

Can Someone be Liable to Pay for Reading His Neighbor's Newspaper?

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Question: I subscribe to a newspaper that is delivered to my house early every morning. I started to realize that the newspaper doesn't seem so fresh when I bring it into my house. One morning, I looked out my window and spied my neighbor reading my newspaper. I realized that he has been reading it every day before I take it inside. Can I charge him for reading my paper?

Answer: This may seem like a case of *zeh neheneh v'zeh lo chaseir*, which would mean that the neighbor would be *patur*. However, one could argue that the fact that he made the newspaper not as fresh is considered "*chaseir*". This would depend on how we define "*chaseir*". What is considered "a loss"?

According to almost all Rishonim if one causes a loss of even a minimal amount, the owner is considered *chaseir*. At that point, these Rishonim say, "*megalgelim alav es hakol*", we make him pay the full amount of the benefit he received. Although there is a dissenting opinion, this is how we *pasken*. In this case, that would mean that if making a newspaper lose its freshness is worth even a *shaveh perutah* [or perhaps even less], the neighbor would have to pay for the value he received, which may well be something like 50% of the cost of the newspaper.