

Does Ba'aloh B'Ihr Apply If The Husband is at Work?

Rabbi Yosef Jacobovits

Question: Reuven is an electrician who is doing work in someone's house. While he is working, only the wife is home, and the husband is at work in his office in the same town. Is this a problem of *yichud* or does the *heter* of *Ba'aloh b'ih*r apply?

Answer: The Chochmas Odom limits the leniency of *Ba'aloh b'ih*r and says it only applies if the man is reasonably expected to come home at any time, and not if he is away at work for the day. The Chazon Ish, however, is quoted as being more lenient, saying that because *Ba'aloh b'ih*r is a psychological *heter*, it applies as long as the husband is physically in town. He says that even if he is not expected home, the wife will still be precluded from doing an *aveirah* [provided there isn't a *libo gas bah* relationship]. Rav Moshe Feinstein differentiates between instances where someone is self-employed and where someone works for a boss. If someone is self-employed, he can choose to come home at any time. Even if he usually does not come home during the day, the fact that he could do so is enough to make the wife reticent to do an *aveirah* and, therefore, to eliminate the problem of *yichud*. If he works for a boss and needs to get permission to leave work during the day, even if the boss is a nice guy and might grant him permission if he asks, since she is reasonably certain he won't come home during the day there is no leniency regarding *yichud*. If an employee is allowed to leave work without his boss's permission, he would be considered identical to a self-employed man in regards to this halacha. The same would apply to a Kollel *yungerman* if he could go home without permission if he had reason to do so. The Shevet Levi, however, is stringent in this regard and says that if a man is at work and doesn't usually come home, the *heter* of *Ba'aloh b'ih*r does not apply.