

האונס והמפתה והמוציא שם רע דממונא הוא –

One who forced or seduced or slandered which requires monetary restitution

Overview

The גמרא asks that אונס ומפתה of מזיקים ר' אושעיא should have mentioned the (ממונא); and since they are required to pay monetary damages (ממונא); and not (only) punitive damages (קנסא). The case of מוצש"ר¹, is where a newlywed husband accuses his wife that she was not a בתולה at the time of their נשואין. If the husband is proved to be lying he is required to pay a fine (קנס) of one hundred כסף to his father in law. There are no (other) monetary payments. מוצש"ר will explain why the גמרא mentions תוספות.

מוציא שם רע לית ביה ממונא כלל אלא מאה כסף אלא אגב אחריני נקטיה:

There is no monetary payment at all by a מוציא ש"ר, only the hundred כסף, which the husband must pay to his father in law; it is therefore not understood why the גמרא mentions it². **Rather** we must say **that he mentions מוצש"ר on account of the others** (i.e. אונס ומפתה). These three (אונס and מוצש"ר and ומפתה) are often mentioned in the same context³. The גמרא did not mean, however, that ר' אושעיא should actually mention מוצש"ר.

Summary

The גמרא mentions מוצש"ר on account of אונס ומפתה; there was no thought that מוצש"ר should be included, since it is solely a קנס payment.

Thinking it over

The דין by a מוצש"ר is that besides the מאה כסף that he pays to the father he is also obligated to remain married to her for the rest of his life (he cannot divorce her)⁴. This carries with it monetary obligations of שארה כסותה; he has to support her as long as he lives. Why should this not be considered ממונא?!

¹ דברים [תצא] כב, ג-יט.

² גורם 'ומוצש"ר' רש"י is not רש"י ד"ה אונס that רש"י ד"ה אונס would appear from.

³ They all deal with violation of בתולה issues.

⁴ The פסוק states: (דברים [תצא] כב, יט) ולא תהיה לאשה לא יוכל לשלחה כל ימיו (דברים [תצא] כב, יט).