Bechoros – Simanim
פרק ח – יש בכור

Daf 49 – דף מט

1. A *bechor* who dies on his thirtieth day

The next Mishnah states that if a firstborn son dies within thirty days, אף על פי שנתן לכהן יחזיר – *even if* [the father] already *gave* the redemption money *to a Kohen, he returns* it, because the child was a נפל and exempt from פדיון. If he died after thirty days, even if the father had not given the money, he must give it now, since the obligation came into effect. If he died on the thirtieth day itself, the Tanna Kamma says כיום שלפניו – *it is like* he died *the previous day*, and even if the money was already given, it is returned. Rebbe Akiva says: אם נתן לא יטול – *if he* already *gave* it, *he may not take* it back, ואם לא נתן לא יתן – *but if he did not give* yet, *he does not give*. The Rabbonon derive a *gezeirah shavah* (חדש חדש) from the counting and redemption of firstborns in the מדבר, which included all firstborns from a month "ומעלה" – *and above*, implying more than thirty days old. Rebbe Akiva holds since the Torah wrote "ומעלה" again regarding ערכין, they are שני כתובים הבאים באחד – *two pesukim which come together* to teach one concept, from which we cannot derive elsewhere. He was uncertain if this applies to *bechor*, which is the same concept as the Torah's passage.

2. הפודה את בנו בתוך שלשים יום

Amoraim discuss: הפודה את בנו בתוך שלשים יום – if *one redeems his son within thirty days*, before the obligation came into effect, Rav says בנו פדוי – *his son is redeemed*, but Shmuel says אין בנו פדוי. All agree if the father stipulated the *bechor* should be redeemed מעכשיו – *"from now,"* he is not redeemed, since the obligation did not yet come into effect. If he said the פדיון should take effect after thirty days, and the money is still present, all agree the son is redeemed. They argue where he said the פדיון should take effect after thirty days, ונתעכלו המעות – *and the money was consumed* within thirty days. Rav says he is redeemed, מידי דהוה אקידושי אשה – *just as* the *halachah regarding marrying a woman*, where the *kiddushin* is effective even if the money is consumed before the stipulated time. Shmuel differentiates: התם בידו לקדשה מעכשיו – *there, it is in his power to marry her now*, whereas the *bechor* cannot be redeemed now, within thirty days. Although the *halachah* generally follows Rav באיסורי – *in prohibitory halachos*, the *halachah* here follows Shmuel.

3. הוא לפדות ובנו לפדות

The Mishnah states: הוא לפדות ובנו לפדות – *If he* himself needs *to be redeemed* as a *bechor*, *and his son* needs *to be redeemed,* the Tanna Kamma says: הוא קודם לבנו – *he precedes his son* and redeems himself first. Rebbe Yehudah says his son takes precedence, שמצותו על אביו – *because* [his own] *mitzvah is* primarily incumbent *on his* own *father,* ומצות בנו עליו – *and his son's mitzvah is* primarily incumbent *upon him*. Rebbe Yirmiyah clarifies that where he only has five *selaim*, all agree he redeems himself, דמצוה דידיה עדיף – *because a mitzvah* for [redeeming] *himself is superior* to a *mitzvah* for [redeeming] someone else. They argue where he has five personal *selaim*, and five *selaim* of property sold to another. Rebbe Yehudah holds: מלוה דכתיב בתורה ככתובה בשטר דמיא – *a debt written in the Torah* (e.g., the פדיון הבן obligation) *is like it is written in a* שטר. Therefore, he redeems his son with his own money, and his own פדיון is collected from his sold property (since his obligation existed before the property was sold). The Rabbonon hold a Biblical debt is not considered written in a שטר, and cannot be collected from sold property. Since he has only five *selaim*, he redeems himself.

Siman - Meat

When the **butcher** heard that **the baby died on the thirtieth day he cancelled the meat order for the *pidyon haben*** and was going to use it for the man who prepaid for the **meat** and even **already paid the Kohen within the thirty days saying בני פדוי אחר שלשים and the money is now gone**, when a man burst in holding **his *bechor* son and said "I need meat for my own פדיון**."

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3 things to remember

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3. **הוא לפדות ובנו לפדות**

