

Wanna Bet On It?

Mishpatim 5784

One of the most fascinating Torah personalities ever to emerge from Italy was the 17th century Rabbi, Leon (Yehuda Aryeh) Di Modena. He was a Torah scholar who fought against the nascent influence of Jewish mysticism; a sought-after halachic authority who permitted new musical arrangements of synagogue texts, in partnership with his friend, the composer Salamone Rossi; he was a philosopher who attacked Christian interpretations of biblical verses; he was a musician who served as Chazzan in Venice for more than 40 years; he was an orator, and a poet in multiple languages¹. If you wandered the narrow alleyways of the Venetian Ghetto in search of him, you would likely find him in a shul or study hall, but you might also be likely to find him at the card table. You see, by his own admission, Rav Di Modena was a compulsive gambler. In his autobiography *Chayyei Yehuda*, he describes in painful detail the way his addiction was repeatedly triggered by the games of chance that were played in the ghetto every Chanukah, and the heavy price he paid for it in loss of money, reputation and marital harmony. In one year, between Chanukah and Shavuot, he went on a bender costing him 300 ducats, the equivalent of \$69,893.22 in today's dollars²³! His many talents

¹ For an excellent summary, see <https://aish.com/im-a-gamblin-man-the-17th-century-rabbi-who-battled-addiction/>

² <https://www.austincoins.com/blog/post/venetian-ducats-worth>

³ As of Thursday, February 8

proved quite helpful, as he writes about the many forms of employment he was forced to undertake to settle his heavy gambling debts.

It turns out that Rav Leon was not an anomaly; Our contemporary Orthodox community struggles with this vice as well. Under the leadership of Dr. Rivka Press Schwartz, a study was conducted last year by Machon Siach⁴, a think tank affiliated with the SAR High School in Riverdale, New York that surveyed contemporary Modern Orthodox teens about their involvement in different harmful and addictive behaviors. The results are astonishing. 40% of those surveyed engaged in online sports betting, 25% bet money on card games and 63% bet money in fantasy leagues. This is in aggregate; when broken down by grade level, the percentages increased between 10th and 12th grade. While these statistics are about high school students, anecdotally, adults are no better.

For many people, this time of year is, *le'havdil*, like Leon de Modena's Chanukah. Super Bowl weekend is the premier betting weekend every year. People bet on *anything*, from the results of the coin toss to the scores at different points during the game. This year, there are special lines of betting focused on Taylor Swift: Will Travis Kelce propose to her on the field after the Super Bowl? Who will she sit next to? Will she cry if the Chiefs

⁴ <https://machonsiach.org/programs/guiding-good-choices/>

hopefully lose? Gambling on sporting events is especially pervasive because of the business relationship between sports leagues like the NFL, MLB, NBA and NCAA, and sports betting companies. Advertisements appear throughout any viewing experience, especially during televised sporting events, and are ubiquitous during live ones. They often feature promotions for no-cost initial betting that will surely set many people on the path to gambling addiction.

Our sages were vehemently opposed to gambling for several reasons. First, there is an element of possible theft; this is called "*asmachta*"- you are not allowed to take money given to you by someone who thinks there is no way they will lose it, or believes that they will minimally recoup their losses. Secondly, they were opposed because gambling is a dangerous and unproductive behavior that אינו עוסק בישובו של עולם - that contributes nothing to a more just, honorable, safe and compassionate world. There is even a *piyut*, a liturgical poem whose author is unknown, but was regularly sung around Purim time by the Iraqi Jews, that underscores the ruinous nature of gambling. Here is just one choice line⁵, with liberty taken in a poetic translation by me:

כָּל אֲנָשִׁי בֵּיתוֹ שׁוֹנְאִים אוֹתוֹ
וּמְצַפִּים יוֹם מוֹתוֹ בְּשִׁמְחָה וּבְשִׂירִים

All the members of his house,

⁵ https://www.nli.org.il/he/piyut/Piyut1song_010013700000005171/NLI

Cannot stand that awful louse,

They await his dying breath,

With joy and song they'll greet his death

And that is not the only shocking line in the poem!

This assertion, that gambling is not *עוסק ביישובו של עולם*, applies even though gambling establishments, events and earnings can inject money into local economies and support charitable and educational institutions. In essence, the potential economic benefits are outweighed by the fundamentally antisocial and frivolous nature of this behavior.

It would seem that, at first blush, most of the laws set forth in the Parsha form a dry legal code with no underlying rationale or animating value, but that would be a mistake. This ethos of *יישובו של עולם*, of settling the world justly and productively, actually animates the entire Parsha of Mishpatim. Permit me to share one example. The Talmud, in a passage we learned earlier this week in the Daf Yomi⁶, describes a principle known as *Takkanas HaShavim*, a decree made for the benefit of penitents. We know, of course, that we are not allowed to steal, and that someone who steals an item is obligated to return it, sometimes incurring an additional penalty of twice, or even four to five times the value of the stolen item. Sometimes, though, returning a stolen item or

⁶ Bava Kamma 94a

an ill-gotten gain is onerous. For example, if a person walks into a Home Depot, surreptitiously loads a 2x4 onto his cart, walked past the cashiers unnoticed and placed it on the back of his Ford F-150. Eventually our thief is either apprehended or has a change of heart, but not before he includes the pilfered beam into the renovations of his home. Returning the stolen object would mean dismantling the entire house down to the studs and returning the wood- a powerful disincentive from admitting wrongdoing.

We want to make it easy for people to repent and make restitution, so rather than tearing down their house, we allow them to compensate financially in kind. The overriding value of the Jewish judicial system, and all the laws in the Parsha, is not retribution. Returning a soul and repairing trust is more important than returning a beam. Restitution and rehabilitation are the goal, in the hope that the character improvement of the wrongdoers will create a just and compassionate society. In short, **יישובו של עולם**, settling the world, is the most important thing.

This concern of **יישובו של עולם**- of creating a just, fair, trustworthy and safe society- is a concern that faces Israel now, as the war enters the fifth month and it navigates many mutually contradictory and seemingly intractable concerns. As Israel thinks about deterrence and about retribution, we are also anxious about the future. When the dust settles and the **דין** is over, we have the impossible task of **יישובו של עולם** ahead of us. The leadership must navigate a myriad of impossible and intractable concerns. Continuing

fighting in Gaza at all costs means more loss of soldiers' lives, more widows and orphans with no hostage return in plain sight. On the other hand, compromising on security and long-term safety for immediate results also seems unconscionable. Moreover, what does the future of Gaza look like, and what should be Israel's role in it? How do we build a new society in which people are not merely spewing hate and killing but building productively? Which path best serves the goal of יישובו של עולם, of creating a better world for us? How do we settle the world once we are done settling the score?

Of course, these choices should concern us all- but for those of us not involved in statecraft, or even living in Israel, our opinions on these issues are of marginal utility. Nevertheless, this value of יישובו של עולם should still be uppermost on our minds, informing every decision we make as we ask whether our actions and our relationships further this goal. For example, when someone wrongs us, do we harbor grudges or cut off communication as a form of punishment, or do we have a conversation, in the hopes that those who hurt us can do better in the future? When we discipline and reprimand children, is it about retribution for their wrongdoing, or rehabilitation in the hope of their character development and improvement? I've been thinking about this a lot as an inept parent of young children, especially after mistakes I make in this department. It's

easy just to punish kids, badly but much more challenging to discipline them in a way that makes them better people, and not just temporarily better behaved.

Speaking of the Super Bowl, tomorrow, a remarkable Torah event will be taking place all over the world. A few years ago, a Yeshiva in Yerushalayim named Aderes HaTorah, known as “Senter’s” in honor of its Rosh Yeshiva Rav Chaim Tzvi Senter, began hosting what was called a Super Seder. Throughout the night, at the same time the Super Bowl was being played, the talmidim of the Yeshiva learned Torah non-stop, fueled by the same kind of delicious, artery-clogging food that might be found at a Super Bowl party and culminating with dancing and a *vasikin* minyan at the Kotel. In time, the hype surrounding this learning event grew enormous; it was coupled with a fundraising pitch in which people sponsor the learning of individual *talmidim* and support the work of the Yeshiva. This year, the Super Seder is becoming a Super Siyum, as the Yeshiva spreads its message to other institutions. The goal is that over the course of Sunday night/Monday morning, *Kol HaTorah Kula*, the entire body of classic Torah literature will be learned, as a merit for the soldiers of the IDF and in the hopes of an improvement in the situation in Israel. I’m not certain what the genesis was of the original Super Seder event, but it wouldn’t surprise me if Rabbi Senter found that some of his students really wanted to watch the Super Bowl, or actually found a way of doing so. I’m sure Rabbi Senter considered reprimanding them, and perhaps even disciplining

those who left Yeshiva to do so. But what educational goal would that advance? Yes, he would have taken a principled stand, but it wouldn't make the *talmidim* love the Torah any more or want to follow football any less. Instead, he chose to, as they say in the Yeshivos, "make a matzav"- turn Torah learning into an irresistible, FOMO-inducing event- and it has taken off. Across the US, children are attending Super Bowl learning programs, not because it is a punishment but because it is an exciting opportunity they don't want to miss. I'm not naive; the chances of most people in our community attending a shiur instead of watching the Super Bowl are about as slim as those of the Cowboys ever playing in it. Besides, I will likely watch at least part of it myself- as a son of Upstate New York and a Bills fan, I feel a certain civic responsibility to watch the evil Chiefs suffer brutal humiliation (because there are some wrongdoers for whom retribution is, in fact, the only solution). But maybe there is a way to include Torah in our Super Bowl experience. If not a shiur, make sure that, if you have 10 men present, you daven Mincha first and Maariv afterward, and that everyone washes and benches before and after the meal. Or even better, come to shul for Mincha/Maariv *and then* watch the game. And while we are watching the game, let's be honest and reflect on the many, many ways in which doing so is a problematic way to spend time. So much about the Super Bowl- from the aforementioned gambling ads to inappropriate commercials, from scantily clad cheerleaders to the violent bloodsport that is NFL football, has nothing to do with יישובו של עולם.

It's no wonder all these concerns- contemporary and timeless- were entrusted to one people- the ones who said *naaseh venishmah* at the foot of Sinai. May we make wise choices and create a better world full of better people.