

HILCHOS YICHUD: RULINGS OF HARAV MOSHE FEINSTEIN

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The laws of yichud are complex and detailed and the opinions of the poskim are diverse and contradictory. This discussion will focus exclusively on the rulings of Harav Moshe Feinstein, one of the greatest halachic authorities of our generation. Dissenting opinions appear in the footnotes. A final ruling will depend on the specific circumstances of each situation and the individual rav's decision according to the facts presented to him.

WITH WHOM IS YICHUD FORBIDDEN?

Unless they are married, a man may not be alone with any woman, and a woman may not be alone with any man, with the following exceptions:

- * His mother and grandmother; her father and grandfather.
- * His daughter and granddaughter; her son and grandson.
- * His sister; her brother. Brother and sister may not live together in the same house for a period of time which exceeds the normal stay of a house guest. They should also not be left together unchaperoned when their parents are away for an extended period of time.(1)
- * His father's sister and his mother's sister.(2) They may not live together in the same house for a period of time which exceeds the normal stay of a house guest.
- * His adopted daughter; her adopted son. This is permitted only as long as both adoptive parents are alive and married to each other.(3) (Example: An adoptive father may not be secluded with his adopted daughter after his wife passes away, or if he divorces his wife.)

Yichud with a daughter-in-law or a mother-in law is strictly forbidden.(4)

AT WHAT AGE DOES THE PROHIBITION OF YICHUD BEGIN AND END?

A male over thirteen is prohibited from being alone with a female over the age of three. Under extenuating circumstances, it is permitted to be alone with a female who is under the age of seven.(5)

A female over twelve may not be alone with a male over nine.

In certain circumstances it is permitted for a woman to be alone with an old man who is bedridden.(6) A rav must be consulted.

LENIENCIES OF YICHUD

Under certain conditions, the prohibition of yichud may be circumvented. These conditions include: If one's husband [or wife] is in town; if the door is open; if more than one man is present; if more than two women are present; if a child or another chaperone is present. Each one of these conditions has its own sets of rules, so they must be explained individually.

An important note: The halachos described below apply to yichud with a G-d fearing, observant Jew. When the man with whom the yichud will occur is a non-Jew or a secular Jew [referred to in halachah by the Hebrew term *parutz*], some of the halachos change. A rav should be consulted.

IF THE HUSBAND IS IN TOWN:

"In town" means that he is able to come home at any time he chooses.⁽⁷⁾ Even if he works on the other side of town, as long as he sets his own work hours [like a salesman does], it is considered as if he is "in town." If, however, he works fixed hours and cannot leave his workplace whenever he wants, it is considered as if he is "out of town."⁽⁸⁾

When the husband is "in town", the fear of his appearing suddenly is a deterrent to his wife's engaging in illicit behavior. But the wife fears her husband's sudden appearance only in a place where he is likely to find her (e.g., her home; her office). If, however, she secludes herself in a place where her husband will not easily find her, yichud is forbidden even if her husband is "in town."⁽⁹⁾

Her husband's presence "in town" does not override the prohibition of yichud if a close, long-standing friendship exists between the man and the woman.⁽¹⁰⁾

Although a husband's presence "in town" alleviates the prohibition of yichud for his wife, the reverse is not true. The presence of a wife "in town" [but not in the house or in the immediate vicinity] does not mitigate her husband's yichud prohibition.⁽¹¹⁾

IF THE DOOR IS OPEN:

The door does not need to be actually open to permit yichud. Even if the door is closed but not locked, or even if it is locked but there is a reasonable possibility that people may knock on the door [or ring the bell] and expect to be answered, yichud is permitted.⁽¹²⁾

Even if the door is locked, if the window shades or drapes are open and there is a clear view into the room, yichud is permitted.⁽¹³⁾

When driving on an open highway, one should not be alone with a woman in a car. Under extenuating circumstances, one may be lenient, even at night and even with a non-Jewish driver.⁽¹⁴⁾

It is proper to be stringent and not rely on the "open door" leniency if a close, long-standing friendship exists between the man and the woman.⁽¹⁵⁾

IF MORE THAN ONE MAN IS PRESENT:

Yichud is permitted with two or more men during the day-time and evening hours, and with three or more men during nighttime sleeping hours. (16)

IF MORE THAN TWO WOMEN ARE PRESENT:

The rishonim argue whether(17) yichud is permitted when more than two women are present. Rashi, quoted by Rama, holds that when three(18) women are present, yichud is permitted(19). Rambam, quoted by the Shulchan Aruch, holds that the presence of a greater number of women does not alleviate the prohibition of yichud. The basic halachah follows the view of the Rambam.(20) Consequently, a man may not be alone even with a hundred women.(21)

IF A CHILD CHAPERONE IS PRESENT:

During daytime and evening hours, yichud is permitted if a child is also present. During nighttime sleeping hours, two children are required. There are conflicting opinions(22) as to the minimum and maximum ages for the child as regards this halachah. Harav Feinstein is quoted(23) as ruling that either a boy or a girl chaperone must be at least seven years old. Once they become bar/bas mitzvah, they are no longer considered children.(24)

GENERAL RULES

A man is permitted(25) to be secluded with a woman in the presence of his grandmother, mother, daughter, granddaughter, or sister(26) [of any age over seven]. During nighttime sleeping hours, an additional chaperone is required.

Two sisters cannot serve as chaperones for each other.(27) Thus yichud with two sisters is forbidden.

A man and a woman may remain alone in a home where the parents of one of them are sleeping.(28)

During regular office hours, a woman may be alone with her doctor. After regular office hours, her husband or a child must accompany her.(29)

Yichud is prohibited even for a very short time, as long as the possibility exists that it may last for a longer time.(30) Being together in an elevator, though, is not forbidden because of yichud.(31)

Yichud is prohibited even if the man and the woman are in two separate rooms in the same house and each one can lock his/her door from the inside.(32)

FOOTNOTES:

1 Igros Moshe E.H. 4:64-3. While all poskim agree that one may not "live" with his sister, there are different opinions as to what "live" means. Some (Imrei Yosher 2:43) hold that less than thirty days is permitted, while others (Shevet ha-Levi 5:201-2) hold that no more than three days is permitted. According to Harav Feinstein's ruling quoted above, it all depends on the length of stay of a typical house guest. Thus a sister who is visiting from a distant city may stay longer than a sister visiting from a nearby area, just as a guest from afar stays longer than a guest from nearby.

2 Igros Moshe E.H. 4:64-1. Other poskim do not mention this leniency.

3 Igros Moshe E.H. 4:64-2. Almost all other poskim disagree and hold that yichud is not permitted with adopted children.

4 Igros Moshe E.H. 4:63; 64-1. This is the basic halachah. A minority view (R'ashash, Kiddushin 81b; Salmas Yosef 34) allows yichud with these relatives. Generally, one should not rely on this leniency.

5 Oral ruling by Harav M. Feinstein (quoted in Children in Halachah, pg. 40) based on the rationale presented in Igros Moshe E.H. 4:65-12, where, in the final analysis, Harav Feinstein is hesitant to permit this. He writes, however, that he would not object to those who are lenient.

6 Igros Moshe E.H. 4:65-10. See also Tzitz Eliezer 6:40-22.

7 A husband who is jailed is not considered "in town" - Igros Moshe E.H. 4:65-7.

8 Igros Moshe E.H. 4:65-7. Other poskim rule that as long as he is literally in the same town, even if he is presently unable to come, he is still considered to be "in town."

9 Igros Moshe E.H. 4:65-21. In addition, some poskim hold that a husband "in town" only serves as a deterrent when the wife is meeting the man without the husband's knowledge. If, however, they are meeting with his permission [either in her home or in his] then the wife will not be as deterred by her husband's being in town (see Binas Adam 126:27 for an elaborate explanation). Other poskim (Chida, Chazon Ish) do not agree with this stringency. Igros Moshe rules that while it is appropriate to be stringent, under extenuating circumstances one can be lenient.

10 E.H. 22:8. See Igros Moshe Y.D. 2:35.

11 Igros Moshe E.H. 4:65-6. Other poskim are more lenient.

12 Igros Moshe E.H. 4:65-4. Harav Feinstein's ruling here is extremely lenient and it goes against the view of all other poskim. While many poskim are of the opinion that an unlocked door is considered an "open door", or even that a locked door is considered an "open door" when someone with a key may come in at any time, no other poskim allow yichud behind locked doors just because someone who may knock on the door and expects to be acknowledged, may come. Ohalei Yeshurun, pg. 14 quotes Harav Feinstein as ruling orally that this leniency can be relied upon only under extenuating circumstances.

13 Igros Moshe E.H. 4:65-2.

14 Igros Moshe Y.D. 2:82; E.H. 4:65-3. Many other poskim are lenient about yichud in a car at all times, and especially if the highway is heavily traveled; see Devar Halachah 15:1 quoting Harav S.Z. Auerbach; Shevet ha- Levi 5:202-1. See Otzar ha-Poskim E.H. 22:35-8 for more opinions.

15 Igros Moshe E.H. 4:60; 4:65-9, based on Beis Shmuel and Chelkas Mechokek E.H. 22:13, unlike the Taz 22:5 who is lenient.

16 Igros Moshe E.H. 4:65-15, based on Rama E.H. 22:5. Most poskim agree with this. [At night, yichud is not permitted even if two men and two women are present, *ibid*. If two men and three women are present, Chochmas Adam 126:3 is lenient.]

17 Rashi, Kiddushin 81b, quoted in Rama E.H. 22:5.

18 During nighttime sleeping hours, some poskim hold that Rashi permits yichud with a minimum of four women. Under extenuating circumstances, three women are sufficient [even according to Rashi's view], Igros Moshe E.H. 4:65-20.

19 An exception to this leniency is when the man and woman involved are business associates or the man's job is such that he must deal directly with these women, e.g., a salesman of women's clothing.

20 Igros Moshe E.H. 4:65-14. M'harsham 3:152 also rules like the Rambam. Divrei Malkiel 4:102 rules in accordance with Rashi's view. Shevet ha-Levi 3:183 is lenient only under extenuating circumstances.

21 Ramban and Ran, Niddah 5a.

22 See Devar Halachah, pg. 50-52 for all of the views. Some allow yichud in the presence of a girl over age three and a boy over age five or six.

23 Children in Halachah, pg. 46-47; Ohalei Yeshurun, pg. 17.

24 Other poskim maintain that once they reach the age of nine they are no longer considered children. See also Igros Moshe O.C. 1:26 where he quotes, without dissent, the view of the Bach that nine is the maximum age for being a chaperone. It seems correct, therefore, that the maximum age of bar/bas mitzvah should be relied upon only under extenuating circumstances.

25 Some poskim do not agree with this leniency, but many others do.

26 Igros Moshe E.H. 2:15; 4:65-8. Possibly, his father's or mother's sister are also considered chaperones. [Igros Moshe E.H. 4:64-3 seems, without explanation, to permit yichud with a woman and her daughter or granddaughter. If this is truly Harav Feinstein's view (it may very well be that this is a printing error), it is contrary to the view of all other poskim and is against the basic principals of hilchos yichud. This ruling should not be relied upon without further investigation.]

27 Igros Moshe E.H. 4:64-3.

28 Oral ruling by Harav Feinstein quoted in Ohalei Yeshurun, pg. 7.

29 Igros Moshe E.H. 4:65-1. Many poskim agree with this, while others are more stringent.

30 Igros Moshe E.H. 4:65-16. See also Minchas Shelomo 91.

31 Igros Moshe E.H. 4:65-22. Most poskim agree with this leniency.

32 Igros Moshe E.H. 4:65:19. Other poskim are lenient in this case; see Chazon Ish 34:2 and Salmas

Chayim 151. See also Sha'ar ha-Tziyun 239:17.

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