding smelling it, the other is regarding tasting it. Rabbi Yirmiyah's mother baked bread for him, and she stuck *ketzach* to it and then peeled it off.

- 6. Rabbi Moshe Feinstein (20th century USA), Igrot Moshe Yoreh Deah 3:35
 Aside from keeping himself from proper Torah study, it also keeps him from prayer and the Torah's mitzvot, for practicing without appropriate mental focus is as though one had not fulfilled them... And [drugs] also cause many other transgressions, aside from this.
- 7. Rabbi Avraham Danziger (18th-19th century Prague, Vilna), Chayei Adam II 155:30
 The Sages obligated intoxication, or at least drinking more than normal [on Purim], to remember the great miracle. In truth, one who knows regarding himself that he would then degrade any mitzvah, in hand-washing or blessings or blessing after meals, or he would not pray minchah or maariv, or he would act light-headed better that he not become intoxicated. All of one's deeds should be for the sake of Heaven.
- 8. Rabbi Adin Steinsaltz, http://www.chabad.org/blogs/blog_cdo/aid/1171699/jewish/The-Problem-With-Drugs.htm [Citing the Lubavitcher Rebbe:] The problem with using any kinds of drugs or almost anything that has a little bit of psychoactive material is the same. Indeed, almost everything is psychoactive, including bread. If one fasts and then takes a piece of bread, it is possible to see how many changes are made in one's psyche. The specific problem,

however, with drugs is that people come relatively fast to a point of no return. In truth there is never a point of no return; but one quickly reaches a point from where it is very hard, almost impossible, to return...

9. Two web pages which cite further responsa

www.halacha.co/שימוש-בסמים and www.yeshiva.org.il/ask/64145

Philosophical Concerns: Releasing inhibitions; Risking addiction

10. Rabbi Yaakov Ariel (21st century Israel), www.toraland.org.il

Question: What is the prohibition against taking soft drugs, which broaden sensation and imagination?

Answer: Your question was addressed by Ramban... He calls this "degraded with the Torah's license", one who licenses himself, for example, to gorge himself on wine, meaning to be alcoholic. The sensation and imagination of which you speak are counter to the human destiny of truly actualizing one's potential and fulfilling the command, "You shall be holy." Even if we would ignore, as it were, the problem of addiction, and the harm which, Gd-forbid, a person who takes drugs could inflict upon himself or others, a person's entry into a situation in which he loses intellectual control, entering the influence of drugs upon his sensation and imagination and elevating them over his intellect, would be a great corruption.

11. Rabbi Ben Zion Mutzafi (21st century Israel), http://www.doresh-tzion.co.il/QAShowAnswer.aspx?gaid=51351

Question: What is the Torah's view of smoking soft drugs (hashish)?

Answer: Any addictive food, drink or substance is prohibited.

Why not prohibit wine?

12. Three factors 1) A non-high use; 2) A sacred place; 3) The value of inducing positive feelings

13. Tehillim 104:15, and commentary of Rabbi David Kimchi (Radak)

And wine which gladdens the heart of man, making faces shine more than oil does...

Radak: Drinking it in measure it will improve his intellect, for a joyous heart improves the intellect, as seen in the prophets.

14. Jodie Shupac, *The Complicated Halachahs of Getting High*, Canadian Jewish News 9/24/15

But Rabbi Korobkin also noted that a number of talmudic passages refer to the benefits of using drugs in moderation.

"There's a recognition even from the biblical period that people suffer various pressures and depressions, and in order to be able to shake off some things that prevent you from fully expressing joy, it's sometimes not only permitted, but mandated, to indulge in small quantities of mind-altering drugs," he said.

Of course, he acknowledged, the Bible's references to drugs usually pertain to wine, and it's unclear whether marijuana would be similarly considered.

15. Talmud, Berachot 57a

Dreams of all kinds of beverages are good signs, except wine... Some drink it and it's good for them, as in, "And wine which gladdens the heart of man." And some drink it and it's bad for them, as in Proverbs 31:6, "Give intoxicating drink to the doomed, and wine to those of bitter spirit."

16. Talmud, Yoma 76b

Why is [wine] called both *yayin* and *tirosh*? *Yayin* because it brings wailing [*yelalah*] to the world, and *tirosh* because one who starts with it becomes poor [*rosh*]... Tehillim 104:15 is written *yishmach* and pronounced *yismach* – if one merits, it gladdens him [*yismach*]; if one does not merit, it destroys him [*yishmah*].

17. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Hilchot Deiot 5:3

When a wise person drinks wine, he drinks only enough to irrigate the food in his innards. Anyone who becomes intoxicated is a sinner, degraded, and destructive to his own wisdom. Becoming intoxicated in front of laity desecrates Gd's Name...