

Nevertheless there is a difficulty

מכל מקום קשיא –

Overview

ר' who ruled in our משנה that a שבויה has קנס, agrees with ר' יוחנן that a שבויה may eat תרומה (she is not considered a בעולה). However, רבה maintains that the reason ר"י ruled she receives קנס is because היא חוטא נשכר. The גמרא cited a ברייתא, in which ר"י ruled that if someone testified regarding a שבויה that she was not נבעלה, he should not marry her, which (seemingly) contradicts the ruling of ר"י in the משנה. Our תוספות qualifies this question

אליבא דרבי יוחנן פריך¹ וכן כל הנך פירכי דלקמן² –

The גמרא asks this question according to ר"י, and similarly all these questions which the גמרא asks later

אבל לרבה דאמר דטעמא דרבי יהודה³ שלא יהא חוטא נשכר לא קשיא מידי:

However, according to רבה who maintains that the reason of יהודה, why she receives קנס, is 'so that the sinner should not gain', there is no question at all.

Summary

All the questions on יהודה ר' are only according to יוחנן ר', not according to רבה.

Thinking it over

Why did תוספות wait until this point to make this distinction, he should have said it previously when the גמרא asked, "והתניא וכו",⁴

¹ The questions are according to ר' יוחנן who maintains that ר"י agrees with ר' דוסא that a שבויה is not בעולה.

² לז,א.

³ רבה maintains that even according to יהודה ר' a שבויה is no longer בתולה בחזקת בתולה, however we do not want the חוטא, the one who was מאנס/מפתה her, to get off free, therefore he rules that he must pay the קנס; however regarding other issues we consider her a בעולה.

⁴ See שיטה מקובצת.