

# RETURNING LOST OBJECTS PART 5

*by Rabbi Yehonasan Gefen*

Last week we mentioned two cases in which a person is not obligated to return a lost object; we saw that if the item was worth less than a prutah then it is considered ownerless and the finder could keep that item. Similarly, if an object that fell into a place where (under normal circumstances) it will not be recovered, it is considered ownerless and the finder could keep that item.

A third factor that exempts one from returning a lost object is if the finder can ascertain that the owner gave up hope of ever retrieving the object. In such a scenario, the finder may take it and keep it. Such forfeiture occurs in one of the following ways:

1. When the owner is explicitly heard saying that he has given up hope of ever finding the object. For example, Reuven hears Shimon saying that he has lost his pen and that even though it has identifying marks on it, he is sure that he will never retrieve it. If the next day Reuven finds the pen of Shimon he is allowed to keep it for himself because he knows with certainty that Shimon has already forfeited his ownership of the pen<sup>[2]</sup>. However, it should be noted that if Reuven wants to be an upright individual he should go beyond the letter of the law, and give it back. If the finder is poor and the loser is wealthy then the finder is not required to go beyond the letter of the law and can keep it.
2. If the item appears to have been lost for a long time then we can presume that the owner gave up hope of ever retrieving it and the finder may keep it. For example, if the item is very rusty, or has moss growing on it, then the finder may keep it <sup>[3]</sup>.
3. If the object had no identifying features then the finder may keep it. This is because when someone discovers that he lost such an object he will not expect to ever retrieve it. He realizes that even if the finder would like to return it, he will have no means with which to do so<sup>[4]</sup>. Consequently, the moment that the loser discovers his loss of ownership, the item will be automatically forfeited. For example, when a person discovers that he lost a ten dollar bill he will understand that he cannot claim it, and will relinquish hope of ever getting it back. The finder of the bill may keep the money.

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1. The information for this essay is taken from "Halachos of Other People's Money" by Rabbi Yisroel Pinchos Bodner.
  2. If, however, the finder picked it up before the owner became aware that it was lost then the finder may not keep it - this scenario will be discussed in the coming weeks.

3. In this scenario too, if there is an identifying mark on the item then it is considered a good thing to return it regardless, unless the finder is poor and the loser is wealthy.
4. The details of this situation will be discussed in more detail in coming weeks.

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