

If so, a seduced one also

אי הכי מפותה נמי -

Overview

פיסוק הרגלים of an אנוסה is the pain of צער said that the רב נחמן אמר רבה בר אבוא (spreading her legs). The גמרא asked, if indeed that is the צער of an אנוסה, the same should be by a מפותה as well. תוספות discusses the intent of this question.

יש לה צער פיסוק רגלים כמו אנוסה ואמאי קאמר¹ אין דומה נבעלת באונס לנבעלת ברצון -
She (the מפותה) has the same pain of פיסוק רגלים like an אנוסה has, so why did the חכמים say to ר"ש, 'one cannot compare one who was נבעלה forcefully, to one who was נבעלה willingly' -

ואמר מורי הרב דודי זכרוננו לברכה דאמתניתין לא הוי מצי למיפרך² -
And my teacher, הרב דודי ז"ל, said, that the גמרא could not have challenged our משנה, by asking -

אמאי אונס חייב כיון שסופה להצטער בכך תחת בעלה -
'Why is אונס חייב for צער, since eventually she will suffer this pain by her husband', the reason the גמרא could not ask on the משנה -

דהא אפילו בעולה מצטערת בכך -
For even a בעולה suffers this pain of פיסוק רגלים -
ואף על גב דבא עליה עתה סופה נמי להצטער ולא תרויח כלום³ -

¹ The תחת בעלה of an אנוסה receives no צער payment since eventually she will have had this pain. The חכמים responded that it is not the same pain which she has with the מאנס (which is greater), as the pain she will have with her husband (which is not that painful). From this conversation we can infer that the צער of an אנוסה is not the צער of a בעולה (for that will not happen by her husband at all). The גמרא therefore explained that the צער is the פיסוק רגלים. The גמרא asked if פיסוק רגלים is the צער, that should apply to a מפותה as well, so (seemingly the question of the גמרא is that) she too should receive a צער payment (see footnote # 5). However תוספות explains the question differently; the חכמים responded to ר"ש that אינו דומה נבעלת באונס לנבעלת ברצון, therefore an אנוסה receives a קנס even though she is סופה להצטער תחת בעלה. That answer would be appropriate if the צער is from the באונס, however now that ר"נ is saying that the צער is פיסוק רגלים which occurs whether it is באונס or ברצון, so how could the חכמים answer the claim of ר"ש that an אנוסה should not receive a קנס since סופה להצטער, by saying דומה, but if the צער is פיסוק רגלים then it is דומה, so the argument of ר"ש is valid, why make him pay for פיסוק רגלים, since she will have the צער later as well. נמי א"ה מפותה נמי merely means that by a ברצון ביאה there is the same צער of פיסוק רגלים as by באונס ביאה, so either both אונס ומפותה pay צער or neither should pay, as ר"ש argues!

² It appears that the גמרא's question נמי מפותה איז on the חכמים of the ברייתא who are responding to ר"ש that אינו דומה. ר"נ is coming to answer the following question. Why does the גמרא ask this question (only) on the חכמים of the ברייתא, the same question can be asked on our משנה, which states that the מאנס is חייב for קנס. The argument of ר"ש is valid that (since the צער is פיסוק רגלים) she will have the same צער by her husband, for פיסוק רגלים is the same whether it is באונס or ברצון.

³ This is different from the צער of losing her בתולים, which once it is done, she will no longer have it again, however here the צער of פיסוק רגלים is a recurrent צער, therefore the מאנס needs to pay for it. There is no question on the משנה. However on the חכמים of the ברייתא we can ask, since the חכמים explain the reason for the קנס is because אינו דומה אונס

So even though he had relations with her now, nevertheless since eventually she will suffer pain again so she did not gain anything, by having this צער now –

An addendum

[קצת' נראה דאמתניתין פריך אמאי מפותה פטור⁵]:

[It seems somewhat that the גמרא is challenging the משנה, by asking, 'why by a מפותה is he exempt from paying קנס (but not why is a מאנס חייב)]

Summary

The question נמי מפותה א"ה is on the רבנן of the ברייתא who say that there is a difference between אונס and רצון, but if the צער is פיסוק רגלים, there is no difference between אונס and רצון.

Thinking it over

How can we explain that ת"י⁶ disagrees with תוספות and agrees with הרב דודי ז"ל?

!!מפתה and מאנס so how can we distinguish between (ברצון) by צער פיסוק רגלים is also by צער, but since לרצון

⁴ The bracketed line is an addendum from תוספות ישנים.

⁵ It seems that the ת"י is arguing with תוספות (and הר"ד [see 'Thinking it over']?) and maintains that the question is not on the חכמים of the ברייתא, but rather on the משנה that since a מפותה also has פיסוק רגלים, so why is the פטור from צער. See footnote # 1 & 2.

⁶ See אמרי בינה.