

Does the Leniency of “Ba’alah B’ihr” Apply in an Office Setting?

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Question: There is a leniency in *hilchos yichud* known as “*Ba’alah b’ihr*,” which means that if the woman’s husband is in town there is no concern of *yichud*. Does this apply when an employee is alone with an employer?

Answer: The leniency of *Ba’alah b’ihr* differs from the leniency of *pesach pasuach* [a door open to a public area] in the following way:

Pesach pasuach is a “physical *heter*.” The risk that someone may come in at any time is the deterrent that eliminates the concern of an *aveirah* being done and negates the problem of *yichud*. *Ba’alah b’ihr* is a “psychological *heter*.” The fact that a woman’s husband is nearby precludes her from doing an *aveirah*, even if there is no real reason that the husband would come to the place she currently is located.

Since *Ba’alah b’ihr* is a psychological *heter*, it does not apply when the wife is lacking a natural inhibition. For this reason, Chazal say that if he is “*libo gas bah*,” meaning she has a personal relationship with the man she is alone with, the level of comfort she feels may lead to her disregard the fact that her husband is in town, and the *heter* of *Ba’alah b’ihr* will not apply.

An example of *libo gas bah* would be if the man and woman are childhood friends who grew up together. Another example would be a sister-in-law who feels comfortable with her brother-in-law.

The Aruch Hashulchan writes that business relationships also fall under the category of *libo gas bah*. It is clear that this does not apply to every business relationship – only to those where there is a sense of familiarity between two people who work together. For example, in some offices people who work together refer to each other as Mr. Blank and Mrs. Blank. In others, they refer to each other by first name. The former would often indicate them not being *libo gas bah*, while the later probably would be.