

HALAKHA

Concern with regard to a marten – חֶשֶׁשׁ לְחֹלְדָּה: After searching for leaven one should place all remaining leaven in a concealed location so that a marten cannot take it, which would lead to halakhic complications. However, if there is no clear evidence to the contrary, one need not be concerned that a marten in fact dragged the leaven from one place to another (*Shulhan Arukh, Orach Hayyim* 434:1).

The residences of gentiles – מְדוּרוֹת הַגּוֹיִם: Any house where a gentile has lived for forty days has the presumptive status of ritual impurity. A Jew who enters that house is impure by rabbinic law, due to the concern that the gentile may have buried a stillborn baby there. This *halakha* applies even if the man who lives there is unmarried. If there are pigs, martens, or similar animals in the area one need not be concerned that the house is ritually impure, as the animals would certainly have consumed the body (Rambam *Sefer Tahara, Hilkhot Tumat Met* 11:7–8).

מתני' אין חוששין שמא גזרה חולדה מבית לבית וממקום למקום, דאם כן מחצר לחצר ומעיר לעיר – אין לדבר סוף.

גמ' טעמא – דלא חזינא דשקל, הא חזינא דשקל – חיישינן, ובעי בדיקה.

ואמאי? נימא אכלתיה! מי לא תנן: מדורות הגוים טמאים. וכמה ישהה במדור ויהא המדור צריך בדיקה – ארבעים יום.

ואף על פי שאין לו אשה. וכל מקום שחולדה וחזיר יכולין להלוך – אין צריך בדיקה!

אמר רבי זירא: לא קשיא; הא – בבשר, והא – בלחם. בבשר – לא משיירא, בלחם – משיירא.

MISHNA After conducting the search, one need not be concerned that perhaps a marten dragged^{HN} leaven from house to house, or from place to place, placing leaven in a house that was already searched. As if so, one need also be concerned that perhaps leaven might have been dragged from courtyard to courtyard and from city to city. In that case, there is no end to the matter, and it would be impossible to rely on any search for leaven.

GEMARA The Gemara infers from the mishna: The reason that one need not search again is that we did not see the marten drag the leaven from the house; however, if we saw the marten drag leaven from the house, we are indeed concerned that it dragged the leaven into the second house, and it therefore requires searching for leaven.

The Gemara raises a difficulty: But why is this so? Let us say that the marten ate the bread it took. Didn't we learn in a mishna: The residences of gentiles^{HN} are ritually impure, as their wives may have miscarried, and due to the fact that gentiles would bury their stillborn babies in their houses, all their residences are deemed ritually impure due to the possibility of impurity imparted by a corpse. And how long must a gentile have stayed in a residence for the residence to require searching? He must have lived there for forty days. The reason is that until forty days after conception the miscarried fetus is not classified as a stillborn, as it is not sufficiently developed before that stage.

This mishna continues: And this decree applies even though the gentile resident has no wife. In issuing the decree, the Sages did not distinguish between a married couple and a single man, so that people would not err in its application (*Me'iri*). And any place where a marten or a pig can enter unimpeded need not be searched, as presumably if a stillborn was buried there, one of these animals would have taken it. As this mishna indicates that there is a presumption that martens eat whatever they find, the Gemara suggests that the same should apply to leaven. Therefore, even if one actually saw the marten take the bread, he can assume that the animal ate it, obviating the need for an additional search.

Rabbi Zeira said: This is not difficult, as in this case, where no search is required, it is referring to flesh, whereas in that case, where one is required to search again, it is referring to bread. Rabbi Zeira elaborates: With regard to flesh, a marten does not leave remnants behind, and therefore the stillborn would have been entirely consumed. With regard to bread, however, the marten leaves remnants behind, requiring an additional search.

NOTES

One need not be concerned that perhaps a marten dragged, etc. – אין חוששין שמא גזרה חולדה וכו': According to the Rambam, this mishna follows from the previous one. The previous mishna stated that one is obligated to search for leaven only in places where it is normally brought, but is not required to search places where leaven is never taken. This mishna adds that there is no concern that perhaps a marten brought leaven into a place where it is not normally

eaten (Rambam *Sefer Zemanim, Hilkhot Hametz UMatza* 2:6–7; see *Lehem Mishne* 2:7).

The residences of gentiles – מדורות הגוים: See Rashi, who addresses the nature of ritual impurity involved. The Rashash claims that everyone agrees that in a tent over a corpse, even the corpse of a gentile, ritual impurity is imparted to everything in the tent as though it had come into contact with the corpse.

Artifice in tithing – הערמה במעשר – One who brings grain into his courtyard before removing the chaff, in order to feed it to his animals, may eat it himself in his courtyard. The reason for this leniency is that the obligation to tithe is not yet in effect with regard to this produce (*Shulhan Arukh, Yoreh De'a* 331:4).

BACKGROUND

Rimon – רימון: Rimon was the name of a village in the Lower Galilee, several kilometers from Tzipori.

אמר רבא: האי מאי בשלמא התם – אימור היה אימור לא היה, ואם תמצא לומר היה – אימור אכלתיה. אבל הכא – דודאי דחוינא דשקל – מי יימר דאכלתיה? הוי ספק וודאי, ואין ספק מוציא מידי ודאי.

Rava said: What is this comparison? These cases are not comparable. Granted, there, with regard to the stillborn, one could say that it was in the house and one could say that it was not in the house. And even if you say it was there, say that the marten ate it. The very presence of the stillborn in the house is based on an assumption, and even if it was there, it was probably consumed. However here, where one definitely saw the marten take the bread, who will say that the marten ate it? It is a conflict between an uncertainty whether or not the marten ate the bread, and a certainty^N that the bread was there. The principle is that an uncertainty does not override a certainty.

ואין ספק מוציא מידי ודאי! והא תניא: חבר שמת והניח מגורה מליאה פירות, ואפילו הן בני יומן – הרי הן בחזקת מתוקנין. והא הכא. דודאי טבילי הני פירי, וספק מעושרין וספק לא מעושרין – וקאיתי ספק ומוציא מידי ודאי!

The Gemara raises a difficulty against this principle: And is it so that an uncertainty does not override a certainty? But wasn't it taught in a *baraita*: With regard to a *haver* who died and left a storehouse filled with produce, even if the produce was there only that day, the fruit has the presumptive status of produce that was ritually prepared, i.e., properly tithed. The assumption is that the owner tithed it himself or commanded others to do so. However, here, this produce was certainly untithed at the outset, and there is uncertainty whether they are tithed or whether they are not tithed. Despite this conflict, the uncertainty whether they were tithed comes and overrides the certainty that they were untithed produce.

התם ודאי וודאי הוא, דודאי מעשרי, כדרבי חנינא חוזה. דאמר רבי חנינא חוזה: חזקה על חבר שאין מוציא מתחת ידו דבר שאינו מתוקן.

The Gemara rejects this contention: There, the conflict is between certainty and certainty, as the produce is certainly tithed, in accordance with the statement of Rabbi Hanina Hoza'a. As Rabbi Hanina Hoza'a said: There is a presumption with regard to a *haver* that he does not allow produce that is not ritually prepared, to leave his possession. It is therefore certain that the produce is tithed.

ואי בעית אימא: ספק וספק הוא, דילמא מעקרא אימור דלא טבילי, כרבי אושעיא.

And if you wish, say instead that in that case the conflict is between uncertainty and uncertainty, as perhaps one could say that the produce was never initially untithed. It is possible that there was never an obligation to tithe this produce, in accordance with the opinion of Rabbi Oshaya.

דאמר רבי אושעיא: מערים אדם על תבואתו ומכניסה במוץ שולה, כדי שתהא בהמתו אוכלת ופטורה מן המעשר

As Rabbi Oshaya said: A person may employ artifice^H to circumvent obligations incumbent upon him in dealing with his grain,^N and bring it into the courtyard in its chaff so that his animal may eat^N from it. And this grain is exempt from tithes. Although the obligation to tithe produce that has been fully processed applies even to animal fodder, it is permitted to feed one's animal untithed produce that has not been fully processed. In light of this *halakha* it is possible that the fruit of the *haver* in the storehouse might not have been tithed. Consequently, the aforementioned case involving produce is a conflict between two uncertain factors, as it is uncertain whether or not the owner was obligated to tithe the produce in the first place, and even if he was required to do so, it is uncertain whether or not the *haver* tithed it.

ואין ספק מוציא מידי ודאי! והתניא, אמר רבי יהודה: מעשה בשפתותי של מציק אחד ברימון, שהטילה נפל לבור

The Gemara raises a further difficulty against Rava: And is it so that an uncertainty does not override a certainty? But wasn't it taught in a *baraita* that Rabbi Yehuda said: There was an incident involving the maidservant of a certain violent person^N in the city of Rimon,^B who threw a stillborn baby into a pit,

NOTES

Uncertainty and certainty – ספק וודאי: This discussion with regard to the relative significance of doubt and certainty in confrontations between them cannot be applied to all cases of uncertainty in *halakha*, as in some cases of uncertainty the probability of both possibilities is equal and their relative likelihoods cannot be determined. However, with regard to the uncertainties discussed here, the positive result is more common, and it stands to reason that indeed that was the way it happened even though there is no conclusive proof (see *Tosafot* and Maharam Halawa).

A person may employ artifice with his grain – מערים אדם על – תבואתו: The early commentaries ask why the Gemara suggests that a *haver*, who is scrupulous in the performance of mitzvot, might employ artifice to exempt his produce from tithes. Some explain that the *haver* does so only as a temporary measure until he finishes

processing the grain, as he plans to tithe all the produce afterward (Maharam Halawa). Others maintain that he intends to tithe the produce himself, but he employs this artifice to prevent a situation where members of his household could forget to tithe the produce and unwittingly eat it untithed (*Tosefot Rid*).

So that his animal may eat – שתהא בהמתו אוכלת: Some commentaries explain that the owner of the animal may actually eat this produce himself. He can say that he is taking the produce into his house as fodder for his animals, and subsequently eat it untithed once it was exempt when he brought it into his courtyard (Rashba, citing Ra'avad).

Violent person [*metzik*] – מציק: Some commentaries read *masik*, a producer of olive oil (*Tosefot HaRashba*).

NOTES

And a priest came and glanced – וּבָא כֹהֵן וְהִצִּיץ: The commentaries disagree as to why the priest looked in the pit, exposing himself to the possibility that he would be rendered ritually impure by doing so. Many suggest that this priest was an *am ha'aretz* who was unaware that it is prohibited for a priest to become ritually impure. Others suggest that he was a child sent by the woman to examine the pit. Yet others claim that he sought to provide a halakhic answer to a question he was asked with regard to the days of her ritual purity and impurity. It is also possible that the woman lived in his house, and he sought to ascertain whether she was ritually pure or impure so as to keep the food in a state of ritual purity. Alternatively, he sought to ascertain whether the time when she will be obligated to bring an offering would coincide with his priestly watch in the Temple. Finally, there is the possibility that he was related to her and it was permitted for him to become ritually impure to deal with the child (Rashi).

LANGUAGE

Polecat [*bardelas*] – בְּרִדְלָס: From the Greek *πάρδαλις*, *pardalis*, meaning leopard. It is also used in reference to other spotted animals.

HALAKHA

A stillborn in a pit – נִפְל בְּבוֹר: If one leans over a pit in which there may be a stillborn baby, and there are martens or similar animals in the area, the assumption is that an animal took the stillborn and ate it, and the person leaning over the pit is ritually pure (Rambam *Sefer Tahara, Hilkhot Tumat Met* 9:11).

וּבָא כֹהֵן וְהִצִּיץ בּוֹ לִידַע אִם זָכָר הוּא אִם נִקְבָּה הִיא. וּבָא מֵעֵשָׂה לִפְנֵי חֲכָמִים וְטִיְהַרְוּהוּ. מִפְּנֵי שְׁחֻלְדָּה וּבְרִדְלָס מְצוּיִן שָׁם.

וְהָא הֵכָא, דְּוֹדָאֵי הַטִּילָה, וְסַפֵּק גְּרוּוְהוּ וְסַפֵּק לֹא גְרוּוְהוּ הָיִיא שְׁעָתָא, וְקָאֵתִי סַפֵּק וּמוֹצִיא מִיַּדֵּי וְדָאֵי! לֹא תִימָא "שְׁהִטִּילָה נִפְל לְבוֹר" אֶלָּא אִימָא "שְׁהִפִּילָה כְּמִין נִפְל לְבוֹר" וְהוּי סַפֵּק וְסַפֵּק.

וְהָא "לִידַע אִם זָכָר הוּא אִם נִקְבָּה הִיא" קְתַנְיָא הֵכָא קְאָמַר: לִידַע אִם רוּחַ הַפִּילָה אִם נִפְל הַפִּילָה, וְאִם תִּמְצָא לְוִמֵּר נִפְל הַפִּילָה – לִידַע אִם זָכָר הוּא וְאִם נִקְבָּה הִיא.

וְאִיבְעִית אִימָא: הֲתָם וְדָאֵי וְדָאֵי הוּא, כִּיּוֹן דְּחֻלְדָּה וּבְרִדְלָס מְצוּיִן שָׁם – וְדָאֵי גְרוּוְהוּ בְּהֵהִיא שְׁעָתָא. נְהִי דְשִׁיּוּרֵי מְשִׁירָא – מִיַּגְרָר מִיְהֵת וְדָאֵי גְרוּוֹם בְּהֵהִיא שְׁעָתָא. (לִישְׁנָא אַחְרֵינָא: נְהִי דְוֹדָאֵי אֶכְלוּם – לֹא אֶמְרִינָן, וְדָאֵי גְרוּוְהוּ לְחֻרְוֵיהוּ – אֶמְרִינָן).

and a priest came and glancedⁿ at the baby to ascertain whether it is male or whether it is female, as a woman who has just given birth, even to a stillborn, is ritually impure for different lengths of time, depending on whether she gave birth to a male or a female (see Leviticus 12). And the incident came before the Sages, to rule whether or not the priest contracted ritual impurity when standing over the corpse, and they deemed him ritually pure. The basis for this ruling was due to the fact that as a marten and a polecat [*bardelas*]^{LB} are found there, it is likely that the baby was dragged away before the priest arrived at the pit.^H

And yet here, where it is certain that she threw the stillborn baby into the pit, and it is uncertain whether a marten or polecat dragged it away and it is uncertain whether it did not drag it away at that time, the Sages nevertheless ruled that an uncertainty comes and overrides a certainty. The Gemara rejects this contention: Do not say in the *baraita* that she certainly threw a stillborn into a pit; rather, say that she threw an object similar to a stillborn into a pit. Perhaps it was not a stillborn baby; it might have simply been congealed blood, which does not transmit impurity. And therefore this is a conflict between uncertainty and uncertainty. It is unclear whether there was anything in the pit that could have rendered the priest ritually impure, and even if there was, it might have already been dragged away.

The Gemara retorts: But isn't it taught in the *baraita*: To ascertain whether it is male or whether it is female, indicating that the only uncertainty was with regard to gender; it was certainly a stillborn baby. The Gemara rejects this proof, as this is what the *baraita* is saying: The priest sought to ascertain whether she miscarried mere wind, i.e., an amorphous mass, or if she miscarried a stillborn baby. And if you say that she miscarried a stillborn, he sought to ascertain whether it is male or whether it is female.

And if you wish, say instead: There it is not a conflict between certainty and uncertainty; rather it is between certainty and certainty. Since a marten and a polecat are found there, they certainly dragged it away at that time, without delay. Although martens leave part of their food, in any case they certainly dragged the baby to their holes at that time. Another version of this answer: Although we do not say that they certainly ate the stillborn, we do say that they certainly dragged it to their holes. Consequently, the ruling in this case does not contradict the general principle that an uncertainty does not override a certainty.

BACKGROUND

Polecat [*bardelas*] – בְּרִדְלָס: The *bardelas* mentioned here is not the same as the *bardelas* in the mishna in tractate *Bava Kama* 1:4. The mishna there is using a variation of the Greek term *pardalis*, and is referring to the cheetah, though it is explained in the Babylonian Talmud that this is the striped hyena. The *bardelas* described here, accompanying the *hulda* as a creature that raids grain from human dwellings, is clearly not referring to the cheetah or hyena. However, various manuscripts of the Talmud and Midrash have the word *mandaris*, or a variation thereof, instead of *bardelas*. It therefore appears that the word *bardelas* here is in fact a textual corruption, and that the original term was *mandaris*. The *mandaris* likely refers to the polecat.



Polecat



Cheetah

Is the marten a prophetess – וכי חולדה נביאה היא – Rava's statement is a play on words, as *hulda*, marten, was indeed the name of a prophetess, Hulda (II Kings 22:14; II Chronicles 34:22). In response to Rava's objection, Abaye could say that a marten would sense that there is less leaven in the house and conceal what it finds. Indeed, in the Jerusalem Talmud it is presumed that martens and mice can distinguish between situations of greater or lesser availability of leaven (Rav Ya'akov Emden).

Nine piles of *matza*, etc. – תשע ציבורין של מצה וכו' – This discussion is mostly theoretical, given the unlikely chain of events required for their practical application. The Ran explains that this is why the Rif does not cite these cases. However, the issues discussed here are significant because they clarify several fundamental principles that apply in other cases.

This is akin to the case of nine stores – היינו תשע חנויות – These two cases are not identical; indeed, if they were identical there would be no need to discuss the case of *matza* at all, as the *halakha* would be obvious. The novel element in the Gemara is the fact that although the cases are not identical, they are comparable (Penei Yehoshua).

ומי אמרין: אין חוששין שמא גררה חולדה? והא קתני סיפא: מה שמשייר יניחנו בצנעה, שלא יהא צריך בדיקה אחריו!

אמר אביי: לא קשיא, הא – בארבעה עשר, הא – בשלושה עשר. בשלושה עשר דשכית ריפתא בכולהו בתי – לא מצנעא, בארבעה עשר דלא שכיתא ריפתא בכולהו בתי – מצנעא.

אמר רבא: וכי חולדה נביאה היא? דידעא דהאינדנא ארביסר ולא אפי עד לאורתא, ומשיירא ומטמרא! אלא אמר רבא: מה שמשייר – יניחנו בצנעה, שמא תטול חולדה בפנינו, ויהא צריך בדיקה אחריו.

תניא בותיה דרבא: הוצעה לאכול חמץ אחר בדיקה ביצד יעשה? מה שמשייר – יניחנו בצנעה, שלא תבוא חולדה ותיטול בפנינו, ויהא צריך בדיקה אחריו.

רב מרי אמר: גזירה שמא יניח עשר וימצא תשע.

תשע ציבורין של מצה ואחד של חמץ, ואתא עכבר ושקל ולא ידעין אי מצה שקל אי חמץ שקל – היינו תשע חנויות. פירש ואתא עכבר ושקל – היינו סיפא.

דתנן: תשע חנויות, כולן מוכרין בשר שחוטף ואתת מוכרת בשר נבלה, ולקח מאחת מהן ואינו יודע מאיזה מהן לקח – ספיקו אסור.

The Gemara proceeds to analyze a more fundamental aspect of the mishna: **And do we say that one need not be concerned that perhaps a marten dragged the leaven? But isn't it taught in the last clause, in the next mishna: With regard to the leaven that one leaves after the search, he should place it in a concealed location, so that it will not require searching after it.** Apparently, there is concern lest a marten take some of the remaining leaven.

Abaye said: This is **not difficult**; this ruling is referring to the **fourteenth** of Nisan, whereas that ruling is referring to the **thirteenth**. The Gemara elaborates: **On the thirteenth** of Nisan, when bread is still found in every house, the marten does not conceal the leaven, and therefore there is no concern that perhaps the marten dragged the leaven elsewhere and concealed it. However, **on the fourteenth** of Nisan, when bread is not found in any of the houses, the marten hides the leaven.

Rava said in surprise: **And is the marten a prophetess^N that knows that now is the fourteenth of Nisan and no one will bake until the evening, and it leaves over bread and conceals it in its hole? Rather, Rava rejected Abaye's answer and said:** With regard to the leaven that one leaves after the search, he should place it in a concealed location, lest a marten take it before us and it will require searching after it. Only if one actually sees the marten take the leaven, is he required to search after it.

It was taught in a *baraita* in accordance with the opinion of Rava: **One who wishes to eat leavened bread after his search, what should he do? With regard to the leaven that one leaves after the search, he should place it in a concealed location, so that a marten will not come and takes it before us, and he will need to search the house after it.**

Rav Mari said that there is a different resolution of the apparent contradiction between the *baraitot*: One conceals the leaven that he found, due to a decree lest he place ten pieces of bread and find only nine. Since the tenth piece is missing, he will be obligated to conduct an additional search.

Apropos the issue of leaven taken by a rodent, the Gemara analyzes a series of similar cases. In a case where there were **nine piles of *matza*^{NH} and one pile of leavened bread**, and one saw a mouse come and take a morsel from a pile, and we do not know if it took *matza* or if it took leavened bread, this is akin to the case of **nine stores^{NH} in the mishna cited below**. If a portion became separated from one of the piles and we did not know if it was *matza* or leaven, and one saw a mouse come and take it, that is akin to the case mentioned in the latter clause of that mishna.

The Gemara elaborates. **As we learned in a *baraita*:** With regard to **nine stores** in a city, **all of which sell kosher meat from a slaughtered animal, and one other store that sells meat from unslaughtered animal carcasses, and a person took meat from one of them and he does not know from which one he took the meat**, in this case of **uncertainty**, the meat is **prohibited**. This ruling is based on the principle: The legal status of an item fixed in its place is that of an uncertainty that is equally balanced. In this case, when it comes to determining whether or not this meat comes from a kosher store, the two types of stores are regarded as though they were equal in number.

HALAKHA

Nine piles of *matza* – תשעה ציבורי מצה – With regard to nine piles of *matza* and one pile of leaven, if a mouse came and took a morsel from one unidentified pile and went into a house in which the search for leaven was already conducted, one must conduct an additional search. If the mouse took only a small crumb it can be assumed that the mouse ate the crumb, and there is no need to conduct an additional search (*Tur*, based on *Tosafot*). If the mouse took a morsel that was separated from one of the piles, there is no need to conduct an additional search,

as it was presumably taken from the majority (*Shulhan Arukh, Oraḥ Hayyim* 439:1).

Nine stores – תשע חנויות – If nine stores in a city sell kosher meat and one store sells non-kosher meat, and a person bought meat from one of them but does not remember which one, the legal status of the meat is non-kosher. If the meat was found outside the stores, it is permitted, as stated in the *baraita* (*Shulhan Arukh, Yoreh De'a* 110:3).

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, Oray 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.

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.

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

אימור דאמרינן: "שאני אומר"

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.

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.**

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.

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 בבישול 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.