

Shor and Seh two times

שור ושה שני פעמים –

OVERVIEW

explained that we do not derive (the word) שור which is written by the payments of ד' וה' from (the word) שור which is written by שבת,¹ where it includes animals and birds as well, since the תורה wrote² שור או שה twice by ד' וה' in order to teach us that the payment of ד' וה' is limited to שור ושה only (but not for other animals or birds). שם discusses the duplicity of the word שור.

asks:

ואם תאמר ושה דכתיב ב' פעמים למה לי הא בשבת לא כתיב ש' ³ -

And if you will say; but why do we need the word שור to be written twice, since by שבת the word שור is not written?

answers:

ויש לומר דאי לא כתיב ש' שני פעמים הוה אמינא שבא שור למעוטי שאר מילי מדין שור -
And one can say; that if שור would not be written twice, I may have thought that the duplicity of שור is coming to exclude other animals from the rule of שור -
דלא הוה בתשלומין ה' ולוקמיה אדין ש' להכי כתיב ש' למעוטי לגמרי:

That they (the other animals) do not pay five times as much (as שור does), but rather we would place the other animals into the rule of שור that they pay (only) four times as much; therefore שור is written twice to exclude other animals completely!

SUMMARY

The duplicity of שור alone could have meant the exclusion of other animals from the payment of שור, but not from the payment of שור.

¹ See השביעי וגו' לא תעשה כל מלאכה אתה ובנך ובתך ועבדך ואמתך ושורך וגו' where the תורה writes; דברים (ואתחנן) ה, יד.

² כי יגנב איש שור או שה וטבח או מכרו חמשה בקר ישלם תחת השור וארבע צאן תחת השה, שמות (משפטים) כא, לז.

³ We understand the duplicity of the word שור, for otherwise we would derive שור שור from שבת that it includes all animals; however since the word שור is not written by שבת (only שור), so we cannot derive from שבת that שור includes other animals, and we already know from the duplicity of שור the no other animals are included, so why the duplicity by שור?

⁴ Without the duplicity of שור, we would expound the גז"ש of שור שור to include all other animals, and the exclusion based on the duplicity of שור would be expounded to mean that even though other animals are included (because of the גז"ש), nevertheless they do not have the stringency of שור to pay five times the amount, but only the rule of שור applies to them that they pay only four times the amount (see 'Thinking it over'). Therefore the תורה wrote שור twice to exclude other animals completely from any such payments by טביחה ומכירה.

THINKING IT OVER

שור of גז"ש we would expound the ש of שה we would expound the גז"ש of שור to include other animals, but we would utilize the duplicity of שור to have them pay like a שה.⁵ Does it not seem unusual that we derive other animals from the ש of גז"ש, but they pay like שה, but not like שור!⁶

⁵ See footnote # 4.

⁶ See # 32. אוצר מפרשי התלמוד