

Gambling—Right or Wrong?

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POOR fallen human nature is subject to many ills and readily succumbs to many temptations; but if statistics are ever compiled with a view to determining the most universal weakness of mankind, it is not at all unlikely that the willingness and readiness to "take a chance" will find a place very near the top of the list. Indeed, in addition to large quantities of red blood or blue blood, it would seem as though nature herself had poured in a generous percentage of sporting blood just for good measure.

Probably all are familiar with the sight of street urchins—or others—squatted on their haunches and engaged in the serious pursuit of shaking dice, matching pennies, flipping cards, or some similar occupation; but it is to be doubted whether any one, no matter how well intentioned he may be, would have the hardihood to break into their game with the announcement that all so engaged were parties to an aleatory contract. The chances are ten to one that the participants would take to their heels, thinking this to be some new way of telling them that they were under arrest; but the bolder ones might pause long enough to declare, in a phrase more direct but less polite, that their disturber had wandered far from the path of truth. The fact, however, remains that he would be correct, even though they refused to recognize their diversions under such a name; and they might even agree with him if he succeeded in detaining them long enough to explain that an aleatory contract is one in which the thing that is given or promised by one or the other of those agreeing to the contract—or taking part in the game—depends upon the outcome of an uncertain event; or, in other words, the outcome is a matter of chance. Nevertheless, it is to be feared that, long before the well-meaning stranger had the opportunity of thus unburdening and explaining himself, the youngsters would be far, far away.

A little closer examination of the definition which has just been given reveals the fact that not only many pastimes but

also many reputable and reliable business organizations are founded upon and even owe their very existence to the recognition and fulfilment of such contracts.

Consider, for instance, the various kinds of insurance companies. If you hold one of the many varieties of policies, the company agrees to pay you a certain sum if this or that event affects you or your property in the manner described in the contract; and while awaiting the outcome, or during a specified period of time, you agree to pay them a fixed rate—the premium—to compensate for the protection which is thus afforded you. Then, too, there are numerous exchanges; that is, business concerns dealing in stocks, bonds, grain, produce, or cattle—as the case may be. In these, also, the aleatory contract is very much in evidence, because the operations and transactions of the exchanges depend upon the inconstant factor of supply and demand; and the uncertainty of what tomorrow's price will be, offers an element of chance great enough to satisfy the demands of the most venturesome.

But such contracts are by no means confined to business. As has already been stated, many of our so-called pastimes and recreations make use of them—or at least the same principle is involved—and when this is the case all such diversions come under the general name of gaming or, as some would have it, gambling. But while the term gaming implies chance as to the outcome, it does not necessarily mean that this is due to pure chance; for it also includes those events in which the point at issue is likewise dependent upon skill. Hence it is that some games are purely aleatory because depending solely on chance—dicing, for instance (unless the dice be loaded); others are said to be industrial, since they are principally dependent upon the cleverness and skill of the players; as is the case in billiards, football, etc.; still others are called mixed, and these require a combination of both skill and chance in order to come out ahead—such as card playing. Now we do not mean to imply that the mere fact of playing these or similar games makes the participants gamblers, for this would not be true unless something other than the mere outcome of the game were at stake.

But we have not yet exhausted the possibilities of aleatory contracts. Betting likewise comes under this heading. We might also consider lotteries, but they are not sufficiently prevalent in this country to justify extended treatment. We take for

granted that it is unnecessary to give a definition of betting, but it may be interesting to note that it is probably the most universal of all known forms of taking a chance. This is very likely due to the fact that a bet can be made on any question, event or circumstance to which there are two sides, providing someone can be found who is willing to take a chance on "the other side."

By this time it should be evident that aleatory contracts, no matter by what other name we may know them, play a prominent part in both economic and social life; but what we want to find out is this: Can we conscientiously make use of such contracts, or are they intrinsically wrong? The answer is that they are in themselves legitimate and permissible, but a great deal depends on the use that is made of them. Let us now see how this applies to some of the various situations in which they are employed.

Insurance transactions and operations on the exchange involve the use of many forms of these contracts. In all of them there is the ever present danger of abuses creeping in, and reasonable precaution must be taken to guard against this occurrence. Suffice it to say that a departure from justice is an economic menace as well as a sin.

A much more general difficulty presents itself when we leave the realm of business and turn to what may be called the social aspect of such contracts, for it is then that betting and gaming—or gambling—come under consideration; and it is in connection with these practices that qualms of conscience and serious doubts most often arise.

One should never be prompted to take part in such diversions merely for the sake of gain. The purpose should be more worthy; for when gain is the goal it is extremely difficult, if not altogether impossible, to keep quarrelling, dissension and greediness out of the race. It is for this reason that conducting or frequenting gambling houses is frowned upon by ecclesiastical as well as by civil law. Moreover, the stakes should be relatively small; so that, no matter who wins, the loser will suffer no great inconvenience or serious loss. This is the same as saying that the stakes should be governed by and should stay within the means of those who are laying the bet or taking part in the game.

The ordinations of positive law are likewise factors that must be given due consideration, not only in determining the morality of gaming and betting but also in placing the gravity of obligations with regard to the fulfilment of such agreements. In many such instances ecclesiastical law requires and forbids that which is required and forbidden by civil law. No set rule can be given or followed in such cases because civil law varies greatly in different countries, and even in different parts of the same country, on this subject. It is for this reason that the leniency or severity accorded to "bookies" or other professional gamblers by the Church, depends in a large measure upon the leniency or severity to which they would be subjected by the civil law of their respective localities. The Church is, however, inflexible in demanding that justice and right be maintained in every instance and at all costs.

Furthermore, as regards betting, under no circumstances is it permissible to lay a wager about a thing that is of its very nature sinful; such as betting that you could steal something or other without getting caught, and then proceeding to try it; or betting that you could drink more wine, beer, or spirits than someone else. In the latter case there is a strong presumption—based on human nature—that neither you nor the other fellow would know who won the bet until "the morning after," once you started in to settle the dispute.

In addition to the above-mentioned considerations, there are also certain personal qualifications required of the participants in these "friendly games." First of all, those who are playing or betting should be entirely free to dispose of whatever articles or amounts they expose to chance; so that, in case of loss, no grave injury or hardship of any kind would result either to themselves, to those dependent on them, or to any other third party, by thus depriving them of that which is their just due. The application of this principle to the case of a father who would hazard in a game of chance the earnings—often meager enough—upon which he and his family depend for sustenance, is readily seen; but it applies with equal force to students or to others who may happen to be away from home—or at home, for that matter—who recklessly and disobediently squander at "all night sessions" or "on the ponies" the hard-earned money given or sent to them for entirely different and more necessary purposes.

Even granting that there may be many persons who do not come under the aforesaid restrictions, it is understood that fraud must never, under any circumstances, be permitted to put in an appearance; and, besides this, there should also be a certain equality between the players—with regard both to ability and to the chance of winning—unless, indeed, some handicap has been mutually agreed upon and accepted beforehand. It is or should be evident that what is permissible must often be avoided where there is danger of giving scandal. This is a point frequently passed over as of little importance or violated with open contempt, even though the principle that what is good for one may be bad for another, is well known and readily admitted by all.

Moreover, all the players, whether in gaming or in betting, must be left free to accept or decline the chances that are offered, and must not be forced into playing at any time when they are not in the full possession of all their faculties. It is in view of this restriction that restitution would be demanded of those whose ill-gotten gains came from the pockets of inebriates, half-wits, or other irresponsible persons who had been induced to "join the boys."

When due regard is had for the above-mentioned considerations, gaming and betting are entirely proper as forms of recreation or as incentives to laudable rivalry in the accomplishment of some good and worthy end; and even though they do no more than add zest to a game, or serve only to arouse legitimate interest in the outcome of an uncertain event, they are still permissible as long as they conform to the demands of what is right and just.

The question of restitution is one of the biggest and knottiest problems that can come up in connection with aleatory contracts, and can be accurately settled only when a specific case, with all its attendant circumstances, is fully known. Every violation of strict individual justice requires and demands restitution, according to the measure of the injustice that has been done.

But what's the use, you may say, of hedging in with so many restrictions, actions that are in themselves legitimate. The answer is that they are legitimate only in so far as they correspond to the dictates of right reason and to the demands

of ordinary justice. The Church has never had the slightest intention of trying to make it difficult to do what is right; the idea has ever been to set up enlightening and guiding principles that will enable us to avoid what is wrong. A little reflection will convince any fair mind that this is truly the case; and experience has often proved that a disregard of such principles begets numerous vices that sometimes fail to stop short of actual crime.

Disregarding the application of aleatory contracts to legitimate business interests, and considering only the "social" side of the question, here is the whole thing in a nut-shell: Cast your weather eye around so as to make sure that there is no one in the offing for whom such recreation might be an occasion of sin or a source of scandal; let your playing be governed by that most desirable virtue which preserves the "happy medium," thus avoiding both the defects and excesses that would render it odious and culpable; remember that the game is only a means to an end—legitimate recreation or interest—and not an end in itself; and see to it that the element of chance is neither too frequently present nor too great for any of those whose tastes require such forms of diversion.

Chance is somewhat like highly-seasoned food; both must be indulged in sparingly, for excess brings its own woes. Many a good thing has been spoiled by improper use; so also, it is not the use but the abuse of aleatory contracts that is forbidden.

