

May One Make a Window in His House That Overlooks His Neighbor's Yard?

Rav Shmuel Honigwachs

Question: Reuven is making an extension to his house. After the extension is complete, the house will have a window that overlooks his neighbor's backyard. Is that permitted?

Answer: The Mishnah and Gemara in Bava Basra discuss the concept of "*hezek riya*" (infringing on someone's privacy). It is stated that it is forbidden to open up a window that faces somebody else's yard. The question that contemporary Poskim discuss is whether the backyards of today are comparable to the a "*chatzer*" of the times of the Gemara. In those times, a *chatzer* was used for private matters. Accordingly, since it is likely that someone is doing something private in his *chatzer*, one may not open a window facing that place. Some Poskim, theorize that today's yards are not used for such private things and, therefore, are not subject to the laws of *hezek riya*. There does not seem to be a strong basis for that opinion; however, the Poskim say that if one has another consideration that would permit him to open a window, he can combine that with this opinion in order to permit it. In the situation in question, however, it seems that making this window would not be allowed.