

Ki Tetzei - 5767
Lost Property

Shabbat shalom.

Like many of you, I took some time off this summer and just returned from vacation. We spent some time at Storyland with our kids (it was nice until it rained, but that's another story) and with friends and family, enjoying the weather and the down-time that summer provides. It was at a picnic one evening that a seemingly trivial moment occurred that is right out of today's Torah reading: a young child found a little ball. He immediately celebrated his find by singing "finders keepers." While the moment was cute as he danced around with the ball, it made me stop and think.

Our tradition does not have the "finders keepers" rule, nor the second half that I remember from my childhood, "losers weepers."

This is where our Torah presents a different paradigm, a model different from our natural inclination – which is to dance with the balls we find. In America, there is no law about finding something. If you find someone's wallet, you are under no obligation to find its owner.

Let's juxtapose this approach with what we find in this morning's Torah reading. *Parashat Ki Teitzei* – a rich parashah, in addition to being my, and now Hannah's, special portion, it is one filled with mitzvot. In fact, it has more mitzvot than any other Torah portion – 72 of the 613 mitzvot.

One of these mitzvot states: "*Lo tir'eh et shor ahikha 'o et sei-o nidahim v'hitalamtem meiheim, hasheiv tashevem l'ahikha* – if you see your fellow's ox or sheep gone astray, do not ignore it; you must take it back to your fellow. If your fellow does not live near you or you do not know who he is, you shall bring it home and it shall remain with you until your fellow claims it; then you shall give it back to him. You shall do the same with his donkey; you shall do the same with his garments; and so too shall you do with anything that your fellow loses and you find: you must not remain indifferent." (DT 22:1-3)

American law goes in a radically different direction; it allows us to keep something we find. Jewish law does not allow us simply to take lost objects.

Living in a moral and ethical society carries with it numerous obligations including that a finder has obligations to an owner. Our rabbis expand this category, called *hasheivat aveidah* – the returning of a lost object. The Torah states that you shall take it home until the owner inquires after it, but how will the owner know that you have it? So, the Talmud explains that you must publicize your find, spending some time and money so that the owner will hopefully hear that the object has been found and come to get it.

One of the nice stories that I heard this summer was from another family in our community who, when they were traveling, found a lost piece of jewelry. Even though they were in another country, they took the time and effort to publicize their find so that they could return it to its owner. After some difficulty and considerable effort, eventually the jewelry was successfully returned.

In ancient times, facilitating the return of lost objects was even a part of the regular practices in the *Beit Hamikdash* – the Holy Temple in Jerusalem. The Temple served as the general “lost and found” for the Jewish people, at least for the Jerusalem area. Lost objects were announced publicly on each of the three pilgrimage festivals, *Pesah*, *Sukkot*, and *Shavuot*, when much of Israel came to Jerusalem. The Mishnah teaches that objects were to be announced in general terms so the true owner could be determined. If the owner could provide evidence of ownership or a good description, then the object was returned.

We all know how hard it is to lose something, especially something important and dear to us. Earlier this week, I lost all the data from the calendar on my Palm Pilot, both from my computer where it was backed up and from my Palm Pilot. I had no idea where I was supposed to go since all my appointments were wiped out.

Coming back from vacation, this was a frightening realization. When we lose something, we are disoriented, especially if we lose something like our car keys, our glasses, our wallets, or all the data from the calendar in our Palm Pilot (which, just so you don’t lose any sleep over it, was mostly restored!). The Talmud relates an example of how disorienting this is and shows another way of restoring lost objects to owners. When most people entered the Temple, they would go in one direction, but someone who had lost an object would enter the Temple area and then proceed in the opposite direction from all the other pilgrims. As this person passed people going in the opposite direction, he could then inform them of what he had lost. According to the rabbis, the people would then comfort the person, stating, “May the one who dwells in this house put into the heart of the finder to immediately return your lost object.”

This is a fascinating practice and it reveals a deep understanding of human psychology. When people lose something, they want not only to find the object, but they want to be comforted as well. When I lost all the data on my computer and all the appointments in my calendar, I didn’t just want my calendar back, which, of course, I did, but I also needed someone to say, “Hey – it’s all going to work out.”

This is similar to the practice in ancient Israel about mourners. Mourners would also pass into the Temple from the opposite direction so that they could be comforted. The words that were used were similar to the words we still use today, thousands of years later: “May the Holy One comfort you among all the

other mourners of Zion and Jerusalem.” When we experience a real loss or even just the loss of an object, that loss is difficult, and to feel that others care about us and care about our loss is comforting. And so it is interesting that there is a line to comfort those who have lost an object similar to the line used to comfort those who have lost a person. The psychological connection is clear. Obviously while they are on completely different levels, the feelings are similar, and our rabbis were attuned to that.

Over the course of Jewish history, returning objects left the realm of the Temple in Jerusalem and became the practice of local synagogues, or the *beit midrash*, houses of study, and of public functions. Eventually, the Talmud relates, the practice developed to announce all losses to neighbors and friends and that would be sufficient to get the word out.

Of course, there are limitations to returning an object. One can get carried away with returning every small object. When one finds a dollar bill on the street with no markings and there is no one around and there is no clear way to find the owner, one does not need to take out an ad in the paper for a lost dollar bill. On the other hand, if one finds a suitcase with a thousand one-dollar bills, that would be in a different category. The basic principle in the Talmud is called *yeiush*, despair. If one finds an object after the loser despairs of getting the object back, then the finder does not have to make an effort to return it. One can keep it or give it to *zedakah*. For example, if I lose a dollar bill on the street, I will have immediate *yeiush* – I will immediately give up hope of getting the dollar back. Thus the rabbis teach us that one does not need to return such an object. There is a lot about this in a fascinating section of the Mishnah and Talmud for those who enjoy good legal back and forth. A pile of coins in a pattern should be returned, because it is obvious that the owner left them in a special way, but assorted coins that look like they fell out of someone’s pocket don’t need to be returned because the owner probably will not be coming back for them, and so on.

The rabbis add other limitations. People who are older or people who are sick or other people who would not be able to make the effort to return a lost object are not required to fulfill this mitzvah in the strictest sense of the law. Rashi explains that the basic rule is that we should do for others what we would expect others to do for us.

Another question we might ask is, isn’t it simple common sense to return a lost object? But I think it’s clear that human inclination is not always to do that. It needs to be taught. The Torah makes it a specific mitzvah because sometimes our tendency is to do otherwise, and because this is a basic building block of how we build community and society.

I once heard a story about a religious young man who found someone’s phone book in a telephone booth on 47th Street in New York’s famed Diamond

District. To find the owner, the man began calling names listed in the book. Among the names he called was a woman in Florida who said that the names in the book sounded as if the phone book could belong to her daughter. The woman asked the caller why he had invested so much effort to find the owner. He told the woman that as an observant Jew he felt compelled to restore the lost object since it was a mitzvah in the Torah.

The man contacted the woman's daughter, and indeed she was the owner. They made an appointment to meet in order to return the phone book.

When the woman arrived the next day, she was exceptionally emotional. The man was delighted to return the lost phone book to the woman, but asked why she was crying. The woman thanked the man profusely and added, "You not only returned my phone book to me, you restored my mother to me." She explained that several years before she had become a *ba'alat teshuvah*, a religiously observant Jew. Her mother regarded her new lifestyle as cultish and soon stopped speaking to her. But her mother was so impressed by the man's efforts to restore the lost address book that she reconsidered her position and was now proud of her daughter and the lifestyle that she had chosen for herself.

Would that all our efforts to return lost objects culminate in such wonderful results!

I think our tradition's ideal about returning lost objects is a critical one, so the next time you find something, I hope you will make the effort to return it, and maybe the rule, "finders keepers," will get lost.

Shabbat Shalom.