

כולם כאבות לשלם ממיטב –

All of them are like the אבות in regards to pay from the choicest

OVERVIEW

The גמרא explains that the reason the מזיקים of ר"א ור"ח are referred to as אבות is because they are comparable to the אבות of our משנה who are required to pay from ממיטב.¹ These מזיקים are also required to pay ממיטב.

anticipates a question: תוספות

ואף על גב דתולדות דאבות דמתניתין משלמין נמי ממיטב -

And even though the תולדות of the אבות of our משנה also pay from ממיטב; why is it necessary to designate these מזיקין of ר"א ור"ח as אבות, in order that we understand that they pay from ממיטב?! We see that תולדות also pay ממיטב!

answers, that - תוספות

מכל מקום הני אי לאו דקרינא להו אבות לא הוי ידעי דמשלמי ממיטב:

Nevertheless concerning these מזיקין, that are not mentioned in the משנה, if we would not refer to them as אבות, it would not be known that they are required to pay from ממיטב.²

SUMMARY

It is necessary to designate the מזיקים of ר"א ור"ח with the name אבות so that it is clear that they are similar to the אבות of the משנה in regards to paying from ממיטב.

THINKING IT OVER

Is there any connection between the term אבות and the obligation to pay from ממיטב?

¹ This is clearly stated in our משנה. There is no such clarification concerning the מזיקים of ר"א ור"ח.

² It is understood that the תולדות of the אבות ד' pay ממיטב since they are the תולדות of these אבות. However, concerning the מזיקים of ר"א ור"ח who are not related to the אבות ד', it is not certain that they pay ממיטב. Once we refer to them as אבות, however, then it is evident that the reason we refer to them as אבות is to teach us that they pay ממיטב just as the אבות of the משנה. See 'Thinking it over'.