

Visual Trespass

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I. Overview

Peering into someone’s property and observing his personal activities or possessions (“visual trespassing”) is an unlawful invasion of privacy and constitutes a form of “damage” – *hezek re’iya* (היזק ראייה).

The Source

The Biblical precedent for *hezek re’iya* is to be found in the words of Bilaam, the wicked seer who was hired to curse the Israelites. The verse states¹:

“Bil’am raised his eyes and saw the Israelites dwelling arranged according to their tribes.”

The Talmud² explains:

“What did Bil’am see? He observed that the entrances of their tents were positioned so that they do not face each other. Although the Levite camp was considered a public area, the Israelite camp was considered a jointly owned

(1) במדבר (כד, ב): “וַיִּשָּׂא בַלְעָם אֶת עֵינָיו וַיַּרְא אֶת יִשְׂרָאֵל שֹׁכֵן לְשִׁבְטָיו וּגְרִי”.

(2) בבא בתרא (ס, א): מה ראה? ראה שאין פתחי אהליהם מכוונין זה לזה אמר ראויין הללו שתשרה עליהם שכינה. [מחנה ישראל כחצר השותפין דמי דלא היה רה"ר אלא במחנה לוייה, רשב"ם ד"ה וירא].”