

The 2006 Dr. Fritz Bamberger Memorial Lecture

WHAT DOES KIRYAS JOEL TELL US ABOUT LIBERALISM IN AMERICA?

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David Myers:

How is this that we ended up speaking on the subject of Kiryas Joel in the bastion of Reform Judaism here in New York? I'd like to propose two answers, one genealogical and the other historical. First, there is actually an intriguing family connection at work. Michael Bamberger, son of Dr. Fritz Bamberger and prominent New York lawyer, has written a book entitled *Reckless Legislation*, whose main theme is the tendency of legislatures, both state and national, to ignore their sworn obligation to uphold the Constitution by enacting legislation that is manifestly unconstitutional. Curiously, and unbeknownst to Nomi and me until several months ago (when he kindly sent us the book), Michael Bamberger discusses at some length the case of Kiryas Joel, New York. In



particular, he was interested in and concerned by the creation of a public school district in 1989 in Kiryas Joel, populated exclusively by Satmar children, that became the subject of nearly a decade and a half of litigation. To Michael Bamberger, Kiryas Joel is a clear case in

which a legislature, here the New York state legislature, ignored its constitutional obligation to preserve the Establishment Clause of the First Amendment (as well as key provisions of the 1894 Constitutional Convention in New York) by voting overwhelmingly to create a public school district in a town whose population is almost entirely (99%) made up of Satmar Hasidim.

There is a second historical reason why we think it makes sense. I suggested at the outset that the subjects of Dr. Fritz Bamberger's research – Spinoza and especially Moses

Mendelssohn – were pioneers in forging a new path into the modern world. In fact, they were confronting, and to a great extent, embracing what we know of as the process of secularization – that process that entailed a sustained assault on the foundations of traditional religious authority. Logic would dictate, given the power and ubiquity of secularization in the West, that traditional religious affiliation, observance, and leadership would wane from the late 18th century on. But historical experience suggests quite the opposite. Not only has secularism not bested traditionalist forms of religion, it has spawned new forms of traditionalism over the past two centuries – Orthodoxy and ultra-Orthodoxy in the Jewish case, and various incarnations of fundamentalism in the Christian and Islamic cases...

This is hardly an original insight. The great Jerusalem historian, Jacob Katz (with whom David Ellenson studied), investigated this development in his research on Orthodox and ultra-Orthodox Jews in Hungary and Germany. His student, Michael Silber, declared in a classic article that the advent of Orthodoxy in Judaism is “as much a child of modernity and change as any of its ‘modern’ rivals.” (Silber, 24) That is, there was something decidedly new in the self-presentation of this form of Judaism as traditional, authentic, and even anti-modern.

What this suggests to us is that the balancing act of tradition and modernity that gives form to this institution in which we sit tonight engages widely divergent branches of Judaism as well. All of them enter the same prism of secularization, though they exit it at different angles. This point certainly applies to the case of Kiryas Joel, which, on one hand, seems to be caught in a time warp, adhering to a deeply traditionalist form of Judaism, and yet dwells in the midst of a modern, secular, and decidedly liberal ambience.

To give but one example of this dynamic, here is a Kiryas Joel website advertising the community as “a successful (sic) experiment” that rose from the ashes of the Holocaust to become a modern day municipality at home

LIBERALISM IN AMERICA *(continued)*

in America. The KJ Voice website serves as “a clearinghouse for information and communication about the Kiryas Joel community” – principally toward the world outside of the village. This informational website is a reflection of the community’s desire to speak the language of the surrounding society, and as such, reflects a certain degree of assimilation. And yet, it is also necessary to mention that recreational use of the Internet by residents of Kiryas Joel, along with the use of television and radio, is forbidden. The Internet, TV, and radio are deemed to be dangerous seductions in a community intent on assuring strict adherence to the norms of Jewish law, as well as to clearly demarcated boundaries between insiders and outsiders.

Herein lies the enigma of Kiryas Joel, and other such Orthodox communities (including New Square, Monsey, and Lakewood, among others) on the American landscape. How do they assure boundary maintenance, as the sociologists would have it, while permitting the kind of economic and political interaction essential to their survival? The challenges are many, the vectors of change are constant, and hermetic insularity is very difficult to preserve. One intriguing illustration is this Internet chat room for Satmar Hasidim, including messages from residents of Kiryas Joel on an array of topics – this, of course, in defiance of the ban on home Internet use (and, even more audaciously, on an Israeli website, given the ferocious anti-Zionism of the Satmar Hasidim).

And yet, despite this example, we’d be missing the big picture if we didn’t grasp that Kiryas Joel has survived and, in fact, flourished – as an illiberal sub-community in a larger liberal society. How is this so? Indeed, why has America been so receptive to such a community? This is the question that Nomi will address in her remarks. What I’d like to do in my remaining time is answer the question of what about the Satmar community explains the success of Kiryas Joel.

Nomi and I tend to think of KJ as an “American *shtetl*” – American in its demand for free religious expression, as well as in its sense of

entitlement to engage the political process to advance its interests. But it is also a *shtetl*, a densely concentrated Jewish town, indeed, more dense and homogenous than many of the towns and cities of pre-War Europe in which Jews dwelt. Let’s have a look at the 2000 United States census. Kiryas Joel’s population of 13,138 (five years later, it is probably closer to 18,000) is 99% white. Apart from a smattering of Latino and African-American, and a small number of Polish nannies, this is an almost exclusively Satmar Hasidic village. We see further evidence of this when we read that 93.7% of the village of Kiryas Joel speaks a language other than English at home. Overwhelmingly, that language is Yiddish, which is spoken not only at home, but on the streets, in businesses, and at schools.

Yet another defining feature of the community is its poverty. We see that 61.7% of the community (as opposed to the national average of 9%) lives below the poverty line – a striking contrast to the general picture of American Jewish affluence. And yet, it is important to add that there is little hunger and no homelessness in the community. For there is an extensive network of volunteer and government social service organizations that provides health and child care, as well as food for the needy.

A final feature of KJ that I’d like to bring to your attention from the census is the community’s educational record. Fewer than 3% of the villagers hold a bachelor’s or graduate degree – about as alien a prospect in today’s Jewish world as could be (where 55% of all adults and 80% of those under 35 have college degrees). This does not mean that education isn’t taken very seriously. Indeed, half of the community is enrolled in primary and secondary schools. Moreover, hundreds, perhaps even thousands, more adults are employed as teachers or other kinds of workers in the Kiryas Joel schools. But here it is important to add: not in the Kiryas Joel Union Free School District that was the subject of so much intense legal scrutiny. That school has about 300 special needs children. Rather, the

schools that educate and employ thousands in Kiryas Joel are the private *heders*, *yeshivas*, and *kollels* of the community.

Education is not only a key economic pillar of the KJ economy; it also is an organizing principle of the community. This commitment to Torah education stands alongside other key criteria – ethnic homogeneity, linguistic difference, and, of course, a shared ritual regimen – to create an intense cohesiveness that undergirds the village. To be sure, there are other Orthodox communities – nearby Monsey or New Square, the Tasher community in Canada, Lakewood, NJ – that share some or all of these qualities. But there is at the same time a distinctive Satmar way that helps explain the ambition and success of this unique American *shtetl*.

To retrace the path to this unusual community, we must venture back to that region of Central Europe known as the Unterland of Hungary (in the northeast quadrant of that country). This region became, in the wake of the dismantling of the Austro-Hungarian Empire after the First World War, part of Romania (according to the Treaty of Trianon). It was there, at the crossroads of East and West, proximate to but separate from the most potent modernizing forces found in Budapest, Vienna, Prague, and Berlin, that ultra-Orthodoxy was born in the last third of the 19th century.

One of the most distinguished rabbinic families in this region was the Teitelbaum family, whose ancestor, Rabbi Moses Teitelbaum, known as the “Yismach Moshe,” had settled in the region in the early 19th century. The son of Moses Teitelbaum made his way to the town of Sighet, which became an important center of Hasidic activity (and is the birthplace of Elie Wiesel, among others). Of greatest interest to us is that from the Teitelbaum line came a young Talmud prodigy, born in 1887, who was known for his stringent piety and charismatic demeanor. This young man, Joel Teitelbaum, also known as Reb Yoelish, served as rabbi in a number of Unterland communities before becoming rabbi of the Romanian town of Satu Mare

(previously called Sztatmar) in 1928. There, he assembled a legion of reverential adherents who became the first Satmar Hasidim.

Unlike Kiryas Joel, Satu Mare did not consist either exclusively of Satmar Hasidim or, for that matter, of Jews. The more than 15,000 Jews in town represented about a third of the population, and were divided among Hasidim, Orthodox, "status quo," Neolog, and Zionist factions. Relations could be and were at times strained among these factions. For example, the Hasidim of Satmar regarded the more mainstream Orthodox with disdain – indeed, as lax in warding off the seductions of modern life; but they held in even greater contempt the advocates of Zionism, who were responsible, according to Reb Yoelish, for the "greatest form of spiritual impurity in the entire world." Time does not permit more discussion of this important feature of Satmar ideology. But it does remind us that, from the group's birth, there was a combative quality, borne of the Satmars' unique sense of pietistic virtue, that was largely directed against fellow Jews.

That quality, itself an important ingredient in the Satmars' sense of cohesion and desire for insularity, stands alongside another striking and rather surprising trait: the group's accommodationist stance toward Gentile authorities. By accommodationism, I mean a willingness to engage local and regional political leaders in order to advance the group's interests. We see a curious reflection of this approach in the following picture of the Satmar Rebbe greeting Romanian King Carol II in 1937. Out of this blurry picture emerges more than the quietistic submission of a Jewish leader to a Gentile monarch. Rather, this encounter bespeaks a certain political sagacity, an instrumental view of the value of cordial and respectful relations with the ruling polity that is deeply rooted in the culture of modern Jewish traditionalists, and particularly the Satmar Hasidim.

The fruits of such accommodationism were not destined to reach full maturity in Europe. In 1944, a mere decade after the Reb Yoelish was elected Rabbi of Satu Mare, the Nazis reached the Hungarian Unterland, tearing asunder the fabric of Jewish life and community. In an act of remarkable irony, the

Satmar Rebbe's life was saved by a Zionist, the controversial Rudolf Kasztner, who arranged for the safe passage of 1,684 Jews to neutral Switzerland in December 1944. From there, Rabbi Teitelbaum made a brief sojourn to Palestine before arriving in the fall of 1946 to American shores. It was here, in the United States, that the Satmar experiment achieved a measure of success scarcely imaginable in Europe...

On the face of it, America would seem singularly inhospitable to their aspirations. Would not the robust American commitment to individual liberties trump the collectivist impulse of the Satmar? If not that, wouldn't the separation of church and state prevent the rise of a strong Satmar community?

The evidence moves in the opposite direction. The Satmar Rebbe arrived in America and quickly made his way to Williamsburg, Brooklyn, which was transformed, in no small part due to his impact, into a center of ultra-Orthodox life in America. In a matter of a few decades, the Rebbe succeeded in reconstituting and, in fact, far surpassing his original community. From dozens of followers in the late 1940s, the Rebbe presided over the spectacular growth of the community to between 40,000-50,000 in Brooklyn alone (and an estimated 100,000 worldwide). This growth was facilitated not only by the kind of social cohesion that the Satmars' strict ritual observance mandated, but also by a number of principles rooted in the European old world: 1) the above-mentioned combativeness vis-à-vis other Jewish groups (and, we might add, toward dissidents from within); 2) the commanding authority of the Rebbe (as memorialized in the 1952 bylaws of the Yetev Lev synagogue; and 3) as time wore on, a willingness to engage secular political authorities to advance the community's interests. It was this last task that the Rebbe entrusted to a series of advisors – known in Jewish tradition as *shtadlanim*, intercessors – men like Lipa Friedman and Leibush Lefkowitz whose job it was not only to manage communal affairs, but to deal with politicians and government officials on behalf of the community.

Over time, the community has proven to be remarkably successful in securing government benefits – loans, grants, housing, social services – to provide for its tens of thousands of members. To be sure, it has not been pure altruism on the part of New York city and state officials. The Satmar Hasidim were (and are) possessed of an extraordinarily valuable asset – the ability to produce a single bloc of votes in the thousands – that commands the attention of politicians.

And yet, for all of their success in building up their community, the Satmar faced constant shortages of space for their rapidly expanding families – and more menacingly, the challenges of a multi-ethnic urban environment surrounding them in Brooklyn. As a result, Reb Yoelish early on contemplated the prospect of establishing a Satmar enclave outside of the city – first, in Staten Island, then Mt. Olive, New Jersey, and finally in 1974, in Monroe Township, New York, about 55 miles from New York City. It was in that year that some forty Satmar families came at Reb Yoelish's urging and exercised their basic right to purchase property. A few years later, the group numbered over 500 and, as a community of 500 people, exercised its right under New York state law to seek recognition as a municipality. Notwithstanding resistance from some local neighbors who feared the ultimate development of a Hasidic city, the Satmar residents won the right to municipal recognition, and in 1977, Kiryas Joel, the Village of Joel, was officially born.

The Satmar Rebbe did not have long to revel in the explosive growth of the community. He died in 1979. But as we know, Kiryas Joel survived his death, and has grown over three decades into a large, ethnically homogeneous, Yiddish-speaking ultra-Orthodox town – on American soil. At the end of tonight's talk, we will see how the source of the community's success may also be the source of its undoing. But for now, I will pass the baton to Nomi, who will address more directly the question of how Kiryas Joel could have arisen on the landscape of American liberalism.

LIBERALISM IN AMERICA (continued)

Nomi Stolzenberg:

So, David has addressed the question of what it is about Satmar culture that has made it so remarkably adaptable to American culture, notwithstanding its professed aspiration of resisting assimilation to outside cultural norms. I'm going to look at the other side of the coin: what it is about American liberalism that has proven to be so receptive to a community like the Satmars? Our argument is that the Satmars have succeeded not *despite* but *because* of the liberal democratic nature of American society. This is a contention that flies in the face of the common understanding of modern secular liberalism. Since the dawn of modernity and the attendant rise of liberalism as the dominant political philosophy in the West, the expectation has been that liberalism, with its doctrines of secularism and individualism, would spell the demise of traditional forms of community and religious faith. Communitarians and religious critics of liberalism have continuously voiced alarm about the impending dissolution of traditional belief-systems and ways of life. Conversely, many liberal secularists have celebrated the emancipation of the individual from the shackles of traditional religious authority. Others, less aggressively secularist, have still insisted on the retreat of religion from the public realm into the domain of private conscience and individual belief, where it would be shorn of any coercive force. Whether radical or moderate in their secularism, virtually everyone in the liberal world believed until fairly recently that they were presiding over the burial of traditional forms of faith, community, and authority.

Yet our claim is that far from preventing the establishment of religiously grounded forms of political community, liberal principles of individual rights have positively *enabled* the formation and perpetuation of strong communities like Kiryas Joel. This may seem counterintuitive. After all, the classic liberal model of religious faith is one in which individual choice is paramount, and in which religion is deprived of the powers of collective governance. Yet we mean to demonstrate pre-



cisely the opposite: that the establishment of political institutions and the assumption of the powers of government by a religious community take place in accordance with, and with the active support of, liberal norms. In fact, the individual

rights safeguarded in a liberal political order provided the building blocks for the Satmar community – and those same rights serve as potential building blocks for other religious communities with similar aspirations.

The legal controversies surrounding the Satmars of KJ provide a particularly illuminating window into this claim, especially the case of *Kiryas Joel v. Grumet* that made its way to the Supreme Court in 1994. It's important to clarify what the Supreme Court actually decided in this case, which involved a constitutional challenge to the establishment of a public school district in Kiryas Joel. By a majority of 6-3, the Court held that the New York state statute authorizing the creation of the KJ school district – a statute known as Chapter 748 – constituted an establishment of religion in violation of the Establishment Clause of the Constitution, because it violated the principle of separation between church and state. And yet, what the Court held was actually very narrow, and the reasoning left ample room for passing new state legislation *re-authorizing* the Kiryas Joel School District.

So what exactly did the Supreme Court hold? The constitutional defect that it found in Chapter 748 was based on two principles, each of which limited the scope of the holding that struck down the original legislation. The first principle draws a distinction between intentionally favoring (or disfavoring) a religious group versus a neutral law that gives every local community an equal opportunity to establish its own municipal institutions (or school district) if it so chooses, regardless of its religious or cultural demographic character. According to the Court, the defect in Chapter 748 was that it singled out a specific community for special favor. In legal parlance, it was a “special” not a general act – that is, an act that granted the Satmars of KJ, and

only the Satmars of KJ, the authority to create a local school district, while everyone else in the state was obliged to continue participating in larger-scale regional school districts. The Court strongly suggested that if the state had passed a general statute allowing any local municipality the right to secede from a larger regional school district, then the State would not be guilty of favoring or supporting a particular religious community. If it just so happened that a particular municipality was religiously homogeneous, so be it. A community should not be disqualified from eligibility to form its own school district just because it “happened to be” religiously homogeneous...

The ability to create a strong form of community through aggregating private capital and property is one way in which KJ is a quintessentially American liberal cultural product. But the American nature of KJ extends more broadly. For all that the community insists on sheltering itself from modern, secular, American culture, the Satmar community has succeeded – on its own terms – precisely because it has effectively internalized American liberal legal and cultural norms. Some of the signs of Americanization are obvious – for example, its use of modern technology and advertising, and its skill at playing the game of modern democratic politics by exerting its clout as an electoral bloc. These are all examples of cultural adaptation to “outside” norms.

But what about all of the ways in which the community has successfully resisted “Americanization,” secularization, and liberal norms? KJ has not only replicated many of the essential features of *shtetl* life – it is, in many respects, *more* insular, more homogeneous, more exclusive than the European *shtetl*. It is stricter in its observance and, symptomatically, the rates of *yeshivah* learning and life-long *Torah* study are far higher in KJ than they ever were in Europe, in part because the American welfare system alleviates the pressure to find a *parnasah* that weighed on most European Jews. All of these features that distinguish the “American *shtetl*” from the European one are clearly signs of the community's success in resisting assimilation

and Americanization (even as the community avails itself of the American system's largesse).

But this raises an interesting and unsettling question: Is the kind of social insularity – indeed, segregation – that we see in Kiryas Joel really at odds with American liberalism? Or is it a quintessential expression of American liberalism? Well, the answer is both. Or to put it another way, American liberalism is ambivalent about the phenomenon of group-based segregation, as our ongoing experience with race-based and gender-based segregation makes painfully clear. On the one hand, at least since *Brown v. Board of Education*, it has seemed obvious to many Americans that group-based segregation offends our basic principles of equality and antidiscrimination law. On the other hand, there has never been any consensus about how far this anti-discrimination, anti-segregation principle extends. Does it apply only to legally enforced, governmentally imposed “de jure” segregation or does it apply to “voluntary” private segregation as well? Private – or self – segregation seems to go against the liberal norms of pluralism and equality, but it is also an expression of personal autonomy, of individual freedom of choice, and of freedom of association – fundamental liberal values. Which is to say that “self-segregation” is as deeply rooted in fundamental principles of liberalism and individual rights and the free market as it is opposed to them. It is easy to think that liberal principles necessarily stand in opposition to segregation, but as we know from the long and sorry history of race relations in America, the economic and cultural forces unleashed in a liberal market-based economy privileging individual choice have served to perpetuate and actually to increase residential segregation. The formation of KJ and other religiously homogeneous ultra-Orthodox communities is entirely of a piece with these broader American social, economic, and racial dynamics.

David Myers:

For the most part, the lines that Nomi and I have been tracing, that is, the distinct American and Satmar strands of the Kiryas Joel narrative, add up to a remarkable success story. A group nearly extinguished during the

Holocaust makes it way to American shores and creates a stable foundation in New York, imparting its distinctive brand of ritual observance to the surrounding Orthodox world, exerting considerable political influence, and deriving a fair measure of economic benefit. Moreover, it even manages to create a full service Satmar municipality.

And yet, as Nomi and I have intimated at various points in time, the very source of the community's rise may spell challenges to its continued success. This prospect also has distinct, but intersecting Satmar and American narrative threads. The community, we recall, was shaped in the image of its founding leader, Rabbi Joel Teitelbaum. It was under his supervision that the first forty families moved to Kiryas Joel, which is named after him. As most Satmars would attest, it was the Rebbe's leadership and charisma that served as the social glue for the community. Not surprisingly, upon his death in 1979, a contentious succession battle broke out, pitting his widow, Feige, against his nephew, Rabbi Moses Teitelbaum, who was appointed to succeed Reb Yoelish in 1980. The tension between the two never subsided, and became a fixture of the communal culture of the Satmar community. In fact, this tension permeated the next generation of Satmar leaders, Rabbi Moses's sons, Zalman and Aaron. They fought bitterly over succession of the Satmar community during the last decade of their father's life, waging intense legal wars in New York courts, intensifying their battles after the Rebbe's death in April 2006 and gaining the attention of the New York City media throughout.

One of the interesting features of the battle between Zalman and Aaron is that it brings into focus their respective bases of power – indeed, the two centers of power in today's Satmar world: Williamsburg and Kiryas Joel respectively. And yet, we must now dispel a certain illusion that we have created and fostered throughout – namely, that Kiryas Joel is itself a cultural and political monolith. Indeed, one of the curious after-effects of the leadership vacuum created by Rabbi Joel Teitelbaum's death was the emergence of a dissident faction of Satmar Hasidim in *Kiryas Joel itself*. The dissidents were initially led by the *Reb-*

betzin, Feige, in opposition to the new Satmar *Rebbe*. By the 1980s, the dissidents had rallied to a new cause: opposition to the creation of the Kiryas Joel public school district. Remarkably, they couched their stance in the language of good old American liberalism; a public school district, they argued, would violate the Establishment Clause of the United States Constitution. Over time, the dissidents have become an organized opposition known as the Kiryas Joel Alliance, and in the last mayoral election in Kiryas Joel, their candidate polled 46% of the vote. This prompted one astute observer in the village to declare that Kiryas Joel had become “a two party system” – the mainstream and the dissidents as relative equals, a rather striking acknowledgment of the Americanness of the community.

The dissidents' position and rhetoric hint to us that the boundaries of Kiryas Joel are not, cannot be, hermetically sealed. The penetration of social and cultural values from the outside world is inevitable, especially given the community's historic willingness to open the door to political engagement and economic betterment. It may well be that the very liberal norms and practices that enabled the insularity of the community will one day undermine it. Time will tell.

In the meantime, the community continues to buck trends. Along with the signs of internal dissension, Kiryas Joel continues to grow at a breathtaking pace, with one of the highest birthrates in the State of New York. Moreover, we learned in the recent mid-term election that the community voted as a solid bloc to defeat incumbent Republican Congresswoman Sue Kelly. By many accounts, it was the last-minute switch of the Kiryas Joel establishment camp, previously supportive of Kelly, to join the Kiryas Joel Alliance that elected challenger, John Hall. The fact that Kelly's conservative social values were much more consonant with those of the Satmar community mattered less than the perceived benefits of a new political alliance with Hall. What this electoral gambit reveals, in conclusion, is the lingering, albeit fragile cohesion of an American *shtetl*, straining to hold true to its Old World principles even as it settles more comfortably into the soil of its transplanted homeland. ■