

There Is a Lost Item. What Now?

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Question: A fellow is walking down the street and sees what is clearly a lost object. What should be his initial reaction?

Answer: One should realize that there is a big difference between when you first see a lost object to when you actually pick it up. Once one picks up a lost item, he becomes a *shomer aveidah* and is liable to pay if something happens to it. However, it is possible, depending on the circumstances, that he may not be obligated to pick it up in the first place.

At the beginning of Hilchos Aveidah, the Shulchan Aruch uncharacteristically gives a checklist of seven conditions that determine if one has to pick up a lost item that he sees:

1. It has to be in a place where the majority of people are Jews.
2. It has to appear to be lost and not temporarily stored there.
3. It only has to be picked up if it is not an "*aveidah m'daas*", meaning that the owner did not knowingly abandon it.
4. It has to be worth at least a *perutah*.
5. It has to have *simanim* (identifying marks).
6. It has to not be in the category of "*zakein v'aino l'fi chevodo*", meaning it has to be an item that the finder would pick up if it were his own.
7. It has to belong to an observant Jew and not a "*mumar l'hachis*" (someone who deliberately violates the Torah).

Each of these seven conditions is a topic unto itself, but we clearly see that one is not always obligated to pick up a lost object that he sees; therefore, before picking it up, one should first consider whether he is obligated to.

Rav Akiva Eiger in Bava Metziah also says that if the item has no *siman*, one does not have to pick it up because there is no way that he will ever be able to return it to its owner. Many people rely on this Rav Akiva Eiger to exempt themselves from picking up lost items that don't have a *siman*.

Accordingly, the answer to this question would be that the first thing someone who spots a lost item should do is figure out if he is obligated to pick it up at all. If he is obligated, then he has an obligation to take it and become a *shomer aveidah*. But he first should determine that he must do so.