

PHYSICAL CONTACT WITH BLOOD RELATIVES

by Rabbi Doniel Neustadt

The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

Moshe heard the people weeping in their family groups (11:10)

They were frustrated by the family laws that regulated permissible relationships (Rashi)

QUESTION: Are there any restrictions on physical contact [hugging, kissing, touching, etc.] between relatives?

DISCUSSION: Although it is well-known and fully accepted that marriage between certain relatives is strictly forbidden, it is not so well-known that physical contact between them is also forbidden. For the purpose of our discussion, we have divided "relatives" into three separate groups. Physical contact with members of group A is permitted; with members of group B, strictly forbidden; and with members of group C, neither strictly forbidden nor expressly permitted. Rather, in the words of the Rambam(1) and the Shulchan Aruch(2), it is "most deplorable, a prohibited (type of) action, and an act of foolishness(3)".

Let us now list (in no particular order) the various relatives(4) in their respective groups:

Group A: Permitted

For Men:

1. A sister under the age of 11(5).
2. A daughter(6).
3. A granddaughter(7).
4. A mother.
5. A grandmother.

For Women:

1. A brother under the age of 12(8).

2. A son.
3. A grandson.
4. A father.
5. A grandfather.

Group B: Strictly Forbidden

For Men:

1. An uncle's wife.
2. A niece(g) over the age of 3(10).
3. A cousin over the age of 3(11).
4. His wife's sister over the age of 3.
5. His daughter-in-law and mother-in-law(12).
6. His brother's wife.

For Women:

1. Her uncle over the age of 9.
2. A cousin over the age of 9.
3. Her husband's brother over the age of 9.
4. Her son-in-law and father-in law.
5. Her sister's husband.

Group C: Neither Forbidden nor Expressly Permitted

For Men:

1. A sister over the age of 11(13).
2. An aunt [his father's or mother's sister] over the age of 3(14).

For Women:

1. Her brother over the age of 12.
2. A nephew over the age of 9.

FOOTNOTES

1. Hilchos Isurei Biah 21:6 (loose translation).

2. E.H. 21:7.
3. According to the explanation of Igros Moshe Y.D. 2:137, the Rabbis have deemed it "deplorable" and "foolish" because it may lead to physical contact with other relatives with whom physical contact is strictly forbidden, like the ones listed in group B. See also Otzar ha-Poskim 21:51 who quotes Batei Kehunah as saying that it is not a strong Rabbinic prohibition like other Rabbinic prohibitions; it is merely a *derech zehirus be'alma*".
4. We have limited this discussion to blood relatives. See pg. 94 concerning adopted children and step-parents.
5. E.H. 21:7 and Beis Shmuel 9. The age of 11 is based on O.C. 73:4.
6. Igros Moshe E.H. 1:60 and E.H. 4:63 maintains that it is proper to be stringent and not kiss a married daughter or granddaughter. Other poskim, however, do not mention this stringency and this seems to be the prevailing custom.
7. Chelkas Mechokek E.H. 21:10; Beis Shmuel 14 concerning a daughter's daughter. Igros Moshe E.H. 1:60 rules that a *ba'al nefesh* should not hug or kiss a son's daughter but there is no need to object to those who are lenient. Aruch ha-Shulchan 21:10, Tzitz Eliezer 6:40-20 and Shearim Metzuyanim b'Halachah 152:16, rule that there is no difference and both are equally permissible. This is the prevailing custom.
8. E.H. 21:7 and Beis Shmuel 9. The age of 12 is based on O.C. 73:4.
9. Igros Moshe Y.D. 2:137.
10. Harav S.Z. Auerbach (quoted in Avnei Yashfei, pg. 189). For a general discussion concerning the age of three, see The Weekly Halchah Discussion, vol 1., pg. 238-239.
11. See above footnote.
12. Igros Moshe E.H. 4:63, who rules that it is Biblically prohibited.
13. Rambam and Shulchan Aruch quoted in footnotes 1 and 2. The age of 11 is based on O.C. 73:4.
14. Rambam and Shulchan Aruch, *ibid.* classify an older sister together with an aunt. Apparently, even a young aunt is included in this category.

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