

RETURNING LOST OBJECTS PART 9

by Rabbi Yehonasan Gefen

Last week we discussed situations where one finds lost objects that do not have a simun. We saw that there were circumstances where the finder is not permitted to keep the item for himself, rather if he picks it up he must guard it until Eliyahu HaNavi (The Prophet) comes and reveals its true owner.

One example of this is when a person finds a lost object of which the owner has not become aware of its lost status. In such a case, one who finds it and picks it up cannot keep it for himself and cannot return it to its place, rather he must guard it until Eliyahu comes.

It is important to note that this law applies in particular when the finder picks up the item. His lifting it up constitutes a kind of acquisition which obligates him in looking after the item until Eliyahu comes. The question arises of what is the law if one finds such an item on the ground that clearly has no simun and of which it is likely that the owners are not yet aware of the loss. Must the owner pick it up and thereby place upon himself the responsibility of guarding the item or can he ignore it and leave it on the floor? There is a difference of agreement among the halachic authorities in this issue, however, many hold that one can leave it on the floor and therefore this is an acceptable course of action^[2].

There is one final exception to the law that one can keep an item that has no simun^[3]. If such an item was found in a place where Torah scholars are found then the finder must announce the find. Even though there is no simun, we consider that a Torah scholar will not lie about such an item and therefore if he says that he recognizes the item as being his, then we believe him and return it to him. This also applies to a G-d fearing person even if he is not learned in Torah, provided that he is known as one who never lies. However, if the lost item is new then one can keep it because the owner could not have become familiar enough with it to be able to recognize it.

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1. Much of the information for this essay is taken from "Halachos of Other People's Money" by Rabbi Yisroel Pinchos Bodner.
 2. Heard from Rabbi Yitzchak Berkovits Shlita. See Rabbi Bodner's book, page 170 for a detailed account of the opinions in this dispute.
 3. Even though it is clear that the owner is aware of the loss and has already given up hope of ever retrieving it.

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