

PROOF OF EVIDENCE OF:

THE CHIEF RABBI DR JONATHAN SACKS

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY UNITED SYNAGOGUE ERUV COMMITTEE

RE: INSTALLATION OF STREET FURNITURE
COMPRISING GROUPS OF POLES (USUALLY 2
CONNECTED BY HIGH LEVEL WIRE TO
COMPLETE THE IDENTIFICATION OF THE
PERIMETER OF A DEFINED "ERUV" WITHIN
PARTS OF BARNET

PUBLIC INQUIRY: TUESDAY NOVEMBER 30TH 1993

DOE REF: APP/N5090/A/93/224571
COUNCIL REF: ERUV 1
APPELLANTS' REF: 1871/AP1A

PROOF OF EVIDENCE OF THE CHIEF RABBI DR JONATHAN SACKS WHO WILL SAY:-

1. INTRODUCTION

- 1.1 Between 1978 and 1982 I was the rabbi of the Golders Green Synagogue (United Synagogue). It was there that I first recognised the need for an Eruv and began preliminary investigations into the possibility of constructing one. There was no doubt in my mind, then or since, that an Eruv would greatly benefit many Jews in the area.
- 1.2 Since September 1991, I have been Chief Rabbi of the United Hebrew Congregations of the Commonwealth. Plans for an Eruv had already been initiated during the incumbency of my predecessor, Lord Jakobovits, and on taking office I endorsed the project and renewed the commitment of my office to it.

2. JURISDICTION

As Chief Rabbi, I am the ecclesiastical authority of the United Synagogue under whose auspices the Eruv proposals have been constructed and promulgated attached and referred to as "JS 1 (a) (b) and (c)" is a statement from Jonathan Lew, Chief Executive of the United Synagogue confirming the status of the Eruv Committee and the audit report of the Eruv Petitioners referred to in his statement and the statement of Dr Fabia Shaw. On matters of Jewish law, that authority is exercised through the Court of the Chief Rabbi - the London Beth Din - whose head, Rosh Beth Din, is Dayan Ehrentreu. Dayan Ehrentreu has been involved in all halakhic aspects of the Eruv, and the proposals have the approval of the Beth Din.

3. WHAT IS AN ERUV

An Eruv is an institution of rabbinic law to permit "carrying" on the Sabbath in certain cases where it would otherwise be forbidden, by providing a demarcated territory with the status, in Jewish law, of a "private domain". In practical terms, it would confer mobility on the elderly or disabled, and parents with young children, by making it permissible on the Sabbath to push wheelchairs or prams within the designated area. Without an Eruv this is forbidden. Nor is there any other way of making it possible without constructing an Eruv. Jewish law knows of no concept of "dispensation" that would apply to such cases. Proposals such as those involving the putative use of the M25 are unviable in Jewish law.

4. BENEFITS

The human benefits for observant Jews will be immense. Indeed it was sensitivity to such benefits that led many communities throughout the world to construct Eruvim. Jewish law regards it as a positive injunction to construct an Eruv wherever halakhically appropriate.

5. GENERAL

- 5.1 It should be noted that the existence of an Eruv does not - as some have argued - constitute a "ghetto" nor does it have any connection with that unfortunate term. A ghetto was a place of enforced Jewish settlement at times when Jews were forbidden to live in mixed neighbourhoods. The concept has, needless to say, no existence in Jewish law and belongs to the history of anti-Jewish persecution. The Eruv, by contrast, marks a boundary for the purposes of the laws of the Sabbath and has no other significance.

It has no bearing on where Jews live, merely on where they may carry on the seventh day.

5.2 Nor are the poles and wires of a Eruv religious objects. They are markers of a boundary, symbolically spanning gaps in the perimeter of the Eruv's domain.

5.3 Much misunderstanding has accompanied debate about the Eruv, and as a result anxieties have been evoked which, sincere though they surely are, are nonetheless groundless. The experience of cities in the United States, Canada and Australia which have established an Eruv suggests that initial disquiet is rapidly laid to rest, and the Eruv itself is virtually unnoticed by those who do not avail themselves of it. But for the many pious and observant Jews who are helped by its existence, it is an inestimable boon, allowing the Jewish Sabbath to be experienced as a true "day of delight".