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NAPOLEON

and

THE JEWS

A GRADUATION THESIS

by

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REFAOL

In the preparation of this thesis the writer has had a pleasant as also a very beneficial study. The work has taught much as to method in such research and has impressed upon me the grave responsibilities of the historian in presenting facts without bias and substantiating personal opinion with facts. It has also brought to my attention the difficulty in writing history owing to the fact that to different minds events appear in different lights and point to varying motives.

In this work I depended largely on the original sources, M. Tama's publication of the minutes of both Assembly of Notables and of the Sanhedrin, and also Napoleon's published correspondence. However, there was much material to which I had access such as the Moniteur and the Archives Israelite.

In conclusion I wish to acknowledge my gratitude to Dr. C. Deutsch for his kind encouragement in this work as also

for the loan of books and his valuable advice. My thanks
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E.K.

TABLE OF CONTENTS.

Preface	I-II
Chapter I. Jews in France from 1394-1791-----	pp. 1-20
Chapter II. Jews in France from 1791-1806 -----	pp. 21-46
Chapter III. Assembly of Notables -----	pp. 46-82
Chapter IV. Great Sanhedrin -----	pp. 83-104
Chapter V. Napoleon's Purpose -----	pp. 105-120
Chapter VI. Napoleon's Sphere of Influence and the Effect of his Legislation on the Life of the Jews.-----	pp. 121-128
Appendix	
A. Answers of Sanhedrin. -----	pp. 1-25
B. Decree of March 17, 1808.-----	pp. 26- 44

CHAPTER I

The Jews in France from 1394-1791. Their expulsion under Charles VI. Their unofficial return. Their condition in 1789. Their emancipation on September 28, 1791.

CHAPTER I.

1394-1791

The history of the Jews in France prior to their expulsion under Charles VI in 1394 is not matter for consideration here. In this chapter we shall only briefly review the events and conditions of Jewish history in France from that time until the emancipation in 1791. This is introductory. A long series of misfortunes and persecutions in France culminated on September 17, 1394 when Charles VI, then king, decreed the complete expulsion of the Jews from *his* kingdom. Despite the request of the nobility and towns to retain the Jews, the king insisted on banishing them, and, as if to mock his victims all the more, promulgated the decree on Yom Kippur.⁽¹⁾ Time was granted until the end of that year for the Jews' removal. The majority were compelled to leave, but many remained in provinces not directly dependent on France, but which were later incorporated in it.⁽²⁾

Thus in and about Toulouse nineteen families remained, while others were protected in Provence, Arles, Marseilles, and under the Popes in Avignon and Car^pentras. (3)

The banishment of the Jews proved as great an injury to the country as it had been to them; for in 1434 we see the citizens of Verdun petitioning for permission to readmit a few Jews, who by their industry might enliven the city with commerce. (4)

It was refused. However the Jews reentered France in small numbers and came into provinces that at a later period were included in the kingdom. In the latter half of the Fifteenth Century Marranos from Spain settled in Provence, (5) but a century later those driven out of Spain, who migrated to France were there arrested. (6) The Jews, however, seem to have become numerous again in France. They were admitted in great numbers during the favor of Conchini, Marshal of Ancre; (7) their removal was brought about by a petition ^{6 7 8}by the clergy at the ^{1 2}the

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 end of 1614, whose request was promptly granted, (8) for in 1615
 Louis XIII ordered them to leave the country within a month's
 time under pain of death for disobedience. (9) The law, however,
 was not generally enforced as many did not leave, either having
 bought toleration or merely disobeying and being unmolested. (10)
 In 1657 they are spoken of as being in Paris, but were of little
 commercial importance. (11) In 1718 several million livres were
 refused as an offer for legal establishment and a synagogue in
 Paris. (12) Nevertheless in Alsace the Jews were thickly settled
 as also in all the Rhine Provinces. Thus when these districts
 were annexed by Louis XIV they became a part of France. In the
 same way they were numerous in southern and western France, es-
 pecially in Bayonne and Bordeaux, whither they went after their
 expulsion from Spain and Portugal.

Though after their expulsion under Charles VI the Jews
 were never legally admitted, yet at the time of the Revolution

their number in the kingdom was remarkably large. Graetz(13) places the Jewish population of France in 1789 at 50000, distributing them as follows:- about 20000 in Alsace. 500 in Paris a like number in Bordeaux, 420 families in Metz, 180 families in Lorraine, and in the papal districts about 700 families. While the Jews succeeded in gaining homes in France, their condition was by no means always and everywhere favorable. In Alsace conditions were at their worst. The Jews here were money-lenders, and were accused of so open and profitable a practice of usury as to be charged with having gained thereby one half of the land of the district. The ignorant peasant, angered at his inability to meet his obligations to a Jewish creditor, sought to escape his debt by plunder and riot. So the life of the Jews in Alsace was not a very peaceful one for long periods of time. At Strasbourg strong efforts were made to keep the Jews from the city, but to no avail. Cerf Berr(14), a court Jew to Louis

xv and Louis xvi who supplied army materials to the king, received special permission to locate there and drew more Jews with him to work in his factories and to be present for his religious needs. This was strongly objected to by the citizens but to no avail, for Berr located there with the sanction of Emperor Joseph.

Now approached the French Revolution, and in his strivings to stave it off and uphold the falling monarchy Louis xvi was circumspect and took cognizance of the Jews. Those desirous of seeing a new order of things instituted, or as the Revolution was only in process of formation, desired to see old evils abolished, pointed to the position of the Jews as a deep blemish on the escutcheon of Bourbon rule. That most ardent worker for improved conditions, Malesherbes, was in full sympathy with the Jews, and in order to assist them to improve their conditions, he gathered an assembly to prepare cahiers setting forth

the evils of their position. (15) Already in 1784 letters patent were given the Jews of Alsace, granting them the right to agriculture (16), and with the first concession on the part of the government, there was kindled the flame of zeal within the Jews themselves to improve their status. As a result of the sales-herbes commission Louis^{XVI} (~~17~~), in a decree of January 24, 1784, removed the poll-tax, (17) one that had proved the most burdensome and disagreeable. In his decree the king said, "We have noticed that especially in Alsace and at the entrance to Strasbourg the Jews were subjected to a poll-tax that likens them unto beasts. Since it is against our feelings which we entertain toward all our subjects, to ~~very~~ permit a tax to continue that debases manhood, we command that henceforth in our entire kingdom the Jews shall be free from all poll and toll-taxes." This concession on the part of the king aroused both the Jews and their non-Jewish supporters to strive more earnestly for the emancipation

of the Chosen People. Both Dohm and Mirabeau, who stood for all that was highest and best in human life, were enthused in their work in behalf of the Jews by the spirit of Mendelssohn which they had imbibed. Mirabeau, through his work "On Mendelssohn", tried to introduce the latter's best thoughts and hopes to the intellectual French public; he pleaded for an improved condition of the Jews and suggested that in all but religion the Jewish schools be placed on an equal footing with the Christian school.

(18) He defended the Jews against the attacks of their detractors, advising that before they calumniate the Jew they ought to unite on a basis of attack, as they most often contradicted each other.

But there were yet other non-Jewish elements at work in this struggle for Jewish emancipation, and among these the one that brought the question most forcibly to thinking minds was the Royal Society for Arts and Sciences in Metz. (19) This so-

ciety offered a prize for the best essay on "Whether there are means by which to make the Jews in France better and more useful citizens." Among those who competed were Thiery and Abbé Grégoire. The latter's essay was crowned.

Encouraged By this activity and support of non-Jewish admirers, the Jews bestirred themselves all the more on their own behalf. Gerf Berr used all his influence for the improvement of his coreligionists. He spread Dohm's work in favor of the Jews broadcast throughout France. Salkind Hurwitz of Kofvno took up his pen in the contest for the prize of the Metz Royal Society, and wrote with force and vigor on behalf of the Jews.

(20) Isaiah Berr Bing (21), (1759-1805) a writer of great ability, used his powers in defense of the Jews. He was the first Alsatian Jew to write in French, and his thorough ability to do so was shown in his reply to a Jew-baiting pamphlet that appeared in Metz charging the Jew with every known crime. (22) Bing re-

plied out did not stop with refuting the charges. He went further and wrote:—"We ask neither grace nor favor nor yet a privilege; we demand a law by which we can obtain the natural rights that belong to all men without exception." (23) He demanded the abolition of the ghetto and of restricted residence; he demanded that all trades and professions as well as public schools be opened to the Jews. In these bold demands he was supported by his brethren, who requested Grégoire, a member of the States-General, to urge their emancipation, and who delegated Isaac Bing of Nancy to seek the protection of the government for the ill-treated Jews of the Rhine provinces. (24) A committee of five Jewish National Guardsmen appeared before the Paris communal assembly to ask that the city express its wish to the National Assembly that Jewish citizenship be recognized. (25) Jewish emancipation had become a possibility and was to be realized through the diffusion of Mendelsson's spirit, (26) and

by virtue of the fact that opposed to it were the ultra-church parties and the enemies of the Revolution. This naturally turned the majority in its favor.

After August 4, 1789, when the three orders met as the National Assembly, the Jews labored still more earnestly for their recognition, but there was yet a great obstacle to be overcome. Whatever efforts were made were put forward by the individual communities and without concerted action. Furthermore the Portuguese Jews of the kingdom opposed the efforts of the Avignonese and German Jews, and often their petitions asked for directly opposite conditions. Thus Berr-Isaac-Berr (27) on behalf of the Jews of Lorraine asked that the rabbis be appointed as Jewish authorities, while at the same time the Jews of Luneville asked that they be freed from rabbinic authority. It was only when the Jews placed their requests to the National Assembly entirely in the hands of their Christian champions

that anything was accomplished. Their emancipation might be slow in coming, but it must necessarily result from the Revolution in which the idea was contained and fundamental. (28) On September 26, 1789 Gregoire and Prince Clermont-Tonnere addressed the Assembly on behalf of the Jews. The ^sresult was a vote instructing the presiding officer of the Assembly to send a circular to all sections stating that the "Rights of Man" applied also to the Jews. (29) This availed nothing in Alsace but it had brought the Jewish question permanently before the Assembly, for on October 1, on the request of a member of that body it voted to set aside a later date for the consideration of the condition of the Jews. (30) Two weeks later, on the fourteenth, Berr was given the opportunity to address the Assembly. He succeeded in moving them into a promise that at the next sessions they would vote the equalization of the Jews with other citizens. (31) In December of the same year (1789) the Jewish ques-

tion came before the Assembly for debate. (32) Clermont-Tonnerre was its advocate. Robespierre, Dupont, Barnave, and Mirabeau spoke in favor of it, but through the opposition of the Abbé Maury and the Bishops of Nancy and Clermont the decision was delayed. On the twenty-fourth of the same month another step was gained in the emancipation of the Jews, when the Assembly passed a decree to the effect that all non-Catholics were eligible to election to the States-General and thereby opened their way to employments both civil and military. (33)

But matters seemed to have moved too slowly for the Jews, for on January 29, 1790 the Carmelite district of Paris, the one in which most of the Jews lived, prepared a set of resolutions asking that henceforth the Jews might enjoy the rights of active citizens. (34) This was undoubtedly due to the exertions on the part of the Jews themselves, and it is gratifying to note their efforts on their own behalf as well as those of

of their Christian friends who interested themselves in the Jewish cause. The question was now before the Assembly and must be disposed of in one way or in the other. Delay could no longer be resorted to. Yet the greatest difficulty, that of unconcer-
ted action, still showed itself: for on February 28, 1790 the Portuguese Jews of Bordeaux asked that they be guaranteed the privileges which they already enjoyed. With the support of Tallyrand, then Bishop of Autun, a motion was carried legally acknowledging for the Portuguese, Spanish and Avignonese Jews of Bordeaux and Bayonne the rights they already possessed. (55)

This was the first real legal acknowledgment of the Jews, but the glory it brought the Jews in having won it on their own petition is diminished when we consider that the vote gave no new rights but only recognized those of rich and cultured men who dwelt in safety with nothing to fear from the passions of the mob, while in the eastern provinces of the realm, the poor

less-cultured, oppressed yet faithful Jews were neither taken into consideration by their wealthy coreligionists, nor recognized by law, thereby giving as it were more argument to the fanatic peasant to rob, plunder and even kill the wretched sons of a hated race. The pride and selfishness of the Portuguese Jews, whose vanity found greater pleasure in the family history of a few hundred years than in the grand and glorious race history of thousands of generations, that pride and selfishness never cast greater blemish on the Jewish name than at the time when these haughty sons of Israel, filled with Castilian pride, strove only for their own legal recognition and lifted not a hand to improve the condition of their humble persecuted brethren.

However, the Portuguese Jews alone were not considered the Jewish nation. That a part of it was recognized by law was a favorable portent for those still unrecognized. The question was constantly bobbing up in the National Assembly. On February

25, 1790 (36) it was brought up, but a successful opposition on the part of Abbé Maury resulted in postponement. The Abbé could not postpone the vote three days later in favor of the Portuguese Jews, but on April 15, when the Jewish question was again before the Assembly, he again succeeded in having it postponed. (37) Nevertheless it was for a few days only, for on April 18 a decree passed the National Assembly and was subsequently sanctioned by the king, that the Jews of Alsace were under the protection and authority of the laws of the state and of the National Guard. (38) Here was hope for the Jews of Alsace. Though not as yet acknowledged full citizens, the law had taken cognizance of them. They were again taken into notice when on July 26, 1790 a law was passed abolishing all taxes levied only on the Jews. The law was confirmed by Louis XVI on August 7. (39) However, it was not until the following year that the Jews gained the recognition for which they had been striving. In

vain were two attempts made to bring the Jewish question before the National Assembly. During the presidency of Grégoire, a deputy, Martineau, urged the question on January 18, 1791, and again on May 26 of the same year; but at neither time was anything accomplished. (40) The Jews themselves were not idle, for those of Paris, desirous of establishing a synagogue, were eager that the vote should be taken by which they might be recognized as citizens with full rights. The day was near at hand when this hope would be realized. The constitution of September 1791 had already been formulated and ratified without recognizing the emancipation of the Jews. Just as matters were apparently unfavorable and clouds were beginning to spread over the prospects of the Jews for emancipation, the proverbial silver lining showed itself, for but a few days before the close of the Assembly, a Jacobin member, Duport, brought the question before that body and succeeded by a vote taken on September 20

in gaining the recognition of the German speaking Jews. (41). The decree stated that the only requirement for full citizenship was the taking of the civic oath and that the Jews were eligible to this. (42) On November 15 following, Louis XVI officially recognized them.

Thus after a long and arduous struggle the Jews were acknowledged citizens. The French nation, through its representatives, had told the world that henceforth they would look upon the Jews as brethren, as citizens with the full rights of other citizens. So France, a country that in the dark days of the Middle Ages, days of passion and violence, of savagery triumphed had been among the first to drive the Jews from its soil, now in the days of freedom and recognized brotherhood, was the first to make them citizens. That this would be accomplished the spirit of the age seemed to foretell. Nor was this liberation of the Jews confined to France alone. The spirit of the Revolution

tion was ⁿ~~o~~ⁱ~~t~~agous. Monarchies of Europe had to unbend and let go of the divine right doctrine in order that the sovereigns might save their thrones from crumbling as had that of the Bourbons. The removal of the poll and toll-taxes from the Jews of France was followed by a similar movement on the part of Prussian government.(43) Likewise when Holland, Italy and the Rhine provinces were annexed to France the position of the Jews in these countries was made the same in every respect as that of the Jews in France.(44) All obstacles that had stood in the way were at last removed and the Jews of France were recognized citizens.

• NOTES.

- 1) Graetz, Hist. of the Jews vol IV pp.175-7. (2) *ibid*
 3) *ibid*. (4) Abbé Grégoire, An essay on the Physical, Moral and Political Reformation of the Jews. From the French, London 1791.p.88. (5) Graetz, Hist. IVp.318. (6) *ibid*. p.309

- 7) J.B.Perkins, France under Richelieu and Mazarin.N.Y. 1866
vol. 2 pp.459-60. (8) *ibid.* 9) Grégoire, op. cit.p.
243 note 15. (10) Perkins,op. cit. (11) *ibid.*
(12) Grégoire op. cit. p. 243 note 15. (13) ^{Graetz} Geschichte der
Juden von der aeltesten Zeiten bis auf die Gegenwart Leipzig
1870 vol.XI p. 201. (14) *ibid.* p. 189. (15) Graetz op.
cit. p. 190. (16) Grégoire op. cit. p. 146. (17) Graetz
op. cit. p. 191. cf . also Dr. Jost ALLGEM. Gesch. des isr.
Volkes Berlin 1852 vol. 2 p. 486 (18) Graetz op. cit. p.
192-4. (19) *ibid.* p. 196-7. (20) *ibid.* (21) *ibid.*
p. 194-5. (22) *ibid.* (23) *ibid.* p. 196. (24) Jost
Allgem. Gesch. vol. 2 p. 498. (25) Graetz op. cit. p. 212
26) Jost op. cit. p. 486. (27) Graetz op cit. p. 204.
28) Jost op. cit. p. 497. (29) Graetz op. cit. p.207-8
30) Diogène Tama, Transactions of the Parisian Assembly of
Israelitisch Deputies of France and Italy. Trans. from the French

pub. by M. Tama, with preface and notes by F. D. Kirwan, Esq.

London 1807 p.3. (31) Graetz op.cit.p 207-8.

32) ibid. p. 209. (33) Tama op. cit. p.3. (34) Graetz

op. cit. p. 213. (35) ibid. p. 210-11. (36) Graetz op. cit.

p. 218. (37) ibid. (38) ibid. (39) ibid. cf. also

Tama op. cit.p. 4. (40) Graetz op.cit.p. 220. (41) ibid.

42) Tama op. cit. p.6,7. (43) Jost All. Gesch. vol. 2 p.488

44) Graetz op.cit. p.235.

CHAPTER II.

CHAPTER II.

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1791-1806.

By the act of emancipation the French nation put its final stamp of approval on its Jewish inhabitants and recognized their worth as citizens, as well as the benefits that the nation had derived from them while they lived only as non-citizens in the land. Some Jews had received from the sovereign letters of naturalization in return for meritorious conduct and labor. Thus they were enabled to purchase landed property and engage in honorable professions, in which their efforts redounded to the good of the country and their own prosperity.(1) Through the commercial activity of the Jews the French were indebted to them for the banks of Bayonne and Bordeaux.(2) But the Jews knew also how to make unselfish sacrifices for the land that protected them. At the formation of the National Guard the Jews joined in a large proportion. In Paris alone one hundred Jewish youths

enlisted and in Bordeaux a Jew was elected commander.(3) In its earliest phase the Revolution after the fall of the Bastille brought misfortune on the Jews in the places where the freedom-maddened crowds attacked and beat them.(4) And when France atoned for this by making them citizens with the full rights of citizens, the Jews at once put forth their energies in the devotion to the state, arts and sciences.(5) According to a contemporary writer(6) the Jews proved worthy of all the rights granted them.

The time approached now when a test might be put by which the Jews could show whether they were truly good citizens in the best sense. The story of the Revolution need not be told here. Louis XVI proved unequal to the task and in consequence was deposed. With the Divine-right monarchy of the Bourbons violated and the king a prisoner of the people, the passions of the mob broke forth in all its fury. The king was made a prisoner, God

was dethroned and Reason worshipped as the deity. A Reign of Terror, such as only a Paris mob can institute, held sway. The Jews, loyal citizens that they are to organized government, took no part in the furies of the Terror.(7) All did not escape though. Prominent men among the Jews were threatened. Thus Furtado, who later became President of the Assembly of Notables was forced to flee.(8) in order to escape becoming a sacrifice on the altar of 'La Femme' as the guillotine was spoken of. In Bordeaux, Charles Bixatto and three other prominent Jews were seized,(9) but were fortunate enough to have their atonement set at a heavy fine instead of death. Nor did the enthronement of Reason ^u affect the Jews as far as the law went. That movement was directed chiefly against Catholicism and the Church, and so other faiths escaped serious interference. Yet the Jews were not everywhere unmolested. In Nancy the synagogue was turned into a Temple of Reason, the Torah and all Hebrew

books were burned, and the gold and silver ornaments were confiscated. (10) In Strasburg and Troyes (11) the Jews were compelled to do business on the Sabbath Day and attend the Worship of Reason on 'Jour Decadi' (Tenth Day). In Metz they were confronted with a peculiar difficulty. They did not dare bake Matzos for the Passover Festival until one courageous woman ingeniously gained permission by saying that the Matzos were emblems of Freedom. (12) Again, at Paris, where there were at this time two schools, the teachers were compelled to take their pupils to the Temple of Reason on the Tenth Day. (13)

Further than these comparatively slight inconveniences ~~placed in their path~~, no other difficulties were set in the way of the Jews, and they were permitted to live their own quiet lives in a time when noise and fury were the usual thing, and peace and quiet were almost unknown. No doubt there may have been many individual cases not reported, of Jews suffering agony

and fear in the days when the streets of Paris ran with blood and when the 'provincial' towns were but servile imitations of the capital. But in general the Jew was overlooked. The religious hatred and bigotry that had for so long a time made life almost impossible to the Jew, forgot its favorite victim in its mad and sudden outburst against the Church, that power that once ruled kings and princes and exacted tribute from many lands. The Church had shown itself false to the Revolution and unworthy of support and so the Church must go. But the populace, unthinking as it was, did not reflect that the Church was not God, and because it was ungodly the people were not warranted in believing that God had ceased to be. It was hardly to be expected that a people held in check most tightly, when once broken forth into freedom under the guidance of fiery, rash leaders, imbued only with selfish ambitions for power and self-protection, would stop to reason about its actions. Reason it

it knew only as a pass-word to some new innovation. Action, quick, thorough and in plenty was all that was wanted by the nation that had so long been kept inactive by its rulers. In such times, the Jew, accustomed to respect the authority of the government, and taught the need thereof by his laws and precedents, very naturally remained as quiet as possible and withdrew to the background without attracting attention to himself. He bore his share of military duty, (14) quietly entered the professions that were now open to him and in general bent his energies on improving himself and his position. ^{He} So little of importance is heard of the Jew in such times of unrest and disturbance.

However, the time came when the frightful state of affairs that had held sway from 1793 to 1795 must come to an end, and so it did. But from the ashes of the Terror that had for three years given France neither peace nor rest, her citizens no safety, but fear and dread, arose the light of a new "Terror",

who with his drawn sword and matchless military genius would bring peace and quiet to a distracted country, but who would at the same time, instead of terrorizing the land of his adoption, prove the scourge and fury of all Europe. With the failure of the Reign of Terror began the supremacy of Napoleon, and it is under his rule that the condition of the Jews is again considered and dealt with.

When Napoleon's attention was first directed toward the Jews as adherents to a peculiar faith, as a nation in themselves and yet forming an integral part of the French nation, we cannot say. We are told that one of his generals, Massena, whose real name is said to have been ~~Manasseh~~, (15) was a Jew and received from Napoleon the surname "Child of Victory". Another writer in his history of Napoleon (16) speaks of Massena as been "Napoleon's best lieutenant". That Napoleon would take cognizance of the Jews, though we may well

believe only to use them, as he did everything else, for his own selfish purposes, could be foreseen from the fact that already in 1799, while in Egypt, he looked upon them as means worthy of his efforts to employ them on his own behalf. For, when planning his campaign in Egypt and the East, the young General addressed a call to the Jews of Asia and Africa, inviting them to join his army, and, fighting beneath his standard shoulder to shoulder with his own troops, to try and recapture from the Turk the Holy Land whose capital, Jerusalem, he would restore again in all its glory. (17) From the extract from the Moniteur contained in the note we see clearly Napoleon's scheme. He would not only found for himself an empire in the East, such as Alexander had built up, but he would also enter Europe from the rear, and fighting his way from the Bosphorus to the Rhine, would carry the Liberty of France to all down-trodden Europe, crushing its monarchs beneath his mighty sword and th

power of France, which latter, no doubt, he himself intended to direct, as later he did. So, knowing that the Jews were numerous in the East, he promised to restore Judea to the glory and renown it had enjoyed under Solomon, a promise, which, had the present-day Zionists lived then, would have been seized upon by them with delight, hailing Napoleon as the Messiah,--in which light he came to be looked upon at no distant date.

Napoleon was accustomed to look upon matters from all sides. We are told that when he went to battle or began some new movement he had his plans fully prepared and thoroughly tested, watching not only his own moves, but discerning also the actions other powers and forces would take to check him, and arranging his own accordingly. May it not be then that this clear-minded, far-seeing soldier promised to restore Jerusalem to the Jews from a greater motive than merely to augment his army? Napoleon always appreciated the importance of having

as great an army as he could possibly muster, but he also recognized the advantage of having friends in the enemies' country. Considering this, Napoleon saw the vast benefits that would accrue to him, if in his contemplated march from Constantinople to Paris, the Jews of Eastern Europe, showing ^{their} ~~the~~ gratitude for the restored Jerusalem, would flock to him as friends, joining his armies and aiding him with money and supplies that they might be able to furnish him. This was a very definite part of a later plan, as we shall see, and it seems to have been his plan also here. How many Jews were enthused at the prospect of a new Jerusalem and snatched at the bait Napoleon so temptingly held out to them, we can not say. Yet one, who if he had fallen in with his plans would have proved in himself worth almost the entire people, Napoleon failed to lure by these fascinating hopes. This was Chayim Maalem Farchi, (18) the finance minister of the Pasha of Acre, and to him, perhaps, it is

largely due that Napoleon's conquering march through Egypt and Syria was firmly checked at Acre. Napoleon tried to bribe Farchi to deliver Acre into his hands. But here Napoleon showed that he had to learn a new lesson concerning the Jew, namely, that in whatever country he may live, under whatever government he may be, the Jew is a faithful subject to the power that protects and recognizes him. This truth Farchi well exemplified. For he not only refused to consider Napoleon's proposals, he opposed him all the more for them, and even allied himself with England, Napoleon's arch enemy. (19) Farchi was able to do all this through the confidence which his master had reposed in him and which he well merited.

Napoleon was now forced to fall back into Egypt, where he made no new or important advances toward erecting the mammoth empire of his dreams. Shortly afterwards affairs in France came to such a pass as to demand a man of energy and action,

such as could safely guide the ship of state past the shoals of an impending Revolution and Terror as had been experienced. Napoleon, leaving his army in Egypt under Kleber, hastened back to Paris, and by virtue of his strength and force of character, together with the support of the army and of the people, naturally became leader. At the time of his return the Jews were recognized as citizens with full rights but only as individuals. It remained for them to receive the official recognition of their religion. (20) The first indication that it was Napoleon's intention to do this is found in an address of M. Portalis (delivered by direction of Napoleon to the Assembly in March 1802. (21) In this address M. Portalis said:—"In as much as the administration has taken up the organization of the various faiths, it has taken cognizance of the Jewish religion. This one like all others shall partake of our freedom. But the Jews are less a religion than a people. They exist among all nations

without assimilating with them. However, the administration has felt bound to respect the unity of this people, which despite all the changes of centuries has lived to our day, and which regards it as its highest privilege to regard God alone as its Law-giver." Up to this time Napoleon had no cause to think ill of the Jews. He had found them good citizens and brave soldiers.

The reports of his captains spoke of them only in words of praise.

(22) They reported that "the Jews protect the French name (Conservant le nom Français), that they are worthy of possessing it (rendus digner de le porter) and that their conduct has not given rise to any kind of complaint (aucun espèce de mécontent)." That his generals could report thus favorably of the Jews was

soon shown Napoleon in his own presence, for at the battle of Austerlitz, which he seems to have regarded as his greatest battle, a number of Jews fought with such distinguished valor and showed themselves as men of such great bravery as to win the de-

coration on the Legion of Honor. (23) However, Napoleon's opinion of and manner toward the Jews was soon to change. It seems that after his victorious campaign against Austria in 1806, from the time that Napoleon founded the Confederation of the Rhine (July 1806) and was brought into close contact with the princes of those states, he imbibed their hatred of the Jew, for from this time on his former favorable ~~policy~~ opinion was suddenly changed to a disposition entirely unfavorable. (24) While sojourning in Strasbourg he heard from the citizens, who had long endeavored to keep the Jews from their city, complaints against the Jews of Alsace, reports of their successful and unrelenting practice of usury at exorbitant rates of interest. (25) Here was an opportunity for action with a dual purpose tending toward results highly favorable to himself. Napoleon returned to Paris, indignant ^{at} ~~with~~ the conduct of the Jews and resolved to place restrictions upon all. (26)

This strange and sudden change of front toward the Jews shows again the wily diplomat and shrewd tyrant, the peerless statesman who sees, in what is only a fanatical complaint against a hated race a great opportunity for brilliant, dazzling action whose ulterior motive was to bring greater advantages and resources to himself. To listen to cries of his new subjects, cries which he knew to be only the echo of centuries of bigotry, was a neat and delicate compliment to the princelings this great warrior had just succeeded in pressing under his thumb; princes whose lives seemed to be consumed rather with the desire to make the life of the Jew miserable than with improving that of their Christian subjects. But while he was introducing his tyrannical rule in the guise of a beneficent administration that sought only the subject's welfare, he was actuated also by another thought. The Jews were accused of excessive usury; their rates of interest impoverished their Christian victims; this must have brought

them great wealth and if they could be brought more closely and directly under Napoleon's control they would prove a very valuable source of income to the government and might be looked upon as a strong resource upon which to fall back for the consummation of the tyrant's plans. Then, it was always a leading principle with Napoleon to turn everything to his own advantage, making it a means that at some distant day might prove efficient in the working out of his hopes and ideals. He always prepared resources for the future, for some unforeseen exigency. So he intended to bring these usurious Jews more completely into his power. But, very fortunately for him, until these complaints were registered with him, he had no real ground for paying special attention to the Jews. A new program with regard to them was to be inaugurated. He would look upon them with disfavor, considering them a people who needed reformation and renovation, a cleansing of some dark spots from off their

character before they would be wholly worthy of the privileges they enjoyed. This opinion would readily find root elsewhere and sprout into a mighty growth, thereby giving him some justification, (and he never wanted much), for meddling in the internal as well as the external affairs of the Jews. The displeasure toward the Jews, which Napoleon so quickly cultivated, was not without its definite purpose, and though his disgust with them bears the semblance of earnestness, we see in it only the plan of a shrewd mind acting from some secret motive. But of this we will speak at greater length in a chapter devoted entirely to a study of Napoleon's motives with regard to the Jews.

To return to the facts of the case. On his return to Paris after the battle of Austerlitz, Napoleon brought the matter before the Council of State, (27) which referred it to the department of the Interior. The head of this department in turn referred it to M. Molé, as a committee of one to investigate. How-

ever, this was only form, as Molé's appointment came from Napoleon, as we see from both authorities. (27) Molé's report was to be read to the Council of State. It came up at a meeting at which the Emperor was not present. As might have been expected from Molé, who was only the youthful, excitable mouth-piece of an anti-philosophic, Jew-baiting crowd of which M. Bⁿcaud and M. de Fontanes were the leaders, the report was unfavorable to the Jews. It advised that the Jews be put under special restrictive laws. The committee accepted as true all the charges with regard to usury and other evil practices of which the Jews were accused, and in his fiery way Molé denounced them, advising that they be treated as a separate class. The Council of State, which saw through the report at once, and recognized in it the inspiration of de Bⁿcaud, received the report with smiles and disdain. (28) But it was received in another spirit also. M. Regnault immediately exposed and denounced the report, stating that be-

cause a belief was to quite a degree universal it need not necessarily be sustained. M. Beugnot, who had recently been appointed Councillor of State, treated the question at bottom with much logic, spirit and ability. The opinion of the Council was evidently opposed to the report, for its members, being for the most part men of honor, saw, as M. de Bapante states, that it was undermining one of the basic principles of the French law to make any distinctions between citizens because of religion, and as Molé's report implied this, that it was ridiculous to ask a creditor whether he thought he ought to be paid. The Chancellor there upon remarked that the Emperor attached great importance to this matter and that his opinion was contrary to that which seemed to prevail, and it was therefore necessary to lay the discussion over until such a day when the Emperor might be able to preside. (29) The question was brought up for discussion in a meeting held at St. Cloud,

(30) April 30, 1806. (31) The presence of the Emperor did not act as a check upon the members attending, for, as in the early meeting, so here, the gentlemen spoke with warmth and earnestness against the report of M. Molé and the action which it advised. M. Beugnot opened the discussion. (32) He did not know that in the Council of State discussion took the form of conversation, and as this was his first discussion in the presence of the Emperor he blundered miserably. "Intoxicated with his success, he was on this occasion emphatic, pretentious, declamatory, all that he should not have been." The Emperor grew impatient; one phrase of M. Beugnot's had especially irritated him. The latter had termed any measure that would make exceptions against the Jews as "a battle lost in the field of justice." That this condemnation of his methods, though not intended as such, should be spoken in Napoleon's very presence and with serious sincerity, stung the Emperor to the quick. He arose at

the conclusion of M. Beugnot's address and spoke with an animation and energy that were quite unusual, replying to Beugnot's speech 'now with raillery, now with calmness.' The report of Molé, which was just what Napoleon wanted, was opposed as being subversive to the theories and ideals of the Revolution. (33) He spoke against theories, against general and absolute principles, against men to whom facts were nothing and who sacrificed reality for abstractions. (34) He spoke bitterly against the phrase of "a lost Battle". Then a reading of Molé's report was asked. MM. Regnault and de Segur spoke against it (35), reminding Napoleon that everywhere, except in Alsace, the Jews were held in esteem. (36) Action was then taken; a commission of three was then appointed to inquire into the condition of the Jews in Alsace and into their principles and customs concerning usury. (37) The appointees were MM. Pasquier, Portalis and Molé. (38) The question was then deferred to a later meeting for further

ther consideration. (39)

A second meeting of the Council was held on May 7. (40)

The report of the commission was made. Pasquier had busied himself gathering information. "His report" as M. de Bazez says, "was very instructive and calmed the Emperor who then came to the very sensible conclusion that the Jewish religion ought to be officially authorized and given a legal existence." In fact between the two meetings of the Council Napoleon had changed his attitude toward the Jews, abandoning his antagonism toward them. He probably considered that if he was to accomplish anything at all with the Jews he must assume a quiet, conciliatory attitude rather than an openly antagonistic one. He must have been mindful of the history of the Jews and have recognized the fact that the ancient people was after all stiff-necked; so he determined on a different line of action, one by which he recognized his aims could be accomplished and even be aided thereto by the

Jews themselves. So to accomplish his idea of giving the Jewish religion a legal organization he issued a decree on May 30, 1806 ordering the convention of the Assembly of Notables to meet in Paris on July 15, to express the wishes of the Jewish people and to devise plans by which the Jews could be improved and useful arts introduced among them. The representatives should be gathered not only from France proper, but also from German provinces and from Italy. The edict also suspended for one year all proceedings taken by Jewish creditors to recover sums loaned. This last named condition, when discussed in the Council of State, caused a violent debate as it was opposed as being an infringement on civil rights (43)

NOTES.

1) Tama op. cit. p. 1,100 (2) Grégoire op. cit. p. 103.

(3) Tama op. cit. p. 100. cf. also Graetz op. cit. p. 204

4) *ibid.* p. 203. (5) Jost *op. cit.* p. 498. (6) Justin

Lamoureux quoted in Léon Kahn's *Les Juifs de Paris pendant la*

Revolution, Paris 1898 p.323. (7) Graetz *op. cit.* p. 224

8) *ibid.* (9) *ibid.* (10) Graetz *op. cit.* pp. 226-7 *cf.*

also Note 3 pp.609-12: *ibid.*

(11) *ibid.* (12) *ibid.* (13) *ibid.* note 3 p. 611. Quotes

Univers. Israel. 1864-5 p. 159. (14) Pasquier *Memoirs of*

Chancellor Pasquier trans. by Chas. E. Roche in 3 vol. N.Y. 189

cf. vol. 1 p. 289. (15) Madison C. Peters *Justice to the*

Jews p. 77. (16) W. O'Connor Morris *Napoleon, Warrior and*

Ruler N.Y. 1893 p.260. (17) Graetz *op. cit.* p. 236 The

author quotes in a footnote an extract from the *Moniteur* Year VII

(1799) No. 243 p. 187 whose statements I have not found either in

Napoleon's published correspondence or elsewhere. It reads as

follows:" Constantinople, 28 Germinal: Bonaparte a fait publier

une proclamation dans laquelle il invite tous les Juifs de

L'Asie et de l'Afrique à venir se ranger sous ses drapeaux, pour rétablir l'ancienne Jerusalem. Il en a déjà armé un grand nombre, et leur bataillons menaient Alep." On p. 1137 of the Moniteur of the same year, in an article on Napoleon's plan for the Orient, the following occurs: "Ce n'est pas seulement pour rendre aux Juifs leur Jerusalem que Bonaparte a conquis la Syrie, il avait les plus vastes desseins." This would seem to indicate that Napoleon promised to establish a Jewish government of some sort.

183) Graetz op. cit. p. 256. (19) *ibid.* (20) *ibid.*

p. 237. (21) *ibid.* p. 238.

(22) Léon Kahn op. cit. p. 317. (23) *ibid.* p. 326

Kahn quotes La Revue July 11, 1806. 24) Graetz op. cit.

p. 268. 25- *ibid.* p. 270. 26- Léon Kahn op.

cit. p. 326. cf. also Tama op. cit. p. 105.

27- Guizot, M. de Barant

is de famille, sa vie

et ses Oeuvres. Revue des deux Mondes July 1867 pp. 13-20.

Quotes from M. de Barante's diary. cf. also Memoirs of Pasquier vol 1 ch. 10. These two authorities agree in all parti-

culars.

28- ibid.

29- ibid.

30- ibid.

31- Graetz op. cit. p. 272.

32- Guizot on M. de

Barante p. 19.

33- Graetz op. cit. p. 273.

34- Guizot art. cit. p. 19.

35- ibid.

36- Graetz op. cit. p. 273.

37- Guizot art. cit.

p. 20.

38- ibid.

39- Graetz op. cit. p. 274

40- ibid.

41- Guizot art. cit. p. 20. cf. also

Graetz of. cit. note 6 pp. 620-25.

~~cf. Appendix A~~

43- Memoirs of Pasquier p. 289.

CHAPTER III.

The assembly of Notables. Its composition, its purpose and its work.

CHAPTER III.

The Assembly of Notables.

The decree of May 30, 1806 having been promulgated, the delegates to the assembly were appointed according to article III of that decree: } by the prefects of the departments from among the rabbis, landed proprietors and other renowned Jews. The coming together of these notables at the appointed time was quite a surprise to Paris. It created a great stir in the city. Its need was not seen, Napoleon's motives were not known, and like all unusual events in the French capital it was freely discussed in the public places, in newspapers and in the salons of the day. (2) But with all this discussion the people were none the wiser as to Napoleon's purpose. In his decree Napoleon stated that his purpose was to "revive sentiments of civil morality in those professing the Jewish religion," and in order to do so these Notables were to give their opinions as to

how he could best act to "restore among their brethren the practice of useful arts and professions ~~and~~ replace by an honest industry the shameful resources to which many among them have devoted themselves from father to son for so many centuries." And again, in a letter to his Minister of Interior, M. de Champagny, ^{Napoleon} states his ^purpose is to reconcile the belief of the Jews with the duties of the French and to make them useful citizens, being resolved to remedy the evil to which so many among them have given themselves to the detriment of our ^{subjects} ~~citizens~~. (3) How sincerely Napoleon meant this and what cause he had to take such a stand we will discuss at length later; here we pause only long enough to mention that a contemporary writer (4) states that the Jews were not the only ones who practised usury and the charge to that extent did not warrant the calling of the Notable Assembly; while his desire to make the Jews better citizens was useless as that rested entirely with the Jews themselves, for the

National Assembly in its decree left nothing more to be done than to give the Jews citizenship.

On July 23, a message from the Emperor announced that the first meeting of the assembly should take place on the 25th, at the Hotel de Ville and told them of the purpose and the work of the convocation. (5.) Two days later, on Sabbath-day July 25, 1806 the Notables convened. (6.) Napoleon had given them permission to adjourn the first meeting if they felt themselves bound to abstain from every kind of labor⁷ but they did not avail themselves of the permission. The question was indeed raised whether the ballots for presiding officer might be written it being Sabbath;⁸ it was decided that it might be done, and so this was done. The election named Furtado as President.⁹

Napoleon himself never came into contact with this Assembly. His messages to it and relations with it were through the medium of his three imperial commissioners, MM. Molé, Pasquier and

Portalis. Of these Molé was the head, and a more unwelcome or improper commissioner of Jews could not have been chosen. Molé was the youngest of the three men and, as before mentioned, was generally looked upon as the vehicle by which to spread the anti-Jewish slanders of de Bonald and his clique of Jew-baiters.¹⁰ His appointment as chief proxy of Napoleon with whom the assembly had to deal held forth little promise of satisfaction to the Notables. In that meeting of the Council of State in which the promulgation of the decree of May 30th was discussed Molé had favored measures against the Jews and seemed thereby to have gained the great^{er} favor of Napoleon.¹¹ He was commissioned by the Emperor to write an essay on "Inquiries into the Political and Religious Status of the Jews from the Days of Moses to the Present Time". It was strongly anti-Jewish¹², but was at once published in the *M^{on}iteur*, an act showing that it had received imperial approval. Among its many false, bigoted and ridiculous

statements was one bearing ^{most} directly on the purpose of the Assembly and ^{one that} must have pleased Napoleon greatly. He said that "the vice of usury was to be considered as inherent in the character of every true Jew and so implanted in him that no earthly power could ever eradicate it from him."

This position of active and offensive hostility on the part of Molé continued throughout the sittings of the Assembly and caused much trouble and friction. On July 29 the Assembly met for the second time and M. Molé opened with an address that was cold and offensive.¹³ In the words of M. Pasquier :⁴ another of the commissioners, the address "revealed a marked hostility to the Jews, and was not of a kind to inspire them with confidence in the intentions of the government." The address was replete with sentiments such as this: "The conduct of many among those of your persuasion has excited complaints that have found their way to the foot of the throne; these complaints are found-

ded on truth; and nevertheless His Majesty has been satisfied with the stopping of the ^{progress of the}evil and has wished to hear from you on the means of providing a remedy."¹⁵ Again in the Committee of Nine, appointed later to prepare the work of the Sanhedrin, Molé's presence proved most offensive and disquieting; the Committee accomplished nothing with the imperial commissioners when Molé was present and only came to a compromise at a meeting from which he was absent.¹⁶ This antagonistic attitude on the part of Molé was all the more disgusting both to the Assembly and to his fellow-commissioners in that his great-grandmother had been of Jewish blood and it was from her family that the Molé fortune came.¹⁷

It is not difficult to see through these facts to get at Napoleon's purposes. Likewise can we see the same from facts concerning the Natables themselves. It was an Assembly of Jewish Notables, but it was by no means an Assembly of the Repre-

representative ^{of the} Jews of France. The delegates to the Assembly were
 selected by the prefects of the Departments from among those
 that "enjoyed the highest reputation, and also of those who
 were looked upon as likely to prove most complaisant."¹⁸ If
 this was the idea of the government, it was only half success-
 ful in accomplishing it. For though some of the members of the
 Assembly, and perhaps among their chief, Furtado, were tho-
 roughly complaisant and worked in perfect harmony with the
 wishes of the Emperor, whatever they might be, playing the part
 of easily regulated puppets in the directing hands of the ~~master~~
 ter, yet many of them were men of deep, earnest and unshakable
 convictions, who, though at first timid in asserting themselves
 when it came to declaring principles the government desired to
 have affirmed, were not backward in ^{denouncing} ~~declaring~~ them as false, ^{as unrepresentative,}
 betraying Judaism, and in refusing to give their personal as-
 sent to the statements. "It had generally been supposed that

they were governed solely¹ by their pecuniary interests, that they
 adhered to their religion merely as a matter of custom and especially to make their consciences feel easy on the score of
 of living at the expense of all countries which harbored them or
 tolerated their presence; but one found oneself face to face
 with men vastly superior to the common herd with which, generally speaking, public opinion classed them. Thoroughly conversant with their religion and its principles, they were
 strengthened in their attachment to it by the animadversion it drew upon them, and their wellcultivated minds were replete
 with every kind of knowledge. It was therefore no longer possible to ignore the existence of a Jewish nation, the dregs of
 which alone had so far come ^{under} ~~to the~~ notice, and which, owing to
 the care bestowed in selecting the members of the assembly,
 spoke a language worthy¹ being listened to. "19 They may not at
 first have divined Napoleon's purposes and intentions, but ere

long many of them saw that they were to be as clay in the hands of the Emperor, and many revolted, both in word and in action. At first they thought that Napoleon had conceived his idea of their political redemption while in Egypt, and that this was a further movement in his plan to re-establish them in Palestine.² But later, when certain answers were required of the Notables, "the most enlightened and most influential members of the Assembly", unwilling to betray their sacred cause) "informed the commissioners that the declarations asked of them not only embarrassed them and were delicate matters for their conscience but that according to all appearances they would prove utterly valueless; that they were in no wise qualified to exact obedience from their coreligionists: that from the very fact that they were selected by the government, it was not possible to consider them representatives of the Jewish nation, and as having the right to make stipulations in their name."²¹ This

was not to provoke more action on the part of Napoleon, though it did result in that, but rather to discourage the action already taken. However we must by no means think that all the Notables felt as did those men of ^{firm} ~~strong~~ convictions and strong character. There were a sufficient number who acted in all according to the Emperor's directions, to carry the votes as was desired by Napoleon. Among these stands forth as the foremost, Furtado, the presiding officer. Graetz²² writing many years after, speaks of him as a man of noblest thoughts and broadest view, but Pasquier the commissioner, with whom Furtado was thrown much into contact. ~~him~~, and who seems to be very fairminded in his judgements concerning the Assembly, ²³ tells us that the Notables viewed him with distrust. They believed "that he held to his religion merely by the feeling which forbids a man abandoning the religion in which he was born.----- His opinions were based on philosophic indiffe-

rence." That he was not the right man for the position of President of the Assembly we see from the fact that the Alsatian and Avignonese rabbis said (perhaps for the sake of opposition that "it was an easy matter to ~~say~~^{that} all he (Furtado) knew of the Bible was through Voltaire." His influence, according to Pasquier, was null over an assembly of men animated with deepest religious convictions. Perhaps it was a part of his political creed to work in perfect harmony with the will of the Emperor; for, had he been a man of deep, earnest and sincere religious conviction, such as should have occupied his position, he would never have given his assent to actions that did receive it and the work of the Assembly would have resulted in far more than it did and would have been of real, lasting value. I believe that the rabbis were right when they said that Furtado knew little of the Bible or of religious doctrine, for he seldom spoke on questions that were debated, and when he arose

to express an opinion it usually turned out to be a eulogy on the greatness and goodness of Napoleon. He went out of his way, like a fawning princeling, to heap praises and renown on the name of the Emperor.

But to return to the work of the Assembly. The second meeting was held on July 29, when the imperial commissioners brought twelve questions that Napoleon desired answered.²⁴ The questions were: 1- Is it lawful for the Jews to marry more than one wife? 2- Is divorce allowed by the Jewish religion? Is divorce valid when not ~~pronounced~~ pronounced by courts of justice but according to laws in contradiction to those of the French code? 3- Can a Jewess marry a Christian and a Jew a Christian woman, or does the law allow the Jews to inter marry among themselves only. 4- In the eyes of the Jews are the French considered as brethren or are they looked upon as strangers? 5- In either case what line of conduct does the

law prescribe toward Frenchmen not of their religion?

6.- Do Jews born in France and treated by the law as French citizens consider France their country? Are they bound to defend it, to obey the laws and to conform to the dispositions of the civil codes?

7.- Who appoints the rabbis?

8.- What police jurisdiction do the rabbis exercise among the Jews; what judicial power do they enjoy among them?

9.- Are these forms of election and the police-judicial jurisdiction regulated by law or are they only sanctioned by custom?

10.- Are there professions which the law forbids the Jews to practice?

11.- Does the law forbid the Jews from taking usury from their brethren?

12.- Does it forbid or does it allow to take usury from strangers?

These twelve questions submitted by the Emperor were referred by the Assembly to a committee to prepare answers.²⁵ The committee consisted of Sünzheim, Andrade, de Cologne, Segura, Isaac Berr and Lazare. The committee in turn placed the work entirely in the hands of Sünzheim who by himself answered the questions and reported on them on August 3. His answers proved satisfactory to the committee, the Assembly and the Emperor. However the questions were debated by the assembly in the meetings of August 4, 7, and 12. None caused any vehement debate save the one on intermarriage. This was the most important question of the set.

The first question was answered in the negative, that it was not lawful for the Jews to marry more than one wife, that the law, however, does not forbid it. Jews in this follow the law of the land in which they live.

The second question, as to divorce, was answered in a sim-

ilar way. Divorce is allowed by Jewish law, but only when it has been pronounced by the civil law. Here the principle was emphasized that in civil and political matters submission to the law of the state is the first requisite.

Now came the third and most vexatious question, that concerning marriage. Its answer when read to the Assembly created much debate. Opinions were expressed that it was too weak and did not go far enough, that it should have stated that such marriages were not approved because of the difficult consequences. Some believed that such marriages were unlawful, while others maintained that as there was no direct law against marriage with Christians it must be lawful. One member remarked that though such marriages might result in great domestic inconveniences yet the political advantages that would accrue from a permission of the intermarriage, demanded that it be declared lawful. Here was domestic felicity thrown to the winds

for political preferment and yet very many members applauded the opinion.²⁶ The answer as finally voted is in our opinion very weak and unsatisfactory. It portrays a consciousness on the part of the writer of the fact that his answer was a compromise between the dictates of conscience and the demands of the government. The Mosaic law was consulted and followed according to the letter not the spirit thereof. Intermarriage was forbidden only with the Canaanites and idolators whereas, since the Christians are not idolators, the prohibition does not extend to them. Again it depended on whether the sovereign chose to recognize such marriages or not. The opinion was expressed that the Jewish law could not deny the legality of such marriages if civilly contracted but would not recognize them religiously. Though this would not be serious as a Jew who married a Christian woman would still have to be considered a Jew.

The answer was wholly evasive and unsatisfactory. The majority, in not insisting on a firm and full answer, declaring that mixed marriages were forbidden, and according to the spirit of the Mosaic and rabbinical laws they are certainly forbidden, stating the reasons why this is so and how the Jewish life is such that an intermarriage must result in an abandonment of the inherited religion on the part of one of the persons for that of that of the other, or if religion be not entirely neglected, result in domestic unhappiness, instead of taking such a strong, firm stand on the matter, the majority voted for an insipid partial opinion that in its limpness would not offend the government. Here was the first mistake that showed forth the Assembly to no advantage, but as a gathering of men brought together to do the will of another though it be not in accordance with the dictates of reason and conscience. How absurd of the Notables to descend to a sophistry almost unworthy of a medievalist, set-

ting forth the principle that marriages were prohibited according to Mosaic law only with the Canaanites because they were idolators, and as the Christians were not idolators, the prohibition could not extend to them. How many of these men, learned in the law, life and custom of Israel's religion sincerely believed that the adherents of the Catholic Church with its veneration of saints and sacraments were not idolators. Such weak-kneedness in men who are supposed to be the teachers and leaders of their fellow-men is disgusting and contemptible and should have brought upon those who showed it the contempt of their more earnest coreligionists.

The fourth question, whether the Jews considered the French as brethren or strangers, was answered in the former way, that the Frenchmen were brethren of the Jews. The Bible and Talmud were cited to support this view and the answer as finally voted proved satisfactory to all. The majority vote on the

previous question did not crush the minority into silence for in the debate on this fourth question we still see a handful of men striving for all that is best and highest. The answer as first returned by the commission still showed the curse of opposition between the Portugese and the German Jews, a distinction having been made in the latter half of the answer. The president made a weak attempt to explain and excuse it, but the opposition that it aroused succeeded in having the second half of the answer omitted.

The fifth question was briefly answered that Jews must act toward other citizens of the land in which they live in the same manner as toward their coreligionists.

The answer to the sixth question stated that the Jews considered the land in which they lived, which protected them and gave them rights, as their native land, whose law they must obey and whose peace they must defend.

According to the answer of the seventh question the majority of the families choosing the rabbi name the coordinate. However in various places the method of choosing the rabbi differ.

The reply to the eighth question states that the rabbis had absolutely no judicial powers; nor do they exercise any police jurisdiction. In the answer the commission ascribed the Great Sanhedrin and the Lesser Sanhedrin and also spoke of the existence of the Beth-Din in smaller communities. These courts however always depended on the will of the governments under which the Jews lived and since the Revolution¹ were entirely suppressed in France and Italy where the Jews conformed in all things to the law of the State.

The ninth question found its answer in the reply to the preceding one.

In reply to the tenth question, it was stated that there

were no professions which the Jewish law prohibits but on the contrary the Talmud urges the practice of professions

The eleventh and twelfth questions dealt with the right of the Jew to take usury from their coreligionists and from non-Jews. The answers to these questions are the most satisfactory and logical. They begin with a correction of the word usury, showing how it is falsely used for interest of any kind. It stated clearly and succinctly that the Hebrew language had but one word for interest of any kind and that as usury is a word relative to interest, the Hebrew language should have two separate terms to express the ideas of mere interest and interest at exorbitant rates. There is however but one word, 702, and therefore the idea of usury is alien to the Hebrew language. There is another proof to substantiate this answer, for according to Jewish law there was to be no interest at all on loans unless the loan be invested in commercial transactions in

which it was proper that the lender should receive a moderate percentage for his risk. However, loans that were made in order to assist a brother or neighbor in distress were not to bring interest. That no distinction is made in this between the Jew and non-Jew was shown from Scriptural passages which place the stranger on the same footing with the native born.

These answers when read to and approved by the Notables were then given to the imperial commissioners and referred to Napoleon. Meanwhile August 15 was set aside for a celebration of the Emperor's birthday. The greatness and goodness of Napoleon were lauded in speech, song and poetry.

At the next meeting of the Assembly, September 15, the commissioners returned with a communication relative to the Notables' answers. M. Molé addressed the Assembly expressing the perfect satisfaction of the Emperor with the answers sent him and his delight at the spirit with which they had been sub-

mitted.²⁷ The answers themselves pleased him so much, in that they gave so true and accurate a statement of the position of the Jews, that he desired to have them formulated into Jewish law, and as the Assembly of Notables could not do this, he purposed to revive the ancient Great Sanhedrin.²⁸ This modern revival of the ancient Sanhedrin was to be in all respects exactly like its prototype, consisting of seventy-one members, with its Nassi, Ab Beth Din and Chacham. This announcement created the highest enthusiasm. The Notables were delighted with the prospect of seeing the Jews of all Europe reunited in one central authoritative body. The message of the Emperor left the impression that the Sanhedrin would be permanent though in another sentence it hinted at only a temporary existence of the body. However they need not worry, whatever the results the Sanhedrin might accomplish, the free exercise of religious worship and the full enjoyment of

political rights "were secured to them by the pledge of the Emperor himself. All that Napoleon desired in return for this was a religious pledge that the Jewish people would live in accordance with the principles set forth for them in the answers of the Notables.

If the meetings of the Notable Assembly heretofore had the tinge of a comedy, we come now to the farce--and a tragic farce it was. Once before had the opportunity been given these men, filled with the spirit of religious zeal, to assert themselves and declare as Jewish doctrine that which the law, tradition and the life of the Jews had sanctioned as such irrespective as to whether it was what the imperial master wanted or not. So now again came the opportunity to redeem themselves of their former weakness and error, to assert their manhood and individuality even at the risk of incurring the imperial disfavor, and to repudiate the dictates of the Emperor,

to obey which meant the strangling of the voice of conscience within them; self-humiliation before their own souls. Here was the occasion to show that while the Jewish people could no longer show the bravery and fortitude of the race on battle-fields of national struggles, the manhood, the strong earnest character and sincerity of purpose taught by Jewish law and ethics still animated the denationalized sons of Israel. But, alas, the wily Emperor had placed the fear of himself upon these notable men so skillfully and so intensely, that the fear of heaven had departed or had been lost in the fear of one great man.

But to be more explicit; to prove and explain the disgust that the action of the Notables in accepting the consistorial plan arouses in every honest heart. In the same communication in which ~~the~~ the Emperor announced the formation of the Sanhedrin, he directed the Notables to appoint a Committee of Nine²⁹ which

with the aid of the commissioners was to prepare the work of the Sanhedrin. When a plan had been agreed upon the Notables were to sanction it and the Sanhedrin must then accept it and work accordingly. This was but another way of tying the hands of the Notables and members of the Sanhedrin and securing them to a greater degree as tools in the hands of the Emperor. The Committee of Nine was a convenient means, appointed by the Notables themselves, by which to direct the actions of the Sanhedrin. When this Committee of Nine met with the commissioners to formulate a working plan they learned that all they were to do was to accept what the commissioners proposed in the name of Napoleon. At this they rebelled. They showed spirit and refused to accept some of the propositions dictated by Molé. The latter was furious and several meetings were held without accomplishing anything. How long this would have continued we cannot say, but a decision was reached in a meeting from which

Molé was absent.³⁰ At this meeting M.M. Pasquier and Portalis with gentle words and quiet demeanor, without any display of the hostility which was so marked in the conduct of Molé, but rather desiring to conciliate the Committee, succeeded in having them accept the plan that had been arranged for them. In quiet friendly words they succeeded in doing that which the hostility of Molé threatened to block entirely, namely to force the plan on the Notables.

We must credit the Committee of nine with the strong show of firmness they displayed, with their unwillingness which they so forcibly emphasized, against the plan of seeing their rabbinate formulated into an extensive police system, their sacred institution of the Sanhedrin turned into a puppet-show. The plan purposed was forced upon them;³¹ they accepted in the hopes that the Assembly would reject it. And yet when we read the report of the Committee, which distinctly, in the last sen-

tion, expresses the conviction that the plan will be adopted as a whole, we feel the necessity of these men who consented to offer a report that undoubtedly was prepared for them. So far did the commissioners carry the ministry of the Committee's manhood as to include in the report the following sentence, which in itself shows the burlesque of it all. "I am directed by your Committee to say," so read the secretary, "that it is an absolute duty for everyone of its members to publicly declare that they have experienced from the persons thus invested with His Majesty's confidence, amenity, good advice, benevolence and a constant and sincere wish to promote the salutary measures we thought it our duty to propose."

The report contained a plan of organization which the Sanhedrin was to declare law with as great authority as that of the Talmud. The plan was this.³¹ Every department having two thousand Jews was to have a synagogue and a consistory. In depart-

ments containing less than two thousand Jews the consistorial synagogue shall be formed in and have jurisdiction over as many departments as are required to make up the required number. The consistory is to be in the town having the greatest Jewish population and was to consist of a Grand Rabbi and three lay men, two of whom were to be residents of the town which is the seat of the consistory. At the suggestion of the consistorial synagogue and with the permission of the authorities other synagogues might be established. The authorities were to name twenty-five Notables, who in turn were to nominate the members of the Consistory, while the authorities were to appoint them. The functions of the Consistory were to see that the answers of the Notables and the laws of the Sanhedrin were not violated, to maintain order in the synagogue, to regulate the finances thereof and to encourage the practice of professions and lastly to prepare the lists of conscripts. At Paris there

was to be instituted a Central Consistory composed of two lay men and three Rabbis chosen from the number of Grand Rabbis. This Consistory was to supervise all departmental consistories but was subject in its acts to the authority of the civil authorities. The requirements for appointment as rabbi were nativity or naturalization and certificate as to his abilities. After 1820 a knowledge of French or Italian was to be required. The functions of a rabbi were to teach religion, to inculcate the doctrines contained in the decisions of the Sanhedrin, to preach obedience to the law, patriotism and military service as a duty; they were to preach in the synagogues and to perform marriages and decree divorces when the civil authorities have sanctioned them. The salaries of the rabbis were fixed at 6000 livres for those of the Central Consistory, 3000 for Grand Rabbis and 1000, or more, according to the desires of the community for other rabbis. The method of collection and payment were

also fixed.

When this plan was reported to the Assembly of Notables, the small and ineffectual minority opposed it, especially the article containing the functions of the Consistory.⁵³ The police duties implied in this article called forth serious objections from a number of members. However the majority adopted the plan with the articles that were objectionable.⁵⁴ The work of the Notables was now done and time had come to give way to the Sanhedrin. However they were notified that their Assembly was to remain intact during the sittings of the Sanhedrin and was to reconvene when the deliberations of the other body were concluded.⁵⁵ So on February 8, 1807 the Notables adjourned⁵⁶ and did not meet again until March 28.⁵⁷

The Sanhedrin concluded its deliberations on March 8, 1807 and on the 25th of the same month the Notables reconvened. At this meeting Furtado addressed the Assembly, giving them a re-

port from the Committee of Nine on the work of the Sanhedrin and ending in an address to the Emperor stating the work and the feelings of the Sanhedrin and including a resolution which entreated the imperial commissioners "to transmit to His Majesty the most humble wish of the Assembly that His Majesty may deign to accept the dispositions which he may deem acceptable so that in the future some Israelites, either by means of brokerage which they practice, or mortgages which they take may not bring into commerce and fortunes such disorders as those of which there has been complaint and of which often the disgrace and punishment reflects upon all their coreligionists. 35

The address and resolution were debated with much zeal and earnestness. The report of the work of the Sanhedrin and the address to the Emperor were acceptable but the resolution which seemed to condemn the Jews without distinction or specification, and which seemed to be applied to the majority in-

stead of to a small minority, received the severest condemnation of the minority party of the Assembly. After much debating pro and con the report and the address were adopted and the resolution was laid over to the next meeting. This was on March 27.³⁹ At this second meeting a motion was made and carried to the effect that before the discussion on the mooted resolution be opened a committee be appointed to consult the opinion of the imperial commissioners on the question.⁴⁰ This would seem to indicate that the address and resolution, like all other matters brought before the Assembly and Sanhedrin were prepared by the commissioners. At the next meeting, on March 30⁴¹, the report of that committee was ready and consisted of a conciliatory message from the imperial commissioners giving assurances of the good intentions of the government and couched in vague generalities. This with a rebuke from Furtado was sufficient to bring the Assembly to a vote and adopt the resolution. The

last meeting was held on April 6, 1807 when the President read a communication from the commissioners stating that the work of the Assembly was finished. After a closing address of the President the Assembly adjourned.⁴²

NOTES.

2. Léon Kahn op. cit. p. 328

3 cf. Correspondence Publiée Vol. XII p. 571. Letter à M. de Champagny, St. Cloud July 1806. ---- "Notre but est de concilier la croyance des Juifs avec les devoirs des Français et de la rendre citoyens utiles, étant résolu de porter remède au mal auquel beaucoup d'entre eux se livrent au détriment de nos sujets."

4 Mr. Kirwan in the preface p. VI to his trans. of M. Tama's Procès-Verbal.

5 Graetz op. cit. p. 279.

6 ibid. p. 282.

7 Tama op. cit. trans. by Kirwan p.

117.

8 Graetz op. cit. p. 282 /

9 ibid. cf.

also Tama op. cit. pp. 118, 120.

10. cf. Graetz op. cit.

pp. 219.

11. Memoirs of Théodore Pasquier

Vol. I. p. 229-30.

12. 1843. p. 230-1.

13. Graetz op. cit. p. 255.

14. Mem. of Pasquier

vol. I p. 294.

15. Tama op. cit. Kirwan's trans. p.

131. 16. Mem. of Pasquier vol. I p. 297.

17. ibid. p. 295.

18. p. 294. ibid.

19. Mem. of Pasquier p. 135.

20. Pref. to Kirwan's

trans. Tama's Proces-Verbal p. VI

21. Pasquier op. cit.

op. cit. p. 296.

22. Graetz op. cit. p. 277.

23. Pasquier op. cit. p. 294, 5.

24. Graetz op. cit.

p. 284. cf. also Jost Gesch. des Jud. ~~1840~~, vol. 3 p. 328.

25. Graetz op. cit. p. 286.

26. Tama's Proces-Verbal.

bal. Kirwan's trans. p. 146/

27. Tama op. cit. p.

243.

28. ibid p. 246. op. also Graetz op. cit. p. 286

Pasquier op. cit. p. 303. Jost Geschichte p. 329.

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29 cf. authorities quoted note 28.

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30 Pas.

Memoirs p. 304.

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31 ibid. cf. Appendix B fo

full plan.

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32 Tama op. cit. pp. 285-292.

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33 Tama op cit.pp. 294, 6, 7, 300, 1.

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34 ibid p.

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35 Tama op cit. p. 246.

⁻⁻⁻
36 Graetz op. cit.p.

⁻⁻⁻
37 Tama op cit. p. 185 of French text.

⁻⁻⁻
38 Tama

cit. p. 200 French ed.

⁻⁻⁻
39 ibid. p. ⁰~~226~~

⁻⁻⁻
40 ibid p. 207.

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41 ibid. p. 208.

42 ibid. p. 230.

CHAPTER IV

THE GREAT SANHEDRIN.

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The Assembly of Notables having heard the report of the Committee of Nine with regard to the work of the Sanhedrin, and having adopted the report, suspended its deliberations on February 5, 1807. until the Sanhedrin had concluded its labors. The first evidence of Napoleon's intention to summon a Sanhedrin is found in a letter to M. de Champagny dated Rambouillet, August 23, 1806, in which he tells his minister of his intention "to constitute the assembly actually gathered in Paris into a Great Sanhedrin whose acts shall be placed beside those of the Talmud as articles of faith and principles for religious legislation."¹ It was not however until September 18, 1806 that Napoleon informed the Assembly of his intentions.² At the meeting of the Assembly held on ~~that~~ day the imperial commissioners announced Napoleon's satisfaction with their answers

and his intention to have them converted to religious law. So in compliance with the Emperor's intentions, the formation of the Sanhedrin having been completed, that body met on February 9, 1807,³ four days after the suspension of the Assembly of Notables. All routine work was prepared for the members and their only duties were to act upon the lines laid down for them and pass resolutions prepared for them. The imperial commissioners had appointed the officers;⁴ they had chosen as Nassi Sinzheim of Strasbourg, Ab beth din Segre of Piedmont, Chacham Cologne of Mantua, and scribes Blotz, Jonas and Michel Berr. The first meeting was opened in the synagogue, where prayers were offered for divine guidance in their deliberations, supplications for the life and health of the Emperor and imperial family, and for the success of the armies.⁵ The body then proceeded to the Hotel de Ville where the sessions began their real work. This was to sit and listen to addresses on the an-

swers which had already been prepared and the to declare them religious law. Their method of proceedings was peculiar.

When any motion had been submitted to the Sanhedrin for confirmation, the deliberation was adjourned for eight days; in the interval each member of the Sanhedrin brought his written opinion to the commission which then made its report to the imperial commissioners and after that to the Sanhedrin on the day after the eight day interval expired. Then any vote desired was taken by roll call. There was never to be any discussion within the Sanhedrin itself. The sessions continued for nine meetings, but, omitting all the addresses made, all the work of the Sanhedrin could have been accomplished in one short sitting. At the first session Simcheim, in his opening address, indulged in a eulogy of the Emperor in which hero worship assumed a degree closely akin to worship of dei .

At the second meeting, on February 12. after in

delegates from the various German, Italian and Dutch congregations were received and addressed the Sanhedrin.⁷ For in his decree calling the Sanhedrin into being Napoleon had invited and commanded the ~~Sanhedrin~~ ^{Assembly} to invite the congregations of all Europe to send representatives to the Sanhedrin. The effect of this invitation, according to Pasquier,⁸ was disappointing; it was almost nil in countries beyond the borders of the French Empire, of the kingdom of Italy and of the few states that felt the French influence. Almost the only ones to send delegates were the congregations of Amsterdam and Frankfurt a. Main.⁹

Thus it continued for nine meetings, after which, on March 9, 1807, the Sanhedrin dissolved.¹⁰ Its work was little and, according to Graetz,¹¹ the results were nowhere satisfactory. The proclamation of the Sanhedrin itself seems to have caused great joy every where in France,¹² but, when the

nature of the farce was learned that joy died out quickly.

The plan of the Sanhedrin was as amusing as it was shrewd. Napoleon's intention was to have the members believe themselves to be back in ancient Judea while his avowed purpose was to make them more fit for the duties of ^{modern} citizenship. The ancient Sanhedrin was imitated in that the sessions were to be held on Mondays and Thursdays.¹⁵ Its membership was to consist of two-thirds rabbis and ~~one third~~ laymen. Twenty-five lay members of the Notables were to constitute the laity of the Sanhedrin; all the rabbis of the Assembly were to be members of the Sanhedrin and the quota was to be filled up by as many additional rabbis as were needed to complete the number. Napoleon ~~had~~ succeeded in having the Notables return the answers he desired and was intent on having the Sanhedrin decree the same, without change, as religious law. He thought that an Assembly gathered under his patronage and at his order would

command the same position of authority among the Jews of his day as did its prototype among the Jews of ancient times. So in order that they might not shy at his demands *but* would ordain as religious law that which he desired to be thus ordained, he had the Sanhedrin so constituted that he would always have the majority vote for the laws as prepared by his commissioners. This plan is fully described by Napoleon himself in a note to his Minister of Interior under date of St. Cloud, September 3, 1806. ¹⁴ It reads as follows:—"The formation of the Great Sanhedrin by means of removing a part of the members of the existing assembly is by no means a happy thought. These members are the basis of operation, for they are the ones who have prepared the answers to the questions; thus we would be giving up the certain for the uncertain. In the Assembly are fifteen rabbis; if this number is not sufficient we may add thirty more. To these forty-five rabbis we must add thirty of the most

prominent members of the Assembly and these seventy-five men constitute the ^{Sanhedrin} ~~Assembly~~. But the Assembly as such must remain and may only be increased by thirty more rabbis. The chief arrangements must be made in the Assembly, and the resolutions passed there shall be made into decrees by the Sanhedrin. In this way we have the use of a large number of individuals always ready bound in order to influence the rabbis. This large number will lead the timid to pass the desired resolutions and to influence the fanatical rabbis in case of an unusual opposition by confronting them by the fact that they must either pass the resolutions or by refusing this bring about the expulsion of the Jews from France. Such family quarrels will surely bring about the desired results.

Therefore none must be dismissed; on the contrary, we must tell the ~~Assembly~~ that a Great Sanhedrin will be formed in its midst and that it will be thus and thus composed. In this way,

we will have instead of a number of rabbis that see only heaven, and its teachings, a large assembly that has the interests of the Jewish people at heart, an assembly of men who fear to lose their fortunes, and assembly of the foremost Jews who do not want to be held responsible for the misfortunes of the Jewish people.

The existing assembly is then an assembly of representatives or notables of the Jewish people, and the Sanhedrin would only be a committee thereof. ----- But before we bring a number of rabbis in order to enable the assembly to be formed into a Sanhedrin we must be certain whether these fifteen rabbi-deputies agree with the answers given to the questions and also what their theology is. It would be foolish to bring together at great expense thirty more rabbis that they should declare that the Jews are not brethren to the French."

This letter needs hardly any comment; in it we read in

Napoleon's own words his intentions and demands. He had suc-
 ceeded in gaining from the Notables the answers he desired, and
 had directed them as the player moves his figure on the chess-
 board. To ~~the~~ impress the importance of these answers on the
 Jews he convoked a revival of the Sanhedrin, but would take no
 risks with the new body and so formed it of men whom he could
 use as figure-heads. But he did not stop ^{with} the provisions
 set forth in the preceding letter. He would make certainty
 doubly sure and so he ^{ordered} that the imperial commissioners
 were to be present at the meetings while business was being
 transacted. ¹⁵ With a man such as Molé present this certainly
 acted as a check and menace to the members. Moreover these
 were to be humiliated in that the rabbis must prove that they
 were rabbis and could read Hebrew. ¹⁶ They were not to be
 trusted with the election of their own officers and so these
 were appointed by the Minister of the Interior. ¹⁷ Then all

method of procedure and even the prayers with which the sessions^{ns} were to be opened were prescribed for them. ¹⁸ It was not to be suspected that Napoleon would make known to the Assembly his intentions as shown in the letter cited. The idea and intentions given the public through Molé is quite different. The latter, in his address to the Notables, gives this as Napoleon's thought on the matter. "This senate destroyed together with the Temple will rise again to enlighten the people it formally governed; although dispersed throughout all the world it will bring back the Jews to the true meaning of law by giving interpretations that shall set aside corrupted glosses of commentators. It will teach them to love and defend the country that they inhabit. The duties of the Great Sanhedrin shall be to convert into religious doctrines the answers already given by the Assembly (the Notables ~~11~~) and likewise those which may result from the continuations of your sittings." ¹⁹ To the

Notables and Sanhedrin, as also to the Jews in general, he would appear magnanimous and unselfish in this, and while at this late day, with his private correspondence at our disposal we see the real motives that actuated him, and though we see how clearly he accomplished his purposes we are yet somewhat surprised that to the men of those days his intentions and desires were not more clearly known. That they were to do his bidding, to vote for all that he commanded through his commissioners, they well knew, and though they sometimes rebelled, in the end they always yielded. But his larger purpose they did not see. In its meetings the Sanhedrin busied itself as we have seen, with the resolutions it was to pass formulating the answers of the Notables into laws. When that was accomplished nothing remained to be done and adjournment followed. Napoleon had sometime before left Paris for his invasion of Prussia which was to humble its proud monarch to the ground,

and being busied with his campaign, had no time and probably no inclination to bestow thought upon the hollow mockery that met in Paris under the guise of a religious synod.

Following the adjournment of the Sanhedrin the Assembly of Notables was also dissolved. Napoleon's wishes had been acceded to, the decrees he had desired passed had been voted and at now remained for him to announce his final judgement. Nearly a year passed before he did this; for it was not until March 17, 1808 that Napoleon issued his cruel and infamous decree 20 by which he only made the breach which he had intended to close the greater and made of the Jews a separate class. He limited their financial transactions and returned to the curse of restricted residence. The Jews were treated as an abandoned class whose regeneration, though not impossible, yet, if accomplished, would be so only with the greatest difficulty and through the most restrictive measures. Of course he sanctioned the consis-

torial plan which he himself had formulated. All consistorial and synagogal officers were either to be appointed by him through his ministers and prefects or appointed by the latter and sanctioned by himself. In order to do any money transactions or brokerage business the Jew must receive a special license without which the transaction was not valid. For acts of the past owing the Jew, the delay decreed on May 30, 1806 was annulled; the collection of such debts was made very difficult in that the Jews had to prove that he had given his debtor the sum for which the note called. The debtor was given the opportunity to prove that the money he owed was the result of his creditor's usury or fraudulent practice and the court had the right to annul the debt entirely or reduce the sum as seemed fit. Jews not living in the Districts of the Upper and Lower Rhine were not permitted to live there nor was a Jew not actually a resident allowed to locate in any other department unless to engage in

agriculture or by special grant. Finally the Jews were not allowed to secure substitu^tes for the conscription so that every Jew drafted had to give persoⁿal service.

With these obnoxious measures Napoleon hoped that within six years time, for which period the decree was to be in force, to remove the distinctions that separated the Jews from other French citizens and assimilate them with the body politic. Should this however not be accomplished the decree would be renewed until this ~~result~~ ^{result} might be obtained. There was one modification: the provisions of the decree were not to apply to the Jews of Bordeaux, La Gironde and of Lanes, for they had caused no complaints. We are told ²¹ that a further modification was made so that the decree was to apply only to the German speaking Jews. This may have been due to the fact that after the promulgation of the decree M. Crétet, the Minister of the Interior, reported to Napoleon that the Jews were de-

serving of better treatment. ²² That the measures of this decree had not tended to make Napoleon any more popular and beloved by those who desired that the results of the Revolution be secured intact and permanently, is further seen from the words of M^r. Pasquier who describes the general feeling they aroused. "Provisions of a law dealing with the effects of the suspensory decree, sent after a lengthy delay from the headquarters of the Emperor, were of such severity that I do not hesitate to say that they violated all rules of equity." ²³

Napoleon had again shown the unstable character of his promises for in his notification to the Notables that the Sanhedrin would be convened he assured them through his mouth-piece Mole that "the full enjoyment of political rights were secured to them," ²⁴ whereas the decree of March 17, 1808 deprived them of those rights. It is worth noting, as Mr. Kirwan calls our attention to the fact, ²⁵ that Napoleon's decree may have found its

impulse in the work of M. Poujol "Observations concerning the Jews", 1806, in which the writer proposed that the Jews be deprived at least for a time of the rights of citizenship until they should be more deserving of them.

The question suggests itself as to the source from which Napoleon may have taken the idea of summoning a Sanhedrin. Graetz suggests that Spiehl or Furtado may have urged the formation of that body, or Napoleon may have taken the idea from a pamphlet of Israel Jacobson.²⁶ It is hardly necessary to go so far for the origin of this idea. To us it seems as though the Notables themselves suggested the idea. In the answer prepared by their committee to the eighth question, which inquires as to the police jurisdiction of the rabbis, they spoke of and described the Sanhedrin. Now this question was debated in the meeting of August 12, and as we have seen (see p. 71) Napoleon first mentions the Sanhedrin in his letter to M^{de} de Champaigne on

August 23, and from this our inference that the answer to the eighth question suggested the Sanhedrin to Napoleon, has at least chronological basis.

With him it stood not for the idea of the ancient Sanhedrin, a national court of law, but as a means by which to place the most influential Jews in his control to do his bidding. A sentence of the prayer which was to be recited at the opening of every meeting and which we may suppose was prepared by Napoleon himself, or at least by his commissioners at his command, puts into the mouths of the members of the Sanhedrin a definition of that body which well expresses the Emperor's idea of what it should accomplish. It speaks of the "Great Sanhedrin, a sacred reunion which attributes us the power to remove from us vice and to redeem ourselves to truth."²⁷

In what light the Sanhedrin was regarded by the Jews of that time we cannot say. To men of later days it has appealed in

various ways. Kahn ²⁸ looks upon the Great Sanhedrin as having betrayed all that was best and noblest in Judaism, all for which their forefathers suffered and sorrowed. Graetz takes a similar view. Jost however takes a more favorable view. ²⁹ We must agree to large extent with Kahn, for we have seen that his statement is right, that the Notables and Sanhedrin sacrificed what was most dear to the fathers. We saw how during the discussion on intermarriages members of the Assembly of Notables arose and said that though they knew such marriages would not be conducive to domestic peace and happiness yet they, leaders in Israel, should and must encourage these marriages because of the political preferment it would bring them. Was this not a betrayal of what which has become the dearest and most cherished feature of our faith, the pure and beautiful home life that clings to it; a life of peace and honor, sincerity and righteousness, a life built up in bitterest pain and anguish from the sorrows of severest

persecution? Was this not a betrayal of the most potent element of our religious life, one to which we point with greatest pride, which we try most to inculcate? We can not look with favor on the work or the motives of these men who had in their keeping the fate of less fortunate coreligionists. As Kahn so deservedly rebukes them, they were forgetful of the wretched, oppressed German ~~the~~ brother in order that their own position might be advanced.

Nor can we even say, as one author has done, that its doctrinal decisions stand as an everlasting proof of the earnestness of these men. We can not even speak of the doctrinal decisions of the Sanhedrin, for they were not that; they were the decisions which Napoleon emphatically demanded to be announced as Jewish doctrine. We learn this from the letter to M. de Champagny, dated Rambouillet, August 23, 1806 in which, in regard to intermarriages, he expressly says that "The Great

Sanhedrin must decide that the religious ceremony of marriage can only take place after the civil marriage, and that Jews and Jewesses can marry French men and women; the Grand Rabbins themselves must command these decisions as a means of protection and aid to the Jewish people." ³⁰ And as with all their decisions Napoleon clearly expounded the Mosaic law to the members of the Sanhedrin and informed them how they were to interpret it. ³¹

After the promulgation of the decrees of March 17, 1808 Napoleon only once again turned his attention to the Jews; that was in a decree of July 20, 1808 in which he commanded them to assume family names.

NOTES.

³⁰ 1/ Napoleon Correspondence Publiée vol. XIII pp. 100-105

³¹ 2/ Tama op cit. Fr. ed. p. 77.

³² Graetz op. cit. p

297. cf. also Jost Gesch. p. 329.

4. Tama Actes du

Grand Sanhedrin pp. 17-18 Published with Proces Verbal.

5. ibid.

6. ibid. pp. 18, 20.

7. ibid. p. 33

cf. also Graetz op. cit. p. 298.

8. Memoirs of Pasquier

p. 303.

9. Sulamit 1808 p. 62.

10. Tama A

Actes du Grand Sanhedrin p. 76. cf. Graetz op. cit. pp. 295-301

11. ibid.

12. cf. Jost Allg. Gesch. vol. 2 p. 500

13. Tama Actes du Grand Sanhedrin p. 11.

14. Napoleon

Correspondence Publiée vol. XIII pp. 129-80 pub. also in the

Allg. Z. des J. vol. V 1841 p. 331.

15. Tama Actes du

Grand Sanhedrin p. 8 and 9.

16. ibid

17. ibid.

18. ibid.

19. Tama op cit. Eng. trans. p. 246

20. cf. appendix b.

21. Graetz op cit. p. 303 cf also

Kahn op. cit. p. 336-7

22. Kahn op. cit. pp. 337-9

23. Pasquier op. cit. p. 307.

24. Tama op. cit. Eng. trans.

trans. p. 245.

25. ibid p. 34.

26. Graetz

op. cit. p. 297.

27. Tama Actes du Grand Sanhedrin p. 12

28. Léon Kahn op. cit. p. 332. "Ils sacrifiaient aux devoirs

et aux obligations civiles que les principes religieux les plus

sacrés qu'ils vénéraient depuis leur enfance, et que leur

pères misérables, opprimés, persécutés leur avaient appris

à respecter et à aimer.

29. Jost Gesch. d. Judenth.

u. seiner Secten p. 328.

30. Correspondence Publiée

vol. XIII pp. 100-5.

31. cf. also a letter M. de

Champagny dated Posen November 29, 1806. Vol. XIII pp. 381-5

EX.

CHAPTER V.

NAPOLEON'S PURPOSE.

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NAPOLEON'S PURPOSE.

What were Napoleon's real motives and intentions with regard to the Assembly of Notables and Sanhedrin and in general with the Jews dwelling in his realms? What did he intend to accomplish with these two conventions? Was he actuated only by selfish motives or only by altruistic ones, or by both, making the one subservient to the other? These are questions that have puzzled all who have written upon this subject, and very naturally present themselves when the facts have been learned. That he had some very definite intentions there can be no doubt, for upon that depends the comprehension of the work of both bodies without that they would be as loose fragments of a book without beginning or end thereof -- useless. Nor was it the Emperor's habit to expend large sums in gathering conventions without the thought of any return.

To his contemporaries writing at that time, the entire movement had an air of the mysterious. Thus we see that Kirwan says "the ultimate views which Bonaparte had on the Jewish nation are obscure." However, those who were close to him during his supremacy and wrote reminiscences of him after his death, throw more light upon the subject. Napoleon himself while at St. Helena discussed the question. When asked by O'Meara why he had given the Jews so much encouragement he said:—"I wished them to give up their usury. They were very numerous in the lands over which I reigned; I hoped by making them free and by giving them equal rights with Catholics, Protestants and others, to make them good citizens and compel them to conduct themselves like the rest of the world. I believe I might have succeeded. I based my reasoning with regard to them on this that their rabbis should explain to them that they may not take usury against their own nation though it is permit

against Christians and others. Therefore as I had given them all privileges, and as I had made them equal with any other subject, they ought to regard me as a Solomon or a Herod, as the head of their nation, and my subjects as their brethren, of one tribe like theirs, that therefore they should not be permitted to practice usury against them, but should treat us as though we were of the tribe of Judah, that enjoying the same rights as my other subjects, they like others ought to pay taxes and submit to conscription and all other laws. I obtain thus many soldiers, and further I ought to have drawn a great fortune into France, since the Jews are very numerous, they would have come in great numbers to a country where they enjoy greater rights than in any other country. Moreover I desired to establish a universal liberty of conscience. My system was that there should be no predominant religion, but have a perfect liberty of conscience and thought, to make all

men equal Protestants, Catholics, Mohammedans, deists and others in a way that their religion could have no influence in obtaining for them employment from the government."²

This impulse of altruism, this desire to accomplish a real lasting good to the Jews with no adequate, though great, return to the Emperor, coming as it does at a time when it was beyond his power to do good or evil, and when by his recollections he endeavored to leave only a favorable impression on posterity, will not explain the question in hand. The motive set forth in that talk to O'Meara only partly explains his position with regard to the Jews, are only a partial statement of his full intentions. He says that he wanted to give them greater and fuller rights: what rights did there remain for them to receive? We have shown how the decrees of the National Assembly culminating in that famous emancipation vote of 1791 left nothing undone to give the Jews full and complete citizenship.

with all the rights of citizens. That last vote even granted to them eligibility to office. What then were these rights that the Emperor could bestow? And what rights did he bestow in his decree of March 7, 1808; did he not diminish them?

Again, the Emperor says that he wanted to establish a universal liberty of conscience. How strange a method he used. To give all men the right to think for themselves and hold beliefs that their own best intellect dictated to them, he choked the efforts of the individual at the very outset. Liberty of conscience would have given the Assembly and Sanhedrin the power to interpret the Jewish law as they knew it. But no! The emperor had turned exegete and Talmudist. He instructed his ministers how the Sanhedrin must interpret the laws on intermarriage, marriage, divorce and the like; but he went further and insisted that their answers must conform to his expulsion would be their lot.⁵ This was freedom o

This was giving enlightened men the right to express their own thoughts. The incident assumes a ludicrous aspect when we see how poor an exegete Napoleon proved himself to be. According to him Jewish law permitted the taking of usury from Christians though not from Jews; but as he was a benefactor, he and his people should be considered brethren and the taking of usury from the French should be prohibited. His sophistry here is brilliant.

His statement that he would have no predominant religion we fully believe. All were to be subservient to his needs and wishes. The political power was to be supreme without a tinge of opposition from a religious power. He himself ruled and all must bow in obedience to his will and commands. When we think of his method of procedure with both the Ashkenazim and the Sanhedrin, we are surprised that even he should have aimed at posing only as a benefactor of the Jews without any

thought of using them for his purposes. We have seen now he used the Assembly and the Sannedrin; they did his bidding, nothing less, nothing more. His ideas were proclaimed Jewish law and he himself the greatest and best of men. But this was only in accordance with his general principle. He used all men for his purposes. Even his favorite, Molé, was nothing more to him than a tool, as he himself stated. He molded Molé's thoughts and opinions in his own way and Pasquier he used only for his parliamentary tendencies. ⁴ He said of these two, "I use the one, I create the other." This we shall see is condemning evidence against the sincerity and purity of his motives with regard to the Jews.

To Montholon Napoleon stated his purpose in another and more truthful way. He said, ⁵ in discussing religions:-

"Another religious interest attracted my attention because it could be used to bring more revenue into the treasury. Millions

of Jews live scattered throughout the world. Their wealth is greater than can be counted; we might hope to bring them to France by giving them equal rights with the Catholics and Protestants and making them good citizens. For the rabbis teach that the Jews do not practice usury against their own people but only against Christians; from the moment they receive equal rights with the rest of my subjects they would have to consider me their sovereign like Solomen and Herod, and my subjects as their brethren. They would share all benefits but would have to help bear the burdens, to pay taxes and join conscriptions. I developed my plan along this line. Many good soldiers were gained for the French armies. Great fortunes flowed to France and yet greater ones would have flown in had it not been for the events of 1814, because by degrees all Jews would have come to settle in one country, where equality of rights would have been assured them and where the gates to

to all positions of honor in the state would have been open to them. I wanted to tolerate all religions: I desired that every one think and believe according to his own wishes; that all my subjects, Protestants, Catholics, Jews, Mohammedans, even theists should be equal so that ^{no} one's religion should have the slightest influence on his civil or political rights."

Here Napoleon really disclosed his purpose. He wanted to use the Jews for his own profit and the idea he describes here is only one of his methods of accomplishing his end. He wanted to draw the Jews to France that he might have the benefit of their wealth. Having permitted himself to be influenced by the charges of usury, he committed that very common fallacy and believed that all Jews or the great majority of them were wealthy. But how he could bring himself to believe that they did not

~~possess~~ full rights, as he seems to have done, is not clear.

should have tried to make others believe the same.

believe that we can readily understand. He, however, seems to have sincerely believed that he could do more to make the Jews citizens and to give them more rights, and to see this in the man whose sagacity and statecraft made all Europe tremble, is at least surprising.

After carefully considering Napoleon's own words and the comments of others, we think that we see light and have an explanation of his motives that can claim for itself at least a high degree of possibility, if not of probability. His scheme though at root thoroughly selfish did intend some good for the Jews. Pasquier ⁶ has well shown the purpose of his interference in Jewish affairs. He thinks that the whole business was a great political stroke ^{of} Napoleon; that the Assembly in itself was a grand conception by which Napoleon really intended to benefit the Jews of France. Of course his ulterior motive was to make their condition so prosperous ~~now~~ as to draw to France the

wealthy Jews of all countries and attach them to his fortunes. This agrees fully with Napoleon's own words to Montholon. But Pasquier explains further and shows why Napoleon was so desirous to gain the favor of the Jews just at the time he did. He had long planned his campaign against Prussia and his promise to restore Poland in order to enroll her sons in his armies; he knew that in the very districts he intended to invade there were many Jews and he appreciated to the fullest the advantage of having friends within the enemies' country. So in order to win the Jews of Prussia and Poland to his standards and support he would show himself a friend of the Jews by benefiting those of France. That this seems to have been the real purpose of the attention he paid the Jews we have further proof and in Napoleon's own words. M. de Barante in his *Memoirs* 7 says that "some months after the Sanhedrin ceased, while the Emperor was in Poland, seeing the eagerness of the Jews to be useful to the French army

and to serve, provided paid, either as contractors or as informers he said smiling, 'Well what has the Great Sanhedrin helped me after all?' This was the real Napoleon. He would dispense some good, bring some benefits to others that his own harvests might be the greater. His formation of the Notables Assembly and of the Sanhedrin were undoubtedly prompted by his fondness for pomp and display and was in keeping with what seems to have been the favorite method of the Emperor to accomplish his designs with regard to any people, namely to summon a congress of its notable men and compel them to vote their own undoing. For we see that he adopted the same method with regard to Spain when he issued a decree ⁸ calling a meeting of Notables to decide the succession to the throne.

We may then accept as sincere the avowal of the Emperor's intention to help the Jews in France if we remember that he expected returns from those in Prussia and Poland. In this

however, disappointed, and it is doubtless due to his disappointment and to the impression made upon him by the Jewish population of Germany and Poland that his opinion of the Jews was changed to a very unfavorable one, and the measures of his decree were suppressive and adverse. ⁹ The consistorial plan he endorsed because from the ⁺ outset it was his intention to have the Jewish faith organized. "The Emperor," says a later writer, "had entered upon a course of religious reaction, because, in common with all thinking men, he saw in religion a strong element of power and authority. As a politician he took care to remember this fact, and to make these elements of power and authority useful to the State by subjecting them to his control and his immediate legislation. It is moreover, well known that this great genius had a passion for order and discipline. After having reorganized . . . Roman Catholicism and Protestantism, the former by means of the Concordat, the latter by means of a

special code of laws, he felt desirous of endowing Judaism with an equally complete and modern organization." We cannot give him the credit for the originality of the idea of organizing Judaism, for before the Revolution Mirabeau had already suggested the idea. ¹¹

There remains yet one other aspect of Napoleon's purposes and intentions in this matter. It seems that he undertook nothing less than the complete solution of the so-called Jewish question. He desired more than to form the beliefs of the Jews in accordance with the duties of French citizens. He aimed at completely assimilating the Jews among the French. That this was his idea we see from a letter to M. de Champagny ¹² in which he states the doctrines which the Sanhedrin must decree. Among other items, he stated that intermarriage should be encouraged because it is for the good of the country, and expressly commands that "the consistory of a department or

district may grant permission to marry only when of three marriages at least one is that of a Jew and Christian. If it is difficult to accomplish this then we must teach, encourage and command the accomplishment of this aim." And later he said.

"If a part of their youths are sent to the army their distinct interests will cease and they will take up French interests. In this we see a fuller view of his purposes. The Jews as Jews could not be good citizens but they have wealth and are a commercial power, so they must be retained. Then there remains only one way to make them worthy citizens; complete intermarriage with French men and women of other faiths and weld them as an essential part of the people without any distinctive marks of demarkation.

NOTES.

1) Kirwan Preface to Tama's work p. VI.

(2) Corres-

- pondence Vol. XXII p. 312-7 (5A) of. his letters to
 Champagny. Correspondence vol. XIII p. 300 and pp. 331-5
 477) Memoirs de Madame de Kémsat N.Y. 1800 vol. 3 p. 457
 5) Quoted in Allg. Zeit. d. Jud. vol. XVI 1852 p. 560 Pro-
 bably dictated at St. Helena. Found originally in Montholon's
 Memoirs. (6A) Memoirs of Pasquier pp. 291-3
 77) Reviewed by Guizot Revue des deux Mondes July 1867 pp.
 18-20. (3) Decree of May 25, 1806. Correspondence
 vol. XVIII p. 203. (9) Pasquier Memoirs p. 307.
 1077) S. Debré The Jews of France. Jewish Quarterly Review vo
 5 April 1891. (117) Graetz op. cit. p. 195
 12) Correspondence vol. XIII pp. 331-5

CHAPTER VI.

NAPOLEON'S SPHERE OF INFLUENCE AND THE
EFFECT OF HIS LEGISLATION ON THE LIFE
OF THE JEWS OF FRANCE.

CHAPTER VI.

NAPOLEON'S SPHERE OF INFLUENCE AND RESULTS.

When, after the Revolution had assumed vast proportions and proved itself to be more than a momentary uprising, the National Assembly had declared the equality of all citizens regardless of creed, thereby giving the Jews full emancipation from all the disadvantages under which they had lived, the other powers of Europe, and especially the small German states that held the Jews in a very debased state, hastened to keep astride with the movements of France and relaxed in their harshness toward the Jews. Even before the Revolution, when Louis XVI abolished all poll and toll taxes, Prussia relaxed. These taxes proved extremely burdensome to the German Jews because the states were so very small and numerous and at the crossing of each boundary line an exorbitant tax had to be paid. ¹

When, however, the French armies entered these districts such

disabilities were abolished. However, the real benefits of the Revolution did not reach the German Jews until Napoleon planted his triumphant standards in Rhenish soil and made and unmade states to suit his purposes.

The Jews that (~~N~~) reaped the most benefits were those of Westphalia. In the decree ² by which Napoleon gave that kingdom its constitution he declared "the equality of all citizens before the law and the freedom to practice any religion." Likewise, Jerome, immediately after mounting the throne, declared the Jews to be citizens with full rights as such, and in the decree of January 12, 1806 extended protection to Jewish foreigners as well as Christians. ³ In addition, Michel-Berr was called from France to accept some office. Here in Westphalia the faith was to receive an organization like that in France. Through the agitation of Israel Jacobson ⁴ a consistory was founded, patterned after the Paris Consistory and co-operating

100

with it. It consisted of twenty-two members and met at Cassel. Jacobson himself was President.⁵ From this there came a reformation of Westphalian Jews like unto that of the French Jews.

Likewise in provinces less directly under Napoleon's control, the condition of the Jews was improved owing to the high position of the French Jews. In Baden⁶ the Duke Charles Frederick declared the Jews to be free citizens of the state and those of certain occupations were declared full citizens. A consistory was also organized there. The foundation of the Rhine Confederacy improved the condition of the Jews in those provinces because their nobles who had been lords now became subjects, as it were, and found^{themselves} compelled to secure their own positions with their subjects. So at the formation of the dukedom of Frankfurt, the archduke Dalberg was willing to grant full citizenship to the Jews, though it did require 40,000 l.
l
persuade him to this.⁷ When the Hanse towns came under r

leon's rule they found themselves compelled to be more tolerant toward the Jews. In 1811 Hamburg received the Jews into full citizenship and later even accepted them into its city council. Luebeck, which had been very strict in her treatment of the Jews, had to relax and open her gates to them.⁸ Under Napoleon Bremen had to receive Jewish citizens and in Mecklenburg the Duke Frederick Francis, by a law of February 22, 1812, acknowledged the equality of the Jews with the Christians and permitted intermarriage.¹⁰ Even in Prussia the effects of Napoleon's legislation were felt so that the King Frederick William III was compelled to recognize the Jews. By a law of February 27, 1809 he declared them citizens of towns and on March 11, 1812 gave them full citizenship as a part of the state.¹¹ In short, the German provinces had to improve the condition of their Jews as a result of the better condition of the French Jews.¹² In the Grand Duchy of Berg, which came more directly

under Napoleon's control, the conditions which had been exceedingly bad were improved.¹³ When Napoleon turned his attention to Holland and placed it under his brother Louis, the latter at once aided in improving the position of the Jews in his realm. A consistory was founded and conditions were still more improved when Holland was united to France. In Italy the position of the Jews was placed on the same level as that of those in France. As early as 1797 a Jew was named "Head of all Quarters of the City of Rome," and later a Jew was made member of the tribunate. In 1806 Napoleon had so completely changed conditions that in Lucca, where formerly the Jews could not possess goods or remain longer than three days, they were permitted to be proprietors. In Leghorn a high-school for Jews was established and in 1811 a consistory at Rome.¹⁴

However, when the reaction came in 1815, all these improved conditions were swept away everywhere save in France. In Ger

many, Italy and Holland conditions were to be reestablished as they had been in 1763 but in France the effects of the Revolution could not be removed.¹⁷ What then have been the lasting results accomplished by Napoleon? It may be the irony of fate that his downfall enabled the Jews to reap some good from his work. We have shown in the preceding chapter that his agitation with the Notables and with the Sanhedrin was due to wholly selfish motives. But the fact that his rule continued but a few years, when after a faint attempt to reestablish it the conqueror of nations was himself vanquished, gave opportunity for some definite benefits to accrue to the Jews from Napoleon's work. Pasquier says¹⁸ that two important results have remained from the Emperor's undertaking, the organization of Jewish society in France, and the doctrinal manifesto of the Great Sanhedrin. As to this second result, we have been unable to ascertain how beneficial it has proven and how far it was ac-

cented by the Jews. Most, whom we have found to take far too
 lenient a view of Napoleon, due probably to the inaccessibility
 of material such as the Emperor's correspondence, does state
 that the findings of the Sanhedrin took a firm hold on the peo-
 ple, that its creed became firmly fixed because the consistori^s
 seem to have allowed little opportunity for reform. Grant
 that this be true, the doctrinal decisions of the Sanhedrin can
 nevertheless not claim a place in the development of Jewish
 dogma when we remember that not with the men of the Sanhedrin
 but with Napoleon himself did these dogmas arise. However, the
 first benefit stated by Pasquier, namely the organization of
 Jewish society in France, does stand as a great benefit
 whose origin was with Napoleon. A recent writer ²⁰ has said
 that the consistorial arrangement, and especially the central
 consistory, has proven to be beneficial to the Jews, but that
 rather because of the men who have composed it, and the fact

that they were elected by the Jews themselves and not appointed by the government. The general stipulations of the decree of March 17 are still in force.

NOTES.

- 1) Graetz op. cit. p. 250. (2) Correspondence vol. XVI p. 169. (3) Graetz op. cit. p. 335.
- 4) ibid. p. 395 cf. also Hist. Gesch. p. J. u. s. Seckten p. 325. (5) Sulamit 1805 p. 2.
- 6) Graetz op. cit. p. 311. (7) ibid. p. 314
- 8) ibid p. 315. (9) ibid. (10) ibid. p. 316. (11) ibid. (12) Hist. Allg. Gesch. des Is. Volkesp. 512. (13) ibid. (14) ibid. p. 504. (15) Kahn op.cit. p. 320. (16) Hist. Allg. Gesch. d. is. Volkes p. 501. (17) ibid. (18) Memoirs p. 503. (19) Hist. Gesch.d.is.etc. p. 550
- 20) S.Debro' Jews in France A.D. R. vol.577 p. 373

APPENDIX.

APPENDIX A.

DECREES OF THE GREAT SANHEDRIN.

Preamble.

Praise be forever to the Lord, God of Israel, who has placed on the throne of France and of the kingdom of Italy a Prince according to his heart! God has seen the humiliation of the descendants of Jacob of old and has chosen Napoleon the Great as his means of mercy. The Lord judges the thoughts, through them alone he commands conscience, and his beloved anointed has permitted that each shall adore the Lord according to his own belief and custom. Through the shadow of his name has security entered our hearts and homes and we shall henceforth be able to build, sow and reap, and cultivate humane sciences, to belong to the great family of the State, to serve it and to glorify ourselves in its noble destinies. His great wisdom has permitted that this assembly, renowned in our annals, and whose experience and virtue dictated its decisions, has reassembled after fifteen centuries and has contributed its benefits to Israel. Reun-

today under His powerful protection, in His good city of Paris to the number of seventy-one, doctors of law and notables of Israel, we constitute ourselves into a ^{Great} Sanhedrin, in order to find in us the means and the power to enunciate religious ordinances in conformity with the principles of our sacred law and which shall serve for a law and an example to all Israel.

These ordinances shall tell to all the nations that our dogmas are in accord with the civil laws under which we live, and that they do not separate us at all from human society.

Therefore we declare:-

That the divine law, this sacred heritage of our ancestors contains religious and political provisions:

That the religious provisions are by their very nature absolute and independent of time and circumstances

That it is not the same with political provisions, that is with those that regulate the government and which were intended for the governing of the people of Israel in Palestine when they had their kings, priests and ma is-

trates;

That these political provisions are not applicable since
they do not form one distinct nation:

That in announcing this distinction, already established
by tradition, the Great Sanhedrin declares an incontro-
vertible fact:

That an assembly of doctors of the law, constituting a
Great Sanhedrin, is alone able to determine the results
at which they arrive:

That the ancient Sanhedrin has not created it, that is,
that political condition did not create it and that,
since the dispersion of Israel, no Sanhedrin has been
assembled before this one.

Occupied with this pious purpose we invoke the divine insight
from which emanates all good, and we know ourselves obliged to
contribute as far as depends on us, to achieve the moral re-n-
eration of Israel. But, by virtue of the right which our sacred
customs and laws confer upon us and which determine that in the

assembly of doctors of the time, resides essentially the power to enact laws according to the needs of the case, this which requires the observance of the said laws, whether written or traditional, by this right we shall proceed in our purpose to ordain religiously the obedience to the laws of the state in civil and political matters.

Pervaded with this sacred maxim that the belief in God is the beginning of all wisdom, we raise our eyes toward the heaven and we extend our hands towards His sanctuary and implore Him that He deign to make known unto us His purpose, to lead us in the path of virtue and truth in order that we may lead our brethren and their posterity to happiness. Therefore in the name of the Lord our God we charge all our coreligionists of both sexes to observe faithfully our resolutions, statutes and ordinances, regarding beforehand all those of France and Italy who violate them or are negligent in observing them as transgressing openly against the will of the Lord God of Israel.

POLYGAMY.

The Great Sanhedrin, legally assembled the ninth day of February 1807, and by virtues of the powers in it innerent, has examined whether it is lawful for a Hebrew to marry more than one wife, and pervaded with the general principle sacred in Israel that submission to the laws of the State in civil and political matters is a religious duty, has discovered and declares.

That, the polygamy permitted by the laws of Moses is not

like a simple power, for our doctors have subjected it to the condition that the individual have a fortune sufficient to supply the needs of more than one wife.

That from the earliest times of our dispersion the Israelites scattered throughout the Occident, moved by the necessity of changing their customs in accordance with the civil laws of the state in which they were established, had generally removed polygamy as a practice not in conformity with the morals of nations.

That this was also to render homage to the principle of conformity in civil matters that the synod convoked at Worms in 1790 of our era, and presided over by the Rabbi Guerson, had pronounced against every Israelite of their land who espoused more than one wife.

That this usage has entirely disappeared in France, in Italy, and in nearly all the states of the European continent where it is extremely rare to find an Israelite who boldly violates the laws of nations against polygamy. Hence the Great Sanhedrin weighty with wisdom of how deeply important it is to continue the custom adopted by the Israelites throughout Europe and in order to confirm as far as it is necessary the said decision of the Synod of Worms, resolves and ordains as a religious precept:-

That it is prohibited to all Israelites of states where polygamy is prohibited by civil law and especially to those of the Empire of France and of the kingdom of Italy, to marry a second wife

during the life time of his first, when a divorce from her, pronounced in conformity with the provisions of the civil law, followed by a religious divorce, has not broken the bonds of marriage.

ARTICLE II.

DIVORCE.

The Great Sanhedrin, having considered how important it is to-day to establish harmonious relations between the customs of the Hebrews regarding marriage and the civil code of France and the kingdom of Italy on the same subject, and considering that it is a religious principle to submit to the civil law of the State, resolves and decrees:-

~~That~~ the divorce permitted by the laws of Moses is not valid as far as it does not absolutely dissolve the bonds between the conjoined without civil agreement;

That according to the provisions of the civil code which rules that with Israelites as with Frenchmen and Italians divorce

is not consum^mated until after the courts have decided so by a
of finite judgment, it follows that the mosaic divorce has not
the full and entire effect that it ought to have, since one
of the conjoined could take advantage of the other in default
of the intervention of the civil authorities in the dissolu-
tion of the conjugal bond. Therefore by virtue of the power
in it vested the Great Sanhedrin resolves and ordains as a
religious principle -

THAT HENCEFORTH NO REPUDIATION OR DIVORCE SHALL BE GIVEN ACCOR-
DING TO THE FORMS ESTABLISHED BY THE MOSAIC LAW UNTIL AFTER THE
MARRIAGE HAS BEEN DECLARED ANNULLED BY COMPETENT TRIBUNALS,
AND ACCORRING TO THE FORMS PRESCRIBED BY THE CIVIL CODE.

In consequence it is expressly prohibited to all rabbis in the
two states of France and of the kingdom of Italy and in all other
places, to lend their aid in any act of repudiation or divorce
unless that the civil judgment that has sanctioned it, has been

shown him in due form, declaring that any rabbi who has permitted himself to infringe on the present religious statute shall be regarded as unworthy to exercise in the future his functions.

ARTICLE III.

MARRIAGE.

The Great Sanhedrin considering that in the Empire of France and the Kingdom of Italy no marriage is valid unless it be preceded by a civil contract before a public officer; by virtue of the power devolved upon it, decrees and ordains THAT IT IS A RELIGIOUS OBLIGATION FOR EVERY FRENCH ISRAELITE AND OF THE KINGDOM OF ITALY TO REGARD, HENCEFORTH, IN THESE TWO STATES, MARRIAGES CONTRACTED ACCORDING TO CIVIL LAW AS AN IMPORTANT CIVIL OBLIGATION; it prohibits therefore every rabbi or any other person from lending their aid to the act of religious marriage unless there is first shown them the act of marriage before a civil officer according to law.

BROTHERHOOD.

The Great Sanhedrin having considered that the opinion of the nations amongst whom the Israelites dwell for any considerations left them in doubt as to the sentiments of fraternity and sociability which animates the Israelites toward them, a doubt of that kind that neither in France nor in the kingdom of Italy does any one seem certain on the question whether the Israelites regard their fellow-citizens as brothers or only as strangers: finally to dispose of all doubts on this subject the Great Sanhedrin declares:

That by virtue of the law given by Moses to the children of Israel they are obliged to regard as brethren the individuals of those nations who recognize God as the creator of heaven and earth and among whom they enjoy the advantages of civil society or only of a benevolent hospitality:

That the Sacred Scriptures commands us to love our neighbors

ourselves, and that recognizing as conformable with the will
of God, he is the very justice, not to do unto others what
which we would not have done unto us, it shall be contrary
to these sacred maxims ^{not} to regard our fellow French and Ita-
lian citizens as brethren:

That after this doctrine has been universally received by the
doctors who have the greatest authority in Israel and by
every Israelite who does not ignore his religion, it is the
incumbent upon all to aid, protect and love their fellow-citizens
and to treat them in all civil and moral relations as
the equals of their coreligionists:

That since the Mosaic religion commands the Israelites to wel-
come with all charity and regard the stranger that come to
dwell in their cities, all the more does it command them
to entertain the same sentiments toward the individuals of
those nations who have received them in their midst, who
protect them by their laws, defend them with their arms

permit them to worship the Eternal according to their own religion, and who admit them, as in France and in the Kingdom of Italy, to participation in all the civil and political rights:

After these various considerations the Great Sanhedrin Commands EVERY ISRAELITE OF THE EMPIRE OF FRANCE, OF THE KINGDOM OF ITALY AND OF ALL OTHER PLACES TO LIVE WITH THE SUBJECTS OF EACH OF THE STATES WHEREIN THEY RESIDE, AS WITH THEIR FELLOWCITIZENS AND BRETHREN, SINCE THEY RECOGNIZE GOD AS THE CREATOR OF HEAVEN AND EARTH IN AS MUCH AS THE LETTER AND THE SPIRIT OF OUR SACRED LAW DESIRES.

ARTICLE V.

MORAL RELATIONS.

The Great Sanhedrin, wishing to determine what relations the law of Moses prescribes for the Hebrews toward the individuals of the nations among which they live, and who profess another religion, recognizing God as the creator of heaven and earth.

declares

That every individual professing the religion of Moses, who does not practice justice and charity to all men according to the Eternal, independent of their particular belief, sin openly against the law:

That with regard to justice, all that the Sacred Scriptures prohibits as being contrary to it (justice is absolute and without respect to persons:

That the Decalogue and the sacred books which contain the commandments of God in this respect do not establish any particular relations nor indicate any quality, condition or religion, for those to whom they apply exclusively, so that they are common to the relations of Hebrews to all men in general and that every Israelite who violates them against any one is equally criminal and reprehensible before the Lord:

That this doctrine is also taught by the doctors of the law, who do not cease preaching the love of God and of his creatures (Tractat Aboth ch. VI 3) and who formally declare that

the recompense of the life eternal is reserved for virtuous men of all nations: that in the prophets are found many proofs which testify that Israel is not an enemy of those who profess a religion other than its own: that with regard to charity Moses, as has already been said, ordains this as an obligation in the name of God: "Thou shalt love thy neighbor as thyself. I am the Lord." "The stranger who dwells in your midst shall be as the native born among you: you shall love him as yourselves for ye were strangers in the land of Egypt. I am the Eternal your God." (Lev. XIX 34)

David said, "The mercy of God extends over all his works." (Ps. 145.-3) "What doth the Lord require of you? said Micah: only to be just and to do charity." (VI, 3)

"Our doctors declare that the man who is compassionate to the misfortunes of his fellow-creatures is as one descended from Abraham." (Erubin ch.VII):

That every Israelite is obliged toward those who observe the Noachides, whatever may be their religion ~~in~~ in other respects, to love them as their brothers, to visit their

sion. to bind their hand, to aid their poor as those 115
of Israel, and that there is no act of charity or work of
mercy that should not be done toward them. After these con-
siderations taken in the spirit and the letter of the Sacred
Scriptures, the Great Sanhedrin decrees to ALL ISRAELITES
DUTIES ESSENTIALLY RELIGIOUS AND INHERENT IN THEIR BELIEF,
THE CONTINUAL AND HABITUAL PRACTICE TOWARD ALL MEN RECOGNIZ-
ING GOD AS THE CREATOR OF HEAVEN AND EARTH WHATEVER RELI-
GION THEY PROFESS, OF ACTS OF JUSTICE AND CHARITY WHICH THEIR
SACRED BOOKS ORDAIN TO BE DONE.

ARTICLE VI.

CIVIL AND POLITICAL RELATIONS.

The Great Sanhedrin, convinced of the usefulness that ought to
result to the Israelites from an authentic declaration which
~~unanimously~~ fixes their duties as members of the State to which
they belong, and wishing that no one should ignore the princi-
ples in this regard that the doctors and the notables of Israel
profess and prescribe for their coreligionists in countries
where they are not excluded from all the advantages of civil
society, especially in France and the kingdom of Italy, declare

That it is a religious duty for every Israelite born and raised in a state where one becomes a citizen by residence or otherwise, conformably with laws that determine the conditions to regard the said state as his fatherland;

That these duties which are derived from the nature of things which are in conformity with the destiny of human society agree with the word of God. Daniel said to Darius, "that he was saved from the fury of the lions because he had been equally faithful to his God and his king." (ch. VI, 23) Jeremiah recommends all the Hebrews to consider Babylonia as their country. "Unite all your powers", says he. "For her happiness." (Jer. ch. V.) We read in the same book the sermon Gedalia gave the people. "Have no fear," he said to them, "to serve the Chaldeans; remain in the land - serve faithfully the king of Babylonia and you will live happily." (ibid. ch. II v. 9) "Fear God and your King," says Solomon. (Prov. 24, 21)

That likewise all command the Israelite to have a respect, attachment and fidelity for his prince and his laws, a tribute which all subjects owe him:

That all bind him not to isolate his interests from the public interests, neither his duty nor, what is more, that of his family from the destiny of the great family of the state; that he ought to suffer its reverses, applaud its triumphs and unite all his powers for the happiness of its citizens; as a result the Great Sanhedrin decrees that EVERY ISRAELITE BORN OR RAISED IN FRANCE AND IN THE KINGDOM OF ITALY AND TREATED BY THE LAWS OF THE TWO STATES AS A CITIZEN IS RELIGIOUSLY OBLIGATED TO REGARD THEM AS HIS NATIVE LAND TO SERVE AND DEFEND THEM TO OBEY THEIR LAWS AND TO CONFORM IN ALL HIS TRANSACTIONS TO THE COMMAND OF THE CIVIL CODE. The Great Sanhedrin declares further that every Israelite called to military service is exempted by law, during the period of his service, from all those religious observances which can not be reconciled with it.

ARTICLE VII.

USEFUL PROFESSIONS.

The great Sanhedrin, desiring to enlighten the Israelites, and especially those of France and of the kingdom of

necessity and the advantages that will result to them. to devote themselves to agriculture. to possess landed estates. to exercise arts and trades, to cultivate the sciences by which to enrich liberal professions, and considering that if. for a long time. the Israelites of these two states found themselves necessitated to renounce partly the mechanical arts and chiefly the development of the soil which had been in ancient times their favorite occupation. it attributes this fatal surrender only to the vicissitudes of their estate, to the uncertainty under which they lived, either as to their personal safety or to their property. and also to the obstacles of all kinds as the rules and laws of the nations opposed to free development of their industry and activity:

That this abandon is in no wise the result of principles of their religion, nor to the interpretations which their doctors. ancient or modern. could give them, but an unhappy effect resulting from the denial of free exercise of their industrial faculties:

That on the contrary. according to the letter and the spirit of

Mosaic legislation, corporal labor was honored among
 children of Israel and that there is no mechanical art
 it denies them by name, since the Sacred Scriptures invite
 and commands them to devote themselves to them:

That this truth is shown by the laws of Moses as follows and
 many individual verses, among them such as these:-Ps. 127
 "When thou eatest the labor of thy hands, thou wilt thou be
 happy and it will be well with thee." Prov. c. 23 and 24.
 "He who tills the earth will have plenty but he who sows
 in idleness shall be in want." Eccl. ch. 2 and 3 "For
 diligently your field, thou afterwards you will be able to
 beautify your manor." Mishna Tractate Avoth ch. 1. "Love
 work and avoid sloth."

That it follows conclusively from these verses not only that
 honest trades are not denied the Israelites, but that their
 religion attaches merit to practicing them and that it is
 agreeable in the eyes of the Most High that each should
 devote himself to them and to do, in as far as it depends
 upon him, the object of these occupations:

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That this doctrine is confirmed by the Talmud which places idleness as the source of vice and positively declares that the father / who does not teach his son a trade brings him up for the life of thieves. (see Kidd. ch. 1). As a result the Great Sanhedrin by virtue of the powers in it vested ordains for ALL ISRAELITES AND ESPECIALLY THOSE OF FRANCE AND THE KINGDOM OF ITALY WHO ENJOY THERE CIVIL AND POLITICAL RIGHTS, TO INQUIRE INTO AND ADOPT THE MOST PROPER MEANS TO INSPIRE THE YOUTH WITH LOVE OF WORK AND TO DIRECT IT TO AND THE PRACTICE OF ARTS AND TRADES AS WELL AS LIBERAL PROFESSIONS, CONSIDERING THAT THIS PRAISEWORTHY LABOR IS IN CONFORMITY WITH OUR SACRED RELIGION FAVORABLE TO GOOD HABITS, ESSENTIALLY USEFUL TO THE COUNTRY, WHICH CAN ONLY SEE IN IDLERS AND MEN WITHOUT CALLING DANGEROUS CITIZENS.

In addition the Great Sanhedrin invites the the two states of France and Italy to acquire a means of attaching themselves advantageously to their country to renounce those occupations which render men hateful to their country.

temptible in the eyes of their fellow-citizens and to do all that devolves on us to earn their esteem and good will.

ARTICLE VIII.

INTEREST AMONG THE ISRAELITES.

The Great Sanhedrin, imbued with the inconveniences arising from erroneous interpretations that have been given to verse 19 of the 23rd chapter of Deuteronomy and other verses of the Sacred Scriptures on the same subject, and wishing to dissipate the doubts to which these misinterpretations have given rise and which have not accredited much to the purity of our religious morals, relative to interest, declares:

That the Hebrew word NECHACH (נֶחָח) which is translated by usury has been misinterpreted: that in Hebrew it does not express anything but interest: that we can only understand by the French word USURE an interest above legal interest which the law has set as the highest rate: that of the interest of which the law of Moses does not set the rate one cannot say that the Hebrew word NECHACH signifies an ill-

itimate interest: that likewise, if there were any ground to believe that this word had the same connotation as that of USURE there ought to be another word to mean legal interest: that as no such word exists, it necessarily follows that the Hebrew expression ~~USURE~~ cannot signify usury: That the aim of the divine law in denying a Hebrew to take interest from another Hebrew was to strengthen the bond of brotherhood among them, to ordain for them a reciprocal good-will and to engage them in aiding each other disinterestedly:

That the prohibition of the divine legislation ought to be considered a precept of beneficence and fraternal charity:

That the divine law and its interpretation permit or forbid the taking of interest according to the various uses to which the money is put. If loaned to sustain a family then interest is forbidden. If loaned to undertake a commercial scheme which offers risks to the capital of the creditor then interest at the legal rate is permitted and should be

considered a just compensation. "Lend to the poor," said Moses: more the tribute of gratitude, and it is to be shown before God is the only interest: the pay for the service rendered is in the satisfaction which a lender receives gives the conscience: that it is not the same of him who employs capital for the improvement of his business: in the latter case it is permissible for a creditor to take a profit from the borrower: therefore the Great Sanhedrin declares decrees and ordains as A RELIGIOUS DUTY FOR ALL ISRAELITES AND ESPECIALLY THOSE OF FRANCE AND THE KINGDOM OF ITALY NOT TO ~~X~~NOT AVOID INTEREST FROM THEIR CORELIGIONISTS WHENEVER IT IS A MATTER OF OF AIDING THE FATHER OF A FAMILY IN NEED BY AN OFFICIAL LOAN: and further decrees that THE LEGITIMATE PROFIT OF INTEREST AMONG CORELIGIONISTS IS RELIGIOUSLY PERMITTED ONLY IN CASE OF COMMERCIAL TRANSACTIONS WHERE THE CREDITOR RUNS A RISK OR IN THE CASE OF THE LENDING OF MONEY ACCORDING TO THE RATES FIXED BY THE LAWS OF THE STATE.

the Great Sanhedrin, desiring to dissipate the error which at-
tributes to the Israelites the disposition to practice
usury toward those not of their own religion. Being permitted
to do so by this very religion and its rabbinic doctors, con-
sidering:

That this imputation has been in various times and countries
the one cause of the disabilities raised against them, and
desiring to put an end henceforth to all false judgements
in this respect by explaining the meaning of the sacred
text on this matter, declares

That the text which authorizes taking interest from strangers
does and ought to apply only to the strange nations with
which one may have trade relations and who themselves lend
to the Israelites, this propriety being based on the natural
principle of reciprocity:

That the word NOCHRI applies only to the individuals of foreign

nations and not to fellow-citizens whom we regard as brothers.

That also with regard to strange nations the Sacred Synagogue

in permitting to take interest from them, does not intend to

speak of an excessive profit and ruinous for those who pay

it, since it tells us elsewhere that every iniquity is

abominable before God; as a result of these principles, the

Great Sanhedrin by virtue of the power in it vested, and

that in the future no Hebrew can claim ignorance of religious

duties as regards taking interest from fellow-citizens with

out regard to religion, declares TO ALL ISRAELITES AND ES-

PECIALLY THOSE OF FRANCE AND THE KINGDOM OF ITALY THAT THE

REGULATIONS OF THE PRECEDING DECISIONS OF OFFICIAL COMMISSION

FOR INTEREST OF ONE HEBREW TO ANOTHER HEBREW AND ALSO THAT

THE THE PRINCIPLES AND PRECEPTS OF SACRED SCRIPTURE ON

THIS SUBJECT APPLY AS WELL TO OUR FELLOWCITIZENS WITHOUT

REGARD TO THEIR RELIGION AS TO OUR CORELIGIONISTS: decrees

to all, as a religious precept, and especially to those of

France and the kingdom of Italy, not to make any distinction

in the future in the matter of interest among fellow-citizens
and coreligionists. conformable to the preceding statutes:
declares further that whosoever transgresses the present
ordinance violates a religious duty and sins openly against
God: declares finally, that all usury is distinctly prohibi
bited not only between Hebrew and Hebrew, and Hebrew and fel
low-citizen of another religion, but also with strangers of
all nations, regarding this practice as abominable before
God. The Great Sanhedrin orders likewise that all rabbis in
their preaching and their instruction not to neglect anything
toward their coreligionists to bring them up in the maxims
contained in the present decision.

APPENDIX F.

DECRET OF MARCH 17, 1806

FIRST DECRET BY WHICH THE EMPEROR OBTAINED THE EXECUTION OF
RESOLUTION VOTED BY THE GENERAL ASSEMBLY OF JEWISH
DEC. 10, 1806. THIS RESOLUTION IS ALSO INCLUDED.

The deputies composing the general assembly of Israelites
convoked by the Imperial decree of May 3, 1806, after having
heard the report of the Committee of Nine appointed to prepare
the work of the assembly, deliberating on an organization that
would be suitable to give to their coreligionists of the French
Empire and of the Kingdom of Italy, regarding the exercise of
their religion and the internal police, have unanimously adopted
the following plan.

Article I. There shall be established one synagogue and
one Israelitisch consistory in each department
containing 2000 individuals professing the Mosais religion.

Article II. In case there shall be no 2000 Israelites
in one department, the district of the

consistorial synagogue shall embrace as many contiguous departments as are necessary to complete the number. The location of the synagogue shall always be in the town in which the Israelitic population is most numerous.

Article III. In any case there shall not be more than one consistorial synagogue in one department.

Article IV. No individual synagogue shall be established if the proposition is not made by the consistorial synagogue to competent authorities: each individual synagogue shall be managed by two notables and one rabbi who shall be appointed by competent authority.

Article V. There shall be one Grand Rabbi for each consistorial synagogue.

Article VI. The consistories shall consist of one grand rabbin and one or other rabbi, in as far as possible, and three other Israelites, of whom two shall be chosen from among the inhabitants of the town where the synagogue is situated.

Article VII. The Consistory shall be presided over by the oldest member. He shall have the title of President of the Consistory.

Article VIII. He shall be named by competent authority from each consistorial district from among twenty-five notables chosen from the most taxable and considerable Israelites.

Article IX. These notables shall proceed to the election of members of the Consistory who shall be accepted by competent authority.

Article X. None shall be members of the Consistory if (a) not thirty years of age; (b) he have failed and have not honorably reestablished himself; (c) he be known to have practiced usury.

Article XI. Every Israelite who desires to dwell in France or in the Kingdom of Italy must so notify, within three months, the consistory nearest the place where he fixes his residence.

Article XII. The duties of the Consistory shall be:

to guard that the rabbis shall not give public or private instructions or explanation of the law that does not conform with the decisions of the assembly, converted into doctrine of the Great Sanhedrin; (b) to maintain order in the synagogues, to supervise the administration of individual synagogues, to regulate the collection and use of sums intended for the expenses of the Jewish religion and to ensure that no assembly for prayer shall be established without express authorization; (c) to encourage by all possible means the Israelites of the consistorial district to the practice of useful professions and to report to the authorities those who have no acknowledged means of existence; (d) to give reports each year to the authorities of the number of Israelitish recruits for the conscription.

Article XIII. There shall be at Paris a Central Consistory

composed of three rabbis and two other Israelites.

Article XIV. The rabbis of the Central Consistory shall be chosen from among the rabbi rabbins, the members shall be subjected to the conditions of eligibility set forth in Article X.

Article XV. Each year one member of the Central Consistory shall withdraw but shall always be eligible to re-election.

Article XVI. The election of successors shall be by the other members. The new member chosen shall not be installed until approved by competent authority.

Article XVII. The duties of the Central Consistory shall be:
(a) to correspond with other consistories
(b) to guard everywhere that the present ruling is carried out.
(c) to refer to competent authority all infringements on the said regulation either by infraction or non-observance
(d) to confirm the nomination of rabbis and to report, whenever a case arises, to competent authority the dismissal of rabbis or members of the consistory.

Article XVIII. The grand rabbi shall be elected

twenty-five notables designated in Article

Article XIX. The new one chosen shall not assume his duties

until he has been confirmed by the Central

Consistory.

Article XX. No rabbi shall be chosen if (a) he is not a

native or naturalized French citizen, or

Italian in the Kingdom of Italy; (b) he does not present a cer-

tificate of capacity signed by three Italian grand rabbis, if

he be an Italian, or French, if he be a Frenchman; and (c) to the

date of 1820 if he does not know the French language in France

or the Italian in language in the Kingdom of Italy; those who

know in addition to the Hebrew language Greek and Latin shall

preferential, other things being equal.

Article XXI. The duties of the rabbi shall be: (a) to

teach the religion; (b) the doctrines con-

firmed in the decisions of the Great Sanhedrin; (c) to bring, he

on all occasions obedience to the laws, notably and in particular

lit of the interior court as shall be able to vote an assent
of his order.

Article . Each consistory shall propose to competent
authority a plan for the assessment of
Israelites within the district for the salary of the rabbi. In
The other expenses of the faith shall be determined and assessed
by competent authority at the request of the consistory.
part of the rabbis, members of the Central Consistory, shall be
deducted proportionately from the sums collected in the various
districts.

Article . Each consistory shall designate one Israelite
from its midst, not a rabbi, to collect the
sums which are collectable in the district.

Article . The receiver shall pay the rabbis quarterly
as well as the other expenses of the religion
at an order signed by at least three members of the consistory.
He shall render his account at a fixed date to the consistorial
assembly.

Article XLVI. ~~When a rabbi, who is not employed and who is~~

~~in force.~~ is not employed and who is
nevertheless to retain his home in France or in the Kingdom
Italy, shall by formal and signed declaration renounce his
herence to the decisions of the Sanhedrin. A copy of that d
laration shall be sent by the consistory receiving it to the
Central Consistory.

Article XLVII. The rabbis who are members of the Sanhe
shall be preferred, as far as possible,
all others for positions of grand rabbis.

SECOND DECREE PRESCRIBING THE FOLLOWING MEASURES FOR THE
EXECUTION OF THIS RESOLUTION.

Article I. For the execution of article I of the resolution

passed by the General Assembly of Jews, execution that has been ordered by our decree of this date, our Minister of Religions shall present to us the list of consistorial synagogues to be established, the extent of their districts and the place where they are to be established. He shall first of all learn the opinion of the Central Consistory. Those departments of the Empire that really have no Jewish population shall be classed in a supplementary list, in the districts of consistorial synagogues, that in case Israelites in the future may settle there, they may have occasion of recourse to a consistory

Article II. No particular synagogue may be established

according to Article IV of the said resolution save on the authority given by us in Council of state on report of our Minister of Religions or in view of (1) the opinion of the consistorial synagogues: (2) the opinion of the Central

Consistory; (3) the opinion of the prefect of the department;

(4) the condition of the Israelitisch population that is to comprise the new synagogue. The nomination of the administrators of the individual synagogues shall be made by the consistory of the department and shall be approved by the Central Consistory. the decree establishing each individual synagogue shall also fix the extent of their districts.

Article 331. The nomination of notables mentioned in article VIII of the said resolution shall be made by our Minister of Interior at the suggestion of the Central Consistory and on advise of the prefect.

Article IV. The nomination of members of the departmental consistories shall be referred to us by our Minister of Religions for our approval on the advice of the departments included in the synagogal districts.

Article V. The members of the Central Consistory mentioned in article XIII of the said resolution shall first be nominated by us at the suggestion of our Minis-

ter of Religions and then by the General Assembly of the Jews
or by the Sanhedrin.

Article VI. The same minister shall present for our approval the choice of the nine members of the Central Consistory who shall be named each year according to articles XV and XVI of the said resolution.

Article VII. The list of Assessments mentioned in article XXIII of the said resolution shall be prepared by each departmental consistory, divided among as many persons as there are departments in the synagogal districts, submitted to the examination of the Central Consistory and rendered valid by the prefects of each department.

THIRD DECREE DETERMINING PROVISIONALLY THE RIGHTS AND
DUTIES OF THE JEWS.

SECTION I.

Article I. Beginning with the publication of this decree
the respite granted by our decree of May 30,
1806, to the payment of moneys owing to the Jews is discontinued.

Article II. The said debts shall be nevertheless submitted to orders here after.

Article III. All liabilities for loans made by Jews to minors without the authority of their guardians; to women without the authority of their husbands; to soldiers without the authority of their captains, if he is a private or non-commissioned officer; of the chief of the corps if he is an officer shall be null of full right unless the holder or assignee shall be able to avail themselves of it and our tribunals authorize any action or proceedings.

Article IV. Any letters of exchange, any bill payable at order, any obligation or promissory note sig

by one of our subjects, but nevertheless, as long as the law shall not be respected without the subject proving that its value was furnished entirely and without fraud.

Article V. Every debt of which the capital shall be increased in an obvious manner or concealed by the cumulation of interests at five percent shall be reduced by our tribunals. If the interests added to the capital exceeds 10% the debt shall be declared usurious and as such annulled.

Article VI. For legitimate debts and not usurious ones our tribunals are authorized to grant to the debtors a just delay.

SECTION 2.

Article VII. Henceforth and until July 1st next, no Jew shall devote himself to any commerce negotiation or traffic whatever without having received a license to that effect from the prefect of the department which shall not be accorded except on exact information and on a certifi-

cate (1) from the municipal council stating that the said Jew is not given to any illegitimate transactions, (2) of the consistory of the synagogue within whose district he dwells attesting to his good conduct and honesty.

Article VIII. This license shall be renewed each year.

Article IX. Our solicitors^{general} at our court are especially commanded to revoke these licenses at the special decision of the court, at any time it may come to their notice that a licensed Jew has practiced usury or any fraudulent business.

Article X. Every business transaction done by a Jew not licensed shall be null and of no value.

Article XI. The same shall be true of every mortgage taken on goods by a non-licensed Jew, until it shall be proven that the said mortgage has been given for a debt resulting from a letter of exchange or for any act of commerce, negotiation or traffic.

Article XII. All contracts or obligations signed in favor

of a Jew not licensed for causes foreign to commerce, negotiation or traffic shall be withdrawn by order of one inquiry of our tribunals. The debtor shall be permitted to prove that it was usury or the result of fraudulent traffic; and if the proof is shown the creditor shall be susceptible either to an arbitrary reduction by the tribunal or to annulment if the usury exceeds 10

Article XIII. The provisions of article IV Section 1 of the present decree on letters of exchange bills payable at order etc.; are applicable to the future as well as to the past.

Article XIV. No Jew shall be able to lend on security to domestics or hired person and he shall not be able to lend on security to other persons unless it shall be drawn up in a deed by a notary who shall certify in the deed that the moneys had been counted in his presence and that of witnesses, at the risk of losing all right to the pledges of which our tribunals and courts shall have the right in any case to order gratuitous restitution.

Article XV. Jews shall not be able under the same penalties, to take in pledge the instruments, materials, tools and vestments of daily laborers and domestics.

SECTION 3.

Article XVI. Any Jew not actually living in our departments of Upper or Lower Rhine shall henceforth not be permitted to locate there. Any Jew not an actual resident shall not be permitted to establish himself in any other department of our Empire save in case where he has acquired rural property and shall devote himself to agriculture without engaging in any commerce, business or traffic. Exceptions may be made to the conditions of this article by virtue of a special grant emanating from us.

Article XVII. The Jewish population in our departments shall not be permitted to furnish substitutes for the conscription. Hence every Jew drafted shall be subjected to personal service.

GENERAL PROVISIONS.

Article XVIII. The provisions contained in the present decree shall be valid for the term of six years, hoping that at the close of this period, and through the effect of the various measures taken with regard to the Jews, there shall no longer be any difference between them and other citizens of our Empire; however if our hope is destroyed then we shall continue the decree in force until such time as is deemed suitable.

Article XIX. The Jews established at Bordeaux and in the departments of La Gironde and of Landes not having given cause to any complaint, nor having existed on any illicit business are not included in the provisions of this decree.

$$\frac{26}{41}$$

