

# Halachot of Dating



LE'ILUY NISHMAT KATIE FISHEL A"H

מאירה חיה נחמה ברכה בת דוד מרדכי

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The goal of this packet is to present Torah from poskim and our rebbeim on important topics relating to dating. We hope talmidim will learn from our summaries and sources but that they will not stop there. Every situation is unique, and we urge our readers to ask their rebbeim for guidance.

### Topics

- Age for Marriage
- Genetic Testing
- Revealing Information
- What to Look For (Money, בת תלמיד חכם, בת כהן, Aliya)
- Listening to Parents
- Date Ideas (Painting Night, Dave and Busters, Hotel Lobbies, Window Shopping)
- Yichud
- Dating Gifts
- Proposal
- Shadchanut
- Appropriate Interactions (For Men Only)
- Shidduch Pictures

## Age for Marriage

1. Men have an obligation to get married and have children.<sup>1</sup> Women should get married and are rewarded for having children,<sup>2</sup> although they are exempt from the formal obligation.<sup>3</sup>
2. Although men typically become obligated to perform mitzvot upon reaching maturity (Bar Mitzva i.e. age 13), the mitzva of getting married is pushed well beyond that.<sup>4</sup>
3. Ideally, a man should try<sup>5</sup> to marry before age 20 while continuing to learn Torah; however, if one finds this impossible due to the financial burden of sustaining a family, learning Torah takes precedence and he may delay marriage past age 20.<sup>6</sup> If he is not married by 20 due to matters beyond his control he does not transgress any prohibition.<sup>7</sup>

<sup>1</sup> Yevamot 65b, Shulchan Aruch E.H. 1:1, Sefer Hachinuch Mitzva 1

<sup>2</sup> Sanhedrin 76a-b, Rambam Ishut 15:16, Rama E.H. 1:13. Ran (Kiddushin 16b) establishes that even though a woman is exempt from having children, she has a mitzvah to get married to enable her husband to fulfill this mitzvah of pru urevu. Additionally, Shita Lo Nodah L'mi (Kiddushin 41a) says that women either have a rabbinic mitzvah to have children or a woman who has children gets reward like someone who volunteers for a mitzvah. See Meshech Chochma Bereishit 9:7 who suggests that the reason the Torah exempted women from this mitzva is because having children is potentially dangerous and the Torah wouldn't obligate them to put themselves in danger.

<sup>3</sup> Yevamot 65b, Tosefta, Yevamot 8:2; Sefer Hachinuch Mitzva 1, Shulchan Aruch, E.H., 1:13. However, see Rama (ibid.) and Sanhedrin 76a-76b.

<sup>4</sup> Avot 5:21 writes that a boy should get married at 18 and Shulchan Aruch E.H. 1:3 codifies this. Chelkat Mechokek, 2:2 explains that learning Torah and

becoming emotionally and spiritually mature takes priority over marriage until age 18; consequently, men have no obligation to marry beforehand.

<sup>5</sup> Sefer Toldot Yaakov pg. 335 writes in the name of the Steipler that what the Gemara says about getting married by a certain age is only requiring that you put in the effort to do so. Obviously, the gemara was not referring to someone who tried but was unsuccessful.

<sup>6</sup> Kiddushin 29b; Shulchan Aruch, E.H. 1:3. Avot 5:21 writes that a boy should get married at 18 and Shulchan Aruch E.H. 1:3 codifies this. Chelkat Mechokek, 2:2 explains that learning Torah and becoming emotionally and spiritually mature takes priority over marriage until age 18; consequently, men have no obligation to marry beforehand. Although Shulchan Aruch 1:3 says the ideal would be to get married at 13, Birkei Yosef 1:1 in name of Rabbeinu Yona in his Tzava'a (Pitchei Teshuvah 1:2) and Aruch Hashulchan 1:11 write that one should not get married so young nowadays.

<sup>7</sup> Aruch Hashulchan 1:11

4. It is unclear how long one may wait before dating<sup>8</sup>: some suggest one may continue learning until he feels satisfied with the amount of Torah he has learned,<sup>9</sup> while others suggest an absolute limit of age 24.<sup>10</sup> If an unmarried man finds it impossible to focus on his learning because of impure thoughts, marriage takes precedence over learning Torah.<sup>11</sup>
5. At the end of the day, our roshei yeshiva hold that it is a very personal question and there is no specific age by when a man should start to date and get married.<sup>12</sup> One should only start to date if he is ready to get married and ready to have children.<sup>13</sup>
6. Ideally, one should attain a livelihood before marriage.<sup>14</sup> Nowadays, the minhag is not to be too concerned about this.<sup>15</sup>
7. It is permissible for a younger brother or sister to get married before his or her older sibling. If both siblings are engaged, there is a consideration to let the older one get married first. In these cases, it is proper to ask a rabbi for personal advice.<sup>16</sup>

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<sup>8</sup> Rosh to Kiddushin 29b. While Shulchan Aruch EH 1:4 rules that if one chooses not to marry because his soul is so attached to Torah like Ben Azzai, the Aruch Hashulchan 1:14 rules that there is nobody in our generation who can live up to such a standard of attachment to Torah so there would be no exemption from the mitzva of getting married.

<sup>9</sup> Levush, E.H. 1:4, cited in Aruch Hashulchan, E.H. 1:13.

<sup>10</sup> Yam Shel Shlomo, Kiddushin ch. 1 n. 57, cited in Aruch Hashulchan E.H. 1:13; see Rashi and Rosh to Kiddushin 30a. Maharikash in Pitchei Teshuva 1:5 and Rav Ben Zion Abba Shaul (cited by Bet Chatanim 1:1) agree to delaying up to 24. Rav Shalom Messas in Shemesh Umagen E.H. 2:23 writes that the minhag in yeshivas is to wait until 24 or 25 because it is more difficult today to learn and make a parnasa as the expenses of a religious family have increased. The Chafetz Chaim (Sefer Hamitzvot Hakatzar 43) writes that a person shouldn't delay past 25. The Chazon Ish (Kovetz Igrot 2:135) advised following the strict halacha of getting married by 20. Rav Volbe (Kuntres Chatanim, cited by Bet Chatanim) quotes this. Rabbi Eliezer Mann Shach (cited by Darkei Hachachma 123:5) said that in previous generations they used to learn until 23 or 24 before getting married but nowadays we should encourage getting married at a younger age, around 22.

<sup>11</sup> Kiddushin 29b; Shulchan Aruch, Y.D. 246:2.

<sup>12</sup> [Rav Willig \(Dating and Marriage min 4\)](#) quoted Rav Soloveitchik as saying that marriage helps a person deal with an existential feeling of loneliness, which is felt by different individuals at different ages.

<sup>13</sup> [Rav Willig \(Dating and Marriage min 43\)](#)

<sup>14</sup> Sotah 44a; Rambam Dei'ot 5:11

<sup>15</sup> Rav Schachter (oral communication). Rav Willig cited the Torah Temima (Devarim 20n. 31) who qualifies the Gemara's statement to a case where a person has the means to acquire a house and a job before getting married. Otherwise, one shouldn't delay getting married.

<sup>16</sup> Rashbam (Bava Basra 120a) seems to understand the statement of Lavan in Sefer Bereishit, "It shall not be done thus in our place – to give the younger one [in marriage] before the older (Bereishis 29:26)" as the source for a Halacha. Indeed, Shulchan Aruch (YD 244:13) rules that regarding marriage, age does take precedence. The Shach (244:13) explains this to mean that out of respect, a younger brother or sister should wait for the older sibling to marry before getting married themselves. However, Rav Moshe Feinstein (Igrot Moshe E.H. 2:1) explains that the Shach simply meant if two siblings were engaged, the older should be allowed to marry first. If neither is engaged, then the younger sibling can get married first. Yalkut Yosef (Chupah VeKiddushin p. 43) agrees. Teshuvot Vihanhagot (1:739) only permits it if it would not cause pain to the older sibling.

# Genetic Testing

It is smart and highly encouraged to do genetic screening before getting married and preferably even before going out. If the genetics aren't compatible, one shouldn't get married.<sup>17</sup> Our roshei yeshiva advocate testing for as many diseases as possible and not just the fatal or seriously debilitating ones, so that one doesn't risk avoidable medical issues.<sup>18</sup>

## Revealing Information

1. It is forbidden to hide something seriously negative about oneself from a potential spouse.<sup>19</sup> However, one doesn't have to reveal negative information before going out. One should do so when the two are seriously considering getting married.<sup>20</sup> Generally, our poskim advise revealing negative information at around the half-way mark of the expected duration of the dating. For example, if they expect to date for around 3 months, they should disclose information about a month and a half into the dating process. One doesn't have to disclose everything before beginning dating because someone with something slightly negative would never get a first date. Once a boy and girl get to know each other, the same negative information might be negligible or unimportant with a fuller picture of the person.<sup>21</sup>
2. If someone is asked for information about a suggestion they may not lie.<sup>22</sup> If asked regarding negative information, one should reveal it only under the seven conditions of *to'elet*: a) the one saying the negative information has either personally witnessed or has corroborated that which he is saying with certainty, b) one is sure that it is correct and not just the appearance of a problem, c) if it is a correctable issue, one has to have attempted to highlight the wrongdoing to the person being spoken about and encouraged them to reconsider, d) one may not exaggerate, e) one may only share information with a constructive motive and not based on any animus, f) there must be no other alternatives to

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<sup>17</sup> Rav Moshe Feinstein (Igrot Moshe E.H. 4:10) wrote that it is proper and wise to check for Tay-Sachs disease to prevent a major tragedy of having a child with Tay-Sachs. He adds that it should be done in private. Also, people shouldn't do it before they begin dating so that it doesn't cause unnecessary stress.

<sup>18</sup> [Rav Schachter \(Mussar Shmooze on Dating min 15\)](#) explained that it is best to test for as many diseases as possible and not just the fatal or seriously debilitating ones. See [The Mandate of Genetic Testing by Rabbi Dr. Edward Reichman](#) on this issue, with the attached letter signed by all the YU Roshei Yeshiva advocating

for genetic testing before getting married and preferably before dating.

<sup>19</sup> Igrot Moshe O.C. 4:118, Chafetz Chaim klal 9. Also, on a practical note it is very hard to hide anything today, and it is better to reveal it.

<sup>20</sup> Igrot Moshe 4:118, Be'er Yisrael p. 43 quoting the Steipler and other gedolim

<sup>21</sup> [Rav Willig \(Dating and Marriage min 33\)](#)

<sup>22</sup> Be'er Yisrael p. 42. See [A Halachic Guide to Getting + Giving Shidduch Information](#) from the Chofetz Chaim Heritage Foundation

revealing the specific negative information, g) it must be the case that the damage caused to the person discussed will not be greater than can be justified by the shortcoming in question.<sup>23</sup> Often it is sufficient to say that the shidduch isn't for you/him/her and omit any more information. That solves the issue and doesn't reveal more than necessary.<sup>24</sup>

## What to Look For

### Middot

Rav Willig highlights two middot to focus on when searching for a spouse: Chesed and Tzeniyut in dress and demeanor.<sup>25</sup> This applies to a man looking for a wife, as well as a woman looking for a husband.<sup>26</sup>

### Looks

A person shouldn't look for a "movie-star" and focus too much on physical looks. The most important thing to look for is yirat shamayim. This message is encapsulated eloquently in the pasuk "שֶׁקֶר הַחֵן וְהַבֵּל הַיּוֹפִי אִישָׁה יִרְאֵת ה' הִיא תִתְהַלֵּל" "Grace is deceitful, and beauty is vain; but a woman that fears Hashem, she should be praised" (Mishlei 31:30).<sup>27</sup>

### Money

While technically permitted,<sup>28</sup> it is ill-advised to marry purely for money.<sup>29</sup> However, if the prospective spouse has good middot and is a good shidduch, the fact that money is another factor

<sup>23</sup> Chafetz Chaim (Hilchot Lashon Hara 10:2)

<sup>24</sup> [Rav Willig \(Dating Advice min 42\)](#). For more details, see [Rabbi Wiederblank's article](#) on the topic.

<sup>25</sup> [Rav Willig \(Dating and Marriage min 20-25\)](#)

<sup>26</sup> [Rav Willig \(Dating Advice min 17\)](#). See also Choosing a Spouse on Torahweb.org for Parashat Chayei Sarah

<sup>27</sup> [Rav Schachter \(Mussar Shmooze on Dating min 3-7\)](#). See comments below regarding looking at pictures before going on a date.

<sup>28</sup> The Gemara Kiddushin 70a curses anyone who marries for money that his children will have bad character traits. Based on Rashi, the Rivash 15 writes that the gemara's curse only applies when the woman in question is forbidden to him and he wants to marry

her nonetheless for her money. However, if she's otherwise permitted to him, it is permissible even if his intention is for money. Rama E.H. 2:1 codifies the Rivash.

<sup>29</sup> Rama E.H. 2:1 cites the Orchot Chaim who writes that a person shouldn't break a shidduch for money and should just be happy with whatever money they get as a dowry. Chelkat Mechokek 2:1 clarifies that although it is permitted to marry for money if she's permitted to him, it is forbidden to decide *not* to marry someone because they don't have money and delay getting married because of that. The Gra 2:6 disagrees and understands that the Orchot Chaim disagrees with the Rivash, and in fact would forbid getting married for money even to a woman he's permitted to.

in the equation is of no consequence.<sup>30</sup> Like anything tangible in life, money can come and go. Therefore, one shouldn't weigh money or prominence too highly when considering a shidduch.<sup>31</sup>

## בת תלמיד חכם

The Gemara encourages a man to sell everything he has in order to marry a woman who is a בת תלמיד חכם.<sup>32</sup> Usually that is translated as a daughter of a talmid chacham. However, some explain that this means a female equivalent of a talmid chacham, meaning a woman who has learned Torah.<sup>33</sup> Others understand that this includes a woman who appreciates Torah and will encourage her husband to become a talmid chacham.<sup>34</sup> Alternatively, the point of the gemara is that one should marry into a family that values Torah so that one's children will be raised to learn Torah. It doesn't matter whether her father actually is a talmid chacham or not as long as she values Torah.<sup>35</sup>

## בת כהן

Kohanim have a special status among the Jewish people and it is fitting for the daughter of a kohen to marry a kohen or a talmid chacham, since Torah is considered a "crown" comparable to the "crown" of kehuna. Though we aren't necessarily so strict about this, someone who is not religious and degrades mitzvot should not marry a bat kohen.<sup>36</sup>

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<sup>30</sup> Aruch Hashulchan 2:1 writes that there is nothing wrong with considering money as a factor as long as it isn't the only factor. [Rav Schachter \(Mussar Shmooze on Dating min 3-6\)](#) explains that while Chazal say terrible things about someone who marries for money, if the shidduch is a good one, the fact that she has money isn't something to hold against her. He cautions about the type of lifestyle you're getting into if you marry into a rich family and how it might impact the marriage if it is so different from the lifestyle you're used to.

<sup>31</sup> Rav Aryeh Leib Shteinman (K'ayal Tarog Shidduchin p. 8) relates that the Maharal of Prague attributed his success in Torah learning to the following incident. He was originally engaged to a woman and his prospective father-in-law promised a nice dowry that would enable him to continue learning Torah after his marriage. In those days, it was very common and customary to have large dowries for a son-in-law to be able to learn for some time after marriage. Shortly thereafter, the father-in-law's business fell on hard times and it became clear that he couldn't afford giving them a generous dowry. The Maharal reassured his father-in-law that he would marry her anyway as their honor was more important to him than money. Hashem rewarded this decision: One day when his wife was selling rolls in the market,

a man left his coat there, which they found was filled with jewels. The man never returned to claim the coat and they were able to use the jewels to support the Maharal's learning.

<sup>32</sup> Gemara Pesachim 49b, Rambam Isurei Biyah 21:32 and Shulchan Aruch E.H. 2:6

<sup>33</sup> Chazon Ish (quoted by Rav Eliyahu Baruch Finkel on Beresheet p. 417)

<sup>34</sup> Rav Aryeh Leib Shteinman (K'ayal Tarog Shidduchin p. 9). See also Rashi Pesachim 49b s.v. am, Taz E.H. 2:3, and Birkei Yosef 2:4.

<sup>35</sup> Michtam Pesachim 49a s.v. muvtach, Rav Elyashiv (Pesachim 49a s.v. v'isa)

<sup>36</sup> Gemara Pesachim 49a, Rambam Isurei Biyah 21:31, Shulchan Aruch E.H. 2:8. These sources indicate that an am ha'aretz, an irreligious Jew, may not marry a bat kohen. Chavot Yair 70 writes that nowadays we don't have an am ha'aretz for these purposes and anyone can marry a bat kohen. Pitchei Teshuva Y.D. 217:16, E.H. 2:9 and Machatzit Hashekel 415:1 cite the Chavot Yair. Mishna Brurah 415:2 quotes the Chavot Yair but qualifies that if a person degrades mitzvot they are certainly in the category of am ha'aretz even today and may not marry a bat kohen. Aruch Hashulchan E.H. 2:5 agrees.

The Sdei Chemed (Asifat Dinim, Maarechet Ishut, v. 4 p. 729, n. 36) quotes several achronim who disagree

## Aliya

Even if a person wants to make aliya, Rav Schachter suggests that he look for a good religious girl here and determine later if aliya is possible. If not, it is more important to marry a good girl than to make aliya.<sup>37</sup>

## Listening to Parents

Technically, the halacha is that if parents object to a child's shidduch,<sup>38</sup> the child is not necessarily bound by that request.<sup>39</sup> However, if the parents are seriously pained by the shidduch, some poskim hold that one must listen to one's parents. Either way, one should consult a rabbi.<sup>40</sup>

Even when the halacha is that one doesn't need to obey the parents' wishes on this issue, a wise person would certainly take his parents' position into consideration as they usually have significantly more experience and insight.<sup>41</sup>

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with the Chavot Yair. Firstly, he cites the Tzemach Tzedek 11 who writes that someone who knows even one masechet isn't an am ha'aretz. Tzemach Tzedek concludes that although amei ha'aretz still exist today, we can allow them to marry a bat kohen since it isn't clear that we have kohanim who have clear lineage today. Ruach Chaim 2:3 also assumes we have amei ha'aretz today. He advises against marrying a bat kohen but doesn't say it is forbidden. Cheena V'chisda v. 2 p. 228c s.v. heneh and Yemey Shlomo Isurei Biyah 21 disagree with the Chavot Yair. Rav Ovadia Yosef in Yabia Omer Y.D. 3:7:1 and Yechave Daat 5:61 says that a ben yeshiva can certainly marry a bat kohen and doesn't have to be concerned that he's not a talmid chacham. Yalkut Yosef E.H. 1:20 recommends that someone who doesn't keep Shabbat should be talked out of marrying a bat kohen unless they become a complete baal teshuva.

<sup>37</sup> [Rav Schachter \(Mussar Shmooze on Dating min 10\)](#)

<sup>38</sup> Sefer Chasidim 564 writes that although parents generally cannot object to a child getting married, if the potential shidduch would be spiritually hazardous for their child, the child must listen to their parents. His proof is that Yaakov listened to Yitzchak not to marry any of the girls of Kenaan. On this basis, Yalkut Yosef (Kibbud Av V'em p. 438) and Rav Aryeh Leib Shteinman (K'ayal Tarog Shidduchin p. 46) write that if the prospective girl or boy isn't actually a good fit spiritually, the children certainly must listen to their

parents. Yalkut Yosef clarifies that the Maharik (see next footnote) agrees with this. Rav Willig (oral communication) thought that this is a very important consideration when applying the Maharik.

<sup>39</sup> The Maharik (responsa 164) writes about a case where a boy's parents don't want their son to marry a certain girl whom he is interested in marrying. He posits three reasons why the son isn't bound by his parents' wishes in this case. First, Kibbud Av V'em primarily means servicing a parent, but does not require listening to them in ways that don't directly benefit them. Second, Kibbud Av V'em is a mitzvah which doesn't need to come at one's own expense, and losing a potential spouse is worth more than money. Finally, since getting married is a mitzvah, a parent can't prevent a child from doing a mitzvah. Rama Y.D. 240:25 codifies this Maharik. Gra 240:36 and Chazon Ish YD 149:8 support the Maharik.

<sup>40</sup> Meishiv Davar 2:50 says that if the parents are pained by a certain shidduch, the child should listen to them. Rav Aryeh Leib Shteinman (K'ayal Tarog Shidduchin p. 46) agrees.

<sup>41</sup> [Rav Schachter \(Mussar Shmooze on Dating min 16\)](#). Similarly, Shevet Halevi 4:124, Tzitz Eliezer 13:78, and Yalkut Yosef (Kibbud Av V'em p. 437) all hold that even though one doesn't have to listen to one's parents, he should do everything in his power to get them on his side to agree with the shidduch.

# Date Ideas

## Painting

Very often an activity like paint night includes painting a scene with the sun, moon or stars. It is forbidden to draw a complete picture of the sun, moon, or stars regardless of whether the image is two-dimensional or a three-dimensional protruding image.<sup>42</sup>

Sometimes people like to write pesukim on a piece of pottery or jewelry. Some poskim hold that it is forbidden to write a pasuk as a decoration. Writing pesukim was only permitted when necessary for the purpose of learning and teaching Torah.<sup>43</sup> Other poskim write that the minhag to use pesukim for decorations is not an issue even though one is not writing the whole sefer.<sup>44</sup>

## Dave and Busters

Although gambling for money is halachically problematic,<sup>45</sup> playing arcade games to win tickets for prizes isn't considered gambling and is not an issue.<sup>46</sup>

## Hotel Lobbies and Window Shopping

If a hotel would be bothered by someone sitting there just to talk with no intention of buying anything, one would not be allowed to do so on a date because you cannot use their property without their permission. To avoid this, you could simply buy a drink there.<sup>47</sup>

However, going window shopping with no intention to buy anything is generally allowed since the stores don't mind foot traffic, as long as you don't ask a worker for help and use his time.<sup>48</sup>

1. A couple should be extra vigilant regarding the halachot of yichud during dating, especially after engagement.<sup>49</sup>
2. While dating or engaged, a couple should not sleep in the same house even if there's no issue of yichud. For example, if they're visiting one another for Shabbos, one should stay at a friend or neighbor.<sup>50</sup>

<sup>42</sup> Rosh (Avodah Zarah 3:5), Rambam Hilchot Avodah Zarah 3:11, Shulchan Aruch Y.D. 141:4. The reason is that the limits of the prohibition are informed by our human perception of the object that one is attempting to replicate. There is a prohibition to replicate humans. However, since we see humans in three dimensions, it is only prohibited to produce a three-dimensional replication of a human. In contrast, since we perceive celestial bodies as two dimensional, drawing even two-dimensional images of the sun and moon is prohibited.

<sup>43</sup> Taz Y.D. 283:1, Aruch Hashulchan Y.D. 283:13

<sup>44</sup> Shach Y.D. 283:6

<sup>45</sup> See Rashi and Tosfot Sanhedrin 24b and Rama C.M. 207:13 and 370:3

<sup>46</sup> Rav Aryeh Lebowitz (oral communication)

<sup>47</sup> Rav Schachter (oral communication), Rav Willig (oral communication)

<sup>48</sup> Rav Schachter (oral communication)

<sup>49</sup> Be'er Yisrael p. 50

<sup>50</sup> Rama E.H. 55:1. Rav Hershel Schachter (Nefesh Harav p. 255) writes that Rav Soloveitchik was

# Yichud

3. Once someone is engaged or at a point that they're emotionally comfortable with each other to discuss private issues (*libo gas ba*), according to many poskim they are not allowed to be alone, even if the door is open to a public domain.<sup>51</sup> If they're actually in public or completely visible to the public there is no yichud at all.<sup>52</sup> Also, having someone that breaks yichud like the boy's mother or sister, the girl's father or brother, or a married couple is effective even for someone who is *libo gas ba*.<sup>53</sup>
4. For example, if a dating or engaged couple wants to enter an apartment and avoid yichud, they should leave the door to the hallway wide open and remain in a place where they're visible to the hallway.<sup>54</sup> Going to another room in the apartment is forbidden since it isn't common for someone to enter unannounced even if the door is actually open.<sup>55</sup> This only works at a time when people are generally walking through the hallway every few minutes but not late into the night when people aren't around.<sup>56</sup>
5. If a dating or engaged couple is at one of their parents' homes and the parents are home but upstairs, there is no issue of yichud.<sup>57</sup>
6. A dating or engaged couple can drive together in the car on a road that cars or people pass by at least once every ten minutes. A couple should not park at night on a quiet street in order to talk to each other.<sup>58</sup>

particularly scrupulous about this Halacha. See also Nitei Gavriel Yichud Siman 49:13

<sup>51</sup> The Chelkat Mechokek 22:13 writes that a person who is comfortable around a certain woman is forbidden to seclude himself with her in an area open to the public. The Taz 22:9, however, disagrees and permits it. Chida (Birkei Yosef 22:6 and 245:6) proves from Shulchan Aruch and others that it is permitted but he still isn't willing to be lenient. Kitzur Shulchan Aruch 152:5 rules like the Chelkat Mechokek. Misgeret Hashulchan 152:10 cited by Otzar Haposkim 22:9:13 is lenient in extenuating circumstances. Nitei Gavriel (Yichud 32:7) writes that in cases of need such as with a doctor, one may be lenient unless the person is comfortable around the woman in an inappropriate sense. Tzitz Eliezer 6:40:12:4-8 is lenient. Gan Naul 8:25 seems to be lenient. He quotes the Shevet Halevi 5:23:7 and Divrei Chachamim 5:11 as permitting, while the Noda Beyehuda E.H. 2:18, Aruch Hashulchan 22:6, and Igrot Moshe E.H. 4:60 are strict.

<sup>52</sup> Rav Schachter (oral communication)

<sup>53</sup> In general, Igrot Moshe E.H. 2:15 holds that a daughter protects a man from yichud just like his mother, wife, or sister. This is in disagreement with the Pitchei Teshuva 22:2 who holds that these relatives do

not protect from yichud with another woman, even though one is permitted to have yichud with that relative alone. Rav Soloveitchik (Nefesh Harav p. 256) agreed with Rav Moshe and applied it to a grandmother as well. Mishnat Yehoshua (Erusin v. 1 p. 73) applies this to dating.

<sup>54</sup> Knesset Hagedolah (Hagahot Tur E.H. 22:11) writes that a door that's open to the street only permits that room and not the upper or lower floors connected to that room. The Otzar Haposkim 22:9:5 quotes the Apei Zutrei 22:20 and Nichpeh Bkesef who agree. The Otzar Haposkim 22:9:5 quotes the Nidrei Zerizin 2:9 and Bet Shlomo O.C. 48 who write that rooms connected to a room open to the public are still subject to yichud, and only the room that is open to the public itself is permitted. On the other hand, the Ezer Mkodesh seems to be lenient. Dvar Halacha 3:9 quotes this dispute and adds that the Bet Meir is strict but the Maharsham is lenient.

<sup>55</sup> Rav Schachter (oral communication)

<sup>56</sup> Dvar Halacha 3:5

<sup>57</sup> Orchot Habayit 34:31

<sup>58</sup> Mishnat Yehoshua (Erusin v. 1 p. 62-3) quoting Rav Elyashiv, Teshuvot Vehanhagot 5:331. This approach

7. Some poskim permit going on a date to an escape room since it is observed by a camera at all times which is considered like it is open to the public.<sup>59</sup> Other poskim, however, hold that it is better to avoid.<sup>60</sup>

## Late Maariv

1. If someone returns so late that the choice is either to daven by oneself or daven in a minyan after halachic midnight (*chatzot*), some say it is preferable to say shema with birchot kriyat shema before chatzot and then daven shemoneh esrei with a minyan.<sup>61</sup>

## Dating Gifts

1. In some circles it is common to give gifts at certain junctures of the dating process. There is no concern that giving such a gift is considered kiddushin, as that is clearly not their intention.<sup>62</sup> Similarly, giving the engagement ring is not a concern of kiddushin as they do

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treats a car like being outside since it is possible to see into the car windows. However, Igrot Moshe 4:65:3 was strict not to allow a man and woman to enter a car together because they could stop in a deserted area. Rav Shlomo Zalman Auerbach in Minchat Shlomo 1:91:21 and Rav Willig (cited by [Rabbi Jachter](#)) are lenient. Rav Schachter is strict but acknowledges that dating in today's world it isn't practical to be strict on this.

<sup>59</sup> Rabbi Willig (oral communication) thought that we could be lenient since there is a camera in the room and someone is watching the cameras at all times. He added that it might not be recommended depending on the situation and the people asking. Therefore, it is appropriate to ask a Rav for each case. Rabbi Wiederblank agreed.

<sup>60</sup> Rabbi Neuberger (oral communication), [Rav Aryeh Lebowitz \(Ten Minute Halacha\)](#)

<sup>61</sup> See Piskei Teshuvot 235 fnt 68.

<sup>62</sup> The Mahari Barin (cited by Darkei Moshe 695:7) writes that a man shouldn't give mishloach manot to a

woman or vice versa. The Rama O.C. 695:4 codifies this. The language of the Rama implies that the reason is that if they give each other mishloach manot it will look like a kiddushin. However, the Machatzit Hashekel 695:15 explains that there is no concern that these gifts will affect a questionable kiddushin with the woman because there would need to be valid witnesses. Also, we are not concerned that a gift given for another reason is considered kiddushin (Rama E.H. 45:1). Rather the concern is that perhaps someone seeing this interaction will think that they are *already* married and this is a gift between them. Mishna Brurah 695:26 agrees. See Betzel HaChochma 5:51 for another approach.

Aruch Hashulchan 695:18 adds that the primary issue is that when a man gives a gift to a woman it leads to an inappropriate affection and closeness. Shvut Yakov 1:41 and Tzemach Yehuda 3:235:4 agree. Chashukei Chemed Megillah 4a quotes Rav Elyashiv as holding that if there's no alternative, a man could give mishloach manot to a woman if given in a non-affectionate manner.

not intend for that to be kiddushin.<sup>63</sup> Nonetheless, it is proper that a dating or engaged couple avoid giving each other mishloach manot.<sup>64</sup>

## Proposal

1. It is not a proper practice for a boy to get down on a knee to propose to his kallah.<sup>65</sup>
2. After the boy gives her the ring, one of them should recite hatov vehameitiv and exempt the other.<sup>66</sup>
3. The proposal should be done in a private way and not with other friends there or videoed for the whole world to see.<sup>67</sup>

## Shadchanut

1. Making a shidduch is included in the mitzvah of imitating Hashem, as He made the first shidduch between Adam and Chava.<sup>68</sup> Making a shidduch or even trying to make a shidduch is a tremendous mitzvah and an incredibly important activity.<sup>69</sup> Even if one just makes a suggestion and a shadchan takes it over, he still gets credit for the mitzvah of making the shidduch.<sup>70</sup>

<sup>63</sup> Rav Schachter (oral communication) explained that it is completely permitted to give dating gifts or the engagement ring and there is no concern for kiddushin.

<sup>64</sup> [Rav Aryeh Lebowitz \(Ten Minute Halacha\)](#) quotes Rav Sobolofsky and Rav Schachter who thought it is inappropriate for a dating or engaged couple to give each other mishloach manot. Even though there is very little to be concerned with since their intentions are not for kiddushin and the reason of the Aruch Hashulchan doesn't apply (since it is appropriate for them to give gifts to build the relationship), nonetheless, since the Rama explicitly forbids mishloach manot, we should observe that minhag.

<sup>65</sup> Rav Mordechai Willig (oral communication)

<sup>66</sup> Rav Schachter (oral communication)

<sup>67</sup> Rav Mordechai Willig (oral communication)

<sup>68</sup> Devarim 13:5 and Sotah 14a. Midrash Rabba Tzav 8:1. See "[Paying the Shadchan](#)" by Rabbi Avi Zakutinsky.

<sup>69</sup> Shulchan Aruch O.C. 306:6 allows one to arrange a Shidduch on Shabbat, even if it involves discussion of financial matters that would otherwise be a form of forbidden speech on Shabbat. See Kaf Hachaim 306:50.

<sup>70</sup> Igrot Moshe CM 1:49

2. Paying the shadchan for arranging a shidduch<sup>71</sup> is a genuine obligation (not just a token of appreciation), whether the shadchan was hired or volunteered.<sup>72</sup> This is true even for a non-professional.<sup>73</sup> If the shadchan forgoes payment, there is no obligation to pay.<sup>74</sup>

## How Much?

3. The amount of the shadchanut depends on the custom of the time and place.<sup>75</sup> If in the boy's place it is one amount and the girl's it is another, the shadchanut is the lesser of the two amounts, unless they specified an amount from the beginning.<sup>76</sup>

## Splitting the Payment

4. The obligation to pay the shadchan is typically split between the two sides,<sup>77</sup> but some explain that since the custom has become for the parents to pay, it is now their obligation.<sup>78</sup>

## When Should this be Paid?

5. There are various customs regarding what point to pay the shadchan: some pay immediately after the engagement, while others pay closer to the wedding.<sup>79</sup> The couple should follow the custom of their particular place with regards to when and how much to pay the shadchan.<sup>80</sup>
6. There may be a violation of the mitzvah of bal talin if you fail to pay the shadchan on time if you hired the shadchan, but not if the shadchan volunteered.<sup>81</sup>

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<sup>71</sup> Rama C.M. 185:10. See Sefer Hanisuin K'Hilchatan chapter 4 that many poskim say that paying a shadchan is a segulah for shalom bayis and having children. [Yismach Lev pg. 23](#) records a story 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.

See Teshuvot VeHanhagot 1:736 who quotes that there is a custom in many sefardic communities not to pay the shadchan.

<sup>72</sup> Biur HaGra C.M. 185:13

<sup>73</sup> [Rabbi Doniel Neustadt](#). Rav Schachter (oral communication) holds that in general there's no obligation to pay a friend or family member who made a shidduch since the understanding is that it is done as a favor. It is sufficient to give them recognition. Note, that these halachot depend on minhag and vary by situation.

<sup>74</sup> Rabbi Akiva Eiger C.M. 185, Pitchei Teshuva E.H. 50:17

<sup>75</sup> Pitchei Teshuva, E.H. 50:16

<sup>76</sup> Chut Shani (Shabbat v. 3 p. 243)

<sup>77</sup> Avnei Nezer C.M. 36. He also discusses there if and how to split shadchanut when there are multiple shadchanim.

<sup>78</sup> See Erech Shai C.M. 185 and Shulchan Halevi Chapter 27 Note 2. In fact, Erech Shai writes that since it has become customary for the parents to pay, if the parents fail to pay, there is no obligation for the bride and groom to pay the shadchan.

<sup>79</sup> See Aruch Hashulchan E.H. 50:42 where he says that if one paid early and the shidduch is broken, the shadchan does not have to return the money, unless there was critical information withheld. Rav Yosef Shalom Elyashiv, Koveitz Teshuvot 1:207, says that if there is no minhag then one can wait until the wedding. Halichot Yisroel 4 says that if you approached the shadchan, then you must pay immediately upon engagement. Pitchei Choshen, sechirut, pg. 337 agrees.

<sup>80</sup> Rama C.M. 185:10 and 335:1

<sup>81</sup> Pitchei Teshuva E.H. 50:16

## Appropriate Interactions (For Men Only)

1. Dating to find a spouse is an extremely important mitzvah as it sets the foundation upon which to build a Torah marriage. In order to infuse kedusha into the dating process and all the interactions therein, some halachic considerations are noteworthy.<sup>82</sup>
2. In order to appreciate the status of dating in halacha, we need to analyze what it is not. Dating with no intent for marriage is forbidden on multiple accounts as it leads to many inappropriate interactions between men and women. Some of these include: affectionate touch (נגיעה), inappropriate speech between men and women when it engenders closeness and pleasure, inappropriate thoughts about the opposite gender (הרהורים), and issues of seclusion (יחוד).<sup>83</sup> However, dating for marriage is a mitzvah and in that context, the above concerns should be averted as will be explained.

### Touch

3. It is forbidden to affectionately touch individuals of the opposite gender.<sup>84</sup>
4. Although many poskim allow shaking a woman's hand who initiated it, that is only in a business context where it is obviously not for affection.<sup>85</sup> That is not relevant to dating, where any touch is forbidden.
5. It is permitted to stand or sit next to each other if traveling on public transportation together even though you might bump into each other because that is unintentional and not

<sup>82</sup> [Rav Schachter](#) quotes the Kedushat Levi who ponders why we never hear about the marriage of Avraham and Sarah. He explains that unlike Yitzchak and Yaakov, when, Avraham and Sarah got married, they weren't yet aware of Torah values and so their initial relationship was not fit to be recorded in Torah. However, as religiously inspired Jews, we have the opportunity and mandate to mimic the ways of Yitzchak and Yaakov who found their spouses in manners deemed worthy to be recorded in the Torah.

<sup>83</sup> The Rambam Isurei Biyah 21:1 states that there is a general prohibition to come close to any of the forbidden relationships. This biblical prohibition includes affectionate touching, hugging, and kissing as these are actions that engender closeness (חיבה) and are pleasurable. Many further restrictions are forbidden rabbinically, including staring at her, winking at her, or even smelling her perfume. Rav Moshe Feinstein (Igrot Moshe EH 4:60) in discussing having a female friend without any intention for marriage, writes that

speech whose purpose is to engender close feelings and pleasure is in fact a biblical prohibition. He explains the essential difference between the biblical and rabbinic prohibitions is whether it is reciprocal or unilateral. If it is reciprocal, it is biblical. Since an unmarried woman is a niddah, the relationship is included in the forbidden relationships, and speaking with her inappropriately is forbidden.

A separate prohibition is that he could come to inappropriate thoughts (הרהורים) about her. Lastly, yichud is even more serious once they have a relationship and he is considered לבו גס בה. In that case, yichud is forbidden even if the door is open to the public (see above). We are strict for the Chelkat Mechokek 22:13 and Bet Shmuel 22:13 unlike the Taz 22:5.

<sup>84</sup> Rambam Isurei Biyah 21:1

<sup>85</sup> Rav Soloveitchik. See Igrot Moshe E.H. 1:56, O.C. 1:113, and 4:32-9.

considered affectionate touch.<sup>86</sup> Nonetheless, it is proper to avoid this and stand or sit a bit apart so that you don't come to touch.<sup>87</sup>

## Speech

6. Chazal's dictum "אל תרבה שיחה עם האשה", "Do not speak excessively with women," is contextual.<sup>88</sup> If a person's speech is purposeful and in the appropriate context, there is no issue at all. In fact, in the context of dating, it is a mitzvah. However, if a person's intention is purely to flirt with a woman not for the purposes of marriage, any amount of speech is problematic.
7. It is inappropriate to discuss hilchot niddah with each other while dating or engaged. They should wait until after they're married.<sup>89</sup>
8. It is forbidden for a man to listen to a woman sing (Kol Isha) if she is forbidden to him; this includes a single woman.<sup>90</sup> There is no issue of Kol Isha if she is merely speaking and not singing.<sup>91</sup>

## Staring

9. The basis for the prohibition of staring at the opposite gender inappropriately is the pasuk "ולא תתורו אחרי לבבכם ואחרי עיניכם אשר אתם זונים אחריהם", "You should not follow after your hearts and your eyes, which you stray after".<sup>92</sup> Chazal understood this to mean that one's

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<sup>86</sup> Igrot Moshe E.H.2:14 writes that it is permitted to take the subway or bus even if it is likely that one will bump into a woman. According to the Shach Y.D. 157:10 and 195:20, since it isn't derech chiba it isn't forbidden to touch a married woman or niddah. He argues that even according to the Shulchan Aruch 195:17 who is strict regarding one's wife when she is a niddah if it isn't derech chiba, that is only a stringency relevant to one's wife since it could lead to derech chiba. However, for other women, even Shulchan Aruch could be lenient. Igrot Moshe follows the Shach. He adds that if this type of touching will lead him to have a hirhur aveirah, it would only be allowed in case of need such as travelling for work and he should try to avoid impure thoughts by thinking about Torah. Mishneh Halachot 4:186 agrees.

<sup>87</sup> Az Nidberu 5:48, Yalkut Yosef (Otzar Dinim L'isha 60:19)

<sup>88</sup> Eruvin 53b tells the story of Brurya and Rabbi Yosi Hagelili. Rabbi Yosi asked Brurya for directions to Lod with four words (באיזה דרך נלך ללוד), whereupon Brurya rebuked him for speaking excessively with women and suggested next time asking very curtly with two words (באיזה ללוד). Rav Mayer Twersky

explained that the dictum of not speaking excessively (ריבוי שיחה) with women isn't referring to a quantity of words. If the words are purposeless every word is extra and unwarranted. If they are purposeful and necessary then even speaking for an hour isn't considered increasing one's speech.

<sup>89</sup> [Rav Schachter \(Mussar Shmooze on Dating min 18\)](#)  
<sup>90</sup> Shulchan Aruch O.C. 75:3, Shulchan Aruch E.H. 21:1

<sup>91</sup> Bet Shmuel E.H. 21:4 writes that one may listen to a woman's non-singing voice. Mishna Brurah 75:18 writes that one may not have intent to get benefit from a woman's voice even if one is accustomed to hearing that voice. Chacham Ovadia Yosef in Yabia Omer O.C. 1:6:11 agrees. Regarding listening to a woman speak at a public speaking event, Shevet Halevi 3:14 forbids it since it is more charismatic and stimulating. Igrot Moshe O.C. 5:13 is lenient if it isn't in a shul and the woman is sitting. Lehorot Natan 1:60 also permitted a woman to speak in front of men as the prohibition of kol isha only applies if a man enjoys the sound of her voice but not if he is focused on the content.

<sup>92</sup> Bamidbar 15:39

eyes shouldn't gaze at inappropriately dressed women because it leads to sin.<sup>93</sup> Even if the woman is single and not a niddah, it is forbidden.<sup>94</sup> Alternatively, looking at inappropriately dressed women is forbidden because of Chazal's understanding of the pasuk "וְנִשְׁמַרְתָּ מִכָּל דְּבַר רָע," "Be careful to avoid anything negative."<sup>95</sup>

10. Even if she's dressed modestly, it is forbidden to stare<sup>96</sup> at any part of a woman's body, even her pinky, if one intends to derive pleasure from looking at it.<sup>97</sup>
11. For purposes of marriage, it is permitted and appropriate to look at one's intended wife before marrying her to see if you are attracted to her.<sup>98</sup> Nonetheless, it is inappropriate to be "googly-eyed" and stare at one's prospective spouse on dates.<sup>99</sup>
12. It is permitted to travel to work or for another need even if there are women on the way who aren't dressed appropriately. However, this is only if there is no alternative route. If another route of similar distance is available which will not have this issue, or if one is only traveling for pleasure or vacation (even if there are no alternative paths), it is forbidden to travel that route.<sup>100</sup> Even when it is permitted there is a pious practice to shun one's eyes from looking at any woman inappropriately dressed.<sup>101</sup>

<sup>93</sup> Sifrei Bamidbar 115, Nedarim 20a. Bet Shmuel E.H. 21:2 citing Rabbenu Yonah writes that the prohibition to look at inappropriately dressed women is biblically derived from this pasuk אַחֲרֵי עֵינֵיכֶם. Gan Naul (Tzeniyut v. 3 13:6) cites many who hold it is a biblical prohibition, including the Smak 30, Sefer Charedim 22:1-4, Ramban Shabbat 13a, and Smag 15. The Rambam Mitzvah 47 and Hilchot Teshuva 4:4 implies it is biblical but in Isurei Biyah 21:2 he implies it is rabbinic. Many discuss how to resolve this contradiction. Gan Naul concludes that the consensus of the poskim is that inappropriately staring at a woman is biblically forbidden but he does cite the Yereyim 45, Chinuch 188, and Ritva (end of Kiddushin) who hold it is derabbanan.

<sup>94</sup> Gan Naul ch. 3 n. 30 points out that obviously if she would be a niddah it would be forbidden to stare at her, just as it is biblically forbidden for any ervah. See Rivash 425. If she's not a niddah, Chazal in Avoda Zara 20a nonetheless forbade looking at a single woman. Avot Drabbi Natan 2:5, Rabbenu Yonah Igeret Hateshuva no. 49, Rambam Isurei Biyah 21:3, and Shulchan Aruch E.H. 21:3 all cite a pasuk in Iyov 31:1 that it is forbidden to look at a single woman inappropriately.

<sup>95</sup> Devarim 23:10, Ketubot 46a, Rambam Isurei Biyah 21:21, Igrot Moshe E.H. 1:56

<sup>96</sup> Maharshal (Ketubot 2:3) writes that just looking is permitted even for a talmid chacham but not to look intently or stare.

<sup>97</sup> Brachot 24a, Rambam Isurei Biyah 21:2, Shulchan Aruch E.H. 21:1. The Bet Shmuel 21:2 writes that it is biblically forbidden according to Rabbenu Yonah (Igeret HaTeshuva 19, cited by Bet Yosef 21:2) and rabbinically forbidden according to the Rambam. Yoma 74b indicates that it is a serious sin. Either way, having inappropriate thoughts about such a woman is biblically forbidden.

<sup>98</sup> Kiddushin 41a, Rambam Ishut 3:19, Shulchan Aruch E.H. 21:3, Kitzur Shulchan Aruch 152:14

<sup>99</sup> [Rav Schachter \(Mussar Shmooze on Dating min 17\)](#), Shevet Halevi 5:200

<sup>100</sup> The Gemara Bava Batra 57b establishes that it is permitted to go on a path even if there are immodestly dressed women if there is no other path. The gemara says that if there is another path it is forbidden to go on the path with the immodestly dressed women even if one's eyes would be closed. Igrot Moshe E.H. 1:56 adds that if one doesn't have a need to travel on a path, such as making a livelihood, then it is forbidden to do so since it is considered as though there is "another path" since there's a reasonable alternative to simply not go at all. Chashukei Chemed b"b 57b quotes a gadol hador who said that if there's another path but it is just longer than the first it is considered as though there isn't another path. Nonetheless, he would only rely upon this infrequently but not if there is an ongoing circumstance.

<sup>101</sup> Gemara Bava Batra 57b

## Shidduch Pictures

13. Rav Schachter feels that it is unkind to a woman to decide whether or not to go out with her by looking at her picture. He also advises that it isn't smart to make a decision based on a picture without getting to know her because attraction is a feeling that depends on many factors.<sup>102</sup>

## Ladies First

14. According to Chazal it is forbidden to walk behind a woman because it could lead to inappropriate thoughts. Generally, on the streets today it is impossible for a man to avoid this and one can therefore be lenient. Nonetheless, a person should be careful what he looks at when walking and it is still proper to avoid walking behind a woman when possible.<sup>103</sup> Since it is considered derech eretz in America to open the door for a woman and let her go first, it is recommended to do so when dating.<sup>104</sup>

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<sup>102</sup> Rav Schachter (oral communication). [Rabbi Yair Hoffman](#) (Five Towns Times, Jan 6 2015) explains that it is inappropriate for a boy to demand a shidduch picture before going out because it doesn't give the girl a fair chance, pictures can be deceiving, and it isn't tzanua for a girl to be giving out her picture. He quoted the Chabiner Rav, Rav Dovid Feinstein, Rav Moshe Heinemann, Rav Shmuel Fuerst, and Rav Chaim Kanievsky as all expressing disapproval of this practice.

<sup>103</sup> The Gemara Brachot 61a states that it is better to walk behind a lion than a woman in the marketplace. Rav Shlomo Zalman Auerbach (Minchat Shlomo 1:91) writes that since there are as many women as there are men on the street today, unlike in the days of Chazal, it is impossible not to follow a woman in the street. He concludes that for a mitzvah or for etiquette one can be lenient to follow a woman in the street. [Rabbi Willig](#) (Role of Women, min 30) added that even though it is impossible not to walk behind women, you still need to be careful what you see. Rav Nissim Karelitz in Chut Shani (Shabbat v. 3 p. 268) writes that nowadays when it is impossible not to walk behind a woman in the streets, one should walk quickly so as not to follow a particular woman. The

Leket Yosher Y.D. p. 37 writes that it is permitted to follow a religious woman nowadays. Tzitz Eliezer 9:50 explained that today it is permitted to follow a woman in the street since it is so common that it doesn't arouse inappropriate thoughts. He quotes Rav Shlomo Zalman Auerbach as agreeing with him. Yabia Omer O.C. 6:13:5 seems to agree.

However, Gan Naul (Tzeniyut v. 1 3:4) holds that the prohibition still applies today. He quotes Doleh Umashkeh p. 290 who records that Rav Chaim Kanievsky said that it is proper to avoid walking behind a woman today if it is possible. He also cites the Bnei Yakov siman 21 who quotes Rav Ovadia Yosef as holding that one can be lenient since women commonly walk the streets.

<sup>104</sup> Rav Schachter (oral communication) said that since it is considered derech eretz in America to let a woman go first, one should do so. Similarly, Rav Willig (oral communication) thought that strictly speaking we follow those who permit walking in the street behind a woman and when possible should one avoid it. However, on dates, since it is considered polite and considerate to let a woman go first, one should do that and not be strict.