

NOTES

Uncertainty with regard to taking and uncertainty with regard to finding – ספק לקיחה וספק מציאה – The difference between the two cases, in which one either bought meat from one of the ten stores or found meat outside the ten stores, is based on the principle: Any uncertainty with regard to an item fixed in its place is that of an equally balanced uncertainty. This principle establishes that the majority does not determine halakhic status if the uncertainty is with regard to a case that does not involve a mixture. The reason for this is that reliance on a majority is established by means of statistical certainty based on a fair sample. With regard to an object fixed in place this statistical certainty is no longer pertinent, and therefore the uncertainty remains. However, once an item is no longer fixed in place, it can be attributed to the majority.

As I say – שאני אומר – The assumption that each type of produce fell into the pile containing the same type is based on the principle that the ruling is lenient in cases of uncertainty with regard to *halakhot* decreed by rabbinic law. Since the produce is not definitely prohibited, even though there is an equally balanced uncertainty whether or not that is the case, the ruling is that it is permitted, even though there is no clear proof of what actually occurred.

HALAKHA

Two piles – שני ציבורים – With regard to two piles, one of leaven and the other of *matza*, positioned before two houses, in one of which a search for leaven was conducted and in the other of which no search was conducted, and two mice each took a morsel from one of these piles into one of the houses, and we do not know into which house each mouse took the morsel, nor from which pile, if the owner renders his leaven null and void he is not required to conduct an additional search (Rambam *Sefer Zemanim, Hilkhot Hametz UMatza* 2:11; *Shulhan Arukh, Orah Hayyim* 439:2).

Two baskets – שתי קופות – In the case of two baskets, one filled with non-sacred produce and the other containing *teruma*, before which there are two vessels, one filled with non-sacred produce and the other with *teruma*, if the contents of each basket fall each one into a separate vessel but it is not known which produce fell into which vessel, all the produce may be eaten. The presumption is that the *teruma* fell into the *teruma* and the non-sacred produce fell into the non-sacred produce, in accordance with the *Tosefta* cited here (*Shulhan Arukh, Yoreh De'a* 111:1).

ובנמצא הלך אחר הרוב.

This *baraita* continues: **And in the case of meat found outside, follow the majority.** If most stores in the city sell kosher meat one can assume that the meat he found is kosher, based on the principle: Any item separated, i.e., not fixed in its place, is presumed to have been separated from the majority. By the same token, if most stores in that city sell non-kosher meat, the meat found is presumed to be non-kosher.^N These two principles can be applied to the cases involving piles of *matza* and leaven: If the morsel was separated from the piles when taken by the mouse, follow the majority. However, if the mouse took the morsel from one of the piles, the legal status of the morsel is that of an equally balanced uncertainty concerning whether it was taken from a pile of *matza* or a pile of leaven, and the owner is required to conduct an additional search.

שני ציבורין, אחד של מצה ואחד של חמץ ולפניהם שני בתים, אחד בדוק ואחד שאינו בדוק, ואתו שני עכברים אחד שקל מצה ואחד שקל חמץ, ולא ידענו הי להאי עייל והי להאי עייל – היינו שתי קופות.

The Gemara discusses another case: There are **two piles,^H one of *matza* and one of leavened bread, and before them there are two houses, one which was searched and one which was not searched, and two mice came, and in our presence one took *matza* and one took leavened bread.** Each mouse went into a different house, and we do not know which mouse entered this house and which mouse entered that house. It is unclear whether or not the mouse that took the leaven entered the house that was searched. **This situation is akin to the case of two baskets.**

דתנן: שתי קופות, אחת של חולין ואחת של תרומה ולפניהם שני סאין, אחד של חולין ואחד של תרומה ונפלו אליו לתוך אלו – מותרין, שאני אומר: חולין לתוך חולין ותרומה לתוך תרומה נפלה.

As we learned in the *Tosefta*: There are **two baskets,^H one filled with non-sacred produce and the other one filled with *teruma*, and before them are two vessels each containing a *se'a* of produce, one filled with non-sacred produce and the other one filled with *teruma*.** And these, the contents of each of the baskets, fell into those, each of the *se'a* vessels. It is possible that the *teruma* fell into the non-sacred produce, and it is prohibited for non-priests to eat a mixture of *teruma* and non-sacred produce. Nevertheless, the contents of the *se'a* vessel containing the non-sacred produce is permitted, as I say^N that **the non-sacred produce fell into the non-sacred produce and the *teruma* fell into the *teruma*.** Likewise, with regard to leaven, presumably the mouse took the leaven into the house that had not been searched, and there is no need to conduct an additional search of the house that was already searched.

אימור דאמרין: "שאני אומר"

The Gemara rejects this comparison: **Say that we state and apply the principle: As I say, and assume that everything occurred in a way that preserves the produce in its permitted state**

Perek I

Daf 10 Amud a

בתרומה דרבנן, בחמץ דאורייתא מי אמרינן? אטו בדיקת חמץ דאורייתא? דרבנן היא! דמדאורייתא בביטול בעלמא סגי ליה.

only with regard to *teruma* that in modern times is sacred by rabbinic law, as the Torah obligation to separate *teruma* was abrogated after the destruction of the First Temple. However, with regard to leavened bread, which is prohibited by Torah law, do we say that this principle applies? The Gemara responds: **Is that to say that the search for leavened bread is required by Torah law? It is a rabbinic ordinance, as by Torah law, mere nullification is sufficient.** Since the issue at hand is not the Torah prohibition of leaven but the rabbinic ordinance to search one's house, this *halakha* is comparable to the case of baskets of *teruma* and non-sacred produce.

צבור אחד של חמץ, ולפניו שני בתים בדוקין, ואתא עכבר ושקל, ולא ידעין אי להאי על אי להאי על – היינו שני שבילין. דתנן: שני שבילין, אחד טמא ואחד טהור, והלך באחד מהן ועשה טהרות, ובא חבירו והלך בשני ועשה טהרות.

The Gemara presents another situation: In a case where there is **one pile of leavened bread and before it there are two houses^H** that were searched, and a mouse came and took a morsel from the pile, and we do not know if it entered this house or if it entered that house, this is akin to the case of **two paths, as we learned in a mishna: There were two paths,^H one of which was ritually impure due to a corpse buried there, and one of which was ritually pure. And someone walked on one of them, but he does not remember which, and afterward he engaged in handling items of ritual purity, e.g., teruma or consecrated items; and another person came and walked on the second path, and he too does not remember which path it was, and he also engaged in handling items of ritual purity.**

רבי יהודה אומר: אם נשאלו זה בפני עצמו וזה בפני עצמו – טהורין, שניהן בבית אחת – טמאין. רבי יוסי אומר: בין כך ובין כך טמאין.

Rabbi Yehuda says: **If this one asked a Sage by himself, and that one asked a Sage by himself, they are both pure.^N** When considered separately, each person retains his presumptive status of ritual purity. However, if they **both** came to ask **at the same time, they are both ritually impure.** Since one of the two certainly passed on the impure path, even though it is uncertain which, both are deemed impure due to that uncertainty. **Rabbi Yosei says: One way or another they are both ritually impure.**

אמר רבא ואיתימא רבי יוחנן: בבית אחת – דברי הכל טמאין, בזה אחר זה – דברי הכל טהורין. לא נחלקו אלא בבא להשאל עליו ועל חבירו. רבי יוסי מדמי ליה לבית אחת, ורבי יהודה מדמי ליה לזה אחר זה.

Rava said, and some say it was Rabbi Yoḥanan who said: If they came **at the same time, everyone agrees that they are ritually impure,** as even Rabbi Yehuda concedes that this is the *halakha*. If they came independently, **one after the other, everyone agrees that they are ritually pure. They disagree only with regard to a case where one comes to ask about himself and about the other.^N** Rabbi Yosei likens this case to one where they come to ask **at the same time, and Rabbi Yehuda likens it to a case where they come one after the other.**

ספק על ספק לא על – היינו בקעה, ובפולגותא דרבי אליעזר ורבנן.

The Gemara addresses another case: If one saw a mouse take leaven and there is **uncertainty** whether the mouse **entered** a house that was already searched and **uncertainty** whether the mouse **did not enter** that house, that is akin to the *halakha* of ritual impurity in a valley,^N and is subject to the **dispute between Rabbi Eliezer and the Rabbis.**

דתנן: הנכנס לבקעה בימות הגשמים וטומאה בשדה פלונית, ואמר אחד: הלכתי במקום הלז, ואיני יודע אם נכנסתי באותה שדה ואם לא נכנסתי. רבי אליעזר מטהר, וחכמים מטמאין.

As we learned in a mishna with regard to **one who enters a valley during the rainy season,^H** when seeds are sprouting, people do not have permission to wander in the field of another, as they might harm the plants. For the purpose of this *halakha* a valley in the rainy season is considered a private domain, and there is a general principle that in the case of uncertainty concerning whether or not one contracted ritual impurity in a private domain he is ritually impure. **And if there was ritual impurity in a certain field, and one person said: I walked in that place, in the valley, and I do not know whether I entered that field or whether I did not enter, Rabbi Eliezer deems him pure, and the Rabbis deem him impure.**

שהיה רבי אליעזר אומר: ספק ביאה – טהור, ספק מגע טומאה – טמא.

Rabbi Eliezer deems him pure, as **Rabbi Eliezer would say:** Concerning **uncertainty** with regard to **entry, i.e.,** whether or not he entered the place, he is **ritually pure;** however, if one certainly entered the place and the **uncertainty** is with regard to **contact with ritual impurity, he is ritually impure.** According to this opinion, the principle with regard to uncertain impurity in the private domain applies only in a case where the uncertainty is with regard to contact. The Rabbis, however, do not distinguish between these situations, as they maintain he is impure regardless of whether the uncertainty is with regard to entry or with regard to contact. This dispute applies to the case of whether or not one is required to conduct an additional search for leaven in a case where there is uncertainty whether or not leaven was taken into the house.

One pile of leavened bread and before it two houses – צבור – אחד של חמץ ולפניו שני בתים With regard to a pile of leaven in front of two houses in both of which a search was already conducted, if a mouse took leaven into one of the houses but we do not know which, some authorities rule that there is no need to conduct an additional search (*Shulḥan Arukh*, based on Rambam), while others rule that one must conduct an additional search (Rema, in accordance with most authorities; *Shulḥan Arukh, Oraḥ Hayyim* 439:2).

Two paths – שני שבילין With regard to two paths, one ritually pure and the other impure, if one person walked along one of them before engaging in an activity that requires ritual purity, and another person walked on the other path and engaged in a similar activity, and neither is certain which path he took, if each came separately for a ruling with regard to his status, each one and the pure objects that he handled are deemed ritually pure. If they came together or if one came to inquire about both of them, they are both deemed ritually impure. This ruling is in accordance with the opinion of Rabbi Yosei, as the *halakha* is usually ruled in accordance with his opinion (*Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot* 19:2).

A valley during the rainy reason – בקעה בימות הגשמים With regard to one who, during the rainy season, enters a valley containing multiple fields, at least one of which is ritually impure, and he states that he definitely went into the valley but is uncertain whether or not he entered the impure field, he is impure. This is because the legal status of a valley during the rainy season is that of a private domain, and in cases of uncertainty with regard to ritual impurity in a private domain, the person is deemed impure. The *halakha* is in accordance with the opinion of the Rabbis (*Rambam Sefer Tahara, Hilkhot She'ar Avot HaTumot* 20:9).

NOTES

If each one asked on his own – נשאל כל אחד לעצמו This ruling is based on the consideration that although both paths were traversed, each by one of the individuals, each person was previously presumed to be ritually pure. Given this presumption, a doubt of this nature is inadequate to negate the purity of each separate individual (*Tosefot* of Rabbi Shimshon of Saens).

About himself and about the other – עליו ועל חבירו Some commentaries explain that he first asked with regard to himself before returning to inquire about his friend who walked on the other path (*Tosafot* in tractate *Ketubot*).

That is akin to a valley – היינו בקעה It can be argued that these two situations are not at all similar because the case of the valley involves a compound uncertainty, i.e., there are two doubts at play. First, it is uncertain whether the person in question entered the field, and even if he did so, it remains uncertain as to whether he became ritually impure through contact with the impurity. With regard to leaven there is apparently only one doubt, whether or not the mouse brought the leaven into the house. To resolve this discrepancy, some commentaries explain that the case of leaven should also be understood as involving a compound uncertainty. That is, it is unclear whether the mouse entered either of the houses, and even if it did, it is uncertain which house it entered (Rabbi Zerahya HaLevi). According to the Ra'avad, the case of leaven admittedly includes only one doubt, but as the search for leaven involves a rabbinic obligation, this is comparable to a compound uncertainty involving Torah law.

Any object that has the presumptive status of ritual impurity – דָּבָר שֶׁבְּחֻזְקַת טוּמְאָה: With regard to a place whose presumptive status is that there is a corpse buried there, but during excavation no grave was found, if the field was excavated until the diggers reached bedrock or virgin soil and no grave was found, the field's presumptive status becomes one of ritual purity, in accordance with the opinion of the Rabbis (Rambam *Sefer Tahara, Hilkhot Tumat Met* 9:10).

Searched and found leaven – בִּדְקָה וּמָצָא חֵמֶץ: If a mouse went into a house with leaven in its mouth and a person then entered, searched, and found leaven, he need not continue his search. Others disagree and rule that he must continue his search (*Shulhan Arukh, Orah Hayyim* 439:2, and in the comment of the Rema).

Placed nine and found ten – הֵנִיחַ תְּשַׁעָּה וּמָצָא עֲשָׂרָה: If a person placed nine crumbs of leaven and found ten, or if he placed ten and found nine, he is required to conduct an additional search. Some authorities rule that he is required to search until he finds all of the crumbs only if they were connected and one of them disappeared; otherwise, he must search only until he finds the crumb that disappeared (*Tosafot*). Most authorities rule in accordance with that opinion, and one may rely upon this lenient ruling provided that he rendered his leaven null and void (*Mishna Berura; Shulhan Arukh, Orah Hayyim* 439:3).

Placed a maneh and found two hundred dinars – הֵנִיחַ מְנָה וּמָצָא מְאֵתַיִם: If a person placed a maneh of second-tithe money and found two hundred dinars there, or if he placed two hundred dinars and found a maneh, even if each maneh was in a separate bag, the assumption is that it is all non-sacred money (Rambam *Sefer Zera'im, Hilkhot Ma'aser Sheni* 6:3).

NOTES

Placed nine and found ten – הֵנִיחַ תְּשַׁעָּה וּמָצָא עֲשָׂרָה: In tractate *Beitza*, Rashi and *Tosafot* explain that this dispute depends on the question of whether or not one is permitted to leave non-sacred produce near second-tithe food (see Rashash).

עַל וּבְדִקָּה וְלֹא אִשְׁכַּח – פְּלוּגְתָּא דְרַבִּי מֵאִיר וְרַבְּנָן. דִּתְנִין, הִיָּה רַבִּי מֵאִיר אוֹמֵר: כָּל דְּבַר שֶׁבְּחֻזְקַת טוּמְאָה – לְעוֹלָם הוּא בְּטוּמְאָתוֹ עַד שֶׁיִּדְרַע לְךָ הַטוּמְאָה הַיְכֵן הִיא.

וְחֻכְמִים אוֹמְרִים: בּוֹדֵק עַד שֶׁמִּגִּיעַ לְסֵלַע אוֹ לְקִרְקַע בְּתוֹלָה.

עַל וּבְדִקָּה וְאִשְׁכַּח – פְּלוּגְתָּא דְרַבִּי וְרַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל.

דִּתְנִינָא: שְׂדֵה שֶׁנֶּאֱבָד בָּהּ קֶבֶר – הַנִּכְנָס לְתוֹכָהּ טָמֵא. נִמְצָא בָּהּ קֶבֶר – הַנִּכְנָס לְתוֹכָהּ טָהוֹר, שְׂאֵנִי אוֹמֵר: קֶבֶר שֶׁאֵבֵד – הוּא קֶבֶר שֶׁנִּמְצָא. דְּבָרֵי רַבִּי רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמְרִים: תִּבְדֹּק כָּל הַשְּׂדֵה כּוּלָּהּ.

הֵנִיחַ תְּשַׁעָּה וּמָצָא עֲשָׂרָה – פְּלוּגְתָּא דְרַבִּי וְרַבְּנָן. דִּתְנִינָא: הֵנִיחַ מְנָה וּמָצָא מְאֵתַיִם – חוֹלִין וּמַעֲשֵׂר שְׁנֵי מְעוֹרְבִין זֶה בְּזֶה, דְּבָרֵי רַבִּי.

וְחֻכְמִים אוֹמְרִים: הַכֹּל חוֹלִין.

הֵנִיחַ עֲשָׂרָה וּמָצָא תְּשַׁעָּה – הֵינִי סוּפָא, דִּתְנִינָא: הֵנִיחַ מְאֵתַיִם וּמָצָא מְנָה – מְנָה מוּנָח וּמְנָה מוּטָל, דְּבָרֵי רַבִּי.

וְחֻכְמִים אוֹמְרִים: הַכֹּל חוֹלִין.

The Gemara discusses another case: If one saw a mouse enter a house with leaven in its mouth and someone searched and did not find any leaven there, this is akin to the dispute between Rabbi Meir and the Rabbis. As we learned in a mishna, Rabbi Meir would say: Any object that has the presumptive status of ritual impurity,^h i.e., it is certain that an impure object was buried in a particular place, that place forever remains in its ritual impurity, even if it was excavated and the source of impurity was not found, until it becomes known to you where the ritual impurity is. The assumption is that the impurity was not found because the search was not conducted properly.

And the Rabbis say in this case: He continues searching until he reaches bedrock or virgin soil, under which there is certainly no ritual impurity. If he searched that extensively and failed to discover any impurity, it is apparently no longer there. This dispute applies to the aforementioned case involving leaven.

The Gemara analyzes yet another case: If one saw a mouse enter a house with leaven in its mouth and one searched and found a crumb of leaven^h there, but there is uncertainty whether or not the crumb that he found is the crumb that the mouse took into the house, this would be akin to the dispute between Rabbi Yehuda HaNasi and Rabban Shimon ben Gamliel.

As it was taught in a baraita: With regard to a field in which a grave was lost, i.e., there is certainly a grave located in the field but its precise location is unknown, one who enters the field is ritually impure, as he might have stepped on the grave. If a grave was later found and marked in the field, one who enters and walks on the other parts of the field is ritually pure, as I say: The grave that was previously lost is the grave that was subsequently found. This is the statement of Rabbi Yehuda HaNasi. Rabban Shimon ben Gamliel says: The entire field must be searched, as perhaps the grave discovered is not the one that was lost. This dispute applies to the above case of leaven.

The Gemara discusses another situation: If a person placed nine crumbs of leaven and found ten,^{hn} indicating that mice had added at least one crumb, this is akin to the dispute between Rabbi Yehuda HaNasi and the Rabbis. As it was taught in a baraita with regard to a person who placed a maneh, one hundred dinars, of second tithe, and found two hundred^h dinars: Since it is evident that someone came and placed at least one extra maneh there whose status is unclear, the pile is presumed to contain non-sacred money and second-tithe money intermingled with each other. The assumption is that the additional money is non-sacred, and it is impossible to determine which is the non-sacred money and which is the second-tithe money. This is the statement of Rabbi Yehuda HaNasi.

And the Rabbis say: It is all non-sacred money. Since someone else was clearly involved, it is possible that he took the maneh and left behind two hundred other dinars. Consequently, it is impossible to identify any of this money as the original maneh. This same reasoning can be applied to the case of leaven. Since there were undoubtedly mice present, it is possible that the mice took the crumbs, moved them, and replaced them with other crumbs. As a result, the entire house must be searched again.

The Gemara raises the reverse situation. If one placed ten crumbs and found nine, this is comparable to the case mentioned in the latter clause of that same baraita, as it was taught in the baraita: If one left two hundred dinars of second-tithe money and found a maneh, presumably, one maneh from the initial two hundred remains placed, and the other maneh is taken and missing. This is the statement of Rabbi Yehuda HaNasi.

And the Rabbis say, in keeping with their aforementioned opinion: It is all non-sacred money, as the assumption is that whoever took part of the money actually took it all, and this is a different maneh. Since it is different money, it is presumably non-sacred money, not second-tithe money. This dispute applies to the case where one finds fewer crumbs of leaven than he left.

הניח בַּזוֹיֵת זוֹ וּמָצָא בַּזוֹיֵת אַחֶרֶת – פְּלוֹגְתָא דְרַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל וְרַבִּין דְּתַנְיָא: קֵרְדוֹם שְׂאֵבֵד בְּבֵית – הַבֵּית טָמֵא, שְׂאֵנִי אֹמֵר: אֲדָם טָמֵא נִכְנֵס לְשֵׁם וְנִטְלוֹ. רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל אֹמֵר: הַבֵּית טָהוֹר, שְׂאֵנִי אֹמֵר: הַשְּׂאִילוֹ לְאַחַר וְשָׁכַח, אוֹ שֶׁנִּטְלוֹ מְזוּיֵת זוֹ וְהֵנִיחַ בַּזוֹיֵת אַחֶרֶת וְשָׁכַח.

זוֹיֵת מֵאֵן דְּבַר שְׂמִיָּה?

חֲסוּרֵי מַחֲסָרָא וְהֵי קֵתְנֵי: קֵרְדוֹם שְׂאֵבֵד בְּבֵית – הַבֵּית טָמֵא, שְׂאֵנִי אֹמֵר: אֲדָם טָמֵא נִכְנֵס לְשֵׁם וְנִטְלוֹ; אוֹ שֶׁהֵנִיחוֹ בַּזוֹיֵת זוֹ וּמָצָאוֹ בַּזוֹיֵת אַחֶרֶת – הַבֵּית טָמֵא, שְׂאֵנִי אֹמֵר: אֲדָם טָמֵא נִכְנֵס לְשֵׁם וְנִטְלוֹ מְזוּיֵת זוֹ וְהֵנִיחוֹ בַּזוֹיֵת אַחֶרֶת. רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל אֹמֵר: הַבֵּית טָהוֹר, שְׂאֵנִי אֹמֵר: הַשְּׂאִילוֹ לְאַחַר וְשָׁכַח, אוֹ שֶׁנִּטְלוֹ מְזוּיֵת זוֹ וְהֵנִיחַ בַּזוֹיֵת זוֹ וְשָׁכַח.

אֲמַר רַבָּא: עֵבֶר נִכְנֵס וְכָפַר בְּפִיו, וְנִכְנֵס אַחֲרָיו וּמָצָא פִּירוּרִין – צְרִיךְ בְּדִיקָה, מִפְּנֵי שְׂאִין דְרַבּוֹ שֶׁל עֵבֶר לְפָרֵר. וְאִמַר רַבָּא: תִּינוּק נִכְנֵס וְכָפַר בְּיָדוֹ, וְנִכְנֵס אַחֲרָיו וּמָצָא פִּירוּרִין – אֵין צְרִיךְ בְּדִיקָה, מִפְּנֵי שֶׁדְרַבּוֹ שֶׁל תִּינוּק לְפָרֵר.

The Gemara addresses yet another case: If one placed leaven in this corner and found it in another corner,^H this is akin to the dispute between Rabban Shimon ben Gamliel and the Rabbis, as it was taught in a *baraita*: With regard to an axe^B that was lost in a house,^{NH} the house is impure, as I say that a ritually impure person entered the house and took the axe, touching other items in the process. Rabban Shimon ben Gamliel says: The house is ritually pure, as I say that he lent the axe to another person and forgot, or that he took it from this corner and placed it in the other corner and forgot.

The Gemara asks: A corner, who mentioned anything about it? The *baraita* was referring to an axe that was lost, not one that was in a different corner.

The Gemara answers: The *baraita* is incomplete, and is teaching the following: With regard to an axe that was lost in a house, the house is ritually impure, as I say that an impure person entered the house and took the axe, or, if the owner placed it in this corner and later found it in another corner, the house is likewise ritually impure, as I say that an impure person entered the house and took the axe from this corner and placed in another corner. Rabban Shimon ben Gamliel says: The house is ritually pure, as I say that he lent it to another person and forgot, or that he took it from this corner and placed it in that corner and forgot about it. When the *baraita* is interpreted in this manner, the dispute between Rabban Shimon ben Gamliel and the Rabbis applies to the question about leaven.

Rava said: If one saw a mouse^B enter a house with a loaf of bread in its mouth, and he entered after the mouse and found crumbs, the house requires additional searching, due to the fact that a mouse does not typically generate crumbs.^N Therefore, it cannot be assumed that these crumbs are from the loaf snatched by the mouse. And Rava also said: If one saw a child enter with a loaf in his hand, and he entered after the child and found crumbs, the house does not require additional searching, because a child typically generates crumbs, and one can therefore assume that the crumbs are from that loaf.^H

HALAKHA

One placed leaven in this corner and found it in another corner – הניח בזוית זו ומצא בזוית אחרת – If one placed leaven in one corner of his house and found it in another corner, he must conduct an additional search. This *halakha* can be inferred from the Gemara's analogy between this case and that of an axe. The ruling is in accordance with the opinion of the Rabbis (*Shulhan Arukh, Orach Hayyim* 439:4).

An axe that was lost in a house – קרדום שאבד בבית – If one lost an axe in his house, or he left it in one corner and found it in another corner, the contents of the entire house are deemed ritually impure. This is due to the suspicion that an impure person entered his house and moved the axe, in accordance with the opinion of the Rabbis (Rambam *Sefer Tahara, Hilkhhot Metamei Mishkav UMoshav* 12:16).

עבֵר וְתִינוּק שֶׁהֵנִיחוֹ – פִּירוּרִים: If one saw a mouse with a loaf of bread in its mouth enter a house that had already been searched for leaven, and he then finds crumbs in the house, even if they together constitute the volume of the original loaf, he must search the entire house again. However, if he saw a child bring a piece of bread into a house that was already searched, and he then found crumbs, he is not required to search the house again. Some authorities rule that if the crumbs together constitute the volume of the original loaf, he must search the house again (*Tosafot*; Rabbeinu Gershom; and others). The ruling is stringent, in accordance with the second opinion in a case where one did not render his leaven null and void (*Mishna Berura; Shulhan Arukh, Orach Hayyim* 438:1).

BACKGROUND

קֵרְדוֹם – Axe:



Roman axes known as dolabras

Mouse – עֵבֶר: The mouse mentioned here is apparently the domestic mouse, *Mus musculus*, a small gray rodent with a white belly that can grow to 8 cm. This mouse eats various types of food found in most houses, and is sustained primarily by bread crumbs or similar scraps.



Domestic mouse

NOTES

An axe that was lost in a house – קרדום שאבד בבית – See *Tosafot*, who ask: Why is the assumption with regard to the axe that the person who moved it was ritually impure, whereas with regard to a loaf of bread there is no such assumption? The Rambam explains in his responsa that one who borrows an axe without permission is a thief, with regard to whom there is suspicion that he is not scrupulous about ritual impurity either. In contrast, one who borrows a loaf of bread and returns another, maintains the presumptive status of an upright person, as the owner loses nothing in the process.

A mouse does not typically generate crumbs – אֵין דְרַבּוֹ שֶׁל עֵבֶר לְפָרֵר: The commentaries disagree over the meaning of this statement. Some explain that a mouse does not ordinarily crumble its bread at all; therefore any crumbs found, even if they do not together constitute the size of the original loaf, must certainly be from some other bread and one is required to conduct an additional search to find the loaf taken by the mouse (Maharam Halawa, citing the Rif). Others explain that a mouse does not crumble food and leave all the crumbs behind, which means that if one finds crumbs that together constitute the size of the original loaf they are certainly not from the bread taken by the mouse. Had the mouse generated crumbs, it would have taken them. Therefore, one must conduct an additional search as these crumbs are clearly not from the original loaf. However, if the crumbs found constitute less than the size of the original loaf, one need not conduct an additional search, as evidently the mouse ate the rest of that loaf (Ramban).

A mouse enter...and a mouse leave – עֵבֶר נִכְנֵס וְעֵבֶר יוֹצֵא: If one saw a mouse enter a house with a loaf in its mouth and he then saw a mouse leave with a loaf in its mouth, the assumption is that he saw the same mouse on both occasions. If one mouse was black and the other white, he is required to conduct an additional search, in keeping with the Rambam's principle that the *halakha* is ruled in accordance with any suggestion introduced by the phrase: If you say. Likewise, if one saw mouse enter a house with a loaf in its mouth and a marten leave with a loaf in its mouth, he is required to conduct an additional search. If he saw the marten leaving with both a mouse and a loaf in its mouth he is not required to conduct an additional search, as here too the Rambam accepts the suggestion introduced by the phrase: And if you say (*Maggid Mishne*). The *Shulhan Arukh* does not cite these *halakhot*, as these cases are very uncommon (Rema; Rambam *Sefer Zemanim, Hilkhot Hametz UMatza* 2:13).

Leavened bread on a beam and in a pit – חֲמֵץ עַל קוֹרָה וּבְבוֹר: If one sees a loaf resting on a beam in his ceiling he is required to bring a ladder to remove it. If there is a loaf in a pit one is not required to remove it; it is sufficient to render it null and void in his heart, in accordance with the suggestion introduced by the phrase: And if you say (*Shulhan Arukh, Orach Hayyim* 438:2).

A loaf that was in the mouth of a snake – כֶּבֶד בְּפִי נָחָשׁ: One who finds a loaf in a snake's mouth is not required to hire an expert to remove it. The ruling in this case is lenient, as the issue, which involves a rabbinic ordinance, is not resolved in the Gemara (Rambam *Sefer Zemanim, Hilkhot Hametz UMatza* 2:13).

NOTES

With regard to his money the Sages do not obligate one to exert himself – **בְּמִמּוֹנֵהוּ לֹא אֶטְרָחוּהוּ – רִבְנָן:** See *Tosafot*, who question this explanation in light of the accepted principle that a person seeks to perform a mitzva with his own money. *Tosafot* explain that one seeks to perform mitzvot with one's money only in cases where the person has both the obligation and capacity to perform the action himself. In that case he is willing to pay another person to act in his stead. However, if he entirely lacks the capacity to perform the mitzva himself he is unwilling to pay another to perform it on his behalf (Maharshal).

בְּעֵי רָבָא: עֵבֶר נִכְנֵס וְכֶבֶד בְּפִיו, וְעֵבֶר יוֹצֵא וְכֶבֶד בְּפִיו מֵהוּ? מִי אֶמְרִינן: הֵינּוּ הָאֵי דְעֵל, וְהֵינּוּ הָאֵי דְנִפְק. אוּ דִילְמָא: אַחֲרֵינָא הוּא?

אִם תִּמְצָא לומר: הֵינּוּ הָאֵי דְעֵל וְהֵינּוּ הָאֵי דְנִפְק, עֵבֶר לָבָן נִכְנֵס וְכֶבֶד בְּפִיו, וְעֵבֶר שְׁחוֹר יוֹצֵא וְכֶבֶד בְּפִיו מֵהוּ? הָאֵי וְדָאֵי אַחֲרֵינָא הוּא, אוּ דִילְמָא אֶרְמוּי אֶרְמִיָּה מִיָּנְיָה?

וְאִם תִּמְצָא לומר: עֵבֶרִים לֹא שְׁקָלִי מְהֵדְדִי, עֵבֶר נִכְנֵס וְכֶבֶד בְּפִיו, וְחוֹלְדָה יוֹצֵאָה וְכֶבֶד בְּפִי חוֹלְדָה, מֵהוּ? וְדָאֵי מֵעֵבֶר שְׁקָלְתִּיהָ, אוּ דִילְמָא: אַחֲרֵינָא הוּא, דָּאֵם אֵיתָא דְמֵעֵבֶר שְׁקָלְתִּיהָ – עֵבֶר בְּפִיָּה הוּא מְשַׁתַּבַּח,

וְאִם תִּמְצָא לומר: אִם אֵיתָא דְמֵעֵבֶר שְׁקָלְתִּיהָ עֵבֶר בְּפִיָּה הוּא מְשַׁתַּבַּח – עֵבֶר נִכְנֵס וְכֶבֶד בְּפִיו, וְחוֹלְדָה יוֹצֵאָה וְכֶבֶד וְעֵבֶר בְּפִי חוֹלְדָה, מֵהוּ? הֲכָא וְדָאֵי אֵיהוּ הוּא, אוּ דִילְמָא: אִם אֵיתָא דָּאֵיהוּ מֵהוּ – כֶּבֶד בְּפִי עֵבֶר מְשַׁתַּבַּח הוּא בְּעֵי אִישְׁתַּבְּחוּי. אוּ דִילְמָא: מִשּׁוּם בִּיעֲתוֹתָא הוּא נָפַל, וְשְׁקָלְתִּיהָ? תֵּיקוּ.

בְּעֵי רָבָא: כֶּבֶד בְּשִׁמֵי קוֹרָה צְרִיךְ סוּלָם לְהוֹרִידָהּ אוּ אֵין צְרִיךְ? מִי אֶמְרִינן כּוּלֵי הָאֵי לֹא אֶטְרָחוּהוּ רַבְנָן בֵּין דְלֹא נְחִית מְנַפְשִׁיהָ – לֹא אָתִי לְמִיכְלָהּ, אוּ דִילְמָא: זִמְנִין דְנָפַל וְאָתִי לְמִיכְלָהּ.

וְאִם תִּמְצָא לומר: זִמְנִין דְנָפַל וְאָתִי לְמִיכְלָהּ – כֶּבֶד בְּבוֹר צְרִיךְ סוּלָם לְהַעֲלוֹתָהּ אוּ אֵין צְרִיךְ? הֲכָא וְדָאֵי דְלֹא עֵבִידָא דְסַלְקָה מְנַפְשָׁהּ, אוּ דִילְמָא: זִמְנִין דְנְחִית לְמַעְבַּד צוּרְבִיָּה, וְאָתִי לְמִיכְלָיָהּ.

אִם תִּמְצָא לומר: זִמְנִין דְנְחִית לְצוּרְבִיָּה וְאָתִי לְמִיכְלָהּ, כֶּבֶד בְּפִי נָחָשׁ צְרִיךְ תַּבַּר לְהוֹצִיא אוּ אֵין צְרִיךְ?

בְּגוֹפִיָּה אֶטְרָחוּהוּ רַבְנָן, בְּמִמּוֹנֵה לֹא אֶטְרָחוּהוּ רַבְנָן, אוּ דִילְמָא לֹא שְׂנָא? תֵּיקוּ.

Although the rulings in these cases were clear to Rava, Rava raised a dilemma with regard to a related case: If one saw a mouse enter with a loaf in its mouth, and he saw a mouse leave^h with a loaf in its mouth, what is the *halakha*? The Gemara elaborates: Do we say that this mouse that entered is that same mouse that left and there is no more leaven left in the house? Or perhaps it is a different mouse.

The Gemara adds: If you say that this mouse that entered was this one that left, another dilemma arises: If one saw a white mouse enter with a loaf of bread in its mouth and a black mouse leave with a loaf of bread in its mouth, what is the *halakha*? Do I say this is certainly a different mouse, or perhaps the black mouse took the loaf from the white mouse?

The Gemara continues to suggest variations on this case: And if you say that mice do not take from each other, as one mouse is generally not significantly stronger than another, if one saw a mouse enter with a loaf of bread in its mouth and a marten leave with a loaf of bread in its mouth, what is the *halakha*? Do I say that the marten certainly took it from the mouse, as it is larger and stronger? Or perhaps it is a different loaf, for if it is so, that the marten took the loaf from the mouse, the mouse itself would also be found in its mouth, as the marten would presumably take not only the loaf of bread but the mouse as well.

And if you say that we accept the contention that if it is so, that if the marten took it from the mouse the mouse itself would be in its mouth, in regard to a case where one saw a mouse enter with a loaf of bread in its mouth and a marten leave with both a loaf of bread and a mouse in its mouth, what is the *halakha*? Do I say that this is certainly the same mouse and loaf, or perhaps even this conclusion can be disputed: If it is so, that this is the same mouse, the loaf would have been found in the mouse's mouth rather than in the marten's mouth. Consequently, this must be a different loaf of bread. Or perhaps the loaf of bread fell from the mouse's mouth due to its fear and the marten took it separately. No satisfactory answer was found for these dilemmas and the Gemara concludes: Let them stand unresolved.

Rava raised a dilemma: If there was a loaf of bread on a high beam in the ceiling, does one need to climb a ladder to take it down or is this effort not necessary? Do we say: The Sages did not obligate one to exert himself that much in his search for leaven, and since the loaf of bread will not fall on its own he will not come to eat it? Or perhaps it can be claimed that sometimes the loaf may fall and he will come to eat it, as objects placed high up occasionally drop.

And if you say with regard to a loaf of bread on a beam, sometimes it will fall and he will come to eat it, in a case where the loaf was in a pit, does one need to use a ladder to bring it up, or is this effort not necessary? The Gemara explains the two sides of the dilemma: Here the loaf will certainly not come up on its own, and one can therefore let it remain where it is; or perhaps there is still a concern that sometimes he might go down into the pit to perform some requirement of his, and he will come to eat it.^h

The Gemara continues to discuss the various permutations of this case. And if you say that sometimes one goes down into the pit for some requirement of his, and he will come to eat it, with regard to a loaf that was in the mouth of a snake,^h is it necessary for him to bring a snake charmer to take the loaf out of the snake's mouth, or is this effort not necessary?

Once again the Gemara explains the two sides of the dilemma: Do I say that with regard to his own body the Sages obligate one to exert himself and search everywhere, but with regard to his money the Sages do not obligate one to exert himself,ⁿ i.e., he is not required to spend money in order to destroy leaven? Or perhaps, the legal status of his money is no different than that of his body, as one must remove leaven wherever he finds it, in any way he can? This series of dilemmas is also left answered and the Gemara concludes: Let them stand unresolved.

One who did not search for leaven at the proper time – **מי שלא בִּדַק בְּיָמֵינוּ** – One who did not search for leaven on the evening of the fourteenth of Nisan should do so the next day, and if he did not conduct the search then he should do so during Passover itself. If he did not conduct the search by the conclusion of the Festival, he should do so even after Passover, in accordance with the opinion of the Rabbis, as explained by *Tosafot* (*Shulḥan Arukh, Oraḥ Hayyim*, 435).

Leaven that one leaves after the search – מה שְׁמַשְׁייר לְאַחַר בְּדִיקָה: Any leaven that one retains for use after he searched for leaven should be placed in a concealed location so that it will remain untouched, in order that he will not be required to conduct an additional search (*Shulḥan Arukh, Oraḥ Hayyim* 434:1).

NOTES

Mar Zutra taught – מֵר זוּטְרָא מְתַנֵּי: The difference between the first version of Rav Yosef’s statement and Mar Zutra’s version of it is that according to the first version the possibility exists that Rabbi Yehuda and the Rabbis disagree about both the number of times one must conduct the search and when it may be performed. According to Mar Zutra’s version, it is clear that Rabbi Yehuda requires one to search for leaven only once (*Maharam Halawa*).

עוֹמֵר – Omer: A measure of grain, one-tenth of an ephah. This term is used to refer to the measure of barley offered in the Temple on the sixteenth of Nisan, the day following the first day of Passover. Once the *omer* had been offered, grain from the new harvest could be eaten.

The prohibition of the new crop – איסור חֲדָשׁ: The prohibition against eating grain from the new crop before the *omer* offering is sacrificed is based on the verse: “And you shall eat neither bread, nor toasted grain, nor fresh stalks, until this day, until you have brought the offering of your God; it is a statute forever throughout your generations in all your dwellings” (*Leviticus* 23:14). The details of this *halakha* appear in tractate *Menahot*, where the Gemara discusses in detail the types of grain included in this *halakha*, its application in Eretz Yisrael and in the Diaspora, and its practical halakhic implementation, both when the Temple stood and after its destruction.

MISHNA Rabbi Yehuda says: One searches for leaven on the evening of the fourteenth of Nisan, and on the fourteenth in the morning, and at the time of the removal of leaven. And the Rabbis say: that is not the case; however, if one did not search on the evening of the fourteenth he should search on the fourteenth during the day.

If he did not search on the fourteenth, he should search during the festival of Passover. If he did not search during the Festival, he should search after the Festival, as any leaven that remained in his possession during the Festival is classified as leaven owned by a Jew during Passover, which one is obligated to remove.^h And the principle is: With regard to the leaven that one leaves after the search,^h he should place it in a concealed location where it will most likely be left untouched, so that it will not require searching after it if it goes missing.

GEMARA The Gemara asks: What is the reason for the statement of Rabbi Yehuda that one must conduct a search three times? The Gemara answers: It is Rav Hisda and Rabba bar Rav Huna who both say: The requirement to conduct three searches corresponds to the three times that the removal of leaven is mentioned in the Torah. One verse says: “*Matzot shall be eaten for seven days, and no leavened bread shall be seen with you, neither shall there be leaven seen with you, in all your borders*” (*Exodus* 13:7), and another verse states: “*Seven days shall there be no leaven found in your houses*” (*Exodus* 12:19), while a third verse says: “*Seven days shall you eat matzot, yet on the first day you shall remove leaven from your houses*” (*Exodus* 12:15).

Rav Yosef raised an objection to this explanation, seeking to prove that even according to Rabbi Yehuda one need not conduct three searches for leaven. He explained that Rabbi Yehuda lists the three times when one may conduct a search for leaven. It was taught in a *baraita* that Rabbi Yehuda says: **Anyone who did not search at these three times may no longer search.** Apparently, Rabbi Yehuda does not hold that one must conduct three searches. Rather, in regard to whether or not one may conduct a search for leaven if he failed to conduct a search at one of those three opportunities, it is from this point forward that they disagree. The Rabbis hold that one may conduct the search even after the time of the removal of leaven, and Rabbi Yehuda disagrees.

Mar Zutra taughtⁿ Rav Yosef’s statement in this manner: **Rav Yosef raised an objection** from that which Rabbi Yehuda says: **Anyone who did not search at one of these three times may no longer search.** In Mar Zutra’s version, Rabbi Yehuda explicitly states: One of these three times, which reinforces the claim that he obligates one to conduct only one search. The Gemara similarly concludes: **Apparently, it is with regard to whether or not one may no longer search that they disagree.**

Rather, the Gemara concludes that **Rabbi Yehuda also said: If one did not search** for leaven bread at the first opportunity, he may do so at the second or third opportunities; however, he may not search for leaven after these three times have passed.

And here, in the mishna, it is about this that they disagree: One Sage, Rabbi Yehuda, maintains that before the prohibition against eating leaven takes effect, yes, one may conduct a search; after the prohibition against eating leaven takes effect, no, one may no longer conduct a search, due to a rabbinic decree lest one come to eat from the leaven while searching for it. And the Rabbis maintain: We do not issue a decree lest one come to eat from the leaven, and he may therefore conduct a search even after the prohibition against eating leaven has taken effect.

The Gemara raises a difficulty: **And does Rabbi Yehuda issue a decree lest one come to eat** from the leaven in whose removal he is engaged? But didn’t we learn in a mishna: **Once the omerⁿ offering was sacrificed, people would go out and find the markets of Jerusalem filled with flour and toasted grain, all from the new crop.** This grain was undoubtedly harvested and processed when the Torah prohibition against eating from the new cropⁿ was still in effect.

מתני' רבי יהודה אומר: בודקין או ארבעה עשר, ובארבעה עשר שחרית, ובשעת הביעור. וחכמים אומרים: לא בִּדַק או ארבעה עשר – יבדוק בארבעה עשר.

לא בִּדַק בארבעה עשר – יבדוק בתוך המועד, לא בִּדַק בתוך המועד יבדוק לאחר המועד. ומה שמשׁייר יניחנו בצנינא, כדי שלא יהא צריך בדיקה אחריו.

גמ' מאי טעמא דרבי יהודה? רב חסדא ורבה בר רב הונא דאמרי תרוניהו: כנגד שלש השבתות שבתורה: “לא יראה לך חמץ ולא יראה לך שאר”, “שבעת ימים שאר לא ימצא בבתיכם”, “אך ביום הראשון תשביתו שאר מבתיכם”.

מתבי רב יוסף, רבי יהודה אומר: כל שלא בִּדַק בשלשה פרקים הללו – שוב אינו בודק. אלמא: במקאן ואילך הוא דפליגי!

מר זוטרא מתני הכי: מתבי רב יוסף, רבי יהודה אומר: כל שלא בִּדַק באחד משלשה פרקים הללו – שוב אינו בודק. אלמא: בשוב אינו בודק הוא דפליגי!

אלא: רבי יהודה נמי אם לא בִּדַק קאמר.

והכא בהא קמפליגי, מר סבר: מקמי איסורא – אין, בתר איסורא – לא, גזירה דילמא אתי למיכל מיניה. ורבנן סברי: לא גזרינן.

ומי גזר רבי יהודה דילמא אתי למיכל מיניה? והא תנן: משקרב העומר יוצאין ומוצאין שוקי ירושלים שהם מלאים קמח וקלי.