

CAN YOU ANSWER THESE QUESTIONS?

1. What prompted Moses Mendelssohn to write his *Biur*?
2. Name three of the Rabbis who were most opposed to Mendelssohn's translation?
3. Who were the Me'asfim?
4. What prompted Napoleon to convene his Sanhedrin?
5. Who was the leading rabbinic figure amongst the delegates of the Sanhedrin?

This and much more will be addressed in the seventh lecture of this series:
"Assimilation and the Sanhedrin of Napoleon Bonaparte".

To derive maximum benefit from this lecture, keep these questions in mind as you listen to the lecture and read through the outline. Go back to these questions once again at the end of the lecture and see how well you answer them.

PLEASE NOTE: This outline and source book were designed as a powerful tool to help you appreciate and understand the basis of Jewish History. Although the lectures can be listened to without the use of the outline, we advise you to read the outline to enhance your comprehension. Use it, as well, as a handy reference guide and for quick review.

**This lecture is dedicated to the memory and *Li-ilui Nishmos*
עמנואל בן שושנה ונתן בן פרדוסה ע"ה
of blessed memory.**

THE EPIC OF THE ETERNAL PEOPLE
Presented by Rabbi Shmuel Irons

Series XVIII Lecture #7

ASSIMILATION AND THE SANHEDRIN OF NAPOLEON BONAPARTE

I. The *Biur* of Moses Mendelssohn

A. Why a new translation? In 1545, the great grammarian, R. Elijah Habachur, translated the Pentateuch and the Megillot word for word into the German, and had this translation printed at Constance in Switzerland (the first edition was actually printed in Venice, Italy). In 1679, he was followed by R. Josel Witzhausen and R. Jekuthiel Blitz, the latter possessing approbations of the most distinguished rabbis of his time. R. Jekuthiel says in his preface, that he had seen the German translation of the Pentateuch printed at Constance, and found it so faulty and unfit that he was convinced the translation could not emanate from the celebrated German grammarian. I, the writer of this, have never seen the translation attributed to R. Elijah, as it was not to be had in our country; but I have seen that of R. Jekuthiel, and observed that he censures faults from which he himself is not free. Though his intention might have been praiseworthy, and he might perhaps on that account have obtained the approbation of contemporary rabbis, it is certain that the execution of the work is not deserving of praise; for he is quite ignorant of Hebrew, and therefore did not understand how to penetrate into the depth of the Hebrew style; but what he understood he rendered into a most corrupt language, - so that one who has been accustomed to pure language feels quite disgusted with it.

Since then, up to this day no one has undertaken the task of mending this fault and of rendering our Holy Writ in correct language, suitable to our age. The children of Israel who have a mind for useful studies sought the knowledge of the word of G-d from Christian translations; for in every age the Christians translated the Scriptures according to the variations of language and people, suitable to the wants of the time and in conformity with the correct use of the language. They did so in euphonious style-now keeping close to the word, then only rendering the sense; now word for word, then by explanatory paraphrase-in order to satisfy the desire of every learner and in accordance with the customary language of the age. But this way, which many of our coreligionists have already adopted, leads to manifold mistakes and carries the most dangerous consequences with it. For the Christian translators, who do not recognize the traditions of our sages and do not keep the Masorah, nay more, who do not consider themselves bound by the vowel points and accents as we have them, look upon the sacred volume "as an undefended city," where everyone can go his own way and act according to his own choice. Not only as regards the vowel points and accents, but even as regards the letters and words, they allow themselves optional alterations as they think best, and therefore read in the Scriptures not that which they contain, but that which suits them.

I will not, therefore, pronounce censure on these learned authors, for what could bind them to a tradition which has not been handed down by their ancestors, or to a Masorah which has not been laid down by men who appear to them as authorities? But then, they do not consider the Torah from a point of view to observe everything which *is* written therein; they only treat it as a historical work containing information on the events of past times, and representing to them the Divine rule and Providence in every age. From this point of view there is no harm in making

trifling alterations, adding or omitting a few letters or words, in the same manner as it is done with secular authors, where every editor and reviser alters the text according to his judgment.

Now, although this may be suitable to Christian authors, it cannot by any means be considered right and proper for us. To us the Torah is a heritage, not only for remembering the past, but also for attaining a knowledge of the precepts which the Eternal, our G-d, commanded us to learn, to teach, to observe, and to keep; it is our life, the preserver of our existence. But in order that we should not be continually in doubt and not have to depend upon the frail reed of speculation and upon the uncertainty of hypotheses, our Sages have established the Masorah thereby erecting a fence around the law and judgement, so that we need not grope in the darkness of conjecture. From this even path we must not turn either to the right or the left. We cannot modify our texts according to the hypotheses of one or the other grammarian; we must cling to the standard which the authors of the Masorah have established for us. This is the tradition to which we must adhere. By its guidance we understand the Scriptures, search and inquire into them, often according to the simple explanation, and often according to the interpretation of our sages, for both are equally true and just, as I shall hereafter show. **Preface to Mendelssohn's German translation of the Torah together with his commentary, the *Biur*, entitled, *Nesivos haShalom***

B. After some examination, I found that the remainder of my powers could still suffice to render a good service to my children and perhaps to a considerable part of my nation, if I were to put in their hands a better translation and explanation of the Holy Books than they had heretofore. ***This is the first step to culture, something which my nation, sadly, is kept at such remove that one might almost despair of the possibility of improvement.*** However, I felt myself obligated to do the little that is in my power and leave the rest to Providence, which, for the most part, takes longer to carry out its plan than we can see in advance. Now the more opposition this weak attempt meets, the more necessary it seems to me and the more zealously I shall seek to carry it through. **Letter of Moses Mendelssohn to the Danish state-councilor August von Hennings, June 29, 1779**

C. . . . I should, however, not at all like to see a legal authorization of the Jewish German dialect [Judendeutsch], nor a mixture of Hebrew and German as suggested by Mr. Fraenkel (Rabbi Yosef Yonah Fraenkel (1721-1793) of Breslau). ***I am afraid this jargon has contributed more than a little to the uncivilized bearing of the common man. In contrast, it seems to me that the recent usage of pure German among my brethren promises to have a most beneficial effect on them.*** It would vex me greatly, therefore, if even the law of the land were to promote, so to speak, the abuse of either language. It would be much better if Mr Fraenkel tried to put the entire admonition into pure Hebrew so that it could be read in either pure German or pure Hebrew, or possibly in both, whichever might be best under the circumstances. Anything at all rather than a mish-mash of languages! **Mendelssohn, Letter to Ernst Ferdinand Klein, Assistant Councilor of Law in Breslau, August 29, 1782**

D. [In Mendelssohn's home] educational and cultural institutions were the outstanding topic of conversation. Improvement of instruction and recommendation of the German mother tongue were Mendelssohn's favorite themes. **David Friedlander, Moses Mendelssohn p. 35**

II. Opposition

A.

בטרם החליטה קהילת האמבורג לקבל את ר' רפאל הכהן כרב של אה"ו (אלטונה-האמבורג-ואנדזבק) היא ביקשתהו שיביא כתב המלצה מאת מנדלסון הברלינני. בהכנס הרב לבית מנדלסון הוא מצאהו קורא בתנך בגילוי ראש. הרב רגז עד מאוד ולא רצה לקבל מכתב מצלצה מאפיקורוס כזה. אולם מנדלסון כתב לקהילת האמבורג שאף כי לא היה סיפק בידו לתהות על קנקנו של ר' רפאל. ממליץ הוא על קבלתו כרב הקהילה המשולשת כי איש אמת הוא ולא ישא פני איש אף אם הדבר יהיה לרעתו: הרב מצא את מנדלסון קורא בתנ"ך בגילוי ראש ומיד חרפהו וגדפהו כינהו אפיקורוס ולא רצה לקבל שום המלצה ממנו. רי"ל מימן, שרי מאה

Before the community of Hamburg decided to appoint HaRav Rephael HaKohen as the Chief Rabbi of [the joint communities of] Altona, Hamburg, and Wandsbak, it first wanted him to obtain an approbation from [Moses] Mendelssohn of Berlin. When HaRav [Rephael HaKohen] came into Mendelssohn's house, he found him reading from a *Tanach* (Hebrew Bible) without a head covering. The Rabbi was extremely angry at him and didn't want to receive a letter of approbation from a person whom he deemed to be heretic. Mendelssohn, however, wrote to the community of Hamburg that even though he didn't have the opportunity to become thoroughly acquainted with R. Raphael (literally: to test the smell of the wine in his container), he, nonetheless, approves of his being appointed as the Chief Rabbi of the three communities, for he is a man of integrity and will not compromise his principles and give particular favor to anyone, even when it runs counter to his own best interests, as he protested vigorously and called Mendelssohn a heretic and wouldn't accept a letter of approbation from him because he had found him studying *Tanach* (Hebrew Bible) without a head covering. **R. Yehudah Leib Maimon, Sarei Meah**

B. **Altona:** "The Provincial Chief Rabbi here has proclaimed a ban on anyone who will read the translation of the Books of Moses composed by Mr. Moses Mendelssohn of Berlin." **Hamburger Korrespondent, July 17, 1779**

C.

(1) ובראש הספר התחיל להדפיס הקדמה שלו אבל לא גמרה כי טרם כלתה רוח אחרת עברה עליו ולא ידעתי מה היה לו כי עזבני והלך לו אל ארצו . . . משה מנדלסון, הקדמה לביאורו

[R. Shlomo of Dubno] began to print his introduction [to his commentary to Exodus (Sh'mos) which would appear at] the beginning of the book but it wasn't completed as another spirit came over him. I don't know what happened to him as he forsook me and went back to his native country. **Moses Mendelssohn, Preface to the *Biur***

(2) [הרה"ג נפתלי הירץ אב"ד דובנא] עבר דרך ברלין ויוכיחני בדברי המקרא "כהתחברך עם אחזיה פרץ ד' את מעשיך" כי אני עושה מלאכתי עם אלה אשר על פי מכתבי הרבנים מפראג ומהמבורג אליו כל מחשבותם לעקור משורש את התורה שבעל פה . . . חזקו עלי דבריו ונתתי אומר כי אבדל מהחבורה הזאת וארחיק נדוד מברלין . . . ומאז התרחקתי מברלין אינני עוד אתם במסורת ברית. . . . אולם מקצת האנשים אשר נספחו לעזור למלאכה . . . הנה הנם תרבות אנשים חשודים כי פרקו מעליהם עול תורה ועל כמו אלה נאמר באמת ובצדק: סורו נא כו'. מכתב מר' שלמה מדובנא להח' ר' וואלף היידנהיים סיון תקמ"ט

[HaRav HaGaon R. Naftali Hertz, Chief Rabbi of Dubno,] passed through Berlin and rebuked me by applying to me the verse, “Because you joined together with Achaziah, G-d will destroy your works,” (Chronicles II 20:37), because I was participating with those who, according to the communication he received from the Rabbanim of Prague and Hamburg, are people whose sole thoughts are to uproot the Oral Law. . . . I then removed myself from Berlin and I am no longer together with them in their project (lit. covenant). . . . It is true that some of the people who became involved in this work . . . are people who are suspect of having totally removed from themselves the yoke of Torah. Regarding such people, the words of the following verse can truly and rightfully be applied, “Remove yourselves, I beg you, from the tents of these wicked men, and touch nothing of theirs, lest you be consumed in all their sins.” (Numbers 16:26) **Letter from R. Shlomo of Dubno to R. Wolf Heidenheim, Sivan, 1789**

(3) ואז בהתחלת הדפסתו בק"ק [ברלין] הנ"ל חילה פני במכתב ליתן לו הסכמה ולא נעניתי לו כי חוברו לה יחדיו בהדפסה ההיא קודש וחול כי צירף להתורה פירוש לעז אשר קראו מחברו תרגום אשכנזי ואנחנו חיישינן ללעז ההוא שיבא ממנו מכשול לילדי העברים וביטול תורה ולכן נמנעתי מלהסכים עמו. ואמנם אחר כן נתפרדה החבילה זה מזה ולא גמר החכם מוהר"ר שלמה שלשה ספרים אחרונים מחמשה חומשי תורה. ועתה רבים וכן שלמים נתעוררו שיצא לצרף כלי והגו סיגים מכסף שידפיס החכם הזה חמשה חומשי תורה כולו קודש כמו שניתן מסיני בדקדוק רב ועצום ומשגח מכל שגיאה ועם תקון סופרים שלו על כל חלקי תורה וכן הביאור שלו על כל התורה ועם תרגום אונקלוס ועם פירוש רש"י וכו'. הרה"ג ר' יחזקאל לנדא, הסכמה לפי ר' שלמה דובנא על התורה

When [R. Shlomo of Dubno] was about to print his work in the holy community of Berlin, he sent me a letter and asked me to give him an approbation. I didn't reply [to his request] because the work was an amalgam of sacred and profane, for he had attached to the Torah an elucidation in a foreign tongue which the author referred to as being merely a Targum Ashkenazi (a Germanic translation). **We are fearful that this translation will be a stumbling block for Jewish youth and will cause a cessation of Torah studies.** That is the reason I refrained from giving my approbation. Afterwards, however, they disbanded and the scholar, R. Shlomo of Dubno, left before completing his commentary to the last three books of the Torah. At present, there are many upright individuals who desire that he print his commentary, which is free from impurities and wholly sacred, as it was given at Sinai, with great precision, free from any errors, which he composed on all of the five books of the Torah, together with his work, Tikun Sofrim, which was composed on all of the sections of the Torah, together with Targum Onkelus and Rashi's commentary. . . . **HaRav HaGaon R. Yechezkel Landau, Approbation to R. Shlomo of Dubno's commentary to the Torah**

D.

אבל ראיתי . . . ש[וייזל] העתיק דברי רמ"ד (ר' משה דסוי) ועכשיו אני רואה שכל מה שדנו אותו האיש לכף חובה, הכל אמת. . . . מכתב מהרה"ג ר' יחזקאל לנדא אב"ד דק"ק פראג להרה"ג ר' צבי הירש לוינ. סיון, תקמ"ב, ס' הגאון ע' 906 בגליון

I have seen, however, . . . Wessely's quote of Moses [Mendelssohn] of Dessau, and now I realize that all who judged him harshly were correct. . . . **Letter from HaRav HaGaon R. Yechezkel Landau, Chief Rabbi of Prague to Rav Hirsch Levin, Chief Rabbi of Berlin, Sivan 5542 (1782)**

E.

רש"י ד"ה מהגיון. לא תרגילום במקרא יותר מדאי משום דמשכא. נלע"ד משום שלימוד המקרא גם האפיקורסים לומדים בשביל הלשון כמו שלומדים שאר לשונות ואם לא תשגיח על בנך בילדותו רק על לימוד המקרא יכול להיות שתקח לו מלמד אחר משלהם כי גם הם יודעים ללמדו ומתוך כך בנך נמשך אחריהם גם בדיעות נפסדים. ובפרט בזמנינו שנתפשט התרגום אשכנזי וזה מושך לקרות בספרי הגוים כדי להיות בקי בלשונם ולכן הזהיר מזה אבל חנוך לנער על פי דרכי התורה והושיבוים בין ברכי ת"ח גם בילדותם בלמדם מקרא קח לו מלמד תלמיד חכם וירגילו תכף גם כמשנה וגמרא. והרבה יש להוכיח ע"ז בדורינו שפשתה המספחת מאד ומן השמים ירחמו. הרה"ג ר' יחזקאל לנדא, צל"ה, ברכות כח:

Rashi explains the phrase, (Berachos 28b) Keep your children away from *higayon*, as follows: *Don't accustom them excessively to the study of Scripture because it has the power to draw them [away].* In my humble opinion, it seems that this is because Scripture is also the subject of study by heretics who study it for its language just as they would study other languages, and if you only concentrate on your child's education in the field of Scripture, you may well take for him a teacher who is from their circles, for they also know how to teach Scripture, which will lead him to be drawn towards their perverted beliefs. **This is most certainly the case in our own generation in which the German translation [of Scripture by Mendelssohn] has been widely distributed and has drawn [them] to read the works of Gentiles [in German] in order to enable them to gain expertise in their language.** This is why [R. Eliezer b. Hyrcanus] admonished [his disciples]. Rather one should train his child in the ways of Torah and place them between the knees of Torah scholars. Even while they are young, while they are studying Scripture, take for them a teacher who is a *talmid chacham* [Torah scholar,] who will immediately accustom him as well to the study of Mishna and Talmud. This is something that needs to be desperately addressed in our generation, for this has become very widespread. May Heaven have mercy upon us. **HaRav HaGaon R. Yechezkel Landau, Chief Rabbi of Prague, Tzion L'Nefesh Chayah, Berachos 28b**

III. The Spirit of Moses Mendelssohn and his Circle

A. I have no friend among our nation around me who will really get involved with me in speculative matters. **Mendelssohn to Herz Homberg, Gessamelte Schriften Vol. V p. 663**

B. . . . I am sure that you will treat the Psalms as poetry and not pay attention to the prophetic and mystical elements which Christian as well as Jewish interpreters have found in them only because they searched for these elements, having searched for these elements only because they were neither philosophers nor literary critics. **Mendelssohn to Hofrat Michaelis of Goettingen, Gessamelte Schriften Vol. V p. 505**

C. But as regards a great many of the Psalms, I must admit that I simply do not understand them. The ones I find easiest to understand include many which I must class as very mediocre pieces of poetry, incoherent verses, repetitions of the same idea *ad nauseum*, and abrupt transitions and modulations which no amount of inspiration could justify. . . . The character of some difficult psalms is such that you can read into them whatever you like, presumably because we do not know the events that inspired their composition, because the author, the time and circumstances of their origin are not known, or *because some of the passages in the text have been corrupted*, etc. I could cite for you two psalms which commentators of both nations interpret as Messianic prophecies. I, for my part, have subjected them to more thorough study and have arrived at the conclusion that the one is a satire on avarice and the other (i.e. Ps. 110) is

a piece of flattery composed by a court poet in honor of King David when the king's armies laid siege to Rabbah. So much for that. **Moses Mendelssohn, Ungedrucktes und Unbekanntes von ihm**, ed M. Kayserling, Leipzig, 1883, p. 11, **Letter to John Zimmerman, court physician, Hanover.**

D. . . . notwithstanding his speculative doctrine, Spinoza could have remained an Orthodox Jew if he had not removed himself from the Law. **Gessamelte Schriften Vol. III p. 5**

E. In matters of fundamental religious or ethical convictions, I am a dogmatist. That is to say, I have made my decision and firmly stand on the ground where, I believe, I can find the greatest measure of truth. But when it comes to judging my neighbor, I am a skeptic. That is to say, I have my doubts; for I greatly distrust my ability to convince any man of the truth of my own convictions, the more so since I grant him the same right I claim for myself - the right of free religious choice. **Letter to Johann Caspar Lavater, Dec. 12, 1769, Gessamelte Schriften Jubilaums Ausgabe VII p. 103-105**

F. My son Joseph has all but given up his Hebrew studies. Immediately following your tutelage, he unfortunately fell into the hands of a scholar who proved to be a hollow *baal pilpul* (dialectician); and as much as Joseph loves intellectual acuity and scholarly disputation, he lacks a sense for real *pilpul*. As you know, it takes a very special kind of instruction to develop a taste for this sort of mental exercise. And though both you and I underwent this training, [you will recall that] we agreed Joseph's mind should rather remain a little duller than be sharpened *in so sterile* a manner. Well, the distaste he felt for his teacher's instruction has made him reject all Hebrew studies. He is, however, making good progress in the natural sciences. . . . Right now, it might therefore be best to let him study whatever he wants or feels inclined to. To say the least, this would, not be detrimental to him if he were indeed to become a businessman. Or he could, if need be, do what his father had to do: muddle through, now as a scholar, now as a businessman - though this carries with it the danger that one ends up not being really either . . . **Mendelssohn, Letter to Herz Homberg, October 4, 1783, Gessamelte Schriften V pp. 670-672**

G. I also compared these new metaphysical doctrines, [of the German Enlightenment philosopher Christian Wolff] with those of Maimonides, or rather of Aristotle, which were already known to me; and I could not reconcile them. I therefore resolved to set these doubts forth in Hebrew and to send what I wrote to Herr Mendelssohn, of whom I had already heard so much. When he received my communication, he was not a little astonished at it. He replied at once that my doubts were in fact well-founded, that I should nevertheless not allow them to discourage me, but continue to study with the zeal with which I had begun. **Thus encouraged, I wrote a Hebrew dissertation in which I questioned the foundations of Revealed as well as of Natural Theology. All the thirteen articles of faith laid down by Maimonides, I attacked with philosophical arguments, with the exception of one, namely that on reward and punishment, to which I conceded philosophical relevance as the necessary consequence of free will.** I sent this dissertation to Mendelssohn, who was quite amazed that a Polish Jew who had scarcely got as far as seeing Wolff's *Metaphysics* was so soon able to penetrate into their depths to the point of questioning their conclusions by means of a correct ontology. He invited me to call, and I accepted his invitation. But I was shy, and the manners and customs of the Berliners were strange to me, and it was with trepidation and embarrassment that I ventured to enter a fashionable house. When I opened Mendelssohn's door, and saw him and other gentle-folk there, as well as the beautiful rooms and elegant furniture, I shrank back, closed the door, and had a mind not to go in. But Mendelssohn had noticed me. He came out and spoke to

me very kindly, led me into his room, placed himself beside me at the window, and paid me many compliments about my writing. He assured me that if I persisted, I should in a short time make great progress in metaphysics; and he promised to resolve my doubts. Not satisfied with this, the worthy man looked after my maintenance also, recommended me to the most eminent, enlightened, and wealthy Jews of Berlin, who made provision for my board and other wants. I was given the freedom of their tables, and their libraries were open to my use. **Solomon Maimon, Autobiography Chapter 19**

H. A number of young Jews from all parts of Germany had united, during Mendelssohn's lifetime, to form a society under the designation, *Society for Research into the Hebrew Language*. **They correctly observed that the evil condition of our people, morally as well as politically, has its source in their religious prejudices, in their want of a rational exposition of the Holy Scriptures, and in the arbitrary exposition to which the rabbis are led by their ignorance of the Hebrew language.** Accordingly, the object of their society was to remove these deficiencies, to study the Hebrew language at its sources, and by that means to introduce a rational exegesis. For this purpose they resolved to publish a monthly periodical in Hebrew under the title of *HaMeassef* ("The Collector"), which was to present expositions of difficult passages in Scripture, Hebrew poems, prose, essays, translations from useful works, and the like. [The periodical appeared from 1783 until 1797, first in Koenigsberg, then in Berlin, and last in Breslau.] **Solomon Maimon, Autobiography Chap. 23**

I. When the external yoke began to grow lighter, and the spirit felt freer, there arose again a brilliant personality who inspired great respect. This was Moses Mendelssohn who, by his commanding influence, has led the later development up to this very day. **This commanding individual, who had not drawn his mental development from the wellsprings of Judaism, was great chiefly in philosophical disciplines, in metaphysics and aesthetics.** He studied the Bible only from the philological and aesthetic point of view; he did not build up Judaism as a science from within itself, but merely defended it against political stupidity and pietistic Christian insinuations. **Personally an observant Jew, Mendelssohn showed the world and his brethren that it was possible to be a strictly religious Jew and yet to shine forth as a German Plato.** The words, "and yet," were decisive. His followers contented themselves with developing the study of the Bible in the philological-aesthetic sense, with studying the *Moreh*, and yet pursuing and spreading the humanities. But Judaism, Bible and Talmud were neglected. Even the most zealous study of the Bible was of no avail for the proper understanding of Judaism, because it was not treated as the authoritative source of doctrine and instruction, but only as a beautiful poetic storehouse from which to draw rich supplies for the imagination. With the Talmud thus neglected, and practical Judaism thus completely uncomprehended, it was but natural that the former symbolizing and abstract interpretation of Judaism, which had for a time been in the background, again became prevalent, and was carried to an extreme which threatened to destroy all of Judaism. . . . people should have asked themselves, **"Is Moses the son of Maimon, or Moses the son of Mendel, really identical with Moses the son of Amram?"** . . . There must be sense in all the commandments, in particular as regards those which declare themselves as being instructive, which call themselves "testimony" "memorial" and "symbol". It must be possible to find the spirit inherent in them. This attempt was never made. Moreover, many did not wish to make the attempt, or to attain the result. **For a spirit had come from the West which mocked everything holy,** and knew no greater pleasure than to make them sound ridiculous. Together with it, there entered a longing for sensual enjoyment, which eagerly embraced the opportunity to rid itself so easily of burdensome restrictions. Those motives combined to induce people to tear down the barriers erected by the Law, until human conduct

became one dead, dull level. **Rav Shamshon Raphael Hirsch, Nineteen Letters, Letter Eighteen, pub. 1836**

IV. The Sanhedrin of Napoleon

A. The Questions Presented by Napoleon

- 1) Are Jews allowed to marry several wives?
- 2) Does the Jewish faith permit divorce? And is an ecclesiastical divorce valid without the sanction of civil court or valid in the face of the French code?
- 3) May a Jewess marry a Christian, or a Christian woman a Jew? Or does the Jewish law demand alliances between Jews only?
- 4) Are the French in the eyes of the Jews their brethren or their enemies?
- 5) In either case, what duties does the law prescribe for the Jews toward the French who are not of their faith?
- 6) Do those Jews who are born in France and who are treated as French citizens regard France as their native country, and do they feel themselves obligated to defend it, to obey its laws, and to submit to all regulations of the civil code?
- 7) Who appoints the rabbi?
- 8) What police jurisdiction have the rabbis over the Jews? And what judicial authority do they possess?
- 9) Does their prestige rest simply upon usage?
- 10) Are there trades which the law forbids the Jews to practice?
- 11) Does the Jewish law interdict usury, the practice of usury with their co-religionists; and
- 12) Does it prohibit or allow usurious practices with Gentiles?

B. Proclamation for the Assembly of the Grand Sanhedrin

A great event is in the making. That which our fathers did not see in the long progression of centuries, that which we in our days could not hope to see, will reappear before the eyes of an astonished world. The 20th of October is the day which is fixed for the opening of the Grand Sanhedrin in the capital of one of the mightiest Christian empires and under the protection of the immortal prince who rules it. Paris will be the scene for a drama that will play before the world, and this eternally memorable event will open a period of redemption and happiness for the dispersed remnants of Abraham's descendants.

Who would not admire with us the hidden Plans of a Providence which we cannot fathom, which changes the forms of human affairs, brings comfort to the oppressed, raises the lowly out of the dust, and makes an end of the trials which Divine will has imposed, and which once again restores to the faithful guardians of His law the respect and good will of the nation. Since our dispersion, uncounted changes have proven the instability of human affairs. From time to time nations have expelled each other and at times intermingled with one another. We alone have opposed the stream of centuries and revolution. [There follows an extravagant tribute to Napoleon and the appeal to send delegates to the forthcoming Assembly].

C. The Declaration of the Sanhedrin

We declare that the Divine law, the precious heritage of our ancestors, contains religious as well as civil demands.

That by their nature religious demands are absolute and independent of circumstance and time.

That this is not the same with civil commands, that is to say, with those which touch upon government and which were designed to govern the people of Israel in Palestine when it had its kings, its priests, and its magistrates.

That these civil commands ceased to be applicable when Israel ceased to be a nation.

That in hallowing this distinction, which has already been established by tradition, the Grand Sanhedrin declares it to be an incontestable fact.

That an assembly of men learned in the law, united in a Grand Sanhedrin, can alone determine the consequences of such development; and that, if the ancient Sanhedrins have not done so it was only because political circumstances did not permit and because, since the entire dispersion of Israel, no Sanhedrin has assembled until now.

Therefore, engaged in this pious enterprise, we invoke Divine inspiration from which all good derives, and consider ourselves obligated to advance, as far as it depends on us, the achievement of the moral regeneration of Israel; and

Therefore, in virtue of the right conferred upon us by our customs and our sacred laws, which determine that there resides in an assemblage of the learned men of the time the essential capacity to determine, in accordance with the needs of the case, that which is required by the above-mentioned laws, be they written or oral, we now proceed to declare that obeisance to the law of the state in matters civil and political is religiously required.

Marriage

The Grand Sanhedrin, taking cognizance of the fact that in the French Empire and the Kingdom of Italy no marriage is valid unless it has been preceded by a civil contract before a public official, declares in virtue of the authority granted unto it:

That it is a religious obligation for every Israelite in France, as well as in the Kingdom of Italy, to regard from now on civil marriage as a civil obligation, and Therefore forbids every rabbi or any other person in the two lands to assist in a religious marriage without it having been established beforehand that marriage has been concluded according to the law before a civil officer.

The Grand Sanhedrin declares further that marriages between Jews and Christians which have been contracted in accordance with the laws of the civil code are civilly legal, and that, although they may not be capable of receiving religious sanction, they should not be subject to religious proscription.

Military Service

The Grand Sanhedrin declares that any Jew who is called to military service is, according to Jewish law, during the entire duration of the service, released from observing all religious obligations which interfere with such services.

D. The Display of Patriotism by the Sanhedrin

Men who have adopted a country, [they told the commissioners], who have resided in it these many generations—who, even under the restraints of particular laws which abridged their civil rights, were so attached to it that they preferred being debarred from the advantages common to all other citizens rather than leave it—cannot but consider themselves Frenchmen in France; and they consider as equally sacred and honorable the bounden duty of defending their country. . . . Love of country is in the heart of Jews a sentiment so natural, so powerful, and so consonant with their religious opinions, that a French Jew considers himself in England, as among strangers, although he may be among Jews; and the case is the same with English Jews in France. To such a pitch is this sentiment carried among them, that during the last war, French Jews were fighting desperately against other Jews, the subjects of countries then at war with France. **Transactions of the Parisian Sanhedrin**

V. HaRav David Sinzheim

A.

קראתי שם הקונטרס הזה "מנחת עני" כי חברתי אותו בעניות של תורה פה העיר פאריס מחוסר ספרים הנצרכים ומחוסר זמן להיותי צריך לעסוק בצרכי רבים אעפ"כ לא בטלתי . . . אפילו שעה אחת . . . פה פאריס פרשת חוקת שנת תקס"ט. הקדמה לס' מנחת עני לר' דוד זינצהיים

I called the name of this work, *Minchas Oni* (the gift or sacrifice of the impoverished) for I composed this in the midst of impoverishment of Torah, here in the city of Paris, as I was lacking the necessary *sefarim* (books) as well as sufficient time [to properly study]. This was because of the necessity of my involvement in addressing the needs of the community. Despite all of this, I didn't neglect my studies [when I had the opportunity] . . . for even an instant. **Preface to the Sefer Minchas Oni by HaRav David Sinzheim**

B.

הצדיק הזה שאנו עוסקים בהספדו הרב הגאון מו"ה דוד זצ"ל זינצהיימער בעל המחבר ספר יד דוד אשר בהיותו מכובד וקרוב מאד למלכות פריס . . . והיה גדול ומכובד מאד בעיני המלך . . . ובכל זאת היה . . . כל ימיו בתורה . . . וכל ספרי ראשונים ואחרונים היו ממש שגורים על פיו. ומכירו הייתי בילדותי וגם עתה ע"י חלוף כתבים עמו ראיתי צדקתו ותמותו . . . ולא משלו הם בו שיתפתה אחריהם ח"ו אלא אחר שגלה להם טפח חזר לכסות טפחיים וצד תמותו במקומו עמד . . . וריחו לא נמר . . . דרשות חתם סופר כרך א' דף פ' ע"ג

This *tzaddik* for whom we are gathered here to eulogize, HaRav HaGaon, Moreinu HaRav David Sinzheim, of blessed memory, the author of the *sefer* "*Yad David*", despite the fact that he was very respected and close to the members of the French government in Paris and held in high esteem by the Emperor [Napoleon], nonetheless spent his entire life devoted to the study of Torah. . . . He had extraordinary expertise in all of the works of the *Rishonim* (early Talmudic authorities) as well as those of the *Achronim* (later Talmudic authorities). I recognized his greatness while I was yet a youth and even more recently as I exchanged letters with him. I beheld his saintliness and perfection. . . . They weren't able to prevail over him and to tempt him to follow them. [On the contrary,] after he revealed to them one *tefach* (a hand's breadth), he covered over two *tefachim* (handsbreadth) i.e. he compromised on insignificant issues and preserved that which was essential. His perfection remained intact . . . and his spirit (lit. fragrance) lost none of its vigor. **Droshos Chasam Sofer Volume 1 p. 80c**