

TALMUD TORAH 2:4

by Rabbi Yitzchak Etshalom

4: Someone who is unmarried should not teach children, on account of their mothers who come to their children. A woman should not teach children on account of their fathers who come to their children.

Q1: Why distinguish between men and women this way; that all women may not teach, because of the fathers, but married men may teach?

YE: The source of this Halakha is the Mishna at the end of Kiddushin: "A bachelor should not teach, nor should a woman teach; R. Elazar says: even someone who has no wife should not teach" (the Gemara explains that this refers to a man who is married but whose wife is away at the time). Gemara: (82a) "What is the reason (for this prohibition)? - a bachelor, on account of the mothers of the children (Rashi: the children's mothers are frequently in his company, as they bring their children to the school); and a woman on account of the fathers of the children."

The problem is *Yichud* - the prohibition of being in seclusion with a (sexually) prohibited member of the opposite sex. Some of the *Nos'ei Keilim* (commentaries on the MT) indicate that R only allows the man to teach if his wife is with him - in which case, the parallel case would be for the woman to teach while her husband is with her at home - which raises the question: why would anyone think that this is prohibited?

By the way, the Rosh (Rabbenu Asher b. Yechiel, d. 1327, Toledo, Spain) indicates (Kitzur Piskei haRosh, Kiddushin 4:26) that this law is equal for women - only unmarried women may not teach.

Q2: Shouldn't this Halakha be more properly placed in Hilkhos Issurei Biah (Laws of Forbidden Sexual Liaisons), chapter 21, where all of the sex-separation laws are mentioned?

YE: Indeed, it is found there! (22:13) with a bit more detail. R, however, also codifies it here because this is the definition of "who may teach" - just as in the previous Halakha, he indicated the need to have a God-fearing and sharp teacher; here he is adding one more component to the job description.

By the way, Jay Bailey's posting (found in archives: 2:2), about the differences between the functions of the educational system then and now are relevant here: Clearly, there was no "school building" in today's sense, as much as a private house (which will be discussed at greater length in TT 2:7) - which is why these problems of *yichud* arise.

Rambam, Copyright (c) 1999 Project Genesis, Inc.