



Solving This Together: Expanding the Principles of Yichud to Prevent Workplace Sexual Harassment and Abuse

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The authors propose a rethinking and expansion of the traditional concept in Jewish law of yichud, suggesting ways that setting norms in which two adults meet alone in workplace contexts that are “observable and interruptible” can protect people of all genders and at all levels of power, and prevent the conditions under which sexual harassment and abuse are too easily fostered.

The explosion of #metoo prompted, for some people, significant dismay and genuine surprise at the apparent pervasiveness of sexual harassment and abuse. Many expressed shock at how many of their friends, colleagues, and family members—including many women of great strength—had experienced harassment and abuse.

Since then, various initiatives have begun in Jewish professional settings, articulating core values and establishing norms for conduct and for addressing complaints of harassment and abuse. But defining, preventing, identifying, calling out, and adequately addressing harassment and abuse remain challenging.

To more effectively prevent harassment and abuse as well as limit the risks for people of all genders over a wide range of levels at power, we should eliminate some of the conditions that can both foster and hide such behaviors. No law or policy can perform miracles; there will always be people who try to cross even the reddest of lines. But establishing clearer lines makes line-crossing more obvious and better enables both witnesses and potential victims to take action before further or additional harassment and abuse occur.

It is important here for us to articulate two of our assumptions, which are related to each other: first, that sexual harassment and abuse do not merely constitute a problem of bad apples, and second, that the environments in which human beings conduct our relationships can both shape and limit our behavior.

In developing policies that reduce the possibility of abuse, we should consider drawing inspiration from the concept in Jewish law of *yichud*: traditionally, the prohibition of the seclusion in a private area of a man and a woman who are not married to each other. While this might be a surprising concept to marshal in this context, the proposal we explore below draws creatively on Jewish tradition, takes seriously the human dynamics of power and sexuality, and provides a preventative approach to sexual harassment and abuse.

Establishing norms in the workplace that govern the seclusion of two people of any gender—drawing on the concept of *yichud* but being expansive in its application—has the potential to keep us all further from actions that cross red lines.

The traditional laws of *yichud* provide strong restrictions on unrelated members of different genders being secluded together and milder ones for close family members. Those restrictions reflect beliefs about unwanted behaviors that might occur in various settings if not restricted by the presence of others. The prohibition of *yichud* is designed to prevent opportunities to commit promiscuous or adulterous acts. In its most traditional form, *yichud* considers a man being alone with a woman to whom he is not related the riskiest circumstance and one assiduously to be avoided.

Yichud is ostensibly intended to prevent sexual activity with a particular focus on men's sexual fallibility. However, the laws of *yichud* do not take into account the fact that people of all genders commit and are victims of sexual harassment and abuse. And it must be acknowledged that, embedded in a set of wider beliefs about appropriate interactions for men and for women, *yichud* as traditionally understood may actually make professional opportunities which can help to advance careers, such as meeting with a mentor, more difficult to foster. Because men are disproportionately represented at the most senior levels, such restrictions can limit women's careers and visions.

Keeping in mind the benefits and limitations of *yichud* in its traditional application, its fundamental underlying logic—that situations where two people are alone opens the door to the possibility of sexual interactions—can allow us to limit opportunities for abuse. An agreed-upon set of norms for how any individuals should be “alone together” (a literal translation of *yichud*) in work settings would draw clear and relatively objective lines well before needing to codify specific abusive behaviors.

Rules and standards akin to *yichud* have already been enacted in settings like synagogues, schools, and summer camps, to clarify and strengthen efforts to protect children from abuse. Examples include:

- never being alone with a student or camper in a secluded or private space.
- keeping doors open during meetings.
- making sure all rooms have windows.

Some organizations, with increased communication and meeting time online, have expanded these norms to online spaces, applying what is known as “two-deep leadership,” which means having more than one adult present or sharing the Zoom link on an organization-wide calendar. These efforts make not only in-person but also virtual communications both “observable and interruptible,” a best practice in abuse prevention of decreasing secrecy and optimizing transparency and visibility.

These can be expanded to workplaces with the same goals in mind. For instance, these guidelines, whether in an employment setting or one that serves young people, might include meeting during regular work hours (whatever those hours are for your organization), having open and transparent office layouts, leaving a door open during all one-on-one meetings, and restricting meetings to public spaces at conferences rather than in one’s hotel room or personal quarters. As with rules that, for example, guard against nepotism in hiring, maintaining norms even when they are inconvenient helps model safe behavior, and upholds a boundary that protects everyone.

Ensuring a safe and professional work environment must be a core value for every Jewish organization, reflected not just in its mission statement but its policies. Rather than thinking of this goal as sacrificing privacy and relationships in the name of safety, a reconstructed *yichud* would enable colleagues to continue meeting and developing deep professional relationships, with guidelines that will help those relationships flourish professionally.

The new *yichud* is not a perfect solution. Harassment and abuse will still occur. But a preventative, objective guideline is a standard that can be widely understood and upheld. It can also foster a heightened awareness of the inherent risks individuals in the workplace face—whether potential victims or those accused of harassment or abuse—in being alone together. A modern-day *yichud* can allow Jewish organizations, and their employees, to flourish in safe work spaces.

Discussion Questions

1. How do you feel about taking the concept of *yichud* from its traditional understanding and applying it in this way? What are the possibilities? The pitfalls?
2. In your work or organizational setting, how could you have meetings that are observable and interruptible while allowing for privacy? What would this look like in practice?
3. What other concepts from Jewish tradition might have new or creative applications to help us shape the conditions to prevent harassment and abuse? To foster a positive and safe work culture?

This piece is part of the Respect & Responsibility: A Jewish Ethics Study Guide that is a joint project of Sacred Spaces and the Center for Jewish Ethics. Learn more at www.jewishspaces.org.