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YESHIVAS IYUN HALACHA

YAD REFAEL  
HILCHOS YICHUD PROGRAM

# HILCHOS YICHUD SHIUR 1

סימן כב סעיף א

With Whom Yichud is Forbidden

The Hilchos Yichud program is sponsored  
l'ilui nishmas Refael ben Emmanuel z"l

by the Rubin family

SECOND EDITION

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# HILCHOS YICHUD SHIUR 1

## מראה מקומות

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### סימן כב סעיף א

לז: כי אתא רבין *Gemora Avoda Zara*

מאי על ד"א *until*

והמתייחד אפילו עם פנויה *Tur until*

ד"ה וכתב הרמב"ם *Bais Yosef*

לז. סוגה בשושנים *Gemora Sanhedrin*

ריש לקיש *until*

וא"ת *until* ד"ה התורה *Tosefos*

*Shulchan Aruch*

*Bais Shmuel, Chelkas Mechokek*

ס"ק א *Pischei Tshuva*

וכתב עוד *until* ס"ק ב *Pischei Tshuva*

*Gemora Kiddushin*

פא: מתייחד אדם עם אמו

אפילו עם בהמה *until*

תנאי היא *until* ד"ה מתייחד *Rashi*

אבה"ע ח"ד סימן סד *Igros Moshe*

## HILCHOS YICHUD INTRODUCTION

Yichud is the prohibition for a man and woman to be secluded together.

The prohibition of yichud is associated with the pasuk in (דברים יג ז) that states: "כי יסיתך אחיך בן אמך", if your brother the son of your mother will lure you (to sin).

The Gemora in Kiddushin (פ ע"ב) cites Rabbi Yochanan in the name of Rabbi Yishmael who learns a רמז (hint) from the above pasuk to the prohibition of yichud. He expounds: Will only the son of your mother lure you, and not the son of your father? Rather, the reason the Torah mentions "the son of your mother" is that there is no prohibition of yichud with one's mother. The inference is, that there is a prohibition of yichud with other עריות.<sup>1</sup>

The Gemora in Sanhedrin (כא ע"ב) and Avoda Zara (לו ע"ב) states that at that time (after the incident of Amnon and Tamar<sup>2</sup>) Chazal enacted the prohibition of yichud. The Gemora questions this based on the above statement of Rabbi Yochanan. The Gemora answers that yichud with a married woman (and all other forbidden relations with certain exceptions) is a Torah prohibition (as per Rabbi Yochanan). Dovid Hamelech (in the time of Amnon and Tamar) enacted the prohibition of yichud even with an unmarried woman, and Bais Shamai and Bais Hillel enacted the prohibition of yichud even with non-Jews.

### מדרבנן או מדאורייתא

#### ♦ עריות

There is a machlokes Rishonim whether the prohibition of yichud with עריות is a Torah prohibition or a rabbanic one.

- ♦ The Rambam (איסורי ביאה פכ"ב ה"ב) writes that the prohibition of yichud with עריות is "מפי הקבלה". מפי הקבלה refers to a גזירה דרבנן (a prohibition that Chazal enacted to prevent a forbidden act). This is based on the word רמז in the Gemora, which implies a hint used by the Rabbanan to support the gezaira. The Bais Yosef explains that according to the Rambam, when the Gemora says that yichud is דאורייתא, it does not mean that it is a Torah prohibition, rather that there is a hint in the Torah, and the gezaira was enacted before the time of Dovid Hamelech.
- ♦ The Smag (נלאוין קכו) writes that the prohibition of yichud with עריות is d'oraissa. This is also the opinion of Rabbainu Channanel in Avoda Zara, Rashi in

1. The Biur Hagra (סימן טו סעיף א) lists 18 women that are included in עריות. These are the ones mentioned in פרשת אחרי מות and are those that kiddushin does not take effect.

2. See שמואל ב פרק יג.

Shabbos (לז ע"א ד"ה התורה), Tosefos in Sanhedrin (יג ע"א ד"ה מה אשת רעהו), the Rashba (מצוה קפח), the Chinuch (שו"ת סימן תקפז) and the Tur.

L'halacha, the Bach and Chochmas Adam write that the prohibition of yichud with עריות is מדאורייתא.

### ◆ חייבי לאוין

The Bais Shmuel (ס"ק א) writes in the name of the Prisha that when the Gemora writes עריות,<sup>3</sup> it is לאו דוקא (not exact) and even if the woman is only prohibited because of a לאו (a negative commandment for which the punishment is מלקות)<sup>4</sup>, there is still a Torah prohibition of yichud. The Pischei Tshuva (ס"ק א) however cites the Sha'ar Hamelech who disagrees and is of the opinion that there is no Torah prohibition in a case of חייבי לאוין.

### ◆ Two Women

The Pischei Tshuva (ס"ק א) writes in the name of the Chavos Ya'ir that even according to those who hold yichud with עריות is Torah prohibition, that is only where it concerns only one man and one woman. However, if there is one man and two women, although we will learn that there is a prohibition of yichud, it is only מדרבנן.

## The Shiur of Yichud

The poskim discuss whether there is a minimum amount of time they must be secluded for yichud to be forbidden, but less than that is permitted.

There are two scenarios:

### 1. There is nothing that will interrupt the yichud.

If there is nothing that will interrupt the yichud, then yichud is prohibited even for a short amount of time (even for a second). Since there is nothing to stop the yichud from continuing, we suspect that even if one of them has in mind to leave shortly, it will continue. This is the opinion of the Maharil Diskin cited in D'var Halacha (פרק טו אות ב), and of Harav Shlomo Zalman Auerbach Zt"l (Minchas Shlomo ח"א סימן צא אות כב, taken from the footnote of his haskama to D'var Halacha), who state that each second is prohibited. This is also the opinion of Minchas Yitzchok (ח"ד סימן צה) and Shevet Halevi (ח"ג סימן קפב). The Shevet Halevi adds that this is because of the prohibition of yichud itself, and not because of חצי שיעור (the Torah forbids issurim even if they are less than the required amount).

3. The punishment for עריות is either כרת (dying young without children) or מיתת בית דין (capital punishment).

4. For example, a divorced woman to a Kohen, and a ממזר.

## 2. Something will interrupt the yichud.

The other scenario is if the yichud will be interrupted. An example of this is, if you know that someone will soon be coming into the house but not immediately. The D'var Halacha (ibid) cites the Imrei Aish who learns this from the din of sotah. The Rambam (פ"א מוטה) and Shulchan Aruch (סימן קעה ס"ד) rule like the opinion in the Gemora (מוטה ד.) that in order for a woman to be considered a sotah, she and the man under suspicion must be secluded for the amount of time it takes to roast an egg and eat it. However, Igros Moshe (כב) writes that you must add the time it takes to prepare to have relations. Furthermore, time must be added for the man to convince her, and this depends on the relationship between them and the type of woman.

Many poskim however use the time of sotah, but they disagree how long this takes. D'var Halacha writes 35 seconds, Orchos Habayis (פי"ד הערה פ) writes two minutes, and Minchas Yitzchok (ח"ד סוף סימן צו) writes five minutes.

This is the main issue regarding yichud in elevators. We will learn more about this in a later shiur.

## סימן כב סעיף א – WITH WHOM

### Mother and Daughter

The source of this din is the Mishna in Kiddushin (פ ע"ב).

**The Mechaber writes:**

**It is forbidden to be secluded with any woman that it is forbidden to marry, whether she is old or a child,<sup>5</sup> as it leads to forbidden relations. The exception is a mother with her son, and a father with his daughter.**

### A Wife Who Is a Nida

The source that there is no prohibition of yichud with a person's wife is the Gemora in Sanhedrin (ל"ז ע"א):

There was a heretic who told Rav Kahana: You say that it is permitted for a nida to be secluded with her husband. Is it possible that there is a fire in wood-shavings and nothing will get burned (meaning is it possible that people will overcome their desire)? Rav Kahana answered him: The Torah (שיר השירים פרק ז) testifies about us סוגה בשושנים (a fence of roses protects them, meaning a small separation is enough to protect them).

5. We will discuss yichud with the elderly and children in shiur 6.

There is a difference of opinion amongst the Rishonim why there is no prohibition of yichud in this case. Tosefos in Sanhedrin (ד"ה התורה) writes that there is only a prohibition of yichud if the prohibition will not become permitted. Since a person's wife will be permitted to him (when she becomes tahor), we do not suspect that they will come to sin. The Rosh (סוף הלכות נדה בקצרה) offers an alternate explanation, that since it is difficult for a husband and wife to live together without secluding themselves, it is permitted.

## Chosson and Kallah

The source of the din of a chosson whose kallah is a nida is the Gemora in Kesubos (ד.).

Similarly, if a person's wife became a nida, he must sleep with the men and she must sleep with the women.

The Gemora later explains that this is only if they never had relations, but if they already had relations they can sleep together (in the same room because there is no prohibition of yichud).

Rashi explains that when they did not yet have relations the desire is very strong, and therefore it is prohibited for them to be secluded.

The Chazon Ish (אבן העזר סימן לד סוף אות ג) writes that the prohibition of yichud in this case is מדרבנן.

**The Mechaber writes:**

**A husband with his wife who is a nida (do not have a prohibition of yichud). If a choson's wife became a nida before they had relations, he is forbidden to be secluded with her. Rather, she sleeps with the women and he sleeps with the men. If they had relations once and then she became tameh (nida), they are permitted to be in seclusion (see Yoreh Daya קצב סימן).**

There in Yoreh Daya (סעיף ד) the Rama writes that the minhag is that a boy sleeps in the room with the chosson and a girl sleeps in the room with the kallah.

Chut Shoni (דינים העולים אות ו) writes that if there is another couple in the house, the chosson and kallah can sleep in their own room together if the door is left open. My understanding is that this only helps if the couple is informed that the kallah is forbidden to her husband.

The poskim discuss what the din is if they only had incomplete relations and she then became a nida. This issue is beyond the scope of this shiur; a rav should be consulted.

## Sister

The source of the din of yichud with a sister is the Gemora in Kiddushin (פא ע"ב).

Rav Yehudah said in the name of Rav Asi: A person may be in yichud with his sister, and may live with his mother and with his daughter (alone in one house). When this was said in front of Shmuel, he said that yichud is forbidden with any woman one may not marry (implying even a mother or sister).

Rashi explains that according to Rav Asi yichud with one's sister is permitted temporarily, as long as they do not live together. The reason it is permitted to live with one's mother or daughter is that the Anshei Knesses Hagedolah prayed that there should not be a desire for them.<sup>6</sup>

The Gemora raises the objection that Shmuel's opinion contradicts the Mishna which states that yichud with one's mother is permitted, and answers that it is a machlokes Tanaim.

#### ♦ Rosh

The Rosh (סימן נד) paskens like Rav Asi since he was greater than Shmuel, but concludes that one who is strict receives a blessing.

#### ♦ Rambam / Tur

The Rambam and Tur do not cite the din of a sister. The Bais Shmuel (סי"ק א) explains that although the halacha is like Rav Asi rather than like Shmuel, that is only regarding one's mother. However, regarding a sister, where Shmuel is consistent with the Mishna, the halacha is that yichud is prohibited. However, the Pischei Tshuva (end of סי"ק א) refers us to סימן קע"ה סעיף ה' and the Mishna L'melech in Hilchos Sotah (פ"א ה"ג). The Shulchan Aruch there, based on the Rambam, writes that if a man warns his wife not to seclude herself with two people, even if they are her two brothers, and she ignores his warning, she has the din of a sotah. The Mishna L'melech explains that even though brothers are permitted according to the din of yichud, she still has the din of sotah. We see that the Mishna L'melech assumed the Rambam holds a brother and sister do not have the prohibition of yichud.

#### ♦ L'halacha

The Chelkas Mechokek (סי"ק א) writes that one who is strict will receive a blessing. The halacha is one may be lenient temporarily.

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6. The Gemora in Sanhedrin (סו ע"א) states that the Anshei Knesses Hagedolah first prayed that there should not be a desire for avodah zara. They then prayed that there should not be a desire to sin [with עריות – Rashi], but then people stopped having children. They therefore “blinded the יצר הרע” which had an effect that there is no desire for relatives. Rashi there writes that relatives are a mother and sister, but Igros Moshe (אבה"ע ח"ד סימן סד אות א) writes that the word *mother* is a mistake, because there was never a desire for one's mother from the time of creation as we see in Sanhedrin (קג ע"א). This is why one may live together with one's mother but not with one's sister.

The question is what is called temporarily. The Imrei Yosher (ח"ב סימן מג) writes that up until thirty days is permitted. However, Igros Moshe (אהע"ז ח"ד סימן ס"ד אות ג) writes that if the brother or sister is there as a guest it is permitted. He or she should not stay longer than a guest usually stays. This depends on whether he is there from far away or nearby. Shevet Halevi (ח"ה סימן ר"א אות ב) also argues with the Imrei Yosher, and concludes that up to three days is permitted and thirty days is prohibited. I understand that between three and thirty days depends on the circumstances. However, Igros Moshe writes that if he acts as if he lives there, even one night is prohibited.

## Grandchildren / Grandparents

The Pischei Tshuva (ב"ק ב) writes in the name of the Bach that a granddaughter and great granddaughter etc. have the same din as a daughter. The same applies to a grandmother and great grandmother, that they have the same din as a mother.

## Other Relatives

Rabbainu Yerucham writes that according to Rav Asi, yichud is permitted temporarily with all relatives such as a sister or aunt. D'var Halacha explains that this means blood relatives, such as a father's or mother's sister, but not relatives through marriage. The reason they are permitted is because they are the same as a sister that the Anshei Knesses Hagdolah prayed that there should not be a desire for them. The Rashash (on Rashi) also writes that when the Gemora writes sisters it means to include other (blood) relatives. This also seems to be the psak of the Igros Moshe (ibid). However, since none of the other poskim mention this heter, and even sisters is a machlokes, yichud is forbidden with relatives such as an aunt, unless there are also other heterim to rely on.

## Converts

Igros Moshe (אבה"ע ח"ד סימן סד אות א) writes that if a non-Jew becomes a convert together with his children, even though they are not considered related, since there is no natural desire for each other, there is no prohibition of yichud. He proves this from Amon<sup>7</sup> and his mother cited in Sanhedrin (קג:), about which Amon said he had no desire for his mother, and only did what he did to provoke Hashem. He brings another proof from Lot, who had to be made drunk in order that he should have relations with his daughters.

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7. The son of King Menashe.

## Adopted

See Igros Moshe (ibid ב אות ב) that discusses the issue of yichud with one's adopted children. So long as the couple is married, he permits yichud if one of them is not home for a short amount of time; but if one of them dies (or they divorce), there is a serious issue of yichud. One who is in such a situation must consult with a Rav.

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### CHAZORA PART 1

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1. From where do we learn the prohibition of yichud?
2. Is the prohibition of yichud d'oraissa or d'rabbanan?
3. What did Dovid Hamelech enact? What did Bais Hillel and Bais Shamai enact?
4. What is the minimum amount of time that yichud is forbidden?
5. Is yichud permitted with your mother and daughter, and why?
6. Is yichud permitted with your wife when she is a nida, and why?
7. Is yichud permitted with one's kallah after the chuppah, if she became a nida before they had relations?
8. Is yichud permitted with your sister (Amoraim, Rishonim, halacha)? Is there a time limit?
9. Is yichud permitted with grandparents and grandchildren?
10. Is yichud permitted with other relatives?
11. Is yichud permitted for converts with their parents or children?