

ותלמוד
"תקצי תנים"
לעשות רצונך
בלבב שלם

לוקוטי ופסקי הלכות "חוקי חיים"

חוקי חיים

שע"י "חדר הוראה" שכונת מנחת יצחק פעה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Halachos of Lashon Hara – 4 | Behar-Bechukosai 5786

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Halachos of Lashon Hara in Shidduchim Lashon Hara for a Constructive Purpose

1. The issur of lashon hara also applies to shidduchim, but there are specific heterim, as in any other area. For example, there are cases where one may relate something for a constructive purpose.
2. In the prior issue (379), we introduced the basis of the heter to speak lashon hara for a constructive purpose. In this case, the speaker's intent is not to harm his friend, but to cause benefit and prevent potential harm to himself or others. The Chofetz Chaim sets forth seven conditions for constructive lashon hara regarding protecting someone from a thief. We will briefly cite five of the conditions, tailored for shidduchim (ח"ח רכילות כלל ט אות ב).
3. **The conditions.** 1. First contemplate whether the matter is truly bad and most people would be bothered by it; 2. Do not exaggerate the details or add commentary to the facts, and ensure the matter is actually negative and substantial; 3. Intent for the benefit alone, and that the benefit will result, i.e., not to knock the person down, but to enable an informed decision; 4. If the matter can be clarified through another means, there is no need to talk; 5. Speaking will not cause harm, just the removal of the benefit that otherwise might have occurred. [In shidduchim, not all seven conditions are necessary. One does not need to have seen the matter himself. He can rely on what he has heard from others. Also, rebuking the subject before speaking is irrelevant to shidduch research (באר מים חיים שם סק"ט).]

Research in Shidduchim

4. When looking into information for shidduchim, the conditions from the sefer Chofetz Chaim must be satisfied (הל' לשון הרע כלל ד') (אות י"א, הל' רכילות כלל ט), e.g., one may not accept a negative response as absolute truth, and one must inform the other party from the outset that he is asking for a shidduch so as not to cause the speaker to violate an issur, constituting עור (שם) לפני עור.
5. **Disclosing information.** It is a mitzva to assist another person in shidduch research. It is assisting in a mitzva matter and a fulfillment of לרעך כמון. ואהבת לרעך כמון. However, one must be very careful when disclosing information about a bochur, young woman, or family. In one aspect, it is a great mitzva to assist in communicating information so that the two sides agree to go forward. In another aspect, one is obligated to disclose the truth—in a permissible way for things that must be told—so as not to entangle someone in a bad prospect and violate the lav of רעך על דם רעך לא תעמוד.
6. Still, one may not exaggerate anything (ח"ח שם). Sometimes the addition of just a single word, tone of voice, or movement of the nose can ruin a shidduch. Future generations are dependent on the person asked, who is usually young. Thus, one must judiciously weigh every word and motion before speaking.
7. **Kavana for the mitzva of לרעך כמון.** A proper approach for shemiras halashon when disclosing information is that when one is asked about his friend, he should stop for a moment and think to himself, "I am doing this to fulfill the mitzva of לרעך כמון." With this intention, he should begin to respond. At each stage of the conversation, his thoughts should be focused on fulfilling the mitzva. In this way, his intentions with this speech will be for the benefit alone. No pitfalls will come about through his speech, as he is coming to do a mitzva, not an aveira, חלילה.

8. **Positive points.** When one is asked what he knows about someone for a shidduch, he should focus on the positive in the person, as there is no one without sparks of goodness and hidden virtues. Thus, one should search for and relate those positive points and have words of praise on his lips that can be said truthfully and justly.
9. **People asking questions.** When one is asked about specific details, he should respond truthfully and fairly, without any distortions. If the person in question is indeed lacking in the area one is asked about, it is proper to hint to it with gentle language in the appropriate measure, without painting a dark picture or making the matter out to be bigger than it is, unless it is an exceptional shortcoming that can cause substantial issues or it is in the category of flaws one must reveal, as will be explained.
10. Because of this, some people, when responding to questions for shidduchim, start by telling the questioner to ask questions. This way, the answers will be more precise, more acceptable, and only within the bounds of necessity.
11. **Unsure how to respond.** Anytime one is unsure whether he may disclose something, he can evade the question and say he needs to research the matter or that he has to go now but can speak later. In the meantime, he should ask a rav what he may say and how he may say it. This is not lashon hara to the rav since it is also for a constructive purpose (ח"ח ס"ק ט"ו). If one cannot stall, the rule with any uncertainties regarding relating negative information is that when it comes to dinei nefashos, inaction is preferable (מור"ד בעל שבט הקהתי).
12. **Issur to label.** Even if someone has a noticeable negative quality borne out by his actions, one may not label him that defines his essence, e.g., by calling him a fool, a shlepper, a batlan, badly behaved, hot-tempered, haughty, cruel, or the like. In contrast, one may matter-of-factly describe his actions and conduct, which indirectly indicate those qualities. For example, one can say a person sometimes does not arrive on time, is not one of the biggest masmidim, sometimes displays too much self-confidence, or the like.
13. **"Tzul."** There is a strange and obnoxious "yeshivish" term that has gained traction in this generation. A bochur whose actions are pure, upright, and righteous is mockingly called a "tzul," an acronym, as it were, for "צדיק ורע לו." This alone is very destructive, as it transforms a compliment into an insult, making people think he lacks joy in his gashmius life and is disconnected from the world. It could be just the opposite: his joy is whole and true, arising from toil in Torah and connection to the ruchnius values he is zocheh to.
14. Furthermore, people frequently use this term as an offensive label, not a complimentary one. This constitutes an affront to one's dignity and even a possible issur of lashon hara and rechilus, as the speaker is labeling, diminishing, and mockingly slandering him.
15. Thus, one should stay away from this term and other similar ones and train his tongue to speak proper praises. If one needs to describe such a bochur for shidduchim, he should say in a dignified, straight way: He is a quiet, modest bochur, a yerei Shomayim, very ruchnisdig, very careful about mitzvos and halacha, a diligent learner, as befits the honor of true bnei Torah.

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Package Deal

16. It must be pointed out that there is no perfect person in the world. Even if one hears of some shortcomings, the other party also probably has shortcomings—perhaps just a few—and no shidduch in the world is perfect. Of course everyone wants the best they can possibly get, but one can never have ultimate perfection. Thus, even if one hears some negative aspects or uncovers some shortcomings, that is not a reason to delay the shidduch. We once heard a powerful line: Every shidduch is a package deal, and every shidduch has some shortcoming—one must just ensure the shortcoming is in the package and not in the deal itself.

Research on Divorcees

17. When doing research on a shidduch for a divorcee, people usually want to know the reason for the divorce and who was guilty—the husband, or wife, or the parents... It is also common to hear rumors on the street that occasionally slander one of the parties, sometimes spread by the other party. Thus, the correct approach for research on a divorcee is through a third party, e.g., an unbiased rav or marriage counselor who was involved in the divorce and knows what is correct.
18. However, one should not inquire of the former mechutanim, as they usually do not like each other and have grievances between them. One may not inquire of someone who is an enemy of the person being discussed; the heter of a constructive purpose does not apply to him (ח"ה כלל ד' אות י"א בהג', חוט שני עמ' שע"ג). Even if they are not outright enemies, if there is a reasonable cause to alter the truth due to negative feelings, we are concerned he will lie or exaggerate (ק"י זהירות מלש"ר בשידוכים פ"ה ה"ה);.

Giving Handwriting Sample to a Graphologist

19. One side may not give a handwriting sample of the other side to a graphologist without permission to find out characteristics and middos, as this violates the issur of lashon hara (ח"ה לשה"ר כלל א' (באר מים חיים סק"ד). Not all details found from the handwriting are for a constructive purpose necessary to be known for the shidduch. It is also a violation of the cherem of Rabbeinu Gershom against reading a friend's letter to read it for the purpose of understanding the character traits hidden inside (הגר"ב הלוי וואנר) (בשם זקינו בעל שבת הלוי).
20. However, one may give handwriting samples from the bochur and young woman together without permission to get an opinion on whether they are a match without the graphologist detailing specific middos.

Flaws in Shidduchim

Significant Conditions

21. There are significant medical conditions that, ל"ע, have a major impact on a person's quality of life, and people would be upset if uninformed, e.g., diabetes, celiac, severe Crohn's, epilepsy, and the like. If one party has such a condition, the other party must be informed before the shidduch is finalized (מ"ד בשו"ת קנה בשם ח"א סי' (קכ"א, פוסק הדור בתשובות והנהגות ח"א סי' תתע"ט, ח"ו סי' רצ"ז אות כ"ז). If it is not disclosed, it could create shailos of mekach ta'us in the kiddushin (שו"ת אג"מ אבה"ע ח"ד סי' קי"ג).

Mental Health

22. **Routinely.** If a bochur or young woman routinely takes medication for their mental health and relies on it to function properly and for quality of life, they must inform the other side before the shidduch is finalized. Unfortunately, many people decide on their own they do not need to inform the other side. This causes much subsequent anguish, and they are also misleading themselves.
23. **Past.** However, if they do not take medication routinely, or they used to take but, with a doctor's approval, went a long period of time without medication and conduct a normal life, there is no obligation to disclose it, unless there is a serious history of mental health issues. With any uncertainty, one should consult a rav.

Focus and Concentration Disorders, ADHD

24. There has been an increase of knowledge in our times about focus and concentration disorders. It has become clear to the general public that there is a great benefit in helping those who need the help. Thus, the matter has become more accepted. Particularly in our chinuch mosdos which have large classes with many talmidim; a deficiency of personal attention for each talmid; and studies requiring focus and diligence; there is a noticeable need for tools to help talmidim succeed in their learning. In our chareidi community, where the main measure of success is in toiling in Torah and achievements in limudei kodesh, there is room to do the proper hishtadlus so that each talmid can reach his potential and succeed in his learning—even with the assistance of medication, e.g., Ritalin or the like, when done with the proper guidance and for a true need.
25. One of the reasons some people refrain from using these medications is due to stigma and concerns for shidduchim and the like. Thus, we will explain things properly.
26. **Does not rely on it.** If a bochur or young woman took medication in the past to aid in their learning but at their current stage no longer take it, they do not need to disclose anything. Also, if they take it infrequently, e.g., for a test or when there is a particular need for

focus, but they do not depend on it in their day-to-day lives, there is still no need to disclose it. People also take Acamol [acetaminophen/pain-killer] when they have an occasional headache or caffeine pills when they are tired... and don't disclose it...!!

27. **Relies on it.** However, if there is real dependence on it to the point that one cannot function properly without it, he must disclose it before finalizing the shidduch so there is no concern of misleading anyone. Similarly, if there is a situation that also involves additional family members, e.g., the parents or siblings of one of the parties, with significant ramifications, one must disclose this too.

Various Other Issues

28. **Dentures.** If a woman's teeth came out and she has dentures, she does not need to disclose this to the chosson since it is not called a mum for a Kohen, as teeth fall out in old age regardless (טו"ס בכורות (דף ל"ז ע"א ד"ה מה (גמ' כתובות דף ע"ב ע"ב, שינוי תורה לרופאים סי' פ' בשם הגר"ש"א). This is all the more true today, when one can get dental implants.
29. **Sense of smell.** A young woman without a sense of smell must inform the bochur before finalizing shidduch ties, as one needs a sense of smell for cooking food and knowing a food's quality. However, a bochur without a sense of smell does not need to inform the young woman (שו"ת חוות יאיר סי' ר"כ). [After the chasuna, when he makes Havdala on Motzei Shabbos, he cannot be motzi her in the bracha on besamim (מ"ב סי' רצ"ז סק"י); she needs to make the bracha on besamim herself at the proper point, and he should not say Amen (מ"ב סי' קס"ז סק"ה)].

Proper Time to Disclose a Flaw

30. Many people are unsure about the proper time to disclose a flaw. Should one disclose it before the first meeting or after some connection is already established but before the shidduch is finalized?
31. **Before meeting.** Some prefer disclosing it at the outset, before they meet. The advantage of this approach is that the meeting is made with awareness and no surprises. If a connection is established, they are already past the issue of the shortcoming. However, sometimes the advance knowledge itself causes people to not agree to a meeting in the first place.
32. **After meeting.** Others prefer meeting first and only at a later stage, after some connection is created, disclosing the flaw to the other party, hoping the familiarity with each other will diminish the weight of the issue in their eyes. However, the downside of this approach is that sometimes the other party will not want to continue, making the earlier meetings a waste.
33. **In practice.** Each person should weigh his approach according to his situation and the circumstances of the issue, and daven for siyata d'Shmaya. One should have complete emuna that if the shidduch was decreed from Shomayim, nothing can prevent it, and if it is not fitting, no strategy will help it. Everything is in Hashem's hands.

Forbidden Devices

34. If a bochur or young woman has a phone or device disapproved by rabbanim, one must inform the other party if he knows it will bother them. [If it will not bother them, then the shidduch is "ענבי הגפן בענבי" —but not "דבר נאה ומתקבל" —...]

Shadchan

Must Disclose Shortcomings

35. A shadchan who knows one of the parties has flaws or shortcomings that would bother the other side may not hide them; he must inform the other party (ח"י סי' ט"ו). An exception is if the shadchan emphasizes he does not know all the details and they should do their own research, or when the general minhag is that the shadchan just makes the suggestion and helps things progress, but the two sides must do their own research.

Telling the Reason for a No

36. **Do not tell.** When one side declines to proceed with a suggested shidduch, they may not tell the shadchan the reason they are saying no, as that is an issur of lashon hara. The shadchan may not investigate and pressure the sides to find out the reason, as doing so causes them to violate the issur of lashon hara. One should respond that the shidduch was not a good match (חוט שני שמירת) (הלשון פ"ז ס"א, הגר"ש"א, ציוני הלכה נישואין עמ' ש"ס).
37. If the shadchan claims he wants to know the reason to help the two sides advance by clearing up a misunderstanding or correcting a misinterpretation of the information that was heard, one may tell as that is considered a constructive purpose (ארחות חיים ציורים) (אות ט"ז). However, the shadchan obviously may not go to the other side and tell them the reason they said no to the shidduch; that is an outright issur of rechilus.

After the series on the topic of shemiras halashon, we will conclude with these words: Praiseworthy is the one who is zocheh to guard his tongue; the posuk says about him, "נצור לשונך מרע," In this zechus, he accesses a life of bracha, peace, and yeshua. May we all have the zechus to purify our speech, sanctify our mouths, and increase peace in the world, and with this, bring the geula sheleima אמן