DELAY OF PIDYON HABEN

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May Pidyon Haben be postponed beyond the thirty-first day?

One of my tasks in my current congregation is to teach a life cycle class to students of school age and their parents. One of the topics discussed is the redemption of the first-born son. Most students and many parents are unfamiliar with the concept and the ritual.

Over the course of six years teaching the class, two families have approached me and recognized that their son should have been redeemed, but was not. In each case, since the mitzvah remained the responsibility of the parents until their son became a bar mitzvah, we arranged for the ritual to take place. Thus, I could say to the congregation on their son's bar mitzvah day that though my tenure at the congregation was not of such a lengthy duration, I had participated at both Pidyon Haben and bar mitzvah of these two boys.

Though many Conservative Jews are not familiar with the ritual, it is clearly a mitzvah from the Torah. The Torah states: “All first-born of man and animals shall be yours (the Pidyon Haben). But the first born of man must be redeemed. ..from the age of one month. The redemption price is the value of five sanctuary shekels (of silver), each weighing twenty gerah” (Num. 18:15-16).

According to the text, Pidyon Haben takes place after one month of life. This coincides with the child being a bar mitzvah, a viable human being. There is a discussion in the sources whether the month should be seen as the thirty-first day of life, exactly a month by astronomical time, or not. The Shulhan Arukh in Yoreh De'ah 305:11 states:
The first-born can only be redeemed after he has passed thirty days of life. After the thirtieth day he should be redeemed immediately so as not to delay the mitzvah.

Though there is a disagreement among some of the sources as to what exactly constitutes thirty days and whether a full month can be seen as approximately 29\(\frac{1}{2}\) days, the prevailing custom has been that the first-born is redeemed on the thirty-first day.

In fact, Asher Anshel Grunwald in Zocher HaBrit (page 179:14) states:

Rather than immediately perform the redemption, many are accustomed to do the mitzvah late in the day so that they can be sure that the full time period has elapsed.

Grunwald does not agree with this custom and suggests that it is better to fulfill the custom of being zealous in doing the mitzvot and not wait until late afternoon.

The question has been raised whether the mitzvah can be held later than the thirty-first day. Yechezkel Michael Epstein in the Arukh Hashulhan writes in Yoreh De'ah 305:44:

When thirty days are completed it is a mitzvah to perform the redemption immediately on the thirty-first day so as not to delay the performance of the mitzvah. Should one not do so, I am uncertain whether they transgress the mitzvah each day that the child is not redeemed (like when the Pesah sacrifice takes place after eight days) or not.

The Arukh Hashulhan thus raises the issue whether performing the mitzvah on the thirty-first day is a necessity, and thus, one transgresses the Biblical commandment if one does not do so, or whether it is not necessarily a requirement. On this issue there seems to be a divergence of opinions among the sources. The Rosh (end of Bekhorot) writes:

Our Rabbis taught that based on the Biblical verse (Exod. 12:17) “And you shall observe the Feast of Unleavened Bread” (HaMatzot) read: “You shall observe the commandments (HaMitzvot).” One should not be slow to perform a religious duty.

One should therefore do the mitzvah as soon as one is physically able. However, what if that is impossible?

A mitzvah does not take place on Shabbat or Yom Tov, unlike a business arrangement (mekil shelishim u'me'avorah). However, it does take place on Hol HaMoed (Shulhan Arukh, Orah Hayyim 546). The Zocher HaBrit quotes two possibilities as to what should occur if Shabbat or Yom Tov are the thirty-first day. The Shulhan Arukh (Y.D. 305:11) states:
If the thirty-first day occurs on Shabbat, the mitzvah of pidyon bein stands for the ceremony does not take place on that day. Rather, one waits until Sunday to perform it.

Karo believes that one should wait until Sunday since presumably he believes that the ceremony should take place during the day. However, the Zecher HaBrit also quotes another source, Responsa of Rav Yehuda Asad, Yoreh De'ah 265:

There are some who hold that if the mitzvah of pidyon bein is to take place on Shabbat, he should perform the ceremony and have the festive meal on Saturday night.

This view holds that since the ceremony can take place in the evening, it should be done as soon as possible after the conclusion of the Shabbat so as not to delay the more than is absolutely necessary.

These two views, I believe, are based upon the question whether one sees the thirty-first day as essential to the performance of the mitzvah or a stated goal. In the book Pidyon HaBen Kellichato, the author, Gedalya ben Yehiel Oberlander, quotes the sources for these two conflicting points of view (page 144-145). He states that while the Rosh believes, "One should not delay the performance of a mitzvah," this is only when it is expedited (to expedite the mitzvah) and when the time of pidyon bein is passed.

This is not a special requirement for pidyon bein so that the mitzvah would not be fulfilled if it is not accomplished at its proper time." However, others disagree and suggest that after the thirty-first day: "He transgresses the commandment each day that it is not performed" (See Oberlander, p. 142:17).

Both Oberlander and Grunwald disagree with this latter view and accept the opinion of the Shulhan Arukh and the majority of poskim (including R. Ovadia Yosef) that the mitzvah of pidyon bein, "One who delays the mitzvah does not transgress the commandment."

Once the mitzvah of pidyon bein has been postponed, is it possible to delay it further? Most authorities suggest that it should be done as soon as possible. However, the Magen Avraham to Orah Hayyim 568:10 states:

With regard to pidyon bein, each moment (after the eighth day) is an appropriate time for the ceremony since one should not remain uncircumcised. However, once the time of pidyon bein has passed, it is possible to delay it even further.

The Magen Avraham holds that since it has already been postponed, it may be accomplished whenever it is feasible. According to Rabbi Eugene J. Cohen, in his Guide to Ritual Circumcision and Redemption of the First Born, "This view stresses that the Torah states 'after' the child is a month old, and the word 'after' has no limit in time."

Finally Rabbi Moshe Feinstein in his Iggrot Moshe (Y.D. vol. 2, siman 118, p. 191) responds to a question concerning the delay of the mitzvah of pidyon bein:

See R. Ovadia Yosef, Yabia Omer, Y.D. vol. 2, siman 25, Letter 2 for an analysis of the various opinions.
In a case of a פָּרִיאָן הַבָּן where the thirty-first day occurs during the middle of the week and the father wants to delay the ceremony until Sunday so that he can hold a more elaborate celebratory meal, it is clear that one should not do so, so as not to delay the mitzvah. Even though during the week there will not be many people who will attend, one should not delay it so more can be present. Therefore it is proper to make the ceremony at its proper time even if the attendance is small.

Here Rabbi Feinstein clearly seems to be of the opinion that one should not delay the פָּרִיאָן הַבָּן in order to allow friends relatives and the wider community to be present. However, then he adds:

However, if the father refuses to do the ceremony before Sunday, it can be held on that date and the mitzvah will have been accomplished just as if it were held at its proper time. פָּרִיאָן הַבָּן (at its proper time) is important so as not to delay the mitzvah but one does not transgress the commandment (if it is delayed).

Rabbi Feinstein thus seems to allow a delay in the ceremony at the insistence of the father for what seems to be not very compelling reasons.

**Conclusion**

Based on these sources I therefore conclude:

1. The mitzvah of פָּרִיאָן הַבָּן should be encouraged among Conservative Jews.
2. We should strongly encourage פָּרִיאָן הַבָּן at its appointed time, בְּכָל מַיָּמִים, on the thirty-first day. We accept the desired goal of "the zealous perform mitzvot as soon as they are able to do so." If we do not do so, we are unfair to the tradition’s response to the timeliness of mitzvot and the need to adapt our lives to “Jewish time.”
3. Should the thirty-first day occur on a Shabbat or Yom Tov, the פָּרִיאָן הַבָּן should occur during the daylight hours on the next possible date (Sunday or after the Second Day of the Festival).
4. If these dates are not agreed to by the parents then it is possible to hold the ceremony during the evening hours.

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2 I commend the work of the Federation of Jewish Men's Clubs in this matter. The guide to the ritual, the explanatory essays and the certificates are well done and should be made readily available to members of our community. Dr. Neil Gillman offers an interesting homiletical explanation: “The פָּרִיאָן הַבָּן ceremony serves as a constant reminder that we have little ultimate control over our possessions. This lesson in humility is part of the touching message of the pipyon haben ritual” (A Guide to the Pidyon Haben Ceremony [New York: Federation of Jewish Men’s Clubs, 1993], p. 4).

3 Oberlander in *Pidyon Haben Kehillato* writes: פָּרִיאָן הַבָּן מַחַרְבָּהּ בְּלִילָה אוֹ נַעֲמָה לְפִלוּפֶּה אֵיתָם, מַסְחַרְמִי מַשְׁכָּרוּ - "It is permissible to have the פָּרִיאָן הַבָּן in the evening but it is customary to hold it during the day. The Sephardic custom is to perform it on the evening of the thirty-first.” Allowing people to use
5. If the parents persist and for their own reasons want the ceremony to take place on a date later than on the thirty-first day then we may allow it on the authority of the Iggrot Moshe and the fact that most authorities do not believe that one transgresses the positive commandment each day.

Perhaps our opinion is best expressed by the Sefer HaHinukh mitzvah 392:

Even though this mitzvah does not have a fixed time, since anytime after the thirtieth day is possible for the evening hours for the ceremony may permit them to have family and friends present and perhaps alleviate the need to postpone the ceremony indefinitely.

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