

אמר רבא תודה שהזיקה – which damaged קרבן תודה said; a רבא

OVERVIEW

There is no liability if הקדש is damaged (by ממון [הדיוט] or if ממון damages (ממון). The only exception is by קדשים קלים according to ריה"ג who maintains that ממון הדיוט is קק"ל. Previously רבא preferred to establish our משנה according to the חכמים who are disagree with ריה"ג and maintains that all קדשים are גבוה. It is therefore not clear what liability is there for a קרבן תודה which damaged. תוספות will clarify this issue.

anticipates a difficulty: תוספות

אף על גב דרבא¹ מפרש מתניתין דין מעילה² –

Even though that רבא explains our משנה (which states that the liability for damages is limited to objects מעילה בהן), is referring to ניזקין which have no דין - meaning that they are not הקדש מעילה

ולא אוקי מתניתין כרבי יוסי הגלילי –

And רבא does not establish our משנה according to ריה"ג who maintains that it is possible to be חייב for damaging קדשים קלים. However רבא disagrees and follows the view of the רבנן that all קדשים are גבוה and there is no חיוב for damaging קדשים. How then can רבא discuss that liability of a קרבן תודה, when according to the רבנן it is גבוה and is not חייב בנזקין?!

responds: תוספות

על כרחך הכא איירי לר' יוסי הגלילי:

Perforce one must assume that here רבא is discussing what the ruling would be according to ריה"ג who maintains that קק"ל are בעלים.

SUMMARY

רבא is discussing the ruling of a תודה שהזיקה according to ריה"ג.

THINKING IT OVER

Why cannot we differentiate, between הקדש that was damaged ([as in the משנה] where it cannot collect), and הקדש that damages ([as in the case of תודה שהזיקה] where it is liable).³

¹ On יג,א.

² The משנה does not mean (according to רבא) that you are liable for damaging קק"ל since there is no מעילה by קק"ל, for (according to רבא) one is not חייב for damaging קק"ל.

³ See בל"י וסוכ"ד.