

## Hilchos Shidduchim

### **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 also 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>

### **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>

### **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*.

### **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

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<sup>1</sup>[Midrash Rabba 68:4](#)

<sup>2</sup>[Shulchan Haezer 3- Yismach lev 26](#)

<sup>3</sup>[Sefer Maharil Hilchos Chanukah](#)

<sup>4</sup>Maharsha Shabbos 31:1

<sup>5</sup>[Derech Sichah 109-Yismach lev 26](#)

<sup>6</sup>[Simcha Leish 1:8 see mekoros;](#)

<sup>7</sup>[Pela Yoetz 10](#)

<sup>8</sup>[Pela Yoetz 4 -Dechia](#)

<sup>9</sup>[Titen Emet Levaakov 38](#)

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

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<sup>10</sup>[Tzavaot V' Derech Tovim 29;](#)

<sup>11</sup>[Mishpatei Hatorah 31;](#)

<sup>12</sup>[Poel Emet ; Leket Shalot Hamitiot chelek 2](#)

<sup>13</sup>[Shut Halichos Yisrael 31](#)

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**

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<sup>14</sup>[Poel Emet](#) ; [Aruch Hashulchan 185:12](#)

<sup>15</sup>[Shut Halichos Yisrael 23](#); [Poel Emet](#); [Leket Shalot Hamitiot chelek 2](#)

<sup>16</sup>[Aruch Hashulchan 185:12](#)

<sup>17</sup>[Poel Emet](#); [Mishnat Yehushua 12](#);

<sup>18</sup>[Shut Halichos Yisrael 30](#)

<sup>19</sup>[Mishpatei Hatorah 34:1](#);

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 Kitotz 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” --- see Sefer Yismach Lev 32. Withholding payment from a Shadchan is

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<sup>20</sup>[Rema 185:10](#)

<sup>21</sup>[Biur Hagra 185:13](#)

<sup>22</sup>[Shut Halichos Yisrael 2](#)

<sup>23</sup>[Yismach Lev Tshuvos R' Chaim Kanevski 6](#)

<sup>24</sup>[Shut Halichos Yisrael 14](#)

<sup>25</sup>[Shut Halichos Yisrael 17](#)

<sup>26</sup>[Shut Halichos Yisrael 16](#)

<sup>27</sup>[Kitotz Hachosen 264:4](#); [Shut Halichos Yisrael 17](#);

<sup>28</sup>[Shut Halichos Yisrael 17](#);

<sup>29</sup>[Shut Halichos Yisrael 20](#);

<sup>30</sup>[Yismach lev 32 in the name of Kovetz Mivakshei Torah in the name of Rav' Eliyashiv](#); [Shut Halichos Yisrael 4](#); [Shut Halichos Yisrael 10](#)

<sup>31</sup>[Yismach lev Tshuvos R' Chaim Kanesvski 8](#); [Yismach Lev 32](#); [Shut Halicos Yisrael 2](#)

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>

### **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>

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

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<sup>32</sup>[Yismach lev 32 in the name of Lavush Mordechai 11](#)

<sup>33</sup>[Yismach lev 32 in the name of Toldut Yaakov pg 338](#)

<sup>34</sup>[Yismach Lev Tshuvos R' Nissim Karlitz 3](#) ; [Yismach Lev Tshuvos R' Chaim Kanevski 9](#); [Shut Halchos Yisrael 3](#)

<sup>35</sup>[Sefer Yismach Lev Tshuvos R' Steinmann 1](#);

<sup>36</sup>[Sefer Yismach Lev Tshuvos R' Steinmann 2](#) *"If the girl is a good girl with Yirat Shamayim and she has brothers who strayed from the straight path, should one reject such a Shidduch because " Hanose Isha Ivdok Beacheha"? In a situation where there are other brothers who are on the right path, then we say why we that the children will be like the brother who is not on the right path, and maybe will be similar to the Hagun brothers. And in place where most of the brothers are on the right path, one should for sure say "Zil Batar Ruba" And in reality, there is no Shulchan Aruch for these Halachas but it depends on the Svarah and therefore even in a case where most brothers are not on the right path each situation should be examined in itself, according to its situation and probabilities, and one needs Siyata Dishmaya to determine this."*

<sup>37</sup>[Yismach Lev 19](#)

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.

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<sup>38</sup>[Shut Halichos Yisrael 24](#)

<sup>39</sup>[Shut Halichos Yisrael 10](#)

<sup>40</sup>[Hadrat Kodesh 41:10](#)