

I Beg Your Pardon? Mechila for Shoplifting

By Rabbi Yitzchok Basser

Repentance is a central theme of the Yamim Noraim, and an appropriate time to make amends.

Here we will explore the obligations of an individual who shoplifted in younger years, and now would like to make things right. That he has to return the value of the item stolen is a given. The question is: 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 (forgiveness)?

The simple answer is that 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 pay for the damages incurred, whereas the former must also ask Mechila 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, cursing him, or stealing from him, one will never attain atonement until he returns what has been 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 of whether a shoplifter is obligated to ask Mechila, it would depend on the 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.