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- ▶ All Piskei Horav Yisroel Belsky Shlita  
are reviewed by Horav Yisroel Belsky Shlita

## The Shadchan

### The *Mitzvah*

There is a great *mitzvah* for one to be involved with making *shidduchim* between a boy and girl.<sup>1</sup> *Hashem* was the first *shadchan* in the world who made the *shidduch* between *Adom* and *Chavah*.<sup>2</sup> The *Chozeh* from *Lublin* is quoted as saying one who is involved with making *shidduchim* will merit having children who are *talmidei chachumim*.<sup>3</sup> Therefore, it is important for one to try to match people up with each other even if one is not sure if it will work. One is permitted to arrange a *shidduch* on *Shabbos*,<sup>4</sup> and if necessary even to speak about financial obligations.<sup>5</sup>

### *Shadchan*

We all know that a person who is involved with trying to pair up two individuals is called a *shadchan*.<sup>6</sup> However, where did this term come from and what does it mean? The source of the word *shadchan* means peace and harmony which the wife will have when she finds her match and

establishes a home with her husband.<sup>7</sup> The *Aruch* says the word *shadchan* comes from “tying” since the person involved with pairing up two people is tying them together as one couple.<sup>8</sup>

### Paying a *Shadchan*

Just as in other business dealings, a *shadchan* must be paid a fee for arranging a *shidduch*.<sup>9</sup> There is no difference if the *shadchan* was asked by one of the parties or if he volunteered his services on his own.<sup>10</sup> Even a non-professional *shadchan* must be paid for his services.<sup>11</sup> Furthermore, a *shadchan* may ask *bais din* to force both parties to pay him.<sup>12</sup> Where the *shadchan* said that he or she does not want to get paid, no money is given to the *shadchan* by any party, even if the *shadchan* later changes her mind and decides she wants to get paid.<sup>13</sup> Some *Sefardisha* circles have the custom not to pay a

<sup>1</sup> Refer to Shulchan Haezer 3:1, Soveh Smochos 1:page 19, see Chikrei Lev C.M. 2:135:pages 235-244. Many people decide not to try to set people up and this is not correct (Ohr Yisroel 21:page 99).

<sup>2</sup> See Medrash Rabbah Tzav 8:1, Hanesuin K'hilchosom 4:74.

<sup>3</sup> Hanesuin K'hilchosom page 161:footnote 130.

<sup>4</sup> Shulchan Aruch 306:6.

<sup>5</sup> Ketzos Ha'shulchan 107:badi:8. Refer to Kaf Ha'chaim 306:50 who says to refrain from this when possible.

<sup>6</sup> Refer to Sefer Matamim page 51:60 (new), who says why we need a *shadchan* altogether.

<sup>7</sup> Ran Mesechtas Shabbos page 10. See Ne'imos Hachaim page 58, Yismach Lev 1:page 21.

<sup>8</sup> page 148 (old print).

<sup>9</sup> Mesechtas Bava Basra 87a, Tosfas “nishbara,” Rama C.M. 87:39, 185:10, Aruch Ha'shulchan C.M. 185:11, Pischei Choshen Sechiros 14:1, Halichos Yisroel (Grossman) 1, see Chai Ha'Levi 1:110. In regard to being *o'ver* on *bal talin* if you do not pay a *shadchan* on time see Halichos Yisroel 1:pages 1-2, Kovetz Teshuvos 1:207, Lehoros Nossan 10:122, Mivakshei Torah 24:page 160, Modanei Yom Tov 2:52.

<sup>10</sup> G'ra C.M. 185:13.

<sup>11</sup> Milei D'niseilin 1:page 33.

<sup>12</sup> Rama ibid.

<sup>13</sup> Refer to Minchas Yecheil 2:4:page 7, Pischei Teshuva E.H. 50:16, Aruch Ha'shulchan E.H. 50:42, Pischei Choshen Sechiros 14:3, Teshuvos V'hanugos 3:457:3, Mishpatei Hatorah 2:page 147:footnote 2.

*shadchan* for her services.<sup>14</sup> If the *shadchan* told the boy's side that he does not want to accept money, this does not exempt the girl's side from giving money to the *shadchan*.<sup>15</sup>

### Who Is Obligated to Pay the *Shadchan*?

There is a discussion in the *poskim* as to who is obligated to pay the *shadchan* for the *shidduch* that was made. Some say since the favor was done for the boy and girl, they are both obligated to pay the *shadchan*.<sup>16</sup> However, others say that the boy's and girl's parents pay the *shadchan*, and this is the overwhelming custom today.<sup>17</sup> In a situation where the parents did not pay the *shadchan*, the boy and girl are still not obligated to pay the *shadchan*.<sup>18</sup>

### The Fee

The amount to be paid to the *shadchan* is based on the local *minhag* of each specific place.<sup>19</sup> When the fee is agreed upon, the *shadchan* may not ask for additional payment for costs he may have incurred during the process of making the *shidduch*.<sup>20</sup> If one side cannot pay the *shadchan* then he has no right to go to the other side and ask for the money due to him from the first side who could not pay.<sup>21</sup> A *shadchan* who did not discuss a fee before arranging a *shidduch* may not demand an extraordinary high fee (out of the ordinary) when the *shidduch* is completed.<sup>22</sup> There is a discussion in the *poskim* if a *shidduch* was made between people who live in different countries which local custom one must follow when paying the *shadchan*.<sup>23</sup>

### When to Pay

There is a discussion in the *poskim* when is the correct time that the *shadchan* should be paid.<sup>24</sup> Some are of the opinion if there is no custom when to pay the *shadchan* he should be paid after the wedding.<sup>25</sup> Those who have the custom to make a *t'nayim* should pay the *shadchan* after the *t'nayim* is completed.<sup>26</sup> Those who do not have the custom to make a *t'nayim* should pay the *shadchan* when the *shidduch* is completed,<sup>27</sup> although some have the custom not to pay the *shadchan* until after the wedding is over.<sup>28</sup> If the *shidduch* was broken, the *shadchan* does not have to give the money back as long as he did not give false information about the boy or girl which caused the *shidduch* to be broken.<sup>29</sup> In a situation where the money is not given until after the wedding the *shadchan* does not get paid if the *shidduch* was broken.<sup>30</sup> If the *shidduch* was not completed then the *shadchan* does not get paid even if he spends a lot of time trying to put the boy and girl together.<sup>31</sup>

### The Importance of Paying a *Shadchan*

It is stated in the name of the *Chazon Ish* that one who does not have children for many years after their marriage it can possibly be because the *shadchan* who made their *shidduch* was not paid.<sup>32</sup>

<sup>14</sup> Teshuvos V'hanugos 1:736.

<sup>15</sup> Hanesuin K'hilchosom 4:8.

<sup>16</sup> Avnei Nezer C.M. 36, see Maharshag 3:102, Yaskil Avdi C.M. 5:30, Teshuvos V'hanugos 3:457:2.

<sup>17</sup> Halichos Yisroel 2-3, Yismach Lev 1:pages 21-22.

<sup>18</sup> Refer to Erech Shai E.H. 50:7, Halichos Yisroel 19. Others argue see Yismach Lev 1:page 22 quoting the opinion of Horav Korelitz Shlita.

<sup>19</sup> Rama C.M. 264:7. Refer to Pischei Teshuva E.H. 50:16, Panim Me'eros 2:63, Minchas Elazar 2:8, Aruch Hashulchan E.H. 50:42, Teshuvos V'hanugos 2:618, 3:457:4, Pischei Choshen ibid:14:1:footnote 2.

<sup>20</sup> Refer to Mishpatei Hatorah 2:page 157.

<sup>21</sup> Halichos Yisroel 20.

<sup>22</sup> Opinion of Horav Korelitz Shlita quoted in Minchas Shmuel 3:page 248.

<sup>23</sup> Refer to Igros Moshe C.M. 2:57, Kinyan Torah 1:30, Halichos Yisroel 40.

<sup>24</sup> Refer to Shulchan Haezer 3:page 74:footnote 4.

<sup>25</sup> Rama C.M. 185:10, Pischei Choshen ibid 14:9. Refer to Ezer Mikodesh E.H. 50.

<sup>26</sup> Taz 185:10, Aruch Ha'shulchan 11, Bais Yitzchok E.H. 1:115, Halichos Yisroel 4, Opinion of Horav Elyashiv Shlita quoted in Mivakshei Torah 24:pages 158-159, Ohr Yisroel 21:page 99,

<sup>27</sup> Teshuvos V'hanugos 3:457:1, Mishpatei Hatorah 2:155:10, see Nesuin K'hilchosom 4:14.

<sup>28</sup> Terumas Hadeshen pesakim 85:page 358 new print, Halichos Yisroel 4,

<sup>29</sup> Refer to Taz C.M. 185, Bais Shmuel E.H. 50:23, Aruch Ha'shulchan E.H. 50:42, C.M. 185:11, Halichos Yisroel 10-11

<sup>30</sup> Be'er Heitiv E.H. 50:24, see Shulchan Haezer 3:4, Pischei Choshen ibid: 10:footnote 15 in great depth. Refer to Kovetz Teshuvos 1:207.

<sup>31</sup> Ohr Yisroel 21:pages 100-102.

<sup>32</sup> Teshuvos V'hanugos 1:736, 3:457, Derech Sicha page 115, Ohr Yisroel 21:page 98 in the name of the Divrei Yechezkel.

### Using *Masser* Money

In most situations one may not use *masser* money to pay a *shadchan* for his work regarding the *shidduch*.<sup>33</sup>

### Many *Shadchanim*

The *poskim* are in dispute in regard to dividing payment in a situation where more than one person was involved in a *shidduch*.<sup>34</sup> There is a discussion in the *poskim* on how much has to be paid if one *shadchan* started the *shidduch* and another one finished the *shidduch*.<sup>35</sup> This issue has many details and one should consult with a *Rav* when this situation arises.

### Making a *Shidduch* between Non-Jews / Non-Observant Jews

It is preferable to avoid making a *shidduch* between two non-Jews.<sup>36</sup> One may make a *shidduch* between two non-religious Jews if there would otherwise be a risk of intermarriage<sup>37</sup> and one will be getting paid for his services.<sup>38</sup>

### Can a *Shadchan* be a Relative or Friend?

Many times a relative or friend wants to make a *shidduch* between two people and the question

arises if doing so is permitted. The custom is that a relative or a friend can be a *shadchan*.<sup>39</sup>

### Mentioned a *Shidduch*

Many times it can happen that a person mentions a prospective boy to a girl's family or vice versa and they are not interested at that time. Then as time passes another person mentions the name. If the second person only knew about the boy and girl because of the first person then they both get some amount of money. However, if the second person thought of it on his own then the first person who mentioned it does not receive anything<sup>40</sup> (unless the reason they are going out is because it was *red* by two people).

### “It's not For Me but for My Friend”

It happens very often that after a boy goes out and it does not work he suggests the girl to a friend of his. If the boy speaks to the father of the girl then he gets the *shadchanas* since he did the work to make sure they go out.<sup>41</sup>

### Being a Witness

A *shadchan* is permitted to be a witness by the *t'nayim* or *kiddushin* (if he is not a relative).<sup>42</sup>

### Information

Many questions one gets about a prospective boy or girl can involve *loshon hora*. Is one permitted to tell derogatory information for *shidduch* purposes? Below we will discuss some things which may be said and other things which may not be said.<sup>43</sup>

The *poskim* say that one may tell an interested party about a serious physical or mental illness,<sup>44</sup> a lack

<sup>33</sup> Emes L'Yaakov Y.D. 249:footnote 134:page 345, see Pri Hasadeh 3:161:2.

<sup>34</sup> Refer to Nesuin K'hilchosom 4:47-54.

<sup>35</sup> Refer to Shevus Yaakov C.M. 2:13, Avnei Nezer C.M. 36, Aruch Ha'shulchan E.H. 50:42, C.M. 185:12, Levushei Mordechai C.M. 2:16, Igros Moshe C.M. 1:49, V'drashta V'chakarta C.M. 3:9, Betzel Hachuchma 3:10, Halichos Yisroel 33, Be'er Sarim 6:78, Pischei Choshen ibid:14:8:footnote 10, Teshuvos V'hanhugos 3:457:4, Shevet Ha'kehusi 3:309.

<sup>36</sup> Refer to Shiurei Knesses Hagedolah Y.D. 154:6:page 26b, Chavos Yuer 185, see Rashba 120, 167, Zera Emes Y.D. 3:106.

<sup>37</sup> Refer to Pe'as Sudcha 144.

<sup>38</sup> Chelkes Yaakov E.H. 75, Teshuvos V'hanhugos 1:730, see Igros Moshe E.H. 4:81 who is stringent. Refer to Halichos Yisroel 51, Meishiv Dover 2:32, Minchas Yitzchok 4:10:6, V'eim Lumo Michshal 1:page 87:1:footnote 1, Dinim V'hanhugos Chazzon Ish Y.D. 9:20. See Yeishiv Moshe pages 170-171:2. In regard to arranging the wedding of a non Jew see Avnei Yushfei 1:154. One may be a *shadchan* between two people even if they will not keep the laws of *niddah* (Ye'aliehu Lo Yeibol 2:page 177, see Shevet Ha'Levi 4:162, Minchas Yitzchok 7:107).

<sup>39</sup> Refer to Chuchmas Shlomo C.M. 181:1, Nodeh B'Yehuda C.M. 2:36, Pischei Teshuva E.H. 50:16, Shulchan Haezer 3:8:pages 75-76, Mishpatei Hatorah 2:pages 146-147. Refer to Aruch Ha'shulchan C.M. 185:12.

<sup>40</sup> Halichos Yisroel 23, Teshuvos V'hanhugos 3:457:4.

<sup>41</sup> Mishpatei Hatorah 2:34:pages 161-162:footnote 1.

<sup>42</sup> Halichos Yisroel 48.

<sup>43</sup> Refer to Chofetz Chaim Loshon Hara 4:11:pages 164-165.

<sup>44</sup> Otzer Haposkim 39:7. Refer to Teshuvos V'hanhugos 1:558, Oz Nedberu 10:46:2, Mishpatei Hasholom page 251. See Chelkes Yaakov 3:135, Be'er Moshe 8:59, see Tzitz Eliezer 16:4.

## Halachically Speaking

of religious observance,<sup>45</sup> if there is an adoption,<sup>46</sup> or the party's financial status. The reason why revealing this type of information is permitted is because if the other party would find out this information they may hold back from going ahead with the *shidduch*.<sup>47</sup>

Information which is not so important should not be told over to the other party. This includes information regarding a minor illness or physical weakness.<sup>48</sup> One who is specifically asked information must tell the other party the information (unless it has nothing to do with the *shidduch*).<sup>49</sup>

Serious information should only be told if it is to benefit one of the parties, it cannot be exaggerated, and there must be a good chance that the information will be taken seriously and acted upon.<sup>50</sup>

One who was not asked a specific question does not have to answer anything he was not asked. For example, if one is asked "does the boy wears a hat in the street"? he may say for *davening* yes, but for going to the *mikvah* he doesn't.<sup>51</sup>

One who is asked if a boy is nice looking may answer honestly because the girl can see for herself anyway.<sup>52</sup>

Whatever may be permitted to say in regard to a *shidduch* must be said only to a person who has wisdom,<sup>53</sup> and one who will not spread the information to other people.

There are a lot of other cases which can arise regarding this *inyun*,<sup>54</sup> and anyone who is unsure whether to give over certain information should speak with a *halachic* authority beforehand.

### Lying about Age

A question arises if one is permitted to tell a *shadchan* he or she is younger than their age in order to facilitate a *shidduch*.<sup>55</sup> Some *poskim* say if one of the sides is already looking for a *shidduch* and is having a hard time finding one then he or she may lie about their age.<sup>56</sup> *Horav Elyashiv Shlita* says that one who is twenty can say he is nineteen.<sup>57</sup> When this question arises one should discuss it with his *Rav*.

### "Younger before Older"

Many times when a *shadchan* presents a *shidduch* to one party they say that it is a nice *shidduch* but it is not our custom to give the younger child before an older one, and we have an older child that has to get married first. This idea is what *Lavan* said to *Yaakov* when he gave him *Leah* and not *Rochel*,<sup>58</sup> and is brought down in *halacha* as well.<sup>59</sup> However, some say that there is no concern of a younger child getting engaged before an older one.<sup>60</sup> Nonetheless, one should discuss this issue with his *Rav*.

♦ It should be pointed out that when dealing with questions of *shidduchim* one should consult his *Rav*.

<sup>45</sup> Mivakshei Torah 23:page 9, Ne'imas Hachaim page 68.

<sup>46</sup> Refer to Mishpatei Hasholom pages 240-266 in great depth.

<sup>47</sup> Refer to Titein Emes L'Yaakov pages 121-124 on this *inyun*.

<sup>48</sup> Opinion of Horav Fisher zt"l quoted in Titein Emes L'Yaakov page 122.

<sup>49</sup> Quoted in Titein Emes L'Yaakov page 122. The *Steipler zt"l* said that in general the husband should not be more than ten years older than the wife (Orchos Rabbeinu 1:page 268:23).

<sup>50</sup> Parshas Vayeitzei 29:26, see Rashbam Bava Basra 120, Rosh 1:54, Maharsham 3:136.

<sup>51</sup> Shach Y.D. 244:13.

<sup>52</sup> Horav Yisroel Belsky Shlita, see Igros Moshe E.H 2:1, Orchos Rabbeinu 4:page 240:37, Vein Lumo Michshal 1:pages 88-89:2. Refer to Teshuvos V'hanugos 1:739 who says in the name of the Belzer Rebbe zt"l that the older child must be *mochel*.

<sup>45</sup> Chofetz Chaim Hilchos Richeilus 9:case 3:6, 11, V'ein Lumo Michshal 6:page 190.

<sup>46</sup> Minchas Yitzchok 5:44.

<sup>47</sup> Chofetz Chaim Hilchos Richeilus 9:1:pages 360-365 who says you need to meet other conditions. Refer to V'ein Lumo Michshal 6:page 185.

<sup>48</sup> Chavos Yuer 120, Teshuvos V'hanugos 2:624, Mishpatei Hasholom page 254. See Orchos Rabbeinu 4:shidduchim 14:page 235, Rivevos Ephraim 8:498:1, V'ein Lumo Michshal 6:page 187.

<sup>49</sup> Sefer Chasidim 507:page 338.

<sup>50</sup> Refer to Chofetz Chaim ibid: 9:2.

<sup>51</sup> Refer to Mishpatei Hasholom page 244:footnote 3. Some say there is no need to say the information before the boy and girl have gone out a couple of times (Shevet Ha'Levi 6:205).

<sup>52</sup> Mivakshei Torah 24:page 136:14.

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