

Can One Bet on Sports, Politics or Anything Else?

Rabbi Shmuel Binyomin Honigwachs

Question: Today, there is a big gambling industry, with people placing bets on sports, elections, and many other things. Is such betting permitted according to halacha?

Answer: The Gemara discusses something called *mesachek b'kuvya*, which is a form of gambling. The Rambam rules that *mesachek b'kuvya* is "*avak gezel*", close to stealing. Such activity falls under the category of *asmachta*, which basically means that the losing party only entered into the deal because he thought he would win, and never really committed to pay if he loses; therefore, it is close to stealing to take his money.

The extent of *asmachta* is more stringent for Sefardim than for Ashkenazim. The Rema rules that if both parties place their money in a central location and agree that whoever wins will take possession of the money, this is a good *kinyan* and neither side can claim that it was *asmachta* and they weren't really serious. Accordingly, there would be no issue to engage in betting on a forum where the money is put up front and placed with a third party to hold, as is the case with most contemporary forums. (However, there are other issues and it should be avoided- see Mishna Brura 322:22) Rav Ovadiah Yosef says that Sefardim never accepted this leniency of the Rema; therefore, he rules that it would be forbidden to play the lottery in Eretz Yisroel.

In America, however, it can be assumed that the other party in a betting forum is a non-Jew, who has no prohibition of taking your money if you lose; therefore, there would be no prohibition to be part of such a forum.