

## STUDENT GUIDE

**HASHAVAT AVEIDAH****Found: \$18,000 Rolex at Times Square as the Ball Dropped on Dec. 31, 11:59:50 PM. Can I Keep It?**

*Hashavat aveidah*, returning lost objects, is a mitzvah all of us encounter in the course of our lives, either as the “finder” or the “loser.” The basis for hashavat aveidah is Torah law given to the Jewish people at Mount Sinai over 3,000 years ago. These laws are unique; they differ from other legal systems since Judaism places a personal duty on anyone who is able, to rescue the lost property of others – a responsibility that does not exist in common law. Only Torah law requires the “finder” to initiate the process of retrieving the article. The demonstrated concern for another’s lost property defines the ethical tone of the mitzvah and shapes much of its practice.

This Gemara shiur addresses a range of practical cases, illustrating the basic parameters of hashavat aveidah. The shiur will culminate in the Times Square Rolex scenario, which will help illuminate the driving principle underlying the entire mitzvah.

**CLASS  
OUTLINE****Section I. Common Scenarios and Establishing the Parameters of Hashavat Aveidah**

- Case 1.** Finding \$50 in Starbucks – “Identifying Marks” and “Giving up Hope”
- Case 2.** Finding \$613 in a Public Park – More on Identifying Marks
- Case 3.** Finding a Parker Jotter in the Library – Location
- Case 4.** Someone Left the Ferrari Headlights On – Preventing Monetary Loss

**Section II. Finding Objects on Private Property**

- Case 5.** Finding a Pendant on a Front Lawn – Two Types of Private Property
- Case 6.** A Worker Finds a Diamond Ring in-between Floor Boards

**Section III. Finding Objects the Owner is Highly Unlikely to Reclaim**

- Case 7.** Finding a Soccer Ball at the Seashore – Washed-away Items
- Case 8.** Finding a Rolex in Times Square!

**Note:** This shiur is not intended as a source of practical *halachic* (legal) rulings. For matters of halachah, please consult a qualified *posek* (rabbi).



## SECTION I Common Scenarios and Establishing the Parameters of Hashavat Aveidah

**Case 1.** Steve is enjoying his coffee in a corner table at Starbucks. He is absorbed in reviewing last week's Gemara class when his napkin drops to the floor. Bending down to retrieve the napkin, he spots a \$50 bill under the empty chair across from him. He swiftly picks up the money (followed by the napkin), and wonders what he should do with the cash:

- Maybe the waitress dropped it and he should give it to her?
- Should he turn it in to the cashier?
- Should he leave it and hope the owner returns to find it?
- Can he keep it for himself?

### What do you think?

#### Source 1. Devarim (Deuteronomy) 22: 1-3

If you see your brother's ox or sheep going astray, you must not ignore them. You must return them to your brother. If your brother is not near you, or if you do not know who [the owner is], you must bring [the animal] home and keep it until your brother identifies it, whereupon you must return it to him. You must do the same to a donkey, an article of clothing, or anything else that your brother loses and you find. You shall not ignore it.

לא תראה את שור אחיך או את שיו נדחים  
והתעלמת מהם השב תשיבם לאחיך:  
ואם לא קרוב אחיך אליך ולא ידעתו  
ונאספתו אל תוף ביתך והיה עמך עד דרש  
אחיך אתו והשבתו לו:  
וכן תעשה לחמרו וכן תעשה לשמלתו וכן  
תעשה לכל אבדת אחיך אשר תאבד ממנו  
ומצאתה לא תוכל להתעלם:

#### Source 2. Mishnah, Bava Metzia 21a

These are found objects that belong to the finder ... scattered fruit, scattered money, sheaves of wheat in a public domain...

אלו מצואות שלו... מצא פרות מפזרין,  
מעות מפזרות, פריכות ברשות הרבים...

#### Source 3. Rashi, Talmud Bavli, Bava Metzia, 21a

Scattered Money (can be kept by the finder). [Why?] Since the money does not have any *siman*, clearly identifying features (that would enable the loser to reclaim his property), he will relinquish hope of ever regaining ownership (*ye'ush*), and the money becomes ownerless (*hefker*). This is the reason these objects may be kept.

מעות מפזרות - הואיל  
ואין להם סימן נכר - איא  
ושי מיאש, והווי להו  
הפקר, וזהו טעם כולם.

#### Source 4. Bava Metzia 21b

The Mishnah states (above) that scattered money belongs to the finder. Why should that be the law – the loser was not aware that he dropped the money (and there is no *ye'ush*)?! Rather, the finder may keep the money since our Mishnah is in accordance with the principle of Rabbi Yitzchak, who said, "A person constantly checks that his money is secure."

מעות מפזרות - הרי אלו שלו,  
אמאי? הא לא ידע הנפל מיניה!  
- התם נמי, פדרבי יצחק, דאמר:  
אדם עשוי למשמש בכיסו בכל  
שעה ושעה, הלא נמי - אדם עשוי  
למשמש בכיסו בכל שעה ושעה.

**Source 5. Shulchan Aruch, Choshen Mishpat, Siman 262:6**

If someone finds scattered money...it belongs to the finder, for in all such cases we assume the owners became aware of their loss after it was dropped, and since there is no siman, the owner has relinquished hope of every finding it.

לְפִיכָּךְ הַמוֹצֵא מְעוֹת מְפֹזְרִים... הָרִי  
אֵלּוּ שְׁלוֹ, שֶׁבְּכָל אֵלּוּ מִסְתַּמָּא הָרְגִי  
שׁוֹ הַבְּעָלִים בְּנִפְלִתָם וְכִיּוֹן שְׂאִין בָּהֶם  
סִימָן מְתִיאֵשׁ.

**Source 6. Bava Metzia 26b**

And Rava said, "If one sees a coin fall from another person who has not yet given up hope of ever finding it, and he takes it with intention to steal it, he transgresses all three laws: 'Don't steal' (Vayikra/Leviticus 19:13); 'Surely return it;' and 'Don't ignore.'"

וְאָמַר רַבָּא: רָאָה סֶלַע שֶׁנִּפְלָה, נִטְלָה  
לְפָנָי יְאוּשׁ עַל מְנַת לְגוֹזְלָהּ, עוֹבֵר בְּכָלֵן:  
מִשׁוּם "לֹא תִגְזֹל", וּמִשׁוּם "הִשָּׁב  
תְּשִׁיבָם", וּמִשׁוּם "לֹא תוּכַל לְהִתְעַלֵּם".

**Case 2.** *Joey is out jogging in downtown Boston on a spectacular autumn Sunday. As he whizzes past a public park with quacking ducks, he suddenly eyes a bunch of money paper-clipped together, blowing in the wind. The total amount is \$613 dollars! No one else is in the area. Steve picks up the money and isn't sure what he should do. Should he:*

- *Keep the money?*
- *Hold on to the money for a few days to see if anyone advertises losing it in the local e-classifieds, and if not, keep it?*
- *Donate the money to charity?*

**What should Joey do?****Source 7. Mishnah, Bava Metzia 24b**

These are lost objects that a finder is obligated to publicize: fruit in a container, an empty container, money in a wallet, an empty wallet, a collection of fruit, a collection of money...

וְאֵלּוּ חַיִּיב לְהַכְרִיז: מִצָּא פְרוֹת בְּכֵלִי אוֹ כֵלִי  
כְּמוֹת שֶׁהוּא, מְעוֹת בְּכֵסִים אוֹ כֵסִים כְּמוֹת שֶׁהוּא,  
צְבוּרֵי פְרוֹת, צְבוּרֵי מְעוֹת... .

**Case 3.** *Sarah enters the main entrance of the NYU library and sits in front of one of the twenty computer stations to research her paper on Jewish business ethics. Adjacent to the keyboard is a forgotten blue Parker Jotter. Sarah wonders what to do:*

- *Leave it alone and not deal with it?*
- *Keep it?*
- *Take the pen home, and post an ad on the NYU e-classifieds to try to find the owner?*

**What should Sarah do and why?**

**Source 8. Halachos of Other People's Money, Rabbi Yisroel Pinchas Bodner, pp. 160-161**

... For example, one finds a blue Parker pen, and posts a notice saying "Pen found in lobby." A person comes to claim it saying he lost a pen, the color was blue, and the brand name was Parker. The claimant has not given an acceptable identification, since there are many pens in circulation of that color and brand name. Therefore one may not conclude that the pen found belongs to the claimant.

**Source 9. Mishnah, Bava Metzia 23b**

Rav Bibi asked Rav Nachman the following question: Is location a legitimate identifying characteristic (*siman*) or not? He said to him, "We have learned this: 'One who found [indistinguishable] barrels of wine, oil, grain, dried figs, or olives can keep them.' If you think that location is a *siman*, he should have attempted to return them by announcing that he found a lost object in a certain location." [Meaning, that source teaches that location is not a *siman*.] Rav Zevid replied, "[The reason he can keep them] is that we're dealing here with the banks of the river" [i.e. where so many people unload things, location cannot serve as a *siman*.]

בְּעֵא מִינִיָּה רַב בִּיבִי מֵרַב נַחְמָן : מְקוֹם  
הָיָה סִמָּן, אוֹ לֹא הָיָה סִמָּן? אָמַר לֵיהּ :  
תְּנִיתוּהָ, מֵצֵא חֲבִיּוֹת שֶׁל יַיִן וְשֶׁל שֶׁמֶן  
וְשֶׁל תְּבוּאָה וְשֶׁל גְּרוֹגְרוֹת וְשֶׁל זֵיתִים -  
הָרִי אֵלָיו שְׁלוֹ. וְאִי סִלְקָא דַּעְתָּךְ  
דְּמְקוֹם הָיָה סִמָּן, לְכַרְזוֹ מְקוֹם ! -  
אָמַר רַב זְבִיד : הֲכֵא בְּמֵאִי עֲסָקִינָן -  
בְּרִקְתָּא דְּנַהֲרָא.

**Source 10. Rema, Shulchan Aruch Choshen Mishpat 262:9**

Note [by Rav Moshe Isserlis, the Rema]: A lost object's location serves as a *siman*. However, a location where everyone puts things, like barrels on the river bank, does not serve as an identifying characteristic (*siman*), for everyone unloads there.

הגה: שְׁמִקוּמָן סִמָּן, וּמִיָּהוּ בְּמָקָם  
וּם שֶׁהַכֹּל נוֹתְנִין שָׁם, כְּגוֹן חֲבִיּוֹת  
בְּשִׁפְתֵי הַנָּהָר, אֵינּוּ סִמָּן, שֶׁהַכֹּל פּוֹ  
רְקִין שָׁם.

**Source 11. Shulchan Aruch Choshen Mishpat 260:9**

Anyone who found an object – whether or not it has an identifying characteristic – if he found it in a way that indicates that it was purposely placed there, it is forbidden to touch it, for perhaps the owner placed it there until he returns for it.

כָּל הַמוֹצֵא אֲבִידָה, בֵּין שֶׁיֵּשׁ בָּהּ סִמָּן  
בֵּין שֶׁאֵין בָּהּ סִמָּן, אִם מֵצֵאָה דְּרָף  
הַנְּחָה אֲסוּר לִיגַע בָּהּ, שְׂמָא בְּעִלְיָהּ  
הַנִּחְוָה שָׁם עַד שֶׁיִּחְזְרוּ לָהּ.

**Case 4.** *Stu was power-walking down 93rd Street to his office and passed an orange Ferrari, whose headlights were left on, parked in front of Sammy's Kosher Sushi Bar. His roommate Steve had told him about his Gemara class, where they discussed the mitzvah of returning lost objects. But Stu wasn't sure if the principle also applied to saving someone from any type of financial loss. He has a dilemma: he might be able to save the car owner's battery from dying, but he risks running late for an important meeting.*

**What should Stu do?**

- Go into SKSB and tell the owner that there is an orange Ferrari parked out front with the lights left on?
- Go from table to table inside the restaurant, asking all the customers if they left their lights on (and would they mind if he takes the car for a quick spin and then shuts them off)?
- Just continue on his way so he can make his meeting?



**Source 12. Aruch Hashulchan, Choshen Mishpat 259:17**

It is written [Devarim 22:3], “Anything else that your brother loses” (Source 1 above). The Sages explain that this comes to expand the scope of returning lost objects. We are also obligated to prevent loss to another’s real estate. For instance, when one sees water overflowing and approaching his friend’s property, he is obligated to try to save the loss by building a barrier against the water. Hashavat aveidah also means trying to prevent all types of loss that may occur to another. If it is within one’s ability to prevent a loss, he is obligated to prevent it...

כתיב: “לכל אבדת אחיך”, ודרשו תו”ל [ב”מ ל”א]. לרבות אבדת קרקע שחייב להשיב גם כן, כגון שראה שטף מים באים לשדה חבירו חייב לגדור בפניהם כדי להציל וכן בכל עניני הפסד שיכול להיות אצל חבירו וביכולתו למנוע ההזק, חייב למנוע...

**SECTION II Finding Objects on Private Property**

**Case 5.** Marcy is walking along busy Scenic Avenue as she passes the Rosenfeld’s front yard, where she spots an inexpensive costume pendant, mostly concealed by the grass. Coincidentally, Marcy’s friend Sarah was Skyping her last night about a pen she found at the library while researching a paper on Jewish Business Ethics. Marcy learned that if you find something in a public place, you need to ascertain if you can keep the object or must try to find the owner. But what about when you find something on private property – what do you do then?

- Can Marcy take the pendant for herself?
- Should she pick up the pendant and knock on the Rosenfeld’s door and ask if it belongs to them?

**What do you think?****Source 13. Mishnah and Gemara: Bava Metzia 11a**

Mishnah: [A field owner] saw others running after a lost object, [e.g.] after a deer with a broken leg, after chicks that can’t yet fly, and said, “Let my field acquire it on my behalf,” [the field owner] acquires it. But if the deer was running normally or the chicks could already fly and he said, “Let my field acquire it on my behalf,” he has said nothing (i.e., his words are legally insignificant).

Gemara: Rav Yehuda said in the name of Shmuel, “This [rule of the Mishnah, (that if he declared, ‘Let my field acquire it ...’ he acquires it)] is effective, providing that he is standing at the side of his field.” [Asks the Gemara:] should his field not acquire it on his behalf? Didn’t Rabbi Yossi son of Rabbi Chanina say, “A person’s courtyard (i.e., property) acquires even without his knowledge”? [Answers the Gemara:] This only applies to a protected field, but an unprotected field only acquires on his behalf if he is standing next to it. Otherwise it does not.

משנה: ראה אותן רצין אחר מציאָה, אחר צבי שבור, אחר גוזלות שלא פרחו, ואמר זכתה לי שדי, זכתה לו. היה צבי רץ פֿדרבֿו, או שהיו גוזלות מפריחין, ואמר זכתה לי שדי, לא אמר פֿלום.

גמרא: אמר רב יהודה אמר שמואל והוא שעומד בצד שדהו. ותקני ליה שדהו דאמר רבי יוסי ברבי חנינא חצרו של אדם קונה לו שלא מדעתו. הני מילי בְּחָצֵר המשתמרת, אבל חצר שאינה משתמרת - אי עומד בצד שדהו אין, אי לא לא.

**Source 14. Mishnah Bava Metzia 2:4**

If one found a lost object in a store, he can keep it.

מָצָא בַחֲנוּת, הָרִי אֵלּו שְׁלוֹ.

**Source 15. Rashi's Commentary on that Mishnah**

If one found a lost object in a store, he can keep it.

This is referring to an object **without a siman**. [The reason he can keep it is] that the one who lost it gives up hope because everyone enters there.

(ד) מָצָא בַחֲנוּת הָרִי אֵלּו שְׁלוֹ - בְּדָבָר  
שֶׁאֵין בוֹ סִמָּן קָאִי. דִּהְהוּא דְנָפַל מִיַּנְיָה  
מִיָּאֵשׁ, שֶׁהֶפֶל נִכְנָסִים לְשָׁם :

**Case 6.** Benji took a job with a contractor during his summer break from Cambridge. He was assisting in the renovation of an 18th century London mansion on a sprawling estate that has been sold many times, over the past 200 years. Benji was directed to tear up an old wooden floor in a room that served as the guest quarters for the past fifty years, to lay a new marble floor. As he neared completion and pried apart the last few boards, he found wedged between the last board and the wall – an aged, but stunning diamond ring! Benji was torn about what he should do:

- Give the ring to the mansion owner?
- Give it to his boss?
- Keep it?

**What do you think Benji should do?****Source 16. Bava Metzia 25b-26a****Mishnah:**

If he found [a lost object] in a pile of rubble or an ancient wall, he can keep it.

If he found it in a new wall: from half the width of the wall and outward he can keep it; From half the width of the wall and inward it belongs to the homeowner.

**Gemara:**

[In the case of something found in an ancient wall] a Tannaitic source says, "Because he (the finder) can say that it belonged to the Emorites (people who lived in Israel before the Jews entered in the times of Joshua)."

Q. Emorites hide things in walls and Jews don't?!

A. You needn't be bothered by that difficulty – the Mishnah is referring to a situation where the found object was extremely rusty.

**משנה**

מָצָא בְּגֵל וּבְכֶתֶל יִשֵּׁן הָרִי אֵלּו שְׁלוֹ  
שְׁלוֹ.

מָצָא בְּכֶתֶל חֲדָשׁ, מִחֲצָיו  
וְלַחוּץ - שְׁלוֹ, מִחֲצָיו וְלַפְּנִים -  
שֶׁל בֵּעַל הַבַּיִת ...

**גְּמָרָא**

תָּנָא : מִפְּנֵי שְׂיָכוּל לֹא מֵר לֹא שֶׁל  
אֱמֹרִיִּים הֵן.

אֵטוּ אֱמֹרִים מְצָנְעֵי יִשְׂרָאֵל לֹא  
מְצָנְעֵי ?

לֹא צְרִיכָא, דְּשִׁתִּיךְ טְפִי :

**Source 17. Tosafot Bava Metzia 26a, s.v. “D’shatich (it was extremely rusty)”**

If you ask, “Shouldn’t the owner of the courtyard acquire that which is in the rubble on his own property? Shouldn’t the same go for the wall?!”

וְאִם תֹּאמַר: וְלִיקְנִי לִי הַחֲצֵרוֹ לְבַעַל הַגֹּל אוֹ לְבַעַל הַכֶּתֶל?

**Source 18. Tosafot, De-shatich, Bava Metzia 26a**

We can respond that one’s courtyard doesn’t enable him to acquire what he might never find at all – for instance, something hidden in the width of his wall...

וַיֵּשׁ לֹאמַר דָּאִין חֲצֵר קוֹנָה בְּדָבָר שְׂיִכּוּל לְהִיּוֹת שְׂלֵא יִמְצְאוּנוּ לְעוֹלָם כְּמוֹ הַכָּא שְׂהוּא מְצָנֵעַ בְּעַבְי הַכֶּתֶל.

**Source 19. Mordechai, Bava Metzia, Siman 260**

We only say that a person’s property acquires an object if the object is commonly and regularly found there, as in the case (Source 13 above) of the first chapter of Bava Metzia, when one who saw people running after a lost object, or a deer etc. [into his field]. For in a field it is common to find deer and pigeons. But his field cannot automatically acquire things not commonly found there, like money or other moveable objects.

לֹא אִמְרִינָן חֲצֵרוֹ שֶׁל אָדָם קוֹנָה לוֹ אֶלָּא בְּמִיּוֹדֵי דְשִׁכִּיחַ וְרָגִיל לְמַצּוּא, כִּי הָיָא דְפָרֵק קָמָא דְבָבָא מְצִיעָא: רָאָה אוֹתָן רָצִין אַחַר הַמְצִיאָה אַחַר צְבִי וְכוּ' וְשָׂדֵה תָּמִיד מְצוּיִין שָׁם צְבָאִים וְגוֹזְלוֹת, אֲבָל דְּבָרִים שְׂאִינָם מְצוּיִים כְּגוֹן מַעוֹת וְשִׂאָר מְטִלְטְלִין, לֹא זָכְתָה לוֹ שְׂדֵהוּ עַב"ל.

**Source 20. Halachas of Other People’s Money, Rabbi Yisroel Pinchos Bodner, pp. 196- 202**

When an item falls in private property such as in a private home – as soon as it lands on the property, it automatically comes into the jurisdiction of the property owner, even if he was unaware that it was in his property. Therefore, if an item with a siman was lost or forgotten in a private home, it is the responsibility (and mitzvah) of the property owner to try to return it to its owner.

Exception: Items that might never be discovered by the property owner do not automatically come into his jurisdiction or ownership. For example, a visitor dropped a ring in someone’s house, and it rolled into a crevice. Years later a worker opened a floorboard and discovered the ring. The original ring owner had long since given up hope and thus relinquished his ownership. The ring did not come into the jurisdiction or possession of the property owner because it was something that he might never uncover. Therefore the ring was hefker (ownerless), and may be kept by the worker. If the ring found by the worker had been hidden there by the owner it would not have become hefker.



## SECTION III Finding Objects the Owner is Highly Unlikely to Reclaim

**Case 7.** Asher is down at Sunset Beach enjoying a winter sunset and sees a soccer ball being cast about by the waves at the edge of the shoreline. He rescues the ball from being swept out to sea and then notices a name and phone number written on it. Asher, who has studied and reviewed the following Gemara several times, realizes he now has a dilemma:

### Source 21. Bava Metzia 22b

Rabbi Yochanan quoted Rabbi Yishmael son of Yehotzadak as saying: How do we know that a lost object swept away by a flooded river is permissible to keep? It is written, “Thus you should do to his [lost] donkey, and thus you should do to his [lost] clothing, and thus you should do to anything your brother lost and you found” (Devarim 22:3). This [mitzvah of returning lost objects] only applies if the object is lost to the owner but accessible to others. This excludes that which is lost to the owner but not accessible to others (an object swept away by a flooded river).

אמר רבי יוחנן משום רבי ישמעאל בן יהוּצְדָק: מניין לְאַבִּידָה שְׁשֻׁטְפָה נָהָר שֶׁהִיא מוֹתֶרֶת - דְּכַתִּיב, “וְכֵן תַּעֲשֶׂה לְחִמְרוֹ וְכֵן תַּעֲשֶׂה לְשִׁמְלֹתָיו וְכֵן תַּעֲשֶׂה לְכָל אֲבֵדֹת אַחִידָה אֲשֶׁר תֵּאבֹד מִמֶּנּוּ וּמִצְאָתָהּ” (דְּבָרִים כ”ב) מִי שֶׁאַבִּידָה הֵימָנוּ וּמִצְוֵיהָ אֵצֶל כָּל אָדָם, יִצְאָתָהּ זֹו שֶׁאַבִּידָה מִמֶּנּוּ, וְאֵינָהּ מִצְוֵיהָ אֵצֶל כָּל אָדָם.

### Source 22. Bava Metzia 22b

The swept-away object is permitted **whether or not it has a siman**.

... מה היתירא - בין דאית בה סימן ובין דלית בה סימן שרא.

**Case 8.** Roni was making his way home the night of December 31<sup>st</sup> from his weekly Gemara & Pizza class, totally absorbed in mentally reviewing the animated debates. He found himself walking across Times Square at 11:59 PM and 50 seconds, as the ball was dropping and the mass of people crowded around him were mesmerized by its descent. People were pushing in all directions. As he was moved to his right by the pressing crowd, he stepped on something metallic on the asphalt street, looked down (as everyone else was looking up) and found a Rolex watch! Roni was in a quandary. (He found out the next day that it is worth \$18,000!). What should Roni do?

- Try to find the owner?
- Keep the Rolex and sell it at Sotheby's?

### What do you say?

### Source 23. Shulchan Aruch and Rema, Choshen Mishpat 259:7

One who salvages something taken by a lion or bear, by high tide (washing away everything in its path), or by a flooded river (when a river widens, overflows its banks and spreads), he can keep it, even if the original owner is standing and screaming [that it's his]. Note: It is nevertheless good and just to return it.

הַמְצִיל מִהָאָרִי וְהָדוּב וְזוּטוּ שֶׁל יָם (פִּי) לְשׁוֹן יָם הַחֹזֵר לְאַחֲרָיו עֶשֶׂר אוֹ ט"ו פְּרָסָאוֹת וְשׁוֹטֵף כָּל מֵה שֶׁמוּצָא בְּדֶרֶךְ חֲזָרְתּוֹ וְכֵן עוֹשֶׂה בְּכָל יוֹם וְשֶׁל וּלְיָתוֹ שֶׁל נָהָר (פִּי) כְּשֶׁהִנְהָר גָּדַל וַיּוּצֵא עַל גְּדוּתָיו וּפּוֹשֵׁט, רַש"י, הָרִי אֵלּוּ שְׁלוֹ אֶפִּילוּ הַבַּעַל עוֹמֵד וְצִנְתָּ. הַגָּה: מִכָּל מְקוֹם טוֹב וַיִּשָּׂר לְהַחְזִיר.

**Source 24. Devarim 6:18**

You should do that which is just and good in the eyes of God.

וַעֲשֵׂתָ הַיָּשָׁר וְהַטוֹב בְּעֵינֵי ה' :

**Source 25. Rabbi Aharon of Barcelona, Sefer Ha-Chinuch, Mitzvah 538**

The reason behind this mitzvah is obvious for it is beneficial to everyone, as well as the social order. Everyone forgets things and people's animals are always running away here and there. With this mitzvah, the animals and possessions of our people will be well guarded wherever they happen to be in our land, as if they were in the hands of their actual owners. All the laws of God are just and bring joy to the heart.

שׁוֹרֵשׁ מִצְוָה זוֹ יְדוּעַ, כִּי יֵשׁ בְּזָנָה תּוֹעֵלֶת הַכֹּל וַיִּשׁוּב הַמְדִינָה. שֶׁהַשְּׂכָחָה בְּכֹל הַיָּמִים מְצוּיָה, גַּם בְּהַמְתָּם וְכָל חֲתָתָם בּוֹרְחִים תְּמִיד הִנָּה וְהִנָּה, וְעַם הַמְצוּה הַזֹּאת שֶׁהִיא כְּעַמּוֹנוֹ יִהְיוּ נִשְׁמְרוֹת הַבְּהֵמוֹת וְהַבְּלִיִּים בְּכֹל מְקוֹם שֶׁיִּהְיוּ בְּאַרְצֵנוּ הַקְדוּשָׁה כְּאִילוֹ הֵן תַּחַת יַד הַבְּעֻלִּים, וְכָל פְּקוּדֵי ה' יִשְׂרָיִם מְשֻׁמְחֵי לֵב.

**Source 26. Ralbag, Devarim 22:3**

[This mitzvah] teaches us to act with righteousness, sensitivity and mercy.

יֵשׁ בְּזָנָה הַקְּנָאת מְנַהֵג אֶל הַיָּשָׁר וְהַחֲנִינָה.

**RECOM-  
MENDED  
ADDITIONAL  
READING**

*Halachos of Other People's Money*, by Rabbi Yisroel Pinchas Bodner, has an extensive section on returning lost objects on pp. 137-202. This book is a good source for further investigation of the practical sides of this mitzvah. He deals with such questions as:

- How long do I have to wait for the owner to claim his lost object? (And the concept of *עַד שִׁיבָא אֵלָיו*.)
- How should someone who finds a lost object publicize his find?
- What if I find a bike and it gets damaged while in my possession – am I liable?
- How much trouble do I have to go to in order to return something?

\$500 million (!) of precious silver and gold coins from on an early 19<sup>th</sup> Century sunken Spanish ship were found by Odyssey Marine Exploration, an American exploration company in 2007. The Spanish government, however, had not relinquished hope, and, in a high profile legal battle, retrieved the treasure in 2012.

[http://en.wikipedia.org/wiki/Black\\_Swan\\_Project](http://en.wikipedia.org/wiki/Black_Swan_Project)

"A Remote Chance of Returning a Lost Object," by Rabbi Daniel Mann

<http://e.yeshiva.org.il/midrash/shiur.asp?id=19188>

"Mystery in the Coatroom and Other Lost Stories or Some Practical Aspects of Hashavas Aveidah,"

by Rabbi Yirmiyahu Kaganoff

<http://rabbikaganoff.com/archives/1638>

"Returning Lost Objects," by Rabbi Shraga Simmons

[http://www.aish.com/tp/b/sw/Returning\\_Lost\\_Objects.html](http://www.aish.com/tp/b/sw/Returning_Lost_Objects.html)

"Mitzva Minute – Returning Lost Objects," on Chabad.org

[http://www.chabad.org/library/article\\_cdo/aid/1058268/jewish/Returning-Lost-Objects.htm](http://www.chabad.org/library/article_cdo/aid/1058268/jewish/Returning-Lost-Objects.htm)

"Hashavas Aveidah - Returning Lost Objects," by Rabbi Doniel Neustadt

<http://www.torah.org/advanced/weekly-halacha/5764/kiseitzei.html>