



20. However, others hold that there is no preference for the grandfather to do pidyon haben over anyone else. If he does pidyon haben, he is a shaliach like any other, at least according to the opinion that a shaliach can do a pidyon (ע"י שו"ת הרב"ר סי נ"א).

### פטור רחם

#### **Firstborn to His Mother**

21. A male bechor who is his mother's firstborn must have a pidyon even if his father previously had children with a different woman. By saying (בא י"ג, י"ב) "כל פטר רחם", the posuk made a bechor's status dependent on the mother (משנה בכורות מ"ו ע"א, שו"ע שם סי"ז) [unlike inheritance, where a bechor is defined as the father's firstborn].

#### **After a Neifel [Miscarriage/Stillbirth]**

22. **Neifel.** A neifel, ל"ע, who was a bechor does not need a pidyon, and a subsequent son also does not need a pidyon since he is not his mother's first. However, the neifel's limbs must have already taken form to exempt the next child, as will be explained. One should consult a posek with any shailah. It is advisable to consult a posek at the time of the miscarriage/stillbirth, when the details are clearer, rather than waiting until a boy is subsequently born.

23. **Less than forty days.** If it is certain that forty days have not elapsed from conception [the way it is defined by halachah], the embryo is not considered an offspring, and a subsequent son must have a pidyon haben with a brachah (שו"ע סי"ג).

24. **Three months.** If it is certain that three months have elapsed from conception and it was considered a recognized pregnancy by halachah ["הוכר עובר"], the baby is a regular offspring and a subsequent son does not get a pidyon haben.

25. **Between forty days and three months.** If more than forty days but less than three months have elapsed from conception, the fetus should be examined by experts and a rav at the time of the event (שו"ת חכם צבי סי ק"ד, חי בית מאיר על השו"ע). If the limbs took form, i.e., the hands and feet developed (ע"פ הגמ' גדה דף כ"ה ע"ב), a subsequent son does not get a pidyon haben.

26. Some say that if there was no real limb formation, just thin, flesh-like tissue, and the fetus is not considered an offspring, a subsequent son needs a pidyon haben (שו"ת מהר"ק שורש קמ"ב, הכנה"ג בהגה"ט אות כ"ו, רמ"א סי"ג, מגדל עוז פ"א אות כ"ה, שו"ת נודב"י תניניא י"ד). Others hold we do not rely on our examination. At the very least, it is a safeik, which is not enough to require a pidyon for a subsequent son (שו"ת חכ"צ, שו"ת שבות יעקב ה"א סי פ"ג, שו"ת דברי חיים). ("ח"ב י"ד ק"ג, שו"ת מהר"י אסאד אבה"ע"ו רס"ד אות ב', שו"ת אבני צדק י"ד קכ"ז).

27. **In practice.** Since the leading poskim argued about this, many Acharonim rule that the halachah follows the opinion that a subsequent son needs a pidyon haben. However, since it is not clear-cut, no brachah should be made (שו"ת חכ"צ הנ"ל, שו"ת חת"ס י"ד סי רצ"ט).

28. **Pidyon haben ceremony.** When there is a safeik regarding a pidyon haben, one should give the pidyon money to the Kohen to avoid doubt, but there is no need for a ceremony with a seudah and garlic if doing so is difficult. However, sometimes the situation calls for a pidyon haben ceremony with a brachah, e.g., the parents want to make a normal pidyon haben or it is the son of a distinguished person, etc. After consulting a posek, sometimes one may even make a brachah on the pidyon (מור"ד בעל שבט הקהתי).

#### **C-Section**

29. Only a baby delivered in the usual way is called a bechor regarding pidyon haben, as the posuk says "פטור רחם". A baby delivered by yotzei dofen i.e C-section is not a bechor regarding pidyon haben since it is not called a "פטור רחם" (שו"ע סי"ד).

30. **Delivery began normally.** If the delivery began normally and progressed to the point that the baby was halachically considered "born," then even if a C-section became necessary at a later stage, the son must have a pidyon haben since he was already a pater.

31. However, the poskim argue which stage constitutes "birth" for these purposes (שו"ת עטרת משה י"ד ח"ב סי רל"ט אות ב', שו"ת חשב האפוד). "ח"ב סי ק"ג, הגר"ח קנייבסקי בספר דרך אמונה בכורים פ"א ס"ק ק"ה, מור"ד בשו"ת (קנה בשם ח"ב סי צ"ג צ"ד, היכל הוראה ח"ז כת"י). Therefore, one should consult a posek who is familiar with the topic. In a situation of safeik, a pidyon haben should be made without a brachah.

32. **Son after a C-section.** If the first son was born by C-section and is not the bechor for pidyon haben, even though a subsequent son is

the first child delivered regularly, he is not a bechor for pidyon haben either since he is not the first child (שו"ע סי"ד).

33. **Son after a neifel delivered by C-section.** If the first baby was delivered by C-section and ל"ע was stillborn, clearly unable to survive, or had a fatal defect [טרפה], the poskim argue about the status of a subsequent son. Some say the second son must have a pidyon since he is a bechor for inheritance (סדרי טהרה) (הגר"ע"א בשו"ע, סדרי טהרה); however, others say the second does not get a pidyon since he is not the first child (שו"ע סי"ד).

### The Kohen

#### **Kashrus of a Kohen**

34. **"Meyuchas."** For a Kohen to have the status of "meyuchas" [verified ancestry], two witnesses must testify that he is a Kohen, son of Ploni Kohen, son of Ploni Kohen, etc. all the way back to a Kohen who did the avodah on the Mizbeich (סור) (רמב"ם פ"כ מאיס"ב, טור) (אבה"ע"ו סי ב' בשם הרמ"ה). We do not have this today. Due to the duration of the galus and the harsh decrees and expulsions we faced, most or next to half of our ancestry is jumbled (שו"ש ב"ק פ"ה) (סי ל"ה). There is also a concern that Kohanim became invalidated (רמ"א אר"ח סוף סי תנ"ז) [חללים].

35. **"Muchzak."** If one knows he is a Kohen from his father – he does Birkas Kohanim and gets the first aliyah – a father may use him for pidyon haben. He may also eat terumah and challah d'rabanan, but not terumah d'oraissa (שו"ע אבה"ע"ו סי ג'). Kohanim today are of this type.

36. **Known families.** Although we do not have verified Kohanim today and all our Kohanim are kosher due to chazakah, there are nevertheless certain families with verified Kohen ancestry, e.g., Rappaport, Kahane, descendants of the Shach, and descendants of the Semichas Chachamim. Therefore, if it is possible, one should use one of these Kohanim for a pidyon haben (זוהר הברית סי ל' ס"ד).

37. **Kohen-talmid chacham.** Lechatchilah, one should use a Kohen who is a talmid chacham for a pidyon of his bechor. The same is true for all the gifts given to Kohanim (גמ' חולין דף ק"ל ע"ב) wherever possible (שו"ע י"ד סי ס"א סי"ז, מגדל עוז להר"ע"ב פ"ו אות ב'). However, a Kohen who is a close relative has precedence over a Kohen-talmid chacham (שו"ת חכם צבי סי ע').

### When to Do Pidyon HaBen

#### **30 Days**

38. The time for a pidyon is after 30 days pass, as the posuk says (קרח) (שו"ע סי ש"ה סי"א) "From one month you shall redeem" (י"ח, ט"ז).

39. **"One month."** Some hold that when the Torah writes "one month" here, it refers to a lunar month, i.e., 29 days, 12 hours, and 793 chalakim (רמב"ם פ"ו קדה"ח), and that is what determines when to do a pidyon haben (יראם סי ק"מ, תשובת הב"ח סי קכ"ה).

40. However, most poskim hold that this "month" means 30 days. I.e., once 30 days pass, the boy is chayav to have a pidyon (האשכול פדיון) (הבן סי מ"א, מג"א סי של"ט סק"ח).

41. Many poskim hold that one must wait until the 31<sup>st</sup> day for the pidyon, and this is standard practice. They hold that there is no need to wait 30 full days, to the minute. For example, if a boy was born on Monday, the pidyon will be four weeks from that Wednesday. However, many people make the pidyon in the middle of the day or the afternoon of the 31<sup>st</sup> day to ensure that 30 full days passed according to everyone.

42. **Bein hashemashos.** If a boy was born at bein hashemashos, i.e., between shekiyah and tzeis, the 30 days are counted from the day after the birth. Therefore, the pidyon should be done on Day 31 from the day after the birth (ל"ג) (שו"ת מנחת יצחק ח"ה סי ל"ג). For example, if a boy was born bein hashemashos between Monday and Tuesday, the pidyon would be four weeks from that Thursday.

**בסימן טוב ומזל טוב**  
הגליון נתרם לרגל שמחת פדיון הבן אצל ידידנו  
האברך החשוב והאהוב על כולנו  
הרב ר' **יצחק בלייזר** שליט"א  
מחשבוני אברכי הכולל היכל התפילה בארא פארק  
המאחלים אברכי הכולל היכל התפילה בארא פארק