

Shvilei Pinches

Parshas Ki Seitzei

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Parshas Ki Seitzei 5770

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The “Forty Lashes” Alludes to the Forty Days from Rosh Chodesh Elul to Yom Kippur

In this week’s parsha, parshas Ki Seitzei, we learn about the number of lashes a sinner receives (Devarim 25,2):

“והיה אם בין הכות הרשע, והפילו השופט והכהו לפניו כדי רשעתו במספר, ארבעים יכנו לא יוסיף, פן יוסיף להכותו על אלה מכה רבה ונקלה אחיך לעיניך.”

“If the wicked one deserves lashes, the judge shall cast him down, and he shall strike him according to his wickedness, by a count. He shall strike him forty lashes; he shall not add; lest he exceeds this number and your brother will be degraded in your eyes.”

Our sages of blessed memory provide us with two reasons why the sinner is punished with precisely forty lashes: (1) to purify the life-force of the sinner that was created in forty days and (2) to represent the blemish he caused in the Torah that was given to Moshe over a period of forty days. Here are the words of the Midrash (Bamidbar Rabbah 5,4):

“ולמה חייבתו תורה ליתן לו מלקות ארבעים, לפי שעבר על התורה שנתנה למ’ יום, וגרם מיתה לעצמו שנוצר בארבעים יום, ילקה ארבעים ויצא ידי עונשו.”

How timely and fitting it is to draw a connection between the commandment of “ארבעים יכנו”, “he shall strike him forty lashes,” and the forty day period from Rosh Chodesh Elul to Yom Kippur—the last forty day period that Moshe spent on the mountain in order to receive the second tablets.

The Sforno (Shemos 24,18) explains that the forty days that Moshe Rabeinu went up to the heavens in order to receive the Torah represented a new beginning and a rebirth for klal Yisroel—marking their transformation into the “people of the Torah.” Seeing as they failed to achieve this lofty goal after Moshe’s first forty days in the heavens—due to the sin of the egel—this last set of forty days was necessary to create a new birth. A similar view is presented by the Sifsei Kohen (Ekev):

“ואשב בהר ארבעים יום וארבעים לילה. מה שהיו ארבעים יום כנגד יצירת הולד, כמו שיצירת הגוף בארבעים יום כן היה צריך ארבעים יום לתורה.”

The Body Was Created in Thirty Nine Days the Neshomeh Entered on the Fortieth Day

Nevertheless, it is worthwhile examining the following Mishnah (Makos 22.): **“כמה מלקין אותו, ארבעים חסר אחת, שנאמר במספר ארבעים, מנין שהוא סמוך לארבעים”**

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he given? Forty minus one, as it says 'by a count of forty,' meaning a number that is close to forty." Rashi comments: **“חשבון המשלים סכום של ארבעים שגורם לקרות אחריו ארבעים והיינו שלשים ותשע”**—“a number that completes the total of forty, that leads to forty, which is thirty-nine.” We can only wonder! After all, the possuk specifically states: **“ארבעים יכנו”**—“he shall strike him forty lashes.” How, then, do the sages derive that we are only supposed to inflict thirty-nine lashes upon the sinner, a number that is close to forty? Furthermore, if the forty lashes correspond to the forty days required to form a new life, how do a mere thirty-nine suffice?

We find a tremendous insight concerning this matter in the Gur Aryeh written by the remarkable Maharal of Prague, zy”a. His explanation is based on Rashi (Bereishis 7,4) who explains that the generation of the flood were punished by means of forty days of rains corresponding to the forty days required to create a new life. The Maharal proceeds to explain that the physical form, the body, is created during the first thirty-nine days, and the spiritual soul, the neshomeh, enters the body on the fortieth day. Additionally, when one sins, the sin is due primarily to the influences of the physical body. The neshomeh, however, a part of Hashem from above, is free of sin, since it only longs for spiritual gratification and to serve Hashem.

Despite this fact, so long as the physical body is blemished by one’s sins, the neshomeh is affected as well—as we have learned (Bava Kamma 92.): **“כל המחובר לטמא טמא”**—that which is connected with the defiled is also defiled. For this reason, the Torah states: “he shall strike him forty lashes”—corresponding to the defilement of the body and the neshomeh which were created during the forty days of the formation of life. In reality, however, after the sinner has received the first thirty-nine lashes, the body—which was formed in thirty-nine days—has already been purified of its sinful blemishes. The neshomeh, as a result, is now also pure and free of defilement, since it is no longer attached to a defiled body.

This incredible insight of the Maharal’s, though, still requires additional explanation. For, after all is said and done, only thirty-nine lashes are necessary to rid the body of its defilement, making the fortieth one unnecessary—being that the neshomeh is no longer connected to a defiled body. So, why does the Torah state: **“ארבעים יכנו”**—“he shall strike him forty lashes”?

The Value of a Single Impulse of Self-Discipline in a Person’s Heart

We find an incredible idea in the Toras Moshe, written by the Chasam Sofer, and in the Divrei Yechezkel from the holy Shinaver Rav, zy”a, that helps us with our dilemma. They cite the Gemorah (Berachos 7.):

“טובה מרדות אחת בלבו של אדם יותר מכמה מלקויות”—“a single impulse of self-discipline in a person’s heart is more valuable than many lashes.” While it is true that Heaven dictates that the

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wicked person receive numerous lashes for his transgressions, the ultimate purpose of this punishment is to bring him to self-realization. He must admit to himself that he has willfully sinned and rebelled against the King of Kings, the Holy One Blessed is He. This admission and self-realization, **“מרדות אחת בלבו של אדם”**, accomplishes more than all of the physically-inflicted lashes.

So, the reason the Almighty commanded beis-din to punish the sinner with lashes, was to awaken him to do teshuvah. He must eventually self-discipline himself and ask himself: how could I have had the audacity to violate the will of HKB”H, which all of the heavenly angels are waiting anxiously to fulfill?

As a consequence of the thirty-nine lashed inflicted upon the sinner by beis-din, he delivers the fortieth blow himself, **“מרדות אחת בלבו של אדם”**, which is more effective than all of the rest. It is now clear how our blessed sages deduced from the words **“ארבעים יכנו”** that a sinner is to receive only thirty-nine lashes. They understood that the ultimate goal was the single blow of self-discipline inflicted by the sinner himself as a consequence of the first thirty-nine lashes; together, forty blows in total were dealt, fulfilling the command **“ארבעים יכנו”**.

“I Did Not Find Anything More Beneficial for the Body than Silence”

In honor of the month of Elul, the month of teshuvah—when we long to correct all of our wrongs of the past year and to draw closer to Hashem—let us expand on this concept of: **“טובה מרדות אחת בלבו של אדם יותר מכמה מלקויות”**—“a single impulse of self-discipline in a person’s heart is more valuable than many lashes.” We must explain: (a) what is this force within a person that is able to deliver this single blow of self-discipline and where is it located? (b) if this force is capable of delivering a single resounding blow to a person’s heart, why does it wait to do so until after the fact, why not take action before the sin?

The answer to our inquiries can be found in the following Mishnah (Avos 1,17): **“שמעון בנו [של רבן גמליאל] אומר, כל ימי גדלתי בין החכמים, ולא מצאתי לגוף טוב משתיקה, ולא המדרש—הוא העיקר אלא המעשה, וכל המרבה דברים מביא חטא”**—“Shimon his son says: All my days I have been raised among the sages, and I did not find anything more beneficial for the body than silence; and it is not study that is the main thing but practice; and anyone who talks excessively, invites sin.” It is peculiar that the Mishnah relates “silence” to the body, even though the function of speech is performed by the mouth.

We can understand this in light of a possuk describing the creation of man (Bereishis 2,7): **“וויצר ה' אלקים את האדם עפר מן האדמה ויפח באפיו נשמת חיים ויהי האדם לנפש חיה”**—“And Hashem G-d formed man out of dust from the earth, and He blew into his nostrils the soul of life;

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and man became a living being.” We see, here, that the Creator, Blessed is He, created man with two distinct components. First, He created the physical body, “dust from the earth”; afterwards, he created the neshomeh, a piece of Hashem from above—“and He blew into his nostrils the soul of life.”

Now, these two distinct entities have diametrically-opposed and conflicting agendas. The neshomeh, a piece of Hashem from above, longs only for spiritual gratification—such as Torah study, performance of mitzvos and drawing closer to Hashem. The physical body, however, longs for materialistic and worldly gratification—it wishes to indulge in all of the pleasures that this world has to offer.

These two forces engage in a life and death battle to the bitter end, without compromise. Each struggles to dominate the other and to force its wishes on the other. If the body, chas v’shalom, wins out over the neshomeh, the neshomeh must unwillingly participate in the body’s insatiable quest for pleasure, motivated by jealousy, lust and honor. Conversely, if the neshomeh overcomes the physical body, the body must surrender to the neshomeh’s will; it must assist the neshomeh to serve Hashem by learning Torah and performing mitzvos.

The Battle between the Neshomeh in the Brain and the Yetzer Horah in the Heart

Let us continue along this path to better understand this battle being waged between the neshomeh and the physical body. We find an important principle concerning our service of Hashem in the flawless teachings of the author of the Tanya in his Likutei Amarim (chapters 9-16). He explains at length, in his own inimitable way, that the difficult battle between the yetzer tov and the yetzer horah is in essence the battle between the holy neshomeh, which resides in the brain, and the yetzer horah that resides in the heart.

This seemingly contradicts a statement by our blessed sages in the Midrash (Bamidbar Rabbah 22,9). They expound as follows on a possuk in Kohellet(10,2): **“לב חכם לימינו, זה יצר טוב שהוא”**—**נתון בימינו, ולב כסיל לשמאלו, זה יצר הרע שנתון בשמאלו**—“the heart of a wise man is to his right, refers to the yetzer tov which is located on his right side, while the heart of a fool is on his left, refers to the yetzer horah which is located on his left.” They clearly state that the yetzer tov dwells in the right cavity of the heart, while the yetzer horah dwells in the left cavity. This fact is also apparent from the Mishnah (Berachos 54.): **“ואהבת את ה' אלקיך בכל לבבך, בשני יצריך ביצר”**: **“טוב וביצר הרע”**—both yetzers dwell within the respective cavities of the heart.

Pertaining to this matter, the author of the Tanya explains that, indeed, the yetzer tov dwells in the right cavity of the heart; however, its roots are from the neshomeh in the brain, our piece of Hashem from above. The possuk states (Bereishis 2,7): **“ויפח באפיו נשמת חיים”**—“and He blew

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into his nostrils a living soul.” The Sefer HaKaneh explains that anyone who blows, blows from within himself i.e. part of himself. So, the neshomeh, a part of Hashem, which dwells in the brain, illuminates from above the right cavity of the heart where the yetzer tov is situated—enabling it to overcome the yetzer horah situated in the left cavity of the heart.

Based on this, the author of the Tanya concludes that the battle between the yetzer tov and the yetzer horah is, in essence, a battle between the brain and the heart. The yetzer horah, from its strategic position in the left cavity of the heart, entices a person to lust after the foolish nonsense of this world; while the neshomeh, from its lofty abode in the brain, illuminates the right cavity of the heart, aiding the yetzer tov to overcome the yetzer horah, allowing a person to pursue a life full of Torah and mitzvos. This, in fact, is a man’s mission in this world—to insure that the brain rules over the heart, i.e. to insure that the neshomeh in the brain illuminates the right cavity of the heart, in order to defeat the yetzer horah in the left cavity of the heart.

Two Voices Cannot Be Discerned at Once

The deeper meaning of Chazal’s statement: **”טובה מרדות אחת בלבו של אדם יותר מכמה מלקויות”**—is now apparent. This statement refers to the neshomeh in the brain which delivers a self-disciplinary blow from above **”בלבו של אדם”**, to the right cavity of a person’s heart—to awaken him and stimulate him to fight off the yetzer dwelling in the left cavity of the heart.

It is important to realize that this self-disciplinary blow dealt by the neshomeh, is, in reality, words of rebuke that are constantly being uttered by the neshomeh from her lofty abode in man’s brain. As the worldly luminary, the Bnei Yissoschar writes in his Agra D’Pirka(265) elucidating the following possuk (Mishlei 15,31): **”אוזן שומעת תוכחת חיים בקרב חכמים תלין”**—“the ear that hears the life-giving rebuke shall dwell among the wise.” He who successfully heeds the neshomeh’s voice of rebuke, deservedly belongs among the wise—who are able to regularly heed the calling of the neshomeh.

We have learned that the neshomeh, which dwells in the brain, beseeches man’s heart to awaken from its spiritual slumber and urges it not to waste the days of its life occupied with foolish nonsense. It cries out: “Wake up, why are you sleeping? Arise to serve the Creator; why are you wasting all of your days for naught? Soon it will all be gone, like a passing shadow, like dust in the wind and a fleeting dream. You will have to stand in judgment before the King of Kings, the Holy One Blessed is He; how will you defend yourself against the rebuke?”

To Silence the Body and to Heed the Neshomeh

The physical body, however, does not heed the voice of the neshomeh, as we have learned in the Gemorah (Megillah 21:): **”תרי קלא לא משתמעו”**—“two voices are not discernible at the same

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time”—it is impossible to distinguish two voices simultaneously. Therefore, while the body is busy heeding the loud attractive voices of this world, which never stop—sometimes dealing with envy, sometimes involving pride and honor, sometimes luring one to animalistic behavior and lust—it is very difficult to discern the voice of rebuke emanating from the neshomeh.

This is what Rabbi Shimon the son of Rabban Gamliel meant: **“כל ימי גדלתי בין החכמים ולא מצאתי לגוף טוב משתיקה”**—“All my days I have been raised among the Sages, and I did not find anything more beneficial for the body than silence.” He was not referring strictly to silencing the voice coming out of one’s mouth, but primarily to silencing the voices of this world that surround the entire body. By growing up in the company of Sages, he learned this crucial lesson. Their success in Torah study and service of Hashem was due to their ability to successfully quiet the body’s noisy voices urging it to chase after the whims of this world. As a result, they were able to hear clearly the voice of the neshomeh, the part of Hashem from above.

With all of the above in mind, we must realize that during the month of Elul it behooves us to repeat to ourselves, day and night, the holy teaching of Rabbi Shimon the son of Rabban Gamliel: **“לא מצאתי לגוף טוב משתיקה”**. We must admonish the physical, material body: “See how far you have fallen in your insane lust for money and honor? Where is all of the happiness and pleasure you thought to achieve? Please admit the truth, once and for all: **“כי עפר אתה ואל עפר תשוב”**—that you are made up of dust and are destined to return to dust. You will not take anything with you to the grave.”

“Leave me alone; you have done enough damage, already! It is time to be silent; allow me to concentrate on the whisperings of the neshomeh—to engage in Torah study and service of Hashem. These are the only true sources of happiness, as it is written (Tehillim 19,9): **“פקודי ה' ישרים משמחי לב”**—“The orders of Hashem are upright, gladdening the heart.” This, too, is the point of teshuvah (Yeshaya 6,10): **“ולבבו יבין ושב ורפא לו”**—“and its heart would understand, and it would repent.” In other words, once he realizes with the right cavity of the heart the truth of what the neshomeh in the brain is trying to convey, he will repent and be cured.

Forty Days of Teshuvah to Remedy the Body and the Neshomeh

Alas, come and see how the explanation of the Chasam Sofer and of the Divrei Yechezkel allow us to understand the insight provided by the Maharal of Prague. He taught us that the reason the Torah states **“ארבעים יכנו”**—he shall deliver forty blows—was to correspond to the blemish created by the sin in the body and in the neshomeh, which were formed over a forty day period; however, after receiving thirty-nine lashes, the physical body that was created in thirty-nine day has been purified, and the neshomeh has been purified, as well, since it is now attached to an unblemished, pure body.

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We asked, therefore, why does the Torah state that forty lashes should be given when only thirty-nine are inflicted?

We have shown that the purpose of the neshomeh coming down into the body is to stimulate man to serve Hashem, in the sense of: **“מרדות אחת בלבו של אדם”**—to deliver a self-disciplinary blow to the heart. The author of the Tanya (chapter 37) writes in the name of the Arizal that the neshomeh itself does not require any correction; she only came down to this world to remedy the physical body. Nevertheless, so long as the neshomeh is unable to rectify the body, she is considered slightly blemished for not having fulfilled her mission in this world. This is why the Maharal explains that as long as the body remains tainted by sin, the neshomeh, too, is tainted due to its association with the spiritually blemished body.

As a result, the sinner is punished with thirty-nine lashes, to rid the body that was created in thirty-nine days of the deleterious effects of its sins—which have caused it to turn a deaf ear to the pleas and rebuke of the neshomeh. Once this has been accomplished, the physical body is capable of hearing the neshomeh’s voice of rebuke. Thus, the self-disciplinary blow can be delivered-- **“מרדות”** **“אחת בלבו של אדם”**—completing the count of forty lashes necessary to correct the body and the neshomeh. As soon as the body heeds the voice of the neshomeh, the neshomeh is cured as well.

How beautifully this insight we’ve discussed from the Maharal of Prague fits with the incredible remedy Hashem has provided us with during the forty days of teshuvah from Rosh Chodesh Elul to Yom Kippur! The first thirty-nine days which extend up until erev Yom Kippur serve to purify and correct the sins and blemishes of the body that was formed over a thirty-nine day period. Yom Kippur itself, the fortieth day, corresponds to the neshomeh, which was formed on the fortieth day. For this reason, the Torah forbade eating and drinking and all physical pleasures on this holy day—to eliminate any dealings with the needs of the physical body. Thus, we are able to pay attention to the rebuke of the pure, untainted neshomeh; the “self-disciplinary blow to the heart” is delivered-- **“מרדות אחת בלבו של אדם”**—completing the count of forty lashes necessary to purify the body and the soul.

We can add spice to this thought. Chazal teach us that feasting on erev Yom Kippur is as important as fasting on Yom Kippur itself. In light of the above, the reason is obvious. After thirty-nine days of teshuvah, corresponding to the thirty-nine lashes, the physically body has completed its purification process and is free of spiritual blemish. As a result, the neshomeh is then also untainted. What better cause for celebration and feasting could there be?!

To sum it all up: Let us take advantage of the great gift Hashem granted us – the forty days from Rosh Chodesh Elul to Yom Kippur, so we can do Tshuvah and purify our physical body and holy soul. In this zchus we will all have a **“ksivah va’chasimah tovah.”**