

## מאי לאו דקא טעין טענת פתח פתוח –

**פתח פתוח Is it not so; that he alleged the claim of**

### OVERVIEW

(האומר פ"פ מצאתי נאמן לאוסרה עליו ר"א that in his attempt to prove the ruling of assumed that the טענת דמים is טענת פ"פ (and not דמים).<sup>1</sup> Our תוספות explains what led אביי to this assumption

נראה לפרש<sup>2</sup> דקא סלקא דעתין דבטענת דמים<sup>3</sup> ליכא למיחש לאיקרוי דעתא -

The explanation seems to be, that we assume that by טענת דמים there is no concern that his mind will be calmed and he will not come to בי"ד if there is a delay -

דכיון דליכא דם<sup>4</sup> לבו נוקפו ואין מתקרר<sup>5</sup> אבל בפתח פתוח<sup>6</sup> איכא למיחש שמא יתקרר:

For since there was no blood, his 'heart pounds' with concern and he will not cool down; however by a claim of פ"פ there is concern that he will cool off (and not come to בי"ד). Therefore they were טענת פ"פ only, to make sure that he comes immediately before he cools down.

### SUMMARY

In the הו"א we assumed that there would seemingly be no need to be concerned for טענת פ"פ by טענת דמים, only by אקרוי דעתא.

### THINKING IT OVER

Why was it necessary for תוספות to explain the הו"א that the משנה is discussing טענת פ"פ (only); perhaps the גמרא meant we are discussing all טענות including פ"פ (which would still prove that by טענת פ"פ he is לאוסרה עליו)?<sup>7</sup>

<sup>1</sup> See 'Thinking it over'.

<sup>2</sup> See 'Overview'.

<sup>3</sup> טענת דמים (a claim of blood) means that there was no דם בתולים by the initial ביאה, which (seemingly) proves that she is not a בתולה (as opposed to פ"פ, in which he claims that no membrane was broken).

<sup>4</sup> The lack of דם is the most accurate way to substantiate that she is not a בתולה. There is no doubt in his mind.

<sup>5</sup> He will come to בי"ד even after a delay of a few days; since he is certain she is not a בתולה, she may be עליו אסורה if she was מזנה (ברצון). Therefore there is no need to institute ד' בתולה נשאת ליום, for no matter when he marries if he has טענת דמים he will certainly come to בי"ד eventually.

<sup>6</sup> This is not so definite a proof since he may be בקי; therefore if there is any delay there is the possibility that he will not come to בי"ד. It was only for פ"פ, טענת פ"פ, that the חכמים instituted that ד' בתולה נשאת ליום.

<sup>7</sup> See עמוד רב יוסף of מאי לאו דקא טעין טענת פ"פ (and also how תוספות will explain the מהרש"א הארוך)