

If a Jew Buys a House From a Non-Jew, Does He Have to Close Off a Window That Faces His Neighbor's Pool?

Rav Shmuel Honigwachs

Question: Reuven has a pool in his backyard. His neighbor, John, is a non-Jew, who obviously has no reservations about being the cause of *hezek riyā*. John is now selling his house to a Jew. The new neighbor, Feivel, moves in and Reuven tells him that because his window faces Reuven's pool, there is a problem of *hezek riyā* and Feivel has to either close off the window or pay to build a fence. Is Reuven correct?

Answer: The Gemara says that a Jew who buys a house from a non-Jew has the same rules as the non-Jew he bought the house from. The Poskim debate whether this means that he gets the same halachic disadvantages of the non-Jew, or if he also gets the potential advantages as well. According to the opinion that he gets the advantages of the non-Jew, Feivel would not have to close off his window, just like the non-Jew could not be required to do that. According to the opinion that the Jew only gets the disadvantages of the non-Jew, however, he would be required to close off the window. The Rema rules that the Jew gets the advantages of the non-Jew, but the Shulchan Aruch disagrees and rules that he does not. Practically speaking, Reuven probably would not be able to force Feivel to close off his window.