

**על ובדק ולא אשכח פלוגתא דרבי מאיר ורבנן – It entered, he searched and did not find; this is a dispute between ר"מ and the רבנן**

## OVERVIEW

The גמרא states that in a case where we saw a mouse bring חמץ into a house (that was already searched for חמץ) and the owner searched for this חמץ and could not find it, the ruling depends on the dispute between ר"מ and the רבנן. Their dispute is in a case where there was a pile of rubble which was known to be טמא (a dead body was buried there), and this pile became intermingled with two other piles and we do not know which one is the original טמא pile. The חכמים maintain that if all three piles are thoroughly searched and nothing is found, they are all טהור (we assume that the טומאה was somehow removed by an animal). However ר"מ maintains that once טומאה has been established in (one of) these piles it retains its טומאה status unless we can verify that the טומאה is elsewhere. It would seem that by בדיקת חמץ, the same rulings apply; according to the רבנן, since the house was searched and nothing was found, we assume that the mouse ate up or removed the חמץ. However according to ר"מ, we assume that the חמץ is still in the house. The question that תוספות asks is, granted that we assume (according to ר"מ) the חמץ to be in the house; however, what is the solution to declare the house בדוק for פסח?!



תוספות asks:

**תימה אפילו לרבי מאיר דאמר לעולם היא בחזקת טומאה וכולי –**

**It is astounding! Even according to ר"מ who maintains it is always presumed to be טמא, etc. -**

**ונפקא מינה לטהרות שנעשו על גביו<sup>1</sup> –**

**And the outcome of this presumption of טומאה will be concerning טהרות which were performed upon this pile;** (that they will all be טמא, since we cannot establish where the טומאה is), nevertheless -

**הכא גבי בדיקה כיון שבדק ולא מצא מה יעשה –**

**Here, concerning בדיקה, since he already searched for this חמץ and did not find it, what can he do?!**

**אם יצריכוהו לבדוק פעם שניה נמי לא ימצא<sup>2</sup> –**

<sup>1</sup> Concerning the case of טומאה, there the ruling of ר"מ has practical ramifications; one is not permitted to place טהרות on these piles and if he does they become טמא. The question תוספות poses is what practical ramification will there be if we judge this house not to be בדוק. See 'Thinking it over' # 4.

<sup>2</sup> We can assume that the first בדיקה was a thorough בדיקה (not a cursory one); otherwise it would not be referred to

**If the חמץ will require him to search a second time he will also not find** the חמץ.  
What should the ruling be here by חמץ according to ר"מ?!

תוספות presents רש"י's interpretation:

**ורש"י פירש<sup>3</sup> דאפילו לרבי מאיר אמר<sup>4</sup> אימר עכבר אכליה –**

**And רש"י explained that even according to ר"מ who is מחמיר by טומאה,**  
nevertheless here by חמץ בדיקת חמץ he agrees **that we assume to say that the mouse**  
**ate it up** and no בדיקה is required -

**דבדיקת חמץ אינו אלא מדרבנן –**

**Since בדיקת חמץ is only מדרבנן,** therefore even ר"מ is lenient. ר"מ is only מחמיר by טומאה  
where it is דאורייתא ספק.

תוספות disagrees with פירש"י:

**וקשה דהא בהדיא אמר פלוגתא דרבי מאיר ורבנן<sup>5</sup> –**

**And it is difficult** to accept פירש"י that concerning בדיקת חמץ (in the case of על ובדק  
גמרא), both ר"מ and the חכמים agree that בדיקה is not required, **for** the גמרא  
**clearly stated** that the case of על בדק ולא אשכח is dependent on the **dispute**  
**between ר"מ and the רבנן;** and not that there is an agreement between them. The original  
question remains; what should the ruling be according to ר"מ in the case of על ובדק ולא אשכח.

תוספות answers:

**ויש לומר דמיירי בשלא בטלה וקאמר דלרבי מאיר לא סגי בבדיקה –**

**And one can say;** that the case of על ובדק ולא אשכח is **occurring** in a situation where  
the owner **was not מבטל** the חמץ (which the mouse brought in<sup>6</sup>), **and** the גמרא **states**  
**that according to ר"מ, the בדיקה (which turned up nothing) is insufficient -**

**כיון דלא אשכח והוי בספק לאו דלא ימצא וצריך לבטלו<sup>7</sup> –**

**Since he did not find** the חמץ, **and there is the possibility** that the owner may be  
transgressing **the לא ימצא לאו** (חמץ should not be found in your possession),  
**and it is therefore necessary to be מבטל** this חמץ (which the mouse brought in) -

**וסגי אפילו לרבי מאיר דלא איירי אלא בספק טומאה דאורייתא –**

**And the ביטול is sufficient even according to ר"מ, for** when ר"מ stated that if it is  
not found we assume that it is still there, **he was only discussing a טומאה that**  
**is מדאורייתא -**

---

as 'ובדק'. Therefore a second בדיקה is useless. (See however מהרש"ל.)

<sup>3</sup> בסוף ד"ה כל.

<sup>4</sup> Others amend this to read 'אמרין'.

<sup>5</sup> See 'Thinking it over' # 1.

<sup>6</sup> See footnote # 13.

<sup>7</sup> See 'Thinking it over' # 2

