

## פרשת משפטים

כי יגנוב איש שור או שה וכו' שנים ישלם [כו, לג]

**The** Gemara in בבא קמא ע"ב questions why the Torah is more stringent with a גנב, a thief, than a גזלן, a robber? A גזלן is required to merely return the item he stole, whereas a גנב must pay back double. The Gemara explains that a גנב who stole in private is more afraid of people than Hashem, whereas a גזלן who steals in broad daylight does not have a greater fear of people than Hashem. This Gemara seems difficult to understand. We would have thought that a גזלן, someone who would steal even in public is much worse. Not only will he steal, he will do it with audacity and total disregard of the prohibition of stealing.

**The** Brisker Rav, Rav Yitzchok Zev Soloveichik זצ"ל, explains that there is a basic difference between a גנב and a גזלן. A גנב in his concern of being seen and discovered by people will do a lot of planning and prepare a strategy to avoid detection. A גזלן on the other hand doesn't need to plan a strategy because it makes no difference to him if people notice him or not. This is why the Torah is more critical and stringent with the גנב versus the גזלן. A גזלן when he goes to steal doesn't think much about what he is doing. Such a person there is no wonder why he didn't think about Hashem. However, someone who has taken the time to think and strategize how to avoid people should have taken the time to think and reflect about Hashem as well. For this the Torah considers what he did as a greater עבירה and gave him a greater punishment.

**We** see from the Torah's reaction to a גנב that the Torah factors in more than just the action that is done. The more a person is capable of having יראת שמים, the more he is held accountable. There may be times that we will make plans to do something that perhaps is not so befitting a Torah Jew. As thinking Jews, the Torah will hold us more responsible for not having Hashem in mind and behaving accordingly. May we be זוכה to constantly have יראת שמים in our minds.

Have a good Shabbos.

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