

What is the משנה saying

מאי קאמר –

Overview¹

The גמרא cites from the משנה, the phrase לא הרי השור כהרי המבעה and asks מאי קאמר. The question of the גמרא is unclear. The משנה is (seemingly, obviously) stating that we cannot derive מבעה from שור and vice versa. What is the question מאי קאמר?!

explains:

משום דלא מצי לפרושי האי לא הרי כשאר לא הרי שבש"ס קמתמה מאי קאמר:

Since we cannot explain this לא הרי of the משנה as all other לא הרי in the various גמרות², therefore the גמרא wonders and asks מאי קאמר!

Summary

The expression 'לא הרי וכו' does not indicate that we are explaining why שור cannot be derived from each other.

Thinking it over

How does the גמרא's answer address the question the way תוספות explains it?³

¹ For a clearer understanding of this תוספות, one should review the תוספות on דף ב,א ד"ה לא הרי.

² Usually the expression of 'לא ראי זה וכו' (or 'לא הרי וכו') means that the חומרא of this case is not like the חומרא of the other case (meaning that this case is less חמור than the other case). If we would apply this here by שור ומבעה, it would mean that the חומרא of שור is not like (it is less than) the חומרא of מבעה (meaning that מבעה is more חמור). In that case if the תורה would have written שור (which is less חמור) then certainly מבעה (which is more חמור) would be חייב. What, therefore, is the משנה trying to teach us?!

³ See מאי קאמר who interpret this תוספות differently. This תוספות is referring to the second קאמר (on the ולא זה וזה of the משנה). Concerning the first קאמר our תוספות agrees with פרש"י. The גמרא was simply asking what relevance is there that שור ומבעה are not similar. The גמרא answered that the משנה is explaining that שור cannot be derived from each other. However, what is the second קאמר? Seemingly the משנה is continuing to explain why we cannot derive אש from מבעה. On this question תוספות explains that seemingly this expression cannot mean that we cannot derive אש from מבעה, for since the משנה states ולא זה וזה כהרי האש, this means that שור ומבעה are less חמור than אש. If this is so, then you can certainly derive אש from מבעה. The גמרא replies that this ולא זה וזה is different than always, and here it refers to the קולא, not the חומרא; that שור ורגל do not have the קולא of אש that it has no רוח חיים. Therefore even if the תורה would have written שור ומבעה we could not derive אש from them.