

Revisiting Napoleon’s Sanhedrin 200 Years Later

By Rabbi Naphtali Hoff

Two hundred years ago, an assembly of one hundred eleven Jewish notables convened at City Hall in Paris at the invitation of the French emperor Napoleon. These men, representing Jewish populations throughout France, Germany, and northern Italy, were instructed to answer twelve fundamental questions about their faith and its view of the gentile nations, particularly the French. Their responses would shed much light on the nature of Jewish – gentile relations in 19th century France and the Jewish view of emancipation, the repercussions of which continue to be felt until our time.



The Jews’ legal status was one of the burning issues in the immediate aftermath of the French Revolution. Despite a pervasive spirit of liberty and equality, the “Jewish question”¹ remained a hotly debated topic by the newly established political leadership.²

In this self proclaimed Age of Reason, a conflicted yet somehow unified anti-Jewish perspective surfaced. Enlightened members of the French elite deemed the Jewish population, possessors of their own governing bodies, courts, and powers of collection and taxation a “nation within a nation”, unsuitable for integration within greater society. For proper assimilation to occur it was argued that Jews must be “denied everything as a nation but granted everything as individuals”.³

Conservative Royalists, for their part, resented the new Jewish freedoms derived with the fall of the old order. In turn, they labeled the Jews “allies of anarchy”, unassimilable aliens undermining the spirit of fraternal nationalism.⁴ As usurious moneylenders, they claimed, the Jews had impoverished the French peasantry. A threat to everything French, they should receive no special rights.

The newly empowered radical left,⁵ presiding over the Legislative Assembly, also resisted offering new rights to the Jews. It would take two years, in the face of tremendous resistance, for complete emancipation to be extended to the Jewish community.

Not surprisingly, when the emancipation resolution was finally declared on September 27, 1791, an outpouring of Jewish patriotism followed. At the urging of Berr Isaac Cerfberr, a *shtetlan* to the French authorities,⁶ Jews volunteered in large numbers for the National Guard and the army, and made generous contributions to the revolutionary

¹ A centuries-old question aimed at addressing the conditions of French Jews, whether by assimilation, emancipation, or political engagement

² This, despite a paltry Jewish population of 40,000 out of a total 28 million Frenchmen

³ Stanislas Comte de Clermont-Tonnerre, a liberal aristocrat and one of many presidents of the French National Assembly (1789-1791)

⁴ An argument that would be underscored by Napoleon’s Sanhedrin (see below)

⁵ Voltaire (1694 – 1778, French essayist and philosopher) a principal enthusiast for civil liberties and the freedom of religion, had previously opposed the Jews as opponents of human progress

⁶ Cerfberr encouraged Jews to “give signal proofs of (their) glowing patriotism”

cause.⁷ They shed outward religious trappings in a swift attempt at complete assimilation. Through such measures, they hoped that all accusations of separatism, infidelity and lawlessness would be roundly dismissed.

Despite these efforts, anti-Jewish feelings remained strong – centuries of bigotry and persecution could not be quickly erased. The subsequent right-wing political reaction beginning in 1795 only intensified matters. Riots followed, particularly in the heavily populated Alsace-Lorraine,⁸ where thousands of farmers were indebted to Jewish lenders. By the turn of the century, the Revolution and its aftermath had changed precious little for the Jews, leaving only a deep sense of missed opportunity in its wake.

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The rise of Napoleon Bonaparte⁹ in 1799 as first counsel, and later, in 1804, as emperor, heralded new opportunities for French Jewry. Napoleon's initial encounter with Jews occurred in 1797, in the ghetto of Ancona, Italy. Upon entering the city, the then-French lieutenant noticed the Jews wearing special bonnets together with yellow arm bands marked with the Star of David. He immediately ordered the distinctive articles removed and the ghetto closed. Similar liberations occurred later in Venice,¹⁰ Rome,¹¹ and other Italian cities. Jews now possessed the freedom to live where they wished and could practice their religion openly.

Napoleon's Judeophile actions continued. Two years later, during a march on Constantinople, he made his way through the land of Israel. As his forces besieged Acre, he prepared a proclamation freeing the local Jewish population and returning to them their ancestral land.

Rightful heirs of Palestine! The great nation¹² which does not trade in men and countries as did those which sold your ancestors unto all people calls on you... to take over that which has been conquered and, with that nation's support, to remain master of it against all comers... Hasten! Now is the moment, which may not return for thousands of years, to claim the restoration of civic rights among the population of the universe which had been shamefully withheld from you for thousands of years, your political existence as a nation among the nations, and the unlimited natural right to worship in accordance with your faith, publicly and most probably forever!

As it turned out, Napoleon never delivered the proclamation. He was forced to lift the siege prematurely and withdraw, due in large part to British intervention. His intentions,

⁷ Many would die in battle for the sake of the French cause

⁸ Home to between 325,000 and 350,000 of the total French-Jewish population of 400,000

⁹ 1769-1821

¹⁰ 1797

¹¹ 1810

¹² France

however, at least at face value, clearly pointed in a positive direction for the Jewish community.¹³

Further yet, Napoleon introduced his Civil Code in 1804, offering the Revolution's gains to Jews, as well as to Protestants and Free Masons.

*My primary desire was to liberate the Jews and make them full citizens. I wanted to confer upon them all the legal rights of equality, liberty and fraternity as was enjoyed by the Catholics and Protestants. It is my wish that the Jews be treated like brothers as if we were all part of Judaism. Jews should participate as equals, like all other religions, as permitted by our laws.*¹⁴

Soon thereafter he abolished special taxes levied against German Jews as well, and gave them, for the very first time, civic and political equality. In fact, everywhere the French sword advanced, Jewish freedom and liberty followed, moving progressively throughout Europe over the next century.¹⁵ By 1919, every European country, with the sole exception of Spain, had emancipated their Jews.

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To be sure, Napoleon's liberation of the Jews did not go unopposed by the gentile community, both inside France and without.¹⁶ This may account for his 1806 declaration remitting all debts owed to Jewish creditors of Alsace-Lorraine for one year, a devastating blow to local Jewish creditors.¹⁷ Perhaps this helps us to better understand as to how this same man could publicly depict the Jews as a separate, unfaithful nation living amongst the French, rather than as French citizens with distinctive religious views.

In truth, Jewish emancipation in France did not emanate out of Napoleon's concern for this much oppressed nation, but rather from a desire to assimilate them, to transform the

¹³ Historians debate as to whether Napoleon ever truly intended to carry out the declaration.

¹⁴ Jean-Etienne Portalis, Minister of Religion

¹⁵ Despite some subsequent retractions, the genie of Jewish emancipation was now clearly out of the bottle. "(Just) as the French Revolution gave to the world the metric and the decimal systems, so it also created a kind of normal spiritual system which other countries, either willingly or unwillingly, accepted as the normal measure for their State of culture... Jewish emancipation was also one of these indispensable articles of a highly cultured state... In this manner Jews were emancipated in Europe not from an inner necessity, but in imitation of a political fashion; not because the people had decided from their hearts to stretch out a brotherly hand to the Jews, but because leading spirits had accepted a certain cultured idea which required that Jewish emancipation should figure also in the Statute book." (Max Nordau, speaking before the First Zionist Congress, Basle, Switzerland, 1897)

¹⁶ Open opposition came from countless members of the Conservative Right, expressing their views through the Parisian press, and Czar Alexander of Russia, who protested violently against the liberation of the Jews. Alexander further encouraged the Orthodox Church in Moscow to protest aggressively, calling Napoleon the "enemy of G-d". Protests were voiced by other governments and Churches as well.

¹⁷ "The French government cannot look with indifference upon a debased, degraded nation, capable of every sort of low action, having exclusive possession of two fine departments of Alsace... (The Jews) must be judged in terms of political law and not civil law, since they are not citizens."

Jews into “French citizens of the Mosaic faith”.¹⁸ His was a benign “solution” to the Jewish question that so troubled the enlightened French.

(Expulsion) is not the way to solve the Jewish question. I will never accept any proposals that will obligate the Jewish people to leave France, because to me the Jews are the same as any other citizen in our country. It takes weakness to chase them out of the country, but it takes strength to assimilate them.

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Certainly, Napoleon was still struggling to define his relationship with this “vexatious, irredeemable” people when he summoned a host of Jewish notables to Paris in May 1806. From July of that year until the following April they met, 111 members in all, representing Jews of all shades and backgrounds throughout France, Germany, and northern Italy. Their mandate was to answer twelve questions put to them about Judaism and its relationship with other nations.¹⁹ Once the answers were formulated, the larger Assembly of Notables would require ratification by a “Sanhedrin” of seventy one which consisted of both scholars and laymen.

These questions dealt with such topics as the permissibility of polygamy and divorce, the status of mixed marriages, Jewish attitudes towards France, Frenchmen, judiciary power, and usury. Beyond his exploration into basic differences between Judaism and Christianity, Napoleon was eager to answer this most essential question: Do Jews

¹⁸ Many from amongst the Jews also supported assimilation. Cerf-Berr presented Napoleon with a specific plan to ensure Jewish integration into the population, which was summarily approved.

¹⁹ Napoleon hoped that the collective responses to these questions, coming from the Jewish leadership itself, would result in a greater movement to integration and assimilation.

The 12 questions were:

1. Is it lawful for Jews to marry more than one wife?
2. Is divorce allowed by the Jewish religion? Is divorce valid when not pronounced by courts of justice by virtue of laws in contradiction with those of the French Code?
3. Can a Jewess marry a Christian, and a Jew a Christian woman, or does the law allow the Jews to marry only among themselves?
4. In the eyes of Jews, are Frenchmen considered as their brethren? Or are they considered as strangers?
5. In either case, what line of conduct does their law prescribe towards Frenchmen not of their religion?
6. Do Jews born in France, and treated by the laws as French citizens, consider France their country? Are they bound to defend it? Are they bound to obey the laws and to conform to the dispositions of the civil code?
7. Who names the Rabbis?
8. What police jurisdiction do Rabbis exercise among the Jews? What judicial power do they enjoy among them?
9. Are these forms of Election, and that police-jurisdiction, regulated by law, or are they only sanctioned by custom?
10. Are there professions which the law of the Jews forbids them from exercising?
11. Does the law forbid the Jews from taking usury from their brethren?
12. Does it forbid or does it allow a Jew to take usury from strangers?

consider themselves first as Jews or Frenchmen?²⁰ The answer would dramatize the complicated and traumatic clash between traditional Judaism and the forces of Enlightenment.

Assimilated Jews welcomed the opportunity to display their true loyalties. Traditional Jews, however, were far less enthusiastic. To them, the notion of an unholy Napoleon renewing the sacred Sanhedrin for personal purposes was sacrilege. In any case, what tangible benefit could such a gathering offer them?

The Jewish delegates responded with wisdom, skill and diplomacy. With the first chief rabbi of France, Rabbi David Sinzheim²¹ at its head, the Assembly / Sanhedrin effectively struck a delicate balance between satisfying Napoleon and adhering to strict *halacha*. Forming a “social pact between the people of G-d and the people of France”, they declared that only France would claim the Jews’ political allegiance. Jewish law, though clearly binding, was defined as exclusively religious, with civil courts taking precedence over sacred tribunals in areas of conflict.

Despite these efforts, the social status of French Jewry did not improve. Quite the contrary. On March 17, 1808, Napoleon issued his *Decree Infame*,²² greatly restricting Jewish economic freedom. The French ruler seized control over Jewish loans and required Jewish tradesmen to obtain special permits. He also prohibited additional Jews from settling in the already highly populated communities in northwest France, while denying them the opportunity to recruit replacements for military service, a common practice at that time.

Through this decree, Napoleon hoped to soften the harsh personal criticism of his pro-Jewish stance, which included empowering the Jews through the formation of the Assembly.²³ He also reasoned that such intervention would expedite Jewish integration into French society.

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The Sanhedrin’s forced abandonment of a separate Jewish nationhood was a defining moment in our history. In the words of a prominent Frenchman, “The Jews ceased to

²⁰ While probably not his intention, there is no question that this concentration of Jewish scholars and dignitaries lent tremendous credence to the long circulated rumor of an international Jewish conspiracy, bent on persecuting Christians both religiously and economically. Later, this accusation would become famous through The Protocols of the Elders of Zion, a virulently anti-Semitic text published at century’s end by the Czar’s secret police. It would later be used by the Nazis, Henry Ford (Dearborn Independent) and many other looking to justify their hateful stance.

²¹ 1745–1812, Rabbi of Strasbourg and author of *Yad David*, a great Torah scholar renowned for his outstanding erudition and sagacity

²² “Infamous Decree”

²³ Historians argue that Napoleon never intended to for the decree to be longstanding. Once the criticism would reach a manageable level, he would remove the restrictions one-by-one. Proof to that argument can be found in the fact that already in the following month Napoleon ordered thirteen departments to eliminate the Decree. Within three months, more than half of the departments involved were able to fully reinstate the past liberties extended to their Jewish constituents.

remain a people and remained only a religion".²⁴ Embracing emancipation meant more than simply tapping into political freedoms and economic opportunity. In venturing purposefully out of the ghetto, the liberated Jew traveled down an unknown road, far removed from the religious and social insularity of the Middle Ages. Religious persecution was now replaced with social posturing, in a constant struggle to define the Jew in the modern context. All the while, the Jew fought hard to prove that he belonged, that his fealty was true and his nationalistic fervor strong. The impact of that pursuit, in terms of Jewish identity and commitment, would prove devastating.

*Emancipation has totally changed the nature of the Jew, and made him another being. The Jew without any rights did not love the prescribed yellow Jewish badge on his coat, because it was an official invitation to the mob to commit brutalities... But voluntarily he did much more to make his separate nature more distinct even than the yellow badge could do. The authorities did not shut him up in a ghetto; he built one for himself... Their external situation was insecure, often seriously endangered. But internally they achieved a complete development of their specific qualities... Such is the existing liberation of the emancipated Jew in Western Europe. He has given up his specifically Jewish character; but the peoples let him feel that he has not acquired their special characteristics... His countrymen repel him when he wishes to associate with them. He has no ground under his feet and he has no community to which he belongs as a full member.*²⁵

*Hence when the ghetto walls fell, and the Jews walked out into freedom, they found they were entering a new, less tangible but equally hostile ghetto of suspicion. They had exchanged ancient disabilities for modern anti-Semitism.*²⁶

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The confounding nature of Napoleon's actions failed to discourage Jews throughout Europe to adopt the French ruler as a "new Cyrus", the "white eagle" sent to bring liberty and peace to His long persecuted people. "All Jews look upon Napoleon as their Messiah."²⁷ Great Chassidic leaders endorsed Napoleon in his attempt to defeat Russia in 1812, in hope that the ensuing struggle would be the prophesized battle of Gog and Magog, ushering in the messianic era.²⁸ Earlier, in 1807, a special prayer in Napoleon's honor was inserted into Jewish prayer books in countries under French control.

²⁴ Jean Etienne Portalis, Minister of Cults

²⁵ Max Nordau, speaking before the First Zionist Congress, Basle, Switzerland, 1897

²⁶ Paul Johnson, A History of the Jews, Harper and Row, New York, 1987, p. 310

²⁷ Metternich-Winneburg, Austrian consul in Paris in a letter to Count Stadion, Austria's foreign minister, on September 1806

²⁸ See Toldos HaDoros, V. 3, p. 143. Rabbi Menachem Mendel of Riminov was amongst the Torah leaders who endorsed the French ruler.

Not all of the Jews, however, supported Napoleon. During his Russian invasion Jews in that country were forced to choose between a religious, though despotic Czar Alexander, and the secular Napoleon. Leading the opposition to a “liberating” French army was the great Chassidic master and founder of the Chabad dynasty, Rabbi Shneur Zalman of Liadi.

*It was revealed to me... that if Napoleon wins, the Jews will prosper materially and socially, but will deteriorate spiritually. If the Czar is victorious, the longstanding discrimination will continue, but Jews will draw closer to their Father in Heaven”.*²⁹

Rabbi Shneur Zalman keenly understood the great perils of western enlightenment posed. To be sure, a Napoleonic victory promised physical security and material comfort, but at what price? Would the Jewish people be able to maintain their level of religious devotion in an age of secular humanism, where anti-clerical attitudes scoffed at the need for G-d and His teachings? Could they expect to preserve a deep spiritual commitment in the face of increased economic opportunity and materialistic pursuits? A spiritual worm had nestled itself firmly within the golden apple of emancipation. Rabbi Shneur Zalman warned his followers to choose carefully before biting.³⁰

History would sadly validate these concerns. Following Napoleon’s defeat at Waterloo in 1815, Jewish rights were again rescinded throughout his former empire.³¹ Jewish youth in particular, raised on the hopeful crest of emancipation, plunged into utter disillusionment and despair. Many resorted to conversion, claiming baptism as the only real “ticket of admission” into European civilization.³² Others, while retaining their Jewish identity, nonetheless plunged directly into the sea of emancipation, scornfully dismissing their religious heritage.

*Ever since the beginning of our present³³ century they had come to view our ancestral faith as old fashioned. It was no longer suited to the sons and daughters of this century, in the full dress coats and evening gowns. Old style Judaism was always in the way, so oddly out of place at the fraternities and assemblies, at balls and dinner parties, at concerts and salons...Is it any wonder, then, that this “ancient, inhibiting” religion should have been shaken off without hesitation in the rush to join in the “progress”?*³⁴

²⁹ Letter to Rabbi Moshe Meisels, quoted in Toldos HaDoros, V. 3, p. 139

³⁰ An ongoing tension between these forces has confounded our people ever since. Reform in Western Europe and the United States, operating in lands of religious and political freedom, deemphasized, if not rejected outright, the fundamental concept of a Jewish peoplehood, religiously, ethnically, and culturally

³¹ The Papal States restored the ghetto and yellow badge. The ghetto was reestablished in Frankfurt as well.

³² Heinrich Heine, converted German Jewish poet. *Maskilim* in Russia, though not advocating outright baptism, would encourage fellow Jews to “be a man on the street and a Jew in your tent.”

³³ 19th

³⁴ Rabbi Samson Raphael Hirsch, Collected Writings Vol. VI, Feldheim, New York, 1992, p. 108

The 19th century – an age of “isms”³⁵ – was also a period of great optimism that inspired many European Jews. Sadly, the Jews found themselves trapped in a struggle between the most progressive thinkers and the traditionalists, neither willing to find a place for the newly emancipated Jew. Whether the Jew embraced or rejected Enlightenment, anti-Semitism soon followed.³⁶ How devastating it was to see emerge directly from the Enlightenment a new, virulent, and racial form of anti-Semitism, which produced unspeakable brutality and destruction, on levels never before experienced!

As much as the Jew embraced progress, it never fully embraced the Jew.

³⁵ Rationalism, secularism, liberalism, socialism, communism

³⁶ Jews were caricatured at once as both modernizers and traditionalists, sneaking through Christian defenses by hiding in the Trojan horse of Enlightenment, while somehow simultaneously conspiring to plunge society back into the dark ages.