

Malkot

Ref: *Sefer Shoftim, Hilchot Sanhedrin, Chapters 16–19*

📖 | To punish a sinner with lashes.¹⁴

It is a positive *mitzvah Deoraita* (Scriptural) to give *malkot* to one who deserves this.

Basically, *malkot* are given to one who transgresses on a severe negative *mitzvah*. [there are **207** of these which equals *gematria* of the two letters זר in ילקו זרים (strangers will be lashed)]

The judgement for *malkot* is like the judgement of capital offences, but for *malkot* this can be done in a *Bet Din* of **3** judges with (real) *semichah*.

- i.e. Witnesses would have to give warning
- Witnesses are thoroughly cross examined

📖 | In the Diaspora, only lashes *Derabanan* are given i.e. *makat mardut* (stripes for rebellious conduct).

These are much milder and less dangerous than *malkot*.

In terms of establishing an *issur*, **1** witness may be sufficient if there is no contradiction between witness and offender. If there is contradiction, then **2** witnesses are needed.

🔔 Reminder:

Pack on Witnesses



METHOD OF DELIVERY OF MALKOT

Hands of the convicted are tied, clothes are torn to expose the heart, and he has to bend over.

There are **3** judges plus lasher in attendance

The *malkot* are severe however an assessment is made to assure that the person doesn't die. If he nevertheless dies, the one administering the lashes is exempt.

The judges each have a role and there is a careful balance between knowledge, severity of blows (including number) and capability of receiver.

📖 | Not to add blows when lashing a sinner¹⁵

If the delivery of blows is exceeded, one is guilty of violating a negative command.

Similarly, a Jew who strikes a colleague is punished either with *malkot* or financial restitution.

Number of lashes

Deoraita **40 Maximum**

Derabanan **39**

However, the number is measured according to the capability of the person receiving. This estimation is always **divisible by 3** and then one opts for the lower figure.

Who receives lashes

- Transgresses a negative commandment punishable by *karet* (cut off in World-to-Come) but not punishable by execution.

- Transgresses a negative commandment punishable by Death at the Hand of Heaven (not cut off in World-to-Come).

- Transgresses a negative commandment that involves a deed.

(Speech is not regarded as a deed e.g. gossip, person who takes revenge, bearing a grudge [is not a deed], and judge who listens to one side without the other party present)

🕒 Reminder:

Pack on Misbehaviour



Other Principles:

- A person does not receive *malkot*
 - If no deed involved except for a person who takes a false oath, *temurah* (here words are like a deed when one transfers holiness from one animal to another) and *mekalel* (curses colleague).

🕒 Reminder:

Pack on Oaths



🕒 Reminder:

Temurah. Ref: *Sefer Korbanot, Hilchot Temurah*, Chapter 1–3.



- If prohibition punishable by execution.
- If prohibition requires payment.
- If prohibition can be corrected by the performance of a positive *mitzvah*. However to prevent lashes, the positive *mitzvah* has to be performed.
- When the prohibition is of a general nature e.g. ‘Do not eat over the blood’. This forbids many unconnected matters i.e.
 - ◊ Not to eat meat if animal is still alive
 - ◊ Blood of Sacrifice has to be sprinkled before eating etc



Unless each one is a separate prohibition or *Mipi Hashmuah* they are accounted as separate e.g. *chadash* relates to bread, *kali* and *carmel* and they are accounted as 3 separate items.

- If a person repeats transgression linked to *karet* for lashes 3 times, he is not lashed on the third time but he is put in a *kipah* (special prison) where he will die.
- The following are not dealt with by a court but are left up to the feelings of the zealous to deal with:
 - Theft of vessels in Temple
 - Cursing with name of an idol
 - Relations with idolatrous gentile woman
 - Priest works in the Temple while he's impure
- Court does not execute a person or give lashes based on his own admission. 2 witnesses

are needed.

Transgressions which require *malkot*

KARET BUT NO EXECUTION – 21 negative commandments

 **Reminder:**

Pack on Misbehaviour



- Had relations with
 - Sister
 - Father's sister
 - Mother's sister
 - Wife's sister
 - Brother's wife
 - Uncle's wife (brother of father)
 - A *nidah*
- Ate
 - Forbidden fat
 - Blood
 - *Chametz* on *Pesach*
 - On *Yom Kippur*
 - Sacrificial food after designated time
 - *Pigul*
 - Sacrificial food while *tamei*
- Miscellaneous
 - Worked on *Yom Kippur*
- Temple related
 - Entered Temple while *tamei*
 - Slaughters consecrated animal outside Temple
 - Offers consecrated animal outside Temple
 - Makes anointing oil for personal use
 - Uses anointing oil for personal use
 - Makes Incense offering for personal use

DEATH BY HAND OF HEAVEN WHERE A DEED INVOLVED – 18 negative commandments

(Both *karet* and *mitah bidei Shamayim* cause premature death. However, the death with *mitah bidei Shamayim* is less severe and their death causes atonement)

- Non Priest partakes of *trumah* (whether it's pure or impure)
- Non Priest partakes of *trumat maaser*
- Non Priest partakes of *bikurim* (first fruit) after entering Jerusalem
- Non Priest partakes of *challah*

- Eats *tevel* (produce before separation of *trumah*)
- Eats product of dough from which *challah* was not taken
- Priest eats pure *trumah* while he is *tamei*
- Priest entered *Kadshei kadashim* not for Service
- Priest who leaves Temple at time of worship
- Levite does service of Priest
- Person other than Priest who does service in the Temple
- Missing some Priestly garment
- Priest serving while *tamei*
- Doing Temple service while drunk
- Served in Temple after *mikveh* but before end of day (sunset) – *tevil yom*
- Served in Temple after *mikveh* but before bringing Sacrifice (*mechusar kaparah*)

🕒 Reminder:

Pack on Purification



- Served in Temple with long hair
- Served in Temple with torn clothes

The following are also deserving of *mitah bidei Shamayim* but because they are positive *mitzvot* they are not in category for *malkot*.

- Priest serves without sanctifying (washing) his hands and feet
- Prophet who withholds prophecy
- Prophet disobedient to his own prophesy
- Person who violates words of prophet

There are **168** negative commandments where one is lashed even though there is no *karet*, nor execution.

The total of negative commandment transgressions resulting in *malkot* is **207**. This is *gematria* of the two letters זר in ילקו זרים – strangers will be lashed.