

They all see and show their mothers

כולהו רואות ומראות לאמן -

Overview

טענת בתולים stated in the name of ר' מאיר that by a blind girl there is no because (as זירא explained) she is banged on the ground and loses her בתולים. The גמרא asked, 'all the other girls also are also banged on the ground', and answers, 'all the other girls see [the blood] and show it to their mothers, however the blind girl does not see, so she does not show it to her mother'. There is a dispute between רש"י and תוספות how to explain this גמרא.

פירש הקונטרס¹ ופוסקות עליהן שהן בעולות² ואם לא הודיעתו הטעתו³ - explained, and the mothers (when they see the blood) they rule regarding their daughters that they are מוכת עץ and therefore considered like בעולות, and so therefore if she (the מוכת עץ) did not inform her husband, she tricked him and that is why he has טענת בתולים -

פרש"י asks on תוספות:

וקשה לפירושו דהא אליבא דרבי מאיר קיימינן⁴ ורבי מאיר אית ליה בפרק קמא (דף יג, א) - And there is a difficulty with רש"י's interpretation, for this discussion is according to ר"מ, and ר"מ maintains in the first פרק -

דמוכת עץ בין הכיר בה בין לא הכיר בה מאתיים⁵ - That regarding a מוכת עץ, whether he knew beforehand that she was a מוכת עץ, or whether he did not know beforehand that she is a מוכת עץ, her כתובה is two hundred זוז, so how can there be טענת בתולים -

תוספות offers his interpretation:

ונראה לרבינו יצחק דהכי פירושו כולהו רואות ומראות לאמן - And it appears to the ר"י that this is the explanation; they all see (the blood) and show it to their mothers -

וידועות שהן מוכת עץ שאמותיהן מגידות להן -

¹ בד"ה ומראות.

² In our רש"י it states שאינן בתולות (not שהן בעולות).

³ See footnote # 5.

⁴ ר"מ stated this ruling (about a סומא) according to ר"מ. See 'Overview'.

⁵ It seems from רש"י who writes, ואם לא הודיעתו הטעתו, that the reason he has טענת בתולים is because she did not inform him that she is a מוכת עץ, but what claim can he have, (especially) according to ר"מ who maintains that a מוכת עץ receives the entire כתובה, regardless whether or not he was aware of it before they were married!

And they know that they are עץ, for their mothers tell them -

ולחכי [כשהוא] אומר לא מצאתי לבתך בתולים והיא אומרת בתולה הייתי -

So therefore, [when he says, 'I did not find any בתולים by your daughter', and she says, 'I was a בתולה' -

אין לנו לתלות במוכת עץ שאם כן היתה אומרת מוכת עץ אני] -

We should not attribute his not finding בתולים by assuming that she is a מוכת עץ, for if indeed it is so, she would have said, 'I am a מוכת עץ' for she knows if she is a מוכת עץ; her mother certainly told her -

וכי לא אמרה מוכת עץ אני יש לה טענת בתולים⁷ -

And since she did not say, 'I am a מוכת עץ', therefore she has טענת בתולים -

אבל סומא תלינן שהיא מוכת עץ אף על גב דלא אמרה -

However, by a blind woman we assume that she is a מוכת עץ even though she did not say that she is a מוכת עץ, the reason for this difference is -

דאינה יודעת לפי שאינה רואה ואינה מראה לאמה ואין אמה מגדת לה:

Because she does not know, since she does not see the blood, so she does not show it to her mother, and therefore her mother does not tell her that she is a מוכת עץ.

Summary

Regarding a blind girl we can claim that she is a מוכת עץ, since she never showed her mother, however a 'regular' girl is not assumed to be a מוכת עץ, unless she claims so.

Thinking it over

The simple reading of the גמרא; all girls see (the blood) and show it to their mothers (and the mothers tell them that they are a מוכת עץ) but these (blind girls) do not see (the blood) and do not show it to their mothers (so the mothers do not tell them that they are מוכת עץ); does this language lend itself more to פרש"י or to פרש"י?

⁶ A marginal note indicates that the bracketed insert is from a תוספות ישנים.

⁷ Her husband is believed to claim that she was נבעלה and she loses her כתובה.