ושמואל אמר אין מוכת עץ[[1]](#footnote-1) בבשר –

And שמואל said, there is no מוכת עץ 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.

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בלא השיר בתולין איירי דאי בהשיר[[2]](#footnote-2) למה יש לה להיות פחותה ממוכת עץ:

We are discussing a case where the ביאה 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 less[[3]](#footnote-3) than a מוכת עץ?!

Summary

The dispute between רב ושמואל 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]](#footnote-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 השיר בתוליה?[[5]](#footnote-5)

1. A 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 of מאתיים, while the חכמים maintain that a מוכת עץ receives a כתובה of a מנה. [↑](#footnote-ref-1)
2. A מוכת עץ had no ביאה, nevertheless she is considered a מוכת עץ, this woman too, since she no longer has בתולים, so even though the ביאת קטן is not considered a ביאה, she is no different than any other מוכת עץ (who did not have ביאה and nevertheless is considered a מוכת עץ since she is not a בתולה). [↑](#footnote-ref-2)
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 עץ which also only removed her בתולים. See מהר"ם שי"ף. [↑](#footnote-ref-3)
4. See רשב"א and אילת אהבים. [↑](#footnote-ref-4)
5. See רשב"א (on the משנה). [↑](#footnote-ref-5)