

YISMACH

# HILCHOS SHIDDUCHIM

*Jewish Laws Relating to Shidduchim*



ישמ  
make it happen

*Compiled by Rafi Neuman on behalf of Yismach*

# PART 1: Halochos of Shidduchim

## Chapter 1 The Shidduch Process

### Why Marry

The basic principle is that it is a mitzvah to marry and have children. On a more spiritual level, the Tomer Devorah says<sup>1</sup> that a man's primary attachment to the shechina is through his wife. If a person wants to attain any lofty state, he must get married. Marriage isn't exclusively about having children, but rather a man is also commanded to love his wife. Love in marriage is crucial not only because a house that has shalom brings the shechina, but also because having a loving marriage leads to the birth of extraordinary Tzadikim<sup>2</sup>

### Do I need to actively look for a Shidduch?

#### Does this Hishtadlus conflict with Bitachon?

Some people, especially yeshiva buchrin do not approach shadchanim, but rather wait to hear a suggestion. They feel that trying contradicts their bitachon. Some specifically quote the Gra who says that the efforts people make to find a zivug is in vain, because everything is from Hashem. However R' Shlomo Zalman Auerbach corrects this misinterpretation of the Gra and states : "Even though Hashem makes shidduchim, one must still do hishtadlus, though less than one would do for one's other needs." In the same vein the Chazon Ish states: "*We need to remember that it is not in our power to do anything: Only by our actions do we arouse the gates of mercy that our actions should accomplish its goal. Whoever davens and increases their pleadings for salvation, accomplishes more than someone who expends more Hishtadlus.*" – Kovetz Igrot 3:62 R' Chaim Kanevski Shlita – "*Even though it is predetermined who one is going to marry, the time is not. Davening helps a person find that person sooner.*"

The Pela Yoetz outright rejects the notion that one doesn't have to do hishtadlus and says one should remove the mask of shame and ask around for a wife, for this is the foundation of kedusha, and is an obligation on a person to get married. Also, sometimes the gezerah is that the zivug is found easily, but sometimes the gezerah is that a person finds someone based upon their davening and hishtadlus and therefore must exert their efforts to find someone.

### What can I do to get married sooner?

The years are passing me by. I have tried everything. I did all the segulahs. I davened my heart out. I went to all the Shadchanim. What else can I do?

In the Shla's tefilah to find a zivug, two concepts are highlighted.

1. One should daven to find a zivug in the right time, just like Hashem arranged for Adam, the Avos and Moshe, and
2. a prayer that cruel and hateful people should not hinder the zivug with their thoughts and ill intentions (like Laven tried to with Yaakov for example)

Who you marry is predestined. When you marry is not. When asked how davening could help if a zivug is already determined from shamayim, Rav Chaim Kanievsky

said that davening helps a person find their zivug sooner, as the time when someone will find their zivug is not predetermined. Even though it is not predetermined, we can see from the Shla's tefilah that there exists a concept of right time that Hashem arranges to find a shidduch. Davening can help bring that right time sooner. From a more kabbalistic point of view, the Arizal states that one will find their zivug once they fix their actions and become worthy.

In the old days, when girls and boys started shidduchim between 14 and 17 years old, most gedolim strived to get married in that age range, as well as to marry someone several years younger. However, against the backdrop of people getting married young, many gedolim got married when they were "alte bochurs," including gedolim who married people their age.

There is a [site](#) where you can find out the age that gedolim got married.

- [The Taz got married to someone his age at 29.](#)
- [The Chofetz Chaim married someone his age.](#)
- [Rav Shach and his wife were both 25.](#)
- [Rav Dessler got married at 29. His wife was 31.](#)
- [Maharal got married at 31.](#)
- [Ketav Sofer married at 36.](#)
- [Chatam Sofer married at 24.](#)
- [Rabbi Hutner got married at 27.](#)
- [Rav Moshe Mordechai Epstein married at 26.](#)
- [Rav Kaduri married at 37.](#)
- Going further back, Yitzchok was 40 and Yaakov 84.

This might come as a shock to many people, especially considering that people started to hear shidduchim at a much younger age. Those who aren't getting married at the same age as their friends should know that they are still in very good company.

**Keeping a positive outlook during this period is critical; one should never lose hope!**

Many in shidduchim feel that it is not fair. To put this in perspective, and to view it from another perspective, the Chafetz Chaim's wife was feeling the hardship of poverty and said to her husband "Look at so and so who has no Torah, no yirat shamayim, no middos, no smarts and yet Hashem rewards him with a fortune, and you who are a great tzadik and has Torah, middos and yirat shamayim don't have any money! How is it justice?"

The Chafetz Chaim told her: How is that justice? For a person who has no smarts, no middos, no yirat shamayim, no Torah, it's only fair for Hashem to reward him with money. But for us who have a house filled with Torah, and yirat shamayim and good children, and on top of that you expect also money?! How is that justice?

In אגרא דפרקא in which the wife of R' Dov Ber came to him in tears from the hardships of their children, how they have no food, are thirsty and no clothes from the cold, and he heard her words and sighed a bit, and heard a heavenly voice tell him that he lost his world to come. As he heard it, he trembled at the thought that he had nothing in both worlds – for in this world he and his children are starving to death, and in the world to come he has nothing. Later, he came to the

realization that now he can truly be an *oved Hashem* for he lost his reward in both worlds, and therefore his work would be truly *leshem shamayim* and continued to learn again. Then he heard from *shamyaim* that he has a place in *Olam Haba*, but from now on be careful not to sigh again from the abundant mercy he has on his children, for there is no greater mercy than Hashem's mercy.

Though we may not understand it at times, Hashem always has our best interests in mind. This whole process is by divine intervention. The *Chazon Ish* wrote that today, it is in *shidduchim* you will see the hand of the Hashem in this period of history where more often than not, there is *hester panim*. When it is the "right time" it will miraculously fall into place.

## Chapter 2 Halachic Issues

### References

With every suggestion, a *shidduch* resume with references is attached. Before meeting, it is the customary practice to call not only the references provided by the person in *shidduchim*, but neighbors, teachers and other acquaintances.

Historically, the *birurim*- the process of finding out about a suggestion was performed intensively, as it was the essential part of the *Shidduch*. The meetings or dates themselves were to get an impression of the person yet did not necessarily detract or add to the suggestion. There are still communities today which follow this *hanhaga*.

In the Anglo-Charedi Community, it became the custom to check less intensively, as the *Shidduch* was based primary on the dates, while the *birurim* merely serve to see if the person should go out or not. Because the initiation of a meeting hinges on the references, they are caught in a double bind – saying too little because of worry about speaking *lashon hara* looks like there is something to hide and saying too much or being prodded too far leads to *lashon hara*.

*Yismach* would like to provide guidelines as to what a reference is allowed to reveal. Rabbi Yisrael Gans, Rosh Yeshiva of Kol Torah, has clarified exactly what a reference can say. You can see and hear his *shiur* here.

To summarize:

When taking a call, as a reference, one must verify that this information is for the purpose of *shidduchim*. Source of information: it is forbidden to ask information from someone who is in dispute with the prospect or the prospect's family. One cannot express his or her opinion, rather just state the facts as they are.

Five key points:

**Personal knowledge:** The reference must first consider whether the answer is something which he/she has firsthand, direct, personal knowledge, or whether it something the reference knows secondhand. If she/he knows it firsthand, she/he can relay the information. Otherwise, he/she cannot.

**Don't exaggerate:** Well-meaning exaggeration to get a *shidduch* moving is forbidden, even if the exaggeration is positive, and all the more so if it is negative.

Be objective: People view others by ways of their own preferences. Someone who is loud and can't tolerate a quiet type may automatically project, and relay falsehoods about that person. The reference must be objective. If the reference feels that she cannot be objective, or she is saying negative things out of hatred etc., then she/he is forbidden to answer.

Avoid Lashon Hara: If it can be said without lashon hara, then that is how it should be said. If, for example, the person knows both sides, she can advise and say - I don't think it's suitable. But if questioned, he/she can respond with the minimum details but in accordance to the above conditions, avoiding lashon hara. Adding details will just damage the person.

Know the caller: The reference may not reveal information to someone who will spread the word. If the caller is one who cannot keep a secret, and may damage the shidduch, it is forbidden to say anything negative about the person in question.

On the one hand spreading rumors is terrible, but standing idly by while someone makes a fatal mistake is unconscionable. This creates a very difficult balancing act and in very specific situations, one is not only permitted, but obligated to relay negative information:

One must relay negative details which will hurt *hakamat bayit yehudi* and can lead to divorce. Personality disorders, lack of Tzniut, lack of Yiryat Shamayim, and serious health conditions. These are all issues that must be revealed, as they fall under *lo tamoed al dam reech*

If one knows about a serious medical condition, one should relay the information. If there is a *safek*, ask a rav. If it is after the engagement, and most likely will not change anything, then there is no *toelet* and one should notno.

If it's a serious issue, but the person doesn't know the information first-hand, the person should answer, "I don't know exactly. Perhaps you can inquire further about this issue." However, one should say outright that "I only heard it as a rumor and not first-hand so don't rely on me." Therefore, it will carry less weight. The nature of a person is to accept bad information rather than good information. If it's hard to answer, or one doesn't know for sure, then instead of being evasive, one can say "I don't know." In regard to other neutral issues, if they ask, one can respond. But if they don't ask, then there is no need to provide the information (i.e. Does she speak English) – if it is important the caller will ask. The reference should not offer information that was not specifically requested. If the respondent has a *safek*, then they shouldn't say.

One is forbidden to label people. - i.e. sociable, serious, warmhearted, anti-social, negligent, miserly, hot-headed, beautiful, modern, not modern, lacking personality, because people will jump to judge accordingly. One should just state facts in clear terms. The act of labeling is greatly harmful to prospects in Shidduchim.

If the girl and boy meet and either one does not want to meet again: The prospect should tell the shadchan it's not suitable, or "not for me", and not reveal the reasons -- not even to the shadchan, even if they press for info. If it was a serious defect such as personality disorders, lack of Tzniut, lack of Yiryat Shamam, or

serious health conditions, then one should say. A shadchan is forbidden to ask why the prospect does not want to go out again.

Conclusion: In choosing references, one should take care to select individuals who are both knowledgeable both about the person, and aware of the halochos of loshon hara. When calling references, Yismach urges you to limit your questions and structure them according to the parameters delineated in the Shiur of Rabbi Yisrael Gans, Rosh Yeshiva of Kol Torah.

## **Advice from other people**

Getting bad advice, even from those with good intentions, can be devastating. From the Chida's tefilah for a boy to find his mate, he says that no prophet or ba'al ruach haKodesh exists today who can determine which is the "ראויה" the right one. The reality is that people freely offer advice about shidduchim, but should emulate the Chazon Ish who did not push or encourage a specific shidduch, but rather only gave advice to those who asked. According to R' Yisrael Gans, Rosh Yeshiva of Kol Torah, when being a reference, one cannot describe someone by "labeling" them since these stereotypes distort the reality of who the person is. Nor is the reference allowed to relay any information that they do not have direct personal knowledge of. Certainly, labeling others who the "advisor" never met and has no personal knowledge of is absolutely prohibited.

R' Chaim Walkin told the Yismach staff that the secret to shidduchim is secrecy, and shadchanim have seen no small number of shidduchim fall apart once a person revealed to their friends who they are going out with, "friends" who belittled them, and "convinced" them that they should seek others.

Shadchanim have heard of people who destroyed their efforts because a friend or neighbor said, "I don't see it" or the person comes back with "I asked people who know both sides, and they didn't think it's appropriate." People are more than encouraged to help shidduchim and provide any information that can help you determine if it is right for you. But to outright sabotage a chance for a shidduch, and convince you of what you need based upon their own opinion, does not hold your best interest in mind.

## **Expressing opinions on a Shidduch**

No one should express any opinion regarding a Shidduch, except for the family and the couple.<sup>6</sup> Rather, when suggesting a Shidduch one should only consider oneself a messenger from shamayim and should not attribute a successful match to one's strengths.<sup>7</sup>

## **Judging others – A Reflection of Yourself**

The Baal Shem Tov brought to light an interesting concept, that people perceive evil in others only because that specific evil exists in themselves. One who sees someone commit a sin is only brought to that situation because they committed it themselves in some form, though mostly through a symbolic relationship. For example, a person who sees a person commit idolatry doesn't mean they themselves committed it but rather perhaps got angry which, as stated in Gemara Shabbos, is equivalent to committing avoda zara.

When one is completely pure, they simply do not see any evil in others. Based

upon this assertion, if someone constantly finds fault in others, they need to reevaluate their actions. In contrast, those who are “7aker tov” – who appreciates others, who recognizes the good in others and who sees the godliness (Tov is one of the names of Hashem) in others—for them, relationships only get better over time.

What also wreaks havoc with shidduchim is unrealistic expectations, derived from non-Jewish or secular culture, and even sometimes from the Bais Yaakov system. R' Yaakov Edelstein was asked if it is preferable to take a Chason who is 100% lamdan or 100% baal midos, to which he answered that baal midos is preferable. Not just practically but also for the sake of shalom bayis. He said that in his opinion the Bais Yaakov schools put too much emphasis on the learning of the boy, rather than his midos, and as a result the girls get older and hold out for the gedol beTorah, and if a suggestion isn't an incredible learner, they don't want to hear about it. The correct way to approach it is if they cannot find the Torah genius, they should take a boy who isn't so strong in learning but is Yirei Shamayim, davens properly, and learns, rather than wait for years.

### **Rejecting an offer**

One should not reject an offer outright. Often people will reject a person, but because it is their Zivug, eventually they end up forging the connection and marrying them. Rather, one should say to the Shadchan: If it's from Shamayaim it could be fitting, but right now I can't see that it is for me.<sup>8</sup>

### **Lying about age**

According to R' Elyashiv zt"l one is allowed to lie slightly about their age. However, according to R' Shlomo Zalman Orbach zt"l one is absolutely forbidden to lie about age, even to a slight degree. Only in very specific cases does one attain a *heter* to lie about age.<sup>9</sup> This *heter* requires a specific *psak*.

### **Marrying Bat Talmid Chachan:**

Question: If someone was offered a shidduch where the father of the girl is not a talmid chacham but the girl herself has yirat shamayim and knows the value of a talmid chacham – would this be an acceptable match?

Today there is no din of Talmid Chacham (Shulchan Aruch) and therefore, one does not need to specifically seek the daughter of a Talmid Chacham, rather everything depends on the girl herself, that is to say, if she herself is worthy – R' Steinmann Shlita<sup>35</sup>

### **Shidduch where a sibling went off the derech**

According to R' Steinmann Shlita, `If a prospective match has a sibling who went off the derech it is not indicative of a *Pgam* on the family and the shidduch can still be pursued.<sup>36</sup> Also, because of the many negative influences today, a child going off the derech does not reflect on the rest of the family.<sup>37</sup>

## Chapter 3 Hilchos Shadchanim and Meshudachim

### Is it a mitzvah to make Shidduchim?

Yes! The Midrash<sup>1</sup> says that after creation Hashem makes Shidduchim. Therefore, one should follow the attributes of Hashem and make Shidduchim.<sup>2</sup> The Maharil engaged in Shidduchim and it was his primary source of income.<sup>3</sup> The Maharsha explains that when a person is asked in heaven “*Asakta Bepru urvu*” it includes the question “*did you make Shidduchim for widows and orphans?*”<sup>4</sup> To fully perform the mitzvah of Shidduchim, the Shadchanim should daven for the couple that they should be blessed with children.<sup>5</sup>

### Can anyone be a Shadchan?

While it is a mitzvah for anyone and everyone to do shidduchim, there are parameters that shadchanim should be aware of. Historically, a shadchan used to only be Torah scholars who were well versed in Halacha and knew they could describe a person without exaggerating or distorting the truth.<sup>10</sup>

### Who is entitled to Shadchan fees?

Any person who makes a shidduch for someone else, whether it is a professional Shadchan or a friend, is entitled to a shadchan fee. This includes making a shidduch for relatives. If a close relative (i.e. brother, sister, brother-in-law) is a professional shadchan who had stated specifically they require a fee, or even if it didn't cross their mind, but when the Shidduch was completed they demanded it, they are entitled to payment. However, in the case where they made the Shidduch as a favor to the son, family etc. as is commonly done, they are not entitled to payment.<sup>11</sup>

### What constitutes an offer?

#### Suggesting a name without details

If one suggested a name to only one side, and another Shadchan was involved to complete the Shidduch, the first shadchan did not contribute to the shidduch and is therefore not entitled to payment. However, if someone suggested the name of someone who the other Shadchanim could not possibly think of (such as a person from outside the country), there is a macklokes if the person is entitled to a fee as an initiator. If one suggested a name to both sides, then it is considered that he is *Mekarev Hadeyos* and is entitled to payment as a *matchil* (initiator).<sup>12</sup> As the scenarios vary greatly, and the halachos of matchil are based upon takanas and minhag hamakom one should consult a dayan for a psak for each case.

#### Setting up dates

A problem arises when a second Shadchan sets up the dates but does not act in any way to advance the Shidduch. In other words, all the details have already been worked out by the first shadchan, or the families independently worked out the details between themselves. In a case where one Shadchan made a suggestion and the families proceeded by themselves without the Shadchan's intervention, they still owe the Shadchan the full amount.<sup>13</sup> But in the case where there are two Shadchanim, and the second shadchan was not “*mikarev hadeyaot*” between the



sides but rather just set up dates, then the second shadchan may not deserve any compensation. There lies a machlokes if an emtzei is entitled to anything at all or 1/3.<sup>14</sup>

To avoid disputes, it is advisable that one shadchan see it through to its conclusion.

### **Same suggestion from two Shadchanim**

If a shadchan suggested someone, and the person did not accept or reject the offer, or the person accepted the offer, but it was not pursued, or even was pursued and it did not work out, and another shadchan came after with the same suggestion without knowing of the first Shadchan's suggestion and without benefitting from the first Shadchan's work, the second Shadchan is entitled to the full fee. However, if the second Shadchan did benefit from the first Shadchan's work, the first Shadchan is entitled to a Shadchan fee as a matchil.<sup>15</sup>

### **Is it permissible to change Shadchanim in the middle of a Shidduch?**

A G-d fearing person should not involve another shadchan. However, while it is advisable that one should not involve another Shadchan, there are extenuating circumstances where a need for another Shadchan to intervene to make the Shidduch arises. In that case it is permitted. In any case, the first Shadchan has no claim of ownership of people, and cannot compel people to complete the Shidduch with his/her services.<sup>16</sup>

However, if the person changes Shadchan, not because the new Shadchan will provide an advantage, but rather only to award another Shadchan the fee, it is considered a grave transgression and one is considered a Rasha for doing so.<sup>17</sup>

In the permissible cases in which other Shadchanim are involved the work is either split, or if one took the shidduch over from someone else, then the work is split between the *Matchil*, *Emzaei*, and the *Gomer*.<sup>18</sup>

### **Reason for paying a Shadchan**

Unfortunately, some Shadchanim are hesitant to work with others and pool resources together as they feel they have rights over the people they met, and if someone else succeeds in making a Shidduch, it is considered stealing from "their people." However, this is a misconception as a Shadchan does not get paid for benefit from information about people they have met, rather he/she gets paid only due to their work on a shidduch.<sup>19</sup>

### **Obligation to pay a Shadchan**

If a Shadchan demands payment and a second party denies that he was the Shadchan, it is considered just like any monetary complaint adjudicated by Beis Din<sup>20</sup>. A person has to pay a Shadchan because he benefitted from his work<sup>21</sup>. In a case where a person approached a shadchan to make him an offer, it is a Machalokes if one pays because the Shadchan is considered a Kablan or for the same reason – because he benefitted from his work. The difference being whether there is Baal Talin if one doesn't pay in time.<sup>22</sup>

## **If one asks a Shadchan to be set up with a specific person**

In a case where a person approached the Shadchan to be set up with someone else, the Shadchan does not get paid the full amount but rather 1/3 is deducted from his fee as he didn't make the offer.<sup>23</sup>

## **Asking more than the market value**

If a shadchan asks for a fee which is 1/6 above the market rate, the person only has to pay the market value<sup>24</sup>, unless a Kinyan was made<sup>25</sup>, or even a handshake on the price which binds them to that agreement. If they paid already, then even without a Kinyan or handshake on the price, the shadchan does not return the money.<sup>26</sup> If the shadchan was poor, then according to the Kitzot Hachosen, one must pay the Shadchan the full amount as it is considered a *neder*.<sup>27</sup> The Netivos, however, argues that this is not considered an actual *neder*. If the Shadchan worked more than the accustomed amount of work, then even without a Kinyan, the person has to pay the agreed-upon price.<sup>28</sup> In a case where one side didn't pay the Shadchan for whatever reason, the Shadchan cannot demand that second side pay the obligation of the first.<sup>29</sup>

## **Not paying a Shadchan on time**

One has an obligation to pay a shadchan at the engagement.<sup>30</sup> If one does not pay the Shadchan upon engagement, he might possibly violate the issur of Baal Talin<sup>31</sup>. In a case where there is no Baal Talin, the person still must pay on time because of “בל תאמר לריעך לך ושוב ומחר אתן ויש אתו” --- see Sefer Yismach Lev 32. Withholding payment from a Shadchan is so severe that some were prevented by Beis Din from getting married until they paid their debt to the Shadchan.<sup>32</sup>

## **Not paying a Shadchan at all**

R' Chaim Kanievski Shlita heard from the Chazon Ish of a man who came to him after a few years of marriage and still didn't have children, and the Chazon Ish asked if he paid the Shadchan, to which he replied that the Shadchan was a close relative and that he was not obligated to pay. The Chazon Ish told him to pay regardless and a year later they had a child.<sup>33</sup>

## **Who has to pay -- the Chasan and Kallah or the parents?**

In a situation where the parents are in direct contact with the Shadchan and they refuse to pay, there is a machlokes if the groom and bride have to pay. Therefore, if a dispute arises, one should consult a beis din on this matter.<sup>34</sup>

## **Lying and giving false promises in shidduchim**

If one tells a Shadchan to relay to the other side that they will provide an apartment or other financial aid and it turns out that this is false, and as a result the shidduch falls apart, the shadchan can demand damages for lost time which will be an amount set by Beis Din.<sup>38</sup>

## **Discovering a serious defect after the engagement**

If a *Mum Shebaseter* (a hidden defect) was discovered after the engagement, one can cancel the shidduch and one is not obligated to pay a fine. Not only that, but if the *mum* was found by the Kallah, and the Choson still wanted to pursue it, but

the Kallah backed out of the engagement, there was a *Mekach Taut* and the Shadchan has to return the money.<sup>39</sup>

One cannot cancel a shidduch if one finds out that a sibling of the Choson/Kallah became an atheist or converted to other religions, because it is considered *Mum Shebagalui* (a public defect). If they already paid the Shadchan, the Shadchan does not have to return the money. However, if they didn't pay the shadchan, they are not obligated to pay.

If that sibling was in another country, then it is considered *Mum Shebaseter* and it is a *Mekach Taut*. Therefore, they do not have to pay the Shadchan. If they did pay the Shadchan, he/she is obligated to return the money.

If, after the engagement, a sibling converted to other religions or the Choson/Kallah lost their sanity, or if the Choton/Kalah went off the derech, then one can cancel the shidduch without a knas. However, since this happened after the engagement, there is no *Mekach Taut*. Therefore, the shadchan's work is complete, and one must pay.

### **Multiple Shadchanim with one foregoing the fee**

If one Shadchan wants to forego his fee, it is irrelevant to the second Shadchan and the second Shadchan only gets paid according to the work done by them.<sup>40</sup> For example, if the *matchil*, who is entitled to 1/3, tells the couple to use another shadchan and he will forego his fee, then the shadchan who completes the shidduch gets 2/3 and not the full fee.

1. Midrash Rabba 68:4; 2. Shulchan Haezer 3 - Yismach lev 26; 3. Sefer Maharil Hilchos Chanukah; 4. Maharsha Shabbos 31:1; 5. Derech Sicha 109-Yismach lev 26; 6. Simcha Leish 1:8 see mekoros; 7. Pela Yoetz 10; 8. Pela Yoetz 4 -Dechia; 9. Titen Emet Leyaakov 38; 10. Tzavaot V' Derech Tovim 29; 11. Mishpatei Hatorah 31; 12. Poel Emet; Leket Shalot Hamitiot chelek 2; 13. Shut Halichos Yisrael 31; 14. Poel Emet; Aruch Hashulchan 185:12; 15. Shut Halichos Yisrael 23; Poel Emet; Leket Shalot Hamitiot chelek 2; 16. Aruch Hashulchan 185:12; 17. Poel Emet; Mishnat Yehushua 12; 18. Shut Halichos Yisrael 30; 19. Mishpatei Hatorah 34:1; 20. Rema 185:10; 21. Biur Hagra 185:13; 22. Shut Halichos Yisrael 2; 23. Yismach Lev Tshuvos R' Chaim Kanevski 6; 24. Shut Halichos Yisrael 14; 25. Shut Halichos Yisrael 17; 26. Shut Halichos Yisrael 16; 27. Kitos Hachosen 264:4; Shut Halichos Yisrael 17; 28. Shut Halichos Yisrael 17; 29. Shut Halichos Yisrael 20; 30. Yismach lev 32 in the name of Kovetz Mivakshei Torah in the name of Rav' Eliyashiv; Shut Halichos Yisrael 4; Shut Halichos Yisrael 10; 31. Yismach lev Tshuvos R' Chaim Kanessvski 8; Yismach Lev 32; Shut Halicos Yisrael 2; 32. Yismach lev 32 in the name of Lavush Mordechai 11; 33. Yismach lev 32 in the name of Toldut Yaakov pg 338; 34. Yismach Lev Tshuvos R' Nissim Karlitz 3; Yismach Lev Tshuvos R' Chaim Kanevski 9; Shut Halchos Yisrael 3; 35. Sefer Yismach Lev Tshuvos R' Steinmann 1; 36. Sefer Yismach Lev Tshuvos R' Steinmann 2 "; 37. Yismach Lev 19; 38. Shut Halichos Yisrael 24; 39. Shut Halichos Yisrael 10; 40. Hadrat Kodesh 41:10<sup>e</sup>

## PART 2: What are the Jewish views of love?

In an obscure sefer, the son of the Abarbanel, Yehuda Abarbanel presents a philosophical dialogue between husband and wife about love. The sefer, which was published posthumously, was extremely popular, was written originally in Italian Dialoghi Damore and in Hebrew it is called שיחות על האהבה or ויכוח על האהבה.

In the first chapter of this book, Yehuda Abarbanel analyzes the difference between desire and love. Desire he posits, once satisfied is generally no longer desired, but love is insatiable. The dialogue concludes that this may be sometimes true, but sometimes love and desire can coexist; sometimes love and desire may strengthen or erode together, and sometimes may complement each other. Desire is believed to be a lower and unholy form of attraction, and its role in love depends on the source of the desire.

The analysis of the dialogue concludes that people who truly love, it is as if the other lives within them -- a person who loves someone else, can feel the other's pain and joy even more than the person themselves, such that "love makes one person two and two people one." This happens because of the neshama striving to cling to another's neshama, which as a purely spiritual entity it can do. But since the neshama is separated in this world by the body, two neshamas cannot completely attach.

Falling in love is first the observation that the object of love is pure, just, wholesome and worthy of being loved. Once the mind judges that the person is worthy of love, it is no longer bound by the logic of the mind and indeed feeling overrides any logical thoughts. In such a case, a person loves the person, whether they are with them, alive or no longer alive, whether they receive love in return or not. It is what is described as a boundless love. The soul yearns to attach, yet it is constantly afflicted with the knowledge that true attachment is impossible as long as the body exists. As this desire is fomented by love, such desire is considered pure.

After marriage when the commitment bond is formed, as love continues to grow, the person knows that their desire for the person is bred from a holy form of love and not the other way around. It is such a love that sustains a relationship, and which grows over time.

Yet in the opposite scenario in which desire is a preeminent part of love, once a person attains the object of their desire, the desire dissipates and so does the love. Those relationships, whether knowingly or not, which are mutually beneficial relationships, where each one derives some benefits that did not exist, or they could not attain on their own, the feelings may be cyclical - sometimes feeling euphoria which is not sustainable, eventually eroding with the passage of time.

In contrast to Yehuda Abarbanel's view of self-less love Rav Shimon Shkopp explains how one can love themselves and still love another. In his opinion, an action that benefits another person is considered kedusha, while a person acting for his sole benefit is considered one acting against kedusha. However, he argues, the Torah does not want a person to hate themselves, and in

fact Hashem created a person to receive boundless shefa and therefore the nature of man is not incongruent with self-love.

*In the foundation of the creation of man, God implanted in him the desire of self-love to a very large degree. . . . At first glance, the feelings of self-love and love of others contradict each other. But we must try to go deep enough to find the key which unites them, since God demands them both of us. This key is that a person should clarify and verify the quality of his "I" (ego), since that is how every person is measured: For a coarse and lowlife person, his "I" is completely limited to his body and physicality. Above him is someone who feels that his "I" combines his body and soul. Above him is someone who includes in his "I" his family members. If a person walks in the ways of the Torah, his "I" includes the entire Jewish people. After all, every Jew is like a limb of the body of the Jewish nation. There are even more levels which a complete person should incorporate into his soul: to feel that all the worlds are his "I", and he himself is only a tiny limb of the entire creation. In this way, the feeling of self-love can help him love the entire Jewish nation and the entire creation.*

*In my [Rav Shkopp's] opinion, this idea is hinted at in the statement of Hillel, who used to say: "If I am not for myself, who is for me? And when I am [only] for myself, what am I?" If he constricts his "I" to a narrow radius, only as far as he can see, then what is this "I"? It's worthless and like nothing. But if he can bring himself to feel that all of creation is one big person, and he is a small limb in this huge body, then his value too is high and impressive. In a big machine, even the smallest screw – if it serves a function in the machine – is extremely important. The whole is built of parts, and the whole is only the sum of its parts."*

While it may appear that Yehuda Abarbenal takes the position that self-love comes because loving another and one cannot love himself if he loves another while R' Shimon Shkopp says that truly loving others stems from loving yourself, it may be that these are two sides of the same coin. For Yehuda Abarbenal speaks primarily of a love that has physical dimensions, while R' Shimon Shkopp focuses on a spiritual self-love in which a person seeks to elevate themselves. The result is the same.

To illustrate this point: Once Rabbi Aryeh Levin's wife felt pain in her foot. They went to the doctor together where the doctor asked, "What can I do for you?" Rabbi Levin answered in all sincerity, "Doctor my wife's leg is hurting us."

But two becoming one does not mean that there is only one point of view. R' Aryeh Levin told his wife – whenever we argue, I promise to always justify your position, to which his wife responded that whenever an argument arises, she will always justify his position. In this way, neither he nor she ever had anything to apologize for.

When Torah-observant people are absolutely giving, building a true relationship takes no effort. A number of years ago, when Rabbi Shlomo Zalman Auerbach lost his wife after 50 years of marriage, he eulogized her and declared: "It is customary to request forgiveness from the deceased. However, I have nothing to ask forgiveness for. During our relationship, never did anything occur that would require either of us to ask the other's forgiveness. Each of us led our life in accordance with the Shulchan Aruch."

Love is actuated by giving, not taking. The Jewish ideal is giving even if they will not receive in return (Matan Tzedeka Baseter), and not giving with ulterior motives to receive in return. The mindset of “What have you done for me today?” is antithetical to the Jewish definition of love. That is why our forefathers looked for wives for their sons that were baalat chesed.

## **PART 3: Shidduch Stories**

### **Maharal of Prague Shidduch Story**

In the Bes Din of the Maharal of Prague, whenever a case came before him which involved breaking an engagement, the Maharal went to extraordinary lengths to prevent any shidduch from breaking up. If the issues could not be resolved, he referred them to another bes din. What is the back story?

When the Maharal was a young bochur it was eminently self-evident that he was destined to be a Torah luminary. A shidduch was made when he was very young. Reb Shmelke Reich of Worms, Germany was very wealthy and promised such a large dowry that the Maharal could live comfortably and learn his whole life and provide comfortably to his family. He became engaged to Perela, the daughter of Reb Shmelke at an age too young to get married. By the time he was of age to be married, Reb Shmelke lost his entire fortune. Now penniless and on the brink of starvation, he contacted the Maharal to break the engagement. The Maharal refused but would only agree to break it if Perele found someone else who she wanted to marry and who wanted to marry her. Nicknamed “Reb Leib the Bachur,” he remained single and continued to thrive in Torah learning.

In the meantime, the suddenly penniless “Jewish European Princess”, took it upon herself to single-handedly save her family from starvation by opening a bakery. Every early morning this young girl was kneading dough by hand, baking loaves of bread, bringing it to the market, and selling the bread to provide the bare necessities for her family. Year after year she struggled and after over 10 years of this back-breaking work, apparent catastrophe struck.

A soldier on horseback passing by, using his spear, took all her bread and started to gallop away. She cried out pleading for money as her family was starving. The soldier told her that he was very hungry and had no money. He threw a saddlebag at her and galloped away.

Opening the saddle bag full of gold coins, she ran out to tell the soldier, but he was out of sight. Suddenly they had the money to make the wedding. At the ripe age of 32 the Maharal got married to his betrothed of over a decade.

In the Maharal's own words:

ויש לפרש ג"כ, בי האדם אם הוא מוצא את האשה עתה ואין ואת האשה שהיא נברת לו קודם היצירה ארבעים יום רק מוצא אותה עתה בי אשתו שהיא נגזרת לו מן השמים (הקדומה) [הקרים] אותה אחר ודבר זה מר ממות, אבל מצא משמע שכבר קודם שבא לעולם מצא את האשה וזה מצא טוב ... עניין האשה הטובה והתורה שנקראת אשה טובה

והיא חיבור הטוב, והפך זה האשה הרעה שהוא חבר רע לגוף האדם והגיהנם הוא חבר רע אל הנשמה.

<http://www.hebrewbooks.org/pdfpager.aspx?req=14194&st=&pgnum=166&hilite=>

## **One Step Closer - Rav Levi Yitzchok of Berditchev's shadchan**

The tzaddik Rabbi Levi Yitzchok of Berditchev had a shadchan, who would make shidduch suggestions for his sons and daughters. For every suggestion, R' Levi Yitzchok would give him a pitak (a coin).

After some time, when the shadchan had made many suggestions and had received many coins, but the suggestions did not work out, he decided to stop going with more suggestions.

R' Levi Yitzchok called for him and asked: Why did you stop making suggestions when the inyan itself is a lofty one for it is a "binyanadei ad" (everlasting edifice); it is included in the mitzva of AhavasYisroel, to try and help another; and especially when you made money. So why did you stop?

The shadchan replied: What's the point when the suggestions don't work out?

R' Levi Yitzchok said: Even when a shidduch suggestion does not work out, there is a purpose to it. For Chazal say that forty days before the formation of a fetus, they announce Above: "the daughter of so-and-so for so-and-so," because up Above everything is announced and all Supernal announcements provide life for the angels. Their life-force comes from this, when they hear the announcement they repeat and announce what they heard, and this sustains them.

It is known that the angels are created from the Torah and good deeds that people do, but when the Torah and mitzvos are not done for the sake of Heaven, they lack chayus, and in such cases, produce maimed angels, which is why there are blind and deaf angels.

When the announcement is made, "the daughter of so-and-so for so-and-so," and the angels repeat this, these angels mistakenly change the names and announce other names. Since everything an angel says is not for naught, the people involved cannot easily attain the real shidduch, but must suggest those names that the deaf angels mentioned and after those suggestions are made, which do not work out since they are not the real match, they ultimately attain the real match. And so, there is a benefit even to those shidduch suggestions that do not work out because through them, one reaches the real match.

## **Divrei Chaim's Shidduch**

The Divrei Chaim, popularly known as the Sanzer Rebbe, HaRav Chaim Halberstam, zt"l (1793 – 1876), was a brilliant Talmud Chacham, Torah scholar, and patriarch of many of the greatest Chassidic dynasties of present day. Even as a boy his fame grew throughout Europe. The most esteemed families sought him included as one of their own, through marriage. There was a problem however, a physical flaw which prospective families might not dismiss so casually, he had

been born with a “club foot,” which produced an exaggerated limp when he walked.

Though only 16 years old, a “Shidduch” was made with a very prominent Chassidic family, The Divrei Chaim did not agree to meet the girl but allowed her to see him. When the “YingerRav” – the young Rebbe was passing by, she saw him for the first time and he was limping. Shocked, she immediately informed her parents that she would not marry him.

After unsuccessfully trying to convince their daughter to reconsider, her parents informed the father of the groom that this shidduch was off. He too pleaded with the bride to reconsider and when she refused, they had no choice but to tell the “YingerRav” that this was “oishidduch” that the shidduch was called off. However, the future Sanzer Rebbe was still very interested in this Shidduch and asked that he might speak to her for a few minutes. The meeting was arranged, he entered the room for just a few minutes and when he came out, he told the two families to make the le’chaim.

Years later, after many years of a fruitful and successful marriage, the Rebbitzin passed away. At the Shiva, one of the Chassidim asked the Rebbe, “What did you say to your bride when you met privately with her?”

The Rebbe said that as soon as he entered he cited a mystical statement by Chazal that “forty days prior to a child’s conception, a decree comes forth from Heaven saying, so and so will marry so and so. Before I was born, my Neshamah, my soul asked to see my Bashert – my predestined wife, when my soul beheld you, it sang because you were so perfect. There was, however, one physical flaw.”

“What was that?” she asked, her curiosity having been piqued.

“You had a noticeable limp; one leg was shorter than the other. I had such pain when I saw this, because otherwise you were the picture of perfection. Knowing that outward appearances play a greater role for women than for men, it troubled me that you would have to live a lifetime with this impairment. Therefore, I asked Heaven if I could be afflicted with this physical imperfection instead of you. Heaven heard my plea. They saw how concerned I was, and they gave me the club foot. I have a limp today, so that you would not, I took it upon myself, so that you would not suffer and if you refuse this marriage because of this hideous disfigurement, please take your foot back.” When my wife heard the truth of these words she changed her mind. They were married and so began the famous Sanzer dynasty.



## Part 4 Reinforcing the Shidduch System

Yismach was created a few years ago to help old time shadchanim work efficiently using today's tools and technology. The idea is that shadchanim should have people's up to date information.

Yismach expedites shidduchim following Jewish law and centuries old Jewish custom. We help old fashioned shadchanim work efficiently using today's tools and technology without any attempt to change the time-tested age-old customs in shidduchim. Yismach is not a computer dating site masquerading as other sites do as shidduchim.

Yismach is a way to get up-to-date information of those in shidduchim to numerous shadchanim. Any individual in shidduchim can create a profile and only recognized professional shadchanim have access to your information. We do not police shadchanim. We do not mandate that shadchanim work a certain amount of time and make a certain amount of suggestions. Each is independent and has access to the updated information of thousands of individuals in shidduchim. No shadchan works exclusively for Yismach. Rather information is accessible to any shadchan which is recognized by their community as a shadchan and who has earned by their track record, the trust of the community and who gets paid the fee in accordance with Jewish law upon engagement. We provide access to poskim qualified to answer questions as they came up and we compiled these halochos as a resource to shadchanim and those in shidduchim.

### Acknowledgements

As part of Yismach's initiatives to expedite shidduchim, I was asked while I was learning in Mir Yerushalayim, in Rav Yitzchok Ezrachi's shiur, to in my spare time to research the halachos of shidduchim. Using the Mir library, I compiled a concordance of halochos relevant to shidduchim, herein summarized with links to the sources. I thank the numerous Rabbonim who were consulted in person and expect that their written haskomos will be included when the sefer is published.

As part of his research, a body of source material was gathered which provides a model of Jewish marriage and relationships. This source material was then organized and reproduced in a sefer entitled דרך ארץ which is available upon request. The sefer collates the sources going back many hundreds of years so that the model of marriage relationships can be anchored - חדש ימינו כקדם - The abridged results of his research, delineated in this pamphlet, is an abstract of this sefer.

#### HILCHOS SHIDDUCHIM

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