

Matchmaking Fees & Beyond

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The following article addresses a question posed by an unmarried woman regarding the topic of *schar shadchanus*³ (matchmaking fees). The goal of the article is to review some basic issues regarding *shadchanus*, but as the issue is often delicate, with many factors involved, one should contact a halachic authority to discuss any specific case.

Dear Rabbi,

My friend got engaged recently and gave the shadchan an expensive gift as "shadchanus" (matchmaking fee). When I mentioned this to my parents they scoffed at the practice as some new-fangled thing that originated in the last two decades, similar to giving a pearl necklace in the Yichud room. They were quite adamant that I"YH when I get engaged they will be very grateful to the shadchan (if there is one involved), however, they do not intend to pay "shadchanus."

Is there any halachic basis to giving "shadchanus" or is it just a fad of sorts?

Sincerely,

Pays to be married?

Answer

The issue of *shadchanus* is often associated with professional matchmakers who are known to charge a fee for their services. However, the obligation to pay *shadchanus* applies to any *shadchan* who helps make a shidduch. In the section of the *Shulchan Aruch* devoted to monetary law, Rama states the following:

A matchmaker is like a broker.

Rama, Shulchan Aruch, Choshen Mishpat 185:10

השדכן הוי כמו סרסור.
רמ"א, שולחן ערוך, חו"מ קפה:י

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³ We will use the more common abbreviated form of simply "*shadchanus*" throughout the rest of this article.

If a matchmaker claims the matchmaking fee and the other denies and says that he was not his matchmaker, or if there is any other dispute between them, the law is the same as any other monetary claim and they take oaths about it.

Rama, Shulchan Aruch, Choshen Mishpat 87:39

תבעו בשכר השדכנות, וזה כופר ואמר
שלא היה שדכן שלו, או שאר טענות
שבינייהו, דינו כבשאר תביעות ממון,
ונשבעין על כך.
רמ"א, שולחן ערוך, חו"מ פז:לט

Rama treats a *shadchan* like any broker who brings together two parties to make a deal and is entitled to be paid for his or her services. The same laws that pertain to any monetary dispute would apply to *shadchanus* as well.

Actually, there are two scenarios involving a *shadchan*. In one case, a *shadchan* may be asked to make a shidduch. But it is also common for a *shadchan* to make a match without being asked. In this situation as well, the *shadchan* deserves to be paid. Indeed the Vilna Gaon, in his comments to Rama above, quotes the following:

Regarding the law of shadchanus, Maharam explained that it stems from the law of one who enters someone else's field without permission (and makes some improvement through planting). If the field is appropriate to be planted we assess how much the owner would normally give to plant it (and he must pay that amount).

Biur HaGr"a, Shulchan Aruch, Choshen Mishpat 87:117

תבעו כו'. דין השדכנות כתב
מהר"ם שהוא מדין היורד לשדה
חבירו שלא ברשות שאם היתה
שדה עשויה ליטע שאומדין כמה
אדם רוצה ליתן בשדה זו
לנוטעה.

ביאור הגר"א, חו"מ פז:קיז

Maharam compares a situation in which a *shadchan* suggests a match without being asked, to the law found in the Gemara⁴ of a person who helps out his friend and improves his field without being asked. In terms of other examples of favors that may warrant payment, Rama states:

And similarly with any person who does some action or favor for another, the one who benefits cannot claim, "You obviously did it free of charge, since I did not ask you to do anything." Rather, he must make the appropriate payment.

Rama, Shulchan Aruch. Choshen Mishpat 264:4

וכן כל אדם שעושה עם חבירו
פעולה או טובה, לא יוכל לומר:
בחנם עשית עמדי הואיל ולא
צויתך, אלא צריך ליתן לו שכרו.

רמ"א, שולחן ערוך, חו"מ

רסד:ד

Of course, just as one can forgive a debt or payment that he is owed, the *shadchan* can forgive the payment and there would be no monetary obligation to pay. On this point, the *Pischei Teshuva* quotes the following:

The Teshuvot Chut Shani writes about the prevalent notion that even if a shadchan says he will make a match for free, one must still pay the shadchanus—there is no basis for this anywhere in the Gemara or Poskim.

Pischei Teshuva, Even Haezer 50:7(16)

ועיין בתשובות חוט השני סימן ב' שכתב דמה
שרגילין העולם לומר שדכן שאמר לאחר
אשדך לך שידוך פלוני בחנם אעפ"כ מחוייבים
ליתן שכרו אין לזה שורש ועיקר כלל בתלמוד
או בשום פוסק.

פתחי תשובה, אבן העזר סימן נ סעיף ז (טז)

⁴ Bava Metzia 101a.

Since *shadchanus* is like any other monetary obligation, the same rules regarding forgoing payments applies to *shadchanus* as well. Specifically, with non-professional *shadchanim*, it may be the case that they will say they have no intention of collecting *shadchanus* and in such a case there is no monetary obligation to pay any fee.⁵

In today's day and age, various online and networking programs continue to blossom: some invite members to join free of charge, others have a sign-up or monthly fee. Some are manned by volunteer matchmakers and others have paid matchmakers. While people may assume that the *shadchanim* for these sites or programs have waived their right to *shadchanus*, in many instances this is not the case. Although they may not charge a specific predetermined amount, the volunteers may be looking forward to receiving *shadchanus* once they make a successful match. It is best for the young couple to inquire about any expectations or recommendations of *shadchanus* outlined by the respective program. Of course, a halachic authority can also be consulted to determine the appropriate amount to give in any specific situation.

A common situation that arises is when there is more than one *shadchan* involved in a shidduch. In these situations, the considerations may get quite complex. The poskim write about various roles that the *shadchanim* may have, whether as the originator of the suggested match, the facilitator, or the closer, and how the *shadchanus* may be split among them.⁶ Since every case is unique, it is best to consult a halachic authority in these situations.

In terms of the amount one should pay, the poskim write that it follows the local custom, but this may also get complicated when the bride and groom come from different locales.⁷ Similarly, the appropriate time to give the *shadchanus* is dependent on the local custom.⁸ The *Aruch HaShulchan* writes that the custom is to pay right after the engagement.⁹ In the absence of a custom, Rama writes that one can delay payment until the wedding.¹⁰

The obligation to pay may lie with the couple; however, the *Avnei Nezer* writes the following:

It is obvious that the obligation to pay shadchanus applies to the bride and groom since they are the beneficiaries of the match. However, [the custom is that] the parents pay on their behalf.
Avnei Nezer Choshen Mishpat 36

כי זה פשוט שחיוב שדכנות חל על החתן והכלה כי להם עשה הטובה רק שהמחותנים משלמים עבורם. שו"ת אבני נזר חו"מ סימן לו

⁵ See *Nesivos Hamishpat, Choshen Mishpat* 12:5. Some poskim also discuss a possibility that making a shidduch may be a mitzvah and in the absence of any stipulation, one can claim that he assumed the match was made for a mitzvah and would not be required to pay. However, other poskim reject this notion and reiterate the obligation to pay the *shadchan* (See *Chikrei Lev, Choshen Mishpat, Siman* 135).

⁶ See *Pischei Teshuva, Choshen Mishpat* 185, #3; *Erech Shai, Even HaEzer* 50:7; *Aruch HaShulchan, Even HaEzer* 50:42.

⁷ *Pischei Teshuva, Even HaEzer* 50:16; *Erech Shai, ibid.*

⁸ Rama, *Choshen Mishpat* 185:10.

⁹ *Aruch HaShulchan, ibid.*

¹⁰ Rama, *ibid.*

In light of this custom, some poskim write that even when the parents cannot pay, the couple has no obligation to pay.¹¹

As is often the case, *shadchanim* may spend many hours trying to make matches without much success. According to the strict halacha, even if the *shadchan* spends time with a shidduch, if it does not work out, there is no monetary obligation to pay the *shadchan*. However, there is certainly a place for *hakaras hatov*, appreciating the good one does. Indeed, regardless of how much *shadchanus* one gives, or whether one owes *shadchanus* at all, it is always appropriate to express *hakaras hatov*. Unfortunately, we do not always appreciate how many people may be involved in making a successful match. In his must-read work on the Jewish wedding, Rabbi Aryeh Kaplan notes:

Behind every couple that meets, there is a chain of events that stretches back through the eons. ... Take the following case. He is introduced to her by a friend. But how did he meet the friend? All the events that brought him together with his friend must also be taken into account. Let's say he met that friend in school. Why did he go to that particular school? Why was he attracted to that particular friend? How did she make contact with that friend? The answer can take one back years, and even generations. ... Whenever a person meets the special "one" it is something of a miracle. Somehow, through a particular set of coincidences and chains of events, God has brought them together. (Made in Heaven, pp. 1-3)

Yes. Miracles are made in Heaven and matches are made on Earth.

A *shadchan*, whether professional or recreational, proactive or incidental, is HaShem's messenger to bring about a match ordained in Heaven. HaShem orchestrates events from Heaven. Here on Earth a new couple has an obligation to express their gratitude not only to HaShem, but to His mortal messengers as well.

At times a *shadchan* puts in innumerable hours coaching and guiding the couple through the dating process to bring them to engagement and marriage. In other situations, the *shadchan* merely "gets the ball rolling" so to speak, by introducing the couple and the couple take it from there, never checking in with the *shadchan* again. No matter where the *shadchan* falls on the spectrum of perceived effort, it is appropriate for the new couple to express their *hakaras hatov* to the person who has changed their lives in the most profound way.

During the dating process, as things are progressing positively, call to let the *shadchan* know. Upon engagement, beyond whatever formal "*shadchanus*" you may give the *shadchan*, it goes without saying that a phone call to the *shadchan*, personally letting him or her know that you are engaged, is appropriate. You don't want your best friends to find out you are engaged through OnlySimchas, so don't let your *shadchan* find out that way either. Some go beyond the phone call and send flowers or a card. Still, the connection doesn't have to stop with engagement or an invitation to the wedding.

Many couples make an effort to call their *shadchan* to thank him or her every year before Rosh HaShana, just as they call their relatives and rebbeim who so greatly impacted their lives. Please G-d, when a couple is blessed with children, it is appropriate to share the good news with the

¹¹ *Erech Shai, Choshen Mishpat* 185:10.

shadchan and to again thank the *shadchan* who was HaShem's messenger in bringing about the next generation. Let your milestones be your *shadchan's nachas*.

Finally, it is appropriate to express *hakaras hatov* to an organization, website, or program that helped you throughout the dating process. Consider becoming a volunteer matchmaker, sponsoring or hosting an event or program after settling into married life. Additionally, spread the word and publicize the great work of the *shadchan* and/or venue that helped you meet your *bashert*. These sincere acts of *hakaras hatov* not only demonstrate your appreciation, but invite your single friends to approach the same *shadchan* or program, leading to the potential of more successes. Pay it forward.