**Charity Gambling**

***Charity lotteries seem to be becoming more frequent, with higher-value tickets and prizes: what do Jewish law and ethics have to say about this trend?***

The Talmud discusses two possible reasons for the disqualification of habitual gamblers as witnesses and judges in a Jewish court. The first objection is that gambling may raise issues of quasi-theft, since at the time when the gambler places the stake he or she does not really intend to lose the money, and is actuated primarily by the hope that they will win. The second objection is that someone whose income derives from gambling is not playing a useful part in the social order and doesn’t have a clear picture of commercial and economic realities for working people.

It is the first of these objections that is most relevant to the use of gambling as a fund-raising tool for charities. Clearly, a traditional raffle where the tickets are perhaps a pound each and the prizes are relatively trivial, raises no serious issues on the quasi-theft side: people participate in raffles of this kind out of goodwill towards the charity, they put down some small-change without any qualms that they might not see any return, and if they win the bottle of wine, hamper or travel-ticket it simply comes as a pleasant surprise. But the same cannot be said of a lottery where the tickets are £20 a time or more, with encouragement to stake very significant sums of money based on reduced prices for multiple tickets, and with prizes worth several thousands of pounds. There is a real chance that people are participating in these lotteries on the basis of a calculated hope that they will win, in which case the Talmudic objection based on *asmachta* (conditional deal) would apply and raise issues of quasi-theft.

Clearly Jewish charities will wish to be certain of avoiding any possible issue of *mitzvah habo ba’aveiro* (mitzvo brought about by a prohibition) and will therefore be anxious that their fund-raising income should be free from any possible taint of quasi-theft. They will therefore wish to avoid any fund-raising lottery where the prize values may be exerting an influence on participants’ decisions so that they pay money that they are not genuinely happy to lose to the charity, and which even a small part of their mind is happy to risk only because of a false expectation of winning.

This is the key Jewish ethical issue that arises in relation to charity lotteries; but there are others too. A number of advertisements for charity lotteries with high-value tickets carry an announcement that people may pay for their tickets out of ma’aser money. Without discussing the justification for the ruling that ma’aser money may be used in a situation where a person obtains the benefit of a chance to win a large amount of money (without the hope of which he or she would not part with their money), it might be thought that this answers the objection based on quasi-theft: if I am paying out of money that I am anyway obliged to give to charity, perhaps it can be said that I am happy to risk the stake-money without any expectation that I will see a return, on the grounds that I have to give the money away anyway.

That might answer the first objection, but it creates a new one: it means that charities are competing against each other by encouraging people to decide how to distribute their ma’aser money not on the basis of the halachic and ethical considerations of priorities (including, but not limited to, priority for local charities) but on the basis of which charity offers the highest-value prizes to be won. That clearly risks introducing a distracting element into what should be a halachic decision of how to apportion ones charity funds, and should be avoided by charities for that reason alone.

Competition between charities apart, it is open to question whether charities should be introducing a distracting element into the mitzvah of giving to charity: by offering significant prizes charities are encouraging the Jewish public to make decisions partly based on greed and expectation, instead of based on a pure intention to share the blessings which Hashem has given us with deserving causes.

More significantly, charities need to remind themselves that of the social evils prevalent in today’s society gambling is one of the most insidious and dangerous, responsible for destroying families and lives in ever-increasing numbers. Jewish institutions should be leading the way in reinforcing the Jewish ethical objections to gambling; they should not be encouraging young people, in particular, to become more comfortable with a concept that is one of the most destructive forces confronting today’s youth. That alone should be a sufficient reason why charities might wish to think twice before running promotions that might appear to emulate some of the most seductive advertising techniques of the gambling industry and that might have a tendency to make gambling seem more acceptable within the community.

**Daniel Greenberg.  (Copyright the author; all rights reserved; note that this column aims to explore general issues of secular and Jewish law and ethics and does not purport to provide legal advice.)**