Bechoros – Simanim
פרק ח – יש בכור

Daf 51 – דף נא

1. *Machlokes* what may be used for פדיון הבן

The next Mishnah states: אין פודין לא בעבדים ולא בשטרות ולא בקרקעות ולא בהקדשות – *one may not redeem* his *bechor with slaves, documents, real properties, or hekdesh* (the Gemara will reinterpret this last case). In a Baraisa, Rebbe allows redeeming a *bechor* with anything except for שטרות. The Gemara initially explains that Rebbe *darshens* the Torah with the more inclusive method of ריבויי ומיעוטי – *amplifications and limitations*, where the מיעוט merely excludes from the ריבוי. Therefore, he allows redeeming a *bechor* with anything except שטרות. The Rabbonon *darshen* the Torah with the more restrictive method of כללי ופרטי – *generalizations and specifications*, where the פרט defines the extent of the כלל. Therefore, they *darshen*: מה הפרט מפורש דבר המטלטל וגופו ממון – *just as the* פרט (silver) *is movable and has intrinsic value*, so too anything movable with intrinsic value can redeem a *bechor*. This excludes קרקעות, which are not movable, and slaves, which are compared in the Torah to קרקע, and excludes שטרות, which, although they are movable, אין גופן ממון – *have no intrinsic value*. The Gemara proves that Rebbe also generally *darshens* the Torah as כללי ופרטי, and explains that specifically here, where the two כללים are written together, he *darshens* them as ריבה ומיעט.

2. One who wrote to the Kohen that he owes him five סלעים

The Mishnah taught: כתב לכהן שהוא חייב ליתן חמשה סלעים – if *one wrote to the Kohen that he is obligated to give him five selaim* (for פדיון הבן), חייב ליתן לו ובנו אינו פדוי – *he is obligated to give* five סלעים *to him, but his son is not redeemed* by giving them. Ulla explains: דבר תורה בנו פדוי [לכשיתן] – by *Biblical law, his son is redeemed when he gives* the money. The reason the Mishnah taught that his son is not redeemed is גזירה – because of *a* Rabbinic *decree,* שמא יאמרו פודין בשטר – *lest* [people] *say that we may redeem with documents*. People may think the פדיון took effect with handing over the שטר, and his subsequent payment was merely fulfilling the שטר's obligation. A Baraisa was quoted before Rav Nachman which taught that his son is redeemed when he gives the money, but Rav Nachman said it is a minority opinion, and the Chochomim say his son is not redeemed. The *halachah* follows their view.

3. If the Kohen returned the פדיון הבן money

The Mishnah taught that the Kohen may return the five סלעים he received for פדיון הבן. This supports a Baraisa which states: נטלו והחזירו לו יצא – if [the Kohen] *took* [the money] *and returned it to* [the father], *he has fulfilled* his obligation. This was Rebbe Tarfon's custom, and when the Chochomim heard about it, they said: קיים זה הלכה זו – *this one* [Rebbe Tarfon] *fulfilled this law*, i.e., even this law. Rebbe Chanina was accustomed to returning the five סלעים given to him for פדיון הבן. He once saw one man, who had given him five סלעים, passing back and forth in front of him, hoping Rebbe Chanina would return the money to him. Rebbe Chanina told him: לא גמרת ויהיבת – *"You did not wholeheartedly decide to give* the money. מידעם ביש [עבדת] – *You have done something wrong;* הילכך אין [בנך] פדוי – *therefore, your son is not redeemed*.

Siman – Beaver (Gnawing)

When the man who **tried to do פדיון הבן by giving the Kohen a beaver's dam was told he can't be פודה with קרקע** and then took out a **beaver skin parchment and wrote "I am obligated to give you five *selaim*"** the **Kohen** felt so bad that he now had to pay twice that he **gave back the money for the פדיון which stayed valid.**

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Beaver



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3 things to remember

1. ***Machlokes*** **what may be used for פדיון הבן**
2. **One who wrote to the Kohen that he owes him five סלעים**
3. **If the Kohen returned the פדיון הבן money**

