**Is marijuana kosher?**

Two businessmen, one activist, and one rabbi square off

By CHRIS LEPPEK

EDIT ASSISTANT EDITOR

**BUSINESSMEN**

**Dovey Heller** and **Court Monaghan:** Their conviction is that marijuana is far less harmful than alcohol

**They’re also hoping to put together, or a professional group, or co-op, of at least 30 regional dispensaries and growers with the general idea of establishing standards of purity and quality, and overseeing the maintenance of that quality.**

**We want to go to testing the product, so we know that we have a consistency,** Monaghan told the INTERMOUNTAIN JEWISH NEWS in a recent interview. “We need to do that in-house, so one of the things that we want to do with our organization is actually test the product.”

**The partners would both be members and the operators of the co-op, which is being called CDHM (an acronym of mixed initials). They aspire for this to become a national organization.**

**Finally, Heller and Monaghan are devising a system by which a coalition of legal dispensaries in Colorado would distribute marijuana at no charge, and under medical supervision, to patients in hospice care. They are calling this idea America’s – the American Alliance for Medical Marijuana.**

**We have right now four different dispensaries that are willing to hand out this product, for free, to anybody who’s in hospice,” Monaghan says.**

**The patients would have to be certified through the state. We have doctors who are willing to give the hospice people free recommendations.**

Heller and Monaghan, 72 and 52 years old respectively, are both members of East Denver Orthodox Synagogue. While both say they tried marijuana briefly in their youth, only Monaghan uses it today – legally, he says, and strictly for a medical condition. They support statewide legalization, they say, although they also support recent federal moves to shut down dispensaries that are located too close to schools.

**The partners are, first of all, marijuana growers, “connected,” as state law mandates, with a business that sells their product to licensed users of medical marijuana.** In addition to this, Heller and Monaghan are planning to open a couple of dispensaries in Denver on their own.

**Sometimes tenuously standstill with Colorado over the issue, few doubt that legal marijuana, in at least some form, is here to stay.**

**While there are more than 90,000 Jews who live in Colorado, makes marijuana a Jewish issue.**

**It’s difficult to quantify something like marijuana use in any population, largely because it often remains an illegal, hence clandestine, activity. But even in the legal realm of medical use, a fact not lost on pot legalization proponents in many other states.**

**Even though marijuana remains criminalized under federal law – and US enforcement officials have occasionally flexed their muscles in a way that would have, just a few years ago, seemed crazy and pointless to ask – no longer.**

**Then there at least several Denver-area Jews active as marijuana growers and sellers and several who are involved as activists in the effort to legalize the substance.**

**As to users, both medical and recreational, there is little more than anecdotal testimony and that ranges widely. Whether there are hundreds or thousands of Colorado Jews who smoke or otherwise consume marijuana remains an unanswered, and perhaps an unanswerable, question.**

**It’s safe to say, in any case, that there certainly are Jewish marijuana consumers in Colorado and that some of them, at least, are relatively fervent on some level.**

**Which, in turn, raises a fascinating question – can marijuana be considered kosher? – a question that would have, just a few years ago, seemed crazy and pointless to ask.**

**The SELLERS and GROWERS**

We observe Denver Jews, David “Dovey” Heller and Court Monaghan, are planning to be ahead of the curve when it comes to legalized marijuana in Colorado.

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**Dovey Heller**

**Mason Tzvert**

**Kim Sidwell**

**Court Monaghan**

**Yaakov Meyer**

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Is marijuana kosher?

‘As long as it’s legal, it’s kosher, so a kosher brownie could have marijuana’

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“If they legalize it that’s fine, but the idea that we’re in the med- ical end of this,” Monaghan says. Heller says he has no problem with people using marijuana recre- ationally, so long as it’s not a crime.

Their observations of both Jewish and general consumption have led these entrepreneurs to the con- viction that marijuana is a growth industry and that the state of Col- orado should waste little time in con- trolling that growth and collecting significant revenue from it. They are both hopeful and confi- dent that Colorado is going to lead the way among American states in adopting a progressive policy regard- ing marijuana.

From my perspective, the state of Colorado has once again stepped out at the very edge and wants to start doing something that everybody else is saying they want to do,” Monaghan says. “The0.0 the0.0 are going to lose this battle. Colorado is wonderful. The state has got it right.

THE ACTIVIST

The Jewish community is one of the most predominant demographics in favor of loosening marijuana laws’

“We have several instances where people have come to me and said, ‘Hey, did you hear that Bill beat the hell out of his wife a couple of beers and a bottle of Jack hell out of his wife? He drank a dox Jews using regularly.

co, a product he sees many Ortho-

cally permissible.

Certainly no worse than selling tobac-

It’s not the same drug.”

Based on his own convictions, Heller says, selling marijuana was certainly no worse than selling tobacco, a product he sees many Orthodox Jews using regularly.

“I don’t think that halachically there’s anything wrong with grow-

ing or selling it,” says Heller. Nevertheless, before going into the marijuana business, Monaghan and Heller, who runs the TII-Sulomon kashrus organization under the supervision of Rabbi Mordecai Tver- skii, has been asked whether it would be kosher for Jews to eat, rather than smoke, marijuana.

“Somebody wanted to do edibles, and they wanted to know whether I would supervise the kashrus. Of course I had to contact Rabbi Twer-

ski about it, and he said as long as it’s legal and it’s kosher.”

In other words, he elaborates, the addition of marijuana would not ren- der an otherwise kosher brownie non-kosher.

hether kosher or treif – and whether legal or illle- gal – Heller and Mon-

aghan say, Jews in Denver are certainly using marijuana. Monaghan says that many Jewish

youths, middle-aged people and even seniors are using pot reg- ularly, some for medical and some for recreational reasons.

“I know for a fact that there are a lot of Jews who are using the prod-

uct, whether they buy it through a dispensary or don’t,” he says.

“There are lots who are using the product and not going to the dispen-

sary to get it, because they’re wor-

ried that their name might be tied to something. I’m not saying that they’re right or wrong.”

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THE RABBI

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MARIJUANA
from Page 14
be halachically permissible, because there’s a difference of opinion whether the law of the land applies in such matters, when it comes to medical issues.”

For this conclusion to be halachically viable, the rabbi stresses, the medical condition or pain the patient is experiencing – and the fact that marijuana is the only or best treat- ment – must be genuine, ideally confirmed by a physician.

“I don’t know that the patient can always be trusted because the patient might have other motives,” Rabbi Meyer says.

“But if the doctor, the caregiver says that they need this and that will be the most effective form of treatment, then it’s possible. There are opinions that we don’t take the law of the land as law and one would halachically be allowed to use marijuana, even in places where a par- ticular state forbids it, because civil law does not necessarily rule in issues of health.”

The same thinking should apply to situations where marijuana is “not absolutely necessary” for a patient but the patient honestly believes that the drug is the most effective form of pain treatment.

“Let’s say a doctor doesn’t say so, but a person himself knows that it’s real pain and they know that they’re not taking it for recreational purposes, then that person would be allowed to take it.”

This would also apply, the rabbi says, in states where the law for bids marijuana.

H alachah, however, is not nearly so understanding when the question is whether a Jew should use marijuana for recreational pur- poses. This is strictly forbidden, Rabbi Meyer says.

His thinking on that question is based on various Jewish writings that he’s studied, most importantly a response written by the late Rabbi Moshe Feinstein. That text, from the Yoreh Deah section of the rabbi’s renowned work Iggers Moshe, has greatly influenced rab- binical thinking on the subject of

addiction, including alcohol, tobacco and drugs.

In essence, the use and addictive properties of recreational drugs and other mind- altering substances render such substances non-kosher and antithetic to Judaism.

Rabbis Meyer paraphrases the relevant mes- nayot of those writings: “Judaism demands a working on oneself in personal growth, and in putting forth effort. To feel good, we need to be good.”

“Drugs allow you to be happy because they allow you to ignore the problem, but they don’t solve the problem.”

“That’s not the way that G-d wants us to overcome the challenges in life. It’s avoiding the issue. We’re sup- posed to work on ourselves to try to overcome some of those chal- lenges.”

The best “high,” Rabbi Meyer says, is G-d.

“It happens through study, self- refinement and ultimately makes you feel better than any artificial high,” he says.

As all this applies to marijuana, Rabbi Meyers cites both Rabbi Feinstein and other authorities in assert- ing that marijuana, like tobacco and alcohol, is a potentially addictive substance.

“Marijuana is addictive, accord- ing to most sources, and one is not allowed to indulge, just for recre- ational purposes, in a pleasure that can become addictive,” Rabbi Meyer says.

“It can be dangerous to your health. That would be the same as smoking, and Reb Moshe also said you’re not allowed to start smok- ing. It’s one thing if one already is an addicted smoker, but it’s definitely forbidden to begin smoking because of the addictive nature of it.”

“So one is not allowed to take mari- juana for recreational reasons both because it could be harmful and it’s addictive.”

Also, marijuana can dull a user’s thinking.

“It can ruin a person’s concen- tration for a prayer service and the ability to learn Torah which is a person’s main obligation. According to most research, it clearly does or clearly can dull your brain.”

“That would be prohibited. A Jew is supposed to be a thinking being. To dull your thinking and your ability to concentrate on these things, just for the sake of recreation, is a dehumanization of the human being.”

The argument put forth earlier in this article, both by Monaghan and Perl, that marijuana is at least no worse than alcohol, is invalid, the rabbi says, because the Torah also prohibits the excessive use of alco- hol.

“In fact, if a person takes alcohol recreationally to the point where it affects him, it’s doing the same thing.”

One can have a shot of Slivovitz or schnapps after Rabbah ser- vices, “but not if it’s going to aloof you,” Rabbi Meyer says.

“A person can drink something for recreational reasons, to take off the edge, or for socialization, but not to the point where it clouds the think- ing.”

That’s a point that a person cannot think straight or concen- trate properly – and you’re doing it.”

Animals are not created in order to be a holy people, taking marijua- na for recreational purposes absolutely conflicts with the con- cept of being holy.”

While Rabbi Meyer fully expects Colorado to legal- ize marijuana in general — “once it becomes a pro- fession it’s just a matter of time,”

he says – such legalization will have no affect on how Jewish law views the matter.

Just as the use of medical mari- juana is acceptable to Halachah, even in places where it is considered illegal under civil law, full civil legal- ization will not change Halachah’s prohibition against recreational use.

And the rabbi goes even fur- ther: “Even if it’s acceptable within the

parameters of Halachah, it’s not acceptable within the parameters of growing as a Jew and the con- cept of Reshumot Torah, which is the Hebrew phrase for you shall

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‘Reefer Madness’ was a well-known 1936 Ameri- can propaganda exploitation film revolving around the melodramatic events that ensue when high school students are lured by pushers to try marijuana.