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.

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.