

**He gives the shame and degradation immediately - בושׁת ופגם נותן מיד -**

## Overview

The **בריתא** teaches regarding a **מפתה** that even though that regarding the **קנס** of fifty **בזש**, he pays only after he refuses to marry her, nevertheless he must pay **בזש** immediately. **תוספות** clarifies a possible misconception.

**תוספות responds to an anticipated difficulty:**

**אף על גב דאיתקש לקנס<sup>1</sup> היינו לענין שניתן זה למי שזה ניתן<sup>2</sup> -**

**Even though** בושׁת וּבִפְגַּם **are compared** קִנּוּס (so seemingly they should both be due at the same time), nevertheless that comparison **is only regarding** the rule **that to the person whom one** payment is given (for instance קִנּוּס), **the other** payment (בִּו"פ) is also **given** -

**אבל יש מקומות שפטור מקנס לגמרי<sup>3</sup> וחייב בבושת<sup>4</sup> ופגם:**

**However there are cases where he is completely exempt from קנס, but nevertheless liable for ב"פ.**

## Summary

קנס and ב"פ are compared regarding that they must be given to the same person, but in other respects they are not compared.

## Thinking it over

Is there any argument to be made that even if we know that יש מקומות שפטור מקנס בו"פ, nevertheless it is still logical to say that the payment of בו"פ should be concurrent with the payment of קנס?

<sup>1</sup> See later מִבְּמָה, where רַבָּא states, הֵנָּה שְׂכִיבָה כֶסֶף, הנאת שכילה כסף, אמר קרא (דברים [תצא] כב, כט) ונתן האיש השוכב עמה לאבי הנערה חמשים כסף, הנאת שכילה כסף, מכלל דאיכא בושת ופגם ד"ה מכלל רש"י.

<sup>2</sup> This means that קנס ו"ב, must be given to the same person (either the father [or his heirs], or the daughter). See later מ"ב. See also תוס' לה, ד"ה יש (TIE footnote # 12).

<sup>3</sup> For instance if he is מודה, where מודה בקנס פטור, but he liable for בו"פ which is ממון. See 'Thinking it over'.

<sup>4</sup> Therefore it is certainly understandable that the timing of their payment can be different.