

Deuteronomy 25:1-3

כִּי־הָיְתָה רִיב בֵּין אַנְשִׁים וְנָגְשׂוּ אֶל־הַמִּשְׁפָּט וְשֹׁפְטוֹם וְהִצְדִּיקוּ אֶת־הַצְּדִיק וְהִרְשִׁיעוּ אֶת־הַרְשָׁע:

When there is a dispute between people and they go to law, and a judgment is rendered declaring the one in the right and the other in the wrong —

וְהָיָה אִם־בֶּן הַכּוֹת הִרְשָׁע וְהַפִּילוּ הַשֹּׁפֵט וְהִכְהוּ לְפָנָיו כַּדִּי רִשְׁעוֹ בְּמִסְפָּר:

if the guilty one is to be flogged, the magistrate shall have him bend down and be given lashes in his presence, by count, as his guilt warrants.

אַרְבַּעִים יִכּוּ לֹא יִסֹּף פֶּן־יִסֹּף לְהַכְתּוֹ עַל־אֵלֶּה מִכָּה רַבָּה וְנִקְלָה אַחִיד לְעֵינָיִךְ:

Forty lashes, but not more, lest he continue being flogged excessively, and your brother be degraded in your eyes.

Talmud Bavli, Makkot 22b

גמ' מ"ט

GEMARA: What is the reason [that the Rabbis said that he receives forty lashes less one]?

אי כתיב ארבעים במספר הוה אמינא ארבעים במניינא השתא דכתיב במספר ארבעים מנין שהוא סוכם את הארבעים

If it had been written: "Forty by number" (*arba'im bamispar*), I would have thought it meant forty precisely. Now, that it is written: "By number, forty" (*b'mispar arba'im*), it refers to a sum that approaches forty.

אמר רבא כמה טפשאי שאר אינשי דקיימי מקמי ספר תורה ולא קיימי מקמי גברא רבה דאילו בס"ת כתיב ארבעים ואתו רבנן בצרו חדא:

Rava said: How foolish are some people who stand before a Torah scroll, and yet they do not stand before a great person (*gavra rabbah*)!

For though in the Torah scroll it is written "forty," the rabbis came and subtracted one.