

ואלו שאין להן קנס הגיורת והשבויה כולי -

And these are the ones who receive no fine; a convert and a captive, etc.

Overview

The משנה mentions שבויה (a woman who was previously held in captivity), as one of those who do not receive קנס, for it is assumed that they are בעולה. Our תוספות clarifies this.

תוספות responds to an anticipated difficulty:

אף על גב דמדאורייתא שבויה לא הויא בחזקת בעולה¹ כדאמרין² בכל דוכתי דבשבויה הקילו -
Even though that שבויה is not assumed to be a בעולה, as it is stated in many places, 'the חכמים were lenient by a שבויה' and do not consider her a בעולה
הלכות many -

מכל מקום אין לה קנס דמשום גזירה שלא תנשא לכהן³ עשאוה כבעולה לכל דבריה:
Nevertheless, she will not receive קנס, since because of a concern that she should not marry a כהן, the רבנן considered her as a בעולה in all aspects including קנס.

Summary

The איסור זונה לכהונה overrides all other considerations.

Thinking it over

Regarding what matters do we say, 'בשבויה הקילו', and when do we apply 'עשאוה' 'כבעולה לכל דבריה'?

¹ This means that the prohibition for a שבויה to marry a כהן is merely מדרבנן, however מה"ת she is permitted to marry a כהן. Regarding marrying a כהן it is understood why the חכמים were strict because there is a איסור כהונה, but why should we exempt the מאנס/מפתה from paying קנס; why should it be חוטא נשכר?!

² See previously ו"ש"נ כג,א.

³ If she will receive קנס, we will assume that she was a בתולה and was not נבעלה by the גוים, and is permitted לכהונה, when in truth, she may have been נבעלה and she is אסורה לכהונה, therefore to be sure that she is אסורה לכהונה, we establish her as a בעולה לכל דבריה and disallow the קנס. See 'Thinking it over'.