



Halacha Highlight

Finding only nine out of ten pieces of *chometz*

Shulchan Aruch Siman 439 Seif 3
וכן אם הניח עשרה ומצא תשעה

Similarly, if one put aside ten pieces and found nine

Shulchan Aruch (סעי' ג') writes that if one set aside ten pieces of bread and later discovered only nine pieces he must search the house for the ten pieces that were originally set aside. The rationale is that the pieces that were set aside were taken and the nine that were found are nine different pieces of bread. The requirement to search for the ten pieces of missing bread is in force even if one already nullified his *chometz*. Due to the concern for this possible outcome, Shulchan Aruch (ס"י תל"ד סעי' א') wrote that after the search for *chometz* one should be careful to put the remaining *chometz* in a safe location so that one of the pieces should not become lost, necessitating a search of the house again. In the event that this occurs and another search is mandated, one is not required to recite the *beracha* on the search a second time (עי' מ"ב ס"י תל"ד סק"ג). The reason is that the mitzvah of destroying the *chometz* begins with the search and concludes the next day with the burning of the *chometz*. Since it is all considered a single *mitzvah*, as is evident from the fact that another *beracha* is not recited before burning the *chometz*, even a circumstance necessitating another search does not mandate another *beracha*.

Shulchan Aruch adds an essential qualification to this halacha. He writes that the requirement to search for ten pieces when one found nine applies only if the ten pieces were bound together. In such a case it is assumed that the bundle of ten were taken and the bundle of nine pieces came from somewhere else. If, however, the ten pieces were not bound together and one is discovered missing, one is only required to search for that one piece and it may be assumed that the nine that were found were nine of the original ten pieces that were put aside.

Stories to Share

Faulty Reasoning

מ"ב ס' תל"ט, ס"י ח': "לא מהני רק אם באו לשאל בזה אחר זה ולא בבת אחת..."

A certain man was planning to rent out his rural farmhouse for Pesach. After carefully cleaning several buildings, he did the bedikah one night, several days before the chag. On the morning that he was supposed to leave, he was horrified to see a mouse with some bread in its mouth heading into one of his two one-room cottages. Since it was still pre-dawn and they were very close to each other, he couldn't tell which cottage had been entered, but he knew that it had gone into one.

Although he wished to leave the house *chometz*-free for his tenants, he had no desire to do another search, even of only those two largish rooms, especially since this would delay his plans to leave that day, since *כתחלה* one must search at night. But he thought he had a halachic loophole that would permit him to rent the house without searching it.

"The Rama rules that if a mouse brings *chometz* into one of two houses and neither owner is sure which house it entered, they need not search if they ask the rav at different times. Now although in this case there is only one owner, can't I just ask any rav about one of the houses it entered? He will rule that it is a *safek* and that I don't have to check. Then I can ask about the second room and get a similar response."

But of course he couldn't decide such a thing for himself so he asked Rav Shlomo Zalman Auerbach if his reasoning was valid. Rav Shlomo Zalman dismissed it completely.

He answered, "This loophole does not help at all. When a person has a question he must ask the entire thing, not piecemeal to get the

Overview

Siman 439 Seif 1:

If there were nine pieces of *matzah* and one of *chometz* and a mouse took a piece and it is not known if it took the *chometz* or the *matzah* and then it entered a searched room, one is required to search that room (However, if the piece was small enough that it could be consumed by a mouse a search is not necessary) **since things in their place are considered *מחצה על מחצה*. If the piece had been separated from its place and the mouse took it from there - one is not required to search since *כל דפריש מרובא פריש*.**

- ❖ The halacha of Shulchan Aruch is limited to where the mouse took the piece in front of us. (M.B. 1)
- ❖ There is a disagreement whether Shulchan Aruch agrees with Rema's ruling. Poskim write that one could rely upon Rema's position. Pri Megadim adds that one should nullify the *chometz*. (M.B. 3)
- ❖ The principle of *כל דפריש* is only helpful with regard to searching for *chometz* but not to eat the *chometz* after Pesach. (M.B. 6)

Siman 439 Seif 2:

If there are two piles, one of *matzah* and one of *chometz* and two houses, one searched and one not and two mice came and took the pieces and it is not known which house the mouse with the *chometz* entered or if there are two searched houses and one pile of *chometz* and a mouse took some *chometz* and it is not known which house it entered or if one saw which room the mouse entered and one searched and did not find anything or if he only searched a little and found a piece of *chometz* he does not have to search any further. (This reflects Rambam's position but the agreement of the Poskim is not in accordance with his position.)

- ❖ According to Rema in *seif* 1 if the bread was small enough that it could have been eaten by the mouse one may be lenient. (M.B. 7)
- ❖ Rema disagrees with Shulchan Aruch and maintains that one may be lenient only if the questions about the two rooms are not asked simultaneously. (M.B. 8)
- ❖ There is a disagreement whether the lenient ruling of Shulchan Aruch refers to where nullification had been made. (M.B. 10)
- ❖ Rema only disagrees with the last case and the case of a single piece of *chometz* and one does not know which room the mouse entered. (M.B. 11)

Siman 439 Seif 3:

If one put down nine pieces and found ten he must look for the nine pieces he put down. Similarly, if one put down ten pieces and found nine he must search for the ten that he put down out of concern that what was put down was taken and the ones that were discovered are other pieces. According to some this halacha is limited to where the pieces were bound together but if they are not tied together one is only required to search for the missing piece.

- ❖ Poskim follow the lenient opinion that the halacha only applies to pieces that are bound together. (M.B. 16)
- ❖ One may only be lenient in accordance with lenient position if he nullified his *chometz*. In the case where he put down nine and found ten he must search again regardless of whether the nine pieces were bound together. (M.B. 17)

Siman 439 Seif 4:

If one left *chometz* in one corner and finds it in another corner he must search the room again.

- ❖ Later authorities agree that if one nullified his *chometz* or still has time to nullify his *chometz* he may be lenient and is not required to search for *chometz* again. (M.B. 18)

response that he seeks. You must tell the rav the entire story. Since both houses are owned by one person, the owner must search both."