

Halachos of Yichud: Part III Shiur

OTHER LAWS OF YICHUD

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A TRANSCRIPTION OF THE YORUCHA CURRICULUM WEEKLY SHIUR VIDEO

MULTIPLE MEN AND WOMEN:

The Shulchan Aruch rules that one woman may not be secluded with multiple men unless the wife of one of the men is present. If one man's wife is there, she will prevent him from doing an *aveirah*, and the other men will also refrain from sinning because they will be embarrassed to do something wrong in front of this man and his wife. Furthermore, the Shulchan Aruch rules that one man cannot be alone with many women.

The Rema rules differently. He says that two men may be alone with one woman, provided that they are "*kesheirim*," upright, frum people.

This *machlokes* is based on a Gemara in Masseches Kiddushin that says that a woman can be alone with two *kesheirim*, but is not allowed to be alone with two "*prutzim*," men of lowly caliber.

The Rambam seems to be of the opinion that no men today meet the standard of being labeled *kesheirim*. This is actually based on a story in the Gemara. It says that Rav and Rav Yehuda were once walking in the street when they saw a woman approaching. Rav said, "Let's run away so as not to be alone with her." Rav Yehuda asked him, "But didn't you yourself say that two *kesheirim* are allowed to be secluded with one woman?" Rav responded, "That is true of the righteous men of the past. We are not on that level." The Rambam seems to feel that if the great Rav and Rav Yehuda did not consider themselves to be *kesheirim*, it is certain that no one today meets that criterion. The ruling of the Shulchan Aruch follows the Rambam.

The Rosh and other Rishonim, however, disagree and say that upstanding people of today do meet the standard of *kesheirim*. The Rema rules like them and says that the average frum man is assumed to be a *kasher*, as long as it is not known that he is *parutz*. Accordingly, Ashkenazim can rely on this opinion.

ONE KASHER AND ONE PARUTZ:

What if a woman is alone with two men – one of whom is a *kasher* while the other is known to be a *parutz*? The Maharshal rules that this is not a problem. He says that the *parutz's* presence is enough to ensure that the *kasher* will not sin, so there is no problem of *yichud*. The Shev Yaakov disagrees and says that a *parutz's* presence is not a safeguard, and the prohibition of *yichud* would apply. While one should try to be stringent and avoid such a situation, since this is a question of a *d'rabanan*, one can be lenient if need be.

I recently received a question from a man whose wife works at a high-level position in a certain company. Her boss wanted her to accompany him to an important meeting and offered her to travel with him on his private plane. When asked who else would be on the plane, the husband told me that it was possible that the only people on the plane would be the boss, his wife, and the pilot.

In this case, the boss was a frum Jew and would be considered a *kasher* according to the Rema; however, the pilot is not religious and is assumedly a *parutz*. While we just said that it is possible to be lenient and permit *yichud* with one *kasher* and one *parutz*, there are other factors that would complicate the story.

For one thing, the pilot of a plane is confined to the cockpit for most of the flight and cannot go to the back to walk in on the passengers. For this reason, it is questionable if his presence could be used to negate the problem of *yichud*.

Secondly, there is a rule that even two *kesheirim* are only allowed to be alone with a woman while they are in a city. They are not permitted to be alone on the road because one of the men may need to use the facilities, which would leave the other man alone with the woman for a certain period of time. This may also be a problem on a plane, as the pilot may need the facilities while the plane is on the runway or after landing, which would leave the boss and employee alone together for some time.

There also is a halacha that even two *kesheirim* can only be alone with a woman during the daytime, but not during the night because one of the men may fall asleep. This problem would probably not apply in this case, as we can assume that a pilot won't fall asleep while on the job.

Because of the potential problems, I told the caller that it was not a good idea for his wife to fly with only her boss and the pilot on the plane.

WHO IS A PARUTZ?

As we mentioned, the Rema says that men are assumed to be *kesheirim* unless it is known otherwise. Rav Moshe Feinstein adds a caveat that even if a person is frum, he must be confident in himself that he is strong enough not to come to sin. If a person suspects that he is susceptible to fall into sin, he has to consider himself to be a *parutz*.

The Shevet Halevi adds that any person who is connected to matters of immorality is considered as *parutz*. For example, he says that a man who watches television is a *parutz*. Presumably, he would say the same today about a person who uses the internet without a filter. I did, however, see in the notes of a distinguished Rov that he asked Rav Dovid Feinstein if someone who watches television is considered a *parutz*, and Rav Dovid said that although such a person has moral failings, if he is generally frum he does not fall into the category of *parutz*.

POSSIBLE SOLUTIONS TO YICHUD PROBLEMS:

As we said in previous segments of this series, if a man and woman are alone in an office after hours, when no one else is in the building, there would be a problem of *yichud*. Some have suggested that a potential



Rav Moshe Feinstein says that this is not a good solution because the one locked in the office could come out at any time or the one outside could convince the one inside to let him or her in; therefore, there would still be a problem of *yichud*. The Chazon Ish is quoted as taking a more lenient view. He says that since the normal way is for the man to initiate matters, if the woman is the one locked in her office and the man cannot get to her, it would be permitted, provided that she remains locked in the office until he leaves. It would, however, not be okay for the man to be the one locked in the office while the woman is in the outside room.

Practically, it would be best to avoid such a scenario altogether. In cases of need, one can rely on the Chazon Ish and have the woman lock herself in her office. If one has absolutely no other option, perhaps one may rely on Rav Sonnenfeld and have the man lock himself in his office.

Another solution for a *yichud* problem is to use a child as a *shomer*. The Poskim write that a child who is old enough to understand what is going on but is not yet old enough to be seduced to sin can serve as a *shomer* in order to permit a man and woman to be alone in the presence of the said child. This could be a solution to a common problem. If a man and woman have to be alone together in an office on a Sunday, a child who is home from school can be brought along to serve as a *shomer*.

USING A SHOMER AT NIGHT:

It should be noted that “nighttime” in regards to the laws of *yichud* is not defined by sunset; rather, the normal time when a person goes to sleep is called night, as that is when we have to be concerned that a person may fall asleep. For a child, it would be considered nighttime at the time the child normally goes to bed.

According to some Poskim, another potential solution for a man and woman who are alone together would be to arrange with someone to pop in from time to time to check on them and to serve as a *shomer* in that way. If this is done, the person shouldn't just stop by once during the night. They should come by enough that the man and woman

A non-Jew cannot act as a *shomer*, nor can a *parutz*. In all cases, an adult *shomer* must be an upstanding, frum Jew.

I have received *shailo*hs about whether or not it is permitted for an engaged couple to go to an escape room where they will be alone, but the manager will be able to watch them on the video cameras. According to what we have stated, this would not be a solution if the manager is a non-Jew or non-religious Jew. If a frum Yid would have access to watch the cameras, it would be permitted.

Rav Shlomo Zalman Auerbach writes that if a man and woman are alone in a place where they could possibly be together for a timespan of *yichud*, even if they don't intend to stay there that long, it may be forbidden. This is because there is a rule of "*chatzi shiur asru Torah*," the Torah forbade one even from doing half an amount of a prohibition. An example of this problem would be in the aforementioned case where a woman locks herself in her office while a man works in the outer room. If the woman would need to use the facilities, she would only need to be in the outer room for a few seconds while she is walking through. This is less time than is problematic for *yichud*; however, she technically could stay in that place for a longer time period and create a problem. This would be a *chatzi shiur* of *yichud* that Rav Shlomo Zalman would seemingly deem problematic. It is unclear if Rav Moshe Feinstein agrees or disagrees with this ruling, and if one finds themselves in such a situation, they should clarify the halacha with a Rov.

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