

DELAY OF PIDYON HABEN

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The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

שאלה

May פדיון הבן be postponed beyond the thirty-first day?

תשובה

One of my tasks in my current congregation is to teach a life cycle class to students of **בר/בת מצוה** age and their parents. One of the topics discussed is **פדיון הבן**, 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 **מצוה** remained the responsibility of the parents until their son became a **בר מצוה**, we arranged for the ritual to take place. Thus, I could say to the congregation on their **בר מצוה** day that though my tenure at the congregation was not of such a lengthy duration, I had participated at both the **פדיון הבן** and **בר מצוה** 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 **כהן**). 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, **פדיון הבן** takes place after one month of life. This coincides with the child being a **בר קיימא**, a viable human being. There is a discussion in the sources whether the month should be seen as **מעט לעת**, exactly a month by astronomical time, or not. The Shulhan Arukh in Yoreh De'ah 305:11 states:

אין הבכור ראוי לפדיון עד שיעברו עליו שלשים יום, ואחד שלשים יום
יפדנו מיד שלא ישהה המצוה.

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 29½ days, the prevail-
ing 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:

רבים נוהגים לעשות הפדיון אחר הצהריים סמוך למנחה. ואולי חששו
לדפעמים יארע שנולד סמוך לחשכה ולא שלמו לו כ"ט ימים.

Many are accustomed to do the פדיון 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 מצות זריזים – “It is bet-
ter to fulfill the custom of being zealous in doing the mitzvot and not wait until late afternoon.”

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

כשיעברו שלושים יום מצוה לפדותו מיד ביום שלושים ואחד שלא
להשהות את המצוה ויש להסתפק אם עובר בעשה בכל יום כשאינו פודיהו
כמו במילה לאחר שמונה אם לאו.

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 uncer-
tain whether they transgress the mitzvah each day that the child is
not redeemed (like ברית מילה after eight days) or not.

The *Arukh Hashulhan* thus raises the issue whether performing the פדיון הבן on the thir-
ty-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:

כמו שאמרו חכמים ז"ל “ושמרתם את המצות” קרי ביה “ושמרתם את
המצוות” אם באת מצוה לידך אל תחמיצנה.

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?

פדיון הבן does not take place on Shabbat or Yom Tov, unlike ברית מילה, because it is
considered “a business arrangement” (*מקח וממכר*). However, it does take place on Hol
HaMoed (*Shulhan Arukh, Orach 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:

ואם חל יום שלושים ואחד בשבת אין פודין אותו בשבת אלא ימתין עד יום
ראשון.

If the thirty-first day occurs on Shabbat the פדיון 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 *Zocher HaBrit* also quotes another source, Responsa of Rav Yehuda Asad, Yoreh De'ah 265:

יש אומרים דאם חל פדיון הבן בשבת יעשה הפדיון והסעודה במוצאי שבת.

There are some who hold that if the פדיון 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 פדיון 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 KeHilchato*, 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, מצוה הבאת לידך אל תחמיצנה – “One should not delay the performance of a mitzvah,” this is only זריזות (to expedite the mitzvah) and אין זה דין מיוחד בפדיון הבן שמבטל המצוה אם – “This is not a special requirement for פדיון הבן 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: עובר בכל יום בעשה – “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)¹ that המאחר הפדיון אינו עובר בעשה – “One who delays the פדיון does not transgress the commandment.”

Once the פדיון הבן 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 or Orah Hayyim 568:10 states:

מילה אף על פי שעבר זמנה כל שעתא ושעתא זמנה הוא דאסור לעמוד ערל אבל פדיון הבן כיון שעבר זמנה יכולין לדחותו יותר.

With regard to מילה, each moment (after the eighth day) is an appropriate time for the ceremony since one should not remain uncircumcised. However, once the time of פדיון הבן 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 פדיון הבן:

פדיון הבן שחל יום שלושים ואחד באמצע השבוע ואבי הבן רוצה לדחות ליום ראשון כדי שתהיה סעודה גדולה ודאי אסור לדחותה מזמנה כדי

¹ See R. Ovadia Yosef, *Yabia Omer*, Y.D. vol. 2, siman 25, Letter 2 for an analysis of the various opinions.

שלא ישהה המצוה. ואף שבאמצע השבוע לא יבואו אנשים הרבה להסעודה אין לשהות המצוה שתהא הסעודה יותר גדולה... לכן יש לעשות הפדיון בזמנה אף שתהיה הסעודה קטנה.

In a case of פדיון הבן 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 פדיון in order to allow friends relatives and the wider community to be present. However, then he adds:

ואם האב אינו רוצה בשום אופן לעשות קודם יום ראשון, צריך לעשות ביום הראשון, והמצוה יקיים ממש כמו בזמנה... פדיון הבן (בזמנה) הוא רק מצד שלא משהינן ולא עבר אעשה.

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. פדיון הבן (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 פדיון הבן should be encouraged among Conservative Jews.²
2. We should strongly encourage פדיון הבן at its appointed time, בזמנה, on the thirty-first day. We accept the desired goal of למצוות מקדימים וזריזים, “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 פדיון הבן 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.³

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 פדיון הבן 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 פדיון הבן ritual” (*A Guide to the Pidyon HaBen Ceremony* [New York: Federation of Jewish Men’s Clubs, 1993], p. 4).

³ Oberlander in *Pidyon HaBen KeHilchato* writes: ומנהג הספרדים. ומהנהגים לפדות בלילה אך נוהגים לפדות ביום. – לפדות בליל שלשים ואחד – “It is permissible to have the פדיון 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 *עובר בעשה בכל יום*, “transgresses the positive commandment each day.”

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

אף על פי שאין למצוה זו זמן קבוע דבכל שעתא ושעתא אחר שלשים יום
זמנה היא, אעפ”כ חכם לב יקח מצוות ויקדים ויעשה אותן מיד שאפשר לו.

Even though this mitzvah does not have a fixed time, since anytime after the thirtieth day is possible for *פדיון הבן*, even so the pious will do the mitzvah as soon as one is able to accomplish it.

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.