

**YESHIVAT HAR ETZION**  
**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**  
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TALMUDIC METHODOLOGY  
By: Rav Moshe Taragin

**SHIUR #10: KELUTA KE-MI SHE-HUNCHA - RABBI AKIVA'S  
THEORY REGARDING AIRBORNE OBJECTS**

Among the more famous and intriguing minority positions held by Rabbi Akiva involves airborne items and their relationship to the ground below. Rabbi Akiva posited that '*keluta ke-mi she-huncha dami*' – meaning, for halakhic purposes, we consider items contained within airspace as if they were grounded (see Shabbat 4b and Gittin 79a). The immediate consequence of Rabbi Akiva's halakha pertains to items thrown on Shabbat from one *reshut ha-yachid* (private domain) to another while passing through the airspace of a *reshut ha-rabim* (public domain). From a purely empirical standpoint, no Biblical violation has been performed, since the item was merely relocated from one private domain to another. However, Rabbi Akiva considers the 'passage' through the airspace of a *reshut ha-rabim* sufficient to halachikally 'ground' the item. A Biblical violation of *hotza'a* (transferring an item from one type of domain to another) has thus been committed, since the item was thrown out of a *reshut ha-yachid* and landed in a *reshut ha-rabim* - through the 'magic' of Rabbi Akiva's principle of '*keluta*.'

A deeper understanding of Rabbi Akiva's theory demands a closer inspection of the key letter of his phrase - the '*khaf*.' When he claimed that airborne items are considered LIKE (*KE-mi*) grounded objects, did he intend to establish absolute parity between the two, or merely *halakhic* similarity? Meaning, does Rabbi Akiva claim that halakha considers these items as actually grounded, or simply that many of the *halakhot* which may apply to actually grounded items apply EQUALLY to aerial items? According to this second perspective, he never intended to classify these items as grounded; rather, by the fact that they pass through a contained airspace, they are attributed to that area and acquire many of the *halakhot* of items which have actually landed.

Perhaps the most famous (though somewhat questionable) extension of Rabbi Akiva's halakha is asserted by the Be'er Heitev, in his comments to Orach Chayim (25:8). Generally, talking between the placement of *tefillin shel yad* and *tefillin shel rosh*, besides violating Halakha, also changes the protocol of the *berakhot*, requiring the recitation of a different *berakha* over the *shel rosh*. However, the Be'er Heitev

claims that according to Rabbi Akiva, if the *tefillin shel rosh* have already been positioned above one's head - even if they have yet to be actually placed – they may be viewed as having already been donned. Hence, if someone speaks after this aerial positioning, then even though he has not yet actually donned *tefillin shel rosh*, no *hefsek* is charged. This extrapolation undoubtedly reflects a literal reading of Rabbi Akiva's remark – hovering items may halakhically be viewed as grounded – in a *reshut ha-yachid* or on someone's head!!

An additional extension of Rabbi Akiva's Shabbat principle may be gleaned from a gemara in *Zevachim* (93a), which claims that according to Rabbi Akiva, carrying a food item over a *sheretz* (dead insect that generates tum'a) may confer *tum'a* to the item as if it had actually touched the *sheretz*. Many Rishonim (such as the Rambam, in his commentary to the mishna in *Zevachim*) explain that this peculiar method of *tuma* conveyance stems from Rabbi Akiva's classic '*keluta*' position. Again, this expansion probably assumes that hovering items are actually considered grounded. Just as the 'virtual grounding' consummates a Shabbat violation (since the item was removed from a *reshut ha-yachid* and 'landed' in a *reshut ha-rabim* – through *keluta*), similarly, it may convey *tuma*, for once the item has halakhically landed, it is in direct contact with the *sheretz* below.

A more subtle question may pertain to the application of *keluta* to items which are physically in a person's hand. *Tosafot* in *Shabbat* (4a) appear to claim that the *keluta* theory would fail if the item were physically grasped by a person. By contrast, *Tosafot* in *Shabbat* (92a) claim that *keluta* applies even to items physically clutched. Perhaps this question stems from the previous inquiry. If *keluta* actually envisions the item as grounded, it may not apply to items in a human grip; only objects hovering in airspace without any barrier between the given item and the ground may be considered grounded. However, if the passing item is merely 'spatially attributed' to the area below as it passes, this attribution would presumably occur even if it is gripped. Thus, the scope of the halakha would perhaps be determined by its definition.

An interesting debate arises between *Tosafot* and the Rashba as to whether Rabbi Akiva applied his theory only for purposes of stringency, or even in situations of leniency. Namely, is the *keluta* theory capable of yielding an exemption, or only to bolster a violation? The Rashba in *Shabbat* (4b) refers to the gemara in *Gittin* (79a), which applies Rabbi Akiva's *keluta* theory to the delivery of a *get*. If a husband throws the document to his wife, once it reaches the woman's airspace, she is divorced - as if the *get* had actually landed in her *chatzer* (yard). This application of the '*keluta*' principle yields BOTH lenient measures – in that the woman may now remarry – as

well as stringent measures – already at this point she can not marry a *kohen*. We can thus infer from this halakha that *keluta* applies across the board, in both directions. Nevertheless, *Tosafot Yeshanim* (an older variant of the *Tosafot* text found in prevalent editions of the Talmud), in *Masekhet Shabbat* (4b), claim that '*keluta*' only yields violations (such as for items thrown from one *reshut ha-yachid* to another through a *reshut ha-rabim*), but cannot exempt from violation. Had *Tosafot* viewed '*keluta*' as virtual landing, it is unlikely that they would have limited it to stringent applications. If Halakha indeed deems this item as landed, it should spur measures of leniency just as it generates stringency!!

An interesting deliberation in the gemara in *Shabbat* may also suggest these varying approaches to the '*keluta*' principle. The first mishna in the *masekhet* delineates the violations of *hotza'a* (bringing an item out of a private domain) and *hakhnasha* (bringing an item into a private domain) through the example of a homeowner delivering charity into the soliciting hand of a beggar. Depending on the locations of both parties' hands at the moment of transfer, *hotza'a* or *hakhnasha* may ensue. The gemara (4a) ponders this charity model in light of the fundamental rule that any violation of *hotza'a* or *hakhnasha* requires lifting an item from the original *reshut* (domain) and positioning it in the new *reshut*. Presumably, in the instance of charity delivery, the donated money was never removed (since it was not removed from a sizable area, but was rather in the hand of the homeowner), nor was it delivered (since it was placed into a hand, and not a large deposit area). How, then, can this scenario serve as a model for the violations of *hotza'a* and *hakhnasha*? Ultimately, the gemara (5a) concludes that a hand qualifies as both a platform for removal, as well as a location for landing. However, the gemara at one point considered invoking Rabbi Akiva's '*keluta*' theory as the solution: even though the item was not actually removed from a *reshut ha-yachid* or actually placed in a *reshut ha-rabim*, the *keluta* theory (assuming it can be applied even to clutched items) renders the money originally located in a *reshut ha-yachid* and conclusively delivered to a *reshut ha-rabim*. Subsequently, the gemara rejects this solution: even though *keluta* may solve the deposit issue, it cannot solve the problem of removal, and *hotza'a* demands both removal and deposit. *Keluta* may indeed deem the item as grounded even in the absence of an ACTUAL land drop, but it cannot help 'mimic' a removal from the earth when the item was in actuality only removed from a hand. Due to this restriction on the scope of the '*keluta*' principle, the gemara searches for an alternate solution.

Perhaps this deliberation reflects the two different versions of *keluta*. If *keluta* renders an item grounded, it would affect both the tail end of *hotza'a* as well as its launch. ANY item over the airspace of an area is considered grounded in that area,

and certainly its removal from airspace is considered a removal from a grounded state. However, if *keluta* is merely 'spatial attribution,' it may serve only to culminate a *hotza'a* process: the item has 'reached' the next *reshut*, and the *hotza'a* has thus been completed. But it may not enable a state where removal is considered removal from the original *reshut*. Thus, the gemara's ambivalence regarding the ability of '*keluta*' to both consummate and launch *hotza'a* may indeed reflect its analysis of *keluta*'s true nature.