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# PARSHA ENCOUNTERS

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Parshas Bo  Rabbi Aaron Rokach

## Waiting for the Day

*"This was the night that Hashem had awaited for bringing them out of the land of Egypt; it is this night that Hashem designated for protection of all the B'nai Yisrael throughout their generations." Bo (12:42).*

The *Midrash* notes that the redemption from Egypt occurred during the night because it was only temporary and would eventually be followed by other periods of exile. The final redemption from our current exile, however, will occur during the day because it will not be followed by any further exile.

What is the connection between the time of day that redemption from exile occurs and whether or not it will be followed by another exile?

The *Bais Halevi* explains that the difficult periods of exile endured by *Klal Yisrael* are allegorically compared to the darkness of night. Rescue from exile, on the other hand, is compared to the shining brightness of day. The liberation from Egypt took place at night to symbolize that, although it marked a temporary reprieve from the hardship of exile, the long night of exile had not yet come to an end. After leaving Egypt, *Klal Yisrael* would proceed to conquer *Eretz Yisrael* and eventually build the *Bais Hamikdash*. However, the specter of future exile still loomed ahead following the destruction of the first, then second, *Bais HaMikdash*. It is only with the final redemption, which we are currently awaiting, that our exile will truly come to an end. For this reason, the final redemption will take place during the day, to symbolize the outbreak of light that marks the end of the long darkness of exile.

The *Bais Halevi* points out that this concept is expressed in our daily prayers. Every morning, following the recitation of *Shema*, we recite a prayer discussing *Hashem's* redemption

of *Klal Yisrael* from Egypt and from other suffering endured throughout history. Following the recitation of the nighttime *Shema* we recite a similar prayer. Both prayers share a common theme, yet their language differs. Why was one version chosen for the day and the other for the night?

The *Bais Halevi* explains that this variation in our prayer regarding redemption corresponds to the two different forms of redemption described above. At night we focus on redemption that occurs in the midst of the night of exile. The nighttime version of the prayer begins by stating: "All of this is true and a matter of trust, and firmly established to us..." This describes our ongoing trust that the final redemption is yet to come, and proceeds to explain how our trust is strengthened by *Hashem's* redemption of *Klal Yisrael* from Egypt and other difficulties in the past. Although none of these events brought a complete end to our exile, *Hashem's* miraculous protection of *Klal Yisrael* throughout the ages inspires our ongoing trust in the final redemption.

In the morning, on the other hand, we focus on the final redemption that will be a new dawn marking the end of our exile forever. The morning version of the prayer begins by describing *Hashem's* protection of *Klal Yisrael* as: "True, certain, set, and enduring..." and continues along these lines. This refers to the final redemption which will be the complete and everlasting culmination of all past redemptions.

May we merit to experience this day speedily in our time.

*Rabbi Rokach learns daily at the kollel.*

# HALACHA ENCOUNTERS

## Yichud

Rabbi Yisroel Langer

### What is Yichud?

It is forbidden for a man and woman who are not married to each other to be together in a secluded area. This is known as the prohibition of “*yichud*.” According to most Rishonim if one is in seclusion with a woman that the Torah prohibits him from marrying (ex: a married woman, or one’s mother-in-law), or a woman who is a *niddah* (other than his wife), there would be an *issur d’orysa* of *yichud*. Otherwise, it would be prohibited *m’drabanan*. The reason that the Torah prohibited *yichud* is to prevent one from engaging in immoral conduct. Therefore, in the case of one’s own child or grandchild, since there is no fear of any immoral conduct, *yichud* would be permitted. Regarding a sister with a brother, *yichud* is permitted on a temporary basis.<sup>1</sup> All other relatives are forbidden to be in a “*yichud* situation” with each other. Even for an old man to be in a state of *yichud* with a young girl or vice-versa is strictly forbidden. If one were in a state of *yichud* and no immoral conduct took place, one has still violated the prohibition of *yichud*. In this week’s Halacha Encounters we will discuss a few common *yichud* situations and how one should deal with them. Like many areas in halacha, the laws of *yichud* have many details and are too complex to discuss in a short article. Therefore if one has a situation at home or at work that may be in violation of *yichud*, a *sheilah* should be asked.

### Yichud in a Car

Hagaon R’ Moshe Feinstein ZT”L<sup>2</sup> discusses whether there is a problem of *yichud* while driving in a car. Rav Moshe rules that although people can see into the car, since the driver can easily drive off the road into a secluded area it is a problem of *yichud*. However, if it is a pressing circumstance, R’ Moshe rules that one may be lenient.<sup>3</sup> Most poskim do not agree with R’ Moshe in this matter and permit a woman to be alone in a car with a man. These poskim hold that we are not concerned that the driver will drive into a secluded area. Therefore as long as people can see into the car (if the windows are tinted it is sufficient that people can see through the windshield) and one is not on a deserted road there is no problem of *yichud* inside a car. (Some poskim define a deserted road as a road in which a car will not pass you within a time span of 10-15 minutes.)

### Elevators

The poskim<sup>4</sup> say that if a man and woman go into a locked room together even for one moment they have violated the prohibition of *yichud*. However, if there is a realistic possibility that forces beyond their control could open the door within a short time span<sup>5</sup> from the beginning of the *yichud*, then it is not prohibited. (Ex: a man is in a private meeting with a woman at work. If it is possible for another person to open the door and enter during the meeting then it is not *yichud*.) Based on the above rules it would usually be permitted for a man and a woman to be in an elevator together. Even if the elevator ride will last a few minutes, since the elevator car can be opened by waiting passengers on any of the floors, it is permitted. Some poskim question whether a man and a woman can be alone in an elevator together if the elevator has a stop switch since the man can stop the elevators in between floors. HaGaon R’ Shlomo Zalman Auerbach permits this as long as the man does not pull the switch.<sup>6</sup> Some poskim say *lechatchilah* a man and a woman should never be alone in an elevator even one without a stop switch.<sup>7</sup>

### Plumbers and Electricians

A very common *yichud sheilah* is when a woman is home alone and is having a workman (plumber or electrician) doing work inside the house. There are a number of different *heterim* that the poskim advise people to use. If there are at least two men (at least one of them cannot be classified as a “*parutz*”<sup>8</sup> – immoral person) then *yichud* is permitted. Two women, however, would not permit *yichud* with a male worker, while three women is questionable. Many poskim are lenient in extenuating circumstances and permit three women to be with a man (during “awake hours”).

If a woman is married and her husband is in the same city as she is, most Rishonim hold that the wife can be in a situation of *yichud* with another man. This is known as the *heter* of *ba’alah b’ir*. (Rashi is of the opinion that *ba’alah b’ir* is not a permitted method of *yichud* and some poskim hold that *lechatchilah* one should be *machmir* like this opinion). The poskim disagree as to the rationale of this *heter*. The Chazon Ish understands that the *heter* of *ba’alah b’ir* is based on a woman’s instinctive sense of fear of being unfaithful to her husband when he is in the same city as she is. Accordingly, even if a woman is certain that her husband will not be home for a while (ex: she just got off the phone with him and he is still at the office), it is still permitted for her to be in a

*yichud* situation with another man. However, most poskim understand the rationale of the *heter* of *ba’alah b’ir* based on the wife’s fear of being caught or discovered by her husband as being unfaithful. Accordingly this *heter* of *ba’alah b’ir* can only be implemented if it is possible<sup>9</sup> for a husband to walk into his house within a short time span<sup>10</sup> of his wife’s *yichud* with the workman. The Chachmos Adam holds that if a husband gives permission for his wife to be with another man (which is the case regarding a workman in the house), there is no *heter* of *ba’alah b’ir*. The poskim argue whether one needs to be *machmir* like this opinion.<sup>11</sup> If one is very friendly with the worker (ex: he is a cousin) according to all opinions the *heter* of *ba’alah b’ir* doesn’t exist.

In summary, the *heter* of *ba’alah b’ir* is not always applicable, and even when it is, some poskim hold that it is not a *heter lechatchila*. The poskim offer another solution to allow *yichud* with a worker known as “*pesach posuach*” – leaving the door open to a public thoroughfare. There is a *machlokes* amongst the poskim whether it is sufficient to leave the door to one’s house unlocked or if one must actually leave the door opened. In today’s times, where in many circles it is highly unlikely for people to enter into another person’s house without having the door opened for them, even according to the lenient opinion, one should have the door slightly ajar in order to permit *yichud*.<sup>12</sup> The *heter* of “*pesach posuach*” is not applicable late at night when people are not in the streets.

Another *heter* is for a woman to have a child who is at least five<sup>13</sup> years old with her. A child would not do an immoral act and therefore the woman would be embarrassed to do anything in front of the child. If the child present is a girl (even her own daughter) it is permitted to have *yichud* until the girl is twelve.<sup>14</sup> Once the girl is twelve then it is a situation of two women and one man together in the house, which is not permitted. (Note: It is permitted for a man to have *yichud* with a woman (twelve years old) and a girl (5-12), but for a man to be alone with just a girl who is at least three years old is prohibited.) If the above *heter* is not available the woman can give a key to a neighbor and instruct the neighbor to “pop in” during the time when there will be *yichud*. (Note: The neighbor has to be a legitimate “threat” to coming in. If he has been given the key in the past and never shows up, one cannot rely on him for this *heter*.) As mentioned earlier, the laws of *yichud* are complex, and each situation is different from another. Therefore, if one has a *sheilah*, he should not rely on something written in Halacha Encounters, but should ask a Rav what to do. In the zechus of guarding the law of *yichud* may we merit to add more *kedushah* into our lives.

<sup>1</sup> HaGaon R’ Moshe Feinstein ZT”L explains this to mean the amount of time that a guest would typically stay over at one’s house (a few days). Igros Moshe E.H. Volume 4 Siman 65:11.

<sup>2</sup> Igros Moshe ibid

<sup>3</sup> R’ Moshe’s example of a pressing circumstance is if a woman would be insulted if one did not drive her.

<sup>4</sup> See HaGaon R’ Shlomo Zalman Auerbach’s *haskama* to the sefer *Dvar Halacha*.

<sup>5</sup> The poskim argue as to the exact length of the time span. The *Dvar Halacha* quotes an opinion that holds 35 seconds. The *Minchas Yitzchak* is lenient up until 5 minutes. Most poskim hold that it is about 2-3 minutes.

<sup>6</sup> See *Divrei Sofrim* 22:1 in *Birur Halacha* “shedavar zeh...”

<sup>7</sup> *Minchas Yitzchok* volume 4 responsa 94.

<sup>8</sup> The poskim disagree how to classify somebody as a *parutz*. Many of the *gedolei poskim* (including R’ Dovid Zucker *shlita*) define a *parutz* as anyone who exposes himself to immodesty on television, movies, internet or publications.

<sup>9</sup> HaGaon R’ Moshe Feinstein zt”l (ibid) differentiates between an employee who most likely will not come home during his working hours, in which case there is no *heter* of *ba’alah b’ir* during those hours, and a self-employed person.

<sup>10</sup> see footnote 5

<sup>11</sup> The *Chofetz Chaim* in his sefer *Nidchei Yisroel* quotes the *Chachmos Adam* as halacha. HaGaon R’ Moshe Feinstein zt”l (ibid) says that *lechatchilah* one should be *machmir* like this opinion. However, others are lenient. See *Dvar Halacha* 7:3, and *Toras Yichud* 7:3:5 who quotes HaGaon R’ Yoseph Shalom *Eliyashiv* as being lenient.

<sup>12</sup> See *Toras Yichud* 8:5:6, this is the psak of R’ Dovid Zucker.

<sup>13</sup> This is the opinion of R’ Dovid Zucker and other *Gedolei poskim*. Hagaon R’ Moshe Feinstein (quoted in *Children in Halacha*) holds the child must be seven.

<sup>14</sup> Some poskim say only until 9.

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