

Is There a Mitzvah of Hashavas Aveida for an Akum?

Rav Baruch Fried

Question: Reuven is walking in the street in a place where no Jews live and he finds a book. On the inside cover, he sees a name and phone number. Does he have to return the book to its Akum owner?

Answer: The Torah commands us to return lost objects to their owners; however, this is limited to our Jewish brethren, and this commandment does not apply to items lost by an Akum. Accordingly, if the finder wants to keep the object, he may do so.

If he specifically wants to return it, he runs up against two serious problems. Firstly, there is a prohibition of "*lo sichanem*", which means that it is forbidden to give gifts to an Akum. Secondly, it is prohibited to return a lost object to an Akum. The Rambam says that the reason for this is that one who does so would be helping a sinful person. According to Rashi, the reason is that doing so is belittling the mitzvah of Hashavas Aveidah. One is supposed to return a lost object because the Torah commands us to give it back. If he shows a willingness to do so even when there is no commandment from the Torah, he is showing disrespect to the mitzvah.

Now, the Shulchan Aruch states that if one wants to return a lost object to an Akum in order to make a kiddush Hashem, he is permitted to do so. According to the Gra, this is based on a story about Rav Shimon ben Shetach. The story is cited both in the Yerushalmi and the midrash Yalkut, but with a slight variation. The story goes that Rav Shimon's students purchased a donkey on his behalf from a non-Jew, and they found a precious stone hidden on it. He returned the stone to the non-Jew from whom he made the purchase. According to the Yerushalmi, he said that he returned it in order to make a Kiddush Hashem. According to the Yalkut, he said to return because, "I bought a donkey, not a precious stone".

It would seem that we actually need both of these reasons. If he actually took possession of the stone, he would not have been permitted to return it, as this would be a transgression of *"lo sichanem"*. To counter this problem, he said that he only bought a donkey, and never intended to take possession of the stone. Still and all, he needed the reason of Kiddush Hashem to permit him to return this lost object to the non-Jew.

Having said this, it would seem that if Reuven would want to make a Kiddush Hashem by returning the book, he definitely may do so, and it would be a beautiful thing to do. People should be aware, however, that there are times when people think they are making a Kiddush Hashem when they actually are not doing that at all. For example, when one calls a multimillion-dollar company to return a small amount of money, and they are connected to a sales representative, the sales rep will often have no idea what they are talking about. To this end, the teshuvah Sdei Ha'aretz says that one must be careful not to cause a Chillul Hashem by returning a lost item. Accordingly, one should weigh the situation carefully before acting.

In this particular case, it would seem to be a very nice Kiddush Hashem to return the book.