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 reshet ha-yachid (private domain) to another while passing through the airspace of a reshet 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 reshet 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 reshet ha-yachid and landed in a reshet 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 reshit ha-yachid to another through a reshit 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 hakhnasa (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 hakhnasa may ensue. The gemara (4a) ponders this charity model in light of the fundamental rule that any violation of hotza'a or hakhnasa requires lifting an item from the original reshit (domain) and positioning it in the new reshit. 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 hakhnasa? 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 reshit ha-yachid or actually placed in a reshit ha-rabim, the keluta theory (assuming it can be applied even to clutched items) renders the money originally located in a reshit ha-yachid and conclusively delivered to a reshit 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.