

Smoking and Halacha: A Historical Perspective

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The question of how smoking is viewed through the lens of halacha is not a new one. In fact, there is abundant halachic literature dating back to seventeenth and eighteenth centuries related to the permissibility of smoking. Far from discussing the health issues later associated with this habit, the poskim of the time actually address whether or not one may smoke on Tisha B'Av or other fast days[1] and whether non-kosher ingredients contained in a cigarette are of halachic concern.[2] There is even discussion whether or not smoking requires a bracha beforehand![3] But the main area where we find smoking discussed is by the Halachos of Yom Tov, where poskim debate whether smoking on Yom Tov is permitted, prohibited, or actually fulfilling a Mitzvah.

Smoking L'Kavod Yom Tov?

It is well known that on Yom Tov, as opposed to Shabbos, we are allowed to light a fire, provided that it is only kindled by transferring from a preexisting flame, and not by creating a new flame. The Gemara (Beitzah 22b - 23a) discusses whether placing incense on coals, and its by-product, the smoke it causes, are permitted on Yom Tov, due to the kindling and extinguishing issues involved.[4] Many Acharonim drew a parallel from the Gemara's scenario to what must have been a burning issue of the day, and still is: smoking cigarettes on Yom Tov.

The Magen Avraham, as well as the Elya Rabba, Korban Nesanel, Chavos Yair, and Chayei Adam, all maintain that smoking is not a "davar sheshaveh lachol nefesh, something that is equally enjoyed by all," a necessary provision to allow dispensation for a Melachah on Yom Tov.[5] Therefore, they all rule that smoking on Yom Tov is prohibited.[6]

However, several other poskim, including the Darchei Noam, and the Chida,[7] disagree with their assessment, asserting that smoking does indeed fit this criterion, for several reasons:

They deem smoking to be in the category of "ochel nefesh," (generally used to describe acts related to food preparation) which is permitted on Yom Tov regardless of whether or not it is enjoyed by all.[8]

Since the vast majority of people enjoy smoking, it is still considered a "davar sheshaveh lachol nefesh."

The famed Pnei Yehoshua, Rav Yaakov Yehoshua Falk zt"l, Rav Yaakov Emden zt"l, and Rav Yonason Eibeshutz zt"l,[9] all raise an additional point to allow smoking on Yom Tov.

Astonishingly, they extol the health benefits of smoking! They write that smoking aids digestion, whets the appetite, and improves the body's general wellbeing. Therefore, they conclude, that even if some do not actually enjoy smoking, it is nevertheless still considered "shaveh lachol nefesh." Rav Yaakov Emden adds that his father, the renowned Chacham Tzvi, restarted smoking on Yom Tov, because otherwise he felt that was not properly fulfilling the Mitzvah of Oneg Yom Tov! This is quite understandable, as many Rabbonim of the time viewed smoking in a positive light, and quote the Talmidim of the Baal Shem Tov as even comparing smoking to the Ketores![10]

Although many poskim argued on each of these points, including the Beis Meir and Zera Emes, other later authorities, including the Pri Megadim, Ben Ish Chai, and Aruch Hashulchan, concurred wholeheartedly.[11] In fact, the Mishnah Berurah cites a summary of this discussion with no clear-cut psak, and concludes simply that 'one may not object to those who smoke on Yom Tov', with a provision to be careful regarding extinguishing the cigarette.

Smoking Stats

However, in the words of Rav Moshe Sternbuch shlit"a and Rav Asher Weiss shlit"a,[12] nowadays the real question is not whether or not smoking is permitted on Yom Tov; it is whether or not smoking is permitted at all!

In 1964, the United States Surgeon General released his initial report stating the health risks associated with smoking. Since then, there have been thousands of scientific studies and reports detailing the hazards of smoking. The Center for Disease Control estimates that one out of every five deaths in America each year (approximately 1,300 each day!) is caused by smoking. Other reports estimate that 15% of smokers eventually die of lung cancer. Compounded with the elevated risk of emphysema, stroke, coronary disease, and circulatory disorders, studies indicate that smokers face a much higher mortality rate, an almost 67% chance of dying due to an illness directly attributed to their smoking.[13]

Now that we are aware of the true "health benefits" of smoking, the question is whether or not there remains a heter to engage in this socially acceptable self-destructive behavior.

The Gadol Hador, Rav Moshe Feinstein zt"l, in a brief, albeit pivotal teshuva dated several months after the Surgeon General's initial report,[14] wrote that although it is certainly appropriate to abstain from smoking, nevertheless, one cannot say that smoking is outright assur, as there are many people that smoke. Therefore, smokers fit into the category of "Shomer Pesaim Hashem, Hashem watches over fools." [15] Rav Moshe adds that especially since many Gedolim smoked, it is impossible to say that such an act is truly forbidden.[16] This responsum seems to be the primary justification for many a smoker.

A Changing Reality

Several other contemporary authorities wrote similarly to Rav Moshe's understanding and consequent heter, explaining that although it may not be proper to smoke, it still is not truly prohibited by halacha. Yet, subsequently, and as the knowledge of the health risks associated with smoking became more widespread and universally acknowledged, and the number of smokers started dropping, many of these poskim changed their psak to reflect the emerging reality, using extremely harsh terms to decry smoking, with many authorities outright forbidding it.[17]

These contemporary authorities include Rav Yosef Shalom Elyashiv zt"l, the Tzitz Eliezer zt"l, Rav Ben Tzion Abba Shaul zt"l, and Rav Ovadia Yosef zt"l,[18] who, contrary to their earlier psakim, in their later rulings all came out strongly against smoking. Other poskim, including Rav

Aharon Kotler zt"l, Rav Shlomo Zalman Auerbach zt"l, the Debreciner Rav zt"l, Rav Shmuel Halevi Vosner zt"l, Rav Menashe Klein zt"l, the Rivevos Efraim zt"l, Rav Chaim Kanievsky shlit"a, Rav Moshe Sternbuch shlit"a, Rav Shmuel Kamenetsky shlit"a, and Rav Asher Weiss shlit"a, wrote unequivocally about the dangers of smoking and how it is not permitted, with some even referring to smoking as "suicidal."[19]

In fact, many Gedolim, including Rav Yosef Shalom Elyashiv zt"l, Rav Aharon Yehuda Leib Steinman zt"l, Rav Michel Yehuda Lefkowitz zt"l, Rav Moshe Shmuel Shapiro zt"l, Rav Shmuel Auerbach zt"l, and Rav Nissim Karelitz shlit"a, recently (Av 2004) signed a Kol Koreh against smoking, even imploring those who do smoke to do everything in their power to stop.[20]

Of Addiction and Anecdotes

Although it is known that many Gedolim smoked (and do smoke), it is highly probable that they started before the risks were known, and now simply cannot quit, due to their nicotine addiction. If they would be able to do so, they certainly would.[21] In fact, it is exactly the battle against addiction required to quit smoking that Rav Eliyahu Eliezer Dessler zt"l embodied in his classic Michtav M'Eliyahu to define the battles against the Yetzer HaRa, and it took someone of his incredible stature several years to finally be able to quit.[22]

Anecdotally, it is told that Rav Yaakov Kamenetsky zt"l, as well as this author's Rosh Yeshiva, Rav Leib Bakst zt"l of Detroit, quit 'cold turkey' after doctors personally explained the health risks of smoking to them. The same is told of the great late Ponovezher Rosh Yeshiva, Rav Elazar Menachem Mann Shach zt"l, as well as the previous Gerrer Rebbe zt"l, Lord Rabbi Immanuel Jacobovitz zt"l, and Rabbi Moshe Sherer zt"l. Even mv"r Rav Yaakov Blau zt"l (of the Eidah Hachareidis), a tremendous Gaon and quintessential old time Yerushalmi (heavy smoker), and the Dejer Rebbe of Miami, Rav Yehuda Paneth zt"l, both attempted to cut down in their later years. Additionally, it is related that Dayan Yisrael Yaakov Fischer zt"l, who permitted smoking year round (including Yom Tov), at the end of his life, when he was dying of lung cancer, gathered ten men together to publicize in his name that smoking is truly unequivocally assur and he wanted to be "mezakeh the rabbim" with this psak.[23]

Of Sakana and Heizik

In fact, even Rav Moshe himself, in subsequent teshuvos dated 1981,[24] took a much stronger stance against smoking due to the health risks involved. Although he still would not call smoking outright assur, he nonetheless rules that due to the dangers of second-hand smoke, it is forbidden to smoke where it will bother others (a psak later echoed by many other authorities)[25] including Batei Midrash and shuls, and concludes with an exhortation that everyone, especially Bnei Torah, should not begin to smoke due to the chashash sakana, adding that it is assur to 'get addicted'.

Several years ago, his son, Rav Dovid Feinstein shlit"a, was quoted as saying that with the current knowledge of the harm smoking causes, it is pashut that had his father, Rav Moshe, still been alive today, he would have prohibited smoking outright, as his dispensation was only based on the 'fact' that smoking endangered only a small percentage of smokers.[26] Indeed, in

a newly discovered and recently published teshuva of Rav Moshe's, dated Elul 5732, he himself wrote that his famous lenient psak was based on the facts as they were known at the time.[27] He added that if the metzius would change and the percentages of those proven harmed by smoking would increase, then certainly it would be prohibited to smoke, at least the amount the doctors considered harmful to one's health.

This would certainly seem to hold true according to how most poskim, including the Divrei Malkiel, Rav Chaim Ozer Grodzenski, and the Tzitz Eliezer understand the hetter of "Shomer Pesa'im Hashem." [28] Rav Chaim Ozer explains that one may only rely on said hetter when there is no clear and present danger, when the sakana is only a "chashash rachok u'miut she'aono motzui, d'lo chayshee Rabbannan lehai, ve'al zeh yeish lismoch meshoom Shomer Pesa'im Hashem." The Divrei Malkiel gives an example of a boat journey, that although there is always the danger of a boat capsizing as opposed to one staying on dry land, nevertheless, it is permitted, as it is a "mikreh rachok." The Tzitz Eliezer adds that conversely, since smoking is deemed enough of a health risk that in every civilized country cigarettes are exclusively sold with a warning printed on the package that it damages health, smoking can no longer be classified under "Shomer Pesa'im Hashem." Accordingly, in our day and age, one would definitely not be able to rely on this hetter to smoke.

Additionally, according to the Terumas Hadeshen's interpretation, [29] "Shomer Pesa'im Hashem" only applies to one performing an action that carries a mere "chashash sakana" (and not a full-fledged one), and even that dispensation would not apply to one who knows better, and realizes the risks inherent in his actions. Consequently, smoking nowadays would undoubtedly not be included in this lenient classification.

Furthermore, even according to Rav Elchonon Wasserman Hy"d's understanding of this Klal, [30] it seems tenuous at best to smoke. He explains that the hetter means that one does not have to refrain from regular daily living, i.e. performing everyday activities, ("minhag derech erez," in his own words), as then he is considered guarded from Heaven. However, when referring to an action that is within his ability to refrain from, he is no longer numbered among the 'guarded fools.' Moreover, if one does not take the necessary precautions, he is "mischayev b'nafsho" and loses all Heavenly protection. Since smoking's true health risks have become increasingly manifest, and is now a practice indulged in by far fewer than even several decades previous, it seems highly doubtful that Rav Elchonon would consider smoking "minhag derech erez" nowadays to allow a dispensation.

Over a hundred years ago, the Chofetz Chaim [31] expressed his dismay that 'weak' people smoked, even though the doctors of the time clearly informed them of the grave health risks involved. He strongly condemned smoking where it was found to be injurious to health.

Additionally, the Rambam wrote that one should distance himself from any activity that can cause his body harm; one who does not, but rather places himself in sakana deserves "makkos mardus." This is seconded by the Sefer Hachinuch and Shulchan Aruch, and referred to as transgressing an Issur De'oraysa by the Levush and Chida, and even outright "apikorsus" by the

Be'er HaGolah.[32] Furthermore, while addressing the requirement of avoiding dangerous activities due to the Talmudic dictum of "chamira sakanta m'issura," (matters of danger are to be treated more stringently than prohibitions; Gemara Chullin 10a), both the Tur and Rema stress that we should be further concerned with a possible danger (safek) above and beyond a possible prohibition.[33] All of the above would certainly apply to smoking.

Although with many apparently suffering from "ostrich syndrome," and others claiming to follow the Pnei Yehoshua since he predated the Surgeon General by several centuries,[34] nowadays, with medical science conclusively proving the dangers of smoking, and with so many prominent authorities having issued rulings forbidding it, one who embarks on a smoking 'career' does not seem to actually have the staunch halachic backing he might assume he does.[35] "V'Nishmartem Me'od L'Nafshoseichem"[36] does not apply exclusively to others.

This article is not meant to be a comprehensive guide; it is merely a brief summary of the main halachic issues involved with smoking.

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[1] See Shiyurei Knesses HaGedolah (Orach Chaim 567, Hagahos on Beis Yosef 3, and Orach Chaim 551, Hagahos on Beis Yosef 21; he writes that he even put a violator in Cherem for smoking on Tisha B'Av!), Mor U'Ketzia (end 210, s.v. su), Shaarei Teshuva (511: 5 and 559: 4), Mishnah Berurah (556: 8), and Shu"t Yechaveh Daas (vol. 5: 39).

[2] See Pri Chodosh (Yoreh Deah 108: 23), Mor U'Ketzia (end 210 s.v. aval), Shaarei Teshuva (Orach Chaim 210: 9), Leket HaKemach (beg. Hilchos Tisha B'Av), Shu"t Masos Moshe (Yoreh Deah 4), Pischei Teshuva (Yoreh Deah 108: 3), Darchei Teshuva (ad loc. 89), and Orchos Rabbeinu (new edition; vol. 4, pg. 34: 14).

[3] See Magen Avraham (Orach Chaim 210: 9), Ba'er Heitiv (ad loc. 9), Shaarei Teshuva (ad loc. 9), Shu"t Halachos Ketanos (vol. 1: 101), Eshel Avraham (Butchach; Orach Chaim 216), Ba'er Heitiv (ad loc. 13 and Orach Chaim 210: 9), Mor U'Ketzia (210, s.v. b'MG"A and on), Machzik Bracha (Orach Chaim 210: 8), Magen Giborim (Orach Chaim 210, Elef HaMagen 12), Shu"t Ksav Sofer (O.C. 24), Taamei HaMinhagim (Inyanei Brachos 214 - 215, pg. 102), and

Mishnah Berurah (210: 17). Nowadays, as the expression goes, it might seem the proper bracha for smoking is a “bracha acharona.”

[4] For the halacha l'maaseh in this case, see Tur and Shulchan Aruch and main commentaries to Orach Chaim 511: 4.

[5] See Gemara Kesuvos (7a) and Beis Yosef (Orach Chaim 511: 4).

[6] Magen Avraham (514: 4), Elya Rabba (ad loc. 3), Korban Nesanel (Beitzah Ch. 2, 22: 10), Mekor Chaim (Orach Chaim 514, ad loc.), and Chayei Adam (vol. 2, 95: 13). There are other reasons for prohibiting, as well. The Knesses HaGedolah (cited by the Magen Avraham) prohibits smoking on Yom Tov due to Mechabeh, extinguishing, and the Pri Megadim (Orach Chaim 511, M.Z. 2; see also Kitzur Shulchan Aruch 98: 32) raises the issue of Mocheik, erasing, if the letters on cigarette get burned. For other viewpoints to this issue, see Shu”t Maharsham (vol. 7: 7; and in Daas Torah, Orach Chaim 511 s.v. v'nishalti; who is melamed zechus on the mekilim), Shu”t Yad Yitzchak (vol. 3: 117), Shemiras Shabbos K'Hilchasa (Ch. 13, footnote 34), Shu”t Ohr L'Tzion (vol. 3, Ch. 20, footnote 2), Shu”t Az Nidberu (vol. 7: 62), Shu”t Even Yisrael (vol. 8: 29 and vol. 9: 23; see also Halichos Even Yisrael, Moadim vol. 1, pg. 263: 6), and Shu”t Rivevos Efraim (vol. 2: 146 and vol. 5, 355: 2).

[7] Shu”t Darchei Noam (Orach Chaim 9) and Birkei Yosef (Orach Chaim 511: 2). See also Hagahos Rav Baruch Frankel (ad loc.), who opines that with the high prevalence of smoking in his time, perhaps the Magen Avraham would have changed his mind.

[8] This is actually understandable, as the poskim of the time referred to smoking as ‘shtiyas tutin’, drinking tobacco. See, for example, what the Ben Ish Chai (Year 1, Parashas Vayikra 5) writes regarding the rights of Talmidei Chachamim to smoke in shul, as he considered it drinking. This also explains why many ruled against smoking on ordinary fast days, even though nowadays it would seem implausible to consider smoking an actual act of eating or drinking.

[9] Pnei Yehoshua (Shabbos 39b s.v. amnam), Mor U'Ketzia (Orach Chaim 511; at length – he adds that smoking even freshens breath), and Bina L'Ittim on the Rambam (Hilchos Yom Tov Ch. 4: 6). This hetter for “briyus,” health, is based on the words of the Mordechai (Beitzah Ch. 2: 680) and Tosafos (Shabbos 39b s.v. u'B”H mattirin), who allow one to ‘sweat’ on Yom Tov (ostensibly to enter a sauna or ‘shvitz’); as due to its health benefits it is considered “shaveh lachol nefesh.” Interestingly, the Chayei Adam (vol. 2: 95, Nishmas Adam 2 s.v. v'tzarich iyun) although prohibiting smoking on Yom Tov (as mentioned previously) and rejecting full dispensation to allow it due to its health benefits, nevertheless does seem to accept that smoking might have some medical benefit. He allows a ‘choleh she'ain bo sakana’ to smoke on Yom Tov, and only via the aid of a non-Jew, as he classifies smoking as “tzorchei choleh she'aino l'taanug.” See also Matteh Efraim (599: 1; a similar assessment is given in Shaarei Teshuva, Orach Chaim 551: 5), who writes that even those who are generally lenient with smoking on Yom Tov should nevertheless refrain from smoking on Rosh Hashana (at least on the first day), due to “Eimas HaDin,” and concludes that “yesh l'baal nefesh lifrosh mizeh b'shnei

hayamim, im lo sheyeish tzorech gadol l'refuah"; strongly implying that the main hetter for allowing smoking is due to its assumed health benefits. They continue that they would personally also only smoke on Yom Tov Sheini, and not on the first day, (nor on Leil Seder in order to ensure fully tasting the Matzah). This was also known to be Rav Yisrael Salanter, and later the Steipler Gaon's minhag as well (see Orchos Rabbeinu, new edition; vol. 2, pg. 127: 21). See also footnote 11.

[10] See for example Taamei HaMinhagim (Iny anei Brachos 214 - 215, pg. 102). However, he concludes with a story about the Av Beis Din of Belz, who after realizing that in the amount of time it took him to set up and smoke his pipe he could learn a Daf of Gemara, quit smoking immediately. A similar assessment is given by the Chofetz Chaim in his sefer Zechor L'Miriam (Ch. 23, s.v. v'hinei nimtza'im), where of the reasons he decries smoking for (and aside for health reasons), is the sheer amount of bittul zman and bittul Torah it engenders. Interestingly, the Taamei HaMinhagim (Kuntress Acharon, 963 s.v. ode) later quotes the Shevet Mussar citing the Maharon Rosilio, that he was told in a dream that if one smokes at a Chupah ("tachas apiryon shel chassan v'kallah") he will be punished with blindness in Olam HaBa'ah.

[11] Beis Meir (Yoreh Deah 197), Shu"t Zera Emes (93), Pri Megadim (Orach Chaim 511, M.Z. 2 and E.A. ad loc. 9), Shu"t Rav Pe'alim (vol. 2, Orach Chaim 59), and Aruch Hashulchan (Orach Chaim 511: 11). A summary of the main issues involved and machlokes haposkim whether smoking on Yom Tov is permitted is presented by the Ba'er Heitiv (Orach Chaim 554: 1), Shaarei Teshuva (Orach Chaim 551: 5), and Biur Halacha (ad loc. 4 s.v. ain). See also Shu"t Ksav Sofer (Orach Chaim end 66), Shu"t Shoel U'Meishiv (Mahadura Tinyana vol. 2: 8 s.v. v'hinei), Sdei Chemed (Asifas Dinim, Maareches Yom Tov 1: 4), Shemiras Shabbos K'Hilchasa (new edition; Ch. 13: 7), and Yesodei Yeshurun (vol. 6, pg. 204 - 206). Interestingly, the renowned Marguliyos brothers in their respective seminal seforim, Matteh Efraim (599: 1) and Shaarei Teshuva (551: 5; but this might have been written by the Matteh Efraim, as both sources state that this is their own personal hanhagah) both prohibit smoking on the first day of Yom Tov, but permit it on the second day. The contemporary view on smoking on Yom Tov is discussed in footnote 24.

[12] See Shu"t Teshuvos V'Hanhagos (vol. 3: 354 and vol. 4: 115) and Shu"t Minchas Asher (vol. 1: 35 and 36; at length). They, (as well as several other poskim mentioned in this article) maintain that the main issur is the addiction and not necessarily each individual cigarette, yet, each individual cigarette brings one one step closer to addiction, and is therefore prohibited; similar to what Rav Moshe Feinstein wrote regarding smoking marijuana and taking drugs in Shu"t Igros Moshe (Yoreh Deah vol. 3: 35). The Chofetz Chaim (Lekutei Amarim Ch. 13 and Zechor L'Miriam Ch. 23 s.v. v'hinei yadaati) writes that he screamed at smokers who were harming their health, "who let you get addicted?". Rav Moshe himself, in a later teshuva (Shu"t Igros Moshe, Choshen Mishpat vol. 2: 76), wrote that even regarding regular cigarettes it is assur to 'get addicted'.

[13] According to the most recent studies, smoking actually kills two-thirds of smokers. See American Journal of Public Health, 2012, vol. 102, number 11, 2181-2186: "Continued Increases

in the Relative Risk of Death From Smoking”; The British Medical Journal, June 26, 2004; vol. 328: 1519: “Mortality in relation to smoking: 50 years’ observations on male British doctors”:

bmj.com/content/328/7455/1519; Medical Daily, Oct 11, 2013: “Cigarettes Even More Dangerous Than Once Thought: 67% Of Smoking Deaths Linked Directly To Habit”: <http://www.medicaldaily.com/cigarettes-even-more-dangerous-once-thought-67-smoking-deaths-linked-directly-habit-259631>; The Lancet, Volume 381, Issue 9861, Pages 133 – 141: “The 21st century hazards of smoking and benefits of stopping: a prospective study of one million women in the UK”: [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(12\)61720-6/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(12)61720-6/abstract);

BMC Medicine : “Tobacco smoking and all-cause mortality in a large Australian cohort study: findings from a mature epidemic with current low smoking prevalence”, Feb 24, 2015:

<https://bmcmmedicine.biomedcentral.com/articles/10.1186/s12916-015-0281-z>. Thanks are due to R’ Zvi Herzig for pointing out several of these important references.

[14] Shu”t Igros Moshe (Yoreh Deah vol. 2: 49).

[15] Tehillim (116: 6). See Gemara Shabbos 129b, Yevamos 12b, 72a, and 100b, Kesuvos 39a, Sanhedrin 110b, Avodah Zara 30b, and Nida 31a and 45a. This dictum is invoked by the Gemara to explain how certain dangerous activities that have become common practice were not outright forbidden.

[16] This fact is very important. It is well known that Rav Moshe strongly ruled against prohibiting any action that could possibly cast aspersions on previous generations. See article titled: “Bubby Didn’t Eat Bugs!” http://new.ohr.edu/this_week/insights_into_halacha/5032.

[17] The first written responsum outright prohibiting smoking nowadays due to medical concerns was in Shu”t Asei Lecha Rav (vol. 2: 1; see also vol. 6: 58, where he prohibits purchasing cigarettes for others, even parents!) by Rav Chaim Dovid HaLevi, Chief Rabbi of Tel Aviv, in the 1970s. As the knowledge of the health risks associated with smoking became more widespread and universally acknowledged, and the number of smokers starting dropping, many more poskim began ruling stringently as well.

[18] Compare, for example, the wording of the teshuvos in Kovetz Teshuvos (vol. 1: 219; from 1981) and the later recent Kol Koreh (from Av 2004) which Rav Elyashiv signed, as well as his He’aros B’Maseches Kesuvos (7a) and Shu”t VaYishma Moshe (vol. 1, pg. 436). According to the Jerusalem Center for Research - Medicine and Halacha (headed by Rabbi Yaakov Weiner), Rav Elyashiv later even prohibited advertising for cigarettes! Compare Shu”t Tzitz Eliezer vol. 1 (20: Ch. 3; from 1945) to vol. 15 (39; from 1983), and vol. 17 (21 and 22; from 1984) where he explicitly prohibits smoking. [It is also worthwhile to see vol. 21: 14 (from 1995) for an interesting discussion on whether those who sell cigarettes and tobacco products are considered to be actively violating Issurim.] Regarding Rav Ben Tzion Abba Shaul, compare Shu”t Ohr L’Tzion (vol. 3, Ch. 20, footnote 2) to his later Ohr L’Tzion - Chochma U’Mussar (pg. 221; as well as the

editor's note to his previous teshuva). Regarding Rav Ovadia, one can see the evolution of his psak from Shu"t Yabea Omer (vol. 5, Orach Chaim 39; from 1969) to Shu"t Yechaveh Daas (vol. 5: 39, and footnote 2; from 1983) to Halichos Olam (vol. 1, pg. 265 - 266, 4; from 1998) where he quite explicitly assures it. Rav Menashe Klein as well, in his earlier teshuva in Shu"t Mishnah Halachos (vol. 9: 161), although stating that one who has not yet started to smoke is assur to start, adding the prohibition of the Bal Tashchis of countless money spent on cigarette addiction, nevertheless is of the opinion that one who is already addicted "ain l'osro." Yet, in his later (and posthumously published) vol. 18 (#302), he concludes that there is no reason to make a gezeira to forbid smoking as "kvar mushba v'omed m'Har Sinai" as the Torah already exhorts us "v'nishmartem me'ode l'nafshoseichem," adding that he would never give a cigarette or even 'a light' to anyone, not to transgress "lifnei iver lo sitein michshol."

[19] Rav Aharon Kotler's shittah is attested to in a signed letter by his talmid, Rav Yechiel Perr, Rosh Yeshivas Derech Ayson of Far Rockaway; Shu"t Minchas Shlomo (vol. 2: 58, 6), Shu"t Ba'er Moshe (vol. 6: 160, 9), Shu"t Shevet HaLevi (vol. 10: 295), Shu"t Rivevos Efraim (vol. 3: 487, and stronger in vol. 8: 586), She'elas Rav (pg. 92), Shu"t Teshuvos V'Hanhagos (vol. 1: 159, and 316, and stronger in vol. 3: 354, and outright assur in vol. 4: 115); and Shu"t Minchas Asher (ibid.; as well as the Minchas Asher Haggada shel Pesach, Shaarei Teshuva 23). Rav Shlomo Zalman is even quoted (sefer Mishpat HaKesuva vol. 6, Ch. 52: 6 and footnote 10, 'Kashrus Ha'Eidim', pg. 326 - 328, and Kovetz Beis Hillel vol. 39, pg. 21; Elul 5769) as holding that one who smokes while knowing the health risks involved is "passul l'aidos". Rav Shmuel Kamenetsky is quoted (Hamodia 13 Adar 5778 / Feb 28, 2018; Features, "Smoking: Playing with Fire") as stating "smoking is very dangerous, it's mamash sakanas nefashos – literally life threatening". Rav Yechezkel Grubner zt"l (Shu"t Knesses Yechezkel vol. 2: 53), Rosh Vaad HaRabbonim in Detroit, wrote extensively decrying the dangers of smoking, if not outright prohibiting it, adding that the former Gerrer Rebbe zt"l was known to remark (paraphrasing Hilchos Chanuka) that 'smokers think "hadlakah oseh mitzvah", but really "hanachah oseh mitzvah"', that putting down the cigarette and not smoking is truly the proper hanhagah. Apparently, these poskim were not impressed by commonly floated smokers' sevaros as "most of these statistics were referring to non-Jews; this proves nothing about Yidden," or "statistics were referring to 7 day a week smokers, not 6 day a week smokers". Interestingly, the posek most smokers associate with these apparently illogical claims is the Chasam Sofer. Yet, anyone who actually read the words of the great Chasam Sofer inside (Chiddushim to Gemara Shabbos 86b s.v. v'im) would realize that the exact opposite is true. He writes that although he is hesitant to rely exclusively upon the findings of non-Jewish doctors regarding leniency with actual issurim, as their expertise is mainly pertaining to non-Jewish patients, on the other hand, regarding issues of "Pikuach Nefesh," and even only a safek, he concludes that one should rely upon them. And the examples he gives are issurim chamurim – Chilul Shabbos and eating on Yom Kippur – that if a non-Jewish doctor would tell one to do, he must obey. Accordingly, smoking would certainly fit in this category of when one must listen to his doctor, even if non-Jewish. Thanks are due to Rabbi Mordechai Koster (in his Gilyon Gevuros Akiva, Parashas Va'eschanan 5774) for pointing out this important source. Another interesting source this author has heard for permitting smoking is the shittah of the Aruch LaNer (Shu"t Binyan Tzion 137) who maintains that when a potential sakana is not immediate, but would only occur some time

later, one may be lenient, as then the dictum of “Shomer Pesa'im Hashem” is invoked. However, as discussed later in the article, this does not fit with most authorities' understandings of this Klal, and Rav Chaim Ozer Grodzenski (Shu”t Achiezer vol. 1: 23, 2, in the brackets) strongly argued on his logic, concluding that “b'emes kasheh lishkol b'mishkal sevaros mechudashos b'makom sakana”.

[20] It is well known that Rav Yaakov Kamenetsky zt”l (see for example, the biographical B'Mechitzas Rabbeinu pg. 268, and Artscroll's biography Reb Yaakov pg. 318), his son Rav Shmuel Kamenetsky shlit”a, and his talmid Rav Yisroel Belsky zt”l, all prohibit(ed) smoking. Similar to the afore-mentioned Kol Koreh, many American Rabbanim, including the Vaad Halacha of the RCA, signed an Anti-Smoking proclamation in Tammuz, 2006.

[21] See Shu”t Ba'er Moshe (ibid.) and Shu”t Shevet HaKehasi (vol. 1: 332). Rav Menashe Klein (Shu”t Mishnah Halachos vol. 18: 302) writes that unfortunately to one who is addicted to cigarettes, smoking has become akin to “chayei nefesh.” He relates that during the Holocaust, when he was incarcerated in concentration camps, he was astonished to see time and again prisoners trading their meager rations consisting of scraps of bread, for cigarettes or a bit of tobacco. Similarly, Rav Yechezkel Grubner (Shu”t Knesses Yechezkel vol. 2: 53, 9 s.v. ad) relates that he heard of a prisoner in a concentration camp trade in his last scrap of bread for a cigarette and died of starvation shortly later.

[22] Michtav M'Eliyahu (vol. 1, pg. 79 s.v. v'yoser and footnote, pg. 111 - 112, and pg. 225 s.v. im).

[23] The anecdotes about Rav Shach and the Gerrer Rebbe are cited by Rav Yechezkel Grubner, based on his personal meetings with these Gedolim during his trip to Eretz Yisrael in the summer of 5739 and are appended to his teshuva on smoking in Shu”t Knesses Yechezkel (ibid.). Rav Gershon Edelstein, current Rosh Yeshiva of Ponovezh, has recently publicly declared (see Mishpacha Israeli Hebrew edition, 15 Cheshvan 5769, pg. 21) that the “minhag” of “Chosson Cigarettes” has long been banned in Yeshivas Ponovezh, and in his opinion a Rebbe or Maggid Shiur who smokes cannot set a proper example for his talmidim and should not be teaching. The Dejer Rebbe actually was able to quit smoking completely several years before his petirah. This author has heard this story about Dayan Fischer zt”l several times and is found in Rav Moshe Sternbuch's Shu”t Teshuvos V'Hanhagos (vol. 3: 354) and Likutei Teshuvos V'Hanhagos on Shavuos (pg. 362, s.v. v'hamachmir) in the parenthesis, discussing “Talmid Chacham Gadol Echad zt”l.” It has also been added to the newer versions of Shu”t Teshuvos V'Hanhagos (vol. 1: 316), in the parenthesis at the end of the Teshuva. This author has recently heard from Dr. Yoel Jakobovits that his late father HaRav Lord Immanuel Jakobovits used to receive the latest volumes of the Tzitz Eliezer sent by the author. When he saw that Rav Waldenberg categorically assured smoking, he “stopped on a dime.” He reasoned that if he turned to Rav Waldenberg for life and death sheilos then he ought also to accept his psak regarding smoking. The anecdote regarding Rabbi Sherer appeared in Hamodia (13 Adar 5778 / Feb 28, 2018; “Smoking: Playing with Fire”; citing Rabbi Moshe Meir Weiss).

[24] Shu"t Igros Moshe (Choshen Mishpat vol. 2: 18 and 76). He also writes that a father, even one already addicted to cigarettes, should not allow his children to start smoking! See also Shu"t Igros Moshe (Orach Chaim vol. 5: 34; originally printed in Shu"t Rivevos Efraim vol. 5: 355, 1) where he concludes regarding smoking on Yom Tov that although not assur, still "ba'al nefesh yachmir." This author has long found it interesting that many Bnei Yeshiva, who would never dream of relying on Rav Moshe's famous hetter regarding Chalav Stam, paradoxically seemingly have no qualms relying on his hetter for 'lighting up,' especially on Yom Tov, even though the wording of his halachic dispensation is quite similar. Others who originally held smoking was muttar on Yom Tov include the Tzitz Eliezer, Rav Ben Tzion Abba Shaul, and Rav Ovadia Yosef. Yet, they later retracted, changing their psak, and prohibited it (see footnote 18). Many other contemporary poskim forbade smoking on Yom Tov outright, including the Chazon Ish (Dinim V'Hanhagos Ch. 18: 5; he even held that cigarettes are muktzeh on Yom Tov - see Orchos Rabbeinu, new edition, vol. 2 pg. 126: 17), Steipler Gaon (Orchos Rabbeinu, ad loc. pg. 127: 21; however he did permit on Yom Tov Sheini, except Rosh Hashanah, due to 'Oneg Yom Tov'), Rav Yosef Shalom Elyashiv (ibid.), Rav Shlomo Zalman Auerbach (Shu"t Minchas Shlomo, Tinyana 60: 29), Rav Moshe Sternbuch (ibid; he wrote that although m'sevara an addicted smoker might have what to rely upon for Yom Tov, nevertheless, smoking is assur year round, period), Rav Chaim Kanievisky (Moadei HaGra"ch, vol. 1: 202, pg. 99), Rav Nissim Karelitz (Chut Shani on Hilchos Yom Tov, end Ch. 10), Rav Menashe Klein (Shu"t Mishnah Halachos vol. 18: 302 and 303), Rav Asher Weiss (ibid.), and the She'arim Metzuyananim B'Halacha (98: 19). They maintain that the hetterim of previous generations no longer apply. Now that the true health "benefits" of smoking are known, and many people are cutting down, trying to quit, or not starting in the first place, smoking can no longer be considered "l'briyus," and also loses its classification of "shaveh lachol nefesh." A counter-point to the above consensus is related in Halichos Even Yisrael (Moadim vol. 1, pg. 263: 5), that after it was publicized by many Rabbanim that smoking was no longer considered "shaveh lachol nefesh," Rav Yisrael Yaakov Fischer rhetorically remarked that he still has not heard of any cigarette manufacturing plants closing down due to the masses quitting smoking, and ruled it was still muttar, even though he himself refrained from smoking on Yom Tov. He also told over that his rebbi, Rav Zelig Reuven Bengis zt"l told him that the Yafeh Einayim used to walk through the streets on Yom Tov smoking, to show that it was indeed muttar. On the other hand, a story is told about Rav Mordechai Winkler zt"l, the famed Levushei Mordechai (as cited in Shu"t Minchas Asher ibid.). Although noted for always smoking on Yom Tov, he quit 'cold turkey' (at least for Yom Tov) after having a dream that he found a hetter allowing him to smoke even on Shabbos!

[25] For example, see Shu"t Shevet HaLevi (ibid.), Shu"t Teshuvos V'Hanhagos (ibid.), Shu"t Tzitz Eliezer (vol. 15: 39, 5 - 9 and vol. 17: 22), Halichos Olam (ibid.), Shu"t Shevet HaKehasi (ibid.), Shu"t Ohr L'Tzion (vol. 2: Ch. 45, 56), and Shu"t Knesses Yechezkel (vol. 2: end 53), also citing that Rav Elazar Menachem Mann Shach and the Gerrer Rebbe agreed with him and also ruled this way in 5739. Rav Yosef Shalom Elyashiv as well, ruled similarly in 5765 (as publicized in the Hebrew Israeli Yated Neeman, 'Yated Hashavua', Friday 30 Adar 1, 5755, pg. 50 and later in Kovetz Asya, 75 -76, Teves 5766, pg. 202), prohibiting all smoking in Yeshivos and shuls. He reportedly added that it behooves all Yeshivos to emulate Yeshivas Mir, whom he commended

for publicizing that smoking is assur in all areas of the Yeshiva, including hallways and dormitories. Fascinatingly, in a teshuva from over 120 years ago, Rav Dovid Tzvi Hoffmann, Chief Rabbi of Berlin (Shu"t Melamed L'Ho'eel, Orach Chaim - vol. 1:14), ruled that it is prohibited to smoke in shul, but for an entirely different reason. He wrote that smoking impugns and erodes the reverence necessary in a Beis Haknesses, adding that smoking in shul may even be considered a Chillul Hashem, as the gentiles do not permit it in their houses of worship.

[26] See Kovetz L'Torah V'Hora'ah (5772, pg. 67), Kovetz Chitzei Giborim (5773, pg. 264), Shu"t V'Dibarta Bam (vol. 2: 321, pg. 597 – 598), and Rav Yitzchok Frankel's Kuntress Yad Dodi (Piskei Rav Dovid Feinstein; pg. 305, Choshen Mishpat #65).

[27] Kovetz Hama'or (vol. 480; Kislev – Teves 5778 pg. 7).

[28] Shu"t Divrei Malkiel (vol. 1: 70 s.v. v'chachamim), (Shu"t Achiezer (vol. 1: 23, 2), and Shu"t Tzitz Eliezer (vol. 15: 39, 1 s.v. le'ohr).

[29] Terumas Hadeshen (vol. 1: 211).

[30] Kovetz Shiurim (vol. 1, Kesuvos 136).

[31] In his Lekutei Amarim (Ch. 13; cited by the Tzitz Eliezer and Rav Ovadia Yosef in their respective teshuvos) and Zechor L'Miriam (Ch. 23 s.v. v'hinei).

[32] Rambam (Hilchos Dei'os Ch. 4: 1 and Hilchos Rotzeach V'Shmiras Nefesh Ch. 11: 5), Sefer Hachinuch (Parashas Ki Seitzei, Mitzvah 546 s.v. v'harbeh), Shulchan Aruch (Choshen Mishpat 427: 10), Levush (ad loc.), Chida (Ayin Zocher, Maareches 'Lamed', 19; citing the Tevuos Shor), and Be'er HaGolah (Choshen Mishpat 427, 'Os Tzaddi'). As to why, if it were truly an Issur De'oraysa, why the Rambam, Sefer Hachinuch, and Shulchan Aruch only mandate 'makkos mardus', which are Derabbanan, the Be'er HaGolah (ad loc. 'Os Ayin') explains that it either is an Issur Derabbanan with a smach from the Pesukim in Parashas Va'eschanan (see footnote 35), or that it is truly a Biblical prohibition, but without Biblical lashes given as punishment, similar to "chatzi shiur m'De'oraysa she'ain lokin alav," but nevertheless still is subject to "makkos mardus."

[33] Tur, Beis Yosef, and Rema (Yoreh Deah 116: 5).

[34] See Gilyon Birchas Binyomin (13 Tishrei 5772) – "Showers on Yom Tov."

[35]A recent article in the Rambam Maimonides Medical Journal (vol. 10, issue 3; July 2019, "Vape Gods and Judaism – E-Cigarettes and Jewish Law") opines that a similar halachic prohibition should apply to vaping (smoking electronic cigarettes), positing that that Poskim "have a unique opportunity to seize this moment to stop e-cigarette use before it becomes widespread." However, in this author's estimation as one of the reviewers of said article, based on the current reality, with a lacuna of compelling scientific data attesting to the dangers of these

products, coupled with the Surgeon General's rather tepid warning regarding e-cigarettes (merely stating that they contain nicotine and not that they likely cause death, etc. as is currently the case regarding combustible cigarettes), as distasteful, inadvisable, and imprudent as vaping may be, it seems based on the current proven medical knowledge of its intrinsic and inherent risks, that it would be somewhat premature at this time to classify it as downright prohibited.

[36] Devarim (Parashas Va'eschanan Ch. 5: 15). This, as well as the similar exhortation from earlier in Parashas Va'eschanan (Ch. 4: 9), "Hishamer Lecha u'Shmor Nafshecha Me'od," although seemingly not actually referring to guarding one's physical health but rather religious beliefs and Torah learned, are nonetheless quoted as such, not only from several of the contemporary Poskim quoted above, but cited by earlier authorities including the Rambam (Hilchos Rotzeach V'Shmiras Nefesh Ch. 11: 4), Maharsha (Brachos 32b s.v. ksiv), SM"A (Choshen Mishpat 427: 12; the last in all of Shulchan Aruch), and Minchas Chinuch (Parashas Ki Seitzei, Mitzvah 546: 11; who is mefapel in understanding the Rambam, but ultimately concludes that he is indeed correct). Thanks are due to Rabbi Yechezkel Silberstein for pointing out several of these invaluable sources. After completing this article, this author has found out that there are several recent excellent sefarim devoted exclusively to the topic of smoking in halacha, including "Pe'er Tachas Eifar" and "Chaim L'lo Ishan."

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda.