3.10.2

96b (שיש להם בעלים) → 97b (שיש להם בעלים)

- I. "Backdoor" discussion status of found תפילין חדשות (in re: תפילין חדשות)
 - a. שוק found in תכלת *ד' אלעזר*
 - i. If: strips may not be used for ציצית (may have been dyed for another purpose)
 - ii. *If*: strings may be used for ציצית
 - 1. *Question*: why the distinction? Perhaps he cut them for threads?
 - 2. *Answer*: if they were spun
 - a) *Challenge*: even if spun, perhaps they were spun for threads for the hem
 - b) Answer: if they were also cut (to size) no one troubles himself to that degree if not for ציצית
 - i. Challenge (רבא): people don't trouble to make a קמיע look like תפילין yet we limit our משנה to "old"
 - ii. Answer: perhaps this issue is the core of the dispute "חדשות") ר"מ/ר' (תוספתא ח:י) re: "חדשות"

3. *However*: since חדשות is defined as untied – and he can't put them on due to טירחא– קושר not the issue here

- i. *Question*: according to ר׳ יהודה, why not make a bow?
 - 1. ד"ת: this teaches that a bow is not a valid קשר תפילין
 - 2. *אביי* is following his own position (שבת טו:א) that עניבה is a full knot
 - a. Challenge: if יהודה 'ו didn't consider קשירה to be קשירה would that be a solution?
 - b. *Answer*: he could bow it in the form of a knot, were it permissible
- II. תפילי
s rule regarding checking תפילין bought from a single non-expert
 - a. *דב*. must check 3 at least 1 של יד and 1 של ראש
 - i. Rationale: 3 checks needed for חזקת cwrin and at least 1 of each type must be checked
 - ii. ידגי, who holds that חזקה is determined by a pattern of 2 allows 2 checks

1.*However*: he agrees that if checking bunches, each צבת needs 2 checks (each bought from a different person) III.Clarification of terms – כריכות and בריכות are essentially the same

- a. *צבתים*: means they are in pairs
- b. *בריכות* means a larger bunch bound together
 - i. Note: if there are so many that he wouldn't finish wearing, bringing in etc. then he is מחשיך
- IV. Analysis of 'משנה א' the danger clause:
 - a.*Challenge*: ברייתא rules that he moves them איז at a time
 - b. Resolution: if danger is from non-Jews (who will ridicule) cover them (משנה)
 - i. But if: in danger from armed thieves, carry them פחות מד"א
 - 1. Challenge: why would ר"ש advise, if trying to avoid attention (of נכרי), to pass it person to person
 - 2. Answer: our חסר is an first rule qualified as in case of לסטים, walk it לסטים, walk it ר"ש; פחות פחות מד"א dissented
 - a) *Reason (for w"r's dissent)*: prefers handing them to another in a chain lest 1 person carries >4
 - i. *ה"ק* prefers 1 person carrying <4 to lessen the disgrace of שבת
- V. Clarification of ruling וכן בבנו if his wife gave birth in field

a. Even if: they have to pass him through many hands (not comfortable for baby) - still use that solution

- VI. Analysis of ר' יהודה: משנה א' and the barrel
 - a. *Question*: רי יהודה surely accepts the principle that כלים acquire the תחום of their owner (ביצה ה:ג)
 - b. *Answer1* (*5*"7): case is water being passed from barrel to barrel
 - i. And: ר' יהודה follows his own reasoning that water is בטל vis-à-vis תחום (ביצה ה:ד)
 - ii. Block: יהודה only rules that way in re: water in dough but not liquid that stand alone
 - c. Answer2 (רבא): case where the water didn't get שביתה but the barrel did
 - i. And: barrel is טפל to liquid, as a bed is בטל to the person in it (שבת י:ה)
 - ii. *Challenge (משנה)* in ברייתא only allowed handing barrel over (as in our משנה) in a שיירא in משנה) in a שיירא
 - d. Answer3 (דב יוסף): our case is a שיירא
 - e. Answer3a (אביי): unlike שיירא in שיירא, he allows it even if both barrel and water had שביתה
 - i. Here: only if the barrel did and the water didn't
 - f. *Answer*4 (שביתה no) (שביתה no) (שביתה חיפקר אשי)
 - i. And: חכמים (who respond) represent ריב"נ who maintains that קונה שביתה is הפקר