

LORD JAKOBOVITS + ETHERBOSTON ERUV CTEE

PROOF OF EVIDENCE OF:

LORD JAKOBOVITS

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 LORD JAKOBOVITS, EMERITUS CHIEF RABBI WHO
WILL SAY:-**

1. INTRODUCTION

1.1 I speak both as Chief Rabbi of Britain and the Commonwealth for twenty-five years, and now as a resident of Hendon since my retirement two years ago. In the last two years, I have had more opportunity to become involved in the local community. I worship daily as well as on Sabbaths at the Hendon United Synagogue. I preach and lecture occasionally. I have associated myself in particular with an early morning Sabbath service attended by many young married people as well as worshippers of all ages. I can therefore testify to the local need for the Eruv facility as well as to its establishment in recent years in many parts of the world.

1.2 In all cases in which I have been involved, particularly Manhattan, U.S.A. and Melbourne, Australia, the amenity was eventually provided, always with some assistance from the local authority to meet the requisite conditions. By such action, everyone can be satisfied; those who will use it by an enormous easing of life, as I will show, and those who object for whatever reason by not being compelled to avail themselves of the innovation and carrying on their Jewish lives as before.

2. WHAT IS AN ERUV?

2.1 Let me now briefly explain what an Eruv is and how it works. The Sabbath, as enshrined in The Ten Commandments, is not just a day of physical rest. God did not need to recover from the strains of six days of Creation. What He did was to abstain from any new creation on the seventh day. He suspended all further creation. In the Jewish

view, man was to be master over the Universe and all its forces, entitled to exploit them. But for six days only. On the seventh day he is to return this mastery to the ultimate Master, to remind himself that he is only creature and not Creator. Thus the Jew is to suspend on the Sabbath all creative work - no ploughing, no reaping, no building, no writing - in short, no action calculated to impose the imprint of his dominance on his environment. For one day a week nature is to be free from man's interference.

- 2.2 Included among the prohibitions of "creative work" on the Sabbath is moving or carrying any object from one type of domain to another (public to private, or vice-versa), thereby changing the character of the object in relation to its environment.
- 2.3 An Eruv, by completely encircling a designated area turns it technically and symbolically into a single domain, thus allowing objects to be moved within it without violating the letter or the spirit of the Sabbath. The very installation of such a facility is a powerful reminder of the sanctity of the Sabbath for those who observe it.

3. WHAT ARE THE BENEFITS?

- 3.1 The practical advantages in thus easing Sabbath-observance permissible within Jewish Law, are of course enormous. Mothers can take their babies out in prams and need no longer be prisoners tied to their homes. Invalids and infirm people can use wheelchairs to go to Synagogue or elsewhere. And congregants generally can take their prayer-books and other religious objects to synagogue services. For an area such as Hendon, Golders Green and Finchley, these benefits would become available to many

thousands of traditional Jews and their families.

4. OTHER ERUVIM

4.1 Eruv facilities already exist in all cities in Israel and in many throughout the Diaspora, such as various parts of New York and elsewhere in America, as well as in many communities in Europe, South Africa, Australia and Latin-America.

4.2 As already mentioned, the establishment of a new Eruv is often the cause of argument among observant Jews. The opposition is due either to traditionalists who object to any changes of established habits, or who support the view of rabbis who regard our cities (even in Israel) as too large to warrant the change of the domain. This view, though quite authentic, is supported only by a minority of leading rabbinical experts.

4.3 I have myself been personally involved in two such controversies preceding or accompanying the establishment of a new Eruv: in Manhattan, where I was one of the supporting Rabbis, and in Melbourne. As the Chief Rabbi of the Commonwealth, my jurisdiction extended to Australia and this enabled me to intervene when the Eruv in Melbourne was being proposed. So far as I am aware there was no opposition from the local authority. There was some disagreement within the Jewish community. But here, as indeed in most such controversies elsewhere, the opinion of the supporters eventually prevailed, and the Eruv was established to be ultimately accepted with little if any further argument. I am confident that a similar view will prevail in North-West London.

4.4 In any event, no-one is obliged to make use of an Eruv.

But to deny those who seek the facility the right to enjoy it is a denial of their religious and civil rights. Such a denial should not be supported by municipal authorities concerned with the welfare and religious freedom of all their citizens and I am not aware of any situation where this has been the case.

5. WHY THE NEED FOR AN ERUV NOW

- 5.1 It may be asked, why was not such an Eruv established earlier? The same can of course be asked about numerous other cities which have established an Eruv only in very recent years. Since I was Chief Rabbi from 1967 to 1991 I feel myself well qualified to answer this question.
- 5.2 The answer can usually be found in socio-economic factors rather than religious or civic considerations. In most cases, Jewish life started as poor immigrant communities with rather different priorities to make these communities viable and religiously-creative. In institutional terms, the main thrust in the past was (and continues to be) for the establishment of Jewish day schools. These are now flourishing, and their products require new amenities to facilitate strictly-traditional personal and communal existence.
- 5.3 The increasingly-pluralistic character of our city environment has also emboldened Jews to seek facilities which were never thought of in the past. These days, religious minorities proudly affirm their customs and beliefs where formerly they often used to be very discreet, at least in their public expression of Jewish loyalties.
- 5.4 By the same token, the civic virtues of tolerance and

religious freedom are nowadays often measured by the extent to which traditional loyalties are encouraged rather than spurned. A society which fails to deal considerately with the religious or cultural requirements of a section of its population, provided no harm is inflicted on the rest, is out of step with current trends and commitments.

6. GENERAL POINTS

A few more technical comments may be added:-

- 6.1 In contemporary society, the desire to build an Eruv must be tempered with a recognition of the aesthetics of the community. Strategies have therefore been developed to make an Eruv as unobtrusive as possible. As a result, any possible existing structures such as river-banks, railway lines, fences and walls have been "adopted" for the Eruv. Since no alteration of these structures is necessary, no-one except those interested in using the Eruv are even aware of this "adoption". In Strasbourg, France, the Eruv covers 16 square kilometres by the use of railway lines and canals and no physical features are required. Indeed, within our proposed Eruv these natural and totally-unmarked boundaries cover all but two-thirds of a mile of the eleven-mile perimeter. In those places where there are no such existing structures, a structure symbolising a doorway or gateway is required. There are virtually no specific requirements as to the width or the materials that may be used for this purpose. In practice, this has been achieved in modern cities throughout the world by stringing wire between poles including lamp posts, telegraph poles or poles erected for this specific purpose.

- 6.2 I am advised that all costs will be borne by the United Synagogue Eruv Committee. None of the structures or materials involved in the boundary carry any sanctity or religious value. The boundary is merely symbolic and its suggested parameters were designed to include the present location of as many members of the Jewish community as possible, and to make use of as many existing structures as possible. Anyone wishing to use the Eruv may do so, and no-one need be aware of the boundary except those who are choosing to use it.
- 6.3 In our tradition, there is the principle that "when one party benefits and the other party loses little or nothing, the first party shall be permitted to proceed". The Eruv project is of great benefit to the Jewish community. There is no-one materially damaged by it, and many will benefit from its advantages.
- 6.4 The establishment of the Eruv will hardly cause an influx of Jewish residents into its area. Orthodox Jews are attracted to live in NW11 and NW4 as a result of the choice of Jewish amenities available in the area. The proximity of synagogues, and schools as well as shops and restaurants selling kosher food are undoubtedly much higher on the list of priorities when an Orthodox Jew decides where to live than the existence of an Eruv, although the latter is of course a factor.
- 6.5 It should be noted that the Eruv project enjoys widespread support even beyond the ranks of the strictly-traditional community, as testified in the letters received from local leaders of such groups.

7. ERUV JURISDICTION

7.1 The Eruv is sponsored by the United Synagogue whose ecclesiastical authority is the Chief Rabbi who presides over the London Beth Din (Court of the Chief Rabbi) whose Senior Judge is Dayan Ch. Ehrentreu who also has his own private synagogue within the Eruv area. The United Synagogue Eruv Committee was set up in 1990 when the then President of the United Synagogue under my authority as Chief Rabbi invited the honorary officers of the four United Synagogue synagogues (Golders Green, Hendon, Finchley and Hampstead Garden Suburb) and one independent community (Ner Yisrael) to each send a representative with their rabbi to form the United Synagogue Eruv Committee.

8. CONCLUSION

8.1 As I mentioned above, and as is further illustrated in an article annexed hereto marked "LJ 1" in relation to the eruv in Boston, U.S.A. set up earlier this year, the practical advantages are numerous. The existence of an eruv is a way of bringing the community together on the Sabbath. The mobility creates a unity within the community generally and, more particularly, in the family, which is the foundation and cornerstone of Jewish life. A strong family unit creates a harmonious community. In turn, this enables the community as a whole to integrate with the general community in which it is situated. It is indeed the very opposite of a ghetto by making public life more open and accessible.