



## A VORT FROM THE ROSH YESHIVA

### מורינו הרה"ג ר' אברהם גורביץ שליט"א

#### פרשת כי תצא

וְהָיָה אִם בֶּן הַכּוֹת הָרָשָׁע, וְהָפִילוּ הַשֹּׁפֵט וְהַכֹּהֵן לִפְנֵי כֹדֵי רִשְׁעוֹ בְּמִסְפָּר. (דברים כה, ב)

*It will be that if the wicked one ought to be beaten, the judge shall cast him down; and he shall strike him, before him, according to his wickedness, by a count. (Devorim 25: 2)*

In this week's *Sidrah*, the Torah outlines the laws of *malkos*, the punishment of lashes. This punishment is administered for transgressions of certain negative commandments. The Beis Din summons an expert to determine the maximum number of lashes the sinner can endure, which is capped at 39. This process follows the guidelines established by the Torah and the teachings of Chazal.

The directive in the *possuk* to whip the sinner כֹּדֵי רִשְׁעוֹ, *according to his wickedness*, requires clarification. The subsequent *possuk* clearly states the number of *malkos* the sinner is to receive, so why does the Torah mention here that he is punished כֹּדֵי רִשְׁעוֹ? Rashi cites the Gemara (*Makkos* 23a) to explain that this phrase indicates *how* the *malkos* were administered. They would whip the sinner one-third of the *malkos* (13) in front of him, striking his chest, and two-thirds (26) behind him, striking his back. Thus, the *possuk* can be understood as teaching: כֹּדֵי רִשְׁעוֹ - לִפְנֵי, *in front of him - according to his wickedness* (13), but behind him, according to double his wickedness.

According to the Gemara's interpretation, the *possuk* implies that, essentially, the sinner should receive only 13 *malkos* in fulfilment of כֹּדֵי רִשְׁעוֹ, *according to his wickedness*, which is a small fraction of the total. If that is the case, why does the sinner actually receive more than 13 lashes? What do the two additional sets of lashes represent, and what is the significance of the 13 lashes?

The Rosh Yeshiva *shlita* clarifies that there are three elements to sin, each corresponding to a set of punishments. He cites Rabbeinu Yonah (*Sharei Teshuvah* 1:10), who explains that sinners should recognise the negative consequences and bitterness of straying from the path of Hashem. Moreover, they should internalise that there is עֲנֵשׁ וְנִקְמָה וְשָׁלֵם, *punishment, vengeance and recompense*, for sin, as stated in the *possuk* (*Devorim* 32:35): לִי נִקְמָה וְשָׁלֵם, *to Me belongs vengeance and recompense*.

In the words of Rabbeinu Yonah, it is clear that there are three aspects of sin, each resulting in different types of retribution, which will be explained. In the weekday *Shemoneh Esrei*, we daven: סִלַּח לָנוּ אֲבוּינוּ כִּי חָטָאנוּ, מַחֵל לָנוּ מִלִּפְנֵי כִּי פָשַׁעְנוּ, *Forgive us, our Father, for we have erred; pardon us, our King, for we have sinned*. What are the two references to Hashem as being our Father and our King? Additionally, what are the different expressions of sins mentioned here?

R' Yitzchok Meltzen (*Siach Yitzchok*) explains these phrases, based on an understanding of the different terms used for sin. The word חָטָאִים denotes sins committed in error, while פְּשָׁעִים refers to sins committed intentionally. A father has his child's best interests at heart and feels pain upon witnessing any unbecoming behaviour or poor character traits in his child. Even accidental sins or mistakes concern him, as they indicate the child's lack of development. In contrast, a king is primarily focused on the honour of his kingdom and expects all his citizens to adhere to his laws and regulations. Consequently, he may overlook wrongdoings committed unintentionally since they do

not signify a disregard for his authority; however, a king will be distressed by acts of disobedience and rebellion. Therefore, we acknowledge, סָלַח לָנוּ אֲבוּנוּ כִּי חָטָאנוּ, because even our accidental wrongdoings require forgiveness from Hashem, our Father, who is pained by His child's mistakes. For our wilful sins, we say מַחֵל לָנוּ מִלְכָּנוּ כִּי פָשַׁעְנוּ, recognising that Hashem, our King, is concerned about any affront to His rulership, as indicated by purposeful sins.

Consequently, we can clarify the terminology used by Rabbeinu Yonah regarding a sinner deserving three punishments:

- 1) Firstly, a sinner deserves עֲנָשׁ, *punishment*, for the actual sin committed and for the lack of personal growth resulting from that sin.
- 2) Furthermore, the action of one who has committed a deliberate sin constitutes a Chilul Hashem, and is deserving of an additional set of *malkos* to fulfil the term of נִקְמָה.
- 3) Lastly, in the opening chapter of Mesillas Yesharim, it is stated that every person faces countless significant choices throughout their life, and these choices carry substantial consequences. Those who rise above their base desires, follow the will of Hashem, and utilise this world as a means of serving Him elevate not only themselves but also uplift the entire world. Conversely, a sinner who indulges in worldly pleasures and distances himself from Hashem becomes degraded and degrades the world with him. Thus, the actions of the sinner have a negative impact on the entire world, creating a need for rectification. This rectification is achieved through the third set of lashes, which serve as a form of שְׁלֵמָה, *payment*, to make amends for the spiritual damage to the world caused by the sinner's actions.

The Rosh Yeshiva offers further insight into how the three sets of *malkos* are distributed. One-third of the *malkos* are administered to the front of the sinner's body, while two-thirds are given to the back. This division corresponds to three aspects of sin. As explained, the primary punishment arises from the actual sin committed and the character deficiencies it reveals in the sinner. Until the sinner has performed *teshuvah*, their sin continues to impact them, as one sin often leads to another. This is symbolised by the *malkos* received on the front of the body, representing the future consequences of their actions. The two sets administered on the back of the body refer to the past – behind him: one set represents the offence against Hashem's honour, while the other reflects the damage caused by the sinner's transgressions.

The significance of each set being specifically 13 *malkos* can be understood based on the covenant that Hashem made with Klal Yisroel to lead a more elevated life. When Hashem commanded (*Bereshis* 17:10): זָכָר, הַמּוֹל לְכֶם כָּל זָכָר, וְאֵשֶׁר תִּשְׁמְרוּ וְכוּ', *this is My covenant which you shall keep ... every male among you should be circumcised*, we not only entered into a covenant with Hashem concerning the physical removal of the *orlah*; we were also instructed to eliminate any spiritual obstacles that prevent a person from achieving a pure heart (as noted by Kli Yakar and Malbim). Thus, every sinner has violated this covenant and deserves punishment of 13 *malkos*, corresponding to the 13 *brisos* related to *milah*.

We learn about the significant consequences of sin through the punishment of *malkos*, which highlights the importance and need for *teshuvah*. Transgressing Hashem's *mitzvos* has a profound impact, both personally and on the world at large. May we use these days of Elul to rectify our misdeeds and return to Hashem.