

THE UNITED SYNAGOGUE
ERUV COMMITTEE



To: Dayan Ch. Ehrentreu
Mr. Jonathan Lew
Mr. Elkan Levy
All Committee Members
+ Rabbinic Panel
J. Kestenbaum

From: David Schreiber

CONFIDENTIAL
Update as at 27th Sep 1993

As I am travelling today to Jerusalem PG for Succot and there have been a number of developments since the last general memo in July, I write to update you on the situation.

Planning - Modified Application

The modified application has been time-tabled for the Barnet Public Works Committee on the 5th October and the Town Planning & Research (Planning) Committee on the 27th - both meetings open to the public at the Town Hall.

There has been some publicity given to the fact that Don Goodman, Chairman of Public Works and Vice-Chairman of Planning, who has supported us so wholeheartedly, has expressed surprise that we are pursuing the modified application despite the Officer's recommendation against. In fact it was with Don's positive encouragement that Application 'B' was formulated. Barnet officers have come under 'some pressure' to find reasons to oppose the Eruv and this is a further example of the hardening of their position. In a recent meeting, Don explained that he would be embarrassed if the application came before his committee (Public Works) as he would expect it to be rejected and he would personally be in some difficulty. He is fully aware that we have been advised, very firmly, to continue with the modified application, not in the expectation of approval, particularly with a negative Officer's report, but as an essential tactic for the appeal. We must be able to demonstrate that we have explored all reasonable alternative schemes for dealing with the Conservation Area in Wildwood Rd.

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Committee

Laurence Begner, Brian Berenblut, Edward Black, Joe Bloomberg, David Cohen, Daniel Drukarz, Alfie Frei, Jeremy Hershkorn, Michael Goldblatt, David Marriott, Graham S Morris, Mark Moss, Michael Posen, David Schreiber, Syma Weinberg

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.

Even though the press will undoubtedly construe this situation in a negative light, the facts are very clear and I would like to refresh everyone's memory so that when answering questions, from our own people let alone cynics, we do not need to feel in the slightest bit defensive. The Barnet Planning Committee rejected the original application in February citing two planning objections - the general loss of visual amenity caused by the poles and wire and specifically the Wildwood Road stretch within the Conservation Area. In setting conditions for their positive recommendation, the officers insisted on 3mm telegraph wire in the misguided belief that the Royal Society for the Protection of Birds preferred it to thinner wire. In the event, the treatment of Wildwood Road was referred to by several councillors in justifying their opposition.

The modified application addresses the planning concerns raised by Barnet by reducing the number of poles required and eliminating them in the 'meadow' area of Wildwood Road and it also replaces the 3mm wire with innocuous fishing line - which was our original preference and to which the RSPB has no objection. This was with the encouragement of Barnet officers. Our stance is, therefore, that we have listened carefully to the planning objections and modified our application accordingly, resulting in an environmentally more friendly solution.

Of course it would be embarrassing for a number of Councillors on the Planning Committee to have to consider this modified application as they would now be hard pressed to justify their vote against. So we are not surprised at Barnet's tactics, including an attempt to delay consideration of the application until after our appeal (which we have successfully resisted).

We therefore can and do expect a majority against at Public Works and Planning but we must remember that the aim is to win the appeal.

Pre-Inquiry Meeting

A number of people have asked about the notice which appeared in the Hendon Times inviting people to attend this meeting tomorrow.

The Inspector decided to call this meeting, which is of itself not unusual, in order to discuss the management, time-table and logistics of the Inquiry with the main parties. We will be represented by our planning specialists and legal team of Laurence Begner and Graham Morris.

Objectors

There is now a Barnet Eruv Objectors Group and I enclose a copy of their briefing to the press. According to their calculations there are less than 250

people who will benefit from the Eruv!

The Appeal

The preparation for the appeal commences in earnest after the Chag. I will keep you updated following a detailed preparatory meeting after my return on the 11th October.

The Department of Transport have indicated that there may not be a requirement for a follow-on inquiry. This is now being studied in detail.

Fund-raising

The first phase of the appeal fund-raising has been very successful with the result of nearly £10,000 in small donations being at the very top end of our expectations. Graham Morris and Alfie Frei have now launched the second phase of securing guarantors and I would ask everybody to lend a hand to this essential activity.

Please contact Graham (O: 071-433 3434 H: 081-455 9158) or Alfie (O: 071-637 8891 H: 081-455 0977) with the names of people who you can approach on a personal basis. As guarantors, they will share equally in the shortfall with a ceiling of £2,500 each.

Publicity

Our policy is to maintain a low public profile through the October hearings in Barnet. Within our own community, we have briefed the JC fully and can expect news and editorial coverage that will explain the present situation and restate their editorial stand in favour of the Eruv.

The Chief Rabbi will also be writing a comprehensive article, to dispense with the various calls upon him for everything ranging from a dispensation to an order making the UK into one big Eruv!

A clear statement from Chief Rabbi Sacks regarding the Eruv under his authority, will help to clear the doubts being voiced by fellow Jews through the columns of the local press.

We remain confident about the outcome of the appeal but the period between now and then will be trying. I do respectfully ask the community Rabbis to explain the situation in broad terms - that we anticipate a rejection of the 2nd application in October but are pursuing it, on advice, in order to secure success on appeal which starts on the 30th November.

Best wishes and **חג שמח**

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.]