

And it shall remain with you until your brother inquires after it... so shall you do for his garment. (22:2,3)

The *Talmud Bava Metzia 27a*, derives from the singling out of *simlah*, garment, that just as a garment is distinguished in the sense that it has identifying marks and it has claimants, likewise, anything else that has *simanim*, identifying marks, and has claimants must be announced. This is the source of the derivation that *yiush*— an object which either has no *siman* or is lost in a city which has a majority of non-Jewish residents— may be kept by its finder. In both cases, the owner, realizing that his chances of retrieving his possession are slim to nil, will be *me'ya'eish*, give up hope. Therefore, whoever discovers the object may keep it.

Horav Yaakov Galinsky, zl, relates that he had a good friend with whom he had suffered through the travails of World War II. His friend had lost his entire family to the fires of Auschwitz. He then spent the remainder of the war as a prisoner in the frozen tundra of Siberia. This was too much suffering for him to handle. He broke completely, giving up hope on life. He walked around, a shattered soul with nothing to look forward to in life. His good friend encouraged him to visit with the *Chazon Ish*, to seek his sage counsel.

His friend demurred, "What can he tell me that will change my life? Will he bring back my wife – my children? Will my family arise from the dead because of my conversation with him? I do not dispute his greatness, his piety and brilliance, but how can he comfort me?" *Rav Galinsky* was relentless, and finally, his friend gave in and agreed to visit the *Chazon Ish*.

The two men entered the *Chazon Ish's* office and were invited to sit down: "You are a *yeshivah* man – are you not?" The man replied that he was. "Let me share with you a *din Torah*, *halachic* dispute, between two litigants which was presented to the preeminent *Halachic* decisor of the previous generation, **Horav Yitzchak Elchanan Spektor, zl.**"

A young man, diligent in his Torah study and deeply committed to a life of Torah, was supported by his wife. An astute businesswoman, she ran a successful business, buying goods at a low price and making a reasonable profit when she sold them at retail prices. On one of her business trips to the market, she was traveling with a pouch filled with a considerable amount of money. Sadly, in the tumult of her travels, she somehow lost the pouch. She hung up posters and made announcements in all of the *shuls* that whoever finds her pouch should bring it to the *rav*.

The very next day, a poor man presented himself at the home of the *rav*, claiming that he had found the pouch. The woman immediately gave the *simanim*, unique distinguished markings of the pouch, and expected to retrieve her money. The poor man said, 'Nothing doing. I, too, went to *cheder*, school, and I was taught that if someone finds a lost object in a city whose majority population is gentile, he may keep the object, since the owner is *me'ya'eish*. I have a daughter that needs to get married. I had no money. Now, I do!"

The *rav* was in a quandary. On the one hand, the money in the pouch clearly belonged to the woman. On the other hand, the poor man had found the money and was legally entitled to the money. The *Chazon Ish* looked at the man sitting before him and, with a smile, asked, “How would you rule in such a case? We have two litigants with bona fide claims for the money. Which one should prevail?”

The *rav* of the community was not up to taking responsibility for such a *halachic* dispute. He thus sent the *shailah*, question, to *Rav Yitzchak Elchanan* requesting his sage advice. *Rav Yitzchak Elchanan* replied, “The money was in the possession of the woman. According to Jewish law, however, a woman’s possessions belong to her husband. Therefore, since the husband was unaware that his money had been lost, he was not *me’ya’eish*. If anything, it is a case of *yiush shelo midaas*, in which a person is unaware that something was lost, but, if he would know that it was lost, he would surely give up hope of ever retrieving it. This *halachah* is debated in the *Talmud*. We rule *lo havi yiush*. It is not considered *yiush*. Therefore, the money should be returned to the woman.”

The *Chazon Ish* continued with his penetrating stare at the man sitting before him. “Who gave you a right to give up hope?” he asked. “Are you then the proprietor on your situation in life? Do you own your life? It all belongs to Hashem. He does not give up! We are all here on a mission for Hashem. He determines the road that we travel, its obstacles and the travails that we will encounter on our journey. He is in charge – not you and not I. A Jew may never give up hope!” Needless to say, the man left the home of the *Chazon Ish* a different person.