

RETURNING LOST OBJECTS PART 7

by Rabbi Yehonasan Gefen

In the past weeks we have discussed situations in which a person is not obligated to return a lost object. The most decisive factor in causing one to be obligated to return a lost item is the presence of an identifying feature (simun) through which the person claiming it can prove that he is the genuine owner. In this article we will discuss what constitutes a valid and invalid simun.

The simun must be unique so that it is very difficult for a deceitful person to 'prove' that he is the owner through guessing the simunim. For example, a person comes to claim that he lost a pen, and his evidence is that it is blue. This is not a convincing simun because there are numerous pens that are that color.

An acceptable simun can be something unique in the item itself such as, "it had a red mark on the side, or it was cracked on the bottom." If, however the feature was common to many such items, it is not a satisfactory simun. For example, "fourteen carat gold" stamped on the item is not an acceptable simun.

A unique measurement of the item can be an acceptable simun if it is unusual for the item to be of that length or size.

Another kind of simun can be the number of pieces found, such as "there were five keys on the key ring, or there were eight dollar bills in the wallet." However, a standard amount such as an item that comes in packs of five, is not a valid simun because it does not constitute a strong proof that the claimant is the genuine owner.

If the claimant can identify a unique feature of the wrapper or container of the item, then it will prove his claim for the item inside. For example, "the money was in a small plastic bag that had two pieces of paper in it with addresses written on it," is a good simun. However, disclosing that the item was in a common container is not an acceptable proof.

If one can point out a unique feature of something attached or connected to an item, it will prove his claim for the item itself. For example, a grey scarf was stuck in the pocket of the coat is a valid simun.

Finally, the specific location of the item can at times constitute a good simun. For example, "I left the bag behind the tree that is next to the football field." However, a general identification of the location is not valid - thus, "I left it in the park" is not a good simun.

**Much of the information for this essay is taken from "Halachos of Other People's Money" by Rabbi Yisroel Pinchos Bodner.*

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