

If Someone is Not Careful with his Own Item, do I Have an Obligation to Return it to Him?

Rav Baruch Fried

Question: A man has a private jar of coffee, which he keeps in shul. One day, I see him taking a cup of coffee and leaving his jar on the counter. I know that other people will assume it is there for the public and will take some. Do I have an obligation of *hashavas aveidah* to put away the coffee for him? Am I permitted to take some for myself?

Answer: If the coffee was left out by mistake, there certainly is a mitzvah of *hashavas aveidah* to put it away or notify the owner.

If it was left there on purpose, it has the status of an *aveidah m'daas*.

The Rambam says that if someone throws his wallet into a public street, you are not allowed to take it for yourself but you also have no obligation to return it because you don't have to be more prudent with someone else's money than the owner himself is. The Tur argues and says that, in such a case, the wallet becomes *hefker* and you are permitted to take it for yourself.

The Shach rules in accordance with the Tur, and the Rema also seems to *pasken* like the Tur. Accordingly, if someone leaves his coffee in a place where he knows others might help themselves to it, Ashkenazim may rely on the Rema and Tur, and they may take some. Of course, if someone wants to be *machmir* like the Rambam, this would be commendable.