

The Napoleonic Sanhedrin

Halachic Foundations and Rabbinical Legacy

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Even after two centuries, the Napoleonic Sanhedrin remains a highly enigmatic and much disputed historical phenomenon. The debate has revolved mainly around whether the delegates to the assembly represented the Jewish religion forthrightly in their responses to the questions placed before them, or whether they simply adjusted their answers to meet the expectations of the emperor and his commission. With the emergence of the Zionist movement an added ideological consideration came into play: Should the disengagement of the religious and national components of Jewish identity be judged charitably as a necessary step toward the creation of an emancipated Jewry in the West, or as little more than a shameful repudiation of Jewish nationhood? My goal in the pages that follow is twofold. First, I intend to analyze the Sanhedrin on matters of Jewish law. Second, I will consider the impact of the Sanhedrin and its wider implications for Jewish identity in France during the two generations that followed its convocation.

Napoleon Bonaparte's decision to convene the Assembly of Jewish Notables and the Grand Sanhedrin in 1806–1807 was part of a larger effort to define the respective spheres of influence of church and state. Beginning with the Concordat in 1801 and the subsequent creation of the Protestant consistorial system in 1802, the emperor had firmly asserted the authority of the state over religion and thus established a precedent for undertaking a more aggressive approach to the Jewish question. No action was taken for several years, however, until farmers in the Lower Rhine complained to Napoleon that their severe indebtedness to Jewish moneylenders was the

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cause of large-scale impoverishment in the region. Convinced that government intervention was the only hope for restoring economic stability in Alsace, Napoleon issued an Imperial Decree on May 30, 1806, declaring a moratorium on all debts owed to Jews by noncommercial farmers. Aiming to end “the humiliation of the French nation,” the Napoleonic regime intended to first impose a series of exceptional legal measures.¹ Economic rehabilitation was not the emperor’s chief concern, however. Jewish lending practices were understood to be symptomatic of a more fundamental problem—the questionable suitability of the Jews to fulfill the obligations incumbent upon them as French citizens. The economic crisis made it clear “how urgent it is to revive sentiments of civil morality among those who profess the Jewish religion in the countries under our jurisdiction, sentiments which have, sadly, disappeared among a very great number of them due to the state of degradation in which they have languished, a state which it is not at all among our intentions to maintain nor to renew.”² Intensive efforts were necessary to remedy the allegedly deficient “sentiments of civil morality” to which the Jewish population still stubbornly adhered. Napoleon, therefore, proceeded in the second section of the 1806 decree to order the convocation of a Jewish assembly empowered with legislative authority to resolve the question of the incompatibility of Judaism and civic duties once and for all.

It was no secret that the dramatic convocation of the Assembly of Jewish Notables and the Sanhedrin was intended to pressure Jewish leaders to acknowledge the need to subordinate Jewish law to the fulfillment of duties incumbent upon them as citizens of the French empire. The delegates themselves were certainly aware that the continued enjoyment of citizenship depended on the satisfactory resolution of the competing demands of state and religion. Most historians have, therefore, been reluctant to view the Paris meetings as any more than a dismal example of capitulation and compliance.³ Looking closely at the historical context and legal history of the issues debated in 1806 and 1807, I will suggest that the much-maligned Paris body did not deviate from the Jewish legal tradition nearly to the extent that is generally assumed.

Discussion of the Jewish question in France in the revolutionary era centered on two primary areas of concern: Judaism’s incorporation of religious and political laws into a single system and its purported dual standard of morality.⁴ Concerning the first claim, Napoleon himself distinguished between Judaism’s religious

prescriptions, which he conceded were immutable, and Judaism's political provisions, which he and others since Spinoza insisted no longer had a contemporary function as they were intended for an independent nation. The newly constituted Sanhedrin, therefore, had "the mandate to abolish all atrocious laws...that could only apply to Jews living in Palestine."⁵ The authorization of usurious rates of interest on loans to non-Jews was taken as the clearest evidence of unfairness in the system of Jewish law. According to this second claim, the Jewish religion released Jews in their dealings with Gentiles from those ethical obligations routinely required of them in their relations with fellow Jews.⁶ Hardly novel, this accusation had gained considerable notoriety with the publication of Johann Andreas Eisenmenger's *Entdecktes Judentums* (*Judaism Unveiled*) in 1699. Although Eisenmenger's book was riddled with distortions and errors, it succeeded in calling attention to legal inequities in the areas of theft, robbery, return of lost property, and deception.⁷ In the revolutionary era, the charges of social exclusiveness and moral duplicity assumed unprecedented urgency and threatened to undermine the emancipation project in its entirety.

The range of questions brought before the Jewish assembly reveals the novelty of the Napoleonic initiative. At issue was the determination of the regime to resolve the clash between the authority of the state and the authority of religion. Twelve in all, the questions focused on marriage and divorce, attitudes toward non-Jews, civic duties, rabbinic authority, occupational restrictions, and money-lending. The ultimate goal, as defined by Napoleon, was to "reconcile the beliefs of the Jews with the duties of Frenchmen, and to transform them into useful citizens, in order to remedy the evil to which many of them apply themselves to the great detriment of our subjects."⁸ Napoleon sought formal reassurance that the Jews of the empire were committed to the French civil code and to his program of broad social integration. To accomplish this objective, the emperor convened another body in 1807—the Grand Sanhedrin—to formally ratify the assembly's responses and place them "on equal footing with the Talmud, as articles of faith and principles of religious legislation."⁹

Despite vast differences among the delegates on the authority of Jewish law and tradition, there was nonetheless general agreement on how an ethos of tolerance and respect for non-Jews ought to be formulated. Whatever their orientation, members of the assembly could scarcely ignore the predominant social and political realities

facing French Jewry, and each understood the need to fulfill the obligations that the status of citizenship entailed. Liberal members of the assembly were firmly committed to a broadly conceived universalism and were, therefore, prepared to break with what they understood to be Judaism's overly parochial view of the world beyond the borders of the Jewish community. Perhaps more pragmatic in their approach, traditionalists were aware that to view French society with contempt was not plausible and they, therefore, embraced the teachings of the more tolerant rabbinic authorities of the late medieval and early modern periods.¹⁰ As a result, then, of the solid consensus that was forged, the assembly displayed an unequivocally positive attitude toward the primacy of the state and strongly endorsed Judaism's compatibility with civic duties. It denied that any aspect of Jewish religious law, e.g., marriage and divorce, contravened the laws of the state.

The reason for questions concerning the realm of personal status is clear: in France marriage was the specific arena in which the conflict between religion and state was first waged. In 1792, marriage was brought under the auspices of the civil authorities. Jews were required to abide by the new law, which invalidated the legal standing of the Jewish marriage ceremony. Nevertheless, because the National Assembly had not yet established protocols for non-Catholic unions, Jews continued for some time to marry and divorce "according to the laws of Moses and Israel."¹¹ Napoleon went a step further, instructing rabbis not to conduct the marriage ceremony without proof that the civil ceremony had already been performed before a government official. The Assembly of Jewish Notables, for its part, confirmed the priority of the state over Jewish law in establishing the legal validity of marriage.¹² Though permitted in biblical Judaism and not expressly forbidden by the Talmud, polygamy had been formally prohibited since the eleventh century. In their response to the second question the delegates stated that divorce was valid only when first executed in French law. With this answer the assembly was able to underscore the fundamental principle that guided it in all of its responses, i.e., that the law of the state is undisputed.¹³

Precisely how Judaism viewed marriages between Jews and Christians was a much more challenging issue—arguably the most difficult of all those facing the delegates. In fact, progressive and traditionalist views diverged so widely that no agreement could be reached on a single formulation. Instead, two distinct answers were

combined. The first part reflected the position that intermarriage with Christians was not expressly forbidden by biblical law. Accordingly, the prohibition was limited to the seven idolatrous nations of ancient Canaan only, and did not extend to adherents of modern monotheistic faiths such as Christianity.¹⁴ The second part referred explicitly to the opinion of the rabbinic delegates. It stated that in spite of the technical permissibility of marriage with Christians, the rabbis could not lend their support to such unions. Their response accentuated the ritual requirements of the marriage ceremony, which they argued were indispensable to the religious validity of the union. From the standpoint of Jewish law, then, marriage uniting a Jew with a Christian was not a recognized union. The rabbis did concede, however, that such marriages were valid civilly and that a couple so united could dissolve the union without the need for a religious divorce.¹⁵ Even more significant, the rabbis resigned themselves to the fact that individuals could now choose to live within the civil sphere, well beyond the authority of Jewish law. Nevertheless, by combining the two answers into one, the delegates appeared to balance the widely divergent demands of Jewish law and contemporary French culture.

There is, however, one vital consideration that must not be overlooked. In the case of intermarriage, as in other areas, the decisions of the Sanhedrin varied substantially from the responses of the Assembly of Jewish Notables. As a rule, the assembly's responses were more deliberative in tone and reflected a wider range of views than those of the Sanhedrin, which was predominately a rabbinic body. In its third decision the Sanhedrin stated that although a mixed marriage created *civil* obligations, it was, from a religious standpoint, a prohibited act and halachically invalid.¹⁶ As for the highly unorthodox formulation in the first part of the assembly's response, there is no trace of it in the doctrinal decisions of the rabbinic body. It appears to have been little more than a rhetorical ploy intended to curry favor with the Napoleonic commission, but it offered no *legal* dispensation from the traditional prohibition against intermarriage. The failure to notice this distinction has led historians to overstate the commonly held claim concerning the general failure of the Sanhedrin to represent the positions of Jewish law and tradition faithfully. Scholars have likewise interpreted the effusive declarations of patriotism and brotherhood as evidence that the assembly broke with fundamental assumptions regarding

the collective destiny of the Jewish people. Nevertheless, in spite of the intense pressure to which members of the assembly were subjected, it is not at all clear that they had intended either to misrepresent or offer a fanciful reading of Judaism's view of the state and its Gentile citizens. To the contrary, their responses generally fell within the broad range of Jewish legal opinion, though it cannot be denied that at times they rested on views that were not entirely normative. A more charitable reading of the Sanhedrin—ultimately one that strives for greater historical accuracy—is amply supported by a body of pertinent evidence that historians have either overlooked or underestimated. Specifically, I refer to the published writings of Rabbi Aaron Worms, an important Metz halachic authority who served as a leading delegate at the Assembly of Jewish Notables and as a member of the Sanhedrin.¹⁷

The halachic orientation of the Paris assemblies was fashioned under the influence of Rabbi Worms, who was then serving as *dayyan* (rabbinic court judge) and *poseq* (halachic authority) in his community.¹⁸ Worms' published works provide the basis for a more complete analysis of the Paris deliberations. His discourse on Gentiles in Jewish law, which he delivered to fellow delegates at the assembly, is mentioned in several sources but was never included in the official transactions. Fortunately, Worms decided to publish a summary of the address amid his talmudic *novellae* twenty-five years later, in the final volume of his magnum opus, *Meorei Or* (*Bright Luminaries*).¹⁹ Contained in this discourse are the underpinnings for the assembly's declarations of loyalty to France and her citizens, though, as one would expect, Worms' presentation was far more nuanced.

At the core of Worms' Paris address were four central claims. Worms first emphasized Jewish law's overriding commitment to morality. Referring to the biblical identification of *avel* (injustice) with cheating others (Lev 19:35), he could confidently rely on Maimonides' unqualified objection to deceitful behavior. Maimonides saw the withholding of money earned (*osheq*) as the equivalent of robbery (*g'zelah*), and ruled that the one is prohibited like the other.²⁰ The talmudic discussion in *Gittin* 61a defined Jewish-Gentile relations within the framework of reciprocal interaction. It is clear that the extensive list of ethical obligations *vis-à-vis* Gentiles was mandated for the sake of social stability, mutual responsibility, and the promotion of peace (*mipnei darchei shalom*). To these largely prudential-ethical concerns Maimonides offered a more positive

reason why the abuse of Gentiles was objectionable. According to Hilchot Genevah 7:8, one who cheats the idolater performs an abhorrent act—an act of *avel*—that is condemned harshly in Deut 25:16: “For all who do such things, even all that act unrighteously, are an abomination unto the Lord thy God.” In his *Commentary on the Mishnah* (*Kelim* 12:7), Maimonides elaborated this idea further, asserting that no form of “falsification, trickery, deceit, fraud, or subterfuge is permitted; of the idolater they said it is prohibited to deceive any person, even the idolater, especially in a matter that could cause the name of God to be desecrated...[or] will foster in a man degenerate character traits, qualities which God abhors, like those who perform them, as is written, ‘even all that act unrighteously...’”²¹ Enlarging on *Chullin* 94a, Maimonides here linked the specific proscription against deception (*g’nevat hadaat*) with the general prohibition of the desecration of the divine name (*chillul Hashem*), and defined the latter in terms of its inexorable moral implications.²² The Maimonidean position implied that the fulfillment of ethical obligations toward non-Jews, even idolaters, was essential for the perfection of one’s moral character, irrespective of who the beneficiary may be.

In the course of the seventeenth century, during the transition from agrarianism to an economy based on capital investment, international commerce, and manufacturing, there arose novel opportunities for Jews to become involved in a wider range of activities in general society. Corresponding to increased commercial interaction between Jews and non-Jews were recurring warnings of the harm that deceptive practices against Gentiles would cause to the Jewish community. This was traditionally couched in terms of *chillul Hashem*. But in the seventeenth and eighteenth centuries, rabbis increasingly condemned these “ugly deeds” on their own account.²³ For example, *Be’er ha-Golah*, a commentary by seventeenth-century Lithuanian talmudist Rabbi Moses Rivkes on *Hoshen Mishpat*,²⁴ echoed Maimonides’ admonition that the mistreatment of Gentiles was injurious to Jewish character. He cited traditions strongly commending exemplary behavior toward idolaters, such as the return of lost property, “in order to sanctify the Name and glorify Israel, so that they will know that they [the Jews] are men of faith.”²⁵ The fact that throughout his presentation Worms never referred to the potential harm that the mistreatment of Gentiles could bring upon the reputation of the Jewish community, that is, concern for

chillul Hashem, is consistent with the new direction taken by early modern halachists.

Worms' second argument reflected an appreciation for advances in the legal system of post-revolutionary France. French society's rigorous commitment to the ideal of legal equality virtually erased earlier distinctions in the status of Gentiles and Jews. It followed that Jewish law could scarcely maintain unjust standards in its ethical system. This was also not a new position. R. Ya'ir Hayyim Bacharach's positive evaluation of German legislation and of the law-abiding tendencies of contemporary Gentiles is evident in a ruling on legal extradition. In contrast, most halachic authorities of the period were reluctant to deliver Jewish criminals to general courts out of concern that the tense nature of Jewish-Gentile relations, extensive anti-Jewish discrimination, and the injustices that Jewish defendants were likely to face in the non-Jewish court system made a fair trial unlikely. Nevertheless, in the seventeenth century one may discern a growing effort to build upon medieval talmudic law. In two separate responsa, Bacharach concurred with the famous ruling of R. Joel Sirkes permitting extradition to Gentile authorities. As a clear response to concerns about fairness in the general justice system, Bacharach distinguished sharply between the anti-Jewish prejudices rampant among the masses and the enlightened views of the governing bodies. He based these arguments on the presumption that a non-Jewish court was capable of conducting an honest investigation and reaching a just verdict.²⁶ The argument proposed by Worms was consistent with the spirit of these earlier decisions.

Legal parity was closely related to Worms' third claim concerning important differences between the status of idolaters and Noahides. By disassociating contemporary non-Jews from the pagan nations of antiquity, Worms was able to set aside talmudic sources permitting what modern society viewed as unethical behavior. The case of Noahides provided a talmudic analogue to the law-abiding Gentile citizens of modern Europe who were bound by a moral code proscribing murder, theft, and lechery. Worms thereby placed himself squarely within the liberal tradition advanced by Rabbi Menahem Me'iri of fourteenth-century Provence, though the latter was unknown to him. Me'iri's approach centered on the identity and status of civilized Gentiles and on their entitlement to equal treatment.²⁷ Out of this emerged a new principle of ethical obligation toward non-Jews, based on the premise that adherents of monotheism were ethically responsible and, therefore, deserved to be

considered as peers. Me'iri's clear distinction between idolaters and those he called "nations restricted by the ways of religion" permitted a rigorous classification of *halachot* that applied to the low standing of Gentiles in the ethical system of Judaism, on the one hand, and the removal from that inferior category of all those who were members of a monotheistic faith. Concerning the return of lost property and the prohibition of robbery, Me'iri therefore maintained that the principle of inequity did not apply to "nations restricted by the ways of religion," who were to be considered as full-fledged Jews.²⁸ Moreover, he argued that those Gentiles who were restricted by the ways of religion ought to be included in the term *amitecha* (your fellow), thus entitling them to ethical treatment comparable to that of a Jew. His principle extended to the ban on excessive profit, equal compensation for property damage, and equality of punishment for bloodshed. The result, theoretically at least, was the collapse of many of the traditional distinctions between Jew and Gentile in the civil—though not ritual—realm.²⁹

Like Me'iri, Worms insisted that the talmudic warning (Sanhedrin 76b) against returning a lost object to a non-Jew "does not apply to the nations of the world in our day. One announces their lost objects, as in the case of a Jew." "Only among the nations of antiquity were there true heretics," Worms asserted, "[but today] there is no distinction between Jew and Gentile"; "we are obligated to physically save the Gentiles of today, and their money is prohibited as is any Jew's."³⁰ Here Worms revealed his close affinity to the approach of Rabbi Rivkes, whose comments repeated the clear distinction between pagan and civilized nations that figured so centrally in the halachic system of Me'iri. Rivkes affirmed that the *halachah* had intended to exclude only idolaters from the category of those deserving ethical treatment, "but not the peoples under whose protection we are exiled."³¹

Worms' final argument was predicated on the ideological and social foundations of the Revolution. His vision appears to have been modeled after the Aristotelian *societas civilis*, a community of citizens bound together as free and equal participants and whose ethical responsibilities are grounded in the principle of reciprocity. These ideas governed Worms' selection of sources and the interpretations he chose to highlight, particularly those reflecting a broad universalist thrust. For example, he cited the position advanced in *Seder Eliyahu Rabbah*, against *Bava Qama* 111b, that the proscription "*lo taashok et reicha*" (Lev 19:13) was the basis for

banning the use of property stolen from a Gentile (*gezel hagai*). From there he proceeded to demonstrate painstakingly that each time the term *reia* (fellow) appears in biblical texts, its intended referent is humanity at large. This line of reasoning corresponded to the efforts of talmudic sages and of Maimonides to apply the Torah's injunction against deception to Jew and Gentile alike.³²

Together, the arguments advanced by Worms provided an impressive and compelling case for relegating troublesome talmudic legislation to virtual desuetude. They also attested unambiguously to the compatibility of Judaism with duties toward the state and its citizens. Resting on this firm foundation, the Assembly of Notables was able to dispel all notions of religious superiority and social exclusiveness routinely attributed to Judaism, though it still lacked a general principle justifying positive relations with non-Jews. In this regard, it went well beyond the parameters set forth by Worms and asserted, particularly in its answers to questions four, five, eleven, and twelve, that loyalty to the state and its citizens was a supreme religious obligation. By affirming that "France is our country, all Frenchmen our brothers, and this glorious title, while honoring us in our own eyes, becomes a pledge of which we shall never cease to be worthy,"³³ the delegates declared that a redefinition of brotherhood was necessary in light of the new social and political reality of post-revolutionary France. The bonds of fraternity could no longer be defined solely in terms of religious affiliation; citizenship had emerged, above all else, as the principal basis for uniting members of the French nation. Accordingly, the Jews of France declared themselves "Frenchmen of the Mosaic persuasion."³⁴ No such formulation is extant in any of Worms' writings, nor is it likely that he subscribed to the spirit that lay behind it.

Money-lending presented the most immediate challenge to the assembly. Drawing upon the foregoing halachic and conceptual arguments, Worms boldly presented a solution to the thorny legal and moral issue—one that had not been proposed by his predecessors. With respect to taking interest, even Me'iri could find no justification to overlook the essential difference between Jew and Gentile and, therefore, he did not apply his principle of "nations restricted by the ways of religion." Worms, however, averred that interest on loans extended to "a believing Gentile is only permitted in accordance with the law of the land, [while] interest from a Jew is permitted by the partnership of *heter isqa*." Through this legal device, designed to elude the prohibition of taking interest from a

fellow Jew, interest became a share in the profits that accrued in the temporary business “partnership.” This formulation reflected the central claim of Worms’ Paris address: that Jewish law envisioned the establishment of virtual parity between Jews and Gentiles in the civic arena. The case of money-lending illustrates the great importance attached by Worms to regulating the scope of halachic permissibility within limits imposed by *dina d’malchuta* (the law of the realm).³⁵

Forced to counter the overwhelmingly negative evaluation of money-lending, the assembly directed its initial efforts at the alleged moral double standard within Jewish law. Following Worms’ lead, the delegates advanced the notion that there was no practical distinction between Jewish and Gentile borrowers. Their contention rested on the premise that in Jewish law there are two categories of transactions—commercial loans and charitable loans—and that it was the type of loan, not the identity of the borrower, that determined whether interest was permitted. In the case of commercial loans, where interest was authorized, the delegates based their argument on the *heter iska* explained by Worms, though they made no explicit reference to it. Interest, even among Jews, was, therefore, lawful in commercial operations, as it was for Gentiles. In the case of charitable loans (i.e., those intended for food, clothing, or shelter), the assembly argued that interest was forbidden, regardless of whether the borrower was a Jew or a Gentile. Building on the twin claims that the right to charge interest depended not on the religious affiliation of the borrowers but on the purpose of the loan, the assembly proposed that the Jewish law of money-lending embodied, in concrete terms, equality between Gentile and Jew. So far the assembly’s response reflected the views of Rabbi Worms. However, the assembly subsequently took the argument a step further. It presented the foregoing legal interpretation as consistent with the plain meaning of Deut 23:21, the source text for the prohibition against taking interest from a fellow Jew. Because the verse makes no explicit reference to Jews, but only forbids taking interest from “your brother” (*achicha*), the delegates declared that the term *achicha* ought to be understood broadly to refer to all fellow French citizens. By so doing, the Paris body virtually erased the difference between Jewish and Gentile borrowers. This conception of brotherhood—defined by citizenship, not religious affiliation—represented a most serious challenge to Jewish identity in the modern era.³⁶

In practical terms, it is improbable that this declaration signified a revolutionary departure from the assumptions underlying the collective identity and destiny of the Jewish people. It is fair to say that most of western Jewry in the early nineteenth century was unwilling to redefine the nature of their affiliations according to the assembly's pronouncements. Most, in fact, would continue to maintain the strongest attachments to their co-religionists, in France and abroad, for most of the century. The social and cultural barriers that continued to separate Jew from Christian, particularly outside of the major urban centers where traditional associations were more easily preserved, inevitably reinforced the ethos of Jewish solidarity. Members of the assembly were undoubtedly aware of the tenacity of these social realities but also understood the urgent need for clarification of the role of Jewish law in the modern state. At the apparent expense of traditional Jewish solidarity, they did affirm French Jewry's allegiance to the *patrie* (the fatherland) by asserting that they would fight Jews of other countries with which France was at war.³⁷ These and other pronouncements of the assembly were subsequently converted into authoritative doctrines "that would be placed next to the Talmud and [would] thus acquire, in the eyes of all Jews in all countries for every century, the greatest possible authority." On February 4, 1807 the Sanhedrin met for the first time, and over the course of five weeks issued decisions that were binding both from the standpoint of French law and *halachah*. The largely rabbinic body sought to define the relation between Jewish law and the modern state without altering any rituals or fundamental doctrines of Judaism. Particularly significant for the long run was the distinction that was drawn between the political and the religious realms of Judaism:

Let us declare, then, that the divine law is complete, [and that] the precious inheritance of the community of Jacob contains [both] religious provisions and political provisions; that the religious provisions are by their nature absolute and independent of circumstances and times; that this is not the case for political provisions, that is, for those that made up the government and were destined to direct the people of Israel in the land of its inheritance, when there was a king, high priest, and magistrates; that these political provisions can no longer be applicable now that Israel no longer forms a national body.³⁸

The separation of the two realms profoundly imprinted itself on the consciousness of French Jewry during the next several decades. This was accomplished thanks to the persistent efforts of the Consistory leadership to make the Sanhedrin decisions a standard part of the Jewish school curriculum and to require that every child be examined by the departmental grand rabbi before becoming a bar or bat mitzvah.³⁹ Evidence of the impact of the depoliticization of Judaism and, generally, of the importance of the Sanhedrin, is also found in school curricula, in the views of scholars such as Salomon Munk and Adolphe Franck, and in rabbinic sermons and writings throughout the nineteenth century. By mid-century the idea was strongly endorsed by broad sectors of the Franco-Jewish community.⁴⁰

The Paris Sanhedrin owed both its prominence and notoriety to the role it played in endorsing the revolutionary concept of *fraternité* as the exclusive mediating principle between the Jewish religion and French society. It drew upon the philosopher Moses Mendelssohn's proposition calling for cooperation between Judaism and the secular state and, as we have seen, on a halachic tradition that viewed non-Jews in a favorable light.⁴¹ The Paris body affirmed that seemingly irreconcilable conflicts between the religious obligations of Judaism and the duties demanded of citizens by the state were to be resolved in favor of the latter, since loyalty to the modern state was defined as a supreme religious value. Not all French rabbis agreed on the religious status of patriotism, however. Some worked vigorously to infuse emancipation with religious significance; others had misgivings about how far the practical halachic implications of republican Judaism might be taken. Leaving nothing to chance, the newly formed consistory would soon take measures requiring rabbis to emphasize the lessons of the Sanhedrin in their sermons, while the text of the decisions was reproduced in every textbook approved for use in Jewish schools. For the Napoleonic regime, as for Jewish communal leaders, the Sanhedrin provided the authoritative interpretation of emancipation; its answers and doctrinal decisions formed a new and central text for subsequent generations.

Historically, the Sanhedrin was the first *public* organization of Jews to articulate a positive attitude toward the state and its Gentile citizens, and to draw a clear distinction between the national and religious components of Jewish identity. Considering the fulsome rhetoric and hyperbolic style demanded by the occasion and in view

of the halachic background and social historical context, the Sanhedrin may be said to have voiced a far more moderate position than is normally assumed. Changing conceptions of Gentiles and Gentile culture in the preceding two centuries, including a growing respect for Gentile law and a progressive disassociation from certain discriminatory views of Gentiles, permitted the rabbinic leadership that assembled in Paris to draw boldly on those classical traditions it felt corresponded to the new conditions facing emancipated Jewry. But equally important, the Sanhedrin, following R. Aaron Worms' lead, was careful to maintain a sharp distinction between the ritual and civil spheres. The civil sphere encompassed the full range of Jewish-Gentile relations and duties to the state, whereas the ritual sphere, it was agreed, ought to remain largely inviolate. Notwithstanding the delegates' unequivocal declarations of patriotism and brotherhood, and despite the religious reassurances provided by the Sanhedrin itself, the government's confidence in the Jews' ability to undergo self-reform faded quickly. On March 17, 1808 Napoleon issued his "Infamous Decree" to the severe economic and political detriment of the Jews in his empire.⁴²

In the years following the adjournment of the Sanhedrin, public discussion of the Jewish question came to a virtual standstill. Only after the defeat of Napoleon and the deterioration of the Jewish condition in central Europe, particularly in those territories where emancipation had been granted and subsequently withdrawn, did the Jewish question again come to the attention of the public. The ensuing debate on the compatibility of Judaism with the duties of citizenship extended for several years, focusing on French Jewry's slow transformation. Although the spirit of these discussions was generally constructive, concerns about purported obstacles posed by the Jewish religion were voiced routinely.⁴³ Figuring most prominently in these discussions was the Paris Sanhedrin. Widely commended for having set the relationship between Judaism and the state on its proper course, the body also came to be a source of frustration in the following decade because it accentuated the vast distance between the theoretical potential for change and the resistance that obtained in practice. Over the next decades the Sanhedrin exerted a double impact. On the one hand, it aroused a new genre of criticism; French Jews were regularly taken to task for failing to behave according to the "noble sentiments" of loyalty to the *patrie* declared by the Paris assembly.⁴⁴ Within the Jewish community the

Sanhedrin was viewed as having defined the essential elements of the ideology of emancipation.

For lawyer, senator, and historian Arthur Beugnot, winner of the 1824 essay contest sponsored by the *Société des Sciences, Agriculture et Arts* of Strasbourg, the Sanhedrin had fallen far short of the mark. Accordingly, he proposed the convocation of a new Sanhedrin empowered to revise the religious dogmas and moral principles believed to be responsible for the social estrangement of the Jews and to prescribe concrete changes as well. As an example, Beugnot cited the calendar of Jewish holy days as an obstacle to normal business relations with Christians and to the hiring of Jewish workers in Gentile shops. He, therefore, urged that the Jewish Sabbath be moved from Saturday to Sunday, in accordance with Christian practice. Also targeted for reform were those rituals that appeared to impede Jewish social integration. Some writers cited the Jews' refusal to intermarry as the greatest obstacle to their integration, though Beugnot reserved his most severe criticism for Jewish dietary laws insofar as they impeded "*la fusion sociale des Juifs*" (social fusion).⁴⁵ These restrictions could justifiably be eliminated, he opined, because they were no more than rabbinic inventions. Moreover, if the dietary laws were at one time legislated out of political and hygienic concerns, it was now up to the Consistory to declare them null and void.⁴⁶

The French Jewish reformer Olry Terquem was more generous in his appraisal of the Sanhedrin, but equally concerned about the limits that Jewish ritual placed upon social integration. He proposed that in those instances where traditional religious observance encroached upon the obligations of citizenship, as in the case of the Jewish Sabbath, the main source of conflict ought to be modified. He maintained that the restrictive Sabbath laws posed an obstacle to the Jews' economic integration into French life by requiring them to be idle two days of the week. The Paris Sanhedrin, according to his reading, had provided a religious dispensation to anyone receiving vocational or military training, or engaged in occupations that might require the violation of traditional Sabbath restrictions. Going a step further, he asserted that because of mounting economic and social pressures, both the working and educated classes of Jews found themselves excluded from public worship. He urged communal leaders to acknowledge the growing phenomenon of nonobservance by allowing Jews whose occupations did not permit Saturday observance to celebrate the Sabbath on Sunday, the "national

day of rest." Two successive days of rest was an insurmountable difficulty for many Jewish citizens, he averred, and this was aggravated by the dangers posed by Christian missionaries who had made their greatest inroads among the Jewish indigent.⁴⁷

At issue was whether the rituals of the Jewish traditions—*les symboles séparatistes*, in the words of Terquem—would continue to determine how Jews related to the world around them. He insisted that such symbols could never be reconciled with the status of citizenship.⁴⁸ In referring to the separatist ethos, Terquem could well have had in mind the views of Rabbi Lion-Mayer Lambert of Metz. In his *Catéchisme du culte judaïque* (*Catechism of the Jewish Religion*), published in Metz in 1818, Lambert portrayed Jewish ritual as a haven from the onslaught of modernity and French culture. In his description of the significance of Sabbath observance, for example, Lambert emphasized the power of the Sabbath to create a private domain that was protected from the harmful influences of the surrounding society. Lambert's attitude toward French society was distrustful, hardly typical of the enthusiasm expressed ten years earlier at the Napoleonic Sanhedrin. Likewise, in characterizing Judaism's attitude toward non-Jews, Lambert retreated from the Paris assembly. His admonitory instructions against mistreating non-Jews were based on the Torah's proscription against desecrating the name of God (*chillul Hashem*), not on its moral impropriety. Moreover, Lambert did not include in his text any discussion of the duties that each person owed the state and its citizens. In fact, in the entire catechism there was no mention of France, the Revolution, citizenship, the Paris Sanhedrin, or the state. Lambert viewed separation from French society and culture as a necessary condition for the continued viability of the Jewish community, especially in an era when many of the barriers separating the Jews from French society had begun to give way.⁴⁹

Terquem's critics emerged as leading advocates for ritual modernization. Though faced with similar concerns about the continued viability of the Jewish tradition, they responded to the profound challenges of their era by refusing to discard the rituals and symbols of the Jewish tradition. Among Jewish intellectuals who were committed to the program of regeneration as set forth in the 1830s and 1840s there emerged a clear consensus on the importance of preserving a distinct social and cultural identity. The result was a "republican Judaism" that sharply rejected both the separatism favored by certain sectors of the orthodox community and the

liberal demand for *fusion sociale*. Its clearest exposition was Samuel Cahen's *Précis élémentaire d'instruction religieuse et morale pour les jeunes français israélites* (*Elementary Primer of Religious Instruction for Young French Jews*). Published in Paris in 1820, the Cahen catechism underscored "the religious obligation to fulfill common duties to the state: to serve and to defend France, to make all the necessary sacrifices, whether drawn from our possessions or from ourselves, in order to assure the success of this land." As in the catechism authored in the same year by Metz *maskil* Elie Halévy, *Instruction religieuse et morale à l'usage de la jeunesse israélite* (*Religious and Moral Instruction Intended for Jewish Youth*), emphasis was placed on privileging duties to the state over personal interests and on the universalist interpretation of biblical texts. The word "neighbor" (Lev 19:18) was understood to refer unconditionally to all humans, and 'brother' (Deut 23:20) included "all men who recognize God." In these respects, the republican catechisms drew heavily on the central doctrines of the Napoleonic Sanhedrin. Accordingly, there would be no distinction between Jew and non-Jew in the performance of ethical duties, and no difference with respect to lending money on interest, as the Halévy catechism stated:

Thus a Jew of today cannot, without both transgressing the law of God and offending justice and humanity, allow himself to engage in this illicit commerce with individuals whose religious opinions, it is true, differ from his, but who are no less strict observers of these great principles, foundations of all...civilized peoples.

Proponents of regeneration viewed service to state and society as a religious obligation and rejected any distinction between Jews and non-Jews in the performance of ethical duties. They understood the Jewish messianic idea almost exclusively in terms of its universal-humanistic implications: the reign of truth and justice, as the triumph of the belief in the unity of God, and peace. The mission of Israel was to safeguard the knowledge of God, to embody it in their way of life, and to teach it to humanity.⁵⁰ In their view it was necessary to forge a traditional Jewish identity that did not shrink from the full implications of the revolutionary legacy. Ultimately, the goal was "*fusion civile*" (civil fusion), that is, full participation in civic life, as distinct from the more radical "*fusion sociale*" that Terquem championed.⁵¹

The considerable overlap between the doctrines of the Sanhedrin and the ideology of religious reform is hardly a surprise. In response to the claim that strict adherence to the Jewish ritual tradition precluded participation in public life, reformers went several steps further than the Paris Sanhedrin. The Napoleonic assembly had represented Judaism as a depoliticized religion, stressed several liberal interpretations of Jewish law, and emphasized the principle of *dina d'malchuta dina* in order to absolve the Jewish religion of its purported moral failures and fundamental incompatibility with civic duties. Reformers, however, lobbied for the elimination of those aspects of the religious tradition, including ritual and liturgical elements that were unsuited to citizenship. They also insisted that greater attention to the aesthetic and spiritual dimensions of ritual would persuade the growing numbers of alienated Jews to return to the synagogue. Religious reform found justification for its agenda in the differentiation between the essential and nonessential in Judaism and in the interstices between custom and law. Ironically, however, in spite of rather wide agreement on the need to adapt Jewish ritual to the novel status of nineteenth-century French Jewry, efforts on behalf of religious reform never gained institutional expression. Moreover, the ideology of religious reform in France remained far more conservative than in neighboring Germany.

Why were French Jews less receptive to ritual reform than their co-religionists in Germany? Their conservatism was linked, in part, to the impact of the Sanhedrin on the limits of transformation French Jews believed were necessary in order to satisfy the demands of citizenship. The moderate character of the French reform program was largely a product of political and legal conditions, institutional forces, and demographic factors that were peculiar to France. In Germany, where the political struggle for civic equality was frustrated by repeated setbacks, liberal Jewish thinkers concluded that a religion divested of its particularistic features would ultimately furnish government authorities with convincing proof that the Jews were worthy of citizenship. Most French Jews felt no urgency to undertake far-reaching ritual reforms comparable to those introduced in Germany. From its inception, regeneration was defined principally in socio-economic terms, and the Paris Sanhedrin played a key role in leaving the question of religious reform off of French Jewry's political agenda. Accorded the status of law by the Napoleonic regime, the Sanhedrin's decisions were transformed

into a powerful legacy whose impact could still be felt, or at least invoked, at mid-century. Government recognition implicitly confirmed the legitimacy of the Sanhedrin's relatively conservative character. For subsequent generations of *régénérateurs*, the Sanhedrin's decisions ultimately exerted a moderating influence on the process of regeneration. Moreover, by virtue of the recognition accorded to Judaism by the state, French Jews achieved virtual parity with their Catholic and Protestant neighbors, further reducing the urgency of reform. One result of state legitimization was the unprecedented emphasis on the manner in which Judaism represented itself in the public sphere; synagogue rituals of a less public character were relegated to a secondary status. By authorizing the Consistory to modernize the religion as it saw fit, the state expressed limited interest in ritual affairs.⁵²

After mid-century even those within the traditionalist camp had recourse to the legacy of the Sanhedrin. Rabbi Salomon Klein of Colmar, a staunch opponent of ritual reform of any sort, asserted that any religious innovation at all was a violation of the status quo established by the Paris Sanhedrin (of 1807). In building his case against the reforms issued by the 1856 Paris rabbinic conference, Klein masterfully invoked rhetoric normally associated with the era of the French Revolution. Ironically, liberty, democracy, and the Sanhedrin came to the defense of religious conservatism, as did the specter of communal and religious division in Germany.⁵³

In the end, the Sanhedrin played a crucial role in shaping the discourse of Jewish modernization for decades to come. This is most apparent in its iconic image. It was widely viewed as having defined the contours of the transformation that French Jewry needed to undergo in order to be worthy of the title *citoyens* (citizens). The absence of any explicit mention of religious reform, either in the questions addressed to the assembly or in the assembly's responses, confirmed for contemporaries and their descendants that political loyalty and a commitment to social integration alone were the basis of French citizenship. Even fifty years after the convocation, the authority of the Sanhedrin was still in force among all sectors of the community, although its deliberations invariably invited conflicting interpretations. But more than having imposed limits on the reform of religious ritual, the Sanhedrin paradoxically represented Judaism as both a depoliticized religion and the integration of *patrie et religion* (political and religious loyalty). Moreover, by reconfirming and recasting French Jewry's acceptance of the terms of citizen-

ship, the Sanhedrin fashioned the rudiments of an ideology of emancipation, one that proved vital to the regeneration project. In the centuries-long debate over the challenges posed by emancipation, discussion has centered, without fail, on the founding premises and myths set forth in Paris.

Notes

1. Simon Schwarzfuchs, *Napoleon, the Jews, and the Sanhedrin* (London, 1979), pp. 46–49. Also see Jay R. Berkovitz, *The Shaping of Jewish Identity in Nineteenth-Century France* (Detroit, 1989), pp. 77–84.
2. Shimon J. Maslin, “Selected Documents of Napoleonic Jewry,” unpublished paper, Hebrew Union College (Cincinnati, 1957), Document I-A.
3. See, for example, Simon Dubnow, *History of the Jews* (South Brunswick, 1967–73) vol. 4, pp. 552–55; Simon Schwarzfuchs, *Napoleon, the Jews, and the Sanhedrin*. On the Reform movement’s exceptionally positive view of the Sanhedrin, see David Philipson, *The Reform Movement in Judaism* (New York, 1931), pp. 149–63. For a famous Zionist condemnation of the Sanhedrin, see Peretz Smolenskin, “The Haskalah in Berlin,” in Arthur Hertzberg, *The Zionist Idea* (New York, 1959), pp. 154–57.
4. Jean Baptiste Philibert Vaillant, ed., *Correspondance de Napoléon 1^{er}* (Paris, 1858–70), vol. 13, pp. 581–85, excerpts from the text of a letter to M. de Champagny, Minister of the Interior, 29 November 1806, cited in Shimon Maslin, “Napoleonic Jewry from the Sanhedrin to the Bourbon Restoration,” unpublished paper, Hebrew Union College (Cincinnati, 1957), pp. 4–5.
5. *Ibid.*
6. See, for example, Agricole Moureau, *De l’incompatibilité entre le Judaïsme et l’exercice des droits de cité et des moyens de rendre les Juifs citoyens* (Paris, 1819), pp. 37–60.
7. Johann Andreas Eisenmenger, *Entdecktes Judentums* (Frankfurt, 1699).
8. From Vaillant, *Correspondance de Napoléon*, vol. 12 (Paris, 1863), pp. 700–11, no. 10537, cited in Schwarzfuchs, *Napoleon, the Jews, and the Sanhedrin*, p. 55.
9. Letter from Napoleon to M. Champagny, Rambouillet, 23 August 1806. Reprinted and translated in Simeon Maslin, ed., “Selected Documents,” Document I-B (Cincinnati: Hebrew Union College, 1959). Napoleon’s correspondence reveals that his ultimate objective was to advance the assimilation of the Jews to the French nation—through intermarriage—and, failing that, to achieve the means to impose rigorous state control over the Jewish population. See *Correspondance de Napoléon*, vol. 13, pp. 101–2 and 584.
10. See Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times* (London, 1961), p. 193.

11. This was certainly the case in Bordeaux. See Frances Malino, *Sephardic Jews of Bordeaux: Assimilation and Emancipation in Revolutionary and Napoleonic France* (Tuscaloosa, 1978), p. 66.
12. See Abraham Freimann, *Betrothal and Marriage Procedures after the Talmudic Era* [Hebrew] (Jerusalem, 1944), pp. 325–27.
13. The text of answer two reads: “In the eyes of every Israelite, without exception, submission to the prince is the first of duties. It is a principle generally acknowledged among them, that, in every thing relating to civil or political interests, the law of the state is the supreme law.” Diogène Tama, ed., *Transactions of the Parisian Sanhedrin*, (London, 1807), p. 152.
14. On the question whether the prohibition was limited to the seven Canaanite nations or extended to all non-Jews, compare Maimonides, *Mishneh Torah*, Hil. Issurei Bi’ah 12:1–2, where no distinction was made, and R. Jacob b. Asher, *Arba’ah Turim*, Even ha-Ezer, 16:1.
15. *Ibid.*, pp. 154–56. For a brief discussion of the legal aspects of intermarriage, and the citation of several striking precedents, see Dov Frimer, “Israel, the Noahide Laws and Maimonides: Jewish-Gentile Legal Relations in Maimonidean Thought,” *Jewish Law Association Studies* 2 (1986), pp. 96–97. Frimer cited R. Joel Sirkes, *Bayit Hadash*, Even ha-Ezer 16, where it was assumed that Maimonides recognized the possibility of a marriage of a Jew to a Gentile; and R. Jacob Reischer, *Resp. Shevut Yaakov*, pt. 1 (Halle, 1710), no. 20, for a possible halachic implication of this view as it relates to the disposition of leaven before Passover. Although Reischer insisted that the union of a Jew and non-Jew had no halachic validity, he conceded that “it appears that this is a *de facto* marriage in many respects.”
16. Barukh Mevorakh, ed., *Napoleon u-Tekufato* (Jerusalem, 1968), pp. 92–93.
17. A contemporary perspective on the Sanhedrin was furnished by Rabbi Ishmael Ha-Kohen of Modena, an Italian halachist who was invited to participate as a delegate, but was unable to attend because of his advanced age. See “The Responses of R. Ishmael b. R. Avraham Yitzhak Ha-Kohen,” in Judah Rosenthal, *Mehkarim u-Mekorot* (Jerusalem, 1966), vol. 2, pp. 513–32.
18. On Worms see Moshe Catane, “R. Aharon Worms and His Student Eliakim Carmoly” [Hebrew] *Areshet* 2 (1960), pp. 190–98; and Jay R. Berkovitz, “Authority and Innovation at the Threshold of Modernity: The *Me’orei Or* of Rabbi Aaron Worms of Metz,” *Me’ah She’arim: Studies in Medieval Jewish Spiritual Life in Memory of Isadore Twersky* (Jerusalem, 2001), pp. 249–85.
19. Worms published his seven-volume *Me’orei Or* over the course of forty years, under the following titles: *Me’orei Or*, vols. 1–3 (Metz, 1790–93); *Be’er Sheva* (Metz, 1819); *Od la-Mo’ed* (Metz, 1822); *Bin Nun* (Metz, 1827); *Ken Tahor* (Metz, 1831). Worms’ Sanhedrin address was reproduced in *Ken Tahor*, pp. 10b–11b, *novellae* to B.T. Sanhedrin 58b.

20. Moses Maimonides, *Mishneh Torah*, Hilkhoh Gezeleh va-Avedah 1:2. The position of Maimonides is exceedingly complex, as regards the scope of the prohibition of robbery, and more generally with respect to the status of Gentiles in Jewish law. In Hilkhoh Gezeleh va-Avedah 1:1, Maimonides employed language that limited the prohibition of robbery to another Jew (*chavero*), whereas in 1:2 he ruled that the prohibition of robbery pertains to a Gentile's (idolater's) money as well. For efforts to resolve the apparent inconsistency, see *Kesef Mishnah*, ad loc.; Ezekiel Landau, *Resp. Noda be-Yehudah* (Prague, 1776), vol. 1, Yoreh De'ah, no. 81.
21. Maimonides, *Commentary on the Mishnah*, Kelim 12:7. Cf. Yosef Kapah's edition (Jerusalem, 1968), vol. 6, p. 126, where the word "goy" (Gentile) appears instead of "akum" (idolator).
22. For a parallel formulation concerning the prohibition against inflicting pain upon animals, see Maimonides, *Guide of the Perplexed*, pt. 3, chapter 17.
23. Katz, *Exclusiveness and Tolerance*, pp. 156–57.
24. *Hoshen Mishpat* (lit. "breastplate of judgment"), the fourth part of the *Shulchan Aruch*, concerns Jewish civil law.
25. *Be'er ha-Golah*, Hoshen Mishpat 348.
26. See Bacharach, *Resp. Havvot Ya'ir*, *ibid.*, nos. 139 and 146, and compare the similar conclusion drawn by R. Jacob Emden, *Resp. She'elat Yaavetz*, pt. 2, no. 9. According to *Shulchan Aruch*, Hoshen Mishpat 388:9, it is prohibited to surrender a Jew, or his property, into the hands of non-Jews, even if he were an evil person or a criminal. However, one who harasses the community may be handed over to non-Jews in order to beat, imprison, or fine him, but this does not include one who harms an individual (sec. 12). Cf. Moses Isserles, Hoshen Mishpat 425:1. Against the plain meaning of *Tosefta Terumot* 7:20, R. David Ha-Levi ruled that an individual may be turned over to the government if he violated a law of the local authority and thereby endangered the community. See *Turei Zahav*, Yoreh De'ah 157:8. R. Joel Sirkes had gone a step further, stating that if an individual is accused of a crime against the general authorities, even though it is not known if he was guilty, it is permissible to extradite him so that he may be tried by the general court. See Sirkes, *Resp. Bayit Hadash*, nos. 43 and 44, and Elijah J. Schochet, *A Responsum of Surrender* (Los Angeles, 1973).
27. See Me'iri, *Beit ha-Behirah*, Bava Qama, p. 330, where the obligation to return an idolater's property is denied, but upheld in the case of one restricted by the ways of religion.
28. For his general principle of tolerance, see Menahem Me'iri, *Beit ha-Behirah*, Avodah Zarah, ed. Abraham Sofer (Jerusalem, 1965), p. 59, and specifically with regard to lost property, see *Beit ha-Behirah*, Bava Qama, ed. Kalman Schlesinger (Jerusalem, 1961), p. 330. In the scholarly literature, see Katz, *Exclusiveness and Tolerance*, pp. 114–28; and Moshe Halbertal, *Between Torah and Wisdom: Rabbi Menahem Ha-Meiri*

- and the Maimonidean Halakhists in Provence (Jerusalem, 2001), ch. 3.
29. In *Beit ha-Behirah*, Schlesinger ed., p. 219, Me'iri understood *amito* (Lev 25:17) as referring to non-idolatrous Gentiles. Cf. Landau, *Resp. Noda be-Yehudah*, preface. For an illustration of Me'iri's insistence that the distinction between Jew and Gentile be firmly maintained in the ritual sphere, see Jacob Katz, *The Shabbes Goy: A Study in Halakhic Flexibility* (Philadelphia, 1989), pp. 224–25.
 30. See *Ken Tahor* 11a and 16a. On the Me'iri, see Halbertal, *Bein Torah le-Hokhmah*, pp. 88–89.
 31. *Be'er ha-Golah*, Hoshen Mishpat, 425:5, cited in Katz, *Exclusiveness and Tolerance*, p. 165. Note the striking similarity to the view of R. Judah Loew ben Bezalel, in his own *Be'er ha-Golah* (Prague, 1598), pp. 143–46, S. Honig, ed. (Jerusalem, 1971).
 32. See *Ken Tahor* 10b–11b; *Bin Nun* 106a and 111a. Worms' position rested on Maimonides, *Mishneh Torah*, *Hilkhot De'ot* 2:6 and *Shulchan Aruch*, Hoshen Mishpat 228 and 231. For a discussion of the broader meaning ascribed to *re'a*, see Worms' discussion of Sanhedrin 93a. For a comparable view of *gezel ha-goi*, see Landau, *Resp. Noda be-Yehudah*, vol. 1, *Yoreh De'ah*, no. 81.
 33. Tama, *Transactions of the Parisian Sanhedrin*, pp. 76–80.
 34. See Schwarzfuchs's note on the dissatisfaction of the commissioners with this answer, in *Napoleon, the Jews, and the Sanhedrin*, p. 206, n. 3.
 35. See Me'iri, *Beit ha-Behirah*, Bava Metzia, p. 267, Schlesinger ed.
 36. Tama, *Transactions of the Parisian Sanhedrin*, pp. 199–200. Cf. Me'iri's similar formulation in his definition of "brother"; see *Beit ha-Behirah*, Bava Metzia, ed. Nissan Alpert (New York, 1959), p. 329. Cf. Halbertal, *Between Torah and Wisdom*, ch. 3, n. 25.
 37. Tama, *Transactions of the Parisian Sanhedrin*, pp. 194–96.
 38. Prologue of Sanhedrin decisions.
 39. Michael Graetz, *From Periphery to Center: Chapters in the History of Nineteenth-Century French Jewry* [Hebrew] (Jerusalem, 1982), p. 60.
 40. *Ibid.*, pp. 56–59. For two popular textbooks that referred to the Sanhedrin's doctrines, see Halévy, *Instruction religieuse et morale*, pp. 74–75, 83, 98–101, and Salomon Ulmann, *Recueil d'instructions morales et religieuses à l'usage des jeunes israélites français* (Strasbourg, 1843), preface. For the views of Munk and Franck, see *Archives israélites* 2 (1841), pp. 383–85; Munk, *Palestine*, p. 99, and Graetz, loc. cit., pp. 63–65. On the rabbinic embrace of depoliticization, see, for example, Lazare Wogue, *Guide du croyant israélite* (Paris, 1859), pp. 77–79, 352–57, 386–95, 495–47.
 41. For a discussion of Mendelssohn's views, see Alexander Altmann, *Moses Mendelssohn: A Biographical Study* (University of Alabama, 1973), pp. 465–68.
 42. See Alyssa Goldstein Sepinwall's contribution to this volume.
 43. Berkovitz, *Rites and Passages: The Beginnings of Modern Jewish Culture in*

- France, 1650–1860* (Philadelphia, 2004), pp. 144–46.
44. *Ibid.*, pp. 146–52.
 45. The expression “social fusion” was used by Christian and Jewish writers alike to denote advanced social integration or assimilation.
 46. *Journal de la Société des Sciences, Agriculture et Arts, du département du Bas-Rhin*. 1(1825), pp. 317–18.
 47. Terquem’s views were initially published under a pseudonym in a series of nine letters: Tsarphati, *Première (-Neuvième) lettre d’un Israélite français à ses coreligionnaires* (Paris, 1821–1837). Eighteen more essays appeared as letters to the editor of *le Courrier de la Moselle*, 1838–1841. See Berkovitz, *Rites and Passages*, pp. 152–56.
 48. See Tsarphati [Terquem], *Courier de la Moselle*, 30 April 1840. For Salomon Munk’s critique, see *Archives israélites* 1 (1840), pp. 325–32, esp. 332; Tsarphati’s brief response followed in *ibid.*, p. 399, and then more fully in *ibid.*, 2 (1841), pp. 231–36.
 49. Lion-Mayer Lambert, *Catéchisme du Culte Judaique* (Metz, 1818), pp. 26, 30, 124.
 50. See Samuel Cahen, *Précis élémentaire d’instruction religieuse et morale pour les jeunes français israélites* (Paris, 1820), and Elie Halévy, *Instruction religieuse et morale à l’usage de la jeunesse israélite* (Paris, 1820), pp. 74–75, 83, 98–101. Rabbi Salomon Ulmann, an Alsatian rabbi who became chief rabbi of France in 1853, had reservations concerning the emphasis on the religious significance of civic duties. Consequently, in his catechism, *Recueil d’instructions morales et religieuses à l’usage des jeunes israélites français* (Strasbourg, 1843) the reliance on the decisions of the Paris Sanhedrin was comparatively modest.
 51. See Simon Bloch, “Sur l’esprit et la tendance de ce recueil,” *La Régénération* 1 (1836), pp. 65–67.
 52. See Berkovitz, *Rites and Passages*, pp. 198–200, 222–31.
 53. See Salomon Klein, *Divrei Ha-Piyyutim ve-Za’akatam* (Mulhouse, 1859). Also see *Lettre Pastorale*, 7 October 1856. For another example of Klein’s positive view of the Napoleonic Sanhedrin, see his *Le Judaïsme ou la vérité sur le Talmud* (Mulhouse, 1859), p. 86.