

THE UNITED SYNAGOGUE
ERUV COMMITTEE



**Eruv Planning
Inquiry Opens
Tuesday 30 Nov**

For attention of the Home News Editor

In February 1993, Barnet Council refused planning consent for the posts and line necessary to complete an eruv in North West London which would enable observant Jews, particularly the old, the disabled and young families to enjoy the Sabbath to the full.

In June the Eruv Committee appealed this decision to the Secretary of State for the Environment and also filed a modified application which addressed the planning objections voiced by certain councillors.

An appeal with respect to the second application was filed in October 1993 for non-determination. Barnet subsequently rejected the modified application as well.

The Planning Inquiry, for both appeals, commences on November 30th at Barnet Town Hall in Hendon. The Inspector will make his recommendation to the Secretary of State who will make the final decision.

The attached Briefing poses and answers many of the questions commonly raised with respect to eruvs in general and the North West London application in particular.

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Committee

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Rabbinic Panel

Rabbi Isaac Bernstein (Finchley), Dayan Ivan Binstock (Golders Green), Rabbi Edward Jackson (Hampstead Garden Suburb), Rabbi Alan Kimche (Ner Yisrael), Rabbi Sidney Silberg (Hendon)

Supervisory Authority

Chief Rabbi Dr. Jonathan Sacks, Dayan Chanoch Ehrentreu, Head of the London Beth Din

United Synagogue Liaison

Elkan Levy (Honorary Officer)

Technical Officer Alan Perrin B.Sc.

What Is An Eruv?

An eruv is a notional boundary, required by orthodox Jewish law, which defines an area within which pushing wheelchairs and prams and carrying personal items like keys and prayerbooks is permitted on the Sabbath.

For observant Jews, the Sabbath is a day set apart from the working week. Family time and spiritual pursuits are encouraged whilst other activities, such as shopping or doing business, are prohibited.

Jewish law permits carrying within the home, or within an area defined by an eruv. The provision of an eruv is a positive precept and not a 'relaxation' of orthodox law.

An eruv comprises natural features such as rivers, or existing construction such as fenced roads, and needs only to be marked with 'gateways' where large gaps, such as main roads, run through it.

The planning application is for the construction of slimline posts that with connecting nylon line form 'gateways' to complete the eruv.

What Benefits Will The Eruv Bring?

The eruv will enable thousands of observant Jews in the North West London community to enjoy their Sabbath to the full. In practice, mothers will be able to take their babies and toddlers out in prams and pushchairs and need no longer be tied to the home. Invalids and infirm people will be able to use wheelchairs to go to synagogue and visit family and friends.

Although an eruv will greatly enhance the quality of life for all observant Jews it will have no adverse effect on other Jewish or Gentile people.

How Many People Will Benefit?

Our estimate is about 10,000. A significant proportion of the 4,700 households holding membership in the Golders Green, Hendon, Finchley and Hampstead Garden Suburb United Synagogues is Sabbath observant. A number of independent orthodox synagogues also support the eruv proposal.

Earlier this year, for example, 3,299 Barnet residents signed a petition in support of the eruv;

2,840 were adult residents within the area of the eruv.

Are There Eruvs Anywhere Else?

There are more than 130 eruvs in cities around the world and of course every Israeli town has one. There are eruvs in Australia, Belgium, France and Gibraltar. Toronto has had an eruv for over 60 years. Virtually every major city in the United States has one including Boston, Washington DC, Detroit, Miami, Pittsburgh, Baltimore, Memphis, Los Angeles and a large number in the New York Metropolitan area. The eruv in Boston was completed about a year ago, in Washington DC in 1990 and in Los Angeles in 1987. The Washington DC eruv area includes the White House, the Supreme Court and the Senate.

Mayor Tom Bradley of Los Angeles and Mayor Barry Neave of Melbourne, based on the positive experience of the eruvs in their cities, wrote to Barnet Council encouraging them to approve the eruv. Mayor Bradley emphasised Los Angeles' trouble-free experience with its eruv writing *"The fears expressed by those who were initially opposed to the eruv never materialised."*

Why Hasn't There Been An Eruv In England Before?

Although eruvs have a continuous history of 3,000 years since their introduction by King Solomon in Bible times, socio-economic changes in the last 40 years have led to a dramatic increase in the number of eruvs in the Diaspora.

The increasingly pluralistic character of our cities has encouraged Jewish people to expand community facilities such as schools and kosher restaurants. There is a high proportion of working mothers for whom the respite of the Sabbath and the opportunity to enjoy family interaction is particularly important. They are well informed about Sabbath observance and the availability of eruvs elsewhere.

Disabled, handicapped and elderly people are better cared for than in earlier days. In the community at large it is only over recent years that ramps for the disabled have become mandatory and provisions for the blind are being introduced. The professionals and caring organisations are generally demanding and providing better facilities and it is in this context that JEWISH CARE, the major Jewish welfare organisation with over 1,000 elderly

and disabled people under care in the area, backs the demand for an eruv. The Director of Social Services, Alex Sklan, says *"The absence of an eruv is an unnecessary restriction on people disadvantaged by the infirmity of old age and physical disability."*

Who Decided To Build An Eruv?

The United Synagogue Eruv Committee was formed in 1990 in response to popular demand from within the communities of Golders Green, Hendon, Finchley and Hampstead Garden Suburb. The Committee consists of the rabbis and lay representatives of the four United Synagogues within the proposed eruv and a number of independent orthodox synagogues within the area. The supervisory authority with respect to matters of Jewish law is the Chief Rabbi, Dr Jonathan Sacks and the Court of the Chief Rabbi headed by Dayan (Rabbinical Judge) Chanoch Ehrentreu.

What Area Does The Eruv Cover?

The eruv includes all of the NW4 and NW11, and parts of adjoining postal districts. There is a large Jewish community in the area which is served by the United Synagogues in Golders Green, Hendon, Finchley and Hampstead Garden Suburb and by extensive communal facilities.

What Exactly Is Proposed?

The 11 mile perimeter of the proposed eruv has been carefully planned to make use of existing structures. Approximately 10.4 miles consists of boundaries such as the M1 and the Northern Line. In order for an eruv to be valid in Jewish law, the boundary must be continuous. There are gaps in the proposed eruv at 38 locations. What is proposed is to span those gaps with a single strand of 0.3 millimetre nylon fishing line which is invisible from street level. There will be 85 posts and a total length of 942 metres (about 1020 yards) of line. The posts and line which will be used have no intrinsic religious significance and there is no ceremony associated with their construction.

The use of existing boundaries has enabled the proposed eruv to cover a large area with a minimal addition to the existing street furniture. If the current proposal were modified to cover a smaller area it may not be possible to make such extensive use of natural boundaries.

The area of the proposed eruv is about 6.5 square miles. Within the area there are tens of thousands

of telegraph poles, lamp posts and street signs. The proposed eruv posts, taken in context, will be an insignificant addition to this street furniture.

What About The Impact Of The Eruv On Conservation Areas?

This argument was carefully considered by the Barnet planning officers in recommending to the Planning Committee that the Eruv Committee's planning application be approved, they stated that:

"In 1992 the House of Lords, when giving judgement in South Lakeland District Council v Secretary of State for the Environment clarified that the requirements of section 72 could be met not only by a positive contribution to preservation, but also by development which left the character or appearance of the area unharmed."

The eruv posts will be typical of existing street furniture commonly found throughout the Conservation Area and will cause no change to the character of the area. The most sensitive site is at Wildwood Road but even here the proposed posts will form part of a street scene which already includes street lamps, telegraph poles, telegraph wire and Corporation of London signs. The eruv posts would not be conspicuous against a background of mature trees and the line will be invisible from street level.

Isn't The Eruv Socially Divisive?

The eruv is a practical example of the health of a democracy. It shows that the needs of a particular ethnic community can be accommodated by society as a whole. The development of a multi-ethnic community in the UK is a process which has been under way for many years and the eruv is a useful example of the majority permitting a minority group to carry out a project which benefits the minority without detriment to the majority. There has been no experience of divisiveness in the many cities world-wide where eruvs have been established.

Isn't An Eruv A Kind Of Ghetto?

No. An eruv marks a boundary for the purposes of the laws of carrying on the Sabbath and for no other purpose. A leader in The Times in February put this very well in stating *"the limits of an eruv are of immense significance to those that believe in its mystical meaning, but should be of practically no significance to those who do not."* As The Times con-

cluded, "[eruv] could be a positive addition to the nation's religious geography and help define the proper boundaries of pluralism."

A ghetto was a place of enforced Jewish settlement at a time when Jews were forbidden to live in mixed neighbourhoods. An eruv bears no relation to this concept. On the contrary, an eruv is a public symbol of tolerance and mutual respect. It indicates a community, integrated within an understanding and tolerant host society, free to practice and uphold its own traditional values.

Won't The Establishment Of An Eruv Lead To Anti-Semitism?

Barnet is an area with a flourishing Jewish community with synagogues, schools, kosher food shops and other amenities. Precisely because eruvs are neither a religious symbol nor a particularly obvious landmark, they have never attracted anti-semitic attacks.

For this reason, the Board of Deputies of British Jews, the national organisation which monitors anti-semitism across the country, does not believe that the proposed eruv will attract anti-semitism.

This country has a fine tradition of tolerance for minority groups.

Why Can't The Rabbis Just Grant A Dispensation?

There is no concept of "dispensation" in Jewish law. The establishment of an eruv is the time-honoured method of enabling orthodox Jews to carry outside of their homes on the Sabbath.

Who Will Pay For The Eruv?

The cost of construction and ongoing maintenance will be borne by the voluntary contributions from a number of sponsors and from the large number of eruv users in the local community.

Aren't You Concerned By The Opposition?

Many proposals cause controversy when they are first mooted. It is commonly found that once the proposal is implemented the public wonder what all the fuss was about. The experience in the many cities world-wide where eruvs have been established is that the people who don't use them are totally unaware of their existence.

As Barnet Councillor Jane Ellison said in support of the proposal "If the eruv went up overnight no-one would notice the next morning!"

Who Will Put The Case For The Eruv?

The leading witnesses in support of the eruv at the forthcoming Planning enquiry will be the current Chief Rabbi Dr Jonathan Sacks and the Emeritus Chief Rabbi Lord Jakobovits. Written evidence has been submitted by Professor Eric Moonman of the Board of Deputies, Mr Jonathan Lew, Chief Executive of the United Synagogue and by Alex Sklan, the Director of Social Services of Jewish Care. A number of other leading communal figures will present written or oral evidence. Both local MPs in whose constituencies the eruv is located - John Marshall and Hartley Booth - have indicated that they fully support the proposal.

In pursuing the appeals the Committee sought independent non-Jewish professional advice. Our legal arguments are to be presented by Mr. John Steel QC and professional planning evidence is to be given by Mr. Eric Fibbens of Fibbens Fox Associates, Chartered Town Planners. Both our independent experts have made it abundantly clear to us that they believe in the planning merits of our case and that they are fully supportive out of professional conviction. They fully endorse the Council's Officers' recommendation that planning permission should be granted.

The Way Forward

The Eruv Committee believes that since the appeal will be dealt with on its planning merits, it will succeed.

The Committee is confident that the Inspector and the Secretary of State will endorse the conclusion reached by the Barnet planning officers when they recommended to the Planning Committee that the eruv planning application be approved.