

Defeat

WE HAVE come a long way since Moses decreed death for those who choose to work on the Sabbath. Religions, like politics, have to expand and adapt if they are to play a positive role in a complex world. Indeed, the danger always exists that the flame of faith ends up in bureaucracy.

So we are not surprised that Barnet Council's planning committee, after months of controversy and despite the recommendation of its officers, decided by 11 votes to seven to refuse the application for the setting up of an eruv in the borough.

The burden of being a Jew, or a member of any oppressed minority, is not without bickering. Certainly the concept of symbolically recreating the gates of a walled city so that Orthodox Jews can enjoy greater freedom on the Sabbath has aroused great passion and real concern.

And a few dirty tricks too, so it is alleged, forgetting the divisive nature of the proposal. Some elements of the press, meaning us, stand accused of scare-mongering, our actions actually influencing the judgment of councillors.

It is an arrogant and insulting accusation as far as councillors are concerned, as if their concerns for the community could be corrupted. And all the more so when an eruv campaigner went out of his way to tip us off when trouble was foreshadowed at the annual meeting of the Suburb Trust. Who was manipulating whom when eruv supporters packed the meeting? That was the catalyst for the furore that followed.

But, equally, that is not the real issue. Indeed, it may well take the judgment of Solomon or the Secretary of State for the Environment to decide whether Britain should have its first eruv. We do not envy the position of Mr Michael Howard, himself a Liberal Jew, should the United Synagogue's eruv committee appeal.

For the question of the eruv has to be decided on a basis of planning and not sentiment. And here we have the makings of a classic case that goes to the heart of our legal system and which, if it is pressed, could end up in the House of Lords.

There are undoubtedly good reasons, and we mean that sincerely, for and against the eruv, apart from the mishandling of the proposal by the eruv committee, its admitted naivety and lack of groundwork in assessing the intellectual response from a sensitive section of those affected, let alone its bid to contain the debate.

Nevertheless, there were no fewer than 47 separate objections to the eruv which, apart from the problem of birds flying into the wires, range from the creation of a ghetto in that houses for sale would be advertised as being "within the eruv" to the fact that the erection of poles and wires would "destroy the very beauty through which many see their God."

The planners, albeit almost ignoring the Suburb as a special conservation area where enhancement is a factor, took the narrow view but at the same time recognised that planning law is inherently about our dear old friend public interest, ie that here we have a fundamental issue of liberty over a minority's fundamental belief.

There can no dedication of public land for private use unless there is total acceptance by all concerned. Toleration apart, it is as simple as that. And if even the Orthodox rabbis are divided on the subject, let alone the community, who can produce the coherent argument? The eruv committee should accept defeat.

HAM & HIGH

Minister and a faith dilemma

THE ebullient Michael Howard, 51-year-old Secretary of State for the Environment, looks like being landed in a unique position, not to mention a personal dilemma, if an appeal is lodged against the refusal of Barnet Council's planning committee to allow an eruv to be set up in the borough.

It happens to be the first application of its kind in this country and is equally controversial. And as Environment Secretary he will have to put his signature to the final decision, probably following a costly public inquiry conducted by one of his inspectors.

While the fact that Mr Howard is a QC will help unravel the complex planning laws involved, the fact that he is Jewish, and not an Orthodox Jew at that, may cause him some difficulty.

Mr Howard is an active member of the Liberal Synagogue in St John's Wood, but having "married out" to the former model, Sandra Paul, his lifestyle would no doubt be considered decidedly unkosher by Orthodox Jews seeking to create symbolic religious gateways by putting up telegraph poles hung with wire in Golders Green and Hampstead Garden Suburb.

They have brought up their three children as Jews, and although she has not converted to the Jewish faith, Mrs Howard attends synagogue with him. In the Liberal movement children are regarded as Jewish whichever parent is of the faith, providing they receive the relevant education and go through ceremonies such as bar mitzvah.

"Mr Howard is always here on the high holy days," the synagogue's Rabbi David Goldberg told me. "He is always here for Yom Kippur. This year it fell during the Conservative Party conference and he was in synagogue all day."

Rabbi Goldberg has great doubts about whether the creation of an eruv is appropriate. "Although progressive Jews do not observe the legal fiction of the eruv, I personally have every sympathy for Orthodox Jews who feel bound by it."

"However, in an open, pluralist society a balance has to be struck between the religious traditions of the minority and the wishes of the majority. Given the controversy that the eruv proposal has engendered, I don't think that it would make for harmonious communal relations to proceed with it."

It will be interesting to see to what degree Mr Howard shares his rabbi's viewpoint. Although an appeal against the refusal to grant planning permission would be dealt with by a Department of the Environment inspector, either at a full-scale public inquiry or using written submissions, the final decision ultimately rests with Mr Howard himself.

new Pimlico edition, was a Literary Guild choice, was named book of the year by the New York Times, and became the basis for the BBC documentary, *Livingstone Lost and Found*.

His biography of Baden-Powell, another best-seller, which appeared three years ago, may now become a West End stage play, Jeal having turned an original one-man production into a full-scale play for six characters. What's more, he hopes it will star the actor Nigel Hawthorne.

"Nigel is currently on location in Hollywood and is working on the script at the moment," said Jeal. "I am becoming a little optimistic that it will eventually make it to the theatre but at the same time appalled how long these things do take."

Meanwhile, he is working on a new novel, set in Africa in the 1890s. "But it has nothing whatsoever to do with either Livingstone or Baden-Powell," he insisted.