



OVERVIEW of the Daf

1) **Mishnah:** The Mishnah rules that one need not be concerned that after searching for chometz that a weasel dragged in additional chometz.

2) Clarifying the Mishnah

The Gemara asks: It seems from the Mishnah that if one was to see a weasel take chometz there would be an obligation to search for that chometz, but why, questions the Gemara can't we assume the weasel ate the chometz as we find in other cases?

R' Zeira answers the question by distinguishing between bread and meat.

Rava answers that if we saw the weasel take the bread the assumption that the weasel ate the bread is not strong enough to remove the certainty that there is chometz in the house (אין ספק מוציא מידי ודאי)

This principle is unsuccessfully challenged.

The assumption that we are not concerned that a weasel took some chometz is challenged from a later Mishnah which implies there is a concern.

Rava and R' Meri give different resolutions to the challenge.

3) Cases that require a second bedika

The Gemara presents the guidelines for what to do if there were nine piles of matzah and one of chometz and a mouse came and took from one of the piles.

Another situation discussed is one pile of matzah and one pile of chometz, and in front of the piles were two houses, one which was searched and one which was not. Two mice came and each one grabbed one pile of food, and we don't know which piece was taken to which house. ■

REVIEW and Remember

1. Why are idolater's homes presumed to be tamei?

2. Explain אין ספק מוציא מידי ודאי.

3. Why is it necessary to place chometz in a secure place after performing bedikas chometz?

4. In the case of two piles, why do we have the right to assume that the chometz was taken into the unsearched home?

Distinctive INSIGHT

The kohen is not subject to tum'ah

ובא מעשה לפני חכמי וטיהרוהו מפני שחולדה וברדלס מצויין שם

The Gemara discusses the case of kohen who peered over a pit into which a fetus from a miscarriage had been tossed. The Gemara explains that the kohen was not subject to exposure to tum'ah of a corpse, because (according to the second version), we are dealing in a case where the area around the pit in which the still-born was tossed had weasels, who would have certainly whisked away the flesh into their subterranean burrow.

Rashi explains that the burrows of these animals are at least a tefach by tefach wide, and any tum'ah in a tunnel with these dimensions does not exit. If the hole was less than this, the tum'ah pierces through and rises, and the kohen standing on the ground above would become tamei.

Tosafos points out that although the tum'ah does not rise, nevertheless, the opening itself which connects the burrow to the pit is a route by which the tum'ah exits into the pit, and the kohen should be subject to the tum'ah which is now in the pit. According to one answer, Tosafos says that, in fact, the burrow is less than a tefach by tefach, and the tum'ah does pierce through and rises. However, the feet of the kohen are in the public domain, and a ספק טומאה in the public domain is ruled to be טהור.

Maharshal explains that even according to Rashi, although the burrow itself is a tefach by a tefach, the entrance hole from the pit to the burrow is less than a tefach wide and the tum'ah does not enter the pit. ■

HALACHAH Highlight

Upon whom may one rely regarding ma'aser (tithes)?

והא תניה חבר שמת וכו' דא"ר חנינא חוזאה חזקה על חבר שאין מוציא מידו דבר שאינו מתוקן וכו' ואבע"א ספק וספק הוא כו'

Our Gemora concludes that a chaver (a person who is meticulous in his mitzvah observance) that died and left a storehouse full of produce – the produce is assumed to have been tithed prior to his death.

Two reasons are cited by the Gemora;

1. Even though the produce was certainly tevel (untithed) there is a legal presumption regarding a chaver that he would not allow untithed produce to leave his domain. Therefore after his death we can consider the produce tithed.

2. In this case there are two uncertainties; i) perhaps the chaver did tithe produce, ii) perhaps the produce never became tevel because he brought it in into the house in its chaff. Therefore we need not suspect that the produce is tevel.

The practical halachic difference¹ between these two reasons is if the chaver brought the produce into his house in a manner in which it would certainly be obligated to be tithed (ie not in its chaff). According to the first line of reasoning – that we can presume that the chaver has tithed the produce – there is no need to tithe the fruits. According to the second line of reasoning (the fruit is exempt from tithing because there are two uncertainties) the produce was certainly tevel and thus we are only in doubt about whether the chaver took maaser. That

doubt is not sufficient to remove the produce from its certain level status.

Rambam² rules like the first reason cited by the Gemora i.e. we can rely on the presumption that the chaver tithed his produce. The Chazon Ish³ writes that nowadays the custom is that talmidei chachamim can rely on one another regarding maaser (tithing) as did chaverim in the times of Chazal. This ruling also encompasses the members of the talmid chacham's household⁴ and students⁵ that were raised under him. However, someone who was raised by an am haaretz⁶ is not trusted⁷ regarding tithes unless he himself becomes a talmid chacham. R' Chaim Kanievsky Shlita⁸ writes that the Chazon Ish would caution his family members not to leave produce in his house without tithing it. ■

1. המל"מ בהלכות מעשר פ"י ה"ב. וכן משבאר מתוך רש"י כאן. וכן ברש"י בע"ז מ"א ב' בד"ה דעבד
2. הרמב"ם שם וכ"ה שם במהר"י קורקוס. והמאירי בנדה ט"ו ע"ב הביא אות ב' הלשונות בגמ'. ובדרך אמונה על הרמב"ם שם בציון ההלכה ס"ק ל"ח ד"ק מזה שהמאירי לא הכריע בזה
3. החזו"א בשביעית פ"י אות ח' בסוד"ה ויש. ועיי' שם בד"ה ואפשר דגם בזמנינו איכא ת"ח וכו' אלא גמיר וסביר סגי עכ"ל
4. ר"ל כמבואר בע"ז ל"ט א' ובכורות ל' ע"ב
5. שם בד"ה ואפשר
6. שם, אא"כ קיבל ע"ע חברות. עע"ש. ועע"ש (וגם באות ז' בגדר דעם הארץ לזה.
7. שם. ושם באות ז' ביאר שעיקר חשש טבל אין בזה, אלא הוא תקנת חז"ל, עיי"ש
8. הד"א במעשר פ"י בציון ההלכה ס"ק מ' ■

STORIES off the Daf

A tzaddik produces only trustworthy results

חזקה על חבר שלא מוציא מתחת ידו דבר שאינו מתוקן

The simple explanation is that a Chaver would never knowingly leave something around which could cause another to sin. There are, however, other elements to this that can be seen

from the following story.

In the times of the Shinever Rav, zt"l, a manuscript arrived in Poland from Eretz Yisroel. Due to its kabbalistic content and because it originated from Teveria, which was then populated by Chasidim, it was assumed to have been written by one of the great Chasidic leaders of the previous generation. When brought to the Rav for his haskama, he spent some time studying the Sefer and set about writing a fitting haskama for such a holy work by such

an illustrious author. After finishing the haskama, he reached for a blotter to dry the page and inadvertently spilled the nearby ink bottle, rendering the whole page illegible. Feeling this was a sign from Heaven, he rescinded his haskama and would not rewrite it. Soon afterwards, it became known that the author was actually someone else entirely, and definitely not the Chasidic leader previously assumed. Thus was the Shinever. ■