



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Bava Basra Daf Tzaddik Beis

PEREK HAMOCHER PEIROS -- PEREK SHISHI

MISHNA

- If someone sells produce without specifying whether it will be for planting or for eating, and the buyer planted it and it didn't grow, even if it was flaxseed (which is usually purchased for planting), the seller is not chayuv to reimburse. **R' Shimon ben Gamliel** said, if he had sold garden seeds, that are not even edible, then he would be chayuv to reimburse if nothing grew.

GEMARA

- If a person buys an ox and finds that it is a goring ox, **Rav** said the sale may be voided, and **Shmuel** said the seller may say "I sold it to you to be shechted", and the only way the buyer can void the sale is if he can *prove* that he bought the ox for plowing (and not to be shechted).
  - **Q:** Why don't we just look to see why this buyer normally buys oxen? If he normally buys for plowing, we should assume that this ox was also purchased for plowing, and if he normally buys for shechting, then this should be assumed to have been bought for shechita!? **A:** The machlokes between **Rav and Shmuel** is in a case where the person buys oxen for both purposes.
  - **Q:** Why don't we look at the price that was paid for the ox, and see if it is a price paid for plowing oxen or for oxen meant for slaughter? **A:** The machlokes is in the case where the price of meat increased to the point that both these animals were equal in price.
    - **Q:** If both types of oxen are equal in price, what is the practical difference whether the sale can be voided or not? **A:** The machlokes would be who has to bother with the ox. **Rav** says the buyer can simply return it and get his money back, and **Shmuel** says the buyer would have to bother with selling it to get his money back.
  - **Q:** **Rav** seems to say that the animal must be returned even if the seller does not have the money to return to the buyer. In that case, why wouldn't we say that the buyer can keep the animal in lieu of the money? **A:** The case is where the seller does have money, and that is why the animal is returned.
  - **Rav** says the sale becomes void, because we follow the majority, and since most people buy oxen for plowing, we assume that the buyer wanted to do as well. **Shmuel** says the seller can say that he sold the animal for slaughter, because we don't follow the majority. We only follow majority regarding questions of issur. However, when dealing with questions of money, we say HMAH.
  - **Q:** A Mishna says, that a woman who was widowed or divorced and says that she was married as a besulah and therefore deserves 200 zuz, but the husband or heirs say that she was married as a widow and therefore only deserves 100 zuz, if there are witnesses that she went out with a "hinuma" and with her hair out, then she gets a kesubah of 200. This seems to mean that she is only believed when she has witnesses. According to **Rav**, why wouldn't we say that since most women get married as a besulah, we should follow the majority!? **A:** **Ravina** said, because we say that a majority of women marry as a besulah, but when a besulah marries, it is known to all. Since it is not public knowledge about this woman, the majority is considered somewhat weakened.
    - **Q:** If it is always public knowledge, and this woman was not a matter of public knowledge, we should not even believe the witnesses who come, and we should say they are false witnesses!? **A:** **Ravina** said, we must say that *most* besulos who get married are a matter of public knowledge. Therefore, if this one was

not a matter of public knowledge, the majority is considered to be weakened and can't be relied upon. However, if witnesses testify, they will be believed.

- **Q:** A Braisa says, if one buys a slave and the slave is then discovered to be a thief or a kidnapper, the sale remains valid. If he is found to be an armed robber or to have been sentenced to death by the king, the sale is batel. Now, in the first case, presumably, the reason that the sale is valid is because most slaves are thieves and kidnappers, and we therefore see that we follow the majority!? **A:** It may be that the sale is valid because virtually *all* slaves are thieves and kidnappers, not just most.