**וקאמר דלית בה דין חלוקה כלל –**

**And he states; there is no rule of exchanging at all**

Overview

אביי proved that since the ברייתא (which is the statement of ר"י) maintains that there are no exchanges by קדשים, this proves that one cannot be מקדש a woman with his portion of קדשים since it does not belong to him. תוספות clarifies the meaning of לית בה דין חלוקה כלל.

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**פירוש[[1]](#footnote-1) שאינו יכול ליטול ממון אחר של חבירו כדמפרש בברייתא[[2]](#footnote-2) -**

**The explanation of** לית בה דין חלוקה כלל is **that** one כהן **cannot take his friend’s money** (his portion in a different קרבן), **as the ברייתא explains.**

תוספות rejects an alternate explanation:

**אבל אין לפרש אין דין חלוקה כלל אפילו מיניה וביה[[3]](#footnote-3) -**

**However we cannot explain אין דין חלוקה כלל** to mean that there is no equal division **even in the same** קרבן **itself** -

**דהא אשכחן בכמה דוכתין חלוקה גבי קדשים -**

**For we find in many places** that there is a proper **division by קדשים -**

**כדתנן פרק שואל (שבת דף קמח,ב) מטילין חלשים בקדשים[[4]](#footnote-4) -**

**As the משנה states in פרק שואל we cast lots by קדשים -**

**ובפרק קמא דפסחים (דף ג,ב) נמי הגיעני כפול[[5]](#footnote-5) -**

**And in the first פרק of פסחים it also** states that a כהן said, ‘**I received** from the לחם הפנים an amount **like** the size of **a bean.** From these גמרות we see that there is a דין חלוקה בקדשים מיניה וביה.

תוספות concluded his refutation of the אין לפרש, and continues to explain the proof of אביי (according to פירוש התוס'):

**וכיון דלית בה דין חלוקה[[6]](#footnote-6) אינו יכול לקדש בו אשה דהא בהא תליא:**

**And since there is no דין חלוקה** (for separate קרבנות), the כהן **cannot be מקדש a woman with his** portion, **for one is dependent on the other.**

Summary

Each קרבן was divided (fairly); however כהנים could not exchange their portions for their friends’ portions in other קרבנות, proving that המקדש בחלקו is not מקודשת.

Thinking it over

תוספות maintains that in one קרבן they were חולקין.[[7]](#footnote-7) Shortly the גמרא attempts to refute the opinion of אביי by citing a ברייתא which states והגרגרים חולקים indicating that there is a דין חלוקה by קדשים (not like אביי). However what is the proof, since we can say that הגרגרים חולקים is discussing a חלוקה in one קרבן (in the לחם הפנים), but not by different קרבנות?![[8]](#footnote-8)

1. תוספות is rejecting the explanation of the אין לפרש mentioned shortly (see footnote # 3). [↑](#footnote-ref-1)
2. If one כהן received a כזית (for instance) in one קרבן, he cannot tell his fellow כהן, you can have my כזית in this קרבן (so his friend will receive two כזיתים of this קרבן), and I will take your כזית in the other קרבן (so each כהן will have two זיתים in one קרבן, instead of one זית in each קרבן). It would seem to be more practical to have one large piece than many small pieces. The ברייתא teaches us that this is not permitted; לית בה דין חלוקה כלל. [↑](#footnote-ref-2)
3. The אין לפרש prefers to assume that אין דין חלוקה כלל indicates that each קרבן was not divided equally, but rather it was divided randomly (some receiving a larger or smaller portion than others), or each כהן ‘grabbed’ whatever he could from the קרבן. The advantage of the interpretation of the אין לפרש is that it would fit better in the words דלית בה דין חלוקה כלל, and additionally it would strengthen sאביי' proof, for it would clearly show that the כהנים are merely guests by שלחן גבוה, for their portions are divided randomly, they have no right to even an equal share; indicating that it is not their money but rather משלחן גבוה קזכו. Nonetheless תוספות negates this view because of the upcoming difficulties. [↑](#footnote-ref-3)
4. Presumably this means that if (for instance) there was a hundred pounds of meat from a קרבן, and a hundred כהנים, so they divided the meat into one hundred one pound pieces, and they cast lots, which כהן would receive each pound, indicating that there was no random distribution and certainly no ‘grabbing’ (see footnote # 3), proving that there was חלוקה בקדשים מיניה וביה. See ‘Thinking it over’. [↑](#footnote-ref-4)
5. The fact that the כהן said הגיעני (כפול) and not חטפתי (כפול) indicates that it was divided equally. [↑](#footnote-ref-5)
6. The fact there is no חלוקה (of קרבן כנגד קרבן) proves that it is not ממון כהן, for if his portion belongs to him there is no logical reason why he cannot exchange it for his friend’s portion in another קרבן. Once we ascertain that it is not ממון כהן, it is understood that he cannot be מקדש a woman with his portion; since it does not belong to him, he is not giving her anything (of his). [It is not necessary to assume the view of the אין לפרש (see footnote # 3) for אביי to prove his point from the ברייתא.] [↑](#footnote-ref-6)
7. See footnote # 4. [↑](#footnote-ref-7)
8. See אוצר מפרשי התלמוד # 116. [↑](#footnote-ref-8)