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### The gestation and birth of legislation prohibiting the sale of lottery tickets to Israeli minors: some social policy issues

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## The gestation and birth of legislation prohibiting the sale of lottery tickets to Israeli minors: some social policy issues

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As gambling becomes legalised and readily accessible, more youth are involved in this potentially harmful behaviour. As part of a harm-reduction approach, laws against the sale of lottery tickets to minors have been enacted in many jurisdictions. In October 2007, such a law was passed in Israel, seven years after the bill was first introduced in the Israeli parliament. This paper addresses the reasons why it took so long to pass this legislation. On the basis of archive documents from the Israeli parliament and articles in the press, the primary factors that may answer this question include ignorance of youth gambling as a legitimate phenomenon, opposition by some parts of the establishment and the gambling industry itself, as well as the absence of special interest groups. While this law only begins the movement in developing a responsible social policy for youth, recommendations for responsible social policy are provided.

**Keywords:** youth gambling; social policy; legislation

### Introduction

Throughout the history of gambling, we have been witness to a dramatic shift in governments' social policy towards gambling that has moved from prohibition to legalisation in many jurisdictions around the world. As a result, since the beginning of the 1990s gambling has become more accessible for many sectors of the population. Although it is now generally regarded as a socially acceptable pastime among adults, many studies carried out in North America, Europe, Australia, New Zealand and South Africa have shown that adolescents are also taking part in a wide range of gambling activities (Abbott & Volberg, 2000; Fisher, 1999; Jaakkola, 2009; Jacobs, 2004; Moore & Ohtsuka, 2001; National Gambling Board of South Africa, 2005; National Research Council (NRC), 1999; Olason, Sigurdardottir & Smári, 2006).

The combination of being an adolescent – a developmental stage where the individual tries out various types of behaviour – with an environment that exposes people to many forms of gambling, may be potentially problematic. Many studies have reported a positive correlation between gambling behaviours and a wide range of adverse consequences (Ladouceur, Boudeault, Jacques & Vitaro, 1999; Winters, Stinchfield, Botzet & Anderson, 2002). These studies have led researchers and policy-makers to the realisation that gambling is a potentially high-risk behaviour and that a responsible approach aimed at harm reduction is necessary. One aspect of this approach is legislating against the sale of lottery tickets to minors.

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The gambling sector in Israel, which is subject to state supervision, offers a wide range of gambling options, including sports betting and various lotteries. Today, it is virtually impossible to walk down the street without encountering a kiosk where one can buy tickets for the lottery or some other gambling opportunity. In spite of this, it was only on 9 October 2007 – a full seven years after the initial bill was first introduced in the Knesset (Israel's parliament) – that a law was passed (in the form of an amendment to the Penal Code) prohibiting the sale of lottery tickets to minors.

This paper addresses the issues underlying why the drafting of this law, designed to protect minors, took so long to be enacted. To this end, the bill consideration process from its conception between the years 2000 and 2007 until it finally became a law is examined. The arguments put forward by all the principal players in the issue – the Establishment (Members of Knesset, Israeli government, Ministry of Justice and Ministry of Welfare), representatives of the gambling industry, the Child Protection Council and the Israeli press – are briefly presented.

An examination of the proposed legislative bills, transcripts of debates in the Knesset assembly and in its committees, and various position papers presented to those committees (specifically, the Committee on Law, Constitution and Justice and the Committee on Economy Affairs), as well as articles from the Israeli press on the subject are analysed. While this paper traces the subsequent legislative process to restrict access for youth gambling on the lottery, it suggests the important interaction between all interested partners and public opinion in order to facilitate such changes.

### **Youth gambling**

Since the beginning of the 1990s there has been a marked increase in the accessibility to gambling – due in part to its legalisation and normalisation (Derevensky & Gupta, 2007; Jacobs, 2000). Today, in most countries, gambling is considered an acceptable social pastime and a legitimate form of recreation or leisure activity (Moore & Ohtsuka, 2000; Hardoon & Derevensky, 2002). Youth today, in general, lead a lifestyle where gambling is considered socially acceptable, easily accessible and is often perceived as relatively harmless. Technological and electronic developments, including the Internet and advertising in the media also play a role in encouraging and promoting various kinds of gambling that attract youth (Griffiths & Wood, 2000; Hardoon & Derevensky, 2001; Hardoon & Derevensky, 2002; Langhinrichsen-Rohlin, Rohde, Seeley & Rohling, 2004; Messerlian, Derevensky & Gupta, 2005).

The phenomenon of youth gambling like its adult counterpart covers a broad range, from those who do not gamble at all to those who do so occasionally, youth described as at-risk gamblers through to problem or pathological gamblers (Derevensky & Gupta, 2007). Studies in North America and Europe reveal that between 60 and 80% of adolescents have reported engaging in gambling activity of one sort or another in the past year (Adlaf & Ialomiteanu, 2000; Fisher, 1999; Jacobs, 2004; NRC, 1999; Olason et al., 2006; Welte, Barnes, Tidwell & Hoffman, 2008).

However, while most individuals engage in this behaviour do so in a responsible manner and do not experience significant problems, between 3 and 8% of youth can be considered problem gamblers (Derevensky & Gupta, 2007). Youth move more rapidly than adults from the phase of social gambling to that of pathological gambling (Dickson, Derevensky & Gupta, 2002), and the prevalence rates of excessive, problem gambling among youth is between two to four times higher than among adults (Gaboury & Ladouceur, 1993; Ladouceur, Dubé & Bujold, 1994; NRC, 1999; Wiebe, Cox & Mehmel,

2000). One possible explanation for these findings is the fact that taking risks during adolescence is considered normal, and consequently this group is more vulnerable than adults when exposed to gambling (Shaffer & Hall, 2001). At the same time, it is important to note that for some youth such behaviour will recede after adolescence (Derevensky, Gupta & Winters, 2003).

Notwithstanding gambling's great popularity, much has been documented about its associated negative impacts (Derevensky, Gupta, Messerlian & Gillespie, 2004), including the use of psychoactive substances, early school withdrawal, absenteeism from school, and illegal activities and delinquency. Youth diagnosed as problem gamblers smoke more cigarettes than those who do not gamble or gamble infrequently, and are more likely to fall victim to drug and alcohol abuse (Griffiths & Sutherland, 1998; Hardoon, Gupta & Derevensky, 2004; Ladouceur et al., 1999; Langhinrichsen-Rohling et al., 2004; Nower, Derevensky & Gupta, 2004; Ste-Marie, Gupta & Derevensky, 2006; Winters et al., 2002). This is not to suggest a causal relationship but rather that youth engaged in one risky behaviour may be likely to engage in many such behaviours. In addition, there is evidence that youth problem gamblers experience a number of co-morbid disorders (Derevensky, 2008; Gupta, Nower, Derevensky & Blaszczyński, 2009).

The age at which gambling begins has also been widely discussed and is identified as one of the risk factors in the development of problem gambling (Stinchfield & Winters, 1998). Early gambling (before the age of 14 years) may lead to problem gambling during adolescence (Vitaro, Wanner, Ladouceur, Brendgen & Tremblay, 2004), in early adulthood (Winters et al., 2002), and in later stages of life (Australian Productivity Commission, 1999; Volberg, 1994).

Although lottery products have traditionally been shown to be a 'low impact' form of gambling, Wood and Griffiths (1998) found a 6% level of adolescent pathological gambling among players ( $n = 1195$ ; ages 11–15 years old) playing both the National Lottery and scratch cards. Because of the products' appeal and easy accessibility to youth this may be a first step in learning how to gamble and can act as a gateway gambling product (Felsher, Derevensky & Gupta, 2004; Griffiths & Wood, 2000).

The findings of these studies have led to the realisation among researchers and policy-makers in many countries that gambling may be perceived as a high-risk behaviour (Derevensky & Gupta, 2007; Powell, Hardoon, Derevensky & Gupta, 1999), and subsequent recommendations that social policies be implemented aimed at harm reduction (that is, policies that call for responsible and restrained gambling practices rather than outright abstinence) and action in the areas of education, prevention, treatment and legislation. Within the USA, for example, the sale of lottery tickets to minors is prohibited (NRC, 1999), and in some places there are prevention programmes that teach youth responsible gambling (Derevensky & Gupta, 2007).

Given the extensive research-based knowledge that has accumulated in the past two decades, it is remarkable that as yet no comprehensive study on youth gambling has been carried out in Israel that might provide empirical data on the scope of this phenomenon among Israeli youth. Indeed, in the past decade, the subject has been examined directly only twice. In a small study by Wieder (1998) with 172 youths from two comprehensive high schools, it was found that two thirds of students had engaged in at least one form of gambling in the preceding year and 5% had gambled on at least 10 separate occasions on two types of gambling. However, this was not a systematic epidemiological study and there are doubts as to whether it presents an accurate picture.

In 2007, a second study examining, among other things, the extent to which 1069 youths engaged in various types of gambling, as well as the degree to which they displayed

problem behaviour because of gambling (Gavriel-Fried, 2007). The results revealed that 77.6% of all youths had taken part in at least one kind of gambling in the preceding year and 5.5% reported problem behaviour as a result. The most common forms of gambling were general bets, card games, *Lotto*, sports betting and lottery scratch cards. The average starting age for gambling was 11.6. These research findings are consistent with the prevalence rates of secondary school students in other Western countries.

Given the research knowledge that has accumulated in other countries that gambling behaviour is a high-risk behaviour and given that in Israel, too, youth are exposed to a wide range of gambling opportunities and take part in some of them, the question arises as to why legislation banning the sale of lottery tickets to minors (a recognised, regulated gambling activity), designed to protect minors from the adverse effects of gambling, took seven years to complete.

### **The gambling sector in Israel: legislation and existing gambling opportunities**

The gambling sector in Israel has been managed in accordance with two principal laws, which were passed during the 1960s and reflect the Israeli legislature's ambivalent attitude toward this activity. The first law, enacted in 1964, is the Penal Code (Prohibited Games, Lotteries and Gambling). This imposes criminal sanctions both on participants and organisers of illegal games of chance, lotteries and gambling, while at the same time enables the Finance Minister or whomsoever that minister authorises to permit the holding of lotteries by public institutions for advertising or marketing purposes, or by *Mifal Hapayis* (Israel's state lottery, set up in 1951, well before this legislation), which runs the *Lotto* (lottery) and similar games. Every four years a contract is drawn up between the State of Israel and *Mifal Hapayis* that allows the latter to hold lotteries, and sets out the precise types of permitted lotteries, their frequency, the cost of buying a lottery ticket, and the restrictions placed upon advertising. In return, *Mifal Hapayis* undertakes to transfer certain amounts of money for the purpose of building classrooms and pre-schools.

The second piece of legislation is the Law Regulating Gambling in Sport, 1967, which led to the establishment of the Israel Sports Betting Board, authorised to organise gambling of sports games. Here, too, surplus funds are channelled back to the state, in this case to promote and develop physical education and sports.

This legislation, which was justified on the grounds of protecting the public from charlatans and as a means of raising resources (Levy, 2006), explicitly granted these two bodies a monopolistic position in the Israeli gambling market, to the point of even limiting the degree to which they could compete with one another (Grosskopf, 2002). According to Levy (2006), the lottery establishment in Israel is the result of a political process in which a close-knit alliance was formed between the lottery organisation and the country's political-bureaucratic elite, resulting in the circular and mutual funnelling back and forth of funds and of benefits.

The defining attributes of these two selected institutions is the fact that they are public bodies operating under the auspices of specific legislation, are subject to governmental supervision and regulation, and have adopted an ethical code.

*Mifal Hapayis* offers the public a wide selection of lotteries that are held with varying frequency, ranging from twice a day to a single weekly draw, depending on its type. The Sport Betting Board offers a wide range of gambling options relating to soccer and basketball games. Customers can wager on the results of games, as well as on the total number of goals scored in a given game, the time at which the first goal is scored, etc.

According to the Board's reports, its revenues in the year 2006 totalled approximately 1.44 billion New Israeli Shekels (NIS) (approximately US\$349 million), while the revenues of *Mifal Hapayis* that year totalled NIS 3.651 billion (US\$884 million), and NIS 3.333 billion (US\$807 million) in 2005. In its *Statistical Abstract of Israel 2007*, the Central Bureau of Statistics reported that in 2006, total national expenditure on gambling in Israel came to NIS 2.016.7 billion (US\$488 million). These data clearly suggest that lotteries are very popular in Israel, and that many people participate in this activity.

In addition, the Ministry of Finance authorises various bodies to hold commercial lotteries for promotional purposes. Besides the regulated gambling sector in Israel, there is also unregulated gambling, including sports betting, casinos and online gambling operated from outside the country's borders. Because these are viewed as illegal, there is no data on the scope of the public's participation.

### **The law prohibiting the sale of lottery tickets to minors**

On 9 October 2007, the Israeli Knesset passed legislation, in the form of an amendment to the two existing statutes, stating that gambling by minors is illegal, and prohibiting the sale of lottery tickets to minors under the age of 18 (punishable by up to six months imprisonment). This legislation was preceded by eight private members' bills introduced in the House during the years 2000–2006 by various Members of the Knesset (some of whom did so more than once), and three bills that were ultimately merged together, debated in the course of 2006 and 2007, and finally signed into law. In addition, there have been debates in the assembly since 2000 during which the government was asked to express its opinion on the subject; debates within the relevant Knesset committees (Committee on Economic Affairs; Committee on Law, Constitution and Justice); and a public commission headed by Justice Kama (Kama Committee Report, 2003), which established tests and benchmarks for responsible gambling and an ethical code in sports betting, and discussed, among other things, the issues of gambling by minors. In addition, a wide variety of articles were published on the subject in the national and local press, and a televised investigative report on the phenomenon of youth gambling was also broadcast.

The following overview outlines the process culminating in the law's ratification, and the positions of each of the respective bodies.

### ***The press***

Over the past decade, the Israeli press has published dozens of articles describing various cases of youth gambling (e.g. Kafra, 2003; Nae, 2003; Trabelsi-Hadad, 2003). Some of these pieces focused on the wider phenomenon of youths engaged in both legal and prohibited gambling, while others described instances where youths themselves ran gambling operations within their schools. In addition, some reports emphasised the negative aspects of gambling including youths experiencing large debts; selling illegal drugs to finance gambling; youth addiction to slot machines; youth suicide threats and ideation; and parents mortgaging their apartments in order to finance their children's gambling debts. As evident from the transcripts of Knesset debates, these reports motivated Knesset members from various parties to place this issue on the agenda through parliamentary questions to the Minister of Education (e.g. Israeli Knesset, 2000, Debate No. 166; 2005, Debate No. 224), and by introducing bills on the subject (Z. Orlev, Personal communication, 29 July 2008).

***The establishment***

Entities actively involved in the legislative process, including the Knesset, the government as a whole, and the Ministry of Justice and the Ministry of Welfare specifically have been involved in this process.

***Members of the Knesset***

Over the years, several members of parliament introduced private members bills, motions for the agenda and parliamentary questions, and thus became central players in the legislative process. In multiple debates, Members of the Knesset (MKs) expressed concern about youth gambling and its dangerous ramifications if left unchecked. Eight private members' bills were introduced during the 15th and 16th Knesset, MKs representing the entire political spectrum, between 2000 and 2006. The major arguments that were raised in favour of legislation were predicated upon protecting minors from the dangers of succumbing to the temptations of gambling, creating a precedent of existing legislation banning the sale of alcohol to minors (*Penal Code Amendment: Prohibition of Sale of Alcoholic Drinks to Minors, 1990* – addressing a similar phenomenon also identified as a risky behaviour), and proposing a law that would have practical and educational merit.

As compared to the proposed bill, three private members' bills were introduced during the 17th Knesset in 2006 and were combined into a single bill that was eventually passed. This time, the arguments supporting this bill were grounded on solid research including findings that warned against the dangers of addiction and the harmful consequences of excessive gambling (a search at the Knesset's Center of Information and Research shows that MKs submitted requests for scientific reviews of this subject). Furthermore, they claimed that non-legally binding guidelines, such as those published by the gambling industry (see below), have not been effective in stemming gambling among teens.

Notably, one of the private member's bills introduced at the end of 2006 was proposed by the *Yadid* (A Friend) organisation – a social organisation devoted, among other things, to advocacy and promoting legislation. According to the organisation's deputy director (R. Melamed, Personal communication, 1 September 2008), the lobbying work involved in the bill was minimal, given that by this time there was clearly a majority of legislators in favour of the bill.

The KMs' attitude towards this bill can be summarised by the words of one KM who declared in a parliamentary debate: 'It is a very difficult situation that will end in the deterioration of those children into criminal activities and maybe even worse' (Israeli Knesset, 2000, Debate No. 166).

***Position of the Government of Israel<sup>1</sup>***

Over the years, the government has changed its position toward this law. Between 2000 and 2005, the government was in opposition to any legislation. They argued correctly that there was a lack of scientific data on gambling behaviours of Israeli youth. In a parliamentary debate the then Minister of Education declared: 'This is another one of those sensationalist phenomena that no one actually has any idea if it even exists, and if it does, to what extent' (Israeli Knesset, 2000, Debate No. 199). In addition, it was claimed that no information had been presented to indicate the degree of harm caused by, or evidence of addiction to, a legal lottery (Israeli Knesset, 2002, Debate No. 314). Interestingly, the government failed to provide resources to implement such an investigation.

It was further argued that prohibiting legal gambling would lead to an increase in illegal gambling, which might cause even greater mental and financial harm. In this context of distinguishing between legal and illegal gambling it was also pointed out that revenues from legal or regulated gambling are used for various educational and cultural purposes (Israeli Knesset, 2002, Debate No. 305; 2002, Debate No. 314). Although this argument was not highlighted in the debate, it could explain the government's economic interest in a strong and profitable legal gambling industry. In this case, the Israeli government does not differ from other Western governments that have legalised gambling.

The government's attitude at that time was represented by Minister of Justice Meir Sheetrit in a parliamentary debate: 'We are a free and democratic country . . . . I think that there is not much harm (in selling lotteries cards to youth) and that the issue must be addressed educationally' (Israeli Knesset, 2002, Debate No. 314).

Additional opposition was expressed in the argument that young Israelis were already protected by existing legislation, which was believed to strike the correct balance between protecting the public from addiction to gambling, while providing for the individual's freedom of choice. As such, it was argued there was no justification to place unnecessary restrictions upon minors. In addition, there are two legal provisions to protect minors from harmful economic activities. One is the *Regulations for Consumer Protection (Advertising Aimed at Minors) 1991*, prohibiting the broadcasting of commercials aimed at encouraging minors to take part in gambling. The other is a clause in the *Law of Legal Fitness and Guardianship 1962*, which states that even when a minor engages in activities thought to be age appropriate, it need not be considered acceptable if it causes them harm. The fact that such regulations would ultimately place a restriction on minors' freedom of choice and that there would be difficulties in enforcing such a law. In this context, it is important to note that the Ministry of Justice usually favours relying on the residual criminal law powers of the state rather than legislating new criminal laws.

Ultimately, the government finally recognised the need to address this issue, and in a special permit granted by the Ministry of Finance to *Mifal Hapayis* in 2007, a clause was inserted mandating that *Mifal Hapayis* not be permitted to sell lottery tickets of any kind to anyone under the age of 18 (Haber, 2007). As well, in a proactive stance to ensure their vendors would adhere to this policy, they would employ 'undercover customers'. All licensed concessionaires would be visited at least once every six months and appropriate actions would be taken against concessionaires who violate this directive, and would lose their license.

Although this permit suggests the government conceded in recognising the potential dangers in selling lottery tickets to minors, it had a number of weaknesses. The wording of the clause was vague, overseeing and enforcement was left in the hands of *Mifal Hapayis*, and this policy was not formally recognised within the legislature. As a result, the government removed its principle opposition to the legislation. Ironically, however, at an advanced stage of the bill's consideration this *special permit* served as one of the arguments put forward by the Ministry of Justice against the need for criminal legislation, on the grounds that this permit was adequate for the purpose (Israeli Knesset, 2007, Committee on Law Constitution and Justice: P390, P1065, P1837).

#### *The position of the Ministry of Labor and Welfare*

In contrast with the position of the Ministry of Justice, the Ministry of Labor and Welfare gave its unequivocal endorsement of the bill and for setting the minimum age for gambling at 18 predicated upon earlier findings by Gavriel-Fried (2007). The fact that other



countries also had legislation prohibiting underage minors from purchasing lottery tickets also supported this perspective (Sade, 2007).

The position of the Establishment could be divided in two; that of the government as represented by the Ministry of Justice vs that of individual MKs and the Ministry of Welfare. At the outset of the process, the government objected to the bill in principle, and even argued that there is no documentation or knowledge about youth gambling in Israel, or about the alleged harm resulting from youth gambling. Despite this claim, the government failed to fund research in this field. Over time, the government recognised the need to ban the sale of lottery tickets to minors, and inserted such a clause in the permit granted to *Mifal Hapayis*. By this point, most of this debate centred on whether it was necessary to enact criminal legislation, or whether existing mechanisms, self-regulation and oversight by *Mifal Hapayis* and the Sports Betting Board were sufficient. From the Ministry of Justice's perspective, existing legislation and permits were adequate. However, Knesset members argued that it was insufficient, and that criminal legislation was necessary to establish a clear message. This view was echoed by the Ministry of Welfare, which emphasised the potential harm.

### The gambling industry

*Mifal Hapayis* and the Sports Betting Board were invited by the state to express their opinions on the subject. The Sports Betting Board argued that it had been voluntarily implementing a ban of sale of lottery tickets to minors under the age of 16 (Israeli Knesset, 2007, Committee on Law Constitution and Justice: P/390, P/1065, P/1837; Shilo, 2007), and therefore no legislative intervention was necessary. They introduced five main arguments to that effect. First, the type of gambling question is sports-related, where they maintained the potential risk involved is low, since it is part of the overall sports experience. In addition, they spoke of how 'participation in sports betting has become an integral part of identifying with sports teams'. Second, sports-betting is an alternative to illegal gambling: imposing age limits would lead youth to engage in illegal gambling. Third, there is precedent of a parliamentary bill introduced in Britain, which recommended that youths of 16 and above be allowed to engage in sports-related betting. Fourth, legislation will harm minors' autonomy and self-determination; imposing age limits is paternalistic and detrimental to minors' free will and individual freedom. Last, the existing precedent of other activities open to minors under 18; in Israel, youths may apply for a driver's license and take part in pre-army training (in Israel, obtaining a driver's license on mopeds is allowed from the age of 16 as well as participation in pre-army training). Sixteen is deemed to be the age at which a person has sufficient cognitive capacity, and as such there is no justification for raising the age threshold.

For its part, during the first years of the bill's consideration, *Mifal Hapayis* argued that the bill was redundant because its main points were already being implemented. Since 2001, it had been restricting the age of the participants in its lotteries to those aged 18 and above; it has posted signs at all points of sale – 'Sale to those eighteen and up'; and a concessionaire selling to a minor risks losing his license. In debate held by the Knesset Economy Committee, the lawyer representing *Mifal Hapayis* argued that invoking criminal liability was unnecessarily draconian (Israel Knesset, 2004, Committee on Economic Affairs, P/1188). In 2007, however, *Mifal Hapayis* changed its position, expressed support for the bill, emphasised its sensitivity to the issue of youth gambling and its commitment to the ethical code, and pointed out that throughout its history, it never had problems with minors (Israeli Knesset, 2007, Committee on Law Constitution and Justice, P/390, P/1065, P/1837).

### Child Protection Council

The position of the Child Protection Council has also shifted over the years, although it has remained consistent in its argument that if and when such a law is passed, it should not be applied across the board to all minors indiscriminately, but rather distinguish between individuals of different ages. In 2001 the Council argued that legislation of a ‘paternalistic’ nature should be targeted, and limited to instances where real harm has been caused to the minor (Solomon, 2001). It also recommended that the issue of lotteries and gambling be dealt with through educational means. In 2003, in a written opinion presented by the Council to the Kama Commission (Boyer, 2003), it refrained from expressing an unequivocal position on the bill. However in a position paper it presented (Barkay-Aharonof, 2007), it conceded that legislation is important and worthy of promotion in order to protect minors from the risk of addiction. It clarified its earlier position regarding the need to distinguish between the individuals of various ages and recommended that the minimum age for gambling be set at 16 – an age which, it claimed, is often regarded in various readings of the law as the age dividing *young minors* from *mature minors*. For example, at the age of 16, individuals are entitled to receive an identity card, to open a bank account, to apply for a driver’s license on mopeds and even to work. Since in these respects 16-year-olds are considered responsible for their actions, the Council pointed out, they should also be allowed to participate in gambling activities.

In summary, Tables 1 and 2 present the principal arguments put forward to date for and against the law in question by the principal players in the debate and their respective positions.

It is clear that certain factors paved the way for this legislation to be passed, specifically the arguments about the negative impacts of gambling behaviour; the considerable knowledge and empirical studies supporting international research; active lobbying by MKs who were sensitive to the issue; the removal of the government’s

Table 1. Arguments for and against the legislation.

In favour	Against
1. To protect minors from addiction and other perils associated with gambling	1. There is no data on youth gambling in Israel
2. The law is both educational and practical	2. Prohibiting participation in legal gambling will increase participation in illegal gambling
3. Other Western countries have passed similar legislation banning the sale of lottery tickets to youths	3. Existing laws provide adequate protection – additional legislation would be burdensome
4. Existing regulations and guidelines implemented by the gambling industry are inadequate	4. The permit currently in place for <i>Mifal Hapayis</i> is adequate
5. Youths are exposed to gambling advertising which presents gambling as an acceptable leisure pastime	5. Difficulties in enforcement
6. There is considerable research data on the phenomenon of gambling among Israeli youths	7. A distinction must be made between different types of gambling: in sports betting, for example, the risks are low
	8. The legislation is paternalistic and detrimental to the child’s autonomy
	9. The law in Israel permits minors below the age of 18 to engage in behaviors requiring maturity, such as riding a moped, taking on pre-army training, and working

Table 2. Positions of principal players for and against the law.

Player	Period	In favor of legislation	Against legislation
The Establishment			
Government	2002–2005		•
Government	2007	•	
Knesset Members	2000–2007	•	
Ministry of Labor and Welfare	2007	•	
Gambling industry			
<i>Mifal Hapayis</i>	2004		•
<i>Mifal Hapayis</i>	2007	•	
Sports Betting Board	2003–2007		• <sup>1</sup>
Child Protection Council			
	2001		•
	2007	• <sup>2</sup>	

Notes: <sup>1</sup>Provided the minimum age limit is set to 16 under the provisions of the law. <sup>2</sup>Ditto.

objection in principle; and the fact that *Mifal Hapayis*, too, no longer objected to the legislation. Nevertheless, the question as to why the bill took quite such a long time to become law remains.

The legislative process culminating in the banning of the sale of lottery tickets to minors lasted seven years, despite the fact that in many countries gambling had been identified as a risk behaviour that may lead youth to problem gambling and to other risky behaviours. A number of factors may explain why this process was so protracted. The first reason is, arguably, ignorance of youth gambling as a legitimate issue. In the first years after the issue was initially raised, it was claimed that there was no known empirically-based harm caused to youth, and doubts were cast on the very existence of the phenomenon in Israel. Clearly, over the next few years the legislators learned more about the issues involved and the harm that it causes from the research-based knowledge available outside of Israel. Five literature reviews on the subject of gambling, two of which dealt directly with gambling by minors and presented up-to-date knowledge from the international research literature were presented to MKs in the years by the Knesset Information Center. However, preliminary findings of research on youth gambling in Israel, which were presented to legislators in one of the position papers, disproved the argument of government ministers of previous administrations that there was no certainty that this phenomenon even exists.

There was also considerable opposition by some parts of the establishment and from the gambling industry itself. The Israeli government's initial objection to the bill in principle undoubtedly delayed the process. Moreover, in the first years of the bill's consideration, *Mifal Hapayis* and the Sports Betting Board also both voiced opposition to the bill. As time went on, *Mifal Hapayis* removed its objection, and the law was subsequently passed. Concerted opposition by these two bodies may have delayed the process, since both institutions wield considerable economic clout and have close-knit ties with Israel's political elite (Levy, 2006; Levy and Galili, 2007). As one Member of the Knesset noted, 'You do realize, of course, that if you introduce a bill here which is not acceptable either to *Mifal Hapayis* or to the Sports Betting Board, it will not pass' (Israeli Knesset, 2005, Committee on Economic Affairs, P/1188).

In addition, of significant importance was that there was no special interest group to advocate for this cause. Today, many bills are conceived and promoted by special interest

groups, sharing a common goal, lobbying members of parliament to promote certain legislation (Richardson, 1993; Walker, 1983). As previously noted, up until 2006 this bill was not promoted by any of the existing advocacy organisations in Israel. Furthermore, a review carried out failed to uncover any self-organised initiatives by problem gamblers themselves, which might have raised public awareness led to calls to have the legislation brought forward. Even the Child Protection Council – whose responsibility is to protect minors – did not initially support this law and later on qualified its support by asking that it be applied only to minors below the age of 16. This, in our view, is due to the lack of empirical research and information, and the way in which gambling is perceived in Israel. Studies into the attitude of adolescents concerning gambling found that most of them view it as an essentially positive social pastime (Skinner et al., 2004), as a game without serious consequences, and as a type of activity that does not constitute problem behaviour (Barnes et al., 2005). Indeed, research into gambling options such as the lottery and scratch cards, found that they were not even perceived by youth to be gambling at all (Wood & Griffiths, 2004). Similarly, the parents of these youth do not perceive this type of activity as harmful and occasionally even go as far as to purchase such gambling tickets on their children's behalf (Felsher et al., 2004; Gupta & Derevensky, 1997; 1998; Wood & Griffiths, 1998).

Another likely reason is that this bill was part of a wider process of legislation designed to protect youth. A broader view of legislation on the subject of risk behaviours among youth shows that a law was passed in Israel banning the sale of tobacco to minors, and an amendment was made to the Penal Code regarding the sale of alcohol to minors, which prohibited the sale of alcohol to minors anywhere, including grocery stores and other shops.<sup>2</sup> It is very likely that the law in question was passed as part of a wider trend of legislation and social awareness of the need to enact laws that protect youth from risky behaviours in general. Lastly, the government changed three times in Israel during this period. The lack of continuity, the focus of legislators on the elections, and the high turnover of Members of the Knesset undoubtedly all contributed to the delay in enacting this legislation.

### **Recommendations for responsible public policy**

Laws are passed not only to protect people, but also as part of a broader value-based world view that communicates certain social–educational messages. The prohibition of the sale of lottery tickets to minors is just such a law, ultimately communicating the view of the Israeli government that gambling behaviour among youth is inappropriate and may be problematic. Considerable variability in such legislation can be seen internationally. However, this legislation should be viewed as only one step to developing a comprehensive, responsible social policy in the gambling area. Such a policy must work on multiple levels simultaneously. It should establish a new external authority in Israel that will ultimately unify all the gambling policy issues under one office. Based on the recognition that there is currently a conflict of interest with government involvement in gambling issues, a non-governmental organisation should be established by the state. This organisation would be an advocate for this issue, would keep and promote general public interest, and would contract research. By adapting a multidimensional perspective, viewing the issues from a systemic perspective and by reflecting bi-directionality of influence between individuals and their community, this organisation would act in raising awareness, enforcement, legislation, regulation, prevention, treatment, research and the support of interest groups.

Relating adolescence as a developmental period in which many youth participate in risky behaviours, special attention to prevention programmes should be given. Although as of the 2005–2006 school year, the educational system in Israel has been operating

a prevention program aimed at risky behaviours in general, including a section dealing specifically with the issue of gambling, for students in Grade 8 and higher, a more comprehensive model needs to be developed. As is recommended by Messerlian, Derevensky & Gupta (2005), a youth gambling risk prevention model should address youth gambling behaviour along a continuum of gambling risks. Different forms of intervention (primary, secondary and tertiary prevention intervention) should address each level of risk (for comprehensive review about prevention see Derevensky, Gupta, Dickson & Deguire, 2004).

While it is often overlooked that youth gambling involvement can have potential negative and severe consequences, it is all the more important to raise public awareness and highlight the importance of the issue to both the public and to policy-makers. This may be done by information and awareness campaigns, mass media campaigns, or social marketing (Williams, Simpson & West, 2007). Clearly, research is a driving force and legislation should be guided by local as well as national and international data.

We have attempted to review the legislative process leading up to the enactment of the law prohibiting the sale of gambling to Israeli youth and presented the principal arguments put forward by the main players in the debate. Similar controversies and legislative procedures in different jurisdictions will need to be addressed. While each jurisdictional environment may be different, we have an obligation to help influence social policy decisions. Since gambling is often considered a hidden addiction and youth gambling in particular is often perceived to be a harmless activity, more research is needed in this field in order to expand knowledge and to guide policy-makers. Given the broad scope of the changing landscape and proliferation of gambling opportunities, greater cooperation between researchers, policy-makers, mass media, interest groups, treatment providers, educators and the industry need is warranted to help minimise the harmful aspects. The current legislation, long in coming, represents a good beginning to help minimise problems associated with excessive gambling among our youth.

### Notes

1. The government's position was presented along with that of the Ministry of Justice, which is the professional body in charge of making recommendations to the Ministerial Committee on Legislative Affairs.
2. Until that time, the law only applied to establishments where alcohol is sold for consumption on the premises.

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