



**Looking In To Others' Property
& Damage Caused By It (Hezek Re'iya)**

[#79]

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Today we're going to be discussing a question of *hezek re'iyah*. We spoke about it very briefly in a previous video about whether a person may cut through other people's backyards. That was video #55. In that case, we said that whether or not it's going to be allowed, a person is not going to be allowed to look into the window or into the property of the person that they're crossing by.

Since releasing that video, we received questions on that video. People asked, if there was a pathway going through a field or a house, and the public permissibly used it, and then later someone bought that land, is the new owner allowed to close off the path? The actual halacha is that, since it was a public path, the new owner of the land would not be allowed to block it off. He would need to allow people to either go through the side of the house or to continue using that path. He would not be allowed to take the path away from the public.

So, you wouldn't be allowed to look in to the property of a person. And like we're explaining in today's video, it's called *hezek re'iyah*.

Usually, a person is only going to be liable for damages for something that they actually do when they damage physically. Usually, it's when people break something or harm something that they're going to be liable for damages. However, this is something that not so many people are aware of, called *hezek re'iyah*, of damage through the eyes.

Now, what we are accustomed to knowing about damaging through eyes is the concept of *ayin hara*, which is an evil eye. Which, according to halacha, actually does have a stance of damage, because a person could damage another person through having an evil eye of looking and having a bad eye on him or his belongings. However, it is very hard for a *beis din*, for a court, to actually punish someone for that, because, it's hard to determine if he actually caused that with his evil eye or not. We can never know why a person gets damaged, if it's from somebody's eye or on account of Hashem's decision on that person.

We're bringing today's halacha from The Bais HaVaad Halacha it says in *Shulchan Aruch* that a person is forbidden to gaze at his friend in a way that would cause him damage. *Chazal* said that this thing that's called *hezek re'iyah*, the damage that's caused through looking, is a type of visual trespassing. The *Sm"ah* gives over here two reasons: The first reason is because of this damage of *ayin hara* we're speaking about, called *ayin hara*. But even if there is no aspect of damaging through *ayin hara*, there is a second aspect of encroaching on the privacy of another person. Because a person never wants you looking into their property. This is a more common reason that this occurs.

The reason why this is a problem, it says over here, is because by you looking into someone's private property, you're actually taking away their ability to function properly. A person can't be relaxed and do what they want to do in their own privacy.

Even having the knowledge that people can be looking into your property, even if nobody is actively looking, they would be able to stop you from looking into their property and actually get the rabbis or a *beis din* court to stop a person from being able to look in.

So, the halacha is that a person would not be allowed to cross by and gaze into another person's window. Now, you might be thinking, what about when a person has a menorah? That's obviously okay, because people want you to look at their menorah. It's meant to be looked at. But you're not supposed to look into somebody's property, into somebody's house, into their private domain. That would be where it would not be allowed.

A case where it happens often is when a person is crossing the street or somebody is crossing by. In these cases, you would not be allowed to gaze or look into somebody's personal property. As well, it comes up a lot in construction. If people want to move their houses or construct their house, make it bigger or smaller, or higher or lower, leading to change in the visual aspects, of it now being possible to see more into the neighbor's property, the neighbor would be allowed to prevent the person from doing that, because it will be taking away from their privacy.

Therefore, in any cases that there may be questions, they would have to be spoken over with a competent halachic authority.

Now, there is one thing that we're going to bring up now. This question also comes up in regards to looking into another person's car. When someone's driving their car, they're in their own private domain of their car. So the question does come up, are you allowed to look into a car when the person's inside, or even when they're not inside? Does that fall into this *isur of hezek re'iya*? We'll have to speak about that in another video.

***Please note that these halachos are intended to inform and educate the reader/listener in general. For any specific questions which arise, it is recommended to speak over the exact case with a competent halachic authority in order to assess the halacha accordingly as any small change will greatly affect the final halacha. You can send your questions in to us as well by replying via WhatsApp to our halacha Q & A number on the group, sending an email to Ask@MoneyHalacha.com, or via our contact page at MoneyHalacha.com/contact-us

Transcription Provided By:

E-mail: transcriptionlm@gmail.com

Tel: +972-53-986-0645