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OLD SHTETLISM AND NEW URBANISM: UNCOVERING THE IMPLICATIONS OF SUBURBAN ZONING LAWS FOR COMMUNITY LIFE THROUGH THE JEWISH-AMERICAN EXPERIENCE

AMIR STEINHART*

The unhealthy old Jewish town within us is far more real than the new hygienic town around us. With our eyes open we walk through a dream: ourselves only a ghost of a vanished age.

—Franz Kafka

I. INTRODUCTION

The first time I witnessed my grandfather violate the sanctity of the Shabbat, the weekly Jewish holy day of rest, was when he came from Israel to visit my family in Palo Alto, a San Francisco suburb in the Silicon Valley. As an Orthodox Jew, attending the Friday night services was of critical importance to my grandfather. But as he had experienced the previous weekend, his knees could not carry him the entire way to the nearest synagogue. On his second Californian Shabbat, my grandfather reluctantly agreed to ride an electric mobility scooter to temple. In doing this, he defied the biblical commandment to avoid “kindl[ing] fire in any of your dwelling places on the Sabbath day,” which Orthodox Judaism interprets as prohibiting the use of electricity because of its similarity to the biblical utilization of fire. Back in his hometown of Petah Tikva, which is nearly five times as crowded as Palo Alto, my grandfather never had to decide between driving and staying at home. In fact, the city’s layout is such that it provides nearly all of its residents the freedom to walk not only to synagogue on Shabbat, but also to their friends’ homes, either of the two hospitals, the local barbershops, grocery

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1. GUSTAV JANOUCH, CONVERSATIONS WITH KAFKA 80 (1971).

2. Exodus 35:3.

stores or pharmacies, their children’s schools and kindergartens, and neighborhood parks.

Palo Alto, like most suburban neighborhoods in this country, is, for the most part, not pedestrian-friendly, in the sense that for the average resident, the only buildings within walking distance from one’s home are other single-family houses. With its wide roads and quiet streets, Palo Alto is entirely removed from the metropolitan hustle and bustle. As the real estate section of the local newspaper advertises, when moving to this town, one can rest assured that “the neighborhood is just far enough away from [any main road] that most of the sounds heard on the streets during the day are songbirds and children’s bike bells.” For anything beyond birds chirping, though, one must get in a car and drive.

Americans moved to the suburbs because they wished to get away from the sirens of ambulances and the human congestion associated with the city’s busy streets. So why should we care if that means that they now have to drive rather than walk, and that occasionally, they must accommodate their personal and spiritual needs to fit the reality of the suburban lifestyle? New Urbanism, a movement seeking to reform real estate development and urban planning policies, answers this question by pointing to the high price American communities have paid since the emergence of suburban sprawl. The impersonal lifestyle of the suburbs, New Urbanist thinkers argue, causes neighbors to isolate themselves from each other and robs them of an important sense of public identity. Without a communal web of support, Americans lose sight of the importance of community life and turn inwards, limiting their public interaction and civic activity. To counter this phenomenon, New Urbanists “advocate the restructuring of public policy and development practices”

4. The suburb, however, does deliver on its promise of open space. See City of Palo Alto website, http://www.cityofpaloalto.org/environment/news/details.asp?NewsID=464&TargetID=61 (“Trees are protected, almost revered, in Palo Alto, and so is another of nature’s treasures—open space.”). Additionally, neighborhood parks are relatively abundant, with Palo Alto sporting 34 city parks, which are spread out throughout the town’s 26 square miles of land, averaging more than a park for every square mile.


6. See JANE JACOBS, THE DEATH AND LIFE OF GREAT AMERICAN CITIES 55 (Vintage Books 1963) (1961) ("Reformers have long observed city people loitering on busy corners, hanging around in candy stores and bars and drinking soda pop on stoops, and have passed a judgment, the gist of which is: 'This is deplorable! If these people had decent homes and a more private or bosky outdoor place, they wouldn't be on the street!'").

7. Id. at 65.
8. Id. at 56.
9. See infra Parts III and V.
to support a few fundamental principles that encourage strong communities.\textsuperscript{10}

This Note exposes the tremendous price our society has paid for a little peace and quiet by applying these New Urbanist standards with a view toward suburban religious institutions and by analyzing how the decline of these faith-based establishments in turn weakened secular communal associations. Specifically, it focuses on the Jewish-American experience, due to this group's unique ability to provide a microcosm through which we may assess the effects of the sanitization of suburban sprawl on communal life. Through an application of the New Urbanist criterions to traditional Jewish life, this Note illustrates how proximity, density, self-sustainability, and intensity all facilitated the creation and maintenance of a strong sense of Jewish community both in the shtetls of Eastern Europe and the American inner cities. It then goes further to explain how the spacious nature of the suburbs reduced the presence of these crucial elements, eventually eroding the sense of communal Jewish identity.

Part II begins by laying out the New Urbanist guidelines for forming and sustaining healthy communities, and by identifying the parameters that will be used to analyze communal life throughout this study. Part III discusses why we should be concerned with what Suburbia has done to our religious institutions, arguing that because faith-based involvement is a strong predictor of civic and social activity, the fate of our religious institutions foreshadows the destiny of our broader communal associations.\textsuperscript{11} Part IV applies the New Urbanist principles from Section II to the Jewish experience, analyzing how the existence and disappearance of certain elements over the last century and a half altered the sense of Jewish identity and community. And Part V discusses the parallels that exist between the changes in the Jewish communal experience and the wider American one.

The last section consolidates the lessons learned from the Jewish-American story and combines them with the solutions offered by the New Urbanists. It then discusses the specific changes we must make to our legal strategies and zoning laws if we wish to revive and maintain an American sense of community.

\section{II. The New Urbanist Principles: Parameters for Assessing Healthy Communities}

New Urbanism was arguably born in 1963 when Jane Jacobs published her book \textit{The Death and Life of Great American Cities}.\textsuperscript{12} What

\begin{itemize}
\item \textsuperscript{10} Cong. for the New Urbanism, Charter of the New Urbanism (2001), available at \url{http://www.cnu.org/sites/files/charter_english.pdf}.
\item \textsuperscript{11} \textit{See} ROBERT D. PUTNAM, \textit{Bowling Alone: The Collapse and Revival of American Community} 67 (2000).
\item \textsuperscript{12} JACOBS, supra note 6, at 1.
\end{itemize}
began as an “attack . . . on the principles and aims that have shaped modern, orthodox city planning and rebuilding” eventually became a movement, calling for the reformation of development policies, so as to revitalize urban life and revive communal ties. To New Urbanists, the notion that has been fueling suburban sprawl—that decreased housing density equals higher quality of living—is a vestige of the Industrial Revolution era and is not only irrelevant, but also harmful. Where streets are impersonal, anonymity and isolation thrive. Random and recurring public sidewalk contacts play a large role in creating a feeling of public identity and community, and casual public sidewalk life “ties directly into other types of public life.” In the spacious suburb, this unplanned contact is almost nonexistent since the streets are desolate due to low population density and zoning laws that essentially dictate that, for suburbanites, no public gathering place is within walking distance, with the occasional exception of the neighborhood park. With “no bars, no candy stores, no hole-in-the-wall bodegas, [and] no restaurants” in their neighborhoods where they may stumble upon each other and strike a conversation, suburbanites are rarely enticed to become active in

13. Id.


15. See Jacobs, supra note 6, at 202 (“But in our cities, at least, this supposed correlation between high densities and trouble, or high densities and slums, is simply incorrect, as anyone who troubles to look at real cities can see.”).


17. Jacobs, supra note 6, at 57, 65 (“In city areas that lack a natural and casual public life, it is common for residents to isolate themselves from each other to a fantastic degree.”).

18. Id. at 56.

19. Id. at 57.

20. As mentioned, Palo Alto, like many suburbs, has numerous public parks. See supra note 4. However, the neighborhood park is insufficient as the sole public arena. See Jacobs, supra note 6, at 63–64 (“Her street of nothing but residences, embedded in an area of almost nothing but residences, has been experimentally equipped with a charming sidewalk park. . . . However, there are no stores. The mothers from nearby blocks who bring small children here, and come here to find some contact with others themselves, perforce go into the houses of acquaintances along the street to warm up in winter, to make telephone calls, to take their children in emergencies to the bathroom. . . . If only [there had been] a couple of stores on the street . . . . [t]hen the telephone calls and the warming up and the gathering could be done naturally in public, and then people would act more decent to each other because everybody would have a right to be [there].”).

21. Jacobs, supra note 6, at 58 (discussing how isolation discouraged community life in the housing projects, as opposed to the city street. The same analysis applies to the suburbs, since there too, lack of random sidewalk interaction means neighbors remain isolated from one another).
communal institutions and are often encouraged to isolate themselves from each other.\textsuperscript{22}

Realizing the importance of "neighborhood commerce and sidewalk life."\textsuperscript{23} to the maintenance of strong communities, New Urbanists came to reject the suburban zoning scheme of separating residential and commercial life and eliminating walkability almost entirely.\textsuperscript{24} Instead, the movement advocates urban planning that adheres to the following principles: "neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universal accessibility to public spaces and community institutions."\textsuperscript{25} Specifically, New Urbanists urge decision-makers to alter the nature of current zoning laws in a few significant ways. First, they wish to "[c]reate a traditional neighborhood structure with a town center," such as a square or a key transit stop, which would serve as the core for the neighborhood.\textsuperscript{26} Second, they support designing the city "for pedestrians [so as to] encourage residents to walk,"\textsuperscript{27} by restructuring zoning laws to bring buildings closer to the curb, line streets with trees, build homes with porches in the front and garages in the rear, and provide for a mix of shops, housing, and transit stops in close proximity, so that most locations are a five- to ten-minute walk from home or work.\textsuperscript{28} Third, New Urbanists call for reversal of the typical suburban partition approach,\textsuperscript{29} instead insisting on the development of a "mixture of uses—including shops, offices, and residential—within a building or along a block,"\textsuperscript{30} as well as a variety of housing options within a community, as a means of promoting diversity.

\begin{itemize}
\item \textsuperscript{22} Id. at 65.
\item \textsuperscript{23} Id. at 68.
\item \textsuperscript{24} Id. at 229 ("Considering the hazard of monotony . . . the most serious fault in our zoning laws lies in the fact that they permit an entire area to be devoted to a single use.").
\item \textsuperscript{25} Charter of the New Urbanism, \textit{supra} note 10.
\item \textsuperscript{27} Id.
\item \textsuperscript{28} Id.
\item \textsuperscript{29} See Terry J. Tondro, \textit{Sprawl and its Enemies: An Introductory Discussion of Two Cities’ Efforts to Control Sprawl}, 34 \textit{Conn. L. Rev.} 511, 514 (2002) ("[S]ingle use zoning [i]s the designation of separate land areas for different uses."); see also, e.g., South Bend, \textit{In. Code Ch. 21-01.02(c)} (2008) ("In order to carry out the purpose of this Ordinance and to allow a variety of uses in different districts which are appropriate in location, arrangement, and density to the character of the individual districts and the establishment of a well considered pattern of development for the City of South Bend, all real property located within the corporate boundaries of the City of South Bend are hereby divided into districts.").
\item \textsuperscript{30} Zoning Matters, \textit{supra} note 26.
\end{itemize}
and livability. Fourth, they wish to “[c]reate a sense of place” by encouraging quality architecture and incorporating public spaces within a community, even outside of the neighborhood core. Last, they seek to redesign traffic plans so as to encourage the use of public transit, cycling, and walking by promoting transit-oriented development and introducing traffic calming designs. As such, it may be said that under the New Urbanist standard, strong communal life, or “vibrancy,” is established through curbside interactions. The existence of this form of unplanned association is dependent on walkability, which is gained through the presence of three main elements: the proximity of communal hubs; the self-sustainability of neighborhoods, born out of local commerce and governance that allow residents to fulfill their ordinary daily needs locally; and the neighborhood’s intensity, which Jacobs defines as both embodying high population density and collective accessibility to the public domain.

Through these three parameters, we may examine how the suburban lifestyle has influenced religious identity and involvement, as well as the corresponding sense of communal and secular interconnectedness. More specifically, the Jewish-American experience, due to the integral communal nature of the faith and the historical transition of large Jewish communities from small villages in Eastern Europe to the inner cities and eventually the suburbs, allows the careful inspector to determine how, under the looking glass of New Urbanism, the nature of suburban interaction had frayed the social ties that traditionally served as the adhesive that made for strong communities.

III. THE FATE OF RELIGIOUS INSTITUTIONS: WHY WE SHOULD CARE

In studying suburban influence on patterns of American communal and interpersonal interactions, the significance of religious institutions should not be understated. The introduction of extensive zoning laws, intended to ensure that the industrialization and commercialization of the city did not follow Americans into their perfectly manicured backyards, had far-reaching implications for both religious and secular associa-

31. Id.
32. Id.
33. Id.
34. Id.
35. Jacobs, supra note 6, at 200–02 (recognizing that “dwellings have to be intensive in their use of . . . land” for a community to be vibrant; stating that “[t]he district must have a sufficiently dense concentration of people”; and urging diversity of uses of public areas, explaining that “the dwellings of a district . . . need to be supplemented by other primary uses so people on the streets will be well spread through the hours of the day”).
This double-pronged influence is not coincidental, as “trends in civic engagement are closely tied to changing patterns of religious activity,” and the declining strength of notions of religious identity translates to reduction in the sense of larger communal interconnectedness.37

Active members of religious organizations, which for simplicity’s sake in this section shall be collectively termed church regardless of faith, are not only “substantially more likely to be involved in secular organizations,” but also tend to have significantly deeper social connections.38 Churchgoers are “more likely than other people to visit friends, to entertain at home, to attend club meetings, and to belong to” a myriad of professional, political, and sports groups.39 The communal spirit that is often found in healthy religious institutions encourages religiously involved individuals to simply know more people. Indeed, regular church attendees have as much as 40% more daily personal encounters and face-to-face conversations than their peers.40 The social ties religious communities embody also account for increased volunteerism and philanthropy,41 with church members more likely to contribute time and money to activities both within and beyond their own congregations.42 Notably, churches also play a large role in establishing our norms of interaction, as they serve as incubators for civic skills, community interests, and civic recruitment.43 This organizational and philosophical basis, not surprisingly, gave rise to some of the most powerful social movements throughout American history, “from abolition and temperance in the nineteenth century to civil rights and right-to-life in the twentieth century.”44

The relationship between religious participation and strong communal identity and civic engagement suggests why the fading of the former can be expected to result in a decline in the latter. The role strong religious institutions play in forming communal identity also helps to explain the traditional reverence of Jewish communities for their shared institutions of association, and illuminates why the Jewish experience in the suburbs has, to a large extent, unraveled thousands of years of communal bonds.

36. See infra Part V for a study of these implications.
37. Putnam, supra note 11, at 69.
38. Id. at 66 (citing Sidney Verba et al., Voices for Equality 282, 317–33, 377–84, 518–21 (1995)).
39. Id. at 66–67.
40. Id. at 67.
41. Id. (“Connectedness, not merely faith, is responsible for the beneficence of church people.”).
42. Id.
43. Id. at 66.
44. Id. at 68.
IV. Jewish Life Through the Looking Glass: History, Application, and Analysis

It is interesting to note that the discussion of integrated societies with strong communal institutions begins and ends at the same place—a small community that thrives due to the existence of three fundamental principles: proximity, intensity, and self-sufficiency. An early historical example of this kind of strong community appears in the form of the traditional Jewish shtetl, while the modern one comes in the form of the New Urbanist neighborhood. By exploring the roots of American Jewry, we may learn the degree to which the urban layouts, where these populations dwelled upon arriving to the New World, influenced their ability to hold on to their communal traditions and thus fostered a sense of identity and unity.

A. The Shtetl: Traditional New Urbanism

Back in the Old World, through several centuries, the typical Eastern European Jew lived in a small town known as a shtetl, which was a close-knit, self-sustained, sociocultural community, whose residents were interconnected by the notion of Yiddishkeit (Jewishness). Confined by the external restrictions of the local rulers, and the strict code of Orthodox Jewish law, which regulated ethical values, dietary practices, religious beliefs, and social duties, the Jews of the shtetl were bound together "by firm spiritual ties, by a common language, and by a sense of destiny that often meant a sharing of martyrdom." Life in "the shtetl revolved around the synagogue, the home, and the marketplace," with the home being "an integral part of the larger Jewish community, which shared in the joys and sorrows of the family." The strength of these institutions gave rise to a sense of communal identity that translated into self-sufficiency, rather than isolation from the outside world, with most daily

45. See supra Part II and infra Part VII.
47. Howard M. Sachar, A History of the Jews in America 117–19 (1992) (describing how the "May Laws" of 1882, established by Alexander III of Russia, not only restricted Jewish "[a]ccess to careers in medicine, law, and other higher professions" almost entirely, but also limited Jews' right to buy property and choose their place of abode, as well as left them vulnerable to vicious attacks by gangs of peasants, such as the "Barefoot brigades" who looted, burned, and maimed anyone in their path).
48. Cutler, supra note 46, at 44.
49. Irving Howe, World of Our Fathers: The Journey of the East European Jews to America and the Life They Found and Made 7 (30th ed. 2005).
50. Cutler, supra note 46, at 44.
51. Id. at 46.
social interaction and communal experiences occurring through Jewish relationships.\textsuperscript{52}

Often located along the highways, the shtetl regularly had a variety of visitors,\textsuperscript{53} and the presence of a local marketplace brought the Jewish community into further contact with the peasants of the surrounding areas who came to shop.\textsuperscript{54} Non-Jewish government officials in the shtetl, such as the chief of police and the constable, also increased the number of Jewish relationships with the outside world.\textsuperscript{55} Despite such contacts, it was the local Jewish Council that administered community and religious affairs, largely independently of outside authorities.\textsuperscript{56} The council was responsible for overseeing support of religious associations; the organization of burial, nursing, and loan services; and sometimes maintenance of guesthouses, poorhouses, public kitchens, and free dispensaries.\textsuperscript{57} Moreover, in the shtetl, almost every Jewish family owned a cow or goat, which was used as a dependable source of income, and many households cultivated their own gardens, raising the "Jewish fruits"—beets, carrots, cabbage, onions, cucumbers, garlic, and horseradish.\textsuperscript{58} This self-sufficiency provided shtetl dwellers with the freedom to turn to their community to satisfy their physical and spiritual needs while also avoiding isolation from the world around them.

The value of the shtetl in the Jewish experience derived not only from its self-sufficiency, but also from its ability to accommodate the communal nature of the Jewish faith and tradition.\textsuperscript{59} The proximity of the synagogue and the density of the Jewish population in the shtetl ensured that the entire community could walk to services on Shabbat in accordance with the traditional limitations on transportation on this holiday. It also guaranteed that every prayer would have a \textit{minyan}, the quorum of at least ten men over the age of thirteen required for Jewish public prayer.\textsuperscript{60} Since "[t]he prayer of the community is always heard; and . . . the Holy One, blessed be He, never rejects the prayer of the multitude," prominent Jewish figures have strongly encouraged the creation of minyanim, stressing that "a person must join himself with the community, and

\begin{itemize}
  \item \textsuperscript{52} \textit{Id.} at 49 ("Later, contacts with the outside world . . . began to affect the people of the shtetl . . . allow[ing] for the slow infusion of new ideas and movement.").
  \item \textsuperscript{53} \textit{Id.}
  \item \textsuperscript{54} \textit{Id.} at 48.
  \item \textsuperscript{55} \textit{Id.} at 47.
  \item \textsuperscript{56} \textit{Id.}
  \item \textsuperscript{57} \textit{Id.}
  \item \textsuperscript{59} \textit{See}, \textit{e.g.}, \textit{Louis Begley, The Tremendous World I Have Inside My Head} 66 (2008) ("For Kafka, Yiddish and the shtetl held out the attraction of the close-knit spiritual community.").
  \item \textsuperscript{60} \textit{Stephen J. Einstein Et Al., Introduction to Judaism: A Source Book} 201 (1999).
\end{itemize}
should not pray by himself so long as he is able to pray with the community." 61 This tradition, dating at least as far back as the fifth century, is indicative of the importance of the communal experience in Judaism.62 Members of synagogues turn to the minyan as a vehicle for unifying them as a community.63 They sing prayer together, pray aloud to be heard by one another, arrange their prayer space, and move their bodies while praying in a way that makes them visible to one another.64 While the prayer is not said in unison, it is synchronized, and the language is often plural, with its subject concerning the community's needs.65 Due to the proximity of the religious institution and the high population density of the shtetl, the synagogue was built so as to be widely accessible to all residents of the shtetl.66 With shul just a quick walk away, making the daily minyan was nearly an effortless undertaking.

The structure of the shtetl promoted the kind of communal spirit that was essential to traditional Jewish life, not only through the synagogue, as manifested in prayer, but also by the facilitation of other social experiences. The presence of local kosher butchers in the marketplace at the center of the shtetl allowed families of even the most modest means to have access to meat and food that had been prepared in accordance with Jewish dietary laws.67 Keeping with tradition, therefore, was as easy as taking a stroll down the street. Not surprisingly, with the same dietary laws adhered to by all, the process of acquiring permissible food on market day was a communal experience in and of itself.68 The proximity of these communal hubs and their universal accessibility ensured that traditional communal relationships, arising from random interactions in public places of commerce, remained strong.

62. See Naomi E. Pasachoff & Robert J. Littman, A Concise History of the Jewish People 108 (2005); Michael Katz & Gershon Schwartz, Swimming in the Sea of Talmud 67 (1998) ("There are many other references to minyan in the Talmud, with several different biblical sources cited as proof. It is likely, therefore, that the requirement of a minyan predated the Talmud's reasoning.").
63. Riv-Ellen Prell, Prayer & Community: The Havurah in American Judaism 173 (1989) (explaining that community members "all valued forms of prayer that intensified community").
64. Id.
65. Id.
68. Gerald Sorin, A Time for Building: The Third Migration, 1880-1920, at 13 (1992) (describing the Yarid, or marketplace, as having a "great human stream, together with their containers and merchandise, pouring fourth from all the streets," with the air filling "with a grating mixture of shouting voices").
The existence of an eruv, an unbroken boundary within which observant Jews may carry items on Shabbat, further indicates the compatibility of shtetl life with Jewish communal thought.\textsuperscript{69} Orthodox Judaism holds that the Torah forbids Jews to carry any personal belongings on Shabbat in areas that are public, that is to say, outside of one’s own home.\textsuperscript{70} The concept of eruv, Hebrew for mixture or involvement, allows Jews to consider a certain area “home” for purposes of carrying on Shabbat by encircling it with a symbolic enclosure—a string or rope.\textsuperscript{71} Since the eruv allows a community to figuratively designate a large area—a block, a neighborhood, or even a city—as their symbolic communal home, in which all members of the community share equal rights to carry without fear of transaction, historically, the eruv served as a mark for a community that is sizable and distinct.\textsuperscript{72} In the shtetl, the rope surrounding the entire Jewish community meant that within its boundaries, Jews could feel integrated with their community, much like they would with their families in their own homes. The eruv, therefore, served to make the entire neighborhood a place in which all residents belonged and in which they had a right to be.\textsuperscript{73}

The proximity and density of the shtetl community had allowed for an experience that encouraged religious and cultural traditions to flourish, and had promoted the sort of social interaction that guaranteed the creation of communal identity and feelings of interconnectedness. The shtetl thrived as a communal center of Jewish life because it embodied the three important elements New Urbanists advocate. First was the proximity of religious and communal hubs and their availability by foot to most of the shtetl’s residents. This proximity facilitated the booming of a strong religious and communal sense of unity, through regular interactions with neighbors, taking place in the synagogues’ daily minyanim and the marketplace’s kosher food stands. Second was the self-sustainability of the community, which, in economic terms, manifested itself in the marketplace and the private garden. These institutions allowed most members of the community to make a living through interactions with their immediate neighbors and by way of their own hard work, rather than through reliance on forces from outside the community. The Jewish Council embodied self-sufficiency in its political expres-

\textsuperscript{70} Yosef Gavriel Bechofer, The Contemporary Eruv: Eruvin in Modern Metropolitan Areas 2 (2d ed. 1998).
\textsuperscript{72} Philip Jenkins, God’s Continent: Christianity, Islam, and Europe’s Religious Crisis 55 (2007).
\textsuperscript{73} See Jacobs, supra note 6, at 63–64 (“[P]eople would act more decent to each other [in public places] because everybody would have the right to be [there].”).
sion, ensuring that the community could depend on its own members to satisfy most daily practical and spiritual needs. Third was the intensity of the shtetl, which combined the high density of population with universal accessibility to public places such as the synagogue, the butcher shop, and the marketplace to create the sort of “sidewalk life” necessary for a vibrant and interconnected community within which everyone felt “at home.” These three elements were integral to the creation and maintenance of a strong sense of Jewish community and identity, as they allowed traditional social and religious elements to thrive. It should come as no surprise, therefore, that in hoping to maintain the communal facets of their society, Eastern European Jews sought to import their shtetl culture to the New World.

B. Coming to America: The Birth of Inner-City Shtetls

The first record of Jewish families making their home in the land that was eventually to become the United States goes back to 1654. As Portugal re-conquered Dutch Brazil, it introduced the Inquisition to the colony, causing sixteen refugee vessels to flee, with twenty-three Jewish passengers eventually winding up in New Amsterdam. The first notable wave of Jewish immigration came in the nineteenth century when German Jews, enamored with the idea of freedom and opportunity, began boarding ships in European ports to try their luck in the United States. Between 1820 and 1847, the American Jewish population increased from 3500 to 50,000. Immigrants gravitated to the cities, with 16,000 Jews, as much as 30% of the total Jewish population, making their home in New York by 1850. It was the arrival of Eastern European Jewry, however, that most significantly shaped the nature of American Jewish life and allows us to explore the influence of suburban sprawl on religious institutions and communal notions, through New Urbanist guidelines.

In the late nineteenth century and early twentieth century, the United States began absorbing an unprecedented stream of immigrants from Italy, Russia, and the Balkans. Of the three million immigrants coming out of the Russian Empire, two-thirds were Jews. Seeking to escape the persecution that followed the assassination of Alexander II of Russia in 1881, and dreaming of a land where they would not face violent pogroms and stringent limitations on their livelihood and basic

75. Id.
76. Id. at 41.
77. Id.
78. Id.
79. Id. at 116–17 (describing Southern Italian emigration swelling from 12,000 in 1880 to 200,000 in 1910; Balkan emigration rising from 17,000 in 1880 to 338,000 in 1907; and three million Russians between 1880 and 1914).
80. Id. at 117.
rights. Hundreds of thousands of panic-stricken Jews began pouring westward out of Russian territory. With entire communities resettling in the United States, traditional Jewish life began appearing on the streets of American cities. In fact, Jewish immigrants carried with them from Europe certain distinct elements of the shtetl culture, which through powerful spiritual and communal ties and a sense of shared history had firmly molded Jewish values over centuries, and transplanted them to the New World.

Upon their arrival, Eastern European Jews often felt overwhelmed by "the great American cities where noise, turmoil, hustle and bustle reigned." Nostalgically, they remembered the shtetl, where "everybody was friendly and knew everybody else," and found that "[i]n the big city the houses are 'cold' inside, no matter how much better built, and how superior in other ways they may be to the little cottages [of the shtetl]." To ease their transition into their new home and to accommodate their traditional communal and social needs, Eastern European Jews funneled almost exclusively into specific areas of the cities to which they arrived, transforming their surroundings by setting up "a city within a city, not a ghetto really, but a set of attitudes and a set of practices." The industrialization of the period altered some aspects of traditional Jewish life, particularly with women abandoning their customary roles as helpmates to their men in the management of the family business, instead working as

82. Harry Golden, The Greatest Jewish City in the World 5 (1972) ("Whole families of Jews came to New York, often entire communities. Few of them went any further: in the big city they found other Jews who shared their religious traditions and customs, friends and family who helped these greenhorns gain a foothold in the New World.").
83. Fein, supra note 81, at 150 ("For very sound economic and social reasons, immigrants gravitated to Atlantic port cities. Industry flourished there. It was easier to find work. . . . [There] were [the] social opportunities these cities offered. In their bewilderment, the immigrants needed kindred souls, and it was in these places that one could find landslaje [fellow Jews from the same shtetl] who had settled there earlier.").
84. Sorin, supra note 68, at 13.
86. Id.
87. Compare Cutler, supra note 46, at 58 (noting that in Chicago most Eastern European Jews crowded into what later came to be known as the Maxwell Street area, "one of the poorest parts of the city—an area just southwest of downtown, near the railroad stations where they had disembarked and where rent was cheap and housing poor"), with Golden, supra note 82, at 6 (noting that the similar area in New York was the Lower East Side).
88. Golden, supra note 82, at 6 ("The Jews, alone of the immigrant groups . . . virtually transformed the city.").
tailoresses, seamstresses, and flower-makers. Still, the large Jewish communities that settled in American cities "contained most of the trappings of a European shtetl," including the open-market bazaar, kosher meat markets, and matzo bakeries. In Chicago's Maxwell Street market, Jews had "created the bazaar-like atmosphere of an Eastern European shtetl market, complete with open stands, live chickens, and lively haggling," where they were able not only to shop for their everyday needs, but also "do a bit of socializing and reminiscing." Similarly, in what was once considered New York's Jewish Lower East Side, the pushcart trade had turned entire blocks "into a bazaar with high-piled carts lining the curb," the equivalent of "hundreds of transplanted shtetls." In that one crowded area alone, by the end of the 1880s, three Yiddish theatres were making large profits by introducing productions that "dealt with the conflict between the old, immigrant generation and the younger, assimilating generation." Yiddish, historically the common language of the shtetl, was suddenly spoken on American streets and in the homes, as well as in shopping, labor anthems, lullabies, and political debates. Each community had its "midwives, shadchans (marriage arrangers), mohels [performers of religious circumcisions], shochets (ritual meat slaughterers), and sacramental wine dealers." As was the case in the European shtetls, in the American counterparts cultural and religious life revolved around the synagogues, which provided for the spiritual and social needs of the immigrants, as well as many of the auxiliary services traditionally offered by the Jewish Council, including medical and financial assistance. With countless temples built in Jewish neighborhoods, so as to be within walking distance from their members' homes, Eastern European arrivals were able to continue adhering to Orthodox traditions as they made their homes in America, including studying the Torah, attending daily minyans, and observing strictly both the Shabbat and the dietary laws of kashrus. Even the traditional dress of men and

89. RISCHIN, supra note 58, at 27.
90. CUTLER, supra note 46, at 60.
91. Id. at 66.
92. RISCHIN, supra note 58, at 55.
93. GOLDEN, supra note 82, at 13.
94. CUTLER, supra note 46, at 60–61.
95. Id. at 60.
96. Id. at 73–74 ("The dominant institution of the area by far was the synagogue, just as in the Old Country.").
97. Id. at 74 ("[Synagogues] also supplied a variety of auxiliary services such as Hebrew schools, health funds, charitable aid, burial arrangements, and loan funds.").
98. Id. ("Scattered throughout the Near West Side Maxwell Street area were more than forty synagogues, for the Orthodox synagogues had to be within walking distance of their members' homes.").
99. Id. at 75–76.
women was brought over from the shtetl to the American cities. In this sense, the proximity, self-sufficiency, and intensity of the shtetl, when implemented in the inner city, allowed the same social and religious institutions that traditionally generated a strong feeling of Jewish interconnectedness and identity to continue to prosper. Despite the poverty that had so often characterized them, the Jewish immigrant neighborhoods of the late eighteenth and early nineteenth century became strong cultural centers, in which traditional Jewish communal and religious life thrived. The strength of the spiritual and social institutions—most notably, the synagogue and the marketplace—facilitated the survival of the traditional communal notions that have been in the core of Jewish existence in the shtetl for many generations. The massive move to the suburbs following the Second World War, however, brought about the kind of geographical isolation that eliminated the walkability on which this strong sense of association and identity was based, eventually weakening the notion of community in American Jewry.

C. The Jewish Experience Under Suburban Isolation

The Eastern European Jews who left the shtetl had known in advance that while they may arrive in America, they will likely remain poor for the rest of their lives, never seeing the prosperity that existed beyond the immigrants' sweatshops and the tenements. Like Moses, selflessly leading the Israelites through the desert, knowing full well that only his descendents will be allowed to enjoy the land flowing with milk and honey, the immigrant generation lived for their children. Struggling with their pushcarts so that their sons and daughters may enter the Promised Land and become doctors or lawyers or businesspersons, the Jewish immigrants of the early twentieth century encouraged their children to obtain their sense of identity from the traditional religious and communal institutions, but their education from modern American insti-

100. Id. at 61 ("Bearded Jewish men wearing long black coats (kapotes), boots, and Russian caps or wide-brimmed hats were a common sight, as were shawled women.").

101. See Putnam, supra note 11, at 208.

102. Id. at 211–13 ("Our lives are increasingly traced in large suburban triangles, as we move daily from home to work to shop to home... Suburbanization of the last thirty years has increased not only our financial investment in the automobile, but also our investment of time... [W]e are spending more and more time alone in the car. The car and the commute... are demonstrably bad for community life.").


105. Id.
And that they did. By 1930, notwithstanding the formidable barriers to graduate school, Jews provided 65% of New York City’s lawyers, 64% of its dentists, 55% of its physicians, and 70% of its independent proprietors, despite comprising only 25% of the city’s population. While most of the lucrative legal practices, official hospital associations, and the more heavily capitalized sectors of the American economy remained barred to Jews, their ability to integrate into the general population had provided for an increased standard of living and social status.

Like their gentile peers, American Jews who entered into the middle class began moving out to the suburbs following World War I. Seeking to replace the poverty and congestion of the city with the comfort and serenity of the suburbs while maintaining the Jewish cohesiveness and intra-Jewish kinship on which they were raised in the American shtetls, these first-generation Americans initially created in the suburbs “voluntary physical and psychological havens.” In the early suburban years, driven by the sense of Jewish communality, native-born American Jews “cluster[ed] together around their Jewish institutions,” in a way “reminiscent, in some respects, of the medieval-type society—with a full complement of Jewish institutions, religious, educational, eleemosynary and social, all held together loosely by a Jewish community council.” With proximity and self-sufficiency in place, the Jewish neighborhoods in the first suburbs allowed for the continued survival of the Jewish communal identity in the same way that inner-city Judaism preserved the legacy of the European shtetl. However, the consensual nature of these so-called “voluntary suburban ghettos” embodied a significant weakness. As the Jews of the United States acculturated, they became less dependent on ethnic enclaves for commonalities of language and customs. And the improvements in transportation allowed them to disperse, with Jews

106. Id. at 267.
107. Sachar, supra note 47, at 341. These statistics were substantively similar in other cities such as Cleveland, Philadelphia and Chicago. See Id.
108. Id.
110. Id. at 13.
111. Id.
112. Id.
113. Id. at 12.
115. Putnam, supra note 11, at 208 (“After World War II widespread car ownership combined with a government-subsidized road- and home-building boom to produce accelerated movement to the suburb[]”); Cutler, supra note 46, at 268 (“Unlike in Chicago, where the Jewish population has become largely concentrated in fewer neigh-
increasingly living farther from their places of work and the traditional cultural hubs. As suburbanization grew, the race- and class-based segregation that characterized the early suburban neighborhoods was replaced by a "fragmented . . . sociological mosaic," and the Jewish suburban neighborhood that mimicked the urban shtetl began to disappear.

In the era after the Second World War, the exodus from the cities increased, with about a third of all American Jews leaving their neighborhoods and establishing themselves in the suburbs. The older generation, attached to the institutions of Jewish life—the old synagogues, the kosher butchers, the meeting places in the corner candy stores—stayed behind. As Jews scattered throughout the suburbs, regardless of how stringent their religious practice was, they generally wished to cling to their identity as members of the Jewish group and maintain their Jewish associational networks. Accordingly, to make up for the lack of random intra-Jewish interaction that existed in the cities, the early suburban Jews built synagogues where community members could get together to play mah-jongg or attend an endless variety of meetings. However, despite this cultural hub, in all but the most Orthodox suburbs, where residents chose to geographically limit their abode and congregate around the synagogue so that they may walk to prayer on Shabbat and have access to kosher butchers and bakeries, moving to the suburbs largely meant that the density of Jewish communities diminished, and the viability of the traditional lifestyle all but disappeared.

116. Id. (“Suburbanization meant greater separation of workplace and residence . . . .”).
117. Showstack, supra note 114, at 23.
118. Putnam, supra note 11, at 209.
119. Showstack, supra note 114, at 29.
120. Hertzberg, supra note 104, at 309; see also Cutler, supra note 46, at 245 (noting that in Chicago’s previously Jewish Rogers Park, about half of the approximately dozen synagogues closed, with some temples’ membership going from over 1,000 to about 150 in the years following World War II).
121. Cutler, supra note 46, at 101 (arguing that the younger Jewish generation rapidly adopted the ways of the New World, and the generation after that was almost fully acculturated, while the older generation generally kept to their Old World ways).
122. Showstack, supra note 114, at 23.
123. Hertzberg, supra note 104, at 311–13 (in fact, in the 1950s and 1960s, there was a boom in membership in suburban synagogues).
124. Showstack, supra note 114, at 24.
125. Id. at 27 (This is attributed to the fact that Jews amount to less than 3% of the American population. In fact, “only in New York City could Jews scatter randomly and still maintain a degree of Jewish concentration.” In all other suburbs, scattering meant a significant decrease in random Jewish interactions.).
The "dispersal of much of the Jewish population throughout the suburbs at a lower population density had made it more difficult to supply certain services desired by Jews." For the observant Jews who had moved to the suburbs, "the isolation from other Jewish institutions led to compromises, and eventual neglect of traditions that could be kept up only with extraordinary effort." By the 1950s and 1960s, fewer Jews obeyed the restrictions on forbidden foods or observed the Shabbat than ever before, with only one third of the leaders of suburban congregations keeping kosher, compared to the 1880s and 1890s, when at least four out of five immigrant homes adhered to the traditional dietary laws. This initial move away from adherence to traditional rituals had set the stage for further erosion in the future, as weakened Jewish attitudes in the first suburban generation preceded an even greater decline in the second generation. Abandoning tradition due to the strains the suburban dispersal had placed on community life meant that young Jews increasingly reported caring less about Jewish identity than their parents and grandparents.

Low Jewish concentration among suburban residents is associated with a weak sense of belonging to, and identifying with, the Jewish culture. Consider, for example, one survey in which a group of Jewish suburbanites from a neighborhood with low Jewish density displayed the lowest levels of affiliation with Jewish communities, reported the lowest levels of having friends who are Jewish; expressed the least desire that their children be involved in any Jewish communal activities; and reacted most negatively to the prospect of their community becoming a "Jewish" suburb. It should come as no surprise, therefore, that low "Jewish residential and associational concentration" made the maintenance of strong Jewish ethnicity in the suburban setting practically unattainable. With proximity no longer a characteristic of Jewish communities, the collective

126. Cutler, supra note 46, at 268.
127. Herbert J. Gans, The Origin and Growth of a Jewish Community in the Suburbs: a Study of the Jews of Park Forest, in The Jews: Social Patterns of an American Group 205, 222 (Marshall Sklare ed., 1958). This is reminiscent of a statement from Jacobs, supra note 6, at 58, that in the absence of the three aforementioned parameters, "[communal] places [are] dead and useless without the more determined efforts and expense to inveigle users[.]
128. Hertzberg, supra note 104, at 313.
129. There is a hint of this movement away from tradition in a 1953 survey that indicated that only 28% of congregation leaders took their children to synagogue on Shabbat. See Id. at 313–14.
130. Showstack, supra note 114, at 28–29 (noting the tendency of current Jewish attitudes, as affected by the density of the Jewish population, to strongly influence future Jewish attitudes).
131. Id.
132. Id. at 26.
133. Id. at 25–26.
134. Id. at 27.
identity that was once in the heart of the Jewish experience was beginning to decay. The first- and second-generation American-born Jews who left the cities and intended to maintain strong Jewish cohesiveness were able to do so initially because of their commitment to the religious institutions. By moving to suburbs where Jewish density was low, however, they in effect guaranteed that their suburbanite children would lose “all interest in positive Jewish values” and be less compelled to hang on to their communal past.

By the time suburban sprawl was in full swing, there remained many Jewish communities, but very few Jewish neighborhoods. The candy stores and delicatessens that had once been places of assembly for Jews had yielded their place to single-family houses and grassy lawns. The isolation imposed by the geographic dispersal of the suburbs meant that “the benevolence and intimacy of the shtetl-like communities where Yiddishkeit came naturally and stores and organizations were all within walking distance” ceased to be a Jewish reality. Without proximity, intensity, and self-sufficiency to guarantee the strength of the traditional religious and social associations, and the corresponding notion of communal identity, membership in a Jewish suburban congregation had become comparable to the association of Christians in their own religious institutions, where members consider themselves belonging to a community of believers, and not to a people. Consequently, Jewish-American identity had become radically different from any Jewish experience of the past, and bore little resemblance to the communal tradition that had previously characterized Judaism in the Diaspora. In the span of two generations, the suburban lack of proximity, intensity, and self-sufficiency had turned the centuries-old repertoire of vibrant and communal Jewish existence into a fading memory.

V. AN EMERGING PATTERN: IMPLICATIONS OF SUBURBAN ISOLATION FOR LARGER SOCIETY

While the Jewish-American experience in the suburbs makes for an interesting case study due to its ability to demonstrate with exceptional clarity the influence suburbanization has had on communal life, through the disappearance of proximity, intensity, and self-sufficiency, the decay of the communal foundations in the suburban setting is by no means a uniquely Jewish phenomenon. For Americans of all faiths, “sprawl disrupts community ‘boundedness,’” with “the physical fragmentation” typ-

135. Hertzberg, supra note 104, at 319 (quoting Eli Ginzberg, Agenda for American Jews 80 (1949)).
136. Showstack, supra note 114, at 32.
137. Hertzberg, supra note 104, at 312.
139. Hertzberg, supra note 104, at 317.
140. Id. at 319.
ical of suburban life having “visible dampening effects on community involvement” across the board. In the same way that Suburbia ended the traditionally Jewish social interaction of the shtetl’s marketplace or the metropolitan candy store, for the larger American society, the neighborhood grocery stores or five-and-dime on Main Street gave way to a “shopping experience [that did] not consist of interaction with people embedded in common social network.” The corrosion of American communal institutions, brought about due to a lack of random interactions in suburban neighborhoods, eventually made its way to the religious establishments. Because of the clear correlation between religious activity and secular civic involvement, this disconnect eventually undermined further any sense of community.

In the post-war years, as millions of Americans of all creeds made their homes in the suburbs, the “civil religion” became the “official” religion of the United States. Under the guidance of President Eisenhower, who once stated that “[o]ur government makes no sense, unless it is founded in a deeply felt religious faith—and I don’t care what it is,” American society pronounced all religions to be good, provided that they inculcated in their believers the love of this country. Capturing the essence of this post-war notion of cultural inclusiveness was the story of the American wartime troop carrier, the Dorchester. Hit by a German submarine in 1942, the ship began to sink in the frigid waters of the North Atlantic. With too few life jackets to go around, “four chaplains on board gave up theirs to four enlisted men. The chaplains—two Protestant ministers, a Jewish rabbi, and a Catholic priest—were last seen standing together in prayer on the deck of the ship.” This story, told and retold in places of worship throughout Suburbia as a sign of the integrative nature of the times, was in fact more ominous than its tellers predicted. Like the chaplains of the Dorchester, suburban communal

141. Putnam, supra note 11, at 214–215; see also id. at 75–76 (noting that while different congregations had experienced different changes to membership—with Protestant and Jewish congregations losing membership and Catholic membership increasing—church attendance had decreased for all three of these groups, with “more and more Catholics . . . becoming merely nominal church members, [and] a large and steadily growing number of Protestants and Jews . . . abandoning their religion entirely.”).

142. See Hertzberg, supra note 104, at 312.

143. Putnam, supra note 11, at 214.

144. See supra Part III.

145. Hertzberg, supra note 104, at 311; for a definition of the concept of civil religion, and for a discussion of the view that such a religion plays a significant role in creating communal experiences, see Jean-Jacques Rousseau, The Social Contract 134-35 (1968) (“Now, it matters very much to the community that each citizen should have a religion . . . Each man may have . . . what opinions he pleases, without it being the Sovereign’s business[.]”).

146. Hertzberg, supra note 104, at 311.

147. Id. at 310–11.

148. Id. at 311.
religious institutions of all faiths were soon to face their inevitable grim fate. But unlike the heroic figures of the story, the sinking of these establishments was only to bring further harm to communities, rather than help keep them afloat.

The American religious organization is more than a building or even an institution, but rather has been said to be composed of the “relationships between one person and the next.” These relationships have been growing continuously weaker since Americans put down roots in Suburbia. In the isolated and individualistic atmosphere of the suburbs, religion became increasingly privatized, with large numbers of suburbanites dropping out of organized religion in the 1960s and 1970s, and seeking to satisfy their spiritual needs independently. While some polls suggest that rates of personal religious beliefs have remained stable in the United States throughout the second half of the twentieth century, the consequence of the tendency toward “highly individualized religious psychology” meant that, while arguably remaining as faithful as ever, suburban Americans were not able to enjoy the benefits of the strong supportive attachments that exist in organized communities. As such, the minyan, the traditional Jewish collective prayer, was not the only form of religious communal association to suffer at the hands of privatized suburban religion. Participation in organized worship services generally and “involvement in the social life of the church beyond worship itself” have both fallen consistently since the 1960s. Like the first- and second-generation American Jews who managed to hold on to a sense of communal identity by maintaining strong religious institutions, but who were unable to instill in their children a similar aspiration, church membership was sound in Suburbia during the 1940s and 1950s. Yet “the slow but inexorable replacement of one generation by the next has gradually but inevitably lowered national involvement in religious activities.” And, as was the case for many suburban Jews who eventually

151. Putnam, supra note 11, at 69 (“The Gallup poll and other survey organizations . . . suggest only a modest slippage in . . . religiosity.”).
152. Id. at 73 (quoting Roof & McKinney, supra note 150, at 7-8, 18-19, 32-33).
153. Putnam, supra note 11, at 71-72 (“[Church] attendance has slumped . . . by roughly 10-12% over the last quarter century[; more quickly] in the second half of this period—that is, from the mid-1980s to the mid-1990s.” Also, “Americans’ involvement in the social life of their religious institution apart from formal worship services has fallen, probably by one-third since the 1960s and by one-half or more since 1950s.”).
154. See supra relevant portion of Part IV.C.
155. Putnam, supra note 11, at 72.
156. Id.
abandoned adherence to the walking requirement of Shabbat and the strict dietary restrictions due to the lack of proximity and self-sufficiency of their neighborhoods,157 for all church-goers, involvement in religious activities declined exponentially as the form of involvement became more demanding.158

Now in retirement age, the Baby Boomers are less religiously involved than their parents were at their age,159 and their children display an even lower degree of religiosity than the Boomers once did.160 Even for those who remained religiously inclined, “[individualized] religion kn[ew] little of communal support, and [existed] by and large independent of institutionalized religious forms; it may [have] provide[d] meaning to believers and personal orientation, but it [was] not a shared faith, and thus not likely to inspire strong group involvement.”161 As discussed above,162 a strong relationship exists between religious participation and communal involvement, and the influence of the suburban personal autonomy on the religious realm inevitably created a loss of social capital.163 Put another way by one leading American religious historian, the fact that, according to some studies, Americans remained as faithful as before did not guarantee the survival of traditional communal institutions because “[u]nless religious impulses find a home in more than the individual heart or soul, they will have few long-lasting [positive] public consequences.”164

157. See supra relevant portion of Part IV.C.
158. PUTNAM, supra note 11, at 72.
159. Id. at 73 (“When they were in their twenties (in the 1960s and 1970s), boomers were more disaffected from religious institutions than their predecessors had been in their twenties . . . . Even now, in their forties and fifties, though . . . more religious than they once were, boomers remain less religiously involved than middle-aged people were a generation ago.”).
160. Id. at 75 (“When the boomers entering college in 1968 completed . . . [a questionnaire about their senior year in high school], 9% said that they ‘never attended church services.’ By the late 1990s, when the boomers’ children were filling out that same questionnaire, this same index of complete disengagement from organized religion had doubled to 18%. Similarly, the fraction of college freshmen who avowed ‘none’ as their religious preference doubled from 7% in 1966 to 14% in 1997.”).
161. Id. at 74 (quoting Wade Clark Roof, America’s Voluntary Establishment: Mainline Religion in Transition, in RELIGION AND AMERICA: SPIRITUAL LIFE IN A SECULAR AGE 132, 137 (Mary Douglas & Steven Tipton eds., 1983)).
162. See supra Part III.
163. PUTNAM, supra note 11, at 74.
164. Id. at 69 (quoting Professor Martin Marty of the University of Chicago, as quoted in Jeffrey L. Sheler, Spiritual America, U.S. NEWS & WORLD REP., Apr. 4, 1994, at 48).
VI. THE APPLICABILITY OF THE JEWISH TRADITION TO THE MODERN SUBURBAN EXPERIENCE

This paper has so far established the role suburban sprawl has played in the disintegration of American communal life in general, and religious life in particular, by studying the distinctive Jewish-American experience, and equating it to a larger American reality. However, an analysis of the configuration of the traditional Jewish society offers more than just a context within which to evaluate the consequences of sprawl—it also offers a potential solution to the breakdown of American communal life.

As early as 1945, when suburban expansionism was only in its infancy, author Hayman B. Grinstein began studying the forces shaping the Jewish-American community.\(^{165}\) Almost immediately, Grinstein recognized the dangers imposed by the distancing of Jewish life from traditional social institutions, and called for the revival of the essential elements of communal Judaism, stating:

The heart of a people's culture is the structure of its ideals; its customs and way of life constitute merely the foundation for this structure. In the broad view, civilization loses little when customs disappear, but may lose much when ideals are abandoned. To prevent this irremediable loss, it may sometimes be necessary to preserve an anachronistic way of life, for some irreplaceable ideals can be maintained only in the environment which gave them birth. Ideals torn from their cultural context are in danger of losing their spirit and flavor, and, in the end, of disappearing.\(^{166}\)

Pleading for a return to a traditional lifestyle as a means of ensuring the survival of communal engagement, Grinstein hailed the shtetl's ability to create a vibrant and interconnected sense of community.\(^{167}\) As this Note explains, it was the shtetl's proximity, its self-sustained economy and government, and its intensity, born out of the combination of high-density populations and accessible religious and social hubs, that facilitated this communal vitality.

However, Grinstein's particular solution is inherently flawed. A full return to traditional lifestyle as a way of reversing the decline of American communal spirit seems impracticable and undesirable. While not directly advocated by Grinstein, the implication of his suggestion is the

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166. Id. at 13.
167. Id. at 34 (The Jews arriving to the New York from the Old World "brought to the community a sense of a common past, a common history, a common fund of religious views and beliefs. Among these shared traditions, one is all-important: the age-old custom of Jews living within a distinct area to establish within its confines a separate community.").
use of zoning laws to create neighborhoods specifically designated for specific religious, racial, or ethnic communities within American cities, an effect obviously incompatible with several modern American tenets, including our desire to encourage an integrative heterogeneous civilization and the constitutional separation of church and state. It is also inconsistent with the New Urbanist tenet of diversity.¹⁶⁸

Some notable Jewish thinkers, such as Isaac Mayer Wise, a leading American Reform Rabbi, and Mordecai M. Kaplan, the founder of the Reconstructionist movement in Judaism, rejected the idea of enforcing tradition as a way of encouraging community life on more spiritual grounds. Wise, while recognizing the role traditional observances had played in unifying the Jews and giving them a sense of solidarity, argued that the "moral and spiritual complacency and the cultural stagnation which were generally the concomitants of strict adherence to ritual observance" undermined any benefits that come from devotion to a traditional lifestyle.¹⁶⁹ Kaplan also rejected tradition as a solution to the challenges of the modern world, stating that "[o]rthodoxy is altogether out of keeping with the march of human thought,"¹⁷⁰ and that uncompromising adherence to tradition "precludes all conscious development in thought and practice and deprives Judaism of the power to survive in an environment that permits free contact with non-Jewish civilizations."¹⁷¹ Like Wise, however, Kaplan was not blind to the danger that lurked in the desertion of the traditional communal associations, and he echoed Gronstein's concern when he attempted to explain to religiously apathetic young Jews that "only by reconstituting an effective Jewish public sphere (a 'community') could a Jewish ethnos, properly speaking, arise—within which Jews might repossess the redemptive energy of . . . their 'civilization.'"¹⁷² In light of the previously studied effect of suburban sprawl on communal life, Kaplan's vision of an "all-embracing community that . . . would be the sponsor of all spiritual and social needs,"¹⁷³ seems now

¹⁶⁸. Jacobs, supra note 6, at 242 (Jacobs specifically recognizes diversity of thought, income, and uses as necessary so long as "city life can work decently and constructively, and the people of cities can sustain (and further develop) their society and civilization.").


¹⁷⁰. Id. at 37 (quoting Mordecai M. Kaplan, A Program for Reconstruction of Judaism, 6:4 The Menorah Journal 182–83 (Aug. 1920)).

¹⁷¹. Id. at 38.


¹⁷³. Id.
more appropriate than ever before. But how can we construct such a community, which on the one hand "would be far superior, in survivalist terms, to the typical congregational units prevalent in the United States," but on the other, would accommodate the individualistic needs of modern society? The answer lies in the integration of the lessons learned from the traditional communal elements from the shtetl with New Urbanist concepts of community building.

VII. THE RETURN OF THE SHTETL: APPLYING LESSONS TO LAND USE REGULATORY SCHEMES

Many renowned academics have explained the suburban boom as a natural result of a free-market economy. Specifically, there are those who argue that New Urbanist planners only detract from consumer choices and interfere with the natural development of the American Dream. Sprawl, however, cannot be fairly characterized as a free-market outcome. In fact, it is the result of the market operating within clearly defined, and strictly enforced, rules and regulations. The absence of traditional urbanism in many parts of the country can be attributed to zoning laws, which meticulously designate certain areas for entirely residential use and others to wholly commercial application, rather than a natural result of the invisible hand.

Consider the case of an Orthodox rabbi who sued officials in Ramapo, New York, after the local zoning laws were implemented to prevent him from "detract[ing] from the residential nature of the area," by operating a makeshift weekend synagogue in his suburban living room so that a few local residents may walk to services on Shabbat, in accordance with their tradition. It was not fear of traffic or street congestion that motivated officials in demanding the closing of the improvised temple, but rather the disapproval of nonresidential elements in an otherwise suburban neighborhood. It is the anxiety of

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174. Id.
177. Bruegmann, supra note 175, at 157.
179. LeBlanc-Sternberg v. Fletcher, 67 F.3d 412, 420 (2d Cir. 1995).
180. Id. at 418 (discussing Ramapo’s zoning codes, which restrict the use of residences other than for dwelling purposes such that limited nonresidential use is allowed as
mixing the residential with the commercial, and not any actual consideration of free-market needs, that drives the development of suburbs and the creation of the sort of norms that eventually eat away at the sense of interconnectedness and identity in America's communities.

Like Kaplan,81 New Urbanist theorists recognize that in modern-day society, an entirely traditional lifestyle is unsuitable, as privacy, among other tenets, is precious and indispensable.82 They also understand that zoning laws, not free-market forces, promote sprawl, and that many Americans chose the isolation of the suburbs specifically because they enjoy "[t]he privacy of keeping one's personal affairs to those selected to know them, and the privacy of having reasonable control over who shall make inroads on [their] time and when."83 But strict, often draconian, zoning laws are not necessary in order to protect privacy and other contemporary notions. In fact, according to New Urbanist thought, a good neighborhood can achieve "a marvel of balance between its people's determination to have essential privacy and their simultaneous wishes for differing degrees of contact, enjoyment or help from the people around."84 The density of the population and the accessibility of public places mean that there are plenty of opportunities for public contact in the enterprises along the sidewalks, or on the sidewalks themselves, allowing people to "move to and fro or deliberately loiter when they feel like it," no strings attached.85 Suburban-style zoning, which separates uses and limits human interaction, might provide privacy, but high population density and mixed-use properties do nothing to threaten this cherished value, so long as Americans are free to control the depth of their frequent interactions. By adopting the shtetl model in designing neighborhoods, planners would integrate proximity, self-sufficiency, and intensity as elements of daily life. This, in turn, would encourage casual contact between neighbors,86 strengthen both religious and secular communal institutions, and promote the restoration of a sense of belonging and identity that have all but disappeared from the mainstream American experience.

Because existing zoning is essentially in opposition to the tenets of New Urbanism, architects have developed alternative zoning codes con-

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81. See supra relevant portion of Part VI.
82. JACOBS, supra note 6, at 58.
83. Id. at 59.
84. Id.
85. Id. at 62.
86. See Amy Sutherland, Push For 'New Urbanism': Most Neighborhoods and Downtowns Seem to Discourage Spontaneous Human Interaction, PORTLAND PRESS HERALD, Jan. 1, 1998, at 1A (pedestrian-friendly neighborhoods, unlike sprawling subdivisions, foster community by encouraging chance meetings between their residents).
taining the New Urbanist principles.\textsuperscript{187} The most common of these unorthodox planning concepts is the Traditional Neighborhood Development (TND),\textsuperscript{188} which had been built mostly under zoning codes' planned unit development (PUD) provisions.\textsuperscript{189} Under PUD laws, developers are allowed to introduce mixed land uses, including residential and commercial, within an area, subject to regulations established for that specific PUD by the local government.\textsuperscript{190} This right of first refusal, however, allows local municipalities to limit development to conventional zoning standards to a wide degree, and has largely stifled New Urbanist development.\textsuperscript{191} Some alternatives to PUD zoning have been proposed, including tweaking local zoning codes to create specific mixed-use districts within otherwise typically zoned towns.\textsuperscript{192} But even these altered codes are characterized by limited density and segregated land uses.\textsuperscript{193} In an attempt to supersede existing zoning laws altogether, a leading New Urbanist architectural firm, Duany Plater-Zyberk & Company (DPZ), drafted a comprehensive New Urbanist Code called the SmartCode,\textsuperscript{194} which could be used as a region-wide plan rather than a small part of a conventional regulation.\textsuperscript{195} Divided into regions of different densities, the SmartCode integrates layers so as "to create a coherent sense of

\begin{footnotes}
\footnote{188. Id. at 259 n.19. New Urbanists often use the terms “New Urbanism” and “TND” interchangeably.}
\footnote{189. See Joel Russell, Putting New Urbanism to Work in Your Community, in Paul Crawford, Codifying New Urbanism 25, 30 (2004) (noting the PUD process has typically been used as the vehicle for New Urbanist projects).}
\footnote{190. Lewyn, supra note 187, at 267.}
\footnote{191. Id. at 267–68 ("If a developer has to spend months in PUD-related negotiations to build a TND, but can obtain a quick permit under [standard] zoning to build a conventional single-use subdivision, it will generally prefer the latter option.").}
\footnote{192. See, e.g., Milwaukee, Wisc. Code ch. 295-403-2 (2004), available at http://www.city.milwaukee.gov/display/router.asp?docid=1179; South Bend, Ind. Code ch. 21-03.02 (2008) (listing permitted land uses in mixed-use districts, and explaining the establishment of this zoning exception as intending to "promote the development of [the] dense urban village environment [and to] encourage all the elements of a traditional urban village, including: storefront retail; professional offices; and, dwelling units located either in townhouse developments or in the upper stories of mixed-use buildings"), available at http://www.municode.com/resources/gateway.asp?pid=13974&sid=14.}
\footnote{195. Lewyn, supra note 187, at 269 (noting that the SmartCode’s Transect—a division of areas into zones, so as to create immersive environments where the physical characteristics of buildings and landscapes combine to create a coherent sense of place—offers a competing solution to what has been the zoning norm contributing to sprawl).}
\end{footnotes}
place.\footnote{196} The SmartCode greatly differs from common regulatory schemes in that, unlike typical zoning laws that regulate the use of buildings, the SmartCode standardizes a building's character by the urban intensity of its zone, regardless of whether its use is commercial or residential.\footnote{197} By allowing extensive mixing of uses within the same zones, through, for example, the development of small restaurants or neighborhood stores on otherwise residential streets,\footnote{198} the SmartCode encourages exactly the sort of sidewalk life that gives rise to communities. To New Urbanists, the superiority of the SmartCode over standard zoning regulations lies in its tendency to enhance walkability and thus a sense of community.

The suburb, through homeownership, space, and individualism promised to promote what is perhaps the grandest American virtue of all—freedom.\footnote{199} The vehicle dependency inherent to the suburban life, however, imposes restrictions on residents, instead of providing them with choice. Rather than having the freedom to decide between walking, biking, or driving to the grocery store, the local school, or the religious temple, Americans are inevitably constrained in suburban settings. As established above, the harm these restrictions cause goes far beyond mere inconvenience and sacrifices to individual spirituality, as, ultimately, life in the stringently-zoned suburbs diminishes the American sense of community, identity, and spirituality.

\section*{VIII. Conclusion}

To a New Urbanist thinker, the historical prevalence of the shrael as the leading form of Jewish residence in the Diaspora would not be surprising. This community included many of the elements that New Urbanists would like to introduce to modern zoning regulations. The synagogue and the marketplace served as the town centers that were the core of the community. The mixed-use nature of the town, and the proximity of its institutions, encouraged intensity and walkability, and gave rise to collective notions of identity through extensive sidewalk life and the perpetuation of communal models such as the minyan and the \textit{eruv}.

In the urban Jewish neighborhoods during the decades preceding the conquest of the suburbs, living close together continued to be the

\begin{footnotes}
\item[196] Russell, \textit{supra} 189, at 36.
\item[197] SmartCode, \textit{supra} note 194, art. 5.3 (setting forth rules governing suburban T3 zone, generally without reference to how land will be used).
\item[198] SmartCode, \textit{supra} note 194, at SC125 tbl.11.
\item[199] \textsc{Eric Foner, The Story of American Freedom} 264–67 (1999) (discussing "American Freedom" in Suburbia as being defined by homeownership); \textsc{Harlan Paul Douglass, The Suburban Trend} 118 (1970) (equating suburban space and freedom); \textsc{Donald Greenberg, The Politics of Privilege: Governing the Affluent Suburb} 9 (1994) (describing individualism and independence as elements glorified by the suburban ideology).
\end{footnotes}
major form of personal association. People derived a sense of community from the interpersonal relationships that formed and maintained in religious institutions, on the stoops in front of neighbors' houses, and in the candy stores. The strong synagogue gave birth to various types of communal organizations, from "friendly societies" to political groups, all of which formed an expression of Jewish identity. Through the prominence of communal links, Jewish identity continued to thrive as Eastern European Jews made America their home.

The dispersal of the Jewish communities throughout the suburbs put an end to most unplanned casual interactions and turned many of the traditional religious institutions into relics. With proximity, self-sustainability, and intensity gone, the changing nature of communal and religious life eventually weakened the societal bonds that for centuries typified strong Jewish communities, with every generation becoming further removed from the traditional sense of identity. The long-term implications of this phenomenon to broader societal associations, in light of the correlation between involvement in religious institutions and secular civic activity, only emphasize further the danger embodied in the suburban sprawl.

Suburban zoning laws, through their strict regulations of land use, have impeded the American Dream. As one Texan folk musician reflects in a song on his experiences growing up in the American suburbs,

I remember listening to songs about trains, and feeling the rush of wonder at the possibility that the world was infinite and accessible all at the same time. And then it was songs about highways and Born to be Wild and Little Red Corvette and the road went on forever in my mind. But now it's clogged bumper to bumper with stinking SUVs and two-story pickup trucks that can drive over anything except the two-story pickup truck right in front of it [sic].

200. Hertzberg, supra note 104, at 263.
201. 17 Studies in Contemporary Jewry, supra note 172, at 6–7 ("In America . . . the most enduring form of Jewish affiliation has remained the synagogue . . . [T]here is virtually no other public venue for Jewishness in America but the synagogue.").
202. Hertzberg, supra note 104, at 263.
203. Id. at 264. See also Putnam, supra note 11, at 72 ("[T]he classic institutions of American civic life, both religious and secular, have been 'hollowed out.' Seen from without, the institutional edifice appears virtually intact—little decline in professions of faith, formal membership down just a bit, and so on. When examined more closely, however, it seems clear that decay has consumed the load-bearing beams of our civic infrastructure.").
204. Hertzberg, supra note 104, at 264.
New Urbanist alternatives to suburban regulatory schemes seek to encourage true freedom by eliminating restrictions and providing Americans with choices in transportation, interaction, and lifestyle.

By studying the history of the Jewish experience in this country, focusing on what happened to the institutions that traditionally served as the glue that held these communities together, we are given an unusual opportunity to evaluate what the future may hold if our society continues to dwell in the heavily zoned suburbs. A review of the past, present, and future of Jewish-American communal institutions through the New Urbanist looking-glass also illustrates what we stand to gain if we succeed in redesigning our communities so as to encourage people to know their neighbors—that they may love them as they love themselves.