**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha and Jewish History**

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**Shiur #22:**

**1802 - Napoleon and Emancipation - Loyalty to State**

Last time, we discussed the declarations of independence that emerged from the great revolutions of France and America.

Article 1 of France’s 1789 Declaration of the Rights of Man and of the Citizen made the following claim:

All men are born and remain free and equal in rights. Social distinctions cannot be found but on common utility.

This claim should theoretically have granted full rights to all Jews living in France; however, their status was debated.

Although the revolution initially focused on human rights, freedom, and liberty, at some point it changed its focus to French nationalism. The term Revolutionists became associated with patriotism.[[1]](#footnote-1) As the Jewish people are not only a religion but also a nation, the question arose: What is the place of the Jew in the new order of France?

This discussion began before the revolution. A 1785 gathering in the city of Metz had already addressed the Jews’ place in French society, with the question: Are there means of making the Jews happy and more useful in France? The most accepted opinion in these debates favored Jewish emancipation under certain conditions.

Count Stanislaus Louis de Clermont-Tonnerre, a French noble, argued the following:

The Jews should be denied everything as a nation but granted everything as individuals. They must be citizens… there cannot be one nation within another nation. It is intolerable that the Jews should become a separate political formation or class in the country. Every one of them must individually become a citizen. If they do not want this, they must inform us, and we shall be compelled to expel them.

Both revolutions, in America and in France, led to granting the Jewish population full rights. In 1790, a letter written by George Washington established the rights of American Jews. A year later, the National Assembly decided to emancipate the Jews of France, and other Western European countries gradually followed suit.

**Napoléon Bonaparte, friend or foe?**

Following the French Revolution, Napoléon Bonaparte, a general in the French military, led a series of successful military campaigns. He won great victories over European countries and established France as a world empire.

Napoleon ruled this empire from 1799, and in 1804 officially became emperor of France.

In 1799, during a siege on the city Acre in Palestine, a proclamation of Napoleon’s called for the return of Jews to the Land of Israel, thus recognizing the national identity of the Jewish people.[[2]](#footnote-2) Many Jews were excited about Napoleon, with some even seeing him as the savior of the Jewish people!

Napoleon’s positive attitude towards the Jewish people strengthened the status of the Jewish community, helping them gain even more acceptance in France.

However, the leaders of the Jewish community were divided in their support for this ruler. On one hand, Jews were receiving civic rights under Napoleon’s leadership and new opportunities were opening to them. On the other hand, there were those who saw emancipation as a springboard for assimilation.

In 1812, when war broke out between Russia and France, a fierce debate took place among several leaders (*Rebbes*) of the Chassidic movement. Some, such as Rav Yaakov Yitzchak Rabinowicz of Peshischa (1766–1813), known as the *Yehudi Ha-kadosh*, and Rav Yaakov Yitzchak HaLevi Horowitz (c. 1745–1815), known as the *Chozeh* (seer)of Lublin, supported Napoleon and viewed the war as the messianic battle of *Gog Umagog*.[[3]](#footnote-3) Others, like Rav Shneur Zalman of Liadi (1745–1812), the founder of Chabad, took Russia’s side. Rav Shneur Zalman even encouraged his followers to actively support the (typically antisemitic) Russians. Chabad was involved in a spy network during the war, working against the French!

The common understanding is that the Rebbe of Chabad was concerned that the movement to emancipate the Jews would lead to assimilation. However, Professor [Immanuel Etkes](https://www.google.com/search?rlz=1C1CHBF_enIL830IL831&sxsrf=ALeKk036VDvthactUF3EV6-OGfdr11NYSQ:1621452999868&q=Immanuel+Etkes&spell=1&sa=X&ved=2ahUKEwj_q86Qv9bwAhVEBWMBHWoEBv4QkeECKAB6BAgBEDE) of Hebrew University has argued the opposite: that Rav Shneur Zalman preferred the Russians because he saw them as a righteous government![[4]](#footnote-4)

**Napoleon’s *Sanhedrin***

In 1806, the Emperor gathered an assembly of71 prominent Rabbis and members of the Jewish community. This assembly was titled *Sanhedrin* and its members were given a list of 12 questions to answer.

In their responses – or “decrees,” as they called them – the “Rabbinical court” addressed many issues to do with Jewish identity and relationships between Jews and non-Jews.

Among the 12 questions was:

Do the Jews born in France, and treated by the law as French citizens, acknowledge France as their country? Are they bound to defend it? Are they bound to obey the laws and follow the directions of the civil code?

In a book published with their responses to the questions, the assembly declared that according to Jewish law, every Jew must be loyal to his country and obey all its rules.[[5]](#footnote-5)

Let’s examine this religious rule and how halakhic authorities have addressed the matter of the Jewish community’s loyalty to the state in which they dwell.

**Praying for the welfare of the State**

After the First Temple was destroyed, Yirmiyahu turned to the Jews exiled to Babylon and delivered the following prophecy:

So said the Lord, the God of Israel, to all the exile which I have exiled from Jerusalem to Babylon: Build houses and dwell [therein], and plant gardens and eat their produce. Take wives and beget sons and daughters, and take wives for your sons and give your daughters to men, and they shall bear sons and daughters, and multiply there and be not diminished. **And seek the peace of the city where I have exiled you and pray for it to the Lord, for in its peace you shall have peace**.[[6]](#footnote-6)

Based on Yirmiyahu’s declaration,[[7]](#footnote-7) the Mishna in *Avot* (3:2) rules in the name of Rabbi Chanina:

Pray for the welfare of the government, for were it not for the fear of it, man would swallow his fellow alive.

Rav Yisrael Lifschitz (1782–1860) comments that the custom to pray on Shabbat for the welfare of the government is based on this Mishna.[[8]](#footnote-8) This custom was mentioned by Rav David Abudraham (14th century):

[following the Torah reading] they were accustomed to bless the king and to pray to God that He should aid him and strengthen him over his enemies, as it says: And seek the peace of the city where I have caused you to be carried away captives, and pray to the Lord for it; for in its peace shall you have peace. The peace of the city is that he shall pray to God that the king shall defeat his enemies.[[9]](#footnote-9)

Many different versions of prayers have developed, over hundreds of years, for the welfare of the different states in which Jews have lived.[[10]](#footnote-10)

**How to respond to the “goodness” and acceptance of non-Jewish communities?**

As mentioned above, Chasidic Rebbes argued about the best response to the French plan to emancipate the Jews. However, even those who welcomed these moves were aware and concerned about the potential dangers.

Throughout the next decades, community Rabbis expressed similar ambivalence. Here are two examples of the complex issues these historical events raised:

Rav Shimshon Raphael Hirsch (1808–1888) lived in Germany and believed that Jews have a religious responsibility to be loyal and respectful to their government and its laws:

Thus, God calls upon the Jews carried off into captivity in Babylon to settle there to further the good of that country as citizens and subjects to pray for its weal-the country which had forcibly taken them to live in its midst. He demands that every Jew find his own wellbeing only in that of the country, and, even as for his own, to work and pray for the welfare of the country- and yet Israel was not to spend longer than 70 years there!

In whichever land Jews shall live as citizens, as inhabitants or enjoying special protection, they shall honor and love the Princes and government as their own, contribute with every possible power to their good and fulfill all the duties towards Prince and land which a subject owes to his Prince, an inhabitant to his land, and the citizen to his country.

**This duty is an unconditional duty and not dependent upon whether the state is kindly intentioned towards you or is harsh**. Even should they deny your right to be a human being and to develop a lawful human life upon the soil which bore you, you shall not neglect your duty. Render justice onto yourself, and to the name which you bear and unto the duty which God laid upon you: ‘loyalty towards King and country and their promotion of welfare wherever and however you can.’[[11]](#footnote-11)

Rav Hirsch’s argument, that loyalty is required even if the government is corrupt, seems radical. The well-known rule of *dina d'malkhuta dina*,which obligates Jews to follow the law of the land, applies only when the law does not discriminate. Surely the same logic should apply in “duties of the citizen to his country”!

Rav Hirsch also welcomed the emancipation, explaining that the new laws would ease the hardships preventing the Jewish people from fulfilling their destiny.[[12]](#footnote-12) However, he was also aware of the potential dangers which could lead to assimilation.[[13]](#footnote-13) Quoting from *Megilat Esther* about how the Jews in Persia were welcomed in the non-Jewish community, he warned the Jews not to be “dazzled” by the acceptance of their neighbors.

In 1923, Chief Rabbi Avraham Yitzchak Kook delivered a speech in honor of the birthday of King George the 5th, discussing the mitzva to honor and support the local government and recognizing Great Britain’s role in supporting the establishment of a Jewish homeland.[[14]](#footnote-14)

Earlier, towards the end of the First World War, Zionist leaders had attempted to convince Great Britain to recognize Israel as the homeland of the Jewish people. The British Jewish community of the time published a proclamation declaring that they were citizens of Britain and did not wish to emigrate to Palestine. Rav Kook was furious, and called this proclamation “Treason”![[15]](#footnote-15)

Thus, we see that although the new winds blowing in Western Europe favored the Jewish communities and improved their living conditions, there was great concern that the embrace of the non-Jewish community had the potential to dazzle the Jews into believing non-Jewish ideals and forgetting their destiny.

1. See Assael Abelman, “*Toldot Ha-Yehudim*,” *Dvir*, pp.340-341. [↑](#footnote-ref-1)
2. See Assaf Malach, “*Mei-ha-Tanach v’ad Medinat ha-Yehudim,*” *Yediot Acharonot*, p.50. [↑](#footnote-ref-2)
3. Martin Buber’s book on messianic tension among Chassidic Rebbes regarding world affairs (such as the Napoleonic Wars) is titled *Gog Umagog*, highlighting the centrality of this concept to their debates. [↑](#footnote-ref-3)
4. Etkes dedicated an entire chapter to this in his biography on the founder of Chabad. See *Ba’al Ha-Tanya*, *Merkaz Zalman Shazar*, chapter 10. [↑](#footnote-ref-4)
5. The book, which is written in Hebrew and French, can be found at: https://www.hebrewbooks.org/pdfpager.aspx?req=39655&st=&pgnum=39. [↑](#footnote-ref-5)
6. *Yirmiyahu* 29:4-7. [↑](#footnote-ref-6)
7. See Rashi on the Mishna*.* [↑](#footnote-ref-7)
8. *Tiferet Yisrael* on the Mishna, ibid. [↑](#footnote-ref-8)
9. *Sefer Abudraham*, *Hilkhot Keriyat HaTorah.* [↑](#footnote-ref-9)
10. See Aharon Ahrend, “*Pirkei Mechkar L’Yom Haatzmaut*,” Bar Ilan University, chapter 10. [↑](#footnote-ref-10)
11. *Horeb*, Soncino Press, Vol.2 pp. 460-462. [↑](#footnote-ref-11)
12. *Igrot Tzafon*, 16. [↑](#footnote-ref-12)
13. *Horeb*, Vol 1. 238. [↑](#footnote-ref-13)
14. *Ma’amrei Haraya*, pp.302-305. [↑](#footnote-ref-14)
15. Ibid., pp. 331-332. [↑](#footnote-ref-15)