



Ask The Rabbi...



December 10, 1994 Issue #46

This edition contains:

1. It only takes a buck...and a little bit of luck: Playing the lottery.

Yitzchak Freeman wrote:

Two weeks ago, Britain started a government-sponsored national lottery, much like those common in other countries. My first question is whether or not it is permissible to play a lottery in general? And if so would the following effect the Halacha? On buying a ticket, the purchaser has to select any six numbers between 0 and 49 (an allusion to the 49 levels of tum'a?). These numbers are recorded on a central computer, and the ticket number with its six registered selections is then printed out electronically for the purchaser to retain. Since the purchaser determines the ticket number, he thereby feels an element of personal skill in winning as opposed to buying a ticket with pre-printed random numbers which can then be drawn 'out of a hat'. Would this kind of lottery be forbidden?

Dear Yitzchak,

As you suggest, there are several types of lotteries and the Halacha differs regarding them. There are several sources that indicate that a lottery is an acceptable means for making a decision:

- Biblically, there is the lottery performed on Yom Kippur to determine the goat that is *L'Hashem* and the goat that is *L'Azazel*. There is also the lottery to divide the Land of Israel among the 12 Tribes.
- Mishnaically, there is the lottery that was performed each day to determine who would have the honor of performing the Temple service.
- The *Shulchan Aruch* mentions the custom of some synagogues to determine by lottery the person who would receive a particular *Aliyah*, or recite a particular *Kaddish*.

The Halachic problem arises, though, when a person agrees to give up something of his own if he loses the lottery.

Let's say that several people pitch in and buy a cake, and when they cut the cake, one of the pieces is significantly larger than the others. They decide to "lottery off" the large piece. The *Shulchan Aruch* rules that this type of lottery is *forbidden* and constitutes a Rabbinic violation of theft. This prohibition is based on the assumption that a person never *fully* gives up his rights to his portion, because he doesn't really believe he will lose. Therefore, the winner is taking something that the others never fully gave over; hence *he is stealing*.

National lotteries, however, are free of this problem. This is because when buying a ticket, the person **hands over his money before the draw**. He already departed with that which he may lose, so that, if he loses, then the winner is not taking something that the loser has not "relinquished".

Now to your question about skill factor. If the gambler thinks that he has a system that will increase the likelihood of his winning, does that affect the Halacha? The *Rama* writes that as long as the outcome is **not entirely under his control and he doesn't know that he will win**, we assume that he has given over his money without reservation. Even if this person has a system that will increase his chances, he is still playing a game of chance, and realizes that there

is a real possibility that he will lose -- so he would still be permitted to play the lottery.

It would be irresponsible of me to talk about the Halacha of participating in a lottery without warning that this is something which is subject to addiction and must be handled with extreme care. The great *Ba'alei Mussar* (ethicists) have pointed out that while buying a lottery ticket may be a form of *Hishtadlut* (effort to make a living), you only need one ticket to win, and if Hashem wants you to receive money that way, then He will do it via the one ticket. The Talmud also teaches that people who spend their day earning a living by gambling are not contributing to society, and they are not to be trusted as witnesses in court.

Rabbi Nota Schiller, *shlita*, tells of a man who bought a lottery ticket weekly, and each week he promised Hashem that if he would win, he would give a large sum to *Tzedaka*. And every week he would lose. Then, one week, a rumor spread that the man had gone to a house of idol worship -- and, **that week he won the lottery!** That Shabbat, he came back to *shul*, and asked to speak before the congregation recited the prayer of *Ein Kelokeinu* (there is none like our G-d). He "clipped" on the *Bima* and said "There is none like 'our' G-d. For years I've been promising Hashem that if I win the lottery I will give a large sum to *Tzedaka*, and He was never fooled. But **that 'Getchke'** (idol), the first week I make my promise he goes for it!"

Sources:

- Shulchan Aruch, Orach Chaim 322:6; see Mishnah Berurah.
- Choshen Mishpat 207:13, Rama.
- Vayikra ch 16.
- Bamidbar 34:13.
- Tractate Yoma, Mishnayot in ch. 2.
- Tractate Sanhedrin 24b.

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Issue #46 -December 10, 1994

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