

# Halachos of Yichud: Part IV Shiur

## GENDER ISSUES IN THE WORKPLACE

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A TRANSCRIPTION OF THE YORUCHA CURRICULUM WEEKLY SHIUR VIDEO

### INTERACTIONS BETWEEN MEN AND WOMEN:

In the first three parts of this series, we discussed the halachos of *yichud* in the workplace. We will now discuss several other halachos that relate to interactions between the genders at work.

The Rambam (Sefer Hamitzvos) lists "*lo sikrevu*," the prohibition for a man to have lewd contact with an "*ervah*," as an *issur d'ohrasya*. An *ervah* could be a married woman or even a single girl who is a *niddah*, as all single girls above the age of *bas mitzvah* are assumed to be today. He goes so far as to say that this prohibition falls into the category of "*yeherag v'al yaavor*," one must permit himself to be killed rather than to transgress. We know that only three *aveiros* fall into this category – murder, idol worship and forbidden relationships. Additionally, the Gemara in Sanhedrin says that anything that falls under the general category of these three prohibitions is also *yeherag v'al yaavor*. Since *lo sikrevu* is under the general category of *gilui arayos*, it too is *yeherag v'al yaavor*.

While the Ramban disagrees with the Rambam and says that such improper contact with an *ervah* is only forbidden *m'derabanan*, the Ran in Avodah Zara rules like the Rambam. Furthermore, the Ran says that even lewd discussions between a man and woman are forbidden *m'dohrasya* and are *yeherag v'al yaavor*.

The Shach writes that the practical halacha follows the opinion of the Rambam and Ran. The Bais Shmuel takes it a step further and rules that even if one touches a woman in a non-affectionate way, such as tapping her on the shoulder to get her attention, he has transgressed a *d'ohrasya*. Most Poskim, however, disagree with the Bais Shmuel and say that physical and verbal contact is only a Biblical prohibition if it is done "*derech chiba*," in an affectionate manner.

### MIXED-GENDER RELATIONSHIPS:

Rav Moshe Feinstein was sent a question by a young man in a summer camp who had become friendly with a young woman and despite being below the age of dating for marriage purposes, he wanted to continue the relationship. The young man said that he only wanted to know the letter of the law and was not interested in "*chumros*."

Rav Moshe cites the Rambam and Shach and affirms that touching or even speaking to a member of the opposite gender in an affectionate way is prohibited *m'dohrasya* and is *yeherag v'al yaavor*, and it would be completely forbidden to pursue this relationship. He added that the Shulchan Aruch even forbids eye contact in a suggestive manner or any form of lighthearted conversation.

He stipulates that there is only an *issur d'ohrasya* if the conversations are two-sided. If a boy speaks to a girl and she does not respond, he has only transgressed a *d'rabanan*.

In today's world, there are other forms of communication that could easily fall under this prohibition. Texting and email could easily lead

to lighthearted or affectionate conversation. If such conversations are two-sided, they would be forbidden *m'dohrasya*, and even if they are one-sided, they would be forbidden *m'drabanan*. For example, LinkedIn is a platform used mostly for business purposes, but it can also have its own share of pitfalls. A man told me that a female had posted a beautiful picture of a sunrise on LinkedIn and many males had commented on how nice it was. If they were commenting in a manner that they only would use for a female, and would never use for a male, they may have crossed the line into a serious transgression.

### SHOEL B'SHALOM ISHA:

The Gemara says that it is forbidden to be "*shoel b'shalom isha*," meaning it is forbidden to ask about or send personal regards to a woman, even through her husband.

The Aruch Hashulchan rules that it is permitted to say "good morning" to a female, as this is merely a formality and is not a term of affection at all. Today, it is standard to say, "Hello, how are you?" This would also be permitted, as it is merely a typical, formal greeting; however, it would usually be forbidden to take it a step further and to ask personal questions or to "*shmuz*," etc.

### "MINOR" PHYSICAL CONTACT:

A man sent a letter to Rav Moshe Feinstein asking if it is permitted for him to travel on a bus or subway in New York City. He noted that the buses are very crowded and men often inadvertently bump into women; therefore, he wondered if it was permitted to go on such a bus. Rav Moshe ruled that if the contact is completely unintentional, it is not a problem. Even in regards to shaking hands with women, he mentions that there are those who are more lenient because they feel it is not *derech chiba*, although he personally feels otherwise.

In another *teshuva*, someone asked Rav Moshe whether it was permitted to shake hands with women. Rav Moshe says unequivocally that he believes this is forbidden under the prohibition of *lo sikrevu*. In a third *teshuva*, someone seemed to feel that these two *teshuvos* contradict each other, so he asked Rav Moshe to clarify his stance. Is minor contact permitted or forbidden? Rav Moshe responded that the matter is actually quite simple. Contact in a way that is *derech chiba* is forbidden *m'dohrasya*. He personally was of the opinion that shaking hands is *derech chiba*, so, it too, is forbidden *m'dohrasya*. On the other hand, any contact that is not *derech chiba* is permitted; therefore, inadvertent contact on a bus is not something to be concerned about.

A closer look at the first *teshuva* shows that the questioner was a young Kollel man who was nervous about joining the workforce because he knew he would have to travel by bus and would be faced with this problem. Rav Moshe reassured him and told him not to be concerned about contact that is inadvertent. It is possible that in order to rely on this *heter*, one needs to be as careful as this young man. If someone



knows that he is not on that level and inadvertent contact with women could lead him to improper thoughts or actions, he must be even more careful and perhaps avoid riding crowded buses completely.

## BEING SERVED BY A WOMAN:

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The Gemara in Kiddushin relates that one Amora visited another in his home and asked his host if his wife could serve them something to drink. The other Amora responded that this would be prohibited because it is forbidden to be served by a woman that is not related.

Another Gemara relates that Shmuel permitted being served by a woman if it is "*l'shem shomayim*." Tosafos comments that people today rely on this Gemara to permit women to serve them.

We must now clarify what is included in the prohibition of a woman serving a man and what exactly is the *heter* of "*l'shem shomayim*". The Shulchan Aruch rules that one may not have a woman serve him by bringing him water to wash his feet, nor can she make his bed in front of him. While those halachos are not so relevant today, the next rule he writes is that a woman may not pour a drink for a man.

To clarify this halacha, we will quote the Shulchan Aruch in Hilchos Niddah. He writes that a woman who is a *niddah* may not pour a drink or serve food to her husband; however, she may do so with a "*shinui*," a deviation from the norm, as this will serve as a reminder not to be led to temptation. He says that the wife may serve her husband with her left hand (or with her right hand if she is left-handed). Alternatively, she may place the food at a bit of a distance from him.

The Rema says that some Rishonim say that these same rules apply to the prohibition of having an unrelated woman serve a man. She may not pour him a drink or serve him food unless it is done with a *shinui*. He then quotes an opinion that says that this is only prohibited in a private setting; however, in a public setting it is permitted for a woman to pour a drink or serve food to an unrelated man. Accordingly, it would be permitted for a secretary to pour a cup of coffee for her boss if other people are around. If no one else is in the area, it would only be permitted with a *shinui*.

The Rema then says that all of this is only forbidden if it is done *derech chiba*. If it is not done *derech chiba*, it is considered to be *l'shem shomayim*, and it is permitted. The Chelkas Mechokek and Bais Shmuel say that some places are accustomed to utilizing this leniency, and they may do so because that is the local custom. In other places, the custom is not to rely on this leniency, and people in those places must be stringent.

The Shulchan Aruch writes that one should "stay far, far away" from interactions that could lead to *aveiros*. From all of this, we see that the halachos of the separation of the genders are very relevant in the workplace; therefore, one must be very careful in his everyday actions to ensure that he avoids serious transgressions.

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