Dear Reader,

In this week’s parashah we read about the first phase of the tale of Yosef. Yaakov raises Yosef as special among his brothers. He teaches him his wisdom, dresses him in a special cloak, and prepares him generally for future greatness. Yet, the special treatment of Yosef breeds a tragic jealousy in the hearts of his brothers. After agreeing to spare his life, they finally decide to sell him to a caravan of Ishmaelites making their journey to Egypt.

At this point, the Torah makes an abrupt departure from the tale of Yosef, switching to the story of Yehuda and Tamar. Only after the episode of Yehuda is completed do the verses return to Yosef: “Yosef was brought down to Egypt.”

The striking diversion of the reader’s attention is noted by Rashi. Citing from Chazal, Rashi explains that the

This week’s article discusses the matter of honoring older brothers and sisters. What is the nature of the obligation to honor older siblings? Does the obligation apply to the firstborn alone, or to other brothers too? Must one honor an older sister? Is it permitted to call an older brother by his name? These questions, among others, are discussed in this week’s article.

In advance of Chanukah, this week’s Q & A addresses the question of using edible olive oil for Chanukah.

Honoring Firstborns and Older Siblings

The firstborn of Yaakov Avinu was Reuven. Yet, the de jure firstborn, the child who inherited a double portion from Yaakov, was Yosef, whose two sons both founded tribes of Israel.

Despite losing his firstborn status to Yosef, it was Reuven who saved Yosef from death at the hands of his brothers: “Reuven heard, and saved him from their hands.” It was he who convinced them to throw Yosef into the pit rather than kill him, and thereby ensured the continuity of the Children of Israel.

Reflecting on several passages of sibling rivalry that the Torah records in Bereishis, we will dedicate this week’s article to the halachic issue of honoring an older brother.

What are the parameters of this obligation of honor? Is the obligation to honor an older brother comparable to the obligation to honor parents? Does the obligation apply to all older brothers, and even to older sisters, or only to the firstborn son?

These questions, among others, are discussed below.

Yaakov’s Honor of Eisav

In spite of the deep antagonism between them, the Pasuk describes how Yaakov continued to honor his older brother Eisav.

At the beginning of Parashas Vayishlach, Yaakov opens his message to his brother with the words, “So says your servant Yaakov” (Bereishis 32:5). The Ramban explains that this
expression of honor was an acknowledgment of Eisav’s being the older brother, “for the custom is that the younger brother honors his older brother, as if he is his father.”

Although Yaakov had taken the birthright, he continued to treat Eisav with the honor normally due to an older brother.

Another reference to the honor of an older sibling is mentioned by the Midrash (Bereishis Rabba 74:4) concerning Rachel and Leah. The Midrash explains that Rachel died early because she spoke ahead of her older sister, as the Pasuk mentions, “Rachel and Leah answered” (Bereishis 31:14). Rachel was punished, according to Chazal, for not giving her older sister proper honor.

**Torah or Rabbinic Law**

These are important sources from the realm of Midrash and commentary—but what place do they have in halacha?

The primary source for this question is a passage of Gemara (Kesubos 103a), which discusses Rebbi’s deathbed instructions to his children. One of the instructions he gave was: “You shall be careful concerning the honor of your mother.”

The Gemara explains that this instruction did not refer to the children’s biological mother, but rather to Rebbi’s wife, who was not their mother—who must be honored by Torah law. The Gemara continues to question that surely even a parent’s spouse is included in the Torah obligation: the word “es” includes the spouse, while the extra letter vav adds the honor of an older brother.

The Gemara ultimately explains that the Torah obligation to honor the spouse of a parent does not apply after the parent’s death. Therefore, Rebbi had to instruct his children to honor his wife after his passing.

It seems from the Gemara that there is a full Torah obligation, derived from the extra letter vav, to honor one’s an older brother. Since it is not an explicit Torah instruction, the Rambam (Mamrim 6:15) writes that the obligation to honor an older brother is mi-divrei sofrim. Still, the Radvaz (in his commentary to the Rambam) implies that the obligation is a Torah obligation. The Rambam just calls it divrei sofrim because of its non-explicit derivation.

This line of reasoning is clearly stated by the Minchas Chinuch (34), and the Charedim (12:3), the Semak (cited by the Chayei Adam 67:23), and the Chafetz Chaim (Introduction, Asin 10) all concur that honoring one’s older brother is a Torah instruction.

The Meiri (Kesubos 103a), however, writes that the derivation from the verse is not a full derivation, and the mitzvah is rabbinic. It is possible that this is how the Meiri understood the opinion of the Rambam. Yet, in view of the numerous opinions mentioned above, we certainly have to treat honoring an older brother as a
interjects the episode that reveals the ultimate destiny.

Because Yehuda was able to say “she is more right than me” – because he was able to enthrone somebody else upon him – a Heavenly voice descended and declared: “From Me do hidden things come forth.” The kingdom was given to he who knows how to bow his head.

The nation of Israel is called after Yosef on the one hand, and Yehuda on the other. The verse calls us all by the name of Efraim, the son of Yosef; and we are all Yehudim. Both dispositions, both character traits, are latent in the nation: The way on the one hand, and the destiny on the other. The way, the road to the destiny, belongs to Yosef. This is the road of struggle with evil, the road of passing the trial, and of finally reaching greatness. The destiny, however – the revelation of the kingdom – belongs to Yehuda.

We pray that we shall speedily reach the day when “the house of Yaakov will be fire, and the house of Yosef a flame, and the house of Eisav straw.” Then: “And the kingdom will be Hashem’s.”

**An Independent Obligation of Honor**

The above Gemara states that the Torah obligation to honor a parent’s spouse applies only during the parent’s lifetime. Is this the case also concerning the honor of one’s older brother which is derived from the same word?

The *Minchas Chinuch* (34) derives from the wording of the Gemara that the limitation applies only to the parental spouse, and does not apply to an older brother. Concerning the older brother, the obligation remains in place even after the parent’s passing.

This halachic principle is also implied by the wording of the Rambam (*loc. cit*.). Concerning a parental spouse, the Rambam writes that a person is obligated in his or her honor “while they [the parents] are alive.” However, concerning an older brother the Rambam states simply that “a person is obligated to honor his older brother.”

The same wording is used by the Shulchan Aruch (Yoreh De’ah 240:22), who also mentions the obligation to honor an older brother without qualification.

Based on this opinion, it emerges that the obligation to honor an older brother is an independent obligation, that is, not dependent on the mitzvah of honoring parents. Even after the parents’ death, when it can no longer be argued that the mitzvah of honoring a brother is a branch of honoring a parent (see below), the mitzvah still applies.

**A Derived Obligation of Honor**

By contrast with the above-mentioned opinion, the Ramban (*Sefer Hamitzvos* 2) maintains that the obligation to honor an older brother is similar to the honor of a parental spouse. Just as the obligation to honor a parent’s spouse does not apply after the parent’s passing, so the obligation to honor an older brother does not apply after the mutual parent’s death. This is also the opinion of Shut Maraik (44).

According to the Ramban, the obligation to honor an older brother derives from the obligation of honor one’s parents, who may be distressed when the older brother is not treated with respect. According to this opinion the obligation to honor one’s older brother is not independent. As the Talmudic derivation from the letter vav implies, the honor is due as a result of the parents’ honor, rather than to the brother himself (see *Pischei Teshuvah* 240:18, who gives an interpretation of the dispute; see also *Birkei Yosef, Yoreh De’ah* 240:17).

In addition to the question of honor after a parent’s death, a
further ramifications of the dispute among rishonim is a parent’s foregoing the honor of the older brother. If the obligation to honor an older brother is independent of the parents’ honor, it follows that parents cannot forego the honor to an older brother. But according to the Ramban, it is possible that parents can forego the honor of the older brother, because the entire obligation is on their account.

The Darchei Moshe (240:6) notes this as a possibility (according to the Ramban), and leaves the question as requiring further study.

In practice, we find that the Birchei Yosef rules that the obligation to honor an older brother is independent of parents, in line with the Rambam. The obligation therefore applies even after the parents’ death, and parents will not have the ability to forego their older son’s honor.

Brother or Sister, Older or Oldest?

There is a dispute among authorities whether the mitzvah of honoring an older brother applies to older sisters. Authorities also dispute whether the obligation applies specifically to the eldest brother—the firstborn—or to all older brothers, even those who are not firstborns.

The Shevus Yaakov (Vol. 1, no. 76) writes that the obligation applies only to the oldest child, and only to a firstborn boy. The rationale behind this ruling is that only the firstborn child (the bechor) must be honored, for the bechor embodies the principal continuation of a family into the next generation. The honor of a firstborn is therefore the honor of his parents. This ruling is noted by the Pischei Teshuvah (240:19).

Other authorities, however, differ on both counts. Citing the Arizal, the Birchei Yosef writes that the mitzvah applies to all older brothers and to all older sisters. He supports this principle from the rationale of the Ramban, whereby honoring older siblings reflects the parents’ honor, explaining that this reasoning applies to all older siblings.

We find in the Gemara (Avodah Zarah 17a) that Ulla (an amora) used to show his older sisters great honor, from which the Yad Shaul (240:15) proves that the obligation applies to sisters. However, it is possible that the honor he showed was not due to the Torah obligation but because he felt this was proper conduct.

The Birchei Yosef concludes that a person must honor all older brothers and sisters. We have already mentioned the Midrash concerning Rachel and Leah, which also indicates that older sisters must also be honored. But as noted above, the ruling of the Pischei Teshuvah is that only the bechor must be honored, and citing the Shvus Yaakov (1:76), he writes that we do not learn from the Midrash concerning Rachel and Leah, adding that speaking before somebody greater disgraces them, and it is not just a matter of honoring them.

Note that the obligation to honor one’s older brother applies to both a maternal and paternal older brother (Teshuvos HaRosh 15:6; cited in Shulchan Aruch 240:22). The Rema adds that even if the younger brother is a Torah scholar, he must nonetheless honor his older brother—as will be mentioned further below.

Can an Older Brother be Called by his Name?

The Ikkrei Dinim (27:7) questions whether the obligation to honor an older brother involves kavod (honor) alone, or even mora (fear).

The practical ramifications are for the halachos of mora that the Gemara (Kiddushin 31a) lists, such as sitting in his chair, contradicting his arguments, and so on. The above-mentioned Midrash, which refers to Rachel’s speaking up before Leah, may imply that the obligation applies even for mora. However, as noted, this is not a conclusive halachic proof.

A possible source to resolve this question is mentioned by the Beis Meir (Yoreh De’ah 240). The Rosh (Kelal 15, no. 7) discusses a case in which an older brother insulted a younger brother who was a Torah scholar and, as a result, the younger brother condemned him and placed him
in cherem. The Rosh writes that this is appropriate because the older brother disrespected a Torah scholar, and is thus not somebody who follows Torah practice (eino oseh maaseh amcha; see Shulchan Aruch, Yoreh Deah 240:23).

Concerning a parent, the halachah is that a son cannot even act as a court agent to place his father in cherem, even if the father deserves the punishment. A son can thus certainly not place his father in cherem. Why is a younger brother different from a son? The Beis Meir explains that the obligation towards an older brother is limited to kavod and does not include mora, which is why the younger brother can punish his wayward older brother.

The common custom is to call an older brother by his first name, and not to follow all the laws of mora for parents. The Minchas Chinuch notes this point, and suggests that Chazal differentiated between the laws of honoring a parent and the laws of honoring an older brother. However, it is possible that the common custom indicates that the halachah follows the distinction noted above between kavod and mora: Although we are obligated to honor older brothers, we are not obligated to fear them.

Halachic Responsa to Questions that have been asked on our website dinonline.org

The Question:

Must one use olive oil that is fit for consumption for Chanukah purposes?
I’ve heard this cited in the name of Rav Elyashiv, but edible oil is considerably more expensive.

Answer:

There is no need to use oil that is marketed as edible, and it is perfectly fine to use the normal oil that is marketed for candle-lighting and not for consumption.

Best wishes.

Sources:

The Gemara (Berachos 35b) writes that one recited the Ha-Etz berachah on olive oil, but proceeds to explain that this cannot refer to drinking of olive oil on its own, for this is damaging to the body. This is ruled by the Shulchan Aruch Ha-Rav (202:10) and by the Mishnah Berurah (202:29). Thus, according to the Gemara there is no “benefit” in drinking olive oil on its own, and one only derives benefit from the oil when using it as a dip (though today some nutritionalists recommend a spoon a day).

The type of olive oil known to the Sages was surely of higher acidity that the type we are used to today, and would doubtless not be approved of for consumption. The olive oil marketed today is likewise not poisonous, but due to its high acidity should not generally be consumed.

Thus, although there is a hiddur of using edible olive oil (as that of the Menorah in the Mikdash), using the olive oil marketed for lighting is fine.

I don’t know about the ruling cited from Rav Elyashiv, and perhaps this is referring to a truly inedible oil.