Social and religious controls in pre-revolutionary France: Rethinking the beginnings of modernity

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Abstract. Focusing on social and religious controls enacted by the kehillot of northeastern France in the ancien régime, this article examines the dynamics of social change in the century preceding the Revolution. At the heart of this study is the proposition that Metz and Alsace represent two distinct frameworks in which the encounter of Jewish tradition and modernity can be observed. The sumptuary laws issued by the Metz community in 1690–1697 and in 1769 reflect the efforts of an increasingly powerful urban laity to assert its authority over a declining rabbinate. Sumptuary legislation was used as a tool to freeze the existing social hierarchy and exclude from the communal power structure a younger generation whose wealth was derived from new commercial opportunities. Acknowledging that certain cultural changes were an inevitable consequence of the expanding mercantile economy, lay leaders endeavored to limit conspicuous consumption, curb the insubordination of youth, and legislate standards of moral and religious behavior. An analysis of the takkanot ratified by the provincial assemblies of Alsace in the 1770s reveals several important differences. The Alsatian legislation reflected more traditional concerns about the influence of the surrounding village culture and the potentially harmful impact of modernity on moral and religious life; neither consumption nor class divisions were mentioned. In rural Alsace, where the social, cultural, and economic milieu differed sharply from Metz, the communal leadership was far more aggressive in its efforts to strengthen rabbinic authority and religious institutions. The comparison between the urban and rural settings suggests that there is a correlation between economic condition and religious change, and that modernization, at least in its preliminary stage, was already underway well before the advent of civic emancipation.

The wealth of theories seeking to establish when the modern era began reflects a wide range of historical methodologies and considerable disagreement on the essence of modernity itself. In view of the panoply of political, cultural, social, and economic conditions affecting Jewish life in Europe, historians have understandably found it difficult to concur on the types of sources and data they consider reliable or on the interpretative models they employ. For cultural historians, the Italian Renaissance, the Sabbatian movement, and the ethos of crypto-Judaism furnish evidence that the roots of modernity – whether humanism, rationalism, or the decline of rabbinic hegemony – are located in the seventeenth century, if not earlier. Others have stressed the determinative role of social and political forces, pointing to raison d’état, mercantilism, and the French Revolution as having paved the
way for the major transformations of the nineteenth century.\textsuperscript{1} Despite these widely differing views on what launched the modernization process, there is broad agreement that until the late eighteenth century the main features of medieval life – ghetto segregation, legal disabilities, the threat of expulsion, and the primacy of Halakhah – remained resistant to the forces that had begun to transform European society and culture at large. Ultimately, according to this conception, it was only with the demise of communal autonomy that the erosive impact of modernity made itself felt.\textsuperscript{2} But can this view be sustained?

Evidence drawn from the administrative protocols of Ashkenazic kehillot ostensibly supports this commonly held position. If the kehillah was the last bastion of tradition, the strict regulation of public life was its most crucial feature. Each community determined modes of acceptable social and religious conduct by striking a balance between its recourse to the medieval rabbinic tradition, on the one hand, and the exigencies of public policy on the other. Recorded as by-laws in the communal register, takkanot ha-kahal served effectively as the constitution of the community; their purpose was to maintain social and economic stability, preserve correct relations with the neighboring gentile population, and prevent the deterioration of religious and moral values. They drew their moral authority from the Talmud, but were invariably shaped by the socio-economic conditions and cultural mores of the surrounding society. These influences are discernible in regulations on the right of permanent residence, appointment procedures for communal leaders and functionaries, and taxation.\textsuperscript{3} Seeking to define the norms and conventions of communal life as conceived by the communal leadership, the takkanot were enforced through an elaborate system of fines and penalties designed to safeguard the social and religious equilibrium.\textsuperscript{4}

The foregoing characterization of the kehillah’s goals emphasizes the abstract structural dynamics of the typical Ashkenazic community. Building on this foundation, the present essay will reconsider communal life in light of the changing social reality on the ground. With our lens focused on the sumptuary laws enacted by the Metz kehillah in 1690–1697 and 1769, and on communal controls ratified by the provincial assemblies of Alsace in the 1770s, we shall examine the dynamics of social change in the century preceding the Revolution.\textsuperscript{5} Our investigation centers on the mechanics of public policy-making, especially with respect to moral conduct and ritual observance, intergenerational tensions, and the relationship to the neighboring gentile population and culture. Comparing conditions in Metz and Alsace, we seek to understand communal legislation within its local and regional contexts. Ultimately, our objective is two-fold. First, we intend to evaluate the relations between lay and rabbinic leaders, their relative power and modes of governance, and their use of legislation to address