

However – אבל למטה מי' דברי הכל חייב דאמר קלוטה כמי שהונחה where the object passed **below 10** טפחים from the ground of the **קלוטה כמי** **all agree that he is חייב, because we say that** **קלוטה דמי**, that something **contained** in the airspace of a **רשות**, is **as if it rests there**.

Overview

The concept of **קלוטה**, that when an object is contained in the airspace of a **רשות** it is considered as if it is at rest there, is limited to a situation where the object is completely surrounded by the airspace of the **רשות**, if however someone is holding the object, then there is no concept of **קלוטה**, because it is not completely enveloped and contained by the **רשות**, for the hand is separating it from the **רשות**.

The **רבה** of **איבעיא** whether everyone holds **קלוטה** or not, is questioned. Seemingly we find opinions that definitely hold that a **מקום ד'** is required for a **הנחה**.

עני – when the object is in the hand of the עני, for instance in the case where the **עני**, extended his hand into the **רה"י** and the **בעל הבית** placed an object into the hand of the **עני**

or – או של בעל הבית, when he extended it into the **רה"ר**

the concept of קלוטה is not applicable, that we should consider the object that is in the hand of the **עני**, for instance, when it is extended into the **רה"י**, to be considered as if it rests in the **רה"י**. This is not so –

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**, nevertheless since it was in the hand of the **עני**, there is no concept of **קלוטה**.¹

the ר"י questions² – תימה לרבנו יצחק

that if there is a ברייתא anywhere, that states

¹ **קלוטה** does not explain why the concept of **קלוטה** does not apply. One explanation given is 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**.

² There does not seem to be an apparent connection between what **תוספות** said until now, with the **ר"י** question (see **מפרשי תוספות**).

that a הנחה is required to be only on a place that is four by four – דבעינן הנחה על גבי מקום ד' טפחים

גמרא, **and as it is partially indicated further** in the **that** there is such a ברייתא

that ר' זירא said when trying to answer how come in the משנה one is חייב when he placed the object on the hand, since there is no הנחה on a ד' מקום, on this זירא **that** the משנה **follows** the opinion of **אחרים**, who say that a ד' מקום is not required for a הנחה. זירא goes on to quote this ברייתא that states that אחרים do not require a ד' מקום

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 ד' מקום is required for a הנחה.

is assuming that there is more to the ברייתא 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 ד' מקום 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 that states that a ד' מקום is required, so the ר"י asks:

if this is so that there is an opinion in a ברייתא that a ד' מקום is required

גמרא **that** **how can we say here** in our **היכי קאמר הכא דברי הכל חייב** **everyone agrees that** a למטה מי' **חייב**, because of **היכי**, **קלוטה**, so we don't need a ד' מקום,

if this is so that everyone agrees that a ד' מקום is not required, then **that ברייתא that says** that the רבנן argue with אחרים, and maintain that a ד' מקום is required, **who will it be** in agreement with, since we are saying here that **everyone** agrees to קלוטה, meaning that **everyone** holds that a ד' מקום is not required, when the רבנן in the ברייתא of אחרים contend that it is required?!

question is, how did רבה entertain the option that everyone, both ר"ע and the רבנן hold that a ד' מקום is not required, when we presume to know that there is an opinion in a ברייתא that a ד' מקום 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. תוספות answers:

and it appears to תוספות that there is no difficulty at all **ונראה דלא קשה מידי**

that ר' ע' should reconcile רבה – **שיעמיד רבי עקיבא ורבנן כמתניתין** **and the רבנן like our משנה**, which presumably holds that a ד' מקום is not required, since one is חייב if he makes the הנחה on the hand which does not have a ד' מקום,

and not reconcile our רבנן with the רבנן of that ברייתא, **ולא כההיא ברייתא**, who say that a ד' מקום is required. What advantage is there in doing this? Seemingly we are contradicting these רבנן with those רבנן? Nevertheless this still is preferred

for it is preferable for רבה to reconcile our משנה according to everyone³, 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.

³ It will necessary to interpret the term דברי הכל חייב, in a narrow sense referring to ר"ע ורבנן of our מחלוקת, not a universal דברי הכל, for the רבנן of אחרים presumably argue with this דברי הכל