



# Seclusion:

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## Hilchos Yichud the principles and their application

**Yichud – seclusion of a man with any ‘forbidden’ woman, is inherently dangerous and the Torah itself forbids this problematic situation. The basic elements of these *halochos* need to be presented in as clear a way as possible so that members of the public are armed with the information needed to ensure that daily routines remain within the realm of *halachic* permissibility.**

This series of two articles will take the form of Questions and Answers relating to common situations which will serve as a platform for presenting the rules. In this week’s article, we will focus primarily on the number of people who need to be present in order to rule out *yichud*. In later articles, we will focus on some of the other methods resolve *yichud* problems.

Readers are advised to present their personal queries to their local Rabbonim. As always though, the Shailatext team is on hand to provide guidance on these issues where the need arises.

### CASE 1

**I am a *bochur* in Yeshiva and will be going to an aunt of mine for the evening. Do I need to be concerned about *yichud*?**

*Yichud* is a problem even if you are somewhat related to the woman in question. Parents, and grandparents with children and grandchildren are exempt; similarly, siblings are no issue. Further afield – aunts and cousins, and even adoptive brothers or step sisters can all present halachic challenges.

**If I bring along a friend, will that resolve the issue of *yichud*?**

To answer this question we will deal with the permissibility of situations of

*yichud* when ‘*shemira*’ – guardianship is in place. The basic premise is that when in the company of another man, fear of embarrassment acts as a deterrent; thus, one man acts as a ‘*shomer*’ for the other.

Not all men, however can act as a ‘*shomer*’; the *gemoro* in Kiddushin states that ‘*shmira*’ would apply only if the other man in question is “kosher” What does ‘kosher’ mean? This term is subject to great ambiguity; two great *Amora'im* - Rav and Rav Yehuda cast aspersions on their own ‘kosher’ status; as they humbly admitted, only the superior Rabbi Chanina Bar Papi qualified for this rarefied status.

Rambam and Shulchan Oruch conclude that nowadays based on the standards required by the above *gemoro*, no two men can act as *shomrim* for each other. Instead, other methods must be adopted in order to avoid the prohibitions of *yichud*.

Ashkenazi *halacha* is more lenient. Remo cites opinions that the conduct of these *Amoroim* was unique and went **beyond** the letter of the law. In his view, any men who conduct themselves in a kosher manner are considered to be *shomrim* for each other and remove the prohibition of *yichud* with a foreign woman.

It is commonly accepted in the Ashkenazi world to permit daytime *yichud* of two men with one woman.

**Can my friend and I stay overnight in the home of my great-aunt?**

In the previous answer we dealt with day time situations, and allowed two ‘kosher’ men to be in *yichud* with a woman. At night time, Chazal demanded increased vigilance. The general rule for night time is that one needs **two** *shomrim* to be present.

Does the onset of nightfall require a second *shomer*? *Poskim* agree that night begins at the point at which the people in question are likely to begin sleeping. This would mean that although nightfall itself does not trigger the need for a second *shomer*, the need does when the *shomer* in question, located in the place he plans to sleep for the night, may begin to sleep. If the *shomer* is a young sibling, this may be quite early in the evening. Conversely, if the *shomer* does not plan to sleep as he is entertaining guests, one *shomer* would still suffice.

In a similar vein, when travelling in truly secluded locations, *yichud* is permitted only if two *shomrim* are present – this would necessitate three men to be present.

In your case, sleeping overnight would be permitted if you would be accompanied by another two friends. If you were not able to invite other friends, there may be room for further permission depending on the layout of your great-aunt’s home. You would need to discuss your question with a Rov who, when equipped with the necessary information may be able to determine that *halachically* the house can be considered split into two.

In memory of  
**Leslie and Freda Aaronson**



# making sense of the confusion

## CASE 2

I and two other female colleagues are currently undergoing a short course as part of our CPD; we go weekly for a lecture to the home of our instructor – we have a male teacher – is this a problem of *yichud*?

Although *halacha* views two men as '*shomrim*' – for each other and allows them together to be in *yichud* with one woman, this is not the case for women. Chazal were concerned that their *shemira* of each other would not suffice.

Rambam, and many other Rishonim teach that no matter the number of women who are present, a lone man would need further **male** *shemira*. This is the teaching of Shulchan Oruch, and contemporary *poskim* rule that even Ashkenazim should try to follow this ruling.

There is, however, a lenient school on this matter. *Poskim* note the opinion of Rashi - who in his commentary to the *gemoro* [KIDUSHIN 82A] teaches that once there are three or more women present, *yichud* is permitted as the women provide '*shemira*' for each other.

Although there is room to allow a man to be in *yichud* with three women, this is not always the case. Chazal demanded that we employ stricter means of *shemira* for someone whose job requires him to develop friendships with women – he is considered '*isko im hanoshim*'. Through no fault of his own, he may not be in *yichud* with three women.

When a group of women find themselves in situations in which they need to spend time with a male instructor, they are advised to speak to a Rov to discuss the relevant aspect of the question.

Best would be to arrange for the session to be conducted in a public location.

## Case 3

I have invited a friend this evening to study for an exam. My parents will be out but my 15-year-old brother will be at home. He is worried that this will be *yichud*. Is this a concern?

To recap, ideally a man should avoid *yichud* with any number of girls and it would be forbidden if there were less than three of them; this is a problem even if the man is in *yichud* with two ladies who are related to each other.

Your question, however, is different – as the group of girls includes his own sister. The man in your question is allowed to be in *yichud* with his sister – in turn his sister can act as a '*shomer*'. During the day time, when one *shomer* is sufficient, this is permitted; late at night, two *shomrim* are required – so if the friends will be staying over-night this would be problematic.

## Summary

- ➔ Two men can act as *shomrim* for each other during the day. At night, or when travelling in deserted locations, three are required.
- ➔ Although a man should not be in *yichud* even with three women, where there is a need one can rely on opinions who allow this.
- ➔ Although a man may not be in *yichud* with two women, if one of them is a close relative of his (sister or mother) then there is no *yichud* with the other woman.

## CASE 4

My husband and I are going out this evening, and my boys are growing up – from what age do I need to be concerned about employing a girl babysitter?

Although they are young, children are subject to the laws of *yichud*. Girls and boys are viewed differently with regard to these halochos. For boys *yichud* is an issue once he has reached nine years old. For girls, *yichud* is a problem from age three. So if your boys are all under nine years of age, then you may take a girl as a babysitter.

If you have a nine-year-old boy then you can employ a female babysitter only if there are *shomrim* in place; as always, at night time you would need two *shomrim*. A child can be a *shomer* once they are old enough to report inappropriate behavior – in most cases this would be from age 5-6.

As a further precautionary measure, Rabbonim recommend employing girl babysitters wherever possible – this even where *shemira* is technically in place. On a halachic level, male children over the age of five would be sufficient to provide '*shemira*' for their sister when a male babysitter is being used purposes – one would need two *shomrim* at night.

## Summary

- ➔ A boy is subject to the rules of *yichud* once he reaches nine years of age. A girl's *yichud* begins from age three.
- ➔ When making babysitting arrangements, remember that at night time two *shomrim* are necessary
- ➔ A child can only act as a *shomer* from an age that they would report indecent behaviour to someone else.

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