



## Which Torah Law Prevents Sexual Abuse and Rape?

### Uncovering the Purpose of an Often-Neglected Law of Modesty

In our contemporary society, there is a Torah law that, sadly, doesn't get much attention and is often ignored, even by those who are otherwise Torah observant. I am talking about the law of *יִחוד*/*yichud* – the restrictions on men and women from being alone together. At times, *yichud* is even ridiculed as not being applicable in modern times. For example, when a *frummie* uncle keeps the door open in freezing weather, while meeting with his two minor nieces. The laws of *yichud* stand in sharp contrast to the norms of my birth country – the sexually liberated Denmark – where pornography was legalized more than 50 years ago. There, nudist beaches are so common, that most of the beaches along Denmark's 7,000 kilometers of coastline are 'clothing-optional.' Should a beach in Denmark require that you remain clothed, you can count on signs being posted, says the *Tripsavvy* guide. The naturist attitude totally asexualizes the inherent attraction between man and woman. Over sexual stimulation weakens sexual desire and may eventually cause impotence and frigidity. To men and women – who are used to walking around together in their birthday suit, viewing advertisements of women appearing in various degrees of immodest attire, and cultivating platonic relationships with the opposite sex – the laws of *yichud* seem totally irrelevant and inapplicable. Rabbi Manis Friedman explains that the purpose of the Torah laws of *yichud* and modesty are not just to prevent sexual misbehavior. They also preserve sexuality because human sexuality is what G-d wants. He gave us these laws to preserve and enhance sexuality. They ensure it's focused in the right place and circumstances and are not intended to stifle it. Even for those raised in Orthodox Jewish homes, it is not always easy to comprehend that when a man and woman are together in a room, and the door closes, that in itself is a sexual event. Not because of what is going to happen, but what has already happened. [When you don't close the door on yourself and that other person, you are recognizing your own sexuality. You are acknowledging the sexuality of the other person. Being modest, recognizing our borders, knowing where intimacy begins and not waiting until it is so intimate that we're too far gone, is a very healthy way of living.](#)

### Keeping the Laws of Yichud Curb the High Rate of Sexual Abuse

Keeping in mind the prevalence of sexual abuse, to which, unfortunately, the Jewish world and even the *shomer Shabbat* community is not immune, the laws of *yichud* are more pertinent than ever. I will avoid mentioning well-known incidents that took place in the last decade, [some of which are publicized in the news.](#) Among the cases listed, it is almost unbelievable that a 79-year-old Connecticut rabbi was convicted of sexually assaulting a student. Many other well-known rabbis and therapists are currently serving their sentence in jail for sexual abuse. *The National Intimate Partner and Sexual Violence Survey 2010 Summary Report* for the USA shows a frightening rate of sexual assaults. A 2010 study conducted by the *Centers for Disease Control* found that around 1 in 5 women and 1 in 71 men had experienced an attempted or completed rape in their lifetime. Most of these cases (but admittedly not all) could have been avoided had the laws of *yichud* been kept. Therefore, I always emphasize to my students to keep these laws meticulously, and never allow themselves to be secluded with any man, not even the most respected rabbi, as it states, "There is no guarantee [*apotropos*] for restraining sexual immorality [*arayot*], and therefore, everyone is suspect in that regard" (*Babylonian Talmud, Ketuvot 13b*). It is interesting to note that even the secular society recognizes this principle and has therefore

adopted several of the tenants found in the laws of *yichud*. In the wake of the 1990 Clinton scandal, the Western World has become accustomed to taking steps to prevent two people from being alone together in many professional settings. Schoolteachers, social workers, therapists, and camp counselors have internalized as a foundational rule never to be alone in closed quarters with one of their students, patients, or campers. The rules of *yichud* were likewise instituted to curb sexual abuse, by instilling modest behavior in people. The Torah laws of *yichud* are specifically designed to protect women, who are naturally more vulnerable to sexual assaults, as statistics prove. Therefore, these laws are specifically directed at those who are structurally and physically powerful – men – to prevent them from entering the situations where they can abuse that power to rape women. [This high wall of restriction exists where men's power is most shielded from the interventionist arm of the state – private or family settings, where witnesses are hard to come by and public opinion often wants the court to butt.](#) Statistics show that these laws have achieved their purpose in communities where *yichud* is observed.

### Contrasting the Suspected Adulteress and the Righteous Female Judge

*Parashat Naso* describes the סוטה/*sotah* – ‘the suspected adulteress.’ If a husband became seized with a burning jealousy of his wife, who had secluded herself with another man, after he had warned her not to, the husband may subject her to a very embarrassing, uncomfortable ritual, in the presence of the Kohanim. The seclusion is the determining factor that permits the husband to have his wife undergo the ritual of the *sotah*.

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וְשָׁכַב אִישׁ אִתָּהּ שְׁכִיבָת זָרַע וְנִעְלַם מֵעֵינֵי אִישָׁהּ וְנִסְתָּרָה וְהָיָא נִטְמָאָה וְעַד אֵין בָּהּ וְהוּא לֹא נִתְפָּשָׁה:  
 “...and a man lie with her carnally, but it was hidden from her husband’s eyes, **but she was secluded** [with the suspected adulterer] and there was no witness against her, and she was not seized” (*Bamidbar* 5:13).

Thus, the seclusion itself (*yichud*) is considered a serious misconduct, yet it obviously does not compare to the prohibition against committing actual adultery, which is one of the Ten Commandments.

In contrast to the *sotah*, Devorah, the prophetess, is praised for choosing to judge outside, in public, in the heart of the city, under the date palm, in order to avoid being in seclusion with any man (*Babylonian Talmud, Megillah* 14a). This way, she also averted suspicion and gossip about her having intimate contact with male clients. She sat under the date palm to ensure that no other man would interfere in her holy union with her husband. For the sake of keeping the laws of *yichud* meticulously, Devorah sacrificed the protection from the cold of the winter and the heat of the summer that officiating in a house offers.

### The Essential Laws of *Yichud* Protect the Woman

The most common cause of a forbidden union is when a man and woman – not married to each other – are secluded together in a private setting (Rambam, *Laws of Forbidden Relationships* 22:20). It is a Torah violation for a Jewish man to be secluded with a married woman and any other woman whom he is forbidden to marry (*Babylonian Talmud, Kiddushin* 80b) whether elderly or young. This action leads to uncovering of nakedness. This law does not apply to a mother with her son, a father with his daughter, and a husband with his wife, even while she is menstruating... (*Shulchan Aruch, Even Ha’ezer* 22:1). After the rape scandal in which Amnon, son of King David, raped his half-sister, Tamar (II *Shemuel* 13:1-20), King David established an additional prohibition, forbidding a man to be secluded with a single woman [even if she is not forbidden for him to marry] (*Talmud, Sanhedrin* 21b); (*Shulchan Aruch, Even Ha’ezer* 22:2). If his wife is with him, it is permitted to be secluded with any woman with whom seclusion is [usually] forbidden, since his wife guards him. But an Israelite woman may not be secluded with a gentile man even if his wife is

with him (ibid. *Even Ha'ezer* 3). One woman may be alone with two men of good reputation during the daylight hours in an urban setting, where there are many passersby. In a rural area, or in a city at night, at least three men must be present (ibid. 5). Why the imbalanced standard to prohibit a man from being alone with two women, when a woman is permitted to be alone with two men? Whereas, one man will be embarrassed to commit an improper act in the presence of another man, that same man may be able to sway two women to have threesome sex with him. The soft, feminine, nurturing, flexible nature, makes a woman lack a strong enough will to resist and withstand pressure that a man may place upon her. This is the meaning of נְשִׂיִם דְּעֵתָן קָלוֹת/nashim da'atan kalot – 'women are light-minded' (*Babylonian Talmud, Kidushin* 80b). Thus, the laws of *yichud* reflect a sensitivity to the sexual power imbalance between men and women, as we see from the imbalanced incidents of sexual abuse of women versus men. If the purpose of the laws of *yichud* is to avoid sexual harassment and protect women from the carnal instincts of men, why would any woman neglect to avail herself of the protective safety net that our Sages instituted for her sake?

[Here is an excellent detailed delineation of the laws of \*yichud\* \(Chabad\)](#)