

**אבל למטה מי' דברי הכל חייב דאמר קלוטה כמי שהונחה –**

**However below ten טפחים, all agree that he is חייב, because we assume that קלוטה כמי שהונחה; being contained in the airspace of a רשות, is considered as if it rests there.**

## **OVERVIEW**

The concept of קלוטה is that when an object is contained in the airspace of a רשות, it is considered as if it is at rest there. תוספות initially qualifies the scope of קלוטה; it is not valid in all situations. In addition תוספות discusses the appropriateness of רבה's consideration that all opinions agree that קלוטה כמי שהונחה דמי.

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**כשהחפץ בידו של עני או של בעל הבית לא שייך קלוטה -**

**When the object is in the hand of the עני or the בעה"ב when it is extended into the other רשות (not in the רשות where the person is standing), the concept of קלוטה is not applicable.** תוספות proves this –

**דהא כשנותן בעה"ב לתוך ידו והוציא לא מחייב -**

**For when the בעה"ב places an object into his hand (of the עני) when it is extended into the רה"י and the עני brought it out, he is not חייב, even though the object was originally contained or קלוטה in the רה"י (and it should be considered at rest there according to the ruling of קלוטה, and it should be considered that the עני who is removing it is making an עקירה ברה"י [and would therefore be חייב]), nevertheless since it was in the hand of the עני, there is no concept of קלוטה.<sup>1</sup>**

תוספות asks:

**תימה<sup>2</sup> לרבנו יצחק אם ברייתא היא בשום מקום דבעינן הנחה על גבי מקום ד' -**

**The ר"י is astounded! If there is a ברייתא anywhere, which states that there is a requirement that הנחה is to be only on a place that is four by four טפחים -**

**וכדמשמע קצת בסמוך דאמר רבי זירא הא מני אחרים היא -**

**and as this is partially indicated further<sup>3</sup> in the גמרא, that there is such a ברייתא, אחרים<sup>4</sup> who maintain that a מקום ר' זירא said that our משנה follows the opinion of**

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<sup>1</sup> תוספות does not explain why the concept of קלוטה does not apply. The תוה"ר explains that since the body is in a different רשות, we maintain that ידו בטר גופו גריר the hand is dragged towards the body, and it cannot be considered as if it is at rest in the רשות where the hand is. See גליון הש"ס להגרע"א. Others explain that קלוטה applies only when the object is totally contained in the airspace of the רשות, not when it is in someone's hand shielding it from the airspace of the רשות (even if his hand and body are in the same רשות).

<sup>2</sup> There does not seem to be an apparent connection between what תוספות said until now, with the ר"י's question (see שבת של מי).

'd is not required for a הנחה. זירא. הנהגה which states that אחרים do not require a מקום ד<sup>5</sup> -

### משמע דפליגי רבנן עליה -

**This would indicate**, since the ברייתא quotes this ruling only in the name of אחרים that **the רבנן argue on this** ruling of אחרים. And they maintain that a מקום ד' is required for a הנחה.

אחרים is assuming that there is more to the ברייתא cited by זירא than only the opinion of אחרים, there must also be the opinion of the רבנן, who argue with אחרים, for if all agree with אחרים, there would be no need to say that this is the opinion only of אחרים, since everyone agrees. Therefore we can surmise that the ברייתא also contains the opinion of the רבנן who argue with אחרים and maintain that a מקום ד' is required. It is just that זירא did not quote that part of the ברייתא (the opinion of the רבנן) since it is irrelevant to his point. Now that we presume that there is a ברייתא which states that a מקום ד' is required, so the ר"י asks -

**אם כן היכי קאמר הכא דברי הכל חייב אם כן ההיא ברייתא מני -**

**if this is so**, that there is an opinion in a ברייתא that a מקום ד' is required; **how can** זורק מרה"י לרה"י דרך רה"ר למטה **that everyone agrees that** a למטה **say here** in our גמרא that **everyone agrees that** a למטה **is**, because of קלוטה, implying that a מקום ד' is not required; **if this is so**, that everyone agrees that a מקום ד' is not required, then **that ברייתא which says** that the רבנן argue with אחרים, and maintain that a מקום ד' is required, **who will** these רבנן **be?!** We are saying here that *everyone* agrees to קלוטה, meaning that *everyone* maintains that a מקום ד' is not required; in opposition to the רבנן in the ברייתא of אחרים who contend that it is required?!

question is, how did רבה entertain the option and assume that everyone, both ר"ע and the רבנן hold that a מקום ד' is not required, when we presume to know that there is an opinion in a ברייתא that a מקום ד' is required. So therefore רבה should not have chosen this option, when explaining the מחלוקת between ר"ע and the רבנן, and רבה indeed has another option how to explain the מחלוקת, so why entertain this option when it poses a problem.

answers:

**ונראה דלא קשה מידי שיעמיד רבי עקיבא ורבנן כמתניתין ולא כהיא ברייתא -**

<sup>3</sup> דף ה, א.

<sup>4</sup> See 'Thinking it over'.

<sup>5</sup> The ברייתא states the view of אחרים that if a person threw an object and someone else received it while standing in his original position then the thrower is חייב. However if the receiver moved in order to catch the item thrown, then he is not חייב. It is evident from the first case that he is חייב even though the הנחה was (on his hand, and) not on a מקום ד'.

And it appears to תוספות that there is no difficulty at all that רבה should reconcile ר"ע and the רבנן like our משנה, which presumably holds that a מקום ד' is not required, since one is חייב if he makes the הנחה on the hand which does not have a מקום ד', and not reconcile our רבנן with the רבנן of that ברייתא, who say that a מקום ד' is required. What advantage is there in doing this? Seemingly we are contradicting these רבנן with those רבנן? Nevertheless this still is preferable -

דניחא ליה להעמיד מתניתין ככולי עלמא –

For it is preferable for רבה to reconcile our משנה according to everyone<sup>6</sup>, i.e. both ר"ע and the רבנן. It is preferable that a משנה should be in agreement with a majority of opinions, rather than just one opinion, ר"ע in this case. Therefore רבה entertained the option that both ר"ע and the רבנן hold of קלוטה, thereby not requiring a מקום ד', even though this option causes the difficulty of not reconciling the רבנן of ר"ע with the רבנן of אחרים, because on the other hand we gain that our משנה would be a majority opinion.

## SUMMARY

It is preferable to reconcile a משנה with all known opinions, than to reconcile a ברייתא with any of these opinions.

## THINKING IT OVER

תוספות mentions the ברייתא of אחרים (ר' זירא cited by) from which we can infer that there is a רבנן who argue on the אחרים and maintain that a מקום ד' is required.<sup>7</sup> Seemingly תוספות could have cited the ברייתא<sup>8</sup> of באמצא where זרק מרה"ר לרה"ר ורה"י באמצא of ברייתא<sup>9</sup> clearly do not agree with קלוטה (who argue with רבי) This is in direct contradiction with רבה who states that כ"ע agree that קלוטה כמי שהונחה דמי. Why did תוספות ask from an inference when he could ask from a מפורשת?<sup>9</sup>

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<sup>6</sup> It will be necessary to interpret the term הכל חייב דברי, in a narrow sense referring to ר"ע ורבנן of our מחלוקת, not a universal הכל דברי, for the רבנן of אחרים presumably argue with this הכל דברי.

<sup>7</sup> See footnote # 4.

<sup>8</sup> ד, ב.

<sup>9</sup> See מהרש"א [הארוך].