

# PARSHAS KI SEITZEI: ELEVATE YOURSELF!

*by Rabbi Yaakov Horowitz*

Several pesukim in this week's parsha discuss the administering of malkos (lashes) to an individual who had violated specific mitzvos of the Torah. There are numerous halachos that govern the conduct of the shaliach Beis Din (officer of the court) as the malkos were to be given.

Among them is the instruction to give the malkos judiciously, counting each one carefully and stopping after the proper number of lashes. In fact, if even one extra lash was willfully given to the perpetrator (Devarim 25:3), the shliach Beis Din would himself be subject to lashes for violating his mandate to carefully administer the malkos.

## **Why Forty - or Thirty-Nine?**

The Ramban offers two explanations as to the symbolism of forty lashes. He notes that the one receiving lashes violated the Torah that was given in forty days. Another reason for the number forty would be that this corresponds to the number of days that it takes a child to develop in the mother's womb. According to this line of reasoning, the perpetrator is given lashes for failing to fulfill his purpose in being created (in forty days).

The exact number of lashes given, and the manner in which the number is presented in the Torah is the subject of some discussion. The gemorah (Makos 22a) explains that although the Torah states, "Arbaim yakenu - forty [lashes] shall he strike him" (Devarim 25:3), the actual number of lashes given was only thirty-nine. The gemorah notes that this is due to the fact that shliach Beis Din was instructed by the Torah to stop the lashes when we reached a count of forty - but before the fortieth lash was actually given.

## **A Powerful Message**

Rabbi Moshe Sofer, known as the Chasam Sofer, maintains that the two reasons for the number forty offered by the Ramban offer a fascinating insight into our potential for spiritual growth.

He notes that the Torah was given after Moshe was in Mount Sinai for forty complete days (we see this from the miscalculation of the Jews regarding the exact timing of Moshe's descent from Har Sinai; Shemos 32:1, see Rashi). The formation of a child takes place during the fortieth day - or after 39 full days. Therefore, says the Chasam Sofer, since the number of lashes delivered was actually thirty-nine, we can infer that the not realizing one's potential is a greater sin than violating the Torah! Be Proactive!

I would like to suggest that this theme of spiritual growth - and the temporary failure to achieve that goal as it relates to the one receiving malkos - might be the reason for the insertion of the pasuk "Lo sachsom shor bedisho" (Devarim 25:5) immediately following the halachos of malkos. The Torah's instruction to a farmer not to muzzle an ox while he is in the midst of threshing seems jarringly out of place in this sequence of pesukim. What is the connection between the two seemingly disparate topics of malkos and refraining from muzzling an animal?

I would like to suggest that the Torah is addressing the future of the person receiving the malkos. He had erred and hopefully will be looking to mend his ways and resume on his path to spiritual growth. He will be seeking guidance from the Torah - a road map to ensure that he will not stray from the proper path in the future.

The Torah offers the one who recently sinned a powerful image - that of an ox in a threshing room. The Torah commands a farmer to refrain from muzzling an ox in the threshing room since it would be considered cruel and unusual punishment to surround it with millions of kernels of grain and restrain it from eating any of them.

So too says the Torah to the sinner. It will be nearly impossible for you, surrounded by so many temptations in this materialistic world, to simply "muzzle yourself" and refrain from all illicit activities. What a Torah Jew needs to do is to elevate him or herself from the animalistic tendencies we are born with and raise our eyes and hearts to Hashem. When we concentrate on our elevated neshama (soul) and focus on our spiritual growth, it will be so much easier to avoid sin and live a meaningful Torah life.

Best wishes for a Gutten Shabbos

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