

## This Week's Parshah - Parshas Acharei Mos

Kindly take a moment to study MISHNAS CHAYIM in the merit of

Rochel *bas* Chayim *a"h*

a fellow Jew who passed away with no relatives to arrange Torah study on behalf of her *neshamah*

### *Yichud* – in Kentucky

Since its inception, the Jewish nation has often found itself at complete ideological odds with the greater part of humanity. Such was the experience and trial of our forefather Avraham, referred to in the Torah as “Avraham HaIvri” (usually rendered: “the Hebrew”). The Medrash comments on the allusion this title conveys: “The entire world stood on one ‘side’ (*eiver*), while he stood on the other ‘side’” (*Bereishis Rabbah* 42:8). Although the overwhelming majority, at that time, was steeped in idolatry, Avraham alone defied the going trend and championed the truth of the One True Hashem.

Another stark example has its roots in this week’s *parshah*, which contains the injunctions against immorality. Unfortunately – and almost unbelievably – one of the practices referred to as an “abomination” (*Vayikra* 18:22) has become something of an issue in contemporary society; an alarming percentage of the population seems to display growing tolerance and approval of behavior considered wicked in Hashem’s Eyes. As we shall see, this disturbing development may actually carry with it some practical *halachic* ramifications.

Due primarily to the sway wielded by the Evil Inclination in this arena, the Torah laws governing the field of morality are characterized by numerous safeguards. One of these is the institution of the *halachos* of “*yichud*” (seclusion), in which the subjects of proscribed associations are forbidden even to tarry within isolated quarters.

### Parameters

To whom, exactly, does this prohibition apply? Are all forbidden unions subsumed within the seclusion restriction? There are some exemptions, as indicated by the Mishnah in Kiddushin (4:12):

לֹא יִתְיַחֵד אָדָם עִם נְשֵׂתֵי נָשִׁים... מִתְיַחֵד אָדָם עִם אִמּוֹ וְעִם בָּתוּלָה.

“A man may not seclude himself (even) with two women (and certainly not with one)... (However) a man may seclude himself with his mother or his daughter.”

A general picture emerges from the Mishnah’s rulings. It seems that the prohibition of seclusion is dependent on the likelihood of the commission of impropriety. As such, a single man may not remain in an enclosed area with a single woman (or even two, as the Mishnah records). But extremely close relatives are a different matter. Apparently, there is no concern that sharing quarters with them will lead to any sort of proscribed behavior (regardless of the fact that the actual union would be prohibited). Thus we see that *yichud* is more limited, applying to those situations where there exists a greater propensity toward immoral behavior.

Which brings us back to the original issue: what would be the law regarding the case of two males sharing quarters? The Mishnah in Kiddushin (4:14) cites a dispute on the matter. R’ Yehudah maintains that the *yichud* prohibition does, in fact, extend to this situation. The Sages disagree.

Proceeding to the final, codified ruling on the matter, we discover an interesting development. The Tur (*Even Haezer*, §24) declares that, in general, Jews are not suspected of dabbling in the actual behavior deemed by the Torah as an “abomination.” As such, there would be no problem for two Jewish males to tarry within a secluded area. But – he adds – “Whoever conducts himself stringently in this matter (and avoids such seclusion)... *harei zeh meshubach* (is considered praiseworthy).”

The Shulchan Aruch (*ibid.*), however, goes a step further. At first, it echoes the basic content of the Tur, permitting male seclusion but praising the individual who goes beyond the letter of the law. The Shulchan Aruch then adds a pertinent statement: “In recent generations, wherein degenerates have substantially increased, *one should refrain even from seclusion with a man.*”

The Bach, in his commentary to the Tur, quotes this view of the Shulchan Aruch that, due to the current mores, the avoidance of male seclusion progressed from a mere “stringency” to a basic requirement. However, he felt that the issue might be somewhat open-ended, even according to the Shulchan Aruch’s opinion, and subject to the trends of that particular time and place. Thus, the Bach suggests that R’ Yosef Karo (author of the Shulchan Aruch) was referring to his country; in the Bach’s area (17th century Poland), where sodomy was still deemed unacceptable to the general populace, the propensity toward violation was far less. As such, *yichud* with a male would still be technically permissible for the local Jewish population.

### **The Home of the Free**

The current race toward Sodom-emulation dominating much of Western society is not only disturbing to Torah observant Jews, but – in light of the above – may present some real *halachic* issues. Following the formulation of the Bach, one must consider the situation in America today: is it considered a land marked by an overabundance of deviants, as in the era and location of R’ Yosef Karo, or does it still retain enough of a pristine quality to be ruled like the Bach’s home country? The ramification, of course, relates to the issue of *yichud*: may two males tarry within an enclosed area? If this country is deemed to retain moral decency, such seclusion would not be a problem. If considered morally corrupt, however, then such *yichud* would seem to be forbidden.

One could further speculate if legislation may affect the outcome of this *halachic* question. We see today whereby certain states embrace pro-deviant rulings, sanctioning same-gender matrimony. Other states – whose residents haven’t yet completely relinquished their consciousness to the behemoth of political correctness and glorification of the grotesque – have actually doubled down and outlawed the institutionalization of deviance. Perhaps, then, the permissibility of male seclusion would vary from state to state. Thus, Jews living in degenerate-friendly (“blue”) states may have to avoid the *yichud* in question, whereas those living in states where such marriage is illegal (generally, “red” states) would not be subject to this particular *yichud* prohibition.

*Baruch Hashem*, even today there is a sizeable cadre of loyal Jews who follow the example of our forefather Avraham, declining to exchange the Almighty’s view of morality for that favored by a large segment of society. And amongst this faithful group, there are many *talmidei chachamim* (Torah scholars) whose expertise is *p’sak halachah* (issuance of rulings in Jewish law). One is referred to them regarding actual practice in the issue raised above.