

Is There a Mitzvah of Hashavas Aveida with Insured Item.

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Question: Shimon related to his friend, Levi, that his wife had lost an expensive piece of jewelry. He is not concerned, however, because it was insured and he will be compensated for the loss. He said that he plans on buying her an even nicer piece of jewelry with the insurance money. Later, Levi happens to find the lost object. Is he obligated to make the effort to return it even though Shimon won't be losing anything?

Answer: The Chelkas Yaakov discusses this question and basically says that one should generally assume that the owner wants his specific item back, rather than having to purchase a new one. Furthermore, he says that the item never actually left the owner's possession. So, it is an *aveidah* and one must return it. The fact that he won't suffer any loss if the item isn't returned is not a sufficient reason not to return it.

He proves this from a Gemara that says that if an item worth more than a *perutah* is found, it must be returned even if its value depreciates and it is now worth less than *perutah*. In this case, we see that even if the owner's loss would be inconsequential, once the finder has an obligation of Hashavas Aveidah, he must fulfill that obligation.

On the other hand, if we really know that the loser of the item wants to get the insurance money so that he can buy a nicer item, perhaps one can assume that he does not want his lost object back at all and he is completely *meya'esh* from it, which would mean that there is no obligation of Hashavas Aveidah.

In general, however, an item being insured is not an exemption from the mitzvah of Hashavas Aveidah.