Sacred Slogans
“A Jew is a Jew”

I. Sinners are still Jews

1a Joshua 7:11
Israel has sinned; they have violated my covenant, which I commanded them to keep. They have taken some of the devoted things; they have stolen, they have lied, they have put them with their own possessions.

1b. B. Sanhedrin 44a
Israel has sinned - R. Abba b. Zabda said: Even though [the people] have sinned, they are still [called] ‘Israel’.

2. B. Yevamot 47b
When [a convert] comes up after his immersion he is placed under ban until he complies; when the ban was imposed because of what practical issue? In that if he retracted and then betrothed the daughter of an Israelite he is regarded as a non-conforming Israelite and his betrothal is valid.

II. Varieties of Exclusions

A. Herem / Excommunication

3. Rambam Talmud Torah 6:14
When does the above apply? When the ban was imposed because he acted disrespectfully to a Torah sage. However, a person who was placed under a ban of ostracism for another reason for which such a ban may be declared - even if the ban was declared by a person of the lowest stature in Israel - the nasi and all Jews are obligated to abide by the terms of the ban until he repents for the matter for which the ban was imposed, and the ban is lifted.

A ban of ostracism is imposed upon a person - either man or woman - for [the following] 24 reasons:

1. A person who disgraces a sage, even after his passing;
2. A person who embarrasses a messenger of a court;
3. A person who calls a colleague a slave;
4. A person who was ordered [to appear before] a court at a specific time and did not come;
5. A person who treats even one point of Rabbinic law with disrespect; needless to say, this applies regarding [matters of] Torah law;
6. A person who refuses to comply with the decisions [rendered by a court] is placed under ban until he complies;
7. A person who possesses an entity that can cause damage - e.g., a dangerous dog or a faulty ladder - is placed under ban until he removes that entity;
8. A person who sells land to a gentile is placed under ban until he accepts responsibility for any damages which the gentile may cause his Jewish neighbor;
9. A person who testifies against a Jewish colleague in a secular court and causes money which Torah law would not [require him to pay] to be expropriated from him is placed under ban until he repays [that amount];
10. A butcher who is a priest and does not separate the priestly gifts and give them to another priest is placed under ban until he gives them;
11. person who violates the sanctity of the second day of the festivals in the Diaspora, even though [their observance] is only a custom;
12. A person who performs work on Pesach eve after noon;
13. A person who takes God’s name in vain or takes an oath casually;
14. A person who causes the many to desecrate God’s name;
15. A person who causes the many to eat sacrificial food outside [its proper place];
16. A person who calculates the years [and declares a leap year] or fixes the day of the new month in the Diaspora;
17. A person who causes the blind [- i.e., the morally unaware -] to stumble;
18. A person who prevents the many from performing a mitzvah;
19. A butcher who sold non-kosher meat;
20. A butcher who does not inspect his knife in the presence of a sage;
21. A person who intentionally causes himself to have an erection;
22. A person who divorced his wife, and then entered into a partnership or business dealing with her which requires them to come into contact. When they come to court, they are placed under ban;
23. A sage whose reputation is unsavory;
24. A person who places a person under ban when the latter does not deserve [such punishment];

4. B. Mo‘ed Katan 15a
What about those ‘separated’ [under a ban], and [segregated] lepers in regard to cutting [their hair] during the festival week? — Come and hear. ‘Those “separated”’ [under a ban] and [segregated] lepers are forbidden to cut [their hair] and wash [their garments]. If one “separated” [under a ban] died, the court stones his coffin; R. Judah says, not that they set up a heap of stones over him like the heap of Achan (Jos 7:25), but the court sends [agents] and have a large stone placed on his coffin, which teaches you that if anyone is placed under a ban and dies in his “separation,” the court stones his coffin'
### B. Specific Exclusions

| 5. B. Hullin 3a-b | 5. בבל כחלים ג:א-ב
R. Ashi said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even an Israelite apostate. In what respect is he an apostate? — In that he eats carrión in order to satisfy his appetite. [This holds good], provided the requirement of Rava is fulfilled; for Rava said: In the case of an Israelite apostate who eats carrión in order that he may satisfy his appetite, one prepares the knife and gives it to him, and then we may eat of his slaughtering. But if the knife was not prepared and given to him he may not slaughter. If, however, he did slaughter, the knife should be examined now; if it is found to be satisfactory, we may eat of his slaughtering; otherwise we may not eat of his slaughtering.

| 6a. M. Eiruvin 3:2 | 6. הממעץ האירובין ג:ב
If someone sends his eruv via the hand of a deaf-mute, someone of diminished mental capacity, a minor or one who does not acknowledge [the legal validity of] an eruv, it is not [considered] an eruv: but if he has told another person [not of the categories just mentioned] to receive it from [his messenger from those categories], behold it is [considered] an eruv.

| 6b. M. Eiruvin 6:1 | 6b. ממעץ האירובין ב:א
Someone who dwells [together] in a courtyard with a gentile, or with someone who does not acknowledge [the validity of] an eruv [the halachic merging of separate domains by means of setting aside an amount of food in a designated place], behold [the residence there of] such [an individual] forbids him [from carrying there] - so says Rabbi Meir. Rabbi Eliezer ben Yaakov says, “[Truly such an individual’s residence] does not forbid him, until there are [also] two Israelites [the residence of which] forbid each other.”

| 6c. M. Eiruvin 6:2 | 6c. הממעץ האירובין ב:ב
Said Rabban Gamliel, “It happened that a Sadducee dwelt with us in a maro [an alleyway onto which courtyards open] in Jerusalem; and father said to us [on the Shabbat eve], ‘Hurry and take out all the vessels into the alleyway, before [the Sadducee] brings out [his], and [by so doing] forbids it to you [to carry there].’” Rabbi Yehudah says [it] with a variation in the language: “Hurry and do [take care of] your needs in the alleyway, before [the Sadducee] brings out [his vessels], and [by so doing] forbids it to you [to carry there].”

| 7. B. Menahot 18b | 7. בבל מנהות ח:ב
For it was taught: R. Simeon says, A priest who does not believe in the service has no portion in the priesthood, for it is written, He among the sons of Aaron, that offers the blood of the peace-offerings, and the fat, shall have the right thigh for a portion (Lev. 7:33); that is to say, if he believes in the service he has a portion in the priesthood, and if he does not believe in the service he has no portion in the priesthood; for it is written, He offers the blood of a portion (Lev. 7:33); that is to say, if he believes in the service he has a portion in the priesthood, and if he does not believe in the service he has no portion in the priesthood.
portion in the priesthood. Now I know it only of this [service stated in the verse], but whence do I know it also of the fifteen services, viz., pouring in [the oil], mingling, breaking it up, salting it, waving it, bringing it nigh, taking the handful, burning it, nipping off [the head of a bird-offering], receiving [the blood], sprinkling it, giving the water to a woman suspected of adultery (Num. 5:24), breaking the heifer’s neck (Deut. 21:4), purifying the leper (Lev. 14:1), and raising the hands in blessing both within [the Temple] and without? The verse therefore adds, ‘Among the sons of Aaron’, that is, all services that are entrusted to the sons of Aaron; and the priest who does not believe in it has no portion in the priesthood.

C. Rebellious Status

8. B. Avoda Zara 26b
Abba Abhu recited to R. Johanan: ‘Idolaters and [Jewish] shepherds of small cattle need not be brought up though they must not be cast in, but sectarians, informers, and apostates may be cast in, and need not be brought up.’ Whereupon R. Johanan remarked: I have been learning that the words, And so shalt thou do with every lost thing of thy brother’s [thou mayest not hide thyself] (Deut. 22:3), are also applicable to an apostate, and you say he may be thrown down; leave out apostates! Could he not have answered that the one might apply to the kind of apostate who eats carrion meat to satisfy his appetite, and the other to an apostate who eats carrion meat to provoke? In his opinion, an apostate eating carrion meat to provoke is the same as a sectarian.

It has been stated: [In regard to the term] apostate there is a divergence of opinion between R. Aha and Ravina; one says that [he who does it] to provoke is a ‘min’; while the other says that even [one who does it] to provoke is merely an apostate. — And who is a ‘min’? — One who actually worships idols.

9. B. Gittin 47a
We have learnt, “if a man sells himself and his children to a heathen he is not to be redeemed, but his children are to be redeemed after the death of their father,” to prevent their going astray. All the more so then here, where there is a danger of their being killed. The Rabbis said to R. Assi: This man is a non-observant Israelite, who has been seen eating non-Jewish meat. He said to them: possibly he did so because he wanted [meat, and could get no other]? They said: There have been times when he had the choice of permitted and forbidden meat and he left the former and took the latter. He thereupon said to the man: Be off; they will not let me ransom you.

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D. Shabbat and Idolatry

10. B. Hullin 5a
An objection was raised: [It is written]. Of you (Lev. 1:2), but not all of you, thus excluding an apostate. Of you, that is, among you [Israelites] does this distinction apply but not among other nations. ‘Of the cattle’ includes persons who are [devoid of merit] like animals; hence [the Rabbis] have declared: One should accept sacrifices from the transgressors in Israel, so that they may be inclined to repent, but not from an Israelite apostate, or from one who offers a wine libation [to idols], or from one who profanes the Sabbath publicly. Now this [Baraita] is self-contradictory. It says. ‘Of you, but not all of you, thus excluding an apostate’; and then it says: ‘One may accept sacrifices from the transgressors in Israel’! — This is no difficulty. The former statement refers to one who is opposed to the whole Torah, while the latter statement refers to one who is opposed to one particular law. Consider now the last statement of the Baraita: ‘But not from an Israelite apostate, or from one who offers a wine libation [to idols], or from one who profanes the Sabbath publicly’. What is meant by apostate in this statement? If it means one who is opposed to the whole Torah, while it means one who is opposed to one particular law, then it is inconsistent with the middle statement. Of necessity this must be the meaning of the last statement: But not from an Israelite apostate for offering a wine libation [to idols] or for profaning the Sabbath publicly. This proves that one who is an apostate in respect of idolatry is regarded as opposed to the whole Torah.

E. Misleading Leaders

11a. M. Sanhedrin 11:1
These are [executed by] strangulation: one who strikes his father or mother; one who kidnaps a Jew; a rebellious elder...

11b. M. Sanhedrin 11:2
A rebellious elder [who rebels] against [a ruling of] the court— as it is written, (Deuteronomy 17:8) “If there arise a matter too hard for thee in judgment, etc.” There were three courts there, one sitting at the entrance of the Temple Mount, one sitting at the entrance of the Temple Courtyard, and one sitting at the Chamber of Hewn Stone. They come to the one at the entrance of the Temple Mount, and say, “Thus I have expounded and thus have my fellows expounded”; “Thus I have taught and thus have my fellows taught.” If they heard [the teaching], they tell them. If not, they come to those at the entrance of the Temple Courtyard, and say, “Thus I have expounded and thus have my fellows expounded”; “Thus I have taught and thus have my fellows taught.” If they heard [the teaching], they tell them. If not, they all come to The Great Court in the Chamber of Hewn Stone, hence [the Rabbis] have declared: One should accept sacrifices from the transgressors in Israel, so that they may be inclined to repent, but not from an Israelite apostate, or from one who offers a wine libation [to idols], or from one who profanes the Sabbath publicly.
Thus it is written, For lo, the wicked bend the bow, they make ready of Hewn Stone, from which Torah goes out to all of Israel, as it is says, (Deut. 17:10) “from that place which the Lord shall choose.” [If] he returned to his city and taught again the way he taught [previously], he is exempt. [But if] he ruled [for others] to act [in accordance with his deviant teaching], he is liable, as it says, (Deut. 17:12) “and the man that doeth presumptuously”: he is not liable until he rules [for others] to act [in accordance with his deviant teaching]. A student [of his] who rules [for others] to act [in accordance with his teacher’s deviant teaching] is exempt; it results that his stringency [that his is not qualified to offer practical instruction] is his leniency [that he is exempt from punishment].

12. Y. Moed Katan 3:1 81d
For whoever holds the community back from carrying out a religious duty is to be excommunicated.”

13. Y. Ta’anit 3:10 67a
And all those who cause the public to profane God’s name require excommunication.

14. M. Avot 5:18
Anyone who brings merit to the many, sin does not result from him. And anyone who brings the many to sin is not given enough [time] to repent. Moshe -- who was meritorious and brought merit to the many; the merit of the many is appended to him, as it is stated (Deuteronomy 33:21), “He fulfilled the righteousness of God and His statutes with Israel.” Jeroboam -- who sinned and caused the many to sin; the sin of the many is appended to him, as it is stated (I Kings 15:30), “for the sins of Jeroboam he that sinned and that he caused Israel to sin.”

15. M. Avot 3:11
Rabbi Elazar of Modi’in says: One who profanes the Kodeshim (sacred material); one who desecrates the holidays; one who whitens (embarrasses) the face of another in public; one who nullifies the covenant of Abraham our father, peace be upon him; one who reveals meanings (lit. “faces”) in the Torah that run contrary to the law, even though he has Torah knowledge and good deeds, he has no share in the world to come.

16. B. Sanhedrin 26a
What is [the reference to] ‘a confederacy of wicked men’? — [It is as follows:] Shevna [Chamberlain of the Palace of King Hezekiah (Isa. 22:15)] expounded [the law] before thirteen myriads, whereas Hezekiah expounded it only before eleven. When Sennacherib came and besieged Jerusalem, Shevna wrote a note, which he shot on an arrow [into the enemy’s camp, declaring]: Shevna and his followers are willing to conclude peace; Hezekiah and his followers are not. Thus it is written, For lo, the wicked bend the bow, they make ready

F. “Confederacy of the Wicked”

16. B. Sanhedrin 26a
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### G. Defining “Wicked”

**17a. Deut. 25:2**
If the guilty person deserves to be beaten, the judge shall make them lie down and have them flogged in his presence with the number of lashes the crime deserves.

**17b. Mekhila D.R. R. Shimon b. Yohai 23:7**
It is said here (Ex. 23:7) “wicked” and there (Deut 25:2) “wicked.” Just as the wicked over there is punished with lashes, so to the wicked mentioned here is punished with lashes.

**18. B. Yevamot 25a**
R. Joseph said: [If a man stated], 'So-and-so committed sodomy with me against my will’, he and any other witness may be combined to procure his execution; [if, however, he said], 'with my consent', he is a wicked man concerning whom the Torah said, Put not thy hand with the wicked to be an unrighteous witness (Ex. 23:1).

**19. B. Eiruvin 6b-7a**
The law is always in agreement with Beth Hillel, but he who wishes to act in agreement with the ruling of Beth Shammai may do so, and he who wishes to act according to the view of Beth Hillel may do so: [he, however, who adopts] the more lenient rulings of Beth Shammai and the more lenient rulings of Beth Hillel is a wicked man, [while of the man who adopts]the restrictions of Beth Shammai and the restrictions of Beth Hillel Scripture said: But the fool walketh in darkness (Ecc. 2:14). A man should rather act either in agreement with Beth Shammai both in their lenient and their restrictive rulings or in agreement with Beth Hillel in both their lenient and their restrictive rulings.
H. The ‘Am Ha’aretz

20. B. Berachot 47b
A CUTHEAN MAY BE INCLUDED [IN THE THREE]. Why so? Wherein is he better than an ‘am ha-arez, and it has been taught: An ‘am ha’aretz is not included for zimmun? — Abaye replied: It refers to a Cuthean who is a habar. Rava said: You may even take it to refer to a Cuthean who is an ‘am ha-arez, the passage cited referring to an ‘am ha-arez as defined by the Rabbis who join issue in this matter with R. Meir. For it has been taught: Who is an ‘am ha-arez? Anyone who does not eat non-sacred food in ritual cleanness. So R. Meir. The Rabbis, however, say: Anyone who does not tithe his produce in the proper way. Now these Cutheans do tithe their produce, since they are very scrupulous about any injunction written in the Torah; for a Master has said: Whenever the Cutheans have adopted a commandment, they are much more particular with it than the Jews.

Our Rabbis taught: Who is an ‘am ha-arez? Anyone who does not recite the Shema’ evening and morning. This is the view of R. Eliezer.

R. Joshua says: Anyone who does not put on tefillin.

Ben ‘Azzai says: Anyone who has not a mezuzah on his door.

R. Nathan says: Anyone who has sons and does not bring them up to the study of the Torah.

Others say: Even if one has learnt Scripture and Mishnah, if he has not ministered to the disciples of the wise, he is an ‘am ha’aretz.

R. Huna said: The halachah is as laid down by ‘Others’.

21. M. Avot 2:5
Rabban Gamliel was accustomed to say: A boor cannot fear sin. An ‘am ha-are茨 cannot be pious…

22. B. Berakhot 61a
Said R. Ashi: On the view of R. Nahman that Manoah was an ‘am ha’aretz, he cannot even have known as much of Scripture as a schoolboy; for it says, And Rebekah arose and her damsels, and they rode upon the camels and followed the man (Gen. 24:61), [after the man] and not in front of the man.
23. M. Avot 5:10

There are four temperaments among men: 1. the one who says “what is mine is mine, and what is yours is yours” — that’s an [average] temperament. And there are some who say that is the temperament of Sodom. 2. [one who says] “what is mine is yours, and what is yours is mine” — that’s an ‘am ha‘aretz. 3. [one who says] “what is mine is yours, and what is yours is yours” — that’s a pious person. 4. [one who says] “what is yours is mine, and what is mine is mine” — that’s a wicked person.

24. B. Shabbat 152a

It was taught, R. Ishmael son of R. Jose said: As for scholars, the older they grow the more wisdom they acquire, for it is said, With aged men is wisdom, and in length of days understanding (Job 12:12). But the ‘amei ha‘aretz, as they wax older, become more foolish, for it is said, He removeth the speech of the trusty, and taketh away the understanding of the elders (Job 12:20).

**Ramifications for the ‘Am Ha‘aretz**

25. M. Horayot 3:8

A priest supersedes a Levite, a Levite supersedes an Israelite, an Israelite supersedes a product of a forbidden relation, a mamzer supersedes a Natin [member of a caste of Temple servants, historically descended from the Gibeonites], a Natin supersedes a convert, and a convert supersedes a freed slave. When? When they are all equal. But if the mamzer is a sage and the high priest is an ‘am ha‘aretz, a mamzer who is a sage supersedes the high priest who is am ‘am ha‘aretz.

26. M. Demai 2:2

One who takes it on himself to be trustworthy must tithe that which he eats, and that which he sells, and that which he buys, and he may not stay as a guest of an ‘am HaAretz. Rabbi Yehudah says, “Even if he is a guest of an Am HaAretz, he is trustworthy.” They said to him, “[If] for his own consumption he is not trustworthy, how can he be trustworthy with that which belongs to another?”

27. M. Avot 3:10

Rabbi Dosa ben Harkinus says: [Late] morning sleep, midday wine, chatter of children, and sitting in the assembly houses of the ‘am ha-aretz remove a person from the world.

28. B. Shabbat 63a

R. Abba also said in the name of R. Simeon b. Lakish: [Even] if a scholar is vengeful and bears malice like a serpent gird him on thy loins; whereas even if an ‘am ha-aretz is pious, do not dwell in his vicinity.
29. B. Pesahim 49a

It was taught, R. Simeon said: Every feast which is not in connection with a religious deed, a scholar must derive no enjoyment thereof. What, for instance? — Said R. Johanan: E.g., [the feast at the betrothal of] the daughter of a priest to an Israelite/non-priest, or the daughter of a scholar to an ‘am ha-aretz. For R. Johanan said: If the daughter of a priest [marries] an Israelite, their union will not be auspicious. What is it? Said R. Hisda: [She will be] either a widow or a divorced woman, or she will have no seed [children]. In a Baraitha it was taught: He will bury her or she will bury him, or she will reduce him to poverty. But that is not so, for R. Johanan said: he who desires to become wealthy, let him cleave to the seed of Aaron, [for it is all the more] that the Torah and the priesthood will enrich them? — There is no difficulty: one refers to a scholar; the other refers to an ‘am ha-arez.

30. B. Pesahim 49a-b

Our Rabbis taught: Let a man always sell all he has and marry the daughter of a scholar, for if he dies or goes into exile, he is assured that his children will be scholars. But let him not marry the daughter of an ‘am ha-aretz, for if he dies or goes into exile, his children will be ‘ammei ha-aretz. Our Rabbis taught: Let a man always sell all he has and marry the daughter of a scholar, and marry his daughter to a scholar. This may be compared to [the grafting of] grapes of a vine with grapes of a vine, [which is] a seemly and acceptable thing. But let him not marry the daughter of an ‘am ha-aretz; this may be compared to [the grafting of] grapes of a vine with berries of a thorn bush, [which is] a repulsive and unacceptable thing.

Our Rabbis taught: Let a man always sell all he has and marry the daughter of a scholar. If he does not find the daughter of a scholar, let him marry the daughter of [one of] the great men of the generation. If he does not find the daughter of [one of] the great men of the generation, let him marry the daughter of the head of synagogues. If he does not find the daughter of the head of synagogues, let him marry the daughter of a charity treasurer. If he does not find the daughter of a charity treasurer, let him marry the daughter of an elementary school-teacher, but let him not marry the daughter of an ‘am ha-aretz, because they are detestable and their wives are vermin, and of their daughters it is said, Cursed be he that lieth with any manner of beast (Deut. 27:21).

III. Final Thought

31. M. Kiddushin 1:10

Anyone who is not [involved in] Scripture, and not in the Oral Law, and not in proper social behavior is not part of the civilization.