

וקאמר דלית בה דין חלוקה כלל –

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

Overview

אביי proved that since the ברייתא (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.

פירוש¹ שאינו יכול ליטול ממון אחר של חבירו כדמפרש בברייתא² -

The explanation of לית בה דין חלוקה כלל is that one 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 וביה³ -

However we cannot explain לית בה 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 בקדשים⁴ -

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

ובפרק קמא דפסחים (דף ג,ב) נמי הגיעני כפול⁵ -

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

¹ is rejecting the explanation of the לפרש אין mentioned shortly (see footnote # 3).

² If one 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 כזיתים 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.

³ The לפרש אין prefers to assume that לית בה 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 לפרש אין is that it would fit better in the words לית בה דין חלוקה כלל, and additionally it would strengthen s'אביי 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 שלחן גבוה קזכו. Nonetheless תוספות negates this view because of the upcoming difficulties.

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'.

⁵ The fact that the כהן said (כפול) הגיעני and not (כפול) חטפתי indicates that it was divided equally.

בקדשים מיניה וביה.

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

וכיון דלית בה דין חלוקה⁶ אינו יכול לקדש בו אשה דהא בהא תליא:

And since there is no 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

maintains that in one קרבן they were חולקין.⁷ Shortly the גמרא attempts to refute the opinion of **אביי** by citing a ברייתא which states והגררים חולקים indicating that there is a חלוקה by קדשים (not like **אביי**). However what is the proof, since we can say that הגררים חולקים is discussing a חלוקה in one קרבן (in the הפנים), but not by different קרבנות?⁸

⁶ The fact there is no חלוקה (of קרבן כנגד קרבן) proves that it is not 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 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.]

⁷ See footnote # 4.

⁸ See # 116. אוצר מפרשי התלמוד.