

# HALOCHOSCOPE

## This week's question:

An adult who is a *bechor*, first-born son, discovers that as a child he did not have a *pidyon haben*, redemption ceremony. As an adult, he may perform this *mitzvah* himself. Is there any urgency to fulfill this right away, or may he delay it to a convenient time?

## The issues:

- A) *Pidyon Haben*
  - B) *Podeh es Atzmo*, redeeming oneself when the father did not do it
  - C) Reasons to fulfill this *mitzvah* without delay, or to delay it
- A) *Pidyon Haben*

*Pidyon haben* is redemption of the first-born male issue from a Jewess. It does not apply to the child of a parent who is a *kohain* or a *levi*. The *mitzvah* is incumbent on the father of the boy. An amount of silver equivalent to the value of five *shekalim*, Scriptural Jewish currency, is given to a *kohain*. Thus, the father 'redeems' his son from the *Kohain*. Some say this is five ounces of silver, and some *kohanim* keep coins that add up to this for use in this *mitzvah*. There is a *brocha* and a pronouncement at the ceremony. It is basically a dialog between the father and the *kohain*, in which they discuss whether the father wishes to redeem, and if so how he does it. The ceremony takes place thirty days after the child is born. The consensus is to wait until the thirty-first day, in the morning.

Along with the actual redemption, it is customary to participate in a festive meal. This is to publicize the *mitzvah*. There is no clear statement in the Talmud about this *seuda*. There is a Talmudic passage that makes reference to a *seuda* that seems to have been made, according to one version, to celebrate a *pidyon haben*. This is no proof of an obligation, but an indication of a customary practice. This has become the expected practice. To properly publicize the *mitzvah*, one invites people to the *seuda*. After the first bite of bread, the *pidyon* is performed. To further publicize it, the *kohain* recites a *brocha* on wine after the *pidyon*, as a sign of festivity. If wine is unavailable, beer is used. No *brocha* would be recited on beer during a bread meal. Therefore, if beer is used, the *pidyon* is done before the *seuda*. Thus, the idea of publicizing the *mitzvah* through the *seuda* is important enough to dictate some of the order of the ceremony.

Since the *seuda* is connected to *pidyon haben*, it is considered a *seudas mitzvah*, the kind of meal that it is considered a *mitzvah* to eat. While it is not the meal of a holiday, that would be a *mitzvah* in its own right, it has special qualities. One should be allowed to partake of this meal on a day when there is usually a restriction on making parties. For example, on *Erev Shabbos* one should not start a party. It will cut into preparations for *Shabbos* and decrease the appetite. If a *mitzvah* dependent on time occurs on *Erev Shabbos*, with its accompanying meal, one may make the *seuda* then. Thus the restriction does not apply to a *seudas bris milah*, which accompanies the *mitzvah* that must occur on the

eighth day of the child's life, if at all possible. On a fast day the *bris milah* is performed by day and the *seuda* takes place the following night. [The immediate celebrants, father and *sandek*, do not continue fasting after the *milah*. However the *seuda* at which guests participate takes place by night.]

This raises an issue with regard to *pidyon haben*. Say the thirty-first day falls on a fast day. Is it as important to do the *pidyon* on the thirty-first day, and by day, as it is to perform the *bris* on day eight? If so, may the meal be separated from the *pidyon*, like a *bris seuda* on a fast day? By separating the *seuda* from the event, the impact of the publicity will be lost. It is customary to make sure that both the *pidyon* and the *seuda* will be done together, even if this means not doing on the thirty-first day. However, this ruling and custom are not without controversy.

The *pidyon* is considered a monetary gift to the *kohain*. As such, if there is doubt about the first-born status (based on prior pregnancies or on the tribal status of a parent) or about the credentials of the *kohain*, the father is exempt. Since it is a spiritual obligation, the father is required to practice stringency anyhow. There is a measure of *kedusha*, sanctity, on the child until redemption. [The procedure removes the *kedusha*. It is not really a proper 'purchase' of the boy from the *kohain*, though it is a commercial activity. The *kohain* simply has the right to the money used to transfer the *kedusha* from the boy.] continued presence of the *kedusha* is considered somewhat dangerous. Therefore, in cases of doubt, one performs *pidyon* anyhow, often with no *brocha*. As a commercial activity, *pidyon haben* is not done on *Shabbos* or *Yomtov*, and some also exclude *Chol Hamoed*. [See Bo 13:13 15, Korach 18:16. Bechoros 12b-13a 49a, Kidushin 29a, Baba Kama 80a, Moed Katan 8b, Poskim. Tur, Sh Ar YD 305, OC 249:2 339:4 568:2, commentaries. Sefer Chasidim 334 (Mekor Chessed). Taamei Haminhagim 933-935. Yam Shel Shlomo Kidushin I:53-54.]

### **B) Poteh es Atzmo**

If the father did not do the *mitzvah*, when the boy grows up he does it himself. The most obvious case of the father not performing the *mitzvah* is when he dies before the time that *mitzvah* is to be performed. Then, there is no-one else to perform it. [The poskim debate whether the child may perform it before he reaches *bar-mitzvah*. This depends on whether he is obligated in a *mitzvah*, and on whether he is obligated to pay his father's debt.] The Talmud derives from the verse that the child does it. In a sense, this is obvious. Since the obligation was the father's, his estate owes that money to the *kohain*. The son now has this estate. However, this would simply mean that whoever inherits the estate must pay the debt, including any other next of kin. The Torah derives a specific obligation as a *mitzvah* incumbent on the *bechor* himself. Scripturally, this could only begin as a personal obligation when the child reaches majority, at his *bar mitzvah*.

Accordingly, the issue arises, what if the father did not die, but did not perform the *mitzvah* while the child was young. When the child turns *bar mitzvah*, does the father still have an obligation? Does the child get an obligation as well? Do they both have it, is there a joint obligation, or do they have a choice? The consequences of this will determine some incidental matters as well. For example, if the obligation is really upon the father, but the son does it anyhow, he might be acting in the capacity of a *shliach*, agent. Can an agent be appointed for this type of *mitzvah*? An agent often recites a different

*brocha*. A *mitzvah* that can be performed by agency has a different kind of *brocha*.

This issue arose in the times of forced conversions in Spain. When some family members returned to the fold, there arose the issue of who had the right, or duty to perform *pidyon haben*. There are basically two views on this. In one view, when the son is a child it is both the obligation of the father and his son. Though the son is unable to fulfill it at present, he will be able to do so when becomes an adult. When he reaches adulthood, the father's obligation disappears, and only the son is obligated. The majority of poskim maintain that, at least according to this view, agency works. Thus, a father could still act in his son's stead. However, the father does not have the right without the son's appointing him. There is a possibility that a father could act as a self-appointed *shliach* as *zechia*, beneficial act. However, this would not work against the interests of the obligant himself. A minority maintain that this view holds that the father may no longer perform the *mitzvah* at all. In this view, *shlichus* does not work.

The other view maintains the exact opposite. In this case, the father wishes to perform the *mitzvah* on his adult son. The son claims the right to do it himself. The ruling is in favor of the father. This view maintains that the father was never relieved of his initial obligation. The father comes first. If he does not wish to do it, or neglects it, the son is the 'second choice'. The son would never need to be appointed a *shliach*, even with *zechia*. However, he could not do it as a *shliach* of his father against his wishes.

The former view is cited by many poskim, especially in relation to some of the incidental issues raised before. The second view is also cited by other poskim. Thus each side is taken into consideration. In our case, this should, at the very least, create a doubt. This will be used in determining the issue raised in the next section, combined with the issues raised there. [See Kidushin 29a-b, Psachim 7b, Poskim. Tur (Bedek Habayis, Darkei Moshe) Sh Ar YD 305:10, commentaries. Rivash 131. Tesh. Rashba II:321. Chinuch 392 (Minchas Chinuch). Chacham Tzvi 105. Tesh. Chasam Sofer YD 293 296. Divrei Chamudos, Bechoros 8:7. Yabia Omer III:OC:27:5, VI:YD:25. Halochoscope I:5.]

### **C) Delaying this mitzvah**

The *mitzvah* is to redeem the boy when he is one month old. This is taken to mean thirty days. The term *Chodesh*, a lunar month, depends on the appearance of the new moon, sometimes twenty-nine days after the preceding month began. For *pidyon haben*, obviously, the moon cannot be used as the guide. The exact length of a lunar cycle is twenty-nine days, twelve hours, seven hundred ninety-three *chalakim*. [A minute is eighteen *chalakim*. 793 ch. = 44 min + 1 ch.] This moment could arrive on day thirty. It is also possible that a baby born very late in the day of day one, would reach this time only in late morning on day thirty-one. The *minhag* is to wait until day thirty-one. Some maintain that if day thirty-one is a fast day or *Shabbos*, one may do it on day thirty, provided the lunar cycle month is complete, rather than delay it.

*Pidyon haben* should not be unduly delayed. There are four reasons for this, three of which are universally agreed on. First, *zrizim makdimin*, *mitzvos* should be performed at the earliest opportunity. No *mitzvah* should 'sour', be delayed, once its time arrives. This concept is derived from Scripture in some form or another. Second, when the Torah gives a time for a *mitzvah*, it is assumed that this is the optimum time for it, and a later fulfillment is compensatory. In addition, the rule is that a *mitzvah* done in its right time is

so precious that it can even permit certain violations to fulfill it then. Third, one must save the child from danger at the earliest chance. The fourth reason is hotly debated. The *mitzvah* of *bris milah* applies on the eighth day. Every day after that that one does not have a *bris* he is considered in violation of this positive *mitzvah*. Some say that the same is true of the *pidyon haben*. Others say that the *mitzvah* occurs any time after the first month of life. Thus, if it was already delayed, the second and fourth reasons do not apply.

The difference between the opinions arises when planning a delayed *pidyon haben* on *Erev Shabbos*. Does the delayed *mitzvah* justify making the *seuda* on *Erev Shabbos*? The debate is also raised regarding a *pidyon haben* on a fast day. It also comes into discussion regarding other issues. Theoretically, *pidyon haben* could be done by night. This is not the prevailing practice. Why is it delayed to the morning, and may it be delayed further to the afternoon? Various suggestions are made, including the simple idea that it became a custom to avoid confusion about timing.

Some poskim cite a ruling that one may delay the ceremony for the sake of having a larger gathering. The larger the crowd, the better the *mitzvah*. There is some question on how to interpret this ruling. However, if the *pidyon* was delayed anyhow this is cited as additional reason to wait. [See Bo 12:13, Mechilta (Torah Temima). Psachim 4a 68b, Moed Katan 8b (Tos), Bechoros 12b-13a [Rit Algazi 14] 49a-b, Yevamos 39b, Poskim. Tur Sh Ar YD 305:11, commentaries. Chinuch 292. Magen Avraham 249:5, Chayei Adam Shabbos 1:8, Nishmas Adam. Terumas Hadashen I:269 II:233, Sdei Chemed Pay:Klalim:39. Yabia Omer OC:I:27:3-7 III:OC:27:5 VI:YD:25.]

In our case, the father is living but does not wish to do it. Thus, there is an additional consideration. If it is the father's *mitzvah*, it is he who violates the delaying of his fulfillment, assuming that it is a constant violation. The son is not in violation of this obligation. We may thus treat the question of delaying it as a double doubt. First, once it has been delayed, there might be no constant violation. Second, even if there is a constant violation, the son might not be in violation by delaying it, but the father. The son should still hurry to do it for the other reasons, but they could be mitigated by the principle that a larger crowd enhances the *mitzvah*. Accordingly, he may schedule it that the *seuda* is more convenient for guests.

**On the Parsha ... Hashem will give you meat to eat in the evening ... [16:8] Here the Torah teaches derech erez, correct behavior. One should only eat meat in the evening. [Yuma 75b]** There was a minhag to perform the *pidyon haben* at *mincha* time. The poskim question why it was delayed. [See Sdei Chemed 9:klalim:39.] Perhaps people felt that it was very important to have meat at the *seudas mitzvah*. We have shown how important it is to connect the *seuda* to the *mitzvah*. It is not 'derech erez' to serve meat in the morning. Therefore, they made the event later in the day, towards evening. Since it is still on the correct day, they felt that it was best to delay it and to serve meat. [Perhaps the dissenters feel that this should be no different than a *Shabbos* or *Yomtov* morning *seuda*.]



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