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A festival of the law: Napoleon's Jewish assemblies

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TAKING LIBERTIES

PROBLEMS OF
A NEW ORDER
FROM THE
FRENCH REVOLUTION
TO NAPOLEON

EDITED BY
Howard G. Brown
AND
Judith A. Miller

Taking liberties

Problems of a new order from
the French Revolution to Napoleon

edited by Howard G. Brown and Judith A. Miller

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Contents

List of contributors	page vii
Acknowledgements	ix
New paths from the Terror to the Empire: an historiographical introduction <i>Howard G. Brown and Judith A. Miller</i>	1
1 The search for stability <i>Howard G. Brown</i>	20
2 Family bonds and female citizenship: <i>émigré</i> women under the Directory <i>Jennifer N. Heuer</i>	51
3 The aftermath of the assignat: plaintiffs in the age of property, 1794–1804 <i>Judith A. Miller</i>	70
4 Science and memory: the stakes of the expedition to Egypt (1798–1801) <i>Marie-Noëlle Bourguet</i>	92
5 The frivolous French: ‘liberty of pleasure’ and the end of luxury <i>Rebecca L. Spang</i>	110
6 The social contours of meritocracy in the Napoleonic officer corps <i>Rafe Blaufarb</i>	126
7 A festival of the law: Napoleon’s Jewish assemblies <i>Ronald B. Schechter</i>	147
8 Arbitrary detention, human rights and the Napoleonic Senate <i>Michael D. Sibal</i>	166
9 Napoleon and his artists: in the grip of reality <i>Annie Jourdan</i>	185
Index	205

A festival of the law: Napoleon's Jewish assemblies

Ronald B. Schechter

In late January 1806, on the way home from his victories at Ulm and Austerlitz, Napoleon passed through Strasbourg. There he heard complaints about Jewish moneylenders who, according to the Alsatian plaintiffs, were ruining the peasants through usury. After consulting with his Council of State periodically for the next four months, on May 30 he issued a decree designed to solve the perceived problem.¹ The decree stated that 'certain Jews, exercising no other profession besides that of usury have placed many cultivators . . . in a state of great distress', and that it was necessary 'to come to the rescue of those of our subjects whom unjust greed has reduced to such miserable extremes'. The Emperor therefore ordered for Alsace and the recently annexed Rhineland a one-year suspension in the execution of all court judgements in favour of Jews whose non-commercial loans to farmers had been disputed. Yet he did not stop with this discriminatory act. He went on to convoke an 'assembly of individuals professing the Jewish religion and inhabiting French territory'. This group, which historians have come to identify simply as the Assembly of Notables, was to be selected by prefects and to include 'rabbis, proprietors and other Jews most distinguished by their probity and enlightenment'. The notables' task was to suggest ways of 'recalling their brethren to the exercise of useful arts and professions in order to replace, through honest industry, the shameful practices to which many of them have resorted from father to son over many centuries'. As a result of their counsel, Napoleon claimed that it would be possible 'to revive among those who profess the Jewish religion . . . the sentiments of civil morality (*morale civile*) that unfortunately have become moribund among a large number of them by the state of abasement in which they have long languished'.²

1 R. Anchel, *Napoléon et les Juifs* (Paris, 1928), pp. 75–98; S. Schwarzfuchs, *Napoleon, the Jews, and the Sanhedrin* (London, 1979), pp. 45–51.

2 D. Tama, *Collection des actes de l'assemblée des Israélites de France et du royaume d'Italie, convoquée à Paris par décret de Sa Majesté impériale et royale, du 30 mai 1806* (Paris and Strasbourg, 1807), pp. 107–9.

When the notables convened in Paris on 23 July 1806, specially designated imperial commissioners presented them with a list of twelve questions about Jewish law and its relation both to the recently promulgated *Code civil* and the unwritten rules of civic virtue.³ This questionnaire inquired into such matters as whether polygamy, divorce or intermarriage were permissible and under what circumstances, whether rabbis claimed any civil or police power, whether Jewish law prohibited any occupations or forms of military service, whether it maintained a double standard on lending practices toward Jews and non-Jews, and whether it encouraged fraternal feelings between the two groups. It was therefore meant to elicit a guarantee that there were no conflicts between the Jews' religion and their obligations as citizens, or, if there were, that citizenship and obedience to Napoleonic law would henceforth take precedence over religious obligations. Within three weeks the deputies produced a report stating that there was no conflict between Judaism and French citizenship obligations.

At some point, however, Napoleon appears to have doubted the authority that the assembly's report would carry with the Jews under his rule. Therefore, on 18 September he ordered the deputies to convoke 'an even more imposing, more religious assembly' charged with converting the answers to the twelve questions into points of doctrine that 'could be placed next to the Talmud and thus acquire, in the eyes of all Jews in all countries for every century, the greatest possible authority'. He named this new assembly the Grand Sanhedrin, after the rabbinical court of ancient Jerusalem, and stipulated, 'according to ancient usage', that seventy-one men be called to compose this august body, though he departed from the old form by requiring twenty-five of its members to be laymen.⁴ After electing the Sanhedrin participants, the initial Assembly of Notables continued to meet during the next six months in order to establish a centralized system of Jewish consistories whose tasks included the enforcement of civic virtue as defined by the Sanhedrin. Yet public attention would shift toward the meetings of the Grand Sanhedrin in February 1807 as this extraordinary synod solemnly confirmed the Jews' duties as Jews vis-à-vis the Emperor, his laws and his non-Jewish subjects.

Although historians have written about the Assembly of Notables and the Sanhedrin, they have tended to use these meetings as an occasion for retrospectively praising or condemning Napoleon or the Jews, or both.⁵ This judgemental approach tends to treat Napoleon's handling of the 'Jewish ques-

3 *Détail officiel de tout ce qui s'est passé à la première et deuxième séances de l'Assemblée des Juifs* (Paris, 1806); and Tama, *Collection des actes*, pp. 132–3.

4 *Discours de MM. Les Commissaires*; and Tama, *Collection des actes*, pp. 237–40.

5 P. Sagnac, 'Les Juifs et Napoléon', *Revue d'histoire moderne et contemporaine* 2–3 (1901–02); two books by overtly anti-Semitic authors: J. Lémann, *Napoléon et les Juifs* (first published, 1891; reprint Paris, 1989); and A. Lemoine, *Napoléon Ier et les Juifs* (Paris, 1900); and a popular Bonapartist work, F. Pietri, *Napoléon et les Israélites* (Paris, 1965).

tion' for granted, whereas suspending judgement (if only temporarily) enables us to register a sense of surprise at precisely the course events took and, better still, to use their recovered strangeness as an opportunity to inquire into the little-understood political culture of the First Empire.

There is a general consensus that Napoleon's convocation of the Jewish assemblies were provoked by the complaints about usury that the non-Jews of Strasbourg had lodged earlier that year, and in this respect scholars have taken at face value the decree of 30 May 1806 in which Napoleon justifies his measures as responses to usury.⁶ But one needs to ask whether the reputed effect followed necessarily from the supposed cause. Usury was a real problem in Alsace and the Jews, though not the only practitioners of the disreputable practice, were disproportionately engaged in it due to their exclusion from most other forms of livelihood.⁷ More to the point, there is reason to believe that Napoleon was alarmed by the effects of usury on the Alsatian peasantry and held the province's Jews collectively responsible. Yet Napoleon had a number of options at his disposal. He could have left it to the courts to punish usurers, as indeed some members of his Council of State advised.⁸ He could have ordered his legislature to enact a law on usury, which was still undefined in 1806. Indeed, this is precisely what he did in September of the following year.⁹ Thus, if he created the Jewish assemblies to solve the problem of usury, he made that solution redundant within months by passing a law that dealt far more directly and efficiently with it.

Given the range of Napoleon's options, one wonders why the emperor chose, in addition to the measures enumerated above, to summon rabbis and Jewish laymen from the farthest reaches of his empire, to revive an institution that had died with the Roman destruction of Jerusalem and to have it convene publicly, in all pomp and solemnity, in the Hôtel de Ville. How would all this benefit Napoleon and his regime? Although Chateaubriand believed that Napoleon had financial motivations,¹⁰ Napoleon knew better than to see in the Jews a significant source of wealth. Clearly he saw in them a wealth of *symbolic* opportunities. Famously aware of the power of symbols, he paid scrupulous attention to them in his own self-representation, a habit indicating a belief that the signs of power and legitimacy were inseparable from power and legitimacy themselves. He and his supporters accordingly used the ceremonial surrounding his Jewish policy to suggest his possession of these coveted attributes.

The act of liberating anyone, when performed publicly, constitutes an

6 Anchel, *Napoléon*, pp. 75–86; Schwarzfuchs, *Napoleon*, p. 45; and J. Katz, *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770–1870* (Cambridge, Mass., 1973), p. 140.

7 Schwarzfuchs, *Napoleon*, pp. 29–30.

8 Anchel, *Napoléon*, p. 87; and Schwarzfuchs, *Napoleon*, p. 48.

9 Schwarzfuchs, *Napoleon*, p. 45.

10 F. de Chateaubriand, *Mémoires d'Outre-Tombe*, 2 vols (Paris, 1948), vol. 2, p. 381.

advertisement of the liberator's power. But emancipating the Jews in particular carried special advantages. It likened the liberator to the Messiah, the long-expected saviour of the Jews. Moreover, insofar as Napoleon highlighted the role of the Law in his Jewish policy, he likened himself to the famous Jewish lawgiver: Moses. One sees the Messianic-Mosaic Napoleon most vividly in an engraving by François-Louis Couché, *Napoléon le Grand rétablit le culte des Israélites, le 30 mai 1806*, designed to commemorate the calling of the Assembly of Notables. Centrally placed is Napoleon himself, crowned with laurels, clothed in his imperial robes and standing in front of his throne. With his right hand he holds a tablet bearing the inscription, 'Loi donnée à Moïse'. Further to his right, the chief rabbi, in his ceremonial dress, gazes admiringly at him. In the left foreground two robed men with long hair and beards kneel before the emperor and extend their arms toward a seated female allegory of Judaism. Napoleon reaches out to the limp hand of the visibly weak woman, who can barely support the original Tablets of the Law with her other arm. She is leaning against a statue of a lion, evidently the Lion of Judah, which alludes to the ancient yet lost glory of the Jewish people, as do the adjacent oil lamp and large seven-stemmed candelabra. Visible in what appears to be a crypt is another female allegory of Judaism, the medieval Synagoga, her head bowed and arms folded across her shoulder, as she was typically depicted in the sculpture that adorned cathedrals. In the background on the far right is a mountain, no doubt an allusion to Mount Sinai.¹¹

It was not necessary to take this message literally – indeed it had all the markings of allegory – to see its propagandistic meaning. Napoleon was enacting a *legal* liberation and therefore celebrating the object his regime fetishized: the law. Elsewhere, of course, Napoleon deliberately cultivated the persona of the legislator, repeatedly authoring constitutions, codifying laws and issuing decrees that carried the force of law. The Jewish assemblies gave him an additional opportunity to publicize to celebrate the cult of the law, which Napoleon had long used to legitimize a regime whose very origins in a coup d'état smacked of illegitimacy, even illegality. As Howard Brown has shown, a crucial feature of the Napoleonic regimes was the care with which they cultivated the appearance of legality.¹² Such an appearance, moreover, was all the more desirable in light of Napoleon's recent accession to a hereditary imperial throne of his own creation – to say nothing of the royal throne of 'Italy'. These innovations called renewed attention to the question of legitimacy, and the emperor therefore lost no opportunity to have himself cast in the cleansing light of the law. His Jewish assemblies provided just such opportunities.

11 F.-L. Couché, *Napoléon le Grand rétablit le culte des Israélites, le 30 mai 1806* (Paris, [1806]).

12 H. G. Brown, 'Domestic State Violence: Repression from the Croquants to the Commune', *The Historical Journal* 42 (1999), pp. 614–15.

Together the Assembly of Notables and the Sanhedrin constituted a veritable *Simchat Torah*, or Festival of the Law, but with this difference. The point of the traditional Jewish festival had been the celebration of God's Law or Torah. The Napoleonic *Simchat Torah* was to be a celebration of Napoleonic law. References to Napoleon's laws necessarily abounded in the two assemblies, the latter of which was open to the public and both of which were described in publications that included the principal speeches and written reports.¹³ The very composition of the assemblies, which resembled law courts, if not legislatures, continually highlighted the law as the ultimate object of concern. Their task was to interpret, codify, canonize and decree. Although these mandates were overlapping and potentially contradictory, the important thing was that their object was always the law.

If Napoleon and his agents set the stage for an apotheosis of the lawgiver, however, they had little control over the script, and less still over the Jews' interpretation of the drama in which they had been invited to participate. The Assembly of Notables and the Sanhedrin were thus not merely an occasion for the emperor to receive the adulation of grateful subjects, they provided an opportunity for the Jews to interpret themselves and their culture. By calling on Jewish spokesmen to define their religion's relationship to the civil law and civic virtue, Napoleon gave them a voice. This observation may seem banal, but it is worth recalling that Jews had long been the object of description, and that, although they repeatedly answered the claims of non-Jews, only with Napoleon were they officially permitted, indeed, ordered, to present their side of the story. To be sure, their liberty to express themselves was limited. They were constrained by twelve leading questions, and it would have been most imprudent, for example, to suggest that some civil laws or obligations were not binding on the Jews, or that there was a double standard in lending rates for Jewish and non-Jewish borrowers. Yet given that Jewish leaders had insisted for generations that such suspicions were nothing but the fruit of prejudice and ignorance, it was highly improbable that anyone would have wished to depart from that position now that conformity to French standards was about to be (seemingly, at least) rewarded. The Assembly of Notables and the Sanhedrin provided an officially sanctioned forum for precisely the type of answer the deputies were inclined to give. Nevertheless, they did not limit themselves to mere assent or acclamation, and even if Napoleon had imagined the Jewish assemblies to mirror his plebiscites, the spokesmen were anything but laconic in their replies. Even simple 'yes' or 'no' questions provided the occasion for lengthy speeches, reports, prayers and sermons.

13 Tama's *Collection des actes* originally appeared in twelve issues available to subscribers under the title *Collection des écrits et des actes relatifs au dernier état des individus professant la religion hébraïque*. Tama refers to the wishes of his 'souscripteurs' in *Collection des actes*, p. 153.

Just how did the Jewish notables represent themselves, their religion and their relationship to the French and imperial states and people?¹⁴ How did they respond to and compete with non-Jewish descriptions of the situation? How did they co-author, as it were, their cultural text? The following pages should demonstrate that their performance on the Napoleonic stage did not merely involve the refutation of time-honoured prejudices, but that the Jewish deputies paradoxically turned long-standing negative stereotypes to their advantage.

Among the most damaging prejudices against the Jews was that their religion authorized usury and other immoral business practices. Consequently, the Sanhedrin refuted the persistent claim that Jews were prohibited from lending to fellow Jews at usurious rates but were authorized to engage in usury when lending to Gentiles, insisting that such a distinction was contrary to the Talmud.¹⁵ David Sintzheim, the *Nasi* or Prince of the Sanhedrin, went further still. He argued that insofar as there were Jewish usurers, they practised their trade despite ‘the terrible menaces of the God of Israel’.¹⁶ Elsewhere, the deputies affirmed the Jewish work ethic through Biblical sources in praise of work, the rabbinical aphorism, ‘Love work and flee from idleness’, and the Talmudic precept that ‘the family father who does not teach a profession to his son raises him to a life of banditry’.¹⁷

Moreover, the representatives attempted to disabuse their Gentile audience of the prejudice that Judaism inspired hatred for non-Jews. The Assembly of Notables invoked the Talmudic Noahide laws, the abbreviated code of moral conduct given to Noah and his family – who lived prior to the divine covenants with Abraham and Moses – and to all the ‘nations’ apart from Israel.¹⁸ Because Christianity complied with these basic rules, the deputies argued, the Jews considered Christians to be their ‘brothers’.¹⁹ The Sanhedrin likewise cited the Noahides, along with other Talmudic dogma and more familiar Biblical passages, in its doctrinal statement on fraternity. In his speech to the modern Sanhedrin, Rabbi Abraham Cologna of Mantua, the *Haham* or ‘Sage’ of that body, cited the ruling of its ancient predecessor, in the

14 It is important to acknowledge that the Jewish representatives were not of one mind and that they disagreed vehemently over specific issues – intermarriage being the most controversial among them. Yet despite their differences of opinion, a relatively coherent style of self-representation can be identified.

15 Tama, *Collection des procès-verbaux*, p. 94.

16 *Ibid.*, p. 84. Sintzheim reiterated his point with the rhetorical question, ‘Les talmudistes n’ont-ils pas signalé hautement les vices que nous censurons aujourd’hui?’ *Collection des procès-verbaux*, p. 85.

17 Prov. 24, 27, 28–9; Avot 1, Kiduschin 1; Tama, *Collection des actes*, p. 181; and *Collection des procès-verbaux*, p. 81.

18 The Noahide requirements were: to adore God; to render and submit to justice; and to refrain from idolatry, murder, adultery and incest, theft, and the consumption of flesh from living animals. Sanhedrin 2.

19 Tama, *Collection des actes*, p. 171.

language of learned Christendom: *Pii cujuscumque nationis aeternae vitae participes sunt.*²⁰

Yet the Jews did not restrict themselves to refuting longstanding prejudices. Indeed, an integral part of their strategy was to appropriate the very prejudices so long held against them and to give them a positive spin. Among the most persistent of these was the belief in their alleged legalism. Catholic theologians and anti-clerical *philosophes* alike had long criticized the Jews as overly scrupulous in venerating their laws.²¹ By the time Napoleon came to power, however, the law had acquired a new prestige. Revolutionary leaders repeatedly invoked 'the law' to divert attention from the coercive nature (and questionable legality) of their policies, and the Directory in particular sought to distinguish itself from the reputed anarchy of its predecessors by insisting on its own respect for the law. Napoleon fetishized the law still further. Not only did the self-proclaimed Legislator attempt to secure obedience by issuing grand fundamental laws or constitutions based ostensibly on universal and 'natural' principles, he even deigned to concern himself with the particularities of civil law, including both the tangled mess of 'custom' and the relics of Justinian's digests, whence the celebrated *Code civil*. Indeed, recognizing that control over civil law tightened his grip on civil society, he treated the former as an instrument of his own power over the latter. The totemic status of the law provided an unprecedented opportunity for the people whose religion had long been derided for its legalism to proclaim proudly that they were indeed people of the law. Napoleon had given them a *Simchat Torah* and they were more than ready to celebrate the law in all its grandness and minutiae.

To be sure, the Jewish Festival of the Law involved much praise of Napoleonic law and of the emperor himself as, for example, 'the most beneficent of legislators'²² and 'the Solomon of our century'.²³ Rabbi Cologne declaimed, 'Such is the character of the laws of Napoleon that the subject, in obeying them, exercises less an act of submission than satisfies his acts in his

20 The Grand Sanhedrin cited Lev 19:34, Mich 6:8, Avot 6:6 and Hirubin 7. Tama, *Collection des procès-verbaux*, p. 76. Cologne cited Sanhedrin 2. For Cologne's address see *Discorso* and Tama, *Collection des procès-verbaux*, pp. 8–9.

21 B. Pascal, *Pensées sur la Religion* (first published, 1661; reprint, Paris, 1952), §297, 317, pp. 190, 198; J.-B. Bossuet, *Méditations sur l'Évangile* (first published, 1704; reprint, Paris, 1966), p. 111; F. de Salignac de la Mothe-Fénélon, *Lettre à Louis XIV* (first published, 1694; reprint, Neuchâtel, 1961), p. 69; *Sermons et entretiens*, in *Oeuvres*, (first published, 1706; reprint, Paris, 1823), vol. 17, p. 298; and C.-L. de Secondat, baron de Montesquieu, *De l'esprit des lois* (first published, 1755; reprint, Paris, 1958), book 26, ch. 7, p. 302.

22 Tama, *Collection des actes*, p. 182.

23 J. B. Segré, *Discorso pronunziato in italiano, a Parigi, li 15 d'agosto 1806, nel tempio ebraico; dal sign. Rabbino Segre ... all' occasione del giorno anniversaria della nascita di S.M. l'Imperatore dei Francesi e re d'Italia; tradotto in francese dalla sigra. Giulia-Theodora Cerf-Berr*. French title: *Discours prononcé en italien à Paris, le 15 août 1806, dans le Temple hébraïque ... à l'occasion du jour anniversaire de la naissance de S.M. l'Empereur des Français et Roi d'Italie* (Paris, 1806); and Tama, *Collection des actes*, p. 206.

own advantage'.²⁴ This perfectly summarized the Napoleonic legal discourse and, perhaps inadvertently, identified the emperor as the ideal Rousseauian sovereign, whose laws one obeys without losing one's liberty.

Yet if the Jewish representatives were willing to laud Napoleon's activities involving the law, they were equally ready to praise themselves in their capacity as interpreters of the law. Sintzheim honoured his fellow rabbis by addressing them as '*docteurs*'.²⁵ Even the Sanhedrin's president, Abraham Furtado, the rich Bordelais with a reputation for secular learning, also called the rabbis '*docteurs*' or, more frequently, '*docteurs de la loi*'.²⁶ This was especially telling because the term *docteur*, when used by the *philosophes* to describe a theologian, Christian or Jewish, had connoted hair-splitting casuistry, jesuitical or pharasaic reasoning. That a partisan of the Enlightenment could use it as an honorific title was an eloquent sign that the study of the law, religious as well as civil, was now in favour.

The notables adopted other proud titles to indicate their legal expertise. Cologne called the Sanhedrin 'this assembly of sages' and referred to its members as 'respectable senators'.²⁷ Not to be outdone by his Italian colleague, Furtado displayed his classical erudition by designating the Sanhedrin 'this august areopagus'.²⁸ In his closing speech to that same body, Sintzheim referred to its delegates as 'legislators'.²⁹ One of the most strikingly bold claims of proficiency in the law, however, came from a member of the Assembly of Notables, who proclaimed, 'Our descendants . . . will cover with benedictions these wise and venerable interpreters of the law.'³⁰

24 Tama, *Collection des procès-verbaux*, p. 10.

25 [Sintzheim], *Discours*; and Tama, *Collection des procès-verbaux*, pp. 88, 89, 123, 124, 131. It is worth noting that Sintzheim addressed the Sanhedrin in Hebrew. Some if not all of his speeches were translated by Abraham Furtado. Since the original manuscripts are not known to exist, it is impossible to know precisely what term or terms Sintzheim used to express what Furtado translated as '*docteurs*'. Most relevant, however, is the fact that the translator, either Furtado or another member of the Sanhedrin, chose this term for the only version of the speech that would be comprehensible to non-Jews.

26 Furtado, *Rapport de M. Furtado au Grand Sanhédrin, en lui proposant les trois premières décisions doctrinales* (Paris, 1807); and Tama, *Collection des procès-verbaux*, pp. 29, 63, 77, 98, 111.

27 Abraham de Cologne, *Discorso pronunziato nella grande sinagoga di Parigi, all'occasione dell'apertura del Gran Sanedrin, dal Signor Abramo Cologne, rabino in Mantova, ex-legislatore e membro attuale del collegio elettorale dei dotti del regno d'Italia, deputato all'assemblea degl' Israeliti, e assessore del gran Sanedrin. Tradotto in francese dal signor Furtado, presidente dell'assemblea*. French title: *Discours prononcé à la grande Synagogue de Paris, à l'occasion de l'ouverture du Grand Sanhédrin . . .* (Paris, 1807); and Tama, *Collection des procès-verbaux*, p. 6. Jacob-Samuel Avigdor similarly called the Sanhedrin a 'senate'. *Discours prononcé à l'Assemblée des Israélites de l'Empire Français et du Royaume d'Italie; par J.S. Avigdor (de Nice), secrétaire de l'Assemblée, Membre du Comité de Neuf et du Grand Sanhédrin* (Paris, 1807); and Tama, *Collection des actes*, p. 314.

28 Abraham Furtado, *Rapport*; and Tama, *Collection des procès-verbaux*, p. 27.

29 J. D. Sintzheim, *Discours prononcé par le chef du Grand Sanhédrin à la clôture des séances. Traduit par A. Furtado* (Paris, 1807); and Tama, *Collection des procès-verbaux*, p. 123. This speech only exists in Furtado's translation, so, as in the case of the term '*docteurs*', the question of Sintzheim's original wording cannot be settled. Still, Furtado's decision to use the term '*legislateurs*' is most relevant to the question of the Jews' self-representation.

30 Tama, *Collection des actes*, p. 156.

Their credentials as ‘interpreters of the law’ thus established, the Jewish representatives could confidently and authoritatively proceed with the business of interpreting the law. In particular, they emphasized the divine origin of Jewish law. Sintzheim called it ‘the miraculous bush of our divine legislator’, which is ‘never consumed’,³¹ and a deputy at the Assembly of Notables similarly called God ‘our divine Legislator’ and ‘our holy Legislator’.³² Elsewhere the representatives referred to ‘our holy law’ or ‘the divine law’.³³ Such laws were, by definition, perfect. Thus Sintzheim uttered the tautology, ‘The law of the Lord is perfect’,³⁴ and another reasoned similarly, ‘The law of God ordains all that is just and good’.³⁵

Moreover, the representatives made it clear that by ‘law of God’ or ‘law of the Lord’, they did not only mean the Pentateuch and the books of the prophets, but also the much maligned Talmud. This compilation of legislation and allegory, together with the rabbis who revered and interpreted it, had long been disdained by Christian theologians and *philosophes* alike. Yet the members of the Jewish assemblies took the Napoleonic Festival of the Law as an occasion to rehabilitate the Talmud and its rabbinic interpreters in the public eye. Indeed, the spokesmen were so aggressive in their defence of Jewish law that they were willing to denounce non-Jews who failed to recognize its qualities. Cologne complained that ‘our faith’ had been ‘up to now misunderstood by some and calumniated by others’.³⁶ Furtado went further still, claiming that ‘the majority’ of non-Jews, ‘enchained by popular prejudices ... imbued with the false idea that it was impossible to operate our regeneration, attributed to our dogmas effects that were only due to *their* laws, and reproached us for habits that they forced us to contract’.³⁷ Sintzheim went further still, arguing that those who accused Jewish law of authorizing usury epitomized ‘the hatred, ignorance and intolerance of fanatical centuries’.³⁸ Elsewhere he denounced ‘the ignoramus and the prevaricator who would dare advance that our law teaches us to cheat foreign nations! He profanes the name of Israel, he does not know the way of the Lord.’³⁹

These were serious accusations: hatred, ignorance, fanaticism, prevarication, blasphemy. Among the accused, ironically, was the emperor himself, together with his commissioner Molé. Sintzheim and his colleagues could not

31 Sintzheim, *Discours*; and Tama, *Collection des procès-verbaux*, p. 125.

32 Marqfoy, aîné de Baïonne, *Discours prononcé sur la nature des réponses à faire aux 4e, 5e et 6e questions proposées à ladite Assemblée par les Commissaires de Sa Majesté Impériale et Royale* (Paris, 1806); and *Collection des actes*, pp. 197–8.

33 Tama, *Collection des procès-verbaux*, pp. 62, 91, 96.

34 *Ibid.*, 52.

35 Marqfoy, *Discours*; and *Collection des actes*, p. 199.

36 Cologne, *Discorso*; and Tama, *Collection des procès-verbaux*, pp. 7–8.

37 Furtado, *Rapport*; and Tama, *Collection des procès-verbaux*, pp. 29–30 (emphasis added).

38 Tama, *Collection des procès-verbaux*, p. 84.

39 *Ibid.*, p. 58.

have known that Napoleon had told Molé in the spring of 1806 that ‘the evil’ of usury ‘comes above all from that undigested compilation called the Talmud, in which, next to [the Jews’] veritable Biblical traditions, one finds the most corrupt morality wherever relations with Christians are concerned’. Nor could he have known that Molé responded that among the authors of the Talmud were ‘a large number . . . inspired by the hatred of Christianity’, and whose commentary included ‘the most contemptible refinements on the art of extorting money’.⁴⁰ Still, they might well have suspected that Napoleon, like so many other non-Jews, harboured prejudices about the content of the Talmud. In any event, their drive to defend the ‘Mosaic code’ was so strong that they risked antagonizing their non-Jewish audience, including the emperor himself.

It did not suffice, however, for the Jewish leaders to defend their law. Napoleon had called them to the capital, according to his decree of 30 May, because many of their ‘brethren’ were lacking ‘sentiments of civil morality’. If the law of Moses, being perfect, was not responsible for this deficit, the spokesmen were under pressure to account for it. In addition to taking on the role of legal scholars, then, the Jewish deputies at Napoleon’s Festival of the Law made themselves into barristers on behalf of their co-religionists. Significantly, they made no attempt to refute the charges. They did not claim that the number of Jewish usurers had been exaggerated, or that Jews lending at legitimate rates were unfairly labelled as usurers, or that there were Christian as well as Jewish usurers. Instead they pleaded guilty with extenuating circumstances.

This defence strategy was not new. Montesquieu and Voltaire had emphasized the historical factors that induced Jews to deal in commerce more generally and money lending in particular, emphasizing the Church’s condemnation of interest and the exclusion of Jews from other forms of livelihood.⁴¹ In 1774 Pierre-Louis Lacretelle, quite literally a barrister, argued that persecution had provoked the Jews to cheat Christians both as a strategy for survival and out of an understandable desire for revenge, and that a ‘decree of regeneration’ providing them with equal right to the trades and professions would reverse their current state of moral depravity.⁴² In the 1780s and into the Revolution, Jews and non-Jews reiterated the need for ‘regeneration’, and though they disagreed on the means to do so, they agreed that historical

40 Anchel, *Napoleon*, p. 93.

41 Montesquieu, *Esprit des lois*, book 21, ch. 6, p. 83; ch. 20, pp. 120–3; F.-M. Arouet de Voltaire, *Dictionnaire philosophique*, in *Oeuvres complètes de Voltaire*, ed. Louis Moland (Paris, 1877–1885), vol. 19, pp. 524–5; and *Essay sur l’histoire générale* (Geneva, 1756), pp. 9, 292–3.

42 [Pierre-Louis Lacretelle], ‘LVIIIe cause. Question d’état sur les Juifs de Metz,’ *Causes célèbres, curieuses et intéressantes, de toutes les cours souveraines du royaume, avec les jugemens qui les ont décidées*, vol. 23 (Paris, 1776), pp. 64–98. Published separately as *Plaidoyer pour Moyse May, Godechaux et Abraham Lévy, Juifs de Metz. Contre l’hôtel-de-ville de Thionville et le Corps des Marchands de cette ville* (Bruxelles, 1775).

circumstances had caused what they all regarded as a moral decline.⁴³ Finally, Napoleon himself had implicitly recognized the regenerationist position when he suggested in his decree of 30 May that usury was the product of ‘the state of humiliation in which [the Jews] have long languished’.

Confident that their narrative would be recognized and that it would elicit a sympathetic response, the Jewish representatives told and retold the story of the Jews’ fall from ancient greatness, miserable dispersion among hostile nations, then regeneration under Napoleon’s auspices. Variations on this theme were slight, thus it would be laborious to cite the numerous examples from the proceedings of the Jewish assemblies. The speech of Berr Isaac Berr to the Assembly of Notables contains as good a specimen as any. It begins:

More than seventeen centuries have passed since that ever memorable epoch when the Jewish people was subjugated by victorious and foreign legions . . . rendered slaves, and dispersed by the hurricane of misfortune to all the corners of the inhabited world; always unhappy and persecuted, always remaining faithful to the belief of their ancestors, despite the executions and tortures, they present still today [an] imposing and incomprehensible spectacle to human reason, of an immobile column surviving the deluges of the centuries; and if the origin of this people recedes to the cradle of the human race, it seems that their remnants will continue until the days of its destruction.

Berr went on to describe the effect of persecution on the Jewish character:

By turns the Jews were persecuted and disparaged in order to punish them for remaining faithful to the belief of their ancestors; the more they wanted to remain Jews, the more they ceased to be men. Mingling in the midst of civilized peoples, what useful citizens they would have become had a barbaric policy not made that impossible! Often humiliation and misery degraded us indeed.

Happily, however, this situation was about to change. Napoleon was the first ruler who deigned ‘to convoke before his throne those who would be able to help him ease their misfortune and cure the plagues of Israel’.⁴⁴

Berr’s recounting of Jewish history contained all of the essential elements of the regenerationist template. Emplotted initially as tragedy, it employed a vocabulary designed to elicit sympathy. The Jews had been ‘subjugated’, ‘persecuted’, ‘humiliated’, ‘degraded’, all the while remaining stoically ‘faithful’ to their religion. Their moral decline received no elaboration, lest their specific misdeeds erode the sympathy of their audience. The mode of emplotment then shifted suddenly to comedy, as it always did in the regeneration

43 A complete bibliography of works treating the ‘regeneration’ of the Jews would be too long to reproduce here. Some of the most important books and pamphlets are reprinted in *La Révolution française et l’émancipation des Juifs*, 8 vols (Paris, 1968).

44 Tama, *Collection des actes*, pp. 160–1.

narratives after 1791.⁴⁵ Whereas the 'French nation' had been the *deus ex machina* during the Revolution, preparing the ground for the Jews' regeneration, now Napoleon himself assumed that role.

An integral part of the regeneration narrative, sometimes explicitly described and sometimes implicitly indicated, was an idealized origin, a Golden Age that preceded exile, persecution and moral corruption. It was this sense of a worthy beginning that informed Berr's suggestion that 'the origin of this people' dated from 'the cradle of the human race'.⁴⁶ Similarly, Furtado exalted the Jews as 'one the most ancient peoples in the world', and elsewhere referred to 'the antiquity of our origins'.⁴⁷ Indeed, the words 'antique' and 'antiquity' recurred continuously during the sessions of both assemblies. Sintzheim called the Jews 'the descendants of antique Jacob'⁴⁸ and Furtado referred to the Sanhedrin in particular as 'this antique body whose origins are lost in the night of time'.⁴⁹

No doubt conscious of the value that Napoleon and so many of his European subjects placed upon antiquity, the Jewish representatives evoked their own ancient past as though its worth were unquestionable. Antiquity was synonymous with 'venerable antiquity', as Furtado assured the Sanhedrin and its non-Jewish audience: 'Contemplating this assembly of men who are commendable for their piety, knowledge and virtues, we believe ourselves transported to that venerable antiquity so well described in our sacred books.'⁵⁰ Elsewhere, a member of the Assembly of Notables referred to the Torah as 'the revered monument of our antique splendour',⁵¹ and Cologna exhorted the Sanhedrin members to encourage 'useful professions' and military service as a means of 'reviv[ing] the glory of an antique people'.⁵²

If antiquity was paired with 'glory' or 'splendour', however, it more frequently accompanied the more modest virtues of simplicity and equality. When asked whether 'the law of the Jews prohibits them from usury toward their brothers', the Assembly of Notables took the opportunity to construct an elaborate counter-image to the prevalent figure of the Jewish usurer. The Notables argued that interest on loans between Jews was forbidden because

45 Berr himself had written a similar narrative on the occasion of the first 'emancipation' of 1791, *Lettre d'un Citoyen, membre de la ci-devant communauté des Juifs de Lorraine, à ses confrères, à l'occasion du droit de Citoyen actif, rendu aux Juifs par le décret de 28 septembre 1791* (Nancy, 1791) [Reprinted in *La Révolution française et l'émancipation des Juifs* (Paris, 1968), vol. 8.]

46 Tama, *Collection des actes*, p. 136.

47 *Collection des procès-verbaux*, p. 27. Cf. Diderot: 'We know of no nation older than the Jewish nation.' *Encyclopédie*, s.v., 'Juifs, Philosophie des', 9:25.

48 [Sintzheim], *Discours*; and Tama, *Collection des procès-verbaux*, p. 128.

49 Furtado, *Rapport*; and Tama, *Collection des procès-verbaux*, p. 27.

50 Furtado, *Rapport*; and Tama, *Collection des procès-verbaux*, p. 27. Cf. Avigdor, who described the Sanhedrin as 'this Senate so celebrated in antiquity'. *Discours*; and Tama, *Collection des actes*, p. 314.

51 Tama, *Collection des actes*, p. 210.

52 Cologna, *Discorso*; and *Collection des procès-verbaux*, p. 12.

interest was foreign to their rustic society. They claimed that the intent of this prohibition, like that of the sabbatical and jubilee years in which debts were forgiven, was to 'tighten again among [the Jews] the bonds of fraternity, to prescribe reciprocal benevolence and to induce them to help each other disinterestedly'. Furthermore, the 'legislator' had wished to 'establish among them an equality of goods and a mediocrity of private fortunes'. The notables insisted that the sage laws had worked and that indeed 'primitive equality' reigned in ancient Israel.⁵³

The Sanhedrin confirmed this view, and in a speech to that body Sintzheim offered a veritable *pastorale*:

All the monuments of history attest to the simplicity of our ancestors. The pastoral and agricultural life was their occupation, rustic games their sole pleasures. They had neither manufacture nor navigation; all the commerce with their neighbours had naturally to be limited to a few exchanges at a time when money was so rare and its various uses so limited. They lived in a happy ignorance of all those sumptuosities that are only known to the great and opulent nations. They enjoyed a happiness without pomp and knew how to practice virtues without renown.⁵⁴

The trope of primitive or antique virtue enabled the Jews simultaneously to represent themselves as capable of regeneration and to critique European civilization as both corrupt and corrupting. The Sanhedrin as a body made this stance even clearer. In its doctrinal condemnation of usury, it asserted that the misunderstanding of the Mosaic legislation on moneylending came from an anachronistic attribution of 'the morals and habits of modern nations to the highest antiquity' and added, 'one falsely accords to the birth of societies what only belongs to their mature age, and too often to their decrepitude'.⁵⁵ By noting the 'decrepitude' of the morality of 'modern nations', the Jews attenuated their own guilt for having lost their ancient virtue. After all, they were not the only ones. Indeed, when one reads the Sanhedrin's judgment on modern morals together with the argument that non-Jews had forced the Jews into commerce and other corrupt activities, the implication is that the latter are less guilty than the former.

Closely associated with the idea of antiquity was that of perpetuity: Christian tradition had produced the image of the eternal Jew, but the Jewish deputies appropriated this cliché and turned it to their representational advantage. The negative side of perpetuity or the eternal character of an 'immobile column' was obstinacy. Yet the Jewish assemblies managed to spin this prejudice toward its positive aspect: fidelity. Indeed, Furtado explicitly substituted the positive for the negative connotation when he addressed the Sanhedrin. He observed that the 'religious laws' of the Jews 'remained in all

53 Tama, *Collection des actes*, pp. 189–91.

54 Tama, *Collection des procès-verbaux*, p. 87.

55 *Ibid.*, p. 67.

their vigour and were *faithfully* transmitted from generation to generation, across the torrent of centuries, of persecutions and revolutions of empires', and added, 'This rare *constancy*, which calumny has often slandered with the name of *obstinacy*, today receives the tribute of the eulogies that it deserves.'⁵⁶ Berr's observation that 'the Jews were persecuted and disparaged in order to punish them for remaining faithful to the belief of their ancestors' similarly served to revise the meaning of 'obstinacy'. Sintzheim made a comparable rhetorical parry when he declared that no people had 'suffered oppression with a more noble constancy or a more unshakeable steadfastness'. Like Berr, he insisted that this fidelity did not merely follow, but indeed caused, the wrath of non-Jews: 'everywhere we saw enemies rise up against us because we had remained faithful to our laws'.⁵⁷

At the same time, and at the risk of contradiction, the Jewish spokesmen represented themselves as members of a larger French or imperial family. Family metaphors had long been used to conceptualize, justify and celebrate the grouping of human beings under various systems of law, government and administration. Historians of the French Revolution have shown the importance of familial imagery in the creation of its distinctive political culture.⁵⁸ The use of family language under Napoleon, here seen in relation to the Jews under his jurisdiction, might similarly reveal otherwise hidden aspects of imperial political culture. Specifically, one sees a proliferation of paternal allusions in the meetings of the Jewish assemblies. Molé had assured the Jews that they 'deserve ... such paternal treatment' as they were receiving.⁵⁹ By identifying the emperor as father, the Napoleonic state distinguished itself sharply from its revolutionary predecessor, in which the corresponding father figure had been executed, and instead adapted an image from the earlier familial configuration of absolutism. The Jewish spokesmen eagerly appropriated this paternal language. In their proceedings the adjective 'paternal' appeared frequently, modifying Napoleon's 'wishes', 'instructions', 'views', 'sentiments', 'solicitude' and 'goodness'.⁶⁰ They reinforced this association by repeatedly referring to Napoleon as a father. A deputy at the Assembly of Notables declared, 'The Government calls us to it as a father calls his

56 Furtado, *Rapport*; and Tama, *Collection des procès-verbaux*, p. 42 (emphasis added). Earlier Furtado had connected the immutability of the Jewish religion to its purity. He called the Sanhedrin 'striking homage to the purity of this religion that neither time, nor dispersion, nor the revolutions of empires have been able to destroy'. He went on to claim that the Jewish religion was 'eternal like nature, as durable as society', and that 'its principles have had to survive all human vicissitudes'. *Rapport*; and Tama, *Collection des procès-verbaux*, p. 28.

57 Tama, *Collection des actes*, p. 212.

58 See especially L. Hunt, *The Family Romance of the French Revolution* (Berkeley, 1992).

59 *Détail officiel*; and Tama, *Collection des actes*, p. 131.

60 Tama, *Collection des actes*, pp. 147, 277, 266; *Collection des procès-verbaux*, pp. 19, 11; *Collection des actes*, p. 135.

children.’⁶¹ Cologne likewise asserted that the emperor ‘act[s] with us less as a sovereign than as a father’.⁶² Whether the Napoleonic father was scolding or protective was often an open question. Yet the image suggested that the Jews were equal to other imperial ‘children’. One deputy made this clear by claiming, ‘Catholics and Lutherans, Jews and Calvinists, His Majesty . . . only sees in them children of the same father’.⁶³ This phrase suggested a relationship not only to the emperor, but to the Heavenly Father; indeed, it mirrored the conclusion to Grégoire’s *Essai sur la régénération physique, morale et politique des Juifs*, no doubt familiar to much of the audience, in which the *abbé* addressed his readers as ‘children of the same father’, by which he meant God, and urged them to ‘remove all pretexts to the aversion of your brothers, who one day will all be reunited in the same cradle’.⁶⁴ Elsewhere the line between the imperial father and God was blurred, as indeed Napoleon seems to have intended, and Sintzheim could call the emperor, rather improbably, ‘the father of all the peoples’.⁶⁵ Yet if this comment deified Napoleon, it served to make the claim that the Jews were equal to the emperor-God’s other children. Sintzheim elaborated on this change in status by thanking Napoleon for raising the Jews ‘to the rank of your children’.⁶⁶

A common paternity, whether in Napoleon or God, therefore implied the fraternity of all ‘children’. The theme of fraternity was ineluctable at assemblies in which the participants were required to rule on whether Jews who were ‘treated by the law as citizens’ viewed ‘the French’ as their ‘brothers’. Buttressed by numerous citations from the sacred texts, the assemblies unequivocally declared the fraternity between Jews and non-Jews in the French Empire. One deputy assured his co-religionists that if God sent them ‘a second Moses’, that legislator ‘would say to us: love the Christians; cherish them as your brothers, unite yourselves with them, envisage yourselves as children of the same family’.⁶⁷

Elsewhere, the spokesmen reinforced the impression that Jews were part of the French and imperial family. The Sanhedrin’s ruling on ‘civil and political relations’ between Jews and non-Jews included the claim that ‘everything obliges [the Jew] not to isolate his interest from the public interest, nor his

61 L. Cerfberr, *Discours pour l’ouverture de l’Assemblée générale des Juifs, prononcé le 26 juillet 1806* (Paris, 1806); and Tama, *Collection des actes*, pp. 157–9.

62 Cologne, *Discorso*; and Tama, *Collection des procès-verbaux*, p. 10.

63 Tama, *Collection des actes*, p. 154. Furtado similarly described Napoleon as the ‘common father of all his subjects’ and claimed, ‘Whatever religion they profess, he only sees in them all the members of a single family.’ Tama, *Collection des actes*, p. 136.

64 Abbé Henri Grégoire, *Essai sur la régénération physique, morale et politique des Juifs* (Paris, 1789) [Reprinted in *La Révolution française et l’émancipation des juifs* (Paris, 1968), vol. 3.], p. 194.

65 Sintzheim, *Discours*; and Tama, *Collection des procès-verbaux*, p. 130.

66 Sintzheim, *Discours*; and Tama, *Collection des procès-verbaux*, p. 130. Sintzheim’s allusion was clearly to an adoption, an impression that was reinforced by a comment by Cologne, who had referred to the Jews as ‘the orphans of debilitated Zion’. *Collection des procès-verbaux*, p. 3.

67 Tama, *Collection des actes*, pp. 143–4.

destiny, any more than that of his family, to the destiny of the grand family of the state'; furthermore, in the preamble to its decisions it reiterated the necessity of Jews to 'belong to the grand family of the state'.⁶⁸ Concerning the prevalent mistrust of Jewish statements as insincere, qualified or obscure, the deputies made ingenious use of the family metaphor to guarantee their honesty, and also to show their support for 'freedom of opinion', by declaring, 'we have explained ourselves . . . before the very eyes of His Majesty, with the same frankness, the same freedom of opinion (*liberté d'opinion*) that we would have used in the bosom of our domestic hearths'.⁶⁹ As if to assure even further the sincerity of their words, they expressed family feelings in poetry and song. In an ode in honour of Napoleon's birthday, one deputy proclaimed his joy at becoming 'part of the grand and magnanimous family of Frenchmen'.⁷⁰ At the same ceremony, the assembly sang the familiar aria by Grétry, 'Où peut-on être mieux qu'au sein de sa famille?'⁷¹

If the familial language of the Assembly of Notables and the Sanhedrin appears assimilationist, if not obsequious – and indeed historians have frequently interpreted the assemblies in this light – it is important to recognize that even in their most apparently subservient statements the Jews implicitly or explicitly placed their law above Napoleon's. 'The law of the Lord is perfect', Sintzheim assured his audience, and later, at the close of the Sanhedrin, he suggested the Jews' title to or possession of that object, claiming, 'the law of Israel is perfect'.⁷² None of the representatives characterized Napoleon's laws as perfect. Elsewhere Sintzheim glorified the divine law, remembering the martyrs who had suffered 'because we remained faithful to our laws, to those laws that the Lord himself gave us by his revelation in the midst of lightning bolts and thunder'.⁷³ Napoleon was an admirable legislator, but his laws came without thunder and lightning. Nowhere was the difference between divine and Napoleonic law clearer than when Sintzheim congratulated the Sanhedrin for having 'succeeded in reconciling [God's] holy law, his pure law, with the institutions of this wise monarch who puts all his trust in the God whom we adore'. There was clearly no competition between the 'holy' and 'pure' laws of God and the 'institutions' of a 'wise monarch'.⁷⁴

Similarly, the Jewish representatives assimilated (i.e. appropriated) the values of civic virtue, or, to use Napoleon's phrase, civil morality. Again, however, they made it apparent that these values were 'Hebrew' or 'Israelite' in origin, and implicitly congratulated their non-Jewish compatri-

68 Tama, *Collection des procès-verbaux*, pp. 78, 95.

69 Tama, *Collection des actes*, p. 245.

70 *Ibid.*, p. 234.

71 *Ibid.*, p. 183.

72 Sintzheim, *Discours*; and Tama, *Collection des procès-verbaux*, pp. 58, 127 (emphasis added).

73 Tama, *Collection des actes*, p. 212.

74 Sintzheim, *Discours*; and Tama, *Collection des procès-verbaux*, p. 127.

ots for having discovered belatedly what the Jews had long known. When Napoleon asked them about fraternity they suggested that they had invented it, or, more precisely, that their ancestors had practised this virtue before any laws protecting it had to be codified. Thus Furtado claimed that the fraternity Napoleon hoped to see encouraged between Jews and their non-Jewish neighbours only conformed to 'an eternal law of sociability contemporary to the origin of the species' and 'a universal law that preceded all apparatus of religious and political institutions'.⁷⁵ In other words, it was long familiar to the Jews, who, as the representatives repeatedly assured, were coeval with human origins and as 'eternal' as the natural laws that 'institutions' such as Napoleon's were now said to be following. Similarly, as has been shown, the deputies repeatedly implied that equality was not an invention of the French Enlightenment, Revolution and Napoleonic successor states, but of those who had practised the 'primitive equality' so elusive to modern people.

Paradoxically, then, the act of accommodating the legal codes and official morality of the Napoleonic regime to the Jewish religion implied the superiority, priority, and universality of the latter while suggesting the imperfection, youth and specificity of the former. In a sense, then, just as a bishop's or pope's consecration of a temporal ruler implied the approval, hence the superior moral position, of the Catholic Church, the rabbinical confirmation of the Napoleonic state amounted to a reversal of the hierarchical relations initially envisaged by the emperor. Now it was Judaism that was 'deigning' to confirm the rights of Napoleon. Finally, the practice of consecration took on a nearly literal form in numerous benedictions by the *docteurs de la loi d'Israël*. Repeatedly the Jewish representatives stated that God had 'chosen' or 'elected' Napoleon, and in the process likened him to the anointed kings of Israel. Referring to God's project of restoring Israel to its ancient dignity, Berr Isaac Berr asked, 'To whom could the accomplishment of such designs be confided? Is it not to him alone, to the mortal whom heaven has chosen as the elect of its heart, to whom it has confided the fate of nations, because he is the only one capable of governing with wisdom'.⁷⁶ Rabbi Sintzheim made the connection between Napoleon and the Biblical kings even clearer. In a sermon to the Assembly of Notables, he began by citing the following passage from the Book of Isaiah:

This is my servant whose defence I shall take; this is my elect in whom my heart has placed all of its affection. I shall spread out my spirit upon him, and he shall render justice unto the nations; he shall not be at all sad nor precipitous when he exercises his judgement on earth, and the islands shall await his law. I am the Lord who has

⁷⁵ Tama, *Collection des procès-verbaux*, p. 101.

⁷⁶ Tama, *Collection des actes*, p. 162.

preserved you, who has established you to be the reconciler of the people and the light of the nations.⁷⁷

To remove any doubt as to the identity of this ruler, Sintzheim proclaimed of God, 'He has chosen Napoleon to place him on the throne of France and Italy; he has chosen him as I indicated in my text.' Elsewhere he recounted the recent imperial victory at Ulm, 'This fortress was occupied by an innumerable army of enemies, but as soon as the elect of the Lord appeared, one saw the accomplishment of what Isaiah said (ch. 41, v. 10): "All those who combat you shall be confounded; all those who oppose you shall be reduced to nothing and shall perish."⁷⁸

On the surface the use of such quotations might seem obsequious. Yet what the Jewish representatives proffered with one hand they took away with the other. By making him a 'servant' of the Lord, who in turn fought his battles, Sintzheim deprived the emperor of his autonomy and his famed 'genius'. By praising him as the only 'mortal' capable of 'governing with wisdom', Berr both emphasized the mortality of the man who no doubt preferred to be described as immortal and indicated that his 'wisdom' was defined in terms of its conformity with the law of God, in other words, *their* law.

In his concluding address before the Sanhedrin, Sintzheim put the following words into God's mouth:

Who is the one who shall come to the aid of my people? . . . I have named him my elect one (*mon élu*); my will has chosen him to be the dominator of the nations and to distribute benefits to men. The hero . . . shall be the liberator of Israel; the hero who shall overturn the throne of the mighty and raise up that of the humble is the hero whom I destine to raise from the dust the descendants of antique Jacob . . . I have called him, I have sanctified him, and all the nations shall recognize by his deeds that I have not at all reprov'd my people and that I have not at all removed my affections from the midst of Israel.⁷⁹

This imagined speech epitomizes the multivalency of the rhetoric employed by the Jewish representatives. There is a superficially slavish quality to the image of Jews languishing in the 'dust' prior to their liberation at the hands of Napoleon and a corresponding sense of Napoleon's unsurpassed, even messianic greatness. In this respect Sintzheim's words correspond to the Couché engraving of the emperor preparing to raise the figure of Judaism from the ground. Yet here Napoleon's grandeur is limited by God's 'will', which has chosen him as a mere instrument of the Jews' salvation, while their subservience is mitigated by the fact that God has retained his favor for

77 *Ibid.*, p. 211. This is a paraphrase of Isaiah 42: 1–6.

78 *Ibid.*, pp. 215–16.

79 Sintzheim, *Discours*; and Tama, *Collection des procès-verbaux*, pp. 128–9.

'Israel'. By implication, this fidelity, mirroring the quintessentially divine quality of immutability, is contrasted to the incontinence of 'the nations' who have persecuted the Jews. It is the positive face of obstinacy, and Sintzheim eagerly appropriates this quality, which is moreover implicit in the term 'antique', on behalf of his co-religionists. Thus assimilation (in the sense that Napoleon attempted to mandate) met resistance. Not only does God refer to the Jews as 'my people', suggesting a celebration of their persistent difference. That difference absorbs the alterity of the Empire as God *sanctifies* its ruler. This sanctification alludes to the perfection of the Jewish religion and, by implication, the virtue of its practitioners. If Napoleon 'raised' the Jews from the dust, then, they raised him to the status of consecrated Jewish king.

If the Jews were able to subvert the official version of their 'regeneration', it is because the discourse of regeneration was neither monolithic nor the exclusive property of the Napoleonic state. And this is the real historical significance of the Jewish leaders' cultural performance in 1806 and 1807. That performance reveals the paradoxical limits to Napoleon's control over the very discourse meant to justify his political authority. The moment he ceded that powerful weapon, which the French so elegantly and succinctly call *la parole*, he risked the discursive competition of subject-citizens who, in the best of all possible Napoleonic worlds, would have limited themselves to plebiscitary acclamation.