

Smoking: A Jewish Perspective

Rabbi Seymour Siegel

This paper was written by the late Rabbi Seymour Siegel, Ralph Simon Professor of Ethics and Theology, The Jewish Theological Seminary of America. The Committee on Jewish Law and Standards voted to approve it, but a record of the vote is not available. Rabbi Siegel was the chairman of the CJLS for many years.

שאלה (Question)

May an observant Conservative Jew continue to smoke cigarettes, in view of the fact that “cigarette smoking is dangerous to your health?”

תשובה (Response)

“The Surgeon General Has Determined that Cigarette Smoking is Dangerous to Your Health.” This sentence confronts us wherever we go. It is prominently displayed on all cigarette advertisements. It is printed on every package of cigarettes. It is repeated on radio and television. Nevertheless, smoking of cigarettes continues here and abroad.

Judaism expresses attitudes and values which are relevant to the question of cigarette smoking. There are definite directives about substances which are “dangerous to your health.”

The Preservation of Health is a Mitzvah

It is important, first of all, to explain the biblical attitude toward the maintenance of our own health. The basic attitude is expressed in Deuteronomy 4:15. “Take good care of your lives.” This reflects the understanding basic to all biblical faiths, that life is a gift, a privilege given to us by the Creator. This means that we are bidden to guard, preserve and enhance our lives and the lives of others. To neglect our health, to willfully do something which can harm us, is not only to court disaster for ourselves but is also an affront to the One who gave us life. Therefore, the preservation of health is a mitzvah.

This idea is expressed most concisely by Moses Maimonides (1135-1204) who is considered one of history’s greatest physicians. Maimonides is accepted as one of Judaism’s greatest scholars. Maimonides’ legal code is called *Yad ha-Hazakah* (the Strong Hand). In the section dealing with “Murder and the Guarding of Life” he writes:

It is a positive commandment to remove any stumbling block which constitutes a danger and to be on guard against it. The sages have prohibited many things because they endanger one’s life. If one disregards any of them and says “I am only endangering myself, what business do others have with me; or I don’t care [if they are dangerous] I use them (that is, harmful things),” he can be subjected to disciplinary flogging.¹

Maimonides reflects the Judaic ethos which sees life as not being the exclusive possession of the individual. A person must avoid harm to self and must also avoid being a source of harm to others. One should not feel that if self-inflicted harm affects oneself, it is of no concern to the community. We are all part of each other. The community has a stake in the well-being of the community. Both the community and the individual have responsibilities to the Creator. Life is too precious deliberately to expose it to dangerous and harmful effects.

Danger to Life is Stricter than a Prohibition

The Talmud states that a person is not permitted to wound himself.ⁱⁱ The rabbis derive this law from the biblical admonition which sees the Nazarite who voluntarily deprives himself of the legitimate goods of the world as a sinner. They reason if a person who deprives himself of wine is considered in a bad light, certainly one who causes himself to suffer (by bodily harm) is culpable in God's eye.

Another classical writer, Rabbi Moses Isserles (1525-1572), whose notes on the *Shulhan Arukh* are seen as binding, writes:

...one should avoid all things that might lead to danger because a danger to life is stricter than a prohibition. One should be more concerned about a possible danger to life than a possible prohibition

...And it is prohibited to rely on a miracle or to put one's life in danger.ⁱⁱⁱ

The concept that Rabbi Isserles expounds: "a danger to life is stricter than a prohibition...One should be more concerned about a possible danger to life than about a prohibition" is of special importance. Judaism exhorts the Jew to be careful in avoiding anything that might be prohibited according to ancient Jewish prescription. Therefore, an observant Jewish person would make sure that he does not eat anything about which there would be the slightest suspicion that anything forbidden, for example, swine's flesh, might be in the food he eats. Rabbi Isserles says that he should be even more careful about eating or taking into his body anything that might be dangerous. The application of this exhortation to the problem of cigarette smoking seems obvious.

Do Not Rely on Miracles

It is also interesting to note that Rabbi Isserles says: "In these matters it is forbidden to rely on miracles." This means that an individual should not deceive himself in thinking that, although others are harmed, he might escape the consequences. It is a divine commandment to preserve the health of your body and spirit.

These exhortations apply even when the risk appears to be minimal. This is illustrated in the following way. In ancient times, people were warned not to drink water that had been left uncovered for a period of time. The water might have become contaminated in some way. The rabbis prohibited the drinking of "uncovered water." What if the risk is minimal? The rabbis ruled: "If a jar was uncovered, even though nine persons drank of its contents without any fatal consequences, the tenth person is still forbidden to drink from it."

Even a minimal risk should not be taken. Life is too precious; health is too important; well-being is too vital to be risked.

Avoid Risk

The attitude of Judaism toward possible risk to health can be summed up:

- (1) Life is precious. It is given to us as a trust. We may, therefore, not do anything which would possibly impair our health, shorten our lives, or cause us harm and pain.
- (2) As we may not do this to ourselves, so, of course, we may not do harm to others. All human lives are precious in God's sight.
- (3) The responsibility to avoid danger to ourselves or others applies even when it is not certain that harm will ensue. We are forbidden even to take the risk.
- (4) The harm is to be avoided even if the bad effects are not immediately evident, but will show up in the long run.

Conclusion

In regard to smoking, there is little difficulty in applying these principles to the question of smoking. Scientific evidence has now established beyond doubt that smoking, especially cigarette smoking, is injurious to our health. It is now evident, too, that the non-smoker can be harmed when he/she has to suffer the smoke of those who use tobacco. The smoking habit is dirty, harmful, and antisocial. It would, therefore, follow that Jewish ethics and Jewish law would prohibit the use of cigarettes. Smoking should, at least, be discouraged in synagogues, Jewish schools and in Jewish gathering places. The rabbinate and community leaders should discourage smoking. This would help us live longer and healthier. In doing so, we would be fulfilling our responsibilities to God and humanity.

There is one aspect of this question which is of special interest. According to Jewish law, the observance of the Sabbath is of paramount importance. One of the ten commandments exhorts us to cease from labor every seventh day. The Rabbis have long and complicated discussions of what is "work." The kindling of fire and the extinction of fire is forbidden on the Sabbath. Thus from sundown Friday to sundown Saturday, Jewish law forbids smoking. I have personally known many people who were heavy smokers who did not touch tobacco the entire Sabbath day. What is remarkable is that in most of these cases, all smoke hunger ceases during the Sabbath day. It is only as the sun begins to wane and the end of the Sabbath day approaches that the yearning for tobacco returns. I myself experienced this phenomenon when I was a habitual smoker. As far as I know, scientists have not fully investigated the fact that the religious prohibitions against smoking on the Sabbath seems to distract habitual smokers from their addiction. It means that determination and commitment can overcome the desire to smoke.

Surely, religious people seek to do God's will. When they accept the idea that it is forbidden to smoke on the Sabbath day, they are freed from the compulsion. We fervently hope that the considerations of the danger to health by smoking might become internalized so that those who now shorten their lives by the use of cigarettes will hear God's command and will stop smoking.

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ⁱ MT Hilkhhot Rotzeah 11:4-5.

ⁱⁱ B. Bava Kama 80a.

ⁱⁱⁱ Rama, YD, 116:5

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