

# The Weekly Daf



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**Bava Kama 79-85 Week of 3-9 Sivan 5754/13-19 May 1994**

*Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied as part of Daf Yomi during the above dates.*

***This issue is dedicated in memory of Morris & Sara Schwartz O.B.M.***

## The Greater Crime

**If** a man steals something from another and he is brought to justice he must return the stolen object to the owner and pay him a penalty equivalent to its value. Should he aggravate his crime by slaughtering or selling the ox or lamb he has stolen he must restore to the owner five oxen for the stolen ox or four sheep for the stolen lamb. These penalties apply only to a **ganav** – a sneak thief who steals only where he cannot be seen by others – and not to a **gazlan** – a bold robber who takes his loot in full view of the victim.

**Why** did the Torah penalize the *ganav* and not the *gazlan*?

This question was put to Rabbi Yochanan ben Zakkai by his disciples, and this was his reply:

The *gazlan* shows as little fear of man as he does of G-d while a *ganav* is more afraid of man than he is of G-d. The latter's action expresses an attitude that Heaven neither sees nor hears what happens below.

An illustrative parable was offered by Rabban Gamliel:

*Two people living in the same city make banquets. One invites the townspeople along with his family but neglects to invite the royal family. The other invites neither the townspeople nor the royal family. Which of them has more grievously insulted the aristocracy? Obviously the one who showed more respect for the common townspeople than he did for royalty.*

*Bava Kama 79b*

## Labor and Human Dignity

**What** is the consideration for determining a more severe penalty for stealing and disposing of an ox than for doing the same with a lamb?

**The value of labor**

says Rabbi Meir

The ox is a laboring animal and preventing it from providing its owner with productive labor is a more serious offense than removing the lamb which is not used for labor.

**The value of human dignity**

says Rabbi Yochanan ben Zakkai

The ox is capable of walking along with the thief while the lamb must be carried by the thief in his hurry to escape the scene of the crime. This indignity suffered by the thief is sufficient to mitigate the degree of his penalty.

*Bava Kama 79b*