

American Shtetl:

The Case of Kiryas Joel, New York

Valley Beit Midrash, Phoenix
David N. Myers
14 March 2016

Goals Tonight

1. Discuss the boundary between religion and state in this country under the broader rubric of the challenges of democracy (Churchill)
2. Describe a Jewish community that seems to blur that boundary: Kiryas Joel, NY
3. Assess whether this experiment in Jewish religious communal living is consistent with or alien to America ideals

Religion and State in the U.S.

- The American Republic founded on the principle of freedom of religion
- Founding Fathers were steeped in faith, but careful to draw a line between church and state
- Tension embodied in the Establishment/Free Exercise Clause of the First Amendment
- “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof...”
- American Jews have often advocated a strict separation

Colorado City, AZ and Hildale, AZ: The Limits of Free Exercise?



The Challenge

- Constant tug between local and state control in American system
- Twin cities under control of breakaway Mormon sect committed to polygamy on Utah-Arizona border
- Town police and real estate transactions under control of sect leaders
- Federal jury found towns guilty of discrimination (7 March 2016)



The American Way?

American Religious Communitarianism

From Plymouth Rock to Salt Lake City

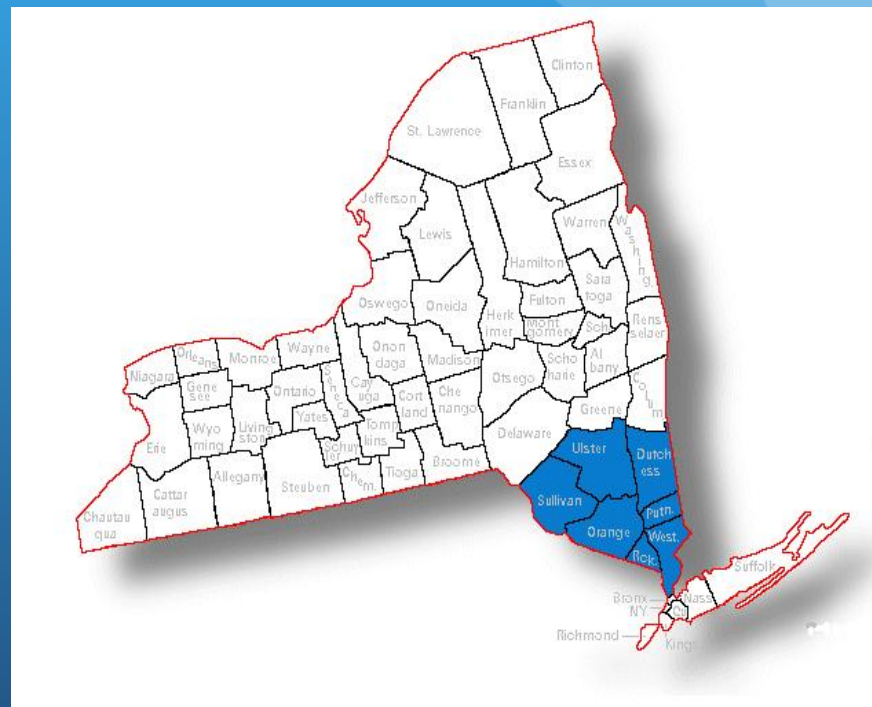
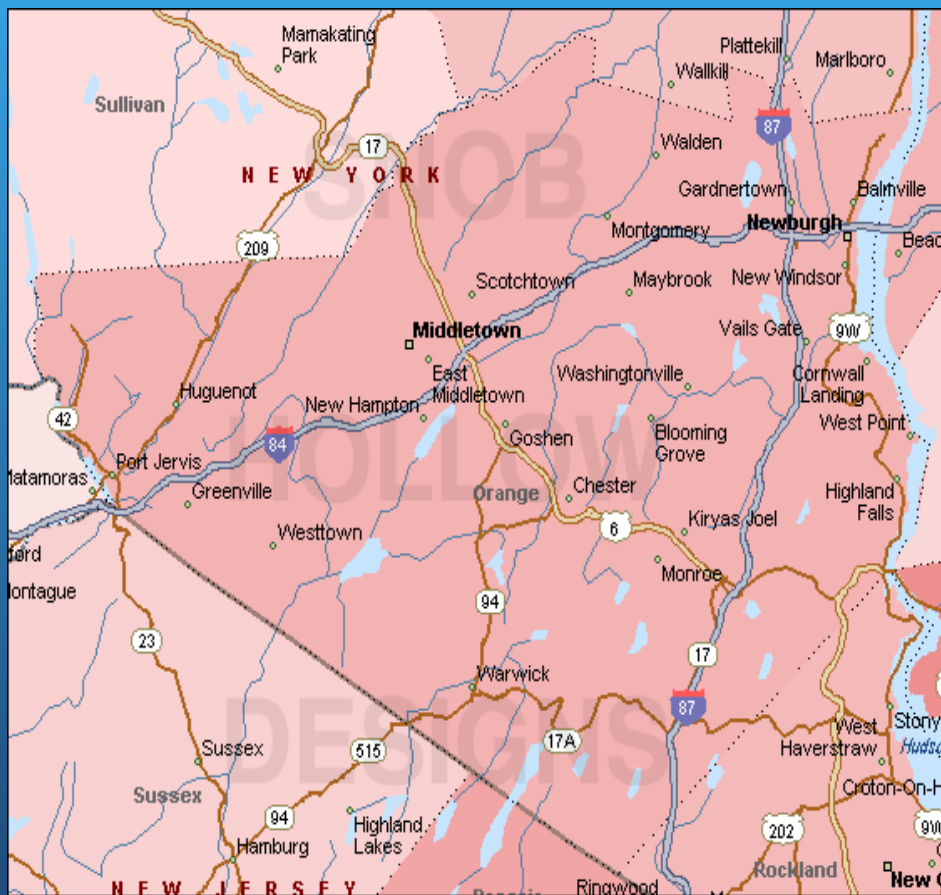


An Anomalous Jewish Case: Kiryas Joel, New York

- Kiryas Joel, NY
 - Legally recognized village of 22,000 in Town of Monroe (1 sq. mile)
 - Satmar Hasidic Jews
- Distinctive way of life in homogeneous, self-segregated “enclave”
- Successful example of “local sovereignty” or “autonomy”



Kiryas Joel: 50 Miles from NYC



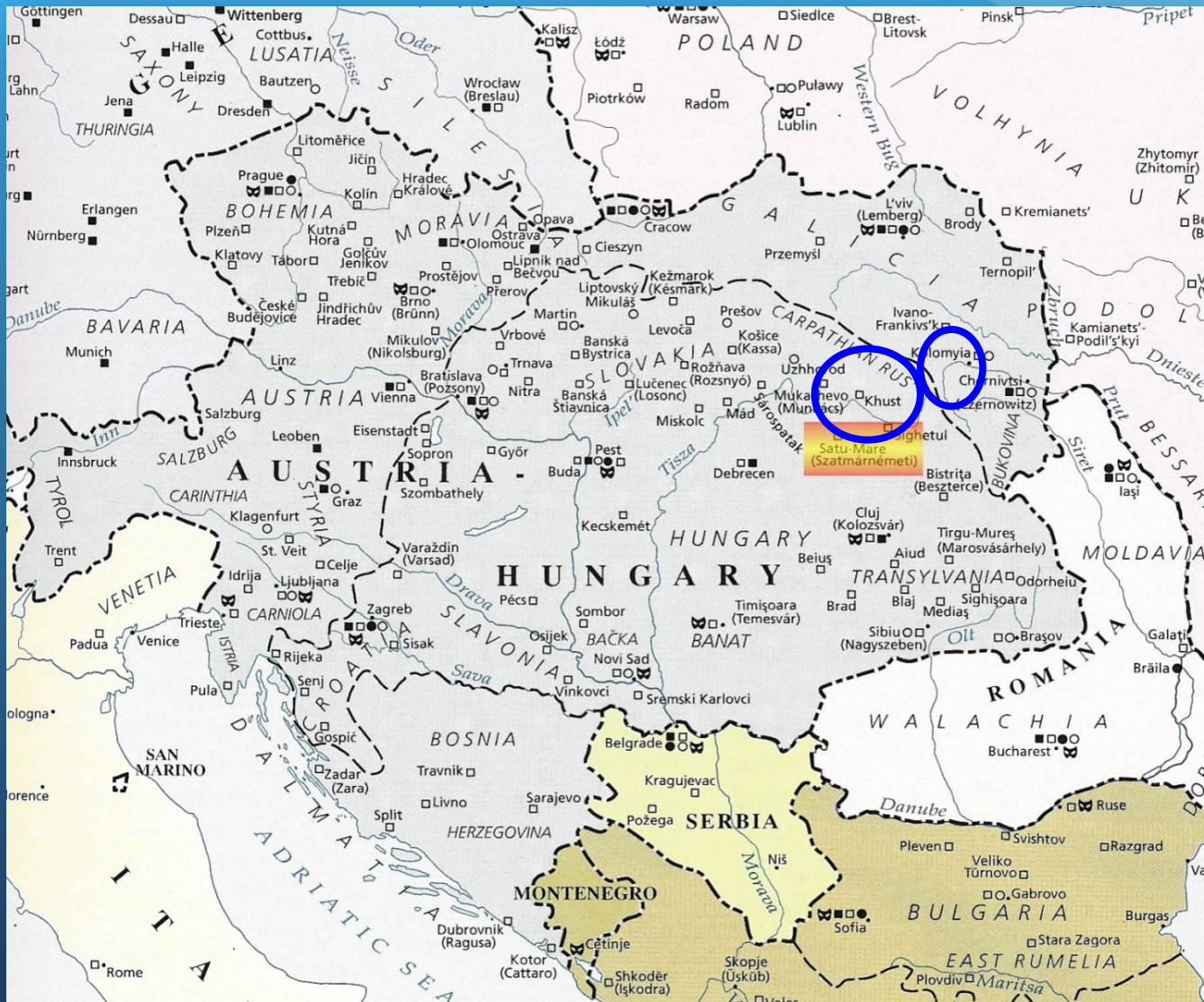
Rabbi Joel Teitelbaum

1887-1979

- Founding rabbi of Satmar court
- Descendent of famous Hasidic family from Hungarian Unterland
- Came of age and was forged in battle: combative, even martial impulse
- Fierce opponent of all innovation, especially Zionism
 - *Va-yo'el Moshe* and *`Al ha-ge'ulah ve-`al ha-temurah*
- Charismatic Hasidic *Rebbe* whose every word was heeded

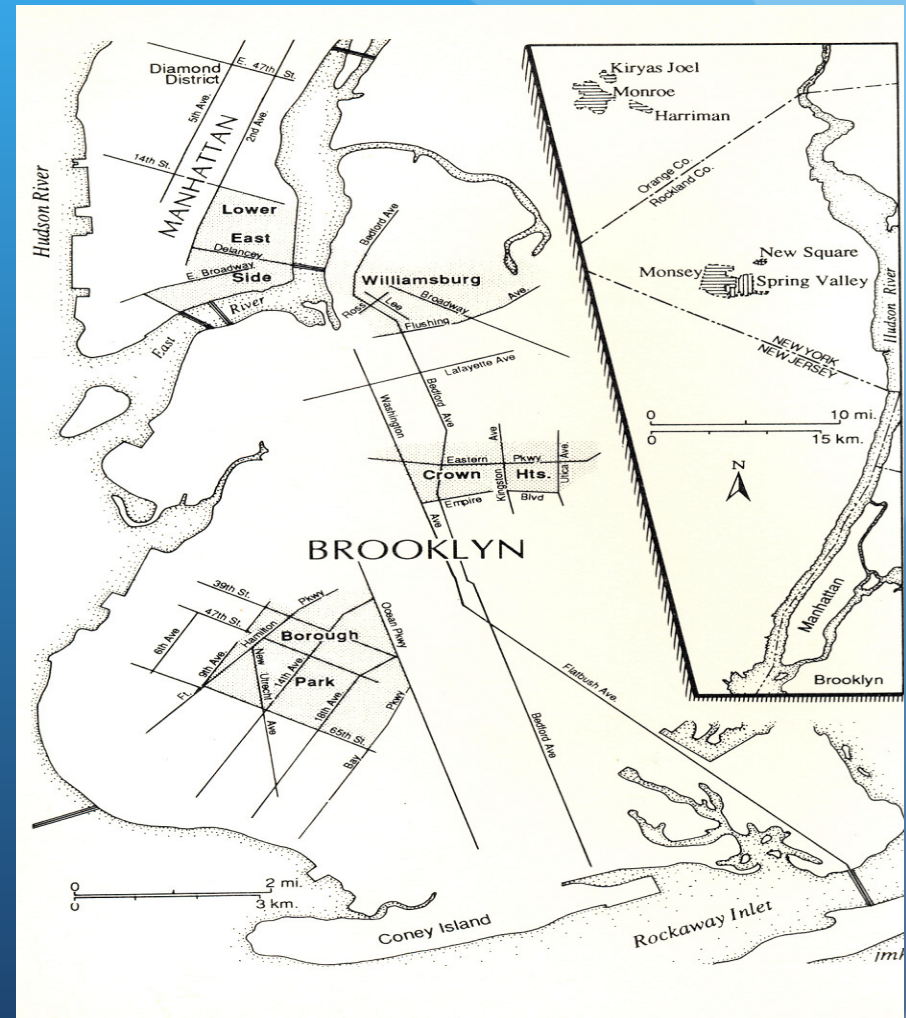


Origins of the Satmar Hasidim: From Sighet to Satu Mare (1934-44)



Vision is realized in America

- Teitelbaum survived war on Kasztner Transport; went to Switzerland and then Palestine
- Came to US in 1946
 - Settled in Williamsburg, Brooklyn
 - Transformed community with new norms of piety and stringency
- But not satisfied with life there;
 - needed a “shtetl”
 - Great American Dream: suburbs



The Ideal of a Shtetl (S. Y. Gelbman, *Retson Tsadik*)

- *Retson Tsadik* by S. Gelbman:
Historian of Satmar and Kiryas Joel
 - Describes the Rebbe's ideal of creating a “shtetl”
 - Place of purity away from distractions of city
- An enclave society, according to anthropologist Mary Douglas: proudly insular and self-contained, but...



Early Attempts to Find a Shtetl

THE NEW YORK TIMES,
SEPT. 25, '63

Jews Ask Jersey Court's Aid in Fight on Tract

Brooklyn Sect Seeks Permit to Build Community

By MILTON HONIG
Special to The New York Times

MORRISTOWN, N. J., Sept. 24—An ultra-orthodox Jewish sect from Brooklyn is asking court help to develop a self-contained community in Mount Olive Township, in western Morris County.

The sect has filed a complaint in Superior Court here against the Township Committee. It charges the committee with blocking the project by "arbitrary, unreasonable and discriminatory" acts.


The committee, according to the complaint, was "motivated by considerations regarding the nature and ancestral characteristics of the persons who were to inhabit the residences" and not "by considerations of zoning or planning."

The court was asked to permit the sect to file the necessary municipal performance bond and to enjoin and restrain the township "from interfering with the orderly development and construction" of the project.

Live in Williamsburg

The congregation, Yetev-Lev, is composed of Hasidic Jews, who follow rigid rules in dress, diet and the observance of the Sabbath. Most of the members are living in the Williamsburg section of Brooklyn. About 1,200 plan to move to New Jersey because of the filing of a municipal improvement bond. It was indicated that the bond, to assure the construction of sewers, water supply and streets, was to be for \$700,000.

Left May 23, the complaint continued, the approval was canceled "purportedly upon a



Mt. Olive Leaders Charged With Discrimination

contention that the time required by statutes and ordinance for filing maps and approval had expired and no performance bond had been filed."

It was alleged that since last April, the plaintiffs "had been willing and able to file" the required bond with municipal officials, but that the township "persistently and continually" arbitrarily refused to permit the filing of the necessary bond, citing "potential litigation" involving a building contractor and the plaintiffs.

Returned to Planners

The complaint stated that on Aug. 26, the matter was returned to the planning board for a "full hearing and resubmission of the entire tract" by the sect.

The 500-acre tract was purchased by Salmar for a reported total of \$850,000. The nucleus for a \$20,000,000 development was to include 368 residential homes, a shopping center, a synagogue, a parochial school and ritual-bathing establishments. The sect was expected to seek financial aid from the Federal Government's housing program.

The tract runs on both sides of Route 206 in Morris County. Industries owned by and employed members would be moved here to an industrial park planned on the west side of the highway.

The congregation lived for more than a century in Saxmar, Rumania, until Hitler took over that country. The people of Yetev-Lev were scattered in concentration camps. The New Jersey community is expected to be the center of operations for the sect.

- Need to find land outside of city
- Staten Island (1950s)
- Mt. Olive, NJ (1963)
- Mt. Kisco, NY (late 1960s)
- Congers Lake (early 1970s)
- Unwelcome reception

What's American in our Story?

The Move from Private to Public

- Land purchase in Monroe Township begins in early 1970s
- First Satmar settlers arrive in summer 1974
 - Constant tension over zoning with Town authorities
 - Decision to create a “village” in 1976
- March 1977: From Shtetl to official Village: Local Sovereignty

Local Government Handbook,
New York Dept. of State (2009)

A territory of 500 or more inhabitants may incorporate as a village in New York State, provided that the territory is not already part of a city or village. The territory must contain no more than five square miles at the time of incorporation, although it may be larger in land area if its boundaries are made coterminous with those of a school, fire, improvement or other district, or the entire boundaries of a town.²⁸

Communitarianism from the Bottom Up

Private property rights (real estate)

+

Voting rights (bloc vote)

= Legally recognized municipality

Is this a Dangerous Precedent?

Kiryas Joel: A Successful Enclave

- Homogeneity: 99% Satmar
- Education: widespread system of heder and yeshivas, but only 7.5% have bachelor's degrees
- Language: 92% speak a language other than English at home (Yiddish)
- Modesty norms →
- Population: 13,000 (2000) to 22,000 (2010) to 73,000 (2035)
- Self-regulating government with mayor, village board, and school board

(Data from 2010 US Census)



Satmar Political Engagement



Threats to Success



- Joel Teitelbaum dies in 1979
- Succession uncertainty
 - internal divisions (Rebbetzin vs. nephew R. Moshe Teitelbaum, who becomes new Satmar Rebbe in 1980)
- New fissures emerge within the community
 - Public school debate

A Special Act: CH 748



- AN ACT to establish a separate school district in and for the village of Kiryas Joel, Orange county
- *The People of the State of New York, represented in Senate and Assembly, do enact as follows:*
- Section 1. The territory of the village of Kiryas Joel in the town of Monroe Orange county, on the date when this act shall take effect hereby is constituted a separate school district, and shall be known as the Kiryas Joel village school district and shall have and enjoy all the powers and duties of a union free school district under
- The provisions of the education law.

Divided Kingdom

Kiryas Joel:

R. Aron



Brooklyn:

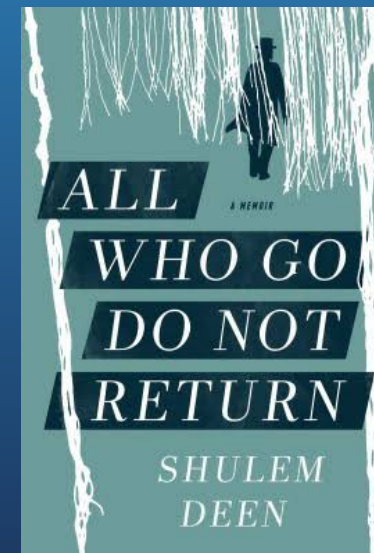
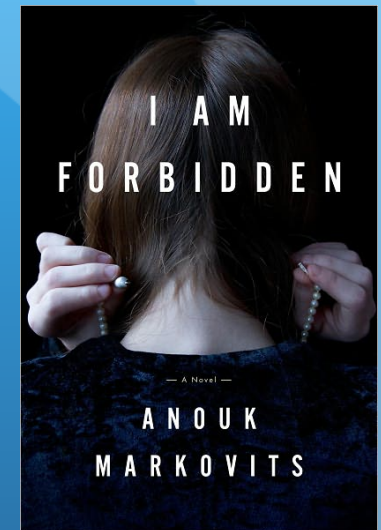
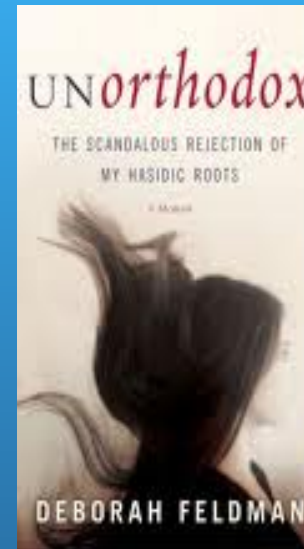
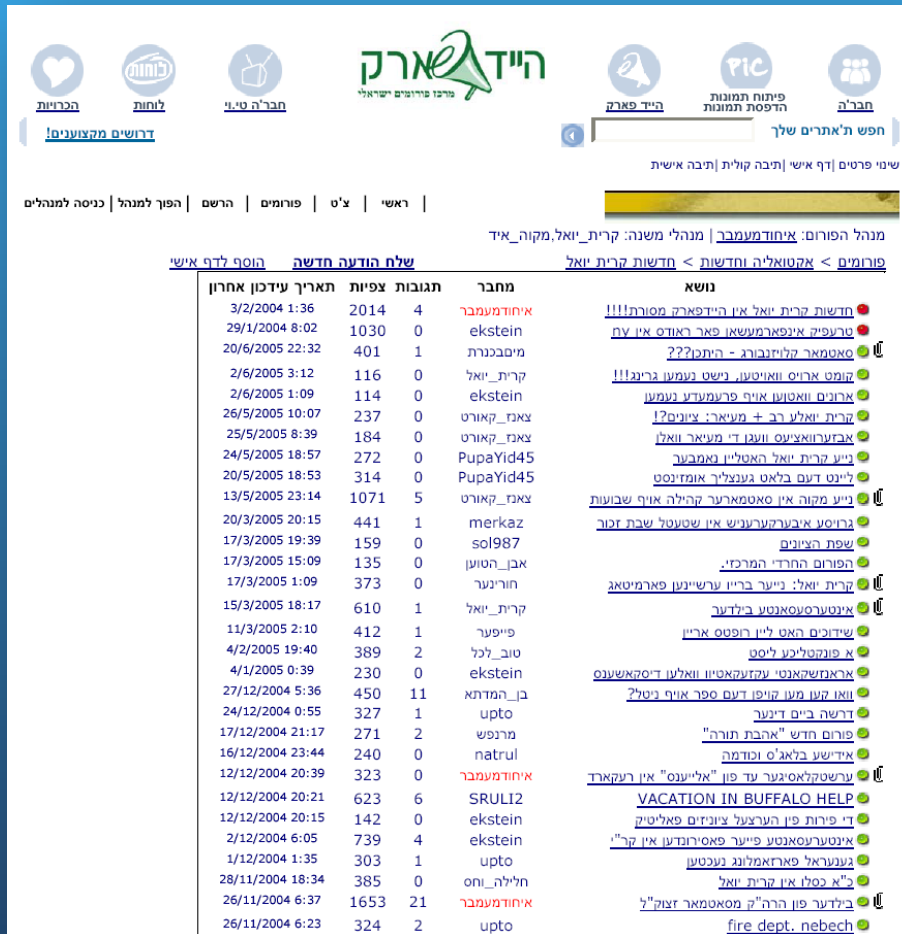
R. Zalman



Turning to Gentile Courts: School District and Dissolution of Village

- SUPREME COURT OF THE UNITED STATES
- BOARD OF EDUCATION OF KIRYAS JOEL VILLAGE SCHOOL DISTRICT v. GRUMET
- No. 93-517. Argued March 30, 1994 -- Decided June 27, 1994
- The New York Village of Kiryas Joel is a religious enclave of Satmar Hasidim, practitioners of a strict form of Judaism. Its incorporators intentionally drew its boundaries under the State's general claiming, *inter alia*, that Chapter 748. The state trial court granted summary judgment for respondents, and both the intermediate appellate court and the New York Court of Appeals affirmed, ruling that Chapter 748's primary effect was impermissibly to advance religion.
- **Held:** The judgment is affirmed.
- UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
- August Term, 1999
- (Argued: January 10, 2000 Decided: March 21, 2000)
- JOSEPH WALDMAN;
- *Plaintiff-Appellant*;
- VILLAGE OF KIRYAS JOEL; ABRAHAM WIEDER;
- Before: WINTER, Chief Judge, JACOBS, and CALABRESI, Circuit Judges.
- Plaintiff-appellant, a village resident and a member of a dissident religious group,
- appeals from the district court's dismissal of his action to dissolve the village.
- The district court found the suit to be barred by res judicata. We affirm.

Open Boundaries?



Communitarianism from the Bottom Up: A Comparative Glance at Israel

- *Malkhut shel hesed vs. Malkhut ha-risha`*
- Private property vs. state control of land (93%)
- Haredi concentration in cities (Bnai Brak, Bet Shemesh)
- Illegal outposts in West Bank (de facto gov't support)
- Unauthorized Bedouin villages
- More globalization, more bottom-up drives for local sovereignty?



America and Israel: A Comparative Perspective

- Malkhus shel hesed
- Satmar involvement in elections
 - Use the system to your advantage
- Haredi communitarianism from the bottom up
- “Malkhus ha-risha”
- Satmar opposition to involvement in elections
 - Avoid the system
- Top down, state based land control
- Outposts in the Territories

Concluding Question: Foreign Import or Native Product?

From the Old Country

- Its distinctive (some would say exotic) norms and rituals
- Its leadership model (all-powerful Rebbe)
- Principle of “innovation is forbidden” (Hatam Sofer)

Only in America

- Its homogeneity (suburbs)
- Its religious stringency (American tolerance)
- Its use of private property & voting rights to create a public sphere
- Its own local government

[illegible]

פרד אדאייז ומיימז ל'ומן דוד.

יחד שדחיינו ומיימנו לזמן דוד.

The Great American Dream: Move to the Suburbs (Lakewood, NJ and New Square, NY)

