

Can a Married Woman be *Meya'esh* on an *Aveidah*?

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Question: A fellow is walking in a totally non-Jewish neighborhood and finds a pocketbook. It contains a lot of cash but no credit cards or ID. It does, however, contain a "mitzvah note" signed by "Mommy". Is he allowed to keep it?

Answer: Generally, if one finds an *aveidah* in an area that is primarily frequented by Akum, he can assume that the owner was *meya'esh* and gave up hope of ever getting it back; therefore, he may keep it even if it has a *siman*.

In this case, however, it is probable that the pocketbook was lost by a married Jewish woman. This leads to the question of whether a married woman, whose possessions technically belong to her husband and not herself, has the ability to relinquish ownership by being *meya'esh*.

There is a well-known story in which a Jewish woman lost a large sum of money in a public marketplace. The Jew who found it claimed that he was allowed to keep it because the majority of people in the marketplace were non-Jews. However, Rav Yitzchok Elchonon Spector ruled that he must return it because a married woman cannot be *meyayesh* on something that belongs to her husband.

There actually is a *machlokes* Acharonim about this, and the Nachalas Tzvi rules that a married woman can be *meya'esh*. If so, we might ask why Rav Yitzchok Elchonon was so firm in his ruling that the money had to be given back.

I believe the answer is that even after *yiush*, there is a halacha that an *aveidah* should be returned *lifnim mishuras hadin*. There is a *machlokes* whether someone can be forced to go *lifnim mishuras hadin*, but most Poskim agree that one can be verbally pressured to do so. My theory is that in this case, when it was clear that the woman had lost this money, Rav Yitzchok Elchonon was pressuring the man to return it, as he at least had an obligation to give it back *lifnim mishuras hadin*.

Similarly, in the case of the pocketbook, if it can be clearly established who the owner was, one should return it *lifnim mishuras hadin*.