

Barnet Eruv Objections.....Briefing

August 1993

What is an Eruv ?

An Eruv is a notional communal area ('domain') in which a section of religious Jewish people are absolved from observing Sabbath prohibitions on carrying (eg house keys) and pushing (eg pushchairs) outside their home.

Eruv areas have a long history, but they apparently fell largely into disuse until revived in the 1970s in the USA, where according to an *Eruv Manual*, an Eruv "pools all private and public rights".

The boundary of the Eruv proposed in Barnet by the United Synagogue Eruv Committee would be defined mainly by the frontages of private houses and other buildings, railway embankments and motorway barriers. The boundary would be completed by the erection of poles between which wires would be suspended over highways and at other sites where the 'existing boundary' is lacking. The Eruv area would cover about 6.5 square miles.

In February 1993 Barnet Council rejected the Eruv Committee's planning application for the erection of the poles. However, the Eruv Committee are appealing to the Department of the Environment against this decision, and have also submitted a new, slightly modified, application to Barnet Council.

Who objected ?

The opponents of the Eruv Committee's original planning application who made specific objections to Barnet Council included: Corporation of London, Department of Transport, All Saints Church of England School, seven Orthodox Rabbis, British Humanists, Royal Society for Protection of Birds, Hampstead Garden Suburb Conservation Area Advisory Committee, Finchley Society, several Residents Associations and Amenity Groups, and over 200 individual residents.

The objections covered a variety of concerns: environmental (eg poles and wires unsightly, unacceptable in the conservation area, and unnecessary addition to street furniture, and hazards from wires); individual (eg loss of value of property, use of poles by intruders, aversion to living in a sectarian 'domain'); religious (eg contrary to Jewish law, divisive between religions); and social (eg ethnic disharmony, demographic changes).

Who needs this Eruv ?

Until 1989 there was no pressure for an Eruv from the substantial Jewish community which has existed in the UK for over 100 years. Even today, according to one estimate, only about 400 members of the United Synagogue would be relieved of the religious restrictions by the proposed Eruv in Barnet. It is not needed, of course, by the majority of Barnet's population, who are non-Jewish. Nor is it needed by a majority of Barnet's Jewish community, as some do not observe the Sabbath prohibitions on carrying and pushing (some members of the United Synagogue, and non-orthodox and non-religious people) while others regard the proposed Eruv as a violation of the Sabbath (the ultra-orthodox).

A claim by the Eruv Committee that "well over 10,000 local people will directly benefit from the Eruv" is a gross exaggeration that cannot be substantiated. In fact, this figure might

approximate to the total membership of the local supporting synagogues, not to the smaller number of people who form the Sabbath congregations. Moreover, such attendance is not evidence that individuals observe the prohibitions in question.

The Eruv Committee's new application is accompanied by a certificate of validation of a petition that supported the previous application. This shows that 2840 of the petitioners reside in the proposed Eruv area. How many of them observe the Sabbath prohibitions on carrying and pushing is not stated - or known!

Who are the United Synagogue Eruv Committee ?

Eight local synagogues support the Eruv proposal, but only four of them, with a combined membership of 6000, are part of the United Synagogue, which is one of the larger synagogal organisations in the UK. The United Synagogue did not establish the Eruv Committee, and does not list it as one of its committees. The name 'United Synagogue Eruv Committee' thus suggests a status which the Committee do not possess.

The Eruv Committee have not published the names of their members, nor by whom the members were appointed. What is certain is that they are not in any way representative of Barnet's Jewish community, nor are they authorised to speak for it; and it is unlikely that they are even accountable directly to the membership of the eight synagogues involved.

Why are the proposed poles and wires offensive to others ?

The public debate on the previous application for the erection of the poles and wires demonstrated the divisiveness of the proposal, which was seen by many to discriminate in favour of a minority of Barnet's Jewish residents, while ignoring the views of their majority, as well as the needs and sensibilities of people of other beliefs and ethnic groups. The proposal was also seen as hurtful to survivors of the Holocaust.

The proposed poles and wires do not have any intrinsic religious significance, and are considered to be part of "an actual, not a notional, boundary". They are therefore justifiably perceived by some as sectarian symbols of territoriality. For others, it is unacceptable for such structures to be erected to designate an area of the Borough as having special significance for the practice of any one religion.

The RSPB stated last year that fine wire is a significant hazard to flying birds, and have recently confirmed this view. The Eruv Committee's claim, in their present application, that the "RSPB have no objections" to the wires is therefore misleading.

What are the potential social consequences ?

The consequences of granting permission for the erection of the poles and wires could be serious. The setting up of an Eruv as a physically demarcated and civically sanctioned Jewish 'domain' could produce undesirable social and cultural pressures and flows, with some people feeling drawn in, and others even feeling driven away. There is certainly no doubt that where there was harmony there would be at least unease, if not disharmony.

The unfortunate rise of ethnocentricity in many

countries should be a warning to us all. Apart from the 'ethnic cleansing' in former Yugoslavia, ethnic violence has been experienced in Germany and other European countries; and in the USA, explicit Jewish and Black ethnocentricity has led to confrontations between these communities.

Britain has a multicultural tradition, which is well established in Barnet. Eruv poles and wires could threaten this. They would be potentially an incitement to anti-Semitism and to attacks on the structures, which could lead to the formation of Eruv vigilantes. Other ethnic groups might respond to the poles and wires by exhibiting symbols of their cohesion. Inter-ethnic confrontations could follow. The situation could be exploited by racists who might instigate public violence. Ethnocentric effects on the outlook of the rising generation in Barnet are likely to develop.

What about minority rights?

This subject is a cause of confusion and unease amongst the many people in Barnet who seek to promote an integrated community. However, the issue can be resolved by the recognition that 'rights' and 'privileges' also imply 'duties', which are incumbent on both the majority and minority groups. Just as the majority are sensitive to the welfare of minorities, who are welcome, so minorities ought to be equally sensitive to the feelings and interests of the rest of the community.

Who pays for the Eruv?

The Eruv Committee do not publish their accounts or the names of their funders. Funding has not been provided by the United Synagogue from its General and Charitable Purposes Account or from funds managed or controlled by its Honorary Officers. So the source of the funds to date is unknown.

However, the Eruv Committee state that "the cost of establishment and ongoing maintenance will be borne by the local Jewish community".

If the Eruv Committee should default in their financial undertakings to the Council, Barnet could be left to pay the deficit (as occurred with an independent school earlier this year).

Does the proposed boundary infringe legal and civil rights?

As the proposed poles and wires would produce income to meet the ongoing maintenance and insurance expenditure of the Eruv Committee, a legal requirement applies for consent to be obtained from the owners and occupiers of premises adjacent to proposed poles. Moreover, consent is required from the owners of all residential premises whose frontages would be used to define part of the Eruv boundary, as the material value of properties 'on the border' is likely to fall (buyers probably preferring to live either well within or completely outside the Eruv area).

To date, these legal requirements have been ignored by Barnet Council and the Eruv Committee.

Moreover, the use of frontages of residential properties, without consent, as part of the Eruv boundary infringes the civil right to privacy of the home.

Are there other options?

The religious principles for an Eruv are derived from ancient rabbinical discussions. These provide some options which do not require additional physical structures to define an Eruv area. There is scope, therefore, for the Eruv Committee to meet the perceived needs of their followers without being provocative to others.

The Eruv Committee declare that the Eruv would permit Sabbath use of wheelchairs and pushchairs by their followers within the area. However, this Eruv would not help people with the same needs in the rest of the country. It is therefore incumbent on the Chief Rabbi to meet these needs by issuing for British Jewry a general dispensation of the Sabbath prohibitions on pushing and carrying when humanitarian or caring considerations exist.

What should be done?

1. The public and media debate, and Barnet Council, should address the real issues, as outlined in this Briefing.
2. Objectors to the proposed Eruv should make their views known as widely as possible, particularly to elected representatives and the media.
3. Barnet Council should reject the Eruv Committee's new application to erect poles and wires.

Sources

- Eruv Manual* by Bertram Miller, 1981. (Reference copy with Barnet Council.)
- Planning Application* by United Synagogue Eruv Committee to Barnet Council, July 1992.
- Report and Supplemental Report on Establishment of an Eruv in the Borough*, to Barnet's Town Planning and Research Committee, 24 February 1993.
- Ham & High*, 16 October 1992, page 2.
- Declaration* by seven Orthodox Rabbis, June 1992.
- United Synagogue Eruv Committee's *TP&R Briefing*, February 1993.
- United Synagogue Eruv Committee, *Leaflet*, 1992.
- Annual Report and Financial Statements* of the United Synagogue, 1992.
- "This is an actual, and not a notional, boundary." *Letter* from Barnet Council's Legal Services to Department of Transport, 26 January 1993.
- Letter* from Royal Society for the Protection of Birds, 29 July 1993.
- "Is Anti-Semitism Dying Out?" by Arthur Hertzberg, in *The New York Review of Books*, 24 June 1993.
- Highways Act 1980*, sections 115 A(7), C(3), E(2,3), G(2b). (In Halsbury's Statutes of England and Wales, Volume 20, available at Swiss Cottage Reference Library.)
- European Convention for the Protection of Human Rights and Fundamental Freedoms*, Article 8: "Everyone has the right to respect for his ... home".
- The Babylonian Talmud - Erubin*, volume edited and translated by Rabbi I.W. Slotki. (Shelved in the British Library at 2013 b&c.)

[This Briefing was prepared by a group of individual objectors to the Barnet Eruv proposal.]