

Rabbi Yosef Kushner

Introduction: Let us begin this series of daily *halachos* on *yichud* by summarizing a number of the basic principles of *hilchos yichud* that are relevant for discussing *yichud* in the workplace.

- The *issur yichud* is defined on a *de'oraisa* level as a Jewish man and Jewish woman (who is married or is single but is a *niddah*, which includes nearly all single women nowadays) being alone in a private or secluded setting, i.e., where they are unlikely to have their privacy disturbed by others.
- *Yichud de'oraisa* only includes the seclusion of one man and one woman together. If one man and two women isolate themselves, it is *assur derabanan*.
- *Yichud* in the Office – *Yichud de'oraisa* can occur in an office where a man and woman lock themselves in the office and no one else has a key who may enter and exit at that time. If there are two women present, then it involves an *issur derabanan*.
- The Torah and Chazal understood that we are not specifically referring here to individuals who would be suspected of promiscuity. Rather, the *issur* applies to generally upright individuals who would not engage in illicit activities if there was any risk that they would be discovered by others entering and impinging on their privacy. However, if they feel that their privacy is assured and they will not be disturbed, then the Torah and Chazal suspect that their *yetzer hara* may take over and lead them to sin.

Question: What are some specific challenges regarding the laws of *yichud* that have arisen or become more common as a result of the pandemic of Covid-19?

Answer: Every society has its usual routines and norms that are followed by the population. That being the case, any

halachic issues that occasionally arise will usually be addressed and resolved over time. But when a sudden shift in routines and societal norms occurs, such as what has taken place over the past few months due to Covid-19, some halachic issues may suddenly surface that people have not considered.

Here is one example. In a normal business environment, a man may enter a store where a woman is working, even if no one else is present at the moment. This does not constitute a problem of *yichud* because the store is inherently not considered a private or secluded setting, as anyone can enter the store at any time.

However, during the current period, many businesses are operating by appointment only. If so, a woman who works in a store may let in a man (such as a *chassan* looking for a ring for his *kallah*) for a ten minute appointment or vice-versa, lock the door behind them, and the two would remain alone together. This would likely constitute an *issur yichud de'oraisa*.

Another example of a change in norms during this time involves dating. A couple going out on a date often meets in a hotel lobby or other public area where they can still talk quietly and not be disturbed. But now, when many of these venues are no available, it has become more common to go to an empty house or an empty office building, which would also likely constitute a clear *issur yichud*.