

Halachot of Zeh Neheneh Zeh Lo Chaser

1. *Zeh Neheneh Zeh Lo Chaser* is only after the fact. Just as it is stealing to take someone's objects it is forbidden to use their property without permission. Therefore, trespassing or parking in someone's driveway or parking lot is forbidden, even if they aren't losing out and aren't using it.¹
2. Additionally, moving to a better seat at a ballgame is forbidden even if no one is sitting there.²
3. You don't have to give a ride to someone for free even if you're driving that way anyway. However, if you choose to, it is a chesed.³ It is forbidden to take public transportation without paying. If one did so, after the fact, one owes the company.⁴
4. Stealing intellectual property for commercial use is absolutely forbidden.⁵ If someone did so there is a major dispute if he owes the profit he earned. Whether it is permitted to copy or use intellectual property for personal or educational use is another major dispute.⁶
5. Using your Amazon Prime account to buy a gift for someone else is totally fine. However, sharing your Amazon Prime account name and password for someone else to use is stealing from Amazon.⁷

¹ Tosfot B"K 20b s.v. *ha*, Tosfot B"B 12b, Mordechai B"K n. 16, Rama CM 363:6, Biur HaGra, Pitchei Choshen Genevah 8:3. Nodah Beyehuda CM 24 applies the rule even if the property can't be sold.

Rashbam Bava Batra 57b s.v. *Ikula* clarifies that trespassing is stealing. As an extension to this halacha, Halachos of Other People's Money pg. 56-57 and note 134 there cites Rav Zalman Nechemya Goldberg and Rav Elyashiv as holding that it is forbidden to park in someone else's driveway without permission.

² In addition to the general consideration of *zeh neheneh* that would forbid using someone's objects without permission, there is also a possibility that one would be obligated to pay even after the fact. The reason is that since the stadium cares that people stay in their own seats to motivate people to buy the more expensive seats, it is as though they stipulated in advance that no one can occupy anyone else's seat. This idea is found in Tosfot 21a s.v. *khediyot* and codified by Shulchan Aruch CM 363:7. [Rabbi Jachter](#) (koltorah.org) quotes Rav Schachter as forbidding moving seats at a ball game for this reason. See there for three other reasons.

³ Sheilat Shlomo 4:482 writes that giving someone a ride is considered *zeh neheneh zeh chaser* because a person needs to spend a bit of time picking him up and dropping him off, there is wear and tear on the car, and a little bit of extra gas is spent on the extra weight of the passenger. Even if it was *lo chaser* it would still be well within the rights of the owner to deny entry to everyone else and it isn't considered *middat sedom*, insensitive behavior. Obviously though, it is a chesed to pick him up.

⁴ Rav Yitzchak Overlander in Tal Talpiyot v. 67 p. 248 writes that it is forbidden to take public transportation without paying, and if one did so one has to pay. His reasoning is that it is considered *chaser* in that the driver clearly is collecting money for taking a ride. Also, it is

similar to a case where he was told to leave, and one has to pay even if one didn't cause a loss.

⁵ It is in violation of *hasagat gevul*, *Chilul Hashem*, and *dina dmalchuta* (Shevet Halevi 4:202, Mishnat Yehoshua p. 152).

⁶ Amudei Esh 12 deals with a case of a person who stole a book of secrets of the trade of dying and then went into business competing with the original dyer. He reasons that if the book wasn't stolen with the intent of stealing the actual book, then since he benefited from these secrets at the other person's expense, in that he will lose business, he owes money for his profits. That is considered *zeh neheneh zeh chaser* in which case a person is obligated to pay. Similarly, Divrei Malkiel 3:157 discusses someone who violated the copyrights of a particular medicine. He concludes that he owes his profits to the original owner. Similarly, Shoel Umeishiv 1:44, Rav Shimon Shkop Bava Kama Siman 1, Netziv in Meishiv Dvar 24, Mishnat Yehoshua p. 126 citing Rav Elyashiv, Igrot Moshe OC 4:40:19, and Piskei Din of Yerushalayim Mamot Ubirurei Yuchsin v. 13 p. 293 hold that there is a halachic ownership of intellectual property.

However, the Bet Yitzchak YD 75 argues that there's no basis to say that a person has ownership over intellectual property. Similar approaches are adopted by Mishpitei Shmuel 35 and Shurat Hadin 16:290:12. This dispute has relevance both to whether one would have to pay for benefit from intellectual property and whether it is permitted to use it for personal or educational use (see Mishnat Yehoshua p. 157).

⁷ Since [Amazon](#) has specified that it allows customers to use Amazon Prime for household members, consisting of two parents and four children, as well as one other adult, if one shares the account name and password with another friend, that would constitute stealing. Even if there wasn't this written agreement one may not use something of someone else without permission, whether it be an individual or company.