NAPOLEONIC FREEDOM OF WORSHIP IN LAW AND ART

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ABSTRACT

Napoleon’s most famous innovation in his legendary military career was the use of the daunting Grande Armée with an emphasis on speed, maneuverability, and maintaining the offensive. Yet Napoleon understood that while skirmishes were won or lost on the battlefield, the real war lay in public perception. To that end, Napoleon used art and cultural treasures as part of his arsenal in order to create the perception of victory, regardless of the outcome of any particular campaign. Examining contemporary French artistic representations of Napoleon granting freedom of worship to religious groups, this article analyzes artwork as a tool for fashioning and communicating legal narrative. Popular visual arts are mined for meaning, painting a portrait of the legal and cultural setting of these creative works. The partisan artwork demonstrates how Napoleon’s artists depicted freedom of worship as the freedom—granted to all faiths—to worship Napoleon. It is noted that Jews feature disproportionately in the Empire period’s depictions of freedom of worship. This is surprising, as the Jewish community was numerically insignificant and hardly influential in Napoleon’s realm. This article argues that in addition to broadcasting religious tolerance, Napoleonic artwork used Jews and symbols like Moses and tablets of law to fashion a narrative of law that foregrounded the legal legitimacy of Napoleon’s rule: Napoleon’s regime is legally just; the enlightened ruler affords rights and liberties to all his subjects; divine Napoleon is the new lawgiver.

KEYWORDS: freedom of worship, liberté des cultes, Napoleon, tablets of law, Moses, legal narrative

Napoleon’s military and political career famously—and forcibly—spread Enlightenment and French Revolution ideas across Europe. From a legal perspective, this included new laws and notions of codification; the promise of rights, civil liberties, equality before the law, and freedom of worship.¹ Napoleon sloganized “liberté, ordre public,”² but his legal impact went beyond liberty

¹ Freedom of worship has been used to describe an individual’s right to practice religion, whereas freedom of religion has been used to describe tolerance of variant belief systems. Freedom of religion is considered more inclusive, as comprehending rights to change one’s religion, evangelize, and participate as an organization in the public arena. Some argue that the distinction is moot and that the terms are interchangeable. In as much as there is a distinction, I have opted for freedom of worship because it better describes the situation under discussion and because the Napoleonic discourse focused on liberté des cultes rather than liberté des religions.

² Gustave Flaubert, Par les champs et par les grèves (voyage en Bretagne) [Over strand and field: A record of travel through Brittany], in Oeuvres complètes de Gustave Flaubert [The complete works of Gustave Flaubert], 16 vols. (Paris: L. Conard, 1910), 6:87, 91. Although the famous trio liberté, égalité, fraternité became the national motto of
and public order. His most formidable achievement was the 1804 Code Civil des Français, better known as Code Napoléon. Codes of civil procedure (1806), commerce (1807), criminal procedure (1808), and criminal law (1810) followed—all of which outlasted their sponsor.

In this article I analyze artwork contemporary with those legal transitions. I endeavor to deepen our understanding of a formative chapter in the history of freedom of worship, a right that was, and still is, central to libertarian thought. By focusing on painters’ strokes and engravers’ etchings, what emerges is an image not of a lofty ideal but of how freedom of worship functioned in the service of Napoleon’s rule. Analysis of the contemporary artwork reveals that the ideal of freedom of worship was not about religion but about Napoleon—first as the mediator of religion, and later as the object of worship. Ultimately, Napoleonic freedom of worship was the freedom to worship Napoleon.

In this examination of artistic representations of freedom of worship and their underlying legal narrative I aim to enrich the portrait of the legal, artistic, and intellectual history of the Napoleonic era. Furthermore, I illustrate the importance of art as a fertile, untapped source for scholars of legal history and of law and religion.

**LAW, ARTS, HISTORY: MÉNAGE À TROIS**

My analysis of the history of Napoleonic freedom of worship is plotted in relation to three areas of scholarship: law in art, Empire style art, and, to a lesser extent, Judaica Napoleonica.

“Napoleon and the Jews” has long been a subject of scholarly interest. Inspired by French revolutionary ideals, Napoleon promised rights to Jews in France and in other lands that he
conquered; for many Jews this reflected a significant change in their lot. The 1806 convening of the Grand Sanhédrin captured the imagination. This historically unique legal body evoked memories of the sages of Jewish law in the Land of Israel from the Hasmonean period through Roman rule.4

From the perspective of law-in-action, scholars have explored how Napoleonic law affected Jews in France and in states that came under varying degrees of Napoleonic influence. Ronald Schechter has critiqued the scholarship in this field, noting, “[h]istorians have tended to neglect Napoleon’s encounter with the Jews or to relegate it to the status of a curiosity worthy of a line or two. Those who have examined it at any length have tended to reduce their analysis to praise or blame for the emperor and/or the Jews.”5 Schechter sought to remedy this by exploring the relationship toward Jews in France from 1715 through the fall of Napoleon in 1815. Taking stock of Schechter’s critique, I add to the conversation by analyzing artistic representations from the Napoleonic era, thereby lending an additional, humanistic perspective to Judaica-Napoleonica scholarship, and augmenting the conversation about Napoleon and the Jews.6 To be sure, Napoleonic freedom of worship did not apply solely to Jews; indeed, many of the legal developments focused on other confessional groups. Yet underscoring the Jewish perspective is particularly illuminating because of the singular use of Jewish symbols and because of a unique set of art pieces that feature Jews.

Empire style art—a neoclassical style that flourished in France under Napoleonic rule—is criticized for its unabashed partisanship and its bald attempt to fashion the Napoleonic myth. Although art scholars may question the value of these works, from the historian’s perspective, Empire style art communicates an accessible, relatively unambiguous visual language. Yet the rich studies of Napoleonic art have only partially focused on representations of law. Whereas scholars have tracked Napoleon’s exploitation of art and craft, they have not brought the legal perspective into sharp relief.7 Focusing on visual arts provides a unique lens on changes in law and rights during Napoleon’s regime.

This discussion emphasizes art that was concurrent with the events depicted. As opposed to art created at a later time, which provides a window on the legacy of historical events, I focus on contemporary perceptions and narratives of freedom of worship. Thus paintings by artists who were not contemporaneous with events lie beyond the scope of this article.8 This methodological limitation allows me to go beyond an interrogation of law in arts, and it places this study at the nexus of a ménage à trois of law, art, and history.9

The use of visual arts has already been applied to scholarly studies of medical history, with rich results.10 Visual arts have also been analyzed in order to gain insight into the history of

6 Schechter, Obstinate Hebrews, 207–09, discusses one piece examined closely in this article, Napoléon le grand, rétablit le culte des Israélites, le 30 Mai 1806 [Napoleon the Great restores the worship of the Israelites, May 30, 1806], as did Albert Boime, Art in an Age of Bonapartism, 1800–1815 (Chicago: University of Chicago Press, 1990), 9–10. Other scholars have touched on some of the artwork explored in this article.
7 There are a number of artistic depictions of Napoleon and the Code that should be considered together. I treat some below, though as a discrete group they are beyond the scope of this article.
10 Regarding medical aspects of Antoine-Jean Gros, Bonaparte visitant les pestiférés de Jaffa [Napoleon Bonaparte visiting the plague-stricken in Jaffa], 1804, oil on canvas, 523 x 715 cm, Musée du Louvre, Paris, see Todd
environmental law. In this article, I continue in this scholarly vein, but instead of trying to recover history (as in the medico-artistic studies), my goal here is to discern legal narrative, which cannot be culled from reading the law. Examining contemporaneous art is one means of reading the undercurrent, backdrop, atmosphere, and subtext of the law.

The relationship between law and the arts can take various forms. In Napoleon’s case, art was pressed into the service of law, filling a function that law can never achieve: by using visual images to stir emotions, art can create a narrative of legality that allows law to function. Herein lies the importance of this study for scholars of law and religion: artistic representations complete the story—or in some cases, even tell the “real” story—of the objectives and achievements of historic laws granting rights to religious minorities.

NAPOLEON AND THE ARTS

Napoleon recognized the communicative power of the arts and its ability to fashion narrative. His attitude toward cultural treasures can be summed up as plunder and preservation, patronage and propaganda.

As a notorious looter of artwork from around the world, Napoleon acquired prizes both as spoils of war or through treaties with vanquished foes. The plundering that was part of the Italian campaign (1796–1797), whose prizes were carted to Paris, culminated in the Treaty of Tolentino, concluded between France and the pope on 1 Ventôse Year V (February 19, 1797). This treaty granted “legal” status to the confiscation of Vatican treasures.


Robert B. Holtman, Napoleonic Propaganda (Baton Rouge: University of Louisiana, 1950), addresses the various media employed by Napoleon in fashioning narrative. Holtman opens his study by declaring that discussion of legislation is beyond his scope because it is not a tool of propaganda (“Introduction: De Propaganda,” xi–xv, at xii).

Giustino Filippone, Le relazioni tra lo Stato pontificio e la Francia rivoluzionaria: Storia diplomatica del Trattato di Tolentino [Relations between the Papal State and revolutionary France: Diplomatic history of the Treaty of Tolentino], 2 vols. (Milan: A. Giuffrè, 1961–1967); for the treaty in French, see Filippone, 2:710–13. For an
Napoleon’s campaign in Egypt and Syria (1798–1801) was accompanied by art scholars and scientists, whose orientalist mission included recording, classifying, and analyzing Egyptian culture, geography, history, and art. Valuable items were collected and shipped back to France. This campaign had a far-reaching impact on art; among other things, it influenced the development of the survey museum and resulted in Egyptian art becoming part of the Western art canon.

Besides its intrinsic worth, Napoleon understood the persuasive value of the loot, as he used art to garner support in Paris for his military escapades abroad. For instance, during his Italian campaigns, Napoleon dispatched convoys of plunder to France, leaving the Directory little choice but to support his decisions. Moreover, Napoleon was cognizant of art’s utility for narrative formation. As part of a concerted effort to create a victorious narrative of the failed Egyptian campaign, Mamelukes were brought back to Europe, paraded around, and immortalized in contemporary art. Indeed, art and propaganda were virtually inseparable in Napoleonic France. Thus, Napoleon cultivated a new style in art—Empire style—employing ancient motifs in a bid to link his rule to the Roman imperial regime and its military prowess.

As he curated the booty in Paris, Napoleon became a patron of the arts, and, in deference to his efforts, the enriched Louvre became known as the Musée Napoléon. Napoleon’s 1812 campaign was documented by artists fighting as part of the Grande Armée, bequeathing a unique graphic

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Chandler, Campaigns of Napoleon, 76, 84–85.

Porterfield, Allure of Empire, 45–79; Grigsby, Extremities, 112–19. For an example of contemporary art, see Gioacchino Giuseppe Serangeli, Napoléon Ier recevant au Louvre les députés de l’armée après son couronnement, le 8 décembre 1804 [Napoleon receiving deputies at the army at the Louvre after his coronation, December 8, 1804], 1808, oil on canvas, 403 x 531 cm, Versailles, Musée national du Château de Versailles, MV 1505, http://collections.chateauversailles.fr/#cd9375ac-31db-4ae8-853f-ed9d0f038c62.

record of this campaign.\textsuperscript{20} Finally, Napoleon’s weapon for his last “battle” was the pen, as he fought valiantly from the remote island of Saint Helena in a bid to depict his legacy.\textsuperscript{21}

The message was not monolithic: at different stages and in varying circumstances, art was co-opted into an array of at times contradictory roles, as determined by the situation at hand.\textsuperscript{22}

Thus, shrewdly recognizing its potency, art was central to Napoleon’s military ventures, political career, legislative activity, and the legacy he sought to cultivate.

Unsurprisingly, the charismatic leader was celebrated in the arts. Much of this creative expression focused on Napoleon’s gallant military career and audacious political achievements. Nonetheless, changes in law were also noticed (though not to the same extent as Napoleon’s other accomplishments) in contemporary creative works by famous poets across Europe, such as Lord Byron (1788–1824), Heinrich Heine (1797–1856), and Alexander Sergeyevich Pushkin (1799–1837).

It bears noting that scholars have demonstrated the role of printing—the printed word and the printed image—in fashioning eighteenth-century identity, culture, sensibilities, and empathy. Epistolary novels, newspapers and pamphlets, visual images reproduced in the form of prints, lawyers’ accounts, Diderot’s \textit{Encyclopédie} (which included 2,885 plates), and other treatises—all
furthered by new, faster, and more economically viable reproduction technologies—played significant roles in creating mimetic capital, shaping public opinion, and forging unified national projects.23

Among the images discussed in this article are prints from engravings that were part of the phenomenon of popular visual discourse that portended the era of mass media. The images were not publicly exhibited at the Salon; rather they were part of “the hurly-burly of working-class history.”24 In contrast to the limited circulation of fine arts, widely distributed printed images were potent tools for narrative formation and propaganda dissemination.25

Did Jews feature in Napoleonic artwork? At first glance, the question appears incongruous: Jews were a statistically tiny, largely irrelevant population in France and in most of the lands Napoleon conquered. In fact, considering Napoleon’s military feats and political career, that Jews appear at all in Napoleonic artwork is surprising. While the question perhaps seems absurd, the fact is that philosophes, encyclopédistes, and other writers devoted a disproportionate amount of wordage to Jews,26 and there is indeed a body of French visual art from the Napoleonic era that depicts Jews.27

Artistic representations of Napoleonic freedom of worship can be divided into two groups. The first group, from 1800 to 1801, focuses on art that depicts religious groups including Jews. The second group, from 1806, deals with art where Jews are the subject.28 This study focuses on these two categories of artwork that treat aspects of freedom of worship and seeks to reconstruct the artists’ visual message and their narrative of law. For the backdrop of Napoleon’s legislation and accompanying artwork, I begin with General Bonaparte’s exhortations to his soldiers regarding treatment of religious figures they were encountering.

FREEDOM OF WORSHIP

On June 22, 1798, General Bonaparte issued a proclamation to his Egypt-bound troops. He opened by reminding them of the importance of the campaign as part of the economic war being waged against England. Napoleon then spoke of the local Muslim population whom the soldiers were about to encounter, explaining some tenets of Islam and issuing instructions as to how the locals


24 Darnton, Business of Enlightenment, 2.

25 It was with this in mind that Napoleon ordered and financed the production of a print from Gros’s Arcole (1796); see O’Brien, After the Revolution, 36–37. Similarly, the government supported the production of an engraving of Lejeune’s Batallle de Marengo [Battle of Marengo] (1801, 1802); see Siegfried, “Naked History,” 249. Regarding the profile and number of visitors to the Salon, see O’Brien, After the Revolution, 6, 244n27.

26 Schechter, Obstinat Hebrews, 5–10.

27 A subcategory of this second class, artwork of the 1806 Grand Sanhédrin in session, is not treated here. Although the Grand Sanhédrin images are generally consistent with the theme of freedom of worship under the aegis of Napoleon as an enlightened ruler that characterizes both groups of art, these particular pieces highlight a different tension expressed in competing narratives as to this legal body’s nature and purpose. Consequently, drawings of the assembled Grand Sanhédrin should be examined separately, as they are outside the scope of this discussion of freedom of worship.
were to be treated: “Behave to them as you behave to the Jews—to the Italians,” referring to the Italian Jews and the Catholics encountered during the Italian campaigns of the French Revolutionary Wars against the First Coalition (1792–1797). In March 1796, Napoleon was appointed commander-in-chief of the Army of Italy—the most disordered of France’s thirteen field armies—which he led with resounding success. Napoleon’s battles in northern Italy included encounters with papal forces and staunchly Catholic soldiers and civilians. Indeed, the pope was seen as the inveterate ideological enemy of the French Revolution.

In Napoleon’s eyes, cunning military strategy, gallant bravery on the battlefield, and eventual victory over the enemy need not entail incivility and disrespect. Thus on the eve of the Egyptian Campaign, Napoleon urged his troops to

[play respect to their muftis and their imaums [sic], as you did to the rabbis and the bishops. Extend to the ceremonies prescribed by the Koran and the mosques the same toleration which you showed to the synagogues, to the religion of Moses and Jesus Christ.]

Contemporary memoirs of Italian Jews vividly record the respect accorded them by Napoleon’s conquering forces.

Alas, the reality experienced by the Egyptian Muslim population was a far cry from Napoleon’s grand declarations. In some cases, Napoleon’s forces were simply unable to live up to the standard that their leader had set: How could the army honor Islamic law that forbade non-Muslim subjects from riding horses with decorated saddles, carrying swords, or holding posts of authority?

Yet even in other situations, the French did not necessarily heed Napoleon’s lofty exhortation, as the land they encountered was far from the exotic and fertile paradise they had imagined. One French soldier wrote in a letter to his mother that was intercepted by the British: “La peste y est très-commune; le peuple y est barbare; leur dieu est Mahomet, ils n’en connoissent pas d’autres” (“The plague is very common here; the people are barbarians: their God is Mahomet—they know no others!!!”). It was therefore no surprise that the French response to the bloody Revolt of Cairo included desecration of holy sites. As one Muslim chronicler vividly described,

[then those wild goats [that is, the French] rode into the mosque on horses, entering through the big gate and going out from the other place where the donkeys were tied. And the French trod in the Mosque of al-Azhar with their shoes, carrying swords and rifles. Then they scattered in its courtyard and its main praying area (maqṣūra) and tied their horses to the qibla. They ravaged the students’ quarters and ponds]
The discrepancy between the stated ideals and facts on the ground is not cause for discussion here. I point out the chasm only as a reminder that I am discussing legal narrative, not law-on-the-books or law-in-action.

The religious tolerance expressed by General Bonaparte was continued in the policies of First Consul Napoleon following the coup d’état of 18 Brumaire (November 9, 1799). Subsequent decrees rolled back the Revolution’s harsh anticlerical stance. Thus, a decree on 8 Frimaire Year VIII (November 29, 1799) provided for the release of clergy detained after refusing to take the oath to the Constitution civile. A month later, a decree from 7 Nivôse Year VIII (December 28, 1799) annulled the regulations that had closed churches in order to prevent Mass from being said. The spirit of these events is depicted in a print from a woodcut titled Liberté des Cultes (figure 1). For the English reader it bears noting that the French word culte does not simply mean form of worship or religion.

The print was part of a report by the minister of police from 27 Nivôse Year VIII (January 17, 1800). Two texts appear on the back of the print. The first is an anonymous poem, written in alternating rhyme sequence (ABAB), celebrating the recent decree and trumpeting Napoleon’s promotion of religious freedom. The heading makes it clear that, although the specific context was Catholicism, the policies of First Consul Napoleon were “à la religion catholique et aux autres cultes” (for the Catholic religion and other religions). Jews were one of the groups that received specific mention in the poem:


37 The texts on the reverse can be seen at https://gallica.bnf.fr/ark:/12148/btv1b69405065. Unless otherwise noted, I have provided the translations.
Figure 1 [Signed “Bayard”], *Liberté des Cultes* [Freedom of worship]. Print from woodcut, 37 x 24.6 cm. Bibliothèque nationale de France, département Estampes et photographie, Reserve QB-370 (55)-FT 4. Reproduced by permission.
Dans le héros, le juif surpris,
Convient avec franchise,
Qu’il a vu le sauveur promis
Par la loi de Moïse.
En effet tout [sic, tout] Français joyeux,
Sans attendre un messie,
Nomme ce héros Glorieux,
Sauveur de la patrie.
(In the hero, the surprised Jew,
Admits with frankness,
That he saw the savior promised
By the law of Moses.
Indeed, any happy Frenchman,
Without expecting a messiah,
Names this glorious hero,
Saviour of the homeland.)

The anonymous poet invokes the theme of Napoleon as Messiah, a recurring trope in the contemporary Jewish and Christian writing.38 Although messianic hope can be seen as a central theme of Judaism, it is not mentioned in the “law of Moses”: not in the Ten Commandments, nor elsewhere in the Pentateuch. Nonetheless, by describing it as a pledge of Mosaic law, the poet cast messianic hope in a legal light.

The second text on the back of the Liberté des Cultes print is a circular dated 22 Nivôse Year VIII (January 12, 1800). Signed by the minister of police, Joseph Fouché (1759–1820), the circular “sur le retour des prêtres, et sur la tolérance des cultes” (on the return of priests, and on the tolerance of worship), clarifies the government’s intentions, and was published in the following day’s Le Moniteur.39 It invited certain priests to return and repatriated church-owned buildings. Although Catholicism was specifically singled out, the circular had broader implications. Thus it declared, inter alia, “[q]ue tous les cultes soient donc libres et égaux” (that all forms of worship are therefore free and equal).

Before examining this Liberté des Cultes print, I point out the existence of a strikingly similar younger sibling, issued about a year and a half later in response to another legislative event (figure 2).

On July 15, 1801, Napoleon signed a concordat with Pope Pius VII, in which Catholicism was recognized as the religion of the majority of French citizens, but not of the French state. This concordat and subsequent French legislation paved the way for religious freedom in France.40 The outcome of these legislative events was depicted in a hand-colored print by an unknown artist. Its caption reads, “Liberté des Cultes maintenue par le Gouvernement” (Freedom of worship

38 Paul Holzhausen, Heinrich Heine und Napoleon I [Heinrich Heine and Napoleon I] (Frankfurt: Moritz Dieterweg, 1903), 46, 118–19; Zlotkowski, Heinrich Heine Reisebilder, 124–26; Schechter, Obstinate Hebreus, 200–02, 228–30; Binyamin Shelomo Hamburger, Meshibei ha-sheker u-mitnaggedeihem [The false messiahs and their opponents] (Bnei Brak: Machon Moreshet Ashkenaz, 2010), 480–517.

39 Gazette nationale ou Le Moniteur universel, 23 Nivôse an VIII [January 13, 1800], no. 113, 447–48. An extract of the circular was printed in Fleurigeon, Manuel Administratif, 3:85–86.

Figure 2 Liberté des Cultes maintenue par le Gouvernement [Freedom of worship maintained by the government]. Print from etching, colored, 28.5 x 21.5 cm. Bibliothèque nationale de France, département Estampes et photographie, Reserve QB-370 (55)-FT 4. Reproduced by permission.
maintained by the government), followed by “Un Gouvernement sage protège toutes les Religions / Vous êtes tous frères aimez tous le Gouvernement sous lequel vous vivez” (A wise government protects all religions / You are all like brothers; love the government under which you live).41

Because of the similarities in appearance and narrative, the two prints are treated together here, even though they are the work of different artists and were sparked by different legislative moments. Note that both events—and hence both prints—were connected to changes in the legal status of the Catholic Church in France. Yet in both cases, the artists took the opportunity to make a broader statement about religious freedom under Napoleon’s rule. This was not inevitable: other legislative events were artistically commemorated solely in terms of the Catholic Church, even if they applied to other religious groups. For instance, on April 8, 1802, the Corps législatif sanctioned the 1801 Concordat and passed a law allowing public worship.42 On the very same day, a parallel law was enacted regarding Protestant sects.43 A medallion struck to commemorate the occasion features a bareheaded bust of Napoleon on the obverse and the words “Napoleon Bonaparte Premier Consul.” On the reverse is “Rétablissement du Culte” (Restoration of worship) at the top, and across the bottom is “Le XVIII Germinal an X,” the date in the French Revolutionary calendar when the legislation was passed (figure 3).44

A maiden representing the church sits in a limp, mournful pose, head bowed; next to her, on the ground, are a book and a crucifix. Prudentia, the allegorical female figure who represents the virtue of prudence, holds in one hand a mirror and a snake. With her other hand she lifts the maiden’s hand, as if to help her rise. Although this image could apply to any Christian confession, two aspects of the medallion focus on Catholicism. The left side of the reverse features part of the western façade of Cathédrale Notre Dame de Paris. More subtly, the background includes fasces, the Roman symbol of authority, together with a sword and shield, and a rooster, a symbol of dawn and vigilance, sits on top of the shield. The rooster, gallus in Latin, was the ancient Roman term for Gaul. Visually, the medallion suggests that, despite the new legislation, France remains superior to the Catholic Church in Rome.

To clarify: It is entirely appropriate for the medallion to focus on Catholicism, for the legislation was triggered by the 1801 Concordat. Indeed, ten days later, the Te Deum—a thanksgiving hymn to God45—was performed at Notre Dame in celebration of the reconciliation between Revolutionary France and the Catholic Church. This is precisely what makes the two Liberté des Cultes prints that include other religions so interesting: their narrative of sweeping affirmation of freedom of worship, rather than a narrow statement about Catholicism in France.

The artists portray ten figures and a numerical key for their identification. Figure number one is Napoleon, who stands on a mound, towering over all the others. In one hand, Napoleon holds an object with the words “Liberté des Cultes” (Freedom of worship); his other hand points at a triangle in the sky that radiates beams of light. In the colored print, the triangle has an unintelligible inscription; in the non-colored print, a hairy, bearded figure extends from inside the triangle. The triangle surrounded by rays of light together with the Eye of Providence had already been used in the eighteenth century—in the seal of the fledgling United States of America and by

42 Anderson, Constitutions, 299–305.
43 Anderson, Constitutions, 307–08. A similar arrangement was made for the Jews in 1808.
44 Both sides of the medallion note “Andrieu Fecit” (made by Andrieu), referring to French engraver Jean-Bertrand Andrieu (1761–1822). See Millin and Millingen, Medallic History of Napoleon, page 23 and plate XXIX, no. 61.
Freemasons a few years later. It was common in French revolutionary artwork. The use here of the radiant triangle—albeit without the eye—bespeaks divine providence and enlightenment. In the colored print, the rays reach Napoleon’s outstretched arm but not the other figures. In the black-and-white print, the rays reach all the figures, although only Napoleon is reaching up to the bearded figure. Napoleon faces the representatives of the religions, gesturing toward the light, as if to instruct the clerics. Napoleon is cast as God’s messenger and intermediary, a teacher and guide, a link between temporal religions and the divine.

The other nine figures are identified as different faiths: a Catholic bishop, a Quaker, a Jew, a Protestant minister, a kneeling “good Chinese priest” representing Confucianism, a Greek Orthodox bishop, a Mexican idolatrously worshipping the sun and representing religion in the Americas, a Muslim imam, and an “idolâtre des Indes” bowing down and averting his eyes, probably signifying Hinduism. The figures are drawn to Napoleon and to the rays of light. The prints evince equality between the religions; no particular confessional faith is privileged. Regardless of religious affiliation, Napoleonic rule grants freedom of worship to all.

The Jew is depicted as a bearded figure with his head covered and what is presumably a prayer shawl draped over his hat. Next to him is a large stone slab, identified by the caption “Table de Moyse” (Tablet of Moses). According to a rabbinic tradition, each tablet was six handbreadths long, six handbreadths wide, and three handbreadths thick. As in the present case, however, artistic depictions are often different sizes. The writing on the tablets is deliberately illegible, though in the colored print one tablet has ten discernible lines, perhaps evoking the Ten Commandments. According to Jewish tradition the tablets were written in a Semitic script, yet the artist avoided using that visual medium. Hebrew script in non-Jewish art was not unheard of and could conceivably have been used here, as in Rembrandt’s famous 1659 painting Moses Breaking the Tablets of

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47 In the earlier Liberté des Cultes print, the first word is covered by the prayer shawl, leaving “Tab de Moise.”

48 Babylonian Talmud, Bava Batra 14a. Other rabbinic sources give smaller measurements.
the Law.49 Perhaps the picture was directed to viewers who might not be able to identify the writing as Hebrew graphemes; perhaps the artist was unable to write Hebrew. Moses and the tablets is a recurrent theme in French Revolution artwork, though—as I demonstrate below—the theme has a special iteration in Napoleonic art.

The prints narrate details of what the granting of freedom of worship by Napoleon meant. Like the Catholic bishop holding a cross and crosier, people may continue to fervently grasp items of religious significance. Like the Greek Orthodox bishop wearing his klobuk, people may continue to wear their sacred vestments. Like the queue of the “good Chinese priest,” people may wear their hair according to the dictates of their religion. Similarly, the Jew may hold his tablets, cover his head, wear his prayer shawl, and grow his beard, all thanks to the freedom of worship mediated by the enlightened Napoleon.

These two prints can be better understood when we contextualize them by considering other contemporary prints. For example, the artwork taps into the images, conventions, and inclusive themes of the monumental Cérémonies et coutumes religieuses de tous les peuples du monde by bookseller and publisher Jean-Frédéric Bernard (1683–1744) and engraver Bernard Picart (1673–1733).50 Thus, for instance, on the richly decorated frontispiece of the 1727 Dutch edition and subsequent French editions, the Jew is depicted as a bearded figure with his head covered and a prayer shawl draped over his hat. Picart also labeled his images and provided a key to assist their decoding, a convention that anticipated the graphics in Diderot’s Encyclopédie.

Bearing this backdrop in mind suggests that designating religious figures “idolaters” would not necessarily have been perceived as pejorative, since Bernard and Picart used this term in a tolerant sense. Yet there is a marked difference between the visual message of Cérémonies and that of the Liberté des Cultes prints. Both sets of artwork proposed that religions could be compared on equal terms, and both acknowledged something higher than specific religious affiliation and practice. Whereas that proposition led Bernard and Picart to profess religious toleration, the same proposition led Napoleon to demand acknowledgment of his rule. Picart’s engravings (together with Bernard’s text) suggest belief in a universal truth that transcends any particular religion; the Liberté des Cultes engravings suggest fidelity to Napoleon that transcends any single religion.


Figure 4 Fête célébrée en l’honneur de l’Être suprême [Celebration in honor of the Supreme Being], 1794. Colored print from etching, 31.5 x 26 cm. Bibliothèque nationale de France, département Estampes et photographie, Reserve QB-370 (46)-FT. Reproduced by permission.
A second point of visual comparison that can help us understand the Liberté des Cultes prints is a 1794 colored etching (artist unknown) captioned “Fête célébrée en l’honneur de l’Être suprême” (figure 4), produced in honor of the inauguration of Le culte de l’Être suprême (Religion of the Supreme Being) on 20 Prairial Year II (June 8, 1794). The new deist worship established by Maximilien Robespierre (1758–1794) was a civic religion offered as a replacement for Catholicism, and as an alternative to the revolutionary Culte de la Raison (Religion of Reason) instituted instead of Catholicism. Although the Religion of the Supreme Being was later outlawed, when the two Liberté des Cultes prints were produced, Robespierre’s deism was still legal (even though Robespierre himself had been guillotined), and the two prints were pointedly replacing some of the themes.

The 1794 print features symbols from the inaugural festival. Although some of these symbols appear in other artistic renditions of the festival, the Liberté des Cultes prints seem to be in direct conversation with this particular print.51 Thus, the radiant triangle adorns the top of the 1794 print, as it does the Liberté des Cultes prints. Also featured in the 1794 print (and other artwork related to the event) is the venue: the man-made mound at Champ de Mars in Paris. In the Liberté des Cultes prints, Napoleon stands on such a mound. In the 1794 print, a tree symbolizing liberty was planted atop the mound; the Liberté des Cultes prints feature a tree in the background. Also atop the mound are two tablets inscribed with the words “Droits de l’homme” (Rights of man). In contrast, Napoleon permits the Jew to hold on to his tablets. It seems that the prints are suggesting that Napoleon’s Liberté des Cultes is not just the granting of a right; rather, Napoleon has replaced the previous religions of the French Revolution. What then was Napoleon proposing as a replacement for existing—new and old—religions? This question can be answered after examining the second set of Napoleonic artwork: compositions from 1806 where Jews are the subject.

JEWISH WORSHIP

In 1806, the Parisian draughtsman and artist François-Louis Couché (1782–1849) produced an engraving depicting the relationship between Napoleon and the Jews in terms of a legal narrative (figure 5).52 Couché’s engraving was printed together with a text hailing Napoleon’s treatment of the Jews, “une antique nation gouvernée par la divine législation de Moïse” (an ancient nation ruled by the


52 Copies of this image on different sized leaves are held in the Bibliothèque nationale de France, département Estampes et photographie, Reserve FOL-QB-201 (149) (engraving printed on paper, colored, leaf 28 x 20 cm, picture 10.2 x 13.9 cm, http://gallica.bnf.fr/ark:/12148/btv1b8413362d) and in the Musée d’art et d’histoire du Judaïsme, 2015.14.001 (copper engraving, printed on vellum paper, leaf 33.7 x 25 cm, https://www.mahj.org/en/découvrir-collections-betsalel/napoleon-le-grand-retablit-le-culte-des-israelites-le-30-mai-1806-1). On this picture, see Boime, Art in an Age of Bonapartism, 9–10; Schechter, Obstinate Hebrews, 207–09. While I am indebted to Schechter’s analysis, I disagree with his identification of the Lion of Judah and of Synagoga in her classic pose.
The caption of the picture clarifies the immediate context; May 30, 1806, the date on which Napoleon convoked the Assemblée des Israélites.

The following year, the image was included in a collection of prints and texts titled *Fastes de la Nation Française*, whose title page explained that the work was “destinés à perpétuer la mémoire des Hauts faits militaires, des Traits de vertus civiques, ainsi que des Exploits des Membres de la Légion d’Honneur” (designed to perpetuate the memory of lofty military deeds, traits of civic virtues, and the memorable feats of the members of the Legion of Honor). The inclusion of the print in this work suggests that, notwithstanding its specifically Jewish theme, it was thought to be of general French interest. Since the image did not depict military escapades—unlike the majority of the pictures included in the volume—it apparently reflected civic virtue.

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Figure 5 François-Louis Couché, *Napoléon le grand rétablit le culte des Israélites, le 30 Mai 1806* [Napoleon the great restores the worship of the Israelites, May 30, 1806]. Copper engraving, printed on vellum paper, leaf 30.6 x 20.2 cm. Musée d’Art et d’Histoire du Judaïsme, Inventory number 2010.19.001. Photo © mahJ/Christophe Fouin. Reproduced by permission.

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53 Ternisien d’Haudricourt, *Fastes de la Nation Française* [Splendors of the French nation] (Paris, 1807). I have viewed a number of printings of this work, and the paintings are not ordered identically. Regarding this volume, see André Monglond, *La France révolutionnaire et impériale* [Revolutionary and imperial France], 2nd ed. 10 vols. (Genève: Slatkine-Megariotis Reprints, 1976–78), 7:521–33. Monglond lists the volume under the heading “Vie Militaire” (military life) and this print in vol. 2, no. 9; none of the editions I have viewed follow this order. Regarding the roots of this genre, see Siegfried, “Naked History,” 251–57; O’Brien, *After the Revolution*, 70–72.
Couché’s depiction personifies the Jewish people as a maiden holding the tablets. In Napoleonic France, women’s active public roles were rolled back to prerevolutionary times. Thus, for instance, the 1804 Constitution—the legal document that turned the Consulate into the Empire—denied women the right to imperial succession, regency, or even guardianship of a minor emperor.54 The feminine personification—in contrast to the Jewish men seen in the artwork—suggests instrumentalization rather than action.55

The tableau’s central figure is Napoleon—not in military attire, but as emperor. Napoleon stands in front of a throne, dressed in royal robes, crowned with a laurel wreath. The stance recalls the portrait by Robert Lefèvre (1755–1830) of Napoleon standing next to his throne in his coronation robes; one of only two imperial portraits exhibited at the 1806 Salon.56

In one hand Napoleon displays a document titled “Loix données à Moïse” (Laws given to Moses), once again a reference to Moses. It is unclear what exactly Napoleon is doing with the ancient law: is he acknowledging, affirming, or confiscating Mosaic law? Napoleon looks down benevolently at the maiden. Behind the woman, the picture is populated with Temple artefacts, most prominently the Ark of the Covenant and the Candelabrum. This contrasts with Lefèvre’s portrait, which is filled with regal, specifically Napoleonic, symbols: in the background a gallery of statues of great leaders; in the foreground two Roman winged victory figures, scepter, globus cruciger, and two prominent “N”s on the throne.

The Israelite relics are stacked together rather than housed in the Temple, perhaps hinting at the relationship between Jews and imperial Rome, and hence Napoleon as the professed heir to the Roman Empire. In 70 CE, following a siege of Jerusalem, Roman legions took the city and destroyed the Second Temple. Napoleon—crowned with a golden laurel wreath, a Greco-Roman symbol of victory—may be returning the captured temple vessels to the Jews. The candelabrum is lit, suggesting that Jews might once again kindle the lights of the temple. The accompanying text refers to Napoleon as a new Cyrus: the sixth-century BCE Persian king who repatriated the Jewish people to the Land of Israel and allowed them to rebuild the temple.57 Indeed, Napoleon famously declared that if he was to govern the Jews, he would rebuild the temple.58

The maiden sits at Napoleon’s feet with her arm outstretched; Napoleon’s extended hand is gently touching her arm. The royal, saintly, divine, thaumaturgic touch had been celebrated in ancient law: is he acknowledging, affirming, or condescending Mosaic law? Napoleon looks down benevolently at the maiden. Behind the woman, the picture is populated with Temple artefacts, most prominently the Ark of the Covenant and the Candelabrum. This contrasts with Lefèvre’s portrait, which is filled with regal, specifically Napoleonic, symbols: in the background a gallery of statues of great leaders; in the foreground two Roman winged victory figures, scepter, globus cruciger, and two prominent “N”s on the throne.

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looks up to the ruler longingly with her hand extended, wrist limp, and fingers angled. The expectant posture of her hand is reminiscent of Adam’s hand in Michelangelo’s *The Creation of Adam* fresco: the forlorn maiden looks to God-like Napoleon for the spark of life. Indeed, the identification of Napoleon with the divine was gaining currency.\(^{60}\)

The maiden’s eyes are wide open as she looks up: a reconfiguration of the Christian Ecclesia and Synagoga motif. The allegorical Synagoga representation depicts the Jews as a disspirited maiden with covered eyes and downcast head.\(^{61}\) Synagoga’s blindfold follows the description in Paul’s Second Epistle to the Corinthians:

> And not as Moses, which put a vail over his face, that the children of Israel could not stedfastly look to the end of that which is abolished. But their minds were blinded: for until this day remaineth the same vail untaken away in the reading of the old testament; which vail is done away in Christ. But even unto this day, when Moses is read, the vail is upon their heart.\(^{62}\)

Synagoga is often depicted with a fallen crown at her feet, after the biblical passage at the end of Lamentations:

> The crown is fallen from our head: woe unto us, that we have sinned!
> For this our heart is faint; for these things our eyes are dim.\(^{63}\)

The eyes of Couché’s maiden are not dim, nor is she blind to her savior, Napoleon.

Synagoga is also classically depicted holding the Old Testament in the form of a book or tablets that appear to be slipping out of her hand or carried as a burden, often held upside down.\(^{64}\) In contrast, Couché’s maiden has the tablets by her side, placed right side up. The writing on the tablets is illegible, save for Roman numerals that designate the Ten Commandments and a mirror image of the tetragrammaton at the top of each tablet.

The maiden’s gaze, however, is not directed at the tablets but at Napoleon. This, too, is reminiscent of Paul, who explained how Israel would remove the blindfold: “Nevertheless when it shall turn to the Lord, the vail shall be taken away. Now the Lord is that Spirit: and where the Spirit

Scholars have noted that contemporary descriptions do not mention the thaumaturgic context (it was first mentioned in 1814), raising the possibility that contemporary viewers may not have recognized the reference (Friedlander, “Napoleon as ‘Roi Thaumaturge,’” 140; O’Brien, *After the Revolution*, 103).

60 See, for example, this comment on the depiction of Napoleon in Antoine-Jean Gros’s *Napoléon visitant le champ de bataille d’Eylau*, [Napoleon on the battlefield of Eylau], 1808, oil on canvas, 521 x 784 cm, Musée du Louvre, Paris: “Plus nous regardons la tête de l’Empereur, plus nous en trouvons l’expression divine” (The more we look at the emperor’s head, the more we find in it the divine expression) in [Joseph-François-Nicolas] [Du Saulchoy [de Bergemont]], “Beaux-Arts. Salon de 1808,” *Journal des arts, des sciences, de littérature et de politique* (October 20, 1808): 409–414, at 409.


62 2 Corinthians 3:13–15 (This and all other citations to the Bible are to the King James Version).

63 Lamentations 4:6–17.

64 Since the Middle Ages, the tablets have often been presented with a rounded top; consequently, they can be easily depicted as being held upside down.
of the Lord is, there is liberty.”65 Couché’s maiden, turning to the Lord-like Napoleon, has the veil removed. There is liberty.

It is likely that Napoleon was aware of the Ecclesia and Synagoga motif, as Couché certainly would have been. At the very least, as Napoleon entered the central portal of the western façade of Notre Dame for his coronation on December 2, 1804, he might have seen Ecclesia on the left and Synagoga on the right.66

Napoleon had recast the Ecclesia and Synagoga motif in a historic act that continues to bear witness to his legacy. On May 20, 1805, days before Napoleon was crowned king of Italy in the Milan Cathedral, he ordered the completion of its façade.67 To this day, the central balcony of the façade is flanked by statues of two women: modified versions of Ecclesia and Synagoga. On the left, La Legge Vecchia (The Old Law; Synagoga) is no longer blindfolded and downcast. Synagoga is cast as the Lady of Liberty, while on the right La Legge Nuova (The New Law; Ecclesia) is cast as the Lady of Liberty, while on the right

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68 For instance, Jacques-Louis David, La Serment des Horaces/Oath of the Horatii, 1784–1785, oil on canvas, 329.8 x 424.8 cm, Musée du Louvre, Paris; Jacques-Louis David, Le Serment du Jeu de paume/Tennis Court Oath, 1791, graphite, pen, sepia wash heightened with white on paper, 65 x 105 cm, Musée national du Château de Versailles; Jacques-Louis David, Serment de l’armée fait à l’Empereur après la distribution des aigles, 5 décembre 1804/The Distribution of the Eagle Standards, 1810, oil on canvas, 610 x 931 cm, Musée national du Château de Versailles; Jacques-Louis David, Léonidas aux Thermopyles [Leonidas at Thermopylae], 1814, oil on canvas, 395 x 531 cm, Musée du Louvre, Paris. Regarding the gesture, see Martin M. Winkler, The Roman Salute: Cinema, History, Ideology (Columbus: Ohio State University Press, 2009); Winkler discusses David at 42–56. Other artists who depicted the gesture include Jean-Baptiste Wicar (1762–1833), Le Serment du Jeu de paume, 1766, etching, 34 x 24 cm, Musée national du Château de Versailles; Jean-Baptiste Donat, La Legge Vecchia/Old Law, 1828, oil on canvas, 329.8 x 424.8 cm, Musée du Louvre, Paris; Charles Meynier (1763 or 1768–1830), Napoléon haranguant ses troupes sur le pont du Lech à Augsbourg [Napoleon haranguing his troops on the bridge of the Lech at Augsburg], 1810, oil on canvas, 319 x 483 cm, Musée national du Château de Versailles; Claude Gautherot (1769–1843), Napoléon visitant le champ de bataille d’Eylau; Louis Lafitte (1770–1828), Le général Bonaparte proclamant la République Cisalpine à Milan, 9 juillet 1797 [General Bonaparte proclaiming the Cisalpine Republic in Milan, July 9, 1797], 1784–1804, oil on canvas 334 x 252 cm, Musée national napoléonien de l’île d’Aix; Charles Meynier (1763 or 1768–1832), Retour de Napoléon 1er dans l’île de Lobau sur le Danube après la bataille d’Esslung, 23 mai 1809 [Return of Napoleon to the Isle of Lobau after the Battle of Ersling, May 23, 1809], 1812, oil on canvas, 371 x 529 cm, Musée national du Château de Versailles.
Figure 6 Milan Cathedral, façade, central balcony. At left, Ecclesia as *La Legge Nuova* [The New Law]; at right, Synagoga as *La Legge Vecchia* [The Old Law]. Wikimedia Commons. Photo credit and copyright: Giovanni Dall’Orto. Image reprinted pursuant to a license for reuse.
A third man, respectively clothed and with a distinctive hat, looks toward the document in Napoleon’s hand. This figure is reminiscent of a portrait of Rabbi Yosef David Sintzheim (ca. 1745–1812), the president of Napoleon’s Grand Sanhédrin, who then served as the chief rabbi of the newly formed Consistoire. In that portrait, Sintzheim is famously depicted with just such a double-horned or double-humped hat.70 Another portrait of Sintzheim by an anonymous painter, dated to the early nineteenth century, also shows the rabbi with this hat.71 The double-horned head covering is similar to the medieval bishop’s side-horned miter. This headwear developed from the iconography of two biblical images: the ceremonial head covering of the high priest and the glow (Hebrew: karan) of Moses’s countenance, which was translated in the Vulgate as “cornutam” (horned).72 An image that suggests the medieval miter, and Sintzheim’s hat appears in eighteenth-century Jewish books in title-page artwork depicting Aaron the high priest.73 This headgear, therefore, was a symbol of honor and would have indicated the status of the “bust of Napoleon in military uniform with a laurel wreath above his head and the words ‘Napoleon Emp. Et Roi.’” (Napoleon emperor and king). On the reverse, Napoleon, crowned with a laurel wreath and wearing royal robes, holds two tablets with indecipherable writing. A barefoot, bearded Jew with a mop of hair and a horn protruding from his head partly kneels before the ruler, his hand stretched toward the tablets. The bare left arm exposed by the draped clothes displays physical strength. The image is reminiscent of Michelangelo’s Moses—a masterpiece that continued to capture attention (figure 8).74 The exergue states “Grand Sanhédrin XXX.

70 Pierre-Paul Prud’hon, after Michael-François Damane-Demartrais, M. David Sintzheim, chef du grand Sanhédrin, premier g.d rabbin du Consistoire central [Mr. David Sintzheim, head of the Great Sanhédrin, first chief rabbi of the Central Consistory], engraving of bust, %, turned right, Bibliothèque nationale de France, département Estampes et photographie, Reserve FOL-QB-201 (150), http://gallica.bnf.fr/ark:/12148/btv1b8413449w.
73 Shiv’im tikkunei ha-zohar [Seventy rectifications of the Zohar] (Amsterdam: M. Koitinyo, 1706), title page (detail reproduced in Mellinkoff, Horned Moses, illustration 105); David Ibn Zimra, Yekar tiferet [Precious glory] (Izmir: Margus, 1757), title page. Aaron wearing a double-horned hat also appears on an engraving used by Rabbi David Oppenheim (1664–1736) as the bookplate for manuscripts in his collection. See, for example, Mahzor Vitry, MS Opp. 59, Bodleian Libraries, University of Oxford.
74 The obverse is credited to Dominique Vivant Denon (1747–1825) and to engraver Alexis Joseph Depaulis (1792–1867), and the reverse “Dupres” probably refers to the engraver Augustin Dupré (1748–1833). Apparently, the die was not used until 1815, when it fell into private hands and medallions were struck. See Millin and Millingen, Medallic History of Napoleon, page 46, and plate XXXVI, no. 125. Since the design was contemporary with events, the medallion falls within the scope of this study.
MAI MDCCCVI” (May 30, 1806). Once again, the use of tablets imagery and Moses—this time together with the exergue referencing a bona fide legal body—evokes images of law.

Michelangelo’s Moses clutches the tablets, protectively holding them close to his chest; on the medallion, the tablets are in Napoleon’s hands. Although Napoleon is not subject to Mosaic law, he seems to respect the ancient legal tablets. It is unclear, however, whether Napoleon has just received the tablets from, or is proffering them to, the Jew, and scholars remain divided on this point.76

The Grand Sanhédrin was charged with the task of submitting responses to questions regarding the interface between Jewish and French law. The actions of the figures in the scene on the medallion are open to interpretation. The Moses-like Jew in the medallion may be submitting his law to Napoleon. Alternatively, the cowering Moses-like Jew may be submissively surrendering his ancient legal code to Napoleon. Indeed, elements within the French leadership hoped and planned for Jews to forsake Jewish law and take up French law as full citizens. A third possibility is that Napoleon is depicted as granting the tablets, in order to demonstrate the freedom of worship bestowed by his regime. Finally, the medallion may be suggesting a legal re-enactment—or more aptly the French Revolution notion of régénération—where a God-like Napoleon was granting the Moses-like Jew a new law.

MOSES’S TABLETS

As we have seen, Napoleonic artistic representations of Jews—either on their own or together with other confessions—consistently employed imagery associated with Moses and the tablets. To be

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Figure 8  Michelangelo, Moses. Tomb for Julius II, commissioned in 1505, completed in 1545. Church of San Pietro in Vincoli, Rome. Photo Credit: Jörg Bittner Unna. Image reprinted under the terms of Creative Commons Attribution 3.0 Unported License.
sure, in the revolutionary era this visual and rhetorical imagery was ubiquitous in depictions of constitutions and lists of rights: tablets, Moses, and Mount Sinai were all pervasive icons. The imagery was allegorical—tablets indicated foundational law, Sinai suggested grand constitutional moments, and Moses was evoked as the archetypical lawgiver.\textsuperscript{77} Occasionally tablets were featured specifically as the Mosaic tablets, albeit as part of an allegorical narrative.\textsuperscript{78} Tablets were abundant in patriotic artwork and were even used in satirical drawings in France and in England.\textsuperscript{79} Yet the depictions were severed from any link to contemporary Jews. This disconnection was later captured by French poet Alfred de Vigny (1797–1863) when he wrote about his 1822 poem Moïse:

Oui, le vrai Moïse peut avoir regardé au delà de la tombe, mais le mien n’est pas celui des Juifs. Ce grand nom ne sert que de masque à un homme de tous les siècles et plus moderne qu’antique. (Yes, the true Moses may have looked beyond the grave, but mine is not that of the Jews. This great name only serves as a mask for a man of all centuries, and more modern than antique.)\textsuperscript{80}

Thus the use of tablet imagery was part of the romantic notion of Mosaic law and the ancient Hebrews.\textsuperscript{81} In this vein, a relatively sympathetic artist like Picart, on his aforementioned frontispiece, depicts the Jew holding a scroll with Hebrew words denoting the Pentateuch. In medieval Christian art, a scroll in the hands of a Jew suggested the scroll of law; that is, the Old Testament that was replaced by the New Testament. I doubt the image had the same negative connotation in Picart’s ecumenical frontispiece, yet the Jew was identified by a scroll, not tablets.

In contrast, the Napoleonic artwork resituated the tablets in the hands of the descendants of the Ancient Hebrews, identifying contemporary Jews with biblical Moses. The shift was repeated two years after the Grand Sanhédrin medal was designed: In 1808, Napoleon’s youngest brother and King of Westphalia, Jérôme Bonaparte (1784–1860), issued a medal commemorating the enfranchisement of Jews in his realm. The medal featured the tablets of law on both the obverse and the reverse.\textsuperscript{82}


\textsuperscript{78} For example, \textit{Aux Amis de la Constitution} [To the friends of the Constitution], ca. 1791, engraving, 11 x 13 cm, Bibliothèque nationale de France, \url{http://gallica.bnf.fr/ark:/12148/btv1b6948150p}. See also the Joseph Sec Monument in Aix-en-Provence, discussed in Neher-Bernheim, “Tables of the Law,” 86.

\textsuperscript{79} For example, \textit{Le Nouveau calvaire: Louis seize mis en croix par les révoltés} [The New Calvary: Louis XVI put on the cross by the rebels], 1792, engraving, 22.5 x 17.5 cm, distributed by Michel Weber (1769–1794), Bibliothèque nationale de France, \url{http://gallica.bnf.fr/ark:/12148/btv1b6941766f}; James Gillray (1757–1815), \textit{The Apotheosis of Hoche}, 1798, hand-colored etching, 50 x 38 cm, British Museum, no. 1851,0901.953.


\textsuperscript{82} Silver and Bronze, diameter 42.5 mm. See Tassilo Hoffmann, \textit{Jacob Abraham und Abraham Abramson: 55 Jahre Berliner Medaillenkunst, 1755–1810} [Jacob Abraham and Abraham Abramson: Fifty-five years of Berlin Medal art, 1755–1810] (Frankfurt: J. Kaufmann, 1927), 100 and plate 17, no. 157; Friedenberg, \textit{Jewish Medals}, 40–41, 127. Regarding the short-lived Napoleonic Kingdom of Westphalia, see Owen Connelly, \textit{Napoleon’s Satellite Kingdoms} (New York: Free Press, 1965), 176–222. Regarding Jews in the Kingdom, see Arno Herzig,
Napoleonic artists did not create a new iconography ex nihilo. Rather, they pressed existing symbols into new roles. This artistic inflection has, thus far, escaped attention. What is the significance of this artistic move?

**Tablets of Law**

In Jewish sources the tablets are not designated as being “of Moses”; pentateuchal texts refer to them as *luhot ha-*even (the tablets of stone), *luhot ha-*eidut (the tablets of testimony), and *luhot ha-berit* (the tablets of the covenant). Here the artists may be specifically identifying the tablets as “of Moses” in a bid to contrast them with tablets of law that were pervasive in early nineteenth-century French awareness as images of foundational law. Several examples follow.

The August 1789 *Déclaration des droits de l’homme et du citoyen* (Declaration of the rights of man and of the citizen) was a watershed in the history of rights. With regard to religion, Article 10 of the 1789 *Déclaration* states, “Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l’ordre public établi par la Loi” (“No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order”). In the present context, I am focusing not on the content of the 1789 *Déclaration* as a seminal legal text, but rather on its artistic representation.

Soon after the National Assembly adopted the *Déclaration*, Jean-Jacques-François Le Barbier (1738–1826)—a writer, illustrator, and painter of French history—produced what would become his most famous work, a painting of the *Déclaration*. The painting and popular prints fashioned after it (figure 9), are laden with symbolism: allegorical figures personifying France and Fame, the red Phrygian cap atop a spear, a snake biting its tail symbolizing eternity, a laurel wreath, broken chains indicating victory over despotism, and the radiant triangle with the Eye of Providence at its top.

In the present context, it appears significant that Le Barbier chose to portray the seventeen articles of the *Déclaration* in the form of two tablets. Other artistic renditions of the 1789 *Déclaration* also chose tablet imagery, suggesting that Le Barbier was not alone in visualizing the *Déclaration* as tablets of law. There were, however, artistic representations of the *Déclaration* that did not employ this imagery, meaning that its use was a conscious artistic decision.

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83 Exodus 24:12 (*luhot ha-*even), 31:18, 32:15, 34:29 (*luhot ha-*eidut); Deuteronomy 9:9, 11, 15 (*luhot ha-berit*).
Figure 9  L. Laurent and [?] Dien, after Jean-Jacques-François Le Barbier, Déclaration des droits de l’homme et du citoyen: Décrets par l’Assemblée Nationale dans les séances des 20, 21, 23, 24 et 26 août 1789, acceptés par le Roi [Declaration of the rights of man and of the citizen: Decrees issued by the National Assembly at the meetings of August 20, 21, 23, 24 and 26, 1789, accepted by the king]. Etching, 53.5 x 39 cm. Bibliothèque nationale de France, département Estampes et photographie, Reserve QB-370 (25)-FT 4. Reproduced by permission.
A second set of tablets relevant to the discussion are the Duodecim Tabulae (twelve tables) that served as the foundation of Roman and, therefore, French, law. In 1799, a government-sponsored work on the history of the Roman Republic was published. According to its subtitle, this work was intended “pour servir à l'instruction publique” (to be used in public education). The work included a drawing, Loix des douze tables (Laws of the twelve tables), referencing the Latin Leges Duodecim Tabularum (figure 10).
This brings me to paintings that depict Napoleon and the *Code Civil des Français*. The most famous portrayal of Napoleon writing the *Code* is the 1812 painting by Jacques-Louis David, where Napoleon stands after a night spent writing the *Code* (figure 11).

Figure 11 Jacques-Louis David, *Napoléon dans son cabinet de travail / The Emperor Napoleon in His Study at the Tuileries*, 1812. Oil on canvas, 204 x 125 cm. Samuel H. Kress Collection, National Gallery of Art, Washington, DC. Courtesy National Gallery of Art, Washington.
Although not an official commission—it was commissioned by the Scottish politician and art collector Alexander Hamilton (1767–1852)—the portrait reportedly met with Napoleon’s approval: he told the artist, “[v]ous m’avez dévinié, mon cher David; la nuit je m’occupe du bonheur de mes sujets, et le jour je travaille à leur gloire” (You have understood me, my dear David; at night I am occupied with my subjects’ happiness, and during the day I work for their glory).86 Behind Napoleon, the clock shows 4:13 a.m., and the candles have burned low. There is an ink-stained quill, and a stack of papers, where the only recognizable word is “Code.” Wearing his military uniform and with his sword in view, Napoleon has worked through the night for his subjects’ legislative welfare. In David’s painting, the Code—as one would expect—is written on paper.87

David’s painting can be contrasted with Antoine-Jean Gros’s 1811 sketch for the dome of the Panthéon, then known as the Church of Sainte-Geneviève (figure 12). The original plan for the dome was an apotheosis of Saint Geneviève, but this Old Regime idea was replaced with images more suited to the Napoleonic narrative. In the center, angels carry the saint’s reliquary to heaven. Around the dome there are four groups of figures, one of which is Napoleon, his second wife, Marie Louise (1791–1847), and their son (figure 12, bottom right).88 Gros would complete the dome in 1824, in an entirely different political climate and with a significantly different design. Gros’s original sketch suggests the legitimacy of Napoleon’s rule, placing him alongside other great royal houses recognized by the Catholic Church. Napoleon is dressed in coronation robes, and behind him a slab, engraved with the words “Code Napol[leon],” uses tablet imagery to depict the code.

Thus, in French awareness, foundational constitutions, comprehensive codes, and bills of rights were depicted in the form of tablets. Historically significant law also took this form: ancient Roman law in the form of the Duodecim Tabulae or ancient Jewish law in the form of the Mosaic tablets. If the Napoleonic artists are indeed comparing ancient Jewish to ancient Roman law, then this is a


87 Similarly, the full-length portrait painted by Girodet features the Code as a book: Anne-Louis Girodet de Roucy-Trioson, Napoléon en costume impérial [Napoleon in coronation robes], after 1812, oil on canvas, 256.1 x 183.3 cm, Bowes Museum, Barnard Castle, County Durham, UK, https://vads.ac.uk/large.php?uid=90165&sos=0. In this painting, Napoleon’s arm is outstretched; this has been understood as a gesture of oath taking, though it could be construed as Napoleon blessing the Code. Napoleon commissioned Girodet to paint thirty-six portraits, of which twenty-six were completed. The painting was mistakenly attributed to David.


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double-edged sword. Ancient legal traditions are to be respected, yet the time has arrived for these laws to be updated. In 1789 the new foundational legal text, the *Déclaration des droits de l’homme et du citoyen*, was portrayed as tablets: two new tablets to replace the two biblical Mosaic Tablets. Napoleon’s great legislative endeavor, the 1804 *Code Civil des Français*, was a more comprehensive replacement of these ancient tablets. Of course, no Romans who held onto to the *Duodecim Tabulae* existed, and the legislative body that was responsible for the 1789 *Déclaration* was no more. Only one people continued to cherish their hallowed tablets. In the spirit of *Liberté des Cultes*, the artists had room for the Mosaic tablets, yet it was the destiny of the enlightened legislator-benefactor Napoleon to grant new tablets: the *Code Napoléon*.

*Moses*

In the two *Liberté des Cultes* prints, the Jew holds large tablets that are identified as the Mosaic tablets. In their explanatory keys, the figure is identified as a Jew, but the earlier of the two prints explicitly draws a link to Moses’s tablets: “Juif, s’appuyant sur les Tables de Moïse” (Jew, leaning on the tablets of Moses). That print also has a reference to Moses in the poem on the reverse side, where Napoleon’s status as savior is recognized “Par la loi de Moïse” (by the law of Moses). In Couché’s print, Napoleon holds a document identified as “Loix données à Moïse” (laws given to Moses) and the Jew on the medallion is reminiscent of Michelangelo’s *Moses*. The prominence
Figure 13 [Urbain Jaume and Jean-Démosthène Dugourc, *Nouvelles cartes de la République française* [New playing cards of the French Republic], 1793. Advertisement of patent, woodcut with stencil coloring, 40.5 x 23 cm. Bibliothèque nationale de France, département Estampes et Photographie, Reserve FOL-QB-201 (134). Reproduced by permission.
of Moses follows the nostalgic idea of ancient Jewish law—as opposed to the rabbis and talmudic law—as a pure form of worship.

As noted, Moses figures prominently in French Revolution artwork, but the Napoleonic artists tweaked this theme by using Moses as a symbol for contemporary Jews. The repositioning of Moses can be contrasted with an earlier depiction of the *Liberté des Cultes* theme on a fascinating deck of cards produced in the early years of the French Revolution (figure 13).99

The stated aim of the deck of cards was to reinforce revolutionary ideals through everyday items. The court cards provided a ready target for tearing down the Ancien Régime with its privileged classes; thus the picture cards needed to undergo a facelift. A prospectus printed in Paris in 1793 advertised the new deck, displayed the new face cards, and offered a few words of explanation for each. The designers, Urbain Jaume (d. 1816) and Jean-Démosthène Dugourc (1749–1825), boasted that they had “brevet d’invention” (a patent) dated February 17, 1793, to produce the cards for five years.90

The aces in the pack all carried the words “la Loi” (law). The kings were replaced with “la Génie” (spirit); queens with “la Liberté” (liberty), and jacks with “l’Egalité” (equality). The deposed royals were each pictured with a personification of one aspect of the ideal. The four former kings were now the spirit of war, peace, the arts, and commerce. The four former queens were now freedom of worship, marriage, the press, and the professions. The four former jacks were now equality of duties, rights, class, and race. Each card was decorated with symbolic images and words. In the present context, the card that interests us is the former queen of hearts (figure 14).

The queen of hearts is depicted as a female figure; the words “Liberté des Cultes” appear at the bottom and the word “Fraternité” on the side. The figure’s right hand is placed over her heart, while her left hand holds a staff or spear. The top of the staff is covered by a red Phrygian cap: the French revolutionary symbol of freedom modeled after the felt cap of manumitted slaves in ancient Rome. The *bonnet rouge* atop a spear had been proposed as part of the French national seal at the National Convention, on September 22, 1792.91 On the playing card, the staff has a

89 For mock-ups, see [Urbain Jaume and] Jean-Démosthène Dugourc, *Nouvelles cartes de la République française*, 1793, 16 playing cards, woodcut with stencil coloring, 8.2 x 5.5 cm, Bibliothèque nationale de France, département Estampes et photographie, [http://gallica.bnf.fr/ark:/12148/btv1b105085338](http://gallica.bnf.fr/ark:/12148/btv1b105085338); stripped deck of 32 cards, “Jeu de piquet révolutionnaire,” 1793–1794, 8.3 x 5.5 cm, musée de Vendôme, inventory number 1868.14.2.0 (image available at *Joconde*, [https://www.pop.culture.gouv.fr/notice/joconde/Mo27700615](https://www.pop.culture.gouv.fr/notice/joconde/Mo27700615); the entry shows thirty-six cards, though the four simple aces on the left appear to be from a different deck). In 1989–1990, the cards were on display in Musée français de la carte à jouer; see the exhibit catalogue: Thierry Depaulis, *Les cartes de la Révolution: Cartes à jouer et propagande* [The cards of the Revolution: Playing cards and propaganda] (Issy-les-Moulineaux: Musée français de la Carte à jouer, 1989), 19–24. It is beyond the scope of this article to compare the modern republican vision expressed by the designers of the cards with the visions of others during and after the French Revolution, such as Robespierre and later Napoleon. On these playing cards, see “New Playing Cards for the French Republic (1793–94),” *Online Library of Liberty* (last modified April 13, 2016) [http://oll.libertyfund.org/pages/new-playing-cards-for-the-french-republic-1793-94](http://oll.libertyfund.org/pages/new-playing-cards-for-the-french-republic-1793-94).

90 For details of the patent, see Depaulis, *Les cartes de la Révolution*, 21.

pennant with the words “Dieu Seul” (Only God). At her feet, three books representing three religions are juxtaposed: “Thalmud” (Talmud), “Coran” (Koran), and “Evangile” (Gospel).

In eighteenth-century France, the Talmud—that is, the law of the rabbis—reflected all that was wrong with Judaism. Although the queen of hearts is replaced by freedom of worship, she still associates Judaism with the Talmud. In contrast, the Napoleonic Liberté des Cultes artwork consistently features an image that conjures up more positive associations: Moses and the ancient law of Israel.

LEGAL NAPOLEON

French visual arts expressed the connection between Napoleon and his Jewish subjects as an essentially legal relationship. Jews are depicted together with the tablets of the Covenant, in a conscious choice to use the ancient, foundational legal text in order to place religious affiliation in a positive light. Napoleon is depicted first as the intermediary, and then as the benevolent lawgiver himself. He is a student of the Enlightenment who grants civil liberties, equality before the law, and in particular freedom of worship. The Grand Sanhédrin—a unique episode that I have only hinted at in the present discussion—further broadcast that Napoleon afforded legal autonomy under the aegis of French rule.
It has been argued that Christian art has defined Christianity through representations of Judaism.\footnote{David Nirenberg, introduction to \textit{Judaism and Christian Art: Aesthetic Anxieties from the Catacombs to Colonialism}, ed. Herbert L. Kessler and David Nirenberg (Philadelphia: University of Pennsylvania Press, 2011), 1–9, at 2.} Whereas this claim may be farfetched, a more modest stance can be taken: where Christian art includes Jewish references these contain additional layers of meaning about the Jewish-Christian relationship, beyond the subject of the artwork itself. Napoleonic art related to freedom of worship follows this convention by using Jewish subjects to convey Napoleon’s position regarding Jews, while providing an additional statement about freedom of worship.

It would appear that the images discussed here go beyond Judaism as a specific religious confession, and even beyond freedom of worship for all religions. Scholars have demonstrated that Christian artists employed Jewish subjects to communicate messages that bear scant connection to Judaism.\footnote{See, for example, the following chapters in Kessler and Nirenberg, \textit{Judaism and Christian Art}: Jaš Elsner, “‘Pharaoh’s Army Got Drowned’: Some Reflections on Jewish and Roman Genealogies in Early Christian Art,” 10–44; Richard Neer, “Poussin’s Useless Treasures,” 328–58; Ralph Ubl, “Eugène Delacroix’s Jewish Wedding and the Medium of Painting,” 359–86.} It is my contention that the images are aimed at presenting a narrative of law and freedom of worship that was only incidentally or instrumentally connected to Jews.

Before I spell out that narrative, I should acknowledge that it is possible to read the images of Jews as part of a broader narrative of religious tolerance afforded to all confessions, not just Jews. Certainly the Napoleonic \textit{Liberté des Cultes} prints that feature Jews place them on a par with other religious groups. Indeed, some fifteen years later, Napoleon would look back and cast his actions in this light.

Napoleon’s personal physician on Saint Helena, Dr. Barry O’Meara, wrote that on November 2, 1816, he asked Napoleon about “his reasons for having encouraged the Jews so much.”\footnote{Barry E. O’Meara, \textit{Napoleon in Exile}; or, \textit{A Voice from St. Helena, The Opinions and Reflections of Napoleon on the Most Important Events of His Life and Government, in his Own Words}, 2 vols., 2nd ed. (London: W. Simpkin and R. Marshall, 1822), 1:182.} Napoleon knew that those around him were recording his words and that he was presented with an opportunity to fashion his legacy. Napoleon responded that his goal was to “make them become good citizens, and conduct themselves like the rest of the community.” To this end he sought “to make them leave off usury, and become like other men.” Undeniably, Napoleon stood to benefit from his plan: “By this I gained many soldiers. Besides, I should have drawn great wealth to France, as the Jews are very numerous, and would have flocked to a country where they enjoyed such superior privileges.” But alongside the utilitarian angle, Napoleon saw Jews’ rights as part of a broader picture, and the conversation with O’Meara shifted in that direction:

I wanted to establish a universal liberty of conscience. My system was to have no predominant religion, but to allow perfect liberty of conscience and of thought, to make all men equal, whether Protestants, Catholics, Mahometans, Deists, or others.\footnote{O’Meara, 1:183–84.}

Napoleon’s stirring words bespeak an ideal of freedom of worship; no religion was to be favored. Napoleon then boasted to O’Meara, “I made every thing independent of religion.”\footnote{O’Meara, 1:184.}

Yet Napoleon’s Saint Helena narrative is unconvincing. For one, Napoleon did not fully account for the events (and consequent artwork) of 1806, in which Jews received particular attention. More
importantly, Napoleon’s religious tolerance does not appear to have been born from altruism, nor was it motivated by lofty ideals. Rather, his professions of open-mindedness toward religion were driven by a utilitarian approach, which was facilitated by a lack of conviction of the importance of faith. On 28 Thermidor Year VIII (August 16, 1800), at the meeting of the Council of State, Napoleon reportedly stated,

Ma politique est de gouverner les hommes, comme le grand nombre veut l’être. C’est là, je crois, la manière de reconnaître la souveraineté du peuple. C’est en me faisant catholique que j’ai fini la guerre de la Vendée, en me faisant musulman que je me suis établi en Egypte, en me faisant ultramontain que j’ai gagné les esprits en Italie. Si je gouvernais un peuple de Juifs, je rétablirais le temple de Salomon. (My policy is to govern men as the greater number wish to be governed. That, I believe, is the way to acknowledge the sovereignty of the people. It was by making myself Catholic that I ended the war in Vendée; by making myself a Mussulman that I established myself in Egypt; by making myself ultramontain that I won over the minds of the Italians. If I had to govern a nation of Jews, I should rebuild the temple of Solomon.)

Vendée refers to the uprising in western France by staunch Catholics against the Revolutionary government, that began in 1793 and ended in 1796. Ultramontain refers to supporters of the Catholic Church who championed the superiority and power of the pope. Indeed, a chronicler in Egypt who would not have been familiar with Napoleon’s 1800 remarks—recorded Napoleon’s words: “I have told you many times that I am a Muslim and I believe in the unity of God, I glorify the Prophet Muhammad and I love the Muslims.”

Napoleon proudly described himself as a human chameleon, blending in and becoming like the surrounding peoples. Thus he boasted that if he had the opportunity “to govern a nation of Jews” he would have become their hero by fulfilling their ancient dream of rebuilding the Temple. Napoleon unabashedly admitted that his course was dictated by a practical outlook. Even when he sought “to acknowledge the sovereignty of the people,” he was motivated by utilitarianism.

Alas, Napoleon never had an opportunity “to govern a nation of Jews,” so why do they feature disproportionately in Napoleonic artwork? What utilitarian gain was there for the emperor? If we accept the premise that Napoleon was not trying to win over the miniscule Jewish community in his empire, and that he was not driven by an altruistic notion of tolerance, what was his—and by extension his artists’—objective?

It appears that the issue at stake was broader than Napoleon and the Jews, and more far-reaching than Napoleon’s attitude toward religious freedom. The French ruler—as always—was focused on Napoleon and, in this particular iteration, Napoleon and the law.

Ronald Schechter questions whether French writers in general, and Napoleon specifically, were interested in Jews as Jews, or whether Jews served as totems for broader issues. Schechter cogently

argues that the revolutionary thinkers used Jews to consider a range of ideas and ideals. Building on Schechter’s work, I suggest that the artwork is particularly focused on law and legality.

Secularized French revolutionaries saw Jews as a litmus test for France’s promise of liberty and civil rights and used them to define key concepts such as “man” and “citizen.” Napoleonic art used Jews to talk about Napoleon and the meaning of freedom of worship in a realm under Napoleonic rule. Jews, therefore, were an object—a showground where the sovereign could demonstrate his juridical authority, his commitment to legal rights, and his understanding and sponsorship of freedom of worship.

The artwork examined here suggests that Napoleonic artists depicted Jews and Mosaic law within the context of a broader narrative of legality. This message may have been particularly important for Napoleon, whose very throne was established by a coup d’etat in legally questionable circumstances. Although the Brumaire Decree of November 10, 1799 sanctioned the coup ex post facto, a cloud of illegality continued to hover over Napoleon, which, for his part, Napoleon consistently attempted to dispel. Fine art had proven remarkably effective in combating negative rumors, such as Napoleon’s misdeeds during the Egyptian campaign, or the dubious victory at Eylau. When it came to establishing Napoleon’s right to rule, this narrative-creating medium was pressed into the regime’s service with gusto. In a similar vein, the artistic prints discussed in this study—as well as other media—aimed to fashion a narrative of legality: Napoleon’s regime is legally just; the Enlightened ruler affords rights and liberties to all his subjects; divine Napoleon is the new lawgiver.

The prints were not just about the sweeping issue of Napoleon’s legality; they contained an additional subtext that specifically addressed freedom of worship. As noted, the artwork related to freedom of worship shifts from Napoleon as intercessor to Napoleon as lawgiver—a transition that mirrored Napoleon’s move from a soldier fighting for the enlightened Republic to the very embodiment of France. All the while, the goal was less about worship or the worshippers, and more about the object of worship. These artistic depictions broadcast the message that Napoleonic freedom of worship was the right—granted to all confessions, even to Jews—to worship Napoleon.

ACKNOWLEDGMENTS

The study that informs this article was conducted while I was a postdoctoral fellow with the Israeli Inter-University Academic Partnership in Russian and Eastern European Studies. I completed much of the research while an academic visitor at the Faculty of Law at the University of Oxford. I am grateful for these opportunities, for the assistance afforded me in the Bodleian Libraries, and to my genial host, Professor Joshua Getzler. I presented this research and received valuable feedback on a number of occasions: the Tager Family Jewish Law Program at the

101 Prendergast, Napoleon and History Painting, 20–48; Porterfield and Siegfried, Staging Empire, 78–85. For the Brumaire decree, see Anderson, Constitutions, 269–70.
102 Regarding Gros’s Bonaparte visitant les pestiférés de Jaffa as combating rumors that Napoleon had poisoned French soldiers struck by plague, see Porterfield, Allure of Empire, 53–56; Grigsby, Extremities, 90–101; O’Brien, After the Revolution, 97–102; Porterfield and Siegfried, Staging Empire, 37–38. Regarding Gros’s Napoleon visitant le champ de bataille d’Eylau as part of attempts to fashion a narrative of the horrific battle, see Prendergast, Napoleon and History Painting, 125–37; O’Brien, After the Revolution, 154–70.
103 For a fascinating example—an inscription on the façade of the Chambre des Notaires—see Prendergast, Napoleon and History Painting, 2.
Faculty of Law of Bar-Ilan University, Israel; the 19th International Conference of the Jewish Law Association, Tel Aviv University, Israel; the Intercontinental Academia on Human Dignity, Zentrum für interdisziplinäre Forschung, Universität Bielefeld, Germany; the Religion, Society, State Conference, Ben-Gurion University of the Negev, Israel; and the 14th Annual Conference of the Israeli History and Law Association, Jerusalem, Israel. It is my pleasure to thank Asher Benjamin, Michael J. Broyde, Thierry Depaulis, Yona Guagnin, Anita Guttel, Amihai Radzyner, Daria Vasyutinsky Shapira, and Faustine Sigal for their gracious assistance, including vetting and correcting my translations from the French and the German, as well as providing sage advice at various stages of this project.