Bechoros 49 – Good Morning Raboisai

1️⃣ Two Fathers Paid Two Kohanim – One Baby Dies

The Daf continues the case of two fathers whose firstborn sons became mixed up.

Each father gave five Sela'im to a different Kohen before thirty days. One baby then died within thirty days, but nobody knows whose baby died.

Each father now wants his money back.

Each Kohen can answer:

👉 "The child connected to the money you gave me is the one who is still alive."

Since neither father can prove otherwise:

👉 He cannot extract the money from that Kohen.

2️⃣ What If They Both Paid the Same Kohen?

Suppose both fathers paid the same Kohen.

The Kohen received ten Sela'im, but after one child dies within thirty days:

👉 He certainly only deserves five.

The problem is deciding which father gets his money back.

The Gemara explains that the fathers can use:

👉 Harsha'ah – power of attorney.

They join together and approach the Kohen as one claim.

👉 Whichever father's money must be returned, they are jointly authorized to collect it.

The Kohen can no longer push each one off onto the other.

📌 When Can Harsha'ah Be Used?

Normally, Harsha'ah cannot simply be written where the defendant completely denies owing the money.

Here, however:

👉 The Kohen admits that he received ten Sela'im.

👉 He admits that five must be returned.

His only uncertainty is to whom.

Therefore, Harsha'ah can work.

More Safek Pidyon HaBen Cases

3️⃣ Rav Huna Adds Another Case

The Mishnah discussed numerous combinations involving two women and children whose identities became mixed.

Rav Huna adds another case involving:

👉 Two males and one female.

Where there are two different fathers, each father can potentially say:

👉 "Perhaps my wife gave birth to the girl."

Therefore:

👉 Neither individual father can necessarily be forced to pay Pidyon HaBen.

But if there were only one husband with the relevant two wives:

👉 He would know that at least one male Peter Rechem exists.

He would therefore have at least one definite Pidyon obligation.

When a Bechor Dies

4️⃣ Baby Dies Before Thirty Days

The Mishnah now discusses a straightforward but important Halachah.

A father gave the Pidyon money early and then:

👉 The child died before thirty days.

The money must be returned.

Why?

👉 The child never reached the point at which the Pidyon obligation took effect.

5️⃣ Baby Dies After Thirty Days

If the child survived beyond the required period and only then died:

👉 The Pidyon obligation had already taken effect.

Therefore:

👉 The father must pay the five Sela'im even though the child is no longer alive.

The Chiyuv was already established.

6️⃣ What If the Baby Dies on Day Thirty?

This creates a Machlokes.

The Chachamim treat day thirty as not yet completing the required period.

Therefore:

👉 The father is exempt.

Rebbi Akiva considers the status uncertain.

His rule is:

👉 If the father already gave the money, he cannot take it back.

👉 If he has not yet paid, the Kohen cannot force him to pay.

Why?

👉 HaMotzi MeChaveiro Alav HaRaayah.

Where there is a Safek, the person currently holding the money keeps it.

Why Thirty-One Days?

7️⃣ Chodesh U'Malah

The Chachamim derive the requirement from the Torah's wording concerning Pidyon:

👉 Chodesh U'Malah.

The additional word "U'Malah" indicates:

👉 A full month and beyond.

Therefore, the Chachamim understand the obligation as beginning after the completion of thirty days.

8️⃣ Rebbi Akiva's Safek

Rebbi Akiva questions whether the wording used in the Midbar should automatically determine the Pidyon HaBen of later generations.

The Gemara compares another use of:

👉 "U'Malah"

in the laws of Erchin.

Since the expression appears in more than one specific place, Rebbi Akiva does not simply extend it everywhere.

The result is a Safek regarding day thirty.

9️⃣ Aveilus Is Different

The Gemara notes that when the question involves Aveilus for a child who dies on day thirty:

👉 We follow the lenient position.

The uncertainty that affects monetary Pidyon HaBen does not mean that one must observe Aveilus out of doubt.

👉 Safek Aveilus – L'Kula.

Did the Father Already Redeem His Son?

🔟 Father Dies Before Thirty Days

Suppose a father dies before his son's Pidyon HaBen.

Do we assume that he may already have paid early?

The Mishnah says:

👉 There is a Chazakah that the son was not yet redeemed.

The normal assumption is:

👉 A person does not pay an obligation before its proper time.

Therefore, unless evidence shows otherwise:

👉 We assume the Pidyon was not performed.

1️⃣1️⃣ Father Dies After Thirty Days

Once the father lived beyond the time when Pidyon HaBen should have been performed:

👉 The assumption changes.

There is now a Chazakah that:

👉 The father fulfilled his obligation and redeemed his son.

Someone claiming otherwise would need evidence.

Who Comes First – Father or Son?

1️⃣2️⃣ Both Father and Son Need Pidyon

The Daf gives a fascinating case.

A man discovers:

👉 His own father never performed his Pidyon HaBen.

At the same time:

👉 He has a firstborn son whom he must redeem.

But he only has five Sela'im.

Who comes first?

👉 Himself?

or:

👉 His son?

1️⃣3️⃣ The Father's Mitzvah to Redeem His Son

One opinion gives priority to the son.

The Torah places the primary obligation of Pidyon HaBen upon:

👉 The father redeeming his son.

Therefore, this immediate obligation upon him can take precedence over correcting the Pidyon that his own father failed to perform.

1️⃣4️⃣ Rebbi Yehudah – Mitzvah D'Gufei Adif

Rebbi Yehudah disagrees.

He says:

👉 The man must first redeem himself.

Why?

👉 Mitzvah D'Gufei Adif.

A Mitzvah that rests directly upon the person himself takes priority.

His own Pidyon is now:

👉 His personal obligation.

Whereas redeeming his son is an obligation concerning someone else.

Therefore:

👉 First redeem yourself.

Performing Pidyon HaBen Early

1️⃣5️⃣ Can You Give the Money Before Thirty Days?

The Gemara now asks:

Can a father give the five Sela'im to the Kohen before thirty days and arrange for the Pidyon to take effect later?

Everyone agrees:

👉 He cannot simply perform a completed Pidyon HaBen on day fifteen.

The child has not yet reached the time of the Mitzvah.

But what if he says:

👉 "Take the money now, but the Pidyon should take effect after thirty days"?

That creates a new question.

1️⃣6️⃣ If the Money Is Still There

Suppose the father gives the money early, stipulating that the Pidyon takes effect later.

When the proper time arrives:

👉 The money is still in the Kohen's possession.

In this case there is no major dispute.

👉 The Pidyon can take effect at the correct time.

1️⃣7️⃣ Rav and Shmuel – The Money Was Spent

The real Machlokes is where:

👉 The father gave the money early.

👉 He stipulated that the Pidyon should take effect later.

👉 Before that time arrived, the Kohen spent the money.

Rav says:

👉 Bno Padui – the son is redeemed.

Shmuel says:

👉 Ein Bno Padui – the son is not redeemed.

Comparison to Kiddushin

1️⃣8️⃣ Rav Compares It to Kiddushin

Rav compares this case to Kiddushin.

A man gives a woman money and says:

👉 “The Kiddushin should take effect after thirty days.”

Even if the actual money is no longer physically present when the thirty days arrive:

👉 The Kiddushin can still take effect.

Rav therefore applies the same reasoning to Pidyon HaBen.

👉 The original giving of the money can produce the later result.

1️⃣9️⃣ Shmuel Distinguishes Pidyon HaBen

Shmuel disagrees.

By Kiddushin:

👉 The woman could theoretically have become Mekudeshes when the money was originally given.

The later Chalos can therefore develop from that original act.

Pidyon HaBen is different.

Before the required time:

👉 There is not yet a Mitzvah of Pidyon on this child.

Therefore, if the money no longer exists when the proper time arrives:

👉 Shmuel holds that the Pidyon does not work.

The Halachah follows Shmuel in this case.

2️⃣0️⃣ Challenges to Shmuel

The Gemara brings several attempts to challenge Shmuel from sources which appear to show that:

👉 Pidyon money can be given before thirty days.

The Gemara answers that those cases can be understood where:

👉 The money was still present when the proper time arrived.

That is different from Shmuel's case, where the money had already been spent.

Five Sela'im – Himself or His Son?

2️⃣1️⃣ Only Five Sela'im Available

The Daf returns to the man who needs two Pidyonim:

👉 His own.

👉 His son's.

But he only has five Sela'im available.

According to Rebbi Yehudah:

👉 His own Pidyon comes first because Mitzvah D'Gufei Adif.

But the Gemara introduces a case where there may be a way to accomplish both.

2️⃣ 2️⃣ Five Sela’im in Cash and Property He Sold

Suppose he has:

👉 Five Sela’im in cash.

And he previously owned land which he sold.

If the Pidyon obligation creates a sufficient lien upon that property:

👉 The Kohen may potentially collect one Pidyon from the sold property.

This creates a method to satisfy both obligations.

2️⃣ 3️⃣ How Can He Redeem Both?

The order becomes important.

First:

👉 He uses the five Sela’im currently in his possession to redeem his son.

Now:

👉 He has no available cash.

The Kohen can then potentially collect the father's own Pidyon obligation from property that had been sold, if that obligation carries a lien against sold property.

In this way:

👉 Both father and son can be redeemed.

2️⃣ 4️⃣ Milveh HaKesuvah BaTorah

The underlying Machlokes returns to the principle discussed on the previous Daf:

👉 Milveh HaKesuvah BaTorah.

Is a monetary obligation explicitly created by the Torah treated like:

👉 A debt written in a document?

If yes:

👉 It can create a Shibud that allows collection from sold property.

If not:

👉 The Kohen cannot collect from the purchaser.

2️⃣5️⃣ If There Is No Shibud

According to the opinion that the Pidyon obligation does not create such a lien:

👉 The sold property cannot be used.

The man is left with only his five Sela'im.

He must then choose which obligation comes first.

Rebbi Yehudah's principle applies:

👉 Mitzvah D'Gufei Adif.

Therefore:

👉 He first redeems himself.

📌 Key Chazarah

- Two fathers who paid one Kohen can join through Harsha'ah to recover the five Sela'im that definitely must be returned.
- Harsha'ah works here because the Kohen admits that some money must be returned; he only disputes to whom.
- A baby who dies before thirty days never reaches the regular Pidyon obligation.
- If the child dies after the obligation takes effect, the father still owes the Pidyon.
- The Chachamim exempt a child who dies on day thirty.
- Rebbi Akiva treats day thirty as a Safek: whoever currently holds the money keeps it.
- For Aveilus, the Safek of day thirty is treated leniently.
- If a father dies before the time of Pidyon, we assume he did not pay early.
- If he lived beyond the normal time of Pidyon, there is a Chazakah that he performed the Mitzvah.
- If both a father and his son require Pidyon and only five Sela'im are available, there is a Machlokes who takes priority.

- Rebbi Yehudah says the father redeems himself first because Mitzvah D'Gufei Adif.
- A Pidyon cannot simply take effect before its proper time.
- Money may be given earlier with the intention that the Pidyon take effect later.
- If the money remains available at the proper time, the Pidyon can work.
- Rav and Shmuel disagree where the Kohen spent the money before the Pidyon took effect.
- Rav compares it to delayed Kiddushin and says the son is redeemed.
- Shmuel distinguishes Pidyon HaBen because the obligation did not yet exist when the money was given.
- The Halachah follows Shmuel.
- The Daf again discusses whether Milveh HaKesuvah BaTorah creates a lien on sold property.
- If such a Shibud exists, it may be possible to redeem both the father and his son using cash for one and sold property for the other.

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