

Where there is none

בדליכא -

OVERVIEW

The גמרא answered that according to ר"ה (that רוב וקרוב הלוח אחר הרוב), we must interpret the משנה of ניפול that there was no other larger שובך nearby, therefore we follow the קרוב. Our תוספות responds to an anticipated question.

תוספות anticipates a difficulty:

לא מצי למיפרך דניזל בתר רובא דעלמא¹ -

The גמרא **could not have asked; but let us follow the majority of the world –**

תוספות responds:

דמיירי דליכא שום שובך תוך שלשים ריס ואמר לעיל דלא שייטי אלא שלשים ריס ותו לא:
For we will say [that 'בדליכא' means] that the משנה is **in a case where there is no other שובך within thirty ריס** (of this ניפול), **and the גמרא stated previously that they only fly thirty ריס and no more;** therefore, it could not have come מעלמא.

SUMMARY

When the גמרא answers בדליכא it means that there is no שובך within thirty ריס.

THINKING IT OVER

If there is no שובך (even) within thirty ריס, what is the חידוש of the משנה that it belongs to the בעל השובך; it is obviously his! Where else did it come from?!

¹ Granted that there are no שובכים nearby, who individually are larger than the closest שובך. But let us look at all the שובכים (of the world), and we should follow that majority, and not return it to the closest שובך, but rather allow the finder to keep it, for we follow the רוב.