

# AVEIDA MIDA'AS - RETURNING SOMETHING INTENTIONALLY LOST

by Joshua Kruger

## The story

Two brothers, Avishai and Eliyah were walking home from school together, when they heard someone screaming from an apartment in the building to their left.

"That's it! I've had it with this thing!"

With that, an object was thrown from the window. It flew down from the 4 story apartment, crossed the street and landed in an area of grass.

The object was small and multicolored.

"Is that what I think it is?" asked Avishai. "Yes - It's a Rubik's cube!"

"It's an unsolved Rubik's cube" corrected Eliyah. "He's probably the millionth person to give up.

Eliyah picked up the cube "I was thinking about buying one of these, but I guess that fellow just saved me the money."

"What do you mean?" said Avishai. "You're not going to take it are you? We need to do *hashavas aveida*!"

Eliyah stared at Avishai. "Are you kidding? He obviously doesn't want it anymore! Isn't this a case of *aveidah mida'as*?"

Avishai took out his phone. Let's call home and see what Mom or Dad have to say.

## Discussion

**Q:** What connection does this story have with the *parsha*?

**A:** The second aliyah of the *parsha* tells us about *hashavas aveidah*, the *mitzvah* of returning a lost object to our fellow Jew.

**Q:** What is *aveida mida'as*?

**A:** The *Gemara* (*Bava Metziah* 25b) mentions a case of a person who left a valuable object in a garbage can that was regularly cleared. It rules that if the owner placed the object in the garbage can then he is considered to have intentionally given it up. The object is not "lost". Such situations are called "*aveida mida'as*" - Losing something intentionally. The Rabbi's ruled that the mitzvah of "*hashavas aveida*" does not apply in such situations.

**Q:** What should the boys do?

**A:** They should return the cube to its owner. This case is an exception. When someone throws an object in anger, we must presume that the main reason for their action is the desire to appease their anger through violence. It is very likely that they did not actually make a real decision to give up the object (*Machaneh Efraim* on *Rashi's* opinion of the *Rosh*, *Bava Kama* 26a).

### **Back to our Story**

After discussing the situation with their parents, the boys entered the building and knocked on the door of the apartment. A boy answered the door.

"Hi. I'm Avishai and this is my brother Eliyah. Did anything by any chance fall out of your apartment window?"

The boy blushed. "Well it didn't exactly fall. I'd been trying to solve the Rubik's cube for hours. It was so frustrating that I overreacted. I suppose it's completely broken, and I feel bad because it was a gift from my grandparents"

I have 2 pieces of good news for you said Avishai "Number one: It's still in good shape. Number two: I know how to solve it and I'd be happy to teach you!"

The next day, the brothers stopped by their new friend's house to begin the lessons.

(Written by Josh and Tammy Kruger in collaboration with Rabbi Yehoshua Pfeffer. Based on an article that Rabbi Pfeffer wrote for Jewish Tribune entitled "Negligence, Abandonment and Destruction" and also based on the following article from the following article by Rabbi Daniel Mann: <http://www.eretzhemdah.org/newsletterArticle.asp?lang=en&pageid=48&cat=7&newsletter=791&article=3014>)