הניח עשר ומצא תשע פלוגתא דרבי ורבנן –
He placed ten and found nine; it is a dispute between רבי and the רבנן.

Overview

The גמרא compares the case of 'הניח י' ומצא ט (where he placed ten pieces of חמץ and later found only nine) to the case of הניח מאתיים ומצא מנה (where he placed two hundred זוז of מע"ש and found only a hundred). In the latter case רבי maintains that the מנה is מע"ש (for we assume that the lone remaining מנה was part of the original מאתיים), while the חכמים maintain that the remaining מנה is חולין (for whoever took away the money took everything away and the מנה that was found is a different מנה [חולין]). It is not clear what the ruling should be here concerning בדיקה, where we are certainly missing (at least) one piece of חמץ. Our תוספות addresses this issue (in accordance with רש"י).

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דרבי לטעמיה[1] דאמר[2] הוא קבר שאבד הוא קבר שנמצא –
For רבי follows his reasoning elsewhere, **where he maintains; 'the grave which was lost is the grave that was found'.** Therefore here too רבי maintains -

וכיון שמצא אחד אין צריך לבדוק[3] –
Since he found one piece of חמץ**, he is not required to search** any further, for we assume that the piece of חמץ which was initially lost is the piece of חמץ that was currently found.

ולרבנן[4] עד שמצא עשר[5] כדפירש הקונטרס[6] –
However according to the רבנן he is required to search **until he finds ten** pieces of חמץ (besides the nine he presently has) **as רש"י explained.**

תוספות qualifies this ruling:

ומיירי שכל הככרות קשורים זה בזה דומיא דפלוגתא דרבי ורבנן –

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[1] Granted that according to רבי the nine remaining pieces are from the original ten, and we need to find only one piece; however who is to say that the piece that was found is the piece that was lost. Perhaps a different (eleventh) piece was found (which we were unaware of). תוספות addresses this issue.

[2] This refers to the previously mentioned מחלוקת with רשב"ג concerning a שדה שנאבד בה קבר.

[3] We derive from the סיפא (of הניח מאתיים) that the nine are from the original ten and we are missing only one piece; we derive from the case of שדה שנאבד וכו' that the piece that is found is assumed to be the piece that was lost (and no further בדיקה is necessary).

[4] They maintain that the nine are different pieces from the original ten; therefore there are ten pieces missing. See 'Thinking it over' # 3.

[5] It would seem that these רבנן agree to רבי that קבר שאבד הוא קבר שנמצא; otherwise how can we be sure that these are the original ten pieces. See 'Thinking it over' # 1.

[6] בד"ה היינו.

And we are discussing a case **where all the loaves are tied to each other, similar to the dispute between רבי ורבנן -**

דבפרק קמא דביצה (דף י,ב) **אמר מחלוקת בכיסים קשורים[7] –**

For רב אשי **states in the first פרק of** מסכת ביצה that the **dispute** between רבי ורבנן concerning מע"ש is only if **the purses were tied** to each other -

אבל כשאין קשורים דברי הכל חולין ומעשר שני מעורבין זה בזה[8] –

However when they are not tied to each, **all agree that** חולין **and** מע"ש **are intermingled with each other.** The same applies to the loaves. If they were not attached then all would agree that only one was taken away, and only one needs to be found.

ואף על גב דהשתא אין לתלות בעכברים תלינן בקטנים:

And even though that now (since we are saying that all the ten loaves were attached to each other) **we cannot ascribe it to mice[9],** nevertheless **we can ascribe it to small children** (the קטנים were able to untie the loaves from each other).

SUMMARY

רבי maintains that (in the case of הניח י' ומצא ט') he needs to find but the one piece of חמץ that is missing, because רבי rules מנה הניח ומנה מוטל (therefore only one was lost) and קבר שאבד הוא קבר שנמצא (therefore the found loaf is the lost loaf. The loaves were קשורים זב"ז (otherwise the חכמים would also agree that [only] one loaf is missing) and nevertheless we assume that a קטן may have untied them.

THINKING IT OVER

1. What would be the ruling if הניח עשר ומצא תשע according to רשב"ג (in the ברייתא of קבר בה שנעבד שדה)?[10]

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[7] This applies to both cases of the ברייתא. He was מניח a מנה in one כיס and found two מנים in two כיסים which were tied to each other. רבי maintains that someone came and added a כיס and tied it to the original כיס, while the חכמים maintain (since these two כיסים are tied to each other and the original כיס was alone) that the original כיס מע"ש was removed and these are two tied כיסים of מעות חולין. In the case where he was מניח מאתים and found a מנה, the original מאתים were in to כיסים קשורים, and רבי maintains that someone untied them, took one, and left one over, while the חכמים maintain since they were tied together, whoever took it away took them both.

[8] This refers to the case where הניח מנה ומצא מאתים. Here (even) the חכמים will agree to רבי that someone merely added a מנה. In the case of מנה מונח ומנה (if they are not קשורים) the חכמים will agree to רבי that הניח מאתים ומצא מנה מוטל.

[9] A mouse cannot detach one loaf from the others. Why does רבי assume that these nine loaves are from the original ten?!

[10] See שם 56 ובערה and דבר שמואל and תוספות הרא"ש שם.

2. What would be the ruling if הניח ט' ומצא י' and they were not קשורים זב"ז?[11]

3. The רבנן maintain that if he finds ten pieces, that is sufficient; why are these ten pieces that he finds any better than finding just one piece and adding it to the nine that are there?![12]

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[11] See מהרש"א הארוך בקובץ ע"י ס"ק ב.

[12] Why do we assume that the pieces that he found are the originals and the pieces that remain are not the originals? See אור החמה and דבר שמואל.