

*b'dei Shamayim*). Rabbah mentions only *kara'it*. We must logically assume that Rabbah disagrees with the first citation in not only one but two instances. Rabbah considers the conclusion of *kara'it* to be at age sixty and not fifty. In addition, it appears logical to assume that he extends the conclusion of "death by the hand of heaven" to age seventy, not sixty. As such, Rabbah would also hold that *kara'it* is ten years younger than the second-level punishment of "death by the hand of heaven." Just as age sixty was celebrated, similar logic would contend that one's seventieth birthday should also be afforded religious significance in that the person may no longer be punished by "death by the hand of heaven."

### An Eightieth Birthday

The aforementioned talmudic discussion (*Mo'ed Katan* 28a) notes that sudden death was not deemed praiseworthy. Yet, "should one attain the age of strength [eighty], a sudden death is [classified] as dying by the Kiss." The latter is deemed a blessing. Accordingly, one who has arrived at such a blissful state certainly should celebrate the status transformation by a party that definitely seems to be a *seudat mitzvah*, regardless of whether special Torah addresses are related.



## *Marrying Prior to Older Siblings*

**QUESTION:** May a younger brother or sister get married before an older sibling?

**RESPONSE:** The Torah deals with this issue. It reports that the patriarch Yaakov was quite perturbed to learn that by some

error he married Leah, the older sister, and not Rachel, the younger sister whom he loved. Indeed, Yaakov so loved Rachel that he openly stipulated that he would serve seven years in order to gain her hand in marriage. He could not comprehend the motivation for the deception (see Genesis 29:18-25). Responding to Yaakov's indignation, Lavan, his father-in-law states, "It is not done so in our place to give the younger before the elder" (Genesis 29:26).

There are a number of interpretations to Lavan's statement. Rav Samson Raphael Hirsch, for example, suggests that the local custom was unique in that should one seek to marry a younger sister, the unmarried older sister was automatically included. Since one may not marry the younger prior to the older sister, the first marriage must of necessity go to the older sister. As such, the first marriage was to Leah. That was Lavan's deceptive ruse to marry off both daughters.

Of concern is whether Lavan's general principle that a younger sibling is not to marry prior to an older sibling has any basis in *halachah*.

Tosafot report a case brought to the attention of Rabbeinu Tam. A man said to the father of several daughters, "Your daughter is betrothed to me." Yet, he did not specifically name the particular daughter he wished to marry. Rabbeinu Tam (at first) ruled that the man was married to the oldest daughter. Why? Because the Torah established a principle, "It is not done so in our place to give the younger before the elder" (Genesis 29:26). Tosafot conclude that due to unique *halachot* relating to doubtful marriages, Rabbeinu Tam changed his mind and did not act on his theory (*Kiddushin* 52a). Of interest is that the concept of marrying off older children prior to younger children is articulated as a basic premise.

Indeed, the Talmud reports that when the Torah states that the daughters of Zelophehad were married, each daughter was listed according to age, namely, the oldest first and the youngest last (Numbers 36:11; *Bava Batra* 120a). Rashbam notes that this is based on the principle that "it is not done so in our place to give the younger before the elder" (Genesis 29:26). The Shach (citing

the Bach) rules that when brothers or sisters are to be married, priority should be granted to marry off the elder sibling prior to the younger, regardless of the degree of wisdom of the younger child (*Yoreh De'ah* 244:13).

The implication is that Lavan's rule is backed by *halachah*. Yet, a number of distinctions may be noted.

1. HaRav HaGaon R. Baruch Epstein (author, *Torah Temimah*) suggests that Lavan's rule is an obligation imposed upon a parent but not necessarily upon the children. It is the parent who is not to marry off a younger daughter prior to older siblings. Yet, the prospective bridegroom, for example, has no sin to seek out a younger daughter before her older sister marries. Proof is the fact that Yaakov committed no sin in attempting to marry Rachel even before the older sister Leah was married. As such, it is the parent who must be sensitive to the feelings and respect for older siblings. The suitor is under no obligation to be concerned with the feelings of the older siblings who might be slighted if a younger sister marries first (see Tosefot *Berachah*, Genesis 29:26).

Though this may be the case, the biblical listing of the marriage of the daughters of Zelophehad indicate that even though parents are not alive, they still marry according to age. Indeed perhaps, suggests HaRav Epstein, younger children should be sensitive to the anguish of their older siblings (see Tosafot, *Berachah*, Numbers 36:11).

2. Yet, the case of the daughters of Zelophehad may indicate that it is a nice gesture, should younger children await the marriage of older siblings, but no sin takes place should younger siblings so desire to marry prior to older siblings. In addition, there also may be no obligation for younger siblings to await the marriage of older siblings. It is merely a gesture of graciousness, not a mandate.

3. I suggest that the issue relates to the concern as to whether younger siblings are required to honor older siblings. The *Shulchan Aruch* rules that "one is obligated to honor one's oldest brother" (*Yoreh De'ah* 240:22). The Shevut Yaakov rules that this honor is limited and restricted to the firstborn son. The

firstborn son (the *bechor*) has a unique role in *halachah* not afforded other children. It is the firstborn son who is granted a double portion of inheritance. Accordingly, he and he alone is to be respected by the other siblings. No other child is to receive such respect (*Responsa, Shevut Yaakov*, vol. 1, no. 76). The *Mishmeret Shalom* (*Yoreh De'ah* 240:19) disagrees. He contends that all older brothers and sisters must be honored. (For a detailed discussion of this subject see my *Timely Jewish Questions, Timeless Rabbinic Answers*, pp. 310-313.)

Now, if younger siblings need not honor older siblings, they may get married prior to older siblings. If, on the other hand, younger siblings must honor older siblings, then the younger ones must, of course, consider the older ones' sensitivities and not marry before them. To the extent that all agree that one must honor the firstborn elder brother, it would appear that he has priority in marriage.

## *The Marriage Fast*

**QUESTION:** Why must the bride and bridegroom fast on the day of their wedding? Also, may greater leniency be extended to the bride than to the bridegroom?

**RESPONSE:** There are two basic reasons why a bride and bridegroom fast on the day of their marriage.

1. Such a time is comparable to Yom Kippur in that sins are forgiven.

2. The fast ensures that the couple will not drink any intoxicating beverages that may dissipate their ability to be fully aware of their marriage commitments.

Each theory generates pragmatic distinctions. According to the first theory, the fast should conclude once the day officially