

דאיתיליד ליה אונסא באורחא - That an emergency developed on the way

Overview

The גמרא relates that a person sold his assets with a declared stipulation that it is with the intent that he is going to Israel. After the sale he did not go to Israel and wanted to void the sale. רב אשי ruled that the sale is valid, for if he wants he can still go to Israel. Another version of his response is; 'if he wants cannot he go up to Israel'. The גמרא explained there is a difference between these two versions (of רב אשי's response) in a case where an emergency arose and it was difficult to travel to א"י.¹

² responds to an anticipated question: תוספות

ולעיל שהוצרך לומר דברים שבלב אינן דברים -

And previously (where he did not explicitly stipulate), **where it was necessary to say** that the reason the sale is valid is because **דברים שבלב אינם דברים**, seemingly the גמרא should have simply said the sale is valid since אי בעי סליק -

צריך לומר דללישנא דאי בעי לא סליק איתיליד ליה אונסא באורחא³ -

It will be necessary to say that according to the version of the א"ד that רב אשי maintains the sale is valid **since**, 'if he would want, cannot he go up to א"י', that the previous case of דברים שבלב is in a situation **where אונסא באורחא**, where the rule is that if he stipulated the sale is void -

וללישנא דאי בעי סליק צריך לומר דאיתיליד אונסא שאפילו על ידי תיור לא היה יכול לעלות:

And according to the first version that רב אשי said the sale is valid, 'since if he wants he can go up to א"י', **it will be necessary to say that** the case of דברים שבלב is **where there occurred such an אונס that he could not go up to א"י even if he accompanied** a caravan. In these two respective instances the sale is void, only because it was דברים שבלב.

Summary

We need to come on to דברים שבלב אינם דברים, in order to validate a sale where it

¹ See דאיתיליד רש"י ד"ה that according to the ל"ק, the sale is valid, because he could put in the effort and find a way to go to א"י and circumvent the אונס. According to the א"ד the sale is void, because the answer of רב אשי was, 'cannot he go to א"י', indicating that it is a simple matter and therefore the sale is valid; however if there are complications, the sale is void.

² The גמרא here is saying that the sale is valid since he can go to א"י. Why previously did we say that the sale is valid since דברים שבלב אינם דברים, we can simply say that the sale is valid since he should go now to א"י.

³ See footnote # 1 that according to the א"ד if אונסא the sale is void (if he stipulated).

⁴ In such an אונס even the ל"ק will agree that the sale is void (when stipulated) since even if אי בעי he cannot go to א"י.

was either difficult or virtually impossible to carry out the stipulation (depending on the two versions).

Thinking it over

Why does תוספות explain the לשון of 'אי בעי לא סליק' (which is the א"ד [the second version]), before he explains the לשון of 'אי בעי סליק', the first version?!⁵

⁵ See מהרש"א הארוך and עצמות יוסף.