

Teshuva for Shoplifting

By Rabbi

Yitzchok Basser

Q:

In his teenage

years, someone shoplifted from a store owned by a family friend. He wants to

make amends. Is it sufficient to anonymously return the value of the item stolen, or must he take the difficult step of identifying himself and asking *mechila*.

A:

It is

preferable to ask *mechila*, but he is not required to do so. In a case of difficulty one may be lenient and not ask.

There is an

apparent contradiction regarding this issue. The Rambam in the Laws governing

Personal Injury (Hilchos Chovel U'mazik 5:9) states that there is a distinction

between causing another person bodily harm, and damaging monetary possessions.

The latter needs only to pay for the damages incurred, whereas the former must

also ask *mechila*, forgiveness, from the victim. This would imply that stealing, which only involves monetary harm, would not obligate requesting *mechila*.

However, in the

Laws of Teshuva the Rambam (2:9) states that Teshuva only helps for transgressions Bein Odom LaMokom, between man and his Creator.

However

regarding transgressions against another person, such as causing him bodily

harm, or cursing him, or stealing from him, one will never attain atonement until he returns what he has taken, and appeased his friend.

The *meforshim* point out this seeming contradiction. The *meforshim* take two approaches in answering this question. The Lechem Mishna (Hilchos Chovel) answers by noting that the Rambam in Hilchos Teshuva refers to stealing

as *Gezaila*, which connotes a form of thievery whereby the thief takes the object by force from the owner, and proceeds to derive personal benefit from

the object. Such an act causes emotional distress, and therefore warrants asking for *mechila*. However the Rambam in Hilchos Chovel is referring to damaging another person's possessions, which lacks the element of causing significant emotional distress, and would therefore not require asking *mechila*.

The Sefer

Hakovetz (see also Darchei Dovid B”K 91b) takes a completely different approach. He understands the Rambam in Hilchos Chovel to be discussing the minimum obligation to attain any level of atonement. Only one who causes bodily harm would be included in such an obligation. However in Hilchos Teshuva the Rambam discusses the proper approach that a penitent person should have, and that is to request *mechila* even for transgressions that are not as severe as causing bodily harm.

Getting back to our question, whether a shoplifter is obligated to ask *mechila*, it would depend on these two approaches. According to the Lechem Mishna, since the stealing took place in a manner that did not cause emotional distress, he would not be obligated to ask *mechila*.

However, according to the approach of the Sefer Hakovetz it would be proper to ask *mechila*.

In our case, since asking *mechila* involves emotional difficulty, and according to the Lechem Mishna there is no obligation at all to ask *mechila*, and even according to the Sefer Hakovetz doing so would not be a strict obligation, one may be lenient and not disclose his identity for the purpose of asking *mechila*.

It would be proper to send an anonymous letter apologizing for his indiscretion and asking for forgiveness.