

וַשְׁמוּאֵל אָמַר אֵין מוֹכַת עֵץ¹ בְּבֶשֶׁר –

And שמואל said, there is no מוֹכֵת עֵץ through flesh

OVERVIEW

The גמרא cites a dispute regarding a minor (less than nine years old) who had relations with a בתולה, whether she is considered a מוכת עץ (the view of רב יהודה אמר רב), or not (the view of שמואל). Our תוספות qualifies the ruling of שמואל.

בלא השיר בתולין איירי דאי בהשיר² למה יש לה להיות פחותה ממוכת עץ:

We are discussing a case where the בִּיאָה of the minor **did not remove her בתולין** (she is still a בתולה), **for if he removed** her בתולין (and she is no longer a בתולה), **why should it be** (for her) **any less³ than a מוכת עץ?!**

SUMMARY

The dispute between רב ושמאל is only when she remains a בתולה, however if she lost her בתולים all agree that she is a מוכת עץ.

THINKING IT OVER

1. How are we to understand (according to תוספות) the view of רב that she is considered a מוכת עץ (but not a בעולה) even though her בתולים remain?⁴
2. According to תוספות that the dispute between רב ושמואל is where לא השיר בתולין why do they use the phrase of מוכת עץ which indicates that she is no longer a בתולה?!
3. What would her status be according to רב if sheשיר בתוליה?⁵

¹ מוכת עץ (literally hit by wood) refers to a woman who lost her virginity on account of a wound, but not through a relationship with a man. According to ר"מ she still receives a כתובה מאתיים, while the חכמים maintain that a מוכת עץ receives a כתובה of a מנה.

² A בִּיאָה had no מוֹכֵת עַץ, nevertheless she is considered a מוֹכֵת עַץ, this woman too, since she no longer has בתולים, so even though the בִּיאָה קֶטֶן is not considered a בִּיאָה, she is no different than any other מוֹכֵת עַץ (who did not have בִּיאָה and nevertheless is considered a מוֹכֵת עַץ since she is not a בתולה).

³ The word 'less' is to be understood as why the ביאה of this קטן (which removed her בתולים) should be any less harmful to her than a מוכת עין which also only removed her בתולים. See מהר"ם שי"ף.

⁴ See אֵילַת אֲהָבִים and רֶשֶׁב"א.

⁵ See רשב"א (on the משנה).